

CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**  
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

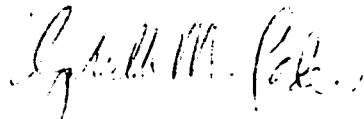
NOTICE OF DECISION

Case No: PB#133, Major Amendment #1  
Address: 4 Central Square  
Owner: Holmes Nominee Trust, 20-80 Lincoln Street,  
Boston. MA 02111  
Applicant: Subway of Cambridge. MA LLC, John Pacheco,  
Manager  
Planning Board Decision: March 17, 1998  
Date of Filing Decision: March 31, 1998  
Date of Major Amendment  
Application: October 10, 2003  
Date of Planning Board Major  
Amendment Public Hearing: November 18, 2003  
Date of Planning Board  
Major Amendment Decision: November 18, 2003  
Date of Filing Major Amendment: December 4, 2003

Application: Fast Order Food Establishment Special Permit to construct a 500 square foot "Subway" sandwich shop in the existing retail space located on the ground floor on Green Street.

Decision: Approved with conditions.

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 Department and the City Clerk.



Authorized Representative of the Planning Board

For more information regarding this special permit, please contact Liza Paden at the Community Development Department, voice: 349-4647; TYY: 349-4621, email [lpaden@ci.cambridge.ma.us](mailto:lpaden@ci.cambridge.ma.us)

## Documents Submitted

The applicant's representative, Attorney Bernard Goldberg, submitted photographs of the existing store, site plan, and BZA application form.

## Findings

In making its decision with regard to this application, the Planning Board has reviewed the proposal against the standards and criteria established in the Zoning Ordinance.

### **1. Consistency with the requirements specified in Section 11.30 – Fast Order Food Establishments.**

#### *a. The operation of the establishment shall not:*

*i. Create traffic problems.* The Subway sandwich shop is located at the heart of Central Square, at a bus stop and within a short distance of an entrance to the Red Line subway. It is located at a heavily traveled pedestrian way. No additional vehicular traffic will be generated by this establishment.

*ii. Reduce available parking.* Existing parking on the street or within the public city garage will not be impacted. Customers will be from among those already in the square and coming by bus and mass transit.

*iii. Threaten public safety in the streets and sidewalks.* The establishment is located in an existing retail district and will not generate new activity that will negatively impact nearby streets or sidewalks.

*iv. Encourage or produce double parking on adjacent public streets.* The customer base will be drawn from existing foot traffic in the Square, many of whom come by bus or mass transit. The site is not convenient for access by car, with no nearby on-street parking. The immediately adjacent portions of the public ways consist of active street travel lanes or bus layover locations.

#### *b. The physical design shall be compatible with and sensitive to the visual and physical characteristics of the buildings, public spaces and uses in its location.*

The Subway shop will be contained within an existing convenience store retail space and will have little visible presence on the exterior of the building with the exception of a new sign to be installed consistent with the limitations imposed by the Zoning Ordinance.

#### *c. The establishment fulfills a need for such a service in the neighborhood or in the city.*

This sandwich shop is within the 14 Fast Order Food Establishment cap established within the Central Square Overlay District, the number determined by the city as appropriate in Central Square.

#### *d. The establishment will attract patrons primarily from walk-in trade.*

The Planning Board finds that the location of the shop is on a heavily traveled pedestrian way that is also at a major bus stop and transit entrance. Patrons will be those persons already in the Square for other activities.

*e. The establishment will use biodegradable materials in packaging.*

The paper products are made in part of recycled materials. Otherwise the operation will be using standard franchise supplies.

*f. The establishment shall provide convenient, suitable, and well-marked waste receptacles to encourage patrons to properly dispose of all packaging materials.*

The Planning Board finds that there is already an existing city trash receptacle located in front of the store; the Permittee will work to keep that receptacle functioning. The landlord will continue to operate a litter control program for the entire area, which is part of the lease payment of the Permittee.

*g. The establishment complies with all state and city requirements with regard to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.*

The Planning Board finds that the Permittee will comply with all such requirements.

## **2. Conformance to the general criteria for issuance of special permits, Section 10.43.**

The Planning Board will normally grant a special permit where the specific provisions of the Ordinance are met, except when the specifics of location or use, not generally true in the district, would cause the granting of the permit to be to the detriment of the public interest for the following reasons.

*a. The requirements of the Ordinance cannot or will not be met. The requirements of the Ordinance will be met with the issuance of this Special Permit.*

*b. Traffic generated or patterns of access and egress would cause congestion, hazard, or substantial change in established neighborhood character. There will be no vehicular traffic generated as a result of this enterprise.*

*c. The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use. The Permittee will provide retail services to occupants of adjacent buildings, as would be expected of uses established at this location.*

*d. A nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of Cambridge. The one significant nuisance that might be created, the generation of trash, will be adequately managed by the permittee and the landlord of the building.*

*e. For other reasons the proposed use would impair the integrity of the district, or the adjoining district, or otherwise derogate from the intent and purpose of this Ordinance.*

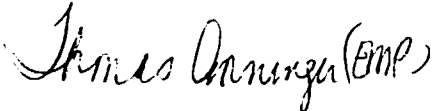
The proposal will substantially fulfill the intent and purpose of the Central Square Overlay District and the requirements of the Fast Order Food Establishment Ordinance.

Decision

Based on a review of the application documents and based on the findings set forth above the Planning Board GRANTS the special permit for Fast Order Food (Section 11.30) subject to the following condition: The Community Development Staff shall approve the final plans submitted for the sign installation.

Voting to GRANT the special permit were: T. Anninger, B. Shaw, L. Brown, W. Tibbs, H. Russell, P. Winters, and T. Carpenter, representing more than two thirds of the members of the Board.

For the Planning Board

Handwritten signature of Thomas Anninger in cursive script, with the initials "TAP" in parentheses at the end.

Thomas Anninger, Chair

ATTEST: A true and correct copy of the decision filed with the Office of the City Clerk on December 4, 2003 by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date.

Twenty (20) days have elapsed since the filing of this decision.

No appeal has been filed.

Date:

City Clerk  
City of Cambridge