



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

## NOTICE OF DECISION

Case Number:	398
Address:	55 Washburn Avenue
Zoning:	Residence B
Applicant:	Antje Danielson 55 Washburn Avenue, Cambridge, MA 02140
Owner:	Antje Danielson 55 Washburn Avenue, Cambridge, MA 02140
Application Date:	May 23, 2023
Date of Planning Board Public Hearing:	June 13, 2023
Date of Planning Board Decision:	June 13, 2023
Date of Filing Planning Board Decision:	July 11, 2023
Application:	Special Permit for more than one structure containing a principal residential use in a Residence B zone (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: Swaathi Joseph

For further information concerning this decision, please contact Swaathi Joseph at 617-349-4668, or [sjoseph@cambridgema.gov](mailto:sjoseph@cambridgema.gov).

2023 JUL 11 AM 8:31  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## **DOCUMENTS SUBMITTED**

### Application Documents and Supporting Material

1. Special Permit Application dated 05/08/2023, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Narrative, Community Outreach Summary, and plan set titled 55 Washburn Ave, prepared by Sarah Like Rhatigan, Esq., Trilogy Law LLC., dated 05/08/2023.
2. Presentation slides shown to the Planning Board on 06/13/2023.

### City of Cambridge Documents

3. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 06/08/2023.
4. Memorandum to the Planning Board from Department of Public Works (DPW) staff, dated 06/06/2023.

## APPLICATION SUMMARY

The proposal involves the preservation of an existing three-story, two-family dwelling and the construction of a 2.5-story, single-family modular structure in the rear yard of the existing dwelling. The existing two-family dwelling will be converted to a single-family dwelling. In a Residence B district, a special permit is required when a second principal dwelling in the rear yard is located more than seventy-five feet from the street line.

## 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)

Because the proposal includes two principal residential structures on the lot, and one of those structures is more than seventy-five (75) feet from the abutting street line of Washburn Avenue, the following provisions of the zoning ordinance apply.

In Residence B districts more than one structure containing a principal residential use is allowed on a lot by special permit from the Planning Board provided the Board finds:  
5.53.2

- (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:*
  - a. *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,*
  - b. *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,*
  - c. *the extent to which two or more structures provides an enhanced living environment for residents on the lot,*
  - d. *incentives to retain existing structures on a lot, particularly any structure determined to be a Preferably Preserved Significant structure by the Cambridge Historical Commission,*
  - e. *the opportunities presented to reduce the visual impact of parking from the public street and from adjacent lots,*
  - f. *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 preservation of an existing two-family structure and the construction of a new detached single-family modular structure on the same lot maximizes open space on the lot and results in a development pattern that is consistent with the existing scale of development in the neighborhood. The proposal will ensure a development scale that is of similar height and bulk to other structures on Washburn Avenue. Further, the development of two structures will allow for both structures to maximize natural light, air and privacy for residents and existing abutters.

For these reasons, the Board finds that development in the form of two structures will be less impactful on the existing neighborhood than if the proposal involved an addition to the existing structure on the lot.

## 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 ...*

The proposed development conforms to the development controls of the Zoning Ordinance. The existing structure is non-conforming with respect to minimum front and side yard setbacks. A variance was granted by the Board of Zoning Appeal in 2013 for the existing driveway and parking space located within the front setback, which will not be modified by the proposal.

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

The proposed development is not anticipated to cause congestion, hazard or substantial change in the neighborhood character. With continuing design review related to access to and egress from the rear dwelling, the pattern of ingress and egress from the site will not create hazard.

*(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 is permitted in the Residence B zoning district.

*(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 infill residential use and increase in housing units is encouraged by City plans for the area and the Zoning Ordinance. The neighborhood generally consists of a variety of dwelling unit densities and sizes, and secondary structures in rear yards. The proposed development of 2.5-story detached single-family dwelling would fit the 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 consistent 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, compatibility with historic patterns 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 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 and other supporting materials submitted to the Planning Board, except as modified by the additional Conditions of this Special Permit Decision. The project plans hereby approved by the Planning Board are the plan set titled 55 Washburn Ave, prepared by Sarah Like Rhatigan, Esq., Trilogy Law LLC., dated 1/6/2023. 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 the issuance of a 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. The Permittee shall address the following comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit:
  - a. All landscape details, including proposed plantings, hardscape materials, fences, visual screening, and exterior lighting.
  - b. Design and façade details, materials, and colors.
  - c. Any required or necessary acoustic screening of mechanical equipment, such as air conditioning condensers.
4. At the time of the building permit submission for the Project, the Applicant shall provide confirmation to the Department of Public Works (DPW) that the building permit plans are in conformance with the submitted Tree Plan and/or the current Tree Ordinance.
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).

Voting in the affirmative to grant the requested Special Permits were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Hugh Russell, Tom Sieniewicz, and Associate Member Ashley Tan, appointed by the Vice-Chair, to act on the case constituting at least two thirds of the members of the Board.

For the Planning Board,

A handwritten signature in cursive script that reads "Catherine Preston Connolly".

Catherine Preston Connolly, Vice-Chair

A copy of this decision PB-398 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 has been filed on July 11, 2023 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:  
\_\_\_\_\_ no appeal has been filed; or  
  
\_\_\_\_\_ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: \_\_\_\_\_, City Clerk

Appeal has been dismissed or denied.

Date: \_\_\_\_\_, City Clerk



**Appendix I: Approved Dimensional Chart**

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	8,687	5,000	8,697	No Change
Lot Width (ft)	39'/81'	50'	39'/81'	No Change
Total GFA (sq ft)	2,062 sf	3,794 sf	3,754 sf	Consistent with Application Documents and applicable zoning requirements
Residential Base	2,062 sf	3,794 sf	3,754 sf	
Non-Residential Base	N/A	N/A	N/A	
Inclusionary Bonus	N/A	N/A	N/A	
Total FAR	0.24	0.44	0.43	Consistent with Application Documents and applicable zoning requirements
Residential Base	0.24	0.44	0.43	
Non-Residential Base	N/A	N/A	N/A	
Inclusionary Bonus	N/A	N/A	N/A	
Total Dwelling Units	1+ Access. Apt.	2+ Access. Apt.	2+ Access. Apt.	Consistent with Application Documents and applicable zoning requirements
Base Units	N/A	N/A	N/A	
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)	8,687 sf	2,500 sf/unit	4,348 sf/unit	
Height (ft)	33'	35'	33', 33'	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	3.7'	15'	3.7', 74'	
Side Setback (ft)	7.9'	7.5'	7.9'; 48.4'	
Side Setback (ft)	6.2'	7.5'	6.2'; 7.5'	
Rear Setback (ft)	84.0'	25' + 10'	35'	
Open Space (% of Lot Area)	73%	40%	67%	Consistent with Application Documents and applicable zoning requirements
Private Open Space	60%	50% of 40%	52%	
Permeable Open Space	73%	50% of 40%	67%	
Off-Street Parking Spaces	1	0	1	Consistent with Application Documents and applicable zoning requirements
Long-Term Bicycle Parking	4	N/A	4	
Short-Term Bicycle Parking	N/A	N/A	N/A	
Loading Bays	N/A	N/A	N/A	