

To: The Honorable Cambridge City Council

From: The residents of Cottage Park Avenue

Date: November 30, 2000

Subject: Illegal commercial traffic on Cottage Park Avenue

We, the undersigned residents of Cottage Park Avenue and concerned citizens, hereby request the assistance of the Cambridge City Council for relief of the illegal commercial traffic which continues to violate court order number 83-5524 dated November 10, 1989. This order clearly states "That the defendant, City of Cambridge, may impose such restrictions as will prevent the usage of Cottage Park Avenue for traffic by trucks (which term shall include vans registered by the Registry of Motor Vehicles as commercial vehicles) to and from the plaintiff's property, provided that any such restrictions shall not prevent or restrict the use of Cottage Park Avenue for access by pedestrians, automobiles, and non-commercial vans to and from the plaintiff's property."

Although the problem with Fawcett Oil dates back 28 years to 1972, the residents have collected recent evidence of continued violations and have presented said evidence to Vice Mayor Maher. We ask for the council's support in enforcing the law, and hope that the solution will bring this matter to a final resolution.

William Foy

Virginia D. Foy

John D. Holton

Robert J. Cyr

Deborah A. Cyr

Jan M. Cyr

Julia Bishop

Jonathan Millman

Charles Blosser

June Chambers

Quinn G. Goldstein

Mark Wagner

Anna Flanagan

Molly Kelly

John G. G.

Indira Samir

November 14, 2000

Honorable City Councilors
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02138

Dear Honorable Councilors:

My name is Julia Bishop and I own and reside at 9 Cottage Park Avenue. In a letter dated September 12, 2000 Attorney Richard Clarey brought to the attention of Mr. Robert Fawcett that residents of Cottage Park Avenue believed that a court order prohibiting commercial vehicles access to Fawcett Oil Company through Cottage Park Avenue was being disregarded. Residents of Cottage Park Avenue have witnessed an increased use of our street by UPS, Federal Express and U.S. Mail trucks going to and from Fawcett by way of Cottage Park Avenue, not just the Fawcett Oil trucks. My understanding of this order is that it applies to any vehicle with commercial plates. It is clearly posted at both ends of our street, coming onto Cottage Park Avenue from Mass. Ave. and leaving Fawcett Oil Company, that commercial vehicles are prohibited. I share the concerns of my neighbors regarding the sudden increased use of Cottage Park Avenue by a variety of commercial vehicles.

Along with the above concern I have two other concerns regarding Cottage Park Avenue. The first is whether or not Cottage Park Avenue is a Dead End Street, as the signs at the beginning of our street signify. When my husband and I purchased 9 Cottage Park Avenue five years ago, it was our belief that we were living on a Dead End street. At that time, it also felt like a Dead End street in terms of the amount of traffic that actually went through to Fawcett's property during the day and night. The gate at the entrance to Fawcett Oil, which they control, was always locked at night (by 6pm) and on the weekends. The concern I have is how the use of the gate affects the traffic on what appears to be a Dead End street.

My second concern, which is connected to the use of the gate at the end of Cottage Park Avenue, is the increased traffic due to two new businesses on the Fawcett property. Five years ago when we moved onto the street I believe there was a business in a building that did not generate the traffic we are now seeing on the street. Also, as I mentioned above the gates were always locked in the evenings and on weekends. About three years ago the Deborah Mason Dance Studio moved into the building on Fawcett property. At that point the traffic volume on the street was not increased greatly because the gates were locked at the time this business operated—weeknights and weekend days. Most of the traffic was entering the Fawcett property from Tyler Court.

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This past Fall YogaDuzit, yoga instruction with Laura Fawcett, moved into the building with the dance studio. Since that time the gates at the end of Cottage Park Avenue are left open in the evenings and on the weekends. Only recently have the gates been locked on Friday evening and reopened on Saturday morning. I know that both the dance studio and the yoga studio advertise their address as 32 Cottage Park Avenue. I don't really understand why they are considered a Cottage Park Avenue address because the building is on Fawcett property not Cottage Park Ave. The telephone book lists a Fawcett Insulation at Tyler Court, Cambridge—there is no street listing for Fawcett Oil

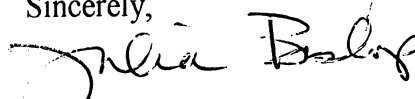
The response from Mr. Robert Fawcett in a letter dated September 14, 2000 to Attorney Clarey's letter states that he was unaware of "misuse" of Cottage Park Avenue regarding commercial traffic and that "... we have always conducted our business and our relationships with all of our neighbors in a considerate and proper fashion." I would like to suggest that Mr. Fawcett is aware that there is increased traffic volume on our street both commercial and automobile because of the change in the practice of unlocking the gate and that this has impacted the neighborhood in a less than considerate way.

I feel that Cottage Park Avenue is being asked to absorb an unreasonable amount of traffic to and from Fawcett property. On any evening there are close to 20 cars that are coming from and going to these businesses. The land that is now Tyler court was taken by the City of Cambridge by eminent domain to connect into Fawcett's property to relieve the traffic from Cottage Park Ave. It seems reasonable that Tyler Court could be used for the traffic created by two new business on the property as well, however, if the gate is left unlocked it invites more traffic through Cottage Park Avenue. Cottage Park Avenue has a factory, the E.H. Emerson Company, that is actually located on the street and we already absorb business, commercial and employee traffic.

I understand that we have a court order prohibiting commercial traffic accessing Fawcett Oil by way of Cottage Park Avenue and believe this should be enforced. I am also suggesting, at this time, that there needs to be some discussion about how the type of businesses that share Fawcett property impact on Cottage Park Avenue. It seems to me the issues are, is Cottage Park Avenue a Dead End street, can the business that share the Fawcett property make decisions changing the use of the gate which affects traffic volume on the street, and why do these business share a Cottage Park Avenue address.

I would appreciate some clarity on these issues and some support for the neighborhood regarding increased traffic concerns.

Sincerely,



Julia Bishop
9 Cottage Park Avenue
(617)576-0643

19,

COTTAGE PK AVE



TUESDAY
9, 19, 00



FRIDAY
9, 22, 00



THURDAY
10, 12, 00



WEDNESDAY
10, 18, 00

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Consent Communication #19

A petition was received signed by the residents of Cottage Park Avenue, transmitting concern of illegal commercial traffic on Cottage Park Avenue.

In City Council December 4, 2000

PLACED ON FILE

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CLERK
SACONSETTIS