

City of Cambridge

O-14.

IN CITY COUNCIL

January 27, 2003

COUNCILLOR GALLUCCIO

ORDERED: That the City Manager be and hereby is requested to report back to the City Council at its next meeting regarding the circumstances surrounding the requested curb cut at 60 Raymond Street the subject of Consent Communication #2 of January 27, 2003.

In City Council January 27, 2003.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
City Clerk

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2003 JAN 23 P 12:40

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

To: City Council
Re: Curb cut 60 Raymond St.

Dear councilors,

As many of you already know 2 years ago I was approved for a curb cut at the above address. The following is a more complete history of events.

I had received approval from traffic and parking ,public works , historical commission and inspectional services. I have approval from the neighborhood association. I also have approval from a unanimous vote of the city council.

Two years ago I was prevented from going ahead with my curb cut because there was an old diseased linden tree in the way. The city arborist first gave me written approval to take this tree down and then rescinded it because of the complaints of two individuals who lived a few streets away. There were problems with the removal of a large Tulip at the time, and I was told by the city arborist that even though the tree outside of my house was not worth saving, the approval to take it down was being withdrawn because of the furor created over the tulip.

The city arborist suggested that if I were to replace it with another tree he could restore the removal order. I agreed, and then later the number was raised to two trees, later raised to three, and again to four. I agreed to each increase. Larry Acosta then sent me a letter of approval agreeing to take the Linden down if it was replaced with four new trees, Even after these months of negotiations and the letter from Larry Acosta, I was once again denied by the City. I was told that the City Manager was again blocking the curb cut because of increasing pressure from the same two individuals. Months later I met with the City Manager in the afternoon of the day I was scheduled to go before the council. At that meeting I was told a drain cover was an impediment to the curb cut. This was contrary to the inspection and approval already done by the engineering department. It will cost me \$12,000.00 to have this cover moved eight feet. The city refuses to bear any shared expense. The manager also expressed concern for the neighbor's opposition. I showed him a petition that I had collected, showing that over 30 of my immediate neighbors were in favor of removing the Linden. At the end of the meeting the city manager assured me he would work to approve the removal order. I went before the council and was unanimously approved for the curb cut.

I received a faxed copy of the new agreement from the city. It had been changed to add not four but five new trees. It also required that not only would I bear the expense of buying and planting these trees, but that I would be responsible for them for a period of

**Nelson Gore
5 Gray Gardens East
Cambridge, MA 02138**

five years. If anything happened to these trees, I would have to replace them. Adding another tree and the responsibility of care for 5 years,, which was not discussed at my meeting with the City Manager, discouraged me from signing this agreement.

Last year, nature took its course, and the tree in question died. Larry Acosta had the city crews remove it in the spring of 2002, and Mr. Acosta , before he left his job, promised to plant three trees at my designation, and at the city's expense. He intimated that he felt some sympathy for what I had gone through. (I have since been in touch with the acting arborist, who said he would honor that agreement, but have heard nothing from him in the last 6 months.)

Since the Linden was no longer an issue I decided to go ahead with the curb cut last summer.

I have once again been denied by the City. This time based on the agreement I never signed and returned. It is unreasonable to hold me to an agreement that certainly is not legally binding , and one that was based on a quid pro quo with the city to remove a living tree. Since the tree died and the city arborist removed it because it was dead, the agreement, not withstanding my not signing it, has no relevance.

I have waited over 2 years to add 8 feet to my driveway, have been subjected to tremendous aggravation and expense, for very little reason.

I appeal to the council to please give me some relief from this seemingly arbitrary and unfair treatment.

Yours truly,


Nelson Gore

**Nelson Gore
5 Gray Gardens East
Cambridge, MA 02138**

2003 JAN 23 P 12:40

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

January 22, 2003

City Council and City Clerk

Re: curb cut 60 Raymond St.

I live at 60 Raymond St. I have been approved to add 8 feet to an existing driveway at that address. I have received all the necessary approvals and this has been approved by all the appropriate city departments and neighborhood associations. There were some problems concerning a diseased tree in the area of the proposed extension, but that was resolved when the tree died last winter and was removed by the city.

At this time the city manager is withholding issuing a permit for me to do my driveway addition. I have been told it is due to an agreement sent to me by the city which I never signed. This agreement was a quid pro quo for the removal of the tree that has since died and been removed. It is not legally binding, and no longer applies since the basis for the agreement (the removal of the tree) is no longer an issue. I have a right to have this extension and a building permit should be issued, if not by the city managers office, than by an order of this council.

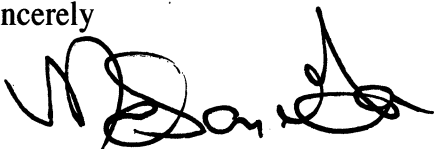
A related issue is my being asked to relocate a sewage drain at my personal expense of approximately \$12,000.00. When I first received approval from the city to add this extension, there was no mention of moving this drain. It is the city manager that requested the engineering department to re-inspect my property. That is when this determination, which I feel is unnecessary, was required. And if required by the city to move this drain 8 feet, why am I being asked to upgrade to a much more difficult drain to install, and why can't the city share in this expense. I ask the council to either remove this requirement which the initial approval never mentioned, or at least have the city share some of this expense.

Last, before Larry Acosta left his job as city arborist, and just after he removed the dead tree near my driveway, he promised to plant three trees, at my designation, near my property and at the city's expense. The city should honor this promise.

It is both dangerous and a hardship for me to turn south out of the driveway onto Raymond St. The existing driveway forces me to make an extremely wide turn, which takes me into the oncoming lane of traffic. I have had close calls more than once, with people who are speeding up Raymond St. If I do have the misfortune to be seriously injured, I will certainly hold the city responsible.

I have been treated poorly by the process and have been delayed needlessly for years. I ask the council to please resolve this for me.

Sincerely

A handwritten signature in black ink, appearing to read 'Nelson Gore', with a stylized, cursive script.

Nelson Gore

Cal 8 H-18

Consent Communication #2-

A communication was received from Nelson Gore, regarding a curb cut at 60 Raymond Street and the removal of a tree.

In City Council January 27, 2003

**TABLED BY COUNCILLOR
DECKER.
ORDER ADOPTED.
SEE ORDER #14.**

In City Council February 3, 2003

PLACED ON FILE.