

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case Number:	273
Address:	54 R Cedar Street
Zoning:	Residence B
Applicant:	LaCourt Family LLC
Owner:	LaCourt Family LLC
Application Date:	August 1, 2012
Date of Planning Board Public Hearing:	September 11, 2012
Date of Planning Board Decision:	February 19, 2013
Date of Filing Planning Board Decision:	February 27, 2013
Application:	Special Permit application to construct a second structure on a lot in the Residence B District, Section 5.53
Decision:	DENIED

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:

Elizabeth M. Paden

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

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OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

Cover sheet, existing building plans, site plan, floor plan, dimensional form, building elevations, building and wall sections, partition types and roof details, third floor and roof framing plans

Other Documents

Email to the Planning Board, from Mike Fowler, dated February 18, 2013
Letter to the Planning Board, from Ernst Karel and Helen Mirra, dated February 19, 2013
Letter to the Planning Board, from Lacourt Family LLC, dated February 18, 2013
Email to the Planning Board, from Mike Fowler, dated September 12, 2013
Board of Zoning Appeal Decision, Case Number 4282-z, dated May 8, 1973
Letter to the Planning Board, from Wayne J. Bingham, dated September 10, 2013
Planning Board Notice of Extension of Time, dated January 30, 2013
Email to Liza Paden, from Sean Hope, dated January 22, 2013
Planning Board Notice of Extension of Time, dated November 21, 2012
Public Hearing sign in sheet, dated February 19, 2013
Public Hearing sign in sheet, dated January 15, 2013
Public Hearing sign in sheet, dated September 11, 2013
Letter to the Planning Board, from Mike Fowler, dated January 15, 2013
Letter to the Planning Board, from Ernst Karel and Helen Mirra, dated January 13, 2013
Letter to the Planning Board, from Jeanne Fong, dated September 6, 2012

APPLICATION SUMMARY

The Applicant seeks to construct a three-story single family residence with two parking spaces on a lot with an existing single-family structure, and seeks a Special Permit from the Planning Board pursuant to Section 5.53 of the Zoning Ordinance to allow for more than one structure containing a principle residence farther than seventy-five feet from the property line.

The lot currently contains a non-conforming 822 square foot single-family home, a two car garage, and three at-grade parking spaces that serve 55-57 Norris Street. The Applicant proposes to demolish the garage structure and utilize the existing driveway to access parking on the site.

The proposed structure is dimensionally conforming however, a portion of the existing structure lies further than seventy-five feet from the property line such that the new structure requires relief under Section 5.53 of the Zoning Ordinance.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. General Criteria for Issuance of a Special Permit (10.43)

10.43 Criteria. 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 because:

(a) It appears that requirements of this Ordinance cannot or will not be met.

With the requested Special Permit, the project will meet all of the requirements of the Zoning Ordinance.

(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character.

The proposed parking will be located in the middle portion of the property and utilize the existing driveway for access and egress.

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

The continued operation of adjacent uses will not be adversely affected by the proposed use provided that the proposed fence screening of the parking area is built.

(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 to the detriment of the health, safety, of the occupants or Citizens of the City by the proposed use.

(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 project will not impair the integrity of the district in which it is located or the adjacent districts.

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

2. Urban Design Objectives (19.30)

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

The proposed project is a single-family residential structure which is consistent with exiting uses in the area.

The Board finds the three story height combined with the narrow frontage to be inconsistent with existing structures and not responsive to the existing pattern of development in the area.

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

The entry to the proposed single-family structure will face the street with parking towards the rear. Bicycle parking will be consistent with the requirements of the Ordinance.

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

The project will replace an underutilized portion of the lot with a single family structure that meets all dimensional and setback requirements. The proposed dwelling will help facilitate an active street edge on that portion of Cedar Street. There will be plantings and landscaping along the rear property line.

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

The lot has an existing single-family structure and the current infrastructure is sufficient to accommodate the proposed use.

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

Although the surrounding neighborhood features a number of small residential structures and infill development, none of these small footprint structures are 3 stories in height, and in the Board's judgment this building will be out of character with the aspect of Cedar Street.

(19.36) Expansion of the inventory of housing in the city is encouraged.

The project will include a single-family residential structure that will be suitable for a family.

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

The project will increase the percentage of private open space on the lot and remove an existing garage located in the rear of the property.

3. More than one structure on a lot (5.53)

a) *The development in the form of two or more structures on the lot will not significantly increase or may reduce the impact of new construction should it occur in a single structure; or*

The proposed location of the new single-family dwelling allows for conformance with dimensional requirements of the Zoning Ordinance. Adding the proposed additional living area to the existing structure would shift the massing of the structure into the rear yard and reduce the amount of contiguous open space.

b) *That two or more structures may provide identifiable benefits beyond that provided should all construction be in a single structure. In making its findings the Board shall consider the impact of the new construction on the following:*

- 1) *The extent to which the preservation of a large contiguous open space on the rear of the lot or series of adjacent lots is achieved through the provision of a rear yard setback significantly greater than required through the dedication of that rear yard Green Area, as defined in the Ordinance,*

The proposed single-family structure will be sited in the front of the lot and preserve the existing contiguous open space of the rear yard.

- 2) *Incentives for the location of buildings and parking facilities in the front half of a lot in a pattern compatible with the development pattern prevailing in the neighborhood,*

The proposed location of the new second structure relative to the street is consistent with the location of adjacent residences in the neighborhood.

- 3) *The extent to which two or more structures provides and enhanced living environment for residents on the lot,*

The proposed location of the second structure will provide for an increase in light and air and privacy for residents on the lot.

- 4) *Incentives to retain existing structures on a lot, particularly any structure determined to be a Preferably Preserved Significant structure by the Cambridge Historical Commission,*

As part of the project the existing house on the lot will remain.

- 5) *The opportunities presented to reduce the visual impact of parking from the public street and from adjacent lots,*

The existing two-car garage will be demolished. The new parking area will be located in the center of the lot and significantly screened by the new single-family structure. The parking area will also be screened by existing fencing, trees and shrubs.

- 6) *The increased opportunities to reduce the height and bulk as new construction is deeper into a lot or closer to structures on abutting lots,*

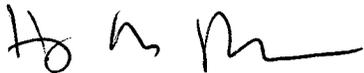
Adding the proposed additional living area to the existing structure would shift the massing of the structure into the rear yard and reduce the amount of contiguous open space.

DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby DENIES the requested Special Permit.

On a motion by T. Cohen to grant the requested Special Permit, the vote failed with members T. Anninger, W. Tibbs, and S. Winter voting in the negative, and members T. Cohen, and H. Russell voting in the affirmative.

For the Planning Board,



Hugh Russell, Chair

A copy of this decision # 273 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 February 27, 2013, by Liza 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