

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

BZA Application Form

BZA Number: 195058

General Information

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

Special Permit: _____

Variance: X

Appeal: _____

PETITIONER: Lubavitch of Cambridge Inc C/O Hirsch Zarchi

PETITIONER'S ADDRESS: 38 banks street, Cambridge, MA 02138

LOCATION OF PROPERTY: 245 Hampshire St., Cambridge, MA

TYPE OF OCCUPANCY: Mixed use Building

ZONING DISTRICT: Business A Zone

REASON FOR PETITION:

/Relief from rear set back /

DESCRIPTION OF PETITIONER'S PROPOSAL:

Extension of an existing permitted roof deck to the property line.

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: 10.000 Section: 10.30 (Variance).

Original
Signature(s):

(Petitioner (s) / Owner)

Hirsch Zarchi

(Print Name)

Address:

38 Banks Street

Tel. No.

3474461365

E-Mail Address:

mraskin@chabadharvard.org

Date: Sep 19, 2022

2022 SEP 19 PM 3: 36
CAMBRIDGE ZONING APPEALS

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.

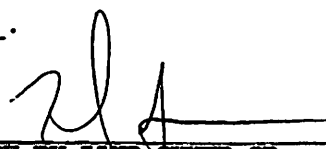
I/We Hirsch Zarchi (OWNER)

Address: 38 Banks St Cambridge MA 02138

State that I/We own the property located at 245-245 Hampshire Street, which is the subject of this zoning application.

The record title of this property is in the name of Cubavitch of Cambridge Inc.

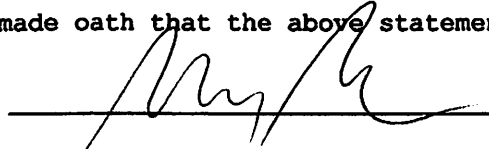
*Pursuant to a deed of duly recorded in the date 1/23/2020, Middlesex South County Registry of Deeds at Book 76523, Page 378; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.


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

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

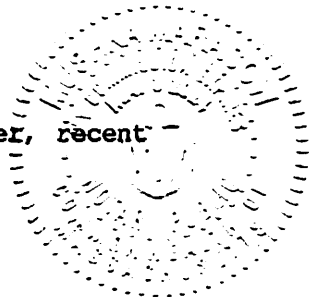
Commonwealth of Massachusetts, County of Middlesex

The above-name Hirsch Zarchi personally appeared before me, this 15 of September, 2022, and made oath that the above statement is true.

 Notary

My commission expires May 3, 2024 (Notary Seal).

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



UNITED STATES DEPARTMENT OF AGRICULTURE - BUREAU OF PLANT INDUSTRY

On application of the undersigned, it is hereby ordered that the following be registered as a trademark of the Bureau of Plant Industry:



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 current deck is a hardship for it cannot appropriately service the buildings needs. Particularly in this age of COVID, when outdoor space is so essential for healthy living, convening, and working.
- 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:
- NA
- 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:
- This relief will have no adverse effect to any abutters or to the public as it wont be visible from the street.
- 2)** Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:
- This relief will have no adverse effect to any abutter or to the community at large, and the feedback we got from the abbuters were all supportive.

***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: Lubavitch of Cambridge Inc
Location: 245 Hampshire St., Cambridge, MA
Phone: 3474461365

Present Use/Occupancy: Mixed use Building
Zone: Business A Zone
Requested Use/Occupancy: Mixed Use Building

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		900	1580	900	(max.)
<u>LOT AREA:</u>		EXISTING TO REMAIN	EXISTING TO REMAIN	EXISTING TO REMAIN	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²		EXISTING TO REMAIN	EXISTING TO REMAIN	EXISTING TO REMAIN	
<u>LOT AREA OF EACH DWELLING UNIT</u>		EXISTING TO REMAIN	EXISTING TO REMAIN	EXISTING TO REMAIN	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	NA	NA	NA	
	<u>DEPTH</u>	NA	NA	NA	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	0	0	0	
	<u>REAR</u>	0	0	0	
	<u>LEFT SIDE</u>	0	0	0	
	<u>RIGHT SIDE</u>	0	0	0	
<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	EXISTING TO REMAIN	EXISTING TO REMAIN	EXISTING TO REMAIN	
	<u>WIDTH</u>	EXISTING TO REMAIN	EXISTING TO REMAIN	EXISTING TO REMAIN	
	<u>LENGTH</u>	EXISTING TO REMAIN	EXISTING TO REMAIN	EXISTING TO REMAIN	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		EXISTING TO REMAIN	EXISTING TO REMAIN	EXISTING TO REMAIN	
<u>NO. OF DWELLING UNITS:</u>		1	1	1	
<u>NO. OF PARKING SPACES:</u>		1 EXISTING	0	0	
<u>NO. OF LOADING AREAS:</u>		1	1	1	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		NA	NA	NA	

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.:

OFFICE AND DAYCARE

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'.



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2022 OCT 31 PM 12:15

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA-195-058

Address: 245 Hampshire St.

Owner, Petitioner, or Representative: Hirsch Zarchi
(Print Name)

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 Owner, Petitioner, or 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: 10/31/22

[Signature]
Signature

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

CITY OF CAMBRIDGE
INSPECTION SERVICES
2022 NOV -4 A 9:31

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 current deck is a hardship, for it cannot appropriately service the building's needs. Particularly in this age of COVID, when outdoor space is so essential for healthy living, convening, and working.

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:
Due to the shape and lot size of this building, there is a major lack of open space.

DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

- 1) Desirable relief may be granted without substantial detriment to the public good for the following reasons:
This relief will have no adverse effect to any abutters or to the public, as it will not be visible from the street.
- 2) Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:
This relief will have no adverse effect to any abutter or to the community at large, and the feedback we received from the abutters was all supportive.

***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

CITY OF CAMBRIDGE
INSPECTORIAL SERVICES

APPLICANT: Lubavitch of Cambridge Inc. PRESENT USE/OCCUPANCY: Mixed Use Building

LOCATION: 245 Hampshire St., Cambridge, MA ZONE: Business A Zone

2022 NOV - 4 A 9 31

PHONE: 617-547-6124 REQUESTED USE/OCCUPANCY: Mixed Use Building

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	<u>900</u>	<u>1580</u>	<u>900</u>	(max.)
<u>LOT AREA:</u>	<u>4141</u>		<u>4141</u>	(min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ²	<u>1.46</u>	<u>1.46</u>	<u>1</u>	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>1400</u>	<u>1400</u>	<u>1400</u>	(min.)
<u>SIZE OF LOT:</u>				
WIDTH	<u>40</u>	<u>40</u>	<u>40</u>	(min.)
DEPTH	<u>50</u>	<u>50</u>	<u>50</u>	
<u>Setbacks in</u> <u>Feet:</u>				
FRONT	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
REAR	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
LEFT SIDE	<u>3</u>	<u>3</u>	<u>3</u>	(min.)
RIGHT SIDE	<u>9</u>	<u>9</u>	<u>9</u>	(min.)
<u>SIZE OF BLDG.:</u>				
HEIGHT	<u>36</u>	<u>36</u>	<u>36</u>	(max.)
LENGTH	<u>28</u>	<u>28</u>	<u>28</u>	
WIDTH	<u>50</u>	<u>50</u>	<u>50</u>	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u> ³	<u>0.217</u>	<u>0.217</u>	<u>0.217</u>	(min.)
<u>NO. OF DWELLING UNITS:</u>	<u>1</u>	<u>1</u>	<u>1</u>	(max.)
<u>NO. OF PARKING SPACES:</u>	<u>1 Existing</u>	<u>0</u>	<u>0</u>	(min./max)
<u>NO. OF LOADING AREAS:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(min.)
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>	<u>0</u>	<u>0</u>	<u>0</u>	(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.

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'.

CITY OF CAMBRIDGE
INSPECTIONAL SERVICES

2022 NOV -4 A 10:58 November 3, 2022

Request for Continuance

To: Maria Pacheco

Cambridge, MA

Lubavitch of Cambridge is requesting our continuance hearing (BZA – 195058) on January 12, 2023, to be rescheduled. Our team will be traveling out of state for family obligations. If possible, could we move our hearing to the meeting on 1/26/23?

Best regards,



Pacheco, Maria

From: Mendy Raskin <mraskin@chabadharvard.org>
Sent: Monday, January 2, 2023 9:09 AM
To: Pacheco, Maria
Subject: Re: Signed
Attachments: Dimensional Form (Blank).pdf; 245 Hampshire Dimensional, supporting statement.pdf; Variance Supporting Statement.pdf

Hi Maria,

Happy new year!

Thank you for all the help this far. We've decided to go in a different direction and will be withdrawing from our hearing at 245 Hampshire. I spoke with someone in your office last week and they mentioned I should send you an email to cancel our hearing. If there is something else needed please let me know. After speaking with our neighbors we've decided to go ahead and apply for second story addition instead. This will take some prep work so we will be coming back to this a little later on.

Thank you,
Mendy Raskin

Director of Special Projects
Chabad at Harvard
[38 Banks Street](#)
[Cambridge, MA 02138](#)
[617.547.6124](#)
www.chabadharvard.org

On Nov 1, 2022, at 11:39 AM, Pacheco, Maria <mpacheco@cambridgema.gov> wrote:

Attached is a blank Dimensional and Supporting Statement! I have also attached the latest edits you submitted, not sure if they have changed. Once, you have both form completed just email it to me.

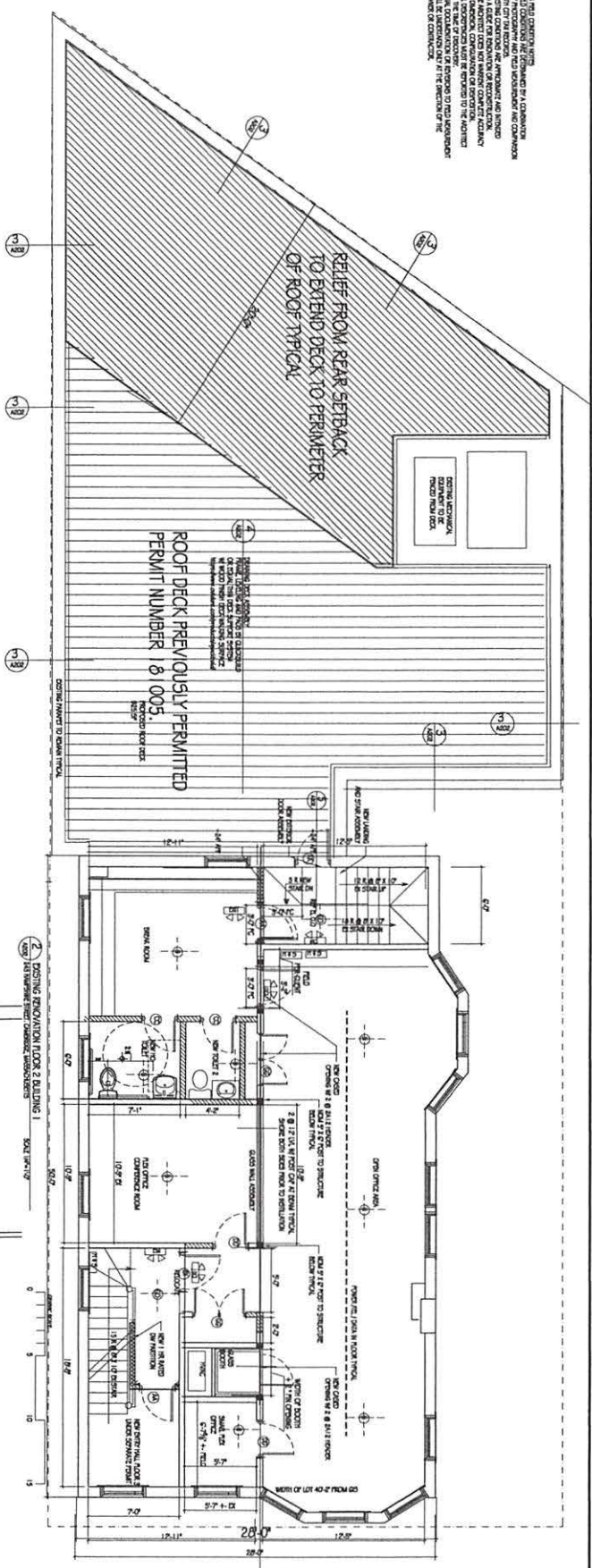
Thanks,
Maria

From: Mendy Raskin <mraskin@chabadharvard.org>
Sent: Tuesday, November 1, 2022 11:31 AM
To: Pacheco, Maria <mpacheco@cambridgema.gov>
Subject: RE: Signed

Do you by any chance have a blank dimensional form?

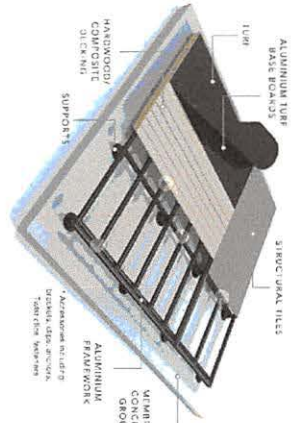
From: Pacheco, Maria <mpacheco@cambridgema.gov>
Sent: Tuesday, November 1, 2022 11:10 AM
To: Mendy Raskin <mraskin@chabadharvard.org>
Subject: RE: Signed

- PERMITTING AND CONSTRUCTION NOTES:
1. ALL CONSTRUCTION SHALL BE PERFORMED BY A LICENSED CONTRACTOR.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CAMBRIDGE MASSACHUSETTS.
 3. THE APPLICANT DOES NOT WARRANT COMPLETE ACCURACY OF THIS INFORMATION.
 4. ALL INFORMATION MUST BE VERIFIED TO BE ACCURATE.
 5. ALL CONSTRUCTION SHALL BE SUBJECT TO THE SUPERVISOR'S REVIEW AND APPROVAL.



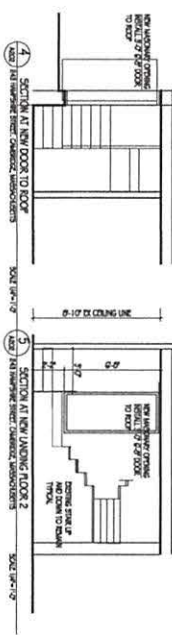
3 TYPICAL SECTION AT ALUMINUM BALUNING ASSEMBLY
 SCALE: 1/4" = 1'-0"

ALUMINUM BALUNING ASSEMBLY BY VEIN MANNING CO. AND 1/2" x 1/2" x 1/2" ALUMINUM CORNER COUPLER TO PROTECT AT DECK EDGE. SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S INSTALLATION INSTRUCTIONS.



4 TYPICAL SECTION AT ROOF DECKING SYSTEM
 SCALE: 1/4" = 1'-0"

QWICKBUILD SYSTEM SHALL BE PERMITTED BY THE CITY OF CAMBRIDGE MASSACHUSETTS. PERMIT NUMBER 81005.



5 EXISTING RENOVATION LOOK 2 BUILDING 1
 SCALE: 1/4" = 1'-0"

EXISTING RENOVATION LOOK 2 BUILDING 1

6 SECTION AT NEW DOOR TO ROOF
 SCALE: 1/4" = 1'-0"

SECTION AT NEW DOOR TO ROOF

7 SECTION AT NEW LANDING FLOOR 2
 SCALE: 1/4" = 1'-0"

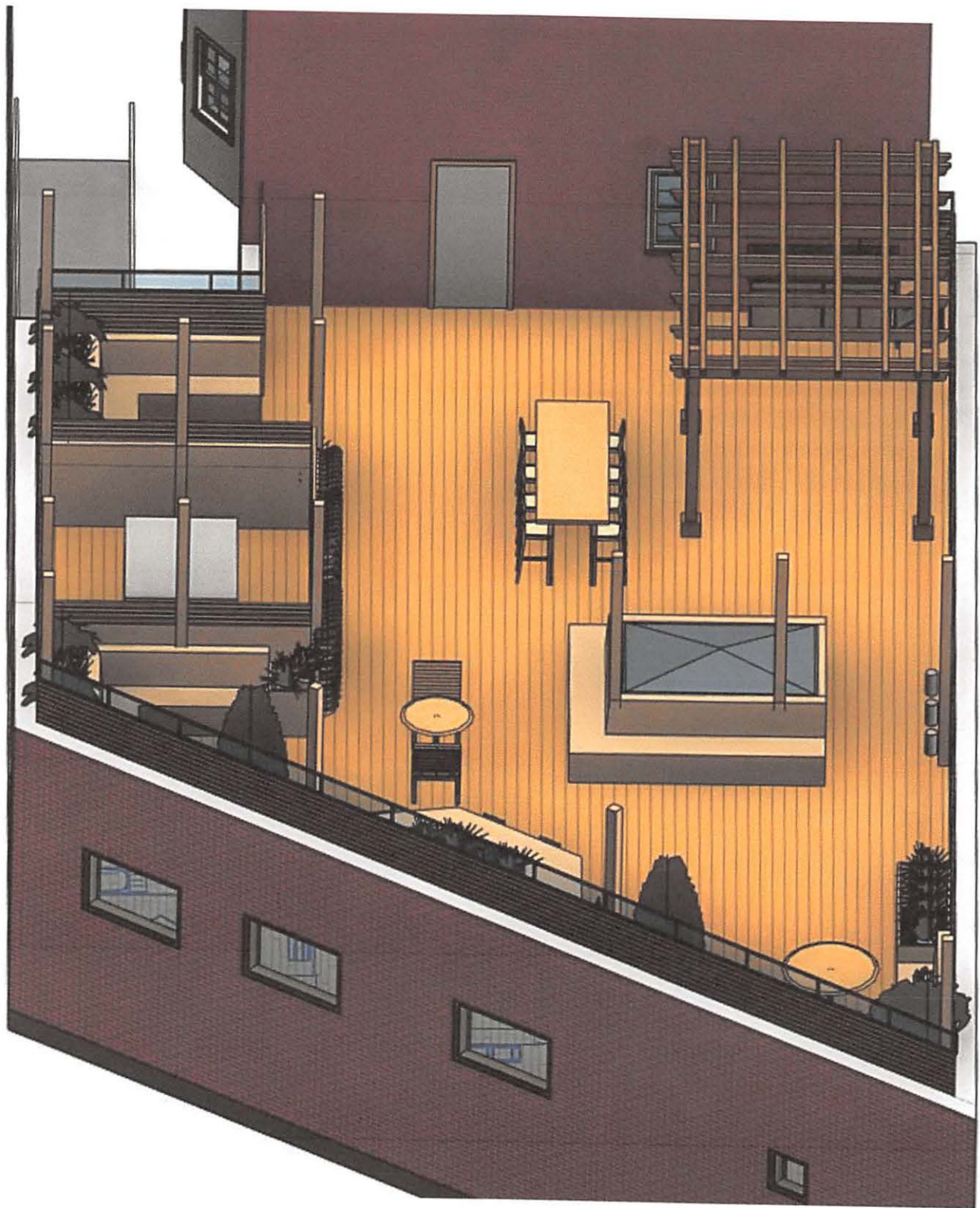
SECTION AT NEW LANDING FLOOR 2

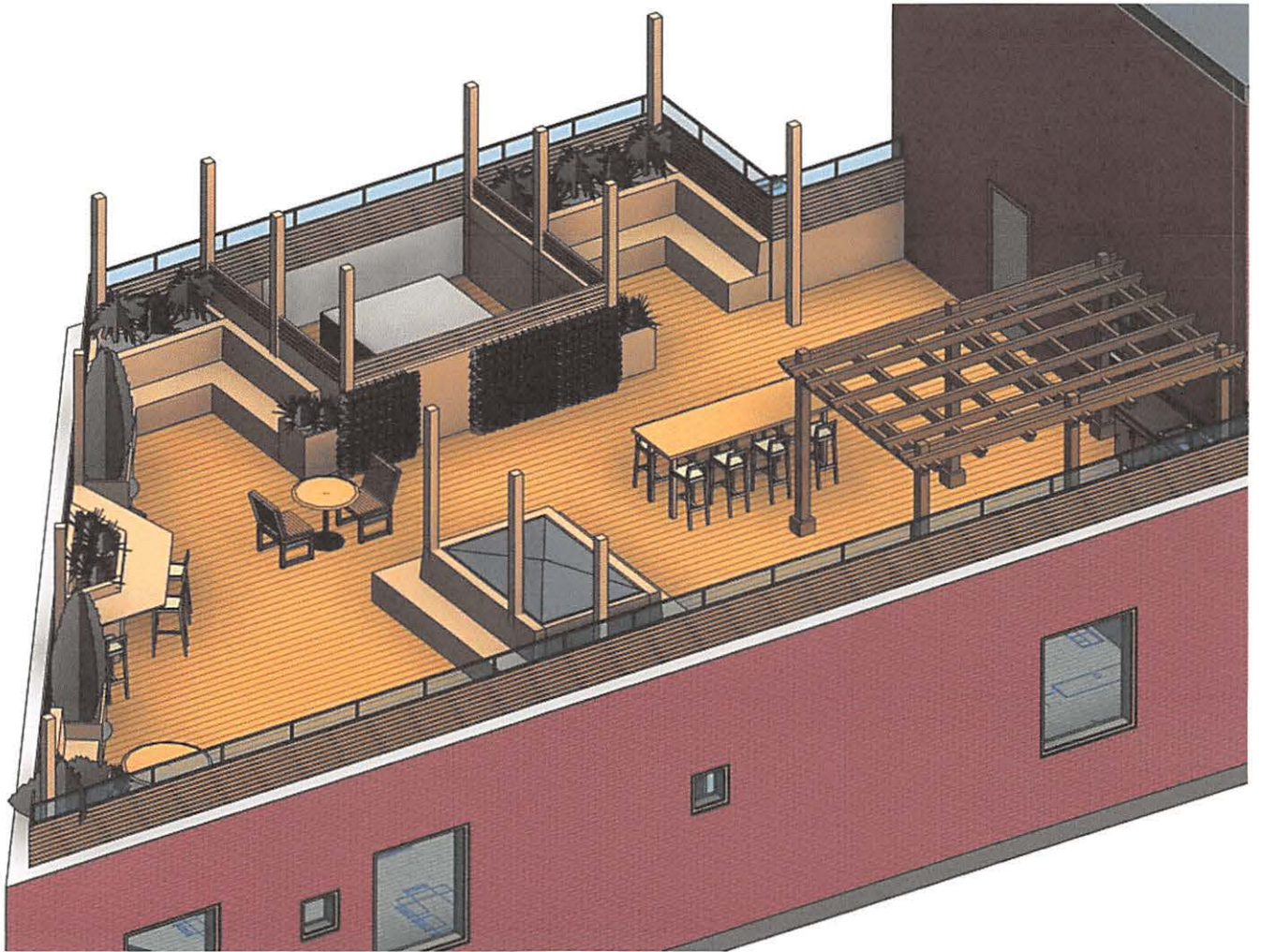
SDA
 ONE CAMBRIDGE STREET
 SUITE 100
 CAMBRIDGE, MASSACHUSETTS 01870 USA
 978.741.1410
 info@sdaweb.com

Project: 9-14-22
 Project Manager: [Name]

PROPOSED AMMENDMENT TO PERMIT 181005
 EXISTING BUILDING 1 ROOF DECK AT BUILDING 2
 245 HAMPSHIRE STREET, INMAN SQUARE
 CAMBRIDGE, MASSACHUSETTS

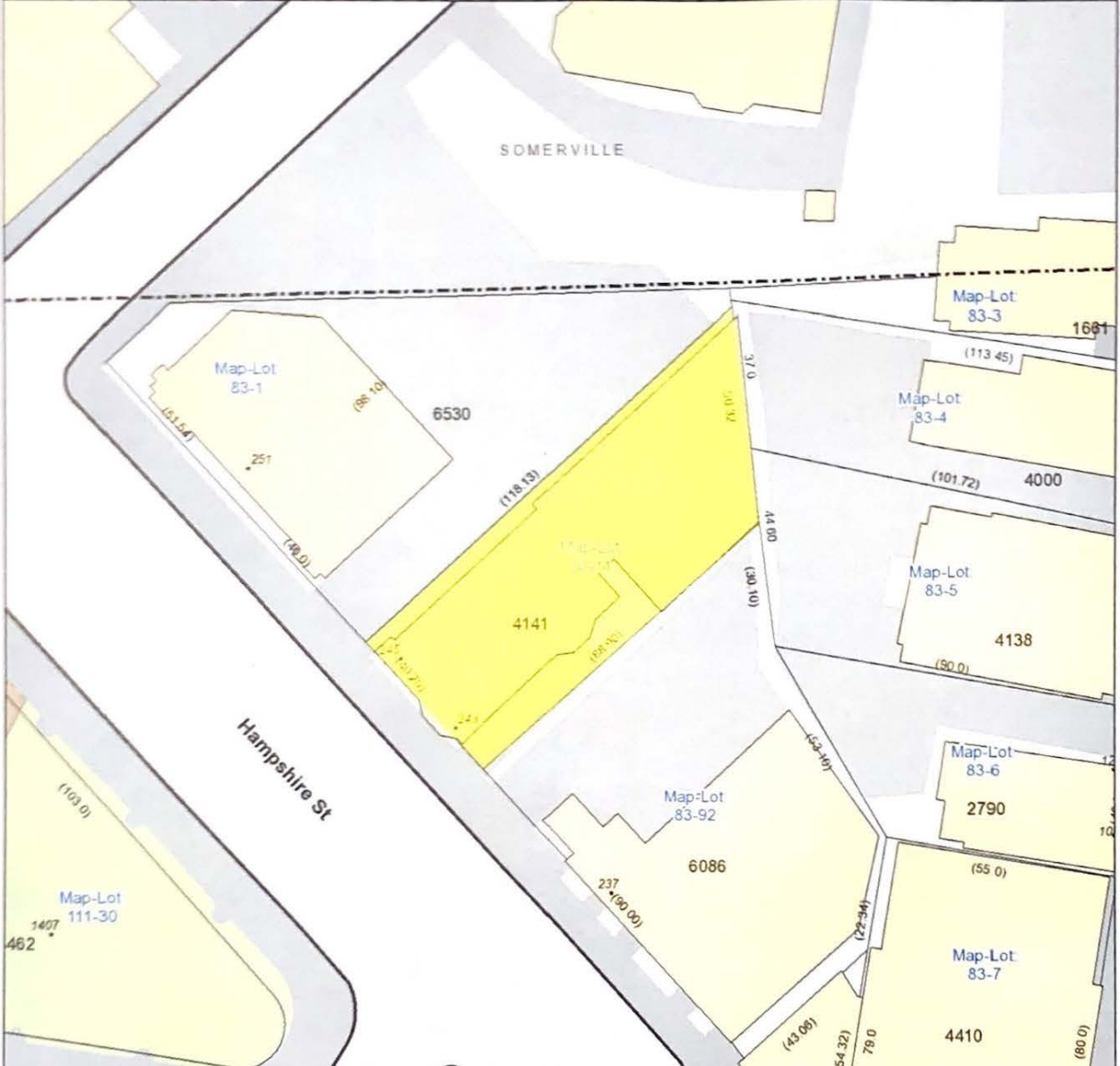
A400











City of Cambridge
Massachusetts

1" = 35 ft

All data is provided for graphic representation only. The City of Cambridge expressly disclaims all warranties of any type, expressed or implied, including, but not limited to, any warranty as to the accuracy of the data, merchantability, or fitness for a particular purpose.

www.cambridgema.gov/gis

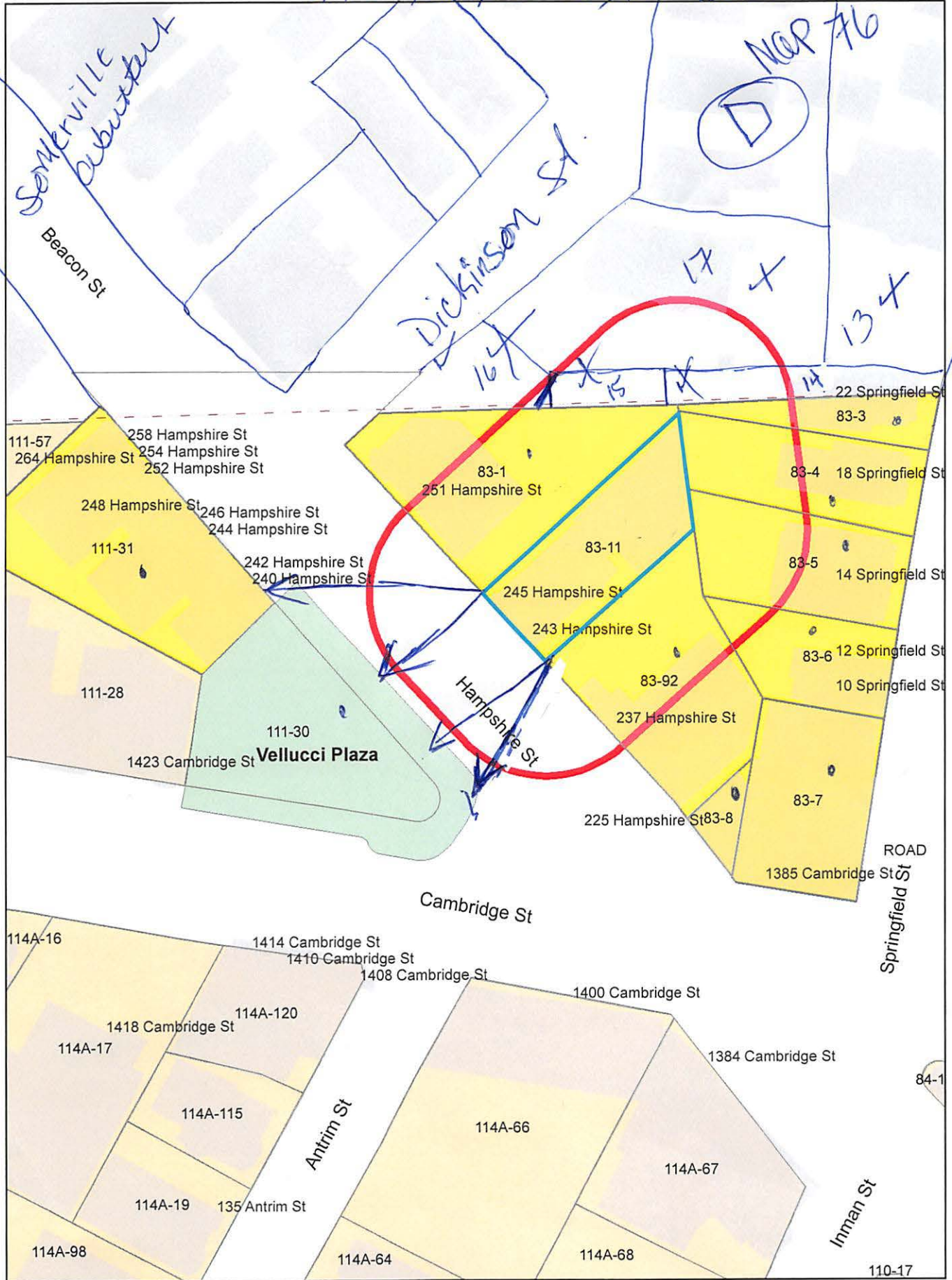
- Adresse
- Rail
- Building Footprints
- Parcels
- Paved Surfaces
 - Paved Roads
 - Bridges
 - Unpaved Roads
 - Unpaved Parking
 - Sidewalks
 - Driveways
 - Alleys
 - Other Paved Surface
 - Public Footpath

ARLINGTON MEDFORD



BOSTON

245 Hampshire St. - Camb.



SOMERVILLE
SUBURBAN

MAP 76
D

111-57
264 Hampshire St
258 Hampshire St
254 Hampshire St
252 Hampshire St

248 Hampshire St
246 Hampshire St
244 Hampshire St
111-31

111-28

1423 Cambridge St
111-30
Vellucci Plaza

Cambridge St

114A-16

1418 Cambridge St
114A-17

114A-115

114A-19

114A-98

1414 Cambridge St
1410 Cambridge St
1408 Cambridge St

Antrim St

135 Antrim St

114A-64

245 Hampshire St
243 Hampshire St
237 Hampshire St
225 Hampshire St

Dickinson St

164

17

15

14

13

22 Springfield St

18 Springfield St

14 Springfield St

12 Springfield St

10 Springfield St

ROAD
Springfield St

240 Hampshire St

237 Hampshire St

1385 Cambridge St

1400 Cambridge St

1384 Cambridge St

114A-66

114A-67

114A-68

Inman St

110-17

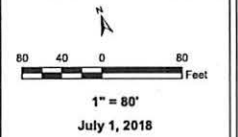
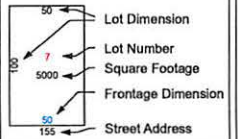
Somerville Map

City of
Somerville
Massachusetts



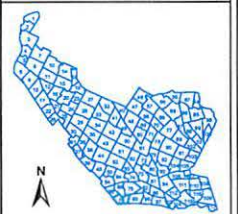
Assessors Map

- Parcel Boundary
- Block/ROW Boundary
- - - Other ROW Boundary
- · - · - Assessor Map Boundary
- Water Body
- Building
- ▨ Railroad ROW

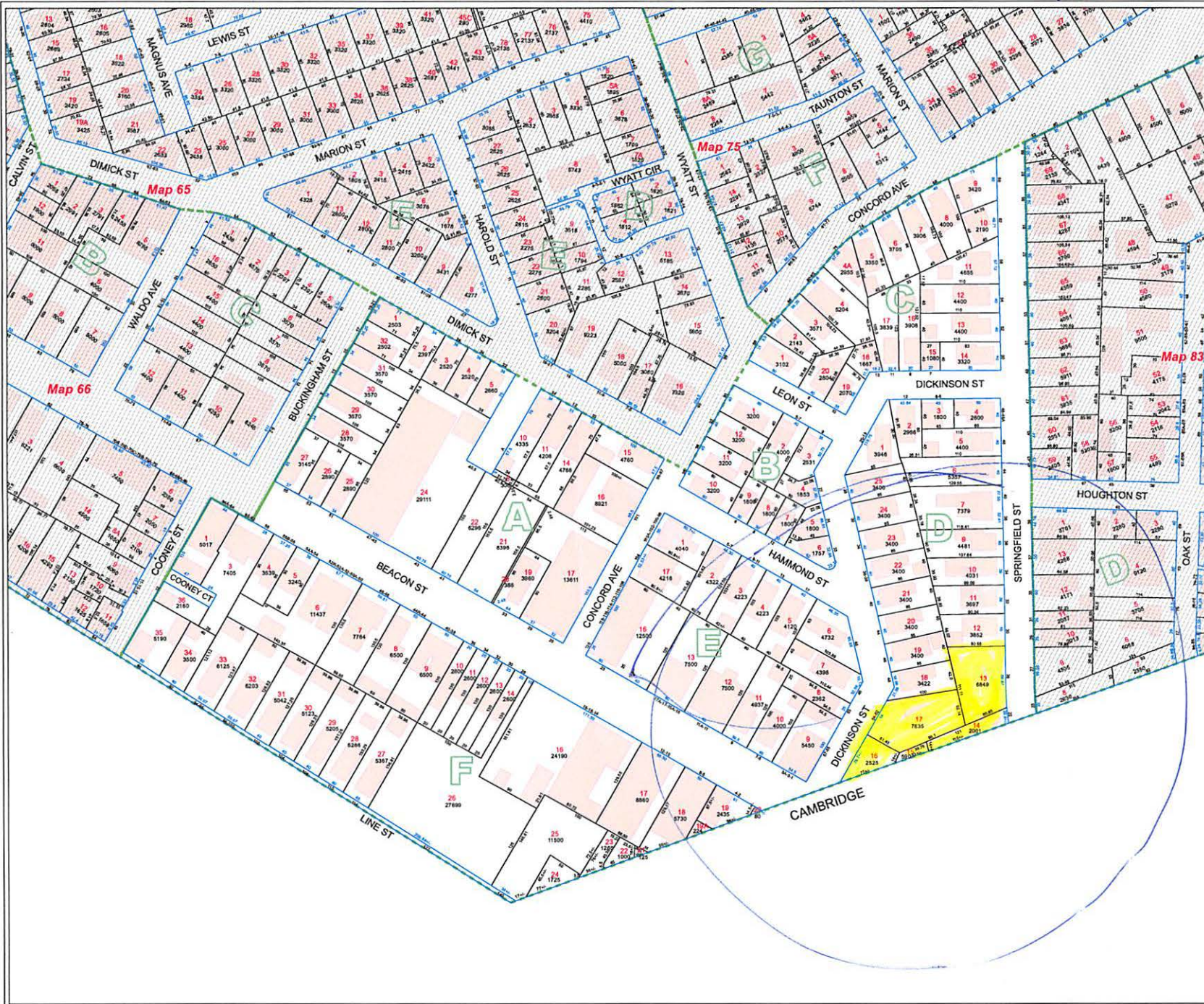


Sources: Rights-of-way and building footprints were originally developed from Boston Edison Company data, 1995 and have been updated by City of Somerville. Parcel data were originally developed from assessor maps by CDM Smith, 1999 and have been updated by City of Somerville based on City of Somerville records.

NOTE: The data represented on these maps indicate distances and deeded locations of cadastral boundaries in the City of Somerville. They are NOT survey data and should not be treated as such.



76



245 Hampshire St.

Petitioner
LUBAVITCH OF CAMBRIDGE, INC.
C/O HIRSCH ZARCHI
38 BANKS STREET
CAMBRIDGE, MA 02138

111-31
MANDEL, DEBRA H
TRS THE DEBRA H MANDEL LIVING TR
242 HAMPSHIRE ST - APT 3
CAMBRIDGE, MA 02139

83-7
WEINMAN PROPERTIES, LLC
281 WABAN AVE
WABAN, MA 02468

83-92
CAMBRIDGE PUBLIC HEALTH COMMISSION D/B/A
CAMBRIDGE HEALTH ALLIANCE
ATTN: MR. TOM LESLIE
1493 CAMBRIDGE ST
CAMBRIDGE, MA 02139

83-1 / 76-D-15 & 16
NAVEO CREDIT UNION
493 SOMERVILLE AVE
SOMERVILLE, MA 02143

83-5
CERQUEIRA, JOSE B. & MARIA P. SOUSA
16 SPRINGFIELD ST
CAMBRIDGE, MA 02139

83-92
CAMBRIDGE HEALTH ALLIANCE
229 HAMPSHIRE ST
CAMBRIDGE, MA 02139

83-6
FERNANDES, FERNANDO M.
90 NORWICH CIR
MEDFORD, MA 02155

83-92
KEANE, KATHLEEN M. & ROBERT E. KEANE
21 NASSAU DR
WINCHESTER, MA 01890

111-31
SIGEL, ADAM & SARA SIGEL
246 HAMPSHIRE ST. UNIT 3
CAMBRIDGE, MA 02139

111-31
SMITH, WILLIAM E. & DEBORAH L. SMITH
TRUSTEES OF THE SMITH FAMILY IRREVOCABLE
250 HAMPSHIRE ST, UNIT #1
CAMBRIDGE, MA 02139

111-31
SARNI, GAIL
107 GREENWOOD ST
WAKEFIELD, MA 01880

111-31
CAMBRIDGE AFFORDABLE HOUSING CORP.
C/O CAMBRIDGE HOUSING AUTHORITY
362 GREEN ST
CAMBRIDGE, MA 02139

111-31
PRICE, MATTHEW,
TRUSTEE THE JUDITH PRICE IRREV TRUST
21 HELDUN ST., #1
WEST ROXBURY, MA 02132

111-31
NOYER, CHRISTOPHER M. & SHANNON NOYER
61 ELM ST
SOMERVILLE, MA 02144

111-31
LEE, CHIHMING WANG C/O GROVER TAYLOR
69 PARTRIDGE AVENUE #2
SOMERVILLE, MA 02145

111-31
ZHOU, JIANHUA & ZHAOHUI SHAO
10 FRANCIS ST
BROOKLINE, MA 02446

111-31
BELOPOLSKY, ILYA & ARIELLA BELOPOLSKY
246 HAMPSHIRE ST., #246/2
CAMBRIDGE, MA 02139

111-31
BUDMAN, LUCY J. & CATHERINE A. CLINTON
301 ALLSTON ST., #6
CAMBRIDGE, MA 02139

111-31
PENG, FEI & JIN CHEN
256 HAMPSHIRE ST UNIT #256/3
CAMBRIDGE, MA 02139

83-8
225-227 BANYAN TREE REALTY LLC
225 HAMPSHIRE ST
CAMBRIDGE, MA 02139

111-31
SECOR DANIEL J
248 HAMPSHIRE ST UNIT 2
CAMBRIDGE, MA 02139

111-31
CHA RAD PROPERTIES LLC
362 GREEN ST
CAMBRIDGE, MA 02139

83-3
BURKE STEVEN M
TRS 22 SPRINGFIELD STREET NOMINEE TR
22 SPRINGFIELD ST
CAMBRIDGE, MA 02139

83-11
LUBAVITCH OF CAMBRIDGE INC
38 BANKS ST
CAMBRIDGE, MA 02138

83-4
18 SPRINGFIELD STREET LLC
16 SPRINGFIELD ST
CAMBRIDGE, MA 02139

111-31
TEZER CEREN
248 HAMPSHIRE ST - UNIT 3
CAMBRIDGE, MA 02139

76-D-13
PORTUGUESE AMERICAN CIVIC LEAGUE
26 SPRINGFIELD STREET
SOMERVILLE, MA 02143

111-30
CAMBRIDGE CITY OF COMM DEV
57 INMAN ST
CAMBRIDGE, MA 02139

76/D/17/1 & 2
JANET COLLINS COSTA FOR LIFE
JOSEPH MICHAEL COSTA
52 DICKINSON STREET - UNIT 1
SOMERVILLE, MA 02143

245 Hampshire St.

76-D-17-3
HARRY BROOKS WHELAN, JR.
52 DICKINSON STREET #3
SOMERVILLE, MA 02143

76-D-14
22 SPRINGFIELD LLC
5975 SUNSET DRIVE -- SUITE 801
MIAMI, FL 33143

111-30
CITY OF CAMBRIDGE
C/O YI-AN HUANG
CITY MANAGER

111-30
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

26 SPRINGFIELD ST



Location 26 SPRINGFIELD ST

Mblu 76/ D/ 13/ /

Acct# 99733070

Owner PORTUGUESE AMERICAN
CIVIC LGUE

Assessment \$1,198,600

PID 1205

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$415,300	\$783,300	\$1,198,600

Owner of Record

Owner PORTUGUESE AMERICAN CIVIC LGUE
Co-Owner
Address 26 SPRINGFIELD ST
SOMERVILLE, MA 02143

Sale Price \$0
Certificate
Book & Page
Sale Date

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
PORTUGUESE AMERICAN CIVIC LGUE	\$0			

Building Information

Building 1 : Section 1

Year Built: 1910
Living Area: 4,398
Replacement Cost: \$708,638
Building Percent Good: 58
Replacement Cost
Less Depreciation: \$411,000

Building Attributes	
Field	Description
STYLE	Clubs/Lodges
MODEL	Commercial

52 DICKINSON ST #1

Location 52 DICKINSON ST #1

Mblu 76/ D/ 17/ 1/

Acct# 20081230

Owner COLLINS COSTA JANET FOR LIFE

Assessment \$483,300

PID 107352

Building Count 1

Assessing District

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$483,300	\$0	\$483,300

Owner of Record

Owner COLLINS COSTA JANET FOR LIFE
Co-Owner COSTA JOSEPH MICHAEL
Address 52 DICKINSON ST UNIT 1
SOMERVILLE, MA 02143

Sale Price \$1
Certificate
Book & Page 73562/ 56
Sale Date 10/30/2019
Instrument 1F

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
COLLINS COSTA JANET FOR LIFE	\$1		73562/ 56	1F	10/30/2019
COLLINS COSTA JANET	\$0		DC118MEDF	1H	03/19/2010
COSTA ARTHUR G & COSTA COLLINS JANET	\$1		46528/ 212	1F	11/22/2005
COSTA JANET COLLINS	\$1		46528/ 210	1F	11/22/2005
COSTA JOSEPH MICHAEL	\$1		46415/ 253	1A	11/03/2005

Building Information

Building 1 : Section 1

Year Built: 1910
Living Area: 1,545
Replacement Cost: \$833,262

52 DICKINSON ST #2

Location 52 DICKINSON ST #2

Mblu 76/ D/ 17/ 2/

Acct# 20081240

Owner COLLINS COSTA JANET FOR LIFE

Assessment \$482,600

PID 107353

Building Count 1

Assessing District

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$482,600	\$0	\$482,600

Owner of Record

Owner COLLINS COSTA JANET FOR LIFE
Co-Owner COSTA MICHAEL THOMAS
Address 52 DICKINSON ST UNIT 2
SOMERVILLE, MA 02143

Sale Price \$1
Certificate
Book & Page 73562/ 66
Sale Date 10/30/2019
Instrument 1F

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
COLLINS COSTA JANET FOR LIFE	\$1		73562/ 66	1F	10/30/2019
COSTA ARTHUR G & COLLINS JANET	\$1		46528/ 212	1F	11/22/2005
COSTA JANET COLLINS	\$1		46528/ 210	1F	11/22/2005
COSTA JOSEPH MICHAEL	\$1		46415/ 253	1A	11/03/2005
COSTA ARTHUR G & COLLINS JANET	\$18,000		11702/ 628	00	01/19/1969

Building Information

Building 1 : Section 1

Year Built: 1910
Living Area: 1,556
Replacement Cost: \$832,016

52 DICKINSON ST #3

Location 52 DICKINSON ST #3

Mblu 76/ D/ 17/ 3/

Acct# 20081250

Owner WHELAN JR HARRY BROOKS

Assessment \$784,600

PID 107354

Building Count 1

Assessing District

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$784,600	\$0	\$784,600

Owner of Record

Owner WHELAN JR HARRY BROOKS
 Co-Owner
 Address 52 DICKINSON ST #3
 SOMERVILLE, MA 02143

Sale Price \$100,000
 Certificate
 Book & Page 46994/ 039
 Sale Date 02/21/2006
 Instrument 1N

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
WHELAN JR HARRY BROOKS	\$100,000		46994/ 039	1N	02/21/2006
COSTA ARTHUR G & COLLINS JANET	\$1		46528/ 212	1F	11/22/2005

Building Information

Building 1 : Section 1

Year Built: 1910
 Living Area: 1,646
 Replacement Cost: \$884,532
 Building Percent Good: 88
 Replacement Cost
 Less Depreciation: \$778,400

Building Attributes	
Field	Description

22 SPRINGFIELD ST

Location 22 SPRINGFIELD ST

Mblu 76/ D/ 14/ 1

Acct# 04181160

Owner 22 SPRINGFIELD LLC

Assessment \$833,400

PID 12174

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$432,100	\$401,300	\$833,400

Owner of Record

Owner 22 SPRINGFIELD LLC

Sale Price \$1,108,500

Co-Owner

Certificate

Address 5975 SUNSET DRIVE SUITE 801
MIAMI, FL 33143

Book & Page 74067/ 292

Sale Date 01/31/2020

Instrument 1G

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
22 SPRINGFIELD LLC	\$1,108,500		74067/ 292	1G	01/31/2020
MATOS ADELAIDE R	\$1		24802/ 510	1F	08/10/1994
DE MATOS FRANCISCO & ADELAIDE	\$0		9936/ 581		01/19/1961

Building Information

Building 1 : Section 1

Year Built: 1920
Living Area: 2,706
Replacement Cost: \$939,336
Building Percent Good: 46
Replacement Cost Less Depreciation: \$432,100

Building Photo

 [Building Photo](#)

<https://images.vgsi.com/photos/SomervilleMAPotos/A01\04\98\48.jpg>

Building Attributes	
Field	Description

DICKINSON ST

Location DICKINSON ST

Mblu 76/ D/ 15/ 1

Acct# 03097183

Owner NAVEO CREDIT UNION

Assessment \$115,500

PID 1206

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$900	\$114,600	\$115,500

Owner of Record

Owner NAVEO CREDIT UNION
Co-Owner
Address 493 SOMERVILLE AVE
SOMERVILLE, MA 02143

Sale Price \$0
Certificate
Book & Page 12534/ 195
Sale Date 01/19/1973

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
NAVEO CREDIT UNION	\$0		12534/ 195	01/19/1973

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Replacement Cost: \$0
Building Percent Good:
Replacement Cost
Less Depreciation: \$0

Building Attributes	
Field	Description
Style	Outbuildings
Model	

DICKINSON ST

Location DICKINSON ST

Mblu 76/ D/ 16/ I

Acct# 03097182

Owner NAVEO CREDIT UNION

Assessment \$257,300

PID 1207

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$3,900	\$253,400	\$257,300

Owner of Record

Owner NAVEO CREDIT UNION
Co-Owner
Address 493 SOMERVILLE AVE
SOMERVILLE, MA 02143

Sale Price \$86,000
Certificate
Book & Page 12534/ 195
Sale Date 01/19/1973

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
NAVEO CREDIT UNION	\$86,000		12534/ 195	01/19/1973

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Replacement Cost: \$0
Building Percent Good:
Replacement Cost
Less Depreciation: \$0

Building Attributes	
Field	Description
Style	Outbuildings
Model	



Mid Cambridge Neighborhood Conservation District Commission

831 Massachusetts Avenue, Cambridge, Massachusetts 02139
Telephone: 617 349 4683 TTY: 617 349 6112
E-mail: histncds@cambridgema.gov
www.cambridgema.gov/historic/districtsHistoricProperties/midcambridgencd

Tony Hsiao, *Chair*, Lestra Litchfield, *Vice Chair*
Monika Pauli, Charles Redmon, Katinka Hakuta, Andrew Ognibene, *Members*
Margaret McMahon, *Alternate*

CERTIFICATE OF NON-APPLICABILITY

Property: 245 Hampshire Street

Applicant: Alex Dorjets

The Mid Cambridge Neighborhood Conservation District Commission hereby certifies, pursuant to Chapter 2.78, Article III, Section 2.78.140-270 of the Code of the City of Cambridge and the order establishing said district that the work described below does not involve any activity requiring issuance of a Certificate of Appropriateness or Hardship:

Construct roof deck.

Permit #181005

All improvements shall be carried out as shown on the plans and specifications submitted by the applicant, except as modified above. Approved plans and specifications are incorporated by reference into this certificate.

This certificate is granted upon the condition that the work authorized herein 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, such certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding six months each may be allowed in writing by the Chair.

Case Number: MC-6510

Date of Certificate: June 21, 2022

Attest: A true and correct copy of decision filed with the offices of the City Clerk and the Cambridge Historical Commission on June 21, 2022.

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:

Pacheco, Maria

From: Archana Venkataraman <archanav85@gmail.com>
Sent: Friday, October 21, 2022 9:08 PM
To: Singanayagam, Ranjit; Ratay, Olivia; Pacheco, Maria
Cc: Austin Che
Subject: Objection to BZA Number 195058
Attachments: VarianceObjection_PropertyMap.pdf; VarianceObjection_245Hampshire_by_22Springfield.pdf

Dear Ms. Pacheco,

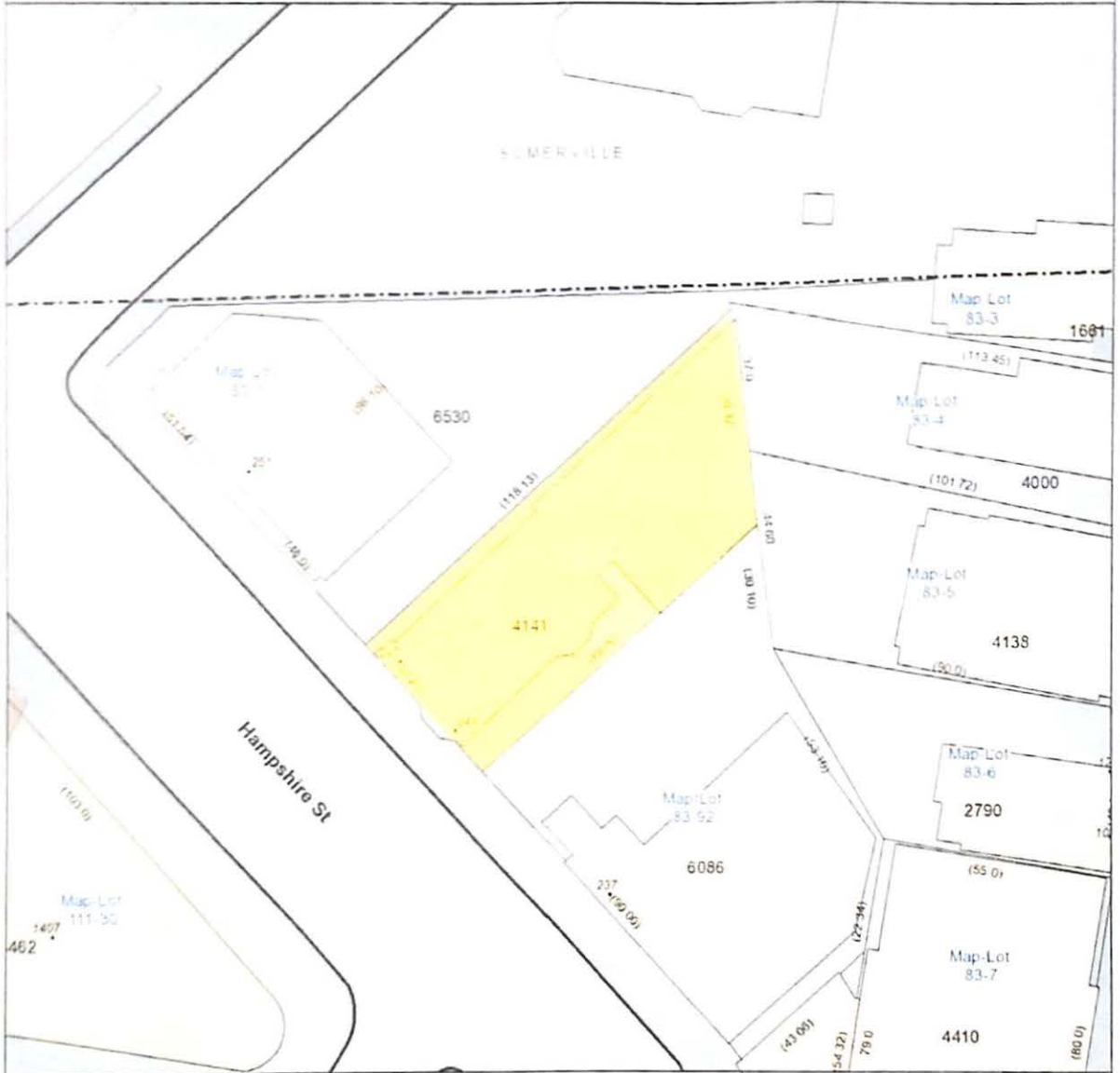
This email concerns the petition for a variance at 245 Hampshire Street, Cambridge, MA to extend a permitted roof deck to the property line. **The BZA Number is 195058.**

My husband (cc'd) and I are the owners and occupiers of 22 Springfield Street, Cambridge MA, which lies directly behind 245 Hampshire Street and would be affected by the proposed roof deck expansion. We would like to formally **object to the proposed variance** on the grounds of privacy, potential disturbances, and limited hardship for the petitioner. I have attached a letter of our objection for your records, along with a map of the area.

Please let me know if you require any other information. It is unlikely that we can attend the public hearing next Thursday evening, so I want to ensure that our objection letter is on record. I will also follow up with your office by phone next week.

Sincerely,

Archana Venkataraman
Property Owner
22 Springfield Street, Cambridge, MA 02139



City of Cambridge
Massachusetts

1" = 35 ft

All data is provided for graphic representation only. The City of Cambridge expressly disclaims all warranties of any type, expressed or implied, including, but not limited to, any warranty as to the accuracy of the data, merchantability, or fitness for a particular purpose.

www.cambridgema.gov/gis

- Address
- Rail
- Building Footprints
- Parcels
- Paved Surfaces
 - Paved Roads
 - Bridges
 - Unpaved Roads
 - Unpaved Parking
 - Sidewalks
 - Driveways
 - Alleys
 - Other Paved Surface
 - Public Footpath



October 21, 2022

Archana Venkataraman
22 Springfield Street, Cambridge, MA 02139
Email: archanav85@gmail.com
Tel: 585-339-8684

Re: Objection to BZA Number 195058

Dear Ms. Pacheco,

This letter concerns the petition for a variance at 245 Hampshire Street, Cambridge, MA to extend a permitted roof deck to the property line. The BZA Number is 195058.

My husband and I are the owners and occupiers of 22 Springfield Street, Cambridge, MA, which lies directly behind 245 Hampshire Street and would be affected by the proposed roof deck expansion. For reference, our lot number is 83-3 on the attached map.

We would like to formally object to the proposed variance. Our reasons are as follows:

- 1) **Privacy:** The roof in question looks directly into our master bedroom and into our private (fenced) backyard. The proposed expansion would greatly impact our use and enjoyment of our primary residence and property. We also note that 245 Hampshire Street is a mixed-use commercial/residential building. Thus, not only would we have to contend with residents being able to view into our house, but with the patrons of any businesses being able to do so as well; ultimately, the latter could be anyone in the general public.
- 2) **Potential Disturbances:** As noted above, 245 Hampshire Street is a mixed-use building. Particularly during the warmer months, the neighborhood would be subject to noise and other disturbances associated with the commercial occupants. Depending on the tenant, this scenario could impact our right to quiet enjoyment of our property.
- 3) **Limited Hardship for Petitioner:** The existing permitted roof is 900 square feet, which provides considerable outdoor space for the building's residents. Due to the roof shape, the proposed extension will provide only a modest increase in seating space. This is reflected in the submitted plans, which show limited additional seats within the rear setback. We argue that such capacity can be achieved via a better layout of the existing permitted roof.

In short, we believe that this variance would have a negative impact on our own property with only modest gains for the Petitioner. We would ask the Board of Zoning Appeal to especially consider our loss of privacy when rendering a decision about whether to approve the variance.

Feel free to contact me by email (archanav85@gmail.com) or by phone (585-339-8684) if you have any questions regarding this letter. I will also follow-up with your office by phone prior to the scheduled public hearing on October 27, 2022 @ 7:15pm.

Sincerely,

A handwritten signature in black ink that reads "Archana Venkataraman". The signature is written in a cursive, flowing style.

Archana Venkataraman

Property Owner

22 Springfield Street, Cambridge, MA 02139

Lubavitch of Cambridge Inc
 245 Hampshire St. Cambridge, MA
 3474481365

Present Use/Occupancy: Mixed use Building
 Zone: Business A Zone
 Requested Use/Occupancy: Mixed Use Building

		Existing Conditions	Requested Conditions	Ordinance Requirements	
TOTAL GROSS FLOOR AREA:		900	1580	900	(max.)
LOT AREA:		EXISTING TO REMAIN 4141	EXISTING TO REMAIN 4141	EXISTING TO REMAIN 4141	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²		EXISTING TO REMAIN 1.46	EXISTING TO REMAIN 1.46	EXISTING TO REMAIN 1	
LOT AREA OF EACH DWELLING UNIT		EXISTING TO REMAIN 1400	EXISTING TO REMAIN 1400	EXISTING TO REMAIN 1400	
SIZE OF LOT:	WIDTH	40 NA	40 NA	40 NA	
	DEPTH	50 NA	50 NA	50 NA	
SETBACKS IN FEET:	FRONT	0	0	0	
	REAR	0	0	0	
	LEFT SIDE	0 3	0 3	0 3	
	RIGHT SIDE	0 9	0 9	0 9	
SIZE OF BUILDING:	HEIGHT	EXISTING TO REMAIN 36	EXISTING TO REMAIN 36	EXISTING TO REMAIN 36	
	WIDTH	EXISTING TO REMAIN 28	EXISTING TO REMAIN 28	EXISTING TO REMAIN 28	
	LENGTH	EXISTING TO REMAIN 50	EXISTING TO REMAIN 50	EXISTING TO REMAIN 50	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		EXISTING TO REMAIN 0.217	EXISTING TO REMAIN 0.217	EXISTING TO REMAIN 0.217	
NO. OF DWELLING UNITS:		1	1	1	
NO. OF PARKING SPACES:		1 EXISTING	0	0	
NO. OF LOADING AREAS:		0	0	0	
DISTANCE TO NEAREST BLDG. ON SAME LOT		NA 0	NA 0	NA 0	

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.:

OFFICE AND DAYCARE

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

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 current deck is a hardship for it cannot appropriately service the buildings needs. Particularly in this age of COVID, when outdoor space is so essential for healthy living, convening, and working.

- 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:

NA Due to the shape and lot size of this building
There is a major lack of open space.

- 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:

This relief will have no adverse effect to any abutters or to the public as it wont be visible from the street.

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

This relief will have no adverse effect to any abutter or to the community at large, and the deedback we got from the abbuters were all supportive.

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



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: Marcy Ribi Date: 10/7/22
(Print)

Address: 245 Hampshire St

Case No. BZA - 195058

Hearing Date: 10/27/22

Thank you,
Bza Members

1 * * * * *

2 (8:01 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim
4 Monteverde, Matina Williams and Jason
5 Marshall

6 BRENDAN SULLIVAN: The Board will now hear Case
7 No. 195058 -- 245 Hampshire Street.

8 MORRIS? 245 Hampshire Street?

9 [Pause]

10 BRENDAN SULLIVAN: MORRIS?

11 MORRIS SCHOPF: Yes. Hello.

12 BRENDAN SULLIVAN: Yes. Hi. Introduce yourself
13 for the record.

14 MORRIS SCHOPF: My name is Morris Schopf. I'm the
15 architect for the Chabad of Cambridge. We have a small
16 matter that requires relief at 245 Hampshire Street. It's a
17 mixed-use building consisting of a one-story structure and a
18 three-story structure in the Business A Zone.

19 Over time, the Chabad has changed the use of and
20 renovated the one-story building in the back for a day care
21 facility and has renovated without changing the use of the
22 second floor, and the third floor of the three-story

1 buildings. The second floor is an office. The third floor
2 is a residence. The first floor is currently a restraint
3 and seclusion.

4 We applied for a permit -- if we could go to the
5 last exhibit in my package -- perfect.

6 So we applied for and received a permit for a roof
7 deck, which is permitted by the right, which is shown in
8 this drawing at the second floor on the roof of the one-
9 story day care facility.

10 When that building was renovated, the roof was
11 reinforced so that the roof deck, which is allowed by right,
12 could be constructed.

13 But the Zoning Officer pointed out that because
14 the existing non-conforming building has a zero lot line at
15 the rear, where there are no structures -- there is a
16 parking lot behind the building -- that we had to maintain
17 the 20-foot rear setback.

18 So because of the obvious hardship of the strange
19 shape of the building and the existing non-conforming
20 conditions, we have come to ask for relief from the rear
21 setback to extend the roof to the perimeter of the existing.

22 That is our only request.

1 BRENDAN SULLIVAN: Morris, who uses the deck?

2 MORRIS SCHOPF: The occupants of the office on the
3 second floor.

4 BRENDAN SULLIVAN: Okay. And so, the restaurant
5 on the first floor has no access to it?

6 MORRIS SCHOPF: No access. No access.

7 BRENDAN SULLIVAN: Okay. So the only ones that
8 have access to it are the offices on the second floor?

9 MORRIS SCHOPF: And the -- and by the nature of
10 the rear stairway, the apartment on the third floor.

11 BRENDAN SULLIVAN: And that would be their only
12 outdoor space?

13 MORRIS SCHOPF: That would be their only outdoor
14 space, yes.

15 BRENDAN SULLIVAN: Okay.

16 MORRIS SCHOPF: So it's really valuable open space
17 on a pretty tight commercial lot. And the additional roof
18 deck would be a real amenity. I don't think there's any
19 question that it would be -- have an adverse effect on the
20 community, and it would certainly have a beneficial effect
21 for the existing uses in the building.

22 BRENDAN SULLIVAN: The second floor business, what

1 type of business is it?

2 MORRIS SCHOPF: It's used by the Chabad as an
3 office.

4 BRENDAN SULLIVAN: Oh, okay.

5 MORRIS SCHOPF: And the third floor is occupied by
6 a Chabad employee, Mindy Rankin and his wife.

7 BRENDAN SULLIVAN: Okay. All right. And let me
8 open it to the Board. Jim Monteverde, any questions?

9 JIM MONTEVERDE: Just one. Is there any outreach
10 and any commentary from neighbors and abutters?

11 MORRIS SCHOPF: I don't believe so.

12 BRENDAN SULLIVAN: Yeah, there is.

13 MORRIS SCHOPF: Oh, is there?

14 BRENDAN SULLIVAN: Yeah.

15 MORRIS SCHOPF: Okay. I'm sorry.

16 BRENDAN SULLIVAN: Yes.

17 MORRIS SCHOPF: I didn't look at the file, so I
18 don't know.

19 BRENDAN SULLIVAN: Yeah. So I will --

20 MORRIS SCHOPF: Maybe can we review that now?

21 BRENDAN SULLIVAN: Well, yes. There is
22 correspondence from Archana -- A-r-c-h-a-n-a Venkararamanam

1 (phonetic) -- again, sorry for butchering this. Last name:
2 Venkataraman. Came in on Friday, October 21 to Maria
3 Pacheco.

4 "This e-mail concerns the petition for a variance
5 at 245 Hampshire Street to extend a permitted roof deck to
6 the property line, BZA No. 195058.

7 "My husband and I are the owners and occupiers of
8 22 Springfield Street, Cambridge, Massachusetts, which lies
9 directly behind 245 Hampshire Street, and would be affected
10 by the proposed roof deck expansion. We would like to
11 formally object to the proposed variance on the grounds of
12 privacy, potential disturbance, and limited hardship for the
13 petitioner. I have attached a letter of our objection for
14 your records, along with a map of the area.

15 "Please let me know if you require any other
16 information. It is unlikely that we can attend the public
17 hearing next Thursday, so I want to ensure that our
18 objection letter is on record. I will also follow up with
19 your office by phone next week."

20 And there is attached a plot plan and with more
21 detail that -- more detailed explanation. They would like
22 to formally object to the proposed variance. The reasons

1 are as follows: Privacy.

2 "The roof in question looks directly into our
3 master bedroom and into our private, fenced back yard. The
4 proposed expansion would greatly impact our use and
5 enjoyment of our primary residence and property.

6 "We also note that 245 Hampshire Street is a
7 mixed-use commercial residential building. Thus, not only
8 would we have to contend with residents being able to view
9 into our home, but with the patrons of any businesses being
10 able to do so as well. Ultimately, the latter would be to
11 anyone in the general public.

12 "Potential disturbances: as noted above, 245
13 Hampshire Street is a mixed-use building. Particularly
14 during the warmer months, the neighborhood would be subject
15 to noise and other disturbances associated with the
16 commercial occupants. Depending upon the tenant, this
17 scenario could impact our right to quiet enjoyment of our
18 property.

19 "Limited hardship for the petitioner: The
20 existing permitted roof is 900 square feet, which provides
21 considerable outdoor space for the building's residents.
22 Due to the roof shape, the proposed extension will provide

1 only a modest increase in seating space. This is reflected
2 in the submitted plans, which show limited additional seats
3 within the rear setback. We argue that such capacity can be
4 achieved by a better layout of the existing permitted roof.

5 "In short, we believe that this variance would
6 have a negative impact on our property, with only modest
7 gains for the petitioner.

8 "We would ask the Board of Zoning Appeal to
9 especially consider our loss of privacy when rendering a
10 decision about whether to approve the variance."

11 And that is the sum of the correspondence.

12 So that is -- to answer your question, Jim, yes,
13 that's the correspondence.

14 JIM MONTEVERDE: Thank you.

15 BRENDAN SULLIVAN: Anything else, Jim, at this
16 point, or --

17 JIM MONTEVERDE: No, thank you.

18 BRENDAN SULLIVAN: Come back to you later.
19 Matina, any comments or questions at this time?

20 MATINA WILLIAMS: Not at this time.

21 BRENDAN SULLIVAN: Jason, any comments or
22 questions?

1 JASON MARSHALL: Yeah. I guess just a brief
2 comment following up on the letter from the neighbor, and
3 certainly the applicant -- or perhaps the representative can
4 respond.

5 But to me it does raise some concerns about
6 whether or not the proposed hardship is then, and its impact
7 -- the proposed project's impact on the neighbor as well.
8 It would be probably helpful to have a response to that.

9 BRENDAN SULLIVAN: Okay. Morris, you can think
10 about that, and we'll get back to you anyhow.

11 Wendy Leiserson, any comments or questions for the
12 petitioner?

13 WENDY LEISERSON: I share Jason's question about
14 hardship.

15 BRENDAN SULLIVAN: Okay.

16 WENDY LEISERSON: That's all.

17 BRENDAN SULLIVAN: All right. Let me open it to
18 any additional public comment. Any member of the public who
19 wishes to speak should now click the button that says,
20 "Participants," and then click the button that says, "Raise
21 hand."

22 If you are calling in by phone, you can raise your

1 hand by pressing *9 and unmute or mute by pressing *6.

2 OLIVIA RATAY: Maria?

3 MARIA FERNANDEZ: Yes. I actually don't have the

4 --

5 BRENDAN SULLIVAN: -- if you could --

6 MARIA FERNANDEZ: -- that my parents do. My

7 parents own the --

8 BRENDAN SULLIVAN: -- sorry --

9 MARIA FERNANDEZ: I'm sorry?

10 BRENDAN SULLIVAN: -- if you could state your name

11 and address for the record?

12 MARIA FERNANDEZ: I'm Maria Fernandez, and I'm

13 calling from my parents, who live right behind the building

14 at 14-16 Springfield Street.

15 BRENDAN SULLIVAN: Okay.

16 MARIA FERNANDEZ: And I agree with the next-door

17 neighbor; this is going to disrupt. It's not going to be

18 quiet anymore. Right now it's already really noisy at the

19 neighborhood and adding this extra roof we don't know what

20 they're going to use the roof for.

21 If it's going to be parties, that's going to

22 increase the noise level. There's not going to be any

1 privacy for my parents, who are in their 70s and live at the
2 location.

3 And we don't know if -- what type of fence they're
4 going to use, if there's things that are going to be flowing
5 from the top of the roof into the property. And then we are
6 responsible for cleaning up anything that flies over.

7 That's my concern, and I agree they should extend
8 the roof all the way to the property line.

9 BRENDAN SULLIVAN: Okay. Thank you for calling
10 in.

11 MARIA FERNANDEZ: You're welcome.

12 OLIVIA RATAY: Archana Venkataraman?

13 ARCHANA VENKATARAMAN: Hi. Can you hear me?

14 BRENDAN SULLIVAN: Yes. If you'd state your name
15 and address for the record, please?

16 ARCHANA VENKATARAMAN: Okay. My name is Archana
17 Venkataraman. I submitted the letter. My husband and I are
18 the owners of 22 Springfield Street.

19 So I just wanted to follow up on my letter. Most
20 of it is mentioned within the text of it that you just read.

21 I will note that there was very limited outreach
22 to the community. So we purchased 22 Springfield Street as

1 a family home for us over a year ago. And the first time we
2 heard about this petition for a variance is when we received
3 the flyer in the mail. So I don't think that there was very
4 much outreach done in order to make sure that the neighbors
5 that were abutting the properties -- and there are a few
6 residential properties on that street -- were in favor of
7 it; whether there was any sort of alternative or compromise
8 that could be reached.

9 And so, again, I -- my husband and I are sort of
10 objecting to this, and we think that further conversations
11 are needed in order to ensure our privacy.

12 And like the other neighbor said to make sure that
13 we're not unduly burdened by a commercial building having
14 such a large expansion so close to our properties.

15 BRENDAN SULLIVAN: All right. Thank you.

16 Anybody else? I don't see anybody calling in, so
17 I will close the public comment part of the hearing.

18 Morris, let me read something. And again, the
19 Board is well aware of this, and it sort of hangs out there.
20 And -- but we need to consider that in a landmark case,
21 Blackman v. the Board of Appeals of Barnstable, the
22 Massachusetts Supreme Judicial Court has stated "This Court

1 has said repeatedly that the power to vary the application
2 of a Zoning Ordinance must be sparingly exercised, and only
3 in rare instances, and under exceptional circumstances
4 peculiar in their nature, and with due regard to the main
5 purpose of a Zoning Ordinance, which is to preserve the
6 property rights of others."

7 And I think, as you've heard, is that the abutters
8 are basically asking us to protect their property rights to
9 privacy, to noise, and to an undue intrusion into the
10 quality of their enjoyment of their structure.

11 So I'm troubled by the expansion of the deck and,
12 as I think that somebody had said, that there was an office
13 there, and people on the third floor probably use it --
14 obviously at various and different times.

15 I guess my feeling is that the existing deck may
16 very well be sufficient, and that the proposed expansion may
17 be unwarranted at this time. So that is my thought on it.

18 MORRIS SCHOPF: Yes. And I respect your opinion,
19 and those of your colleagues. And I think since my client
20 seems not to be present, that it would be best, rather than
21 withdrawing the application, to continue it and allow my
22 client to have conversations with the abutters, which would

1 be appropriate, and then either to abandon the application
2 or to come back with mitigation that is appropriate to their
3 concerns.

4 BRENDAN SULLIVAN: That's fine. Other members of
5 the Board, do you agree with that request by the petitioner?
6 Jim?

7 JIM MONTEVERDE: I agree.

8 BRENDAN SULLIVAN: Matina?

9 MATINA WILLIAMS: I agree.

10 BRENDAN SULLIVAN: And Jason?

11 JASON MARSHALL: I would vote to support a
12 continuance, yes.

13 BRENDAN SULLIVAN: Okay. And Wendy?

14 WENDY LEISERSON: I think a continuance is
15 warranted; however, I would say it's not just about pleasing
16 the neighbors -- that the petitioner still needs to show the
17 hardship.

18 BRENDAN SULLIVAN: Correct. All right. So I
19 think, Morris, that you can digest all that you have heard,
20 and then have discussions and then come back to us.

21 MORRIS SCHOPF: Yes. Thank you all very much.

22 BRENDAN SULLIVAN: So the open date would be

1 December 15? I believe that the Board has stated that we
2 are available on the fifteenth. So December 15 would be the
3 continued date. So I would --

4 MORRIS SCHOPF: Well --

5 BRENDAN SULLIVAN: Yep, sorry.

6 MORRIS SCHOPF: Can we just continue it to the
7 January meeting?

8 BRENDAN SULLIVAN: It would be January 12.

9 MORRIS SCHOPF: Can we continue it to January 12?

10 BRENDAN SULLIVAN: Let me poll the Board. Jim
11 Monteverde, are you available on the twelfth?

12 JIM MONTEVERDE: I will be available, yes.

13 BRENDAN SULLIVAN: Matina, January 12?

14 MATINA WILLIAMS: I will be available.

15 BRENDAN SULLIVAN: Jason, January 12?

16 JASON MARSHALL: It's open right now, yep.

17 BRENDAN SULLIVAN: Okay, Wendy?

18 WENDY LEISERSON: Yes.

19 BRENDAN SULLIVAN: Sort of getting out there in
20 the distance but -- and I will be available. So on the
21 motion, then, to continue this matter to January 12, 2023 at
22 6:00 p.m. on the condition that the petitioner change the

1 posting sign to reflect the new date of November 17, 2022
2 and the new time of 6:00 p.m.

3 That any changes to the current petition that's in
4 the file -- any changes be in the file by 5:00 p.m. on the
5 condition that the petitioner sign a waiver to the statutory
6 requirement for a hearing and a decision to be rendered
7 thereof, and that such waiver be in the file by 5:00 p.m.
8 one week from tonight.

9 And you can obtain that, Morris, by either
10 contacting Olivia or Maria, and they will send it to you,
11 sign it, and send it back.

12 MORRIS SCHOPF: Okay.

13 BRENDAN SULLIVAN: That the posting sign be
14 changed to reflect the new date of January -- I lost it
15 already -- January 12, 2023 at 6:00 p.m.

16 That such sign be maintained for at least 14 days
17 prior to the January 12 date.

18 And that any new submittals be in the file by 5:00
19 p.m. on the Monday prior to the January 12 hearing.

20 On the motion, then, to continue this matter, Jim
21 Monteverde?

22 JIM MONTEVERDE: In favor of the continuance.

1 BRENDAN SULLIVAN: Matina Williams?

2 MATINA WILLIAMS: In favor of the continuance.

3 BRENDAN SULLIVAN: Jason Marshall?

4 JASON MARSHALL: In favor.

5 BRENDAN SULLIVAN: Wendy Leiserson?

6 WENDY LEISERSON: In favor.

7 BRENDAN SULLIVAN: And Brendan Sullivan yes.

8 [All vote YES]

9 BRENDAN SULLIVAN: Five affirmative votes; the
10 matter is continued. Also, the correspondence is available
11 to you, Morris, and they can -- you can view it online or
12 request anything through the Department Staff.

13 MORRIS SCHOPF: Okay. We'll look at it online
14 tomorrow. Thank you.

15 BRENDAN SULLIVAN: Yeah. Thank you.

16 MORRIS SCHOPF: Goodnight.

17 BRENDAN SULLIVAN: Goodnight. Thank you.

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