



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2015 JUN 17 AM 8 52

NOTICE OF DECISION

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Case Number:	298
Address:	950 Massachusetts Ave
Zoning:	Business B-1
Applicant:	Tony Sanchez Recover Green Roofs, LLC 9 Olive Square, Somerville, MA 02143
Owner:	Juliet Jacobson 950 Massachusetts Ave #613, Cambridge
Application Date:	April 23, 2015
Date of Planning Board Public Hearing:	May 19, 2015
Date of Planning Board Decision:	May 19, 2015
Date of Filing Planning Board Decision:	June 17, 2015

Application: Exemption from Gross Floor Area for the creation of a Functional Green Roof of approximately 1,232 square feet that is intended to be accessed and used by occupants of an existing building (Section 22.33.2 of the Zoning Ordinance).

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 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 Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: *Jeffrey C. Roberts 6/17/15*

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Planning Board application filed at the City Clerk's Office on April 23, 2015, containing a cover sheet, ownership certificate, narrative dated April 9, 2015, photographs of the existing roof area and elevation, proposed perspective, dimensional form, and plans sheets RGR 0.0, 1.0, and 2.0.
2. Revised narrative dated May 1, 2015.

Other Documents

3. Email to Liza Paden, CDD, from Philip T. Renzi, CPM, Thayer Associates, dated 5/4/15 clarifying the position of the Bay Square Condominium Association.
4. Memo to the Planning Board from Jeff Roberts, Land Use and Zoning Planner, CDD, dated 5/12/15.

SUMMARY OF APPLICATION

950 Massachusetts Ave is a seven-story residential building containing 121 condominium dwelling units. Two of the units on the sixth floor (#607 and #613) each have access to existing outdoor paved decks which occupy a portion of a small rooftop surface.

The proposal would convert the currently non-usable portion of that roof surface to Functional Green Roof Area through the introduction of a soil system and drought-tolerant grasses. The result would be the creation of approximately 1,232 square feet of Functional Green Roof Area for use by the occupants of those two units. Although Functional Green Roof Area is normally exempt from Gross Floor Area calculations, a special permit pursuant to Section 22.33.2 is required to authorize an exemption from Gross Floor Area if the green roof area is intended to be used as open space by occupants. The concrete decks would remain, would be less than 15% of the Functional Green Roof Area and would be set back at least 10 feet from the roof parapets, and therefore would also be exempt from Gross Floor Area calculations pursuant to Section 22.34.1. The exemptions are necessary because the zoning in the district would not allow an increase in the Gross Floor Area on the lot.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable

requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Floor Area Exemption for Functional Green Roof Area (Section 22.33.2)

Section 22.33.2 states as follows:

Spaces meeting the definition of Functional Green Roof Area as defined in Subsection 22.32 above, which are intended to be accessed for use by occupants of the building or others, and which are located above the third floor of the building, may be exempted from the calculation of Gross Floor Area of a building only after the granting of a special permit by the Planning Board. The proponent seeking such a special permit must demonstrate that the Functional Green Roof Area is designed such that the vegetation will withstand the foot traffic associated with its anticipated use. The Planning Board shall also consider the potential visual, noise and privacy impacts of the anticipated use on neighbors. Unless such a special permit is granted, any Functional Green Roof Area located above the third floor of a building that is intended to be accessed for use by building occupants or others shall be counted as Gross Floor Area.

The Board finds that the requirements set forth in Section 22.33.2 are satisfactorily met. The Applicant proposes using a hearty, drought-tolerant grass mix that has been able to withstand comparable use on sites elsewhere in Cambridge. An irrigation system and maintenance plan will also be implemented to ensure the ongoing viability of the plant materials. The Applicant has consulted with a structural engineer to verify that the proposed system will not exceed the load capacity of the roof. The project will also have minimal impact on neighbors, as it is not readily visible to other condominium owners or to residents of surrounding buildings. No written or oral communication was received except by owners of the units that will have access to the proposed green roof and the condominium association representing that building.

2. General Criteria for Issuance of a Special Permit (10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. 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 because:

(a) It appears that requirements of this Ordinance cannot or will not be met, or ...

With the granting of the requested special permit, the requirements of the Zoning Ordinance will be met.

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

The proposal will cause no change in traffic, access or egress.

- (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, or ...*

The proposal will not impact adjacent uses.

- (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, or ...*

The proposal will not create nuisance or hazard, provided that all applicable building, health and safety codes will be met.

- (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, and ...*

The proposal is harmonious with the residential uses that exist and are allowed in the area and is consistent with the City's environmental goals to increase vegetation and manage stormwater.

- (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.*

As the project will not result in significant new construction but only minor changes to an existing residential building, it will not substantially affect its consistency with the Urban Design Objectives. The introduction of a small amount of green roof area will serve the objectives of mitigating environmental impacts and enhancing open space amenities.

DECISION

Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. This special permit shall authorize the construction of Functional Green Roof Area totaling approximately 1,232 square feet that is usable to occupants of residential units in the building, and the maintenance of existing usable outdoor deck space totaling approximately 160 square feet, in conformance with the Application Documents submitted April 9, 2015 and all supplemental documents and information submitted by the Applicant to the Planning Board as referenced above. The resulting outdoor space, totaling approximately 1,392 square feet, shall be excluded from the calculation of Gross Floor Area on the lot but may be counted as Private Open Space in accordance with applicable zoning regulations.
2. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of a Building Permit for the project, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Decision. As part of CDD's administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment.

Voting in the affirmative to GRANT the Special Permits were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Hugh Russell, Tom Sieniewicz, and Associate Member Thacher Tiffany, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



H Theodore Cohen, Chair.

A copy of this decision 298 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 June 17, 2015, by Jeffrey C. Roberts, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

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

DATE:

City Clerk of Cambridge