

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

MINOR AMENDMENT #1

Case No.: PB #84

Premises: 4-6 Arrow Street, 1136 Massachusetts Avenue, 13-15, 17, and
19 Mount Auburn Street

Zoning District: Office 3/Harvard Square Overlay District

Petitioner: Gunwyn/Cambridge Arcade Limited Partnership

Date of Planning Board Decision: March 7, 1989

Date of filing the Decision: March 15, 1989

Date of Major Amendment: May 16, 1989

Date of Minor Amendment #1: July 16, 1991

DOCUMENTS SUBMITTED

1. Communication from Jan A. Brodie, Vice President, the Gunwyn Company, dated June 18, 1991 to the Planning Board requesting an extension to the Special Permit.

OTHER DOCUMENTS SUBMITTED

1. Communication from Barbara Smith-Bacon of Sullivan & Worcester, representing the Gunwyn Company, dated July 11, 1991, to the Planning Board, outlining the issues regarding the good cause for extending the special permit. This communication included copies of the following communications:
 - a. Letter from Jan Brodie to Barbara Smith-Bacon, dated July 11, 1991 requesting that the legal issues be studied.
 - b. A chronology of the development of the Arrow Street project.
 - c. The environmental summary from Haley & Aldrich, dated 5/4/90.
 - d. Letter from the City of Cambridge Traffic and Parking Department, dated 6/20/89, regarding the status of the parking spaces at the site.

- e. Narrative regarding the site at 9-15 Arrow Street dated 7/10/91, by Jan Brodie.
2. Letter from Barbara Smith-Bacon, dated July 15, 1991, to the Planning Board correcting a typographical error in the letter of July 11, 1991.

DISCUSSION

At the July 2, 1991 regularly scheduled meeting of the Planning Board, the Petitioner, Jan Brodie, presented a chronology of events that have prevented the start of construction before the expiration of the special permit. These have included the testing and the disposal of unexpected contaminated soil from the site a State approved manner.

She pointed out that the building permit has been renewed and that the work specified in the Planning Board Special Permit regarding the relocation and the renovation of the existing residential structures has been completed. The foundation of the abutting structure has been strengthened.

The Planning Board requested that the petitioner present a legal argument for the granting of the amendment to extend the special permit for another year and to return such to the next Planning Board meeting.

At the July 16, 1991 regularly scheduled meeting of the Planning Board, the requested documents were reviewed and discussed. Section 10.46 of the Zoning Ordinance was reviewed with regard to what was "good cause", it was pointed out by Mr. Barber that a review of the language indicates that the permit has not expired if the Planning Board finds good cause for lack of construction.

DECISION

The Board determined that the difficulty in complying with the State regulations for safe disposal of the excavated soil as well as the scheduling of the disposal did constitute good cause under Section 10.46 of the Zoning Ordinance. Therefore the Board voted to GRANT Minor Amendment #1, an extension for one year, to March 15, 1992.

Voting to approve the Minor Amendment #1 were Board Members Hugh Russell, Paul Dietrich, Clarence Cooper, Alfred Cohn, and Carolyn Mieth.

Respectfully submitted for the Planning Board,



Paul Dietrich, Chairman