



City of Cambridge

Consent Comm. #10

IN CITY COUNCIL

March 23, 1998

COUNCILLOR TRIANTAFILLOU

the questions raised

*Communications
Number 10, 12 and
16 of March 23,
1998*

*The Law
Department*

ORDERED: That the City Manager be and hereby is requested to direct ~~Donald D.~~ Drisdell, ~~Deputy City Solicitor~~, to respond in writing to points outlined in ~~Stash Horowitz~~ and Steve Kaiser's March 23, 1998 letter:

In City Council March 23, 1998.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk



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D. Margaret Drury
City Clerk

To: The Honorable, the City Councillors CNI, 1 of 12
 From: Cambridgeport Neighborhood Initiative (CNI) Co-chairs Daphne Abeel, Gordie Fellman, Stash Horowitz, Anastasia Leotsakos, Maureen Van Stry, Elie Yarden.
 For: City Council meeting of March 23 1998 11:08 AM 8:34 and delivered 3-19-98

- Subjects: 1) CNI's comments & concerns about responses to certain Councillor's questions, by certain City officials, that contain factual errors, omissions, or are incomplete, at meeting of March 16, 1998.
 2) Additional comments on concerns relating to improper procedure being followed, in approving curb cut relocation application, and in granting building permit for 577-car garage at 784 Memorial Drive to Spaulding & Slye.
 3) Update on March 9 meeting of CNI with Cambridge Dept. of Public Health, ^(DPH) and professor from BU School of Public Health; & some further observations & comments on public health & safety as it relates to the proposed "unsealing" of the site's asphalt cover during demolition proposed. DPH's minutes of 3/9 meeting are attached.

First, an opportunity was lost on March 16, to hear also from Spaulding & Slye representatives most familiar with this project, who were sitting in the hallway outside the Sullivan Chamber, as well as from six co-chairs of the CNI, who were present and waited five hours, without being heard, as well as Mr. Stephen Kaiser, CNI's traffic consultant who prepared a traffic study, and David DeBaie of Vanasse Assocs, who was also outside, and prepared Spaulding & Slye's traffic study.

Many of the traffic issues considered at the meeting, for which clear answers were not forthcoming, could have been clarified by these consultants, and the Council would have been made aware that there is considerable dispute remaining, about the safety of both the existing and the relocated curb cuts on Putnam Ave & Pleasant St, given a daily vehicle trip number of circa 3000+.

CNI, 2
3-23-98

The CNI applauds those Councillors who see the real problems of excessive traffic on neighborhood streets already over-congested and at "Level of Service" F at peak hours, that will result from allowing a 577-car garage to be built, where every vehicle entering & exiting will use City neighborhood streets.

784 Memorial Drive LLC (now mainly owned by Spaulding & Slye) is a proposal that derives its prestige from its Charles river location, and its potential workers from outside Cambridge, arriving along Memorial Drive, the Massachusetts Turnpike, and other major traffic arteries leading in from the suburbs.

To route all its traffic around neighborhood streets, and not in via the two existing (and not planned to be used!) curb cuts on Memorial Drive, is bad planning, bad design — simply to avoid the filing of an Environmental Notification Form (ENF), as the proponent has stated is his firm desire.

The Boston Globe editorial of March 9, 1998 urging the proponents to submit, voluntarily, to the ENF procedure, to reassure the neighborhood of its good faith, and to allay justifiable concerns and causes for suspicion, should help the City Council to add its voice to this request, and to reaffirm its sensible and fair June 23, 1997 Order that the proponent refrain from any demolition or building until the site is shown not to represent a hazard to the neighborhood by its "unsealing" during demolition.

CNI, 3
3-23-98

The March 9, 1998 meeting of Cambridge Public Health Department with CNI and Professor David Ozonoff of B.U.'s School of Public Health (chair of the environmental health dept and a nationally known authority) was a great improvement over the disputed communication, under John O'Brien's name, to the Council, about a July 29, ¹⁹⁹⁷ meeting which excluded CNI.

According to DPH's ^{March 9} minutes (approved by Harold Cox, Public Health Officer, and attended by Dr. Melvin Chalfen, former Commissioner of Health & Hospitals, and ^{also by} an epidemiologist and by an occupational medicine expert); [From the minutes (see attached)]

"Harold Cox summarized the outcome of the meeting:

- 2) Further examination of the role Cambridge DPH might play in securing an agreement by the owners to test for metals.
- 3) Cambridge DPH agrees that further characterization of the suspect areas of the site for metals (and possibly asbestos) is warranted."

Dr. Ozonoff comments that this site is "unusually close proximity to dense residential areas", may not end up causing any health problems, but "the residents deserve to have the site characterized..."

Both Dr. Ozonoff & Mr Cox will send letters to CNI and DEP supporting ^{our} request for "metals testing...at the site prior to any future development".

As can be seen from the minutes, CNI is uncovering additional evidence of hazardous chemicals used by former site occupants, BB Chemical, and Dover Stamping, by examining archives and city and state records.

We will soon share our information with the Council.

(→)

CNI, 4
3-23-98

Now, some concerns about curb cuts, and the City's response: ~~to~~ all the traffic engineers, the City's traffic consultant Barry Pell of Rizzo Assocs, and City departments' concur in agreeing that one of the two curb cuts, carrying all traffic into & out of the 577-car garage (variously enumerated as 2700 or 3600 vehicle trips/day), is unsafe, and therefore non-conforming to City law, i.e., the Zoning Ordinance. This, of course, is the notorious Putnam Ave curb cut, designed to carry a minimum of half the ^{project's} traffic (1350 - 1800 trips/day).

As Pell says on p.3 of his study for the City, "the site access shown on Putnam Ave. is inadequate and unsafe."

As Inspectional Services Dept (ISD) Commissioner Robert Bersani says in a December 26, 1997 letter to City Manager (see p.21 of CNI Communication in 3-16-98 package): "If it were determined that public safety would be jeopardized because of the curb cut layout or configuration, then resolution would be required before the building permit or the CO would be issued." (See proposed curb cut relocations, p.12 of this communication)

Clear and simple English! - no amount of obfuscation or "interpretation" can alter this.

The Deputy City Solicitor repeatedly said March 16 that ISD's issuance of building permits were governed only by "the State Building Code and the Cambridge Zoning Ordinance," other than major issues of public health (where DPH may act.)

In the ISD Commissioner's Jan. 8, 1998 letter to City Manager, it is stated: "The applicable sections of the Cambridge Zoning Ordinance dealing with the issuance of building permits include the following: a) Article 9, Section 9.12 - requires all building permits to be issued only when the provisions of the Cambridge Zoning Ordinance have been met." (see p.23, CNI to Council, 3/16.)

CNI requests, that the Deputy City Solicitor, or the legal department, respond to the Council and to this communication regarding ~~and~~ the above-mentioned matters, in a written form, so all may study the cases upon which its interpretations, stated verbally at the 3/16 meeting, were based.

Also, we would like to know the legal basis for the Deputy City Solicitor's insisting that a T-intersection (eg., Pleasant and Florence Streets) is not an intersection, for the purposes of the Cambridge Zoning Ordinance; see Section 6.4.3.4.(b), which states that curb cuts must be 25 feet or more away from an intersection, ^{and (c) regarding clear view of oncoming traffic.}

Also, CNI would like the Deputy City Solicitor to show what part of the State Building Code allows dry-wall partition removal (as was done in Bldgs # 2, 3, 8, etc.) in November and December 1997) without an issued demolition permit for those buildings, which was issued Jan 15, 1998. Why was this work called "debris removal" by ISD, or "dismantling" by the proponent, and not properly "demolition," as defined in the SAC?

We would also like an explanation why ISD received an application from Spaulding & Slye for the two curb cut relocations on Feb 5, and approved it on Feb 9, without any abutters' forms (approval/disapproval) attached to it, as required by ISD policy on curb cuts (see attached application, part II).

We would appreciate a written response from the responsible City agency about the necessity for a public hearing before the Putnam Ave. trees, blocking the relocated curb cut, is removed. (See PWD letter of 2/25 voiding its approval of curb cuts).

And finally, CNI would like any traffic engineer to explain how 3000+ vehicle trips/day could possibly use only one curb cut (Pleasant St.), without resulting in huge peak hour backups, and a worsened traffic situation. (→)

CNI, 5B
3-23-98

To suggest that, because the Putnam Ave. curb cut is unsafe, it will not be used to service the 577-car garage, is to create an untenable traffic situation, where nearly every car coming to the site from the Mass Turnpike would cross the River Street Bridge, go to Putnam Avenue, make a right turn, go to Pleasant St. (unable to enter on Putnam), make another right, and go down 2 1/2 blocks along Pleasant to the relocated curb cut. This is utter traffic nonsense - it clearly won't work.

To use this as the basis for granting a garage building permit, for a ^{577-car} garage, whose plans have always shown 2 driveways, is a clear deception for the sole purpose of issuing this permit in a quasi-legal manner - but it also won't work! It's too much of a distortion of normal, proper procedure!

Then, to think that all the traffic exiting the garage at peak afternoon hours, will make a right turn and travel 1/2 block to Memorial Drive, where 250 cars/hr. will be able to make right and left turns, breaking into or through 2 lanes of existing car queues, is so unrealistic, as to be laughable.

Without a traffic light at the ^{intersection} of Memorial Drive and Pleasant St., almost none of this traffic can enter the Drive, and all will, of necessity, turn and route itself ^{back} onto neighborhood streets. Yet the CDD has not supported the traffic light there, and has left that study to Spaulding & Sly's consultant, realizing (as CDD must) that a light there will require an ENF, which proponent ^{desperately} avoids.

CNI, 6
3-23-98

**Minutes of Meeting with Cambridgeport Neighborhood Initiative
March 9, 1998**

Present:

Members of the Cambridgeport Neighborhood Initiative:

Elizabeth Glaser - CNI Co-Chair

Daphne Abeel - CNI Co-Chair

Maureen Van Stry - CNI Co-Chair

Elie Yarden - CNI Co-Chair

Stash Horowitz - CNI Co-Chair

Representatives from the Cambridge Department of Public Health:

Harold Cox - Chief Public Health Officer

Sam Lipson - Environmental Toxicologist

Jeff Walker - Administrative Assistant

Dr Ellen Kramer, ScD - Epidemiologist (Director of Health Information Unit)

Dr Rose Goldman, MD - Occupational Medicine Dept. (Cambridge Hospital)

Dr Melvin Chalfen, MD - Office of the Commissioner of Health and Hospitals

Non-affiliated attendees:

Dr David Ozonoff, MD - BU School of Public Health

Purpose of the meeting is to review site history and data presented by Cambridgeport Neighborhood Initiative and to respond to their request for assistance from the Cambridge Department of Public Health in resolving their concerns over development at the former Polaroid site.

CNI Co-Chair **Elizabeth Glaser** commented that had concerns about future threats the site might pose after excavation and construction. She said that there was a real need to know what is on the site and to pursue concerns from there.

CNI Co-Chair **Stash Horowitz** presented a brief history of Cambridgeport Neighborhood Initiative and described the findings of the last 10 months that this group has been researching the Polaroid site. He expressed specific concern that Polaroid has not been cooperative about testing the site for metals and commented that several prospective purchasers of the site backed away in the early 1990s. **Mr Horowitz** speculated that problems with metal contamination of the fill at a nearby site might reflect problems with the fill at the Polaroid site. An Activities and Use Limitation (AUL) finding was made for that other site due to high levels of lead (Pb) in the soil. He also expressed his belief that Polaroid is already committed to further construction on the site, including residential housing along Pleasant Street, though no permits have been issued yet.

Finally, **Mr Horowitz** recounted the events leading to the Cambridge City Council Order #101, wherein one councilor, responding to some undetermined source, attached a request for the Cambridge Department of Public Health to investigate links between health concerns in the neighborhood and activities on the site.

Elie Yarden also gave a brief history of the site and former manufacturing and commercial activities on the site. The details were in agreement with the information provided in the site assessment written by GZA on behalf of Polaroid (1994), except for reference to possible asbestos-containing equipment employed by Dover Stamping and some concerns over the fate of some storage tanks on that part of the site.

Dr Goldman discussed the difficulties of performing health evaluations of abutters due to the lack of information about the presence of hazardous agents, the lack of information or presence of a trend in illness or bad health symptoms due to exposure, and the process of surveying a group of people without more focus or without a control group. **Dr Ozonoff** concurred.

Dr Goldman encouraged the Cambridgeport Neighborhood Initiative to focus their efforts toward further testing prior to the development of this site. Testing for metals, air quality, and the presence of asbestos which may become airborne are recommended. A proper evaluation of health risks posed by metals or other chemical hazards must consider the route of exposure to abutters and workers. Exposure pathways cannot be assessed unless there is chemical data available. Threats which may effect future tenants of the site should also be considered.

CNI Co-Chair **Daphne Abeel** noted that Massachusetts Department of Environmental Protection and Massachusetts Water Resources Authority have the power to audit or review sites suspected of containing hazardous material.

Mr Horowitz has asked the Cambridge Department of Public Health, ^{to} determine its jurisdiction on this matter. They asked whether it ^{is} in the authority of this Department to mandate that testing should be done at this site. After some discussion it was not clear that the local board of health (or department of public health) have the authority to demand testing on a site. **Dr Ozonoff** remembered that "150B Site Assignment" (Ch 111; section 150B MGLA) once gave local authorities power over the approval of certain hazardous sites. **Harold Cox** agreed to look into that authority. Massachusetts Department of Environmental Protection is not yet requiring testing at this site.

Mr Horowitz said that he would be examining occupational health records from Dover Stamping (begun in the 1930s until the plant was closed) and BB Chemical.

Elizabeth Glaser asked whether it was possible to impose air quality monitoring during construction and excavation if no testing had been mandated to demonstrate the need for such monitoring. She expressed concern that a failure to mandate further testing would prevent any future air quality monitoring.

Harold Cox summarized the outcome of the meeting:

- 1) Health interviews with Dr Goldman for those with specific concerns
- 2) Further examination of the role that Cambridge Department of Public Health might play in securing an agreement by the owners to test for metals.
- 3) Cambridge Department of Public Health agrees that further characterization of the suspect areas of the site for metals (and possibly asbestos) is warranted.

Dr Ozonoff commented that this site, despite its unusually close proximity to dense residential areas, will probably not end up causing any health problems. He pointed out that health concerns should include exposure by workers on the site as well. But, he continued, the residents deserve to have the site characterized and should not have to rely on his guesses in this matter.

Harold Cox and **Dr Ozonoff** agreed to supply a letter to the Cambridgeport Neighborhood Initiative supporting their request to Massachusetts Department of Environmental Protection for metals testing to be done at the Polaroid site prior to any further development. (The metals to be tested for have yet to be specified)

CNI, 9
3-23-98

THE WORKS
CAMBRIDGE
DEPARTMENT
OF PUBLIC

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800
TDD 617-349-4805

To: Margaret Drury
City Clerk

From: Ann Daughaday *AD*
City Engineer

Date: February 25, 1998

Re: 784 Memorial Drive Curb Cut

Due to issues that have arisen regarding the above mentioned application, please take this as notice that my signature on the curb cut application is void. Until such time that the issues are resolved Public Works Department will not approve the application.

If you should have any questions, please feel free to call me at ext. 4829.

Thank you

c. Ralph E. Dunphy
Commissioner

RECEIVED BY
SECRETARY OF CITY CLERK
98 FEB 25 PM 1:36
CAMBRIDGE MA.



CNI, 10
3-23-98

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS

CITY OF CAMBRIDGE

PART II: INSPECTIONAL SERVICES DEPARTMENT

Application approved Application denied

Reason: _____

Signature: [Signature] Date: 2/9/98

Title: 20 NINE SPECIALIST 03-ZONE

PART III: TRAFFIC AND PARKING DEPARTMENT

Application approved Application denied

Reason: _____

Signature: [Signature] Date: 2/17/98

Title: DEPT TRAFFIC DIR.

PART IV: HISTORICAL COMMISSION

Application approved Application denied

Reason: _____

Signature: [Signature] Date: 2.9.98

Title: EXD CHC

PART V: PUBLIC WORKS DEPARTMENT

Application approved * Application denied

* Reason: removal of declining maple is approved condition

Signature: to the planting of six street trees by the applicant Date: 2/20/98

Title: Long Branch City Arborist Ann Dougherty City Engineer

Spaulding & Slye

Comprehensive Real Estate Services

Colliers International

RECEIVED BY
CITY CLERK

98 MAR 11 PM 4:31
CAMBRIDGE MA.

125 CambridgePark Drive
Cambridge, MA 02140-2314
Tel: (617) 523-8000
Fax: (617) 497-4848

CNI, 11
3-23-98

March 11, 1998

D. Margaret Drury
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

RE: 784 Memorial Drive
Application for Driveway Cuts and Openings

Dear Ms. Drury:

In accordance with the requirements of the Application for Driveway Cuts and Openings, 784 Memorial Drive L.L.C. is in the process of notifying all abutters and obtaining signatures. There have been three mailings to date, as follows:

- February 13, 1998: Notice went out to approximately 31 residents, certified mail.
- March 4, 1998: Notice went out to approximately 12 property owners, certified mail (as identified through the City of Cambridge Assessor's records); of these 12, some were missed in the first mailing, and some are owners who live elsewhere.
- March 9, 1998: Notice went out to approximately 15 property owners, regular mail, who had been sent the first mailing on February 13 and had not yet responded.

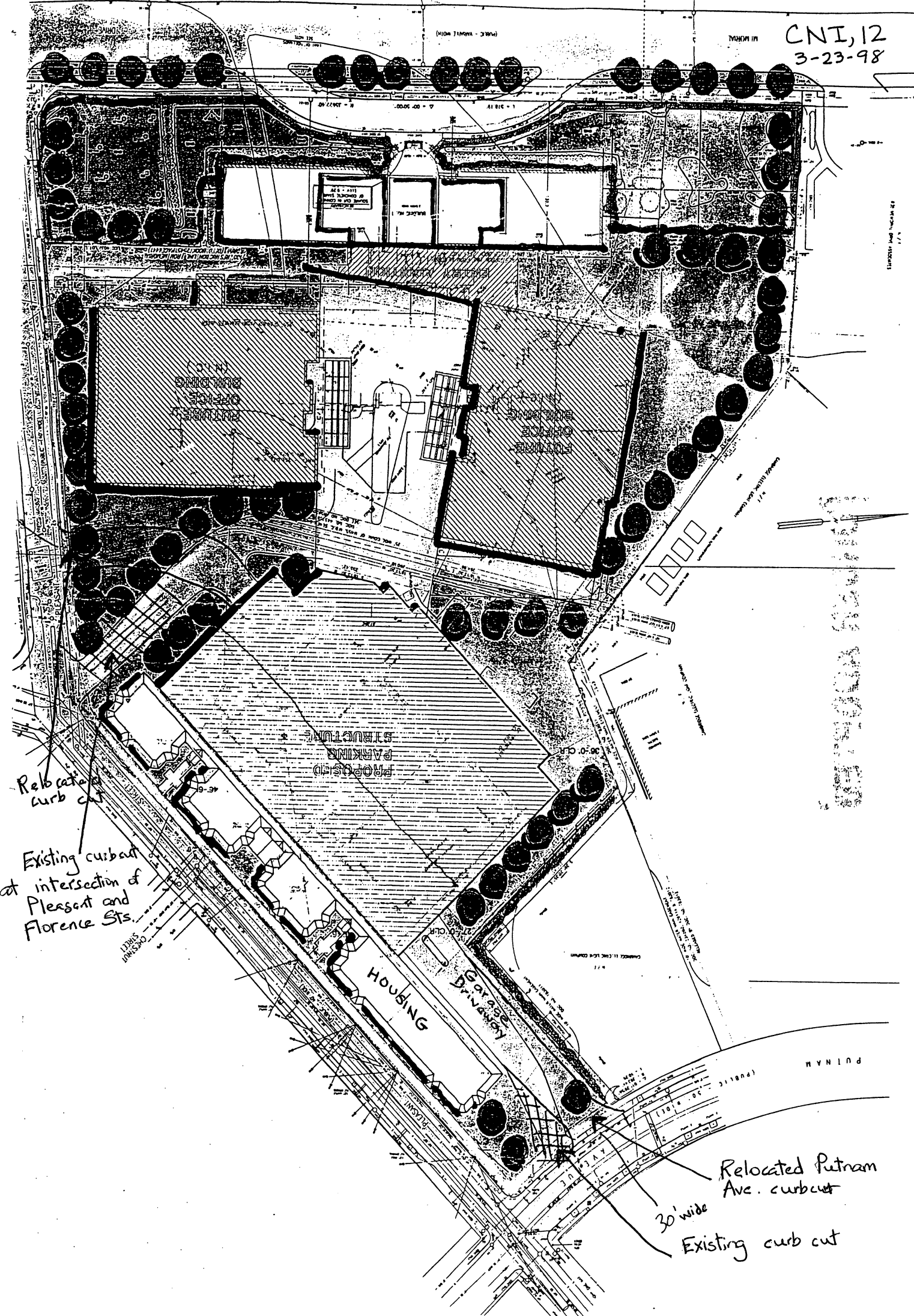
Some of the mailings were returned (eg. attempted - not known, etc.) resulting in a total of approximately 35 successful mailings. To date, eleven (11) responses have been received. These 11 are enclosed for your review and use. We will forward additional responses when they are received. Please feel free to call if there are any questions.

Sincerely,



Hilary Thomas
Spaulding & Slye

CNI, 12
3-23-98



Relocation
curb cut

Existing curb cut
at intersection of
Pleasant and
Florence Sts.

PROPOSED
PARKING
STRUCTURE

HOUSING

Garage
Driveway

Relocated Putnam
Ave. curb cut

30' wide
Existing curb cut

EMERGENCY

P U T N A M

Consent Communication #10

S-186

Communciation was received
from Stash Horowitz, Cambridgeport
Neighborhood Initiative (CNA)
Co-chair, transmitting comments
and concerns about responses to
CityCouncillor's questions
that contain factual errors,
omissions or are incomplete, at
meeting of MArch 16, 1998.

In CityCouncil March 23, 1998

ORDER ADOPTED