



CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

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CAMBRIDGE MA.

NOTICE OF DECISION

Case No.: PB #101  
Premises: 17-23 Concord Avenue; 36-42 Garden Street  
Zoning District: Residence B  
Owner: Donald C. Moulton, Trustee of Concord Garden Realty Trust, P O Box 506, Concord, MA  
Applicant: CEA Group, Inc. 1105 Massachusetts Avenue, Suite 2F, Cambridge, MA 02138  
Application Date: February 10, 1993  
Date of Public Hearing: March 2, 1993  
Petition: Townhouse Development Special Permit, Section 11.10  
Date of Planning Board Decision: April 13, 1993  
Date of filing the Decision: *April 27, 1993*  
Decision (summary): GRANTED with conditions attached

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.

Authorized Representative to the Planning Board

Date

*Elizabeth J. Malenfant*

*4/27/93*

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Application

Documents Submitted

1. Preliminary Application submitted on February 2, 1993.
2. Special Permit Application submitted on February 11, 1993.
3. Plans and Elevations, "Residence at Garden Street and Concord Avenue", CEA Group, Inc.; dated February 10, 1993; various scales; nine sheets; showing facades, site plan and the plan of the existing lots, and proposed parking.
4. Special Permit Application submitted on March 2, 1992, Updated Plans and information.
5. Plans and Drawings, "Residence at Garden Street and Concord Avenue"; CEA Group, Inc.; revised plans dated March 2, 1993; various scales; twelve sheets; including inventory of existing trees and illustrating the details of the exposure plane relating to the gabled and mansard roofs, and proposed parking.
6. Photographs, undated, of the existing and adjacent sites.
7. Plan, "Proposed Parking at Garden Street", CEA Group, Inc.; dated March 10, 1993; Scale 1/8" = 1'. Plan, "Proposed On-Street Parking/10 Spaces; Existing On-Street Parking/12 Spaces", CEA Group, Inc.; revised date March 2, 1993; scale 1/16" = 1'.

### Other Documents Submitted

1. Plan, "Proposed Parking at Garden Street", CEA Group, Inc.; dated February 10, 1993, revised April 13, 1993; scale 1/8" = 1'. Elevation, "Concord Avenue Residences, Garden Street Residences", CEA Group, Inc.; February 10, 1993, revised March 2 and April 13, 1993; scale 1" = 10'. Illustrating proposed gates and trellises to screen on grade parking from the street.
2. Letter to the Planning Board from Steve Cohen, dated March 9, 1993, outlining the new parking proposal,
3. Letter to the Planning Board from Neighborhood Nine Association, dated February 19, 1993, outlining discussion of and response to the development proposal.
4. Letter to the Planning board from Phila Andrews, undated, objecting to the proposal.
5. Letter to the Planning Board from Phyllis Simpkins, dated March 2, 1993, raising issues of parking and traffic.
6. Letter to Paul Dietrich, Planning Board, from Charles M. Sullivan, Executive Director of the Cambridge Historical Commission, dated March 2, 1993, supporting the proposal.
7. Comparative Summary: Dwelling units, gross floor area, floor area ratio.
8. Letter to the Planning Board from Dr. Paul Fremont-Smith, dated March 22, 1993, outlining argument against granting a special permit.
9. Copy of the City Council Order #37, dated March 15, 1993, requesting a review of the traffic and parking situation in the Arsenal Square area.
10. Letter to the Planning Board from Anne Miller and Kenneth Osgood, dated March 23, 1993 outlining concerns regarding the development.
11. Letter to the Planning Board from Allen Happe and Judith McConnell, dated March 27, 1993, outlining their concerns regarding the development.
12. Letter to the Planning Board from William Lyman Porter, FAIA, dated March 11, 1993, outlining support for the proposal.
13. Letter to the Planning Board from City Councilors Alice Wolf and Frank Duehay, dated March 30, 1993, regarding the

residences proposed for Arsenal Square.

14. Response to concerns expressed by City Councilors Alice Wolf and Frank Duehay, dated March 30, 1993, contains alternative schemes for the site.
15. Letter to Paul Dietrich, Planning Board, from Lauren Preston, Deputy Director of the Traffic and Parking Department, dated March 1, 1993, reviewing the proposal.
16. Copy of letter George Teso, Director of Traffic and Parking, to the City Council, dated April 12, 1993, reporting on the traffic study of Arsenal Square.
17. Letter to the Planning Board from the Neighborhood Nine Association, dated April 8, 1993, outlining the outstanding concerns of the neighbors regarding the project.
18. Memorandum of understanding to the City of Cambridge Planning Board and Staff, from Steven Cohen of CEA Group, Inc. and Arsenal Square neighbors as listed, dated April 12, 1993.
19. "Limitations on Home Occupations"; memorandum to the Planning Board from the CDD staff, undated.
20. "Townhouses at Concord/Garden Streets, Comparative Summary: Dwelling Units, Gross Floor Area, Floor Area Ratio"; memorandum to the Planning Board from the CDD staff, undated.

#### Public Hearing

On March 2, 1993, Steve Cohen, the applicant, outlined the proposal for eight units of housing. He explained that the desire is to create a development consistent with the character of the existing neighborhood of wood frame single and two family houses; he indicated that he had met with abutters and the affected neighborhood groups to solicit their views and identify their concerns. He showed revised plans and elevations indicating reduced width curb cuts, from the 20 feet earlier presented to the Planning Board to 12 feet. In addition the parking spaces have been moved back so that they are now behind the front yard setback as required.

Existing vegetation will be retained along the property lines and street lines though some mature trees in the interior will necessarily be destroyed.

On Garden Street, of the twelve existing legal parking spaces, two will be lost due to the new curb cuts.

The zoning relief issues discussed:

FAR: The full use of attics would account for 100% of the variance request; otherwise development would conform. If the variance is not granted the footprint, height and bulk of the buildings would not change appreciably. To place the request in context, Mr. Cohen showed an FAR map of the vicinity showing FAR of existing buildings; only a limited number conform to the Residence B FAR limits (FAR was calculated based on assessor records of buildings; basement and attic space is not counted in those calculations and if they were FAR would likely be increased for all housing surveyed). In the Residence B portion of the area surveyed the FAR average was .7; along Walker Street it was .75.

Height: The overall height is not being violated although some of the projections of the top floors, above the 45° setback plane, are in violation. This is the result of the desire to reflect the traditional mansard roof and the dormer features of historic styles common in the neighborhood; the violations are modest.

Parking has been pulled back behind the front setback line and now conforms. There was some discussion as to whether two cars could be arranged behind the setback. Mr. Cohen indicated that two cars are accommodated but only for a second, compact car. Lauren Preston, Deputy Director of Traffic and Parking, had reviewed the revised proposal and found it satisfactory; he did not favor a tandem parking arrangement because it results in too many car movements. The second car would violate the 5 feet minimum distance requirement from the property line and from the new houses. One car per location would not violate the setbacks.

Fence height had been reconsidered; the applicant determined that there was no need for a fence greater than four feet. That variance request was therefore withdrawn.

Subdivision issues were discussed. L. Barber indicated that a number of variances were being requested to permit the subdivision of the site so that all units would sit on their own lot. Single family houses, of which there are two in this development (one existing, one proposed), are not eligible for the flexible subdivision rules accorded townhouse development. The site could be developed without the variances if no subdivision occurs or if the single family homes are made townhouses by minor alterations. The developer seeks the subdivision for all dwellings because the intent is to duplicate the feel of single family houses. Making the entire development a condominium would not achieve that objective.

## Questions

There were requests from the Board for a landscaping plan showing, at a larger scale, existing trees to remain by type and size. There was discussion of the setback plane variances and the extent to which they would alter the FAR in the development; the developer indicated that there was very little effect on FAR. The curb cuts on Garden Street were discussed as well, with a request for a larger scaled map along the Garden Street side of the development.

## Questions from the Public

There were questions from the public regarding individual lot sizes, building heights, and square footage within structures. Some members of the public inquired as to the possibility of decreasing the number of curb cuts by reconfiguring the development to allow cars to turn once on the property so that all egress from the property would be forward. There was discussion regarding the amount of possible noise from mechanical equipment and the proposals for the HVAC units. Many questions and comments involved the traffic and parking issues at Arsenal Square, pedestrian safety concerns, and the loss of on street parking. The need for the variances, particularly for FAR, was questioned as was the concern that large units would ultimately be further subdivided into more units.

There were statements in support:

Bill Porter, 40 Memorial Drive; Sam Reis; Jack Joseph, Neighborhood Nine Association, with reservations; Karen Davis, Walker Street; Earl Brucker, Concord, Mass.; Chuck Longfield, 14 Concord Avenue; Kathy Born, expressing general support; John Ross, Upland Road,

as well as statements in opposition:

Sheila Cook, 34 Follen Street; Ann Milton, 2 Walker Place; Mary Haas. Many others had previously spoken in opposition or with serious concern for aspects of the project as presented.

Further discussion of the project occurred at two subsequent Planning Board meetings.

## Findings

1. The Planning Board considers residential use in the form and density proposed appropriate at this site along Concord Avenue and Garden Street. The proposal reflects and solidifies the one and two family character which predominates in the neighborhood as opposed to the large multi-unit residential buildings which dominate portions of Concord Avenue abutting and near the site.

2. As proposed, the development will exceed the gross floor area permitted on the site under the provisions of the applicable Residence B District by about forty percent. The Planning Board regards such a significant variation from the limitations imposed by the applicable zoning district as extraordinary and generally not appropriately granted.

However, circumstances in this case, as outlined in the application documents and in presentations made at the public hearing, provide a reasonable basis for the additional FAR requested. It was demonstrated at the public hearing that the existing dwellings in the Residence B District beyond the site along Garden Street, Shepard Street and Walker Street have an average FAR of .70, with portions of Walker Street at a slightly higher density. This site is the only sizable vacant parcel in all of the contiguous Residence B District lying to the north of Concord Avenue; if developed within the limits of the applicable zoning, the parcel would be an anomaly within that zoning district. Furthermore, the site is overlooked by very large scaled and dense multifamily buildings which are zoned Residence C-2, a much higher density multifamily zoning district. The Residence B zoning regulations uniquely impact this development site as most other lots are already fully developed to a higher density, as measured by gross floor area, than is currently allowed in the district.

In granting the additional floor area, there will be no substantial detriment to the public good or substantial derogation from intent of the zoning ordinance generally, and the Residence B district in particular. In rezoning a portion of the site in 1975 from Residence C-2 to Residence B it would have been evident that much of existing Residence B District was already developed above the density permitted in the Residence B regulations. The overriding objective of the rezoning, therefore, would appear to have been the preservation of the prevailing character of the wood frame neighborhood at its existing scale and as a single family and two family district. The project as proposed will serve that objective perfectly; with the additional gross floor area the project will also be able to match the scale of the surrounding structures and more seamlessly blend into the existing fabric of the neighborhood.

Further, the number of dwelling units proposed for the site will be less than that permitted under the provisions of the Residence B District. Increasing the number of dwelling units to the maximum allowed would likely have a greater number of negative impacts on the surrounding community than the increase in bulk of building proposed. Given the fact that alterations to the interiors of the structures as they are proposed, which alterations would not be visible from the exterior, would bring development into technical compliance with the FAR limits of the Residence B District, the tradeoff of the fewer units for

modestly larger floor space in the interior of the dwellings is a reasonable one.

3. The site abuts two streets which carry more than 10,000 vehicle trips per day each. The modest number of units to be developed on the site (three less than permitted in the Residence B District) and the limited number of curb cuts proposed are reasonable responses to the concerns expressed regarding the safety concerns related to entering onto and exiting from the site onto those two busy streets; in addition, such difficult circumstances prevail on other busy streets in this neighborhood and in similar neighborhoods elsewhere in the city. The number of vehicle trips generated by this development will be modest and can be accommodated without detriment to the public safety. Any inconvenience resulting from movements in and out of the site will largely be borne by the residents of the dwellings themselves. Furthermore, in providing the desired access to the individual units, only two on street parking spaces will be lost.

4. The development is consistent with the criteria established for the review of townhouse special permits, Section 10.47.4.

A. The site is well endowed with mature trees. Substantial numbers of those existing trees will be retained; loss of existing trees will be minimized.

B. The site plan and building design relate particularly well to the prevailing character of the built environment in the neighborhood. Buildings front directly on the street in the customary manner, re-establishing the pattern of building along the public street which was lost when historic buildings previously on the site were demolished more than a decade ago. In addition, the specific design of the homes has been developed to recall the historic styles that prevail on the abutting streets. The dwellings have been specifically designed to blend in rather than stand out or disrupt the existing visual environment.

C. All structures will meet the setback requirements of the Residence B District and will provide ample front yards to the public streets. In addition, elaborate landscaping will be used to minimize the visual impact of the surface parking provided between units. Extensive setbacks between buildings and the presence of landscaped rear yards will provide a sense of green and openness to passersby on the public sidewalks.

D. The parking areas and the location and number of driveways have been reviewed by the Traffic and Parking Department and have been determined to be safe and convenient and not a hazard to the general public.



E. The parking areas will be landscaped, will be completely paved in precast, brick pavers, and will be provided, variously, with trellises, screening fences, and/or gates that will minimize the visual impact of the parked cars from the public streets and sidewalks; in any case cars will be located behind the facades of the new buildings.

F. Trash storage will be handled by each home on its own lot; external heat condensers will be located to the rear of each building, out of sight of the general public.

5. In addition to the additional FAR requested, the townhouse development requires certain additional variations from the requirements of the Residence B District and the Townhouse Ordinance, Section 11.10. These additional variations are essentially technical in nature and do not result in a development substantially different from that which would be permitted as of right. In certain cases the technical waivers permit a better design which enhances the public benefit derived from the project.

A. An existing single family house and a new single family house are included in the development. The new detached, single family home will have a height in excess of that permitted in the Residence B District (34') but less than that allowed for townhouses (39' versus the 40' permitted for townhouses). Furthermore, the detached single family homes are not permitted to be subdivided onto lots of less than 5,000 square feet in area, as is the case with townhouse units. If the structures on the site were to be owned in the form of a condominium, rather than subdivided into separate fee simple lots, then the detached single family homes would be permitted without variance. If the two detached single family homes were attached rather than detached, they would be permitted under the Townhouse Ordinance, Section 11.10, without variance. It is not inconsistent with the intent of the Zoning Ordinance to permit detached single family homes on subdivided fee simple lots in this development. The additional four feet of height on the new single family home is of minimal visual impact in the context of the entire development. As the establishment of single family homes on individual lots is an aspect of the development which closely follows the pattern in the neighborhood, the Board considers a variation found in the provisions of Section 11.10 to permit the inclusion of single family homes as reasonable, consistent with the intent of the Section, and without negative impacts.

B. Small portions of the roof of a number of structures will rise above the 45° exposure plane required. Section

11.10 was recently modified to permit such elements, in this case gables and portions of the dormer windows on mansard roofs, in order to encourage interesting and varied building profiles. To the extent that the designs violate the limits on such projections, the violation will be very minor and should be granted to permit designs which more faithfully reflect the traditional styles of architecture found in the neighborhood. The general public interest is best served if such sensitive response to the prevailing architectural character of the neighborhood is permitted.

C. In order to provide two parking spaces for each dwelling unit, twice the number required by the zoning ordinance, the second parking space will, in certain instances, be closer to the property line or the wall of a new dwelling unit than is permitted in Section 6.44.1(a) - (c). Conformance could be achieved by eliminating the second parking space. There are, however, significant advantages to providing an additional parking space for each unit in a dense residential neighborhood where many people must rely on on street parking exclusively. Further, the impact of the parking is relieved by providing attractive paving for all automobile surfaces and by dense landscaping or fencing where the parking abuts a lot outside the development. Therefore, this variation is reasonable and in the public interest and can be granted without detriment to the project or the benefits derived from it by the general public.

### Decision

After review of the application documents, testimony given at the public hearing, comments from the staff, and other information generally known by members of the Board, the Planning Board GRANTS a Townhouse Special Permit and grants variations in the requirements of Section 11.10 as part of the Special Permit, as authorized in Section 10.45 of the Zoning Ordinance, to permit an increase in the applicable FAR to .75, to permit the inclusion of single family dwellings as part of the Townhouse Development, to permit violation of the 45° setback plane and to permit the location of parking spaces closer than five feet to new dwellings and the lot lie, subject to the following conditions and limitations:

1. Final plans submitted to the Superintendent of Buildings for a building permit shall be in general conformance with the plans identified above under Documents and Other Documents Submitted, paragraphs (5), (7), and (1) respectively, except as they may be further modified by the following conditions and limitations. All dimensional aspects of those final plans shall conform to the dimensional limits outlined in Appendix I. ^

2. Final site and architectural plans, referenced in Condition #1 above, shall be reviewed and approved by the Planning Board at a regular Board meeting before submittal to the Superintendent of Buildings. The Community Development Department shall certify to the Superintendent of Buildings that those final plans are in conformance with all requirements of this Decision before any building permit may be issued. Notwithstanding the foregoing, the Superintendent of Buildings may issue a foundation permit prior to the Planning Board's approval of the final site and architectural plan, upon certification by the Community Development Department that the foundation plans area in conformance with this Decision.

3. The new curb cuts on Garden Street shall be reduced from twelve (12) feet in width, as initially proposed to eleven (11) feet.

4. No additional principal or accessory dwelling units shall be permitted on the site or within the approved single family and townhouse units. Installation of an additional kitchen with a stove shall be deemed to be the creation of a unit of housing, for the purposes of this condition, notwithstanding any other rule or regulation. Any modification of this condition shall be considered a major modification of the Special Permit and shall require the issuance of a new Special Permit.

5. Notwithstanding the provisions of Section 4.21(d) of the Zoning Ordinance, no more than one nonresident person may be employed at any home occupation, or other accessory office use permitted in Section 4.21, that may be established in any dwelling unit. Any modification of the Special Permit shall require the issuance of a new Special Permit.

6. Reasonable efforts shall be undertaken to protect from construction activity on the site those existing trees that are to be retained.

Voting to GRANT the Permit were: V. Mathias, H. Salemme, P. Dietrich, A. Cohn, H. Russell, C. Mieth and A. Callaghan, being the entire membership of the Board.

For the Planning Board,

A handwritten signature in black ink, appearing to read "Paul Dietrich", written in a cursive style.

Paul Dietrich, Chairman