

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

RECEIVED
AUG 12 PM 3:10
CAMBRIDGE MA.

Case No.: #98
Premises: 253 Norfolk Street
Zoning District: Residence C-1
Owner: James Rafferty, Adams & Rafferty, representing Carlos Tosi,
Applicant
Application Date: June 25, 1992
Date of Public Hearing: July 21, 1992
Petition: Special Permit to construct 21 dwelling units in a Residence C-1 District,
Section 4.26; variations from certain dimensional standards of the Residence
C-1 District, Special Permit to alter a nonconforming building, Article 8.000,
Special permit to reduce parking requirements as permitted in Section 6.35
and variations from the dimensional requirements for parking facilities as
required in Article 6.000, as permitted in Section 10.45.

Date of Planning Board Decision: August 4, 1992

Date of filing the Decision: August 12, 1992

Decision (summary): 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 date of 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 Community Development and the City Clerk.

Elizabeth J. Malenfant
Authorized Representative to the Planning Board

8/12/92
Date

DECISION

Case No.: #98
Premises: 253 Norfolk Street
Zoning District: Residence C-1
Owner: James Rafferty, Adams & Rafferty, representing Carlos Tosi,
Applicant

Application Date: June 25, 1992

Date of Public Hearing: July 21, 1992

Petition: Special Permit to construct 21 dwelling units in a Residence C-1 District, Section 4.26; variations from certain dimensional standards of the Residence C-1 District, special permit to alter a nonconforming building, special permit to reduce parking requirements as permitted in Section 6.35 and variations from the dimensional requirements for parking facilities as required in Article 6.000, as permitted in Section 10.45.

Date of Planning Board Decision: August 4, 1992

Date of filing the Decision: August 12, 1992

Application

Documents Submitted

1. Special Permit Application dated June 25, 1992.
2. Site plan, elevations, and floor plans, showing the proposed development, no scale, 3 sheets, Vaughn & Associates, dated 5-22-92.
3. Photographs showing the site and the abutting properties.

Other Documents Submitted

1. Site plan, elevations, and floor plans, showing the proposed development, scale 1/4" = 1'0", 4 sheets, Vaughn & Associates, undated .
2. City Council Order dated August 3, 1992 by Councilor Walsh requesting action on the Public Works employees' parking on the residential streets.
3. Letter to the neighbors of the proposal from Carlos Tosi, undated, explaining the project.

4. Letter to the Paul Dietrich from Lauren Preston, Deputy Director of Traffic and Parking, dated July 14, 1992, reviewing and approving the amended parking layout consisting of 9 standard and 6 compact parking spaces.
5. Memo to the Planning Board from Michael Rosenberg, dated August 3, 1992 outlining the meeting held with Dave Haley, Commissioner of Public Works held on July 30, 1992.

Public Hearing

A public hearing was held on July 21, 1992 where James Rafferty, the attorney for the applicant, presented the proposal and introduced the architect Scott Vaughan of Vaughan and Associates. Mr. Vaughan outlined the proposal: there would be 21 dwelling units, a total of 28,000 square feet on three floors, with 10 to 14 foot ceiling heights. There would be 4 two bedroom units, and a mixture of studios and one bedroom units. The average size of the units would be 800-900 square feet. The proposal has 15 parking spaces in the basement of the building with a ramp down four feet along the driveway side of the building for access. The loading dock would be eliminated. This would return two parking spaces in front of the building and one space across the street to public use. There is the possibility of having four additional parking spaces in tandem (making a total of 19 spaces) which would be assigned to the two bedroom units.

Mr. Rafferty indicated that the applicant, Carlos Tosi, has constructed condominiums on Bay Street Road in Boston and on North Street in the North End. He wishes to maintain control of the condominium and would propose selling only 10 of the units.

Mr. Rafferty indicated that the neighbors were concerned with the existing lack of parking and wanted to know why the unit count was not being reduced. He indicated that, in practice, large units with more than one bedroom often encouraged larger numbers of residents per unit and may lead to more parking problems. The applicant has indicated a willingness to develop condominium documents which limit the number of unrelated persons per dwelling unit.

The site has had manufacturing up until March of 1992; the owner, a British firm, has indicated that they would seek another manufacturing use if this housing proposal is not granted.

A number of residents appeared at the hearing and asked specific questions mainly regarding the parking.

Speaking in favor of the proposal:

Al Vellucci, Portland Street, a friend of the applicant.

Speaking in favor of the housing but not the parking waiver:

Karen Panhorst, 250 Market Street; Charles Malanski, 204 Norfolk Street, Don McKusker, Tremont Street; Cynthia Kashold, 254 Norfolk Street.

Speaking in Opposition:

Michael Kapopoulos, 259 Norfolk Street; Joan Pierce, 260 Norfolk Street; Joseph Bruno, 265 Norfolk Street; Kevin O'Keefe, 12 Tremont Street.

At the next regularly scheduled Planning Board meeting of August 4, 1992, Michael Rosenberg, explained the progress on the Public Works employee parking issue, indicating that additional parking will be provided at the yard in the future. James Rafferty, Scott Vaughan and the applicant's grandson, representing Mr. Tosi, were present to answer questions. The Board discussed the facade, recommending that the integrity of the first floor wall plane be retained; inquired about necessary environmental cleanup (Mr. Vaughn indicated that a degreasing agent was present and may require the removal of 2 to 3 feet of soil); determined that the chimney stack will be retained and repointed; and recommended that at least one unit be made handicapped accessible (with a ramp to the right serving a first floor unit). The Planning Board supported the conversion to a residential use. Hugo Salemme expressed the conclusion of the members of the Planning Board: that the residential use was desirable, that it must be recognized that there are existing circumstances (existing building, etc.) that produce a less than perfect result, and that the compromises that those existing circumstances dictate (increased number of units, less than a full complement of parking) are reasonable, especially given the alternate nonconforming use possibilities.

Findings

1. The Board finds that the proposal is in keeping with the general city policy of encouraging the conversion of existing nonresidential buildings in residential districts to residential use. The replacement of a nonconforming use with housing units is a significant public benefit.
2. The 21 units proposed far exceed the nine units allowed on this lot in a Residence C-1 District. The proposed density exceeds somewhat that which would be permitted in a Residence C-2 District (i.e. 18 units). To effectively and efficiently reuse the structure for residential purposes requires an increase in the number of units consistent with the gross floor area contained in the structure (at nearly a Residence C-3 density of 3.0) in order to create units of reasonable size. The average unit area of 800-900 square feet is consistent with the unit sizes anticipated on average in a Residence C-1 District and the city's other residential districts. The alternate approach of demolition of significant portions of the building would undoubtedly financially preclude the proposed residential conversion and encourage retention of the building for manufacturing purposes. Therefore, the Board finds the requested variance to increase the number of units permitted on the site to be reasonable and in the public interest.
3. Nearly all residential neighborhoods of the city suffer inadequate onstreet parking for those dwelling units in older buildings for which offstreet parking has not been provided. Any request to construct new residential units for which the required minimum parking is not to be provided is therefore a serious matter; this Norfolk Street neighborhood is no different and apparently is subject, in addition, to early morning parking from employees at the nearby Public Works Department. Nevertheless, the Board finds that the shortfall

of six parking spaces is not unreasonable given the substantial benefit of residential use of the building, the creation of an additional three, unrestricted legal parking spaces on the street with the elimination of the loading facilities associated with the previous industrial use of the building, and the provision of four tandem spaces in the garage which will have the effect of absorbing the impact of two car households or visitors to the complex. Additionally, the reduction in the number of units in the building to match the parking spaces that can be accommodated will only have the effect of creating larger units which will potentially attract larger household sizes, thus resulting in no corresponding reduction in demand for parking in the complex. In addition the variation from the required standard/compact space formula (six standard spaces and nine compact spaces) is reasonable in order to provide a substantial number of parking spaces to support the desirable conversion to residential use.

4. While the existing building is built to substantially greater density than permitted in the Residence C-1 District and much greater than abutting residential structures, its conversion to residential use will eliminate a nonconforming use within the neighborhood. The physical changes necessary to accommodate that conversion will improve the appearance of the building and will in fact result in a slight reduction in the area of the building and increase the amount of green space found on the lot. Access to the basement parking will be provided along an existing driveway which is presently nonconforming as to setback for such a feature as required in Article 6.000

5. The conversion will necessitate the review of hazardous waste materials on the site and will result in their removal as required by state law.

Decision

After review of the application documents, testimony given at the public hearing, comments from the staff, and based on the findings above the Planning Board GRANTS a Special Permit for 21 units of housing as required in Section 4.26; and as authorized by Section 10.45, GRANTS a Special Permit for alteration of a nonconforming structure as required in Article 8.000; GRANTS a Special Permit for reduction of required parking as permitted in Section 6.35; and GRANTS variations in the dimensional requirements of Article 6.000 and of the Residence C-1 District as outlined in Article 5.000, subject the following conditions:

1. The Final Plans submitted to the Superintendent of Buildings for a building permit shall be substantially as shown on the approved plans referenced above by Vaughn and Associates, scale 1/4" = 1'0", undated, except as modified by this Decision and shall conform to the dimensional limitations as detailed in Appendix I. The Planning Board shall review said plans and shall certify to the Superintendent that the conditions of the Permit have been met before issuance of any building permit for the project.

2. The final plans presented to the Board shall be modified from the application plans such that (a) the renovations to the facade shall retain the rhythm of openings and wall plane on the first floor as currently exists on the building; (b) one ground floor unit is made handicapped accessible; (c) all landscaping improvements to the site are indicated in detail; (d) detailed provisions are made along the southwesterly property line to screen

the adjacent property owner from the noise and glare of automobiles entering and leaving the garage.

3. Other provisions are made for landscaping or screening along the property lines equal in quality to the improvements made to the building as a whole. The building shall be faced in wood clapboards or similar material throughout.

4. In submitting final plans to the Planning Board for review as required in Condition #1 above, the permittee shall submit a certification that all hazardous materials located have been removed or otherwise contained as required and permitted by state law.

Voting to GRANT the Permit were: P. Dietrich, H. Russell, A. Cohn, H. Salemme, and C. Mieth.

For the Planning Board,



Paul Dietrich, Chairman

A copy of this decision shall be filed with the Office of the City Clerk. Appeals is any shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty (20) days of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the decision filed with the Office of the City Clerk on August 12, 1992, by Elizabeth J. Malenfant, authorized representative of the Cambridge Planning Board. All plans referenced in the decision have likewise been filed with the City Clerk on such date.

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

City Clerk, City of Cambridge

Date

Dimensional Form

	<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Floor Area Ratio (Floor Area)	<u>.75</u> ()	<u>2.6</u> (28,986)	<u>2.48</u> (27,595)	<u>2.48</u> (27,595)
Max. Height	<u>35'</u>	<u>41'</u>	<u>41'</u>	<u>41'</u>
Max. Angle Above Cornice Line				<u>NA</u>
Min. Lot Size	<u>5,000</u>	<u>11,131</u>	<u>11,131</u>	<u>11,131</u>
Min. Lot Area per d. u.	<u>1,200</u>	<u>N/A</u>	<u>530</u>	<u>530</u>
Max. No. d. u.	<u>9</u>	<u>-0-</u>	<u>21</u>	<u>21</u>
Min. lot width	<u>50</u>	<u>94.8'</u>	<u>94.8'</u>	<u>94.8</u>
Min. yard setbacks				
Front	<u>10'</u>			
Side L	<u>30</u>	<u>11.2</u>	<u>11.2</u>	<u>11.2</u>
R	<u>30</u>	<u>5.2</u>	<u>5.2</u>	<u>5.2</u>
Rear	<u>20</u>	<u>6.5 to 0</u>	<u>6.5 to 0</u>	<u>6.5 to 0</u>
Ratio Usable Open Space (Area)	<u>.15</u> ()	<u>.23</u> ()	<u>.35</u> ()	<u>.35</u> (3,890)
Off-Street Parking				
Minimum No. Spaces	<u>1 per d. u.</u>	<u>.86 per d. u.</u>	<u>.86 per d. u.</u>	
Maximum No. Spaces		<u>18</u>	<u>18</u>	<u>15plus 4 tandem spaces</u>
No. Handicapped Spaces				<u>as required</u>
Bicycle Spaces				<u>1</u>
No. Loading Bays	<u>N/A</u>			