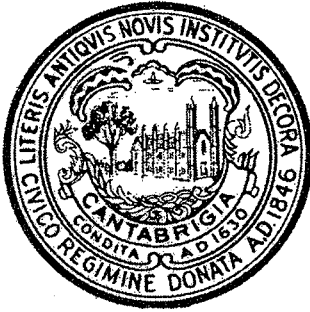




CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2013 SEP 9 PM 1 38
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	282
Address:	533 Putnam Avenue
Zoning:	Residence C
Applicant/Owner:	Lianne Bensley, 76 High Street, Newburyport, MA 01950
Application Date:	May 23, 2013
Date of Planning Board Public Hearing:	July 16, 2013
Date of Planning Board Decision:	July 16, 2013
Date of Filing Planning Board Decision:	September 9, 2013

Application: Special Permit to convert a Nonresidential Structure to a Residential Unit, Section 5.28.2, Dwelling Units, Section 5.28.22 and Reduction of Required Parking, Section 6.35.1.

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

Special Permit application with cover sheet, dimensional form, narrative of the zoning compliance, ownership certificate, project narrative, plans illustrating the existing conditions, context maps and photographs, proposed elevations, floor plans, perspective of as-of-right proposal, dated May 23, 2013.

Letter to the Planning Board from Athanasios and Carol Boulukos, dated 5/22/13.

Letter to the Planning Board from Linda Dubuque, dated 5/22/13.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing on July 16, 2013, 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 permit 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 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, the requirements of the Ordinance will be met.

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

The creation of one unit is in an existing residential neighborhood. The existing driveway will continue to serve the lot. No congestion, hazard, or significant change is anticipated.

(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 adjacent uses are residential, open space and neighborhood retail; this permitted residential use is in keeping with those in the area and does not adversely affect the abutting properties.

(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 shall comply with all applicable health and safety regulations. No nuisance or hazard will be created.

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

The proposal is to convert a non-residential structure to residential use, which is consistent with the Residence zoning district and with the objectives of Section 5.28.2.

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

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

The existing pattern of development in the neighborhood consists of multifamily, one and two family houses. The existing residential structure on this lot will remain on the street and the driveway will remain.

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

The site is designed to encourage pedestrian and bicycle access and is within walking distance of a MBTA bus route.

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

The proposal does not change the existing structures on the lot. The design improves the open space on the parcel and creates landscaping and fencing buffers with neighbors.

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

The project will add one residential unit, which will not significantly impact city services.

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

The project will not involve the construction of new buildings. The existing residential structure on the site will continue as a 2 family.

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

A new single family residence will be created and the existing 2 family maintained.

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

The open space will be improved and increased slightly on the lot.

Criteria for Approval of a Special Permit Section 5.28.28.1

The Planning Board finds that the project meets the criteria for approval of a special permit to modify the district density, yard and open space requirements for conversion of a non-residential structure to residential use pursuant to Section 5.28.2 as follows:

a. *Provision of Parking*

The proposed conversion of the existing commercial building into a single family residence and accompanying reduction of driveway will increase the amount of green area and result in one off street parking space and one tandem off street parking space. The Planning Board finds that the property is located near MBTA bus routes and provides alternative transportation options. The proposal will provide 3 secured bicycle parking spaces.

b. *Privacy Considerations*

No new window openings will be created. The existing window openings along the south and east abutting properties will be restored. The proposed building entrance will be inwards towards the existing driveway. The private open space abutting 6-8 and 10 Acorn Street in the rear of the site will be landscaped and fenced.

c. *Reduction in Private Open Space*

The proposed alterations will increase the amount of private open space from 7% to 16%.

d. *Community Outreach*

The owner and applicant contacted and submitted letters of support from abutters. Owners of the abutting Acorn Street property attended and participated in the public hearing.

Criteria for Reduction in Required Parking Section 6.35.1

The Planning Board finds that the proposed reduction in required parking will not cause excessive congestion, endanger public safety, or substantially reduce parking availability for other uses upon consideration of the following:

1. The site is in close proximity to MBTA bus lines on Brookline, Pearl Streets and Magazine Streets and is within walking distance to the Green and Red Lines.
2. On-street parking is available to residents and the addition of one dwelling unit with tandem off-street parking will not overburden the supply of on-street parking.
3. Shared Uses are not anticipated for this property, although the site will be converted from its previous non-residential use to a residential use.
4. The occupants of the existing residence do not currently have access to off street parking, and the demand for parking is not likely to increase.
5. The impact of providing 3 off street parking spaces would diminish the green space by creating a larger parking lot on the site.
6. This property does not include affordable housing units as defined in Article 11.200.

The Traffic, Parking and Transportation Department reviewed the proposal and had no comment regarding the reduction in required parking.

DECISION

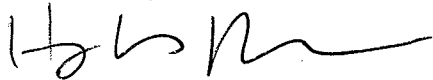
Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in substantial conformance with the application documents dated May 23, 2013 and plans dated May 20, 2013 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 with all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code.)
4. The Permittee shall continue to work with abutting property owners to address the following issues in the ongoing detailed project design. CDD shall review these items prior to issuance of a Building Permit:

- (a) Placement and design of exterior lighting to minimize light trespass on abutting properties.
- (b) Placement and design of mechanical cooling equipment to minimize noise impacts on abutting properties.
- (c) Design of landscaping improvements so that plant materials will not grow into the yard of the abutting property.
- (d) Allowance for reasonable access to the rear of the property at 6-8 Acorn Street by the property owner for purposes of maintenance or repairs.

Voting in the affirmative to GRANT the Special Permits were Planning Board Members H. Russell, H Cohen, P. Winters, S. Winter, T. Sieniewicz, S. Cohen, and W. Tibbs, 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 #282 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 was filed with the Office of the City Clerk on September 9, 2013, by Elizabeth M. Paden, 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: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	4984	5,000	4984	4984
Total GFA (sq ft)	5362	2990.4	5362 ¹	5362
Residential Base	3042	N/A	N/A	As shown on plans approved 7/16/13
Non-Residential Base	2320	N/A	N/A	
Inclusionary Bonus	N/A	N/A	N/A	
Total FAR	1.07	0.6	1.07 ¹	1.07
Residential Base	.61	N/A	N/A	
Non-Residential Base	.46	N/A	N/A	
Inclusionary Bonus	N/A	N/A	N/A	
Total Dwelling Units	2	3	3	3
Base Units	N/A	N/A	N/A	As shown on plans approved on 7/16/13
Inclusionary Bonus Units	N/A	N/A	N/A	
Base Lot Area / Unit (sq ft)	N/A	N/A	N/A	
Total Lot Area / Unit (sq ft)	2492	1800	1661	
Lot Width (ft)	50.2	50	50.2	50.2
Height (ft)	30'/14'	35'	30'/14'	As shown on plans approved on 7/16/13
Front Setback (ft)	10'/0'	15'	10'/0' ¹	
Side Setback- Right (ft)	0' north	7.5'	0' north ¹	
Side Setback –Left (ft)	0' south	7.5'	0' south ¹	
Rear Setback (ft)	0'/22'	20'	0'/22' ¹	
Open Space (% of Lot Area)				As shown on plans approved on 7/16/13
Private Open Space	7%	36%	16% ¹	
Permeable Open Space	7%		14.5%	
Off-Street Parking Spaces	1	5	1 ²	1
Handicapped Parking Spaces	N/A	N/A	N/A	As shown on plans approved on 7/16/13
Bicycle Spaces	0	1	3	
Loading Bays	3	0	0	

¹ Dimensional modifications approved by the Planning Board pursuant to Section 5.28.2.

² Reduction in required parking approved by the Planning Board pursuant to Section 6.35.1.