



CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

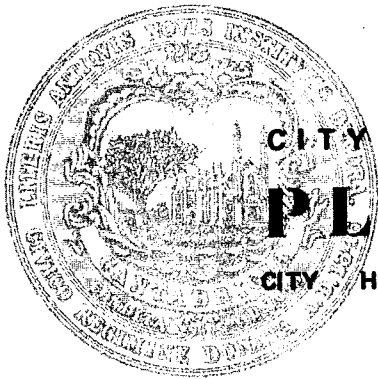
NOTICE OF DECISION

In reference to petition of 1000 Massachusetts Avenue Phase I Associates for a special permit for landscaped green space at 1000 Massachusetts Avenue, the petition has been GRANTED by the Planning Board on May 4, 1982 with a number of conditions as to the construction, maintenance and protection of the facility.

A copy of the complete decision has been filed with the Office of the City Clerk on June 14, 1982. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty days after the date of filing of the complete decision.

Elizabeth McCarthy

Secretary to the  
Planning Board



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

CASE NO.: PB #23

PREMISES: 1000 Massachusetts Avenue

ZONING DISTRICT: Business B-1

PETITIONER: 1000 Massachusetts Avenue Phase I Associates

APPLICATION DATE: November 23, 1981

PUBLIC HEARING DATE: January 5, 1982

PETITION: Special Permit for Landscaped Green Space,  
Section 4.27

AUTHORIZATION TO EXTEND DATE OF DECISION: April 5, 1982

DATE OF PLANNING BOARD DECISION: May 4, 1982

## The Petition

The applicant proposes to construct a publicly accessible landscaped green space along Green Street to the rear of the First Phase of the office building under construction at 1000 Massachusetts Avenue, in conformance with the requirements of Subsection 4.273 of the Cambridge Zoning Ordinance.

## Documents

In support of the petition the following documents were submitted:

1. Special Permit Application, 1000 Massachusetts Avenue Phase I Associates, certified completed on November 23, 1981.
2. Site and Planting Plan entitled "Green Street Park Plan" Symmes, Maini and McKee, Architects; Mason and Frey, Landscape Architects; Scale 1/8" = 1'-0"; Revision dated November 13, 1981; accompanying generalized elevation sketch of the park and adjacent office building.

## Public Hearing

Applicant. Mr. Peter Johnson, representative of Spaulding and Slye Corporation, briefly described the intent and purpose of the green space. He indicated that it was designed to provide a landscaped amenity serving the surrounding neighborhood; its specific design

details are subject to change upon the suggestions of the Planning Board and the neighborhood. The Special Permit requested is for that portion of the green space bordering the first phase of the adjacent office building. A second permit will be sought for the second phase of the green space at a later date.

Public Comments. Chairman Parris opened the hearing to questions and comments from the public. A number of people spoke, commenting on the plan as presented and questioning the applicant on the plan and his specific intentions. In general the comments delivered by the speakers made the following points:

- 1) housing on the site is the preferred use and housing had been promised by the developer during recently past rezoning hearings,
- 2) the park is not needed or wanted by the neighborhood,
- 3) the neighborhood suffers from a severe crime problem which is aggravated by the availability of parks where persons can congregate; this particular site has been used as a congregating area in the past,
- 4) the park will be the preferred destination for groups of people coming from the entertainment establishments along Massachusetts Avenue resulting in disturbances to the residents of the neighborhood,
- 5) vandalism at the park will be severe; it will be beyond the ability of the owners of the property to keep the green space maintained in presentable condition, and
- 6) the park is not an adequate buffer between the houses located on Green Street directly across from the park and the office building at 1000 Massachusetts Avenue.

In response to the many questions from the public Mr. Johnson advised the Board that there will be twenty-four hour security of the building and the green space but that there will be no round-the-clock resident security force in the building. The park will be lighted by fixtures mounted on the wall of the adjacent building. In response to concerns that the park will not be adequately maintained, Mr. Johnson indicated that the park will be fully sprinklered and that the developers have their own staff of people who maintain the grounds of all their buildings, including this one.

Mr. Johnson stated that while the developers had no intention of constructing housing on the site he would be willing to discuss that option with the full development team.

Two persons specifically indicated their opposition to the granting of the Special Permit.

- (a) Robert LaTremouille, 6 McLean Place, Cambridge
- (b) William Noble, 38 Green Street, Cambridge

Most other persons in the room, numbering about 25, indicated by a show of hands their opposition to the proposal. No one spoke in favor of granting the Special Permit. The Planning Board indicated that persons signing an attendance sheet would be notified of all meetings of the Board at which the Special Permit application would be discussed.

### Other Actions

Documents. The Planning Board received the following communications regarding the proposed Special Permit.

1. Letter from Harvey A. Silverglate to David Vickery with copies to Planning Board members dated January 11, 1982 reiterating the opposition of many residents in the Riverside neighborhood to the park proposal.
2. Letter from Phyllis Baumann to the Planning Board dated January 18, 1982, detailing numerous reasons which require the denial of the Special Permit, which she encouraged.
3. Letter from Phoebe Barnes to the Planning Board dated January 26, 1982, indicating strong support for a park if certain conditions are met, including the provision for community gardens.

Meetings. A number of meetings were held with neighborhood residents by the Community Development Department and the Applicant to discuss issues in dispute over the green space proposal.

1. Meeting, March 4, 1982, CCDD Conference Room, attended by V. Cromie, P. Baumann, M. Wellons, A. Daly, residents of the neighborhood; C. Hoopes, P. Johnson, M. Mason representing the applicant; D. Vickery, L. Barber representing the CCDD staff and the Planning Board. Some of the neighborhood persons reiterated their view that no park design is likely to work at this site unless there is a full time security guard inspecting the site at very frequent intervals throughout the day and night. Most of the neighborhood people still wanted housing on the site but the developer indicated that it would not be constructed. Mr. Mason, the applicant's landscape architect, was asked to alter the design of the park in an attempt to meet the security concerns of the Riverside community. A list of questions concerning the operation of the proposed park, compiled by M. Wellons, was distributed at the meeting.
2. Meeting, March 11, 1982, CCDD Conference Room attended by S. Roberts, M. Wellons, C. Monica, T. Costagiola, and J. Halprin, residents of the neighborhood; P. Johnson, W. Whalen and M. Mason representing the applicant; and D. Vickery and L. Barber for the CCDD.

Mr. Mason presented a plan including a 6'6" steel fence with three gates. Suggestions for other modifications included elimination of the Bay/Green sitting area; installation of

lights along the front of the park as well as along the building; larger trees in the Bay/Green corner. The applicant suggested that neighborhood residents could be given the number of the security service for the building as a possible security measure.

3. Meeting, March 25, 1982, CCDD Conference Room, attended by C. Upshur, V. Cromie (briefly), T. Costagliola, C. Monica, J. McMahon, J. Halprin, M. Wellons, S. Camp, M. Melford for residents of the neighborhood, L. Barber for the CCDD, and no representative for the applicant. A number of proposed changes in the revised site plan were suggested including the location of a single entry gate in phase one on Green Street, larger canopy trees at the Bay/Green corner, possible inclusion of a tot lot and community gardens; security measures including the response time for security personnel answering requests from the neighborhood; different configurations for the walkway to reduce its use by bikers and skateboarders. There was general agreement on most matters; the tot lot and the community gardens suggestions did generate some differences of opinion.
4. Meeting, April 10, 1982, CCDD Conference Room, attended by M. Wellons, P. Wellons, J. Halprin, S. Roberts, T. Costagliola, J. McMahon, M. Melford, W. Schaefer, C. Evans, residents of the neighborhood; P. Johnson and J. Frey representing the applicant; L. Barber for the CCDD.

Agreement was generally reached on the details of the park including locations for the main gate, tot lot, community gardens and principal large trees as well as other issues of plant selection and green space design.

5. Meeting, April 27, 1982, CCDD Conference Room, attended by J. McMahon, P. Wellons, M. Wellons, C. Evans, C. Monica, J. Halprin, T. Costagliola, M. Melford, residents of the neighborhood; P. Johnson, M. Mason, representing the applicant; L. Barber for the CCDD and the Planning Board.

A revised sketch site plan showing a tot lot and community gardens was reviewed. Some modifications were made to that plan and general agreement was reached on other details. The details of the tot lot furniture were to be decided at a subsequent meeting.

#### Other Documents.

1. List of suggested changes to the design of the green space compiled by neighborhood residents at a neighborhood meeting held March 15, 1982 and forwarded to the applicant on March 17, 1982 by the staff of the CCDD.
2. Revised Site Plan entitled "Study for Possible Revisions, Green Street Park Plan", study date March 12, 1982 as submitted by the applicant.

3. Letter to Arthur Parris from neighborhood residents dated March 28, 1981, outlining continuing concerns and detailing specific requirements that should be attached to any special permit issued.
4. Letter to Lester Barber from Peter Johnson dated April 9, 1982, commenting on tentative conditions for a special permit distributed to the neighborhood for comment.
5. Letter to the Planning Board from Hill and Barlow dated April 1, 1982, granting to the Planning Board an extension of the time period within which it must act on the application for a green space special permit.
6. Two letters, to L. Barber and A. Parris, dated 4/20/82 and 4/19/82 outlining continuing resident concerns and a proposed Park Association.

#### Planning Board Discussion

Following the January 5, 1982 public hearing the Board was kept informed of the discussions held between the staff, the applicant, and residents of the neighborhood. At a special March 30, 1982 meeting of the Board the issues involved in the use of the subject land as a park were extensively discussed by the Board with the applicant, the staff, and the neighborhood residents present as well as at the April 20 and May 4 regular meetings.

#### Findings

After review of the public comments heard at the public hearing; the documents submitted to the Board, and the comments made by the applicant at the hearing and at subsequent meetings; and recommendations made by the Community Development Department staff, the Planning Board makes the following findings:

1. The application was submitted and certified as complete on November 23, 1981 and subsequently filed in the office of the City Clerk. The Zoning Ordinance, in Section 10.40 - Special Permits, establishes no requirements, except for townhouses and multi-family dwellings, for an application for a Special Permit. The application form does however require the submission of certain material where applicable. Accompanying the application form were the following:
  - (a) a detailed site plan of the proposed green space showing existing and proposed contours, existing and proposed plant materials, other existing features on the site, adjacent roads and sidewalks, and
  - (b) elevation of the adjacent new office building under construction with a rendering of the proposed green space in the foreground.

The site is well known to the Planning Board having been the subject of close scrutiny during the hearings and discussions leading up to a rezoning of this area in June of 1980. Additional information in the form of photographs of the site, the adjacent parking lot, or the modest one, two and three story houses on the south side of Green Street were determined not to be necessary by the Board in order to evaluate the merits of the proposal. The Planning Board finds that the application as submitted meets the intent of the Ordinance to provide enough information to ensure an informed decision on the application.

2. The procedural requirements of Section 10.40 were met with the holding of a public hearing on January 5, 1982 and the subsequent holding of five additional meetings with neighborhood representatives in order to develop a green space design more compatible with the specific concerns expressed by the neighborhood.
3. A green space or park, appropriately designed is a use permitted at this site under the requirements of Section 4.27 of the Zoning Ordinance. Documents tracing the history of the recent rezoning of the site and in particular a memo to the Planning Board from the Community Development Massachusetts Avenue Study Team dated March 25, 1980 clearly indicate that green space was intended to be a mandated use if a developer chose not to construct housing on the site. While the construction of housing is encouraged in the regulations (through the use of a density bonus, Section 5.33, footnote 2(2), and construction without special permit) green space is nevertheless an equally permitted use on that portion of all lots fronting Green Street in the entire Business B-1 zoning district. Indeed if no more than 50% of the Green Street frontage of a lot is used as green space that use is permitted by right without any enforceable public approvals required. The Board has interpreted the requirement of a Special Permit for larger green space areas as a necessary means to ensure that the Green Street frontage of any development at these locations is so designed that it physically complements others and the neighborhood in general and to ensure that the spirit of the law requiring green space is met as well as the letter. (It should be noted that in the November 1981 reprinting of the Zoning Ordinance references to subsection 4.263 and 4.262 within the text of Section 4.27 - Special Use Limitations in the Business B-1 and B-2 District - are editing errors and should refer to subsections 4.273 and 4.272.)
4. The Board finds that in general outline the green space meets the special evaluation criteria established in Section 4.273 of the zoning ordinance. Specific aspects of the design as submitted with the application are of

concern to the Board as a result of the strong testimony of neighborhood residents regarding potential vandalism of the green space, vandalism of the neighborhood as a result of congregation of rowdy persons in the green space, and maintenance of the facility over time. These concerns are addressed in the conditions attached to the issuance of the Special Permit.

There is only one other lot abutting the green space should phase II be completed. That lot contains a paved area immediately adjacent serving the parking needs of an apartment building at its northern end. This property's edge will be heavily landscaped if the proposed development of phase II is executed and the green space would clearly be a complement to the uses on that lot.

Residential uses on the south side of Green Street are contained in modest, small scale wood frame structures with very narrow or non-existent front yards. The green space will provide a heavily foliated, rich natural park-like environment quite in keeping with the adjacent residential environments. The conditions suggest the introduction of additional flowering plants which would increase the residential as opposed to institutional feel of the green space. Active recreational use of the green space will be limited to toddlers five years of age or less; neighborhood annoyance from such uses will be almost non-existent. Trees now on the site or to be planted will provide a substantial visual buffer from the large adjacent office building, an effect which will improve as the plant materials grow. With time the park's large trees, with some additional ones suggested in the conditions, will in fact be a more effective buffer between the homes and the office building than would be the case if housing, limited to forty feet in height, were to be constructed on the site.

The lot across Bay Street is now used for the storage and maintenance of taxi cabs. The proposed green space would complement either the housing or green space which would be required at the equivalent location on that lot.

The design as proposed and as modified by the conditions of this permit established below provides a useful, attractive and well thoughtout landscape improvement to the site in compliance with the purpose of Section 4.27 to ensure full and appropriate development of the forty-five (45) foot portion of the site along Green Street in conjunction with the commercial development of the remainder of the site. Other more elaborate designs would of course be equally suitable, but it is the Board's finding that this proposal as modified by the imposed conditions, meets fully the intent of Section 4.27.



The requirements of this section do not mandate the construction of a complete, multi-use public park on the site but rather a landscaped space that would complement and be sensitive to the residential neighborhood that surrounds it.

5. The Board finds that the specific design requirements of Section 4.272 have been met. The space is accessible at sidewalk level for approximately 65% of its frontage on the public streets. The remaining portion of the space abuts an existing fieldstone wall five to six feet in height which the Board and residents wish to have remain. The existing trees to be retained and the new ones to be added exceed the requirement that there be one three inch caliper tree for each 900 square feet of required green space.
6. The proposed green space must be in compliance with the general requirements of Section 10.40 - Special Permits, which section indicates that the permit should be granted provided the resulting development would not be a detriment to the public interest because of factors listed in Section 10.43. The Board finds that with the changes and stipulations attached as conditions to this permit the public interest will be served and not harmed. Specifically:
  - (a) 10.43(a) All requirements of the ordinance have been met;
  - (b) 10.43(b) There will be no substantial vehicular traffic generated as a result of the presence of the green space. As suggested by the testimony at the public hearing there is considerable concern that the park might become a magnet for persons who already pass through the neighborhood and disrupt its residents. In addition it was the conviction of many that the park would attract people to it, particularly at night, aggravating the already serious problem. The Board finds that the number of potential new persons attracted to the park from the new office building, from the adjacent retail businesses on Massachusetts Avenue, or from elsewhere in the neighborhood would not cause disruption, congestion, hazard or substantial change to the established neighborhood character. This edge of the neighborhood is already characterized by considerable overflow of non-residents from the commercial area on Massachusetts Avenue. The Board feels that the additional people potentially attracted will be modest in number because of the limited appeal of the space and that conditions have been established for the design and supervision of the green space

which will be sufficient to protect the neighborhood from the uncivil behavior of persons who may now visit the neighborhood but have no convenient place into which to settle.

- (c) 10.43(c) The Board finds that the green space will complement the existing and future development in the vicinity of the site. The conditions imposed are intended to prevent unauthorized and destructive use of the green space and to enhance the visual appeal of the space through a wider variety of plant types. The conditions specifically address the scale impact of the office building which is very visible at its eastern end. The inclusion of a tot lot and community gardens will provide a focus for neighborhood commitment to the green space and assist in the surveillance and protection of the space.
- (d) 10.43(d) The Board is sensitive to the real concerns of the residents of the neighborhood that the green space might become a hangout for persons who could then perpetrate assaults on the persons or property adjacent to the green space. The design of the park as originally proposed did not provide an effective means to control entry to and use of the green space. Conditions have been imposed which the Board finds will be adequate to accomplish those objectives while still maintaining the green space as a community resource. In addition the Board has incorporated into the permit an opportunity for it and the community to review circumstances after the installation and operation of the green space over a period of time and to make corrections in the design and security measures as actual experience with the existence of the park might suggest.
- (e) 10.43(e) The clear intent of the requirements in the BB-1 District regarding the 45' strip of land bordering Green Street is to allow housing or open space as equal options. The choice was completely understood and known by owners of land within the district, neighborhood residents, the Planning Board and the City Council at the time of the rezoning of the site in the spring of 1980. It is assumed by the Board that neighborhood circumstances have not materially changed in the past year and a half and that the existing regulations were formulated and approved with the same community problems prevailing then as now. Therefore, the Board finds that the landscaped green space does not impair the integrity of the District, or the adjoining district, or otherwise derogate from the intent and purpose of this ordinance.

Documents Submitted at May 4, 1982 Meeting

1. Letter to the Planning Board from Attorney Surkin, Hill and Barlow, dated May 3, 1982 expressing fundamental concern with the "revocation of the Special Permit" provision of the draft decision.
2. Letter to Arthur Parris from Michael Melford, dated May 4, 1982, asserting that the revocation provision is reasonable and not an unreasonable burden to the applicant.
3. Site Plan entitled "Green Street Park, Cambridge, Mass.;" Mason and Frey Landscape Architects, scale 1/8" = 1', dated May 4, 1982.
4. Plan entitled "Green Street Park, 1000 Massachusetts Avenue, Minimum Ambient Light Levels," Symmes Maini, McKee, Inc., dated May 4, 1982

DECISION

The Planning Board, pursuant to the requirements of Section 4.27, Special Use Limitations in the Business B-1 and Business B-2 Districts, and Section 10.40 - Special Permits, and based on the findings detailed above, GRANTS a Special Permit for the construction of Landscaped Green Space for that portion of the property known as 1000 Massachusetts Avenue which is identified as Phase One and so indicated on the site plan entitled "Green Street Park Plan", 1000 Massachusetts Avenue, Cambridge, Massachusetts; Symmes, Maini and McKee, Inc.; Scale 1/8" = 1'-0"; dated October 30, 1981, revised November 13, 1981; Mason and Frey, Landscape Architects, with the following conditions and limitations:

1. The Special Permit conditions and compliance therewith shall be officially reviewed by the Planning Board at a public hearing held in conformance with Section 10.40 of the Cambridge Zoning Ordinance to be held within sixty-five days following the second anniversary of the granting of a Certificate of Occupancy for the adjacent office building at 1000 Massachusetts Avenue. At such hearing the grantee shall indicate to the Board how all conditions of the permit have been met and how, if at all, changes in the design or operation of the green space should be made. The Liaison Committee shall also make a report to the Board as to its assessment of the Grantee's compliance with the conditions of the permit as issued and make any recommendations for changes as appropriate.

Within the time period established by Section 10.40 the Planning Board shall affirm the original conditions attached to the permit as granted or it shall impose such additional reasonable conditions as may be necessary in light of findings made at the public hearing to mitigate any problems of use or operation that may have been identified as occurring as a result of the park's use and operation, including appropriate redesign of the park or additional security measures; or upon a finding that the maintenance requirements of the initial permit have not been met the Board may require that the grantee post a maintenance bond in a form satisfactory to the City Solicitor and payable to the City of Cambridge in an amount determined by the Board sufficient to cover the cost of replacement and maintenance of the plant materials and other facilities for a period of two years; or require that the grantee execute a maintenance agreement with an approved independent maintenance contractor in an amount sufficient to meet the maintenance requirements of the special permit for a period of two years.

Should the Planning Board make a finding that through a consistent pattern of action the conditions of the permit have not been met it may impose such additional conditions or assurances sufficient to ensure compliance with the permit, or it may enforce such conditions by legal action.

Among the conditions the Planning Board may impose is a requirement for one or more additional future formal reviews of the green space's use and operation and the effectiveness of the conditions previously imposed.

In making its determination the Board shall consider the maintenance of the park over the previous two years, the appropriateness of the design as constructed under the permit, and the impact of the presence of the park on the neighborhood in light of the concerns expressed regarding vandalism to the park itself and to other properties in the neighborhood through misuse of the facility.

2. There shall be established a Liaison Committee of five members to be appointed by the City Manager. Three members shall be persons resident in the Riverside neighborhood who live within 1000 feet of the park, one member shall represent the City of Cambridge, and one member shall represent the business community along the adjacent portion of Massachusetts Avenue.

The grantee or his successor shall meet with the Liaison Committee, in Cambridge at a time and place convenient to all parties, at least three times each year on the first Monday of April, June, and October subsequent to the completion of the park. At such meetings the grantee and the committee shall discuss the use, maintenance, and operation of the park and the committee shall make suggestions for future changes. The committee shall make a report to the Planning Board within thirty days after such meetings. It is the intent of the Planning Board that the Liaison Committee shall be used by the grantee to provide maximum neighborhood involvement in the use, operation, design and protection of the park and to encourage positive use of the park by neighborhood residents.

The Liaison Committee may at any time report to the Planning Board on any matter of concern to it. In addition the Committee may at any time request that the Planning Board hold an official public review of the use and operation of the green space as permitted in condition #1 above, in advance of the required two year review. In acting on such a request the Board shall find that the circumstances identified by the Liaison Committee are of such a serious nature that immediate remedial action in the form of new or modified conditions may be required.

3. It is intended that the park shall remain accessible to the general public during daylight hours; nevertheless the park shall remain securely closed to unauthorized entry between the hours of sunset and sunrise daily. The scheduled hours of opening may be extended by the grantee upon approval by the Planning Board at a regular Board meeting and after receipt of a report on such changes in hours of opening from the Liaison Committee. Should, in the opinion of the grantee, conditions of vandalism, rowdiness, or other misuse of the park warrant, the hours of opening may be reduced or eliminated as necessary provided notice of such change in hours is given to the Planning Board and the Liaison Committee within five days of such action. The Planning Board, after public hearing, may require that the hours of opening to the general public be reduced or eliminated should conditions of misuse of the park be demonstrated to have occurred and continued to occur.
4. The Grantee shall maintain security at the park sufficient through the day and most particularly at night and on weekends, to secure the park from significant vandalism and to prevent

disturbance to the adjacent residential neighborhood due to inappropriate use of the park. The park shall receive at-grade inspection each time security personnel make routine security visits to the office building. The Grantee shall make available to a reasonable number of residents in the vicinity of the park the number by which the security service of the Grantee can be reached in case of disturbances at or in the park. The Grantee shall make every effort to respond to any reasonable telephone request for assistance within a reasonable period of time. (A response within at least fifteen minutes to such resident requests should be the goal.)

5. The Grantee shall maintain the park in general conformance with the maintenance guidelines contained in Attachment A of this decision.
6. Nothing in this decision shall prohibit the Grantee from encouraging the maximum involvement of the adjacent residential community in the continuing use, design, maintenance, and protection of the park.
7. The green space shall be constructed and maintained in conformance with the revised plan, approved by the Planning Board and entitled "Green Street Park, Cambridge, Mass., Final Site Plan, Phase I"; dated May 4, 1982; Scale 1/8" = 1' subject to any modification permitted by these conditions.
8. The Grantee may alter the specific details of plant material and bed design after initial installation of the green space according to the approved plan if such changes are approved by the Liaison Committee and provided that a copy of any such changes is sent to the Planning Board. No such changes shall be made if within 30 days of receipt of notification of such proposed changes the Board sends written notice to the Grantee that such changes are not consistent with the Special Permit as issued.
9. The Grantee shall permit the cultivation of selected parts of the green space principally by residents of the adjacent Riverside neighborhood as community gardens, provided the following conditions are met:
  - a. The location of such community gardens shall be indicated on the Final Site Plan.
  - b. There shall be established by residents of the Riverside neighborhood a non-profit corporation under the laws of the State of Massachusetts whose principal officers, and Board of Directors if any, shall be residents of the Riverside neighborhood, and whose principal purpose shall be the coordination, supervision and execution of all community garden activities within the green space.
  - c. By March 1 of each year the corporation shall submit to the Liaison Committee and the Grantee a detailed plan indicating the following:

- (1) the proposed planting plan for all community garden locations for the next growing season,
  - (2) the general schedule of planting and associated activities,
  - (3) details of the anticipated maintenance and cleanup operations to be performed at the beginning of the planting season and thereafter, and
  - (4) a list of specific persons responsible for specific areas or aspects of the community garden plan.
- d. The Grantee and the Liaison Committee shall review and approve the submitted plan, or request amendments thereto, within thirty days of the March 1 submission.
  - e. The planting plan shall be designed within the context of the approved Final Site Plan for the green space and shall not involve the removal of plants or the extension or elimination of planting beds as approved in the Final Site Plan without the permission of the Liaison Committee and the Grantee.
  - f. The corporation shall be responsible for leaving the green space in as neat, clean and orderly condition on a daily basis as provided by the Grantee except for those temporary periods required for planting and tending of the community garden spaces.
  - g. Failure of the corporation to meet the conditions set forth herein shall absolve the Grantee from any responsibility to provide community garden space for that particular year.
  - h. Nothing in this condition shall absolve the Grantee from the maintenance of the green space in conformance with the maintenance requirements of attachment A of this decision insofar as such requirements do not conflict with an approved community garden plan.
10. The Grantee shall submit the approved revised Site Plan for green space in final form prior to the filing of this decision with the City Clerk. All features and materials to be retained and proposed shall be labeled on this final Site Plan. The Grantee shall submit working drawings of the landscaped green space to the Community Development Department for review prior to the initiation of construction of the green space. The principal features of the green space to be detailed on the approved Final Site Plan are outlined in attachment B.

Attachment A

1. All planting areas shall be suitably mulched and such mulch shall be periodically renewed as necessary.
2. New plantings and lawns shall be continuously and adequately maintained and protected until permanently established. Maintenance shall include regular inspections, watering, mulching, tightening and repairing of guys where necessary, replacement of sick or dead plants, resetting of plants to proper grade or upright position and restoration of planting saucers, fertilizing of trees and shrubs, pruning and painting of broken or damaged plants, removal of guying material and wraps if present at the appropriate times, and other care require for proper growth of the plants.

Lawn areas shall be reset where grass fails to become established until all lawn areas are covered with a uniform growth of permanent grass.

Any plant that is dead or not in satisfactory growth during the two year period of the authorized Special Permit shall be removed and replaced as soon as conditions permit during the normal planting season. All replacements shall be plants of the same kind and size as indicated on the approved Site Plan.

Paving, planters, retaining wall, benches, fencing, lighting and other features shall be appropriately maintained and in working order as intended and shall be repaired or replaced if damaged with all reasonable speed using the same materials at the same level of quality as the original installation.

3. All paved areas shall be swept clean of all dirt, litter, and other debris once a week or as necessary during the period April to November to maintain such areas in a clean, neat and orderly condition.
4. Complete trash and litter cleanup of all paved, lawn, and planting areas shall be carried out daily or as necessary to maintain the site in a clean, neat and orderly condition.
5. The grantee shall make a formal inspection of the park for all vandalized and otherwise damaged conditions once every two weeks for the period between April and November and monthly from December to March and shall keep a record of identified incidents of vandalism for presentation to the Planning Board when the Green Space Special Permit is reviewed.
6. Planting beds and individual plant pits shall be neat in appearance and maintained to lines originally laid out. Weeding of such beds shall be performed by hand once a month from April to September or as necessary.



Attachment A (continued)

7. Lawn areas shall receive customary care including liming and fertilization in the spring (April and May) and fall (September) as soil testing may suggest. The lawn shall be mowed at sufficient intervals as to maintain a continuous neat appearance (it is suggested that no more than one inch of grass blade be removed at the time of cutting). Areas around trees, shrub beds and other obstacles shall be trimmed at the time of each mowing and by hand if necessary to maintain neat lawn edges.
8. Artificial irrigation of park plant materials shall be provided as necessary during periods of drought to maintain them in a healthy condition and to prevent permanent damage, to the extent that such irrigation is not limited or prohibited by law.
9. Leaf raking and general clean-up of the green space in preparation for winter shall be conducted from the month of October and as necessary throughout the fall.

Attachment B

Details of the green space to be shown on the approved Final Site Plan as approved by the Planning Board.

1. Installation of a steel picket fence, painted black, pickets 6'6" tall and 6" apart, set in substantial footings at appropriate intervals, with elaborated corner posts, as appropriate.
  - a. At the western end of the green space abutting the potential phase II portion of the lot a temporary fence may be installed which shall be firmly implanted in the ground so as to provide adequately for security in the park for the period of time it is needed. It shall be neat and appropriate in appearance and be maintained so as not to be a detriment to the use and enjoyment of the park.
  - b. If, after two years from the issuance of the certificate of occupancy, no building permit has been issued for housing on the phase II portion of the Green Street frontage or no application has been made for a Special Permit to construct a Landscaped Green Space at that location the permanent fence shall be installed as a replacement for the temporary fence allowed in (a) above.

The grantee may request at the formal review required in Condition #1 above that the use of the temporary fence be continued for an additional period to be specified by the Board. Such extension shall be granted by the Board should it be demonstrated to its satisfaction that the fence has functioned satisfactorily during the previous two years and that construction of Phase II of the green space can reasonably be anticipated in the near future.

- c. The park shall have no entrance on Bay Street. A single permanent entrance shall be provided on the Green Street frontage at a point approximately 120 feet from the Bay Street intersection. A second, temporary, entrance shall be located at the western end of the park until construction of the phase II portion of the green space or until a permanent entrance is installed if the second phase is not constructed.
2. The fence shall be installed on top of the existing stone wall which is to be retained and shall not be placed in front of the wall.
3. Permanent trash receptacles shall be indicated on the site plan.
4. The following modifications to the walkway shall be made:
  - a. Those portions of the walkway set behind the existing stone wall shall in general be no more than one foot below the high point of the ground directly intervening between the walkway and the edge of the wall on the Green Street frontage of the park.

Attachment B (continued)

- b. Through the use of steps, soft surface materials, or reduction in walkway length the continuity of the concrete walkway surface shall be interrupted in order to encourage walking and discourage more active uses of the walkway.
5. The grantee shall plant at least two large canopied deciduous trees having a minimum caliper of 5" or twenty feet in height, whichever is larger at the eastern end of the park to moderate the impact of the scale of the building at this point.
6. Appropriate lighting shall be located along the Green Street frontage of the green space, with illumination directed into the park, to complement the line of lights indicated on the face of the building. These lights shall provide ample illumination along the Green Street frontage of the park.
7. The Grantee shall introduce some specimens of flowering and fruiting plants which would add color and interest to the park throughout the growing season. The Bay Street/Green Street corner is a particularly suitable location for some of these flowering plants.
8. An appropriate sign shall be permanently posted prohibiting trespassing when the park is closed, prohibiting the entry of dogs into the space and indicating any other prohibited activities, including use of bicycles, skateboards and roller skates.
9. The location of community gardens spaces shall be indicated which shall provide space for approximately ten gardens.
10. A tot lot shall be provided; details of the furniture to be provided shall be determined at subsequent neighborhood meetings and need not be shown on the site plan.
11. Both the tot lot and community gardens shall be enclosed in low fences. Retaining walls used to contain both these features shall be as inconspicuous as possible.
12. To the maximum extent possible existing significant trees and other vegetation shall be retained. The existing stone wall shall be repaired and retained.

PB #23

This APPROVAL of the application for a Special Permit has been made by a unanimous vote of the Planning Board on May 4, 1982

For the Planning Board

*Arthur C. Parris*  
Arthur Parris, Chairman

ATTEST: A true and correct copy of the decision filed with the office of the City Clerk on \_\_\_\_\_ 1982 by \_\_\_\_\_, authorized representative of the Cambridge Planning Board.

Twenty days have elapsed since the date of filing this Decision.

No appeal has been filed \_\_\_\_\_.

Appeal filed and dismissed or denied \_\_\_\_\_.

Date: \_\_\_\_\_  
City Clerk, City of Cambridge