



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

BZA Application Form

BZA Number: 155115

General Information

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

Special Permit: X

Variance:

Appeal:

PETITIONER: Daniel P Anderson C/O Anderson Porter Design

PETITIONER'S ADDRESS: 1972 Massachusetts Avenue, Cambridge, MA 02140

LOCATION OF PROPERTY: 35 Webster Ave., Cambridge, MA

TYPE OF OCCUPANCY: residential single family

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

/Additions/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Increasing the height of building which further violates setbacks and addition of new openings in non-conforming wall setback.

SECTIONS OF ZONING ORDINANCE CITED:

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

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

Article: 10.000 Section: 10.40 (Special Permit).

Original
Signature(s):

(Petitioner (s) / Owner)

DANIEL ANDERSON

(Print Name)

Address:

APD 1972 MASS AVE CAMB 4R

Tel. No.

617 794 2371

E-Mail Address:

dan@andersonporter.com

Date: _____

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 Parviz Parvizi
(OWNER)

Address: 33-35 Webster Ave., Cambridge, MA 02141

State that I/We own the property located at 33-35 Webster Ave (Cambridge, MA)
which is the subject of this zoning application.

The record title of this property is in the name of Parviz Parvizi

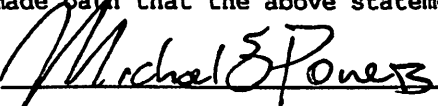
*Pursuant to a deed of duly recorded in the date _____, Middlesex South
County Registry of Deeds at Book _____, Page _____; or
Middlesex Registry District of Land Court, Certificate No. 276648
Book 1575 Page 61.


**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 Parviz Parvizi personally appeared before me,
this 17th of Nov, 2021, and made oath that the above statement is true.


Notary

My commission expires 5/26/28 (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 35 Webster Ave., Cambridge, MA (location) would not be a detriment to the public interest because:

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

The proposed project at 35 Webster proposes increasing the height of an existing structure and proposes new window openings within a non-conforming side yard setback. The proposed work represents an increase of surface area 0.25 percent. This work respects the district FAR and height limits. The proposed project significantly improves the overall quality and longevity of the structure and remains a single-family dwelling.

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

No increase in traffic is proposed. The project proposes access and egress with a new curb cut, driveway, and off-street parking. These changes will improve the current conditions and not cause congestion hazard, or detriment to the neighborhood character by adding off street parking where there is none currently.

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:

No change in the existing permitted residential use. The proposed project is consistent in use with the surrounding neighborhood and adjacent residential uses.

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:

No change in the existing permitted residential use will occur. The project will not create any nuisance or hazard to the detriment of health, safety or welfare of its occupants or citizens.

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 project will not impair the integrity of the district or otherwise derogate from the intent or purpose of this ordinance as it improves the overall

condition of the property, improves the access and parking, and is complementary to the character of the neighborhood.

***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:** Daniel P Anderson**Location:** 35 Webster Ave., Cambridge, MA**Phone:** 617 794 2371**Present Use/Occupancy:** residential single family**Zone:** Residence C-1 Zone**Requested Use/Occupancy:** residential single family

		<u>Existing Conditions</u>		<u>Requested Conditions</u>		<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		3179.55		3991.58		4017.75	(max.)
<u>LOT AREA:</u>		5375		5375		5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.59		0.74		0.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		2687.5		1785.7		1500	
<u>SIZE OF LOT:</u>	WIDTH	50		50		50	
	DEPTH	107.13		107.13		100	
<u>SETBACKS IN FEET:</u>	FRONT	4.1		4.1		10	
	REAR	51.9		21.8		21.8	
	LEFT SIDE	3.4		3.4		7.5	
	RIGHT SIDE	1.6		1.6		7.5	
<u>SIZE OF BUILDING:</u>	HEIGHT	31.3		35		35	
	WIDTH	52.71		41.42		41.42	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		64%		34%		30%	
<u>NO. OF DWELLING UNITS:</u>		2		3		3.57	
<u>NO. OF PARKING SPACES:</u>		0		3		3	
<u>NO. OF LOADING AREAS:</u>		0		0		0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		3		11.9		10	

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.:

two single family dwellings, wood frame construction

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'.

Pacheco, Maria

From: Zi Wang <ziwang.cs@gmail.com>
Sent: Sunday, January 23, 2022 8:38 PM
To: Pacheco, Maria
Cc: Singanayagam, Ranjit; Zondervan, Quinton; Ratay, Olivia; Leon Sun; Putnam, Andrew; DePasquale, Louie; Lefcourt, David; O'Riordan, Owen; Watkins, Kathy
Subject: Comments and Objections to CASE NO. BZA-155115 (BZA Application at 35 WEBSTER AVENUE)

Dear Board of Zoning Appeal and Cambridge city officials,

My name is Zi Wang, owner of 6 Lilac Ct and an 8-year resident of Cambridge, together with my husband, Yuliang Leon Sun. We are writing to provide comments and raise concerns/objections to CASE NO. BZA-155115, the construction plan at 33 WEBSTER AVENUE by PARVIZ PARVIZI – C/O DANIEL ANDERSON, ARCHITECT (refer to as "the developer" henceforth).

In the BZA application CASE NO. BZA-155115, we found that the supporting statement is insufficient and inaccurate especially on the required tree study and reasons that "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". Our comments are detailed below.

1. The proposed construction plan will negatively impact two trees: 1) alongside the public walkways on Webster Ave and 2) a big American Elm tree that stands on the border of 5 Lilac Ct and 33-35 Webster Ave. The American Elm tree's main trunk is 3-4 ft. wide in diameter with the canopy reaching at least 40 ft. wide in diameter covering 3 adjacent properties including 5, 6, and 7 Lilac Ct. Below are the reasons for our concerns and the developer's violations to existing city regulations on tree protection for the big American Elm tree.

- When the developer shared his initial construction plan, we consulted Dr. Qiang Sun, a professor of plant biology at the University of Wisconsin-Stevens Point to understand the potential impact of the construction on the big American Elm tree between 5 Lilac Ct and 33-35 Webster Ave. Based on his expert opinion, we learned that given the shallow root system of the elm tree family, the proposed construction including pruning of the root system as well as its canopy will result in the loss of stability. This can consequently result in short- and long-term potentials to **cause property and personal harm** if such a big tree is uprooted and falls during a natural event. We are especially concerned by the proposed root pruning given that it will selectively occur on the property of 33-35 Webster Ave which will result in loss of the tree's ground attachment, potentiating a fall on our property at 6 Lilac Court which is directly opposite to the site of root pruning.
- This proposed plan violates [Cambridge, Massachusetts - Zoning Ordinance ARTICLE 10.000 - APPEALS, VARIANCES, AND SPECIAL PERMITS 10.47.1 \(8\)](#): "Applications for special permits shall be accompanied by three copies of a development plan containing the following graphic and written information: ... (8) **A Tree Study**, certified complete by the City Arborist, as required by the Tree Protection Ordinance of the City of Cambridge, Chapter 8.66."
- We reached out to Councilor Quinton Y. Zondervan who forwarded us a tree protection plan submitted by the developer (33-35 Webster Tree Protection Plan.pdf attached) after requested. However, the plan does not seem to meet the definition of a tree study or a tree protection plan specified in [the Tree Protection Ordinance of the City of Cambridge - 8.66.030 - Definitions](#).
- Despite having a tree protection plan, the developer DID NOT adhere to his protection plan nor await the approval of the protection plan by the BZA, and **has already completed cutting the roots of the elm tree during the December holiday** at the end of 2021 (root_excavation_email_picture.pdf attached). This violates [the Tree Protection Ordinance of the City of Cambridge](#) and [THE DIG SAFE LAW IN MASSACHUSETTS](#).
- 33-35 Webster Tree Protection Plan.pdf, although insufficient, outlined some solutions to improve stability of the big American Elm tree. This involves asking consent from all surrounding neighbors with overhanging

canopy to access their properties and prune the tree branches. Despite the developer's quick move to excavate the tree roots, the developer DID NOT ask us about pruning tree branches.

- The developer mentioned to us about the dead trees located north of 7 Lilac Ct (on common use land of Lilac Ct) and how one of them might have been affected by the Dutch Elm disease according to the arborists he consulted. While those two trees were dead for years, the American Elm tree has remained healthy. The proposed pruning as part of the current construction plan will decrease the natural immunity of the tree (akin to a 'limb amputation' or a 'severe injury', as described by Dr. Sun) and will likely increase the susceptibility of the tree to opportunistic diseases. In our discussion, the developer told us verbally that he planned to remove those two dead trees and we also agreed that it would be his responsibility to do so. As of today, there are no concrete plans to remove the dead trees.
- unsafe_digging.jpeg (picture taken on Sep 30, 2021) shows that the developer dug a hole to reach the water table (at least 6 feet deep) without a visible permit, likely violating [THE DIG SAFE LAW IN MASSACHUSETTS](#) and [the Tree Protection Ordinance of the City of Cambridge](#).

2. Impact on mental and physical health on surrounding neighbors.

- The proposed plan will further diminish sunlight in the surrounding neighborhood due to the close proximity of buildings. From October to March every year, the main source of sunlight is from the south (see [sunlight analysis](#)), including south west and south east. The winter period is also when depression and seasonal affective disorder are most prevalent in the city filled with students and professionals with stressful lifestyles. Depression, especially seasonal affective disorder, can be directly caused by lack of sunlight. The construction of the new dwelling (referred to as UNIT 37 in the application) is **above the MAX. ALLOWABLE BUILDING HEIGHT** and will lead to a **daily loss of ~2 hours of sunlight** at our property.
- The height increase of the two existing buildings will violate setbacks and block a large proportion of surrounding properties' sunlight from the south. Note that the new constructions at 45 Webster Ave (4 units in total; north of 33-35 Webster Ave) are not sold yet and the potential owners will not have an opportunity to object to this proposed plan. The senior couple at 28 Bristol St (also north of 33-35 Webster Ave) right now are unable to respond due to private issues.
- Basement excavation will lead to severe shaking of nearby properties. We experienced it when 45 Webster Ave was undergoing digging in 2020-2021, and the house was experiencing periodic 'small earthquakes' during that excavation. 33-35 Webster Ave is much closer to our property and we worry that it can cause visible and invisible structural damage to our property. As someone who works from home during the ongoing COVID19 pandemic, I strongly oppose the current plan of CASE NO. BZA-155115 due to safety concerns. The developer also needs to have a noise control plan and detail the potential disturbances to neighbors during construction in the application.

3. There exist alternative plans that more efficiently make use of the land while resolving most of the issues raised above.

- The two existing dwellings currently already violate setbacks. The developer proposes to significantly increase the height of these two buildings including raising the roofing structures and conversion to a roof-top deck. While we understand the practical and economical reasons to not enforce setback rules on existing buildings, we believe it is in the interest of the city to not allow building on top of these non-conforming building. **Approving such construction plans will likely set a dangerous example and worsen the problems the Zoning Ordinance was designed to prevent.**
- We urge the committee to consider alternative construction plans and guidelines for the above reasons including revisiting construction of the two existing units and construction of the entirely new third unit. Despite ongoing discussion of the above concerns with the developer, while awaiting this hearing, the developer has already proceeded with initial steps of construction including applying for driveway curbs and completion of root excavation (see root_excavation_email_picture.pdf). The developer references the architect DANIEL ANDERSON and their experience developing in the region when concerns were raised.
- While we cannot fully appreciate the limitations of construction, below are some ideas that could evolve to a feasible alternative plan to resolve issues mentioned above.
 - Demolish the two existing buildings that violate setbacks; build a single multi unit dwelling that respects setbacks and potentially makes use of part of the existing basement structure. This will also allow parking in the back of the property.
 - Note that there is only a 812 sq. ft. difference in TOTAL GROSS FLOOR AREA from "requested conditions" to "existing conditions". Within the 812 sq. ft., the developer added two indoor parking garages totalling about 444 sq. ft.. If for economical reasons, the existing two non-conforming

dwellings need to be kept, the same 812 sq. ft. difference can be added by adding a new dwelling with a first floor of two-car garage (406 sq. ft.), a second floor of 406 sq. ft. living area and no basement. This new building can be located away from the big American Elm tree and its no-basement structure can also prevent potential damage to other tree roots. The construction of a new building without a basement can also alleviate issues raised above on 'small earthquakes' during that excavation. The 2-story building will reduce impact on sunlight access as well. Meanwhile, no structural changes will be needed for the existing two non-conforming dwellings.

- If only one dwelling needs to be kept, then the other one can be demolished and a new dwelling can be established on top of the demolished one while obeying all regulations.

4. Other miscellaneous issues.

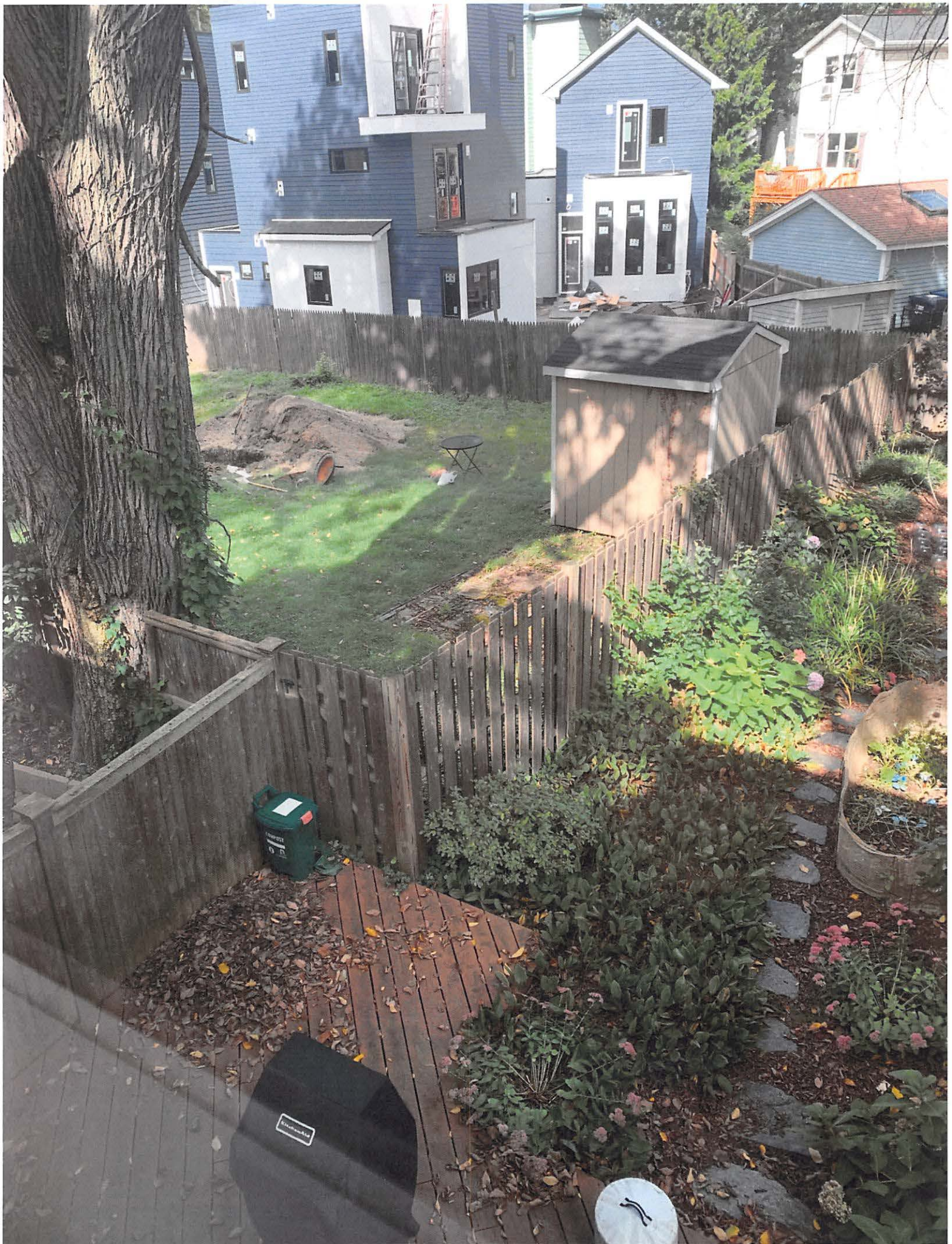
- Can we get an explanation on why the balcony is exempted from GROSS FLOOR AREA of Unit 37? The BZA application says that "3' MIN. CLEAR O.C. FOR STRUCTURAL ELEMENTS, PER 20.53", but 20.53 of the Zoning Ordinance does not have corresponding regulations.
- The GROSS FLOOR AREA in this BZA application does not include any basement floor area. However, it is unclear that all basements can be exempted: their heights are not labeled to be within 7' in height and this lot of 33-35 Webster Ave is no longer a single-family or two-family home. Can we get the heights of all floors (including basement and attic space) proposed to ensure they comply with existing regulations?
- The following information in this BZA application is incomplete but required by 10.47.1 of [Cambridge, Massachusetts - Zoning Ordinance ARTICLE 10.000 - APPEALS, VARIANCES, AND SPECIAL PERMITS](#).
 - (3) Photographs showing conditions on the development parcel at the time of application and showing structures on abutting lots.
 - (5) Front, side and rear elevations for each structure on the lot indicating building height and heights of buildings on abutting lots.
- The roof areas / 4-th floors of Unit 37 and Unit 33 both appear to be unroofed balconies above the third floor. By [Cambridge, Massachusetts - Zoning Ordinance ARTICLE 2.000 - DEFINITIONS](#), they may also have to be included in GROSS FLOOR AREA.
- Why are the indoor garages not included in the GROSS FLOOR AREA? The exemption in [Cambridge, Massachusetts - Zoning Ordinance ARTICLE 2.000 - DEFINITIONS](#) says that "Gross Floor Area shall include: ... (g) Area of parking facilities in structures except as excluded in (2) below ... (2) Area of parking facilities in structures located underground and the area of on grade open parking spaces outside the building footprint at or below the maximum number permitted on the premises as set forth in Sections 5.25 and [6.30](#)". The proposed indoor parking garages are NOT underground, nor are they on grade open parking spaces.
- The proposed SOUTH ELEVATION - UNIT 33 has a 2-story high attachment that acts like a 2-story fence. However, the installation of such an attachment fence poses security dangers to nearby units. In fact, this attachment fence was not present when the developer first presented his plan to us. Therefore, we are opposed to this attachment fence. Such a partially enclosed space is also not clearly defined to be excluded from the GROSS FLOOR AREA.

Thank you in advance for your consideration.

Zi & Leon

--

Zi Wang, Ph.D.
Research Scientist @ Google
<https://ziw.mit.edu/>





Hartney Greymont
433 Chestnut St
Needham, MA 02492-2822
Phone: (781) 726-2280
Fax: (781) 455-6698
Email: jweksner@hartney.com



Client

8/24/2021

Parviv Parvizi
33 Webster Ave
Cambridge, MA 02141-1931

Elm Macro Injection (Arbotect)

May - Sep

Arbotect Elm Program - Large elm at the back right of the property will be injected with Arbotect fungicide to help protect against Dutch elm disease infection. This treatment should provide two years of protection.

*Neighbor's consent required to access their property to perform this treatment on their side of the tree.

Growth Regulator - 3 year

Apr - Nov

Growth Regulator - A growth regulator will be applied to the elm tree at the back right of the property. This product will help the tree conserve resources typically dedicated to woody tissue growth. This will manifest in smaller, glossier leaves, shorter than average twig elongation, and increased fibrous root production. It will be active in the tree for 3 years and should not require re-application during that period.

*Neighbor's consent required to access their property to perform this treatment on their side of the tree.

Fert w/ Arbor GreenPRO (1yr)

Mar - Aug

A liquid, slow-release fertilizer will be applied to the elm at the back right of the property. This fertilizer will promote vigor and help support overall plant health.

*Neighbor's consent required to access their property to perform this treatment on their side of the tree.

Tree Pruning

Winter

Elm at the back right corner of the property will be pruned to improve structure. Reduction and removal cuts 2-6" in diameter will be made throughout the canopy to eliminate excessive weight and help promote resilience to storm damage. This will also help provide 10-15' of clearance from surrounding structures. Deadwood 2" in diameter or greater will be removed.

*This work will require consent from all surrounding neighbor's with overhanging canopy to access their property in order to lower and remove brush.

Excavate Root Crown w/AirSpade

Mar - Nov

A crew will use an air tool to excavate suspected areas of impact under the elm tree ahead of any mechanical digging. Exposed roots will be cut cleanly with sharp tools to increase likelihood of regeneration and minimize stress.

*Exposed roots should be covered as soon as possible to prevent desiccation.

*This work is best done in late October or November to minimize stress on the tree that could lead to Dutch Elm Disease.



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Client

8/24/2021

Parviv Parvizi
33 Webster Ave
Cambridge, MA 02141-1931

PHC Inspection (T&S Pest)

Jun - Sep / 2022

Elm at the back right of the property will have a systemic miticide applied to help control mites.

*Neighbor's consent required to access their property to perform this treatment on their side of the tree.

ArborTrack Monitor Program

Mar - Nov / 2022

The ArborTrack Program would involve regularly scheduled visits from a trained plant healthcare technician to monitor the large elm tree at the back of the property through and/or post construction. Visits would take place monthly during the growing season and would include a detailed written report following each visit regarding the current health of the tree as well as any future threats or issues, or opportunities for improvement.

*Recommended 8 visits (April - November)



Parviz Parvizi

to Yuliang, me ▾

Hi Zi and Leon,

Hope you enjoyed the holidays and are off to a wonderful 2022. It was good to speak with you in December. I wanted to follow up on the points you brought up in your note.

1. Elm tree

a. Tree roots. My arborists air spaded several feet into the ground to create a trench along the excavation line for the new building and pruned the tree roots along the entire excavation perimeter facing the tree last month. Since the excavation will occur beyond where the roots have already been pruned, it will not affect the roots regardless of what time of year construction occurs. Also, having had a chance to physically observe the root structure

as part of their work, the arborists reiterated their earlier conclusion that structural stability is not a risk that the tree in the context of my plan poses. The air spading and root pruning at my own cost based on a plan developed in August, which I shared with you on December 1st, and there was no regulatory requirement for me to do so. I did it because it was the right thing to do and did not seek contributions to defray the cost from you or the neighborhood -- the elm tree is wonderful and I see myself as its steward for the benefit of all of us.

b. Fungicide. Thank you for bringing this up. I have mentioned it to my arborists and, before any injections occur, I will have them share with me how they are accounting for your points. Depending on what they say, I could see a scenario in which it could well make sense to skip the fungicide altogether.

c. Tree failure contingency. There is established law on this topic and I maintain a \$1m liability insurance policy. I'm happy to discuss further if helpful.

2. Alternative plan suggestions. Thank you for taking the time to share your alternative plan. I reviewed it carefully and several threshold challenges emerged: it appears to contemplate a triple-wide curb cut that would require removal of a city tree with garage parking that flows directly out into the street without any turnaround area for cars; the new building expansion appears to encroach into the side setback; and a phased effort that extends construction across two years could be disruptive for the neighborhood. For the above reasons, and potentially others that I did not surface upon my initial review, these suggestions do not initially appear to be workable -- even though that does nothing to diminish my appreciation and respect for the effort and consideration you undertook to share them.

On the planning front, I have been working with Anderson Porter Design, a firm based in Cambridge that has decades of experience working in our community. Dan Anderson is a longtime Cambridge resident who earned his architecture degree at Harvard and Bill Porter was the Dean at MIT's School of Architecture. Sensitivity to context is an area where Dan and his team especially excel and I think that they have brought a great deal of expertise and sound judgment to bear in developing the plan that we have.

If it's helpful to catch up and discuss anything, let me know some times that are convenient for you and I would love to do so.

Best,

Parviz

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Parviz Parvizi

+1 617.595.8116

pparvizi@gmail.com

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Wed, Jan 5, 1:41 PM ☆ ↩ ⋮



Picture taken on Jan 6, 2022.

Board of Zoning Appeal
831 Mass Avenue, Cambridge, MA

Dear Secretary and Zoning Board Members,

Case Numbers: BZA-155114, BZA-155115 & BZA-155116

My husband and I have owned 5 Lilac Ct since 2005, a residence directly abutting the proposed new building set at 35 Webster Ave. We oppose Mr. Parvizi's request for special permits and allowing him his requested variances from established precedents in the city and neighborhood we love.

	Request	Reason for Opposition
BZA-155114	Special Permit: To increase the height of building which further violates setbacks and addition of new openings in non-conforming wall setback.	• Setbacks are set in land law to prevent owners from crowding their neighbors and neighborhoods, ensure views, light and ventilation are sufficient and shared among neighbors. There is no justification for it and it would be unfair to preferentially award a setback exception to this applicant at the expense of a neighbor/abutter, including us and our neighbors. • Approving such a permit would allow construction of a non-confirming property that is out of character with the neighborhood. • An approval would set a new precedent for future construction in Cambridge. • The height of the building will interfere with light on the pathway and road and interfere with the reasonable fair use and enjoyment of the abutters' properties including ours. • There does not appear to be adequate justification to waive expectations that the applicant conforms with existing standards and precedents that guide the consistency, look and feel of the neighborhood.
BZA-155115	Special Permit: To increase the height of building which further violates setbacks and addition of new openings in non-conforming wall setback.	• Setbacks are set in land law to prevent owners from crowding their neighbors and neighborhoods, ensure views, light and ventilation are sufficient and shared among neighbors. There is no justification for it, and it would be unfair to preferentially award a setback exception to this applicant at the expense of a neighbor/abutter, including us and our neighbors. • Approving such a permit would allow construction of a non-confirming property that is out of character with the neighborhood. • An approval would set a new precedent for future construction. • The height of the building will interfere with light on the pathway and road and interfere with the reasonable fair use and enjoyment of the abutters' properties including ours.

**BZA-
155116**

Variance: To construct a new single-family structure with areaway and guardrail construct within the side yard setback.

- There does not appear to be adequate justification to waive expectations that the applicant conforms with existing standards and precedents that guide the consistency, look and feel of the neighborhood.
- Setbacks are set in land law to prevent owners from crowding their neighbors and neighborhoods, ensure views, light and ventilation are sufficient and shared among neighbors. There is no justification for it, and it would be unfair to preferentially award a setback exception to this applicant at the expense of a neighbor/abutter, including us and our neighbors.
- Approving such a variance would allow construction of a non-confirming property that is out of character with the neighborhood.
- The proximity to the fence lines of the abutters coupled with the height of the structure will unfairly restrict and reduce sunlight into the adjoining homes.
- An approval would set a new precedent for future construction.
- The height of the building will interfere with light on the pathway and road and interfere with the reasonable fair use and enjoyment of the abutters' properties including ours.
- The proposed windows will introduce a new view into the adjoining properties where those occupants have enjoyed comparative privacy and create new costs.
- The construction introduces meaningful risk to the large and rare American Elm tree that brings character to several of the abutting houses, including ours. If the tree and its roots are damaged by the construction and its survival is impeded by the necessary reduction in its root distribution, then the loss of the tree would be a preventable travesty to the community. There is reasonable justification for fear that the construction would have this predictable effect. The tree protection plan submitted by the applicant extends only one year, and the zoning board will have no capacity to hold the applicant accountable if he defaults on the submitted plan. A tree that does not survive this applicant's construction with its known and predictable risks to the roots and health of the tree could fall onto one of the local structures causing risk to persons and property if the application for an exception and variance is approved. What is more, any damage to the tree caused by the applicant's destruction might not be detectable for years.
- There does not appear to be adequate justification to waive expectations that the applicant conforms with existing standards and precedents that guide the consistency, look and feel of the neighborhood.

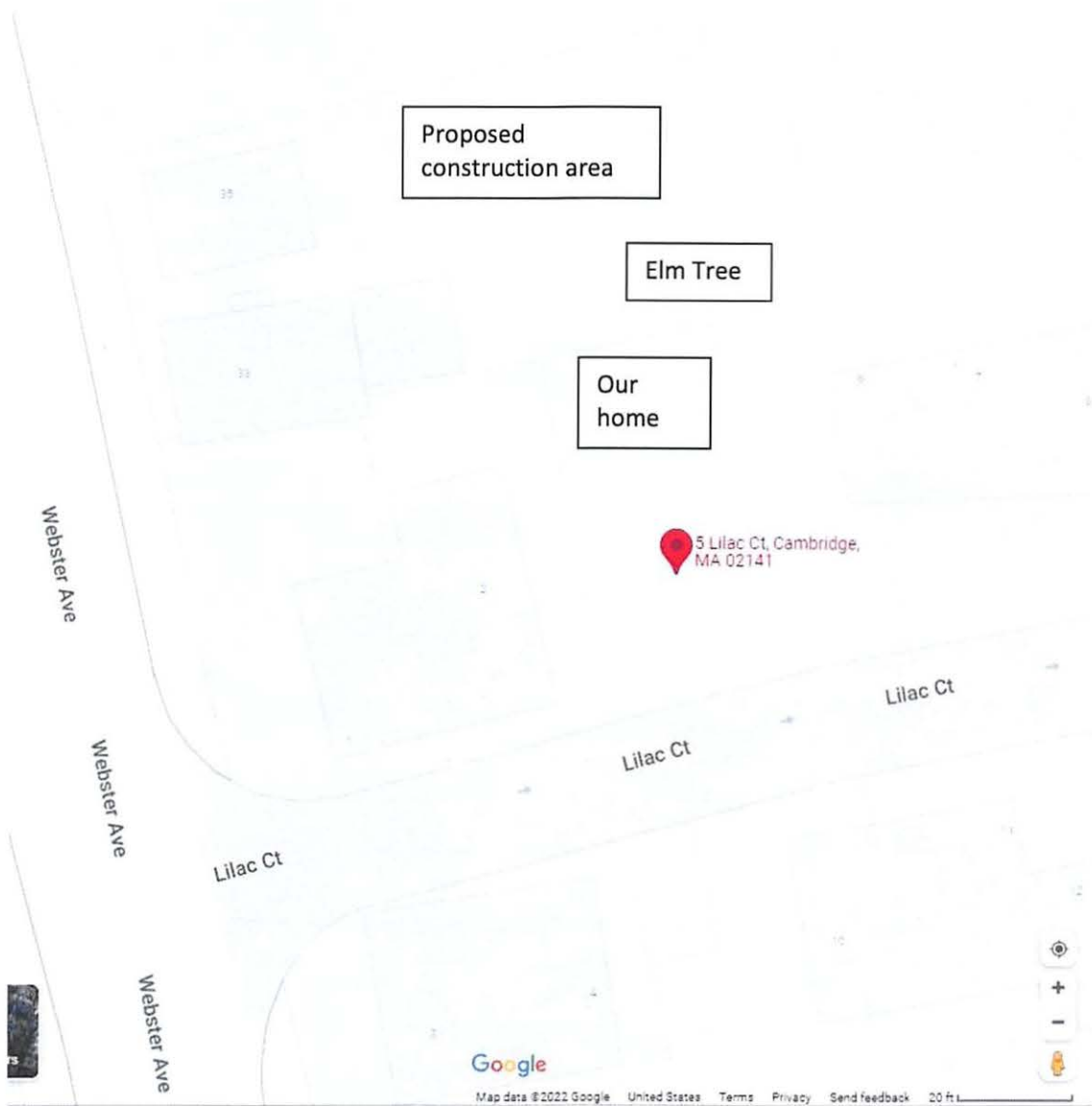
We look forward to sharing these perspectives and concerns on the zoom call on Thursday, January 27.

With best wishes,

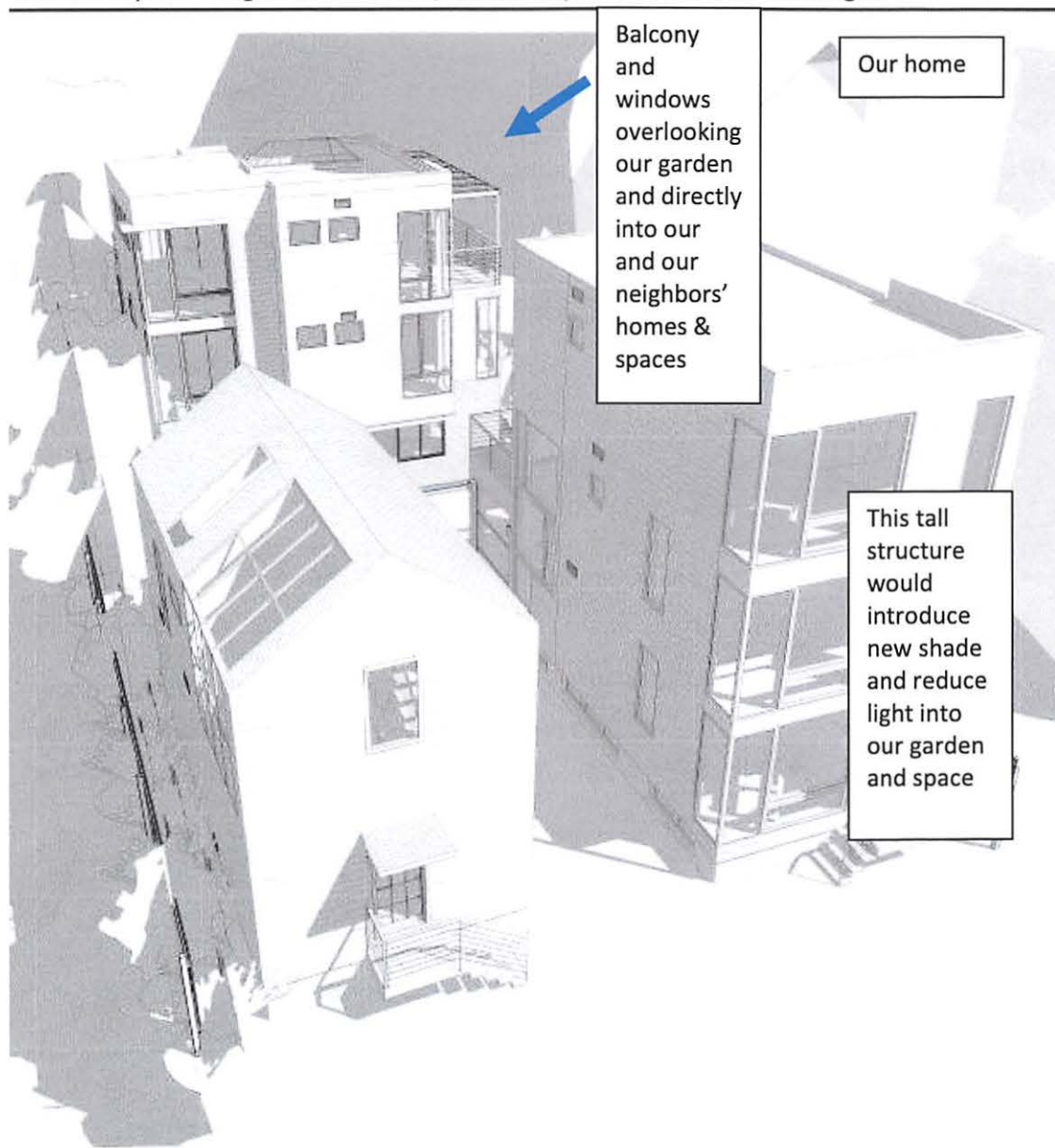
Graham McMahon

Joe Guarino

Map showing location of the proposed construction relative to 5 Lilac Court



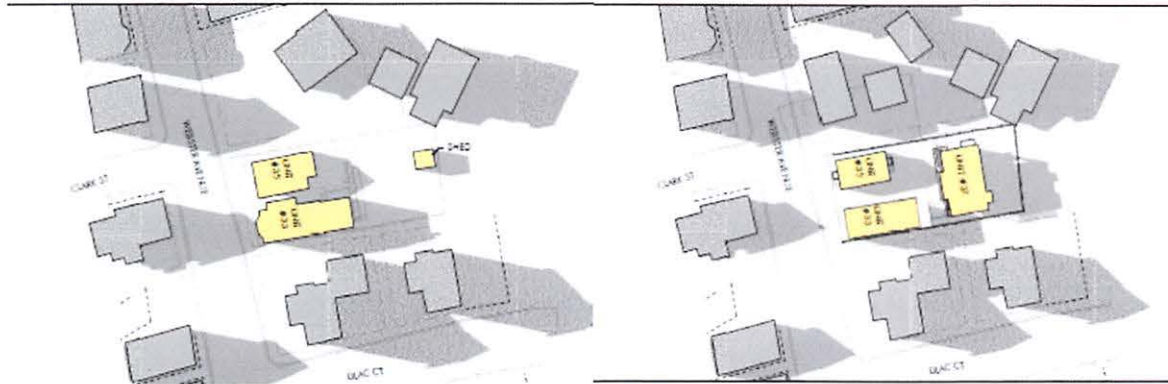
Elevation view showing the impact of these large properties on the look and feel of the neighborhood, the view directly into our garden and house, and the impact on fair access to sunlight



Before and After view of impact of shade at one time point showing effect on sunlight into the gardens, to the tree and to the abutting properties

AFTERNOON (5 PM)

AFTERNOON (5 PM)





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: Pamir Pamiri Date: 1/4/2022
(Print)

Address: 35 Webster Ave

Case No. BZA-155115

Hearing Date: 1/27/22

Thank you,
Bza Members

Pacheco, Maria

From: Dan Anderson <dan@andersonporter.com>
Sent: Monday, January 24, 2022 3:31 PM
To: Pacheco, Maria
Cc: Parviz Parvizi; Ratay, Olivia
Subject: 35 Webster

Hi Maria;

I've just reviewed the special permit application for 155115 – 35 Webster with Olivia. Based on her interpretation of 8.22.1.h.1 the proposed work is a second floor addition which does not require a special permit. No increase in gross floor area and height is conforming. The window openings do require special permit. I assume that this does not impact the case which is scheduled to be heard on Thursday. I propose the notice below.

Best,
Dan

To: Cambridge Board of Zoning Appeal
From: Daniel Anderson, Anderson Porter Design
Date: 24 January 2022
Subject: BZA-155115 clarification of scope

We were recently informed by the Inspectional Services Department that, per Section 8.22.1.h.1 of the Zoning Ordinance, the change in the height of 35 Webster Avenue does not require Special Permit review. Therefore, the scope of the BZA-155115 Special Permit application is focused on the addition of new openings in a non-conforming yard setback and not increased building height in a non-conforming side yard.

Daniel P. Anderson

AndersonPorterDesign
1972 Massachusetts Avenue, 4th Floor
Cambridge, MA 02140

o. 617 354 2501 ext. 111
m.617 794 2371

www.andersonporter.com



"Always design a thing by considering it in its larger context - a chair in a room, a room in a house, a house in an environment, an environment in a city plan."

Eliel Saarinen

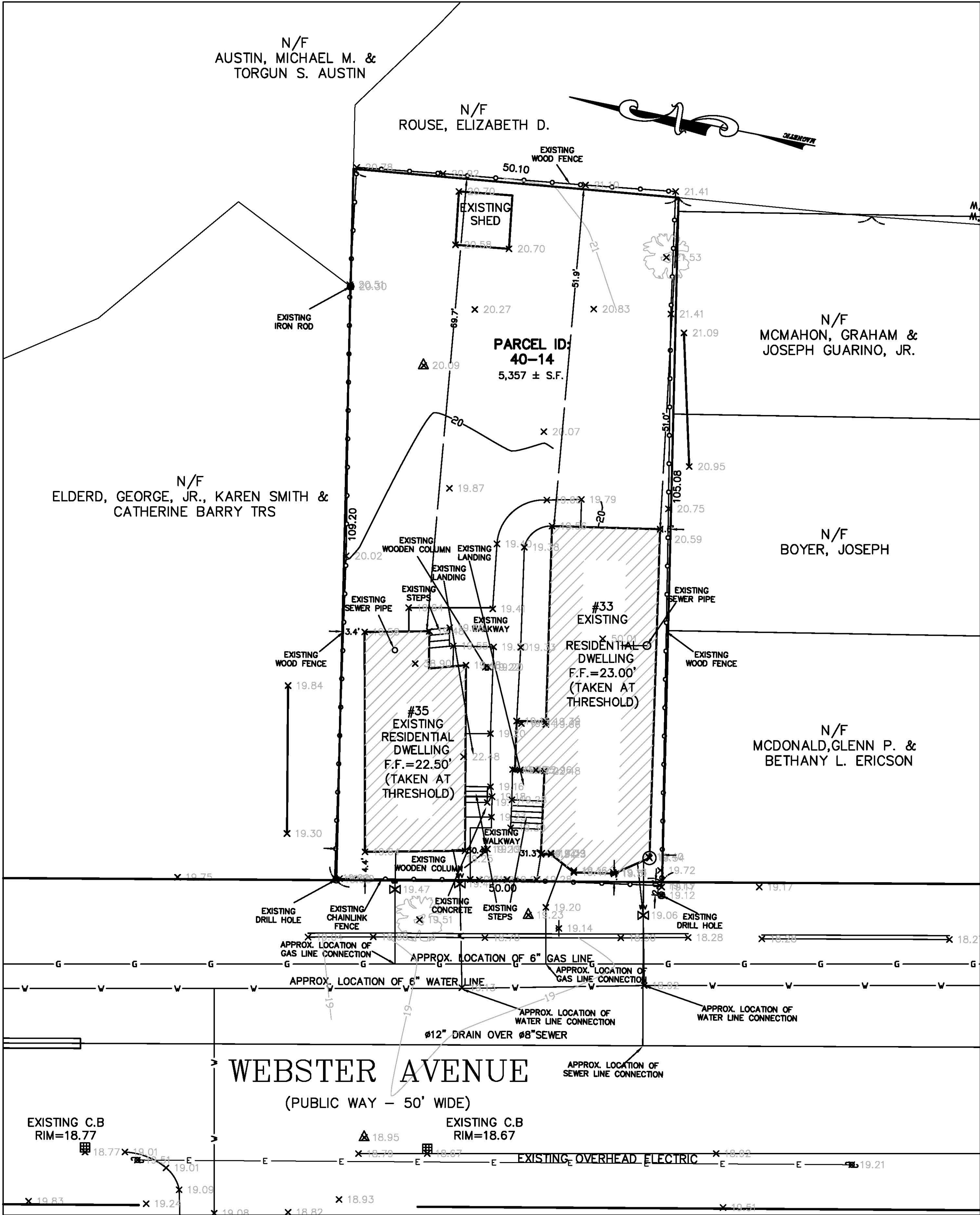
ANDERSON
PORTER
DESIGN

1. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO BIDDING TO BECOME FAMILIAR WITH THE EXISTING SITE CONDITIONS.
2. THE DRAWINGS SHALL BE WORKED IN CONJUNCTION WITH THE SPECIFICATIONS AND/OR PROJECT MANUAL.
3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS PRIOR TO THE START OF WORK. NOTIFY THE ARCHITECT OF CHANGES IN DIMENSIONS OR CONDITIONS.
4. THE CONTRACTOR SHALL PROVIDE ALL MATERIALS, TOOLS, EQUIPMENT AND NECESSARY FACILITIES, AND PERFORM ALL LABOR AND SERVICES OF EVERY DESCRIPTION AS MAY BE NECESSARY TO COMPLETE THE SCOPE OF WORK DEFINED ON THE DRAWINGS.
5. THE CONTRACTOR SHALL ARRANGE FOR, OBTAIN AND PAY FOR ALL PERMITS, CERTIFICATES, INSPECTIONS, AGENCY APPROVALS, ETC. AND PAY ALL FEES levied by STATE, LOCAL, AND MUNICIPAL AUTHORITIES HAVING JURISDICTION OVER LOWER THIS CONTRACT. PROVIDE COPIES OF ALL REQUIRED PERMITS, CERTIFICATES, INSPECTIONS, AND AGENCY APPROVALS TO THE OWNER.
6. CONTRACTOR SHALL PROVIDE ADEQUATE SHORING AND BRACING DURING DEMOLITION.
7. ALL WORK SHALL BE FABRICATED AND INSTALLED IN STRICT ACCORDANCE WITH THE INTERNATIONAL BUILDING/RESIDENTIAL CODE, ALL APPLICABLE STATE AND LOCAL CODES, AND THE GENERAL AND SUPPLEMENTARY CONDITIONS OF THE CONTRACT.
8. THE BUILDING SHALL BE CONSTRUCTED IN FULL COMPLIANCE WITH ALL APPLICABLE CODES, ORDINANCES, AND REGULATIONS, AS WELL AS THE DRAWINGS AND SPECIFICATIONS. ANY CODE DEFICIENCIES IN THE DRAWINGS OR SPECIFICATIONS WHICH THE CONTRACTOR SHOULD BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION.
9. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR: THE PROPER PERFORMANCE OF THEIR WORK, COORDINATION WITH OTHER TRADES, MEANS AND METHODS OF CONSTRUCTION, AND SAFETY AND SECURITY ON SITE.
10. CUTTING AND PATCHING SHALL BE PERFORMED BY EACH TRADE AS NECESSARY FOR THE PERFORMANCE AND INSTALLATION OF THEIR WORK. CUTTING AND PATCHING SHALL BE PERFORMED IN A WORKMANLIKE MANNER CONSISTENT WITH INDUSTRY STANDARDS FOR FINISHES AND SUBSTRATES AFFECTED.
11. THE CONTRACTOR SHALL PROTECT THE FACILITY FROM WEATHER AND MAINTAIN SECURITY DURING ALL CONSTRUCTION WORK.
12. THE EXISTING PROPERTY SHALL BE PROTECTED DURING CONSTRUCTION. REPAIR OR REPLACE, WITHOUT ADDITIONAL CHARGE TO THE OWNER, ANY EXISTING WORK DAMAGED DURING THE COURSE OF CONSTRUCTION.
13. THE INTENT OF THE DRAWINGS AND SPECIFICATIONS IS TO PROVIDE FOR A PLUMB, LEVEL, AND SQUARE STRUCTURE UNLESS OTHERWISE NOTED. ANY DEVIATION FROM THIS GENERAL INTENT SHOULD BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURATE PLACEMENT OF THE BUILDING ON THE SITE AND VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS. DISCREPANCIES BETWEEN THE DRAWINGS AND ACTUAL SITE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE BIDDING THE PROJECT OR THE COMMENCEMENT OF WORK. THE OWNER SHALL NOT BE RESPONSIBLE FOR CHANGES TO THE WORK DUE TO THE FAILURE OF THE CONTRACTOR TO FAMILIARIZE HIMSELF/HERSelf WITH EXISTING CONDITIONS.
15. DO NOT SCALE DRAWINGS: ALL DIMENSIONS SHALL HAVE PREFERENCE OVER SCALE AND BE FIELD-VERIFIED AND COORDINATED WITH WORK OF ALL TRADES. IF NO DIMENSIONS ARE GIVEN OR DISCREPANCIES ARE FOUND, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT FOR CLARIFICATION PRIOR TO BEGINNING BIDDING OR COMMENCEMENT OF THE WORK.
16. DETAILS ARE INTENDED TO SHOW METHODS AND MANNER OF ACCOMPLISHING WORK. MINOR MODIFICATION MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS, AND SHALL BE INCLUDED AS PART OF THE WORK.
17. THE CONTRACTOR SHALL VERIFY THE SIZES AND LOCATIONS OF ALL MECHANICAL AND ELECTRICAL EQUIPMENT PADS AND BASES, AS WELL AS POWER, WATER, AND DRAIN REQUIREMENTS FOR SUCH EQUIPMENT WITH THE EQUIPMENT MANUFACTURER AND PROVIDE THE RESULTS OF SUCH VERIFICATION TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION.
18. UNLESS ITEMS, MATERIALS, EQUIPMENT, OR WORK ARE SPECIFICALLY NOTED TO BE PROVIDED OR FURNISHED BY OTHERS, THEY SHALL BE PROVIDED BY THE CONTRACTOR UNDER THIS CONTRACT.
19. ALL WORK SHALL BE PERFORMED BY SKILLED WORKERS IN A WORKMANLIKE AND PROFESSIONAL MANNER CONSISTENT WITH INDUSTRY STANDARDS.
20. MATERIALS AND COMPONENTS AS SPECIFIED CONSTITUTE A STANDARD OF QUALITY, UNLESS OTHERWISE NOTED. EQUAL SUBSTITUTES WILL BE ACCEPTABLE ONLY WITH WRITTEN PRIOR APPROVAL BY THE ARCHITECT.
21. THE CONTRACTOR SHALL PERFORM TESTS AT HIS/HER OWN EXPENSE, AS NECESSARY OR AS REQUIRED BY ANY INSPECTION AGENCY. TESTS SHALL BE MADE TO VERIFY WHETHER THE SYSTEM OR COMPONENTS INSTALLED CONFORM WITH THE ORDER.
22. THE CONTRACTOR SHALL LEAVE THE WORK IN PROPER WORKING ORDER AND SHALL, WITHOUT ADDITIONAL CHARGE, REPLACE ANY WORK, MATERIALS, OR EQUIPMENT FURNISHED AND INSTALLED UNDER THIS CONTRACT WHICH DEVELOPS DEFECTS, EXCEPT FROM ORDINARY WEAR AND TEAR, WITHIN ONE (1) YEAR FROM THE DATE OF FINAL ACCEPTANCE BY THE OWNER.

1. CONTRACTOR SHALL VERIFY EXISTING CONDITIONS.
2. THE DEMOLITION PLANS ARE DERIVED FROM EXISTING PLANS AND ARE INTENDED TO REASONABLY REPRESENT EXISTING CONDITIONS.
3. DEMOLITION NOTES ON THE DRAWINGS IDENTIFY SPECIFIC AREAS OF WORK BUT MAY NOT BE COMPLETE IN THE IDENTIFICATION OF ALL REMOVALS. THE CONTRACTOR SHALL VERIFY ACTUAL CONDITIONS AND COORDINATE THE DEMOLITION WITH NEW WORK SO THAT DEMOLITION IS COMPLETE.
4. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE DIMENSION OF ALL COMPONENTS TO BE DEMOLISHED.
5. CONTRACTOR SHALL NOTIFY "DIG-SAFE" PRIOR TO COMMENCEMENT OF ANY DEMOLITION ACTIVITY.
6. REMOVE ALL EXISTING CONNECTIONS AND FINISHES NECESSARY FOR THE COMPLETION OF THE WORK AS DEPICTED ON THE DRAWINGS, INCLUDING BUT NOT LIMITED TO, ITEMS SHOWN ON THE PLANS WITH DASHED LINES. NECESSARY DISCONNECTS AND ALTERATIONS TO EXISTING MECHANICAL AND ELECTRICAL SYSTEMS SHALL BE INCLUDED. PATCH AS REQUIRED ALL CONSTRUCTIONS TO REMAIN IN ACCORDANCE WITH THE CONTRACT DRAWINGS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF MATERIALS TO BE DEMOLISHED. VERIFY WITH OWNER, THE DISPOSAL AND REMOVAL OF ANY COMPONENTS OF SALVAGEABLE VALUE.
8. REMOVE FROM THE JOBSITE, AS SOON AS PRACTICAL, DEMOLISHED MATERIALS, DEBRIS, AND RUBBISH, DO NOT ACCUMULATE DEBRIS ON THE FLOOR OR AT THE SITE.
9. ALL REMOVALS AND SALVAGE, UNLESS SPECIFICALLY NOTED OR REQUESTED BY THE OWNER, SHALL BECOME THE PROPERTY OF THE CONTRACTOR.
10. REMOVE ONLY NON-LOAD-BEARING CONSTRUCTION AND PARTITIONS. CONTRACTOR TO VERIFY, PRIOR TO REMOVAL, THAT NO STRUCTURAL COMPONENTS (I.E. BEARING WALLS, BEAMS, HEADERS, ETC.) SUPPORTING FLOOR, ROOF, OR CEILING JOISTS ARE DESIGNATED FOR REMOVAL. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT PRIOR TO REMOVAL OF ANY CONSTRUCTION IN QUESTION OR DEVIATING FROM THE DESIGN INTENT. IF CONTRACTOR'S NON-CONTACT OF ARCHITECT PRIOR TO REMOVAL OF ANY WORK INDICATES HIS COMPLETE UNDERSTANDING THAT NO LOAD-BEARING OR STRUCTURAL WORK IS BEING ALTERED UNDER THIS CONTRACT.
11. ALL STRUCTURAL SYSTEMS SHALL BE MAINTAINED AND SHALL BE OF SUFFICIENT STRENGTH TO SUPPORT THE DESIGN LOADS AND TO RESIST THE DEFORMATION CAUSED BY SUCH LOADS.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ANY TEMPORARY SHORING ASSOCIATED WITH ANY DEMOLITION WORK.
13. CONTRACTOR SHALL COORDINATE EXISTING UTILITY DEMOLITION AND CREATING ANY NEW TEMPORARY SERVICE FOR TEMPORARY-USE ITEMS.
14. PATCH ALL FINISHES TO MATCH EXISTING, INCLUDING BUT NOT LIMITED TO: GYPSUM BOARD, PLASTER, ACOUSTIC SYSTEMS, WOOD TRIM, COVERS, BASE, PANELS, AND RAILS. VERIFY MATCH OF NEW FINISH MATERIALS TYPING IN: COLOR, TEXTURE, THICKNESS, AND CUT TO SATISFACTION OF OWNER PRIOR TO INSTALLATIONS. PROVIDE OTHER MATERIALS TO MATCH EXISTING WHEN REQUIRED - TO BE APPROVED BY ARCHITECT AND OWNER.
15. PATCH EXISTING WALLS, GYPSUM BOARD, OR PLASTER TO MATCH EXISTING OF SUFFICIENT THICKNESS TO MAINTAIN UNIFORM WALL THICKNESS. ALL EXPOSED PORTIONS OF WALL SHALL BE FINISHED WITH THREE (3) COATS OF SPACKLING, SAND, AND LEFT IN A PAINT-READY CONDITION.

11/24/2021 12:29:00 PM

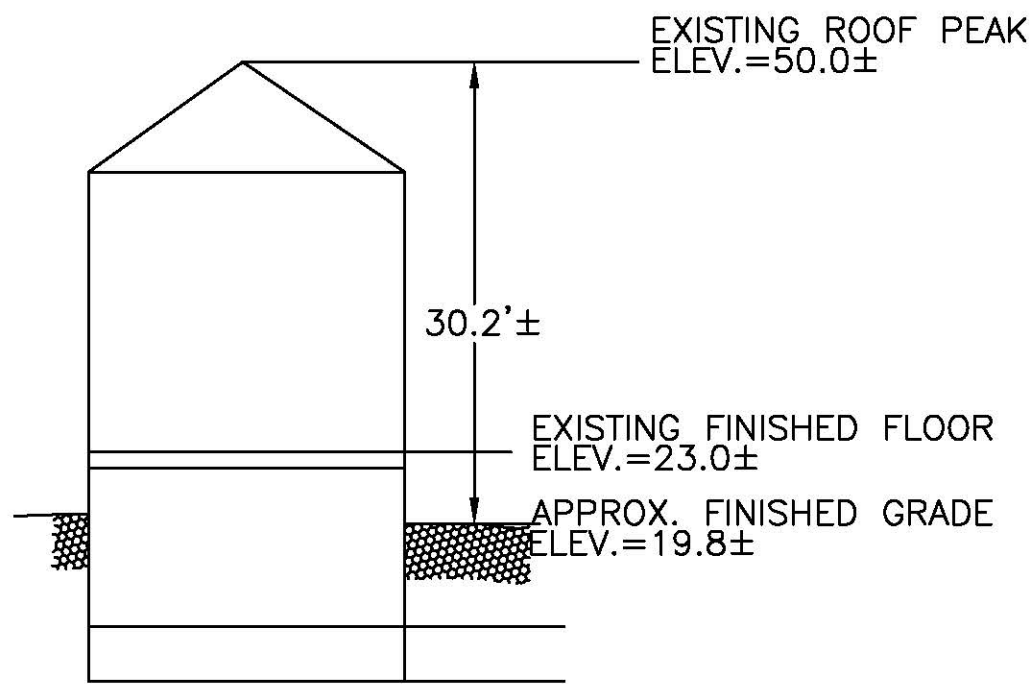
LEGEND	
	BOUND
	IRON PIN/PIPE
	STONE POST
	TREE
	TREE STUMP
	SHRUBS/FLOWERS
	SIGN
	BOLLARD
	SEWER MANHOLE
	DRAIN MANHOLE
	CATCH BASIN
	WATER MANHOLE
	WATER VALVE
	HYDRANT
	GAS VALVE
	ELECTRIC MANHOLE
	ELECTRIC HANDHOLE
	UTILITY POLE
	LIGHT POLE
	MANHOLE
	SPOT GRADE
	TOP OF WALL
	BOTTOM OF WALL
	EXISTING BUILDING
	RETAINING WALL
	STONE WALL
	FENCE
	TREE LINE
	SEWER LINE
	DRAIN LINE
	WATER LINE
	GAS LINE
	UNDERGROUND ELECTRIC LINE
	OVERHEAD WIRES
	CONTOUR LINE (MJR)
	CONTOUR LINE (MNR)



NOTES:

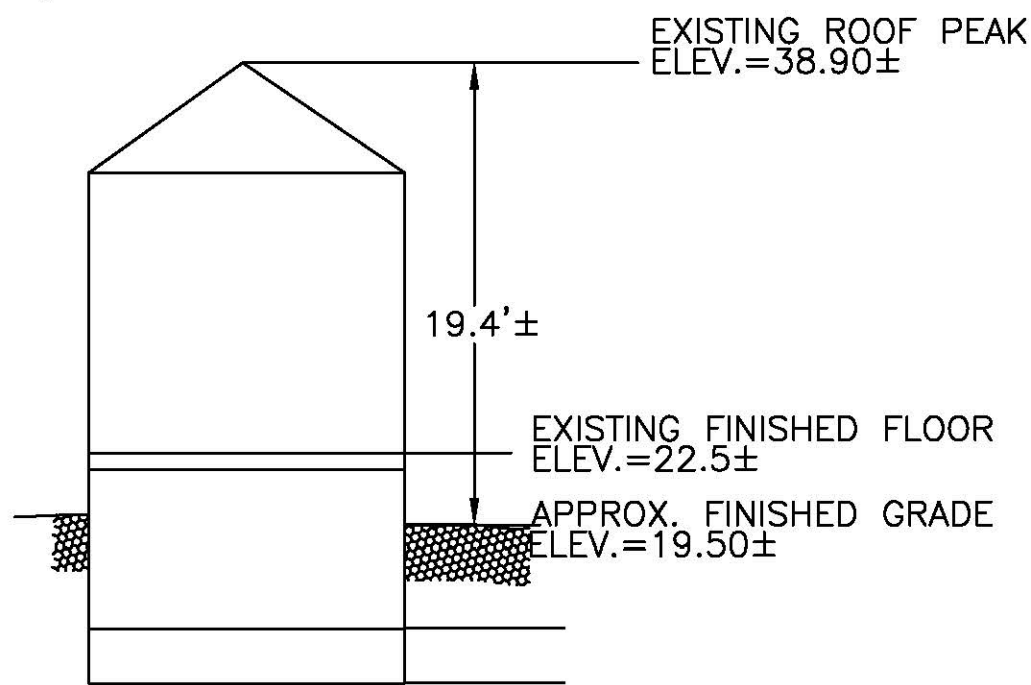
1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY SPRUHAN ENGINEERING, P.C. AS OF 05/27/2021.
2. DEED REFERENCE: BOOK 1323, PAGE 116, PLAN REFERENCE: PLAN 829 Pg 62(139817) MIDDLESEX COUNTY DISTRICT REGISTRY OF DEEDS
3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C0577E, COMMUNITY NUMBER 250186, PANEL NUMBER 0557E , DATED 06/04/2010.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
7. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS SPRUHAN ENGINEERING, P.C. ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
8. THE ELEVATIONS SHOWN ARE BASED ON CITY OF CAMBRIDGE DATUM.
9. ZONING INFORMATION: RESIDENCE C-1

#33 WEBSTER AVENUE

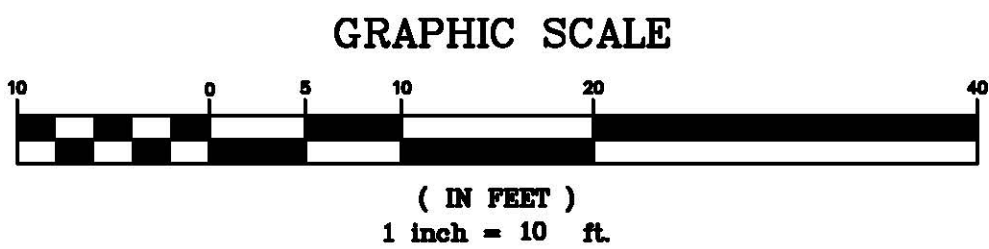
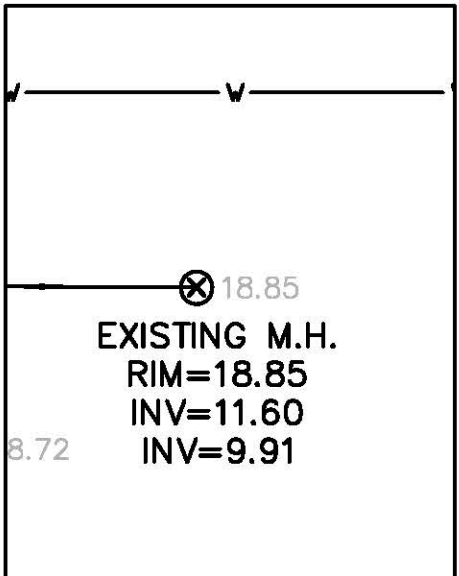
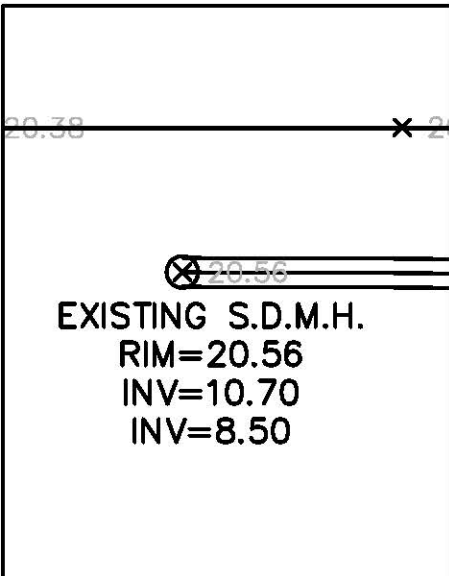


EXISTING PROFILE
NOT TO SCALE

#35 WEBSTER AVENUE



EXISTING PROFILE
NOT TO SCALE



SCALE 1"=10'				
DATE 06/07/2021	REV	DATE	REVISION	BY
SHEET 1 OF 1	33-35 WEBSTER AVENUE CAMBRIDGE MASSACHUSETTS			
CLIENT:	EXISTING CONDITIONS			SHEET NO. 1
DRAWN BY ES	PETER NOLAN & ASSOCIATES LLC LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS 80 JEWETT STREET, SUITE 2, NEWTON MA 02458 PHONE: 857 891 7478/617 782 1533 FAX: 617 202 5691 EMAIL: pnolan@pnasurveyors.com			
CHKD BY P.J.N				
APPD BY P.J.N				

ZONING CHART - CAMBRIDGE				
LOT SIZE:	ALLOWED / REQUIRED	EXISTING	PROPOSED	COMPLIANCE
ZONE	C1 ZONE	C1 ZONE	C1 ZONE	COMPLIES
USE	RESIDENTIAL/ MULTI-FAMILY.	RESIDENTIAL/ MULTI-FAMILY.	RESIDENTIAL/ MULTI-FAMILY.	COMPLIES
MIN LOT SIZE	5,000 S.F.	5,357 +/- S.F.	5,357 +/- S.F.	COMPLIES
MIN LOT AREA PER DWELLING	1,500 S.F.	2,678.5 S.F.	1,785.7 S.F.	COMPLIES
MAX FLOOR AREA RATIO (FAR)	0.75	0.59	0.74	COMPLIES
MAX BUILDING HEIGHT	3 ST 35'	3 ST 31'	3 ST 35'	COMPLIES
MIN. YARD SETBACKS (UNITS 33 - 35)				
FRONT	(H+L) / 6 MIN 10'	1.3'	4.1'	EXISTING NON CONFORMING
LEFT SIDE	(H+L) / 7 >= 7.5', SUM >=20'	3.4'	3.4'	EXISTING NON CONFORMING
RIGHT SIDE	(H+L) / 7 >= 7.5', SUM >=20'	1.6'	1.6'	EXISTING NON CONFORMING
REAR	(H+L) / 6 MIN 20'	51.9'	21.8'	COMPLIES
MIN. YARD SETBACKS (UNITS 37)				
LEFT SIDE	(H+L) / 7 >= 7.5', SUM >=20'	N/A	8.5'	COMPLIES
RIGHT SIDE	(H+L) / 7 >= 7.5', SUM >=20'	N/A	8.5'	COMPLIES
REAR	(H+L) / 6 MIN 20'	N/A	21.8'	COMPLIES
MIN LOT WIDTH	50'	50'	50'	COMPLIES
PARKING REQUIREMENTS	ONE PER DWELLING UNIT	0 PARKING SPACES	3 PARKING SPACES	COMPLIES
OPEN SPACE, MIN % OF LOT	30% OF TOTAL LOT AREA = 1607.10 SF	64% = 3450 +/- SF	34% = 1828.49 SF	COMPLIES
PRIVATE OPEN SPACE	50% OF TOTAL OPEN SPACE = 803.55 SF	95% = 3279.06 S.F.	66% = 1064.99 S.F.	COMPLIES
PERMEABLE OPEN SPACE	50% OF TOTAL OPEN SPACE = 803.55 SF	100% = 3450.00 S.F.	123% = 1969.19 S.F.	COMPLIES
BICYCLE PARKING	0 SPACES	0 SPACES	0 SPACES	COMPLIES

FOOTNOTES:

Identifying rear yard set back.

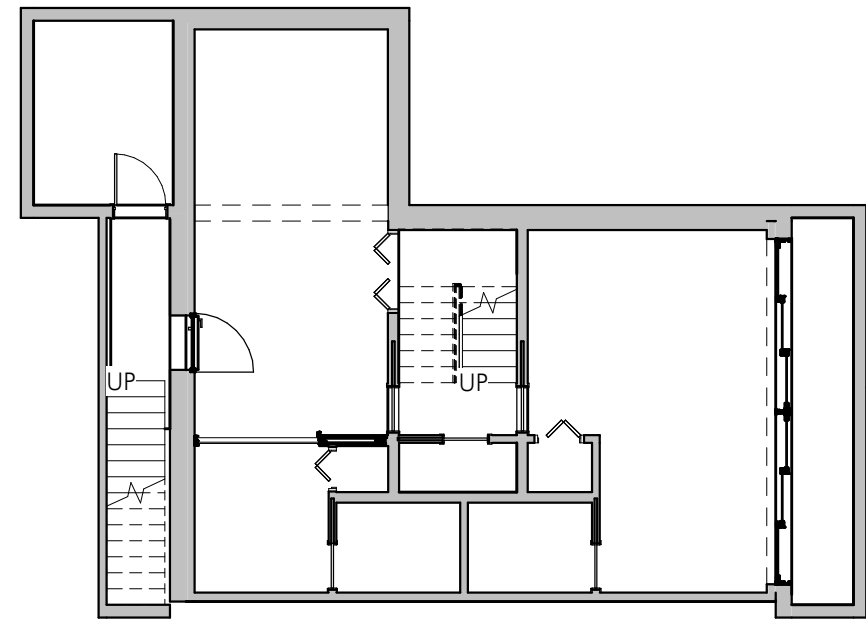
Min. distance between buildings: Sum of Heights/6 or 10'-0", whichever is greater.



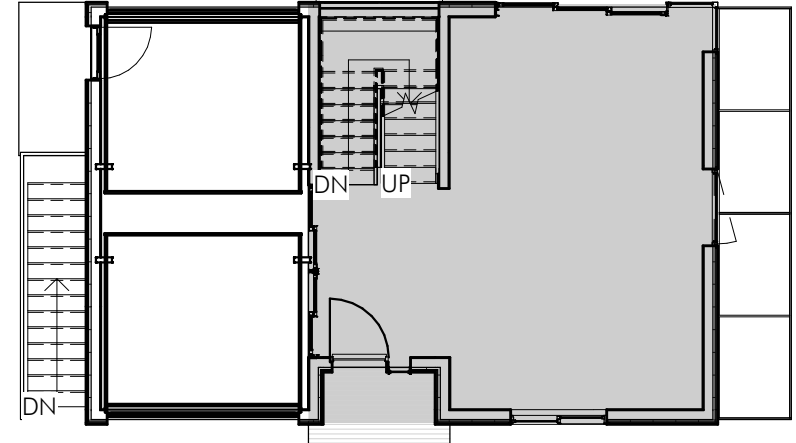
5 AREA ELEVATION / SECTION
1/4" = 1'-0"

AREA CALCULATIONS	EXISTING	PROPOSED
BASEMENT UNIT 33 (N/A)	N/A	N/A
FIRST FLOOR UNIT 33	834.94	527.73
SECOND FLOOR UNIT 33	819.24	464.78
THIRD FLOOR UNIT 33	609.22	515.28
TOTAL (UNIT 33)	2263.40	1507.85
BASEMENT UNIT 35 (N/A)	N/A	N/A
FIRST FLOOR UNIT 35	484.37	432.81
SECOND FLOOR UNIT 35	431.78	237.65
TOTAL (UNIT 35)	916.15	670.46
BASEMENT UNIT 37 (N/A)	N/A	N/A
FIRST FLOOR UNIT 37	N/A	463.73
SECOND FLOOR UNIT 37	N/A	751.22
THIRD FLOOR UNIT 37	N/A	598.32
TOTAL (UNIT 37)	N/A	1813.27
GRAND TOTAL	3179.55	3991.58

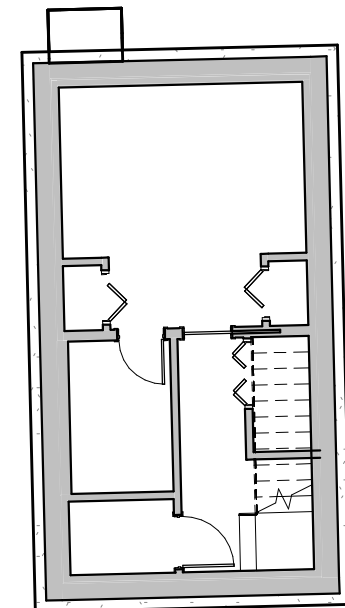
N/A; BASEMENT AREA IS EXCLUDED FROM GROSS FLOOR AREA PER ARTICLE 2.



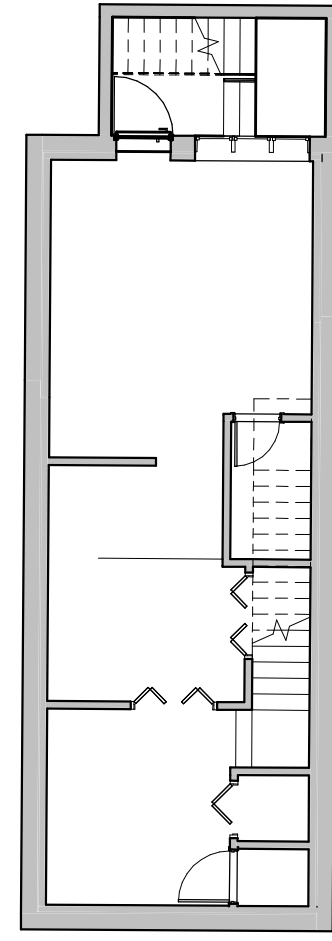
UNIT 37



UNIT 37

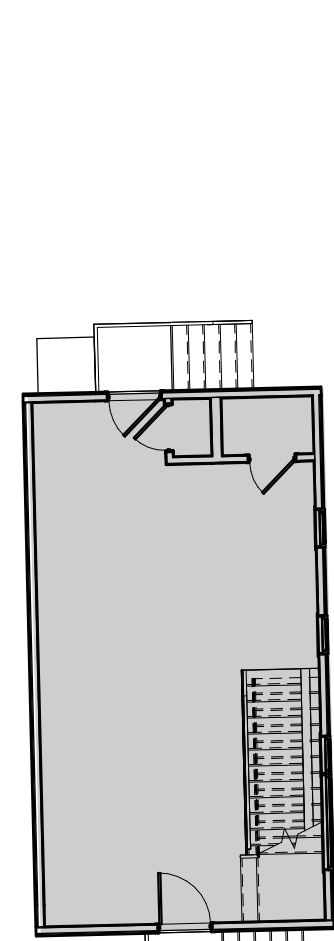
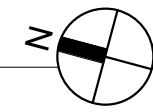


UNIT 35

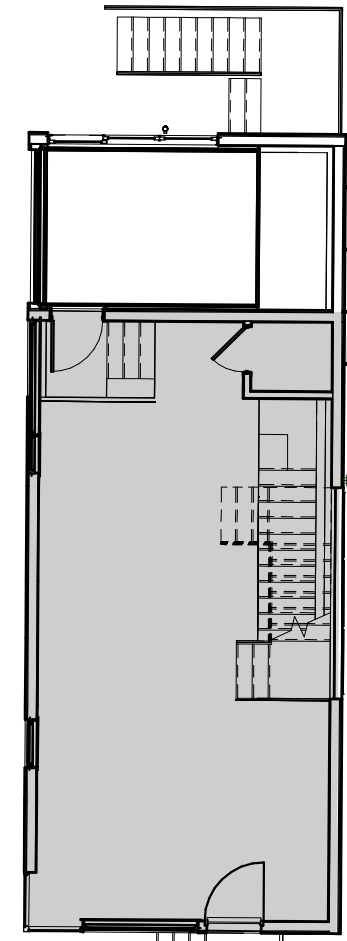


UNIT 33

4 ZONING-BASEMENT
1" = 10'-0"

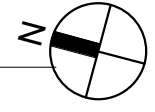


UNIT 35

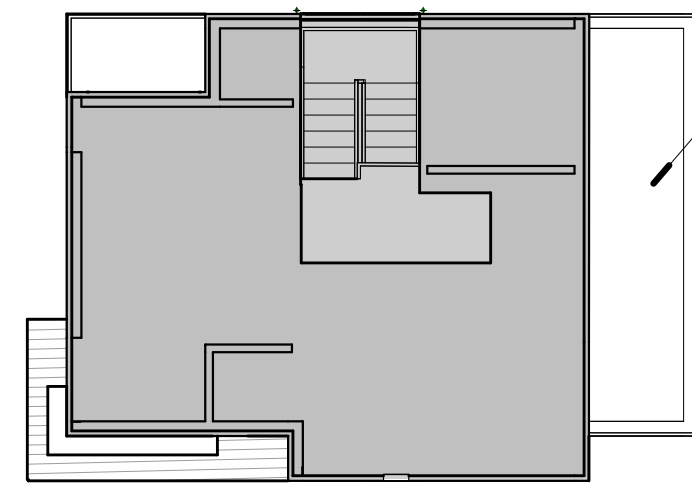


UNIT 33

1 ZONING-FIRST FLOOR
1" = 10'-0"

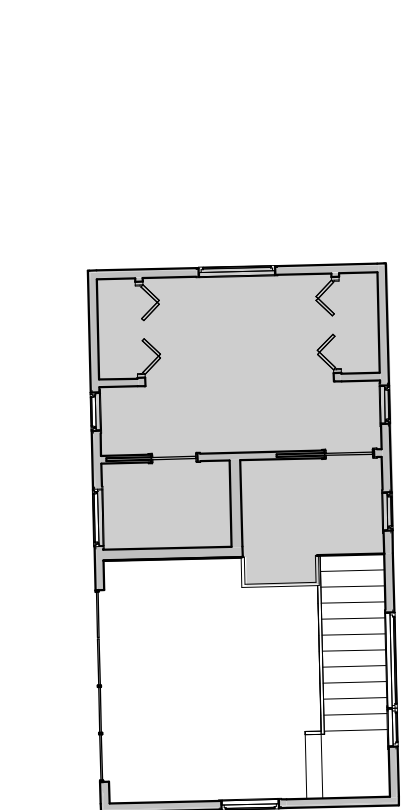


UNIT 37

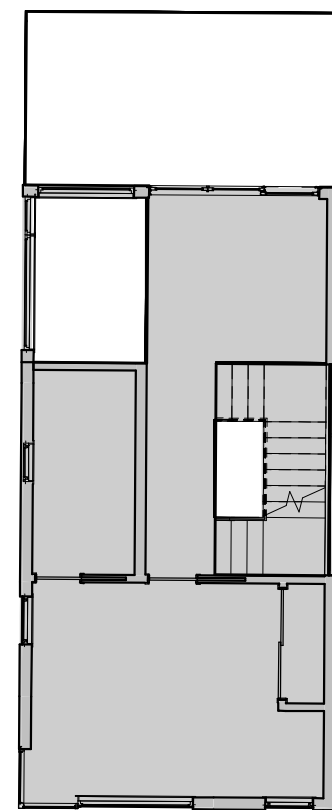


UNIT 37

TRELLIS ABOVE EXEMPT FROM GFA
3' MIN. CLEAR O.C.
FOR STRUCTURAL
ELEMENTS, PER
20.53

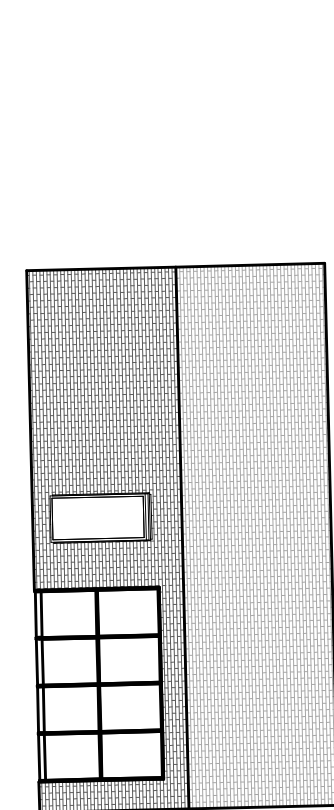
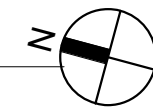


UNIT 35

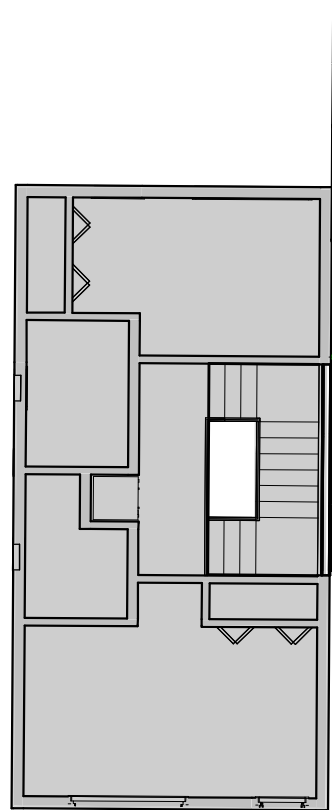


UNIT 33

2 ZONING-SECOND FLOOR
1" = 10'-0"

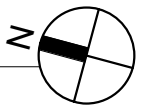


UNIT 35



UNIT 33

3 ZONING-THIRD FLOOR
1" = 10'-0"



SPECIAL PERMIT

REVISIONS		
No.	Description	Date

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project: 33,35 & 37 WEBSTER

Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title: ZONING COMPLIANCE

Drawing Issued By: ANDERSON PORTER DESIGN

Project #: 2112 Drawn No.

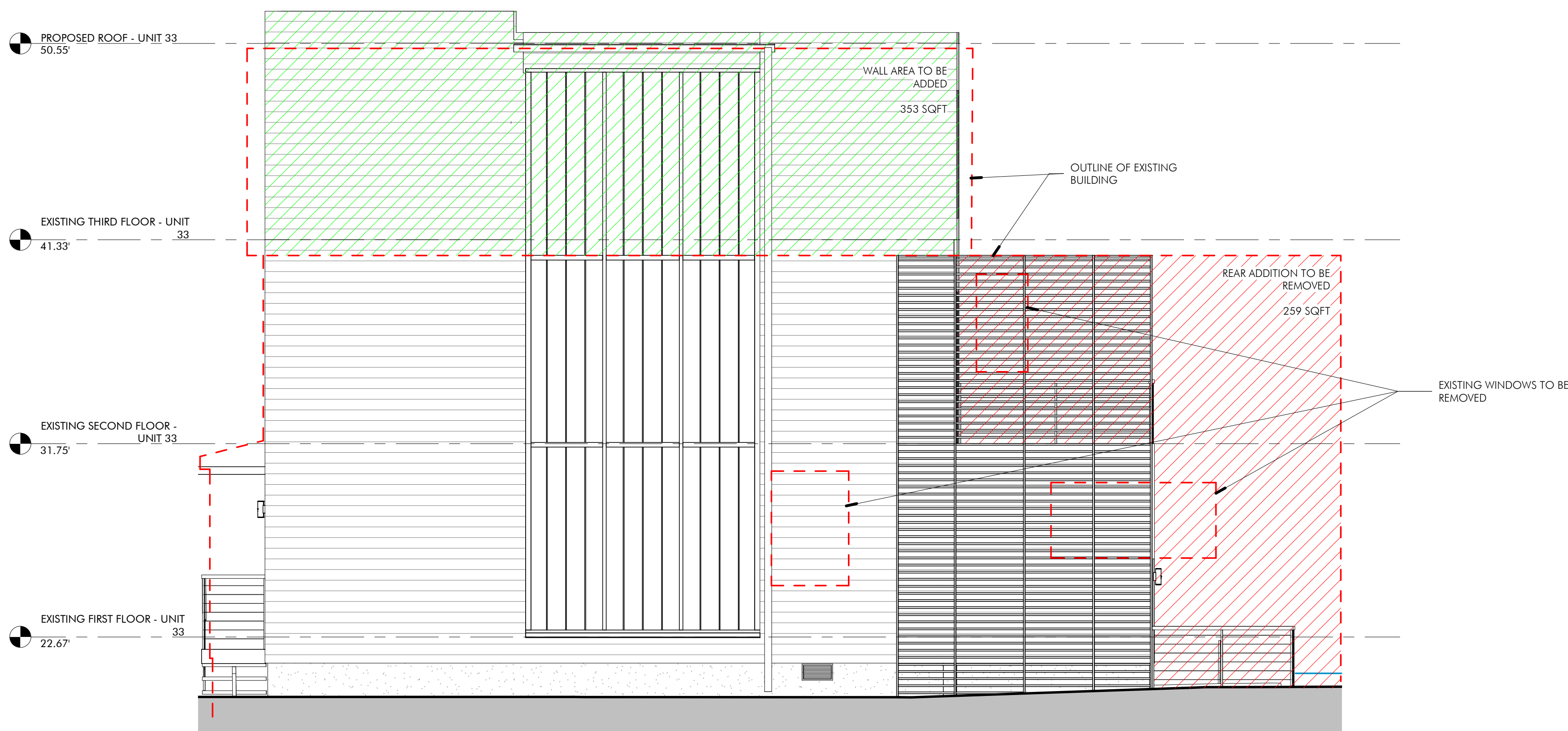
Date: 11/24/2021

Scale: As indicated

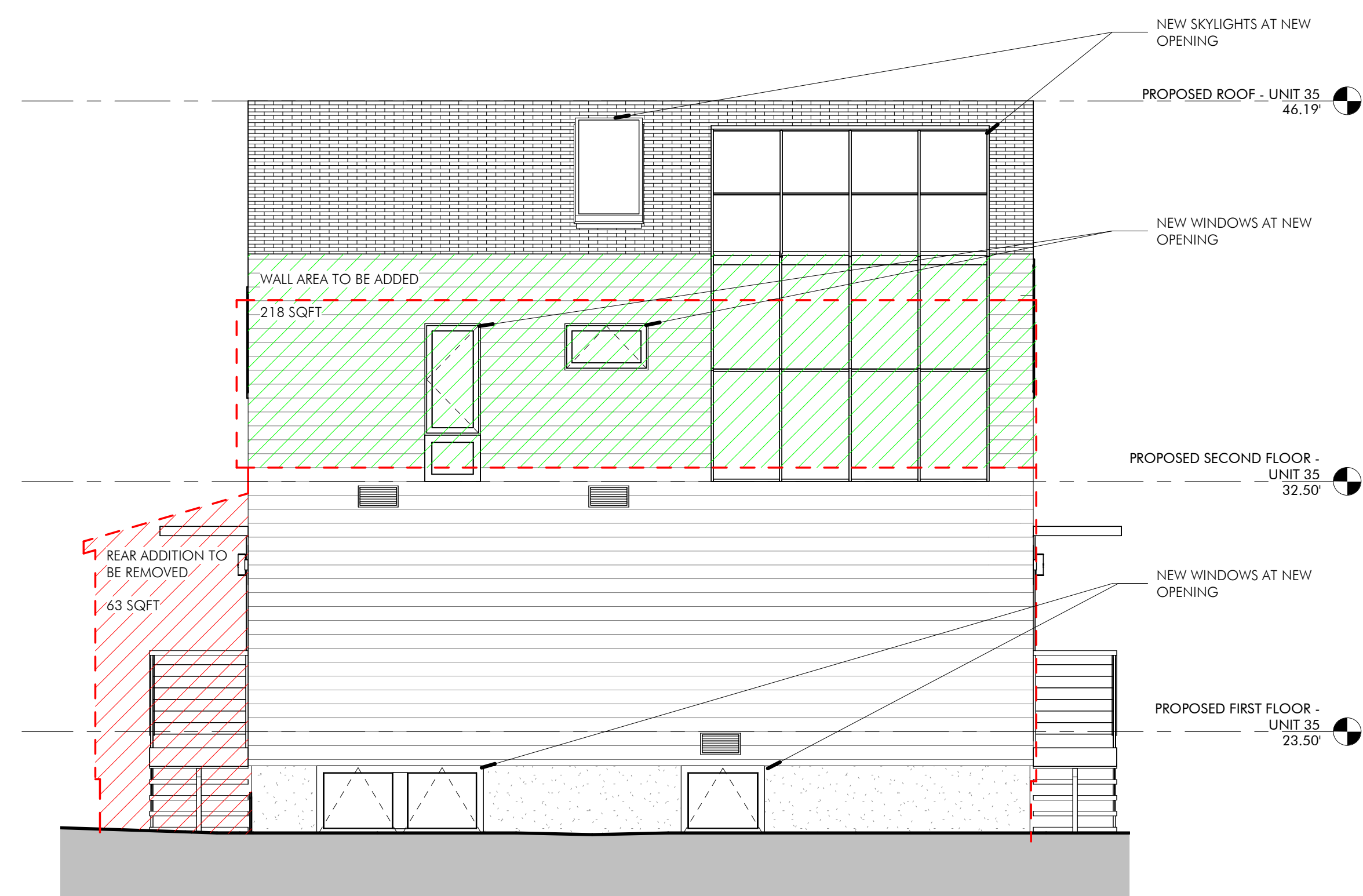
Drawn by: AS,DA,RB,AS



③ UNITS 33 & 35 FRONT ELEVATION
1/4" = 1'-0"



② SOUTH ELEVATION - UNIT 33
1/4" = 1'-0"



① NORTH ELEVATION - UNIT 35
1/4" = 1'-0"

AREA	UNIT 33	UNIT 35
TO BE REMOVED	269 sqft	63 sqft
TO BE ADDED	353 sqft	218 sqft
% CHANGE	+ 0.7 %	+ 25 %

SPECIAL PERMIT

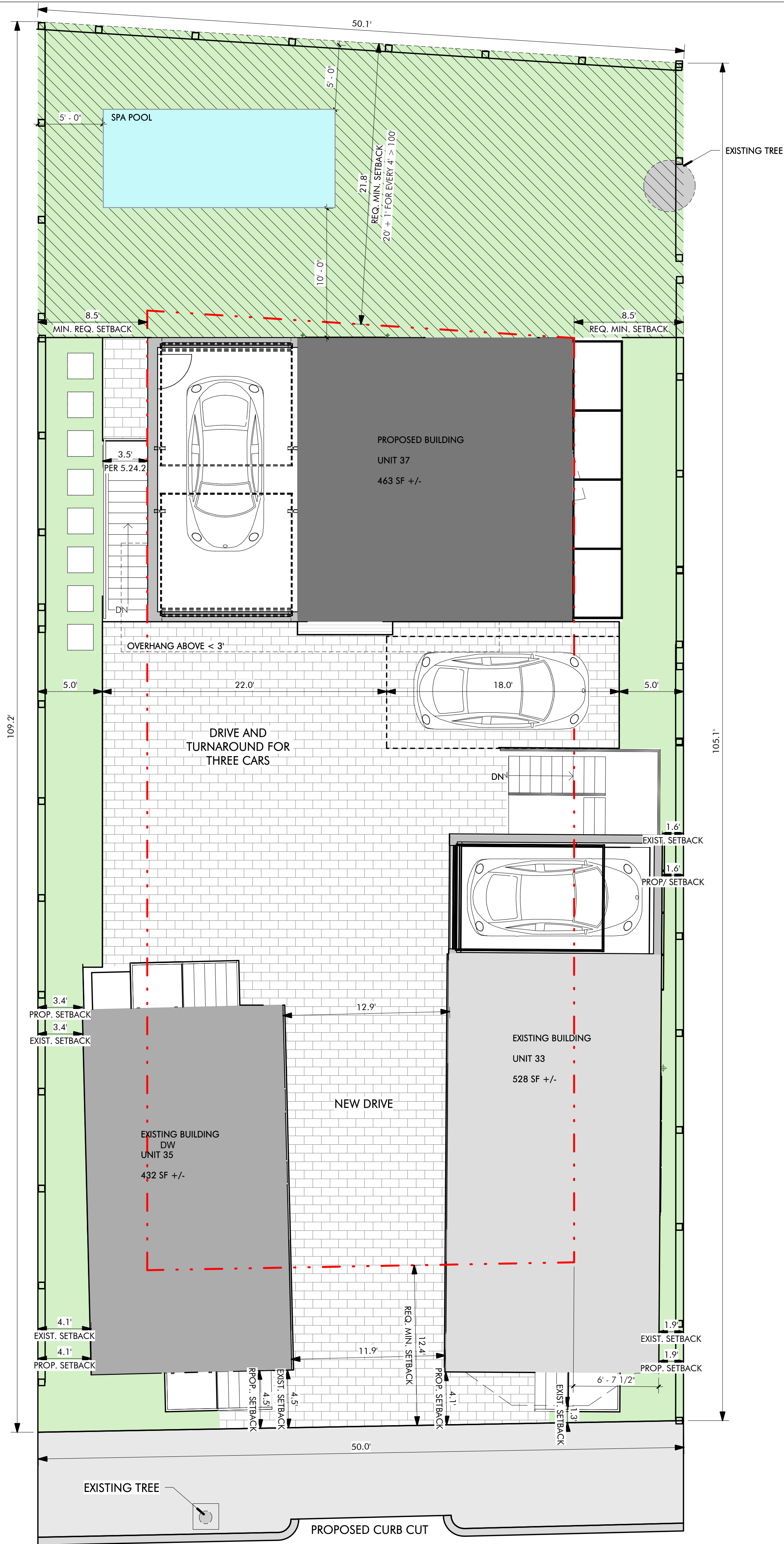
REVISIONS		
No.	Description	Date

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

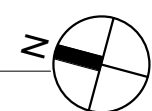
Project: 33,35 & 37 WEBSTER
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: ZONING COMPLIANCE

Drawing Issued By: ANDERSON PORTER DESIGN
Project #: 2112
Date: 11/24/2021
Scale: 1/4" = 1'-0"
Drawn by: Author

11/24/2021 4:55:01 PM



1 PROPOSED SITE PLAN
3/16" = 1'-0"



ZONING PLAN LEGEND

- PROPOSED 33 WEBSTER
- PROPOSED 35 WEBSTER
- PROPOSED 37 WEBSTER
- LANDSCAPE
- PRIVATE OPEN SPACE
- PAVERS
- REQUIRED MINIMUM SETBACKS

NOTE:
This plan is for informational and illustrative purposes only. The preparer of this plan makes no claim to its accuracy. This plan shall not be used or relied upon in any circumstance. A certified Land Surveyor shall provide an official certified plot plan.

ZONING
1/4" = 1'-0"

LANDSCAPE NOTES

TOTAL LOT AREA = 5,357 SF
TOTAL LANDSCAPE AREA = 2,063.80 SF
PERVIOUS AREA = 1,828.49 SF
PRIVATE OPEN SPACE = 1,057.27 SF

PRIVATE OPEN SPACE= SF-MIN. DIMENSION 15'x15'

LANDSCAPE AREA = 34% OF TOTAL LOT

PRIVATE OPEN SPACE = 66% OF TOTAL LANDSCAPE

ANDERSON
PORTER
DESIGN

SPECIAL PERMIT

REVISIONS		
No.	Description	Date

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project: 33,35 & 37 WEBSTER

Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title: PROPOSED SITE PLAN

Drawing Issued By: ANDERSON PORTER DESIGN

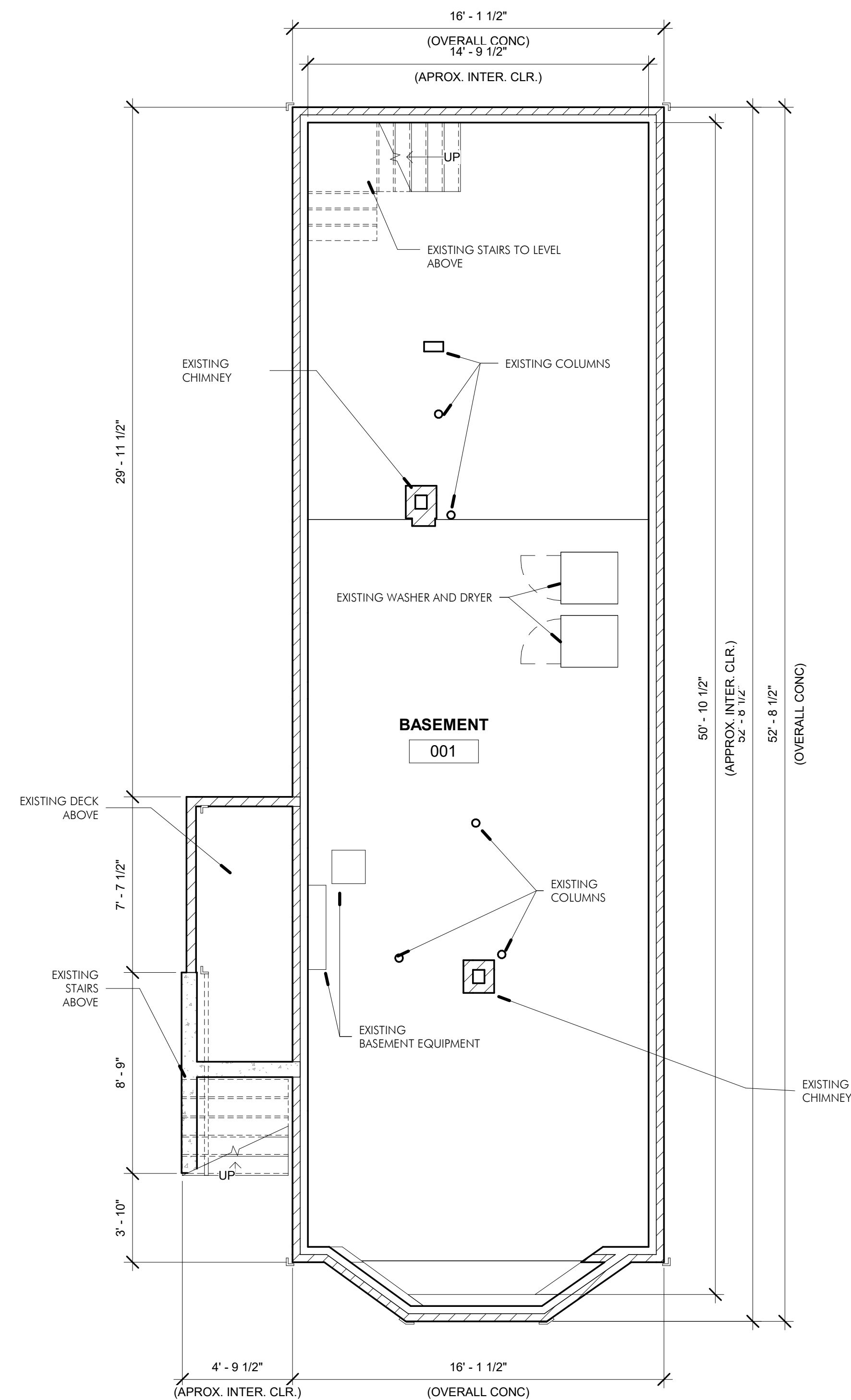
Project #: 2112 Drawn No.

Date: 11/24/2021

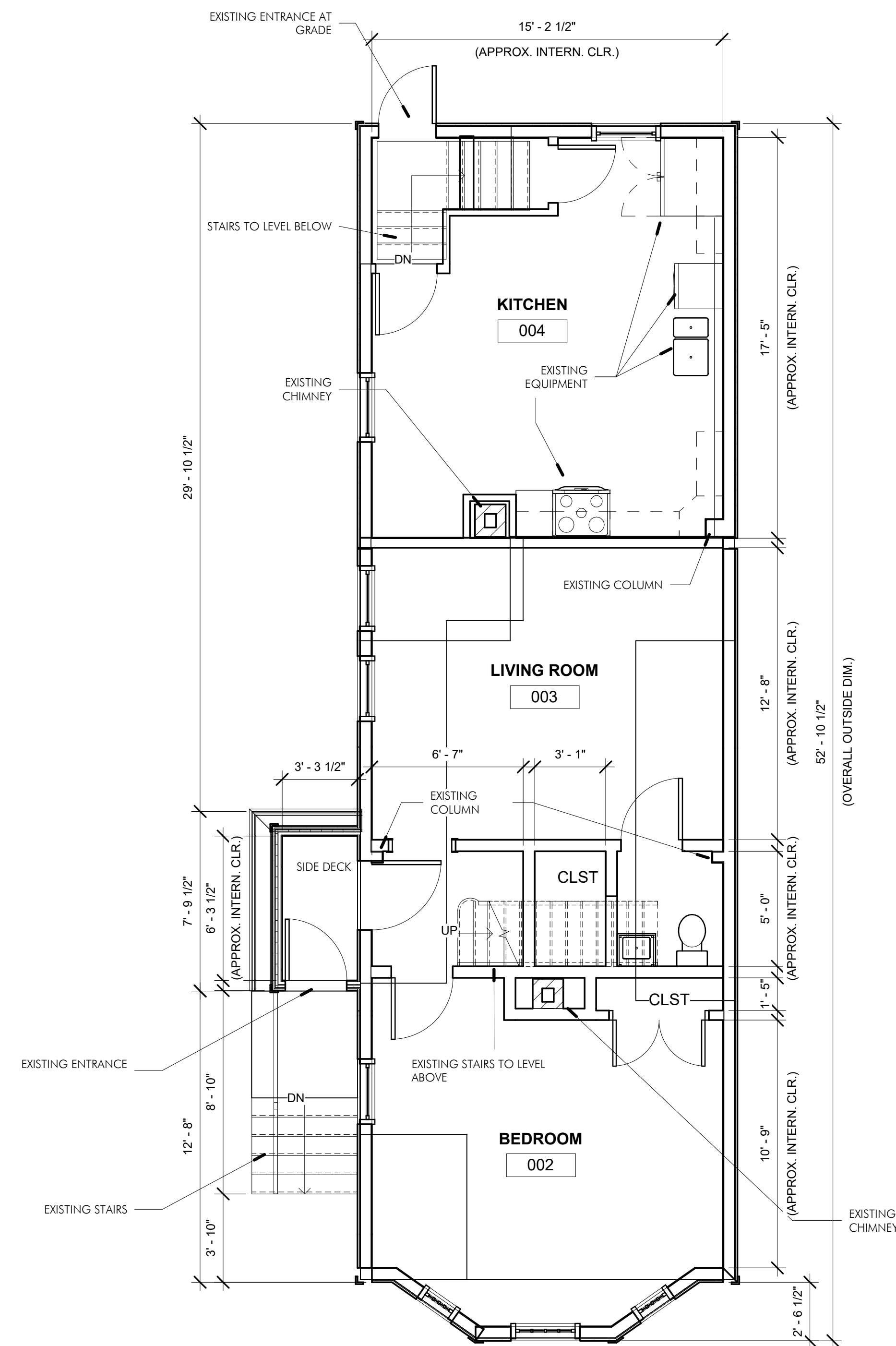
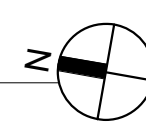
Scale: As indicated

Drawn by: A.R.S., R.B.

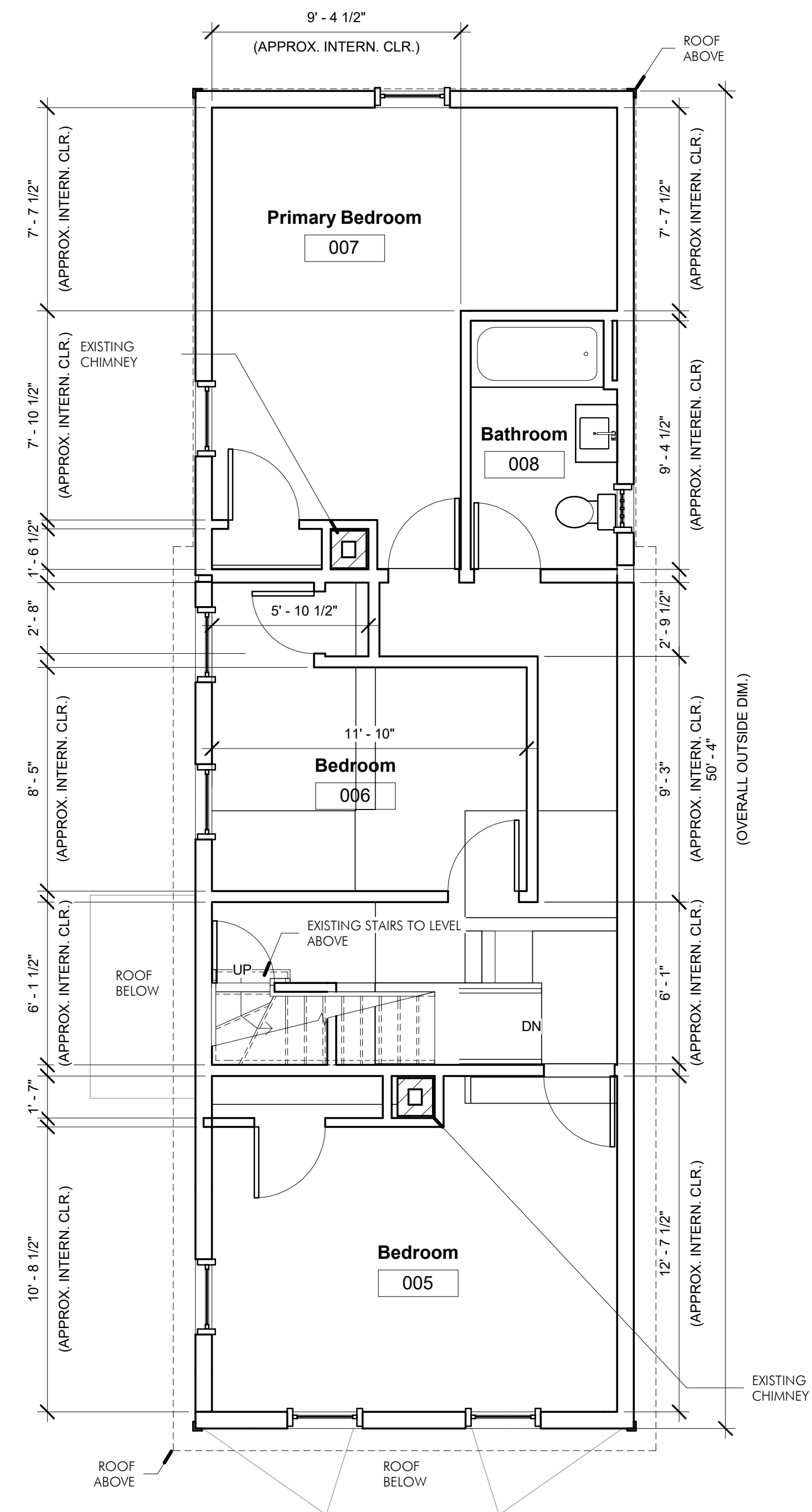
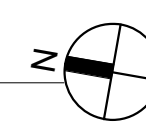
L1.1



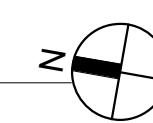
1 EXISTING BASEMENT PLAN-UNIT 33
1/4" = 1'-0"



2 EXISTING FIRST FLOOR-UNIT 33
1/4" = 1'-0"



③ EXISTING SECOND FLOOR -UNIT 33
1/4" = 1'-0"



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[illegible]

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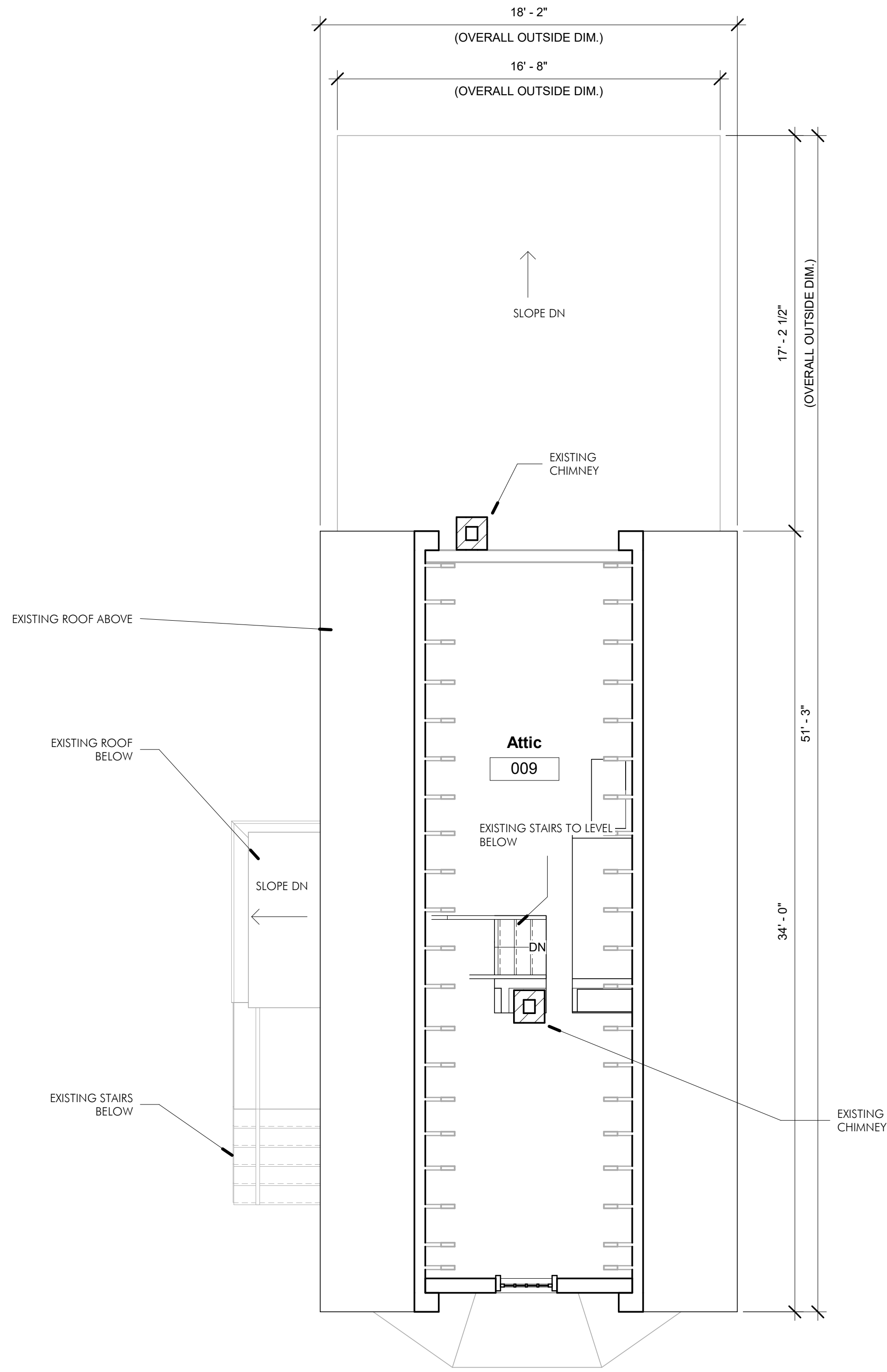
Project:	33 WEBSTER
Address:	33 WEBSTER AVENUE CAMBRIDGE, MA 02141
Title:	EXISTING FLOOR PLANS - UNIT 33

Drawing Issued By: ANDERSON PORTER DESIGN	
Project #:	2112
Date:	11/24/2021
Scale:	1/4" = 1'-0"
Drawn by:	DS

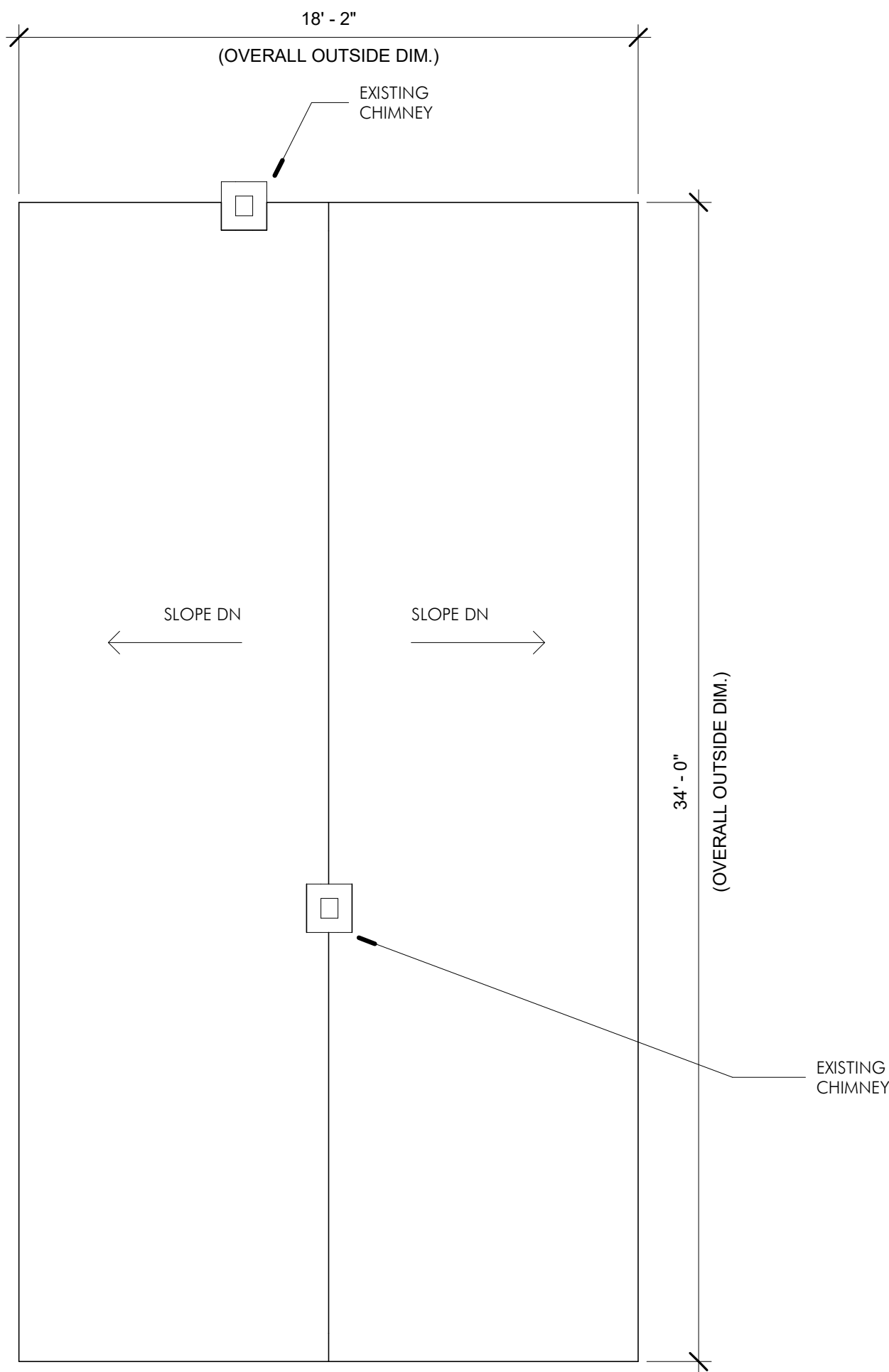
Drawn No.

AX1.1

AX1.1



① EXISTING THIRD FLOOR-UNIT 33
1/4" = 1'-0"



② EXISTING ROOF PLAN-UNIT 33
1/4" = 1'-0"

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Tel. 617.354.2501 Fax. 617.354.2509

Project: 33 WEBSTER
Address: 33 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: EXISTING FLOOR PLANS - UNIT 33

Drawing Issued By: ANDERSON PORTER DESIGN
Project #: 2112
Date: 11/24/2021
Scale: 1/4" = 1'-0"
Drawn by: DS

AX1.2

SPECIAL PERMIT

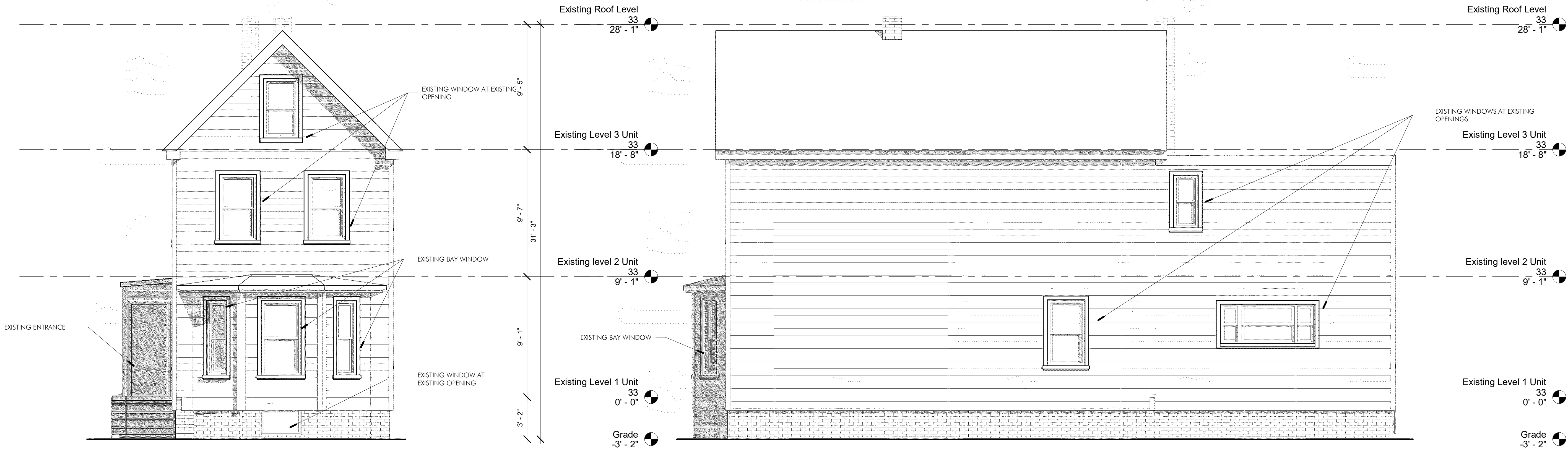
REVISIONS		
No.	Description	Date

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project: 33 WEBSTER
Address: 33 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: EXISTING ELEVATIONS - UNIT 33

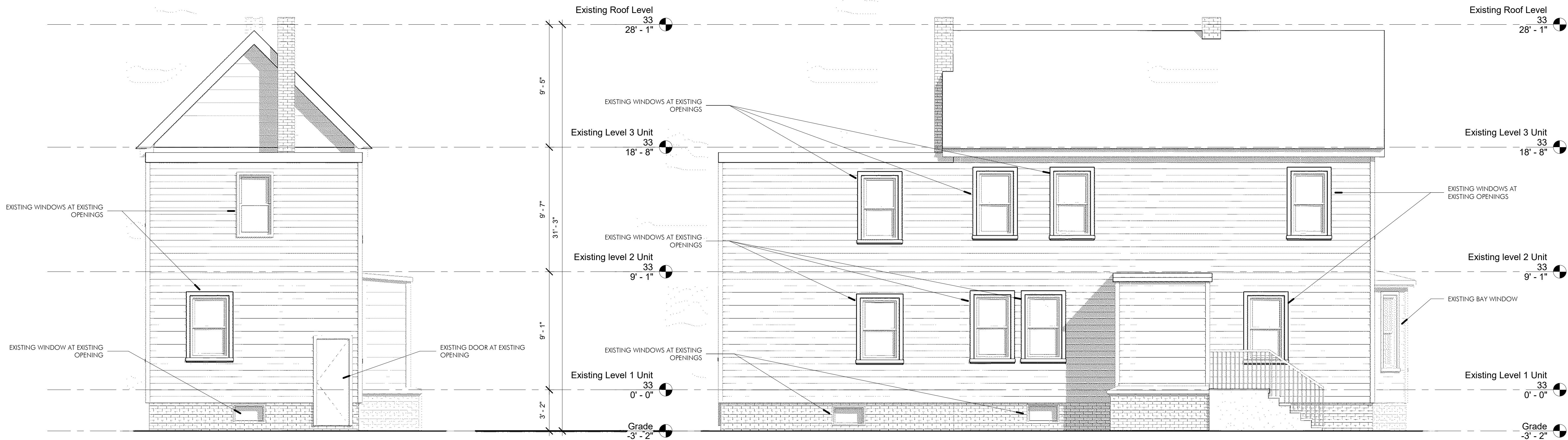
Drawing Issued By: ANDERSON PORTER DESIGN
Project #: 2112
Date: 11/24/2021
Scale: 1/4" = 1'-0"
Drawn by: DS

AX2.1



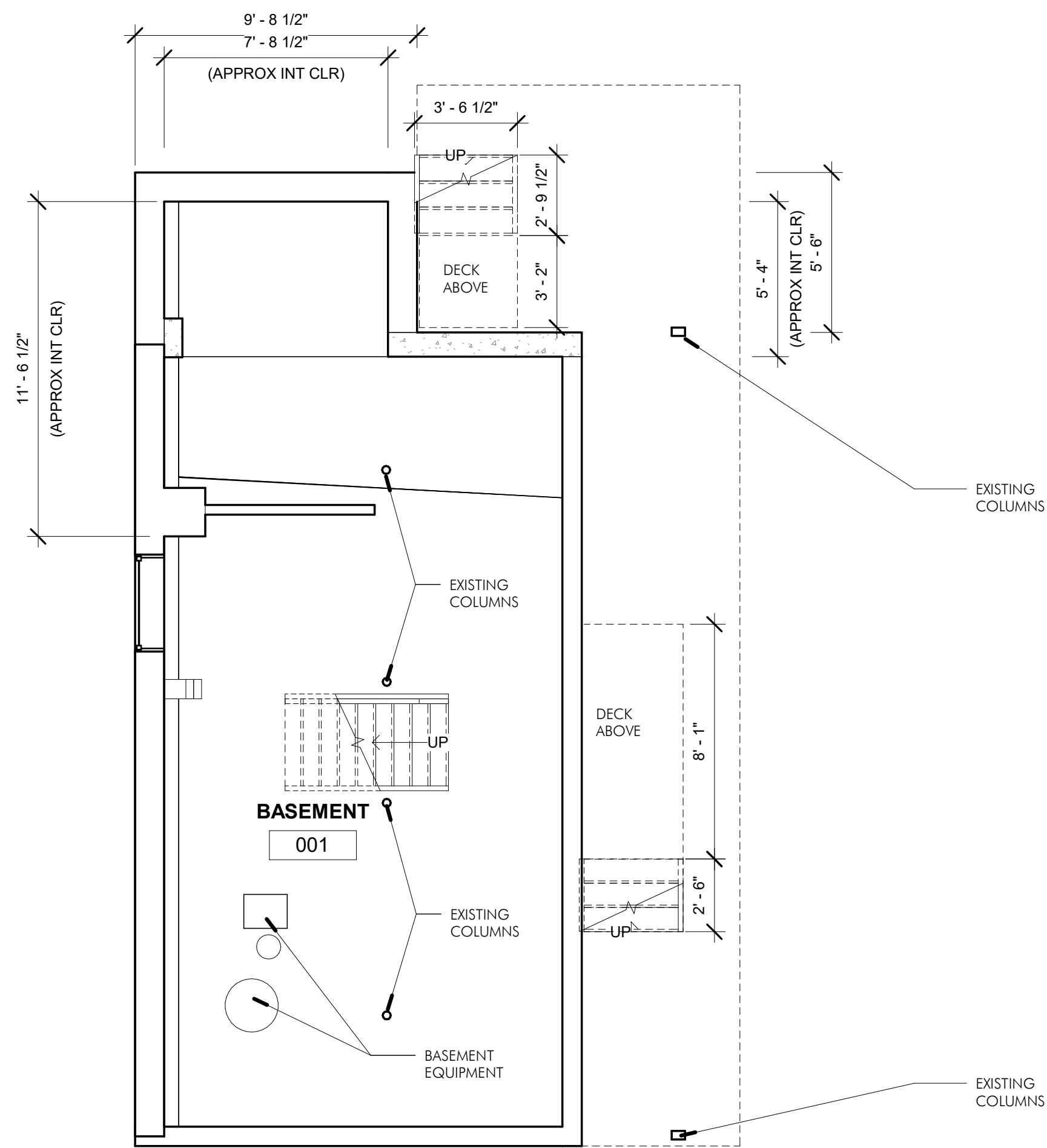
① EXISTING WEST ELEVATION- UNIT 33
1/4" = 1'-0"

② EXISTING SOUTH ELEVATION-UNIT 33
1/4" = 1'-0"

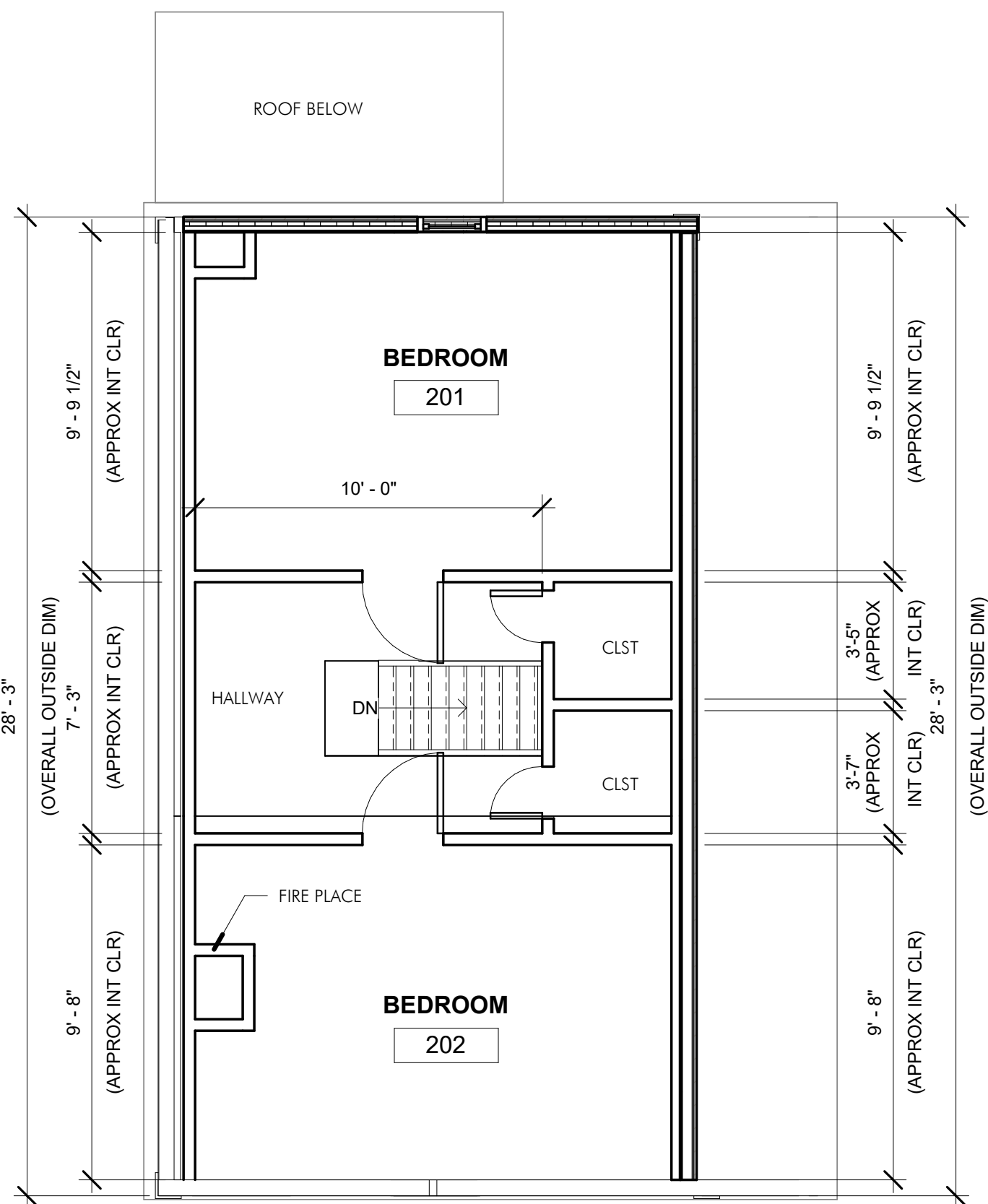


③ EXISTING EAST ELEVATION-UNIT 33
1/4" = 1'-0"

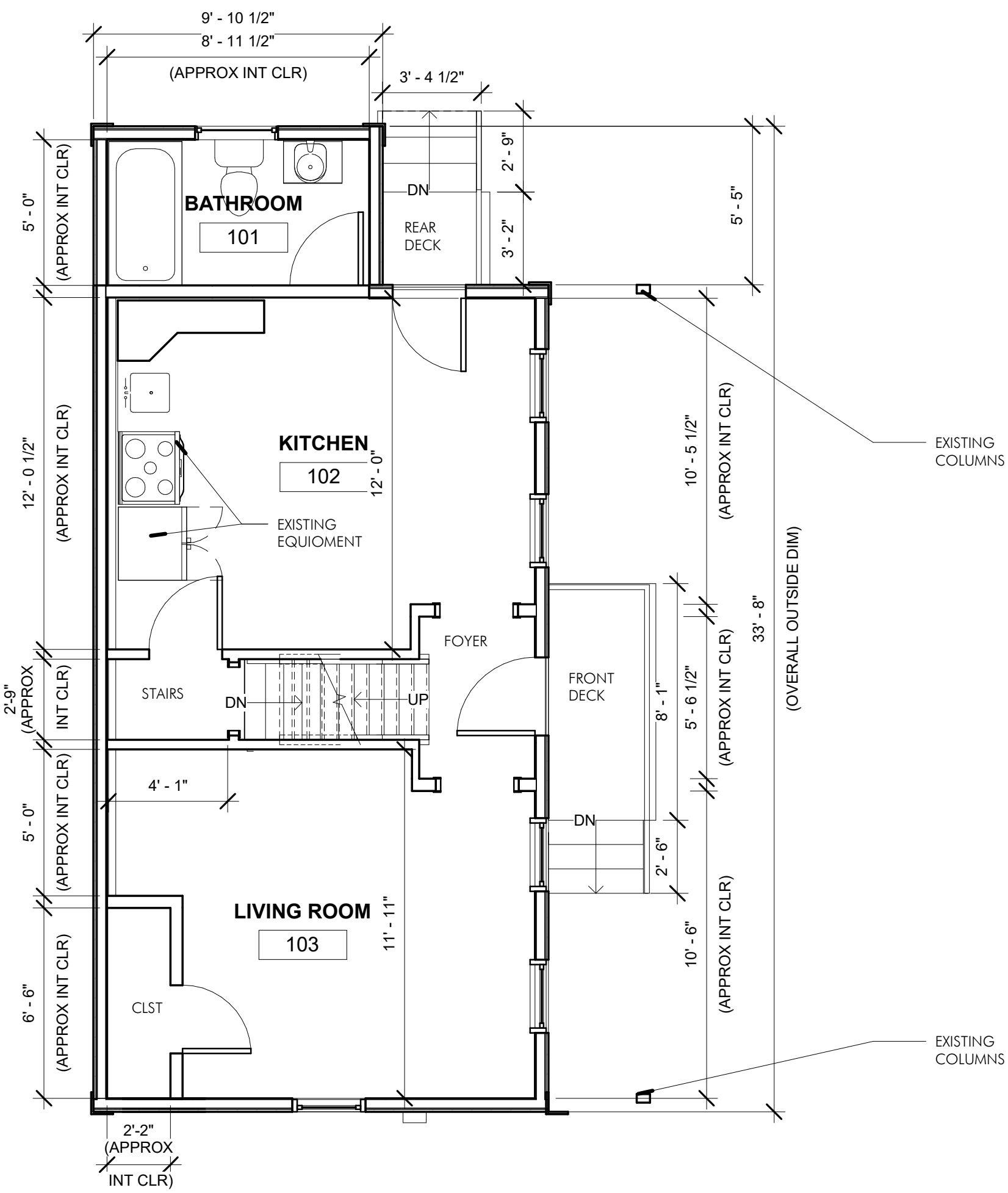
④ EXISTING NORTH ELEVATION- UNIT 33
1/4" = 1'-0"



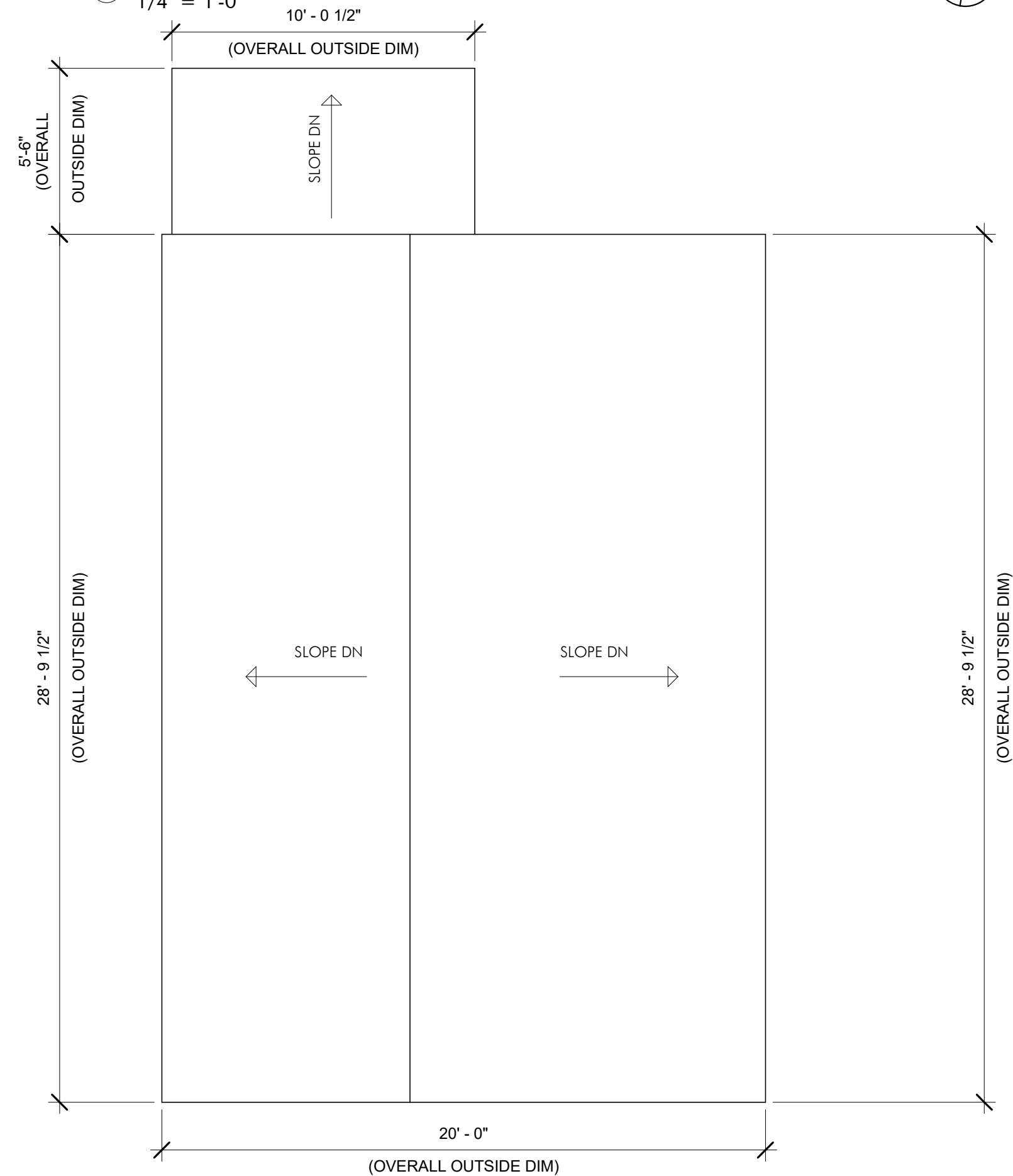
1 EXISTING BASEMENT PLAN
1/4" = 1'-0"



3 EXISTING LEVEL 2
1/4" = 1'-0"



2 EXISTING LEVEL 1
1/4" = 1'-0"



4 EXISTING ROOF
1/4" = 1'-0"

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1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project: 35 WEBSTER
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: EXISTING PLANS - UNIT 35

Drawing Issued By: ANDERSON PORTER DESIGN
Project #: 2112
Date: 11/24/2021
Scale: 1/4" = 1'-0"
Drawn by: DS

SPECIAL PERMIT

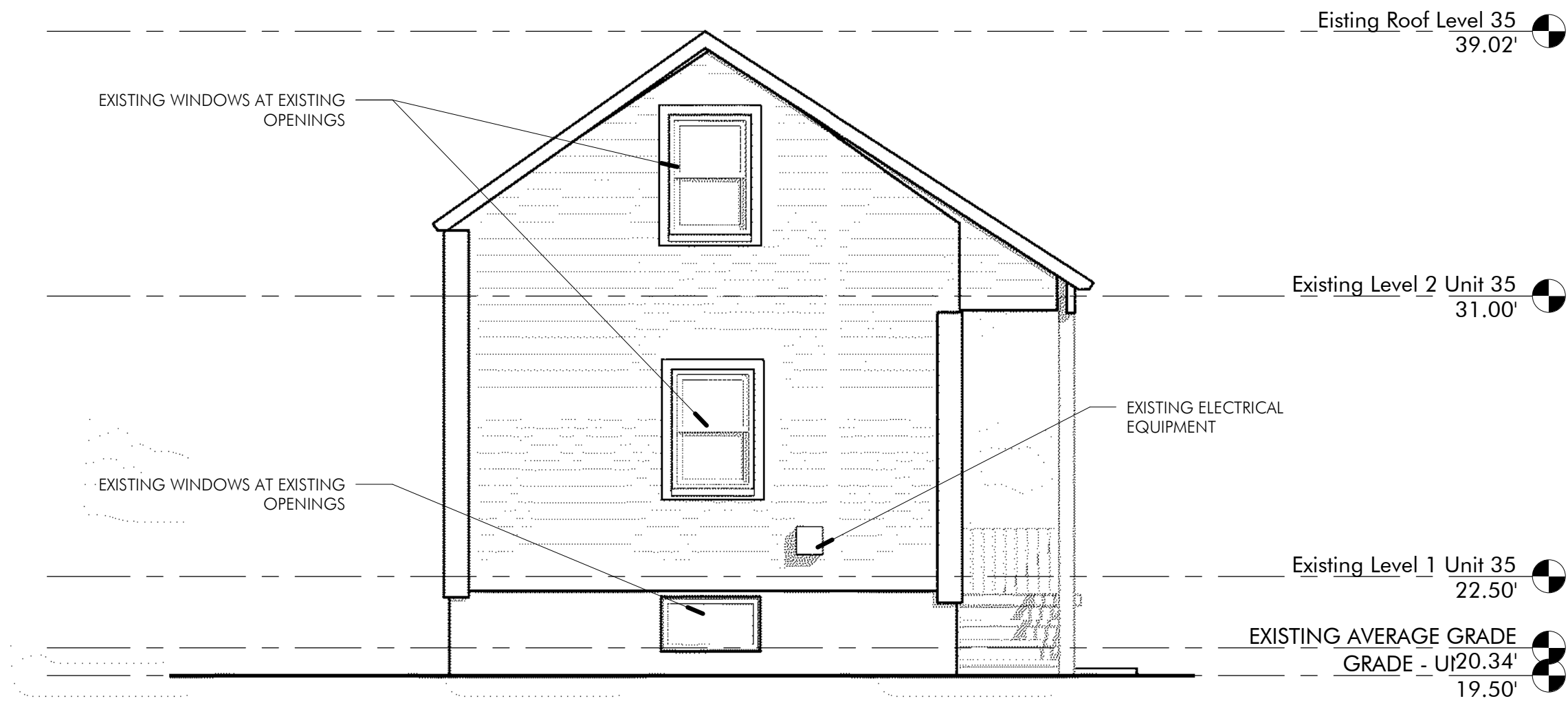
REVISIONS		
No.	Description	Date

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project: 35 WEBSTER
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: EXISTING ELEVATIONS - UNIT 35

Drawing Issued By: ANDERSON PORTER DESIGN
Project #: 2112
Date: 11/24/2021
Scale: 1/4" = 1'-0"
Drawn by: DA/RB/AS

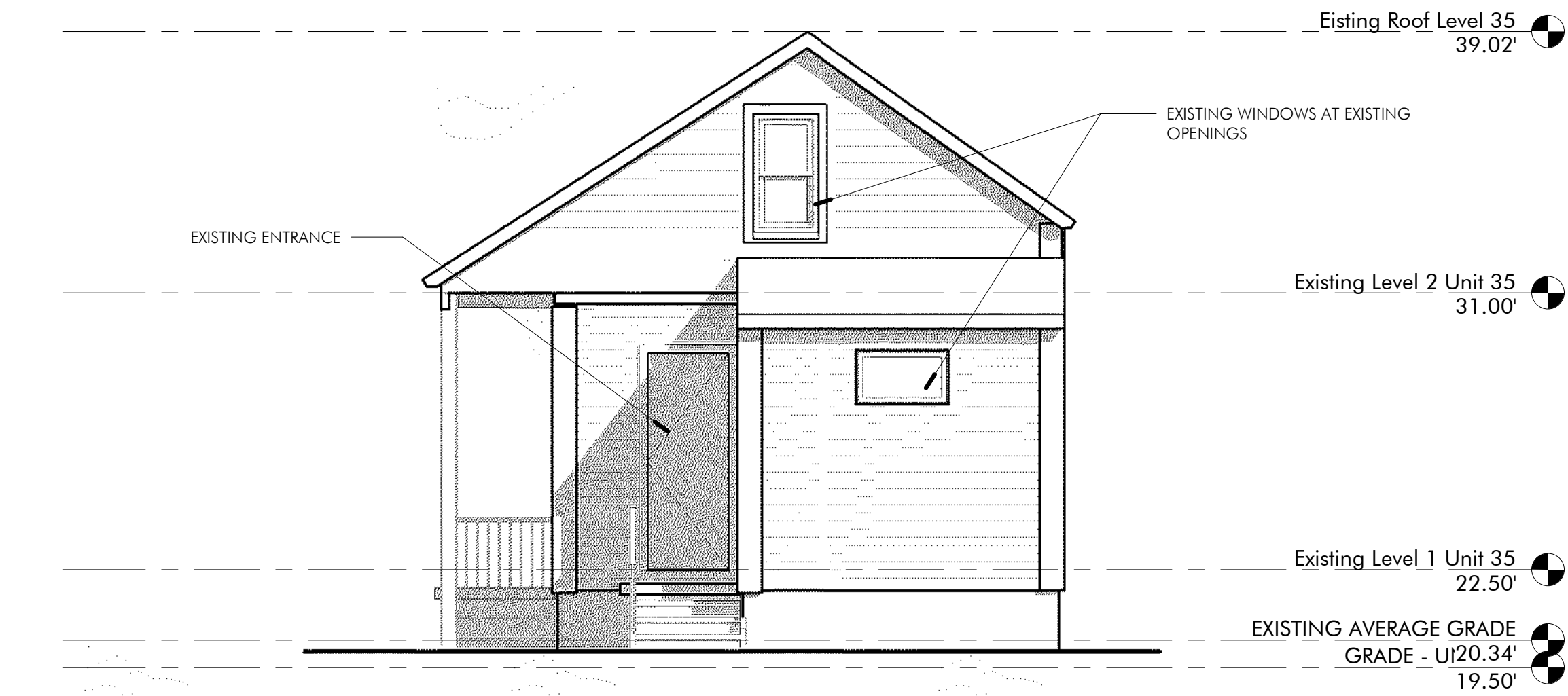
AX2.2



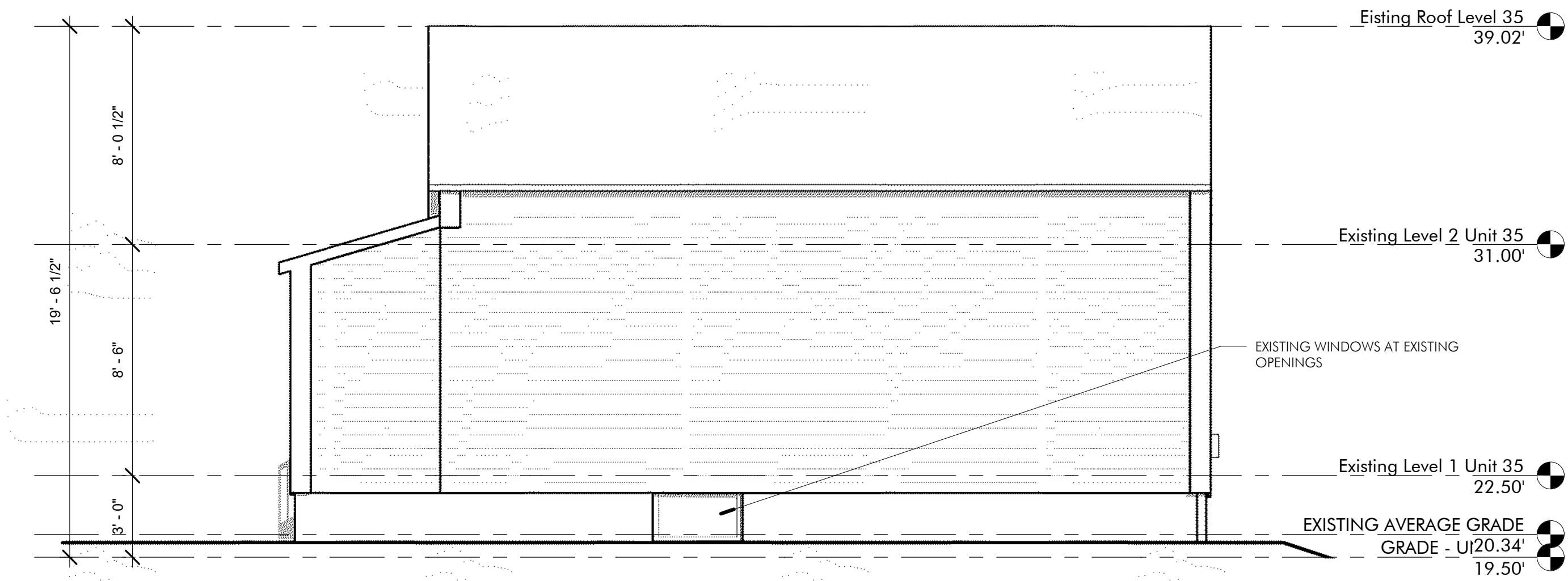
4 EXISTING SOUTH ELEVATION
1/4" = 1'-0"



1 EXISTING EAST ELEVATION
1/4" = 1'-0"



2 EXISTING NORTH ELEVATION
1/4" = 1'-0"



3 EXISTING WEST ELEVATION
1/4" = 1'-0"

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REVISIONS		
No.	Description	Date

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project:
33 WEBSTER

Address:
33 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title:
PROPOSED PLANS - UNIT 33

Drawing Issued By: ANDERSON PORTER DESIGN

Project #:
2112

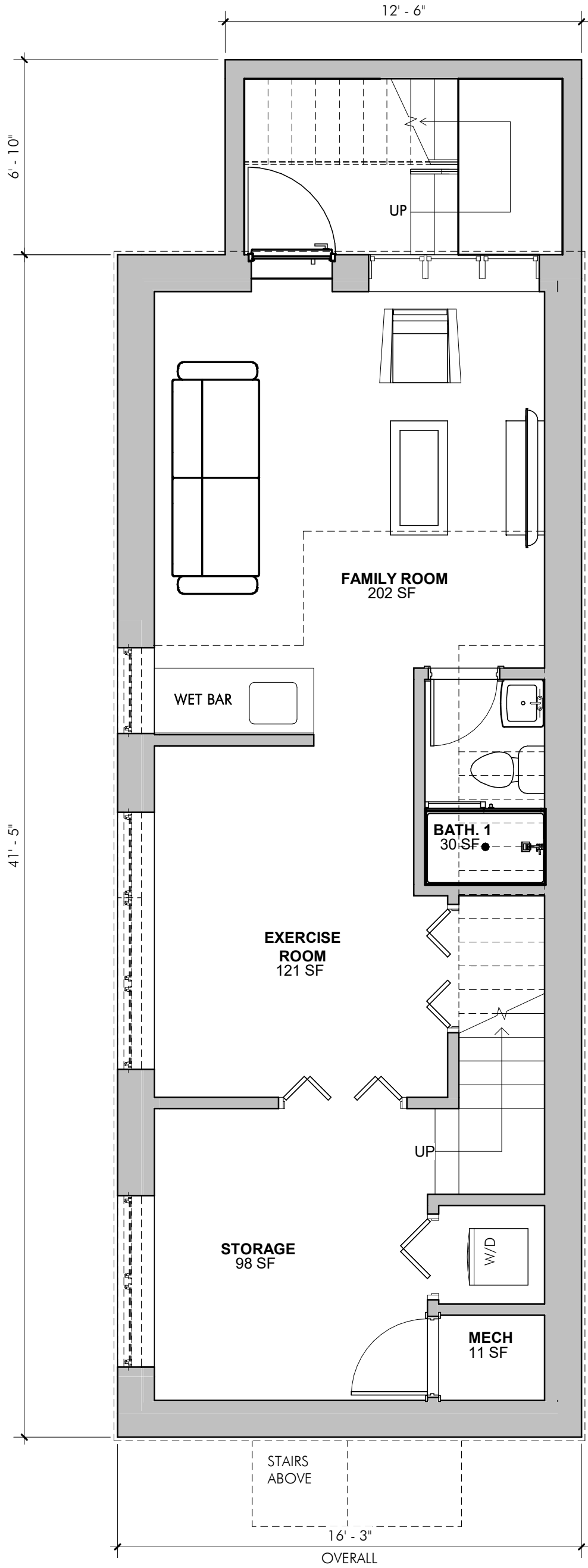
Drawn No.:

Date:
11/24/2021

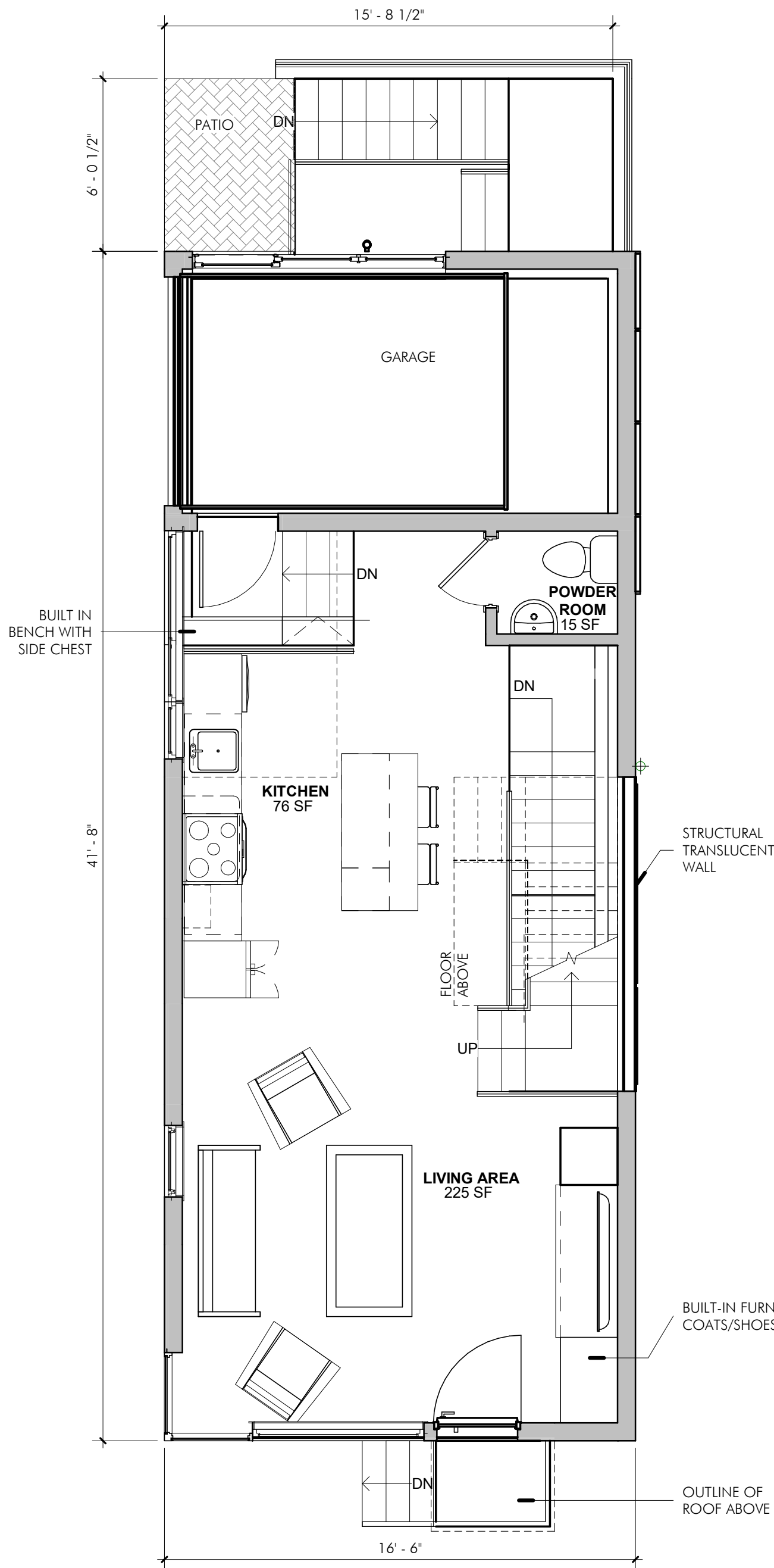
Scale:
1/4" = 1'-0"

Drawn by:
AR.S

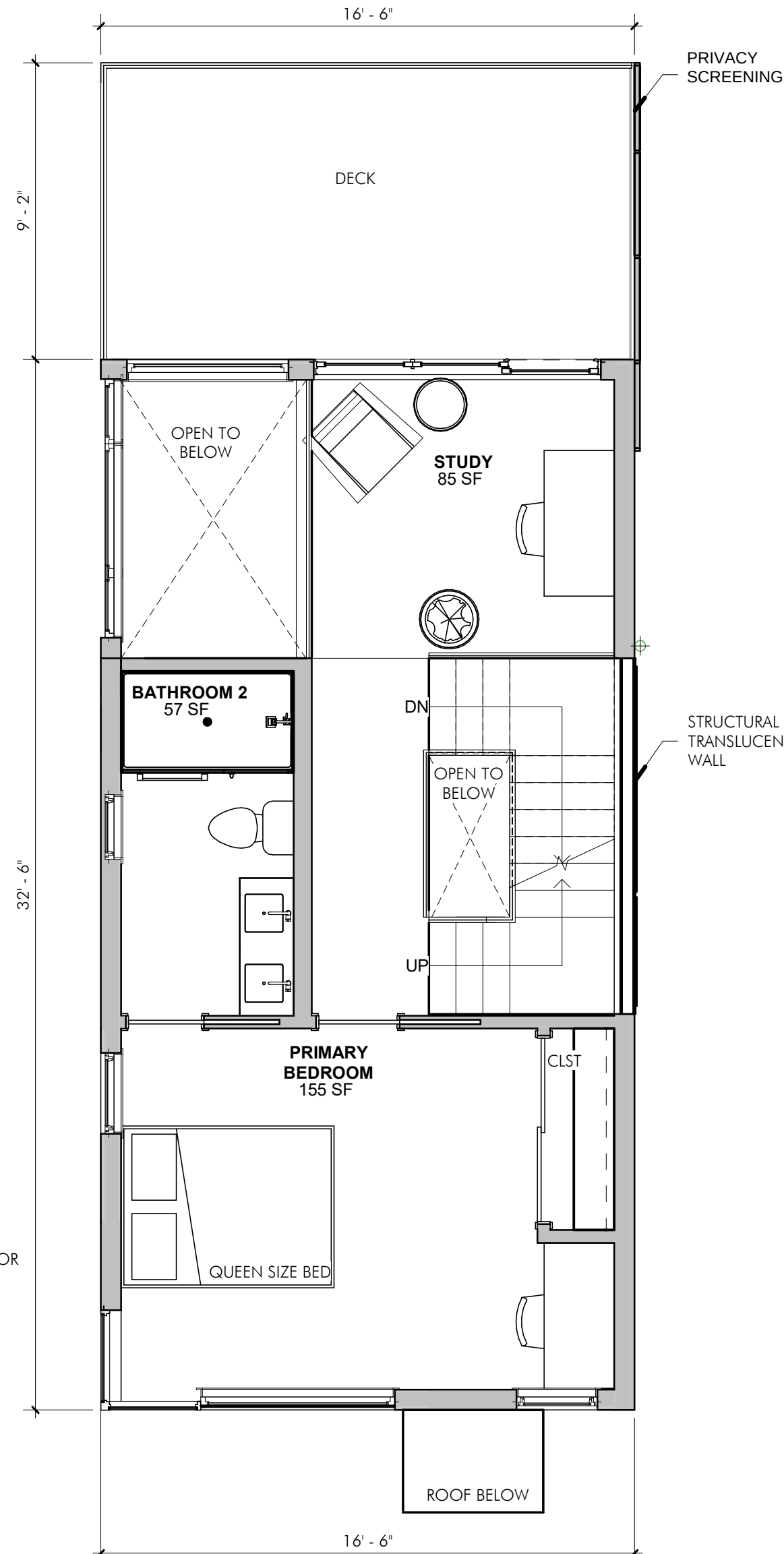
A1.1



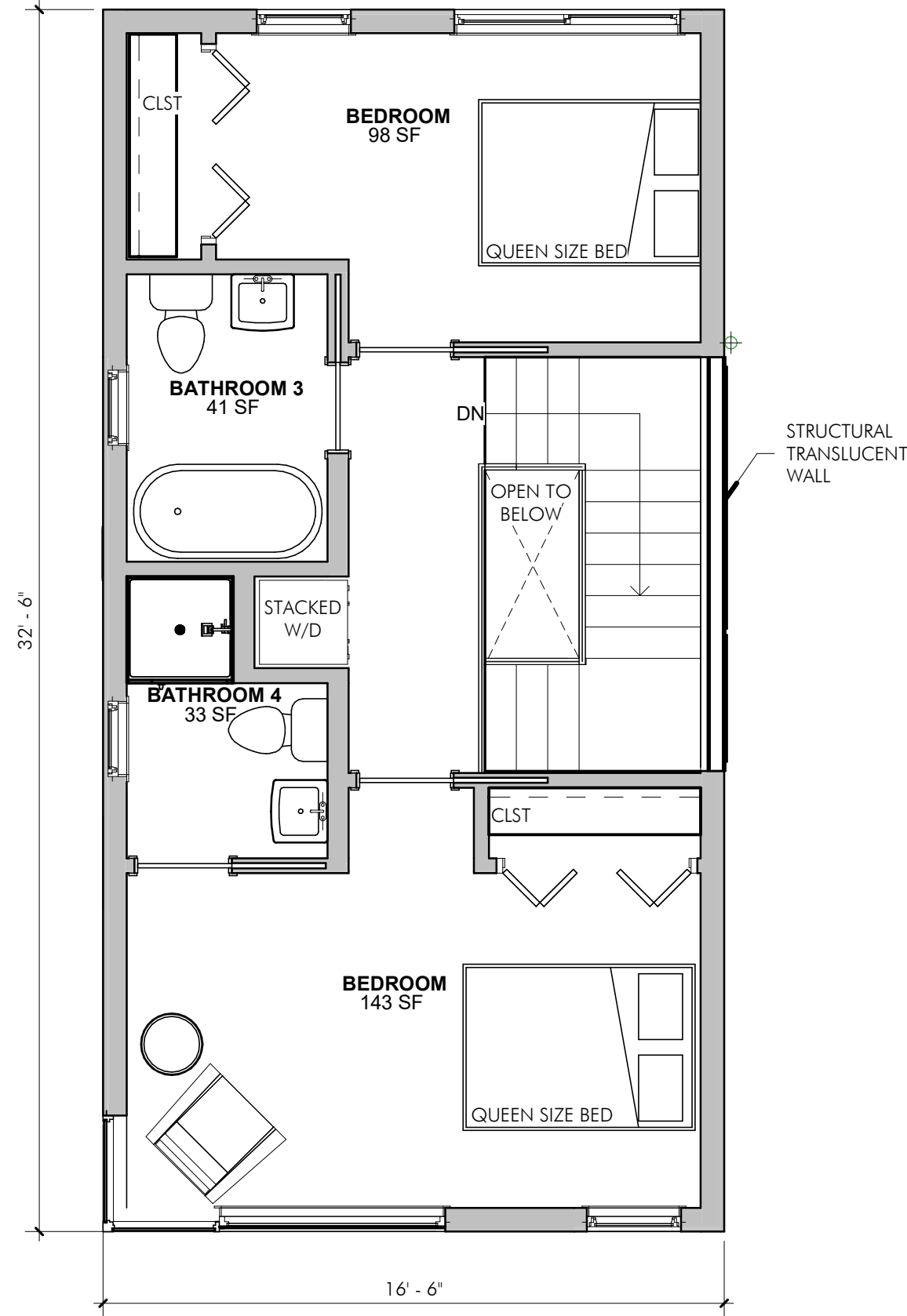
1 PROPOSED BASEMENT PLAN - UNIT 33
1/4" = 1'-0"



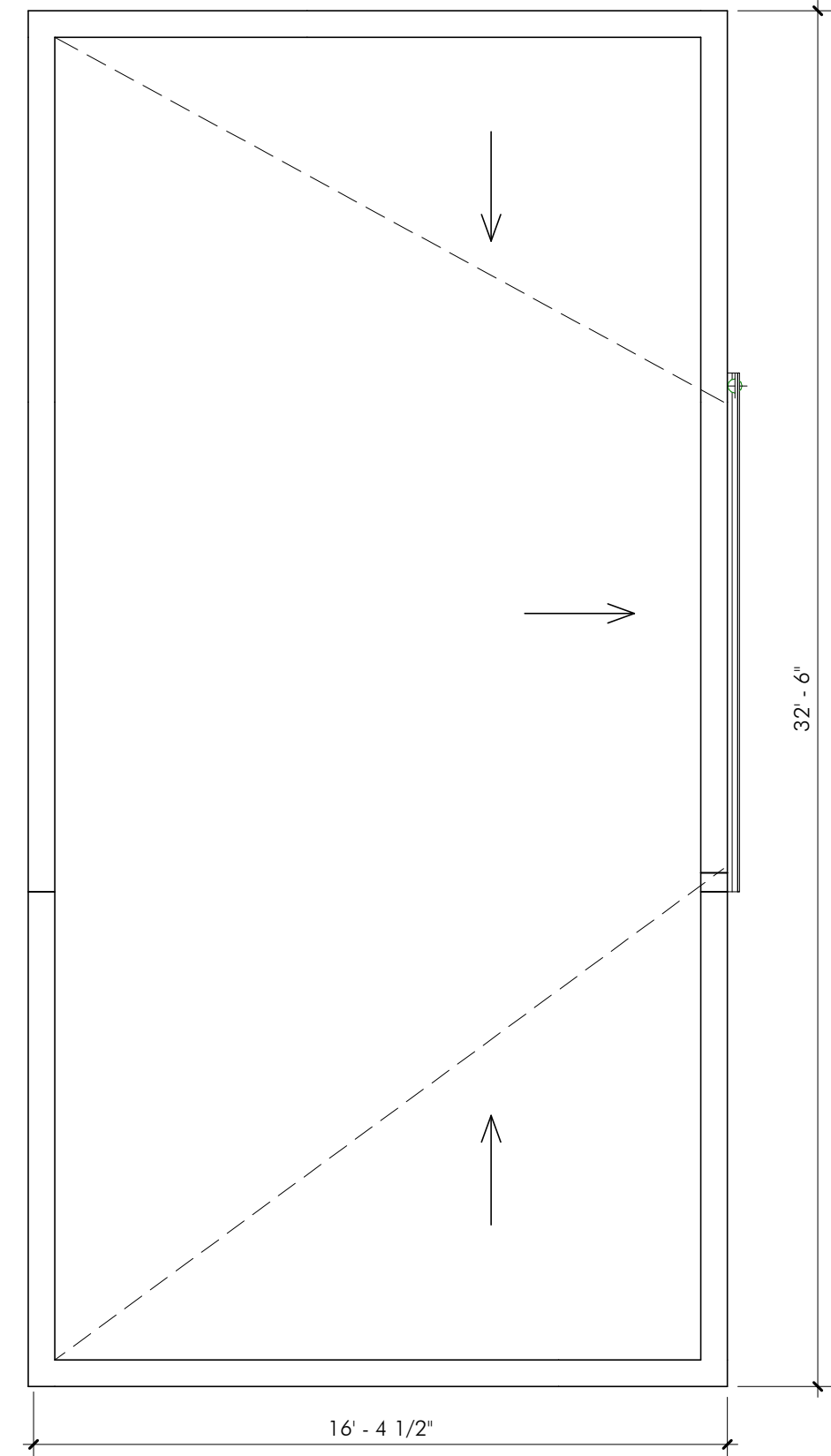
2 PROPOSED FIRST FLOOR PLAN - UNIT 33
1/4" = 1'-0"



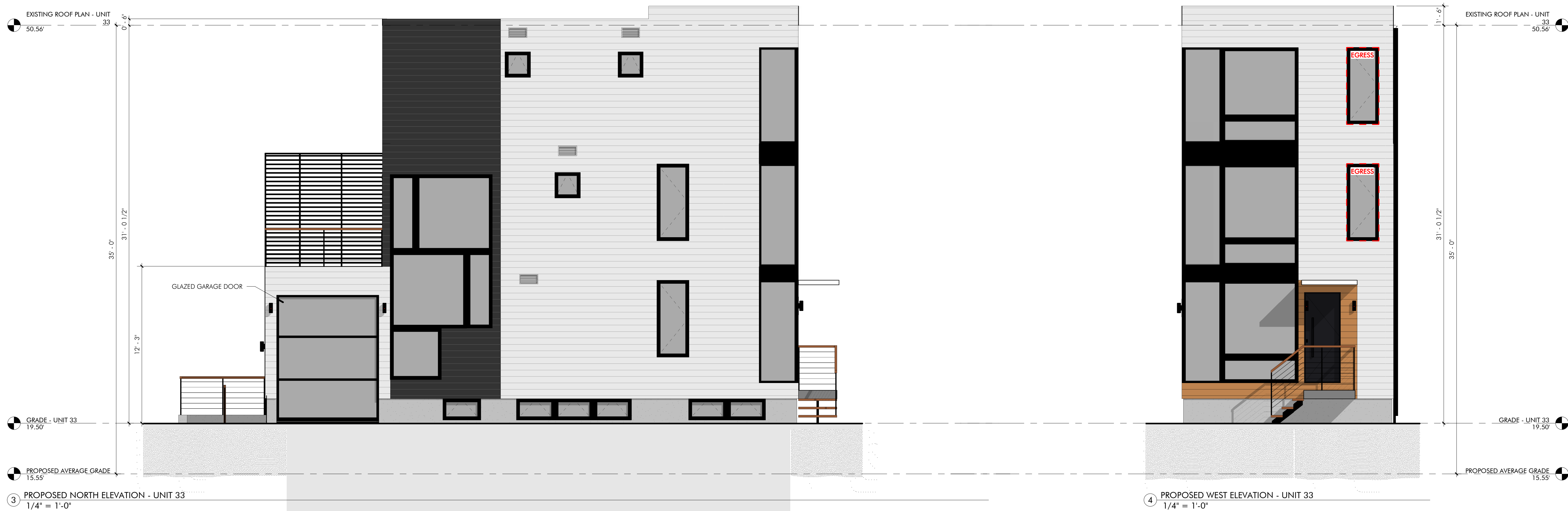
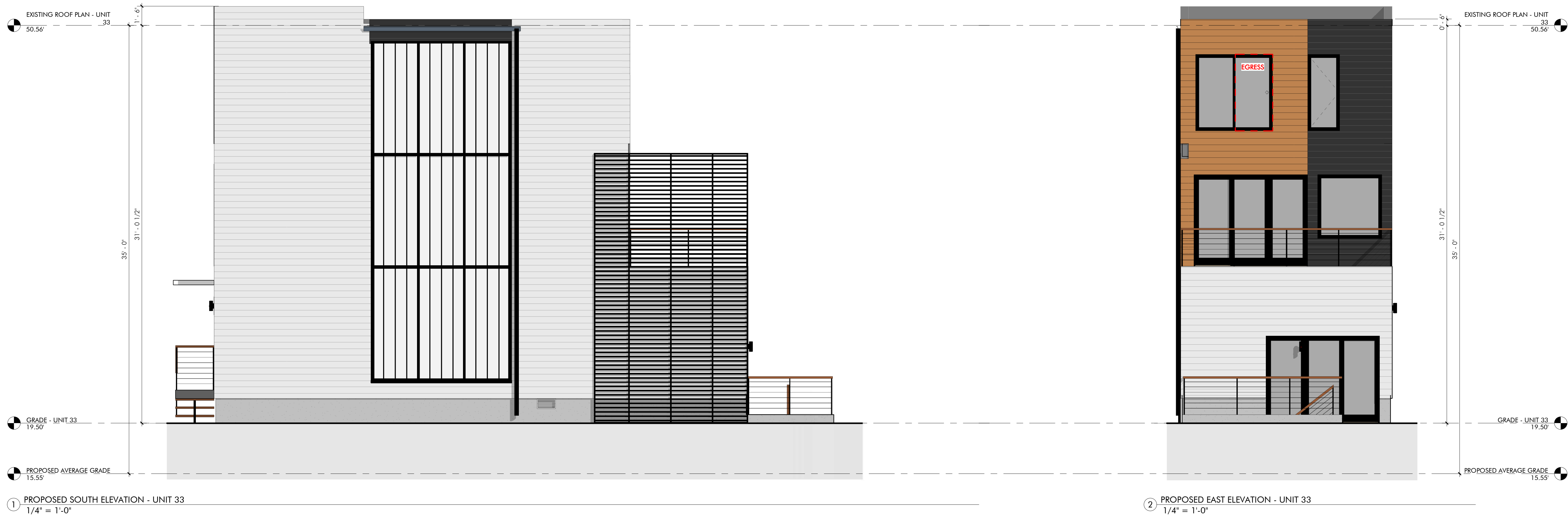
3 PROPOSED SECOND FLOOR PLAN - UNIT 33
1/4" = 1'-0"



4 PROPOSED THIRD FLOOR PLAN - UNIT 33
1/4" = 1'-0"



5 PROPOSED ROOF PLAN - UNIT 33
1/4" = 1'-0"



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No.	Description	Date

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Tel. 617.354.2501 Fax. 617.354.2509

Project: 33 WEBSTER
Address: 33 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: PROPOSED ELEVATIONS - UNIT 33

Drawing Issued By: ANDERSON PORTER DESIGN	
Project #: 2112	Drawn No.
Date: 11/24/2021	
Scale: 1/4" = 1'-0"	
Drawn by: AR.S	

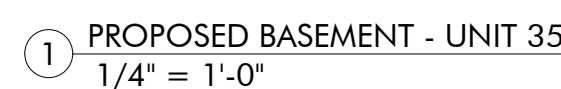
AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

AndersonPorterDesign
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Cambridge, MA 02140
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Tel. 617.354.2501 Fax. 617.354.2509

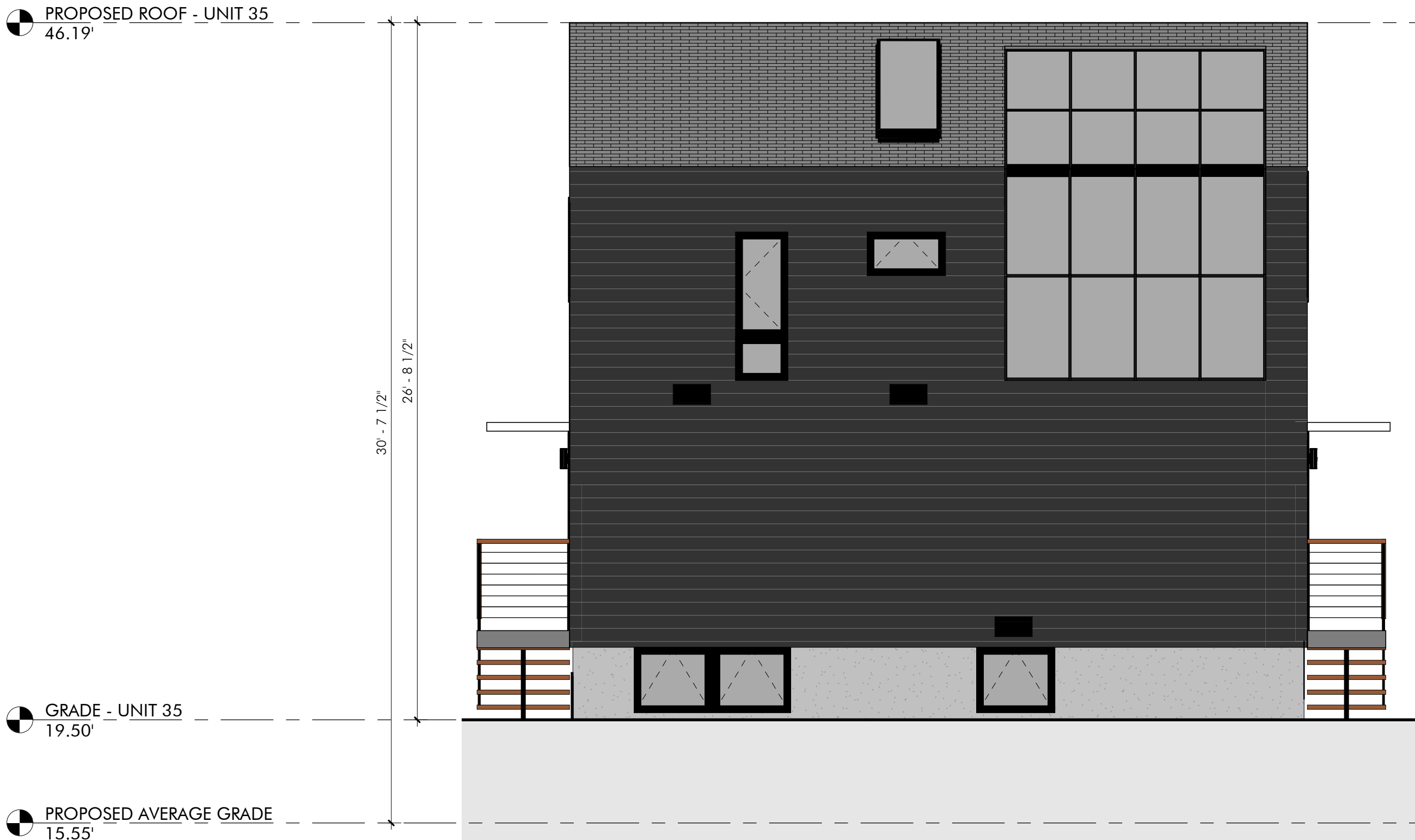




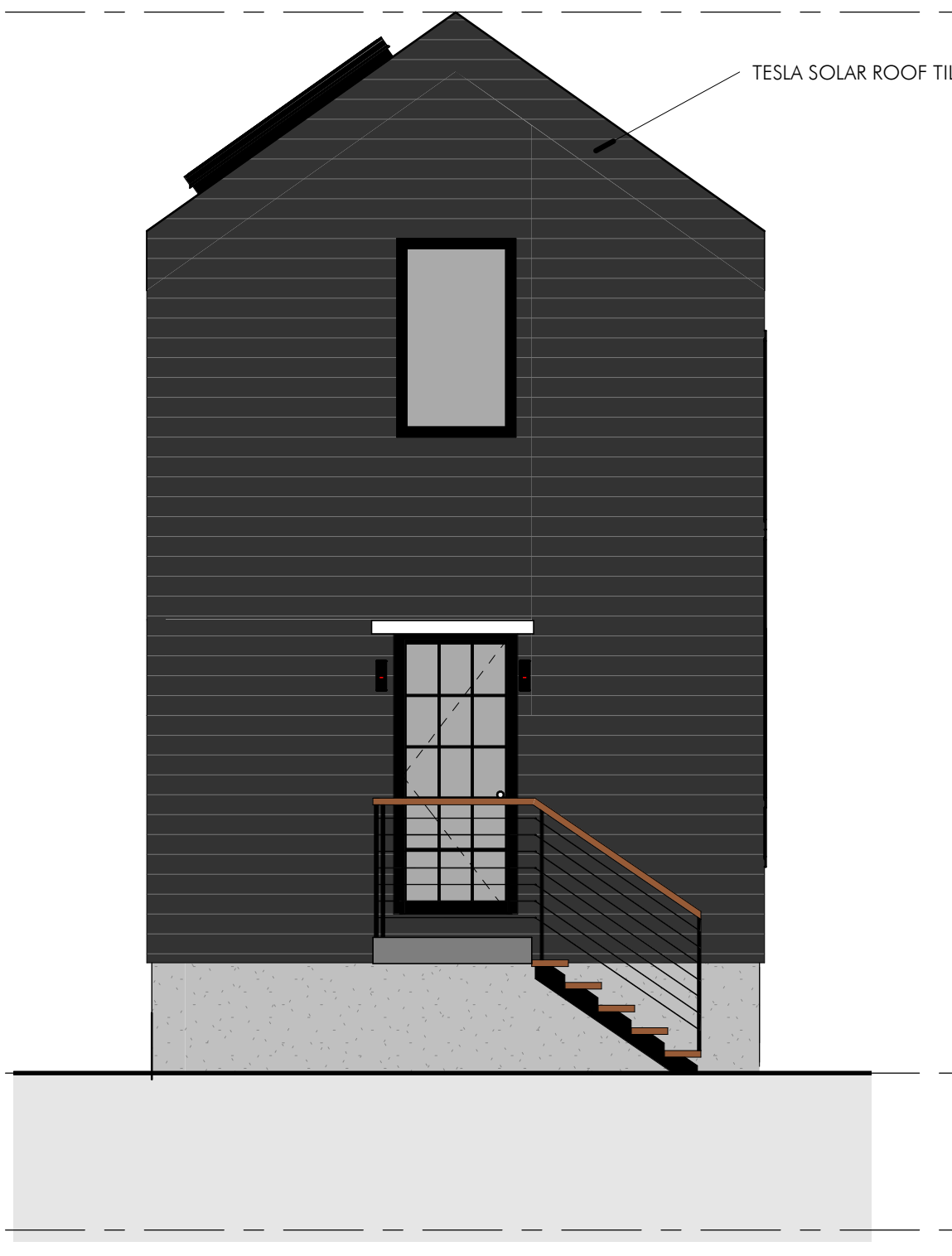
① PROPOSED SOUTH ELEVATION - UNIT 35
1/4" = 1'-0"



② PROPOSED EAST ELEVATION - UNIT 35
1/4" = 1'-0"



③ PROPOSED NORTH ELEVATION - UNIT 35
1/4" = 1'-0"



④ PROPOSED WEST ELEVATION - UNIT 35
1/4" = 1'-0"

SPECIAL PERMIT

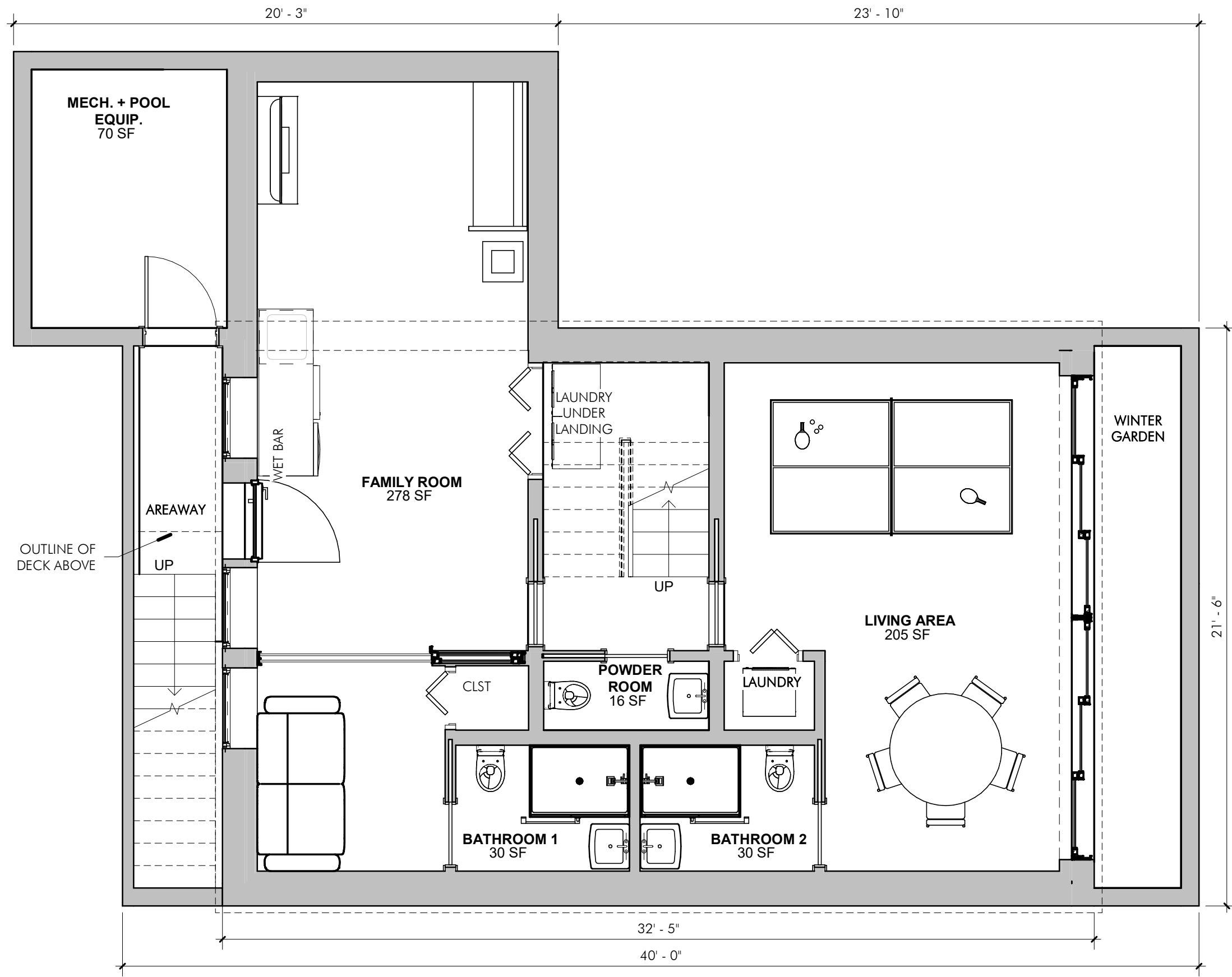
REVISIONS		
No.	Description	Date

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

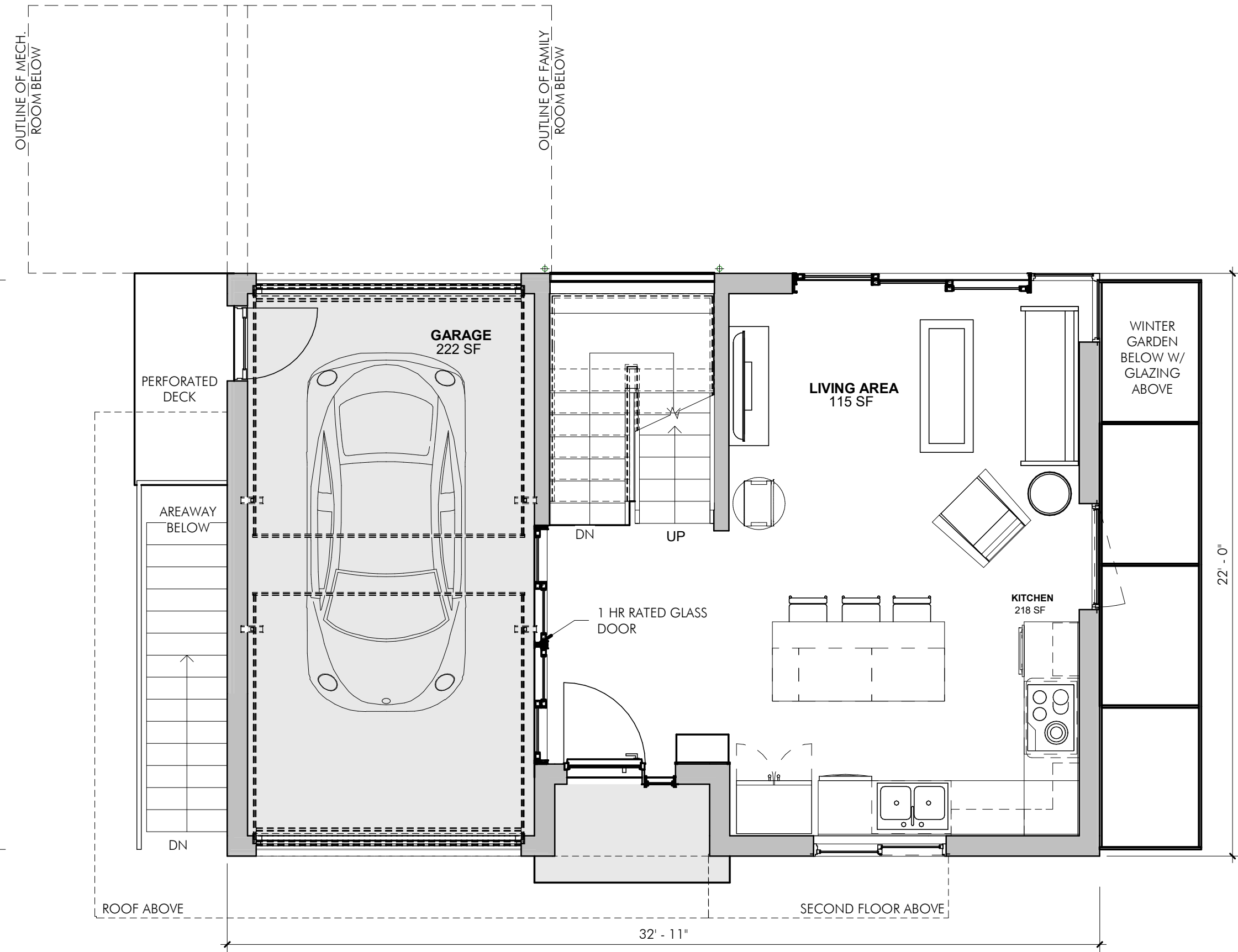
Project: 35 WEBSTER
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: PROPOSED ELEVATIONS - UNIT 35

Drawing Issued By: ANDERSON PORTER DESIGN	
Project #:	2112
Date:	11/24/2021
Scale:	1/4" = 1'-0"
Drawn by:	AR.S

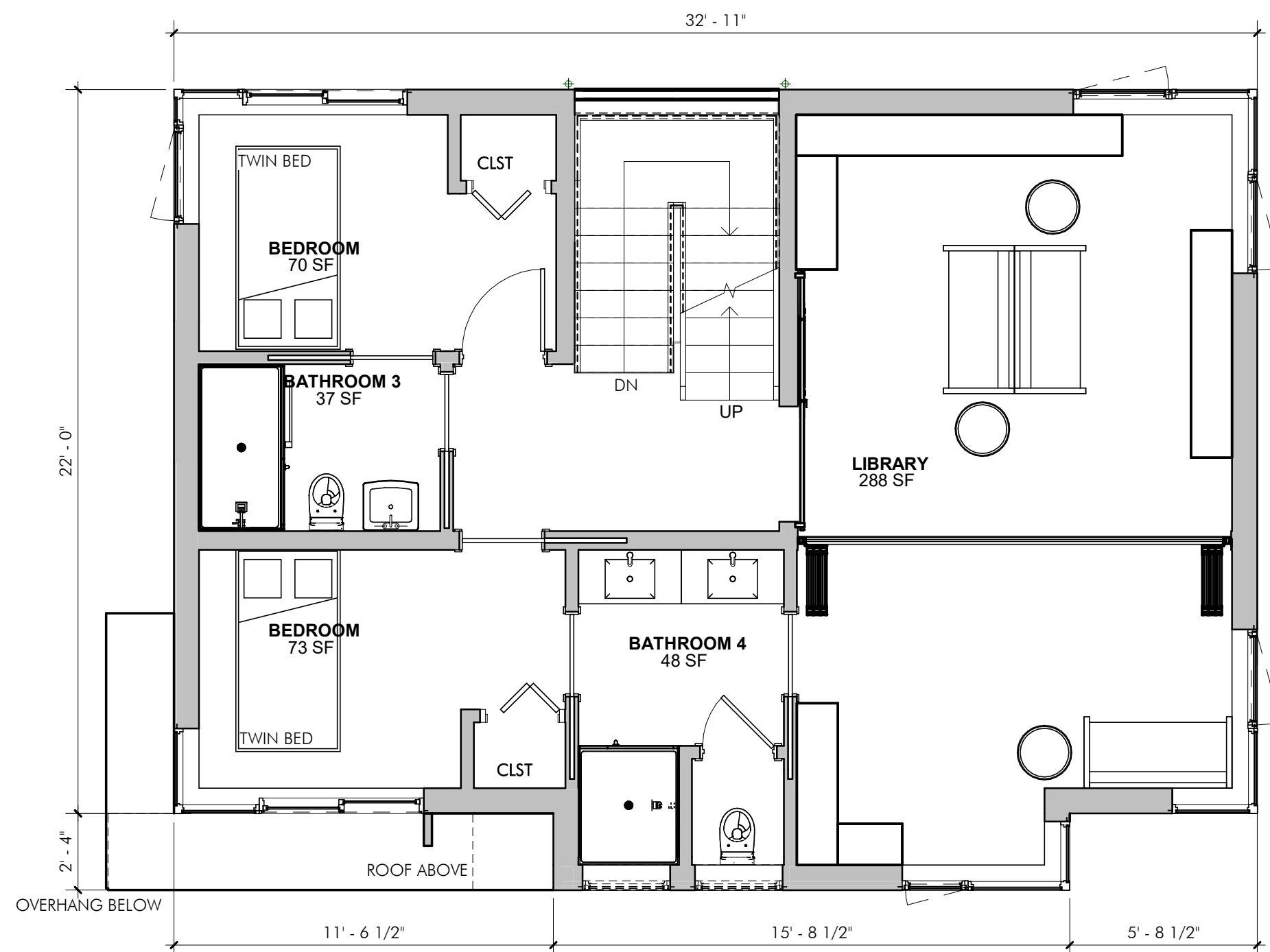
A2.2



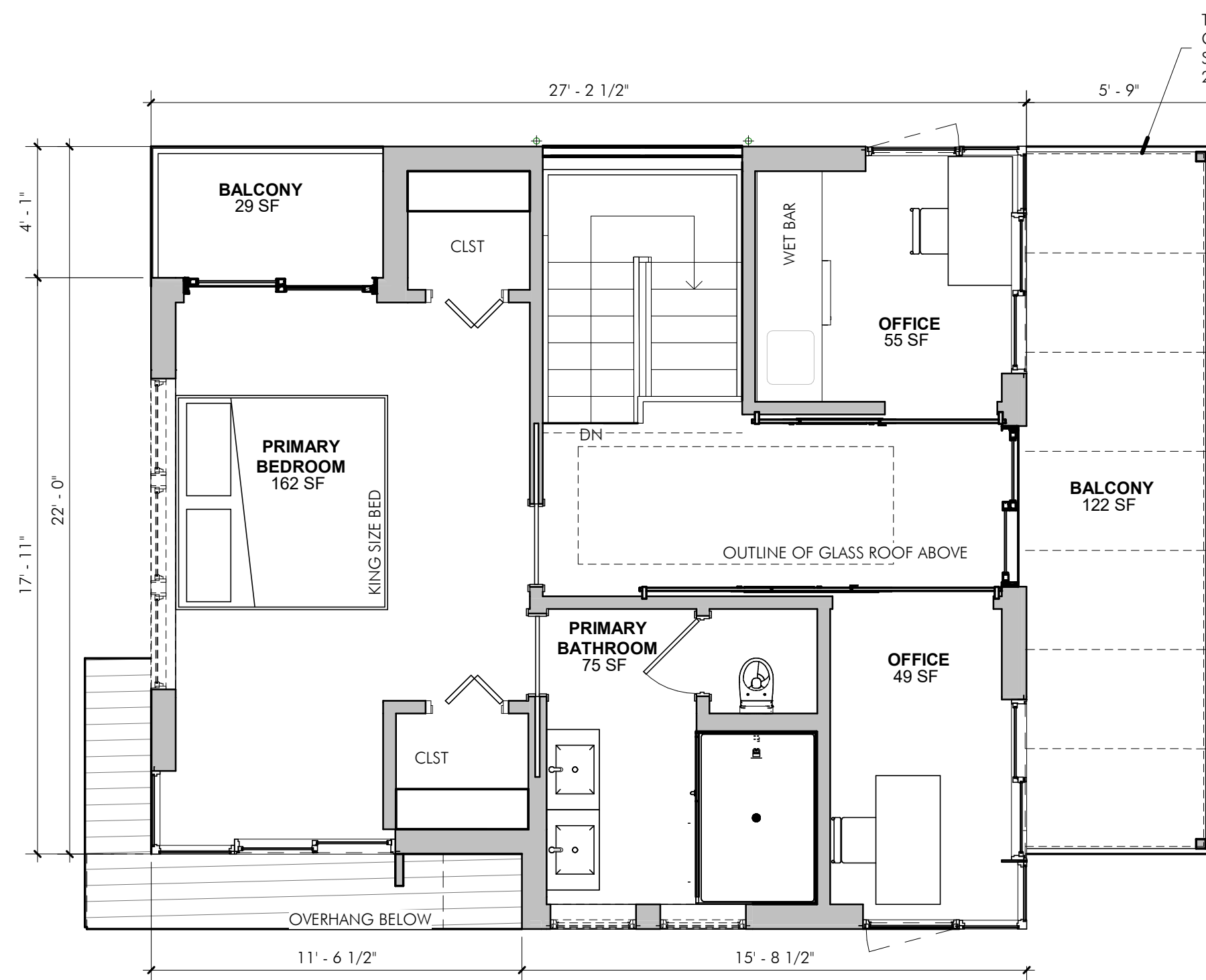
1 PROPOSED BASEMENT PLAN - UNIT 37
1/4" = 1'-0"



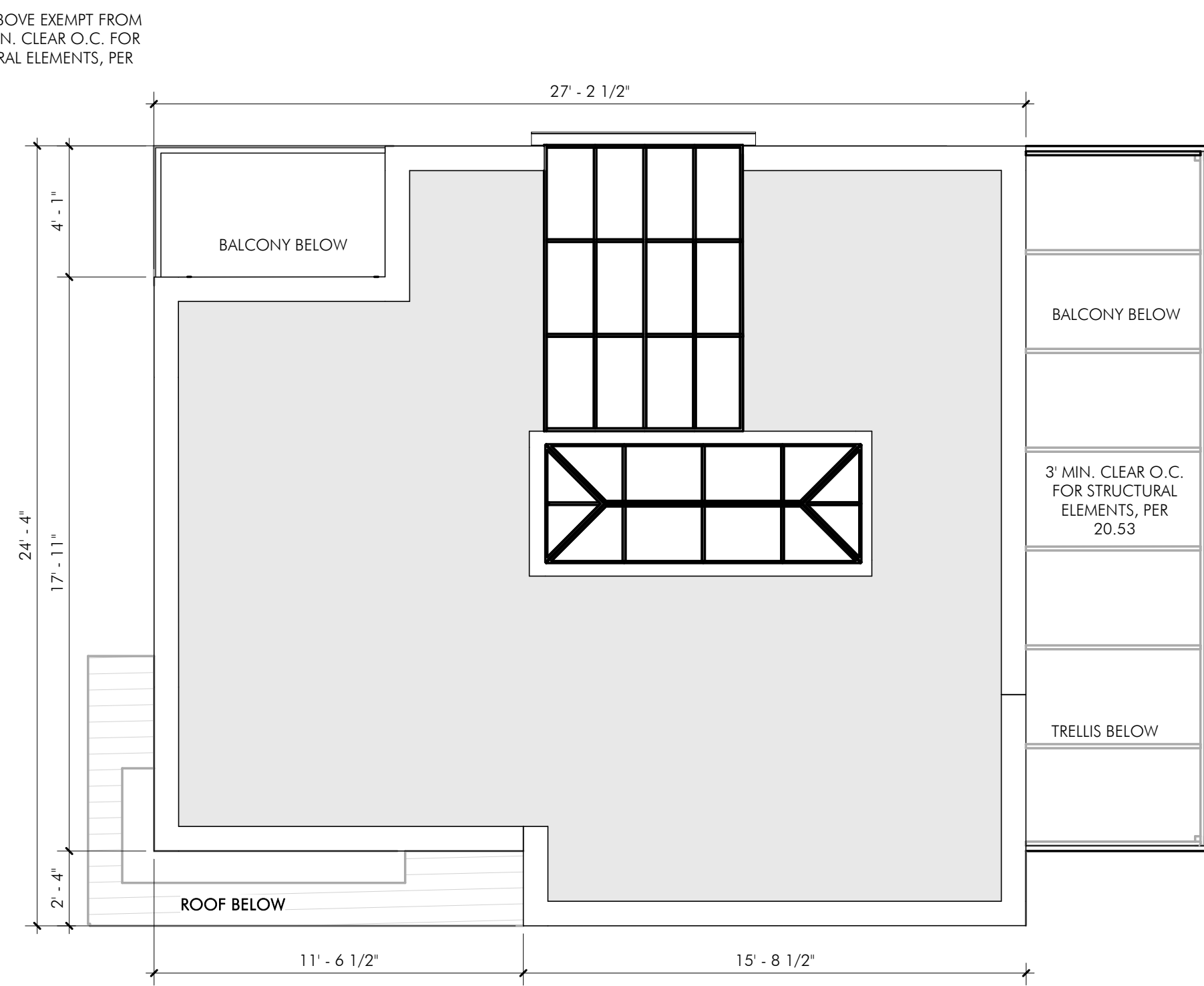
2 PROPOSED FIRST FLOOR PLAN - UNIT 37
1/4" = 1'-0"



3 PROPOSED SECOND FLOOR PLAN - UNIT 37
1/4" = 1'-0"



4 PROPOSED THIRD FLOOR PLAN - UNIT 37
1/4" = 1'-0"



5 PROPOSED ROOF PLAN - UNIT 37
1/4" = 1'-0"

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Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project: 33,35 & 37 WEBSTER
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: PROPOSED PLAN - UNIT 37

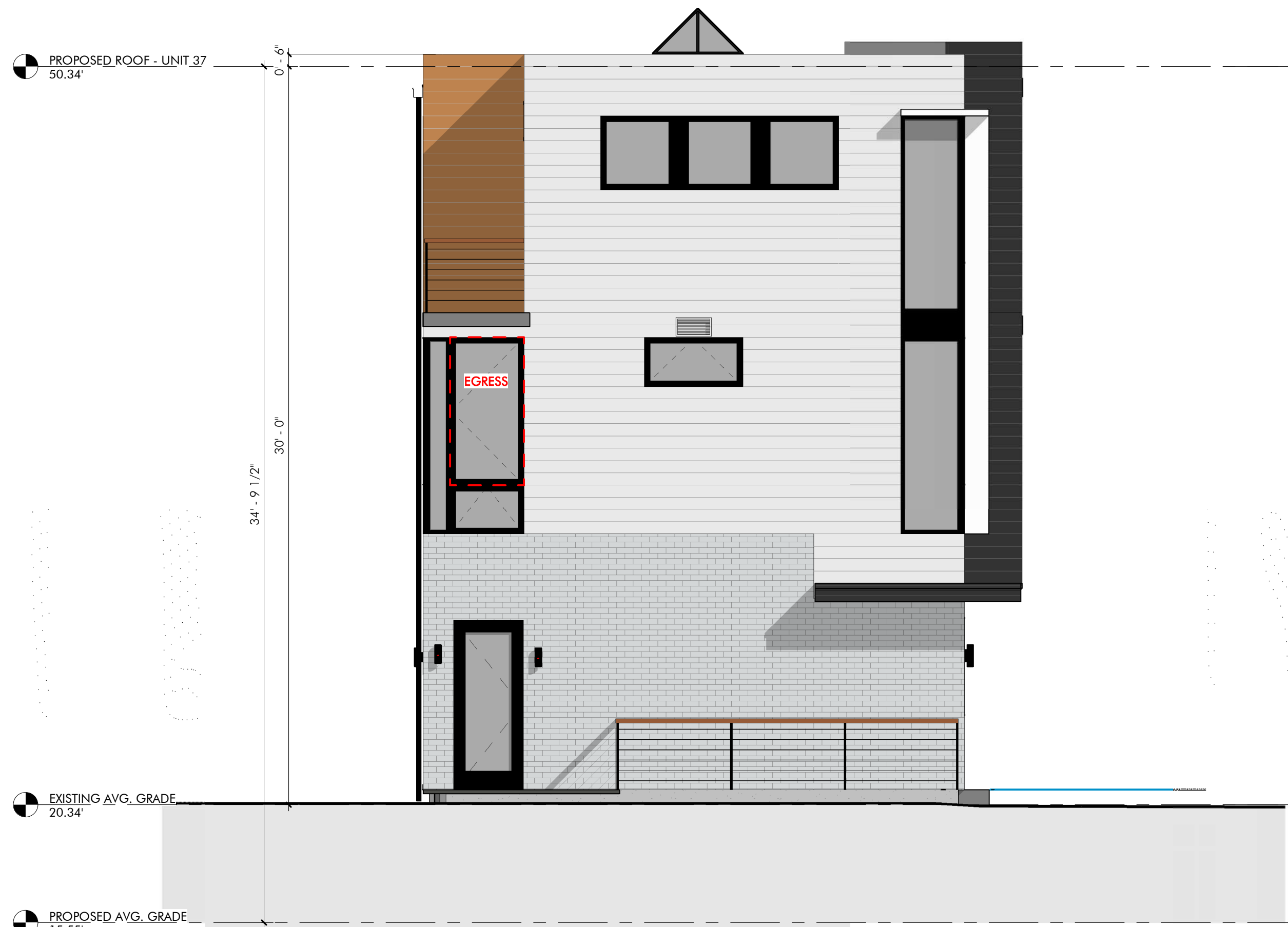
Drawing Issued By: ANDERSON PORTER DESIGN	
Project #:	2112
Date:	11/24/2021
Scale:	1/4" = 1'-0"
Drawn by:	AR.S.



1 PROPOSED SOUTH ELEVATION - UNIT 37
1/4" = 1'-0"



2 PROPOSED EAST ELEVATION - UNIT 37
1/4" = 1'-0"



3 PROPOSED NORTH ELEVATION - UNIT 37
1/4" = 1'-0"



4 PROPOSED WEST ELEVATION - UNIT 37
1/4" = 1'-0"

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REVISIONS		
No.	Description	Date

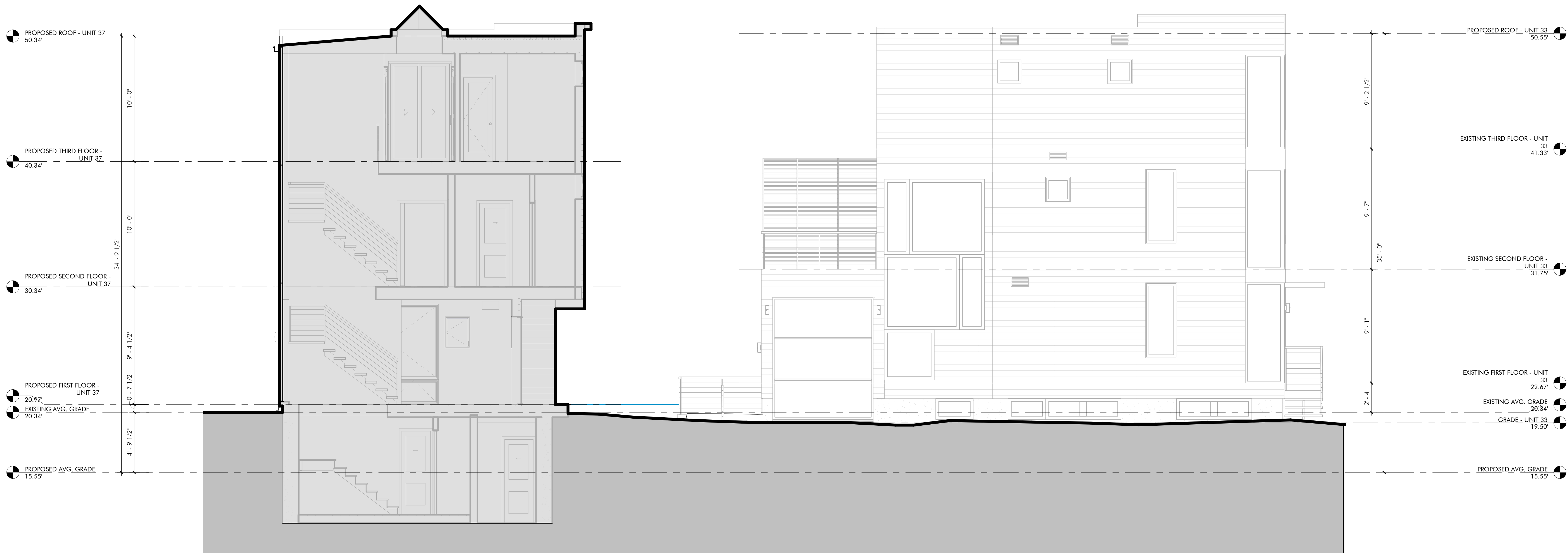
AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project: 33,35 & 37 WEBSTER

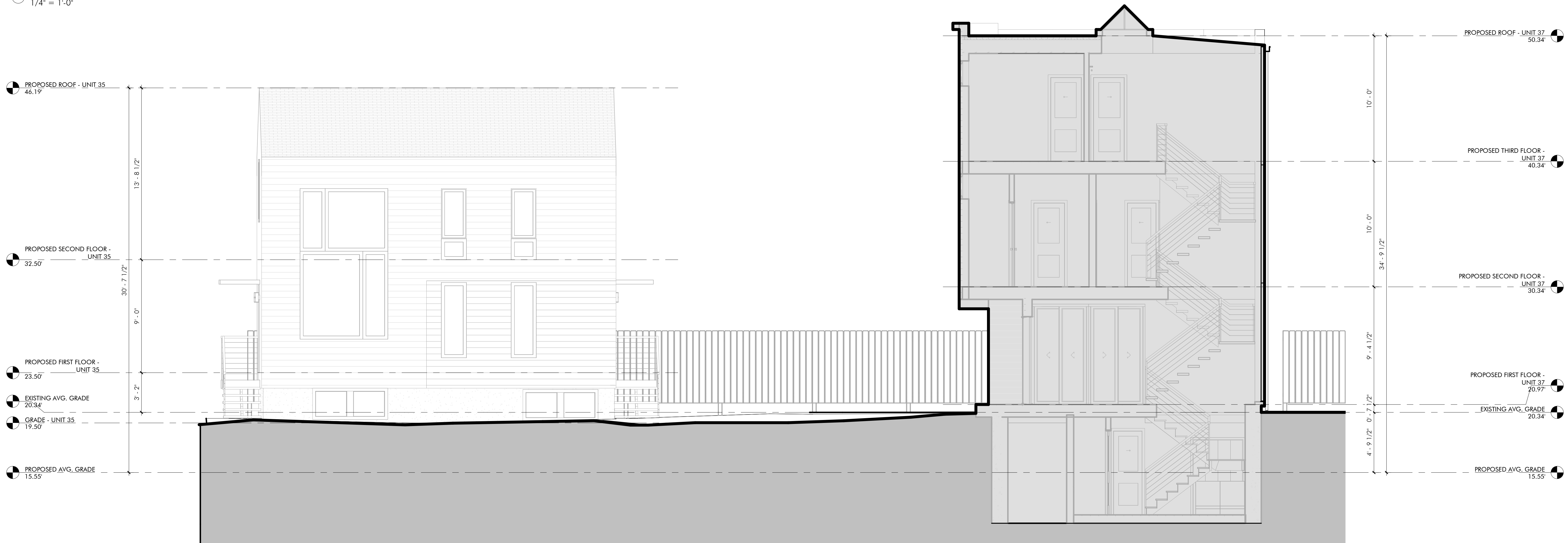
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title: PROPOSED ELEVATIONS - UNIT
37

Drawing Issued By: ANDERSON PORTER DESIGN		
Project #:	2112	Drawn No.
Date:	11/24/2021	
Scale:	1/4" = 1'-0"	
Drawn by:	AR.S	



1 CROSS SECTION UNIT 37 - ELEVATION UNIT 33
1/4" = 1'-0"



2 PROPOSED SECTION UNIT 37 - ELEVATION UNIT 35
1/4" = 1'-0"

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REVISIONS		
No.	Description	Date

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project: 33,35 & 37 WEBSTER
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: PROPOSED SITE SECTION

Drawing Issued By: ANDERSON PORTER DESIGN		
Project #:	2112	Drawn No.
Date:	11/24/2021	
Scale:	1/4" = 1'-0"	
Drawn by:	AR.S.	

A3.5



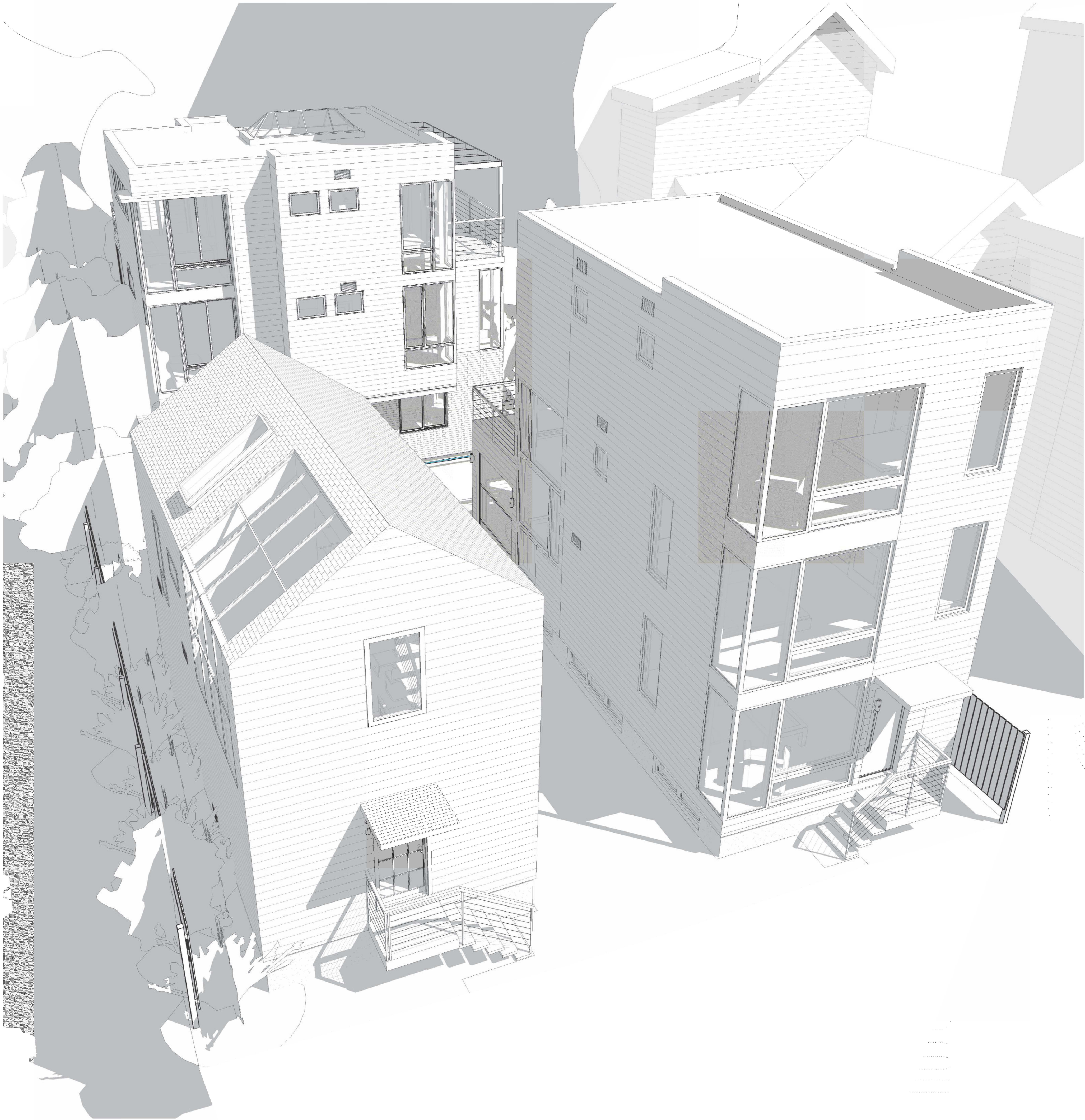
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REVISIONS		
No.	Description	Date

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project: 33,35 & 37 WEBSTER
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: PERSPECTIVES

Drawing Issued By: ANDERSON PORTER DESIGN		
Project #:	2112	Drawn No.
Date:	11/24/2021	
Scale:		
Drawn by:	AR.S., R.B.	



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Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project: 33,35 & 37 WEBSTER
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: PERSPECTIVES

Drawing Issued By: ANDERSON PORTER DESIGN		
Project #:	2112	Drawn No.
Date:	11/24/2021	
Scale:		
Drawn by:	AR.S., R.B.	

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REVISIONS		
No.	Description	Date

AndersonPorterDesign
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Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

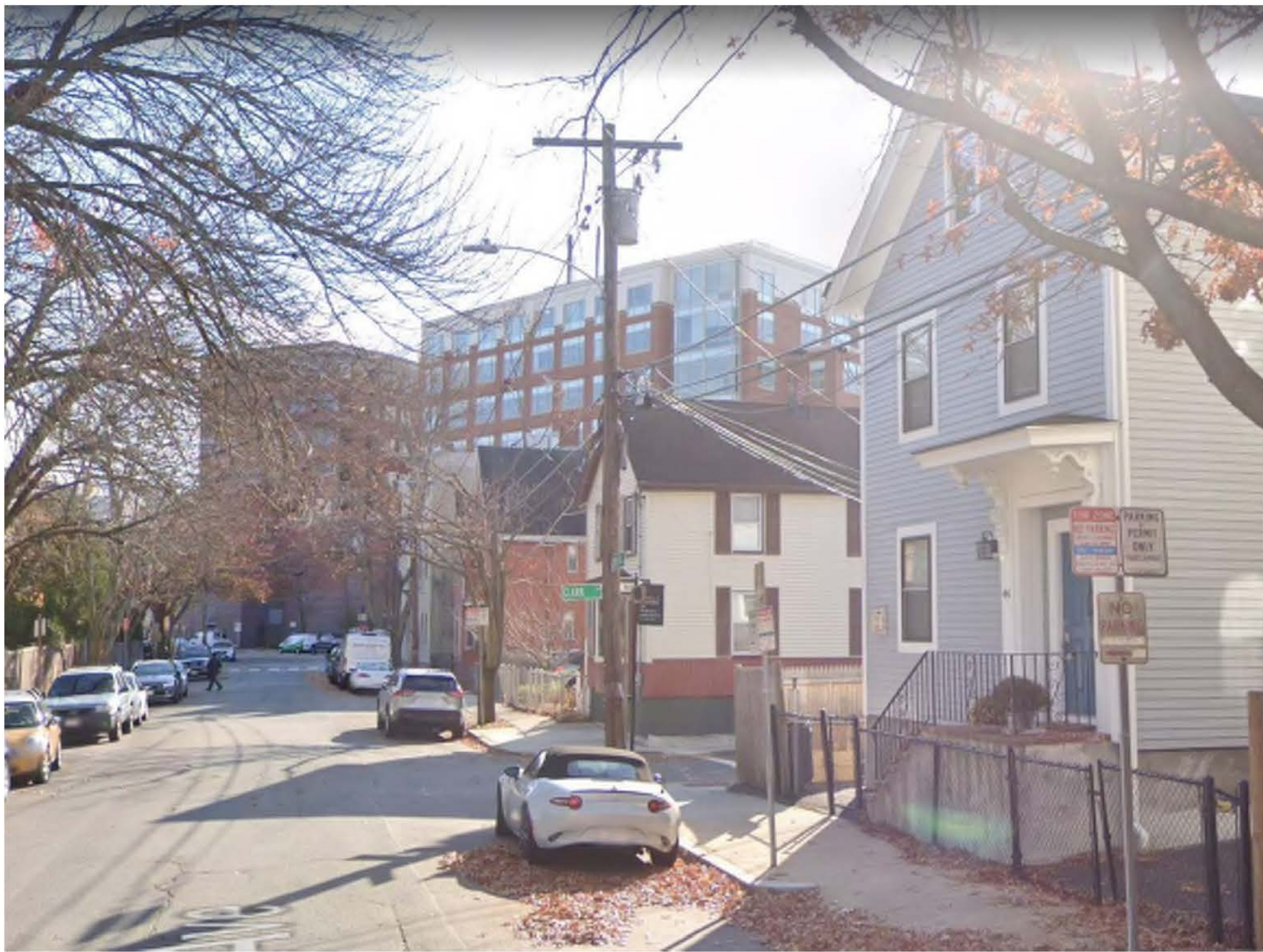
Project: 33,35 & 37 WEBSTER
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141
Title: PERSPECTIVES

Drawing Issued By: ANDERSON PORTER DESIGN		
Project #:	2112	Drawn No.
Date:	11/24/2021	
Scale:		
Drawn by:	AR.S.	

1 PERSPECTIVE - UNIT 35



33 - 35 STREET VIEW - EXISTING CONDITIONS



44 WEBSTER - EXISTING CONDITION



33 - 35 WEBSTER - EXISTING CONDITION



41 WEBSTER - EXISTING CONDITION



33 - 35 WEBSTER PERSPECTIVE VIEW - EXISTING CONDITION

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REVISIONS		
No.	Description	Date

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project:
33,35 & 37 WEBSTER

Address:
35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title:
EXISTING CONDITIONS

Drawing Issued By: ANDERSON PORTER DESIGN

Project #:
2112

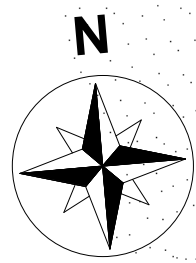
Date:
11/24/2021

Scale:

Drawn No.

Drawn by:
A.R.S.

A9.4



MORNING (7 AM)

NOON (12 PM)

AFTERNOON (5 PM)

SUMMER
SOLSTICE

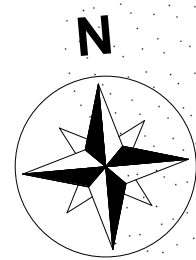


FALL
EQUINOX



WINTER
SOLSTICE





MORNING (7 AM)

NOON (12 PM)

AFTERNOON (5 PM)

SUMMER
SOLSTICE



FALL
EQUINOX



WINTER
SOLSTICE



[illegible]

35 Webster Ave BZA
155115

Relatives

40-160
HALL, JOHN W. & VIRGINIA ROHAN HALL
36 WEBSTER AVENUE
CAMBRIDGE, MA 02141-1327

40-208
COTTON, LAURENCE F. & THUAN TIN COTTON
C/O TIN COTTON
3564 NE KNOTT
PORTLAND, OR 97212

ANDERSON PORTER DESIGN
C/O DAN ANDERSON
1972 MASS AVENUE - #4B
CAMBRIDGE, MA 02140

40-236
DESROCHES, ALEXANDER S.
94-1051 MAWAHO ST.
WAIPAHU, HI 96797

40-177
KATZ, WARREN JAY
20 FAIRFIELD ST
BOSTON, MA 02116

40-227
SPRINGER, SARAH & DOMINIC PEDULLA
30 VOLUNTEER WAY
LEXINGTON, MA 02420

40-234
MCDONALD, GLENN P. & BETHANY L. ERICSON
1 LILAC CT
CAMBRIDGE, MA 02141

40-240
SINGH, SWARN JIT
26 WEBSTER AVE
CAMBRIDGE, MA 02141

40-254
AUSTIN, MICHAEL M. & TORGUN S. AUSTIN
28 BRISTOL ST
CAMBRIDGE, MA 02141

40-232
MCMAHON, GRAHAM & JOSEPH GUARINO, JR.
5 LILAC CT
CAMBRIDGE, MA 02141-1911

40-233
BOYER, JOSEPH
2 LILAC COURT
CAMBRIDGE, MA 02141-1911

40-22
CHUANG, GEORGE C. & IRENE C. KUAN,
TRUSTEES OF CHUANG FAMILY NOM TR.
29 GOOSE POND RD
LINCOLN, MA 01773

78-112
EVERETT, MARGARET
44 WEBSTER AVE
CAMBRIDGE, MA 02141

40-17
PACHECO, JOSE
TR. OF THE PACHECO FAMILY LEGACY TRUST
11 COMET RD
METHUEN, MA 01844

40-253
39-45 WEBSTER AVENUE LLC
1979 MASSACHUSETTS AVE
CAMBRIDGE, MA 02140

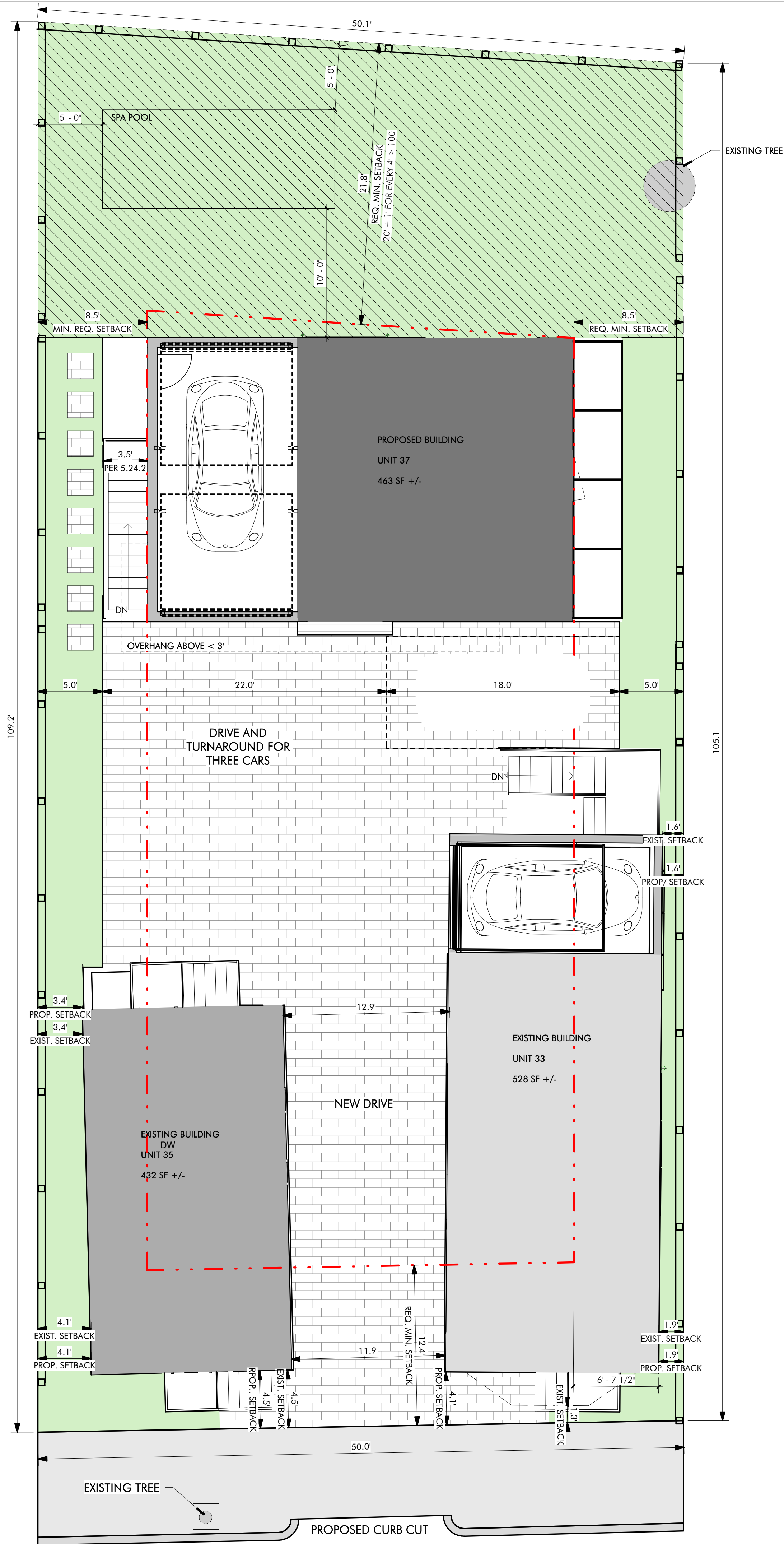
40-235
KUCSKO GEORG DHANDE MEHAK
3 LILAC CT
CAMBRIDGE, MA 02141

40-228
WANG ZI SUN YULIANG LEON
6 LILAC CT
CAMBRIDGE, MA 02141

40-24
FREITAS, MARIA Z. & NATALIE COSTA
34 SEAVIEW AVE
MARLBHEAD, MA 01945

40-14
PARVIZI PARVIZ
33 WEBSTER AVE
CAMBRIDGE, MA 02141

40-209
LANGDO, THOMAS A. & JUNE F. CHENG
11 LILAC CT
CAMBRIDGE, MA 02139



ZONING PLAN LEGEND

PROPOSED 33 WEBSTER

PROPOSED 35 WEBSTER

PROPOSED 37 WEBSTER

NOTE:

This plan is for informational and illustrative purposes only. The preparer of this plan makes no claim to its accuracy. This plan shall not be used or relied upon in any circumstance. A certified Land Surveyor shall provide an official certified plot plan.

ZONING
1/4" = 1'-0"

LANDSCAPE NOTES

TOTAL LOT AREA = 5,357 SF
OPEN SPACE AREA = 2,893.48 SF
PERMEABLE OPEN SPACE = 1,828.49 SF
PERMEABLE LANDSCAPE = 643.32 S.F.
PERMEABLE PAVERS = 1,185.17 S.F.
(15'x15') PRIVATE OPEN SPACE = 1,064.99 SF

OPEN SPACE	%	EXISTING	%	PROPOSED	%
	1607.1	30%	3450	64%	2893.48
(15'x15') PRIVATE OPEN SPACE	%	EXISTING	%	PROPOSED	%
	803.55	50%	3279.06	204%	1064.99
PERMEABLE OPEN SPACE	%	EXISTING	%	PROPOSED	%
	803.55	50%	3450	215%	1828.49

SPECIAL PERMIT

REVISIONS		
No.	Description	Date
01	REVISION	01/21/22

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

Project:
33,35 & 37 WEBSTER

Address:
35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title:
PROPOSED SITE PLAN

Drawing Issued By: ANDERSON PORTER DESIGN

Project #: 2112
Date: 11/24/2021
Scale: As indicated
Drawn by: A.R.S., R.B.

Drawn No:
L1.1



 Brian Zink Art
Services, LLC
Cambridge, MA
(617) 875-3610





Pacheco, Maria

From: Zi Wang <ziwang.cs@gmail.com>
Sent: Tuesday, January 4, 2022 3:57 PM
To: Pacheco, Maria; Singanayagam, Ranjit; Ratay, Olivia
Cc: Graham McMahon; Joseph Guarino, Jr.; Melissa Chan; Lee Gresham; Leon Sun; dompedulla@gmail.com
Subject: Letter of appeal against the construction plan at 33-35 Webster Ave

To Whom It May Concern:

We are the property owners and residents residing adjacent to the recently proposed construction permit at 33-35 Webster Avenue submitted by owner, Parviz Parvizi, who has already shared his plans with us. We are writing to appeal against this construction plan proposed for 33-35 Webster Avenue.

After reviewing the plan, we'd like to express our shared, deep concerns regarding the consequences of the proposed construction on the safety and stability of the large elm tree located at the property boundaries of 33-35 Webster Ave and 5 Lilac Ct. We are aware of the recently passed Tree Protection Addendum to the Cambridge City Law and want to ensure Mr. Parvizi follows any legally required guidelines to safeguard the safety and stability of the tree as well as possible consequences to property and personal injuries.

As part of Mr. Parvizi's 'preliminary tree protection plan', which he outlined in email with us after discussing with his privately-hired arborist, he will remove a section of the tree's root system and canopy branches overhanging his proposed new construction on the property. After discussing with an expert, Dr. Qiang Sun, a professor of plant biology at the University of Wisconsin-Stevens Point, we became aware of potentially lethal plant-based diseases (ex: Dutch Elm Disease) which can be instigated by the trimming of large root and canopy branches to this specific species of elm trees particularly if the trimming occurs over the spring or summer time when such diseases can be easily spread by pathogen-borne insects.

Importantly, we are also deeply concerned by the loss of stability to the tree and its short- and long-term potential to cause property and personal harm as a result of the proposed trimming of the tree's root system. This is particularly relevant, per Dr. Sun, given the shallow nature of the tree's **root system (only 3-4 feet below ground)** characteristic of this species of elm trees which can easily be destabilized by building a foundation for a new construction, not to mention a basement in Mr. Parvizi's current plans. Note that the **tree trunk is about 3-4 ft. wide in diameter and the canopy is at least 40 ft. wide** covering 5 Lilac Ct, 6 Lilac Ct and part of 7 Lilac Ct.

As a result of these harmful impacts, we would like to request a formal assessment of Mr. Parvizi's construction plans as it pertains to the elm tree to ensure his finalized construction permit will safeguard the safety and stability of the tree.

Thank you in advance for your time and consideration.

Concerned neighbors, property owners, residents:

Graham McMahon <grahammcmahon@hotmail.com> (owner of 5 Lilac Ct),
Joseph Guarino, Jr. <josephguarinojr@me.com> (owner of 5 Lilac Ct),
Melissa Chan <melissalchan@yahoo.com> (tenant of 5 Lilac Ct),
Lee Gresham <lee.gresham@gmail.com> (tenant of 5 Lilac Ct),
Yuliang Leon Sun <yuliangleonsun@gmail.com> (owner of 6 Lilac Ct),
Zi Wang <wangzi.cs@gmail.com> (owner of 6 Lilac Ct),
Dominic Pedulla <dompedulla@gmail.com> (owner of 7 Lilac Ct).

Pacheco, Maria

From: Lin Yang <a519522@gmail.com>
Sent: Monday, January 24, 2022 1:10 PM
To: Pacheco, Maria
Cc: Sixian You
Subject: Opposition letter for BZA-155115 (35 Webster Avenue)
Attachments: Opposition letter for BZA-155115 (35 Webster Avenue).pdf

Dear Ms. Pacheco,

We are Sixian You (cc-ed here) and Lin Yang, the future owners of 41 Webster Avenue (with an anticipated closing date in March 2021). I have attached our opposition letter for BZA-155115 (35 Webster Avenue) to this email where we explained in detail how the application

1. Violates Section 8.22.2(c) of the Zoning Ordinance
2. Contains inaccurate shadow study which significantly underestimated its negative impact
3. Is substantially more detrimental than the current non-conforming structure to the neighborhood

Please let us know if you need any documents or further information.

Thank you for your help.

Sincerely,
Lin and Sixian

Opposition letter for BZA-155115 (35 Webster Avenue)

Sixian You and Lin Yang

Background

In BZA-155115, the applicant asked Board of Zoning Appeal (BZA) to grant a special permit for increasing the height of building which **further** violates setback and addition of new openings in non-conforming wall setback pursuant to Cambridge Zoning Ordinance (the "Zoning Ordinance") Section 8.22.2(c).

We, Sixian You and Lin Yang, as the future owners of 41 Webster Avenue (with an anticipated closing date in March 2021) write this letter to express our **opposition** to the application.

The application BZA-155115 violates Section 8.22.2(c) of the Zoning Ordinance; contains inaccurate shadow study which significantly underestimated its negative impact; and is substantially more detrimental than the current non-conforming structure to the neighborhood. In the following sections, we explain in detail our ground for opposition.

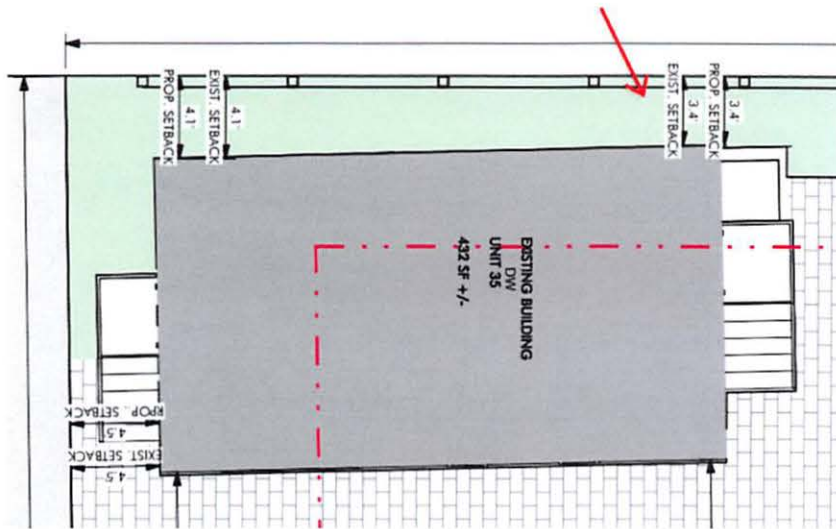
Violations of Section 8.22.2(c)

Pursuant to Section 8.22.2(c) of the Zoning Ordinance, the following requirements need to be met before BZA may grant a special permit for the alteration or enlargement of a nonconforming structure.

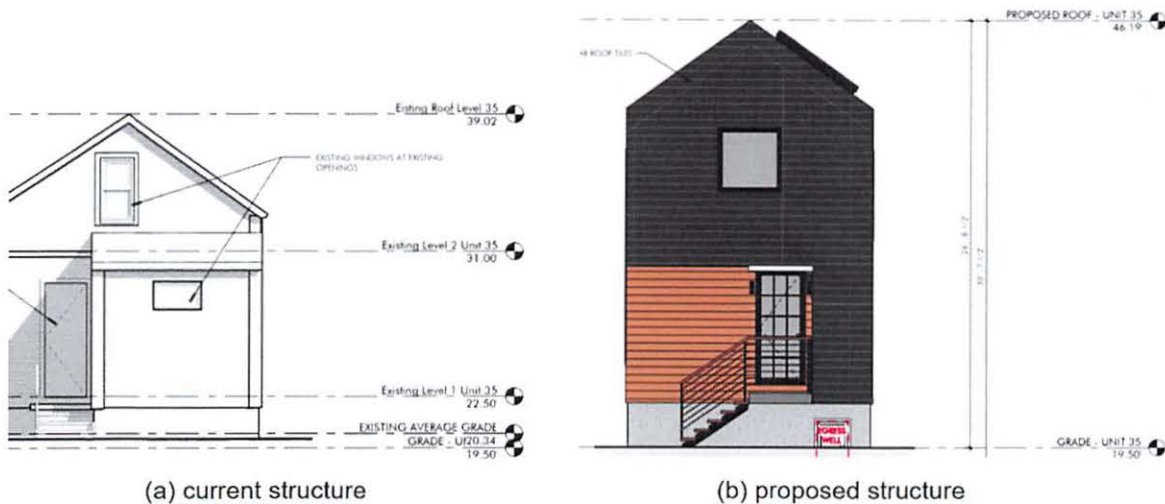
1. Any enlargement or alteration of such nonconforming structure is not further in violation of the dimensional requirements of Article 5.000.
2. Such nonconforming structure will not be increased in area or volume by more than twenty-five (25) percent since it first began to be nonconforming.

The application violates both requirements.

For Requirement 1, from Section 5.31 and 5.24.4(1) of the Zoning Ordinance the minimum side setback requirement is $(\text{Height} + \text{Length})/7$. Since the structure is already non-conforming with a 3.4' sideback (as shown in the following figure from Page 10 of the application), the proposed plan which increases the building height by 7.17' would require a larger side setback, thus leads to further violation of the dimensional requirements in Article 5.000.



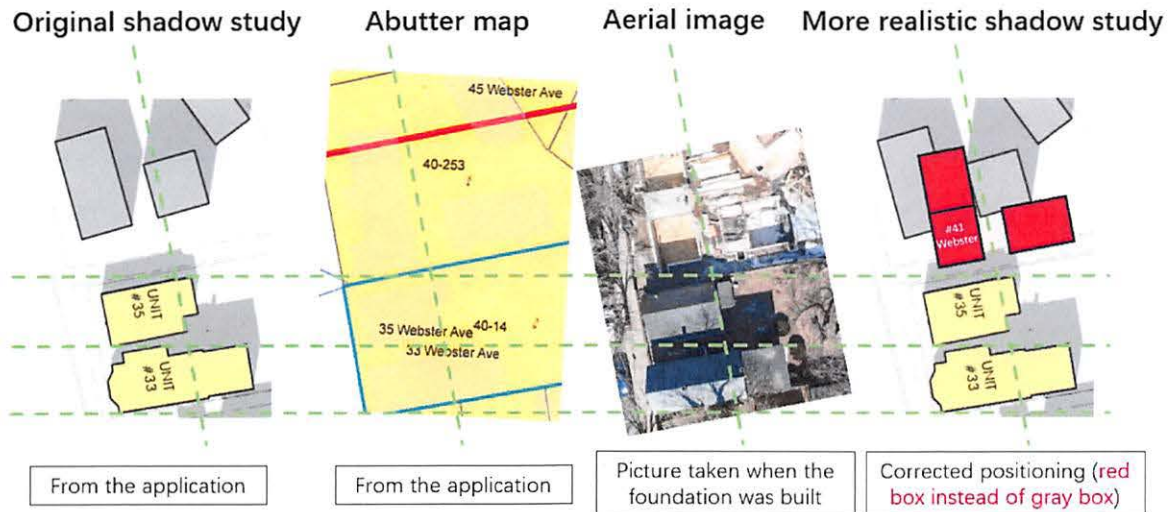
For Requirement 2, the current height of the structure (Roof Level - Grade) is 19.52' (Page 15 of the application as shown below) and the proposed height is 26.69' (Page 19 of the application as shown below). With this 36.7% increase in building height, the volume of the current nonconforming structure will almost definitely be increased by more than 25%.



Inaccurate shadow study

The current shadow study (Page 27, 28 of the application) is inaccurate and greatly **underestimated** the shadow impact. We use aerial imagery to demonstrate the inaccuracy and to correct the building location of 41 Webster (red box as shown in the following figure). From the corrected results, we can see **41 Webster is at least twice**

as close as it was shown in the applicant's shadow study and thus the negative impact of the extra height of the proposed structure is substantially greater.



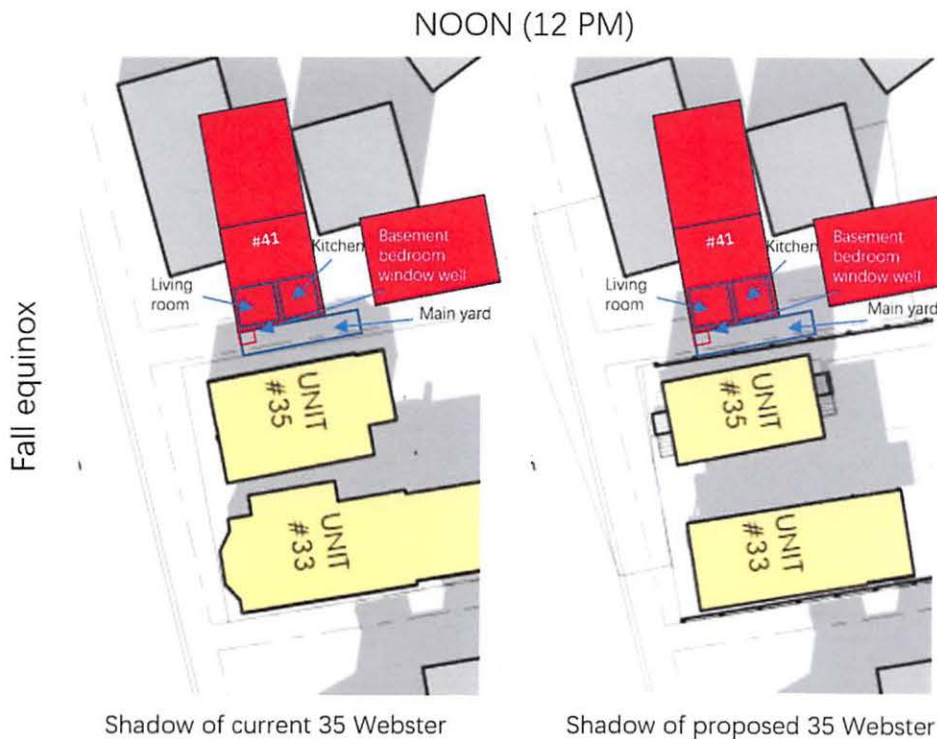
Parallel auxiliary lines are added to the above figure to demonstrate that all the above images are aligned, scaled, and rotated correctly.

To investigate the real impact, we adopted the applicant's shadow study with the correct location of 41 Webster. The corrected shadow study is provided in the appendix of this letter. We can see the current 35 Webster structure is already negatively affecting sunlight of 41 Webster's yard due to its non-conforming side setback. With the extra 7.17' height in the proposed application, it will not only affect the yard but also affect many rooms of 41 Webster, which we will discuss in detail in the next section.

Substantially more detrimental to the neighborhood

After we made corrections to the shadow study, we can see that the sunlight for the basement bedroom, the main yard, living room, kitchen, and second floor bedroom of 41 Webster will all be negatively affected by the proposed 35 Webster structure. Since there are four rooms (two bedrooms, living room, kitchen) and the main outdoor space (yard) being affected, granting a special permit for 35 Webster would significantly impact living quality for a family home like 41 Webster and reduce the value of the unit. We believe this is substantially more detrimental than the current non-conforming structure to the neighborhood.

To visualize the impact, we use the noon of the fall equinox day as an example (shown below) where we can see how 41 Webster's living room, kitchen, second floor bedroom's sunlight are being blocked (in addition to the basement bedroom and yard) by the proposed extra height of 35 Webster.



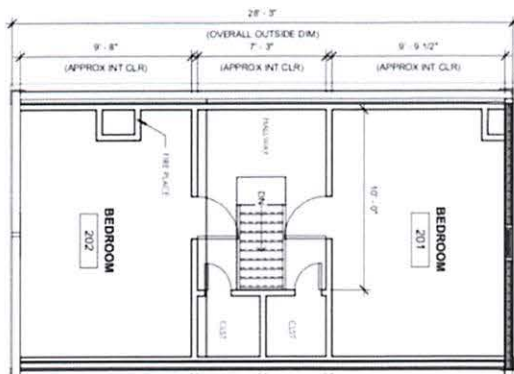
The negative impact will be worse in late fall, winter and early spring when the Sun is lower with an earlier sunset.

Limited purpose for the height increase

Furthermore, this height increase on the non-conforming structure doesn't serve much purpose other than aesthetics/design statement.

From Page 18 of the application (also shown below), after increasing the non-conforming structure height by 7.17' (nearly the height of one story), the second floor of 35 Webster even reduces to a single bedroom (originally two bedrooms) but with luxurious windows and height. Considering the damage it does to our unit (affecting sunlight for four rooms and yard), this excessive luxury ceiling height is quite unjustified. **This shows the flavor of the application is more for profit than addressing hardships and the negative impact to the neighbors is severely understated, under-researched, even inaccurately presented.**

35 Webster's second-floor floor plan (before and after)



(a) current structure



(b) proposed structure

Privacy concerns

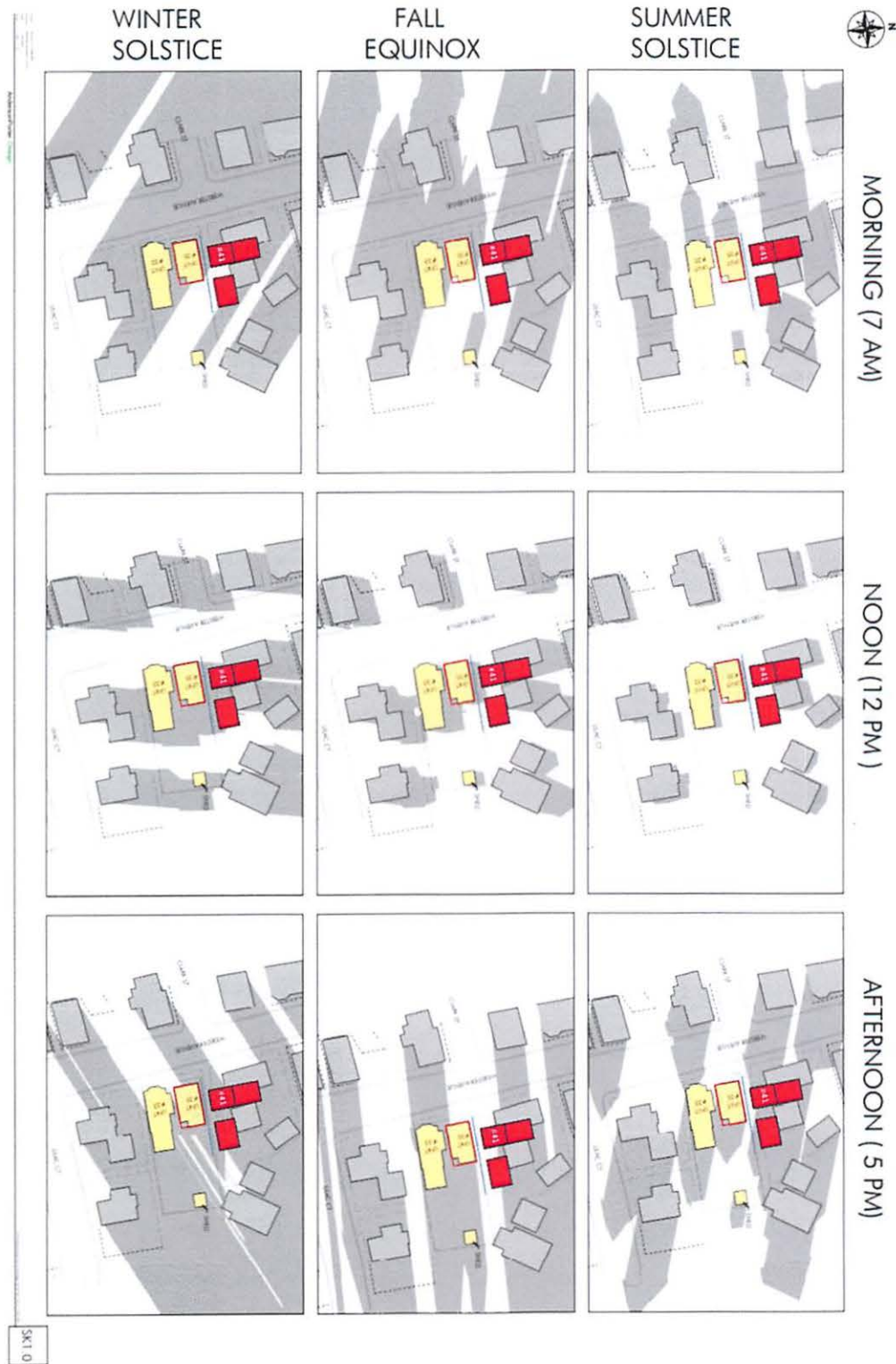
The addition of new openings in non-conforming wall setback also poses privacy concerns as they are directly facing our second floor bedroom windows.

Conclusion

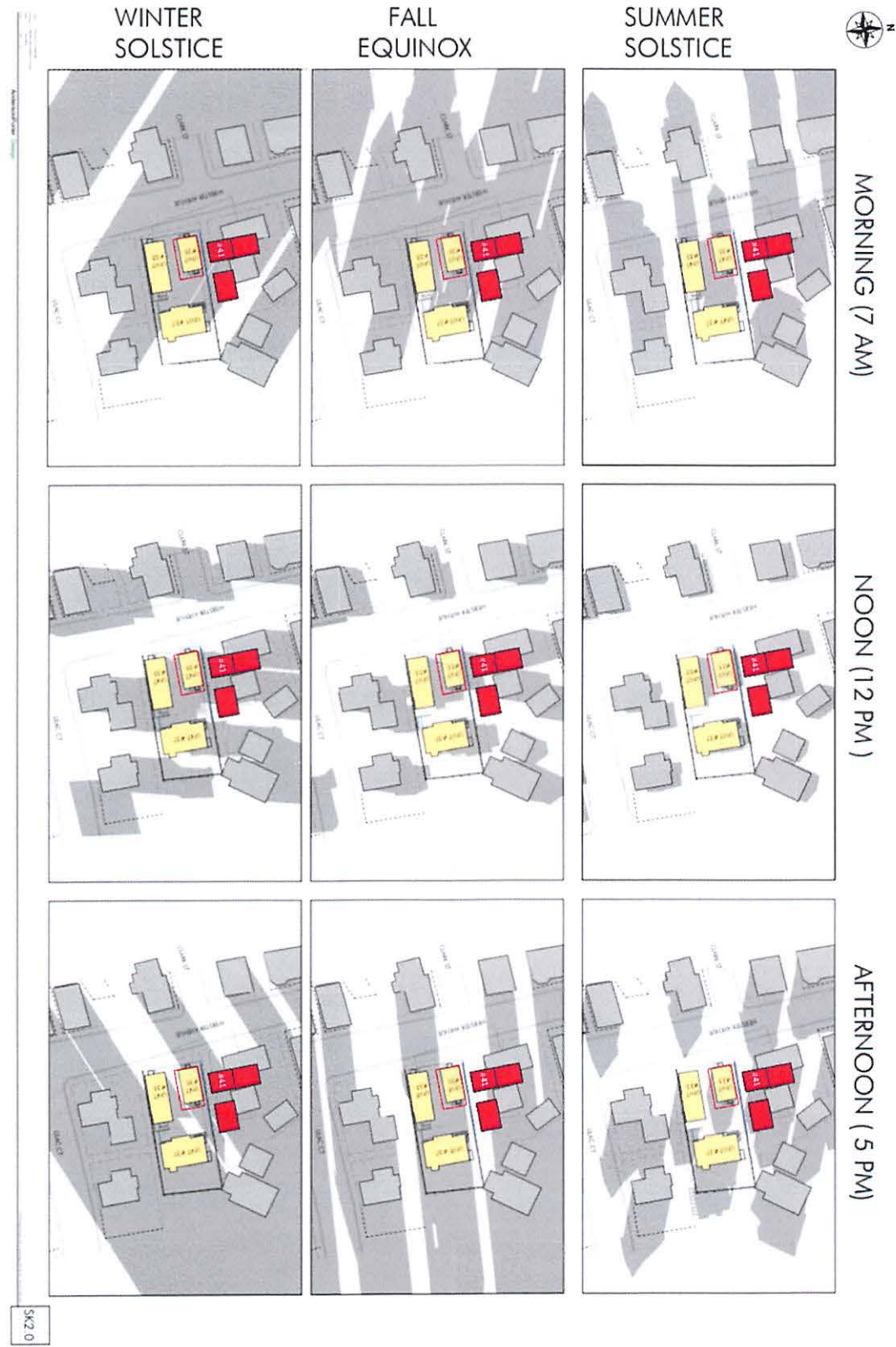
As a neighbor that has been significantly negatively impacted by the proposed design, we strongly **oppose** the application and kindly ask the BZA to take our arguments into consideration.

Appendix

Corrected shadow study of the current structure (red boxes indicate correct building locations)



Corrected shadow study of the proposed structure (red boxes indicate correct building locations)



Certified plot plan of 39-45 Webster overlaid with the aerial image to further demonstrate how close 35 Webster and 41 Webster actually are.

