



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

## NOTICE OF DECISION

Case No: PB#127

Address: 325 Fresh Pond Parkway

Owner: EMJR Properties, Inc.

Applicant: George Sallum, 127 Larch Road, Cambridge, MA 02138

Application Date: May 1, 1997

Public Hearing: May 20, 1997

Planning Board Decision: July 1, 1997

Date of Filing Decision: August 18, 1997

Application: Special Permit for the Parkway Overlay District and the Business A base district to construct a 10 bay Automobile Repair Garage. The application includes the waiver of side and rear parking setbacks and the reduction in required parking.

Decision: GRANTED 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 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.

Authorized Representative to the Planning Board

For more information regarding this special permit, please contact Liza Paden at the Community Development Department, 349-4647.

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### Application

The special permit application to construct an automobile repair garage at 325 Fresh Pond Parkway was filed on May 1, 1997. It included a dimensional form, letter to Lester Barber, dated May 19, 1997, regarding concerns and a summary of the variances and relief required for the construction of a repair garage, ownership certificate, plot plan, and drawings showing the proposed site layout as well as the interior plans. Permits requested were: Waiver of parking lot landscaping provisions of the Parkway Overlay District, Section 11.66.3; special permit for Automotive repair garage in a Business A district, Section 4.37 (h); Reduction in required parking, Section 6.35; waiver of parking setback requirements, Section 6.44.1 (a) and (b); waiver of screening requirements, Section 6.47.8. Board of Zoning Appeal special permits are requested from the Planning Board as permitted in Section 10.45

### Other Application Documents

1. Revised plan and elevations, entitled "317-325 Fresh Pond Parkway"; Sharkey Design Company; dated 6/30/97; scale 1/8" = 1' 0".
2. Revised plan and elevations, entitled "317-325 Fresh Pond Parkway"; Sharkey Design Company; dated 8/06/97; scale 1/8" = 1' 0".
3. Floor plans and cross sections, entitled "317-325 Fresh Pond Parkway"; Sharkey Design Company; no date; scale 1/8" = 1' 0".
4. Survey plan and site plan in context of adjacent lot, entitled "317-325 Fresh Pond Parkway"; Sharkey Design Company; no date; scale 1/8" = 1' 0".

## Public Hearing

The Public Hearing was held on May 20, 1997, with deliberations occurring at subsequent regular meetings and with a decision on July 1, 1997. Mr. George Sallum, the applicant, presented the proposal for the reconstruction of the automotive repair garage that had previously been on the site. He indicated that no employees will be parking on the site; the parking spaces will be used for customer cars only. No repair activities will be occurring outside. He indicated that he has had conversations with the school principal of the adjacent Tobin School, and that the principal is satisfied with the design provided no repair activities occur to the rear outside the building and the area is well maintained. In response to the concern expressed from the Board and neighbors about noise from the daily operations of a repair shop, Mr. Sallum indicated that there is no autobody work or work on car alarms occurring on the site, although the main door to the facility may remain open during work hours.

Both the Board and neighbors who testified were concerned that the building be of quality materials and well designed. The Board also encouraged coordination of the site development with the adjacent gas station. The Board indicated no fundamental problem with the proposal but asked the staff to undertake a design review process with the applicant before approval of the proposal. A revised plan was presented to the Planning Board on July 1, 1997, which the Board found acceptable as the next iteration of design in the ongoing design review process.

## Findings

The Planning Board reviewed the application documents, the site plan and information presented by the applicant at the public hearing and finds the following.

### **1. Conformance with the purposes of the Parkway Overlay District**

Those purposes are: (a) to create unified identifiable images of designated areas, (b) to enhance public safety by reducing visual confusion and haphazard development, and (c) to encourage development which will protect and enhance the use and enjoyment of public open space resources.

The Board finds that this proposal meets the purposes of the Parkway Overlay District. The use is allowed in the base district (Business A). The landscaping standards along the Parkway will be met, enhancing the

Parkway character of this site. The design of the building will reflect the nature of the use but will be of a quality that will complement the open space across the parkway and will be significantly better than site development and building design for other auto uses within the Parkway district.

**2. Conformance to the dimensional and architectural requirements of the Overlay District.**

The proposal is within the dimensional requirements of the district with a Floor Area Ratio of .5, a maximum height limit of 23 feet, and front yard setback of 25 feet. The front yard shall consist of green space as defined in the Ordinance and required in the Overlay District.

The building's facade meets the standards of the Overlay District as the principal building entrances face the Parkway. The building's facade and roofline is articulated and expanses of unbroken wall planes is limited to less than 35 linear feet for that facades facing public open space and/or public roadway. The ground floor level includes a minimum of 30% transparency to enliven and enrich the public environment.

Through design review the Community Development Department will insure that all rooftop mechanical equipment will be screened from view and that trash receptacles will be properly located and screened.

**3. Reduction in Required open space within parking lots in the Parkway Overlay District, Section 11.66.3**

The Board finds it acceptable to have the 6 foot high opaque fence along the rear lot line abutting the Tobin School as a substitute for green space. The parking area will thus be substantially screened, and additional small areas of landscaping within the parking area will serve little purpose for the occupants of the site or for abutters or the general public. The most prominent portions of the site, in the 25 foot front yard setback, will be substantially landscaped in conformance with the evolving plans for reconstruction of the public portions of the Fresh Pond Parkway.

**4. Reduction in required parking, Section 6.35.**

The Board finds a reduction of the required parking acceptable as the site will be jointly managed with the abutting service station and employees will be required to park elsewhere and be transported to the site. Accommodation of additional parking would require costly underground construction, an additional, second story on the building or encroachment onto valuable publicly beneficial green space at the front

of the building. The Board finds that the applicant will be able to manage the use of the available parking spaces without disruption to the general public or abutters.

**5. Waiver of rear and side yard setbacks for parking facility, Section 6.44.1 (a) and (b).**

Opaque fences on the perimeter of the site, a service station abutting on one side of the site, and significant landscaping at the front yard of the site all ensure that the objectives of the normally required setbacks will be met in the approved site plan. The use of the building is for the repair of automobiles; setback from that first floor use for parked cars outside the building serves no public safety purpose.

**6. Conformance with the special permit requirements for an Automotive use, Section 4.37 (h) and 10.43.**

Requirements of the Ordinance, not otherwise modified by this Decision, will be met. Traffic to and from the site will be well managed and will not cause hazard or congestion and will much improved over that which had prevailed on the site in years past. This site plan and improvements to the Parkway will rationalize access to this site to the benefit of all. The improved site design and building design being approved will much benefit adjacent uses and the experience of travelers along the Parkway. No nuisance or hazard will be created as the site plan and building design will adequately accommodate the use proposed. The integrity of the Business A District and the Parkway Overlay District will be maintained.

Decision

After review of the application documents, and deliberations at the public hearing and based on the above findings, the Planning Board **GRANTS** the Special Permit #127 with the following conditions:

1. The applicant shall continue to participate in Design Review of the site, especially the parking layout, landscaping, streetscape and facade design with the Community Development staff.
2. No storage of supplies or trash and no repairs of automobiles shall be permitted outside the building; a limited trash receptacle may be provided if it meets the requirements of Section 11.60 and is approved by the Community Development Department.

3. The Community Development Department shall certify to the Superintendent of Buildings, prior to the issuance of a building permit that all conditions of this special permit have been met.

Voting in favor to GRANT the special permit and to grant the special permit use and the relief from the parking regulations of the Overlay District were: P. Dietrich, C. Mieth, H. Salemme, H. Russell, W. Tibbs and A. Cohn constituting more than two thirds of the Board.

For the Planning Board

*Paul Dietrich (m)*

Paul Dietrich, Chair

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 after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on **August 18, 1997**, by Elizabeth M. Paden, authorized representative of the Cambridge 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.

DATE: