

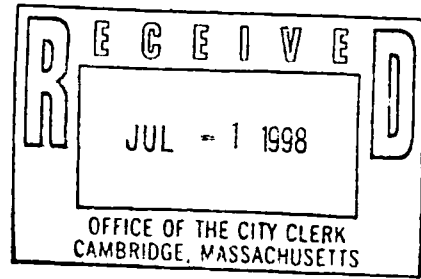
CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB#138
Address: 619 Memorial Drive
Zoning: Residence A-2/Flood Plain Overlay District
Owner: Commonwealth of Massachusetts
Applicant: Trustees of Boston University
Application Date: February 10, 1998
Public Hearing: April 7, 1998
Planning Board Decision: June 16, 1998
Date of Filing Decision: July 1, 1998



Application: Special Permit to construct a boathouse in the Flood Plain Overlay District. Board of Zoning Appeal variances and special permits being sought for relief from front and rear yard requirements, parking and loading requirements, and height restriction.

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 to the Planning Board

For further information concerning this decision, please call Liza Paden at 349-4647, TTY: 349-4621, email lpaden@ci.cambridge.ma.us.

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Application

The applicant submitted a Special Permit Application on February 10, 1998, with a dimensional form, description of the existing and proposed conditions, photographs of the existing site, ownership certificate (Section 7:40E Acquisition, control and disposition of real property), and Elevation Certificate from FEMA for the site.

Other Documents Submitted

1. Copy of memo to Doug Vigneau, MEPA Unit, from Roger Frymire, dated 6/29/98, BU Boathouse renovation.
2. Letter to Lester Barber, CDD for the Planning Board, from Alvin E. Thompson, State Representative, dated 4/6/98, re: support.
3. Letter to Lester Barber, CDD for the Planning Board, from Robert E. Travaglini, State Senator, dated 4/6/98, re: support.
4. Copy of memo to Beth Rubenstein, from Carlton Hart, dated 4/7/98, BU Boathouse process.
5. Letter to the Planning Board, from Julia B. O'Brien, Director of Planning, Metropolitan District Commission, dated 4/7/98.
6. Letter to the Planning Board, from Julia B. O'Brien, Director of Planning, Metropolitan District Commission, dated 4/28/98, re: compensatory flood storage on the Charles River.

7. Letter to the Planning Board, from Frank Holmes, P.E., Civil Engineer, Fay, Spofford, & Thorndike, Inc., dated/28/98, re: the application.
8. Letter to Liza M. Paden, Community Development, from Ann Daughaday, dated 5/5/98, reviewing the special permit application.
9. Letter to Nancy Glowa, Law Department, from L. Barber and L. Paden, dated 5/7/98 requesting guidance from the Law Department regarding the interpretation of Section 11.70.
10. Letter to Liza Paden, CDD, from Alex Stryisky, Conservation Commission, dated 5/19/98, re: the application and the Conservation Commission review of the application.
11. Letter to Liza Paden, CDD, from Alex Stryisky, Conservation Commission, dated 6/10/98, re: Conservation Commission review of the application and Order of Conditions issued on June 4, 1998.
12. Copy of the Board of Zoning Appeal Case #7666

Public Hearing

At an advertised public hearing held on April 7, 1998, Chris Toomey, of Gadsby & Hannah, LLP, the attorney representing the applicant, presented the application which consisted of plans to demolish the existing building and construct a new boathouse. The applicant is requesting approval of a flood plain special permit. The building also requires approval from the Conservation Commission and variances and special permits from the Board of Zoning Appeal.

The proposed design for the new boathouse will result in only a slight increase in the encroachment in the Flood Plain Overlay District compared to existing conditions. There would be less than one cubic yard of displacement of flood storage capacity for the proposed design at the river's edge. Such displacement will be replaced on the subject lot by the applicant. New docks will also displace flood storage capacity but the applicant would not replace such capacity. The Charles River is a controlled waterway with flood gates and lock systems.

There was discussion of the community public rowing program at the current facility. The applicant has made a commitment to work with the Metropolitan District Commission in its development of the Charles River Master Plan, and to not develop the boathouse in such a way as to preclude the implementation of the MDC master plan recommendations for this location.

Jeff Johnson, Architectural Resources Cambridge, presented the plans for the site. They include a 25 foot setback from Memorial Drive to permit an increase in the width of the sidewalk, added wings to either side of the boathouse, and a public drinking fountain. The building material on the street facade will consist of wood siding, copper roof, and wood windows. There was discussion of the river side of the building as well.

The Board asked questions regarding the zoning requirements applicable to the Flood Plain special permit and whether or not the Board could grant the special permit if there were not to be total replacement of flood storage capacity. There was not a fundamental concern on the part of the Board with the use proposed or of any detrimental loss of flood storage capacity along the Charles River, but rather with the technical requirements of the ordinance itself.

The Board requested an engineer's report with a certification of the flood levels as specified in the ordinance.

The applicant discussed the Conservation Commission approval and order of conditions, and whether the order of conditions would require a replacement of the flood storage capacity with respect to the new docks.

There were members of the public speaking in support of the BU Boathouse community rowing program, preservation of public access along the Charles River, better loading and parking arrangements than now on the site. Some requested that there be no red doors as shown on the plans.

There was some discussion on the specific location of this boathouse and the location of other boathouses now on the river and the possibility of relocating all the boathouse uses to one location. Alex Strycky, staff to the Conservation Commission, pointed out that MEPA did not require an alternative analysis for siting the boathouse, but instead preferred options to address major issues raised for this site.

During general business of the May 5, 1998 meeting, the Board deliberated on the language of the special permit criteria. They asked for assistance from the Law Department on clarifying the paragraph regarding the conditions, and whether the Order of Conditions from the Conservation Commission would be sufficient to allow the granting of a special permit for a project that did not provide full compensatory storage as required by one of the criteria set forth in the zoning ordinance.

During general business of the June 16, 1998 meeting the Board deliberated on the information received from the Law Department and the memo regarding the issuance of the Order of Conditions from the Conservation Commission.

Findings

The Board made the following findings:

1. There will be no filling or encroachment which would impair the ability of these special flood hazard areas to carry and discharge flood waters,
2. Displacement of water capacity at one location shall be replaced in equal volume at another location on the same lot, or if not the case with the docks, the development will be in accordance with other requirements of the zoning ordinance that allow deviation from the requirement for full replacement flood storage capacity.
3. Drainage calculations submitted with the plans demonstrate that pre-development and post construction peak runoff rates would be essentially the same.
4. There will be no water retention system although the applicant will excavate along the river's edge to replace flood storage capacity displaced by the new building.
5. The boathouse use is permitted as-of-right as an educational use on land leased by the Commonwealth of Massachusetts, or a prior lawful, non-conforming use in the Residence A-2 district and the applicant has obtained necessary zoning relief from the Board of Zoning Appeal and an Order of Conditions from the Conservation Commission.
6. Section 11.74(3) has been met: i.e. certification and supporting documentation by a Massachusetts registered professional engineer demonstrating that such encroachment of the floodway as specified shall not result in any increase in flood levels during the occurrence of the 100 year flood, as demonstrated by the report dated April 28, 1998, from Frank Holmes, Civil Engineer, of Fay, Spofford, & Thorndike, Inc. Additionally, the Order of Conditions of the Conservation Commission references the plans that state that the displacement of flood storage capacity resulting from the encroachment of the boathouse building is fully compensated. A copy of those conditions is attached to this special permit.

Decision

After review of the application documents and testimony at the public hearing, and after deliberation at subsequent Board meetings, the Planning Board voted unanimously to grant the applicant the Special Permit #138 requested pursuant to Section 11.70 et seq. of the zoning ordinance.

Voting in the affirmative to grant the Special Permit were P. Dietrich, S. Lewis, H. Russell, A. Cohn, W. Tibbs, C. Mieth, and F. Darwin, appointed by the chair to act in the stead of a full member, constituting more than the two thirds of the members of the Board necessary to grant a special permit.

Respectfully Submitted,

Paul Dietrich (2018)

Paul Dietrich, Chair

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 after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on July 1, 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