

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.

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~~

APT. NO

- 52 Jerry Mc Nally 50 Churchill Ave APT 437
- 53 Louise Piccarella 30 Churchill APT 308
- 54 Averil A. Maynard 50 Churchill Ave #32
- 55 Catherine Sullivan 50 Churchill 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 Simon 50 Churchill Ave #531

97

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SIGNATURE

~~PRINTED NAME~~

ADDRESS

~~PHONE~~

- APT. 110
- | SIGNATURE | PRINTED NAME | ADDRESS | PHONE |
|--------------------|-------------------------|------------------|------------------|
| 60 Elizabeth Souza | | 50 Churchill Ave | 336 |
| 61 Fatmeh 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 415 |
| 65 Blanche Dixon | | 50 Churchill Ave | 415 |
| 66 Virginia Dean | | 50 Churchill Ave | 228 |
| 67 Mary Robb | | 50 Churchill Ave | 416 |

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ADDRESS

~~PHONE~~

APT. NO

- | | | | |
|----|--------------------|------------------|-------|
| 68 | Germaine Cyr | 50 Churchill Que | # 430 |
| 69 | Florence Hall | 30 Churchill Que | # 205 |
| 70 | Christine Clifford | 30 Churchill Que | # 212 |
| 71 | Helen Ryan | 50 Churchill Que | # 415 |
| 72 | John Fitzgerald | 30 Churchill Que | # 103 |
| 73 | Ina O'Hara | 50 Churchill Que | # 629 |
| 74 | Eric Morris | 50 Churchill Que | # 223 |
| 75 | Oliver McLaughlin | 30 Churchill Que | # 411 |

(A9)

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SIGNATURE	PRINTED NAME	ADDRESS	PHONE
(76) Dorothy Comeau	50 Churchill Ave	50 Churchill Ave	# 4/18
(77) Emily Dran	50 Churchill Ave	50 Churchill Ave	# 532
(78) Esther Daley	50 Churchill Ave	50 Churchill Ave	# 216
(79) Dorothy Smith	30 Churchill Ave	30 Churchill Ave	# 512
(80) Mary Johnson	50 Churchill Ave	50 Churchill Ave	# 226
(81) Anna Santa Maria	50 Churchill Ave	50 Churchill Ave	# 331
(82) Virginia Addison	50 Churchill Ave	50 Churchill Ave	# 601
(83) Ruth O'Brien	30 Churchill Ave	30 Churchill Ave	# 108

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ADDRESS

~~PHONE~~

APT. NO

- | | | | |
|----|------------------|------------------|-------|
| 84 | Mary Murphy | 50 Churchill Ave | # 236 |
| 85 | Antoinette Chano | 50 " " | # 515 |
| 86 | Ed. 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 Galtier | 50 " " | # 224 |

411

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ADDRESS

APT. NO
~~PHONE~~

- 72) ROBERT Mc CARROLL 30 Churchill Que #107
- 93) JOHN Mc CARROLL 30 Churchill Que #107
- 94) Mary Ferreira 30 Churchill Que #42
- 75) William J Hill 50 Churchill Que #632
- 76) WILLIAM B. EYRE 50 Churchill Que #121
- 97) JAMES CLINTON 50 Churchill Que #221
- 98) Alice Plett 30 Churchill Que #22
- 99) ANN LUNGER 30 Churchill Que #3

(41)

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~~PRINTED NAME~~

ADDRESS

~~PHONE~~

APT. NO

- | SIGNATURE | PRINTED NAME | ADDRESS | PHONE | APT. NO |
|------------------------------------|-------------------------|-----------------------------|------------------|---------|
| 100) <i>[Signature]</i> | | 30 Churchill Ave | # 202 | |
| 101) <i>[Signature]</i> | | 50 Churchill Ave | # 439 | |
| 102) <i>[Signature]</i> | | 30 Churchill Ave | # 609 | |
| 103) <i>[Signature]</i> | | 50 Churchill Ave | # 530 | |
| 104) <i>[Signature]</i> | | 50 Churchill Ave | # 215 | |
| 105) <i>[Signature]</i> | | 50 Churchill Ave | # 516 | |
| 106) <i>[Signature]</i> | | 50 Churchill Ave | # 425 | |
| 107) <i>[Signature]</i> | | 50 Churchill Ave | # 425 | |

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SIGNATURE

~~-PRINTED NAME-~~

ADDRESS

~~-PHONE-~~

APT. NO

- 106 May Brooks 30 Churchill Ave # 505
- 107 Dorothy Wade 30 Churchill Ave # 502
- 108 Irene R. Duffley 50 Churchill Ave 303
- 109 Kate Lee 30 Churchill Ave 501
- 110 Raymond Lerman 30 Churchill Ave # 506
- 111 Rita Mahoney 50 Churchill Ave # 414
- 112 Barbara 50 Churchill Ave # 33
- Churchill Ave #

SIGNATURE

-PRINTED NAME-

ADDRESS

APT. NO.
PHONE

(A1)

113) Ethel Coley 50 Churchill Ave. 238#

114) Regil Quinn Churchill Ave. #

115) Frank Wood Churchill Ave. #

116) Margaret L. Quinn Churchill Ave. #

117) Anna Portanova Churchill Ave. #

118) Alice Martin ³⁰ ~~408~~ Churchill Ave. 408#

119) Kathleen Walsh 50 Churchill Ave. 23#

Churchill Ave. #

SIGNATURE

120) Dorothy Gumbel 50 Churchill Ave. 214#
4 MORRISON CT121) Christine McElroy ~~Churchill Ave.~~

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(A15)

SIGNATURE

PRINTED NAME

ADDRESS

PHONE

(122) F.J. Frankelton F.J. FRANKELTON 18 BROOKFORD ST. 826 6258

(123) Sarah G. Gruppe SARAH G. GRUPE 11 Brookford St. —

(124) Martin O. Hughes Martin O. Hughes 35 Brookford St.

(125) Dick Clarey DICK CLAREY 15 BROOKFORD 864-6751

(126) Tanya Sloane TANYA SLOANE 26 Brookford 354-1160

(127) Nucille Oliver-Holmes 35 Brookford 876-5285

(128) Mary Harrigan MARY HARRIGAN 23 Brookford ~~864-6751~~

(129) Francis G. Harrigan FRANCIS G. HARRIGAN 23 BROOKFORD ST.

(130) Sarah Hughes Sarah Hughes 35 Brookford St. Cam. MA.

(131) Terry Brown " " " " "

(132) Maureen Ford 34 Brookford St Cambridge MA

(133) David A. Sloane DAVID SLOANE 26 Brookford St. Cambridge, MA

(12)

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(416)

SIGNATURE

PRINTED NAME

ADDRESS

PHONE

(139) Esther A. Splaine Esther A. Splaine 62 Clarendon Ave 547-2955

(135) Susan Rich Susan Rich 63 Clarendon Ave. 864-231

(136) Richard S. Ross, Jr. Richard S. Ross, Jr. 63 Clarendon Ave 864-2

(137) Peter Allard PETER ALLARD 65 CLARENDON AVE UNLISTED.

(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 57626

(141) Jill Larcombe JILL LARCOMBE 61 CLARENDON AV 547-6

(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 Gasse Ann Gasse 34 Camp St. Cambridge 397-6751

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(A17)

SIGNATURE

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ADDRESS

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 22 Brookford St Camb
- (154) Robert F. Cowan 22 Brookford St. * APT. 2ND STORY LEO ONLY 497-7301
Cambridge, MA. 0240
- (155) Margaret Roy Margaret Roy 2536 Mass Ave
- (156) Mary Trout 19 Brookford 19 Brookford St
- (157) Roy Trout 19 Brookford
- (158) Marie Belenost 30 Brookford

(13)

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ADDRESS

PHONE

- (159) Donna Suthwell (Donna Suthwell) 43 Locke St. 661-3237
- (160) Mekamar Buck Mekamar 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-
- (164) Craig Slater Craig Slater 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
- (169) Patrick M Cadden Patrick McCadden 16 Seven Pines Ave 354-5592
- (170) Pauline Scott Pauline Scott 5 Seven Pines Ave 661-3570
- (171) Jay Freed 15 Seven Pines Ave Cambridge 613-5808

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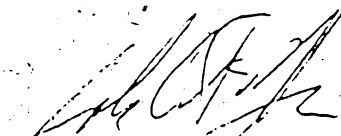
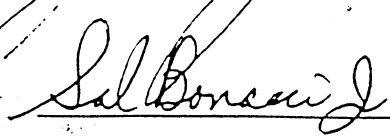
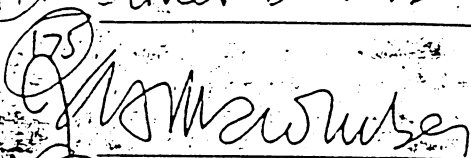
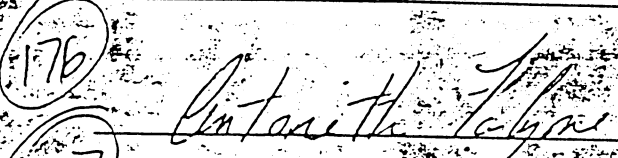
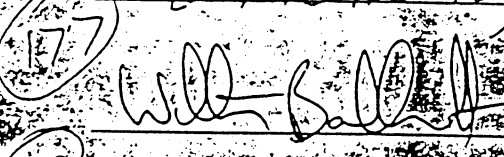
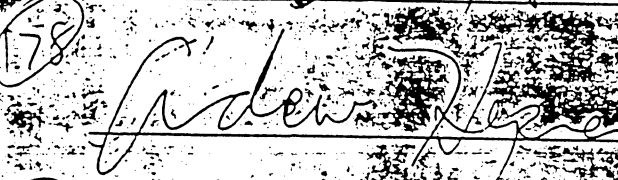
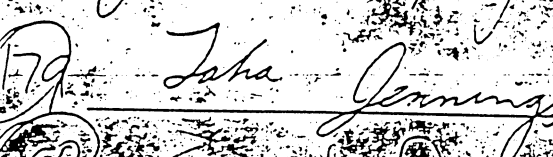
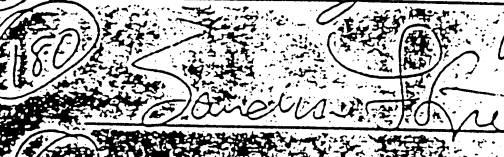
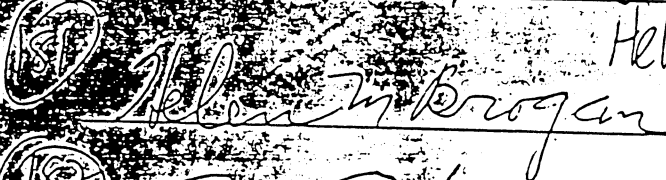
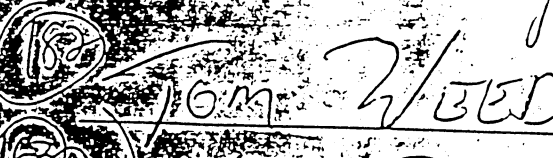
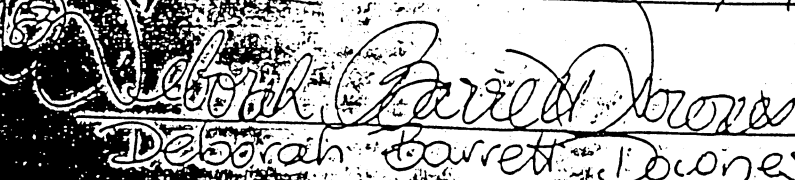
(1719)

SIGNATURE

PRINTED NAME

ADDRESS

PHONE

- (172)  JOHN HOPTES 31 SEVEN PINES AVE
CAMBRIDGE MA 354-4868
29 Vineyard St.
- (173)  SAL BONACCI JR SAL BONACCI JR Cambridge, Mass. 876-4045
- (174) Janet Burns JANET BURNS 57 FROST ST 354-7116
- (175)  Kristin Macomber 50 Kirkland St 491-2802
02138
- (176)  Antoinette Fairzone 205 Walden St 547-5975
- (177)  Will Ball 78 Banks St 876-6625
- (178)  Andrew Nguyen 23 Blakesley St
- (179)  Taha Jennings 122 Aberdeen Ave
- (180)  Sandra L. Smith 1411
Giz memorial Dr Cambridge
- (181)  Helen M. Brogan 52 Lollworthy St Cambr
- (182)  Tom W/BEED 14 FOSTER
- (183)  Deborah Barrett Downes 316 Huron Ave

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A20

SIGNATURE

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ADDRESS

PHONE

84

John Landry John Landry 15 Gold STAR Rd 354-4940

85

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

86

Rita Landry RITA LANDRY 12 GOLD STAR RD - 354-4940

87

Susan Landry Susan Landry 12 Gold Star Road 354-4940

88

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

89

Lena Simone 16 Gold Star Rd LENA SIMONE 876-675

90

Lynn Chester 24 Camp St Lynn Chester 497-1575

91

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

SIGNATURE

PRINTED NAME

ADDRESS

PHONE

- (192) Barbara LaRose 37 Brookford St. (421)
- (193) Russell E Ritchie 2542 Mass Ave
- (194) Mary Jo Ritchie " " "
- (195) Dawn M. Ritchie " " "
- (196) ALICE E HECHT
ALICE E. HECHT 7 Cottage St. Camm. 492-4724

- (208) Rhys Winston 2 Notre Dame Ave. 864-5983
- (209) Kathleen F. Leman KATHLEEN F. LEMAN TWO NOTRE DAME AVE
- (210) Sue Hyde Sue Hyde 27 Putnam 02139 354-7457

SIGNATURE

PRINTED NAME

ADDRESS

PHONE

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

SIGNATURE

PRINTED NAME

ADDRESS

PHONE

(422)

- 212) Mouras Boucher Norman Boucher 244 No-2nd ST 8646899
- 213) Sean Country 2508 MASSS AVE Camb 354-415
- 214) KATIE CUSACK 67 YERXA RD CAMB 5710-31003
- 215) Frank Mc Greal 17 ORCHARD ST CAMB 354-0711
- 216) John Lantry 15 East 1st St Camb 354-4940
- 217) FRANCIS HOLLUM 95 PEMBERTON ST. CAMB.
- 218) Andrew Johnita 30 Jackson St
- 219) Joseph Orlith 17 Bold Star Rd. 7th. Camb Mass.
- 220) Mary Barron 7 Mullerone Cambridge
- 221) Oliver Amato 5 Mullerone Camb
- 222) Paul Amato 7 Mullerone Camb

David Lewis 6

NORTH CAMBRIDGE STABILIZATION COMMITTEE

May 1, 1995

Cambridge City Council
795 Massachusetts Avenue
Cambridge, MA 02138

Re: Midas Muffler curb cut application
(Stanley Litchman, 10 Clarendon Avenue)

To the Honorable Members of the City Council:

By unanimous vote, the Stabilization Committee urges you to deny the curb cut requested by Midas Muffler, which seeks to extend its operations onto the residentially zoned lot at 10 Clarendon Avenue in North Cambridge.

BACKGROUND

Hundreds of nearby residents—including 120 senior citizens who live in the Daniel F. Burns Apartments, the 199-unit public housing complex for the elderly and disabled operated by the Cambridge Housing Authority—have previously petitioned the City Council demanding a halt to Midas's expansion at this location and protesting the company's subversion of city planning policies and zoning laws (see Attachment A).

With public funds provided by the City Manager, the Planning Board in 1991 took the extraordinary step of suing the Board of Zoning Appeal members who usurped the City Council's zoning power by improperly approving Midas's plans for the two-story cinder-block annex that now stands vacant on Massachusetts Avenue.

Although a judge dismissed the suit as untimely, there remains no doubt that this slapdash structure flagrantly violates the North Massachusetts Avenue Overlay District regulations, not only in its clumsy "design," undesirable siting, and dangerous, unsightly parking scheme, but also in its intended use as an auto repair garage and spare parts warehouse. These guidelines were unanimously adopted as law by the City Council in 1986 following a protracted community planning process. (Significantly, no court has ever ruled that the BZA permit is valid or that it affords Midas sufficient relief from the restrictions of the zoning ordinance, which assigns sole jurisdiction over the Overlay District to the Planning Board.)

In November 1992, after months of public testimony, a formal hearing, and much debate, the City Council was unified in its response to citizen concerns about Midas's expansion and the associated breakdown in city zoning enforcement. By a vote of 8 to 0, the councilors formally asked the Cambridge License Commission to refrain from licensing Midas's new facility (Attachment B).

After a separate public hearing and a site inspection by the commission chairman (who himself observed a near-accident), the License Commission voted unanimously to withhold the requested garage permits. The commissioners asked Midas to resolve the zoning issues, devise a traffic safety plan, and meet with the neighbors to discuss their concerns (Attachment C). To date, Midas has not done so.

CURB CUT HISTORY

In June of 1992 Midas's contractors unlawfully removed the public sidewalk and curbing at 10 Clarendon Avenue without seeking or obtaining the required excavation, traffic, and utility company permits, police supervision, or City Council approval. After an elderly passerby slipped and fell, neighbors complained and the preexisting walkway, curbing, and driveway cut were restored by order of the Superintendent of Streets and Sidewalks.

More recently, rather than ask the City Council for permission to build the needed driveway, Midas sued the city in Superior Court. The company's effort to legalize commercial access to the lot via the existing curb cut was unsuccessful.

Meanwhile, disregarding repeated cease-and-desist orders issued by the Inspectional Services Department (e.g., Attachment D), Midas continues to use the existing driveway and to park cars on the Clarendon Avenue lot, which is not set back, screened, lit, striped, or landscaped in accordance with normal city requirements and has not been certified for occupancy.

COMMITTEE CONCERNS

As indicated by its curb cut application, Midas has not obtained abutter approval from the current owners of 14 Clarendon Avenue—the one residential property that actually abuts the proposed eight-car parking lot. Under the auspices of the Stabilization Committee and Homeowner's Rehab, this two-family house was recently redeveloped with city funds as long-term affordable housing. Allowing intrusive commercial activity to occur immediately next door would not only unreasonably disrupt the current occupants' tranquil enjoyment of the residence but would also undermine the city's continuing interest in promoting affordable home ownership and residential rental opportunities at 14 Clarendon.

It is immediately clear from Midas's site plans (Attachments E1 and E2) that the requested driveway cannot function safely and without creating noise, fumes, traffic congestion, and other disturbances. The parcel is too small to accommodate eight cars efficiently and the parking plan includes no turning aisles or maneuvering space. Vehicles with faulty brakes, defective steering, and broken exhaust systems would continually be backing out over the sidewalk, honking, slamming doors, double-parking, idling incessantly, and blocking the street, sidewalk, and adjacent driveways, even when the cramped lot was not filled to capacity.

Pedestrian traffic here regularly consists of infirm elders and handicapped residents from the Burns Apartments, together with minors attracted by the recently renovated public playground and tot lot located directly across Clarendon Avenue. Permitting such a poorly designed commercial driveway to be created at this sensitive location seems especially risky.

Moreover, the proposed driveway would further reduce the limited on-street parking space currently available to neighborhood residents and users of the park. In October of 1991, safety problems related to Midas prompted the Traffic and Parking Department to ban on-street parking on Clarendon Street adjacent to the main facility (Appendix F).

Since Midas has no driveway access to its garage bays from Clarendon Avenue, sanctioning its use of the Clarendon Avenue parking lot as requested would not only increase traffic volume in the area but also seriously aggravate the existing traffic flow hazards and parking problems reported by neighbors. These include

- cars from Midas being brake-tested on Clarendon Avenue and test-driven in reverse along this residential side street;
- unlawfully parked cars from Midas obstructing the sidewalk, street, and fire hydrant and obscuring driver and pedestrian visibility near the corner of Clarendon and Massachusetts avenues;
- cars illegally making U-turns on Massachusetts Avenue when entering or exiting Midas because there is no median cut opposite the main entrance; and
- cars turning left from Clarendon and driving southbound in the northbound lanes of Massachusetts Avenue in order to access Midas's main lot.

Cambridge City Council
May 1, 1995
Page 4

Not surprisingly, traffic accidents and injuries have occurred repeatedly at this intersection (e.g., see Attachment G). The danger to pedestrians is complicated by the extremely narrow, cracked, obstructed, and uncurbed sloping sidewalk that runs along the entire length of Midas's frontage on Massachusetts Avenue, which at this point is a heavily traveled, high-speed thoroughfare.

CONCLUSION

All of these considerations—community opinion, public safety and convenience, city planning and zoning policies, vehicular traffic and parking control issues, pedestrian activity, the effect on private property values and domestic tranquility, the impact on nearby public housing and recreational uses, concerns about the particular vulnerability of children, elders, and others with physical limitations—all of these lead us to believe that the driveway in question, the accessory parking lot, and the additional garage bays proposed by Midas Muffler would prove detrimental to the neighborhood.

For these reasons, we hope that you will vote to protect the public interest and deny the requested curb cut. Please contact me if you have any questions, and thank you for considering the committee's viewpoint as you deliberate.

Sincerely yours,



William J. O'Hearn
Cochair, NCSC

Attachments:

- A. Citizen Petition to Muffle Midas and Protect North Mass. Ave.
- B. City Council Order of November 23, 1992 (Calendar Item Number 4)
- C. Cambridge License Commission decision of November 30, 1992
- D. ISD Cease-and-Desist Order of April 19, 1994
- E. Site Plans for 10 Clarendon Avenue
- F. Traffic and Parking Department Memo of December 4, 1992
- G. Police Department Accident Log, December 1, 1991, to February 1, 1993

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

(A) (A)

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.

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

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 Apt 6 28
- 6) Paul Reno 50 Churchill Ave 628
- 7) Louise Fortais 30 " " # 410
- 8) Ruth Butler 50 " " # 423
- 9) Georgia Mc Fadden 50 " " # 229

- (8) Ruth Butler 50 " " 42^(A)
(9) Georgia Mc Fadden 50 " " 22[#]
(10) Rose Lewis 50 231[#]
(11) Angeline Marotta 50 " " 52[#]
(12) Fannette Nalotte 30 Churchill Ave 213[#]
(13) John G Berens 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. Keit 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. # 427
- (23) Abigail Cronin 30 " " " # 504
- (24) Martin H. Maher 50 Churchill Ave # 41
- (25) May R. Maher 50 Churchill Ave # 111
- (26) Alice Devine 50 " " " # 434

SIGNATURE

~~PRINTED NAME~~

ADDRESS

APT. NO
~~PHONE~~

- (27) Henry J Lavoie 50 Churchill ave 525
- (28) Martin A. Lavoie 50 Churchill ave 528
- (29) Catherine Plomey 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 O'Brien 50 Churchill Ave # 317
- (35) Billie Evans Jr 50 Churchill Ave. # 132
- (36) Claire Lyshon 510 " " # 135
- (37) Helen O'Grady 510 " " 527
- (38) Dolores M Lusk 510 " " 219

SIGNATURE

~~RENTAL~~

ADDRESS

APT. NO

~~RENTAL~~

- 39 Celia Hawkes 30 Churchill Ave. #612
50 Churchill Ave. #
- 40 Guy [unclear] 138
- 41 Dora Shannon 50 Churchill Ave. #625
- 42 Isabelle Diekering 50 Churchill Ave. Apt 321 #
- 43 Mildred Dagost 50 Churchill apt #527 #
- 44 April Miller 50 Churchill Ave #315
- 45 Lilian Hall 50 " " #525
- 46 Mary De Marco 30 " " #302
- 47 Lella 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 #438

CAMBRIDGE POLICE DEPARTMENT Accident Log by Location (MASS & CLARENDON AV) FROM: 010194 0000 TO: 013196 2359

PAGE 1

Date	Time	[--Accident Type--]	[-----Location-----]	RA	Sec	Rte	P/I	P/D	City	Arr	Vio	Rpt	File No.	Acc. No.
122794	1500	HIT&RUN PROP	MASS & CLARENDON	503	5	06	Y	N		N		N		00031706
062895	1900	AUTO V AUTO	MASS & CLARENDON	503	5	06	N	N		N		Y		00032873
081895	1830	AUTO V AUTO	MASS & CLARENDON	503	5	06	Y	N		N		Y		00033183
102095	1700	AUTO V TRUCK	MASS & CLARENDON	503	5	06	Y	N		N		N		00033753

NOT TO BE USED BY OPERATOR

MUST TYPE OR PRINT

COMMONWEALTH OF MASSACHUSETTS
POLICE REPORT
OF MOTOR VEHICLE ACCIDENT

CAMBRIDGE POLICE

REGISTRY USE ONLY

REPORT

SEND ONE COPY TO:

REGISTRAR OF MOTOR VEHICLES
1135 TREMONT STREET
BOSTON, MASS. 02120
NAME OF POLICE DEPT. SUBMITTING REPORT

Cambridge P.D.

FEB 29 1996

Date of Accident			Day of the Week							Hour	
Mo	Day	Yr	S	M	T	W	T	F	S	A.M.	P.M.
2	28	96									9:15

Did you notice any indication
that an operator had been taking
any medication or drugs?

Check One

YES NO

1 ☐ 2 ☒

To your knowledge has any operator
had a history of epilepsy,
heart disease, fainting spells?

YES NO

1 ☐ 2 ☒

(explain on reverse)

Was this Accident investigated by an Officer?
If Yes, Check One Box Below

1 ☐ Registry2 ☐ MDC3 ☐ Other4 ☐ State Police5 ☐ Local Police

1

LOCATION

Street Name or Route Number: Cambridge Mass Ave at intersection with Clarendon

Which direction was each vehicle traveling?

Vehicle No. 1: S E W No. 2: N S E W

Or - If not at intersection fill in below

_____ feet: N S E W Of nearest intersection bridge, mile marker railroad

Other Landmarks: _____

Fill in Below

1 ☐ On ramp to route number _____
N S E W
going _____

2 ☐ On ramp from route number _____
N S E W
going _____

TYPE

Accident involved Collision With

☐ Pedestrian ☐ Railroad Train

☒ Motor Vehicle in Traffic ☐ Ran off roadway hit fixed object _____ feet from road

☐ Motor Vehicle Parked ☐ Bicycle

7 ☐ Overturned in road

8 ☐ Ran off roadway - non collision

9 ☐ Fixed object on shoulder sidewalk or island

A ☐ School Bus

B ☐ Truck

C ☐ Moped

D ☐ Other

If collision involved two or more vehicles mark one of the following

1 ☐ Rear End 2 ☒ Angle 3 ☐ Head On

COLLISION CONDITIONS

What were vehicles doing prior to accident? Mark appropriate box:

Vehicle 1: 1 Making right turn

Vehicle 2: 2 Making left turn

Vehicle 3: 3 Making L turn

Vehicle 4: 4 Going straight ahead

Vehicle 5: 5 Passing on right

Vehicle 6: 6 Passing on left

Vehicle 7: 7 Stop sign

Vehicle 8: 8 Stopping

Vehicle 9: 9 Slowing or stopping

Vehicle 10: 10 Crossing median strip

Vehicle 11: 11 Driveway moving vehicle

Vehicle 12: 12 Backing

Vehicle 13: 13 Starting in traffic

Vehicle 14: 14 Starting from parked position

Vehicle 15: 15 Parked

Vehicle 16: 16 Stalled or disabled

Vehicle 17: 17 Stalled or disabled with hazard on

Vehicle 18: 18 In process of parking

Vehicle 19: 19 Entering or exiting from alley or driveway

Vehicle 20: 20 Making right turn on red

Vehicle 21: 21 Entering median

Vehicle 22: 22 Crossed median

Vehicle 23: 23 Other

Where was pedestrian located at time of accident? Mark appropriate box:

1 ☐ At intersection

2 ☐ Within 300 feet of intersection

3 ☐ More than 300 feet from intersection

4 ☐ Walking in street with traffic

5 ☐ Walking in street against traffic

6 ☐ Standing in street

7 ☐ Getting on/off vehicle

8 ☐ Working on vehicle

9 ☐ Working in street

10 ☐ Playing in street

11 ☐ Not in street

12 ☐ Other

ROAD SURFACE

1 ☐ Dry

2 ☒ Wet

3 ☐ Snowy

4 ☐ Icy

5 ☐ Other

ROAD CONDITIONS

1 ☒ No Debris

2 ☐ Potholes ruts bumps

3 ☐ Foreign matter on surface

4 ☐ Defective shoulder

5 ☐ Road under construction

6 ☐ Other

COLLISION CONDITIONS

1 ☐ Hit median barrier

2 ☐ Hit guard rail

3 ☐ Hit curb

4 ☐ Hit abutment

5 ☐ Hit signpost

6 ☐ Hit utility or light pole

7 ☐ Hit tree

8 ☐ Encroachment

9 ☐ Ditch

10 ☐ Rock ledge

11 ☐ Stone wall

12 ☐ Bridge rail

13 ☐ Other

LIGHT CONDITIONS

1 ☒ Dawn or dusk

2 ☐ Darkness - road lighted

3 ☐ Darkness - road unlighted

WEATHER CONDITIONS

1 ☐ Clear

2 ☐ Foggy

3 ☐ Cloudy

4 ☒ Rain

5 ☐ Snow

6 ☐ Sleet

DIAGRAM

INDICATE ON THIS DIAGRAM WHAT HAPPENED

Use one of these outlines to sketch the scene of your accident. Writing in street or highway names or numbers

1 Number each vehicle and show direction of travel by arrow

2 Use solid line to show path before accident dotted line after accident

3 Show pedestrian by

4 Show railroad by

5 Show distance and direction in landmarks. Identify landmarks by name or number

6 Indicate north by arrow, as

VIOLATIONS

Operator (mark one or more):

1 ☐ Operating Under Influence of Liquor

2 ☐ Operating Under Influence of Drugs

3 ☐ Exceeding Lawful Speed

4 ☐ Failed to Grant Right of Way to Other Vehicle

5 ☐ Failed to Grant Right of Way to Pedestrian

6 ☐ Improper Passing

7 ☐ On Wrong Side of Road Not Overtaking

8 ☐ Failed to Give Proper Signal

9 ☐ Improper Turning Movement

10 ☐ Operating Unregistered Uninsured Vehicle

11 ☐ Disregarded Traffic Light

12 ☐ Disregarded Warning or Stop Signs

13 ☐ Disregarded Other Traffic Control

14 ☐ Improper Start from Parked Position

15 ☐ Improper Parked Position

16 ☐ Leaving Scene of Accident

17 ☐ Other Moving Violations (explain below)

18 ☐ Operating to Endanger

19 ☐ Failed to Stop for a Schoolbus

20 ☐ Defective Equipment

21 ☐ No Violation

22 ☐ Seat Belt (Operator)

23 ☐ Seat Belt (Passenger)

Describe What Happened (Refer to Vehicles by Number):

Citation Number if issued: MV 1 was traveling west on mass ave. Veh 2 was attempting to make a left onto mass from clarendon. MV 2 then collided with MV 1 who was unable to stop due to slippery road conditions.

Signature: Latanya Name and Rank: Police Dept

Date: 2/28/96



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

SUSAN B. SCHLESINGER,
Assistant City Manager for
Community Development

RECEIVED BY
OFFICE OF CITY CLERK
96 FEB 26 PM 4:51
CAMBRIDGE, MA.

To: City Council

From: Susan Schlesinger SS
Assistant City Manager for Community Development

Re: Midas Muffler/2503 Massachusetts Avenue
Cambridge, Massachusetts

Date: February 26, 1996

The Planning Board at the February 20, 1996 meeting requested the attached materials related to the Midas Muffler case be forwarded to you. These materials represent the Planning Board's point of view on this case.

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

May 30, 1991

Mr. Joseph Cellucci, Commissioner
Inspectional Services Department
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Commissioner:

As you are undoubtedly aware the Planning Board petitioned the Land Court to be allowed to intervene in the ongoing appeal by residents of a special permit granted by the Board of Zoning Appeal for development at 2503 Massachusetts Avenue and 10 Clarendon Avenue (i.e. Midas Muffler Case #5819). The Court denied the request.

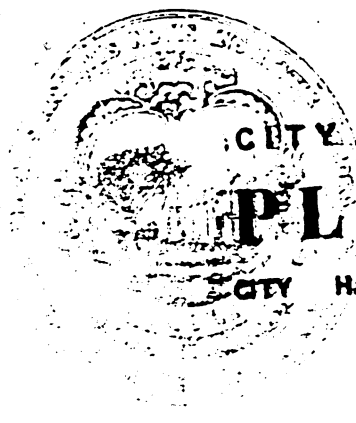
The Planning Board's interest was not in a challenge to the validity of the permit granted, as a BZA permit was clearly necessary, but rather to assert the Planning Board's jurisdiction to issue a special permit as well under the requirements of Section 11.108 of the Massachusetts Avenue Overlay District: the waiver of the use requirements of Section 11.106 and the design standards of Section 11.107 are the two most conspicuous examples. There is no authorization in the Zoning Ordinance which would permit the Board of Zoning Appeal to grant permits required from the Planning Board. Furthermore, each BZA decision explicitly cautions that all other requirements of the City of Cambridge must be met before authorization to proceed is granted.

There has been no action to date by the Board of Appeal or your office which would preclude the issuance of a further special permit by the Planning Board. Therefore the Board requests that, at the conclusion of the appeal and before the issuance of a building permit for any work on the site, the permittee be directed to apply for and secure a special permit from the Planning Board as required by the Massachusetts Avenue Overlay District. You will of course want to review the approved site plans and the applicable provisions of the Massachusetts Avenue Overlay District. Should you reach a different conclusion we would ask you to convey your thoughts to the Board in a timely manner. We do expect, however, that you will find the Planning Board's jurisdiction clear.

Sincerely,

Paul Dietrich, Chairman
Cambridge Planning Board

cc: Robert W. Healy, City Manager
Don Drisdell, Deputy City Solicitor



CITY OF CAMBRIDGE, MASSACHUSETTS PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

January 8, 1991

Regularly scheduled meeting of the City of Cambridge Planning Board. Partial minutes.

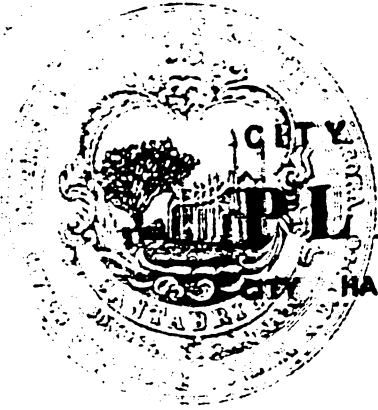
Board members present: Alfred Cohn, Clarence Cooper, Hugh Russell, David Kennedy, Acheson Callaghan, and Paul Dietrich

CDD staff present: Michael Rosenberg, Mary Flynn, Roger Boothe, Lester Barber, and Liza Malenfant

During the General Business portion of the meeting the Planning Board members present heard from Michael Brandon, 27 Seven Pines Road and Richard Clarey, 15 Brookford Road, discussing the Board of Zoning Appeal Case #5819 - 10 Clarendon Street. This case involved the granting of a special permit to construct a two story building with three garage bays for the expansion of an automobile use, Midas Muffler Shop, and for tandem parking in the setback requirement. Specifically the Planning Board was asked to participate in the pending lawsuit against the Board of Zoning Appeal for granting the special permit.

Mr. Brandon and Mr. Clarey outlined their view of the case; specifically that the special permit issued was at least inadequate in that a number of variances were required and that another special permit was required from the Planning Board as required by the North Massachusetts Avenue Overlay District. As some original parties to the suit had withdrawn, Mr. Clarey was asking the court to permit other parties to substitute for those who had withdrawn; the Planning Board was asked if they would allow themselves to one of the new objectors, as the Board would clearly have standing in the case.

The Planning Board voted unanimously to investigate the case; this investigation would cover the adequacy of the permits granted, as well as the requirements of the North Massachusetts Avenue Overlay District as applied to this site. Should the staff find merit in claims made by Messrs Clarey and Brandon they were authorized to request funding from the manager to permit the Board to hire its own council to take appropriate action. The motion was made by Mr. Cohen and seconded by Mr. Cooper, and unanimously adopted, to authorized the staff in consultation with Mr. Dietrich, to investigate the matter, seek permission from the Manager if warranted, and to proceed with appropriate action.



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

February 8, 1989

To: The Board of Zoning Appeal

From: The Planning Board

Re: BZA cases 5819 - 5825

The Planning Board has a comment on the variance request from the Midas Muffler Shop, Case #5819. The Planning Board's position is to discourage automobile oriented uses on Massachusetts Avenue and the policy of the Board is not to grant non-residential uses in the residential zones.

The rest of the cases are left to the Board of Zoning Appeal without comment.



City of Cambridge

Calendar Item Number #4

IN CITY COUNCIL

November 23, 1992

COUNCILLOR WOLF

ORDERED: That this City Council go on record requesting the License Commission to deny the application of Yoffa Company, Inc., doing business as Midas Muffler Shops, for an increase in its auto repair garage from four cars and keeping the storage of forty gallons of gasoline in tanks of cars only to seven cars and the keeping and storage of seventy gallons of gasoline in tanks of cars only at 2501 Massachusetts Avenue.

In City Council November 23, 1992.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
City Clerk



CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 349-6140

ALEX RODRIGUEZ
Commission Chairman

KEVIN FITZGERALD
Chief-of-Fire Department
Commission Member

HENRY BREEN
Police Representative
Commission Member

RICHARD V. SCALI
Commission Executive Officer

November 30, 1992

F. Stanley Litchman
Yoffa Company, Inc.
d/b/a Midas Muffler
2501 Massachusetts Ave.
Cambridge, Ma. 02140

Re: Increase in Garage and Gasoline license
4 to 7 bays

Dear Mr. Litchman:

Please be advised that the License Commission has voted 3-0 to place on hold, your application heard November 24, 1992.

For reason for this delay is to allow you get approval from the zoning department with regard to this increase. Please contact them as soon as possible to work out this approval.

Also, this Commission would like to see a plan submitted as to the issues of safety expressed by the neighborhood. Please submit to this office a plan which would address the issues of children in the area and the traffic and accident problems that would affect them.

The Commission also recommends that you speak with the neighborhood group with regard to their concerns, particularly those which involve the children of the area and the possibility of accidents on Mass. Ave.

Please report back to this Commission and we will set up a continued hearing after the holidays, to hear the results.

C2

If you should wish to appeal this decision, you may do so to the Middlesex Superior Court, within 60 days of receipt of this decision pursuant to M.G.L. c. 249, s.4.

Sincerely yours,

Richard V. Scali
Executive Officer

cc: Robert W. Healy, City Manager-Council Order #4, 11/23/92
Alex Rodriguez, Chairman
Kevin Fitzgerald, Fire Chief
William Burke, Police Captain
Joseph Cellucci, Inspectional Services
John Campbell, Esq.
James Rafferty, Esq.
Ken May
Esther Gibson
Mary Bannon
McNamara Buck
Ann Barnes
Stuart Dash, Community Development
Joseph Costello
Richard Clarey, North Cambridge Stabilization Chair
Joseph Joseph
Michael Brandon
Howard Bauchner
Diane Wynshaw-Boris, Law Dept.
Mary Ellen Vera, Council Order #4, 11/23/92



CITY OF CAMBRIDGE

INSPECTIONAL SERVICES DEPARTMENT 831 MASS. AVE.
CAMBRIDGE, MASSACHUSETTS 02139 (617) 349-6100

(D)

ROBERT R. BERSANI
Managing Director/
Acting Commissioner

April 19, 1994

General Manager
Midas Muffler Inc.
2501 Massachusetts Avenue
Cambridge, MA

RE: Violation of Cambridge Zoning Ordinance

Gentleman:

On two separate occasions within the past two weeks, vehicles were observed parked in the lot at the rear of your establishment. As this lot has not been issued a certificate of occupancy, the use of it is a violation of the City of Cambridge Zoning Ordinance.

Accordingly, you are directed to immediately cease and desist the parking of vehicles in this lot. If you have any questions, please don't hesitate to contact me.

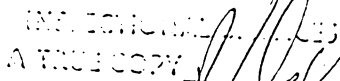
Sincerely,

A handwritten signature in cursive script, reading "R. R. Bersani".

R. R. Bersani
Managing Director/
Acting Commissioner

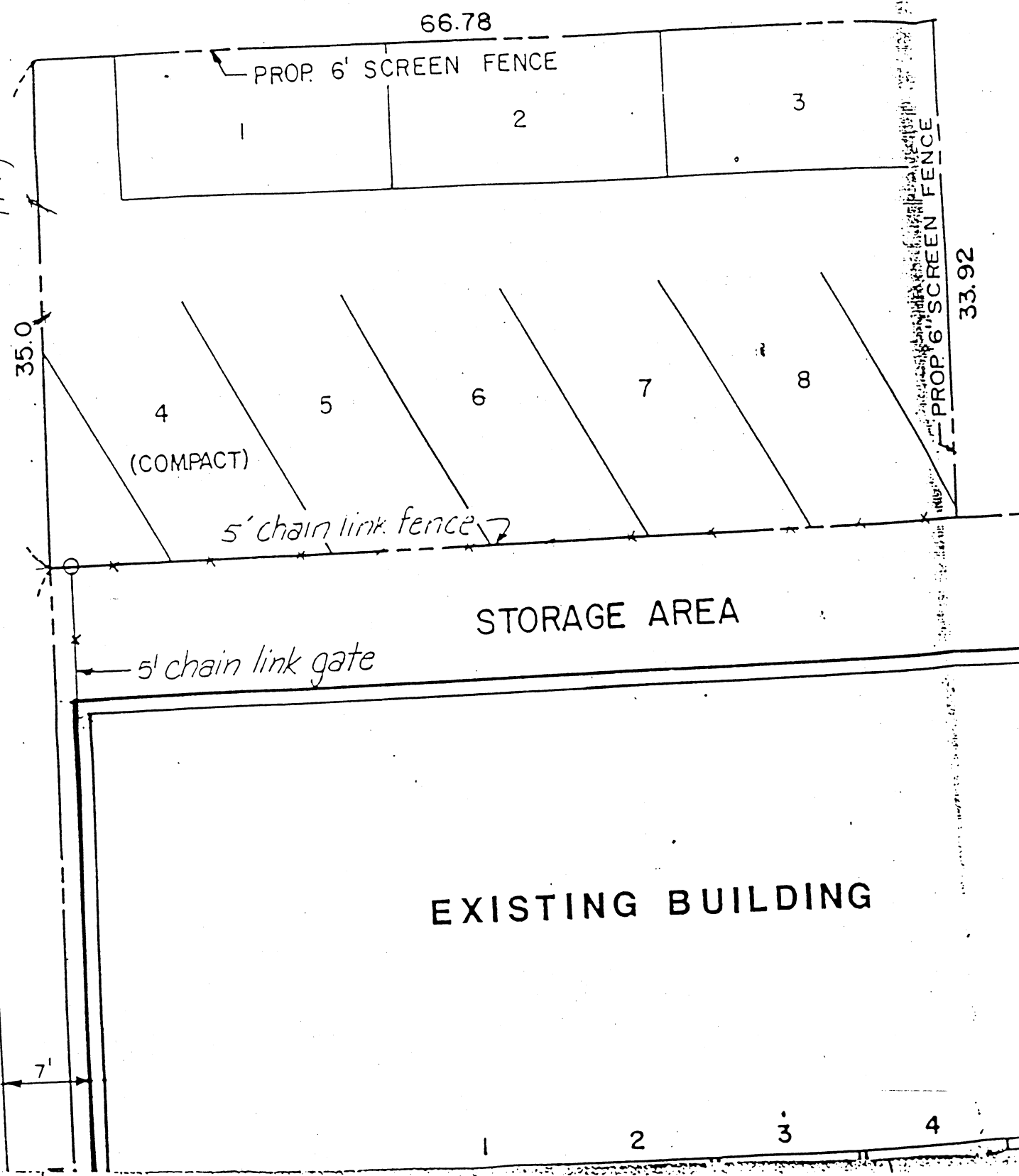
NOTES:
ALL FROM
FROM 1 & 2
A FIELD

NOTES: PR
1 2 V
2 RES



CLARENDON ST

Proposed curb cut





CITY OF CAMBRIDGE
Traffic and Parking
57 Inman Street,
Cambridge, Massachusetts 02139

(F)

George Teso
Director

Administration 349-4700
Parking Violations 349-4705
Resident Parking 349-4701

TO: Robert Healy, City Manager
FROM: *George Teso*
George Teso, Traffic Director

SUBJECT: Calendar Item #4 dated 11/23/92, Ref: "Concerns With Midas"

DATE: December 4, 1992

=====

At the request of the residents and Police Commissioner Anderson, we have investigated Clarendon Avenue near Massachusetts Avenue. We found that the sight distances were very limited by vehicles parking along the Midas site. Also with parking on both sides of Clarendon Avenue, there was only one travel lane at the corner. Therefore, to increase the sight distance and allow for two travel lanes on Clarendon Avenue, parking has been restricted along the Midas property on Clarendon and Massachusetts Avenues. The signs were installed on October 20, 1992.

According to the Cambridge Police, there were five reported accidents since December 1, 1991. There have been no accidents since the clearance signs were installed. We will continue to monitor this intersection and will take additional action, if required.

GT:rd

LMP:rd

CLARENDON POLICE DEPARTMENT
Accident Log by Location (CLARENDON&MASS)
FROM: 120191 0000 TO: 120192 2359

PAGE 1

Date	Time	[--Accident Type--]	[----Location-----]	RA	Sec	Rte	F/I	F/D	City	Arr	Vio	Rpt	File No.	Acc. No.
062492	0830	AUTO V MOTORCYCLE	CLARENDON&MASS	501	5	00	Y	Y		N		Y		00025549
070292	1040	AUTO V AUTO	CLARENDON&MASS	501	5	00	N	Y		N		Y		00025646
070292	1700	AUTO V AUTO	CLARENDON&MASS	501	5	00	N	Y		N		Y		00025647
090992	1600	HIT&RUN PROP	CLARENDON&MASS	501	5	00	Y	Y		N		Y	92007759	00026085
091792	1330	AUTO V AUTO	CLARENDON&MASS	501	5	00	N	Y		N		N		00026112

CAMBRIDGE POLICE DEPARTMENT
Accident Log by Location (CLARENDON&MASS)
FROM: 020192 0000 TO: 020193 2359

PAGE 1

Date	Time	[--Accident Type--]	[----Location-----]	RA	Sec	Rte	F/I	F/D	City	Arr	Vio	Rpt	File No.	Acc. No.
070292	0830	AUTO V MOTORCYCLE	CLARENDON&MASS	501	5	00	Y	Y		N		Y		00025549
070292	1040	AUTO V AUTO	CLARENDON&MASS	501	5	00	N	Y		N		Y		00025646
070292	1700	AUTO V AUTO	CLARENDON&MASS	501	5	00	N	Y		N		Y		00025647
090992	1600	HIT&RUN PROP	CLARENDON&MASS	501	5	00	Y	Y		N		Y	92007759	00026085
091792	1330	AUTO V AUTO	CLARENDON&MASS	501	5	00	N	Y		N		N		00026112
011393	1315	HIT&RUN PROP	CLARENDON&MASS	501	5	00	N	Y		N		Y	920000355	00026112

CAMBRIDGE POLICE DEPARTMENT
Accident Log by Location (RICHARD&MASS)
FROM: 020192 0000 TO: 020193 2359

PAGE 1

Date	Time	[--Accident Type--]	[----Location-----]	RA	Sec	Rte	F/I	F/D	City	Arr	Vio	Rpt	File No.	Acc. No.
082692	1135	AUTO V AUTO	RICHARD&MASS	501	5	00	Y	Y		N		Y		00025947

H-58

Consent Communication #6

**Petition received from the North Cambridge
Stabilization Committee urging the City Council
to deny the curb cut application for 10
Clarendon Avenue at Midas Muffler.**

In City Council May 8, 1995