

FINN AND CRANE  
A PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW  
104 MOUNT AUBURN STREET  
HARVARD SQUARE  
P. O. BOX 381030  
CAMBRIDGE, MA 02238

DANIEL C. CRANE  
KEVIN P. CRANE

EDWARD A. CRANE  
(1938-1982)  
HARRY FINN  
(1922-1992)  
TELEPHONE  
(617) 878-8500  
FACSIMILE  
(617) 864-6357

December 8, 1999

Liza Paden  
City of Cambridge  
Community Development Department  
City Hall Annex  
57 Inman Street  
Cambridge, MA 02139

RE: Petition for Special Permit for  
325 Fresh Pond Parkway

Dear Liza:

This will confirm my request that the petition for special permit in the above-captioned matter be withdrawn. The reason for the withdrawal of the petition is that the Board of Zoning Appeals refused to grant the petitioner permission to use the space as a carwash, the contemplated use for which this special permit was sought.

Very truly yours,

*Daniel Crane*  
Daniel C. Crane

DELIVERED BY FAX

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS  
1999 DEC -9 P 3:32

PB#159

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

SPECIAL PERMIT APPLICATION

To the Planning Board of the City of Cambridge:

The undersigned hereby petitions the Planning Board for a Special Permit in accordance with Section 10.45 of the Zoning Ordinance.

Applicant: EMJR Properties, Inc., c/o Daniel C. Crane

Address: 104 Mt. Auburn Street, P.O. Box 381030

(include phone #) Cambridge, MA 02238

Type of Special Permit: Waiver of front yard green space standards of the parkway overlay district, as specified by Section 11.64.1.\* (please include all special permits and variances needed by ordinance section)

Location of Premises: 325 Fresh Pond Parkway

Zoning District: Business A

Submitted Materials: Ownership certificate; revised dimensional form; nine photographs of the property; site improvement and elevation plans for 325 Fresh Pond Parkway, dated July 19, 1999; Traffic review of the site prepared by Robert C. Blumenthal Associates dated July 26, 1999; Proposed conditions for special permit to operate carwash at 325 Fresh Pond Parkway, Cambridge; and copy of petition pending before the Board of Zoning Appeals. Description of Proposed Development.

Signature of Applicant: [Handwritten Signature]

This application has been reviewed and is hereby certified complete.

For the Planning Board: [Handwritten Signature]

Date:

revised 3/96

\*An application for special permit to authorize use as a carwash is pending before the BZA.

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please respond to each of the following criteria, referring to the property and proposed changes or uses which are requested in your application.

Granting the Special Permit requested for 317-325 Fresh Pond Parkway  
Location  
would not be a detriment to the public interest because:

- A) Requirements of the Ordinance can or will be met:  
Because the dimensions of the proposed new structure do not violate the dimensional requirements of the Ordinance.
- B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character:  
Presently automobiles enter and exit the site for the purpose of storage and repair and the entrance and exit patterns will not be changed as a result of the car wash use, other than in compliance with the proposed improvements to Fresh Pond Parkway.
- C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use:  
The adjacent uses will not be adversely affected as Fresh Pond Parkway is a well traveled, existing commercial thoroughfare with many similar automobile related uses.
- D) Nuisance or hazard would not be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City:  
The existing traffic patterns on Fresh Pond Parkway will continue. Automobile will enter and exit the site through an existing curb cut located and configured in compliance with the improvements being made to Fresh Pond Parkway.
- E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance:  
The proposed use would be consistent with the existing commercial automobile related uses on Fresh Pond Parkway, and would be an improvement from the existing use of the property for the storage and repair of automobiles.

**OWNERSHIP CERTIFICATE - PLANNING BOARD SPECIAL PERMIT**

This form is to be completed by the OWNER, signed, and returned to the Office of the Planning Board:

I hereby authorize: EMJR Properties, Inc.

(Petitioner)

Address 515 Concord Avenue City or Town Cambridge

to apply for a special permit for Carwash on premises  
(Type of Development)

located at: 325 Fresh Pond Parkway, Cambridge  
(Street and Number) (Assessor Plat and Lot Number (s)) (City)

for which the record title stands in the name of: EMJR Properties, Inc.

whose address is: 515 Concord Avenue, Cambridge, MA 02138  
(Street and Number) (City or Town) (State)

by a deed duly recorded in the \_\_\_\_\_ County Registry of Deeds

in Book \_\_\_\_\_ Page \_\_\_\_\_; or Registry District of the Land Court, Certificate

No 205413 Book 1157 Page 63

EMJR Properties, Inc.

Signature of Land Owner  
(If authorized Trustee, Officer  
or Agent so denitrify)

Commonwealth of Massachusetts, County of MIDDLESEX

The above-named NADIM LARKIS personally appeared before me, this 25<sup>th</sup>  
(Day)

of SEPTEMBER, 1 1999, and made oath that the above statement is true.  
(Month) (Year)

DANIEL C CRANE

Notary

My Commission expires SEPTEMBER 17, 2004 (Notary Seal)

REVISED

DIMENSIONAL FORM

LOCATION: 325 Fresh Pond Parkway

ZONE: Business-A

APPLICANT: EMJR Properties Inc.

REQUESTED USE/OCCUPANCY: Car Wash

PHONE: 876-8500

PRESENT USE/OCCUPANCY: Garage to repair automobiles

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u>
<u>TOTAL GROSS FLOOR AREA:</u>	<u>None</u>	<u>20,2</u>	<u>15,000</u>
<u>RATIO OF TOTAL FLOOR AREA TO LOT AREA:</u>	<u>None</u>	<u>.13</u>	<u>1.0</u>
<u>MINIMUM LOT AREA FOR EACH DWELLING UNIT:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>SIZE OF LOT: WIDTH</u>	<u>100</u>	<u>100</u>	<u>None</u>
<u>LENGTH</u>	<u>150</u>	<u>150</u>	<u>None</u>
<u>(setbacks in FRONT feet)</u>	<u>40'</u>	<u>33'</u>	<u>None</u>
<u>REAR</u>	<u>21</u>	<u>21'</u>	<u>None</u>
<u>LEFT SIDE</u>	<u>20'</u>	<u>31'</u>	<u>None</u>
<u>RIGHT SIDE</u>	<u>30'</u>	<u>40'</u>	<u>None</u>
<u>SIZE OF BLDG.: HEIGHT</u>	<u>20'</u>	<u>15'</u>	<u>35</u>
<u>LENGTH</u>	<u>60</u>	<u>78'</u>	<u>None</u>
<u>WIDTH</u>	<u>40</u>	<u>42'</u>	<u>None</u>
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	<u>None</u>		<u>None</u>
<u>NO. OF DWELLING UNITS:</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>NO. OF PARKING SPACES:</u>	<u>None</u>	<u>2</u>	<u>None</u>
<u>NO. OF LOADING AREAS:</u>	<u>None</u>	<u>2 @ vacuums</u>	<u>None</u>
<u>OTHER OCCUPANCIES ON SAME LOT:</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>DISTANCE TO NEAREST BLDG.:</u>	<u>30'</u>	<u>40'</u>	<u>None</u>
<u>SIZE OF BLDGS. ADJACENT ON SAME LOT:</u>	<u>None</u>	<u>None</u>	
<u>TYPE OF CONSTRUCTION:</u>	<u>None</u>	<u>Split Face Block/ Brick &amp; Steel</u>	
<u>SUBMIT: PLOT PLAN:</u>		<u>PARKING PLAN:</u>	<u>BUILDING PLAN:</u>

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000 SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).  
 2. TOTAL GROSS FLOOR AREA INCLUDING BASEMENT 7' 6" IN HEIGHT AND ATTIC AREAS GREATER THAN 5', DIVIDED BY LOT AREA.  
 3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 5'.  
 4. ALL BLDGS. SAME CONCRETE BRICK, STEEL, ETC.

**PROPOSED CONDITIONS FOR  
SPECIAL PERMIT TO OPERATE CARWASH AT  
325 FRESH POND PARKWAY  
CAMBRIDGE, MASSACHUSETTS**

1. The hours of operation shall be limited to 7 A.M. to 10 P.M., seven days a week.
2. All traffic exiting the site shall be required to make right turns only and appropriate signage shall be installed by the operator of the carwash.
3. The traffic pattern shall be in accordance with the site improvement plan dated July 19, 1999.
4. The carwash shall be operated at the site in such a manner that no line of cars waiting to enter the site shall extend onto Fresh Pond Parkway. It is anticipated that the proposed queue length on the site will be adequate to eliminate any line of vehicles waiting to be washed from extending onto Fresh Pond Parkway, except for 12 to 15 days in the winter. When the on-site queue reaches capacity, the petitioner shall position a portable barricade or install a gate at the entrance to the site with a sign reading: "CARWASH TEMPORARILY CLOSED/DO NOT LINE UP ON THE STREET". In the alternative, the petitioner shall position a pickup truck or similar vehicle across the entrance with the same sign. The barricade and/or truck shall be kept in close proximity to the entrance. The petitioner's employees shall be trained and instructed to be vigilant for the development of any line extending onto Fresh Pond Parkway, and to position the barricade/truck at the entrance before any line extends onto Fresh Pond Parkway.

On every Saturday and Sunday during the months of December through March, when there has been a substantial snowfall during the preceding five days, the owner shall arrange and pay for a detail police officer at the site between the hours of 10:00 a.m. and 2:00 p.m. The officer shall be instructed to direct traffic to eliminate any line extending from the site onto Fresh Pond Parkway. As used herein, the term "substantial snowfall" shall mean any snowfall which results in the Public Works Department of the City of Cambridge contracting for private parties to plow or remove snow from the public ways of the city. No police officer need be provided on days when the carwash is not in operation, such as Christmas, New Year's, or because of weather conditions.

5. To forestall potential icing conditions, the operator will take appropriate actions including:
  - a. installation of heated pads at carwash building entrance and exit;
  - b. a drainage system and
  - c. installation of "speed bump(s)" and 90 degree turn(s) on exiting driveway.
6. The operator is to install and maintain a system for reclaiming and recycling all wash water.
7. The operator must comply with any landscaping requirements and submit those plans to the Community Development Department for review and approval.
8. Signage is to be installed in compliance with the plan submitted.
9. Lighting is to be installed as shown on a lighting plan to be submitted to Community Development for approval.
10. A solid fence, not less than 6' high, shall be erected and maintained along the rear boundary of the premises.

real/emjr

## DESCRIPTION OF PROPOSED DEVELOPMENT FOR CAR WASH AT 325 FRESH POND PARKWAY

The land at 325 Fresh Pond Parkway ("the Site") is a lot occupying 15,000 square feet with 150 feet of frontage on Fresh Pond Parkway. It was formerly occupied by a building in which automobiles were repaired. This building was destroyed by fire in 1996. Currently, automobiles are stored on the Site. The petitioner proposes to construct and operate a car wash on the Site in accordance with the plans and proposed conditions submitted herewith.

The Site is located within a Business A zoning district. Use of the Site as a car wash requires the issuance of a special permit by the BZA. A petition for such a special permit is pending before the BZA.

The Site is located within the Parkway Overlay District. The plans submitted for the proposed car wash comply with all of the conditions of the Parkway Overlay District except for the standards for front yard green space as specified by Section 11.64.1 of the Zoning Ordinance of the City of Cambridge ("Ordinance").

The proposed location of the building and traffic circulation plan permit up to 24 cars to queue on the Site without any cars waiting on Fresh Pond Parkway. An alternative design of the building location and traffic circulation plan would not require any relief from the standards for front yard green space in the Parkway District. However, the number of cars that could queue on the Site would be substantially fewer, resulting in more likelihood of a line of cars on Fresh Pond Parkway.

The Commonwealth of Massachusetts has planned for and appropriated funds to make substantial improvements to the road and sidewalks along Fresh Pond Parkway in the area of the Site. These improvements will include an area of green space in front of the Site, considerably wider than the 25' area designated by the Parkway District.

The building location and traffic circulation plan submitted by the petitioner permits the maximum number of cars to queue on the Site while deviating from the green space standards of the Parkway District as little as possible.



Overall, the combination of the green space to be constructed in front of the Site by the Commonwealth and the minimal deviation from the green space standards of the Parkway District achieve the original purpose of the front yard green space requirement and reduce the prospect of any cars waiting in line on Fresh Pond Parkway to enter the Site.

The use of the Site as a car wash is otherwise appropriate because Fresh Pond Parkway is a road with existing high volume automobile use. The uses adjacent to the Site are a gas station and restaurant. There are no existing residential or other uses that would be adversely affected by the use of the Site as a car wash.