

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No.: PB #105
Premises: 3-5 Linnaean Street/1756 Massachusetts Avenue
Zoning District: Business A-2/North Massachusetts Avenue Overlay District
Owner: Willow Land Corporation, c/o Stephen Wolfberg, 40 Appleton Street, Cambridge, MA 02138

Application Date: October 29, 1993

Date of Public Hearing: December 7, 1993

Petition: Multifamily Special Permit to waive the requirements of the North Massachusetts Avenue Overlay District, Section 11.105 by constructing 18 parking spaces on a lot within the district.

Date of Planning Board Decision: December 21, 1993

Date of filing the Decision: February 15, 1994

Decision (summary): DENIED

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

2/15/94
Date

RECEIVED BY
OFFICE OF CITY CLERK
1994 FEB 15 PM 2:24
CAMBRIDGE, MA.

Case No.: PB #105
Premises: 3-5 Linnaean Street/1756 Massachusetts Avenue
Zoning District: Business A-2/North Massachusetts Avenue Overlay District
Owner: Willow Land Corporation, c/o Stephen Wolfberg, 40 Appleton Street, Cambridge, MA 02138

Application Date: October 29, 1993

Date of Public Hearing: December 7, 1993

Petition: Special Permit to waive the requirements of the North Massachusetts Avenue Overlay District, Section 11.105 by constructing 18 parking spaces on a lot within the district.

Date of Planning Board Decision: December 21, 1993

Date of filing of Planning Board Decision: February 15, 1994

Application

1. Special Permit application dated 10/29/93.
2. Plan submitted showing the layout proposed for the parking spaces, by Eastdesign Architects, dated 9/7/93.

Other Documents Submitted

1. Letter to the Planning Board from Deputy Traffic Director Lauren M. Preston, dated November 3, 1993, with a copy of a letter to the applicant from George Teso, Traffic Director, dated November 8, 1993, containing information regarding the Interim Parking Control Committee.
2. Letter to the Planning Board from Deputy Traffic Director Lauren M. Preston, dated November 10, 1993.
3. Letter to the Planning Board from Councilor Francis H. Duehay, dated December 7, 1993, opposing the special permit.
4. Letter to the Planning Board from Councilor Alice K. Wolf, dated December 7, 1993, opposing the special permit.

5. Letter to the Planning Board from Mary and Walter Johnson, 14 Wright Street, dated December 7, 1993, objecting to the special permit.
6. Letter to the Planning Board from Kathleen Manion, Chairman of the Agassiz Neighborhood Council, dated December 7, 1993, opposing the special permit.
7. Letter to the Planning Board from Joseph and Muireann Glenmullen, dated December 7, 1993, opposing the special permit.
8. Letter to the Planning Board from Eric Blumenson, Professor of Law, Suffolk University Law School, dated December 7, 1993, opposing the special permit, with attached fax to the Planning Board from Carmine Cerone, 9 Lancaster Street, dated December 6, 1993, opposing the special permit.
9. Letter to Paul Dietrich, from Terry DeLancey, Executive Director of the Agassiz Neighborhood Council, dated December 7, 1993, opposing the special permit.
10. Letter to the Planning Board from Howard D. Medwed, 58 Washington Avenue, dated December 6, 1993, opposing the special permit.
11. Letter to Paul Dietrich, from Jane Gottschalk, 27 Hurlbut Street, dated December 4, 1993, opposing the special permit.
12. Letter to the Planning Board from Jack Joseph, President of the Neighborhood Nine Association, dated December 1, 1993, reporting on the meeting of November 18, 1993, between the applicant and the Association.
13. Memo to the Planning Board from the CDD staff, dated December 16, 1993, reviewing the Special Permit request.
14. Letter to Kathy Born, Three Walnut Avenue, from Lester Barber, CDD staff, dated November 24, 1993, containing background information on the application and the zoning of the overlay district.
15. Petition, undated, presented at the public hearing on December 7, 1993, in opposition to the proposed parking lot.

Public Hearing

Mr. Steven Wolfberg (SW), owner and applicant, and James Weir (JW), engineer, Willow Land Corporation, presented the proposal to the Board using a more refined plan than submitted with the application showing 18 spaces in a parking lot with

the entry off Linnaean Street. It was indicated that spaces would be mostly for residents of the adjacent apartment building but might be offered to others if all spaces were not taken by residents. Two on street parking spaces on Linnaean Street would be eliminated; they are not located in the "residents only" zone. Mr. Wolfberg indicated that he differs from the City staff in its interpretation of the meaning of "Principal Wall Plane". Therefore it is his view that the provisions of the Overlay District affecting building setbacks, from which the waiver is sought, does not apply to this circumstance (i.e. that the only "principal wall plane" on the building is the one faces Linnaean Street). The CDD staff indicated that the parking lot site and the abutting apartment house lots have been merged for zoning purposes, as they have always been held in common ownership. As construction on the lots (that is the apartment building) already exceed the FAR allowed under current zoning designations for the merged lots, no additional gross floor area is possible on the proposed parking lot site without the issuance of a variance.

The applicant made the point that while site is nonconforming for many reasons, it is also nonconforming for not providing one parking space per dwelling unit and that the proposed parking would improve that aspect of the building's nonconformance and would benefit the general public by reducing the demand from building tenants for scarce on street parking spaces. In addition, in furtherance of the applicant's view that the regulation does not apply in this circumstance, it was pointed out that the Linnaean Street facade is decorated as the principal facade of the building and that the side elevation is plainly rendered.

There was a discussion regarding the role of the BZA as the final arbiter of the difference of opinion regarding interpretation of the language of the Overlay District but that, under the city staff interpretation of the regulations, the Planning Board retains jurisdiction for issuance of the requested special permit.

There was discussion of how the entry would impact the existing street tree on Linnaean Street and how the large maple on the lot would be affected by the construction. The applicant suggested that the revised plan illustrates an entry which is safely removed from the street tree and that the tree on the site could be preserved with the loss of a parking space or two.

The applicant indicated that the Overlay District objectives would be met by improving the appearance of the lot with landscaping and that the general public interest would be met by providing much needed parking spaces in a residential area short of them. In response to concerns that the lot would generate dangerous traffic conditions, the applicant suggested that the lot would not be nearly as active as the retail destination lot across Linnaean Street but rather that it would function much as many other private residential driveways do all along Linnaean Street and other residential streets.

Public questions on the proposal ranged widely with concerns expressed that the proposal did not meet the standards required in the Overlay District necessary to issue the permit, did not meet the objectives for development of the Overlay District, that the additional activity generated by the lot would be dangerous at this location, and that drainage problems might ensue.

There were no statements in support of the permit.

Statements in Opposition were made by the following persons:

Eric Blumenson, 13 Lancaster Street; Jack Joseph, Neighborhood 9 Association; Derek Tepashe, 10 Humboldt Street; Elizabeth McMann, 3 Linnaean Street; Karen Weller, 12 Humboldt Street; Steve Kaiser, 191 Hamilton Street; Venish Chambolo (?), 3 Linnaean St; Garrett Byerly, 3 Linnaean St; Elizabeth Carnache (?), 3 Linnaean St; Betsy Kanian, 7 Linnaean; David Laughton, 11 Humboldt St; Lisa Gerstein, 3 Linnaean st; Ann Starr, 3 Linnaean St; Janet Soule, 5 Linnaean St; Charlotte Dine (?), 27 Linnaean St; Kathy Born, Walnut Avenue; Kathleen Manion, Chair of the Agassiz Neighborhood Council but speaking as a private citizen.

FINDINGS

1. Section 11.105 of the Massachusetts Avenue Overlay District applies to the circumstances outlined in the application documents. A review of the definition of "Principal front wall plane" in Article 2.000, reference to "principal wall plane" in Section 11.104, and reference to that plane in Section 11.105, when read in combination, indicate that the restrictions on the use of front yard setbacks contained in Section 11.105 apply to the building wall facing Massachusetts Avenue.
2. The requirements of Section 10.43, general criteria for issuance of special permits, cannot be adequately met: (1) The requirements of the ordinance, in its most fundamental aspects cannot be met or even approximated in any reasonable way. It is clear that the Massachusetts Avenue Overlay District intends to prohibit this arrangement (parking on the Avenue in front of buildings) on any developed lot. (2) Access to and from the site is difficult to provide in a completely satisfactory manner as any entry must be off of a busy street and/or close to a busy intersection with complex turning movements. At a minimum such an entry is likely to be a nuisance and could clearly prove to be a traffic hazard. (3) A parking facility at this location would clearly be a derogation from the intent and purpose of the Massachusetts Avenue Overlay District.
3. The parking facility would not contribute to a more harmonious and consistent image along the Avenue and would not contribute to good site development or enhance pedestrian amenities along the Avenue. The portion of Massachusetts

Avenue from the Cambridge Common to Porter Square has evolved particularly well as a pedestrian street along which most lots are developed consistent with the intent of the Overlay District.

4. Section 11.108 requires that this alternate scheme better serve the objectives of the Overlay District than a scheme which conforms to the Ordinance. Replacement of an existing green area with a parking lot which can only be minimally screened cannot be considered an improvement of current conditions or alternate conditions, such as the construction of a retail building, which would conform to the Requirements of Section 11.100.

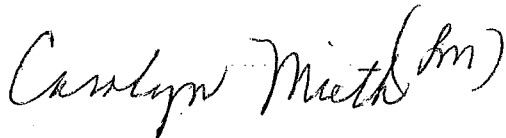
5. The Northern Massachusetts Avenue Urban Design Guidelines to which Section 11.100 makes reference clearly state that parking lots not screened by buildings should not be permitted on corner lots and that front yards should be landscaped to enhance the pedestrian experience along the Avenue.

DECISION

After review of the application documents, testimony by the applicants and others at the public hearing, and review of the relevant zoning regulations, and based on the findings outlined above, the Planning Board votes to **DENY** the special permit requested.

Voting to deny the request for a waiver of the provisions of the Massachusetts Avenue Overlay District was V. Mathias, C. Mieth, H. Russell, A. Callaghan, A. Cohn, and H. Salemme.

For the Planning Board,

A handwritten signature in cursive script that reads "Carolyn Mieth (cm)". The signature is written in black ink and is positioned above the printed name of the signatory.

Carolyn Mieth, Vice Chair

PB#106

105

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 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 2/15/94 by *EJ Malesfant* 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.

Appeal has been filed and dismissed or denied

City Clerk, City of Cambridge

Date