



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case No: 214
Address: 77 Hurley Street
Zoning: Residence C-1
Applicant: Boien, LLC
36 Spinelli Place, Cambridge, MA
Owner: Robert J. Bruno and Anthony P. Bruno, Jr.
19 Mayflower Road, Arlington, MA
Application Date: May 4, 2006
Date of Planning Board Public Hearing: June 6, 2006
Date of Planning Board Decision: June 6, 2006
Date of Filing Planning Board Decision: June 13, 2006

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
JUN 13 P 1:09

Application: Special Permit to convert a nonresidential building to 14 residential units. Conversion of nonresidential to residential (Section 5.28) and Multifamily Use (Sections 4.26 and 10.47). This proposal also requires Board of Zoning Appeal dimensional variances.

Decision: The Planning Board approves the petitioner's request that the application be **withdrawn without prejudice.**

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

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

Application Documents Submitted

1. Special Permit Application containing ownership certificate, fee, dimensional form, narrative, photos of the existing use and abutting uses.
2. Drawings dated April 25, 2006, various scales; S-1 Existing conditions and plot plan. E.1 existing floor plans and elevations, A.0 architectural site plan, A.1 first floor plan, A.2 second and third floor plans, A.3 basement and penthouse levels. A.4 and A.5 elevations all sides.

Other Materials Submitted

Letter to the Planning Board from Barbara Broussard, President of the East Cambridge Planning Team. dated 5/26/06.

Letter to the Planning Board from Paula Frances Duggins, 46 Spring Street, dated 5/30/06.

Letter to the Planning Board from Kathy Desmond. 146 Third Street, dated 6/1/06.

Letter to the Planning Board from Lauren O'Neal, 146 Third Street, dated 6/1/06.

Letter to Beth Rubenstein from Councilor Craig Kelley, dated 6/5/06.

Letter to the Planning Board from Barbara Broussard, 148 Third Street. dated 6/5/06.

Letter to the Planning Board from Tom Lapsley & Marjolein Brugman, 36 Lopez Avenue. dated 6/5/06.

Letter to the Planning Board from School Committee member Joseph G. Grassi. dated 6/6/06.

Letter to the Planning Board from Roberta and Tatsuya Goto, 13 E.J. Lopez Avenue, dated 6/6/06.

Verbal communication to Lester Barber from Councilor Timothy Toomey on 6/6/06, stating his opposition to the application.

Findings

In the context of the proposed project, the Planning Board deliberated on the applicability of Section 5.28.2 of the Zoning Ordinance, which establishes special dimensional standards for conversion of a non-residential structure to residential use. The Board found that Section 5.28.2 does not apply because the additional Gross Floor Area to be constructed in the proposed project does not occur within the physical limits of the existing structure. The Board also found that as a result of the non-applicability of Section 5.28.2, the proposed project is not subject to the multifamily dwelling special permit procedure as described in Section 4.26 and Section 10.47 of the Zoning Ordinance.

A public hearing was opened, but no members of the public who were present chose to comment on the Board's findings.

The applicant's attorney, Andrew Bram, requested that the Board grant the applicant's request to withdraw the petition.

Decision

The Board voted unanimously to GRANT the applicant's REQUEST TO WITHDRAW the Special Permit application, without prejudice. Voting in the affirmative were Planning Board members B. Shaw, H. Russell, P. Winters, T. Carpenter, T. Anninger, and S. Winter, and A. Finlayson, associate member appointed by the Chair to act on this matter, constituting the full complement of the Board.

For the Planning Board,



Barbara Shaw, Chair

A copy of this decision #214 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 June 13, 2006, 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