



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

## **AMENDED NOTICE OF DECISION**

Case No.: PB #98, Major Amendment #1

Premises: 253 Norfolk Street

Zoning District: Residence C-1

Applicant: James Rafferty, Adams & Rafferty, representing Carlos Tosi, Owner

Application Date: June 25, 1992

Date of Public Hearing: July 21, 1992

Date of Planning Board Decision: August 4, 1992

Date of filing the Decision: August 12, 1992

Date of Major Amendment #1: December 6, 1994

Date of filing Major Amendment #1: December 28, 1994

Petition: Major Amendment to increase the amount of Floor Area and height and to allow parking at 245 Norfolk Street.

Decision (summary): 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 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.

*Elizabeth J. Malenfant*  
Authorized Representative to the Planning Board

*12/30/94*  
Date

DECISION

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Application Date: **June 25, 1992**

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Date of Planning Board Decision: **August 4, 1992**

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**Date of Application, Major Amendment #1: June 30, 1994, amended on October 4, 1994**

**Date of Public Hearing, Major Amendment #1: October 4, continued to November 15, 1994**

**Date of Major Amendment #1: December 6, 1994**

**Date of filing Major Amendment #1: December 28, 1994**

Application

Documents Submitted

1. Major Amendment #1 Application dated June 30, 1994.
2. Site plan, elevations, and floor plans, showing the proposed development, no scale, 3 sheets, Vaughn & Associates, dated 5-22-92.
3. Revised parking plans, Alternative One and Two, undated, scale at 1":20', showing 8 off street parking spaces and bicycle parking, one of which has a 790 square foot easement granted to the rear abutter.
4. Undated, revised Dimensional Form for Special Permit #98.
5. 245/253 Norfolk Street Area Calculations, dated October 11, 1994, with

and without the roof additions, and 245 Norfolk Street.

Other Documents Submitted

1. Site plan, elevations, and floor plans, showing the proposed development, scale 1/4" = 1'0", 4 sheets, Vaughn & Associates, undated .
2. Petition received in favor of the major amendment to allow the use of 245 Norfolk Street for 21 parking spaces, and one in favor of additional living space on the roof of 253 Norfolk Street, both undated, from abutters.
3. Letter to the Board from Michael Kapopoulos, 259 Norfolk Street, dated June 21, 1994, supporting the proposal.
4. Two letters to the Board from George Shaw, 227 Norfolk Street, dated June 7, 1994, supporting the proposal.
5. Letter to the Planning Board from Steven and Claudia Landau, 24 Tremont Street, undated, in opposition to the major amendment.
6. Letter to the Planning Board from Gary Waldron, 26 Tremont Street, dated June 28, 1994, opposing the major amendment.
7. Letter to the Planning Board from David and Virginia Guenette, 18 ½ Tremont Street, dated July 16, 1994, opposing the major amendment request.
8. Letter to the Planning Board from Christopher and Kathleen Drew, 28 Tremont Street, dated July 19, 1994, opposing the proposal.
9. Letter to the Planning Board from Laura Perkins, dated July 12, 1994, in opposition to the major amendment.
10. Letter to the Planning Board from Susan Yanow and Phil Segio, 221 Norfolk Street, dated July 19, 1994, opposing the major amendment.
11. Letter to the Planning Board from Marva Collins, 36 Tremont Street, dated July 18, 1994, opposing the proposed amendment.
12. Letter to the Planning Board from Leon and Lori DeMartin, 7 Gardner Road, dated July 18, 1994, opposing the major amendment.
13. Letter to the Planning Board from Ms Lewis, 36 Tremont Street, dated July 16, 1994, opposing the demolition and major amendment.

14. Letter to the Planning Board from A. Newell and E. Dante, 38 Tremont Street, dated July 16, 1994, opposing the demolition and major amendment.
15. Letter to the Planning Board from Max Weisberg, dated August 3, 1994, in favor of the major amendment.
16. Letter to the Planning Board from Max Weisberg, dated October 18, 1994, in favor of the major amendment.
17. Letter to the Planning Board from David and Virginia Guenette, dated October 3, 1994, objecting to the proposed major amendment.
18. Letter to the Planning Board, from abutters to the proposal, dated October 1, 1994, opposing the major amendment.
19. Letter to the Planning Board, from Alexander O. Abbott, dated October 4, 1994, opposing the major amendment.
20. Copy of letter to Scott Vaughn, architect for the project, from Michael Muehe, Executive Director for the Commission for Persons with Disabilities, dated July 19, 1994, reviewing the proposal.
21. Copy of letter to Carlos H. Tosi, owner of the project, from Charles M. Sullivan, Executive Director for the Historical Commission, dated August 5, 1994, finding the house at 245 Norfolk Street a preferably-preserved significant building.
22. Letter to the Planning Board, from Lauren M. Preston, Deputy Traffic Director, dated October 18, 1994, reviewing the proposed parking layout.
23. Copy of letter to Vaughn & Associates, Scott Vaughn, from Lauren M. Preston, Deputy Traffic Director, dated May 6, 1994, requesting the required Determination of Exclusion to the Interim Parking Control Regulations related to the Parking Freeze.
24. Letter to Liza Malenfant, Community Development Department, dated October 4, 1994, notification of the withdrawal of the previous major amendment which included demolition of the 245 Norfolk Street house, and submittal of the amended plan with additional parking relief requested as well as additional floor area at 253 Norfolk Street.
25. 253 Norfolk Street FAR calculations, dated July 6, 1994.
26. 253 Norfolk Street FARs, dated July 18, 1994.

27. Revised plans of the proposed major amendment, undated, received November 29, 1994.

### Public Hearing

A public hearing was held on November, 15, 1994 (continued, after two postponements due to a lack of quorum, from October 18, 1994). James Rafferty, the attorney for the applicant, presented the proposal and introduced the architect Scott Vaughn of Vaughn and Associates.

The proposal for the major amendment consists of two major changes: (1) the addition of penthouses on the roof of 253 Norfolk Street to become part of the existing third floor units; there would not be an increase in the number of bedrooms, nor the number of units, only an increase in the amount of floor area associated with the top floor units and space in other units previously devoted to mechanical equipment; and (2) the locating of 6 additional parking spaces for 253 Norfolk Street at the rear of the lot at 245 Norfolk Street; the two family house at 245 Norfolk Street would be retained and would have 2 parking spaces at the front of the house accessed directly from the street.

The gross square footage has been increased from the approved plans although the FAR is reduced because of the acquisition of the adjacent lot. An additional height variance is required to add the requested penthouses. The applicants indicated that adjustments can be made in the plan to address comments made by Lauren Preston in his letter to the Board.

There was discussion from the Board on the point of locating parking in the front yard setback. Members expressed their long standing opposition to the deterioration of the residential quality of neighborhoods that results when cars are parked along the pedestrian sidewalk where they become highly visible. The abutting residents on Tremont Street voiced their opposition to the creation of parking in the rear of the lot, in an area which is visually a green back yard for them. Some residents expressed opposition to the new penthouses, which they consider unnecessary and will result in loss of privacy by them.

In response to the above discussion the applicant's architect proposed a rearrangement of the parking in the rear of the 245 Norfolk Street lot by placing parking spaces along the rear of the house, and creating two new parking spaces in the basement of the house. This would remove all parking from within the front yard or anywhere in the front of the house and from along the rear lot line. The space designated for handicapped access and the ramp to 253 Norfolk Street, however, would still be located at the rear of the lot. The applicant reserved the right to review this new proposal before formally endorsing it before the Planning Board

A significant landscaping screen is proposed to the rear; the applicant indicated a willingness to grant an easement to the Tremont Street abutter allowing use to flow to them.

The applicant suggested that the new parking arrangement would result in greater use of the facilities by the tenants of the building.

In general, Norfolk Street residents viewed the changes favorably, citing the new residential use versus the former factory use and the current unfinished unused state of the building, the efforts of the applicant to address the parking concerns of residents, and the need for renovation of the existing structure now in poor condition. Tremont Street residents generally objected to the requests with concerns with rear yard parking and loss of green space, additional height which will be visually intrusive and result in loss of privacy, and the design of the housing units.

At the Planning Board meeting of December 6, 1994 the applicant formally submitted the revised site plan for consideration by the Planning Board. In addition to eliminating all front yard parking, the new parking plan conforms to all but one of the parking regulations, five foot setback required from a dwelling, Section 6.44.1. One curb cut will be removed, thus creating an additional residential on street parking place. The total additional square footage proposed is 2,300 square feet, an increase of 200 square feet for dwellings on the third floor. The additional height is to be 10 feet.

### Findings

1. The Board finds that the major amendment is in keeping with the general city policy of encouraging the conversion of existing nonresidential buildings in residential districts to residential use. The Board recognizes that such conversions may involve variations from the dimensional limits imposed by the applicable zoning district because of the non conforming nature of the existing industrial building.

2. The reuse of the existing factory building and incorporation of the adjacent house and lot into the development improve the quality of the total development and reduce the impact of the residential conversion on the adjacent neighborhood. The parking arrangement now provided makes the parking facilities more efficient and convenient and therefore much more likely to be used by residents. The modest variations from the dimensional requirements of Article 6.000, necessary to accommodate the parking layout, are a reasonable compromise to secure adequate and useable parking for the development.

3. The retention of the two family dwelling is a significant benefit to the community both by retaining two dwelling units and preserving a structure important to the visual quality of the entire neighborhood.

4. The additional gross floor area and height necessary to accommodate the penthouses are reasonable to further facilitate the conversion of an already significantly nonconforming structure to residential use; such additional variations from the requirements of the Residence C-1 District can be permitted without substantial detriment to the public good or without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or the Residence C-1 District or without significant increase in the impact of the existing large structure on its neighbors. The building at **253** Norfolk Street is unique in the neighborhood and not typical or characteristic of structures to be found there.

#### Decision

After review of the application documents, testimony given at the public hearing, comments from the staff, and based on the findings above the Planning Board GRANTS a Major Amendment to the Special Permit #98, for 21 units of housing at **253** Norfolk Street as authorized by Section 10.45 in the granting of the original permit, plus the addition of two units in the existing building at **245** Norfolk Street; GRANTS all variations from the dimensional requirements of Article 6.000 as necessary to accommodate the parking layout as detailed on the plans presented to the Board at the December 6, 1994 meeting; and GRANTS variations in the dimensional requirements of the Residence C-1 District as set forth in Article 5.000 to permit the additional height and gross floor area as presented to the Planning Board at the December 6, 1994 meeting to accommodate the roof penthouses and other changes to the authorized dwelling units, subject the following conditions as outlined in the original permit and below:

1. The Final Plans submitted to the Superintendent of Buildings for a building permit shall be substantially as shown on the plans presented at the Planning Board at its December 6, 1994 public meeting. The Community Development Department shall review said plans and shall certify to the Superintendent that the conditions of the Permit have been met before issuance of any building permit for the project.

2. All other conditions of the original permit shall remain in effect: (a) the renovations to the facade shall retain the rhythm of openings and wall plane on the first floor as currently exists on the building; (b) one ground floor unit is made handicapped accessible; (c) all landscaping improvements to the site are indicated in detail; (d) detailed provisions are made along the southwesterly property line to screen the adjacent property owner from the noise and glare of automobiles entering and leaving the garage; (e) Other provisions are made for landscaping or

screening along the property lines equal in quality to the improvements made to the building as a whole; (f) the building shall be faced in wood clapboards or similar material throughout; (g) In submitting final plans to the Community Development Department for review as required in Condition #1 above, the permittee shall submit a certification that all hazardous materials located on the site have been removed or otherwise contained as required and permitted by state law.

Voting to GRANT the Permit were: W. Tibbs, A. Callaghan, P. Dietrich, H. Russell, A. Cohn, H. Salemme, and C. Mieth.

For the Planning Board,



Paul Dietrich, Chairman

PB#98, Major Amendment #1  
253 Norfolk Street

A copy of this decision shall be filed with the Office of the City Clerk. Appeals is any shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty (20) days 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 **December 30, 1994** by Elizabeth J. Malenfant, authorized representative of the Cambridge Planning Board. All plans referenced 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.

City Clerk, City of Cambridge

Date