

COLONIAL REALTY COMPANY

OFFICE OF CITY CLERK

JUN 19 11 53 AM '85

CAMBRIDGE, MASS.

167 FULLER STREET - BROOKLINE, MASS. 02146

277-0342 - 277-7265

✓ P.O. Box 172

19-21 ELMER STREET - CAMBRIDGE, MASS. 02138

864-6034

13 June 1985

City Clerk
City Hall - 1st Floor
Cambridge, Mass. 02139.

Dear City Clerk:

This letter and it's two page enclosure of letter of even date sent to Mr. Joseph J. Cellucci, Commissioner, Inspectional Services is sent to you on behalf of the City Council and Mayor of the City of Cambridge.

At some time in the past, we understand the Council took action with regard to the 153-159 Putnam Avenue and 12-24 Elmer Street, premises. As a courtesy, on behalf of the many abutters and neighbors involved in the litigation involving these premises in which the City joined with us as a party, we feel the Council Members and Mayor should be advised.

Hopefully, you will deliver copies of this letter of transmittal and the two page enclosure to them at your earliest convenience.

With thanks for your attention, we remain,

Sincerely,
COLONIAL REALTY COMPANY

Shepard A. Spunt
Shepard A. Spunt

SAS/w
encl. noted.

COLONIAL REALTY COMPANY

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13 June 1985

Mr. Joseph J. Cellucci
Commissioner, Inspectional Services
City Hall - 3rd Floor
Cambridge, Mass. 02139.

Dear Commissioner Cellucci: RE: 153-159 Putnam Avenue
12-24 Elmer Street

We have been in touch with you a number of times, most recently at the end of May, 1985, about subject property, which was bought in at foreclosure by Coolidge Bank and Trust Company on 6 March 1984. On 31 May 1985, the undersigned spoke with workmen he observed working on the premises, and in response to his inquiry they advised they had been engaged and were working for and at the direction of Coolidge Bank and Trust Co. We presume said bank is still the owner and/or in control of the property, unless records at the registry of deeds indicate otherwise.

On or about 7 May 1981, over four years ago, there was a fire of suspicious origin that destroyed a substantial part of the building(s), which in subsequent litigation it was established exceeded 50% of the replacement value of the building(s) so that it could only be replaced by a conforming use, i. e., one allowed in a residential district C.

Approximately December, 1981, the then owner filed a Chapter 11 Petition with the U.S. Bankruptcy Court. Subsequent to the then owner's (Debtor's) filing of the Chapter 11 petition, permission was granted by the Bankruptcy Court for the Middlesex Superior Court action brought by various abutters as well as the City of Cambridge (that later joined into the action), to prevent the then owner from continuing operations at the locus. On or about 15 February 1983, a Consent Final judgement/decreed was entered by the Middlesex Superior Court (Spunt et al v. Winn et al, #76-567), which required a ceasing of all ... operations ... no later than approximately 15 August 1983. You will notice from the docket number, the litigation started in 1976.

The then owner had earlier applied to the Board of Zoning Appeal and was denied permission to extend it's non-conformity. In spite of the denial, the then owner connected the subject premises to property of Winn Trust at what appears to be 149-151 Putnam Avenue, in defiance of the City BZA and your Department. Further, inside the burned out buildings they constructed a cement block structure without a permit and in defiance of the City.

At this time we are advised and aver that cement block structure is full of equipment connected with the former laundry (or present laundry), business in defiance of the zoning laws and Consent Judgement of the Middlesex Superior Court. Lights have been seen from our office, which is directly across the street, in the internal structure some evenings from time to time.

CONTINUED

13 June 1985

PAGE 2.

The property continues to deteriorate. The wires to the smokestack are in some cases loose and the smokestack is rested badly with holes. It may be in danger of falling.

Since last fall (1984), the rear doors to the burned out buildings facing on Elmer Street, have been open and children have been coming and going to and from the building at will, until 31 May 1985 when after talking with you the workmen who claim to have been sent by Coolidge bank at least secured two of the doors after apparently doing some work inside. Children can get into the 12-16 Elmer Street, section. The roof has caved in, and we regularly see children playing on the roof, which is clearly to the eye structurally unsound and dangerous and an attractive nuisance. A great accumulation of rubbish and old machinery are plainly visible in the premises. Cement block mortar is crumbling, and premises are open to the weather.

In addition to what appears to be the continuation of illegal use, these premises constitute in our respectful opinion a menace to the neighborhood and a serious threat and hazard to inquisitive children. These premises are only a block from the King School and across the street (Putnam Avenue), from a housing project. In addition to abutters, the City of Cambridge was a party to the Middlesex Superior Court litigation and resulting Court orders.

We respectfully request you take immediate action in accord with M.G.L. Chapter 143, and cause these dangerous and menacing structures to be removed. They cannot be rehabilitated or used for commercial-industrial use.

We respectfully call upon you to cause the demolition and removal of the illegally constructed sub-structures and joining of same to the property at 149-151 Putnam Avenue.

We appreciate the recent appearance, on 3 June 1985, of your Inspector in response to our most recent oral complaints to you. If the bank or its successor will not remove the offending and illegal structures, it appears you have authority to have the City do it, and enforce the City's lien against the property owner(s), in accord with M.G.L. Chapter 143.

We feel we have been more than patient, and a continuation of these conditions are a violation of our Massachusetts and Federal civil rights. This sort of situation certainly would not have been tolerated this long in most other parts of the City. We certainly want to co-operate with you in every way and do not want to place ourselves in an adversarial position with the City or its officials. As one of the designated parties in the Court order, I am writing you on behalf of all of the abutters, and parties to the litigation. Your job is certainly not an easy one, but if people are allowed to act in open defiance of the City ordinances and regulations and orders of the Court, only anarchy and destruction of this community can result.

As a courtesy, because the City was involved as a party in the litigation, we are sending a copy of this letter to the City Solicitor, and as the City Council, we are advised, issued one or more orders in connection with this property some years ago while the litigation was pending, we are sending them a notice by way of the City Clerk.

We thank you for your considerable time and consideration in this most difficult matter.

Sincerely,
COLONIAL REALTY COMPANY
Shepard A. Spunt
Shepard A. Spunt

SAS/w

13.

S-502

Comm. from Shepard A. Spunt, of the Colonial
Realty Company regarding the deterioration
of the property at the premises numbered 153-159
Putnam Avenue and 12-24 Elmer Street.

In City Council,

June 24, 1985

6/24/85

Communication Placed
on File.

