

# CITY OF CAMBRIDGE

## BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

NOV-7 PM 3:13

### BZA Application Form

**BZA Number: 199221**

#### General Information

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

Special Permit:   X  

Variance:           

Appeal:           

**PETITIONER:** Matthew Wallace

**PETITIONER'S ADDRESS:** 25 Kelly Rd, Cambridge, MA 02139

**LOCATION OF PROPERTY:** 25 KELLY RD, Unit 3, Cambridge, MA

**TYPE OF OCCUPANCY:** Roof

**ZONING DISTRICT:** Residence C Zone

#### **REASON FOR PETITION:**

/Looking to add a skylight on the back corner of our third floor condo. It is needed to bring the ceiling height up for a bathroom addition re permit #175126/

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

We are requesting to install a skylight in an existing roof. A special permit is necessary because the existing structure does not meet the minimum side yard setback of at least 20 feet. The proposed work does not create a new dimensional non-conformity and it will not be substantially more detrimental than the existing non-conforming structure.

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

Article: 8.000      Section: 8.22.2.c (Non-Conforming Structure).

Article: 10.000      Section: 10.40 (Special Permit).

Original  
Signature(s):

Matthew Wallace

(Petitioner (s) / Owner)

Matthew Wallace

(Print Name)

Address:

Tel. No.

E-Mail Address:

25 Kelly Rd #3 Cambridge 02139

6178034908

matthew@theberryline.com

**Date:**

**BZA Application Form****DIMENSIONAL INFORMATION****Applicant:** Matthew Wallace**Present Use/Occupancy:** Roof**Location:** 25 KELLY RD., Unit 3., Cambridge, MA**Zone:** Residence C Zone**Phone:** 6178034908**Requested Use/Occupancy:** Skylight

		<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>		1108	No Change	N/A	(max.)
<b><u>LOT AREA:</u></b>		0	No Change	N/A	(min.)
<b><u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u></b>		N/A	N/A	N/A	
<b><u>LOT AREA OF EACH DWELLING UNIT</u></b>		N/A	N/A	N/A	
<b><u>SIZE OF LOT:</u></b>	<b><u>WIDTH</u></b>	50	No Change	N/A	
	<b><u>DEPTH</u></b>	63	No Change	N/A	
<b><u>SETBACKS IN FEET:</u></b>	<b><u>FRONT</u></b>	9.7	No Change	N/A	
	<b><u>REAR</u></b>	3	No Change	N/A	
	<b><u>LEFT SIDE</u></b>	5.3	No Change	N/A	
	<b><u>RIGHT SIDE</u></b>	11.1	No Change	N/A	
<b><u>SIZE OF BUILDING:</u></b>	<b><u>HEIGHT</u></b>	N/A	N/A	N/A	
	<b><u>WIDTH</u></b>	50.3	No Change	N/A	
	<b><u>LENGTH</u></b>	38.8	No Change	N/A	
<b><u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u></b>		N/A	N/A	N/A	
<b><u>NO. OF DWELLING UNITS:</u></b>		3	No Change	N/A	
<b><u>NO. OF PARKING SPACES:</u></b>		N/A	N/A	N/A	
<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.:

None

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 - OWNERSHIP INFORMATION**

**To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.**

I/We Matthew A. Wallace & Erika Wallace  
(OWNER)


Address: 25 Kelly Rd #3 Cambridge, MA 02139

State that I/We own the property located at 25 Kelly Rd #3, 02139  
which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Wallace, Matthew A. & Erika Wallace

\*Pursuant to a deed of duly recorded in the date 8/7/2015, Middlesex South  
County Registry of Deeds at Book 65879, Page 279; 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 Matthew Wallace personally appeared before me,  
this 3<sup>rd</sup> of Nov., 2022, and made oath that the above statement is true.

 Notary

My commission expires 5/11/2029 (Notary Seal)



**KACIA MEDWINTER**  
Notary Public, Commonwealth of Massachusetts  
My Commission Expires May 11, 2029

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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 10/10/2001 BY 60322 UCBAW/STP

10/10/2001 10:10 AM  
10/10/2001 10:10 AM  
10/10/2001 10:10 AM

10/10/2001 10:10 AM

10/10/2001

10/10/2001

10/10/2001

10/10/2001

10/10/2001



## **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 25 KELLY RD , Unit 3 , 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:**

We are requesting to install a skylight in an existing roof. A special permit is necessary because of an existing violation that does not meet the minimum side/back yard setback of at least 20ft.

**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:**

The proposed work does not create a new dimensional non-conformity and it will not be substantially more detrimental than the existing non-confirming structure.

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

The proposed skylight will improve access to fresh air and natural light. The proposed skylight does not create a new dimensional non-confirmity and it satisfies section 10.43, Criteria for Special Permits.

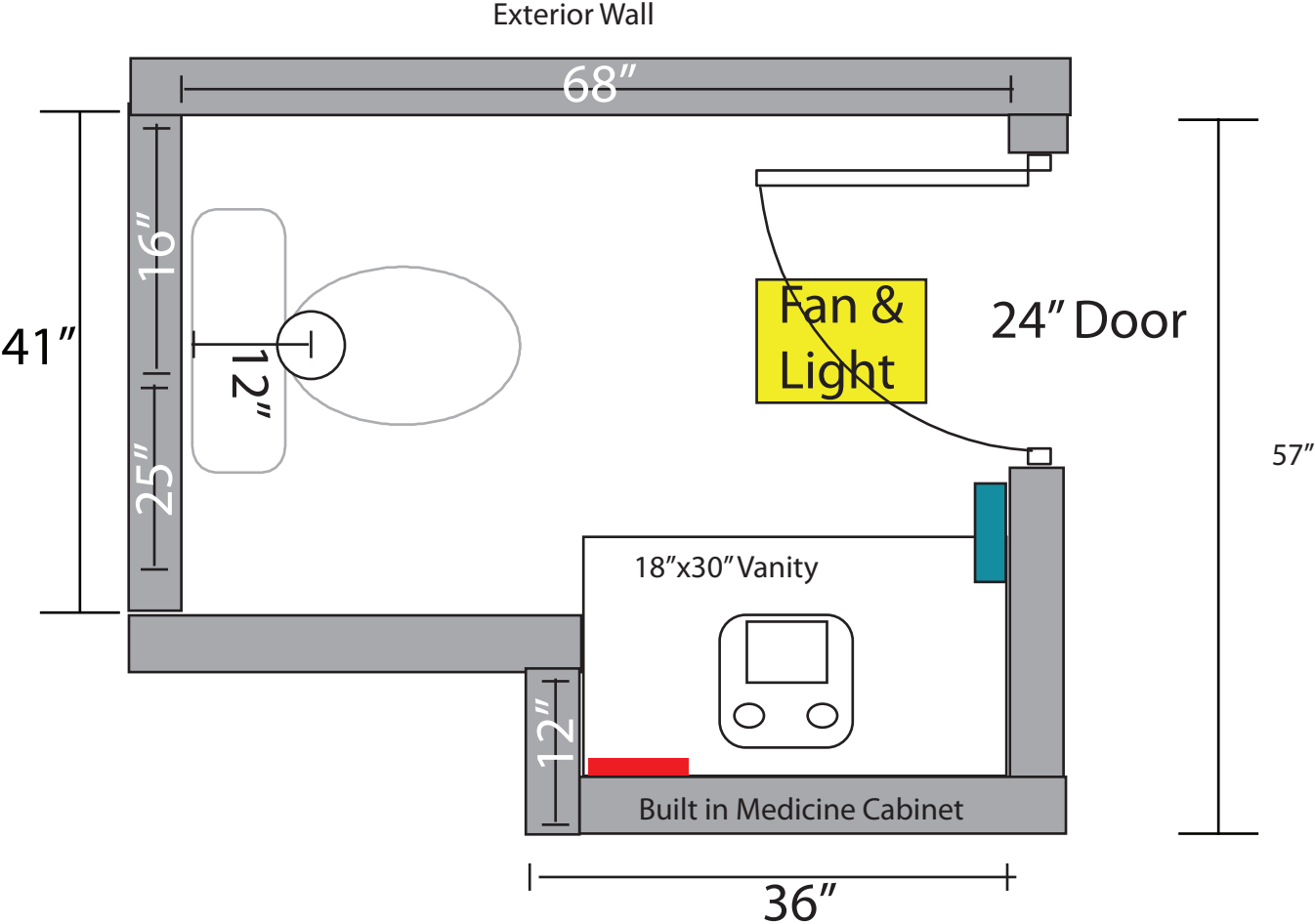
**D) Nuisance or hazard would not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:**

The proposed work does not affect traffic patterns. The proposed work does not change the use of the existing building and it does not change the density. It does not negatively impact neighbors privacy, access to daylight and fresh air, and it does not impede views or cast shadows onto adjacent properties.

**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 use does not change the use or density of the existing building. The proposed work does not impact the integrity of the neighborhood and is in keeping with the overall character of the existing building.

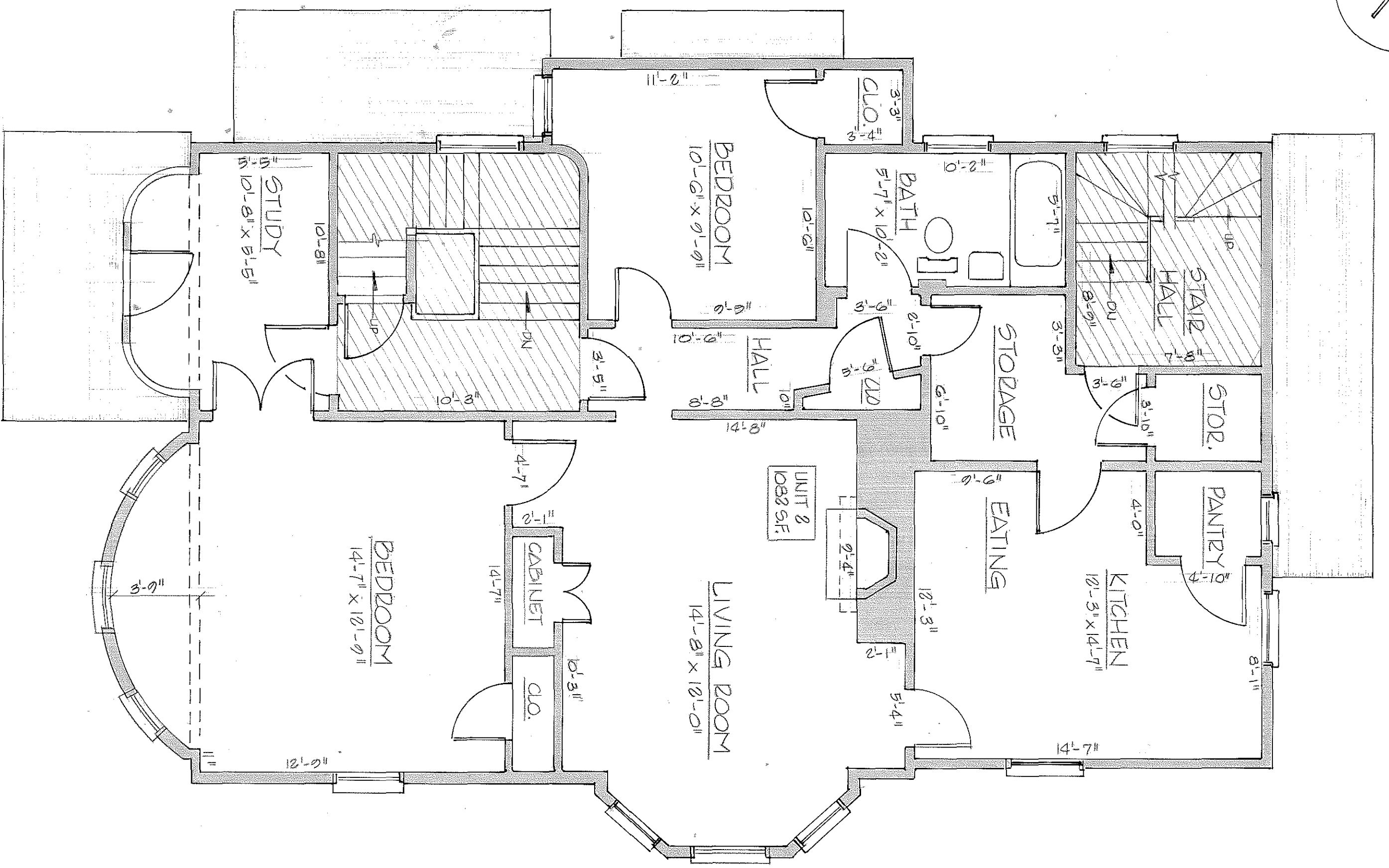
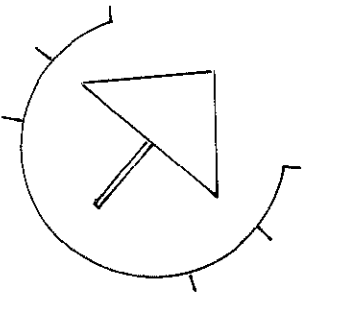
**\*If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an attorney.**



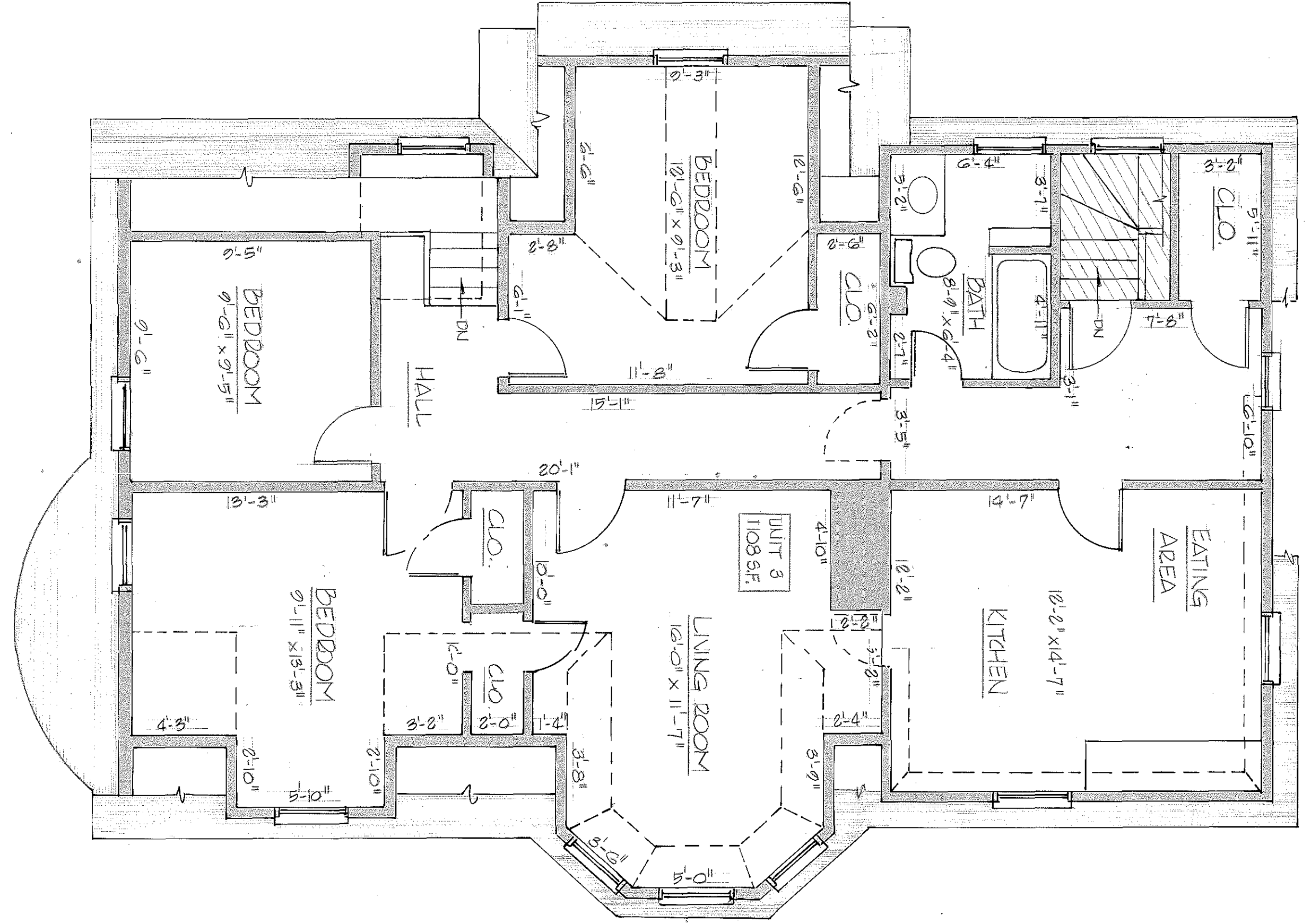
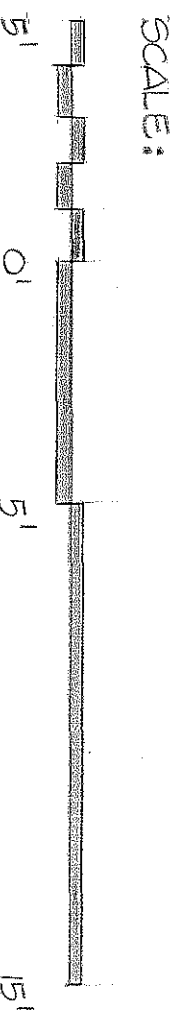
## Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 6/18/2015 3:30:12 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
788	PLAN		01986/788	06/17/1986	0.00
<b>Property-Street Address and/or Description</b>					
KELLY ROAD 25 CAMBRIDGE					
<b>Grantors</b>					
WHIPPEN MANOR					
<b>Grantees</b>					
<b>References-Book/Pg Description Recorded Year</b>					
<b>Registered Land Certificate(s)-Cert# Book/Pg</b>					



SECOND FLOOR PLAN



THIRD FLOOR PLAN



FOR READER'S USE

PLAN NUMBER 788(BOE2) OF 1986  
RECORDED, BOOK 17107 PAGE 053

WHIPPEN MANOR  
25 KELLY ROAD  
CAMBRIDGE PORT, MA. 02139

LIGHTHOUSE INCORPORATED  
P.O. BOX 2764  
QUINCY, MA. 02269  
PHONE: 478-7034

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS AND THAT THE PLAN PRESENTED HERE FULLY AND ACCURATELY DEPICTS THE LAYOUT, LOCATION, UNIT NUMBERS, COMMON AREAS, AND DIMENSIONS OF THE UNITS, AS BUILT AT THE WHIPPEN MANOR CONDOMINIUM - 25 KELLY RD., CAMBRIDGE MA.

*Alfred J. Antonucci* January 20, 1986

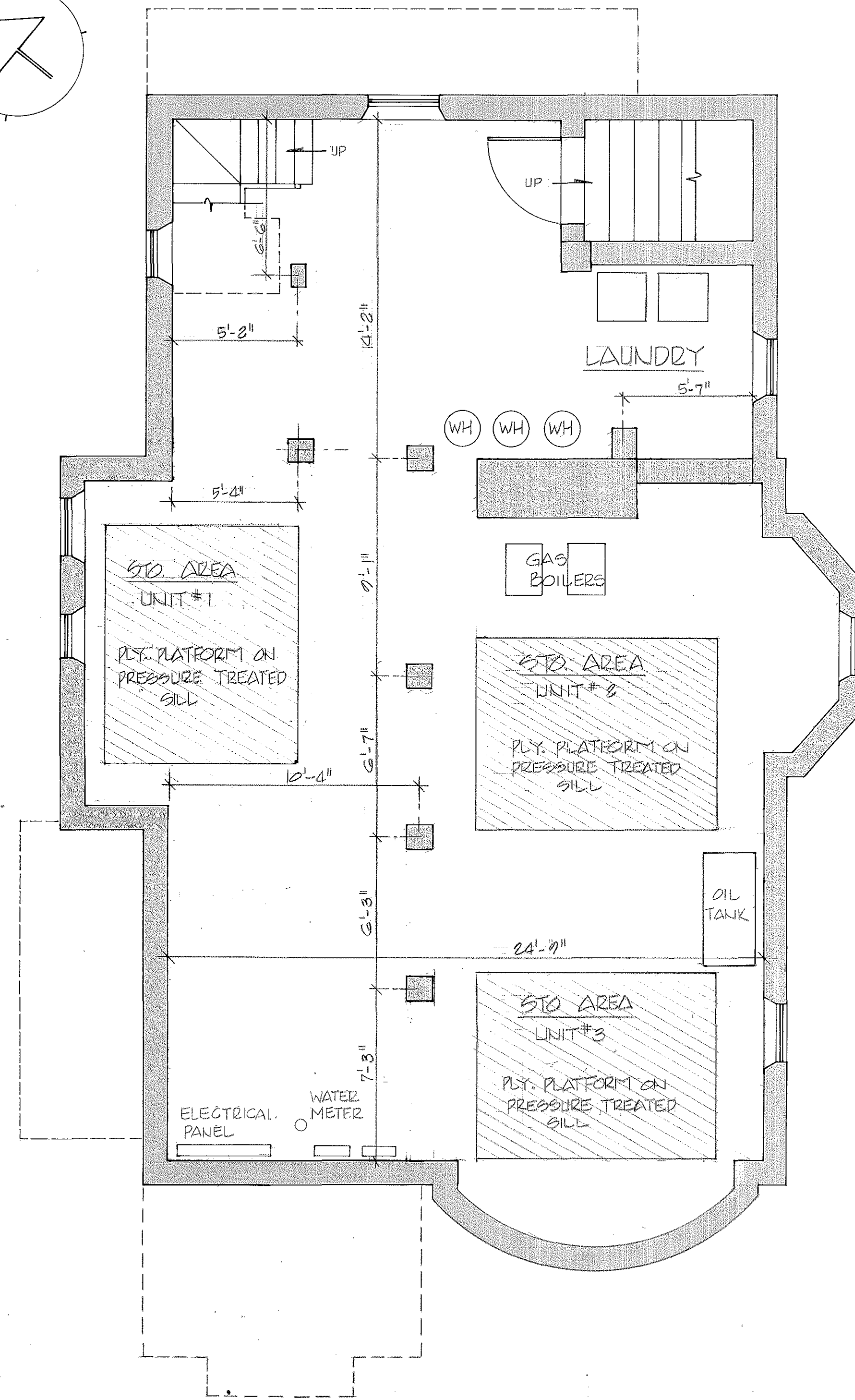


SUMMARY OF UNITS AREAS:

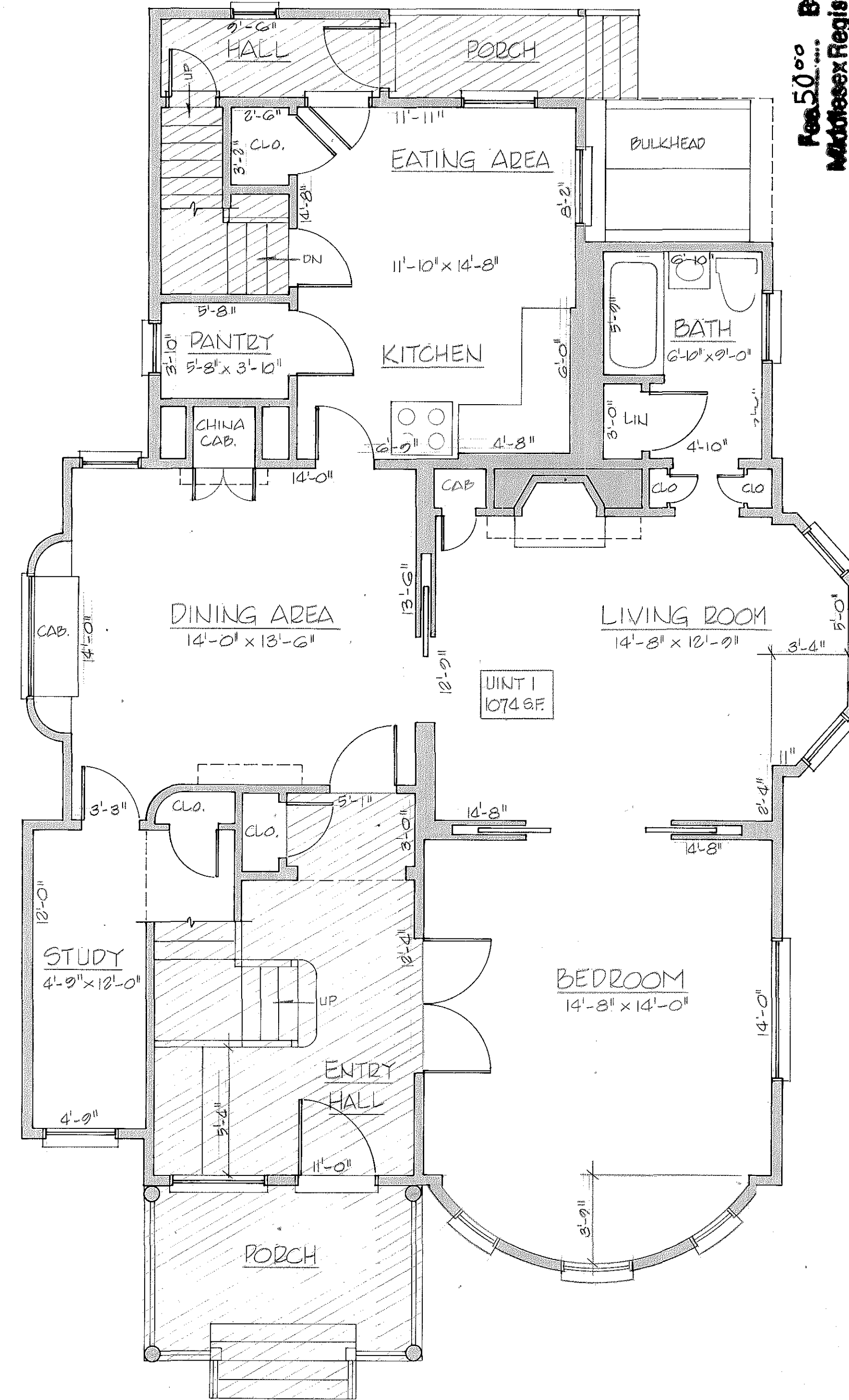
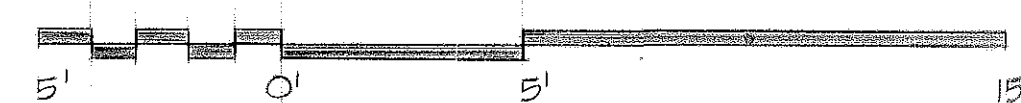
- UNIT 1 AREA 1074 SQ. FT.
- UNIT 2 AREA 1082 SQ. FT.
- UNIT 3 AREA 1108 SQ. FT.

NOTE:  
AREAS ARE CALCULATED TO THE UNIT SIDE FACE OF EXTERIOR WALLS, PARTY WALLS, AND COMMON AREA WALLS.







SCALE:



KEY:

COMMON AREA 

STORAGE AREA 

FOR REGISTRY USE

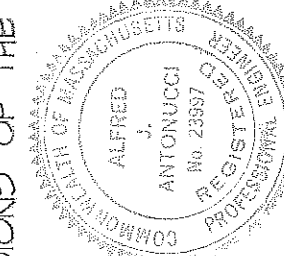
Feb 50<sup>00</sup> By J.D.  
 Middlesex Registry of Deeds  
 Southern District  
 Cambridge, Massachusetts  
 Plan No. 788 (Ae2) of 1986  
 Rec'd JUNE 17, 1986  
 at 12 Hillman Plm Doc No. 547  
 Rec'd, Bk 11101 Pg 053  
 Just *Dec 3, 1994*  
 Registrar

25 KELLY ROAD  
CAMBRIDGE PORT, MA. 02132

PO. BOX 2764  
QUINCY MA. 02269  
PHONE: 478-7934

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS AND THAT THE PLAN PRESENTED HERE FULLY AND ACCURATELY DEPICTS THE LAYOUT, LOCATION, UNIT NUMBERS, COMMON AREAS, AND DIMENSIONS OF THE UNITS, AS BUILT, AT THE WHIPPEN MANOR CONDOMINIUM

STATE OF MASSACHUSETTS  
COUNTY OF ESSEX



*Alfred Dubuc* January 20, 1986

UNIT 1	AREA:	<u>80 SQ. FT.</u>
UNIT 2	AREA:	<u>80 SQ. FT.</u>
UNIT 3	AREA:	<u>80 SQ. FT.</u>

SHEET: 1 OF 2

## Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 6/18/2015 3:30:12 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
935	PLAN		01986/935	07/14/1986	0.00
<b>Property-Street Address and/or Description</b>					
KELLY ROAD 25-25A CAMBRIDGE					
<b>Grantors</b>					
WHIPPEN MANOR CONDOMINIUM					
<b>Grantees</b>					
<b>References-Book/Pg Description Recorded Year</b>					
<b>Registered Land Certificate(s)-Cert# Book/Pg</b>					

N/F SUSAN REALTY CORP.

N/F GINTINA REALTY TRUST



N/F SUSAN REALTY CORP.

Conc. Foundation

Porch

Basement Entry

Util. Pole Wood Fence

LOT A

3 STORY WOOD FRAME DWELLING

NO. 25A

N/F JAMES T. & MYRTLE E. HANNON

Bituminous

Pavement

Wood Fence

13.22'

10.5'

PORCH

8.7'

26.0'

Bkhd

5.6'

7.6'

0.5'

24'

9.7'

5.6'

3.9'

5.6'

17.3'

10.0'

9.7'

50.0'

LOT B

AREA = 3150 S.F.

2 1/2 STORY WD. FR. DWELLING

NO. 25

PORCH

Brick Sidewalk

RIGHT OF WAY (8' WIDE)

63.0'

Chain Link Fence

Wood Fence

N/F JAMES T. & MYRTLE E. HANNON

N/F LAWRENCE & PATRICIA MACWILLIAMS

See 13- By J.K.  
Middlesex Registry of Deeds  
Southern District  
Cambridge, Massachusetts  
Plan No. 935 of 1986  
Rec'd JULY 14 1986  
at 1 h 41 m P m Doc No 663  
Rec'd, Bk 17197 Pg 111  
Wendell H. Mason  
Register

RESERVED FOR REGISTRY USE

110' TO PLEASANT ST.

KELLY

(Public - 40' Wide)

ROAD

PROPERTY REFERENCES:

Middlesex South Registry of Deeds  
Book 13505, Page 329  
Book 12626, Page 541

I certify that the parcel shown hereon does not lie within a special flood hazard area as indicated on the Flood Insurance Rate Maps for the City of Cambridge, MA., effective date June 5, 1982.

I certify that the property lines shown are the lines dividing existing ownerships, and the lines of streets and ways shown are those of public or private streets or ways already established and that no new lines for the division of existing ownership or for new ways are shown.

I certify that this plan of WHIPPEN MANOR CONDOMINIUM fully and accurately depicts the layout of the building, dimensions, property lines and common areas to which it has access as built.

I further certify that this plan has been prepared in accordance with the rules and regulations of the Registers of Deeds of the Commonwealth of Massachusetts.

Wendell H. Mason



SCALE: 1" = 10'

JUNE 6, 1986

WENDELL H. MASON, PROF. LAND SURVEYOR  
122 ESSEX ST. BEVERLY, MA. 01915



PLAN OF LAND  
WHIPPEN MANOR CONDOMINIUM  
CAMBRIDGE, MASS.

PLAN NUMBER 935 of 1986  
RECORDED, BOOK 17197 PAGE 111

935

935







Whippen Manor Condominium Trust

From: The Condo Board

Dated: May 11, 2022.

Dear Mr. Wallace.

After reviewing the bathroom renovation plan you provided, we found it according to the Covenants, Conditions and Restrictions. We find no harm in the architectural changes you are planning to make in your home (additional half bath on third floor).

We would like to inform you that your neighbors do not have any objection to the renovation work.


Therefore the Whippen Manor Condominium Trust permits you to proceed with your renovation plans.

Best Regards,

Whippen Manor Condominium Trust

The undersigned, being all Trustees of the Whippen Manor Condominium Trust, hereby consent to the renovation plans of Matthew Wallace of Unit #3.

EXECUTED this 11<sup>th</sup> day of May 2022

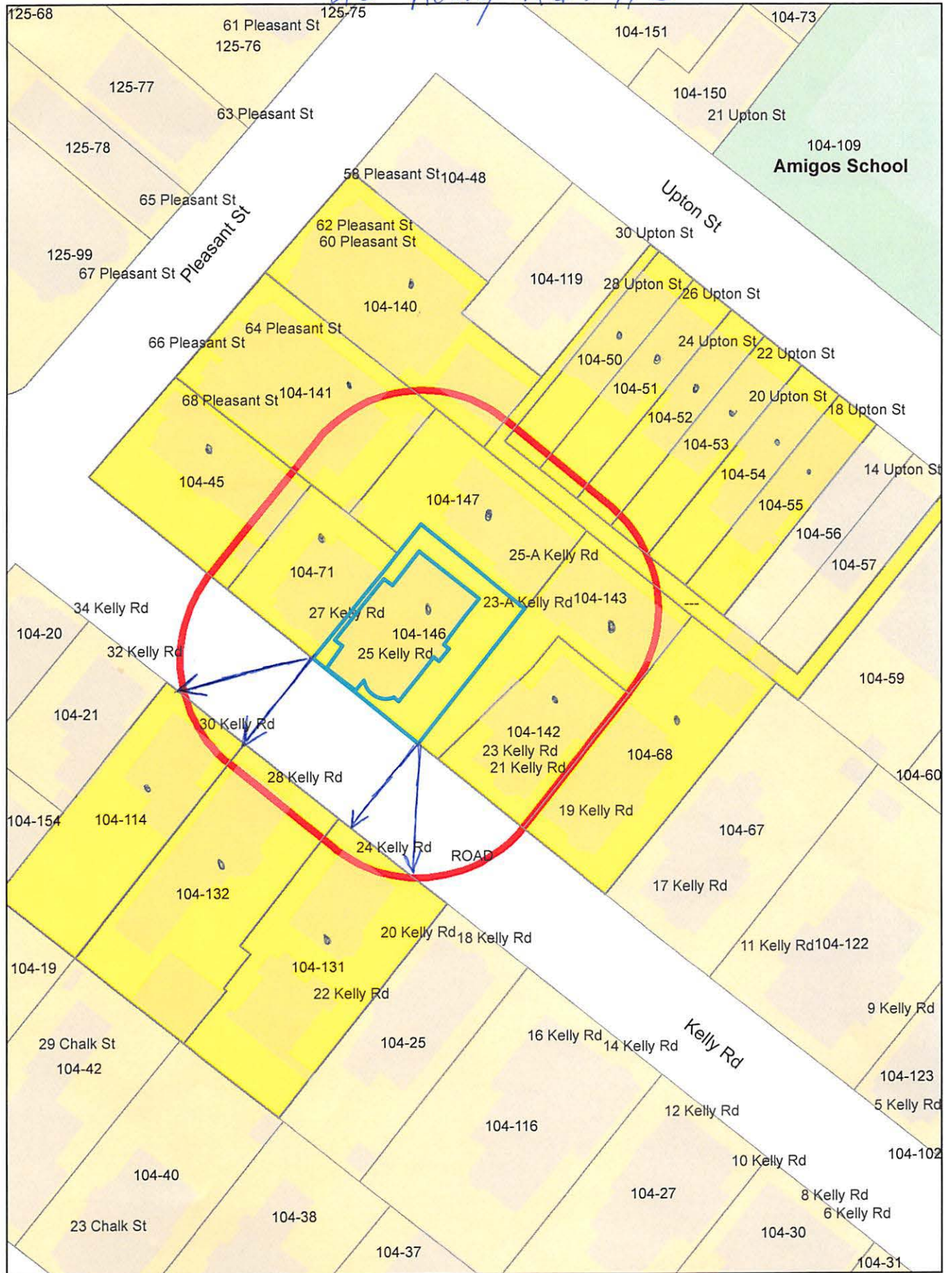
 Trustee (Unit 1)

 Trustee (Unit 2)

 Trustee (Unit 3)



25 Kelly Rd. #3



25 Kelly Rd. #3

Petitioner

104-52  
COWLES, LORI A.  
24 UPTON ST  
CAMBRIDGE, MA 02139

104-143  
HORIZONS ENTERPRISES LLC  
60 HIGHLAND AVE  
SOMERVILLE, MA 02144

104-146  
WALLACE, MATTHEW A. & ERIKA WALLACE  
25 KELLY RD., #3  
CAMBRIDGE, MA 02139

104-132  
STEINADLER, ELEANOR  
28 KELLY RD., #1  
CAMBRIDGE, MA 02139

104-140  
MORTON, CLAIRE J.  
62 PLEASANT ST., UNIT#1  
CAMBRIDGE, MA 02139

104-131  
WILSON KEVIN WILLIAM & MINNAN XU  
TRS WILSON KEVIN WILLIAM &  
MINNAN XU REV TR  
24 KELLY RD  
CAMBRIDGE, MA 02139

104-140  
OURGE, ABEBECH  
62 PLEASANT ST., #62-3  
CAMBRIDGE, MA 02139

104-146  
PARLIN, ROBERT L.  
25 KELLY RD #2  
CAMBRIDGE, MA 02139

104-147  
MACMILLAN, DAVID P & LINDA S. MACMILLAN  
4 RIDGE ST.  
ARLINGTON, MA 02474

104-51  
PLASSE, ANNE MARIE & GERALD F. PLASSE  
26 UPTON ST.  
CAMBRIDGE, MA 02139

104-68  
HILL, ANTHONY C.  
19 KELLY RD  
CAMBRIDGE, MA 02139-4403

104-141  
REID, BEVERLY,  
TRS OF PLEASANT STREET TRUST  
64-66 PLEASANT ST  
CAMBRIDGE, MA 02138

104-114  
MCLANAHAN, KIM D.  
30 KELLY RD.  
CAMBRIDGE, MA 02139-4404

104-45  
HOU, PHILIP  
68 PLEASANT ST  
CAMBRIDGE, MA 02139

104-53  
OCHSENDORF, JOHN & ANNE H. CARNEY  
224 ALBANY ST. #470  
CAMBRIDGE, MA 02139

104-55  
MAJEWSKI, JOYCE A. & JULIAN D. DOWN  
18 UPTON ST  
CAMBRIDGE, MA 02139

104-140  
HADDON, BRYAN  
263 ELM ST., #3  
CAMBRIDGE, MA 02139

104-142  
SCHIAVONE, LISA MARIE  
TR. HANNON IRREVOCABLE LIFE ESTATE TRUST  
134 HOWLAND RD  
LAKEVILLE, MA 02347

104-146  
SANTOS, JAY & DAVID HALSTEAD  
25 KELLY RD. UNIT#1  
CAMBRIDGE, MA 02139

104-50  
THEMEA, STANSBURY & ORA THEMEA  
28 UPTON STREET  
CAMBRIDGE, MA 02139

104-54  
20 UPTON STREET LLC  
17 HUMBOLDT ST  
CAMBRIDGE, MA 02140

104-131  
MARISCAL, SEBASTIAN &  
MARICARMEN MARISCAL  
22 KELLY RD.  
CAMBRIDGE, MA 02139

104-71  
GUNLUK, TUNCAY MICHELLE WAGNER  
27 KELLY RD  
CAMBRIDGE, MA

104-140  
DONALD, NANCY H & NANCY S SHILEPSKY  
31 MARLBORO ST  
BELMONT, MA 02478

104-140  
WANG, YANGXI CHENGJUN WANG  
60-62 PLEASANT ST UNIT 60/2  
CAMBRIDGE, MA 02139



Matthew Wallace &lt;vettemadman@gmail.com&gt;

---

## Adding a Skylight

---

**Dave MacMillan** <davidmacmillan@rcn.com>  
To: Matthew Wallace <matthew@theberryline.com>

Wed, Nov 9, 2022 at 2:24 PM

Hi Matt,

No objection. Thanks for the news.

Dave

---

**From:** Matthew <matthew@theberryline.com>  
**To:** Dave <davidmacmillan@rcn.com>  
**Date:** Wednesday, 9 November 2022 9:39 AM EST  
**Subject:** Adding a Skylight

Hi Dave,

I am looking to add a skylight to the back corner of our building. Given the close nature of our lots, I need to notify everyone of the plan. You should receive a notice from me in the next week or so with the hearing date/time.

I don't believe Scott or anyone would be able to see the skylight, really just a formality to obtain the building permit.

Let me know if you have any questions or concerns. If you are in "support," a quick response to this email would be appreciated.

Thanks,  
Matt Wallace  
25 Kelly Rd, Cambridge, MA 02139