



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

RECEIVED BY
OFFICE OF CITY CLERK
96 JUL 12 AM 11:35
CAMBRIDGE MA.

Case No. PB #113
Address: 2055 Massachusetts Avenue
Zoning District: Business A-2 (BA-2); Mass. Ave. Overlay District
Owner: 2055 Mass. Ave. Trust, Chris Poutahidis, Trustee
Applicant: Bloor Automotive Inc., d/b/a Speedy Muffler King East
Application Date: February 27, 1996
Public Hearing: April 16, 1996
Petition: Waiver of certain provisions of the North Massachusetts Avenue Overlay District, Sections 11.05 to 11.107, relating to landscaping, facades and ground floor retail use as authorized in Section 11.108; a Special Permit for alteration to the site plan of an Automobile repair not including auto body or paint shop use, Section 4.37.h; a variance from the front yard transition requirement, Section 5.41; and a variance for the expansion of a nonconforming structure, Section 8.22.3.

Planning Board Decision: May 14, 1996

Filing Decision: *July 12, 1996*

Decision (Summary): Denied

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 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 the Community Development Department and the City Clerk.

Elizabeth Malenfant
Authorized Representative of the Planning Board

July 12, 1996
Date:

Case No. PB #113
Address: 2055 Massachusetts Avenue
Zoning District: Business A-2 (BA-2); Mass. Ave. Overlay District
Owner: 2055 Mass. Ave. Trust, Chris Poutahidis, Trustee
Applicant: Bloor Automotive Inc., d/b/a Speedy Muffler King East
Application Date: February 27, 1996
Public Hearing: April 16, 1996
Petition: Waiver of certain provisions of the North Massachusetts Avenue Overlay District, Sections 11.05 to 11.107, relating to landscaping, facades and ground floor retail use as authorized in Section 11.108; a Special Permit for alteration to the site plan of an Automobile repair not including auto body or paint shop use, Section 4.37.h; a variance from the front yard transition requirement, Section 5.41; and a variance for the expansion of a nonconforming structure, Section 8.22.3.

Planning Board Decision: May 14, 1996

Filing Decision: *July 12, 1996*

Application

1. Application certified as complete by Elizabeth J. Malenfant, February 27, 1996.
2. Application placed on file at the City Clerk's Office February 29, 1996.
3. Photographs, undated, illustrating other Speedy Muffler facilities in nearby towns.
4. Photographs, undated, illustrating the existing site and the abutting sites.
5. Site plan, dated 2/26/96, 1 inch = 10 feet, Design Consultants, Inc. (replaced 5/7/96).
6. Existing conditions plan, dated 2/6/96, same scale (replaced 5/7/96).
7. Concept plan of interior and exterior elevations, 2/7/96, 1/4 inch = 1 foot.

8. Perspective view illustrations of proposed development, undated, Network Design International (illustrating 5/7/96 proposal).
9. Narrative Description Amendment, permit relief revisions, dated 4/12/96.

Other Documents

Memo to the Planning Board from CDD staff, dated March 19, 1996, re: Criteria for Review of Mass Ave Overlay Special Permit Cases.

Memo to the Planning Board from CDD staff, undated, re: North Mass Ave Overlay District.

Charts prepared by CDD staff, dated April 16, 1996, showing those districts where auto related uses are allowed and alternate development potential for site.

Memo to the Planning Board from CDD staff, dated May 3, 1996, re: North Mass Ave Overlay District Requests for Special Permits: Valvoline, Speedy Muffler, Jiffy Lube (analysis for each with pertinent sections of the *Zoning Ordinance*).

Letter to the Planning Board from Lauren M. Preston, Deputy Traffic Director, dated February 27, 1996, reviewing the proposal.

Letter to the Planning Board from Sheila Doyle Russell, Mayor, dated April 16, 1996, urging a decision reflecting the concerns of the abutters and the neighborhood.

Letter to the Planning Board from Kathleen L. Born, Vice Mayor, dated May 7, 1996, opposing the proposal.

Letter to the Planning Board from Councillor Francis H. Duehay, dated April 19, 1996, opposing the proposal.

Memo to the Planning Board from Pedestrian Advisory Committee, dated May 6, 1996, commenting on the proposal.

Letter to the Planning Board from Creighton Street Neighborhood Association, dated May 6, 1996, opposing the proposal.

Letters to the Planning Board from the North Cambridge Stabilization Committee, dated May 1, 1996 and May 7, 1996, opposing the proposal.

Petition to the Planning Board from North Cambridge residents, undated, opposing the proposal.

Letter to the Planning Board from Charles M. Sullivan, Executive Director of Cambridge Historical Commission, dated April 16, 1996, opposing the proposal.

Letter to the Planning Board from Porter Square Neighbors Association, dated March 27, 1996, opposing the proposal.

Letter to the Planning Board from Larissa Brown, 42 Madison Avenue, dated May 6, 1996, opposing the proposal.

Letter to the Planning Board from Jacek von Henneberg, 11A Walden Street, dated March 6, 1996, opposing the proposal.

Petition to the Planning Board, undated, supporting the proposal.

Letter to the Planning Board from John and Laura Marshall, 110 Orchard Street, dated April 1, 1996, supporting the proposal.

Letter to the City Council from North Cambridge Stabilization Committee, dated April 1, 1996, calling for a comprehensive master plan for North Cambridge.

Public Hearing

The proposal was presented to the Planning Board at an April 16 public hearing. The applicant indicated that there had been two meetings with the neighborhood stabilization committee at which the issues of noise and access from side streets were of initial concern. There has been every effort to meet the requirements of the zoning ordinance and to serve the needs of the property owner who would like to sell the site.

A list of the relief sought was presented. That relief should be granted because the new plan would increase the setback of the building where it is now non conforming, would increase landscaping on the site, would reduce traffic volumes, improve traffic circulation and pedestrian safety by reducing or eliminating curb cuts, and by reducing the number of vehicles on the site.

The existing site is all paving with extensive curb cuts (in fact there is no curb reveal on the Blake Street side). There are eight pumps with an estimated 90 trips in the A.M. peak if they were all in operation.

While the application plans had included access from Hadley Street to a series of bays at the rear of the building, the revised plan has eliminated that access for customers, closing the building in the rear. A number of the existing curb drops have been eliminated (from 197 feet to 80 feet).

The existing canopies will be removed and the building itself refaced in brick. Landscaping

increases from 612 to 4,000 square feet. Between 15 and 25 cars would be serviced in a day.

In response to questions from the Planning Board the following comments were made by the applicant. There will be seven lifts entered through the three front doors; no access will be provided from the rear. Cars are parked and driven into the facility by attendants. The two curb cuts have been retained for flexibility but it probably would be possible to eliminate one. For cost reasons the existing structure is retained and expanded. The facility will be company owned and operated and operated from 7 to 7 on weekdays and till 4 on Saturdays; no work would continue after 6:00 P.M. There would be no activity on Sunday. There are 32 operations in the Boston area with facilities in Newton, Dedham, Watertown and Billerica; the closest facility is 1.9 miles away. Signs would be made of wood and would be conforming. The gas pumps on the site were installed on the 5th of April; gas was not pumped for almost three years as a repair facility occupied the site. Alignment and brakes, more than mufflers constitute the business; 40% of business is in exhaust systems.

No one spoke in support of the petition. Those speaking in opposition made the following comments. The use contradicts the requirements and objectives of the Overlay District, public safety would be jeopardized, and the quiet enjoyment of living in adjacent homes would be compromised. It is a poor location for this use with historic structures nearby and plans for upgrading Porter Square advancing. Control on operation and closing of doors might be difficult to enforce and operations would generally be a problem in the summer. The senior center is across the street. The operation involves more parts, more truck activity. The property is likely to deteriorate over time just by the nature the operation of such a facility.

Findings

1. Section 11.100 of the Zoning Ordinance of the City of Cambridge, the Massachusetts Avenue Overlay District, was adopted as an amendment to the Zoning Ordinance by the Cambridge City Council on October 6, 1986. The specific provisions of the Massachusetts Avenue Overlay District were developed after extensive study and analysis of the circumstances prevailing along Massachusetts Avenue by the planning staff of the City of Cambridge and land use consultants hired by the City, and in cooperation with an appointed study committee of Cambridge citizens, property and business owners. In setting forth the purposes of the Overlay District in Section 11.102 in 1986, the drafters of the text of Section 11.100 (and the City Council in adopting it) were familiar with the existing development character along Massachusetts Avenue. The presence of automobile service stations, among other auto oriented retail activity, was well-established along much of Massachusetts Avenue at the time of adoption of Section 11.100. The automobile service station at 2055 Massachusetts Avenue has been long established and was in operation in 1986 in much the same fashion as it exists today.

2. The purposes of the Massachusetts Avenue Overlay District are set forth in Section

11.102. They are:

- * to create a more harmonious and consistent image for development along the Avenue and adjacent areas,
- * to encourage good building design and site development which enhances the pedestrian amenities along the Avenue,
- * to ensure that changes along the Avenue are compatible with the scale and character of abutting neighborhoods,
- * to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods, and
- * to discourage new development inappropriate in either scale or design.

3. To advance those purposes, the Massachusetts Avenue Overlay District establishes a set of requirements for future development within its area of applicability that are not required of development within the Business A-2 district itself or generally elsewhere in other zoning districts in the City. Among those requirements imposed are the following: that the area between the principal front wall plane of a building and any public street or park be devoted to green area with limited exceptions for vehicular access drives (Section 11.105); that the ground floor of that portion of a building facing a public street or park be devoted to a limited number of specifically enumerated uses, which enumeration explicitly excludes the use Automobile Service Station, Section 4.36 g of the Zoning Ordinance (Section 11.106); and that building facades facing public streets and parks be designed so as to contain an area of transparent glass and a disposition of building entrances as outlined in the Ordinance (Section 11.107).

4. To further elaborate on the purposes of Section 11.100 and provide a visual context for the development patterns the requirements of Section 11.100 are intended to foster, the *North Massachusetts Avenue Urban Design Guidelines Handbook* is specifically referenced in Section 11.100. The handbook is intended to help property owners understand the objectives of the City in adopting the Massachusetts Avenue Overlay District and to guide the Planning Board in its deliberations when it is asked to permit a divergence from the requirements of Section 11.100, as is permitted in Section 11.108 of the Overlay District.

5. In reviewing the provisions of Section 11.100 and the *North Massachusetts Avenue Urban Design Guidelines Handbook* the Planning Board finds that new development along the Avenue should generally have the following characteristics:

- * New buildings should be located near the public sidewalk with any intervening space devoted to a landscaped planting area or an attractively paved area allowing pedestrians to approach the building with ease.

* The ground floor of those new buildings, with the exception of multifamily dwellings and townhouses, should contain retail stores and offices, ideally providing services of use to the abutting neighborhoods, that are fully visible to passing pedestrians and that encourage pedestrian activity along Massachusetts Avenue with the location of store entries with that orientation.

* Any necessary vehicular storage or service should be located behind the building and should be visually screened to the extent possible from the view of pedestrians and automobiles on Massachusetts Avenue. The number and extent of driveways crossing the sidewalk should be kept to a minimum.

* Necessary services that are by their nature automobile oriented, to the extent that they are permitted in the Business A-2 district, should be accommodated in larger developments where their visual impact can be screened by other conforming elements of the development; or the use should be accommodated elsewhere in the city.

6. Automobile Service Station uses, Section 4.36 g and Auto Repair not including Auto Body and Paint Shop Uses, Section 4.37 h, are by their nature inconsistent, in their development form and operation, with the purposes of the Massachusetts Avenue Overlay District and the specific requirements of the District as set forth in Sections 11.105 and 11.106, and with the intent if not the precise requirements of 11.107. The existing site development pattern at 2055 Massachusetts Avenue violates in spirit and detail major provisions of Section 11.100.

7. The Board recognizes that the existing Automobile Service Station use at 2055 Massachusetts Avenue, and the proposed replacement that is the subject of this special permit petition, are uses that provide a valuable and necessary service to the North Cambridge community and the Cambridge community more generally. However, the Massachusetts Avenue Overlay District has established a very high standard of design if such uses are to be newly established or significantly modified along north Massachusetts Avenue. If those services cannot meet that high standard, they can be accommodated elsewhere in the city; and as they are specifically services needed only by those having an automobile, they are available to all who need them at other locations in Cambridge.

8. Nevertheless, the Massachusetts Avenue Overlay District recognizes that such high standards of development, rigidly enforced in all circumstances, may result in site development contrary to the intent of Section 11.100. Therefore, Section 11.108 authorizes the Planning Board to grant a special permit to allow divergence from the requirements of Sections 11.105 - 11.107 upon a finding that the alternate development scheme will better serve the objectives of Section 11.100 than would strict adherence to those requirements. In granting a special permit the Planning Board is also charged with carefully monitoring the quality of the development scheme authorized. The more general standards for issuance of a special permit, as set forth in Section 10.43, must also to be satisfied.

9. The original application before the Planning Board was for a special permit to waive certain of the requirements of the Massachusetts Avenue Overlay District, as authorized in Section 11.108, because the site development proposed cannot meet the requirements of Section 11.105 - Restrictions in Required Setbacks and 11.106 - Use Restrictions: the building was totally devoted to a use that is not permitted on the ground floor of a building facing Massachusetts Avenue; the area between the building and Massachusetts Avenue and Blake Street contained a significant amount of space devoted to the circulation of automobiles into and out of the building and site or to surface parking (ca 20 feet and 45 feet respectively). And further, the site plan contained more than 63 feet of curb cut in a running length of 145 feet on Massachusetts Avenue, more than twice the 30 feet allowed. On Hadley Street a nearly conforming total of 35 feet of curb cut in a 154 foot distance existed. Furthermore, the spirit of Section 11.107 - Design Standards was not met by the proposed glass garage doors facing Massachusetts Avenue; these would provide a view of auto uses not permitted in such a prominent location within a building unless a special permit waiver is granted. Similarly, the mostly blank walls facing Hadley and Blake Streets are contrary to the intent of the Overlay District, although these are clearly secondary frontages. However, a pedestrian entrance is provided facing Massachusetts Avenue.

The applicant subsequently submitted a revised site plan, dated April 12, 1996, that substantially altered the arrangement of building, circulation and landscaping on the site. One curb cut was eliminated from Hadley Street, the new addition set back an additional nine feet from Massachusetts, and all access to service bays was eliminated at the rear of the property off of Hadley Street. With modifications to the dimensions of the existing structure, the need for a variance to expand a nonconforming structure was eliminated. Most other violations of the Overlay District continue in the revised scheme; this revised scheme is reflected in this decision.

Specifically:

11.105. Restrictions in Required Setbacks. The area between principal wall plane and public street shall be devoted to Green Area or other elements exclusively for pedestrian use; exception: access drive to parking elsewhere on the site may cross this area @ maximum of 30' per 100' of frontage.

The Speedy Muffler proposal does not meet this requirement in that, in its 145' of frontage on Massachusetts Avenue, it has a total of 63' of curb cut for vehicles entering and exiting the facility. On Blake Street the entire curb cut is closed off and a landscaped buffer provided along the entire abutting street edge. On Hadley Street one curb cut remains with a total length of only 15'. However, the area between the landscaped strip and the building, on both Massachusetts Avenue and Blake Street, a distance of 29 and 40 feet respectively, is almost entirely devoted to circulation for automobiles onto and off of the site, and for parking. The Hadley Street frontage is landscaped essentially as intended in the Ordinance.

11.106. Use Restrictions. First floor of the building for a depth of at least 20 feet shall consist of residential, office, institutional, or non open-air and non drive-in retail uses (as specified in Section 4.35).

The Speedy Muffler proposal does not meet this requirement in that it is an industrial use (Section 4.37).

11.107. Design Standards

a. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue.

The Speedy Muffler proposal provides for a small waiting room function at the front of the building with a pedestrian entrance to Massachusetts Avenue. However, this building type does not, by the nature of its use, encourage drop-in pedestrian activity so that it is likely the door would have more symbolic importance than practical value in advancing the objectives of the Overlay District.

b. Separately leased space shall have individual entrance.

This provision is not applicable.

c. Facades facing a public street shall consist of 50% clear glass on the ground floor where retail use is established.

The large service bays can be made of glass, thus meeting the physical requirements, but they would not meet the intent of the Ordinance, which is to create an inviting visual connection between activity inside the building and the sidewalk. It is likely that in mild weather, the doors would remain open, further highlighting the automotive nature of the interior operation. The bays are oriented toward Massachusetts Avenue. The facade directly facing the Avenue is provided in part with glass windows and door facing into an interior waiting room, an arrangement that more nearly approximates the intent of the Overlay District than do the glass garage doors.

As these requirements of the Overlay District are not met, the Planning Board is charged with reviewing whether the development as proposed will better serve the objectives of this Section 11.100 than if the standards were followed, if the Special Permit authorized in Section 11.108 is to be granted. Those objectives are most clearly set forth in Section 11.102 - Purpose of the Massachusetts Avenue Overlay District.

a. To create a more harmonious and consistent image for development along the Avenue.

The Speedy Muffler proposal would provide a new facility much better landscaped than the old facility. The proposal would not, however, decrease the number of auto-oriented businesses that exist along the Avenue and would continue to reinforce the pattern of buildings and site development organized around the needs of the automobile rather than a relationship to the pedestrian and the public sidewalk. It is particularly important in this case, as the Avenue here has a long development history that more closely reflects the ideal development character embodied in the Overlay District's regulations.

b. To encourage good building design.

The Speedy Muffler building design can be made to meet a reasonable, but high, standard for auto service facilities that would upgrade the appearance of this site; the building type, however, has limitations inherent in structures meant to serve the automobile and suffers in its ability to contribute to the basic purposes of Section 11.100. In particular, the pedestrian environment suffers along the public street as the site continues to be dominated by paving to serve the needs of automobiles without a compensating building, intensively and actively used for a non auto retail or office use. The three auto bays would continue to dominate any view of the building by pedestrians and drivers moving along Massachusetts Avenue.

c. To enhance pedestrian amenities.

On Blake Street all curb cuts would be eliminated; On Hadley Street only one curb cut to the rear of the site would be retained. A continuous planting strip would be created on Blake Street and on Hadley Street a landscaped area would be created. Such changes would result in an improved environment with the elimination of long curb cuts and the installation of considerable on-site landscaping and street trees.

On Massachusetts Avenue, however, the pedestrian would still be faced with a building and site development clearly oriented to facilitate the flow of automobiles that on busy days would be frequently crossing the sidewalk to enter the site and exit the building.

d. To ensure that development on the Avenue is compatible with the abutting residential neighborhoods.

The broad question is whether this use is inherently incompatible, as the specific improvements proposed are improvements over the existing conditions. The use is designed to have cars drive in for auto maintenance service. Automobiles would be expected to be waiting in line on the lot, or parked and stored on site. Despite the fact that this site is one of the larger lots along the Avenue, it suffers from the narrowness of the depth of the Business A-2 zoning district. In fact at some points on the lot the zone line (which follows the property line here) is less than the 100 feet otherwise

typical along Massachusetts Avenue. That narrowness limits the ability of any retail activity on this site to buffer its activities from residential uses in the neighborhood (in this case residential use lies immediately adjacent to the site). The nature of the operation proposed here, i.e. removal and installation of mufflers among other things, is likely to compound the problem. On the plus side, the elimination of all access from the Blake Street and reduction of access off of Hadley Street would facilitate residents' use of those facilities.

Nevertheless, the operation would involve many cars moving or idling on the lot at the same time, much maneuvering into the multiple bays throughout the building and out of them, and the normal noise attendant to maintenance of vehicles that could be a considerable annoyance to residents located just behind the site.

e. To encourage the retention of historic buildings.

The existing structure on the site is not an historic building but there are a number of important buildings in the vicinity, including the Henderson Carriage Building and the City's firehouse. The proposed site development is particularly inappropriate in this high quality, more urban environment.

f. To discourage new development having an inappropriate scale and inappropriate design.

The scale of the structure proposed by Speedy Muffler is much smaller than would be allowed within the dimensional limits of the Business A-2 zoning district, which means less potential shading of neighbors. However, the design as a result has a suburban relationship to the Avenue, rather than the "Main Street" image envisioned in the North Massachusetts Avenue design guidelines and already characteristic of the neighborhood. As noted several buildings of quality in the neighborhood do convey in their bulk and orientation the more urban aesthetic that is embodied as an objective in the Overlay District's regulations. By the nature of its dimensional limits, the zoning anticipates that more dense development might occur on this site and others like it along the Avenue, both to advance urban design objectives for a more urban character to the street and to facilitate the conversion of existing auto-oriented developments to other uses; the design guidelines affirm that as well in their recommendations. Furthermore, the slightly larger size of the lot may make alternate development slightly more easily attainable.

10. While the proposed redevelopment of this site at 2055 Massachusetts Avenue would likely make aesthetic, visual and operational improvements over the current use and organization of the site, the Board finds that on balance the fundamental objectives and purposes of the Overlay District are not being met sufficiently to justify the waiving of the requirements of the Overlay District as requested. The Planning Board finds that such a use should meet a very high standard of design and site arrangement before waivers or

modifications of the requirements should be considered. While this proposal makes a serious effort to address the design objectives of the Overlay District, such waivers may in fact not be desirable at all where the a site is to be used exclusively for such use, as the auto orientation continues to dominate even when dressed up in very good design. And at this location especially, the quality of development is particularly important given the already existing character prevailing on adjacent stretches of the Avenue.

In assessing the wisdom of granting waivers from the requirements of Section 11.100, it may be appropriate to consider, in part, whether any new development along the Avenue can be reasonably expected to meet the standards set forth in the Overlay District. In this regard there is some development experience to be observed along the Avenue since the adoption of the Overlay District. Three sites have been redeveloped since the adoption of the Overlay District, and in conformance with its requirements: at 2475 Massachusetts Avenue for a restaurant, at 2490 Massachusetts Avenue for a multi-story office building, and at 2280 Massachusetts Avenue for residential townhouses. A townhouse and retail development has been approved for 2107 Massachusetts Avenue, with construction expected to be initiated soon, and a proposal is being advanced for the construction of a two story retail building within the Porter Square Shopping Center at Massachusetts Avenue and White Street. The Board finds that there is a reasonable expectation that over time the site that is the subject of this petition, and other sites along the Avenue, will be subject to redevelopment in conformance with the requirements of Section 11.100 or to redevelopment that will require fewer and/or less fundamental waivers than is the case with the current petition. And as already noted, the size of this site may encourage earlier conversion to more desirable uses.

11. Section 10.43 of the Zoning Ordinance sets out additional criteria for granting special permits. This section provides that special permits will normally be granted where specific provisions of the Ordinance are met, except where particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because of the following criteria.

a. Traffic generated would cause congestion, hazard, or substantial change in neighborhood character. The degree to which the new use would differ from the operation of the existing gas station is difficult to assess; traffic estimates for the current gas station on the site have generally been based on the application of standard, national traffic engineering generation rates that may not be accurate for this gas station at this location; the current station has not been in operation as such for some time so that actual counts would not be possible in any case. Even if total vehicle trips to the site were to be reduced, it is very likely that those vehicles will be on-site for longer periods of time, idling or otherwise operating on site.

b. Continued operation of, or development of, adjacent uses would be adversely affected. Granting of the permit would perpetuate the use of the site in a manner contrary to the purposes and objectives of the Overlay District. It would likely retard consideration of alternate uses more nearly in conformance with the purposes of the

Overlay District for this site and for adjacent sites.

c. Nuisance or hazard would be created to the detriment of the health, safety, and/or welfare of the citizens of Cambridge. To the extent that the new use might utilize the site in a more intrusive manner, a greater nuisance could be created. Nevertheless, redevelopment of the site would improve the visual aspects of development on the site, and thus reduce the visual nuisance the existing nature of the site creates.

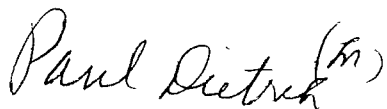
d. The use would impair the integrity of the district, or an adjoining district, or otherwise derogate from the intent and purpose of the Zoning Ordinance. The new use would further intensify a use of the site that is contrary to the basic intent of the Overlay District.

Decision

After consideration of testimony presented at the public hearing and at subsequent Board discussion of the proposal at regular Planning Board meetings, and of information provided in the application, and based on the findings above, the Planning Board **DENIES** the Special Permit to allow the construction at 2055 Massachusetts Avenue as requested in the above referenced application documents.

On a motion to approve the special permit, no member voted in the affirmative, and H. Russell, P. Dietrich, C. Mieth, A. Cohn, W. Tibbs, A. Callaghan and H. Salemme voted against. As two-thirds of the Board failed to vote in the affirmative to grant the permit, the motion failed and the grant of the special permit was denied.

For the Planning Board,

A handwritten signature in cursive script that reads "Paul Dietrich" followed by a circled "M" in the upper right corner.

Paul Dietrich, Chairman