



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No.: PB#109

Premises: 343 Fresh Pond Parkway

Zoning District: Business A/Parkway Overlay District

Petitioner: Glenn K. Dougherty, Eastern Consulting, INC., 19 Midstate Drive, Suite 220, Auburn, MA 01501

Owner: Trinity Investments, Inc., P O Box 331, Dover, MA 02030

Date of Decision: April 18, 1995

Date of filing Decision: May 18, 1995

Petition: Parkway Overlay District Special Permit to waive the front yard landscape requirements of the Parkway Overlay District, 11.64; to modify the site plan of Automobile Service Station, Section 4.36,b, in order to construct a canopy over existing gas pumps. Also a variance for additional illuminated signage on the site.

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Documents Submitted:

1. Application dated February 15, 1995, submitted by Glenn K. Dougherty Eastern Consulting, Inc.
2. Plan sheets 1, 2, and 3, dated 5/11/94, scale 1"=10'0", consisting of the proposed site plan, existing site plan, and elevations of the canopy, signs and graphics.

Other Documents Submitted:

1. Plan sheets, 3 unnumbered, scale 1"=10'0": dated 3/16/95, consisting of the conceptual landscaping; dated 3/21/95, consisting of the lighting plan; dated 3/20/95,

consisting of the truck turning movement plan.

2. Letter to the Planning Board from Lauren Preston, Deputy Traffic Director, dated March 16, 1995 reviewing the plans submitted and discussing the inventory of the parking spaces.
3. Letter to the Planning Board from Lauren Preston, Deputy Traffic Director, dated March 23, 1995 reviewing the revised or additional plans for the site submitted 3/16/95.

Public Hearing

At a public hearing held on March 7, 1995, L. Barber presented a series of slides of the site illustrating existing conditions. S. Schlesinger discussed the state commitment of Transportation Improvement Plan (TIP) funds (to the City) to improve the Metropolitan District Commission (MDC) right of way along the Parkway by adding sidewalks, lighting and landscaping, including in front of this lot.

The applicant was represented by Vincent Panico, attorney, Glenn Dougherty, consulting engineer for Mobil Corporation, and Nadim Lakees, the operator of the gas station. The proposal consists of construction of a canopy over the existing gas pumps, which would allow employees and customers to be protected from the weather, and to be protected by a more efficient fire suppression system. In exchange for some additional signage on the canopy the applicant proposed the removal of two free standing signs at either end of the site; the principal pylon sign would be retained. The applicant recognizes the importance of landscaping and is open to suggestions for the most appropriate landscaping on the site and on MDC property. The applicant indicated a willingness to reduce the curb cut (now essentially continuous) to a more nearly conforming configuration.

Mr. Dougherty discussed the improved fire suppression capabilities of the new canopy and suggested that the pump area would also be kept clear of ice and snow build up with installation of the canopy.

There was discussion of the landscaping plans, lighting impacts and the age of the existing tanks (i.e. whether they were erected within the setback required by the Overlay District before the district was established in 1981). Also discussed were the Overlay District requirements and the impacts of the proposed construction on the District's objectives.

There were comments from the public regarding the application and details of the planting plan.

At subsequent regular meetings, the Planning Board reviewed an alternate landscaping plan, the lighting plan, and the driveway access. The Board assessed the extent to which the specific requirements of the Overlay district might be modified in circumstances, as in this

case, where existing site development is significantly out of compliance with the objectives as well as the details of the Overlay District's requirements, and likely to remain so for the foreseeable future. The details of the specific proposals for the canopy, signage, lighting and landscaping were discussed and analyzed for their impact on the Parkway's character.

Community Development Department staff and some Planning Board members toured the Alewife Brook Parkway area with Chris Chadbourne, design consultant for the department, to review the existing environment at the applicant's site and generally along Alewife Brook and Fresh Pond Parkways.

Findings

1. A gas station has been operating at this site since at least the 1950's. The existing pumps, or their predecessors have been in their current position since before the adoption of the Parkway Overlay District requirements in 1981.
2. The existing site, as currently developed, is significantly out of compliance with the requirements of the Parkway Overlay District as it relates to front yard setback, landscaping and curb cut access. There is no reasonable expectation that the site will be brought into conformance with those requirements as long as the existing gas station use continues.
4. The existing gas station use provides a service to the community and it is reasonable to permit that activity to modernize and upgrade in a manner consistent with the best operation of the service station and with the least impact on the objectives of the Parkway Overlay District.
5. The City of Cambridge, in cooperation with the Metropolitan District Commission, will be undertaking a major upgrading of the public right of way along Fresh Pond Parkway including reestablishment of a landscaped border, installation of sidewalks, and rationalization of access from the Parkway to abutting private property. Those improvements and landscaping efforts along the Parkway will help to create the unified parkway landscape which is the principal objective of the Overlay District's setback and landscaping requirements and help mitigate the visual confusion and haphazard development pattern that characterizes most commercial development in this area.
6. The standards established by Section 11.60 of the Zoning Ordinance cannot be met at this site without the total redevelopment of the lot. As this is not likely to occur within the foreseeable future, the objectives of Section 11.60 can best be served by permitting divergence from the specific standards, developed for and best applied to new developments, which will have the effect of significantly improving the appearance of the site. Failure to grant certain flexibility will simply result in the retention of the existing, unsatisfactory physical arrangement. The public benefits to be gained are: significant landscaping on the site, including in portions of the required setback; elimination of some of the existing signs on the site; a significant improvement in the control of access to the site with the

establishment of curb lines and specifically demarcated curb cuts; a general improvement in the safety and convenience for customers and the visual appearance of the lot.

7. In granting the divergence from the standards established in Section 11.60, the general criteria for the issuance of special permits set forth in Section 10.43 can be met.

* The improvements permitted will improve patterns of access and egress from the site and will not cause congestion or hazard, and will actually improve the character of the existing environment;

* The operation of abutting uses will not be negatively impacted; on the contrary a positive example will be established for subsequent improvements to any adjacent or nearby site.

* Existing nuisances and hazards to the citizens of Cambridge will be eliminated or minimized with the installation of the improvements authorized by this special permit.

* There will be no derogation from the intent and purpose of the Zoning Ordinance.

Decision

Based upon the above findings made after receipt of the application documents and testimony at the public hearing and subsequent discussion at regular Planning Board meetings, the Planning Board **GRANTS** a Special Permit as authorized in Section 11.63.7 of the Zoning Ordinance to waive the dimensional standards of the Parkway Overlay District and **GRANTS** a Special Permit to modify the limit on the width of a curb cut in a business district as set forth in Section 6.43.3, as permitted in Sections 6.43.5 and 10.45, to permit the installation of improvements as outlined in the application documents, and revisions thereto, subject to the following conditions and limitations.

1. All improvements shall be consistent with the basic site plan as submitted with the application and dated March 3/20/95, subject to any modifications required by this Decision.
2. A final landscape plan shall be submitted to and approved by the Planning Board for that area indicated to be landscaped on the application documents. The details of the plan shall be guided by the objective to provide trees and shrubs of a substantial nature which will have a significant visual impact on the site, and which will be capable of flourishing with reasonable maintenance. The landscaping shall be installed simultaneously with the installation of the canopy, or at some later time with the posting of surety, in a form acceptable to the City, which will cover the cost of the installation of the landscaping by direction of the City should the permittee fail to do so.
3. A detailed lighting plan shall be submitted to and approved by the Planning Board

which at a minimum shall not include any lighting exceeding 175 watts of power. The lighting plan shall reduce the maximum foot candles to less than twenty (20) shown on the applications documents. In approving the lighting plan the Planning Board may establish an interim period, of not less than six months from the granting of the occupancy permit, within which the operation of the lighting may be observed and after which further reduction in its intensity may be required.

4. The canopy shall be permitted as set forth in the application documents with the following limitations:
 - * The canopy shall be grey in color.
 - * The lenses of any light fixtures shall not extend below the under surface of the canopy.
 - * No signage shall be permitted on the canopy.
5. The two free standing signs proposed to be removed in the application document shall be removed. No additional new signage shall be permitted on the site.
6. The permittee shall make a contribution to an escrow account established by the City of Cambridge, for improvements to the Alewife Brook and Fresh Pond Parkways, in an amount to be determined by the Planning Board that is equivalent to the cost of the landscaping and curbing improvements within the 25 foot front yard which would otherwise be required on this site should all standards of the Parkway Overlay District be met.
7. All conditions of this permit shall be met before issuance of a Certificate of Occupancy by the Superintendent of Buildings for the authorized improvements, which shall be so certified by the Community Development Department.

Voting to grant the Special Permit were: P. Dietrich, H. Russell, A. Cohn, H. Sallemme, A. Callaghan, constituting four-fifths of the Planning Board. C. Mieth voted to deny the Permit.

For the Planning Board,

A handwritten signature in cursive script that reads "Paul Dietrich" with a circled "m" to the right of the name.

Paul Dietrich, Chairman