



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB #176
Address: 326 Rindge Avenue
Zoning: Residence C-1A District
Owners: Joseph A. Ferro, c/o James J. Rafferty, 187 Concord Avenue, Cambridge, 02138
Applicants: As in Owner above.
Application Date: July 16, 2002
Public Hearing: August 6, 2002
Planning Board Decision: August 6, 2002
Date of Filing Decision: August 19, 2002

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CITY OF CAMBRIDGE MASSACHUSETTS

Application: Reduction in setback requirements in the Residence C-1A District, Section 5.31, Footnote 1.

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 Paden at 617-349-4647, TTY: 617-349-4621, email lpaden@ci.cambridge.ma.us.

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Documents Submitted

1. Special Permit Application certified complete and filed with the City Clerk on July 16, 2002 containing the project description; dimensional form; narrative describing conformance to Section 5.31, Footnote 1 and general special permit criteria; plans, elevations, and floor plans and photos of existing and proposed development; ownership certificate; application fee.
2. Plans entitled "Ferro Duplex, 326 Rindge Avenue, Cambridge, Mass", dated June 26, 2002, by Mostue and Associates, Architects, Inc., various scales, including site plans, elevations and floor plans of buildings, proposed parking and landscaping; sheets A1-A4 and S1-S3; "Plot Plan of Land, 326 Rindge Avenue, Cambridge Mass," dated May 13, 2002.

Other Documents Submitted

1. Memo to Liza Paden from Jason Schrieber, TP&T, dated July 23, 2002 regarding the design of the parking lot and sight lines at the Rindge Avenue corner of the lot.

Findings

After review of the application documents, testimony taken at the public hearing, and review and consideration of the Footnote 1 and the general special permit criteria, the Board makes the following findings.

1. Conformance to the general criteria for the issuance of special permits contained in Section 10.40 of the Zoning Ordinance

A special permit will normally be granted where specific provisions of this Ordinance are met, except where the particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting such permit to be to the detriment of the public interest because of the following.

a. The requirements of the Ordinance cannot be met.

With the granting of this special permit the requirements of the Ordinance will be met.

b. Traffic generated or patterns of access and egress will cause congestion, hazard, or substantial change in established neighborhood character.

The addition of two units of housing will not cause congestion or hazard and will not change the established character of the neighborhood. It will indeed strengthen its residential character. To ensure that traffic leaving the adjacent site, which is expected to be developed as housing in the near future, has adequate sight lines at Rindge Avenue, the permittee shall be required to maintain any potential visual obstruction at a height of four feet or less within that area encompassed by a triangle having two sides of at least twenty-five feet in length along the Rindge Avenue lot line and the side lot line abutting the adjacent lot at 324 Rindge Avenue (see above referenced letter from Jason Schrieber).

c. The continued operation of or development of adjacent uses as permitted in the Zoning Ordinance will be adversely affected by the nature of the proposed use.

With the exception of the adjacent grocery store, uses surrounding the site are or are anticipated to be housing. None will be adversely affected by the addition of two units of housing on this site.

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.

The residential use will create no nuisance or hazard.

e. For other reasons, the proposed use would impair the integrity of the district or the adjoining district, or otherwise derogate from the intent and purpose of this Ordinance.

The proposed use and the proposed setbacks are consistent with the provisions of the Residence C-1A District and will not impair the integrity of that District or the other residential and open space districts that adjoin it.

6. Conformance to the criteria for the issuance of a special permit for reduction in yard requirements, Section 5.31, Footnote (1).

The Board finds that the proposed ten foot yard is adequate to buffer the new units of housing from adjacent housing development and from the adjacent retail store and will provide adequate light and air. Such a setback is consistent with typical yards in most residential neighborhoods. Landscaping typical of residential lots, and proposed here, will ensure landscaping suitable for this location, for the new residential units and for the buffering appropriate between these units and adjacent uses.

Decision

Based on a review of the application documents, comments made at the public hearing, and based on the above findings, the Planning Board **GRANTS** the requested Special Permit relief subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in substantial conformance with the application documents submitted to the Planning Board as referenced above and the plans dated June 26, 2002. Appendix I summarizes the dimensional features of the Project as approved.

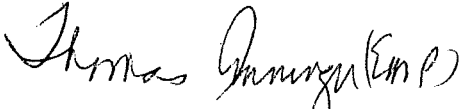
2. The Community Development Department (CDD) shall certify to the Superintendent of Buildings that the final plans submitted to secure a Building Permit are consistent with and meet all conditions of this Decision.

3. The permittee shall explore means by which the three parking spaces can be designed to minimize any conflict with pedestrians should a sidewalk be constructed across the face of that parking when the lot at 324 Rindge Avenue is developed for housing, as anticipated (see above referenced letter from Jason Schrieber).

4. The permittee shall maintain the northeast corner of the lot free from visual obstructions taller than four feet (see above referenced letter from Jason Schrieber).

Voting in the affirmative to **GRANT** the Special Permits were T. Anninger, W. Tibbs, B. Shaw, P. Winters, and Kevin Benjamin and L. Stanley, both appointed to sit on the Board in place of an absent Planning Board members, constituting at least the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,



Thomas Anninger, Chair

A copy of this decision #176 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 August 19, 2002, by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date or as part of the original application.

Twenty (20) days have elapsed since the filing of the decision.
No appeal has been filed.

DATE:
City Clerk
City of Cambridge