

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

NOTICE OF DECISION

Case No.: Special Permit #87, Major Amendment #1
Premises: 12-18 Eliot Street
Zoning District: Business B/Harvard Square Overlay District
Owner: Robert Banker, as Trustee of Eliot Street Trust
Applicant: Robert Banker, as Trustee of Eliot Street Trust

Application Date of Major Amendment #1: March 10, 1992

Date of Public Hearing: March 31, 1992

Petition: Major Amendment to the Special Permit to construct a two story retail and office building on the current vacant lot. The building would contain 12,000 square feet. The applicant also requests relief from the parking and loading requirements without a cash contribution as allowed in Section 11.54.4.

Date of filing the Original Decision: August 28, 1989

Date of Planning Board Decision Major Amendment #1: March 31, 1992

Decision (summary): GRANTED 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 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

4/14/92

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Date of Original Planning Board Decision: August 1, 1989
Date of filing the Original Decision: August 28, 1989
Date of Planning Board Decision Major Amendment #1: March 31, 1992

Application Documents Submitted

1. Special Permit Application for 14A Eliot Street, dated March 10, 1992.
2. Plans and elevations entitled "16 Eliot Street", Cambridge, Massachusetts; MSH Architecture Associates, Perspective SK-D, Plans A-1 - A-3 and Section A-4; dated 3/3/92.
3. Site Plans SK-II dated December 26, 1992; Perspective SK-20 and elevation SK-21.1 dated February 29, 1992,

OTHER DOCUMENTS SUBMITTED

1. Final Report (modified proposal), Harvard Square Advisory Committee, dated March 26, 1992.

Public Hearing

A public hearing was held on the application on March 31, 1992. Robert Banker, the applicant, and Marc Hershman, architect for the project, outlined the revised development program which includes construction of a 12,000 square foot retail/office building on one of the two lots of the previously permitted project. There was discussion regarding the temporary nature of the proposed building and the anticipated leasing for the space. The applicant discussed the tenant access to the various store spaces as well as the proposed finish materials (wood clapboard) on all the publicly visible sides of the building. Mr. Banker indicated that one potential restaurant tenant would like to demolish the adjacent greenhouse structure, if a liquor license can be obtained, and convert the area to an outdoor plaza for customers. Mr. Banker indicated that agreements with the Historical

Commission related to the previously issued demolition permit will require a preservation easement on the wall and right of access for the Commission and its staff; no public access will be provided or guaranteed. There was some discussion that if the larger plaza space were to materialize the "false front" proposed on that side of the building might be eliminated to permit better public visual access to the wall and to increase the amount of light and sunshine into the space.

There was also discussion among Board members regarding the temporary nature of this building and the relationship of any Major Amendment to the original permit, and specifically to its continued validity.

No one from the general public spoke in favor of or in opposition to the petition.

Findings

1. The findings of the Harvard Square Advisory Committee in its report of March 26, 1992, are adopted by the Planning Board by reference.
2. While this proposal will not provide public access to the historic wall as would the original proposal, appropriate preservation easements will be given to the Cambridge Historical Commission and the present proposal will not foreclose the option of providing public access to the wall in the future should the originally approved plan be executed.
3. While it is intended as a temporary building, the currently expected lease term of eight years suggests that the building should be reviewed as a potentially permanent structure. In that light the Board finds the building and its design acceptable and indeed beneficial in that it reduces the scale of construction on the site.
4. As the developed density on the site will be less than 80% of the maximum allowed development on the lot, a waiver of the payment requirement for the parking spaces not provided is appropriate and in conformance with the requirements of the Harvard Square Overlay District, Section 11.50.
4. Because of the general prevailing economic climate, it is very likely that construction under the original permit will not begin within the time remaining before it lapses (ca. one year). Therefore, it is appropriate that a modification of the original permit be allowed to permit alternate construction, even one that may be in place for a number of years (at least eight as indicated in testimony at the hearing), as the public interest is not served by retaining the lot at 16-18 Eliot Street in its vacant state. However, in granting this modification of the original Permit #87 the Planning Board does not intend, nor by this granting of the Major Amendment, is it superseding the plans and original permit approved in 1989. Should construction commence based on those original plans as authorized by the unmodified original Permit #87 within the period of time for which that permit is in force and effect, as provided in Section 10.46, or within any extension of that time period that may be granted by the Planning Board from time to time, that construction may occur under the authorization granted by the original Permit #87, without reference to the modifications approved herein. However, because this current modified plan for 16-18 Eliot Street differs significantly from that approved earlier and lacks, in some respects, the public benefits conferred by the earlier plan, the Planning Board does not intend, in granting this modification, nor is it permitting the construction authorized by this Major amendment to be considered "commencement of construction" as required in Section 10.46 for the original permit and its approved plans. Failure to grant any extension of Special Permit #87 in its

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original form, however, shall not affect the legal status of any construction as authorized under this Major Amendment #1.

Decision

Based on review of the application documents, comments made at the public hearing, comments of the staff, and based on the above findings the Planning Board GRANTS Major Amendment #1 of Special Permit #87 as requested in the application documents referenced above subject to the following conditions:

1. The time limits affecting the originally granted Special Permit #87 are not modified in any way as outline in Paragraph 4 of the findings above.
2. The waiver of the requirement to make a payment into the Harvard Square Improvement fund is limited to the construction authorized by this Major Amendment #1; all conditions affecting construction as authorized by the original permit shall remain in force and effect for that construction.
3. The design shall be subject to mandatory design review through the Community Development Department; the Department shall certify to the Superintendent of Buildings that the final plans submitted to secure a building permit are in conformance with the conditions of this Major Amendment #1.
4. The final plans shall make appropriate provision for screening of any waste storage facility located outside the building both from the public street and from abutting properties. Such screening methods shall be approved by the Community Development Department as part of its design review.
5. Any condition of the Cambridge Historical Commission with regard to the demolition of the building previously on the site shall be a condition of this permit as well.

Voting to GRANT the Permit were: P. Dietrich, A. Cohn, H. Russell, C. Mieth and A. Callaghan, constituting two thirds of the membership of the Board.

For the Planning Board,



Paul Dietrich, Chairman

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A copy of this decision shall be filed with the Office of the City Clerk. Appeals if 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 April 14, 1992, 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

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