

**BZA APPLICATION FORM**

**GENERAL INFORMATION**

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: \_\_\_\_\_ Variance:  Appeal: \_\_\_\_\_

PETITIONER: STEPHANIE MITCHELL & ANDREA SMILES

PETITIONER'S ADDRESS: 45 CRESCENT STREET, CAMBRIDGE

LOCATION OF PROPERTY: 45 CRESCENT STREET

TYPE OF OCCUPANCY: RESIDENTIAL ZONING DISTRICT: C-1

**REASON FOR PETITION:**

- |   |  |
|---|--|
| <input type="checkbox"/> Additions                            | <input type="checkbox"/> New Structure |
| <input type="checkbox"/> Change in Use/Occupancy              | <input type="checkbox"/> Parking       |
| <input type="checkbox"/> Conversion to Addi'l Dwelling Unit's | <input type="checkbox"/> Sign          |
| <input checked="" type="checkbox"/> Dormer                    | <input type="checkbox"/> Subdivision   |
| <input type="checkbox"/> Other: _____                         |  |

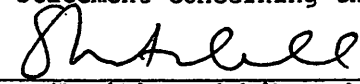
**DESCRIPTION OF PETITIONER'S PROPOSAL:**

THE PROPOSAL IS TO ADD A DORMER TO THE WEST SIDE OF A NON-CONFORMING RESIDENCE (FAR & SETBACKS) THE DORMER WILL BE WITHIN THE REQUIRED SETBACKS AND ONLY INCREASE THE FLOOR AREA 71 SQ FT TO AN FAR OF .79

**SECTIONS OF ZONING ORDINANCE CITED:**

Article 5.31 Section \_\_\_\_\_  
Article \_\_\_\_\_ Section \_\_\_\_\_  
Article \_\_\_\_\_ Section \_\_\_\_\_

Applicants for a **Variance** must complete Pages 1-5  
Applicants for a **Special Permit** must complete Pages 1-4 and 6  
Applicants for an **Appeal** to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s):   
(Petitioner(s)/Owner)  
Stephanie Mitchell  
(Print Name)

Address: 45 Crescent Street  
Cambridge, MA 02138

Tel. No.: 617 661-0857 617 828-3762

E-Mail Address: stephanie\_mitchell@harvard.edu

Date: 6/21/17

**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We The Stephanie B Mitchell 2010 Revocable Trust  
(OWNER)

Address: 45 Crescent Street, CAMBRIDGE, 02138

State that I/We own the property located at 45 Crescent Street, which is the subject of this zoning application.

The record title of this property is in the name of The Stephanie B. Mitchell 2010 Revocable Trust

\*Pursuant to a deed of duly recorded in the date \_\_\_\_\_, Middlesex South County Registry of Deeds at Book 61529, Page 237; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_.

*[Handwritten Signature]*

SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

\*Written evidence of Agent's standing to represent petitioner may be requested.

-----  
Commonwealth of Massachusetts, County of Middlesex

The above-name Stephanie B Mitchell personally appeared before me, this 20<sup>th</sup> of June, 2017, and made oath that the above statement is true.

*[Handwritten Signature]* Notary

My commission expires 12/26/2019 (Notary Seal).

- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.



Salvatore M. Sagarese  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 26, 2019

1910

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**BZA APPLICATION FORM**

**SUPPORTING STATEMENT FOR A VARIANCE**

**EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:**

- A)** A Literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

---

Because of the existing small size of the lot (2375 sq. ft.) the allowable buildable floor area is relatively small, which in turn has led to a very small third bedroom and only one bath. With a dormer addition of 71 sq. ft. the family will be able to have three regular sized bedrooms and two baths.

- B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

---

The hardship of this property is simply its small size which has severely limited the size of the house due to FAR and setback limitations. Allowing the proposed dormer variance will make the house much more livable for the family without putting any burden on the neighborhood.

- C)** **DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**

- 1) Substantial detriment to the public good for the following reasons:

---

There will be no increase in the number of bedrooms in the house, its occupancy will not increase, there will be no increase in the number of cars and therefore no increase in traffic or parking issues, there will be minimal increase in the shadow effect on neighbors and there will be no further violations of any setbacks.

- 2) Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

---

The purpose of the zoning ordinance is to maintain the character of various neighborhoods. Granting this variance for a dormer will not change any of the functional character of the residence and therefore should maintain the quality and desired residential character of the neighborhood.

- \* If You have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.

**BZA APPLICATION FORM**

**DIMENSIONAL INFORMATION**

APPLICANT: STEPHANIE MITCHELL & ANDREW SMILES PRESENT USE/OCCUPANCY: RESIDENTIAL

LOCATION: 45 CRESCENT STREET ZONE: C-1

PHONE: 617-388-1966 REQUESTED USE/OCCUPANCY: RESIDENTIAL  
617-661-0857

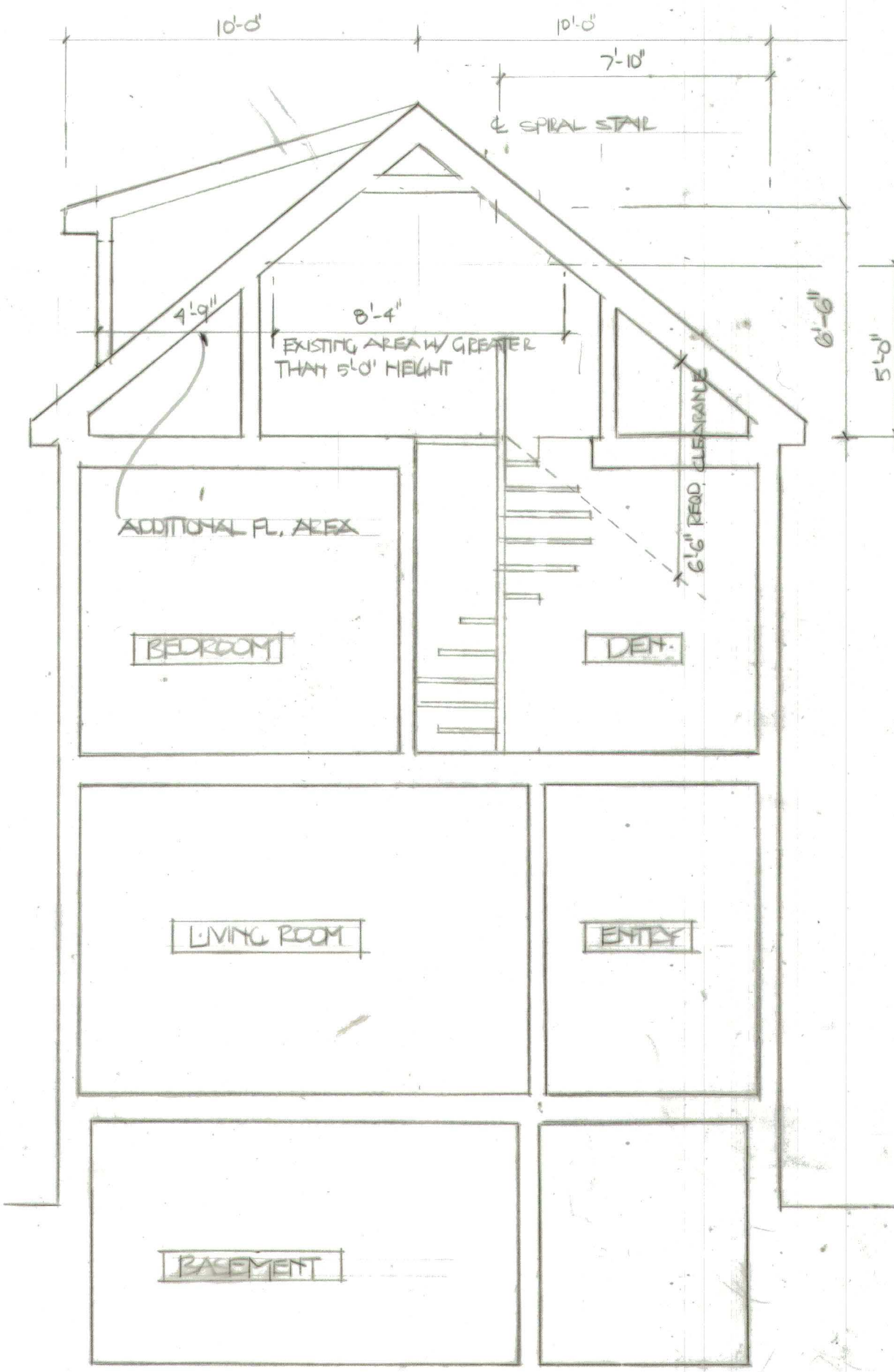
	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> <sup>1</sup>
TOTAL GROSS FLOOR AREA:	<u>1815.16</u>	<u>1886</u>	<u>1781</u> (max.)
LOT AREA:	<u>2375</u>		<u>5000</u> (min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup>	<u>.76</u>	<u>.79</u>	<u>.75</u> (max.)
LOT AREA FOR EACH DWELLING UNIT:	<u>2375</u>	<u>2375</u>	<u>1500</u> (min.)
SIZE OF LOT:			
WIDTH	<u>40</u>		<u>50</u> (min.)
DEPTH	<u>59</u>		
Setbacks in Feet:			
FRONT	<u>7.0</u>	<u>7.0</u>	<u>10</u> (min.)
REAR	<u>14.0</u>	<u>14.0</u>	<u>20</u> (min.)
LEFT SIDE	<u>13.5</u>	<u>13.5</u>	<u>8.76</u> (min.)
RIGHT SIDE	<u>1.5</u>	<u>1.5</u>	<u>8.76</u> (min.)
SIZE OF BLDG.:			
HEIGHT	<u>30.5</u>	<u>30.5</u>	<u>35</u> (max.)
LENGTH	<u>37'-10"</u>	<u>37'-10"</u>	
WIDTH	<u>25'-4"</u>	<u>25'-4"</u>	
RATIO OF USABLE OPEN SPACE TO LOT AREA: <sup>3</sup>	<u>0%</u>	<u>0%</u>	<u>30%</u> (min.)
NO. OF DWELLING UNITS:	<u>1</u>	<u>1</u>	<u>1</u> (max.)
NO. OF PARKING SPACES:	<u>1</u>	<u>1</u>	<u>1</u> (min./max)
NO. OF LOADING AREAS:			(min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:	<u>3.0</u>	<u>3.0</u>	<u>N/A</u> (min.)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

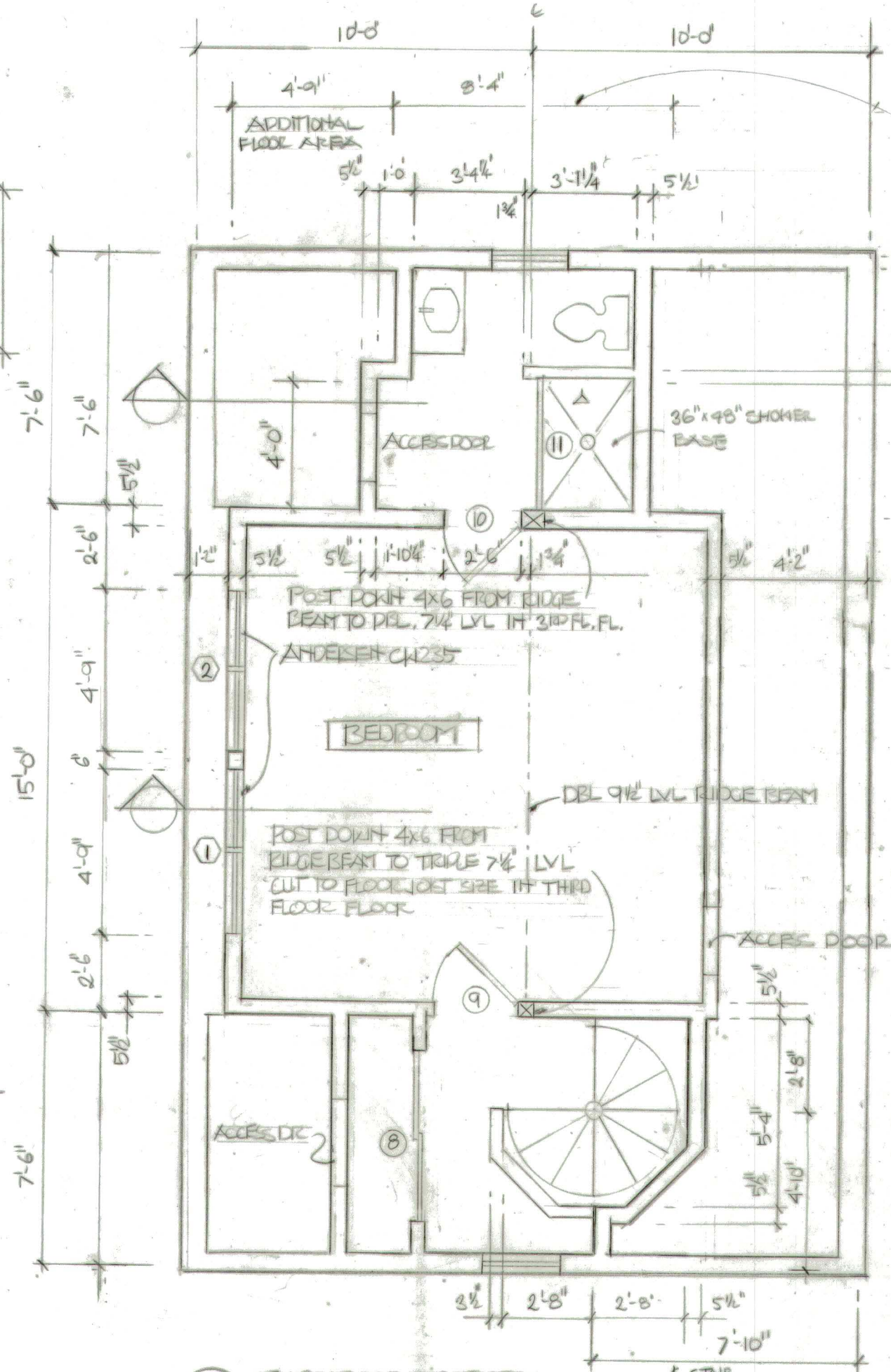
AN 18'-6" x 10'-4" GARAGE (BRICK) HAD BEEN CONVERTED INTO AN ACCESSORY BUILDING. IT IS NOW PRIMARILY USED AS STORAGE AND A WORKSHOP

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.



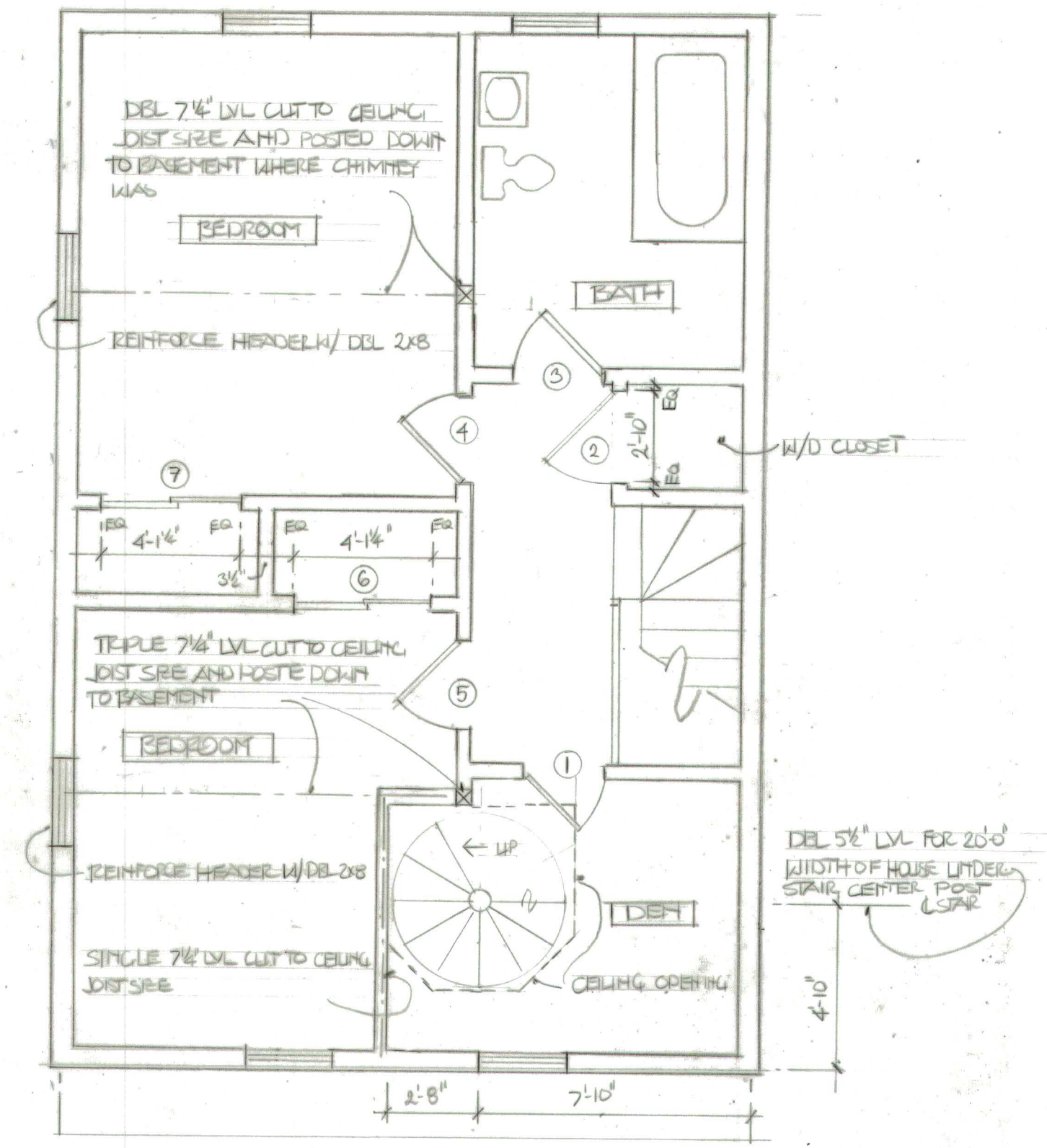


BUILDING SECTION  
1/4" = 1'-0"



THIRD FLOOR DORMER  
1/4" = 1'-0"

ADDITIONAL DORMER FLOOR AREA IS 4'-9" x 15'-0" = 71.25 SQ FT



SECOND FLOOR  
1/4" = 1'-0"

**MITCHEL RESIDENCE**  
45 CRESCENT STREET  
CAMBRIDGE, MA 02138

**RICHARD BROWN ARCHITECTS**  
50 HILLCREST AVENUE  
LEXINGTON, MA 02420  
(617) 515-7403

richardbrownarchitects.com



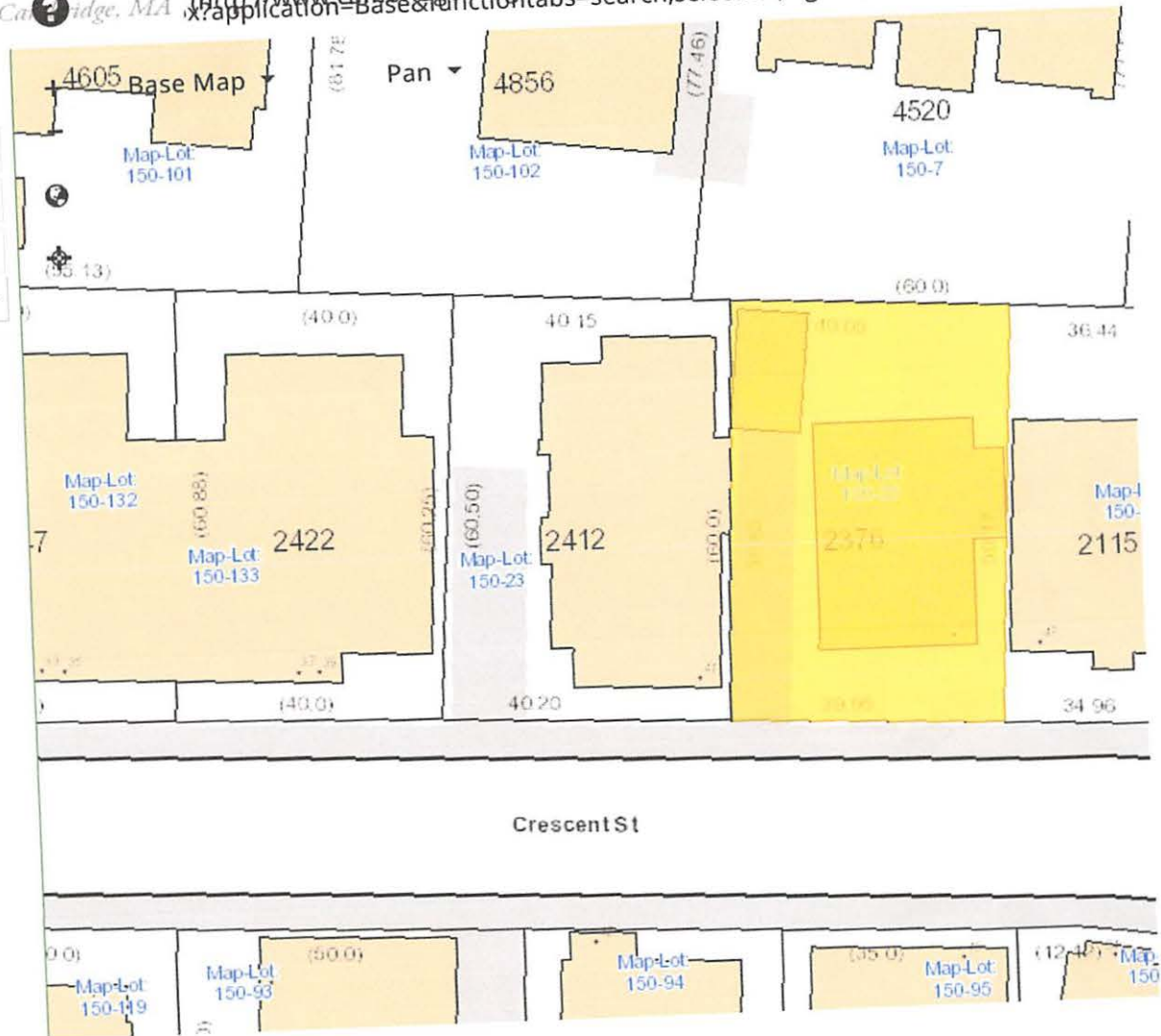
(Cambridgecityviewer) Selection

Select  Parcels

(show all)

Select All Zoom To Clear

Property ID	Address	Unit	Land Use
150-22	45 CRESCENT ST		SNGL-FAM-RES



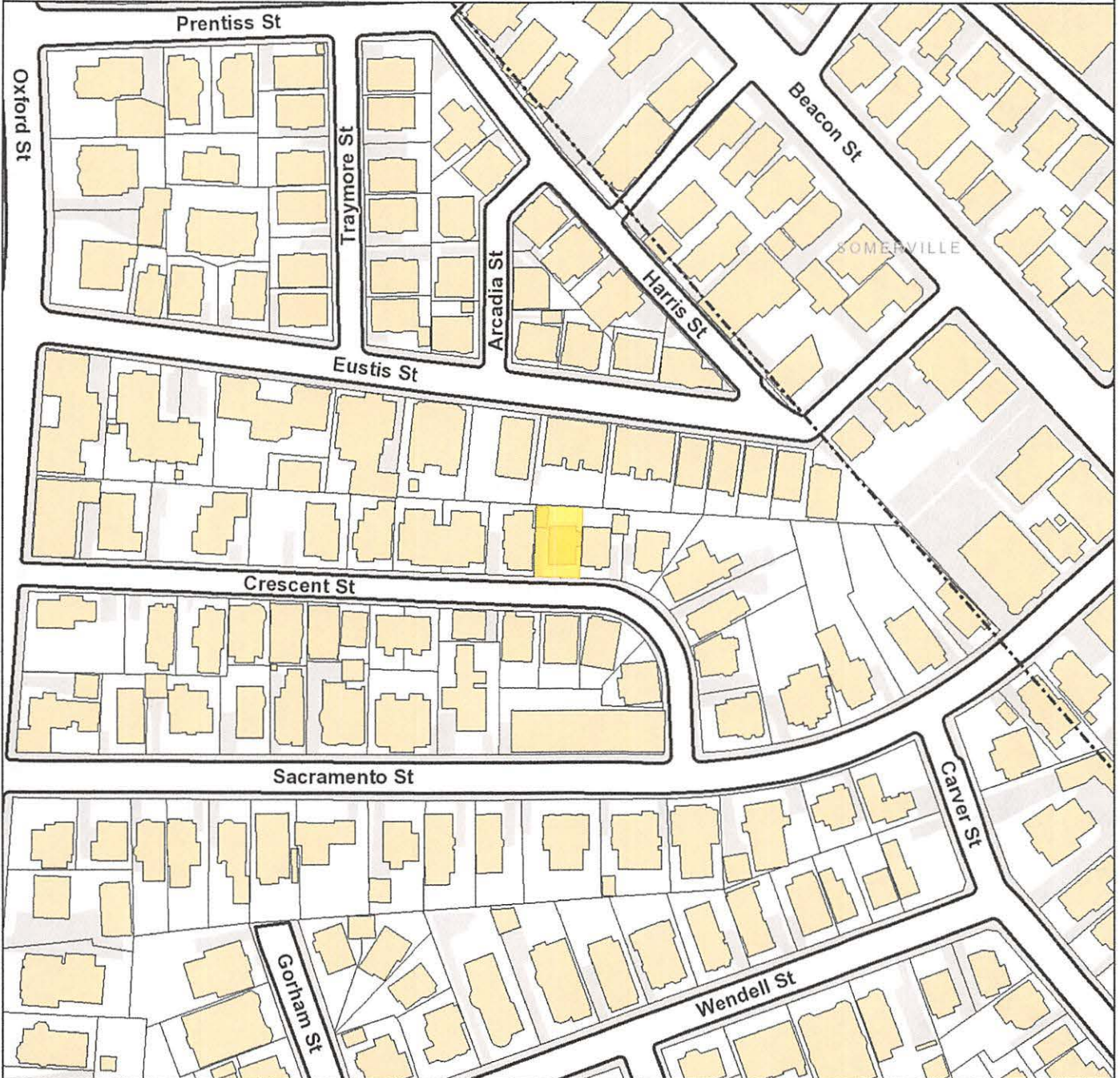
Crescent St

1 selected

Spreadsheet Mailing Labels

20 ft

Leaflet (http://leafletjs.com)



City of Cambridge  
Massachusetts

1" = 127 ft

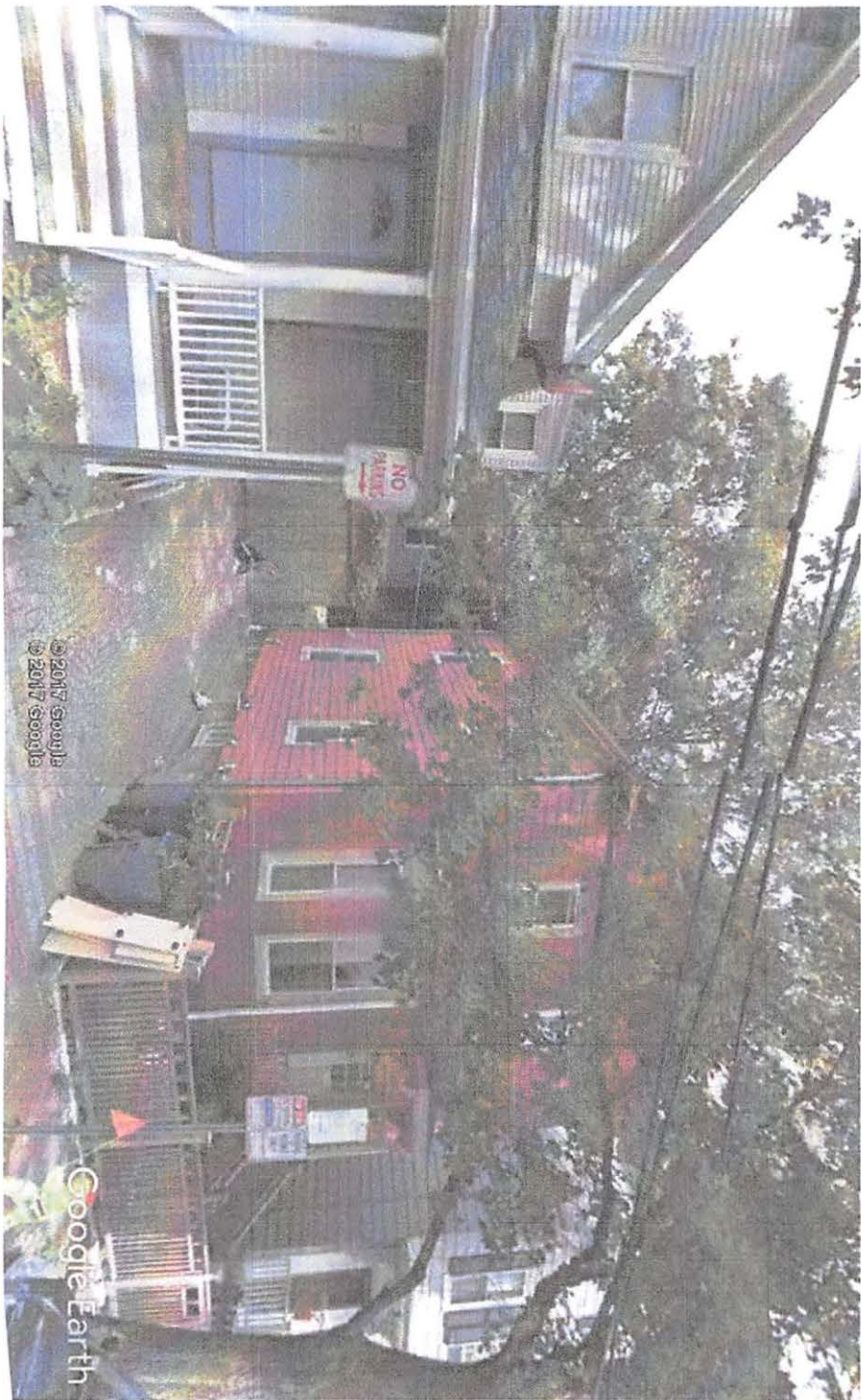
All data is provided for graphic representation only. The City of Cambridge expressly disclaims all warranties of any type, expressed or implied, including, but not limited to, any warranty as to the accuracy of the data, merchantability, or fitness for a particular purpose.

[www.cambridgema.gov/gis](http://www.cambridgema.gov/gis)

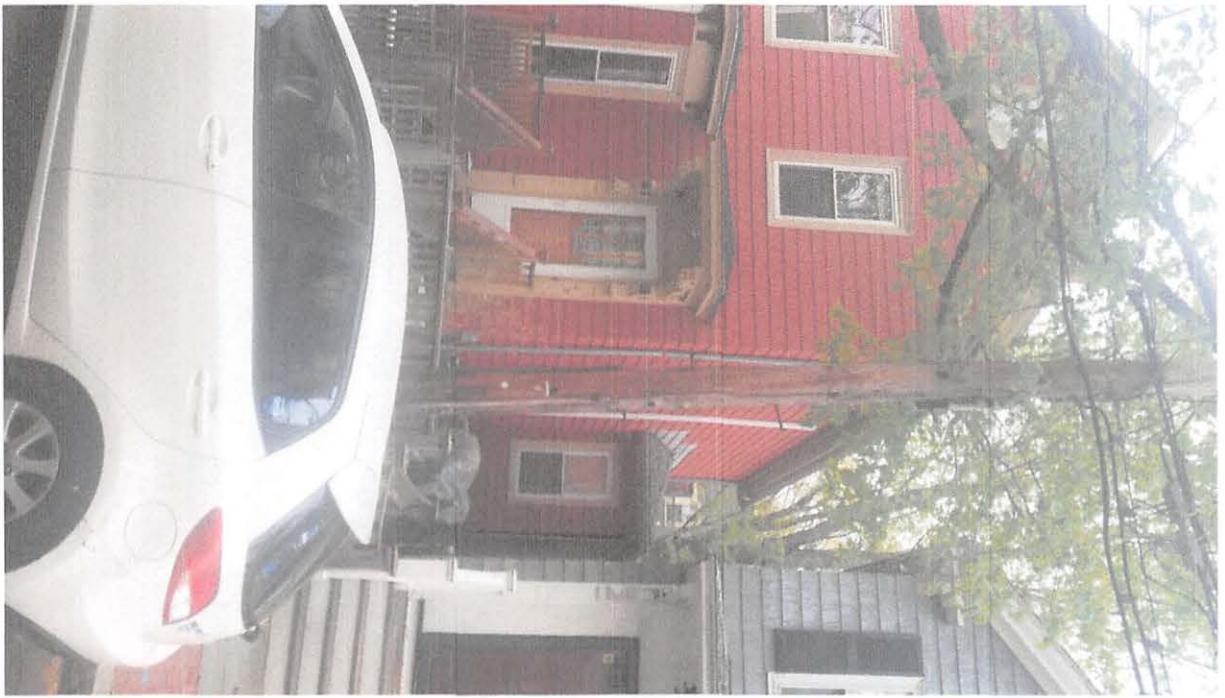
- Rail
- Building Footprints
- Parcels
- Paved Surfaces
  - Paved Roads
  - Bridges
  - Unpaved Roads
  - Unpaved Parking
  - Sidewalks
  - Driveways
  - Alleys
  - Other Paved Surface
  - Public Footpath







45 Crescent Rd.









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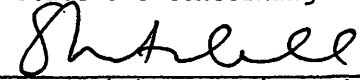
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(Print Name)

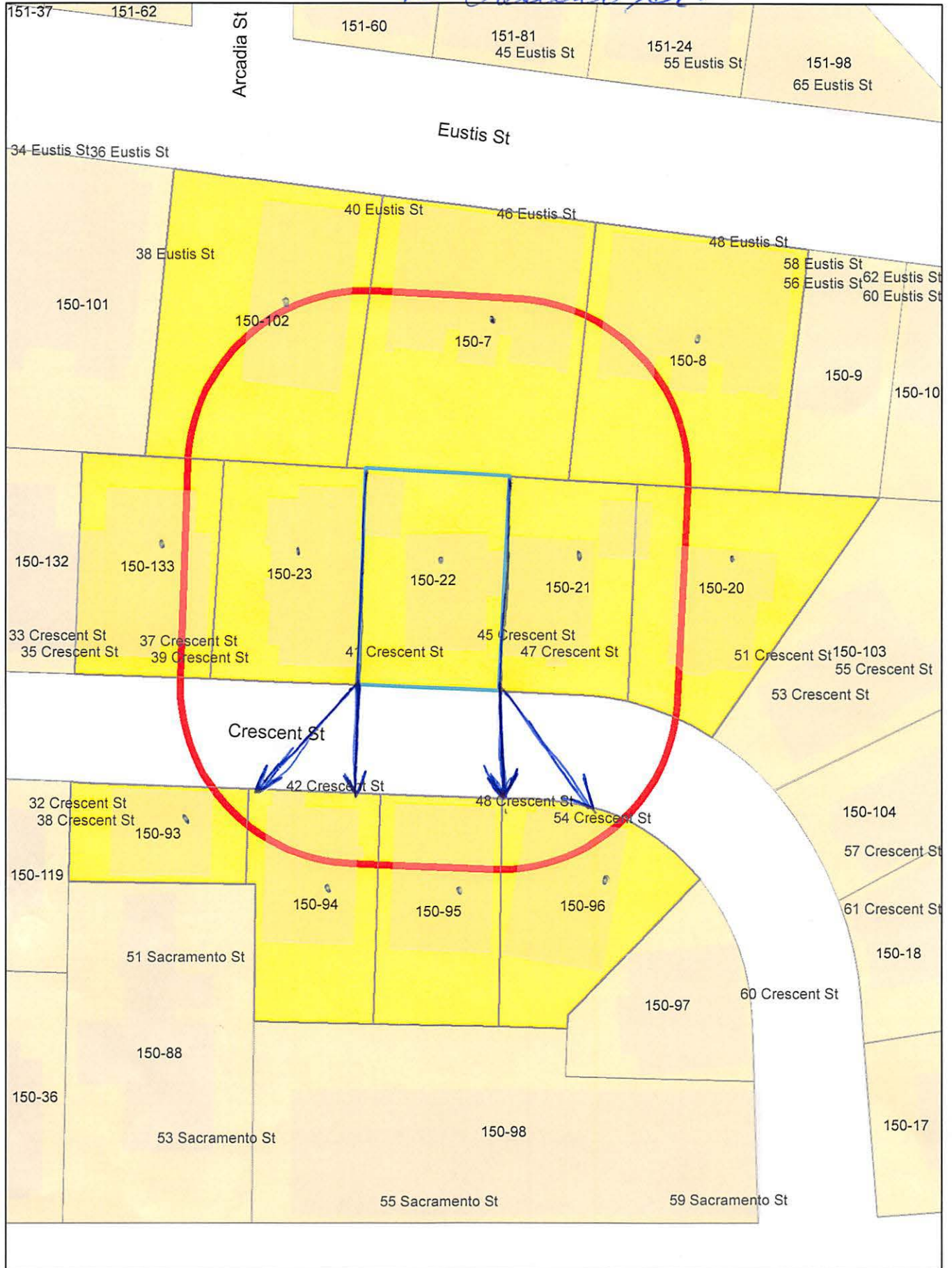
Address: 45 Crescent Street  
Cambridge MA 02138

Tel. No.: 617 661-0857 617 828-3762

E-Mail Address: stephanie\_mitchell@harvard.edu

Date: 6/21/17

45 Crescent St.



45 Crescent St.

Petitioner

150-7  
LYNCH, SHAUN & DENISE MALIS  
46 EUSTIS STREET, UNIT #1  
CAMBRIDGE, MA 02140

150-7  
TUBMAN, ERICA B.  
46 EUSTIS STREET #2  
CAMBRIDGE, MA 02140

150-22  
MITCHELL, STEPHANIE B., &  
ANDREW SMILES  
45 CRESCENT ST  
CAMBRIDGE, MA 02138

150-7  
BERK, SANDERS H. & SALLY L. BERK  
46 EUSTIS ST. UNIT#4  
CAMBRIDGE, MA 02140

150-7  
PRICE, CASE S.  
46 EUSTIS ST. UNIT#5  
CAMBRIDGE, MA 02141

Architect  
RICHARD BROWN ARCHITECTS  
C/O RICHARD BROWN  
50 HILLCREST AVENUE  
LEXINGTON, MA 02420

150-8  
VILLA, KATHERINE L. & JUAN R. ALVAREZ  
48 EUSTIS ST., #1  
CAMBRIDGE, MA 02140

150-8  
UGBABA, R. ONCHE  
3 HASKELL STREET, APT. #1  
ALLSTON, MA 02134

150-7  
ROY, JESSICA & DAVID CHEAL  
46 EUSTIS ST., #3  
CAMBRIDGE, MA 02140

150-8  
LILLEY, DAVID & KAREN LILLEY  
44 COVER STREET #4  
BELMONT, MA 02478

150-8  
LONG, THOMAS G. & EUIJUNG J. LONG  
48 EUSTIS ST., UNIT #5  
CAMBRIDGE, MA 02140

150-8  
DEBISSCHOP, MARY K.  
48 EUSTIS ST., UNIT #6  
CAMBRIDGE, MA 02140

150-20  
VATERS, KAREN B & TIMOTHY J. O'BRIEN  
51 CRESCENT ST.  
CAMBRIDGE, MA 02138

150-21  
COHEN, NINA S.  
47 CRESCENT STREET  
CAMBRIDGE, MA 02138

150-7  
GIUDICE, PAUL HODGDON &  
KATE HODGDON GIUDICE  
46 EUSTIS ST., UNIT #6  
CAMBRIDGE, MA 02141

150-23  
CONNORS, PRISCILLA A LIFE ESTATE  
C/O MCMAHON, SHANA  
41 CRESCENT ST  
CAMBRIDGE, MA 02138

150-93  
DELANCEY, THERESA  
38 CRESCENT ST.  
CAMBRIDGE, MA 02138

150-94  
POST, BARBARA  
42 CRESCENT ST. #1  
CAMBRIDGE, MA 02138

150-94  
ST. CLARE POST, BARBARA  
42 CRESCENT ST., #2  
CAMBRIDGE, MA 02138

150-94  
ZIMNIAK, KELLY GRACE &  
FLORIAN KONRAD ZIMNIAK  
42 CRESCENT ST., #3  
CAMBRIDGE, MA 02138

150-95  
WATERS, SALLY  
48 CRESCENT ST #1  
CAMBRIDGE, MA 02138

150-95  
BLARICUM, SUSAN VAN  
48 CRESCENT ST., #2  
CAMBRIDGE, MA 02138

150-95  
VO, ANH-TUAN  
48 CRESCENT ST., #3  
CAMBRIDGE, MA 02138

150-96  
WATERS, FILOMENA LAROSA  
54 CRESCENT ST.  
CAMBRIDGE, MA 02138

150-102  
TISEO, MARY & GEORGE S. PILLSBURY, JR.  
40 EUSTIS STREET  
CAMBRIDGE, MA 02140

150-133  
IMRICH, STEVEN & CYNTHIA W. SMITH  
37 CRESCENT ST.  
CAMBRIDGE, MA 02138

150-133  
CHEHABI, HOUCANG  
39 CRESCENT ST., UNIT #39  
CAMBRIDGE, MA 02138





# CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2<sup>nd</sup> Floor, Cambridge, Massachusetts 02139  
Telephone: 617 349 4683 TTY: 617 349 6112  
E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/Historic

Bruce A. Irving, *Chair*, Charles M. Sullivan, *Executive Director*  
William G. Barry, Jr., Robert G. Crocker, Chandra Harrington, William B. King, Jo M. Solet,  
Susannah Barton Tobin, *Members*; Joseph V. Ferrara, Kyle Sheffield, *Alternates*

## Jurisdiction Advice

To the Owner of Property at 45 Crescent Street

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- Old Cambridge Historic District
- Fort Washington Historic District  
(M.G.L. Ch. 40C, City Code §2.78.050)
- Avon Hill Neighborhood Conservation District
- Half Crown – Marsh Neighborhood Conservation District
- Harvard Square Conservation District
- Mid Cambridge Neighborhood Conservation District
- Designated Landmark
- Property is being studied for designation: \_\_\_\_\_  
(City Code, Ch. 2.78., Article III, and various City Council Orders)
- Preservation Restriction or Easement (as recorded)
- Structure is fifty years or more old and therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). **See the back of this page for definition of demolition.**  
**No demolition permit request anticipated.**
- No jurisdiction: not a designated historic property and the structure is less than fifty years old.
- No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.  
Staff comments: \_\_\_\_\_

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

**If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.**

CHC staff initials SLB

Date June 27, 2017

Received by Uploaded to Energov

Date June 27, 2017

Relationship to project BZA 13671-2017

cc: Applicant  
Inspectional Services Commissioner

## Demolition Delay Ordinance and Application Information

The Demolition Delay Ordinance (Chapter 2.78, Article II of the Cambridge Municipal Code) was adopted by the City Council in 1979 to afford public review of demolition permit applications for potentially significant buildings. When the Historical Commission determines that a building is significant and should be preserved, demolition will be delayed for up to six months so that solutions can be sought to preserve the building indefinitely. The Ordinance covers all buildings over 50 years old, city-wide. The Historical Commission archives provide dates of construction for all properties in the City.

Demolition is defined in the ordinance as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." The Inspectional Services Commissioner has provided further guidelines to outline what actions require a demolition permit. **In addition to complete demolition of a building, the following actions may require a demolition permit,**

- **removal of a roof,**
- **removal of one side of a building,**
- **gutting of a building's interior to the point where exterior features (windows, etc.) are impacted, and**
- **removal of more than 25% of a structure.**

Please contact the building inspector or a staff member of the Historical Commission if you have questions about whether a demolition permit is required for a particular project.

Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that the building is significant, a public hearing will be scheduled with Historical Commission. If the staff makes an initial determination that the building is not significant, the application is released for further review by the Building Commissioner.

More information about the demolition permit application procedures is available on the Historical Commission's web site or by calling or dropping by the Historical Commission office.

July 2003

Cambridge Historical Commission  
831 Massachusetts Ave., 2<sup>nd</sup> Fl.  
Cambridge, MA 02139  
Ph: 617/349-4683 or TTY: 617/349-6112  
<http://www.cambridgema.gov/Historic>



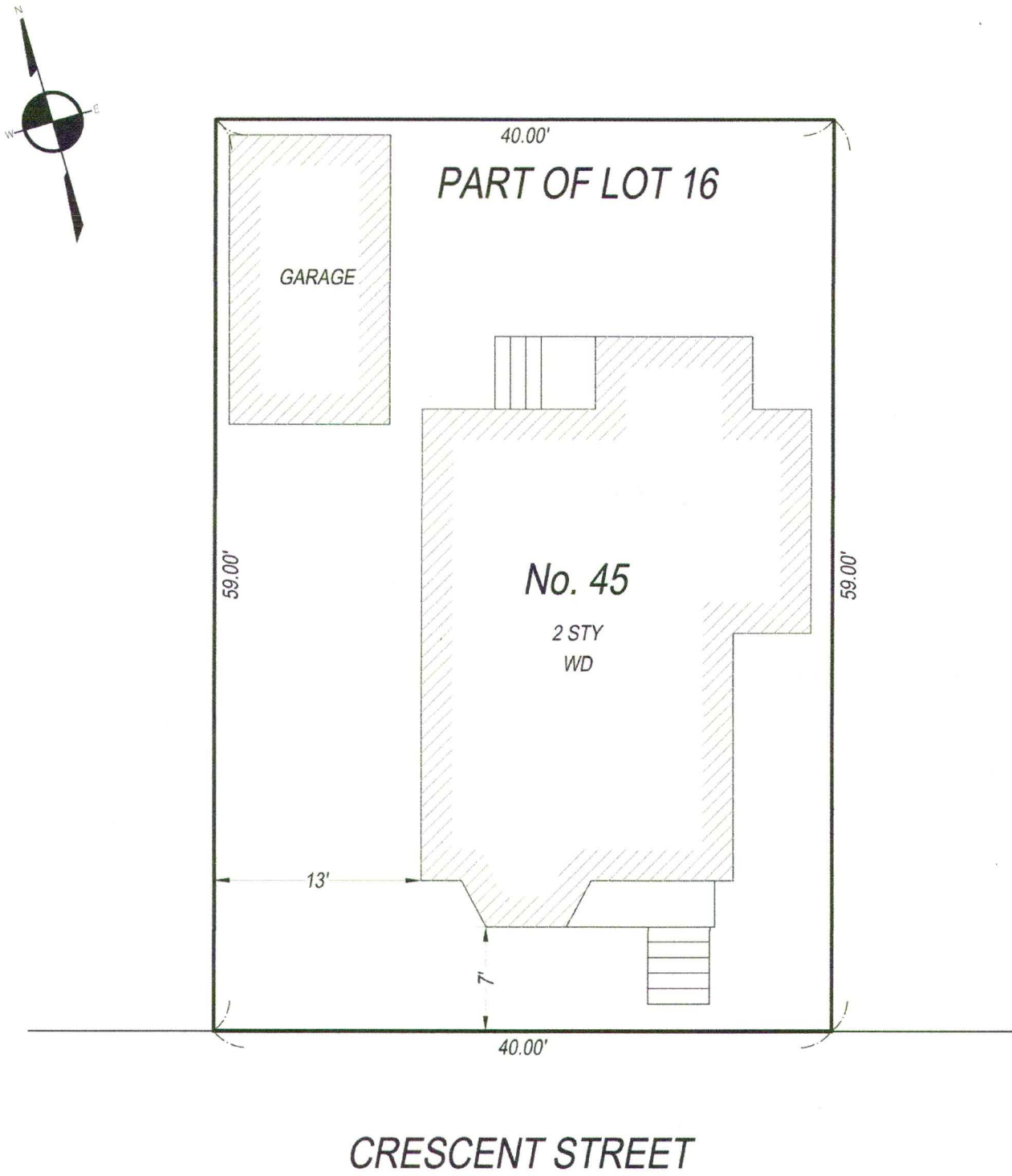
**MORTGAGE INSPECTION PLAN**

17-04505

LOCATION: 45 CRESCENT STREET  
 CITY, STATE: CAMBRIDGE, MA  
 APPLICANT:  
 CERTIFIED TO:  
 DATE: 05-08-2017



**BOSTON**  
**SURVEY, INC.**  
 P.O. BOX 290220  
 CHARLESTOWN, MA 02129  
 T (617) 242-1313; F (617) 242-1616  
 WWW.BOSTONSURVEYINC.COM



SCALE: 1:20

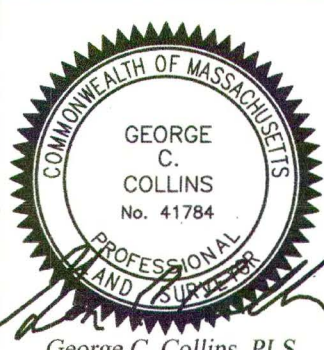
**FLOOD DETERMINATION**

According to Federal Emergency Management Agency maps, the major improvements on this property fall in an area designated as  
**ZONE: X**  
**COMMUNITY PANEL No. 25017C0438E**  
**EFFECTIVE DATE: 6/4/2010**

**REFERENCES**

**DEED: 61529/237**  
**PLAN: 8/54**

NOTE: To show an accurate scale this plan must be printed on legal sized paper (8.5" x 14")



George C. Collins, PLS

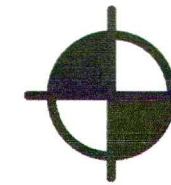
The permanent structures are approximately located on the ground as shown. They either conformed to the setback requirements of the local zoning ordinances in effect at the time of construction, or are exempt from violation enforcement action under M.G.L. Title VII, Chapter 40A, Section 7, and that are no encroachments of major improvements across property lines except as shown and noted hereon.

This is not a boundary or title insurance survey. This plan should not be used for construction, recording purposes or verification of property lines.

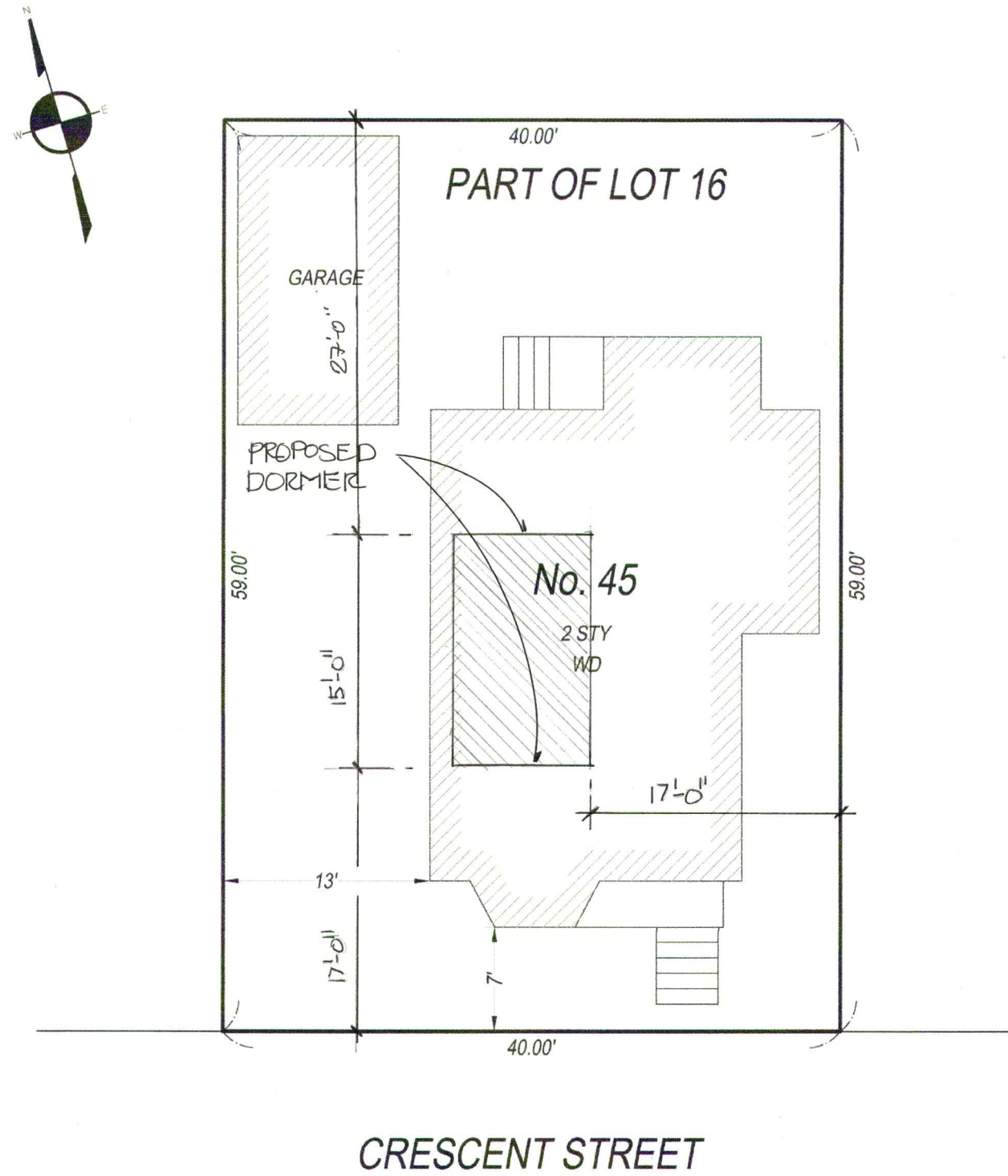
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17-04505

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 CITY, STATE: CAMBRIDGE, MA  
 APPLICANT:  
 CERTIFIED TO:  
 DATE: 05-08-2017



**BOSTON**  
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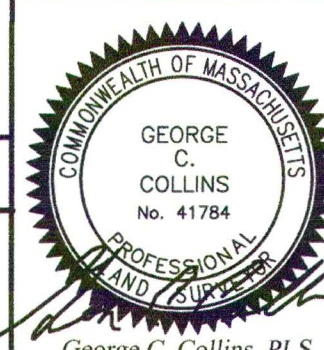
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This is not a boundary or title insurance survey. This plan should not be used for construction, recording purposes or verification of property lines.

**Zoning Analysis for 45 Crescent Street, Cambridge, MA**

The proposed addition to 45 Crescent Street is a dormer on the third floor. The house is non-conforming due lot size, set-backs and FAR. The addition will satisfy the set-back requirements of 5.31 (C-1), the dormer guidelines, and section 8.22.1f of the non-conforming section of the Cambridge Zoning Ordinance with the exception of the FAR requirement. A variance is being sought for the dormer which will increase .76 FAR non-conformity from .76 (34 sq. ft. over allowed) to .79 (105 sq. ft. over allowed)

	Required	Existing	Proposed
FAR	.75 (.75 x 2375=1781.25)	1815.16/2375=.76	1886.41/2375=.79
Min. Lot Area	5000	2375	2375
Lot area per DU	1500	2375	2375
Min. Lot Width	50	40	40
Front setback (H+L/6) Min 10' from street	31.3'+25.66'/6=9.5'	7'-0" from street	7'-0" from the street and dormer is 17'-0" from street
Side setback (H+L/7) Min. 7'-6" sum 20'-0"	31.6'+36/7=9.6	13'-0" & 1'-6"	No change - dormer is 14'-6" & 11'-6"
Rear setback (H+L/6) Min. 20'-0"	31.3'+25.66'/6=9.5' therefore 20'-0"	14'-0"	No change - dormer is 27'-0" from rear yard
Max height	35'-0"	31'4"	No change
Open space	30%		No change

**Dormer Guidelines**

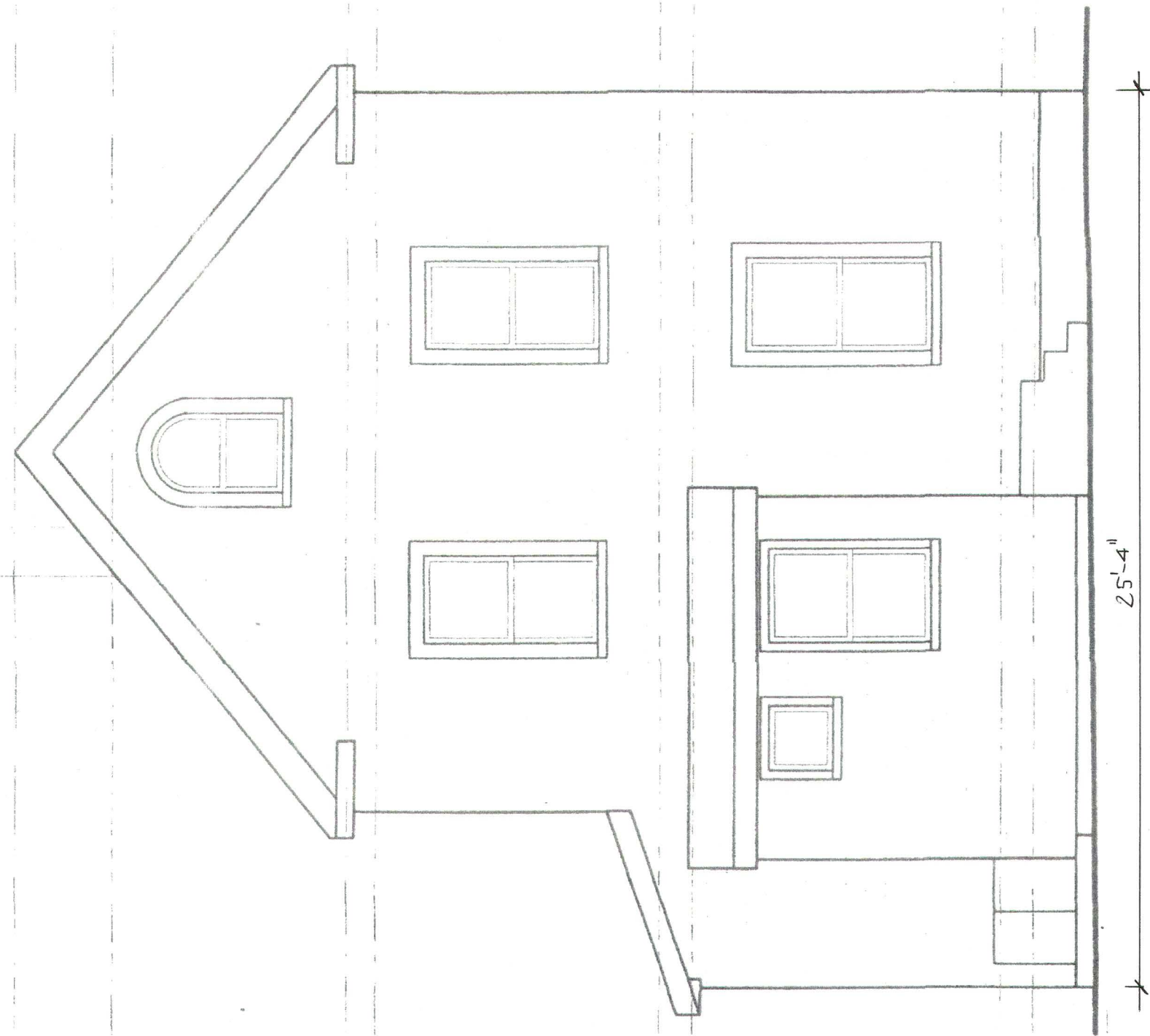
Dormer satisfies the required dormer guidelines of 1'-6" from side wall, 15'-0" in length, 3'-6" from side walls, and greater than 50% window area.

**MITCHEL RESIDENCE**  
 45 CRESCENT STREET  
 CAMBRIDGE, MA 02138

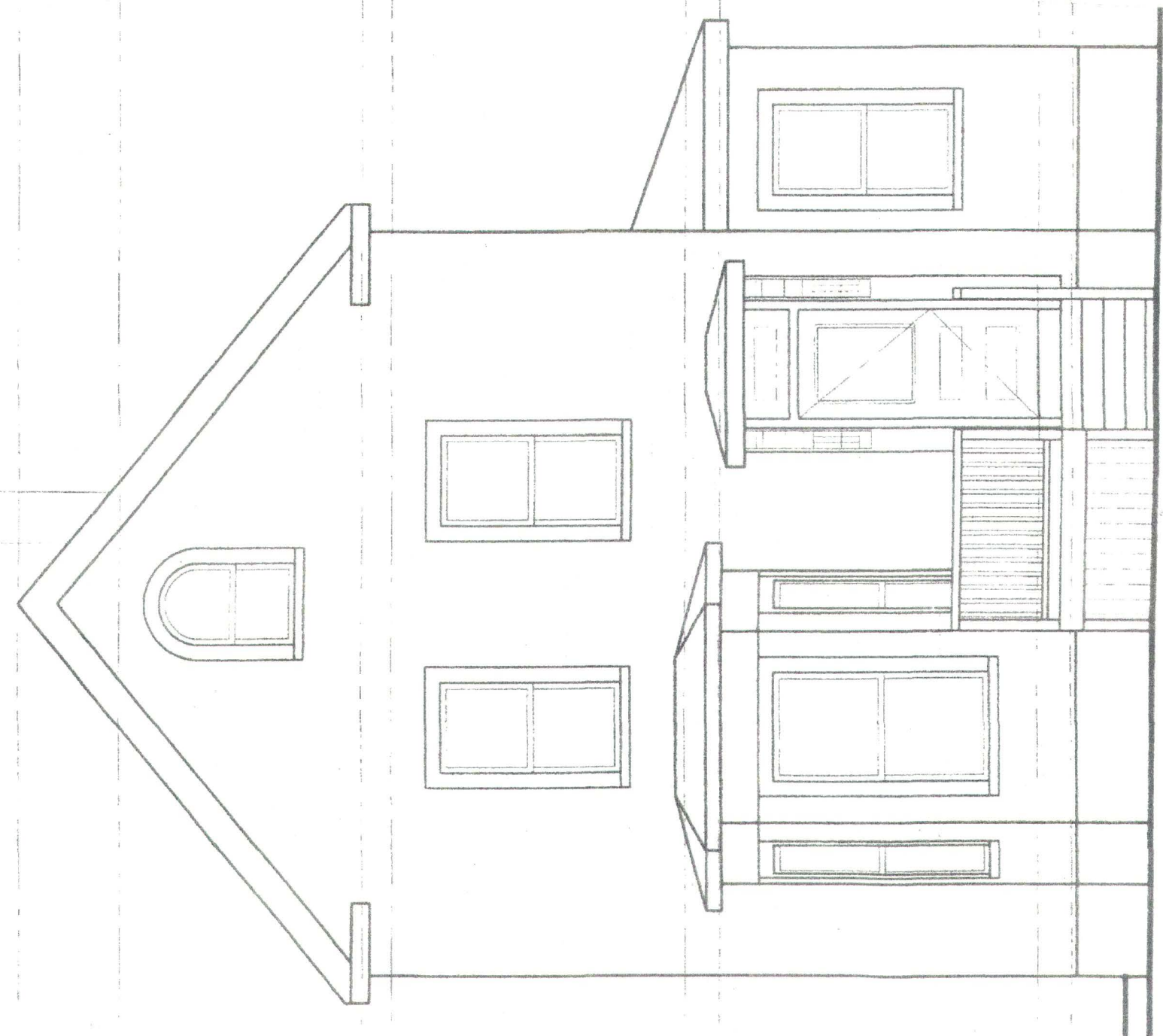
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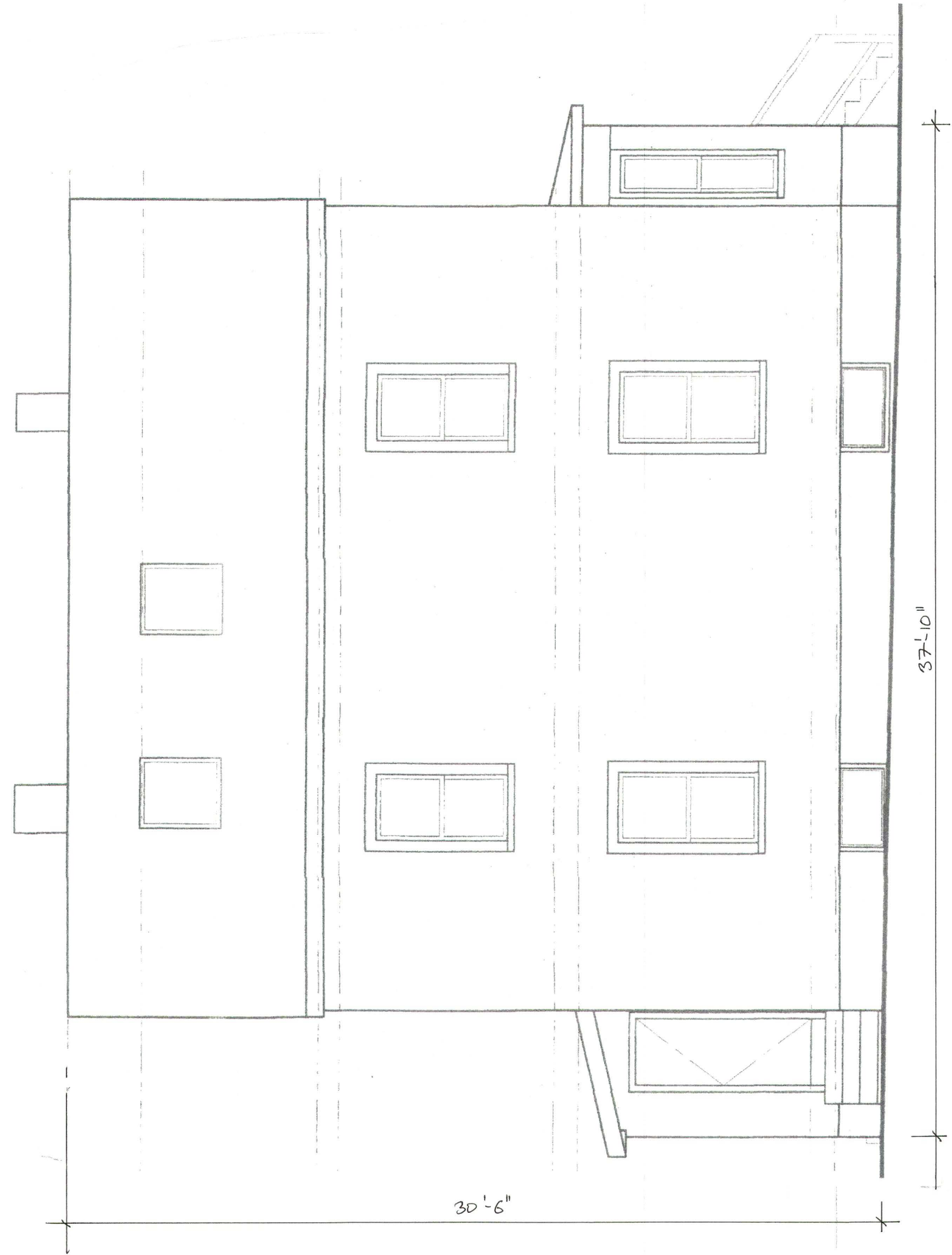




EXISTING NORTH ELEVATION  
 1/4" = 1'-0"



EXISTING SOUTH ELEVATION  
 1/4" = 1'-0"



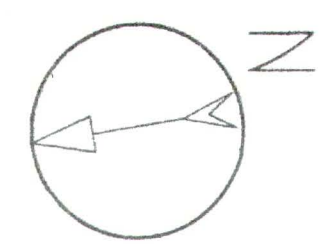
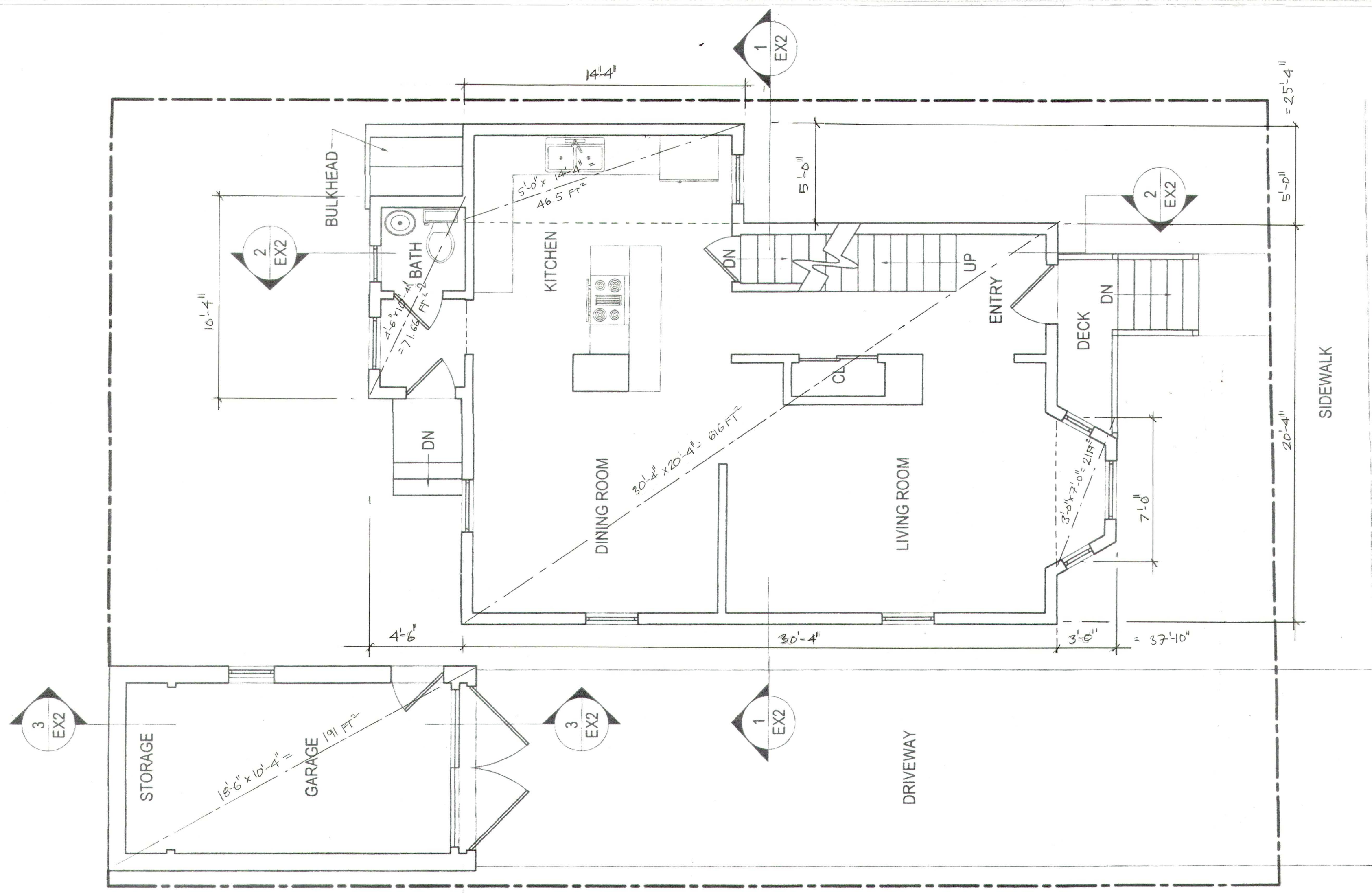
EXISTING WEST ELEVATION  
 1/4" = 1'-0"

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CRESCENT STREET  
**FIRST FLOOR & SITE USE PLAN**

EXISTING FIRST FLOOR & SITE PLAN  
 1/4" = 1'-0"

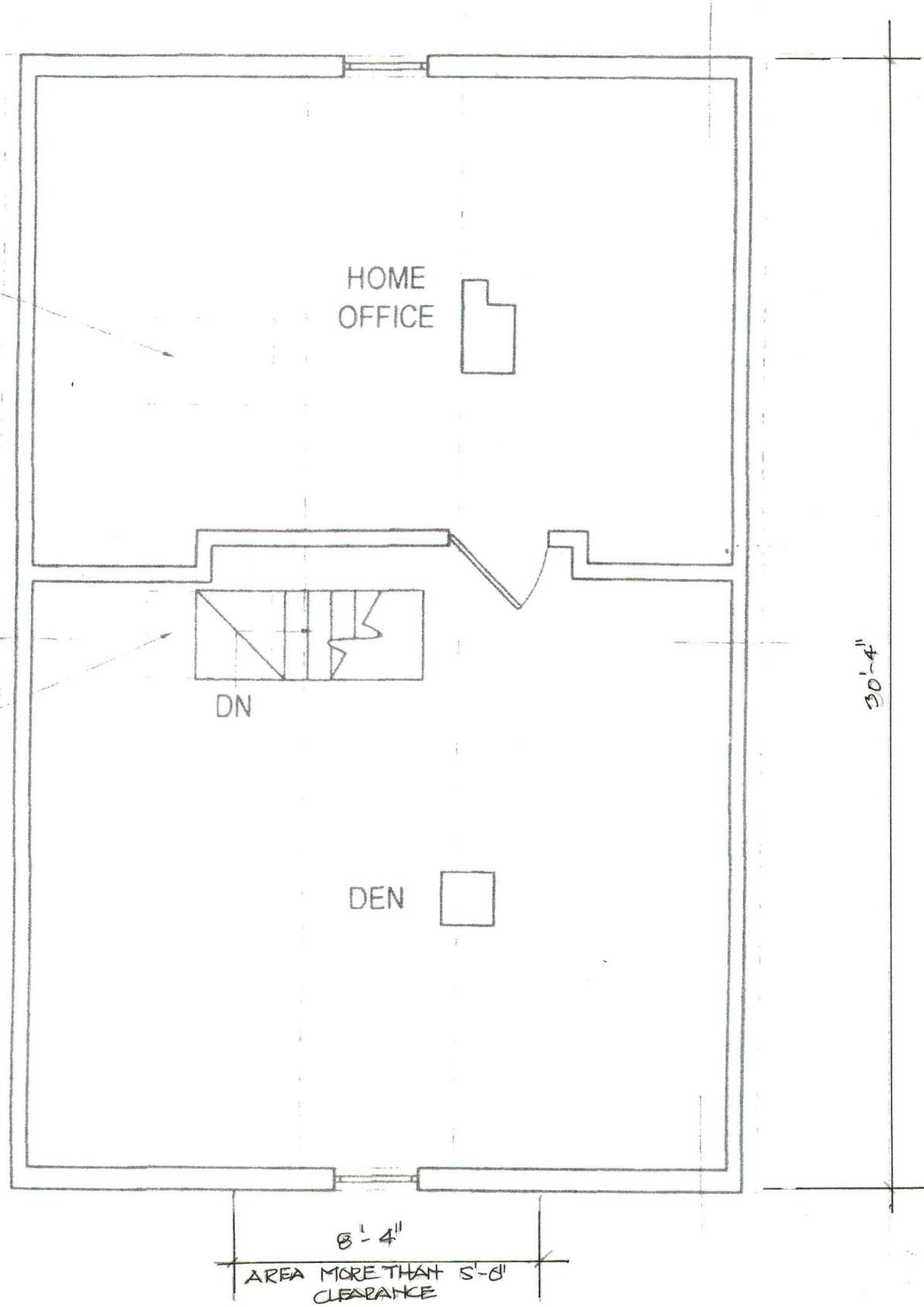
EXISTING AREAS	
30'-4" x 20'-4" =	616 SQ FT
3'-0" x 7'-0" =	21 SQ FT
4'-6" x 10'-4" =	46.5 SQ FT
5'-0" x 14'-4" =	71.66 SQ FT
	755.16 SQ FT
	616.0 SQ FT
	253.0 SQ FT
	191.0 SQ FT
	1815.16
15'-0" x 4'-9" =	71.25 SQ FT
	1886.41
	FIRST FLOOR AREA
	SECOND FLOOR AREA
	THIRD FLOOR AREA
	GARAGE
	TOTAL EXISTING FLOOR AREA
	NEW PORCH
	TOTAL PROPOSED FLOOR AREA

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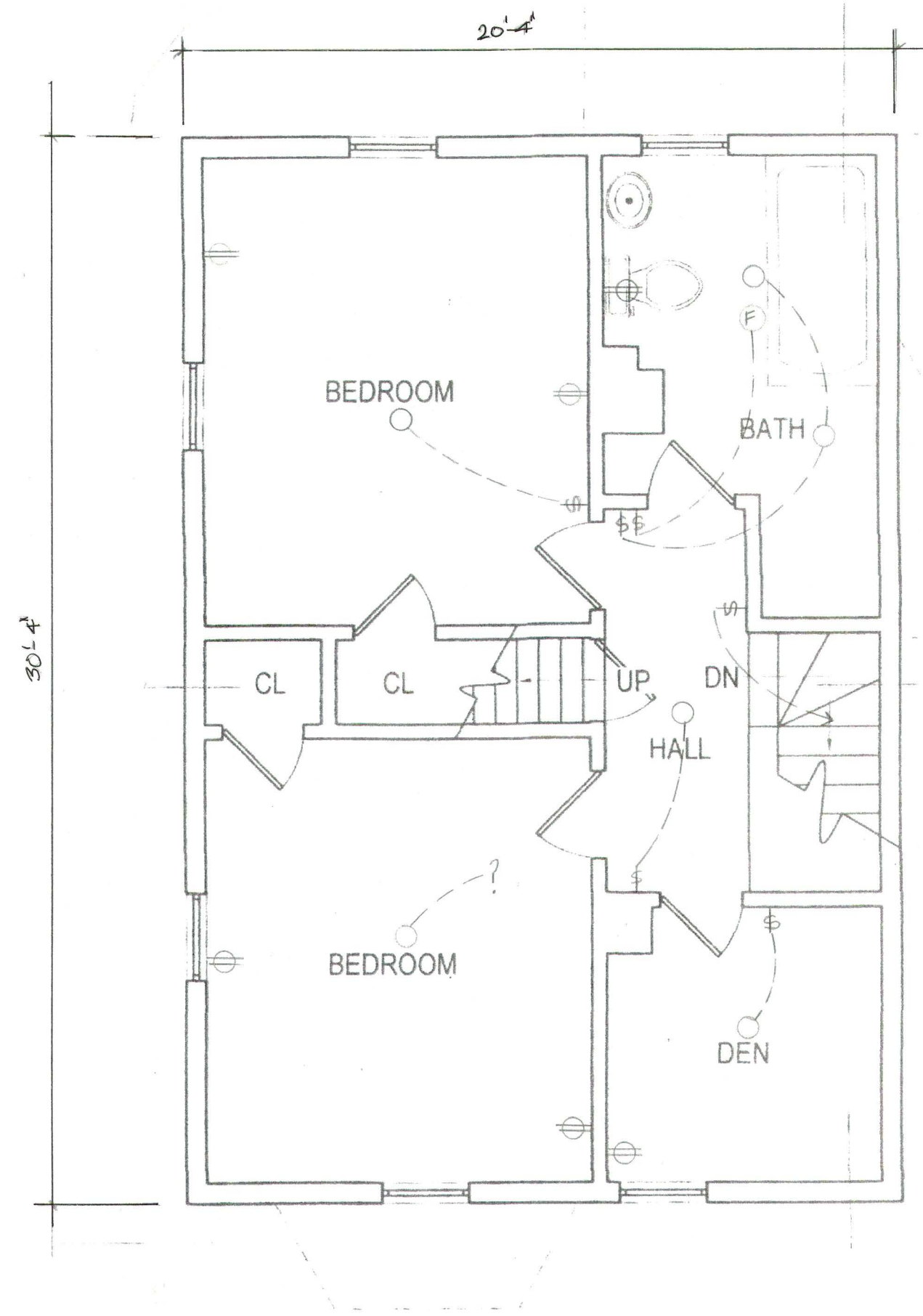
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EXISTING THIRD FLOOR  
 1/4" = 1'-0"

$8'-4" \times 30'-4" = 253 \text{ SQ FT}$



EXISTING SECOND FLOOR & ELECTRICAL  
 1/4" = 1'-0"

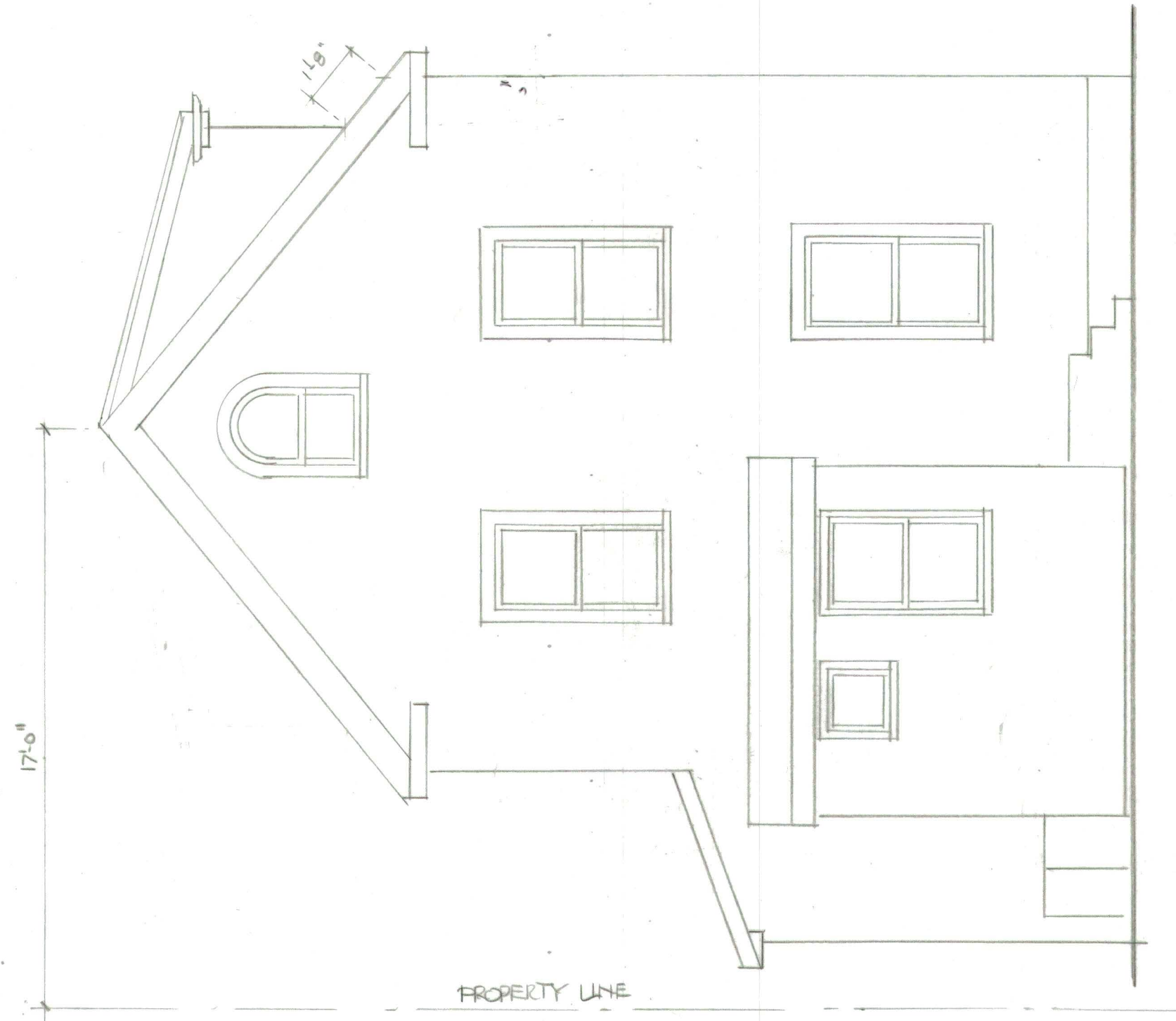
$30'-4" \times 20'-4" = 616 \text{ SQ FT}$

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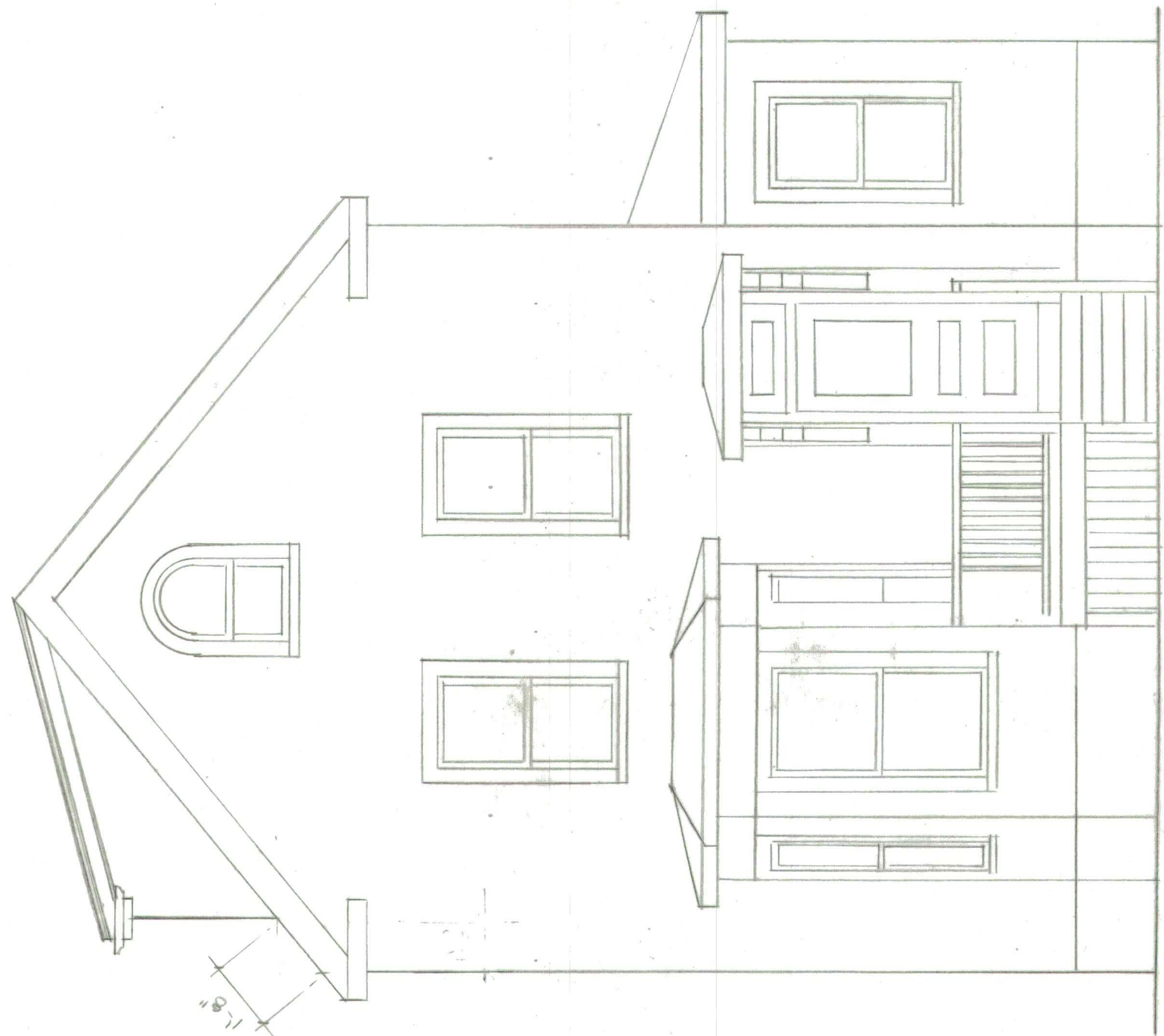
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NORTH ELEVATION  
1/8"=1'-0"



SOUTH ELEVATION  
1/8"=1'-0"



WEST ELEVATION

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