

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case Number:	PB #9, Amendment #2
Address:	21 Lilac Court (25 Webster Avenue and 199 Portland Street)
Zoning:	Residence C-1 District
Applicant:	Alexandra Thaler and Jesse Thaler 17 Lilac Court, Cambridge, MA 02141
Owner:	Alexandra Thaler and Jesse Thaler 21 Lilac Court, Cambridge, MA 02141
Application Date:	October 21, 2019
Date of Planning Board Public Hearing:	November 12, 2019
Date of Planning Board Decision:	November 12, 2019
Date of Filing Planning Board Decision:	January 15, 2020
Application:	Amendment to previously granted Special Permit Decision for a modification to the plans not enumerated in the original special permit to modify the existing townhouse by filling in a mezzanine area between the second and third stories to create a den pursuant to Dimensional Standards for Townhouse Development (Section 11.15.b).
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.

2020 JAN 15 PM 4:17
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application submitted on October 21, 2019, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Project Narrative, and plan set prepared by Louise M. Goff, R. A, Louise M. Smith Design, LLC, dated 9/28/2019.
2. Presentation slides shown to Planning Board on 11/12/2019.

City of Cambridge Documents

3. Memorandum to the Planning Board from Community Development Department staff, dated 11/4/2019.

APPLICATION SUMMARY

In an October 3, 1980 special permit decision (“Original Decision”) the Planning Board approved a proposal to construct a 24-unit townhouse development in the Wellington-Harrington neighborhood. The property is located across the street from One Kendall Square in the Residence C-1 District and abuts the Dante Alighieri Society Center to the south. The project was completed and the development parcel was subdivided pursuant to the Townhouse Development provisions of the Zoning Ordinance. The Board amended the special permit decision on April 17, 2018 to modify one of the existing townhouses (15 Lilac Court). The proposed alteration to one of the units is intended to create additional interior living space and involves no exterior changes other than new windows, skylights, and a sliding door in the existing facades. 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 Townhouse Development (Section 11.15)

11.15 Dimensional Standards for Townhouse Development. The following development controls apply to the parcel of land upon which a townhouse development is constructed and are not applicable to the initial subdivision of the townhouse parcel into individual lots.

However, modifications to the townhouse development after a subdivision plan has been recorded in the Registry of Deeds shall be subject to the dimensional standards as set forth in this Section 11.15 applied to the individual lot lines of the subdivided lots; modifications that do not so conform may be permitted as set forth below:

b. For any townhouse development for which a special permit has been granted by the Planning Board, modifications specifically enumerated in the special permit. For those modifications not so enumerated, or where the special permit fails to specifically enumerate allowed modifications, after issuance of a new special permit (a Major Amendment to the original special permit) by the Planning Board to allow the proposed modification(s).

The proposed project seeks approval to extend the existing mezzanine slab in one of the townhouses to create a den with a new ceiling over the first floor. The original special permit approved the site plan and arrangement of townhouse units, and includes conditions pertaining to tree plantings and vehicular circulation on the site. The proposed modification remains within the allowable gross floor area (GFA) for the Residence C-1 zone and the GFA will not increase as it is already included in the existing total GFA. The proposed changes are modest in nature and do not affect the conditions of the special permit.

The Board finds that the standards set forth in Section 10.47.4 of this Zoning Ordinance are met as set forth below.

10.47.4 Criteria for approval of Townhouses and Multifamily Dwellings. In reviewing applications for townhouse developments and multifamily dwelling, the special permit granting authority shall consider and address the following site plan criteria as applicable:

(1) Key features of the natural landscape should be preserved to the maximum extent feasible. Tree removal should be minimized and other natural features of the site, such as slopes, should be maintained.

The modification proposes no changes to the landscape.

- (2) *New buildings should be related sensitively to the existing built environment. The location, orientation and massing of structures in the development should avoid overwhelming the existing buildings in the vicinity of the development. Visual and functional disruptions should be avoided.*

The exterior modifications are limited to new windows, skylights, and a sliding door in the existing facades.

- (3) *The location, arrangement, and landscaping of open space should provide some visual benefits to abutters and passersby as well as functional benefits to occupants of the development.*

The modification proposes no changes to the open space.

- (4) *Parking areas, internal roadways and access/egress points should be safe and convenient.*

The modification proposes no changes to the site.

- (5) *Parking area landscaping should minimize the intrusion of onsite parking so that it does not substantially detract from the use and enjoyment of either the proposed development or neighboring properties.*

The modification proposes no changes to parking.

- (6) *Service facilities such as trash collection apparatus and utility boxes should be located so that they are convenient for resident, yet unobtrusive.*

The modification proposes no changes to the existing service facilities.

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:

2. *It appears that requirements of this Ordinance cannot or will not be met, or ...*

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

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

The proposed modification is not anticipated to cause particular congestion or hazard.

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

5. *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 modification will not create nuisance or hazard, and all development activity will be subject to applicable health and safety regulations.

6. *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 neighborhood has a mix of residential and non-residential uses and the proposed modification would not impair the integrity of the district.

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

The Board finds no inconsistency with the citywide urban design objectives. The urban design objectives are generally supported in the proposal through consistency with the pattern of development in the area, 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 Amendment subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. All use, building construction, and site plan development shall be in substantial conformance with the plan set prepared by Louise M. Smith Design, LLC and included in the application materials. Appendix I summarizes the amended 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. Except as set forth above, all other Conditions set forth in the previously granted Special Permit Decision PB #9, attached to this Special Permit Decision, shall continue to apply.

Voting in the affirmative to approve the Special Permit Amendment were Planning Board Members Louis Bacci, Jr., Steven Cohen, H Theodore Cohen, Catherine Preston Connolly, Tom Sieniewicz, Hugh Russell, and Associate Member Nikolas Bowie, appointed by the Chair to act on this case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



Catherine Preston Connolly, Chair.

A copy of this decision PB #9 Amendment #2 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 accurate copy of the above decision has been filed on January 15, 2020, 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.

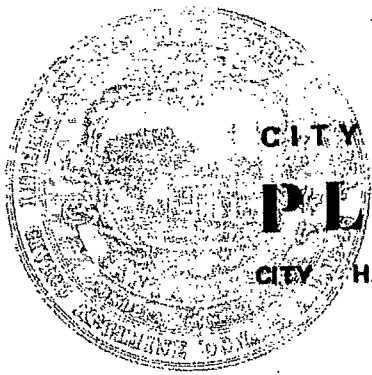
Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	3,010	None	No Change	No Change
Lot Width (ft)	Varies	50	No Change	No Change
Total GFA (sq ft)	1,521	2,258	1,521	1,521
Residential Base	1,521	2,258	1,521	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	0	n/a	0	
Inclusionary Bonus	n/a	n/a	0	
Total FAR	0.51	0.75	0.51	Consistent with Application Documents and applicable zoning requirements
Residential Base	0.51	0.75	0.51	
Non-Residential Base	0	n/a	0	
Inclusionary Bonus	0	n/a	0	
Total Dwelling Units	1	2	1	1
Base Units	n/a	n/a	n/a	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	n/a	n/a	n/a	
Base Lot Area / Unit (sq ft)	n/a	n/a	n/a	
Total Lot Area / Unit (sq ft)	n/a	n/a	n/a	
Height (ft)	31.9	35	No change	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	24.8	10	No change	
Side Setback (ft)	2.8	n/a	No change	
Rear Setback (ft)	15.4	n/a	No change	
Open Space (% of Lot Area)	56%	30%	No change	Consistent with Application Documents and applicable zoning requirements
Private Open Space	56%	30%	No change	
Permeable Open Space	30%	15%	No change	
Off-Street Parking Spaces	1	1	1	1
Long-Term Bicycle Parking	n/a	n/a	n/a	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	n/a	n/a	n/a	
Loading Bays	n/a	n/a	n/a	



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

OFFICE OF CITY CLERK
OCT 3 10 43 AM '80

September 22, 1980

CASE NO. PB-9
PREMISES: 25 Webster Avenue and 199 Portland Street
ZONING DISTRICT: Residence C-1
PETITIONER: Urban Development and Investment Corporation
APPLICATION DATE: August 8, 1980
DATE OF HEARING: September 2, 1980
PETITION: Townhouse special permit for 24 dwelling units, Article
11.000, Section 11.12.
DATE OF PLANNING BOARD DECISION: September 16, 1980

CAMBRIDGE, MASS.
OCT 3 10 44 AM '80
OFFICE OF CITY CLERK

THE HEARING

At the September 2nd, 1980 public hearing, Douglas Bell of the Urban Development and Investment Corporation (UDIC) briefly presented the development proposal consisting of 24 townhouse units. He explained that the project was a joint venture involving his firm as the developer, the Cambridge Redevelopment Authority (CRA) who are the present land-owners, and the Dante Allegheri Society who plan to build a cultural appreciation center on land abutting the proposed townhouse development. He also introduced Imre and Anthony Halasz, architects (of Imre and Anthony Halasz, Inc., Boston, MA) who drew the plans submitted to the Community Development Department on 8/8/80. Imre Halasz presented details of the plan outlining building arrangement, traffic and parking, building materials, landscaping, and treatment of paving. Most of the townhouse structures would be oriented toward a new private way between Portland Street and Webster Avenue. Following this presentation, Douglas Bell introduced another site plan (drawn by UDIC) showing a different lot boundary arrangement. This second plan delineated the center line of the traveled way as lot boundaries, in part, for the corresponding lots. The plan also differed from the Halasz plan with regard to individual lot areas and corresponding open space areas, landscaping and parking. In other respects, however, the two plans were similar. Mr. Bell then reviewed the violations cited by the CDD

staff. He informed the Board that UDIC hoped to submit a final plan containing no violations, if the special permit were approved. However, he did review the front yard setback question concerning those units fronting on Portland Street. He claimed that when the plans were drawn, the adjoining parcel to the southwest contained a building (since torn down) constructed on the front lot line. The staff cited a front yard setback violation for the particular structure in question.

The anticipated sales price of the units was also discussed. Mr. Bell felt the units would be marketed in the \$75,000-\$95,000 range. Jimmy Bentubo of the Wellington-Harrington Citizens Committee informed the Board that the committee wanted to go on record as being against the development due to the current price estimate. Mr. Bentubo explained that in earlier meetings with the UDIC and CRA, a selling price of between \$65,000-\$80,000 was quoted. He argued that the higher price range would make the housing unaffordable by people in the neighborhood. Other questions by the Board and staff addressed building orientation, drainage and fencing and were reviewed by the applicants. Finally, the staff notified the Board that it has received one telephone communication from Dan Braga, owner of property at 1357 Portsmouth Street. Mr. Braga stated that he would be in favor of the development as long as it did not turn into a subsidized low income project and provided that a high quality job was done on the landscaping.

PLANNING BOARD DISCUSSION

Following the hearing, the Board discussed the application. It was noted that selling price was an issue not within the Planning Board's purview. The Board also instructed the staff to contact UDIC and request one set of plans to clarify precisely what landscaping treatment was proposed. Finally, the Board recommended that the staff

request plans depicting an alternative building orientation for two buildings, to provide more southerly exposure for units #1-4 along Webster Avenue.

A letter was sent to UDIC outlining the Board's concerns. Prior outlining the Planning Board's meeting of 9/16/80, the staff received revised plans addressing those issues raised by the Board. Such plans were presented to the Board and discussed at their 9/16/80 meeting.

FINDINGS

After hearing the evidence presented at the public hearing and the subsequent meeting and considering staff review, the Board makes the following findings:

1. In accordance with Section 10.43 of the Zoning Ordinance concerning criteria for granting special permits, the Board finds that:

- a. Except for a few minor violations (cited later in this decision) the proposed development will meet the dimensional requirements of the ordinance.
- b. In terms of traffic generated, the proposed development will not cause congestion, hazard, or substantial change in established neighborhood character.
- c. The proposed development will not adversely affect the continued operation or the development of adjacent uses as permitted in the Zoning Ordinance.
- d. The proposed development will not be detrimental to the occupants of the proposed use nor to the citizens of the City.

- e. The proposed development will not derogate from the intent and purpose of the ordinance.

2. In accordance with Section 10.464 of the Zoning Ordinance concerning additional criteria for approval of townhouses, the Board finds that:

- a. Tree removal will be minimized to the maximum extent feasible.
- b. New buildings will relate sensitively to the existing built environment. The location, orientation and massing of structures in the development will be satisfactory and will avoid overwhelming the existing two and three story dwellings in the vicinity of the development.
- c. The location, arrangement, and landscaping of open space will be satisfactory.
- d. Points of ingress and egress will be safe if traffic signs are provided.
- e. On-site parking will be adequately screened and will not substantially detract from the use and enjoyment of either the proposed development or neighboring properties.
- f. Trash removal location for the residents will be somewhat inconvenient but will be adequate.

3. In his letter to the Board, Lauren Preston of the Department of Traffic and Parking, cited three problems. These were; insufficient curb radii, lack of a raised curb for pedestrian protection, and lack of visitor parking. The Board finds that proper turning radii are necessary. The Board also finds that the lack of a sidewalk with raised curb and designated visitor parking will not seriously impair the usability of the development. It could create a pedestrian plaza type of environment.

4. The revised development plan as submitted (received by the CDD on 9/12/80 and drawn by Douglas E. Bell, registered architect of UDIC on 9/10/80) contains the following zoning violations which customarily would require a variance:

- a. Units #18, 19, and 20 of Building G violate the front yard setback requirement, subsection 11.154(1) as follows:

<u>Unit #</u>	<u>Requirement</u>	<u>Proposed</u>
18	10'	6.5' - 7.0'
19	10'	6.5' - 7.0'
20	10'	6.5' - 7.0'

- b. Parking spaces for units #1 and 3 (shown on alternate layout for buildings A and B) don't contain a minimum five feet setback from the street line, section 6.56. The plans show only a three feet setback.

- c. As lots will be subdivided, 25% of each such subdivided lot must be dedicated as usable open space. Six of the units (lots) do not meet this requirement, subsection 11.155 (2):

<u>Unit #</u>	<u>open space Requirement</u>	<u>Proposed</u>
8	474'	423'
12	400'	340'
20	556'	537'
22	399'	340'
23	384'	340'
24	623'	510'

The revised plans contain optional grade level decks for the above units. The purpose here was to accumulate additional open space area that would qualify as "usable" given the dimensional requirements of

the ordinance. However, none of these "decks" would remedy the open space deficiency because all (except those for units #22 and 23) exceed 25% of the total usable open space for each particular lot (section 5.22 (1)). Decks for units #22 and 23 wouldn't qualify either because they could be considered walkways or part of the traveled way.

PLANNING BOARD DECISION

Based on the information presented at the public hearing and at the Board's meeting of 9/16/80, the Planning Board voted unanimously (7 members) to GRANT a special permit with the following conditions:

1. The development shall be constructed according to the alternate layout for buildings A and B as depicted on "alternate plan #1" drawn on 9/10/80 by Douglas E. Bell, registered architect of UDIC and submitted to the Community Development Department on 9/12/80.
2. All trees provided as landscaping for the development shall have a minimum caliper of three inches at the time of planting. A suggested list of trees is contained in section 11.164, (4) (b), second paragraph.
3. The development shall contain a "ONE-WAY" sign at the point of entry at Webster Avenue and a "DO NOT ENTER" sign at the point of exit at Portland Street. The signs are to be standard City traffic signs.
4. The development shall contain minimum curb radii of ten feet (10') at the intersection of the private traveled way and Webster Avenue and the intersection of the aforementioned way and Portland Street.
5. Under the authority granted by Section 11.125 of the Zoning Ordinance, the Planning Board may allow zoning violations customarily requiring a variance, other than a use variance. The final plans and actual development shall contain only those violations explicitly cited in 4 a, b, and c of the findings of this decision.

6. The final plans and actual development, except as modified above, shall conform in all aspects to the revised plans submitted to the Community Development Department on 9/12/80, drawn on 9/10/80 by Douglas E. Bell, registered architect of UDIC.

Respectfully submitted,

For the Planning Board

Arthur C. Parris
Arthur C. Parris
Chairman

Attest: A true and correct copy of the decision filed with the offices of the City Clerk on October 3, 1980 by *[Signature]* authorized representative of the Cambridge Planning Board.

Twenty days have elapsed since the date of filing this decision. No appeal has been filed _____. Appeal filed and dismissed or denied _____.

Date: _____
City Clerk, City of Cambridge