

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

#### **BZA APPLICATION FORM**

Plan No:

BZA-017311-2020

**GENERAL INFORMATION** 

The undersigned hereby petiti	ions the Board of Zoning Appeal for the following:		
Special Permit :	Variance :		
PETITIONER: Leggat M	McCall Properties, LLC - C/O James J. Rafferty, Esq.		
PETITIONER'S ADDRESS :	907 Massachusetts Avenue, Suite 300 Cambridge, MA 02139		
LOCATION OF PROPERTY:	40 Thorndike St Cambridge, MA 02141		
TYPE OF OCCUPANCY: ZONING DISTRICT: Business B Zone			
REASON FOR PETITION :			
DESCRIPTION OF PETITIONE	R'S PROPOSAL:		
Petitioner seeks modif	ications to certain dimensions for off street parking spaces.		
SECTIONS OF ZONING ORDIN	IANCE CITED:		
Article 6.000	Section 6.42 (Off Street Parking Facilities).		
Article 10.000	Section 10.30 (Variance).		
	Original Signature(s):  (Petitioner(s)) Owner)  James J. Rafferty		
	(Print Name)		
	Address: 907 Massachusetts Avenue, Suite 300		
	Cambridge, MA 02139		
	Tel. No. : (617) 492-4100		
77.22 222	E-Mail Address : jrafferty@adamsrafferty.com		
Date: July 27, 2020			

#### **BZA APPLICATION FORM**

#### SUPPORTING STATEMENT FOR A VARIANCE

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

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

The project has obtained a Special Permit to authorize the conversion of the former Sullivan Courthouse into a mixed use building containing 48 affordable dwelling units, ground floor retail and technical office space. The parking will be provided on two below grade levels. Existing basement ceiling heights and column locations preclude all aisles and parking from completely complying with the dimensional requirements of Section 6.42 of the Zoning Ordinance.

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

The hardship is directly related to the condition of the existing building and its structural elements.

#### C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

Substantial detriment to the public good for the following reasons:

The project involves the rehabilitation of a long shuttered building with significant environmental remediation needs. The public good will be benefitted by allowing the proposed parking to be permitted in the basement of the building.

- 2) Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:
  - The requested dimensional relief for certain parking spaces and drive aisles will not derogate from the intent or purpose of the Ordinance. To the contrary, permitting the proposed parking in the basement of the building is consistent with the provisions of Section 1.30 to "encourage the most rational use of land throughout the City".
- \* 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**

James Rafferty, Esq. PRESENT USE/OCCUPANCY: mixed-use APPLICANT: 40 Thorndike St Cambridge, MA 02141 ZONE: Business B Zone **LOCATION:** 

PHONE: **REQUESTED USE/OCCUPANCY:** mixed-use **EXISTING** REQUESTED **ORDINANCE** <u>REQUIREMENTS</u> **CONDITIONS CONDITIONS** 476,303 no change 476,303 TOTAL GROSS FLOOR AREA: (max.) 59,788 no change 5,000 sf (min.) LOT AREA: 7.97 7.97 no change RATIO OF GROSS FLOOR AREA (max.) TO LOT AREA: 1,245 no change N/A LOT AREA FOR EACH DWELLING UNIT: (min.) 297' no change none SIZE OF LOT: WIDTH (min.) 201' no change N/A DEPTH 46'2" no change SETBACKS IN FEET: FRONT none (min.) 12'5" no change none REAR (min.) 0 no change none LEFT SIDE (min.) 12'2" no change none RIGHT SIDE (min.) 258'3" 80' no change SIZE OF BLDG.: HEIGHT (max.) N/A no change no change LENGTH no change no change N/A WIDTH 1.4 no change none RATIO OF USABLE OPEN SPACE (min.) TO LOT AREA: 48 no change N/A NO. OF DWELLING UNITS: (max.) 363/662 362 no change (min./max) NO. OF PARKING SPACES: 3 3 no change NO. OF LOADING AREAS: (min.) n/a no change n/a

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.

(min.)

DISTANCE TO NEAREST BLDG.

ON SAME LOT:

SEE CAMBRIDGE ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL 1. ZONING REGULATIONS).

TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') 2. DIVIDED BY LOT AREA.

OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

#### Excerpts from MA State Building Code 780 CMR

1003.2 Ceiling height. The means of egress shall have a ceiling height of not less than 7 feet 6 inches (2286 mm).

#### **Exceptions:**

- Sloped ceilings in accordance with Section 1208.2.
- Ceilings of dwelling units and sleeping units within residential occupancies in accordance with Section 1208.2.
- Allowable projections in accordance with Section 1003.3.
- Stair headroom in accordance with Section 1011.3.
- Door height in accordance with Section 1010.1.1.
- Ramp headroom in accordance with Section 1012.5.2.
- The clear height of floor levels in vehicular and pedestrian traffic areas of public and private parking garages in accordance with Section 406.4.1.
- Areas above and below mezzanine floors in accordance with Section 505.2.

1003.3 Protruding objects. Protruding objects on *circulation paths* shall comply with the requirements of Sections 1003.3.1 through 1003.3.4.

1003.3.1 Headroom. Protruding objects are permitted to extend below the minimum ceiling height required by Section 1003.2 where a minimum headroom of 80 inches (2032 mm) is provided over any walking surface, including walks, corridors, aisles and passageways. Not more than 50 percent of the ceiling area of a means of egress shall be reduced in height by protruding objects.

Exception: Door closers and stops shall not reduce headroom to less than 78 inches (1981 mm).

A barrier shall be provided where the vertical clearance is less than 80 inches (2032 mm) high. The leading edge of such a barrier shall be located 27 inches (686 mm) maximum above the floor.

406.4.1 Clear height. The clear height of each floor level in vehicle and pedestrian traffic areas shall be not less than 7 feet (2134 mm). Vehicle and pedestrian areas accommodating van-accessible parking shall comply with Section 1106.5.

- A 21'-6" DRIVE AISLE AT REGULAR PARKING SPACES
  EXISTING COLUMNS THAT ARE ENCASED IN CONCRETE TO SUPPORT THE NEW LEVEL 1
  LOWERED SLAB CREATE A DRIVE AISLE THAT IS CONSTRAINED TO 21'-6"
- B 21'-2" PARKING ENTRANCE
  EXISTING COLUMN LOCATIONS IN COMBINATION WITH THE GARAGE DOOR FRAME
  DIMENSIONAL REQUIREMENTS CREATE A CONDITION THAT IS CONSTRAINED TO 21'-2".
- C 21'-6" DRIVE AISLE AT ENTRY AND RAMP
  EXISTING COLUMNS THAT ARE ENCASED IN CONCRETE TO SUPPORT THE NEW LEVEL 1
  LOWERED SLAB CREATE A DRIVE AISLE & RAMP THAT IS CONSTRAINED TO 21'-6"
- 7'-O" HEADROOM AT LOWER LEVEL 1
  LOWERING THE FIRST FLOOR TO ACCOMMODATE AN ACCESSIBLE THROUGH-BLOCK
  LOBBY, UNEVEN LL1 FLOOR LEVEL EXISTING CONDITIONS, CEILING INSULATION, AND
  MEP SYSTEMS RESULT IN A 7'-O" HEADROOM CONDITION FOR A LARGE PORTION OF
  LL1.

IN LIEU OF MEETING 7'-6" HEADROOM PER CITY ZONING, WE REQUEST TO DESIGN THE GARAGE CLEAR HEIGHT TO CONFORM WITH MA STATE BUILDING CODE 780 CMR AS A BASELINE AT DRIVE AISLES AND PARKING SPACES. THE CODE ALLOWS 7' MIN. HEADROOM AT CEILINGS (OR UNDERSIDE OF DECK) AND 6'-8" AT MISCELLANEOUS PROTRUDING OBJECTS SUCH AS BEAMS AND PIPES (PER MA STATE BUILDING CODE 780 CMR S. 406.4.1, 1003.2, & 1003.3).

7'-O" HEADROOM AT LOWER LEVEL 2
EXISTING CONDITIONS, CEILING INSULATION, AND MEP SYSTEMS RESULT IN A 7'-O"
HEADROOM CONDITION FOR PORTIONS OF LL2 INCLUDING PARKING ZONES THAT EXCLUDE THE ACCESSIBLE VAN PATH.

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EXISTING CONDITIONS HAVE YET TO BE FULLY VERIFIED.



# City of Cambridge

MASSACEUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA. (617) 349-6100 2020 SEP - 1 AM 10: 56

OFFICE OF THE CITY CLERK CAMBRIDGE, MASSACHUSETTS

## **Board of Zoning Appeal Waiver Form**

831 Mass Avenue Cambridge, MA 02139

The Board of Zoning Appeal

RE: Case #_	87	A-017311-20	120		
Address:	40	Thorndiki	St.		
□ Owner, □	Petitione	r, or $\square$ Representative:	James	Daffelty	9
	-		(P	rint Name)	¥ 0 8

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 Downer, 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: 8/31/20

Signature

#### **ADAMS & RAFFERTY**

ATTORNEYS AT Law
A Professional Association \*
907 Massachusetts Avenue, Suite 300
Cambridge, MA 02139

James J. Rafferty, P.C. jrafferty@adamsrafferty.com

Telephone (617) 492-4100 Fax (617) 492-3131

September 4, 2020

BY HAND

Board of Zoning Appeal 831 Massachusetts Avenue Cambridge, MA 02139

> Re: BZA Case No. 017311-2020 40 Thorndike

Dear Ms. Pacheco,

Please find a revised garage floor plans for the above captioned case dated "September 2020". The revision to the plan involves the relocation of the handicapped van parking space on lower level 2 after consultation with the project's accessibility reviewer.

Thank you for your assistance and cooperation.

ery truly yours

mes J. Rafferty

JJR/pwc

Enclosure

- A 21'-6" DRIVE AISLE AT REGULAR PARKING SPACES
  EXISTING COLUMNS THAT ARE ENCASED IN CONCRETE TO SUPPORT THE NEW LEVEL 1
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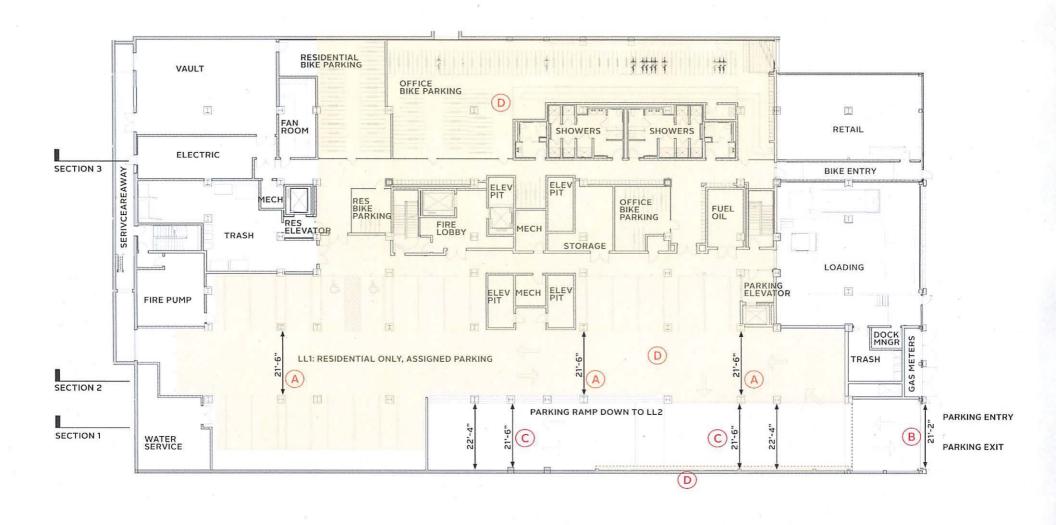
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EXISTING CONDITIONS HAVE YET TO BE FULLY VERIFIED.

CMR S. 406.4.1, 1003.2, & 1003.3).

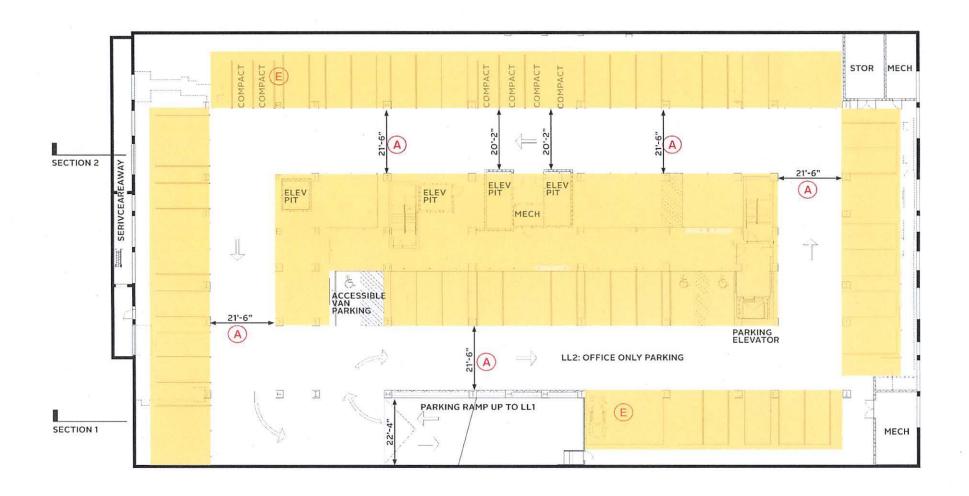
CMR S. 406.4.1, 1003.2, & 1003.3).

LEGEND

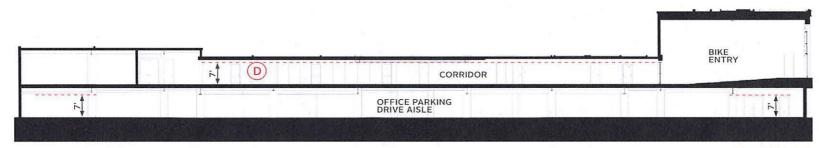


#### LOWER LEVEL 1 FLOOR PLAN

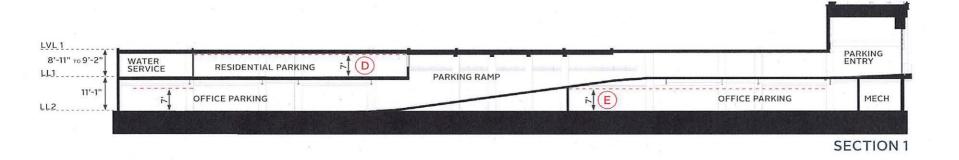




#### LOWER LEVEL 2 FLOOR PLAN



**SECTION 2** 



#### **SECTIONS**





Date:

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

2020 JUL 28 AM 11:39

#### **BZA APPLICATION FORM**

Plan No:

BZA-017311-2020

**GENERAL INFORMATION** 

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PETITIONER'S ADDRESS: 907 Massachusetts Avenue, Suite 300 Cambridge, MA 02139					
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Article 10.000	Section 10.30 (Variance).				
	Original Signature(s):	In Jaton			
		(Petitioner(s) / Owner)			
	_	James J. Rafferty (Print Name)			
	Address :	907 Massachusetts Avenue, Suite 300			
	<del></del>	Cambridge, MA 02139			
	Tel. No. :	617) 492-4100			
	E-Mail Address	. jrafferty@adamsrafferty.com			
Date: July 27, 2020					

#### OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal LMP GP Holdings LLC c/o Leggat McCall Properties LLC (Owner or Petitioner) Address: c/o James J. Rafferty 907 Massachusetts Avenue, Cambridge MA 02139 Location of Premises: 40 Thorndike Street the record title standing in the name of LMP GP Holdings, LLC whose address is 10 Post Office Square, Suite 1300N, Boston MA 02109 (Street) (City or Town) (State & Zip Code) by a deed duly recorded in the Middlesex South County Registry of Deeds in Book 74194 Page 580 or Registry District of Land Court Certificate No. \_\_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_ August (mo) On this 4 day of July, 2020, before me, the undersigned notary public, personally appeared Robert Dickey proved to me through satisfactory evidence of identification, which were person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose. MELISSA M. DIGAETANO

Notary Public Massachusetts My Commission Expires

My commission expires: May 4, 2023

40 Haandike St.

	40 Yal	endike St	
	20-	20-69/20-	68
24-133 260 Cambridge St		15/ Cambridge St	20-104 51 Cambridge St 125 Cambridge S
24-139	208 Cam	Cambridge St	125 Callibridge S
	200 0411	160 Cambridge St	
75-A Otis St 65-R Otis St		20 Second	St 120 Cambridge S
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24-11324-112	19-24	26 Second St	51
69 Otis St65 Otis St24-1/11		28 Second S	St
Otis St		30 Second St	18-47
64 Otis St 60 Otis St		32 Second St <sub>18-26</sub>	
24-80 83 Third St	Centanni Way	34 Second St <sub>18-25</sub>	29 Otis St
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7 1 10 60 1 1	Lopez Ave 36 Spring St		69 First S
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24-30 151 Third St 19-55 19-33		86 Second St 22 Spring St	8-8
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24-24 15 Third St. 24-23 24-22 19-28 19-10 0	19-14	18-77	75 First St
79 Hurley St	19-35		85 First St 80 First S
77 Hurley St	19-3419-4519-44	90 Second St	91 First St
17-8 17-10 17-817	57 Hurley St 97 Seco	nd St 20 Harley St 11	Hurley St 18-65
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17-11 / 17-33 / 71 Charles St/	17-62 17-36 105 Secon	d St Hurley St	95 First St <sub>90</sub> First S
7 41/-80 4	17 cc 107 Secon	d St	75
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#	Charles St		
17-74	58 Charles Ct		
17-84	58 Charles St	-16	8-89
17-04			/ 000

40 Thousike St.

18-77 ARE-MA REGION NO.55 EXCHANGE HOLDING LLC PO BOX 847 CARLSBAD, CA 92018

24-123 MIDDLESEX COUNTY OF 200 CAMBRIDGE CAMBRIDGE, MA 02141

24-87 FORTUNE, PATRICK & THEODORA COHEN 101 THIRD ST., #4 CAMBRIDGE, MA 02139

24-87 FERACO, THOMAS J. 101 THIRD ST., UNIT #1 CAMBRIDGE, MA 02141

19-23 MIDDLESEX, COUNTY OF BULFINCH SQUARE IRB REAL ESTATE TWO BRATTLE SQ CAMBRIDGE, MA 02138

19-56 DUGGINS, PAULA F. 46 SPRING ST.,UNIT #2 CAMBRIDGE, MA 02141

19-53 LIN, JUNG-ERH 36 SPRING ST., #4 CAMBRIDGE, MA 02141

19-53 JAMPOL, RUSSELL PAUL 38 SPRING ST., #5 CAMBRIDGE, MA 02141

18-75 CAMBRIDGE CITY OF COMM. DEV. 57 INMAN ST CAMBRIDGE, MA 02139 24-87 SUMMONS, ROGER EVERETT & ELIZABETH KRISTINE SUMMONS 101 THIRD ST., UNIT #2 CAMBRIDGE, MA 02141

18-74
DAVENPORT OWNER (DE) LLC,
C/O OXFORD PROPERTIES GROUP
125 SUMMER ST. 12TH FL
BOSTON, MA 02110

19-32 PONTES, MANUEL L. & MARIA I. PONTES 3 EDW. J. LOPEZ AVE. CAMBRIDGE, MA 02141

19-29 GOLDING, GREGORY MARBLEHEAD BOATYARD ASSOCIATES 2359 N. LAFAYETTE ST., #1 DENVER, CO 80205

19-36 ZHAO, JIAJIA 35 W 33RD ST., #21D NEW YORK, NY 10001

19-56 DORAN, BRYAN & MARY ELLEN DORAN 46 SPRING ST., #1 CAMBRIDGE, MA 02141

19-53 LIN, ALICE 32 SPRING ST. UNIT #2 CAMBRIDGE, MA 02141

24-87 YOU, NINA, TRS THE NINA YOU TRUST - 2020 101 THIRD ST UNIT 3 CAMBRIDGE, MA 02141

18-75 CITY OF CAMBRIDGE C/O NANCY GLOWA CITY SOLICITOR 18-76 GKA REALTY, LLC P.O. BOX 341 WINCHESTER, MA 01890

JAMES J. RAFFERTY, ESQ.

CAMBRIDGE, MA 02139

907 MASS AVENUE - SUITE 300

24-19 KC, SANTOSH & ROJU KC 52 SPRING ST CAMBRIDGE, MA 02141-1729

19-36 SHARMA, SAMEER 134 THIRD ST., #3 CAMBRIDGE, MA 02141

19-36 JAIMAN, SHIRLEY 134 THIRD ST. UNIT#2 CAMBRIDGE, MA 02141

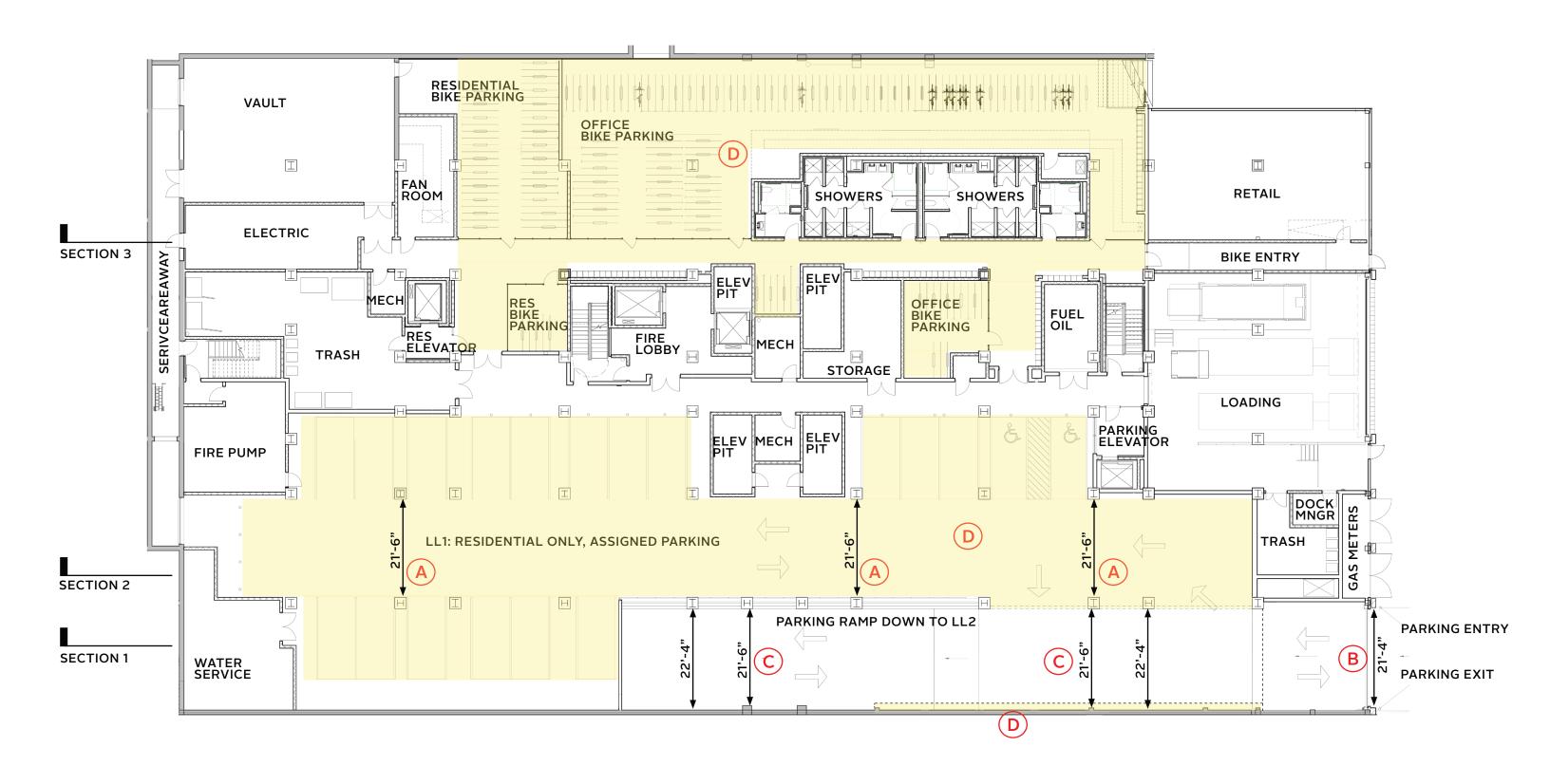
19-53 SOKOLOVA, OLGA V. 34 SPRING ST., # 3 CAMBRIDGE, MA 02141

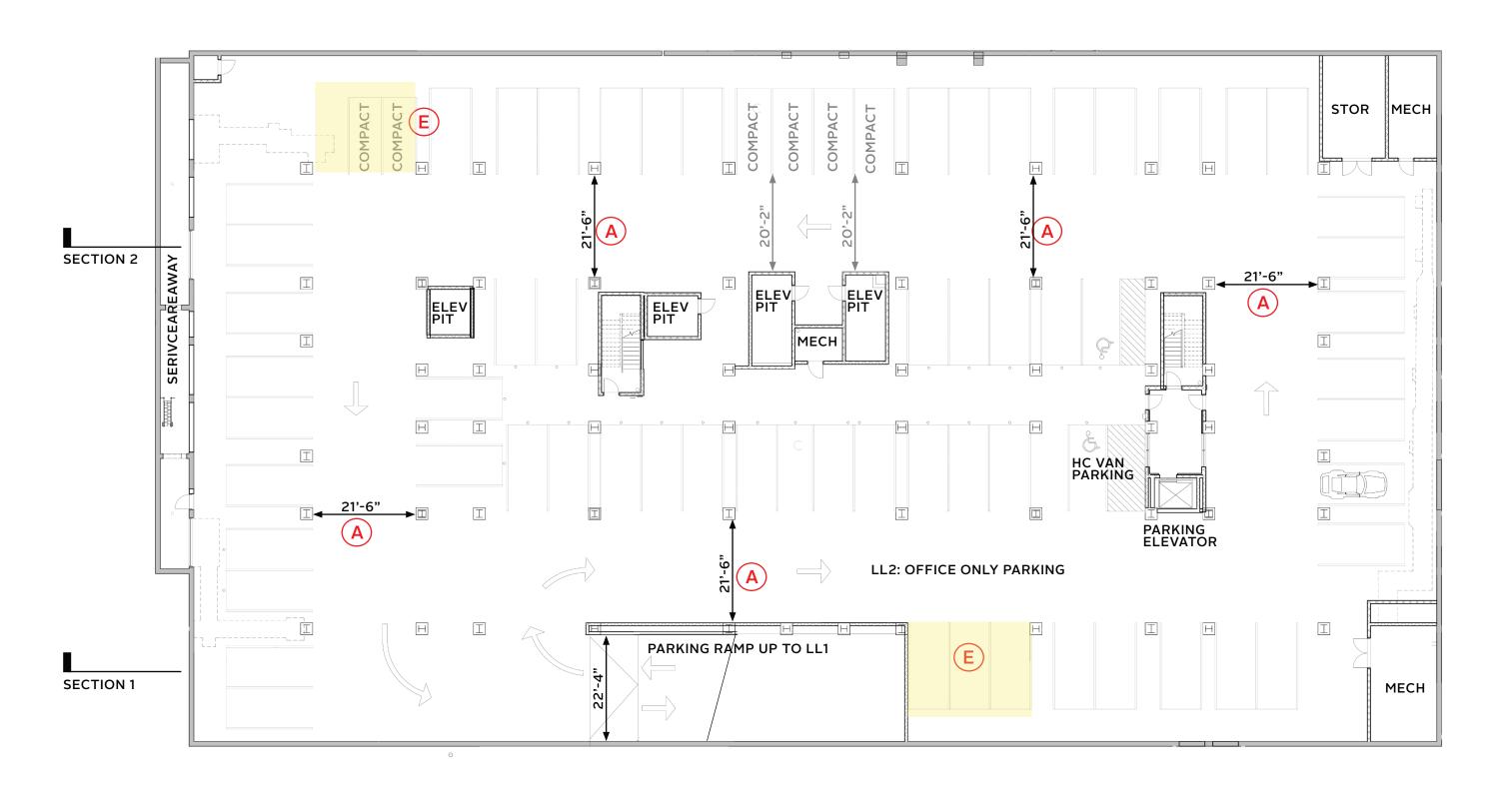
19-53 HUANG, ELLEN 30 SPRING ST., #1 CAMBRIDGE, MA 02141

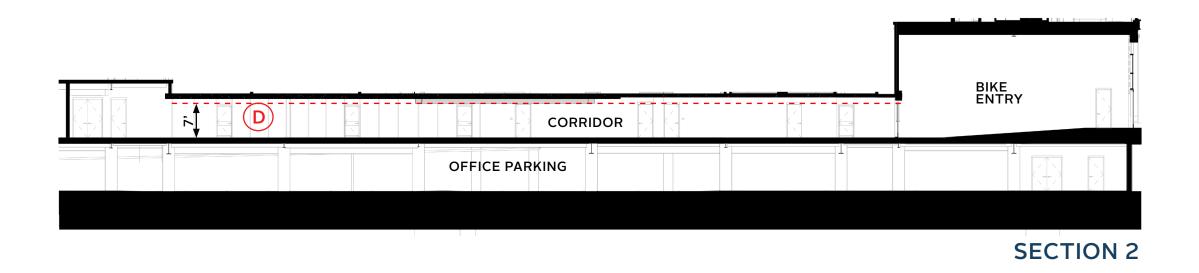
19-22 LMP GP HOLDINGS LLC C/O LEGGAT MCCALL HOLDINGS PROP LLC 10 POST OFFICE SQ BOSTON, MA 02109

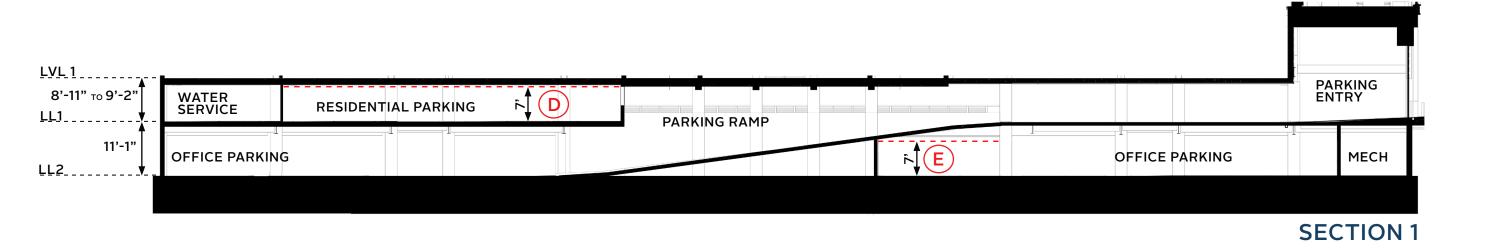
18-75 CITY OF CAMBRIDGE C/O LOUIE DEPASQUALE CITY MANAGER

- 21'-6" DRIVE AISLE AT REGULAR PARKING SPACES
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  LOBBY, UNEVEN LL1 FLOOR LEVEL EXISITING CONDITIONS, CEILING INSULATION, AND
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- E 7'-0" HEADROOM AT LOWER LEVEL 2
  EXISITING CONDITIONS, CEILING INSULATION, AND MEP SYSTEMS RESULT IN A 7'-0"
  HEADROOM CONDITION FOR INTERMITTANT PORTIONS OF LL2 INCLUDING UNDERSIDE
  OF RAMP AND UNDERSIDE OF ELECTRIC VAULT









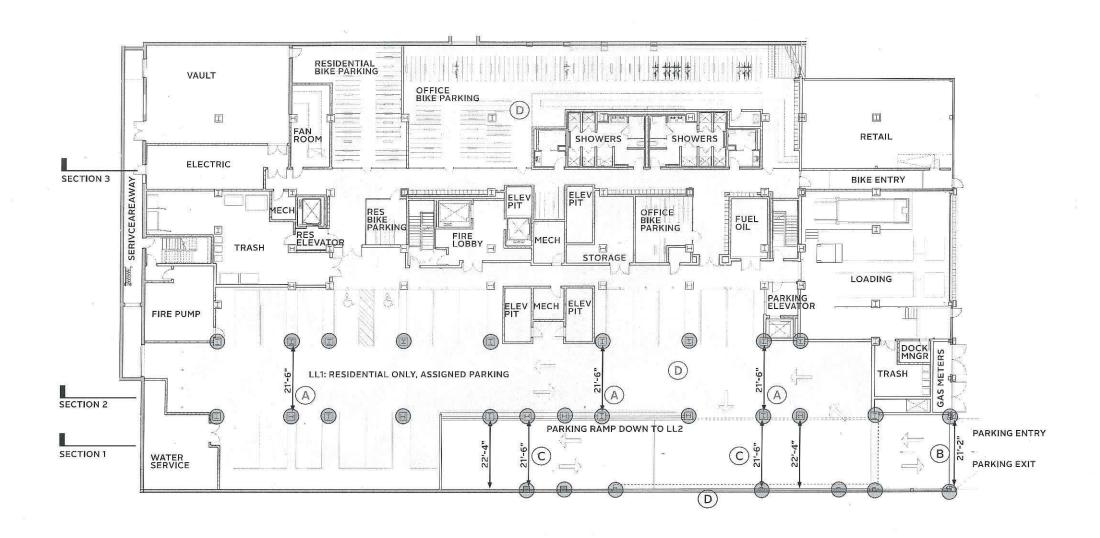
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  LOWERING THE FIRST FLOOR TO ACCOMMODATE AN ACCESSIBLE THROUGH-BLOCK LOBBY, UNEVEN LL1 FLOOR LEVEL EXISTING CONDITIONS, CEILING INSULATION, AND MEP SYSTEMS RESULT IN A 7'-O" HEADROOM CONDITION FOR A LARGE PORTION OF LL1.

  IN LIEU OF MEETING 7'-6" HEADROOM PER CITY ZONING, WE REQUEST TO DESIGN THE GARAGE CLEAR HEIGHT TO CONFORM WITH MA STATE BUILDING CODE 780 CMR AS A BASELINE AT DRIVE AISLES AND PARKING SPACES. THE CODE ALLOWS 7' MIN. HEADROOM AT CEILINGS (OR UNDERSIDE OF DECK) AND 6'-8" AT MISCELLANEOUS PROTRUDING OBJECTS SUCH AS BEAMS AND PIPES (PER MA STATE BUILDING CODE 780 CMR S. 406.4.1, 1003.2, & 1003.3).
- EXISTING CONDITIONS, CEILING INSULATION, AND MEP SYSTEMS RESULT IN A 7'-O" HEADROOM CONDITION FOR PORTIONS OF LL2 INCLUDING PARKING ZONES THAT EXCLUDE THE ACCESSIBLE VAN PATH.

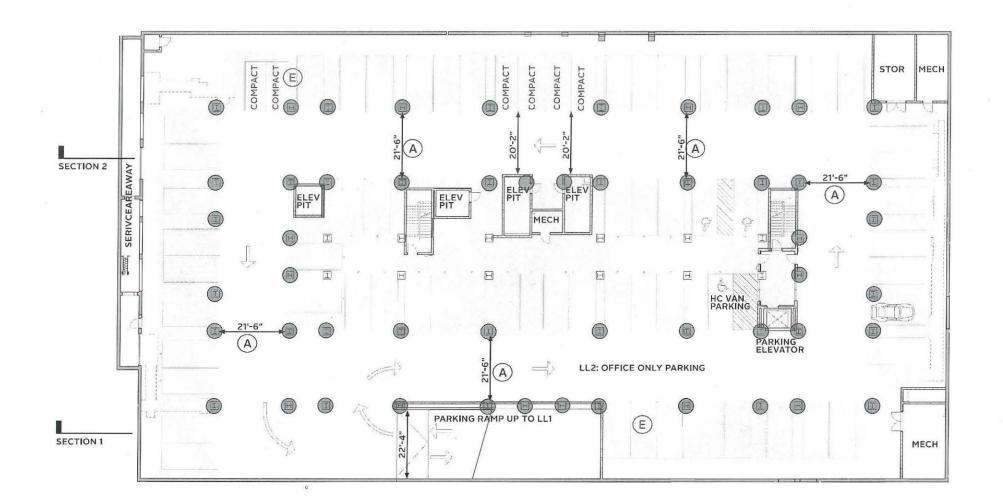
  IN LIEU OF MEETING 7'-6" HEADROOM PER CITY ZONING, WE REQUEST TO DESIGN THE GARAGE CLEAR HEIGHT TO CONFORM WITH MA STATE BUILDING CODE 780 CMR AS A BASELINE AT DRIVE AISLES AND PARKING SPACES. THE CODE ALLOWS 7' MIN. HEADROOM AT CEILINGS (OR UNDERSIDE OF DECK) AND 6'-8" AT MISCELLANEOUS PROTRUDING OBJECTS SUCH AS BEAMS AND PIPES (PER MA STATE BUILDING CODE 780 CMR S. 406.4.1, 1003.2, & 1003.3).

EXISTING CONDITIONS HAVE YET TO BE FULLY VERIFIED.



LOWER LEVEL 1 FLOOR PLAN



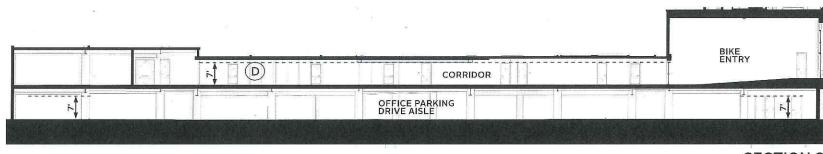


LOWER LEVEL 2 FLOOR PLAN



40 THORNDIKE | AUGUST 2020

LEGGAT MCCALL | ELKUS MANFREDI ARCHITECTS



SECTION 2



**SECTIONS** 

0 5, 10, 50, 40, 70

40 THORNDIKE | AUGUST 2020

LEGGAT MCCALL | ELKUS MANFREDI ARCHITECTS



# City of Cambridge

MASSACHUSETTS

BOARD C. .JNING APPEAL

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

4 BJ

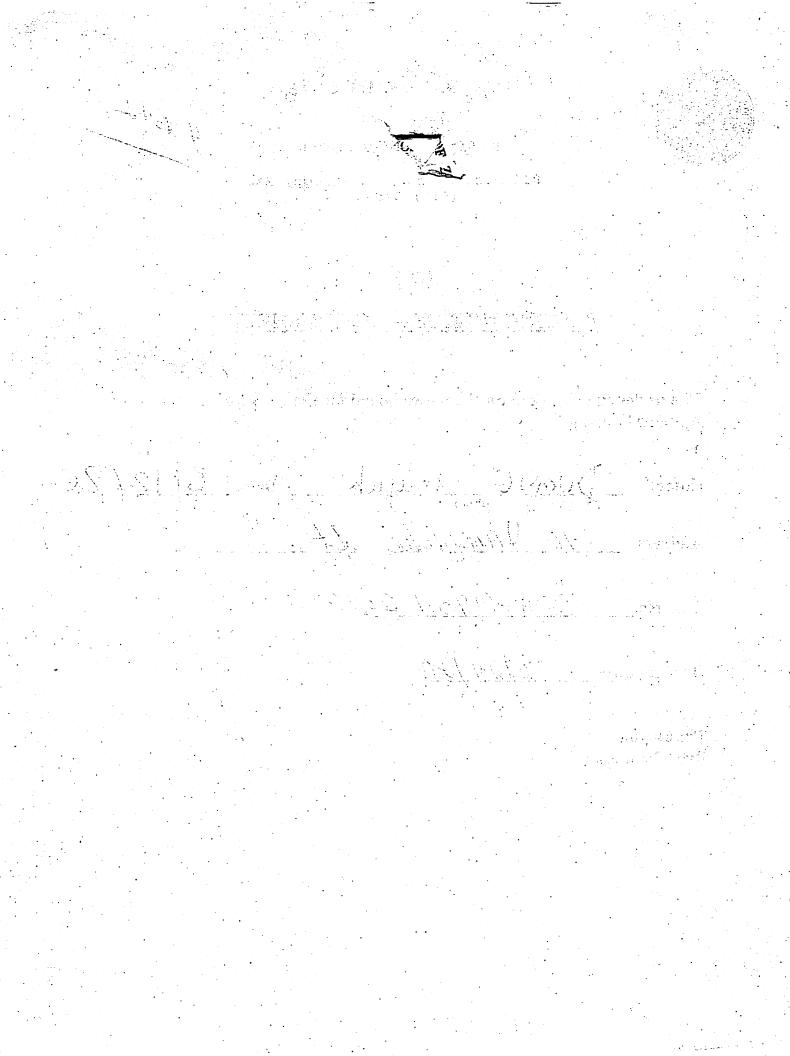
## BZA

## **POSTING NOTICE - PICK UP SHEET**

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: DUONG Huynh	Date:
Address: 40 Horndike ft	
Case No. <u>BUA-0173/1-2020</u>	
Hearing Date: 8/27/20	

Thank you, Bza Members





## CITY OF CAMBRIDGE, MASSACHUSETTS

## PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

August 13, 2020

To:

The Board of Zoning Appeal

From:

The Planning Board

RE:

BZA cases to be heard on August 27, 2020.

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





