



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

July 29, 1981

NOTICE OF DECISION (Summary)

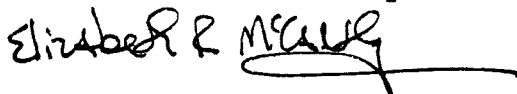
In reference to the petition of the Urban Development and Investment Corp. (UDIC), Douglas Bell, President for a Special Permit to allow townhouse development at odd numbers 41-47 and 42 Cogswell Avenue, the petition has been GRANTED by the Planning Board on 7/22/81 with the following conditions:

1. Only 38 dwelling units shall be allowed.
2. The cul-de-sac shall be redesigned as indicated on the final site plan dated 7/27/81 filed in the City Clerk's Office.
3. The driveway serving bldgs. #1-4 shall be widened to a width of 16 feet.
4. The open air parking area on the east side of Cogswell Avenue shall contain only 6 parking spaces which shall be screened from abutting properties.
5. The site layout for bldg. #3, units 6 and 7 and bldg. #3A, units 8 and 9 shall conform to the final site plan filed in the Clerk's Office.
6. All mature trees on the site shall be preserved wherever possible.
7. Units #1,2,5,10,11,12,13,20,21,28 and 29 (those facing Cogswell Avenue as well as a few other as indicated on the final site plan) shall have clapboard siding.
8. The dwelling at 42 Cogswell Avenue which is being relocated to the end of the cul-de-sac shall contain two dwelling units.
9. Sidewalk improvements shall be of brick with granite curbing.
10. All drainage shall be handled on site or channeled directly to the City's stormwater system, and grading shall be consistent with adjacent property.

11. Deeds shall prohibit alterations which would affect approved building heights and square footages.
12. The applicant shall install a 6' high concrete wall along the southerly boundary line of the development including the Homeowner's Rehab. Inc., property.
13. Perimeter planting along existing residential property lines shall not exceed a mature height of 15'.
14. The developer shall consult with abutters on the type and height of perimeter fencing if different from standard 6' wooden fences.
15. The area of asphalt pavement within the courtyards shall be minimized and replaced with modular pavers where possible.
16. The developer shall attempt to correct the ponding which occurs at the low point at the south end of Pemberton Court.
17. Only those variances approved as listed in the complete decision filed in the City Clerk's Office shall be permitted.

A copy of the complete decision has been filed with the Office of the City Clerk on July 30, 1981. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty days after the date the complete decision was filed in the Clerk's Office. (appeals shall be filed with the Superior Court Department)

Elizabeth R. McCarthy



Secretary to the Planning Board

ERM:lf



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

CASE NO: PB-15
PREMISES: Odd numbers 41-47 and 42 Cogswell Avenue
ZONING DISTRICT: Residence B
PETITIONER: Urban Development and Investment Corp. (UDIC)
APPLICATION DATE: 6/15/81
PUBLIC HEARING DATE: 7/7/81
PETITION: Section 11.10, Townhouse development for 39-one
bedroom dwelling units
DATE OF PLANNING BOARD DECISION: July 22, 1981

The Petition

This petition calls for the construction of 39 townhouse units to be built upon approximately 1.33 acres of land. The proposed units will consist of three different types. Nineteen (19) units will have an overall height of 29'[±], 13 units will be 34'[±], and 7 units at 26'[±]. All townhouses will consist of one-bedroom units. Mr. Bell's plans also show the relocation of the dwelling at 42 Cogswell Avenue to the southerly end of that street. The house will be sold by UDIC to Homeowners Rehab, Inc. who will move and restore the dwelling into a two family unit. Mr. Bell plans to swap some of his land for city property to facilitate the construction of a cul-de-sac at the southerly end of Cogswell Avenue and complete the deal with Homeowner's Rehab, Inc.

Documents

In support of the petition, Douglas Bell, President of UDIC submitted the following documents to the Community Development Department on 6/15/81:

1. Application form, certificate of ownership, photographs of the site, required site plan, elevations, and information concerning zoning and land-use (typical cross section was also submitted). The plans contained eight pages and the site plan was labeled "Cogswell Station."
2. At the public hearing of 7/7/81, Mr. Bell presented numerous alternative site plans including a redesigned open air parking scheme on the east side of Cogswell Avenue, a redesigned cul-de-sac, an alternative location for the relocated Homeowners Rehab., two-family unit, two alternative site lay-outs for building #3 containing units #6-9, and an open air parking space plan for unit #20 in building #8 instead of a garage. He also presented

base maps depicting existing neighborhood density compared with the density of his proposal. This comparison showed that the townhouse development would be about the same density as that of the neighborhood.

The Public Hearing

At the public hearing of July 7, 1981, Mr. Bell first presented a history of the site in question. At one time, the site was used for coal storage which generally served the neighborhood. The barn which housed the coal later burned down. He explained that the site has been vacant for years but that the current owner, Warren Carstensen of Osterville, Massachusetts, still has a valid building permit to construct storage warehouses (Mr. Carstensen had obtained a building permit for the warehouses prior to a rezoning from an industrial district to a residential district).

At this point, Mr. Bell presented the details of the site plan he submitted on 6/15/81 and then reviewed a number of alternative site plans. He hoped that the Planning Board could approve the original submitted plans and a number of the suggested alternatives.

Once the presentation concluded, the Planning Board inquired about requested variances and neighborhood support. Mr. Bell explained that he proposed 39 units (zoning allows 26) because of the high cost of the land but noted that the development conformed to the floor area ratio limit and as such seemed reasonable. As far as neighborhood support was concerned, seven citizens indicated that they were in favor of the proposal. There were no comments in opposition to the development.

The hearing was then opened to public comment.

Mr. Charles Sullivan of 37 Cogswell Avenue expressed his support for the petition. He explained that the neighborhood wanted residential development not warehouses and hoped that townhouses would rid the area of teenagers who used the now vacant site as a "hang-out".

Mr. Francis Hollum of 95 Pemberton Ct. expressed concern about the foot easement and resulting pedestrian traffic past his residence. He was also worried about tree roots from Mr. Bell's property that were becoming a nuisance on his property. Mr. Bell assured him that he (Mr. Bell) would attempt to alleviate the problem.

Mary Lou Sheilds of 16 Mead Street generally favored the development but expressed concern about removal of existing trees which visually enhance the site and serve as a sound buffer from trains and truck traffic. She also hoped the "hang-out" problem could be resolved and was not convinced that 39 units would better serve the neighborhood than 26 units.

The hearing closed after two statements by Board members. Mr. Fred Cohn acknowledged the Board's apparent dilemma. He said that if the Board asked for extensive modifications to eliminate many of the proposed violations, the developer might withdraw the application. If the Board denied the application, the threat of the warehouses might become a reality. In either case, the Board seemed to be in a "can't win situation". Mrs. Geneva Malenfant was seriously concerned about the purposes of zoning in relation to the proposal and troubled by the extensive violations.

Findings

In accordance with Subsection 10.43 of the Zoning Ordinance, criteria for special permits, the Board makes the following findings:

1. It appears that the requirements of this Ordinance will not be met, however this does not appear to be to the detriment of the public interest as will be discussed below.
2. Traffic generated should not cause substantial congestion, hazard, or change in established neighborhood character. However, it is likely that 39 one bedroom units will produce 39 automobile owners which will generate more vehicle trips than 26 units. Points of access and egress need to be widened and the open air parking area to the east of Cogswell Avenue and the cul-de-sac need to be redesigned.
3. The continued operation of adjacent parcels should not be adversely affected by this development. The proposed development should improve what is now a vacant somewhat blighted site.
4. The development should not create a nuisance or hazard or be detrimental to the health, safety, and/or welfare of the occupants of the development or to the citizens of the City. The proposed use may help to eliminate the use of the site as a "hang-out" for teenagers. The proposed use will be more compatible with the neighborhood than the use of the site for warehouses.
5. The proposed use will not impair the integrity of the district. In fact, the proposed density (site coverage and lot area per dwelling unit) of this townhouse development appears to closely parallel the existing density of the immediate neighborhood (see base map depicting such comparison submitted by Douglas Bell at the 7/7/81 public hearing, map undated).

The Board also finds, based on additional criteria for townhouses (sub-section 10.464), that:

- 6. Key features of the site and existing trees will be preserved as much as is possible.
- 7. Overall, new buildings will not overwhelm abutting structures and generally are equal to or less than the height of such abutting structures. However, unit #34, building 10, unnecessarily encroaches on the rear property line of the dwelling at 16 Mead Street. In addition, the proposed total number of units on the east side of Cogswell Avenue exceeds zoning requirements and are unnecessarily cramped into such area. As such one unit should be eliminated from the plan reducing the total number of units in this area from 10 to 9. Furthermore, elimination of such unit will improve the open air parking area for these units (see finding #9).
- 8. The location, arrangement, and landscaping of open space will be adequate. However, the north side of the open air parking area on the east side of Cogswell Avenue needs to be buffered as well as the open air parking space for unit #20 in building #8.
- 9. The open air parking area on the east side of Cogswell Avenue will be safer and more convenient by eliminating one parking space and increasing the width of the remaining six spaces.
- 10. The following variances are proposed by the petitioner (in connection with original submission of 6/15/81).

	<u>required</u>	<u>proposed</u>
1) Lot area per dwelling unit	2500 s.f. per unit	1,671 s.f. avg. per unit
2) Lot area per dwelling unit (each lot)	same	Lots #2-15, 17-19, and 21-39 have less than 2500 s.f.
3) Total # of dwelling units allowed	26	39 townhouse units plus relocated dwelling containing 2 dwelling units
4) Usable open space	25% of each subdivided lot	lots #2, 15,16,32, 36,37 and 38 have less than 25%.
5) Rear yard setback for bldg. #1, unit 1	15'	14'
6) Rear yard setback for bldg. #3, unit 6	15'	10'
7) Front yard setback for bldg. #4, unit 10	20'	15'

	<u>required</u>	<u>proposed</u>
8) Minimum distance between bldgs. 4 and 5 (5.13)	10.5'	8'
9) Front yard setback for bldg. #5, unit #12	20'	7'
unit #13	20'	12'
10) Minimum distance between bldgs. #5, #6	10.5'	3.5'
11) Relocated house at end of cul-de-sac:		
front yard setback	15'	1'
rear	20'	3.5'
side	7'6" (sum of 20')	
west side		1'
Min. lot size	5000 s.f.	2,872 approx.
lot area per dwelling unit	2500 s.f. per unit	1,436 s.f. per unit
Min. width for parking space (need 2 spaces)	16' for 2 spaces (one at 8.5', one at 7.5')	12.5' (for 2)
12) Side yard setback for bldg. #10, unit #34	7'6"	5'
13) Side yard setback for bldg. #11, unit #39	7'6"	6'
14) Aisle width for open air parking spaces (#32A-38)	22'	12'

11. Warehouse construction instead of townhouses appears to be a realistic possibility. Neither the neighborhood nor the Board wants to see warehouse development. The Board is not pleased with the number and extent of requested variances but generally does not believe that this proposal substantially derogates from the intent and purpose of this Ordinance as set forth in Subsection 1.30. The decision and the conditions below (with respect to allowed variances) should in no way be taken as precedent setting for other petitions. This decision was made with the best interests (considering all factors involved) of the immediate neighborhood and the citizens of Cambridge in mind.

Decision

Based on the public hearing held on 6/15/81, staff review, and the findings presented above, the Planning Board voted unanimously (5-0, John O'Connor subsequently approved this application) to GRANT a special permit with the following conditions.

1. One unit in building #10 or 11 shall be eliminated. The developer, at his discretion, may slightly modify the site layout of the remaining units but in no instance shall any violations be created by such modification. In addition, the current setback violation of unit #34, building #10 shall be eliminated.
2. The cul-de-sac shall be redesigned in accordance with the submitted "Alt. cul-de-sac" plan (submitted by Mr. Bell at the 7/7/81 hearing). The island protecting the tree in the center of the cul-de-sac shall be surrounded by a sloping granite curb with no more than a 45° angle.

3. The curb cut and drive serving buildings # 1-4 shall be widened to not less than 16' for a distance of 23'± measured back from the street line.
4. The open air parking area on the east side of Cogswell Avenue shall be redesigned. The number of parking spaces shall be reduced from seven to six. Two five foot strips of planting shall be provided and maintained along the north and south sides of such area to effectively screen cars from abutting properties. The six parking spaces shall be widened as much as possible to facilitate maneuvering (without loss of existing trees). Spaces shall have a minimum depth of 16' but no more than 18'. Aisle width shall be 14.8'± for regular spaces and 16.8'± for compact. The two spaces closest to unit #30 in building #9 shall be located closer to the northerly property line (5' setback shall be maintained) which would further widen the aisle width to facilitate maneuvering.
5. If the City Council does not approve the land transfer concerning the cul-de-sac and the Homeowner's Rehab. Inc., dwelling, then the applicant, UDIC shall return to the Planning Board for approval of a new location for the Homeowner's Rehab. dwelling. The Board shall consider this a minor modification and it shall not require another public hearing.
6. The applicant shall redesign the site layout for building #3 units #6-9 so as to conform to the alternative layout #1 submitted at the 7/7/81 public hearing (submitted by Douglas Bell, entitled "ALT.1, Building 3").
7. All mature trees on the site shall be preserved wherever possible.
8. Most of the units facing Cogswell Ave. shall have wood clapboard sidings. This shall be indicated on the final site plan.
9. The house at 42 Cogswell Avenue which is being relocated to the end of Cogswell Avenue as indicated on the site plan submitted on 6/15/81, shall contain two dwelling units.
10. Sidewalk improvements shall be of brick with granite curbing.
11. All drainage shall be handled on site or channeled directly to the City's stormwater system, and grading will be consistent with adjacent property.
12. Deeds for each lot will be written so as to prohibit exterior alterations which would affect building heights and square footages.
13. The applicant shall install a 6' high concrete wall along the southerly boundary line of the development including the Homeowner's Rehab. Inc., property.

14. Perimeter planting along existing residential property lines shall not exceed a mature height of 15'.
15. The developer shall consult with abutters on the type and height of perimeter fencing if different from standard 6' wooden fences.
16. The area of asphalt pavement within the courtyards shall be minimized and replaced with modular pavers where possible.
17. The developer shall attempt to correct the ponding which occurs at the low point at the south end of Pemberton Court.
18. Under the authority of subsection 10.45, the following variances are hereby granted by the Planning Board.

	<u>required</u>	<u>granted</u>
A. Lot area per dwelling unit (avg.) (5.31) (*-this reflects the elimination of one unit making the total 38 d.u.'s)	2500 s.f./unit	1,715 s.f./unit
B. Lot area per dwelling unit (each lot) (5.31)	2500 s.f./unit	Lots #2-15, 17-19, and 21-38 have less than 2500 s. proposed lots #2, 15, 16, 32, 36, 37, and 38 have less than 25%
C. Usable open space, 11.155(2)	25%/lot	25%
D. Total # of dwelling units (5.31)	26	38
E. Rear yard setback for bldg. #1, unit #1 (11.154)	15'	14'
F. Front yard setback for bldg. #4, unit #10 (11.154)	20'	15'
G. Minimum distance between bldgs. #4 and 5 (5.13)	10.5'	8'
H. Front yard setback for bldg. #5, (11.154) units #12 and #13	20' 20'	7' 12'
I. Minimum distance between bldgs. #5 and 6	10.5'	3.5'
J. Relocated house from 42 Cogswell Avenue to end of cul-de-sac: (5.31)		
front setback	15'	1'
side	7'6" (sum of 20')	
west side		1'
rear	20'	3.5'
Min. lot size	5000 s.f.	2,872 s.f. approx
lot area per dwelling unit	2500 s.f.	1,436 s.f. approx
Min. width for parking space (need 2 spaces) (6.42)	16' for 2 spaces (one at 8.5', one at 7.5')	12.5' (for 2)
K. Aisle width for open air parking spaces (6 spaces)	22' for reg. 20' for compact	14.8' for reg. 16.8' for compact
L. Side yard setback for bldg. #11, unit #38	7'6"	6'

- 19. The applicant shall submit three copies of one final site plan reflecting all conditions of approval. As per Chapter 40-A of the State Statutes, Section 11, this decision cannot be filed until such revised plans are submitted to the Community Development Department.

Respectfully submitted,
for the Planning Board

Alfred B. Cohn

Alfred Cohn,
Vice Chairman

AC :lf

Attest: A true and correct copy of the decision filed with the Offices of the City Clerk on *July 30, 1981* by *Man A. Levey* authorized representative of the Cambridge Planning Board. Twenty days have elapsed since the date of filing this decision.

No appeal has been filed _____.
Appeal filed and dismissed or denied _____.

Date: _____

City Clerk, City of Cambridge