



**b. SPECIAL PERMIT APPLICATION – SUMMARY OF APPLICATION**

**Project Name:** 9 Montague  
**Address of Site:** 9 Montague Street/5 Ballard Place  
**Applicant:** MK Montague LLC\_  
**Planning Board Project Number:** (CDD) 271

**Hearing Timeline** (CDD)

Application Date: \_\_\_\_\_  
Planning Board 1<sup>st</sup> Hearing Date: April 3, 2012 \*  
*(PUD Development Proposal, other special permit)*  
Planning Board Preliminary Determination: \_\_\_\_\_ \*  
*(PUD Development Proposal)*  
Second Submission Date: \_\_\_\_\_ \*  
*(PUD Final Development Plan)*  
Planning Board 2<sup>nd</sup> Hearing Date: \_\_\_\_\_ \*  
*(PUD Final Development Plan)*  
Final Planning Board Action Date: \_\_\_\_\_ \*  
*(PUD Final Development Plan, other special permit)*  
Deadline for Filing Decision: \_\_\_\_\_ \*  
*\*Subject to extension by mutual agreement of the Applicant and the Planning Board*

**Requested Relief: (include other boards and commissions)**

- 5.28.2, 8.22.2, 6.35.1 Planning Board Special Permit

**Project Description**

**Brief Narrative:** Adaptive reuse project to convert existing non-residential warehouse building into 3 residential units.

**Project Size:** 3 Residential units.

- Total GFA: 6,855sf
- Non-residential uses GFA: N/A
- Site Area (acres and SF): 4,344sf
- # of Parking Spaces: 0

**Proposed Uses:**

- # of Dwelling Units: 3
- Other Uses: N/A
- Open Space (% of the site and SF) 37%

**Proposed Dimensions:**

- Height: Range of Heights Maximum 32.1'
- FAR: 1.66



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Bk: 58819 Pg: 193 Doc: DEED  
Page: 1 of 2 01/19/2012 03:41 PM

MASSACHUSETTS EXCISE TAX  
Southern Middlesex District ROD # 001  
Date: 01/19/2012 03:41 PM  
Ck# 163567-06863 Doc# 00012395  
Fee: \$5,016.00 Cons: \$1,100,000.00

### QUITCLAIM DEED

EDWARD H. HOWE and SHUN KANDA, both individually and as Trustees of the 9 Montague Street Realty Trust, u/d/t dated May 10, 1984, recorded with the Middlesex South District Registry of Deeds, Book 15565, Page 551, and individually, for consideration paid of One Million One Hundred Thousand (\$1,100,000.00) Dollars, hereby grant to the MK Montague LLC, a Massachusetts Limited Liability Company, of 153 Naples Road, Brookline, MA 02446, with *quitclaim covenants*,

The land with the buildings thereon in said Cambridge at the Northwesterly corner of Montague Street and Ballford Place, and bounded and described as follows:

Beginning at a point in the Northerly line of said Ballford Place, one hundred feet distant Easterly from the Easterly line of Putnam Avenue, and thence running Easterly and bounded Southerly on said Ballford Place, seventy feet to Montague Street, as laid out on a plan entitled "The City of Cambridge Laying Out of the Mill Pond Property", by L.M. Hastings, City Engineer, dated December 19, 1895, and recorded with Middlesex South District Deeds, Plan Book 98, Plan 10; then turning at a right angle and running Northerly and bounded Easterly on said Montague Street sixty feet to land now or late of the heirs of Charles C. Little, thence turning at a right angle and running Westerly by said land now or late of the heirs of Charles C. Little upon a line parallel with said Ballford Place, seventy feet to land now or late of Hugh Braslin; thence turning at a right angle and running Southerly by said land now or late of Hugh Braslin and by land now or late of Ellen Blevins sixty feet to said Ballford Place and the point of beginning.

Containing forty-two hundred square feet of land more or less.

For our title see deed dated May 11, 1984, recorded with the Middlesex South District Registry of Deeds, Book 15565, Page 557.

The granted premises is not a residential property and is not the principal residence of the Trustees of Beneficiaries of said Trust, nor that of any spouse of the Trustees of Beneficiaries of said Trust and no homestead rights exist on the premises.

EDWARD H. HOWE is unmarried and that SHUN KANDA is married to KEIKO KANDA.

KEIKO KANDA executes this Deed to terminate any homestead rights she may have in the premises hereby conveyed.

GRANTORS hereby terminate any and all rights of homestead they may have in the premises hereby conveyed.

John J. Sheehan  
Attorney at Law  
403 Highland Avenue  
Somerville, MA 02144

9 Montague St/S Ballford Place Cambridge, MA

WITNESS our hands and seals this 29 day of December, 2011.

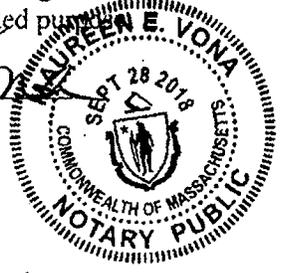
Edward H. Howe  
EDWARD H. HOWE, Trustee and  
Individually

Shun Kanda  
SHUN KANDA, Trustee and  
individually  
Keiko Kanda  
KEIKO KANDA

COMMONWEALTH OF MASSACHUSETTS, Middlesex (county)

On this 29 day of December, 2011, before me, the undersigned notary public, personally appeared EDWARD H. HOWE, Trustee as aforesaid, and individually and provided to me through satisfactory evidence of identification, which was ma driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Maureen E Vona  
Notary Public:  
My Commission Expires:



COMMONWEALTH OF MASSACHUSETTS, Middlesex (county)

On this 29 day of December, 2011, before me, the undersigned notary public, personally appeared SHUN KANDA, Trustee as aforesaid, and individually and provided to me through satisfactory evidence of identification, which was ma driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

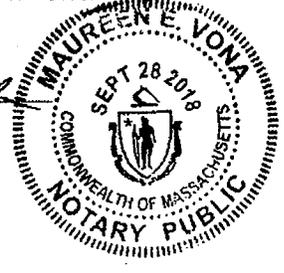
Maureen E Vona  
Notary Public:  
My Commission Expires:



COMMONWEALTH OF MASSACHUSETTS, Middlesex (county)

On this 29 day of December, 2011, before me, the undersigned notary public, personally appeared KEIKO KANDA and provided to me through satisfactory evidence of identification, which was ma driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Maureen E Vona  
Notary Public:  
My Commission Expires:



**9 Montague Street**  
**Proposed Adaptive Reuse Conversion**

**NARRATIVE FOR SPECAIL PERMIT APPLICATION**

02/23/2012

**Prepared by Hope Legal Law Offices and the Applicant**

**A. General Narrative**

The projected is sited at the corner of Montague Street and Ballard Place. It is the only structure on the 4,344 square foot corner lot (Map 126 Parcel 131).

The lot has two front yards with widths of 60.02' (Montague) and 72.43' (Ballard). The principal structure on the lot, which was built in 1901 as a multi-purpose church function building, is located in the Residence C-1 zoning district.

The lots on Montague Street and Ballard Place are characterized by a mix of single, multi-family and condominium homes clustered close to the street with minimal front and side setbacks.

These properties are adjacent to Hoyt field which is sited on 4.7 acres and contains a large baseball field, children's playground area and basketball/tennis courts. The park provides additional off-street parking spaces along Montague street used by visitors of the park and others in the area.

**B. Building Use and Areas**

The proposed adaptive reuse conversion will utilize all of the existing 6,855sf of Gross Floor Area as defined by Article 2.00 of the Cambridge Zoning Ordinance to produce three dwelling units with a total of nine Bedrooms.

**Zoning Relief Requested:**

The Applicant is requesting the following relief under the Ordinance in connection with the project.

- The proposed conversion requires Special Permit relief under the provisions of the amended 5.28.2, to convert the existing warehouse to residential use.
- Special permit pursuant to Ordinance section 8.22.2 (c) to alter or enlarge windows or openings located within the existing setback.
- Special permit pursuant to Ordinance section 6.35.1 to reduce the required parking.

The Application will also require Variance relief pursuant to Ordinance section 10.30 to allow an increase in Floor Area Ratio and the construction of dormers within the setback.

**A. Generally Applicable Criteria for Approval of a Special Permit**

Pursuant to section 10.43 of the Ordinance, Special Permits will normally be granted where 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 good because:

- a) *It appears that requirements of this Ordinance cannot or will not be met*
- b) *Traffic generated and or patterns of access or egress would cause congestion, hazard or substantial change in established neighborhood character.*
- c) *The continue 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 or*
- d) *Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed or the Citizens of the City or*
- 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 and*
- f) *The new use or building construction is inconsistent with the Urban Design Objective set forth in Section 19.30*

*Responses to Criteria:*

The amendments to Article 5.28.2 recently adopted by the City Council were intended to allow for the economic reuse of buildings that may be substantially out of compliance with requirement of the district, especially as they are converted to residential use.

The existing structure is a dimensionally non-conforming structure that contains a pre-existing non-conforming use. The building is sited at the corner of a dead end street and a private way creating a small residential neighborhood bordered by Putnam and Western Avenues. Constructed in 1901 the building is sited directly on the property line with almost no front yard setbacks in either of the two front yard and minimal yard setback in the two side yards. Granting the requested relief will allow for residential dwellings that are consistent with the Ordinance requirements and appropriate for the Residential district.

The project is located approximately 400' from an MBTA bus stop on Western avenue and a short walk to the Redline Train station in Central Square. The Western Avenue corridor is an area that has been recently studied by the City of Cambridge as a street scheduled for upgrades. These upgrades will improve the pedestrian and bicycle access along the street.

This proposed conversion will not cause hazard or congestion and will be an improvement to the neighborhood by converting an unsightly non-conforming building to residential dwellings that fits the existing multi-family neighborhood.

The continued operation of adjacent use will not be adversely affected nor will the integrity of the district be impaired as the proposed use is residential in a residential neighborhood.

The proposed reuse is not inconsistent with the Urban design guidelines set forth in 19.30 and will be compatible with the adjacent single and multi-family dwellings existing within the neighborhood.

**B. 5.28.20 *Allowed Uses***

The proposed conversion will include residential uses allowed in the C-1 district and not new uses provided under section 5.28.20.

**C. 5.28.21 *Gross Floor Area***

The conversion will utilize all of the existing Gross Floor area (GFA) and stay within the envelope of the structure. The additional 352 square feet are created by additional dormers added to the roof structure to allow for habitable space on the third that were originally not counted as GFA because they were less than 5'. The improved ceiling height on the third floor allows for the functional layout and design of bedrooms creating two and three bedrooms.

**D. 5.28.22 *Dwelling Units***

The Project proposes three dwelling units which is less than the permitted number of units in the base district and the maximum permitted by the amended 5.28.22. The lot area per dwelling unit in the Residence C-1 zoning district would allow 4.57 units with the existing structure. Similarly application of section 5.28.22 of the Ordinance would permit a maximum of 6 dwellings by dividing the existing GFA (6,855sf) by 1,100 sf. The number of units proposed was controlled by the physical limits of the structure and the lot such the appropriate dwelling could be design consistent with the size and quality of the existing residential neighborhood.

**E. 5.28.27 *Required Parking***

The Project is located on a corner lot abutting a private way (Ballard Place) and a dead end (Montague Street) with no availability for off-street parking on the site. While the limitations of the undersized lot limit parking Applicant owns fee rights to park along the private way up to the center-line of the street. The Ballard Place side of the property has sufficient length (72.43') to comfortably park three cars adjacent to the property.

### **5.28.28.1 Criteria Applicable to All Projects**

#### *(a) Parking:*

The proposed number of units (three) is below the maximum number of units (six) allowed under the base zoning regulations (Residence C-1) and does not require a traffic study. The City of Cambridge and the Community Development Department has paid particular attention to Western Avenue Corridor and has provided data on pedestrian and bicycle traffic as well as the availability of off-street parking.

#### *(b) Privacy consideration:*

*Windows:* The Project will eliminate any unnecessary existing windows and only add windows to provide necessary light and air required for residential dwellings. Special attention was given to the placement of windows on both side yards (West & North) because of the residential abutters to maximize privacy and limit light spillage.

On the West side façade three third floor windows are being removed and replaced with a single windows. This reduction in windows can be achieved by the addition of dormers providing additional ceiling height and light to the third floor space.

*Landscaping/Screening:* The exterior grounds will be developed consistent with the landscaping plan to maintain the maximum amount of privacy.

#### *(c) Reduction in Private Open Space:*

The site has limited side yard and open space. The conversion will not exceed the envelope of the building and will not alter the available open space.

#### *(d) Community Outreach*

The Applicant purchased the property in January 2012. In preparation for this application Applicant has reached out neighbors and abutters on Montague and Ballard Place specifically the direct abutter at 23 Montague and Ballard place. The neighbors raised issues of parking, decaying trees, and potential light blockage and privacy issues if a dormer was added.