



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

## NOTICE OF DECISION

Case No.: 208  
Address: 95 Harvey Street  
Owner/Applicant: Michael O'Shea and Linda McJannet, Trustees  
Zoning District: Special District 2  
Application Date: July 26, 2005  
Date of the Public Hearing: September 20, 2005  
Date of the Planning Board Decision: December 6, 2005  
Date of Filing the Planning Board Decision: December 16, 2005

2005 DEC 16 A 10:28  
CITY CLERK  
CITY OF CAMBRIDGE, MASSACHUSETTS

**Application:** Special permits to convert the existing nonresidential building into 8 units of artist loft-style housing work space and one unit of artist woodworking studio space. This requires a multifamily special permit under the provisions of Section 17.23.1 (and by reference to Section 11.10), a special permit for the conversion of nonresidential to residential, Section 5.28.2, and a special permit to waive the setback requirements for on grade open parking spaces, Section 6.44.1(g).

Additional variances will be required from the Board of Zoning Appeal for additional dwelling units, additional Gross Floor Area and reduction in the side yard setback.

**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 decisions 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 call Liza Paden at 617 349 4647, TTY: 617 349 4621, or [lpaden@cambridgema.gov](mailto:lpaden@cambridgema.gov).

### Application Documents Submitted

Special Permit application with ownership certificate; Plot Plan dated 4/11/05; dimensional form; project description; supporting statements; site plan; Floor Plans, existing and proposed, Elevations, existing and proposed, dated 1/26/04 by Timothy Burke, Architect, parking layout, and photographs of the streetscape.

### Additional Supplemental Application Documents

Plans entitled "95 Harvey Street, Cambridge, Ma.": Timothy Burke, Architect; dated October 9 and 12, 2005; Sheets NP (Neighborhood Plan), A-1 (Proposed Floor Plans); A-3 (Proposed Elevations)

### Other Documents

1. Letters of support from abutters of the project, dated 9/10/05.
2. Letter to the Planning Board from Lisa Gould, dated 9/19/05.
3. Letter to the Planning Board from Susan Teshu, dated 9/19/05.
4. Letter to the Planning Board from Robert Dove McClellan, undated.
5. Letter and photos to the Planning Board from Andrew Bender & Elinor Actipis, dated 9/20/05
6. Letter to the Planning Board from Lisa Gould, dated 10/24/05
7. Copy of letter to Lisa Gould, from Bruce Embry, Clark, Hunt & Embry, representing Michael O'Shea, dated 11/7/05.
8. Letter to the Planning Board from Richard D. Clary, Acting Chair of the North Cambridge Stabilization Committee, dated 11/10/05.
9. Letter to the Planning Board from Robert Stevenson, dated 11/13/05.
10. Email to the Planning Board from Robert Dove McClellan, dated 11/10/05
11. Letter to the Planning Board from Lisa Gould, dated 11/14/05
12. Letter to the Planning Board from Councilor Anthony Galluccio, dated 11/15/05
13. Email to CDD staff from Kelly Writer, City Arborist, dated 11/11/05
14. Letter to the Planning Board from Aileen Callahan, dated 11/14/05
15. Email to Roger Boothe, CDD staff, from Jason Scrieber, Traffic, Parking and Transportation staff, dated 11/18/05

16. Email to Susan Clippinger, TP&T director, from Dini Healy-Coffin, dated 11/22/05 (7 of 11 pages)
17. Letter to the Planning Board from Bruce Embry, dated 12/5/05

### Project Application and Summary

It is proposed to convert a two story industrial building to eight units of housing and one workshop space with eight cars to be parked in the basement of the building and two parking spaces on the surface adjacent to the building. A third story of loft spaces attached to units on the second floor is created by increasing the height of the building by eight feet.

### Findings

Based on its review of the Application Documents, Supplemental Documents, and Other Documents submitted to the Board and referenced above, testimony taken at the public hearing and submitted in written form to the Board, and the review and consideration of the relevant special permit criteria, the Planning Board makes the following findings:

1. **Conformance to Special District 2 (Section 17.20) and by reference the special permit requirements for Townhouse Development in a Residence B district (Section 11.10) as set forth in Section 10.47.4: Criteria for Approval of Multifamily Dwellings**

*a. Key features of the natural environment should be preserved to maximum extent feasible.*

There are limited natural features found on this site. The building footprint occupies most of the property with most of the remainder of the lot paved. The existing ailanthus trees on the site, which were surveyed by the City Arborist, are of generally poor quality: some are damaging the foundation of the building and need to be removed. Landscaping will be incorporated into those areas in the front and the sides of the project where practical.

*b. New buildings should be related sensitively to the existing built environment.*

This is a conversion of a nonresidential building to residential use. No new building will be constructed. The existing facility will be upgraded and made a more attractive neighbor to the many residential structures found on nearby properties

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

New landscaping will be installed in the front of the building along Harvey Street and in those portions of the side yards that will not be devoted to vehicular circulation or parking.

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

The driveway and two on grade open parking spaces will be clearly marked. Most parking will be located in the basement of the building. Alternate access to the site and to the parking provided were explored but considered by both the Permittee and the city's Traffic, Parking and Transportation Department as less desirable than the access approved by the Board.

*c. 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.*

This property has very little open space, and what open space and at grade parking there is will be kept neat and clean. The proposed third on grade parking space will be removed and landscaped so as to prevent vehicles from using the space.

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

A screened trash area has been located to the side of the building adjacent to the principal access to the building. It is conveniently located and generally unobtrusive for most abutting properties.

## **2. Conformance to Additional Special Permit Criteria, Section 17.24.3 (4).**

Section 17.20 directs the Board to consider the provision of a variety of dwellings units when reviewing a proposed housing development in the Special District 2. Large family sized units are identified as especially desirable. The units proposed vary from 612 square feet to 1442 square feet. While most of the units are large enough to accommodate three bedrooms, the units are designed as live work space for artists and are therefore not generally ideally arranged for families. The Board finds the target tenant group for the units (i.e. artists) a special class worthy of serving, both for the neighborhood and for the city.

## **3. Conformance to Special Dimensional Standards Applicable to Dwellings, Conversion of Nonresidential Structures to Residential Use (Section 5.28.2).**

*a. The impact on residential neighbors of the new housing uses as it may affect privacy.*

The site is abutted to the left by the Cambridge Lumber Company, to the right rear by a small office building, and to the right it is separated from a two unit residential building by a wide thirty-foot expanse of paved area serving variously as access to 95, 91, and 85 Harvey Street. Residential buildings occupy the lots across Harvey Street. The privacy of adjacent lots will not be compromised significantly and certainly not more than would be typical if a purpose-built residential structure were constructed on the site.

The existing building features, which are unadorned industrial in character now, will be modified using elements such as new glass block and clear-pane windows in modest numbers around the façade in addition to existing windows. New windows will be added along the perimeter of the raised third story. Decks will be added on the second floor off of the rear of the

building overlooking Linear Park, providing another set of "eyes" on the park for safety. Small decks/access porches will be added at three locations on the first floor of the building. All these decks add interest to the building, enhance its residential feel, and will not unreasonably intrude on the privacy of any residential neighbor.

*b. The impact of increased numbers of dwelling units above that normally permitted in the district, on on street parking, particularly in neighborhoods where off street parking is limited.*

The number of residential units in this proposal (8) does not exceed the number permitted in Special District 2 (10). An enclosed off-street parking space is provided for each dwelling unit plus an additional two at-grade parking spaces for the commercial unit and visitors. The very constrained site does not allow for any additional on site parking.

#### **4. Criteria for Waiver of Open Space Requirements. Section 5.28.25:**

The site is predominantly covered with the building, or paved. Only small portions of the edges of the lot to the rear and left of the building have any vegetation, which consists mainly of weed trees. Small amounts of a substantially improved quality of landscaping will be installed on the periphery of the lot, including in the front, except where the two at-grade parking spaces will be located.

#### **5. Conformance to Standards for Modification of the Setback for On-grade open Parking Spaces (Section 6.44.1 (g)).**

The two on grade parking spaces are to be located within 10 feet of the building and on the side property line. The proposed locations are already paved and are located adjacent to the access drive that provides access to both 95 and 91 Harvey Street. The spaces will be separated from the building by a side porch and access stair to the main entry to the building. There are few windows in the façade of the building at the first floor where the parking spaces are located. The provision of the two parking spaces at this location, which spaces provide accessory parking for the new residential uses in the building, continues past practice, does not alter dramatically the current character of the area where they are located, and provide an important amenity that will not only serve the future occupants of the building but will serve the interests of neighbors by provide two needed of street parking spaces:

#### **6. Conformance to the General Special Permit Criteria – Section 10.43**

*As provided in Section 10.43 of the Cambridge Zoning Ordinance, a special permit will normally be granted where specific provisions of this Ordinance are met, except when the particulars of the location or use, not generally true of the district or of the uses permitted in the district, would cause granting of such permit to be to the detriment of the public interest because:*

*a. The requirements of this Ordinance cannot be met.*

The granting of this special permit will provide certain relief required under the Zoning Ordinance from the Planning Board to permit the project to advance. Additional relief will be required from the Board of Zoning Appeal for the additional Gross Floor Area created outside

the confines of the existing structure (not permitted by either Special District 2 or Section 5.28.2 unless the base district dimensional requirements are met) and for construction within the required setbacks (for the entry elevator and vestibule) and possibly for certain dimensional violations of Article 6.000. The project will meet all requirements of the Ordinance with the granting of such variances.

*b. Traffic generated or patterns of access or egress will cause congestion, hazard, or substantial change in established neighborhood character.*

Considerable discussion by the Board was devoted to how parking and access should be provided to this site. The adopted configuration, approved herein, provides the best service to this site without unreasonable disruption or inconvenience to adjacent property owners. A review of the approved arrangement by the city's Traffic, Parking and Transportation Department confirms this conclusion.

An existing curb cut will be used to access the site over a driveway on the adjacent 91 Harvey Street lot to which the owner of 95 Harvey Street has a deeded right of passage. Adequate site lines are available at Harvey Street and Montgomery Street in this arrangement. The small number of units at 95 Harvey Street and the small scale of the office building at 91 Harvey Street will ensure that the shared vehicular access to the two sites will be adequate, will not result in significant conflicts, and will not create any hazards or danger.

There was concern expressed that access to the below grade parking was inadequate and would cause backups and confusion for vehicles entering 91 Harvey Street. The Planning Board finds, and the Traffic, Parking and Transportation Department staff concurs, that the physical dimensions of the parking and access facilities to both lots are adequate to serve the low volumes of traffic that will be generated by both sites and that no unreasonable or substantial inconvenience or nuisance will be created.

Alternate access to the site through the front of the building was proposed during the hearing process and was determined to be physically difficult to achieve and would create substantial nuisance and hazard for pedestrians using the sidewalk. There would be significantly reduced sight lines for both cars exiting the building at that location and for pedestrians crossing the path of vehicles passing over the sidewalk.

*c. The continued operation of the development of adjacent uses as permitted in the Zoning Ordinance will be adversely affected by the nature of the proposed use.*

The site has been used as a woodworking shop. Conversion to residential use was envisioned when the City Council created the Special District 2 zoning district recently and when the area was rezoned to Industry A-1 in the late 1970s. Harvey Street has seen a steady conversion of industrial uses in this neighborhood to residential use over the past twenty years. The abutting residential uses will not be adversely affected by conversion of the site to residential use; indeed their environment will be greatly enhanced by the introduction of a more compatible use and by the substantial improvements to both the building and its site when the new residential use is created.

*d. Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of the City.*

The building will be renovated to comply with health and safety regulations concerning the residential use and any artist studio uses that may be introduced into the site. Both residential use and artist live/work space were considered desirable uses by those neighbors commenting on the proposal. The Planning Board agrees.

*e. For other reasons, the proposed use will impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance.*

The conversion will provide 8 residential units in this Special District, as intended when the district was created.

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

The project is consistent with the Urban Design Objectives as detailed below.

*19.31 – New Projects should be responsive to the existing or the anticipated pattern of development.*

The proposed conversion and upgrading of the site and building will bring both significantly closer in character to the residential nature of the surrounding North Cambridge Neighborhood.

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

The sidewalk in front of this building will be suitably repaired and landscaped, improving the pedestrian environment for this side of Harvey Street.

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

The building will be renovated and repaired, new windows installed, and landscaping installed where possible.

*19.34 – Projects should not overburden the city infrastructure services, including neighborhood roads, city water supply system and sewer system*

The infrastructure services to the site will not be overburdened and the vehicular access to the site will be well managed.

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

The conversion to housing will meet the goals of the Special District 2 district that encourage the replacement of industrial uses to permitted residential uses. The physical changes to the building proposed will make it a better neighbor.

*19.36 – Expansion of the inventory of housing in the city is encouraged.*

The project will expand the inventory of housing by 8 units. As the residential portion of the project is less than 10 units and 10,000 square feet it is not subject to Inclusionary Housing (Section 11.200). An increase in the number of units on the site or an increase in the residential GFA in the future may subject the site to those provisions, however.

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

The existing building covers a substantial amount of the lot. The developer has plans to remove existing trees that are damaging the building foundation and will install and maintain appropriate landscaping on the front and sides of the building in conformance with the City's Tree Ordinance.

## Decision

Based on a review of the application documents, comments made at the public hearing, and based on the above findings, the Planning Board **GRANTS** the requested Special Permits for the multifamily use in Special District 2, conversion of a non-residential building to residential use, and waiver of the parking setbacks, subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in substantial conformance with the revised plans and application documents submitted to the Planning Board as referenced above. Appendix I summarizes the dimensional features of the Project as approved. Both the eight residential units and the one non-residential commercial/workshop unit are approved as illustrated on the application documents.



2. The project shall be subject to continuing design review by the Community Development Department (CDD). The final plans shall be consistent with the elevations and floor plans illustrated on the revised plans dated October 9 and 12, 2005. Before issuance of the Building Permit for the project, the Community Development Department (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 Permittee submit to the CDD for approval before issuance of the Building Permit a site plan showing in detail the final landscaping to be installed in all areas of the lot not devoted to the two at-grade parking spaces illustrated on the revised site plan dated October 9, 2005. Such landscaping shall be adequately protected by curbs or bollards from vehicular movements into and out of the to parking spaces to be provided and from vehicle movements on the adjacent right of way at 91 Harvey Street. The site plan shall show how the adjacent public sidewalk is to be reconstructed. The Department shall review the sidewalk plan to ensure that the curbing is appropriate for pedestrian and vehicle access. All provisions of the City's Tree Ordinance shall be met.

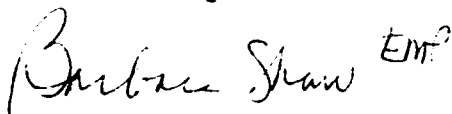
4. The project will comply with all health and safety regulations regarding the use of the space by artists should that occur. A detailed HVAC plan shall be submitted with the final building plans and reviewed by CDD before the issuance of the building permit.

5. All FAR, setback and other variance relief shall be subject to approval by the Board of Zoning Appeal. The Planning Board supports the application for all applicable relief in order to construct the project as shown on the plans dated October 9, and 12, 2005.

6. 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 B. Shaw, P. Winters, W. Tibbs, T. Anninger, T. Carpenter, and J. Molinsky, associate member appointed by the Chair to act on this case, constituting at least two thirds of the membership of the Board.

For the Planning Board,



Barbara Shaw, Chair

A copy of this decision #208 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) day 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 December 16, 2005 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 – Dimensional Form**

Special Permit #	208	Address: 95 Harvey Street		
	Allowed/Required	Existing	Proposed	Granted
<b>Total FAR</b>				
Residential	1.19*	N/A	1.61	1.61
Non-Residential	.1.19*	1.19	1.61	1.61
Inclusionary Bonus	NA	N/A	N/A	N/A
<b>Total GFA in Sq. Ft.</b>		10,123	13,739	13,739
Residential	10,123*	None	9,973	9,973
Non-Residential	10,123*	10,123	3,766	3,766
Inclusionary Bonus	N/A	None	N/A	N/A
<b>Max. Height</b>	40	27	33	33
Range of heights				
<b>Lot Size</b>	5,000	8,514	8,514	8,514
<b>Lot area/du</b>	690	N/A	777	777
<b>Total Dwelling Units</b>				
Base units	5	N/A	8	8
Inclusionary units	N/A	N/A	N/A	N/A
<b>Min. Lot Width</b>	50	63	63	63
<b>Min. Yard Setbacks</b>				
Front	15	4.4	4.4	4.4
Side, Left	7.5	.1	.1	.1
Side, Right	12.5	11	11	11
Rear	35	9	9	9
<b>Total % Open Space</b>				
Usable	0	0	0	0
Other		28%	28%	28%
<b>Off Street Parking</b>				
Min #	9	4	10	10
Max #				
Handicapped				
<b>Bicycle Spaces</b>	0	0	16	16
<b>Loading Bays</b>	0	0	0	0

\* Allowed/required FAR and GFA as detailed in Section 17.24 Dimensional Requirements in Special District 2.