

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Minor Amendment #6

Case No.: #12

Premises: Charles Square
(formerly known as Kennedy Square Mixed Use
Development)

Zoning District: Residence C-3/PUD 1

Petitioner: CH & S Limited Partnership (formerly Kennedy
Square Associates, Joint Venture of KSA
Properties, Inc. and Carpenter/Cambridge
Associates)

Date of PUD Planning Board Decision: June 23, 1981
Date of extension of Decision: April 20, 1982
Date of first amendment: April 5, 1983
Date of second amendment: October 4, 1983
Date of third amendment: May 1, 1984
Date of fourth amendment: July 9, 1987
Date of Minor Amendment #5: January 4, 1994
Date of Minor Amendment #6: November 1, 1994

Decision: GRANTED

Documents Submitted

1. Letter to Lester Barber, CDD, from Gary J. Gianino, representative for CH&S Limited Partnership, dated October 24, 1994, with floor plans.

Discussion

At the regular Planning Board meeting of November 1, 1994, the Planning Board heard the above request. Gary J. Gianino, CH&S Limited Partnership, Andrew H. Cohn of Hale and Dorr, attorney for the applicant, and Reena Spence, owner of the proposed Wellness Center clinic, outlined the proposal. The clinic, which

will occupy existing retail space at Charles Square, will provide women's health services and education as well as retail sale of books, videos, and other aids.

The applicant indicated that given the retail portion of the clinic operation, the total area of retail use within the Charles Square development will not change by more than the ten percent limit established in the original permit.

There was considerable discussion as to whether the request required Board approval only for the use in the retail component of the development or whether it constituted a minor amendment, which would add the clinic use as an explicitly authorized use in the text of the Special Permit. It was the Board's finding that the original permit must be amended to include the clinic as a permitted use, a procedure consistent with past Board practice on all Special Permits it has issued.

There were no questions, statements in support, or statements in opposition from the public.

Findings

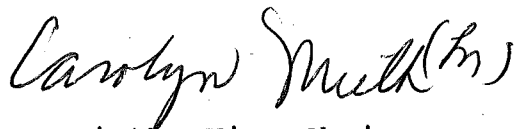
The Planning Board finds that this request is a Minor Amendment to Special Permit #12 under the provisions of Section 12.37.2 of the Zoning Ordinance. Further, the Board finds that the clinic use, Section 4.33 d4 of the Table of Use Regulations, is an allowed use in any development authorized in a PUD-1 District, with approval of the Planning Board, and that the use as described in the application documents and at the regular meeting of the Board is consistent with the intent and purposes of the Special Permit as originally granted and compatible with the uses and activities previously approved for the development.

Decision

After reviewing the information provided by the applicant in the above referenced documents and at the Planning Board regular meeting, the Planning Board **GRANTS** the Minor Amendment requested by amending the language of the original permit to include Clinic not affiliated with any other institution, Section 4.33 d4, as a permitted use and further approves the clinic use and its location, as described in the application documents, within the Charles Square development.

Voting to grant the amendment were H. Salemme, A. Callaghan, H. Russell, C. Mieth and W. Tibbs.

For the Planning Board,



C. Mieth, Vice Chair

PB#12, Minor Amendment #6

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 **November 16, 1994** 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.

Appeal has been filed and dismissed or denied

City Clerk, City of Cambridge

Date