



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

MAJOR AMENDMENT

CASE NO: PB#75

PREMISES: 2456 Massachusetts Avenue

PETITIONER: Royal Heritage Development Corporation

APPLICATION DATE: August 18, 1988

DATE OF HEARING: September 6, 1988

PETITION: Major amendment to permit alterations in the development plans as originally approved on November 10, 1987.

DATE OF PLANNING BOARD DECISION: October 18, 1988

DATE OF FILING THE DECISION: October 18, 1988

Decision (summary): 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 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.

RECEIVED BY
CITY CLERK
OCT 28 AM 9:24
CAMBRIDGE MA.

Elizabeth J. Malenfant

Authorized Representative to the Planning Board

10/28/88
Date



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

Major Amendment
Special Permit #75

Case No: PB #75
Premises: 2456 Massachusetts Avenue
Petitioner: Royal Heritage Development Corporation
Application Date: August 18, 1988
Date of Public Hearing: September 6, 1988
Date of Original Permit: November 10, 1987
Date of Decision of Major Amendment: October 4, 1988
Date of Filing of Major Amendment: 10/28/88

Application Documents

1. Plans and Elevations; sheets numbered A-1, A-2, A-3, and A-5; dates August 9 and August 15, 1988; John G. Danielson, Inc, Architects; Scale 1/8" and 1/4" = 1;
2. Letter to Lester Barber from John Blackburn requesting Planning Board consideration, dated August 18, 1988.

Other Documents

1. Revised Plans and Elevations; sheets numbered A-1, A-2, A-3 and A-5; dated September 7, 1988.
2. Letter to Paul Dietrich from Lauren Preston with comments on revised plans, dated August 24, 1988.
3. Letter to Paul Dietrich from Lauren Preston, with attachments commenting on revisions to plans proposed by applicants. dated September 19, 1988 (attached letter to Preston from David Arthur dated September 16, 1988 with plans).
4. Letter to Lauren Preston from Edmund Danielson responding to traffic and parking concerns, dated September 14, 1988.

5. Letter to the Planning Board from Jed Lowry, Chair, North Cambridge Stabilization Committee opposing the Mayor Amendment, dated October 3, 1988.

Findings

1. The proposed residential development conforms to the minimum requirements of the Business C-1 District for residential uses, as found by the Board in its original Decision. The amended plan continues to do so.
2. The alterations to the development plan requested in this Major Amendment are the result of circumstances beyond the control of the applicants: disputes revolving around the use of Tyler Court and the failure of the approved development at 2440 Massachusetts Avenue to commence construction concurrently.
3. While the Board finds the originally approved development plan superior to the amended plan, its implementation is not currently possible. The additional development allowed by the original permit, intended to be granted as an encouragement to residential construction, should not be unreasonably denied because of circumstances not within the control of the applicant to alter provided the altered plan continues to meet the minimum standards required for residential uses.
4. The amended plan has been modified in response to safety concerns expressed by the Traffic and Parking Department. Every reasonable condition has been imposed to eliminate any dangerous condition for pedestrians or drivers.

DECISION

After review and consideration of the application material, comments made at the public hearing, discussions at subsequent Planning Board meetings and other information available to the Board, the Planning Board GRANTS a Special Permit for a major amendment to Special Permit #75, previously granted by the Board, to permit alterations in the development plans as originally approved on November 10, 1987 such that (1) exclusive vehicular access and egress via Massachusetts Avenue is allowed and (2) the ground floor space identified for retail use is reduced in size and converted to residential use, subject to the following conditions and limitations.

1. Final Plans submitted to the Superintendent of Buildings for a building permit shall be in general conformance with the revised Plans referenced above (other documents #1 and #3 above). The Community Development Department shall certify to the Superintendent of Buildings that the final plans so comply before issuance of any building permit.
2. The final location of safety devices (warning lights, speed bumps, etc.) shall be approved by the Traffic and Parking Department.
3. Should construction authorized by Special Permit #60, at 2440 Massachusetts Avenue, not advance concurrently with the construction authorized by this permit, the permittee shall independently conform

to the requirements of Condition #2 of the Major Amendment to Special Permit #60 granted on February 5, 1988, to the extent that development at 2456 Massachusetts Avenue, as authorized by this Major Amendment, may necessitate the alteration of the median divider on Massachusetts Avenue. Therefore the permittee shall (1) post a bond or other surety in an amount and in a form satisfactory to the Department of Traffic and Parking prior to the issuance of any certificate of occupancy for the building to cover all costs associated with the closure or modification of the median traffic island in Massachusetts Avenue should that be deemed necessary by the Traffic and Parking Department and (2) initiate an analysis of the travel patterns of the residents of the dwelling units as they exit and enter the building, at a time and in a manner acceptable to the Traffic and Parking Department, when 80% of the subject dwelling units have been occupied, which analysis is to be provided to the Traffic and Parking Department to determine whether any alterations to the median strip or other traffic control measures may be necessary to prevent significant additional vehicular trips on local residential streets originating from this development.

4. The Massachusetts Avenue entry as approved by this Major Amendment Special Permit shall be removed and additional at grade gross floor area devoted to retail use shall be constructed in its place, and alternate access to and from the site shall be provided when construction has commenced at 2440 Massachusetts Avenue in conformance with the Planning Board Special Permit #60 as amended, or as may be amended, and in a manner consistent with the joint development plans approved originally for Permit #75 and amended Permit #60.

5. Within thirty days of filing of this Decision, the permittee shall submit to the Planning Board for approval, basement and first floor plans and elevations showing the alterations that are necessary and will be made to accommodate access to the abutting property at 2440 Massachusetts Avenue as required in condition #4 above. The building as constructed shall be so designed as to permit relocation of the entry through the property at 2440 Massachusetts Avenue without significant disruption to future residents of the building authorized by this Major Amendment. The plans required in this Condition #5 shall be so designed as to permit implementation of the coordinated basement plan essentially as approved for the original Permit #75 and amended Permit #60.

6. Before issuance of any occupancy permit for the development, the permittee shall establish surety, in a form acceptable to the solicitor of the City of Cambridge, in an amount determined by the Community Development Department to be sufficient to cover the costs of the alterations to the building required in Condition #4 above and which surety is available to the permittee, or any successors in interest, to fund said alterations. Within 30 days of the occurrence of the event outlined in Condition #4 above the permittee or any successor in interest shall present to the Planning Board for approval a schedule by which the reconstruction required above shall be accomplished in a timely manner. Failure to present such a schedule of construction and failure to meet the schedule shall constitute a violation of the conditions of this Special Permit and shall be subject to the applicable penalties imposed by the Zoning Ordinance. The condominium master deed, should the property be made a condominium, shall contain such provisions as are necessary to

obligate future owners, in combination, to the fulfillment of the requirements contained in this Decision.

7. The Planning Board may, as a major amendment to this Special Permit, relieve the permittee of any obligation to fulfill the requirements of Condition #4 above should (1) five years have elapsed from the date of this decision without construction occurring at 2440 Massachusetts Avenue in conformance with plans authorized by the Planning Board Special Permit #60, as amended, or (2) sufficient evidence is presented to the Board indicating that despite the occurrence of that construction vehicular access cannot be altered as intended by the Planning Board.

8. Modifications to the above referenced plans which would permit access to and from these premises at 2456 Massachusetts Avenue other than via a direct entry to Massachusetts Avenue and/or through property at 2440 Massachusetts Avenue consistent with plans approved for Permit #75 or the amended Permit #60 shall require a major amendment approval from the Planning Board.

Voting to GRANT the major amendment were C. Cooper, A. Cohn, A Callaghan, H. Russell and P. Dietrich constituting two thirds of the membership of the Board. Voting to deny the permit was C. Mieth.

For the Planning Board,



Paul Dietrich
Chairman

A copy of this decision shall be on file 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 after the date of such filing with the office of the City Clerk.

ATTEST: A true and correct copy of the decision filed with the office of the City Clerk on October 28, 1988 by Elizabeth J. Malenfant, authorized representative to the 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.

City Clerk of the City of Cambridge

date