

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

2003 JUN 16 P 3:43

NOTICE OF DECISION

CASE No: PB# 186
ADDRESS: 310 Rindge Avenue
ZONING: Residence C-1A
OWNER/APPLICANT: Brickworks, LLC, c/o James T. Lichoulas, Jr.,
7 Hopkins Street, Reading, MA 01867
APPLICATION DATE: January 13, 2003
PUBLIC HEARING DATE: March 18, 2003
DATE OF PLANNING BOARD DECISION: May 13, 2003
DATE OF FILING DECISION: June 16, 2003

APPLICATION: Construction of a 99 unit residential development with a commercial unit serving as the office for the preexisting non-conforming ambulance service with vehicle parking and repair components; rear and side yard relief; approval of the creation of a nonconforming parcel of land to be deeded to the City of Cambridge. (Sections 19.20, 4.26 and 5.31)

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) day after filing of the above decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the office of the Community Development Department and the City Clerk.

Authorized Representative to the Planning Board *Egbert M. Paden*
For further information concerning this decision, please contact Liza Paden at 617-349-3637, TTY 617-349-4621, or lpaden@cambridgema.gov

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Application: Project Review Special Permit (Section 19.20), Multifamily Special Permit (Section 4.26) and a Special Permit to reduce the side and rear yards to no less than ten feet in a Residence C-1A District (Section 5.31 2, Footnote l) for the construction of a 99 unit residential development. The development contains one commercial unit serving as the office of the pre-existing non-conforming ambulance service, with accessory vehicular parking and auto repair. Approval is requested for the creation of a nonconforming parcel of land to be deeded to the City of Cambridge.

Application Documents Submitted

1. Special Permit application dated 12/3/02, containing the project narrative, compliance with Cambridge zoning and planning documents; traffic submissions, and ownership form.
2. Special Permit application drawings, dated 8-21-02, updated 9-30-02 and submitted 11-20-02
3. Special Permit application dated 12/17/02, containing the project narrative, compliance with Cambridge zoning and planning documents; traffic submissions, and ownership form.
4. Drainage, Utility & Traffic report of 310-324 Rindge Avenue, prepared by Design Consultants, Inc., submitted by Peter Gammie, PE, dated 1/10/03.

Other Documents Submitted

1. Supplemental materials submitted dated 4/8/03; with an introduction, response to request for additional information, pedestrian issues on Rindge Avenue and architectural graphic materials.
2. Letter to Thomas Anninger, Cambridge Planning Board from Charles M. Sullivan, executive director of the Historical Commission, dated 1/13/03
3. Additional photos and graphic materials submitted by James Lichoulas, dated 2/24/03.
4. Letter to the Planning Board from Susan Clippinger, Traffic, Parking and Transportation Department, dated 3/11/03, certifying the study as complete.
5. Letter to the Planning Board from Darcy L. Jameson, Housing Director for the Community Development Department, dated 3/12/03, outlining the inclusionary housing requirement, the voluntary six middle income units, as well as supporting the proposal.
6. Letter to Thomas Anninger, Chair of the Planning Board, from Craig Kelley, Chair, North Cambridge Stabilization Committee, dated 3/18/03, outlining concerns about the proposal size and environmental issues.
7. Copy of letter to Susan Clippinger, from James Lichoulas, dated 4/8/03, narrating the responses to concerns about parking spaces proposed and pedestrian safety.
8. Letter to the Planning Board from Michael Brandon, 27 Seven Pines Avenue, dated 4/15/03, with attachments, 2000 North Cambridge Flood Reconnaissance Study by Dr. Bruce Jacobs.
9. Letter to Thomas Anninger from Ralph Yoder, 364 Rindge Avenue, dated 4/15/03, concerning contamination of the site.
10. Letter to the Planning Board from Owen O'Riodan, City Engineer, dated 5/13/03, outlining the concerns with the storm water run off.

Findings

1. Conformance with Article 10.43 – General Criteria for the Issuance of Special Permits

Special Permits will normally be granted where specific provisions of the 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 the granting of such a permit to be a detriment to the public interest for the following reasons.

a.. The requirements of the Ordinance can be met.

With the granting of the requested special permits, all provisions of the Ordinance will be met.

b. Traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character.

The traffic impact of the project on the surrounding neighborhood will be modest, as indicated in the Traffic Study submitted for Planning Board review. Housing use minimizes the peak hour traffic generated. This proposal is substantially less dense than is allowed by the applicable zoning. Furthermore, dense housing already exists in the two large developments that flank the site on either side. The site is accessible to public transportation: bus lines on Rindge Avenue immediately adjacent and rapid transit service via the Alewife Red Line T station, which is within walking distance of the site.

c. The continued operation or development of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by the nature of the proposed use.

This residential development is in keeping with the surrounding neighborhood. The immediately adjacent sites are fully developed to large scale multifamily housing in a mixture of low and high-rise buildings. Public parks dominate directly across Rindge Avenue from the site. The two-family neighborhood development pattern, which characterizes most of the residential development in North Cambridge, is located across Rindge Avenue. The specific features of the site and building design were modified in positive ways in response to comments from the Board. The new design is a positive contribution to context.

d. Nuisance or hazard will not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of Cambridge.

This development will not create any detriment to the health, safety, and/or welfare of the citizens of Cambridge. In the past the site was used industrially, a less than ideal neighbor to the long established housing on the abutting sites. As part of this proposal improved soil conditions will be created, new green space will be added, and greater groundwater infiltration will occur. Thirty abandoned cars have already been removed from the site. An existing ambulance service, serving much of the Cambridge community, will remain and will continue to serve the needs of city residents. Should the ambulance service be discontinued, the applicant has indicated that its facilities will be converted to residential use.

Concerns expressed at the public hearing with regard to site contamination and storm and wastewater discharges were addressed to the satisfaction of the Board with the submission to the Planning Board of creditable reports on those matters.

e. The use will not impair the integrity of the district or adjoining districts, or otherwise derogate from intent and purpose of this Ordinance.

The primarily residential use of the site is consistent with the objectives of the recently created residential zoning district (Residence C-1A), which was applied to this site as part of the Citywide Rezoning adopted by City Council in 2001. The proposed development is fully consistent with the existing and intended uses in the adjacent residential districts.

e. The use is consistent with the Urban Design Objectives set forth in Section 19.30.

See Finding #3 below.

2. Conformance with Article 10.47.4 Criteria for approval of Townhouse Development or Multifamily Dwellings

a. Key features of the natural landscape should be preserved to the maximum extent feasible. Tree removal should be minimized and other natural features of the site, such as slopes, should be maintained.

The site is completely flat and virtually treeless. The only trees are along the existing boundary between the Brickworks development proposal and abutting properties. These trees will be retained to the greatest degree practical. Significant new landscaping will be part of the redevelopment of the site.

b. New buildings should be related sensitively to the existing built environment. The location, orientation and massing of structures in the development should avoid overwhelming the existing buildings in the vicinity of the development. Visual and functional disruption should be avoided.

The Brickworks development is basically the same height as the abutting Jefferson Park housing development. It is much lower (at less than 45 feet) than the 220 foot height of the Fresh Pond Apartments towers on the other major abutting lot. The largest of the Brickworks buildings will be abutting the railroad tracks and adjacent to the Fresh Pond Apartments parking lot, well removed from Rindge Avenue and the bulk of the residential North Cambridge neighborhood.

c. The location, arrangement and landscaping of open space should provide some visual benefits to abutters and passersby as well as functional benefits to occupants of the development.

The bulk of the site where the new construction will occur is located well back from Rindge Avenue and accessed, physically and visually, only by a narrow 40 foot access drive. There are individual yards behind the townhouses facing Jefferson Park. The largest green area is at the rear of the site, overlooking the 15-30 foot greenway on which an easement will be granted to the City of Cambridge for use as a bicycle and pedestrian path in the future. A landscaped "green" will be created in the center of the development.

d. Parking areas, internal roadways and access/egress points should be safe and convenient.

The Brickworks development has been designed to provide safe, convenient parking areas and internal driveways. The parking will in large part be located below grade within buildings. The Traffic Parking and Transportation Department continues to work with the applicant on the details of the circulation system.

e. Parking area landscaping should minimize the intrusion of onsite parking so that it does not substantially detract from the use and

enjoyment of either the proposed development or neighboring properties.

Most of the Brickworks parking is located in garages, below grade. On grade parking is landscaped and located in such a way as to minimize the visual impacts on residents and on the abutting housing.

f. Service facilities such as trash collection apparatus and utility boxes should be located so that they are convenient for residents, yet unobtrusive.

The trash is located on the side of the access driveway and abutting the existing Jefferson Park trash area. It is surrounded by a fence and suitably landscaped. This location will service the entire site.

3. Conformance with Article 19.20 – Project Review Special Permit criteria

a. Traffic Impact Finding – Section 19.25.1

Based on the information found in the Traffic Study and the comments by City staff, the Planning Board finds that the proposed development will have no substantial adverse impact on city traffic within the study area with the implementation of the mitigation measures required as a condition of the Permit.

b. Urban Design Findings – Section 19.30

The Planning Board finds that the project is consistent with the following urban design objectives.

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

Because of the distinctive “pork chop” nature of the lot with a narrow and long 40 foot wide entry drive, the development is not oriented to or highly visible from the Avenue. The buildings are set back approximately 300 feet from Rindge Avenue. The most important context for the development is the three building, twenty-two story Fresh Pond Apartments complex to the west and the multi-building three story Jefferson Park Apartments to the east.

At a maximum height of 42.5 feet, the Brickworks buildings are approximately the same height and at the same density as the abutting Jefferson Park Apartments and much lower and less dense than the Fresh Pond Apartments. The largest of the buildings abuts the railroad tracks to the rear of the site and the extensive surface parking lots of the abutting Fresh Pond Apartments.

The ambulance use, which has been identified by the neighborhood as an appreciated service, has been moved as close as possible to the front of the site to reduce any negative impacts of that use on the future residents of the development.

Two small existing buildings of interest to the Cambridge Historical Commission, are remnants of the former brick making activities on the site and in the neighborhood. Those buildings (1 and 2) will be preserved. Building #2 will be a condominium unit and the other will house the ambulance service offices as well as a single residential unit.

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

The site plan will accommodate a future pedestrian/bicycle pathway to the rear of the site (with the necessary land rights conveyed to the City). Connections to that facility through the site from Rindge Avenue will be provided.

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

Significant environmental improvements to the site will be made in the form of an advanced stormwater management system and through increased percolation to groundwater with the provision of new Green Area Open Space. The site is currently fully paved.

As the Board has found above, the residential use, at a density considerable less than permitted by the zoning district, will ensure that vehicular traffic impacts will be modest and can be reasonably mitigated.

19.34. The project should not overburden City infrastructure services, including neighborhood roads, city water supply system and the sewer system.

Water and sewer service is adequate to accommodate the development. Stormwater management systems will be installed that will reduce the amount of surface runoff to the municipal stormwater system by 25% from that which is currently experienced from the site.

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

The development eliminates an inappropriately located industrial lot amidst two existing large housing developments. It reinforces the residential nature of this portion of Rindge Avenue.

19.36. Expansion of the inventory of housing in the City.

Ninety-nine units of housing will be created including twelve inclusionary units and six middle-income units.

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

The development will contribute to the creation of a portion of a citywide pedestrian/bicycle network located in North Cambridge by contributing land and easements to the city for a facility to be located along the railroad right of way.

4. Conformance to the standards for reduction in the required yard to ten feet, Section 5.31 2 (l).

The requested relief from the setback requirements is to permit small extensions of bay windows on Buildings #3 and #4 into the otherwise conforming building setbacks. The intrusion is modest (only a matter of a few feet), the bay windows are an attractive element of the design, and the otherwise conforming yards are fully and adequately landscaped. A waiver of the required yards to permit the construction as illustrated in the application is appropriate.

Decision

The Planning Board **GRANTS** the requested special permit relief for a multifamily use (Section 4.26), Project Review (Section 19.20), reduction in rear and side yard setbacks in a Residence C-1A District (Section 5.31, 2 (l)) for Buildings #3 and #4, approves the subdivision of the permit site to create an unbuildable parcel of land that is to be conveyed to the City of Cambridge for public recreational use, and approves the

continued operation of the ambulance service as shown on the plans, subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in substantial conformance with the plans and application documents submitted to the Planning Board as referenced above as modified by the Supplemental Materials dated 4/8/03, including plans dated 4/7/03, Sheets A-1 – A-7. Appendix I summarizes the dimensional features of the Project as approved. However, the Planning Board specifically allows modification of the approved plans without any further approval from the Board to include up to twenty-nine (29) tandem parking spaces in any of the below-grade parking facilities included in the approved plans.

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, the 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 Permit.

3. The Planning Board specifically allows the continuation of the non-conforming ambulance service facilities within the development as indicated in the approved application documents. Any change of use of the facilities occupied by the ambulance service to any other use, except to residential use, shall require the approval of the Planning Board as a Major Amendment. Conversion to residential use shall be permitted without further approval from the Planning Board.

4. The Permittee shall implement the following traffic mitigation measures, as detailed in the above referenced Memo to the Planning Board from the Traffic, Parking and Transportation (TP&T) Department, dated 3/11/03]: the designs for all curb cuts, on-site sidewalks, walkways, travel lanes, wheelchair ramps, and pavement markings, etc. shall be approved by the TP&T Department before the issuance of the first building permit for the development. The Permittee shall also install a sidewalk wheelchair ramp with the approval of the TP&T Department on the south side of Rindge Avenue near the site driveway to accommodate a future crosswalk connection to Russell Field.

5. The Planning Board specifically acknowledges and approves as part of the approved development the creation of a separate lot as shown in the application documents to be conveyed to the City for the purpose of creating a future pedestrian/bicycle pathway. The conveyance of that land, a pedestrian/bicycle easement along the railroad right of way to the rear of the property, and a pedestrian/bicycle easement from Rindge Avenue through the site to access the future pedestrian/bicycle pathway,

as outlined in the application documents, shall be completed on or before the issuance of a Final Occupancy permit for the development.

6. The applicant shall execute and donate preservation restrictions for the two existing office buildings as outlined in the Cambridge Historical Commission letter of 1/13/03 and as outlined in the application documents before the issuance of the Final Certificate of Occupancy for the development.

7. In addition to compliance with the requirements of the Inclusionary Zoning Ordinance, Section 11.200, the applicant shall provide 6 middle income units, serving households from 80 to 120% of the metropolitan area median income, which shall otherwise conform to the required standards for inclusionary units as set forth in Section 11.200.

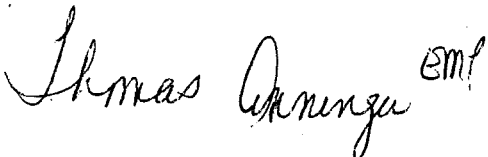
8. The Permittee shall install and maintain at least one car-sharing (Zip Car or equivalent) parking space on site as long as a car-sharing service wants to operate from this location.

9. The Permittee shall comply with all requirements of the Department of Public Work and the Cambridge Water Department with regard to stormwater, water and sewer service improvements on the site.

10. All authorized development shall conform to the requirements of the City of Cambridge Noise Control Ordinance, Chapter 8.16 of the City Municipal Code.

Voting to GRANT the Special Permit were T. Anninger, W. Tibbs, H. Russell, P. Winters, F. Darwin, and Associate Member K. Benjamin, appointed to vote on the application, constituting more than two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,



Thomas Anninger, Chair