CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2021 DEC 15 AM 11:34
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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 witch 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): D P Anderson

(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.

Michael E Powers Notary

My commission expires 5/26/28 (Notary Seal).

MICHAEL E. POWERS
Notary Public, Commonwealth of Massachusetts
My Commission Expires May 26, 2028

- 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

		Existing Conditions		Requested Conditions		Ordinance Requirements	
TOTAL GROSS FLOOR AREA:		3179.55		3991.58		4017.75	(max.)
LOT AREA:		5375		5375		5000	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: [2]		0.59		0.74		0.75	
LOT AREA OF EACH DWELLING UNIT		2687.5		1785.7		1500	
SIZE OF LOT:	WIDTH	50		50		50	
	DEPTH	107.13		107.13		100	
SETBACKS IN FEET:	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	
SIZE OF BUILDING:	HEIGHT	31.3		35		35	
	WIDTH	52.71		41.42		41.42	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		64%		34%		30%	
NO. OF DWELLING UNITS:		2		3		3.57	
NO. OF PARKING SPACES:		0		3		3	
NO. OF LOADING AREAS:		0		0		0	
DISTANCE TO NEAREST BLDG. ON SAME LOT		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 the 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.jepg (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 kepts, 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.

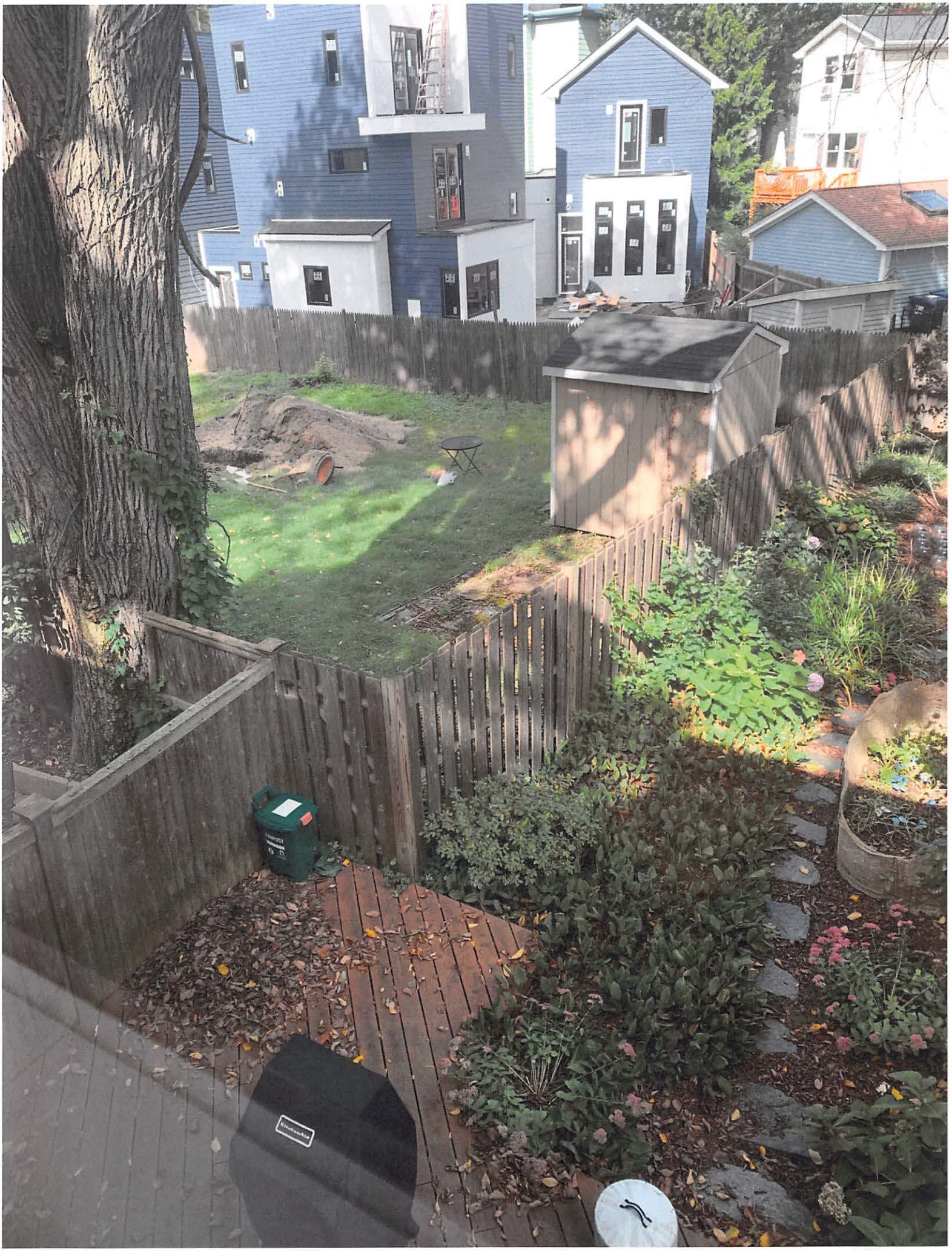
4. Other miscellaneous issues.

- 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 an 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 Arbortect 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.

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

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

Wed, Jan 5, 1:41 PM

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 with this tree in the context of my plans. I took on 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 Havard 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

--
Parviz Parvizi
+1 617.595.8116
pparvizi@gmail.com
...



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.

		• 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-155116	**Variance:** To construct a new single-family structure with areaway and guardrail construct within the side yard 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 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.

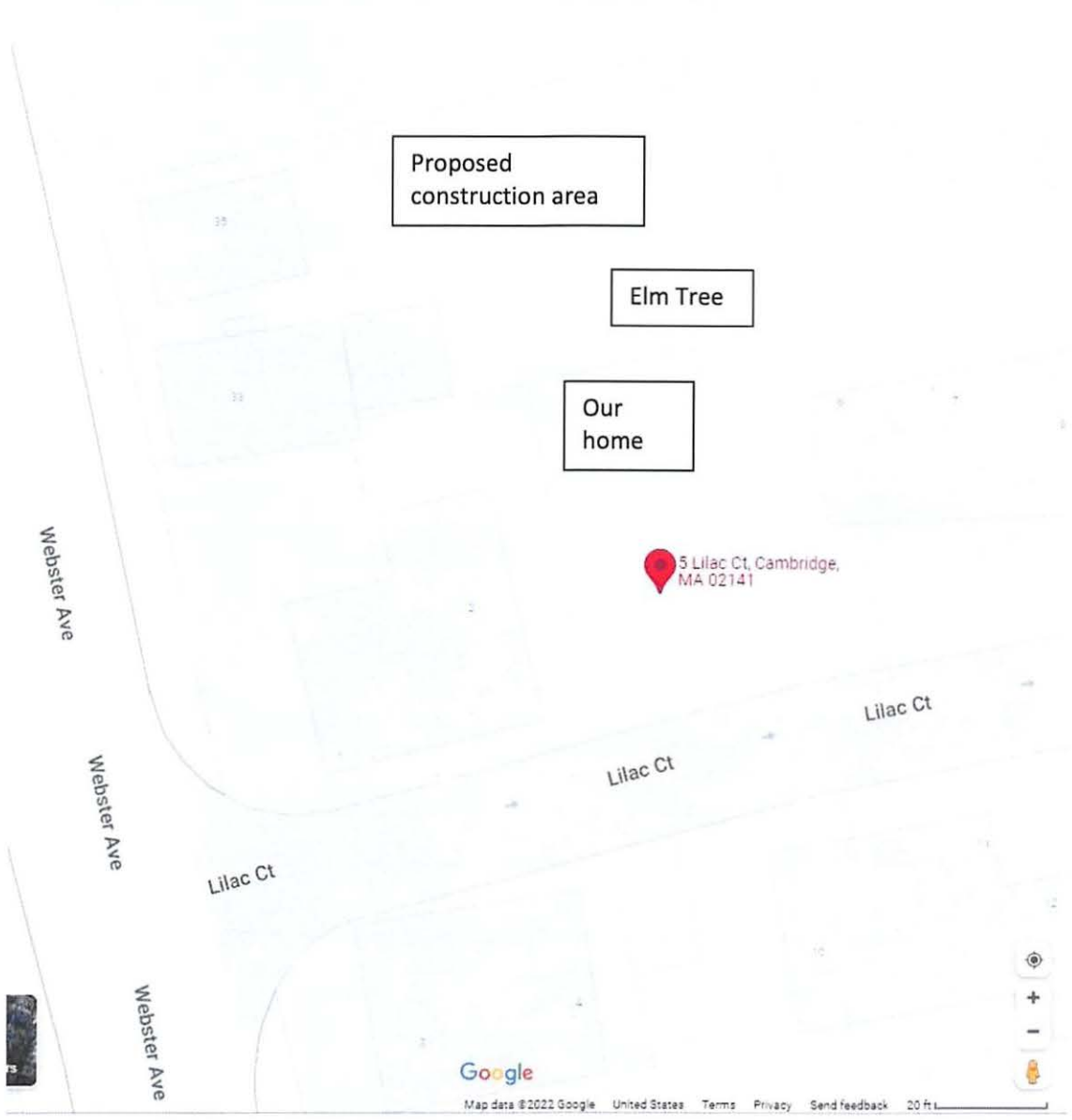
We look forward to sharing these perspectives and concerns on the zoom call on Thursday, January 27.

With best wishes,

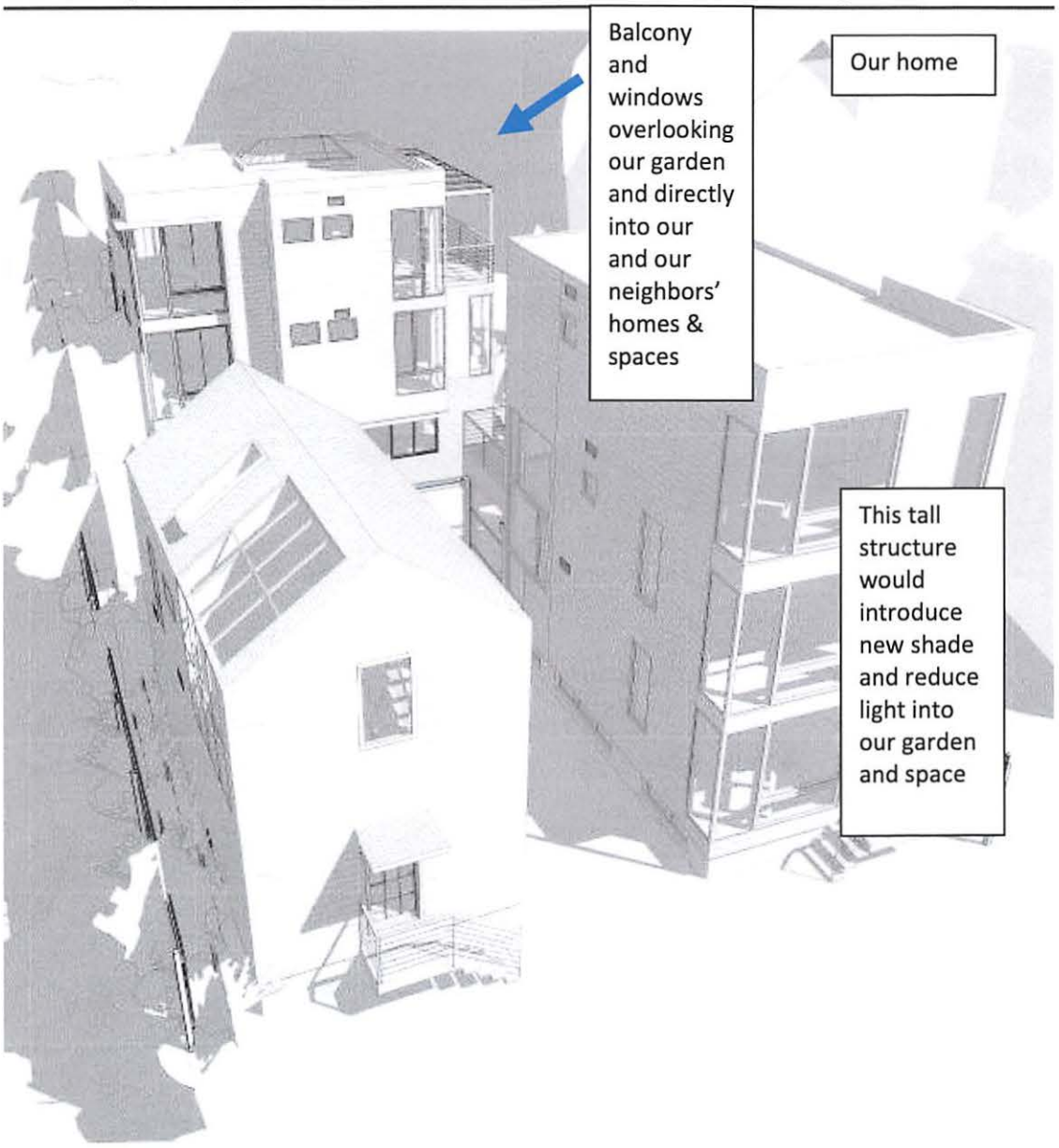
Graham McMahon

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: Parviz Parvizi **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

Pacheco, Maria

From: sam@azzamdevelopment.com
Sent: Wednesday, January 26, 2022 7:09 PM
To: Pacheco, Maria
Subject: Opposition letter 35 Webster Ave, BZA Case 155115

To The Board of Zoning Appeals regarding 35 Webster Avenue (BZA case # 155115)

We are the current owners of 39,41,43 and 45 Webster Avenue. 41 and 43 Webster are scheduled to sell in March, and we have informed the new owners of 41 Webster which directly abuts 35 Webster, Sixian You and Lin Yang, of this application which they also oppose.

We strongly object to the demolition of the upper walls/roof of the historic structure at 35 Webster (BZA case # 155115) and it being radically increased in volume and height. It would go from about 19 feet to over 28 feet, nearly a 40% increase in height. Several years ago this would have constituted a partial demolition requiring a hearing by the Historic Commission with public input; an unwritten understanding currently seems to allow for the demolition of the entire roof structure without prevue by Historic. This proposed dramatic increase in height is detrimental to 41 Webster, not only because it will cast a shadow on the house, but also because of the proposed many new openings within the side setbacks which will eliminate privacy. In addition, the lack of sunlight will make the yard space not suitable to garden.

Respectfully,

Scott Kenton
Husam Azzam, manager
39-45 Webster Ave LLC

Pacheco, Maria

From: Manny P <mannyp10021962@gmail.com>
Sent: Wednesday, January 26, 2022 9:52 PM
To: Pacheco, Maria
Subject: Webster Ave. Case #155114,155115 and 155116

Dear BZA members,

My name is Manuel Pacheco,

My family and I own 49 Webster Ave. and I grew up in the neighborhood. While it is expected to see changes and developments throughout the years, the changes that are proposed for 33 and 35 Webster Ave. are not acceptable. Increasing the height of the exterior walls on both existing buildings within the required setbacks will cast shadows on the other abutting properties and the sidewalk, allowing more openings and the non-conforming setback will reduce the privacy in the next-door properties.
I used to play in this neighborhood as a kid. I love the small cottage at 35 Webster, this proposal seems to double it in size and it will not look anything like what is now. I cannot believe the historical commission is allowing this to happen.
The zoning ordinance in part is in place to prevent overcrowding and to allow separation between buildings and not block sunlight. Please do not approve the request for the special permit.

Sincerely,

Manuel Pacheco
49 Webster Avenue
Cambridge, MA02141

Pacheco, Maria

From: Graham McMahon <grahammcmahon@hotmail.com>
Sent: Sunday, April 10, 2022 4:54 PM
To: Pacheco, Maria; Singanayagam, Ranjit; Ratay, Olivia
Cc: josephguarinojr@me.com
Subject: BZA-155114 -155115 & -155116
Attachments: Board of Zoning Appeal from 5 Lilac Ct-01272022.pdf

Hello Maria, Olivia and Ranjit,
We had submitted comments previously (attached pdf document) about this application to create a large new structure at 33-35 Webster abutting our back yard as outlined in the BZA-155114, BZA-155115 and BZA-155116. Mr. Parvizi had promised (in an email on Feb 22, appended below) to keep us apprised of his plan to substantially revise the design in response to our many concerns. Unfortunately, neither Mr. Parvizi nor his architect, Dan, have responded to several emails so have kept us out of the loop. There are no documents posted on the zoning board's website for our review. Joe and I remain very concerned about this development (as do many neighbors), with specific concerns related to:

- The planned windows look directly into our rear windows and yard
- The shadow from this tall new structure substantially reduces light into our yard and space
- The anticipated effects of this construction plan on the health of the large tree
- The change in character of the space and its effect on our neighborhood
- The proximity of the building to the property line
- The requests for special exemptions that do not appear to be appropriate or warranted

As the meeting minutes from Jan 27 will reflect, the board had encouraged/instructed the applicant to work with the neighbors on a new plan and require an independent arborist to evaluate the plan for protecting the tree. Mr. Parvizi appears to be ignoring these reasonable requests for additional information and may even be trying to rush through this new application and avoid the public scrutiny the plan deserves and needs.
If there are additional documents that have been shared, please share them with me and us so we can review with enough time before Thursday's meeting.

I and we look forward to being heard at the upcoming continuance meeting and hope the secretary and the committee will not ignore these concerns.

Graham McMahon
Joseph Guarino Jr
Owners at 5 Lilac Ct., Cambridge.

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From: Parviz Parvizi
Sent: Tuesday, February 22, 2022 4:00 PM
To: Graham McMahon <grahammcmahon@hotmail.com>
Subject: Re: 33-35 Webster Ave follow-up

Hi Graham, nice to hear from you and hope you enjoyed the long weekend. Dan (architect) is re-thinking our plans based on the town meeting. We'd be happy to share our updated thinking when it's ready. Has anything come to mind for you and Joe beyond what you shared at the meeting?
Best,
Parviz

--

Parviz Parvizi
+1 617.595.8116
pparvizi@gmail.com

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.

		• 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-155116	**Variance:** To construct a new single-family structure with areaway and guardrail construct within the side yard 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 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.

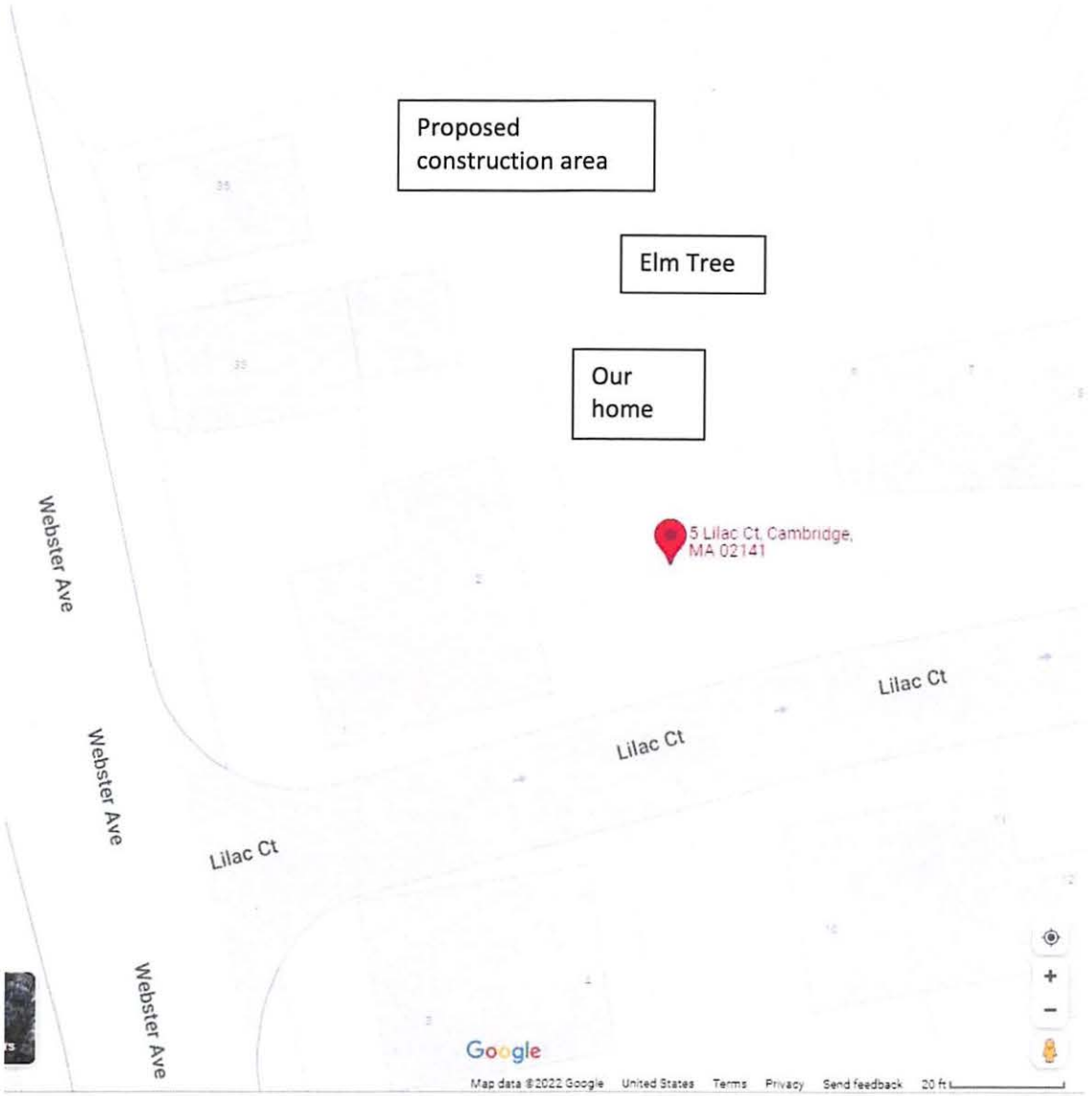
We look forward to sharing these perspectives and concerns on the zoom call on Thursday, January 27.

With best wishes,

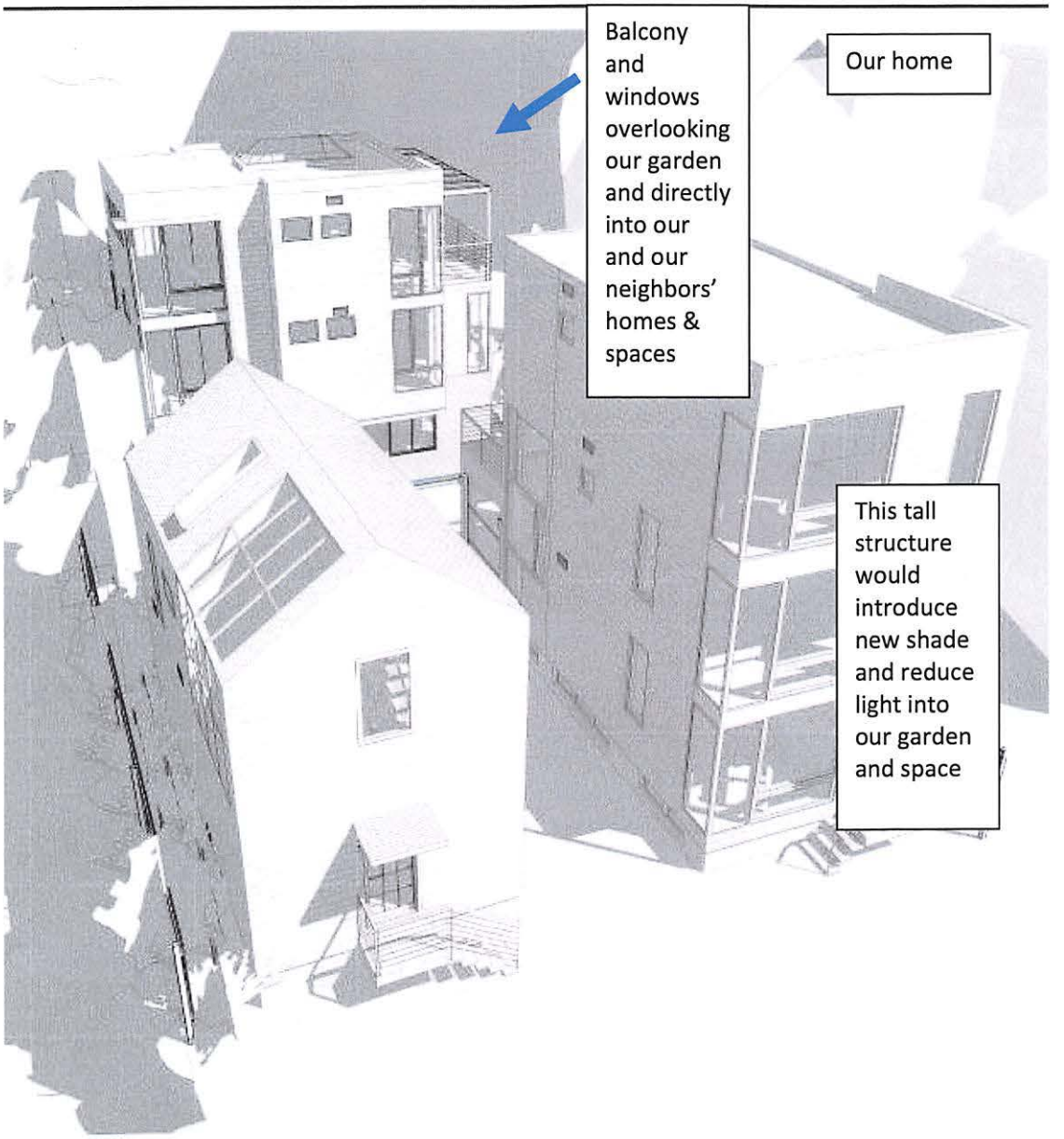
Graham McMahon

Joe Guarino

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

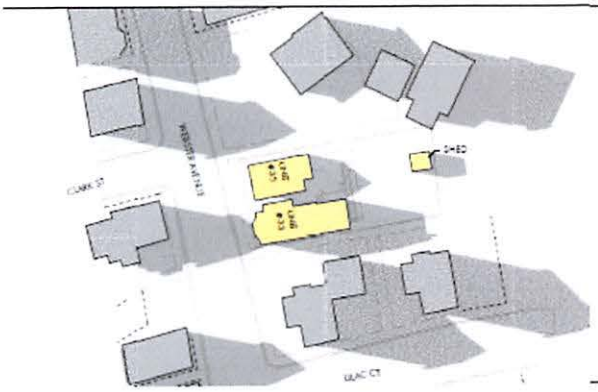


Elevation view showing the impact of these large properties on the look and feel of the neighborhood, the view directly into our garden and house, and the impact on fair access to sunlight

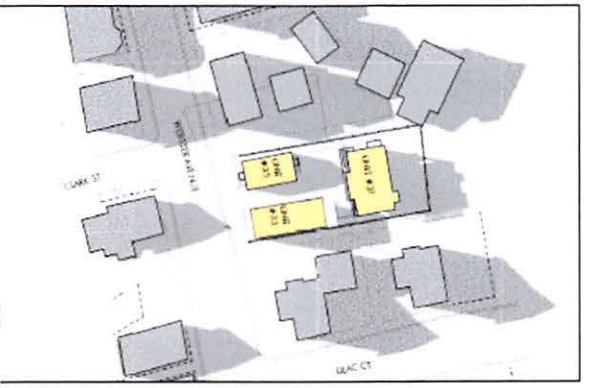


Before and After view of impact of shade at one time point showing effect on sunlight into the gardens, to the tree and to the abutting properties

AFTERNOON (5 PM)



AFTERNOON (5 PM)



Pacheco, Maria

From: Lin Yang <a519522@gmail.com>
Sent: Monday, April 11, 2022 10:54 AM
To: Pacheco, Maria
Cc: Singanayagam, Ranjit; Ratay, Olivia; Sixian You
Subject: Second opposition letter for BZA-155115 (35 Webster Avenue)
Attachments: Second 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 this week). I have attached our opposition letter for BZA-155115 (35 Webster Avenue) to this email where we:

1. Explain in detail how the petition is substantially more detrimental than the current non-conforming structure to our living.
2. Corrected a few misleading information from the applicants from the last hearing.

Also, since the last hearing on 01/27/2022, the petitioners have not reached out to us to discuss their new plan nor address our concerns.

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

Thank you for your help.

Sincerely,
Lin and Sixian

Second opposition letter for BZA-155115 (35 Webster)

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.

We, Sixian You and Lin Yang, as the future owners of 41 Webster Avenue (anticipated closing by end of the week) write this letter to express our strongest **opposition** to the application.

The application BZA-155115 is substantially more detrimental than the current non-conforming structure to the neighborhood; will set wrong precedent which will damages the purpose of the zoning ordinance. In the following sections, we explain these points in detail.

During the last hearing, the applicants presented some misleading information which we are worried they might give the board some wrong impressions. We will provide some clarifications in this letter.

Also, since the last hearing on 01/27/2022, the petitioners have not reached out to us to discuss their new plan nor address our concerns.

As of the current version of the petition, we respectfully urge the board to deny this petition. As a direct abutter with standing, we reserve full legal rights to challenge this special permit in court.

Set wrong precedent for the ordinance

As mentioned by the board member from the last hearing, "Using the Zoning Board or a variance as a vehicle to enhance that initial investment is really not part of our charge, nor should it be part of our consideration".

If the board accepts this petition, it sets the wrong precedent to the public. Future buyers could use this precedent as their rationale to hunt for existing non-conforming properties and abuse non-conformities to maximize profits. This is clearly nullifying the intent of the ordinance. This directly violates the purpose of the ordinance to preserve the property rights of others. It also violates the Equal Protection under the 14th

Amendment where the law requires the permit issuing authority to conduct a fair process and provide equal protections to all petitioners and abutters.

As the ordinance 8.22.2.d stands today, the "not more detrimental to the neighborhood" is the final line to protect abutters' property rights. We urge the board to set a sustainable standard for characterization of "detrimental" to avoid a future where people would seek after non-conforming properties for profit. An existing non-conformity does not grant license to arbitrarily extend that non-conformity.

Substantially more detrimental to the neighborhood

We strongly disagree with the applicants that the new design will have little negative impact on our home. This section highlights two examples of how the petition will be substantially detrimental to our living.

Impact on our basement bedroom:
We sympathize with the applicant that buying a home in Cambridge is expensive and difficult. But this difficulty is not only experienced by the applicants, but also current and future residents in Cambridge. We also sympathize with the applicant on his intention of having parents move in.

We are planning to do the same. We are planning to have kids within 1~2 years, and with both our parents, we inevitably need to use the basement as a bedroom. We all know that the basement is not a great place to be a bedroom, but, currently in our home, there is a large basement window which has some sunlight for around half of a year which makes it a little less depressing.

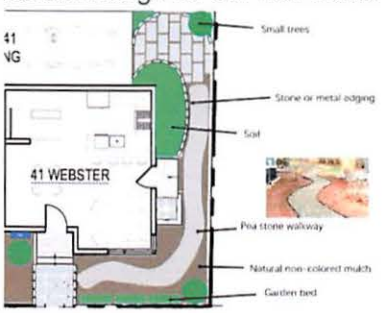
In the petition, the application is aiming to increase the height of 35 Webster by 7.17' (nearly the height of one story). By our calculation from solar angles and height, this will reduce the current half of a year sunlight to around 4 month. This will lead to significant reduction in our quality of lives.

Yard:
We have been garden enthusiasts for a long time and have always been growing plants on the windowsill because we don't have a garden. After so many years, we finally own a garden (where Lin has spent weeks designing all the tiny little details) and then we learnt about the petition which effectively vaporized the usefulness of it to grow any plants that need partial to full sunlight (since the new height in the petition additionally blocks sunlight in April and August which is the time for seeding and harvest). This not only reduces our property values but also breaks our dream to grow beautiful flowers/veggies/fruits in our garden.

Plants that we have been growing on windowsill



Garden design for our new home



Correction of misleading information from last hearing

Note that the content in this section is only for the impact to our home (41 Webster), there may be other misleading information impacting other neighbors which is not included here.

(1) **The applicants said they are actively working with us.**
We quote the applicants' statement from the last hearing "*We do have some opposition from new owners at number 41, and Parviz had tried to be as engaging on that front as possible.*" But in fact, we have not received a single communication from the applicants after the last hearing, despite our contacts are made available for them from our opposition letter from last hearing.

(2) **The applicants sugar-coated the negative impact of shadow on our home.**
The applicants made many statements to sugar-coat the negative impact of shadow on our home. We quote them here and add the actual facts.

> (a) **The first one we quote is** "*So that increase of height does increase shadows predominantly in the solstice -- I'm sorry, the equinox -- and obviously in the winter solstice. The impacts, however, in terms of our assessment are that they predominantly impact, obviously, the yard, which is going to be impacting in those seasons pretty much anyway.*"
>
> In fact, by further increasing the height in the non-conforming setback, our already precious 6-month sunlight will be reduced to 4 months. And the new sunlight blockage in April and August will post significant damage for gardening as those are the time for seeding and harvest.
>
> More specifically, the attitude of the sun is 48 degree on fall equinox (around mid september) and decreases to 24 degree in winter solstice (around mid december) and then come back to 48 degree in spring equinox (around mid

march). As the applicants acknowledged, the current non-conforming struture already blocks the sunlight for half a year. By further increasing the height by 7.17' in the non-conforming set back, this blockage will extend to mid-march to mid april and mid-august to mid september.

Also the statement "*which is going to be impacting in those seasons pretty much anyway*" is quite ill-posed. We found it bewildering for the applicant to have this sentiment as the justification – we are already in a bad shape due to previous non-conformities so making it worse is ok.

(b) **The second one we quote is** "*According to our sun shadow studies, which we believe Parviz distributed, there's no shadow impact on that deck area. So there's I believe a door, or a glass door and two windows on that side, which would be impacted after the fall equinox and really the kind of later and earlier parts of the day*"

Our home is a small footprint townhouse and consists of 4 floors (including basement). We want to emphasize that the two windows in their statement are actually on the second floor. So the proposed new height will block nearly all our south facing windows except the deck on the top floor.

The applicant's also mentioned "*the impact will be after the fall equinox and really the kind of later and earlier parts of the day*". But in fact, the impact will range from fall equinox to spring equinox which is half a year. And from our revised shadow study (in the appendix), the impact will last for almost the entire day from 7am to 4pm.

Affecting sunlight everyday for half a year for nearly all our rooms will definitely reduce our quality of life and reduce the property's value.

(3) **The applicants coated the petition into improving living standards, but didn't make clear the extent of unnecessary luxurious/design statements.**

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. The ceiling height for their proposed second floor is 13.7 feet! Considering the damage it does to our unit (affecting sunlight for four rooms and yard), this excessive luxury ceiling height is quite unjustified.

There are many ways to improve living standards of 35 Webster without significantly damaging our home. For example, flattening the south side of the roof and adding a dormer on the north side without raising the height of the building. But the applicants choose to go to the extreme. 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.

(4) **The applicants may have misled people to think their plan can be achieved mostly by as-of-right. But that's not the case.**

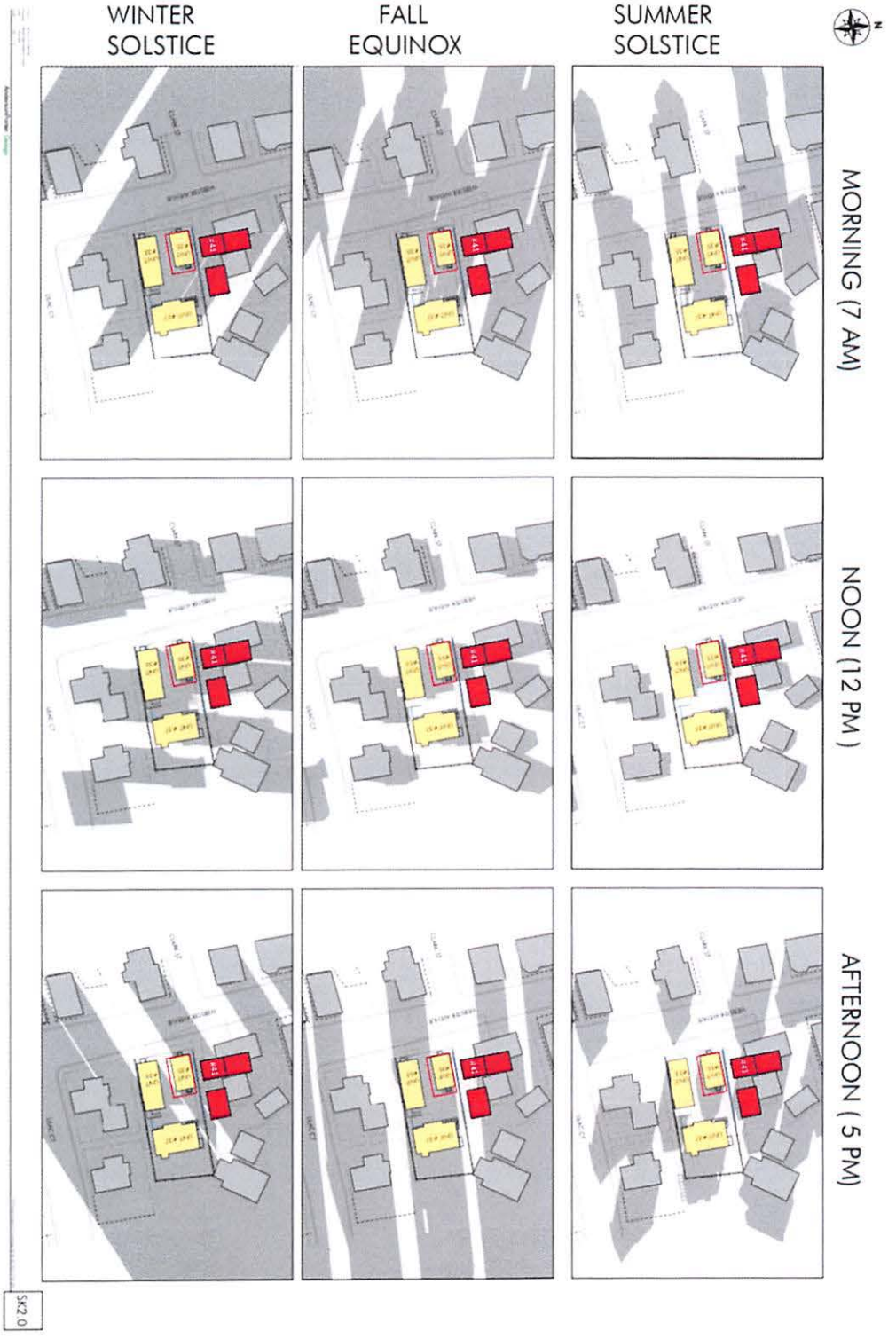
During the last hearing, the applicants repeatedly express that their plan can be achieved mostly by as-of-right. However, that is not the case. First, the code they are citing (8.22.1.h) still requires the change is not more detrimental to the neighborhood, which we do not agree with and will fight in court if necessary. Secondly, the applicants acknowledged they disagree with Mr. Ranjit Singanayagam with the interpretation of the code. We urge the board to act on the application that is here in the record, not what the applicants claim that they could do as-of-right (since the applicants are not the building permit granting authority).

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.

Appendix

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



Pacheco, Maria

From: Yuliang Sun <yuliangleonsun@gmail.com>
Sent: Monday, April 11, 2022 8:47 PM
To: Pacheco, Maria; Singanayagam, Ranjit; Ratay, Olivia
Cc: Zi Wang
Subject: Concerns on BZA-155114 -155115 & -155116
Attachments: Comments and concerns on 33-35 Webster Ave development.pdf

Dear Board of Zoning Appeal and Cambridge city officials,

We are the owners of 6 Lilac Court, abutting 33-35 Webster Ave. We had previously submitted our comments (PDF attached) based on presented architectural plans at the BZA hearing on January 27th (BZA-155114 -155115 & -155116). In the hearing, the board had recommended Mr. Parvizi and his architect to change his design based on potential impact on surrounding properties in terms of crowding, lighting, privacy concerns, and potential direct harm to surrounding properties secondary to the construction's impact on the elm tree.

On this point, board member Mr. Constantine Alexander had recommended to have "another arborist be brought in to look at the issues of the trees and the like. That arborist should be mutually satisfactory to a neighborhood representative, and of course the petitioner, and get another view." (page 98, 1-27-22 minutes)

Despite this recommendation, since the hearing, we have not received any communication from Mr. Parvizi, nor from his architect, Daniel Anderson (Anderson Porter Design) ahead of this Thursday's BZA hearing with regards to our reasonable concerns.

We appreciate your time in hearing our concerns and look forward to sharing them at the hearing.

Best Regards,

Yuliang Leon Sun
Zi Wang

6 Lilac Court

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 the 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.jepg (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 kepts, 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 an 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 Arbortect 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.

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

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

Wed, Jan 5, 1:41 PM

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 with this tree in the context of my project. I took on 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 Havard 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.

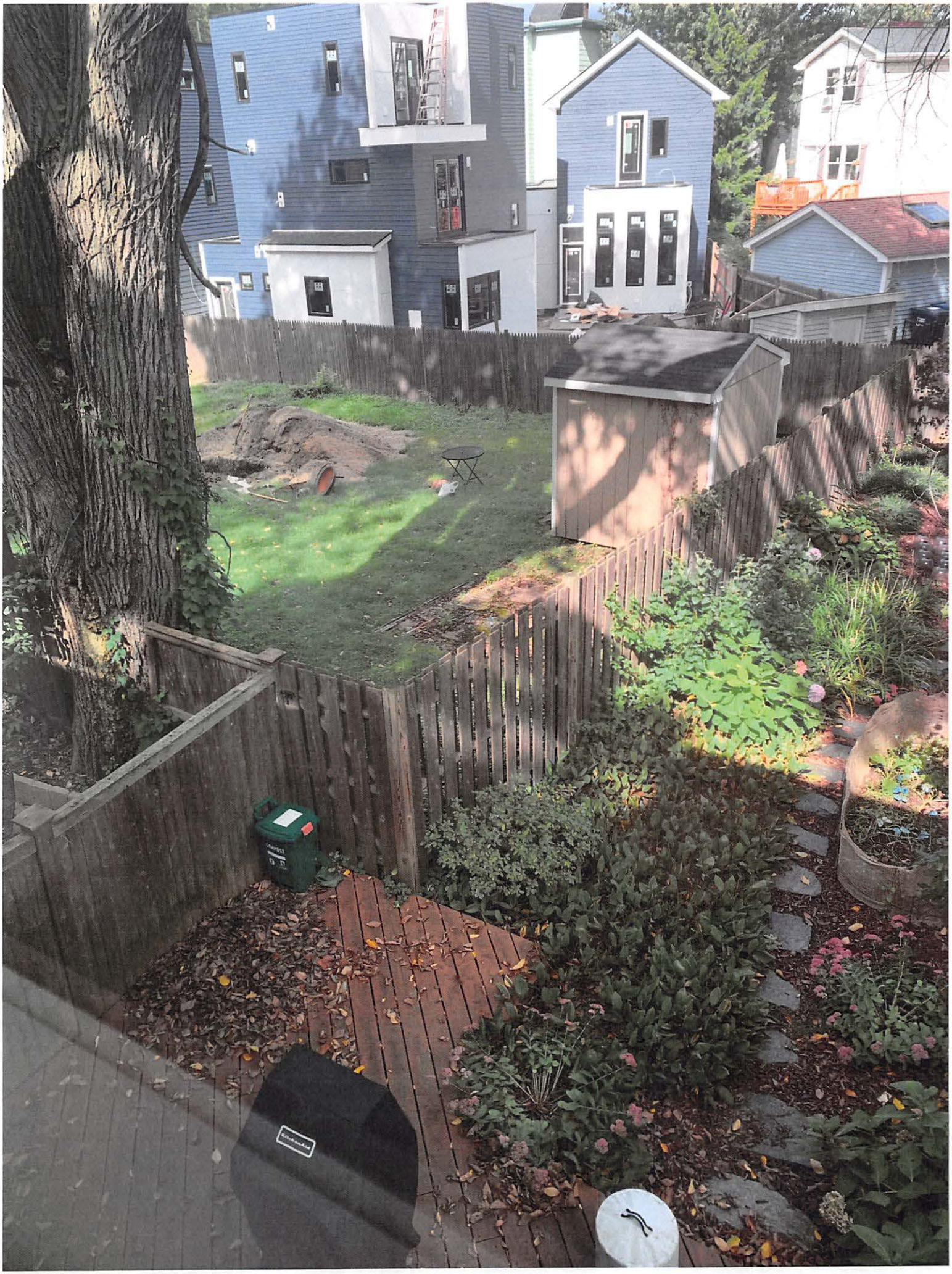
If it's helpful to catch up and discuss anything, let me know some times that are convenient for you and I would love to do so.

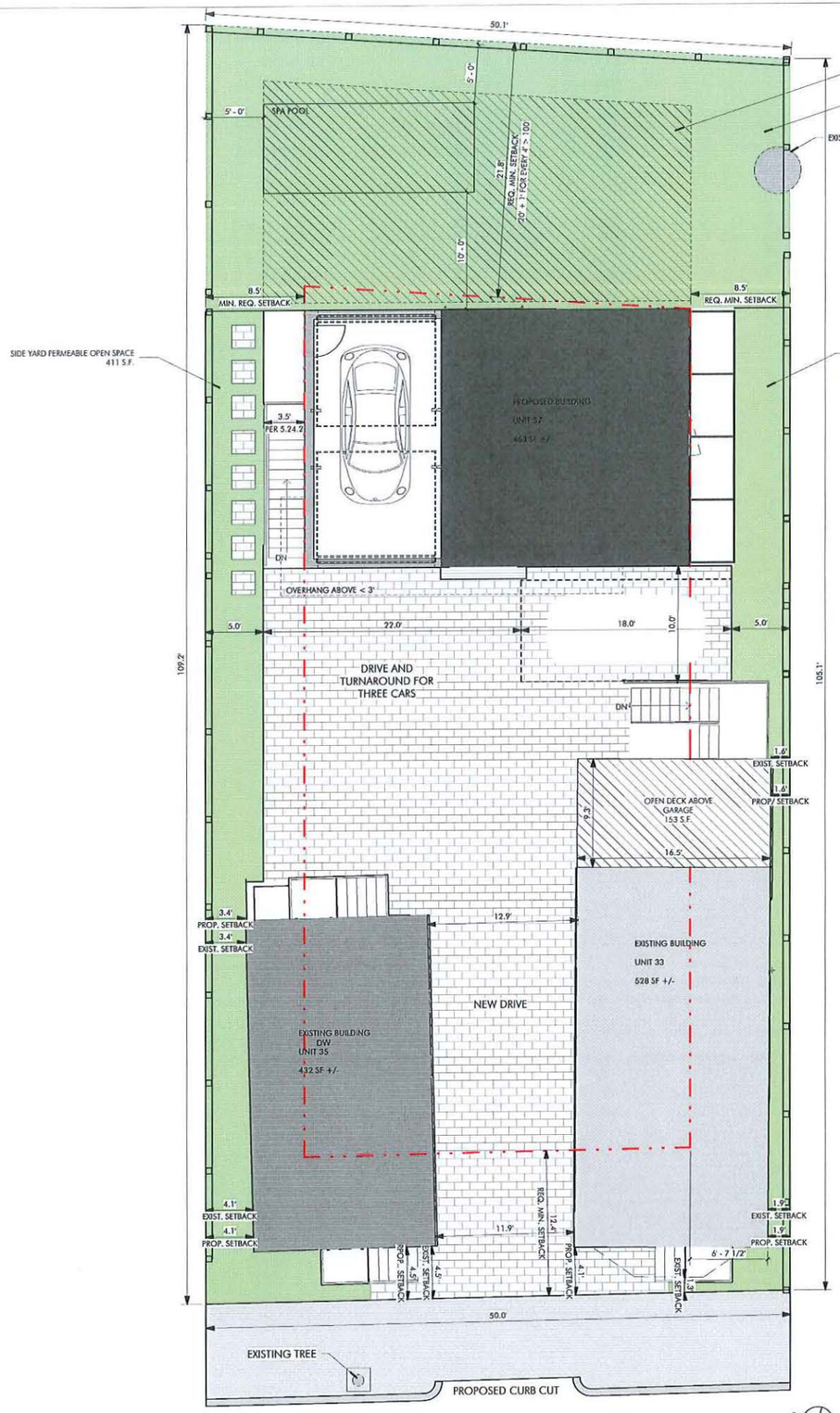
Best,
Parviz

--
Parviz Parvizi
+1 617.595.8116
pparvizi@gmail.com
...



Picture taken on Jan 6, 2022.





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

ZONING PLAN LEGEND
PROPOSED 33 WEBSTER
PROPOSED 35 WEBSTER
PROPOSED 37 WEBSTER
PERMEABLE LANDSCAPE
PRIVATE OPEN SPACE
PERMEABLE 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
OPEN SPACE AREA = 1,969.00 SF
PERMEABLE OPEN SPACE = 1,166.00 SF
SIDE YARD PERMEABLE OPEN SPACE = 411 S.F.
SIDE YARD PERMEABLE OPEN SPACE = 263 S.F.
REAR YARD PERMEABLE OPEN SPACE = 498 S.F.
(15'x15') PRIVATE OPEN SPACE = 803.55 SF
REAR YARD PRIVATE OPEN SPACE = 650 S.F.
DECK ABOVE GARAGE = 153 S.F.

OPEN SPACE	%	EXISTING	%	PROPOSED	%
1,607.10	30%	3,450.00	64%	1,969.00	37%
(15'x15') PRIVATE OPEN SPACE	**%**	**EXISTING**	**%**	**PROPOSED**	**%**
803.55	50%	3,279.06	204%	803.55	50%
PERMEABLE OPEN SPACE	**%**	**EXISTING**	**%**	**PROPOSED**	**%**
803.55	50%	3,300.00	205%	1,166.00	73%

ANDERSON
PORTER
DESIGN

SPECIAL PERMIT

REVISIONS		
No.	Description	Date
01	REVISION	01/21/22
02	REVISION	01/25/22

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: ANDERSONPORTERDESIGN
Project #: 2112
Date: 11/24/2021
Scale: As indicated
Drawn by: AR.S., R.B.
Drawing No: L1.1

1/25/2022 11:25:07 AM

SPECIAL PERMIT: 33, 35, 37 WEBSTER AVE.

CAMBRIDGE, MA 02141

GENERAL NOTES

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 WORK PERFORMED UNDER 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 RECOGNIZED BY 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 CONDITION 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 BEFORE BIDDING OR COMMENCING 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. DEVIATION OF THE AFOREMENTIONED REQUIREMENTS SHOULD BE BROUGHT 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 COMPLY WITH THE SPECIFICATIONS AND ARE IN WORKING 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.

DEMOLITION NOTES

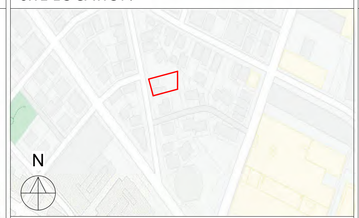
1. CONTRACTOR SHALL VERIFY EXISTING CONDITIONS.
2. THE DEMOLITION PLANS ARE DERIVED FROM EXISTING PLANS AND ARE INTENDED TO REASONABLY REPRESENT EXISTING CONDITIONS.
3. DEMOLITION NOTES ON THE DRAWINGS IDENTIFY SPECIFIC AREAS OF WORK BUT MAY NOT BE COMPLETE IN THE IDENTIFICATION OF ALL REMOVALS. THE 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 CONSTRUCTIONS 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. 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 TO EXISTING 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, SANDED, AND LEFT IN A PAINT-READY CONDITION.



ABBREVIATIONS

AFF	ABOVE FINISHED FOOR
CJ	CONTROL JOINT
CLG	CEILING
CLR	CLEAR
CO	CLEAN OUT
COL	COLUMN
CONC	CONCRETE
CONT	CONTINUOUS
DN	DOWN
EJ	EXPANSION JOINT
EL	ELEVATION
ELEC	ELECTRICAL
EQ	EQUAL
EXIST	EXISTING
FC	FURRING CHANNEL
FD	FLOOR DRAIN
FIN	FINISH
FL	FLOOR
GL	GLASS
GWB	GYPSUM WALLBOARD
HT	HEIGHT
HDWD	HARDWOOD
HVAC	HEATING, VENTILATION AND AIR CONDITIONING
INSUL	INSULATION
MAX	MAXIMUM
MFR	MANUFACTURER
MIN	MINIMUM
MO	MASONRY OPENING
MTL	METAL
NIC	NOT IN CONTRACT
NTS	NOT TO SCALE
OC	ON CENTER
PLAM	PLASTIC LAMINATE
PLYWD	PLYWOOD
PTD	PAINTED
REQ'D	REQUIRED
RL	RAIN LEADER
STL	STEEL
STRL	STRUCTURE/STRUCTURAL
T.O.C.	TOP OF CONCRETE
T.O.S	TOP OF SLAB
TYP	TYPICAL
UNO	UNLESS NOTED OTHERWISE
VCT	VINYL COMPOSITION TILE
WD	WOOD
W/	WITH
WNDW	WINDOW

SITE LOCATION



CONTACTS

ARCHITECT
Anderson Porter Design
1972 Massachusetts Ave,
4th Floor
Cambridge MA 02139

Dan Anderson
617.354.2501
dan@andersonporter.com

DRAWING LIST

G1.0	COVER SHEET
C-1	EXISTING CIVIL PLAN
L1.1	PROPOSED SITE PLAN
Z1.1	ZONING COMPLIANCE
Z1.2	ZONING COMPLIANCE
AX1.1	EXISTING PLANS - UNIT 33
AX1.2	EXISTING PLANS - UNIT 33
AX2.1	EXISTING ELEVATIONS - UNIT 33
AX1.3	EXISTING PLANS - UNIT 35
AX2.2	EXISTING ELEVATION - UNIT 35
A1.1	PROPOSED PLANS - UNIT 33
A2.1	PROPOSED ELEVATIONS - UNIT 33
A1.2	PROPOSED PLANS - UNIT 35
A2.2	PROPOSED ELEVATIONS - UNIT 35
A1.3	PROPOSED PLAN - UNIT 37
A2.3	PROPOSED ELEVATIONS - UNIT 37
A3.5	PROPOSED SITE SECTION
A9.1	PERSPECTIVES
A9.2	PERSPECTIVES
A9.3	PERSPECTIVES
A9.4	EXISTING CONDITIONS
SK1.0	EXISTING SHADOW STUDY
SK2.0	PROPOSED SHADOW STUDY

CODE SUMMARY

PROPERTY ADDRESS:	35 WEBSTER AVENUE CAMBRIDGE, MA 02141
ZONING DISTRICT:	Residence C-1
PROJECT DESCRIPTION:	Renovation of Unit 33 and 35. New Construction of Unit 37

CHAPTER 3 - BUILDING PLANNING

SECTION R302 FIRE-RESISTANT CONSTRUCTION
- R302.3 Dwelling units shall be separated by a 1-hour fire-resistance rated wall.
- R302.7 Enclosed space under stairs that is accessed by door or access panel shall be covered with 1/2" gypsum board.
- R302.11 Fireblocking shall be provided per code.

SECTION R303 LIGHT, VENTILATION AND HEATING
- R303.3 Mechanical ventilation shall be provided.
- R303.10 Dwelling units shall be provided with required heating.

SECTION R304 MINIMUM ROOM AREAS
- All habitable room areas shall comply with code.

SECTION 305 CEILING HEIGHT
- R305.1 Ceiling heights shall be equal to, or greater than, minimum requirements.

SECTION 306 SANITATION
- Toilet fixtures, kitchens, sewage disposal, and water supply to fixtures shall be provided.

SECTION 307 TOILET, BATH AND SHOWER SPACES
- Toilet, baths, and showers spaces shall comply with code.

SECTION 308 GLAZING
- All glazing shall comply with code.

SECTION 309 GARAGES AND CARPORTS
- This section of the code is not applicable to the proposed design.

SECTION 310 EMERGENCY ESCAPE AND RESCUE OPENINGS
- This section of the code is not applicable to the proposed design.

SECTION 311 MEANS OF EGRESS
- R311.1 Each dwelling unit shall be provided with a primary and secondary means of egress with clear widths that comply with code.
- R311.2.1 All interior doors shall have nominal widths and heights that comply with code.
- R311.7.5.1-2 Riser heights shall not be more than 81/4". Tread depths shall not be less than 9". Winder treads shall have a minimum tread depth of 3" at any point.

SECTION 312 GUARDS AND WINDOW FALL PROTECTION
- Guard locations and heights, and window openings and fall protections shall comply with code.

SECTION 313 AUTOMATIC FIRE SPRINKLER SYSTEMS
- R313.2 The proposed design does not have an aggregate area greater than 14,400 square feet.

SECTION R314 SMOKE ALARMS
- R314.3 Smoke alarms shall be provided and located as required.

SECTION 315 CARBON MONOXIDE ALARMS
- R315.3 Carbon monoxide alarms shall be provided and located as required.

SECTION 316 FOAM PLASTIC
- GC shall verify that any foam plastics used shall comply with code.

SECTION 317 PROTECTION OF WOOD AND WOOD-BASED PRODUCTS AGAINST DECAY
- GC shall verify that construction complies with code.

SECTION 318 PROTECTION AGAINST SUBTERRANEAN TERMITES
- GC shall verify that construction complies with code.

SECTION 319 SITE ADDRESS
- This section of the code is not applicable to the proposed design.

SECTION 320 ACCESSIBILITY
- This section is not applicable to the proposed design.

SECTION 321 ELEVATORS AND PLATFORM LIFTS
- This section is not applicable to the proposed design.

SECTION 322 FLOOD-RESISTANT CONSTRUCTION
- The basement shall be constructed to anticipate the estimated seasonal high ground water level.

SECTION 323 STORM SHELTERS
- This section is not applicable to the proposed design.

SECTION 324 SOLAR ENERGY SYSTEMS
- This section is not applicable to the proposed design.

SECTION 325 MEZZANINES
- This section is not applicable to the proposed design.

SECTION 326 SWIMMING POOLS, SPAS AND HOT TUBS
- This section is not applicable to the proposed design.

SECTION 327 STATIONARY STORAGE BATTERY SYSTEMS
- This section is not applicable to the proposed design.

CHAPTER 4 - FOUNDATIONS
- GC shall verify that construction complies with code.

CHAPTER 5 - FLOORS
- GC shall verify that construction complies with code.

CHAPTER 6 - WALL CONSTRUCTION
- GC shall verify that construction complies with code.

CHAPTER 7 - WALL COVERING
- GC shall verify that construction complies with code.

CHAPTER 8 - ROOF-CEILING CONSTRUCTION
- GC shall verify that construction complies with code.

CHAPTER 9 - ROOF ASSEMBLIES
- GC shall verify that construction complies with code.

CHAPTER 10 - CHIMNEY AND FIREPLACES
- This section of the code is not applicable to the proposed design

CHAPTER 11 - ENERGY EFFICIENCY
- This section of the code is not applicable to the proposed design

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: COVER SHEET

Drawing Issued By: ANDERSON PORTER DESIGN

Project #: 2112

Date: 11/24/2021

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

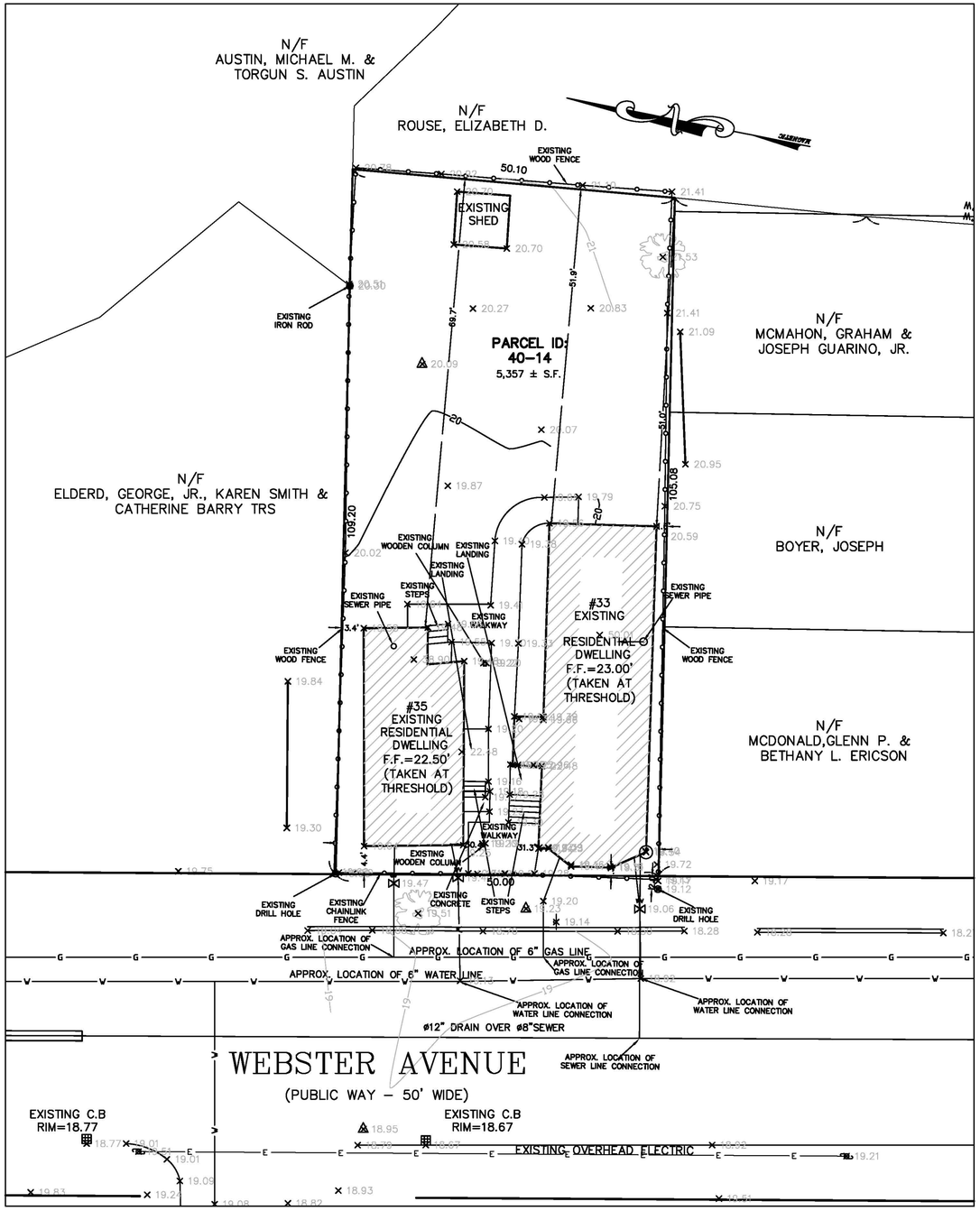
Drawn by: AR,S,R.B,A,S,D.A

Drawn No. G1.0

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LEGEND

⊡	BOUND
•	IRON PIN/PIPE
⊙	STONE POST
	TREE
	TREE STUMP
	SHRUBS/FLOWERS
	SIGN
	BOLLARD
Ⓢ	SEWER MANHOLE
Ⓓ	DRAIN MANHOLE
▦	CATCH BASIN
Ⓦ	WATER MANHOLE
W	WATER VALVE
	HYDRANT
G	GAS VALVE
Ⓔ	ELECTRIC MANHOLE
EL	ELECTRIC HANDHOLE
	UTILITY POLE
	LIGHT POLE
Ⓜ	MANHOLE
X148.00	SPOT GRADE
TW	TOP OF WALL
BW	BOTTOM OF WALL
	EXISTING BUILDING
	RETAINING WALL
	STONE WALL
	FENCE
	TREE LINE
S	SEWER LINE
D	DRAIN LINE
W	WATER LINE
G	GAS LINE
E	UNDERGROUND ELECTRIC LINE
OHW	OVERHEAD WIRES
145	CONTOUR LINE (MJR)
146	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.

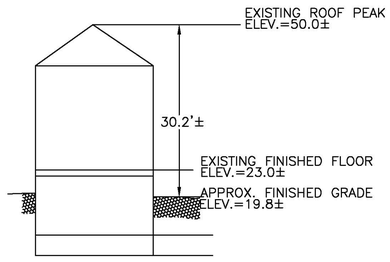
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.

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.

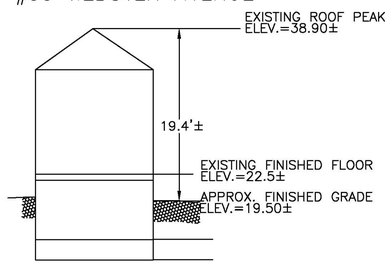
9. ZONING INFORMATION: RESIDENCE C-1

#33 WEBSTER AVENUE



EXISTING PROFILE
NOT TO SCALE

#35 WEBSTER AVENUE



EXISTING PROFILE
NOT TO SCALE

GRAPHIC SCALE

10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.

SCALE 1"=10'				
DATE 06/07/2021	REV	DATE	REVISION	BY
SHEET				
PLAN NO. 1 OF 1				
CLIENT:				
DRAWN BY E.S				
CHKD BY PJN				
APPD BY PJN				

33-35 WEBSTER AVENUE
CAMBRIDGE
MASSACHUSETTS

EXISTING CONDITIONS

SHEET NO. 1

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

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

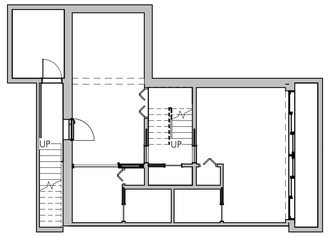
FOOTNOTES:

Identifying rear yard set back

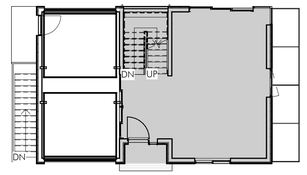
Min. distance between buildings: Sum of Heights/6 or 10'-0", whichever is greater.

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

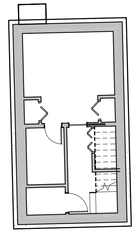
N/A; BASEMENT AREA IS EXCLUDED FROM GROSS FLOOR AREA PER ARTICLE 2.



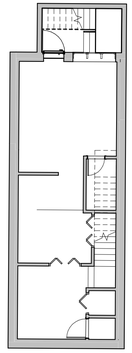
UNIT 37



UNIT 37

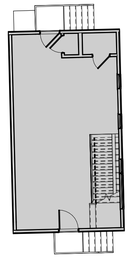


UNIT 35

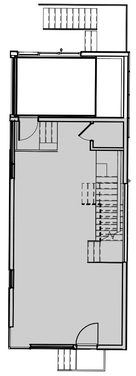


UNIT 33

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

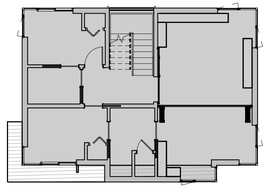


UNIT 35

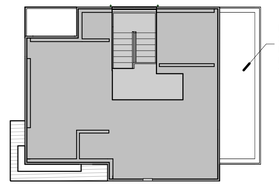


UNIT 33

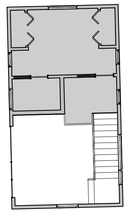
1 ZONING-FIRST FLOOR
1" = 10'-0"



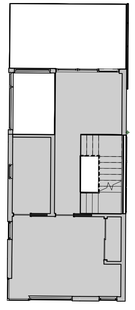
UNIT 37



UNIT 37

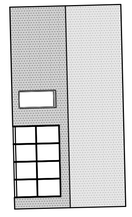


UNIT 35

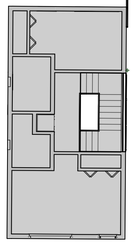


UNIT 33

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



UNIT 35



UNIT 33

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



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

11/24/2021 4:55:3

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

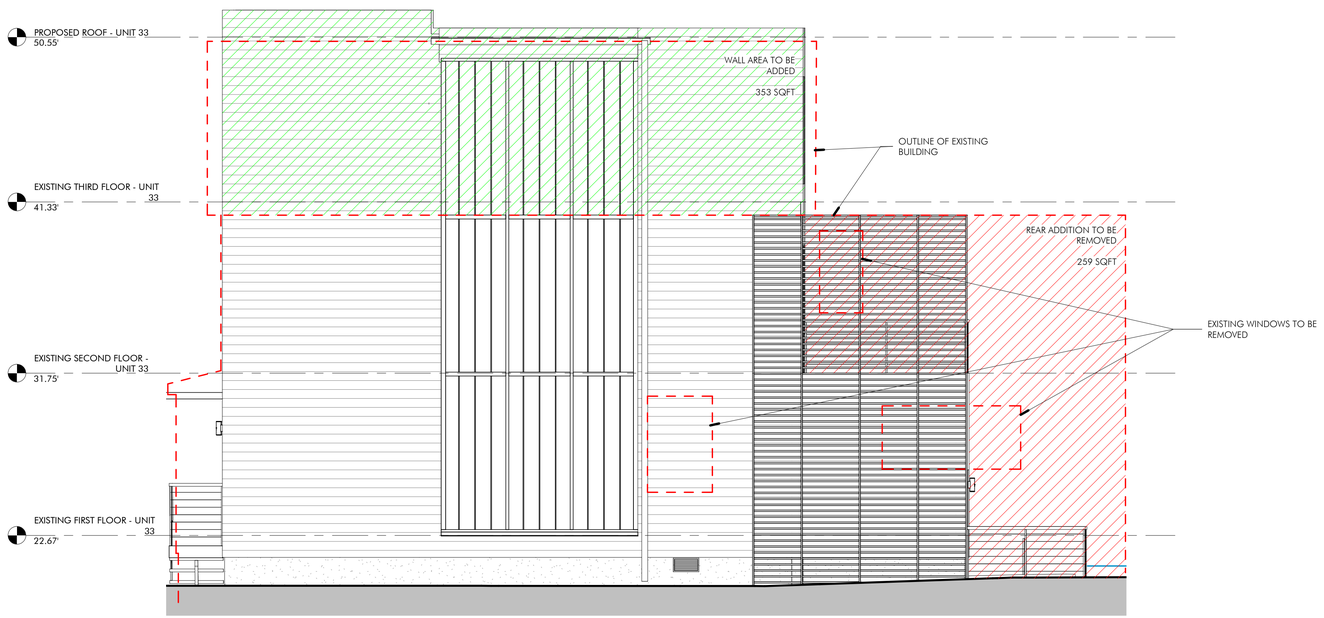
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Date:	11/24/2021	Z1.1
Scale:	As indicated	
Drawn by:	AS,DA,RB,AS	

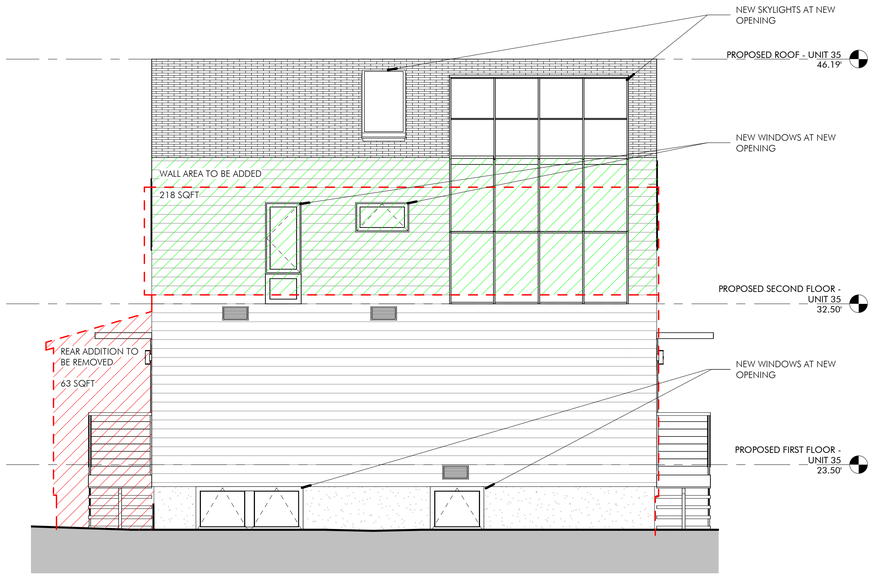


3 UNITS 33 & 35 FRONT ELEVATION
1/4" = 1'-0"

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



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



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

11/24/2021 5:01:10 PM

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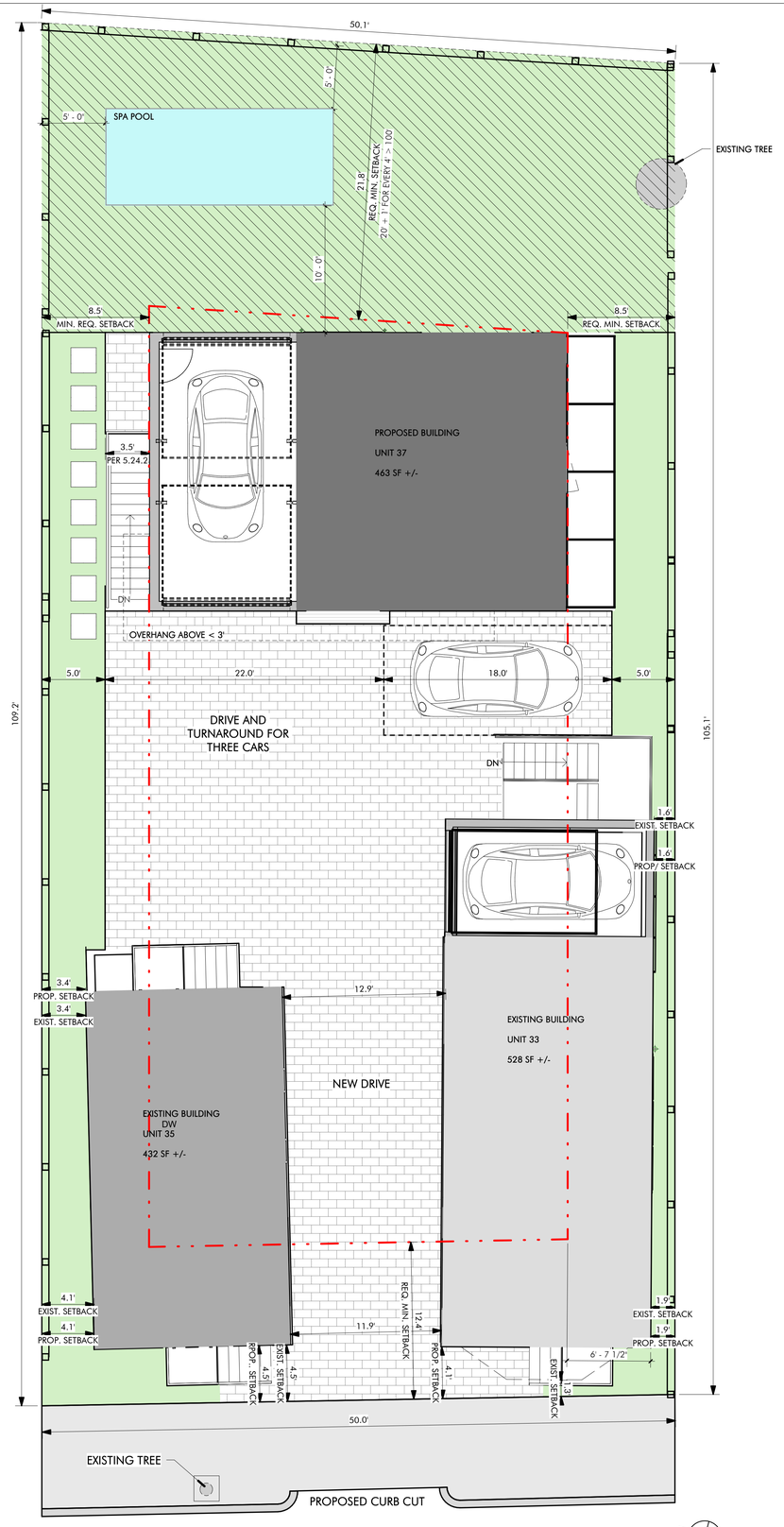
Project: 33,35 & 37 WEBSTER

Address: 35 WEBSTER AVENUE CAMBRIDGE, MA 02141

Title: ZONING COMPLIANCE

Drawing Issued By: ANDERSON PORTER DESIGN

Project #:	2112	Drawn No.
Date:	11/24/2021	Z1.2
Scale:	1/4" = 1'-0"	
Drawn by:	Author	



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

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REVISIONS

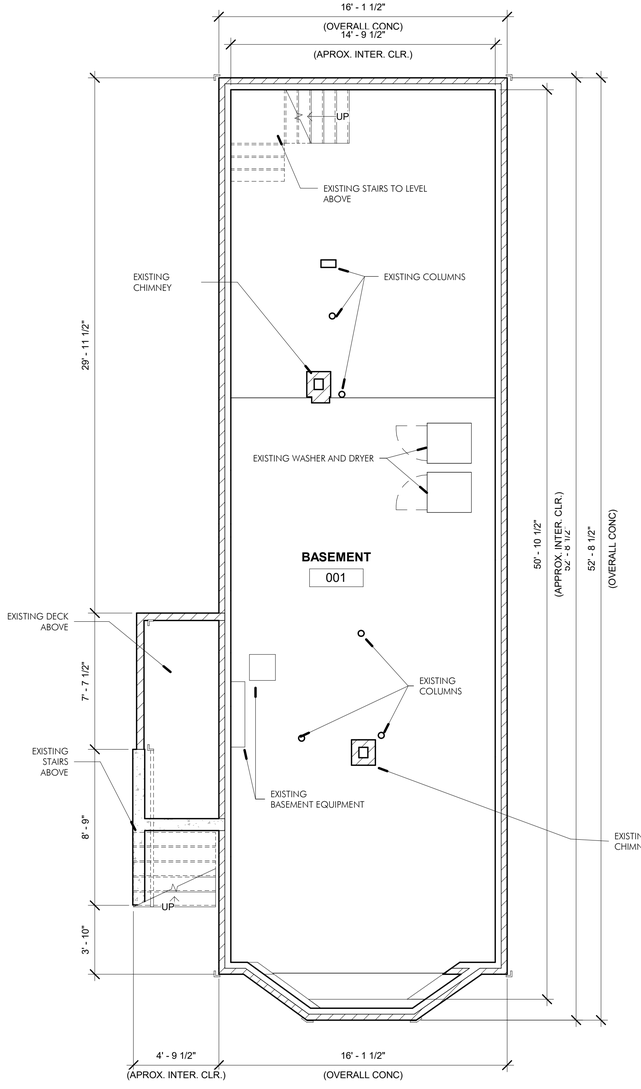
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AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

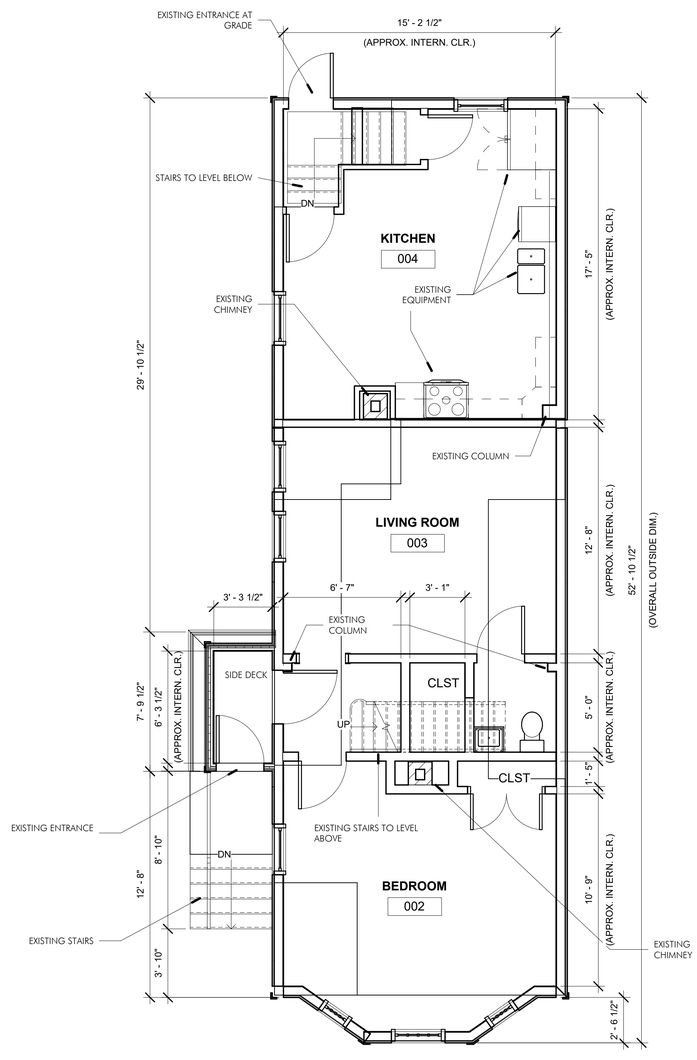
Project: 33,35 & 37 WEBSTER
Address: 35 WEBSTER AVENUE CAMBRIDGE, MA 02141
Title: PROPOSED SITE PLAN

Drawing Issued By: ANDERSON PORTER DESIGN
Project #: 2112
Date: 11/24/2021
Scale: As indicated
Drawn by: AR.S., R.B.
Drawn No. L1.1

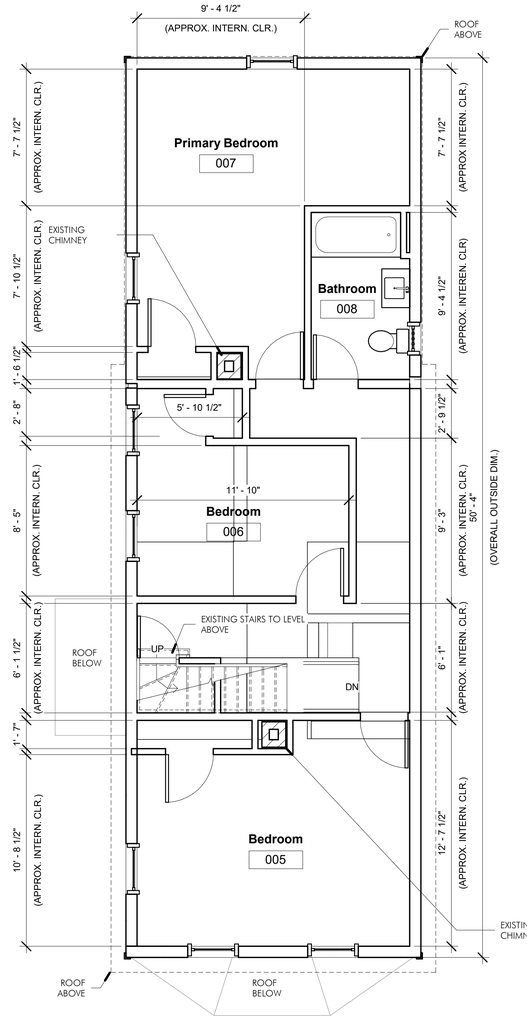
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1 EXISTING BASEMENT PLAN-UNIT 33
1/4" = 1'-0"



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



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

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 WEBSTER

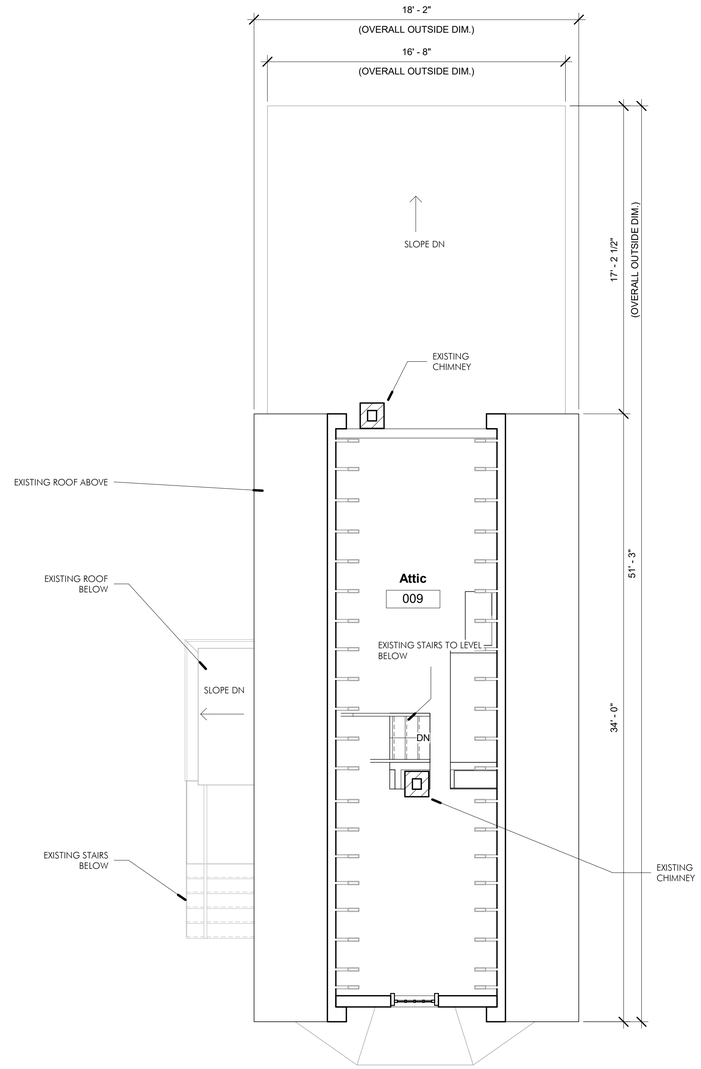
Address: 33 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title: EXISTING FLOOR PLANS - UNIT 33

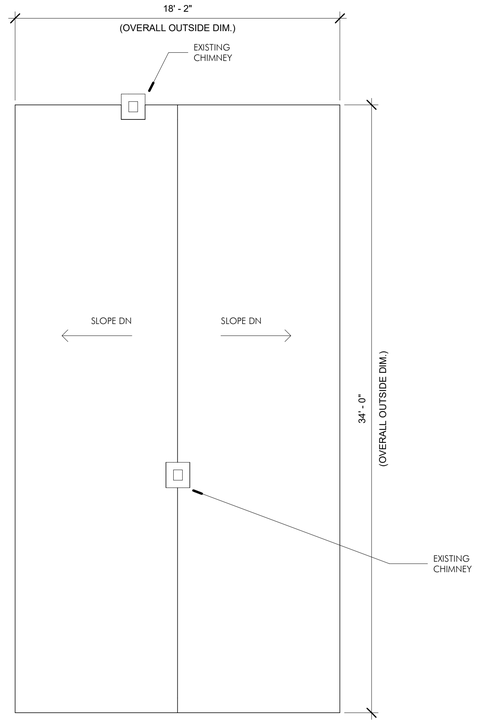
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Project #:	2112
Date:	11/24/2021
Scale:	1/4" = 1'-0"
Drawn by:	DS

Drawn No. AX1.1

11/2/2021 11:22:28 AM



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



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

11/2/2021 11:22:48 AM

ANDERSON PORTER DESIGN

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Tel. 617.354.2501 Fax. 617.354.2509

Project: 33 WEBSTER

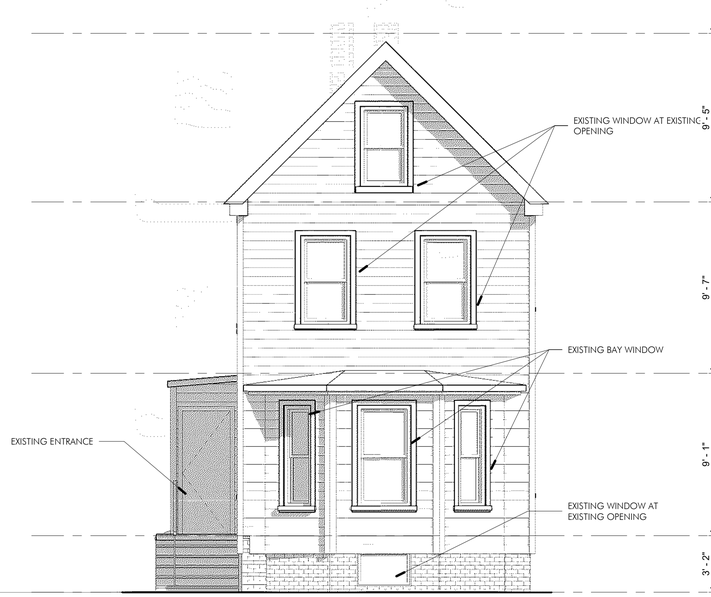
Address: 33 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title: EXISTING FLOOR PLANS - UNIT 33

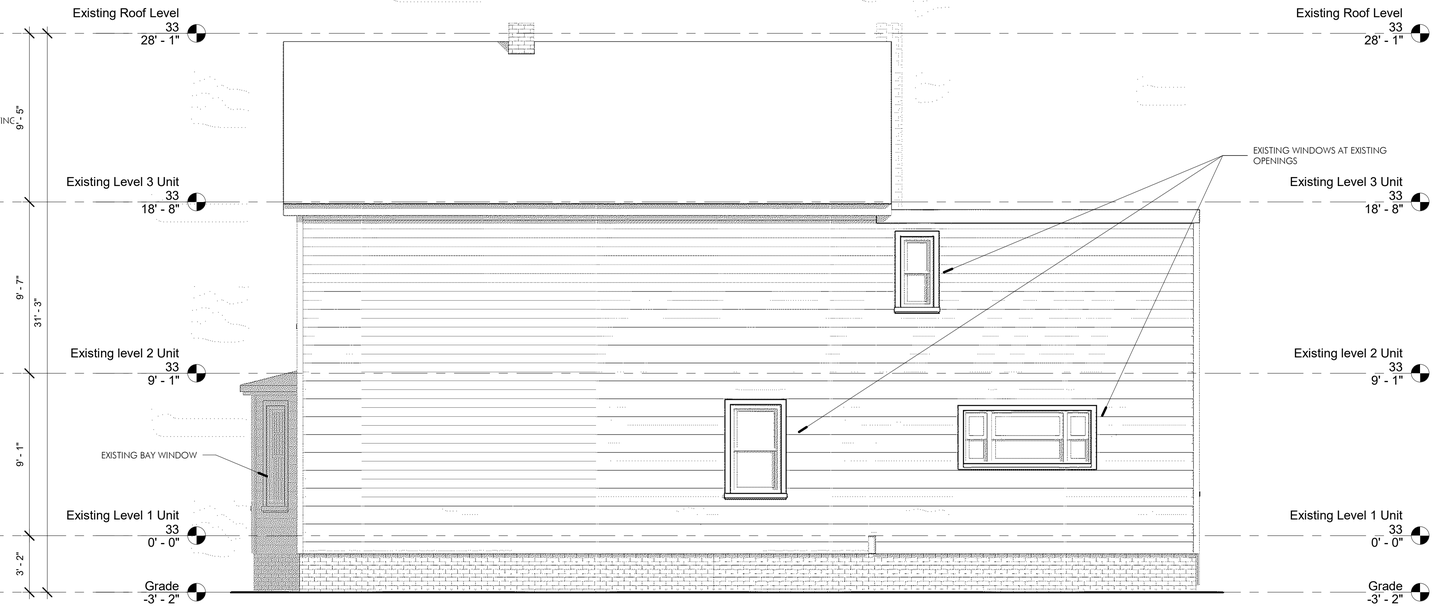
Drawing Issued By: ANDERSON PORTER DESIGN

Project #: 2112
Date: 11/24/2021
Scale: 1/4" = 1'-0"
Drawn by: DS

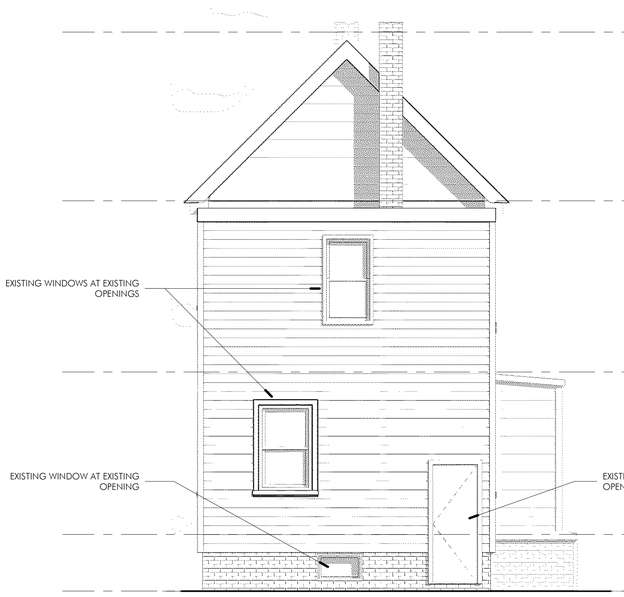
Drawn No.
AX1.2



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"

10/15/2021 4:06:11 PM

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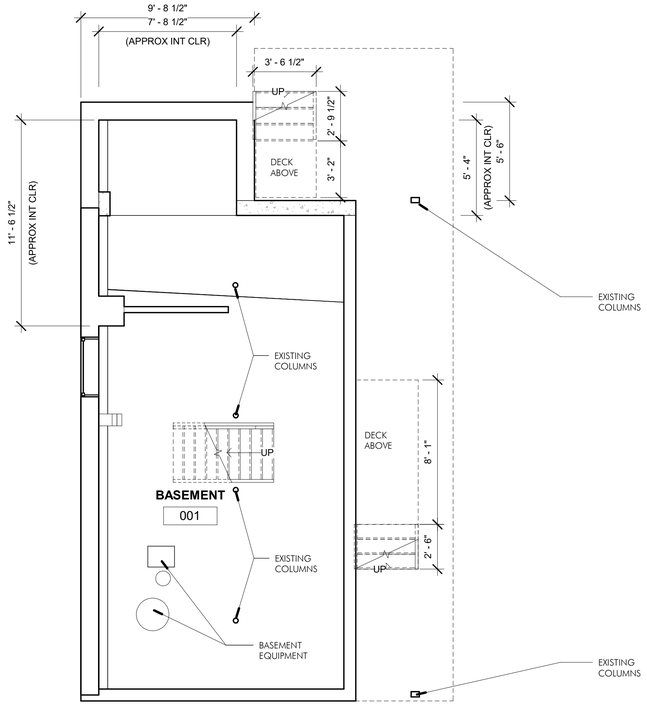
Project: 33 WEBSTER

Address: 33 WEBSTER AVENUE
CAMBRIDGE, MA 02141

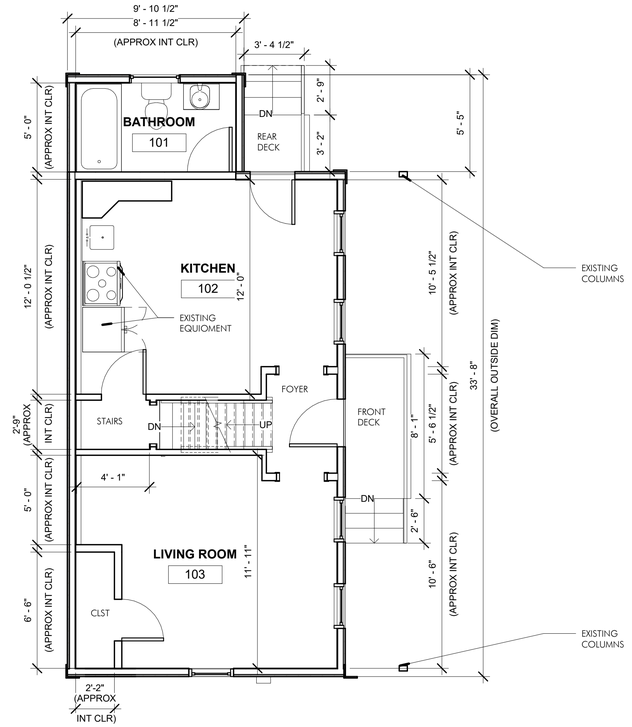
Title: EXISTING ELEVATIONS - UNIT 33

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

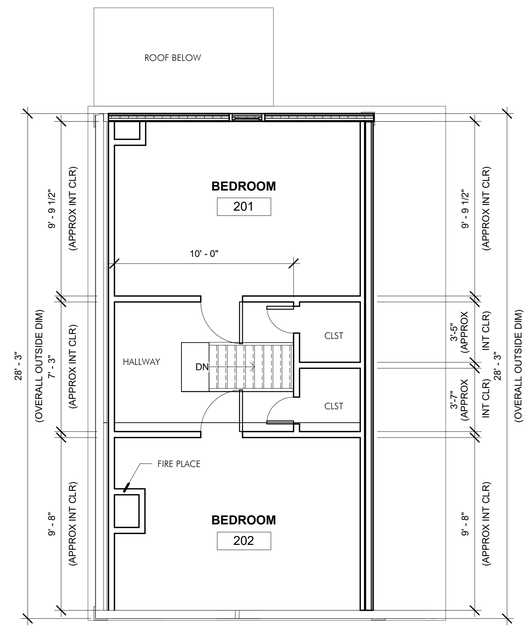
Drawn No. AX2.1



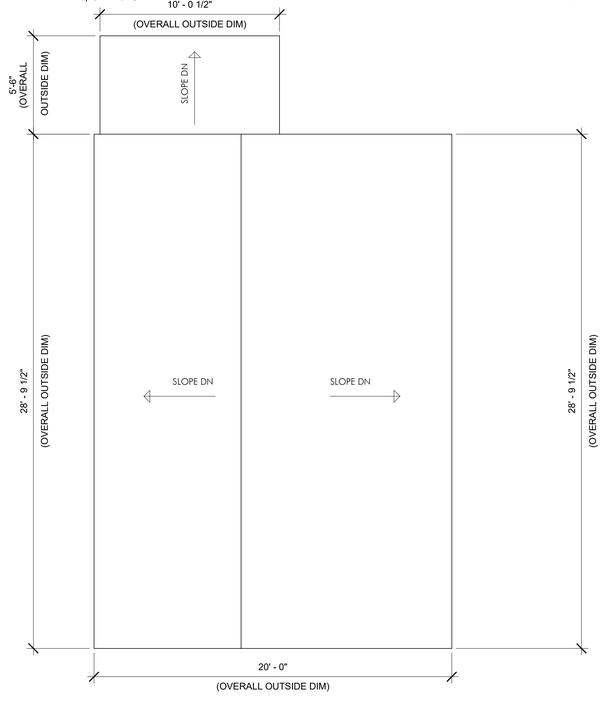
1 EXISTING BASEMENT PLAN
1/4" = 1'-0"



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



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



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

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Project: 35 WEBSTER

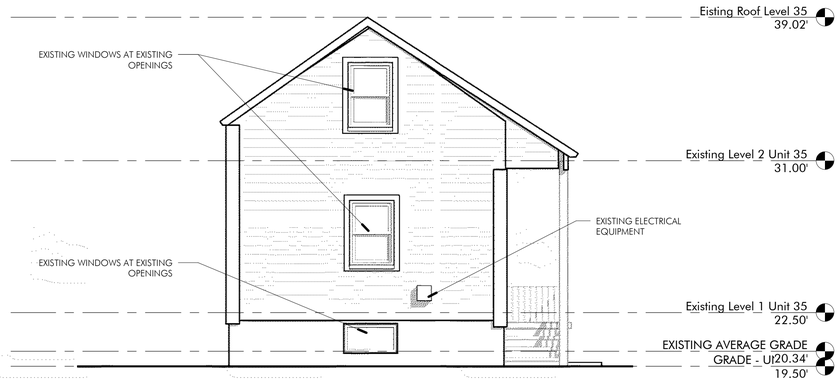
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

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

Drawn No. AX1.3

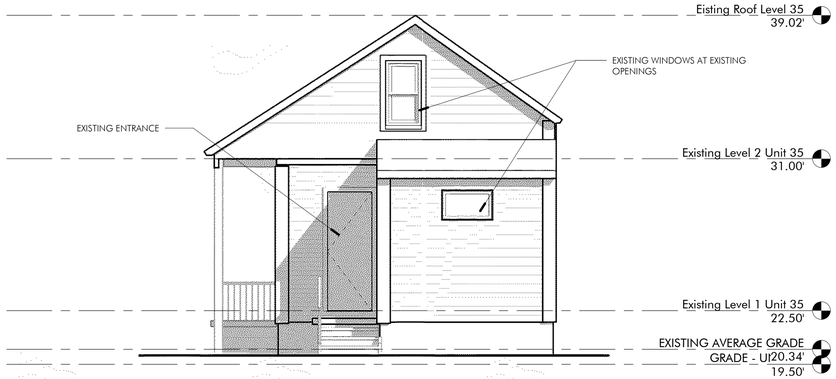
11/2/2021 11:23:14 AM



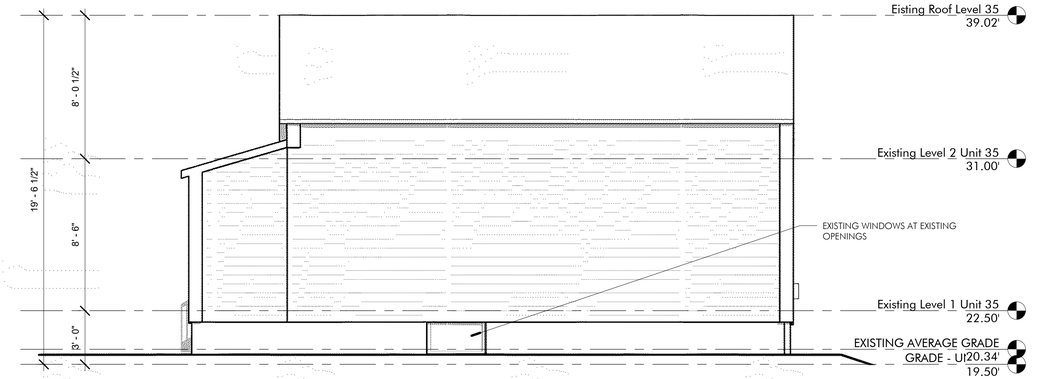
4 EXISTING SOUTH ELEVATION
1/4" = 1'-0"



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



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



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

11/10/2021 9:54:26 AM

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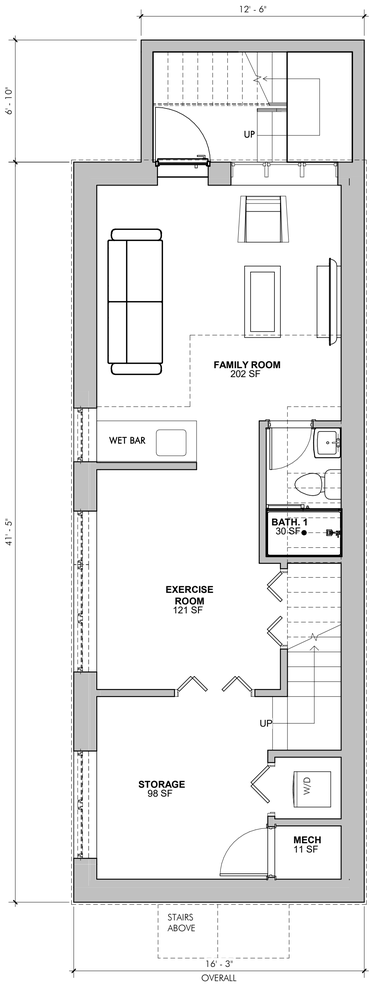
Project: 35 WEBSTER

Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

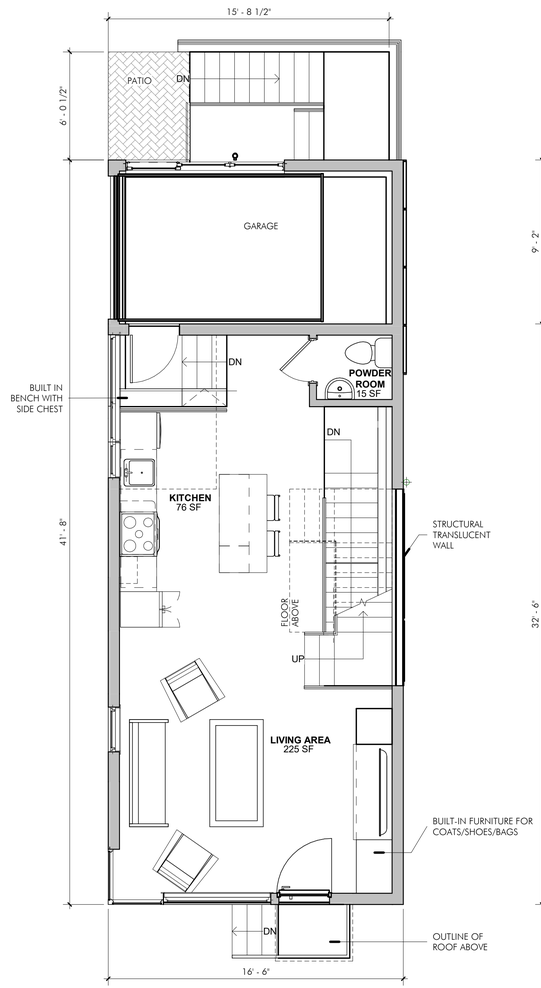
Title: EXISTING ELEVATIONS - UNIT 35

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

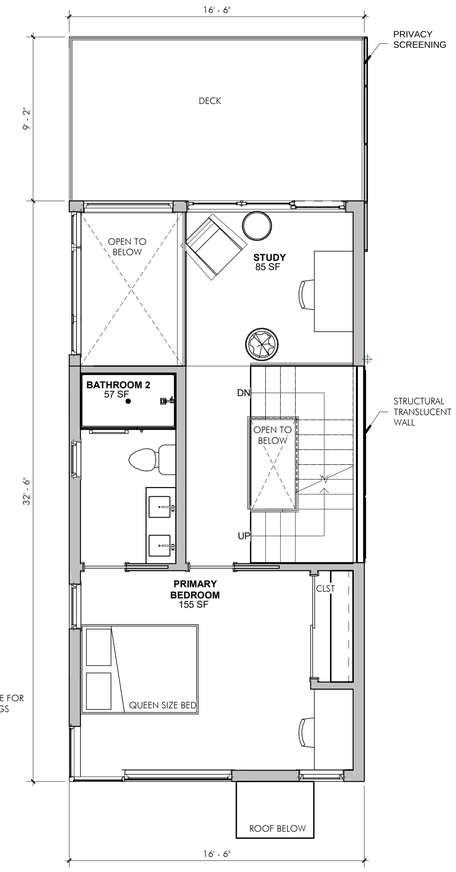
Drawn No. AX2.2



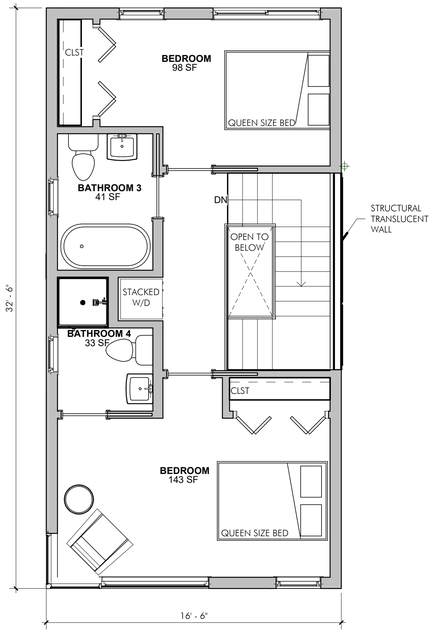
1 PROPOSED BASEMENT PLAN - UNIT 33
1/4" = 1'-0"



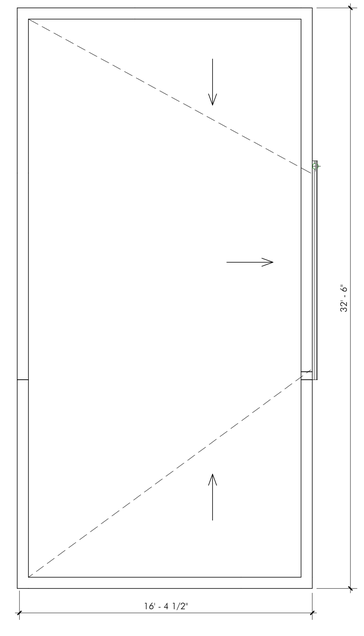
2 PROPOSED FIRST FLOOR PLAN - UNIT 33
1/4" = 1'-0"



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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Project: 33 WEBSTER

Address: 33 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title: PROPOSED PLANS - UNIT 33

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

Drawn No. A1.1

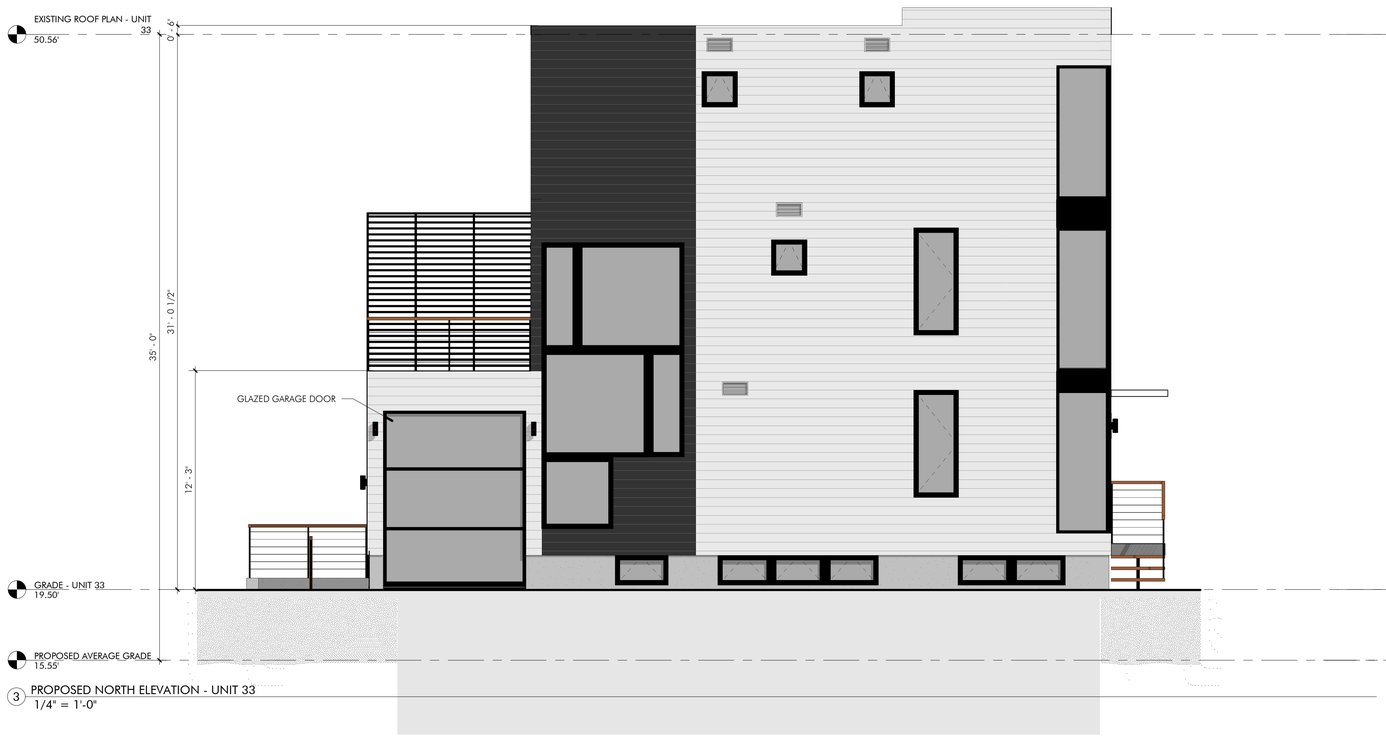
11/24/2021 4:30:41 PM



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



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



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



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

11/24/2021 4:31:15 PM

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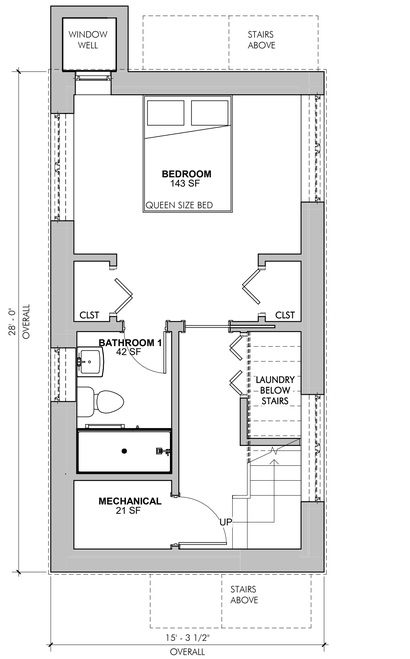
Project: 33 WEBSTER

Address: 33 WEBSTER AVENUE
CAMBRIDGE, MA 02141

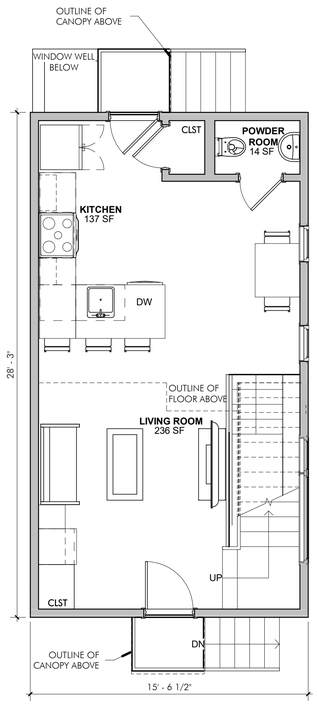
Title: PROPOSED ELEVATIONS - UNIT 33

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

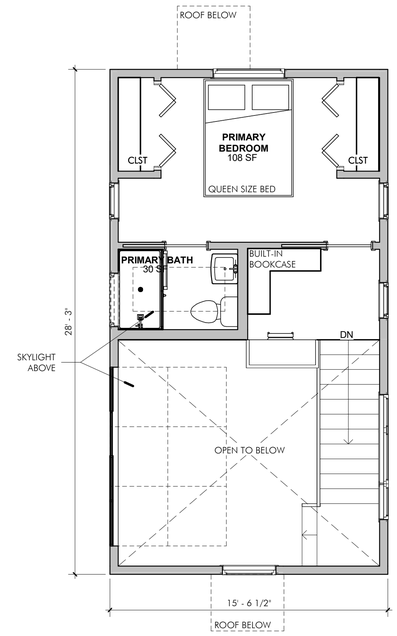
Drawn No. A2.1



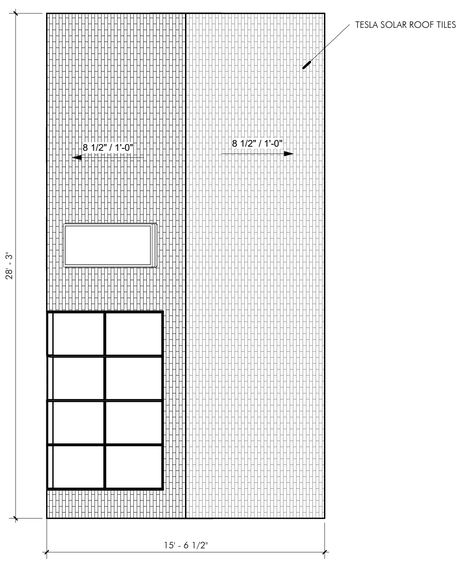
1 PROPOSED BASEMENT - UNIT 35
1/4" = 1'-0"



2 PROPOSED FIRST FLOOR - UNIT 35
1/4" = 1'-0"



3 PROPOSED SECOND FLOOR - UNIT 35
1/4" = 1'-0"



4 PROPOSED ROOF - UNIT 35
1/4" = 1'-0"

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Project:
35 WEBSTER

Address:
35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title:
PROPOSED PLANS - UNIT 35

Drawing Issued By: ANDERSON PORTER DESIGN

Project #:	2112
Date:	11/24/2021
Scale:	1/4" = 1'-0"
Drawn by:	AR.S

Drawn No.
A1.2

11/24/2021 4:33:20 PM



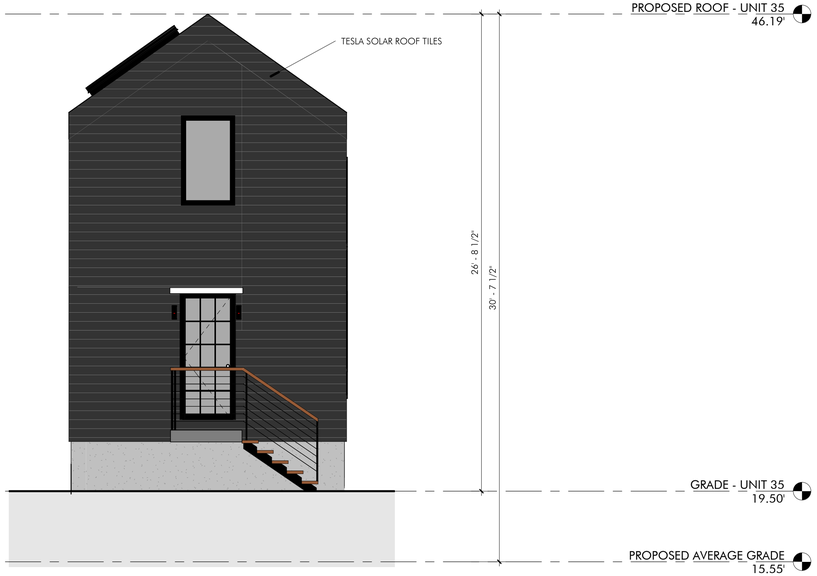
1 PROPOSED SOUTH ELEVATION - UNIT 35
1/4" = 1'-0"



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"

11/24/2021 4:36:51 PM

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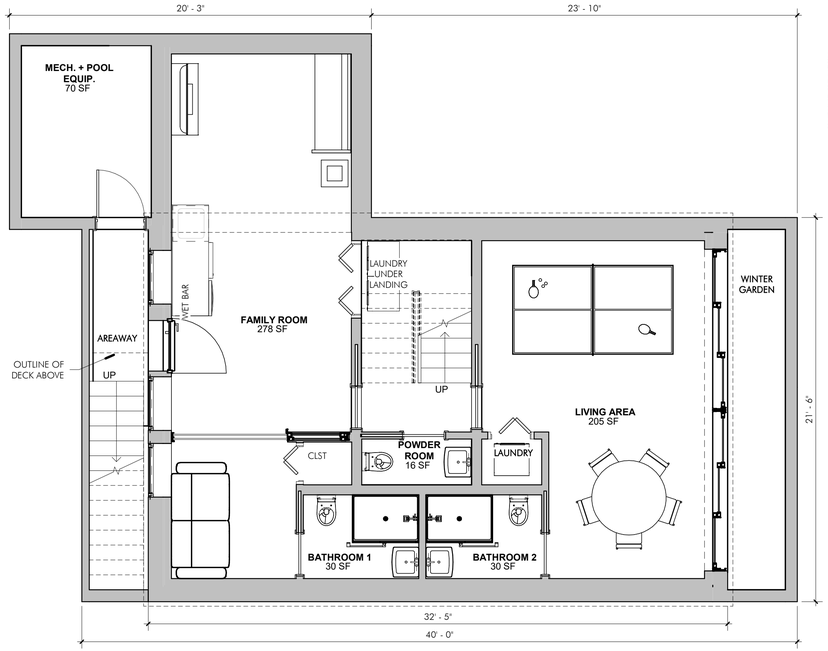
Project: 35 WEBSTER

Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

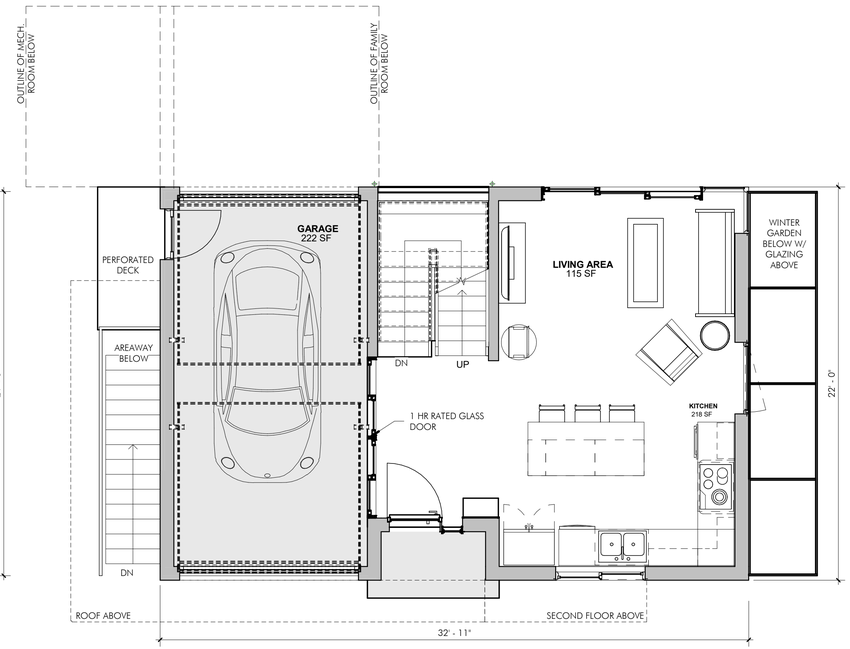
Title: PROPOSED ELEVATIONS - UNIT 35

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

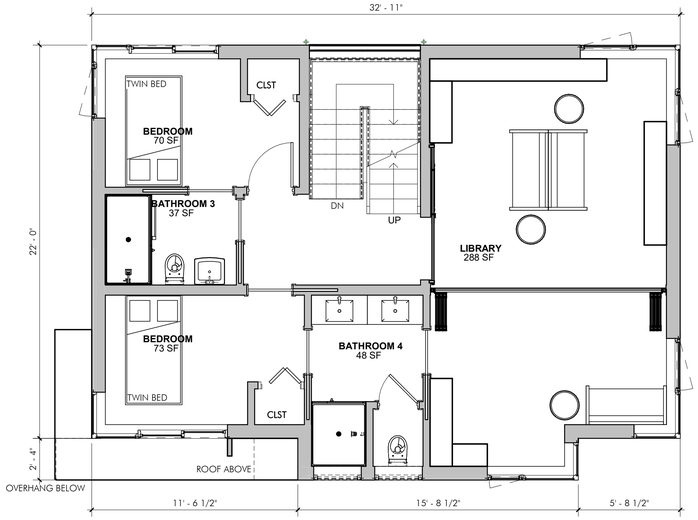
Drawn No. A2.2



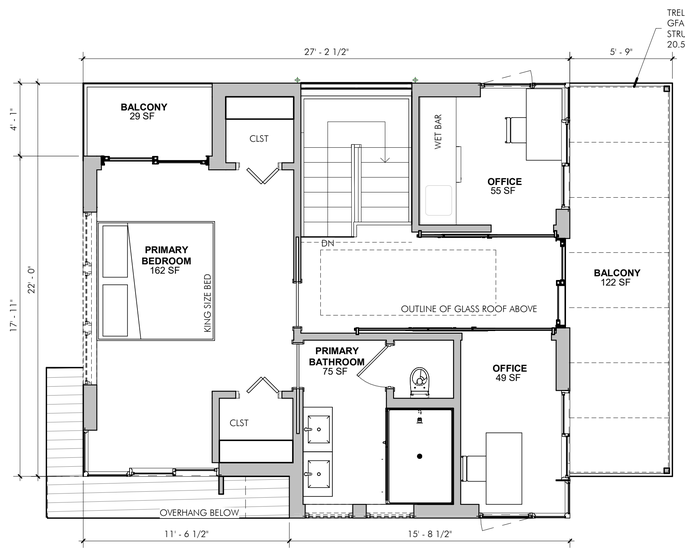
1 PROPOSED BASEMENT PLAN - UNIT 37
1/4" = 1'-0"



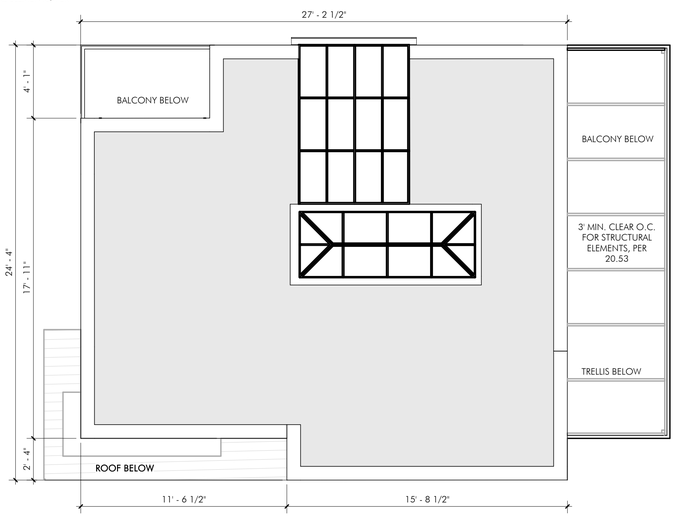
2 PROPOSED FIRST FLOOR PLAN - UNIT 37
1/4" = 1'-0"



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"

11/24/2021 4:43:40 PM

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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.

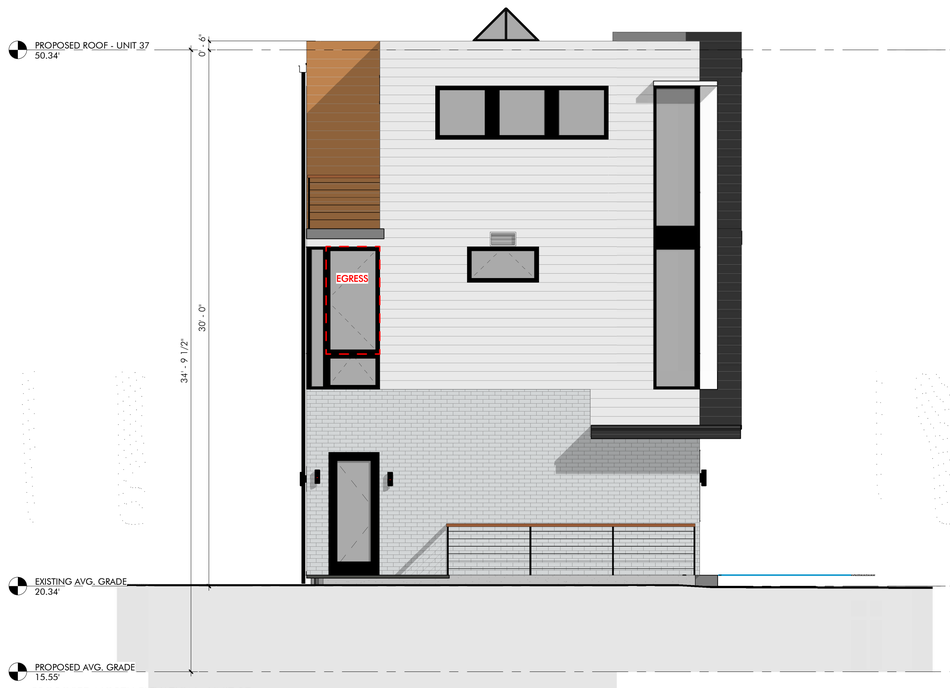
Drawn No.
A1.3



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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Project: 33,35 & 37 WEBSTER

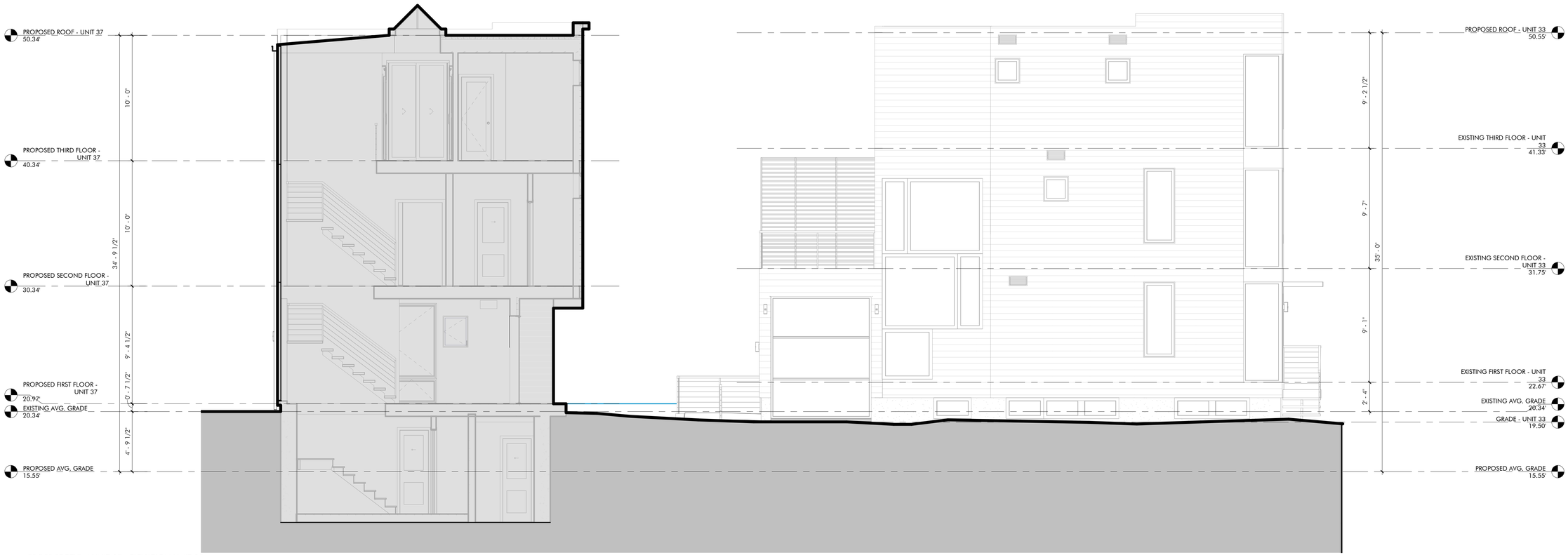
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title: PROPOSED ELEVATIONS - UNIT 37

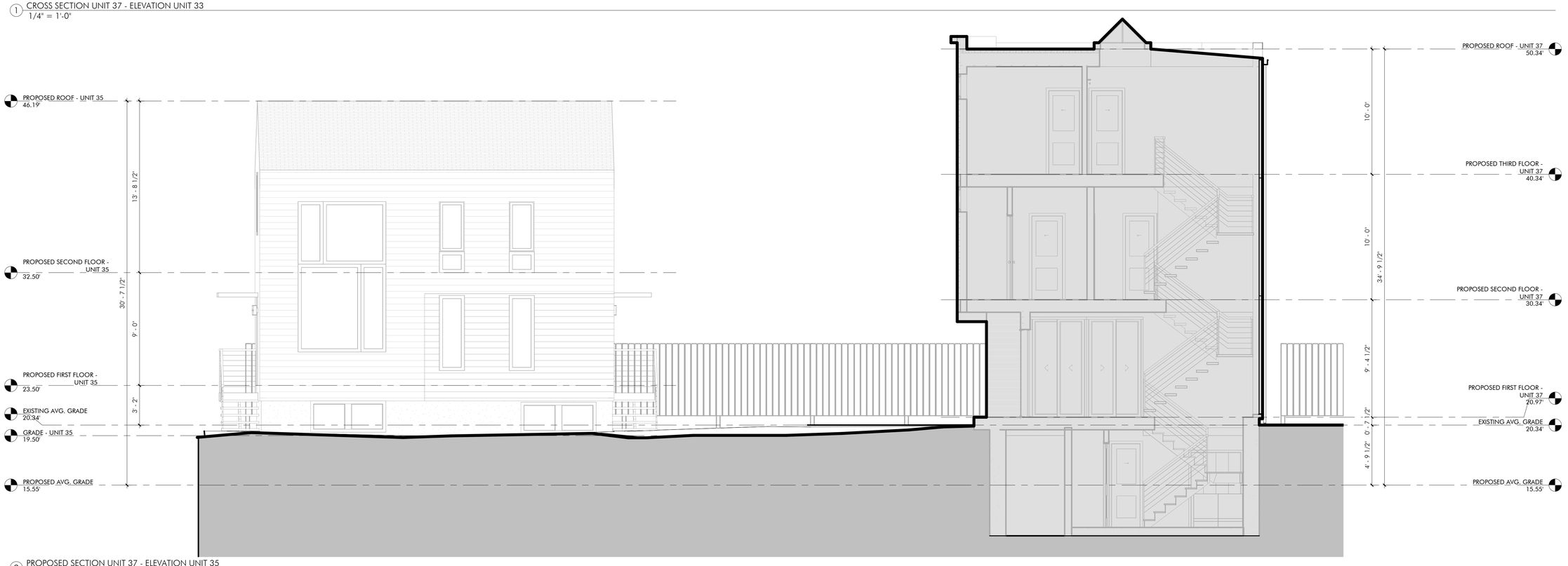
Drawing Issued By:	ANDERSON PORTER DESIGN
Project #:	2112
Date:	11/24/2021
Scale:	1/4" = 1'-0"
Drawn by:	AR.S

Drawn No. A2.3

11/24/2021 4:47:36 PM



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



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

11/24/2021 4:49:40 PM

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Project: 33,35 & 37 WEBSTER

Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title: PROPOSED SITE SECTION

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

Drawn No. A3.5



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Project:
33,35 & 37 WEBSTER

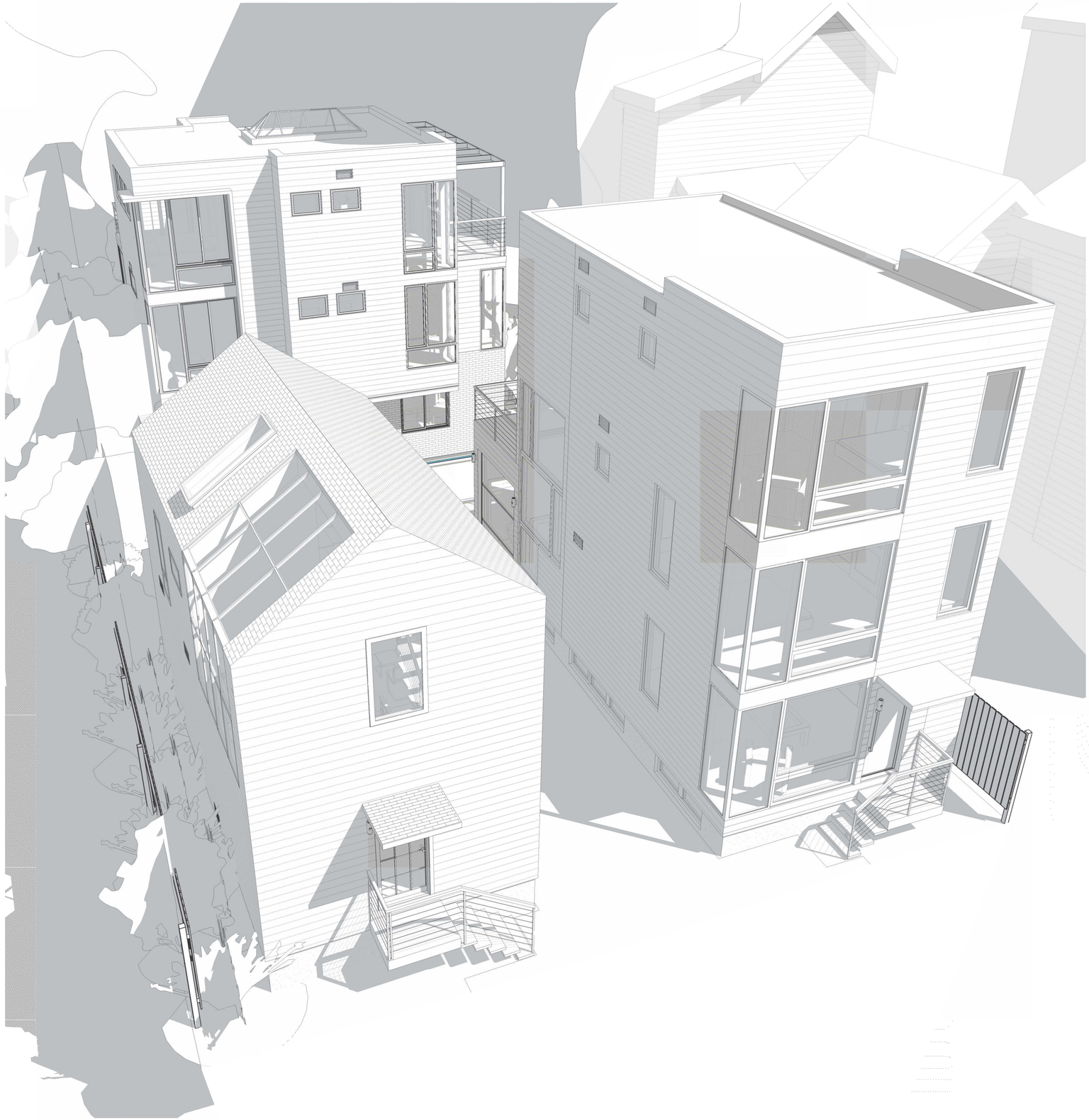
Address:
35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title:
PERSPECTIVES

Drawing Issued By: ANDERSON PORTER DESIGN

Project #:	2112	Drawn No.
Date:	11/24/2021	A9.1
Scale:		
Drawn by:	AR.S., R.B.	

11/24/2021 4:50:43 PM



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Project:
33,35 & 37 WEBSTER

Address:
35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title:
PERSPECTIVES

Drawing Issued By: ANDERSON PORTER DESIGN

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

Drawn No.
A9.2

11/24/2021 4:51:40 PM



1 PERSPECTIVE - UNIT 35

11/24/2021 4:52:39 PM

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No.	Description	Date

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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

Date: 11/24/2021

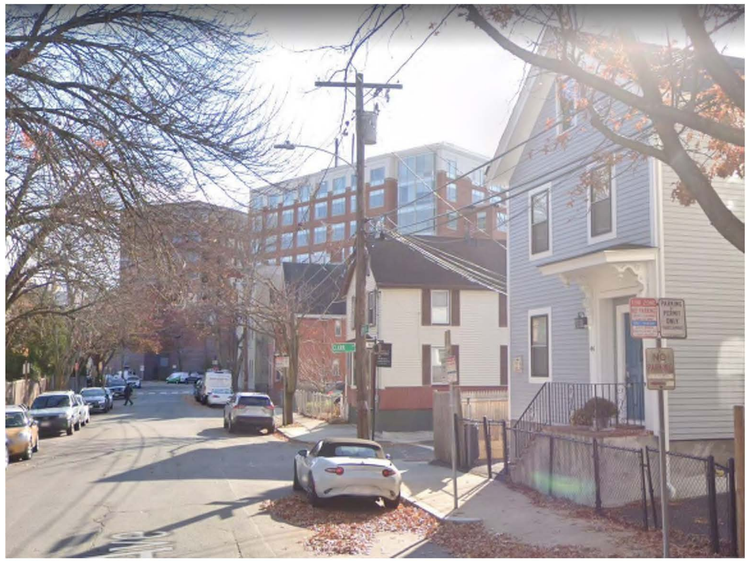
Scale:

Drawn by: A.R.S.

Drawn No. A9.3



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

11/29/2021 12:23:00 PM

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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 by:	A.R.S.

Drawn No. A9.4

N

MORNING (7 AM)

NOON (12 PM)

AFTERNOON (5 PM)

SUMMER SOLSTICE







FALL EQUINOX







WINTER SOLSTICE







Project: 33,35 & 37 WEBSTER
Drawing: EXISTING SHADOW STUDY
Date: 11/24/2021
Scale: 1/32" = 1'-0"

AndersonPorter Design

1972 Massachusetts Ave, Cambridge, MA 02140 Tel: 617.354.2501

SK1.0

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MORNING (7 AM)

NOON (12 PM)

AFTERNOON (5 PM)

SUMMER SOLSTICE







FALL EQUINOX







WINTER SOLSTICE







Project: 33,35 & 37 WEBSTER
Drawing: PROPOSED SHADOW STUDY
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Scale: 1/32" = 1'-0"

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SK2.0

City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2022 JAN 28 AM 10:41

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA-155115.

Address: 35 Webster Ave.

□ *Owner,* □ *Petitioner, or* □ *Representative:* David Anderson, Arch.,
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The □ *Owner,* □ *Petitioner, or* □ *Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.*

Date: 1/28/22

Signature

* * * * *

(6:57 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Laura Wernick, Jim Monteverde and Jason Marshall

BRENDAN SULLIVAN: Okay. The next cases are 33 -- 33-35 Webster. Sitting on this is myself, Mr. Alexander, Jim Monteverde, Laura you're sitting on this and Jason Marshall you're sitting on the regular agenda?

JASON MARSHALL: Yes, I am. Laura? Laura, are you audible?

LAURA WERNICK: Yes. Hello.

JIM MONTEVERDE: There you go.

BRENDAN SULLIVAN: Laura, you're there?

LAURA WERNICK: Yes.

BRENDAN SULLIVAN: Great. Okay.

LAURA WERNICK: Okay. Thank you.

BRENDAN SULLIVAN: All right. The Board will now hear Case Number 155114 -- 33 Webster Avenue. Mr. Anderson?

DANIEL ANDERSON: I'm going to let Parviz Parvizi introduce himself.

BRENDAN SULLIVAN: Sure. Absolutely.

PARVIZ PARVIZI: Hi. Thank you, Mr. Chair. I'm Parviz Parvizi. That's spelled P-a-r-v-i-z first name, P-a-r-v-i-z-i last name. I'm the owner of 33-35 Webster Avenue. With the Chair's permission, I'd like to share some background.

I've lived in Cambridge as an active member of the community for close to two decades as a renter. In the past five years, my rent has gone up by over 70 percent. My partner and I have tried to purchase a home to get some measure of stability with an eye toward the near future, when we had looked to have aging grandparents with us.

We've submitted numerous purchase offers, typically over asking price, and lost out, often by hundreds of thousands of dollars, in what's become a frenzied market.

We got to the point where we needed to think creatively and be open to a place that needed work, and that we could make our own with some extra effort and sweat equity. We bought 33-35 Webster with that in mind.

We'd like to build our long-term home in the back. The two existing homes in the front are not in great shape, and the City's assessor has given them a grade of 4. We'd like to renovate them to have a multigenerational property

with grandparents as they age.

Much of what's driving the relief we're asking for with this set of applications is due to the existing nonconforming nature of the property and structures.

In addition to our planned improvements, we're able to provide compliance with the zoning ordinance's parking requirements. We've had to reconfigure 33 and 35 Webster to take out living space to incorporate our new primary residence and off-street parking.

We're looking to improve the two existing structures for long-term use for our family, which will require limited relief from the zoning ordinance. I'll hand things off to Dan Anderson in a moment to walk through the details.

I do want to emphasize that we're staying within the city's square footage limits. No building is higher than the maximum that's allowed int district, and we have more open space than the ordinance requires.

I also wanted to share with you my neighborhood outreach. Starting last fall, I reached out to over 20 neighbors. I hosted an open neighborhood meeting, had met in person or by phone with all but one direct abutter, and

several neighbors who are not direct abutters. The last abutter corresponded with me in writing.

Nobody who I communicated with, other than those filing with you tonight, has expressed opposition to what we're covering with the permit applications before the BZA. Neighbor input has focused on how construction would be conducted and landscaping.

Since learning of some of the opposition filings on Monday, I have gotten in touch with some of the filers to better understand their concerns and clarify the exact scope of my plans. I hope this outreach has helped address some of their concerns.

Through the interactions I've had with neighbors, I've accommodated for their well-being on things that are outside the scope of what the zoning ordinance requires, but just felt like the right thing to do in order to be a good neighbor -- such as incorporating a deck privacy screen in the design at 33 Webster, modifying plans for the roof at 37 Webster, planting additional trees, and sharing my plans to maintain the health and safety of a tree at the back of my property based on conversations I've had with five different arborists.

Thanks for your time. I'm really excited to be part of Cambridge as a homeowner, and I'm looking forward to building deeper connections with the community and with my neighbors. I'll now hand it over to Dan Anderson, who's the architect for these buildings.

CONSTANTINE ALEXANDER: I'm Mr. Alexander, one of the Board members. I'd like to have some conversation with you, before we --

PARVIZ PARVIZI: Yeah, please.

CONSTANTINE ALEXANDER: -- move on. I must say I was -- frankly, agree with you about the problems with trying to buy residential real estate in Cambridge these days. It's just crazy, period. However, letters -- no letters of support.

There are several detailed, long letters of opposition, citing all sorts of reasons -- many of which are tied to the trees on the property and the modifications of trees. For those -- and that's not technically a voting issue, the trees, but as you probably know, in Cambridge these days trees are very, very much in the front people's minds, and there's a strong movement about anything that removes trees or damages them or the like.

So I'm not -- and I may be wrong, so correct me if I am -- I think to do some of the tree work that you want or need, you're going to have to remove some of the roots of the trees. Is that right?

PARVIZ PARVIZI: Yes, so it's actually there's one tree. And --

CONSTANTINE ALEXANDER: But that one tree is --

PARVIZ PARVIZI: Absolutely. It's a big tree, and it's --

CONSTANTINE ALEXANDER: Right.

PARVIZ PARVIZI: -- actually, like, a wonderful tree. And so what I did starting in August before really engaging in any of the planning is I met with several arborists to just understand what the situation was with that tree, and if it would even be feasible to build near it, for the benefit of the neighborhood, for my own safety.

But what they've told me is that there's really no risk, or very limited risk, to the health of the tree and the safety of the tree. And if I wanted to be diligent, what I should do is a few things, which is to AirSpade and prune the roots of the tree around the excavation zone.

Because one of the things that happens is when you

excavate sort of near a tree, the excavators will go in and dig and they'll grab the roots. And they'll yank them out. And so they'll grab some roots that are in that excavation zone, but what's particularly harmful is that they'll pull out the roots all the way to the tree.

So if you use an AirSpade to basically create a trench around the perimeter, and then an arborist goes and prunes those roots, what you do is you actually then take that risk away.

You're pruning some roots, just like when you prune branches you have to be judicious in doing that, right? If you prune branches and cut off 50 percent of them, that's going to be really bad for the tree.

And also there's a matter of timing and when you do that. If you do that at a time when the tree is most sort of alive in warm weather, that's more damaging to the tree. If you do it in the winter when it's dormant, that does the least harm to the tree.

So in this case, I sort of developed that plan with the arborists. I chose an arborist. In December, we actually had that AirSpading and root pruning done. So anything in terms of construction when it comes to the roots

would not cause incremental damage to the tree, because we've sort of protected that root area from having the sort of -- the sort of excavators come and yank out the proposed roots.

And then there is a separate set of activities like pruning the branches -- clearly -- giving, taking care of the tree as you should anyway. You know, giving fungicides. It's a Dutch Elm, so there's Dutch Elm -- it's an elm tree, so there's Dutch Elm disease. So fungicide can be beneficial, giving macronutrient boosts -- things of that sort.

So -- and then in the conduct of the construction, there's also a relevant factor there, where what you want to do is make sure you don't put heavy things and heavy equipment on top of the root structure that's closest to the tree, because even if you're not for example digging a hole, if you're just simply putting a lot of heavy things on top of the root structure, you compact the roots. And that can be damaging.

So part of the plan also is to basically cordon off the area around the tree to make sure that no equipment is sort of placed on it.

CONSTANTINE ALEXANDER: There's a letter in the files, I assume from the arborist you selected. It talks about things you can do injecting into the -- which you mentioned, injecting in the roots and the like.

But they all -- almost every one of the measures also talks about you have to get permission from the owner of the tree.

And if those people in opposition have a right to block you, what are we doing? Inviting you to put a -- allowing you to build -- do the work you want; we're going to put the trees at risk and putting the structures at risk. That's what my concern is.

PARVIZ PARVIZI: Sure.

CONSTANTINE ALEXANDER: I don't know where we are, and we're not arborists. Or certainly, I am not an arborist. And are we rolling the dice -- we as a Board, or me as a Board Member, by allowing this to go forward on the basis of a lot of uncertainty about the -- even the midterm, not the long-term -- midterm life of these trees?

I'm sympathetic to what you want to do -- no issues. But I have to consider the other side.

PARVIZ PARVIZI: Sure. I don't know if it's

helpful. I'm happy to address part of that or --

CONSTANTINE ALEXANDER: Yeah. What do you want to know? I want you to address it.

PARVIZ PARVIZI: Yeah. So if you look at that list, sort of the couple most critical things are the root pruning. And that's entirely on my property, and that's been done. That's completed.

Then the second thing that's important is the branch burning. And the tree's a border tree. So it borders 5 Lilac Court. And Graham and Joe own that. They are -- they live in Chicago, and act as landlords for their property. I contacted them the fall, you know, sent digital copies of the file, et cetera. Didn't hear back other than initial very quick e-mail.

When I learned about their opposition this week, I did contact them. I had a good conversion with Graham. Hopefully he -- he was planning on showing up this evening prior to us speaking to oppose this -- and we talked about a couple other.

One was on the branch pruning, that's something that he and Joe have done over the years every two years. And they haven't had cooperation from the property from my

property, from the prior owners. And so we talked about how we would actually work together on that. That's just something that's beneficial to the tree, regardless of any construction.

And the other activities -- the injections, et cetera. -- those are sort of beneficial bonus things to do. They're good things to do. If they had opposition to that, I'd certainly want to talk it through with them.

But when it comes to the conduct of the construction, I think we've been quite diligent in really the most critical thing, which is making sure the excavation doesn't harm the root structure.

Much of what else is on that list is certainly beneficial and helpful, but everything on that list is kind of going above and beyond kind of the call of duty on this.

The initial recommendations were this tree is really not something that should be harmed by what you want to do. I just wanted to do the right thing and go above and beyond that.

So to answer your question of, "Is this relevant, can somebody block this, will the tree just die and there be harm?" I really don't think so. That's -- from the work

I've done, which has been significant, there's very little reason to believe that to be the case.

CONSTANTINE ALEXANDER: Thank you. You're very good in your comments, and you're responsive to the questions I'm asking. I'd like to see when we have questions from the neighbors if they chose to speak, what they have to say and what you will have to say.

PARVIZ PARVIZI: Yeah. I'd love for Graham and Joe -- hopefully, again, if they have thoughts, hopefully it was a good, helpful conversation. I know they have, you know, their own perspectives on things. And no matter what, you can't have a zero-risk situation. It's not possible to have zero risk.

But in terms of being diligent, you know, I talked to five different arborists. I hired a national company. These are people who have reputations to uphold, and they're not going to come in and do work that's going to just cause significant harm to the community.

CONSTANTINE ALEXANDER: Well, I don't want to pursue this any longer. Just one final comment. If you've talked to five arborists and you've pick one arborists, I don't know what the other four arborists told you. The

Board doesn't know. And they tell you the rest of them agree?

I'm not saying they did. I don't have the benefit of what the other four said to you and why you didn't use any one of the other four, which makes me a little suspicious.

PARVIZ PARVIZI: Well, for whatever it's worth, to be fair, I mean this is public testimony and I'll say that they all said there isn't risk, but in fact the one who I wanted to work with, because of COVID, didn't have availability until later in the spring. So I went with another arborist. So there are at least two that I can demonstrably show said the same thing, wanted to do the same work.

So as for the other three, I mean I could be perjuring myself here, but I think I'm a reasonably -- person --

CONSTANTINE ALEXANDER: -- to the Board Members. You made your point. Okay, I want to hear the rest of the case.

PARVIZ PARVIZI: Sure.

CONSTANTINE ALEXANDER: And presumably the

neighbors who are going to speak.

BRENDAN SULLIVAN: Mr. Parvizi -- and also directed to Mr. Anderson -- there's three distinct cases here, but in fact it's really, you know, one lot. This is going to be a condominium setup?

PARVIZ PARVIZI: I'm planning to just keep one property, as opposed to condominiumizing, because it's a family sort of space.

BRENDAN SULLIVAN: So it's going to be one piece of property, three houses, and a common ownership?

PARVIZ PARVIZI: I mean, I haven't gone through -- that's the current plan. I don't know if there's a background to one path or another in terms of how you guys regulate this. That's -- currently that's the plan. But you tell me.

DANIEL ANDERSON: Mr. Chair, if I may -- this is Dan Anderson, Partner at Anderson Porter Design. So Mr. Parvizi, Parviz owns this piece, simple. So he is developing this, and there's no reason for him to change the ownership structure of this. And as far -- in all of our conversations, there is no intention to do so.

And I just would want to make the comment this is

a fairly unusual case, three structures on the lot -- two preexisting, nonconforming structures. But the very first meeting that I had with Parvizi, I asked him to contact an arborist, because in our experience, it just requires extra diligence.

We have added additions and structures underneath canopy using a variety of different methods. But it was first and foremost in our recommendation that before we even started design and planning, that he have a clear path forward with a good arborist.

And the conversations that were reported to me we were as Parvizi described them, all saying that there was nothing -- there was no risk, but with proper management they had a clear path forward.

BRENDAN SULLIVAN: I'll be quite candid is that when -- obviously I've been wrestling with for more than a couple weeks -- have been down to the site three times, four times, and actually stood in the middle of the yard at various times in the morning and in the afternoon to see the direction of the sun, the sunlight, how it would be affected to the neighbors.

And that thought that I came away with and where

I'm at is that you bought a site with two houses on it. Yes, they do need some work and what have you, but then proceeded to basically maximize the site.

And by adding that third unit, I understand, you know, your agenda and your wishes, wants and desires as far as that being your home and what have you, but I think that it will have a deleterious effect on the surrounding properties.

And again, my observation of sunlight and the effect of the buildings on the neighbors is something I am troubled with and wrestle with.

But I'll let you go on with your presentation, Dan, but it's -- it's a tough sell right now on me, anyway. But anyhow.

DANIEL ANDERSON: No, thank you for your observations and diligence in going and visiting the site. It is a tight site. Just as a quick summary, apart from --

BRENDAN SULLIVAN: In hindsight -- and again, Mr. Parvizi, you know, you buy -- again, the site with two houses on it and you paid x number of dollars, whatever that is, for those two pieces of property and houses and the adjoining large lot for the condition that it's in and what

you can do with it as-of-right.

Now, obviously after you bought it you said, "Aha, there's a potential here to do whatever." But using the Zoning Board or a variance as a vehicle to enhance that initial investment, you know, is really not part of our charge, nor should it be part of our consideration. It's really what is beneficial to the site, and/or to the neighborhood.

But again, I think that you bought these -- I assume -- from the previous owner and the condition that they were in, what you needed to spend to enhance them, bring them up to code or modern, livable standards, but only as-of-right. And not seeking any kind of relief from the Zoning Board.

DANIEL ANDERSON: Well, it -- Mr. Chair, this is Dan --

BRENDAN SULLIVAN: Beyond that -- you know.

DANIEL ANDERSON: -- so I think that Parviz has a slightly different approach and perspective on this. But let me give a quick rundown of what we're asking for, and we can engage in a conversation about what those specific reliefs are, and how they may or may not be acceptable. And

it's worth having your input as well.

But we're specifically looking at modifications to number 33, which --

BRENDAN SULLIVAN: That's the building on the right.

DANIEL ANDERSON: -- which is the building on the right. Yeah, so the existing as you're looking at it from the street, 33 is on the right, 35 is on the left, and although the application says 35, we've numbered the new structure at the rear as 37.

And fundamentally, the changes were reduction in gross building area to the front two units to allow for what was Parviz's primary interest, was building his own single-family primary residence in the back and renovating the two structures in the front, the existing structures, for the extended family as the family comes down to him in future.

So the modifications to the two structures in the front do in fact ask for increases -- specifically 33 converts the existing second-story to a third story in order to provide the number of bedrooms in there that his program asks for. And that change is an increase of the exposed elevation in a nonconforming setback.

However, it also removes any window openings from that. So there's -- we're talking about a foot and a half, just shy of two feet of side setback on that site. So it is a tight side setback, but in conversations with neighbors and abutters, you know, Parviz mentions the application of a privacy screen on a deck area, and the removal of the one operable window there.

We do have a translucent wall there that can help provide some light, but the only request there is an increase in height in the side yard setback.

Number 35, which is the one to the left as you're facing, is an older workers' cottage, which is in rough shape and has very, very low ceiling heights, and we've reviewed this with the Cambridge Historic Commission, and the strategy is in addition to the second-story, which currently you can't stand up in.

And we are providing this as a -- basically going from a one-and-a-half story structure to a two-story structure, and currently proposing some change in window openings to the north, which faces 41 the abutter.

The addition of a new structure at the rear, number 37, is a conforming structure in all respects,

including FAR, height, setbacks. The only relief that we're really asking for is a variance for a guardrail/handrail to the areaway basement stair access to the lower level.

So it would be -- the hardship created or otherwise is that placing that conforming structure on the site, placing a new curb cut, which we have in the works right now as an application with neighborhood approval would allow there to be conforming parking on the site, conforming off-street parking.

So the strategy employed here is really to meet Parvizi's desired program to improve and modify the two existing structures that definitely needed work, and to create an otherwise conforming single-family primary residence in the rear.

So there wasn't a certain sense of, "Aha, I can do this to maximize." Rather, how can this site meet the programming requirements that Parviz has for a long-term family compound. So we worked at this very diligently, and I think that the opposition came quite late.

Parviz did a lot of outreach, and we didn't see any letters of opposition or quite honestly even responses of opposition, apart from conversations around the tree and

concerns from Lilac Court about privacy and screening, really until Monday.

So I'm certainly happy to open this up to conversation with the Board. I do have one particular request, which is that we were asked to submit the special permit application for number 35 -- again, the worker's cottage that's on the left-hand side -- under 8.22.2.

Again, same as number 33, in that we were increasing the height of that nonconforming -- of the elevation in the nonconforming setback.

It does seem that 8.22.1 h) allows as-of-right a modification, an addition to the second story that further violates the yard and height width strictly by building permit. So I would ask that you kind of consider that.

Certainly, the -- any issues around window placement on that side are legitimately special permit, and Parviz has tried to engage with that conversation. We do have some opposition from new owners at number 41, and Parviz had tried to be as engaging on that front as possible.

BRENDAN SULLIVAN: Regarding the previous statement that you made about just getting a building

permit, had you had a conversation with the Commissioner on that fact?

DANIEL ANDERSON: So I -- in terms of a building permit for number 30 --

BRENDAN SULLIVAN: Because it's written as-of-right.

DANIEL ANDERSON: For number 35, is that specifically what you're asking?

BRENDAN SULLIVAN: Yes.

DANIEL ANDERSON: Yeah. So I had two different response. One is first from Ms. Ratay and the second in conversation with Ms. Ranjit -- with Mr. Singanayagam. He was -- I'm happy to make the argument for it -- he felt that the 822.1 h)1) would only apply to extending an existing roofline.

However, so we were not in agreement of interpretation on that. I put it forward to you that I believe that that is applicable. But now is not the time and place to debate that. We're happy to move forward with just a discussion of the whole piece as special permit.

BRENDAN SULLIVAN: Okay. So he has a different interpretation than you have?

DANIEL ANDERSON: So it comes down to the fact that he thinks that the second-story addition is not applicable to a half story, he says, through a roof. However, part 2 says the dormer to the third story, which is clearly a roof, the half-story.

So I find that I don't agree with his interpretation, I think it is contradictory. But because this project specifically is raising the roof to add to the second story. But I can only give my interpretation.

BRENDAN SULLIVAN: Dan, on the back Unit 37 --

DANIEL ANDERSON: Yes.

BRENDAN SULLIVAN: -- where you're seeking a variance, have you explored an as-of-right solution to --

DANIEL ANDERSON: Yes. So we have an as-of-right -- we do have an as-of-right solution. If we provide a safety grate to cover that basement access areaway, we don't need the variance.

BRENDAN SULLIVAN: Oh.

DANIEL ANDERSON: It's just the guardrail within the side yard setback as I understand it.

BRENDAN SULLIVAN: So you do have the ability to construct whatever you want without needing a variance?

DANIEL ANDERSON: That's correct. And that includes height above new average grade. So we're well within that caveat.

BRENDAN SULLIVAN: All right. I didn't mean to take away from some of your thunder here, but the Board heard it. Did you want any more presentation at all?

DANIEL ANDERSON: No, I would open it back to the Chair and Board for comments. And I'm happy to have all your observations heard.

BRENDAN SULLIVAN: All right. Let me open it up, then, to Board discussion. Mr. Alexander, any additional comments?

CONSTANTINE ALEXANDER: I want to see if the other Board Members have anything they want to say at this point?

BRENDAN SULLIVAN: Jim Monteverde, any comments at this time?

JIM MONTEVERDE: No comments, thank you.

BRENDAN SULLIVAN: And --

CONSTANTINE ALEXANDER: Laura.

BRENDAN SULLIVAN: -- Laura?

LAURA WERNICK: Yes, please. I just want to make sure I understand. And I think that Mr. Sullivan clarified

this, but I just want to go through it. So the 37 could be done as-of-right, given if you chose to do the grate coverage, rather than the railing? Otherwise it's as-of-right?

DANIEL ANDERSON: Correct.

LAURA WERNICK: That's correct? So -- and then the two front buildings, are they -- were they being lived in when Mr. Parvizi purchased the property? Were they occupied?

DANIEL ANDERSON: I don't know.

PARVIZ PARVIZI: Yes, they were. They both were. The one on the left, the smaller 135, the two bedrooms are upstairs. They have six-foot ceilings at the maximum, and then the roof slopes down to a little under three feet. So those are the bedrooms. And they were living --

LAURA WERNICK: They're not code, though?

PARVIZ PARVIZI: They were certainly grandfathered. And, you know, to the earlier comments, I mean, regardless of the thought of -- I don't even want to kind of try to summarize that earlier thought, but regardless of the thought of my using the back, that left side building is just not livable, according to a modern

standard as it is, regardless of anything else that's done.

It's hard for me to debate that.

LAURA WERNICK: So you're in fact improving the quality of the housing stock, your suggested improvement --

PARVIZ PARVIZI: Absolutely. I mean, my long-term plan is to have my mom live there. Regardless of that, I would be happy to walk any of you through that place. It would take about five minutes, because it's quite small. A six-foot ceiling that goes down to --

LAURA WERNICK: No, no, I get it, I get it, I get it. I'm just trying -- so --

PARVIZ PARVIZI: Yeah.

LAURA WERNICK: -- on 37 --

PARVIZ PARVIZI: Yep.

LAURA WERNICK: -- so you're making two bedrooms that don't meet code will be made to meet code, and will become livable? At 33, how many bedrooms are there currently? You're -- it'll be the same number of bedrooms, they're just as there are now?

PARVIZ PARVIZI: Want me to answer that, Dan, or should --

DANIEL ANDERSON: I'm just looking at this

quickly. I believe that there are the same number of bedrooms. Currently there are three bedrooms on the second floor, and a kind of quasi-livable bedroom, but quite low ceilings on the third floor.

So we're proposing a -- I believe it is the exact same number of bedrooms.

LAURA WERNICK: Again, in that instance you're making those what you termed, "quasi-livable" into code-approved rooms?

DANIEL ANDERSON: Yeah. It's a very typical, you know, half-story, you know, 1800 -- late 1800s -- yeah. So that's not very usable.

LAURA WERNICK: So the way I'm seeing is that you're -- in both of those instances, 33 and 35 you're improving the quality of the housing stock, making either the same number of bedrooms or the same number of bedrooms more livable than they currently are.

And the house in the rear, the new house is as-of-right, or could be as-of-right with minor adjustments?

DANIEL ANDERSON: That is also correct.

LAURA WERNICK: So okay, that's fine. That's --

DANIEL ANDERSON: Yeah.

LAURA WERNICK: Yeah.

DANIEL ANDERSON: And just to give a little further piece, the number 33, which is the one on the right, could be improved not quite to Parviz's satisfaction, but that dormer ordinance, the 822.1 h)1) would allow an as-of-right 15-foot dormer on that side.

So we're here suggesting that the impact is appropriate under special permits, as per that basically third floor renovation to provide relief -- the same number of bedrooms, but at a more modern and livable capacity. Thank you.

LAURA WERNICK: That was good. I appreciate that -- that you could have improved the bedrooms and do it as-of-right with/by making it a dormer, rather than changing the roof. Is that correct for 33?

DANIEL ANDERSON: That is correct.

LAURA WERNICK: Yeah. Okay. Thank you. That's all.

BRENDAN SULLIVAN: Jason Marshall, any questions?

JASON MARSHALL: At this point, Mr. Chair, given the extensive discussion that's already occurred, I think I'd benefit most from hearing public comment.

BRENDAN SULLIVAN: Let me now open it to public comment. Any members of the public who wish to speak should now click the button that says, "Participants," and then click the button that says, "Raise hand."

If you are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6. And I will allow the speakers up to three minutes to speak, comment on the case. And I would ask Staff Olivia to monitor the time. And then at the end of three minutes, we will then mute.

OLIVIA RATAY: Lin Yang?

LIN YANG: Am I on?

BRENDAN SULLIVAN: Yes.

LIN YANG: Okay. So I'll be very brief. So I will tell another side of the story. I'm the future owner of 41 Webster.

And according to what I can say, they are taking up space for parking space, but actually they are maximizing the floor area ratio as they could. So I don't think that's the right argument.

And for the neighboring outreach, I was trying to say you are raising the roof too high, and what I said is

they can do it by right. They will not take my input at all.

And then I have to argue with the Building Department with the code explanation, and that's why there are two explanations for them. And then they kind of started to work with me. So that's that.

And secondly, they are not raising a 1.5 floor building to 2. -- to 2 they're actually raising the height for 7.2 feet, which is nearly raising it to 2.5 story height.

And also for the code, for the both codes 8.2.22 and .1, they both need to be not detrimental to the neighborhood. So either way, so we -- I don't think that's being met.

Okay. So other than that, I want to say the applicant doesn't meet the requirement to the Section 8.22.2.c (sic) where the code requires any enlargement or alteration of such nonconforming structure. It's not further in violation of the dimensional requirements. And the aerial volume is up by 25 percent.

And as stated in the petitioner's proposal, the application increases the height of the building, which

further violates setback. So that -- the petitioner acknowledged by themselves that they're violating the first requirement.

Also, their building is increasing the height of 36.7 percent, and this will most likely result in a violation for the second requirement.

Secondly, as we pointed out in the opposition letter, the shadow study in the current application is extremely inaccurate. And that being said, given our observation in real life, the current structure of 35 Webster already blocks a significant portion of sunlight of the whole yard and our basement at noon and late fall, winter and early spring.

And any additional increase of the height would definitely block sunlight for our yard and rooms for a longer period of time. And we'll have additional negative impact. We believe this is substantially more detrimental.

And thirdly, the height increase, not as the applicant said, doesn't serve much purpose than design statement. Like, each --

OLIVIA RATAY: 30 seconds.

LIN YANG: -- initially, they have two bedrooms

on the second floor of 35. But now they are dropping the entire bedroom. There's only one bedroom there, and all the other space is open to below and used for demonstration of the high view. And --

BRENDAN SULLIVAN: Thank you very much.

LIN YANG: Okay.

BRENDAN SULLIVAN: Thank you.

OLIVIA RATAY: Graham McMahon?

GRAHAM MCMAHON: Hi. Good evening, everybody. Thanks for hearing from me. And nice to be able to see Mr. Parvizi as well. As he mentioned, we've had some conversations. We were very worried about this property for many reasons brought up by my colleagues and the other neighbors in our conversations.

But the three primary issues that we're worried about are the height of the structure and its effect on shading and light access to our property, which is directly to the south of the 37 structure.

Number two, we're genuinely worried about the integrity of the tree and the unnecessary risk to that integrity by proceeding with the large development plan in this what has traditionally been an open-field space.

And number three, we're alarmed at the position of the windows in the balcony, which in their current formulation look directly into our property into the main living space into it. And those windows are extremely tall and large and face specifically into the property.

So it substantially and detrimentally affects the integrity of our experience of Cambridge and the property that we've owned since 2005.

So we have real worries about this new, large structure being placed, and feel like the Zoning Board should facilitate our efforts to ensure that it's modified to an acceptable extent to be within the character of the neighborhood, without affecting the neighbors so substantially.

And we appeal to you for your help in helping us navigate this position of this particular property. Thank you.

OLIVIA RATAY: Scott Kenton?

SCOTT KENTON: Hello? Hello? Hello, hello?

BRENDAN SULLIVAN: Yes, proceed.

CONSTANTINE ALEXANDER: You're on.

SCOTT KENTON: Okay, yeah. Hi. I'm Scott Kenton.

I am one of the partners who live -- who owns the property next door at 45 Webster. And, you know, as has been mentioned, we have a concern in general about the overall density of the project.

But two things come to mind and one is just the consideration which between -- of the access, the driveway between 33 and 35.

It's very tight, and in my experience, it might be a good idea, whether or not this application moves ahead or not, you know, tonight or another time, that the applicant speaks to the Fire Department and someone in Fire Prevention to determine whether there is going to be some issues with that access for the Fire Department, especially with the new construction going into the back.

And it would be sort of unfortunate if, you know, the Fire Prevention comes back with a necessary revision, and then you would have to come back to the Board. So I just want to mention that.

But the main objection that we next door have, I think, is to the work being done to 35, which I call, "The Worker's Cottage" which is, you know, essentially a historic structure.

My understanding is that in the past, the amount of work that's being done completely dismantling the second-floor half-story and the complete roof would have required the Historic Commission to have purview over it.

I did have a discussion with the Historic folks, and they made clear there has been a rule change unofficially about demolition of percent of roof structure so that they do not have any purview for a public hearing by Historic, although reading between the lines, I got a sense that they wish they did have purview over it.

And our concern is that that structure has -- is just being completely blown out of proportion. It is going from around 19-foot to the ridge to around 28 feet.

So it's an increase of about 40 percent in height. It's affecting -- you know, our property -- the shadow study, as had been mentioned. It just seems excavate. It's going to have a radical change to the streetscape -- you know, notwithstanding any design considerations, just the massing.

And we really have a concern about that. So that's.

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: Is that all?

OLIVIA RATAY: John Hall?

JENNA AND JOHN HALL: Hi. This is Jenna Hall and John Hall. We live directly across from 35 and 33. We live at 36 Webster Ave, and we've lived here for -- well, since 1999. So we've seen a lot of change in the neighborhood. And we welcome new neighbors.

We do have some concerns about the structures in front. We feel that they are too close together. I'm really surprised that any modification can be made to the little house. I mean, it should probably just be taken down. I know one of the Board Members has seen the space, it's extremely, they're extremely close together.

And one of my concerns is about crowding and density of the neighborhood. We have had four large buildings put up to the left of 35, and I worry that there's fire danger.

Because we have had a history of fires in the neighborhood -- you know, 2017 17 houses burnt down. We had a huge fire just a few weeks ago, and then there was another fire around the corner from us yesterday. So there's a lot of fire in the neighborhood. And we're very concerned about

the closeness of the houses.

I'm also very concerned about the large, open windows that are being put on the front of 33. Those will look directly into our property. It looks like Florida ceiling glass on three floors. It's really out of character with the neighborhood, and it's also just really daunting to think about those large neighbor -- large windows on the front, you know.

We live in the city. We love this city. We're not asking for, like, country-level privacy, but those windows are really, really big and open.

And then I'm also just concerned about all of the construction on three different buildings simultaneously. We, as I mentioned, have just lived through a period of, like, four or five years or total redos around us -- new construction.

It's been a constant noise. Our house shakes constantly. It's -- there's -- I'm worried about damage to our foundation, some of the pounding. Our house will literally shake, and this has been going on for years. It's very, very disruptive. So I'm also just concerned about that.

So my two points are the mitigation of the noise and the damage and the, you know, volume of the construction, but also crowding, density, privacy and fire risk. Did you have anything else to add?

JOHN HALL: Uh-huh.

JENNA HALL: Okay. Thank you.

OLIVIA RATAY: Graham McMahon?

LEON SUN: This is Leon Sun. This is -- we're actually -- I'm here with my wife, Zi Wang. We are the co-owners of 6 Lilac Court. We abut Mr. Parvizi's property, kind of on the -- towards the east side. We're owners of this long kind of courtyard to which the big American elm tree has a large portion of its canopy shading our yard.

And so I just want to give a little background about, you know, American elm trees and why this tree is so important. Now, this is a tree -- you know, my father is a plant biologist, and he actually -- I talked to him about kind of the danger of this tree. And so this is a decent tree.

Now, unfortunately in North America, it's been in decline really due to Dutch Elm disease, as Mr. Parvizi's mentioned earlier, and this is -- the root system of this

tree in particular based on my father is that, you know, it only reaches, you know, three to four feet under the ground. It's quite shallow.

And, you know, we were in discussion with Mr. Parvizi about, you know, root pruning and how careful that should be done. And the fact that it's already been done during our discussion was surprising to us.

And, you know, our main concern is that based on the design, the root pruning has already occurred. And that it's occurred essentially, you know, without our notice, and that because of the pruning that's already been done, you can imagine if you take the root system -- if you take a part of a chair off, or a stool, the chair will be unstable and fall towards the opposite end, if the heavy -- you know, wind would blow.

And so essentially, you know, this would blow directly onto our property. Even though we're not the owner of this tree, we worry that the tree would directly fall on our property in our yard or on our deck, you know, when we are outside on our deck.

And the fact that the pruning had already been done really worries us that, you know, maybe not immediately

the tree will be in danger, but maybe down the line that the tree might fall with strong wind, and fall on our property and cause property and personal harm.

ZI WANG: So this is Zi Wang, also a co-owner of 6 Lilac Court. Two things that I want to add for the Board to consider first is that Mr. Parvizi argued that the buildings are in very poor condition. However, they are currently both occupied by renters, according to our previous conversations.

And if those buildings can be occupied by renters -- especially, like, short-term renters from VRBO, then I think it's probably not in super bad condition that definitely needs, like, a gut renovation that elevates the floor.

And secondly, I would also like to raise your attention on the gross floor area that's being computed from the plan. According to my understanding of the Zoning Ordinance -- I think it's like number 10.47.1 -- I believe that the indoor garage should also be counted towards the total gross floor area, but they're not. And similarly, for some balconies that have roofs, they're not counted towards the total gross floor area.

So I think -- I really hope that the Board of Zoning Appeal will consider redoing it very carefully. Thank you.

BRENDAN SULLIVAN: Goodnight. Thank you for your comments. There is no other calls coming in, and I will cease public comment at this time. Let me turn it back to Mr. Anderson. Do you have any comments, or shall I turn it over to the board?

DANIEL ANDERSON: No, I think that there are a few comments there -- some are predominantly questions of clarification. Certainly, on the issues raised by the abutters to the north that are predominantly in terms of the sun shadow studies, we had done an initial sun shadow study based strictly on observable pieces.

We didn't have -- as that was a relatively new construction, we did not have access to public documents of exact placement. And so objections came on Monday this past week. We worked with parties making those corrections.

Essentially, yes, there is shadow impact on 41, which sits directly to the north of number 35. So that increase of height does increase shadows predominantly in the solstice -- I'm sorry, the equinox -- and obviously in

the winter solstice.

The impacts, however, in terms of our assessment are that they predominantly impact, obviously, the yard, which is going to be impacting in those seasons pretty much anyway. Come up the side face of the building, it is a two-story addition at that portion, with a roof deck at the third floor.

And the -- according to our sun shadow studies, which we I believe Parviz distributed, there's no shadow impact on that deck area.

So there's I believe a door, or a glass door and two windows on that side, which would be impacted after the fall equinox and really the kind of later and earlier parts of the day.

But you can gauge that from our shadow study which is included in the set with -- I think the adjustments were within three or four feet of being accurate but, again, were based on our best guess placement from direct observation.

So the abutters to the south: We very much appreciate the concerns about the tree.

Everything that Parviz has done has been consistent with the arborist and tree management approach,

and we have tried to be as conscientious as possible.

I think we've succeeded in keeping the issues of privacy to those abutters to the south, reducing window area visibility, and I know that we had discussions neighborhood meeting with our across-the-street neighbors.

And Parvis is interested in obviously having larger windows. This is a request specifically to the kind of indoor light quality that he was looking for.

But we have a product that is an applied screen that goes from transparent to opaque with a new technology. So it's quite possible to have this be very, very private and either all or portions of these windows be made opaque at any point.

So we tried to be very conscientious about those design considerations.

In terms of our calculations and things, I believe they are all consistent with the zoning code, which we've kept with whatever calculations for covered porch areas, making sure that they don't impact with sizing and placement and distribution of trellises.

So those are square footages that can be legitimately extruded and are -- as far as I can tell are in

compliance with -- fully in compliance with number 37. And I believe Parviz will start construction on that, hopefully with the approval of a guardrail, but can move forward with a grate on that.

So I think the root pruning is very much an anticipation of starting construction on that property. And obviously, the building permits will be dependent on full review from ISD, from the Fire Department, from DPW. The drive will be dependent on the successful application of the curb cut, which is in process.

And I think generally I think it's just a question maybe to ask the Board in terms of their -- how they're looking at this, whether they want to rule on these structures independently, I assume, since they're submitted as independent applications, we can take them one at a time.

And I'd like the opportunity if there does seem to be significant hesitation in giving approval this evening, have the opportunity for a continuance to address any changes that would be of benefit.

Essentially, I think although this is a very -- we do live in a tight urban condition. I would argue that these structures are not inconsistent with the form and

character of the neighborhood, particularly with the addition of number 41 Webster next door -- very modern in character.

These are of a traditional size and scale, even though the placement on the lot is tighter, they work with all of the dimensional requirements, and I'm happy to have more conversation with the Board and hear any other comments.

Thanks.

BRENDAN SULLIVAN: Well, the continuance to have further discussion with the neighbors and/or to address issues that were raised is at your option. So it can either be continued, or we can proceed. So here you would have a one-time opportunity to request or of course we can proceed.

But what I don't want is when we get into the vote, and all of a sudden then you ask for a continuance. If you --

DANIEL ANDERSON: Yeah, so --

BRENDAN SULLIVAN: -- one way or another, that's all.

DANIEL ANDERSON: No, I appreciate that. I guess I would ask generally what the pleasure of the Board,

whether there's -- I certainly for number 37, perhaps we could discuss that for a moment.

If the Board seems disinclined to consider a variance for that guardrail, I think it would be a -- in the past that's been a fairly straightforward request. It would be code required.

I think that the grate, while it will suffice is a less than ideal piece for the project. But I would hesitate to push this to a vote if the Board felt that that was inappropriate, since that would put Parviz in terms of having to wait two years before you could come back and request that as a separate item.

BRENDAN SULLIVAN: Okay. Mr. Alexander, what is your --

CONSTANTINE ALEXANDER: Okay. My thoughts are as follows: What I feared was going to happen tonight has happened. There is legitimate -- in my opinion, based upon what I'm hearing -- legitimate and widespread neighborhood opposition. It's just not a one-issue case; I've heard about trees of course, I've heard about privacy concerns, crowding, design issues.

I think what should be done, the case should be

continued. And that another arborist be brought in to look at the issues of the trees and the like. That arborist should be mutually satisfactory to a neighborhood representative, and of course the petitioner, and get another view.

I think it sounds like maybe the shadow studies need to be redone, and there's been criticism of that. I think the petitioner needs to rethink the design of the project. I think it is probably too dense -- and I can tell -- for the property.

Maybe there are things to be done that will make it much more practical for the neighborhood. But all this means is time and money.

But I don't think there's any alternative -- at least for me. I'm prepared now to vote against granting relief, based on what is before us tonight.

BRENDAN SULLIVAN: Jim Monteverde, your thoughts on either continuing or proceeding with a vote?

DANIEL ANDERSON: Is he there?

BRENDAN SULLIVAN: Jim is on mute.

JIM MONTEVERDE: Sorry. That's -- I'll leave that to the proponent whether it's continued or whether it

proceeds. I'm definitely ready to act on it if it proceeds. I concur with Gus's sentiment -- I mean that's my head talking that it feels too dense.

But when I look at the dimensional form, it's exactly compliant with what the City Standards are, in terms of the FAR, in terms of the amount of open space. So I think, you know, they've met the ordinance and can't complain about that.

There are some design issues or architectural issues, but I don't think that's the purview of this Board.

So I'm prepared to vote if that's what the proponent would like to do.

BRENDAN SULLIVAN: Laura, your thoughts as far as if you wish to continue this and have the issues discussed and ironed out, or proceed with a vote?

LAURA WERNICK: I'm concerned because 37 is as-of-right. So they can turn around tomorrow and proceed, which it seems kind of ridiculous for us to hold up something that can be proceeding without -- these are filed as three separate comments. So what is it that we're holding up?

The density is allowed, the square footage is allowed, they could in fact at 33 by changing to a dormer,

this could be as allowed as well.

So there may be some -- I'm just wondering if there isn't some middle ground here where we go ahead and allow the handrail at 37 and suggest are there roof -- are there ways to achieve the bedrooms, make the bedrooms legal and code-compliant?

I think that's the issue is that they're not compliant at this point -- without having this traumatic impact on the neighbors, casting as much shade on the neighbors. I'm not even sure that those two buildings are the real concern for shadows.

So I guess I'm still a little bit -- I'm kind of in line with Jim here. It appears as if we really, particularly with 37 and even with the other ones, they fall within the parameters of the code, as I understand it.

BRENDAN SULLIVAN: Okay.

LAURA WERNICK: I'm not sure what a continuation would achieve.

BRENDAN SULLIVAN: No, your thoughts are right on. Jason, what are your thoughts, as far as whether we wish to continue this matter and have some of those issues further discussed with the neighborhood or have the petitioner come

back and address some of those issues? Or to go forward with a vote?

JASON MARSHALL: Well, I'm happy to share some early thoughts. I mean, ultimately of course it's up to the petitioner as to whether they want to seek a vote or not. I mean, I guess I'll start just by saying, Mr. Parvizi, I'm glad that you persisted in staying in Cambridge and acquiring a property.

And it is a difficult market to break into, and it's clear that you have invested a lot of time in meeting your neighbors and making outreach and exploring different avenues and alternatives for the property.

Unfortunately, as we heard tonight, and what was in the records, it seems like there are still significant concerns remaining with respect to the proposal across all three properties. And there are concerns about shadows with respect to the height, concerns about privacy with respect to windows.

And again, this isn't exhaustive, this is just what we've heard. You know, concerns about credibility of the shadow study. And I would credit the Chair, who observed some of the shadowing himself.

With respect to the proposed variance, you know, I do struggle a little bit as to whether it meets a legal standard for substantial hardship and how it relates to the soil or the shape of the land. Those are threshold issues. So, again, it's up to you.

I'm at this point not inclined to grant the relief. But it is up to you as to whether you want to proceed or not. And as to what you can do as-of-right, obviously you can do it as-of-right.

That's not what's before us, though, just acting on the application that is here in the record as before us tonight.

DANIEL ANDERSON: I appreciate the opinions of the Board very much. One procedural question on the special permit: I note that a denial on the variance is very specific in terms of returning with a substantially different proposal. Is that same standard held through for a special permit? What is the --

BRENDAN SULLIVAN: Yes.

DANIEL ANDERSON: -- read of the Board?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: Yes.

DANIEL ANDERSON: Same thing.

CONSTANTINE ALEXANDER: That's what I say.

DANIEL ANDERSON: Same thing. Parviz, I look to you a little bit --

PARVIZ PARVIZI: Oh, yeah.

DANIEL ANDERSON: -- this impacts your schedule more than anything. My sense is that it's a hard sell this evening. I think that your general approach to this has really been neighborly, and the conversations to date with all your Lilac Court abutters and across the street have been very productive.

I think that probably the -- I can't say that you will be able to satisfy all of the requests of all the abutters, but I think it goes a long way to engaging in that conversation.

Would you be inclined -- we would be hopeful that we could be back within a short period of time, but, you know, it's at the availability of the Board Members who've heard the case so far.

BRENDAN SULLIVAN: To March?

PARVIZ PARVIZI: Yeah. Can I be heard here, or --

can you guys here me, am I live on this too, or --

DANIEL ANDERSON: We can hear you.

PARVIZ PARVIZI: Oh, great. Yeah, thanks. First of all, I just want to thank everyone for engaging the Board as well as the neighbors. So yeah. It's -- construction's never fun. I've had construction around me in my time in Cambridge forever.

So I'd certainly appreciate the opportunity for a continuance. We can explore that path. We can explore by right options. I really have been trying to be a good neighbor; certainly 1 and 2 Lilac Court they're directly next to 33 Webster, and it's been a lot of kind of engagement and attention making sure that doesn't impact them.

And also, just, you know, in building something, at least doing it the right way, rather than just the way that I'm allowed to without having to go in front of a Board.

But I'd greatly appreciate a continuance, and we can explore both of those paths during the next period of time, whenever we can get this rescheduled.

BRENDAN SULLIVAN: April 14 would be the earliest

date.

PARVIZ PARVIZI: Wow. Well, it is what it is.

BRENDAN SULLIVAN: April 14. Now, can all five Members who sat on this case be available on April 14?

JIM MONTEVERDE: I can be available.

BRENDAN SULLIVAN: Jason, are you available?

JASON MARSHALL: I'm just checking my calendar now, Mr. Chair. Give me one minute, please.

BRENDAN SULLIVAN: Laura?

LAURA WERNICK: I'm also checking here, because I have some things at the end of March.

BRENDAN SULLIVAN: While they're checking, Dan and Parviz, let me leave you with just a couple of thoughts.

The purpose of the ordinance, Section 1.30, "it shall be the purpose of this ordinance to lessen congestion in the streets, conserve health, secure safety from fire, flood, panic and other dangers, to provide adequate light and air to prevent the overcrowding of land, and to avoid undue concentration of population. That's one aspect.

The other one is a landmark case, Blackman versus the Board of Appeals of Barnstable, Cambridge Judicial Court. This court has said repeatedly that the power to

vary the application of a zoning ordinance must be sparingly exercised, and only in rare instances, and under exceptional circumstances particular in their nature, and with due regard to the main purpose of the zoning ordinance is to reserve the property rights of others.

The last thing I'll say is that on Section 8.222 d) which is the clarification of the Bellalta decision that recently came down, that the Board may grant special permits, alterations or enlargements -- this is also for the people listening in, who have raised issues about violations of various aspects of the dimension -- the Board may grant special permit for the alteration or enlargement of a preexisting, dimensionally nonconforming, detached single-family dwelling or two-family dwelling, not otherwise permitted in Section 8.22.1 above…

But not the alteration or enlargement on a nonconforming use, provided that there is no change in use, and that any enlargement or alteration of such preexisting, nonconforming, detached single-family dwelling or two-family dwelling may only increase a preexisting dimensional nonconformity, but does not create a new dimensional nonconformity.

Further, in order to grant the special permit, the Board of Zoning Appeals is required to find that the alteration or enlargement shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

And that the alteration or enlargement satisfies the criteria in Section 10.43.

Those are three things to be considered by the Board, and also, by the applicants in our consideration of granting relief. We are on for -- I'm sorry, going back to Jason, are you available on the fourteenth?

JASON MARSHALL: I am, yes.

BRENDAN SULLIVAN: And Laura?

LAURA WERNICK: Yes, I am as well.

DANIEL ANDERSON: April 14. Confirmed?

PARVIZ PARVIZI: Was that everybody who's available?

BRENDAN SULLIVAN: I'll go check with Laura.

PARVIZ PARVIZI: Sorry.

LAURA WERNICK: Yes. I am available. Can you hear me?

BRENDAN SULLIVAN: So on the motion, then, to

continue this matter to April 14, 2022, at 6:00 p.m. on the condition that the petitioner sign a waiver of time to a statutory requirement for a decision -- for a statutory decision to be rendered thereof, and that said waiver shall be signed and in the file by a week from Monday.

Failure to do so will render de facto denial of any relief for the three properties, and three cases at hand.

Second, that the petitioner change the posting sign and we put the new date of April 14, 2022 and the time of 6:00 p.m.

Third, that should there be any changes, submissions to the file for Case #155114, 155115, 155116 regarding 33,35 and 35-37 Webster Street. All changes must be in the file by 5:00 p.m. on the Monday prior to the April 14 hearing.

Any other conditions?

On the motion then to continue this matter until April 14? Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: [Jim Monteverde] I vote in favor.

BRENDAN SULLIVAN: Laura?

LAURA WERNICK: Laura Wernick votes in favor.

BRENDAN SULLIVAN: Jason Marshall?

JASON MARSHALL: Jason Marshall yes in favor of the continuance.

BRENDAN SULLIVAN: The matter is continued until April 14. See you then.

PARVIZ PARVIZI: Thank you.

DANIEL ANDERSON: Thank you very much. Have a good evening.

CONSTANTINE ALEXANDER: Since this is a waiver of time for a decision you have to find the three conditions. It's a very simple form, and the Inspectional Services Department will give it to you. It's a printed form.

PARVIZ PARVIZI: Oh?

CONSTANTINE ALEXANDER: Just make sure you do it by a week from Monday.

PARVIZ PARVIZI: I will. Thank you so much.

BRENDAN SULLIVAN: Wendy, you're available for School Street?

WENDY LEISERSON: Wendy Leiserson yes.

BRENDAN SULLIVAN: And Laura, you're signing off

just for this particular case, is that right?

LAURA WERNICK: That's correct. Thank you. Thank you, Wendy.

WENDY LEISERSON: No problem.

AndersonPorterDesign

1972 Massachusetts Avenue Cambridge MA 02140 617 354 2501 tel

TO: Cambridge Board of Zoning Appeals
831 Mass Ave
Cambridge, MA , 02139

FROM: Dan Anderson
ANDERSON PORTER DESIGN
1972 Massachusetts Avenue
Cambridge, MA 02140

RE: Continuance for BZA Cases 155114, 155115, 155116

Wednesday March 30, 2022

Dear Chair and Members of the Board;

This letter is a request for a continuance of BZA Cases 155114, 155115, and 155116 currently scheduled to be heard on Thursday, April 14, 2022. Modifications to the proposed projects are underway but will not be ready for this hearing date. Please advise as to the next available hearing date.

Sincerely,

Daniel P. Anderson
Anderson Porter Design, Inc.

AndersonPorterDesign

1972 Massachusetts Avenue Cambridge MA 02140 617 354 2501 tel

Date: Monday, June 6, 2022

To: Cambridge Board of Zoning Appeals

Re: Webster Ave Cases #155114, #155115, #155116

From: Daniel P. Anderson, Partner
Anderson Porter Design

Dear Chair and Members of the Board

I'm writing on behalf of Parviz Parvizi, the owner of 33-35 Webster Avenue, to request a continuance of the open cases #155114, #155115, and #155116. Mr. Parvizi has been in conversation with his abutters regarding his proposed plans and is now in receipt of building site location plans from the property located at 41 Webster. A copy of the certified plot plan of the recently constructed structures was delivered to him on May 23, 2022, from Lin Yang, his abutter at 41 Webster Ave. This information is being incorporated into our site model to provide updated sun shadow information and more accurately address questions regarding the impact of the proposed addition and renovation work.

In addition to updated shadow studies, Mr. Parvizi has requested alternative design studies from Anderson Porter Design, to respond to abutters. We respectfully request additional time necessary to complete this work and further communication with neighbors.

Regards,

Daniel P. Anderson, Partner
Anderson Porter Design

Pacheco, Maria

From: Lin Yang <a519522@gmail.com>
Sent: Monday, June 6, 2022 11:12 AM
To: Pacheco, Maria; Ratay, Olivia; Singanayagam, Ranjit; Sixian You
Subject: Opposition letter for BZA-155115 & BZA-168852 (35 Webster Avenue)
Attachments: Fourth opposition letter for BZA-155115 & BZA-168852 (35 Webster Avenue) - Google Docs.pdf

Hello Ms. Pacheco, Ms. Ratay and Mr. Singanayagam,

We are Sixian You (cc-ed here) and Lin Yang, the owners of 41 Webster Avenue. I have attached our opposition letter for BZA-155115 & BZA-168852 (35 Webster Avenue) to this email where we:

1. Point out the application failed to mention that section 8.22.1.h.1 also requires "the addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use".
2. Explain in detail how the petition is substantially more detrimental than the current non-conforming structure to our living.
3. Corrected a few misleading information from the applicants from the previous hearing.

We hope the committee looks again at the extensive commentary the neighbors have already provided in written and verbal testimony before making a determination.

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

Thank you for your help.

Sincerely,
Lin and Sixian

Fourth opposition letter for BZA-155115 & BZA-168852 (35 Webster)

Sixian You and Lin Yang

Background

Previously in BZA-155115, the applicant asked the Board of Zoning Appeal (BZA) to grant a special permit for increasing the height of the building which **further** violates setback. While the special permit application is still pending. The applicant submitted BZA-168852 to appeal the decision from ISD Commissioner that denied the same change under a different section 8.22.1.h.1.

We, Sixian You and Lin Yang, as the owners of 41 Webster Avenue write this letter to express our strongest **opposition** to both applications.

The application BZA-155115 and BZA-168852 are substantially more detrimental than the current non-conforming structure to the neighborhood (which is also required for 8.22.1.h.1); will set wrong precedent which will damages the purpose of the zoning ordinance. In the following sections, we explain these points in detail.

During the original hearing on 01/27/2022, the applicants presented some misleading information which we are worried they might give the board some wrong impressions. We will provide some clarifications in this letter.

As of the current version of the petition, we respectfully urge the board to deny this petition. As a direct abutter with standing, we reserve full legal rights to challenge this appeal in court.

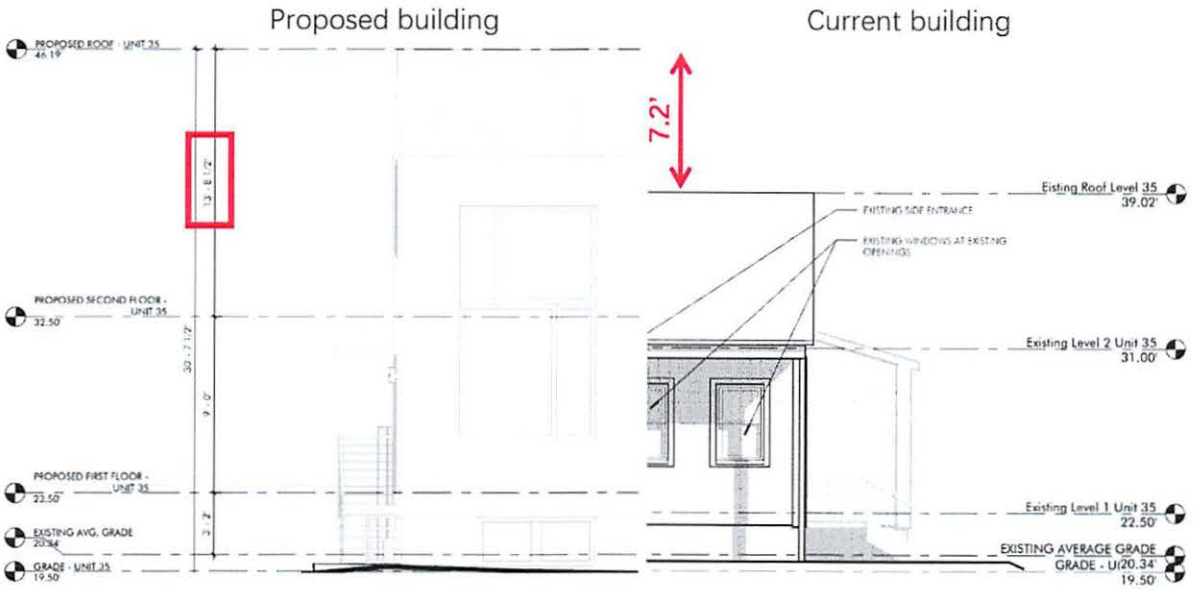
Set wrong precedent for the ordinance

As mentioned by the board member from the original hearing, "Using the Zoning Board or a variance as a vehicle to enhance that initial investment is really not part of our charge, nor should it be part of our consideration".

In BZA-168852, the applicant failed to mention the section 8.22.1.h.1 also requires non-detrimental to the neighborhood as quoted below from the zoning ordinance: "Such a permit, either a building permit in the case of the construction authorized in Section 8.22.1 or a special permit in the case of construction authorized in Section 8.22.2. may be granted only if the permit granting authority specified below finds that

such change, extension, or alteration **will not be substantially more detrimental to the neighborhood** than the existing nonconforming structure or use".

The current interpretation that the applicant is pursuing would allow the height of non-conforming second floor to be arbitrarily increased until the overall building height reached 35 feet. This is also reflected in the applicant's plan, as they are aiming to increase the height of the building by **7.2 feet** which contains a **13.7 feet** tall second floor as shown below. This is far more than necessary to the applicant's claim for a "code compliant habitable living area".



If the board accepts this petition, it sets the wrong precedent to the public. Future buyers could use this precedent as their rationale to hunt for existing non-conforming properties and abuse non-conformities to maximize profits. This is clearly nullifying the intent of the ordinance. This directly violates the purpose of the ordinance to preserve the property rights of others. It also violates the Equal Protection under the 14th Amendment where the law requires the permit issuing authority to conduct a fair process and provide equal protections to all petitioners and abutters.

With the "not more detrimental to the neighborhood" as the final line to protect abutters' property rights. We urge the board to set a sustainable standard for characterization of "detrimental" to avoid a future where people would seek after non-conforming properties for profit. An existing non-conformity does not grant license to arbitrarily extend that non-conformity.

Substantially more detrimental to the neighborhood

We strongly disagree with the applicants that the new design will have little negative impact on our home. This section highlights two examples of how the petition will be substantially detrimental to our living.

Impact on our basement bedroom:
We sympathize with the applicant that buying a home in Cambridge is expensive and difficult. But this difficulty is not only experienced by the applicants, but also current and future residents in Cambridge. We also sympathize with the applicant on his intention of having parents move in.

We are planning to do the same. We are planning to have kids within 1~2 years, and with both our parents, we inevitably need to use the basement as a bedroom. We all know that the basement is not a great place to be a bedroom, but, currently in our home, there is a large basement window which has some sunlight for around half of a year which makes it a little less depressing.

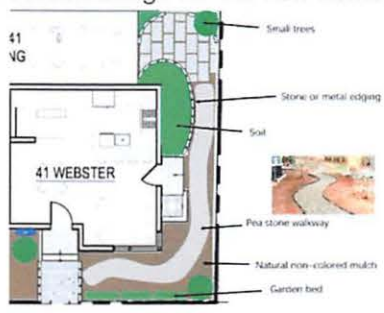
In the petition, the application is aiming to increase the height of 35 Webster by 7.17' (nearly the height of one story). By our calculation from solar angles and height, this will reduce the current half of a year sunlight to around 4 month. This will lead to significant reduction in our quality of lives.

Yard:
We have been garden enthusiasts for a long time and have always been growing plants on the windowsill because we don't have a garden. After so many years, we finally own a garden (where Lin has spent weeks designing all the tiny little details) and then we learnt about the petition which effectively vaporized the usefulness of it to grow any plants that need partial to full sunlight (since the new height in the petition additionally blocks sunlight in April and August which is the time for seeding and harvest). This not only reduces our property values but also breaks our dream to grow beautiful flowers/veggies/fruits in our garden.

Plants that we have been growing on windowsill



Garden design for our new home



Correction of misleading information from original hearing

Note that the content in this section is only for the impact to our home (41 Webster), there may be other misleading information impacting other neighbors which is not included here.

(1) **The applicants sugar-coated the negative impact of shadow on our home.** The applicants made many statements to sugar-coat the negative impact of shadow on our home. We quote them here and add the actual facts.

> (a) **The first one we quote is** "*So that increase of height does increase shadows predominantly in the solstice -- I'm sorry, the equinox -- and obviously in the winter solstice. The impacts, however, in terms of our assessment are that they predominantly impact, obviously, the yard, which is going to be impacting in those seasons pretty much anyway.*"
>
> In fact, by further increasing the height in the non-conforming setback, our already precious 6-month sunlight will be reduced to 4 months. And the new sunlight blockage in April and August will post significant damage for gardening as those are the time for seeding and harvest.
>
> More specifically, the attitude of the sun is 48 degree on fall equinox (around mid september) and decreases to 24 degree in winter solstice (around mid december) and then come back to 48 degree in spring equinox (around mid march). As the applicants acknowledged, the current non-conforming struture already blocks the sunlight for half a year. By further increasing the height by 7.17' in the non-conforming set back, this blockage will extend to mid-march to mid april and mid-august to mid september.
>
> Also the statement "*which is going to be impacting in those seasons pretty much anyway*" is quite ill-posed. **We found it bewildering for the applicant to have this sentiment as the justification – we are already in a bad shape due to previous non-conformities so making it worse is ok.**
>
> (b) **The second one we quote is** "*According to our sun shadow studies, which we believe Parviz distributed, there's no shadow impact on that deck area. So there's I believe a door, or a glass door and two windows on that side, which would be impacted after the fall equinox and really the kind of later and earlier parts of the day*"

Our home is a small footprint townhouse and consists of 4 floors (including basement). We want to emphasize that the two windows in their statement are actually on the second floor. So the proposed new height will block nearly all our south facing windows except the deck on the top floor.

The applicant's also mentioned "*the impact will be after the fall equinox and really the kind of later and earlier parts of the day*". But in fact, the impact will range from fall equinox to spring equinox which is half a year. And from our revised shadow study (in the appendix), the impact will last for almost the entire day from 7am to 4pm.

Affecting sunlight everyday for half a year for nearly all our rooms will definitely reduce our quality of life and reduce the property's value.

(2) **The applicants coated the petition into improving living standards, but didn't make clear the extent of unnecessary luxurious/design statements.**

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. The ceiling height for their proposed second floor is 13.7 feet! Considering the damage it does to our unit (affecting sunlight for four rooms and yard), this excessive luxury ceiling height is quite unjustified.

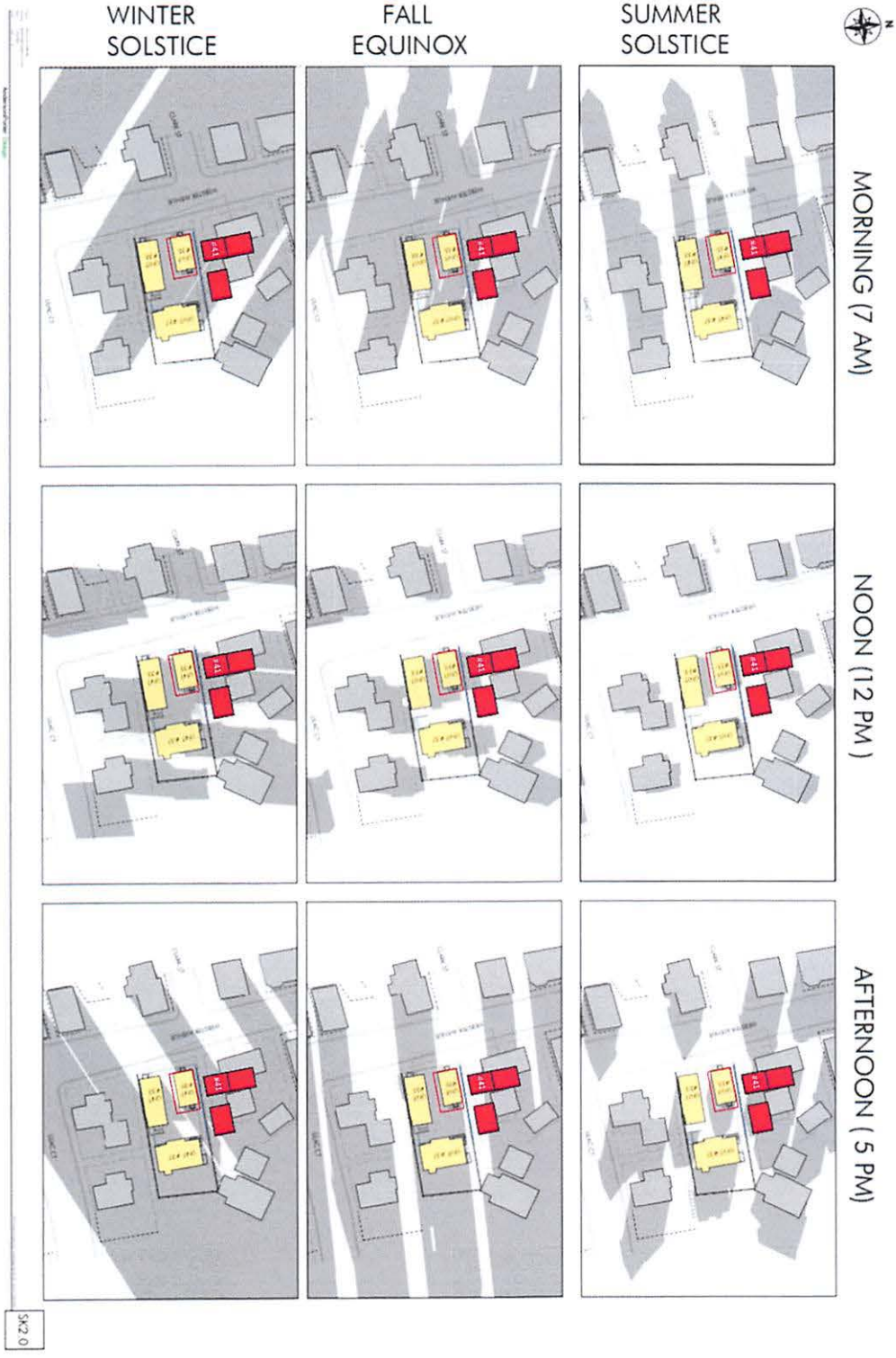
There are many ways to improve living standards of 35 Webster without significantly damaging our home. For example, flattening the south side of the roof and adding a dormer on the north side without raising the height of the building. But the applicants choose to go to the extreme. This shows the flavor of the application is more for profit than addressing hardships and the negative impact to the neighbors is severely understated, under-researched.

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.

Appendix

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



Pacheco, Maria

From: Yuliang Sun <yuliangleonsun@gmail.com>
Sent: Monday, June 6, 2022 10:15 PM
To: Pacheco, Maria; Singanayagam, Ranjit; Ratay, Olivia
Cc: Zi Wang; Zondervan, Quinton
Subject: Concerns on BZA-155114 -155115 & -155116
Attachments: Orignal objection letter.pdf; third objection letter 06062022.pdf

Dear Board of Zoning Appeal and Cambridge city officials,

We are the owners of 6 Lilac Court, abutting 33-35 Webster Ave. We had previously submitted our comments (PDF attached) based on presented architectural plans at the BZA hearing on January 27th (BZA-155114 -155115 & -155116). In the hearing, the board had recommended Mr. Parvizi and his architect to change his design based on potential impact on surrounding properties in terms of crowding, lighting, privacy concerns, and potential direct harm to surrounding properties secondary to the construction's impact on the elm tree.

Despite this recommendation, since the hearing, we have not received any communication from Mr. Parvizi, nor from his architect, Daniel Anderson (Anderson Porter Design) ahead of this Thursday's BZA hearing with regards to our reasonable concerns.

Additionally, we would like to **update the board on recent development concerning the deteriorating health of the big elm tree as a direct consequence of root pruning done by the developer in December 2021**, resulting in absent/delayed leaf growth in canopy directly above the site of root pruning as well as active disease symptomatology diagnosed by a local certified arborist (Mr. Jeff Bourque, SavATree) familiar with the lilac court trees. This poses **an immediate to short term hazard** with further disease progression and potential damages to the surrounding properties if tree removal is required. Further description and photos documenting this are also attached.

We appreciate your time in hearing our concerns and look forward to sharing them at the hearing.

Best Regards,

Yuliang Leon Sun
Zi Wang

6 Lilac Court

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 the 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.jepg (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 kepts, 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 an 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/

Hello Olivia, Maria, and Ranjit,

We are the owners of 6 Lilac Court, abutting 33-35 Webster Ave. We had previously submitted our comments (PDF attached) based on presented architectural plans at the BZA hearing on January 27th (BZA-155114 -155115 & -155116). In the hearing, the board had recommended Mr. Parvizi and his architect to change his design based on potential impact on surrounding properties in terms of crowding, lighting, privacy concerns, and potential direct harm to surrounding properties secondary to the construction's impact on the elm tree.

On this point, board member Mr. Constantine Alexander had recommended to have "another arborist be brought in to look at the issues of the trees and the like. That arborist should be mutually satisfactory to a neighborhood representative, and of course the petitioner, and get another view." (page 98, 1-27-22 minutes)

Despite this recommendation, since the hearing, we have not received any communication from Mr. Parvizi, nor from his architect, Daniel Anderson (Anderson Porter Design) ahead of this Thursday's BZA hearing with regards to our reasonable concerns.

Concerningly, Mr. Parvizi had already completed root pruning of the big elm tree (Fig 1) prior to reaching an agreement with neighbors in winter of 2021, which has resulted in harm to the tree only beginning to be visible in recent months. This has manifested as bare branches and delayed leaf growth directly above the area of root pruning (Fig 2, 3). Previously the healthy canopy bore full leaves as seen in picture from 2 years ago (Fig 4). Arborists hired by Mr. Parvizi also reported no obvious signs of disease at the time of consultation in 2021.

Because of these recent, visible abnormalities of the canopy, we reached out to an independent certified arborist Jeff Bourque (SavATree), a well-known arborist having previously worked on other trees on Lilac Court and around the neighboring Bristol Street. According to Mr. Bourque, the root pruning likely affected 1/5 of the total root system, potentially resulting in negative impact to the canopy directly above it (Fig 3). While difficult to validate without lab testing, the tree is diseased and show symptoms of Nectarine Canker and/or Dutch elm disease, becoming a potential hazard to the neighboring community in the coming years. When asked the cost of potential tree removal, he mentioned it will require a large crane and cost between 10,000 to 15,000$ to remove, likely causing neighboring property damage during the removal process due to the size of the tree. Thus, Mr. Parvizi's development has already caused visible and significant harm to the tree itself and potentially to the surrounding properties in the immediate to short term future.

We appreciate your time in hearing our concerns and look forward to sharing them at the hearing.

Best Regards,

Zi Wang
Yuliang Leon Sun
6 Lilac Court



Figure 1: Root pruning undertaken in December 2021, visible as unvegetated line in the backyard of 33-35 Webster ave. Picture taken Jan 22, 2022



Figure 2: Big elm tree (view from lilac court), red outline- absent/delayed leaf growth



Figure 3: Big elm tree, red outline: affected branches directly above site of root pruning showing delayed/absent leaves compared to healthy growth (green outline).

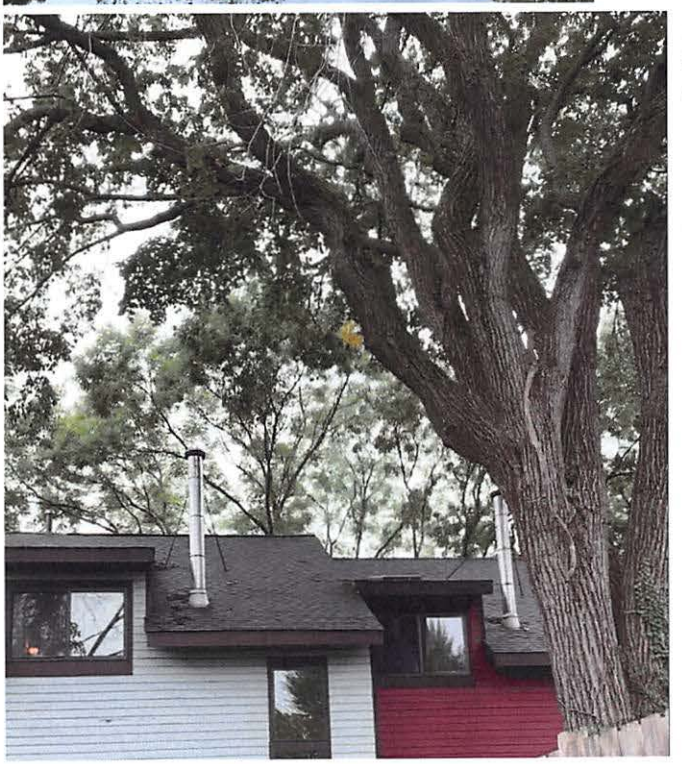


Figure 4: photo of big elm tree taken summer 2020 showing healthy canopy full of leaves

* * * * *

(6:22 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Laura Wernick and Jason Marshall

BRENDAN SULLIVAN: BZA Case No. 155115 -- 35 Webster Avenue. And you have requested a continuance for that matter also.

On the motion, then, to continue No. 155115 -- 35 Webster Avenue to June 9, 2022 at 6:00 p.m. on the condition to the petitioner change the posting sign to reflect the new date of June 9 and the new time of 6:00 p.m. Any new submittals regarding this case should be in the file by 5:00 p.m. on the Monday prior to June 9.

On the motion to continue this matter, Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Mr. Monteverde?

JIM MONTEVERDE: I vote in favor.

BRENDAN SULLIVAN: Laura?

LAURA WERNICK: I vote in favor.

BRENDAN SULLIVAN: And Jason?

JASON MARSHALL: Yes, in favor.

BRENDAN SULLIVAN: Yes, and the matter is continued until June 9, 2022.

[All vote YES]

Okay.

* * * * *

(6:03 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, and Jason Marshall

BRENDAN SULLIVAN: First case I'm going to call tonight is continued case No. 155114, and also in conjunction with that No. 155115 -- No. 155116; 33 Webster Avenue, 33 Webster Avenue, 35 Webster Avenue, and 35 Webster Avenue.

Mr. Anderson, are you on the line, or shall I read the transcript?

DAN ANDERSON: Hello, Mr. Chair. Dan Anderson, Partner at Anderson, Porter Design. I am present.

BRENDAN SULLIVAN: Okay. We are in receipt of correspondence from Mr. Anderson.

"Dear Chair and members of the Board, I am writing on behalf of Parviz Parvizi, the owner of 33-35 Webster Avenue to request a continuance of the open cases No. 155114, No. 115115 (sic), and No. 155116.

"Mr. Parvizi has been in conversation with his abutters regarding his proposed plans, and is now in receipt of building site location plans from the property owner at

41 Webster.

"A copy of the certified plot plan of the recently constructed structures was delivered to him on May 23, 2022, from Len Yang, his abutter at 41 Webster Avenue.

"This information is being incorporated into our site model to provide updated sun shadow information, and more accurately address questions regarding the impact of the proposed addition and renovation work.

"In addition to updated shadow studies, Mr. Parvizi has requested alternative design studies from Anderson Porter design to respond to abutters.

"We respectfully request additional time necessary to complete this work and further communications with the neighbors regarding the Anderson Porter Design."

That basically sums it up. That hasn't changed, Dan?

DAN ANDERSON: That has not changed. No, thank you.

BRENDAN SULLIVAN: Okay. So there's a motion on the floor then to continue this matter, conclusively Case No. 155114, No. 115115 (sic), No. 155116 on Webster Avenue until September 8, 2022 at 6:00 p.m. on the condition that

the petitioner change the posting signs to reflect the new date of September 8, 2022 and the new time of 6:00 p.m.

That any new submittals pertaining to the aforementioned three cases that are not currently in the file be in the file by 5:00 p.m. on the Monday prior to the September 8 hearing.

There is one other thing, we are in receipt of correspondence --

JASON MARSHALL: Mr. Chair, before you move on --

BRENDAN SULLIVAN: Yes?

JASON MARSHALL: -- if I am on this case, I cannot do September 8. It would have to be a subsequent Thursday.

BRENDAN SULLIVAN: And you are on the case. So thank you, Jason.

OLIVIA RATAY: September 22?

BRENDAN SULLIVAN: September 22?

JASON MARSHALL: Yes, that's fine. Thank you for accommodating.

BRENDAN SULLIVAN: Dan, September 22?

DAN ANDERSON: That's acceptable, provided that the rest of the Board can be there.

BRENDAN SULLIVAN: Yeah. The rest of the Board,

so it's - I will speak for Gus, he's not here - Jason, Jim Monteverde and Laura are available on September 22?

JIM MONTEVERDE: That's correct.

BRENDAN SULLIVAN: Okay. Also, Dan, there was correspondence in the file for 6 Lilac Court. I won't read the whole thing, but despite they had put in some recommendations, they're saying in the second paragraph, "Despite this recommendation, since the hearing, we have not received any communication from Mr. Parvizi, nor from his architect, Dan Anderson, and of this Thursday's BZA hearing with regard to our reasonable concerns."

The letters in the file, I would ask that you read it and you have conversations with Leon Sun and Zi Wang (phonetic) 6 Lilac Court, if you would.

DAN ANDERSON: Yes.

BRENDAN SULLIVAN: Then on the motion, then, to continue this matter until September 22 at 6:00 p.m., Jim Monteverde?

JIM MONTEVERDE: Yes, in favor.

BRENDAN SULLIVAN: Jason Marshall?

JASON MARSHALL: Jason Marshall yes, in favor.

BRENDAN SULLIVAN: Laura?

LAURA WERNICK: Yes, in favor.

BRENDAN SULLIVAN: And Brendan Sullivan yes.

[All vote YES]

On the affirmative vote of four members of the Board, the matter is continued until September 22 at 6:00 p.m.

There was another case, Dan, Case No. 168852 -- 35 Webster Avenue, which is the appeal. I'll read the correspondence dated June 6.

"Dear Mr. - members of the Board, on behalf of the petitioner, we respectfully request a continuance of the hearing with this appeal currently scheduled" --

Well, we can't hear it until 6:30, unfortunately.

"The petitioner is in process of evaluating his design options and additionally has a related special permit application that is pending with this Board, and if granted my render the subject matter nonapplicable."

I didn't read that it was scheduled at 6:30. Is that correct? I have here on the schedule that it's scheduled for 6:00. 6:00, yeah, okay. So that's a misprint, all right.

So we can proceed with it accordingly, and due to some of the schedule, the petitioner is requesting a continuance of the hearing of this matter until the evening of September 8. That's -- that has not been heard by the Board; however, it is recommended that it be heard on the night of September 22, correct?

DAN ANDERSON: That's acceptable.

BRENDAN SULLIVAN: Okay. So on the motion, then, to continue this case, which is an appeal of the Commissioner's determination be continued until September 8 - September 22 at 6:00 p.m. on the condition that any new submittals not in the file currently be in the file by 5:00 p.m. the Monday prior to September 22.

That the petitioner is -- I don't believe there is a posting sign. Is that correct? There is no posting sign for that appeal? No, there was no - okay, so you don't have to change that. Just that if there's any new submittals that they be in the file by 5:00 p.m. on the Monday prior to the September 22 hearing at 6:00 p.m.

I will ask the same members - Jim Monteverde on the motion to continue this matter?

JIM MONTEVERDE: I agree.

BRENDAN SULLIVAN: Jason Marshall on the continuance?

JASON MARSHALL: Yes, in favor.

BRENDAN SULLIVAN: Laura Wernick?

LAURA WERNICK: Yes, in favor.

BRENDAN SULLIVAN: And Brendan Sullivan is in favor.

[All vote YES]

BRENDAN SULLIVAN: On the vote of 4 affirmative votes by members of the Board, this matter is continued until September 22 at 6:00 p.m. Thank you, Dan.

DAN ANDERSON: Have a good night.

BRENDAN SULLIVAN: Well, unfortunately we're going to have to wait until 7:15.

JIM MONTEVERDE: Really?

BRENDAN SULLIVAN: Yeah, even though it is continued. It still has to be heard.

JIM MONTEVERDE: Mr. Chair, don't we have a #107 Washington Avenue and #27 Fayerweather?

BRENDAN SULLIVAN: Oh, I'm sorry, I'm sorry, I'm sorry, you're right.

JIM MONTEVERDE: Before we all depart. Yes.

BRENDAN SULLIVAN: Oh, I'm sorry.

UNIDENTIFIED SPEAKER: #107 is ready to go.

BRENDAN SULLIVAN: Oh, wait a minute. I'm sorry. I'm reading - not going well here originally. I'm reading by the original date, which was 7:15.

JIM MONTEVERDE: Oh.

BRENDAN SULLIVAN: So this was continued until 6:00 p.m.

To: BZA
From: Parviz Parvizi
Date: September 19, 2022
Subject: BZA-155114, BZA-155115, BZA-155116

It has been approximately 9 months since BZA-155114, BZA-155115, and BZA-155116 for 33-35 Webster initially appeared before the BZA. Given the amount of time that has elapsed and the volume of correspondence regarding the applications, we write to summarize the current state of affairs and the relief being sought.

We have obtained “by right” permits for the renovations as well as new construction of all three homes at 33-35 Webster Ave. The relief we are applying for will allow us to build homes that further enhance the city’s housing stock by providing greater access to natural light, improved circulation, and improved safety.

BZA-155114 (33 Webster Ave)
We have submitted updated plans for a special permit under 8.22.2.d. We accounted for neighborhood feedback that we received before and after the January 2022 BZA meeting:

- Maintaining existing pitched roof rather than previously proposed flat roof in order to minimize crowding effect on Lilac Ct and massing at street level
- Reducing the number of windows facing the street (via adopting pitched roof design), which was a concern one neighbor identified with the previous design
- Reducing size of remaining front facing windows to address neighbor concern with privacy
- Offering to place screening alongside the deck adjacent to Lilac Ct. for privacy and noise reduction;
- Eliminating proposed kalwall translucent membrane on south elevation facing Lilac Ct to address neighbor concern with light pollution; and
- Proposing fencing in front yard to enhance privacy

BZA-155115 (35 Webster Ave)
We have been making good progress collaborating with the abuttor to the north of this home to develop a design option that addresses their needs. We request a continuance to finalize the design.

BZA-155116 (35/37 Webster Ave - New building)
This is a variance application under 10.30 to allow for a guardrail within the side yard setback. While not related to the subject matter of the variance, we have engaged with abuttors on several topics:

- Offering to drop plans for green roof to reduce vertical massing, reduce impact on shadows and light, and address privacy concerns (November 2021);
- Sharing shadow studies (November 2021 onwards);

- Offering to provide 6 Lilac Court owners with access to 33-35 Webster property in order to aid them in removing the dead trees carrying Dutch Elm Disease at the rear of 6/7 Lilac Court (November 2021);
- Evaluating alternative configuration proposed by 6 Lilac Court owners and sharing assessment with them (January 2022);
- Contacting 7 Lilac Court owner by mail, phone, and email to discuss dead trees carrying Dutch Elm Disease at the rear of 6/7 Lilac (no response received) (January 2022);
- Developing GIS map with 37 Webster superimposed on it and sharing with 5 Lilac Court owners to confirm that the buildings do not directly face each other (37 Webster is entirely west of 5 Lilac Court) and clarify that 37 Webster windows would not be looking into living space of 5 Lilac Court (September 2022)
- Evaluating alternative location for third floor balcony proposed by 5 Lilac Court owners and sharing assessment with them (September 2022); and
- Sharing arborist assessment of tree at back of 33-35 Webster; arborist retained was one that owner of 5 Lilac Ct, Graham McMahon, felt comfortable with as they are a reputable national company that he has also seen around his home in Chicago (September 2022)

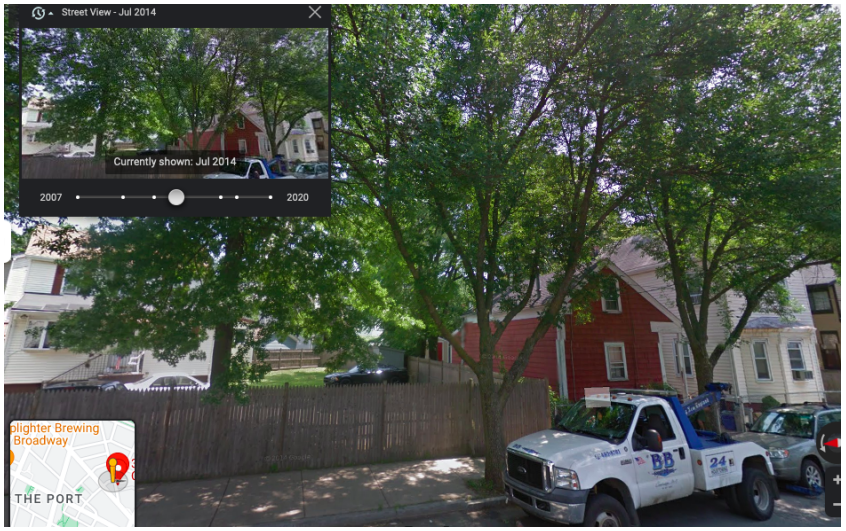
Addendums

Addendum A contains images of 33-35 Webster prior to 2021-22 construction at abuttor property and after the completion of construction in 2022 in order to provide context on the character of the neighborhood. FAR on Webster Ave is above 1.05 on average. Our construction and renovation maintains FAR within 0.75.

Addendum B contains neighbor correspondence regarding updates.

Addendum A

Webster Ave neighborhood context (where FAR is above 1.05 on average)

33-35 Webster Ave streetscape <u>BEFORE</u> nearby home construction	**33-35 Webster Ave streetscape <u>AFTER</u> 2021-22 nearby home construction**
	





ADDENDUM B

36 Webster Ave

Gmail

Parviz Parvizi <pparvizi@gmail.com>

Neighborhood meeting update

Hall, John W <johnhall@bu.edu> Thu, Sep 15, 2022 at 7:52 PM
To: Parviz Parvizi <pparvizi@gmail.com>
Cc: Ginna Hall <ginnah@hotmail.com>

Hi Parviz,

Yes, let us know about the timing of your construction plans.

It's fine if you want to share my response with the BZA.

Best,
John

From: Parviz Parvizi <pparvizi@gmail.com>
Sent: Thursday, September 15, 2022 7:46 PM
To: Hall, John W <johnhall@bu.edu>
Subject: Re: Neighborhood meeting update

Hi John, thanks, I will plan to continue to keep you two posted, especially on construction timelines. If there are any big things that you especially would appreciate staying updated on, I'm happy to do so.

In the meantime, would you mind if I share your message with the BZA? They would find it helpful to see input on updates from neighbors.

Best,
Parviz

On Thu, Sep 15, 2022 at 11:27 AM Hall, John W <johnhall@bu.edu> wrote:

> Hi Parviz,
>
> Thanks for this helpful update and summary of your proposed changes. I shared the essence of last night's discussion with Ginna, too. We appreciate the changes you've made related to our privacy concerns.
>
> I'm fine with your proposal. I'll let Ginna reach out to you if she has any questions.
>
> Best,
> John

41 Webster Ave

Neighborhood meeting follow-ups

Lin Yang <a519522@gmail.com> Mon, Sep 19, 2022 at 2:19 PM
To: Parviz Parvizi <pparvizi@gmail.com>
Cc: Sixian You <sixian@mit.edu>

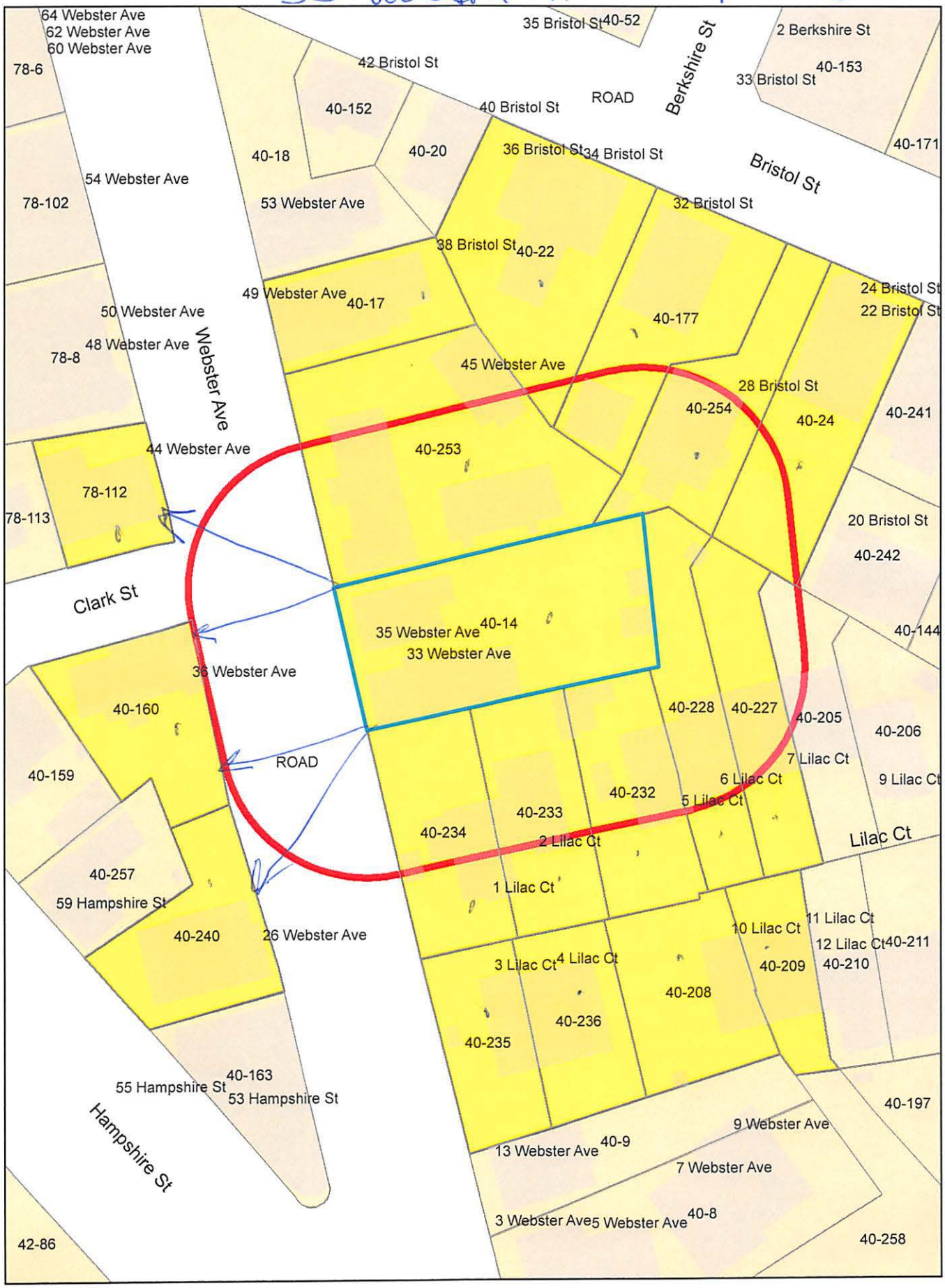
Thanks a lot. Please feel free to share this email thread with the BZA.

Best regards,
Lin

On Mon, Sep 19, 2022 at 2:12 PM Parviz Parvizi <pparvizi@gmail.com> wrote:
> Hi Lin and Sixian,
> Sounds good. Will ask Dan to prioritize this so that we can get to a consensus.
> In the meantime, would you mind if I share your email with the BZA? They would find it helpful to know that we are in touch.
> Best,
> Parviz
>
> --
> Parviz Parvizi
> +1 617.595.8116
> pparvizi@gmail.com

On Mon, Sep 19, 2022 at 2:02 PM Lin Yang <a519522@gmail.com> wrote:
> Hi Parviz,
>
> Definitely agree figuring out something that is workable for all of us is a better way to go. Continuance and its wording sounds good.
>
> Thank you so much.
>
> Best regards,
> Lin
>
> On Mon, Sep 19, 2022 at 10:41 AM Parviz Parvizi <pparvizi@gmail.com> wrote:
> > Hi Lin and Sixian,
> > I connected with Dan this morning and he is not able to evaluate new concepts (including a re-think that I suggested to him this weekend) and also make updates that would meet the professional standards of an architect in time for the 5pm deadline.
> > I think we have made good progress together and are very close. Rather than having Dan submit the entirely flat roof plans that I shared last week, I can plan to seek a continuance for BZA-155115 at this week's BZA meeting so that we can finalize something that meets both of our needs. I would plan to submit something along these lines to the BZA: "We have been making good progress collaborating with the abuttor to the north of this home to develop a design option that addresses their needs. We request a continuance to finalize the design."
> > While it will cause some delay, figuring out something that is workable for all of us seems like a more productive way to proceed than butting heads. What do you think?
> > Best,
> > Parviz

35 Webster Ave BZA-155115



35 Webster Ave BZA 155115

Petitioner

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

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

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
MARLBEHEAD , 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

AndersonPorterDesign

1972 Massachusetts Avenue Cambridge MA 02140 617 354 2501 tel

Date: Monday, September 19, 2022

To: Cambridge Board of Zoning Appeals

Re: 35 Webster Ave Case #155115

From: Daniel P. Anderson, Partner
Anderson Porter Design

Dear Chair and Members of the Board

I'm writing on behalf of Parviz Parvizi, the owner of 35 Webster Avenue, to request a continuance of the open case, #155115. Mr. Parvizi is in conversation with his neighbor Lin Yang, owner of 41 Webster Ave. regarding additional modifications to the building design to limit the potential shadow impact.

We respectfully request additional time necessary to complete this work and reach an equitable agreement on a final design.

Regards,



Daniel P. Anderson, Partner
Anderson Porter Design

Pacheco, Maria

From: Lee Gresham <lee.gresham@gmail.com>
Sent: Saturday, September 3, 2022 7:35 AM
To: Pacheco, Maria
Cc: Graham McMahon; Joseph Guarino, Jr.
Subject: BZA-155115 & BZA-168852

Maria,

The attached photos are of the seemingly dead/dying large elm tree straddling the property line between 33-35 Webster and 5 Lilac Court. These photos were taken yesterday, 9/2/2022. All prior years the tree would still look vibrant and full of foliage this time of year. All surrounding trees currently look healthy by comparison despite the drought conditions.

Please let me know if you have any questions.

Thanks,
Lee Gresham (5 Lilac Ct)





SPECIAL PERMIT: 35 WEBSTER AVE.

BZA-155115

CAMBRIDGE, MA 02141

CITY OF CAMBRIDGE
INSPECTIONAL SERVICES
2022 NOV 14 P 4:42 MP

GENERAL NOTES
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 WORK PERFORMED UNDER 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 RECOGNIZED BY 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 CONDITION 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 BEFORE BIDDING OR COMMENCING 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. DEVIATION OF THE AFOREMENTIONED REQUIREMENTS SHOULD BE BROUGHT 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 COMPLY WITH THE SPECIFICATIONS AND ARE IN WORKING 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.

DEMOLITION NOTES
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 CONSTRUCTIONS 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. 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.



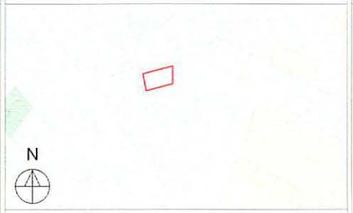
LIST OF SYMBOLS

- EXISTING PARTITION OR PARTITION W/ DOOR TO BE REMOVED
- EXISTING STRUCTURE OR PARTITION TO REMAIN
- NEW STRUCTURE OR PARTITION
- FINISH ELEVATION
- ROOM TAG (101 / 1ST FLOOR)
- GENERAL DETAIL
- WALL SECTION
- INTERIOR ELEVATION
- FINISH TAG
- DOOR IDENTIFICATION SYMBOL
- WALL TYPE TAG
- WINDOW IDENTIFICATION SYMBOL
- DUPLEX OUTLET
- GROUND FAULT OUTLET
- CAT 5/COAX/DATA
- CARBON MONOXIDE DETECTOR
- SMOKE ALAM

ABBREVIATIONS

AFF	ABOVE FINISHED FOOR
CJ	CONTROL JOINT
CLG	CEILING
CLR	CLEAR
CO	CLEAN OUT
COL	COLUMN
CONC	CONCRETE
CONT	CONTINUOUS
DN	DOWN
EJ	EXPANSION JOINT
EL	ELEVATION
ELEC	ELECTRICAL
EQ	EQUAL
EXIST	EXISTING
FC	FURRING CHANNEL
FD	FLOOR DRAIN
FIN	FINISH
FL	FLOOR
GL	GLASS
GWB	GYPSUM WALLBOARD
HT	HEIGHT
HDWD	HARDWOOD
HVAC	HEATING, VENTILATION AND AIR CONDITIONING
INSUL	INSULATION
MAX	MAXIMUM
MFR	MANUFACTURER
MIN	MINIMUM
MO	MASONRY OPENING
MTL	METAL
NIC	NOT IN CONTRACT
NTS	NOT TO SCALE
OC	ON CENTER
PLAM	PLASTIC LAMINATE
PLYWD	PLYWOOD
PTD	PAINTED
REQ'D	REQUIRED
RL	RAIN LEADER
STL	STEEL
STRL	STRUCTURE/STRUCTURAL
T.O.C.	TOP OF CONCRETE
T.O.S	TOP OF SLAB
TYP	TYPICAL
UNO	UNLESS NOTED OTHERWISE
VCT	VINYL COMPOSITION TILE
WD	WOOD
W/	WITH
WNDW	WINDOW

SITE LOCATION



CONTACTS

ARCHITECT
Anderson Porter Design
1972 Massachusetts Ave,
4th Floor
Cambridge MA 02139

Dan Anderson
617.354.2501
dan@andersonporter.com

DRAWING LIST

G1.0	COVER SHEET
C-1	EXISTING CIVIL PLAN
Z1.1	ZONING COMPLIANCE
L1.1	PROPOSED SITE PLAN
AX1.3	EXISTING PLANS - UNIT 35
AX1.3	EXISTING ELEVATION - UNIT 35
AX2.2	PROPOSED PLANS - UNIT 35
A1.1	PROPOSED PLANS - UNIT 35
A2.1	PROPOSED ELEVATIONS - UNIT 35

CODE SUMMARY

PROPERTY ADDRESS:	35 WEBSTER AVENUE CAMBRIDGE, MA 02141
ZONING DISTRICT:	Residence C-1
PROJECT DESCRIPTION:	Renovation of two existing structures (Unit 33 and Unit 35). Construction of new structure Unit 37).

CHAPTER 3 - BUILDING PLANNING

SECTION R302 FIRE-RESISTANT CONSTRUCTION
R302.3 Dwelling units shall be separated by a 1-hour fire-resistance rated wall.
R302.7 Enclosed space under stairs that is accessed by door or access panel shall be covered with 1/2" gypsum board.
R302.11 Fireblocking shall be provided per code.

SECTION R303 LIGHT, VENTILATION AND HEATING
R303.3 Mechanical ventilation shall be provided.
R303.10 Dwelling units shall be provided with required heating.

SECTION R304 MINIMUM ROOM AREAS
All habitable room areas shall comply with code.

SECTION 305 CEILING HEIGHT
R305.1 Ceiling heights shall be equal to, or greater than, minimum requirements.

SECTION 306 SANITATION
Toilet fixtures, kitchens, sewage disposal, and water supply to fixtures shall be provided.

SECTION 307 TOILET, BATH AND SHOWER SPACES
Toilet, baths, and showers spaces shall comply with code.

SECTION 308 GLAZING
All glazing shall comply with code.

SECTION 309 GARAGES AND CARPORTS
This section of the code is not applicable to the proposed design.

SECTION 310 EMERGENCY ESCAPE AND RESCUE OPENINGS
This section of the code is not applicable to the proposed design.

SECTION 311 MEANS OF EGRESS
R311.1 Each dwelling unit shall be provided with a primary and secondary means of egress with clear widths that comply with code.
R311.2.1 All interior doors shall have nominal widths and heights that comply with code.
R311.7.5.1-2 Riser heights shall not be more than 81/4". Tread depths shall not be less than 9". Winder treads shall have a minimum tread depth of 3" at any point.

SECTION 312 GUARDS AND WINDOW FALL PROTECTION
Guard locations and heights, and window openings and fall protections shall comply with code.

SECTION 313 AUTOMATIC FIRE SPRINKLER SYSTEMS
R313.2 The proposed design does not have an aggregate area greater than 14,400 square feet.

SECTION R314 SMOKE ALARMS
R314.3 Smoke alarms shall be provided and located as required.

SECTION 315 CARBON MONOXIDE ALARMS
R315.3 Carbon monoxide alarms shall be provided and located as required.

SECTION 316 FOAM PLASTIC
GC shall verify that any foam plastics used shall comply with code.

SECTION 317 PROTECTION OF WOOD AND WOOD-BASED PRODUCTS AGAINST DECAY
GC shall verify that construction complies with code.

SECTION 318 PROTECTION AGAINST SUBTERRANEAN TERMITES
GC shall verify that construction complies with code.

SECTION 319 SITE ADDRESS
This section of the code is not applicable to the proposed design.

SECTION 320 ACCESSIBILITY
This section is not applicable to the proposed design.

SECTION 321 ELEVATORS AND PLATFORM LIFTS
This section is not applicable to the proposed design.

SECTION 322 FLOOD-RESISTANT CONSTRUCTION
The basement shall be constructed to anticipate the estimated seasonal high ground water level.

SECTION 323 STORM SHELTERS
This section is not applicable to the proposed design.

SECTION 324 SOLAR ENERGY SYSTEMS
This section is not applicable to the proposed design.

SECTION 325 MEZZANINES
This section is not applicable to the proposed design.

SECTION 326 SWIMMING POOLS, SPAS AND HOT TUBS
This section is not applicable to the proposed design.

SECTION 327 STATIONARY STORAGE BATTERY SYSTEMS
This section is not applicable to the proposed design.

CHAPTER 4 - FOUNDATIONS
GC shall verify that construction complies with code.

CHAPTER 5 - FLOORS
GC shall verify that construction complies with code.

CHAPTER 6 - WALL CONSTRUCTION
GC shall verify that construction complies with code.

CHAPTER 7 - WALL COVERING
GC shall verify that construction complies with code.

CHAPTER 8 - ROOF-CEILING CONSTRUCTION
GC shall verify that construction complies with code.

CHAPTER 9 - ROOF ASSEMBLIES
GC shall verify that construction complies with code.

CHAPTER 10 - CHIMNEY AND FIREPLACES
This section of the code is not applicable to the proposed design

CHAPTER 11 - ENERGY EFFICIENCY
This section of the code is not applicable to the proposed design

ANDERSON PORTER DESIGN

NOT FOR CONSTRUCTION

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: COVER SHEET

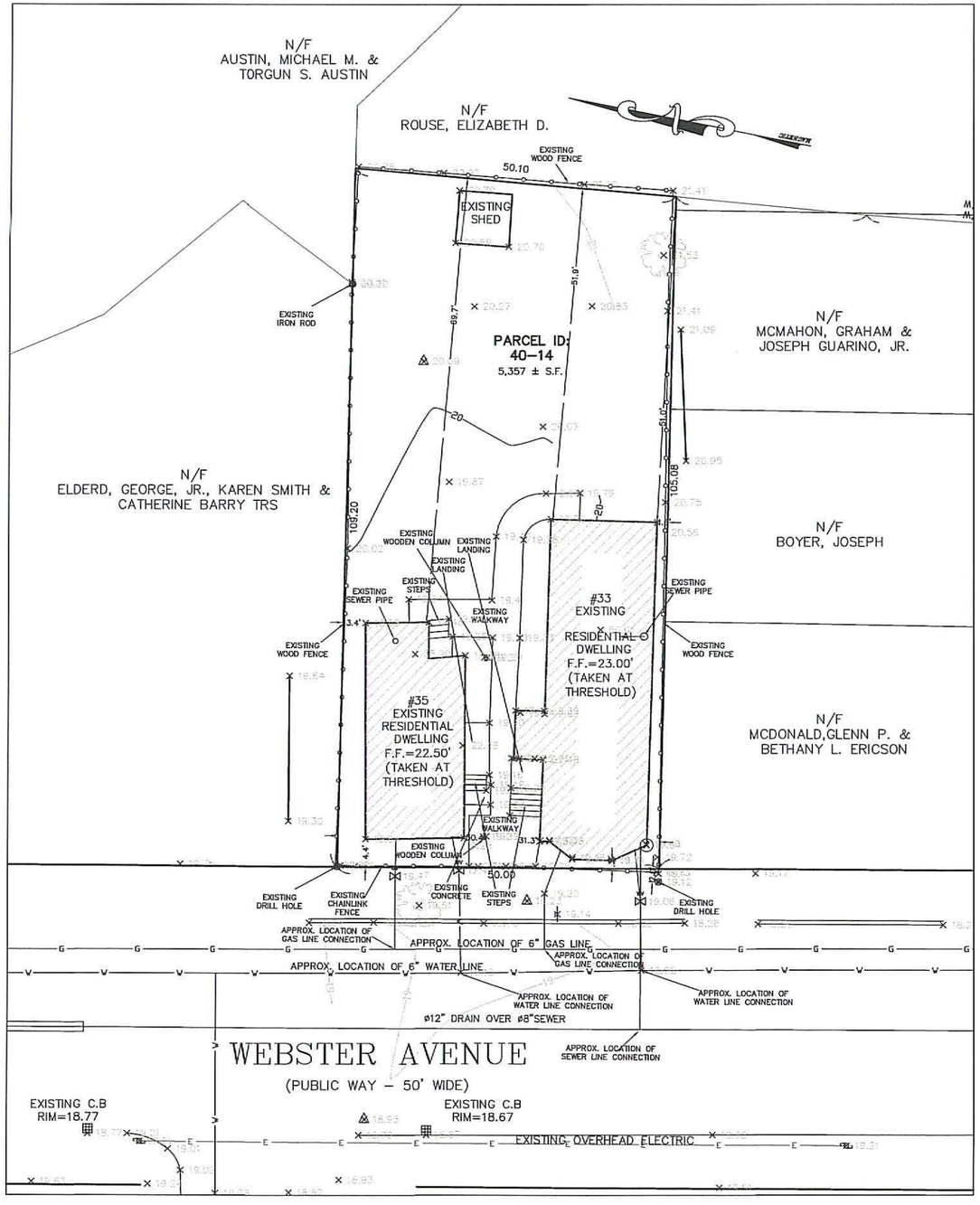
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Project #:	2112
Date:	2022.11.03
Scale:	1/4" = 1'-0"
Drawn by:	AS/DA/DS/MB

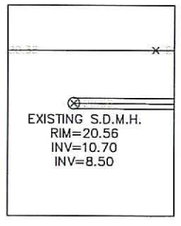
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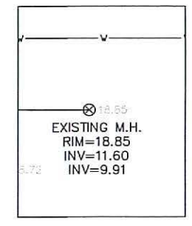
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LEGEND

	BOUND
•	IRON PIN/PIPE
	STONE POST
	TREE
	TREE STUMP
	SHRUBS/FLOWERS
	SIGN
	BOLLARD
S	SEWER MANHOLE
D	DRAIN MANHOLE
	CATCH BASIN
W	WATER MANHOLE
	WATER VALVE
	HYDRANT
G	GAS VALVE
E	ELECTRIC MANHOLE
E	ELECTRIC HANDHOLE
	UTILITY POLE
	LIGHT POLE
M	MANHOLE
48.04	SPOT GRADE
TW	TOP OF WALL
BW	BOTTOM OF WALL
	EXISTING BUILDING
	RETAINING WALL
	STONE WALL
	FENCE
	TREE LINE
S	SEWER LINE
D	DRAIN LINE
W	WATER LINE
G	GAS LINE
E	UNDERGROUND ELECTRIC LINE
OHW	OVERHEAD WIRES
145	CONTOUR LINE (MJR)
146	CONTOUR LINE (MNR)







GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft.

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.

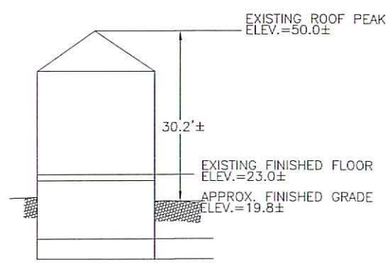
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.

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.

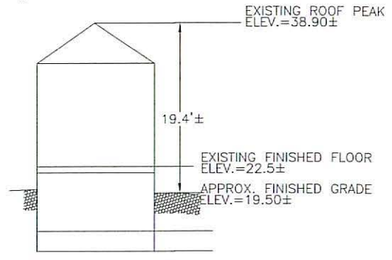
9. ZONING INFORMATION: RESIDENCE C-1

#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				
PLAN NO. 1 OF 1				
CLIENT:				
DRAWN BY E.S				
CHKD BY PJN				
APPD BY PJN				

33-35 WEBSTER AVENUE
CAMBRIDGE
MASSACHUSETTS

EXISTING CONDITIONS

SHEET NO. 1

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

City of Cambridge

September 7, 2022

Clark St

Webster Ave

Hampshire St

Lilac Ct

Bristol St

PRIVATE WAY

UTILITY R.O.W.

10' R.O.W.

Map-Lot: 78-8 4104
Map-Lot: 78-112 1709
Map-Lot: 78-113 2534
Map-Lot: 40-17 2008
Map-Lot: 40-22
Map-Lot: 40-177
Map-Lot: 40-253 6701
Map-Lot: 40-254
Map-Lot: 40-24 3212
3470
2709
Map-Lot: 40-241
3142
Map-Lot: 40-144
Map-Lot: 40-242 2064
Map-Lot: 40-14 5308
Map-Lot: 40-136 1350
Map-Lot: 40-137
Map-Lot: 40-214
4148
Map-Lot: 40-212
Map-Lot: 40-160 2553
Map-Lot: 40-159 2766
Map-Lot: 40-257 1683
Map-Lot: 40-240 2819
Map-Lot: 40-163 1978
Map-Lot: 42-86
Map-Lot: 40-228
Map-Lot: 40-227
Map-Lot: 40-205 1908
Map-Lot: 40-206 2371
Map-Lot: 40-232 2437
Map-Lot: 40-234 3010
Map-Lot: 40-233 2614
2287
2416
Map-Lot: 40-216 3642
2651
Map-Lot: 40-218 1552
Map-Lot: 40-219 1535
2218
Map-Lot: 40-221
Map-Lot: 40-255 3009
Map-Lot: 40-223
1524
1246
Map-Lot: 40-256 1864
Map-Lot: 40-220
Map-Lot: 40-208 2560
Map-Lot: 40-209 1071
Map-Lot: 40-210
Map-Lot: 40-211 1530
2264
Map-Lot: 40-235
Map-Lot: 40-236 364
2130
2442
Map-Lot: 40-9 3040
Map-Lot: 40-8 6566
Map-Lot: 40-258
Map-Lot: 40-197 7519
461
229
239

LEGEND

- Addresse
- Rail
- Building Footprints
- Parcels

Paved Surfaces

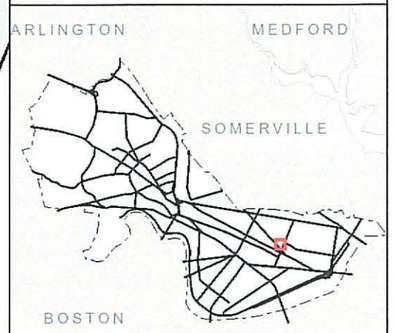
- Paved Roads
- Bridges
- Unpaved Roads
- Unpaved Parking
- Sidewalks
- Driveways
- Alleys
- Other Paved Surface
- Public Footpath

City of Cambridge
Massachusetts

1" = 35 ft

All data is provided for graphic representation only. The City of Cambridge expressly disclaims all warranties of any type, expressed or implied, including, but not limited to, any warranty as to the accuracy of the data, merchantability, or fitness for a particular purpose.

www.cambridgema.gov/gis

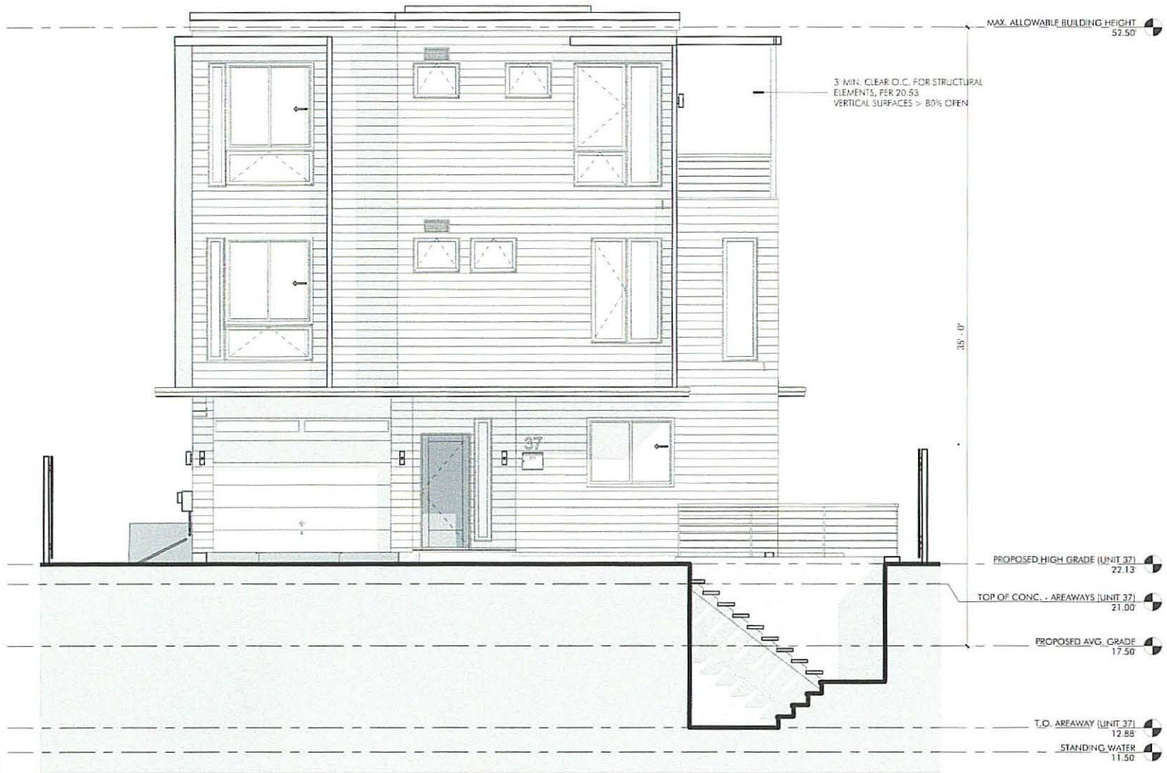


ZONING CHART - CAMBRIDGE

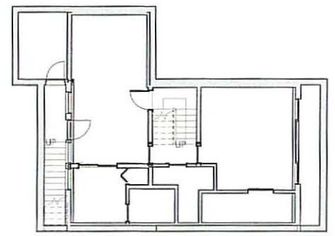
	ALLOWED / REQUIRED	EXISTING	PROPOSED	COMPLIANCE
ZONE	C1 ZONE	C1 ZONE	C1 ZONE	COMPLIES
USE	RESIDENTIAL/ MULTI-FAMILY.	RESIDENTIAL/ MULTI-FAMILY.	RESIDENTIAL/ MULTI-FAMILY.	COMPLIES
MIN LOT SIZE	5,000 S.F.	5,357 +/- S.F.	5,357 +/- S.F.	COMPLIES
MIN LOT AREA PER DWELLING	1,500 S.F.	2,678.5 S.F.	1,785.7 S.F.	COMPLIES
MAX FLOOR AREA RATIO (FAR)	0.75	0.59	0.75	COMPLIES
MAX BUILDING HEIGHT	3 ST | 35'	3 ST | 31'	3 ST | 35'	COMPLIES
MIN. YARD SETBACKS (UNIT 33)				
FRONT	(H+L) / 6 & 10.0' MIN	1.3'	4.1'	EXISTING NON CONFORMING
LEFT SIDE	(H+L) / 7 & 7.5' MIN	31.6'	31.6'	COMPLIES
RIGHT SIDE	(H+L) / 7 & 7.5' MIN	1.6'	1.6'	EXISTING NON CONFORMING
REAR	(H+L) / 6 & 20.0' MIN	51.9'	59.9'	COMPLIES
MIN. YARD SETBACKS (UNIT 35)				
FRONT	(H+L) / 6 & 10.0' MIN	4.4'	4.4'	EXISTING NON CONFORMING
LEFT SIDE	(H+L) / 7 & 7.5' MIN	3.3'	3.3'	EXISTING NON CONFORMING
RIGHT SIDE	(H+L) / 7 & 7.5' MIN	30.3'	30.3'	COMPLIES
REAR	(H+L) / 6 & 20.0' MIN	70.0'	70.0'	COMPLIES
MIN. YARD SETBACKS (UNIT 37)				
FRONT	(H+L) / 6 & 10.0' MIN	N/A	62.0'	COMPLIES
LEFT SIDE	(H+L) / 7 & 7.5' MIN	N/A	8.5'	COMPLIES
RIGHT SIDE	(H+L) / 7 & 7.5' MIN	N/A	8.5'	COMPLIES
REAR	(H+L) / 6 & 20.0' MIN	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 REQ MIN OPEN SPACE = 803.55 SF	95% = 3279.06 S.F.	66% = 1064.99 S.F.	COMPLIES
PERMEABLE OPEN SPACE	50% OF REQ MIN 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

AREA CALCULATIONS (GSF)		EXISTING	PROPOSED
UNIT 33	BASEMENT	N/A	N/A
	FIRST FLOOR	835	540
	SECOND FLOOR	819	592
	THIRD FLOOR	253	378
	TOTAL (UNIT 33)	1,907	1,510
UNIT 35	BASEMENT	N/A	N/A
	FIRST FLOOR	484	445
	SECOND FLOOR	214	250
	TOTAL (UNIT 35)	698	695
UNIT 37	BASEMENT	N/A	N/A
	FIRST FLOOR	N/A	464
	SECOND FLOOR	N/A	751
	THIRD FLOOR	N/A	598
	TOTAL (UNIT 37)	N/A	1,813
GRAND TOTAL (MAX ALLOWABLE GSF = 4,018)		2,605	4,018

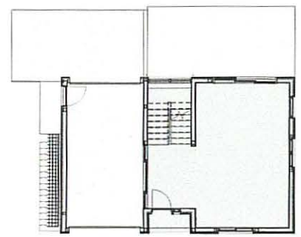
NOTE:
BASEMENT AREAS ARE EXCLUDED FROM GROSS FLOOR AREA
(Per *City of Cambridge Zoning Ordinance Article 2.000, § 15*)



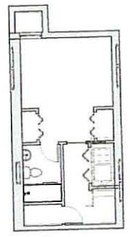
4 PROPOSED AVERAGE GRADE & ALLOWABLE BUILDING HEIGHT - UNIT 35
1/4" = 1'-0"



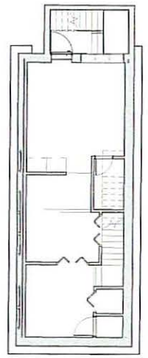
UNIT 37



UNIT 37

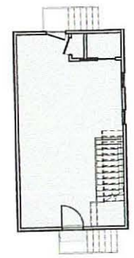


UNIT 35

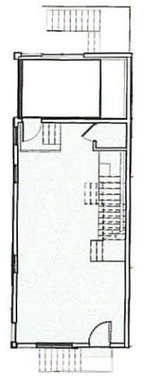


UNIT 33

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

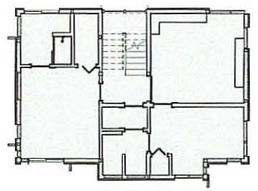


UNIT 35



UNIT 33

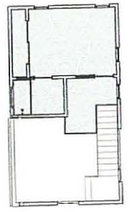
1 ZONING-FIRST FLOOR
1" = 10'-0"



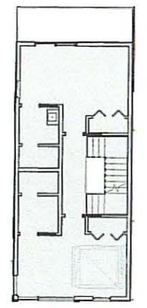
UNIT 37



UNIT 37

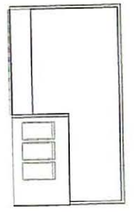


UNIT 35

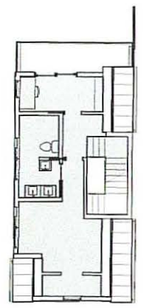


UNIT 33

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



UNIT 35



UNIT 33

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

ANDERSON PORTER DESIGN

NOT FOR CONSTRUCTION

PROGRESS

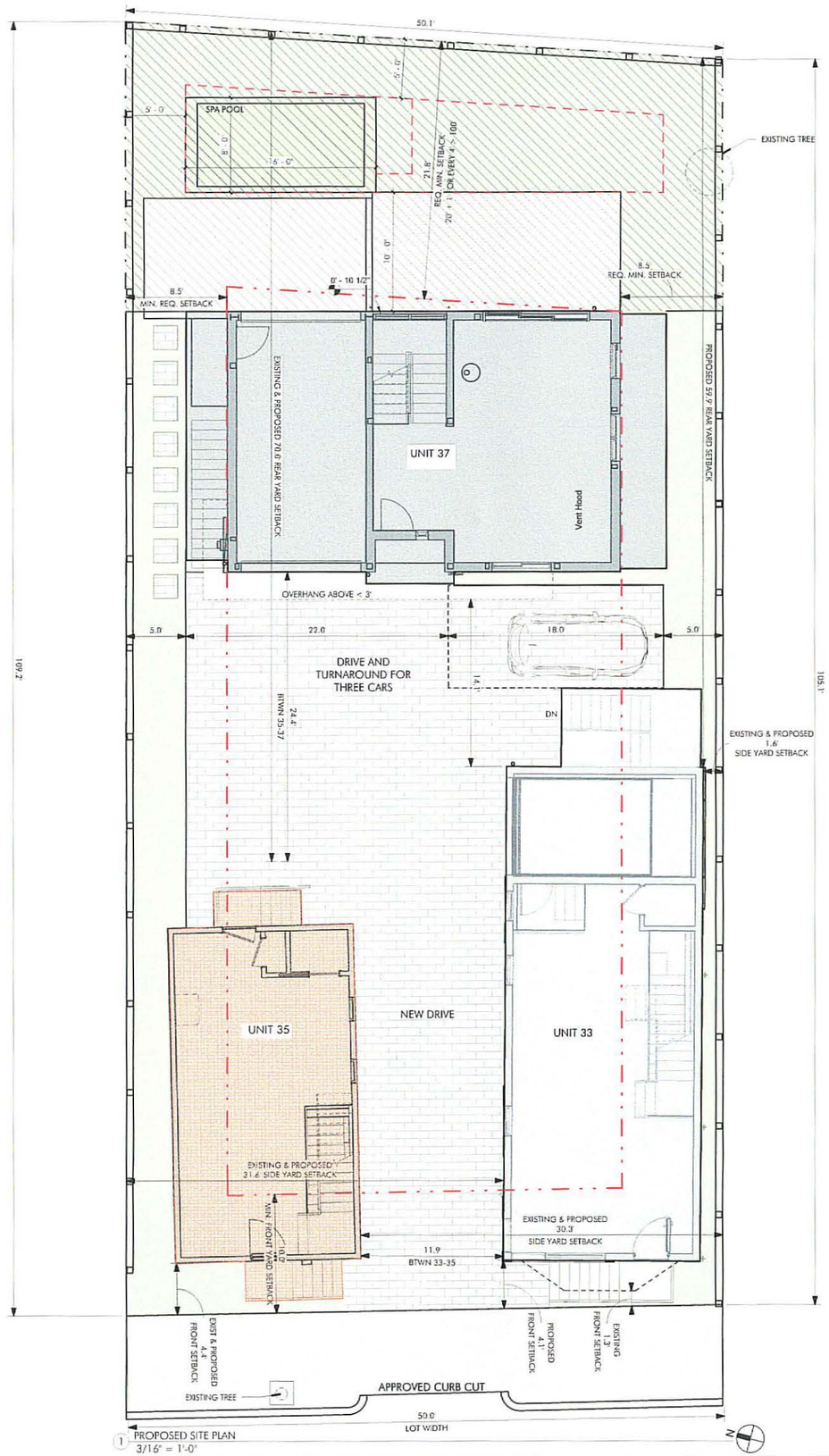
REVISIONS

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:	2022.11.03
Scale:	As indicated
Drawn by:	AS,DA,RB,AS
Drawn No.	Z1.1

11/10/2022 10:39:49 AM



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

ZONING PLAN LEGEND

- PROPOSED UNIT #33
- PROPOSED UNIT #35
- PROPOSED UNIT #37
- PERMEABLE LANDSCAPE
- PRIVATE OPEN SPACE
- PERMEABLE 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"

ANDERSON PORTER DESIGN

NOT FOR CONSTRUCTION

SPECIAL PERMIT

REVISIONS

No.	Description	Date

AndersonPorterDesign
1972 Massachusetts Ave, 4th Floor
Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2569

Project: 33, 35 & 37 WEBSTER

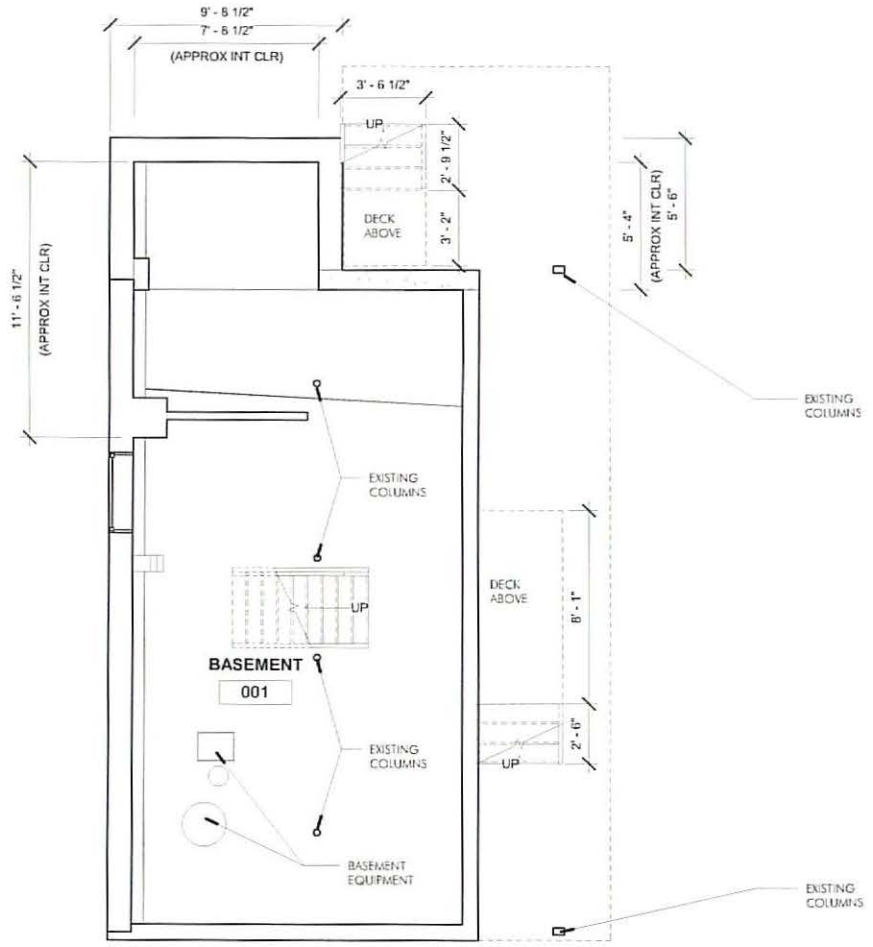
Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title: PROPOSED SITE PLAN

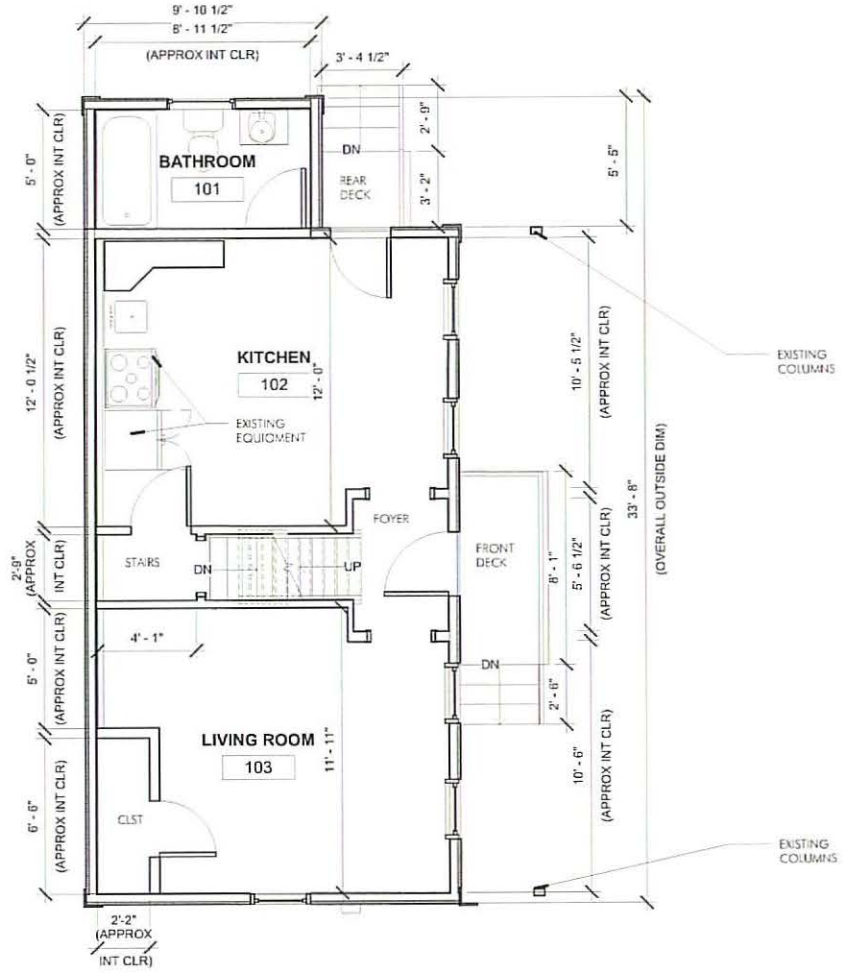
Drawing Issued By: ANDERSON PORTER DESIGN

Project #:	2112	Drawing No.
Date:	2022.11.03	L1.1
Scale:	As Indicated	
Drawn by:	ARS/RB/AYS	

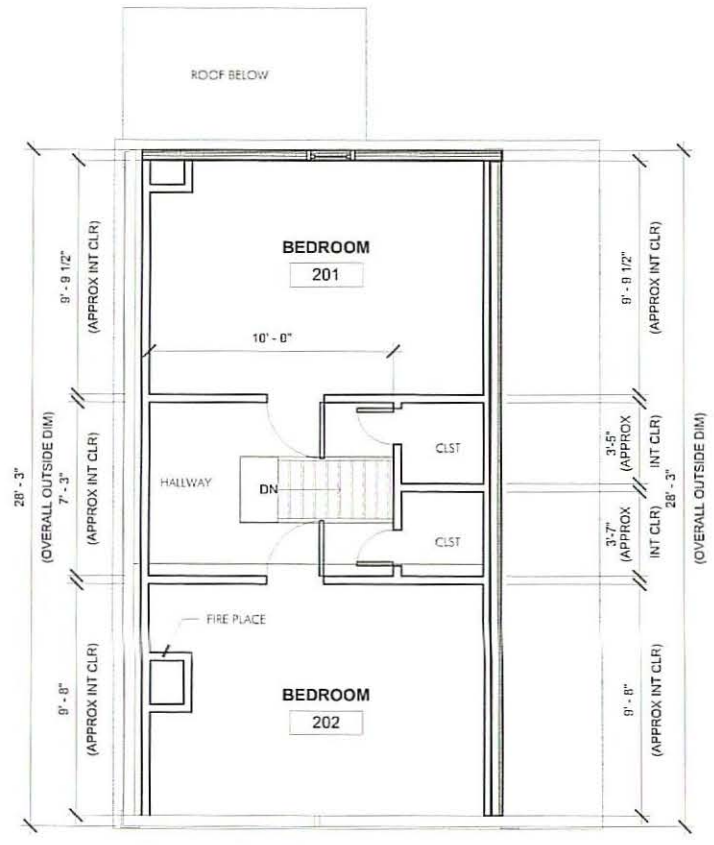
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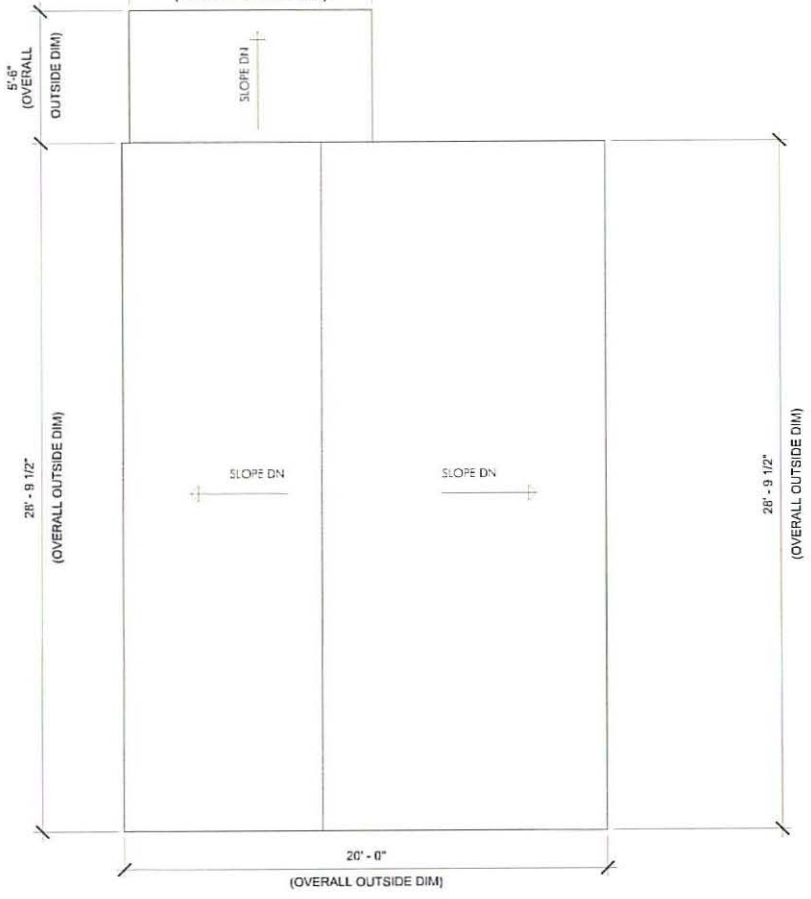
1 EXISTING BASEMENT PLAN
1/4" = 1'-0"



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



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



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

11/7/2022 10:55:21 AM

ANDERSON PORTER DESIGN

NOT FOR CONSTRUCTION

SPECIAL PERMIT

REVISIONS

No.	Description	Date

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

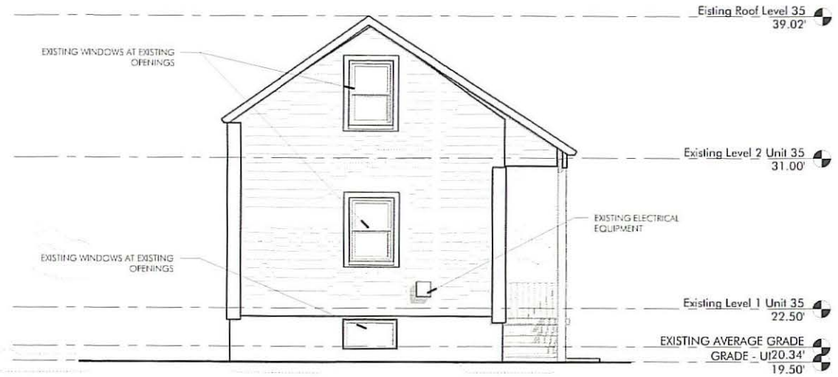
Project: 35 WEBSTER

Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

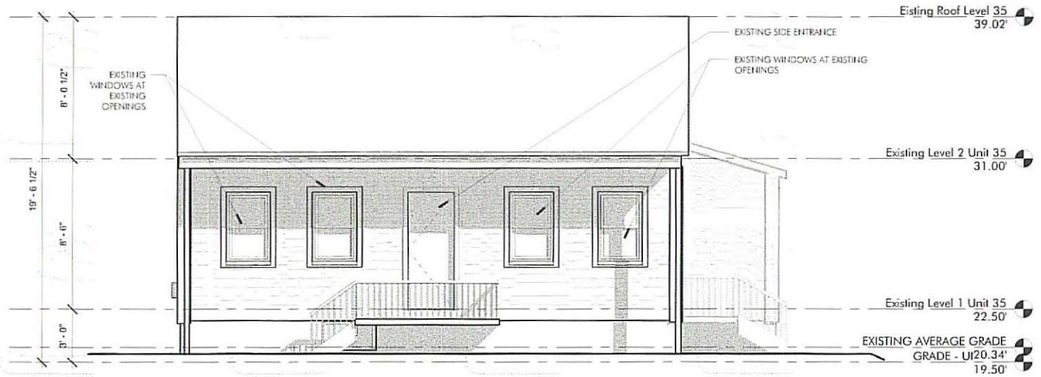
Title: EXISTING PLANS - UNIT 35

Drawing Issued By:	ANDERSON PORTER DESIGN
Project #:	2112
Date:	2022.11.03
Scale:	1/4" = 1'-0"
Drawn by:	DS

Drawn No.: AX1.3



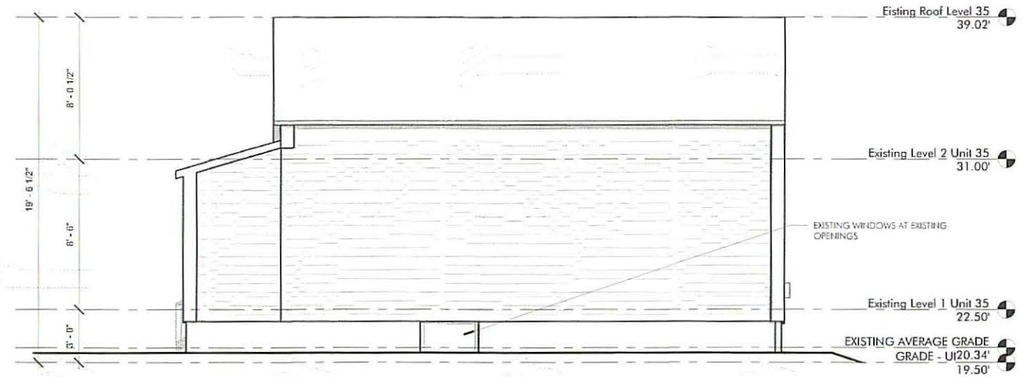
4 EXISTING SOUTH ELEVATION
1/4" = 1'-0"



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



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



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

11/7/2022 10:56:23 AM

ANDERSON PORTER DESIGN

NOT FOR CONSTRUCTION

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

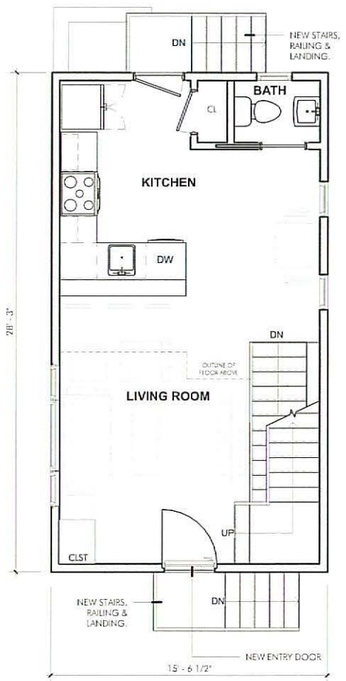
Title: EXISTING ELEVATIONS - UNIT 35

Drawing Issued By:	ANDERSON PORTER DESIGN
Project #:	2112
Date:	2022.11.03
Scale:	1/4" = 1'-0"
Drawn by:	DA/RB/AS

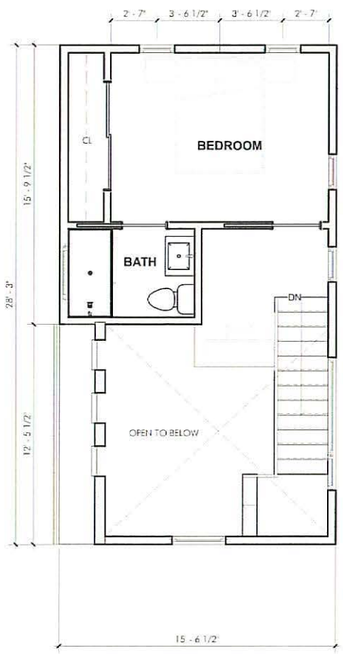
Drawing No.: AX2.2



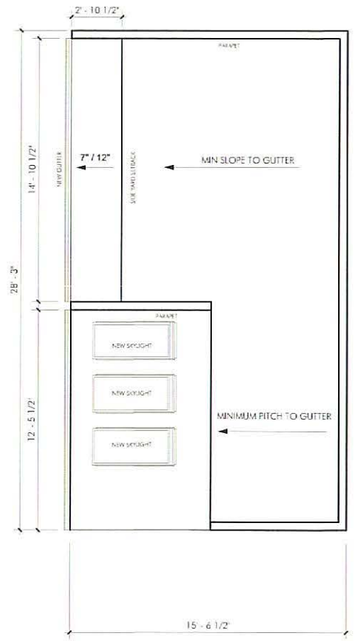
1 PROPOSED BASEMENT - UNIT 35
1/4" = 1'-0"



2 PROPOSED FIRST FLOOR - UNIT 35
1/4" = 1'-0"



3 PROPOSED SECOND FLOOR - UNIT 35
1/4" = 1'-0"



4 PROPOSED ROOF - UNIT 35
1/4" = 1'-0"

11/10/2022 11:42:27 AM

ANDERSON PORTER DESIGN

NOT FOR CONSTRUCTION

SPECIAL PERMIT

REVISIONS

No.	Description	Date

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

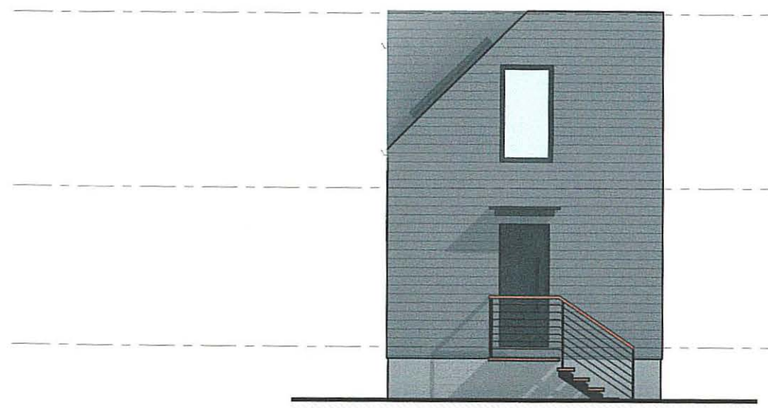
Project: 35 WEBSTER

Address: 35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title: PROPOSED PLANS - UNIT 35

Drawing Issued By:	ANDERSON PORTER DESIGN
Project #:	2112
Date:	2022.11.10
Scale:	1/4" = 1'-0"
Drawn by:	DS/AYS

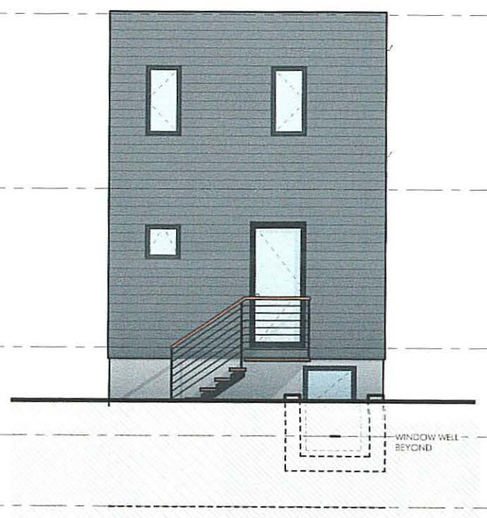
Drawing No.: A1.1



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



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



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



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

11/10/2022 11:41:26 AM

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
35 WEBSTER

Address
35 WEBSTER AVENUE
CAMBRIDGE, MA 02141

Title PROPOSED ELEVS. - UNIT 35

Drawing Issued By	ANDERSON PORTER DESIGN
Project #	2112
Date	2022.11.10
Scale	1/4" = 1'-0"
Drawn By	DS/AYS

Drawing No.
A2.1

Pacheco, Maria

From: Lin Yang <a519522@gmail.com>
Sent: Monday, November 14, 2022 1:28 PM
To: Pacheco, Maria
Cc: Sixian You
Subject: Support letter for BZA-155115 (35 Webster Avenue)

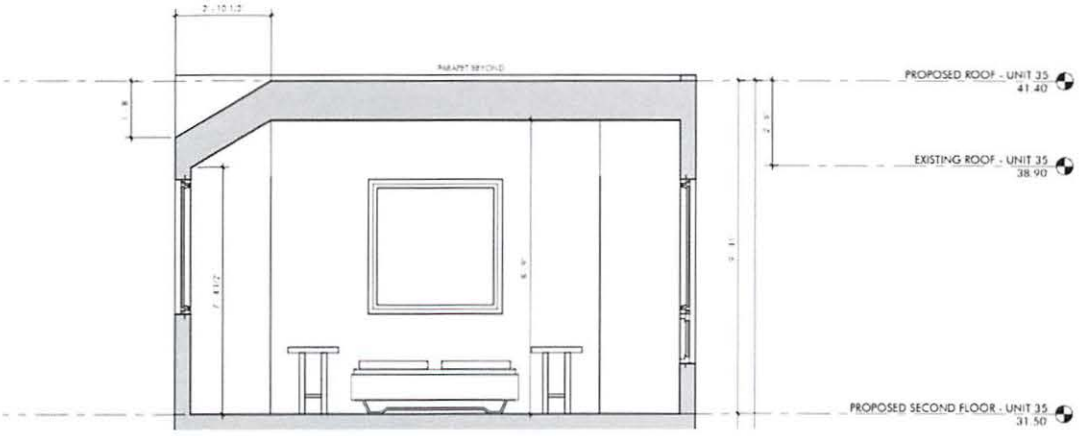
Dear Ms. Pacheco,

We are Sixian You (cc-ed here) and Lin Yang, the owners of 41 Webster Avenue.

The applicant recently shared a new design with us which reduced the additional shadow impact by
(a) Adopt the sloped roof on the front 12.5' of the house and kept the north eave elevation at 33.67' for that portion.



(b) For the back portion of the north elevation, cutting off a 2'10.5" (width) x 1'8" (height) corner to reduce shadow impact for the 2'6" overall height increase.



And addressed our privacy concerns by re-designing the north facing windows (as shown below)



Overall, we find the new design acceptable for us, thus we are writing this email to express our support to BZA-155115 (35 Webster Avenue).

Thank you for your help.

Sincerely,
Lin and Sixian

Pacheco, Maria

From: Zi Wang <ziwang.cs@gmail.com>
Sent: Monday, September 19, 2022 11:58 PM
To: Pacheco, Maria
Cc: Singanayagam, Ranjit; Ratay, Olivia
Subject: Objections to BZA-155114 -155115 & -155116 & -168852
Attachments: Gmail - Concerns on BZA-155114 -155115 & -155116-merged.pdf

Dear Board of Zoning Appeal and Cambridge city officials,

We are the owners of 6 Lilac Court, abutting 33-35 Webster Ave. We strongly oppose the BZA-155114 -155115 & -155116 &--168852, the construction plan at 33-35 WEBSTER AVENUE. We sent the last letter on June 6, 2022 (attached).

Previously, we raised concerns including issues on privacy, lighting, proximity of buildings, as well as the potentially incorrect calculation of TOTAl GROSS FLOOR AREA which should have included the basement floor area given that 33-35 Webster Ave is no longer a single-family or two-family home.

Aside from those, one of the biggest concerns we had was the detrimental effect of the construction on the big elm tree at the border of 5 Lilac Ct and 33-35 Webster Ave. The developer, PARVIZ PARVIZI – C/O DANIEL ANDERSON, ARCHITECT, pruned the roots in the new year's holiday in 2022 as an undesired response to our concern. And now the tree is dead. I've put together a document detailing what happened:
https://docs.google.com/document/d/1bYcywICmGaMUueEnuZJaj_rl66I_dXaeHWKtUZult3U

Given the tree's relevance to BZA-155114 -155115 & -155116 & -168852, we strongly urge the Board of Zoning Appeal to consider the consequence of this tree on safety and significant loss of canopy coverage, the responsibility of the developer to remove and replace the dead tree and the tree protection ordinance as part of the decision making process.

Thank you in advance for your consideration.

Best Regards,

Zi Wang
Yuliang Leon Sun

6 Lilac Court

Gmail Zi Wang <ziwang.thu@gmail.com>

Concerns on BZA-155114 -155115 & -155116

1 message

Yuliang Sun <yuliangleonsun@gmail.com> Mon, Jun 6, 2022 at 9:14 PM
To: "mpacheco@cambridgema.gov" <mpacheco@cambridgema.gov>, "ranjits@cambridgema.gov" <ranjits@cambridgema.gov>, "oratay@cambridgema.gov" <oratay@cambridgema.gov>
Cc: Zi Wang <ziwang.thu@gmail.com>, Quinton Zondervan <qzondervan@cambridgema.gov>

Dear Board of Zoning Appeal and Cambridge city officials,

We are the owners of 6 Lilac Court, abutting 33-35 Webster Ave. We had previously submitted our comments (PDF attached) based on presented architectural plans at the BZA hearing on January 27th (BZA-155114 -155115 & -155116). In the hearing, the board had recommended Mr. Parvizi and his architect to change his design based on potential impact on surrounding properties in terms of crowding, lighting, privacy concerns, and potential direct harm to surrounding properties secondary to the construction's impact on the elm tree.

Despite this recommendation, since the hearing, we have not received any communication from Mr. Parvizi, nor from his architect, Daniel Anderson (Anderson Porter Design) ahead of this Thursday's BZA hearing with regards to our reasonable concerns.

Additionally, we would like to **update the board on recent development concerning the deteriorating health of the big elm tree as a direct consequence of root pruning done by the developer in December 2021**, resulting in absent/delayed leaf growth in canopy directly above the site of root pruning as well as active disease symptomatology diagnosed by a local certified arborist (Mr. Jeff Bourque, SavATree) familiar with the lilac court trees. This poses **an immediate to short term hazard** with further disease progression and potential damages to the surrounding properties if tree removal is required. Further description and photos documenting this are also attached.

We appreciate your time in hearing our concerns and look forward to sharing them at the hearing.

Best Regards,

Yuliang Leon Sun
Zi Wang

6 Lilac Court

2 attachments

Orignal objection letter.pdf
75K

third objection letter 06062022.pdf
5067K

Hello Olivia, Maria, and Ranjit,

We are the owners of 6 Lilac Court, abutting 33-35 Webster Ave. We had previously submitted our comments (PDF attached) based on presented architectural plans at the BZA hearing on January 27th (BZA-155114 -155115 & -155116). In the hearing, the board had recommended Mr. Parvizi and his architect to change his design based on potential impact on surrounding properties in terms of crowding, lighting, privacy concerns, and potential direct harm to surrounding properties secondary to the construction's impact on the elm tree.

On this point, board member Mr. Constantine Alexander had recommended to have "another arborist be brought in to look at the issues of the trees and the like. That arborist should be mutually satisfactory to a neighborhood representative, and of course the petitioner, and get another view." (page 98, 1-27-22 minutes)

Despite this recommendation, since the hearing, we have not received any communication from Mr. Parvizi, nor from his architect, Daniel Anderson (Anderson Porter Design) ahead of this Thursday's BZA hearing with regards to our reasonable concerns.

Concerningly, Mr. Parvizi had already completed root pruning of the big elm tree (Fig 1) prior to reaching an agreement with neighbors in winter of 2021, which has resulted in harm to the tree only beginning to be visible in recent months. This has manifested as bare branches and delayed leaf growth directly above the area of root pruning (Fig 2, 3). Previously the healthy canopy bore full leaves as seen in picture from 2 years ago (Fig 4). Arborists hired by Mr. Parvizi also reported no obvious signs of disease at the time of consultation in 2021.

Because of these recent, visible abnormalities of the canopy, we reached out to an independent certified arborist Jeff Bourque (SavATree), a well-known arborist having previously worked on other trees on Lilac Court and around the neighboring Bristol Street. According to Mr. Bourque, the root pruning likely affected 1/5 of the total root system, potentially resulting in negative impact to the canopy directly above it (Fig 3). While difficult to validate without lab testing, the tree is diseased and show symptoms of Nectarine Canker and/or Dutch elm disease, becoming a potential hazard to the neighboring community in the coming years. When asked the cost of potential tree removal, he mentioned it will require a large crane and cost between 10,000 to 15,000$ to remove, likely causing neighboring property damage during the removal process due to the size of the tree. Thus, Mr. Parvizi's development has already caused visible and significant harm to the tree itself and potentially to the surrounding properties in the immediate to short term future.

We appreciate your time in hearing our concerns and look forward to sharing them at the hearing.

Best Regards,

Zi Wang
Yuliang Leon Sun
6 Lilac Court



Figure 1: Root pruning undertaken in December 2021, visible as unvegetated line in the backyard of 33-35 Webster ave. Picture taken Jan 22, 2022



Figure 2: Big elm tree (view from lilac court), red outline- absent/delayed leaf growth



Figure 3: Big elm tree, red outline: affected branches directly above site of root pruning showing delayed/absent leaves compared to healthy growth (green outline).



Figure 4: photo of big elm tree taken summer 2020 showing healthy canopy full of leaves

* * * * *

(6:30 p.m.)

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

BRENDAN SULLIVAN: The Board will now hear Case No. 155115 -- 35 Webster Avenue.

DAN ANDERSON: Thank you, Mr. Chair. So this is also called 35 Webster Avenue, because there is no official 37 Webster Ave on the official tax roll. So, again, not to confuse this with the actual 35 Webster -- which is the small workers cottage -- which is the case that we are requesting the continuance of.

BRENDAN SULLIVAN: Let me -- we are in receipt of correspondence dated Monday, September 19 to the Cambridge Board of Zoning Appeal.

"Dear Chair and members of the Board,

I'm writing on behalf of Parviz Parvizi, the owner of 35 Webster Avenue to request a continuance of the open case No. 155115. Mr. Parvizi is in conversation with his neighbor, Lin Yang, owner of 41 Webster Avenue, regarding additional modifications to the building's design to limit the potential shadow impact.

"We respectfully request additional time necessary to complete this work and reach an equitable agreement on the final design."

What would be a date? November 17. Does that work for you, Dan? November 17?

DAN ANDERSON: I'm quite sure that I can make that work.

BRENDAN SULLIVAN: Okay. Now, that was a case that was also heard by five members, and going forward, the -- we will inform you that only four members would sit on that case, and would you agree to go with the four members, or is it your request that we empanel a fifth member, or another member to be the fifth member, to sit that night?

DAN ANDERSON: I think it's at the pleasure of the Board. Certainly, we're happy to move forward in either case.

If I might, if -- I'd like to confer with Mr. Parvizi and just confirm if we could structure the date, and if it seems that we would like to have a fifth member, can I follow up with the Board at a very -- a date in the very near future?

BRENDAN SULLIVAN: Yes. What we would have to do

is we would have to reach out to another member of the Board. The other member of the Board would have to review all of the transcripts from the previous hearing, and then that person could be empaneled that particular night.

If you would let us know as soon as possible so that we can do what we have to do also. So let's set the date. Now, Jim, I sat on it -- Jim, Laura and Jason Marshall sat on it. Are we all available on November 19? Laura, are you available on the nineteenth?

LAURA WERNICK: Seventeenth, I think?

BRENDAN SULLIVAN: I'm sorry, 17.

LAURA WERNICK: Yeah.

BRENDAN SULLIVAN: Jim, are you available on the --

JIM MONTEVERDE: Yeah.

BRENDAN SULLIVAN: -- seventeenth? Jason, are you available on the seventeenth of November?

JASON MARSHALL: Yeah. I'm good here.

BRENDAN SULLIVAN: Okay. And I will. So we have at least four. And if you could let us know Monday, you'll have maybe the weekend to discuss, and then so that we can go to Plan B if we have to.

DAN ANDERSON: Yes.

BRENDAN SULLIVAN: Okay.

DAN ANDERSON: Yeah, I'd like to be sensitive to additional workload to members of the Board. But I would like -- appreciate the weekend to confirm with Mr. Parvizi.

BRENDAN SULLIVAN: That's fine.

DAN ANDERSON: Yeah.

BRENDAN SULLIVAN: So on the motion, then, to continue this matter to November 17, 2022, on the condition that the petitioner change the posting sign to reflect the new date of November 17, 2022 and the new time at 6:00 p.m.? Any new submittals not currently in the file regarding 35 Webster Avenue be submitted by 5:00 p.m. on the Monday prior to the November 17 hearing.

We have a waiver of statutory requirement for a hearing, so that is not necessary.

So on the motion, then, to continue this matter until November 17, Jim Monteverde?

JIM MONTEVERDE: In favor.

BRENDAN SULLIVAN: Laura Wernick?

LAURA WERNICK: In favor.

BRENDAN SULLIVAN: Jason Marshall?

JASON MARSHALL: Yes.

BRENDAN SULLIVAN: Yes.

[All vote YES]

BRENDAN SULLIVAN: The natter is continued until November 17.

To: BZA
From: Parviz Parvizi
Date: November 14, 2022
Subject: BZA-155115 and BZA-155116

We write to summarize the current state of affairs and the relief being sought. We have obtained "by right" permits and have commenced with construction. The relief we are applying for will allow us to build homes that further enhance the city's housing stock by providing greater access to natural light, improved circulation, and improved safety.

BZA-155115 (35/37 Webster Ave - Existing building)
We have submitted updated plans for a special permit under 8.22.2. We accounted for neighborhood feedback that we received:

- Adopting proposed flat roof design that raises ridge elevation by 2.5 feet rather than previously proposed vertical addition that raised elevation by over 7 feet
- Sharing shadow studies to clarify impact of increase in elevation beyond ridge
- Modifying flat roof design to maintain a sloped roof in the front northwest corner of the home in order to reduce shadow impact at 41 Webster
- Modifying flat roof design to cut off segment in the back northeast corner in order to reduce shadow impact at 41 Webster
- Removing proposed bedroom window, frosting proposed bathroom window, and reducing size of proposed living room window on the north elevation to mitigate concerns about privacy impact at 41 Webster. No proposed window on the north elevation has a line of sight to 41 Webster either because it is frosted (floor 2 bathroom), above head height (floor 1 living room window, which starts at 6 feet), or directly behind a fence (basement windows)

BZA-155116 (35/37 Webster Ave - New building)
This is a variance application under 10.30 to allow for a guardrail within the side yard setback. We respectfully submit that the application meets the criteria for a variance:

- *Substantial hardship.* We are currently permitted with a design that incorporates a metal grate on top of the areaway providing egress for the lower level of this home. We are seeking a variance to install a guardrail as a safer design alternative. The hardship is that the consequences flowing from a less safe grate design during emergencies and accidents can be catastrophic. In cases of emergency, the grate design can hinder egress in ways that can make the difference between life and death. This is especially true for vulnerable family members such as the very young and elderly who may have difficulty operating a grate, particularly during winter months when snow and ice create additional barriers. Likewise, when hinged in the open position, the metal grate leaves the areaway beneath exposed to a fall that can lead to serious injury or worse.
- *The hardship is owing to circumstances relating to the soil conditions, shape or topography of the land or structures.* Given the shape of the lot, presence of existing buildings, and code requirements, there were no other viable locations for incorporating an areaway providing basement egress. Reducing the width of the building to bring the areaway guardrail within the setback was not viable because it would severely

compromise the usability of the limited ground level living room/kitchen space by reducing it to less than 10.5' in width. Also, reallocating the ground level living space to an upper floor, while allowable by right, was not a workable option in light of massing and shadow impact on abuttors.

- *No substantial detriment to the public good.* The guardrail is not visible from the street and is lower than the 6 foot fence separating the abuttor property.
- *Relief does not nullify or substantially derogate from the purpose of the Zoning Ordinance.* A guardrail that enhances safety does not nullify or derogate from the intent or purpose of the Zoning Ordinance — it does the opposite.

While not related to the subject matter of the relief we are seeking, we have engaged with abuttors on several topics:

- Offering to drop plans for green roof to reduce vertical massing, reduce impact on shadows and light, and address privacy concerns (November 2021);
- Sharing shadow studies (November 2021 onwards);
- Offering to provide 6 Lilac Court owners with access to 33-35 Webster property in order to aid them in removing the dead trees carrying Dutch Elm Disease at the rear of 6/7 Lilac Court (November 2021);
- Evaluating alternative configuration proposed by 6 Lilac Court owners and sharing assessment with them (January 2022);
- Contacting 7 Lilac Court owner by mail, phone, and email to discuss dead trees carrying Dutch Elm Disease at the rear of 6/7 Lilac (no response received) (January 2022);
- Developing GIS map with 37 Webster superimposed on it and sharing with 5 Lilac Court owners to confirm that the buildings do not directly face each other (37 Webster is entirely west of 5 Lilac Court) and clarify that 37 Webster windows would not be looking into living space of 5 Lilac Court (September 2022)
- Evaluating alternative location for third floor balcony proposed by 5 Lilac Court owners and sharing assessment with them (September 2022); and
- Sharing arborist assessment of dead tree at back of 33-35 Webster; arborist retained was one that owner of 5 Lilac Ct, Graham McMahon, felt comfortable with as they are a reputable national company that he has observed around his home in Chicago (September 2022)
- Coordinating removal of dead elm tree straddling 33-35 Webster and 5 Lilac Ct properties. This involved re-sequencing and delaying construction in order to first open up a path that allowed crew to remove tree in the safest available manner (October-November 2022)

Addenda

Addendum A contains neighbor correspondence regarding updates.

Addendum B contains images of 33-35 Webster prior to 2021-22 construction at abuttor property and after the completion of construction in 2022 in order to provide context on the character of the neighborhood. FAR on Webster Ave is above 1.05 on average. Our construction and renovation maintains FAR within 0.75.

ADDENDUM A
Neighbor correspondence

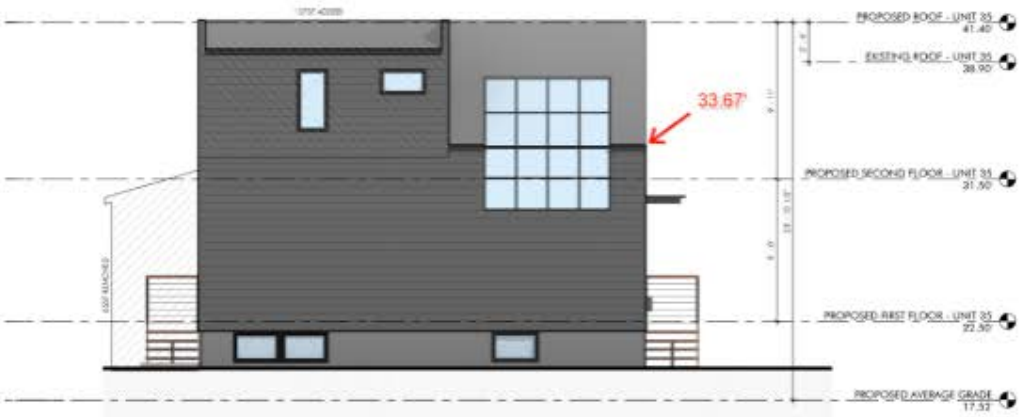
41 Webster Ave

Lin Yang <a519522@gmail.com>
To: "Pacheco, Maria" <mpacheco@cambridgema.gov>
Cc: Sixian You <youyousixian@gmail.com>
Bcc: pparvizi@gmail.com

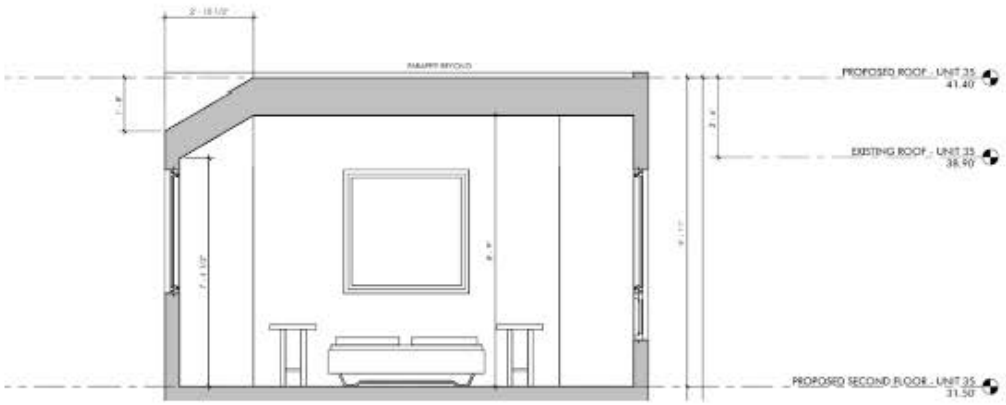
Dear Ms. Pacheco,

We are Sixian You (cc-ed here) and Lin Yang, the owners of 41 Webster Avenue.

The applicant recently shared a new design with us which reduced the additional shadow impact by
(a) Adopt the sloped roof on the front 12.5' of the house and kept the north eave elevation at 33.67' for that portion.



(b) For the back portion of the north elevation, cutting off a 2'10.5" (width) x 1'8" (height) corner to reduce shadow impact for the 2'6" overall height increase.



And addressed our privacy concerns by re-designing the north facing windows (as shown below)

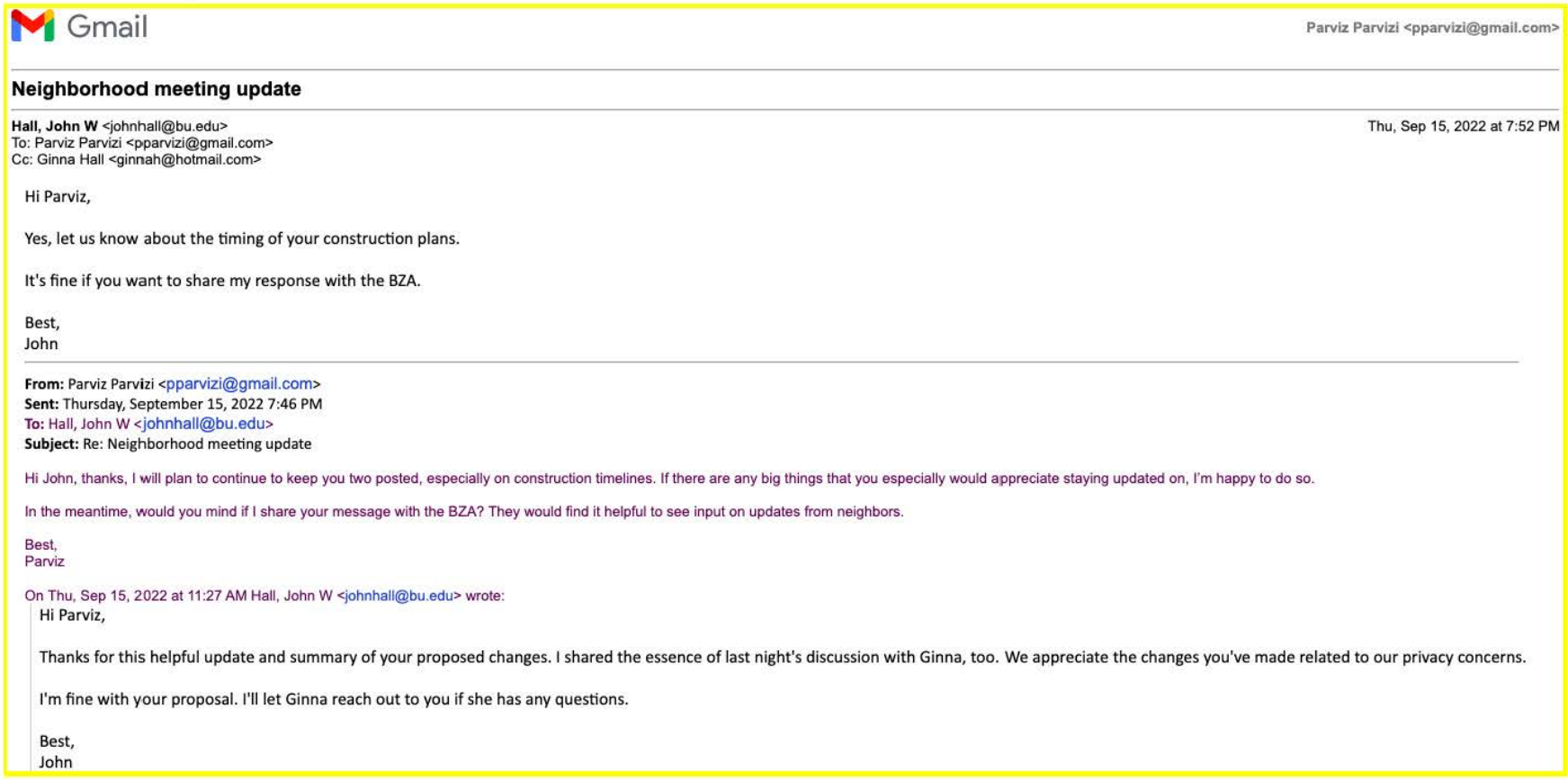


Overall, we find the new design acceptable for us, thus we are writing this email to express our support to BZA-155115 (35 Webster Avenue).

Thank you for your help.

Sincerely,
Lin and Sixian

36 Webster Ave



Gmail Parviz Parvizi <pparvizi@gmail.com>

Neighborhood meeting update

Hall, John W <johnhall@bu.edu> Thu, Sep 15, 2022 at 7:52 PM
To: Parviz Parvizi <pparvizi@gmail.com>
Cc: Ginna Hall <ginnah@hotmail.com>

Hi Parviz,

Yes, let us know about the timing of your construction plans.

It's fine if you want to share my response with the BZA.

Best,
John

From: Parviz Parvizi <pparvizi@gmail.com>
Sent: Thursday, September 15, 2022 7:46 PM
To: Hall, John W <johnhall@bu.edu>
Subject: Re: Neighborhood meeting update

Hi John, thanks, I will plan to continue to keep you two posted, especially on construction timelines. If there are any big things that you especially would appreciate staying updated on, I'm happy to do so.

In the meantime, would you mind if I share your message with the BZA? They would find it helpful to see input on updates from neighbors.

Best,
Parviz

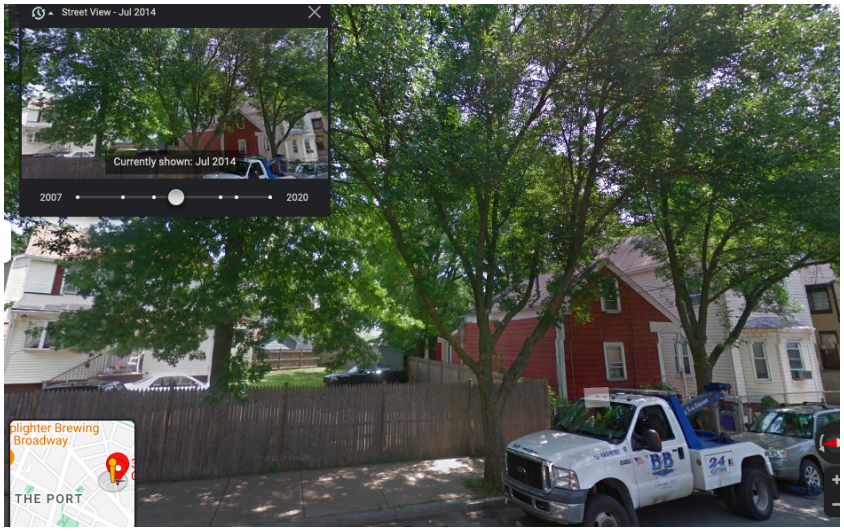
On Thu, Sep 15, 2022 at 11:27 AM Hall, John W <johnhall@bu.edu> wrote:

> Hi Parviz,
>
> Thanks for this helpful update and summary of your proposed changes. I shared the essence of last night's discussion with Ginna, too. We appreciate the changes you've made related to our privacy concerns.
>
> I'm fine with your proposal. I'll let Ginna reach out to you if she has any questions.
>
> Best,
> John

Addendum B

Webster Ave neighborhood context

(Note: Webster Ave neighborhood FAR averages above 1.05; 33-35 Webster FAR will be within 0.75)

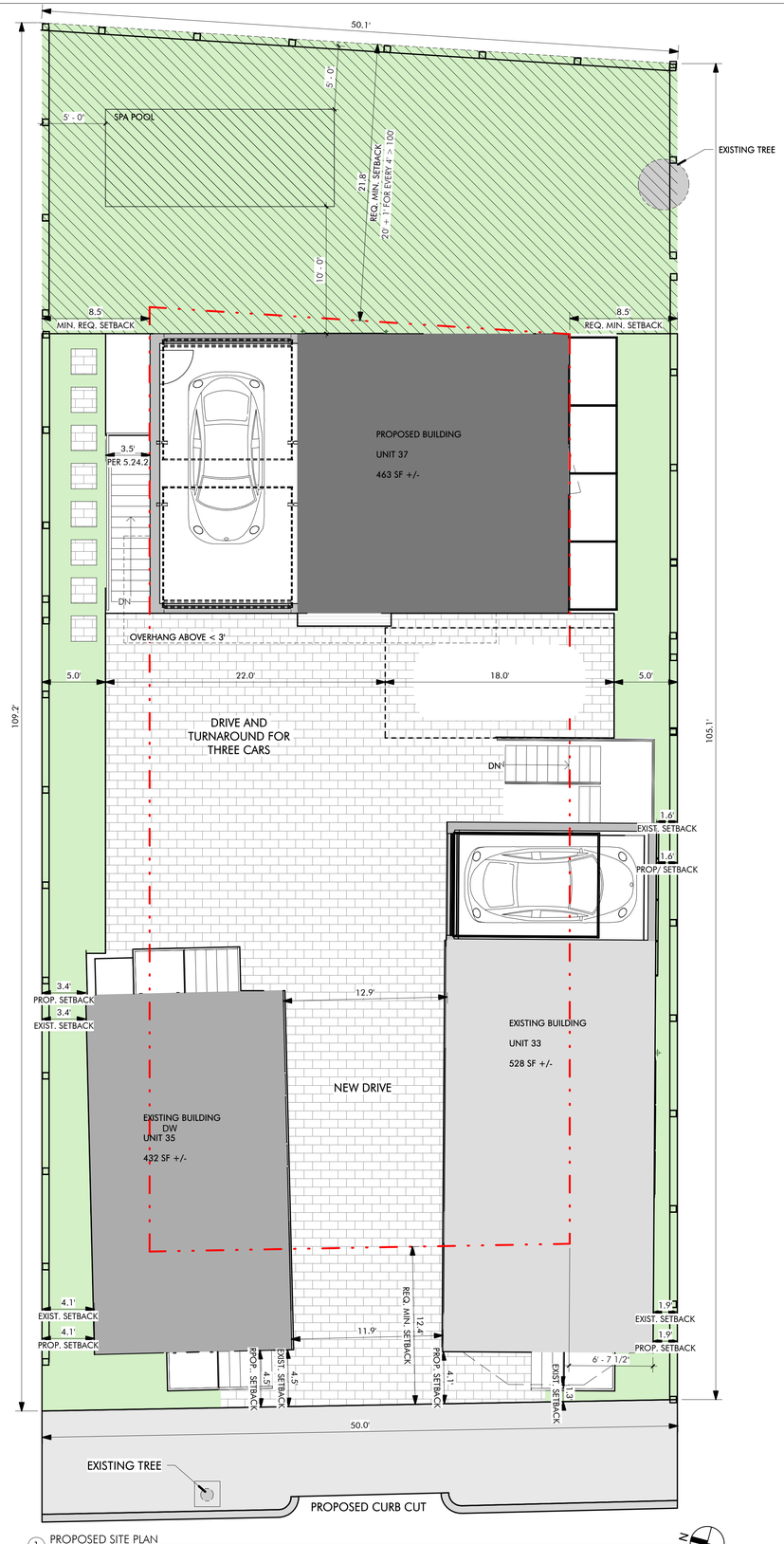
33-35 Webster Ave streetscape <u>BEFORE</u> nearby home construction	**33-35 Webster Ave streetscape <u>AFTER</u> 2021-22 nearby home construction**
	





Rear of 33-35 Webster Ave: Continuous block of 5 attached 3-story townhomes that are part of the Lilac Court development of attached townhomes





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

ZONING PLAN LEGEND

- PROPOSED 33 WEBSTER
- PROPOSED 35 WEBSTER
- PROPOSED 37 WEBSTER
- PERMEABLE LANDSCAPE
- PRIVATE OPEN SPACE
- PERMEABLE 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
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	54%
(15'x15') PRIVATE OPEN SPACE	%	EXISTING	%	PROPOSED	%
803.55	50%	3279.06	204%	1064.99	66%
PERMEABLE OPEN SPACE	%	EXISTING	%	PROPOSED	%
803.55	50%	3450	215%	1828.49	114%

ANDERSON
PORTER
DESIGN

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: AR.S., R.B.
Drawn No.
L1.1

1/21/2022 10:33:52 AM

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




GMC

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.

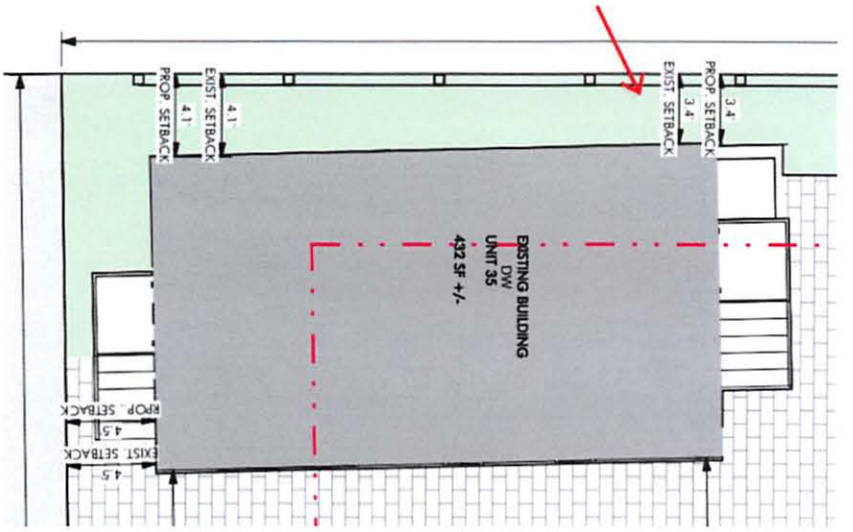
Violations of Section 8.22.2(c)

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.

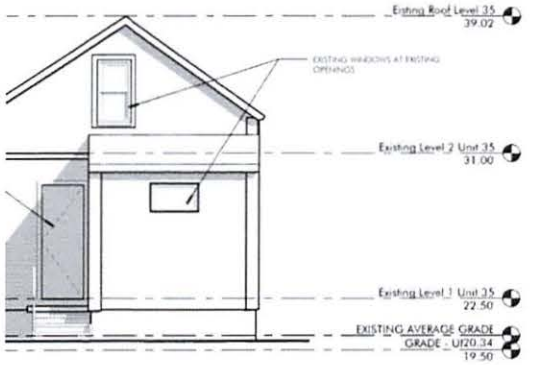
1. Any enlargement or alteration of such nonconforming structure is not further in violation of the dimensional requirements of Article 5.000.
2. Such nonconforming structure will not be increased in area or volume by more than twenty-five (25) percent since it first began to be nonconforming.

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 (Height+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%.



(a) current structure

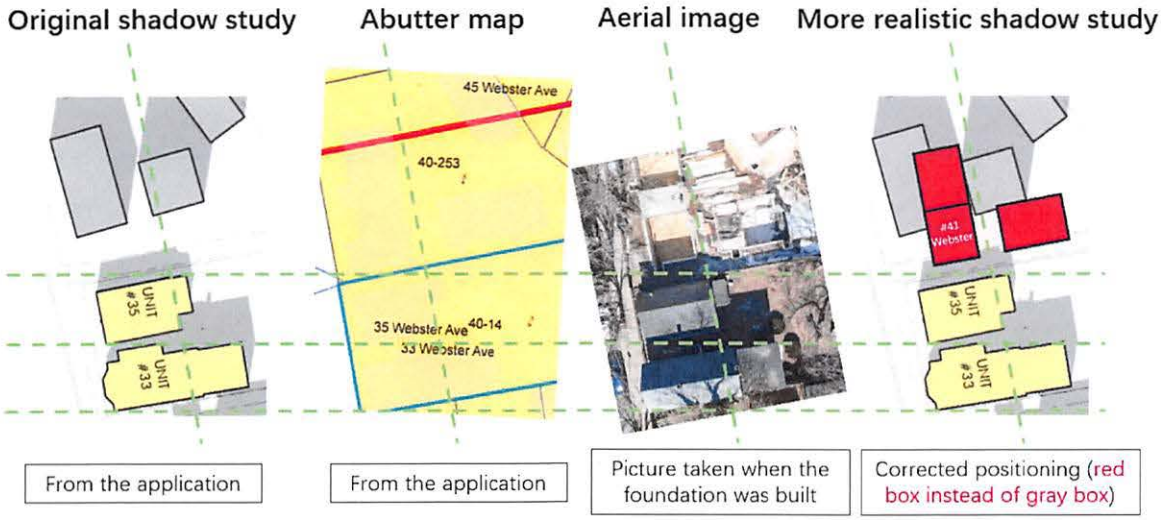


(b) proposed structure

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.

NOON (12 PM)

Fall equinox



Shadow of current 35 Webster

Shadow of proposed 35 Webster

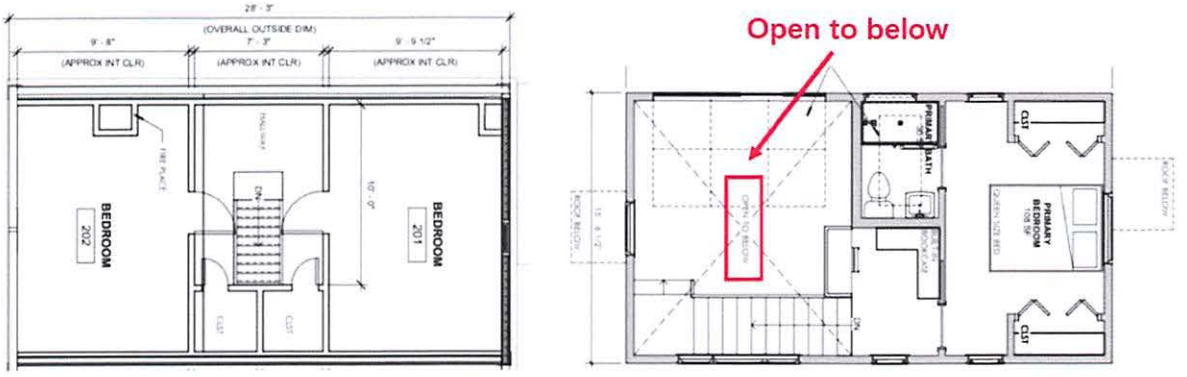
The negative impact will be worse in late fall, winter and early spring when the Sun is lower with an earlier sunset.

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

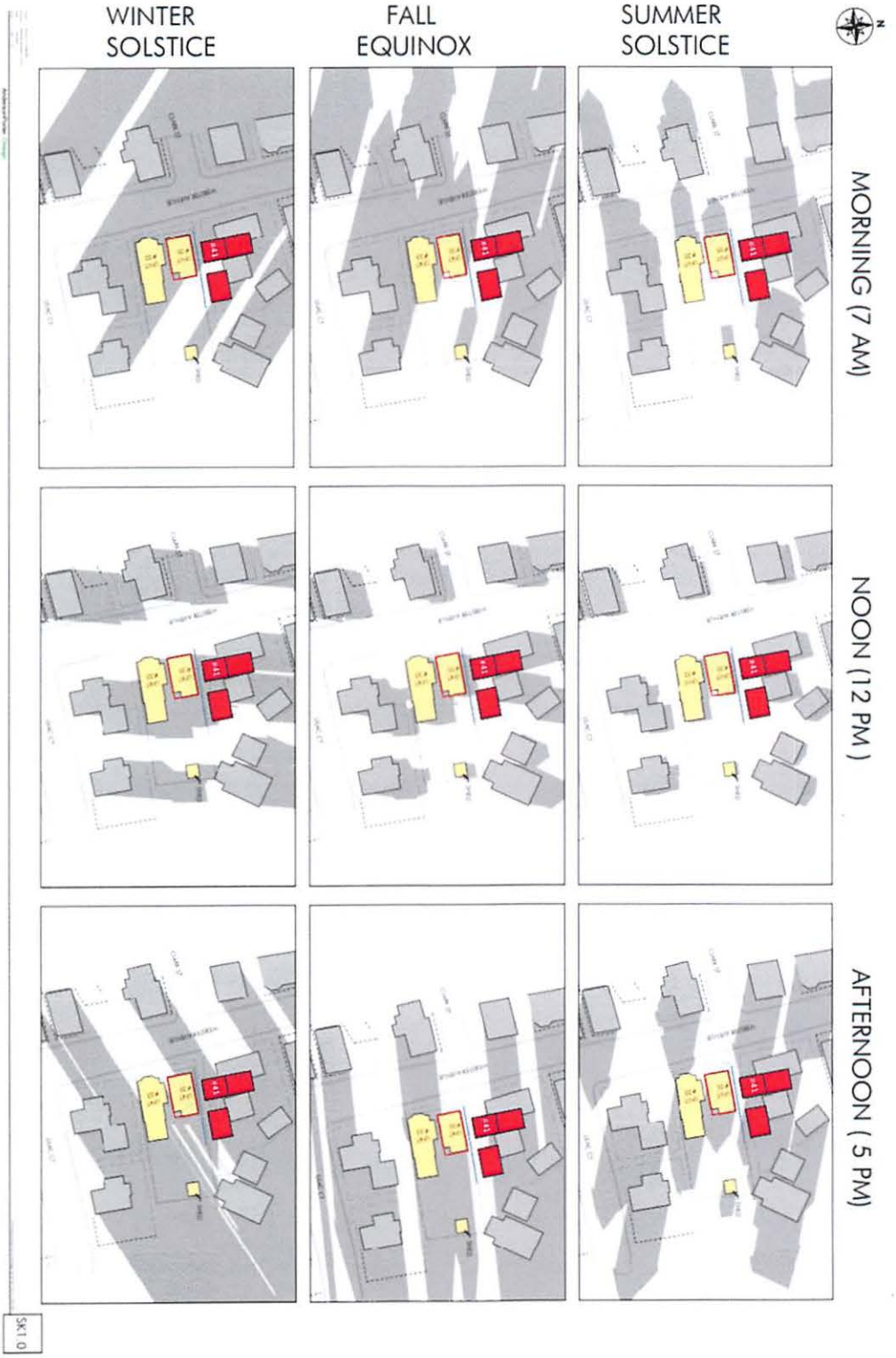
The addition of new openings in non-conforming wall setback also poses privacy concerns as they are directly facing our second floor bedroom windows.

Conclusion

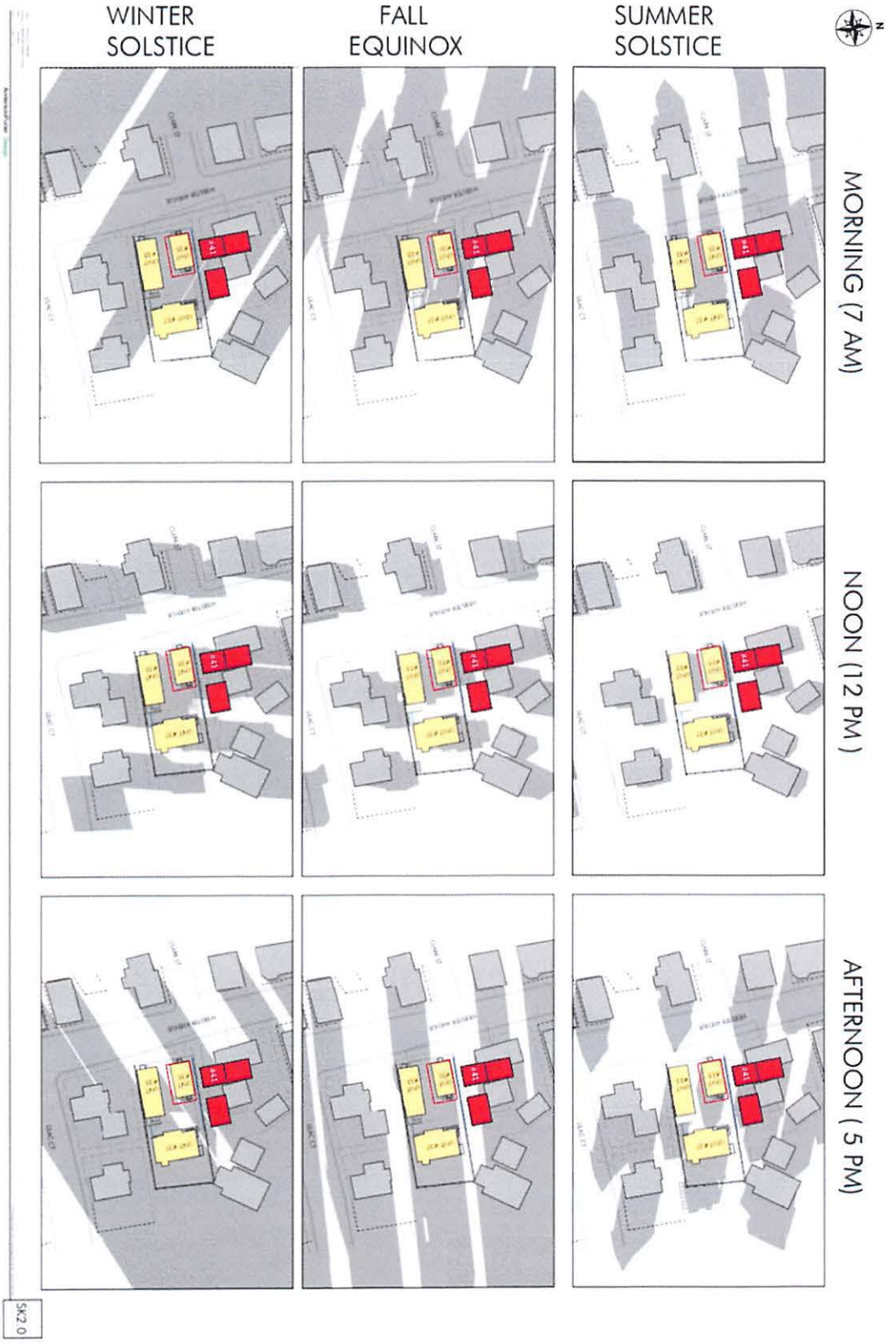
As a neighbor that has been significantly negatively impacted by the proposed design, we strongly **oppose** the application and kindly ask the BZA to take our arguments into consideration.

Appendix

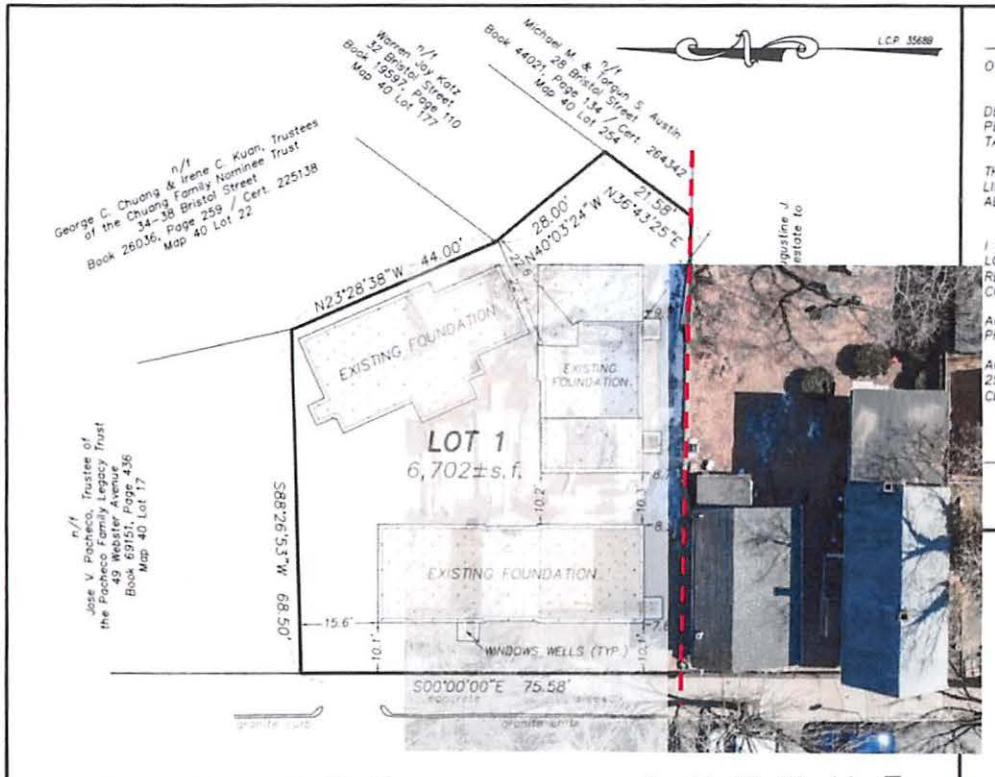
Corrected shadow study of the current structure (red boxes indicate correct building locations)



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.



This map or plat is not valid without the seal and signature of the responsible surveyor.

GENERAL NOTES

OWNER OF RECORD: 39-45 WEBSTER AVENUE LLC
1779 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02140

DEED REFERENCE: C.O.T.: 273852
PLAN REFERENCE: L.C.P.: 3568A
TAX MAP REFERENCE: MAP 40 LOT 253

THIS PLAN IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES, ERECTION OF FENCES, LANDSCAPING OR CONSTRUCTION OF ADDITIONAL STRUCTURES.

I HEREBY CERTIFY THAT THE EXISTING FOUNDATION IS LOCATED ON THE LOT AS SHOWN, THE LOCATION CONFORMS WITH THE FRONT, SIDE AND REAR YARD SETBACK REQUIREMENTS OF THE CITY/TOWN WHEN CONSTRUCTED.

ACCORDING TO THE ZONING MAP FOR THE CITY OF CAMBRIDGE, THE PROPERTY FALLS IN A RESIDENCE C-1 ZONING DISTRICT.

ACCORDING TO THE F.E.M.A. MAP FOR MIDDLESEX COUNTY, MAP No. 25017C0577E, DATED JUNE 4, 2010, THE PROPERTY FALLS IN AN AREA CLASSIFIED AS ZONE "X"

1/11/21

PROFESSIONAL LAND SURVEYOR
FOR OTTE & DWYER, INC.

CERTIFIED PLOT PLAN
SHOWING EXISTING FOUNDATION

39-45 WEBSTER AVENUE
CAMBRIDGE, MASS. 02141

PREPARED FOR

39-45 WEBSTER AVENUE LLC

BY

OTTE & DWYER, INC.
LAND SURVEYORS

WWW.OTTEDWYER.COM

59 APPLETON STREET — SAUGUS, MA 09106
P.O. BOX 982 — (781)233-8155
SCALE: 1"=20' — JANUARY 11, 2021

0' 20' 40' 60'

JN. 12495