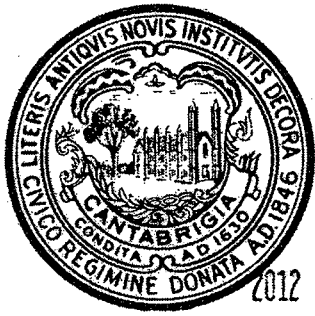




CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2012 MAY 30 AM 11 15

OFFICE OF THE CITY CLERK CAMBRIDGE, MASSACHUSETTS NOTICE OF DECISION

Case Number:	271
Address:	9 Montague Street, Cambridge MA
Zoning:	Residence C-1
Applicant:	MK Montague LLC c/o Hope Legal Law Offices
Owner:	MK Montague LLC
Application Date:	March 5, 2012
Date of Planning Board Public Hearing:	April 3, 2012
Date of Planning Board Decision:	April 3, 2012
Date of Filing Planning Board Decision:	May 30, 2012

Application: Applicant seeks a Planning Board Special Permit to convert the existing nonresidential building at 9 Montague Street into three dwelling units (Section 5.28.2), for a reduction of parking (Section 6.35.1 as allowed in Section 10.45) and for the alteration or enlargement of windows and openings located within the setback requirement (Section 8.22.2(c) as allowed in Section 10.45).

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

Special Permit Application, Cover Sheet, Existing Conditions Plan of Land, Ownership Certificate, Narrative, Dimensional Form, Zoning Compliance Table, Gross Floor Area FAR Calculation, Side Yard Calculation, Usable Open Space Calculation, Existing Plan of Land, Proposed Site Plan, Proposed Floor Plans, Proposed Elevations, Proposed Building Sections, Existing Floor Plans, Existing Elevations, Existing Roof Plan, Existing Building Sections, Shadow Study.

Other Documents

Letter to Planning Board, from Sean Hope, dated March 30, 2012.

Letter to Liza Paden, from Marcia Hamilton, dated March 29, 2012.

APPLICATION SUMMARY

On March 5, 2012, the Applicant submitted a special permit application to convert an existing 6,855 square-foot nonresidential building at 9 Montague Street into 3 residential dwelling units totaling 7,291 square feet. Additional floor area will be created by new dormers on the roof to create habitable space on the third floor. The project is located on a corner lot abutting a private way (Ballord Place) and a dead end street (Montague Street). There is no off-street parking provided on the lot. The Applicant owns fee rights to park along Ballord Place adjacent to the subject lot up to the center-line of the street. The project will require a variance for the construction of dormers within the setback as well as for an increase in Floor Area Ratio (FAR) associated with those dormers.

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.

With the granting of this Special Permit and the granting of the requested variance from the Board of Zoning Appeal, the requirements of this Ordinance will be met.

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

The building is located at the intersection of a dead end street and a private way, and is within a small residential enclave bordered by Putnam Avenue, Western Avenue and Hoyt Field. The proposed project will total 3 residential units in a 7,291 square foot building and will be compatible with adjacent single-family and multifamily dwellings in the neighborhood.

- (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.*

The building is located in a residential enclave and surrounded by single-family and multifamily residential dwellings as well as Hoyt Field. The proposed conversion will improve a currently unsightly non-conforming building into 3 well designed residential dwelling units.

- (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.*

The project will not create any nuisance or hazard. The new residential use will not have a negative health or safety impact on the neighborhood. The development will conform 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 proposed project is consistent with the intent and purpose of Section 5.28.2 of the Zoning Ordinance and will not impair the integrity of the district which is a small residential enclave with single and multifamily dwelling units.

- (f) *the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.*

The Board finds that the proposed project is consistent with the Urban Design Objectives set forth in Section 19.30, as described below.

(19.31) New projects should be responsive to the existing or anticipated pattern of development.

The properties in the vicinity of the project site are characterized by a mix of single, multifamily and condominium homes clustered close to the street with minimal front and side setbacks. The proposed project will convert an existing structure that is dimensionally nonconforming and contains a nonconforming use into residential dwellings that are appropriate for the residential district.

(19.32) Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.

The project is located approximately 400 feet from an MBTA bus stop on Western Avenue and within a short walk of several bus routes as well as the Red line MBTA

station at Central Square. Planned improvements to Western Avenue will also improve pedestrian and bicycle access to the site.

(19.33) The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.

The existing building is located directly on the property line with minimal front and side yard setbacks. The proposed conversion will improve a currently unsightly non-conforming building into 3 well designed residential dwelling units. The proposed fencing and landscaping are appropriate for the site.

(19.34) Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.

The project involves the conversion of an existing non-conforming structure into 3 residential units and will not overburden nearby roads or the City water or sewer system.

(19.35) New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.

The project involves the restoration and redevelopment of a former multipurpose church building constructed in 1901, which is located in a residential enclave that features a mix of single, multifamily and condominium homes. The new residential units will both reinforce and enhance the residential character of the area.

(19.36) Expansion of the inventory of housing in the city is encouraged.

The project will create 3 new residential dwelling units with a total of 9 bedrooms.

(19.37) Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.

The existing building is located directly on the property line with minimal front and side yard setbacks. The property is adjacent to Hoyt Field which is 4.7 acres and contains a baseball field, children's playground area, basketball and tennis courts.

2. Conversion of Non Residential Structures to Residential Use (5.28.2)

(5.28.20) Allowed Uses

The proposed uses are allowed in the base Residence C-1 District.

(5.28.21) Gross Floor Area

The conversion will utilize Gross Floor area (GFA) within the existing structure. Additional floor area will be created by new dormers on the roof to create habitable space on the third floor for which variance is being sought from the Board of Zoning Appeal. The improved ceiling height on the third floor will allow for the functional layout and design of the bedrooms.

(5.28.22) Dwelling Units

The Project proposes three dwelling units which is less than the permitted number of units under base district limitations as well as less than the maximum permitted under Section 5.28.22 of the Zoning Ordinance.

(5.28.23) Yard Requirements

The existing front and side yard setbacks will not be changed.

(5.28.24) Maximum Height

The height of the existing building is approximately 32 feet and will not change.

(5.28.25) Private Open Space Requirements

The existing building is located directly on the property line with minimal front and side yard setbacks with limited opportunities for private open space.

(5.28.26) Conforming Additions

New dormers will be added to the roof in order to create habitable space on the third floor. The improved ceiling height on the third floor will allow for the functional layout and design of the bedrooms. The project will require a variance for the construction of the dormers which are within the required setback, as well as for an increase in Floor Area Ratio (FAR) associated with those dormers.

(5.28.27) Required Parking

The project is located on a corner lot abutting a private way (Ballord Place) and a dead end street (Montague Street) with no off-street parking. The Applicant owns fee rights to park along the Ballord Place up to the center-line of the street where there is sufficient length (over 72 feet) to park three cars adjacent to the building.

(5.28.28.1) Criteria Applicable to All Projects

- a) *Provision of Parking. Where it is proposed to add dwelling units above the limits established in the base zoning regulations, the Board shall evaluate the impact of increased numbers of dwelling units above that normally permitted in the district on the demand for on-street parking by residents and visitors to the proposed building, particularly in neighborhood where off street parking is limited.*

In reaching a determination, the Board may require that the Applicant provide elements of a Parking Analysis as set forth in Section 6.35.3 of the Zoning Ordinance. Where a project is subject to additional criteria as specified in Section 5.28.28.2 below a parking Analysis shall be required to be included with the Special Permit Application.

The proposed number of units (three) is below the maximum number of units (six) allowed under the base zoning regulations (Residence C-1)

- b) *Privacy Considerations.* Where significant variations from the normally required dimensional standards for the district are proposed, the Board shall evaluate the impact on residential neighbors of the new housing use and any other proposed use as it may affect privacy. The location and size of windows, screening elements, decks, entries, security, and other lighting, and other aspects of the design, including the distribution of functions within the building, shall be reviewed in order to assure the maintenance of reasonable levels of privacy for abutters. In reviewing a proposed development plan, the Board shall consider, among other factors, the potential negative impacts of the new activity on abutters as a result of the location, orientation, and use of the structure(s) and its yards as proposed.

The Project will eliminate any unnecessary existing windows and only add new windows where necessary to provide the light and air required for residential dwellings. Special attention was given to the placement of windows on the West and North side of the building in order to maximize privacy and limit light spillage onto the abutting residential properties.

The three third floor windows on the West facade will be removed and replaced with a single window. The exterior grounds will be developed consistent with the landscaping plan to maintain the maximum amount of privacy.

- c) *Reduction in Private Open Space.* Where it is proposed to reduce the amount of on-site Private Open Space below what is required in the applicable district, the Board shall evaluate the proposal in light of the following:
1. *The extent to which screening and buffering from neighbors will be accomplished*
 2. *The quality and viability of the proposed open space as they are designed*
 3. *The tradeoff in benefits and negative impacts of the loss of green space in order to provide the required amount of parking, including consideration of the feasibility of alternate parking arrangements that might produce additional green area, such as placing some or all parking within the structure*
 4. *The availability of common recreational spaces within the building to compensate for the loss of usable outdoor 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 Planning Board shall consider what reasonable efforts have been made to address concerns raised by abutters and neighbors to the project site. An Applicant seeking a special permit under this Section 5.28.2 shall solicit input from affected neighbors before submitting a special permit application. The application shall include a report on all outreach conducted and meetings held, shall describe the issues raised by community members, and shall describe how the proposal responds to those issues.

The property was purchased in January 2012. Since that time, the Applicant has reached out to neighbors and abutters on Montague Street and Ballard Place. The neighbors and

Applicant discussed issues such as parking, decaying trees, and potential light blockage and privacy issues resulting from the addition of dormers.

3. Reduction of Parking (6.35.1)

The proposed project will improve a currently unsightly non-conforming building into 3 well designed residential dwelling units, which is below the maximum number of units (six) allowed under the base zoning regulations (Residence C-1). The Applicant owns exclusive fee rights to park along Ballord Place up to the center-line of the street where there is sufficient length (over 72 feet) to park three cars adjacent to the building. The property is adjacent to Hoyt Field which provides additional off street parking spaces along Montague Street. The project is located approximately 400 feet from an MBTA bus stop on Western Avenue and within a short walk several bus routes as well as the Redline MBTA station at Central Square. The Board approves the proposed project and recognizes that the Applicant owns exclusive fee rights to park along the private way adjacent to the building.

4. Alteration or Enlargement of Windows and Openings Within the Setback (8.22.2(c))

The proposed addition and expansion of the dormers on the third floor will be within the required residential setback. The additional dormers will provide usable space on the third floor of the building and the additional ceiling height will allow for the functional layout and design of bedrooms for the units.

DECISION

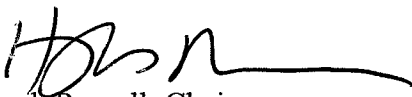
Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby **GRANTS** the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the 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 March 5, 2012, 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 Traffic Parking and Transportation Department shall review the turning radius between Montague Street and Ballord Place where the proponent owns fee rights up to the centerline of the street and intends to dedicate parking.
3. The proposed addition and expansion of the dormers on the third floor will be a nonconforming addition to the existing structure and therefore shall require a variance by the Board of Zoning Appeal.

4. 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.
5. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).
6. Throughout design development and construction, the project shall conform to the Green Building Requirements set forth in Section 22.20 of the Cambridge Zoning Ordinance.

Voting in the affirmative to GRANT the Special Permits were Planning Board Members H. Russell, T. Anninger, P. Winters, W. Tibbs, S. Winter, T. Cohen and Associate Members 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 #271 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 May 30, 2012, 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

Dimensional Form

	Allowed/Required	Existing	Proposed	Granted
Total FAR	0.75	1.59	1.68	1.68*
Residential				
Non-Residential				
Inclusionary Bonus				
Total GFA in Sq. Ft.	3,257sf	6,855sf	7,291sf	7,291sf*
Residential				
Non-Residential				
Inclusionary Bonus				
Max. Height	35'	32.1'	Same as existing	Same as existing
Range of heights				
Lot Size	5,000sf	4,342sf	Same as existing	Same as existing
Lot area/du	1,500sf			
Total Dwelling Units	6	0	3	3
Min. Lot Width	50.0'	72.43'	Same as existing	Same as existing
Min. Yard Setbacks				
Front (Ballord Pl.)	10.0'	0.0'	Same as existing	Same as existing
Front (Montague St)	10.0'	1.9'		
Side (Off Ballord Pl)	12.1'	7.8'		
Side (Off Montague)	13.5'	7.5'		
Total % Open Space	30%	37%	37%	37%
Usable				
Off Street Parking	3	0	0 (fee rights to private lane)	0**
Min #				
Max #				
Handicapped				
Bicycle Spaces				
Loading Bays	0	0	0	0

* Conditional on Board of Zoning Appeal variance

** Pursuant to reduction granted by the Planning Board per Section 6.35.1 of the Zoning Ordinance