BZA Number: 170145

# CITY OF CAMBRIDGE <br>  

## General Information

The undersigned hereby petitions the Board of Zoning Appeal for the following:
$\qquad$ Variance: $\qquad$ Appeal: $\qquad$

PETITIONER: John Denehy C/O Shanna Boughton
PETITIONER'S ADDRESS: 10 Van Norden Street, Cambridge, MA 02140
LOCATION OF PROPERTY: 10 Van Norden St, Cambridge, MA
TYPE OF OCCUPANCY: Residential
ZONING DISTRICT: Residence B Zone
REASON FOR PETITION:
/City request/

## DESCRIPTION OF PETITIONER'S PROPOSAL:

To create a third floor addition within the non-conforming structure and reframe dilapidated roof, roof height does not change.

## SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
Article: 8.000
Article: 10.000

Section: 8.22.2.D (Non-Conforming Structure).
Section: 10.40 (Special Permit).

Original Signature(s):


Address:
Tel. No.
6178395208
Date: $411+22$
E-Mail Address: johndenehy@gmail.com

## BRA APPLICATION FORM - OWNeRSHIP INEORMAIIOK

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

I/We John Denehy
(OFADisa)
Address: $\qquad$
State that I/We own the property located at 10 Van Norden Street, Cambridge, MA which is the subject of this zoning application.

The record title of this property is in the name of John Denehy

* Pursuant to a deed of duly recorded in the date $11 / 25 / 2020$, Middesex South County Registry of Deeds at Book $\qquad$ Page 389 ; or Middlesex Registry District of Land Court, Certificate No. $\qquad$ Book $\qquad$ Page $\qquad$ -

John Denehy


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

Commonwealth of Massachusetts; county of midflesix
 this $1 /$ of April: $20 \underline{22}$ and made oak that the above statement is true.

## BZA Application Form

## SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 10 Van Norden St, Cambridge, MA (location) would not be a detriment to the public interest because:
A) Requirements of the Ordinance can or will be met for the following reasons:

Only increasing gross floor area on 3rd floor but not increasing the square footage of the home
B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

Will not have any impact on traffic
The continued operation of or the development of adjacent uses as permitted in the Zoning
C) Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

Will not have any impact
D)

Nuisance or hazard would not 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 for the following reasons:

Will not have any impact
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:

Structure will remain with integrity of district.
*If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an attorney.

## BZA Application Form

## DIMENSIONAL INFORMATION

| Applicant: | John Denehy. |
| :--- | :--- |
| Location: | 10 Van Norden St, Cambridge, MA |
| Phone: | 6178395208 |

Present Use/Occupancy: Residential<br>Zone: Residence B Zone<br>Requested Use/Occupancy: Residential

|  |  | Existing_Conditions | Requested Conditions | Ordinance <br> Requirements |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| $\begin{aligned} & \text { TOTAL GROSS FLOOR } \\ & \text { AREA: } \end{aligned}$ |  | 2266 | 2266 | 2295 | (max.) |
| LOT AREA: |  | 3959 | 3959 | 5000 | (min.) |
| $\begin{aligned} & \text { RATIO OF GROSS } \\ & \text { FLOOR AREA TO LOT } \\ & \hline \text { AREA: }{ }^{2} \\ & \hline \hline \end{aligned}$ |  | . 572 | . 572 | . 459 |  |
| LOT AREA OF EACH DWELLING UNIT |  | 1979.5 | 1979.5 | 2500 |  |
| SIZE OF LOT: | WIDTH | 44 | 44 | 50 |  |
|  | DEPTH | 90 | 90 | 90 |  |
| SETBACKS IN FEET: | FRONT | 15 | 15 | 15 |  |
|  | REAR | 25 | 25 | 25 |  |
|  | LEFT SIDE | 7'6 | 7'6 | 7'6 |  |
|  | $\begin{aligned} & \text { RIGHT } \\ & \text { SIDE } \end{aligned}$ | 7'6 | 7'6 | 7'6 |  |
| SIZE OF BUILDING: | HEIGHT | 35 | 35 | 35 |  |
|  | WIDTH | 28 | 28 | 28 |  |
| RATIO OF USABLE <br> OPEN SPACE TO LOT <br> AREA: |  | 40 | 40 | 40 |  |
| NO. OF DWELLING UNITS: |  | 2 | 2 | 2 |  |
| $\begin{aligned} & \text { NO. OF PARKING } \\ & \text { SPACES: } \\ & \hline \end{aligned}$ |  | 2 | 2 | 2 |  |
| $\begin{aligned} & \text { NO. OF LOADING } \\ & \hline \text { AREAS: } \\ & \hline \end{aligned}$ |  | N/a | N/A | N/A |  |
| DISTANCE TO NEAREST |  | N/a | n/a | N/A |  |

Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.:
not applicable

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT $7^{\prime}-0^{\prime \prime}$ 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 $15^{15}$.

## Pacheco, Maria

| From: | Boughton, Shanna [sboughton@mcglinchey.com](mailto:sboughton@mcglinchey.com) |
| :--- | :--- |
| Sent: | Thursday, June 9, 2022 11:03 AM |
| To: | Ratay, Olivia |
| Cc: | John Denehy; danharding@usa.com; Pacheco, Maria |
| Subject: | 10 Van Norden Street |
| Attachments: | 676479538.jpg |

Dear Ms. Ratay,
Please find attached photograph for the hearing this evening. Also, can you confirm whether the other photograph we submitted will be able to be shared on the screen?
Thank you,
Shanna

## Shanna M. Boughton

Attorney at Law
sboughton@mcglinchey.com
One Boston Place, 29th Floor, Boston, MA 02108
T (857) 453-7151 F (617) 830-8187
bio | vCard | mcglinchey.com
Alabama California Florida Louisiana Massachusetts Mississippi New York Ohio Tennessee Texas Washington Washington, DC


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From:
Sent:
To:
Subject:

Christina Giacobbe [christina007@comcast.net](mailto:christina007@comcast.net)
Monday, July 25, 2022 8:41 AM
Pacheco, Maria
Objection to 10 Van Norden Street, BZA 3170145

Good morning,
I am writing to express my objection to the matter before the board regarding the 3rd floor at 10 Van Norden Street.

The reasons for my objection are as follows:

1. The design of the property does not conform to the other houses on the street. It is unsightly to look at and takes away from the character of the neighborhood. The siding is inconsistent and there are no windows on the third floor facing the street like all the others houses. This devalues the neighborhood. 2. The owner did not properly seek a permit for the third floor as the design is above the existing property/FAR. At the last hearing in June, the attorney representing the owner stated that there was a fire at the property that resulted in the need for this oversized addition. It is my understanding that the fire occurred over several years ago and the property purchased was in significant need of repair and they should have known about this issue. The dimensions were also incorrect given the existing conditions before the fire which was not how the property is today. The previous owner repaired and maintained the fire damage and kept the roof line.
2. It was brought to my attention that the owner also has been in the neighborhood knocking on doors after 9:00PM one evening trying to solicit additional support. Although I did not have any interactions with the owner, it appeared to be quite aggressive and bordering on intimidation given the time of night.
3. Other owners on the street sought to seek permits for dormers through the appropriate process, 8 Van Norden Street and 11 Van Norden Street. I had no objections to these as they were conforming to the neighborhood. However, one owner was denied the exact same size of the dormer presently at 10 Van Norden Street. This was due to a significant fire that damaged the whole house and caused a multigenerational family to rebuild. This fire was on the news, right before Christmas and several neighbors and community members supported the family so they could rebuild. They were denied by the board and continued with their project conforming to the city regulations and direction of the board. To now grant another owner who did not follow the process would be disappointing as you would be rewarding bad behavior allowing the addition because they already did the work. This approval would encourage others to not conform to city regulations. Paying a fine is not sufficient.
4. During the last meeting, one of the board members brought to the attention of the attorney representing the owner that the FAR did not stay the same of that on the original permit. This design allowed the owner to gain entire floor area which they should have known would increase FAR. This bad behavior was noted by the board.
5. The request now as submitted in June did not reflect the updated dimensions leaving questions on the legitimacy of the request. I believe one of the board members commented that this was "felonious". This request to legitimize the work without a permit is a dangerous precedent.

It is my recommendation that the board deny the request and require the owner to take the dormer down and/or modify to conform to the other houses on the street.

Thank you for your time and consideration.

7 Van Norden Street

## From:

Sent:
To:
Subject:

Mike Rowland [mikejrowland@gmail.com](mailto:mikejrowland@gmail.com)
Sunday, July 31, 2022 4:07 PM
Pacheco, Maria
Zoning appeal comments -- 10 Van Norden St

To Whom It May Concern:
My name is Mike Rowland and I am the owner of 11 Van Norden St \#2, directly across the street from the property in question, 10 Van Norden St. I work from home and my home office directly overlooks 10 Van Norden, so I'm quite familiar with the project.

In my view, the special permit should be granted. The changes such as the top-floor dormer will benefit whoever my new neighbor will be, and don't harm me or our other neighbors. The changes are in keeping with the character of the neighborhood that drew me here.

More broadly, this long appeal process should be streamlined or have its requirements relaxed, so that simple improvements such as this one don't require such a drawn out process and can be done by right.

Now, in my personal, aesthetic opinion, the house would look better and be more enjoyable for its future owner with some of the updates proposed by the architect, but it's not my house to decide. In any case, I would prefer the project move forward rather than remaining partially finished for a longer time.

Mike

## Pacheco, Maria

| From: | Alice Jarrard [ajarrard@gmail.com](mailto:ajarrard@gmail.com) |
| :--- | :--- |
| Sent: | Monday, August 15, 2022 4:23 PM |
| To: | Pacheco, Maria |
| Subject: | Illegal construction at 10 Van Norden Street |

Dear Ms. Pacheco,
We are writing as longtime residents of North Cambridge, who walk daily two or three times past the construction in question (case \#BZA 170 145) and have been wondering for well over a year how it ever got approved. Leaving aside the question of the aesthetics of this third-floor construction, which do not correspond at all with the other buildings on the block, or the untruths told by the builder regarding the residence being owner-occupied, we are appalled by the lack of respect for due process on the part of the builder, Denehy.

To ask the city of Cambridge for a variance after construction is completed should not be allowed, as it sets a terrible precedent that developers will be only too happy to follow by simply paying after the fact for whatever they want to build illegally. The inequities that already exist between developers and neighborhood homeowners already are altering the urban fabric of Cambridge for the worse.

Please do not let this example stand!
Yours,
Alice Jarrard and Michael Randall
12 Notre Dame Avenue
Cambridge MA 02140
Sent from my iPhone


- City of Cambridge

Massachusetts
BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139
RE: Case \# $\qquad$ 10 Van Nordensf. Address: $\qquad$ .

- Owner, $\square$ Petitioner, or Representative:

hereby waives the required time limits for holding a public hearing as required by
Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts,
Massachusetts General Laws, Chapter 40A. The $\square$ Owner, $\square$ Petitioner, or $\square$
Representative further hereby waives the Petitioner's and/or Owner's right to a
Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

Date: $\qquad$ $6-14-22$
(9:29 p.m.)
Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea Hickey, Jason Marshall, and Matina Williams

BRENDAN SULLIVAN: Okay. The Board will hear Case No. 170145 -- 10 Van Norden Street. 10 Van Norden?

SHANNA BOUGHTON: Good evening. Shanna Boughton on behalf of the petitioner, John Denehy.

BRENDAN SULLIVAN: If you would introduce yourself for the record?

SHANNA BOUGHTON: Yes. Good evening. Shanna Boughton on behalf of the petitioner, John Denehy.

BRENDAN SULLIVAN: Okay. Let me give a little bit of a background, and you can correct me if I misspeak or -the history behind this for the Board is that there was a fire at 10 Van Norden, and that the petitioner, whether it be John Denehy or the contractor came down and applied for a building permit to repair the fire damage. Is that right, Shannon (sic)?

SHANNA BOUGHTON: Yes.
BRENDAN SULLIVAN: Okay. Could the Board -- I'm
sorry, could Staff pull up with the existing building before the fire looked like?

JIM MONTEVERDE: There's a view of it on the survey sheet, Mr. Chair.

SHANNA BOUGHTON: Yeah. There should be one in the file.

JIM MONTEVERDE: Kind of a grainy, little one but --

BRENDAN SULLIVAN: Yeah. Okay. So that was the building prior to the fire. And apparently the fire was in the top left corner of the third floor, was it? Or the second floor or something?

SHANNA BOUGHTON: Second floor.
BRENDAN SULLIVAN: Okay. Then so there was a fire there and it came down to the building permit to repair the fire damages. And then the repairs looked like -- let me see, the -- and that's what the repairs came out to be.

So what you're asking for tonight is that there was -- I'll paraphrase it, I guess, is that there was far more work done than what was permitted by the permit? Is that fair to say, Shannon?

SHANNA BOUGHTON: Yes. I think it's -- you know,
particularly with regard to the roofline while the top pitch is not higher, the -- as you could see, there's like -- I don't know if you call them, "dormers" now that are on the side of each?

BRENDAN SULLIVAN: Well, yeah.
SHANNA BOUGHTON: So it's changed the pitch of the roof.

BRENDAN SULLIVAN: Yeah, the original has --
SHANNA BOUGHTON: And increased --
BRENDAN SULLIVAN: -- changed --
SHANNA BOUGHTON: -- on each side of the home in that area. So --

BRENDAN SULLIVAN: And the left side goes all the way down the entire length of the building?

SHANNA BOUGHTON: Correct.
BRENDAN SULLIVAN: All right. And the right side basically replaces a small dormer that was present there? SHANNA BOUGHTON: Yes.

BRENDAN SULLIVAN: And ties into an existing feature of the house? I don't know if you have a side view or not?

SHANNA BOUGHTON: Correct, on the right side.

BRENDAN SULLIVAN: Okay, right there.
SHANNA BOUGHTON: There, yes. Because this is the current status, what it looks like.

BRENDAN SULLIVAN: So basically, what you're asking is for us to legalize $I$ guess what was expanded. And I guess the question is ask is how did this happen? Or maybe it's immaterial at this point?

SHANNA BOUGHTON: Well, you know, I will say what happened in regard -- it's no excuse, obviously, it should have been done beforehand, before the City drew it to my client's attention -- you will see in the file there is a letter from our architect, Christopher Bailow. And in there, he didn't believe that a special permit was required because the floor area ratio stayed the same.

So Mr. Denehy was relying on that in not seeking a special permit. And --

JIM MONTEVERDE: I'm not sure that that's correct.
SHANNA BOUGHTON: I understand that.

JIM MONTEVERDE: I mean, I understand the statement, but there just -- it can't be. When you were under that original roof pitch, and if you're measuring any space that's five-foot tall, and now you've raised that roof so
that you have the entire floor area, you've definitely gained square footage.

SHANNA BOUGHTON: Understood.

JIM MONTEVERDE: That has to affect your FAR. SHANNA BOUGHTON: Right.

JIM MONTEVERDE: Sorry to interrupt you.
BRENDAN SULLIVAN: And again, for somebody who's in the business, you have a permit to do a certain amount of work, and then you just disregard that and then just keep on going without going back to the Building Department and say -- well, first of all good common sense is that you're expanding beyond what you asked for for the building permit. It's just bad behavior. That is one issue.

The other issue is on the dimensional form. If we can pull up the dimensional form?

Again, the existing conditions, we want to know what the existing conditions were before the fire. Basically, what you're basically including in this is what it is now. The existing conditions, taking into consideration the expansion. That's felonious. We cannot have that.

It has to be what the existing condition of the
house was prior to the fire, before getting the building permit to repair it. So we need to know what that number is, and then the 2266 is probably what it is now.

And that then changes all of those numbers probably down below.

SHANNA BOUGHTON: Understood.
BRENDAN SULLIVAN: So I don't see how the application can go forward because there's a defect in the application, which is the dimensional form.

SHANNA BOUGHTON: So if we can request, then, a continuance, then to the next hearing, and I will relay to Mr. Denehy that he needs to obtain a new architect, then, so that these are all corrected.

BRENDAN SULLIVAN: Right. And it should be run by the Building Department too and the Commissioner to make sure that all the calculations are correct.

SHANNA BOUGHTON: Are accurate.
BRENDAN SULLIVAN: Let me open it up to members of the Board. Jim Monteverde, are you in agreement that the matter needs to be continued?

JIM MONTEVERDE: Absolutely.
BRENDAN SULLIVAN: And Jason Marshall?

JASON MARSHALL: Emphatically yes.
BRENDAN SULLIVAN: Andrea?
ANDREA HICKEY: Yes. This cannot go forward as it.

BRENDAN SULLIVAN: Okay. Matina?
MATINA WILLIAMS: Yes. This is -- needs a continuance.

BRENDAN SULLIVAN: And Brendan Sullivan yes that accepting the request for a continuance. Let me make a motion, then, to continue this matter to the earliest date we can do it is -- when, August -- August 18, 2022.

Let me make a motion, then, to continue this matter to August 18, 2022, as a case not heard on the condition that the petitioner and petitioner's counsel sign a waiver to the statutory requirement for $a$ hearing and a decision to be rendered thereof.

Such waiver shall be obtained by the Building Department, Special Services. Shall be signed either by the petitioner or counsel. That it be returned by 5:00 p.m. on the week from Monday.

That the posting sign -- and I would ask that the posting sign be changed from behind the window, which is in
the well -- and that it be put -- mounted on the fence or potentially just inside the fence, potentially on a piece of plywood and you can put a piece of plastic over it, but that it not be putting it in the window is -- does not meet the requirements of the ordinance.

That the posting sign be changed to reflect the new date of August 18, 2022, and the new time of 6:00 p.m. That any new submissions will have to be, that they be in the file by 5:00 p.m. on the Monday prior to the August 18 hearing.

And I think that covers it.
On the motion, then, to continue this matter, Jim
Monteverde?
JIM MONTEVERDE: In favor.

BRENDAN SULLIVAN: Jason Marshall?
JASON MARSHALL: In favor.

BRENDAN SULLIVAN: Andrea Hickey?
ANDREA HICKEY: Yes, in favor.
BRENDAN SULLIVAN: Matina Williams?
MATINA WILLIAMS: Yes, in favor.
BRENDAN SULLIVAN: In favor.
[All vote YES]

BRENDAN SULLIVAN: On the five affirmative votes
of the members of the Board this matter is continued until August 18. See you then.

SHANNA BOUGHTON: Thank you.
BRENDAN SULLIVAN: And that concludes tonight's
agenda. Thank you all. Excellent work.
JIM MONTEVERDE: All right.
MATINA WILLIAMS: Thank you.
COLLECTIVE: Thank you.
MATINA WILLIAMS: Goodnight, everyone.
ANDREA HICKEY: Good work, Mr. Chair. Thank you.
MATINA WILLIAMS: Good work, Mr. Chair.
JIM MONTEVERDE: Bye-bye.
MATINA WILLIAMS: Bye.
BRENDAN SULLIVAN: Bye now, Matina. Stay well.
[9:40 p.m. End of Proceedings]

## DENEHY RESIDENCE

PRIOR TO RENOVATION



CITY08/R6/2022
PROPOSED


## PROJECT \#: 2207-0010



## BZA-001 GENERAL NOTES



## GENERAL NOTES

1. ALl WORR SHALL BE CONSIDERED NEW, UNLESS OTHERMS






2. 

























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SAM KACHMAR ARCHIIECTS

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\section*{GENERAL NOTES <br> 








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|  | JOHN DENEHY |
| :---: | :---: |
|  | DENEHY RESIDENCE |
|  | 10 VAN NORDEN ST. CAMBRIDGE, MA 02140 |

## END OF PRESENTATION

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SAM KACHMAR ARCHIIECIS (p) 1 17-200. 6223

$\qquad$
"

APPLICANT: John Denehy _ PRESENT USE/OCCUPANCY: Residential

IOCATION:
10 Van Norden St. Cambridge, MA
zONE: District B

| PHONE: | REQUESTED USE/OCCUPANCY: Residential |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
|  | $\frac{\text { EXISTING }}{\text { CONDITIONS }}$ | $\begin{aligned} & \text { REQUESTEDD } \\ & \text { CONDITIONS } \end{aligned}$ | $\frac{\text { ORDINANCE }}{\text { REOUIREMMENTS } 1}$ |  |
| TOTAL GROSS FLOOR AREA: | 2,212 sf. | 2,377 sf. | 1980 sf. | (max.) |
| LOT AREA: | $3,960 \mathrm{sf}$. |  | 5,000 sf. | (min.) |
| RATIO OF GROSS FLOOR AREA TO LOT AREA: | 0.56 | 0.60 | 0.50 | (max.) |
| LOT AREA FOR EACH DWELLING UNIT: | 1,980 sf. | 1,980 sf. | 2,500 sf. | (min.) |
| SIZE OF LOT: WIDTH | 44' - 0" |  | 50' - $0^{\prime \prime}$ | (min.) |
| DEPTH | 90'-0" |  |  |  |
| Setbacks in FRONT | 10'-0" | 10'-0" | 15'-0" | (min.) |
| Feet: REAR | 43' - 7" | 43' - 7" | 25' - 0" | (min.) |
| LEFT SIDE | 11' - 0" | 11'-0" | $7{ }^{\prime}-6$ '/SUM 20 | (min.) |
| RIGHT SIDE | 2'-6" | 2' - 6" | 7' - 6'/SUM 20 | (min.) |
| SIZE OF BLDG.: HEIGHT | 34'-6" | 34' - 6" | 35' - ${ }^{\prime \prime}$ | (max. ) |
| LENGTH | 36'-4 |  |  |  |
| WIDTH | 28' - 6" |  |  |  |
| RATIO OF USABLE OPEN SPACE TO LOT AREA: ${ }^{\text {T }}$ |  |  |  |  |
| NO. OF DWELLING UNITS: | 2 | 2 |  | (max.) |
| NO. OF PARKING SPACES: | 2 | 2 | (min | n. $/ \mathrm{max}$ ) |
| NO. OF LOADING AREAS: | N/A | N/A | N/A | (min.) |
| DISTANCE TO NEAREST BLDG. | 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.
steel, etc.

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5. 30 (DISTRICT OF DIMENSIONAL REGULATIONS)
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT $7^{\prime}-0^{\prime \prime}$ IN HEIGHT AND ATTIC AREAS GREATER THAN $5{ }^{\prime}$ ) DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF $15^{\prime}$.
(ATTACHiENT B - pAGE 4)



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.

[^2]Board of Zoning Appeals,
My name is Peter Fosdick and I reside at 183 Prospect Street in Cambridge. I have resided at this address for 53 years. I am writing to provide my support of the construction and renovation at 10 Van Norden Street by John Denehy. I am a former architect and business associate of Mr. Denehy and I write this letter of support on his behalf.

I reviewed the photographs of the prior home before renovation. The house was in poor condition prior to Mr. Denehy's purchase and improvements. As a longtime resident of Cambridge and a former architect, I am very disappointed to learn of the opposition to this Project. I have reviewed the renderings by Sam Kachmar and believe that the exterior renovations are in conformity with the other homes on the street and will be a great improvement to the neighborhood. This will also increase the value of the homes on the street. The increase in the FAR is minimal and the dormers are with the integrity of the home and the neighborhood and construction in Cambridge.

As a long-time resident and architect, I request that the board approve this construction as it is for the good of our city and making it difficult to obtain approval for new homeowners dissuades people from making improvements because of the difficulty encountered. We should be encouraging renovations and improvements in our city.

Please approve this renovation.
Sincerely,
Peter Fosdick

January 20TH, 2022


ARCHITECT:
BAILOW ARCHITECTS
35 HIGH STRET
HOLLISTON, MA. 01746
978.97943
978.979 .8430

| STRUCTURAL NOTES | GENERAL NOTES |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| GENERAL <br> 1. Construction IS To Be in accordance with the massachusett state <br> REFER TO ARCHITECTURAL DRAWINGS FOR DIMENSIONS. CONTRACTOR SHALL CONFIRM ALL DIMENSIONS AND ELEVATIONS SHOWN ON THE DRAWINGS. <br> CONTRACTOR IS SOLELY RESPONSIBLE FOR JOB SAFETY <br> FOUNDATIONS <br>  <br> 2. PRESUMED SOIL BEARING CAPACITY IS 3000 PSF. <br> BOTTOM OF EXTERIOR FOOTINGS AND PIERS SHALL BE SET AT LEAST 4 FEET BELOW FINAL GRADE. <br> WHERE NEW FOUNDATION WALLS ABUT EXISTING FOUNDATION WALLS, DRILL 8 GROUT 24-INCH LONG \#6 REBARS INTO EXISTING FOUNDATION WALL ( 6 INCH MIN. EMBED.) AT 30-ICH VERICAL SPACING. AFTER CONCREEE HAS CURED MIN. EMBED.) AT 30-INCH VER APPLY WATERPROOF CAULKI EXISTING FOUNDATION WALL <br> CONCRETE $\qquad$ $\qquad$ $\qquad$ $\qquad$ <br> 4. NO CONCRETE SHALL BE PLACED ON FROZEN SUBGRADE. 5. ANCHOR BOLTS SHALL BE $1 / 2$ INCH DIAMETER, 12 INCHES LONG, SPACED AT 5 FT. MAXIMUM AND 12 INCHES MAXIMUM FROM CORNERS AND ENDS. <br> 6. PROVIDE 6-NCH DIAMETER PERFORATED PVC CONTINUOUS PERIMETER DRAIN SURROUNED BY $\operatorname{INCHESO}$ OH/ INCH WAHED CRUHED STONE WRAPPED BY FILTER FABRIC. PITCH DRAIN TO DAYLIGHT OR DRYWELL. $\qquad$ <br> 8. DO NOT PLACE BACKFILL UNTIL FIRST-FLOOR FRAMING IS IN PLACE. THE BACFILL MATERAL SHALL BE GRANULAR SOIL, CLEAN AND FREE OF ORGANIC MATERIAL <br> 9. VERIFY ALL PLUMBING, MECHANICAL, AND ELECTRICAL REQUIREMENTS BEFORE POURING CONCRETE. <br> 10. PROVIDE 6 INCHES OF FREE-DRAINING COMPACTED GRAVEL AND 6 MIL POLYETHYLENE VAPOR BARRIER UNDER SLABS ON GRADE. <br> 11. PROVIDE CONTROL JOINTS IN SLAB TO CONTROL CRACKING. <br> WOOD FRAMING <br> 2. LAMINATED VENEER LUMBER (LVL) SHALL HAVE A MODULUS OF ELASTICITY (E) OF 2,000,000 PSI AND AN ALLOWABLE BENDING STRESS (Fb) OF 2,800 PSI. LVL'S SHALL BE INSTALLED AND FASTENED TOGETHER PER MANUFACTURER'S $\qquad$ <br> 4. LALLY COLUMNS SHALL HAVE STEEL CAP PLATES AND BASE PLATES (SPRINGFIELD PLATES ARE ACCEPTABLE). <br> 5. ALL STRAPS, TIES, HOLDDOWNS, HANGERS AND OTHER HARDWARE SHALL BE HOT-DIPPED GALVANIZED. <br> 6. EXTERIOR SHEATHING SHALL BE CONTINUOUS OVER RIM JOIST. $\qquad$ <br> 8. PROVIDE HURRICANE TIES FOR ALL RAFTERS. <br> CONTRACTOR IS RESPONSIBLE FOR DESIGN AND DETAILING OF RAILING AND STAIRS. ALL DECK FRAMING IS TO BE PRESSURE TREATED. |  GEGELERILCONS. CONDITINS OR DISCREANCIES BEFORE PROCEEONN WTH WORK <br>  <br>  <br>  <br>  AND LOCAL REGUATORY YU SUBCONTRACTORS (SUBSS). <br> CC AND SUSSSAAL COORIINTTEAL MECHANICAL ELECTRRICLL PLUMBING, CONDITIONS, AND AREAS WITHA <br>  MOIITURE RESISTANT (MR) GWB SHALL BE USED ON INTERIR OF ALLBATHROOMS AND FACE OF KITCHEN BACKSPLASH WALL. USE <br>  <br>  <br>  , <br>  |  |  |  |
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                                    * * * * *
    Sitting Members: Brendan Sullivan, Andrea A. Hickey, Wendy
        Leiserson, Laura Wernick, and Jason
        Marshall
```

    (6:03 p.m.)
    BRENDAN SULLIVAN: First case I'm going to call
    tonight is Case No. 170145 -- 10 Van Norden Street. Is the
petitioner present?
[Pause]
SKA? Mr. Denehy? Somebody from 10 Van Norden
Street?
PETER MCLAUGHLIN: Sorry.
SHANNA BOUGHTON: Good evening.
PETER MCLAUGHLIN: Yeah, they're -- we have them,
Brendan. Should I pull up the file?
BRENDAN SULLIVAN: Yeah. Are they -- is the
petitioner audible?

SHANNA BOUGHTON: Good evening. Shanna Boughton on behalf of the applicant, and the petitioner should be on -- John Denehy -- along with our architect, Sam Kachmar.
SAM KACHMAR: Yeah, we're here, Mr. Chairman.
This is Sam Kachmar from Sam Kachmar Architects.

BRENDAN SULLIVAN: Somehow, you're not coming up on the screen.

SAM KACHMAR: I know. We can't see -- normally we have a Gallery View of everybody, and it seems like that's not --

PETER MCLAUGHLIN: Do I make them panelists? Do I have to make them panelists?

THE REPORTER: They need to be panelists.
SAM KACHMAR: Yep. Yes.

PETER MCLAUGHLIN: Okay. All right. Okay.
SAM KACHMAR: Here it is -- come again? I believe there's -- yeah, there we go.

PETER MCLAUGHLIN: Sorry about that. I'm new at this, so. There you go.

BRENDAN SULIIVAN: Okay. When we met the last time back in June, and I had an issue with the dimensional form, which was not correct.

And I asked at that time of Shanna Boughton, B-o-$\mathrm{u}-\mathrm{g}-\mathrm{h}-\mathrm{t}-\mathrm{o}-\mathrm{n}$, who was Counsel to Mr. Denehy that that form reflect what the condition of the house was before the fire, before the work began, and what it is today. And I asked that that form be submitted, along with any other changes by

5:00 p.m. on last Monday.
The dimensional form just came in this afternoon at 2:58. So I'm not prepared to hear the case tonight because of a late filing.

I had also asked in the transcripts that it -- we be given enough time for Inspectional Services -- most specifically the Commissioner to go over the numbers. So you're aware of that?

SHANNA BOUGHTON: Yes, we are. And we have updated the renderings and plans, and those were timely submitted. And in those plans, the difference of the FAR is in there. And the difference is from a 0.56 to a 0.60 .

So if the Board would entertain today, we would like to just proceed and at least go through the plans with the Board, and then after that time if the Board still wishes to continue, we understand.

BRENDAN SULLIVAN: Well, let me -- I'll -- I have an objection going forward only because the form -- the dimensional form -- was not timely filed. You've had since June to get that form in, and it came in at 2:58 this afternoon.

I don't -- I can't get my head around the problem
with this entire project here, and why it's so difficult. However, that is my tact.

Let me give it to the Board. Laura, Jason, Wendy and Andrea, if you're aware of the issue -- and I actually think some of you were on this case back in June -- and I had asked for the dimensional form to be updated on our form, not contained within the drawings.

And SKA knows very well our procedure and our requirement to have that dimensional form submitted on -you know, the proper stationery.

SAM KACHMAR: Okay.

BRENDAN SULLIVAN: Laura, I'm not prepared to go forward. However, what are your thoughts?

LAURA WERNICK: Well, I'm inclined to agree with you. What were the other changes in the dimensional form -to the ones that were made? Were any other changes made besides the -- that error?

SHANNA BOUGHTON: No. That's is the only change that's there. And again, it's a very -- it's a 0.4 difference in the floor area ratio.

And why would be helpful to go forward today and at least let Mr. Kachmar go through the plans with you is
because we would like at least to get some feedback today if anything on the changes that have been made over the last two months. And we would keep it brief, but that is really the only change, and it's very de minimis.

And we would really welcome some feedback from the
Board, so that --
BRENDAN SULLIVAN: Well, one of the --
SHANNA BOUGHTON: -- if there are other changes --
BRENDAN SULLIVAN: Right, and one of the --
SHANNA BOUGHTON: You can provide them at the next hearing.

BRENDAN SULLIVAN: -- one of the problems is, Shanna, is that if we were to open this up tonight, it's going to be a case heard. You would have to get the same five members back again, which could kick this down the road quite a bit.

So that's my hesitation of opening it up as a case heard, and the availability of the same five members to assemble on the same night within a reasonable time. So.

LAURA WERNICK: So when could it be heard if it's not heard this evening? When would the next available opportunity to hear the case be?

SAM KACHMAR: We're glad to be very brief and address the issues with the dimensional form, if we can just speak for a couple minutes?

BRENDAN SULLIVAN: Yeah, let me --
LAURA WERNICK: It's just a matter of the timing.

If we get it started --
SAM KACHMAR: Of course --

LAURA WERNICK: -- and then have to do a
continuation, it could be a couple --
SAM KACHMAR: I totally get that and want to be respectful of the Board's time, of everyone's time and just try to be as efficient as we can in the process, for sure.

BRENDAN SULLIVAN: October -- to answer your question, Laura, October 6 would be the next available.

LAURA WERNICK: Yeah. So do others have an opinion on this?

BRENDAN SULLIVAN: So anyhow --
LAURA WERNICK: Jason --
BRENDAN SULLIVAN: -- the next available would be October 6.

LAURA WERNICK: -- Wendy --
BRENDAN SULLIVAN: -- whether or not all five of
us are available on October 6, but let me go to Jason. Jason, your thoughts on the issue?

JASON MARSHALL: Well, I'll actually start with the October 6 date, because $I$ will not be available on October 6, which that may counsel toward not beginning to hear the substance of the case, because then that would move you beyond the October 6 date.

BRENDAN SULLIVAN: Right. And then the next available date after that is October 27.

JASON MARSHALL: Okay.
BRENDAN SULLIVAN: So. But on the issue of proceeding or not proceeding, Jason your thought regarding the -- what I perceive as a late filing of the dimensional form?

JASON MARSHALL: Yeah. I mean, you know, the Chair of this Board has identified a procedural issue that prevents us in his view, and I share his view, from acting on the case tonight.

So my view is actually -- it's more around administrative efficiency. I don't see a whole lot of efficiency gained in beginning the case if we're from the outset saying we're not going to act on it.

I do understand, Sam, your point and the point that was made about getting some preliminary feedback. But I don't know that that's the best use of the Board's time. It does seem like the dimensional form could have been submitted, there was plenty of time to do that.

So I'm inclined to agree with the Chair that it's probably most efficient to continue the case.

BRENDAN SULLIVAN: Okay, Wendy?
WENDY LEISERSON: I concur with what Jason Marshall just said.

BRENDAN SULLIVAN: Great. Andrea?

ANDREA HICKEY: I concur as well, and my reasoning is that $I$ view the dimensional form as a form that in a way allows the public who may not be adept at reading plans to sort of see in a succinct place and location what the request is.

Now, granted, if the number is de minimis, perhaps that should be given some consideration. But I always sort of err on giving the public sort of full opportunity to review the ask.

And I see the dimensional form as something that's important to the public to have advance opportunity to
review. If we sort of void that in this case, then we sort of head down a slippery slope of other things we might waive that we're missing from the dimensional form in other cases.

So unfortunately, I would not support hearing the case tonight. I think we should sort of stick to the rules here, however, de minimis the numerical sort of differential is. So I would concur with you, Mr. Chair, that we should not hear the case this evening.

BRENDAN SULLIVAN: Okay. Laura, I started with you. Are you -- any further thoughts on --

LAURA WERNICK: No further thoughts. I don't really see -- I'm less concerned, to tell you the truth, about the change to the FAR and where it's presented than I am about -- you know, I don't see any point in doing this if we're still going to be -- regardless, we're going to be waiting until October -- until near the end of October.

And I don't think it makes sense to present things now, and then we won't remember -- I won't remember two months from now what the issues were, certainly. So I prefer to not hear it this evening.

BRENDAN SULLIVAN: Great. Okay. Thank you. All right. So you've heard the sentiment of the Board.

So -- I don't know, Sam, did you want to make a very brief --

SAM KACHMAR: The only thing I'd like to say, Mr. Chairman -- and I don't know if it changes anyone's mind, I imagine it doesn't but -- we've spoken to pretty much every abutter and everyone on the street who has any interest in this case.

So I would say that any bit of the public that cares either in opposition or in support of this case is well aware, and has had these drawings circulated to them, and has met with our firm on multiple occasions.

So maybe there would be a way to say that a lot of people are involved that want to be in this particular case, but that's all I'll say on there. If you want us to present, we will. If you don't want us to present until October, we'll wait until then.

BRENDAN SULLIVAN: Yeah, I -- again, I take a hard -- not a hard line, just it's part of the submittal. It's in the record. I asked for this to be filed timely and it was not, plain and simple.

And so, I'm not prepared to go forward with it tonight.

So I'm going to make a motion, then, to continue this matter until October 6, 2022 at 6:00 p.m. on the condition that the petitioner change the posting sign to reflect the new date of October 6, and the time of 6:00 p.m.

That any new submittal's different than what's in the file now be in the file by 5:00 p.m. on the Monday prior to the October 6 hearing.

That the -- we have received a waiver, so that's not an issue.

Any other conditions by members of the Board?
[Pause]
There appears none. On the motion, then, to continue this matter to October 6? Laura Wernick?

LAURA WERNICK: I vote in favor of continuing until October 6.

BRENDAN SULLIVAN: All right. Jason Marshall?
JASON MARSHALL: Yes, in favor of the continuance.

BRENDAN SULLIVAN: Wendy Leiserson?
WENDY LEISERSON: Yes, in favor of the continuance.

BRENDAN SULLIVAN: Andrea Hickey?

ANDREA HICKEY: Yes, in favor of the continuance.

BRENDAN SULLIVAN: And Brendan Sullivan yes too, in favor of the continuance.
[All vote YES]
On the five affirmative votes, the matter is continued until October 6, 2022 at 6:00 p.m. See you then. SAM KACHMAR: Thank you very much, Mr. Chairman.

## BZA APPLICATION FORM

## DIMENSIONAL INFORMATION

APPLICANT: John Denehy

location: 10 Van Norden St. Cambridge, MA ZONE: DistricNBV 21 - A $9: 27$

PHONE: $\qquad$

TOTAL GROSS FLOOR AREA:
LOT AREA:
RATIO OF GROSS FLOOR AREA
TO LOT AREA: ${ }^{2}$ LOT AREA FOR EACH DWELLING UNIT: $\begin{array}{ll}\text { SIZE OF LOT: } & \text { WIDTH } \\ & \text { DEPTH }\end{array}$ Setbacks in
Feet: SIZE OF BLDG.: HEIGHT LENGTH

WIDTH

| Existing CONDITIONS | REOUESTED CONDITIONS | ORDINANCE REQUIREMENTS |
| :---: | :---: | :---: |
| 2,212 sf. | 2,353 sf. | 1980 sf. |
| 3,960 sf. |  | 5,000 sf. |
| 0.56 | 0.59 | 0.50 |

REQUESTED USE/OCCUPANCY: Residential

| FRONT | 10'-0" | 10'-0" |
| :---: | :---: | :---: |
| REAR | 43' - 7' | 43' - 7' |
| LEFT SIDE | 11'-0" | 11'-0" |
| RIGHT SIDE | $4^{\prime}-6^{\prime \prime}$ | 4'-6" |
| HEIGHT | 34' - 6' | 34' - 6' |

0.56
$\frac{1,980 \mathrm{sf} .}{\frac{44^{\prime}-0{ }^{\prime \prime}}{90^{\prime}-0^{\prime \prime}}}$
$1,980 \mathrm{sf}$.

| 15'-0' | (min.) |
| :---: | :---: |
| 25'0" | (min.) |
| 7'-6'/SUM 20 | 0 (min.) |
| 7'-6"/SUM 20 | 0 (min.) |
| 35'-0' | (max. ) |


| 15'-0' |  |
| :---: | :---: |
| 25'-0" | (min.) |
| 7'-6"/SUM 20 | 0 (min.) |
| 7' - 6'/SUM 20 | (min.) |
| $35^{\prime}-0^{\prime \prime}$ | (max. ) |


| 15'-0' |  |
| :---: | :---: |
| 25'-0" | (min.) |
| 7'-6"/SUM 20 | 0 (min.) |
| 7' - 6'/SUM 20 | (min.) |
| $35^{\prime}-0^{\prime \prime}$ | (max. ) |


| 15'-0' |  |
| :---: | :---: |
| 25'-0" | (min.) |
| 7'-6"/SUM 20 | 0 (min.) |
| 7' - 6'/SUM 20 | (min.) |
| $35^{\prime}-0^{\prime \prime}$ | (max. ) |

35'-0"
(max. )
36'- 4
28' - 6"


| $\frac{2,500 \mathrm{sf} .}{50^{\prime}-0^{\prime \prime}}$ | (min.) |
| :--- | :--- |
| (min.) |  |


| 63\% | 63\% | 40\% | (min .) |
| :---: | :---: | :---: | :---: |
| 2 | 2 | 2 | (max.) |
| 2 | 2 | 2 | (min. /max) |
| N/A | N/A | N/A | (min.) |
| 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.

[^3]
## DENEHY RESIDENCE

JOHN DENEHY

10 VAN NORDEN ST. CAMBRIDGE, MA 02140

PRIOR TO RENOVATION


RENOVATION


PROPOSED


PROJECT \#: 2207-0010


## BZA-001 GENERAL NOTES



## GENERAL NOTES

 1. AL L WORK SHALL Be CONSIIDRED NEW, UNLLESS OTHERWIS





























 28. DURNGGDEEMOUTIIN ANO CONSTRUCTION PROTECT ALL EXISTING





RESIDENTIAL ZONE B
LOT AREA $=3,960 \mathrm{SF}$


Rentable Area Legend $\square$ Building Common Area



## Building Area Legend

$\square$ Gross Building Area

F.A.R CALCULATIONS EXISTING F.A.R $=0.56$ PROPOSED F.A.R $=0.59$ REQUIRED F.A.R $=0.50$

OPEN SPACE CALCULATION EXISTING OPEN SPACE $=63 \%$ PROPOSED OPEN SPACE $=63 \%$ REQUIRED OPEN SPACE $=40 \%$


Rentable Area Legend $\square$ Building Common Area $\square$ Exterior Area



Building Area Legend

## $\square$ Exterior Area

Gross Building Area



Rentable Area Legend $\square$ Building Common Area



Building Area Legend Gross Building Area



Rentable Area Legend $\square$ Building Common Area



Building Area Legend
$\square$ Gross Building Area



SAM KACHMAR ARCHIIE


| 357 Huron Ave |
| :---: |
| CAMBRIDGEMA, 132138 |




NOT FOR CONSTRUCTION





PROPOSED STREET VIEW



SAM KACHMAR ARCHIIECTS (1) 117 - 1 -80-6.223
WWW SKA-MA.com
 Regstratoons:

NOT FOR CONSTRUCTION

\footnotetext{
StREet VIEW


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NOT FOR CONSTRUCTION



NO REQUESTED RELIEF
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NO REQUESTED RELIEF
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(1) 1 RZA Ex|isising south Elevation




PROPOSED WINDOW


 (p) $117-800-6223$


веєIsrations:
ELEVATION SOUTH

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Elevation West










NOT FOR CONSTRUCTION

ELEVATION EAST


Registratoons:

## ADDITIONAL <br> JOHN DENEHY <br> DENEHY RESIDENCE <br> 






BZA APPLICATION FORM
DIMENSIONAL INFORMATION

(ATt'ACHMENTI B - PAGE 4)


November 22, 2022
Zoning Board of Appeals
Re: 10 Van Norden Street, Cambridge, MA
Dear Zoning Board of Appeals,
I reside at 12 Van Norden Street, Cambridge, Massachusetts. I am a neighbor to the property owned by John Denehy at 10 Van Norden Street. I have resided at 12 Van Norden for 44 years. I believe that the home renovated by Mr. Denehy has greatly improved the value of my home and other homes on Van Norden Street.

I was in favor of the project originally and understand that the project still has not been approved. I have reviewed the new plans submitted to the ZBA last week. I want to confirm my support of the project and urge the ZBA to provide approval. I do not want the house sitting unfinished through the winter. This has gone on far too long.

I am fully in support of the house built by Mr. Denehy.
If you have any questions, we may be reached at 617-680-6877


William Zylicz

## Pacheco, Maria

| From: | Rupinder Singh [rupindersingh72@gmail.com](mailto:rupindersingh72@gmail.com) |
| :--- | :--- |
| Sent: | Friday, November 25, 2022 5:16 PM |
| To: | Pacheco, Maria |
| Cc: | Shanna Boughton; John Denehy |
| Subject: | support for 10 Van Norden Street |
| Attachments: | 10_Van_Norden_St_Revised_Plans_and_Dimensional_for_12-1-22_BZA_Hearing_Mon_Nov_21_ |
|  | $2022 \_12-11-24(3) . p d f$ |

Hi Maria,

I am writing in support of 10 Van Norden Street per the latest design modifications attached for renovation to the residence.

Thanks.
Rupinder Singh
resident at 15 Van Norden Street.


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.

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5. 000, SECTION 5. 30 (DISTRICT OF DIMENSIONAL REGULATIONS) .
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT $7^{\prime}-0^{\prime \prime}$ 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 $15{ }^{\prime}$.


ARCHITECT:


PROJECT NARRATIVE:
THE DENEHY RESIDENCE CONSISTS OF IMPROVING THE AESTHETICS OF THE RECENTLY RENOVATED HOUSE AT 10 VAN NORDEN, BY INCORPORATING A LADDER FRAME ROOF VAN NORDEN, BY INCORPORATING A LADDER FRAME ROOF HOME BEFORE THE RENOVATION. IN ADDITION NEW WINDOWS AND 2 DORMERS ON THE 3RD FLOOR/RENOVATED ATTIC.

STRUCTURAL ENGINEER:








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BZA-200ELEVATION SOUTH


## BZA-20IELEVATION WEST



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| NOT FOR CONSTRUCTION |  |  |
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| BZA-201 |  |  |



(1)

## END OF PRESENTATION





1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5. 30 (DISTRICT OF DIMENSIONAL REGULATIONS)
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT $7^{\prime}-0^{\prime \prime}$ IN HEIGHT AND ATTIC AREAS GREATER THAN $5^{\prime}$ ) DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15 .
(ATTACHMENT B - PAGE 4)

|  | JOHN DENEHY <br> DENEHY RESIDENCE <br> 10 VAN NORDEN ST. CAMBRIDGE, <br> MA 02140 | DIMENSIONAL TABLE |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |

(6:03 p.m.)
Sitting Members: Brendan Sullivan, Andrea A. Hickey, Wendy Leiserson, Slater W. Anderson, and Matina Williams

BRENDAN SULLIVAN: The next case we will hear is No. 170145 -- 10 Van Norden Street.

SHANNA BOUGHTON: Good evening. Shanna Boughton on behalf of the petitioner, John Denehy.

BRENDAN SULLIVAN: Yes. Okay. If you will just give a very brief background to this --

SHANNA BOUGHTON: Sure.
BRENDAN SULLIVAN: -- Shanna, only because some new members that have not sat on the previous cases, even though it is a case not heard. So if you could briefly just describe where we are up from the beginning to up to date.

SHANNA BOUGHTON: Absolutely, thank you. And good evening. I am joined this evening by Mr. Denehy, the petitioner, who's here, as well as Sam Kachmar, the architect. This is a request for a special permit pursuant to 10.40 for the property at 10 Van Norden Street. And this is a request to approve the addition of a dormer of the
third floor of the property.
When Mr. Denehy purchased the property and in the process of renovating the property, he discovered that there were some structural issues with the integrity on the thirdfloor roof as a result of a fire that had occurred from the prior owner. The property generally was in a poor condition and not well maintained by the prior owner.

Now, Mr. Denehy was previously represented by another architect, and he relied on the architect in informing him that a special permit was not required to add the dormers to the third floor, because there was not a change in the floor area ratio.

We then discovered that that was inaccurate information. There was some prior back and forth with the prior architect and with the Building Department, at which point Mr. Denehy ceased all work and submitted his application for a special permit.

The floor area ratio, we did submit the dimensional table, and I will have Mr. Kachmar walk us through that, as well as the proposed exterior renovation. And there is only a change of 0.04 in the floor area ratio.

So the existing condition is 0.56 and the change

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in the requested condition would go to a 0.60. The square feet would change from 2212 square feet to 2377 square feet, a change of 165 square feet.

I would also submit -- and I can save this for after a set -- under the Bjorkman case that this is not an intensification of an existing non-conformity.

So we believe -- and in Bjorkman they actually dealt with the same issue, but in that case, it was a garage that was going beyond the setback requirement. And in the Bjorkman, the Supreme Court did state that certain intensifications are not non-conformities. And in there they do mention addition for a dormer.

So I think the Bjorkman case is applicable in this instance, but Bellota is also informative because the question is whether or not there will be a substantial detriment to the neighborhood. In this case, the difference in the 0.04 of the floor area ratio is not a substantial detriment to the neighborhood.

I will leave -- hope we've addressed the concerns of the neighbors, and the Board will see there were some oppositions filed. We believe that those have been addressed through Mr. Kachmar, and the changes that we're
making to the exterior. And so, I will turn it over to him first so he can kind of walk you through our proposed changes to the exterior.

BRENDAN SULLIVAN: Mr. Denehy, did you hire a contractor, or did you act as the General Contractor yourself?
[Pause]

You're on mute. You'll have to unmute yourself, if you will. Okay.

JOHN DENEHY: I acted as a General Contractor myself.

BRENDAN SULLIVAN: So when you came down and got a building permit initially to do what?

JOHN DENEHY: To renovate the entire house. I was aware from one of the neighbors that there were several electrical fires in the neighborhood, and I determined that, you know, given those circumstances I wanted to rewire the entire house; I would not want to suffer the same fate that had occurred. So I started remodeling the house.

BRENDAN SULLIVAN: Okay.
SHANNA BOUGHTON: Sorry, Mr. Sullivan, I don't want to inter-- I just want to also mention, because that
has also been a little bit of a misconception in the neighborhood, that none of the permits were pulled.

And we did also meet with Ranjit as well just to confirm what was pulled. But there was a building permit pulled for the installation of kitchens and bathrooms. Asbestos permit was pulled, plumbing permit, electrical permit, siding permit, windows permit.

So I just want to make the Board aware of that as well, and we did have a subsequent meeting with Ranjit, and I see he's on here as well to confirm that.

BRENDAN SULLIVAN: But again, what we're being asked is to approve -- give our imprimatur to something that has already been done. The -- I don't have any questions, obviously; I have reviewed the file quite extensively.

And other than the past history, setting that aside, $I$ guess the question that $I$ keep asking myself is if this proposal had come down before us, before the work, before the third floor went through its transformation, would we have approved it? Would I have approved it?

And in its current form, current shape, I'm not there yet. I can't say that I would have approved it. Something could be done up there, but I'm not sure that I
would have approved it in its current form.
So I would ask Olivia to pull down the Dormer Guideline on page 5, the lower right-hand corner. And the Dormer Guidelines, which we respect and try to follow quite closely, because it is the policy, they're basically saying no to that.

And the whole west side of that house is what that looks like. So total disregard of the Dormer Guidelines.

And also, on the east side extending that dormer all the way out to the front. Obviously, now the front has been modified, has been softened and has brought up to make it look like probably what it should have before the work was done. But anyhow, those are my thoughts; those are my comments.

I'll open it up to the Board. Any -- Laura, Laura's not here; Andrea, any questions or comments?

ANDREA HICKEY: Not at this time. Thank you.
BRENDAN SULLIVAN: Wendy Leiserson?
WENDY LEISERSON: Not at this time either. I think you played out the situation well.

BRENDAN SULLIVAN: Slater Anderson?

SLATER ANDERSON: I mean, I think you captured
what I would say, which was if it had come before us, this plan would not have received approval as constructed, for a variety of violations to the Dormer Guidelines.

BRENDAN SULLIVAN: Okay. Matina, any questions or comments at this time?

MATINA WILLIAMS: No. No questions at this time. Thank you. I agree with what's been said.

BRENDAN SULLIVAN: Let me open it to public comment. Any member of the public who wishes to speak should now click the button that says, "Participants," and then click the button that says, "Raise hand."

If you are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6, and you will have up to three minutes in which to comment.

SAM KACHMAR: Mr. Chairman?

BRENDAN SULLIVAN: Yes.

SAM KACHMAR: Will we be presented the opportunity to go through the drawings at our presentation, or are we not going to be allowed the opportunity?

BRENDAN SULLIVAN: If the Board Members have any -- I'll give you, sure, I'll give you that opportunity since Board members appear not to have any questions at this time,
but yes. The short answer to your question: Yes. There's somebody calling in.

OLIVIA RATAY: KHL?
[Pause]
OLIVIA RATAY: You're muted.

KAREN HUDSON LOUNSBURY: Hello. Is that better?

BRENDAN SULLIVAN: Yes, if you go ahead.

KAREN HUDSON LOUNSBURY: Hi. My name is Karen Hudson Lounsbury, and I'm the former owner of 8 Van Norden Street directly next door to this property. And I am the one who actually informed Mr. Denehy about the fires, because we had just suffered a house fire where we lost everything.

And we followed the proper procedure. And I told him that, you know, getting permits was very difficult in Cambridge. That was the extent of our conversation.

I'm against what he did for the -- you know, same reason when we approached the Board, Constantine Alexander -- and I quote from his, our minutes from our meeting of 11/07/2019, he said, "Excuse me, we've got a big problem at the outset, so I do not want to get into any discussion."

He then after our lawyer said okay, he said, "The
problem is this: Are you familiar with the Dormer Guidelines that are proposed by the Community Development? Probably not, and I don't want to -- and I don't think the architect is."

So from there we were allowed to sit with our architect and redo the Dormer Guidelines, and we got a 12foot dormer approved.

And I think that adding an entire third floor is not acceptable -- you know, knowing that the Guidelines are there. And as a contractor, you know, he should know that the permits needed to be pulled.

BRENDAN SULLIVAN: Okay. Thank you.
KAREN HUDSON LOUNSBURY: Thank you for listening.
BRENDAN SULLIVAN: Yep. That seems to be the sum and substance of anybody calling in. There has been a lot of correspondence, both pro and con against the project -some con about the process being followed.

There is also some comment about the structure not conforming what is typical in the neighborhood, but that appears to be softened by what the new architect has proposed. I'm not going to read all of the correspondence -- it's in the file, and the Board has reviewed it all, and
it runs the gamut of reasons for and reasons against.
I will close the public comment part of the meeting and turn it back to Shanna.

SHANNA BOUGHTON: Yeah, sure. Mr. Sullivan, I
just would like to say that these new plans were sent after the initial oppositions were filed. And as you pointed out, it did address the concerns, which were mostly with the aesthetic of the exterior. And I think this would be a great opportunity, then, for Mr. Kachmar to walk us through the proposed plans.

Also, I will note that 8 Van Norden Street has been sold. It was sold on September 28. I understand that Ms. Hudson is the prior owner. We did also reach out to the new owners and provided the elevations to them.

And I will say that the consensus of the neighborhood is that they were all in agreement with the proposed new plans that Mr. Kachmar will walk you through, and that they don't want this property just sitting there stagnant again.

Mr. Denehy can't do anything for his past behavior, but -- again -- to punish him for the past behavior, I don't see how that gets us anywhere. We're
supposed to apply what the standard is here. And the standard here is whether or not there's any intensification of the non-conformity. And I don't see how a 0.04 is an intensification.

And then the next step is whether or not there's a substantial detriment to the neighborhood. So I'm just going to respectfully disagree and put that out there again.

And I would like Mr. Kachmar to walk us through so that you can see what the property looks like -- what it looked like previously, what it currently looks like and how Mr. Denehy wants to correct the exterior. And I think it does go with the aesthetics of the neighborhood.

BRENDAN SULLIVAN: Okay. Sam?
SAM KACHMAR: Yep. Olivia, could you bring up the drawings briefly? We'll make it very quick just so we can get to the other discussion.

Good evening, members of the Board. My name is Sam Kachmar. I'm here from SKA regarding 10 Van Norden Street and our client, John Denehy. On this first sheet you can see the house before it was ever renovated, where it did have a third floor with many areas that were over five feet, but of course you can see what happened in the middle
picture in the renovation where it was renovated not to meet the FAR requirements. Everyone understands that; that's why we're here.

And then on the right you can see what we've proposed in an effort to try to resolve this without necessarily tearing down a bunch of existing material, creating additional carbon footprint, how we can try to solve from what's here.

We were not involved in the previous iterations of the project; we've been brought in to try to resolve what's here, and that's what we're working to do as best we can.

If you can go to the next sheet, please, Olivia?

Here's just an outline of the neighborhood. You can see the houses are relatively similar. There's a series of two-families built in the 1920s. Many of them are still in that condition, others have been renovated and then sold off as condos.

Next sheet, please?
Here you can see the existing FAR of the house, which is 0.56. We are seeking only a de minimis amount of 0.04 in terms of increase, but that is also because that's already sort of been built.

And I understand that that is also both an issue here tonight to be discussed, but it is an element that is not substantially large, I would say, in this particular case. It is two areas along the sides of each of the third floor.

Our existing open space is not changing. You know, we're well over that around 40 percent. And if you take us to the next sheet, please, Olivia? Then here we had our shadow studies, and no shadows are affecting the neighbors in any substantially detrimental way.

Next sheet, please?

Now here you can see the existing house on the left, and then on the right you can see the proposed renovation. And I acknowledge fully that that third-floor roof or dormer is not ideal.

What -- we are trying to work within the context of what has been built so far and we think that from the street, the view of this is significantly softened, and we have tried to work with multiple different neighbors from the neighborhood as to what they want to see go forward. And this was what we arrived at with that.

If you could take us to the next sheet, Olivia?

From the streetscape, you know, right now you've kind of got this very sort of shallow pitched roof, which I think we can all agree with does not fit in within the neighborhood.

What we proposed now on the lower portion of that is to extend that dormer to mimic both the left and the right houses in there, so that we do provide that sense of continuity across the neighborhood, and of this for those housing stock that is there.

What this will do is it will allow two -- you know, good units to be updated within the Cambridge housing stock which currently kind of needs it.

Next slide, please?
Lower level, there's no zoning relief request there.

Next slide, please?
First floor, we're keeping the footprint of the house exactly the same. You know, we've reorganized it, but there's no additions or no relief request here.

Next slide, please, Olivia?
Same thing along with the second floor. And then if you'll take us to the next slide to the third floor?

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Here's where we're seeking relief in the area, and two of the bedrooms up on the third floor, which were an attic previously and were not finished, but did count partially as FAR, which is why it's a relatively de minimis request of 0.40 .

Next slide, please?
Here you've added the roofline, which while it is shallow, you know, it's there. And so, that's where we were brought in to try to work with it.

If you'll take us to the next slide, please?
I think the shallowness of the roof is
significantly softened by what we've addressed in the front elevation. And this was something that we've worked with a lot on multiple different neighbors in the neighborhood as to what would be appropriate or what people would like to see on this project.

And so I don't think -- even though the roofline is not really attractive from the drone perspective or an aerial perspective or from a helicopter, from the street and what the human experience is on that on a day-to-day basis I think is quite similar to the houses that flank it on either side.

On this south elevation, you can see that from the top left you get the existing elevation, on the bottom left you get the houses that exist today. Top right you have a proposed rendering, and the bottom right you have our proposed elevation.

Next slide, please, Olivia?
I think most of these other elevations, while I can go through them, are not particularly relevant. Most of them are the ones to the streetscape.

So we can go to the next slide. And then this is the back yard, which most neighbors don't have much interest in.

And then to the next slide. And in the side yard, and this neighbor has 100 percent full support.

And then the next slide, Olivia, if you would please.

And that's our presentation. We have a survey, and we have additional photos after this, but that's more for Board discussion if they want.

Thank you very much for your time, and I hope that was short enough. Thank you, Mr. Chairman.

BRENDAN SULLIVAN: Thank you. And again, the one

I have to wrestle with is I think that the history obviously can't be ignored, and -- again, it just defies how, again you mentioned that they came down for a number of permits, you listed them, but that the work that was done far exceeds what was applied for.

And because it would never have been approved -the permit would never have been issued by Inspectional Services for what was done. So I don't think you're coming into this with clean hands, by any means. And so, now we are wrestled with, okay, we have this, what do we do with it?

And, you know, the easy answer is we -- more than a slap on the wrist type thing, but it's also what do we do and what do we tell the other people who, as the previous caller stated, do the right thing?

Come down, apply, go through the bureaucracy and finally wind up with a project that they are maybe not totally satisfied with, but that they can live with, because that was the process and that was the procedure.

As opposed to somebody who just -- and again, I don't know who the architect was, but if he's a Registered Architect, he should know better.

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SHANNA BOUGHTON: He is, Mr. Sullivan, and that is in the file. You will see the letter that is in there. And I understand your position. I understand that the bad behavior cannot be excused but again, I'm trying to understand looking at this now why the Board still would not approve it based on what the standard is.

BRENDAN SULLIVAN: Well, we have the Dormer Standard Guidelines and that's a standard also, which we pay great attention to, we have great respect for, come out of Community Development. Why not take the west side of that building and put -- restore it back to a 15-foot dormer, as per the Dormer Guidelines?

SHANNA BOUGHTON: So that's actually a question I just had, because I noticed that Ms. Hudson mentioned the 12 feet. And I thought it was 15 feet. So I'm going to ask, Mr. Denehy, is your Project Manager, Mr. Dan Harding, with you?

JOHN DENEHY: Yes.
SHANNA BOUGHTON: Because I'm wondering what is the current width of the dormer. Are we talking about just a few --

DAN HARDING: It looks like it's 22 feet.

ANDREA HICKEY: I'm sorry, I wasn't able to hear the response, if the respondent could speak up a little.

DAN HARDING: Can you hear me?
ANDREA HICKEY: That's better.

JOHN DENEHY: What was the question?
SHANNA BOUGHTON: I'm asking how -- I'm trying to figure so that the Board can know what the current feet is for the dormer? Because if the Guidelines are 15 feet, I'm just trying to bring to the Board's attention how much additional feet we have on both sides.

JOHN DENEHYI: Well, it's the length of the house. So --

BRENDAN SULLIVAN: 28 feet.
JOHN DENEHY: 28 -- yes, 28 feet.

SAM KACHMAR: And Mr. Chairman, I would say that while our client certainly proceeded with this work without appropriate permits, they were advised by their previous architect that they did not need an inspectional permit. And when it was brought to their attention that they did, they did cease work without a stop work order.

They did not -- they did that of their own accord and of their own choice, and then seeked (sic) out
appropriate assistance and help on this.
BRENDAN SULLIVAN: Well, whatever.
SAM KACHMAR: Of course. I understand it's not an excuse. I only want to project the reasons and the -- and what occurred in that light.

BRENDAN SULLIVAN: Okay. Let me -- I'm more interested, actually, in Board members. Andrea, what are your thoughts?

ANDREA HICKEY: So if I could ask Olivia to bring up the dimensional form for us for a moment? And if I could ask Mr. Kachmar, in the column where it lists, "Existing conditions" are those the existing conditions prior to any work having been done or after the sort of unauthorized work was done?

SAM KACHMAR: So those existing conditions are before any of the unauthorized work was being done.

ANDREA HICKEY: Okay.
SAM KACHMAR: The ask is for 0.04 additional floor area ratio than what existed before anything was ever touched on this house.

The work started; the third-floor roofline was built. The previous architect had conveyed to our client
that they did not need any kind of special permit, so they proceeded with work. And then once they realized they did need a special permit, they ceased work, which is where we are now.

And while the design is not something that we would have created from -- you know, initially, we're trying to work both with what's there and also trying to respect what we can about the neighborhood aesthetic.

ANDREA HICKEY: All right. That answers one of my questions. My follow-up question is still regarding the dimensional information. So under, "Requested conditions" do the numbers in this column include this 28-foot dormer?

SAM KACHMAR: They do.
ANDREA HICKEY: Okay. I just wanted to be clear on that.

SAM KACHMAR: Most of the third floor was already over five feet -- you know, from the earlier photos in there. And there were areas on the wing walls that were under five feet, so they did not count as FAR. As the pitch of that roof was increased, those areas on both the right and left side became applicable as FAR, as they are now over five feet.

ANDREA HICKEY: All right. So really, if this came to me in the first instance with an ask for a 28-foot dormer, hands-down, my reply would have been no, scale it back.

SAM KACHMAR: Understood.

ANDREA HICKEY: So --
SAM KACHMAR: And I hear that.

ANDREA HICKEY: So that's really all I have to say at this point, Mr. Sullivan. I'll defer back to you.

BRENDAN SULLIVAN: Okay, Wendy Leiserson?
WENDY LEISERSON: Yes, thank you. I too am struggling with the precedent that this sets without, you know, trying to second-guess who's responsible here for the mistake.

And so, I think the question $I$ have is it was reliance by the contractor, Mr. Denehy, and -- you know, typically when there is a professional negligence here, you know, that would be between the contractor and the architect to resolve -- the original architect, obviously.

And I'm not sure that our role as a Zoning Board -- I mean that's not -- our role is to protect the policies and laws of the city, and to protect the process and the
integrity of the process.
And even being sympathetic to Mr. Denehy's situation here, he is a more skilled professional -- he's not the average landowner who doesn't understand the world of permits.

And this is something -- you know, I'm just not sure that I'm comfortable with the Zoning Board being asked to remedy the error that was made and sacrifice the standards of the city with regard to the Dormer Guidelines. Because it is quite clear that this would not have been approved.

SAM KACHMAR: I completely agree with that. I think the thing that we struggled with as an architecture firm when we were brought in on this was --

BRENDAN SULLIVAN: I've been asked --
SAM KACHMAR: -- what's it about?

BRENDAN SULLIVAN: All right, who's speaking, Sam?

SAM KACHMAR: Yep.
BRENDAN SULLIVAN: I would let Wendy finish her sentence.

SAM KACHMAR: Oh, I'm sorry. Wendy, were you not finished? I'm sorry.

WENDY LEISERSON: No, I paused, so you go ahead. I might have more to say later, but go ahead, Sam.

SAM KACHMAR: The thing that we were struggling with was, you know, this has been built, this has been sided, this had window -- you know, it had a roof on it.

Is it beneficial to tear all that stuff down and throw it in the dumpster and then put a dormer separately? And we're just not sure. I think we're here having that discussion and asking that question as well.

Because certainly we can go down to a smaller dormer and we can make that happen, but is that beneficial to the carbon footprint standpoint, is that beneficial to the neighborhood overall in terms of additional construction time, and noise and bothersomeness just above construction in general, or is it more beneficial to keep it as is?

And I think we're asking that question --

BRENDAN SULLIVAN: Sam, Sam --

SAM KACHMAR: -- as much as we are --

BRENDAN SULLIVAN: -- that's all very nice and very laudatory but it comes down to dollars and cents.

SAM KACHMAR: Yep. I agree.

BRENDAN SULLIVAN: It's down to dollars and cents.

SAM KACHMAR: Mm-hm.
BRENDAN SULLIVAN: Wendy, anything else?
WENDY LEISERSON: Well, this is a property that is going to be on the market, correct? This is not your home, is that right, Mr. Denehy?

JOHN DENEHY: Could I speak?
WENDY LEISERSON: Yeah.

JOHN DENEHY: Unfortunately, I'm going through a divorce, and I have been ordered to sell all my property. And I was planning on moving in here.

And so, I'm really put in a very, very difficult position because $I$ also work a full-time job -- 70 hours a week and, you know, I'm in jeopardy of going into bankruptcy. And I'm just trying to -- you know, I'm here at the mercy and I'm trying to do the best I can.

I'm working at my other job 70 hours a week trying -- you know, to make a phone call about removing -- you know, trying to get the property cleaned up. And I just want to satisfy everybody and deliver a finished product that just, you know, I'm in here at the mercy of the Board.

And I'm asking, you know -- pleading, you know -that the property has been sitting for two years. And I
have no intention of doing anything wrong. And it's my intention to rectify the situation. And I take full responsibility. It wasn't my intention to deliberately do this.

And there was quite a bit of fire damage when we opened things up. And, you know, I think -- first thing I said when I took this property over that the plan was, I was going to rewire it.

And I was -- you know, that was the first decision I made, and I removed the asbestos shingles, and I have tried to do everything that was required of me. And obviously, I got bad information from my architect.

And so, I'm here at the mercy of the Board. But, you know, I'm going to go bankrupt, I'm going to go bankrupt. It is what it is.

BRENDAN SULLIVAN: Okay.
WENDY LEISERSON: Well, I am very sympathetic to your situation. I'm just trying to figure out what -- where my duty is bound, I guess is how to put it. Yeah.

JOHN DENEHY: I would like to say one other thing, you know --

WENDY LEISERSON: Yeah.

WENDY LEISERSON: -- the previous caller, you know, spoke out with me and she lives in Woburn and she -she sold her house and doesn't live in the city anymore.

But when she was over at the house, I shoveled her snow for her in front of her house that time, when she needed the shovel. And so, you know, I kind of -- I didn't want to do anything that would offend her. And it wasn't my intention to offend her, so I just want to state that for the record.

BRENDAN SULLIVAN: Okay, to Wendy?
WENDY LEISERSON: I do have another question, which is the neighbors who were originally -- filed these oppositions, why do we not have all of those neighbors, have they given us written retractions of their opposition?

SHANNA BOUGHTON: We tried.
BRENDAN SULLIVAN: No, they have not.

SHANNA BOUGHTON: Yeah, we tried. We reached out to them. Sam and myself both reached out, Mr. Denehy reached out directly. And unfortunately, they -- some of them were just nonresponsive and some of them I heard were pleased with just the new elevations that we've submitted.

We've -- John is quite close to Bill Zylicz who's
the other neighbor, $I$ think he's at -- is it 12? 12 Van Norden, I believe. So to the right. He's been at longstanding resident of that house. And he had indicated he's fully in support and spoke with the neighbors and they said yeah, now with the new elevations by Sam they're pleased with that.

But unfortunately, none of them were willing to file formal retractions, but we did try.

WENDY LEISERSON: Thank you.
SAM KACHMAR: We did meet with one of the neighbors as well that wanted to meet and review the drawings and discuss them. He was an architect on the street. And then we did.

SHANNA BOUGHTON: Yes, across the street. Yeah. SAM KACHMAR: Yeah. And we made adjustments to the drawings and to the design based upon his feedback, and then resubmitted those things to them as well. So we have been certainly trying to work with the neighborhood in the best capacity that we can.

SHANNA BOUGHTON: And after the initial meeting as well, Mr. Denehy went directly in the neighborhood to speak with the neighbors as well and, you know, took into account
what they said. I mean, the main thing was it just looked like a shed, as it is right now, was plopped on the top. So that was the main thing. And then when they saw the plans that Sam did, I think that addressed the main issue that they had.

WENDY LEISERSON: Certainly, I can see the improvement that's proposed.

SHANNA BOUGHTON: Yes, of course.
WENDY LEISERSON: I do wonder if any of my colleagues on the Board who have more building expertise or architectural expertise have further comments, though? So I'm going to cede and think over your responses. Thank you.

BRENDAN SULLIVAN: Okay. Well, we'll turn it over to two other experts: Slater, and then Matina. Slater, any comments?

SLATER ANDERSON: Well, I mean I think I pretty much feel what I felt before, that -- you know, just I'm not sure what -- I mean, asking to bless this with something that we would never have approved.

So it's -- you know, I'm not moved on this. I don't know what the remedy really is. I respect that tearing it out seems pretty punitive, but you know we --
everyone else has to live by these rules, you know. And so, that's kind of where I'm at right now.

BRENDAN SULLIVAN: Okay. Matina, any thoughts? We're looking for some guidance, Matina.

MATINA WILLIAMS: I agree with everything that's been said, that, you know, if this would have come to us, or come to the Board that it wouldn't have been approved.

And knowing that these contractors in the business, I think that sort of speaks volumes that there should have been a no and, you know, you look at your neighbors now and say, "We scaled back to match" if there was a knowing. So I'm in agreement that I -- it's -- I can't approve it.

BRENDAN SULLIVAN: Okay.

SHANNA BOUGHTON: Thank you.
BRENDAN SULLIVAN: I guess my proposal would be to -- on the west side is to put in a 15-foot dormer. And that's what I would propose. It means that we would continue this matter tonight, ask you to go back, huddle, discuss the 15-foot dormer, have you come back to us and say, "We don't want to do it, we stand by our petition that is before us tonight" and then we will then take that to a
vote.
SHANNA BOUGHTON: And Mr. Sullivan, are you just suggesting it on the west side only?

BRENDAN SULLIVAN: I'm suggesting it on the west side.

SHANNA BOUGHTON: Okay.
SAM KACHMAR: Mr. Chair --

SHANNA BOUGHTON: I mean I would --
BRENDAN SULLIVAN: So, now, again, let me --
Andrea, does that resonate with you at all? Does it make any kind of sense, or do you have a counterthought?

ANDREA HICKEY: Yeah. To me it certainly makes sense on the west side. I'd like to hear what Mr. Anderson my colleague, has to say about any other parts of this renovation.

BRENDAN SULLIVAN: Slater?

SLATER ANDERSON: Yeah, well, I'm not sure that I agree with what Brendan said, but I -- the east side with that current dormer all the way flush with the front façade, I mean, I would like to see the -- I think it's maybe a three-foot setback, three-foot-six, whatever it is in the guidelines? I'd like to see that setback. That wouldn't
impact those stairs that are coming up. It looks like there's a stairwell there.

It would impact what looks like a bathroom but, you know, I'd like to see -- I'd prefer to see the dormer on the west side and whatever's on the east side sort of align with that setback from what was the original front gable. That's my view.

ANDREA HICKEY: Thank you. That's sort of articulating what was happening in my head with an architect's words. I agree that the other dormer really should be pushed back. And I'd like to see that as well. Thank you.

SAM KACHMAR: Just so we have clarity, we're understanding we'd like to see what was the sort of original roofline of the house in terms of the slope of that pitch, and then the dormers pushed back the three foot six from there, with the dormer on the west side conforming to the Dormer Guidelines, and while on the right on the east side maybe having a little bit of leeway in there to accommodate the stairs going up to the third floor? Does that sound correct?

BRENDAN SULLIVAN: That --

SLATER ANDERSON: Yes.

BRENDAN SULLIVAN: -- sounds correct to me.

ANDREA HICKEY: Yes.

SAM KACHMAR: Yep. I agree with that.
ANDREA HICKEY: And I agree with that as well.

BRENDAN SULLIVAN: Okay. Let me make a motion, then, to continue this matter to December 1. Sam, does that give you enough time to prepare drawings and documents?

SAM KACHMAR: We can have it done by next week. BRENDAN SULLIVAN: The first available is December 1. Now, let me ask, Andrea, we keep pulling you back. Are you available on December 1?

ANDREA HICKEY: Yes, Mr. Chair. I am indeed available.

BRENDAN SULLIVAN: Thank you, thank you, thank you. Wendy, are you available December 1?

WENDY LEISERSON: Yes.

BRENDAN SULLIVAN: Slater Anderson? December 1?
SLATER ANDERSON: I believe so. Let me check my calendar real quick here, so.

BRENDAN SULLIVAN: Matina, I'm going to ask you the same question.

SLATER ANDERSON: Yeah. Yeah, I'm good.
BRENDAN SULLIVAN: All right, Matina?

MATINA WILLIAMS: Yes, I'm available.
BRENDAN SULLIVAN: Thank you.
MATINA WILLIAMS: You're welcome.
BRENDAN SULLIVAN: And I'm available too. So we have the five members going. I'm going to make a motion, then, to continue this matter to December 1, 2022, at 6:00 p.m. on the condition that the petitioner change the posting sign to reflect the new date of December 1, 2022 and the new time of 6:00 p.m.

Such sign shall be maintained and visible to the public at least 14 days prior to the December 1, 2022 hearing. Any new submittals not in the file tonight shall be in the file -- supporting statements, dimensional forms, shall be in the file by 5:00 p.m. on the Monday prior to December 1, 2022.

Any other conditions, members of the Board? Okay. So on the motion, then, to continue this matter to December 1, Andrea Hickey?

ANDREA HICKEY: Yes. I vote in favor of the continuance.

BRENDAN SULLIVAN: Wendy Leiserson?
WENDY LEISERSON: In favor.

BRENDAN SULLIVAN: Slater Anderson?
SLATER ANDERSON: In favor.

BRENDAN SULLIVAN: Matina Williams?
MATINA WILLIAMS: In favor of the continuance. BRENDAN SULLIVAN: In favor.
[All vote YES]
BRENDAN SULLIVAN: Five affirmative votes; the matter is continued until December 1, 2022. See you then. SHANNA BOUGHTON: Thank you.




## 10 Van Norden yt.



| From: | barbara stein [barbara.stein51@gmail.com](mailto:barbara.stein51@gmail.com) |
| :--- | :--- |
| Sent: | Tuesday, May 31, 2022 12:57 PM |
| To: | Pacheco, Maria |
| Subject: | 10 Van Norden St |

Re: case BZA-170145
While we are happy that Mr. Denehy is reviving a neglected house on our street we are disappointed in the design (or lack thereof) of the third floor addition. It is oversize and unattractive. It looks like an industrial storage shed has been plopped on top of the house. All the houses on the street have a peaked front roof with at least one window. This has no window, the slope or pitch of the roof is awful and out of character with the house and the whole neighborhood, excluding triple deckers, not just Van Norden St.
Unless Mr. Denehy is willing to change the design of the roof line, we are opposed to the BZA granting this addition.
Respectfully,
Barbara and Toby Stein
6 Van Norden St.

# City of Cambridge <br> Massachusetts * <br> BOARD OF ZONING APPEAL 

831 Mass Avenue, Cambridge, MA. (617) 349-6100

## BRA <br> POSTING NOTICE - PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name:
 Date: $\qquad$
Address: $\qquad$ .

Case No. B $\quad$ A -170145

Hearing Date: $6 / 9 / 22$

Thank you,
Baa Members

## DENEHY RESIDENCE

JOHN DENEHY

10 VAN NORDEN ST.
CAMBRIDGE, MA 02140

PRIOR TO RENOVATION


RENOVATION


PROPOSED


PROJECT \#: 2207-0010



## GENERAL NOTES

## 1. ALL WORK SHALL BE CONSIDERED NEW, UNLESS OTHERWISE

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## BZA-003AREA PLANS

## RESIDENTIAL ZONE B

LOT AREA $=3,960 \mathrm{SF}$


Rentable Area Legend
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Building Area Legend
$\square$ Gross Building Area
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F.A.R CALCULATIONS

EXISTING F.A.R $=0.56$ PROPOSED F.A.R $=0.60$ REQUIRED F.A.R $=0.50$


Rentable Area Legend
$\square$ Building Common Area



Building Area Legend

## $\square$ Gross Building Area

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Rentable Area Legend
$\square$ Building Common Area



Building Area Legend
$\square$ Gross Building Area
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|  | JOHN DENEHY | ELEVATION EAST |
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|  | DENEHY RESIDENCE |  |
|  | 10 VAN NORDEN ST. CAMBRIDGE, MA 02140 |  |

## END OF PRESENTATION

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ADDITIONAL

CERTIFICATION
THE MAIN BUILDING. FOUNDATION OR DWELLING WAS IN COMPLIANCE WITH THE LOC:AL ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURALSETBACK REQUIREMENTS ONLY') OR IS EXEMPT TROM VIOLATION ENFORC'EMENT ACTION UNDER MASS, GENERAL LAW TITLE YII, CHAPTER 40A, SECTION 7.
FLOOD DETERMINATION




## NOT FOR

 CONSTRUCTION

## Pacheco, Maria

| From: | christine@trnginsight.com |
| :--- | :--- |
| Sent: | Thursday, June 9, 2022 8:20 AM |
| To: | Pacheco, Maria |
| Subject: | Objection to 10 Van Norden Street |

Dear Ms Pacheco,
I reside on Yerxa Road, which intersects w/ Van Norden. My home's driveway and side entrance face 10 Van Norden Street. This is to relay objection to the $3^{\text {rd }} \mathrm{Flr}$ addition which I feel should be changed/taken down.
When viewing the front of the house, the siding is inconsistent: going in vertical and horizontal directions. It's very unattractive, plus the $3^{\text {rd }}$ floor addition is out of context with the surrounding houses. There are no windows, just a flat unsightly surface to the odd $3^{\text {rd }}$ floor raised section.
Why weren't there permits to do this work? Paying a fine isn't sufficient for how the current renovation devalues the neighborhood and surrounding houses. Neighbors will be forced to live with an unsightly renovation.
When the new owner purchased the home and major repairs were needed due to structural issues, it wasn't possible to raze the house due to its "historic value". The current renovation and appearance is the opposite of historic value. Please ask the owner to repair/renovate the front $3^{\text {rd }}$ floor roof section to be similar to surrounding homes.
Thank you,

Christine J. McKay
617 491-8850

June 9, 2022

## Zoning Board of Appeals

Re: 10 Van Norden Street, Cambridge, MA
Dear Zoning Board of Appeals,
I reside at 12 Van Norden Street, Cambridge, Massachusetts. I am a neighbor to the property owned by John Denehy at 10 Van Norden Street. I have resided at 12 Van Norden for 44 years. I believe that the home renovated by Mr. Denehy has greatly improved the value of my home and other homes on Van Norden Street.

Mr. Denehy has renovated the property and made a beautiful home. As you may be aware, before the renovation by Mr. Denehy the property was suffering from neglect and in desperate need of repairs.

As a result of Mr . Denehy purchasing and renovating the home on the property, the overall aesthetic of the street has improved. The prior owners unfortunately did not take great care of the property and the exterior was not well maintained.

I am fully in support of the house built by Mr. Denehy. I do not object to the roof line of the renovated home. The renovation to the roof line is negligible. I am thankful that Mr. Denehy has built such a lovely home neighboring me.

If you have any questions, we may be reached at 617-680-6877
Sincerely,
William Zylicz


[^0]:    www.mcglinchey.com | www.CafaLawBlog.com
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[^2]:    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 $5^{\prime \prime}$ ) DIVIDED BY LOT AREA.
    3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15 '.
[^3]:    1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000 , SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS)
    2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT $7^{\prime}-0^{\prime \prime}$ IN HEIGHT AND ATTIC AREAS GREATER THAN $5{ }^{\prime}$ ) DIVIDED BY LOT AREA.
    3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF $15{ }^{\prime}$.
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