

Citizen Petition to MUFFLE MIDAS and PROTECT NORTH MASS. AVE.

We, the undersigned residents of North Cambridge, hereby petition the City Council to STOP the expansion of the Midas Muffler garage across from Clarendon Park and the Burns Apartments.

This ugly, oversize auto-repair facility—with its clumsy two-story annex and spare-parts warehouse; seven garage bays; unenclosed car-storage lots; garish, obtrusive signs and banners; inadequate, unscreened parking aprons; open-air dump bin for rotted auto parts; ramshackle sheds; and bulky industrial storage containers—will severely impair the integrity and safety of our community, posing a particular threat to the many elders, disabled persons, and children who live and play near this particular site.

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SIGNATURE	PRINTED NAME	ADDRESS	APT. NO.	PHONE
① Irene Duprey		50 Churchill Ave	# 239	
② Catherine Lawson		50 " "	# 523	
③ Mary Mc Cormack		50 Churchill Ave	# 524	
④ Fred Mc Cormack		50 Churchill Ave	# 524	
⑤ Brenda Reno		50 Churchill Ave		
⑥ Paul Reno		50 Churchill Ave	628	
⑦ Louise Fortais		30 " "	# 410	
⑧ Ruth Butler		50 " "	# 423	
⑨ Georgia Mc Fadden		50 " "	# 229	
⑩ Rose Lewis		50 " "	# 231	
⑪ Angeline Marotta		50 " "	# 529	
⑫ Genevieve Nolte		30 Churchill Ave	# 213	
⑬ John G Berger		50 Churchill Ave	# 323	

SIGNATURE

~~PRINTED NAME~~

ADDRESS

APT. NO.
~~PHONE~~

- ⑭ George W. Bears 50 Churchill Ave. 318
- ⑮ Lorraine Egan 50 Churchill Ave 237
- ⑯ Ruth H. Wolf 30 " " " # 103
- ⑰ Beatrice Supton 30 " " " # 110
- ⑱ Edith E. Weir 50 Churchill Ave # 431
- ⑲ Lillian O Connor 50 " " " # 322
- ⑳ Bert Flanagan 30 Churchill Ave. # 401
- ㉑ Ann Burns 50 Churchill Ave # 627
- ㉒ Beatrice Loverino 50 Churchill Ave. # 477
- ㉓ Abigail Cronin 30 " " " # 504
- ㉔ Martin H. Maher 50 Churchill Ave # 419
- ㉕ May R. Maher 50 Churchill Ave # 119
- ㉖ Alice Devine 50 " " " # 434

SIGNATURE

~~PRINTED NAME~~

ADDRESS

APT. NO.
~~PHONE~~

- 27 Henry J Lavoie 50 Churchill ave 528
 28 Martina M. Lavoie 50 Churchill ave 528
 29 Catherine Ploney 50 Churchill Ave 131
 30 Winifred Robinson 50 Churchill 139
 31 Edward Robinson 50 Churchill 139
 32 Ruby Hamilton 50 Churchill # ~~327~~
 33 Marion Marchand 50 Churchill Ave #521
 34 Joe Pullen 50 Churchill Ave #317.
 35 Billie Cunniff 50 Churchill Ave. # 132
 36 Claire Lyndon 510 " " # 135
 37 Helen O'Grady 510 " " 527
 38 Frances M. Lusk 510 " " 219

SIGNATURE

ADDRESS

APT. NO

- 39) Celia Hawkes 30 Churchill Ave. #612
50 Churchill Ave. #
- 40) Guy [unclear] 138
- 41) Dora Shannon 50 Churchill Ave. #625
- 42) Isabelle Dickering 50 Churchill Ave. Apt 321 #
- 43) Mildred Dagost 50 Churchill apt #227
- 44) Sylvia Miller 50 Churchill Ave. #315
- 45) Lillian Hall 50 " " #525
- 46) Mary De Marco 30 " " #302
- 47) Luella MacLeod 50 " " #338
- 48) Alice Akaro 50 " " #430
- 49) Dorothy Carter 50 " " #631
- 50) Emily Le Blanc 30 # # #306
- 51) Dorothy Cartwright 50 Churchill Ave. #428

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APT. NO.
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- 52) Jerry Mc Nally 50 Churchill Ave apt 437
- 53) Louise Picciarella 30 Churchill Apt 308
- 54) Averil A. Maynard 50 Churchill Ave, #326
- 55) Catherine Sullivan 50 Churchill Ave apt 127
- 56) Marie Dullen 50 Churchill Ave #630
- 57) Malcolm Warner 50 Churchill Ave, #439
- 58) Phyllis Warner 50 Churchill Ave #39
- 59) Dorothy Jensen 50 Churchill Ave #531

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- | | | | |
|----|-----------------|------------------|---------|
| 60 | Elizabeth Souza | 50 Churchill Ave | # 336 |
| 61 | Fatma Masoud | 50 Churchill Ave | 220 |
| 62 | Fawzi Masoud | 50 Churchill Ave | 226 |
| 63 | Gordon Shaw | 50 Churchill Ave | # 626 |
| 64 | Sylvester Dixon | 50 Churchill Ave | apt 425 |
| 65 | Blake Dixon | 50 Churchill Ave | 425 |
| 66 | Virginia Dean | 50 Churchill Ave | # 228 |
| 67 | Mary Robb | 50 Churchill Ave | # 416 |

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~~PHONE~~

- 68 Germaine Cys 50 Churchill Que. # ~~432~~ 432
- 69 Florence Hill 30 Churchill Que. # 205
- 70 Christine Clifford 30 Churchill Que. # 212
- 71 Helen R Ryan 50 Churchill Que. # 415
- 72 John Fitzgerald 30 Churchill Que. # 104
- 73 Ina O'Hara 50 Churchill Que. # 629
- 74 Phil Morris 50 Churchill Que. # 223
- 75 Alice McLaughlin 30 Churchill Que. # 411

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- | | | |
|----|---|-------|
| 76 | Dorothy Comeau 50 Churchill Ave. | # 418 |
| 77 | Emily Doran 50 Churchill Ave. | # 532 |
| 78 | Ester Daley 50 Churchill Ave. | # 216 |
| 79 | Dorothy Smith 30C Churchill Ave. | # 512 |
| 80 | Mary Johnson 50 C Churchill Ave. | # 226 |
| 81 | Anna Santa Maria 50 Churchill Ave. | # 331 |
| 82 | Virginia Addison 50 Churchill Ave. | # 601 |
| 83 | Ruth O'Brien 30C Churchill Ave. | # 108 |

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84) Mary Murphy 50 Churchill Ave. #236

85) Antoinette Aliano 50 " " #515

86) Fred. Condon 50 Churchill Ave. #522

87) Julia L. Condon 50 Churchill Ave. #522

88) Martha Brown 50 Churchill Ave. #220

89) Daphne Lewis 50 " " #526

90) Edward Lewis 50 " " #526

91) Hannah Gilbert 50 " " #224

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Comm. 10

6/22/92 Remarks to City Council re: Midas Muffler

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1. Seek an immediate halt to the ongoing construction activity by petitioning for court intervention through a temporary restraining order, permanent injunction, or declaratory judgment.

2. Formally ask the Building Commissioner to enforce the Zoning Ordinance, revoke the illegal building permit he issued, and order all construction work to stop at 2501 Mass. Ave. and 10 Clarendon Ave.

3. If the Building Commissioner refuses your request--or if he unlawfully fails to respond within 14 days, as he has done in the case of enforcement requests from the Planning Board and members of the Stabilization Committee--appeal his decision to the newly appointed Board of Zoning Appeal, and then, if necessary, to Superior Court.

4. Directly ask the new BZA to reopen case 5819, revoke the invalid and inadequate "special permit" issued to Midas without authority by the previous Zoning board, and rescind the illegal building permit.

5. Advise Midas that the validity of its zoning, building, and street excavation permits is being challenged and that it is proceeding to build at its own legal and financial peril since a certificate of occupancy cannot be legally issued until all necessary permits and licenses have been awarded by the appropriate officials.

6. Through the City Manager, request the immediate revocation of the excavation permit improperly granted by the Supt. of Streets and Commissioner of Public Works. Pursuant to your powers under Massachusetts General Laws Chapter 82, Section 21, order the immediate repair of all sidewalks and curbs that were illegally removed at 10 Clarendon Ave. and 2501 Mass. Ave. Prohibit the installation or further alteration of any curb cuts or openings at this site until Midas properly petitions the City Council pursuant to the city's comprehensive curb cut policy.

7. Through the City Manager, ask the License Commission to advise Midas that before it may operate additional garage bays at this location it must obtain the necessary fuel-storage licenses. Alert the company to the fact that building its garage annex without these licenses is risky, because the License Commission may deny such a license if a public hearing demonstrates that an expanded facility will endanger public safety ^{owing to} ~~because of~~ increased possibility of fire or explosion, traffic congestion, or other risks to public safety and convenience.

8. Seek outside counsel if necessary, but refuse advice from the City Solicitor's office, which has repeatedly demonstrated its inability or unwillingness to provide sound, impartial opinions in this matter as the result of apparent conflicts of interest.

9. Ask the City Manager to provide a complete, detailed, written public report on the Midas affair that

- (a) recounts the history of this case;
- (b) explains the city administration's seeming attempt to circumvent land-use policy and zoning processes mandated by the City Council;
- (c) includes a fully cited memo from the City Solicitor elaborating on all formal or informal, written or oral legal advice or opinions provided to the Building Commissioner or his staff, members of the BZA, City Council, or Planning Board, and the City Manager or his assistants;
- (d) summarizes the city's policy on issuance of legal opinions by the City Solicitor, reports on relevant ordinances and statutes, and assesses whether the policy and the law were complied with in this case; and
- (e) provides the Council with the Manager's recommendations, if any, about how to deal with the situation.

10. Schedule a special meeting of the City Council in order to conduct a public hearing and

- (a) investigate fully the conduct of the recently retired BZA, the BZA's Zoning Specialist, the Building Commissioner, the Law Department, the City Manager, and other officials who have apparently *allowed* ~~cooperated with~~ Midas to achieve a backroom rezoning of the Mass. Ave. corridor and its adjacent residential zone without proper input from the Planning Board, the City Council, or the general public;
- (b) allow the public to provide testimony and submit documents to help the Council understand what happened;
- (c) ask all involved officials to account for their actions in public and to determine whether disciplinary action for neglect of duty seems warranted under section 2.04.060 of the City Ordinances; and
- (d) decide how to avoid such fiascos in the future, and how Cambridge can rectify the current intolerable situation in which the city is advocating a legal position that in effect proclaims that misfeasance, malfeasance, and nonfeasance by public officials can strip the public of its right to proper enforcement of the law.

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- 72) ROBERT Mc CARRON³⁰ Churchill Que. 107[#]
- 93) JOHN Mc CARRON 30 Churchill Que 107[#]
- 94) Mary Ferreira 30 Churchill Que 412[#]
- 75) William J Hill 50 Churchill Que. [#] 632
- 76) WILLIAM B. EYRE 50 Churchill Que. [#] 126
- 97) JAMES CLINTON 50 Churchill Que [#] 221
- 98) Alice Platt 30 Churchill Que [#] 209
- 99) ANN LUNGER 30 Churchill Que. [#] 310

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- 100) Phyllis Logan 30 Churchill Ave. # 302
- 101) Margaret Kulland 50 Churchill Ave # 429
- 102) Eva Mahoney 30 Churchill Ave # 609
- 103) Mary Spartichino 50 Churchill Ave # 530
- 104) Florence Evans 50 Churchill Ave # 215
- 105) John H. Freeman 50 Churchill Ave # 516
- ~~106) Lyubov Lashin 50 Churchill Ave # 523~~
- ~~107) Blanche Fairbank 50 Churchill Ave # 525~~

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106 May Brooks. 30 Churchill Ave #505

107 Dorothy Wade 30 Churchill Ave #502

108 Irene R. Duffley 30 Churchill Ave #303

109 Kate Lee 30 Churchill Ave #501

110 Raymond Lawrence 30 Churchill Ave #506

111 Rita Mahoney 50 Churchill Ave #414

112 Barbara 50 Churchill Ave #337

Churchill Ave #

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~~PHONE~~

- 113 Ethel Coley 50 Churchill Ave. 238#
- 114 Angel Garcia Churchill Ave. #
- 115 Diana Hunt Churchill Ave. # 517
- 116 Margaret L. ... Churchill Ave. #
- 117 Patricia Portanova Churchill Ave. # 33
- 118 Alice Martin 30 308 Churchill Ave. # 408
- 119 Kathleen Welok 50 Churchill Ave. # 235
- Churchill Ave. #

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(120) Dorothy Gumbert 50 Churchill Ave. #14
 (121) Chester M. C. 4 MORRISON CT

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PHONE

- (120) F. J. Franketton F. J. FRANKETTON 18 BROOKFORD ST. 826 6258
- (121) Sarah G. Grupp SARAH G. GRUPP 11 Brookford St. —
- (122) Martin O. Hughes Martin O. Hughes 35 Brookford St.
- (123) Dick Clarey DICK CLAREY 15 BROOKFORD 864-6751
- (124) Tanya Sloan TANYA SLOANE 26 Brookford 384-1160
- (125) Nucille Oliver-Holmes 35 Brookford 876-5285
- (126) Mary Harrigan MARY HARRIGAN 23 Brookford ~~876-5285~~
- (127) Francis G. Harrigan Francis G. HARRIGAN 23 Brookford St.
- (128) Sarah Hughes Sarah Hughes 35 Brookford St. Cambridge, MA.
- (129) Terry Brown " " " " "
- (130) Maureen Ford 34 Brookford St Cambridge MA
- (131) David A. Sloane DAVID SLOANE 26 Brookford St. Cambridge, MA

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PHONE

- (134) *Esther A. Splaine* Esther A. Splaine 62 Clarendon Ave 547-2955
- (135) *Susan Rich* Susan Rich 63 Clarendon Ave. 864-2341
- (136) *Richard S. Ross, Jr.* Richard S. Ross, Jr. 63 Clarendon Ave 864-234
- (137) *Peter Allerhand* PETER ALLERHAND 65 CLARENDON AVE 8141512
- (138) *Bea Beardon* Bea Beardon 65 Clarendon Ave 1
- (139) *John F. Splaine* John F. Splaine 62 Clarendon Ave 547-2955
- (140) *Jeanette Kruger* Jeanette Kruger 59 Clarendon Ave 576243
- (141) *Jill Larcombe* JILL LARCOMBE 61 CLARENDON AV 547-616
- (142) *David J. Larcombe* DAVID J. LARCOMBE 61 CLARENDON AVE 547-6165
- (143) *Richard E. Splaine* Richard E. Splaine 62 Clarendon Ave 547-2955
- (144) *Wanda L. Chester* Wanda L. Chester 20 Camp St Camb 354-0005
- (145) *Ann Gosse* Ann Gosse 34 Camp St Cambridge 297-6751

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PHONE

- (146) ANNA M. WEBB 23 BROOKFORD ST CAMB
- (147) ~~Barbara Mahoney~~ Barbara Mahoney 37 Brookford St Camb
- (148) Robert F Mahoney Robert F Mahoney 37 Brookford ST.
- (149) ~~Beverly Courtney~~ Beverly Courtney 27 Brookford St.
- (150) Muriel L Reynolds Muriel L. Reynolds 11A BROOKFORD ST.
- (151) Thomas F. Courtney THOMAS F. COURTNEY 27 BROOKFORD ST
- (152) Diane Lalicata Diane Lalicata 2542 Mass Ave Camb 491-6365
- (153) Isabel Morin ISABEL MORIN
22 Brookford St. Camb.
- (154) Robert F. Courten Thomas F. Courtney 22 Brookford St. * APART 2ND STORY Level
Cambridge, MA. 0240 ONLY 497-7301
- (155) Margaret Roy MARGARET ROY 2536 Mass Ave
- (156) Mary Trout 19 Brookford 19 Brookford St
- (157) Roy Trout 19 Brookford
- (158) Marie Belenot 30 Brookford

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PHONE

- (159) Donna Sittell (Donna Southwell) 43 Locke St. 661-3237
- (160) Melhamas Buck Melhamas Buck 20 Gold Star 354-3488
- (161) Michael Rome Michael Rome 20 Gold Star "
- (162) Robert Chester ROBERT CHESTER 24 Camp St 497-1575
- (163) Victoria Tane Brandon Victoria Tane Brandon 27 Seven Pines 864-35
- (164) Craig Slatin Craig Slatin 36 Camp St. #2 547-1573
- (165) Ruth Brownstein RUTH BROWNSTEIN 36 Camp St. #2
- (166) Alison Hodges Alison Hodges 29 Seven Pines Camb 876-5057
- (167) Thomas F Clarke Thomas F Clarke 29 Seven Pines Ave 876-5057
- (168) Cheryl Patton CHERYL PATTON 22 SEVEN PINES AVE. 661-4420
Patrick McCadden
- (169) Patrick M McCadden 16 Seven Pines Ave 354-5592
- (170) Pauline Scott Pauline Scott 15 Seven Pines Ave 64-3570
- (171) Jay Green 15 Seven Pines Ave Cambridge 613-5808
Jay Green

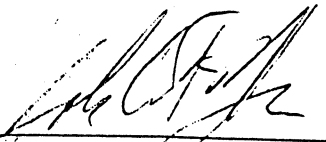
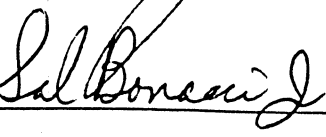
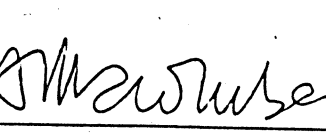
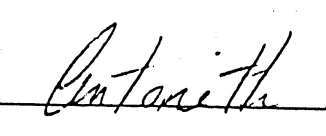
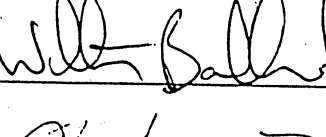
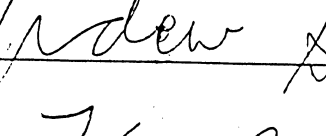
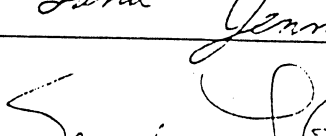
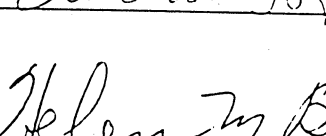
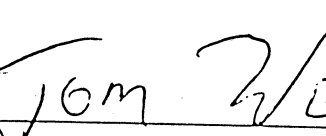
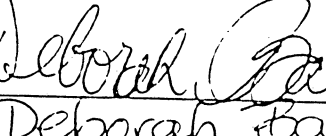
In urging the Council to take legal action, we call upon our elected representatives to compel enforcement of the building, sanitation, zoning, and licensing laws put in place to protect our neighborhood. Excessive noise, exhaust fumes, traffic congestion, parking shortages, blocked sidewalks and other pedestrian hazards, litter, spent motor oil, brake fluid, grease, and other flammable waste products, visual blight, irrational land use, and diminished property values are not acceptable.

SIGNATURE

PRINTED NAME

ADDRESS

PHONE

- (172)  JOHN HOPTES 31 SEVEN PINES AVE
CAMBRIDGE, MA 354-4868
29 Vineyard St.
- (173)  SAL BONACCI SA/BONACCI JR Cambridge, Mass. 876-4045
- (174)  JANET BURNS 57 FROST ST 354-7116
- (175)  KRISTIN MACOMBER 50 Kirkland St 491-2899
02138
- (176)  ANTOINETTE FALZONE Antoinette Falzone
205 Walden St. 547-5973
- (177)  WHITNEY BALLETT or Whitney Balliett 7 Banks St 876 6190
- (178)  ANDREW HOPPER 23 Blakes/erss
- (179)  TAHA JENNINGS Taha Jennings 122 Aberdeen ave
- (180)  SANDRA L. SMITH Sandra L. Smith
512 Memorial Dr Cambridge MA-02141
- (181)  HELEN M. BROGAN Helen M. Brogan
52 Lolworthy St Camer
- (182)  TOM WEED 14 FOSTER
- (183)  DEBORAH BARRETT DOWNES 316 Beacon Ave
Deborah Barrett Downes

In urging the Council to take legal action, we call upon our elected representatives to compel enforcement of the building, sanitation, zoning, and licensing laws put in place to protect our neighborhood. Excessive noise, exhaust fumes, traffic congestion, parking shortages, blocked sidewalks and other pedestrian hazards, litter, spent motor oil, brake fluid, grease, and other flammable waste products, visual blight, irrational land use, and diminished property values are not acceptable.

SIGNATURE

PRINTED NAME

ADDRESS

PHONE

184

John Landry John Landry 12 Gold STAR Rd 354-4940

185

Michael Landry MICHAEL LANDRY 12 GOLD STAR RD. 354-4940

186

Bita Landry BITA LANDRY 12 GOLD STAR RD - 354-4940

187

Susan Landry Susan Landry 12 Gold Star Road 354-4940

188

Steven J Landry STEVEN J. Landry 12 Gold STAR Rd 354-4940

189

Lenn Simmons 16 Gold Star Rd LEYASIMONE 876-6756
Lynn Chester

190

Lynn Chester 24 Camp St. Lynn Chester 497-1575

191

Michael J. Brandon MICHAEL J. BRANDON 27 Seven Pines Ave 864-3520

In urging the Council to take legal action, we call upon our elected representatives to compel enforcement of the building, sanitation, zoning, and licensing laws put in place to protect our neighborhood. Excessive noise, exhaust fumes, traffic congestion, parking shortages, blocked sidewalks and other pedestrian hazards, litter, spent motor oil, brake fluid, grease, and other flammable waste products, visual blight, irrational land use, and diminished property values are not acceptable.

SIGNATURE

PRINTED NAME

ADDRESS

PHONE

- | | | | |
|------|--------------------|----------------------|----------|
| (92) | Barbara LaRose | 37 Brookford St. | |
| (93) | Russell E. Ritchie | 2542 Mass Ave | |
| (94) | Marilyn J. Ritchie | " " | " |
| (95) | Karen M. Ritchie | " " | " |
| (96) | Alice E. Hecht | 7 Cottage St. CampD. | 492-4724 |

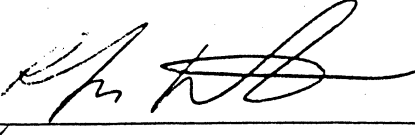
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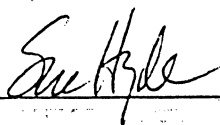
PRINTED NAME

ADDRESS

PHONE

(208)  Rhys Winston 2 Notre Dame Ave. 864-5983

(209)  KATHLEEN F. LEMAY TWO NOTRE DAME AVE

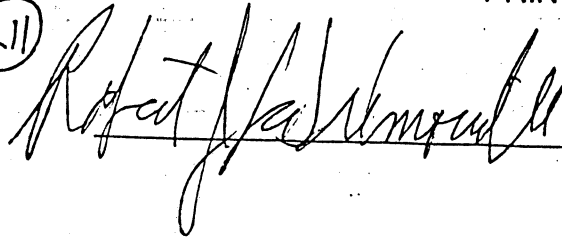
(210)  Sue Hyde 27 Putnam 02139 354-7457

SIGNATURE

PRINTED NAME

ADDRESS

PHONE

(211)  ROBERT J. LATREMOUILLE
348 FRANKLIN ST 491-7181

June 12, 1992

Mr. Joseph J. Cellucci
Commissioner of Buildings and Housing
Inspectional Services Department
c/o Cambridge City Hall
Cambridge, MA 02139

RECEIVED BY
OFFICE OF CITY CLERK
1992 JUN 12 PM 5:03
CAMBRIDGE MA.

(DELIVERED BY HAND)

RE: Yoffa Company, Inc., d/b/a Midas Muffler
2501 Massachusetts Avenue/10 Clarendon Avenue
(BZA Case 5819)

Dear Mr. Cellucci:

Once again I write to request immediate enforcement of the Cambridge Zoning Ordinance, as well as the Massachusetts Zoning Act, Building Code, and Sanitary Code. Pursuant to Section 9.15 of the ordinance, please issue a stop-work order in the name of the City of Cambridge to prevent, correct, restrain, and abate violations occurring at the above construction site.

A visit to the site this morning revealed a number of ongoing violations:

1. Construction activity has begun without obtaining the necessary special permit from the Planning Board and zoning variance from the Board of Zoning Appeal.
2. The entire stretch of public sidewalk and curbing has been removed in front of 10 Clarendon Ave., and a city street sign seems to have been torn down without permission. According to Jeffrey Nutting of the Department of Public Works, no permission from his department or the utility companies has been obtained to excavate the public way. Street Superintendent Robert Keating will be checking the site this afternoon and ordering workers to cease and desist from further activity if no permit is produced, Mr. Nutting indicated.
3. No permission has been obtained from the City Council to alter or remove the curb cut that has been destroyed.
4. In violation of Sections 4.37 and 4.38 of the zoning ordinance, the residentially zoned property at 10 Clarendon is being used for open-lot storage of dirt fill possibly contaminated with oil and other toxic waste material; sand; second-hand lumber and other used building material; concrete; dismantled used-vehicle parts; curbstones; scrap metal; junk; and other salvage material. The use of the unfenced lot in this manner, adjacent to inhabited dwellings, would seem to violate the state Sanitary Code as well as city health ordinances.

Mr. Joseph J. Cellucci

June 12, 1992

Page 2

5. Construction debris is obstructing the streets and sidewalks at both locations and dust is not being adequately contained.
6. Despite repeated complaints to both you and Ranjit Singanayagam, violations of the sign ordinance continue at this location.

I urge you to remind the operators of Midas that they are undertaking considerable financial risk by proceeding with construction, since you cannot legally issue a certificate of occupancy until they have obtained all required permits and licenses from the appropriate city officials.

I hope that you will provide a prompt, detailed written response to this request for enforcement and to my unanswered letter of last February 18, as called for in the state zoning statute.

Sincerely,



Michael J. Brandon
27 Seven Pines Avenue
Cambridge, MA 02140

cc: Zoning Specialist Ranjit Singanayagam
City Manager Robert W. Healy
Cambridge City Council
DPW Coordinator Jeffrey Nutting
Street Supt. Robert Keating
Traffic and Parking Commissioner George Teso
North Cambridge Stabilization Committee

Consent comm. # 2

W-98

Comm. from Michael J. Brandon, 27 Seven Pines Ave., requesting a stop work order at the construction site of 2501 Mass. Ave./10 Clarendon Ave.

In City Council,

June 22, 1992

Referred to the
City Manager
Copy sent to City Mgr.
6/25/92 @e