



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case Number:	306
Address:	136-138 Cushing Street
Zoning:	Residence B District
Applicant:	Duncan MacArthur 67 Smith Place, Cambridge, MA 02138
Owner:	Harry & LiLi LLC 67 Smith Place, Cambridge, MA 02138
Application Date:	October 30, 2015
Date of Planning Board Public Hearing:	December 1, 2015
Date of Planning Board Decision:	December 15, 2015
Date of Filing Planning Board Decision:	January 27, 2016
Application:	Request for a special permit pursuant to Section 5.53.2 of the Zoning Ordinance to allow construction of more than one principal residential structure on a lot where one structure is farther than 75 feet from the street line.
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: Jeffrey C. Roberts JCR 1/27/16.

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

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OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application submitted on 10/30/15, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Narrative, plan set titled 136-138 Cushing Street, prepared by Moskow Linn Architects inc., dated 10/30/15.
2. Revised site plan titled Proposed Landscaping Plan – Option 1, prepared by Moskow Linn Architects inc., dated 12/14/15.

City of Cambridge Documents

3. Memo to Duncan MacArthur from Cambridge Historical Commission staff, dated 10/28/15
4. Memorandum to the Planning Board from Community Development Department staff, dated 11/23/15
5. Memorandum to the Planning Board from Traffic, Parking and Transportation Department staff, dated 12/14/15

Other Documents

6. Letter to the Planning Board from Lisa Dobberteen, dated 12/1/15
7. Letter to the Planning Board from David Graham, dated 12/14/15
8. Letter to the Planning Board from Teni and Chris Lavoie, dated 12/1/15
9. Letter to the Planning Board from Ronee Saroff, dated 12/15/15
10. Email communication to the Planning Board from Charles Medler, dated 12/10/15
11. Email communication to Duncan MacArthur from Alex Steinberg, dated 12/14/15
12. Email communication to the Planning Board from Samuel and Lina Harp, dated 12/14/15
13. Email communication to the Planning Board from Rocco Ricci, dated 12/14/15
14. Email communication to the Planning Board from Emily Sequeira, dated 12/14/15

APPLICATION SUMMARY

The Applicant proposes to demolish the existing building and construct two single family detached dwelling units on the lot with required off-street parking for each structure. The base zoning is Residence B district for the parcel located at the intersection of Cushing and Vineyard Streets. The Board continued the hearing on 12/01/2015 to 12/15/2015 to discuss alternative design options.

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. Special Permit for more than one structure containing a principal residential use (Section 5.53.2)

(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: ...

2. *By special permit from the Planning Board provided the Board finds*

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

- (5) the opportunities presented to reduce the visual impact of parking from the public street and from adjacent lots,*
- (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 site design includes two principal residential structures, each of which will have frontage onto Cushing Street. The proposed project will provide separate private open space for each residence in addition to meeting all yard (setback) requirements. The proposed residences with off-street parking spaces located to the side reflects the prevailing residential pattern in the neighborhood. Even though the proposed site design involves the removal of a large and admired tree, the proposed landscape treatment provides opportunities to improve the streetscape view as well as the interface with abutting properties. The proposed detached residences will have a built form character and scale that is as consistent, if not more consistent, with the neighborhood as an attached two-family structure that could be built as-of-right. For these reasons, the Board finds that the proposal meets the criteria set forth in Section 5.53.2 Paragraph (a).

2. General Criteria for Issuance of a Special Permit (Section 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, or ...*

Upon granting of the requested special permit, it appears that the requirements of the Ordinance will be met.

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

The proposed construction of two new dwelling units with two off-street parking spaces is not anticipated to cause particular congestion or hazard. A communication from the Traffic, Parking and Transportation Department dated December 14, 2015 indicates that the location of the proposed curb cut and parking access are acceptable to the City.

- (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, or ...*

The proposed residential use complies with allowed uses in this zone, and hence will not adversely affect adjacent uses that exist or are anticipated in the future.

- (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, or ...*

The proposed uses will not create nuisance or hazard, and all development activity will adhere to 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, and ...*

The proposed use is encouraged by City plans for the area and the Zoning Ordinance. The neighborhood generally consists of single-family and two-family dwellings, and the proposed development of two detached single-family dwellings would fit this existing pattern of development.

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

The proposal is not inconsistent with the citywide urban design objectives. The urban design objectives are supported in the proposal with the expansion of the inventory of housing, improved streetscape appearance, consistency with the established pattern of development, minimal environmental impacts on abutters and minimal impact on City infrastructure.

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 Permit subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permit 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 30, 2015, and revised plan dated December 14, 2015 and the additional Conditions of this Special Permit Decision. 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. At a minimum, the following specific elements of the design shall be subject to review and approval by CDD prior to issuance of a Building Permit:
 - a. Final landscape details, including plant material selection. It is the Board's expectation that the final landscape plan will include substantial greenery intended to screen impacts on abutters and new tree plantings to provide aesthetic and environmental benefits to the neighborhood.
 - b. Final building façade details.
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 approve the Development Proposal were Planning Board Members Louis Bacci, Jr., Catherine Preston Connolly, H Theodore Cohen, Mary Flynn, Hugh Russell and Thacher Tiffany, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,

A handwritten signature in dark ink, appearing to read "H Theodore Cohen", with a long, sweeping horizontal line extending to the right.

H Theodore Cohen, Chair.

A copy of this decision PB #306 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 January 27, 2016, by Jeffrey C. Roberts, 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)	8,517	5,000	No Change	No Change
Lot Width (ft)	86	50	No Change	No Change
Total GFA (sq ft)	4,345	3,731	3,731	3,731
Residential Base	4,345	3,731	3,731	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	N/A	N/A	N/A	
Inclusionary Bonus	N/A	N/A	N/A	
Total FAR	0.51	0.44	0.44	Consistent with Application Documents and applicable zoning requirements
Residential Base	0.51	0.44	0.44	
Non-Residential Base	N/A	N/A	N/A	
Inclusionary Bonus	N/A	N/A	N/A	
Total Dwelling Units	1	2	2	2
Base Units	N/A	N/A	N/A	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	N/A	N/A	N/A	
Base Lot Area / Unit (sq ft)	8,517	2,500	4,258	
Total Lot Area / Unit (sq ft)	8,517	2,500	4,258	
Height (ft)	27	35	33	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	35	15	15	
Side Setback (ft)	3.5 / 20	7.5 (sum 20)	7.5 (sum 20)	
Rear Setback (ft)	39.25	15	15	
Open Space (% of Lot Area)	43	40	43	Consistent with Application Documents and applicable zoning requirements
Private Open Space	43	40	43	
Permeable Open Space	43	20	40	
Off-Street Parking Spaces	0	2	2	2
Long-Term Bicycle Parking	N/A	N/A	N/A	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	N/A	N/A	N/A	
Loading Bays	N/A	N/A	N/A	