



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2019 AUG 14 PM 2:58
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	347
Address:	112 Holworthy Street
Zoning:	Residence B District
Applicant:	Allerton Homes, LLC 303 Columbus Avenue Unit 603 Boston, MA 02116
Owner:	Kenneth S. Neal 112 Holworthy Street, Cambridge, MA 02138
Application Date:	June 27, 2019
Date of Planning Board Public Hearing:	July 23, 2019
Date of Planning Board Decision:	July 23, 2019
Date of Filing Planning Board Decision:	August 14, 2019
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 8.22.2.c for addition of three windows on the existing nonconforming building facade.
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: Swaathi Joseph

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. Special Permit Application submitted on 6/27/2019, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Narrative, Community Outreach Summary, plan set titled 112 Holworthy Street, prepared by Boyes-Watson Architects, dated 6/10/2019.
2. Revised plan set titled 112 Holworthy Street, prepared by Boyes-Watson Architects, dated 7/15/2019.
3. Presentation slides shown to Planning Board on 7/23/2019.

City of Cambridge Documents

3. Memorandum to the Planning Board from Community Development Department staff, dated 7/17/2019.

Other Documents

4. Email communication from Perry Neubauer to the Planning Board, dated 7/17/2019.
5. Letter to the Planning Board from Theresa and Gary Kitaeff, dated 7/17/2019.
6. Letter to the Planning Board from Mark and Jacqui Krum, undated.

APPLICATION SUMMARY

The Applicant proposes to renovate and expand the existing single-family dwelling resulting in an increase in gross floor area (GFA) that is less than 10% of the existing GFA as well as the addition of three windows on the non-conforming northern building façade, and to build a new detached single-family dwelling behind the existing building with required off-street parking on the site for both dwellings. The proposed house in the rear would be more than seventy-five (75) feet from Holworthy Street. The base zoning is Residence B and the parcel is located in the Strawberry Hill neighborhood. 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 of Holworthy Street, the following provisions of the zoning ordinance apply.

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:

5.53.2

- (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, except for the existing non-conforming setback on north side. With the preservation of the existing structure, the streetscape view is not altered. 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 the impact of new construction, and therefore the proposal meets the criteria set forth in Section 5.53 Paragraph (a).

2. Special Permit for enlargement of additional windows on an existing nonconforming building facade (Section 8.22.2)

8.22.2 The following changes, extensions, or alterations of a pre-existing nonconforming structure or use may be granted in the following cases after the issuance of a special permit. Such a permit shall be granted only if the permit granting authority specified below finds that such change, extension, or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

c. In a Residence District the Board of Zoning Appeal may grant a special permit for the alteration or enlargement of a nonconforming structure, not otherwise permitted in Section 8.22.1 above, but not the alteration or enlargement of a nonconforming use, provided any enlargement or alteration of such nonconforming structure is not further in violation of the dimensional requirements of Article 5.000 or the off street parking and loading requirements in Article 6.000 for the district in which such structure is located and provided such nonconforming structure will not be increased in area or volume by more than twenty-five (25) percent since it first began to be nonconforming.

The existing building does not have the minimum front setback of 15 feet and side setback of 7.5 feet on the northern side, making it a nonconforming structure. However, the existing single-family dwelling is a conforming use in the district. The proposed addition to the existing building, which is less than 10% of the existing building's area and volume, would comply with all dimensional requirements and would not enlarge any existing non-conforming aspect of the building. Three new windows are proposed on the non-conforming northern building façade, two on the first floor and one on the second floor. This façade overlooks the driveway of the abutting property and hence will have minimum impact on the

abutting property. For these reasons, the Board finds that the proposed addition of windows will not be substantially more detrimental to the neighborhood than the existing dimensional non-conformity.

The Planning Board is authorized to issue this special permit pursuant to Section 10.45 of the Zoning Ordinance.

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 one new dwelling and a total of two off-street parking spaces, is not anticipated to cause particular congestion or hazard or substantial change in the neighborhood character.

(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 residential 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 the 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 with the expansion of the inventory of housing, improved streetscape appearance, compatibility with historic patterns 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 hearing, 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 Permit 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 submitted on 6/27/2019, the revised plan set titled 112 Holworthy Street, prepared by Boyes-Watson Architects, dated 7/15/2019, 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.
3. The Permittee shall address the following comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit:
 - a. CDD shall review and approve the selection of paving materials and landscaping to minimize the visual impact of the driveway and parking area.
 - b. CDD shall review and approve landscape details, including proposed plantings, hardscape materials, fences, etc.
 - c. CDD shall review and approve the details, materials, and colors of all architectural elements.
 - d. CDD shall review and approve the location of acoustic screening of air conditioning condensers.
4. 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 grant the requested Special Permits were Planning Board Members Louis Bacci, Jr., Steven Cohen, Catherine Preston Connolly, Hugh Russell, Tom Sieniewicz, and Associate Members Nikolas Bowie and Corinne Espinoza, 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,

A handwritten signature in blue ink that reads "Catherine Preston Connolly". The signature is written in a cursive style.

Catherine Preston Connolly, Chair.

A copy of this decision PB #347 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 has been filed on August 14, 2019 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:

_____ no appeal has been filed; or

_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	8,013	5,000	No Change	No Change
Lot Width (ft)	50	50	No Change	No Change
Total GFA (sq ft)	1,616	3,554	3,554	3,554
Residential Base	1,616	3,554	3,554	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	0	0	0	
Inclusionary Bonus	n/a	n/a	n/a	
Total FAR	0.20	0.44	0.44	Consistent with Application Documents and applicable zoning requirements
Residential Base	0.20	0.44	0.44	
Non-Residential Base	0	0	0	
Inclusionary Bonus	n/a	n/a	n/a	
Total Dwelling Units	1	2	2	2
Base Units	1	2	2	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	n/a	n/a	n/a	
Base Lot Area / Unit (sq ft)	8,013	2,500	4006	
Total Lot Area / Unit (sq ft)	8,013	2,500	4006	
Height (ft)	28	35	28	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	12	15	No Change	
Side Setback (ft)	23.2; 6.5	7.5 (sum 20)	10; No change	
Rear Setback (ft)	98.7	35	35	
Open Space (% of Lot Area)	70	40	60	Consistent with Application Documents and applicable zoning requirements
Private Open Space	50	20	30	
Permeable Open Space	70	20	30	
Off-Street Parking Spaces	2	2	2	2
Long-Term Bicycle Parking	0	0	0	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	0	0	0	
Loading Bays	0	0	0	