



CITY OF CAMBRIDGE
MASSACHUSETTS
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139
617 349-6100

BZA APPLICATION FORM

Plan No: BZA-013611-2017

GENERAL INFORMATION

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

Special Permit : √ Variance : √ Appeal :

PETITIONER : KHF Plymouth, LLC C/O James J. Rafferty, Esq.

PETITIONER'S ADDRESS : 675 Massachusetts Avenue Cambridge, MA 02139

LOCATION OF PROPERTY : 35-37 Berkshire St Cambridge, MA 02141

TYPE OF OCCUPANCY : multi-family ZONING DISTRICT : Residence C-1 Zone

REASON FOR PETITION :

Conversion to Additional Dwelling Units

DESCRIPTION OF PETITIONER'S PROPOSAL :

Variance: Petitioner seeks to reconstruct nonconforming three family structure that was recently destroyed by fire and add an additional dwelling unit in the basement.

Special Permit: To allow for windows on a nonconforming wall and to provide three parking spaces for four dwelling units.

SECTIONS OF ZONING ORDINANCE CITED :

Article <u>5.000</u>	Section <u>5.31 (Table of Dimensional Requirements).</u>
Article <u>6.000</u>	Section <u>6.35.1 (Reduction in Required Parking).</u>
Article <u>8.000</u>	Section <u>8.22.2.C (Windows).</u>
Article <u>8.000</u>	Section <u>8.22.3, 8.23 (Nonconforming Structure).</u>
Article <u>10.000</u>	Section <u>10.30 (Variance).</u>

Original Signature(s) :


(Petitioner(s) / Owner)

James J. Rafferty
(Print Name)

Address : 675 Massachusetts Avenue

Cambridge, MA 02139

Tel. No. : (617) 492-4100

E-Mail Address : jrafferty@adamsrafferty.com

Date : 6/16/17

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

KHF Plymouth LLC
(Owner or Petitioner)

Address: c/o James J. Rafferty 675 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 35-37 Berkshire Street

the record title standing in the name of KHF Plymouth LLC

whose address is 1551 Central Street, Stoughton, MA 02072
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex South County Registry of Deeds in

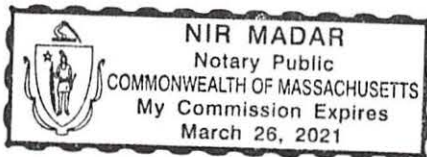
Book 68092 Page 273 or _____ Registry

District of Land Court Certificate No. _____ Book _____ Page _____

[Signature]
(Manager)

=====

On this 13 day of February, 2017, before me, the undersigned notary public, personally appeared Matthew L. Fick proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



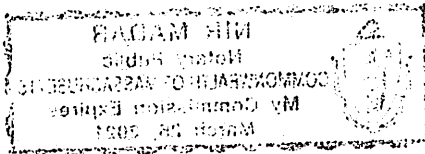
[Signature]
Notary Public

My commission expires: 3/26/2021

11/11/2021

11/11/2021

JMM



BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:

- A)** A Literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

The petitioner's property was destroyed by fire. A literal enforcement of the Ordinance would prevent the petitioner from utilizing the new basement living area as a dwelling unit.

- B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The hardship is directly related to the destruction of the prior structure by fire and the size of the lot.

- C) *DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:***

- 1)** Substantial detriment to the public good for the following reasons:

The public good will not suffer as a result of the addition of a basement dwelling unit in a neighborhood that suffered the loss of dozens of dwelling units.

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

The proposed basement dwelling unit is not inconsistent with the multi-family uses prevalent in the zoning district, including the abutting structure that contained 32 units.

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

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

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

Granting the Special Permit requested for 35-37 Berkshire St Cambridge, MA 02141 (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:
Article 8.22.2(c) permits the creation of windows on non-conforming walls when, as in this case, there are no further violations of the dimensional requirements of Article 5.000.
- 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:
There will not be any change in traffic patterns as a result of adding windows.
- 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:
Adjacent uses will not be affected since the use of the property as a residential building will not be changed.
- 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:
Adding windows will benefit the health, safety and welfare of the occupants of this dwelling.
- 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 windows will not change the use of the property and are consistent with the residential uses in the district.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Nirvana KHF Plymouth LLC **PRESENT USE/OCCUPANCY:** three family
LOCATION: 35-37 Berkshire St Cambridge, MA 02141 **ZONE:** Residence C-1 Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** four family

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	N/A	4,729 sf	2,135 sf	(max.)
<u>LOT AREA:</u>	2,847 sf	no change	5,000 sf	(min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ²	n/a	1.66	.75	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	949 sf	711 sf	1,500 sf	(min.)
<u>SIZE OF LOT:</u>				
WIDTH	33.5'	no change	50'	(min.)
DEPTH	85'	no change	n/a	
<u>SETBACKS IN FEET:</u>				
FRONT	2.3'	no change	22.08'	(min.)
REAR	31.8'	32.2'	22.08'	(min.)
LEFT SIDE	5.5'	5.9'	17.66'	(min.)
RIGHT SIDE	1.4'	no change	17.66'	(min.)
<u>SIZE OF BLDG.:</u>				
HEIGHT	n/a	28.4'	35'	(max.)
LENGTH	n/a	50.5'	n/a	
WIDTH	n/a	25.8'	n/a	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u>	28%	24.2%	30%	(min.)
<u>NO. OF DWELLING UNITS:</u>	3	4	1	(max.)
<u>NO. OF PARKING SPACES:</u>	3	3	4	(min./max)
<u>NO. OF LOADING AREAS:</u>	n/a	n/a	n/a	(min.)
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>	n/a	n/a	n/a	(min.)

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

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



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2017 JUN 19 AM 11:56

OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

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Article <u>10.000</u>	Section <u>10.30 (Variance). <i>§ 10.40 (S.P.)</i></u>

Original Signature(s) : 
 (Petitioner(s) / Owner)
James J. Rafferty
 (Print Name)

Address : 675 Massachusetts Avenue
Cambridge, MA 02139
 Tel. No. : (617) 492-4100
 E-Mail Address : jrafferty@adamsrafferty.com

Date : 6/16/17

35-37 Berkshire St.

Petitioner

40-140
ELLSWORTH, KRISSY M., RANDAL N. ELLSWORTH
& SILVIA E. ELLSWORTH
30 BERKSHIRE ST., UNIT #1
CAMBRIDGE, MA 02139

40-140
BUTLER, ANICA EUSEBIA &
MICHAEL WHEELER WORKMAN
30 BERKSHIRE ST., #3
CAMBRIDGE, MA 02141

JAMES J. RAFFERTY, ESQ.
675 MASS AVENUE
CAMBRIDGE, MA 02139

40-85
CAMARA, ALVARO & TERESA CAMARA
TR. OF CAMARA IRREVOCABLE TRUST
10 HAMLIN ST
CAMBRIDGE, MA 02141

40-86
WEBSTER INVESTMENTS, LLC
60 HIGHLAND RD
SOMERVILLE, MA 02144

40-96
COELHO, MARIA G.
37 BERKSHIRE ST
CAMBRIDGE, MA 02141

40-97
DELL'OLIO, RICHARD, ANDREW, LINDA,
CARON ANN & EMILY CAMARA
27 BERKSHIRE ST
CAMBRIDGE, MA 02141

40-98
DELL'OLIO, RICHARD, ANDREW, LINDA,
CARON ANN & EMILY CAMARA
27 PLYMOUTH ST
CAMBRIDGE, MA 02141

40-99
MOSS, ELISABETH T.
C/O J-HEAR, LLC
538 GREEN ST
CAMBRIDGE, MA 02139

40-102
PUZYN, STEPHEN & LORRAINE PUZYN
49 PLYMOUTH ST
CAMBRIDGE, MA 02141

40-143
BAIROS, JOAO DE ANDRADE
59 PLYMOUTH ST
CAMBRIDGE, MA 02141

40-172
GALVIN, DANIEL P., JR.
12 RIVER PARK ST
NEEDHAM, MA 02194

40-174
SULLIVAN, ANNA E., A LIFE ESTATE
41 PLYMOUTH ST
CAMBRIDGE, MA 02141

40-182
CICCARELLI, JOHN A. & ANNE MARIE CICCARELLI
37 PLYMOUTH ST.
CAMBRIDGE, MA 02141

40-243
ST PATRICKS PLACE, LIMITED PARTNERSHIP
C/O JAS PROPERTIES
243 BROADWAY
CAMBRIDGE, MA 02139

40-141
JEFFREY, CHRISTINA
28 BERKSHIRE ST., #1
CAMBRIDGE, MA 02141

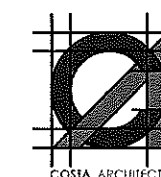
40-141
AL-RAWL, AHLAM, HASSAN, DUAA, &
ALI MOHAMMAD
CITY OF CAMBRIDGE TAX TITLE
28 BERKSHIRE ST., UNIT #2
CAMBRIDGE, MA 02141

40-141
KING, MICHAEL ANTHONY
38 VAN HORN ST.
WEST SPRINGFIELD, MA 01089

40-140
WICHT, DENYCE
30 BERKSHIRE ST., UNIT #2
CAMBRIDGE, MA 02141

General Notes :

Symbol



681 MAIN STREET
WALTHAM, MA 02451
TEL./FAX: 781-647-5831

PROGRESS PRINTS

Job Number: 20891.00

Scale: 1/4" = 1'-0"

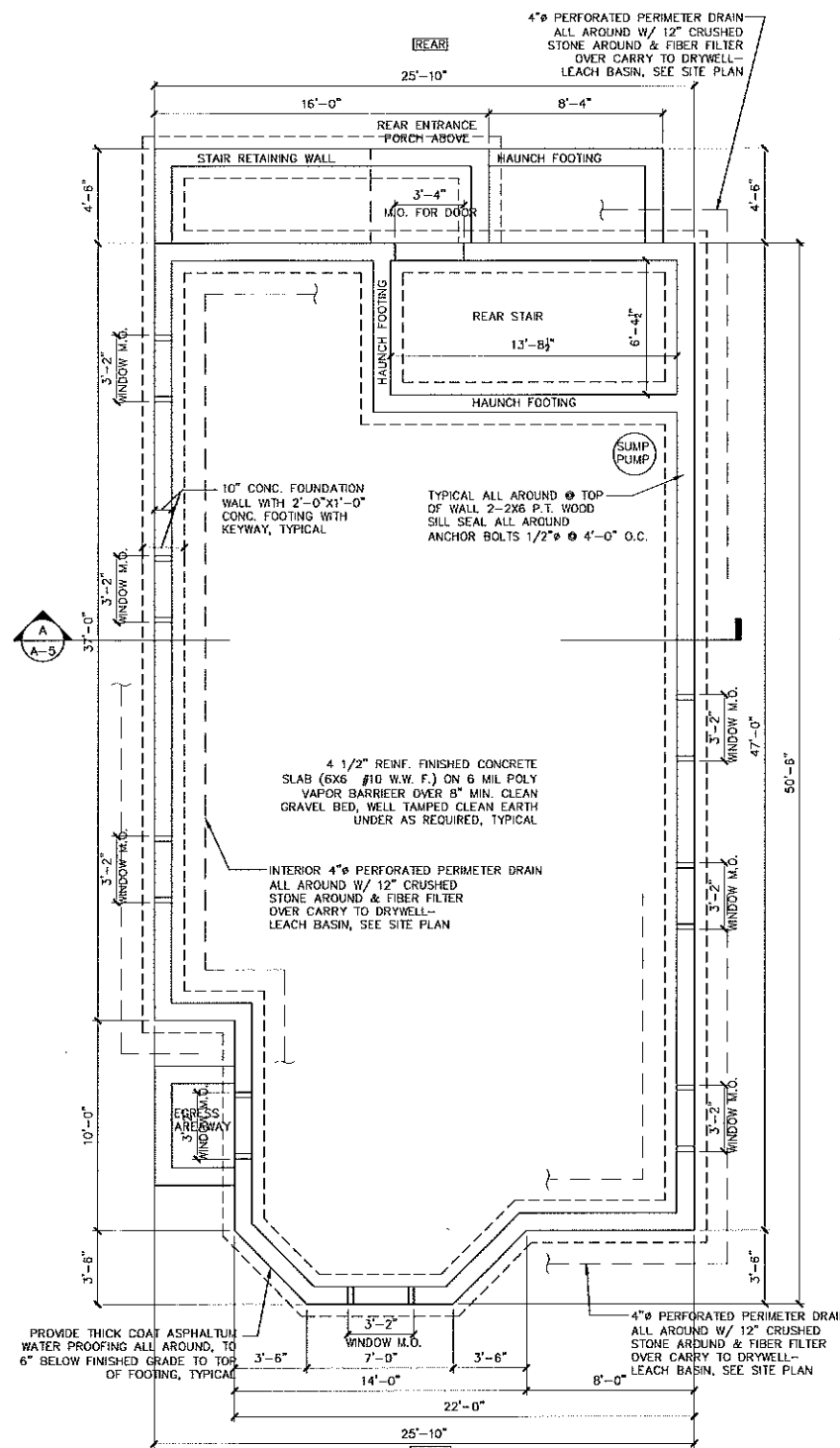
Date: 03-17-17

Revisions: 03-21-17
05-31-17R

FOUNDATION PLAN,
BASEMENT FLOOR PLAN,
FIRST FLOOR PLAN

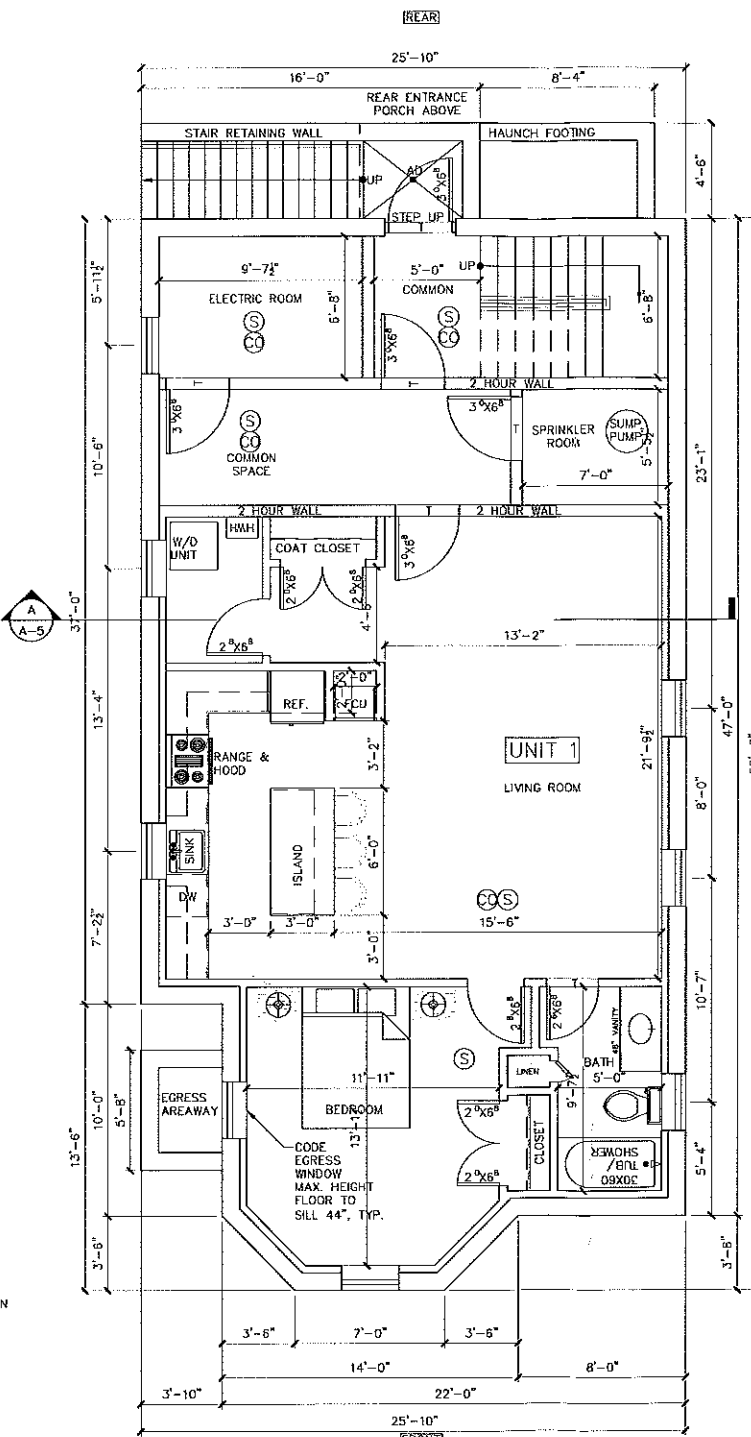
Drawing

A-1



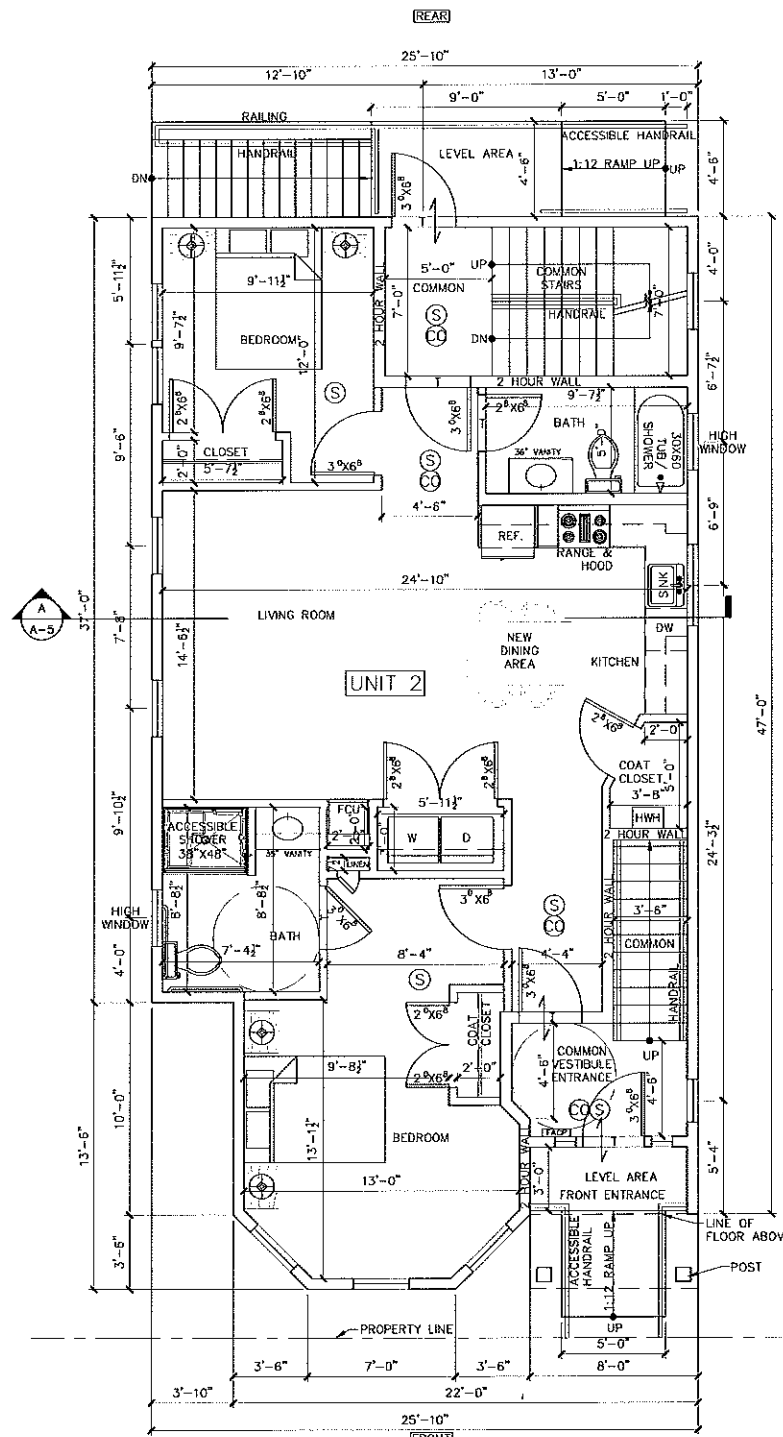
FOUNDATION PLAN
SCALE 1/4"=1'-0"

FOOTPRINT = 1,213 SQFT
M.O. SHOULD BE VERIFIED WITH EXACT WINDOW AND DOOR SIZES AS PER OWNER
FOR EXACT STRUCTURAL DESIGN AND LAYOUT SEE STRUCTURAL DRAWINGS
BY LUMBER COMPANY



BASEMENT FLOOR PLAN
SCALE 1/4"=1'-0"

1,213 SQFT

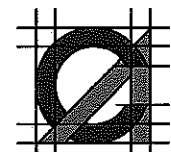


FIRST FLOOR PLAN
SCALE 1/4"=1'-0"

1,090 SQFT

General Notes :

Symbol



GOSIA ARCHITECTS

681 MAIN STREET
WALTHAM, MA 02451
TEL./FAX: 781-647-5831

PROGRESS PRINTS

Job Number: 20881.00

Scale: 1/4" = 1'-0"

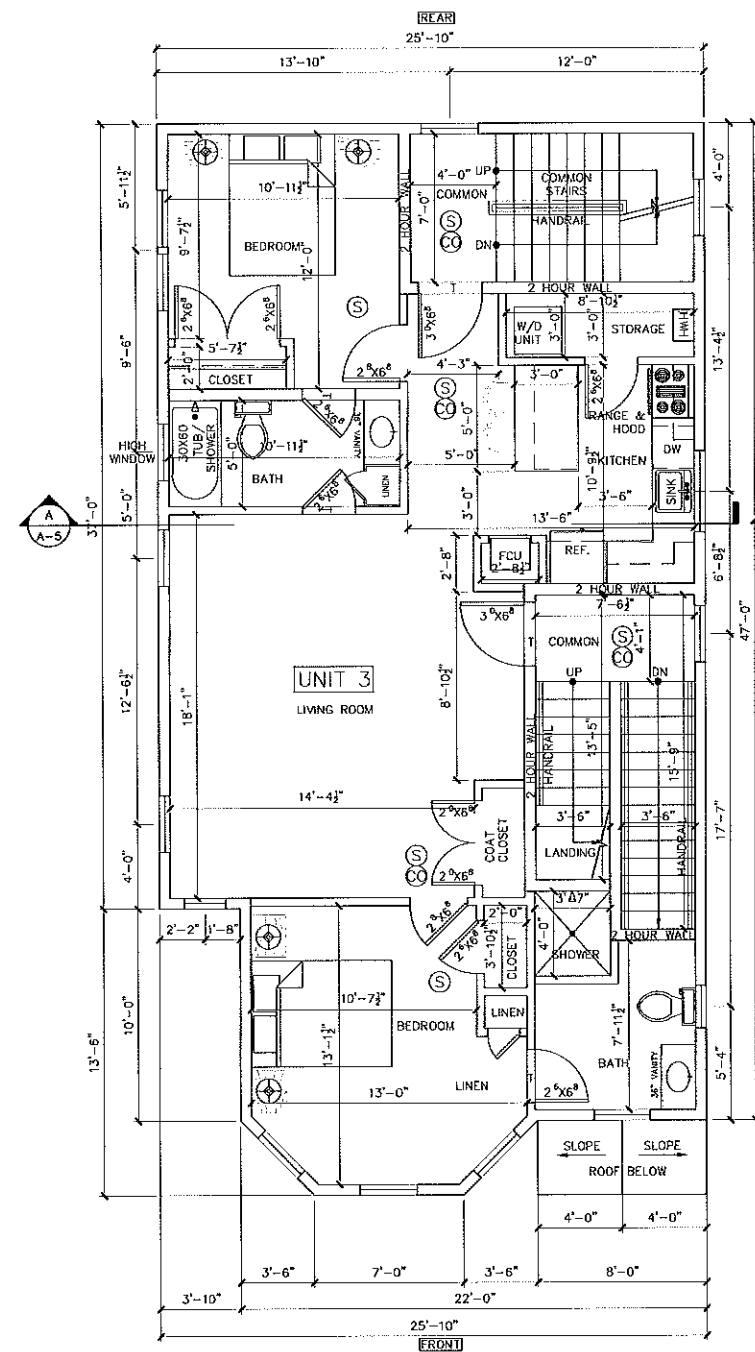
Date: 03-17-17

Revisions: 03-21-17
05-31-17R

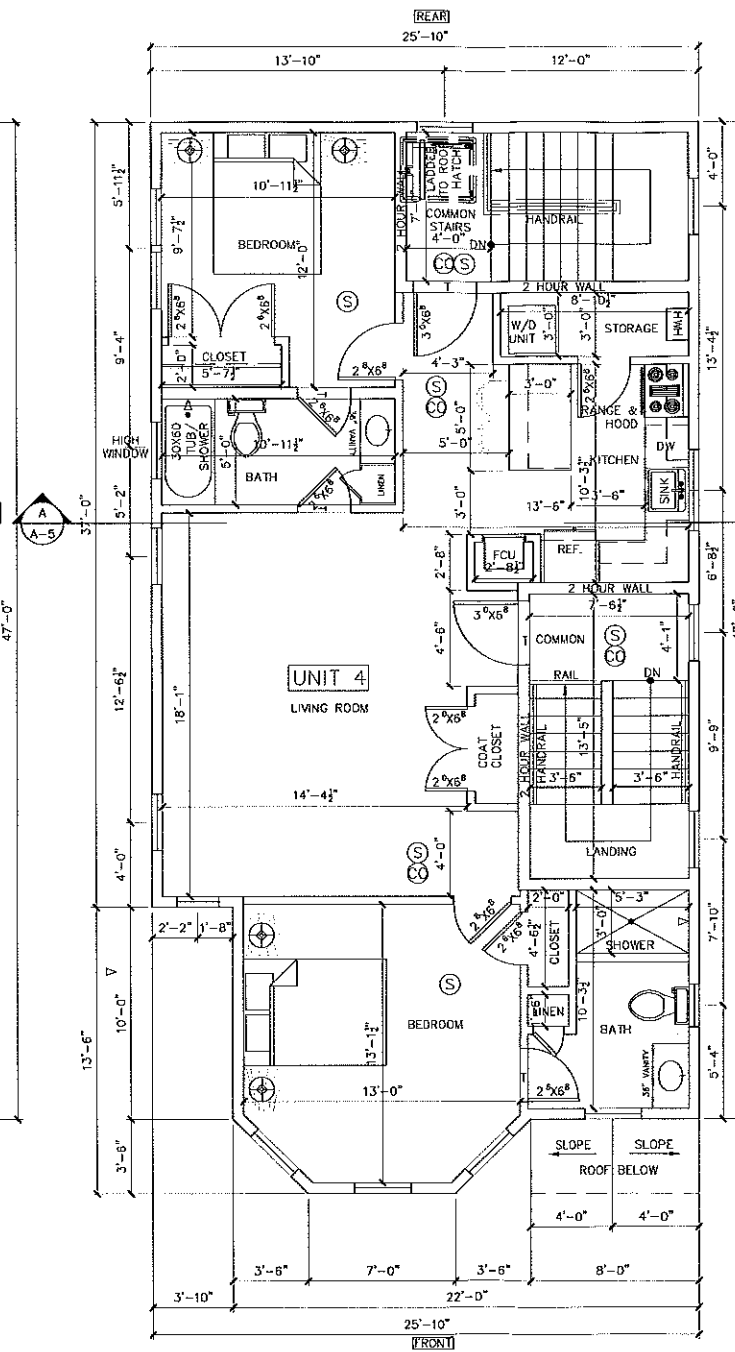
SECOND FLOOR PLAN
THIRD FLOOR PLAN
ROOF PLAN

Drawing

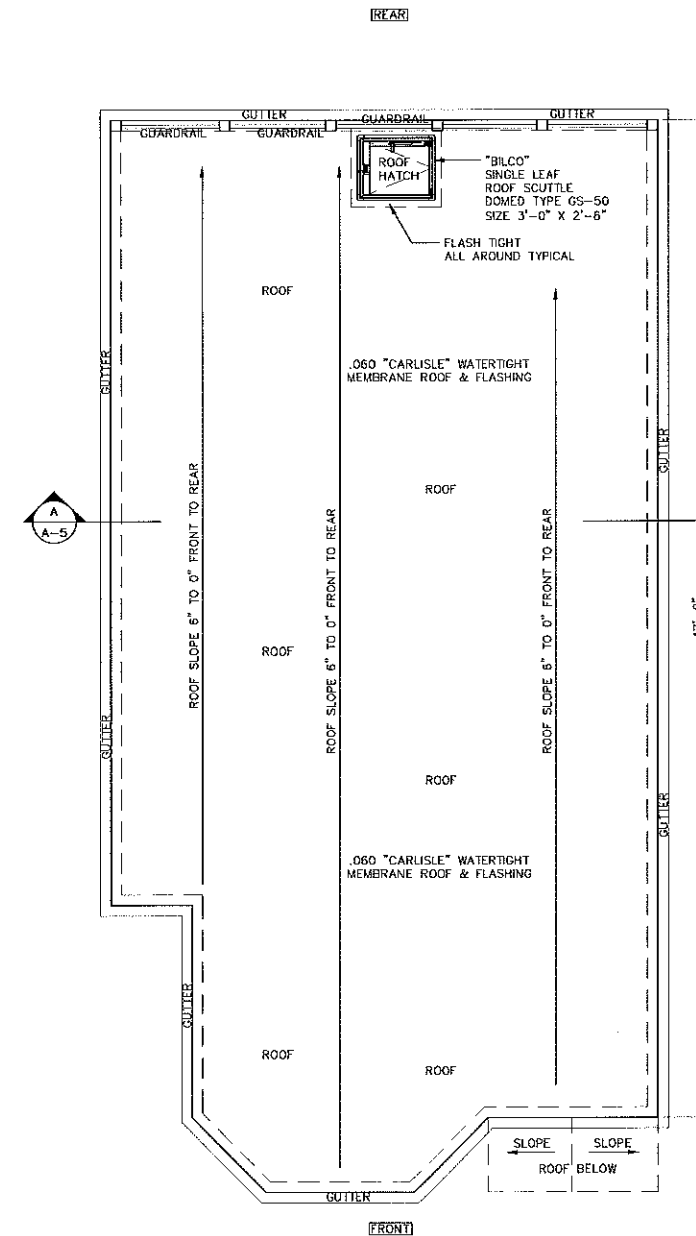
A-2



○ SECOND FLOOR PLAN
SCALE 1/4"=1'-0"
1,213 SQFT



○ THIRD FLOOR PLAN
SCALE 1/4"=1'-0"
1,213 SQFT



○ ROOF PLAN
SCALE 1/4"=1'-0"

General Notes :

Symbol



681 MAIN STREET
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PROGRESS PRINTS

Job Number: 20891.00

Scale: 1/4" = 1'-0"

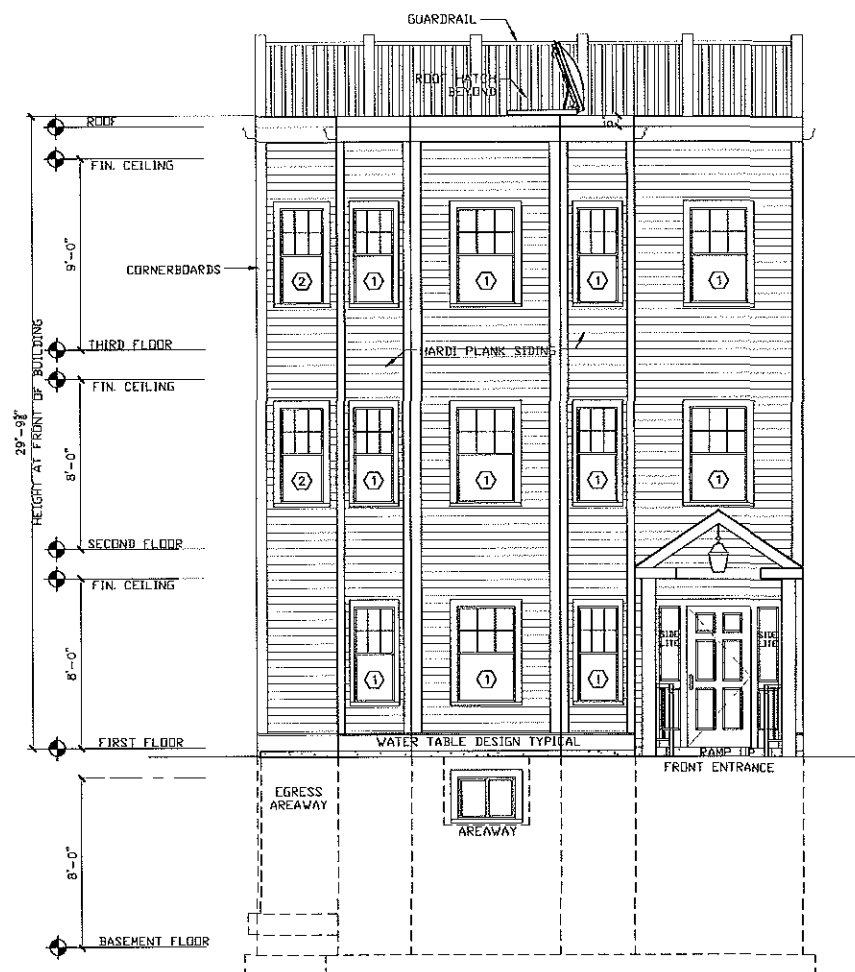
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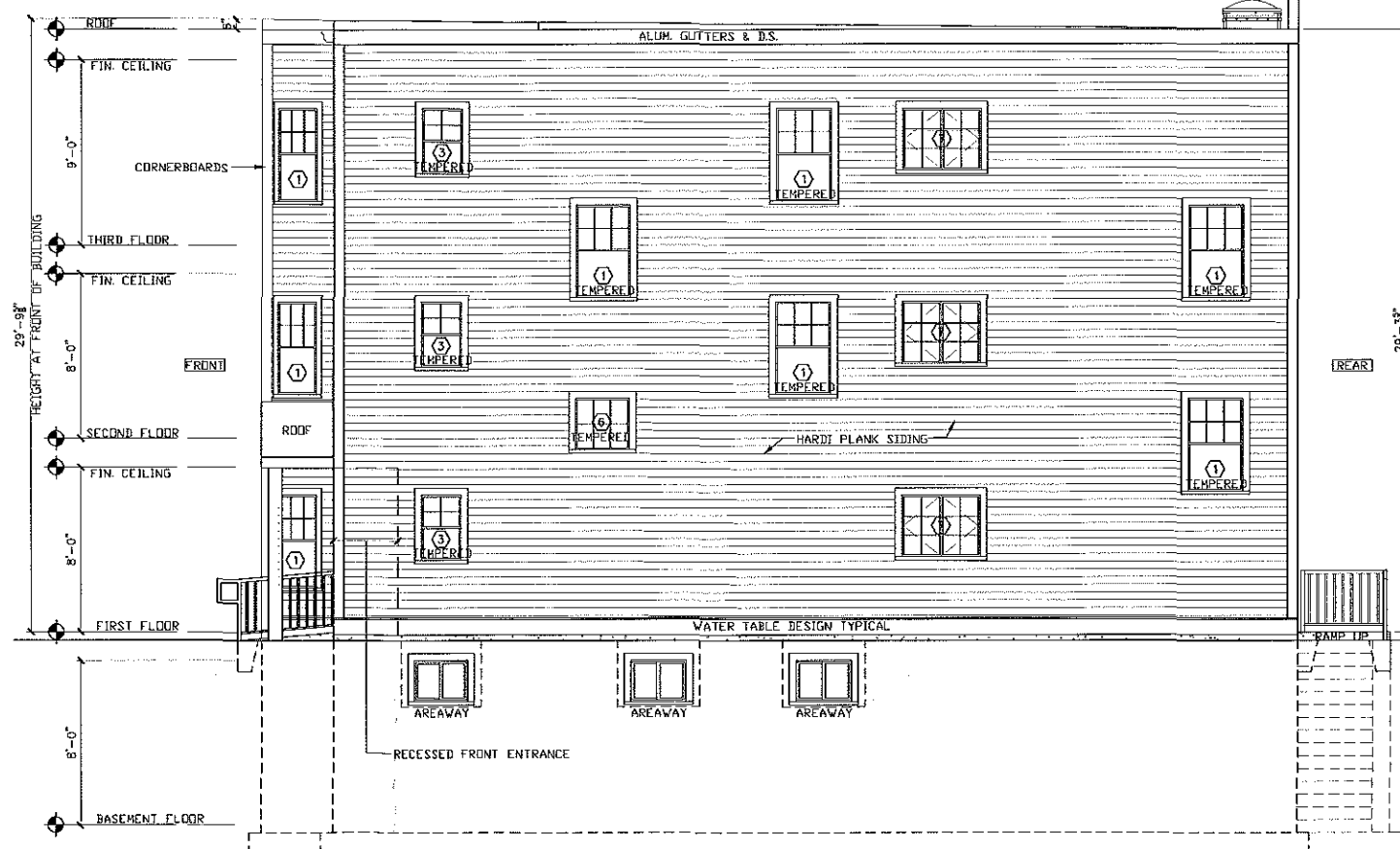
FRONT ELEVATION-
BERKSHIRE STREET
RIGHT SIDE ELEVATION

Drawing

A-3



○ FRONT ELEVATION - BERKSHIRE STREET
SCALE 1/4"=1'-0"



○ RIGHT SIDE ELEVATION
SCALE 1/4"=1'-0"

WINDOW SCHEDULE

SYMBOL	WINDOW SIZE	NOTES
①	2'-8"x4'-6"	DOUBLE HUNG WINDOW
②	2'-0"x4'-6"	DOUBLE HUNG WINDOW
③	2'-0"x3'-2"	DOUBLE HUNG WINDOW
④	2'-8"x3'-8"	DOUBLE HUNG WINDOW
⑤	2'-8"x2'-3"	AWNING WINDOW
⑥	2'-8"x2'-6"	CASEMENT WINDOW
⑦	3'-10"x3'-0"	CASEMENT WINDOW

GENERAL CONTRACTOR SHALL COORDINATE THE ROUGH OPENINGS OF WINDOWS AND DOORS AS PER THE SPECIFIC MANUFACTURER AS TO THE EXACT DIMENSIONS AND PLACEMENT WITHIN THE WALLS AND PARTITION- TYPICAL FOR ALL.

General Notes :

Symbol



681 MAIN STREET
WALTHAM, MA 02451
TEL./FAX: 781-647-5831

PROGRESS PRINTS

Job Number: 20891.00

Scale: 1/4" = 1'-0"

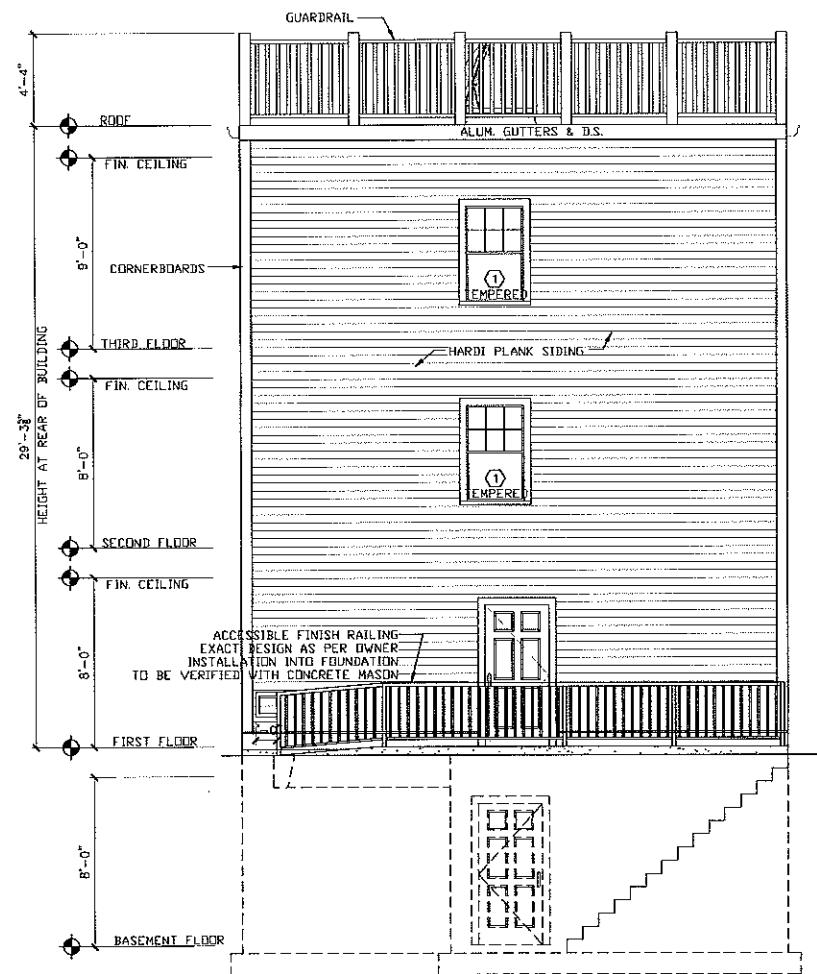
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05-31-17R

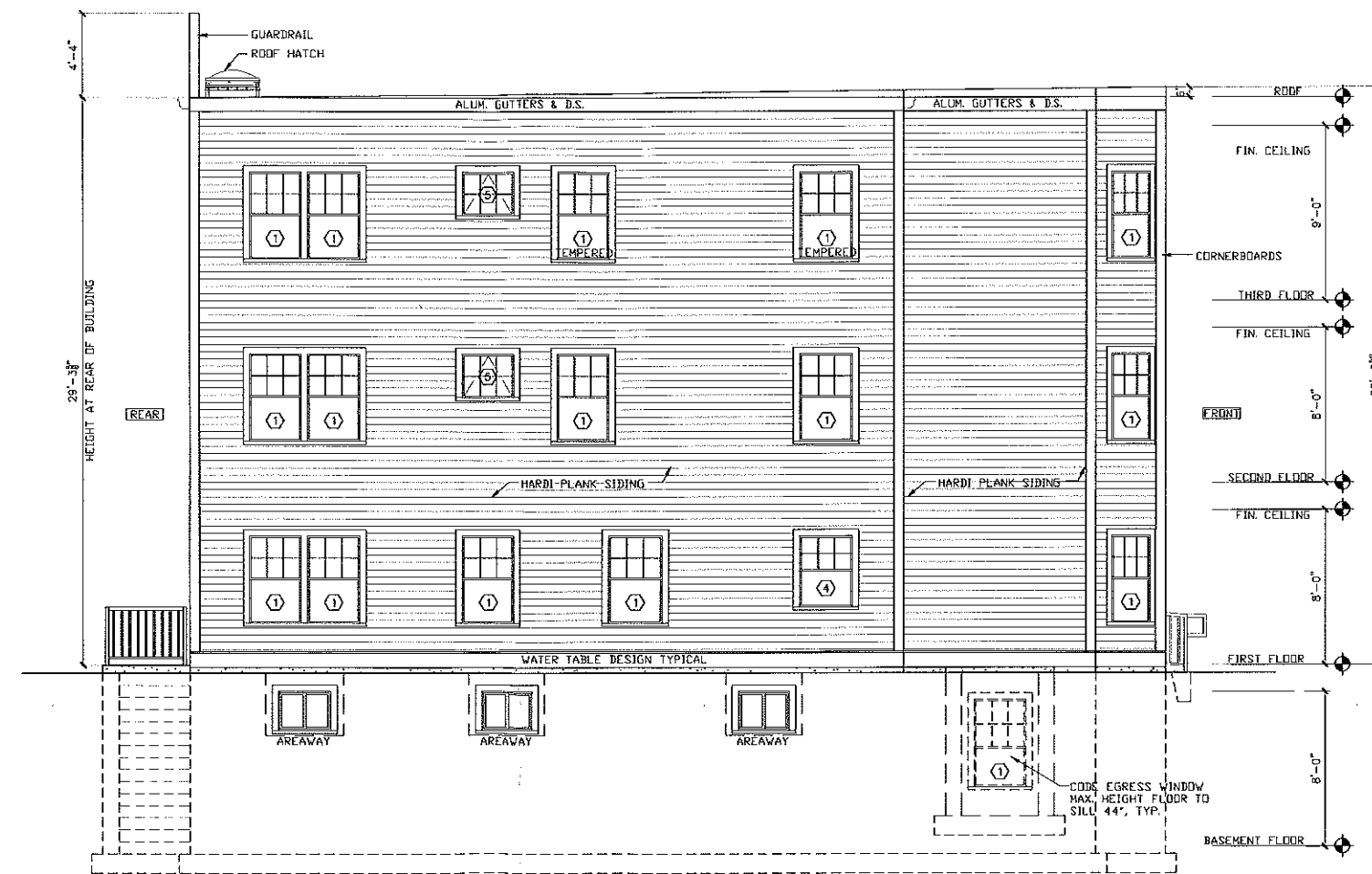
**REAR ELEVATION,
LEFT SIDE ELEVATION**

Drawing

A-4



REAR ELEVATION
SCALE 1/4"=1'-0"



LEFT SIDE ELEVATION
SCALE 1/4"=1'-0"

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①	2'-8"x4'-6"	DOUBLE HUNG WINDOW
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General Notes :

Symbol



681 MAIN STREET
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Job Number: 20891.00

Scale: AS NOTED

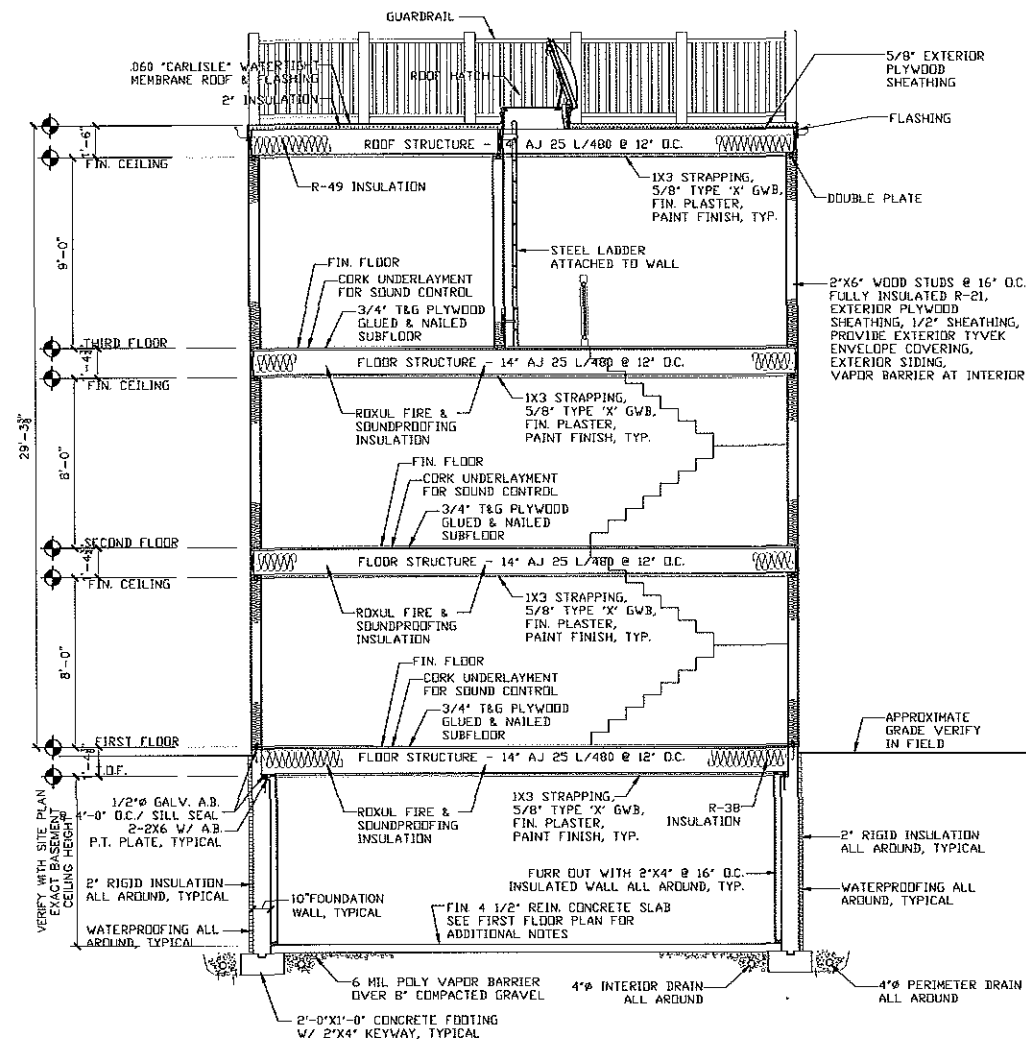
Date: 03-17-17

Revisions: 03-21-17
05-31-17R

TYPICAL CROSS SECTION
EGRESS AREAWAY DETAILS

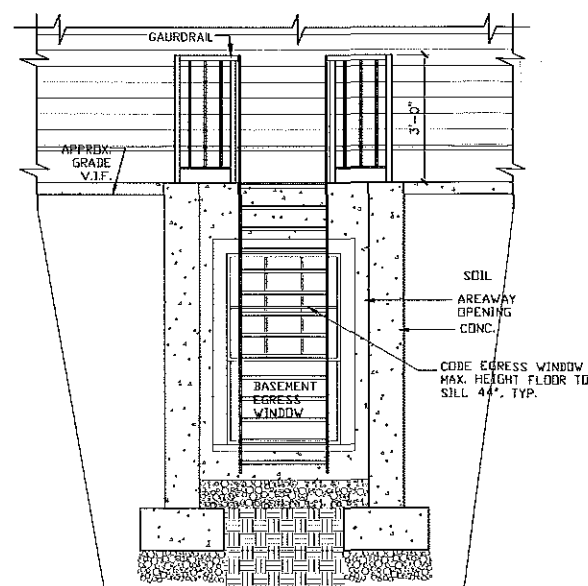
Drawing

A-5

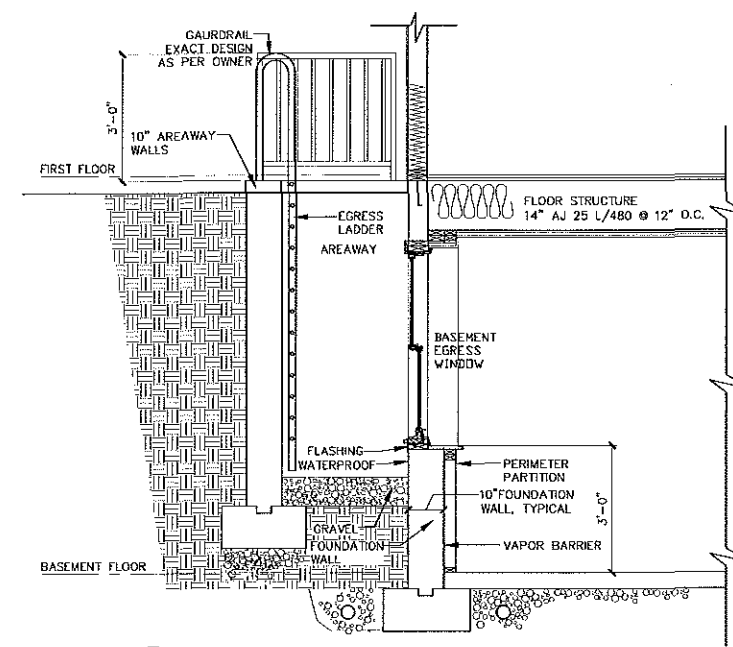


TYPICAL CROSS SECTION
SCALE 1/4"=1'-0"

- * TYPICAL HEADER LINTELS OVER WINDOWS & DOORS 2-2"x8"W/2-3" PLYWOOD CORE GLUED & NAILED OR 2-2"x10" W/2-1/2" PLYWOOD CORE, OR PROVIDE LAMINATED VERSALAM DESIGN LINTELS
 - * PROVIDE SIMPSON STRONG TIES CONNECTORS - HANGERS AT ALL JOININGS TYPICAL IE: RAFTERS TO RIDGES TO PLATES, TYPICAL
 - * EXACT MATERIALS, FINISHES/COLORS TO BE ALL AS DIRECTED BY OWNER, TYPICAL
 - * $f_b = 1500$ PSI MIN. ALLOWABLE STRESS IN EXTREME FIBER IN BENDING WOOD DIMENSIONAL LUMBER JOISTS & RAFTERS
 - * EXACT SIZES, LOCATIONS, DIMENSIONS OF LVL'S, BEAMS, ETC. SHALL BE VERIFIED WITH THE PRE-ENGINEERING COMPANY, WITH THE GENERAL CONTRACTOR, PROVIDE SHOP DRAWINGS FOR REVIEW BEFORE CONSTRUCTION FOR VERIFICATION IE: BOISE-CASCADE STANDARDS, VERSALAM TYPICAL
- NOTE:
EXACT STRUCTURAL FRAMING DESIGN AND DIMENSIONS, IE: LAMINATED BEAMS, JOISTS, ETC. TO BE AS PRE-ENGINEERED COMPANY IE: BOISE-CASCADE OR SIMILAR COMPANY. GENERAL CONTRACTOR TO REFER TO STRUCTURAL FRAMING DRAWINGS PROVIDED BY PRE-ENGINEERED COMPANY REGARDING ALL STRUCTURAL/FRAMING NOTES, DESIGN, AND SPECIFICATIONS



EGRESS AREAWAY SECTION
SCALE 1/2"=1'-0"



TYPICAL AREAWAY SECTION DETAIL
SCALE 1/2"=1'-0"

General Notes :

Symbol



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WALTHAM, MA 02451
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Job Number: 20891.00

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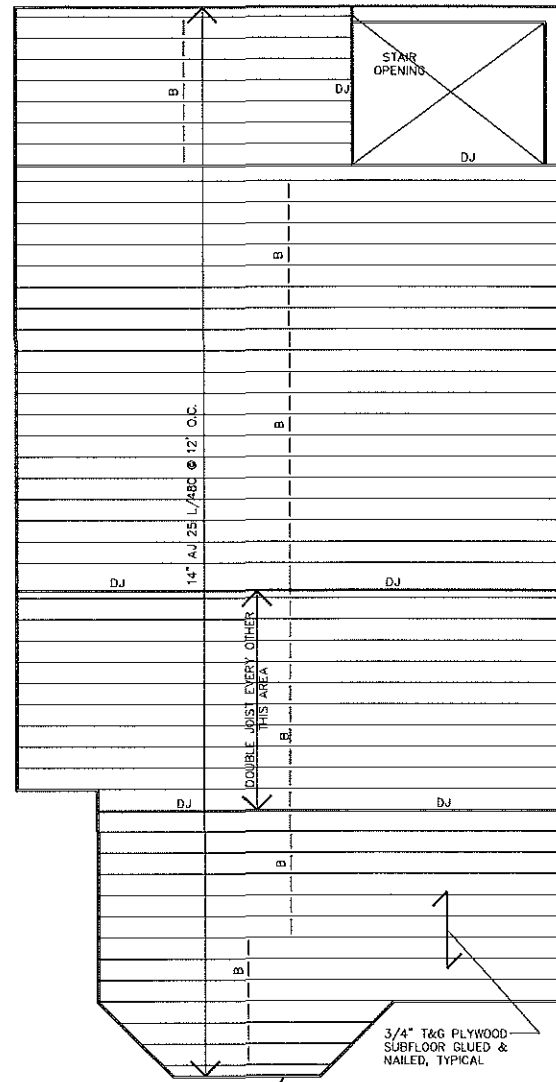
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Revisions: 03-21-17
05-31-17R

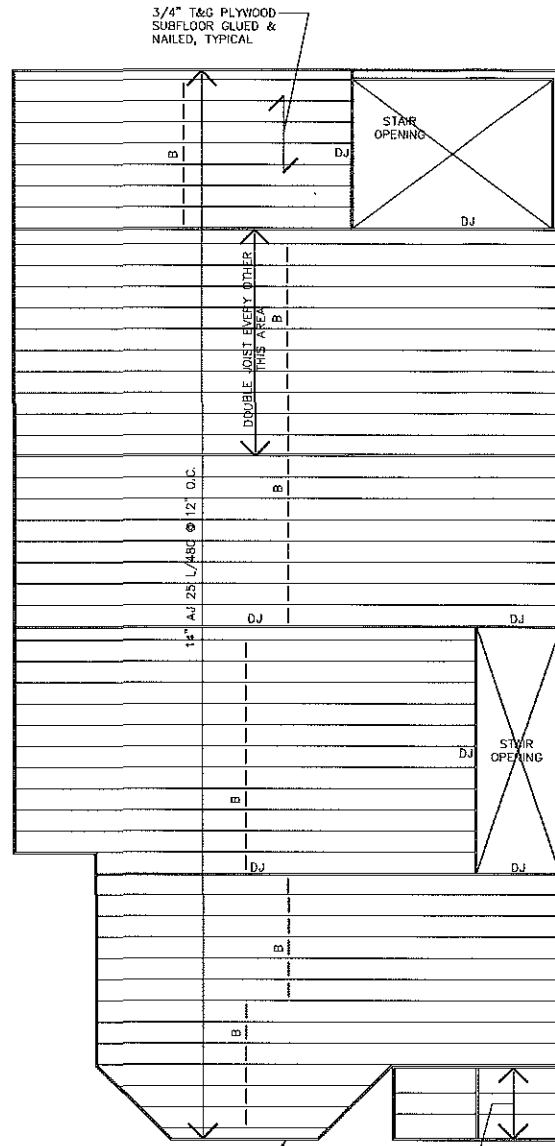
FRAMING PLANS

Drawing

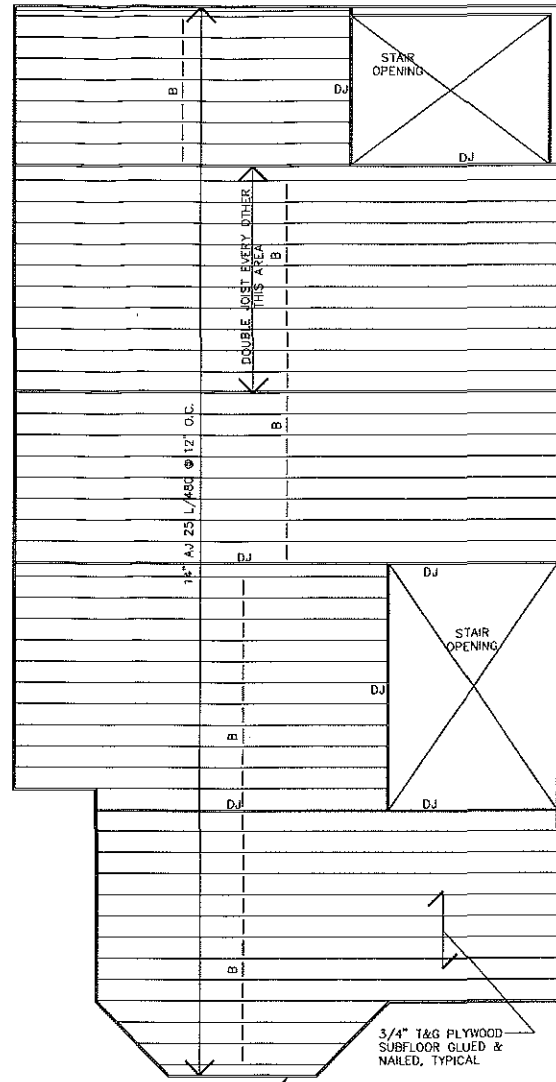
A-6



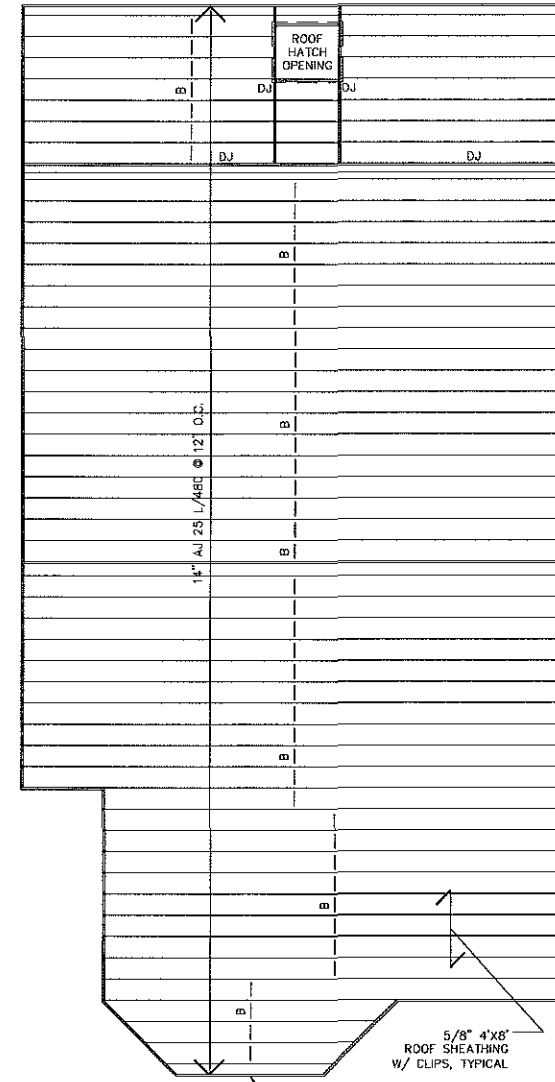
FIRST FLOOR FRAMING PLAN
SCALE 1/4"=1'-0"
ALL DIMENSIONS +
SUGGESTED METHOD OF FLOOR FRAMING



SECOND FLOOR FRAMING PLAN
SCALE 1/4"=1'-0"
ALL DIMENSIONS +
SUGGESTED METHOD OF FLOOR FRAMING



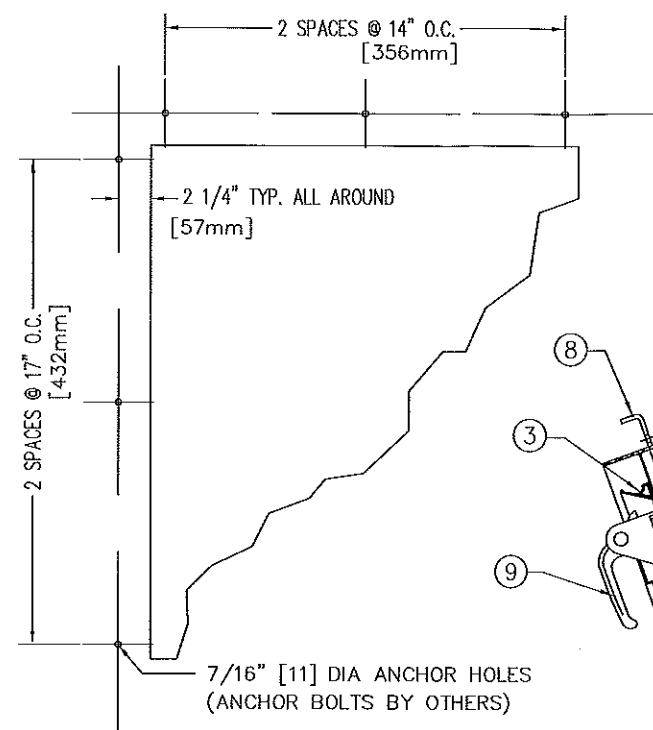
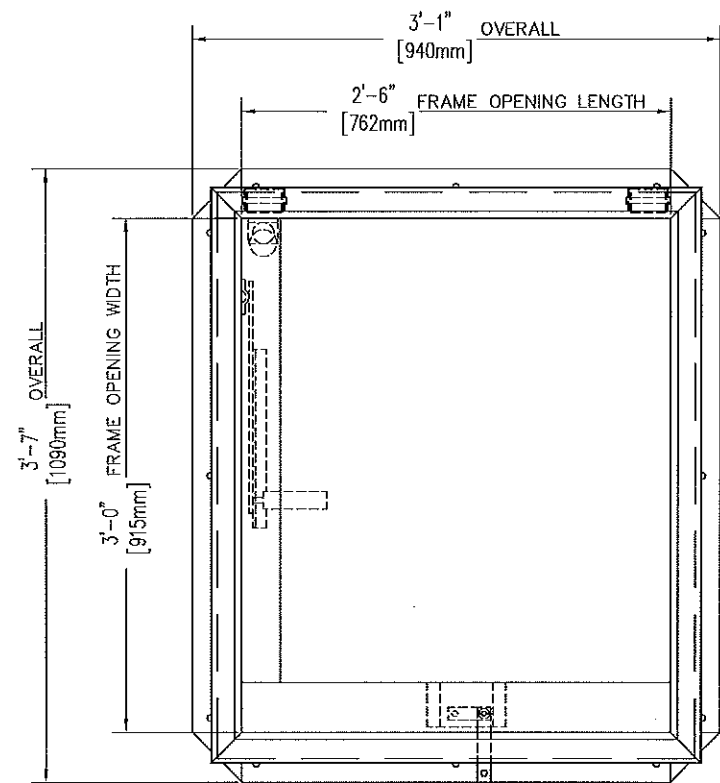
THIRD FLOOR FRAMING PLAN
SCALE 1/4"=1'-0"
ALL DIMENSIONS +
SUGGESTED METHOD OF FLOOR FRAMING



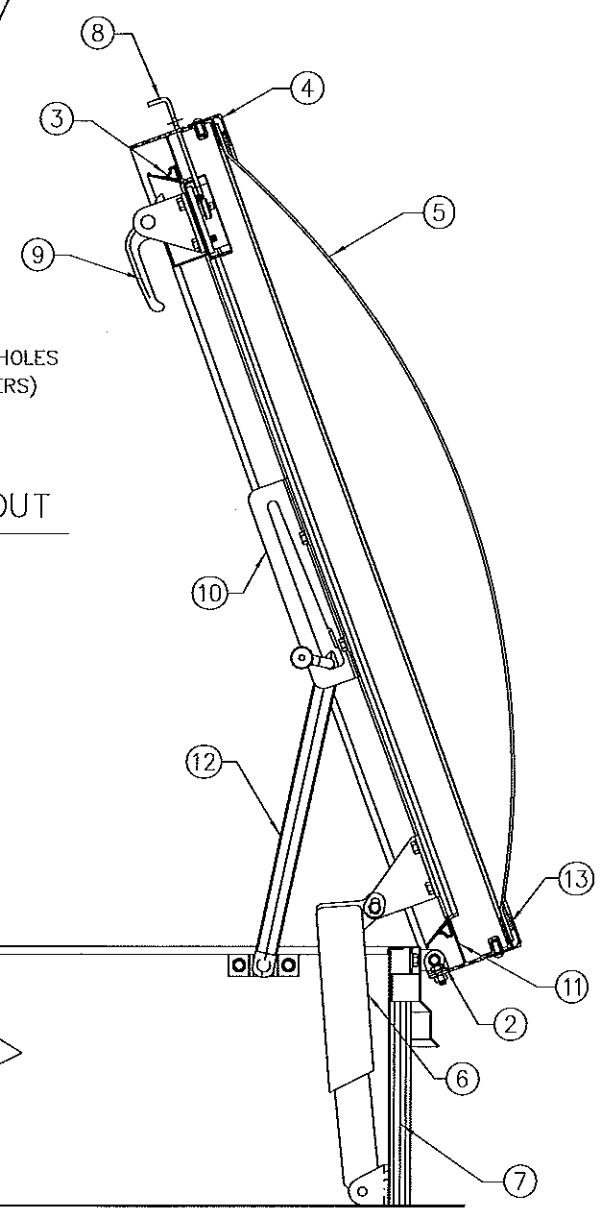
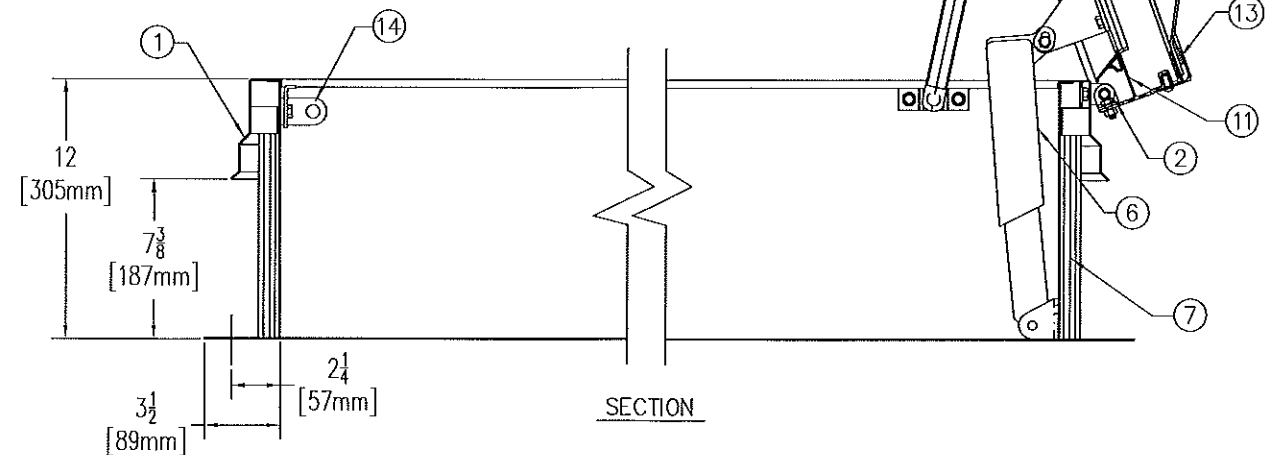
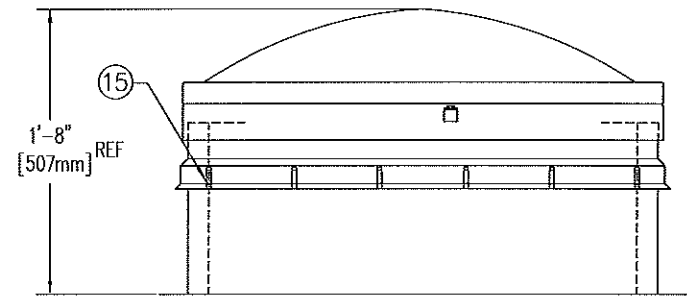
ROOF FRAMING PLAN
SCALE 1/4"=1'-0"
ALL DIMENSIONS +
SUGGESTED METHOD OF FLOOR FRAMING

- * TYPICAL HEADER LINTELS OVER WINDOWS & DOORS 2'-2"x8" W/ 2'-1/2" PLYWOOD CORE GLUED & NAILED OR 2'-2"x10" W/ 2'-1/2" PLYWOOD CORE, OR PROVIDE LAMINATED VERSALAM DESIGN LINTELS
- * PROVIDE SIMPSON STRONG TIES CONNECTORS - HANGERS AT ALL JOININGS TYPICAL IE, RAFTERS TO RIDGES TO PLATES, TYPICAL
- * EXACT MATERIALS, FINISHES/COLORS TO BE ALL AS DIRECTED BY OWNER, TYPICAL
- * $f_b = 1500$ PSI MIN. ALLOWABLE STRESS IN EXTREME FIBER IN BENDING WOOD DIMENSIONAL LUMBER JOISTS & RAFTERS
- * EXACT SIZES, LOCATIONS, DIMENSIONS OF LVL'S, BEAMS, ETC. SHALL BE VERIFIED WITH THE PRE-ENGINEERING COMPANY, WITH THE GENERAL CONTRACTOR, PROVIDE SHOP DRAWINGS FOR REVIEW BEFORE CONSTRUCTION FOR VERIFICATION. IE: BOISE-CASCADE STANDARDS, VERSALAM TYPICAL

NOTE:
EXACT STRUCTURAL FRAMING DESIGN AND DIMENSIONS, IE: LAMINATED BEAMS, JOISTS, ETC. TO BE AS PRE-ENGINEERED COMPANY IE: BOISE-CASCADE OR SIMILAR COMPANY. GENERAL CONTRACTOR TO REFER TO STRUCTURAL FRAMING DRAWINGS PROVIDED BY PRE-ENGINEERED COMPANY REGARDING ALL STRUCTURAL/FRAMING NOTES, DESIGN, AND SPECIFICATIONS



ANCHOR HOLE LAYOUT



SPECIFICATIONS

1. FRAME W/ CAPFLASHING (CORNERS FULL WELDED)
GS-50 - 11 GAUGE ALUMINUM
2. PINTLE HINGE
3. GASKET (ALL AROUND COVER)
4. EXTRUDED ALUMINUM COVER FRAME
5. POLYCARBONATE DOME (CLEAR)
6. LIFTING MECHANISM WITH REINFORCED COMPOSITE TUBES AND COMPRESSION SPRINGS
7. 1" RIGID FIBERBOARD INSULATION
8. OUTSIDE HANDLE W/PADLOCK HASP
9. INSIDE HANDLE W/PADLOCK HASP
10. ARM GUIDE BRACKET
11. CONDENSATE CHANNEL WITH DRAINAGE TO EXTERIOR
12. HOLD OPEN ARM W/ RED VINYL GRIP
13. BUTYL SEALANT
14. LOCK STRIKE & PADLOCK HASP
15. BILCLIP® FLASHING SYSTEM

SHOP FINISH:
ALUMINUM: MILL FINISH
HARDWARE: ZINC PLATED & CHROMATE SEALED
(UNLESS OTHERWISE SPECIFIED)

THIS PRODUCT MAY BE INSTALLED ON EITHER A FLAT OR SLOPING ROOF. WHEN INSTALLED ON A SLOPE, THE HINGE SIDE MUST RUN PARALLEL WITH THE SLOPE. IF SLOPE EXCEEDS 30°, ADVISE FACTORY FOR MODIFICATION.

CUSTOMER:

P.O. N°

JOB: *35-37 Berkshire St.*

SALES REP:

Manufacturers of Doors for Special Services
Bilco® THE BILCO COMPANY
New Haven, Connecticut 06505

**SINGLE LEAF ROOF SCUTTLE
DOMED TYPE GS-50
SIZE 3'-0" x 2'-6"**
WIDTH x LENGTH

QTY	TYPE	METAL
□	GS-50	ALUM. COVER/ALUM. FRAME

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