



CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall

795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Tel. (617) 349-4121
Fax. (617) 349-4307

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Laura H. Yager
Legal Counsel

June 5, 1991

Joseph E. Connarton
City Clerk
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Cambridge Environmental Program

Dear Mr. Connarton:

I enclose a copy of your letter to me of May 17 with which you sent me certain Code Amendments comprising the Cambridge Environmental Program. You ask me to "... review these proposed amendments to ensure that they are in context with the Municipal Code" I have the following observations:

1. I do not believe that the Cambridge Environmental Program could be Chapter 2.114 of the Code. According to our copy of the Code (updated on 4/16/91), Chapter 2.114 covers Public Development Arts Projects. Perhaps the Environmental Program could be Chapter 2.118.

2. Title 17 of the Code is now devoted to Zoning. Perhaps "Environmental Quality" could be either Title 16 or 18.

3. Why is the first Chapter in Title 17 Chapter 17.04? What happened to 17.02?

4. What happened to 17.06?

5. Section 17.08.040(3)(A) states that "Departments are encouraged to consult with staff of the Cambridge Environmental Program", but it is not clear who these staff people will be. Section 2.114.020 does not authorize the Environmental Program Director to hire staff. See also §17.08.050.

6. In §17.24.020, there is a reference to Chapter 17.16 of the Code, but this Chapter was not included in the package you sent to me.

7. Why have Chapters 17.10, 17.12, 17.14, 17.18, 17.20, 17.22, and 17.26 been omitted?

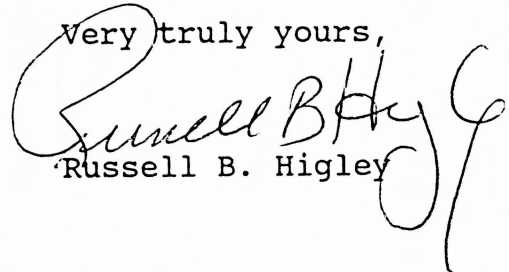
If you have any questions about these amendments, please direct them to Birge Albright.

RBH/jab

cc: Donald A. Drisdell

CORR#3\CEPrgrm.ltr

Very truly yours,



Russell B. Higley



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

May 17, 1991

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Please be advised that at the City Council meeting of Monday, May 13, 1991 the City Council accepted the report from the Councillor Duehay, Chair of the Committee on Environment regarding the discharge of the Cambridge Environmental Program from the Committee. In this report there were the following proposed amendments to the Municipal Code which was then referred to the Committee on Ordinances:

- 1. Chapter 2.114 - Cambridge Environmental Program. *(Public Development Arts Projects)*
- 2. Chapter 17.04 - Cambridge Environmental Quality Policy.
- 3. Chapter 17.08 - Environmental Planning.
- 4. Chapter 17.24 - Environmental Impact Response.
- 5. Chapter 17.28 - Environmental Permit Program.

?
?
Title 17,
Zoning

Would you kindly review these proposed amendments to ensure that they are in context with the Municipal Code prior to the hearings before the Committee on Ordinances.

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton
Joseph E. Connarton
City Clerk

JEC/dl
ENCS. (5)



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Joseph E. Connarton
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An Ordinance

to Encourage About Environmentally Sound New Construction
through a Voluntary Environmental Permit Program

In amendment to an ordinance designated as the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

Title 17 of the Code (Environmental Quality) shall be amended as follows. New Chapter 17.28, "Environmental Permit Program," shall be created as follows.

Chapter 17.28

Sections:

- 17.28.010 Purpose
- 17.28.020 Development of Permit Standards:
Citizens' Commission on Environmentally Sound
Construction and Development - Designation -
Membership - Powers and duties - Length
- 17.28.030 Environmental Permit standards for new construction
- 17.28.040 Environmental Permit Process
- 17.28.050 Review of City Council
- 17.28.060 Effect on other actions

17.28.010 Purpose

This chapter addresses the desire of citizens for greater consideration of environmental issues in new construction and development in Cambridge. It establishes a voluntary permitting

process for new construction, based on clearly defined standards relating to a number of environmental issues. To maintain consistency with the City's often stated goal of retaining residential, commercial, and other development opportunities, and encouraging economic growth, this ordinance proposes to link the implementation of the Environmental Permit with a simplified overall permitting process for all aspects of new construction, including zoning rules and building permits.

17.28.020 Development of Permit Standards: Citizens' Commission on Environmentally Sound Construction and Development - Designation - Membership - Powers and duties - Length

1. The Citizens' Commission on Environmentally Sound Construction and Development (henceforth Citizens' Commission) shall be the forum for the development of environmental standards for new construction and for the design of a simplified overall permitting process for new construction.

2. Membership on the Citizens Commission shall consist of the following:

A. Three (3) representatives of neighborhood or residential concerns appointed by the City Manager, at least one of whom is a member of a neighborhood committee

B. Three (3) representatives of development concerns appointed by the City Manager, at least two (2) of whom have supervised development and construction projects in Cambridge.

C. The Assistant City Manager for Community Development, or a designate.

D. The Director of Inspectional Services, or a designate.

E. A member of the Cambridge Conservation Commission.

3. In the course of its investigations, the Citizens' Commission shall consult with the following City agencies on issues relevant to their operations:

A. Cambridge Conservation Commission

B. Planning Board

C. Department of Public Works

D. Traffic and Parking Department

E. Health and Hospitals Department

F. Water Department and Water Board

G. Fire Department

4. The Citizens' Commission shall have investigatory powers sufficient to fulfill its duties, as determined by the City Manager. The Citizens' Commission shall have the assistance of the Director of the Cambridge Environmental Program in completing its work.

5. The Citizens' Commission shall recommend environmental standards for inclusion in a new Environmental Permit for new construction. Along with this list, the commission shall report the following findings:

A. For each standard, a set of clearly defined actions which, if taken, would be sufficient for compliance: ie, inclusion of specific item in a design plan, or submission of a particular

document.

B. For each standard, a statement of the reasons the Citizens' Commission believes that the standard is not being met without regulation, ie: because of market failure.

C. For each standard, a discussion of the nature of public concerns about the issue being addressed.

D. For each standard, an assessment of the administrative efficiency of inclusion within the Environmental Permit Program as opposed to independent regulation.

6. The Citizens' Commission shall also recommend a simplified overall permitting process for those who participate in the Environmental Permit Review.

A. The aim of the simplified procedure shall be to lower the cost of new construction by decreasing the time and uncertainty involved in the permitting process for new construction.

B. The simplified procedure shall make every effort to ensure that departments with established authority over a particular permit area retain that authority.

C. In no case shall the simplified procedure run counter to the independent authority established for certain boards and commissions, such as the Conservation Commission and Planning Board, under state law.

5. The Citizens' Commission shall issue its findings within one year of the appointment of its members. Issuing of findings shall be the final act of the Citizens' Commission.

17.28.030 Environmental Permit standards for new construction

17.28.040 Environmental Permit Process

17.28.050 Review of City Council

A. The City Council shall review the findings of the Citizens' Commission with respect to the composition of Environmental Permit Standards (Code ch 17.28.030) and the Environmental Permit Process (ch 17.28.040) as part of the simplified overall permit process. The Council shall act on them with all deliberate speed.

B. An environmental permit process for new construction shall come into being with the fulfillment of subsection A of this section, and the enactment of Code ch.'s 17.28.030 and 17.28.040.

B. No less than two (2) years after taking action on part A. of this section, the City Council shall review the progress of the Environmental Permit Program to determine:

1. Whether the Permit should be made mandatory for new construction in Cambridge
2. Whether the simplified permit process should be extended.
3. Whether the standards laid out in ch. 17.28.030 are adequate to the purpose of this section.

17.28.060 Effect on other actions

Nothing in this Title shall preclude or prejudice any action by any branch or agency of the City government at any time to

protect the environment or conserve natural resources. Nor shall anything in this Title preclude or prejudice any future regulatory action by the City if a regulatory approach is deemed necessary and

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0-53

Environmental Permit Program

12/9/91 Placed on file
without prejudice