



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

## NOTICE OF DECISION

**Case Number:** 220  
**Address:** 1637-1653 Massachusetts Ave  
**Zoning:** Residence C-1 and Residence C-2A  
**Applicant:** President and Fellows of Harvard College  
c/o Mark Johnson, Director, Harvard Law School  
Major Capital Projects  
23 Everett Street, Cambridge, MA 02138  
**Owner:** President and Fellows of Harvard College  
**Application Date:** October 18, 2006  
**Date of Planning Board Public Hearing:** November 28, 2006  
**Date of Planning Board Decision:** November 28, 2006  
**Date of Filing Planning Board Decision:** February 2, 2007

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OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

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**Application:** Request for waiver of certain requirements of the Massachusetts Avenue Overlay District, specified in Sections 20.106 (1), 20.107 (1), and 20.107 (3) of the Zoning Ordinance, in order to relocate two existing wood frame houses from the corner of Massachusetts Avenue and Jarvis Street to the corner of Massachusetts Avenue and Mellen Street.

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**Decision:** GRANTED, with conditions.

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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](mailto:lpaden@cambridgema.gov).

## DOCUMENTS SUBMITTED

1. Special Permit Application submitted by the Applicant and certified complete on October 18, 2006, including: Cover Letter (p.1); Table of Contents (p.2); Cover Sheet (p.3); Summary of Application (pp.4-5); Planning Board Fee Schedule (p.6); Project Narrative (pp.7-8); Dimensional Form (p.9); Zoning Violations and Other Relief Required (p.10); Ownership Certificate (p.11); and plan drawings (16 pages total) entitled *Harvard Law School, Wood-frame Houses at North Hall*, dated October 18, by Austin Architects, various scales, including: Site Location Plan; Site Survey; Proposed Site Plan; Existing Site Images (6 images); Proposed Site Images (4 images); Proposed Elevations (for two buildings); Proposed Floor Plans (for two buildings); application fee.
2. Letter to the Planning Board dated November 21, 2006 from Tanya Iatridis, Director of Harvard University Planning Office, indicating a revision to the site plan to include relocation of an existing carriage house along with the relocated wood frame houses.
3. Revised Dimensional Form and plan drawings (3 pages total) submitted by the Applicant, entitled *Harvard Law School, Wood-frame Houses at North Hall*, dated November 27, by Austin Architects, various scales, including Proposed Site Plan and Proposed Site Elevations.

## FINDINGS

Based on a review of the application documents, other documents submitted to the Board for its consideration and testimony presented at the public hearing, the Planning Board concurs with the findings set forth in the application, summarized below, and makes further findings as required by the Zoning Ordinance.

### 1. Required Determinations in Section 20.108 – Divergence from Massachusetts Avenue Overlay District Standards

*The special permit authorized in Section 20.108 is intended to allow for variations from the standards set forth in Sections 20.105 – 20.107 where that may be appropriate in specific locations and circumstances and where careful design detail is a controlling factor, provided the development proposed better serves the objectives of the Overlay District. Among the purposes of the Overlay District are to create a more harmonious and consistent image along the Avenue, to encourage good building design and site development that enhances the pedestrian amenities along the Avenue, to ensure that changes along the Avenue are compatible with the scale and character of the abutting neighborhoods, and to encourage the retention of existing buildings of historic value.*

A waiver from provisions of the Massachusetts Avenue Overlay District is sought for two well preserved, historic nineteenth century wood framed buildings that are to be moved from a lot outside the Overlay District onto a lot that is in the Overlay District. Section 20.106 of the Zoning Ordinance requires that within the Overlay District, the first floor elevation of a building be no higher than four feet above mean grade and Section 20.107 requires that the principal entrance of a building face Massachusetts Avenue and that between 25% and 50% of the front

façade of the building be clear glass. The buildings to be relocated do not conform to these requirements.

The Board finds that the relief requested is needed to preserve and enhance the qualities that make the two buildings to be relocated architecturally and historically significant. Failure to grant the relief requested would necessitate alterations to the structures that would do serious harm to those important qualities. Retention of the existing features of the buildings and their proposed orientation to the public streets at the new location will better serve the objectives of the Overlay District than if the buildings were required to be altered to meet the standards specified in Sections 20.106 and 20.107.

The new site is appropriate for the relocated historic wood-frame houses, presently located nearby further down Massachusetts Avenue on the Harvard Law School campus. At the new location at Mellen Street, the structures will establish a harmonious ensemble of historic buildings in combination with existing wood-frame structures of similar character and vintage on nearby lots and they will improve the overall quality of the streetscape.

The relocated structures will be fully compatible with the existing scale and character of abutting neighborhood development patterns. Furthermore, the replacement of at-grade parking on the North Hall lot, with landscaped front yards along both the Massachusetts Avenue and Mellen Street frontages, will greatly enhance the pedestrian environment. The principal activity on the site will remain unchanged, continuing as an institutional-dormitory use.

Orienting the entrance of one building toward Mellen Street is fully consistent with the objectives of the Massachusetts Avenue Overlay District because it improves the visual integration of the Massachusetts Avenue buildings with the residentially scaled development along Mellen Street.

Altering the relocated buildings in order to satisfy the standards specified in Sections 20.106 and 20.107 would be inconsistent with the objective of retaining and preserving existing buildings of historic value within the Overlay District.

## **2. Conformance with General Special Permit Criteria in Section 10.43**

*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.*

The Planning Board finds that the requested special permit should be granted, as the project authorized will not be a detriment to the public interest because:

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

With the granting of the special permit relief requested and an amendment to a previously issued special permit issued by the Board of Zoning Appeal for the site, for which an application has been made, all requirements of the Zoning Ordinance will be met.

*b. Traffic and patterns of access and egress will not cause hazard or congestion or change in neighborhood character.*

Existing on-grade parking will be removed from the site (with the exception of a ridesharing rental vehicle space and a handicapped parking space) and moved to a consolidated underground parking facility to be constructed at a location one block away at Everett Street. This will result in a reduction in traffic to this site, and will not cause any adverse change to traffic patterns within the neighborhood.

*c. The operation or development of adjacent uses will not be adversely affected.*

The present institutional-dormitory use of the site will not be changed. There will be no increase in traffic to or from the site. The proposed project will not adversely impact the surrounding uses but rather will generally improve the physical relationship of the institutional buildings on this site to the residential and institutional uses on abutting and nearby lots as a result of significant increases in green area open space and other landscaping.

*d. No nuisance or hazard will be created to the detriment of the health, safety and welfare of future residents or citizens of Cambridge.*

The approved project will comply with the applicable health, safety and building code requirements, will improve the quality of development on the site through the introduction of significant amounts of landscaping, will provide an appropriate physical setting for two important historic structures, and will reduce the impact of the operation of motor vehicles by removing parking spaces from the lot.

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

The present institutional-dormitory use of the site will not be changed. The use will remain compatible with surrounding uses, which are largely institutional or high density residential. The character of this section of Massachusetts Avenue and its relationship to the residential neighborhood abutting the site will be improved by the addition of historic wood-frame houses that will tie together a disparate cluster of existing structures into a more coherent and uniform ensemble of historic buildings. The use of the buildings and the arrangement of uses on the lot are consistent with the intent and purpose of the Zoning Ordinance generally, and the Massachusetts Avenue Overlay District specifically.

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

The relocation of structures is consistent with those objectives, as described below:

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

The present use of the site will not be changed. The new site design better integrates the uses on the site with neighboring development along the Avenue and along the side streets that abut the site.

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

The elimination of at-grade, off-street parking adjacent to the sidewalk, and its substitution with significant amounts of green landscaping, will improve the environment for pedestrians. Bicycle parking facilities will be included on the site. Entrances to the relocated buildings will face the public sidewalks.

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

The approved layout of the buildings on the site will result in a site arrangement that is more consistent with neighboring buildings on Mellen Street. The height of the relocated, wood-frame buildings will not be greater than the height of the existing building on the site. The removal of on-site, at-grade parking and the addition of green area and landscaping will positively impact neighboring development.

*Section 19.34 - Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.*

The project will not increase the intensity of use on the site, and is not expected to impact City infrastructure services.

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

The project will improve the relationship between development on this site and development existing on adjacent lots. The relocation of historic wood-framed structures to this site brings coherence to the pattern of existing development at this location on the Avenue and enhances the impact and presence of the buildings that are being moved and of the existing historic buildings located on adjacent lots.

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

The project will maintain the existing institutional-dormitory use on the site.

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

The project will replace existing at-grade paved parking with green area and landscaping to the direct benefit of the general public walking past this site.

## DECISION

Based on a review of the application documents, comments made at the public hearing, and the above findings, the Planning Board **GRANTS** the requested Special Permit 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, dated October 18, 2006 and as revised November 27, 2006. 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 issuance of each 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 Permit.
3. Before issuance of the first building permit for construction authorized by this Special Permit, the Permittee shall prepare a Construction Management Plan consistent with the requirements of Section 18.20 of the Zoning Ordinance, which Plan shall be submitted to the Community Development Department for review and approval.
4. At least one car-sharing vehicle space (e.g. ZipCar) shall be located on the site.
5. 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 in the Affirmative to **GRANT** the Special Permit were Planning Board Members B. Shaw, H. Russell, T. Anninger, T. Carpenter, W. Tibbs, S. Winter and P. Winters, constituting at least two thirds of the members of the Planning Board, necessary to grant a Special Permit.

For the Planning Board,

 (JCR)

Barbara Shaw, Chair

A copy of this decision PB#220 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 02/02/2007 (date)

by Mary L. Robert (Signature, CDD staff person),  
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 Chart**

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	<u>42,691</u> 5,242 in C-1 37,449 in C-2A	5,000	<u>42,691</u> 5,242 in C-1 37,449 in C-2A	No Change
Total GFA (sq ft)	65,232	97,555	70,910	Consistent with applicable base zoning requirements and application documents
Residential	-	97,555	-	
Non-Residential	65,232	97,555	<u>70,910</u> 7,749 removed from ext bldg 13,769 added in relocated bldgs.	
Total FAR	1.53	2.29	1.66	Consistent with applicable base zoning requirements and application documents
Residential	-	2.29	-	
Non-Residential	1.53	2.29	1.66	
Inclusionary	-	-	-	
Lot Width (ft)	267	50	267	No Change
Height (ft)	42-59 range	35 in C-1 60 in C-2A	24-40 and 44 for new bldgs.	40 and 44 for new bldgs.
Front Setback – Mass Ave (ft)	27	10	27; 23	Consistent with applicable base zoning requirements and application documents
Front Setback – Mellen St (ft)	20'-4"	10	10; 14	
Front Setback – Wendell St (ft)	21'-9"; 20'2"	10	21'-9"; 20'2"	
Side Setback – Wendell St (ft)	0	20.25	NA	
Side Setback – Mellen St (ft)	38'-7"	37.42; 11.85	38; 12	
Setback btwn bldgs on lot (ft)	-	11.5; 11; 14.5	12; 11; 31	
Total Open Space Area (sq ft)	NA	As shown on application documents	As shown on application documents	Consistent with application documents for Green Area Open Space and landscaping
Useable	NA			
Other				
Off-Street Parking Spaces	88	24 minimum	1 Zipcar space *	1 car-sharing space *
Handicapped		1 minimum	1	1
Bicycle Spaces	Unknown	3	10	10
Loading Bays	1	1	1	1 existing facility

\* Required off-street parking spaces provided within nearby Harvard parking facilities.