



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2021 JAN 27 AM 11:47

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 103314

General Information

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

Special Permit: X

Variance: X

Appeal:

PETITIONER: FRANK P. FIORENTINO, CPA, TRUSTEE OF THE MOBIL NOMINEE TRUST U/D/T DATED MARCH 13, 2017 C/O JESSE D. SCHOMER, ESQ.

PETITIONER'S ADDRESS: REGNANTE STERIO LLP - 401 EDGEWATER PL, STE 630, WAKEFIELD, 01880

LOCATION OF PROPERTY: 2615 Massachusetts Ave., Cambridge, MA

TYPE OF OCCUPANCY: GAS STATION

ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/New Structure/ /Petition for M.G.L. c. 40A, § 6 Finding/

DESCRIPTION OF PETITIONER'S PROPOSAL:

CONSTRUCTION OF 2 DIMENSIONALLY-COMPLIANT ACCESSORY STRUCTURES (CANOPIES) OVER THE EXISTING FUEL PUMP ISLANDS. NO CHANGE, EXTENSION, OR ALTERATION TO THE PRE-EXISTING, NONCONFORMING USE (GAS STATION) OR BUILDING/STRUCTURES IS PROPOSED.

CONSTRUCTION OF 2 DIMENSIONALLY-COMPLIANT ACCESSORY STRUCTURES (CANOPIES) OVER THE EXISTING FUEL PUMP ISLANDS. NO CHANGE, EXTENSION, OR ALTERATION TO THE PRE-EXISTING, NONCONFORMING USE (GAS STATION) OR BUILDING/STRUCTURES IS PROPOSED.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 8.000	Section: 8.22 (Special Permit, Nonconforming Use).
Article: 8.000	Section: 8.22.3 (Variance, Nonconforming Use).
Article: 4.000	Section: 4.21.k (Height, Accessory Structures).

Original
Signature(s):



(Petitioner (s) / Owner)

JESSE D. SCHOMER, ESQ.

(Print Name)

ATTORNEY FOR PETITIONER

1/20/2021

Address:

Tel. No. 781-710-1248

E-Mail Address: JSCHOMER@REGNANTE.COM

Date: 1/20/21

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 FRANK P. FIORENTINO, CPA, TRUSTEE OF THE MOBIL NOMINEE TRUST w/d/t DATED MARCH 13, 2017
(OWNER)

Address: 607 NORTH AVENUE, SUITE 16, WAKEFIELD, MA 01880

State that I/We own the property located at 2615 MASSACHUSETTS AVENUE,
which is the subject of this zoning application.

The record title of this property is in the name of _____
FRANK P. FIORENTINO, CPA, TRUSTEE OF THE MOBIL NOMINEE TRUST w/d/t DATED MARCH 13, 2017

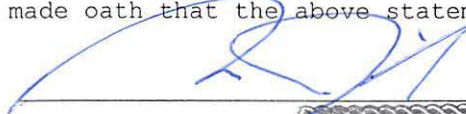
*Pursuant to a deed of duly recorded in the date 8/8/2017, Middlesex South
County Registry of Deeds at Book 69737, Page 577; ~~or~~
~~Middlesex Registry District of Land Court, Certificate No. _____~~
Book _____ Page _____.


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

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

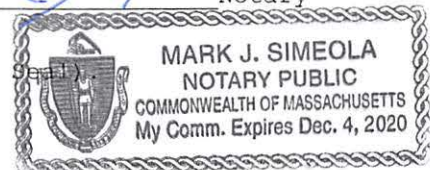
Commonwealth of Massachusetts, County of Middlesex

The above-name Frank P. Fiorentino personally appeared before me,
this 25th of November, 2020, and made oath that the above statement is true.



Notary

My commission expires 12-4-2020 (Notary Seal)



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

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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:
- CONSTRUCTION OF CANOPIES IS NECESSARY TO SHIELD FUEL PUMPS FROM WEATHER DUE TO COMPUTER EQUIPMENT WHICH IS PRESENT IN ALL MODERN FUEL PUMPS.
- B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures by not affecting generally the zoning district in which it is located for the following reasons:
- PROPERTY IS A PRE-EXISTING, NONCONFORMING GAS STATION THAT WAS BUILT WITH UNCOVERED FUEL ISLANDS PRIOR TO THE AREA BEING ZONED FOR RESIDENTIAL USE. THE EXISTING UNCOVERED FUEL PUMPING ISLANDS NOW REQUIRE CANOPIES TO PROTECT SENSITIVE COMPUTER EQUIPMENT WHICH IS PRESENT IN ALL MODERN FUEL PUMPS.
- C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**
- 1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:
- THE PROPOSED CANOPIES WILL COMPLY WITH ALL DIMENSIONAL REQUIREMENTS, INCREASE SAFETY, AND WILL ENABLE THE SITE TO BE MODERNIZED. CANOPIES WILL PROVIDE ADDITIONAL LIGHT SCREENING FOR NEIGHBORS.
- 2)** Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:
- THE PROPOSED CONDITION OF THE PROPERTY WILL BE SUBSTANTIALLY LESS DETRIMENTAL TO THE NEIGHBORHOOD THAN THE EXISTING CONDITION OF THE PROPERTY, WHICH IS PRESENTLY VISUALLY UNAPPEALING, WITH UNSHIELDED LIGHT IMPACTS. THE PROPOSED CANOPIES WILL PROMOTE SAFETY AND REDUCE VISUAL IMPACTS.

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

BZA Application Form

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 2615 Massachusetts Ave., Cambridge, MA (location) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reasons:

THE PROPOSED CONDITION OF THE PROPERTY WILL BE LESS DETRIMENTAL THAN ITS EXISTING CONDITION BASED ON INCREASED SAFETY, IMPROVED VISUAL APPEAL, REDUCED LIGHT IMPACTS.

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:

NO CHANGE TO THE PRE-EXISTING NONCONFORMING USE IS PROPOSED, SO NO CHANGE IN TRAFFIC WILL OCCUR.

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 CANOPIES WILL IMPROVE THE VISUAL APPEAL OF THE SITE AND REDUCE LIGHT IMPACTS OF THE EXISTING COMMERCIAL GAS STATION ON ADJACENT PROPERTIES.

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 CANOPIES WOULD IMPROVE HEALTH, SAFETY, AND WELFARE CONDITIONS BY PROVIDING IMPROVED SHIELDING FROM WEATHER, PROTECTION OF SENSITIVE COMPUTERIZED FUEL PUMP EQUIPMENT, AND IMPROVED FIRE SAFETY.

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 CONDITION OF THE PROPERTY WILL BE LESS DETRIMENTAL THAN ITS EXISTING CONDITION BASED ON INCREASED SAFETY, IMPROVED VISUAL APPEAL, REDUCED LIGHT IMPACTS.

***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: FRANK P. FIORENTINO, CPA, TRUSTEE OF
THE MOBIL NOMINEE TRUST U/D/T DATED
MARCH 13, 2017

Present Use/Occupancy: GAS STATION

Location: REGNANTE STERIO LLP - 401 EDGEWATER
PL, STE 630

Zone: Residence B Zone

Phone: 781-710-1248

Requested Use/Occupancy: NO CHANGE

	<u>Existing</u> <u>Conditions</u>	<u>Requested</u> <u>Conditions</u>	<u>Ordinance</u> <u>Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	2020	NO CHANGE	N/A	(max.)
<u>LOT AREA:</u>	21222	NO CHANGE	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>	0.095	NO CHANGE	0.5	
<u>LOT AREA OF EACH DWELLING UNIT</u>	N/A	N/A	N/A	
<u>SIZE OF LOT:</u> WIDTH	>200	NO CHANGE	50	
DEPTH	N/A	N/A	N/A	
<u>SETBACKS IN FEET:</u> FRONT	15	15	15	
REAR	38.7	38.7	25	
LEFT SIDE	15	15	15	
RIGHT SIDE	7.9	7.9	7.5	
<u>SIZE OF BUILDING:</u> HEIGHT	14.2	15	35 (15 FOR ACC. STRUCTURES)	
WIDTH	57.7	57.7	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	N/A	N/A	N/A	
<u>NO. OF DWELLING UNITS:</u>	N/A	N/A	N/A	
<u>NO. OF PARKING SPACES:</u>	23	23	N/A	
<u>NO. OF LOADING AREAS:</u>	N/A	N/A	N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>	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'.



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2021 MAR -1 PM 2:41

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-103314

Address: 2615 Mass Avenue

☐ Owner, ☐ Petitioner, or ☒ Representative: Jesse D. Schomer, Esq.
(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.

Public hearing continued from 2/25/21 to 4/8/21.

Date: 3-1-21

J.D. Schomer
Signature

* * * * *

(7:02 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Matina Williams and
Jason Marshall

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 103314 -- 2615 Massachusetts Avenue. Anyone
here wish to be heard on this matter?

JESSIE SCHOMER: Yes, Mr. Chair. My name is
Attorney Jesse Schomer. I represent the applicant.

CONSTANTINE ALEXANDER: Before -- this is our
night. Before we talk further about this case, I'm going to
tell you we have to continue it for a number of reasons.

First of all, the office -- Ms. Pacheco required --
-- requested -- at the request of one of the members of the
Board that we be provided with photo simulations for the
proposed canopies, and they should show the proposed color
in any lettering on the canopies.

And someone -- a Jesse Schomer -- replied, "I have
requested renderings of the canopies, and will try to get
those to you ASAP." This was about a week ago. We never got
them. So we haven't had a chance to review them as part of

1 our file. That's one reason to continue the case.

2 The second is I don't understand your application.
3 You're applying for a variance and a special permit? What
4 is this, take your choice? What are you? We don't proceed
5 that way, sir. You tell us whether you want a special
6 permit or a variance, and we'll act on that request. But
7 we're not going to choose the form of relief for you. We
8 had this before, and that's our policy.

9 And lastly, there's a memo in the file regarding a
10 case which would suggest that if that case is applied or the
11 standards of that case, that you don't need any relief. So
12 you've put on the table three different forms of relief.
13 And again, as I said before, that's not how we go about it.
14 Take your case and get us those photo simulations, decide
15 which way you're going to go, and argue your case on that
16 basis.

17 Any other members of the Board --

18 BRENDAN SULLIVAN: This is Brendan Sullivan. The
19 other condition that was requested is that you reach out and
20 submit all your materials to the North Cambridge
21 Stabilization Committee. According to the reply to Ms.
22 Pacheco, that has been done. And I don't know if you e-

1 mailed it over to them or not, but you really should have
2 dialogued conversation with them.

3 And I would ask the member of the North Cambridge
4 Stabilization Committee who is listed again that they should
5 send us a written correspondence regarding the fruits of any
6 of those discussions.

7 So there are two things: Number one is we need
8 the photo simulations showing color and any lettering, and
9 also, contact with the North Cambridge Stabilization
10 Committee, before I'm willing to go forward and hear the
11 case.

12 CONSTANTINE ALEXANDER: Any questions, sir, the
13 Counsel for the petitioner before I make my motion to
14 continue the case?

15 JESSIE SCHOMER: No, no questions, Mr. Chair, just
16 to respond very briefly. We are in the process of getting
17 the photo simulations that the Board had requested. I had
18 hoped to have those before the hearing, and unfortunately
19 that didn't come through.

20 And we have been requesting those, actually, from
21 the manufacturer of the canopies that we're proposing since
22 November. So we're as frustrated as the Board is with the

1 delay.

2 CONSTANTINE ALEXANDER: I accept that. Do you
3 have any -- we're going to have to set a specific date. I
4 don't want to have a date -- pick a date and find out the
5 photo simulations are not available. Do you want to take a
6 longer date? How much time would you like to continue this
7 case?

8 JESSIE SCHOMER: My suggestion, Mr. Chairman, was
9 going to be the first meeting in April. I think that would
10 be enough time. And we are in conversations with the North
11 Cambridge Stabilization Committee and we had a good
12 conversation with them last night and we hope to iron out
13 any issues.

14 I would, if I may I'd like to address the issue of
15 the relief that we're requesting?

16 CONSTANTINE ALEXANDER: Yes. Go right ahead.

17 JESSIE SCHOMER: Thank you. I admit that the
18 application is somewhat confusing. And that's -- what we're
19 requesting in this case is actually a Section 6 finding
20 under Mass. General Laws Chapter 40a Section 6. And this is
21 how we originally filed this application. However, when it
22 was received by the ISD, they didn't understand what it was

1 that we were requesting. And so, they had requested that we
2 file applications for a special permit and a variance under
3 the local bylaw.

4 So what we're requesting is a Section 6 finding
5 under Chapter 40A 6, and --

6 CONSTANTINE ALEXANDER: Understood. Thank you for
7 that explanation. I think for the hearing, since it will be
8 the first one in April, I think you want to modify your
9 application to be more specific than we have right now.

10 JESSIE SCHOMER: Happy to do so.

11 CONSTANTINE ALEXANDER: Sisia, when is the first
12 hearing in April that we have room?

13 SISIA DAGLIAN: April 8, and we actually have
14 room.

15 CONSTANTINE ALEXANDER: Okay. April 8 work for
16 you, sir?

17 JESSIE SCHOMER: Yes, Mr. Chair.

18 CONSTANTINE ALEXANDER: Okay. The Chair moves
19 that we continue this case as a case not heard until 6:00
20 p.m. on April 8, subject to the following conditions:

21 One, that the petitioner sign a waiver of time for
22 decision, and that's required to avoid complications under

1 Massachusetts General Laws. That waiver, which is a
2 standard document that we use, and I think you'll find it's
3 not controversial -- if we had an in-person meeting I would
4 hand it to you, but we don't have that.

5 In any event, that waiver of notice must be signed
6 and returned to the Inspectional Services Department no
7 later than 5:00 p.m. a week from Monday. If that is not
8 done, this case will be ipso facto terminated, and that will
9 be it for two years.

10 So just make sure you work with Ms. Pacheco and
11 get that waiver of time for decision to be signed.

12 Second, that the posting sign that you need to
13 post for the new hearing date -- you can do one of two
14 things: You can get a new sign, which I would prefer,
15 because the old sign is in bad condition, the last time I
16 looked -- but again, a new sign with the new date and new
17 time; or alternatively, you can mark up the existing sign to
18 reflect the new date and the new time.

19 That sign, that marker must be readable.
20 Otherwise, they will not satisfy the requirements of the
21 ordinance, and we will not hear the case on April 8.

22 And lastly, to the extent you're going to submit,

1 as we requested, photo simulations, and any other
2 modifications to the specifications -- data or the like
3 regarding the relief you're seeking, that must be in the ISD
4 files no later than 5:00 p.m. on the Monday before April 8.

5 That is to allow Board members and interested
6 citizens of the city time to review those changes from what
7 are now the facts, and formulate whatever conclusions they
8 want or don't want to formulate.

9 So those are the conditions. Brendan, how do you
10 vote?

11 BRENDAN SULLIVAN: Yes to the continuance --
12 Brendan Sullivan.

13 CONSTANTINE ALEXANDER: Andrea?

14 ANDREA HICKEY: Andrea Hickey yes to the
15 continuance.

16 CONSTANTINE ALEXANDER: Jason?

17 JASON MARSHALL: Jason Marshall yes to the
18 continuance.

19 CONSTANTINE ALEXANDER: Matina?

20 MATINA WILLIAMS: Matina Williams yes to the
21 continuance.

22 CONSTANTINE ALEXANDER: And the Chair votes yes as

1 well.

2 [All vote YES]

3 So this case will be continued until April 8. See
4 you then -or- hear you then! Thank you.

5 JESSIE SCHOMER: Thank you.

6 CONSTANTINE ALEXANDER: Our next case is scheduled
7 for 7:15, and it's now 7:11, so we're going to take a quick
8 four-minute break, it would appear.

9 [BREAK]

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City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

*Replacements
Bd's*

BZA

POSTING NOTICE – PICK UP SHEET

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

Name: Jason Santos Date: _____
(Print)

Address: 2615 Man Ave

Case No. BZA-103314

Hearing Date: 4/8/21

Thank you,
Bza Members

Parkway Condominium Trust

2595 Massachusetts Avenue
Cambridge, MA 02140

City of Cambridge
Board of Zoning Appeal
831 Massachusetts Ave.
Cambridge, MA 02139

April 5, 2021

RE: BZA-103314

To Whom it May Concern;

Allow me to introduce myself, my name is Rich Cadotte I am president, resident and managing trustee of the Parkway Condominium community. The western side of our building, which consist of nine units, directly abuts Alewife Mobil at 2615 Massachusetts Avenue. As the representative of this community I would like to voice the opposition of owners and residents to the proposed construction of canopies at this location.

In regard to light pollution Mr. Schomer was asked to share the basis of his findings, he states that light trespass would be significantly reduced and to provide us with an accurate rendition of the proposed canopies. To date neither were provided.

The petition also states that canopies are required to protect the proposed replacement of fuel dispensers, it is my belief that this statement is untrue. We requested product data from the manufacturer stating these new units could not be installed without the protection of said canopies. To date this information has also not been received.

The petition also states that project will increase the appeal of the location, it is in our opinion that the current operators have not been good stewards of the location. For the several years more than 50% of the outside lighting has been non-functioning, they have uprooted several mature plantings along the Alewife Brook Parkway leaving the area barren, their stockade fence has sections laying on its side unrepaired, curbing laying strewn about after being dislodged by the plow, clothes and book collection boxes overflowing with residual debris tossed about on both properties. We find it difficult to believe that the location would be maintained in a professional and neighborly manner.

In regard to improved safety, in our opinion it is too congested to accommodate four dispensing location. There are chronic issues especially with trucks coming into contact with the crash bars protecting the fueling islands, and crashing with the overhead fire suppression rigging. The location has suffered damage to the fire

The Board of Trustees
President, Treasurer, Managing Trustee
Richard Cadotte 617.497.5661
Secretary: Amy Middleton 781.956.7869
Trustee: Denis Rouleau 617.576.2841

Parkway Condominium Trust


2595 Massachusetts Avenue
Cambridge, MA 02140

suppression located over island #1 several months ago and to date it has not been repaired. Question, is it operational.

In closing, let me address the elephant in the room. The view from the nine units facing the location are seeing 2 fueling locations at ground level when they look out of their windows. They have a clear view of the greenway along Alewife Brook Parkway where wildlife is often observed early morning and evenings. It's obvious that the current operators of Alewife Mobil are only concerned with the business side of this project, on the other hand we will need to live with this structure outside our windows every day and night.

It is because of these reasons I respectfully request that this application be denied.

Sincerely



Rich Cadotte
Managing Trustee
Parkway Condominium Trust
2595 Massachusetts Ave.
Cambridge, MA 02140
617 497-5661
pkwycondo@mail.com

The Board of Trustees
President, Treasurer, Managing Trustee
Richard Cadotte 617.497.5661
Secretary: Amy Middleton 781.956.7869
Trustee: Denis Rouleau 617.576.2841

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners and current residents of the Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

The owners oppose BZA-103314 for the following reasons:

- 1) The light pollution from the canopies will have a direct effect on the residents of the Parkway condominium. The petition states that the canopies will have downward-pointing lights, but it lacks information about 1) the brightness of the lights, 2) potential light trespass, and 3) whether there will be lighting on the sides of the canopies.
- 2) The exhibits presented in the petition do not show any rendering of what the finished canopies would look like. (In contrast, BZA-013985-2017 included renderings of the completed canopies.)
- 3) The canopies in this petition will obstruct the views of the residents of the Parkway Condominiums of the Alewife Greenway, which will diminish residents' enjoyment of their homes and negatively affect property values. This refutes the petitioner's statement that "the proposed condition of the property will be substantially less detrimental to the neighborhood than the existing condition of the property".

Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 1

Date: 3-15-2021

Name: (print) Richard CaDette

Signature: 

Name: (print) _____

Signature: _____

Name: (print) Zachary Rice

Signature: 

Name: (print) Teresa Rice

Signature: 

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

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Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 3

Date: Mar 2, 2018

Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

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- The exhibits presented in the petition do not show any rendering of what the finished canopies would look like. (In contrast, BZA-013985-2017 included renderings of the completed canopies.)
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Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 4

Date: 3-11-2021

Name: (print)

RAIF ISHAK

Signature:



Name: (print)

Signature:

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners at Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

The owners oppose BZA-103314 for the following reasons:

- 1) The light pollution from the canopies will have a direct effect on the residents of the Parkway condominium. The petition states that the canopies will have downward-pointing lights, but it lacks information about 1) the brightness of the lights, 2) potential light trespass, and 3) whether there will be lighting on the sides of the canopies.
- 2) The exhibits presented in the petition do not show any rendering of what the finished canopies would look like. (In contrast, BZA-013985-2017 included renderings of the completed canopies.)
- 3) The canopies in this petition will obstruct the views of the residents of the Parkway Condominiums of the Alewife Greenway, which will diminish residents' enjoyment of their homes and negatively affect property values. This refutes the petitioner's statement that "the proposed condition of the property will be substantially less detrimental to the neighborhood than the existing condition of the property".

Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 5 Date: 1 March 2021

Name: (print) Nathalie Nopakon Signature: N. N

Name: (print) _____ Signature: _____

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners at Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

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Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 5

Date: 12 March 2021

Name: (print) SUVITYA NOPAKUN

Signature: 

Name: (print) APILAT NOPAKUN

Signature: 

Name: (print)

Thomas J. Carroll

Signature:



Name: (print)

Shelia Kennedy

Signature:



City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners at Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

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Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 7

Date: March 3, 2021

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners or current residents of the Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

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Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 8

Date: 3/17/21

Name: (print) Linda Owens Signature: 

Name: (print) _____ Signature: _____

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners and current residents of the Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

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Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 12

Date: March 14, 2021

Name: (print) PATRICIA A. BUCKLEY Signature: Patricia A. Buckley

Name: (print) _____ Signature: _____

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners and current residents of the Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

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Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 13

Date: 3-11-21

Name: (print) Denis Rouleau Signature: Denis Rouleau

Name: (print) _____ Signature: _____

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners and current residents of the Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

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Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 14

Date: 3/14/2021

Name: (print) DALBAS OLE PAULO Signature: Dallas de Paulo

Name: (print) VALOLETE OLE PAULO Signature: Valdete de Paulo

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners at Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

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Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 15 Date: 3/2/2021

Name: (print) Long Zhao Signature: [Signature]

Name: (print) _____ Signature: _____

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners or current residents of the Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

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Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 17

Date: 3/29/21

Name: (print) Dee W. Jones
District Manager, CHA

Signature: 

Name: (print) _____

Signature: _____

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners and current residents of the Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

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~~Sincerely, yours~~

Unit owners at Parkway Condominiums (see attached list)

Unit # 17

Date: 3/15/21

Name: (print) Lloyd Smith

Signature: Lloyd Smith

Name: (print) _____ Signature: _____

City of Cambridge
Board of Zoning Appeal
831 Mass Ave.
Cambridge, MA 02139

Re: Case number BZA-103314

Dear Board of Zoning Appeal:

We, the unit owners and current residents of the Parkway Condominiums at 2595 Mass Ave, vehemently oppose the petition for the variance and special permit at 2615 Mass Ave. In 2017, the owners also opposed BZA-013985-2017, which also sought to a variance to construct canopies at this address.

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Sincerely yours,

Unit owners at Parkway Condominiums (see attached list)

Unit # 18

Date: 16 March 2021

Name: (print) Maria E. Maddaloni

Signature: 

Name: (print) _____ Signature: _____

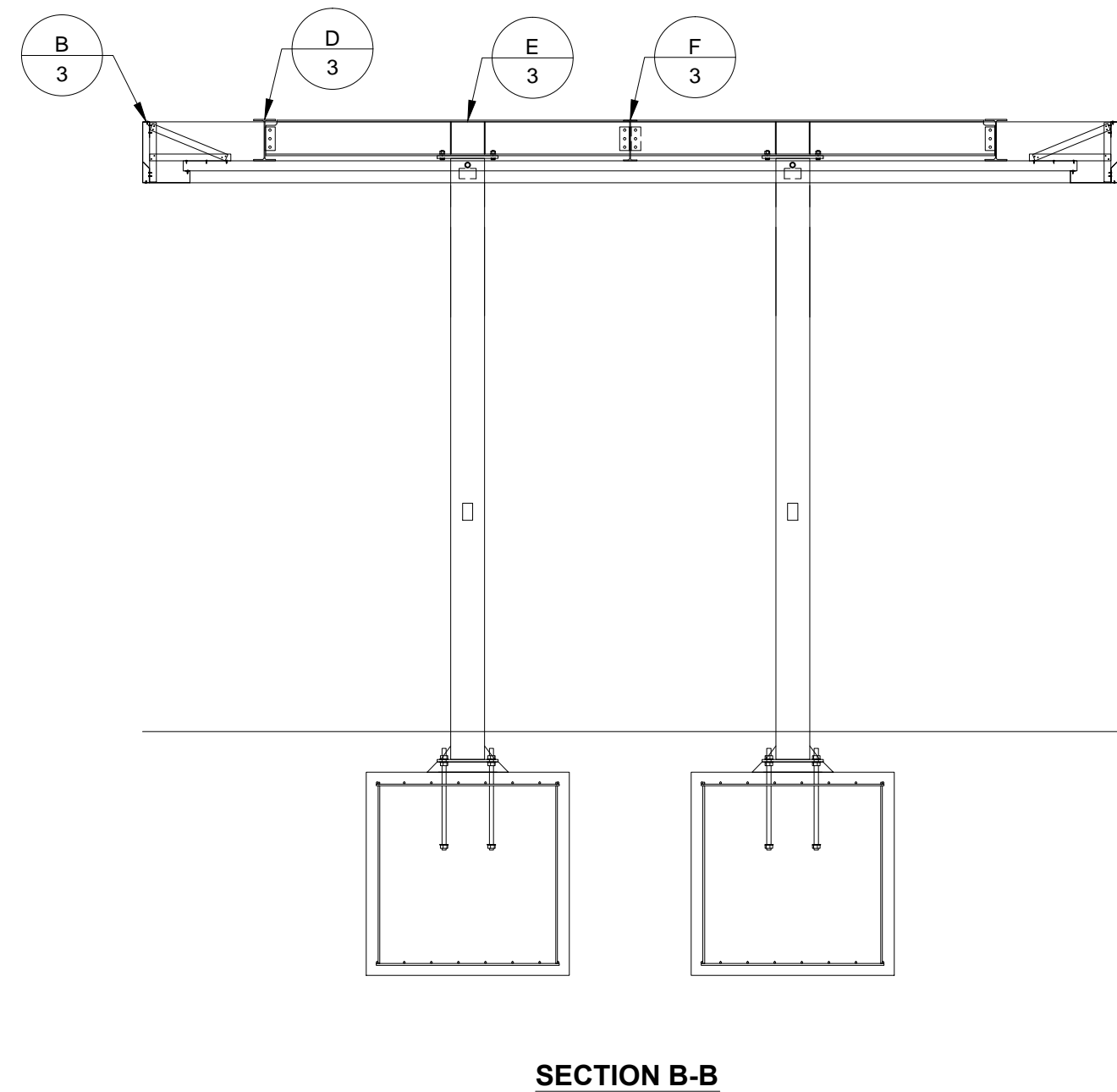
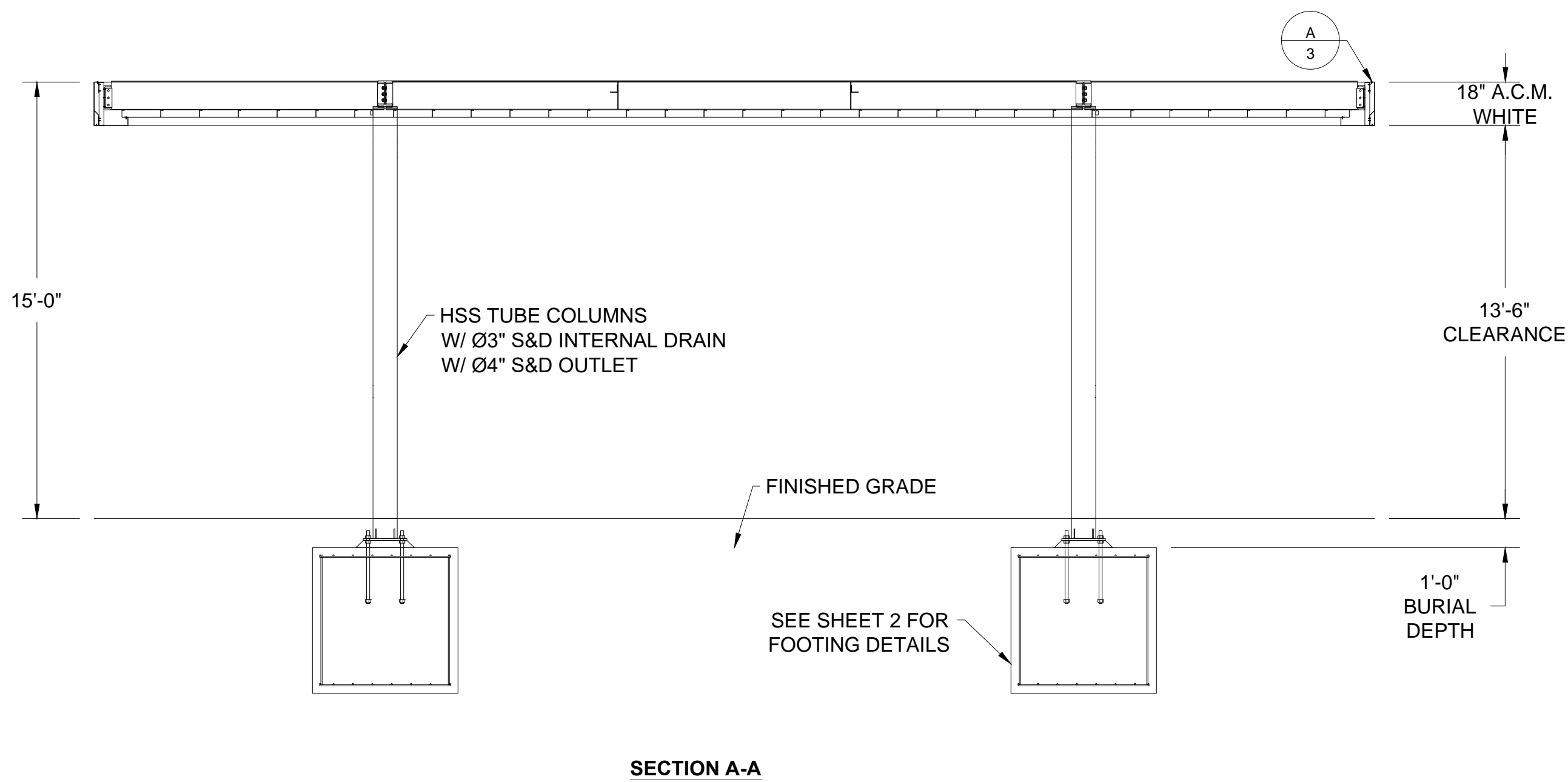
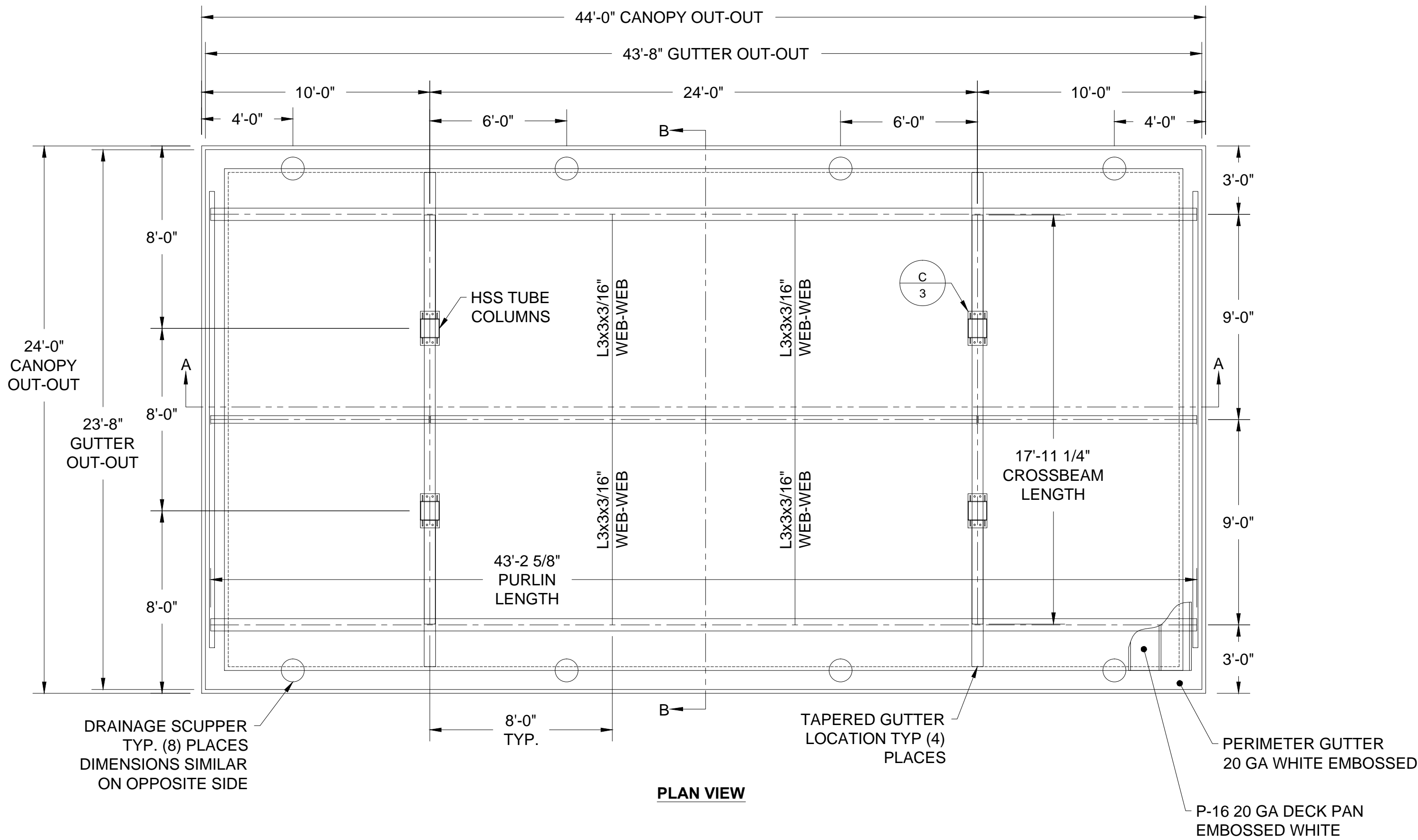
KEY:

C

3

DETAIL LETTER

SHEET



AUSTIN MOHAWK & CO., LLC.
2175 BEECHGROVE PLACE
UTICA, NY 13501
PHONE: 315.793.3000
TOLL FREE: 1.800.765.3110
FAX: 315.793.9370
WEBSITE: www.austinmohawk.com
E-MAIL: info@austinmohawk.com

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

JOB # -

QUOTE #
Q0190803

DRAWING #
19-056

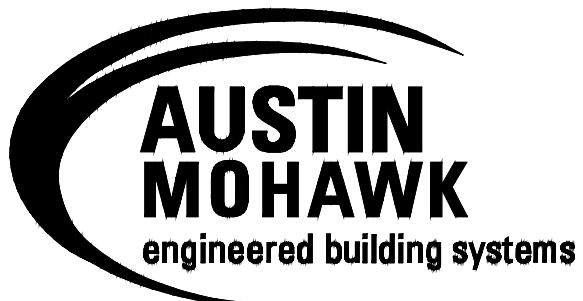
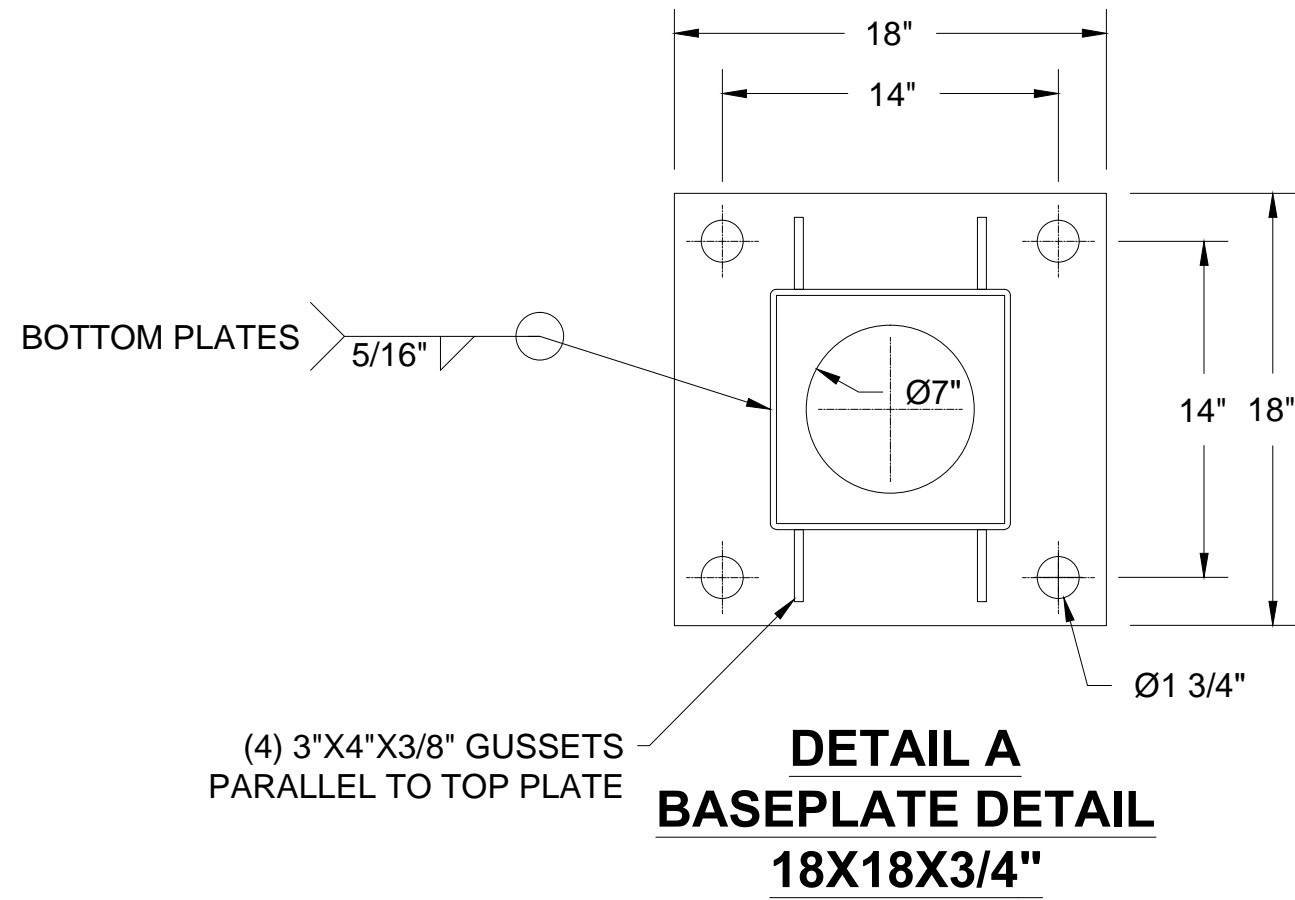
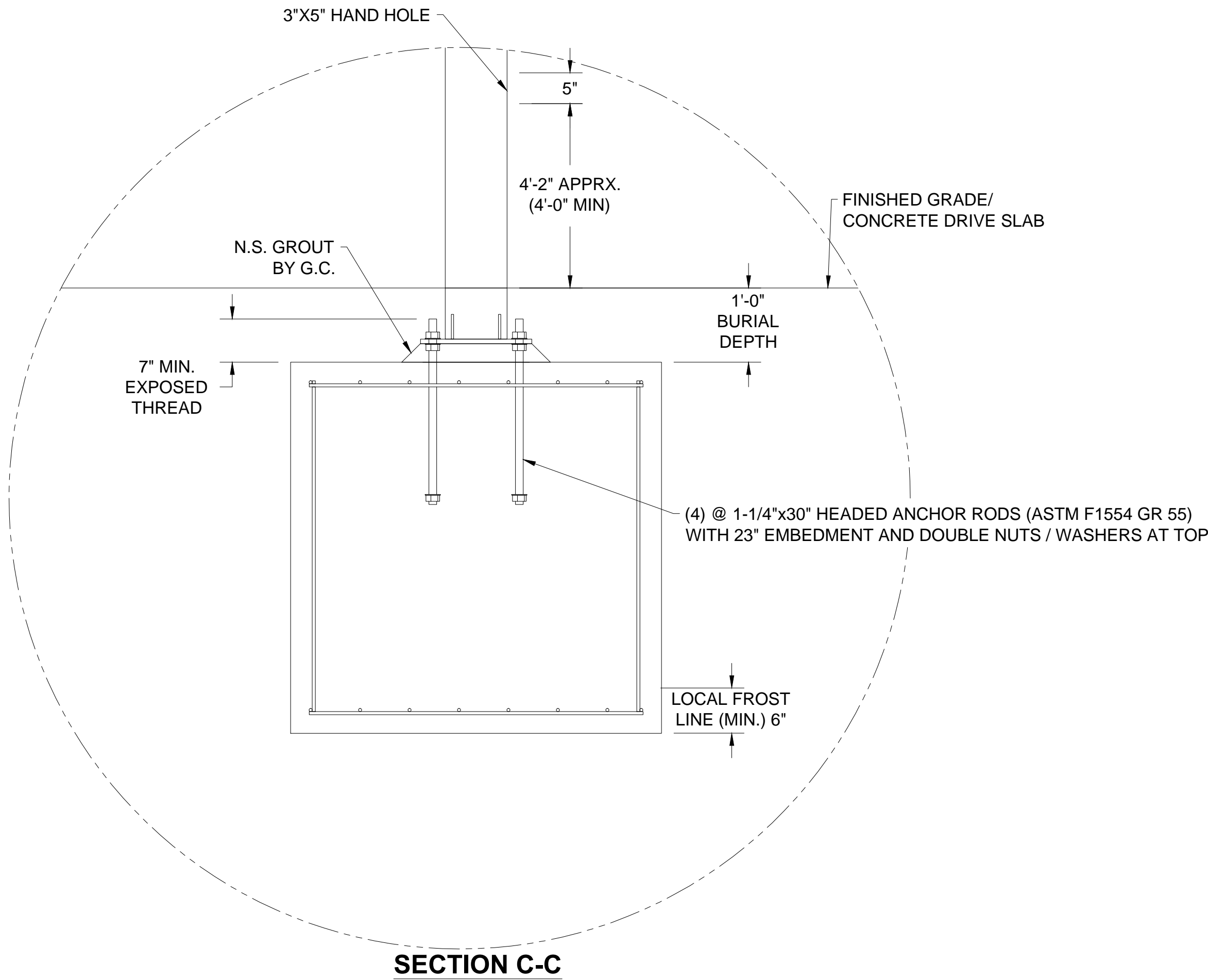
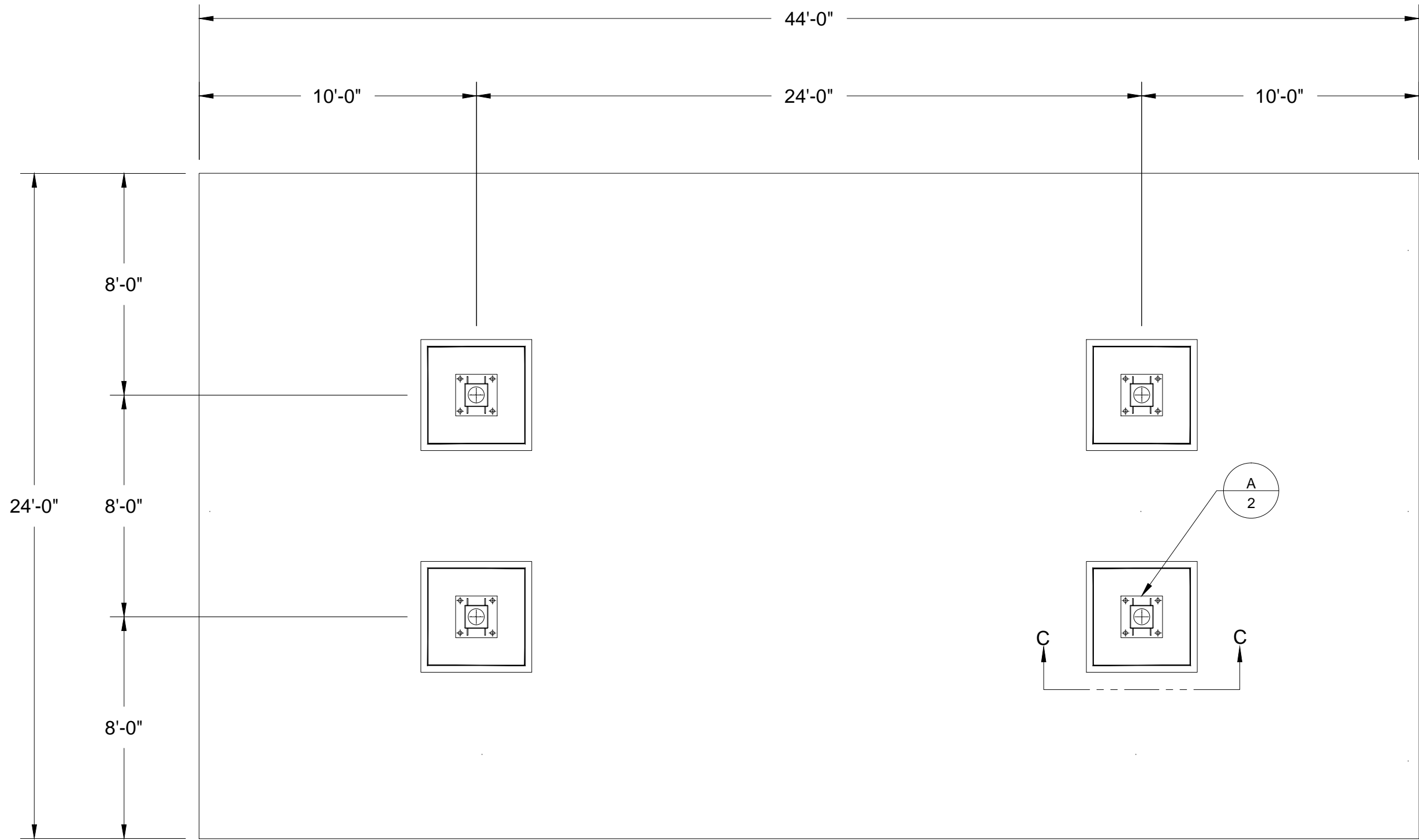
24'-0" X 44'-0" X 4 COLUMN CANOPY

CUSTOMER:
WILDCO

LOCATION: CAMBRIDGE, MA

SCALE: N.T.S. DRAWN BY: AJM

DATE: 11.11.19 SHEET: 1 OF 3



AUSTIN MOHAWK & CO., LLC.
2175 BEECHGROVE PLACE
UTICA, NY 13501
PHONE: 315.793.3000
TOLL FREE: 1.800.765.3110
FAX: 315.793.9370
WEBSITE: www.austinmohawk.com
E-MAIL: info@austinmohawk.com

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

JOB # -

QUOTE #
Q0190803

DRAWING #
19-056

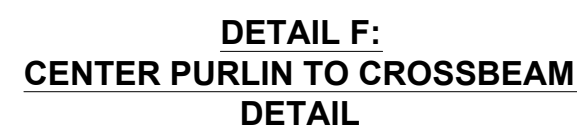
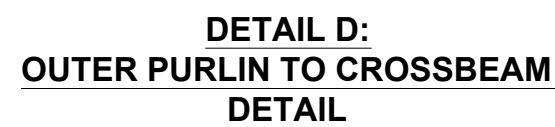
24'-0" X 44'-0" X 4 COLUMN CANOPY

CUSTOMER:
WILDCO

LOCATION: CAMBRIDGE, MA

SCALE: N.T.S. DRAWN BY: AJM

DATE: 11.11.19 SHEET: 2 OF 3



JOB # -

DRAWING #
19-056

CUSTOMER:

LOCATION: CAMBRIDGE, MA

DRAWN BY: AJM

SHEET: 3 OF 3

GENERAL NOTES:

1. BASIS OF BEARINGS: MASSACHUSETTS COORDINATE SYSTEM-NAD83
2. TOTAL LAND AREA = 21,222 Sq. Ft. 0.487 Acres
3. CITY OF CAMBRIDGE ASSESSORS I.D.: MAP 195 LOT 95
SITE ADDRESS: 2615 MASSACHUSETTS AVENUE, CAMBRIDGE, MA (MIDDLESEX COUNTY)
CURRENT OWNER OF RECORD: CHAMPLAIN OIL COMPANY, INC.
DEED REFERENCE: BOOK 1806, PAGE 891
4. NO EVIDENCE WAS OBSERVED OF CEMETERIES, GRAVESITES OR BURIAL GROUNDS, LOCATED ON THE SUBJECT PREMISES. NO OBSERVABLE EVIDENCE OF SITE USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
5. TABLE A (ITEM 16): THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
6. TABLE A (ITEM 17): THERE ARE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, ACCORDING TO THE CITY OF CAMBRIDGE. THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
7. PROPERTY HAS DIRECT ACCESS TO MASSACHUSETTS AVENUE AND ALEWIFE BROOK PARKWAY, A PUBLIC WAY THROUGH ACCESS POINTS AS NOTED.
8. THIS PLAN IS THE RESULT OF AN ON-THE-GROUND SURVEY PERFORMED BY ODOONE SURVEY & MAPPING ON APRIL 21, 2020.
9. UTILITY NOTE: OBSERVED EVIDENCE OF UTILITIES HAS BEEN SHOWN PURSUANT TO SECTION 5 PARAGRAPH E (IV) OF THE ALTA/NSPS MINIMUM STANDARD DETAIL REQUIREMENTS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED.

SCHEDULE B-TITLE EXCEPTION NOTES

THE SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP TO DATE TITLE REPORT AND IS SUBJECT TO THE FACTS THEREOF.

SIGNIFICANT OBSERVATIONS

- A** WOOD FENCE EXTENDS OVER NORTHERLY PROPERTY LINE OF SURVEYED PROPERTY BY 4' FOR A LENGTH OF 55' AS SHOWN.
- B** BITUMINOUS CONCRETE PAVING EXTEND OVER PROPERTY LINE ON TO LANDS OF PARKWAY CONDOMINIUM BY 2.5' FOR A LENGTH OF 36' AS SHOWN.

ZONING INFORMATION:

LISTED BELOW ARE SETBACK, HEIGHT, AND FLOOR SPACE AREA RESTRICTIONS AS DISCLOSED BY APPLICABLE ZONING OR BUILDING CODES (AS REQUIRED UNDER TABLE A 6(a)(b) OF THE ALTA STANDARDS.

ZONING CLASSIFICATION: RESIDENCE B (RB) DISTRICT.
INFORMATION PROVIDED FROM CITY OF CAMBRIDGE ZONING CODE
POINT OF CONTACT: LIZ PADEN SENIOR PLANNER, CITY OF CAMBRIDGE 617-348-4647

SITE REQUIREMENTS	REQUIRED	MEASURED
MINIMUM LOT AREA	5,000 SQ. FT.	21,222
MINIMUM LOT FRONTAGE	50 FT.	296.60'
MAX. BUILDING COVERAGE	40%	10%
MINIMUM SETBACKS: FRONT	15 FT.	71.8 FT.
SIDE	7.5 FT.	7.9 FT.
REAR	25 FT.	38.7 FT.
MAXIMUM BUILDING HEIGHT	35 FT.	14.2 FT.

PARKING REQUIREMENT: NONE

ZONING INFORMATION PROVIDED MKASSOCIATES, INC.

PARKING TABULATION:
TOTAL REGULAR SPACES: 0
TOTAL HANDICAPPED SPACES: 1
TOTAL PARKING SPACES : 1

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO.25017C0419E, WHICH BEARS AN EFFECTIVE DATE OF 08/04/2010 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

OSM

ODONE SURVEY & MAPPING

SURVEYING

MAPPING

PLANNING

291 Main Street, Suite 5
Northborough, MA 01532

Tel.: 508-351-6022
Fax: 508-351-6633

CONTACT: Glenn D. Odone, P.L.S.
email: glenn.odone@osm-pc.com

OSM PROJECT NO. 20201154

LEGEND OF SYMBOLS & ABBREVIATIONS

BK. PG.	DEED BOOK/PAGE		BUILDING
BIT. CONC.	BITUMINOUS CONCRETE		EASEMENT LINE
CONC.	CONCRETE SURFACE		LOCUS BOUNDARY LINE
CC	CONC. CURB		OVERHEAD ELECTRIC
EOP	EDGE OF PAVEMENT		
(F)	FOUND		BOLLARD
GC	GRANITE CURB		CATCH BASIN
GM	GAS METER		FIRE HYDRANT
N/F	NOW OR FORMERLY		LIGHT POLE
OHW	OVERHEAD WIRES		DRAIN MANHOLE
R.O.W.	RIGHT-OF-WAY		SEWER MANHOLE
TLP	TRAFFIC LIGHT POLE		SIGN
(S4'50"E)	RECORD DIMENSIONS		UTILITY POLE
REC.	RECORD		WATER GATE VALVE
(12)	NUMBER OF PARKING SPACES		IRON PIPE
A	ENCROACHMENT SYMBOL		HANDICAP PARKING
	PROPERTY LINE LEADERS		DRILLHOLE
			MONITORING WELL

VICINITY MAP
-NOT TO SCALE-

ALEWIFE BROOK PARKWAY (PUBLIC - VARIABLE WIDTH) PAVEMENT WIDTH=VARIABLE (RTE 16)

MASSACHUSETTS AVENUE (PUBLIC - VARIABLE WIDTH) PAVEMENT WIDTH=VARIABLE (RTE 3 & RTE 2A)

RECORD DESCRIPTION

TITLE DESCRIPTION - NOT PROVIDED

ALTA/NSPS LAND TITLE SURVEY

EXXONMOBIL

2615 MASSACHUSETTS AVENUE
CAMBRIDGE, MA

SURVEYOR'S CERTIFICATION

TO: COMMTANK AND MKASSOCIATES, INC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 13, 14, 16, 17 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 21, 2020.

GLENN D. ODOONE JR.
REGISTERED LAND SURVEYOR NO. 45068
COMMONWEALTH OF MASSACHUSETTS

DATE OF SURVEY: APRIL 30, 2020
DATE OF LAST REVISION: MAY 1, 2020

PROJECT NAME: EXXONMOBIL PROJECT NO.: 6741-20-1845:05TR
ADDRESS: 2615 MASSACHUSETTS AVENUE CITY: CAMBRIDGE STATE: MASSACHUSETTS

For Inquiries Concerning This Survey Contact MKA
National Coordinators of Land Survey Services

6593 Commerce Court - Warrenton, Virginia 20187
Phone: (540) 428-3550 Fax: (540) 428-3560
Email: comments@mkassociates.com
www.mkassociates.com

SHEET 1 OF 1

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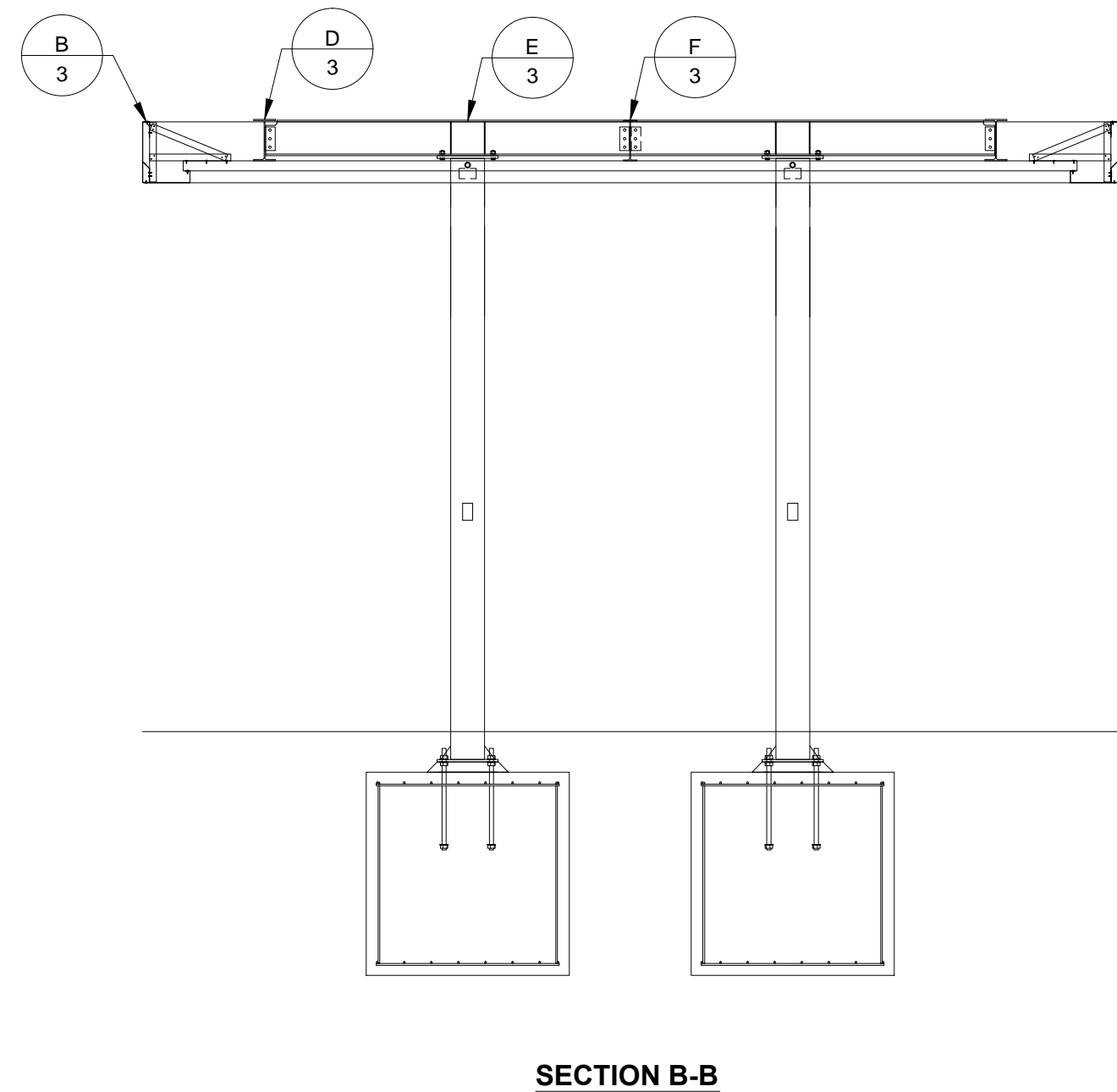
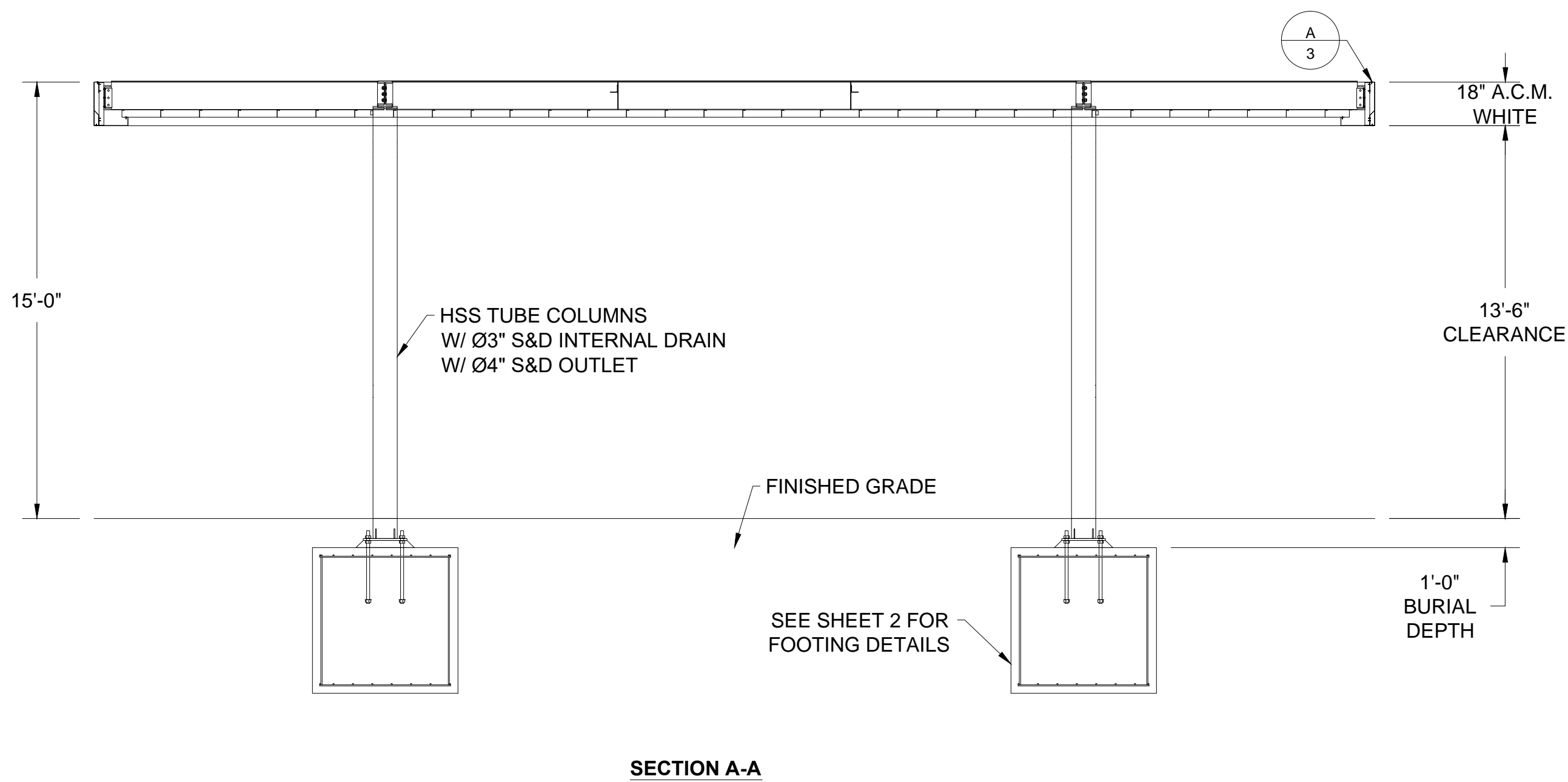
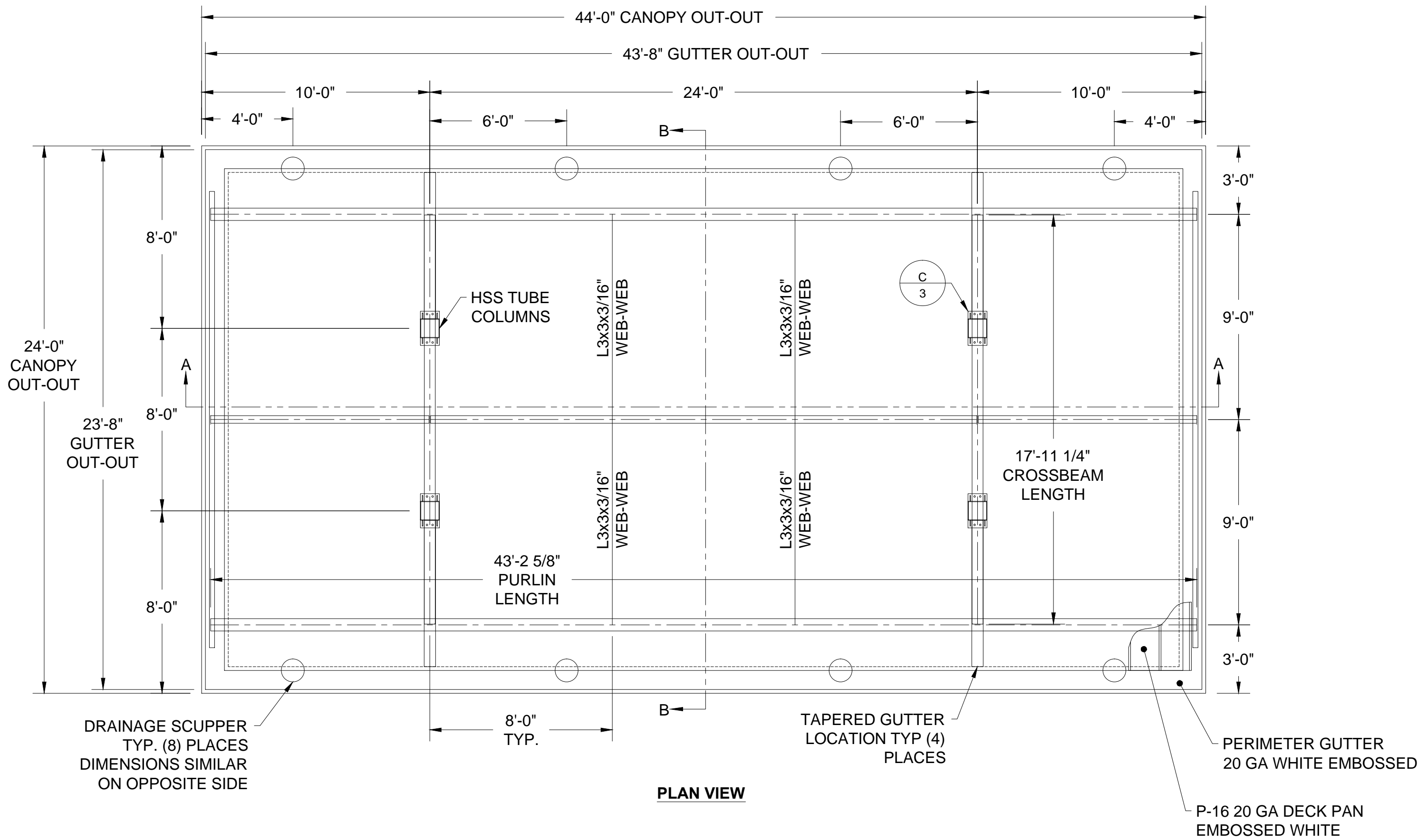
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3

DETAIL LETTER

SHEET



AUSTIN MOHAWK & CO., LLC.
2175 BEECHGROVE PLACE
UTICA, NY 13501
PHONE: 315.793.3000
TOLL FREE: 1.800.765.3110
FAX: 315.793.9370
WEBSITE: www.austinhohawk.com
E-MAIL: info@austinhohawk.com

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

JOB # -

QUOTE #
Q0190803

DRAWING #
19-056

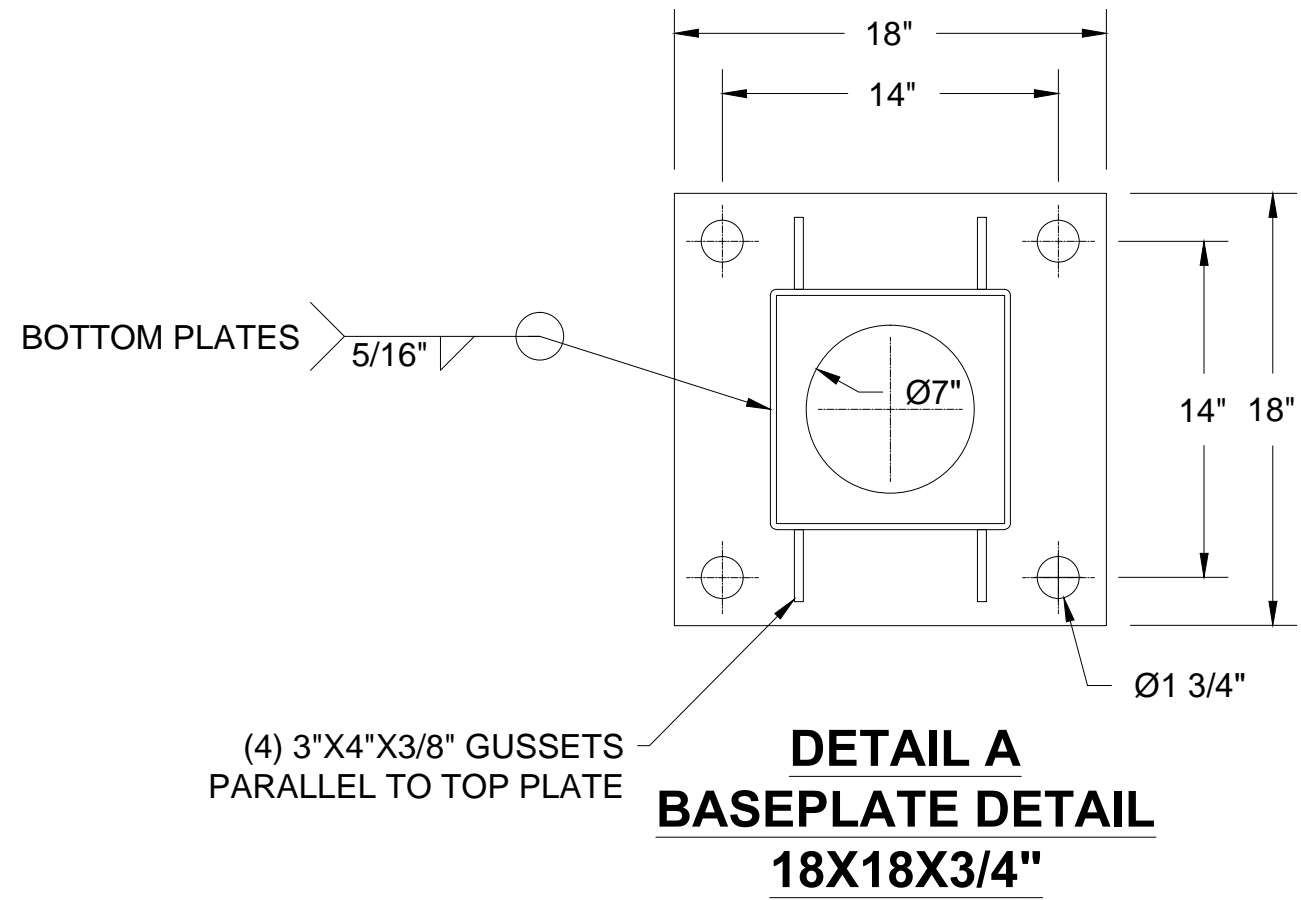
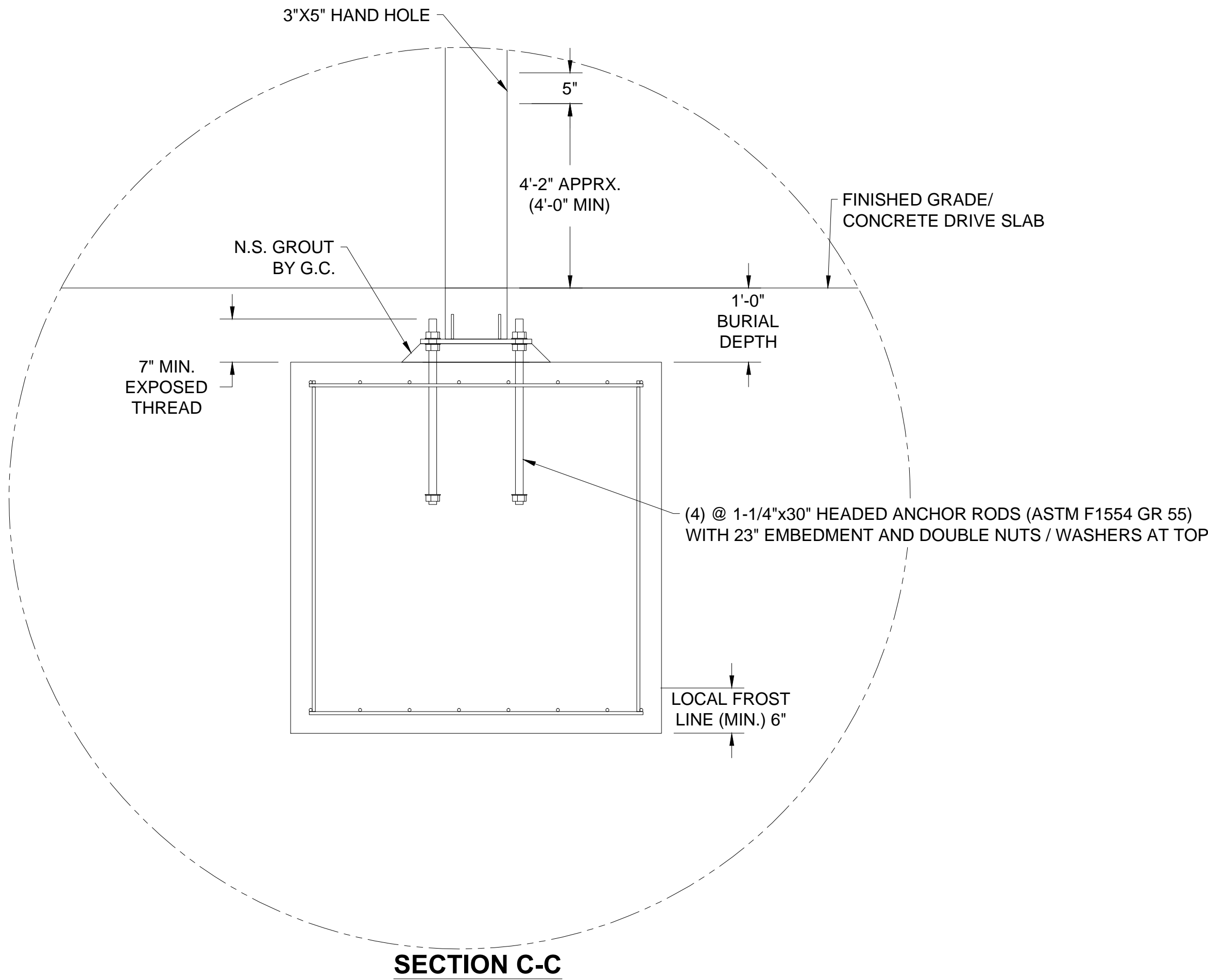
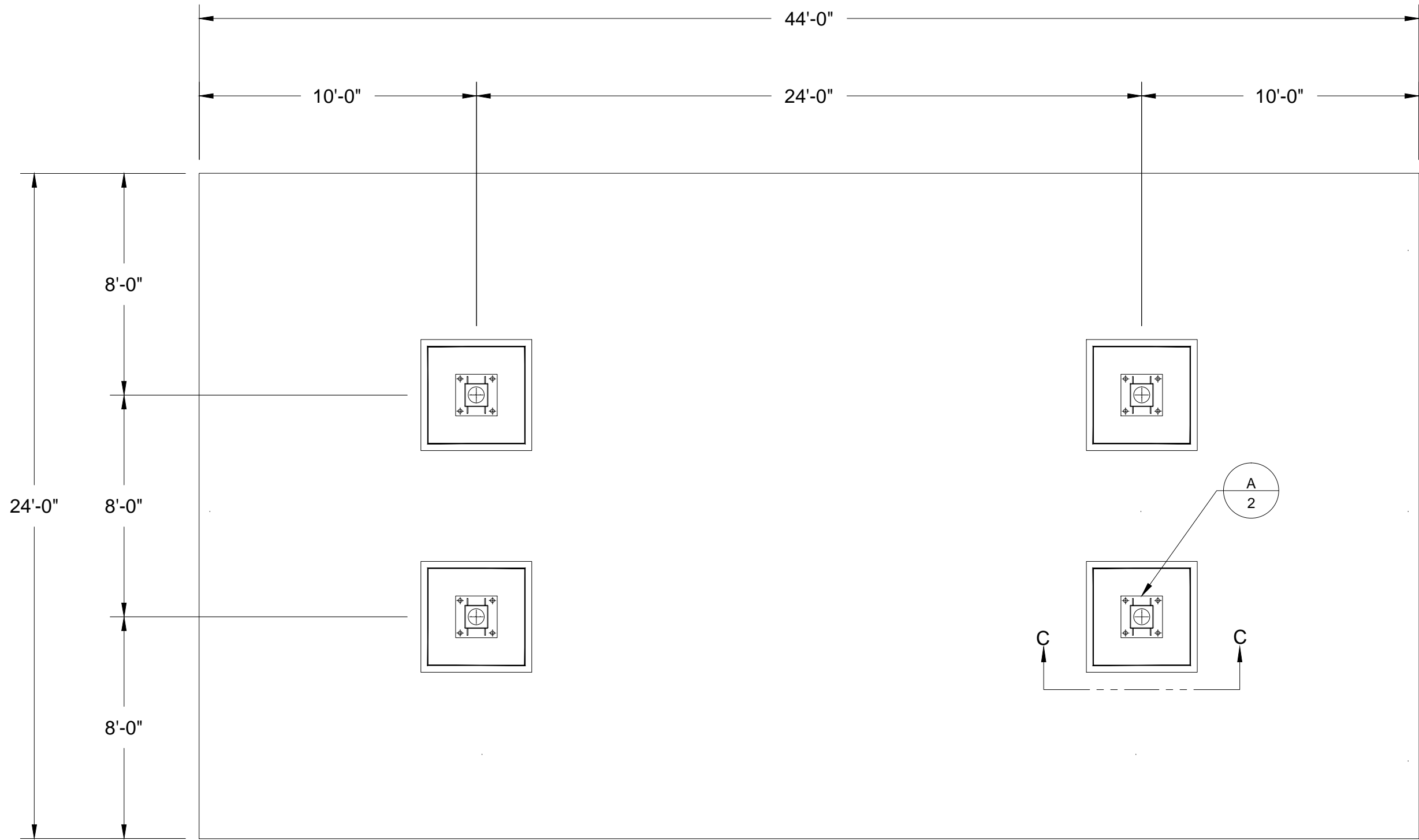
24'-0" X 44'-0" X 4 COLUMN CANOPY

CUSTOMER:
WILDCO

LOCATION: CAMBRIDGE, MA

SCALE: N.T.S. DRAWN BY: AJM

DATE: 11.11.19 SHEET: 1 OF 3



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2175 BEECHGROVE PLACE
UTICA, NY 13501
PHONE: 315.793.3000
TOLL FREE: 1.800.765.3110
FAX: 315.793.9370
WEBSITE: www.austinmohawk.com
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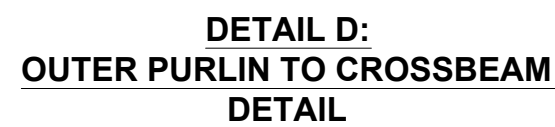
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LOCATION: CAMBRIDGE, MA

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DATE: 11.11.19 SHEET: 2 OF 3



JOB # -

DRAWING #
19-056

CUSTOMER:

LOCATION: CAMBRIDGE, MA

DRAWN BY: AJM

SHEET: 3 OF 3

2415 Mars Ave



2615 Mass Ave

Petitioner

186-99
NAPAKUN, SUVITYA & APILAJ NAPAKUN
12 DEER RUN RD.
LINCOLN, MA 01773

186-99
CASCAP REALTY, INC.
231 SOMERVILLE AVE
SOMERVILLE, MA 02143

2
REGNANTE STERIO LLP
C/O JESSE SCHOMER
401 EDGEWATER PLACE - SUITE 630
WAKEFIELD, MA 01880

186-99
MADDALONI, MARIA E.
2595 MASS AVE. UNIT#18
CAMBRIDGE, MA 02140

186-36
CALLANAN, CHARLES & SUSAN CALLANAN
8 GLADSTONE ST
CAMBRIDGE, MA 02140

186-90 /187-59/188-113
MASSACHUSETTS COMMONWEALTH OF
STATE HOUSE
BOSTON, MA 02133

186-99
CADOTTE, RICHARD E.
2591-2597 MASS. AVE., #1
CAMBRIDGE, MA 02140

186-99
RICE, ZACHARY L. & TERESA M. PILLARS
2595 MASSACHUSETTS AVE., #3
CAMBRIDGE, MA 02140

186-99
DE PAULO, VALDETE & DALBAS DUCLOS
2591-2597 MASS. AVE.
CAMBRIDGE, MA 02140

186-99
CAMBRIDGE AFFORDABLE HOUSING
CORPORATION
675 MASS. AVE., 2ND FLR
CAMBRIDGE, MA 02139-3306

186-92
LEVY, SARA B.
4 GLADSTONE ST
CAMBRIDGE, MA 02140

186-94
MAHONEY, KELLYANNE
26 FOCH ST
CAMBRIDGE, MA 02139

186-96
FIORENTINO, FRANK F. CPA TRUSTEE,
THE MOBIL NOM TRUST
607 NORTH AVE., SUITE 16
WAKEFIELD, MA 01880

186-99
BUCHNESS, PAUL
PO BOX 522
WEST SIMSBURY, CT 06092

186-99
BUCKLEY, PATRICIA A.
2595 MASS AVE. UNIT#12
CAMBRIDGE, MA 02140-1636

188-69
HARRIS, GREGORY A
2592 MASSACHUSETTS AVE #2
CAMBRIDGE, MA 02140

188-69
JOSHI, HANSA PINAKIN, TRUSTEE THE
MASSACHUSETTS AVE 2015 REALTY TRUST
2592 MASSACHUSETTS AVE., #3
CAMBRIDGE, MA 02140

188-112
TSALAH, MOSHE
2594 MASS AVE
CAMBRIDGE, MA 02139

186-35
MILI, OLGA, A LIFE ESTATE
10 GLADSTONE ST
CAMBRIDGE, MA 02140-1005

186-99
FRIMLEY PROPERTIES, LLC
73 WOODLAND ROAD
LONGMEADOW, MA 01106

186-99
CARROLL, THOMAS J & SHEILA M. KENNEDY
132 ROBINS RD
ARLINGTON, MA 02476

186-99
ROULEAU, DENIS
2595 MASS AVE - UNIT 13
CAMBRIDGE, MA 02140-1636

186-99
JAIN SACHIN H, TRS THE SACHIN H JAIN
NOMINEE REALTY, TR
2595 MASSACHUSETTS AVE UNIT 10
CAMBRIDGE, MA 02140

186-99
GARIMELLA, PARAMESWAR P. & NIRMALA V.
TRTEES OF GARIMELLA FAMILY 2017 REVOC
INTER VIVOS TRT
11 BROOKFORD ST
CAMBRIDGE, MA 02140

186-99
ZHAO, LING
80 HAWTHORN RD
BRAINTREE, MA 02184

186-50
BENZAN, JAVIER
28 FOCH ST., UNIT #1
CAMBRIDGE, MA 02140

188-69
JOSHI, JAMIE
2592 MASSACHUSETTS AVE UNIT 1
CAMBRIDGE, MA 02140

186-99
MILEWSKI, STEVEN C., TRUSTEE THE 2595
MASSACHUSETTS AVE UNIT 11 REALTY TR
35 ELM PLACE
WHITMAN, MA 02382

186-99
MIDDLETON, AMY B.
TR. OF THE AMENDED ABM TRUST
14428 ROYAL ST
GEORGE ATHENS, AL 35613

186-50
BENZAN, JAVIER L.
28 FOCH ST UNIT 1
CAMBRIDGE, MA 02140

Description of Relief Requested

The property that is the subject of this application is located at 2615 Massachusetts Avenue, at the corner of Massachusetts Avenue and Alewife Brook Parkway, in the Residence B zoning district. It is currently developed with a pre-existing nonconforming gas and service station, which has existed at the site for at least 60 years and is proposed to remain in its current form without any change to the use or building.

The applicant requests a finding pursuant to Section 6 of Chapter 40A of the Massachusetts General Laws authorizing the construction of two accessory canopy structures over the existing fuel pump islands on the basis of a finding that such construction would not constitute a change, extension, or alteration of the pre-existing, nonconforming use. In the alternative, if the Board determines that such construction would constitute a change, extension, or alteration of the pre-existing, nonconforming use, the applicant requests a finding that the proposed canopies would be not substantially more detrimental to the neighborhood than the existing condition of the site in accordance with M.G.L. c. 40A, § 6 and/or Sections 8.22 and/or 8.22.3 of the Cambridge Zoning Ordinance.

As shown on the attached plans and section views, the proposed canopies have been designed to comply with all dimensional requirements of Section 4.21 of the Cambridge Zoning Ordinance, namely: the canopies "shall not exceed fifteen (15) feet in height above the ground level" and "shall not be located nearer than ten (10) feet to the principal building or nearer than five (5) feet to any side or rear lot line or nearer to the front lot line than the minimum setback in the zoning district." The proposed canopies have been designed with as minimal a footprint as possible, so as to respect all applicable height and setback requirements. The canopies are open on all four sides and are supported only by four 7"-diameter columns, so it will not obstruct views through the site. With respect to height, it should be noted that the 15' height of the proposed canopies is significantly shorter than is customary for such installations, but the applicant has proposed this lesser height as an accommodation to neighbors. Additionally, the canopies have been designed with a slimline cover with a height of only 18", which further reduces the appearance of mass. No signage is proposed to be mounted to the canopies.

The purpose of the proposed canopies is to provide shielding from weather for motorists fueling their vehicles, and weather protection to the fuel pumps themselves, which today feature modern computerized equipment, for which protection from weather is absolutely necessary. The proposed canopies will also provide greater fire protection and added shielding for nearby residential properties from light pollution, which currently emanates from the site via unshielded lighting fixtures mounted to the existing fuel pump islands. In contrast to these existing unshielded "up lights", the proposed canopy lights would light downward from above, resulting in greater protection of residential neighbors.

In the case of *Powers v. Bldg. Inspector of Barnstable*, 363 Mass. 648, 653 (1973), the SJC articulated a three-pronged test for determining whether a proposed development relating to a pre-existing, nonconforming use would rise to the level of a change, extension, or alteration of such use:

- (1) Whether the use reflects the nature and purpose of the use prevailing when the zoning by-law took effect.
- (2) Whether there is a difference in the quality or character, as well as the degree, of use.
- (3) Whether the current use is 'different in kind in its effect on the neighborhood.'

Here, the proposed construction of two accessory canopy structures complying with all dimensional requirements of the Zoning Ordinance satisfies all three of these tests.

First, the proposed canopies would have no effect whatsoever on the nature and purpose of the use of the site, which would remain entirely unchanged. The site, including all existing buildings and structures would continue to be used for their present purpose. The proposed canopies would merely modernize the site, which currently lacks any form of weather protection for customers and electronic equipment, nor any shielding of the existing commercial lighting.

Second, the proposed canopies would not cause any difference in the quality, character, or degree of the existing use. As noted, the use of the site would remain completely unchanged.

Third, the use of the site with the proposed canopies would not be in any way different in kind in its effect on the neighborhood as compared to the existing use, which, as noted, would be completely unchanged. Indeed, the proposal would have an ameliorative effect on the neighborhood insofar as it meets all dimensional requirements and results in improved lighting conditions.

It is well-settled law that modifications to pre-existing, nonconforming uses intended to ensure that such use is "improved and made more efficient," are permitted as of right as long as the modifications are "ordinarily and reasonably adapted to the original use and do not constitute a change in the original nature and purpose of the undertaking." *Derby Ref. Co. v. City of Chelsea*, 407 Mass. 703, 714 (1990). In that case, the court held not only that the conversion of a gasoline storage facility to an asphalt storage facility did not constitute a change of use, but also that site upgrades (enabling the asphalt to be heated) were also permissible, particularly where, as here, there was evidence that neighborhood impacts would be ameliorated.

Similarly here, the proposed canopies are ordinarily and reasonably adapted to the existing use insofar as they have been minimized in size to accommodate only the existing fuel pumps, and there has been no proposal to expand the use of the site, such as by adding additional fuel pumps. Quite simply, advances in fuel pump technology have resulted in a need to provide weather protection to the sensitive computerized equipment that is now in use. These protections were not needed at the time when the unprotected fuel islands were originally constructed. The proposed canopies also provide ancillary benefits insofar as they protect customers from weather, provide added fire protection, and create better light protection for neighbors.

The proposed canopies – far from being a detriment to the neighborhood – would represent a vast improvement over the existing condition of the site by modernizing its appearance and providing additional screening of visual impacts for adjacent residential properties, while also improving safety conditions.

The applicant therefore requests a finding from the Board that the construction of the proposed accessory canopies would not constitute a change, extension, or alteration of the pre-existing, nonconforming gas station use, and on that basis authorizing the issuance of building permits for such work without need for further zoning relief. In the alternative, if the Board determines that such construction would constitute a change, extension, or alteration, the applicant requests a special permit and/or variance under Sections 8.22 and/or 8.22.3 of the Cambridge Zoning Ordinance on the basis that such construction would be not substantially more detrimental to the neighborhood than the existing condition of the site.



(PUBLIC - VARIABLE WIDTH)
PAVEMENT WIDTH=VARIABLE

BZA-103314



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2 Bds

BZA

POSTING NOTICE – PICK UP SHEET

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

Name: Joson Santos Date: 2/8/2021
(Print)

Address: 2615 Mass Ave

Case No. BZA-103314

Hearing Date: 2/25/21

Thank you,
Bza Members