



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

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.
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.

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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Office of the City Solicitor
City Hall

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Cambridge, Massachusetts 02139

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Russell B. Higley
City Solicitor

Donald A. Drisdell
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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?

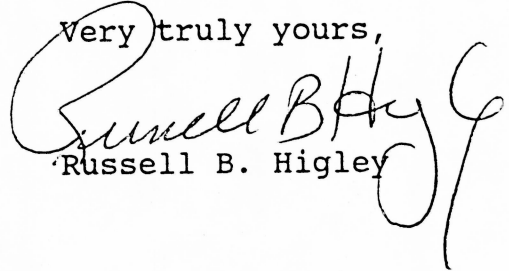
5. Section 17.08.040(3)(A) states that "Departments are encouraged to consult with staff of the Cambridge Environmental Program", but it is not clear who these staff people will be. Section 2.114.020 does not authorize the Environmental Program Director to hire staff. See also §17.08.050.

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.

Very truly yours,



Russell B. Higley

RBH/jab

cc: Donald A. Drisdell

CORR#3\CEPrgrm.ltr



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- 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.
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?
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Title 17,
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Your kind attention in this matter will be greatly appreciated.

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An Ordinance
to Promote Effective City Participation in
Environmental Impact Reviews

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 17.24, "Environmental impact response," shall be created as follows.

Chapter 17.24

Sections:

- 17.24.010 Purpose
- 17.24.020 Environmental impact response coordinator -
Designation - Powers and duties
- 17.24.030 Environmental impact response committee
- 17.24.040 Committee membership
- 17.24.050 Powers and duties of the committee
- 17.24.060 Effect on other actions

17.24.010 Purpose

This Chapter deals with the need for the City to participate effectively in state Environmental Impact Reviews and federal Environmental Impact Statements, collectively referred to as Environmental Impact Reviews (EIR's). The City takes part in EIR's

to learn about the potential impacts of impending projects, and to influence the decisions of state or federal regulators with regard to those projects.

This Chapter establishes a standard operating procedure for EIR participation in order to amplify the voice of the City of Cambridge within the EIR process.

17,24.020 Environmental impact response coordinator -
Designation - Powers and Duties.

1. The internal environmental consulting service described in Chapter 17.16 of the Code, and under the jurisdiction of the Cambridge Environmental Program, is hereby designated as the environmental impact response coordinator.

2. Duties of the coordinator would include the following;

A. monitoring the activities of the state and federal governments, and private parties including major developers, which may have an environmental impact on Cambridge in order to identify potential subjects for EIR's at the earliest possible state;

B. Monitor submissions to the Massachusetts Department of Environmental Protection of Environmental Notification Forms for any projects which may have an environmental impact on Cambridge;

C. Maintain communication with advocacy groups, legal representatives, and others who routinely participate in EIR's;

- D. Distribute to interested departments, boards, and agencies, a regular summary of EIR related activity effecting Cambridge.
- E. Represent the City of Cambridge at EIR related public hearings and informational sessions;
- F. Gather information on projects which may have an environmental impact on Cambridge;
- G. Maintain the records and coordinate the functions of the environmental impact response committee;
- H. Undertake various activities at the direction of the environmental impact response committee, such as drafting of EIR comments, briefing of City officials, etc.

17.24.030 Environmental impact response committee

1. The Environmental impact response committee (henceforth the committee) shall have the responsibility for City participation in EIR's.

2. The committee shall not act or release findings without the prior approval of the City Manager. The committee shall act at the discretion of the City Manager.

17.24.050 Committee membership

1. The committee shall consist of a single representative from each of the following agencies:

- A. Community Development
- B. Health and Hospitals
- C. Law

D. Public Works

E. Conservation Commission

2. Committee members shall be appointed by the heads of each of the aforementioned departments. In the case of the Conservation Commission, the committee member shall be the staff director.

3. The Environmental Program Director shall serve as chairperson of the committee, and shall represent the City Manager. The Environmental Program Director may appoint the Coordinator to serve as chairperson in his/her place.

4. The committee may at its own discretion invite other individuals to participate in its affairs, subject to the approval of the City Manager.

5. The committee shall meet regularly at its own discretion.

17.24.050 Powers and duties of the committee

With regard to any particular EIR, the powers and duties of the committee shall include, but not be limited to, the following:

1. Review developments on any particular EIR as presented by the coordinator;

2. make a determination as to whether the public interest warrants City participation in the EIR process;

3. develop a draft unified City position, or in the alternative, a set of options, and present findings to the City Manager;

4. Contingent on approval of the unified position by the City Manager after appropriate consultation with the City Council,

develop and implement a lobbying strategy for seeing the unified position to its conclusion.

17.24.050 Committee procedure

1, The committee shall operating by procedures of its own choosing, subject to the provisions of this Section.

2. The committee shall make every effort to issue findings only on the basis of consensual agreement. Where such agreement is not possible, the committee shall appraise the City Manager of his options, and of the varying positions within the Committee.

17.24.060 Effect on other actions

1. Nothing in this Chapter shall preclude or prejudice any action by any branch or agency of City government at any time to protect the environment or conserve natural resources.

2, Nothing in this Chapter shall legally preclude individuals, and individual departments from participating in EIR's outside the bounds of this Chapter.

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054

ENVIRONMENTAL IMPACT REVIEWS.

12/9/91 Placed on file
Without prejudice