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Daphne Abeel
148 Pleasant Street
Cambridge, MA 02139
March 18, 1998

Dear Councillors:

While the interest on behalf of the City Council in the Polaroid/Spaulding & Slye development is appreciated, the questions to the City Solicitor and Commissioner Bersani at Monday night's meeting missed the mark. The Council is not acquainted, it appears, with the extent and limits of its own authority, nor with the state and local regulations regarding the oversight and testing of possible toxic waste sites in cities and towns.

While the Cambridge Inspectional Services has violated several provisions of the the city's ordinances, granting permits before due process and proper procedure were followed (not a peep from the Council), Commissioner Bersani is quite within his rights and the law to disavow any responsibility for the oversight or investigation of possible toxic waste at the Spaulding & Slye site. That is why the the City Council order back in June has essentially fallen between the cracks. It does not clearly connect with any point of authority the city may have over possible toxic waste

sites. The order, in legal terms, was essentially meaningless, because it is not clear that it is actionable on the part of any city department.

MGL Chapter 21E speaks to the the cities' and towns' ability to oversee and investigate polluted sites. Only with the strongest urging from the Cambridgeport Neighborhood Initiative has the Cambridge Department of Public Health agreed to reread the these laws which govern its local authority to determine whether it has a point of authority.

City Solicitor Drisdell (sp?) misspoke when he stated there has been a site audit of the Spaulding & Slye site. The site, in fact, is largely untested and there has never been a full site audit. What Polaroid did do in the early 90's was to conduct an extremely limited and selected soil testing in three different locations. The DEP did sign off on that limited testing. There has never been full testing of the large area that has been capped by macadam for many years. There has been no thorough testing of the area where the 600 car parking garage will break ground.

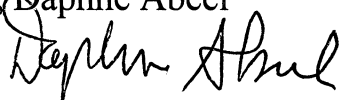
As for the curb cuts, moving them 10 or 15 or 30 feet one way or the another, may satisfy the ordinance definition of safety. Moving them in no way addresses the horrendous traffic problem which faces the neighborhood on Putnam Avenue, Pleasant Street and other surrounding small city streets. If councillors have read the Spaulding & Slye Vanasse traffic study and the CNI traffic study done by Steve Kaiser, they would know that there is the potential for an additional 3,000 car trips per day into and out of the Spaulding & Slye site. Councillor Reeves' comments about Microcenter's generation of traffic are not to the point. In fact, little of the traffic that goes into the Microcenter lot comes through the neighborhood. Microcenter is not a neighborhood store. It draws its customers from Boston and neighboring suburbs who primarily enter and exit from Memorial Drive. Microcenter has also provided vans to transport customers. The impact on the neighborhood of Microcenter, has, in fact, been minimal.

Pending the Cambridge Department of Public Health's reread of its own laws, state environmental review of the project should occur, triggered by state permits necessary to Spaulding & Slye to proceed with construction. They must apply for an 8M permit from the MWRA to bring in heavy construction equipment over an existing sewer line. Part of that sewer line apparently lies under the footprint of the garage. Another state agency, the MDC would be involved in any plan to put up an additional traffic light at the intersection of Memorial Drive and Pleasant Street.

What is discouraging to the neighborhood is that even well meaning inquiries by the Council are not informed. There is no oversight of its own ordinances, and all the questioning of Commissioner Bersani was essentially pointless. He is quite within his rights to disavow any environmental authority. It would have been to the point to question his department's violation of certain city ordinances.

It is Harold Cox and the Department of Public Health which may or may not exercise environmental authority, pending interpretation of MGL 21E. They would never have been moved to inquire into their own authority without intense pressure from CNI.

I am sorry to make this such a long letter, but it seems important to clarify some of the misunderstandings. The bottom line is that a very large project that will generate a large amount of traffic to clog narrow city streets is on track. The parking garage is enormous and just one more blight on a skyline and riverfront that is increasingly blocked by large, commercial buildings. The environmental concerns are real, and not even mentioned is the additional pollution from automobiles that will pass through the neighborhood. There seems to be no city wide vision of what is really going on in the community. As Councillor Davis pointed out, Forest City affects Putnam Avenue as will this project, as will Bread & Circus if it proceeds. Of course, those of us who live there care the most, and we will continue to care. Sincerely, Daphne Abeel



Consent Communciation #12.

S-188

Communciation was received from
Daphne Abeel, transmitting concern
relative to unanswered questions
regarding the extend and limits of
Polaroid/Spaulding & Slye's authority
or the state and local regulations
regarding the oversight and testing of
possible toxic waste sites in cities
and towns.

In City Council March 23, 1998

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