

BZA APPLICATION FORM
GENERAL INFORMATION

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Minnie & Nicholas Mildwoff

PETITIONER'S ADDRESS: 63 Fresh Pond Parkway, Cambridge MA, 02138

LOCATION OF PROPERTY: 63 Fresh Pond Parkway, Cambridge MA, 02138

TYPE OF OCCUPANCY: Residential ZONING DISTRICT: A-2

REASON FOR PETITION:

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

DESCRIPTION OF PETITIONER'S PROPOSAL:

Request for a variance to enclose a portion of the existing nonconforming deck. The deck is currently a grandfathered violation of the required side yard setback. We propose to both rebuild the deck and also enclose a portion of the deck in order to enlarge the existing entry vestibule from 19sf to 61sf to accommodate a mud room.

SECTIONS OF ZONING ORDINANCE CITED:

Article 5 Section 31 Residential Districts

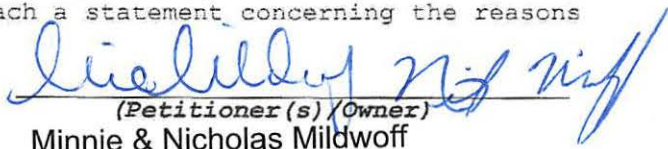
Article 5 Section 28.23 Yard Requirements

Article _____ Section _____

Applicant for a Variance must complete Pages 1-5
Applicant for a Special Permit must complete Pages 1-4 and 6
Applicant 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

CITY OF CAMBRIDGE
INSPECTIONAL SERVICES
2016 JUN 20 3:30

Original Signature(s):



(Petitioner(s) / Owner)

Minnie & Nicholas Mildwoff

(Print Name)

Address:

63 Fresh Pond Parkway

Cambridge MA, 02138

Tel. No.:

(310) 428-4280

E-Mail Address:

mmildwoff@gmail.com

Date: 5/23/16

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 Minnie & Nicholas Mildwoff
(OWNER)

Address: 63 Fresh Pond Parkway, Cambridge MA, 02138

State that I/We own the property located at 63 Fresh Pond Parkway, Cambridge, which is the subject of this zoning application.

The record title of this property is in the name of _____
Minnie & Nicholas Mildwoff

*Pursuant to a deed of duly recorded in the date 09/21/2015, Middlesex South County Registry of Deeds at Book 66102, Page 239; or Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

Minnie Mildwoff

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

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

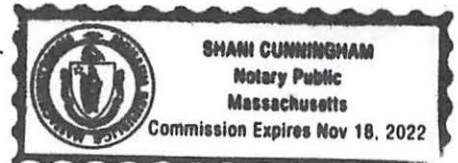
Commonwealth of Massachusetts, County of Middlesex

The above-name Minnie & Nicholas Mildwoff personally appeared before me, this 1 of June, 2016, and made oath that the above statement is true.

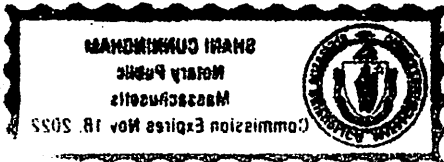
Shari Cunningham

Notary

My commission expires November 18, 2022 (Notary Seal).



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



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:

There is no other viable building entry that could accommodate a mud room addition. To create an alternative entry area with mud room will create significant financial hardship to the owners to remodel the interior of the home as well as the mud room addition. The building in its existing condition is inadequate for reasonable uses such that the failure to grant an exception could be considered unreasonable. The hardship is the current zoning and existing footprint does not allow for adding a mud room without violating the side yard setback, and the cost to do a mud room elsewhere is financially unfeasible.

- 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 existing building footprint and lot size are nonconforming due to the age of the building and changes in zoning requirements post-construction. A minor expansion of the entry vestibule is necessary to accommodate the storage and use needs of modern families.

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

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

The existing, non-conforming porch is proposed to be re-built to include a mudroom addition that is not substantially more detrimental than the existing structure to the neighborhood. There is no new impact on the side yard setback because the existing nonconforming porch is already within the setback area. The footprint of the new mud room is the exact same width and a lesser depth, as the existing nonconforming deck. There is no new impact on rainwater runoff because the impervious surface of the existing porch already drains the area. There is no alteration to the character of the neighborhood, which consists of similarly sized homes and nonconforming to modern setbacks. Therefore, granting a variance will not reduce the values of the surrounding properties.

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

The existing porch is nonconforming, located within the side yard setback and therefore the mud room addition would simply be an enclosed structure within an already nonconforming preexisting condition. The mud room does not change the nonconforming footprint of the existing deck simply encloses a portion.

- * 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: Independent Design, LLC PRESENT USE/OCCUPANCY: Residential
 LOCATION: 63 Fresh Pond Pkwy Cambridge, MA 02138 ZONE: Residence A-2 Zone
 PHONE: _____ REQUESTED USE/OCCUPANCY: Residential

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	3235	3277	3277	(max.)
<u>LOT AREA:</u>	6555	N/A	6000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:²</u>	.49	.5	.5	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	N/A	N/A	N/A	(min.)
<u>SIZE OF LOT:</u>	WIDTH	59.56'	N/A	(min.)
	DEPTH	N/A	N/A	(min.)
<u>SETBACKS IN FEET:</u>	FRONT	27'	27'	(min.)
	REAR	N/A	N/A	(min.)
	LEFT SIDE	N/A	N/A	(min.)
	RIGHT SIDE	3'-7"	3'-7"	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	N/A	N/A	(max.)
	LENGTH	N/A	N/A	
	WIDTH	N/A	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	57.1%	57.6%	50%	(min.)
<u>NO. OF DWELLING UNITS:</u>	N/A	N/A	N/A	(max.)
<u>NO. OF PARKING SPACES:</u>	N/A	N/A	N/A	(min./max)
<u>NO. OF LOADING AREAS:</u>	N/A	N/A	N/A	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	N/A	N/A	N/A	(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.

Existing house was built in 1948. Proposed reconstruction of the deck and new mud room will be wood frame construction with painted wood shingle siding and asphalt shingle roof.

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

BZA APPLICATION FORM

GENERAL INFORMATION

2016 JUN 20 PM 3:50
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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Appeal: _____

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- Conversion to Addi'l Dwelling Unit's Sign
- Dormer Subdivision
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CITY OF CAMBRIDGE
INSPECTIONAL SERVICES
2016 JUN 20 P 3:50

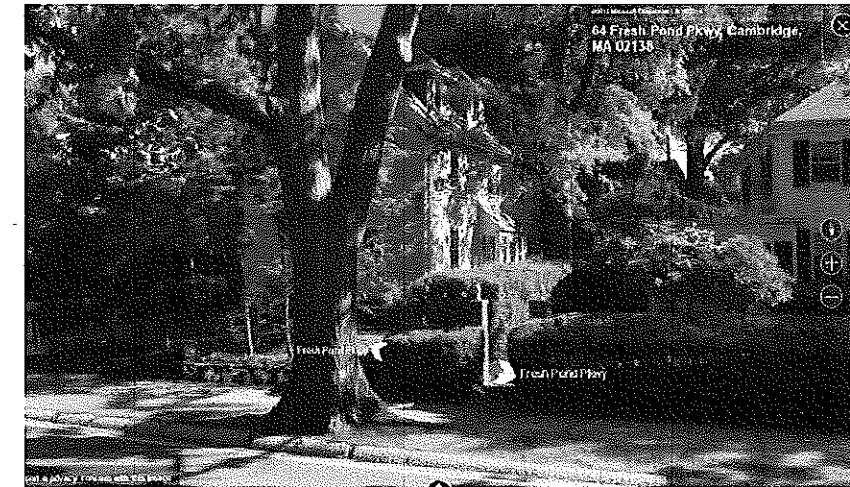
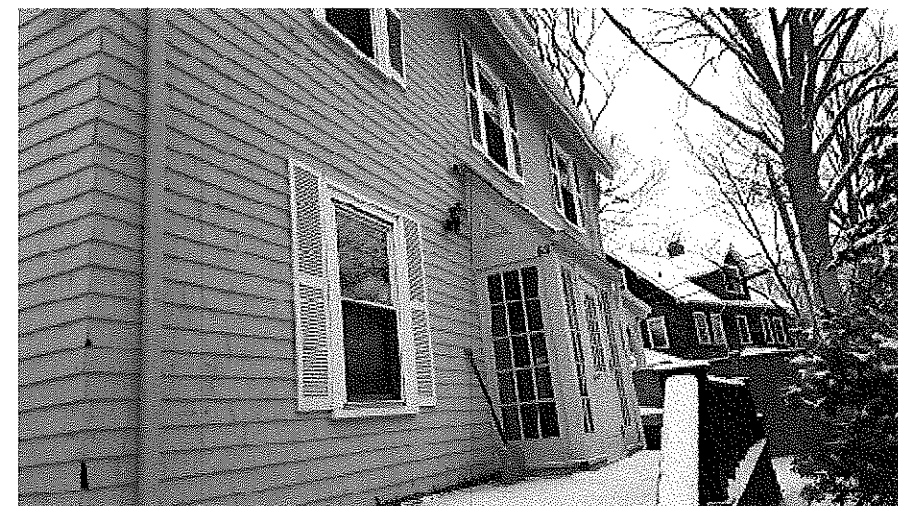
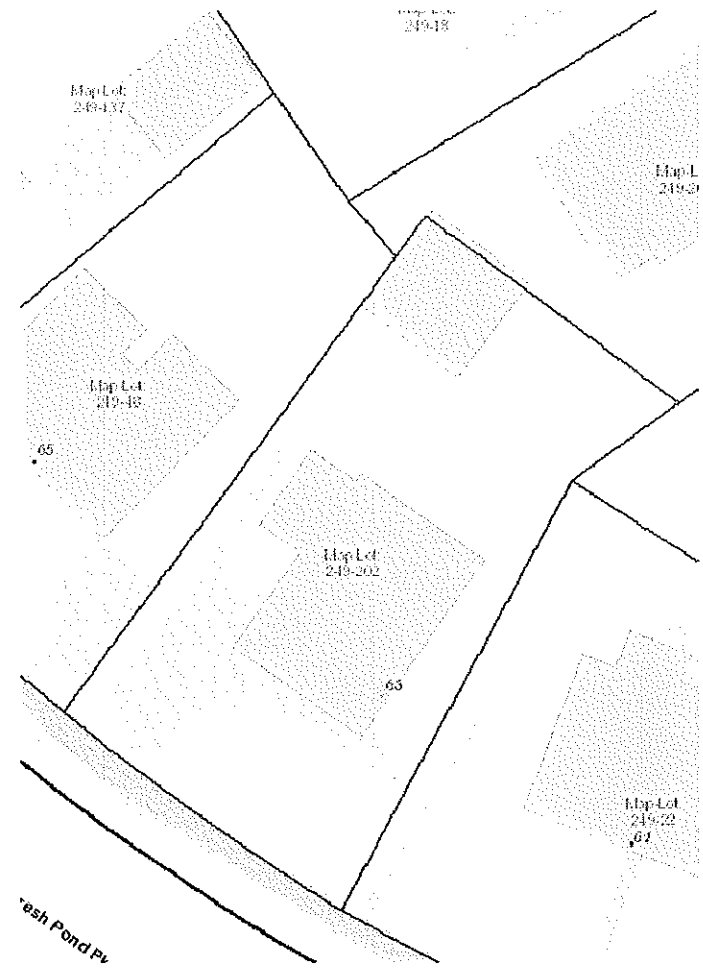
Original Signature(s): *Minnie & Nicholas Mildwoff*
(Petitioner(s)/Owner)
Minnie & Nicholas Mildwoff
(Print Name)

Address: 63 Fresh Pond Parkway
Cambridge MA, 02138

Tel. No.: (310) 428-4280

E-Mail Address: mmildwoff@gmail.com

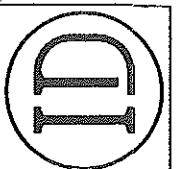
Date: 5/23/16



PROPOSED ADDITION AND RENOVATIONS TO 63 FRESH POND PARKWAY

SHEET LIST:

- A001 SITE PLAN
- A100 EXISTING FIRST FLOOR PLAN
- A101 PROPOSED FIRST FLOOR PLAN
- A201 ELEVATIONS
- A202 PHOTOS 1
- A203 PHOTOS 2



**INDEPENDENT
DESIGN**

IndependentDesign.com 617.750.2425

COVER SHEET
MILDWOFF RESIDENCE - DECK REBUILD
63 FRESH POND PARKWAY, CAMBRIDGE MA 02138

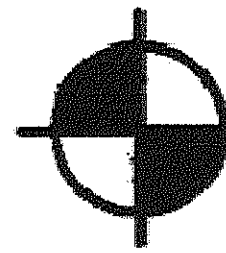
SCALE:

CO

MORTGAGE INSPECTION PLAN

14-05109

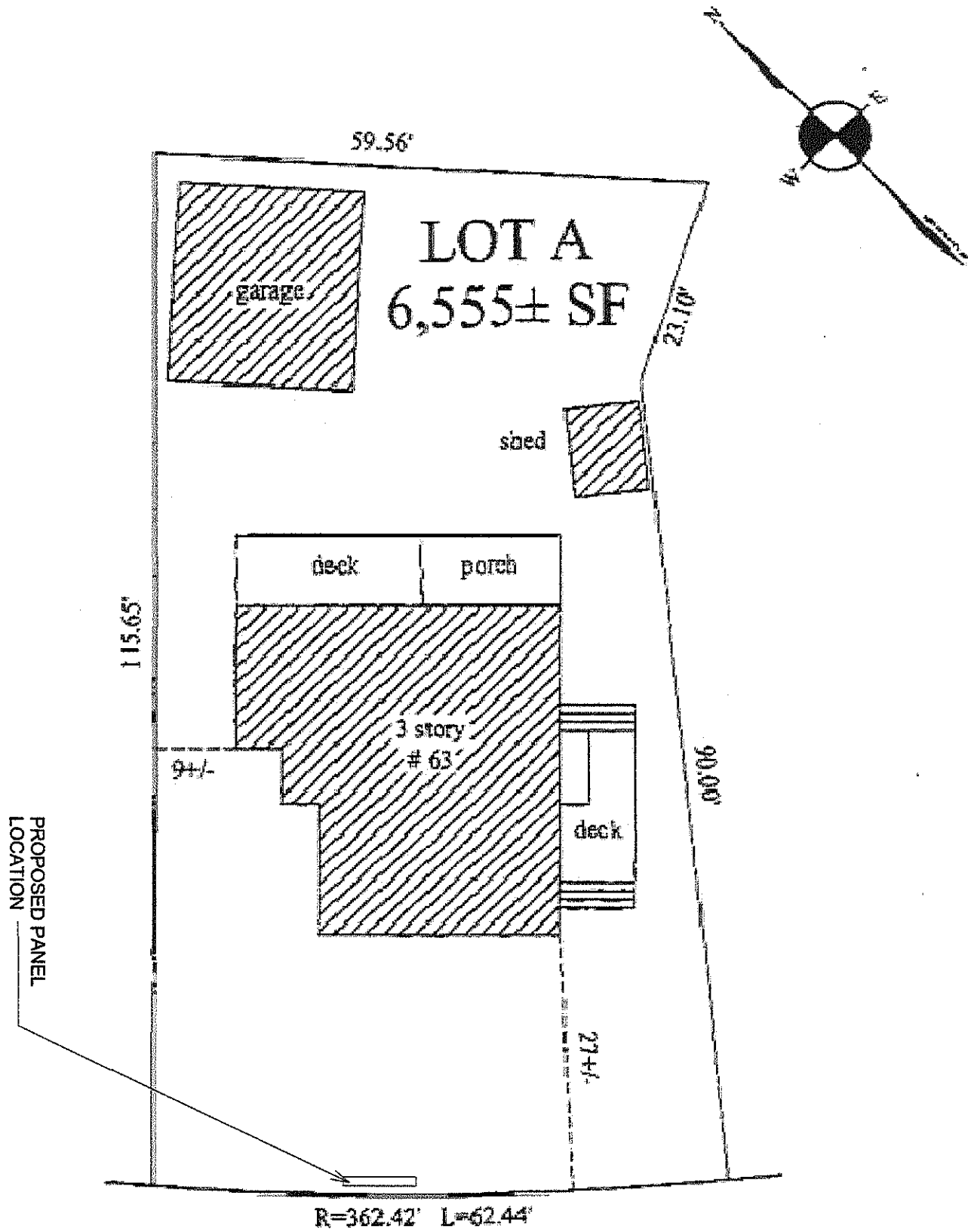
LOCATION : 63 FRESH POND PARKWAY
 CITY, STATE : CAMBRIDGE, MA
 APPLICANT : MINNIE MILDWOFF
 CERTIFIED TO : WELLS FARGO BANK NA
 SCALE : 1"=20'
 PREPARED : JUNE 11, 2014



**BOSTON
 SURVEY, INC.**

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

SITE PLAN



FRESH POND PARKWAY

min

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. 2501700419E
 EFFECTIVE DATE: 6-4-2010

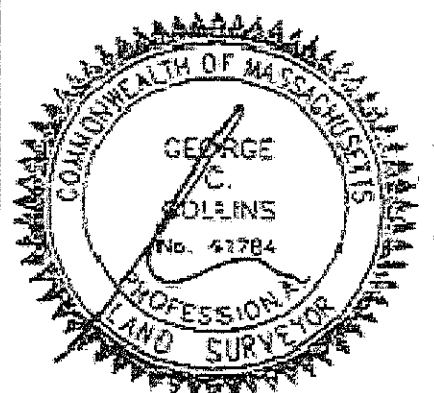
REFERENCES

DEED / CERT : 31658-330
 PLAN REF : # 1052 of 1963

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

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 either way across property lines except as shown and noted herein.

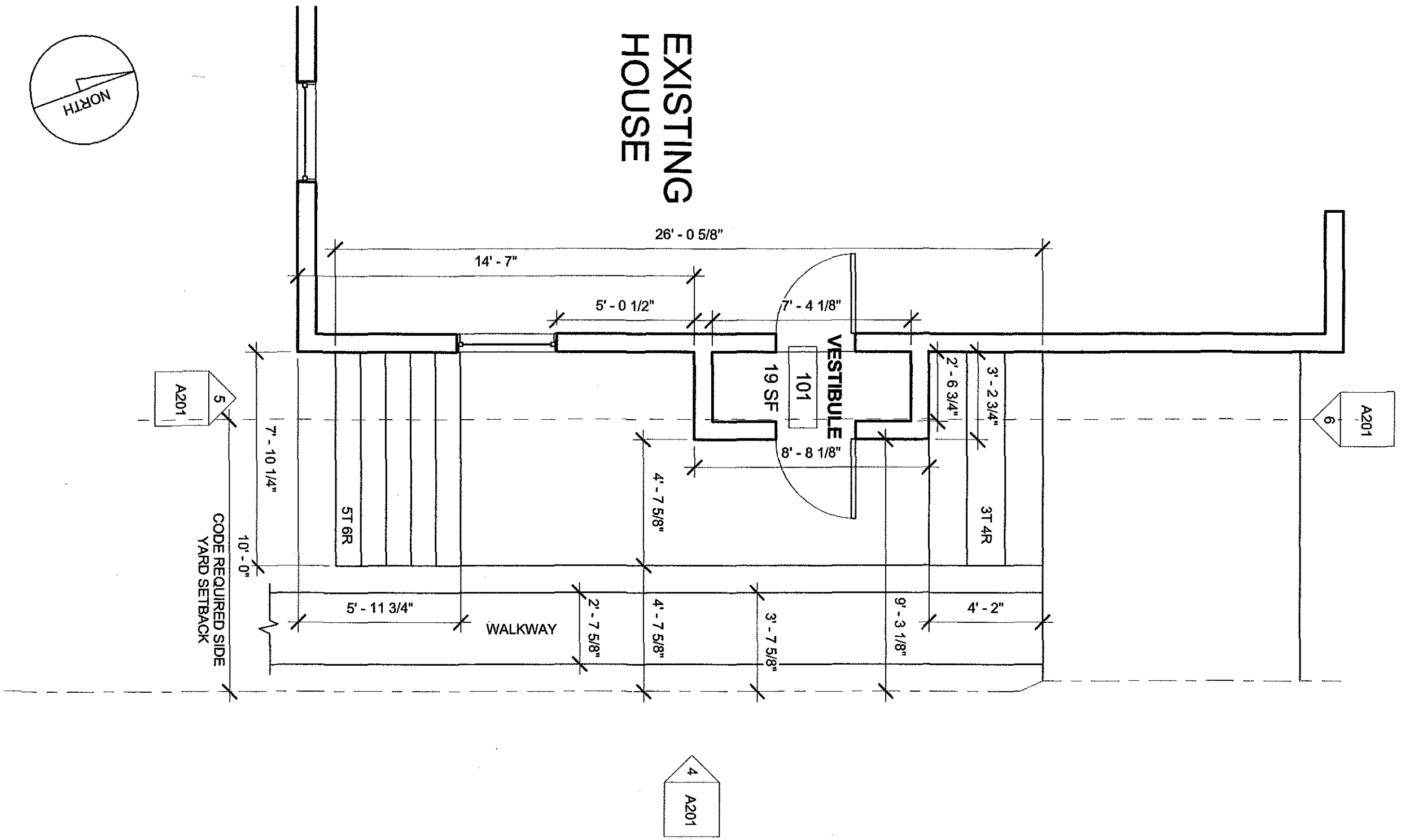
NOTE: This is not a boundary or title insurance survey. This plan was prepared in accordance to procedural and technical standards for Mortgage Loan Inspections as adopted by the Massachusetts Board of Registration of professional engineers and Land Surveyors, 250 CMR 6.05, and use for any other purpose is prohibited. This plan is not to be used for recording, preparing deed descriptions, or construction.

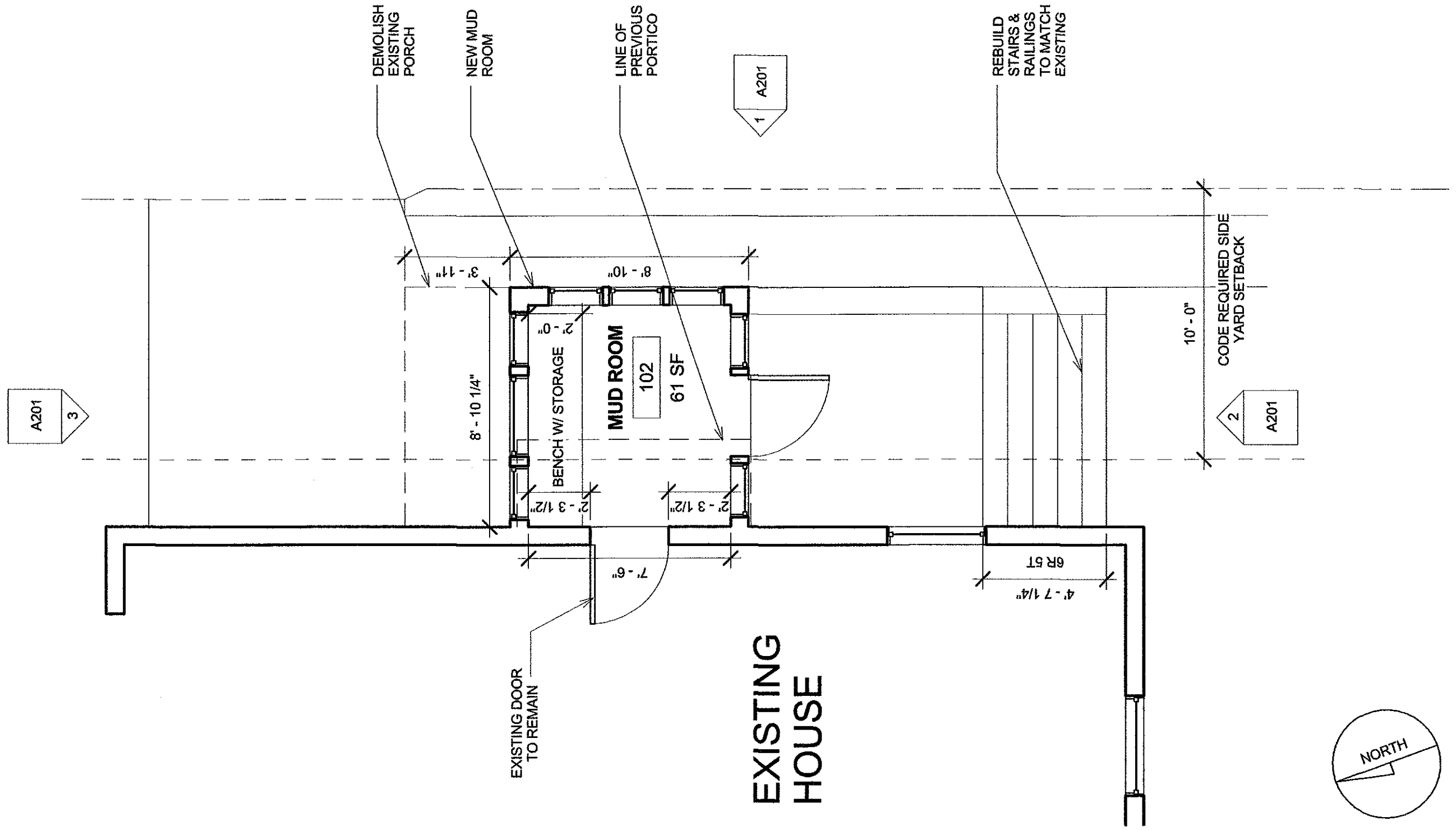


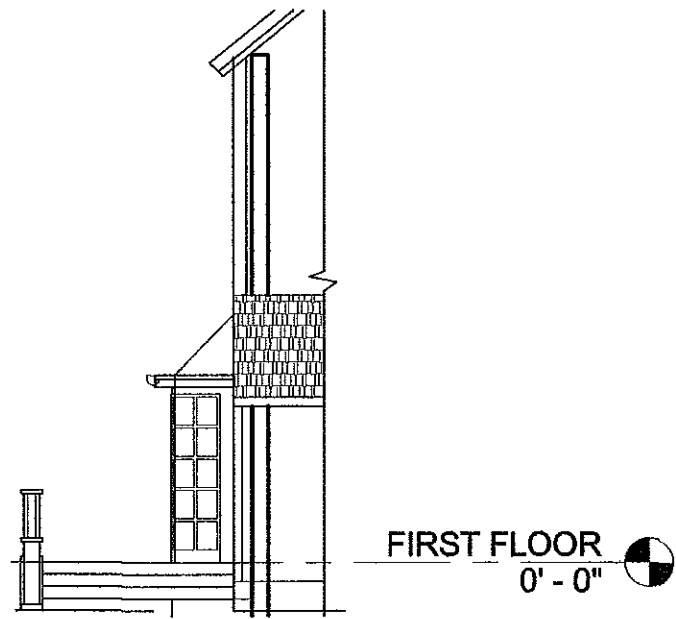
George C. Collins, PLS

MILDWOFF RESIDENCE - DECK REBUILD
 INDEPENDENT DESIGN, LLC

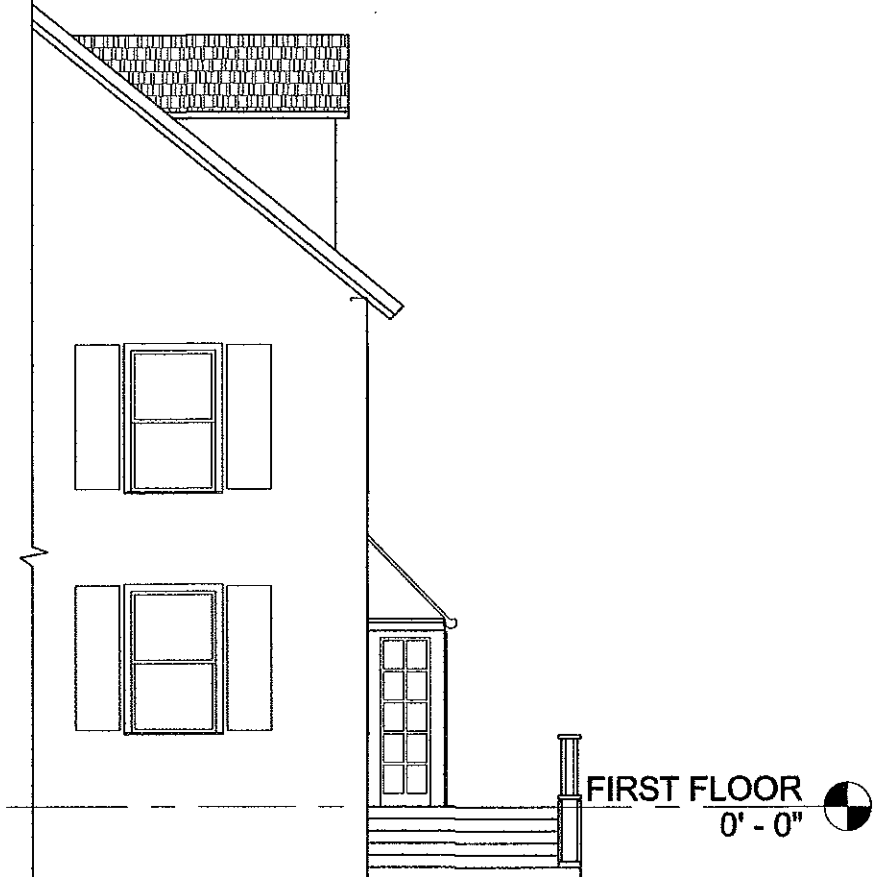
MAY 27, 2016
 © Independent Design 2015







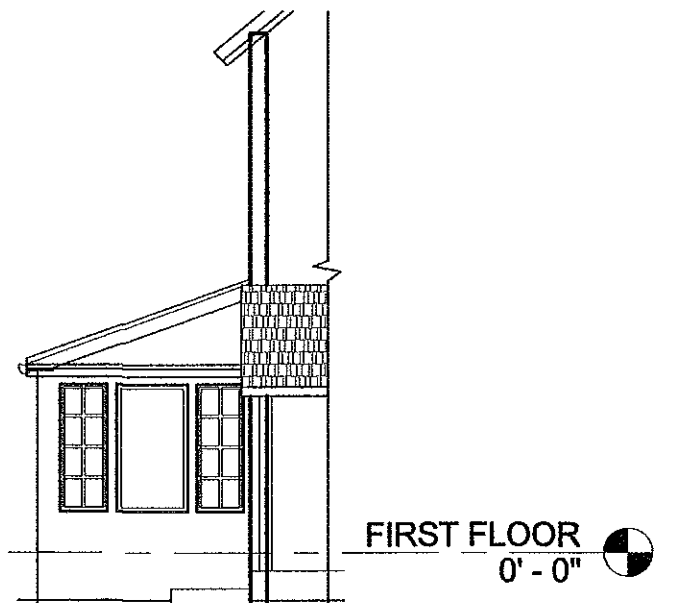
⑥ North Existing
1/8" = 1'-0"



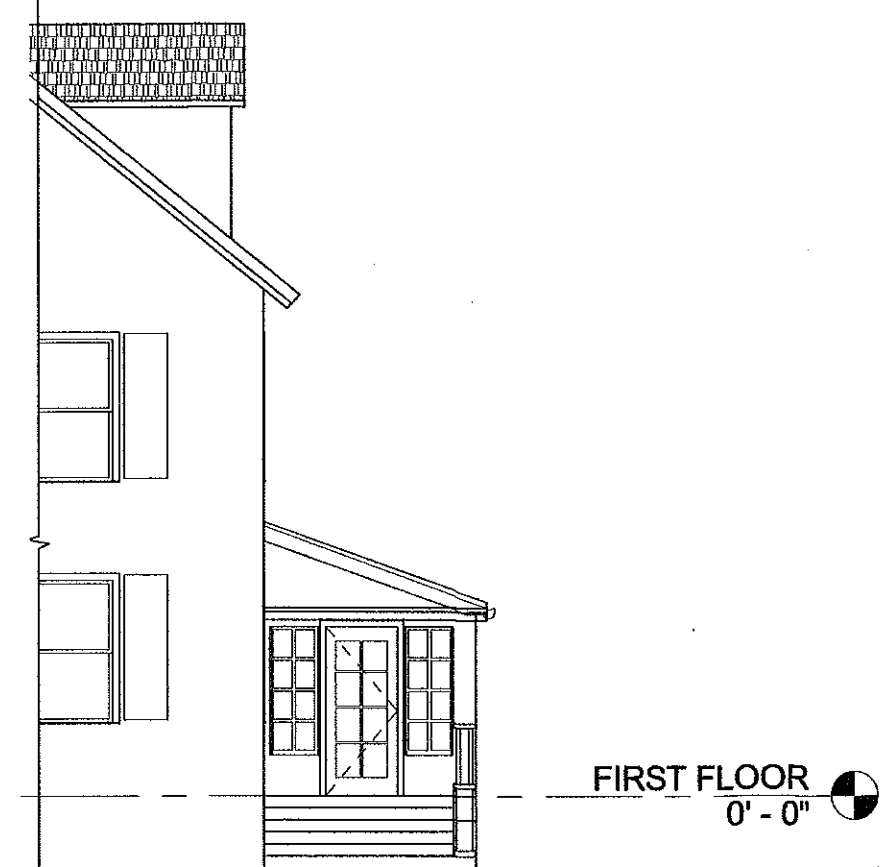
⑤ South Existing
1/8" = 1'-0"



④ East Existing
1/8" = 1'-0"



③ North Proposed
1/8" = 1'-0"

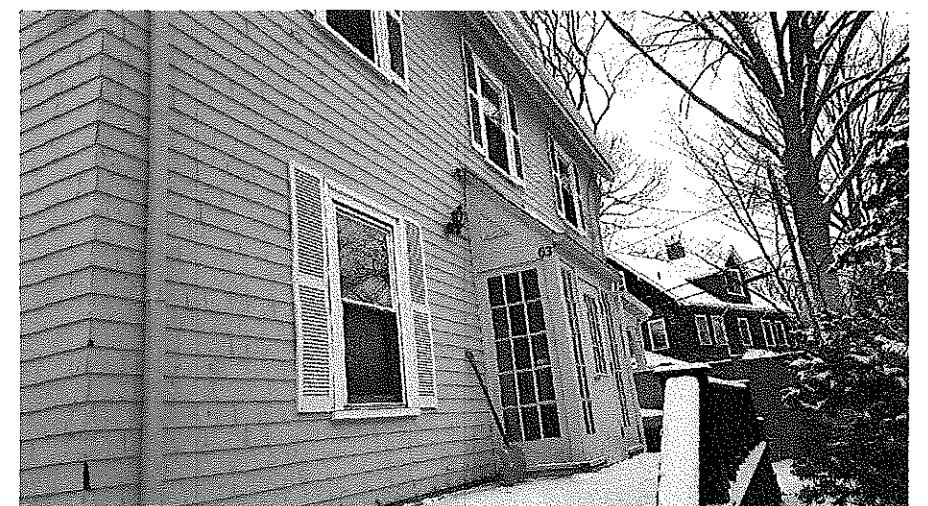
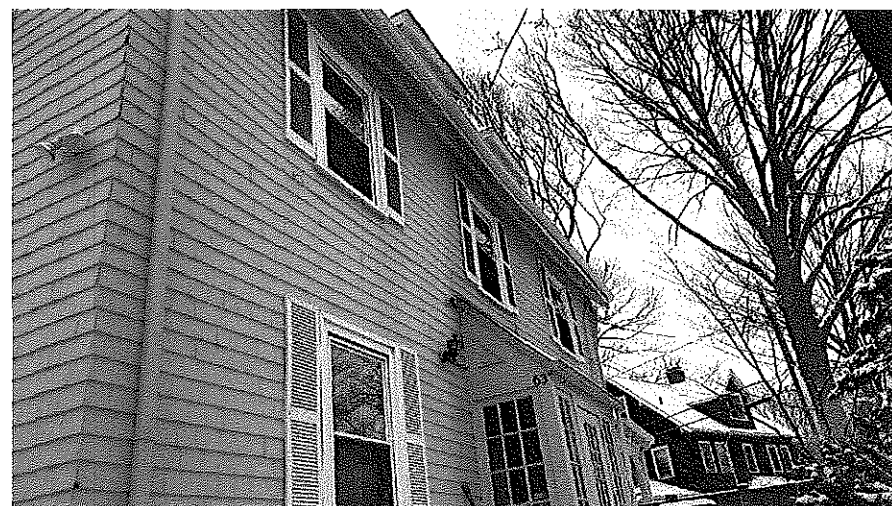
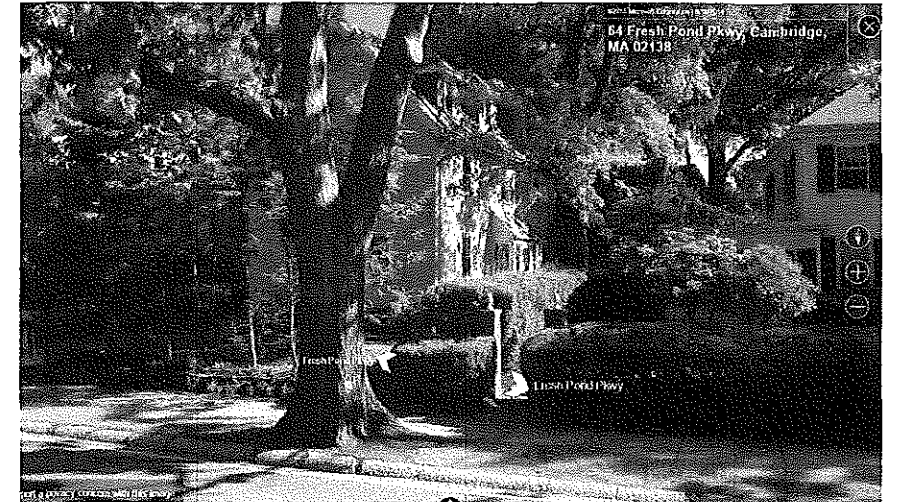
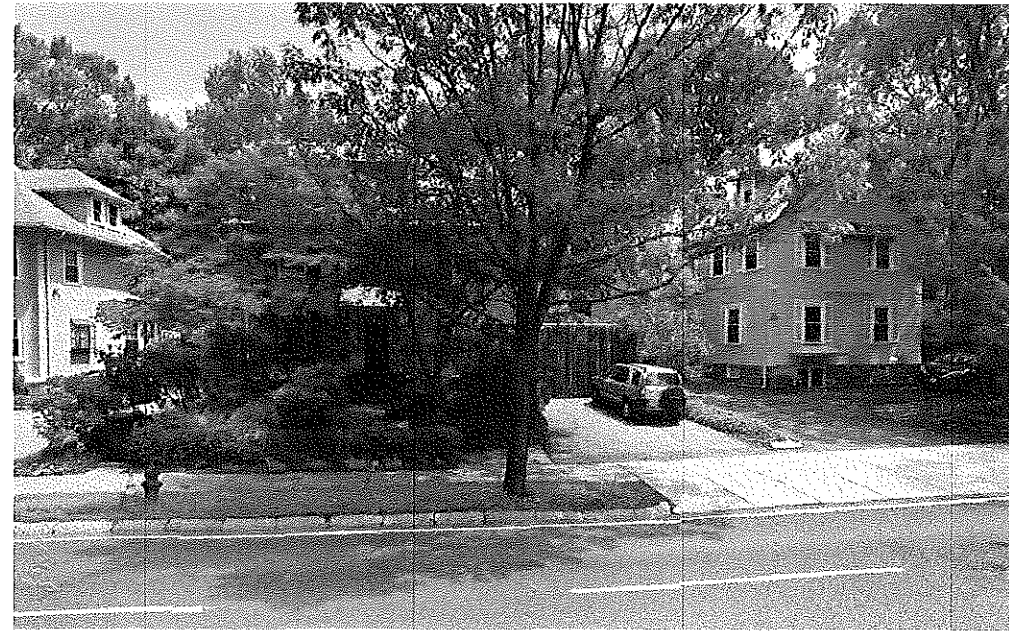
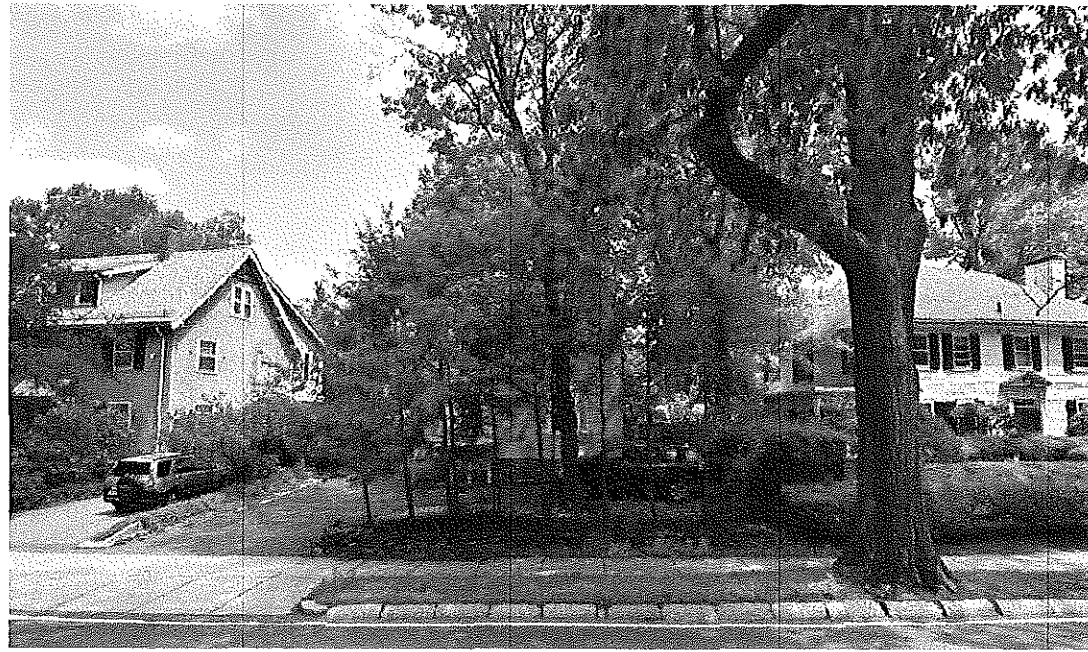


② South Proposed
1/8" = 1'-0"



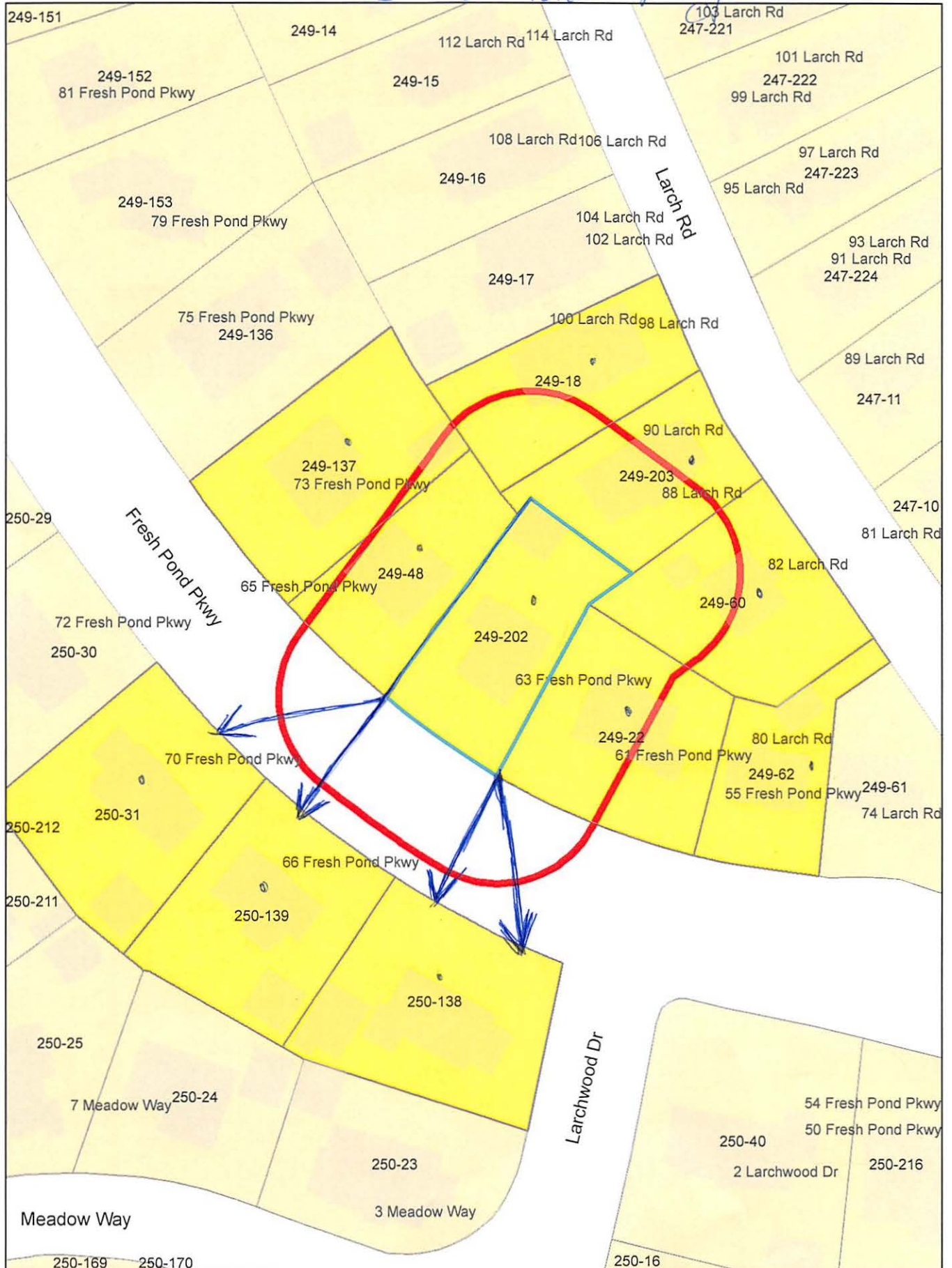
① East Proposed
1/8" = 1'-0"

ELEVATIONS





63 Fresh Pond Pkwy



63 Fresh Pond Pkwy

Petitioned

250-138
STRANG, ARTHUR I. III & SUSAN S. STRANG
60 FRESH POND PKY
CAMBRIDGE, MA 02138

249-203
WEINSTOCK, JUDITH S.
88-90 LARCH ROAD
CAMBRIDGE, MA 02138

249-202
MILDWOFF MINNIE & NICHOLAS B. MILDWOFF
63 FRESH POND PKWY
CAMBRIDGE, MA 02138

249-62
KHEIRANDISH, ELAHEH & HORMOZ GOODARZY
80 LARCH RD
CAMBRIDGE, MA 02138

249-48
SCHATZOW, EMILY
65 FRESH POND PKWY
CAMBRIDGE, MA 02138

250-31
BRINKERHOFF, ANNE H. &
GARRET I. BRINKERHOFF
70 FRESH POND PKY
CAMBRIDGE, MA 02138

249-18
AARON, JONATHAN TRUSTEE &
REBECCA J. FOLKMAN TRUSTEE
100 LARCH RD
CAMBRIDGE, MA 02138

250-139
ARMISTEAD, BARBARA , MARY ARMISTEAD
66 FRESH POND PKWY
CAMBRIDGE, MA 02138

249-137
NARAIN, NIVEN R. & PAULA P. PEREZ
73 FRESH POND PKWY
CAMBRIDGE, MA 02138

249-60
LADD, FLORENCE C.
82 LARCH RD
CAMBRIDGE, MA 02138

249-22
SCHNEIDER, MICHAEL R. & JEAN C. KELLEY
61 FRESH POND PKWY
CAMBRIDGE, MA 02138

B2A 10544-2014



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112
E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/Historic



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

Jurisdiction Advice

To the Owner of Property at 63 Fresh Pond Pkwy:

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 demo permit applic. 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 SUB Date 6/27/14
 Received by uploaded Date "
 Relationship to project _____

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., 2nd Fl.
Cambridge, MA 02139
Ph: 617/349-4683 or TTY: 617/349-6112
<http://www.cambridgema.gov/Historic/demolitiondelay.html>

BLOCK 249

66

248

235

259

249

247

251

250



City of Cambridge
Assessing Department
 795 Massachusetts Ave.
 Cambridge, MA 02139

- Buildings
- Lot Line
- Block Line
- City Boundary
- Water
- Sub-Parcel Line
- Easement
- Railway

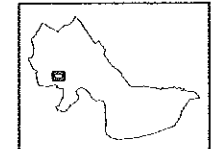
10 Lot Number
 249 Block Number
 10 Cam Street Number
 (125.0) Deed Dimension

100 Parcel size in Sq. Ft.
 44.0LC Land Court Dimension
 65.0 Survey Dimensions

DISCLAIMER:
 All Real Property shown on this map was collected from existing Assessor's Tax Maps dated 11/01 to 2013 and maintained by the City Assessor's Office and the Department of Public Works. Subsequent maintenance has been completed using the City of Cambridge Geographic Information System (GIS). Parcels have not been created from survey, and map is suitable for planning purposes only.
 The City of Cambridge assumes no legal responsibility for information shown on this map.



0 20 40 80 Feet
 1 inch = 43 feet



Parcel Block Map
249