CITY OF CAMBRIDGE
MASSACHUSETTS
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139
617 349-6100

2017 JUN -7 PM 12:56
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-013489-2017

GENERAL INFORMATION

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

Special Permit : √ **Variance :** √ **Appeal :** _____

PETITIONER : Baile Beag 11, LLC - C/O James J. Rafferty, Esq.

PETITIONER'S ADDRESS : 675 Massachusetts Avenue Cambridge, MA 02139

LOCATION OF PROPERTY : 137 Mt Auburn St Cambridge, MA

TYPE OF OCCUPANCY : _____ **ZONING DISTRICT :** Residence B Zone

REASON FOR PETITION :

New Structure

DESCRIPTION OF PETITIONER'S PROPOSAL :

Petitioner seeks to replace existing structure with a new two family dwelling on the lot and to maintain a single parking space on site.

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 6.000 Section 6.36 (Reduction of Parking).
Article 10.000 Section 10.40 (Special Permit).
Article 10.000 Section 10.30 (Variance).

Original Signature(s) : _____
(Petitioner(s) / Owner)

James J. Rafferty
(Print Name)

Address : 675 Massachusetts Avenue
Cambridge, MA 02139

Tel. No. : (617) 492-4100

E-Mail Address : jrafferty@adamsrafferty.com

Date : June 5, 2017

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

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

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

The existing structure is experiences structural decline and a literal enforcement of the Ordinance would not allow for a similarly sized replacement.

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

The shape of the lot is significantly undersized in the area and is only 40 feet in width, thus making it difficult to construct a conforming structure.

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

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

The Half Crown-Marsh Neighborhood Conservation District issued a Certificate of Appropriateness for the demolition of the existing structure and consturction of the proposed replacement.

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

The proposed two family dwelling will satisfy the front, rear and right side setback requirements and the open space requirement. In addition, the lot area per dwelling unit ratio and left side setbacks will be brought into greater conformity with the requirements of the Residence B Zoning District.

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

BZA APPLICATION FORM

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 137 Mt Auburn 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:

As provided for Section 6.35.1 of the Zoning Ordinance, the continuation of a single parking space at this location to accomodate a two family house will not cause excessive congestion or endanger public safety.

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:

Existing traffic patterns will be unchanged since the parking will be accessed by the existing driveway.

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:

Few of the surrounding residential uses provide off street parking.

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:

A single parking space has existing at this location for decades.

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 property's proximity to Harvard Square and the Red Line means that residents are unlikely to use a motor vehicle at this location.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: [redacted] Bade Berg 11 LLC **PRESENT USE/OCCUPANCY:** multi-family

LOCATION: 137 Mt Auburn St Cambridge, MA **ZONE:** Residence B Zone

PHONE: **REQUESTED USE/OCCUPANCY:** two family

		EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS [1]	
TOTAL GROSS FLOOR AREA:		2201	2472	1520	(max.)
LOT AREA:		3040	no change	5000	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: [2]		.73	.81	.5	(max.)
LOT AREA FOR EACH DWELLING UNIT:		1013	1520	2500	(min.)
SIZE OF LOT:	WIDTH	40'	no change	50'	(min.)
	DEPTH	76'	no change	N/A	
SETBACKS IN FEET:	FRONT	3'10"	10'	10'*	(min.)
	REAR	23'10"	25'	25'	(min.)
	LEFT SIDE	2'8"	3'	7'6" (sum 12')	(min.)
	RIGHT SIDE	6' 11"	12'	7'6" (sum 12"	(min.)
SIZE OF BLDG.:	HEIGHT	~27'	35'	35'	(max.)
	LENGTH	48'	41'	N/A	
	WIDTH	30'	25'	N/A	
RATIO OF USABLE OPEN SPACE TO LOT AREA: [3]		29	33	40	(min.)
NO. OF DWELLING UNITS:		3	2	2	(max.)
NO. OF PARKING SPACES:		1	no change	2	(min./max)
NO. OF LOADING AREAS:		N/A	N/A	N/A	(min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:		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.

* per adjacent lots (5.31.3.b)

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'.

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

Baile Beag 11, LLC
(Owner or Petitioner)

Address: c/o James J. Rafferty 675 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 137 Mount Auburn Street

the record title standing in the name of Baile Beag 11, LLC

whose address is 50 Church Street, Cambridge MA
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex South County Registry of Deeds in

Book 59396 Page 20 or _____ Registry

District of Land Court Certificate No. _____ Book _____ Page _____

(SOC Signatory)

==========

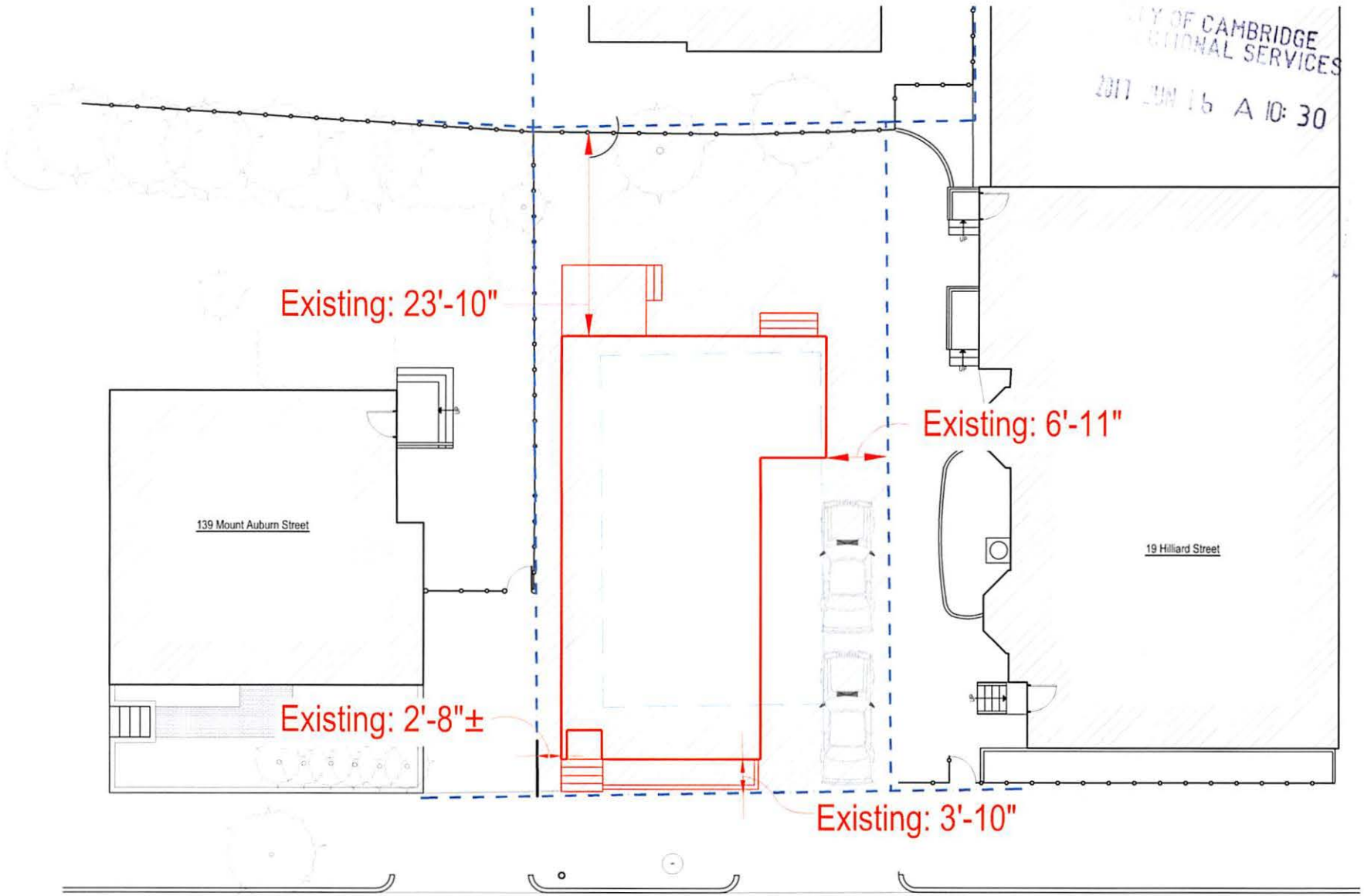
On this 4th day of October, 2016, before me, the undersigned notary public, personally appeared Anne DiGiovanni proved to me through satisfactory evidence of identification, which were drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Denise A. Jillson
Notary Public

My commission expires: Nov. 4, 2016

DENISE A. JILLSON
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
November 4, 2016

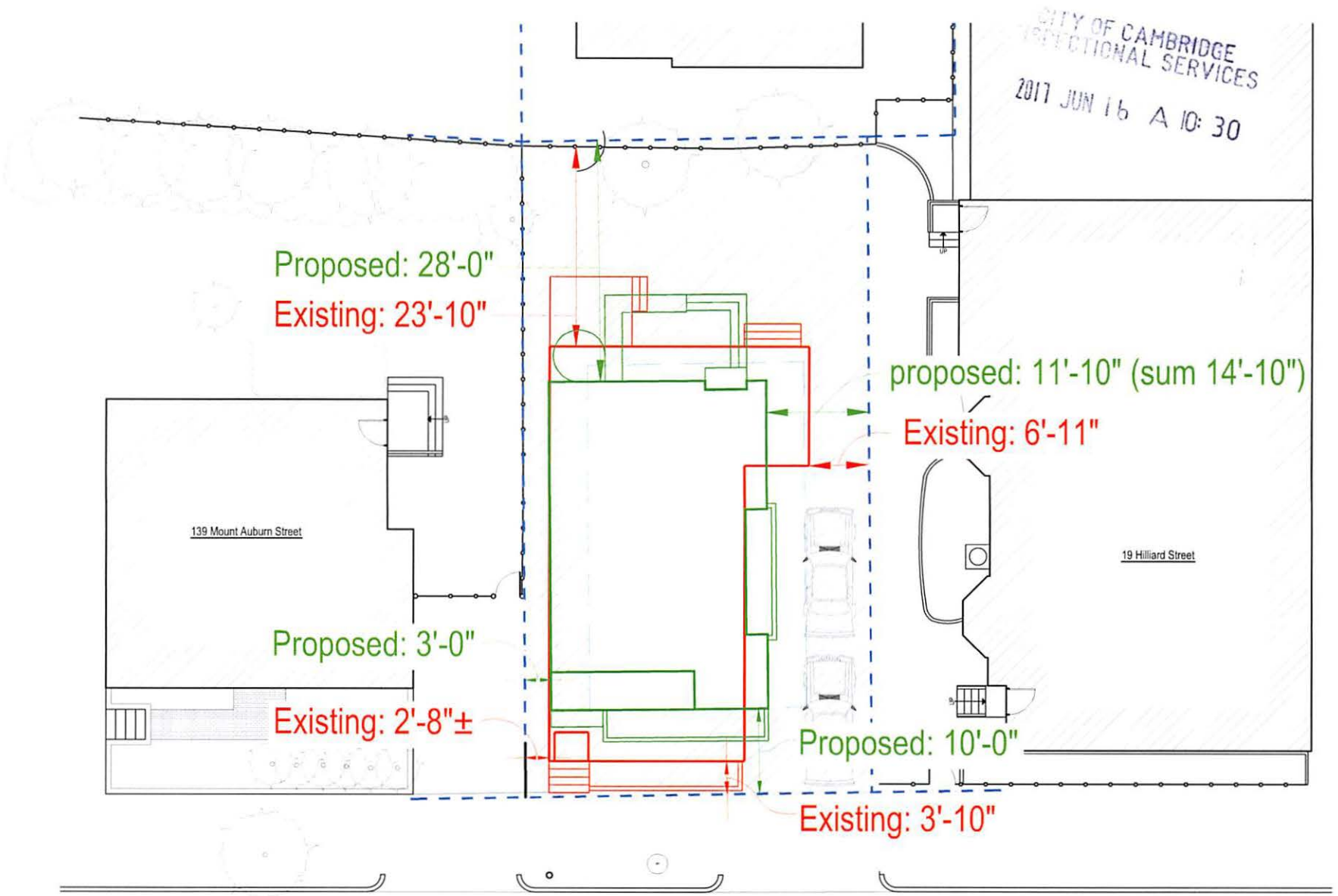
DENISE A. JULESON
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
November 4, 2016



TGAS

Setbacks - Existing Building

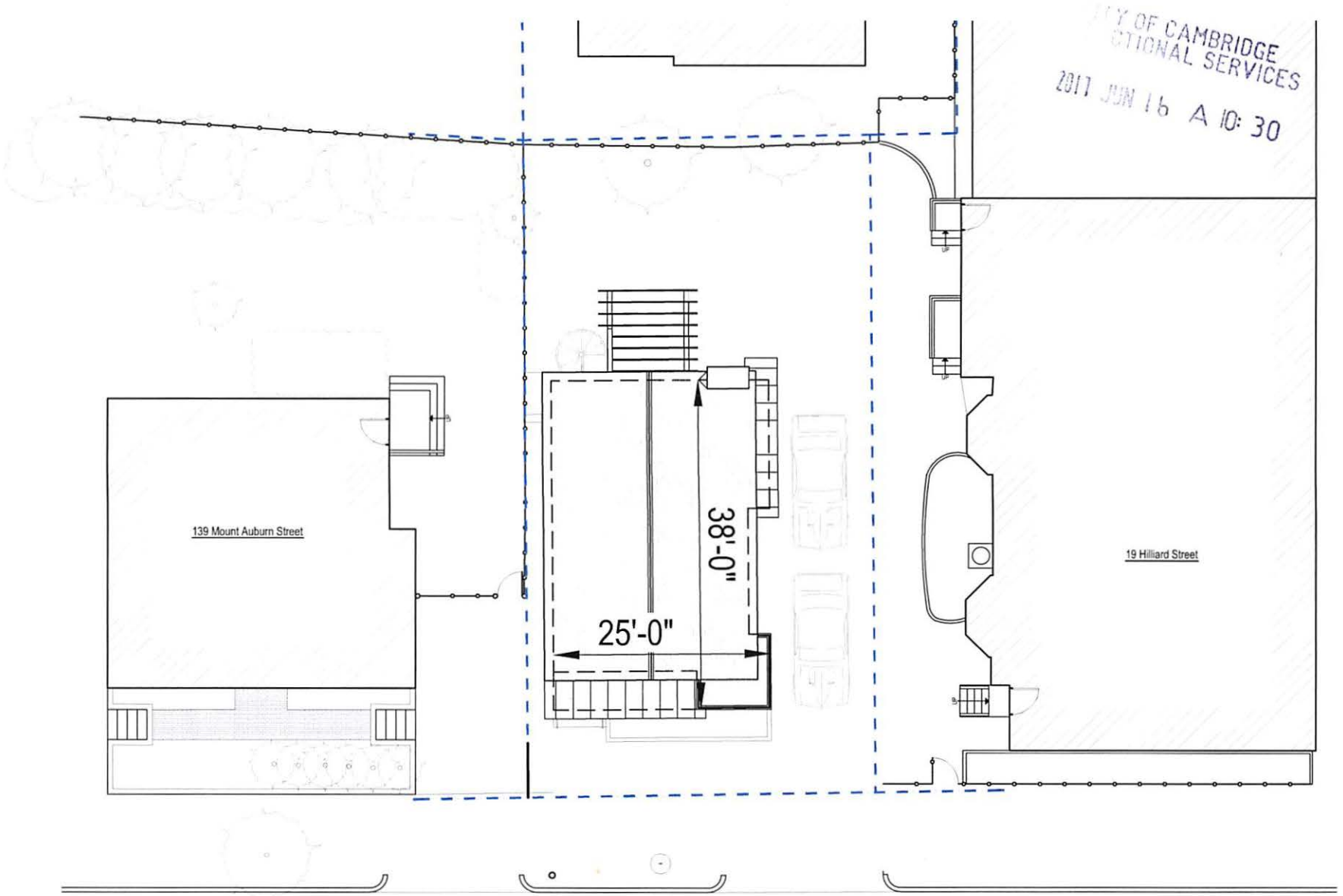
137 Mount Auburn St
Cambridge, MA 02138



TGAS

Setbacks - Existing : Proposed

137 Mount Auburn St
Cambridge, MA 02138



TGAS

Proposed Site Plan

137 Mount Auburn St
Cambridge, MA 02138

TGAS

Existing Building Photos

137 Mount Auburn St
Cambridge, MA 02138

CAMBRIDGE HISTORICAL COMMISSION

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

Jurisdiction Advice

To the Owner of Property at 137 Mt. Auburn Street

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

__ Old Cambridge Historic District
__ Fort Washington Historic District
(M.G.L. Ch. 40C, City Code §2.78.050)
__ Avon Hill Neighborhood Conservation District
_X_ Half Crown – Marsh Neighborhood Conservation District
Approved by the HCMNCD Commission. See certificate of appropriateness dated Oct. 19, 2016. Requires extension of certificate from the commission's chair.
__ Harvard Square Conservation District
__ Mid Cambridge Neighborhood Conservation District
__ Designated Landmark
__ Property is being studied for designation: _____
(City Code, Ch. 2.78., Article III, and various City Council Orders)
__ Preservation Restriction or Easement (as recorded)
__ Structure is fifty years or more old and therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). **See the back of this page for definition of demolition.**
__ No jurisdiction: not a designated historic property and the structure is less than fifty years old.
__ No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.
Staff comments: _____

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

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

CHC staff initials SLB Date June 12, 2017

Received by Uploaded to Energov Date June 12, 2017
Relationship to project BZA 13489-2017

cc: Applicant
Inspectional Services Commissioner

Demolition Delay Ordinance and Application Information

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

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

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

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

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

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

July 2003

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

Half Crown-Marsh Neighborhood Conservation District Commission

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112
E-mail: histncds@cambridgema.gov

James Van Sickle, *Chair*, Judith Dortz, *Vice Chair*
Marie-Pierre Dillenseger, William King, Deborah Masterson, Peter Schur, Charles Smith, *Members*
Adrian Catalano, *Alternate*

CERTIFICATE OF APPROPRIATENESS

PROPERTY: **137 Mount Auburn Street**

OWNER: **Baile Beag 11, LLC**
50 Church St
Cambridge, MA 02138

The Half Crown-Marsh 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:

> **Demolish existing structure and construct a new 35 foot tall, two-family dwelling on the property with a driveway for parking behind the front plane of the structure.**

The proposal was approved with the recommendations: the applicant shall change the roofing material to a historically appropriate roofing material, use masonry for the chimney, and submit final plans to staff for review with the architect member of the Commission.

The plans and specifications referenced above are incorporated into this certificate, which is binding on the applicant and all improvements shall be carried out as described therein.

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 extension not exceeding six months may be allowed in writing by the Chairman.

Case Number: **HCM-349** Date of Certificate: **October 19, 2016**

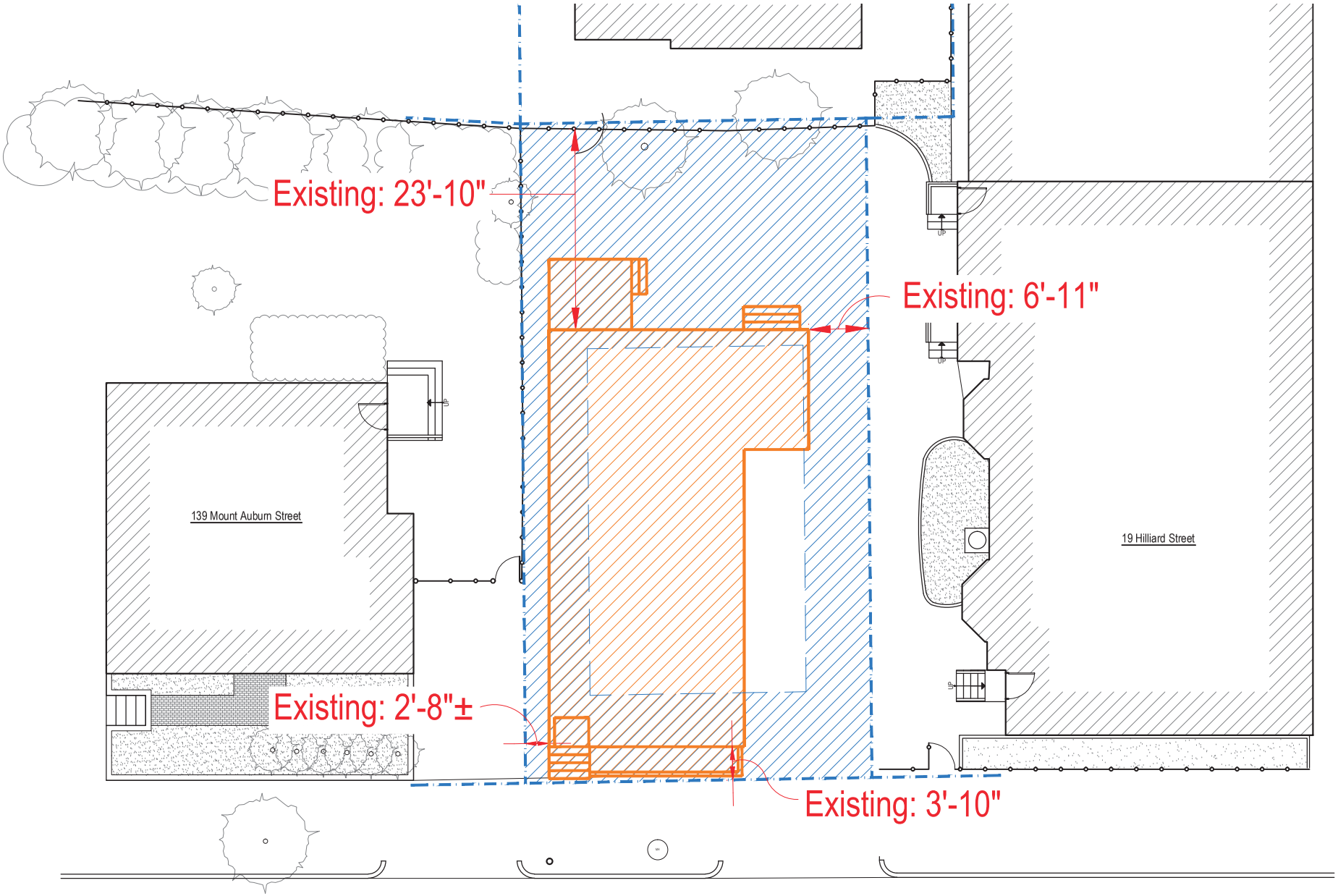
Attest: A true and correct copy of decision filed with the office of the City Clerk and the Half Crown-Marsh Neighborhood Conservation District Commission on October 19, 2016 By

James Van Sickle, Chair

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

137 Mount Auburn Street
Cambridge, MA 02138

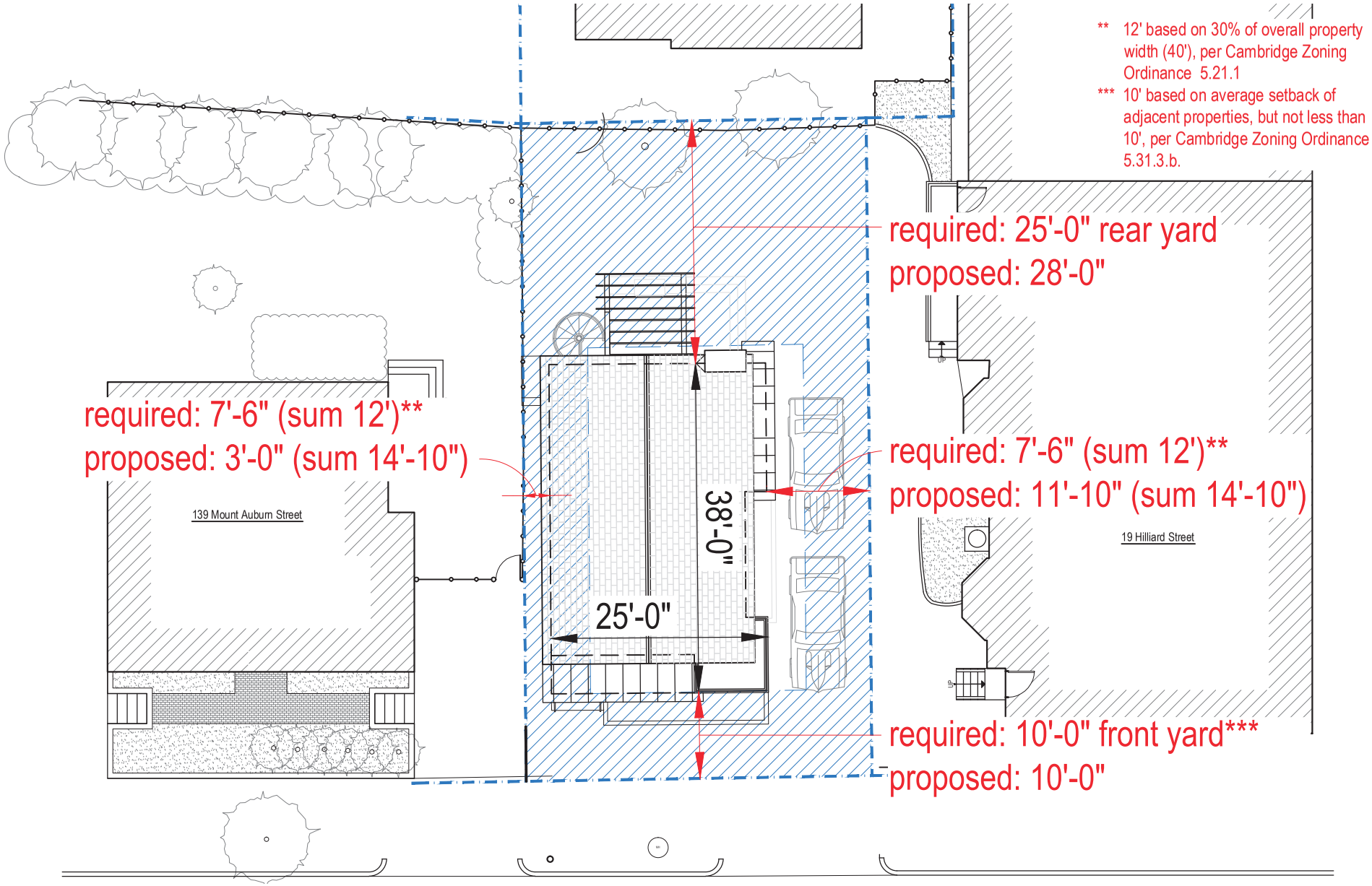
TGAS



TGAS

Setbacks - Existing Building

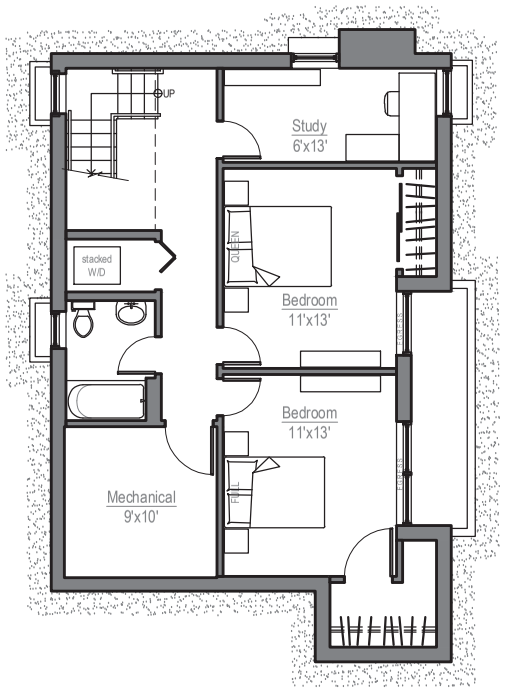
137 Mount Auburn St
Cambridge, MA 02138

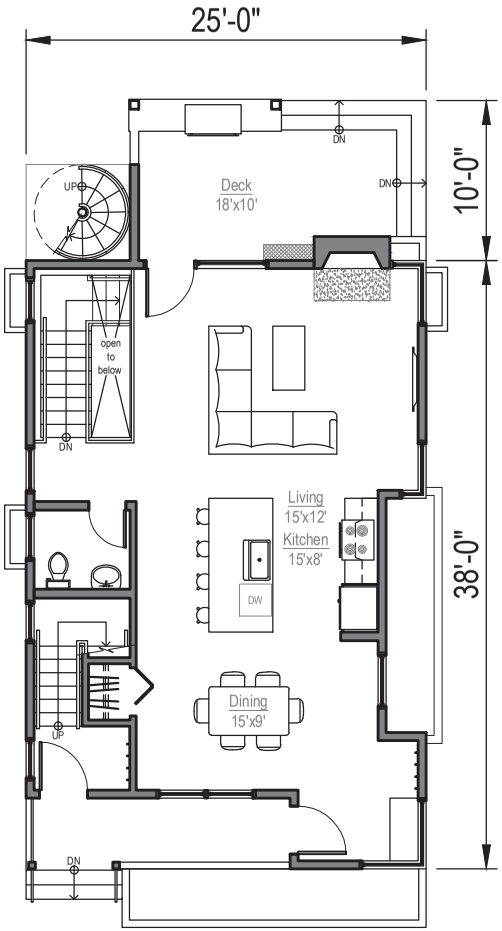


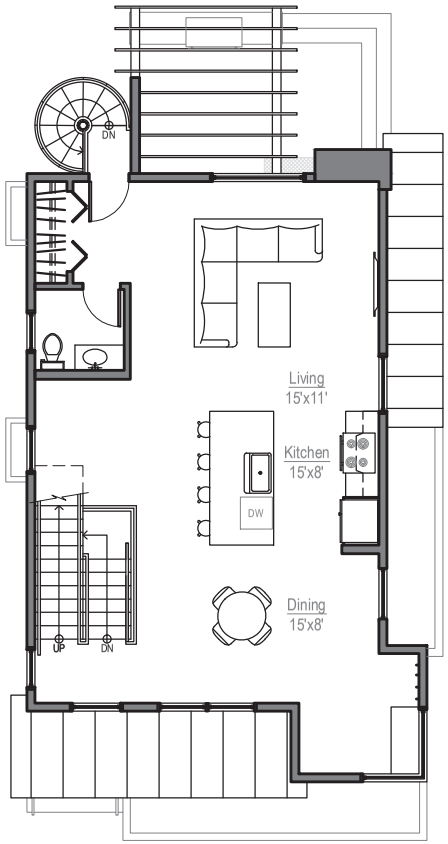
TGAS

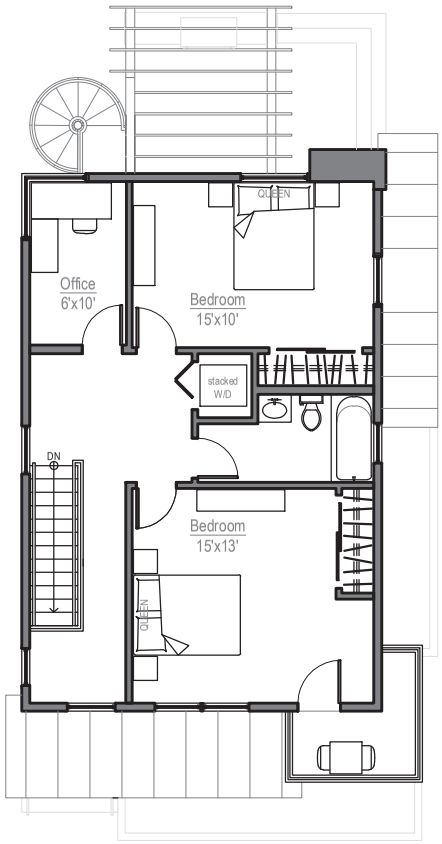
Proposed Site Plan

137 Mount Auburn St
Cambridge, MA 02138









Basement: 840 SF

1st Floor: 913 SF

2nd Floor: 803 SF

3rd Floor: 756 SF

0 2' 4' 8'

TGAS

Proposed Building Floor Plans

137 Mount Auburn St
Cambridge, MA 02138

TGAS

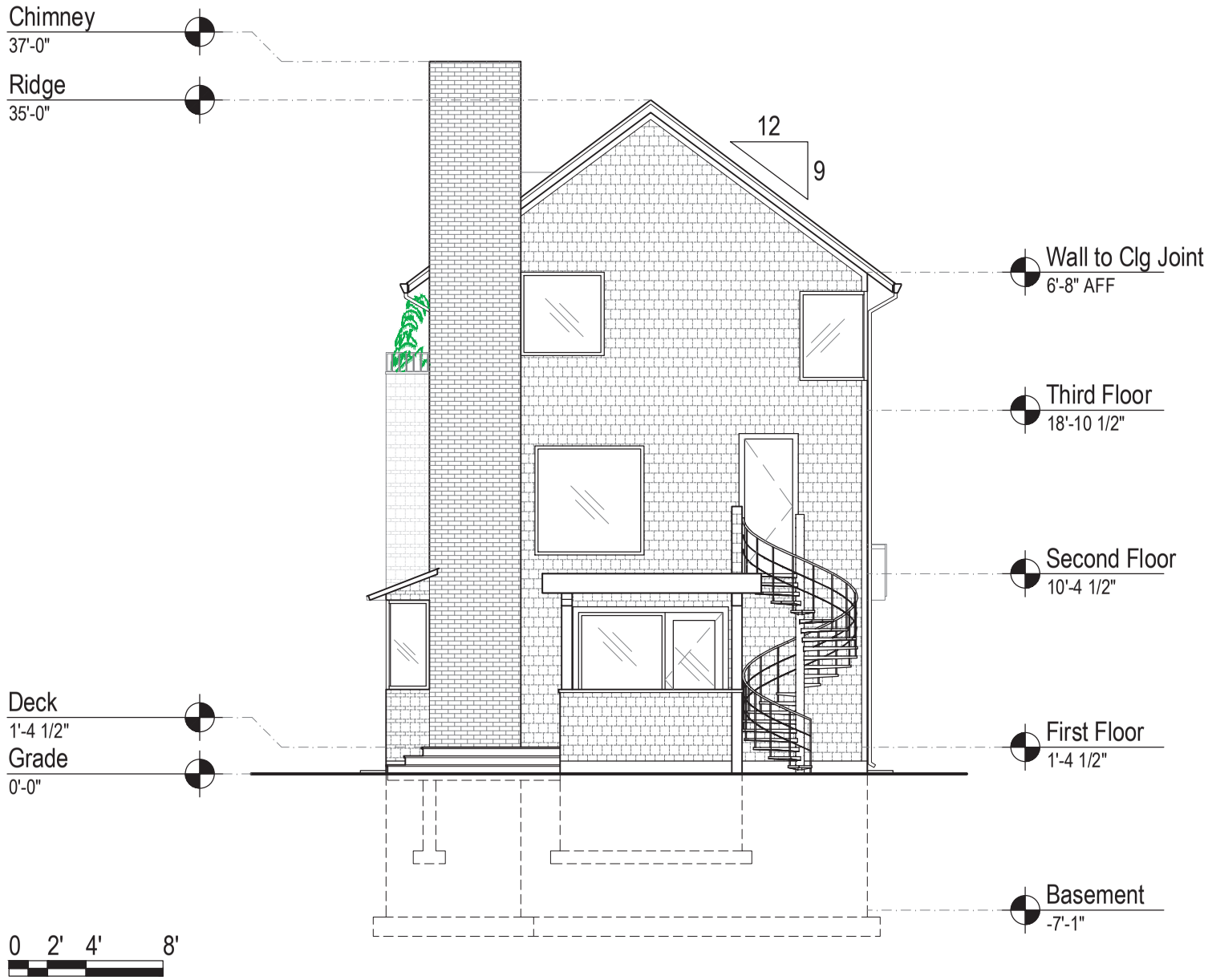
Proposed Building
South Elevation

137 Mount Auburn St
Cambridge, MA 02138

TGAS

Proposed Building
East Elevation

137 Mount Auburn St
Cambridge, MA 02138



TGAS

Proposed Building
North Elevation

137 Mount Auburn St
Cambridge, MA 02138

TGAS

Proposed Building
West Elevation

137 Mount Auburn St
Cambridge, MA 02138

TGAS

Proposed Building Street Frontage

137 Mount Auburn St
Cambridge, MA 02138

TGAS

Proposed Building

137 Mount Auburn St
Cambridge, MA 02138

TGAS

Proposed Building

137 Mount Auburn St
Cambridge, MA 02138

TGAS

Proposed Building

137 Mount Auburn St
Cambridge, MA 02138

TGAS

Proposed Building

137 Mount Auburn St
Cambridge, MA 02138

TGAS

Proposed Building

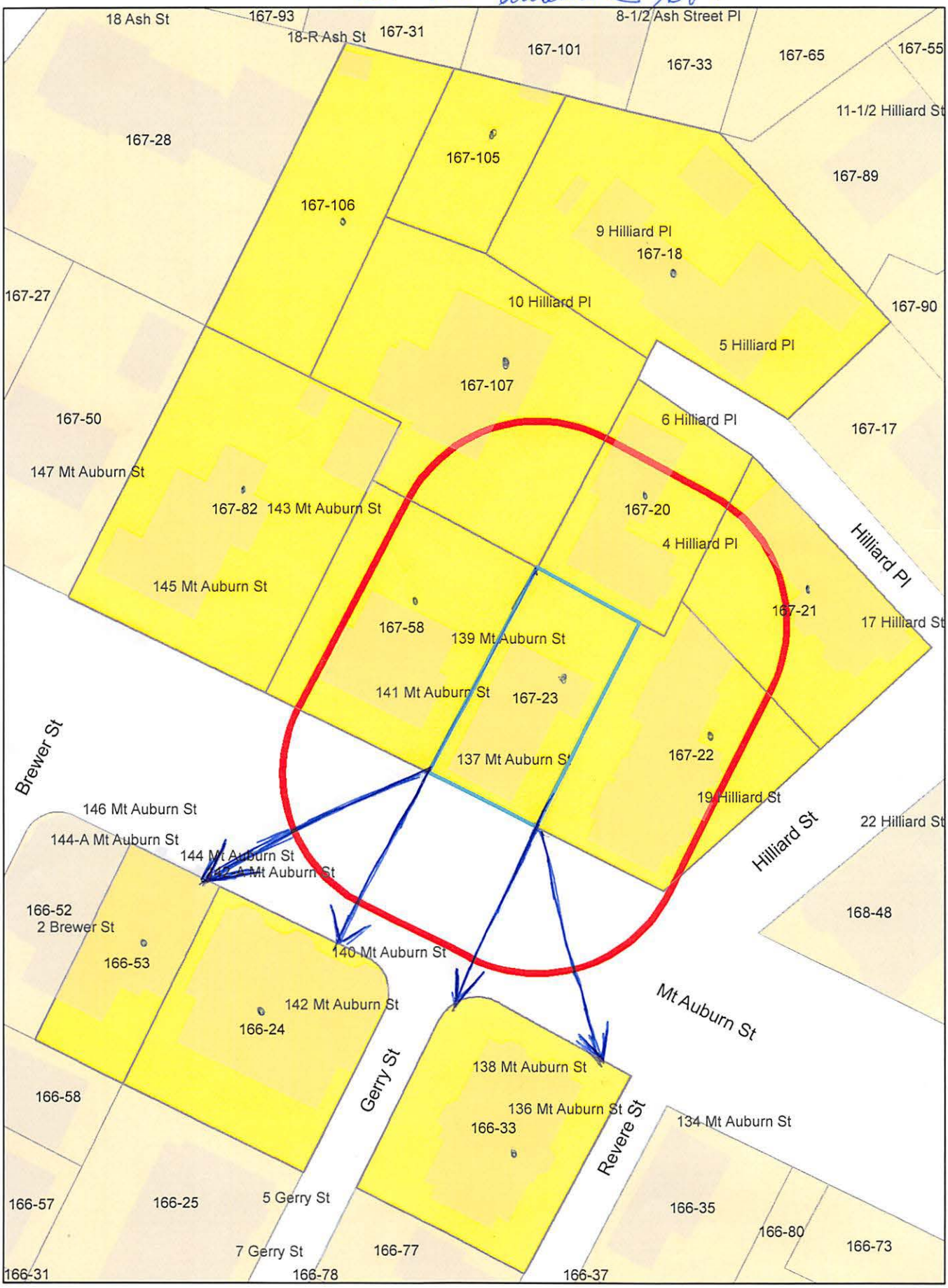
137 Mount Auburn St
Cambridge, MA 02138

TGAS

Proposed Building

137 Mount Auburn St
Cambridge, MA 02138

137 Mt. Auburn St.



137 Mt. Auburn St.

Petitioner

JAMES J. RAFFERTY, ESQ.
675 MASS AVENUE
CAMBRIDGE, MA 0239

166-24
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE, INC.
HOLYOKE CENTER - RM. 1000
1350 MASSACHUSETTS AVE.
CAMBRIDGE, MA 02138

166-33
LOREDA LLC,
138 MT AUBURN ST
CAMBRIDGE, MA 02138

167-18
BLACK, LINDA CABOT & AMY B. NAUGHTON
TRS OF HILLIARD PLACE NOMINEE TRUST
5 HILLIARD PL
CAMBRIDGE, MA 02138

167-20
STRAUS, ROBERT B.
22 BERKELY ST
CAMBRIDGE, MA 02138

167-21
SCHUR, PETER & JEAN FECHHEIMER
TRUSTEE OF HILLIARD STREET REALTY TR.
17 HILLIARD ST
CAMBRIDGE, MA 02138

167-22
DIGIOVANNI, JOHN P & ANNE E. DIGIOVANNI
19 HILLIARD ST
CAMBRIDGE, MA 02138

167-23
BAILE BEAG 11, LLC
50 CHURCH ST
CAMBRIDGE, MA 02138

167-58
MT AUBURN 139-141 LLC
C/O TRINITY PROPERTY MANAGEMENT
50 CHURCH ST. 5TH FLOOR
P.O. BOX 380212
CAMBRIDGE, MA 02238

167-82
WILSON, ELLEN F.,
TR. OF THE 143-145 MOUNT AUBURN ST REALTY TRST
145 MT AUBURN ST
CAMBRIDGE, MA 02138

167-105
AMPHLETT, GODFREY W. & JANET AMPHLETT
8 1/2 ASH ST PL
CAMBRIDGE, MA 02138

167-106
BODMAN, TAYLOR S.
18 ASH ST
CAMBRIDGE, MA 02138

167-107
ZAGOROFF, ELIZABETH GOODFELLOW
10 HILLIARD PL
CAMBRIDGE, MA 02138

166-53
BURKE, EDWARD,
TR. THE 144 MOUNT AUBURN ST REALTY TRUST
324 QUINCY ST.
BROCKTON, MA 02302