

# CITY OF CAMBRIDGE

## BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2021 JAN 11 PM 1:47  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

### BZA Application Form

**BZA Number: 93975**

### General Information

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

Special Permit:   X  

Variance:           

Appeal:           

**PETITIONER:** Steve Kennedy C/O Architect

**PETITIONER'S ADDRESS:** 151 Appleton Street, Cambridge, MA 02138

**LOCATION OF PROPERTY:** 151 Appleton St., Cambridge, MA

**TYPE OF OCCUPANCY:** Res - 3

**ZONING DISTRICT:** Residence B Zone

### **REASON FOR PETITION:**

/Conversion to Additional Dwelling Units/

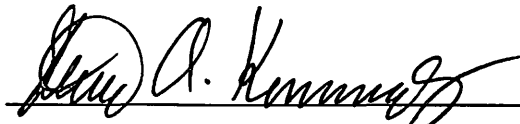
### **DESCRIPTION OF PETITIONER'S PROPOSAL:**

Basement renovation to an accessory dwelling unit, egress windows in bedroom will be within the side yard setback restriction

### **SECTIONS OF ZONING ORDINANCE CITED:**

Article: 4.000	Section: 4.21 (Accessory Uses)
Article: 4.000	Section: 4.22.1 (Accessory Building).
Article: 4.000	Section: 4.22.3 (Special Permit/Accessory Apartment).
Article: 10.000	Section: 10.40 (Special Permit).

Original  
Signature(s):

  
(Petitioner (s) / Owner)

Steven A. Kennedy  
(Print Name)

Address:

Tel. No.

E-Mail Address: stevekennedyaz@gmail.com

Date: 3 Dec 2020



**BZA Application Form****DIMENSIONAL INFORMATION****Applicant:** Steve Kennedy**Present Use/Occupancy:** Res - 3**Location:** 151 Appleton Street**Zone:** Residence B Zone**Phone:****Requested Use/Occupancy:** Res - 3

	<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>	2930	2930	N/A	(max.)
<b><u>LOT AREA:</u></b>	4051	4051	5000	(min.)
<b><u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u></b>	0.72	0.72	0.5	
<b><u>LOT AREA OF EACH DWELLING UNIT</u></b>	2025	1350	2500	
<b><u>SIZE OF LOT:</u></b>				
WIDTH	41	41	50	
DEPTH	87	87	N/A	
<b><u>SETBACKS IN FEET:</u></b>				
FRONT	14	14	15	
REAR	25	25	25	
LEFT SIDE	9.5	9.5	7.5	
RIGHT SIDE	6	6	7.5	
<b><u>SIZE OF BUILDING:</u></b>				
HEIGHT	31	31	35	
WIDTH	44.5	44.5	N/A	
<b><u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u></b>	68%	68%	40%	
<b><u>NO. OF DWELLING UNITS:</u></b>	2	3	2	
<b><u>NO. OF PARKING SPACES:</u></b>	4	4	2	
<b><u>NO. OF LOADING AREAS:</u></b>	N/A	N/A	N/A	
<b><u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u></b>	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.

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'.



**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 151 Appleton 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:**

The proposed use aligns directly with the ideals of Article 4.22.1 for allowing development of accessory dwelling units in existing two (2) family residences.

**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:**

Addition of one (1) accessory dwelling unit will not adversely affect the generated traffic or patterns of access or egress in the proposed neighborhood.

**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:**

There are no proposed alterations that have adverse affects on the operation or development of adjacent uses as allowed in the Zoning Ordinance.

**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:**

Health, safety and welfare of the occupant will be protected by the proposed improvements to building structure and quality of egress paths from basement.

**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 proposed project is consistent with the Urban Design Objectives set fourth in Section 19.30 of 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.**





## 151 Appleton Street Residence – Project Narrative

### Project Overview:

The proposed project will create an accessory dwelling unit in the basement of the existing two-family residence at 151 Appleton Street. The property is currently owner-occupied, and the accessory dwelling unit is intended to be occupied by the owner's mother. The scope of the project includes excavation & underpinning of the existing concrete slab and foundation respectively, update and relocation of building utilities to a dedicated common utility room, and new concrete stairs in place of the existing bulkhead access to improve safety and accessibility of the basement level. The owner is seeking a special permit for an accessory dwelling unit in the basement of a two-family residence.

**Zoning Ordinance City of Cambridge – Article 4.22 - accessory apartments**

### Compliance with Zoning:

The proposed project is in compliance with all use, dimensional, and floor area conditions of the applied zoning district (Residence B). The existing building footprint is remaining unchanged. The only non-conforming element in the proposed project are the new egress window wells, which are within the property setback line due to the existing building footprint also being within the setback line. Egress wells and the new concrete stairs will not protrude above grade, and will have necessary fall protection and surrounding planting.

### Compliance with Criteria Specific to Special Permits Being Sought:

The proposed project is in compliance with all criteria presented in **Zoning Ordinance City of Cambridge – Article 4.22 - accessory apartments** and subsections 4.22.1 // 4.22.3 // 4.22.4

- Building is a single or two-family dwelling – **two family**
- Building containing accessory apartment has been in existence since on or before February 1, 2019 – **built 1890**
- In the case of an accessory apartment within a single-family or two-family dwelling, prior to alteration the dwelling contains at least (1,800) square feet of gross floor area – **existing gross floor area = 4,184**
- In the case of an accessory apartment within a single-family or two-family dwelling, such accessory apartment shall not occupy more than 900 square feet or thirty-five percent of the gross floor area of the principal dwelling, whichever is less – **gross floor area = 855 sqft**
- No more than one accessory apartment shall be allowed on any lot – **there is currently no accessory apartment on this lot**
- The Board may relax applicable FAR or GFA limitations, to the extent necessary, to enable the creation of an accessory apartment within the envelope of an existing structure – **there is no dwelling area proposed outside of the existing building envelope**
- The Board may alter applicable yard setback or height limitations, to the extent necessary, to enable site improvements that may be required to ensure the safe habitation of the accessory apartment, including but not limited to emergency egress routes – **new egress window wells on the north side fall within the setback due to the existing building footprint also being within the setback line**



## Compliance with General Special Permit Criteria (Section 10.43)

Special permits will normally be granted where specific provisions of the Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest:

- a) All requirement of this Ordinance **can and will** be met
- b) **There will be no** additional traffic or patterns of access or egress that will cause congestion, hazard, or substantial change in neighborhood character
- c) Continued operation or development of adjacent uses **will not** be adversely affected by the nature of the proposed use
- d) **There will be no** nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City
- e) The proposed use **will not** impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance
- f) The proposed project **is consistent** with the Urban Design Objectives set fourth in Section 19.30



## SITE CONTEXT MAP



151 Appleton Street, Cambridge, MA



**For Permit**

drawing scale 12" = 1'-0" 12" = 1'-0" project number 173 drawing number ASK01 revision

**Kennedy Residence**

**SITE CONTEXT MAP**

**151 Appleton Street, Cambridge, MA 02138**

**JOE THE ARCHITECT**

somerville 343 Medford Street, Suite 4C Somerville, MA 02145  
t: +1(617) 764-3593 e: info@joethearchitect.com  
website www.joethearchitect.com



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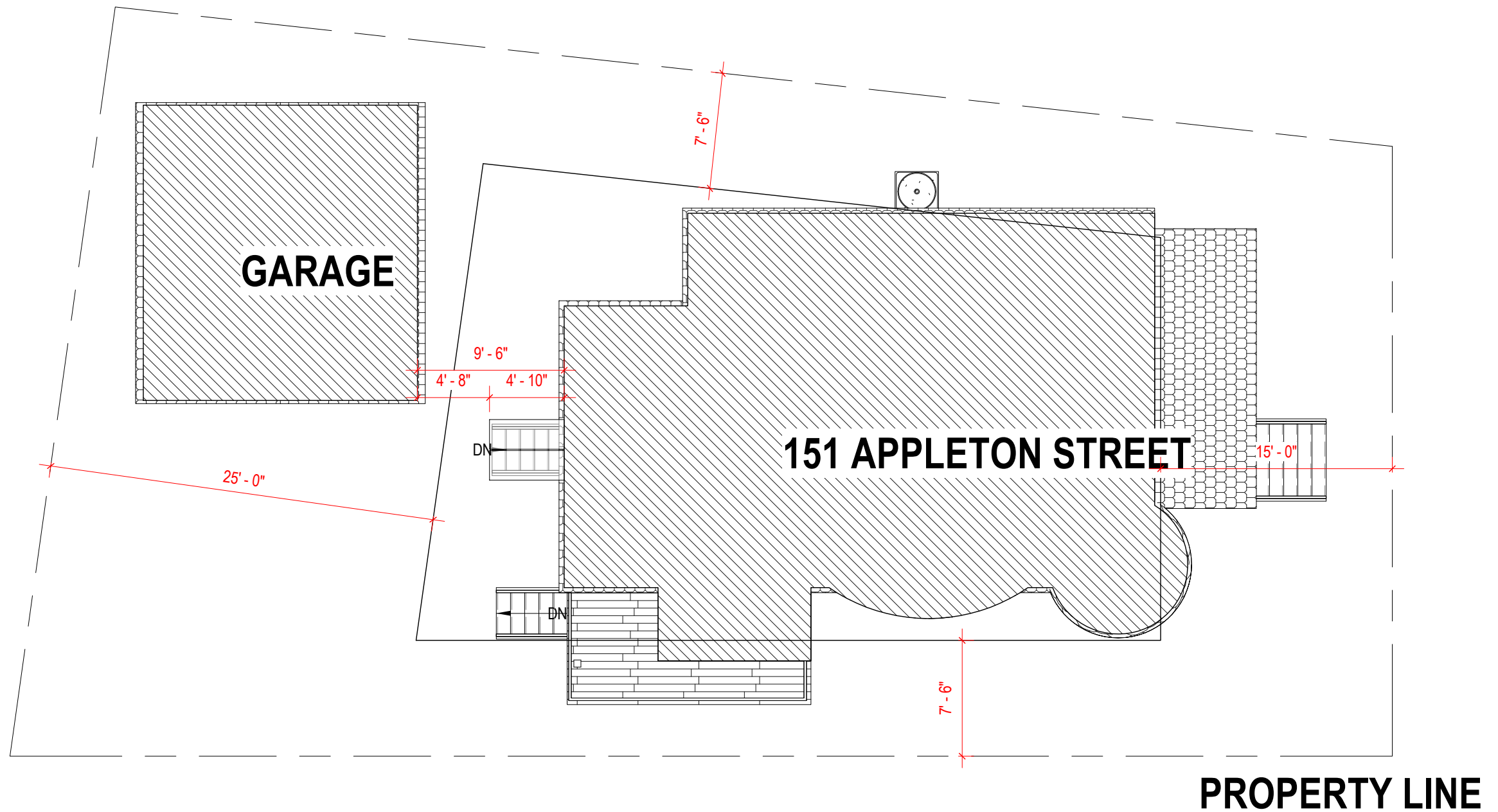


**For Permit**

**Kennedy Residence**

**EXISTING SITE PLAN**

**151 Appleton Street, Cambridge, MA 02138**



1 EXISTING SITE PLAN CONTEXT  
ASK02 1/8" = 1'-0"

drawing scale 1/8" = 1'-0" 1/8" = 1'-0" project number 173 drawing number ASK02 revision

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www.joethearchitect.com



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For Permit

Kennedy Residence

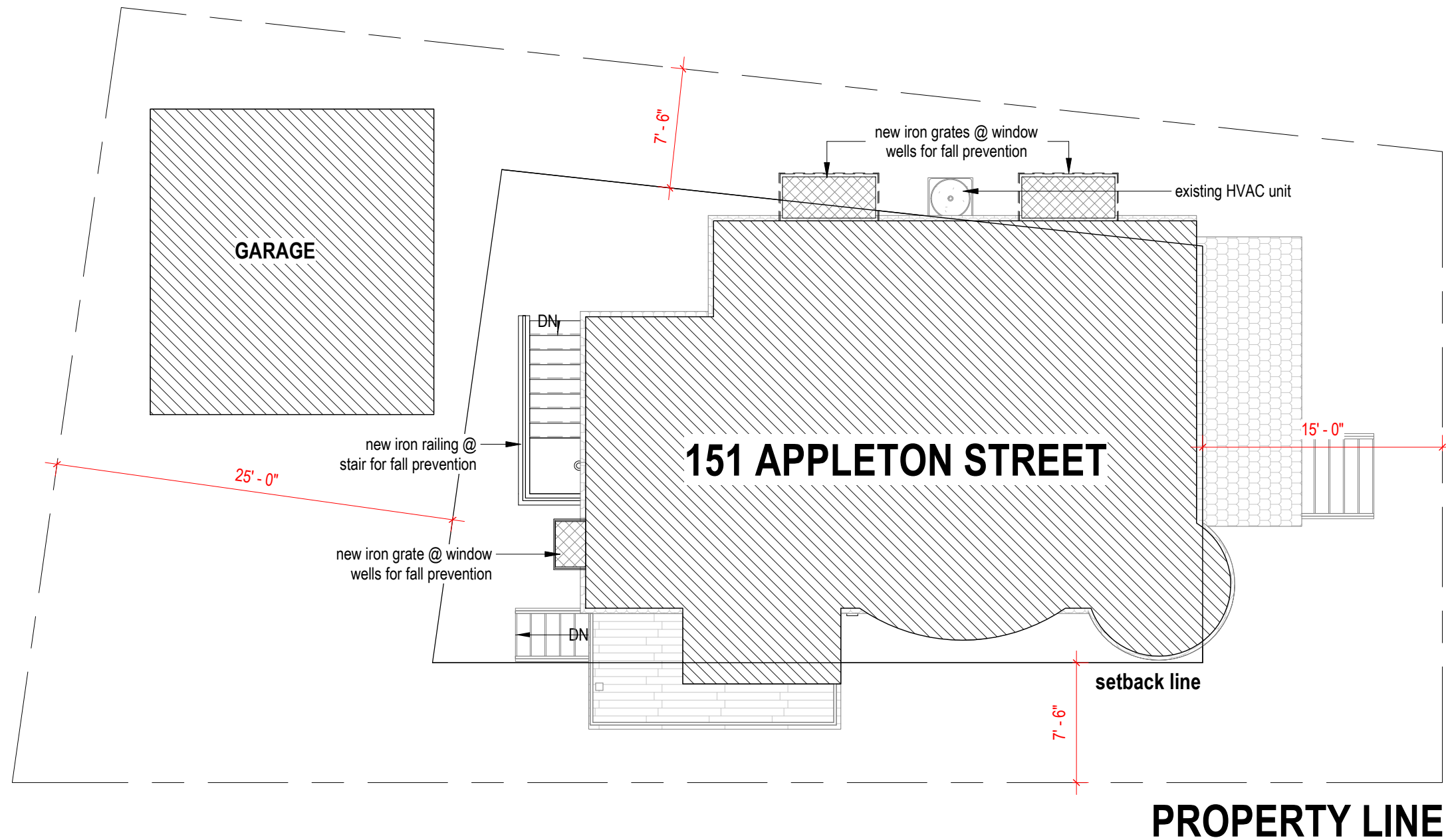
1 PROPOSED SITE PLAN  
ASK03 1/8" = 1'-0"

drawing scale 1/8" = 1'-0" 1/8" = 1'-0" project number 173 drawing number ASK03 revision

PROPOSED SITE PLAN

151 Appleton Street, Cambridge, MA 02138

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website www.joethearchitect.com





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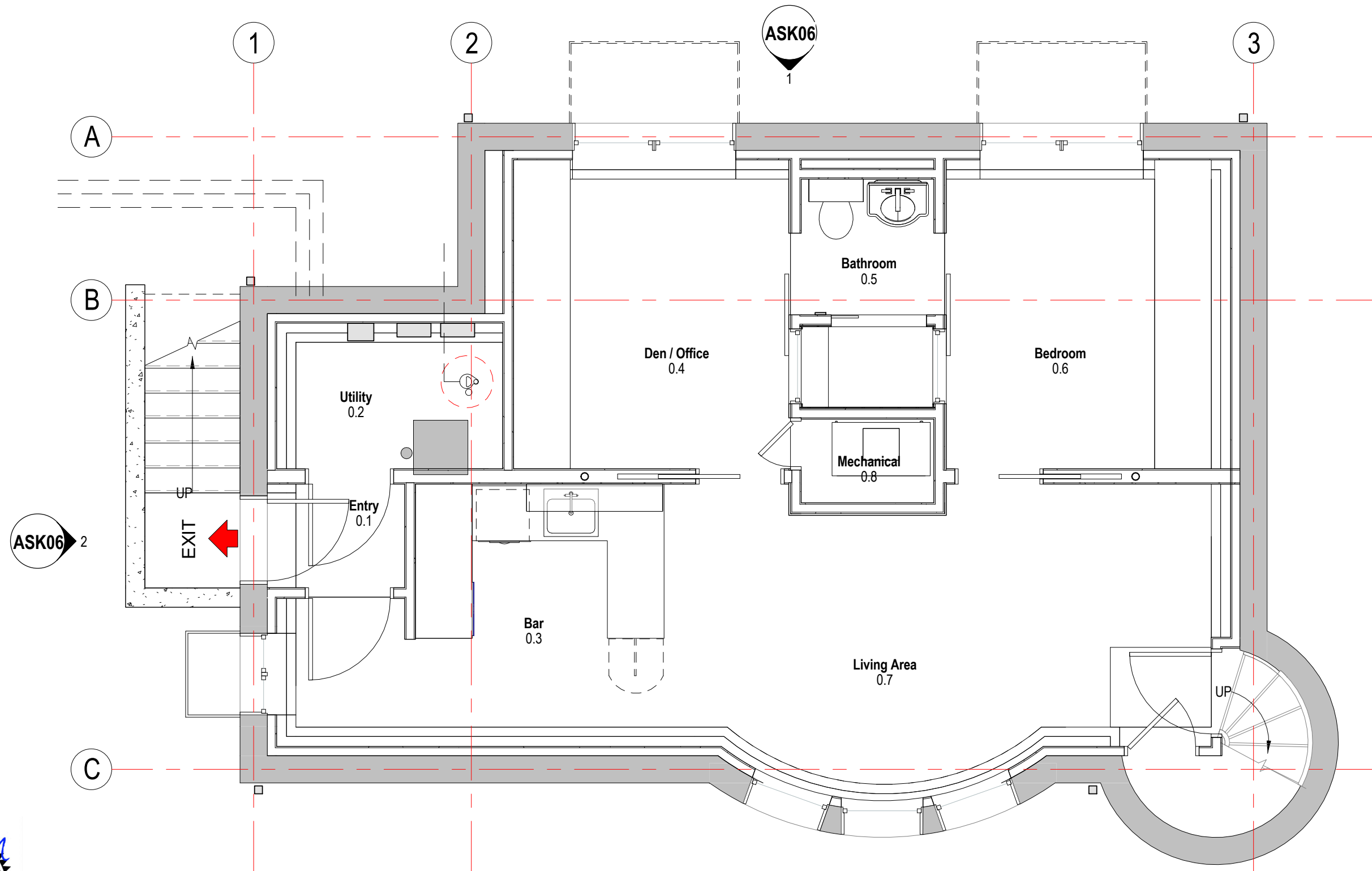


For Permit

Kennedy Residence

PROPOSED BASEMENT PLAN

151 Appleton Street, Cambridge, MA 02138



1 BASEMENT PROPOSED PLAN  
ASK04 1/4" = 1'-0"

drawing scale 1/4" = 1'-0" 1/4" = 1'-0" project number 173 drawing number ASK04 revision

**JOE THE ARCHITECT**  
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t: +1(617) 764-3593 e: info@joethearchitect.com  
website www.joethearchitect.com



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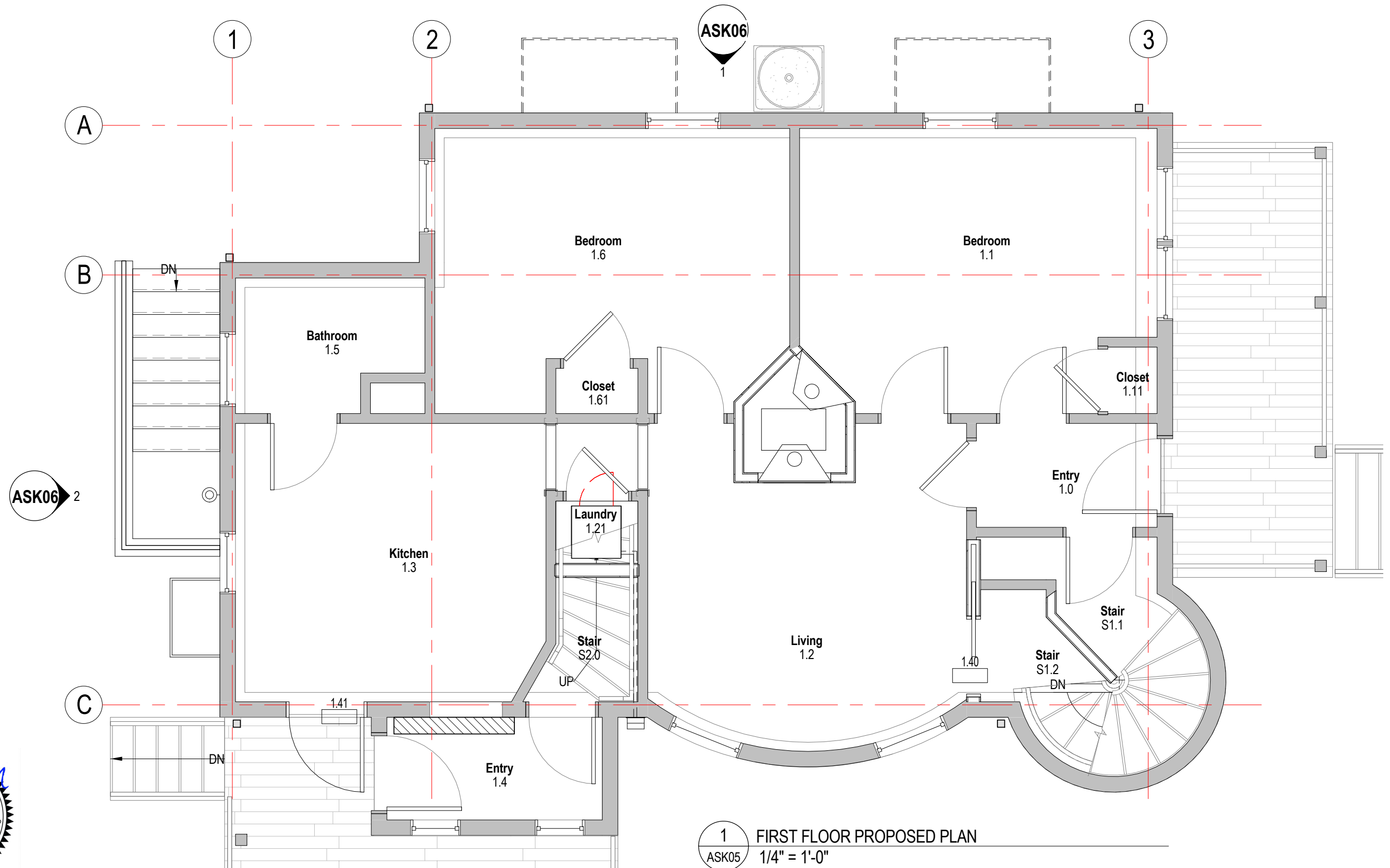
For Permit

Kennedy Residence

PROPOSED FIRST FLOOR  
PLAN

151 Appleton Street, Cambridge, MA 02138

**JOE THE ARCHITECT**  
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website www.joethearchitect.com



drawing scale 1/4" = 1'-0" 1/4" = 1'-0" project number 173 drawing number ASK05 revision



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For Permit

Kennedy Residence

EXTERIOR ELEVATIONS

151 Appleton Street, Cambridge, MA 02138



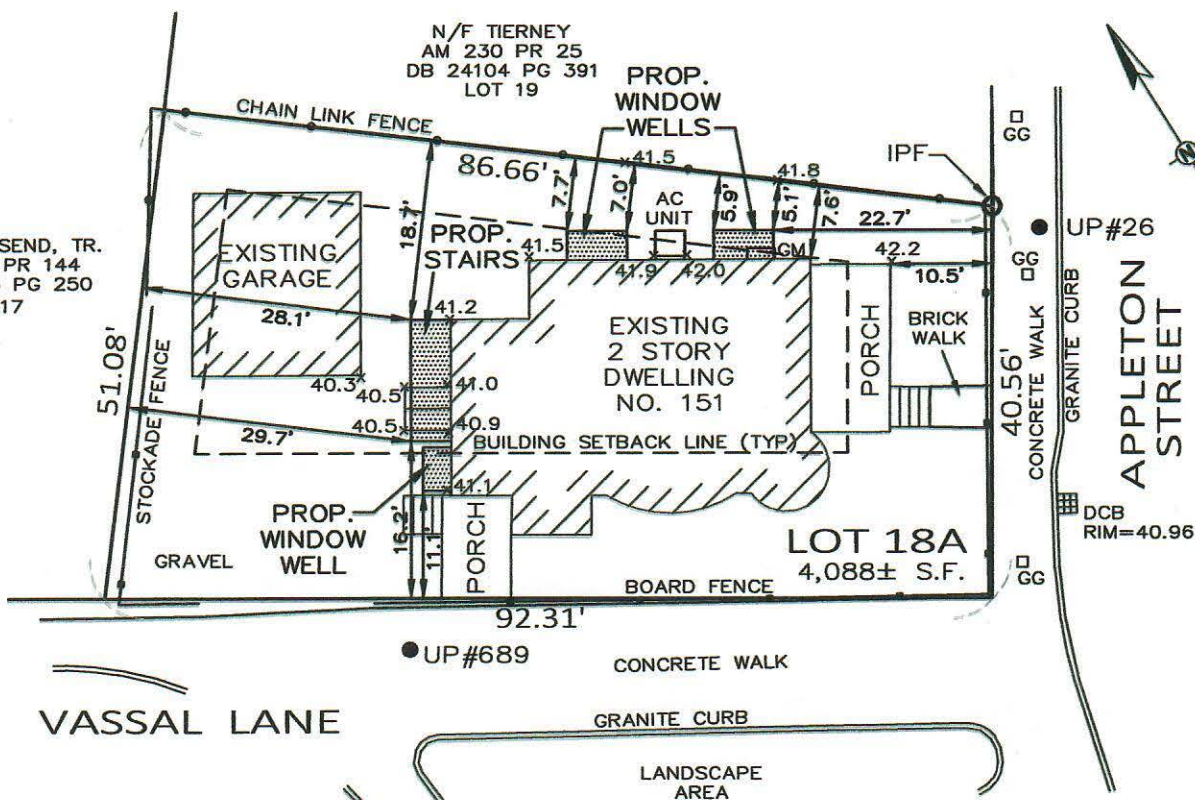
drawing scale As indicated As indicated project number 173 drawing number ASK06 revision

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website www.joethearchitect.com



N/F TOWNSEND, TR.  
AM 230 PR 144  
DB 71583 PG 250  
LOT 17

N/F TIERNEY  
AM 230 PR 25  
DB 24104 PG 391  
LOT 19



#### LEGEND

AM ASSESSOR MAP  
DB DEED BOOK  
DCB DRAIN CATCH BASIN  
GG GAS GATE  
GM GAS METER  
IPF IRON PIPE FOUND  
PG PAGE  
PR PARCEL  
UPL UTILITY POLE

#### LOCUS REFERENCES:

1. ASSESSOR MAP 230 LOT 143
2. DEED BOOK 62770 PAGE 31
3. PLAN NO. 607 OF 1976

#### PLAN VIEW SCALE

1 inch = 20 ft.

#### ZONING CLASSIFICATION:

RESIDENCE "B"  
OVERLAY DISTRICTS: NONE  
MIN. BUILDING SETBACKS

FRONT YARD = 15 FEET  
SIDE YARD = 7.5 FEET  
REAR YARD = 25 FEET

NOTE: BASE FLOOD EL=41.4

NOTE: ELEVATIONS SHOWN HEREON  
ARE BASED ON CITY OF CAMBRIDGE  
BASE DATUM USING CITY BENCHMARK  
"BENCH1110" EL.=56.18

NOTE: See City of Cambridge Zoning Ordinance 5.24.2  
Projecting eaves, chimneys, bay windows, balconies,  
open fire escapes and like projections which do not  
project more than three and one half (3 1/2) feet and  
which are part of a building not more than thirty-five  
(35) feet in height, and unenclosed steps, unroofed  
porches and the like which do not project more than  
ten (10) feet beyond the line of the foundation wall  
and which are not over four (4) feet above the  
average level of the adjoining ground, may extend  
beyond the minimum yard regulations otherwise  
provided for the district in which the structure is built.

PREPARED FOR:

**STEVE KENNEDY**

343 MEDFORD STREET, SUITE 4C

SOMERVILLE, MA

PLAN TITLE:

**PROPOSED PLOT PLAN**

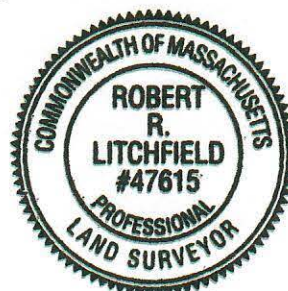
151 APPLETON STREET  
CAMBRIDGE, MASSACHUSETTS

**LEVEL DESIGN GROUP, LLC**

249 SOUTH STREET, UNIT 1, PLAINVILLE, MA 02762

Tel. 508 - 695-2221  
website: www.leveldgo.com

I HEREBY CERTIFY THAT THIS PLAN WAS  
PREPARED FROM AN ON THE GROUND  
INSTRUMENT SURVEY AND THE LOCATIONS  
SHOWN HEREON ARE AS FOUND AS OF  
MAY 6, 2020.



ROBERT R. LITCHFIELD, PLS #47615

DATE

1748-PLOTPLAN.DWG

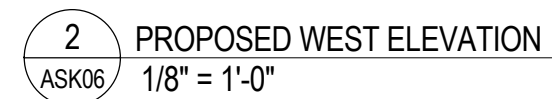
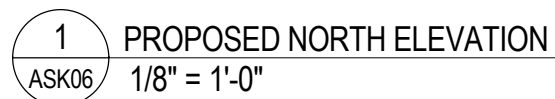
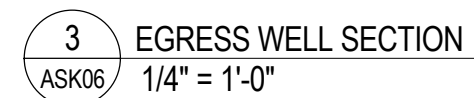




## EXTERIOR ELEVATIONS

**151 Appleton Street, Cambridge, MA 02138**

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website [www.joethearchitect.com](http://www.joethearchitect.com)



drawing scale As indicated As indicated project number 173 drawing number ASK06 revision





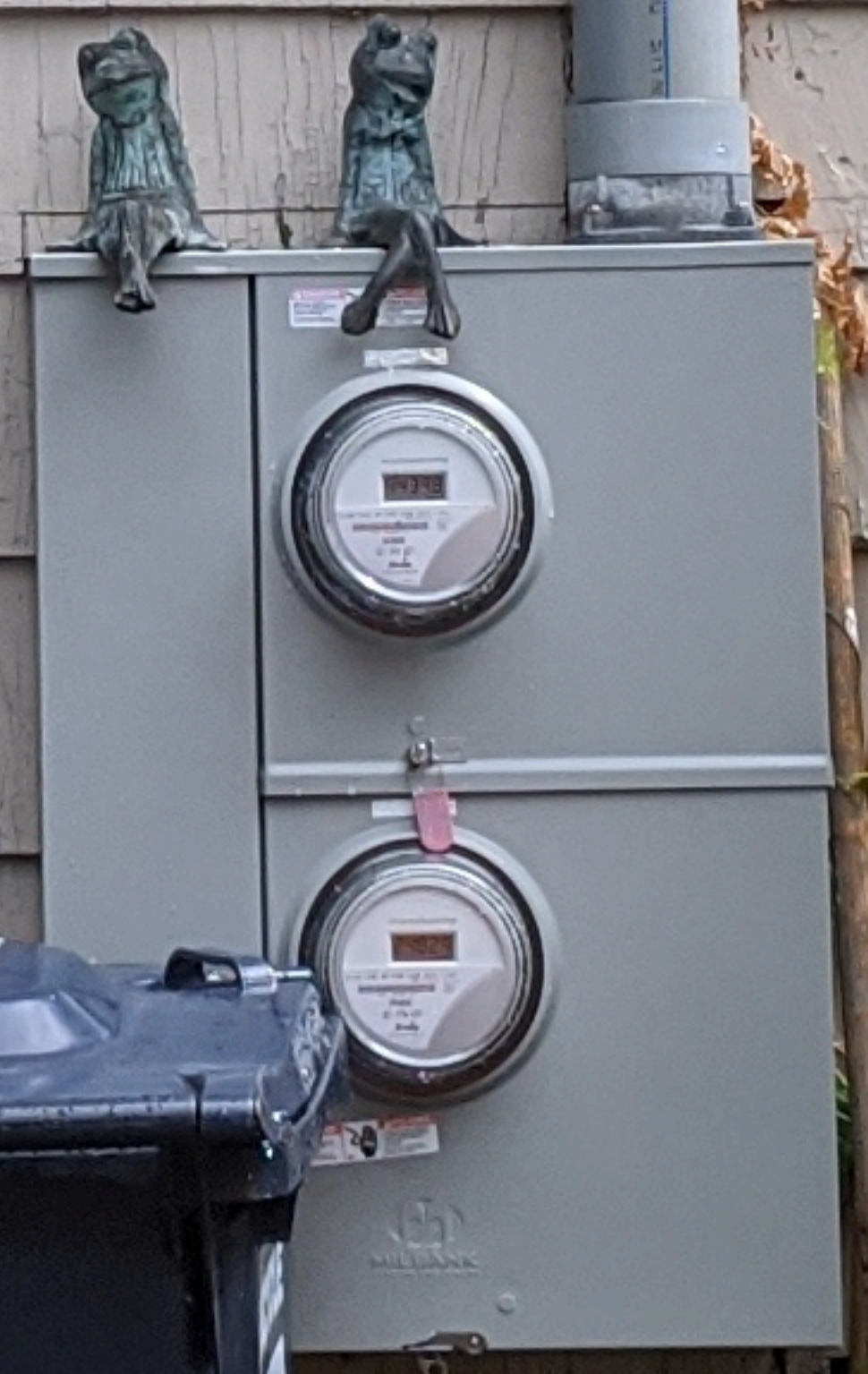






















151 Appleton St

Petitioner

230-25  
TIERNEY, H. EDWARD, JR. & MARY K. TIERNEY  
153 APPLETON ST  
CAMBRIDGE, MA 02138-1329

230-29  
SUMMERSBY, EDMUND A.  
JUDITH A SUMMERSBY  
15 VASSAL LANE  
CAMBRIDGE, MA 02138-1307

230-143  
KENNEDY, STEVEN A.  
151 APPLETON ST  
CAMBRIDGE, MA 02138

230-84  
SCHINDELHEIM, JONATHAN P. &  
ANDREA SIMPSON  
2 HUTCHINSON ST  
CAMBRIDGE, MA 02138

230-85  
EMERTON, NATHAN &  
BRITT CARLSON EMERTON  
4 HUTCHINSON ST  
CAMBRIDGE, MA 02138

GEOFFREY FARRELL  
359 BROADWAY #1F  
SOMERVILLE, MA 02145

230-57  
FERRIS, LISA W.  
249 HURON AVE., #6  
CAMBRIDGE, MA 02138-1376

230-105  
KEELER, NANCY B.  
158-160 APPLETON ST., UNIT #1  
CAMBRIDGE, MA 02138-1331

230-144  
TOWNSEND, PETER R.,  
TR. THE PETER R. TOWNSEND 2018 REV TR  
11 VASSAL LN  
CAMBRIDGE, MA 02138

230-105  
HUANG, AUDREY I-WEI &  
CHRISTOPHER J. BRADFORD  
160 APPLETON ST., UNIT #2  
CAMBRIDGE, MA 02138-1331

230-105  
BRADFORD, CHRISTOPHER & AUDREY HUANG  
158-160 APPLETON ST., #3  
CAMBRIDGE, MA 02138

232-24  
PALMERI, LAURENCE ROY  
TR. OF THE LAURANCE ROY PALMERI REVOC TR.  
266 HURON AVE  
CAMBRIDGE, MA 02138-1375

232-26  
YEE, MEI NGO & STANLEY F. HOM  
TR. UNDER THE MEI N. HOME LIVING TRUST  
258 HURON AVE  
CAMBRIDGE, MA 02138

232-25  
CHAPPELL, PATRICIA P.  
264 HURON AVE., UNIT #1  
CAMBRIDGE, MA 02138

232-25  
SOKOLOWSKI, CHRISTOPHER K. &  
ANGELA A. CHANG  
264 HURON AVE., #2  
CAMBRIDGE, MA 02138

230-57  
ALLEN, NINA  
249 HURON AVE UNIT 3  
CAMBRIDGE, MA 02138

232-10  
LORDAN, GEORGE P. TRUSTEE  
PO BOX 6087  
GLOUCESTER, MA 01930

230-138  
WASFY, JASON H. MEAGAN M. WASFY  
157 APPLETON ST  
CAMBRIDGE, MA 02138

230-57  
COMPTON MICHAEL A  
TR KATHRYN LLOYD COMPTON  
249 HURON AVE UNIT 1  
CAMBRIDGE, MA 02138

230-57  
SIMPKINS, PHYLLIS  
249 HURON AVE., #4  
CAMBRIDGE, MA 02138

231-27  
KALOOSDIAN, ROBERT A.  
MARIANNE KALOOSDIAN, TRS  
25 FLETCHER RD  
BELMONT, MA 02478

230-57  
KUMATA, ELLEN MARK HAMMER &  
JULIAN HAMMER  
249 HURON AVE UNIT 5  
CAMBRIDGE, MA 02138

230-57  
PORTELL-WEINSTOCK, ROSA  
249 HURON AVE., #2  
CAMBRIDGE, MA 02138



## Pacheco, Maria

---

**From:** Phyllis Simpkins <hollywoodsix@icloud.com>  
**Sent:** Monday, February 1, 2021 12:57 PM  
**To:** Pacheco, Maria  
**Subject:** Virtual hearing Thursday, feb.11 at 7pm case # BZA 93975

Dear Maria- thank you for speaking with me last Monday. As mentioned, this email is in response to the notice I received regarding the above petition and I do plan to participate in the virtual hearing. I will send another email with additional photos.

Given this petition request, I am using this opportunity to express concerns about this petition and other issues related to this property. I have lived at 249 Huron Avenue since July 1994. The 151 Appleton St. home was sold in 2013, and subsequently turned into an Airbnb. For the past several years there have been a series of issues, many of which I've spoken to Steve about, but things have not changed. At this time I raise the question of potential safety, health, and/or City of Cambridge regulation violations and ask these be reviewed.

1. **Safety:** in early March 2020, I noticed a series of extension cords snaking from the front, around the side and back of the building to the garage. This appeared to be a fire hazard. I took photos and went to inspectional services at 831 Mass Avenue with my concern. That was the day the city govt. shut down due to coronavirus so I don't know if there was ever follow-up. These cords are still there (see recent photo with red/blue cord).

2. **Exterior property condition:** Are there any minimum standards for property maintenance? For over a year, a collection of trash, cardboard boxes, wood, a mattress and other junk has been placed in the driveway area (see photo below and in a separate email from December 22, 2019, June 22, 2020, October 14, 2020, and January 24, 2021). I can't imagine mold hasn't set in and worry about insects and rodents. I understand the plan is for basement renovations, but for over a year this driveway has been filled with junk. This is an area with heavy foot and bike traffic (blue bikes station) and this space reflects an unwelcoming environment.

3. **Parking:** this Airbnb frequently has guests with out of state cars. Appleton Street is resident parking only and the Huron Ave blocks near the house are 1 hour non resident parking. On several occasions I have spoken to Steve about this given his guests' out of state cars are parked in the above areas. Initially included in his home's Airbnb website "amenities" listing was 4 "off street" parking spaces. Given the condition of the driveway and the garage being full, 4 cars could not park in this area. When I contacted Steve about this, the listing was changed to 2 off street spaces. However, for a long time no cars could park in the driveway and when I pointed this out I was told "it should have been changed." Now it reads "free parking." When I contacted Steve re: out of state cars belonging to his guests, I'm always told "they have been advised not to park on the street." One day I asked the parking officer to ticket 5 cars with NY state cars parked on Appleton Street. As I understand it, in Cambridge the parking responsibility belongs to the owner, not the neighbor. The petition for this application lists 4 or 3 spaces; this is not possible nor accurate. Further, Steve told me he moved everything from the basement to the garage, so if the driveway was totally cleared, the maximum would be 2 off street parking spaces.

4. **Student housing:** on Sunday, January 23, I spoke with two young men coming out of 151 Appleton who mentioned they were Harvard students and that 4 students would be living in the house until the end of the semester. I respectfully ask, "is this an Airbnb or student housing, and does it matter regarding zoning? I did leave a message but apparently now need to contact Sisia by email.

Finally, Steve has shared he also runs an Airbnb in Arizona. I understand Airbnb under the city of Cambridge rules require owners to be present when renting out their properties. On many separate occasions I have tried to contact



Steve in person but he rarely seems to be here. I look forward to the February 11 hearing for further discussion and clarification on these and other matters. Please let me know if you have any questions. Many thanks- Phyllis







## Pacheco, Maria

---

**From:** Phyllis Simpkins <hollywoodsix@icloud.com>  
**Sent:** Monday, February 1, 2021 12:59 PM  
**To:** Pacheco, Maria  
**Subject:** Photos for Feb. 11 virtual hearing at 7pm BZA 93975

These photos accompany my other email. Dates taken are:  
Dec. 22, 2019; June 22, 2020; Oct. 14, 2020 and January 25, 2021.















Sent from my iPhone



**Pacheco, Maria**

---

**From:** Mary <marytierney153@hotmail.com>  
**Sent:** Wednesday, January 27, 2021 11:52 AM  
**To:** Pacheco, Maria  
**Subject:** Zoning appeal. 151 Appleton St

Hi,  
We live at 153 Appleton St.

The property at 151 is a mess and has been for awhile. Junk and debris piled up in driveway and side of house.  
We called the Rat Patrol last fall.  
We are concerned that it will get worse with this project.

Also, the house is being used as an air b&b.  
The owner is not there for long stretches of time.

Thank you  
Ted and Mary Tierney

Sent from my iPhone





# 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: GEOFFREY FARRELL Date: 01/28/2021  
(Print)

Address: 151 Appleton St.

Case No. 93975

Hearing Date: 2/11/21

Thank you,  
Bza Members