

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

CASE NO: PB #57

PREMISES: 59-63 Church Street

ZONING DISTRICT: Business A and Harvard Square Overlay District

PETITIONER: Beatrice Fraiman

APPLICATION DATE: August 18, 1986

DATE OF HEARING: September 16, 1986

PETITION: Special Permit to waive residential setback requirements;
variation to permit 2000 square feet of additional floor
area.

DATE OF PLANNING BOARD DECISION: October 21, 1986

DATE OF FILING THE DECISION: October 31, 1986

Decision (summary): Granted the waiver for setback requirements;
Denied the FAR variation.

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 date of 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 Community Development and the
City Clerk.

Date

10/31/86


Authorized Representative
to the Planning Board

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CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

Case #: 57

Premises: 59-63 Church Street

Zoning District: Business A and Harvard Square Overlay District

Petitioner: Beatrice Fraiman

Application Date: 8/18/86

Date of Hearing: September 16, 1986

Petition: Special permit to waive setback requirements in the
Harvard Square Overlay District (Section 11.545;
Variation in the regulations to permit additional floor
area (Section 10.45)

Date of Planning Board Decision: October 21, 1986

Application

Application was submitted and certified complete on August 18,
1986.

Other Documents

1. Petition submitted to the Planning Board by the applicant with names of those supporting the petition.
2. Letter from Olive Holmes to the Planning Board opposing the variance request.
3. Letter from Elizabeth Bartholet, Janet Aaron, and Daniel Aaron to the Planning Board opposing the variance request.

Public Hearing

Mr. John Mirick, Attorney for the applicant, discussed the zoning issues related to the proposed addition of two floors of housing on top of an existing one story commercial structure. The two new stories would match the sidewalls of the existing structure which at 0' setback at the left and a 3' setback on the right does not conform to the setback requirements for residential uses in a BA District unless waived by Section 11.545 of the Zoning Ordinance. A minor 6" waiver of the front yard is also required.

In addition the applicant is requesting an additional 2000 feet of gross floor area which was permitted in the district under an interpretation of the FAR requirements of the Zoning Ordinance held by the Inspectional Services Department at the time the

building was under design, but not under the interpretation of the Ordinance affirmed by the Board of Zoning Appeal on appeal from a new interpretation of the Inspectional Services Department.

Pebble Gifford speaking for the Harvard Square Defense Fund, supported the waiver of the setback requirements but opposed the variance for additional floor areas establishing an undesirable precedent.

Elizabeth Bartholet opposed both the setback waiver and the variance, fearing excess development in a congested area.

Findings

1. The proposed building construction will match the existing setbacks of the one story building now on the site.
2. The building will be 35' in height, well below that permitted in the Harvard Square Overlay District.
3. The use will be housing and will be accommodated in a structure that will be compatible with the pattern of development in the neighborhood of streetwall buildings also having no side yards.

4. The upper stories will be setback somewhat from the street and a generous rear yard will be retained.

5. All conditions of Section 11.545 are met; no contributing building will be altered or destroyed and the new construction is sympathetic to the small scale masonry character of development in the Church Street area.

6. While the Board appreciates the unfortunate circumstances in which the applicant was caught with the shifting interpretations of the FAR permitted on the site, the Board finds not compelling circumstances related to this site of the development program proposed which would justify a variance from the FAR permitted on this site.

Decision

After review of the application, testimony at the public hearing and discussions with the staff the Planning Board GRANTS a Special Permit to waive the setback requirements of the Business A District as permitted in Section 11.545. The Planning Board DENIES the request for a variation in the FAR requirements of the district as requested in the application.

For the Planning Board,


Paul Dietrich, Chairman

Dimensional Form

	<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Floor Area Ratio (Floor Area)	<u>7953</u> <u>(1.27)</u>	<u>3903</u> <u>(.64)</u>	<u>9900</u> <u>(1.58)</u>	<u>7953</u> <u>(1.27)</u>
Max. Height	<u>60'</u>	<u>14'</u>	<u>35'</u>	<u>*</u>
Max. Angle Above Cornice Line	<u>Not Applicable</u>			
Min. Lot Size	<u>5000 minimum</u>	<u>6259 sq. ft.</u>	<u>same</u>	<u>*</u>
Min. Lot Area per d. u.	<u>600 sq. ft.</u>	<u>0</u>	<u>1043 sq. ft.</u>	<u>*</u>
Max. No. d. u.	<u>None</u>	<u>0</u>	<u>6</u>	<u>*</u>
Min. lot width	<u>None</u>	<u>58'-4"</u>	<u>same</u>	<u>*</u>
Min. yard setbacks				
Front	<u>None</u>	<u>0</u>	<u>9'-6"</u>	<u>9'6"</u>
Side L	<u>None</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>
R	<u>None</u>	<u>3'</u>	<u>3'</u>	<u>3'</u>
Rear	<u>20' or $\frac{H+L}{2}$</u>	<u>26'</u>	<u>35'</u>	<u>35'</u>
Ratio Usable Open Space (Area)	<u>15%</u> <u>()</u>	<u>36%</u> <u>()</u>	<u>36%</u> <u>()</u>	<u>*</u> <u>()</u>
Off-Street Parking Minimum No. Spaces	<u>6</u>	<u>0</u>	<u>9 dedicated spaces</u>	<u>*</u>
Maximum No. Spaces	<u>-</u>	<u>0</u>	<u>As Required</u>	
No. Handicapped Spaces	<u>1</u>	<u>0</u>	<u>Garage Standards(1)</u>	<u>*</u>
Bicycle Spaces	<u>3</u>	<u>0</u>	<u>6</u>	
No. Loading Bays	<u>None</u>	<u>0</u>	<u>0</u>	

* As proposed

A copy of this decision 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 decision filed with the Office of the City Clerk on 10/31/86 by [Signature], authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date.

Twenty (20) days have elapsed since the filing of this decision. No appeal has been filed.

Date _____
City Clerk, City of Cambridge