



# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2021 SEP 13 PM 3:54  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## BZA Application Form

**BZA Number: 142835**

### General Information

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

Special Permit:   X                        Variance:   X                        Appeal:       

**PETITIONER:** Magnolia MLD LLC C/O Michael Driscoll

**PETITIONER'S ADDRESS:** 9 Orchard Crossing, Andover, MA 01810

**LOCATION OF PROPERTY:** 11 Magnolia Ave , Cambridge, MA

**TYPE OF OCCUPANCY:** Single

**ZONING DISTRICT:** Residence C-1 Zone

**REASON FOR PETITION:**

/Modification to BZA-017318-2020/

**DESCRIPTION OF PETITIONER'S PROPOSAL:**

To modify plans approved by the BZA Case: BZA-017318-2020

To modify plans approved by the BZA Case: BZA-017318-2020

**SECTIONS OF ZONING ORDINANCE CITED:**

- Article: 5.000      Section: 5.31 (Table of Dimensional Requirements).
- Article: 8.000      Section: 8.22.3 (Non-Conforming Structure).
- Article: 8.000      Section: 8.22.2.C (Non-Conforming Structure).

Original  
Signature(s):

(Petitioner (s) / Owner)

Michael Driscoll

(Print Name)

Address:

Tel. No.                      9784795987  
E-Mail Address:    mld1972us@hotmail.com

Date: \_\_\_\_\_

**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 Eileen M. d'Entremont  
(OWNER)

Address: 11 Magnolia Avenue Cambridge

State that I/We own the property located at 11 Magnolia Avenue, which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_

\*Pursuant to a deed of duly recorded in the date \_\_\_\_\_, Middlesex South County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book 28417 Page 122.

Eileen M. d'Entremont  
SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

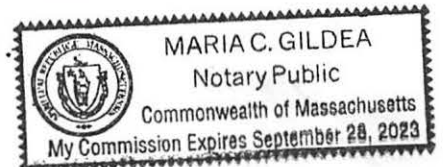
\*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

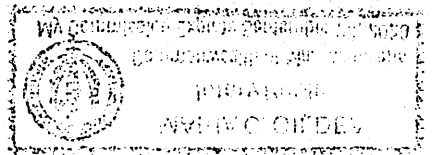
The above-name Eileen d'Entremont personally appeared before me, this 5th of August, 2020, and made oath that the above statement is true.

Maria C. Gildea Notary

My commission expires 09-28-2023 (Notary Seal).



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



**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:

A modification is requested to the original variance relief. Field conditions were uncovered during construction which necessitated the use of a steel beam at the ridge. As a result, the required headroom height for habitable space in the dormers was negatively impacted and the dormer roof height needed to be raised to conform to the building code minimum dimensions. The inability to build code compliant dormers would prevent the petitioner from creating habitable rooms.

**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 by not affecting generally the zoning district in which it is located for the following reasons:

The quality of structural framing uncovered during construct was found to be inferior to typical houses from this period of time. The house had not been maintained or kept in safe living conditions.

Consequently, the structural work required by the engineer changed and the redesign created dimensional and architectural changes during constructions.

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

**1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The changes are within the existing footprint and existing height, creating no adverse impact to neighboring properties. The gross floor area of the house did not increase as a result of this modification. The property was converted into a single family and in greater conformance to the building code and zoning ordinance (reduced FAR and reduced unit density on the property).

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

The purpose of the zoning ordinance to place limits on density has been observed, with the density on the property actually decreasing. The associated enclosed parking space has also been decreased - the garage was reduced in size (to one car size) to be more conforming to the zoning ordinance.

**\*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**

**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 11 Magnolia Ave., 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:**

As part of the modification to the BZA approved plans, five windows were approved on the Lamont Ave side dormer. One window was removed for a total of 4 windows. The windows on the west side facing dormer were kept at the board approved quantity of three. In doing so, the windows were made slightly wider to fill the space with no material effect to the privacy or enjoyment to the neighbors or passers-by.

**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:**

As part of the modification, no windows will increase the traffic to the site.

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

The windows did not adversely affect the operation or development of the project during the construction phase which is completed.

**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:**

As part of the modification, the dormer windows as they sit completed will in no way detrimentally affect the health, safety and/or welfare of the citizens of the City of Cambridge.

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

The windows that are part of the completed dormers do not derogate the intent or purpose of the ordinance because they are typical in number (or less) than houses in the surrounding area.

**\*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** : Magnolia MLD LLC

**Present Use/Occupancy:** Single

**Location:** 9 Orchard Crossing

**Zone:** Residence C-1 Zone

**Phone:** 9784795987

**Requested Use/Occupancy:** Single

	<b><u>Existing Conditions</u></b>	<b><u>Requested Conditions</u></b>	<b><u>Ordinance Requirements</u></b>	
<b><u>TOTAL GROSS FLOOR AREA:</u></b>	<i>2302</i>	2212	NA	(max.)
<b><u>LOT AREA:</u></b>	2167	2167	5000	(min.)
<b><u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u></b>	NA	NA	NA	
<b><u>LOT AREA OF EACH DWELLING UNIT</u></b>	no change	no change	no change	
<b><u>SIZE OF LOT:</u></b>				
<b>WIDTH</b>	28'	no change	50'	
<b>DEPTH</b>	NA	NA	NA	
<b><u>SETBACKS IN FEET:</u></b>				
<b>FRONT</b>	5.8	no change	10'	
<b>REAR</b>	5.2	no change	7.5	
<b>LEFT SIDE</b>	1.0	no change	10	
<b>RIGHT SIDE</b>	1.6	no change	7.5	
<b><u>SIZE OF BUILDING:</u></b>				
<b>HEIGHT</b>	32.4'	no change	35'	
<b>WIDTH</b>	NA	NA	NA	
<b><u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u></b>	9%	7.5%	30%	
<b><u>NO. OF DWELLING UNITS:</u></b>	1	no change	NA	
<b><u>NO. OF PARKING SPACES:</u></b>	1	1	NA	
<b><u>NO. OF LOADING AREAS:</u></b>	NA	NA	NA	
<b><u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u></b>	9.9	9.9	10	

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.

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

**Pacheco, Maria**

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**Subject:** FW: 11 Magnolia  
**Attachments:** thumbnail\_image2.jpg

**From:** Michael Driscoll <mld1972us@hotmail.com>  
**Sent:** Monday, October 18, 2021 2:44 PM  
**To:** Pacheco, Maria <mpacheco@cambridgema.gov>  
**Subject:** Re: 11 Magnolia

Hello Marai,

Attached is the picture that shows the measurement on both the left and the right-side dormer per Ranjit's request. Let me know if you need one that is more detailed.

Thank you,

Mike

---



7 foot Interior Dim. of  
Dormer





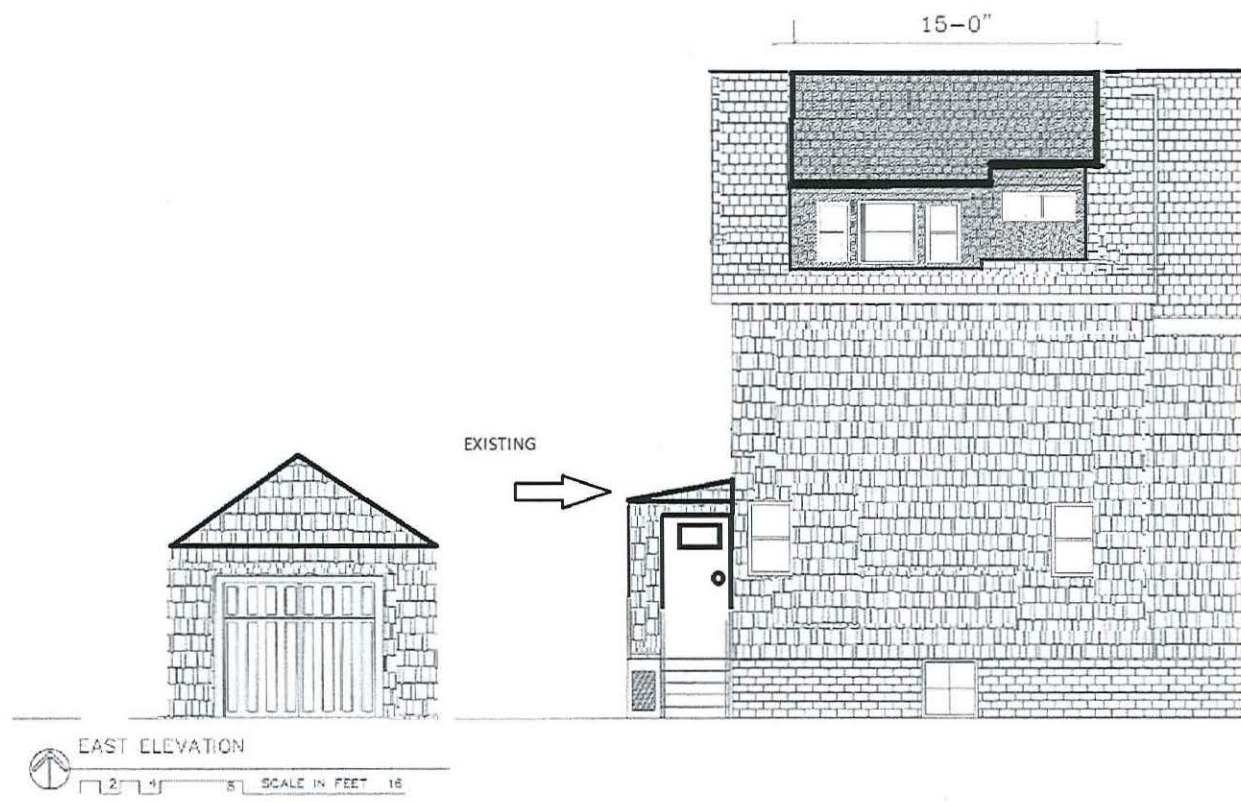
Mail body: Fwd:

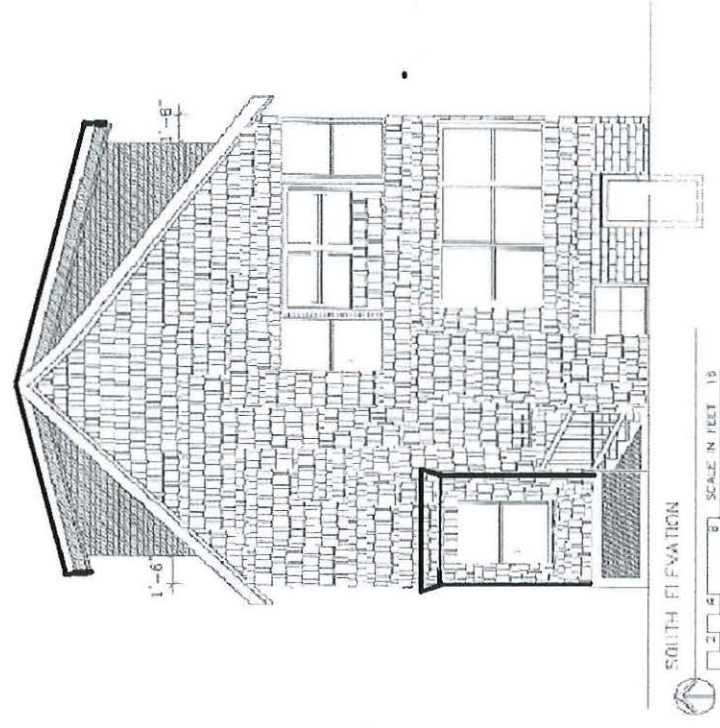
Sent from my iPhone



Begin forwarded message:

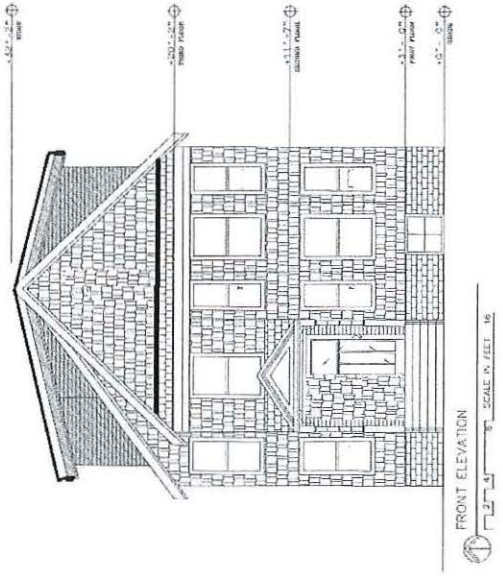
From: Michael Driscoll <mkd1972us@hotmail.com>  
Date: September 13, 2021 at 7:06:09 AM EDT  
To: mkd1972us@hotmail.com

📎

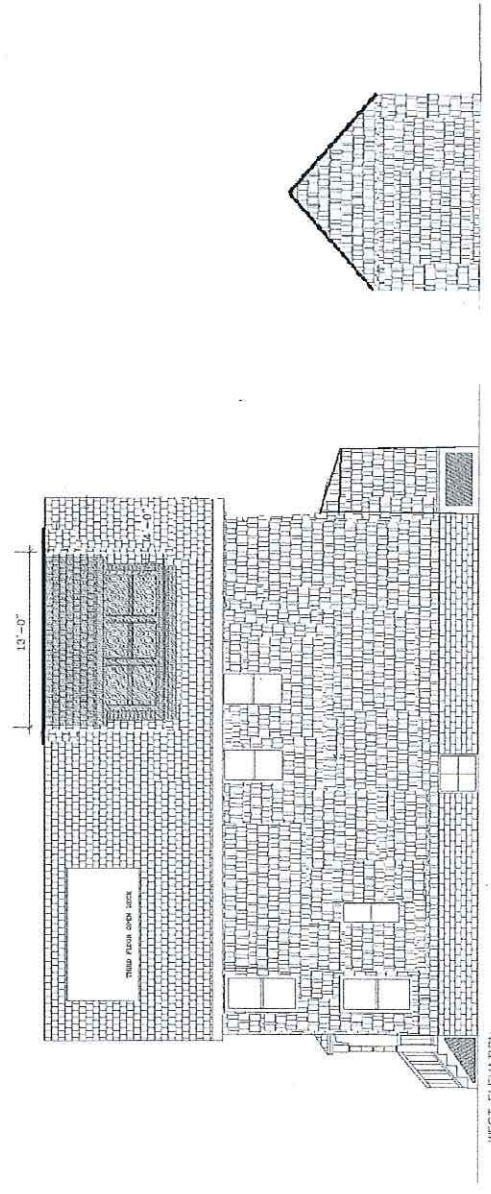




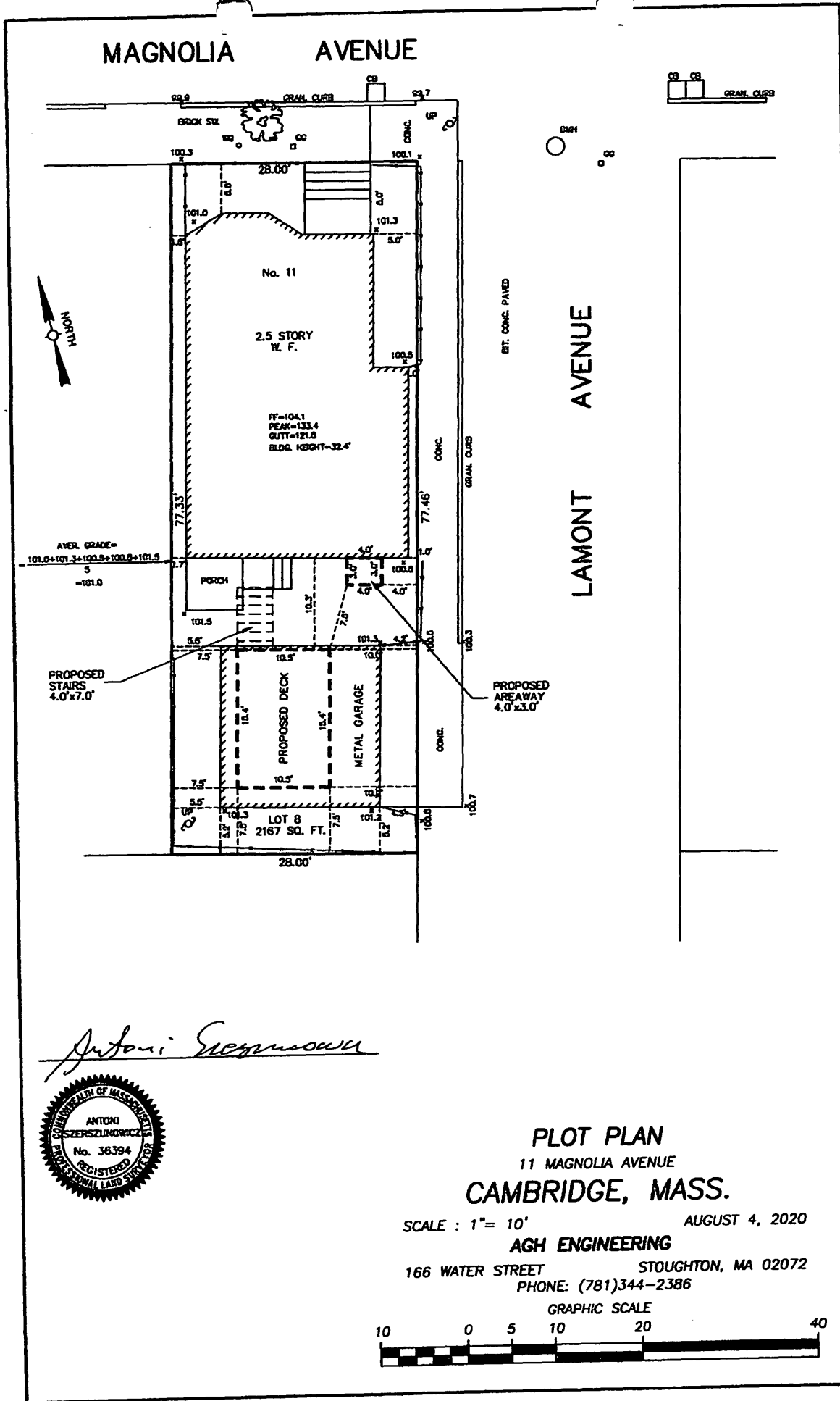
 SOUTH ELEVATION  
 SCALE IN FEET 1/8" = 1'-0"



FRONT ELEVATION  
 SCALE IN FEET 1/8" = 1'-0"



MAGNOLIA AVENUE



PROPOSED STAIRS  
4.0'x7.0'

PROPOSED DRIVEWAY  
4.0'x3.0'

*Antoni Szerszynowicz*

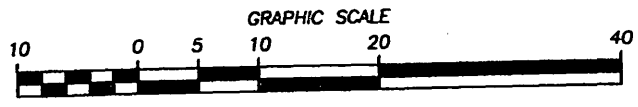


**PLOT PLAN**  
11 MAGNOLIA AVENUE  
**CAMBRIDGE, MASS.**

SCALE : 1" = 10'      AUGUST 4, 2020

**AGH ENGINEERING**

166 WATER STREET      STOUGHTON, MA 02072  
PHONE: (781)344-2386



10/16/2020

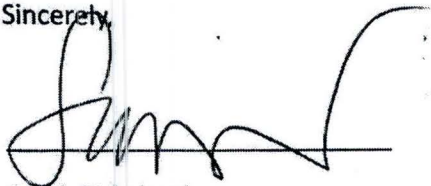
Board of Zoning Appeal

831 Mass Avenue

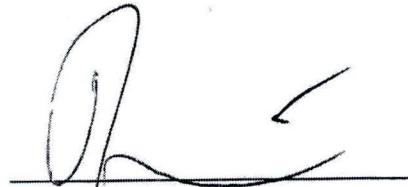
Cambridge, MA

We are the owners of 9 Magnolia Ave., Unit #1, directly next door to 11 Magnolia Ave. 9 Magnolia Ave (Units 1 & 2) is the only property that has a direct view of the dormers when looking from the West on Magnolia Ave as supported by Page A104 of the blueprints. We fully support the project and have no objections. We think their improvements will help the neighborhood and bring back a home that is in dire need of renovation.

Sincerely,

A handwritten signature in black ink, appearing to be 'Sarah Birkeland', written over a horizontal line.

Sarah Birkeland

A handwritten signature in black ink, appearing to be 'Roy Edelstein', written over a horizontal line.

Roy Edelstein

October 14, 2020

Board of Zoning Appeal  
831 Mass Avenue  
Cambridge, MA

Dear Zoning Board,

I live at 9 Magnolia Ave., Cambridge, MA 02138. I am the direct neighbor of 11 Magnolia Ave, Cambridge, MA 02138. I would like to express my support of Michael Driscoll / Eileen M. D'Entremont. I attest that I have no objection to the proposed Board of Zoning request scheduled for November 5, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Hannah Brennan", with a long horizontal flourish extending to the right.

Hannah Brennan



October 13, 2020

As an abutter, I am writing to lend my support for the Variance application of 11 Magnolia Ave.

Michael Driscoll has shared the blueprints for the attic dormer he hopes to construct in order to convert the attic space into livable bedrooms / bathroom.

I have no objections to their plans and suggest approval of the Variance. I think this will be a wonderful addition to our neighborhood.

Best regards,

A handwritten signature in cursive script that reads "Cheryl Lebenson". The signature is written in dark ink and is positioned below the text "Best regards,".

Cheryl Lebenson  
14 Magnolia Ave #1  
Cambridge, MA 02138

October 14, 2020

To Whom It May Concern,

We are the owners and occupiers of 17 Magnolia Ave, directly abutting the property of 11 Magnolia Ave. We have reviewed the drawings for the proposed dormers on both sides of the house at 11 Magnolia Ave. We strongly support their application for a Variance as well as the overall scope of the project. The addition will not detract from the appearance of the house, will not detract from the character of the neighborhood, will not increase traffic, will not add any significant shadows, and will in general not have any negative effects on the neighborhood. Indeed, the addition will *add* to the aesthetic of the neighborhood, bringing a sense of uniformity since so many of the surrounding houses have dormers. Additionally, we believe the dormers will *positively* contribute to the neighborhood, by increasing the number of bedrooms available to a growing family in this gorgeous home.

We are particularly happy that the owners of 11 Magnolia Ave have chosen to invest in this neighborhood. At a time of deep financial stress for many in this country and this community, it is wonderful that they are willing to spend effort, time, and money improving our neighborhood.

Sincerely,

William Herlands



---

Natalia Emanuel




---

10/19/20

Board of Zoning  
831 Mass Avenue  
Cambridge, MA

We live directly behind 11 Magnolia at 5-7 Lamont Ave and have reviewed the submitted plans. I fully support the project and have no objections. I think their improvements will help the neighborhood. The home is in dire need of renovations. The renovation will also allow for less traffic due to the fact the home is being converted to a single family.

Sincerely

  
RANDALL ORTON



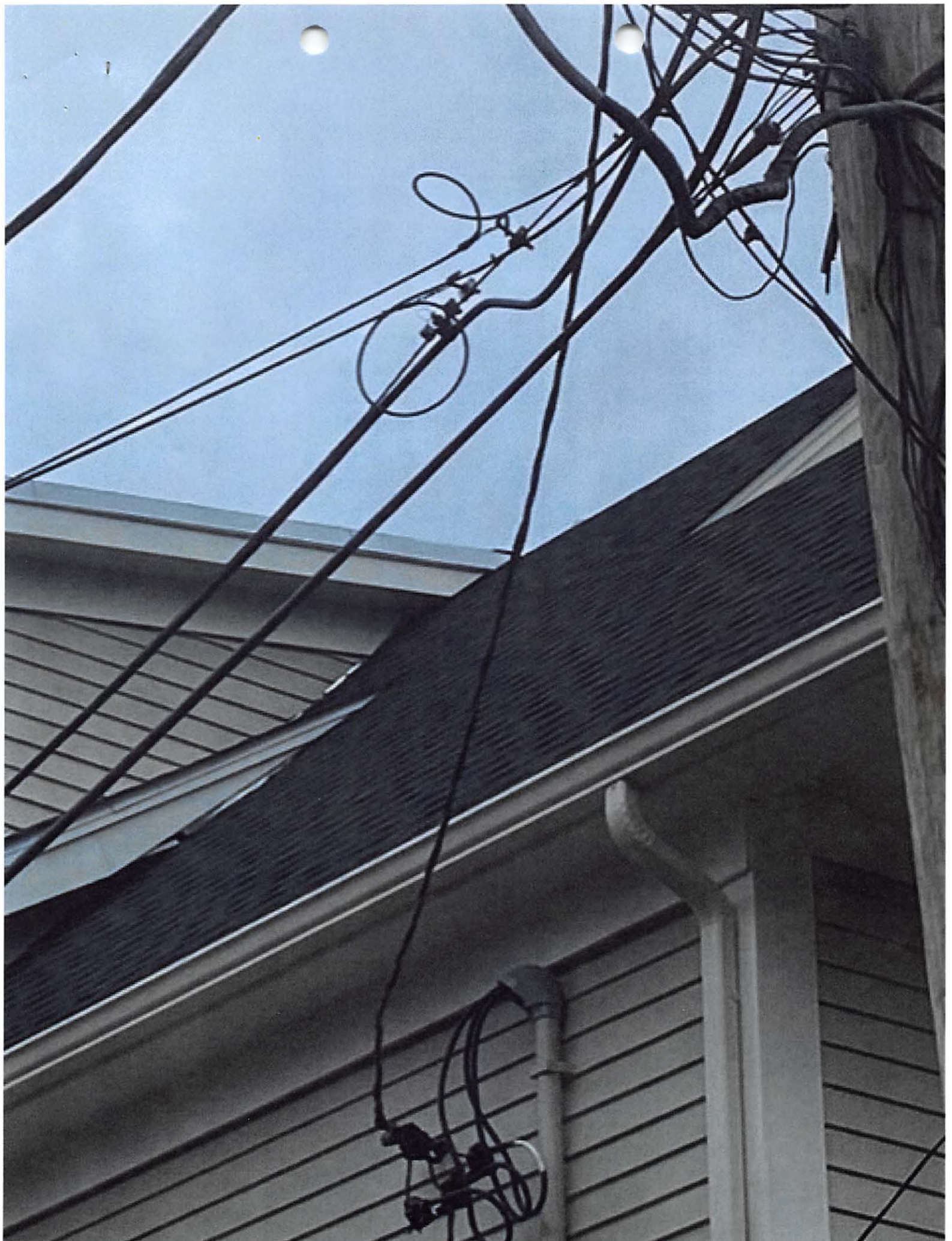


11 Magnolia Ave

























**BLACK  
RIVER  
ARCHITECTS, inc.**

55 Brewster Street  
Cambridge, Massachusetts 02138  
(617) 661-3007  
[www.blackriverarchitects.com](http://www.blackriverarchitects.com)

August 30, 2021

Ranjit Singanayagam  
Commissioner  
Inspectional Services Department  
831 Massachusetts Avenue  
Cambridge, MA 02139

Dear Mr Singanayagam:

During the renovation of 11 Magnolia Street the beam supporting the shed dormers was raised to provide Building Code compliant headroom in the bedrooms. As a result the upper end of the roofs of the completed dormers are higher than the drawings reviewed and approved by the Board of Zoning Appeal. This adjustment did not add any square footage to the floor area figure submitted with the variance application.

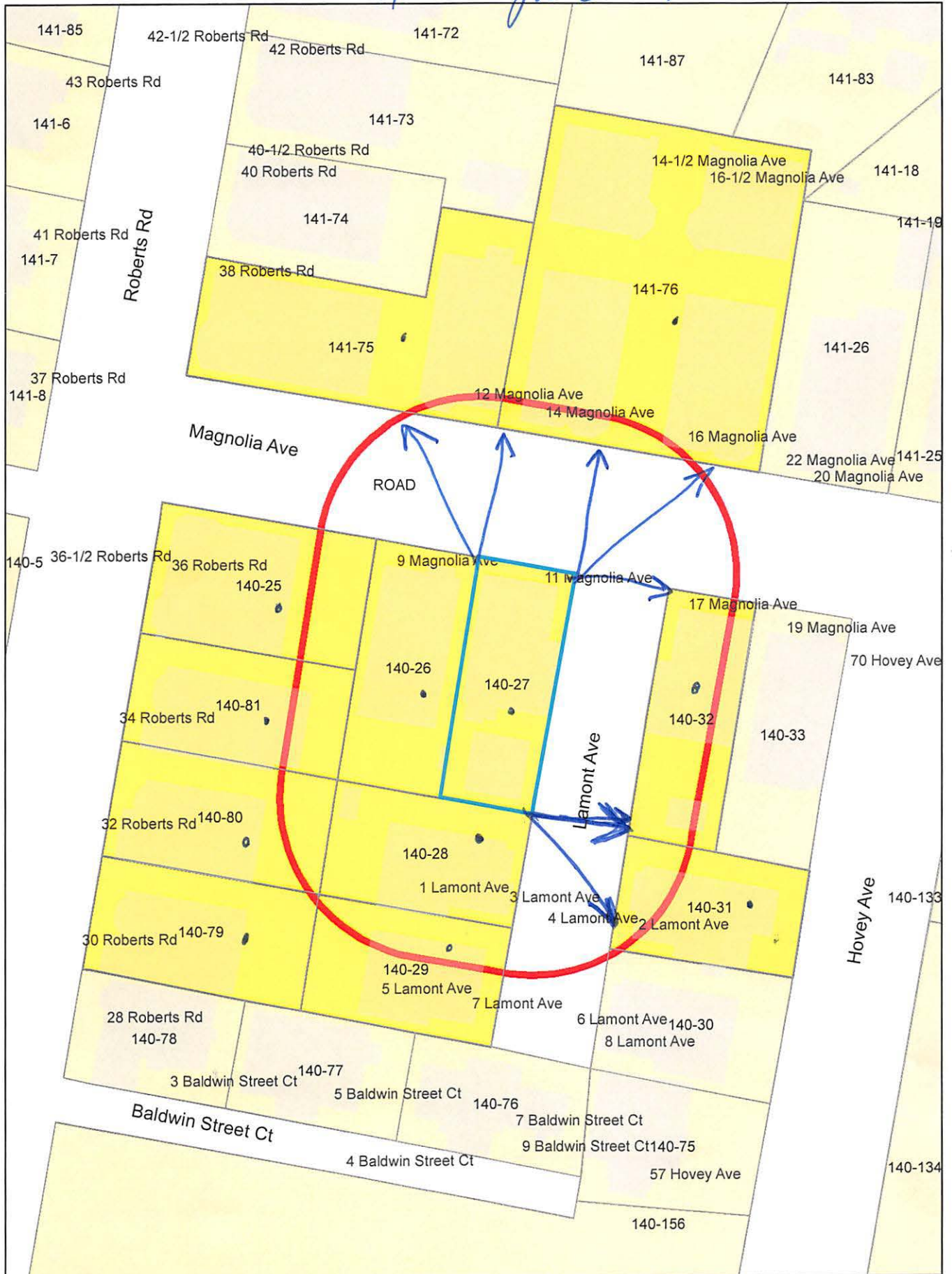
This type of adjustment is often necessitated in a renovation by the existing conditions which are not fully revealed and cannot be accurately documented until demolition is complete. Importantly, the dormers are consistent with the intent of the dormer guidelines which is to insure that a dormer is visually secondary to the roof itself.

Respectfully,

Arch Horst AIA

*We collaborate with our clients  
to create buildings that respect the environment, lift the spirits of daily users and visitors  
and make organizations more effective and dynamic.*

# 11 Magnolia Ave





11 Magnolia Ave

Petitioner

140-28  
ALVES, JOHN A. PATRICIA ANN ALVES  
3 LAMONT AVE  
CAMBRIDGE, MA 02138-3215

140-32  
EMANUEL, EZEKIEL, NATALIA EMANUEL,  
WILLIAM HERLANDS  
17 MAGNOLIA AVE  
CAMBRIDGE, MA 02138

140-27  
MAGNOLIA MLD LLC  
C/O MICHAEL DRISCOLL  
9 ORCHARD CROSSING  
ANDOVER, MA 01810

140-80  
LAI. XU & WEI LI  
19 PRENTISS LANE  
BELMONT, MA 02478

140-81  
SENNOTT, EDWARD J. & MARTHA SENNOTT  
34 ROBERTS RD  
CAMBRIDGE, MA 02138

EILEEN M. D'ENTREMONT  
11 MAGNOLIA AVENUE  
CAMBRIDGE, MA 02138

141-76  
LEBENSON, CHERYL P.  
14 MAGNOLIA AVE #1  
CAMBRIDGE, MA 02138

141-76  
BOXER, SUZANNE  
14 MAGNOLIA AVE. APT#2  
CAMBRIDGE, MA 02138

141-76  
EL-DIAN MANAGEMENT LLC  
AUTUMN CIRCLE  
HINGHAM, MA 02043

141-76  
WANG, YIOU  
14-16 1/2 MAGNOLIA AVE. UNIT#14.5/3  
CAMBRIDGE, MA 02138

141-75  
ROBERTS MAGNOLIA, LLC.  
29 ROBERTS RD  
MEDFORD, MA 02155

141-76  
MATLACK, LAURA G.  
16 MAGNOLIA AVE., UNIT #1  
CAMBRIDGE, MA 02138

141-76  
HUANG, HENNA  
14 1/2 MAGNOLIA AVE  
CAMBRIDGE, MA 02138

141-76  
SANDLER, BENJAMIN & EMILY GRIFFIN  
16 MAGNOLIA AVE., #2  
CAMBRIDGE, MA 02139

141-76  
BUSSEY, JOHN L. & SOPHIA ROVITTI  
16 MAGNOLIA AVE, #3  
CAMBRIDGE, MA 02138

140-25  
LIPMAN, DAVID S.  
43 YORK ST  
LEXINGTON, MA 02420

140-29  
ORTON, RANDALL  
992 CONCORD ST  
FRAMINGHAM, MA 01701-8381

140-26  
BRENNAN, HANNAH & DAVID RANGAVIZ  
9 MAGNOLIA AVE UNIT #2  
CAMBRIDGE, MA 02138

140-26  
BIRKELAND, SARAH E.  
33 LARCHMONT AVE  
WABAN, MA 02468

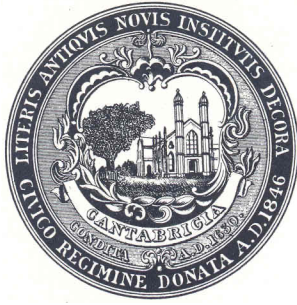
141-76  
HUAI, YALI  
14-16 1/2 MAGNOLIA AVE #16/53  
CAMBRIDGE, MA 02138

141-76  
ROUGHAN, BRIAN KERRY MCDONALD  
14-16 1/2 MAGNOLIA AVE #14/3  
CAMBRIDGE, MA 02138

141-76  
DRAKE, EMILY H. ROBERT J. HADERER  
16 1/2 MAGNOLIA AVE #1  
CAMBRIDGE, MA 02138

140-79  
KELLEY, MARGARET MARY, A LIFE ESTATE  
30 ROBERTS RD  
CAMBRIDGE, MA 02138

140-31  
ANDRADE, MANUEL P. & NATALIA DE ANDRADE  
217 PARK STREET  
STONEHAM, MA 02180



## Mid Cambridge Neighborhood Conservation District Commission

831 Massachusetts Avenue, Cambridge, Massachusetts 02139  
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112  
E-mail: [histncds@cambridgema.gov](mailto:histncds@cambridgema.gov)  
URL: <http://www.cambridgema.gov/Historic/midcambridgehome.html>

Tony Hsiao, *Chair*, Lestra Litchfield, *Vice-Chair*  
Monika Pauli, Charles Redmon, *Members*  
Margaret McMahon, *Alternate*

### CERTIFICATE OF APPROPRIATENESS

PROPERTY:                   **11 Magnolia Avenue**

OWNER:                      **Eileen M. D'Entremont**  
                                    **11 Magnolia Avenue**  
                                    **Cambridge, MA 02138**

The Mid Cambridge Neighborhood Conservation District Commission hereby certifies, pursuant to Title 2, Chapter 2.78, Article III, Section 2.78.140-270 of the Code of the City of Cambridge and the City Council order establishing the Commission, that the construction described below is not incongruous to the historic aspects or architectural character of the building or district:

- 1. Construct 2 dormers, roof deck on building and roof deck on garage, and new windows,**
- 2. Reconfigure existing windows,**
- 3. Remove one front entry door and remove rear enclosed porch.**

**Work is to be carried out as depicted in the plans and drawings by Black River Architects presented at the September 17, 2020 Architects Committee meeting.**

Approval was granted subject to the review and approval by the Architects Committee with the following recommendations:

- 1. Conduct further study of the proposed deck on the garage, including adding a wing wall and pulling back the deck from the rear edge to provide more privacy for neighbors and owner.**
- 2. Consider creating a more substantial ridgeline on the proposed roof deck on the house to strengthen the continuity of the roof line.**
- 3. Consider replacing the removed front door with a fixed door or panel, or a window to allow more light in the interior.**

The plans and specifications that were submitted with the application are incorporated into this certificate, which is not binding on the applicant.

This certificate is granted upon the condition that the work authorized is commenced within six months after the date of issuance. If the work authorized by this certificate is not commenced within six months after the date of issuance, or if such work is suspended in significant part for a period of one year after the time the work is commenced, this certificate shall expire and be of no further effect; provided that, for cause, one or more extensions not exceeding ninety days each may be allowed in writing by the Chair.

Attest: A true and correct copy of decision filed with the office of the City Clerk and the Mid Cambridge Neighborhood Conservation District Commission on September 17, 2020.

By Tony Hsiao/aac, Chair

Twenty days have elapsed since the filing of this decision.  
No appeal has been filed \_\_\_\_\_ . Appeal has been filed \_\_\_\_\_ .  
Date \_\_\_\_\_ , City Clerk



# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

BZA

## POSTING NOTICE – PICK UP SHEET

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

Name: Michael Driscoll Date: 9-30-21  
(Print)

Address: 11 Magnolia Avenue

Case No. BZA-142835

Hearing Date: 10/21/21

Thank you,  
Bza Members