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CAMBRIDGE MA.  
**PLANNING BOARD**

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

**NOTICE OF DECISION**

**CASE: PB#75**

**PREMISES: 2456 Massachusetts Avenue**

**ZONING DISTRICT: Business C-1 and Industrial A-1  
North Massachusetts Avenue Overlay District**

**PETITIONER: Royal Heritage Development Corporation**

**APPLICATION DATE: June 15, 1987**

**PUBLIC HEARING DATE: August 4, 1987**

**PETITION: Multi-family Special Permit, to construct 24 dwelling units.**

**DATE OF PLANNING BOARD DECISION: November 10, 1987**

**DATE OF FILING PLANNING BOARD DECISION: December 2, 1987**

**DECISION: The Planning Board votes to GRANT the Special Permit 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 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 the Community Development Department and the City Clerk.

Date December 2, 1987 Elizabeth J. Malenfant  
Authorized Representative of the  
Planning Board

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#### APPLICATION

1. Application forms certified as complete June 16, 1987.
2. Certified Plot Plan of site, and boundary map, and photographs showing the existing condition of the site.
3. Architectural plans, scale 1/8" = 1'0", sheets A-1 through A-3, dated June 1987, revised July 21, 1987.

#### OTHER DOCUMENTS

1. Revised architectural drawings showing the cooperation with the abutting developer Boyle, showing the new facade and garage arrangement, dated November, 1987.
2. Letter to the Planning Board from the North Cambridge Stabilization Committee dated July 28, 1987 outlining their four concerns about the development.
3. Letter to the Planning Board from Lauren Preston, Deputy Traffic Director, dated August 5, 1987 outlining his concern about the location of a third entrance/exit within 100 feet of Massachusetts Avenue.
4. Chart titled "Royal Heritage Development - Summary of Permitted Densities"
5. Letter to the Planning Department from Michael J. Keefe, of McLaughlin Brothers, representing Fawcett Oil Corporation, requesting information on the Planning Board Decision.

6. Letter to the Planning Board/CDD from John Blackburn of Royal Heritage Dev. Corp. and Edmond Danielson, of Danielson, Inc. dated October 6, 1987 outlining the reasons for the request to have 24 units when the figure allowed was 23.85.
7. Letter to Paul Dietrich from Lauren Preston, Department of Traffic and Parking, outline traffic measures appropriate to combined entry solution.

### Findings

1. The proposal as modified conforms to the dimensional requirements of the Business C-1 District and the Massachusetts Avenue Overlay District (with the variances granted in this decision). Specifically the proposal meets the requirements of footnote (n) which permits increased floor area and density in a Business C-1 District because: (1) at least 75% of the gross floor area is devoted to residential use; (2) all parking is covered and enclosed; (3) at least 15% of the lot is useable open space; and (4) the development has undergone and will continue to undergo design review by the Planning Board.
2. The proposal as modified also addresses the design and development objectives for Massachusetts Avenue as reflected in the Massachusetts Avenue Overlay District and the draft North Massachusetts Avenue Urban Design Guidelines Handbook: (1) the building will be constructed of quality materials traditionally used in large masonry residential buildings along Massachusetts Avenue. (2) the building fronts squarely onto Massachusetts Avenue without excessive height; (3) while more massive than the building now on the site or than many of the residential structures in the abutting neighborhoods, the building is so designed as to complement the new residential structure approved for construction on the adjacent site as well as new residential or commercial structures likely to be built in the Business C-1 Zone.
3. The request to extend the Business C-1 District regulations 25 feet into the Industry A-1 District is reasonable given the fact that more than 50% of the site is in the Business C-1 District, the area affected is to the rear of the site, the extension will permit a better and more sensitively designed building, and that the abutting property will not be negatively affected by such extension particularly in light of the fact that a similar extension was granted by the Planning Board to a similar housing development on the abutting lot, in Special Permit # 60.
4. The variations in the height and sideyard setback requirements requested in the Industry A-1 District are reasonable and will permit a design that better serves the public interest: (1) the modest additional height (from 45 to

50 feet) will not significantly derogate from intent of the height limitation imposed in the Industry A-1 District, will

permit a height equal to that of the remainder of the building (which is itself ten feet below the maximum permitted in the Business C-1 District), and is compatible with a similar height variance granted to the development authorized on the abutting lot in Special Permit # 60; (2) the waiver of the sideyard requirement will eliminate a ten foot setback which would serve no useful purpose but would likely create a visual blight and a maintenance problem, and would permit a more rational development of the adjacent site; the variations are also reasonable given the narrowness of the parcel that makes useful construction on the site difficult.

5. The revised plans, coordinating development plans with the abutting parcel, centralize vehicular access to both sites through the use of a single driveway off of Massachusetts thus addressing a major concern of the Traffic and Parking Department that too many access points were being created along Massachusetts Avenue.
6. While the Planning Board does not require the provision of parking in excess of that required by the Zoning Ordinance, it does note that the applicant has made every effort to provide additional parking as requested by the neighborhood and encourages maximum adherence to that stated intent.
7. The open space provided, while to a large extent internal to the development, does provide light and air beneficial to the future residents of the proposed development and those in the development authorized on the adjacent site. To the maximum extent possible, however, that open space should be made visible to the general public and in addition be well detailed with quality materials.
8. The cooperation between the applicant and the permittee of Special Permit # 60 which has resulted in modifications to both development proposals has better advanced the public interest and the respective private developments' individual interests.
9. The pattern of traffic to and from the site is of major concern to the Planning Board and existing residents in the abutting neighborhood. Access to the site from Tyler Court is preferred by the Board to minimize disruption to the flow of traffic on Massachusetts Avenue and to lessen the impact on existing residential streets in the neighborhood. It is not intended that any condition of this permit should prohibit partial or full access to Tyler Court should that prove feasible. Nevertheless the Board is prepared to permit full access from Massachusetts as proposed in the application

documents, as revised, provided the Department of Traffic and Parking approves the final details of the access. In addition the Board encourages the permittee, the City departments, and abutting property owners and residents to cooperate in an effort to facilitate the provision of future access to Tyler Court.

10. The small commercial space proposed on the first floor of the building at Massachusetts Avenue is set between 3.5 and 4 feet above the mean grade of the sidewalk on Massachusetts Avenue and thus does not conform to the requirements of Section 11.106 (a) of the Massachusetts Avenue Overlay District should retail uses occupy the space. However, as the building is overwhelmingly residential, as the grade chosen reflects the grade of the first floor of the residential building adjacent with which the Board has asked the permittee to coordinate, as the elevation chosen permits the provision of additional parking spaces which is of major import to the residents in abutting neighborhoods, and as the space would be conforming if it should be occupied by office or residential uses, the Board is prepared to grant a special permit waiver as permitted in Section 11.108 of the Overlay District to permit retail use not at the mean grade of the adjacent street provided every effort is made to make the space handicapped accessible.

#### Decision

After review of the application material, comments made at the public hearing, and at subsequent regular Planning Board meetings, and discussions with the staff of the Community Development Department, and other information available to the Board, the Planning Board GRANTS a Special Permit for Multi-Family Development in a Business C-1 District, GRANTS a Special Permit for the extension for the Business C-1 District regulations 25 feet into the Industry A-1 District, GRANTS a special permit, as permitted in Section 11.106 (a) of the Massachusetts Avenue Overlay District that retail uses be located at grade; and GRANTS variations in the height and sideyard setback requirements of the Industry A-1 District, all within the limits outlined in Appendix 1, with the following conditions:

1. The Final Plans submitted to the Superintendent of Buildings shall be in general conformance with the revised documents submitted to the Board, dated November 1987, and referenced above.
2. The Building shall continue to undergo the standard design review process as outlined in Attachment II. The Planning Board shall certify to the Superintendent of buildings that the final plans conform to all provisions of this decision before issuance of any building permit. The design review process shall continue to focus in particular on the proposed

use of materials and the detailing of structures and materials. Final plans shall include detailed landscaping including street trees along Massachusetts Avenue and the open space to the rear of the property and the central courtyard.

3. Every effort shall be made to incorporate additional parking above that required by Zoning, as indicated in the submitted plans.
4. A deed restriction incorporated into the condominium master deed, or the property deed where no condominium deed exists, shall limit the uses in the approved development to residential use except for the commercial space authorized on the first floor abutting Massachusetts Avenue. ~~the first floor abutting Massachusetts Avenue.~~
5. The Department of Traffic and Parking shall approve the final access onto Massachusetts as presented in the final documents submitted for a building permit; the permittee shall comply with whatever reasonable conditions the Department shall impose in granting its approval.
6. The commercial space shall be made more accessible to the handicapped in a manner to be approved by the Planning Board.
7. The permittee shall cooperate to a reasonable extent with City Departments and abutting property owners and residents in an effort to secure vehicular access from this development and the adjacent authorized development onto Tyler Court.

Voting to grant the permit were: Paul Dietrich, Carolyn Mieth, Acheson Callahan, Alfred Cohn and Clarence Cooper being two thirds of the membership of the Planning Board.

For the Planning Board,

  
Paul Dietrich, Chairman

BC-1  
IA-1

Dimensional Form  
(TOTAL SITE)

<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Floor Area Ratio (Floor Area)	2.46		2.45
	( 26,619 )	( )	( 26,482 )
Max. Height	60/50/45		50
Max. Angle Above Cornice Line	NA		NA
Min. Lot Size	5,000		10,795
Min. Lot Area per d. u.	389		449.79
Max. No. d. u.	27.75		24
Min. lot width	50 ft		60 ft
Min. yard setbacks			
Front	0		0
Side L	10		0
R	10		0
Rear	0		0
Ratio Usable Open Space (Area)	15%		26%
	( 1,619 )	( )	( 2,853 )
Off-Street Parking Minimum No. Spaces	24		24
Maximum No. Spaces			NA
No. Handicapped Spaces	NA		NA
Bicycle Spaces	NA		NA
No. Loading Bays	NA		NA

EXHIBIT A ATTACHED