

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Jose Costa

PETITIONER'S ADDRESS: 370 Windsor street

LOCATION OF PROPERTY: 370-372 Windsor street

TYPE OF OCCUPANCY: multi-family residential ZONING DISTRICT: C-1

REASON FOR PETITION:

<u>X</u> Additions	_____ New Structure
_____ Change in Use/Occupancy	_____ Parking
_____ Conversion to Addi'l Dwelling Unit's	_____ Sign
_____ Dormer	_____ Subdivision
_____ Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

Second floor deck addition is constructed within the side and rear setbacks. The work included a roofing membrane over the first floor porch. Petitioner proposes that the deck and roofing condition be permitted to remain. Building permit (#48803) was issued for construction of the second floor deck and was later revoked due to a misunderstanding regarding the scope of construction planned.

SECTIONS OF ZONING ORDINANCE CITED:

Article 5 Section 5.30 Residential (FAR requirement)

Article 5 Section 5.30 Side setback

Article 5 Section 5.30 Rear setback

Applicants for a Variance must complete Pages 1-5

Applicants for a Special Permit must complete Pages 1-4 and 6

Applicants for an Appeal to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s):

(Petitioner(s)/Owner)

(Print Name)

Address:

Tel. No.:

E-Mail Address:

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 Jose A. Costa
(OWNER)

Address: 370 Windsor street. Cambridge MA

State that I/We own the property located at 370-372 Windsor street,
which is the subject of this zoning application.

The record title of this property is in the name of Jose A. Costa

*Pursuant to a deed of duly recorded in the date 10/16/91, Middlesex South
County Registry of Deeds at Book 14020, Page 237; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

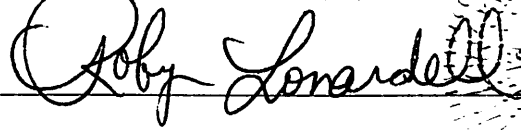


**SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT***

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

Commonwealth of Massachusetts, County of Middlesex

The above-name Jose F. Costa personally appeared before me,
this 2nd of March, 2020, and made oath that the above statement is true.



Notary

My commission expires February 11, 2022 (Notary Seal).



ROBYN I. LONARDELLI
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 11, 2022

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

01 L'ESPAGNE a la position d'un état neutre, d'après le traité de 1808, et ne peut pas être considérée comme un état neutre, car elle n'est pas un état neutre.

AM epbndms0 teens rosbniW 078

leidi toobitud 578-078

step 4. 920L

19/6/01

YES

OSCAR



BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

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

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

There was a misunderstanding about the scope of construction. A building permit was issued, and much of the construction is complete.

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

There is a rat infestation issue in the neighborhood, rendering the back yard unusable. As a solution, decks are offered to the building tenants. It will be difficult to rent the units without substantial outdoor space.

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

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

Open space requirements are met.

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

The second floor deck is simply a vertical extension of the existing first floor deck.

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

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Jose Costa **PRESENT USE/OCCUPANCY:** multi-family residential

LOCATION: 370 Windsor **ZONE:** C-1

PHONE: 617 909 3297 **REQUESTED USE/OCCUPANCY:** multi-family residential

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> ¹
<u>TOTAL GROSS FLOOR AREA:</u>	<u>5476</u>	<u>5894</u>	<u> </u> (max.)
<u>LOT AREA:</u>	<u>4707</u>		<u>5000</u> (min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> ²	<u>1.16</u>	<u>1.25</u>	<u>.75</u> (max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>			<u> </u> (min.)
<u>SIZE OF LOT:</u>			
<u>WIDTH</u>	<u>50</u>		<u> </u> (min.)
<u>DEPTH</u>	<u>101</u>		
<u>Setbacks in</u>			
<u>Feet:</u>			
<u>FRONT</u>	<u>7.3</u>	<u>7.3</u>	<u>16</u> (min.)
<u>REAR</u>	<u>18.23</u>	<u>18.23</u>	<u>20</u> (min.)
<u>LEFT SIDE</u>	<u>5</u>	<u>5</u>	<u>12</u> (min.)
<u>RIGHT SIDE</u>	<u>5</u>	<u>5</u>	<u>12</u> (min.)
<u>SIZE OF BLDG.:</u>			
<u>HEIGHT</u>	<u>20</u>		<u> </u> (max.)
<u>LENGTH</u>	<u>44</u>		
<u>WIDTH</u>	<u>40</u>		
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u> ³	<u>58%</u>	<u>58%</u>	<u>30%</u> (min.)
<u>NO. OF DWELLING UNITS:</u>			<u> </u> (max.)
<u>NO. OF PARKING SPACES:</u>	<u>NA</u>		<u> </u> (min./max)
<u>NO. OF LOADING AREAS:</u>	<u>NA</u>		<u> </u> (min.)
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>	<u>NA</u>		<u> </u> (min.)

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

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

Pacheco, Maria

From: Erik Costa <ejlc46@gmail.com>
Sent: Thursday, July 23, 2020 7:50 AM
To: Pacheco, Maria
Subject: Case: BZA-017279-2020

To the Board of Zoning Appeals

My name is Erik Costa, I am Jose Costa of Costa construction's son. I just received the zoning appeal date in the mail that is scheduled for. Unfortunately due to COVID-19 restrictions my father has been stuck in the Cape Verde Islands since March with hopes of possibly being allowed to return mid august. I am writing to request a continuance of the hearing to sometime in October. Hoping that he will be here to represent himself

Thank you,

Erik Costa

Sent from my iPhone



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2020 AUG -5 PM 3:23

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-017279-2020

Address: 370-372 Windsor St.

☒ Owner, ☐ Petitioner, or ☐ Representative: Jose Costa
(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: 8-5-20

[Signature]
Signature



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: _____

(Print)

Date: _____

8/5/20

Address: _____

370-372 Windsor St.

Case No. _____

BZA-017279-2020

Hearing Date: _____

7/30/20

Thank you,
Bza Members

* * * * *

(8:25 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Andrea A. Hickey,
Laura Wernick

CONSTANTINE ALEXANDER: And I will now call our
last case, and this will be a quick case. The Chair will
now call Case Number 017279 -- 370-372 Windsor Street.

Anyone here wishing to be heard on this matter? No one
does, and the reason for that is that we're not going to be
able to hear this case tonight. It's going to have to be
continued, because the petitioner -- I'm sorry --

SISIA DAGLIAN: I have a raised hand.

CONSTANTINE ALEXANDER: You have a raised hand,
I'm sorry.

SISIA DAGLIAN: Yeah.

CONSTANTINE ALEXANDER: I'll let that person
speak. Does he or she wish to address the Board?

SISIA DAGLIAN: Eva? You can unmute yourself.

EVA KOCHANSKI: Okay, I just did. My name is
Evaluate Kochanski. I am next door to the property in
question. But I understand that it is being postponed?

1 CONSTANTINE ALEXANDER: Yes, you're correct. The
2 petitioner has -- as all petitioners -- has to post a sign
3 and maintain it for 14 days before the hearing to put
4 everyone, yourself and other people in the city, on notice
5 that relief is being sought and what the relief is.

6 And if that notice is not posted and maintained
7 for the 14 days, we cannot hear the case.

8 EVA KOCHANSKI: Okay, it has not been posted?

9 CONSTANTINE ALEXANDER: I'm sorry?

10 EVA KOCHANSKI: It has not been posted?

11 CONSTANTINE ALEXANDER: No. It has not been
12 posted.

13 JANET GREEN: That's correct.

14 CONSTANTINE ALEXANDER: So I'm going to make a
15 motion to continue this case as a case not heard. Sisia,
16 what's the first day we can hear?

17 SISIA DAGLIAN: Well, we can still do September
18 24.

19 CONSTANTINE ALEXANDER: We have room on September
20 24?

21 BRENDAN SULLIVAN: There's a letter in the file
22 from the petitioner's son.

1 SISIA DAGLIAN: She asked for October.

2 BRENDAN SULLIVAN: Asked for October.

3 CONSTANTINE ALEXANDER: I missed that, I'm sorry.

4 BRENDAN SULLIVAN: He's quarantined.

5 CONSTANTINE ALEXANDER: Oh, you're right.

6 SISIA DAGLIAN: He did say -- I spoke with him
7 today, and he said that he'd probably be back next week, but
8 he did ask for October in the letter, or his son did anyway.

9 CONSTANTINE ALEXANDER: He still wants October?

10 SISIA DAGLIAN: He didn't say.

11 CONSTANTINE ALEXANDER: Didn't say.

12 SISIA DAGLIAN: He just said he'd probably back
13 next week.

14 CONSTANTINE ALEXANDER: The letter I should have
15 read, and thanks to Brendan I will read -- is from Erik, E-
16 r-i-k Costa (phonetic).

17 "My name is Erik Costa. I am Jose Costa [of
18 Costa's Construction]'s son. I just received the zoning
19 appeal date in the mail that is scheduled for.
20 Unfortunately, due to COVID-19 restrictions, my father has
21 been stuck in the Cape Verde islands since March, with hopes
22 of possibly being able to return in mid-August.

1 "I'm writing to request a continuance of the
2 hearing for sometime in October. Hoping that he will be
3 here to represent himself."

4 I think we should keep it in October.

5 SISIA DAGLIAN: Well, October 22, then.

6 CONSTANTINE ALEXANDER: Okay.

7 SISIA DAGLIAN: Yep.

8 CONSTANTINE ALEXANDER: All right. So the Chair
9 will now move back to the motion. The Chair moves that this
10 case be continued until 7:00 p.m. on October 22, subject to
11 the following conditions:

12 First, that the petitioner sign a waiver of time
13 for decision. That waiver is required because under state
14 law, if we don't decide a case very quickly it is
15 automatically granted.

16 And so, when we have to continue a case for one
17 reason or another, we ask the petitioners to waive that
18 requirement. And so, that's the first condition.

19 The condition is further that unless this waiver
20 of time for decision is signed and returned to Inspectional
21 Services no later than one week from today, it's case will
22 be dismissed and the appeal denied. So it is important that

1 the petitioner or a representative of the petitioner sign
2 this waiver of time for a decision within the next week.

3 Second, that the posting sign that was not posted
4 this time must be posted the next time, exposing the new
5 date October 22, the new time 7:00 p.m.

6 And that the sign must be maintained for the 14
7 days prior to the hearing, as required by state law. And I
8 can assure you that someone -- maybe more than one person,
9 will be checking to be sure that sign has been posted during
10 the appropriate period. And again, if it's not, we will not
11 hear the case on October 22, and there's a good chance they
12 might just dismiss the case entirely.

13 And lastly, to the extent that there are new or
14 revised plans, materials relating to the appeal, that these
15 must be filed with the Inspectional Services Department no
16 later than 5:00 p.m. on the Monday before the October
17 hearing date, as to allow these Board members and other
18 citizens to read this information and decide whether they
19 have any comments on them.

20 All those in favor of continuing the case on this
21 basis?

22 BRENDAN SULLIVAN: Brendan Sullivan, yes to the

1 continuance.

2 JANET GREEN: Janet Green, yes to the continuance.

3 ANDREA HICKEY: Andrea Hickey, yes to the
4 continuance.

5 LAURA WERNICK: Laura Wernick, yes to the
6 continuance.

7 CONSTANTINE ALEXANDER: And the Chair votes as
8 well in favor of the continuance.

9 [All vote YES]

10 Case continued. The night is over for us. Thank
11 you everyone for the hearing.

12 COLLECTIVE: Thank you, goodbye.

13 [8:32 p.m. End of Proceedings]

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Pacheco, Maria

From: Kochanski, Eva <E.Kochanski@northeastern.edu>
Sent: Monday, October 19, 2020 9:45 AM
To: Pacheco, Maria
Subject: BZA-017279-2020 additional photos to file
Attachments: 20200926_192347_1603074349799 (1).jpg; 20201007_161319_1603074349860.jpg; 20190719_053013_1603107362513.jpg

Dear Ms. Pacheco,

Here are more photos to add to file BZA- 017279-2020

I'd also like to point out that Mr. Costa's documentation shows that his property never had any deck on the back of his home if you look at pages 14 and 15 submitted
Thank you.

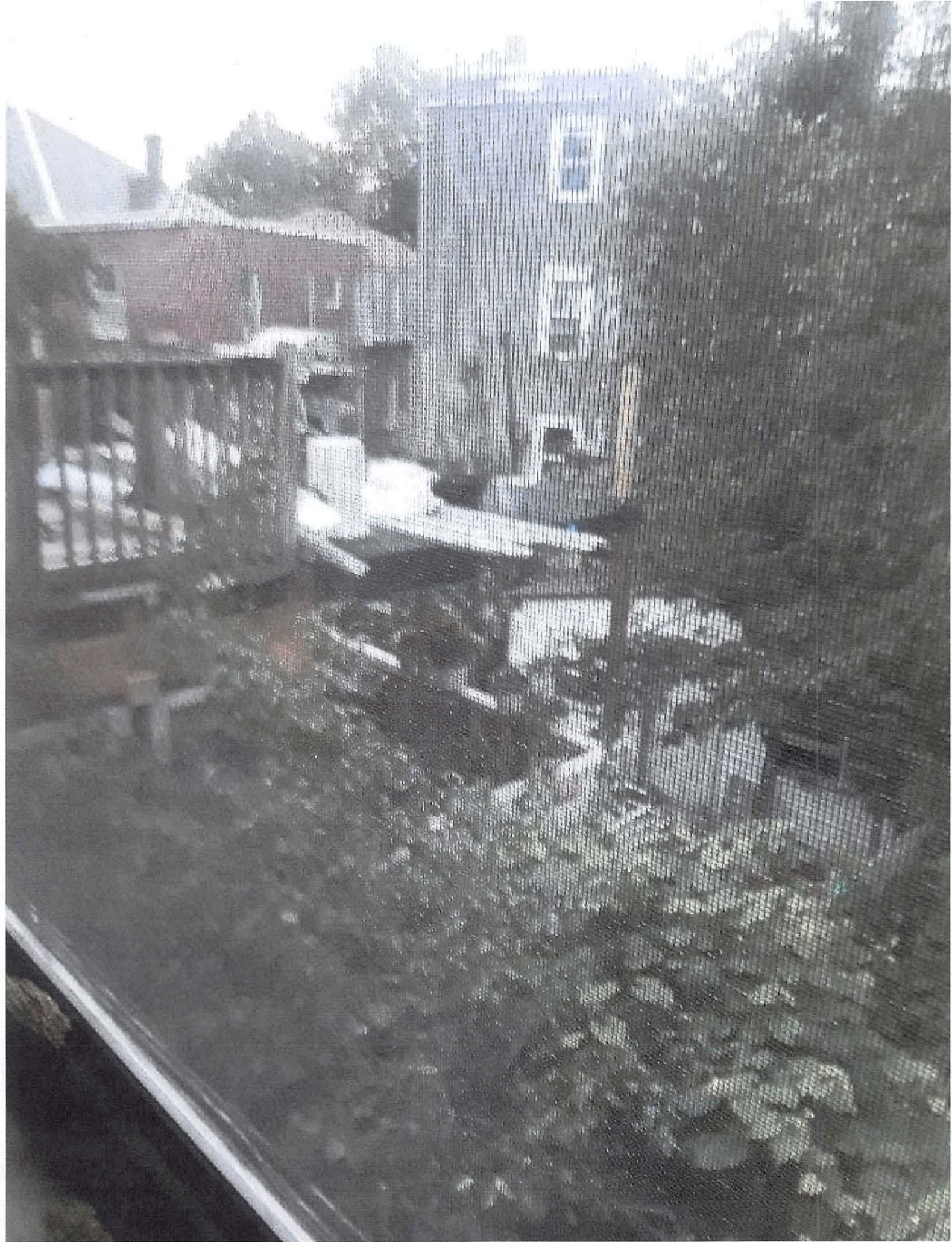
Please, don't hesitate to ask if you have any questions or concerns.
Thanks,

Eva Kochanski

617.697.8940 cell
e.kochanski@neu.edu









City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2020 OCT 26 PM 2:54
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-017279-2020.

Address: 370-372 Windsor St.

☐ Owner, ☐ Petitioner, or ☐ Representative: Jose Costa
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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: 10-23-20

[Signature]
Signature

Pacheco, Maria

From: E. RICKER <rickere@comcast.net>
Sent: Tuesday, November 24, 2020 10:19 AM
To: Pacheco, Maria
Subject: BZA-017279-2020

Elizabeth Ricker
358 Windsor St
Cambridge, MA

Maria Pacheco
Board of Zoning Appeal
831 Massachusetts Ave.
Cambridge,
MA

November 24, 2020

Dear Ms Pacheco and Members of the Board of Zoning Appeal,

I've owned and lived in my home at 358 Windsor St since 1994 and I'm opposed to the project described in Case BZA-017279-2020.

The houses are very close together in this area and the only available open space is in the back yards. It's clear from the photographs and the views from my own yard that the two story deck at 370-372 Windsor St is oversized for the lot and looms over the neighboring property making quiet enjoyment and privacy impossible.

I urge the Board to deny this permit in order to preserve the quality of life for the residents of this area.

I appreciate your consideration of this matter.

Sincerely,

Elizabeth Ricker

Pacheco, Maria

From: Kochanski, Eva <E.Kochanski@northeastern.edu>
Sent: Saturday, November 28, 2020 10:53 AM
To: Pacheco, Maria
Subject: Signage for case bra-017279 not updated for hearing dec 10

Good morning,
Here is a photo to show the signage has not been updated



Sent from my iPhone

Pacheco, Maria

From: Kochanski, Eva <E.Kochanski@northeastern.edu>
Sent: Tuesday, December 1, 2020 10:41 AM
To: Pacheco, Maria
Subject: Bza-017279 signage not yet updated for 12/10 hearing

Hello Ms Pacheco,
The signage has still not been updated regarding the hearing on 12/10.
Sorry to keep bugging you... do I need to let someone else know?
Thanks!!
Eva Kochanski



Sent from my iPhone



CITY OF CAMBRIDGE
INSPECTIONAL SERVICES DEPARTMENT 831 MASS. AVE.
CAMBRIDGE, MASSACHUSETTS 02139 (617) 349-6100

Ranjit Singanayagam
Commissioner

TO: Constantine Alexander
Chairman, Board of Zoning Appeal

DATE: December 1, 2020

FROM: Ranjit Singanayagam,
Commissioner/ISD

SUBJECT: 370-372 Windsor Street, Cambridge, MA
BZA-017279-2020

Inspectional Services Department (ISD) first received a complaint on 7/24/18 about a deck being built without a permit. Inspector Branden Vigneault went and issued a Stop Work Order on 7/24/18.

A building permit was issued on 6/19/19 to replace decking and railing on existing deck. A complaint was received on 7/25/19 about an addition to the existing deck beyond the scope of work described in building permit application #48803.

Application for a Criminal Complaint to the District Court was issued on 1/15/20.

Thank you.

Inspectional Services Department
Ranjit Singanayagam, Commissioner
831 Massachusetts Avenue
Cambridge, MA 02139

COMPLAINT REPORT

Date Complaint Initiated: 7/24/18

Property Address: 370-372 Windsor St
Property Owner: Jose Costa & Idalina Costa
Management Company:

Contact Info: 617-492-9265

Type of Property: Residential

ISD Inspector on Site: Branden Vigneault

Date & Time of Arrival: 7/25/18 1:40pm

Description of Initial Complaint:

New deck being installed without permit

Inspector's Initial Site Observation Notes:

A new deck was being constructed without a permit. Issued stop work order. See photos.

Building Permit - Addition / Alteration · Add to a project

**Expiration Date****Active****48803****Details**

Submitted on Jun 10, 2019 9:23 AM

**Attachments**

7 files

**Activity Feed**

Latest activity on Nov 18, 2019

Applicant

Jose costa

**Location**

372 Windsor St, Unit 2, Cambridge, MA 02141

**Timeline****Add New** ▾**Original Submission**

Issued Jun 10, 2019 at 9:23am

Review for Completeness

Completed Jun 10, 2019 at 9:57am

Building Permit Fee

Paid Jun 14, 2019 at 8:08am

Receipt of Building Permit Application

Completed Jun 19, 2019 at 12:22pm

Building Inspector Plan Review

Completed Jun 19, 2019 at 12:22pm

Building Permit

Issued Jun 19, 2019 at 12:22pm

**Building Inspection**

In Progress

**Existing Building Information**

Building Use *

Multi Family (3 or more dwelling units)

Building Construction Type *

Wood (Type (IV/V))

Number of Stories (Above Grade) *

2

Building Height (feet) *

1

Gross Square Footage *

5,004.5

Is the property part of a condo association? *

No

Is the building equipped with a sprinkler system? *

No

Is the building equipped with a fire alarm system? *

No

Is the building equipped with smoke detection? *

Yes

Has the property been vacant for two or more years? *

No

Are you the homeowner of a One or Two Family Dwelling or Townhouse applying for this building permit?

Yes

Homeowner's affidavit needs to be submitted.

Reminder: A homeowner's affidavit must be submitted with this application.

Name of homeowner responsible for this application *

jose costa

Description of Proposed Work

Building permit, if approved, will be granted only for the work described below

Detailed Description of Work *

replace decking and railing on existing deck

Please note that if a sign, banner or awning will be installed, a separate **Sign Permit** (<https://cambridgema.viewpointcloud.com/categories/1118/record-types/6628>) must be obtained.

🔒 ISD Approved Description (to be printed on Building Card)

replace decking and railing on existing deck

Will the work result in any changes to the floor area or any dimensional changes to the building? *

No

- **Lead Safe Renovation Contractor License:** This license is required and issued by the Massachusetts Department of Labor Standards (454 CMR 22.03(3)). This license is required for ALL renovation work on residential buildings constructed before 1978. The DLS licensed lead supervisor is required to be on-site at all times during the lead-disturbance phase of the project
- **Asbestos and Other Hazardous Materials:** The undersigned as the Architect / Construction Supervisor / Owner for this proposed project do hereby certify that awareness and knowledge of contaminants in the building or on the site will require necessary action for remediation of hazardous materials by a contractor licensed for hazardous waste remediation. All debris resulting from remediation will be disposed of in a properly licensed hazardous waste disposal facility.

The undersigned hereby certifies that he/she has read and examined this application and that the proposed work subject to the provisions of the Massachusetts State Building Code and other applicable laws and ordinances is accurately represented in the statements made in this application and that the work shall be carried out in accordance with the foregoing statements and in compliance with the provisions of law and ordinance in force on the date of this application to the best of his/her ability.

The undersigned, by printing his/her name below, hereby certifies under the pains and penalties of perjury that the information herein, and all forms and supporting documentation submitted in support of the application(s), are true and accurate.

Are you submitting this application as the property owner or an authorized agent of the property owner? *

Yes

Full Name *

1

Applicant Signature *

✓ cory Fisher
Aug 20, 2020

Date *

06/10/2019

Applicant Role *

Authorized Agent

🔒 Department Review - Workflow Override

Community Development Review

☐

Conservation Commission Review

☐

Fire Department Review

☐

Public Works Review

☐

Historical Commission Review

☐

Traffic & Parking Review

☐

Water Department Review

☐

🔒 Plan Review - Workflow Override

Electrical Plan Review

☐

Plumbing Plan Review

☐

Sanitary Plan Review

☐

Zoning Plan Review

☐

Accessibility Plan Review

☐

Zoning Inspection Required

☐

🔒 Certificate of Occupancy

Certificate of Occupancy Required?

☐

🔒 Optional Survey

Please check the box below if you wish to participate in a brief survey about your experience using the City of Cambridge Online Permitting and Licensing System.

Yes, I would like to participate

☐

Size of the New Addition (gross square feet) - per the Cambridge Zoning (A comprehensive zoning analysis must be provided) *

Does the proposed work change or alter any part of the building's exterior (including but not limited to windows, doors, foundation wall, siding, basement slab, etc)? *

No

Will the proposed work alter the number or type of available vehicle or bicycle parking spaces? *

No

Will the project add and/or alter 25,000 square feet or more of gross building area? *


No

 Fire Department Project Type

Commercial / Mixed Use

The following questions relate to zoning and building use. Answering these questions incorrectly may impact your ability to obtain a Certificate of Occupancy.

If you have any questions, please contact the Inspectional Services Department at **617-349-6100**.

 Please describe, in detail, how the space is currently used (for example: Barber Shop, Laundromat, Residential, etc.): *

Dumpster area

 Please describe, in detail, the intended use AFTER renovation (for example: Veterinary Clinic, Cafe, Mental Health Clinic, Clothing Store, etc.): *

Storage

Special Permits / Board of Zoning Appeal Information

Is this application subject to a Board of Zoning Appeal (BZA) Case? *

No

Is this application subject to a Planning Board Special Permit? *

No

Zoning Information

Current Number of Dwelling Units *

4

Will the number of residential units change as a result of this permit? *

No

☞ Proposed Number of Dwelling Units (Increase)

4

☞ Proposed Number of Dwelling Units (Decrease)

4

Current Property Use *

Multi-Family (3 units or greater)

Will the property use change as a result of this permit? *

No

Demolition and Construction Debris Removal

The City of Cambridge requires a Dumpster License per City Ordinance Chapter 8.25

Type of Demolition *

No demolition required

🔗 Parking**🔗 Change to Off-Street Parking Spaces**

0

Cost of Construction

Total Cost of Construction must include all construction costs – including General Conditions, Fees, Profit, Contingencies, Allowances, etc.

Building Cost of Construction *

3,500

Electrical Cost of Construction *

0

Plumbing Cost of Construction *

0

Gas Cost of Construction *

0

HVAC Cost of Construction *


0

Fire Prevention Cost of Construction *

0

Total Cost of Construction

3,500

 Final Cost of Construction

 Additional Cost

 Credit From EnerGov 

Additional Questions

Will the proposed work result in the addition or alteration of a roof or foundation drain that discharges to the City's sanitary sewer or storm water system? *

No

Will the proposed work result in new, abandoned, or replaced sanitary storm sewer connections? *

No

Will the proposed work require construction dewatering during any phase of the project? *

No

Will the proposed work result in an increase to the property's impervious cover? *

No

Will the proposed work result in a new, abandoned or modified curb cut into the public right-of-way? *

No

Will the proposed work result in the addition or replacement of basement plumbing fixture? *

No

Will the proposed work renovate over 50% of the total building area (Level 3), with 10 or more fixtures replaced or installed? *

No

 Industrial Sewer Connection Units

☐ Commercial Sewer Connection Units

☐ Residential Sewer Connection Units

☐ Did the project submit a Civil Site Plan?

☐ Will Stormwater BMP's be installed?

Architect / Registered Design Professional

Not Applicable



Please explain why not applicable

Employment Information

Select the option that best describes the construction company's employment arrangement. *

I am a sole proprietor or partnership and have no employees working for me in any capacity.

Building Owner of Record

Owner Name *

jose costa

Owner Address *

Owner Email

Owner Phone *

Attestation

- **Fire Protection:** You must comply with NFPA 241 - Standard for Safeguarding Construction, Alteration, and Demolition Operations.
- **Guarantee Fund:** Notice is hereby given that owners obtaining their own permit or dealing with unregistered contractors for applicable home improvement work do not have access to the arbitration program or guarantee fund under MGL c.142A.
- **Noise Ordinance:** The undersigned as the Architect / Construction Supervisor / Owner for this proposed construction do hereby certify awareness and knowledge of Chapter 8.16 of the Cambridge Municipal Code regarding noise control. Necessary actions must be taken concerning the design, specification of an location of noise producing equipment; e.g., air condensers, heating equipment exhausts, etc., to insure that this project will not result in noise levels that exceed that allowed by the Municipal Code.
- **Demolition:** For substantial demolition of any structural elements of more than 25% of existing building, detailed information of demolition must be included on construction drawings (proof of extermination required if excavating or demolition). Demolition of more than 25% of the existing area or volume of the structure requires a Demolition Permit (<https://cambridgema.viewpointcloud.com/#/1118/6615>).
- **Construction Debris:** As a result of the provisions of MGL c 40 §54, I acknowledged that as a condition of the Building Permit, all debris resulting from the construction activity governed by this Building Permit shall be disposed of in a properly licensed waste disposal facility, as defined by MGL c 111 §150A.
- **Structural Peer Review:** Required for high rise construction or buildings of unusual complexity as determined by the BBRS

Inspectional Services Department
Ranjit Singanayagam, Commissioner
831 Massachusetts Avenue
Cambridge, MA 02139

COMPLAINT REPORT

Date Complaint Initiated: 9/25/19

Property Address: 370-372 Windsor St
Property Owner: Jose Costa & Idalina Costa
Management Company:

Contact Info: 617-492-9265, 617-909-3297

Type of Property: Residential

ISD Inspector on Site: Branden Vigneault

Date & Time of Arrival: 9/26/19 12:40pm

Description of Initial Complaint:

Addition to existing deck not on scope of permit #48803 (Issued June 10th, 2019)

Inspector's Initial Site Observation Notes:

A stop order was place 7/24/18 for building deck without permit. Josef Costa of unit 370 whom did the work, later applied for a building permit June 10th, 2019, which scope only covered replacing decking and railings. The scope of adding new stair stringers and larger deck 10'x12' was not applied for and must be removed. See photos.







Follow-up Date:

Follow-up Detail:



Follow-up Date:


Follow-up Detail:

370 windsor

(June 10th 2019) 48803 replace decking and railing on existing deck
Jose Costa - 617-909-3297



© 2017 Pictometry

NOTICE OF MAGISTRATE'S HEARING ON COMPLAINT APPLICATION		DOCKET NUMBER 1952AC000753-	COUNT 1	Trial Court of Massachusetts District Court Department	
CASE NAME: Inspectional Services vs. Jose Costa					
ATTORNEY OR PARTY TO WHOM THIS NOTICE IS ISSUED Inspectional Services (Cambridge) 831 Massachusetts Avenue Cambridge, MA 02139				COURT NAME & ADDRESS: Cambridge District Court 4040 Mystic Valley Parkway Medford, MA 02155	
POLICE DEPT. / APPLICANT: Inspectional Services (Cambridge)		INCIDENT REPORT#		DATE & TIME OF MAGISTRATE'S HEARING: 01/15/2020 at 02:00 PM	
FIRST FOUR OFFENSE COUNTS					
<u>COUNT</u>	<u>CODE</u>	<u>OFFENSE DESCRIPTION</u>			<u>DATE OF OFFENSE</u>
1	148/34C/B	BUILDING CODE/ORDER VIOL CONTINUING AFTER NOTICE c148 §34C			09/26/2019
<p>TO THE PARTIES TO THIS COMPLAINT APPLICATION:</p> <p>You are hereby notified that the above-named complainant has filed an application for criminal complaint against the above-named defendant and has requested a hearing by a judicial officer of this court. The number of offense counts (charges) presented in this criminal complaint application are shown in the "no. counts" box above, and the first four offense counts are listed above. If there are more than four offense counts, you may obtain the details of them from the clerk-magistrate's office prior to the hearing.</p> <p>This notice is to inform you that a MAGISTRATE'S HEARING will be held at this court to determine whether criminal proceedings will be commenced against the above-named defendant in this matter. The hearing will be held on the date and time indicated above.</p> <p>Notice to Defendant: You may appear at this hearing to present your side of the case. You may bring witnesses with you and you may also bring a lawyer, although it is not required that you be represented by counsel. Please bring this notice and report to the Clerk-Magistrate's office upon your arrival at the court.</p> <p>The court house address is listed above. If you fail to appear for your hearing at the date and time noted, the criminal complaint may issue against you on that date.</p> <p>Notice to Complainant: If you have any witnesses you want to testify at the hearing, you must bring them to the hearing. Please bring this notice and report to the Clerk-Magistrate's office upon your arrival at the court. If you fail to appear for the hearing at the date and time noted, your application may be denied.</p> <p style="text-align: center;">FURTHER ORDERS OF THE COURT</p>					
DATE ISSUED November 20, 2019		CLERK-MAGISTRATE Sharon S Casey			
ATENCION: ESTE ES AVISO OFICIAL DE LA CORTE. SI USTED NO SAVE LEER INGLES, OBTENGA UNA TRADUCCION.					

APPLICATION FOR CRIMINAL COMPLAINT		APPLICATION NO. (COURT USE ONLY)		PAGE ____ of ____		Trial Court of Massachusetts District Court Department	
I, the undersigned complainant, request that a criminal complaint issue against the accused charging the offense(s) listed below. If the accused HAS NOT BEEN ARRESTED and the charges involve:						Cambridge District Court 4040 Mystic Valley Parkway Medford, MA 02155	
<input type="checkbox"/> ONLY MISDEMEANOR(S), I request a hearing <input type="checkbox"/> WITHOUT NOTICE because of an imminent threat of <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> COMMISSION OF A CRIME <input type="checkbox"/> FLIGHT <input type="checkbox"/> WITH NOTICE to accused. <input type="checkbox"/> ONE OR MORE FELONIES, I request a hearing <input type="checkbox"/> WITHOUT NOTICE <input type="checkbox"/> WITH NOTICE to accused.							
<input type="checkbox"/> WARRANT is requested because prosecutor represents that accused may not appear unless arrested.							
INFORMATION ABOUT ACCUSED							
NAME (FIRST MI LAST) AND ADDRESS <div style="border: 1px solid black; padding: 5px; margin: 5px;"> Jose Costa 370 Windsor Street Cambridge, MA 02139 </div>				BIRTH DATE		SOCIAL SECURITY NUMBER	
				PCF NO.		MARITAL STATUS	
				DRIVERS LICENSE NO.		STATE	
				GENDER	HEIGHT	WEIGHT	EYES
HAIR	RACE	COMPLEXION	SCARS/MARKS/TATTOOS	BIRTH STATE OR COUNTRY		DAY PHONE	
EMPLOYER/SCHOOL			MOTHER'S MAIDEN NAME (FIRST MI LAST)		FATHER'S NAME (FIRST MI LAST)		
CASE INFORMATION							
COMPLAINANT NAME (FIRST MI LAST)				COMPLAINANT TYPE		PD	
ADDRESS <div style="border: 1px solid black; padding: 5px; margin: 5px;"> Inspectional Services Department 831 Massachusetts Avenue Cambridge, Ma 02139 </div>				<input type="checkbox"/> POLICE <input checked="" type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER			
				PLACE OF OFFENSE 370-372 Windsor Street			
				INCIDENT REPORT NO.		OBTN	
				CITATION NO(S). BV			
1	OFFENSE CODE 148/34C/B		DESCRIPTION R105.1 Building without proper permit. Remove rear deck			OFFENSE DATE 9/26/2019	
	VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual)						
2	OFFENSE CODE		DESCRIPTION addition immediately.			OFFENSE DATE	
	VARIABLES						
3	OFFENSE CODE		DESCRIPTION			OFFENSE DATE	
	VARIABLES						
REMARKS				COMPLAINANT'S SIGNATURE X		DATE FILED	
COURT USE ONLY		A HEARING UPON THIS COMPLAINT APPLICATION WILL BE HELD AT THE ABOVE COURT ADDRESS ON		DATE OF HEARING		TIME OF HEARING	
DATE		PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY)				CLERK/JUDGE	
		NOTICE SENT OF CLERK'S HEARING SCHEDULED ON:					
		NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON:					
		HEARING CONTINUED TO:					
		APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE:					
		<input type="checkbox"/> IMMINENT THREAT OF <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> CRIME <input type="checkbox"/> FLIGHT BY ACCUSED <input type="checkbox"/> FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE <input type="checkbox"/> FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION					
DATE		COMPLAINT TO ISSUE			COMPLAINT DENIED		
		<input type="checkbox"/> PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S). <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. BASED ON <input type="checkbox"/> FACTS SET FORTH IN ATTACHED STATEMENT(S) <input type="checkbox"/> TESTIMONY RECORDED: TAPE NO. _____ START NO. _____ END NO. _____ <input type="checkbox"/> WARRANT <input type="checkbox"/> SUMMONS TO ISSUE ARRAIGNMENT DATE: _____			<input type="checkbox"/> NO PROBABLE CAUSE FOUND <input type="checkbox"/> REQUEST OF COMPLAINANT <input type="checkbox"/> FAILURE TO PROSECUTE <input type="checkbox"/> AGREEMENT OF BOTH PARTIES <input type="checkbox"/> OTHER: COMMENT		

**APPLICATION FOR
CRIMINAL COMPLAINT**

APPLICATION NO. (COURT USE ONLY)

PAGE

____ of ____

**Trial Court of Massachusetts
District Court Department**

I, the undersigned complainant, request that a criminal complaint issue against the accused charging the offense(s) listed below. If the accused **HAS NOT BEEN ARRESTED** and the charges involve:

☐ ONLY MISDEMEANOR(S), I request a hearing ☐ **WITHOUT NOTICE** because of an imminent threat of
☐ BODILY INJURY ☐ COMMISSION OF A CRIME ☐ FLIGHT ☐ **WITH NOTICE** to accused.
☐ ONE OR MORE FELONIES, I request a hearing ☐ **WITHOUT NOTICE** ☐ **WITH NOTICE** to accused.

☐ WARRANT is requested because prosecutor represents that accused may not appear unless arrested.

Cambridge District Court
4040 Mystic Valley Parkway
Medford, MA 02155

ARREST STATUS OF ACCUSED

☐ HAS ☐ HAS NOT been arrested**INFORMATION ABOUT ACCUSED**

NAME (FIRST MI LAST) AND ADDRESS

Jose Costa
370 Windsor Street
Cambridge, Ma 02139

CASE INFORMATION

COMPLAINANT NAME (FIRST MI LAST)

City Of Cambridge, Inspectional Services

COMPLAINANT TYPE

☐ POLICE ☒ CITIZEN ☐ OTHER

PD

PLACE OF OFFENSE

370-372 Windsor Street

INCIDENT REPORT NO.

OBTN

CITATION NO(S).

BV

OFFENSE CODE

148/34C/B

DESCRIPTION

R105.1 Building without proper permit. Remove rear deck

OFFENSE DATE

9/26/2019

VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual)

OFFENSE CODE

DESCRIPTION

addition immediately.

OFFENSE DATE

OFFENSE CODE

DESCRIPTION

OFFENSE DATE

VARIABLES

REMARKS

COMPLAINANT'S SIGNATURE

X

DATE FILED

COURT USE ONLY

A HEARING UPON THIS COMPLAINT APPLICATION
WILL BE HELD AT THE ABOVE COURT ADDRESS ON

DATE OF HEARING

AT

TIME OF HEARING

COURT USE ONLY

TO THE ACCUSED NAMED ABOVE

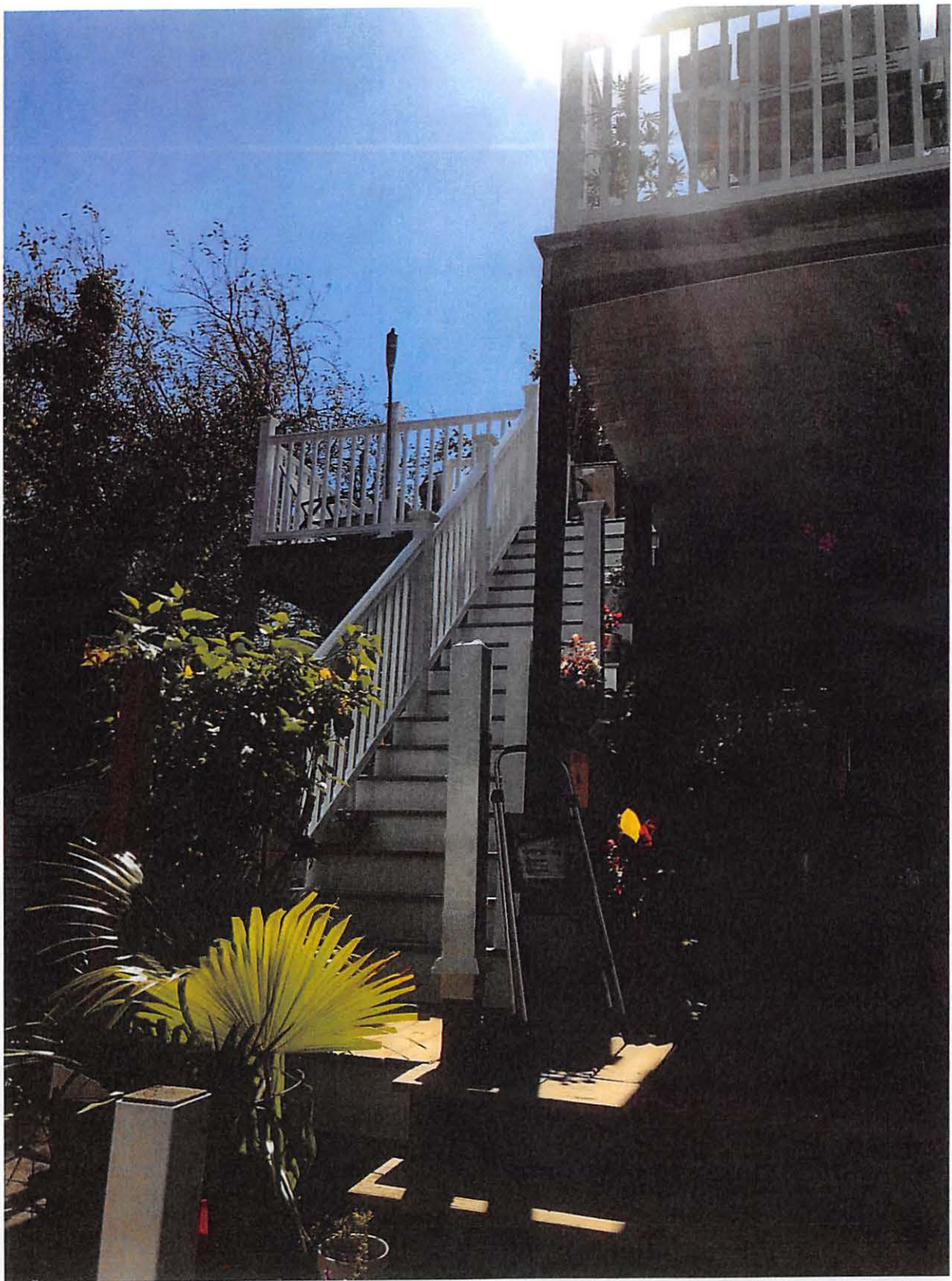
You are hereby notified that an application for a criminal complaint to issue against you for the offense(s) listed above has been made in this court by the complainant named above. This notice is to inform you that a hearing will be held at this court by a Magistrate to determine whether criminal proceedings will be commenced against you in this matter. The hearing will be held at the time and date shown above. You may appear at this time to present your side of the case. You may bring witnesses with you and you may also bring a lawyer, although it is not required that you be represented by counsel.

Please bring this notice and report to the Clerk-Magistrate's office upon your arrival at the court. The court house address is listed above.

If you do not appear for your hearing at the time and date noted, the criminal complaint may issue against you on that date.







Inspectional Services Department
Ranjit Singanayagam, Commissioner
831 Massachusetts Avenue
Cambridge, MA 02139

COMPLAINT REPORT

Date Complaint Initiated: 7/24/18

Property Address: 370-372 Windsor St
Property Owner: Jose Costa & Idalina Costa
Management Company:

Contact Info: 617-492-9265

Type of Property: Residential

ISD Inspector on Site: Branden Vigneault

Date & Time of Arrival: 7/25/18 1:40pm

Description of Initial Complaint:

New deck being installed without permit

Inspector's Initial Site Observation Notes:

A new deck was being constructed without a permit. Issued stop work order. See photos.



Follow-up Date:

Follow-up Detail:



Follow-up Date:

7/26/18

Follow-up Detail:

I spoke with contractor Josef Costa doing the work, whom resides in unit 370. His parents own the building. He acknowledged he was working without a permit and will apply for a building permit. I recommended he speak with zoning to verify the proposed work will pass zoning regulations.

Pacheco, Maria

From: JOSE COSTA <costasconstruction@comcast.net>
Sent: Thursday, December 3, 2020 5:13 PM
To: Pacheco, Maria
Subject: Case: BZA-017279-2020

To the Board of Zoning Appeals,

I am writing you to request a continuance on this case. Unfortunately I have been struggling to find new representation. I have contacted countless land use and zoning lawyers all with the common response of being backed up because of COVID as well as the holidays. Everyone I have found has said they are happy to represent me they just don't believe they can get it done by our upcoming hearing date. I am formally asking if we can postpone the case in order for my representation to have ample time to prepare.

Thank You & Happy Holidays,

Jose Costa

Costa Construction

BZA-017279-2020

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit: _____

Variance: X _____

Appeal: _____

2020 JUN 29 PM 3:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

PETITIONER: Jose Costa

PETITIONER'S ADDRESS: 370 Windsor street

LOCATION OF PROPERTY: 370-372 Windsor street

TYPE OF OCCUPANCY: multi-family residential ZONING DISTRICT: C-1

REASON FOR PETITION:

<u>X</u> Additions	_____ New Structure
_____ Change in Use/Occupancy	_____ Parking
_____ Conversion to Addi'l Dwelling Unit's	_____ Sign
_____ Dormer	_____ Subdivision
_____ Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

Second floor deck addition is constructed within the side and rear setbacks. The work included a roofing membrane over the first floor porch. Petitioner proposes that the deck and roofing condition be permitted to remain. Building permit (#48803) was issued for construction of the second floor deck and was later revoked due to a misunderstanding regarding the scope of construction planned.

SECTIONS OF ZONING ORDINANCE CITED:

Article 5 Section 5.30 Residential (FAR requirement)
Article 5 Section 5.30 Side setback
Article 5 Section 5.30 Rear setback

Applicants for a Variance must complete Pages 1-5

Applicants for a Special Permit must complete Pages 1-4 and 6

Applicants for an Appeal to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s): _____

(Petitioner(s)/Owner)

Jose F. Costa
(Print Name)

Address: _____

372 Windsor St
Cambridge, MA 02141

Tel. No.: _____

617-909-3297

E-Mail Address: _____

LCOSTAS@centurion.com

Date: _____

Pacheco, Maria

From: Kochanski, Eva <E.Kochanski@northeastern.edu>
Sent: Sunday, December 6, 2020 9:39 PM
To: Pacheco, Maria
Subject: Please file with case: BZA-017279-2020

Dear Members of the Board of Zoning Appeal,

I live at 366 Windsor Street and I am writing to voice my opposition for the variance regarding case BZA-017279-2020.

For reference, here's a link to the documents I reference below.

<https://www.cambridgema.gov/-/media/Files/inspectionalservicesdepartment/bzadocuments/370372windsorstbza0172792020documents.pdf>

In response to the hearing held on October 22, 2020, please see the report dated 7/25/2018, from Branden Vigneault of Inspectional Services, who visited 370/372 Windsor Street and discovered, "**a new deck was being constructed without a permit. issued stop work order.** "

On October 10/22/2020, when asked if he initially had a building permit, Mr. Costa stated that he did have a permit. Clearly, he did not in 2018.

Mr. Costa said that he wondered why he wasn't told the deck had to come down prior to the full construction. He **was** told there were issues with the construction TWICE. Not, as he claims when the deck was completely built, but before and during the construction. He was originally told to consult with the building department in **2018**.

On 7/26/2018 , Mr. Vigneault notes in his follow up detail, "I spoke with contractor Josef Costa doing the work, whom resides on unit 370. His parents own the building. He acknowledged he was **working without a permit** and will apply for a building permit. I recommended he speak with zoning to **verify the proposed work will pass zoning regulations.**"

He later applied for the permit in 2019. Not initially in 2018.

He then misrepresented the plan on his application for the 2019 permit (that he was forced to submit after building without a permit) and did not submit the true scope of work. The deck he built was not in the plans he submitted in 2019, a full year after he was issued a stop work order.

The permit Mr. Costa submitted in June 2019, said it was to replace decking and railing on the first floor deck which, is also, non compliant.

He then proceeded to construct a huge second floor extension and was told again that he was in violation of zoning.

In the Complaint Report written by Branden Vigneault dated 9/25/19, states, "**Addition to existing deck not on scope of permit 48803 issued June 10, 2019** and he also states, "**a stop order was place 7/24/18 for building a deck without a permit. Josef Costa whom did the work, later applied for a building permit June 10, 2019, which scope only covered replacing decking and railings. The scope of adding new stair stringers and larger deck 10x12 was not applied for and must be removed. See photo**"

The deck is not within the setbacks, as shown in his own application for variance.
He misrepresented the timeline as it occurred and built the second floor addition in 2018 without a permit.

I can show that construction continued after the stop work order from May 26, 2019. As noted in my email to Mr Vigneault on May 29, 2019, that there had been continued construction after the stop work order was issued.

This can be found as an attachment in my first letter to the board which is on file.

In the document named submitted on **3/1/2020** from Christopher Howe architectural consultant, you will see many zoning issues and building code issues.

Mr. Howe notes that because of the number of units in the building, the building code requires compliance with the R-2 (commercial) occupancy group.

He states,"it appears that the stairs and rails were built according to the residential code though I have not verified compliance with that code as it doesn't apply."

Per this review, specifc infringements noted:

- Tread and riser dimensions don't comply with the building code for multiple units
- Guard rails don't comply with the building code for multiple units
- Hand rails don't comply with the building code for multiple units

Mr. Costa says be is a builder who works in Cambridge frequently; he therefore should be very aware of the codes and ordinaces yet he ignored those rules. He should be held to a higher standard for not following the codes.

In June 29, 2020, Mr. Costa submitted a petition for a variance for his addition claiming, "second floor deck addition is constructed within the side and rear setbacks the work included a roofing membrane over the first floor porch.

Petitioner proposes that the deck and roofing condition be permitted to remain Building permit 48803 was issued for the construction of the second floor deck and was later revoked due to a misunderstanding regarding the scope of construction planned"

In June 29, 2020, he claimed it was a misunderstanding? There was no misunderstanding, it was a deliberate plan to get this non compliant deck built without having to submit to the zoning laws or to comply with building codes.

Regarding the dimensional information submitted, the ratio of gross floor area should be .75 but is asking for 1.25

The setbacks are 12 feet, yet this structure is 5 feet away from my property line. It also extends into the rear setback.

This is much too close and is an issue as regarding safety, and peace and quiet.

In the supporting statement for variance, **Section A**, the claim there was a permit is not true. Had he not continued to build after the initial stop work order was placed in 2018, the construction would not have been complete.

He also enclosed a portion of the first floor deck during this time which is not within any scope of work.

Section B: Mr. Costa claims that there is a rat infestation rendering the back yard unusable, yet every other abutter uses their yards at ground level. My neighbor has a child's play set (swingset, slide and

sandbox) that they use. Behind me, the neighbors often use their space at night. Every single one of us uses our yards. (I'd be happy to provide photos.)

Section C 2. The claim is that the second floor deck is simply an extension of the existing deck..... but it was built on a non-conforming structure that was also built without a request for a variance.

Mr. Costa claimed in the hearing that it was a patio? ... it is a deck.

The small second floor deck has not been there since the 80's as he stated in his testimony. The doors on the second level were added to the second floor and there was no deck at all there. Then a small second floor deck was added not much before the extension of the first floor deck which put me on notice to what was being planned. Verbally, Mr Costa told me he wasn't planning a second floor deck. It was clear he has always had full intentions of building that structure over time. You can see how he did it again in 2018; ignored the stop work order and submitted a permit that was totally not in line with what he built, a year later.

He claims he was never told that this deck had any issues, but clearly, as stated in the evidence submitted by the inspectional services department, he was put on notice, not once, but twice.

I hope that the board has reviewed the building card to discover the real timeline. Mr.Costa does not deserve relief in this case, as he has not been forthcoming to members of the board and misrepresented the course of events.

I was never given the opportunity to voice my objection, as no variance was ever requested. This entire structure should be taken down. I've had to deal with the overwhelming noise and lack of privacy from the use of this structure since 2018 when he was told to stop work, yet he continued to build in defiance of the order and continually had use of the second floor. This behavior should not be rewarded. The lack of concern for the neighborhood is made clear by his insensitivity to the noise and unsightliness this deck presents to us.

If you would, kindly review my original objections from my previous letter to see all of my reasons why this should come down. It's too close. It's too big. It's too unsafe. It's out of character with the neighborhood. It causes adverse effects on abutters and creates a nuisance. It impinges on my privacy and denies me of my right to the covenant of quiet enjoyment. I hope you will please defend my rights as a long term resident of Cambridge.

I would simply like to enjoy the use of my property.

Thank you for your attention to this matter.

Eva Kochanski
366 Windsor Streer
Cambridge 02141

From: Kochanski, Eva

E.Kochanski@northeastern.edu

Subject: Please file with case: BZA-017279-2020

Date: Dec 6, 2020 at 9:38:39 PM

To: Pacheco, Maria

mpacheco@cambridgema.gov

Bcc: Will Price wprice9999@gmail.com

Dear Members of the Board of Zoning Appeal,

I live at 366 Windsor Street and I am writing to voice my opposition for the variance regarding case BZA-017279-2020.

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building permit, Mr. Costa stated that he did have a permit. Clearly, he did not in 2018.

Mr. Costa said that he wondered why he wasn't told the deck had to come down prior to the full construction. He **was** told there were issues with the construction TWICE.

Not, as he claims when the deck was completely built, but before and during the construction. He was originally told to consult with the building department in **2018**.

On 7/26/2018 , Mr. Vigneault notes in his follow up detail, "I spoke with contractor Josef Costa doing the work, whom resides on unit 370. His parents own the building. He acknowledged he was **working without a permit** and will apply for a building permit. I recommended he speak with zoning to **verify the proposed work will pass zoning regulations**."

He later applied for the permit in 2019. Not initially in 2018. He then misrepresented the plan on his application for the 2019 permit (that he was forced to submit after building without a permit) and did not submit the true scope of work. The deck he built was not in the plans he submitted in 2019, a

full year after he was issued a stop work order.

The permit Mr. Costa submitted in June 2019, said it was to replace decking and railing on the first floor deck which, is also, non compliant.

He then proceeded to construct a huge second floor extension and was told again that he was in violation of zoning.

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He states, "it appears that the stairs and rails were built according to the residential code though I have not verified compliance with that code as it doesn't apply."

Per this review, specific infringements noted:

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- Guard rails don't comply with the building code for multiple units
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units

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**Regarding the dimensional information submitted, the ratio of gross floor area should be .75 but is asking for 1.25
The setbacks are 12 feet, yet this structure is 5 feet away**

from my property line. It also extends into the rear setback.

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In the supporting statement for variance, **Section A**, the claim there was a permit is not true. Had he not continued to build after the initial stop work order was placed in 2018, the construction would not have been complete.

He also enclosed a portion of the first floor deck during this time which is not within any scope of work.

Section B: Mr. Costa claims that there is a rat infestation rendering the back yard unusable, yet every other abutter uses their yards at ground level. My neighbor has a child's play set (swingset, slide and sandbox) that they use. Behind me, the neighbors often use their space at night. Every single one of us uses our yards. (I'd be happy to provide photos.)

Section C 2. The claim is that the second floor deck is simply an extension of the existing deck..... but it was built on a non-conforming structure that was also built without a request for a variance.

Mr. Costa claimed in the hearing that it was a patio? ... it is a

deck.

The small second floor deck has not been there since the 80's as he stated in his testimony. The doors on the second level were added to the second floor and there was no deck at all there. Then a small second floor deck was added not much before the extension of the first floor deck which put me on notice to what was being planned. Verbally, Mr Costa told me he wasn't planning a second floor deck.

It was clear he has always had full intentions of building that structure over time. You can see how he did it again in 2018; ignored the stop work order and submitted a permit that was totally not in line with what he built, a year later.

He claims he was never told that this deck had any issues, but clearly, as stated in the evidence submitted by the inspectional services department, he was put on notice, not once, but twice.

I hope that the board has reviewed the building card to discover the real timeline. Mr.Costa does not deserve relief in this case, as he has not been forthcoming to members of the board and misrepresented the course of events.

I was never given the opportunity to voice my objection, as no

variance was ever requested. This entire structure should be taken down. I've had to deal with the overwhelming noise and lack of privacy from the use of this structure since 2018 when he was told to stop work, yet he continued to build in defiance of the order and continually had use of the second floor. This behavior should not be rewarded. The lack of concern for the neighborhood is made clear by his insensitivity to the noise and unsightliness this deck presents to us.

If you would, kindly review my original objections from my previous letter to see all of my reasons why this should come down. It's too close. It's too big. It's too unsafe. It's out of character with the neighborhood. It causes adverse effects on abutters and creates a nuisance. It impinges on my privacy and denies me of my right to the covenant of quiet enjoyment. I hope you will please defend my rights as a long term resident of Cambridge.

I would simply like to enjoy the use of my property.

Thank you for your attention to this matter.

Eva Kochanski

366 Windsor Streer

Cambridge 02141



CHRISTOPHER D. HOWE ARCHITECTURAL CONSULTING
CODE CONSULTING AND ARCHITECTURAL SPECIFICATIONS

City of Cambridge
Inspectional Services
831 Massachusetts Ave.
Cambridge, MA 02139

Date: March 2, 2020

Re: 370 - 372 Windsor Street, Cambridge

To whom it may concern:

The attached drawing entitled "As-Built Drawing and Code Compliance Review" dated March 1, 2010 has been prepared on behalf of the owner Jose Costa. This information is intended to assist Mr. Costa in addressing several code compliance issues relating to the recent deck addition constructed at the above referenced address. Attached to this letter is the code review that I've completed following a site visit to review the existing conditions in the field.

As noted on the drawing, the scope of my services is limited to the preparation of these materials. I, and CDHA Consulting, take no responsibility for the current design and construction or any future modifications thereof. With the above in mind, I've been advised by my liability insurance provider that I cannot provide stamped drawings, as that would indicate that I am taking responsibility for the design of the project. As noted above, my services have been provided solely to document the current state of the construction on site, and to document existing code compliance issues. Design services (if necessary) are to be provided by others.

Please contact me if you have any questions or concerns.

Sincerely,

Christopher Howe
CDHA Consulting

District	Max. FAR	Min. Lot Area/DU	Min. Setback Front Yard	Min. Setback Side Yard	Min. Setback Rear Yard	Max. Height	Min. OS Ratio	General range of allowed uses
A-1	0.50	6,000	25	15 sum to 35	25	35	50%	single-family detached dwellings
A-2	0.50	4,500	20	10 sum to 25	25	35	50%	
B	0.50	2,500	15	7.5 sum to 20	25	35	40%	single- and two-family detached dwellings townhouse dwellings (by special permit)
C	0.60	1,800	(H+L) ÷ 4 at least 10	(H+L) ÷ 5 ≥7.5, sum ≥20	(H+L) ÷ 4 at least 20	35	36%	single- and two-family detached dwellings townhouse dwellings
C-1	0.75	1,500	(H+L) ÷ 4 at least 10	(H+L) ÷ 5 at least 7.5	(H+L) ÷ 4 at least 20	35	30%	multifamily dwellings (apartments, condos) limited institutional uses

Summary – Zoning Issues

Floor area ratio: Maximum FAR is .50. This means that the total area of all floors is allowed to be up to 75% of the total area of the lot. Based on a quick review of the building and the plot plan the existing FAR (prior to addition) is about 1.2. The existing building was non-conforming. The addition increased the non-conformity, as “roofed porches” are included in the FAR calculation. Any increase of an existing building’s non-conformity requires a variance.

South Side Setback: Both the roofing and the partial height walls (see photo’s above) are likely a problem in regard to the side setback at the south side of the lot. Note that the minimum side setback is $H+L / 5$. That’s about 12 feet. Every lot in the neighborhood is likely non-compliant.

Rear Setback: According to the plot plan the porch also extends into the rear setback.

Open space: The zoning ordinance indicates that open porches may be included in the open space calculations of the site. With that in mind, the upper porch would be considered open space. It appears that the work is compliant with the 30% minimum open space requirement applicable in the C-1 district.

Summary – Building Code

Because of the number of units in the building, all construction is required to comply with the requirements of the building code applicable to occupancy group R-2. Unfortunately, it appears that the stairs and rails were built according to the residential code (though I have not verified compliance with that code, as it doesn’t apply).

With the above in mind, I’ve reviewed the requirements of the commercial building code related to stairs and rails.

Tread and riser dimensions: Per section 1011.5.2 the maximum riser height is 7 1/8” and minimum tread depth is 11”. The risers measure approximately 7 1/8” in height. The bigger issue is that the treads are only 9” wide. There is an exception that allows 10” treads within individual dwelling units, but these stairs serve as egress stairs for multiple units. The exception doesn’t apply.

Guard rails: At the decks, horizontal guardrails are the correct height (42”). Openings between the balusters were not measured. Per section 1015.4 the balusters are to be spaced such that a 4” sphere may not pass between them (to be confirmed). At the stairways the guards are required to be 42” high, measured vertically from a line connecting between the leading edge of the nosings. The installed guards are installed at a lower height.



Review of Existing Conditions at 370 Windsor Street

Cambridge MA

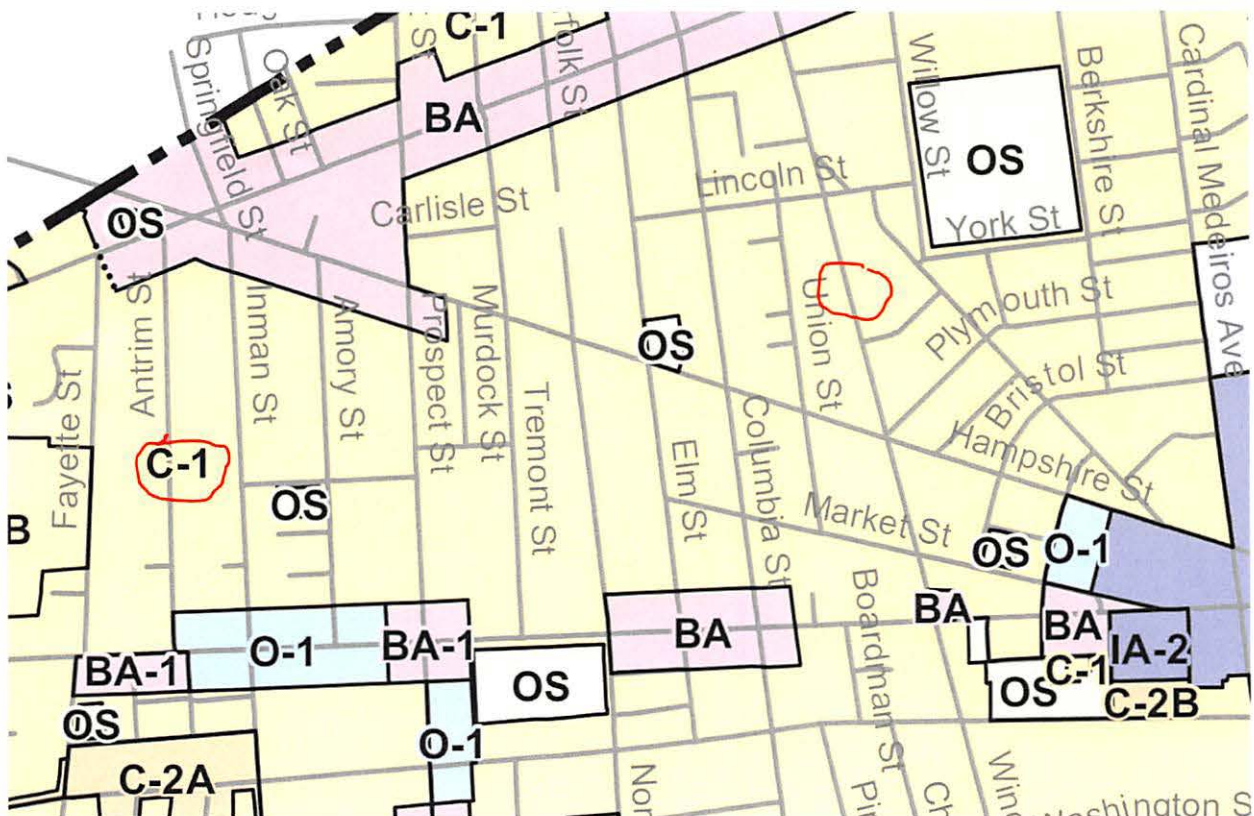
3/1/20



Current conditions – photo 1



Current conditions – photo 2



Zoning map Zoning District: C-1

Handrails: Handrails are required at both sides of each stairway. Rails are required to be continuous and can not be interrupted by newel posts.

Accessibility: If the stair is subject to the accessibility requirements of the Massachusetts Architectural Access Board (MAAB) additional requirements will apply. The accessibility requirements do not allow stair nosing conditions that are abrupt, such that a person with mobility issues may catch their toe on the nosing.

Zoning excerpts follow:

Floor Area Gross. The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls [except in (8) and (9) below where only interior space shall be measured and in (h) where the area of the parking facility shall be measured] of a building or the centerline of party walls between buildings.

Gross Floor Area shall include:

- (a) Roofed porches and balconies whether enclosed or unclosed;
- (b) Unroofed porches and balconies above third floor, with the exception of porch and balcony spaces associated with Functional Green Roof Area, in accordance with the regulations in [Section 22.30](#) of this Zoning Ordinance;
- (c) Elevator shafts and stairwells on each floor, not excluded in (6) below;
- (d) Attic space, whether finished or unfinished, within the area of a horizontal plane that is five (5) feet above the attic floor and which touches the side walls and/or the underside of the roof rafters and which is not excluded in (5) below;
- (e) Interior balconies, mezzanines, and penthouses;
- (f) Deleted
- (g) Area of parking facilities in structures except as excluded in (2) below; and
- (h) Any accessory parking spaces not in above ground structures if in excess of the maximum number permitted on the premises as set forth in Section 5.25 and [6.30](#).

Gross Floor Area shall not include:

(1)
Areas used for off street loading purposes;

(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](#);

(3)
Basement and cellar areas devoted to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;

(4)
Open and lattice-work fire escapes;

(5)
Unroofed porches and balconies no higher than the third floor;

(6)
Attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building, including sustainable mechanical systems and related equipment and chases for systems including, but not limited to, solar energy systems, geothermal systems and heat pumps, solar hot water systems and related tubes and tanks, equipment related to radiant heating, hydronic cooling, heat recovery ventilators, and energy recovery ventilators;

(7)
Elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;

(8)
Attic space not otherwise included in (d) above;

(9)
Basement and cellar spaces with less than seven (7) feet of ceiling height measured from the floor to the line of the bottom of the floor joists, or to any subfloor or finished surface above any floor joists that are spaced not less than four (4) feet on center, and further provided that the basement or cellar is not a Story Above Grade as defined in the State Building Code.

(10)
Bicycle parking meeting or exceeding the requirements of [Article 6.000](#), which shall include all areas occupied by Bicycle Parking Spaces and access routes intended exclusively for use by bicycles, which shall be clearly indicated in the bicycle parking plan requirements set forth in

Section 6.52.1 whether located in a principal use structure, any parking facility for motor vehicles, or in an accessory structure.

(11)

Functional Green Roof Area, in accordance with the regulations in [Section 22.30](#) of this Zoning Ordinance;

(12)

Interior air spaces within Double-Skin Façades and additional exterior wall thickness to accommodate insulation, in accordance with the regulations in [Section 22.40](#) of this Zoning Ordinance; and

(13)

Space directly beneath overhangs, eaves, awnings, pergolas, arbors, trellises or other sun-shading devices, in accordance with the regulations in [Section 22.50](#) of this Zoning Ordinance.

(14)

Public Bicycle-Sharing Stations.

(15)

Any basement or cellar living space in any single-family or two-family home.

(16)

Any basement or cellar living space in any other type of structure with the issuance of a special permit. In granting such a special permit, the permit granting authority may approve the exemption of any portion of Gross Floor Area (GFA) located in a basement or cellar from the calculation of GFA, provided the permit granting authority finds that the uses occupying such exempted GFA support the character of the neighborhood or district in which the applicable lot is located.

In a building with more than two floors, the area of each floor level of any interior courtyard whether or not covered by a roof, which has a minimum dimension of less than forty (40) feet in any direction shall be included unless twenty (20) percent or more of the perimeter of such court yard at each floor level measured consecutively is not enclosed.

Floor Area Ratio. The ratio of gross floor area of a structure to the total area of the lot.

Open Space, Private. The part or parts of a lot or structure which are reserved for the use of occupants of a building which is used wholly, or in part, for residential purposes. This space shall have minimum dimensions as prescribed in the Ordinance, shall exclude parking areas, driveways and walkways, and shall be open and unobstructed to the sky. Trees, plantings, arbors, fences, flagpoles, sculpture, fountains and recreational and drying apparatus and similar objects shall not be considered obstructions when located within a private open space. Objects or structures intended exclusively for bicycle parking, designed and located in accordance with [Section 6.100](#), which may be uncovered, partially covered or fully enclosed, shall not be considered obstructions provided that such objects or structures are not used for

motor vehicle parking, general storage or any other use, and further provided that any such structure exceeding six feet (6') in height conforms to the requirements for an accessory building in Section 4.21. Beehives and apiaries conforming to the Standards for Urban Agriculture in [Article 23.000](#) of this Zoning Ordinance shall not be considered obstructions provided that they are no more than six (6) feet in height. To the extent permitted in this Ordinance, balconies and roof areas may also be considered as Open Space, Private.

END OF CODE COMPLIANCE REVIEW

Selection ?

Build a Spatial Query

Select Parcels

(show all)

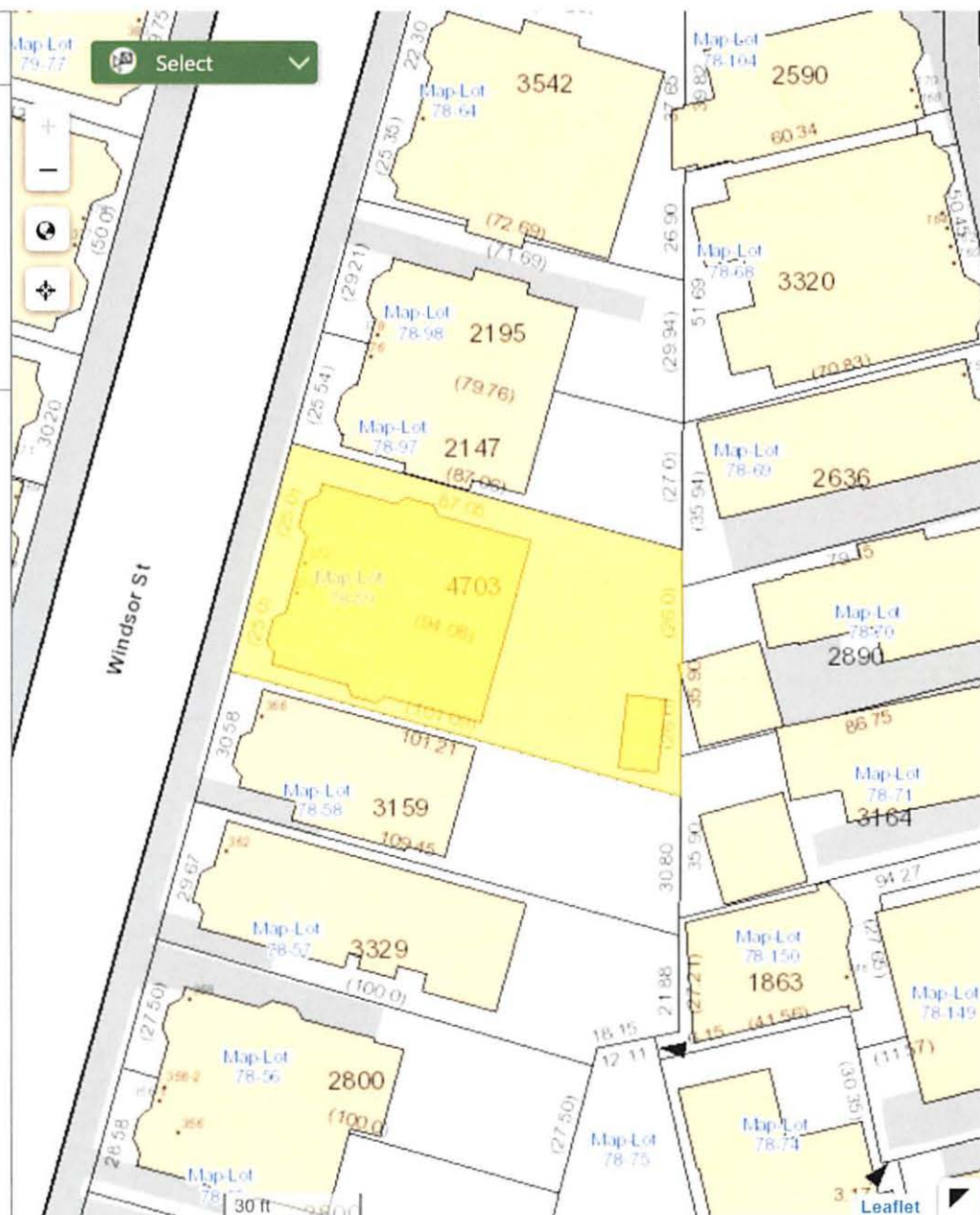
Select All Zoom To Clear

Property ID	Address	Unit	Land Use
78-59	370-372 WINDSOR ST		4-8-UNIT-APT

1 selected

Spreadsheet

Mailing Labels



Details

Property Info

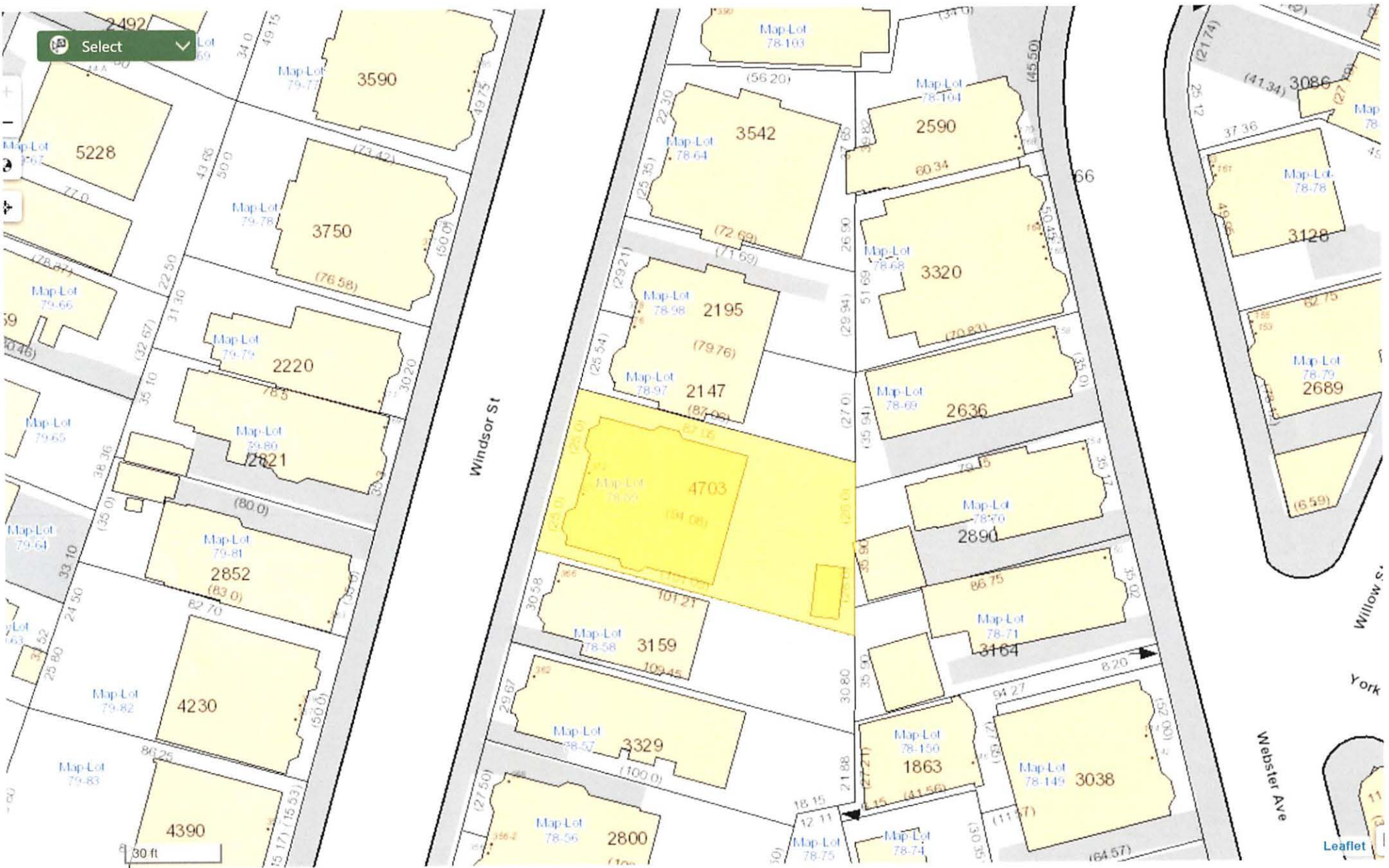
Property ID 78-59

PID 3489
 Address 370-372 WINDSOR ST
 Land Use 4-8-UNIT-APT
 Land Area 0.11 acres / 4707 sq ft
 Living Area 3640 sq ft

[Property Card](#)
[Recent](#)
[Comparable Sales](#)
[Parcel Block Map \(PDF\)](#)

Owner Information

Name COSTA, JOSE A. &
 Address 370-372 WINDSOR STREET
 City CAMBRIDGE
 State MA
 Zip Code 02139



Select

Windsor St

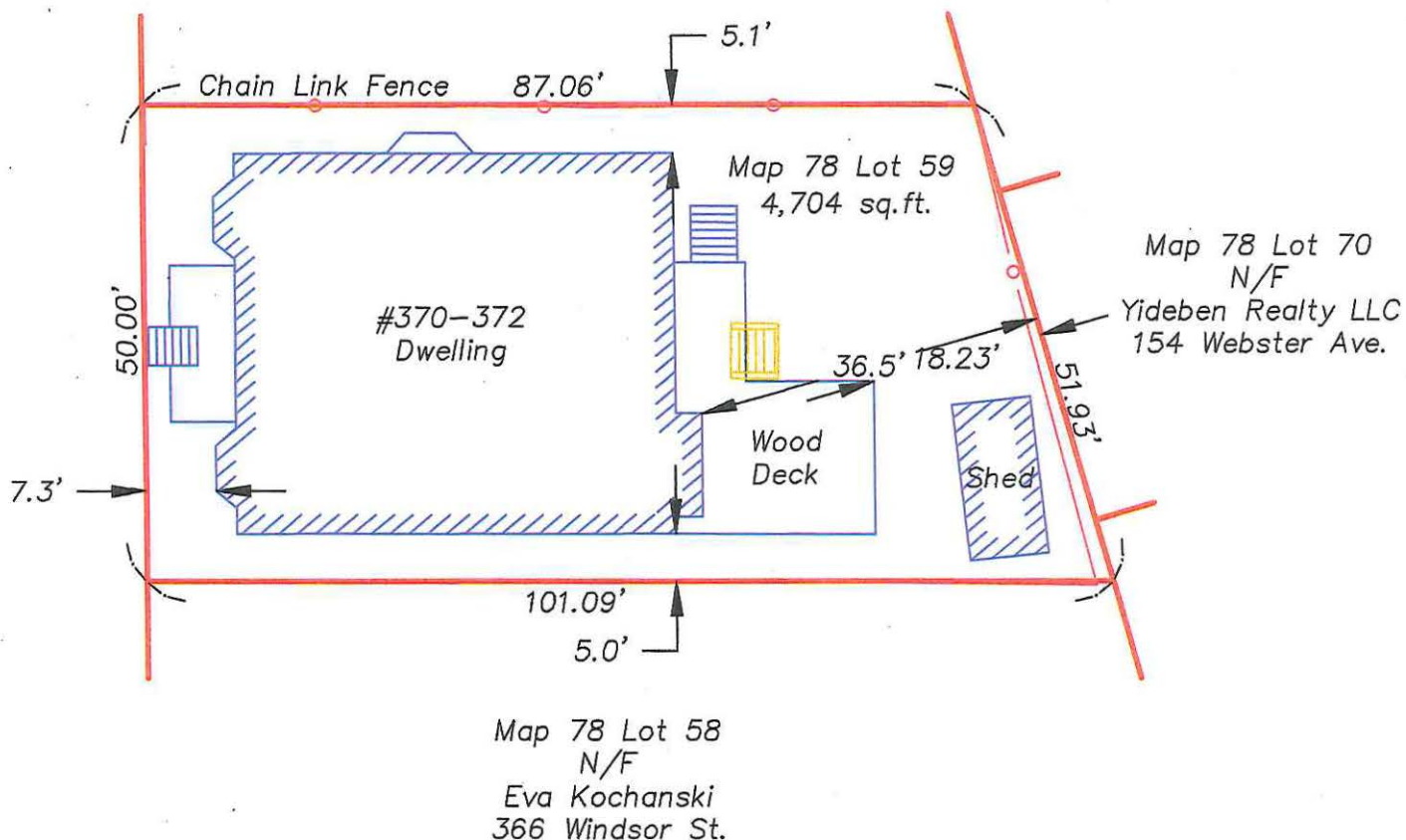
Willow St

York

Webster Ave

Leaflet

WINDSOR STREET



ZONING DISTRICT - C-1

REFERENCES:

- 1) Deed Book 14009 Page 1
- 2) Plan Book 38 Plan 2
- 3) Plan in Deed Bk. 4349 @ End
- 4) Land Court Plan #5886A

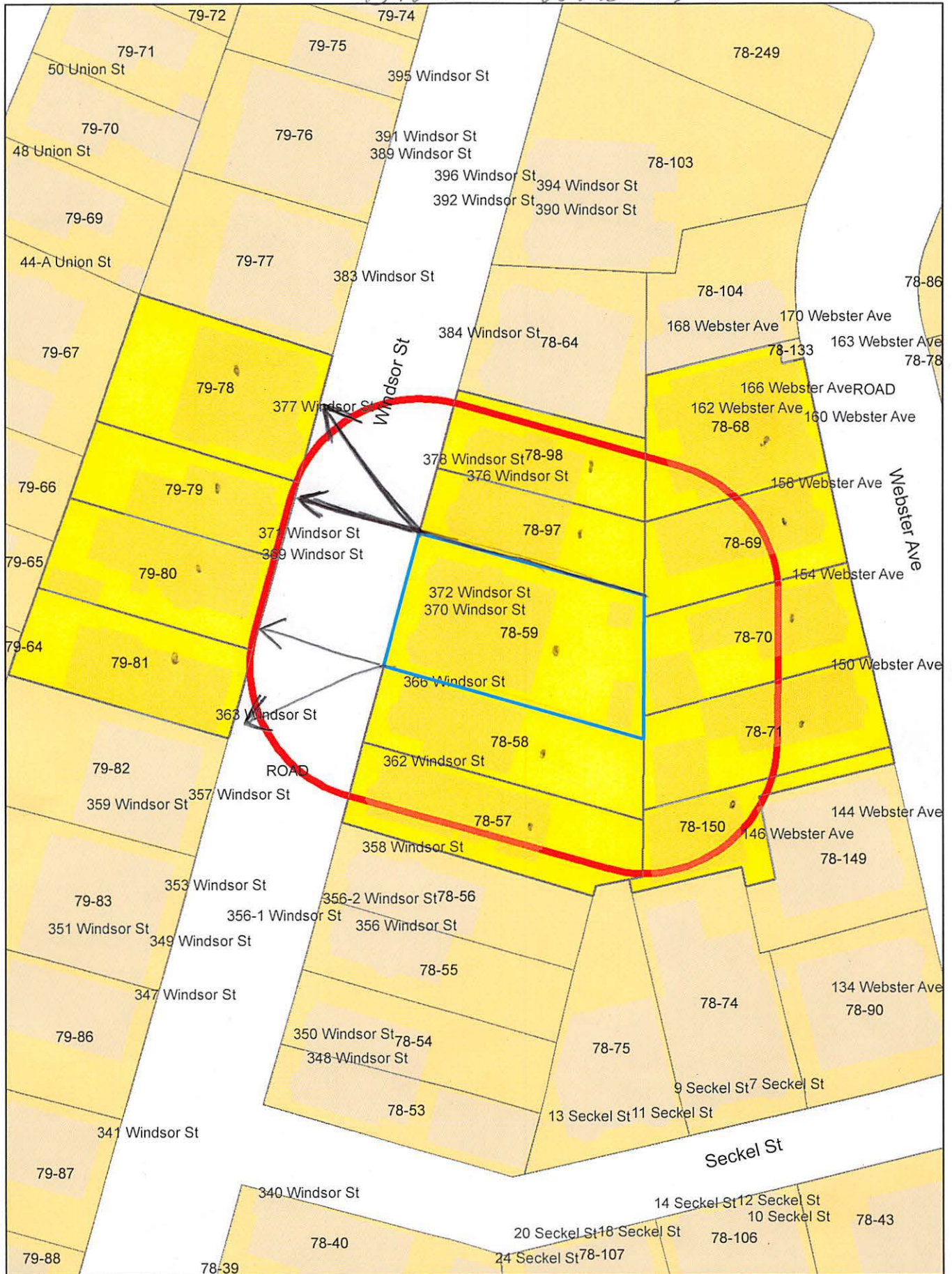
PLOT PLAN
370-372 WINDSOR STREET
CAMBRIDGE, MASSACHUSETTS

Prepared By
LeBlanc Survey Associates, Inc.
161 Holten Street
Danvers, MA 01923
(978) 774-6012

August 28, 2018 Scale: 1"=20'



370-372 Windsor St.



370-372 Windsor St.

Petitioner

78-97-98
BISOGNANO, JOSEPH P., III,
TR. OF 376-378 WINDSOR STREET REALTY TR.
11 ELKINS ST., SUITE #420
BOSTON, MA 02127

78-58
KOCHANOSKI, EVA M.
366 WINDSOR ST.
CAMBRIDGE, MA 02141

78-59
COSTA, JOSE A. &
370-372 WINDSOR STREET
CAMBRIDGE, MA 02139

78-68
FURTADO, MARIANO &
NATALIA FURTADO A LIFE ESTATE
164 WEBSTER AVE
CAMBRIDGE, MA 02141

78-57
SIMMONS, WILLIAM & LAURA SIMMONS
362 WINDSOR ST
CAMBRIDGE, MA 02141-1342

78-69
GREENE, JOSEPHINE C.
158 WEBSTER AVENUE
CAMBRIDGE, MA 02141-1355

78-70
YIDEBEN REALTY LLC
154 WEBSTER AVE
CAMBRIDGE, MA 02141

79-78
MAHER, DAVID F.,
TRUSTEE OF 377 WINDSOR STREET TRUST
966 BROADWAY
SOMERVILLE, MA 02144

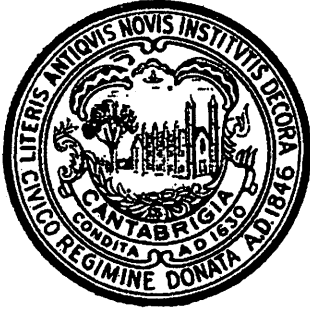
79-79
RESENDES, HENRIQUETA B.
371 WINDSOR ST
CAMBRIDGE, MA 02141-1339

78-71
CHANG, GUOJI,
TRS THE C&W FORTUNE LUCKY TRUST
150 WEBSTER AVE
CAMBRIDGE, MA 02141

79-80
SRINIVASAN, JAYAKANTH & AURA NEIRA TEICU
38 UNION ST
CAMBRIDGE, MA 02139

79-81
ARTEH LLC
61 EVELYN STREET
NEEDHAM, MA 02494

78-150
SEEGER, JEREMY
146 WEBSTER AVENUE
CAMBRIDGE, MA 02141



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

July 16, 2020

To: The Board of Zoning Appeal

From: The Planning Board

RE: BZA cases to be heard on July 30, 2020.

The Planning Board have no comments on the cases listed on the BZA agenda.

Board of zoning appeal BZA-017279-2020 please note letter is followed by 14 Attachments

Kochanski, Eva <E.Kochanski@northeastern.edu>

Sat 7/25/2020 12:14 PM

To: mpacheco@cambridgema.gov <mpacheco@cambridgema.gov>

Cc: Vigneault, Branden <bvigneault@cambridgema.gov>

Bcc: Will Price <wprice9999@gmail.com>

From: Eva Kochanski
366 Windsor Street
Cambridge, MA 02141

July 24, 2020

To: Maria Pacheco
Board of Zoning Appeal
831 Massachusetts Ave.
Cambridge, MA

Dear Ms Pacheco and members of the Board of Zoning Appeal,
I am writing to oppose case BZA-017279-2020

Attached please find correspondence under separate emails between myself and the city opposing the construction originating from **July 24, 2018**. See Attachment 1 through 14

At that time, an extension to the first floor and second floor deck that had also been constructed without permitting, was being expanded.

To be clear, I have lived in my home since 1992 and there was never a deck of any kind on the rear of 370-372.

The original deck construction, started merely as a first floor extension and was quite small scale. The first floor deck addition was added without a permit, but since it didn't impact me, I let it go. Also, please note that an outbuilding was added that was not permitted; that abuts directly onto my property line, which I also did not oppose. see Attachment 5

When further construction began, I asked Mr. Costa what his plan was and said he was only putting on a cover to the first floor deck and he directly stated to me and my partner that he would not put on a second story deck. I expressed to him that would be a problem, as it is so close to my property. Naively, I accepted his answer. I accepted him, at his word.

Then, the first floor deck was extended, pushing even further out into the yard and the second floor decking and railing was added, along with access from the second floor.

I asked Mr. Costa why I had seen no notice from the city regarding this construction and he said he could do whatever he wants.

This is when I complained to the city in May 2019. Nothing was done and I tried to reach out again, as you will see in my emails attached. My partner also visited the Inspectional Services office to voice his complaint as well. See Attachment 2, 3, 4, 5.

This impacted my access to privacy and to any peace and quiet to myself and and my tenants.

Next, the first floor was extended and the second floor deck was extended.

I went yet again to the Building inspection office and finally someone put a stop work order on the construction. I hoped to stop the ongoing construction to avoid this intrusion.

The construction continued even after your office told me that a cease and desist order was issued.

Another visit to your office by my partner on July 19, 2019; he was told the same that a stop work order had been issued by your office.

Construction resumed and a video was sent to the Building Department August 12, 2019 showing the continued construction. See Attachment 10.

These decks are so large and are much too close to my property line, a permit should have been requested and I should have been given the opportunity to contest prior to its completion. The plan was all along to avoid Inspectional Services involvement as it was known that I objected to this.

There is no easy way that firemen could access that back area easily. Given that there is a gas BBQ grill and a fire pit on the second story deck, as well as tiki torches attached to the railings, I fear that any small accident could result in catastrophic damage to my home. See Attachment 11,

Also please note my initial complaint was from **2018**.

Had action been taken then, this structure would not have been built, and it should not be allowed to stand.

There is no misunderstanding regarding the scope of construction as is stated in the appeal notice. It has been a planned and deliberate effort to avoid permitting as it was clear that I would oppose the construction of this looming, obtrusive and invasive structure. It was known full well, so much so that Mr. Costa placed a tarp over his ongoing construction to enclose a portion of the first floor. Now that he's ready to keep going, and has been put on notice, he is fabricating that there is some misunderstanding. See Attachment 5, 12

Mr. Costa is in the business of construction and knows full well what the laws are and he built this structure with zero concern for my rights and how it impacts my property values and my right to privacy and the enjoyment of my yard. It was built with clear understanding of what he was doing and it should not have been allowed then, and it should be removed now. This behavior should not be rewarded. I wish Mr. Costa could see it from my perspective and just how offensive that structure is. See Attachment 7,8,9, 13,14

The deck is directly in my line of sight and hearing. It is barely 6 feet away from the fence and I believe it abuts too close to my property line. I cannot sleep; I cannot enjoy being outside. I cannot even enjoy being inside. I can't be on my back porch. I cant open my skylights. Often, there is a 72 inch TV placed on the top floor to watch Monday night football. Large groups gather and cheer late into the night. If this was not on top of me I would have no issue.

When the music or TV are playing, it is as if they are in my house. That's how close our properties are. They allow their dog to defecate and urinate on the top deck and then it is hosed off, running along side the house. The smell is offensive. It rolls into my yard. I feel this is a potential health hazard. See Attachment 6

I understand we both have a right to enjoy our property, but their rights should not outweigh mine. I do not impinge on their enjoyment of their space, but they have definitely impacted mine and those of my

tenants who have a right to the, "covenant of quiet enjoyment", especially during these trying times of the Covid pandemic. The lack of concern for my rights has been astounding.

I would like the city to pursue having this structure removed. Especially when there was a deliberate plan to break the rules by not getting permitting to do it.

I am attaching all emails and photos to show you just how premeditated this plan was and that there was no misunderstanding. It's a ploy to get this legalized and it should not be allowed.

The stress from this situation has been severe and I am hoping the city will support my right to the enjoyment of my property. I do not enjoy confrontation but this has gone too far.

I have lived here since 1992 and there used to be open space and greenery. The city allowed an addition behind me and stated the existing garage would need to be removed to even off the space taken and of, course, it was not. Next, an addition was allowed on the other side of me, closing in the open space even more and took away quite a bit of my southern sun exposure. Now, this obtrusive deck is looming in on me and there seems to be no concern regarding open space in Cambridge or my right to enjoy my property. I hoped, at least, I could be in my own backyard, but with this encroaching structure, I am becoming claustrophobic! We are densely populated and this deck is very invasive, the noise is constant. Again, if it weren't on top of me, and constantly in my face, I could deal with it, but there is no place in my home that I can go to escape it. The character of the neighborhood has changed and I fear my property value will decrease as no one would want to live next door to that.

Please do not allow this structure to stand. Please demand it be taken down immediately.

Thank you for your attention,

Eva Kochanski

366 Windsor Street

Cambridge, MA 02141

Please note I did not know the correct address when I approached Inspectional Services but Brandon asked I make a best guess but he understood that looking at my house, I was talking about the property to my left. He asked me to send him a pic when I got home. That is my first email to him.

The following has been sent under 14 separate emails with return notice to me when read:

Attachment 1- First photo sent to inspectional services 7/24/2018 after my visit to him in person he asked me to send photo.

Attachment 2- email followup to inspectional services 5/20/2019

Attachment 3- email followup to inspectional services 5/25/2019

Attachment 4- email -change of inspectors 5/28/2019

Attachment 5- reply to notice of change of inspectors 5/28/2019

Attachment 6- photo of dog feces piled on deck

Attachment 7- View from my back

Attachment 8- View from below

Attachment 9- View from below in my yard

Attachment 10-Video construction continuing after stop order

Attachment 11- photo of Tiki torches and fire pit

Attachment 12- winter photo of further construction

Attachment 13- see how close

Attachment 14- see how close

From: Kochanski, Eva
Sent: Monday, May 20, 2019 7:16 AM
To: bvigneault@cambridgema.gov <bvigneault@cambridgema.gov>
Subject: Re: 364 Windsor st

Hello Branden,

Once again, there is construction occurring next door. I have attached our last mail conversation. At that time they ceased construction even though they put the asphalt shingles and attached the steps after your office visited.

The expansion is now continuing and is so intrusive.

I'm concerned that the unauthorized construction is too close to my house and creates a fire hazard as there is no way to get into the back yard.

Please investigate as all of the entire decking. was put up without permitting.

Thank you for your attention to this.

Sent from my iPhone

On Jul 24, 2018, at 8:22 AM, Kochanski, Eva </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP /CN=RECIPIENTS/CN=136F7331EEAF4AE2BBED9E83B3570D01-E.KOCHANSKI> wrote:

<IMG_1303.JPG>

Sent from my iPhone

From: Vigneault, Branden <bvigneault@cambridgema.gov>
Sent: Tuesday, May 28, 2019 7:40 AM
To: McMahon, Brian <bmcMahon@cambridgema.gov>; Kochanski, Eva
<E.Kochanski@northeastern.edu>
Subject: FW: 364 Windsor st

Hi,

This is now Building inspector Brian McMahon's territory. I'm not sure if he went there yet.

Thank You,

Branden Vigneault
Cambridge Building Inspector
(617) 349-9715 Direct

bvigneault@cambridgema.gov

Inspectional Services Department
831 Massachusetts Ave.
Cambridge, MA 02139
(617) 349-6100 Main
(617) 349-6132 Fax
Office hours
Mon to Fri 8-930am
Mon 430 -630pm, Tues-Turs 330 to 430 and Fri 12-1

From: Kochanski, Eva <E.Kochanski@northeastern.edu>
Sent: Saturday, May 25, 2019 10:19 AM
To: Vigneault, Branden <bvigneault@cambridgema.gov>
Subject: Fwd: 364 Windsor st

Hello,

I am emailing again as I have not heard from you and the construction next door continues.
Can you please let me know if you will be investing this work as the entire yard is being taken over by a two story deck.

Thanks

Sent from my iPhone

Begin forwarded message:

From: "Kochanski, Eva" <E.Kochanski@northeastern.edu>
To: "bvigneault@cambridgema.gov" <bvigneault@cambridgema.gov>
Subject: Re: 364 Windsor st

Hello Branden,

Once again, there is construction occurring next door. I have attached our last mail conversation. At that time they ceased construction even though they put the asphalt shingles and attached the steps after your office visited.

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I'm concerned that the unauthorized construction is too close to my house and creates a fire hazard as there is no way to get into the back yard.

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Thank you for your attention to this.

Sent from my iPhone

On Jul 24, 2018, at 8:22 AM, Kochanski, Eva </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP /CN=RECIPIENTS/CN=136F7331EEAF4AE2BBED9E83B3570D01-E.KOCHANSKI> wrote:

<IMG_1303.JPG>

Se

Sent from my iPad

Pacheco, Maria

From: Kochanski, Eva <E.Kochanski@northeastern.edu>
Sent: Monday, July 27, 2020 6:08 AM
To: Pacheco, Maria
Cc: tsarto @cambridgema.gov; sdagliano@cambridgema.gov
Subject: Updated Board of zoning appeal BZA-017279-2020 please note letter is followed by 14 Attachments

Hello Again,

THIS IS THE Correct copy... I think I may have previously forwarded a draft again!!
I am delivering a hard copy of this to the office today without the attachments
Attachment emails were sent to Maria Pacheco via email.

Sorry for the confusion please note it is the copy that lists the attachments.

Please forgive me for making the error; I'm using a very old computer.

I apologize especially to Maria Pacheco who has been bombarded by my emails today.
Feel free to call me at (617) 697-8940 if I can help clarify or if you have any questions!

From: Kochanski, Eva <E.Kochanski@northeastern.edu>
Sent: Saturday, July 25, 2020 12:14 PM
To: mpacheco@cambridgema.gov <mpacheco@cambridgema.gov>
Cc: Vigneault, Branden <bvigneault@cambridgema.gov>
Subject: Board of zoning appeal BZA-017279-2020 please note letter is followed by 14 Attachments

From: Eva Kochanski
366 Windsor Street
Cambridge, MA 02141

July 24, 2020

To: Maria Pacheco
Board of Zoning Appeal
831 Massachusetts Ave.
Cambridge, MA

Dear Ms Pacheco and members of the Board of Zoning Appeal,
I am writing to oppose case BZA-017279-2020

Attached lease find correspondence under separate emails between myself and the city opposing the construction originating from July 24, 2018. See Attachment 1 through 14

At that time, an extension to the first floor and second floor deck that had also been constructed without permitting, was being expanded.

To be clear, I have lived in my home since 1992 and there was never a deck of any kind on the rear of 370-372. The original deck construction, started merely as a first floor extension and was quite small scale. The first floor deck addition was added without a permit, but since it didn't impact me, I let it go. Also, please note that an outbuilding was added that was not permitted; that abuts directly onto my property line, which I also did not oppose. see Attachment 5

When further construction began, I asked Mr. Costa what his plan was and said he was only putting on a cover to the first floor deck and he directly stated to me and my partner that he would not put on a second story deck. I expressed to him that would be a problem, as it is so close to my property. Naively, I accepted his answer. I accepted him, at his word.

Then, the first floor deck was extended, pushing even further out into the yard and the second floor decking and railing was added, along with access from the second floor.

I asked Mr. Costa why I had seen no notice from the city regarding this construction and he said he could do whatever he wants.

This is when I complained to the city in May 2019. Nothing was done and I tried to reach out again, as you will see in my emails attached. My partner also visited the Inspectional Services office to voice his complaint as well. See Attachment 2, 3, 4, 5.

This impacted my access to privacy and to any peace and quiet to myself and my tenants.

Next, the first floor was extended and the second floor deck was extended.

I went yet again to the Building inspection office and finally someone put a stop work order on the construction. I hoped to stop the ongoing construction to avoid this intrusion.

The construction continued even after your office told me that a cease and desist order was issued. Another visit to your office by my partner on July 19, 2019; he was told the same that a stop work order had been issued by your office. Construction resumed and a video was sent to the Building Department August 12, 2019 showing the continued construction. See Attachment 10.

These decks are so large and are much too close to my property line, a permit should have been requested and I should have been given the opportunity to contest prior to its completion. The plan was all along to avoid Inspectional Services involvement as it was known that I objected to this.

There is no easy way that firemen could access that back area easily. Given that there is a gas BBQ grill and a fire pit on the second story deck, as well as tiki torches attached to the railings, I fear that any small accident could result in catastrophic damage to my home. See Attachment 11,

Also please note my initial complaint was from 2018.

Had action been taken then, this structure would not have been built, and it should not be allowed to stand.

There is no misunderstanding regarding the scope of construction as is stated in the appeal notice. It has been a planned and deliberate effort to avoid permitting as it was clear that I would oppose the construction of this looming, obtrusive and invasive structure. It was known full well, so much so that Mr. Costa placed a tarp over his ongoing construction to enclose a portion of the first floor. Now that he's ready to keep going, and has been put on notice, he is fabricating that there is some misunderstanding. See Attachment 5, 12

Mr. Costa is in the business of construction and knows full well what the laws are and he built this structure with zero concern for my rights and how it impacts my property values and my right to privacy and the enjoyment of my yard. It was built with clear understanding of what he was doing and it should not have been allowed then, and it should be removed now. This behavior should not be rewarded. I wish Mr. Costa could see it from my perspective and just how

offensive that structure is. See Attachment 7,8,9, 13,14

The deck is directly in my line of sight and hearing. It is barely 6 feet away from the fence and I believe it abuts too close to my property line. I cannot sleep; I cannot enjoy being outside. I cannot even enjoy being inside. I can't be on my back porch. I can't open my skylights. Often, there is a 72 inch TV placed on the top floor to watch Monday night football. Large groups gather and cheer late into the night. If this was not on top of me I would have no issue.

When the music or TV are playing, it is as if they are in my house. That's how close our properties are. They allow their dog to defecate and urinate on the top deck and then it is hosed off, running along side the house. The smell is offensive. It rolls into my yard. I feel this is a potential health hazard. See Attachment 6

I understand we both have a right to enjoy our property, but their rights should not outweigh mine. I do not impinge on their enjoyment of their space, but they have definitely impacted mine and those of my tenants who have a right to the, "covenant of quiet enjoyment", especially during these trying times of the Covid pandemic. The lack of concern for my rights has been astounding.

I would like the city to pursue having this structure removed. Especially when there was a deliberate plan to break the rules by not getting permitting to do it.

I am attaching all emails and photos to show you just how premeditated this plan was and that there was no misunderstanding. It's a ploy to get this legalized and it should not be allowed.

The stress from this situation has been severe and I am hoping the city will support my right to the enjoyment of my property. I do not enjoy confrontation but this has gone too far.

I have lived here since 1992 and there used to be open space and greenery. The city allowed an addition behind me and stated the existing garage would need to be removed to even off the space taken and of, course, it was not. Next, an addition was allowed on the other side of me, closing in the open space even more and took away quite a bit of my southern sun exposure. Now, this obtrusive deck is looming in on me and there seems to be no concern regarding open space in Cambridge or my right to enjoy my property. I hoped, at least, I could be in my own backyard, but with this encroaching structure, I am becoming claustrophobic! We are densely populated and this deck is very invasive, the noise is constant. Again, if it weren't on top of me, and constantly in my face, I could deal with it, but there is no place in my home that I can go to escape it. The character of the neighborhood has changed and I fear my property value will decrease as no one would want to live next door to that.

Please do not allow this structure to stand. Please demand it be taken down immediately.

Thank you for your attention,

Eva Kochanski

366 Windsor Street

Cambridge, MA 02141

Please note I did not know the correct address when I approached Inspectional Services in 2018 but Brandon asked I make a best guess and he understood that looking at my house, I was talking about the property to my left. He asked me to send him a pic when I got home. That is my first email to him.

The following has been sent under 14 separate emails with return notice to me when read:

Attachment 1- First photo sent to inspectional services 7/24/2018 after my visit to him in person he asked me to send photo.

Attachment 2- email followup to inspectional services 5/20/2019

Attachment 3- email followup to inspectional services 5/25/2019

Attachment 4- email -change of inspectors 5/28/2019

Attachment 5- reply to notice of change of inspectors 5/28/2019

Attachment 6- photo of dog feces piled on deck

Attachment 7- View from my back

Attachment 8- View from below

Attachment 9- View from below in my yard

Attachment 10-Video construction continuing after stop order

Attachment 11- photo of Tiki torches and fire pit

Attachment 12- winter photo of further construction

Attachment 13- see how close

Attachment 14- see how close

From: Kochanski, Eva
Sent: Monday, May 20, 2019 7:16 AM
To: bvigneault@cambridgema.gov <bvigneault@cambridgema.gov>
Subject: Re: 364 Windsor st

Hello Branden,

Once again, there is construction occurring next door. I have attached our last mail conversation. At that time they ceased construction even though they put the asphalt shingles and attached the steps after your office visited.

The expansion is now continuing and is so intrusive.

I'm concerned that the unauthorized construction is too close to my house and creates a fire hazard as there is no way to get into the back yard.

Please investigate as all of the entire decking. was put up without permitting.

Thank you for your attention to this.

Sent from my iPhone

On Jul 24, 2018, at 8:22 AM, Kochanski, Eva </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP /CN=RECIPIENTS/CN=136F7331EEAF4AE2BBED9E83B3570D01-E.KOCHANSKI> wrote:

<IMG_1303.JPG>

Sent from my iPhone

From: Vigneault, Branden <bvigneault@cambridgema.gov>
Sent: Tuesday, May 28, 2019 7:40 AM
To: McMahon, Brian <bmcMahon@cambridgema.gov>; Kochanski, Eva <E.Kochanski@northeastern.edu>
Subject: FW: 364 Windsor st

Hi,

This is now Building inspector Brian McMahon's territory. I'm not sure if he went there yet.

Thank You,

Branden Vigneault
Cambridge Building Inspector
(617) 349-9715 Direct
bvigneault@cambridgema.gov

Inspectional Services Department
831 Massachusetts Ave.
Cambridge, MA 02139
(617) 349-6100 Main
(617) 349-6132 Fax
Office hours
Mon to Fri 8-930am
Mon 430 -630pm, Tues-Turs 330 to 430 and Fri 12-1

From: Kochanski, Eva <E.Kochanski@northeastern.edu>
Sent: Saturday, May 25, 2019 10:19 AM
To: Vigneault, Branden <bvigneault@cambridgema.gov>
Subject: Fwd: 364 Windsor st

Hello,

I am emailing again as I have not heard from you and the construction next door continues.
Can you please let me know if you will be investing this work as the entire yard is being taken over by a two story deck.
Thanks

Sent from my iPhone

Begin forwarded message:

From: "Kochanski, Eva" <E.Kochanski@northeastern.edu>
To: "bvigneault@cambridgema.gov" <bvigneault@cambridgema.gov>
Subject: Re: 364 Windsor st

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<IMG_1303.JPG>

Se

Sent from my iPad



