



CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**  
 CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

AMENDED NOTICE OF DECISION

Case No: PB#145

Address: 2443 Massachusetts Avenue

Zoning: Business A-2/North Mass Avenue Overlay District

Owner/Applicant: Modern Continental Enterprises, 600 Memorial Drive,  
 Cambridge, MA 02139

Application Date: February 16, 1999

Public Hearing: April 20, 1999

Planning Board Decision: June 15, 1999

Date of Filing Decision: July 16, 1999

Date of Filing Amended Decision: July 23, 1999

1999 JUL 23 PM 12:23  
 CITY OF CAMBRIDGE  
 COMMUNITY DEVELOPMENT DEPARTMENT

Application: Multifamily Special Permit (Sections 4.26 and 10.47) to  
 construct 11 units of housing.

Decision: **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.

Authorized Representative  
 to the Planning Board

*Liza M. Paden*

For further information concerning this decision, please call Liza Paden  
 at 349-4647, TTY: 349-4621, email lpaden@ci.cambridge.ma.us.

CITY OF CAMBRIDGE, MASSACHUSETTS

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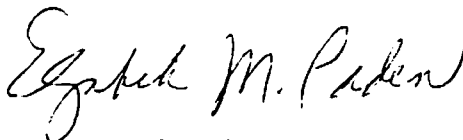
Date of Filing Decision: July 16, 1999

Application: Multifamily Special Permit (Sections 4.26 and 10.47) to  
construct 11 units of housing.

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.  
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OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS  
1999 JUL 16 P 3:36

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#### Application

1. Special Permit application, with ownership certificate, dimensional form, zoning review, and supporting statement dated complete 2/16/99
2. Plans, scale as noted on plans, dated 2/8/99, site plan/landscape plan; plot plan dated 1/27/99, sheet labeled A101-A104, A203-206, and A-7.
3. Letter to Edward O'Donnell, attorney for Modern Continental Enterprises, Inc., requesting additional information for the application review, from Lester Barber, dated 2/25/99

#### Other Documents Submitted

1. Certificate of Compliance of the Development Consultation Procedure dated 11/19/98
2. Letter to Paul Dietrich, from Lauren Preston, Deputy Traffic Director, dated 3/2/99.
3. Letter to Les Barber, from Robert Fox, Dyson Development LLC, dated 3/4/99
4. Elevation study dated 12/02/97, first floor plan, basement floor plan, dated 9/23/98.

5. Traffic Impact Study prepared by Fay, Spofford & Thorndike, Inc. dated 4/7/99
6. Color drawings of the streetscape study of Mass Avenue dated 4/14/99, and site/landscape plan dated 4/13/99
7. Letter to Les Barber from Edward C. O'Donnell, dated 4/15/99 as a cover to the additional requested materials.
8. Letter to Les Barber from Edward C. O'Donnell, dated 4/26/99 as a cover to the additional requested materials from public hearing, with new drawings dated 4/12/99 and 4/27/99 showing the revisions suggested at the Public Hearing.
9. Department of Traffic, Parking and Transportation Non commercial Parking Space Registration Form for 2443 Massachusetts Avenue.
10. Letter to Les Barber, from Edward C. O'Donnell, attorney for the applicant, dated 4/26/99
11. Letter to Les Barber, from Edward C. O'Donnell, attorney for the applicant, dated 5/17/99
12. Letter to the Planning Board from Beryl Minkle & Haakon Chevalier, Michael Rome & McNamara Buck, dated 5/24/99
13. Letter to the Planning Board from Michael Rome & McNamara Buck, dated 5/24/99
14. Letter to the Planning Board from Michael Brandon, dated 5/25/99
15. Letter to the Planning Board from Berj & Anie Manoushagian, dated 5/25/99
16. Letter to the Planning Board from Craig A. Kelley, dated 5/25/99
17. Letter to the Planning Board from Chris S. Pak, dated 5/25/99
18. Letter to the Planning Board from Craig A. Kelley, dated 6/1/99
19. Letter to the Planning Board from Anie Manoushagian, dated 6/1/99
20. Letter to Les Barber, from Edward C. O'Donnell, attorney for the applicant, dated 6/3/99
21. Letter to the Planning Board from Lauren M. Preston, dated 6/14/99

22. Letter to the Planning Board from Chris Pak, dated 6/15/99.

23. Plans, scale as noted on plans, dated 4/15/99, sheet 1; site plan/landscape plan; sheets labeled A103, A104, A101, L102, L001, and sheet 1 dated 4/27/99

### **Findings**

After review of the application documents and other documents submitted to the Board, testimony taken at the public hearing, review and consideration of the requirements of the North Massachusetts Avenue Overlay District and its urban design objectives, the Board makes the following findings.

1. The predominant residential use of the property is a desirable one as is the use of the ground floor for retail use. Some members of the Board continue to find the configuration of the ground floor activities inadequate and not consistent with the intent of the Overlay District to focus the major pedestrian activity associated with the building at the front. Residential access to the building continues to be focused at the rear of the building and via automobile. A more vigorous commitment to encourage resident use of a main entry at Massachusetts Avenue should be made.

2. The general scale of the building is consistent with the provisions of the Business A-2 district and the Overlay District and would assist in the transformation of this portion of Massachusetts Avenue from its substantially auto oriented retail activity to a more pedestrian friendly mixed use district. Some members of the Board, however, believe that a new building of this size could be substantially better designed to enhance the quality of the public street and to provide the best face to abutting properties.

3. Conformance with the criteria for issuance of a special permit for Townhouses and Multifamily Dwellings, Section 10.47.4 of the Ordinance.

a. Key features of the natural landscape should be preserved to the maximum extent feasible. Tree removal should be minimized and other natural features of the site, such as slopes, should be maintained.

The site is now vacant, generally level and with not significant natural features

b. New buildings should be related sensitively to the existing built environment. The location, orientation, and massing of structures in the development should avoid overwhelming the existing buildings in the vicinity of the development. Visual and functional disruptions should be avoided.

The site is bounded to the rear by a tall one story industrial building at or near the property line. The building wall is windowless. To the south of the site residential construction is underway in buildings three and a half stories high. To the north is a one story commercial structure with billboards on the roof. This portion of Massachusetts Avenue presents a relatively jumbled image of building forms and site development as it is an area in transition, in the past an auto oriented retail service strip now being transformed to a more urban environment. In general the proposal is been consistent with that transformation.

c. Parking areas, internal roadways and access/egress points should be safe and convenient.

Parking is to be located in the rear of the building in conformance with the objectives of the Overlay District. Access is to be provided by a shared, narrow right of way at the north side lot line adjacent to the abutting commercial structures. Use of that right of way ensures that access to the parking will be as non intrusive as is possible.

d. Parking area landscaping should minimize the intrusion of onsite parking so that it does not substantially detract from the use and enjoyment of either the proposed development or neighboring properties.

The parking is located behind the building and not substantially visible from Massachusetts Avenue. The rear of the property is completely screened by the existing industrial building. The perimeter of the parking on two sides would be screened with landscaping; a small amount of landscaping would be required for that portion of the parking facility that is not located underneath the building. Abutting properties would not be unreasonably negatively affected.

e. Service facilities such as trash collection apparatus and utility boxes should be located so that they are convenient for residents, yet unobtrusive.

In response to abutter concerns, the trash facilities have been moved to the center of the site away from locations that might impact adjacent properties.

4. Conformance with the criteria of Section 10.40 of the Zoning Ordinance which indicates that a special permit should be granted unless the specifics of the proposal would cause the granting of the special permit to be a detriment to the public interest because :

a) The requirements of the Ordinance cannot be met.

For the most part requirements of both the Business A-2 district and the North Massachusetts Avenue Overlay District have been met or can easily be met. Some members of the Board, however, find that the first floor arrangement of uses are substantially inconsistent with the intent and requirements of the Overlay District as they do not orient the residential occupants of the building to Massachusetts Avenue.

b) Traffic generated or patterns of access and egress will cause congestion, hazard, or substantial change in established neighborhood character.

The mix of uses will not result in an unreasonable amount of traffic originating from or coming to the site. The eleven units of housing is not excessive for the site, and is in fact well below the maximum number that is allowed. The small retail component is not likely to be a destination location and is more likely to serve those who are already passing by the site or who live in the neighborhood. The traffic generated here is not substantially different from that which is already established in the vicinity.

c) The continued operation of or the development of adjacent uses as permitted in the Zoning ordinance will be adversely affected by the nature of the proposed use.

The adjacent housing now under construction is likely to benefit from an additional number of residential units on this site. Adjacent commercial uses are likely to benefit from new residential customers and the active use of a now derelict site.

d) Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of the City.

While a nuisance or hazard will not be created as a result of the construction of the building, some members of the Board find that a more creative design would better mitigate the negative aspects of this tight site, hemmed in by existing commercial and retail structures.

e) For other reasons, the proposed use would impair the integrity of the district or the adjoining district, or otherwise derogate from the intent and purpose of this Ordinance.


The integrity of this district or adjoining districts would not be impaired.

### Decision

On a vote of four members in favor of granting the special permit and one member opposed to granting the permit, the application is **DENIED** for failure to achieve the required two thirds of the membership of the Board voting in the affirmative.

Voting in the affirmative to grant the Special Permit were H. Russell, A. Cohn, S. Lewis, and C. Mieth. Voting in opposition was W. Tibbs.

For the Planning Board,

  
Carolyn Mieth, Vice 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 July 16, 1999, 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:

City Clerk  
City of Cambridge