

2161 MASSACHUSETTS AVENUE

November, 2022



SUBMITTED TO

Cambridge Community
Development Department

And

The Cambridge Planning Board

SUBMITTED BY

Nelson Group Companies
Adams & Rafferty
TKGEast



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

AMENDED COVER SHEET

In accordance with the requirements of the City of Cambridge Zoning Ordinance, the undersigned hereby petitions the Planning Board for one or more Special Permits for the premises indicated below.

Parcel Address(s): 2181 Massachusetts Avenue

Base Zoning District(s): Business A-2/Residence B

Overlay Zoning District(s): Massachusetts Avenue Overlay District

Applicant Name: Nelson Group Companies

Applicant Address: c/o 907 Massachusetts Avenue, Suite 300, Cambridge MA 02139

Contact Information: James J. Rafferty, Attorney for Petitioner (617) 492-4100

Name	Telephone #
<u>jrafferty@adamsrafferty.com</u>	
Email Address	

Note that the Applicant is responsible for seeking all necessary special permits for the project. A special permit cannot be granted if it is not specifically requested in the Application.

List all requested special permit(s) (with reference to zoning section numbers):

Zoning Section	Requested Special Permit
20.110.8.2	North Massachusetts Avenue Overlay Historic FAR
8.44.1(g)	Parking Layout

Denote other City of Cambridge Board/Commission Review Needed:

Board of Zoning Appeal (Variances) Conservation Commission Historical Commission

Denote applicable Committee Review and Public Outreach:

Central Square Advisory Committee Harvard Square Advisory Committee Community Meeting(s)

Signature of Applicant

Date

CITY OF CAMBRIDGE, MA • PLANNING BOARD • SPECIAL PERMIT APPLICATION

OWNERSHIP CERTIFICATE

Project Address: 2161 MASS AVE

Date: 3/15/2023

To be completed by the Property Owner:

I hereby authorize the following Applicant: Nelson Group Companies
at the following address: 2161 Massachusetts Avenue
to apply for a special permit for: additional Gross Floor Area
on premises located at: 2161 MASS AVE
for which the record title stands in the name of: ND Development, LLC
whose address is: P.O. Box 35008, Boston MA

by a deed duly recorded in the:

Registry of Deeds of County: Middlesex South Book: 78360 Page: 573

OR Registry District of the Land Court,
Certificate No.: _____ Book: _____ Page: _____

[Signature]
Signature of Property Owner (If authorized Trustee, Officer or Agent, so identify)

To be completed by Notary Public:

Commonwealth of Massachusetts, County of Middlesex

The above named Nelson P. Oliveira personally appeared before me,
on the month, day and year March 15, 2023 and made oath that the above statement is true.

Notary: [Signature]

My Commission expires: February 16, 2029



CITY OF CAMBRIDGE, MA • PLANNING BOARD • SPECIAL PERMIT APPLICATION

INTRODUCTION

This is an amended application by the Nelson Group Companies for a Special Permit pursuant to Section 20.110.62 to allow for an increase in the allowed FAR for the redevelopment and expansion of the existing structure located at 2161 Massachusetts Avenue. This application has been amended to include a Special Permit pursuant to Section 6.44.1(g) to allow for parking spaces to be located within ten (10) feet of walls containing windows of habitable rooms. The lot is located largely in the Business A-2 zoning district and the Massachusetts Avenue Overlay district, with a small portion of the rear located in the Residence B zoning district.

The proponent intends to relocate the existing building forward on the lot toward Massachusetts Avenue, further away from the Residence B District, and to construct an addition along its right side. The proposed mixed-use building will contain 8 dwelling units with a ground floor office use fronting on Massachusetts Avenue and 7 parking spaces located in the rear. While the existing structure does not meet the clear glass façade requirements of Section 20.107.1, the proposed non-residential use has been designed to meet the 50% minimum requirement of the Overlay District.

BACKGROUND

The existing structure, an example of the art moderne style of the 1930s was constructed as the home and professional office of a dentist in 1939. Since the relocation of the building constitutes demolition within the meaning of that term in the Demolition Delay Ordinance (Chapter 2.78.070 Cambridge Municipal Code), the proposal was reviewed by the Cambridge Historical Commission on December 2, 2021. In light of the proposed design and the respect paid to the existing architectural significance of the structure, the Commission granted the applicant's request for a Demolition Permit to relocate the existing structure.

The existing structure is located in the North Massachusetts Avenue Overlay District and will be relocated, renovated and expanded in accordance with the Dimensional Standards, Use Restrictions and Design Standards of the District.

(Section 20.110.62) The subject property is specifically identified as a Lot Containing an Identified Historic Structure. This section of the Ordinance authorizes the Planning Board to issue a Special Permit to increase the FAR in the BA-2 District to 1.75, subject to the criteria set forth in this application.

Compliance with Special Permit Criteria to increase allowed FAR to 1.75

Section 20.110.62 The Planning Board may grant a special permit to increase the allowed FAR in the BA-2 Districts, but not to exceed 1.75, for any combination of permitted uses upon finding that the increased FAR would

(a) facilitate the preservation of the historic structure through economic reuse

The conversion of the building to a multi-family dwelling with a ground floor office represents an opportunity to preserve a building that the Historical Commission staff concluded “clearly meets the criteria for landmark designation.” It is for that reason the staff advised the Commission that the proposed relocation and addition “would preserve the building in an architecturally appropriate and economically viable manner.”

(b) preserve the essential historically significant elements of the structure's architecture and setting

The Historical Commission’s finding that the building was not preferably preserved was contingent on the retention of several elements depicted in the plans dated November 22, 2021 that are the subject of this application.

(c) introduce uses that are respectful of the structure's historic character, and

The structure was constructed in 1939 as a residential building with a ground floor office, the same uses proposed by the applicant.

(d) advance the stated purpose of the Massachusetts Avenue Overlay District and the purpose of the standards applicable in the BA-2 Districts.

One of the stated purposes of the North Massachusetts Avenue Overlay District is to “encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods. The renovation of this structure achieves that purpose in a compelling manner.

Special Permits – Section 10.40

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

(a) Requirements of the Ordinance can or will be met for the following reason:

The Zoning Ordinance allows for the proposed modifications with the issuance of a Special Permit.

(b) Traffic generated or pattern of access or egress would not cause congestion hazard, or substantial change in established neighborhood character or the following reasons:

There will be no change to traffic or patterns of access or egress as a result of the addition of eight dwelling units and seven parking spaces.

(c) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

Adjacent uses will not be affected by the conversion of this building to a conforming residential use. This section of Massachusetts Avenue consists of a mix of office and residential uses.

(d) Nuisance of hazard would not be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of the City for the following reasons:

The applicant will continue to operate in accordance with all health and safety requirements applicable to their use.

(e) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this Ordinance for the following reasons:

The project has been designed in conformance with the use and design sensibilities of the Massachusetts Avenue Overlay District, creating greater unity with the North Massachusetts Avenue neighborhood and the goals of the Overlay District.

Special Permits – Section 10.40 (6.44.1)

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

(a) Requirements of the Ordinance can or will be met for the following reason:

Section 6.44.1(g) allows for the proposed modifications to the parking layout requirements upon the issuance of a Special Permit if the site specific factors favor such modification. In this case, the width of the lot and the footprint of the existing structure preclude the setbacks from being created.

(b) Traffic generated or pattern of access or egress would not cause congestion hazard, or substantial change in established neighborhood character or the following reasons:

There will be no change to traffic or patterns of access or egress as a result of the modification to the parking layout being requested.

(c) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

Adjacent uses will not be affected by the conversion of this building to a conforming residential use.

(d) Nuisance of hazard would not be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of the City for the following reasons:

Members of the Community established a strong preference for parking to be provided on the lot for residents of the building. The requested Special Permit will allow for such parking to occur on the lot.

(e) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this Ordinance for the following reasons:

The project has been designed in conformance with the use and design sensibilities of the Massachusetts Avenue Overlay District, creating greater unity with the North Massachusetts Avenue neighborhood and the goals of the Overlay District.

20.110.4 Design Standards

Buildings shall conform to the requirements set forth in Section 20.107, except as modified below.

20.110.41 Building Facades. The requirements for public entrances and clear glass set forth in Subsection 20.107.1 Paragraphs 2 and 3 shall apply to any ground-floor non-residential use, including those uses required by Subsection 20.110.21. Required clear glass on the ground floor façade shall be distributed on the façade such that at least seventy-five (75) percent of the required glass is located below the midpoint between the finished floor and the underside of the joists above.

20.107.1 Building Facades. Building facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrian and compatible with the residential neighborhoods in close proximity to the district. The following standards shall apply:¹

1. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue

The principal building façade faces Massachusetts Avenue.

2. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts towards the street;

The proposed office use contains a dedicated public entrance fronting on Massachusetts Avenue.

3. Facades facing a public street, a public park, or designated city landmark building, or building in a local historic district or neighborhood conservation district, on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for the facade, with clear glass increased to fifty (50) percent on the ground floor where retail and office uses are established. The maximum amount of clear glass permitted shall be seventy-five (75) percent of the facade. Reflective and opaque glass shall be prohibited.

The proposed ground floor office use includes fifty (50) percent clear glass, located below the midpoint between the finished floor and the underside of the joists above, as required per 20.110.4.

Parking Report

The project proposes to utilize a portion of the lot to accommodate seven (7) parking spaces. The parking spaces will be used by the dwelling units.

The site is well served by public transportation. Within reasonable walking distance to the Porter and Davis Red Line subway stations, it is also served by several bus routes on Massachusetts Avenue. With the recent elimination of on street parking in the area to accommodate separated bicycle lanes and dedicated bus lanes, community reaction to the proposal strongly favored the provision of off street parking.

Early Community Engagement Summary

In accordance with Section 5 of the Rules of the Cambridge Planning Board, the applicant, hosted an Early Community Engagement meeting to share their plans for 2161 Massachusetts Avenue with abutters and area residents. The applicant first coordinated with the North Cambridge Stabilization Committee (“NCSC”) to inform them of the project and to schedule a time to share their plans with the NCSC membership. The applicant, along with their legal counsel, James Rafferty and the project architect, Nerijus Bubnelis, appearance at a regularly scheduled meeting of the NCSC on Monday, November 29, 2021 to present the project, solicit comments and answer any questions the NCSC members might have. The response was generally positive with questions pertaining to the number of units in the building and the number of parking spaces.

Following that meeting, the Applicant scheduled an Early Community Engagement meeting to reach other members of the Community. The meeting was hosted virtually via zoom on Wednesday, May 18 at 6:30pm. After consultation with the Community Development Department, invitations were sent to proximate abutters and the NCSC. Attached is a complete list of invitees. Questions and concerns were raised concerning the unit count and parking provided. In recognition of those concerns, the proposed building was reduced from nine units to eight and a seventh parking space was created.

Present at the Community Meeting were the applicant, the project architect, Nelson Oliveira, and local land use counsel.

FEE SCHEDULE

Project Address: 2161 Massachusetts Avenue

Date: 3/27/23

The Applicant must provide the full fee (by check made to City of Cambridge) with the Special Permit Application. The required fee is the larger of the following amounts:

- (a) The fee is ten cents (\$0.10) per square foot of total proposed Gross Floor Area noted in the Dimensional Form.
- (b) The fee is one thousand dollars (\$1,000.00) if Flood Plain Special Permit is sought as part of the Application and the amount determined above is less than \$1000.
- (c) The fee is one hundred fifty dollars (\$150.00) if the above amounts are less than \$150.

Fee Calculation

(a) Proposed Gross Floor Area (SF) in Dimensional Form:	9,786	× \$0.10 =	978.60
(b) Flood Plain Special Permit fee		N/A	: 1000.00
(c) Minimum Special Permit fee			: 150.00
SPECIAL PERMIT FEE	Enter Largest of (a), (b), and (c): 978.60		

DIMENSIONAL FORM
Project Address: 2161 Massachusetts Avenue

Date: January 6, 2023

	Existing	Allowed or Required (max/min)	Proposed	Permitted
Lot Area (sq ft)	7,513	7,513	7,513	
Lot Width (ft)	69'	50'	69'	
Total Gross Floor Area (sq ft)	7,986	12,473	9,786	
Residential Base	0	12,075	7,272	
Non-Residential Base	7,986	398	2,514	
Inclusionary Housing Bonus	N/A	N/A	N/A	
Total Floor Area Ratio	1.06	1.75	1.30	
Residential Base	0	1.75	.96	
Non-Residential Base	1.06	1.75	.33	
Inclusionary Housing Bonus	N/A	N/A	N/A	
Total Dwelling Units	0	11	8	
Base Units	0	11	8	
Inclusionary Bonus Units	N/A	N/A	N/A	
Base Lot Area / Unit (sq ft)	N/A	600 sf	862 sf	
Total Lot Area / Unit (sq ft)	N/A	600 sf	862 sf	
Building Height(s) (ft)	-	60'	29' 6"	
Front Yard (Mass Ave)	27' 9"	5'	5'	
Side Yard (Mass Ave)	20' 4"	10'	10'	
Side Yard (Milton St)	10' 1"	20'	40'	
Front Yard (Milton St)	10' 3"	5'	5'	
Open Space (% of Lot Area)	N/A	245 sf	596 sf	
Private Open Space		none (BA-2)40%/Res B	7.3%	
Permeable Open Space		none (BA-2)40%/Res B	43.6%	
Other Open Space (Specify)	N/A	N/A	N/A	
Off-Street Parking Spaces	0	0	7	
Bicycle Parking Spaces	0	8	9	
Loading Bays	0	0	0	

Use space below and/or attached pages for additional notes:



P.O. Box 1065, Brookline, MA 02446
Telephone: 781-444-1223 Fax: 781-444-3931

Construction Management Plan for Tree Preservation
2161 Massachusetts Avenue
Cambridge, MA

1. The purpose of this construction management plan is the preservation of a Magnolia tree inside and outside of the construction area.
2. Before any construction begins, a site visit should be made by all parties involved with the construction to determine the exact location of the outer limits of the excavation. Once this has been determined, any pruning that is required shall be done prior to the installation of the protective fence. Pruning of the Magnolia tree will include pruning back the limbs and branches that protrude into the construction zone, and pruning the interior of the tree to remove any dead or crossing branches. This work should be done and supervised by a company with a Massachusetts Certified Arborist on site. Construction fencing shall be installed around the outside of the perimeter of the drip line edge of the tree. The construction perimeter fence shall be installed with steel posts to an approximate height of 4-6'. During the fence installation there shall be as little damage as possible to the roots, branches and trunks of the tree. The purpose of the fence is to protect both the above ground (trunk, branches) and below ground portions (root systems) of the tree from any construction damage. Contractor shall minimize their access and routes of entry in and around the tree to further minimize soil compaction in the root zone. If it is necessary to drive over the root zone with heavy equipment, landscape fabric and 3" of mulch or wood chips shall be installed to help mitigate damage to the root zone.
3. Absolutely no debris, soil, fill, construction materials, or equipment shall be stored inside the construction fence or within 5' outside of the construction fence surrounding the tree during all phases of the construction process from beginning to end. Absolutely no excavation shall be performed inside the construction fence. The area inside the construction perimeter fence shall be left as undisturbed as possible.
4. Roots of the tree that are in the work zone area that need to be excavated shall be cut clean to the outer edge of the work zone and back filled as soon as possible with a good composted loam so no cut roots are exposed. The roots in this area shall be watered immediately and once a week to maintain consistent moisture in the soil to prevent these roots from further drying.
5. Removal of the fence after construction is completed shall be done in a manner so it does not disrupt or change the grade in the protected area.

6. It is the contractor's responsibility to make sure all phases of this construction management plan are supervised by a certified arborist hired by the property owner.

7. Not following these recommendations will lead to significant damage/decline or cause the death of the tree.

Prepared By:

A handwritten signature in black ink, appearing to read "Stevan B. Gold". The signature is fluid and cursive, with the first name "Stevan" and last name "Gold" clearly legible, and "B." in the middle.

Stevan B. Gold, MCA #2442