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

NOTICE OF DECISION

CASE NO.: PB#76

PREMISES: 149 Alewife Brook Parkway/10 CambridgePark Drive

ZONING DISTRICT: Office-2

PETITIONER: J & B Realty Trust

APPLICATION: Parkway Overlay District and Flood Plain Special Permit

PUBLIC HEARING DATE: September 15, 1987

PETITION: To construct a 200,000 square foot office building with a restaurant, with relief from the twenty-five foot setback required in the Overlay District, to have on-grade parking and to construct in the Flood Plain District.

DATE OF PLANNING BOARD DECISION: November 10, 1987

DATE OF FILING PLANNING BOARD DECISION: December 2, 1987

DECISION: After review of the application materials, comments made at the public hearing, and at subsequent regular Planning Board meetings, and discussions with the staff of the Community Development Department, and other information available to the Board, the Planning Board GRANTS a Parkway Overlay District Special Permit (Section 11.635), GRANTS a Flood Plane Special Permit (Section 11.70), GRANTS a variation in the requirements of the Office-2 District as related to the front yard setback facing CambridgePark Drive, as authorized in Section 10.45 of the Zoning Ordinance, and GRANTS a Special Permit to waive the setback requirements (Section 6.441) for parking and driveways abutting a property line, subject to the following conditions. The Board DENIES a special permit to reduce the front yard setback requirement in the Parkway Overlay District, (Section 11.641) as authorized in Section 11.637 and DENIES the requested variance to permit a drive-in bank facility, Section 4.36C, as beyond the jurisdiction of the Board.

12/2/87  
Date

*Elizabeth M. Mullenfant*  
Authorized Representative of the  
Planning Board

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#### APPLICATION

1. Application forms certified complete August 4, 1987.
2. Site plans, elevations, and survey entitled "10 CambridgePark Drive"; Hammer, Kiefer and Todd, Inc., Architects and Planners, applicants J&B Realty Trust, various scales; dated July 28, 1987 sheets A-1 through A-7.
3. Slides showing the existing conditions at 149 Alewife Brook Parkway.

#### OTHER DOCUMENTS

1. Letter to the Planning Board from George Teso, Traffic Director, dated August 20, 1987, outlining the concerns about the parking layout, signage, the Commercial Parking freeze in Cambridge, and the design of the loading area.
2. Letter to the Planning Board from William R. Hammer of Hammer, Kiefer & Todd, Inc. dated August 27, 1987, outlining the justification for the application requests.
3. Memorandum to the Planning Board from Roger Boothe, Director of Urban Design, dated September 14, 1987 reviewing the design, and expressing the concerns about the relief being sought.
4. Order of Conditions under the Massachusetts Wetlands Protection Act, as outlined by the Cambridge Conservation Commission received October 1, 1987.

5. Revised site plan "First Floor Plan", undated, showing the building with a 25 foot setback along Alewife Brook Parkway.

### Findings

After review of the documents submitted with the application, comments made at the public hearing, and discussions with the staff of the Community Development Department, the Planning Board makes the following findings.

1. The development conforms to the requirements of the Parkway Overlay District as to height of building (Section 11.642), building facade (Section 11.643) and open parking landscape requirements (Section 11.673).
2. The development also conforms to the FAR and height requirements of the underlying Office 2 District as well as the setback requirements of that district except as detailed in Finding #4 below.
3. The proposed development does not conform to the front yard setback requirement of Section 11.641 of the Parkway Overlay District which mandates a 25 foot landscaped setback from the property line along Alewife Brook Parkway. The creation of a park-like environment along the Parkway is a principal objective of Section 11.60. The minimum 25 foot setback is a key element in reestablishing that character and is intended to provide an extra margin of green space in addition to that which may be provided or reconstructed within the right-of-way of the Alewife Brook Parkway. The Planning Board finds no justification, consistent with that clear public policy objective, for permitting a reduction in the front yard requirement. Given the scale of the proposed building and the possible changes in the character of the parkway right-of-way which will be out of the control of the Planning Board or the City of Cambridge the minimum 25 foot front yard is particularly important.

The Planning Board is prepared to grant a waiver of the landscaping requirements of that front yard (Section 11.641(2)) to the extent that paved parking partially encroaches on the setback as shown on the revised "First Floor Plan", undated; the degree of encroachment is similar to that which would be permitted if the paved area were providing vehicular access to the site.

4. The proposed development does not conform to the minimum five foot setback required on that portion of the lot facing CambridgePark Drive. As only a small portion of the frontage of the building facing this road is not set back the requisite five feet from the lot line and as a very wide landscaped setback is incorporated into the right-of-way of CambridgePark Drive a waiver of the setback requirement at

this location is agreeable to the Board. The waiver would appear reasonable, as well, because the configuration lot with its conspicuous narrowing at its southern end makes conformance to all setback requirements difficult and because the Board has found maintenance of the 25 foot setback from Alewife Brook Parkway of greater public benefit.

5. The service drive to the rear of the building does not conform to the setback requirements of Article 6.000 - Parking and Loading Requirements. Given (a) the relative narrowness of the site, particularly at its southern end, (b) the limited access to the site to be provided while meeting traffic and urban design objectives sensitively, and (c) the importance to the Planning Board of meeting the 25 foot front yard requirement facing Alewife Brook Parkway, a waiver of the parking setback requirement of Section 6.441 is acceptable and not inconsistent with the general objectives of the Parkway Overlay District. Furthermore the side lot line abutts a parking lot on an abutting lot for a significant portion of its length. A waiver of the setback is reasonable to permit adequate access to the site while maintaining more visible and important setbacks and landscaping on those portions of the lot facing Alewife Brook Parkway and CambridgePark Drive.
6. In general design, materials chosen, relationship to public streets and distribution and location of uses the proposed development is sensitive to the public objectives embodied in the Parkway Overlay District regulations and other regulations applicable in the Alewife Revitalization Area.
7. With regard to the special permit requirements for a drive-in bank facility, as such a use is not permitted in an Office-2 District, the Planning Board is not authorized to grant such a use variance under authority of Section 10.45.
8. With regard to the Flood Plain Special Permit requirements of Section 11.70 the Board makes the following findings:
  - (a) The existing flood storage capacity on the site, at the 100 year storm, of 586 cubic yards will be exceeded by the provided flood storage capacity after development of 959 cubic yards.
  - (b) The first habitable floor of the proposed office building will be at an elevation of 10.16 (mean sea level) which is above the 8 foot 100 year flood elevation established by the Federal Emergency Management Agency.
  - (c) All flood retention systems appear to be suitably designed and located so as not to cause any nuisance, hazard or detriment to occupants of the site or abutters.

- (d) No encroachment of the Floodway shall occur and the 100 year flood elevation shall not be increased as a consequence of the proposed activities.
- (e) The proposed use is in harmony with the general purpose and intent of the zoning ordinance and those of the Alewife Revitalization, Alewife Urban Design Study Phase II except as indicated below.
- (f) The use is permitted in the Office-1 zoning district and conform to all requirements of that district and other applicable regulations as provided in this Decision.

### Decision

After review of the application materials, comments made at the public hearing, and at subsequent regular Planning Board meetings, and discussions with the staff of the Community Development Department, and other information available to the Board, the Planning Board GRANTS a Parkway Overlay District Special Permit (Section 11.635,), GRANTS a Flood Plan in Special Permit (Section 11.70), GRANTS a variation in the requirements of the Office 2 District as related to front yard setback facing CambridgePark Drive as described in Finding #4 above, as authorized in Section 10.45 of the Zoning Ordinance, and GRANTS a Special Permit to waive the setback requirements (Section 6.441) for parking and driveways abutting a property line as outlined in Finding #5 above, subject to the following conditions. The Board DENIES a special permit to reduce the front yard setback requirement in the Parkway Overlay District, (Section 11.641) as authorized in Section 11.637 but GRANTS a waiver of the green area requirements of the front yard setback (Section 11.641 (2)) to the extent that parking infringes on the setback as illustrated in the revised "First Floor Plan" referenced above and DENIES the requested variance to permit a drive-in bank facility, Section 4.36C, as beyond the jurisdiction of the Board.

1. The Final Plans submitted to the Superintendent of Buildings shall be in general conformance with the revised submitted with the application as referenced above, as modified by the revised "First Floor Plan", undated, also referenced above and shall be consistent with the limitations approved in Appendix I.
2. The Building shall continue to undergo the standard design review process as outlined in Attachment II. The Planning Board shall certify to the Superintendent of Buildings that the final plans conform to all provisions of this decision before issuance of any building permit.

Voting to grant the permit were: Paul Dietrich, Alfred Cohn, Acheson Callahan, Carolyn Mieth, and Clarence Cooper being two thirds of the membership of the Board.

For the Planning Board,  
Paul Dietrich, Chairman

