



# CITY OF CAMBRIDGE

## BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

### BZA Application Form

**BZA Number: 127988**

### General Information

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

Special Permit: \_\_\_\_\_ Variance:   X   Appeal: \_\_\_\_\_

**PETITIONER:** Thomas A. Culotta and Mary Cusic C/O Sarah Like Rhatigan, Esq.

**PETITIONER'S ADDRESS:** Trilogy Law LLC, 12 Marshall Street, Boston, MA 02108

**LOCATION OF PROPERTY:** 26 Bellis Cir., Unit 26, Cambridge, MA

**TYPE OF OCCUPANCY:** Multi-family residential

**ZONING DISTRICT:** Residence B Zone

### **REASON FOR PETITION:**

/Additions/

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

Construct addition to the single-family structure that will increase Gross Floor Area for this pre-existing non-conforming structure and encroach into the rear yard setback requiring variance relief.

### **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)

Sarah Like Rhatigan, Esq., Attorney for Petitioners,  
Thomas Culotta and Mary Cusic

Address:

Trilogy Law LLC, 12 Marshall Street, Boston, MA 02108

Tel. No.

617-543-7009

E-Mail Address:

sarah@trilogylaw.com

Date:

6/25/21

## 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 Petitioner seeks relief from Article 5, Section 5.3 Dimensional Standards and specifically seeks relief on account of the increase in Gross Floor Area to allow for the construction of a two-story rear addition (containing 622 square feet of GFA) that will result in a modest increase in the Floor Area Ratio (FAR) to 0.43, which exceeds the allowable FAR for the District, as well as the location of the addition extending 4.85 ft. into the rear setback.

Constructed in 2005, the property is one of four, single-family style, condominium units located on a large (18,185 SF), irregularly shaped, lot. The condominium documents establish certain exclusive use parking areas and exclusive use yard areas. See Excerpts of the Master Deed for the Bellis Circle Condominium, 24, 25, 26, 27 Bellis Circle, Cambridge, Massachusetts, 02140, enclosed herewith.

Petitioners are the first unit owners to own this condominium unit constructed in 2005. At the time of their purchase, they had expected to be able to use the 701 SF basement level of the home for living and storage purposes. Water infiltration issues, however, have made the basement unsuitable for everyday use. With the need to provide a replacement for the basement living area and needs for an additional bedroom for their aging parents to move into, options for an expansion of this home are constrained. The inability to renovate and expand their home will cause financial and other hardship, requiring the petitioners whose family has resided here for 16 years, to move under very difficult market conditions in Cambridge.

- 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:

The hardships described herein are owing to the following unique circumstances:

Soil conditions/topography: The property is located in an area with wet conditions, such that the basement of the structure is sometimes infiltrated by water, despite being served by a sump pump.

The topography is such that the land drops off steeply at the rear, suggesting the yard was filled prior to construction. As a result, the basement level, which was sold to the petitioners as usable space, is limited in how it can be used for daily living.

Shape and size of the lot: The property is one unit of four single-family structures, located on a large (18,185 SF) lot in a Residential B district subject to FAR limitations under Section 5.31, footnote (j), limiting FAR for those portions of the lot that exceed 5,000 SF to 0.35, such that even a modest increase of 622 SF on an 18,185 SF lot and a FAR of 0.43 results in a violation of the maximum FAR for the lot. In addition, due to the lot exceeding 100 feet in depth, it is subject to the additional rear yard calculations under footnote (c) of Section 5.31). Although the unit is sited behind another unit and therefore does not have the benefit of a large front yard, it is penalized by the required additional rear yard setback under footnote (c), and thus even a modest addition to the rear of the structure results in a violation of the rear yard setback. Were it not for this penalty, the conditions requested here of a 25.9 feet rear setback would be a conforming condition. Additionally, the oddly, irregular, rear lot line requires that the rear addition be constructed at an angle so as to minimize intrusion into the rear setback.

Shape and configuration of structures on the lot: The petitioners have no other options of where to site an expansion or addition. They cannot build up. The existing structure is two stories and only

18.4 feet in height. However, an expansion to add a third floor is not an option due to structural loads, as well as the fact that any additional height would result in a zoning violation because it would increase the minimum required distance between buildings on the lot. They cannot build further to the left, front, or to the right of the structure, due to the setbacks, other structures, or the configuration of exclusive use parking areas, exclusive use yard areas established in the condominium documents.

**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 requested relief may be granted without detriment to the public good because the addition will be conforming as to the left side yard setback and only minimally intruding into the rear setback which abuts a deep culvert, wooded tree area, and Danehy Park beyond. Construction will be attractive and in keeping with the aesthetic and high quality of residential development in the neighborhood. The location is tucked behind the existing building.

There will be no impacts to the District in terms of street congestion or parking on account of the relief requested herein. In allowing this zoning relief, the Board will allow for the Petitioner to vastly improve the egress conditions for the front building, and allow for the preservation of open space on the property.

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

Consistent with the stated intent and purpose of the ordinance, as detailed in Section 1.30 of Article 1.000 Preamble of the Zoning ordinance as well as M.G.L Ch. 40A Zoning Section 10 Variances, the proposed project will:

Create quality housing with valued open space for the benefit of the Petitioner, abutters, and successor owners.

Not result in use or activity not otherwise permitted in the ordinance.

Not result in negative impacts listed in Section 1.3 regarding traffic, population density, blight, and pollution.

**\*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:** Thomas A. Culotta and Mary Cusic**Present Use/Occupancy:** Multi-family residential**Location:** Trilogy Law LLC, 12 Marshall Street**Zone:** Residence B Zone**Phone:** 617-543-7009**Requested Use/Occupancy:** Multi-family residential

	<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>	7,255 SF	7,877 SF	7,115 SF	(max.)
<b><u>LOT AREA:</u></b>	18,185 SF	18,185 SF	5,000 SF	(min.)
<b><u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u></b>	0.40	0.43	0.39 (0.50, 0.35 over 5,000 SF)	
<b><u>LOT AREA OF EACH DWELLING UNIT</u></b>	4,546 SF	4,546 SF	2,500 SF	
<b><u>SIZE OF LOT:</u></b>				
WIDTH	163 SF	163 SF	50 SF	
DEPTH	123 FT	123 FT	n/a	
<b><u>SETBACKS IN FEET:</u></b>				
FRONT	50.3 FT (to structure)	50.3 (to structure)	15 FT	
REAR	31.3 FT	25.9 FT	30.75 FT	
LEFT SIDE	14.1 FT	7.5 FT	7.5 FT/Sum 20 FT	
RIGHT SIDE	103.6 FT	103.6 FT	7.5 FT/Sum 20 FT	
<b><u>SIZE OF BUILDING:</u></b>				
HEIGHT	18.4 FT	18.4 FT	35.0 FT	
WIDTH	32.6 FT	36.6 FT	n/a	
<b><u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u></b>	0.52	0.48	0.40	
<b><u>NO. OF DWELLING UNITS:</u></b>	4	4	4	
<b><u>NO. OF PARKING SPACES:</u></b>	8	8	4 (min.)	
<b><u>NO. OF LOADING AREAS:</u></b>	0	0	0	
<b><u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u></b>	No change	No change	H+L/6	

Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.

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

**BZA Application Form**



**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 Thomas Culotta / Mary Cusic  
(OWNER)

Address: 26 Bellis Circle, Cambridge, MA

State that I/We own the property located at 26 Bellis Circle,  
which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Thomas A. Culotta and Mary Cusic

\*Pursuant to a deed of duly recorded in the date 10/13/2005, Middlesex South  
County Registry of Deeds at Book 46275, Page 237; or  
Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

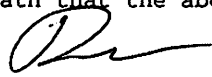


SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

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

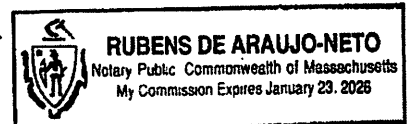
-----  
Commonwealth of Massachusetts, County of Middlesex

The above-name Thomas Culotta personally appeared before me,  
this 30<sup>th</sup> of March, 2021, and made oath that the above statement is true.



Notary

My commission expires 6/23/26 (Notary Seal).



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

**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 Thomas Culotta / Mary Cusic  
(OWNER)

Address: 26 Bellis Circle, Cambridge, MA

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which is the subject of this zoning application.

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Thomas A. Culotta and Mary Cusic

\*Pursuant to a deed of duly recorded in the date 10/13/2005, Middlesex South  
County Registry of Deeds at Book 46275, Page 237; or  
Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_

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

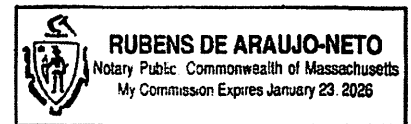
***\*Written evidence of Agent's standing to represent petitioner may be requested.***

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Commonwealth of Massachusetts, County of Middlesex

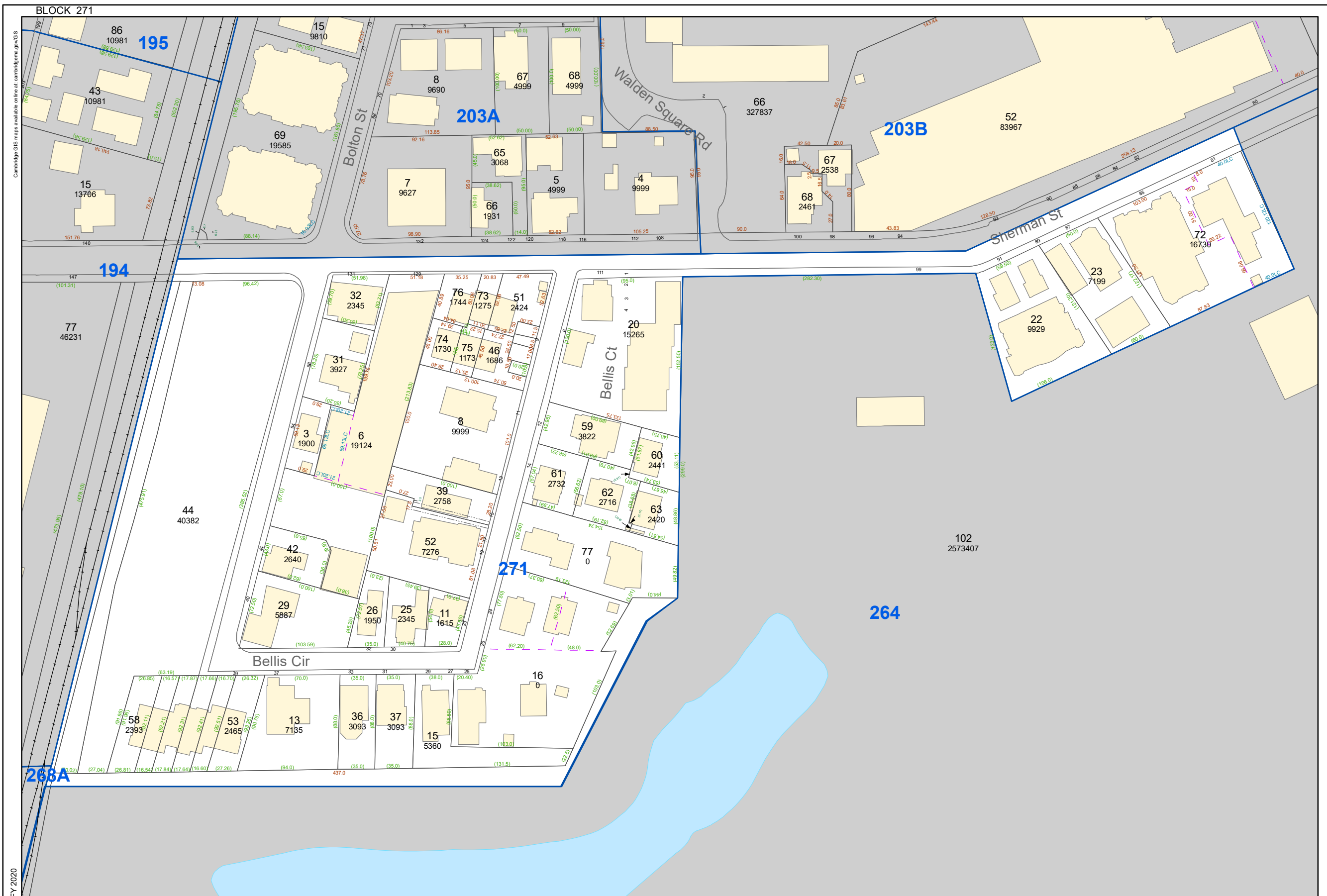
The above-name Mary Cusic personally appeared before me,  
this 30<sup>th</sup> of March, 2021, and made oath that the above statement is true.

  
\_\_\_\_\_  
Notary

My commission expires 01/23/26 (Notary Seal).

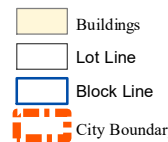






- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.



City of Cambridge  
Assessing Department

795 Massachusetts Ave.  
Cambridge, MA 02139



 Water  
 Sub-Parcel Line  
 Easement  
 Railway

10	Lot Number	100	Parcel size in Sq. Ft.
271	Block Number	44.0LC	Land Court Dimension
10	Street Number	65.0	Survey Dimensions
(125.0)	Deed Dimension		

**DISCLAIMER:**  
All Real Property shown on this map was compiled from existing Assessor's Tax Maps dated 1920 to 2019 and maintained by the City Assessor's Office and the Department of Public Works. Subsequent maintenance has been completed using the City of Cambridge Geographic Information System (GIS). Parcels have not been created from survey, and map is suitable for assessing purposes only.

The City of Cambridge assumes no legal responsibility for information shown on this map.



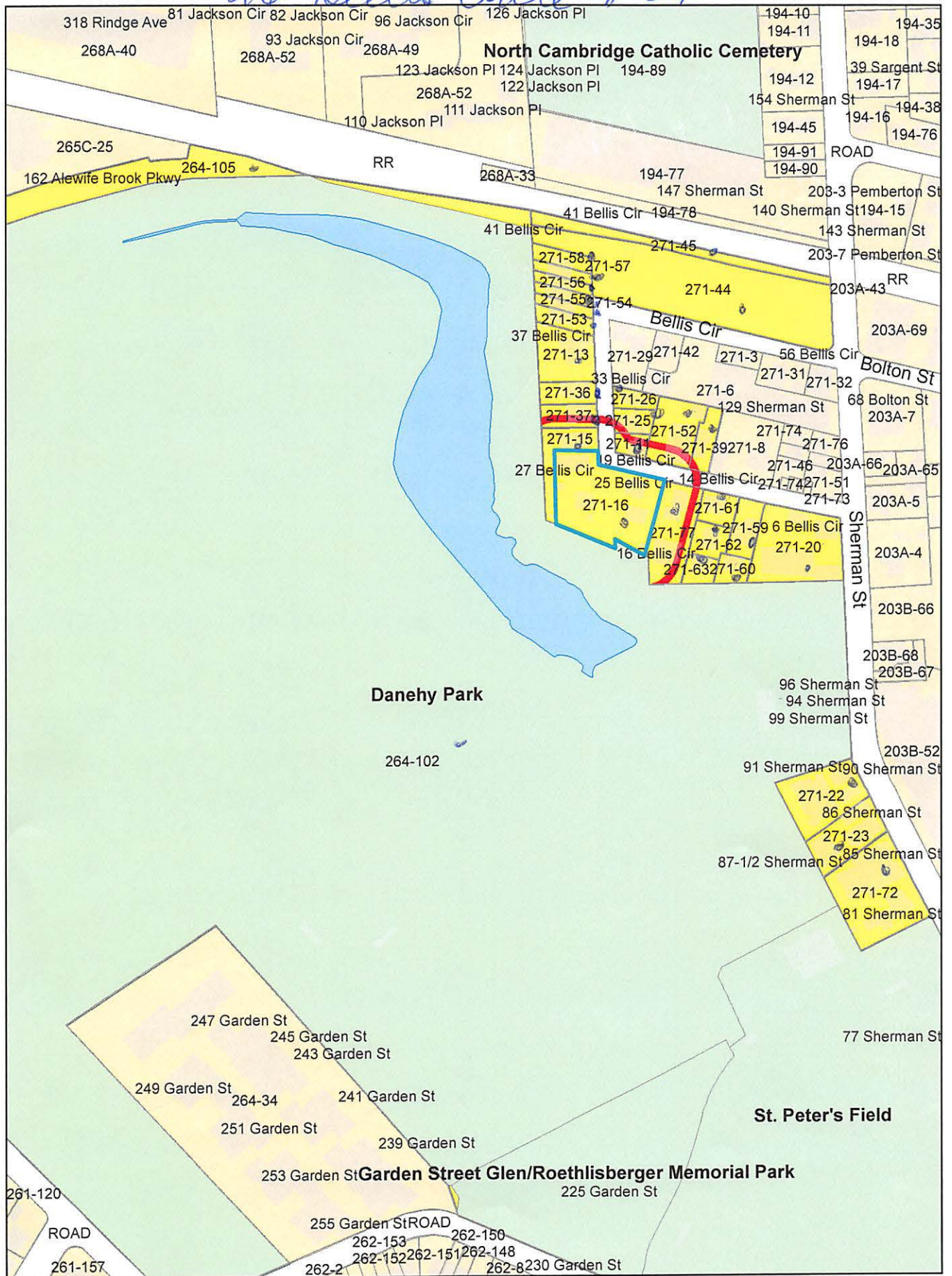
0 20 40 80 Feet  
1 inch = 90 feet



Parcel Block Map

271

26 Bellis Circle #26





26 Bellis Circle #26

193

*Relatives*

271-11  
MORIARTY, PATRICIA M.  
23 BELLIS CIR  
CAMBRIDGE, MA 02140

271-20  
KIM, JENNIFER Y. & LAWRENCE K. KIM  
1 BELLIS CT. UNIT A  
CAMBRIDGE, MA 02140

TRILOGY LAW LLC  
C/O SARAH L. RHATIGAN, ESQ.  
12 MARSHALL STREET  
BOSTON, MA 02108

271-20  
KERAMARIS, JOHN & NICHOLAS KERAMARIS  
111 SHERMAN ST., #F  
CAMBRIDGE, MA 02140

271-23  
LIEB, LAWRENCE B.  
87 SHERMAN ST., #87-2  
CAMBRIDGE, MA 02138

264-102  
CAMBRIDGE CITY OF PWD  
147 HAMPSHIRE ST  
CAMBRIDGE, MA 02139

271-23  
CALLAGHAN, ACHESON H.  
87 1/2 SHERMAN ST - UNIT #87 1/2-2  
CAMBRIDGE, MA 02138

271-39  
HARRIS, EUGENE N. & ESTHER K. HARRIS  
15 BELLIS CIR  
CAMBRIDGE, MA 02140

271-56  
MUELLER, FREDERICK W.  
39D BELLIS CIR  
CAMBRIDGE, MA 02140

271-57  
RUDD, CHRISTOPHER E.  
4026 AVENUE DE VENDOME  
MONTREAL, QC \_

271-62  
THOMAS, BARBARA & TIMOTHY WALL  
14B BELLIS CIRCLE  
CAMBRIDGE, MA 02140

271-63  
TITCOMB, TIMOTHY PAUL AND KITT SCHAFER  
14 C JOHN F. BELLIS CIR  
CAMBRIDGE, MA 02140

271-72  
BARRICELLI, LAURA C.  
85 SHERMAN ST., UNIT #85/2  
CAMBRIDGE, MA 02138

271-72  
NIXON, JEANNE M. K.  
85 SHERMAN ST, #3  
CAMBRIDGE, MA 02140

271-72  
KELLY, CAROL  
85 SHERMAN ST., UNIT #85/8  
CAMBRIDGE, MA 02138

271-15  
WYMAN, DUDLEY & NICOLE A. BARNA  
29 BELLIS CIR  
CAMBRIDGE, MA 02140

271-22  
TAI, JEANNE  
91 SHERMAN ST., UNIT #4  
CAMBRIDGE, MA 02140

271-23  
GARLAND, HAZEL I.  
87-89 SHERMAN ST., #87/1  
CAMBRIDGE, MA 02140

271-23  
PALLOTTA, CHRISTOPHER F.  
87 SHERMAN ST., #87-3  
CAMBRIDGE, MA 02138

271-37  
WILTON, LISA JAYNE  
31 J. F. BELLIS CIR.  
CAMBRIDGE, MA 02140-3207

271-54  
HUA, HAIYAN & YUHUA LI  
39B BELLIS CIR.  
CAMBRIDGE, MA 02140

271-58  
OLKEN, DEBORAH  
39 JOHN F. BELLIS CIRCLE  
CAMBRIDGE, MA 02140

271-22  
LI, XIANJING  
91 SHERMAN ST., #2  
CAMBRIDGE, MA 02140

271-22  
HARRISON, THOMAS F. &  
MARY SUSAN HARRISON  
91 SHERMAN ST., UNIT #6  
CAMBRIDGE, MA 02140

271-23  
LANGE, NANCY J., TRUSTEE OF REVOCABLE  
LIVING TRUST NANCY J. LANGE  
87 SHERMAN ST., UNIT #87 1/2-1  
CAMBRIDGE, MA 02138

271-26  
LADD, MARIBETH & BARRY MURPHY  
32 BELLIS CIRCLE  
CAMBRIDGE, MA 02140

271-52  
VISE, DAVID  
19 BELLIS CIR  
CAMBRIDGE, MA 02140

271-53  
GIRALDI, WILLIAM M. & KATIE GIRALDI  
39A BELLIS CIR  
CAMBRIDGE, MA 02140

271-13  
BERRY, ROGER S. & SONIA PEREZ VILLANUEVA  
35 BELLIS CIR  
CAMBRIDGE, MA 02140

271-20  
ROWLANDS, DAVID JOHN &  
MARIANNA PAPASPYRIDONOS  
2 BELLIS COURT  
CAMBRIDGE, MA 02140

271-20  
SUN, GERALD & TING FENG  
111 SHERMAN STREET UNIT C  
CAMBRIDGE, MA 02138

271-20  
WEITZMAN, CATHERINE EZELL AND  
ARTHUR J. WEITZMAN  
4 JOHN F. BELLIS CT  
CAMBRIDGE, MA 02140

271-22  
HACKEL, JENNIFER M. & RICHARD E. HACKEL  
91 SHERMAN ST., #7  
CAMBRIDGE, MA 02140

271-23  
LUCAS, JUAN CESAR SANCHEZ & EVA MARIA  
FERRERAS RODRIGUEZ  
87-89 SHERMAN ST UNIT #89  
CAMBRIDGE, MA 02138

271-44  
CAMBRIDGE MONTESSORI SCHOOL. INC  
161 GARDEN ST  
CAMBRIDGE, MA 02138

271-45  
MASSACHUSETTS BAY TRANSPORTATION  
AUTHORITY  
10 PARK PLAZA  
BOSTON, MA 02116

271-60  
KING, CAROLYN B.  
14 D BELLIS CIRCLE  
CAMBRIDGE, MA 02138

271-72  
BORDONE, ROBERT C.  
81 SHERMAN ST., #81-1  
CAMBRIDGE, MA 02140

271-72  
WHELAN, DAVID & CATHERINE BOHN  
81 SHERMAN ST., UNIT #2  
CAMBRIDGE, MA 02140

271-72  
TWEED, AMANDA J.  
85 SHERMAN ST 85/4  
CAMBRIDGE, MA 02140

271-72  
ORMOND, CATHERINE,  
TR. OF THE CATHERINE ORMOND LIV TR  
85 SHERMAN ST., #5  
CAMBRIDGE, MA 02138

271-72  
SONG, KYUNG I.  
85 SHERMAN ST., UNIT #9  
CAMBRIDGE, MA 02140

271-72  
BYRNE, SUSAN A. & ROBERT M. WESTLAKE  
16 CRANBERRY RD  
KEENE, NH 03431

271-16  
CHILDS, KATHRYN L. & STUART A. KANE  
24 BELLIS CIRCLE UNIT #24  
CAMBRIDGE, MA 02140

271-16  
KERR, ADAM FORBES & LEAH KERR  
27 BELLIS CIR  
CAMBRIDGE, MA 02140

271-16  
CULOTTA, THOMAS A. & MARY CUSTIC  
26 BELLIS CIR  
CAMBRIDGE, MA 02140

264-105-102  
CITY OF CAMBRIDGE  
C/O NANCY GLOWA  
CITY SOLICITOR

264-105-102  
CITY OF CAMBRIDGE  
C/O LOUIS DEPASQUALE  
CITY MANAGER

271-77  
WU, SHUO & KUN HU  
18 BELLIS CIR  
CAMBRIDGE, MA 02140

271-22  
DRAZEN, BRADFORD,  
TRS THE CREESE CAMBRIDGE TRUST  
91 SHERMAN ST UNIT 5  
CAMBRIDGE, MA 02140

271-72  
HITT, JAMIE RUTH  
85 SHERMAN ST 85-7  
CAMBRIDGE, MA 02140

271-72  
ZEA NICOLAS VARGAS  
85 SHERMAN ST UNIT 11  
CAMBRIDGE, MA 02140

271-55  
GARCIA, GARRETT & SAMANTHA LIVINGSTON  
39C BELLIS CIR  
CAMBRIDGE, MA 02140

271-22  
KELLEY, BRITTA E. & KATHLEEN M. RIESING  
91 SHERMAN ST #1  
CAMBRIDGE, MA 02140

271-22  
RIGEL CAPITAL LLC  
1175 W BITTERS RD, STE 2203 78216  
SAN ANTONIO, TX 78229

271-72  
JUNG ERIC HOONEE  
85 SHERMAN STREET - UNIT 85-1  
CAMBRIDGE, MA 02140

271-77  
BIAL ERICA  
16 BELLIS CIR - UNIT 16  
CAMBRIDGE, MA 02140

271-36  
SIEGELL, MICHAEL LAKSHMI MUDUNURI  
33 BELLIS CIR  
CAMBRIDGE, MA 02140

271-22  
WANG, RUWEI & JEREMY P. MCNEES  
91 SHERMAN ST UNIT 3  
CAMBRIDGE, MA 02140

271-59  
MAHMOODABADI,  
SINA ZAREI HANIEH AKBARIROMANI  
12 BELLIS CIRCLE  
CAMBRIDGE, MA 02140

26 Bellis Circle #26

343

271-61  
BHARGAVA, ANKUR & AVANTI TILAK  
14A BELLIS CIRCLE  
CAMBRIDGE, MA 02140

271-25  
TOFIAS, LEVI J. ROSEMARY PARK  
30 BELLIS CIR  
CAMBRIDGE, MA 02140

271-20  
GILL, RICHARD J. & SUZAN E. WOLPOW  
111 SHERMAN ST UNIT E  
CAMBRIDGE, MA 02140

271-16  
BROWN, DAVID D. & LIBBY MCDONALD  
25 BELLIS CIRCLE. UNIT#25  
CAMBRIDGE, MA 02140

Michael Siegell, Ph.D.  
33 Bellis Circle  
Cambridge, MA 02140  
Michaelsiegell@yahoo.com  
Tel: 617 864-3997

To: Cambridge Zoning Board, et al  
Re: 26 Bellis Circle Variance Request  
April 8, 2021

Greetings,

I am writing to register our unequivocal and enthusiastic support for the building addition requested by Tom Culotta and Mary Custic, who have long resided at 26 Bellis Circle. We have been neighbors for many years and they have explained quite clearly to the neighborhood about their ideas for their project. We are in full support of their ideas. Their plan seems thoughtful, carefully conceived and completely in tune with the character and nature of our little street and our neighborhood.

We hope you agree with our support for this project and we fully expect that this modest proposal will not only enhance their home but will also enhance our neighborhood as a whole.

Please feel free to contact me with any questions regarding this project.

Michael Siegell, President  
Bellis Circle Neighborhood Association



# Letter of Opposition

August 11, 2021

Dear Cambridge Board of Zoning Appeal,

We are writing this letter to express our strongest opposition to Variance Application BZA-127988 at 26 Bellis Circle #26.

My name is Kun (Kate) Hu. My husband Shuo (Steven) Wu and I reside at 18 Bellis Cir #18, which is a direct abutter to the petitioners. We have been living here since 2015. The proposed addition of 622 SF is not a modest change. It increases the existing structure square footage by 42% and reduces setbacks to our property by 7 feet. The addition obstructs our views to Danehy Park, blocks sunshine to our yard, dining room, and master bedroom during the day, and intrudes on the privacy of our house. This proposal negatively impacts our quality of lives, and reduces property values of neighboring units. Please see attached photos for illustration.

Putting personal feelings aside, we are strongly opposing this variance application because it also lacks legal merits with the following reasons:

## **A) Hardship**

- The statute and the court have been very clear that personal circumstances should not be considered. Although we sympathize with the petitioners, adding additional bedrooms for parents to move in is not a valid reason for hardship.
- As a direct abutter with even lower land grade, there were no issues of water infiltration in our house since we moved here almost 6 years ago. The petitioners' basement is visibly dry and there is no sign of water damage from outside. We strongly dispute the petitioners' claim of water infiltration issues, and suspect that it was caused by lack of maintenance and repair. The proposed expansion does not resolve the water infiltration issue at all. The petitioners should instead make best efforts to repair the real problem for themselves and future owners.
- The petitioners purchased the new construction unit in 2005. They have been living in the house for 16 years. The house is worth well over \$1.5 million in today's booming housing market. Enforcing the ordinance does not cause any substantial hardship to the petitioners.

## **B) Unique Conditions**

- Soil conditions/topography: The wet condition for the property is not unique to the petitioners. Many other houses along Bellis Circle, including but not limited to 16 Bellis, 14C Bellis, and 14D Bellis, do have lower grades with closer distance to the nearby park, thus wetter conditions. These houses do not have any water infiltration problems and did

not seek variances to build additional structures. The claimed hardship of basement water infiltration problem is clearly not due to unique soil conditions or topography.

- Shape and size of the lot: The water infiltration hardship described above is not related to the shape and size of the lot. The proposal to increase 622 SF is a clear violation of the FAR requirement for the Residential B District. FAR calculation does not include basement spaces with less than 7 feet of ceiling height. Any issue with basement living conditions should not be compensated with additional FAR on the first or second floor.

### **C) Substantial Detriment**

- 1) Detriment to the public good: The proposed addition does not benefit abutters in any way. The addition is visible from the outside street and it is damaging the aesthetics of this well-established residential neighborhood. Construction in this tight space is extremely disruptive due to additional traffic, noise and pollution. Many neighbors on Bellis Circle are skeptical about the project, some are outright opposing it. The proposal is causing substantial detriment to the public good, with benefits only to the petitioners themselves.
- 2) Nullifying or Derogating from the intent of the ordinance: If the board accepts the disputed basement water infiltration issue as a hardship, it sets the wrong precedent to the public. In the future, any property owner with slightest wet basement condition could use it as an excuse to apply for additional FAR in a variance application. This is clearly nullifying from the intent of the ordinance.

According to the Cambridge Zoning Ordinance 10.30, a variance shall only be granted where all of the above three points are satisfied. Clearly, the petitioners did not satisfy any of the points. We believe the true motivation behind the petition is for personal and financial gain. The variance application is for personal reasons affecting only the current household, and it has nothing to do with hardship related to unique soil, land or structure conditions. This is a deeply flawed petition that should be rejected resoundingly. As a direct abutter with standing, we reserve full legal rights to challenge the variance in court.

Thanks a lot for your time reading the letter.

Sincerely,



Kun Kate Hu  
Shuo Steven Wu

18 Bellis Circle #18  
Cambridge, MA 02140

Current Satellite View



After their 2-story expansion plan







Current view taken from our home:



# 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: Gemma Culotta Date: 7/29/21  
(Print)

Address: 26 Bellis Circle #26

Case No. BZA-127958

Hearing Date: 8/19/21

Thank you,  
Bza Members

CITY OF CAMBRIDGE  
INSPECTIONAL SERVICES

2021 AUG 16 P 4:50

August 16, 2021

VIA EMAIL

Board of Zoning Appeal  
City of Cambridge  
831 Massachusetts Avenue  
Cambridge, MA 02139

Attn: Maria Pacheco, Zoning Administrator

Re: Board of Zoning Appeal Case No. BZA-127988-2021—Application for Variance  
for 26 Bellis Circle, Cambridge, MA


Dear Ms. Pacheco:

Enclosed here for filing are additional materials in support of the variance application for 26 Bellis Circle, including:

- 1) Proposed landscaping plan; and
- 2) Rendering (showing addition from rear/Danehy Park).

Thank you for your assistance.

Sincerely,



Sarah Like Rhatigan, Esq.

Enclosures

CC (via email): Mr. Thomas Culotta  
Ms. Mary Custic  
Mr. Grady Ragsdale

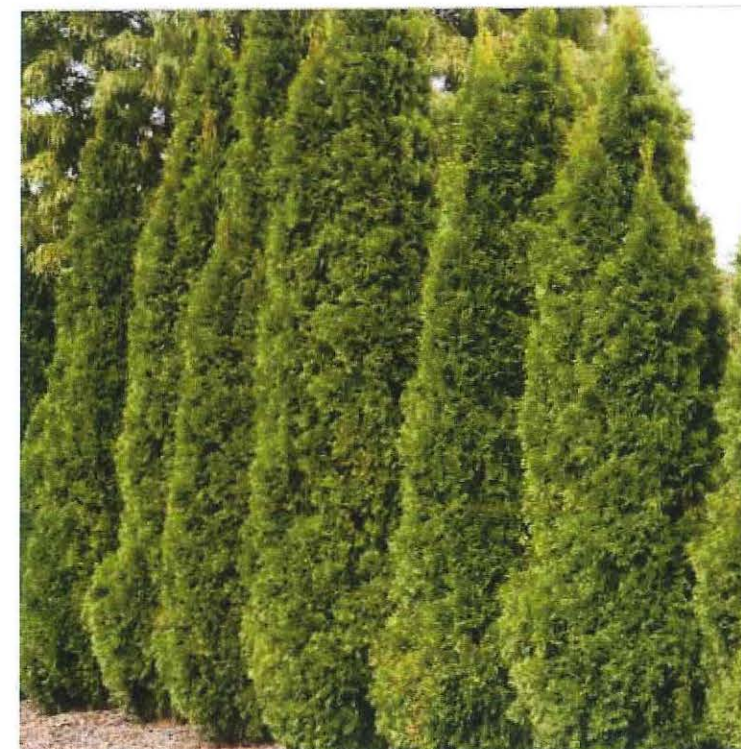
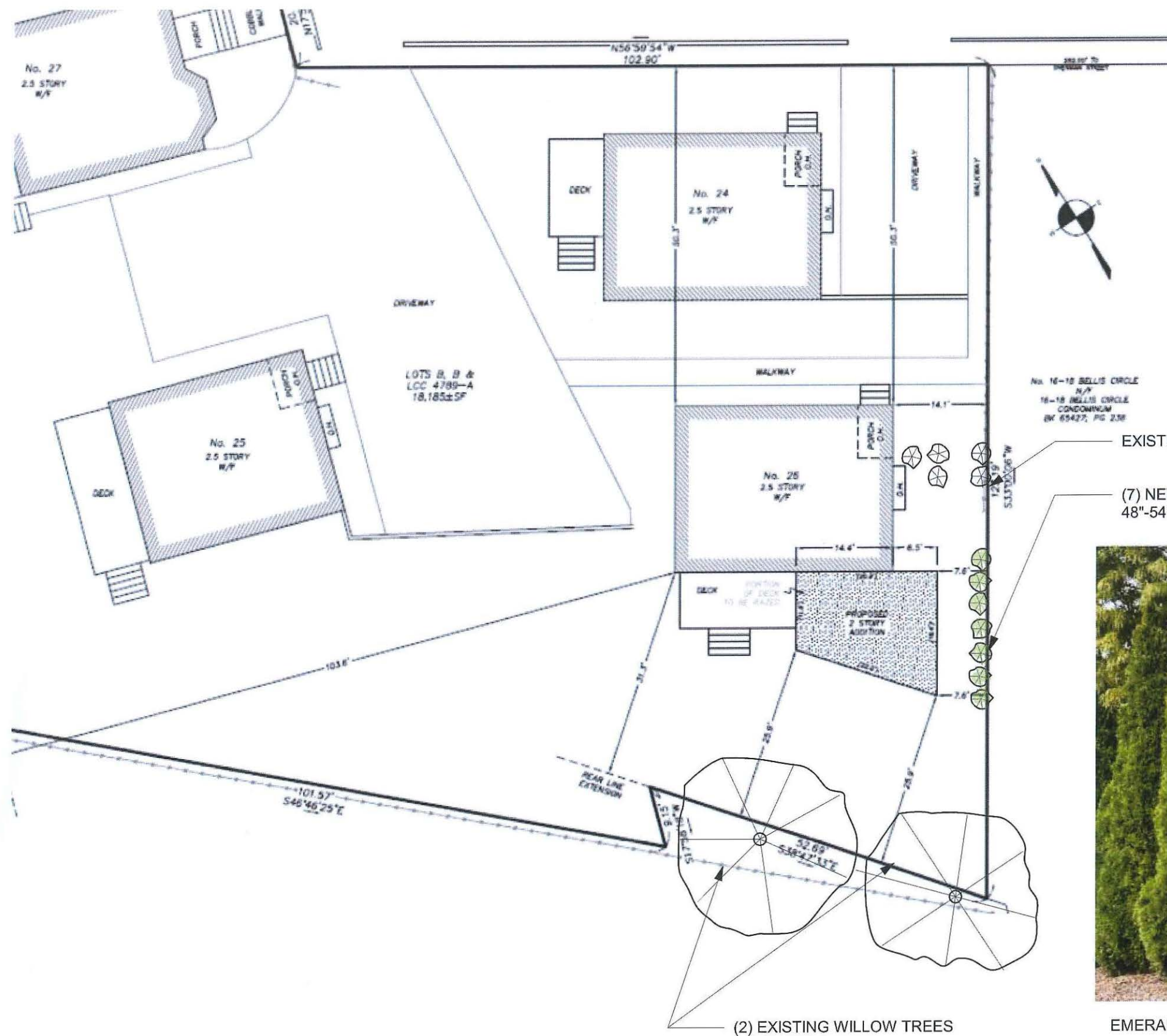












(2) EXISTING WILLOW TREES

EMERALD GREEN ARBORVITAE

## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

## Proposed Landscape

Tom Culotta & Mary Custic

Date  
08/16/2021

Scale

# L1.2

**Pacheco, Maria**

---

**From:** Barbara Thomas <barbarathomas2000@yahoo.com>  
**Sent:** Tuesday, August 17, 2021 4:33 PM  
**To:** Pacheco, Maria  
**Cc:** Timothy Wall  
**Subject:** Case No. BZA-127988 - August 19, 2021 at 6:15 pm  
**Attachments:** Case-No-BZA-127988- August192021.pdf

Dear Ms. Pacheco,

My husband, Timothy Wall and I are long time residents of Bellis Circle. We've lived at 14B Bellis Circle for 21 years. We wish to express our concerns about this proposed new construction to 26 Bellis Circle. Of paramount concern is flooding as a direct result of loss of groundwater absorption with each new addition to these condo properties.

Please see attached pdf for detailed descriptions and images.

Respectfully,  
Barbara Thomas and Timothy Wall  
14B Bellis Circle  
Cambridge, MA 02140  
617-460-3752 (Barbara Thomas)  
617-460-3751 (Timothy Wall)

We've lived here for 21 years and have seen a reduction in groundwater absorption. Flooding/high-water has been more frequent since the development of the adjacent condos (5-6 separate buildings with associated parking, decks, etc.). We have a shed sunk slightly below grade (to accommodate neighbors' view) but above the water table tested at the time, which now frequently fills with water.

The several properties at the edge of the park are already very soggy, and the area has had confirmed tests for West Nile disease.

We need assurances that some sort of drainage system/ large pump is put in place. What sort of civil engineering studies have been done about this flood zone?

The driveway of the condos abutting our property has already seen flooding even though there is a large pump in place. Water has nowhere to go.

The proposed development removes entirely our view on the park.

Respectfully,  
Barbara Thomas & Timothy Wall  
14B Bellis Circle  
Cambridge, MA 02140  
617-460-3752 (Barbara Thomas)  
617-460-3751 (Timothy Wall)

**Please see attached images:**





Please note that  
condo properties  
have paved driveway  
that is at a lower  
inclination than 14B  
property. There is  
also an underground  
sump pump in use.



14B Bellis Circle backyard in dry weather



Our backyard (14B Bellis Circle after heavy rains since construction of condos)





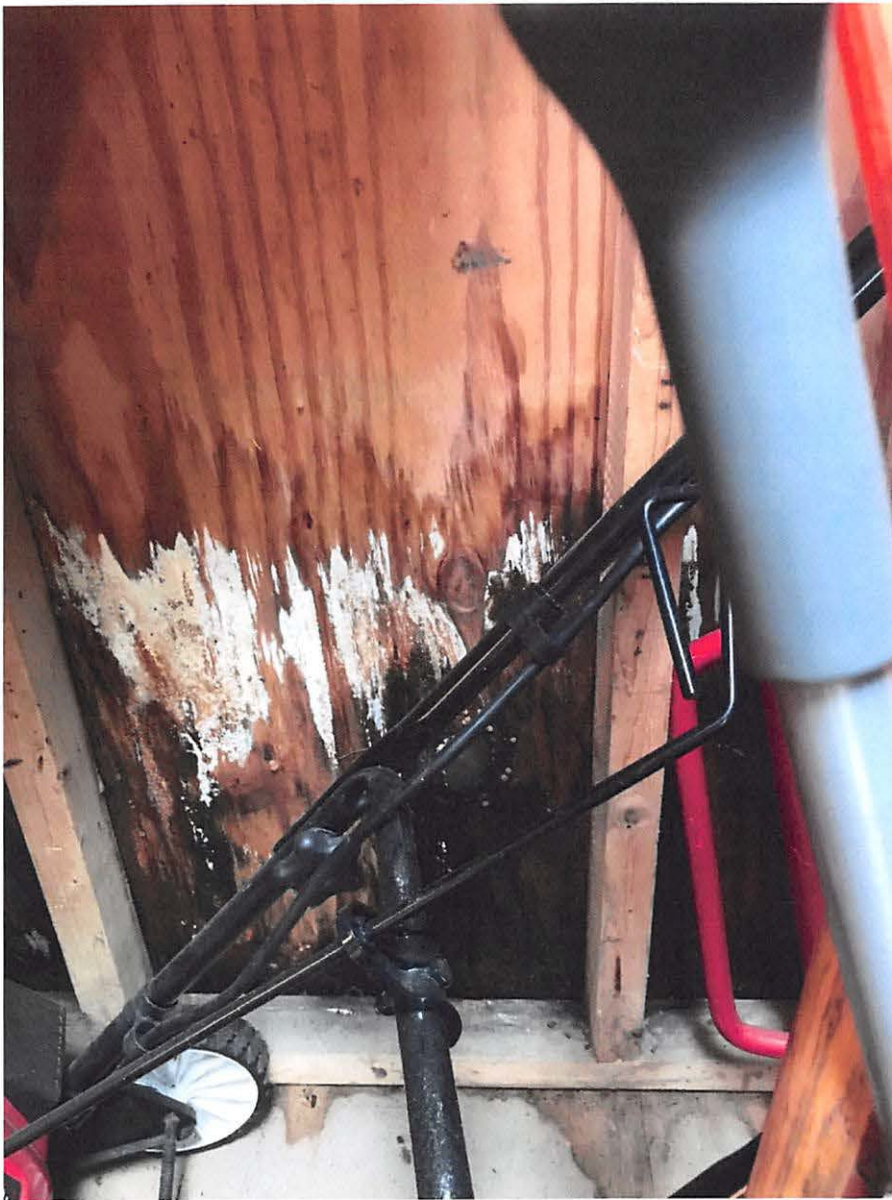


Stairwell to 14B Bellis Circle shed in dry conditions



Ponding of water in stairwell to shed since construction of condos

Water damage in interior of shed since construction of condos.





**Current view**



**Current  
proposal**



**Addition flipped  
E-W**



# Letter of Opposition #2

September 20, 2021

Dear Cambridge Board of Zoning Appeal,

We are writing this letter to continuously express our strongest opposition to Variance Application BZA-127988 at 26 Bellis Circle #26. We previously wrote a letter of opposition dated on August 11, 2021.

The petitioners took a continuance during the first public hearing on August 19, 2021. Since that date, the petitioners have not reached out to us. There were no efforts made to discuss or address our concerns. We are still strongly opposing this variance. We believe this is a deeply flawed petition that does not have any legal merits. As a direct abutter with standing, we reserve full legal rights to challenge the variance in court.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized combination of the names Kun Kate Hu and Shuo Steven Wu.

Kun Kate Hu  
Shuo Steven Wu

18 Bellis Circle #18  
Cambridge, MA 02140



# City of Cambridge

MASSACHUSETTS

## BOARD OF ZONING APPEAL

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

2021 AUG 20 AM 10:05

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-127988

Address: 26 Bellis Circle #26

☐ Owner, ☐ Petitioner, or ☒ Representative:

Sarah L. Phatigan, 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, until January 15,  
2022.

Date: August 20, 2021

[Signature]  
Signature

\* \* \* \* \*

(6:15 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Laura  
Wernick, Matina Williams and Jason  
Marshall

BRENDAN SULLIVAN: It being 6:15, I'll call the  
next case #127988 -- 26 Bellis Circle, #26.

SARAH RHATIGAN: Good evening Mr. Chairman. This  
is Sarah Rhatigan from Trilogy Law. Thank you very much,  
members of the Board for hearing this case. I'm here with  
my clients, Tom Culotta -- can you wave, Tom? And Mary  
Custic and our architect, Grady Ragsdale, is here as well.

Thanks very much for hearing us this evening.

BRENDAN SULLIVAN: Sarah, let me preface the  
discussion and making note that if this case or any case  
that's on our agenda tonight is to be continued for whatever  
reason, that the earliest we would be able to hear it with  
the current Board will be in January? One of the members  
have a conflict going forward from tonight until the end of  
December.

So if you want to be -- if should it be continued  
and you want to be heard by the same five members, then it

1 would have to be continued till January.

2 Or, it can be continued, but you would have to be  
3 heard by only four members. I'm sure you understand that  
4 then you would need a unanimous four votes, four out of  
5 four. So I mention that to you for you to consider that.

6 That being said, there is substantial objection to  
7 the proposal by two of the neighbors. You're aware of that?

8 SARAH RHATIGAN: Yes, sir. May I ask your  
9 indulgence for a two-minute break just to have a --

10 BRENDAN SULLIVAN: Sure, sure.

11 SARAH RHATIGAN: -- have a quick call with our  
12 clients and just so I can explain what you just described,  
13 and we can discuss our options, and we'll be right back to  
14 you?

15 BRENDAN SULLIVAN: Yeah, sure. Yep, that's fine.

16 SARAH RHATIGAN: Okay, great. Thank you very  
17 much. I'm just going to put myself on mute and turn my  
18 camera off, and we'll be right back to you.

19 [Pause]

20 SARAH RHATIGAN: Thanks for your patience, I  
21 really appreciate it. One thing I should have asked  
22 previously and I did not ask, if we were to request a

1 continuance for two weeks until your next hearing, do you  
2 then have a panel of Board members who would not have that  
3 scheduling issue? So that if the case were continued, they  
4 would have to continue until January to get the same five  
5 members available?

6 BRENDAN SULLIVAN: Yes.

7 SARAH RHATIGAN: That is correct?

8 BRENDAN SULLIVAN: Yes.

9 SARAH RHATIGAN: So?

10 BRENDAN SULLIVAN: Yes.

11 SARAH RHATIGAN: So we would like to request a  
12 continuance for two weeks.

13 BRENDAN SULLIVAN: Okay.

14 SARAH RHATIGAN: Until the September 2 hearing.

15 BRENDAN SULLIVAN: The earliest, Sarah, would be  
16 09/23/21. We're full for the second.

17 SARAH RHATIGAN: Okay. Let me just check. Grady,  
18 does 09/23 work for you? Yes? Tom and Mary? Sorry, I  
19 can't -- that's a thumbs up for Mary. Okay, yes. Thank  
20 you. Okay, yes. Thank you. September 23 would work for  
21 our team.

22 BRENDAN SULLIVAN: Let me make a motion, then, to

1 continue this matter as per the petitioner's request to  
2 September 23, 2021 at 6:00. [Continuing it at 6:00?] 6:00,  
3 on the condition that the petitioner sign a waiver of  
4 statutory requirement for a hearing and a decision to be  
5 rendered thereof.

6 That the posting sign should be changed to reflect  
7 the new date, September 23, and the time of 6:00 p.m., and  
8 that should there be any changes to the original submittals,  
9 that they be in the file on the Monday at 5:00 prior to the  
10 September 23 hearing.

11 Any other conditions by members of the Board?

12 [Pause]

13 BRENDAN SULLIVAN: No. One thing, Sarah, now that  
14 you are going to continue it, I did look at the solar study,  
15 and I'm not sure if I fully understood it and the effect.  
16 And I'm just wondering if perhaps you may resubmit the same  
17 one, if you could not maybe do a more enhanced one -- solar  
18 study on the effect on the adjoining properties.

19 SARAH RHATIGAN: Thank you. We'll take a look at  
20 that.

21 BRENDAN SULLIVAN: I'm glad one was submitted, but  
22 I think we could do a little bit more enhanced solar study

1 on it.

2 SARAH RHATIGAN: Okay. Thank you for the  
3 feedback.

4 BRENDAN SULLIVAN: All right. So then on the --  
5 and of course obviously outreach to -- and you can get  
6 copies of the letters if you haven't already had them from  
7 abutters who have some concerns about the project. On the  
8 motion, then, to continue this matter until September 23,  
9 Jim?

10 JIM MONTEVERDE: Jim Monteverde yes.

11 BRENDAN SULLIVAN: Matina?

12 MATINA WILLIAMS: Matina Williams yes.

13 BRENDAN SULLIVAN: Laura?

14 LAURA WERNICK: Laura Wernick yes.

15 BRENDAN SULLIVAN: Jason?

16 JASON MARSHALL: Jason Marshall yes.

17 BRENDAN SULLIVAN: And the Chair votes yes also.

18 [All vote YES]

19 The matter is continued until September 23. See  
20 you then.

21 SARAH RHATIGAN: Thank you.

22 BRENDAN SULLIVAN: We have five minutes before the

1 next case.

2 SARAH RHATIGAN: Mr. Chairman, point of order, may  
3 I just ask a quick question?

4 BRENDAN SULLIVAN: Yeah. Yep.

5 SARAH RHATIGAN: You mentioned at the top of the  
6 hour that the case at 6:45 has a continuance. I'm the  
7 attorney on that matter, and is there a need for me to stay  
8 on the call to be here for that discussion, or --

9 BRENDAN SULLIVAN: You don't have to be, Sarah.

10 SARAH RHATIGAN: Okay.

11 BRENDAN SULLIVAN: I'll just announce that we have  
12 a letter in the file anyhow. So that will be sufficient.

13 SARAH RHATIGAN: We do? Okay, great. Thanks so  
14 much.

15 BRENDAN SULLIVAN: The only thing is, you can call  
16 in tomorrow as far as a continuance what date. So --

17 SARAH RHATIGAN: Okay, sure. We did request a  
18 date, and it's pretty far in the future. I spoke to Ms.  
19 Pacheco, so if there are any issues, I'll --

20 BRENDAN SULLIVAN: I haven't seen the letter, but  
21 if that's in the letter, then we'll -- we can accommodate?  
22 Okay. We'll accommodate then.



1                   SARAH RHATIGAN: Okay, great. Thank you so much.

2       Have a great evening. Thanks.

3                   BRENDAN SULLIVAN: Okay, you too.

4                   SARAH RHATIGAN: Bye-bye.

5                   BRENDAN SULLIVAN: To the Board members, this may  
6       be a little bit of a stop/start tonight, but we will get  
7       through it, so.

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GROSS FLOOR AREA PER FLOOR: UNIT 26

EXISTING		PROPOSED	
BASEMENT -	701 SF	BASEMENT -	701 SF
FIRST FLOOR -	728 SF	FIRST FLOOR -	1039 SF
SECOND FLOOR -	760 SF	SECOND FLOOR -	1071 SF
TOTAL * -	1488 SF	TOTAL * -	2110 SF
* DOES NOT INCLUDE BASEMENT		* DOES NOT INCLUDE BASEMENT	

ZONING + SQUARE FOOTAGE ANALYSIS

Date:	10/20/2020 Rev 06/07/2021
Project:	26 Bellis Circle, Cambridge MA 02140
Parcel ID:	271-16-26
Property Type:	Condominium
Classification Code:	102
Zoning:	B
Map:	271-16-26
Lot Size (per assessor's database):	18,185 sf
Living Area (per assessor's database):	1,488 sf
Gross building Area (for FAR)	1,488 sf
Year Built:	2005
Referenced Zoning Article:	City of Cambridge Zoning Code

Zone B	Required	Existing Conditions	Proposed Conditions
Minimum Lot Size (sq ft)	5,000	18,185	no change
Minimum Lot Area for Each D.U. (sq ft)	2,500	4,395	no change
Minimum Lot Width (ft)	50	NA	no change
Floor Area Ratio Maximum	.50 / 1 <sup>st</sup> 5,000 sf : .35 remainder (2,500 +4,614=7,114 sf)	.50 / .36 (2,500+4,755=7255)*	.50 / .41 (2,500+5,377=7,877)*
Building Height Maximum (ft)	35	18.4	no change
Minimum Ratio of Private Open Space to Lot Area	40%	51.6%	48.3%
Front Yard minimum Depth (ft)	15	50.3	no change
Side Yard Minimum Width (ft)	7.5' (sum of 20)	14.1	7.5
Rear Yard Minimum depth (ft) See (c) below	25 + 5.75 = 30.75	31.3	25.9

\*Does not includes basements

(c) In no case may a building be nearer the rear lot line than twenty (20) feet in Residence C-2, C-2B, C-2A, C-3, C-3A, C-3B districts. In Residence C and C-1 districts, no building may be nearer the rear lot line than twenty (20) feet plus one additional foot of rear yard for each four feet that the depth of the lot exceeds 100 feet, up to a maximum of thirty (30) feet. In Residence A-1, A-2, and B districts, no building may be nearer the rear lot line than twenty-five (25) feet plus one additional foot of rear yard for each four feet that the depth of the lot exceeds one hundred (100) feet, up to a maximum of thirty-five (35) feet. For purposes of this Footnote C, the lot depth shall be that distance measured along a line perpendicular to the front lot line and extending to that point on the rear lot line most distant from the front lot line.

(j) Applicable to the first five thousand (5,000) square feet of lot area. For those portions of any lot exceeding five thousand (5,000) square feet, the applicable Maximum Ratio of Floor Area to Lot Area shall be 0.35 for all permitted residential uses and the Minimum Lot Area for Each Dwelling Unit shall be four thousand (4,000) square feet. However, for any lot in existence as of June 30, 1995 that is subsequently subdivided into two or more lots, the total amount of gross area and number of units on the subdivided lots, in total, shall at no time exceed that permitted by this footnote (j) on the lot before the subdivision occurred. Unless otherwise permitted by special permit from the Board of Zoning Appeal, the gross floor area and dwelling units permitted on each subdivided lot shall be in the same ratio as that lot's area is to the area of the unsubdivided lot. Nothing in this footnote (j) shall prohibit the subdivision of a Townhouse Development conforming at the time of its construction, as permitted in [Section 11.10](#).



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Culotta Residence  
26 Bellis Circle  
Cambridge, MA 02140

Zoning Notes

Tom Culotta & Mary Custic  
Date  
06/07/2021  
Scale

L1.0

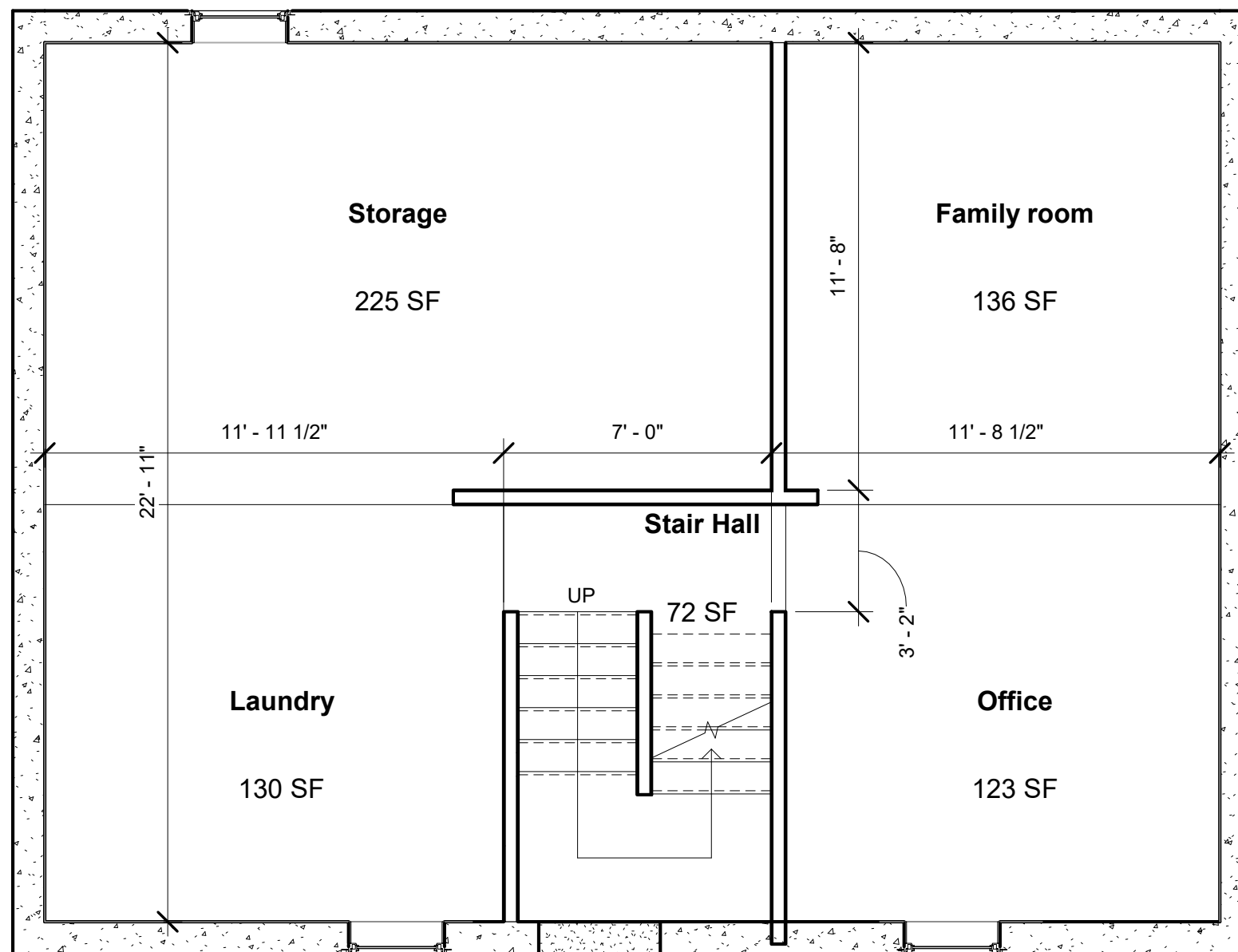
Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

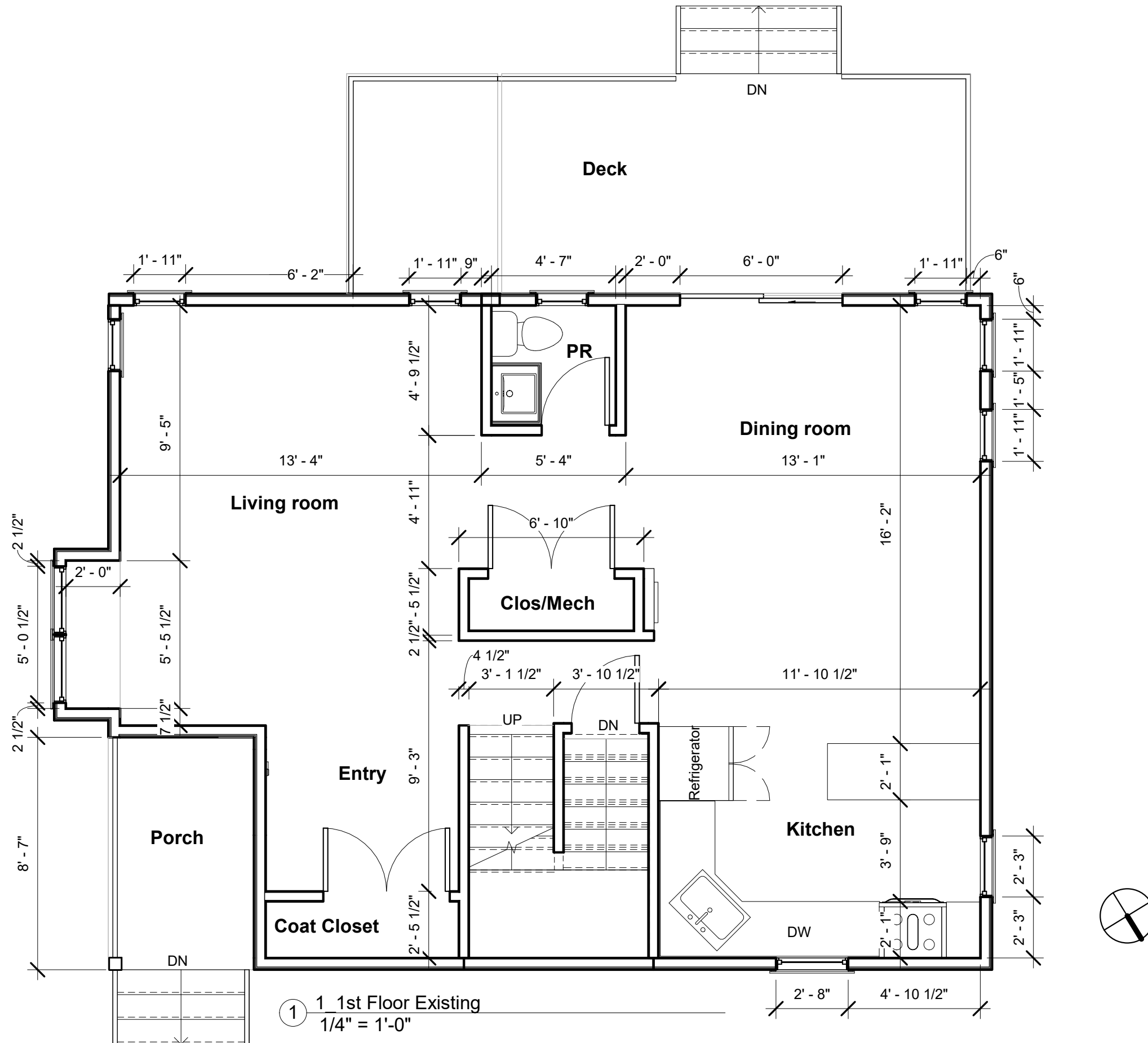
Existing Plans

Tom Culotta & Mary Custic  
Date  
05/17/2021  
Scale  
1/4" = 1'-0"

A0.B



① 0 Basement Existing  
1/4" = 1'-0"



## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

## Existing Plans

Tom Culotta & Mary Custic

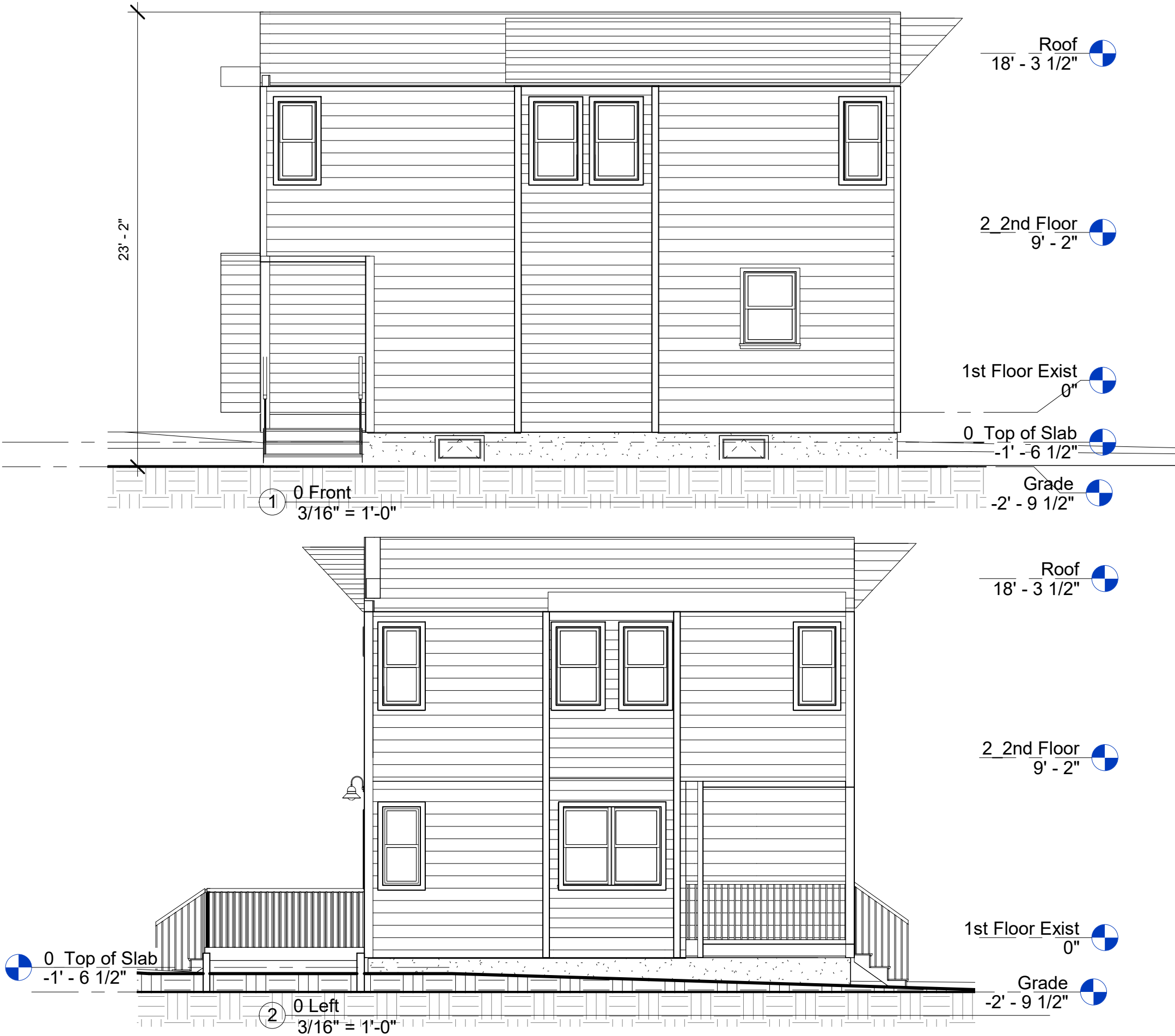
Date  
05/17/2021

Scale  
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## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

## Exterior Elevations

Tom Culotta & Mary Custic  
Date  
05/17/2021  
Scale  
3/16" = 1'-0"

# A0.4



## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

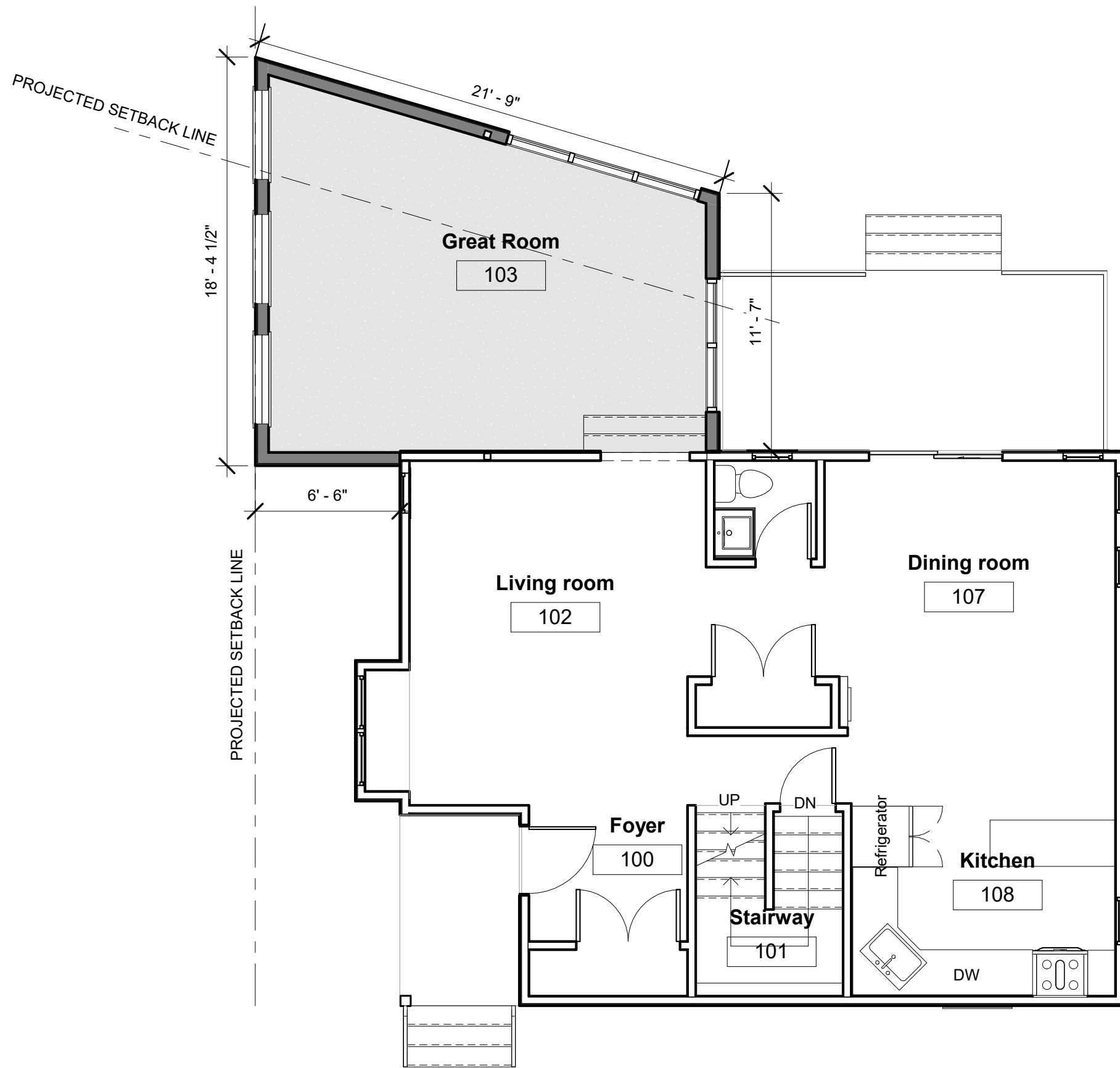
## Exterior Elevations

Tom Culotta & Mary Custic

Date  
05/17/2021

Scale  
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# A0.5



1 1a 1st Floor Full  
3/16" = 1'-0"

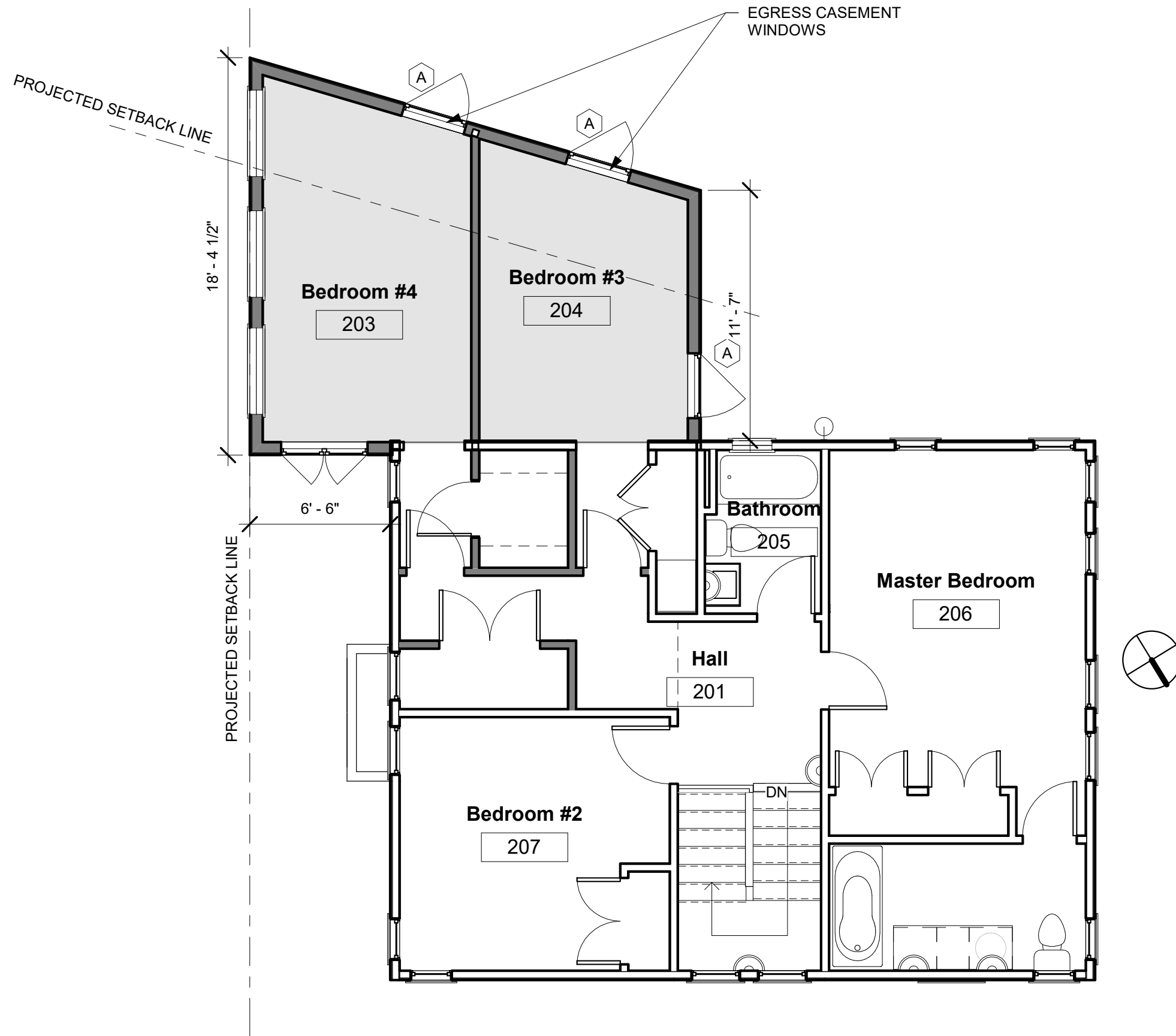
## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

## Proposed First Floor Plan

Tom Culotta & Mary Custic  
Date  
06/07/2021  
Scale  
3/16" = 1'-0"

# A2.01



1 2a 2nd Floor Full  
3/16" = 1'-0"

## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

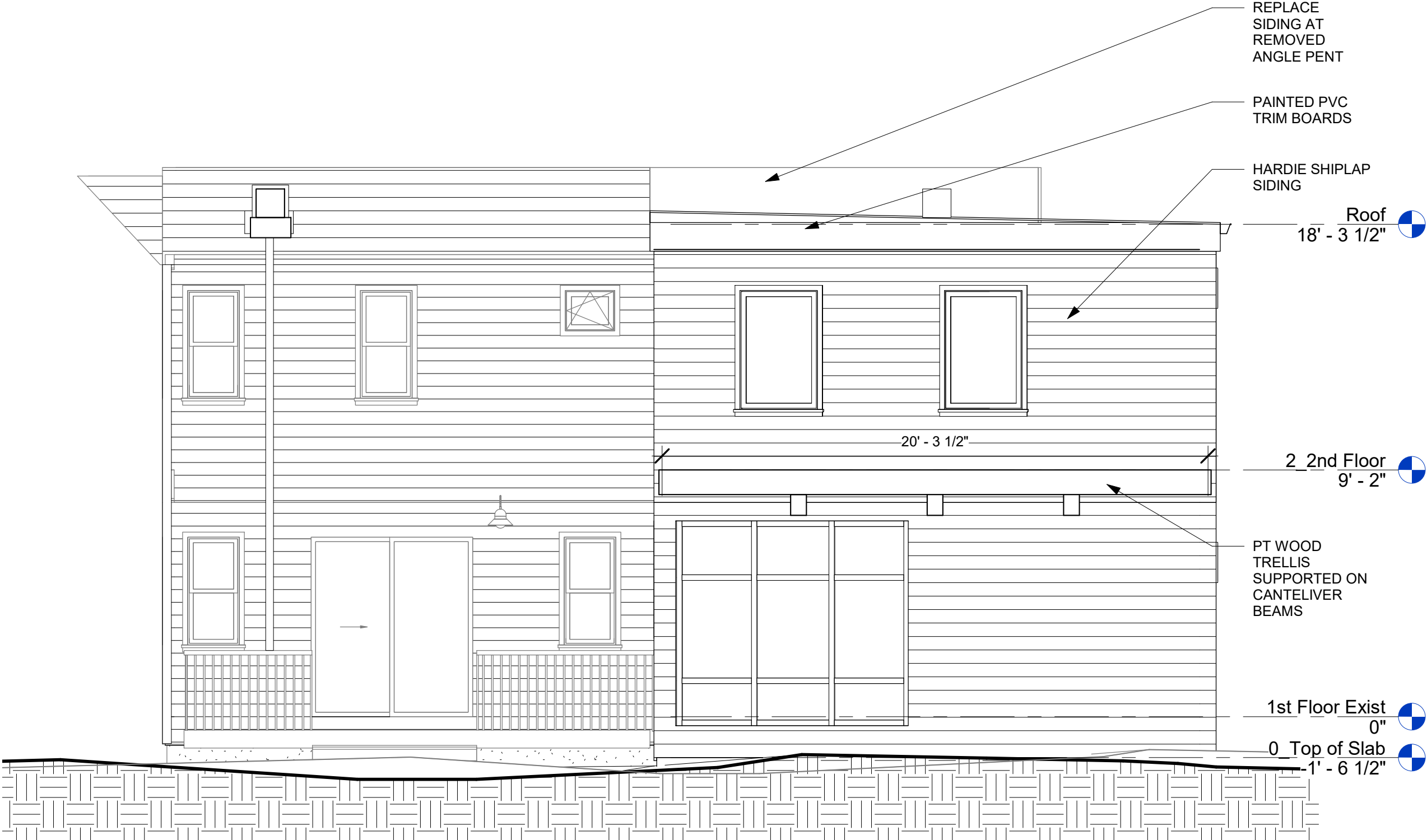
## Proposed Second Floor Plan

Tom Culotta & Mary Custic

Date  
06/07/2021

Scale  
3/16" = 1'-0"

# A2.02



1 Proposed Rear Elevation  
1/4" = 1'-0"



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Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

Proposed  
Building  
Elevations

Tom Culotta & Mary Custic  
Date  
05/17/2021  
Scale  
1/4" = 1'-0"



Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

Proposed  
Building  
Elevations

Tom Culotta & Mary Custic  
Date  
05/17/2021  
Scale  
1/4" = 1'-0"

A3.2



1 Proposed Right Elevation  
1/4" = 1'-0"

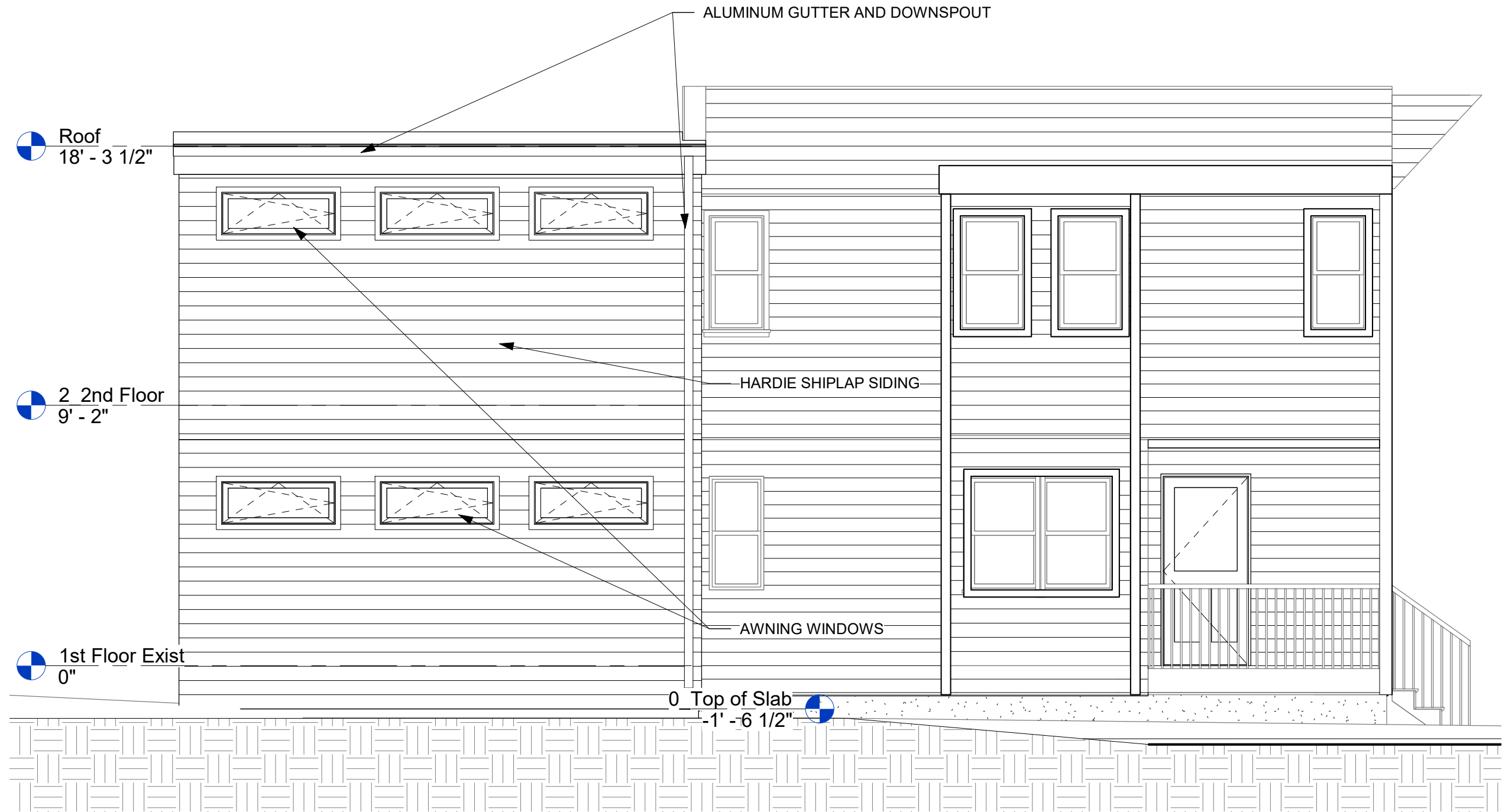
Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

Proposed  
Building  
Elevations

Tom Culotta & Mary Custic  
Date  
05/17/2021  
Scale  
1/4" = 1'-0"

A3.3



1 Proposed Left Elevation  
1/4" = 1'-0"

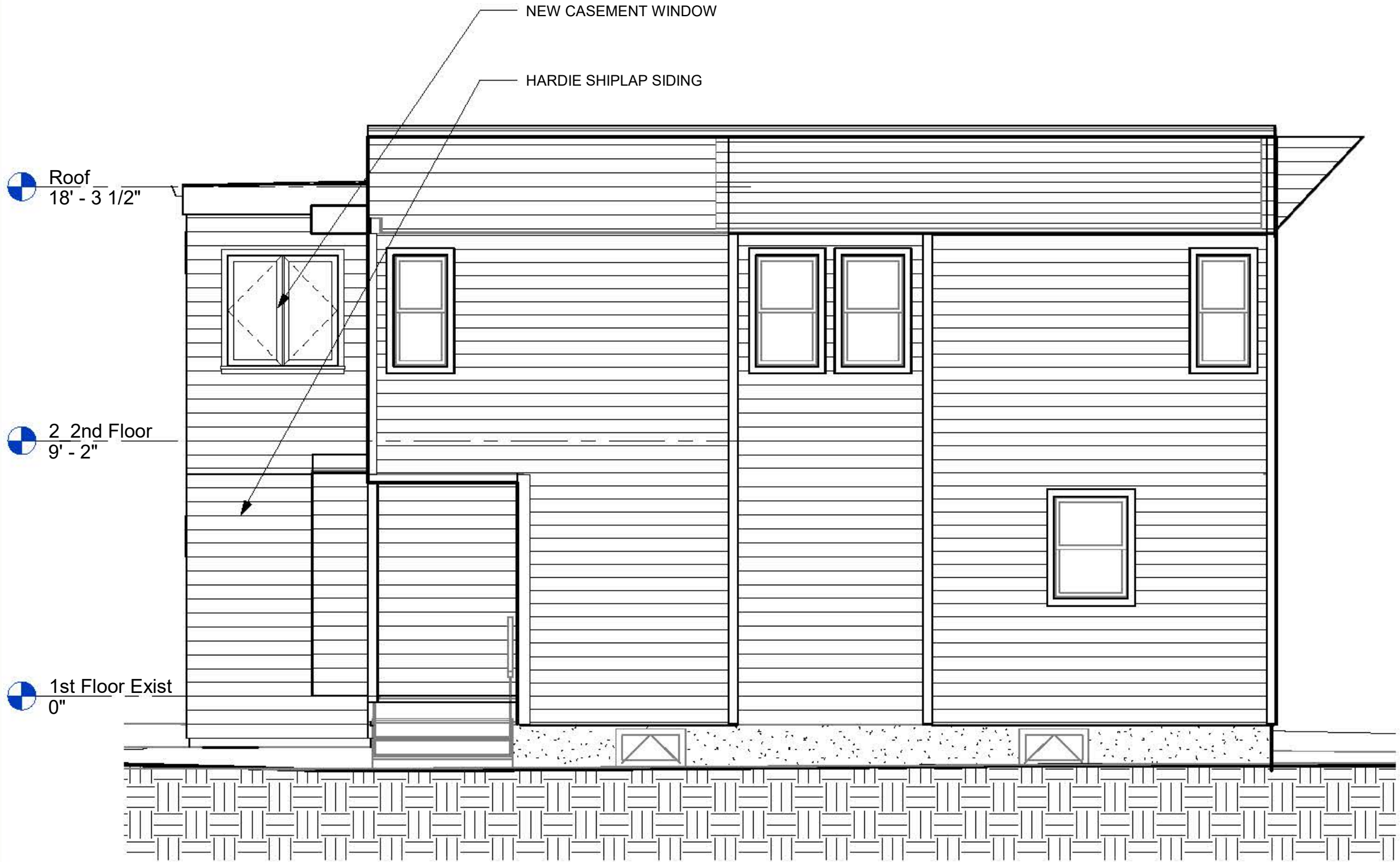
Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

Proposed  
Building  
Elevations

Tom Culotta & Mary Custic  
Date  
05/17/2021  
Scale  
1/4" = 1'-0"

A3.4

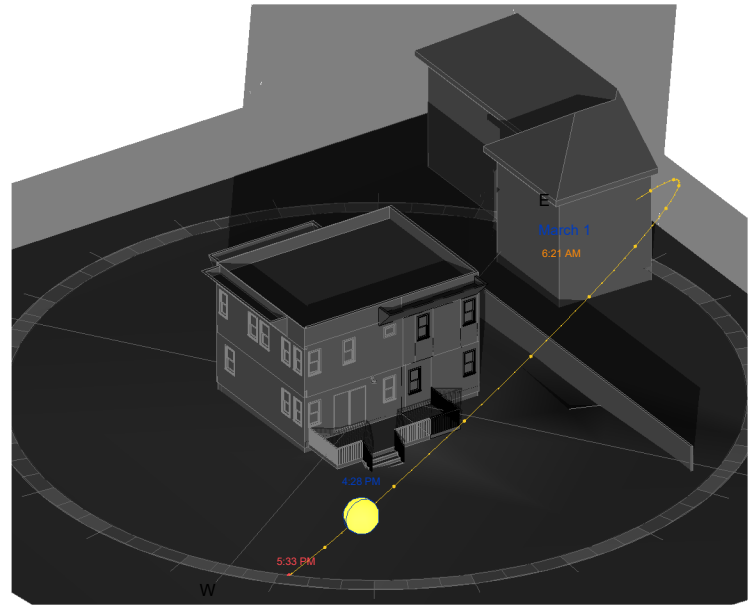


**Culotta Residence**  
26 Bellis Circle  
Cambridge, MA 02140

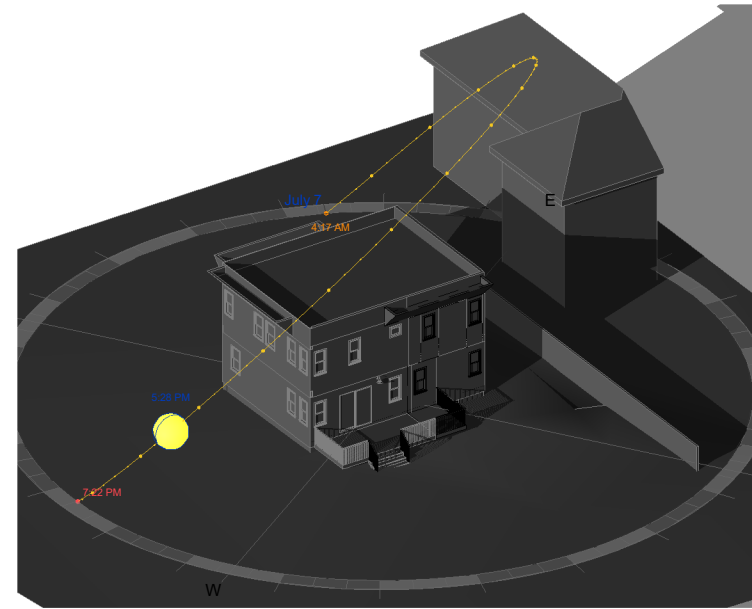
**Solar Studies**

Tom Culotta & Mary Custic  
Date  
05/17/2021  
Scale

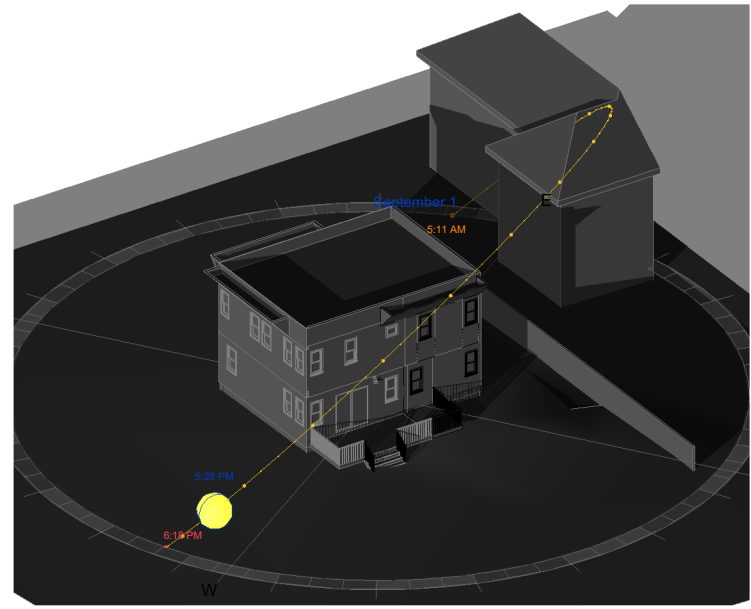
**A5.3**



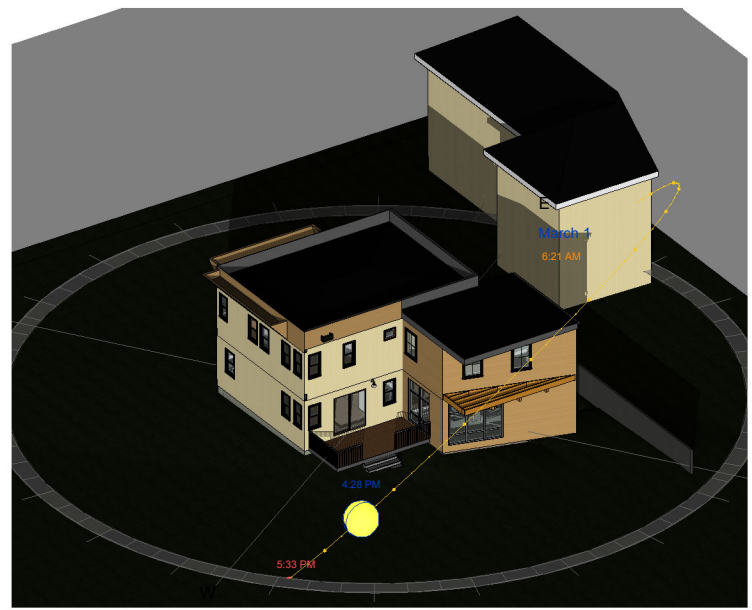
④ Solar Path 1 pre



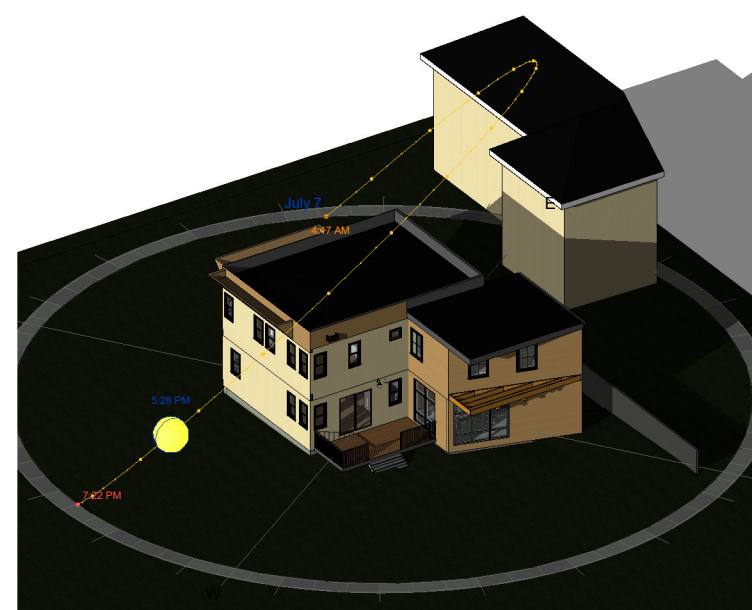
⑤ Solar Path 2 pre



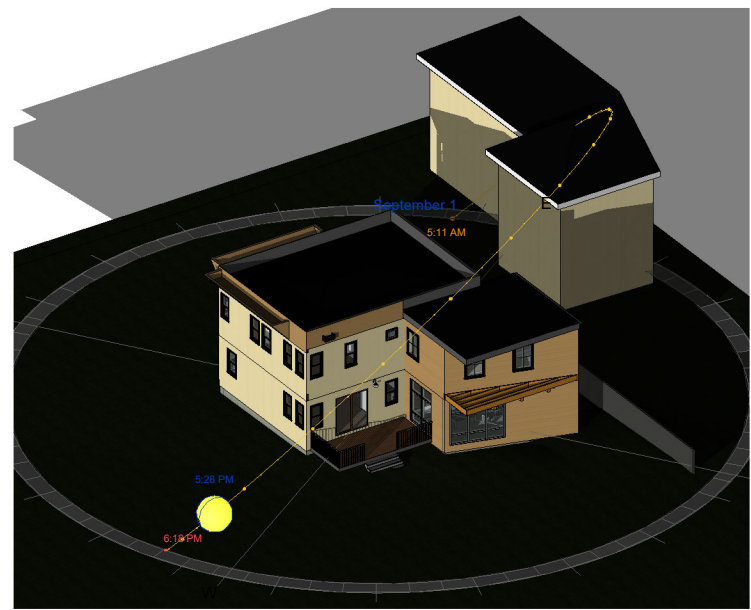
⑥ Solar Path 3 pre



① Solar Path 1



② Solar Path 2



③ Solar Path 3

September 20, 2021

VIA EMAIL

Board of Zoning Appeal  
City of Cambridge  
831 Massachusetts Avenue  
Cambridge, MA 02139

Attn: Maria Pacheco, Zoning Administrator

Re: Board of Zoning Appeal Case No. BZA-127988-2021—Application for Variance  
for 26 Bellis Circle, Cambridge, MA

Dear Members of the Board and Ms. Pacheco:

Enclosed here for filing are revised materials in connection with the variance application for 26 Bellis Circle, including:

- 1) Revised architectural plans;
- 2) Revised site plan; and
- 3) Revised dimensional table.

These materials reflect a redesigned addition, reduced in size (560 square feet), sited further from the left lot line (8.5 ft setback), and angled to reduce visual impacts to abutters. Additional shadow studies have been provided for the Board's consideration.

Thank you for your assistance.

Sincerely,



Sarah Like Rhatigan, Esq.

Enclosures

CC (via email): Mr. Thomas Culotta  
Ms. Mary Custic  
Mr. Grady Ragsdale

2021 SEP 20 P 3:39  
CITY OF CAMBRIDGE  
INSPECTIONAL SERVICES



**BZA Application Form****DIMENSIONAL INFORMATION****Applicant:** Thomas A. Culotta and Mary Cusic**Location:** Trilogy Law LLC, 12 Marshall Street**Phone:** 617-543-7009**Present Use/Occupancy:** Multi-family residential**Zone:** Residence B Zone**Requested Use/Occupancy:** Multi-family residentialCITY OF CAMBRIDGE  
INSPECTIONAL SERVICES  
2021 SEP 20 P 3:39

	<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>	7,255 SF	<b>7,815 SF</b>	7,115 SF	(max.)
<b><u>LOT AREA:</u></b>	18,185 SF	18,185 SF	5,000 SF	(min.)
<b><u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u></b>	0.40	0.43	0.39 (0.50, 0.35 over 5,000 SF)	
<b><u>LOT AREA OF EACH DWELLING UNIT</u></b>	4,546 SF	4,546 SF	2,500 SF	
<b><u>SIZE OF LOT:</u></b>				
WIDTH	163 SF	163 SF	50 SF	
DEPTH	123 FT	123 FT	n/a	
<b><u>SETBACKS IN FEET:</u></b>				
FRONT	50.3 FT (to structure)	50.3 (to structure)	15 FT	
REAR	31.3 FT	<b>[25.9?] FT</b>	30.75 FT	
LEFT SIDE	14.1 FT	<b>8.5 FT</b>	7.5 FT/Sum 20 FT	
RIGHT SIDE	103.6 FT	103.6 FT	7.5 FT/Sum 20 FT	
<b><u>SIZE OF BUILDING:</u></b>				
HEIGHT	18.4 FT	18.4 FT	35.0 FT	
WIDTH	32.6 FT	<b>35.6 FT</b>	n/a	
<b><u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u></b>	0.52	0.48	0.40	
<b><u>NO. OF DWELLING UNITS:</u></b>	4	4	4	
<b><u>NO. OF PARKING SPACES:</u></b>	8	8	4 (min.)	
<b><u>NO. OF LOADING AREAS:</u></b>	0	0	0	
<b><u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u></b>	No change	No change	H+L/6	

Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.

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

**BZA Application Form**

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES MARCH 7, 2006 - FEBRUARY 9, 2021 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS  
ZONE: X  
COMMUNITY PANEL: 25017C0419E  
EFFECTIVE DATE: 06/04/2010

PREPARED FOR:  
THOMAS A. CULOTTA  
25 BELLIS CIRCLE  
CAMBRIDGE, MA 02140

REFERENCES:  
OWNER OF RECORD:  
BELLIS CIRCLE CONDOMINIUM

DEED: BK 46247; PG 103  
PLAN: No. 1381 OF 2005  
No. 369 OF 2015

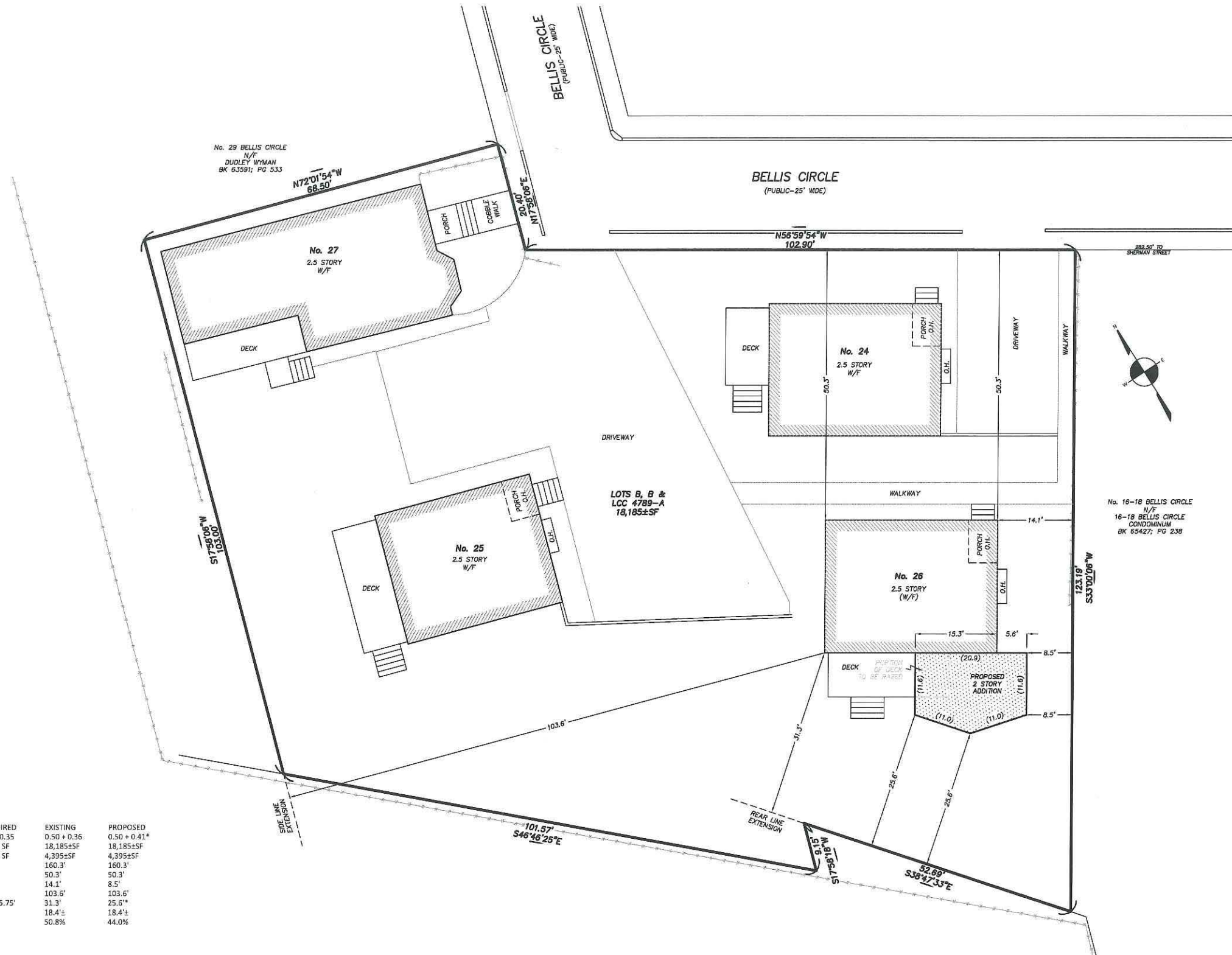
PLAN OF LAND  
LOCATED AT  
24, 25, 26, & 27 BELLIS CIRCLE  
CAMBRIDGE, MA

DATE: SEPTEMBER 20, 2021 SCALE: 1.0 INCH = 10.0 FEET

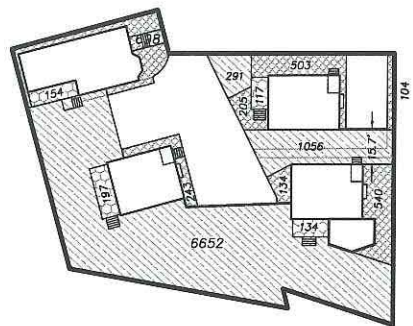


CITY OF CAMBRIDGE  
INSPECTIONAL SERVICES

2021 SEP 20 P 3:39



OPEN SPACE DIAGRAM  
SCALE: 1.0' = 40'



OPEN SPACE AREAS

TOTAL LOT AREA: 18,185±SF  
REQUIRED (40%): 7,274±SF

USABLE OPEN SPACE  
COMPLIANT (15' X 15')  
291±SF  
1,056±SF  
6,652±SF  
TOTAL: 7,999±SF

NON-USABLE OPEN SPACE  
NON-COMPLIANT  
698±SF  
243±SF  
205±SF  
503±SF  
104±SF  
134±SF  
540±SF  
TOTAL: 2,427±SF

DECK OPEN SPACE  
154±SF  
197±SF  
117±SF  
134±SF  
602±SF  
TOTAL: 602±SF

TOTAL GROSS OPEN SPACE 11,028±SF

ZONING:  
DISTRICT: RESIDENCE B

	REQUIRED	EXISTING	PROPOSED
FAR (MAX.)	0.5 + 0.35	0.50 + 0.36	0.50 + 0.41*
LOT SIZE (MIN.)	5,000 SF	18,185±SF	18,185±SF
LOT AREA, DW/U (MIN.)	2,500 SF	4,395±SF	4,395±SF
LOT WIDTH (MIN.)	50'	160.3'	160.3'
FRONT SETBACK (MIN.)	15'	50.3'	50.3'
SIDE SETBACK 1 (MIN.)	7.5'	14.1'	8.5'
SIDE SETBACK 2 (MIN.)	7.5'	103.6'	103.6'
REAR SETBACK (MIN.)	25' + 5.75'	31.3'	25.6''
HEIGHT, FEET (MAX.)	35'	18.4'±	18.4'±
PVT. OP. SPACE (MIN.)	40%	50.8%	44.0%

\* = NON-COMFORMING

NOTE:  
LOT WIDTH, BUILDING SETBACKS SHOWN APPLY TO DWELLING AT #26 AS SHOWN HEREON.

FIELD:	DRM
DRAFT:	DRM, NPP
CHECK:	GCC
DATE:	09/20/21
JOB #	04-00197



GROSS FLOOR AREA PER FLOOR: UNIT 26

EXISTING		PROPOSED	
BASEMENT -	701 SF	BASEMENT -	701 SF
FIRST FLOOR -	728 SF	FIRST FLOOR -	1008 SF
SECOND FLOOR -	760 SF	SECOND FLOOR -	1040 SF
TOTAL *-	1488 SF	TOTAL *-	2048 SF
* DOES NOT INCLUDE BASEMENT		* DOES NOT INCLUDE BASEMENT	

ZONING + SQUARE FOOTAGE ANALYSIS

Date: 10/20/2020 Rev 06/07/2021 Rev2 09/19/2021  
Project: 26 Bellis Circle, Cambridge MA 02140

Parcel ID: 271-16-26  
Property Type: Condominium  
Classification Code: 102  
Zoning: B  
Map: 271-16-26  
Lot Size (per assessor's database): 18,185 sf  
Living Area (per assessor's database): 1,488 sf  
Gross building Area (for FAR): 1,488 sf  
Year Built: 2005  
Referenced Zoning Article: City of Cambridge Zoning Code

Zone B	Required	Existing Conditions	Proposed Conditions
Minimum Lot Size (sq ft)	5,000	18,185	no change
Minimum Lot Area for Each D.U. (sq ft)	2,500	4,395	no change
Minimum Lot Width (ft)	50	NA	no change
Floor Area Ratio Maximum	.50 / 1 <sup>st</sup> 5,000 sf : .35 remainder (2,500 +4,614=7,114 sf)	.50 / .36 (2,500+4,755=7255)*	.50 / .41 (2,500+5,315=7,815)*
Building Height Maximum (ft)	35	18.4	no change
Minimum Ratio of Private Open Space to Lot Area	40%	50.0%	44.0%
Front Yard minimum Depth (ft)	15	50.3	no change
Side Yard Minimum Width (ft)	7.5' (sum of 20)	14.1	8.5
Rear Yard Minimum depth (ft) See (c) below	25 + 5.75 = 30.75	31.3	26.0

\*Does not includes basements

- (c) In no case may a building be nearer the rear lot line than twenty (20) feet in Residence C-2, C-2B, C-2A, C-3, C-3A, C-3B districts. In Residence C and C-1 districts, no building may be nearer the rear lot line than twenty (20) feet plus one additional foot of rear yard for each four feet that the depth of the lot exceeds 100 feet, up to a maximum of thirty (30) feet. In Residence A-1, A-2, and B districts, no building may be nearer the rear lot line than twenty-five (25) feet plus one additional foot of rear yard for each four feet that the depth of the lot exceeds one hundred (100) feet, up to a maximum of thirty-five (35) feet. For purposes of this Footnote C, the lot depth shall be that distance measured along a line perpendicular to the front lot line and extending to that point on the rear lot line most distant from the front lot line.
- (j) Applicable to the first five thousand (5,000) square feet of lot area. For those portions of any lot exceeding five thousand (5,000) square feet, the applicable Maximum Ratio of Floor Area to Lot Area shall be 0.35 for all permitted residential uses and the Minimum Lot Area for Each Dwelling Unit shall be four thousand (4,000) square feet. However, for any lot in existence as of June 30, 1995 that is subsequently subdivided into two or more lots, the total amount of gross area and number of units on the subdivided lots, in total, shall at no time exceed that permitted by this footnote (j) on the lot before the subdivision occurred. Unless otherwise permitted by special permit from the Board of Zoning Appeal, the gross floor area and dwelling units permitted on each subdivided lot shall be in the same ratio as that lot's area is to the area of the unsubdivided lot. Nothing in this footnote (j) shall prohibit the subdivision of a Townhouse Development conforming at the time of its construction, as permitted in Section 11.10.



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Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

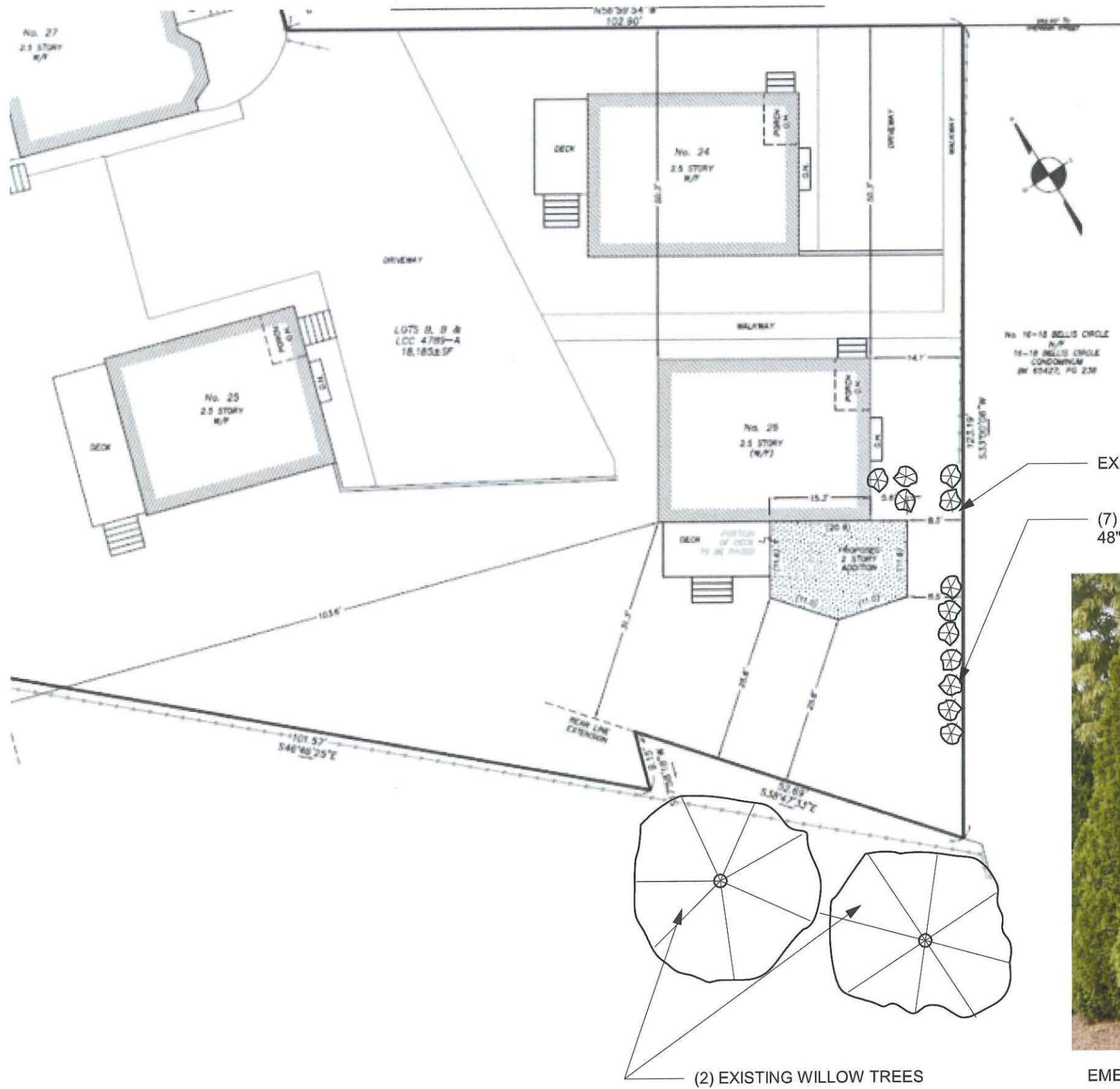
Zoning Notes

Tom Culotta & Mary Custic

Date  
09/19/2021  
Scale

L1.0





EXISTING ARBORVITAE 120"-144"

(7) NEW EMERALD GREEN ARBORVITAE  
48"-54"

(2) EXISTING WILLOW TREES



EMERALD GREEN ARBORVITAE

**Culotta Residence**  
26 Bellis Circle  
Cambridge, MA 02140

**Proposed  
Landscape**

Tom Culotta & Mary Custic  
Date  
09/19/2021  
Scale

**L1.2**



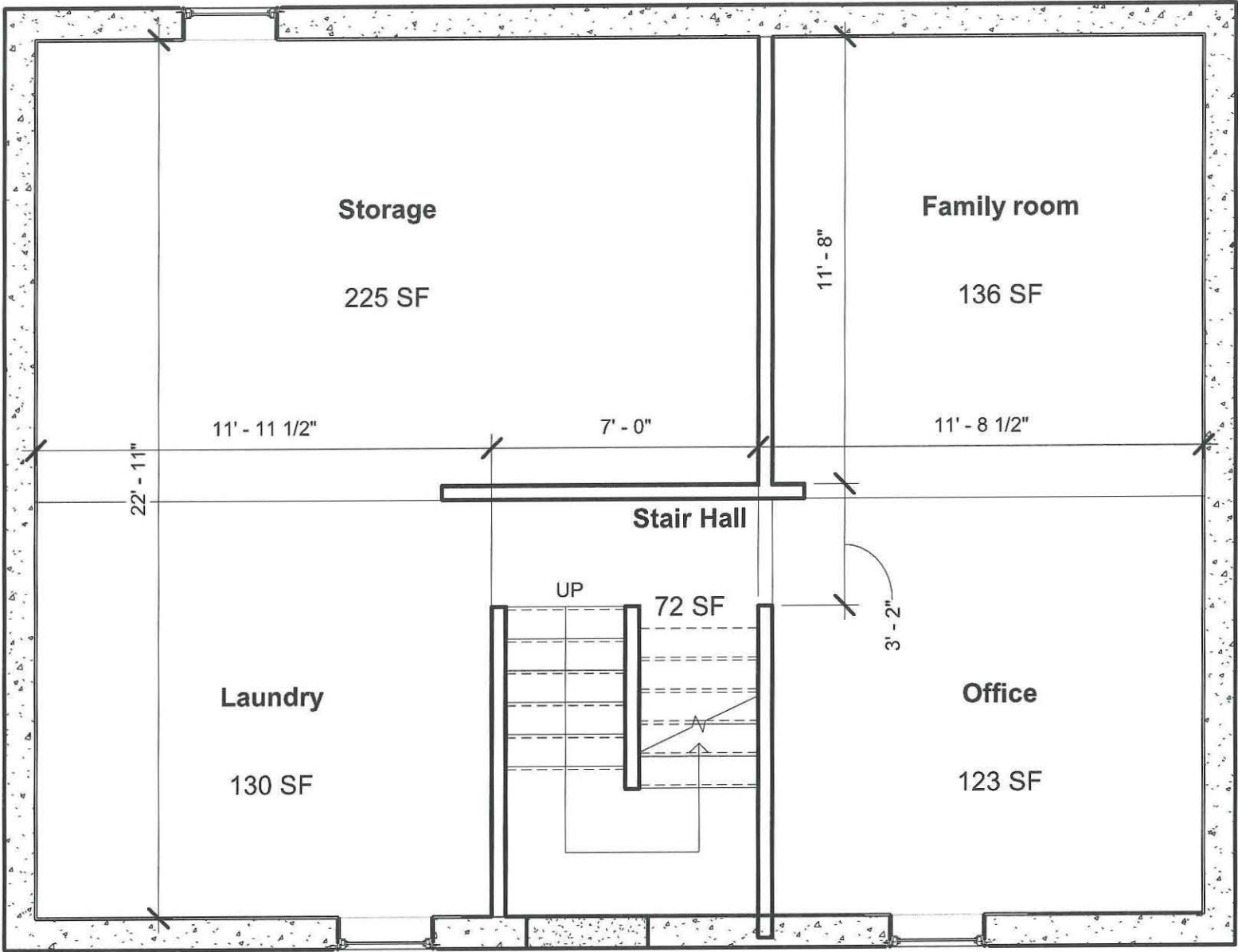
Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

Existing Plans

Tom Culotta & Mary Custic  
Date  
05/17/2021  
Scale  
1/4" = 1'-0"

A0.B



① 0. Basement Existing  
1/4" = 1'-0"

## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

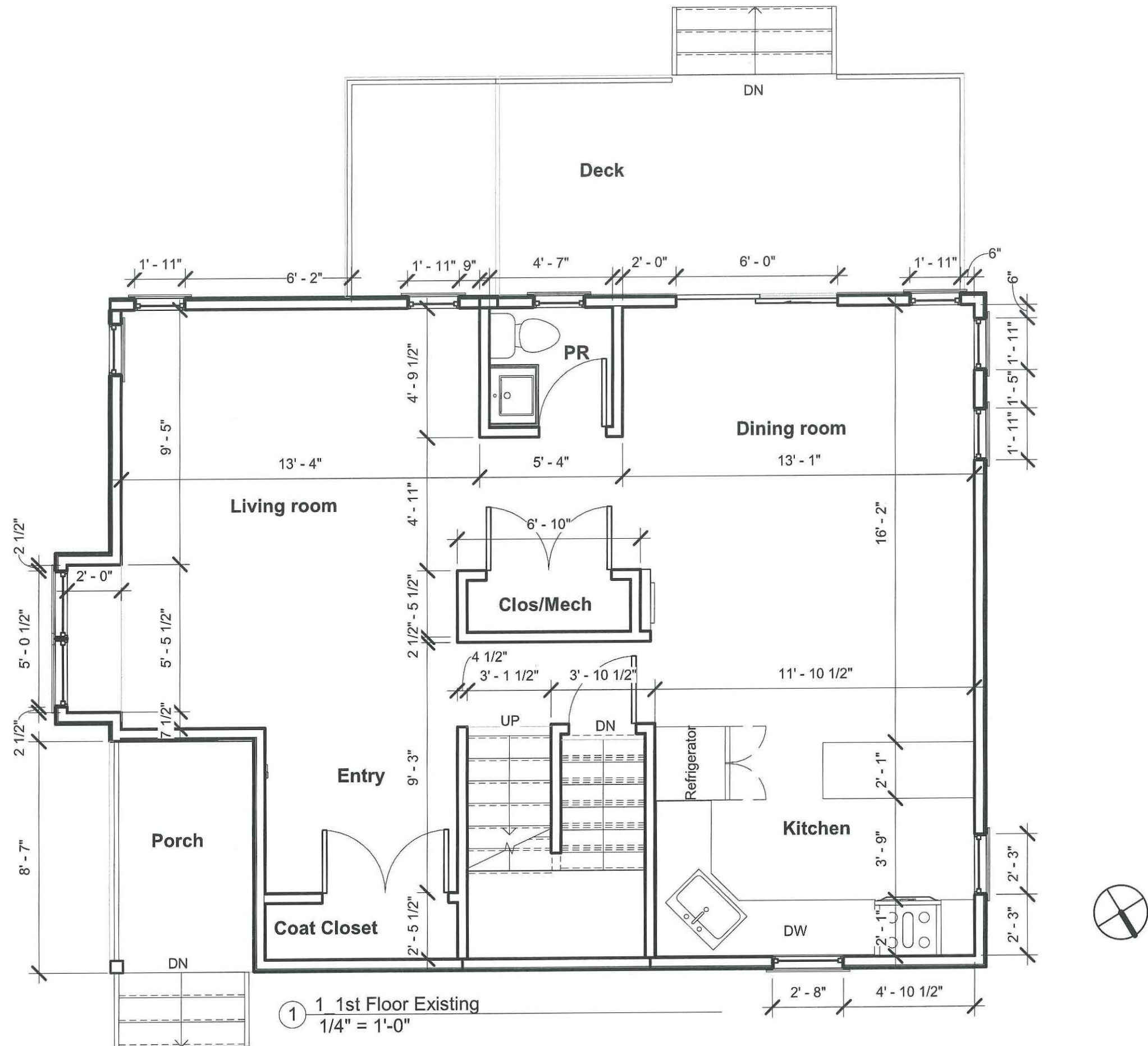
## Existing Plans

Tom Culotta & Mary Cusic

Date  
05/17/2021

Scale  
1/4" = 1'-0"

# A0.1







## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

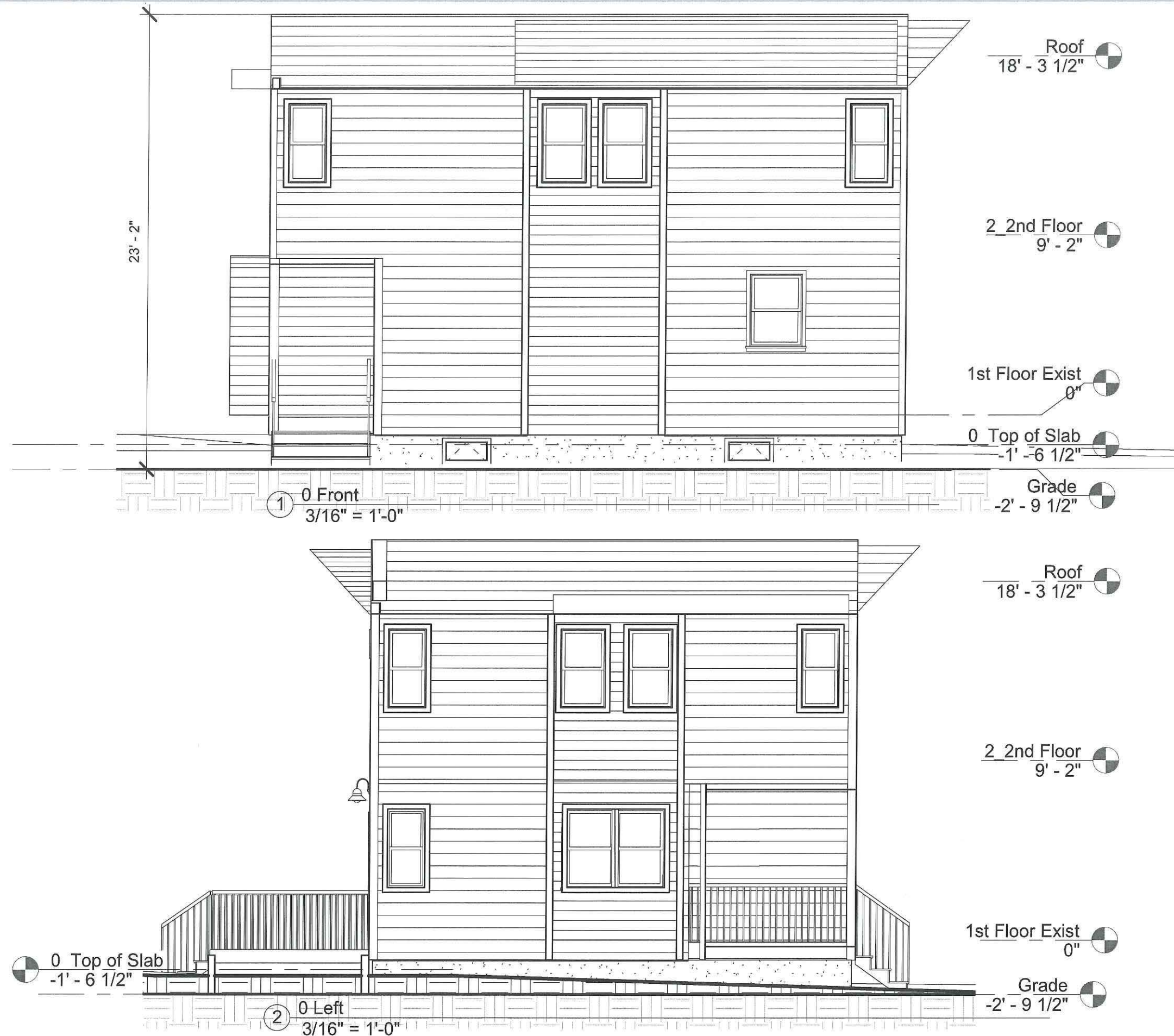
## Exterior Elevations

Tom Culotta & Mary Custic

Date  
05/17/2021

Scale  
3/16" = 1'-0"

# A0.4







## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

## Exterior Elevations

Tom Culotta & Mary Custic

Date  
05/17/2021

Scale  
3/16" = 1'-0"

# A0.5

## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

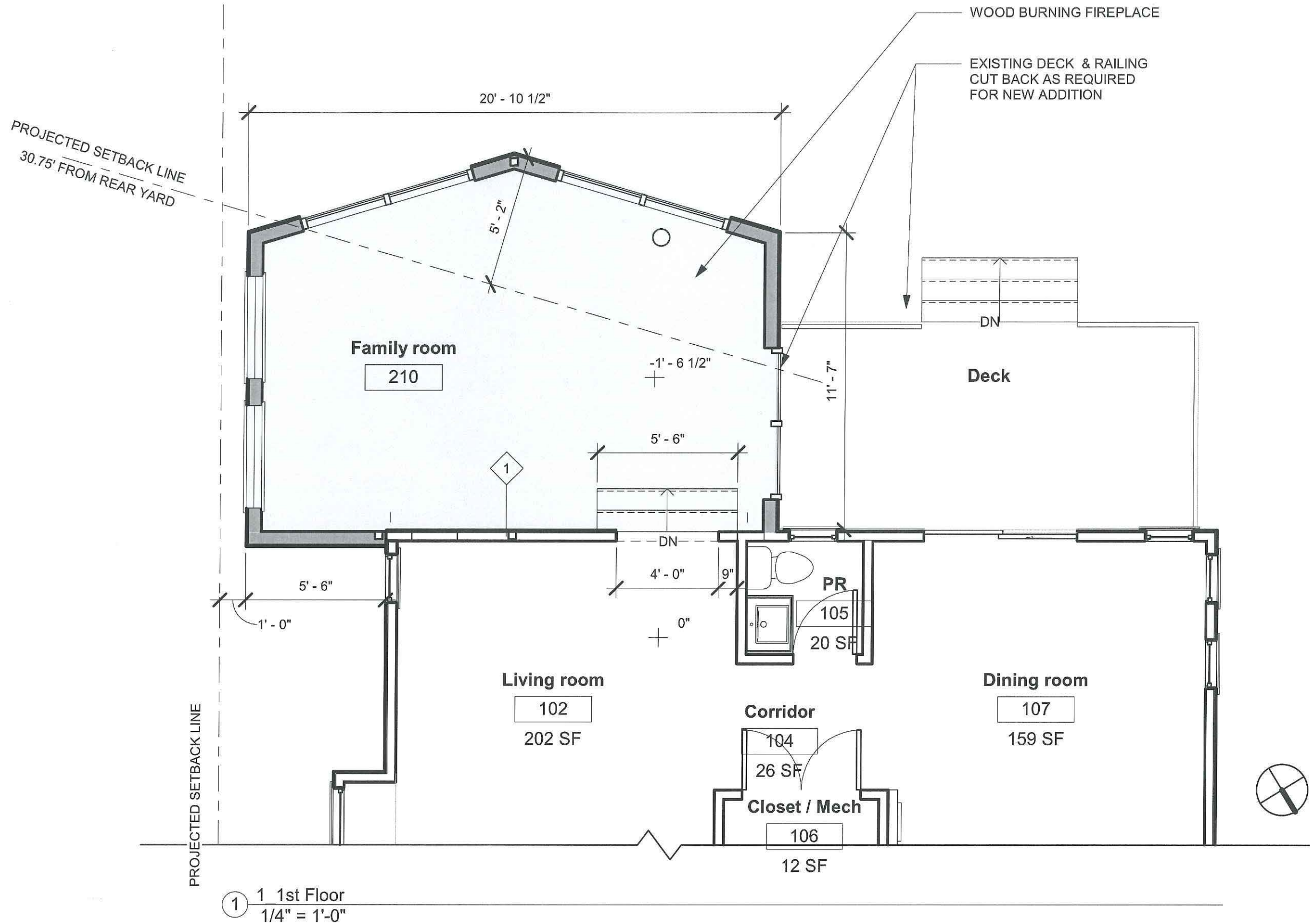
## Proposed Floor Plan

Tom Culotta & Mary Custic

Date  
09/19/2021

Scale  
1/4" = 1'-0"

# A2.1





# Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

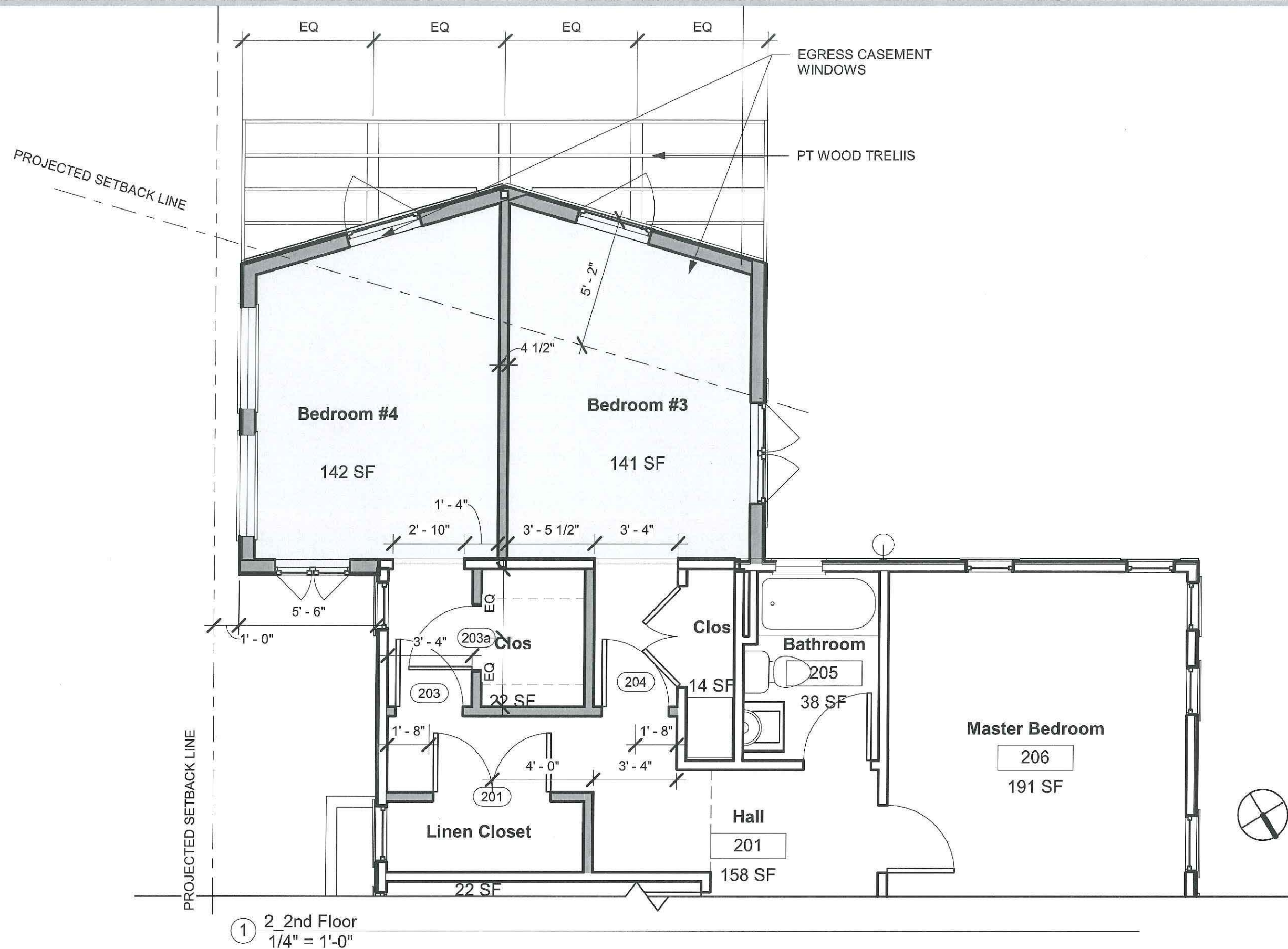
## Proposed Floor Plan

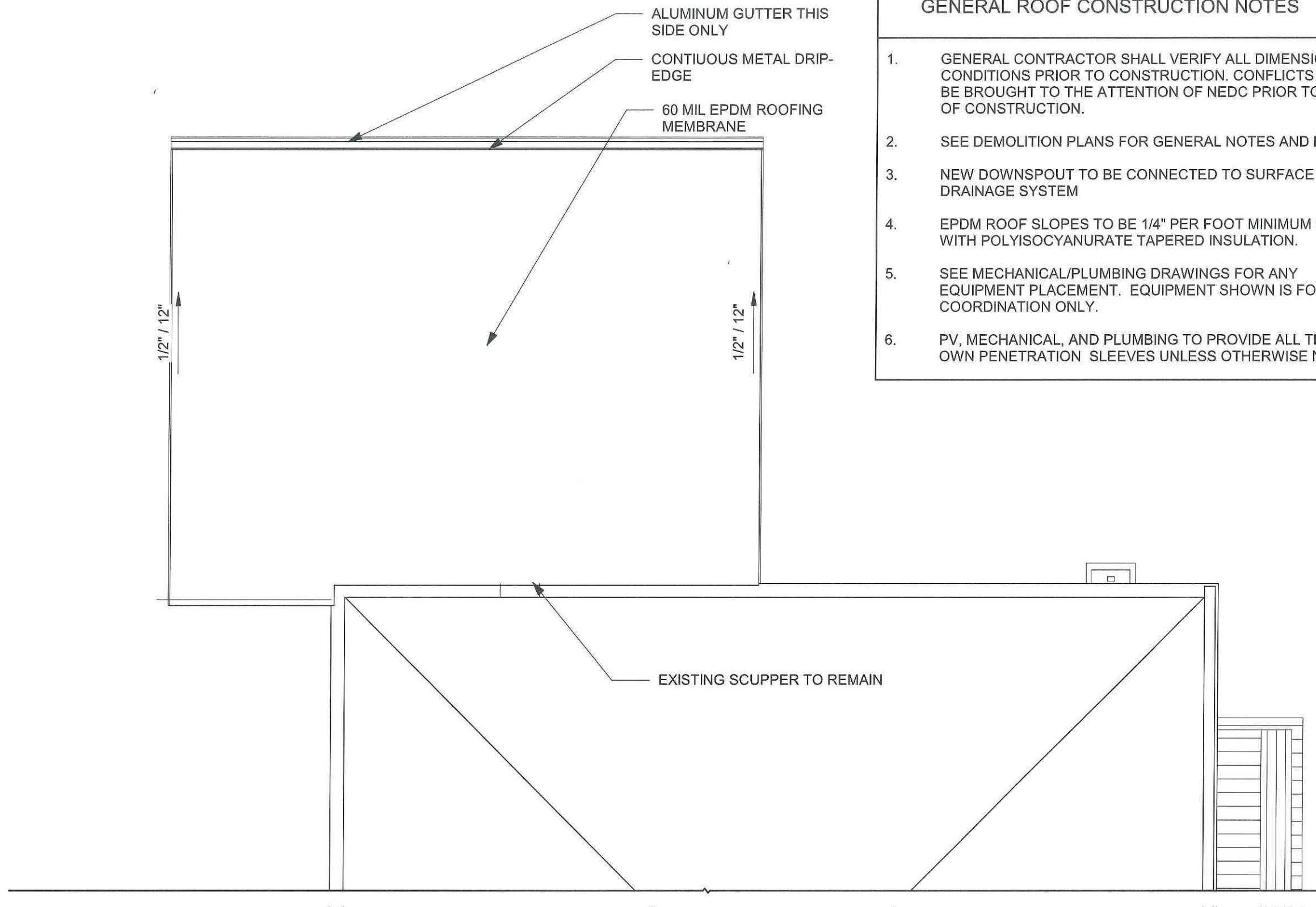
Tom Culotta & Mary Custic

Date  
09/19/2021

Scale  
1/4" = 1'-0"

# A2.2





## GENERAL ROOF CONSTRUCTION NOTES

1. GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION. CONFLICTS ARE TO BE BROUGHT TO THE ATTENTION OF NEDC PRIOR TO START OF CONSTRUCTION.
2. SEE DEMOLITION PLANS FOR GENERAL NOTES AND LEGEND
3. NEW DOWNSPOUT TO BE CONNECTED TO SURFACE DRAINAGE SYSTEM
4. EPDM ROOF SLOPES TO BE 1/4" PER FOOT MINIMUM CREATED WITH POLYISOCYANURATE TAPERED INSULATION.
5. SEE MECHANICAL/PLUMBING DRAWINGS FOR ANY EQUIPMENT PLACEMENT. EQUIPMENT SHOWN IS FOR COORDINATION ONLY.
6. PV, MECHANICAL, AND PLUMBING TO PROVIDE ALL THEIR OWN PENETRATION SLEEVES UNLESS OTHERWISE NOTED.

## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

## Roof Plan

Tom Culotta & Mary Custic

Date  
09/19/2021

Scale  
1/4" = 1'-0"

# A2.3

① 3 Roof  
1/4" = 1'-0"





1 Proposed Rear Elevation  
1/4" = 1'-0"

## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

## Proposed Building Elevations

Tom Culotta & Mary Custic

Date  
09/19/2021

Scale  
1/4" = 1'-0"

# A3.1



Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

Proposed  
Building  
Elevations

Tom Culotta & Mary Custic

Date  
09/19/2021

Scale  
1/4" = 1'-0"

A3.2



① Proposed Right Elevation  
1/4" = 1'-0"



# Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

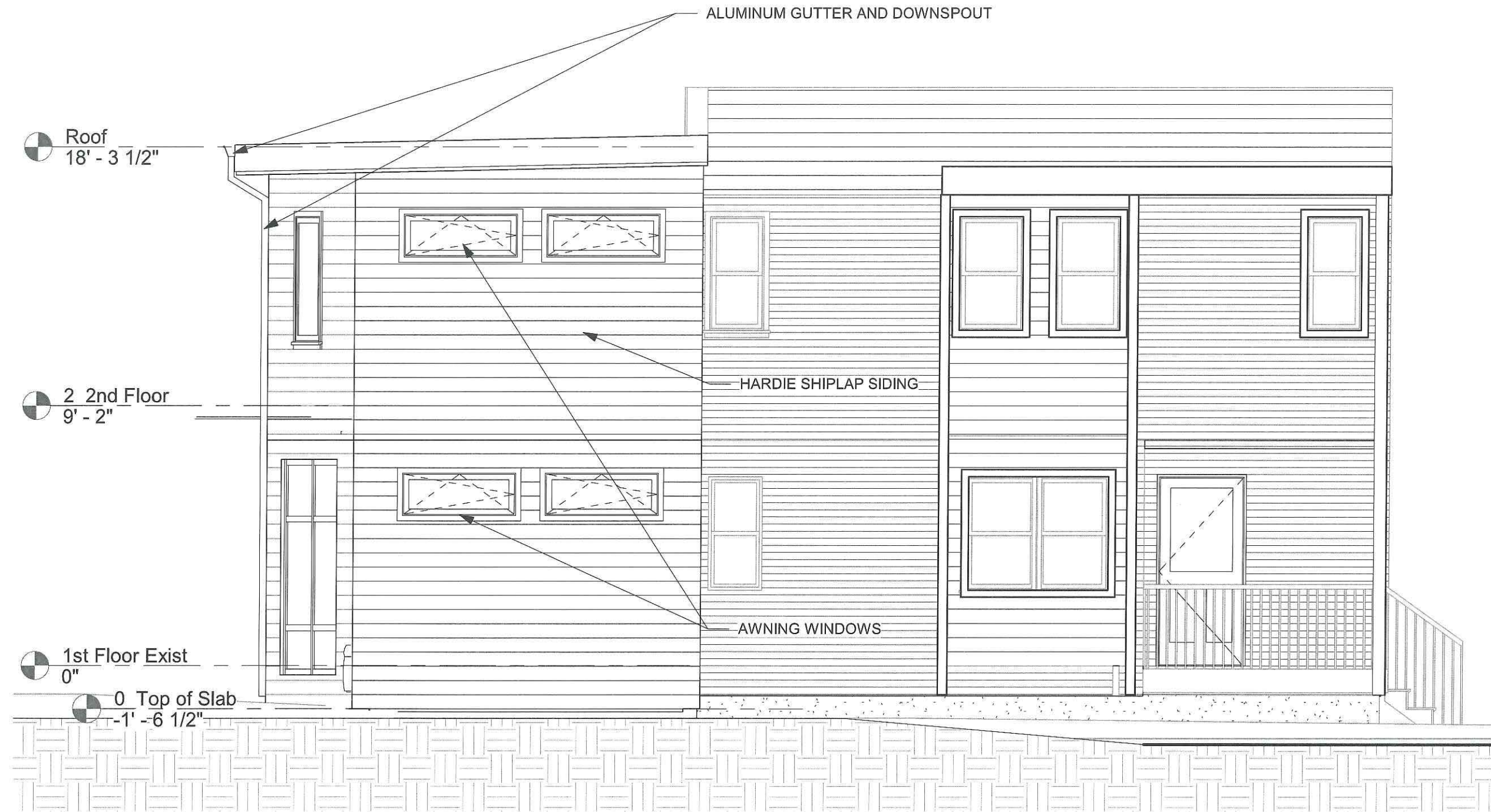
## Proposed Building Elevations

Tom Culotta & Mary Custic

Date  
09/19/2021

Scale  
1/4" = 1'-0"

# A3.3

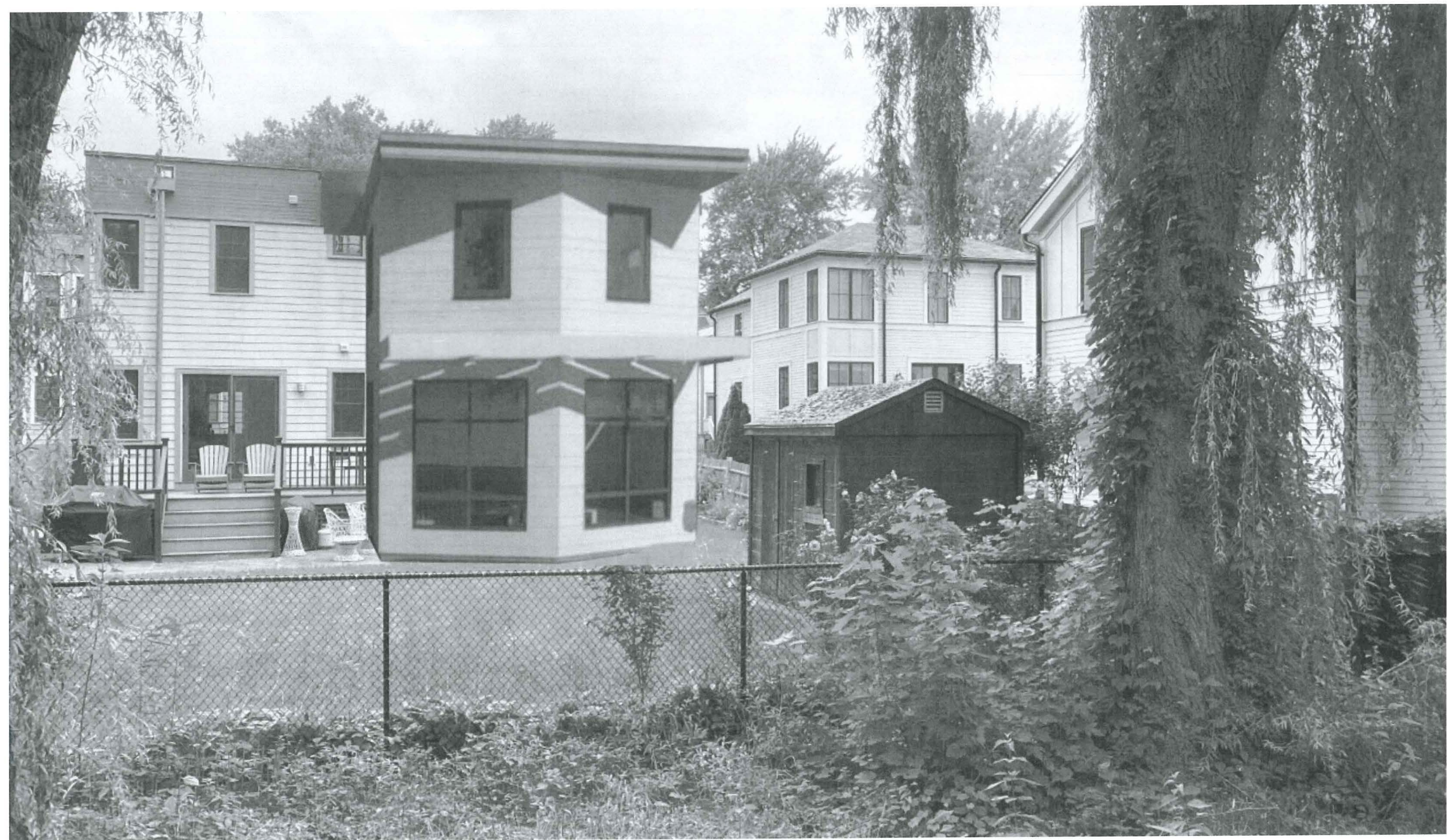


① Proposed Left Elevation  
1/4" = 1'-0"













SHADOWS AT 6:00 PM 8/6/2021



AFTERNOON



MORNING

**necd**  
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## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

## Solar Studies Images

Tom Culotta & Mary Cusic  
Date  
09/19/2021  
Scale

**SS1.0**



## Culotta Residence

26 Bellis Circle  
Cambridge, MA 02140

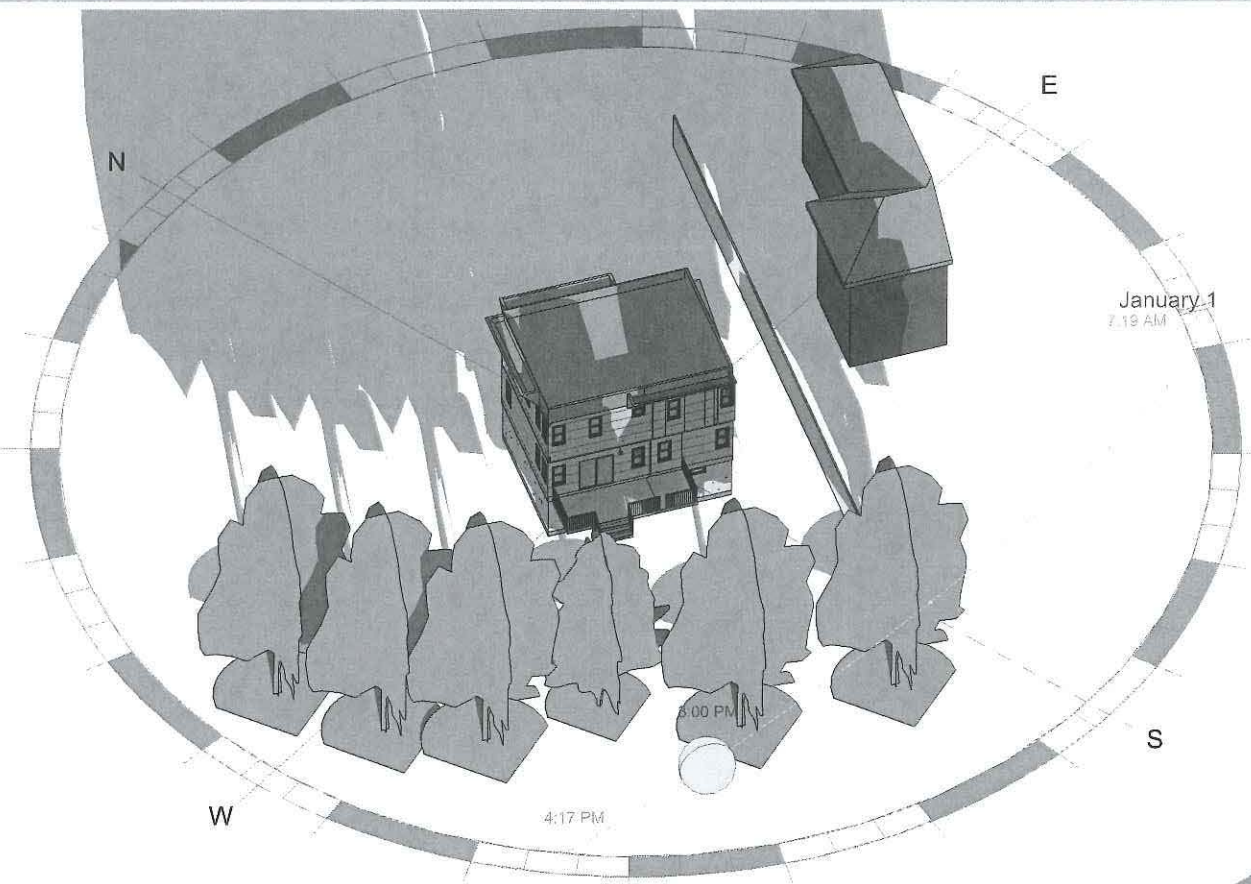
## Solar Study Existing

Tom Culotta & Mary Custic

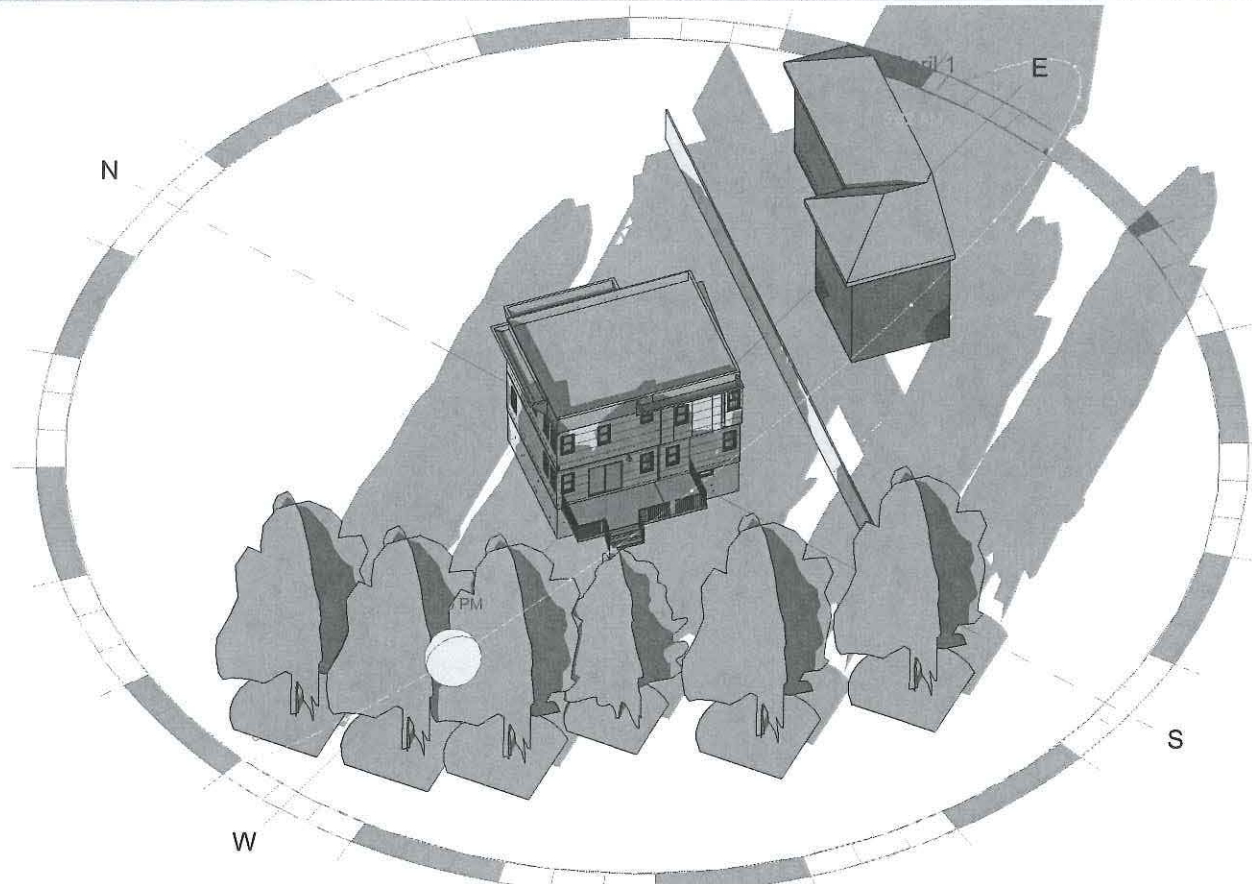
Date  
09/19/2021

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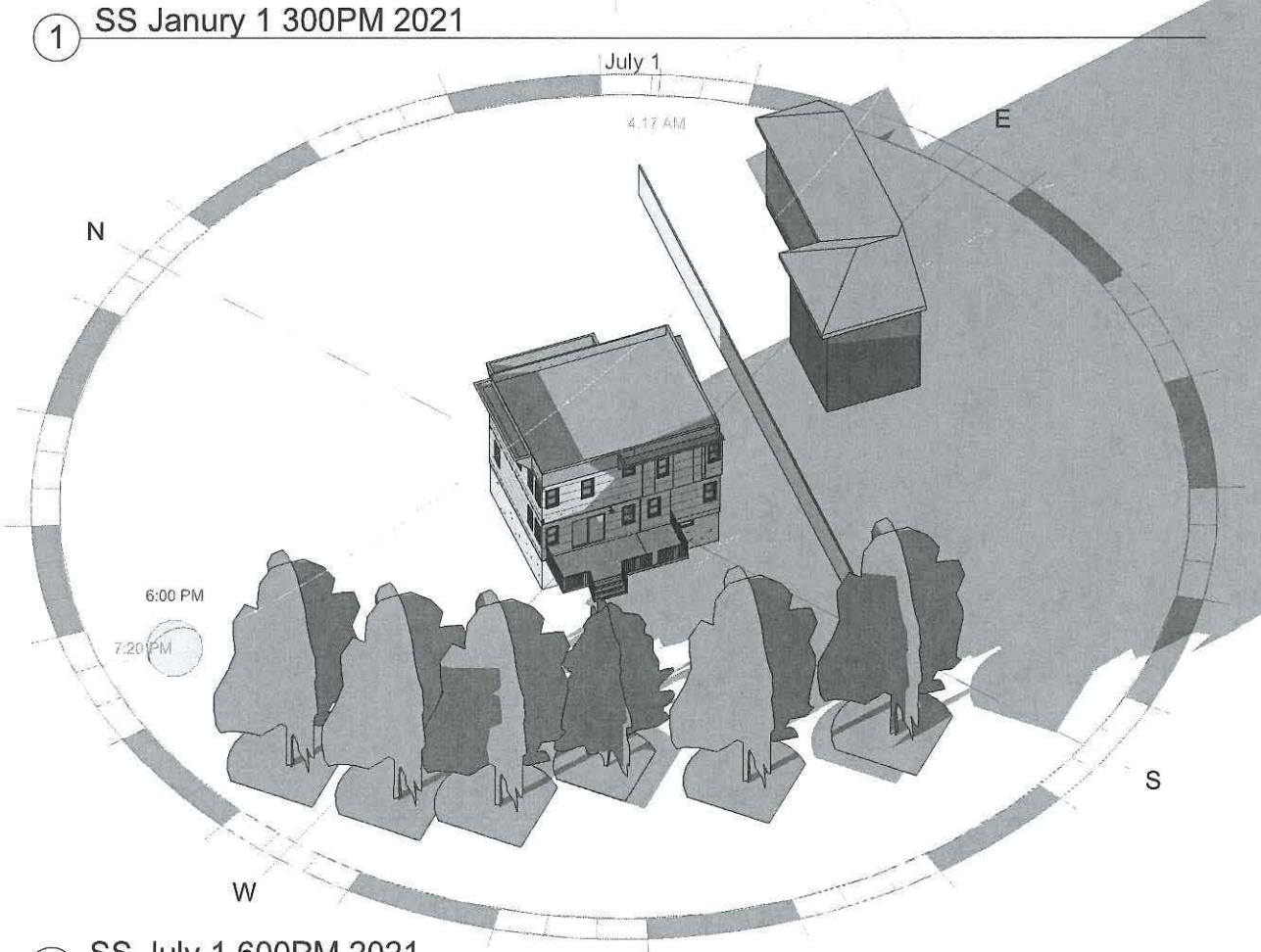
# SS1.1



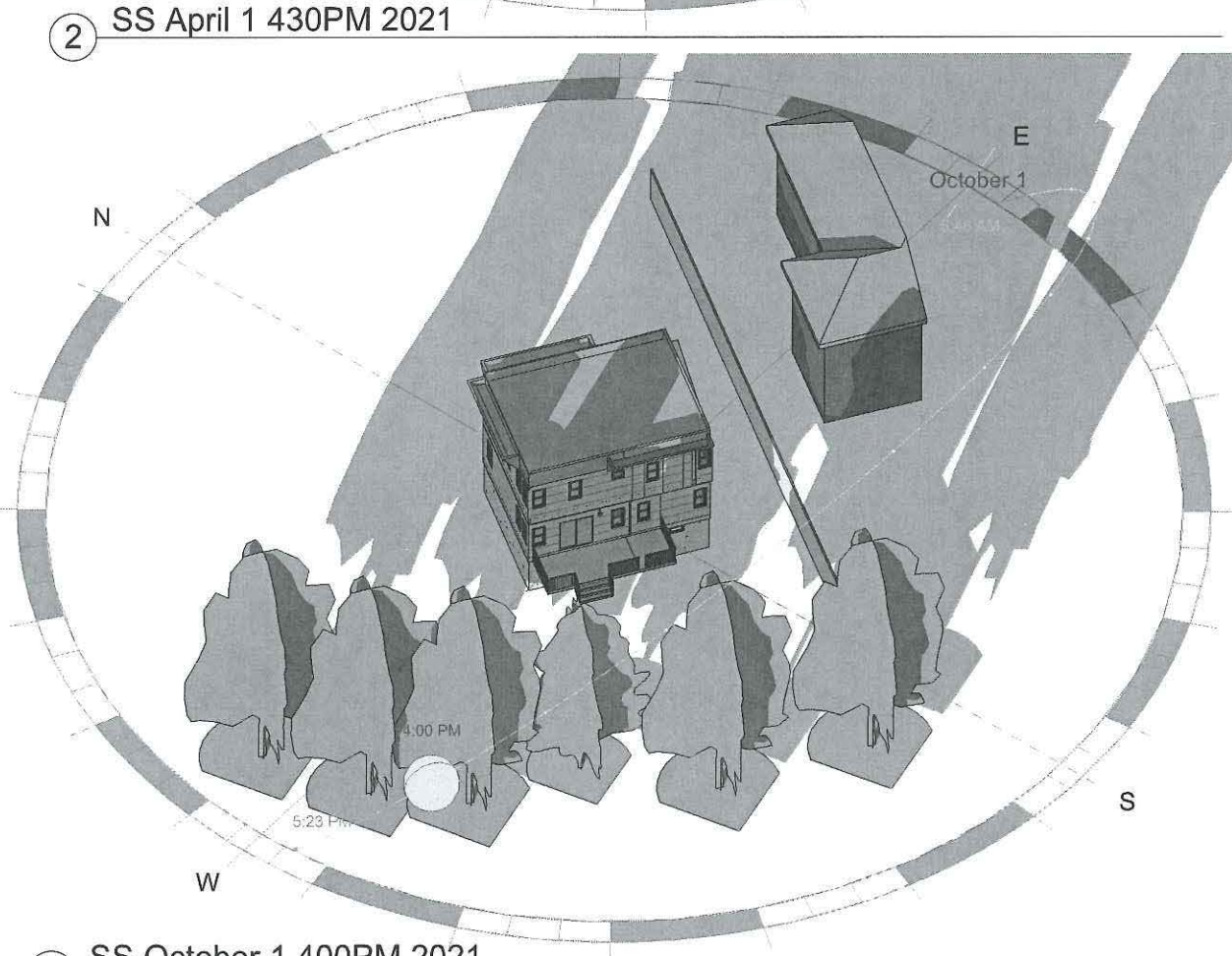
① SS Janury 1 300PM 2021



② SS April 1 430PM 2021



③ SS July 1 600PM 2021



④ SS October 1 400PM 2021



## Culotta Residence

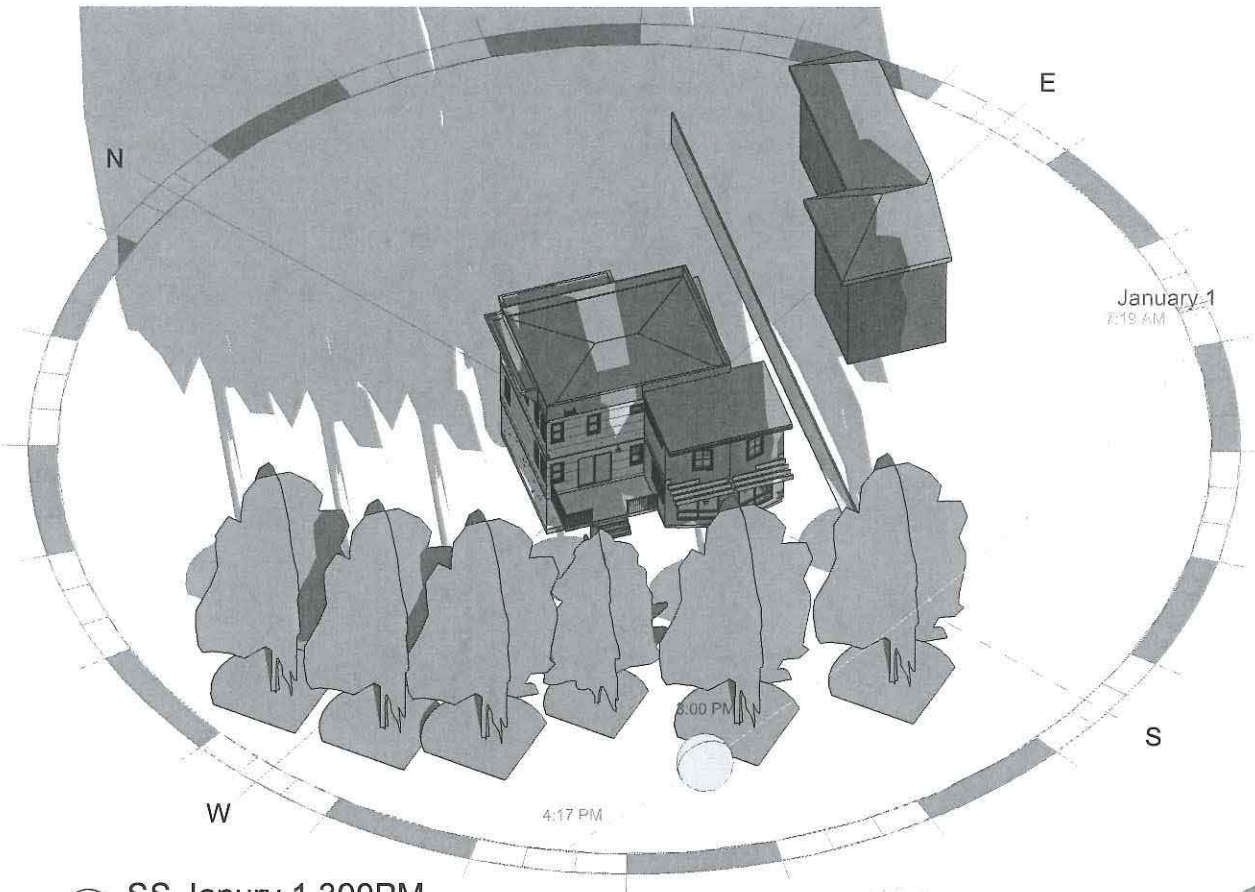
26 Bellis Circle  
Cambridge, MA 02140

## Solar Studies Proposed

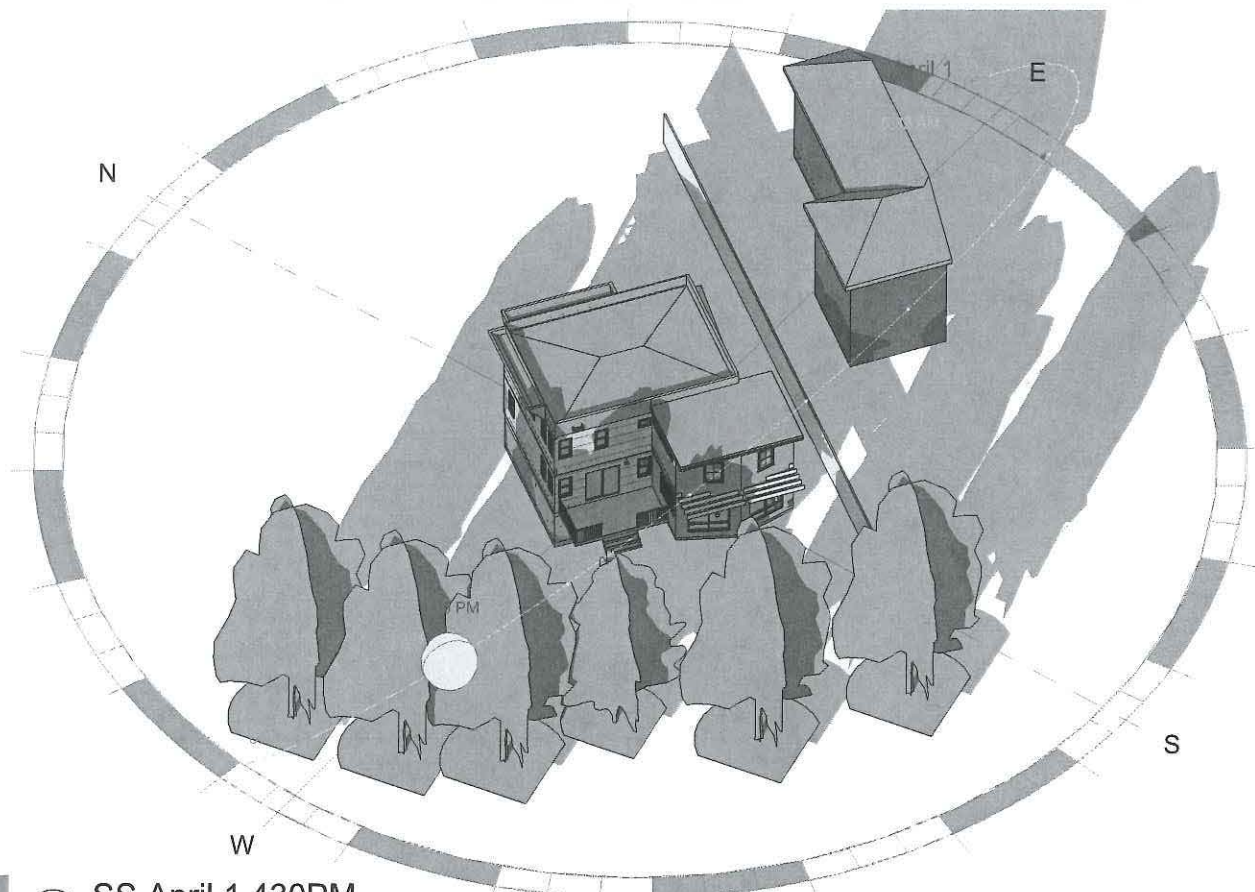
Tom Culotta & Mary Cusic

Date  
09/19/2021  
Scale

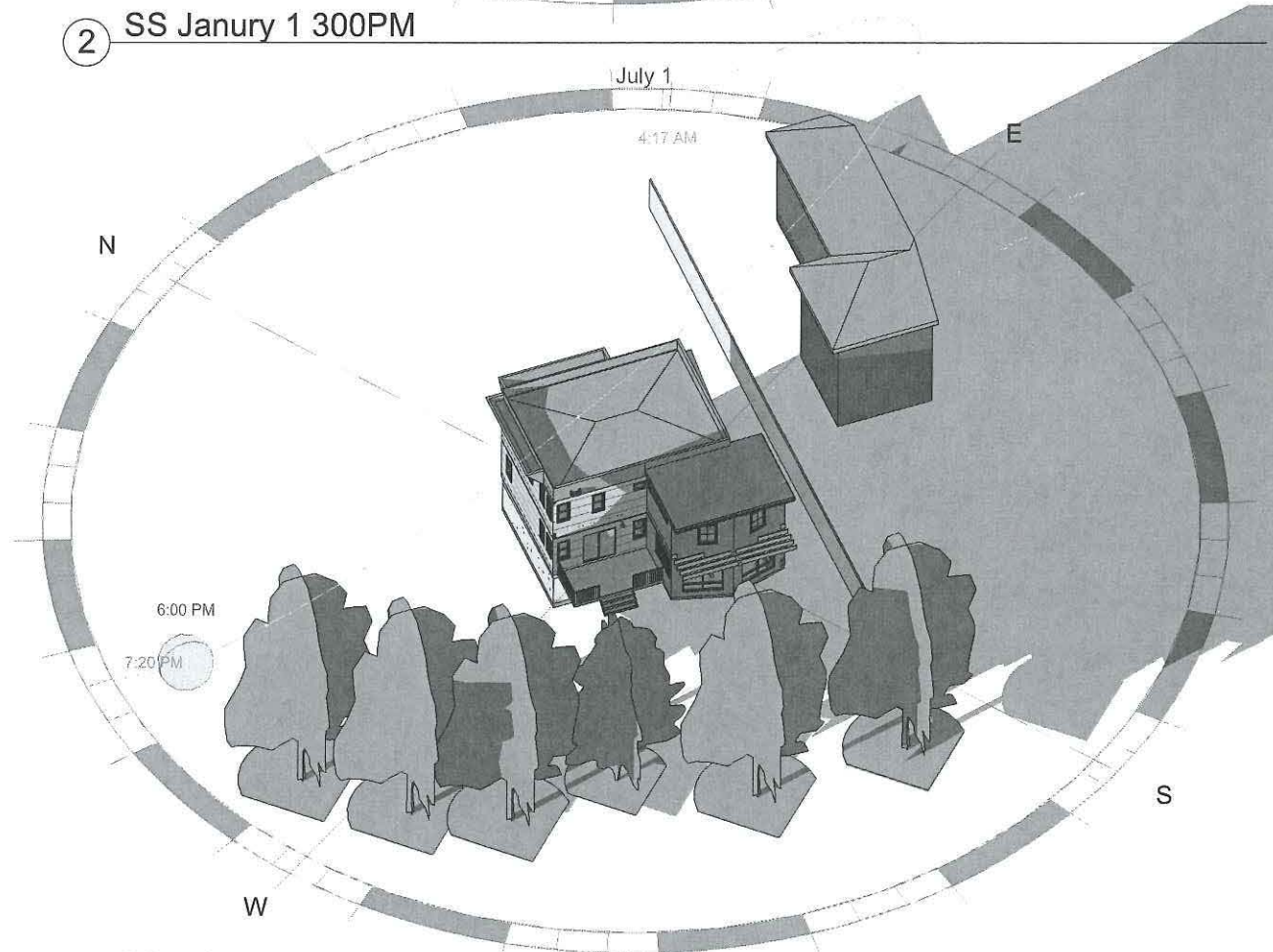
# SS1.2



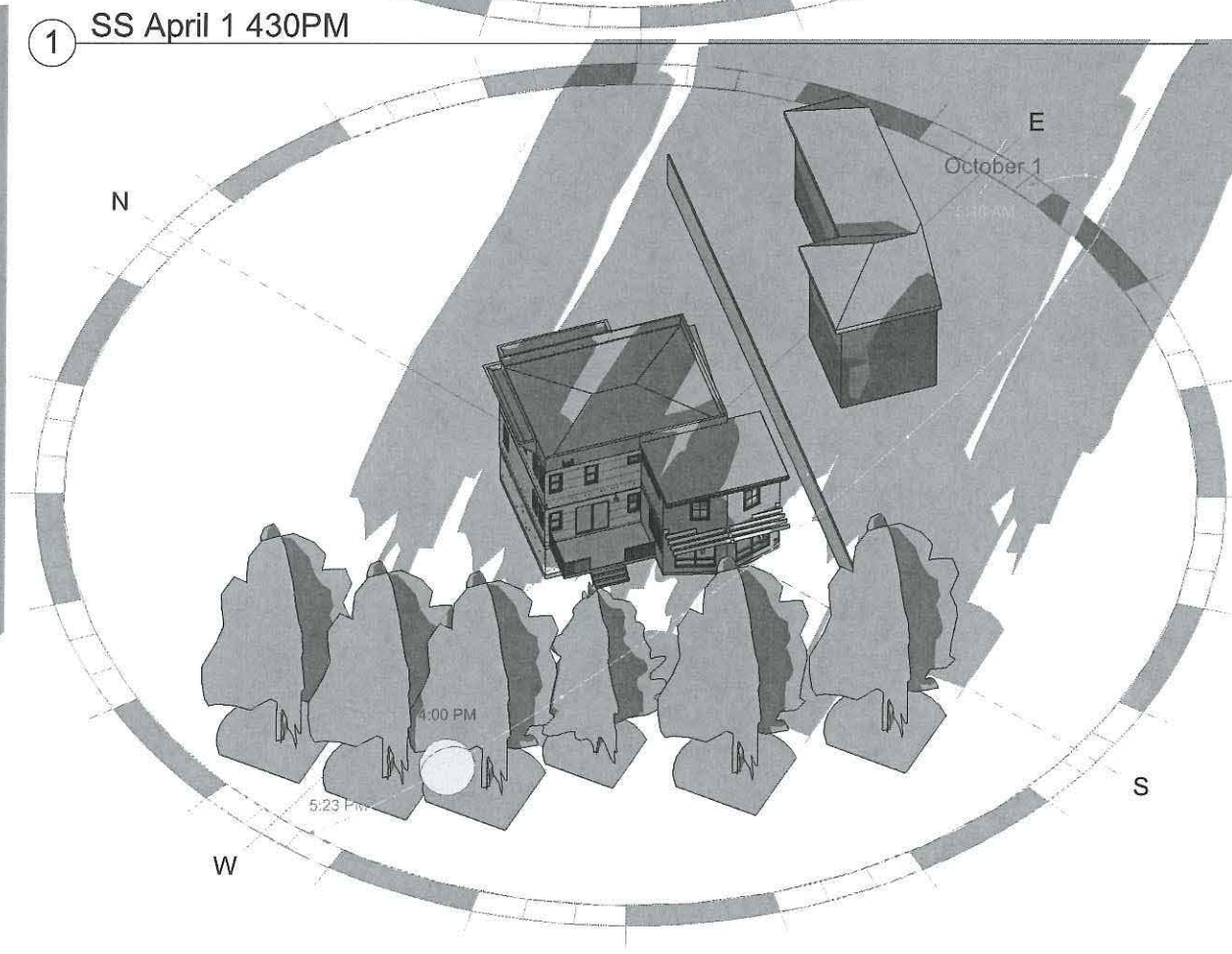
② SS Janury 1 300PM



① SS April 1 430PM



③ SS July 1 600PM



④ SS October 1 400PM



\* \* \* \* \*

(6:11 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Jim Monteverde and Wendy Leiserson

CONSTANTINE ALEXANDER: We'll turn next to Case Number 127988 -- 26 Bellis Circle; #26. Anyone here wish to be heard on this matter?

[Pause]

CONSTANTINE ALEXANDER: Anyone out there wishing to be heard?

SARAH RHATIGAN: Good evening. Sorry. I was just invited in as a panelist. This is Sarah Rhatigan. Good evening, members of the Board. I am here representing the petitioners -- I'm sorry, from Trilogy Law, LLC, 12 Marshall Street in Boston, Massachusetts.

I am here representing the petitioners, who are the owners of 26 Bellis Circle. Tom Culotta and Mary Custic, who are on the screen there, if you can wave, guys. Thank you. And our architect is here, Grady Ragsdale as well. And thanks very much for hearing us this evening.

And just procedurally, Mr. Chairman, to clarify

1 this case was actually not heard when we were originally  
2 scheduled. The petitioners were offered the opportunity to  
3 continue the case because we were told that because of the  
4 panelists that were available at the last hearing, if we had  
5 requested a continuance, the same panel of Board members  
6 wouldn't be available again until January.

7 And being told that information that evening, we  
8 said thank you, we would love to be heard on another  
9 evening. So this is the first time the Board has heard this  
10 case.

11 You will note, however, that as a result of  
12 discussions and feedback from one of my client's neighbors  
13 about the original set of plans that were submitted to this  
14 Board, my clients went through a redesign and a revision to  
15 the original plans that were submitted to this Board.

16 And those revised plans were submitted on Monday  
17 and are part of the file that we're going to review today  
18 with you.

19 CONSTANTINE ALEXANDER: Can you briefly describe  
20 how meaningful the changes are on these revised plans from  
21 the original plan?

22 SARAH RHATIGAN: Yes. I definitely will. Yep.



1 And if I could ask, Sisia, do you have the slide  
2 presentation? Would you mind sharing the screen? Or  
3 Olivia. Thank you. Thanks, Olivia. Sorry about that.

4 Okay. The beginning of this is just some images  
5 of the property. We can just run through this briefly, if  
6 you don't mind.

7 Slide 2, please? Just to give folks a view of the  
8 property.

9 And Mr. Chairman, I will answer your question. If  
10 you don't mind, I'll just run through the images here to get  
11 people oriented.

12 CONSTANTINE ALEXANDER: Go ahead. It's your  
13 presentation.

14 SARAH RHATIGAN: This is -- okay. Thank you. And  
15 I'll try to keep this concise. So the property is the  
16 yellowish structure that you see in the front center of this  
17 image. That's in the rear. It's a single-family structure,  
18 but it's a condominium. It's one of four condominium units  
19 on this Bellis Circle property. And we'll see a plot plan  
20 soon. This is just a side view of the house.

21 Next slide, please?

22 This is a property -- Bellis Circle borders the

1 Danehy Park at the rear. So if you are in Danehy Park and  
2 you are looking at the back yards of the property, our  
3 structure is -- again, the yellow structure. And we're  
4 looking at the back yards of our structure and the  
5 neighbors', which becomes relevant.

6 Next slide, please?

7 These are showing some of the views from the  
8 neighbors' homes of the park, because I know that there's  
9 been some concern about neighbors losing views of Danehy  
10 Park.

11 And the addition that is being proposed for my  
12 client would be sited between the yellow house between our  
13 house and the park, and would not obstruct the windows that  
14 were highlighted in this picture.

15 Next image please?

16 SARAH RHATIGAN: And then this is a view from the  
17 back yard behind our structure, behind our house in our back  
18 yard. And this is a view towards the left of the  
19 neighboring property, and then the property that's two over.

20 And as Board members I'm sure have seen that there  
21 are two letters of objection; as far as we understand,  
22 they're just two neighbors who have opposed, or have



1 expressed -- one has expressed concern, one was definitely  
2 opposed [to] the addition.

3 And they are -- the blue house is, my  
4 understanding is Barbara and Tim -- Tim Wells and Barbara; I  
5 apologize, Barbara, I'm forgetting your last name? I know I  
6 have it in here. And the Wu family is the white structure  
7 that's on the left in this view.

8 Next image, please?

9 And again, this is a view from our back yard of  
10 the back of our house. And this is the location of where  
11 the addition will be sited.

12 Next view, please?

13 Next is the site plan with the landscape drawings  
14 of some arborvitae that are proposed. So this is probably  
15 the best place for me to just talk about the addition that's  
16 proposed and the changes that were made from the original  
17 plan site.

18 So you can see the shape of the back of the house  
19 that's shaded. That's the proposed addition. [Thanks for  
20 zooming in, I appreciate that.]

21 The original addition was further out towards the  
22 lot line. It used the full side lot allowance of 7.5 feet,

1 and then extended all the way back -- sorry, the numbers are  
2 hard to see there, but it extended back. I believe it was -  
3 -

4 CONSTANTINE ALEXANDER: Excuse me, Sarah.

5 SARAH RHATIGAN: -- 20 feet.

6 CONSTANTINE ALEXANDER: I'm sorry. I didn't mean  
7 to -- I just want to say that I have a question for you.

8 SARAH RHATIGAN: Okay, sure. It extended back to  
9 a narrow point. And I'm actually going to have Grady  
10 describe to the Board the -- kind of the reasonings that  
11 went through the original design and the revised design.

12 But the changes that were made that are filed now  
13 are the addition is pulled back a foot from the side lot  
14 line, and then there's an angle cut off of the rear  
15 addition. And the reason for this was to respond to  
16 concerns about lights and views for the neighbors.

17 So there's a real -- like a, one a decrease in the  
18 whole square footage of the project, and a cutting off of  
19 the angular bit of the addition that was extruding into the  
20 corner of the back lot.

21 Is that helpful?

22 CONSTANTINE ALEXANDER: My question for you is how



1 big is the house right now, or gross floor area, before the  
2 proposed addition?

3 SARAH RHATIGAN: So --

4 CONSTANTINE ALEXANDER: According to the filing,  
5 it's 7255 square feet.

6 SARAH RHATIGAN: So that is for the whole  
7 condominium association.

8 CONSTANTINE ALEXANDER: Okay. That's what I  
9 thought it might be.

10 SARAH RHATIGAN: Yep. It is.

11 CONSTANTINE ALEXANDER: How much is it?

12 SARAH RHATIGAN: The increase in square footage of  
13 this addition is -- of the new proposed addition is 560  
14 square feet.

15 CONSTANTINE ALEXANDER: Right. But how much is it  
16 on? What is the -- how much --

17 SARAH RHATIGAN: And it's adding on -- I'm sorry,  
18 do you mind, if you could advance the slide, I don't have  
19 that number memorized here. You know what? I think I cut  
20 the plan page off. Bear with me for one minute.

21 Grady, do you have the existing house plate  
22 number? I will pull it up.

1 GRADY RAGSDALE: It should be in the condo docs.

2 SARAH RHATIGAN: It's on the first page. Yeah,  
3 it's --

4 GRADY RAGSDALE: The existing's in the condo  
5 doctors at the very end.

6 SARAH RHATIGAN: Mr. Chairman, I will get that  
7 number for you and I will get it for you quickly.

8 CONSTANTINE ALEXANDER: You can continue if you  
9 like with your presentation.

10 SARAH RHATIGAN: Yeah. Thank you.

11 CONSTANTINE ALEXANDER: Return to it later.

12 SARAH RHATIGAN: Yep. Thank you. Grady, if you  
13 don't mind, if you could just find that number as we go  
14 through the next?

15 GRADY RAGSDALE: You just need the existing square  
16 footage for the house?

17 SARAH RHATIGAN: Yeah. Actually, you know what?  
18 Let's actually --

19 CONSTANTINE ALEXANDER: With the condition that we  
20 put -- that we added to it. Yeah.

21 JIM MONTEVERDE: It's on the dimensional form, if  
22 that has -- I'm sorry, the original dimensional form.

1           CONSTANTINE ALEXANDER: That's --

2           SARAH RHATIGAN: Yeah, the dimensional form --

3           JIM MONTEVERDE: No, I'm sorry.

4           SARAH RHATIGAN: -- compiles all of the units  
5 together.

6           CONSTANTINE ALEXANDER: Yep.

7           SARAH RHATIGAN: Yeah. And --

8           JIM MONTEVERDE: Gotcha.

9           SARAH RHATIGAN: I know we do -- I apologize. I  
10 know we do have the breakdown. It's on the filing Title  
11 Page, Grady, of your plan set.

12          JIM MONTEVERDE: Mm-hm.

13          SARAH RHATIGAN: It's just when I prepared this  
14 presentation for you, I was trying to be mindful of your  
15 time and I deleted your Title Page because it had a lot of  
16 text on there.

17          GRADY RAGSDALE: Okay. So --

18          SARAH RHATIGAN: So Grady, do you see it?

19          GRADY RAGSDALE: Gross floor area?

20          SARAH RHATIGAN: Gross floor area.

21          GRADY RAGSDALE: Existing is -- gross floor area  
22 is 1488. That's existing.



1 SARAH RHATIGAN: That's right. And then we're  
2 adding 560 square feet to that.

3 GRADY RAGSDALE: Right.

4 CONSTANTINE ALEXANDER: Increasing the size of the  
5 structure, or the usable space by roughly 50 percent - not  
6 quite; close to 50 percent. Am I not right?

7 SARAH RHATIGAN: Well --

8 CONSTANTINE ALEXANDER: 500?

9 SARAH RHATIGAN: No, that's less than 50 percent.  
10 It's --

11 GRADY RAGSDALE: 30 percent?

12 SARAH RHATIGAN: I'm not sure exactly.

13 JIM MONTEVERDE: Thirty.

14 SARAH RHATIGAN: Yeah, probably more like 30  
15 percent.

16 CONSTANTINE ALEXANDER: Okay.

17 SARAH RHATIGAN: Yeah, yeah. And if you'd like, I  
18 can -- we could go through the floor plans very quick. If  
19 you don't mind, go to page 10, Olivia? Because the addition  
20 is relatively simple.

21 And if I could suggest, Grady do you mind just  
22 briefly go through the thinking that went through the

1 redesign and the -- you know, functionally what we're trying  
2 to achieve here?

3 GRADY RAGSDALE: Sure.

4 SARAH RHATIGAN: And then I'll respond to the  
5 other issues.

6 GRADY RAGSDALE: Sure. I mean, the program is to  
7 get, you know, more living space on a level that's  
8 accessible from the rest of the first floor, and then on the  
9 second level, and an extra bedroom.

10 So in order to keep them on the second floor, we  
11 needed to use up one of the bedrooms so that we need enough  
12 space in that addition for two bedrooms and that addition.

13 So the program, you know, has a sort of limitation  
14 on how many square feet we need. Initially, we used the  
15 setbacks and went to setbacks, but that wasn't enough space  
16 for two bedrooms above.

17 So we extended beyond the setback in the back, and  
18 that's where one of the variances was originated from. You  
19 know, a few feet off the setback. But it went at a much  
20 greater angle towards the neighbors -- that original plan.

21 So that's the program, that's the criteria. We're  
22 trying to keep sensitive to the setbacks and try to create a

1 shape, you know, based on that.

2 As we went through the process, we did get  
3 feedback from some of the neighbors, so we decided to, you  
4 know, cut off one of the angles, you know, to -- that  
5 probably blocks the view the most and reduce the square  
6 footage.

7 But we still felt like this was a minimum that we  
8 could get away with to have two bedrooms on the second floor  
9 that would still satisfy having a bed and one desk in each  
10 space, kind of minimum square footage up there, you know,  
11 and a decent-sized family room.

12 So, again, we were able to shrink the square  
13 footage, eliminate some of the elevation that blocks views,  
14 and still satisfy the program. So that's kind of how we  
15 ended up where we are.

16 SARAH RHATIGAN: And if you don't mind, if you  
17 could advance to page 11, just so folks can see the  
18 upstairs. These are the two bedrooms that we were referring  
19 to. You can see the projected setback line. We didn't  
20 focus on this one. We were looking at the site plan.

21 But the shape of this lot is really unusual. It  
22 has a jig jab in the back yard -- through the back yard.



1 And then additionally, there are some constraints that are  
2 unique and difficult for this property that are imposed  
3 because of the fact that this is -- although it's a single  
4 unit with minimal space that is exclusively this -- you  
5 know, attributed to this unit to work in, it has a deep lot  
6 that gets the extended rear yard setback calculations.

7 So instead of having a 20-foot setback, it has a  
8 25 -- or it has a -- we're requesting 25 -- a 25.9-foot  
9 setback would be conforming. And we're, you know, anything  
10 sort of extended off the rear of the lot beyond just a few  
11 feet is ending up sort of in the setback.

12 Could you advance to the next slide, please?

13 This is just showing the view of the addition from  
14 the rear.

15 Next slide?

16 This is the view from the condominium neighbor.

17 Next slide, please?

18 This is the view from the neighbor to the left  
19 side. And then the renderings are probably most helpful for  
20 discussing sort of how this is going to appear.

21 And then if you can show the next slide as well?

22 This is viewed from the rear.

1           And if you could go to page 19?

2           So there was -- I'm going to have Grady take this  
3 back again. You know, Board members, you're aware that  
4 there were concerns raised by the owners -- the Wu family,  
5 who I'm sure will be here and be able to express their  
6 concerns directly. But they're living in the white house,  
7 which is part of a condominium; a front unit and a back  
8 unit. They're in the front unit, which you can see in this  
9 image here.

10           So we did spend quite a bit of time. Part of the  
11 -- you know, the redesign effort was to try to respond to  
12 their concerns about views of Danehy Park, concerns about  
13 whether there would be impacts in terms of shadow.

14           And one of the things that's important to realize  
15 about this lot and about this area is that there are some  
16 quite large and beautiful trees that provide quite a bit of  
17 shade. And Grady, if you could just run through the shadow  
18 studies, which --

19           GRADY RAGSDALE: Certainly.

20           SARAH RHATIGAN: -- start at the next pages here.

21           GRADY RAGSDALE: Yeah. I mean, this slide here  
22 just shows kind of where the trees are, the height of the

1 trees. We showed one afternoon shot. We could start to see  
2 some shadows, and then morning. Just to give you an idea  
3 kind of where the sun is coming through, and the height of  
4 some of those trees.

5 You go to the next slide.

6 So this is the existing conditions. This is just  
7 -- tried to take a view of, you know, every three months.  
8 So January 1, July 1, October 1. I know that trees -- you  
9 know, deciduous trees have different, you know, conditions  
10 during the first of the year. But the goal was to kind of  
11 show, you know, typically at sunset, you know, what the  
12 impact is.

13 And you can see in early January, you know, the  
14 sun is going down basically behind it. So there is not much  
15 impact on neighboring properties for shade, at least to the  
16 southeast and west during the early months.

17 Into April, again, it's -- you know, around 4:30  
18 is when the sun starts to set. I can't see it on here, but  
19 there is -- the sunset is, but you can see that in April the  
20 trees are starting to fill out. The shadows are cast -- the  
21 building is casting a shadow on the neighbors, but kind of  
22 minimally. And mostly it's the trees shading the 26 Bellis.



1           You get into July, shadows later in the day.  
2       7:00, the shadows are getting longer. And the existing  
3       building is already casting shadows on the neighbors.

4           And then we have in October, again, it's starting  
5       to move back the other way. The trees are creating more of  
6       a shadow issue than the existing building.

7           So if you go to the next one, the next slide will  
8       show with the addition that's -- you know, there is --

9           Next one? There you go.

10          You know, the idea is in January, again, there's  
11       really minimal amount of shading that's affecting the  
12       neighbors. It's mostly the trees. As you get into April,  
13       you can see there at sunset there's a little bit of --  
14       before it gets behind the trees, there's a little bit of  
15       shadow on those buildings. July, again, it's much later in  
16       the day, but the shadows are much deeper.

17          But the existing building if you can kind of  
18       compare this to the previous slide, the shadows from the  
19       existing building are almost the same as what's on the -- in  
20       the addition.

21          And then, again, in October it's more an issue of  
22       what's going on with the trees, as the sun moves back, you

1 know, late in the day around -- you know, around the south  
2 part.

3 Really, the summer -- the late, late summer hours  
4 are probably the only time when the addition will be, you  
5 know, really affecting shadows onto the neighboring  
6 buildings.

7 And that's kind of what all of this was to show,  
8 you know, not that there's no impact, but the impact is, you  
9 know, minimal and just at certain times and certain, you  
10 know, times of the year.

11 Hope that makes some sense. If you have any  
12 questions, please --

13 CONSTANTINE ALEXANDER: Don't worry, we'll ask  
14 questions.

15 SARAH RHATIGAN: Yeah. Thank you. And if you  
16 could go to Slide #23, which is the site plan again. If you  
17 don't mind, thank you. Just send it to the -- if you don't  
18 mind, Zoom it out, actually, just to see the whole area.  
19 Thank you. That's great.

20 Just to, you know, briefly just talk about kind of  
21 the zoning technical parts. And then I want to go back to  
22 some of the process and the neighbors and the community.

1           So I talked about the depth of the lot, and how  
2 we've kind of got, you know, the -- we've got the difficulty  
3 of having a deeper required setback in the rear, which is  
4 the reason for the variance.

5           Technically, under the -- you know, the Bellalta  
6 standard as it's been now incorporated into the zoning  
7 ordinance, if this were just an increase in FAR, it's  
8 conceivable that this Board could grant relief for a special  
9 permit to allow for an addition if it were not sited within  
10 the setback.

11           And so there was some discussion among the team as  
12 to whether or not we should try to figure out how to kind of  
13 avoid violating the rear setback.

14           But in doing so, it was sort of pushing the mass  
15 of an addition further towards the neighbors, because we do  
16 have space further -- closer to the left lot line that would  
17 frankly be, you know, less desirable, we would think, to  
18 them.

19           And it didn't seem to be a meaningful change,  
20 particularly where in this instance the rear abutter is the  
21 city of Cambridge and lots and lots of trees and a culvert,  
22 and, you know, the rear setback intrusion doesn't -- you



1 know.

2 CONSTANTINE ALEXANDER: Sarah, I'm puzzled.

3 SARAH RHATIGAN: Yeah.

4 CONSTANTINE ALEXANDER: The first requirement for  
5 a variance is that a literal enforcement of the provisions  
6 of the ordinance would involve a substantial hardship --

7 SARAH RHATIGAN: Mm-hm.

8 CONSTANTINE ALEXANDER: I don't think it's the  
9 siting of your current structure on the lot in the rear is  
10 the substantial hardship you're trying to deal with, I don't  
11 think.

12 SARAH RHATIGAN: So.

13 CONSTANTINE ALEXANDER: I mean, it's not much of a  
14 --

15 SARAH RHATIGAN: Well, so the --

16 CONSTANTINE ALEXANDER: There's got to be other  
17 reasons.

18 SARAH RHATIGAN: The -- yeah. No, the -- what we  
19 have is it's kind of like a constellation of several things  
20 go on at once. And I describe it in the application a bit,  
21 and I'll just try to describe it to you briefly.

22 So the property was -- the petitioners purchased

1 the property as a new construction in 2005. And it was  
2 purchased with "basement livable space" --quote, unquote--  
3 of approximately 700 square feet in the basement.

4 The expectation was that they would be able to use  
5 the space, you know, for, you know, living purposes. And  
6 under best circumstances, you know, they might be able to  
7 modify that to create bedroom space. If this were, you  
8 know, a situation where the conditions weren't what they  
9 are.

10 But as they've lived in this property for 16 years  
11 with their children, who are getting larger and their space  
12 needs becoming greater, they've had water infiltration  
13 issues that two sump pumps have not been able to remedy. So  
14 with large rains, the water is -- you know, buckets being,  
15 you know, emptied out into sinks in the basement.

16 CONSTANTINE ALEXANDER: What troubles me, Sarah,  
17 is the fact that --

18 SARAH RHATIGAN: Yep.

19 CONSTANTINE ALEXANDER: The Bellis Circle area has  
20 a known water problem. It's just not particular to this  
21 lot. And I don't see anyone else having a problem with  
22 water. I'm sure it requires an investment to deal with it,

1 maybe it can't be done, but other people seem to have done  
2 it. Why can't --

3 SARAH RHATIGAN: I don't -- I'm not -- I'm sorry,  
4 Mr. Chairman I'm not sure that that's shown in the record.  
5 It looks like maybe one of the concerns of the abutters two  
6 over has a concern about water?

7 CONSTANTINE ALEXANDER: What? All I know is --  
8 as you know, we have letters -- letters plural, of  
9 opposition to the relief your client is seeking. And they  
10 don't seem to be sympathetic to the issue of water damage,  
11 or water problems in the basement. So I have to --

12 SARAH RHATIGAN: Right. I think that there's one  
13 letter that's not sympathetic to what I --

14 CONSTANTINE ALEXANDER: No, it's more than one  
15 letter, sorry.

16 SARAH RHATIGAN: Okay.

17 CONSTANTINE ALEXANDER: There's at least two. I  
18 haven't gone through the rest of the file. The second one  
19 is -- I'll just tell you that it's from Barbara Thomas and  
20 Timothy Wall, who reside at 14B Bellis Circle. And they are  
21 opposed. And they've dealt with the water issue in the  
22 area.



1           So I have to ask, if they could do it, why can't  
2 your client do it, or is there another reason why you're  
3 looking to do what you want to do? That's my question.

4           SARAH RHATIGAN: Well, I mean I think that there's  
5 --

6           CONSTANTINE ALEXANDER: I don't mean to suggest --

7           SARAH RHATIGAN: Right.

8           CONSTANTINE ALEXANDER: -- duplicity here. I just  
9 want to understand the facts.

10          SARAH RHATIGAN: Okay. I certainly understand.  
11 And they're -- you know, I think that what -- hopefully what  
12 you'll see -- I'm hoping that we were able to persuade  
13 neighbors who wrote letters in support to also be able to  
14 attend this evening to, you know, voice their, you know,  
15 sort of character references.

16          But, you know, I think that there is not duplicity  
17 going on here. They're trying to -- these folks are trying  
18 to solve a problem.

19          And the, you know, without getting into details  
20 of, like, how one could engineer creating the space that  
21 they need in the basement, you know, the addition is the  
22 solution that was something that's been carefully, you know,

1 considered over time.

2 And in terms of the siting of it, one other thing  
3 I wanted to point out to you, to the Board, is that there's  
4 no way for this structure and on this kind of unique lot  
5 with the way the buildings are spaced so as to have the  
6 proper spacing between buildings.

7 There's no way to build up, because they can't  
8 increase the height of the structure. And there's no way  
9 for them to site an addition on any other side of the  
10 building.

11 They can't go to the front, because then they're  
12 violating a distance between buildings. They can't go to  
13 the other side where their current deck is located, because  
14 then the addition would be located in land that is exclusive  
15 use area that's not theirs, that they don't own or do not  
16 have control or rights of.

17 Or it would be in a parking area with some other  
18 improvements on it.

19 And so, you know, they were really trying to do  
20 the best they could to be able to stay in their home. I  
21 mean, they're not -- you know, this is a common, you know,  
22 you deal with these cases all the time, this Board does.

1           I think one of the things that is important for  
2 the Board to know as well -- obviously, I want a chance for  
3 you to be able to hear from, you know, from the neighbors.

4           But there was an effort from the very beginning to  
5 reach out to the neighbors, to the Wu family who levels next  
6 door to them back in the spring, and that effort was met  
7 with absolute resistance to discussion. So there was no  
8 willingness to be open to talking.

9           And that type of response of, "We are going to  
10 oppose you at any cost" has unfortunately continued. And  
11 there was some shouting in a yard and sort of difficult  
12 behavior that has been very difficult for my clients to be  
13 able to try to work directly with the Wus on a solution.

14           But they did make a lot of effort to reach out  
15 once they were aware that the owners two over from them had  
16 concerns about water and views.

17           And there were some discussions over the period of  
18 a month. And frankly, they were quite surprised when this  
19 revised addition wasn't met with approval, because they  
20 thought that the direction they were going in was consistent  
21 with conversations that they had.

22           And there had been quite a bit of effort put in to



1     trying to do this redesign to address those concerns,  
2     because it cut off, you know, a big corner of the addition  
3     to improve, you know, neighbors' views, and, you know, they  
4     thought that they had been really going in a good direction.

5             So, and the other thing I will point out -- and  
6     again, hopefully there will be people who have been able to  
7     attend tonight to be able to actually speak directly on  
8     this, but -- they do have the support of really all the  
9     other neighbors, who are in this general vicinity, and have  
10    been long-standing, you know, good neighbors for everyone  
11    there.

12            The -- just a few other things I wanted to point  
13    out on the hardship. So we have a combination of the soil  
14    conditions and the water infiltration in the basement,  
15    needing to find a solution to trying to essentially  
16    compensate for loss use space.

17            The complex zoning of the -- that's resulting in a  
18    larger required rear setback, and yet inability to have an  
19    increase front yard area, because they're building a set  
20    behind another yard -- another building.

21            And additionally this jagged rear yard that --  
22    rear yard line which results in a very sort of strange-

1 shaped rear yard setback that, you know, further contributes  
2 to the difficulty of finding a way to site an addition that,  
3 you know, conforms with the setbacks.

4 CONSTANTINE ALEXANDER: Is that it for the  
5 presentation?

6 SARAH RHATIGAN: That is.

7 CONSTANTINE ALEXANDER: The reason I ask is I want  
8 to open the matter up to questions from my fellow Board  
9 members, but I don't want to do that until you're finished.

10 SARAH RHATIGAN: I am. And I would just ask if --  
11 I know you usually do allow people to respond after there's  
12 been -- you know, further discussion. I'm just anticipating  
13 that there may be -- you know, things that we'd like to  
14 respond to after the public comment period.

15 CONSTANTINE ALEXANDER: I'm sorry. I just didn't  
16 catch everything you said.

17 SARAH RHATIGAN: Oh. I said I'm just -- I'm  
18 expecting and hoping that we would have an opportunity to  
19 respond after there was some public comment received?

20 CONSTANTINE ALEXANDER: Oh, yeah.

21 SARAH RHATIGAN: As usual. Yep, thank you.

22 CONSTANTINE ALEXANDER: Okay. Brendan, any

1 questions?

2 BRENDAN SULLIVAN: [Brendan Sullivan] yes, a  
3 comment. When I look at a development -- say a townhouse  
4 development, this is a condominium development -- and it  
5 comes back before us some years after it was built, I sort  
6 of look at -- I'm not totally convinced of the need to  
7 expand upon it.

8 The townhouse ordinance allows you some liberties,  
9 and we always find that the townhouse developer usually goes  
10 write up to the line with what he's allowed to do at the  
11 time, so that he doesn't get any -- have to come down before  
12 us.

13 Same way with this particular development here,  
14 which is a condominium development and again has all of the  
15 nuances of that. But that then again allows them to build  
16 what they build and not have to come down to us for this  
17 relief.

18 And, you know, there's a whole different set of --  
19 there's a different set of standards for both of those type  
20 of developments. And I'm not totally convinced on the  
21 hardship and why you can't make existing space. I know it's  
22 in the plan; that it is showing that you have an office



1     there, a family room, storage and a laundry in the basement.

2             So it appears to be usable. It may not be ideal;  
3     it may not be the size that you wish, but, you know, that's  
4     sort of what you purchased. And times change, and  
5     circumstances change.

6             But, you know, you're seeking relief from the  
7     ordinance. Some of the abutting neighbors are seeking the  
8     protection of the ordinance. And they're asking us, there  
9     is an ordinance in place, and to approve it. And in reading  
10    their letters -- and I feel that they do have some very  
11    legitimate concerns for the impact with this particular  
12    development.

13            So those are my thoughts.

14            CONSTANTINE ALEXANDER: Thank you. Jim, do you  
15    have any questions you want, or comments you want to make?

16            JIM MONTEVERDE: I do. A comment. Just on  
17    looking at the revised floor plan, and also the previous  
18    floor plan, the second floor in particular, if the goal is  
19    to add one bedroom, I think I heard Sarah say that it was  
20    impossible to do that within the lot lines.

21            But I'd be interested to see it. Because really  
22    the -- you know, the plan in front of us takes away one of

1 the bedrooms to create not just a passage to the new  
2 bedroom, but also that kind of warren (sic) of closet space.

3 So I'd just be curious if you had a study that  
4 showed that you could not achieve that within the lot line.  
5 I'd be curious to see it.

6 CONSTANTINE ALEXANDER: You want to respond to  
7 that comment or not? It's up to you.

8 SARAH RHATIGAN: Grady, would you be able to  
9 assist on that?

10 GRADY RAGSDALE: Sure. I think, you know, there's  
11 -- you know, there's obviously minimum property standards.  
12 But, you know, every bedroom needs a -- you know, a window,  
13 a closet.

14 If you were to try to stay inside those lot lines  
15 and create two bedrooms and get from the hallway back to a  
16 bedroom that's in that back space, I think you'd end up  
17 with, like, an eight-foot, you know, an eight-foot bedroom -  
18 - eight-foot wide or less, probably the width of that  
19 closet, in order to get yourself back to a space.

20 So, you know, you would have to -- and then you'd  
21 have to try to get two closets in that space as well.

22 So we haven't looked at it. You know, certainly

1 if we push ourselves back towards the -- back to the  
2 projected setback lines in both directions, you know, it may  
3 be possible. But I think doing that, we're just, you know,  
4 pushing the building and addition closer to the neighbors.  
5 And we're trying to be sensitive to that.

6 So it may be possible. But it's -- again, I don't  
7 think it -- it might save square foot (sic) and keep us  
8 within the proposals, but it doesn't -- that doesn't in  
9 particular address some of the concerns of the neighbors.  
10 But I think -- not to speak for Tom and Mary, but I think  
11 it's something we want to look at.

12 JIM MONTEVERDE: Okay. If it were within the  
13 property line, that back rear property line, would you then  
14 be able to do this as-of-right?

15 SARAH RHATIGAN: No. It would be --

16 JIM MONTEVERDE: Would you still need --

17 SARAH RHATIGAN: A special permit.

18 JIM MONTEVERDE: Okay.

19 SARAH RHATIGAN: It would be a special permit  
20 standard, yeah.

21 JIM MONTEVERDE: Yep. And then your Bellalta  
22 would apply and --



1 SARAH RHATIGAN: Correct.

2 JIM MONTEVERDE: You're in a different world?

3 SARAH RHATIGAN: Yeah.

4 JIM MONTEVERDE: Yeah. Okay. Thank you.

5 SARAH RHATIGAN: Correct.

6 JIM MONTEVERDE: Thank you.

7 CONSTANTINE ALEXANDER: Andrea? Do you have any  
8 questions or comments?

9 ANDREA HICKEY: Yes. I have a couple of questions  
10 and one comment. I'll start with a comment first. I'm sort  
11 of leaning toward my colleague, Mr. Monteverde's -- I don't  
12 know if it was a suggestion, but his query. I'd much rather  
13 see this before us as a special permit case under Bellalta  
14 versus a variance as presented. So that is my comment.

15 I'd like to ask Counsel, so this is a four-unit  
16 condo. And we know that -- if I understood correctly, one  
17 of the other unit owners objects. What about the other two  
18 unit owners?

19 SARAH RHATIGAN: No, I'm sorry Andrea -- I'm  
20 sorry, Ms. Hickey --

21 ANDREA HICKEY: That's all right. It's fine.

22 SARAH RHATIGAN: No -- sorry about that. There

1 are all of the condominium unit owners are in support of the  
2 --

3 ANDREA HICKEY: Oh, okay.

4 SARAH RHATIGAN: -- application. And they have  
5 submitted a letter of support.

6 ANDREA HICKEY: Okay.

7 SARAH RHATIGAN: There is -- yeah. And there was  
8 -- at one point there was a suggestion in a previous letter  
9 of opposition I believe that there was opposition from  
10 condominium members --

11 ANDREA HICKEY: Right, right.

12 SARAH RHATIGAN: -- which was not, which was not  
13 true.

14 ANDREA HICKEY: Right.

15 SARAH RHATIGAN: And I'm not sure why that was  
16 claimed. But we went back to everyone and checked to make  
17 sure, and it's our understanding that everyone is still  
18 supportive of the plan.

19 ANDREA HICKEY: All right. That goes a long way  
20 with me, if everyone in this sort of contractual community  
21 is okay with it. That carries a lot of weight with me.  
22 Now, Counsel, you mentioned that it wouldn't be possible to

1 do some sort of addition in the area of the deck. Did I  
2 hear that or not?

3 SARAH RHATIGAN: That's correct in the sense of if  
4 they were to essentially shift the existing addition over to  
5 the other side --

6 ANDREA HICKEY: Right.

7 SARAH RHATIGAN: Because if we look at -- let's  
8 see, could we go to the site plan, which is page -- down  
9 towards the bottom -- and I know that the Master Plan for  
10 the condominium is part of our submission. I didn't include  
11 it in this package here. So I --

12 ANDREA HICKEY: I'm looking at it.

13 SARAH RHATIGAN: -- I'm sorry, I don't --

14 ANDREA HICKEY: I have it.

15 SARAH RHATIGAN: Okay.

16 ANDREA HICKEY: I printed it.

17 SARAH RHATIGAN: So my -- oh, okay, great. So my  
18 recollection, and from walking the site is that it's  
19 something like the exclusive use area for the unit that's  
20 number 25 starts something like maybe five feet off of the  
21 back corner of the other side of the structure. And if  
22 you're looking at the Master Plan, you probably can see that



1 dimension better than I can.

2 GRADY RAGSDALE: I'd also like to mention if I  
3 could that that rear setback, since it does come at an angle  
4 --

5 ANDREA HICKEY: Mm-hm.

6 GRADY RAGSDALE: The closer you get to that side  
7 of the building where the porch is, the more you're going to  
8 be into that --

9 ANDREA HICKEY: I get that.

10 GRADY RAGSDALE: -- rear setback.

11 SARAH RHATIGAN: Oh, yeah, that is true. And I'm  
12 sorry, the Master Plan I'm looking at actually doesn't -- it  
13 doesn't call out the dimension of how far it is off of the x  
14 exclusive use area.

15 ANDREA HICKEY: Mm-hm.

16 SARAH RHATIGAN: But on a site walk, there's a  
17 nice, wooden fence around the exclusive use yard area there.  
18 And there's a gate that is, you know, I'm guessing maybe  
19 four feet wide. So I think that the exclusive use yard  
20 area, at least as it's used, is four feet off of the -- off  
21 of the back corner.

22 ANDREA HICKEY: Okay, I'm --

1 SARAH RHATIGAN: Another one runs along the house.

2 ANDREA HICKEY: Yeah. I'm not taking that away  
3 from my review of the condo site plan, but I guess we can  
4 leave that alone for now.

5 Counsel, how high are the ceilings in the  
6 basement? Do you know, roughly?

7 SARAH RHATIGAN: Ooh.

8 ANDREA HICKEY: Is there any reason other than  
9 sort of water infiltration, which they're typically if you  
10 throw enough money at it is a way to deal with that. Is  
11 there any other reason why the basement wouldn't be suitable  
12 for additional living area?

13 SARAH RHATIGAN: This is where Grady and the  
14 client should step in. I have my subjective experience of  
15 it, which is that it felt very cramped, but -- and the water  
16 issues are significant and have been -- they've been trying  
17 to address them with sump pumps ineffectively.

18 Grady, do you recall?

19 GRADY RAGSDALE: Yeah. Also part of the program  
20 is, you know, Tom and Mary have parents who are going to be  
21 coming to live with them.

22 And we wanted to find someplace other than the

1 basement that a) they could get to as a, you know, living  
2 space, public space; but also a little bit more, you know,  
3 within the family, you know, level as opposed to trying to  
4 put them into a basement.

5 So, you know, the -- you know, the aging in place  
6 factor -- you know, the elderly factor was something that  
7 was in the program that we wanted to address and be  
8 sympathetic to that. So that's another reason why building  
9 an addition was more, you know, desirable than, you know,  
10 trying to get something -- living space in a basement.

11 ANDREA HICKEY: And that's all I have.

12 SARAH RHATIGAN: Mary and Tom, do you have a --  
13 oh, okay.

14 ANDREA HICKEY: I will yield, Mr. Chair.

15 CONSTANTINE ALEXANDER: Okay. Thank you, Andrea.  
16 Wendy, do you have any questions or comments you want to  
17 make at this point?

18 WENDY LEISERSON: I do. So I was gratified to  
19 hear the questions that were brought up by my colleagues. I  
20 did want some more clarity about the plan. So I see on the  
21 second floor -- the original plan -- well, first actually  
22 let me start with the square footage.



1 I'm looking at Exhibit C to the condo documents.  
2 And it says, I believe, that this unit is 1645 square feet.  
3 And I wanted to ask you about that, because I wanted to ask  
4 whether the 1400 that you cited earlier included the  
5 basement square footage, or is that a reallocation of the  
6 square feet?

7 GRADY RAGSDALE: No. That does not include the  
8 square footage.

9 SARAH RHATIGAN: And that's for -- because it does  
10 not -- it does not qualify as gross floor area for the  
11 ordinance.

12 WENDY LEISERSON: Okay. And then --

13 SARAH RHATIGAN: Yeah.

14 WENDY LEISERSON: -- but so the correct figure,  
15 would that be Exhibit C? Which would mean --

16 SARAH RHATIGAN: No, the correct, the preferred --

17 GRADY RAGSDALE: Did you say 16?

18 WENDY LEISERSON: "C" as in Cambridge. Sorry.

19 SARAH RHATIGAN: So the correct number in terms of  
20 the square footage of the existing unit is -- when we were  
21 asked that question, or when I was asked that question, I  
22 was thinking of gross floor area as defined in the

1 ordinance.

2 WENDY LEISERSON: Okay.

3 SARAH RHATIGAN: But if you add the basement, the  
4 basement is, you know, that additional square footage  
5 number.

6 WENDY LEISERSON: Okay.

7 SARAH LEMKE: So the condominium document number  
8 is -- should be accurate.

9 WENDY LEISERSON: Okay. Although it doesn't  
10 explain the numbers, I think. Because you -- I think in  
11 your statement you say there are 700 square feet in the  
12 basement? So that's different than what we're talking about  
13 here.

14 SARAH RHATIGAN: I think -- I think that that may  
15 include -- I apologize. I'm actually not sure what the --

16 GRADY RAGSDALE: Yeah, I'm looking at the con --

17 SARAH RHATIGAN: So I would have to look at my  
18 notes.

19 GRADY RAGSDALE: I'm looking at the condo docs  
20 here. It says, "Unit 26 first-floor area 728, total unit  
21 area 1488." That's where we pulled our numbers from.

22 WENDY LEISERSON: Okay. I'm not sure what I'm

1 looking at with Exhibit C then, but that's fine. So I just  
2 wanted to clarify about the basement.

3 GRADY RAGSDALE: Sure.

4 WENDY LEISERSON: The larger number would actually  
5 have, I thought, helped your case because you wouldn't be  
6 expanding it more than you are, you'd be expanding it less,  
7 percentage-wise.

8 But in any event, okay, thank you for clarifying  
9 that. And I wanted to know also, so in the statement of  
10 what the hardship is, we get the water damage point you've  
11 made, but you also say about the elderly issue as one reason  
12 for your hardship.

13 But you say there that you need one additional  
14 bedroom. And the plan that you proposed is planning for two  
15 additional bedrooms. And so I'm wondering if the hardship  
16 is related to what you have in your petition, which is to  
17 help the aging parents move in, why you need the two  
18 bedrooms up top?

19 And how would going down to one bedroom be a  
20 hardship? Because that could also reduce your impact on the  
21 neighbors and the setback.

22 GRADY RAGSDALE: Can I answer that?



1 SARAH RHATIGAN: I was going to ask you to.

2 GRADY RAGSDALE: Yeah.

3 SARAH RHATIGAN: Yeah, Grady.

4 GRADY RAGSDALE: Yeah. There -- right now there's  
5 a master bedroom and two bedrooms for two daughters. In  
6 order to get back to that space, as you can see in the  
7 second-floor plan, we need to have closet space. We  
8 actually lose a bedroom in the process getting hallways and  
9 closets back.

10 So we are adding two bedrooms, but in this case,  
11 we're losing the bedroom. So basically with the linen  
12 closet, that all is one bedroom right now that you access,  
13 you know, from the main hallway right off the bathroom.

14 So the idea was to -- in order to keep the  
15 addition as small as possible to locate all the closets kind  
16 of within the volume of the former bedroom. So that's --  
17 it's two new bedrooms, but we're losing one in the process.

18 WENDY LEISERSON: I see. Okay. Thank you for  
19 explaining that to me too.

20 And then I also, like my colleagues, would be  
21 interested to understand how relocating the addition nearer  
22 where the deck is would also be a problem for you?

1 Especially if you were condo mates have no objections, but  
2 other neighbors do.

3 I wonder about the -- you know, alleviating the  
4 impact on the neighbors that do object, versus the condo  
5 mates who don't. So I would definitely like to see that  
6 submitted.

7 And then I think my other questions have been  
8 raised by my colleagues. Thank you.

9 CONSTANTINE ALEXANDER: Thanks, Wendy. I have  
10 nothing to add at this point. I've already asked my  
11 questions and made my comments during the course of Sarah's  
12 presentation.

13 So I will now open the matter up to public  
14 testimony. Any members of the public who wish to speak  
15 should now click the icon at the bottom of your Zoom screen  
16 that says, "Raise hand."

17 If you're calling in by phone, you can raise your  
18 hand by pressing \*9 and unmute or mute by pressing \*6.  
19 We'll take a moment to see if there are any public questions  
20 or commentary.

21 SISIA DAGLIAN: Leah Kerr?

22 LEAH KERR: Hi there. Can you hear me?

1           CONSTANTINE ALEXANDER: Yes.

2           LEAH KERR: Okay. My husband and I live at 27  
3 Bellis Circle -- Adam and Leah Kerr -- and we are condo  
4 mates on that property, and we live here with our three  
5 children. And we're in support of the project.

6           But I think what I can speak to is the water issue  
7 and the basement being -- I mean, I know you can throw a lot  
8 of money at it, but it -- very low ceilings, number 1.

9           I don't know if we said how high the ceilings  
10 were, but it's definitely not a place that you would want to  
11 put any of your parents. There is utilities and storage.

12           And I watch Mary and Tom's home when they go visit  
13 Mary's parents or go on vacation, and more than one time  
14 that I checked the basement, because you have to check the  
15 basement every time I'm watching the house, because  
16 inevitably there's going to be water.

17           We have the same -- I mean, this whole area has  
18 that problem, but for some reason their home in particular  
19 with the windows in the basement, there are so many ways for  
20 the water to get in. And so I think that's my biggest --  
21 why I am in support of putting the addition on.

22           And they're just -- they're great neighbors. I



1 know that there's a couple neighbors that aren't in support  
2 of it, but it's -- you know, they're --

3 CONSTANTINE ALEXANDER: Hello? I think we lost  
4 you. What happens to the sound?

5 LEAH KERR: Do you have any questions?

6 CONSTANTINE ALEXANDER: Thank you for taking the  
7 time to speak to us tonight. Anyone else wish to speak?

8 SISIA DAGLIAN: Nicola Barna?

9 NICOLA BARNA: Hi. Can you hear me?

10 CONSTANTINE ALEXANDER: Yes, we can hear you.

11 NICOLA BARNA: Okay. I don't know how to come to  
12 my camera. So my name is Nicola Barna. I live at 29 Bellis  
13 Circle, which is just on the other side of the condo  
14 association.

15 And I would like to say that my husband, Dudley  
16 Wyman and I, are in full support of Mary and Tom's project.  
17 You know, I think they've been on the street since 2005.  
18 We've been on the street since 2004, and they've been really  
19 central members to the neighborhood, you know, contributing  
20 to the way that the neighborhood operates, supporting each  
21 other. Really, really just important to the kind of  
22 community that I think we all find very important in

1 Cambridge.

2 I've met their parents. I've met Mary's Mom quite  
3 a bit, and we completely support the idea of trying to build  
4 an aging in place environment for families.

5 You know, I think having all of us lived through  
6 the pandemic, or living through the pandemic, I think these  
7 are these times when I think family becomes so important.

8 So just again, a huge amount of support from our  
9 family, my husband and I, and I just hope that the Zoning  
10 Board approves this. Thank you.

11 CONSTANTINE ALEXANDER: Thank you for taking the  
12 time to comment. Anyone else?

13 SISIA DAGLIAN: Erwin Ramos?

14 [Pause]

15 SISIA DAGLIAN: Erwin Ramos?

16 ERWIN RAMOS: Yes. Can you hear me?

17 CONSTANTINE ALEXANDER: Yes. Now we can.

18 ERWIN RAMOS: Okay. Yes. My name is Erwin Ramos.  
19 And I'm a good friend of Mary and Tom. And my kids and  
20 their kids go to the same school in St. Peters. And I've  
21 known them for 15 years. And I also live in the  
22 neighborhood, 41 Concord Ave.

1           And I can say that I -- they are very good people  
2     in the community. And I also know, because I've also been  
3     in their house a lot of times, and I can see that the place  
4     is a little bit cramped. And we usually just stay outside,  
5     because the house is pretty small.

6           And I also know their parents. And they frequent  
7     through the house. And I'm sure they need also an extra  
8     room for that. And that's all I'm can say.

9           CONSTANTINE ALEXANDER: Okay. Thank you. anyone  
10    else?

11          SISIA DAGLIAN: Michael Siegell?

12          MICHAEL SIEGELL: Hello?

13          CONSTANTINE ALEXANDER: Hello.

14          MICHAEL SIEGELL: Oh, hi there. So I live at 33  
15    Bellis Circle, a little bit away but not far as the crow  
16    flies. I wrote a letter of support of this project in its  
17    first version, and I feel even more supportive of the  
18    project, given the accommodations that they've made in their  
19    design, to try to allay some of the concerns of two  
20    neighbors.

21                I want to say that I've lived on Bellis Circle  
22    since 1980. I think I'm the longest-standing resident. And



1 I have seen tons of projects happen on this street, and the  
2 population has more than tripled. And I've been before this  
3 Board many times -- mostly in opposition of projects and  
4 building.

5 But this is one of the few where I'm very  
6 enthusiastically in favor. And the reason being, who these  
7 people are. They are anchors of the community. They've  
8 been with us for 16 years, and they've made a commitment to  
9 stay longer. And to me, that matters tremendously, who the  
10 players are.

11 I mean, Zoning doesn't look at individuals, but  
12 these are individuals who are looking for, in my view, a  
13 very modest change that will help them to stay in the  
14 community even longer, which we all care about, and will  
15 actually increase their footprint humanistically, you know,  
16 as players.

17 I just have to say one other thing about the  
18 basement, because the Chairman, you made some comment about  
19 the water problems. We built our house here in 1993 on  
20 Bellis Circle. We put a massive amount of money to try to  
21 mitigate the horrible water problem on Bellis Circle. We  
22 have lived through two major floods in our basement, one of

1    them which cost more than \$40,000. This is the great flood  
2    of the late '90s in Bellis Circle and elsewhere in  
3    Cambridge; and in the 2000s another one, costing us tens of  
4    thousands of dollars.

5           Every single person who lives in the perimeter of  
6    Bellis Circle closest to Danehy Park not only knows about  
7    the perennial water problem, but has experienced lots and  
8    lots of problems with it.

9           We have two sump pumps. We have a massive French  
10   drain construction. Other people are constantly trying to  
11   tweak the water situation in their basements, whether  
12   they're lived in or not.

13           So there's no question at all -- I've been in  
14   their house -- that it's not really livable space. And it's  
15   a tremendous hardship to try to force the parents to go down  
16   there.

17           So in the end, I just want to say Tom and Mary are  
18   huge assets to the community. They are -- we applaud their  
19   desire to stay. And the objections of some of the  
20   neighbors, I don't want to get personal here, but these are  
21   not people who have been with us long, and they've stated  
22   publicly that they're not going to stay long. And I think

1 that matters.

2 So those are my comments. And thank you for your  
3 time.

4 CONSTANTINE ALEXANDER: Thank you for taking the  
5 time.

6 MICHAEL SIEGELL: Sure.

7 SISIA DAGLIAN: Timothy Wall?

8 TIMOTHY WALL: Okay. This is Tim Wall and my  
9 wife, Barbara Thomas, is here. So we've written a letter  
10 expressing our concerns. In the previous pictures, ours is  
11 the blue house seen in between the adjacent condos. We  
12 received the update yesterday -- the updated plans yesterday  
13 afternoon. So really haven't had the time to look or  
14 evaluate at that.

15 We've here since the year 2000, in terms of  
16 context, at which point there were no condos or anything  
17 stretching out that side of the house. So we've  
18 progressively seen that area get populated down to where  
19 there's no open space anymore.

20 We've seen all the water problems that have  
21 happened over the past few years -- well, since 2000.  
22 Several flooding instances.



1 I actually looked at the property -- Tom's  
2 property -- as it was being built, both theirs and the one  
3 in front of it; the basement, not even originally being  
4 allocated as livable space was -- had its height reduced  
5 even further as more concrete was poured over the existing  
6 basement, either due to flooding issues or cracks in the  
7 foundation.

8 So I would agree that yeah, I don't think anybody  
9 would want to live down there. I had made a -- we went over  
10 to Tom and Mary's at one point, and to understand what was  
11 going on.

12 I had made the suggestion as one of the Counselors  
13 did -- of moving the addition to the other side of the  
14 house, which I -- you know, anything coming out the back of  
15 the house is going to protect our view. But it would be  
16 less so to move to the other side.

17 I figured that would probably make it entirely  
18 invisible to the neighbors that have the most objection.

19 But one of our big concerns is that -- you know,  
20 as properties have been built around the Circle, the  
21 groundwater situation has gotten much worse. We had put in  
22 a storage shed, a small storage shed that was below ground

1 level, but at the time did a test of what the highwater mark  
2 would be after rains. So we were above that.

3 It -- you know, the high water now, you know, any  
4 sort of heavy rain sort of results in that sunken area for  
5 the shed turning into a swimming pool.

6 And, you know, pictures of that are in the -- I  
7 believe the overall review packet.

8 So do you have anything else to add, Barbara?

9 BARBARA WALL: We are at this point having to  
10 consider the hardship of redoing our whole back yard because  
11 of this continued flooding.

12 TIMOTHY WALL: So we will likely have to do some  
13 additional landscaping to address the shed issue. But  
14 that's our cross to bear. I don't have anything else to  
15 add.

16 CONSTANTINE ALEXANDER: Help me for a second. Are  
17 you in favor of granting relief? Not in favor, or are you  
18 on the fence? I can put it that way. I don't mean to be  
19 sarcastic.

20 TIMOTHY WALL: Yeah. I would say on the fence. I  
21 mean --

22 CONSTANTINE ALEXANDER: Okay.

1           TIMOTHY WALL: There may be something that can be  
2 done that --

3           CONSTANTINE ALEXANDER: Okay. Thank you.

4           SISIA DAGLIAN: Kate Childs?

5           KATHRYN CHILDS: Hello? Hello? Hello. Can you  
6 hear me?

7           CONSTANTINE ALEXANDER: Yes, we can hear you.

8           KATHRYN CHILDS: Okay, great. Hi. My name is  
9 Kathryn Childs. My husband, Stuart Kane and I, live at 24  
10 Bellis Circle, and we are Tom and Mary's closest immediate  
11 abutters, as fellow condo units owners.

12                   And we're just here to voice our full support for  
13 their project and their petition for variances, which we  
14 view as minimal. We feel their addition is well-designed,  
15 sensitively sited and proportional to the size of their  
16 exclusive use area.

17                   In fact, I feel that the area of our -- the lot on  
18 which our four units are located -- is arguably one of the  
19 least densely developed areas of the whole neighborhood.  
20 Most of the houses are very close together, with very little  
21 open space.

22                   In any event, we believe that their addition would



1 have no negative impacts on the interests protected by the  
2 zoning code, and it will enhance the quality of the  
3 neighborhood. Thank you.

4 CONSTANTINE ALEXANDER: Thank you. Anyone else?  
5 That's it. No one else wishes to speak? So I will close  
6 public testimony. And we'll go and we'll talk about --  
7 well, the Board will, about what --

8 SARAH RHATIGAN: Excuse me, Mr. Sullivan -- I'm  
9 sorry, "Mr. Sullivan." Mr. Alexander, sorry.

10 CONSTANTINE ALEXANDER: I'm sorry. Go ahead,  
11 Sarah.

12 SARAH RHATIGAN: I was -- I apologize. There was  
13 an additional neighbor who had been trying to join the  
14 meeting, but she was offsite, and she just texted my client  
15 at some point to tell us that her phone was dying. But she  
16 had submitted a letter to the Board very late today. And I  
17 have a copy of the letter, and I wanted to ask if I could  
18 just read it briefly into the record?

19 CONSTANTINE ALEXANDER: What letter is that? Who?  
20 I'm sorry, what's the name of your --

21 SARAH RHATIGAN: The name of this neighbor -- and  
22 it's an important neighbor just in terms of, you know, the

1 situation in terms of where the neighbor is located. The  
2 neighbor is immediately to the left of us, but located  
3 towards the rear. It's at 16 Bellis Circle. And the  
4 owner's name is Erica J. Bial, B-i-a-l.

5 CONSTANTINE ALEXANDER: Oh, yes. We have -- the  
6 letter is in our file.

7 SARAH RHATIGAN: You do have that letter?

8 CONSTANTINE ALEXANDER: Oh, yes.

9 SARAH RHATIGAN: Okay. And if --

10 CONSTANTINE ALEXANDER: I don't think you need to  
11 read it. We do have it.

12 SARAH RHATIGAN: Okay. You believe that Board  
13 members did receive it? Because it was very late this  
14 afternoon that the letter, I believe, arrived.

15 CONSTANTINE ALEXANDER: Okay.

16 SARAH RHATIGAN: I'm sorry.

17 CONSTANTINE ALEXANDER: It's a long letter.  
18 Really, we have had a long session in this case. It's  
19 almost --

20 SARAH RHATIGAN: I agree.

21 CONSTANTINE ALEXANDER: -- the case --

22 SARAH RHATIGAN: If you don't mind, I just wanted

1 to point out that this is the neighbor who is probably the  
2 most impacted in terms of being located the closest to the  
3 addition. And she really provides a very, very -- what I  
4 consider a very strong letter of support of the addition.

5 CONSTANTINE ALEXANDER: I would just comment --  
6 and as you well know, Sarah -- that Zoning decisions are not  
7 a popular vote. The fact that most of the --

8 SARAH RHATIGAN: No, it's --

9 CONSTANTINE ALEXANDER: -- most of them are for  
10 something doesn't mean we would grant relief. Similarly, if  
11 a majority of the neighbors oppose something, doesn't mean  
12 we're going to deny relief. So -- but we do read the  
13 letter.

14 SARAH RHATIGAN: Certainly. Understand that. But  
15 the facts in the letter I think are also very helpful, in  
16 that they're -- she's in a position to be able to describe,  
17 you know, the fact that there aren't going to be impacts on  
18 lights and views, et cetera.

19 But if -- I don't mean to take up your time. I  
20 understand if you have the letter that's great.

21 CONSTANTINE ALEXANDER: Yes, we do.

22 SARAH RHATIGAN: We appreciate you paying



1 attention to all that testimony.

2           CONSTANTINE ALEXANDER: Do you have any final  
3 comments before we go, the Board discusses the merits of the  
4 case?

5           SARAH RHATIGAN: No, I don't think so. Thank you.

6           CONSTANTINE ALEXANDER: Okay. Thank you. All  
7 right. Now we're back to the case itself. Brendan, do you  
8 have any -- well, we can --

9           BRENDAN SULLIVAN: Yeah, [Brendan Sullivan] --

10           CONSTANTINE ALEXANDER: I'll make a motion to  
11 grant relief. And then in that context of that, we can have  
12 a discussion and people can say yes or no when we get to  
13 taking the vote.

14           So I -- the Board -- so the Chair moves that we  
15 make the following findings: That a literal enforcement of  
16 the provisions of the ordinance would involve a substantial  
17 hardship, such hardship being is that the petitioner is in  
18 need of additional living space -- the petitioner and family  
19 -- additional living space, and are restricted in their  
20 ability to create it given the shape of the lot.

21           That the hardship is owing to basically the soil  
22 conditions and the water problem that seems to be endemic to

1 the Bellis Circle area. Although the finding would have to  
2 be that it especially affects this lot, and not the  
3 generally the zoning district in which the lot is located.

4 And that relief may be granted without substantial  
5 detriment to the public good, or nullifying or substantially  
6 derogating from the intent or purpose of this ordinance.

7 And on the basis of all of these findings, the  
8 Chair moves that we grant the variance requested on the  
9 condition that the work proceeds in accordance with plans  
10 submitted by the petitioner and prepared by New England  
11 Design and Construction dated September 19, 2021.

12 All right, that's -- you have it on the table?  
13 I'm sorry, now, Brendan. Do you want to --

14 BRENDAN SULLIVAN: [Brendan Sullivan] Yeah, I would  
15 not support the motion to grant the relief in the latest  
16 submittal. But I would like to explore the thought that Jim  
17 had as to whether or not they could possibly come back with  
18 a different iteration seeking a special permit, and would  
19 entail a redesign. So that's my comment.

20 CONSTANTINE ALEXANDER: And this, are you in favor  
21 of granting relief?

22 BRENDAN SULLIVAN: I would not be in favor of

1 granting relief for the --

2 CONSTANTINE ALEXANDER: For a variance?

3 BRENDAN SULLIVAN: -- for the variance on the --

4 CONSTANTINE ALEXANDER: Got it.

5 BRENDAN SULLIVAN: -- current proposal before us.

6 CONSTANTINE ALEXANDER: Okay. Jim Monteverde?

7 JIM MONTEVERDE: [Jim Monteverde] I would not be in  
8 favor of granting the variance, as it's stated. I would  
9 concur with Brendan that I would suggest they prepare a  
10 scheme that attempts to keep within the property line and be  
11 able to do it as a special permit.

12 CONSTANTINE ALEXANDER: Let me just comment, as  
13 Sarah knows, with the two votes already we've heard against,  
14 relief will be denied. As a matter of law -- state law --  
15 you need four votes to get the variance.

16 Sarah, are you interested in continuing the case  
17 and dealing with Brendan's suggestion about a special permit  
18 or any other changes you might want to make in the project?

19 SARAH RHATIGAN: Yes. We will like to seek a  
20 continuance in order to be able to explore those options.

21 CONSTANTINE ALEXANDER: So Andrea and Wendy and  
22 myself will hold our tongues until we hear the next round of



1 this. How much time would you need/would you like? And  
2 then we'll see how our schedule works?

3 SARAH RHATIGAN: Do you think a month is  
4 sufficient?

5 GRADY RAGSDALE: We would need to --

6 CONSTANTINE ALEXANDER: I know you want to get  
7 going on this project, if you would get relief, but I would  
8 not push the envelope too tight. Take another two weeks,  
9 and I think you might be better served. But it's your call.

10 GRADY RAGSDALE: Yes.

11 BRENDAN SULLIVAN: [Brendan Sullivan.] Let me just  
12 walk along this path here. If you were to come back with  
13 another plan that would only require a special permit, then  
14 this proposal that is before us would not be acted on  
15 favorably, which means then they would have to come back  
16 with a refile.

17 CONSTANTINE ALEXANDER: I think what it means is  
18 that we would continue this case tonight. If they want to  
19 proceed with a special permit, they file a new application.

20 BRENDAN SULLIVAN: Right. It would be a refile  
21 for a special permit.

22 CONSTANTINE ALEXANDER: But --

1 SARAH RHATIGAN: That's correct, and then we would  
2 withdraw this. We could withdraw this application  
3 simultaneously with submitting a new application for a  
4 special permit.

5 BRENDAN SULLIVAN: Yeah.

6 SARAH RHATIGAN: Is that --

7 BRENDAN SULLIVAN: Basically what it does --

8 SARAH RHATIGAN: -- procedurally?

9 BILL SCOTT: -- it at least keeps this alive, and  
10 you don't run into the repetitive petition problem.

11 CONSTANTINE ALEXANDER: Okay. So you're going to  
12 withdraw your --

13 SARAH RHATIGAN: And consid --

14 CONSTANTINE ALEXANDER: -- application tonight for  
15 the variance, and when would -- and you're going to file a  
16 new application, a special permit, and that will be when it  
17 is?

18 SARAH RHATIGAN: Well, could I actually request  
19 just procedurally could we continue this case? Because I'm  
20 not --

21 CONSTANTINE ALEXANDER: Sure.

22 SARAH RHATIGAN: -- confident at this moment --

1           CONSTANTINE ALEXANDER: Sure.

2           SARAH RHATIGAN: -- that we're able to be able to  
3 -- you know, keep this. We will try very, very hard to be  
4 able to make this a special permit case, but --

5           CONSTANTINE ALEXANDER: No problem.

6           SARAH RHATIGAN: You know, we don't want --

7           CONSTANTINE ALEXANDER: I think you've going to  
8 continue it.

9           SARAH RHATIGAN: Yeah. We want to preserve the  
10 right to --

11          CONSTANTINE ALEXANDER: You probably --

12          SARAH RHATIGAN: -- come back to you to --

13          CONSTANTINE ALEXANDER: 2 months or something?  
14 Because you're going to presumably have something better  
15 than that. I don't want to continue it and you're not ready  
16 with your special permit --

17          SARAH RHATIGAN: Correct.

18          CONSTANTINE ALEXANDER: -- per the continuance.

19          SARAH RHATIGAN: So two months would be a hearing  
20 date of -- is it November 18?

21          CONSTANTINE ALEXANDER: It will be the end of  
22 November. It doesn't -- I'm throwing this out. I'm just --



1     there's no magic.

2             ANDREA HICKEY:   Mr. Chair, it's Andrea Hickey  
3     speaking.   Wouldn't the Building Department sort of set a  
4     date for a new application?   It wouldn't be a continued  
5     date, correct?

6             CONSTANTINE ALEXANDER:   The special permit would  
7     be a new case, and this case would continue as a continued  
8     case.   And if we granted the special permit, obviously they  
9     would withdraw this.

10            ANDREA HICKEY:   Understood.   So it doesn't really  
11    matter when we're continuing the current case to, if that's  
12    not the case they're moving forward to?

13            CONSTANTINE ALEXANDER:   No, I don't want to just  
14    keep continuing cases and cluttering up our docket.

15            ANDREA HICKEY:   All right.

16            CONSTANTINE ALEXANDER:   That's what I'm trying to  
17    get at.

18            ANDREA HICKEY:   Understood.

19            SARAH RHATIGAN:   Perhaps if we could continue for  
20    a month with the expectation that we'll withdraw the  
21    continuance as soon as we've submitted a special permit  
22    application?

1           CONSTANTINE ALEXANDER: I personally think a month  
2 is too short, because we'll have to continue it again, but  
3 I'm willing to do that. When is it, roughly a month from  
4 now?

5           SISIA DAGLIAN: Or --

6           CONSTANTINE ALEXANDER: October 21? Would a  
7 continuance to --

8           SARAH RHATIGAN: Okay, now --

9           CONSTANTINE ALEXANDER: -- October 21 --

10          SARAH RHATIGAN: Yeah, now I apologize, because I  
11 have a conflict that day. I can't. If we could -- what's  
12 the next hearing date? November 11?

13          SISIA DAGLIAN: November 4.

14          CONSTANTINE ALEXANDER: November 4 is the next.

15          SARAH RHATIGAN: November 4? Are -- that's okay  
16 with me. Grady, is that okay with you?

17          CONSTANTINE ALEXANDER: I've got to see if the  
18 other Board members can make --

19          SARAH RHATIGAN: Okay.

20          CONSTANTINE ALEXANDER: -- does anyone have a  
21 problem with November 4? People who are on the call  
22 tonight?

1 BRENDAN SULLIVAN: Brendan Sullivan no problem.

2 CONSTANTINE ALEXANDER: Jim?

3 JIM MONTEVERDE: [Jim Monteverde,] it works for me.

4 CONSTANTINE ALEXANDER: Okay. Andrea?

5 ANDREA HICKEY: Fine with me. I have another  
6 continued case that night.

7 CONSTANTINE ALEXANDER: [Laughter]

8 JIM MONTEVERDE: Yep. So do I.

9 CONSTANTINE ALEXANDER: And Wendy?

10 WENDY LEISERSON: Unfortunately, I do have a  
11 conflict for my daughter's schooling event.

12 CONSTANTINE ALEXANDER: You can't make November 4  
13 is what you're saying?

14 SARAH RHATIGAN: Okay, and our --

15 WENDY LEISERSON: Unless --

16 SARAH RHATIGAN: Mr. -- yeah, Mr. Ragsdale can't  
17 make it either. So, although he says he may be able to get  
18 someone else. But if we don't have all the Board members,  
19 we wanted rather not proceed on that night. So I think  
20 we're now back to two months.

21 CONSTANTINE ALEXANDER: So that would be -- what's  
22 the one after November 4?



1 SARAH RHATIGAN: Yeah, wait.

2 CONSTANTINE ALEXANDER: Eighteenth? November 18?

3 Which is roughly two months from now. Let me go around.

4 Brendan?

5 BRENDAN SULLIVAN: November 18 is fine with me.

6 CONSTANTINE ALEXANDER: Jim?

7 JIM MONTEVERDE: Jim Monteverde, that's fine with

8 me.

9 CONSTANTINE ALEXANDER: Andrea?

10 ANDREA HICKEY: I'm checking. One second.

11 CONSTANTINE ALEXANDER: Okay.

12 ANDREA HICKEY: That looks okay for me.

13 CONSTANTINE ALEXANDER: Okay, and Wendy?

14 WENDY LEISERSON: As of this moment, it looks

15 good. So I'll book it.

16 CONSTANTINE ALEXANDER: Sorry?

17 WENDY LEISERSON: I said I'll book it now while I

18 can.

19 CONSTANTINE ALEXANDER: Okay.

20 WENDY LEISERSON: So yes. I can attend.

21 CONSTANTINE ALEXANDER: You're okay?

22 SARAH RHATIGAN: Okay. Thank you. We'll -- thank

1     you for taking the time.

2                 CONSTANTINE ALEXANDER: Oh, we have to take a  
3     vote; don't go away.

4                 SARAH RHATIGAN: Yeah. But we appreciate your  
5     time regardless.

6                 CONSTANTINE ALEXANDER: I'm sorry?

7                 SARAH RHATIGAN: We appreciate your time.

8                 CONSTANTINE ALEXANDER: Oh, thank you. Okay, the  
9     Chair moves that we continue this case as a case heard until  
10    6:00 p.m. on November 18, subject to the following  
11    conditions:

12                One is that the petitioner sign a waiver of time  
13    for decision, and that the waiver must be signed no later  
14    than a week from this coming Monday. Failing to do that, we  
15    will -- the case will be automatically dismissed.

16                Second, that a new posting sign has to be erected  
17    and maintained for the 14 days prior to the November 18  
18    date.

19                And lastly, to the extent there are new or  
20    modified plans, drawings, specifications, what have you,  
21    they must be in our file no later than 5:00 p.m. on the  
22    Monday before November 18. Failure to do that means we will

1 not hear the case on November 18.

2 Brendan, how do you vote?

3 BRENDAN SULLIVAN: Yes to the continuance.

4 CONSTANTINE ALEXANDER: Jim?

5 JIM MONTEVERDE: Jim Monteverde yes to the  
6 continuance.

7 CONSTANTINE ALEXANDER: Andrea?

8 ANDREA HICKEY: Andrea Hickey yes to the  
9 continuance.

10 CONSTANTINE ALEXANDER: Wendy?

11 WENDY LEISERSON: Wendy Leiserson yes to the  
12 continuance.

13 CONSTANTINE ALEXANDER: And the Chair votes yes to  
14 continue as well.

15 [All vote YES]

16 CONSTANTINE ALEXANDER: Case continued.

17 SARAH RHATIGAN: Thank you.

18 CONSTANTINE ALEXANDER: Okay.

19 GRADY RAGSDALE: Thank you.

20

21

22



## **Pacheco, Maria**

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**From:** Kate Hu <katehu825@gmail.com>  
**Sent:** Wednesday, September 22, 2021 2:08 PM  
**To:** Pacheco, Maria  
**Subject:** Letter of Opposition #3 to BZA-127988 at 26 Bellis Cir #26  
**Attachments:** Letter of opposition #3.pdf

Hi Maria,

Sorry, the petitioners just emailed us with their new plan today and we need to respond here. We kindly request you to include the attached "Letter of Opposition #3" to the case file of BZA-127988 at 26 Bellis Circle #26.

Please confirm receipt. Thank you!

Kun (Kate) Hu  
Shuo (Steven) Wu  
18 Bellis Cir #18  
Cambridge, MA 02140

# Letter of Opposition #3

September 22, 2021

Dear Cambridge Board of Zoning Appeal,

We are writing this letter to continuously express our strongest opposition to Variance Application BZA-127988 at 26 Bellis Circle #26. We previously wrote two letters of opposition dated on August 11, 2021 and September 20, 2021.

Today in the afternoon, one day before the new public hearing date, we received an email from the petitioners with their revised design. The new proposal did not address our concern and we are still vigorously opposing this addition. The plan still obstructs our view to Danehy Park, which is the only green-space we can see from our house. It also blocks the sunlight, and intrudes on our privacy.

We have previously stated our reasoning behind our opposition. We just want to reiterate with the three brief points below:

1. The petitioners want to expand the house because their parents are moving in. The statute and court have made it very clear that this is a personal circumstance and is not a valid hardship for variance.
2. The petitioner claimed a water infiltration issue in the basement. As a matter of fact, many houses along Bellis Circle sit on wetland, therefore their water issue is not due to unique soil conditions. They should properly maintain the house and resolve the water issue, not seeking variance to expand the house further.
3. The variance petition lacks legal merits. In the landmark case *Blackman vs. Board of Appeals of Barnstable*, 334 Mass. 446 from 1956, the Massachusetts Supreme Judicial Court has stated, "This court has said repeatedly that the power to vary the application of a zoning ordinance must be sparingly exercised and only in rare instances and under exceptional circumstances peculiar in their nature, and with due regard to the main purpose of a zoning ordinance to preserve the property rights of others".

In short, the petitioners just want additional living space now and they are using the wet basement as an excuse in the application. This petition is clearly for personal gains, it has nothing to do with substantial hardship related to uniqueness of soil conditions, land or structure. The petition does not meet the statutory prerequisite for a variance.

As direct abutter with standing, we are strongly opposing this variance application, and hereby formally request the board to reject the application. We reserve full legal rights to challenge the variance in court.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kun Kate Hu' or similar, with a stylized, cursive script.

Kun Kate Hu  
Shuo Steven Wu

18 Bellis Circle #18  
Cambridge, MA 02140



## **Pacheco, Maria**

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**From:** Barbara Thomas <barbarathomas2000@yahoo.com>  
**Sent:** Wednesday, September 22, 2021 9:15 PM  
**To:** Pacheco, Maria  
**Cc:** Timothy Wall  
**Subject:** Case No. BZA-127988 - September 23, 2021 at 6:00pm

Dear Ms. Pacheco,

This afternoon (one day before the new public hearing date), my husband, Timothy Wall and I received an email from the petitioners, Thomas Culotta and Mary Custic with their revised design and asking for support/approval. The new proposal does not address our concerns. The plan still obstructs our view to Danehy Park and does not address water handling.

We have lived on Bellis Circle for 21 years. As we've mentioned previously, our custom shed and stonework was put in place in 2003 above the then-existing water line. With each new construction in this particular condo association of which Tom and Mary belong to, there has been decreased ground surface area for absorbing rainfall, with a concomitant rise in the rainfall highwater mark.

With the recent rains from Hurricane Ida and Hurricane Larry, we've experienced further flooding damage to our shed. This flooding will only get worse with increased rains from climate change and further development on these wetlands.

Further land development is creating a hardship for us. We will be incurring our own landscaping costs in order to mitigate the current situation of rainfall overflow. We have to elevate our storage shed several feet in order to get it above the current rainfall highwater mark.

We have also had to increase mitigation of mosquito breeding.

Respectfully,  
Barbara Thomas and Timothy Wall  
14B Bellis Circle  
Cambridge, MA 02140  
617-460-3752 (Barbara Thomas)  
617-460-3751 (Timothy Wall)

# **Erica J. Bial, MD, MS**

16 Bellis Circle  
Cambridge, MA 02140  
781-710-1765  
ejbial@gmail.com

September 23, 2021

Cambridge Board of Zoning Appeal  
Attn: Maria Pacheco  
VIA EMAIL

To Whom It May Concern:

Re: Variance Application BZA-127988 at 26 Bellis Circle

Please accept my very strong letter of SUPPORT for the modified proposal for the addition to 26 Bellis Circle, put forth by my neighbors, Tom Culotta and Mary Custic. As seen in their submitted plans, I am the owner of the property most directly abutting theirs, and, as seen on their solar study and renderings, I am the neighbor most affected by the changes they are proposing.

I am disheartened to have seen the objections from my neighbors to this project. Tom and Mary are seeking to improve their dwelling and achieve the ability to accommodate an aging parent who lives abroad. As is often true, a major impediment to intergenerational housing of a family, despite its many potential benefits, is adequate housing - Tom and Mary's current home does not have a space in which to accommodate another person. I understand that my condominium association co-owners, Kate and Steven Hu, have asserted that this is not a "valid hardship for variance," which I find disappointing, as their parents live with them. I struggle to see the honesty of their assertion when they benefit from the very situation they claim is not legitimate for our neighbors.

I hold a Masters Degree in Civil and Environmental Engineering from Tufts University. While I am not a practicing engineer, I do believe that I am reasonably qualified to understand the concerns being raised by my neighbors regarding water management, impact, and permeable land area in our neighborhood. The owners of #26 Bellis Circle, like others on our side of the street, live below grade and despite their best efforts, have suffered repeated flooding in their basement. This limits their ability to use their basement as dedicated living space, and I believe is it beyond the purview of their neighbors to imply otherwise. The assertions of my neighbors at #18 that they should “properly maintain the house and resolve the water issue” is preposterous. The owners of #26 maintain their home and land meticulously. Like them, my unit also sits much lower on the water table than those of #18 and 14B, respectively. And while I have multiple, redundant systems installed in my home to diminish the risks of flooding, eliminating water impact on our homes is impossible. Currently, I am facing problems of water damage to my front yard, this is merely the fault of the weather, and not neglect of some kind.

I have also reviewed the concerns about water table impact voiced by my neighbors at #14B. It should be noted that they are NOT direct abutters. MY home is situated between them. While we are all, as a community, surely concerned by rising water tables, from an environmental impact perspective, I believe there is no merit to the idea that the proposed addition to #26 Bellis Circle will statistically alter water level in our neighborhood. Land use and permeability have been carefully considered in the proposal. More specific data pertaining to this have been provided by the petitioners.

Impact on views of the park and availability of sunlight have been raised as objections to the project. I would note that my home is that most impacted by the proposed addition, and I believe any change would be minimal. The solar study conducted implied almost no change at all, as the addition falls under the shadow of already existing, much taller, trees. The only property seemingly impacted is MINE, and I support the proposal nonetheless. Photographs and renderings clearly demonstrate that there is no meaningful impact to the greenspace views from either #18 or 14B.

In any urban environment privacy will always be limited. The new windows to be installed at #26 as proposed only overlook one home: mine (#16). The current structure of #26, as viewed from both units, are the sole windows that have views into #18. I do not think this is a reasonable concern.

In summary, in a detailed and thoughtful manner, I have reviewed both the plans and modifications proposed for the addition to #26 Bellis Circle. I am the most direct



abutter. I appreciate the thoughtfulness of these plans, and I believe that while well-intended, the misgivings asserted by my neighbors aren't founded. I support this proposal fully and without reservation.

Please do not hesitate to contact me if I can assist your review further.

Sincerely,

A handwritten signature in black ink, appearing to read "Erica Bial MD MS". The signature is stylized with a large, flowing "E" and "B". Below the signature, the name "BIAL" is printed in a bold, sans-serif font, followed by "MD MS" in a smaller, italicized font.

Erica J. Bial, MD, MS

November 10, 2021

In Hand Delivery

Board of Zoning Appeal  
City of Cambridge  
831 Massachusetts Avenue  
Cambridge, MA 02139

Re: BZA-127988-2021—26 Bellis Circle, Cambridge -- Request For Continuance

Dear Members of the Board:

The above-referenced Application for Variance is scheduled to be heard as a continued matter on November 18, 2021.

The Petitioners have recently filed a separate Application for Special Permit seeking relief for a revised design, which matter has been scheduled for a hearing on

12/16/21

Therefore, the Petitioners request that the Board allow for a continuance of the hearing of this Application for Variance until 12/16/21.

Thank you for your consideration of this request.

Sincerely,

  
Sarah Like Rhatigan, Esq.

CC (via email only):

Mr. Thomas Culotta and Ms. Mary Custic  
Mr. Grady Ragsdale

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES MARCH 7, 2006 - FEBRUARY 9, 2021 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS  
ZONE: X  
COMMUNITY PANEL: 25017C0419E  
EFFECTIVE DATE: 06/04/2010

PREPARED FOR:  
THOMAS A. CULOTTA  
26 BELLIS CIRCLE  
CAMBRIDGE, MA 02140

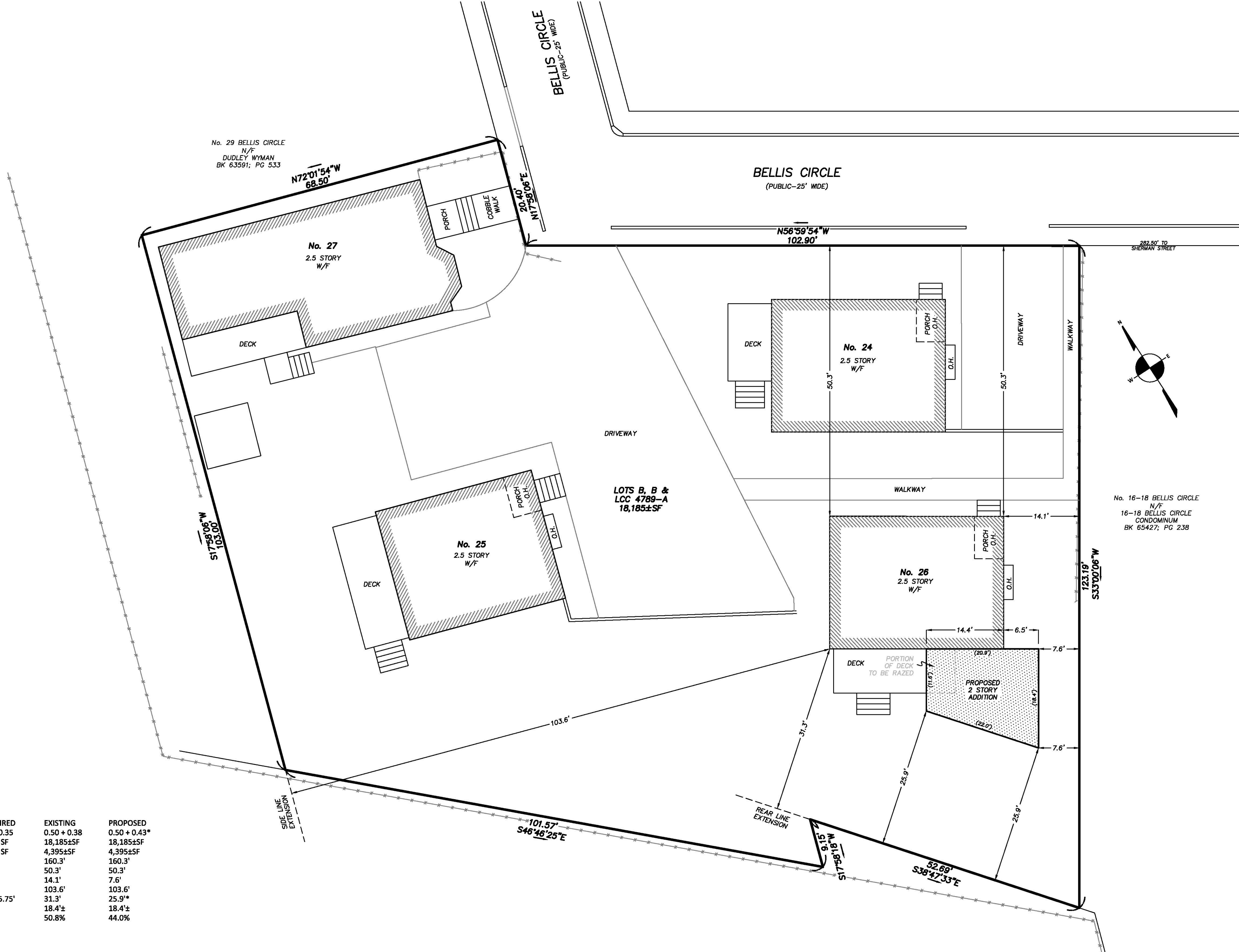
REFERENCES:  
OWNER OF RECORD:  
BELLIS CIRCLE CONDOMINIUM

DEED: BK 46247; PG 103  
PLAN: No. 1381 OF 2005  
No. 369 OF 2015

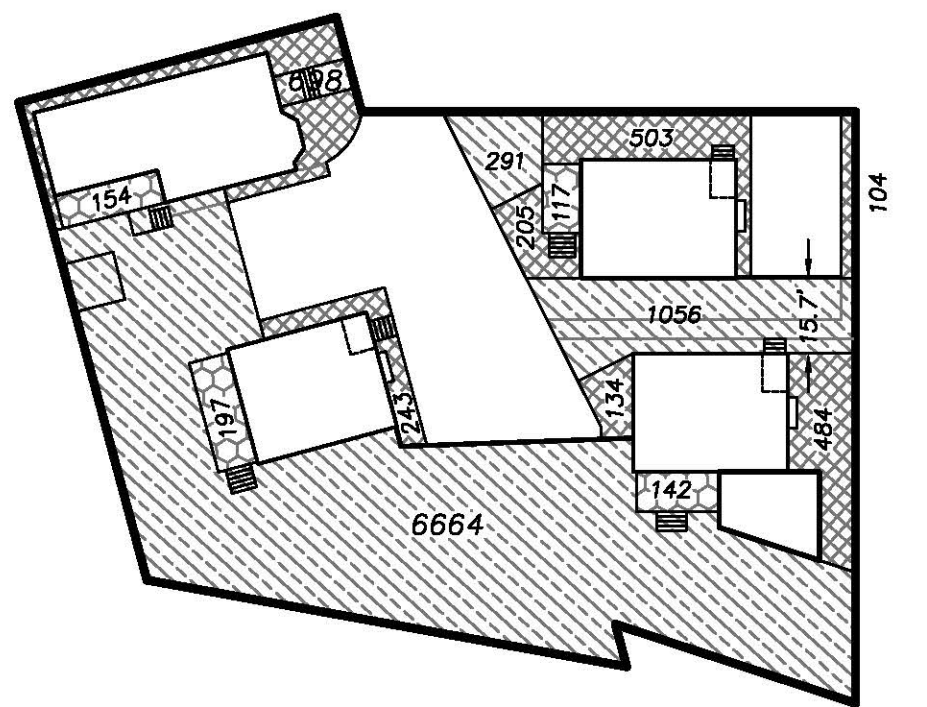
# PLAN OF LAND

LOCATED AT  
24, 25, 26, & 27 BELLIS CIRCLE  
CAMBRIDGE, MA

DATE: FEBRUARY 12, 2021 SCALE: 1.0 INCH = 10.0 FEET



OPEN SPACE DIAGRAM  
SCALE: 1.0' = 40'



## OPEN SPACE AREAS

TOTAL LOT AREA: 18,185±SF  
REQUIRED (40%): 7,274±SF

USABLE OPEN SPACE  
COMPLIANT (15' X 15')  
TOTAL: 291±SF  
1,056±SF  
6,664±SF  
8,011±SF

NON-USABLE OPEN SPACE  
NON-COMPLIANT  
TOTAL: 698±SF  
243±SF  
205±SF  
503±SF  
104±SF  
134±SF  
484±SF  
2,371±SF

DECK OPEN SPACE  
TOTAL: 154±SF  
197±SF  
117±SF  
142±SF  
610±SF

TOTAL GROSS OPEN SPACE 10,992±SF

## ZONING:

DISTRICT: RESIDENCE B

		REQUIRED	EXISTING	PROPOSED
FAR	(MAX.)	0.5 + 0.35	0.50 + 0.38	0.50 + 0.43*
LOT SIZE	(MIN.)	5,000 SF	18,185±SF	18,185±SF
LOT AREA, DW/U	(MIN.)	2,500 SF	4,395±SF	4,395±SF
LOT WIDTH	(MIN.)	50'	160.3'	160.3'
FRONT SETBACK	(MIN.)	15'	50.3'	50.3'
SIDE SETBACK 1	(MIN.)	7.5'	14.1'	7.6'
SIDE SETBACK 2	(MIN.)	7.5'	103.6'	103.6'
REAR SETBACK	(MIN.)	25' + 5.75'	31.3'	25.9**
HEIGHT, FEET	(MAX.)	35'	18.4±	18.4±
PVT. OP. SPACE	(MIN.)	40%	50.8%	44.0%

\* = NON-CONFORMING

NOTE:  
LOT WIDTH, BUILDING SETBACKS SHOWN APPLY TO DWELLING AT #26 AS SHOWN HEREON.

FIELD: DRM  
DRAFT: DRM, NPP  
CHECK: GCC  
DATE: 05/07/21  
JOB # 04-00197



I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES MARCH 7, 2006 - FEBRUARY 9, 2021 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS  
ZONE: X  
COMMUNITY PANEL: 25017C0419E  
EFFECTIVE DATE: 06/04/2010

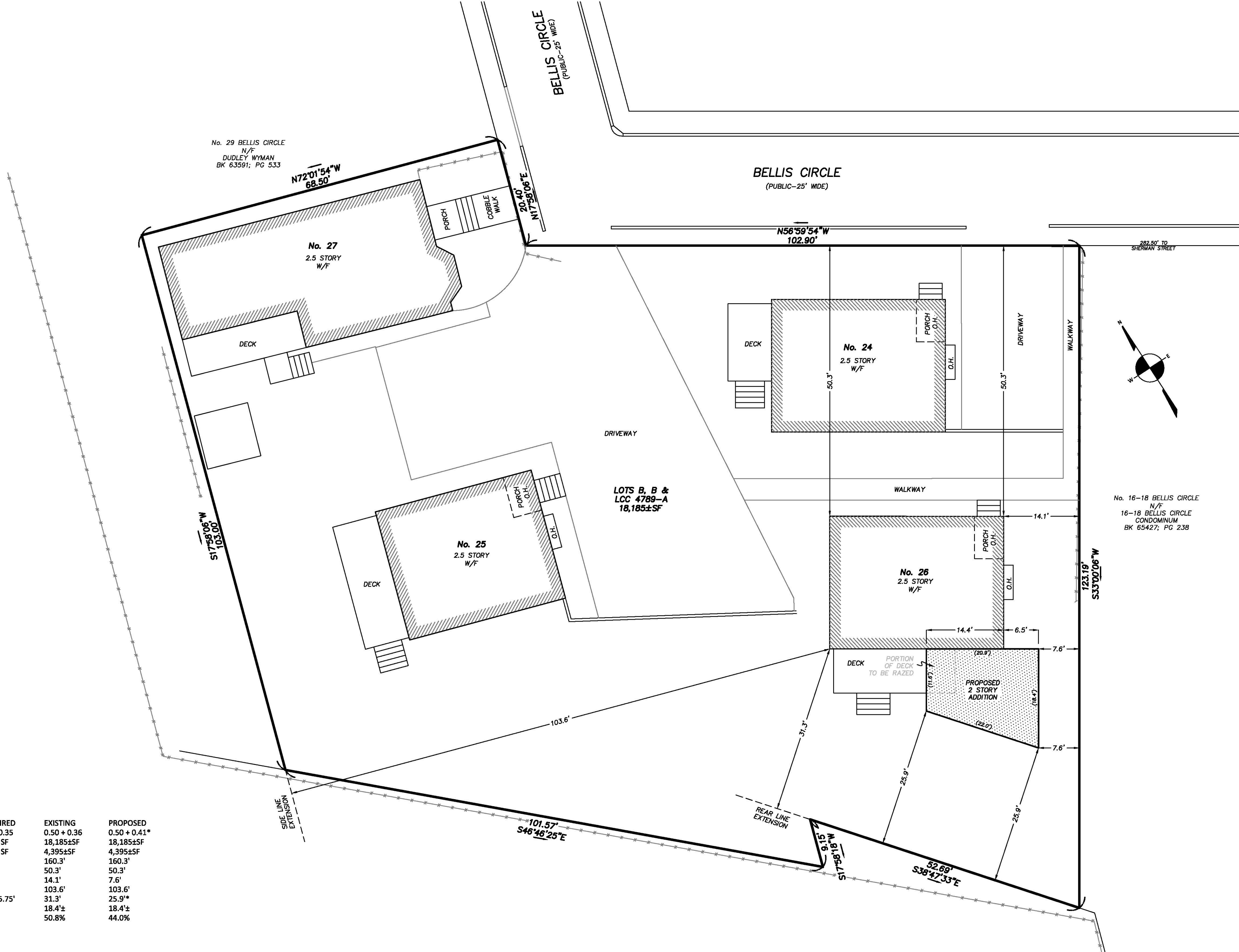
PREPARED FOR:  
THOMAS A. CULOTTA  
26 BELLIS CIRCLE  
CAMBRIDGE, MA 02140

REFERENCES:  
OWNER OF RECORD:  
BELLIS CIRCLE CONDOMINIUM

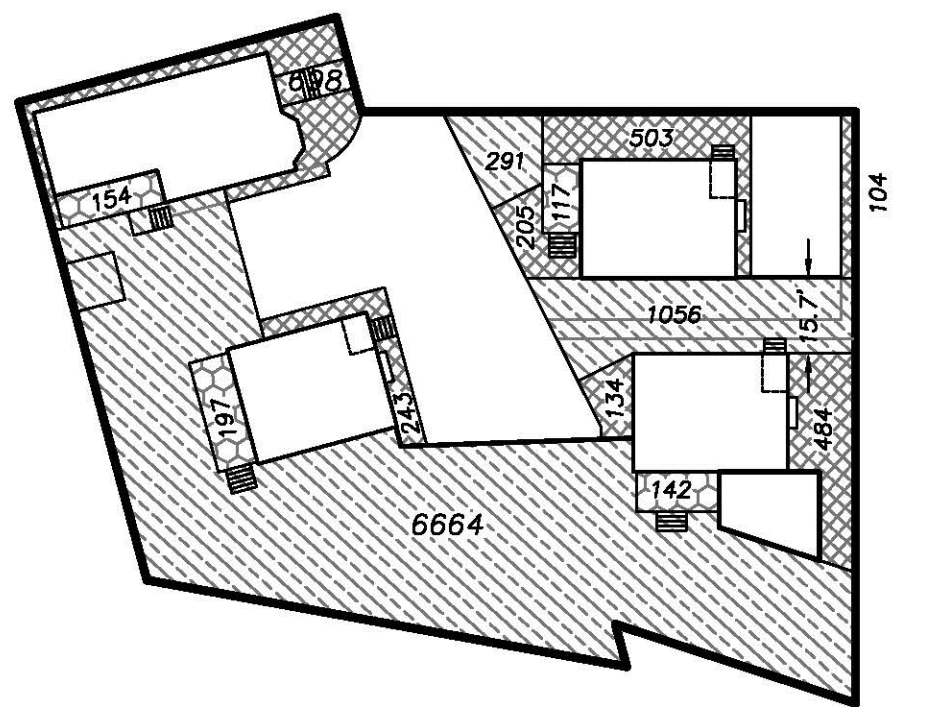
DEED: BK 46247; PG 103  
PLAN: No. 1381 OF 2005  
No. 369 OF 2015

PLAN OF LAND  
LOCATED AT  
24, 25, 26, & 27 BELLIS CIRCLE  
CAMBRIDGE, MA

DATE: FEBRUARY 12, 2021 SCALE: 1.0 INCH = 10.0 FEET



OPEN SPACE DIAGRAM  
SCALE: 1.0' = 40'



OPEN SPACE AREAS

TOTAL LOT AREA: 18,185±SF  
REQUIRED (40%): 7,274±SF

USABLE OPEN SPACE  
COMPLIANT (15' X 15')  
TOTAL: 291±SF  
1,056±SF  
6,664±SF  
8,011±SF

NON-USABLE OPEN SPACE  
NON-COMPLIANT  
TOTAL: 698±SF  
243±SF  
205±SF  
503±SF  
104±SF  
134±SF  
484±SF  
2,371±SF

DECK OPEN SPACE  
TOTAL: 154±SF  
197±SF  
117±SF  
142±SF  
610±SF

TOTAL GROSS OPEN SPACE 10,992±SF

ZONING:  
DISTRICT: RESIDENCE B

	REQUIRED	EXISTING	PROPOSED
FAR (MAX.)	0.5 + 0.35	0.50 + 0.36	0.50 + 0.41*
LOT SIZE (MIN.)	5,000 SF	18,185±SF	18,185±SF
LOT AREA, DW/U (MIN.)	2,500 SF	4,395±SF	4,395±SF
LOT WIDTH (MIN.)	50'	160.3'	160.3'
FRONT SETBACK (MIN.)	15'	50.3'	50.3'
SIDE SETBACK 1 (MIN.)	7.5'	14.1'	7.6'
SIDE SETBACK 2 (MIN.)	7.5'	103.6'	103.6'
REAR SETBACK (MIN.)	25' + 5.75'	31.3'	25.9''
HEIGHT, FEET (MAX.)	35'	18.4'±	18.4'±
PVT. OP. SPACE (MIN.)	40%	50.8%	44.0%

\* = NON-CONFORMING

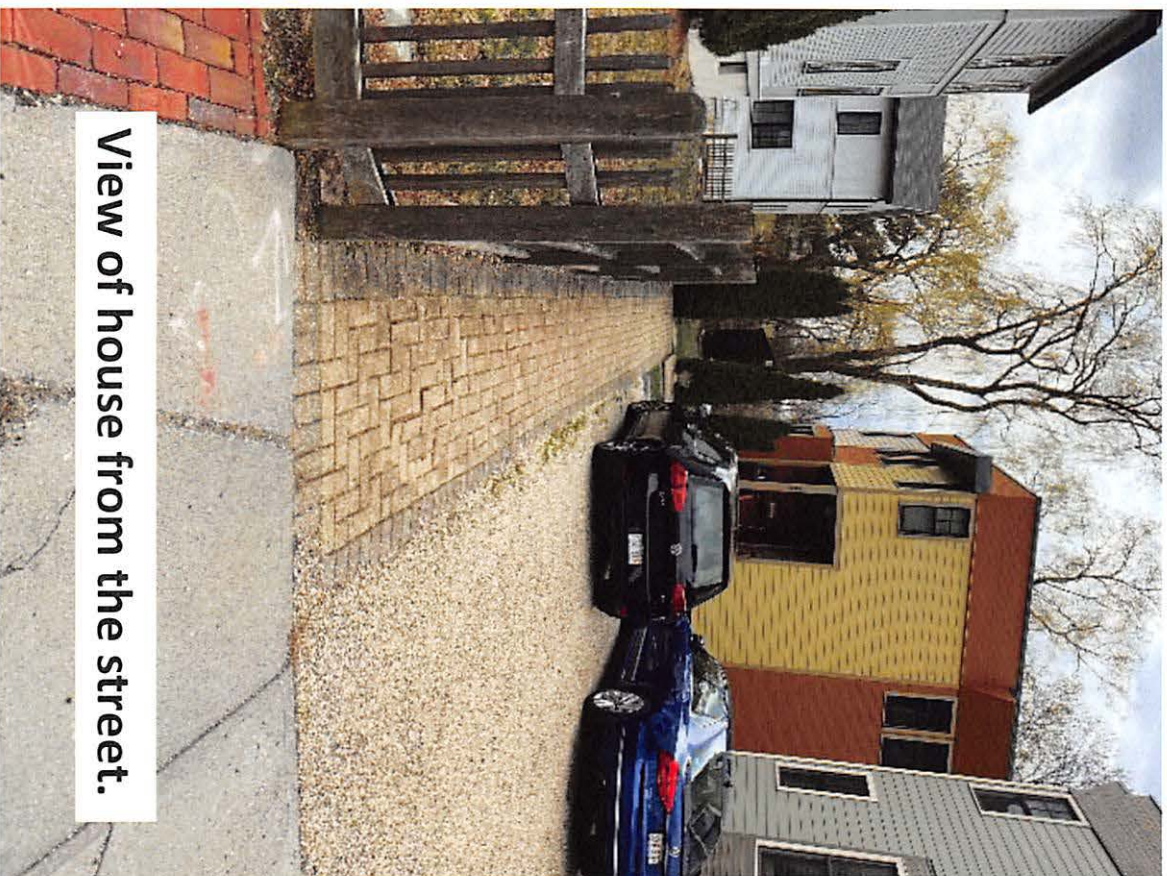
NOTE:  
LOT WIDTH, BUILDING SETBACKS SHOWN APPLY TO DWELLING AT #26 AS SHOWN HEREON.

FIELD: DRM  
DRAFT: DRM, NPP  
CHECK: GCC  
DATE: 05/07/21  
JOB # 04-00197

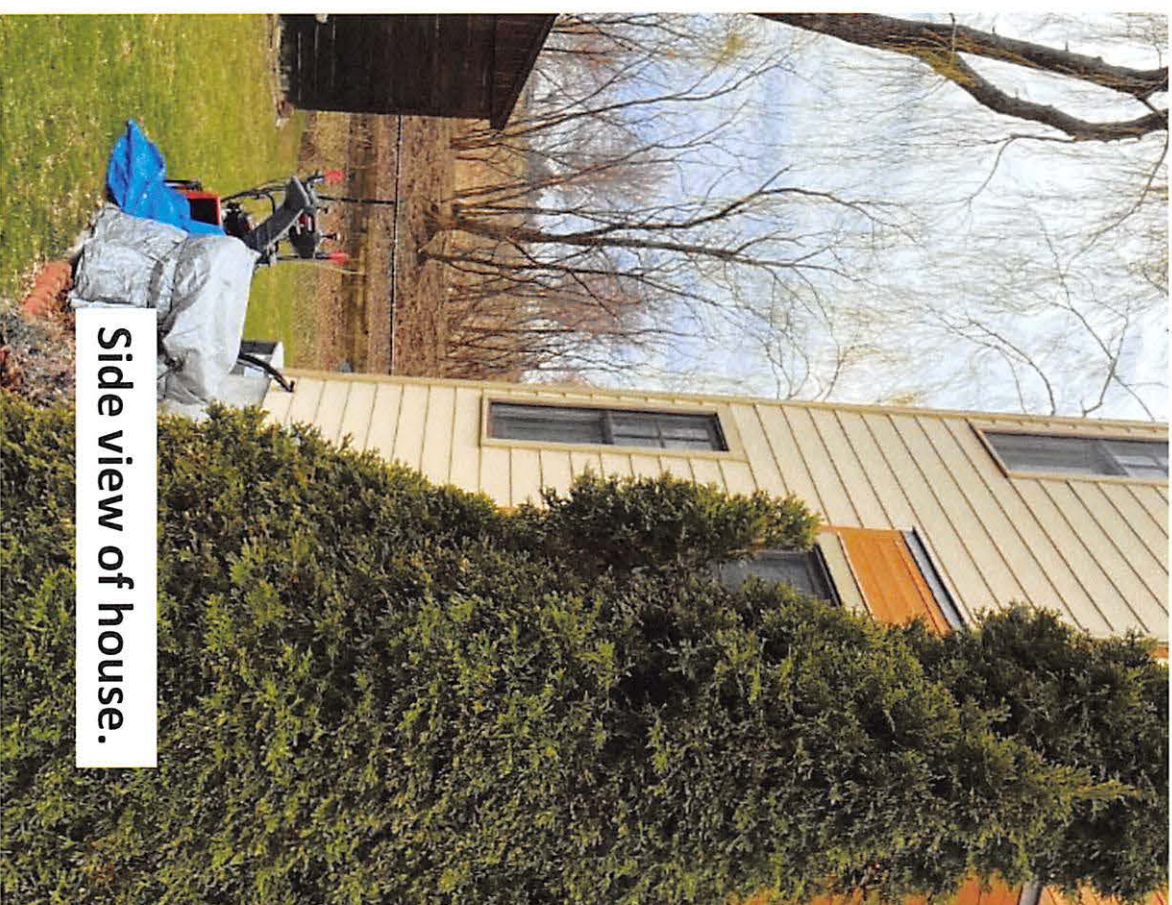
# Images of 26 Bellis Circle, Cambridge MA

Tom Culotta / Mary Custic





View of house from the street.



Side view of house.





**View of Neighbors houses from Danehy Park**



**View of Neighbors  
houses from Danehy  
Park.**

**Neighbors windows  
are highlighted in  
yellow.**

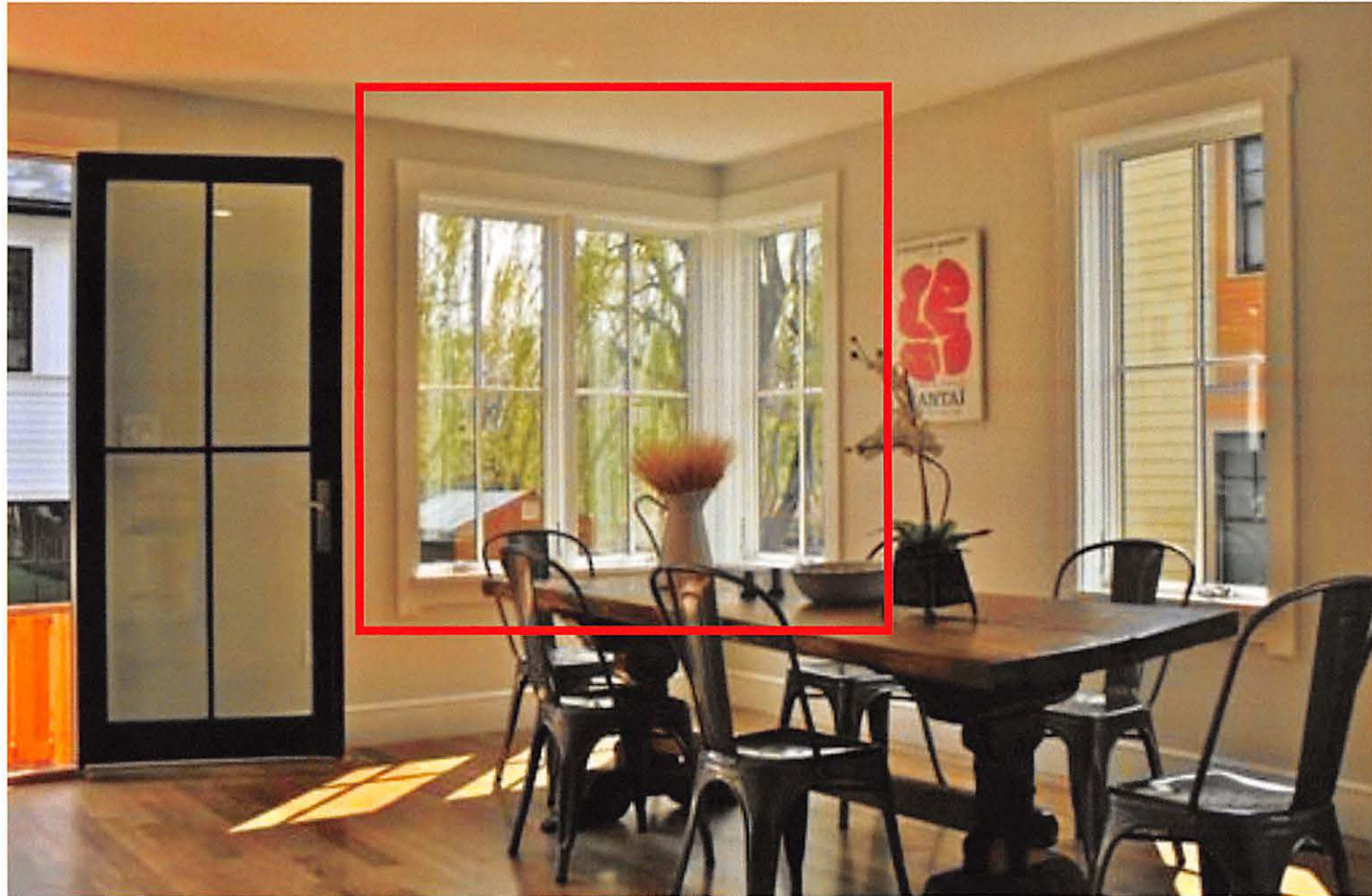




**Image from Inside  
18 Bellis Cir.**

**Source: Redfin**

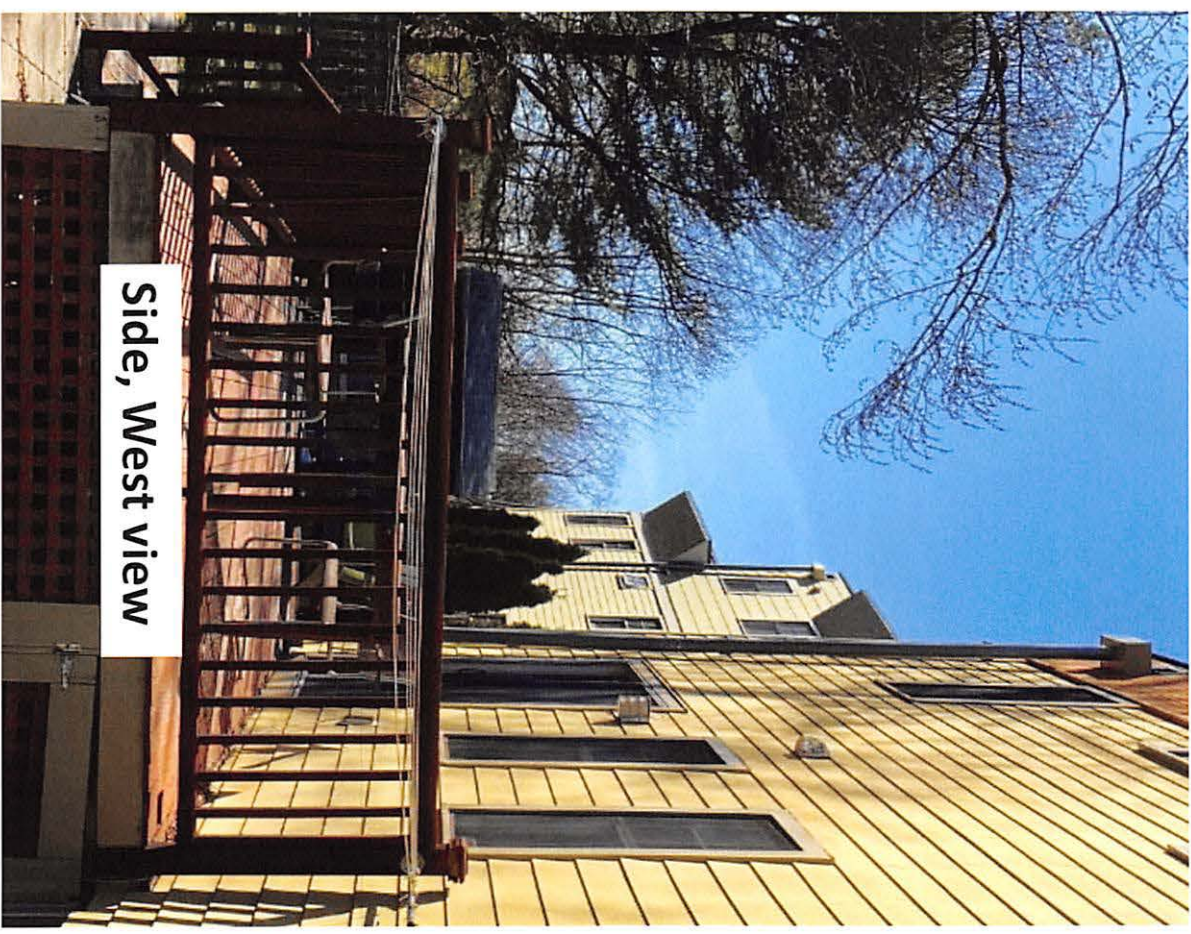
[https://www.redfin.com/MA/  
Cambridge/18-Bellis-Cir-  
02140/unit-  
2/home/79090068](https://www.redfin.com/MA/Cambridge/18-Bellis-Cir-02140/unit-2/home/79090068)







Back, South view

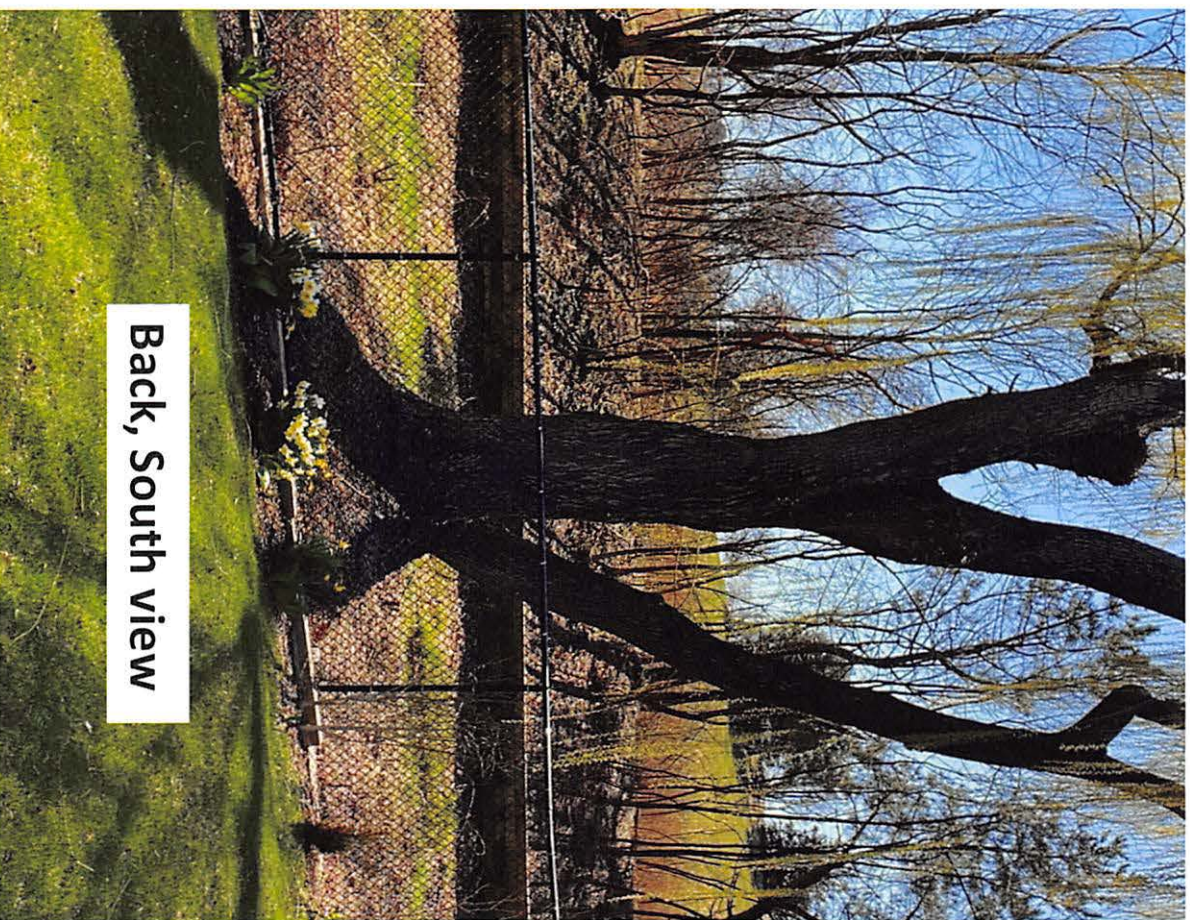


Side, West view





Side, West view



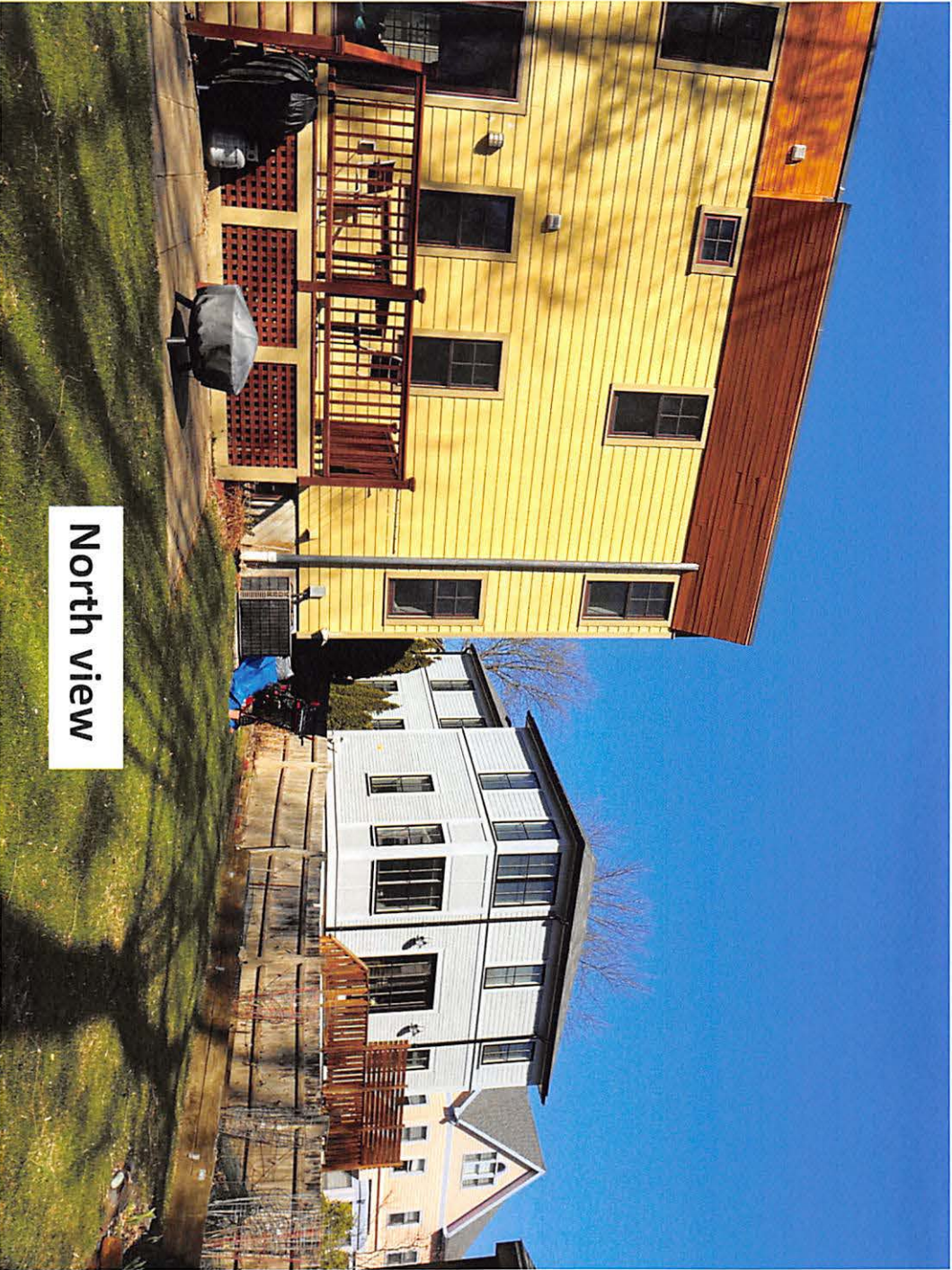
Back, South view





Side, East view





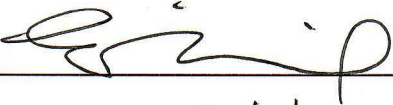
North view







I am a neighbor of Tom Culotta and Mary Custic. I have reviewed their plans for an addition and I would like to state that I am not opposed to the backyard addition at 26 Bellis Circle, in fact, I support their efforts fully and without reservation.

Signed: 

Name: Erica Bial

Address: 16 Bellis Circle 02140

Date: 5 April 2021



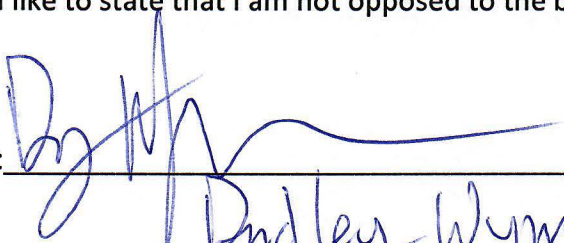
I am a neighbor of Tom Culotta and Mary Custic. I have reviewed their plans for an addition and I would like to state that I am not opposed to the backyard addition at 26 Bellis Circle.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

  
Dudley Wyman  
29 Bellis Cir. Cambridge MA  
4/3/2021

I am a neighbor of Tom Culotta and Mary Custic. I have reviewed their plans for an addition and I would like to state that I am not opposed to the backyard addition at 26 Bellis Circle.

Signed: 

Name: Adam Keur

Address: 27 Bellis Circle

Date: Cambridge, MA 02140

I am a neighbor of Tom Culotta and Mary Cusic. I have reviewed their plans for an addition and I would like to state that I am not opposed to the backyard addition at 26 Bellis Circle.

Signed: gmm

Name: Elizabeth McDonald

Address: 25 Bellis Circle Cambridge, Ma. 02140

Date: April 5, 2021



I am a neighbor of Tom Culotta and Mary Custic. I have reviewed their plans for an addition and I would like to state that I am not opposed to the backyard addition at 26 Bellis Circle.

Signed: Kay Childs

Name: Kathryn Childs

Address: 24 Bellis Cir., Cambridge, MA 02140

Date: 617-470-5451

**To Whom It May Concern:**

This letter confirms that the Owners of 24-25-26-27 Bellis Circle (Bellis Circle Condominium) have approved the proposed renovations to 26 Bellis Circle.

This covers the construction directed by owners Thomas Culotta and Mary Custic between Spring 2021 and Spring 2022.

Sincerely,

**Owners:**

**24 Bellis Circle**

Print Name: Kathryn L. Childs

Signature: Kathy Childs

<sup>6</sup>  
**25 Bellis Circle**

Print Name: Thomas A. Culotta

Signature: Thomas A. Culotta

<sup>5</sup>  
**26 Bellis Circle**

Print Name: Elizabeth McDonald

Signature: EMM

**27 Bellis Circle**

Print Name: Adam Kerr

Signature: Adam Kerr



2005 00223660  
 Bk: 46247 Pg: 103 Doc: MD  
 Page: 1 of 13 10/07/2005 01:44 PM

# MASTER DEED

## BELLIS CIRCLE CONDOMINIUM 24, 25, 26, 27 Bellis Circle CAMBRIDGE, MASSACHUSETTS 02140

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Plan # 1381 of 2005  
 24, 25, 26, 27 Bellis Circle, Cambridge

13



**CONDOMINIUM MASTER DEED  
BELLIS CIRCLE CONDOMINIUM  
Bellis Circle  
CAMBRIDGE, MASSACHUSETTS 02139**

(a) Creation of Condominium.

Tangent Builders, Inc. hereinafter called the "Declarant", being the sole owner of the land with the buildings thereon known as and numbered 24-25-26-27 Bellis Circle, Cambridge, Middlesex County, Massachusetts, described on Exhibit "A" which is attached hereto and hereby incorporated herein by this reference and made a part hereof, does hereby, by duly executing and recording this Master Deed, submit said land, together with the building and improvements erected thereon, and all easements, rights and appurtenances belonging thereto, hereinafter called the "Subject Property", to the provisions of Massachusetts General Laws, Chapter 183A ("Condominiums"), and does hereby state it proposes to create, and does hereby create, a condominium with respect to the Subject Property, to be governed by and subject to the provisions of said Chapter 183A.

(b) Description of Land.

The premises which constitute the Condominium consists of the land described on Exhibit "A" which is attached hereto and is hereby incorporated herein by this reference and made a part hereof, together with the building and improvements thereon. Declarant hereby expressly reserve to themselves and their successors-in-title and their nominees, for a period ending one (1) year next after the date on which this Master Deed is recorded, the easement, license, right and privilege to pass and re-pass by vehicle and on foot in, upon, over and to the common areas and facilities of the Condominium for all purposes, including but not limited to transportation of construction materials in order to complete work (if any) on the Condominium, provided that in the exercise of the rights reserved by the Declarant in this paragraph, the Declarant will not unreasonably affect the use and enjoyment of the common areas and facilities. Nothing in this paragraph shall be deemed to create any rights in the general public.

(c) Description of Building.

The buildings on said land are described on Exhibit "B" which is attached hereto and is hereby incorporated herein by this reference and made a part hereof. Said buildings are hereinafter called the "Buildings."

(d) Description of Units.

- I. The unit designation of each unit, and statement of its location, approximate area, number of rooms, and immediate common area to which it has access, and its proportionate interest in the common areas and facilities of the Condominium are as set forth on Exhibit "C" which is attached hereto and is hereby incorporated herein by

this reference and made a part hereof. The boundaries of each of the units with respect to the floors, ceilings, walls, doors and windows thereof, are as follows:

- a. Roof: The plane of the lower surface of the finish ceiling facing each unit.
- b. Interior walls: NA
- c. Exterior walls, doors and window: As to walls, the plane of the interior surface of the finish wall surface facing each unit, as to doors, exterior surface thereof; as to windows, the exterior surface of the glass and the window frames.

Because each Unit is a free standing self contained Unit, each Unit shall have an exclusive easement to all the common areas consisting of the roof and exterior of said unit including any of the structure not included within the unit. Each Unit owner shall be solely responsible for the maintenance and repair of its own unit all inclusive, exterior surface inward, plus decks.

- II. Parking- Each Unit shall have exclusive use of two parking spaces. The exclusive parking spaces for Units 25,26, and 27 are located within each said Unit's exclusive area as delineated in the site plan by Boston Survey, Inc. recorded with the Master Deed. The six exclusive parking spaces for those three Units are accessed through a common area driveway, the two exclusive parking spaces for Unit 24 are located within said Unit's exclusive area and are accessed through it's exclusive use driveway. The maintenance and repair for the two parking spaces for Unit 24 shall be the sole responsibility of said Unit. The maintenance and repair of the parking spaces for the remaining three units shall be shared equally between said three units.
- III. Exterior Decks- All decks are considered an exclusive easment of the Unit they are attached to and the maintenance and repair of same is the sole responsibility of said unit. The provisions of this subsection shall not be modified or amended without the prior written consent of the Unit Owners being obtained in each instance.
- IV. Heating and Cooling Systems-Each unit contains its own mechanical area which contains a gas fired forced hot water heating system with baseboard and an air-handling unit to provide cooling to that unit. Each unit is served by a compressor, which supplies refrigeration to the air-handling unit contained in the mechanical area . All of said compressors, and certain piping, wiring and equipment appurtenant to said compressors and air handling units are located within each unit and are not common areas and facilities. Said heating and air-handling units, compressors and piping, wiring and equipment appurtenant thereto are hereinafter called the "HVAC Equipment." All HVAC Equipment (including the aforementioned compressors thereto), located within or without the units, is appurtenant to the unit which it serves, and the entire cost of maintenance, gas fuel, electric fuel, operation, repair, maintenance, and replacement of such HVAC Equipment shall be the sole responsibility of the individual unit owner of the unit served by said HVAC Equipment, regardless of the fact that said compressors and said piping, wiring and equipment are located (as aforesaid) outside of the unit. Each unit owner shall have an

exclusive easement to use, maintain, operate, repair and replace all HVAC Equipment serving his unit and located in the common areas and facilities.

(e) Description of Common Areas and Facilities and the Proportionate Interest of Each Unit Therein.

The common areas and facilities of the Condominium consists of the gravel driveway accessing the six exclusive use parking spaces for Units 25, 26, and 27, plus a narrow rectangle abutting the southern border of the two exclusive use parking spaces for Unit 26 and one exclusive use parking space for Unit 27 all as delineated on site Plan previously referenced and recorded herewith. cription of Building”) of this Master Deed, other than the units described on Exhibit “C” hereto, Without limiting the foregoing language in this paragraph (e), the common areas and facilities of the Condominium include:

- (i) the land described in paragraph (b) (“Description of Land”) of this Master Deed, hereof;
- (ii) exterior lighting devices and wires and poles serving the same ;
- (iii) all other items situated on the subject property and listed as common areas in Massachusetts General Laws, Chapter 183A

(f) Plans.

A set of the floor plans with deck and site plan of the buildings showing the layout, location, unit numbers and dimensions of the units, and bearing the verified statement of a Registered Architect certifying that the plans fully and accurately depict the layout, location, unit number and dimensions of the units as built, all pursuant to Massachusetts General Laws, Chapter 183A, have been recorded simultaneously with the recording of this Master Deed. Said set of plans, herein sometimes called the “Master Plans” is hereby incorporated herein by this reference and made a part hereof. The Master Plans, consisting of five (5) sheets, are further described as follows:

1. Bellis Circle Condominium, Floor plan 24 Bellis Circle, Cambridge, MA and certified by Registered Architect Alex Svirsky on ~~September~~ <sup>July 15</sup>, 2005.
2. Bellis Circle Condominium, Floor plan 25 Bellis Circle, Cambridge, MA and certified by Registered Architect Alex Svirsky on ~~September~~ <sup>July 15</sup>, 2005.
3. Bellis Circle Condominium, Floor plan 26 Bellis Circle, Cambridge, MA and certified by Registered Architect Alex Svirsky on ~~September~~ <sup>July 15</sup>, 2005.
4. Bellis Circle Condominium, Floor plan 27 Bellis Circle, Cambridge, MA and certified by Registered Architect Alex Svirsky on ~~September~~ <sup>July 15</sup>, 2005.
5. Condominium Site Plan located at 24,25,26,27 Bellis Circle, Cambridge, MA prepared by Boston Survey, Inc. and certified by Registered Engineer George Collins on , 2005.



(g) Use of Units.

- (i) The building and each of the units are intended only for residential purposes by not more than one family unit nor more than two (2) unrelated persons per bedroom; provided, however, that any of the units may also be used as an office or artist's studio but only accessory to such residential use and only if and to the extent such accessory office and/or artist's studio use is permitted by applicable zoning laws; and
- (ii) No unit shall be used or maintained in a manner inconsistent with the By-Laws of the Condominium Trust and the rules and regulations from time to time adopted pursuant thereto; and
- (iii) The architectural integrity of the building shall be preserved without modification which shall include and ensure, inter alia, that the roof and various cosmetics are the same color and texture, and to that end, without limiting the generality of the foregoing, no exterior change, addition, structure, projection, decoration or other feature shall be erected or placed upon or attached to or exhibited through a window of the building, and no painting or other decorating shall be done on any exterior part or surface of the building, unless the same shall have been approved by the Condominium Trustees in accordance with the provisions of the Condominium Trust and shall conform to the conditions set forth in said Condominium Trust.
- (iv) Notwithstanding the foregoing, until the Declarant or their successors-in-title or their nominees have sold and conveyed all of the units, the Declarant and their successors-in-title or their nominees, may use one or more units for a sales office or model.

(h) Amendment of Master Deed.

- (i) This Master Deed may be amended by an instrument in writing (i) signed and acknowledged in proper form for recording by the owners of units entitled to not less than seventy-five (75%) percent of the undivided interests in the common areas and facilities and (ii) signed and acknowledged in proper form for recording by not less than fifty-one (51%) percent (except in cases where a higher percentage is required by Section 33 of the By-Laws of the Condominium Trust) of the holders of first mortgages on the units (based upon one vote for each mortgage owned) but only if such amendment would materially affect the rights of any mortgagee, and (iii) signed and acknowledged in proper form for recording by a majority of the Trustees of the Condominium Trust, and (iv) duly recorded in the Middlesex County Registry of Deeds, provided, however, that:
- (ii) The date on which any such instrument amending this Master Deed is first signed by a unit owner, or mortgagee, or Trustee of the Condominium Trust, shall be indicated thereon as the date of such instrument, and no such instrument shall be of any force or effect unless and until the same has been recorded in the Middlesex County Registry of Deeds within six (6) months after such date; and
- (iii) Pursuant to the provisions of Chapter 87 of the Acts of 1987, the percentage of the undivided interest of each unit owner in the common areas and facilities shall not be altered without the consent of all unit owners whose percentage of the undivided interest is affected, expressed in an amended Master Deed duly recorded; and

- (iv) No instrument of amendment which alters the dimensions of any unit shall be of any force or effect unless the same has been signed and acknowledged in proper form for recording by the owner or owners and mortgagee or mortgagees of the units so altered; and
- (v) No instrument of amendment which alters the rights of the Declarant, or the rights of the Unit Owners with respect to certain rights of the Unit Owners set forth herein elsewhere, shall be of any force or effect unless the same has been signed and acknowledged in proper form for recording by, respectively, the Declarant, so long as the Declarant owns any unit in the Condominium, or the Unit Owners, respectively; and
- (vi) No instrument of amendment which alters this Master Deed in any manner contrary to or inconsistent with the provisions of Massachusetts General Laws, Chapter 183A, shall be of any force or effect.
- (vii) Notwithstanding any other provisions of this Section (h), no amendment of this Master Deed shall be made if such amendment would be in contravention of the provisions of Section 33 of the By-Laws of the Condominium Trust.
- (viii) Notwithstanding anything to the contrary herein, so long as the Declarant owns any unit in the Condominium, the Declarant shall have the right, at any time and from time to time, to amend this Master Deed without the consent of any other Unit Owners or any of the Trustees of the Condominium Trust, to meet the requirements of any governmental or quasi-governmental body or agency, or the requirements of any insurance company or insurance underwriting office or organization, or the requirements of Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, the secondary mortgage market, or any lender, or to correct typographical or clerical errors, or to cure any ambiguity, inconsistency or formal defect or omission.

(i) Condominium Unit Owners' Association.

The name of the Trust which has been formed and through which the unit owners will manage and regulate the Condominium hereby established is the Bellis Circle Condominium Trust under Declaration of Trust of even date, to be recorded herewith. Said Declaration of Trust establishes that all unit owners in the Condominium hereby established shall be beneficiaries of said Trust and that the beneficial interest of each unit owner in said Trust shall be the same percentage interest as his percentage of undivided interest in the common areas and facilities as established by this Master Deed. The mailing address of said Trust is Bellis Circle, Cambridge, Massachusetts, 02139.

The names and addresses of the initial Trustees of said Trust and their term of office are as follows: Michael Ciccone , 622 High Street, Walpole, MA 02052 and Gary Stevens, 10 Bayfield Road, Wayland, MA, Trustees of Bellis Circle Condominium Trust, Cambridge, Massachusetts .

Term: As set forth in Section III of the Declaration of Trust of Bellis Circle Condominium Trust.

The Trustees have enacted By-Laws pursuant to Massachusetts General Laws, Chapter 183A, which are set forth in the Declaration of Trust of said Trust which is recorded herewith.

(j) Name of Condominium.

The Condominium hereby established shall be known as the "Bellis Circle Condominium."

(k) Encroachments.

If any portion of the common areas and facilities now encroaches upon any unit, or if any unit now encroaches upon any other unit or upon any portion of the common areas and facilities, or if any such encroachment or encroachments shall occur at any time or from time to time hereafter as the result of: (1) settling of the building, or (2) condemnation or eminent domain proceedings, or (3) alteration or repair of the common areas and facilities or any part thereof done pursuant to the provisions of this Master Deed as the same may be from time to time amended, or the provisions of the Declaration of Trust of the Condominium Trust as the same may be from time to time amended, or (4) repair or restoration of the building or any unit therein after damage by fire or other casualty, then and in any of the foregoing events, a valid easement shall exist for such encroachment and for the maintenance of same for so long as the building stands.

(l) All Units Subject to Master Deed, Unit Deed, and By-Laws and Rules and Regulations of the Condominium Trust.

All present and future owners, tenants, visitors, servants and occupants of units shall be subject to, and shall comply with, the provisions of this Master Deed as the same may be from time to time amended, the Unit Deed, the Condominium Trust and the By-Laws, and the Rules and Regulations of the Condominium Trust as the same may be from time to time amended and the rights, easements, agreements and restrictions of record and all matters set forth on Exhibit "A" hereto insofar as the same now are, or are in the future, in force and applicable. The acceptance of a deed or conveyance or the entering into a lease or into occupancy of any unit, shall constitute an agreement that the provisions of this Master Deed as the same may be from time to time amended, and the said rights, easements, agreements and restrictions, and all matters set forth on Exhibit A hereto, and the Unit Deed, and the Condominium Trust and the By-Laws and rules and regulations thereto, as the same may be from time to time amended, are accepted and ratified by such owner, tenant, visitor, servant or occupant, and all of such provisions shall be deemed and taken to be covenants running with the land and shall bind any person having at any time any interest or estate in such unit as though such provisions were recited or stipulated at length in each and every deed or conveyance or lease or occupancy agreement hereof.

(m) Federal Home Loan Mortgage Corporation; Federal National Mortgage Association.

Reference is hereby made to Section 33 of the By-Laws of the Condominium Trust which is hereby incorporated herein by this reference and made a part hereof.

(n) Invalidity.



The invalidity of any provision of this Master Deed shall not be deemed to impair or affect in any manner the validity, enforceability or effect of the remainder of this Master Deed, and, in such event, all of the provisions of this Master Deed shall continue in full force and effect as if such invalid provision had never been included herein.

(o) Waiver.

No provision contained in this Master Deed shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

(p) Captions.

The captions herein are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of this Master Deed or the intent of any provisions hereof.

(q) Conflicts.

This Master Deed is set forth to comply with the requirements of Chapter 183A of the General Laws of the Commonwealth of Massachusetts. In case any of the provisions stated above conflict with the provisions of said statute, the provisions of said statute shall control.

(r) Liability.

Notwithstanding anything to the contrary herein, and notwithstanding any custom or usage to the contrary, it is expressly understood and agreed that only the real estate which constitutes the Bellis Circle Condominium shall be bound by the provisions of this Master Deed. The Declarant, and any of them, shall never be personally or individually bound or liable to anyone whomsoever with respect to any of the provisions of this Master Deed beyond the Declarant's interest in the real estate which constitutes the Bellis Circle Condominium.

**EXECUTED** as an instrument under seal at Cambridge, Middlesex County,  
Massachusetts this

6th day of October, 2005.

Gary Stevens, Treasurer  
Gary Stevens, Treasurer  
Tangent Builders, Inc.

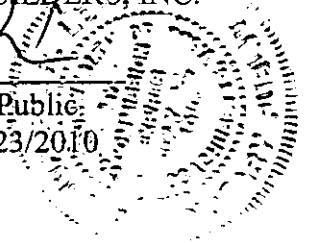
Michael Ciccone, Pres.  
Michael Ciccone, President  
Tangent Builders, Inc.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this 6th day of October 2005, before me, the undersigned notary public,  
personally appeared Gary Stevens and Michael Ciccone, known to me personally to be the  
persons whose names are signed on the preceding or attached document, and acknowledged that  
they signed it voluntarily for its stated purpose ON BEHALF OF TANGENT BUILDERS, INC.

Michael R. Levin  
Michael R. Levin – Notary Public  
My commission expires: 7/23/2010



**EXHIBIT A**

Incorporated by reference into and made a part of the Master Deed of the Bellis Circle Condominium, Bellis Circle, Cambridge, Middlesex County, Massachusetts.

The premises which constitute the Condominium consists of the following described land in Cambridge, Middlesex County, Massachusetts, together with the building thereon, bounded and described as follows:

**PARCEL ONE**

The land in said Cambridge on Bellis Circle formerly known as Bolton Street, being shown as Lot B on a plan entitled, "Plan of Sub-division of Land in Cambridge, Massachusetts, July 26, 1954, Edward F. Carney, Surveyor," as recorded on July 29, 1954. Beginning at the Northeasterly corner of said lot at other land of these grantees, turning and running NORTHWESTERLY Sixty-two and 50/100 feet to a point at land of Colby, turning and running SOUTHWESTERLY Forty-eight feet to a point at land now or formerly of the City of Cambridge, thence turning and running along said land Fifty-two and 69/100 feet in a SOUTHEASTERLY direction to a point at corner of Lot A on said, turning and running NORTHEASTERLY Sixty-two and 82/100 feet to the point of beginning.

Containing according to said plan Three Thousand and twenty-one feet more or less.

For title reference see Middlesex South Registry of Deeds, Book 42654, Page 82.

**PARCEL TWO**

That certain parcel of land situate in Cambridge in the County of Middlesex and said Commonwealth described as follows:

NORTHEASTERLY by Bolton Street, seventy-seven feet;  
SOUTHEASTERLY by land now or formerly of Rose Bro., sixty and 37/100 feet;  
SOUTHWESTERLY by land now or formerly of Catherine F. Vocell, sixty and 79/100 feet; and  
WESTERLY by land now or formerly of Mary E. Colby, sixty-two and 51/100.

All of said boundaries are determined by the Court to be located as shown on said plan, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book, 34,

Page 217, with Certificate 5208, (Plan No. 4789A)

For title reference see Middlesex South Registered Land Division, Certificate of Title No. 230694 and "Notice of Voluntary Withdrawal of Land from the Registration System recorded herewith."



PARCEL THREE

A certain parcel of land with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, numbered 27 Bellis Circle, formerly Bolton Street, being shown as Lot "B" on a plan entitled "Plan of Premises at West Cambridge Station Belonging to Heirs of William J. Bellis, W.A. Mason & Son Surveyors, Cambridgeport November 7, 1911" recorded with Middlesex South District Deeds at the End of Book 3651, being bounded and described as follows:

NORTHEASTERLY by Bellis Circle, twenty-five and 90/100 (25.90) feet;  
 SOUTHEASTERLY by land now or formerly of Whan and land now or formerly of Nelligan, one hundred twenty (120) feet;  
 SOUTHWESTELY by land now or formerly of New England Brick Co., one hundred three (103) feet;  
 NORTHWESTERLY by Lot A on said plan, one hundred three (103) feet;  
 NORTHERLY by Lot A on said plan, sixty-eight and 50/100 (68.50) feet; and  
 SOUTHEASTERLY again by Bellis Circle, twenty and 40/100 (20.40) feet

Containing 11,100 square feet of land according to said plan.

For title reference see Middlesex South Registry of Deeds, Book 42642, Page 591.

**EXHIBIT B**

Incorporated by reference into and made a part of the Master Deed of Bellis Circle Condominium, Bellis Circle, Cambridge, Middlesex County, Massachusetts.

There are four unattached buildings on the land which are described on Exhibit A to this Master Deed.

Unit 24 is a two (2) story building, plus basement. The unit is constructed principally of wood with concrete foundation. The floor joists and roof joists are wood. The roof is flat with a membrane surface.

Unit 25 is a three (3) story building, plus basement. The unit is constructed principally of wood with concrete foundation. The floor joists and roof joists are wood. The roof is flat with a membrane surface.

Unit 26 is a two (2) story building, plus basement. The unit is constructed principally of wood with concrete foundation. The floor joists and roof joists are wood. The roof is flat with a membrane surface.

Unit 27 is a two and one half (2 ½) story building, plus basement. The unit is constructed principally of wood with concrete foundation. The floor joists and roof joists are wood. The roof is asphalt shingles.

The four buildings are completely separate self contained single family units.

Reference is made to the site plan recorded herewith by Boston Survey, Inc. referencing areas of exclusive use for each of the four units, said plan also indicates all common areas and two parking spaces delineated for each numbered unit, in addition to two walkways for the exclusive use of Unit 26.

**EXHIBIT C**

Incorporated by reference into and made a part of the Master Deed of Bellis Circle Condominium, Bellis Circle, Cambridge, Middlesex County, Massachusetts.

The unit designation of each unit, and statement of its location, approximate area, number of rooms, and immediate common area to which it has access, and its proportionate interest in the common areas and facilities of the condominium, are as follows:

Key: BR=Bedroom; K=Kitchen; LR=Living Room; B=Bathroom; D=Dining Room.

UNIT DESIGNATION	STATEMENT OF UNIT LOCATION	APPROX. AREA OF UNIT IN S.F.	NUMBER AND DESIGNATION OF ROOMS	IMMEDIATE COMMON AREA TO WHICH UNIT HAS ACCESS	PROPORTIONATE INTEREST OF UNIT IN COMMON AREA AND FACILITIES
24	Free Standing Self Contained Unit	1,647 sq. ft.	6-3BR,LR, K,D 2 1/2B	Exclusive Common Area Surrounding Unit	20.75%
25	Free Standing Self Contained Unit	2,003 sq. ft.	7-4BR,LR, K,D 3 1/2B	Exclusive Common Area Surrounding Unit	25.24%
26	Free Standing Self Contained Unit	1,645 sq. ft.	6-3BR,LR, K,D 2 1/2B	Exclusive Common Area Surrounding Unit	20.73%
27	Free Standing Self Contained Unit	2,641 sq. ft.	8-4BR,LR, K,D, S 4B	Exclusive Common Area Surrounding Unit	33.28%

  
 Attest. Middlesex S. Register

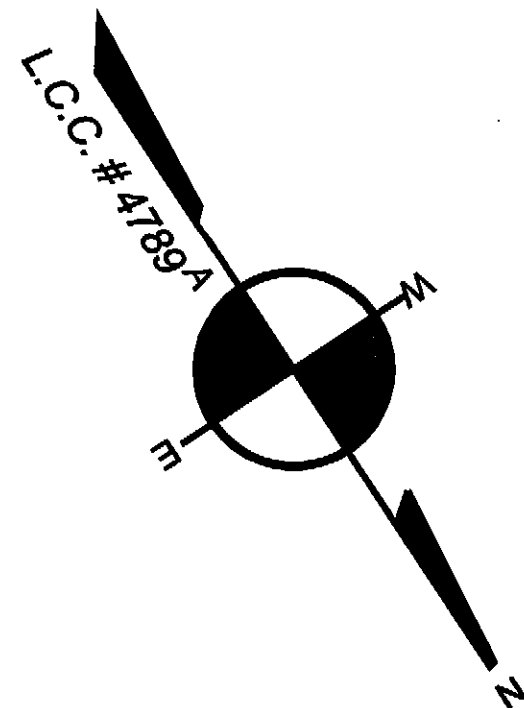


Middlesex Registry of Deeds,  
Southern District  
Cambridge, Massachusetts  
Plan No. 138110F-4 of 2004  
Rec'd 10-7-04  
at 1 H 15 M P M

Attest

*George C. Collins*  
Register

REGISTRY OF DEEDS USE ONLY



I HEREBY CERTIFY THAT THE PROPERTY IS NOT LOCATED  
IN AN ESTABLISHED FLOOD HAZARD AREA AS DEFINED BY  
THE DEPT. OF HOUSING AND URBAN DEVELOPMENT.

I FURTHER CERTIFY THAT THE BUILDING SHOWN CONFORMED  
TO THE ZONING LAWS OF THE CITY OF CAMBRIDGE WHEN  
CONSTRUCTED.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE  
LINES DIVIDING EXISTING OWNERSHIP AND THE LINES OF  
STREETS AND WAYS ALREADY ESTABLISHED AND THAT NO  
NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR  
FOR NEW WAYS ARE SHOWN.

I HEREBY CERTIFY THAT THIS PLAN FULLY AND ACCURATELY  
DEPICTS THE LOCATION AND DIMENSIONS OF THE BUILDINGS  
AS BUILT AND FULLY LISTS THE UNITS CONTAINED THEREIN.

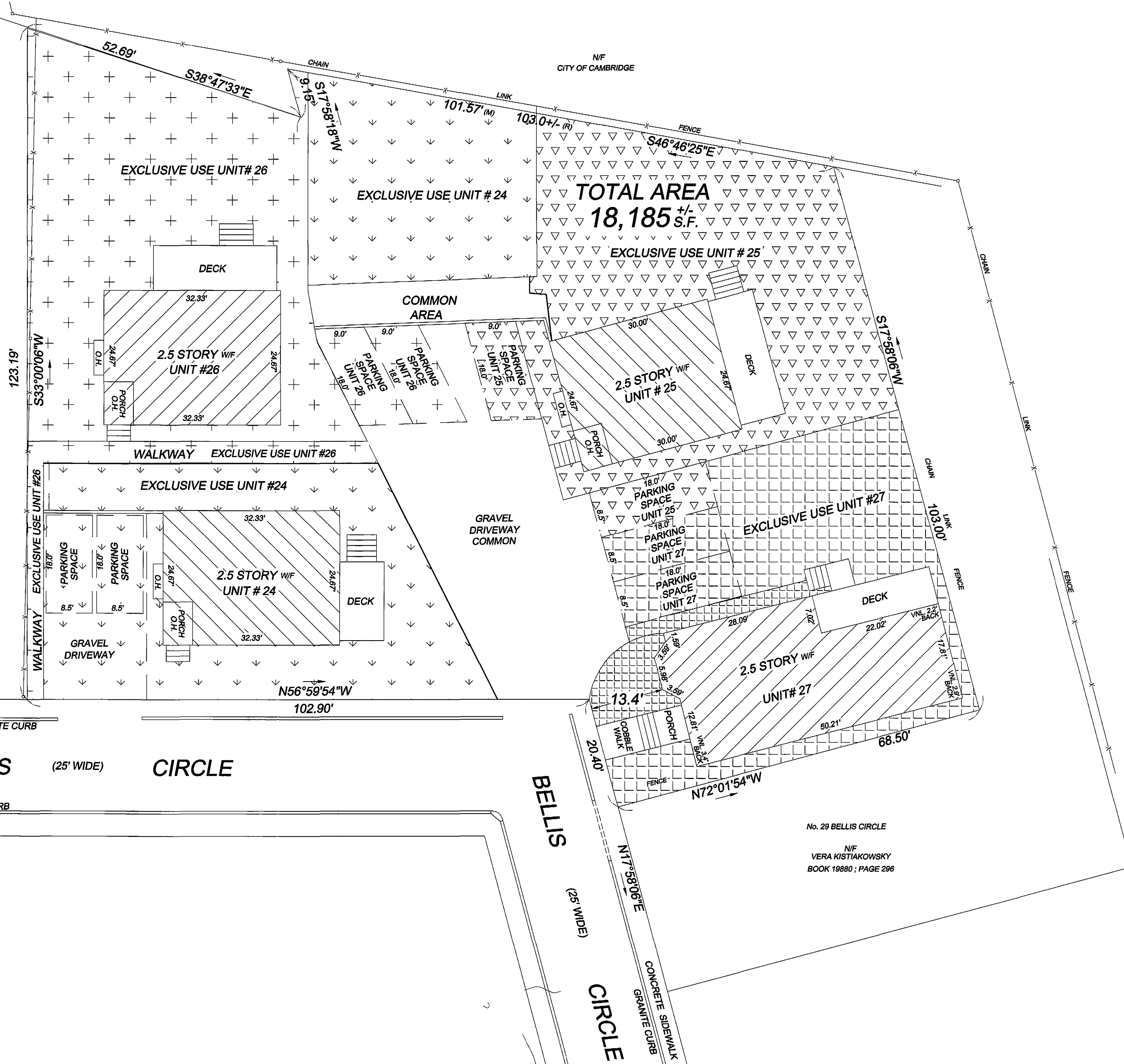
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMITY  
WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS  
OF THE COMMONWEALTH OF MASSACHUSETTS.

*George C. Collins P.L.S.*  
GEORGE C. COLLINS P.L.S.

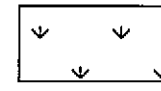
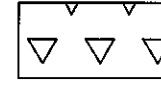
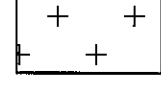
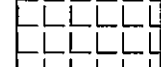
10-06-05  
DATE

No. 18 BELLIS CIRCLE

N/F  
LUCIA C. LEONARDI & PATRICIA A. CAFARO  
BOOK 21505 ; PAGE 113



#### EXCLUSIVE USE AREAS

-  UNIT 24
-  UNIT 25
-  UNIT 26
-  UNIT 27

DATE: APRIL 13, 2004

REVISION

DATE

#### REFERENCES:

DEED: C.O.T. # 230694  
BK 42654 PG 82  
BK 42642 PG 591

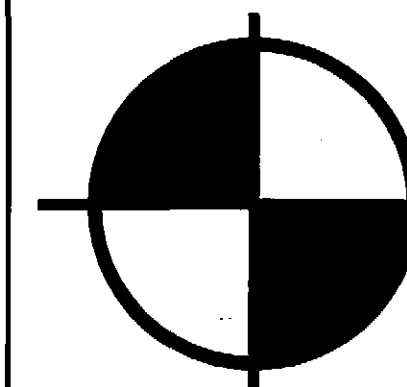
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PLAN IN BOOK 8297 ; PAGE 320

PLAN IN BOOK 3651 ; PAGE END

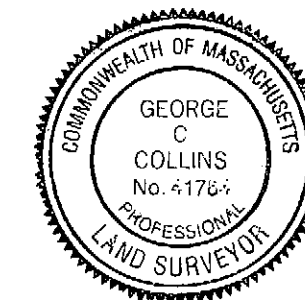
## CONDOMINIUM SITE PLAN FOR THE "BELLIS CIRCLE CONDOMINIUM" LOCATED AT 24,25,26 & 27 BELLIS CIRCLE CAMBRIDGE, MA.

PREPARED FOR:  
DUNCAN MACARTHUR  
52 ABERDEEN AVENUE  
CAMBRIDGE, MA. 02138



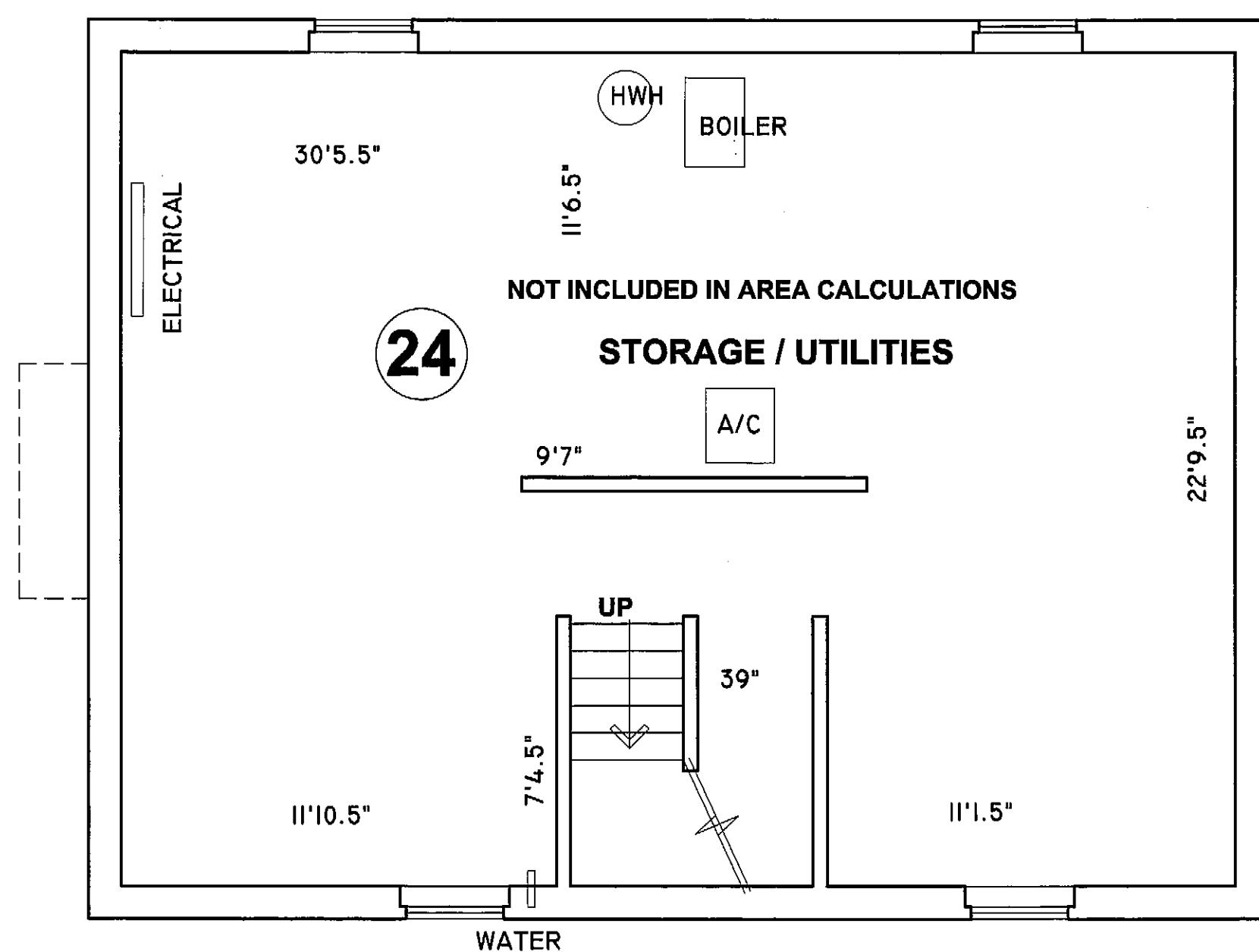
**BOSTON  
SURVEY, INC.**

UNIT C-4 SHIPWAYS PLACE  
CHARLESTOWN, MA. 02129  
(617) 242-1313



JOB # 04-00197

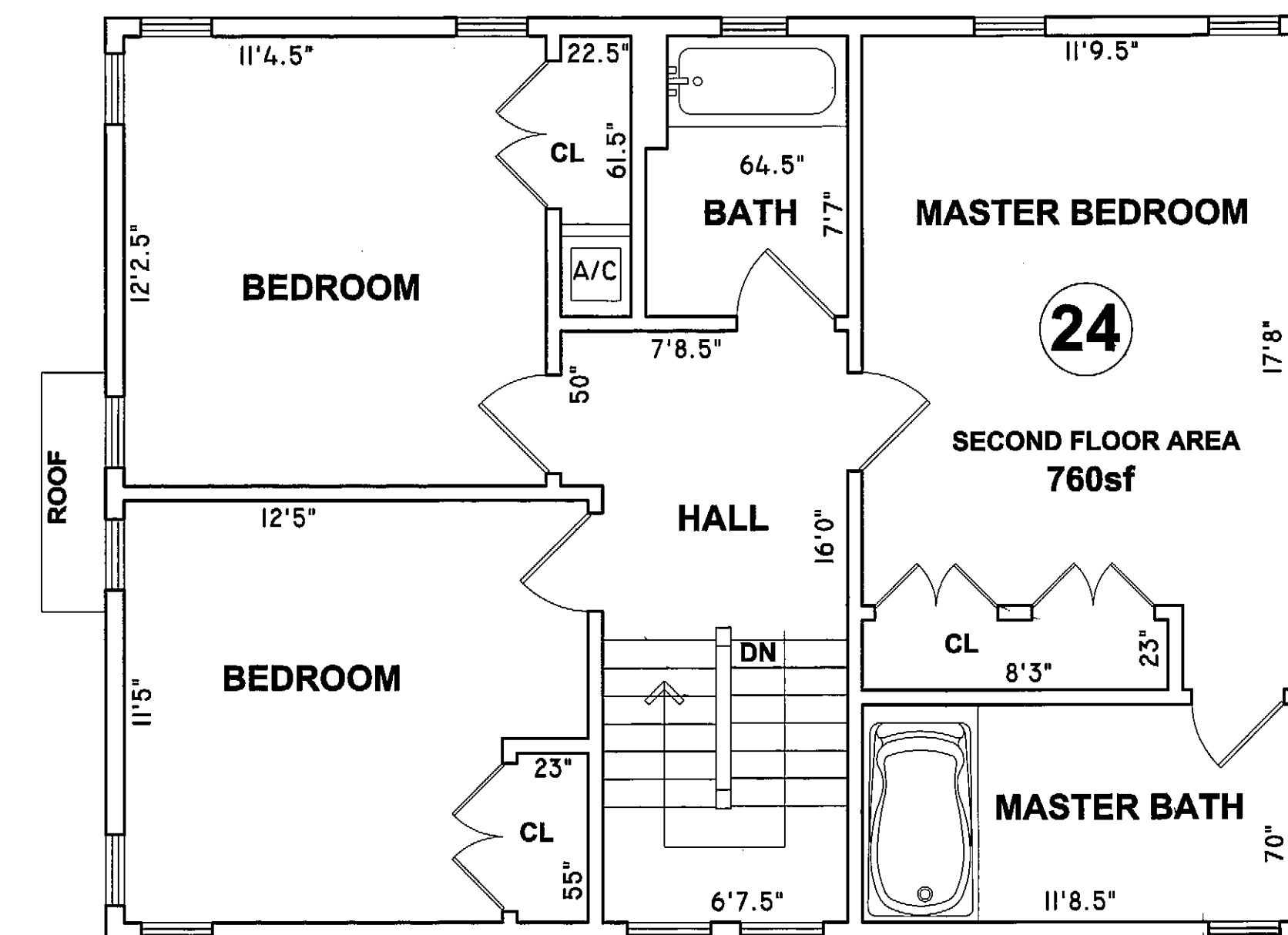
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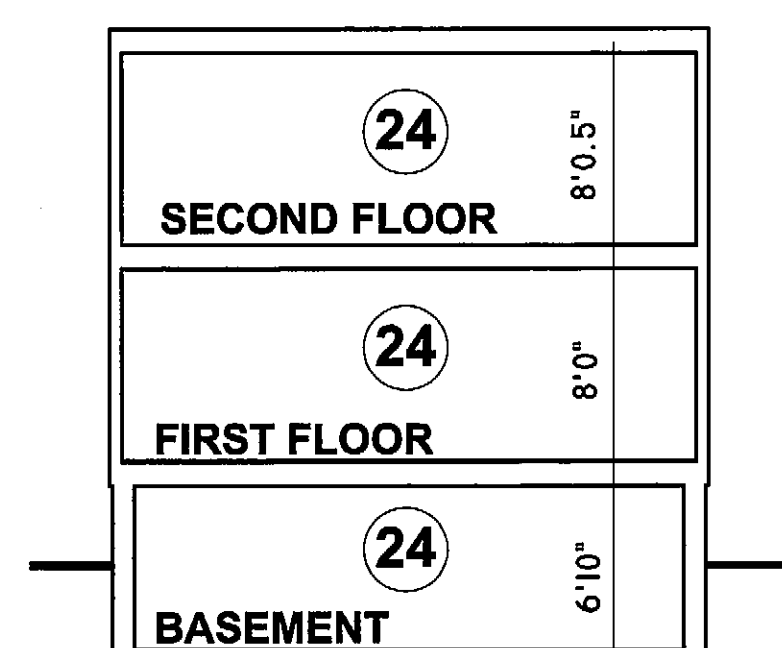
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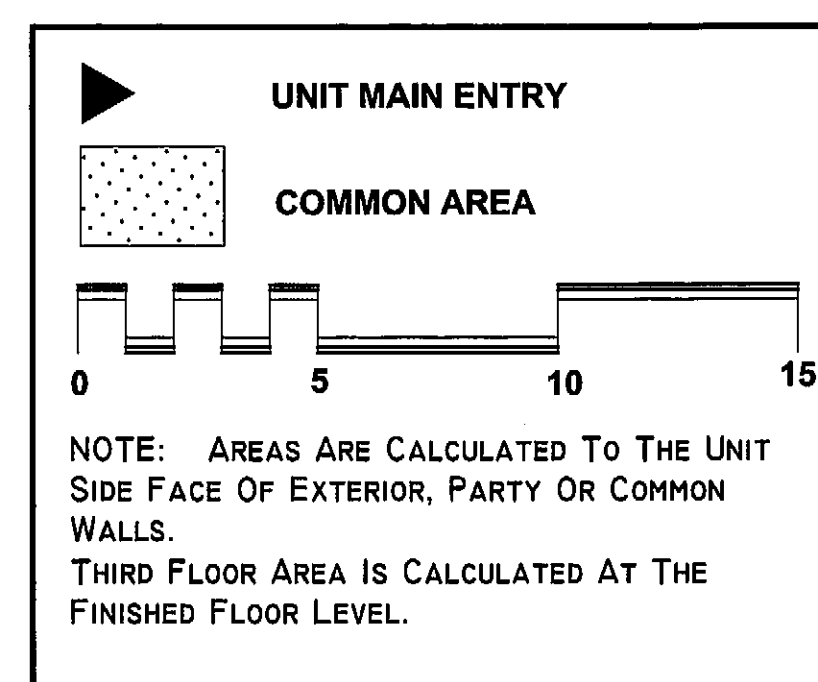
**FIRST FLOOR PLAN**



**SECOND FLOOR PLAN**



**DIAGRAMMATIC SECTION**



**BELLIS CIRCLE CONDOMINIUM**  
**24-25-26-27 Bellis Circle, Cambridge, MA**

I HEREBY CERTIFY THAT THIS PLAN(S) HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS, AND THAT THIS PLAN(S) FULLY AND ACCURATELY DEPICTS THE LAYOUT, LOCATION, UNIT NUMBER, UNIT MAIN ENTRY, DIMENSIONS AND THE APPROXIMATE UNIT AREA OF THE UNITS AS BUILT. THE BUILDING HAS NO NAME.

DATE 15 JULY, 2005 *Alex A. Svirsky*  
 ALEX A. SVIRSKY, R.A.

REGISTERED ARCHITECT  
 No 8418  
 BROOKLINE, MA

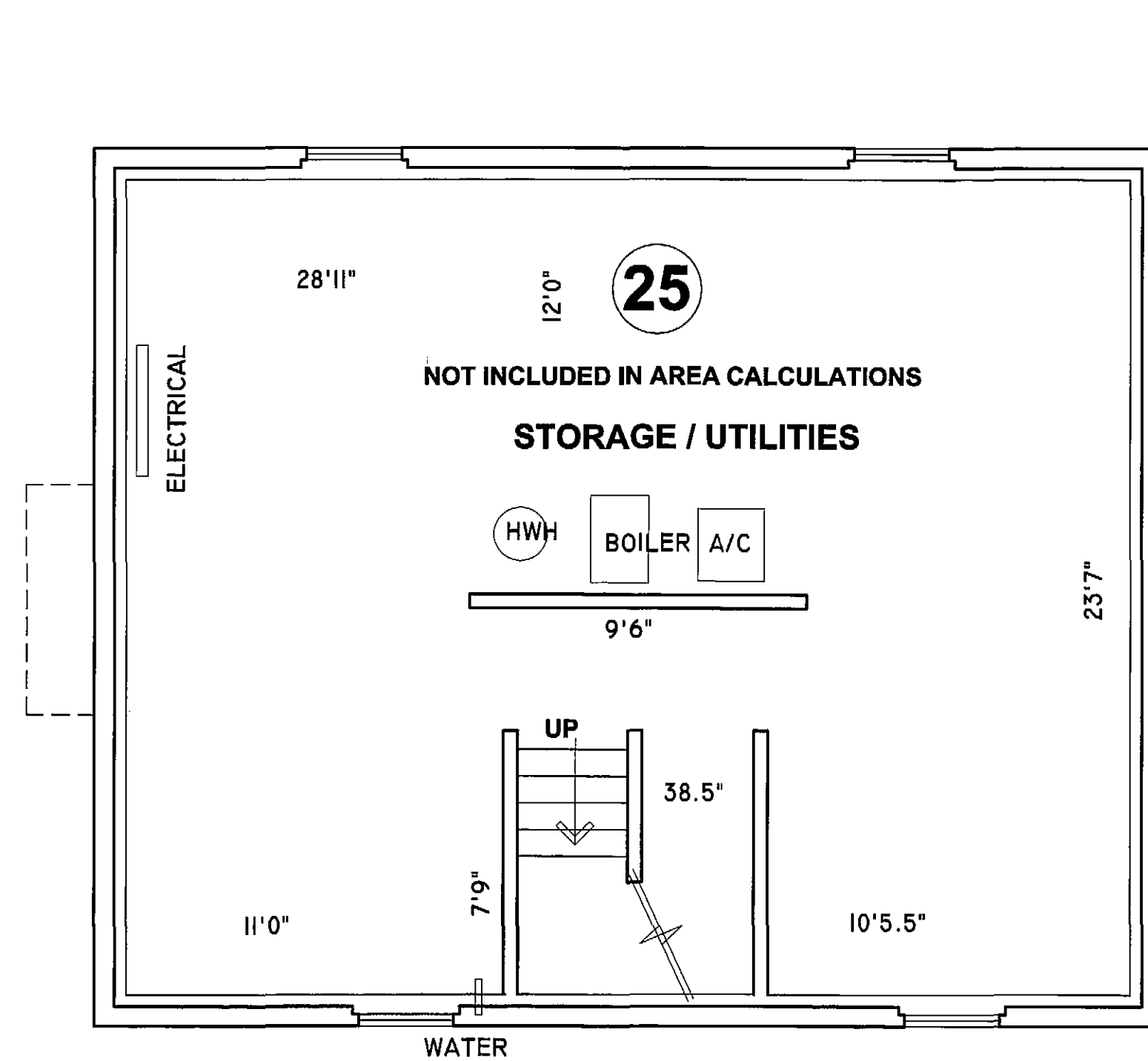
FOR REGISTRY USE

PLAN NO. 1381 OF 2005  
 SHEET 2 OF 5

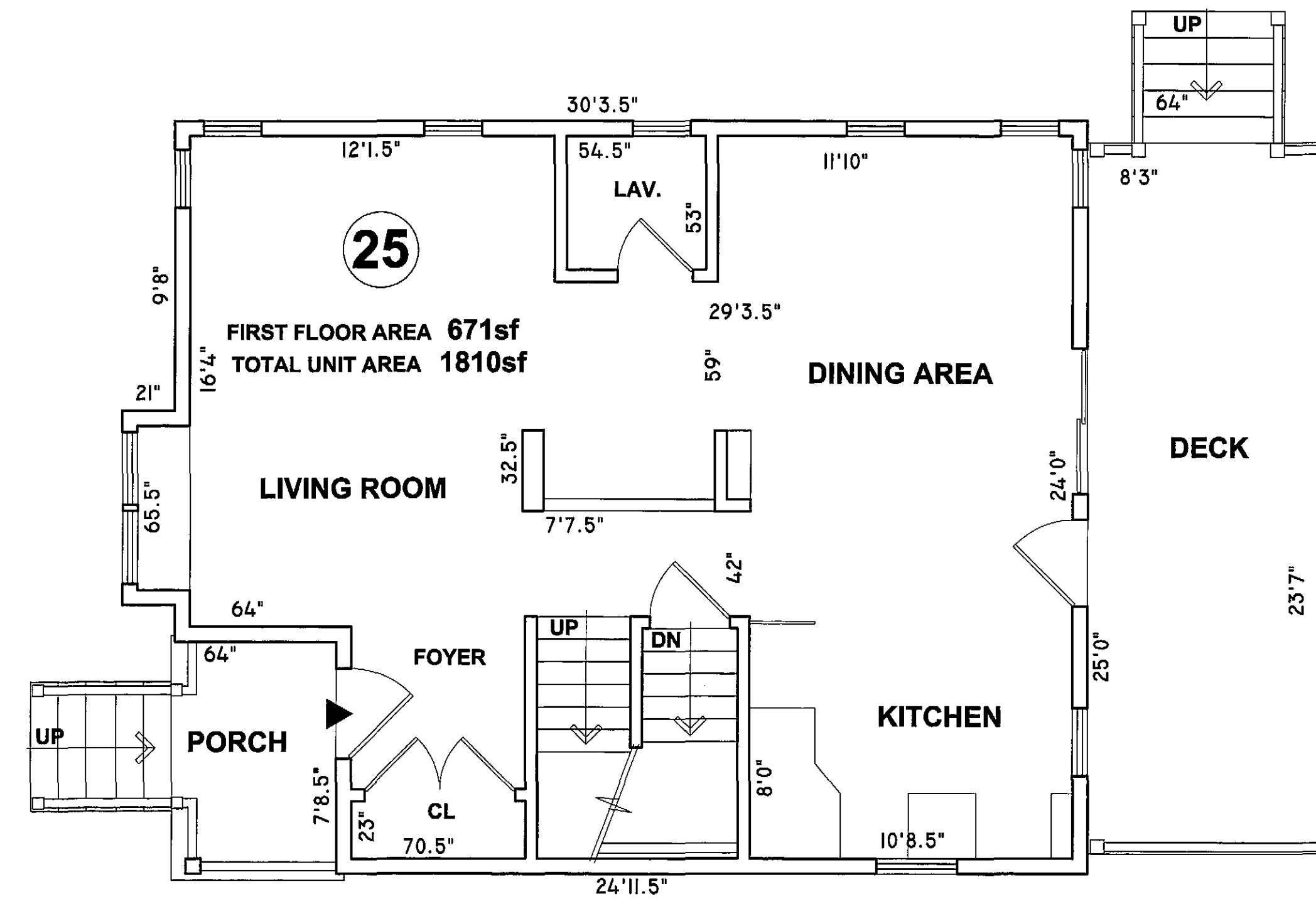
architex team, inc.  
 ARCHITECTURE DESIGN PLANNING  
 61 Gardner Road, Brookline, MA 02445  
 Tel. (617) 277-7617 Fax. (617) 277-8621

DATE:  
 13 JUL, 05 M  
 5 AUG, 05 P  
 29 SEP, 05 P2  
 5 OCT, 05 F

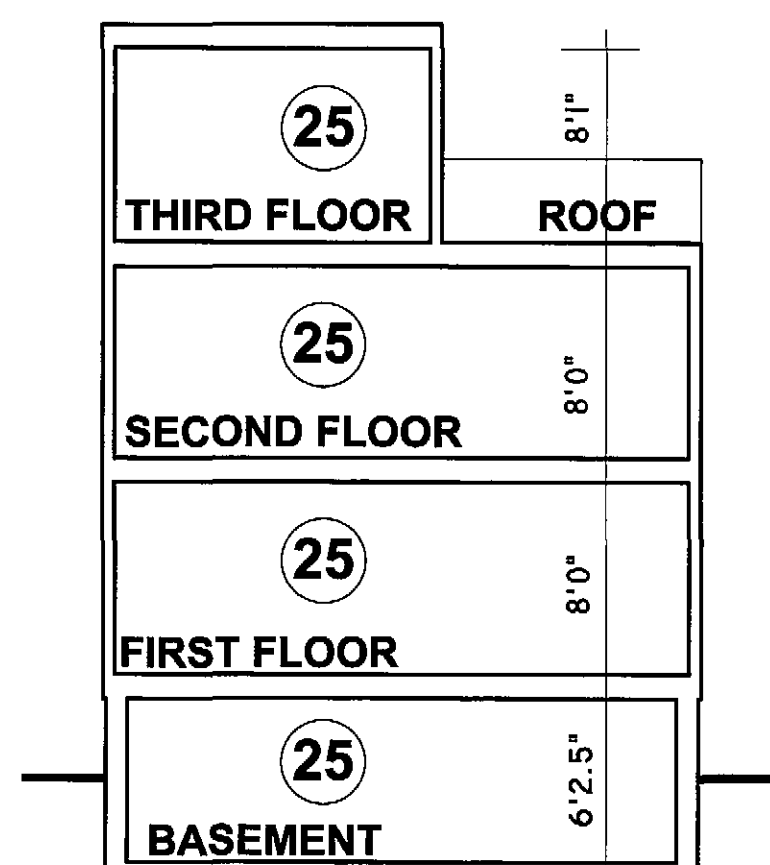
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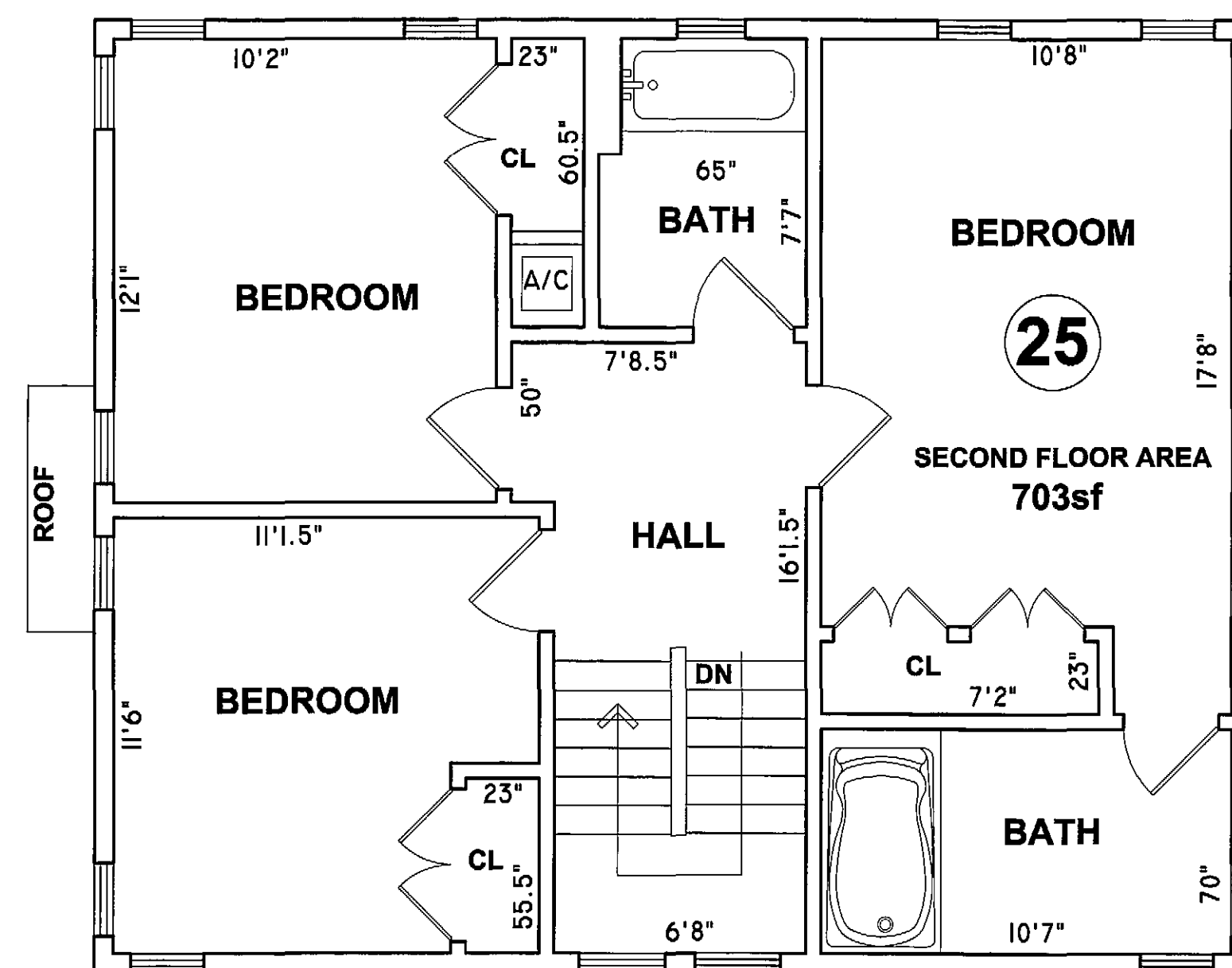
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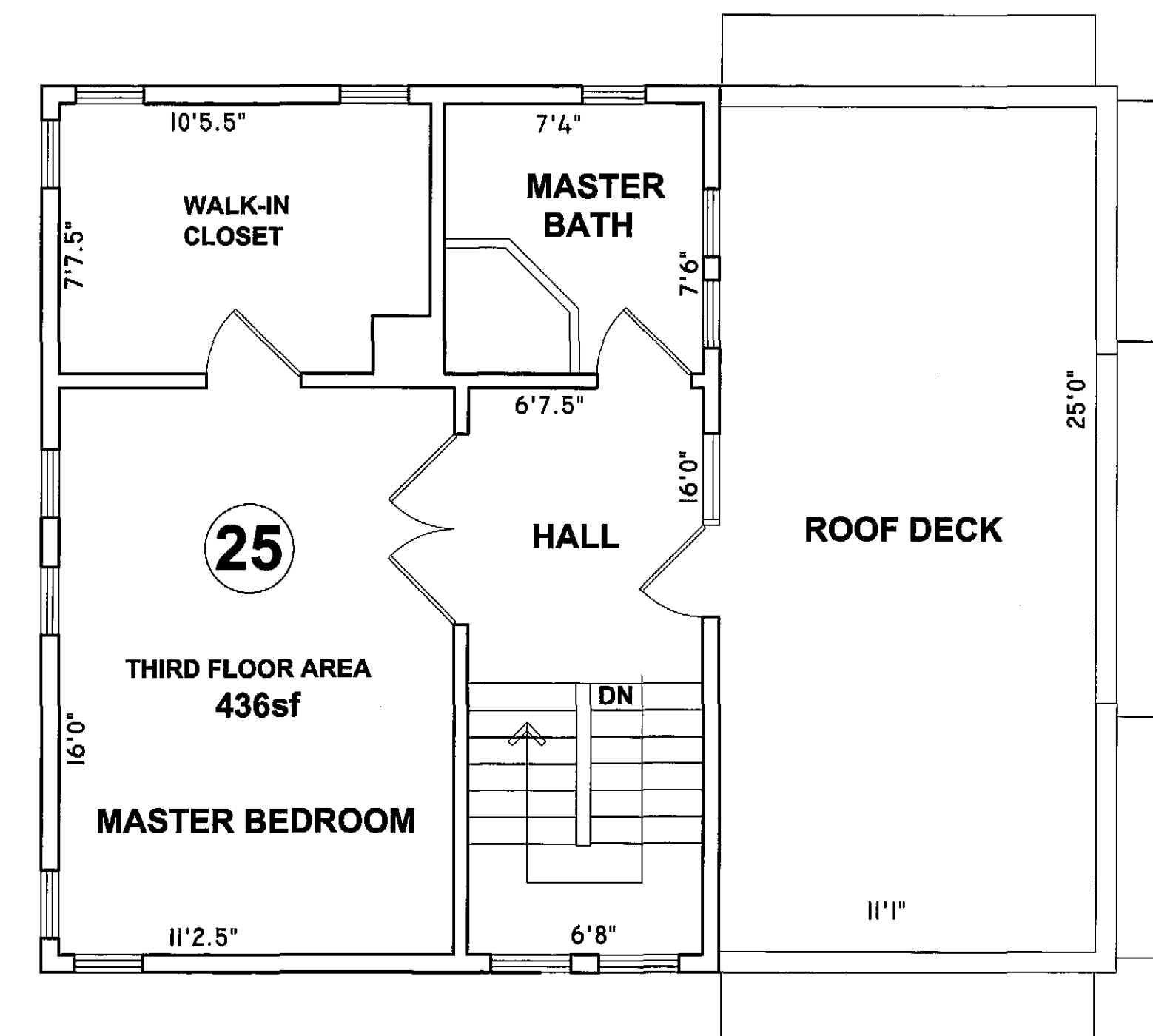
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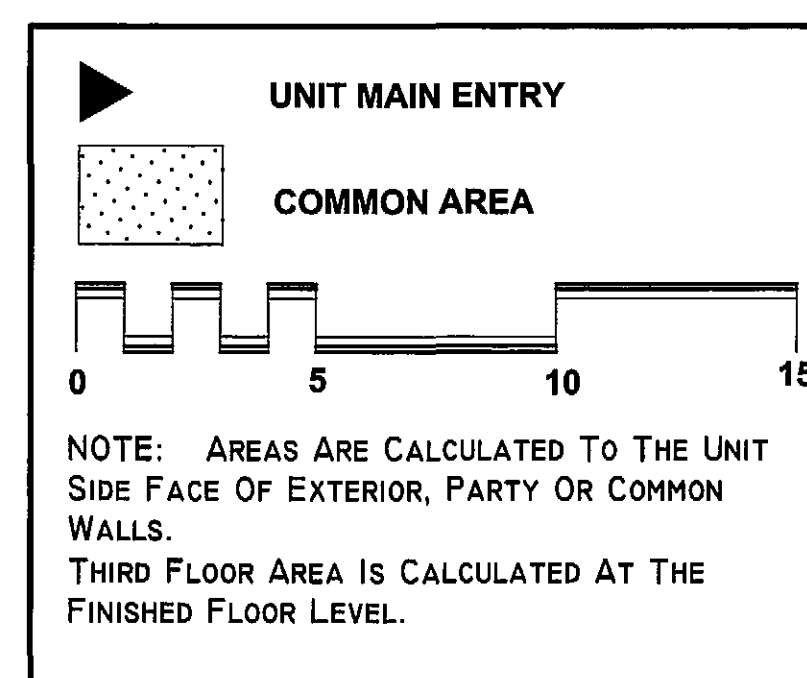
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**SECOND FLOOR PLAN**



**THIRD FLOOR PLAN**



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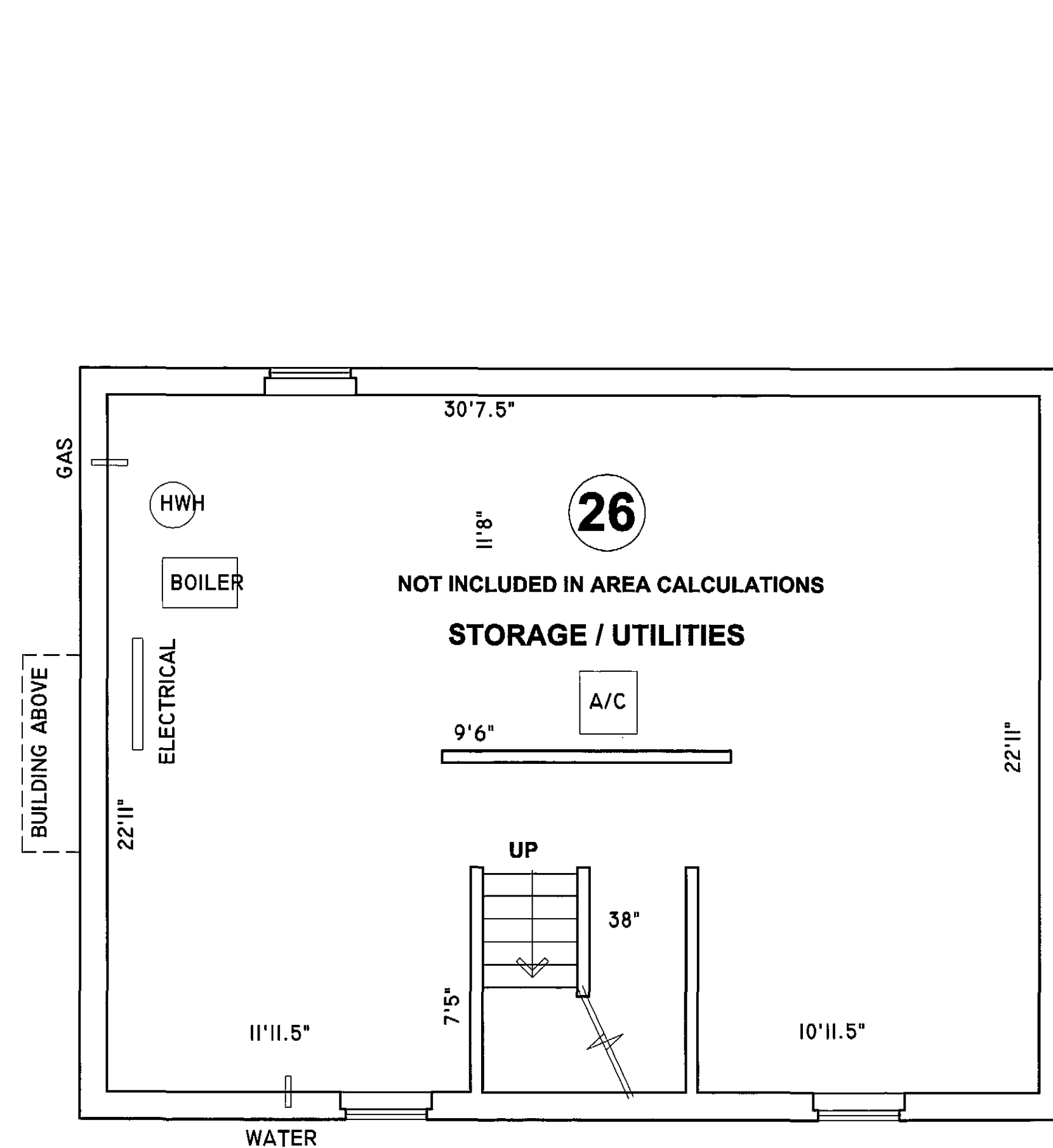
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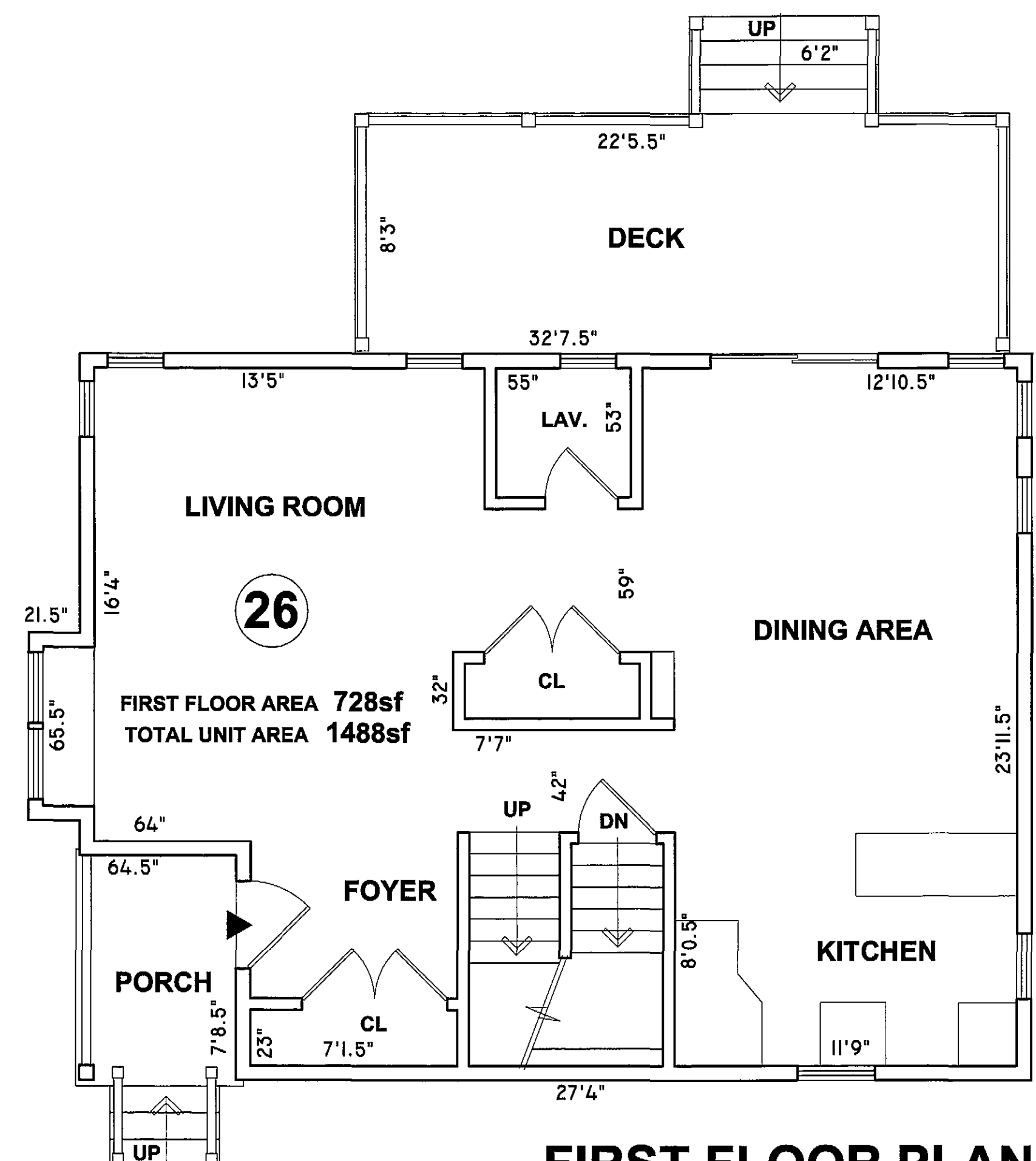
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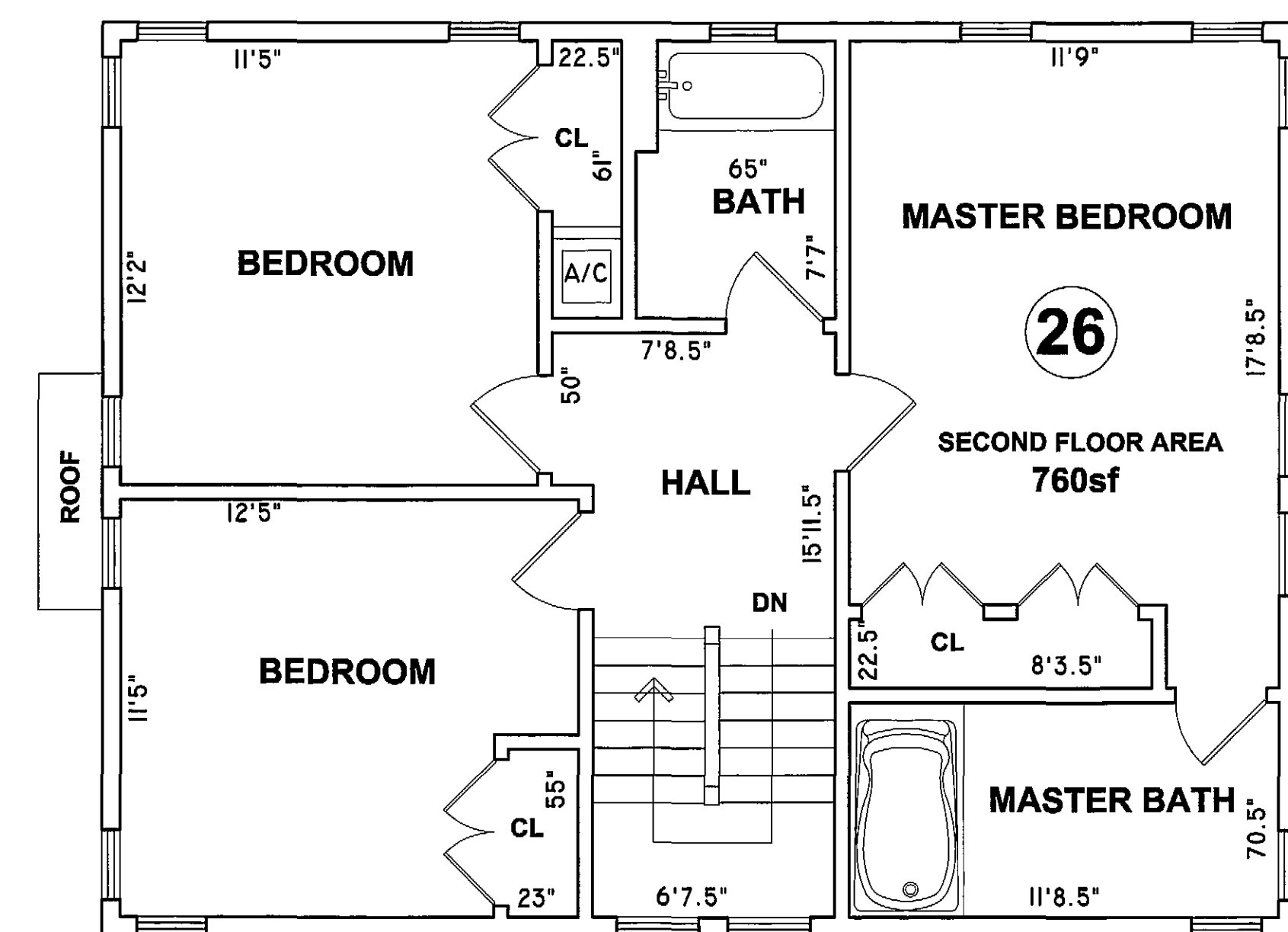




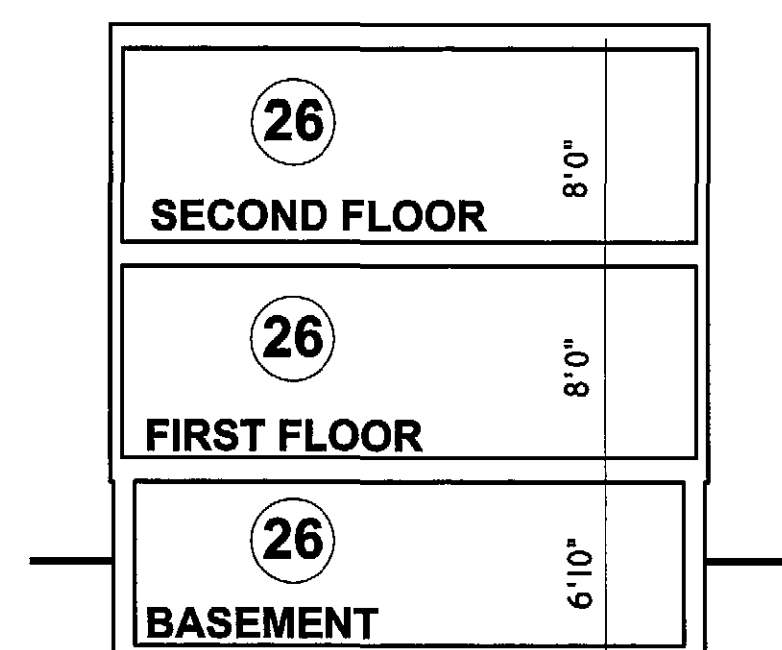
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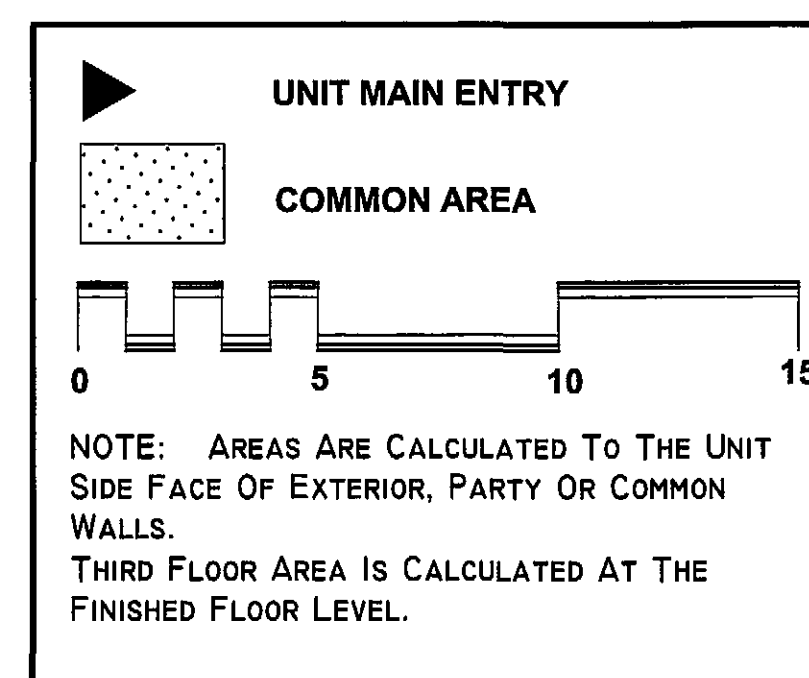
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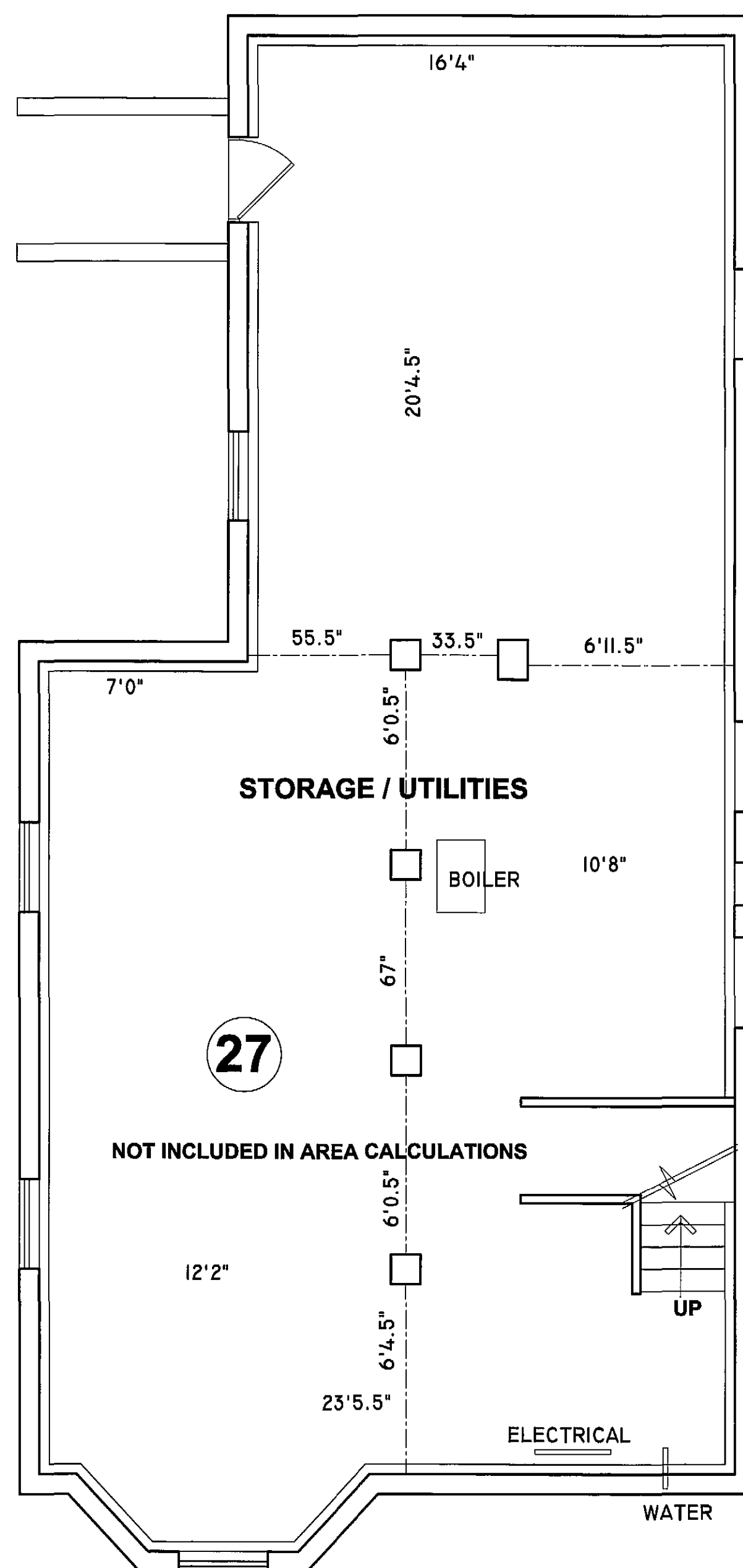
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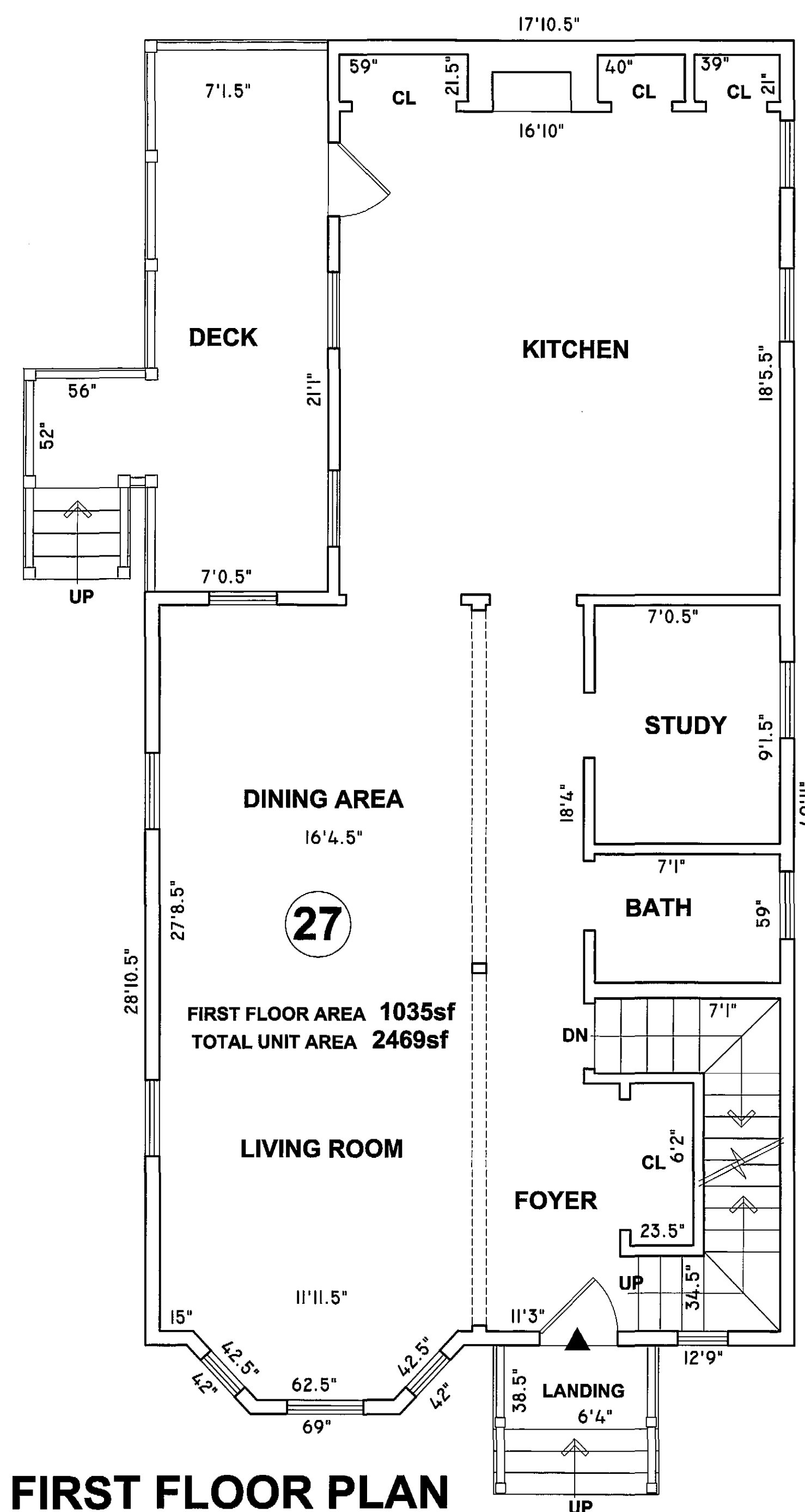
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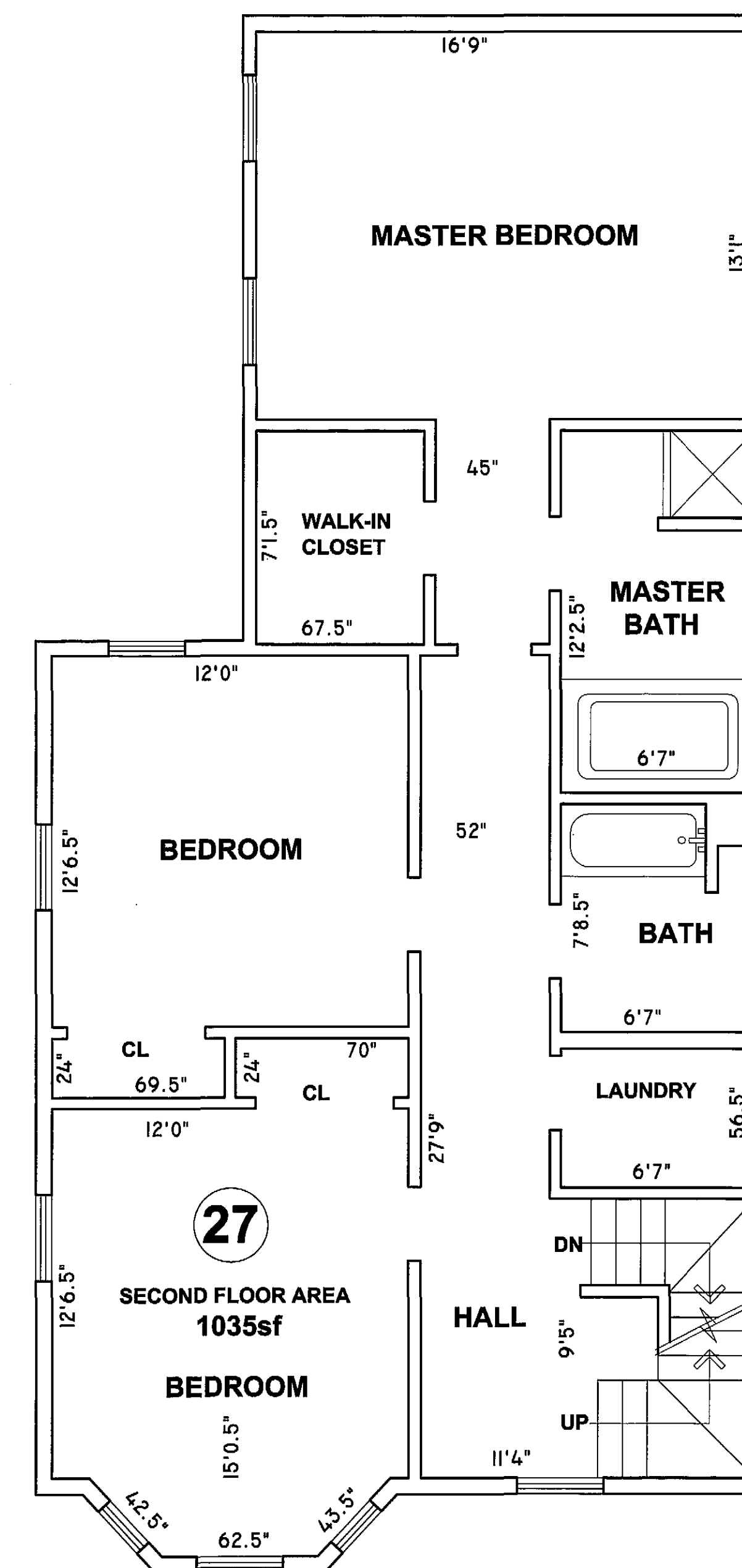
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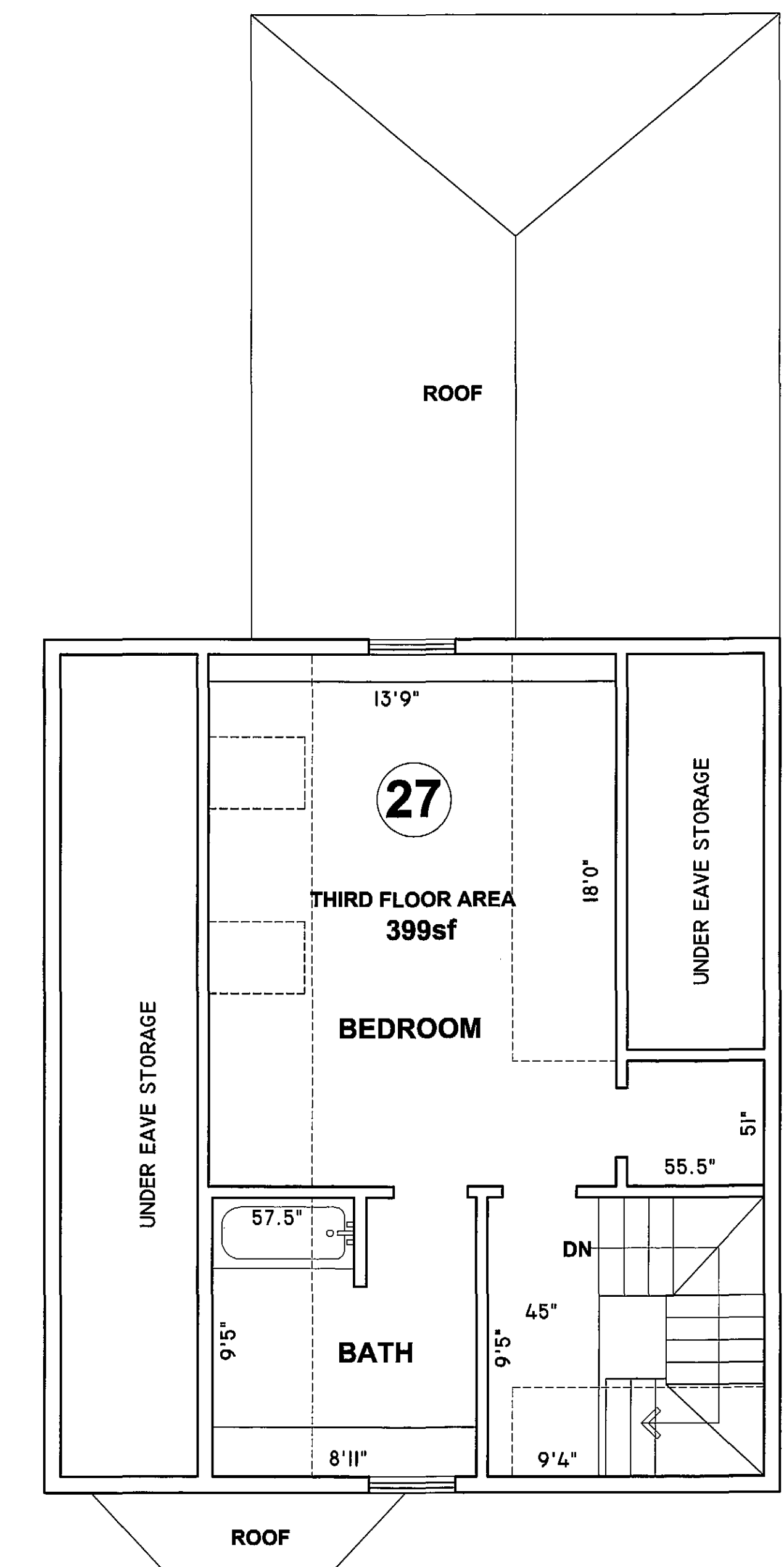
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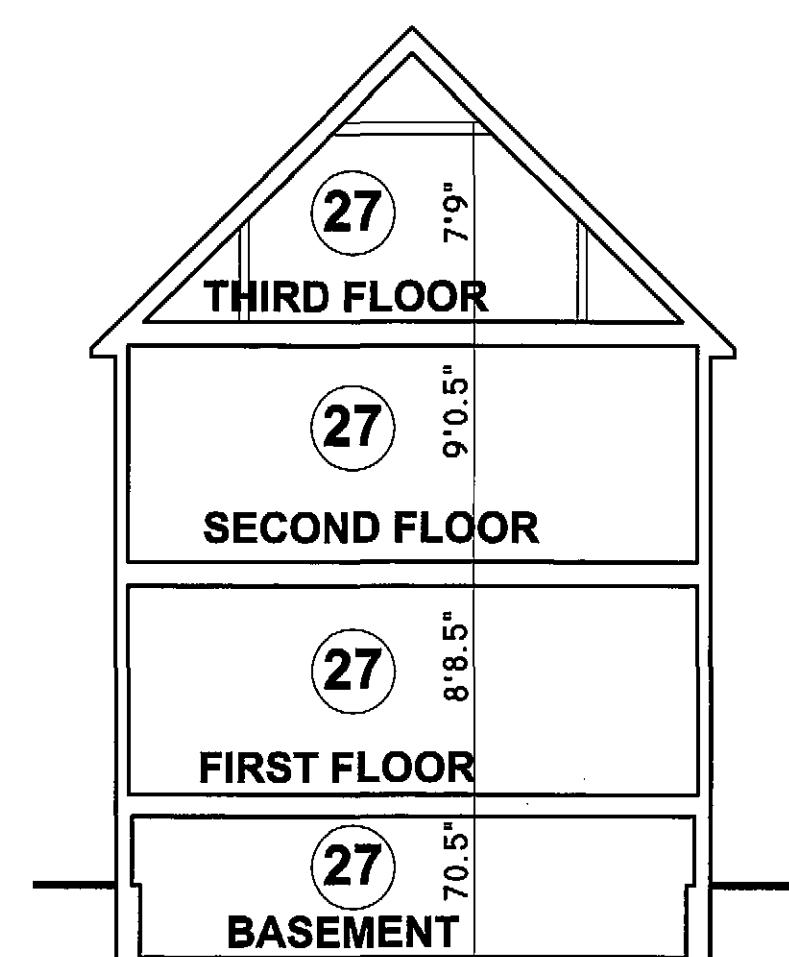
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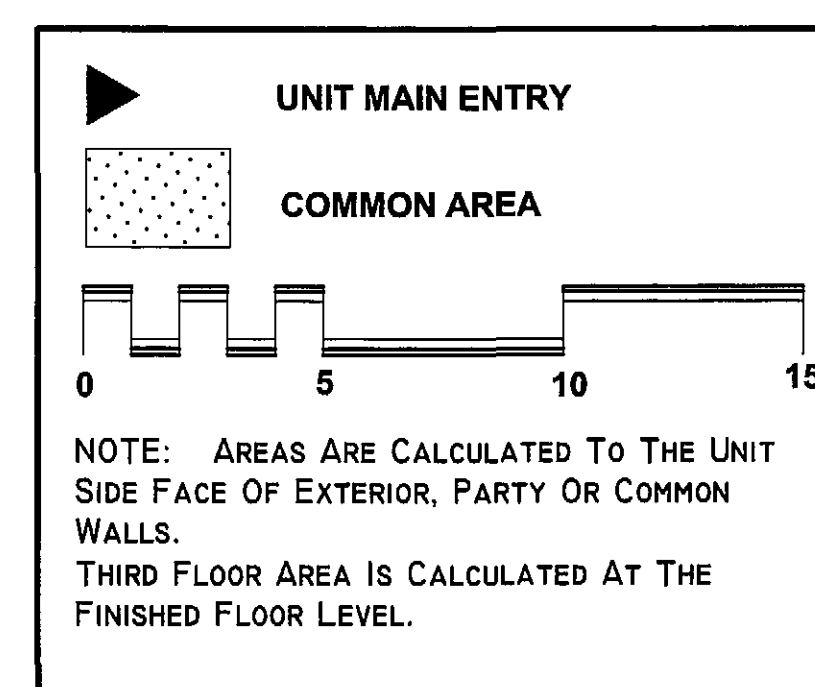
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DATE: 15 JUL, 2005  
 ALEX A. SVIRSKY, R.A.

Professional Seal: ALEX A. SVIRSKY, No. 8418, BROOKLINE, MA.

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