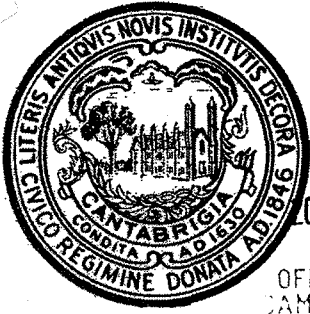




CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

DEC 12 A 10:34
CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	264
Address:	2-10 Brattle Circle, Cambridge, MA
Zoning:	Residence B
Applicant:	2-10 Brattle Circle Series E Realty Trust, 10 Samoset Road, Winchester, MA 01890
Owner:	2-10 Brattle Circle Series E Realty Trust
Application Date:	October 17, 2011
Date of Planning Board Public Hearing:	November 15, 2011
Date of Planning Board Decision:	November 15, 2011
Date of Filing Planning Board Decision:	December 12, 2011

Application: The Applicant seeks a Planning Board Townhouse Special Permit (Sections 4.31.d and 11.10) to develop seven (7) dwelling units with 12 parking spaces in the Residence B District, a Special Permit to reduce the minimum required open space dimension pursuant to Section 11.15.5 (1), and a Special Permit to allow for more than one structure containing a principal residential use pursuant to Section 5.53.2.

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 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 Community Development Department and the City Clerk.

Authorized Representative of the Planning Board:

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

Application summary, project narrative, site plan, building detail drawings, proposed elevations, dimensional form, summary of regulatory requirements, certificate of ownership form.

Other Documents

Board of Zoning Appeal Decision # 10130, dated November 3, 2011.

Email to Patrick Conte, from Lauren Harder, dated September 8, 2011.

Letter to the Board of Zoning Appeals, from Rosalie Hornblower and Willits Sawyer, dated July 23, 2011.

Email from Nancy Hallock and Keith Arbour.

Letter to the Planning Board, from Rosalie Hornblower and Willits Sawyer, dated July 23, 2011.

Email to Liza Paden, from Robin and Lucas Mandjes, dated July 25, 2011.

Email to the Board of Zoning Appeal, from Canta C. Pian, dated July 12, 2011.

Letter to the Board of Zoning Appeal, from Barbara Brizula, and Sebastian Martellotto, dated July 24, 2011.

APPLICATION SUMMARY

On October 17, 2011 2-10 Brattle Circle Series E Realty Trust submitted a Special Permit application for the construction of a townhouse style development consisting of a total of seven (7) residential units and 12 parking spaces in a Residence B District. The site currently consists of 12 residential units in two different buildings, and a 3 car parking garage with an office above. The proposed project will maintain a nineteenth century house that is of significant interest to the Cambridge Historic Commission, and demolish and reconstruct the remaining non-conforming structures.

The Planning Board had previously granted a Townhouse Special Permit for the construction of ten (10) dwelling units, as well as a request to reduce the required amount of open space (Planning Board Case #261, July 26, 2011). On September 8, 2011 the Board of Zoning Appeal (BZA) granted a variance from certain dimensional requirements of the Residential B zoning district (BZA Case # 10130).

The applicant is seeking a Townhouse Special Permit (Sections 4.31.d and 11.10), a special permit to reduce the minimum required open space dimension pursuant to Section 11.15.5 (1), and a special permit to allow for more than one structure containing a principal residential use pursuant to Section 5.53.2.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. General Criteria for Issuance of a Special Permit (10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

(a) It appears that requirements of this Ordinance cannot or will not be met.

Collectively, the buildings on the site are currently nonconforming in terms of floor area, setbacks, uses, and parking requirements. The proposed project will eliminate several non conforming setbacks and the non conforming office use and will meet parking requirements. The Applicant was granted relief from the Board of Zoning Appeal for certain dimensional and setback requirements of the Residence B zoning district.

(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character.

The Board finds that the proposed parking layout is appropriate for the site. The number of off street parking spaces will increase from 8 to 12, eight of which will be accessed from Mount Auburn Street. Parking in the internal courtyard will be eliminated and cars will be generally distributed around the site and under buildings.

(c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use.

Adjacent uses to the site, which are predominantly residential, are not adversely affected by the proposed residential use. The compact footprint of the proposed project is appropriate for the area and a significant improvement over the current layout. The courtyard will be a more unified open space to the benefit of residents of the project as well as adjacent existing houses on Brattle Circle. The reconstructed buildings will eliminate several non conforming setbacks, eliminate existing encroachments, and eliminate a non conforming use (Office). The new buildings will also eliminate exterior access stairs and bring the buildings into conformity with current building codes. There will be an opaque fence along Mount Auburn Street and the proposed buildings will be further away from abutting structures resulting in an increase in open space between structures.

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

No general nuisance or hazard will be created. The project will adhere to all applicable health and safety regulations.

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

The project site has historically been residential, is in the Residence B zoning district, and is surrounded by residential uses on 3 sides and Mount Auburn Street to the south. The project

will maintain a nineteenth century house that is of significant interest to the Historic Commission, and demolish and reconstruct the remaining non-conforming structures. The reconstructed buildings will eliminate several non conforming setbacks, eliminate existing encroachments, eliminate a non conforming use (Office), and bring the buildings into conformity with current building codes.

2. Criteria for approval of Townhouses and Multifamily Dwellings (10.47.4)

In reviewing applications for townhouse developments and multifamily dwellings, the special permit granting authority shall consider and address the following site plan criteria as applicable:

(1) 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 arborist has approved the Tree Survey, Mitigation Plan, and Protection Plan. The property at 2-10 Brattle Street Circle is densely planted with several large trees, some of which are located on the site of future building structures or pathways, and will be replaced. The planting plan calls for the removal of 5 trees totaling 78" diameter at breast height (DBH). The replacement trees will be a variety of species and will range from 2.5" to 4" DBH at the time of planting and total 79" DBH on the site.

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

The proposed project will be an improvement in terms of how the buildings relate to each other. The project will maintain a nineteenth century house that is of significant interest to the Historic Commission, and demolish and reconstruct some of the remaining non-conforming structures. The reconstructed buildings will eliminate several non conforming setbacks, eliminate existing encroachments, and eliminate a non conforming use (Office). The new buildings will eliminate exterior access stairs and bring the buildings into conformity with current building codes. The compact footprint of the proposed site is appropriate for the area.

(3) The location, arrangement and landscaping of open space should provide some visual benefits to abutters and passerby as well as functional benefits to occupants of the development.

The proposed project includes eliminating parking from the courtyard which facilitates the creation of a quieter court for the entrances of the units. Private open space will be distributed behind each of the buildings. There will be an opaque fence along Mount Auburn Street and the proposed buildings will be further away from abutting structures resulting in an increase in open space between structures.

(4) Parking areas, internal roadways and access/egress points should be safe and convenient.

The Board finds that the proposed parking arrangements are a standard and safe arrangement and represent a significant improvement over current conditions. The number of off street parking spaces will increase from 8 to 12, eight of which will be accessed from Mount Auburn Street. The project will use the site's existing elevations to facilitate creating several parking spaces underneath the new buildings.

(5) 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 Board finds that the proposed project includes an appropriate strategy for locating the required parking on this site. Parking spaces will be carefully dispersed around the site and under buildings. Parking in the internal courtyard is eliminated. All of the units are oriented around the courtyard and private open space will be distributed behind each of the buildings.

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

The Board finds that service facilities associated with the proposed design are unobtrusive and appropriately located. The courtyard will be a more unified open space to the benefit of residents of the project as well as adjacent existing houses on Brattle Circle.

3. Two or more structures containing a principle residential use (5.53.2)

In residence B districts only one structure containing a principal residential use shall be allowed on a lot except as set forth below:

By special permit from the Planning Board provided the Board finds:

- a) *Development in the form of two or more structures on the lot will not significantly increase or may reduce the impact of the new construction should it occur in a single structure; or*
- b) *Two or more structures may provide identifiable benefits beyond that provided should all construction be in a single structure. In making its findings the Board shall consider the impact of the new construction on the following:*

- 1) *The extent to which the preservation of a large contiguous open space in the rear of the lot or series of adjacent lots is achieved through the provision of a rear yard setback significantly greater than that required and through the dedication of that rear yard as Green Area, as defined in this Ordinance,*

The Board recognizes the importance of preserving large open spaces that may exist in the rear of large residential lots. A single large open space does not currently exist on the site because of the current layout of structures on the property; however, the proposed project will create more appropriate open space on the lot. The courtyard will be a more unified open space to the benefit of residents of the project as well as adjacent existing houses on Brattle Circle.

- 2) *Incentives for the location of buildings and parking facilities in the front half of a lot in a pattern compatible with the development pattern prevailing in the neighborhood,*

The proposed layout of the project is compatible with the residential pattern of development that exists in the neighborhood. The reconstructed buildings on the site will eliminate several non conforming setbacks, eliminate existing encroachments, and eliminate a non conforming office use. The new buildings will also eliminate exterior access stairs and bring the structures into conformity with current building codes.

- 3) *The extent to which two or more structures provides an enhanced living environment for residents on the lot,*

The proposed project will be a significant improvement in terms of how the buildings relate to each other. The footprint of the structures on the site will be compact while the courtyard will provide a more unified open space to the benefit of residents of the project.

- 4) *Incentives to retain existing structures on a lot, particularly any structure determined to be a Preferably Preserved Significant structure by the Cambridge Historical Commission,*

The project will maintain a nineteenth century house that is of significant interest to the Historic Commission, and demolish and reconstruct some of the remaining non-conforming structures.

- 5) *The opportunities presented reduce the visual impact of parking from the public street and from adjacent lots,*

The Board recognizes, in the proposed site plan, the efforts to significantly reduce the visual impact of the parking from adjacent streets and lots. Parking spaces will be carefully dispersed around the site, parking in the internal courtyard will be eliminated, and the site's existing elevations will be used to facilitate creating several parking spaces underneath the new buildings. The proposed parking arrangement represents a significant improvement over current conditions.

- 6) *The increased opportunities to reduce the height and bulk as new construction is deeper into a lot or closer to structures on abutting lots.*

The proposed buildings will be further away from abutting structures resulting in an increase in open space between structures. The project will also eliminate several non-conforming setbacks and the non-conforming office use on the site.

4. Minimum Private Open Space (11.15.5)

There are a few locations where an open space dimension is less than fifteen feet. The proposed design unifies the open space in a way that provides more benefits to residents and is visible to other houses around Brattle Circle. The Board finds that the proposed open space layout results in a superior site design.

DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby **GRANTS** the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents dated October 17, 2011, and all supplemental documents and information submitted by the Applicant to the Planning Board as referenced above. Appendix I summarizes the dimensional features of the project as approved.
2. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit for the project, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Decision. As part of CDD's administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment.
3. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

Voting in the affirmative to GRANT the Special Permits were Planning Board Members H. Russell, T. Anninger, P. Winters, T. Cohen and Associate Members C. Studen, A. Nur, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



Hugh Russell, Chair

A copy of this decision #264 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 December 12, 2011, by Taha Jennings, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision. No appeal has been filed.

DATE:

City Clerk of Cambridge

Appendix I – Dimensional Form

	Allowed/Required	Existing	Proposed	Granted
Total FAR				
Residential	.5 (.35)	.93	.56	.56
Non-Residential	-	-	-	-
Inclusionary Bonus	n/a	0	0	0
Total GFA in Sq. Ft.				
Residential	6,922.6	16,515	9,986	9,986
Non-Residential	-	0	0	0
Inclusionary Bonus	-	0	0	0
Max. Height				
Range of heights	35'	35'	Unchanged	Unchanged
Lot Size	5,000 sf	17,836 sf	Unchanged	Unchanged
Lot area/du	2,500 (4,000)	1,486.3	2,548 sf	2,548 sf
Total Dwelling Units	5	12	7	7
Base units	5	12		
Inclusionary units	0	0	0	0
Min. Lot Width	50'	See plans	See plans	See plans
Min. Yard Setbacks				
Front	15'	See plans	See plans	See plans
Side, Left	7.5 (sum to 20')	See plans	See plans	See plans
Side, Right	7.5 (sum to 20')	See plans	See plans	See plans
Rear	25'	See plans	See plans	See plans
Total % Open Space				
Usable	25%	34.3%	32.4%	32.4%
Other				
Off Street Parking	7	8	12	12
Min #		12	10	10
Max #				
Handicapped				
Bicycle Spaces	5	0	5	5
Loading Bays	n/a	n/a	n/a	n/a