



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
2010 JAN 14 A 11:06

NOTICE OF DECISION

Case No: PB #242

Address: 49 Cedar Street

Zoning District: Residence B

Owner: 49 Cedar Street, LLC, 661 Main Street, Malden, Ma 02148

Applicant: 49 Cedar Street, LLC

Application Date: November 19, 2009

Public Hearing: January 5, 2010

Planning Board Decision: January 5, 2010

Date of Filing Decision: January 14, 2010

Application: Special Permit to construct two single detached dwellings in a Residence B district that are further than 75 feet from the front property line as set forth in Section 5.53, Paragraph 2.

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 the 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 Office of 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 349-4647, TTY: 349-4621, email lpaden@ci.cambridge.ma.us.

Application Documents Submitted

1. Special Permit application, with ownership certificate, dimensional form and supporting statement dated November 4, 2009, certified complete on November 19, 2009.
2. Plans, 1" = 10' and others; entitled "49 Cedar St, 49 Cedar Street Cambridge, Ma" dated October 22, 2009; Peter Quinn Architects, architect; Sheets A-0 through A-2, E-1, showing site plan, elevations, floor plans, open space and existing site conditions. Submitted at full scale and in 11" x 14" format.
3. Revised plans in 11" x 14" format; entitled "49 Cedar St, 49 Cedar Street Cambridge, Ma" dated January 4, 2010; Sheets A-0 (in two sections), A-1 and A-2 and context maps showing site plan, elevations, and floor plans as modified and described at the public hearing.

Additional Application Documents Submitted

1. Revised plans in 11" x 14" format; entitled "49 Cedar St, 49 Cedar Street Cambridge, Ma" dated January 4, 2010; Sheets A-0 (in two sections), A-1 and A-2 and context maps showing site plan, elevations, and floor plans as modified and described at the public hearing.

Other Documents Submitted

Photographs of the site from taken from 51 Cedar Street, submitted by Richard Braun.

Findings

Based on the review of the application documents, testimony at the public hearing, and review of the relevant special permit criteria, the Planning Board makes the following findings.

1. Conformance with the Criteria Set Forth in Section 5.53, Paragraph 2 for Issuance of the Special Permit.

The project is consistent with the required finding in Section 5.53, Paragraph 2a that the new construction proposed in the application would have less impact on its immediate abutters and the neighborhood as whole than would as-of-right construction consisting of a single structure with three attached dwelling units and a covered parking garage. Such an alternate scheme was illustrated by the petitioner and reviewed by the Board. By establishing three separate buildings with ample green space and private yards surrounding each of the three units, the development will be more consistent with the character of the neighborhood, will not present a long uninterrupted wall to adjacent properties, and will provide valuable open space amenities to the future residents of the project, as well as to residents on abutting lots.

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

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 it, would cause granting of such permit to be to the detriment of the public interest because:

a. It appears that the requirements of the ordinance cannot or will not be met.

The requirements of the Ordinance will be met with the granting of this special permit.

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

Due to the small scale of the project, no congestion, hazard or significant change will be created in the neighborhood.

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

No adjacent uses will be adversely affected.

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

No nuisance or hazard will be created.

e. For other reasons the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance

The integrity of the district will not be impaired.

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

The project is consistent with the Urban Design Objectives of Section 19.30:

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

The project is responsive to the existing patterns of development

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

The site will be developed to three single family dwellings, where individual owners will have many options for making their environments pedestrian and bicycle friendly.

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

As the Board has found above, the approved scheme will have significantly less negative impact on its neighbors than would an as-of-right scheme.

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

Given the modest scale of the project, there will be no negative impact on city services.

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

The project continues the pattern of modestly-scaled single, two family and townhouse construction in the neighborhood.

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

Two new single family dwellings will be created.

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

No publicly accessible open space will be created.

Decision

Based on the above findings, the Planning Board **GRANTS** the requested special permit subject to the following conditions:

1. All use, building construction, and site plan development shall be in substantial conformance with the original plans submitted to the Planning Board as referenced above and dated October 22, 2009 as they are modified by revised plans dated January 4, 2010. 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, 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. The Permittee shall submit to the Community Development Department for review a landscaping plan for the site, including [among other standard landscape plan

features] identification of the proposed trees, shrubs and fencing to be installed and their proposed size at installation; the CDD shall approve the plan prior to issuance of the Building Permit. In reviewing the design the CDD shall take into account the desire of the abutting property owner at 51 Cedar Street to secure reasonable privacy from the upper stories of the new dwellings.

3. 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 P. Winters, W. Tibbs, T. Anninger, T. Cohen, S. Winter, P. Singer and C. Studen, Associate member appointed by the chair to act on this petition, constituting more than the two thirds of the members of the Board necessary to grant a special permit.

Respectfully Submitted,



William Tibbs, Chair

A copy of this decision #249 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 January 14, 2010, 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 # 242

Address: 49 Cedar Street

	Allowed/Required	Existing	Proposed	Granted
Total FAR	0.5/0.35	0.17	0.5/0.35	0.5/0.35
Total GFA in Sq. Ft.	3,961 sf.	1,591sf.	3,958 sf.	3,961 sf.
Max. Height	35 ft.	32 ft.	32 ft.	32 ft.
Lot Size	5,000 sf.	9,175 sf.	9,175 sf.	9,175 sf.
Lot area/du	2,500 sf./4000 sf.	9,175 sf.	2,500 sf./4175 sf.	2,500 sf./4175 sf.
Total Dwelling Units	3	1	3	3
Min. Lot Width	50 ft.	50 ft.	50 ft.	50 ft.
Min. Yard Setbacks (for new construction; existing house dimensions remain unchanged)				
Front	15 ft.	16.6 ft.	16.6 ft.	16.6 ft.
Side, Left	7.5 ft minimum, sum of 20 ft.	23.9 ft.	12.5 ft.	12.5 ft
Side, Right		4.1 ft.	7.5 ft.	7.5 ft.
Rear	35 ft.	117.7 ft	35 ft.	35 ft.
Total % Open Space	40%	52%	52%	52%
Private (Usable)	20%		24%	24%
Other (Permeable)	20%		28%	28%
Off Street Parking	1 per d.u.	2	3	3
Bicycle Spaces	1 [1 per 10 parking spaces]	1	1	1
Loading Bays	N/A	NA	NA	NA

10/22/09 REVISED 1/4/10

49 Cedar Street (Residential-B District) Cambridge

Zoning Compliance Table – SPECIAL PERMIT APPLICATION per 5.53.2

Ext'g 1 Unit (No Change) + 2 New Units on Single Un-subdivided Lot

	Existing Conditions		Requested Conditions	Ordinance Requirements/Allowed	
Total Gross Floor Area	1,591-SF		3,958-SF	Calculation-See Note 1 = 3,961SF (max.)	<i>Complies</i>
Lot Area	9,175-SF		9,175-SF	5,000-SF (min.)	<i>Complies</i>
Ratio of Gross Floor Area to Lot Area (FAR)	0.17		0.5/0.35	Calculation-See Note 1 0.5/0.35	<i>Complies</i>
Lot Area for Each Dwelling Unit	9,175-SF		2 for 5,000-SF + 1 for 4,175-SF = 3 Units	Calculation-See Note 2 1/2,500 & 1/4,000	<i>Complies</i>
Size of Lot	Width	50.0'	50.0'	50.0' (min.)	<i>Complies</i>
	Depth	183.5'	183.5'	NA	<i>Complies</i>
Setbacks in Feet See Plot Plan	Front Extg	16.6'- Extg House	No change	15.0'	<i>Complies</i>
	New		NA		<i>Complies</i>
	Rear Extg	117.7'- Extg House	No change	35.0' – Calculation – See Note 3	<i>Complies</i>
	New		35.0-New Bldg		<i>Complies</i>
	Side(R) Extg	4.1'-Extg House	No change	Min 7.5', Total 20.0'	<i>Extg non-conformity No change</i>
	New		7.5'-New Bldg		<i>Complies</i>
	Side(L) Extg	23.9' – Extg House	No change	Min 7.5', Total 20.0'	<i>Complies</i>
New		12.5'-New Bldg		<i>Complies</i>	
Size of Building	Height (Ext'g)	+/-32 – Extg House	No change	35.0' (max.)	<i>Complies</i>
	Height (New)		31.6'		<i>Complies</i>
Ratio of Usable Open Space to Lot Area	52%		2,512-2,220 SF UOS >15'+ 2,247 2,539 SF POS = 4,759SF (52%)	40% of lot = 3,670-SF MIN	<i>Complies</i>
Area and % of req'd with width > 15.0'	>15'		2,512-2,220 SF= 27 24% (Exceeds 50% of UOS required)	Min 50% UOS >15.0' = 1,835-SF	<i>Complies per 5.22.1 per 5.22.3</i>
Area and % of req'd with width < 15.0' (Permeable)	<15' (POS)		1,570-SF required +677 969 SF surplus = 2,247 2,539 SF (25 28%)	Max 50% of req'd UOS = 1,835-SF	
Dwelling Units	1		3	Calculation-See Note 2 1/2,500 & 1/4,000	<i>Complies</i>
Parking Spaces	2		3	1/Dwelling	<i>Complies</i>

**49 Cedar Street (Residential-B District) Cambridge
Zoning Compliance Table**

Note 1

FAR – Building Area Calculation per Table 5-1, fn-j.

Lot Area = 9,175

First 5,000-SF X FAR 0.5 = 2,500 SF

Balance 4,175-SF X FAR 0.35 = 1,461

TOTAL 3,961 SF

Note 2

Lot are per Unit Calculation per Table 5-1, fn-j.

Lot Area = 9,175

First 5,000-SF / 2,500 per unit = 2 Units

Balance 4,175-SF / 4,000 per unit = 1

TOTAL 3 Units

Note 3

Rear Yard Calculation per Table 5-1, fn-c.

Lot Depth = 183.5', Min lot depth = 25.0' plus 4.0' for each 10ft to a maximum of 35.0' Yard.

Lot Depth >100' = 83.5'

$25.0' + (83.5'/4) = 45.9' = 35.0'$