

CambridgePark Place Inc.
1330 Boylston Street
Chestnut Hill, Massachusetts 02167
617 734-8600
Fax 566-6996



August 14, 1989

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CAMBRIDGE MA.

Ms. Joleen Dabner
Executive Office of Environmental Affairs
100 Cambridge Street - 20th Floor
Boston, MA 02202
ATTENTION: MEPA Unit

RE: One CambridgePark Place - EOE# 7853
MAPC: ENF-89-152

Dear Ms. Dabner:

I am writing to clarify the developer's position with regard to MDPW and MBTA allegations that CambridgePark Place needs to apply to the MDPW for a curb cut permit.

Our project was approved by the Cambridge Planning Board On December 2, 1987. The existing curb cut was part of the approval and there was no necessity to apply to the Cambridge City Council to grant a curb cut permit. The amendment which required a state permit for a change in use was passed on April 6, 1988. Assuming, for the sake of argument, that CambridgePark Place is a development which both abutts a state highway and has an existing access which uses an adjacent local street to access a state highway, the project was still not covered by the 1988 amendment because it did not apply retroactively. In fact, the amendment was passed with an emergency preamble so that it would take effect immediately requiring any covered project approved by a local planning board after its passage to seek a permit.

The MBTA's argument that the Cambridge Planning Board could not approve an existing a curb cut because the MBTA has not formally deeded the street to the City is ludicrous. Not only was the street built to the City's specifications, but it maintains the street and renamed it CambridgePark Place at our request. The MBTA is nothing more than a constructive trustee holding title for the benefit of the City of Cambridge.

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Please note that the Department's own memorandum makes it perfectly clear that prior to 1988, a curb cut permit was required for a change in use only if it involved a driveway modification. The change in use engendered by CambridgePark Place involves no driveway modifications whatsoever.

Thank you for your attention to this matter and please remember that the Commonwealth's good intentions with regard to traffic control should not be a rationale to act beyond the scope of its legislated powers. I am enclosing a copy of the M.G.L. Chapter 81, Section 21 and the Department's December 19, 1988 memorandum for your information.

Very truly yours,

Gary F. Snerson

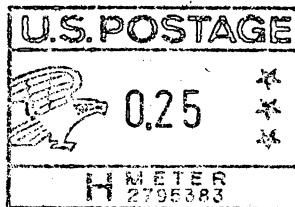
GFS/sa

Enclosures

cc: Jeffrey D. Katz
David Gardner
George Bezkorovainy
Circulation List



CambridgePark Place Inc.
1330 Boylston Street
Chestnut Hill, Massachusetts 02167



City Clerk
City of Cambridge
795 Massachusetts Ave.
Cambridge, MA 02139



H-116
Comm. from Gary F. Snerson, CambridgePark Place,
Inc., dated August 14, 1989, transmitting a copy
of his letter to the Mass. Exec. Office of En-
vironmental Affairs Re: clarification of the
developer's position with regard to allegations
that CambridgePark Place needs to apply to the
MDPW for a curb cut permit for the premises
numbered One CambridgePark Place.

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