



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2019 MAY 24 AM 11:16  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## NOTICE OF DECISION

Case Number:	346
Address:	23 May Street
Zoning:	Residence B District
Applicant:	Senne Development LLC 33 Church Street, Cambridge, MA 02138
Owner:	23 May St LLC 46 Loreto Drive, Boxborough, MA 01719
Application Date:	March 28, 2019
Date of Planning Board Public Hearing:	April 23, 2019
Date of Planning Board Decision:	April 23, 2019
Date of Filing Planning Board Decision:	May 24, 2019
Application:	Request for special permit pursuant to Section 5.53.2 of the Zoning Ordinance to allow construction of more than one principal residential structure on a lot where one structure is farther than 75 feet from the street line.
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 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: Swaathi Joseph

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or [lpaden@cambridgema.gov](mailto:lpaden@cambridgema.gov).

**DOCUMENTS SUBMITTED**

Application Documents and Supporting Material

1. Special Permit Application submitted on 3/28/2019, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Narrative, Community Outreach Summary, plan set entitled Two Single Family Houses, 23 May Street, Cambridge, MA, prepared by Peter Quinn Architects LLC, dated 3/19/2019.
2. Presentation slides shown to Planning Board on 4/23/2019.

City of Cambridge Documents

3. Memorandum to the Planning Board from Community Development Department staff, dated 4/17/2019.

## APPLICATION SUMMARY

The Applicant proposes to alter the existing two-family residential building into a single-family dwelling and construct a new detached single-family dwelling on the lot with two off-street parking spaces on the site. The proposed new single-family house would be more than seventy-five (75) feet from Vineyard Street. The Cambridge Historical Commission (CHC) has administratively reviewed the proposed alteration and approved the partial reduction and roofline modification of the existing building. The base zoning is Residence B and the parcel is located in the Strawberry Hill neighborhood. The requested special permits are discussed in detail in the Findings below.

## 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. Special Permit for more than one structure containing a principal residential use (Section 5.53.2)

Because the proposal includes two principal residential structures on the lot, and one of those structures is more than seventy-five (75) feet from the abutting street line of Vineyard Street, the following provisions of the zoning ordinance apply.

In Residence B districts more than one structure containing a principal residential use is allowed on a lot by special permit from the Planning Board provided the Board finds:

5.53.2

- (a) *that development in the form of two or more structures on the lot will not significantly increase or may reduce the impact of the new construction should it occur in a single structure; or*
- (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 in the rear of the lot or series of adjacent lots is achieved through the provision of a rear yard setback significantly greater than that required and through the dedication of that rear yard as Green Area, as defined in this Ordinance,*
  - (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,*
  - (3) *the extent to which two or more structures provides an enhanced living environment 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,*
- (5) *the opportunities presented to reduce the visual impact of parking from the public street and from adjacent lots,*
- (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.*

The proposed project will provide separate private open space for each residence in addition to meeting all yard (setback) requirements. The existing driveway and parking area are paved right up to the property boundary on the southern side and hence does not meet the setback requirements for on grade parking spaces or driveways in residential districts. The proposed site plan with two separate driveways and parking areas for each house will comply with that requirement. Being a corner lot, each dwelling will have a street frontage, its own driveway and parking space to the side, while achieving a sense of openness between the two dwellings with a landscape design preserving the existing large trees and adding new hedges for visual screening.

The Board acknowledges that the additional single-family dwelling will be in closer proximity to the dwelling on the adjacent lot on May Street. Even though the adjacent dwelling has a non-conforming side yard setback as it was built to the property line, it is difficult for the Board to find that the proposal meets the criteria in Paragraph 5.53.2(a) as set forth above. However, the Board finds that there will be a substantial yard space between the two proposed dwellings (technically not a rear yard setback, because there is no rear yard on a corner lot), the arrangement of buildings and parking are in keeping with the prevailing character of the neighborhood, the arrangement of two detached dwellings each with its own private open space will benefit future residents, the existing structure will be retained, the visual impact of parking is reduced by creating smaller conforming driveway areas, and the resulting structures will have less height and bulk than a conforming two-family dwelling that would be allowed as-of-right. Therefore, in accordance with Paragraph 5.53.2(b) of the Ordinance, the Board finds that the proposal will provide identifiable benefits over the alternative of a larger two-family dwelling.

## 2. General Criteria for Issuance of a Special Permit (Section 10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

*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, or ...*

Upon granting of the requested special permit, it appears that the requirements of the Ordinance will be met.

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

The proposed construction of two new dwelling units with two off-street parking spaces is not anticipated to cause particular congestion or hazard or substantial change in the neighborhood character.

*(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, or ...*

The proposed residential use complies with the allowed uses in this district, and hence will not adversely affect adjacent uses that exist or are anticipated in the future.

*(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, or ...*

The proposed uses will not create nuisance or hazard, and all development activity will adhere to applicable health and safety regulations.

*(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, and ...*

The proposed residential use is consistent with the provisions of the Zoning Ordinance. The neighborhood generally consists of single-family and two-family dwellings, and the proposed development of two detached single-family dwellings would fit the existing pattern of development.

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

The proposal is not inconsistent with the citywide urban design objectives. The urban design objectives are supported in the proposal by the expansion of the inventory of housing, improved streetscape appearance, consistency with the pattern of development, minimal environmental impacts on abutters and minimal impact on City infrastructure.

## DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby GRANTS the requested Special Permit subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permit and any successor or successors in interest.

1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents submitted on 3/28/2019, the plan set entitled Two Single Family Houses, 23 May Street, Cambridge, MA, prepared by Peter Quinn Architects LLC, dated 3/19/2019, and the additional Conditions of this Special Permit Decision. 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 Decision. As part of CDD's administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment.
3. To the extent feasible without causing any violation of zoning, building code, or other requirements, the new building is to be located fifteen (15) feet from the property line on the southern side of the lot in order to achieve a separation from the adjacent non-conforming building that is comparable to the separation resulting from two conforming buildings each with a 7.5-foot side yard setback.
4. The Permittee shall address the following comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit:
  - a. Design details, materials, colors, and number and placement of windows in order to improve the architectural articulation of the building façades.
  - b. All landscape details, including proposed hardscape materials, fence details, and treatment of the area between the two dwellings.
5. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

Voting in the affirmative to GRANT the Special Permits were Planning Board Members Louis Bacci, Steven Cohen, H Theodore Cohen, Mary Flynn, Hugh Russell, and Associate Members Nikolas Bowie and Corinne Espinoza, appointed by the Vice Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,

A handwritten signature in black ink, appearing to read "H Theodore Cohen". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

H Theodore Cohen, Vice Chair.

A copy of this decision PB #346 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 has been filed on May 24, 2019 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:

\_\_\_\_\_ no appeal has been filed; or

\_\_\_\_\_ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: \_\_\_\_\_, City Clerk

Appeal has been dismissed or denied.

Date: \_\_\_\_\_, City Clerk



**Appendix I: Approved Dimensional Chart**

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	6,796	5,000	No Change	No Change
Lot Width (ft)	112	50	No Change	No Change
<b>Total GFA (sq ft)</b>	<b>2,186</b>	<b>3,128</b>	<b>3,126</b>	<b>3,126</b>
Residential Base	2,186	3,128	3,126	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	0	0	0	
Inclusionary Bonus	n/a	n/a	n/a	
<b>Total FAR</b>	<b>0.32</b>	<b>0.5/0.35</b>	<b>0.46</b>	Consistent with Application Documents and applicable zoning requirements
Residential Base	0.32	0.5/0.35	0.46	
Non-Residential Base	0	0	0	
Inclusionary Bonus	n/a	n/a	n/a	
<b>Total Dwelling Units</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
Base Units	2	2	2	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	n/a	n/a	n/a	
Base Lot Area / Unit (sq ft)	3,398	2,500	3,398	
Total Lot Area / Unit (sq ft)	3,398	2,500	3,398	
Height (ft)	30.0	35	30.8 & 31.27	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft) (May St)	22.9	15	22.2	
Front Setbacks (ft) (Vineyard St)	10.3	15	No change	
Side Setback (ft)	8.5	7.5 (sum 20)	8.4	
Side Setback (ft)	70.1	7.5 (sum 20)	15 <sup>1</sup>	
Open Space (% of Lot Area)	77	40	55	Consistent with Application Documents and applicable zoning requirements
Private Open Space	68	20	25	
Permeable Open Space	77	20	30	
<b>Off-Street Parking Spaces</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
Long-Term Bicycle Parking	0	0	0	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	0	0	0	
Loading Bays	0	0	0	

<sup>1</sup> As per special condition 3(a).