



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

Notice of Decision

CASE NO: PB#117
PREMISES: 2072 Massachusetts Avenue
ZONING DISTRICT: Business A-2/North Mass Avenue Overlay District
PETITIONER: Kentucky Fried Chicken,
c/o Joseph Bliar, General Manager, P O Box 267,
Everett, MA 02149
DATE OF APPLICATION: July 1, 1996
DATE OF PLANNING BOARD PUBLIC HEARING: July 16, 1996
DATE OF PLANNING BOARD DECISION: August 13, 1996
DATE OF FILING PLANNING BOARD DECISION: August 23, 1996
DECISION (Summary): Granted with conditions.

Appeals, if any, shall be made pursuant to Sections 17 or Massachusetts General Laws Chapter 40A, and shall be filed within twenty (20) days of the filing of the above reference 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.

August 23, 1996

Elizabeth J. Miller
Authorized Representative to the Planning Board

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CASE NO: PB#117
PREMISES: 2072 Massachusetts Avenue
ZONING DISTRICT: Business A-2/North Mass Avenue Overlay District
PETITIONER: Kentucky Fried Chicken,
c/o Joseph Blair, General Manager, P O Box 267,
Everett, MA 02149
DATE OF APPLICATION: July 1, 1996
DATE OF PLANNING BOARD PUBLIC HEARING: July 16, 1996
DATE OF PLANNING BOARD DECISION: August 13, 1996
DECISION (Summary): Granted with conditions.

Petition: The application is to add a walk in freezer unit to the rear of the existing fast order food establishment, which use is non conforming in the Business A-2 district. That extension would increase the non conforming nature of the Walden Street facade of the building under the Massachusetts Avenue Overlay District. Thus relief is required from the provisions of the Overlay District under Section 11.108 and for enlargement of a non conforming use under Section 8.22.2.

Application:

1. The applicant submitted plans showing the location of a walk in freezer at the rear of the existing fast order food establishment, which is non conforming as to the requirements of the Massachusetts Avenue Overlay District requirements for windows. The application was certified complete on July 7, 1996.
2. Document entitled "Compressor Sound Evaluation" , from Joe Blair, indicating the decibel levels associated with the proposed compressor equipment.
3. Memo to the Planning Board from Lester Barber entitled "Site Review of KFC Location at 2072 Massachusetts Avenue - Special Permit #117", dated August 6, 1996.
4. Preliminary landscape plan and additional noise information submitted at

the August 13, 1996 meeting.

5. Letter to the Planning Board from Craig A. Kelly, chair of the North Cambridge Stabilization Committee

Hearing and Discussion

At a public hearing held on July 16, 1996, Joseph Blair, General Manager of Global Mechanical, Inc., presented the plans showing the location of the freezer unit at the rear of the building, on the existing cement slab. He indicated that this is the only KFC/Taco Bell in the area without a walk-in freezer. This site relies on frequent deliveries of chicken and this freezer unit would reduce the number of deliveries required to the site as well as increase the safety of the storage of the meat. Terry Lurie, representing the Housing Authority, owner of the elderly housing on the adjacent lot, expressed a concern that the additional equipment not increase the level of noise detectable from their site. An outdoor sitting area is present behind the building; the existing equipment is not a problem as the ambient noise in the area is considerable. The hope and expectation would be that this new equipment would also not be intrusive. Mr. Paul Myers, Porter Square resident, encourage KFC to make compensating improvements on the site that has, currently, an "anywhere" look about it. Mr. Blair indicated that improvements as suggested by the Board and others would be possible

The Planning Board discussed the noise of the compressor associated with the unit and its potential impact on the adjacent city-owned elderly housing complex. Mr. Blair indicated that the existing compressors on the site are much more powerful and are likely to greatly overshadow the impact of the new equipment. Nevertheless, he indicated the possibility of moving the new equipment from the top of the freezer to the roof of the building. The Board also discussed whether, in exchange for the waivers requested, there might be some improvement in the landscaping on the site, reduction in signage if any is non conforming, adjustments in the parking lot arrangement, and modifications in the color of the addition.

On August 6, 1996, Mr. Blair returned to the Board and presented a chart of the decibel level produced by the proposed compressor. The chart was unclear to the Board because it did not specify the distance from the compressor at which the readings would be taken; therefore the impact on abutters was not clear although the chart suggested the noise from the facility would likely be less than the existing equipment.. The Board asked Mr. Blair to return the following week with more specific information, indicating that if the suggestions in Mr. Barber's memo could be implemented, and if the noise levels were acceptable as the preliminary information suggested, the permit could be granted at the next meeting on August 13, 1996.

On August 13, 1996, Mr. Blair returned to the Board with a sound engineer. Mr. Blair indicated that the condenser unit is to be located at the front of the building, screened by the existing parapet; this will reduce the amount of noise detectable. The parapet will surround the condenser on three sides. The sound impact, which were estimated by calculation, was determined for the yard at the Cambridge Housing Authority as well as from across Walden

Street at the closest residence. The levels were found to be 32 and 34 decibels respectively. The average ambient Cambridge noise level at night is 50 decibels. At a decibel level 15 points below the ambient level in the neighborhood, the new equipment will not add additional points to that ambient, background noise.

Findings

1. The appearance and impact of the existing non conforming sidewall of the building facing Walden Street will not be materially changed with the addition of the new freezer. The freezer is a reasonable and necessary feature of the operation of the existing non conforming use.
2. The compressor equipment will not add any noticeable levels of noise to the environs and will not add to the nuisance of mechanical noise now emanating from the site and associated with ambient noise levels on the surrounding city streets.
3. With improvements to the site required as conditions for the issuance of this special permit, installation of the freezer will positively improve the appearance of the lot and its impact on the neighborhood and will permit the site to better serve the objectives of the Massachusetts Avenue Overlay District.
4. The installation of the freezer unit will better serve the public interest in facilitating the delivery of safe food products and will likely decrease the number of deliveries necessary to the site.

Decision

After review of the application and discussions at the public hearing and at subsequent meetings with the applicant, and based on the above findings, the Planning Board GRANTS Special Permit #117 with the following conditions.

1. Before issuance of a building permit for the freezer installation the Community Development Department shall approve a landscaping plan for the site to be submitted by the permittee. The plan shall show the location of new landscape plantings, identify all plant species and indicate their sizes. It shall include the design and location of planter boxes that may be proposed for the front and Walden Street side of the building and an improved enclosure of improved quality for the dumpster. The plan shall include a schedule for installation that shall be completed no later than 60 days after issuance of the building permit.
2. The freezer shall be protected by a large granite curb, or other material satisfactory to the Community Development Department, rather than metal guard rail proposed.
3. The following corrections shall be made to the current installation of signs on the site before issuance of a certificate of occupancy for the freezer: (2) resetting of the "Taco Bell" sign facing Walden Street so that no portion of

that sign extends more than one foot from the parapet wall, and (2) removal of the two side sign faces on the cupola consistent with the approved package of signage certified by the Community Development Department for the site (which indicated 8 square feet of sign area on the cupola and no signs on the side faces).

4. The compressor equipment associated with the approved freezer shall be located on the roof of the building toward its Massachusetts Avenue front.
5. The freezer shall be painted the same color as the body of the existing building.

Voting to grant the Special Permit were H. Salemme, L. Sheffield (acting in the place of absent member C Mieth), A. Cohn, P. Dietrich, and H. Russell, constituting two thirds or more of the membership of the Board.

For the Planning Board,

A handwritten signature in black ink, appearing to read "Paul Dietrich", written in a cursive style.

Paul Dietrich, Chair