



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No.: Special Permit #87, Minor Amendment #1,
Modifying Provisions of Major Amendment #1

Premises: 12-18 Eliot Street

Zoning District: Business B/Harvard Square Overlay District

Owner: Robert Banker, as Trustee of Eliot Street
Trust

Applicant: Robert Banker, as Trustee of Eliot Street
Trust

Date of Filing the Original Decision: August 28, 1989

Date of Filing the Major Amendment #1 Decision: April 15, 1992

Date of Minor Amendment #1 Decision: November 10, 1992

Petition: Minor Amendment to the Major Amendment #1 to permit construction of a one story retail building to replace the existing greenhouse structure and attach it to the previously approved building; the building would contain 860 square feet; approval sought for modified site plan and dimensional table, Appendix I. Relief from the Parking and Loading requirements without a cash contribution as allowed in Section 11.54.4 and as granted for the originally approved structure. The applicant also requests clarification of compliance with Condition #5 of the Major Amendment.

Application Documents Submitted

1. Proposal description, undated.
2. Plans and elevations entitled "14D Eliot Street", Cambridge, Massachusetts; MSH Architecture Associates, SK - C1 through C4; dated 11/3/92.

14D 20 M 4
CAMBRIDGE MA

3. Plot Plan, scale: 1"= 10', dated March 6, 1992, Harry R. Feldman, Inc. Land Surveyors, Boston.

OTHER DOCUMENTS SUBMITTED

1. Letter to Lester Barber, from Charles Sullivan, Executive Director of the Historical Commission, dated 11/9/92, outlining the present status of the Commission's conditions.
2. Letter to Lester Barber from Joel S. Freedman, Burns and Levinson, attorney for the applicant, dated 11/10/92, outlining the issues relating to Condition #5.

At the public meeting held on November 10, 1992, the Planning Board was presented with a review of the proposed changes concerning the replacement of the greenhouse on the development site from Robert Banker, the applicant, and Marc Hershman, architect for the project. They outlined the revised development program which includes construction of a new building of 860 square foot replacing the existing greenhouse, a net increase of less than 100 square feet in the area of the previously granted project. The building would be fully integrated with the previously approved building. They also discussed the agreement with the Historical Commission in compliance with the intent of Condition #5 of Major Amendment #1. It was explained that direct public access will not be provided to the general public while the interim development scheme is operational on the site. However, the Historical Commission has accepted interim protection measures and rights of access sufficient to protect the integrity of the wall while the interim development proposal remains on the site. The applicant requested that the Planning Board accept those protections found acceptable by the Cambridge Historical Commission for the interim development plan as fulfillment of the intent of Condition #5, Major Amendment #1.

Findings

1. The proposed modifications to the site development plan and the changes to the dimensional limits contained in Appendix I of Major Amendment #1 are minor in nature and are fully consistent with the approvals as originally granted.
2. The conditions imposed on the applicant by the Historical Commission are consistent with the intent of the original Major Amendment #1. It is the intent of the Planning Board to follow the lead of the Cambridge Historical Commission with regard to the protection of the historic wall and to ensure that whatever the Commission deems appropriate in that regard, and no more, is also imposed as a condition of the special permit. Therefore, modification of the language of Condition #5 is appropriate to make that intent clear.

Decision

Based on review of the application documents and discussion with the applicant, the Planning Board GRANTS Minor Amendment #1 of Major Amendment #1, Special Permit #87 as requested. Major Amendment #1 Special Permit is therefore modified as follows; all other conditions and provisions of that Special Permit remain in force and effect:

1. The approved site and building plans are modified as detailed in the above referenced application documents.
2. Appendix I is modified as indicated in the application documents and is herein identified as Modified Appendix I.
3. Condition #5, Major Amendment #1 Special Permit, is modified by adding the following additional language:

"The Planning Board shall rely on the Cambridge Historical Commission to determine the applicability of its demolition conditions to the approved project, and the Historical Commission's determination of compliance with its demolition conditions shall satisfy the Planning Board with regard to this Condition #5. The approval of the Historical Commission or its staff on such matters shall be deemed by the Planning Board as compliance with this Condition #5."

Voting to GRANT the Permit were: P. Dietrich, A. Cohn, V. Mathias, H. Russell, H. Salemme, and A. Callaghan, constituting two thirds of the membership of the Board. C. Mieth abstained from the vote.

For the Planning Board,



Paul Dietrich, Chairman

(11/92)

Amended:
Dimensional Form

	<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Floor Area Ratio (Floor Area)	<u>4.0</u> <u>(27,856)</u>	<u>.11</u> <u>(800)*</u>	<u>1.85</u> <u>(12,860)</u>	<u>1.85</u> <u>(12,860)</u>
Max. Height	<u>60/80'</u>	<u>17'</u>	<u>28'</u>	<u>28'</u>
Max. Angle Above Cornice Line	<u>45°</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Min. Lot Size	<u>0</u>	<u>6,964 S.F.</u>	<u>6,964 S.F.</u>	<u>6,964 sf</u>
Min. Lot Area per d. u.	<u>NA</u>			<u>NA</u>
Max. No. d. u.	<u>NA</u>			<u>NA</u>
Min. lot width	<u>NA</u>			<u>NA</u>
Min. yard setbacks	<u>0</u>			<u>0</u>
Front	<u>0</u>			<u>0</u>
Side L	<u>0</u>			<u>0</u>
R	<u>0</u>			<u>0</u>
Rear	<u>0</u>			<u>0</u>
Ratio Usable Open Space (Area)	<u>NA</u> <u>()</u>	<u>()</u>	<u>()</u>	<u>NA</u> <u>()</u>
Off-Street Parking Minimum No. Spaces	<u>28</u>	<u>0</u>	<u>0</u>	<u>0</u>
Maximum No. Spaces				
No. Handicapped Spaces				
Bicycle Spaces	<u>2</u>	<u>0</u>	<u>2</u>	<u>2</u>
No. Loading Bays	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>

* Floor Area Greenhouse: 650 square feet at 1st floor, and 150 square feet at mezzanine.