



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB #114
Address: 2485 Massachusetts Avenue
Zoning District: Business A-2/Massachusetts Avenue Overlay District
Owner: Russell N. Holbrook
Applicant: Valvoline Instant Oil Change (Henley Enterprises, Inc.)
Application Date: February 27, 1996
Public Hearing: March 19, 1996

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MAY 14 1996

Petition: Waiver of certain provisions of the Massachusetts Avenue Overlay District, Section 11.105 to 11.107, relating to landscaping, facades and ground floor retail use as authorized in Section 11.108; a Special Permit to alter the site plan of an Automobile Service Station where no major repairs are made, Section 4.36g; a variance for such use in a Residence B district; a special permit to permit as permitted in Section 6.43.5 for a curb cut greater than 30 feet; and a variance from the provisions of Section 7.16.22, for signs greater in area than allowed, more signs than allowed and for internal illumination not otherwise permitted.

Planning Board Decision: May 14, 1996

Filing Decision: 6/14/ 1996

Decision: DENIED

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after the filing of the above referenced decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the office of the Community Development and the City Clerk.

Lester Barber
Authorized Representative to the Planning Board

Date 6/14/96

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Filing Decision: *June 14,* 1996

Application

1. Application certified as complete by Elizabeth J. Malenfant, February 27, 1996.
2. Application placed on file at the City Clerk's Office February 29, 1996.
3. Photographs, undated, illustrating the existing site, the abutting sites, other Valvoline Oil Change facilities, and proposed signage.
4. Site plan, dated 2/15/96, 1 inch = 10 feet, Victor Cromie, architect.
5. Untitled plan, dated 2/8/96, same scale.
6. Area map, dated 2/15/96, same scale.

7. Basement plan, elevations, first floor plan, dated 2/15/96, scale 1/8 inch = 1 foot.
8. Stacking plan, dated 2/15/96, 1 inch = 10 feet.
9. Revised site plan reflecting a 20 foot rear lot line buffewr and other site alterations.

Other Documents

Memo to the Planning Board from CDD staff, dated March 19, 1996, re: criteria for Review of Massachusetts Avenue Overlay Special Permit cases.

Memo to the Planning Board from CDD staff, dated April 10, 1996, re: North Massachusetts Overlay District

Memo to the Planning Board from CDD staff, dated May 3, 1996, re: North Massachusetts Avenue Overlay District Requests for Special Permits.

Letter to the Planning Board from Lauren M. Preston, Deputy Traffic Director, dated February 28, 1996, reviewing the proposal.

Letter to the Planning Board from Mayor Sheila Doyle Russell, dated April 16, 1996, supporting the proposal.

Letter to the Planning Board from Councilor Francis H. Duehay, dated April 19, 1996, opposing the proposal.

Letter to the Planning Board from Councilor Michael A. Sullivan, dated April 30, 1996, supporting the proposal.

Letter to the Planning Board from Leon A. Brathwaite, 61 Washburn Avenue, undated, supporting the proposal.

Letter to the Planning Board from John Oley, 20 Washburn Avenue, undated, supporting the proposal.

Letter to the Planning Board from Jerry Howard, editor of the North Cambridge News, dated May 13, 1996, correcting an error.

Letter to the Planning Board from Gary LeFave, Principal, Matignon High School, dated April 24, 1996, supporting the proposal.

Petition to the Planning Board from Matignon High School, dated April 26, 1996, supporting the proposal.

Letter to the Planning Board from Reverend Arthur F. Wright, Pastor, Immaculate Conception Parish, dated May 4, 1996, supporting the proposal.

Letter to the Planning Board from Donald R. Smith, President of Henley Enterprises, Inc., dated April 24, 1996, responding to the Board's request for reasons to support the petition.

Letter to Lester Barber from Donald R. Smith, President of Henley Enterprises, Inc., dated May 10, 1996, comparing the Valvoline request to the other applicants.

Public Hearing

Mr. Donald Smith, president of Henley Enterprises, presented the proposal to the Planning Board. The company owns and operates 10 stores, eight in the Boston area and two in Providence. Four stores are within three miles of this site: in Sommerville, Arlington Center, Watertown and in Waltham. In general a service area of 1.5 to 2 miles is anticipated. Customers would drive onto the lot and enter the building at the rear and exit from the front; they would remain in the car at all times. The facility will have three bays and there will be a full basement. Between 60 and 70 cars a day are anticipated on average; on Saturday in Arlington, 100 cars a day is typical. It is anticipated that this site would relieve some of the pressure on those other close-by facilities.

There has been a building on the site since 1927 and a gas station operation since at least 1941. There are now two service bays in the front and one in the rear. The curb cut is almost continuous on the two abutting streets. Originally the plan had been to have access off of Washburn Avenue, but at the request of the neighbors, the proposal has shifted to access only off of Massachusetts Avenue. There is a parking lot to the rear of the property, in the residential zone, that is used for residential parking. There will be a 10 foot buffer strip on this site, in the 20 foot portion of the lot that is located in the Residence B District. A variance is being sought to use the remaining 10 feet for circulation and parking for the new facility.

Responding to questions from members of the Board, Mr Smith indicated that the parking space now located within the front yard setback will be moved to the rear. He indicated that there is not much need for the customer parking spaces as customers do not generally leave their cars while being serviced. At peak hours, from 10:00 to 2:00 on Saturdays, as many as 10 cars might be on-site waiting to enter the building.

Mr. Smith was asked if the building is to be totally demolished: it will be taken down and there is an agreement with Royal Dutch Shell that the site will be cleaned up. As the new building will have a full basement, most of the existing contamination will be removed. Lincoln Environmental from Rhode Island do the work for Shell. Initial investigation of the site has been done, with 10 to 15 well sites. There have been no surprises. The tanks are 10 years old or less and fiberglass.

No appointments are taken for service but there are pre-preparation people on site to smooth

entry into the facility. Members expressed a concern that waiting cars might spill onto Massachusetts Avenue. Mr. Smith felt that their experiences elsewhere, as in Newton, with an equivalently sized site, suggests that there will be no problem.

There would be two curb cuts of 30 feet and 25 feet in a total frontage of 100 feet on Massachusetts Avenue and 120 feet on Washburn Avenue. It would be possible for a customer to exit the site if he chose not to get service. As the building is set back 18 feet from the sidewalk, a car can completely exit the building and have a full view of the sidewalk while still completely on the lot.

While earlier in discussions with neighbors there had been a proposal to burn the retrieved oil on site, that has been eliminated at the request of the neighbors.

The operating hours are to be as late as 8:00 P.M. on some weekdays, 8:00 - 5:00 on Saturdays, with no operation on Sundays.

In response to a question from the Board, Mr. Smith indicated that the curb cuts might be reduced somewhat, to perhaps 26/27 feet; only one car at a time leaves the building.

The bay doors are 10 feet high, made of glass with metal framing, and can accommodate large trucks.

There is a tank room in the basement for oil products, new and residual. A dry chemical system is used for fire suppression. Oil is delivered in home heating oil trucks. Waste oil is collected and held in holding tanks; it is removed by vacuum by Clean Harbors.

The landscaping can be quite substantially upgraded and typically it is left to the municipality to indicate that which is sufficient or acceptable.

The site had been designed with a request for a variance from the freestanding sign regulations but it would be possible to live with a conforming sign.

One Board member expressed a concern for the wide driveway facing Massachusetts Avenue. Mr. Smith indicated that it would be possible to narrow the drive somewhat with a planting strip.

Mr. Smith responded to a number of questions from the public in attendance. He indicated that there will be almost 50% glass area on the front facade with none on the Washburn Avenue side. Customers will not be allowed to drop off cars for service. The station is owned and operated by Henley enterprises as is the case for all their facilities.

It is expected that on average there will 103 vehicle visits to the site in a day, including employees as compared to 175 vehicle visits per pump pre day for the gas station (according to SHA Transportation Engineers standards). 10-12 cars per hour in busy hours can be expected.

In response to a concern from neighbors that a parking and traffic study for this site should be conducted, Mr. Smith suggested that this is an infill site that will draw from a limited radius and that the character of the traffic is known from other locations now in operation.

There will be from 8-10 employees at the site with a minimum of three at any one time. Eight to ten might be present on Saturdays.

There was some discussion of the character of the building design. Mr. Smith indicated that a pitched roof structure would be fine but the style would be whatever the Board thought most appropriate.

Comments were made in support of the proposal. In sum those positive comments indicated that there was pleasure with the changes that would be made to the site, the hours of operation, the access proposed to the site, and the addressing of the concern with regard to the issue of smoke from on-site burning of waste oil. There was an expressed pleasure at the cooperation the applicant extended to abutters and the community and a feeling that the proposal represented a significant improvement over the existing use and development of the site.

Other comments were made in opposition to the requested permits. The applicant has been responsive to neighborhood concerns and the proposal is a significant improvement over current conditions, but those are not justifications for issuing the permit. It would be a bad precedent to issue the permit as the proposal does not meet the standards required for the issuance of a special permit or for a variance. The intent of the ordinance is to get rid of, not preserve or improve, such uses. It would be a bad precedent into the next century if the permit were issued. Alternate, conforming redevelopment has occurred along the Avenue. If this is not approved, the community may get other development as the community is seeing on other sites where housing is being constructed.

The Board briefly discussed the task ahead of them: how much improvement is sufficient; should the uses excluded be excluded totally from Massachusetts Avenue; what is the likelihood of alternate uses; how much other car oriented activity occurs along the Avenue; what is the intent of the regulations? It was suggested that before substantial discussion occurs for this site, the two other similar proposals should be heard and the more general policy questions debated with all three projects in mind.

At subsequent meetings the Board reviewed this proposal and analyzed its conformance with the intent of the Overlay District. Some modifications in the site plan were made by the applicant during that process to bring the project more nearly into conformance, or to address concerns of the Board or the community. All requests for variances were eliminated with appropriate modifications to the site plan.

Findings

1. Section 11.100 of the Zoning Ordinance of the City of Cambridge, the Massachusetts Avenue Overlay District, was adopted as an amendment to the Zoning Ordinance by the Cambridge City Council on October 6, 1986. The specific provisions of the Massachusetts Avenue Overlay District were developed after extensive study and analysis of the circumstances prevailing along Massachusetts Avenue by the planning staff of the City of Cambridge and land use consultants hired by the City, and in cooperation with an appointed study committee of Cambridge citizens, property and business owners. In setting forth the purposes of the Overlay District in Section 11.102 in 1986, the drafters of the text of Section 11.100 (and the City Council in adopting it) were familiar with the existing development character along Massachusetts Avenue. The presence of automobile service stations, among other auto oriented retail activity, was well-established along much of Massachusetts Avenue at the time of adoption of Section 11.100. The automobile service station at 2485 Massachusetts Avenue was established and in operation, in 1986, in much the same fashion as it exists today.

2. The purposes of the Massachusetts Avenue Overlay District are set forth in Section 11.102. They are:

- * to create a more harmonious and consistent image for development along the Avenue and adjacent areas,
- * to encourage good building design and site development which enhances the pedestrian amenities along the Avenue,
- * to ensure that changes along the Avenue are compatible with the scale and character of abutting neighborhoods,
- * to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods, and
- * to discourage new development inappropriate in both scale and design.

3. To advance those purposes, the Massachusetts Avenue Overlay District establishes a set of requirements for future development within its area of applicability that are not required of development within the Business A-2 district itself or generally elsewhere in other zoning districts in the City. Among those requirements imposed are the following: that the area between the principal front wall plane of a building and any public street or park be devoted to green area with limited exceptions for vehicular access drives (Section 11.105); that the ground floor of that portion of a building facing a public street or park be devoted to a limited number of specifically enumerated uses, which enumeration explicitly excludes the use Automobile Service Station, Section 4.36 g of the Zoning Ordinance (Section 11.106); and that building facades facing public streets and parks be designed so as to contain an area of transparent glass and a disposition of building entrances as outlined in the Ordinance (Section 11.107).

4. To further elaborate on the purposes of Section 11.100 and provide a visual context for the development patterns the requirements of Section 11.100 are intended to foster, the *North Massachusetts Avenue Urban Design Guidelines Handbook* is specifically referenced in Section 11.100. The handbook is intended to help property owners understand the objectives of the City in adopting the Massachusetts Avenue Overlay District and to guide the Planning Board in its deliberations when it is asked to permit a divergence from the requirements of Section 11.100, as is permitted in Section 11.108 of the Overlay District.

5. In reviewing the provisions of Section 11.100 and the *North Massachusetts Avenue Urban Design Guidelines Handbook* the Planning Board finds that new development along the Avenue should generally have the following characteristics:

- * New buildings should be located near the public sidewalk with any intervening space devoted to a landscaped planting area or an attractively paved area allowing pedestrians to approach the building with ease.

- * The ground floor of those new buildings, with the exception of multifamily dwellings and townhouses, should contain retail stores and offices, ideally providing services of use to the abutting neighborhoods, that are fully visible to passing pedestrians and that encourage pedestrian activity along Massachusetts Avenue with the location of store entries with that orientation.

- * Any necessary vehicular storage or service should be located behind the building and should be visually screened to the extent possible from the view of pedestrians and automobiles on Massachusetts Avenue. The number and extent of driveways crossing the sidewalk should be kept to a minimum.

- * Necessary services that are by their nature automobile oriented, to the extent that they are permitted in the Business A-2 district, should be accommodated in larger developments where their visual impact can be screened by other conforming elements of the development; or the use should be accommodated elsewhere in the city.

6. Automobile Service Station uses, Section 4.36 g, are by their nature, inconsistent in their development form and operation, with the purposes of the Massachusetts Avenue Overlay District and the specific requirements of the District as set forth in Sections 11.105 and 11.106, and with the intent if not the precise requirements of 11.107. The existing site development pattern at 2485 Massachusetts Avenue violates in spirit and detail major provisions of Section 11.100.

7. The Board recognizes that the existing Automobile Service Station use at 2485 Massachusetts Avenue, and the proposed replacement that is the subject of this special permit petition, are uses that provide a valuable and necessary service to the North Cambridge community and the Cambridge community more generally. However, the Massachusetts Avenue Overlay District

has established a very high standard of design if such uses are to be newly established or significantly modified along north Massachusetts Avenue. If those services cannot meet that high standard, they can be accommodated elsewhere in the city, and as they are specifically services needed only by those having an automobile, they are available to all who need them at other locations in Cambridge.

8. Nevertheless, the Massachusetts Avenue Overlay District recognizes that such high standards of development, rigidly enforced in all circumstances, may result in site development contrary to the intent of Section 11.100. Therefore, Section 11.108 authorizes the Planning Board to grant a special permit to allow divergence from the requirements of Sections 11.105 - 11.107 upon a finding that the alternate development scheme will better serve the objectives of Section 11.100 than would strict adherence to those requirements. In granting a special permit the Planning Board is also charged with carefully monitoring the quality of the development scheme authorized. The more general standards for issuance of a special permit, as set forth in Section 10.43, must also to be satisfied.

9. The application before the Planning Board is for a special permit to waive certain of the requirements of the Massachusetts Avenue Overlay District, as authorized in Section 11.108, because the site development proposed cannot meet the requirements of Section 11.105 - Restrictions in Required Setbacks and 11.106 - Use Restrictions: the building is totally devoted to a use that is not permitted on the ground floor of a building facing Massachusetts Avenue; the area between the building and Massachusetts Avenue contains a significant amount of space devoted to the circulation of automobiles into and out of the building and site and further contains almost 58 feet of curb cut in a running length of 100 feet, much more than the 30 feet allowed. Furthermore, the spirit of Section 11.107 - Design Standards is not met with glass garage doors that provide a view of auto uses not permitted in such a prominent location within a building unless a special permit waiver is granted; no pedestrian entrance is provided. Specifically:

11.105. Restrictions in Required Setbacks. The area between principal wall plane and public street shall be devoted to Green Area or other elements exclusively for pedestrian use; exception: access drive to parking elsewhere on the site may cross this area @ maximum of 30' per 100' of frontage.

The Valvoline proposal does not meet this requirement in that, in its 100' of frontage, it has a 32' curb cut for vehicles exiting the facility, which results in a paved area all along the building facade facing Mass Ave; in that same frontage, it has a 25' 8" curb cut for access to parking, bring the total curb cut length to 57'8" in the 100 foot Massachusetts Avenue frontage of the lot.

11.106. Use Restrictions. First floor of the building for a depth of at least 20 feet shall consist of residential, office, institutional, or non open-air and non drive-in retail uses (as specified in Section 4.35).

The Valvoline proposal does not meet this requirement in that it is a drive-in service use (Section 4.36).

11.107. Design Standards

a. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue.

The Valvoline proposal does not meet this requirement in that the principal entrance is for automobiles entering the building at the rear, and exiting onto Massachusetts Avenue. This building type does not, by nature of its use, have a principal entrance for pedestrians.

b. Separately leased space shall have individual entrance.

This provision is not applicable.

c. Facades facing a public street shall consist of 50% clear glass on the ground floor where retail use is established.

The large service bays can be made of glass, thus meeting the physical requirements, but they would not meet the intent of the Ordinance, which is to create an inviting visual connection between activity inside the building and the sidewalk. It is likely that in mild weather, the doors would remain open, further highlighting the automobile nature of the interior operation.

As these requirements of the Overlay District are not met the Planning Board is charged with reviewing whether the development as proposed will better serve the objectives of this Section 11.100 than if the standards were followed, if the Special Permit authorized in Section 11.108 is to be granted. Those objectives are most clearly set forth in Section 11.102 - Purpose of the Massachusetts Avenue Overlay District.

a. To create a more harmonious and consistent image for development along the Avenue.

The Valvoline proposal would provide a new facility better landscaped than the old facility. The proposal would not, however, decrease the number of auto-oriented businesses that exist along the Avenue and would continue to reinforce the pattern of buildings and site development organized around the needs of the automobile rather than a relationship to the pedestrian and the public sidewalk.

b. To encourage good building design.

The Valvoline building design can be made to meet a reasonable, but high, standard for

auto service facilities that would significantly upgrade the appearance of this site; the building type, however, has limitations inherent in structures meant to serve the automobile and suffers in its ability to contribute to the basic purposes of Section 11.100, particularly the pedestrian environment along the public street.

c. To enhance pedestrian amenities.

The sidewalk on Washburn Avenue would be significantly improved with the elimination of all curb cuts and the installation of on-site landscaping and street trees. The Massachusetts Avenue frontage would have reduced curb cuts and include some landscaping, but not as much as envisioned in the Ordinance for a building set back as far from the sidewalk as is proposed. On Massachusetts Avenue, however, the pedestrian would still be faced with a building and site development clearly oriented to facilitate the flow of automobiles that on busy days would be frequently crossing the sidewalk to enter the site and exit the building.

d. To ensure that development on the Avenue is compatible with the abutting residential neighborhoods.

The broad question is whether this use is inherently incompatible. The use is designed to have cars drive in for minor auto maintenance service. Automobiles would be expected to be waiting in line on the lot, up to 10 to 15 in number at peak times according to the applicant. The narrowness of the depth of the Business A-2 zoning district (only 100 feet) limits the ability of any retail activity on this site to buffer its activities from residential uses directly adjoining in the abutting residential zoning district. However, in this particular circumstance, the lot directly abuts a residential parking lot to the rear, and a 20 foot landscaped buffer has been proposed along the rear property line of the lot. Further, the proponent indicated a willingness to limit the hours of operation into the evenings and on Sundays such that the enterprise would be in operation fewer hours than alternate retail uses might be. The elimination of all access from the Washburn Avenue portion of the lot would facilitate resident use of that street.

Nevertheless, the operation would involve many cars moving or idling on the lot at the same time, much maneuvering into the three bays and out of them, and the normal noise attendant to maintenance of vehicles.

e. To encourage the retention of historic buildings.

The existing structure on the site is not an historic building, nor are historic buildings adjacent to the site.

f. To discourage new development having an inappropriate scale and inappropriate design.

The scale of the structure proposed by Valvoline is much smaller than would be allowed within the dimensional limits of the Business A-2 zoning district, which means less potential shading of neighbors. However, the design as a result has a suburban relationship to the Avenue, rather than the "Main Street" image envisioned in the North Massachusetts Avenue design guidelines. Further, the zoning and the design guidelines anticipate that more dense development might occur on this site and others like it along the Avenue, both to advance urban design objectives for a more urban character to the street and to facilitate the conversion of existing auto-oriented developments to other uses.

10. While the proposed redevelopment of this site at 2485 Massachusetts Avenue would likely make significant aesthetic, visual and operational improvements over the current use and organization of the site, the Board finds that on balance the fundamental objectives and purposes of the Overlay District are not being met sufficiently to justify the waiving of the requirements of the Overlay District as requested. The Planning Board finds that such a use should meet a very high standard of design and site arrangement before waivers or modifications of the requirements should be considered. Such waivers may in fact not be desirable at all where the site is to be used exclusively for such use.

In assessing the wisdom of granting waivers from the requirements of Section 11.100, it may be appropriate to consider, in part, whether any new development along the Avenue can be reasonably expected to meet the standards set forth in the Overlay District. In this regard there is some development experience to be observed along the Avenue since the adoption of the Overlay District. Three sites have been redeveloped since the adoption of the Overlay District, and in conformance with its requirements: at 2475 Massachusetts Avenue for a restaurant, at 2490 Massachusetts Avenue for a multi-story office building, and at 2280 Massachusetts Avenue for residential townhouses. A townhouse and retail development has been approved for 2107 Massachusetts Avenue, with construction expected to be initiated soon, and a proposal is being advanced for the construction of a two story retail building within the Porter Square Shopping Center at Massachusetts Avenue and White Street. The Board finds that there is a reasonable expectation that over time the site subject of this petition, and other sites along the Avenue, will be subject to redevelopment in conformance with the requirements of Section 11.100 or to redevelopment that will require fewer and/or less fundamental waivers than is the case with the current petition.

11. Section 10.43 of the Zoning Ordinance sets out additional criteria for granting special permits. This section provides that special permits will normally be granted where specific provisions of the Ordinance are met, except where particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because of the following criteria.

a. Traffic generated would cause congestion, hazard, or substantial change in neighborhood character. The degree to which the new use would differ from the operation of the existing gas station is difficult to assess; traffic estimates presented by

the applicant for the current gas station on the site were based on the application of standard, national traffic engineering generation rates that may not be accurate for this gas station at this location. Even if total vehicle trips to the site were to be reduced, it is very likely that those vehicles will be on-site for longer periods of time, idling or otherwise operating on site.

b. Continued operation of, or development of, adjacent uses would be adversely affected. Granting of the permit will perpetuate the use of the site in a manner contrary to the purposes and objectives of the Overlay District. It would likely retard consideration of alternate uses more nearly in conformance with the purposes of the Overlay District for this site and for adjacent sites.

c. Nuisance or hazard would be created to the detriment of the health, safety, and/or welfare of the citizens of Cambridge. To the extent that the new use might utilize the site in a more intrusive manner, a greater nuisance could be created. Nevertheless, redevelopment of the site would improve the visual aspects of development on the site, and thus reduce the visual nuisance the existing nature of the site creates.

d. The use would impair the integrity of the district, or an adjoining district, or otherwise derogate from the intent and purpose of the Zoning Ordinance. The new use would further intensify a use of the site that is contrary to the basic intent of the Overlay District.

Decision

After consideration of testimony presented at the public hearing and at subsequent Board discussion of the proposal at regular Planning Board meetings, and of information provided in the application, and based on the findings above, the Planning Board **DENIES** the Special Permit to allow the construction at 2485 Massachusetts Avenue as requested in the above referenced application documents.

On a motion to approve the special permit, W. Tibbs, and H. Russell voted in the affirmative; P. Dietrich, H. Salemme, C. Mieth, A. Callaghan and A. Cohn voted in opposition. As two-thirds of the Board failed to vote in the affirmative to grant the permit, the motion failed and the grant of the special permit was denied.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Paul Dietrich", with a long, sweeping underline.

Paul Dietrich, Chairman