

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB#134

Address: 171-273 Harvey Street, 131 Jackson Street

Owner: Robert F. Jervis, Trustee of CSP Realty Trust

Applicant: Cornerstone Village Cohousing Community, J.V., 103 Morse Street, Watertown, MA 02172, and World Realty & Development LTD, 265 Washington Street, Newton, MA 02158

Application Date: November 17, 1997

Public Hearing: December 2, 1997

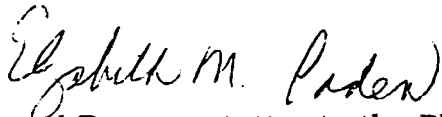
Planning Board Decision: February 3, 1998

Date of Filing Decision: March 2, 1998

Application: Special Permit for Multifamily Housing in the Industry A-1 District, Section 4.26/4.31g, 4.23b and 10.45.

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 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 to the Planning Board

For further information concerning this decision, please call Liza M. Paden at 349-4647 at the Cambridge Community Development Department.

APR -2 PM 4:32

Case No: PB#134

Address: 171-273 Harvey Street, 131 Jackson Street

Owner: Robert F. Jervis, Trustee of CSP Realty Trust

Applicant: Cornerstone Village Cohousing Community, J.V., 103 Morse Street, Watertown, MA 02172, and World Realty & Development, LTD, 265 Washington Street, Newton, MA 02158

Application Date: November 17, 1997

Public Hearing: December 2, 1997

Planning Board Decision: February 3, 1998

Date of Filing Decision: March 2, 1998

Application

Application for Special Permit for Multifamily Housing in an Industry A-1 District Section 4.26/4.31g, 4.23b and 10.45.

Special Permit Application, submitted on November 17, 1997, containing the completed application form; plans and elevations; project narrative; plans titled Landscaping plan, dated 11/14/97;

Documents Submitted

1. Completed application dated November 17, 1997, filed with the City Clerk's Office November 17, 1997.
2. Letter to the Planning Board from Sylvia Barnes, 196 Harvey Street, 12/3/97.
3. Memo to Marc Daigle, Daigle and Adelberg, architects, dated 1/5/98, from Les Barber, re setback calculations.
4. Memo to Les Barber, from Marc Daigle, dated 1/5/98, re setback calculations.
5. Letter to the Planning Board from James Rafferty, Attorney for the applicant, dated 1/6/98, requesting a postponement in order that the full Planning Board could deliberate.

6. Letter to the Planning Board from Joseph Joseph, chair of the North Cambridge Stabilization Committee, dated 1/6/98, disapproving of the plans.
7. Letter to the Planning Board from Lisa Gould, Harvey Street, dated 1/30/98, not supporting the plans.
8. Memo to Stuart Dash from Les Barber, dated 2/2/98, responding to the North Cambridge Stabilization Committee recommendations of 1/6/98.
9. Letter to Paul Dietrich, (Les Barber), from Robert G. Wilson, III, on behalf of the those in the lawsuit from PB#126, dated 2/3/98.
10. Letter to Paul Dietrich, from Marc Daigle, dated 1/30/98 containing density analysis of abutting neighborhood.

December 2 Public Hearing. A public hearing was held on December 2, 1997. James Rafferty, of Adams and Rafferty, attorney for the applicant, introduced the petitioners and the reason for this petition. He presented a letter regarding the original Special Permit #126, requesting that the Board make a finding as to whether the plans were in conformity with that permit. The Board discussed the existing special permit as granted and compared it to the drawings submitted. CDD staff clarified the yard requirements and how they were calculated indicating that all yard requirements were now met. The submitted drawings meet the standards of Inspectional Services for setbacks, and the yards under discussion are front yards, not side yards. Mr. Rafferty described the difficulty in moving the single rear building on the lot to conform to yard requirements. The plans now show two buildings at the rear of the lot. There was a motion to find the plans in substantial conformity with the special permit #126; it was seconded; 4 members voted yes, 3 voted in opposition and the plans were found to not substantially conform to the intent of PB#126 for lack of a two-thirds vote of the Board to approve a special permit.

The Chair proceeded with the hearing for special permit #134. The Board agreed to accept that a great deal of time had been spent on this development. They agreed to incorporate the record of the first case into the second case, and take into account that there was a special permit #126 granted. See attached Appendix II - List of Submitted Documents and summary of public hearing and deliberations for Special Permit #126.

James Rafferty addressed the criteria used to grant the special permit. There is an increase in the amount of open space. The existing curbcuts

will be used. the parking area will be landscaped, and the location and operation of the trash collection and disposal will be reviewed by the CDD staff.

The Board discussed the design including the 8 townhouse units and whether they should be broken up, to more closely reflect the housing style of the neighborhood.

Mr. Rafferty reiterated that a condition of this special permit would be to include two units as affordable to the CDD condominium buyers program. One would be a two bedroom unit.

There were members of the public who spoke in opposition to the proposal citing the height, the density of units, and concerns over the changes to the water table.

There were members of the public who spoke in favor of the proposal citing the cohousing community commitment.

At the regular business meeting of February 3, 1998, the Board reviewed the letter from Robert G. Wilson, III, outlining the objections to the granting of the special permit #134. The Board reviewed each point.

There was a discussion of the density of the existing residential neighborhood, the zoning history of the neighborhood as well as the rezoning from Residence C-1 to Residence B approximately 20 years ago, and the decision made at that time to limit the development in the middle of the neighborhood while allowing higher development along the railroad rights of way at the periphery of the neighborhood. In this particular application there is no finding to be made for requiring a lower Floor Area Ratio from the permitted 1.25.

The Board discussed the shadows to be caused by the development. there would be shadows cast on the abutter to the east at around 3 in the afternoon. There would be no impact on Harvey Street which runs east-west. For the Linear Park there would be some impact on the sidewalk during the winter.

The Board agreed to incorporate the findings from Special Permit #126: but reiterated some of the findings again.

It summary the Board's review of criteria in Section 10.43 suggests no reason to deny the multifamily special permit: no concern was expressed with regard to three of the five criteria; with regard to other criteria some requests were made for additional information or clarification including recalculation of certain side yards, review of the groundwater effect of the

construction and some additional review of traffic assuming standard multifamily housing rather than a specialized form of housing. But, that further information would not alter the conclusions drawn from the information already available.

With regard to Section 10.44, outlining conditions that may be attached to a permit, the Board discussed the aspects of the project that were appropriate to adjust. While it was noted that the surrounding neighborhood is zoned for two family dwellings and at a lesser density, the land on which this proposal sits is within a higher density zoning district and modification of the special permit proposal substantially might be akin to a rezoning by special permit; the project will seem more dense because the zoning allows more development than does the Residence B zone and because the site has not been fully developed in the past. Population density rather than number of units was one area of inquiry; the fact that the proposal is a co-housing project that might have fewer initial people than typical for this kind of dwelling was viewed as not relevant. There was concern with regard to the impact of the project on the public Linear Park because of the size of the building adjacent to it; the question seems to be architectural density rather than dwelling unit density although it was noted that the proposal is well within the physical limits established in the zoning district. Then the question may be: is the project so dense that it endangers community values? It is well to remember what is now on the site: industrial buildings and paving; any change is bound to feel like an imposition because the site is substantially underutilized.

There was a clarification of the number of units and bedrooms proposed: 32 units of which 13 are three bedrooms, 13 are two bedrooms, 6 are one bedroom units.

The Board discussed the engineering report submitted and the appropriate responsibilities of the Board with regard to environmental and health issues; if not the responsibility of the Board, members were desirous of making it known to the community where they should appropriately direct their inquiries and concerns.

There was discussion of the accessory parking in the lot at Jackson Street. The petitioners reiterated that it is an existing accessory parking lot for the printing use; it would continue to be used in association with the development but is not necessary to meet required parking under the zoning ordinance. Some Board members suggested that the lot would best be converted to housing use.

It was noted that the Ordinance sets out the maximum building allowed but does not require that the maximum always be achieved. Setbacks in

this context are important. It was felt that traffic and population density would not seriously alter the character of the neighborhood. But there was a concern for the looming presence behind the rear of the private properties on Harvey Street and the impact of that same building on the public park. The Board believed it is the elements you see that constitute the impact here, not the number of inhabitants of the building. In this regard the height of the roof and other physical elements of the structure and site plan are in the control of the applicant; but it was noted that they have not chosen to alter them in ways that might lessen the impact. One member suggested that if the site meets its setbacks, the houses on Harvey Street would be protected by their own back yards.

Again it was stated that conditions should be set that will assure that water related concerns (stormwater and drainage) are adequately addressed before a building permit is issued; it was felt that that would appear to be achievable.

Findings

Based on a review of the application documents for this permit and permit #126, other documents submitted for this special permit and permit #126, and testimony taken for this special permit and Permit #126, at their respective public hearing:

a. The requirements of Section 4.26-Multifamily Special Permit, Applicability.

The requirements of Section 4.26-Multifamily Special Permit, have been met by the application for a special permit, filed with the Planning Board and by the public hearing held on December 2, 1997.

b. Conformance to the criteria for issuance of special permit in Section 10.43.

1. It appears that requirements of this ordinance can or will be met.

The development will meet the dimensional requirements of the Ordinance. All yard requirements will be met without relief. By having fewer units than allowed and less gross floor area than allowed, and by meeting the yard requirements of the Industry A-1 District, the development's buildings will be compatible with the adjacent neighborhood, consistent with the density and building forms allowed in the IA-1 district.

2. traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character.

The traffic generated by the development will not significantly alter the character of the neighborhood and is within the range of increase to be expected with incremental change in uses within the neighborhood and within this industrial district.

3. the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by the nature of the proposed use.

Within the district adjacent uses are industrial or small scale residential dwellings. The immediately impacted residential dwellings have been protected with the requirement that the required setbacks, without relief, be met. The intent of the district is to allow residential uses that will over time replace non residential activities that are incompatible, at locations like this, that require access through local, residential streets. While there continues to be concern on the part of the Board about the bulk of the development, particularly with regard to the rear buildings as they front on the residential structures on Harvey Street and the public park to the rear, a development conforming to the requirements of the Industry A-1 District, and in some instances, as with FAR and numbers of units, proposes to be well below the maximum limits should be permitted.

4. nuisance or hazard will not 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. Conditions will be attached to the special permit to ensure that all final plans will be engineered to assure adequate management of all stormwater and drainage runoff from the site. The Board is satisfied that the effects of the development on flooding, groundwater flow, or stormwater runoff will be non existent, minimal, or adequately addressed through further engineering design.

5. For other reasons, the proposed use will not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance.

The project as approved will not impair the integrity of the Industry A-1 District or the adjacent Residence B District.

c. Conformance to Section 10.47.4 - Criteria for Townhouses and Multifamily Dwellings.

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 site is currently developed for industrial use and extensively paved. The development will eliminate the industrial use, restore much of the surface of the site to landscaping, and introduce residential structures where industrial structures now exist.

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 site plan has over time been modified to achieve a greater compatibility with adjacent residential development and the adjacent public park. Reduction in dwelling units and construction of gross floor area less than is permitted in the district, and the conformance with the yard requirements without relief has persuaded the Board to grant the special permit. The dividing of the rear building into two parts has helped visually reduce the impact of these structures on the adjacent properties

3. Parking areas, internal roadways and access/egress points should be safe and convenient.

Parking areas on the site will be contained in a below ground garage with only a single access from Harvey Street to the facility. An existing curb cut and driveway is being employed as access to the garage facility.

4. 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.

There is no landscaping associated with the below grade parking but the existing open parking lot on Jackson Street will be landscaped. By providing below grade parking, the opportunity is presented to landscape much of the site to the benefit of the residents and as well as the abutting neighborhood

5. Service facilities such as trash collection apparatus and utility boxes should be located so that they are convenient for residents, yet unobtrusive.

Service facilities will be reviewed by the Community Development Department before a building permit is issued.

Decision

After review of the information contained in application documents, testimony taken at the public hearing and other documents submitted to the Board, and based on the above findings the Board votes to **GRANT** the Multifamily Special Permit #134 Sections 4.31, 4.26, 4.23b and 10.45, subject to the following conditions and requirements.

1. Final Plans submitted for issuance of a building permit shall be in substantial conformity with the plans referenced above, dated November 14, 1997, and shall substantially conform to the dimensional limitations as set forth in Appendix I.
2. The Planning Board shall certify to the Superintendent of Buildings that the requirements of Condition 1 have been met. The Board shall so certify only after review and approval of final drainage and utility plans by the Department of Public works.
3. The project shall continue to undergo design review by the Community Development Department, including approval of full landscape plans for the site by the Department before issuance of any Occupancy Permit for the Development.
4. The applicant shall include two units as affordable under the CDD condominium buyers program. One shall be a two bedroom. However, the development shall be subject to the provisions of Section 11.200 of the Zoning Ordinance should the amendment now before City Council be adopted. To the extent that the above two units are consistent with the requirements of Section 11.200 they shall not be required in addition to the requirements of Section 11.200.

Voting to grant the permit were A. Cohn, H. Russell, H. Salemme, W. Tibbs, and S. Lewis constituting more than two thirds of the Board. P. Dietrich abstained and C. Mieth voted in opposition.

For the Planning Board


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 #134, 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 **March 2, 1998**, 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

P. 03

Dimensional Form I.

	Allowed/Required		Existing		Proposed	Granted
	HARVEY ST.	JACKSON ST	HARVEY ST	JACKSON ST		
Floor Area Ratio (Floor Area)	1.25 (62,105)	.5/.35 (a) (2999)	.29 (13,791)	0 (0)	.97 (54,687)	.97 (54,687)
Max. Height	45'	35'	25'	-	45'	45 feet
Max. Angle Above Cornice Line	-	45°	0°	-		
Min. Lot Size	5,000 SF	5,000 SF	49,684	6,426	56,110 SF	56,110 sq ft
Min. Lot Area per d. u.	1,200 SF	4,000 SF	-	-	1,753 SF	1,735 sq ft
Max. No. d. u.	41	1	-	-	32	32
Min. lot width	50'	50'	459'	50'		
Min. yard setbacks						
Front	0	15'	0'	-	↑	per drawings dated II/14/97
Side L	H+L/7 OR 10'	7'-6"	250'	-	SEE DWGS	"
R	H+L/7 OR 10'	7'-6"	1'	-	SHEET S-2	"
Rear	H+L/5 OR 10'	-	28'	-	↓	"
Ratio Usable Open Space (Area)	0	20% (1,285 SF)	24%	0'	42% (23,566)	42% (23,566)
Off-Street Parking Minimum No. Spaces	1/DU	1/DU	40	12	48	48
Maximum No. Spaces	-	-	-	-	-	-
No. Handicapped Spaces	0	0	-	-	2	2
Bicycle Spaces	16	0	-	-	32	32
No. Loading Bays	-	-	2	-	-	

a) .5 x 5,000 = 2,500 S.F.
.35 x 1,426 = 499.1 SF
TOTAL = 2,999 S.F.