

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB#132

Address: 55 Montgomery Street

Owner: Vladimir Khaynovsky

Application Date: October 2, 1997

Public Hearing: October 21, 1997

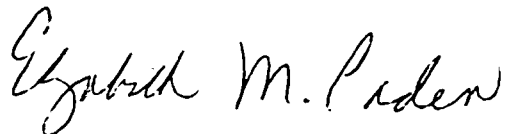
Planning Board Decision: October 21, 1997

Date of Filing Decision: December 17, 1997

Application: Section 5.53 Special Permit to construct more than one structure on a lot containing a principal residential use farther than 75 feet from the street line. This project also required Board of Zoning Appeal relief (#7556).

Decision: GRANTED

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 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.



Authorized Representative of the Planning Board

For more information regarding this special permit, please contact Liza Paden at the Community Development Department, voice: 349-4647; TYY: 349-4621, email lpaden@ci.cambridge.ma.us

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CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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Application

Special Permit Application, submitted to the Planning Board on October 2, 1997, containing copy of building permit #0597266 for two attached three story units in the rear of an existing single family structure; Board of Zoning Appeal Case #7556 (amended); dimensional form; plot plan dated May 21, 1997; proposed site plan, scale of 1"=20.0'; front elevation; right side elevation; left side elevation; and rear elevation all at 1/8"=1'0".

Documents Submitted

The applicant also submitted photographs of the existing structure, abutting residences and the general character of the neighborhood.

Public Hearing

A public hearing was held on October 21, 1997. Vladimir Khaynovsky, the applicant, and Andrew Bram, attorney for the applicant, outlined the application and the plans of the current proposal. The original proposal (which has received a building permit) is of two attached houses and is as of right. That plan has received approval from the Cambridge Historical Commission. The neighbors on the other hand were not pleased with the amount of development or its overall design and have worked with the applicant to come up with the current solution, the subject of this application. The new design is the result of an ongoing process with abutters and the North Cambridge Stabilization Committee.

This plan calls for the original existing worker's cottage to be renovated, and two additional buildings constructed on the lot. One would be a single family structure at the front of the lot, and the other would be an attached two family structure at the rear of the lot. The proposal would

use the existing curb cut without impacting the on-street parking or street tree placement.

There are variances and/or special permits from the Board of Zoning Appeal needed for this proposal. They include relief from the setback required between the dwellings and the parking spaces, and the side yard setback from the parking spaces.

There was agreement that the conditions of the review by the neighbors be part of the decision.

The Board discussed the original plans and designs.

They discussed the special permit and the criteria for the special permit. Mr. Khaynovsky explained the location of the buildings greater than 75 feet from the streetline, and how this allowed for the parking to be contained within the site. There was also interest in having greater than one parking space per unit on the site. The Planning Board was interested in arranging the parking to meet the required setbacks through moving the parking spaces around on the lot.

Some Board members felt that the review by the abutters should guide the Board's review.

There were abutters present who supported this proposal and discussed the plans for smaller houses on the lot.

The Board voted to grant the special permit with the following conditions: that the width of the driveway be reduced to eight feet, that the parking spaces be reorganized so that the dimensions of the parking spaces would be in greater compliance with the zoning ordinance, that the landscaping be developed in greater detail with an eye particularly to screen the parking and that the plans illustrate which units would have exclusive use to which areas, and that that additional material be submitted to CDD for approval before the issuance of a building permit.

Findings

In reviewing the proposal the Planning Board makes for the following findings.

I. That development in the form of two additional structures on the lot will not significantly increase the impact of the new construction than would be the case should it occur in a single structure. The applicant has addressed the issue of shielding the parking from the street; the residence in the front of the lot will be designed to appear to be similar to

the existing cottage; the rear building will relate to the townhouses abutting to the rear.

- a) The site will be landscaped to screen the parking from the abutting residential neighbors as well as from the street.
- b) The front structure will be similar in character to the existing building as well as to the abutting structures.
- c) The site plan provides for development of an appropriate scale on the lot.
- d) The existing structure on the lot will be renovated.
- e) The parking layout and landscaping will reduce the visual impact of parking from the public street and from adjacent lots.

2. The requirements of Section 10.43 will be met. That section states that " 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 ..." for the following reasons.

- a) It appears that requirements of this ordinance cannot or will not be met.

The design and site plan for this proposal has been reviewed by the abutters as well and the Planning Board, and this parcel being over the 5,000 square foot minimum size is unusually large and therefore requires a greater degree of review. With the granting of this special permit and any variances or special permits granted by the Board of Zoning Appeal all requirements of the Ordinance will be met.

- b) Traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character.

This is a residential development at a density comparable to the neighborhood surrounding it.

- c) 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.

The site is abutted by residential uses that will suffer no significant adverse impact with the implementation of conditions contained in this decision.

d) 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.

No nuisance or hazard will be created.

e) 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.

The integrity of the district will not be impaired and the intent and purposes of the Ordinance will have been met with the public review undertaken by the Planning Board and the Board of Zoning Appeal.

Decision

Based on a review of the application documents, testimony heard at the public hearing and based on the findings set forth above the Planning Board GRANTS the special permit with the following conditions.

1. The final plans submitted for a building permit shall be generally consistent with the applications documents except as modified by this Decision and shall conform to the dimensional limitations set forth in Appendix 1.

2. The final plans shall be modified follows: that the width of the driveway be reduced to eight feet, that the parking spaces be reorganized so that the dimensions of the parking spaces shall be in greater compliance with the zoning ordinance, that the landscaping be developed in greater detail with an eye particularly to screen the parking and that the plans illustrate which units would have exclusive use to which areas.

3. The Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met before the issuance of a building permit.

Voting to GRANT the Special Permit were: S. Lewis, P. Dietrich, H. Salemme, A. Cohn, H. Russell, W. Tibbs, and F. Darwin constituting more than two thirds of the Board.

For the Planning Board

A handwritten signature in cursive script that reads "Paul Dietrich" followed by a circled "imp" in parentheses.

Paul Dietrich, Chair

The Planning Board certifies that the decision attached hereto is a true and correct copy of its decision granting the Special Permit #132, and that a copy of this decision and all plans referred to in the decision have been filed with the Office of the City Clerk and the Planning Board. Appeal 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 correct copy of the decision filed with the Office of the City Clerk on December 17, 1997 by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to 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.

Date:

City Clerk, City of Cambridge

Dimensional Form

	<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Floor Area Ratio (Floor Area)	<u>0.413</u> <u>(4,950)</u>	<u>0.09</u> <u>(1,087)</u>	<u>0.410</u> <u>(4,927)</u>	<u>0.410 *</u> <u>(4,927)</u>
Max. Height	<u>35'</u>	<u>22.5'</u>	<u>29'</u>	<u>29 feet</u>
Max. Angle Above Cornice Line		<u>30°</u>	<u>24°</u>	<u>24°</u>
Min. Lot Size	<u>11,930 SF</u>	<u>5,000 SF</u>	<u>12,000 SF</u>	<u>11,930 sf</u>
Min. Lot Area per d.u.	<u>3,625 SF</u>	<u>12,000 SF</u>	<u>3,000 SF</u>	<u>3,625 sf *</u>
Max. No. d.u.	<u>3</u>	<u>1</u>	<u>4</u>	<u>4</u>
Min. lot width	<u>50'</u>	<u>100'</u>	<u>100'</u>	<u>100 feet</u>
Min. yard setbacks				
Front	<u>10'</u>	<u>8.6'</u>	<u>8.6'</u>	<u>8'6" *</u>
Side L	<u>7.5'</u>	<u>55'</u>	<u>7.5'</u>	<u>7.5'</u>
R	<u>7.5'</u>	<u>12.6'</u>	<u>12.6'</u>	<u>12.5'</u>
Rear	<u>25'</u>	<u>81'</u>	<u>20'</u>	<u>20' *</u>
Ratio Usable Open Space (Area)	<u>0.2</u> <u>(2,400)</u>	<u>0.85</u> <u>(10,245)</u>	<u>0.26</u> <u>(3,140)</u>	<u>.026</u> <u>(3,140)</u>
Off-Street Parking Minimum No. Spaces	<u>4</u>	<u>3</u>	<u>6</u>	<u>6</u>
Maximum No. Spaces	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>n/a</u>
No. Handicapped Spaces	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>n/a</u>
Bicycle Spaces	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>n/a</u>
No. Loading Bays	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	<u>none</u>

* Board of Zoning Appeal Case