



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

BZA Application Form

BZA Number: 153014

General Information

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

Special Permit: X

Variance:

Appeal:

PETITIONER: Thomas A. Culotta and Mary Custic C/O Sarah Like Rhatigan, Esq., Trilogy Law LLC

PETITIONER'S ADDRESS: 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 C-1 Zone

REASON FOR PETITION:

/Additions/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Construct addition to pre-existing dimensionally nonconforming detached single-family structure that increases Gross Floor Area/Floor Area Ratio, but does not create any new non-conformities.


SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).

Article: 8.000 Section: 8.22.2.D (Alteration to Pre-existing Non-conforming Structure).

Article: 10.000 Section: 10.40 (Special Permit)

Original
Signature(s):


(Petitioner (s) / Owner)
On behalf of Petitioners, Sarah Like Rhatigan, Esq.

(Print Name)

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

Address:

Tel. No.

617-543-7009

E-Mail Address:

sarah@trilogylaw.com

Date: Nov. 9, 2021

2021 NOV 15 PM 3:17
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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 _____.

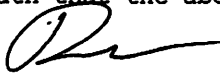


SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

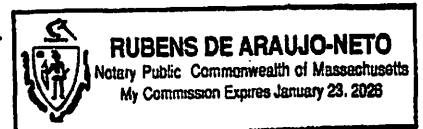
Commonwealth of Massachusetts, County of Middlesex

The above-name Thomas Culotta personally appeared before me,
this 30th 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

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

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

Granting the Special Permit requested for 26 Bellis Cir , Unit 26 , Cambridge, MA (location) would not be a detriment to the public interest because:

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

The proposed addition meets the requirements of Section 8.22.2.d as follows:

(i) the property - a detached, single-family structure that is part of a four-unit condominium - is legally preexisting, dimensionally nonconforming in that it exceeds the allowable FAR for the District. The structure is deemed, for zoning purposes, to be a legally nonconforming structure since it was constructed via a building permit in 2005, and since no notice of an action, suit, or proceeding as to an alleged violation of Chapter 184 or of an ordinance or by-law adopted under Chapter 184 has been recorded with the Middlesex Registry of Deeds within a period of 10 years from the date the structure was erected. See Session Laws, Acts of 2016, Chapter 184 (copy of which is attached hereto);

(ii) the proposed addition will increase the Gross Floor Area by 476 square feet increasing the already nonconforming FAR for the property from 0.40 to 0.425; however,

(iii) the proposed addition will not result in a change of use, nor create any new dimensional nonconformities; and

(iv) the proposed construction otherwise complies with parking and other requirements of the Ordinance.

B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

The proposed addition will not result in any increase in traffic, congestion hazard nor other substantial change in the neighborhood character. The addition is a modest addition to a residential single-family home, resulting in one additional, small bedroom, and improved first-floor living space, in keeping with the existing character of the neighborhood.

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

The continued operation of the homes adjacent to the property will not be adversely affected by the addition which is sited in conformity with side and rear yard setbacks and largely behind the existing structure.

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

There will be no nuisance or hazard created by the construction of the addition. which will conform with all applicable laws and regulations as to matters such as stormwater, utilities, and construction operations. Construction will be attractive and in keeping with the aesthetic and high quality of residential development in the neighborhood. Windows are high transom windows on the left side of the addition to eliminate any privacy concerns and minimize any light spill.

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

The proposed addition will provide much-needed and modest increases to the living space to this single-family structure, improvements that will enable long-time Cambridge residents to age in place and allow for elderly parents to move into their home. The grant of a special permit will be in keeping with the intent and purpose of the Ordinance to allow for the modernization and improvement of the housing stock in keeping with the residential, character of the existing neighborhoods.

***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
Location: 26 Bellis Cir., Unit 26, Cambridge, MA
Phone: 617-543-7009

Present Use/Occupancy: Multi-family residential
Zone: Residence C-1 Zone
Requested Use/Occupancy: Multi-family residential (single-family structure)

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		7,255	7,731	7,115	(max.)
<u>LOT AREA:</u>		18,185	18,185	5,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.40	0.425	0.39 (0.50, 0.35 over 5,000 SF)	
<u>LOT AREA OF EACH DWELLING UNIT</u>		4,546	4,546	2,500	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	163	163	50	
	<u>DEPTH</u>	123	123	n/a	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	50.3 (to structure)	50.3	15	
	<u>REAR</u>	31.3	30.75	30.75	
	<u>LEFT SIDE</u>	14.1	7.5	7.5/sum 20	
	<u>RIGHT SIDE</u>	103.6	103.6	7.5/sum 20	
<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	18.4	18.4	35.0	
	<u>WIDTH</u>	24.9	38.0	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		0.52	0.48/ 0.32 (15x15)	0.40	
<u>NO. OF DWELLING UNITS:</u>		4	4	4	
<u>NO. OF PARKING SPACES:</u>		8	8	4 (min.)	
<u>NO. OF LOADING AREAS:</u>		0	0	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		>10.0	No change	10.0 (min)	

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.:

There are four, detached single-family structures on the lot. All are part of a condominium association. The addition will be wood-framed construction on a concrete slab, with no basement.

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'.

December 13, 2021

Via Email

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

Re: 26 Bellis Circle -- Request For Continuance Case No. BZA-153014-2021 (SP)

Dear Members of the Board:

The Petitioners hereby request a continuance of the above-referenced matter which is scheduled to be heard by the Board on December 16, 2021. This Special Permit application (Case No. BZA-153014-2021) is a matter that has not yet been heard.

As reason for the continuance, the Petitioners are in need of additional time to engage in discussions with the neighbors to the project.

The Petitioners respectfully request that the Board continue this case until January 27th, 2022. 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, NEDC Design and Construction
Mr. Shuo (Steven) Wu (26 Bellis Circle, #26)
Ms. Kun (Kate) Hu (26 Bellis Circle, #26)
Ms. Barbara Thomas (14b Bellis Circle)
Mr. Timothy Wall (14b Bellis Circle)

26 Bellis Circle, Cambridge, MA

Special Permit Application

Existing Plans

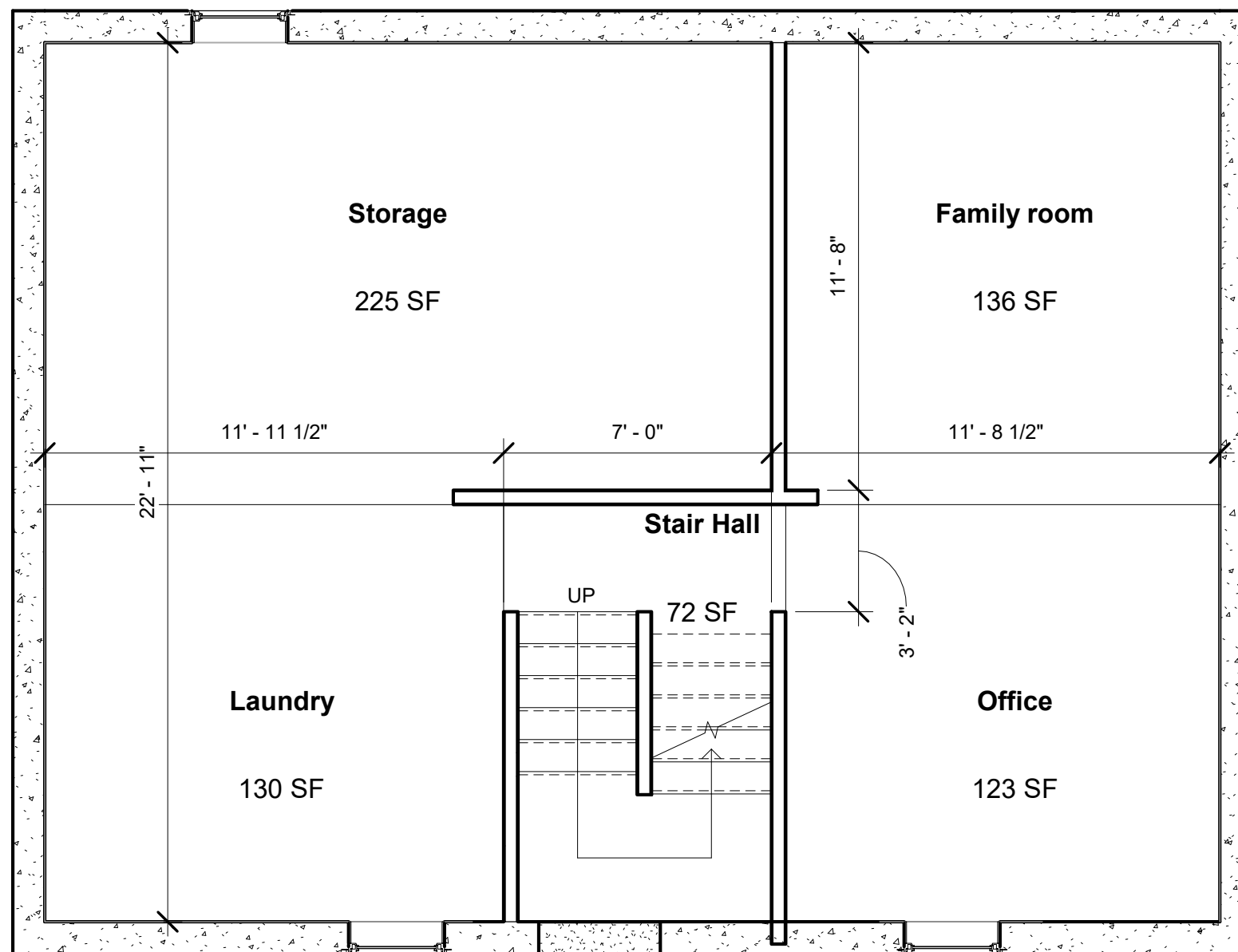
Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

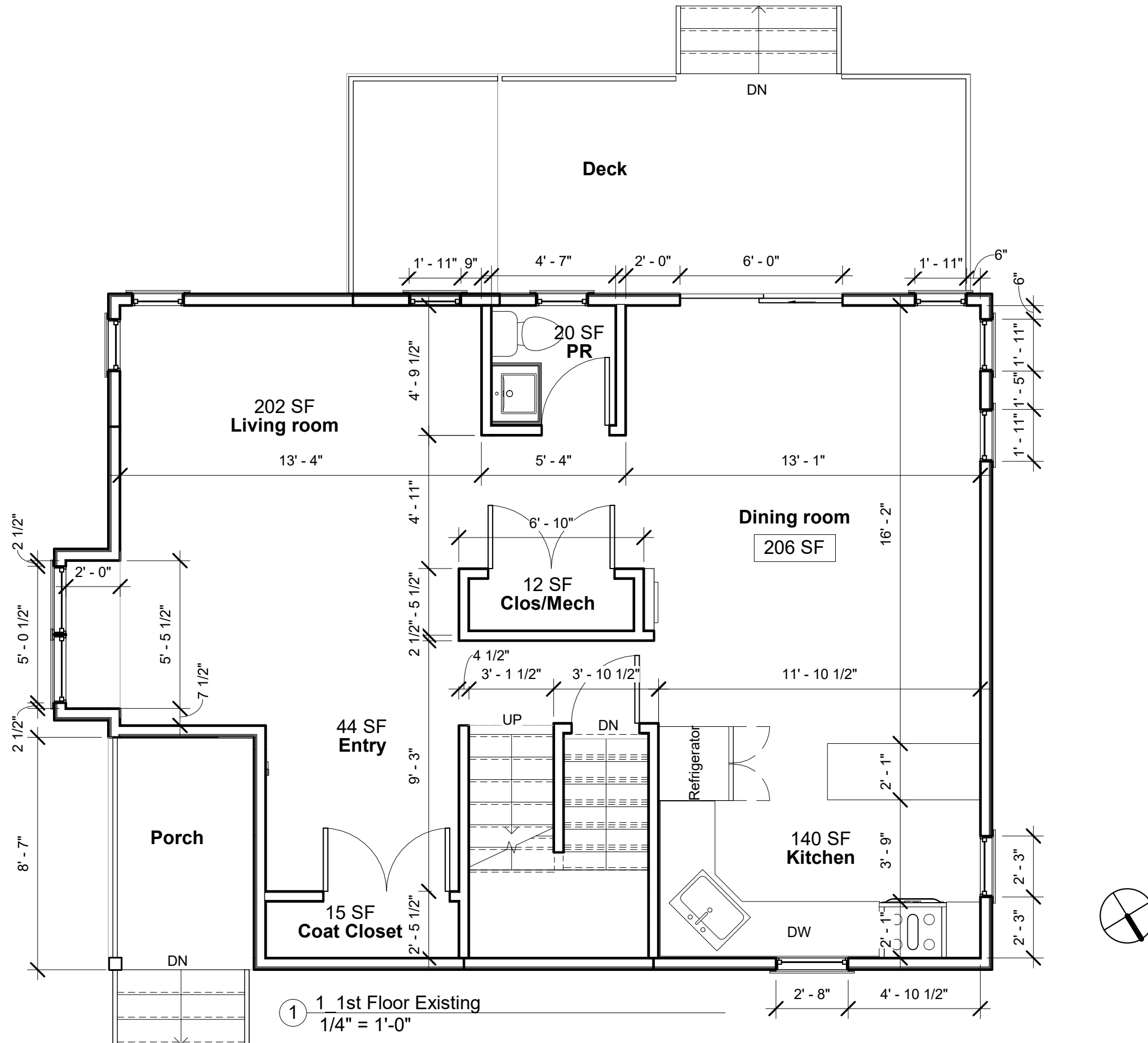
Existing Plans

Tom Culotta & Mary Custic
Date
10/18/2021
Scale
1/4" = 1'-0"

A0.B



① 0 Basement Existing
1/4" = 1'-0"



1 1st Floor Existing
1/4" = 1'-0"

Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

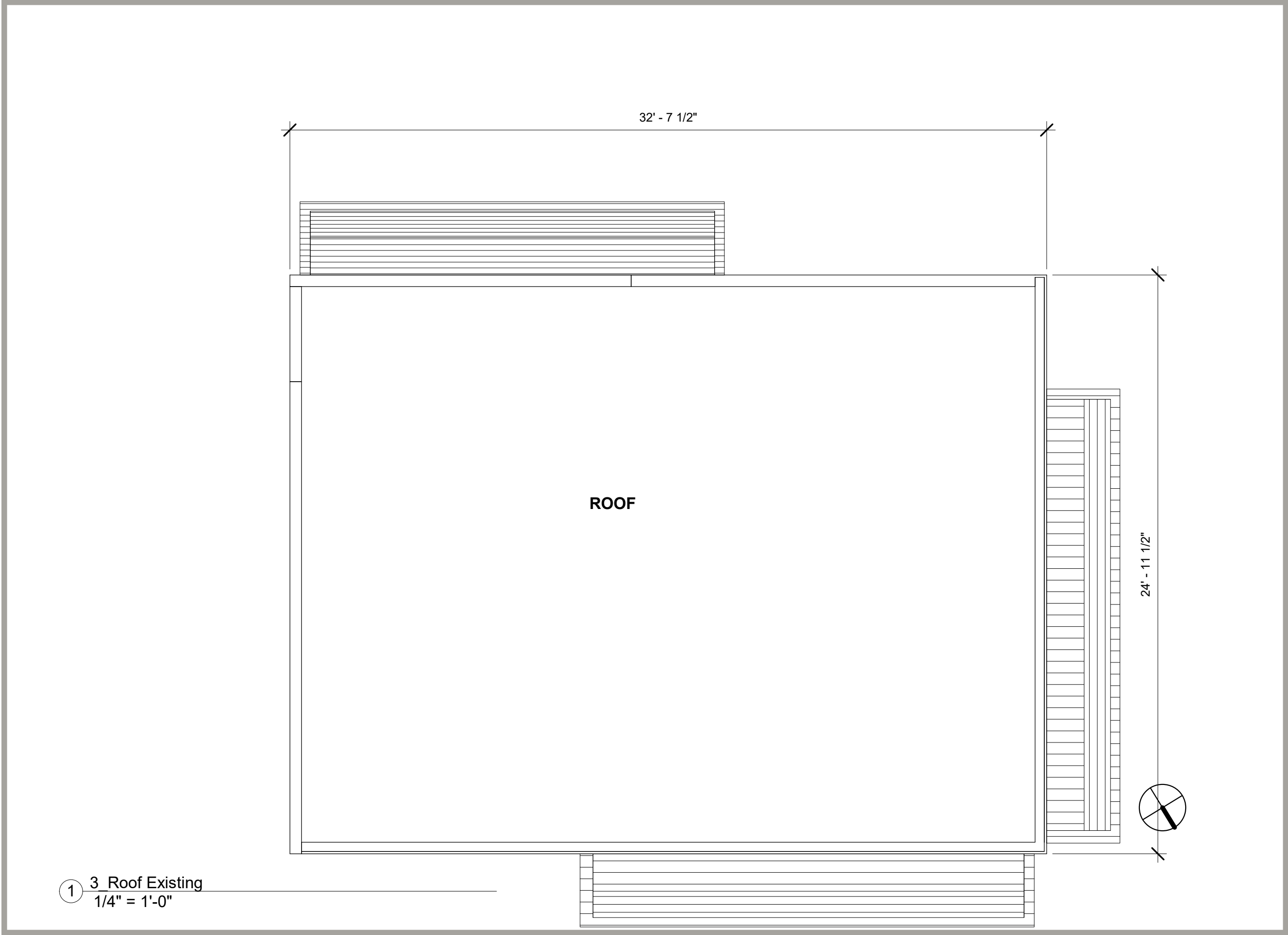
Existing Plans

Tom Culotta & Mary Custic

Date
10/18/2021

Scale
1/4" = 1'-0"

A0.1



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BOSTON, MA 02120
617.708.0676
WWW.NEDESIGNBUILD.COM
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Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Existing Plans

Tom Culotta & Mary Custic
Date
10/18/2021
Scale
1/4" = 1'-0"

A0.3

Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Exterior
Elevations

Tom Culotta & Mary Custic
Date
10/18/2021
Scale
1/4" = 1'-0"

A0.4



2 0 Left
1/4" = 1'-0"

Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Exterior Elevations

Tom Culotta & Mary Custic
Date
10/18/2021
Scale
1/4" = 1'-0"

A0.5



2 0 Right
1/4" = 1'-0"

Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Exterior Elevations

Tom Culotta & Mary Custic

Date
10/18/2021

Scale
1/4" = 1'-0"

A0.6



① 0 Front
1/4" = 1'-0"



① 0 Rear
1/4" = 1'-0"



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Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Exterior Elevations

Tom Culotta & Mary Custic
Date
10/18/2021
Scale
1/4" = 1'-0"

A0.7

26 Bellis Circle, Cambridge, MA

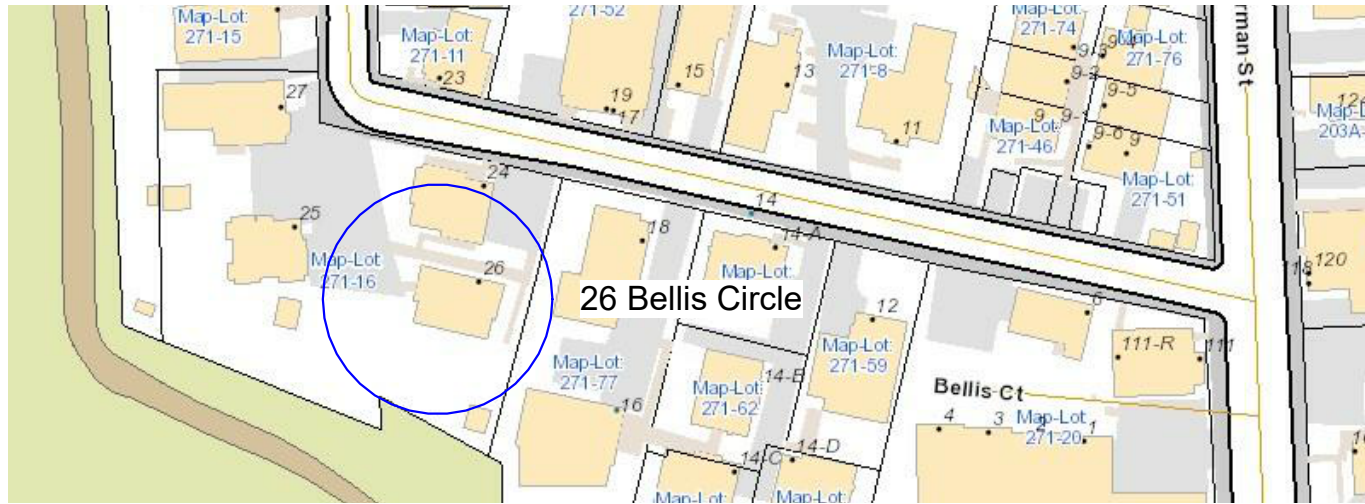
Special Permit Application

Proposed Plans

CULOTTA RESIDENCE

ADDITION + HOUSE RENOVATIONS

Tom Culotta & Mary Custic
26 Bellis Circle, Cambridge MA 02140



Location Map

Sheet List			
Sheet Number	Sheet Name	Sheet Issue Date	Current Revision Issued To
TS	Title Sheet	10/18/2021	
T0.0	Abbreviations / Symbols	10/18/2021	
L1.0	Zoning Notes	10/18/2021	
L1.1	Site Survey	10/18/2021	
A1.0	Demolition Plan	10/18/2021	
A1.1	Demolition Plan	10/18/2021	
A1.2	Demolition Elevation	10/18/2021	
A2.1	Proposed Floor Plan	10/18/2021	
A2.2	Proposed Floor Plan	10/18/2021	
A2.3	Roof Plan	10/18/2021	
A3.1	Proposed Building Elevations	10/18/2021	
A3.2	Proposed Building Elevations	10/18/2021	
A3.3	Proposed Building Elevations	10/18/2021	
A3.4	Proposed Building Elevations	10/18/2021	
A4.1	Building Sections	10/18/2021	
A4.2	Building Sections	10/18/2021	
SS1.0	Solar Studies	10/18/2021	
SS1.1	Solar Studies	10/18/2021	
SS1.2	Solar Studies	10/18/2021	
S.1	Foundation Plan	10/18/2021	
S.2	Framing Plan	10/18/2021	
S.3	Framing Plan	10/18/2021	



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Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Title Sheet

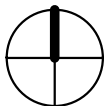
Tom Culotta & Mary Custic

Date
10/18/2021
Scale
1/4" = 1'-0"

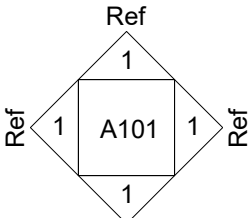
TS

AB	ANCHOR BOLT	ELEC	ELECTRICAL	MRB	MOISTURE RESISTANT	SQ	SQUARE
ACT	ACOUSTIC CEILING	ELEV	ELEVATION	GWB		SRT	SMOOTH RUBBER TILE
TILE		EQ	EQUAL	MTL	METAL	SST	STAINLESS STEEL
ADD	ADDENDUM OR	EP	EPOXY PAINT	MULL	MULLION	STL	STEEL
ADDITION		EXIST	EXISTING			STOR	STORAGE
ADJ	ADJACENT	EXP	EXPANSION	NIC	NOT IN CONTRACT	STRUCT	STRUCTURAL
AFF	ABOVE FINISHED	EXT	EXTERIOR	NO	NUMBER	S&V	STAIN & VARNISH
FLOOR				NOM	NOMINAL		
ALUM	ALUMINUM	FAR	FLOOR AREA RATIO	NTS	NOT TO SCALE	T	TREAD
ARCH	ARCHITECTURAL	FD	FLOOR DRAIN			TBE	TOP BEARING
AV	AUDIO VISUAL	FFE	FINISH FLOOR ELEVATION	OC	ON CENTER	TC	TOP OF CURB
		FIN	FINISHED	OD	OUTSIDE DIAMETER	T/D	TELEPHONE / DATA
BB	BLUE BOARD,	FLR	FLOOR	OPG	OPENING	TDE	TOP DECK ELEVATION
BASEBOARD		FND	FOUNDATION	OS	OVERFLOW SCUPPER	TEL	TELEPHONE
BBM	BOND BEAM	FR	FRAME			TEMP	TEMPERED SAFETY
BD	BOARD	FS	FINISH SCHEDULE	PERIM	PERIMETER	GLASS	
BKSP	BACKSPLASH	FT	FEET	PL	PLATE	TFE	TOP FOOTING
BLDG	BUILDING	FTG	FOOTING	PLAM	PLASTIC LAMINATE	ELEVATION	
BLK	BLOCK	FTR	FIN TUBE RADIATION	PLAS	PLASTER	TLT	TOILET
BLKG	BLOCKING	EQUIP		PLAST	PLASTIC	TFW	TOP FOUNDATION
BM	BEAM	FURN	FURNITURE	PLUMB	PLUMBING	WALL	
BOT	BOTTOM	FURR	FURRING	PLWD	PLYWOOD	T&G	TONGUE & GROOVE
BR	BRICK	FV	FIELD VERIFY	PNL	PANEL	THRES	THRESHOLD
BRG	BEARING			PNT	PAINTED	TME	TO MATCH EXISTING
BSMT	BASEMENT	GA	GAUGE	PRE-FAB	PRE-	TO	TOP OF
		GALV	GALVANIZED	FABRICATED		TOC	TOP OF CONCRETE
C	CHANNEL	GB	GRAB BAR	PRE-FIN	PRE-FINISHED	TOM	TOP OF MASONRY
CAB	CABINET	GSF	GROSS SQUARE FEET	PT	PRESSURE TREATED	TOP	TOP OF PRECAST
CB	CEMENT BOARD	GYP	GYPSUM BOARD	PTN	PARTITION	TOS	TOP OF SLAB
CBLK	CONCRETE BLOCK	GWB	GYPSUM WALL BOARD			TOW	TOP OF WALL
CEM	CEMENT			R	RISER	TPD	TEMPERED
CH	CEILING HEIGHT	HDCP	HANDICAP	RCB	REINFORCED	TPG	TOILET PAPER HOLDER
CJ	CONTROL JOINT	HDR	HEADER	CONCRETE BLOCK		TYP	TYPICAL
CL	CENTER LINE	HDWD	HARDWOOD	RCP	REFLECTED CEILING		
CLG	CEILING	HEAT	HEATING	PLAN		UC	UNDERCUT
CLR	CLEAR	HM	HOLLOW METAL	RD	ROOF DRAIN	UH	UNIT HEATER
CMU	CONCRETE	HT	HEIGHT	REF	REFRIGERATOR	UNO	UNLESS NOTED
MASONRY UNIT		HVAC	HEATING, VENTILATING, &	REINF	REINFORCED	UV	UNIT VENTILATOR
COL	COLUMN	AC		REQD	REQUIRED		
CONC	CONCRETE	HW	HOT WATER	REV	REVERSE	VARN	VARNISHED
CONST	CONSTRUCTION			RF	RESILIENT FLOORING	VCT	VINYL COMPOSITION
CONT	CONTINUOUS	IN	INCH	RFS	ROOM FINISH	TILE	
CONTR	CONTRACTOR	INSUL	INSULATION	RL	RAIN LEADER	VENT	VENTILATOR
CPT	CARPET	INT	INTERIOR	RM	ROOM	VER	VERIFY
CS	CAST STONE			RO	ROUGH OPENING	VET	VINYL ENHANCED TILE
CT	CERAMIC TILE	LINO	LINOLEUM	RSF	RESILIENT SHEET	VIF	VERIFY IN FIELD
C TO C	CENTER TO CENTER	LT	LIGHT	FLOORING		VSE	VENEER SHELF
		L-FT	LINEAR FEET	RT	RUBBER TILE	ELEVATION	
DEMO	DEMOLITION	LWCB	LIGHT WEIGHT CONC	RUB	RUBBER	W	WIDE
DH	DOUBLE HUNG	BLOCK		RV	ROOF VENT	W/	WITH
DIA	DIAMETER			RWL	RAINWATER LEADER	WC	WATER CLOSET
DIM	DIMENSION	MAX	MAXIMUM			WD	WOOD
DIV	DIVISION	MC	MEDICINE CABINET	S	SINK	WDP	WOOD PANELING
DN	DOWN	MECH	MECHANICAL	SB	SPLASH BLOCK	WDW	WINDOW
DR	DOOR	MEMB	MEMBRANE	SCH	SCHEDULE	W/O	WITHOUT
DS	DOWNSPOUT	MFR	MANUFACTURER	SCP	SKIM COAT PLASTER	WP	WATER PROOF
DT	DRAIN TILE	MICRO	MICROWAVE	SECT	SECTION	WSCT	WAINSCOT
DTL	DETAIL	MIN	MINIMUM	SF	SQUARE FEET	WT	WEIGHT
DW	DISH WASHER	MIR	MIRROR	SHWR	SHOWER	WWM	WELDED WIRE MESH
DWG	DRAWING	MISC	MISCELLANEOUS	SIM	SIMILAR		
		MO	MASONRY OPENING	SOG	SLAB ON GRADE		
E	EXISTING	MR	MOISTURE & MOLD	SOW	SCOPE OF WORK		
EA	EACH	RESISTANT		SPEC	SPECIFICATION		

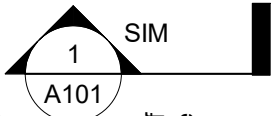
NORTH ARROW



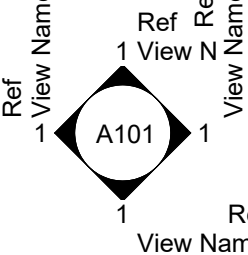
BUILDING ELEVATION



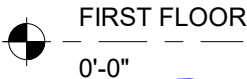
SECTION MARKER



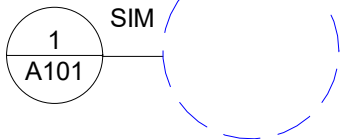
INTERIOR ELEVATION MARKER



ELEVATION/LEVEL MARK



DETAIL CALLOUT



DOOR TAG



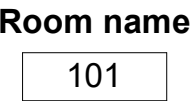
WALL TAG



WINDOW TAG



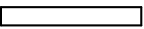
ROOM TAG



REVISION TAG



EXISTING PARTITION



DEMOLISHED PARTITION



NEW PARTITION



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Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Abbreviations /
Symbols

Tom Culotta & Mary Custic

Date
10/18/2021

Scale
1/4" = 1'-0"

T0.0

GROSS FLOOR AREA PER FLOOR: UNIT 26

EXISTING		PROPOSED	
BASEMENT -	701 SF	BASEMENT -	701 SF
FIRST FLOOR -	728 SF	FIRST FLOOR -	966 SF
SECOND FLOOR -	<u>760 SF</u>	SECOND FLOOR -	<u>998 SF</u>
TOTAL * -	1,488 SF	TOTAL * -	1,964 SF
* DOES NOT INCLUDE BASEMENT		* DOES NOT INCLUDE BASEMENT	

ZONING + SQUARE FOOTAGE ANALYSIS

Date:	10/05/2021
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 st 5,000 sf : .35 remainder (2,500 +4,614=7,114 sf)	.50 / .36 (2,500+4,755=7255)*	.50 / .397 (2,500+5,231=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	7.5
Rear Yard Minimum depth (ft) See (c) below	25 + 5.75 = 30.75	31.3	31.3

*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](#).



CUSTOM RESIDENTIAL DESIGN | BUILD
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BOSTON, MA 02120
617.708.0676
WWW.NEDESIGNBUILD.COM
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Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Zoning Notes

Tom Culotta & Mary Custic

Date
10/18/2021
Scale

L1.0

Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

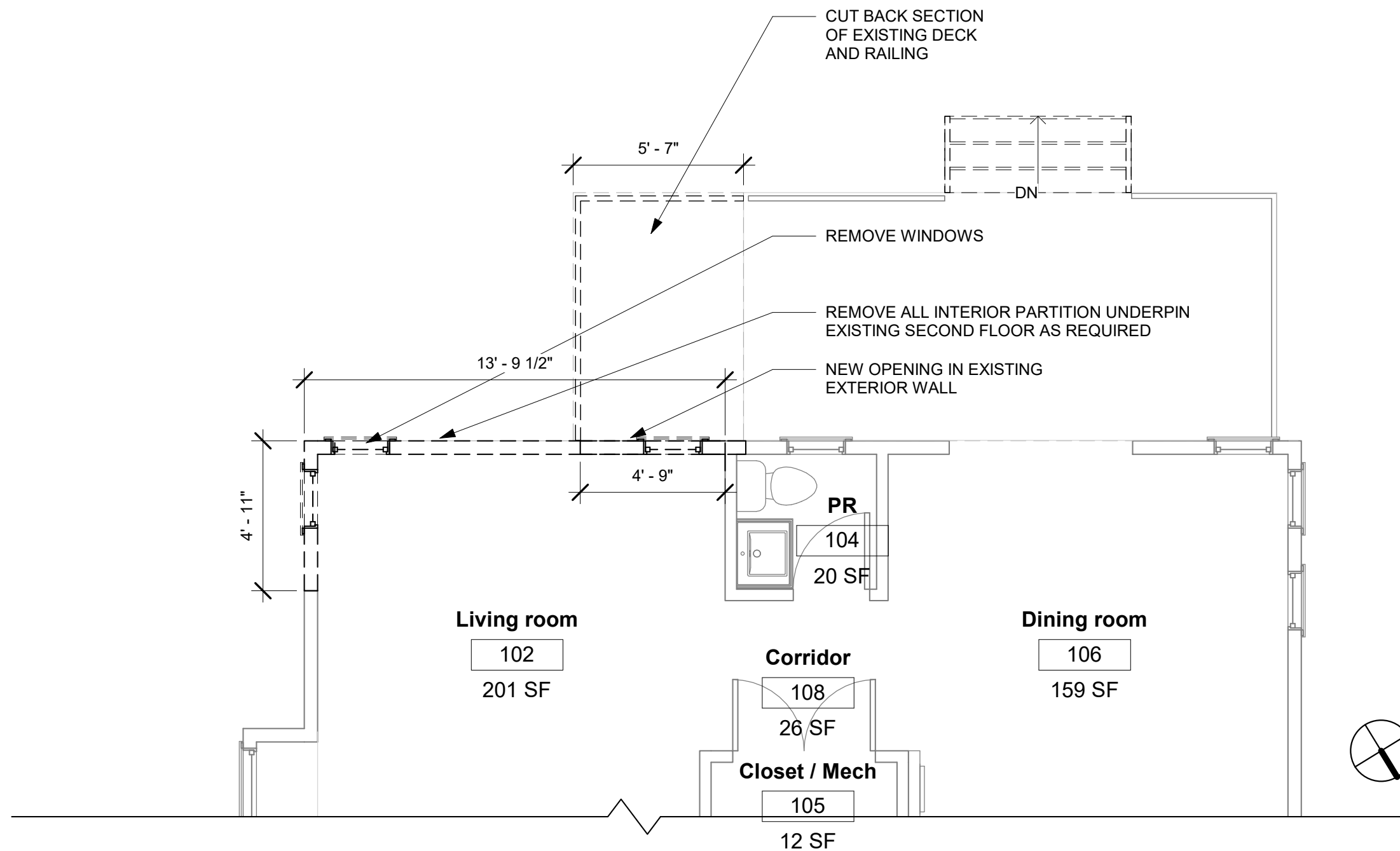
Demolition Plan

Tom Culotta & Mary Custic

Date
10/18/2021

Scale
1/4" = 1'-0"

A1.0



1 First Floor Demolition Plan
1/4" = 1'-0"

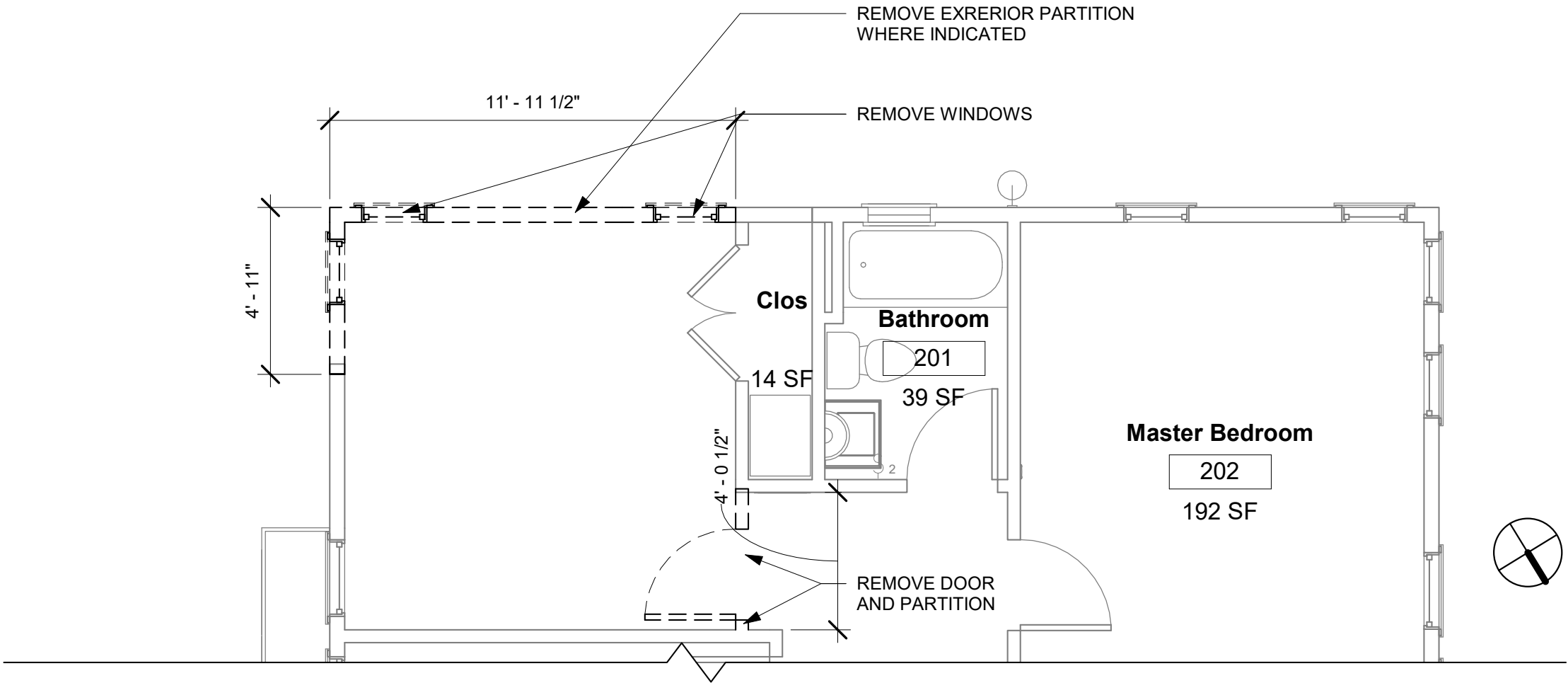
Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Demolition Plan

Tom Culotta & Mary Custic
Date
10/18/2021
Scale
1/4" = 1'-0"

A1.1



1 Second Floor Demolition Plan
1/4" = 1'-0"

Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

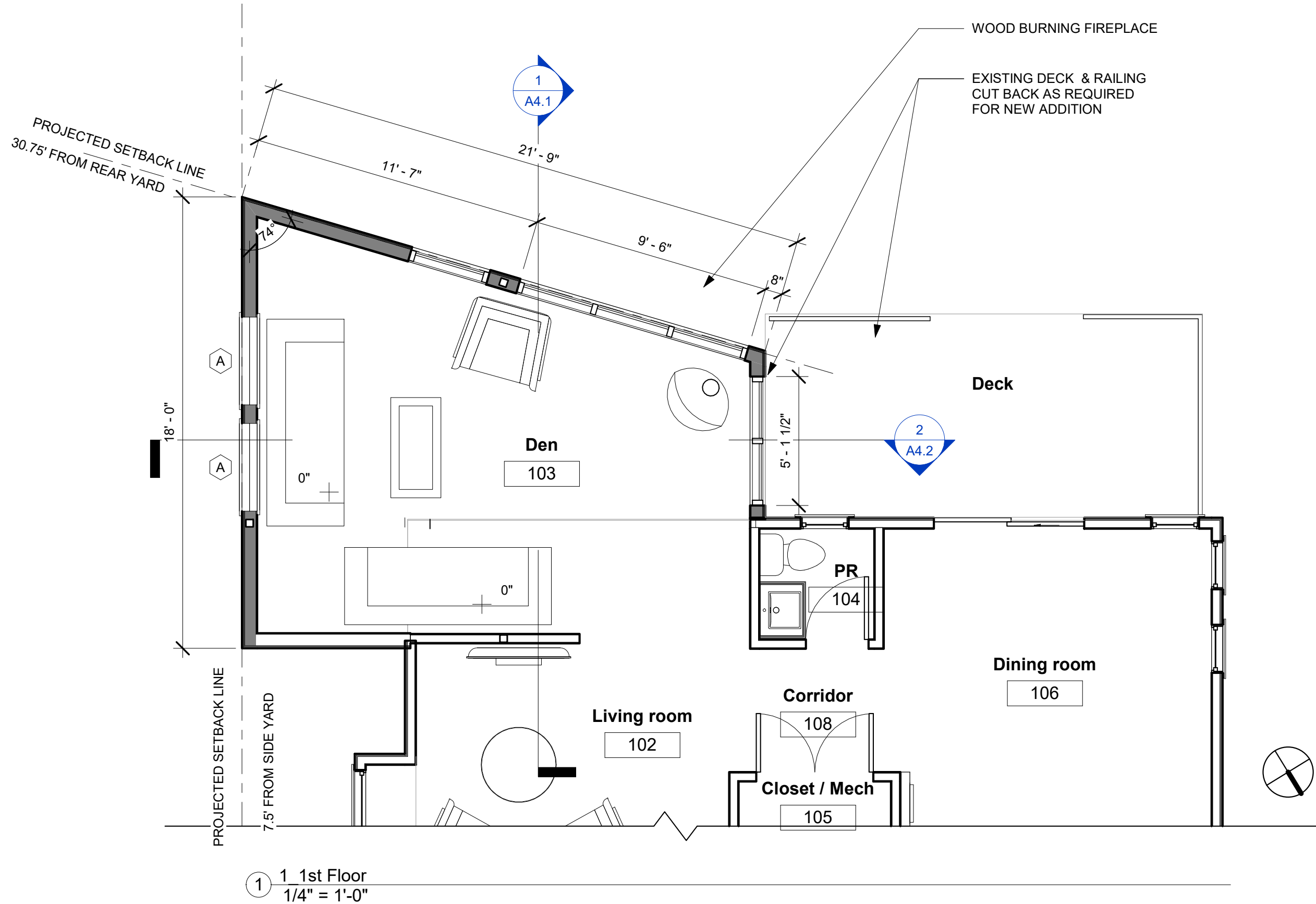
Proposed Floor
Plan

Tom Culotta & Mary Custic

Date
10/18/2021

Scale
1/4" = 1'-0"

A2.1





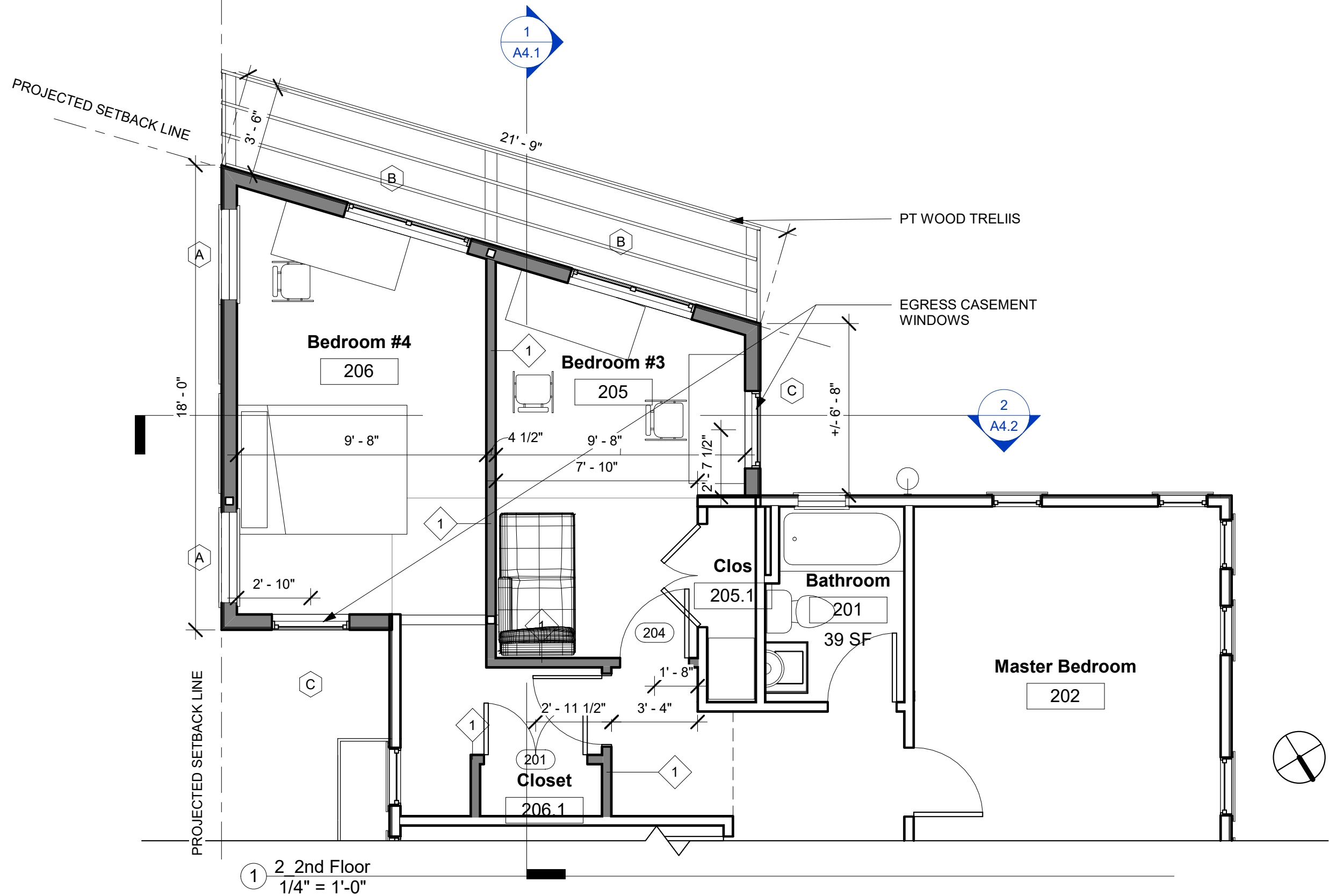
26 Bellis Circle
Cambridge, MA 02140

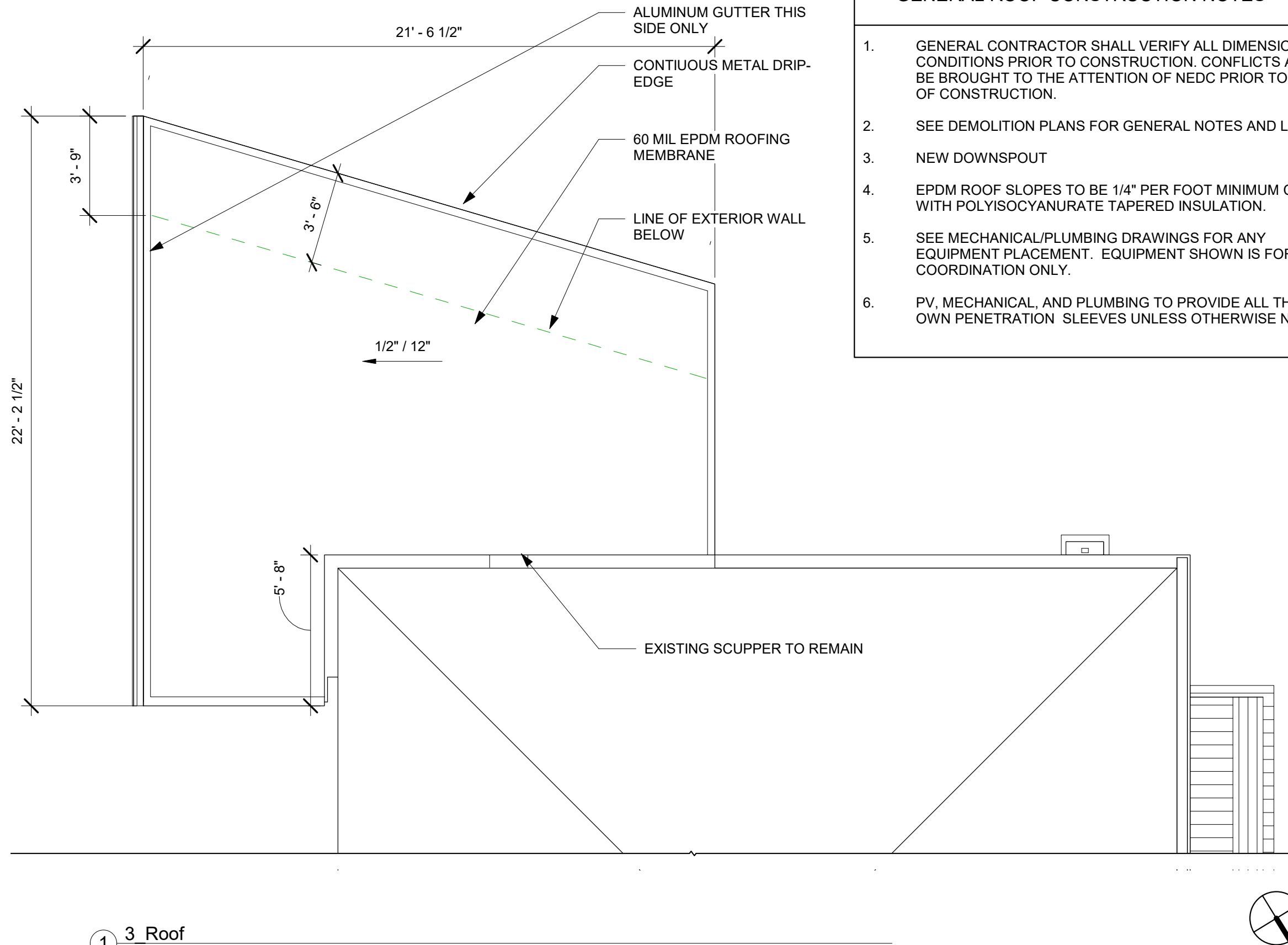
Tom Culotta & Mary Custic

Date
10/18/2021

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
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.

① 3 Roof
1/4" = 1'-0"



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Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Roof Plan

Tom Culotta & Mary Custic
Date
10/18/2021
Scale
1/4" = 1'-0"

A2.3



1 Proposed South 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
10/18/2021
Scale
1/4" = 1'-0"

A3.1



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

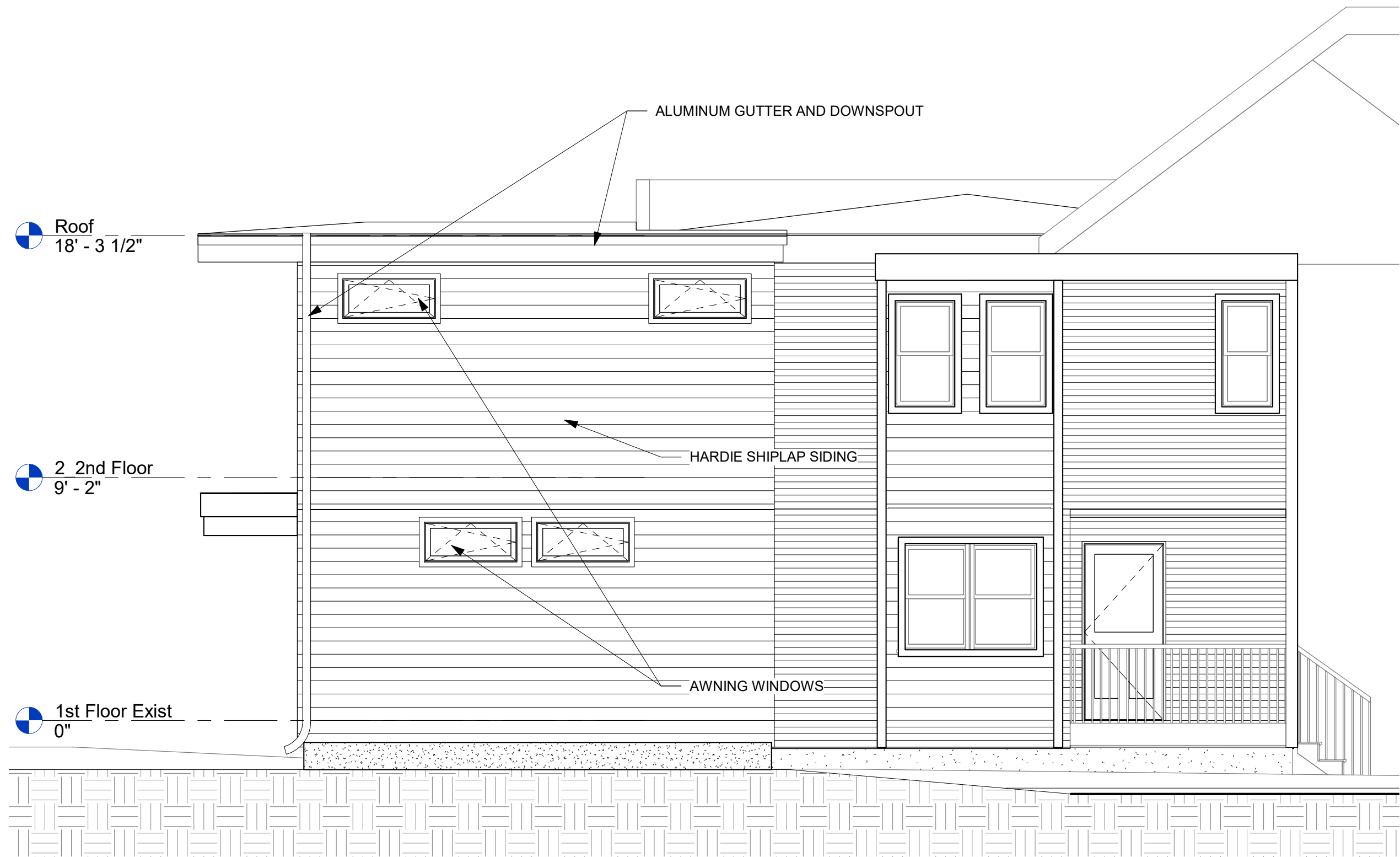
Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Proposed Building Elevations

Tom Culotta & Mary Custic
Date
10/18/2021
Scale
1/4" = 1'-0"

A3.2



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

Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Proposed
Building
Elevations

Tom Culotta & Mary Custic

Date
10/18/2021

Scale
1/4" = 1'-0"

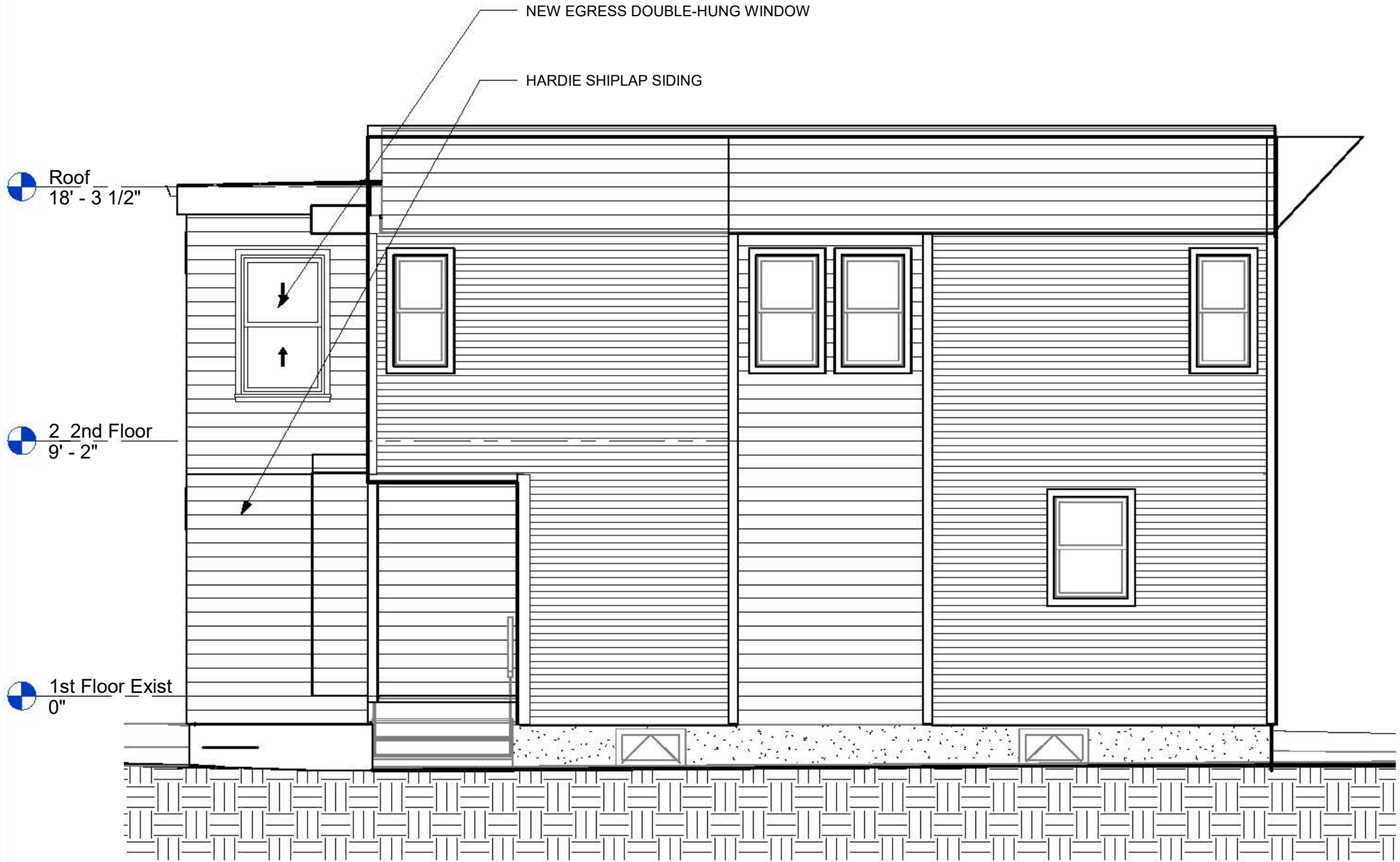
A3.3

Culotta Residence

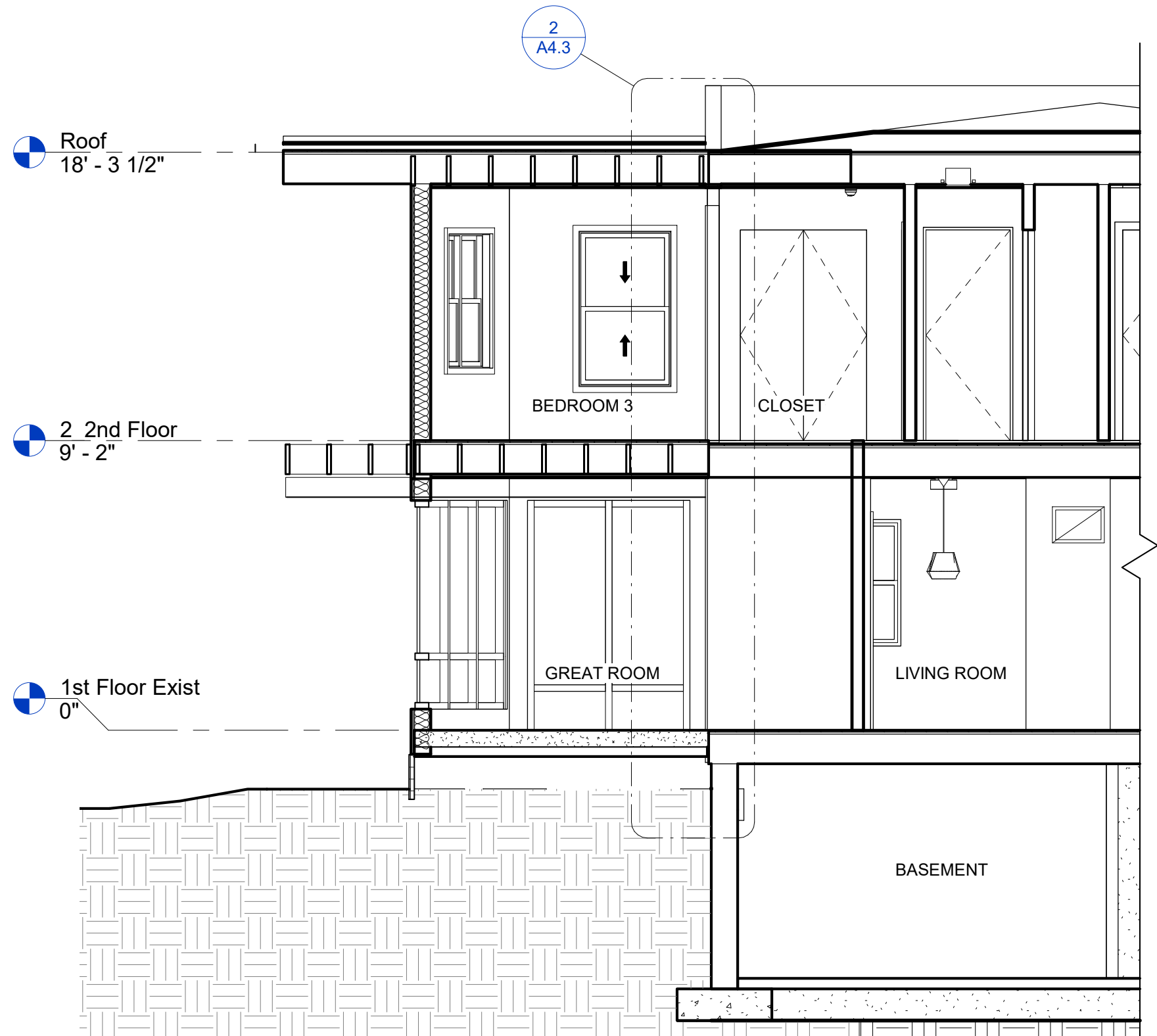
26 Bellis Circle
Cambridge, MA 02140

Proposed
Building
Elevations

Tom Culotta & Mary Custic
Date
10/18/2021
Scale
1/4" = 1'-0"



2 Proposed Front Elevation
1/4" = 1'-0"



1 Section N-S
1/4" = 1'-0"

Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Building Sections

Tom Culotta & Mary Custic
Date
10/18/2021
Scale
1/4" = 1'-0"

A4.1

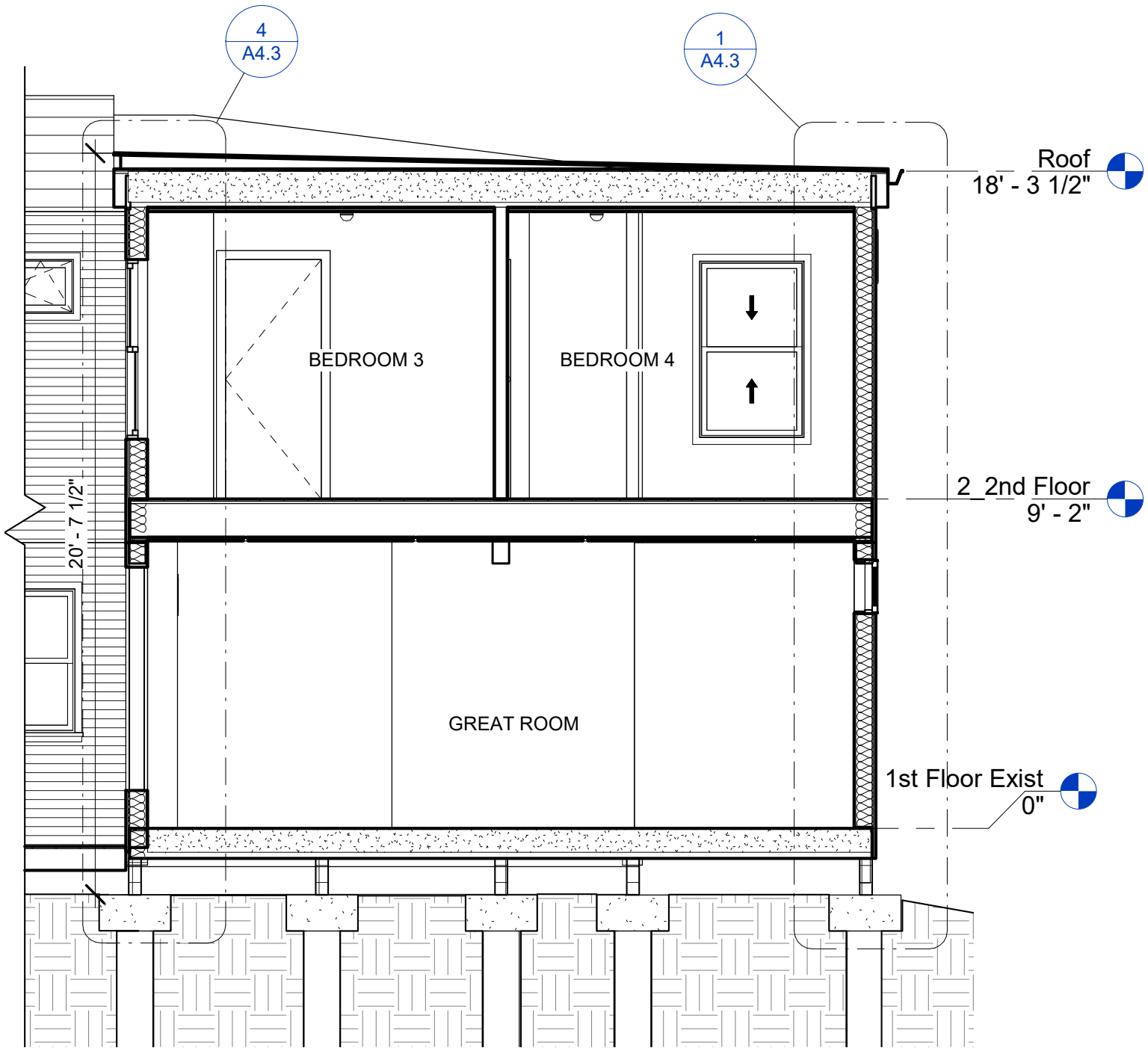
Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

Building
Sections

Tom Culotta & Mary Custic
Date
10/18/2021
Scale
1/4" = 1'-0"

A4.2



2 Section E-W
1/4" = 1'-0"

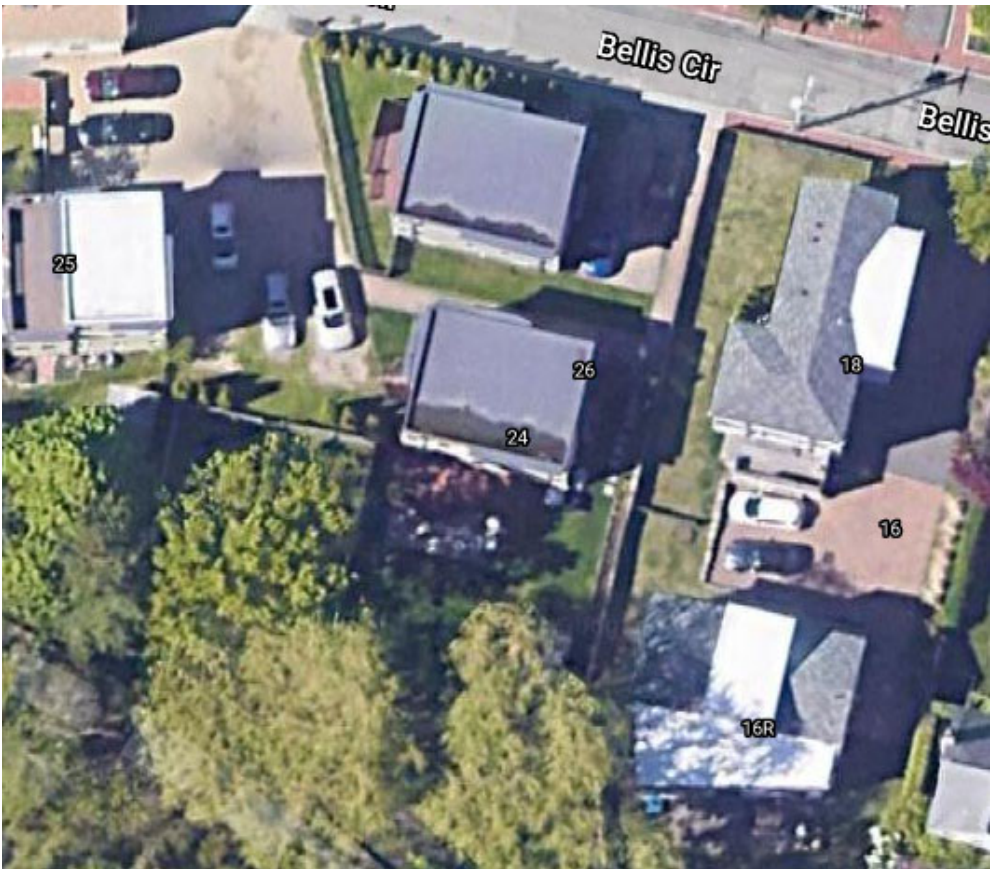
26 Bellis Circle, Cambridge, MA

Special Permit Application

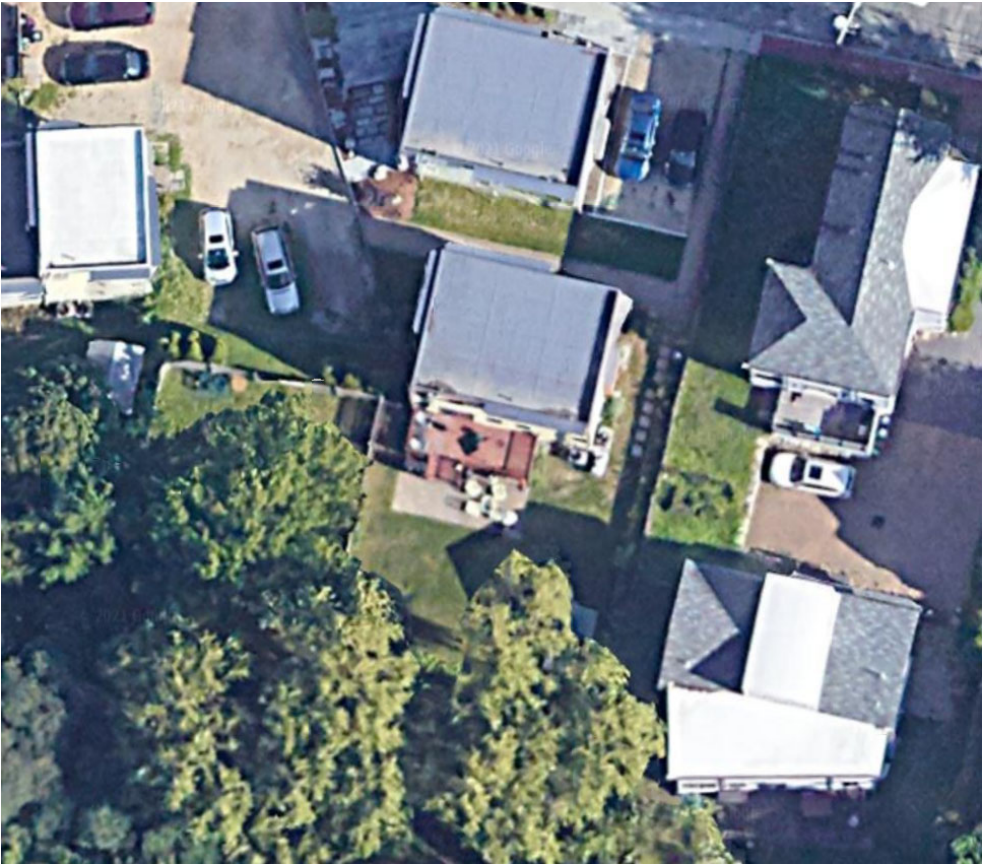
Shadow Studies



SHADOWS AT 6:00 PM 8/6/2021



AFTERNOON



MORNING



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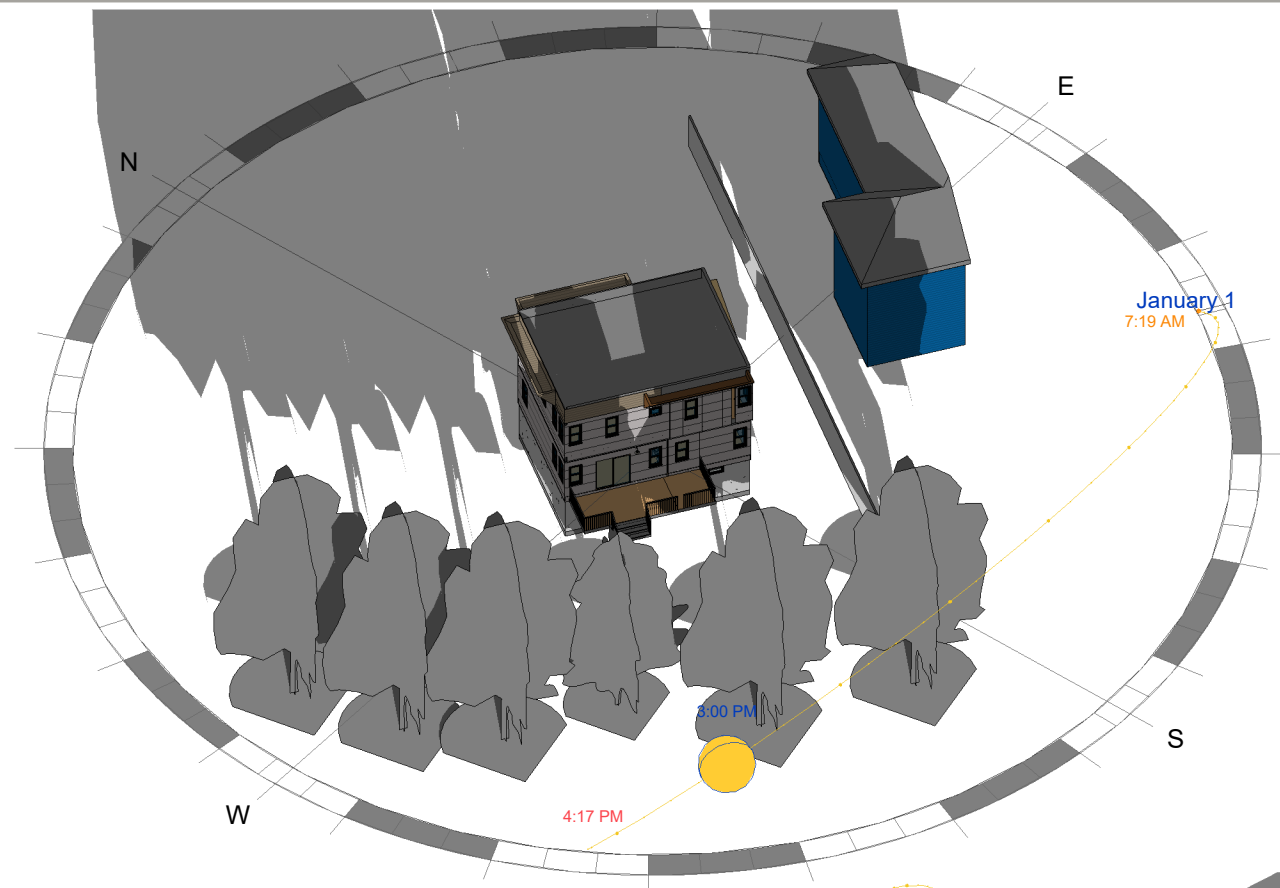
Culotta Residence

26 Bellis Circle
Cambridge, MA 02140

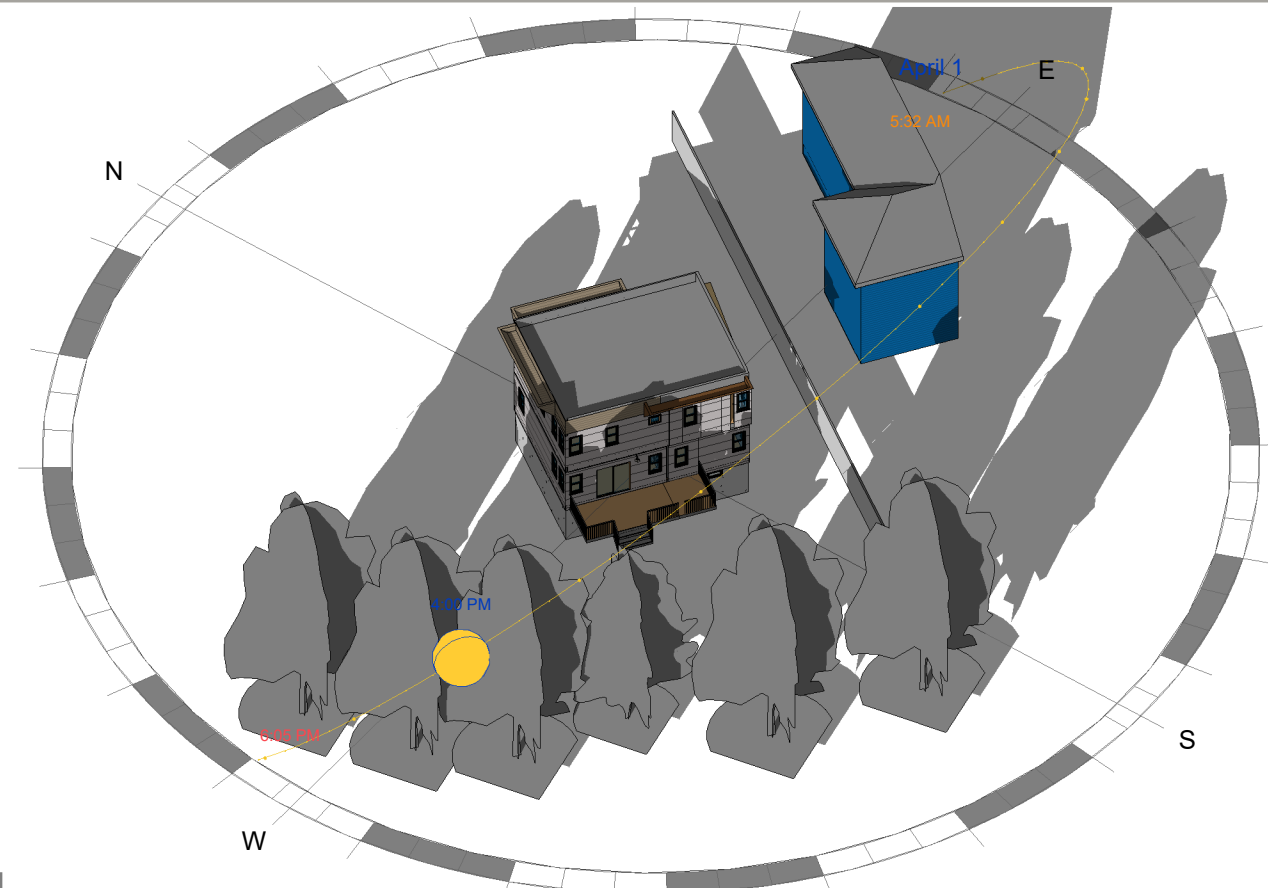
Solar Studies Images

Tom Culotta & Mary Custic
Date
10/18/2021
Scale

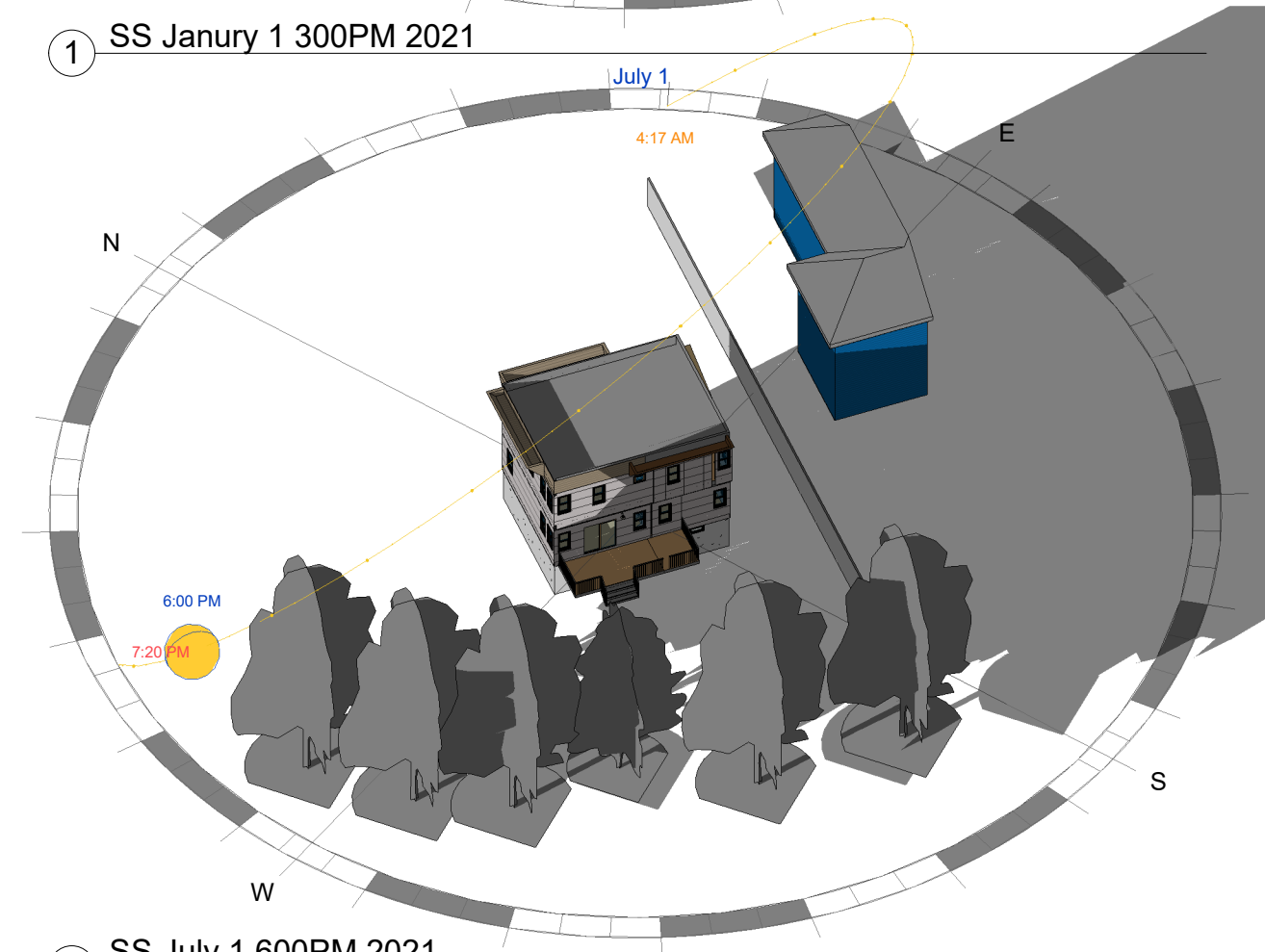
SS1.0



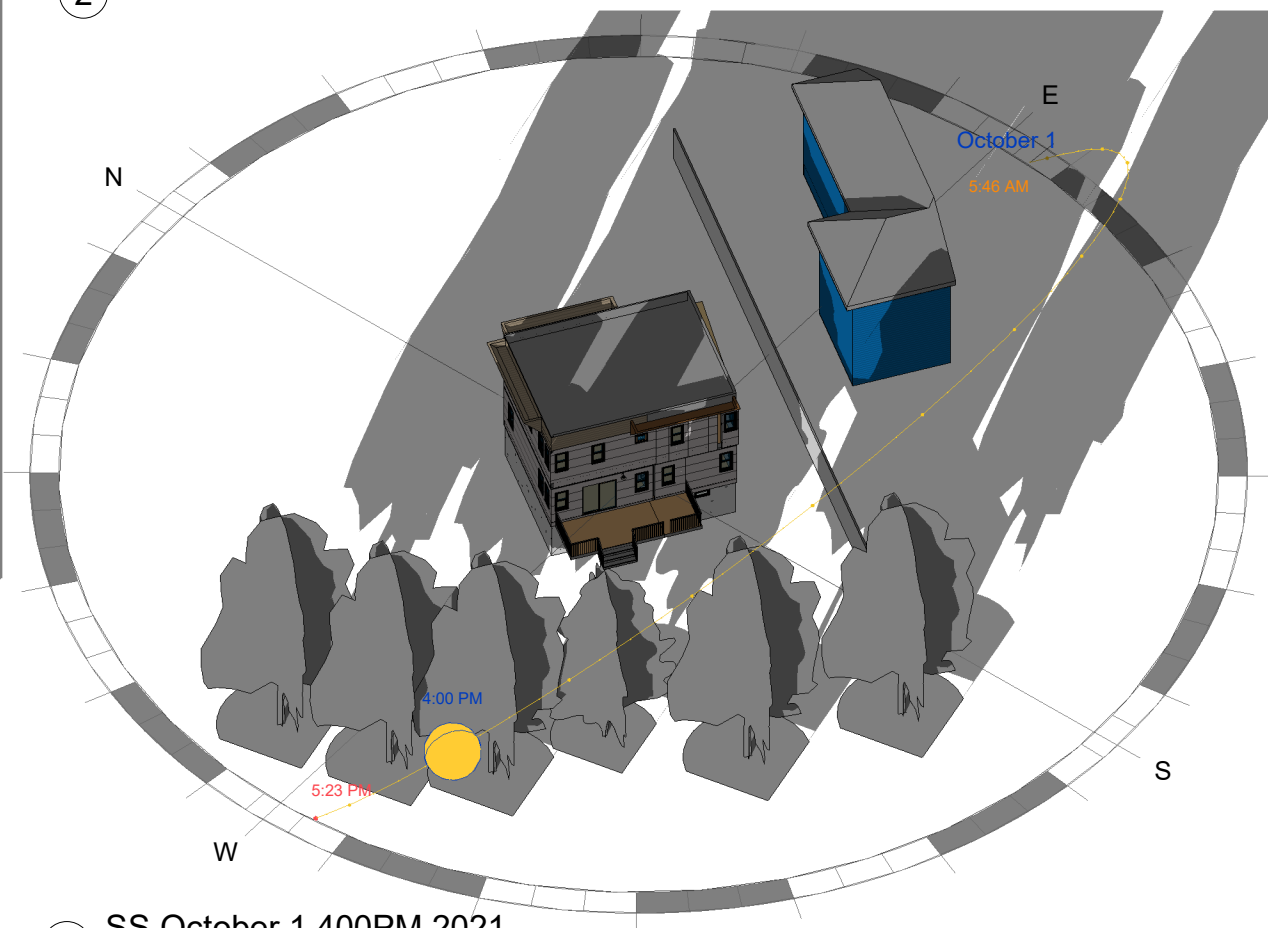
① SS Janury 1 300PM 2021



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 Study Existing

Tom Culotta & Mary Custic

Date
10/18/2021
Scale

SS1.1

Culotta Residence

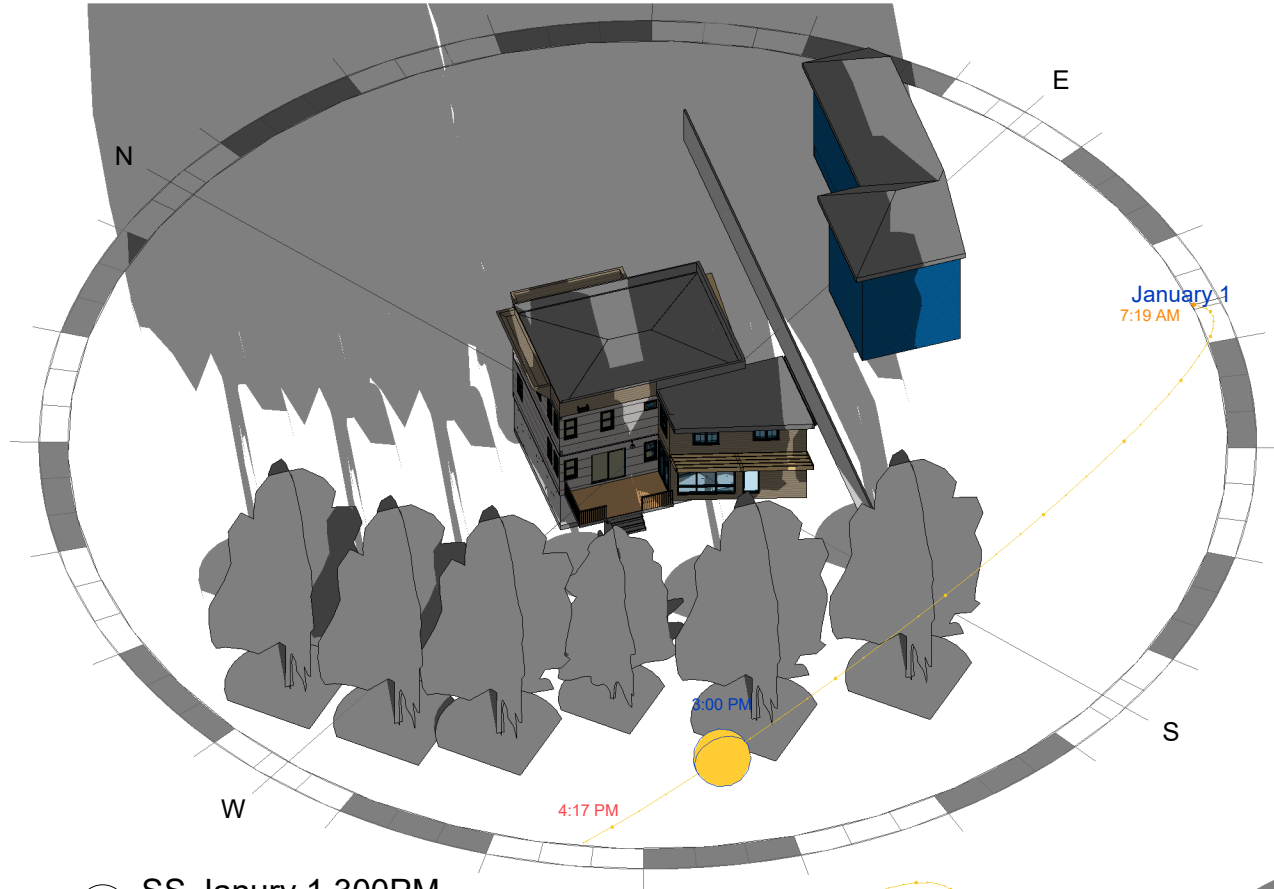
26 Bellis Circle
Cambridge, MA 02140

Solar Studies Proposed

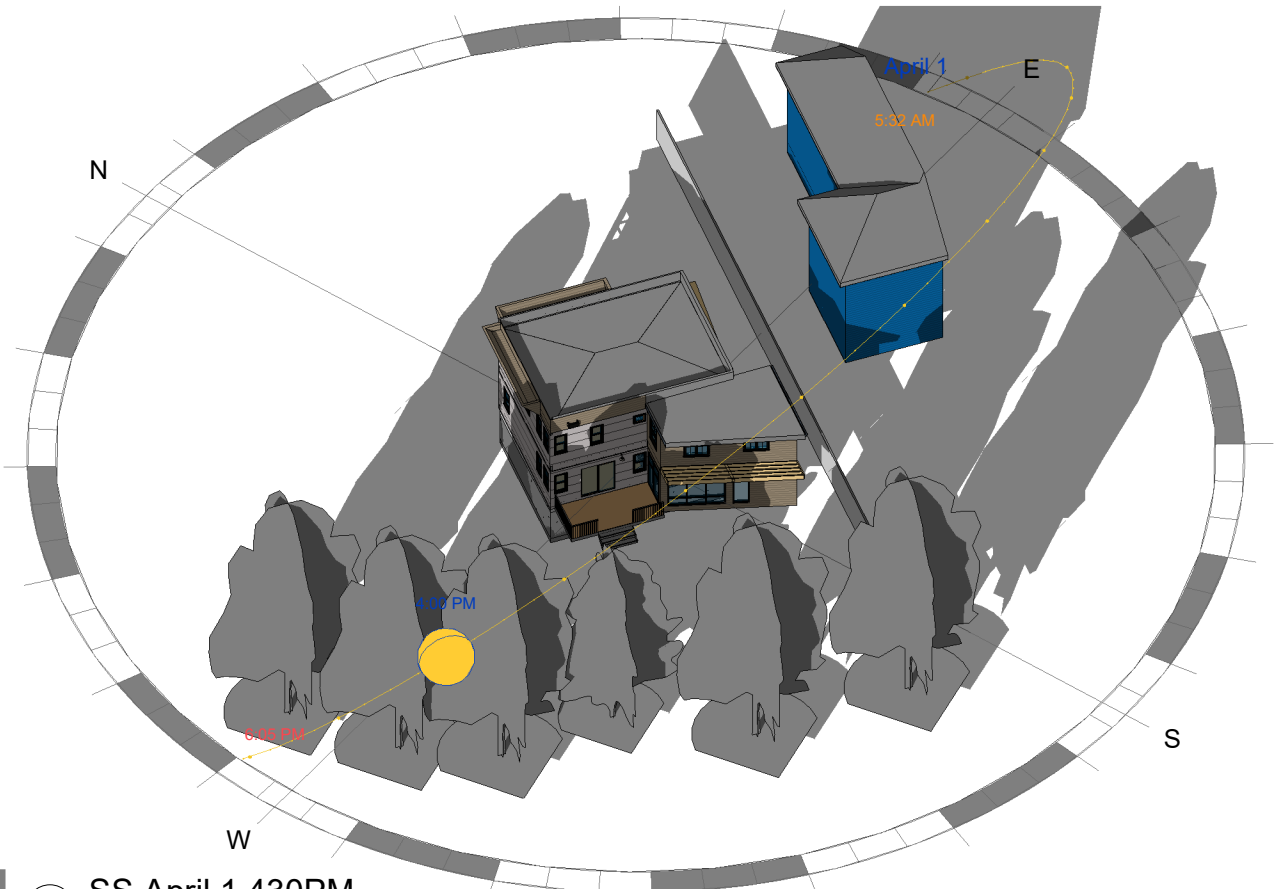
Tom Culotta & Mary Custic

Date
10/18/2021
Scale

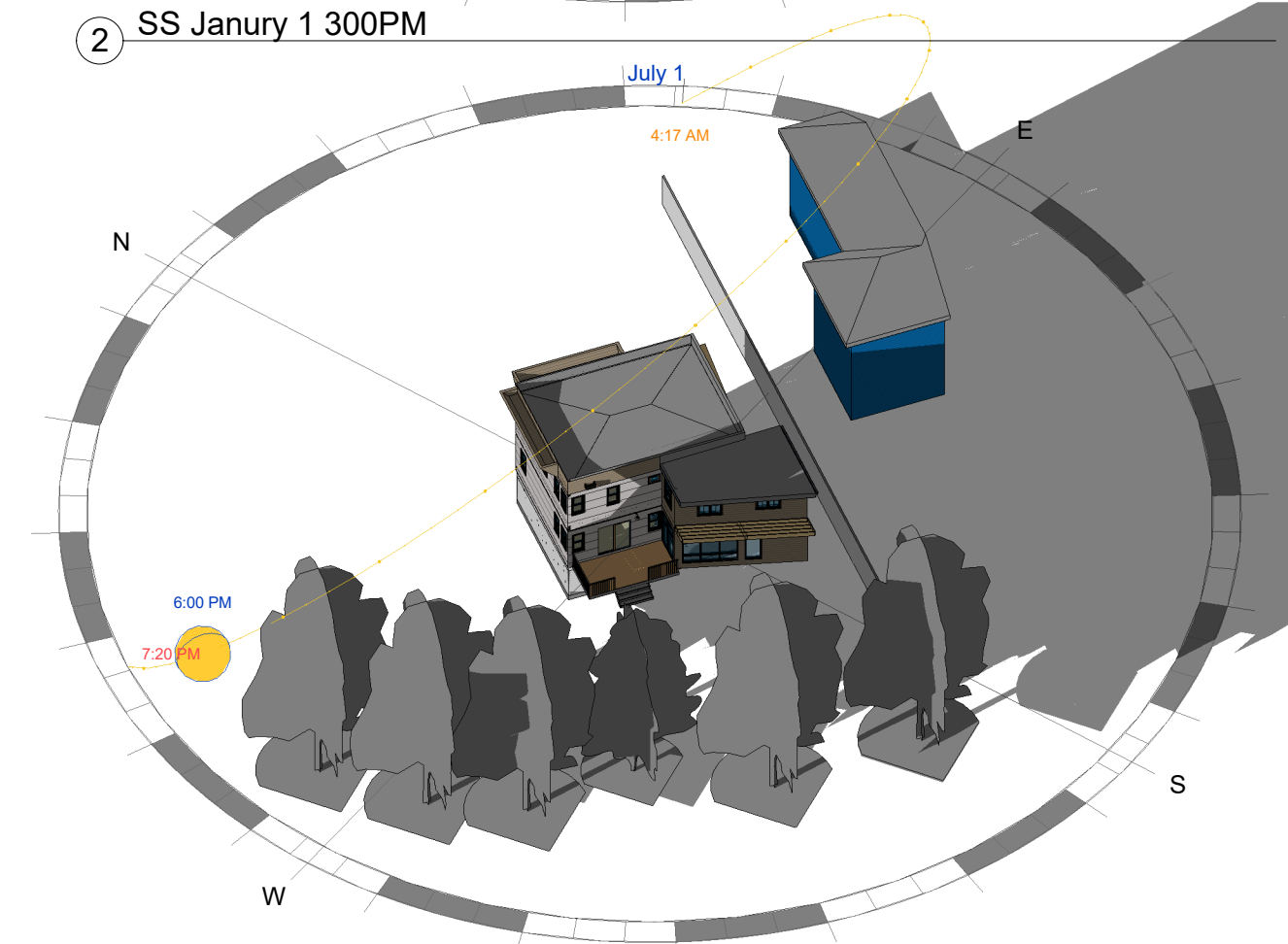
SS1.2



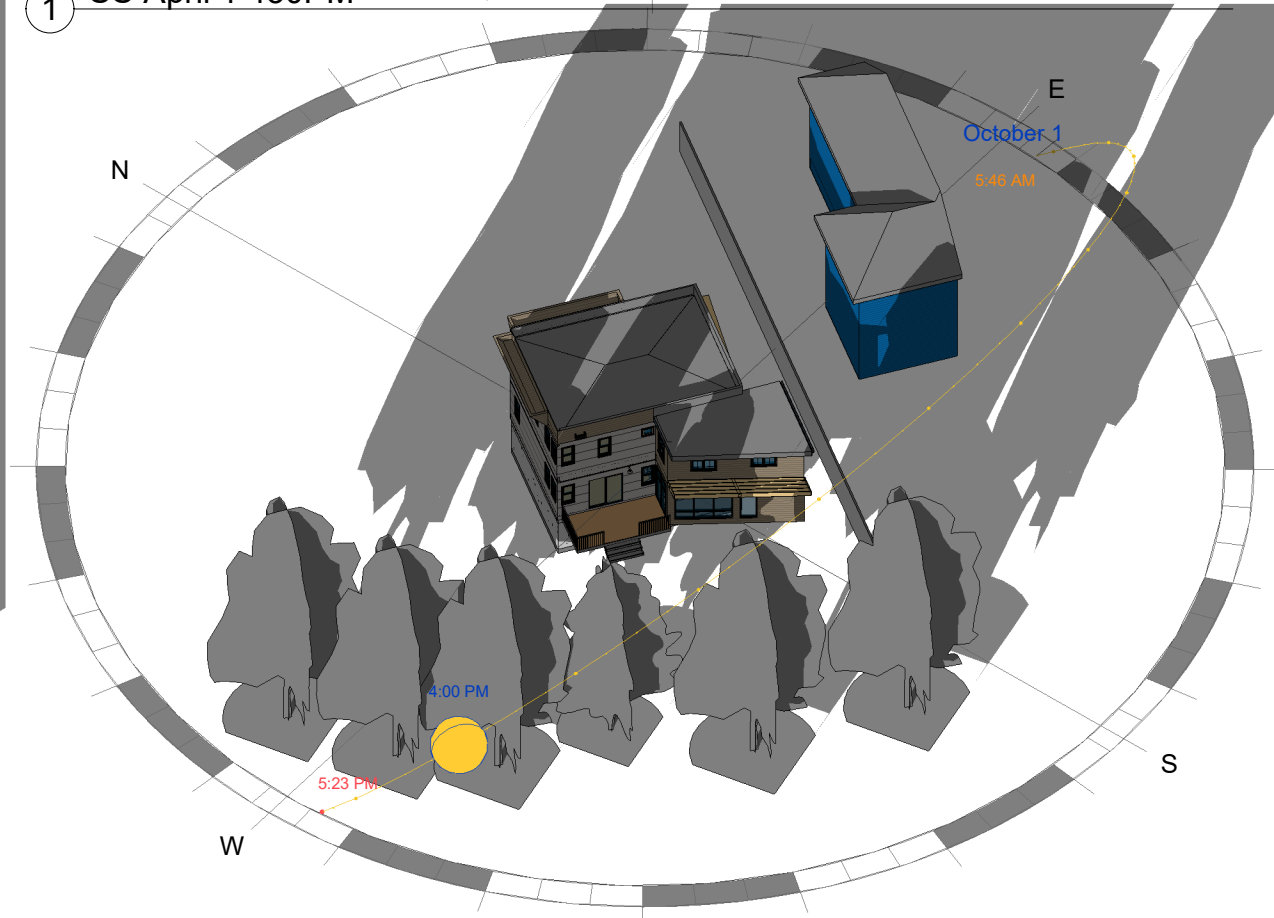
2 SS January 1 300PM



1 SS April 1 430PM



3 SS July 1 600PM



4 SS October 1 400PM

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

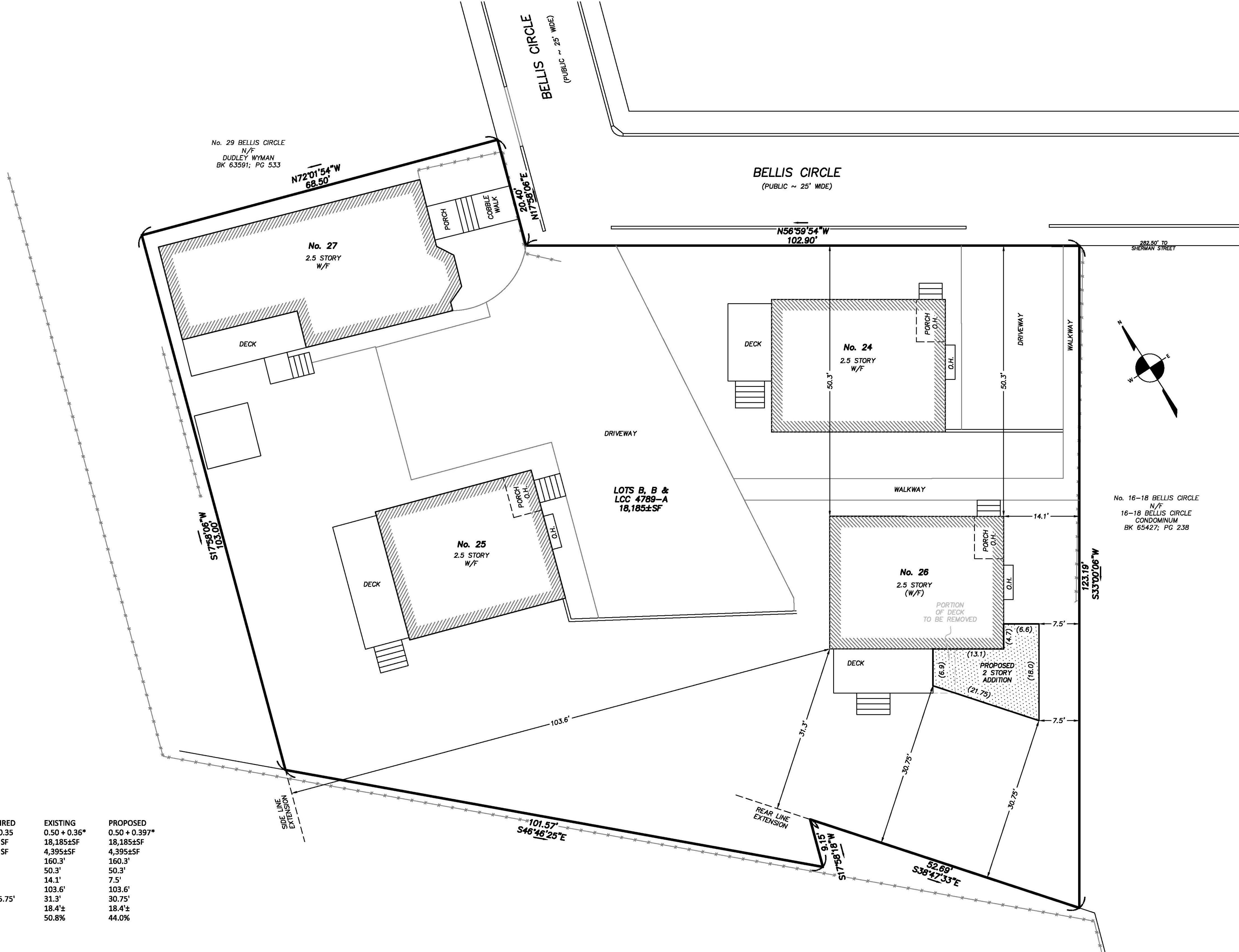
PREPARED FOR:
THOMAS A. CULOTTA
26 BELLIS CIRCLE
CAMBRIDGE, MA 02140

REFERENCES:
OWNER OF RECORD:
BELLIS CIRCLE CONDOMINIUM

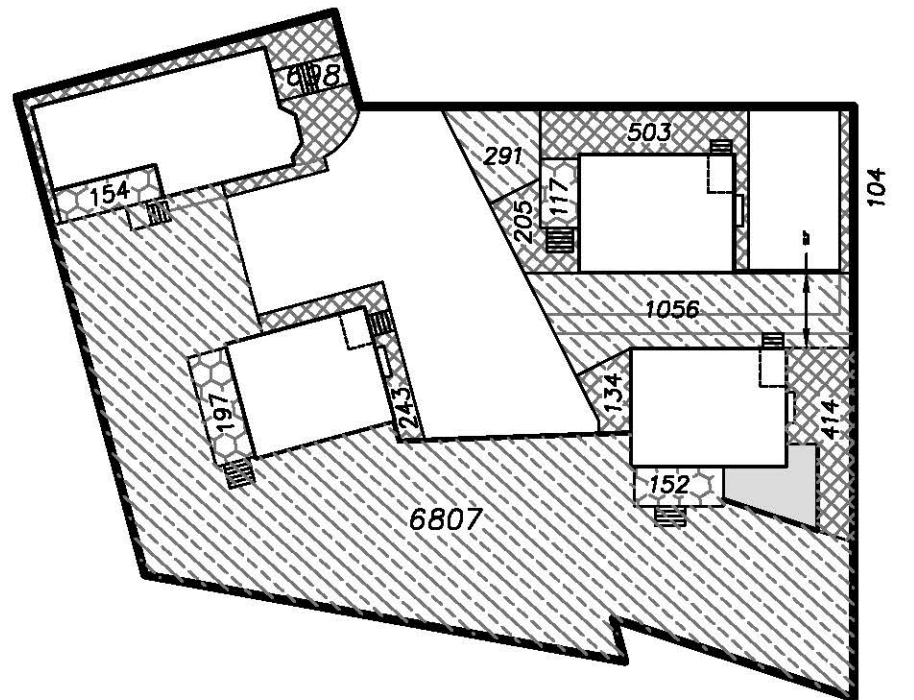
DEED: BK 46247; PG 103
PLAN: No. 1381 OF 2005
No. 369 OF 2015

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

DATE: OCTOBER 25, 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
6,807±SF
8,154±SF

NON-USABLE OPEN SPACE
NON-COMPLIANT
TOTAL: 698±SF
243±SF
205±SF
503±SF
104±SF
134±SF
414±SF
2,301±SF

DECK OPEN SPACE
TOTAL: 154±SF
197±SF
117±SF
152±SF
620±SF

TOTAL GROSS OPEN SPACE 11,075±SF

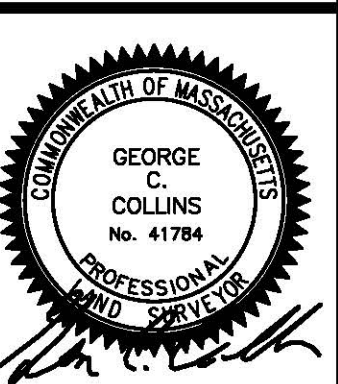
ZONING:
DISTRICT: RESIDENCE B

	REQUIRED	EXISTING	PROPOSED
FAR (MAX.)	0.5 + 0.35	0.50 + 0.36*	0.50 + 0.397*
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'	7.5'
SIDE SETBACK 2 (MIN.)	7.5'	103.6'	103.6'
REAR SETBACK (MIN.)	25' + 5.75'	31.3'	30.75'
HEIGHT, FEET (MAX.)	35'	18.4'±	18.4'±
PVT. OP. SPACE (MIN.)	40%	50.8%	44.0%

* = NON-CONFORMING

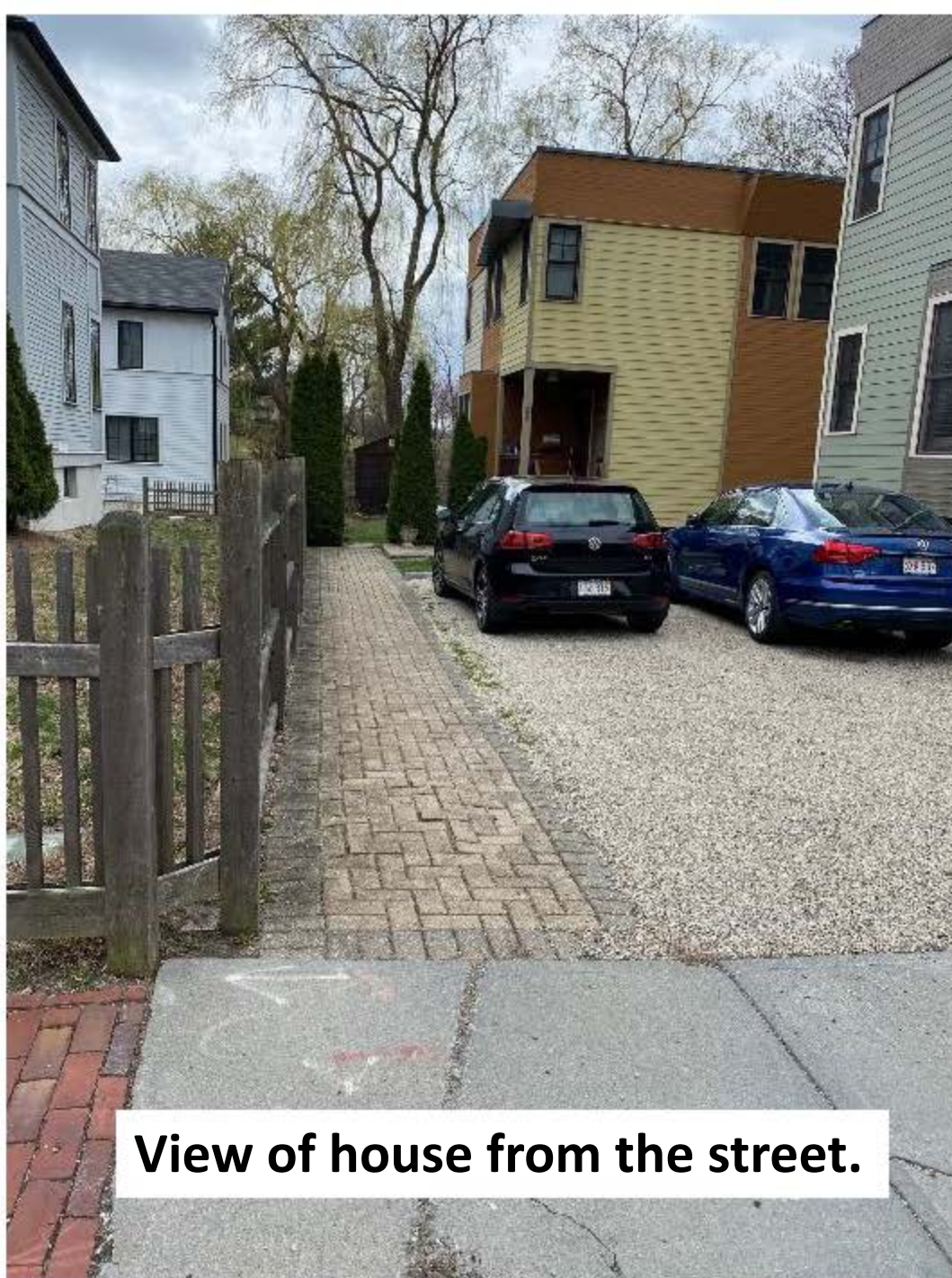
NOTE:
LOT WIDTH, BUILDING SETBACKS SHOWN APPLY TO DWELLING AT #26 AS SHOWN HEREON.

FIELD: DRM
DRAFT: DRM, NPP
CHECK: GCC
DATE: 10/25/21
JOB # 04-00197

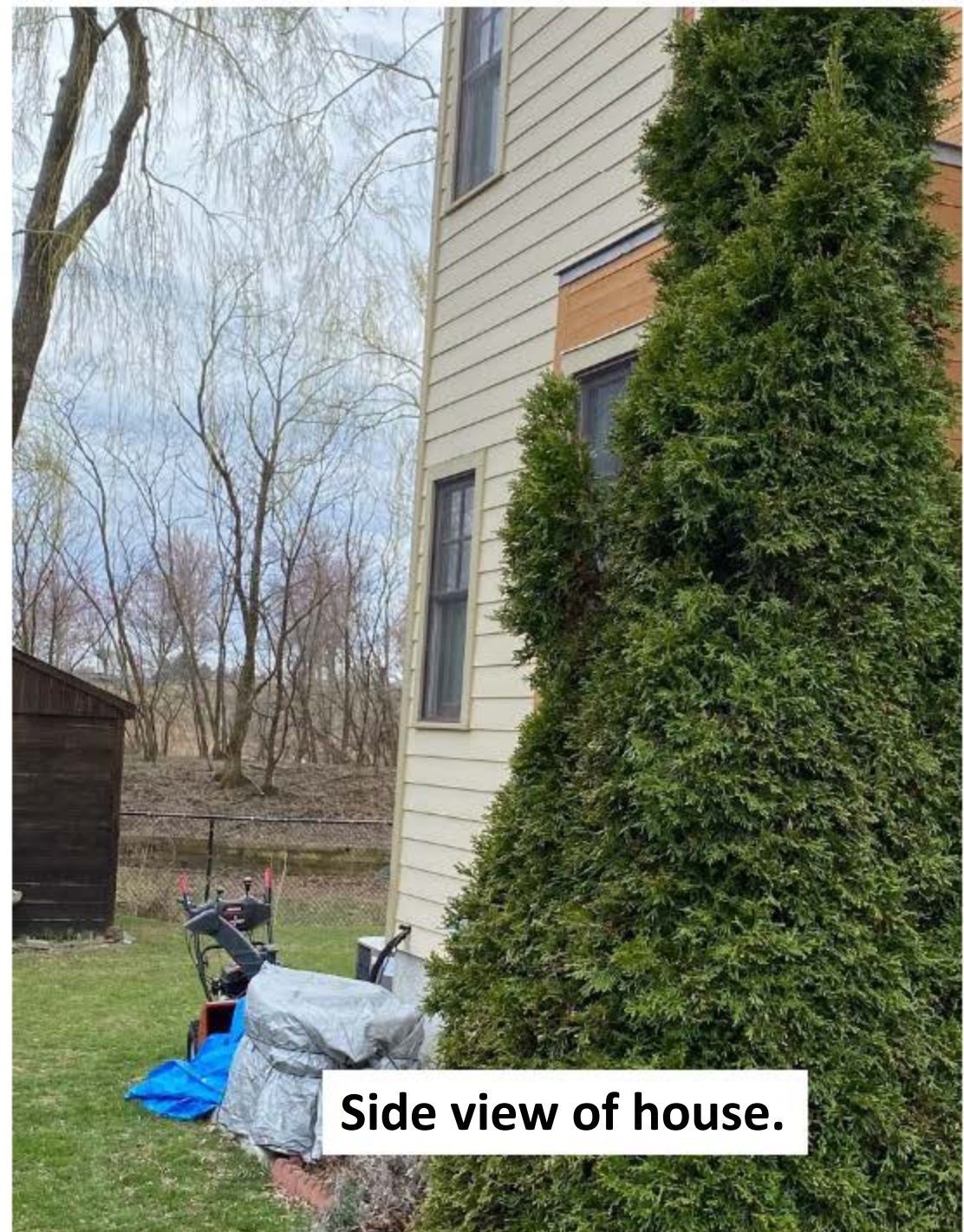


Images of 26 Bellis Circle, Cambridge MA

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

Acts (2016)

Chapter 184

AN ACT RELATIVE TO NON-CONFORMING STRUCTURES

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 7 of chapter 40A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following 3 paragraphs:-

No local zoning by-law or ordinance shall assess a penalty of more than \$300 per violation; provided, however, that nothing in this section shall be construed to prohibit local zoning by-laws or ordinances from providing that each day the violation continues shall constitute a separate offense. No action, suit or proceeding shall be maintained in a court, nor an administrative action or other action taken to recover a fine or damages or to compel the removal, alteration or relocation of a structure or part of a structure because of a violation of a zoning by-law or ordinance except in accordance with this section and sections 8 and 17. If real property has been improved and used in accordance with the terms of the original building permit, no criminal or civil action intended to compel the abandonment, limitation or modification of the use allowed by the permit or the removal, alteration or relocation of a structure erected in reliance upon the permit by reason

of an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 6 years of the commencement of the alleged violation. No criminal or civil action intended to compel the removal, alteration, or relocation of a structure by reason of an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter or the conditions of a variance or special permit shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 10 years of the commencement of the alleged violation.

If real property has been improved by the erection or alteration of 1 or more structures and the structures or alterations have been in existence for a period of at least 10 years and no notice of an action, suit or proceeding as to an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter has been recorded in the registry of deeds for the county or district in which the real estate is located or, in the case of registered land, has been filed in the registry district in which the land is located within a period of 10 years from the date the structures were erected, then the structures shall be deemed, for zoning purposes, to be legally non-conforming structures subject to section 6 and any local ordinance or by-law relating to non-conforming structures.

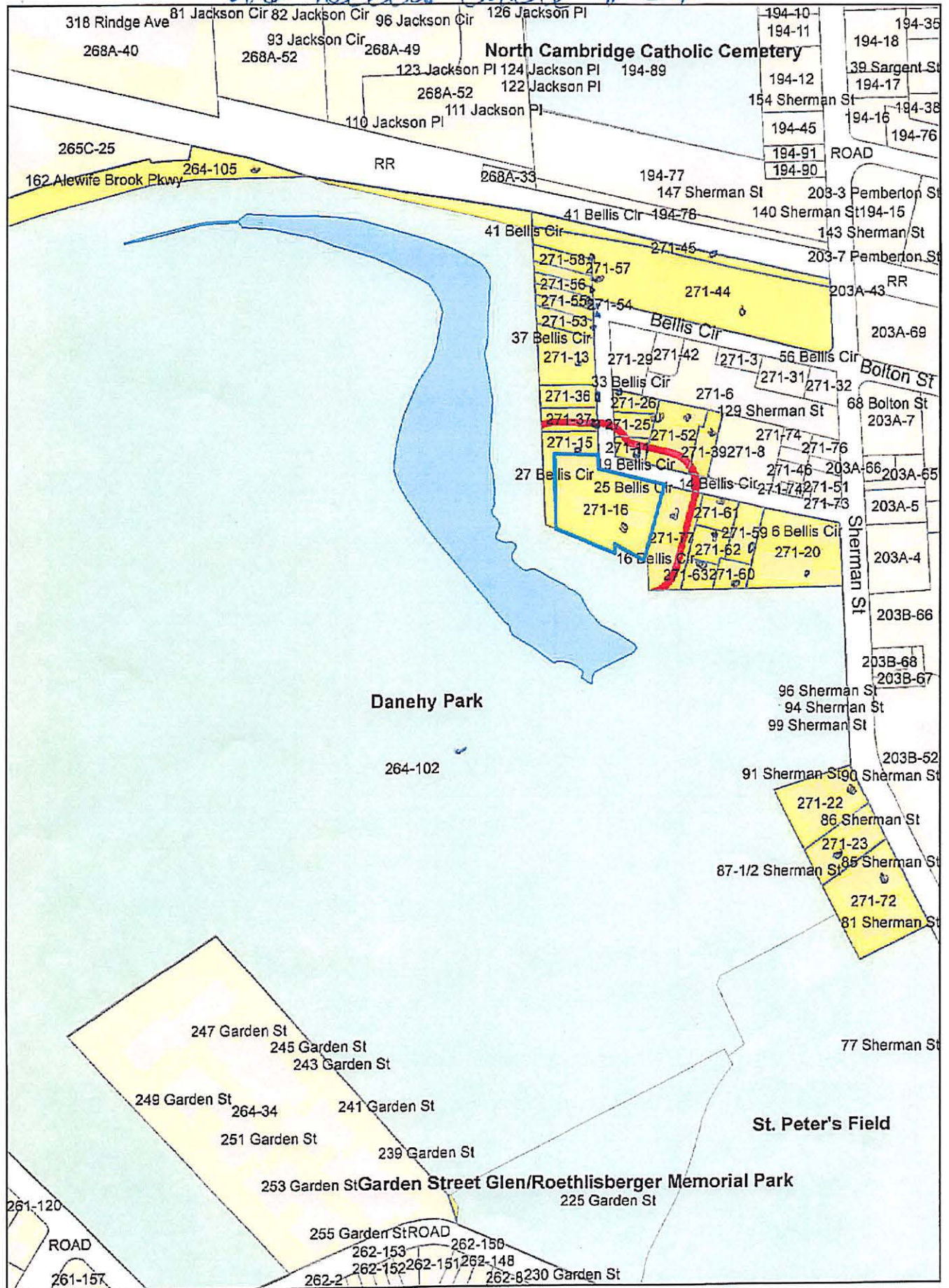
Notice of an action, suit or proceeding shall include the name of not less than 1 of the owners of record, the name of the person initiating the action and adequate identification of the structure and the alleged violation.

SECTION 2. The third paragraph of section 7 of chapter 40A of the General Laws, as appearing in section 1, shall be applicable regardless of whether the structure was erected prior to or after the effective date of this act.

SECTION 3. Notwithstanding section 7 of chapter 40A of the General Laws or any other general or special law to the contrary, for any structure erected or altered not more than 10 and not less than 9 years before the effective date of this act, no criminal or civil action intended to compel the removal, alteration or relocation of a structure by reason of an alleged violation of said chapter 40A or any ordinance or by-law adopted under said chapter 40A or the conditions of a variance or special permit shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 10 years and 6 months after the erection or alteration of the structure.

Approved, August 4, 2016

26 Bellis Circle #26



26 Bellis Circle #26

Petitioner

1893

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

26 Bellis Circle #26

293

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

3 of 3

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

Letter of Opposition

December 13, 2021

Dear Cambridge Board of Zoning Appeal,

We are writing this letter to express our **STRONGEST OPPOSITION** to special permit application BZA-153014 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 previously wrote 3 letters of opposition to variance application BZA-127988 at the same location.

As of today, the petitioners have not reached out to discuss their new plan nor address our concerns. The petitioners totally disregarded board members' recommendation to move the addition to the deck side to mitigate impacts on our property. On the contrary, the petitioners move the addition even closer to our property, reduce the setback further, and cause more negative impacts in terms of **loss of sunlight, privacy intrusion and view obstruction**.

More importantly, this petition lacks legal merits as a stand alone special permit application. The petition **DOES NOT** meet Cambridge Zoning Ordinance Section 8.22.2.D, governed by M.G.L. c.40A § 6 and the SJC opinion Bellalta v. Zoning Board of Appeals of Brookline, 481 Mass. 372 (2019), with the following reasons:

1. **Legally NOT Single-Family Structure.** See Fitzsimonds v. Board of Appeals of Chatham, 21 Mass. App. Ct. 53, 55-56 (1985), the court said "A single-family structure which assumes ownership of some verge of land, with definite bounds, beyond the footprint". This is a townhouse development with four units of condominiums, sitting on one parcel of land and covered by one master insurance policy. The petitioners secured a condo deed in which each unit is referred as "Free Standing Self Contained Unit" in the Master Deed. The petitioners merely own 20.74% beneficial interests of the condominium trust without any land ownership. The unit is officially classified as a condominium (state class code 102) with 0 square feet land ownership in the city database. It is ludicrous that the petitioners consider this townhouse unit a single-family structure but writes "Multi-Family Residential" as type of occupancy on the title page, and uses the overall 4-units condominium dimensions to satisfy all other zoning requirements.
2. **Substantial Detriment to Neighborhood.** The proposed addition is NOT a modest change. It increases the Gross Floor Area by 476 square feet, a whopping **32% increase** to the existing structure from 1488 SF to 1964 SF. The proposal reduces setbacks to our property by 7 feet, blocks our view to Danehy Park and intrudes on our privacy. The petitioners' architect already admitted there was a shadow impact to our property in the variance application. The impact will only be greater with the new

proposed addition sitting even closer to our property. The loss of sunshine leads to significant reduction in our quality of lives, and it reduces the property values of neighboring abutters. In addition, other neighbors also expressed significant concerns regarding groundwater absorption, and the petitioner's new plan did not address the issue at all.

3. **Derogate from Intent or Purpose of Ordinance:** If the board grants zoning relief to this petition, it sets the wrong precedent to the public. In the future, the other 3 unit owners in the association could easily come back to the board and seek additional relief for their own units to increase FAR by an arbitrary amount (30% or more GFA increases) using special permits. This is effectively the end of zoning for townhouses in the City of Cambridge, and it is certainly not what the ordinance was intended for.
4. **Equal Protection under the 14th Amendment.** In BZA-149665-2021, a similar case about the newly added Section 8.22.2.D, the board expressed great concerns about the impacts to neighboring abutters, including blocked view, loss of sunshine, and reduction in quality of lives. One board member quoted the SJC opinion from the landmark case Blackman vs. Board of Appeals of Barnstable, 334 Mass. 446 (1956), "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." Under the 14th Amendment of the Constitution, the law requires the permit issuing authority to conduct a fair process and provide equal protections to all petitioners and abutters.

In conclusion, this is a deeply flawed special permit petition that is causing substantial detriment to the neighborhood. The petition is based on a dubious interpretation of the "Bellata Rule" that is clearly lacking legal basis for townhouse development. Pursuant to the Cambridge Zoning Ordinance 10.43, it appears Section 8.22.2.d cannot be met therefore the special permit cannot be issued. In addition, we are also questioning the legality of the petition without signatures from the other trustees in the association. We respectfully urge the board to unanimously deny this petition. As a direct abutter with standing, we reserve full legal rights to challenge this special permit in court.

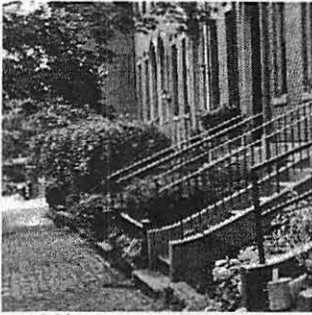
Sincerely,



Kun (Kate) Hu
Shuo (Steven) Wu

- BLOCKS VIEW TO DANEHY PARK
- INTRUDES ON PRIVACY
- LOSS OF SUNLIGHT TO KITCHEN, LIVING ROOM AND MASTER BEDROOM
- SIGNIFICANTLY REDUCTION IN QUALITY OF LIVES
- LOWERS PROPERTY VALUES OF NEIGHBORING ABUTTERS
- SUBSTANTIAL DETRIMENTAL TO NEIGHBORHOOD





Property Database



24-27 Bellis Cir, Unit 26

Property Information

Property Class	CONDOMINIUM
State Class Code	102
Zoning (Unofficial)	
Map/Lot	271-16-26
Land Area (sq. ft)	0

CONDO DEED



Photos



Property Value

Year of Assessment	2022
Tax District	R7
Residential Exemption	Yes
Building Value	\$1,413,600
Land Value	\$0
Assessed Value	\$1,413,600
Sale Price	\$770,046
Book/Page	46275/237
Sale Date	October 13, 2005
Previous Assessed Value	\$1,375,500



NO LAND
OWNERSHIP

Owner Information

Owner(s)	CULOTTA, THOMAS A. & MARY CUSTIC 26 BELLIS CIR CAMBRIDGE, MA 02140
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Building Information

Condo Building Number 1, Section 1

Exterior

Style	
Number of Stories	2
Floor Location	1
View	Average

Interior

Living Area (sq. ft.)	1,488
Total Rooms	6
Bedrooms	3
Kitchens	Full Eat In
Full Baths	2
Half Baths	1
Fireplaces	0
Flooring	Hardwood
Layout	Thru Unit
Laundry in Unit	Yes

Systems

Heat Type	Hot Water
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Condition & Grade

CONDO MASTER DEED EXHIBIT C

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%

James C. Brown
Attor. Middlesex S. Registrar

CONDO UNIT
DEED

13

EXCLUSIVE USE
NO LAND OWNERSHIP

Letter of Opposition

December 13, 2021

Dear Cambridge Board of Zoning Appeal,

We are writing this letter to express our STRONGEST OPPOSITION to special permit application BZA-153014 at 26 Bellis Circle #26. My name is Timothy Wall. My wife, Barbara Thomas and I reside at 14B Bellis Circle, separated from #16 by units #18 and #20. We previously wrote in opposition to variance application BZA-127988 at the same location.

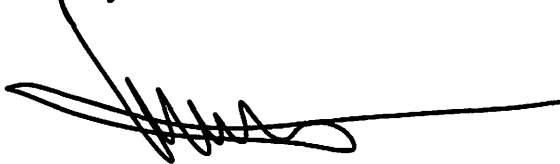
The requested special permit significantly obstructs our view of Danehy park, more so than any other neighbor. I have included demonstrations of this obstruction from left, center, and right windows on first and second floors from the rear of our house, the only face with views on to the park.

When we moved here in 2000, we had a completely unobstructed view, since the existing houses were only on the front of the adjacent lots. We agreed with the developer at the time not to object to requested variances because we were still afforded some view of the park. This special permit removes our last remaining view.

The petitioner understates the increase in FAR by applying the unit increase against the entire collection of condominiums. In addition, an existing non-conformity does not grant license to arbitrarily extend that non-conformity.

As of this date we have not been contacted by the petitioner regarding the special permit.

Thank you,

A handwritten signature in black ink, appearing to read 'Timothy Wall', with a long horizontal line extending to the right.

Timothy Wall
Barbara Thomas

Before



After



First Floor

Second Floor



After



Before



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: MARY CUSTIC Date: Dec 1/21
(Print)

Address: 26 Bellis Circle #26

Case No. BZA-153014

Hearing Date: 12/16/21

Thank you,
Bza Members