

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case Number:	307
Address:	9 Donnell Street
Zoning:	Residence B District
Applicant:	9 Donnell Street Realty Trust c/o Adam Costa (Esq.), 9 Damonmill Sq #4A4, Concord, MA 01742
Owner:	9 Donnell Street Realty Trust 1770 Massachusetts Avenue #164, Cambridge, MA 02140
Application Date:	November 10, 2015
Date of Planning Board Public Hearing:	January 12, 2016
Date of Planning Board Decision:	January 12, 2016
Date of Filing Planning Board Decision:	February 25, 2016
Application:	Request for special permits pursuant to Section 5.53.2 of the Zoning Ordinance to allow construction of more than one principal residential structure on a lot where one structure is farther than 75 feet from the street line and Section 6.44.1(b) to install a driveway within 5 feet of the side property line.
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 *JCR 2/25/16*

For further information concerning this decision, please contact Liza Paden at 617-349-4642, or lpaden@cambridgema.gov.

2016 FEB 25 PM 2:05
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application submitted on 11/10/15, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Narrative, plan set titled #9 Front and #9 Rear Donnell Street, Cambridge, MA, prepared by John Walker, dated 10/15/15.
2. Supplemental material submitted on 1/7/2016, including revised foundation plan and sections prepared by John Walker dated 1/6/2016, shadow study plans, and plan option allowed by right.
3. Revised plan set prepared by John Walker, dated 1/11/2016 that was submitted on 1/12/2016

City of Cambridge Documents

3. Memo to Robert McHale Trustee from Cambridge Historical Commission staff, dated 4/28/15
4. Memorandum to the Planning Board from Community Development Department staff, dated 1/5/16
5. Memorandum to the Planning Board from Traffic, Parking and Transportation Department staff, dated 1/12/16

Other Documents

6. Letter to the Planning Board from Peter Cohen, dated 1/5/16
7. Letter to the Planning Board from Andrew Hartness, dated 1/5/16
8. Letter to the Planning Board from W. Lewis Hyde and Patricia Vigderman, dated 12/28/15
9. Letter to the Planning Board from Pippa Comfort, dated 12/1/15
10. Letter to Fire Department from Robert McHale, dated 12/22/15
11. Email communication to the Planning Board from Michael Leuchtenburg, dated 1/5/16
12. Email communication to the Planning Board from Steven Bolotin, dated 1/7/16
13. Email communication to the applicant from Ellen Betz, dated 11/27/15
14. Email communications to the Historical Commission from Antony Stark, dated 3/4/15 and 11/14/15

APPLICATION SUMMARY

The Applicant proposes to demolish the existing residential building and construct two single family dwellings on the lot with three off-street parking spaces in a below-grade garage. The base zoning is Residence B and the parcel is located across from the intersection of Donnell and R.C. Kelley Streets. The requested special permits are discussed in detail in the Findings below.

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. Special Permit for more than one structure containing a principal residential use (Section 5.53.2)

Because the proposal includes two principal residential structures on the lot, and one of those structures is more than seventy-five (75) feet from the abutting street line (Donnell Street), the following provisions of the zoning ordinance apply.

(5.53.2) In Residence B districts more than one structure containing a principal residential use is allowed on a lot by special permit from the Planning Board provided the Board finds:

(a) that development in the form of two or more structures on the lot will not significantly increase or may reduce the impact of the new construction should it occur in a single structure; or

(b) That two or more structures may provide identifiable benefits beyond that provided should all construction be in a single structure. In making its findings the Board shall consider the impact of the new construction on the following:

(1) the extent to which the preservation of a large contiguous open space in the rear of the lot or series of adjacent lots is achieved through the provision of a rear yard setback significantly greater than that required and through the dedication of that rear yard as Green Area, as defined in this Ordinance,

(2) incentives for the location of buildings and parking facilities in the front half of a lot in a pattern compatible with the development pattern prevailing in the neighborhood,

(3) the extent to which two or more structures provides an enhanced living environment for residents on the lot,

- (4) *incentives to retain existing structures on a lot, particularly any structure determined to be a Preferably Preserved Significant structure by the Cambridge Historical Commission,*
- (5) *the opportunities presented to reduce the visual impact of parking from the public street and from adjacent lots,*
- (6) *The increased opportunities to reduce the height and bulk as new construction is deeper into a lot or closer to structures on abutting lots.*

The proposed project will provide separate private open space for each residence in addition to meeting all yard (setback) requirements. The proposed landscape treatment provides opportunities to improve the streetscape view. The proposed detached residences will be more modest in scale with smaller building footprints and a less massive built form than an attached two-family structure that could be built as-of-right. For these reasons, the Board finds that development in the form of two structures will not significantly increase, and may reduce, the impact of new construction, and therefore the proposal meets the criteria set forth in Section 5.53 Paragraph (a).

2. Special Permit for locating the driveway within five feet of the side property boundary (Section 6.44.1.b)

6.44 Layout of Off Street Parking Facilities. Any parking facility located within a structure, unless it is completely underground, must conform to the yard requirements for the zoning district in which it is located. On grade, open parking spaces may be located in required yards only as provided in this Subsection 6.44.

6.44.1 Setbacks for on grade open parking facilities shall be provided as follows:

- (a) *No on grade open parking space shall be located within ten (10) feet of that portion of a building wall containing windows of habitable or occupiable rooms at basement or first story. However, on grade open parking spaces serving one, two, or three family dwellings may be located within five (5) feet of that portion of such building wall.*
- (b) *Except for one, two, or three family dwellings existing at the time of the effective date of this Ordinance or amendment thereto, no on grade open parking space or driveway shall be located within five (5) feet of any side or rear property line.*
- (c) *No on grade open parking space shall be located within a required front yard setback.*
- (d) *The area between the required parking setback line and the building or lot line shall be landscaped and maintained in accordance with the requirements of Subsection 6.48.*

* * * *

(g) The Board of Zoning Appeal may grant a special permit to allow for modification of the requirements in 6.44.1 (a) or (b) if site specific factors favor such modification.

The proposed parking garage is located underground; however, access to the parking garage will be provided by means of an open driveway ramp located within five (5) feet of the side property line, and therefore a modification to the requirements of Section 6.44.1 (b) is requested. The site-specific factors favoring such modification include the location of the existing driveway on the lot, the location of the existing driveway on the abutting lot, and the width of the lot which requires the driveway to be located closer to the lot line in order to provide acceptable access to the below-grade parking garage. The proposed driveway sloping down into the garage below grade will have minimum impact on the abutting property. For these reasons, acting pursuant to Section 10.45 of the Ordinance, the Board finds that the proposal meets the criteria set forth in Section 6.44.1 Paragraph (g).

3. General Criteria for Issuance of a Special Permit (Section 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 ...

Upon granting of the requested special permits, it appears that the 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, or ...

The proposed construction of two new dwelling units with three off-street parking spaces is not anticipated to cause particular congestion or hazard. A communication from the Traffic, Parking and Transportation Department dated December 14, 2015 indicates that the location of the proposed curb cut and parking access are acceptable to the City.

(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 proposed residential use complies with allowed uses in this district, and hence will not adversely affect adjacent uses that exist or are anticipated in the future.

(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 proposed uses will not create nuisance or hazard, and all development activity will adhere to applicable health and safety regulations.

(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 proposed use is encouraged by City plans for the area and the Zoning Ordinance. The neighborhood generally consists of single-family and two-family dwellings, and the proposed development of two detached single-family dwellings would fit this existing pattern of development.

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

The proposal is not inconsistent with the citywide urban design objectives. The urban design objectives are supported in the proposal by the expansion of the inventory of housing, improved streetscape appearance, consistency with the pattern of development, minimal environmental impacts on abutters and minimal impact on City infrastructure.

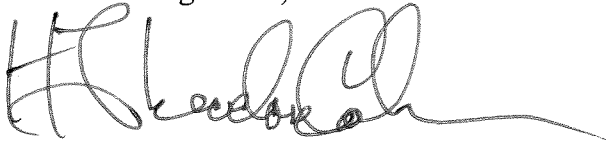
DECISION

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. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents dated October 15, 2015, and revised plan dated January 11, 2016 and the additional Conditions of this Special Permit Decision. Appendix I summarizes the dimensional features of the project as approved.
2. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each 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. At a minimum, the following specific elements of the design shall be subject to review and approval prior to issuance of a Building Permit:
 - a. CDD shall review and approve final landscape details, including plant material selection. It is the Board's expectation that the final landscape plan will include steps to protect, or to provide mutually agreeable replacement of, trees on the abutting property that will be impacted by the construction and new tree plantings to provide aesthetic, buffering and environmental benefits to the neighborhood.
 - b. CDD shall review and approve final building façade details, including the color scheme. It is the Board's expectation that the proposed amount of glazing facing Donnell Street and the internal courtyard will be increased.
 - c. No vertical protrusions in excess of three feet above the driveway grade shall be allowed within the driveway sightline triangles, taking into account the downward slope of the driveway as it move away from the street. The final site plan shall be reviewed and approved by the Traffic, Parking, and Transportation Department prior to issuance of a building permit to ensure safe vehicular access and egress is provided.
 - d. The project shall be reviewed and approved by the Department of Public Works to ensure conformance with public right-of-way standards for sidewalks and coordination with any ongoing construction projects prior to issuance of a building permit.
3. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

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

For the Planning Board,

A handwritten signature in black ink, appearing to read "H Theodore Cohen", with a long horizontal flourish extending to the right.

H Theodore Cohen, Chair.

A copy of this decision PB #307 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 February 25, 2016, 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

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	6,831	5,000	No Change	No Change
Lot Width (ft)	42	50	No Change	No Change
Total GFA (sq ft)	3,141	3,141	3,141	3,141
Residential Base				Consistent with Application Documents and applicable zoning requirements
Non-Residential Base				
Inclusionary Bonus				
Total FAR	0.46	.5 / .35 over 5,000	0.46	Consistent with Application Documents and applicable zoning requirements
Residential Base				
Non-Residential Base				
Inclusionary Bonus				
Total Dwelling Units	2	2	2	2
Base Units				Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units				
Base Lot Area / Unit (sq ft)				
Total Lot Area / Unit (sq ft)	3,415	2,500 / 4000 over 5000	3,415	
Height (ft)	28	35	26	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	2.4	10/average adjacent	10.6	
Side Setback (ft)	4.6; 0	7.5(sum 20)	8.5(23); 8(21)	
Rear Setback (ft)	79	35	35	
Open Space (% of Lot Area)	64	40	42	Consistent with Application Documents and applicable zoning requirements
Private Open Space				
Permeable Open Space				
Off-Street Parking Spaces	2	2	3	3
Long-Term Bicycle Parking				Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking				
Loading Bays				