



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

## NOTICE OF DECISION

### Major Amendment #2

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CAMBRIDGE MA

Case No.: #75

Premises: 2456 Massachusetts Avenue

Zoning District: Business C-1/North Massachusetts Avenue Overlay District/Industry A-1 at the time of hearing; now zoned Business A-2 in place of Business C-1

Owner: Somrock Corporation, wholly-owned subsidiary of the Somerset Savings Bank.

Application Date: June 15, 1987  
 Date of Public Hearing: August 4, 1987  
 Date of Planning Board Decision: November 10, 1987  
 Date of filing Planning Board Decision: December 2, 1987

Application Date Amendment #1: August 18, 1988  
 Date of Public Hearing: September 6, 1988  
 Date of Planning Board Decision: October 18, 1988  
 Date of filing Planning Board Decision: October 28, 1988

Application Date Amendment #2: October 31, 1991  
 Date of Public Hearing Amendment #2: November 19, 1991  
 Date of Second Public Hearing for Amendment #2: January 5, 1993

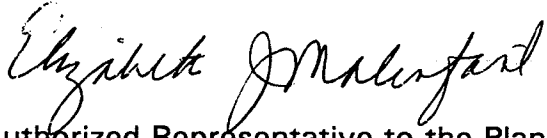
Petition: Major Amendment #2 to Special Permit #75 to waive two conditions of the permit as approved in Major Amendment #1, relating to posting of bonds and actions to be taken after construction of an adjacent development also approved by the Planning Board.

Date of Planning Board Decision: January 5, 1993

Date of filing the Decision: March 31, 1993

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 date of 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 Community Development and the City Clerk.



Authorized Representative to the Planning Board

Date March 31, 1993

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Application

Documents Submitted

1. Letter from William R. Hall, of Hall, Quinn & Wheeler, attorney for the applicant, to the Planning Board, dated October 31, 1991 requesting an amendment to the permit.

2. Letter from Craig L. Waldron, Law Office of Richard E. Blumsack, on behalf of the owner to Paul Dietrich, Chair of the Planning Board, dated February 14, 1992, requesting a 90 day extension to the major amendment application.
3. Letter from Craig L. Waldron, Law Office of Richard E. Blumsack, on behalf of the owner to Paul Dietrich, Chair of the Planning Board, dated May 1, 1992, requesting a 90 day extension to the major amendment application.

Additional Documents submitted

1. Letter to Kevin Gatlin, Loan Officer, Somerset Savings Bank from Liza Malenfant, dated March 27, 1991, responding to Mr. Gatlin's letter of February 19, 1991, and elevation submissions.
2. Letter to Liza Malenfant from Kevin Gatlin, dated May 14, 1991 outlining the work being done to meet the conditions of the special permit.
3. Letter to Liza Malenfant from Kevin Gatlin dated June 25, 1991 transmitting the landscaping proposal.
4. Letter to Kevin Gatlin from Lester Barber dated June 28, 1991 re: the open space plan proposal, requesting a site visit.
5. Letter to Liza Malenfant from Kevin Gatlin dated July 1, 1991 transmitting the traffic study for Tyler Court dated June 27, 1991.
6. Letter to Kevin Gatlin, from Liza Malenfant, dated July 12, 1991, re: Lauren Preston, Deputy Traffic Director's letter regarding the response to the Traffic Study submitted by the applicant.
7. Letter to Kevin Gatlin, from Lester Barber, dated August 5, 1991 outlining the requirements for the landscaping at Tyler Court.
8. Letter to Lester Barber from Kevin Gatlin, dated September 30, 1991 concerning the landscaping requirements of the Special Permit.
9. Letter to the Planning Board from William Hall, dated October 17, 1991 discussing the conditions of the Special Permit.
10. Letter to Paul Dietrich from Lauren Preston, dated November 18, 1991 reviewing the steps taken at 2456 Massachusetts Avenue. attached copy of letter to Lauren Preston, from Joseph McCarran, REO Officer at Somerset Savings Bank.

11. Letter to William R. Hall, from Lester Barber, CDD, dated November 19, 1991, outlining the terms and obligations of the Conditions of the Special Permit.
12. Letter to Paul Dietrich from Craig Waldron, Law Offices of Richard Blumsack, dated February 14, 1992 consenting to a ninety day extension.
13. Letter to Paul Dietrich from Craig Waldron, Law Offices of Richard Blumsack, dated May 1, 1992 consenting to a ninety day extension.
14. Transmittal from Dumont Research, Planning, Design dated May 14, 1992, with B/L prints of with Tyler Court Condominium Improvement Study, Context and Utilities, and escrow amount in site improvements.
15. Letter to John Orr, Project Manager, Somerset Savings Bank, from Ricardo Dumont, Principle dated May 19, 1992, re preliminary cost estimates for Tyler Court.
16. Transmittal from Dumont Research, Planning, Design dated June 12, 1992, with B/L prints of sitework, design development statement of probable cost 6/10/92.
17. Transmittal from Dumont Research, Planning, Design dated July 31, 1992, with planting layouts and details.
18. Letter to Paul Dietrich from Craig Waldron, Law Offices of Richard Blumsack, dated August 3, 1992 consenting to a ninety day extension.
19. Letter to Paul Dietrich from Craig Waldron, Law Offices of Richard Blumsack, dated November 2, 1992 consenting to a thirty day extension.
20. Letter to Lester Barber from William Hall, dated December 16, 1992 requesting that the Major Amendment Public Hearing be readvertised.
21. Letter to Paul Dietrich, Chairman of the Planning Board, from Richard D. Clarey, Chairman of the North Cambridge Stabilization Committee, dated December 12, 1993, requesting that the Planning Board deny any changes in the conditions to the Special Permit.

#### Additional documents

1. Comments delivered at the hearing by William Hall.
2. Letter to William Hall from Lester Barber, dated December 17, 1991 stating the requirements of the Planning Board that must be met before the amendments are granted, as discussed at the November 19, 1991 Planning Board meeting.

## Public Hearing

There was a readvertisement of the Public Hearing for Major Amendment #2 for January 5, 1993. This public hearing was held at the Community Development Conference Room. The applicant was represented by William Hall, attorney for Somrock Corporation. Mr. Hall reviewed the work which was done in response to requests made by the Planning Board at the first public hearing for Major Amendment #2. The requests covered the landscaping plans, the improvements to the garage doors, and traffic study for the site. The applicant requested that the conditions relating to the proposed abutting Special Permit (#60) development, now expired, and no longer possible under the recently enacted rezoning, be deleted from the list of conditions of Major Amendment #1, as well as the required issuance of the bond for improvements to Massachusetts Avenue in front of 2456 Massachusetts Avenue.

The Planning Board asked if the original conditions had been met; Mr. Barber responded that they have. There was some discussion regarding the requirement of the median improvements for Massachusetts Avenue and the letter from Lauren Preston, Deputy Director of the Traffic and Parking Department, as it did not directly address the issue raised in the Special Permit condition.

There were public comments from Robert Fawcett, Fawcett Oil Company expressing concern regarding the use of Tyler Court and any intentions by anyone, the City or the applicant to use Tyler Court for access. The applicant and Craig Waldron representing the new owner of 2456 Massachusetts Avenue agreed that at this time there were no plans to access Tyler Court.

Michael Brandon, 27 Seven Pines Avenue asked about the bond for the Massachusetts Avenue median strip improvement, and pointed out that the bond had never been issued; Mr. Hall responded that the only bond issued was for the potential link to the abutting development. He asked which dwelling unit had been made accessible to handicapped persons and was this one of the rent controlled units. Mr. Hall did not know who was occupying the unit.

Speaking in favor of the Major Amendment was Mr. Waldron, who pointed out that his client, the new owner, intended to retain the building as residential and to maintain it as such, that the conditions for the original special permit and the first Major Amendment either had been met or were no longer germane to the development, and that yes the deed restrictions regarding residential use had been filed.

Speaking in opposition to the Major Amendment being granted was Michael Brandon, 27 Seven Pines Avenue, asked that the Planning Board wait the full five years as specified in the first Major Amendment. Among the reasons given: that the landscaping was not acceptable, there was no courtyard fence as required, and there were no landscaping maintenance requirements in place. Further, the refuse collection did not meet the City requirements, the parking garage does not have a

license to store vehicles, and the parking spaces may or may not meet the code requirements. The neighborhood still would like to see Tyler Court used as an access to the site.

### Discussion

The Planning Board discussed the Special Permit, the conditions, the status of abutting site, and the buildings. The new owner's attorney was asked if he were aware of the neighborhood's concerns and if the owner intended to address them. Mr. Waldron said that at the moment he could not make any commitments to any process or any meetings. Mr. Hall pointed out that the Bank wanted to be released from the bond at issue and to terminate its involvement with this project. He felt the outstanding issues were for the new owner and were not the bank's responsibility.

Some members of the Planning Board felt that the applicant had met the conditions which were pertinent to the site and the development and that it would be unreasonable to continue to hold the Planning Board conditions in place while issues outside of the Planning Board jurisdiction were investigated and/or dealt with by the applicant.

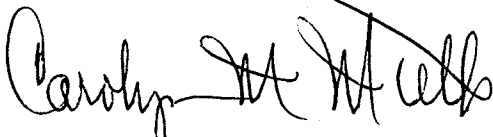
Some members of the Planning Board disagreed. They felt it was more an issue of whether or not the owner intended to make a good faith effort in finding solutions to outstanding problems on the site and that the other conditions of the permit could not be waived if all the requirements have not been met.

### Decision

A motion was made to grant the Major Amendment #2, provided that the Planning Board receive a letter from the Traffic and Parking Department stating that there was no change required in the median strip in front of 2456 Massachusetts Avenue for the safe access and egress to the site.

This motion failed to carry for a lack of the required two thirds majority. Voting in favor: A. Cohn, H. Russell, V. Mathias, and A. Callaghan. Voting in opposition: C. Mieth, and H. Salemme.

For the Planning Board,

A handwritten signature in black ink, appearing to read "Carolyn Mieth". The signature is written in a cursive style with a large initial "C" and "M".

Carolyn Mieth, Vice Chair

A copy of this decision shall be filed with the Office of the City Clerk. Appeals is any shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty (20) days of such filing in the Office of the City Clerk.

**ATTEST:** A true and correct copy of the decision filed with the Office of the City Clerk on March 31, 1993, by Elizabeth J. Malenfant, authorized representative of the Cambridge Planning Board. All plans referenced 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.

City Clerk, City of Cambridge

Date