



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

2019 NOV -8 AM 10:54
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-017213-2019

GENERAL INFORMATION

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

Special Permit : ✓ Variance : _____ Appeal : _____

PETITIONER : Neheet Trivedi and Kate McGovern

PETITIONER'S ADDRESS : 43 Magoun St Cambridge, MA 02140

LOCATION OF PROPERTY : 41-43 Magoun St Cambridge, MA

TYPE OF OCCUPANCY : _____ ZONING DISTRICT : Residence B Zone

REASON FOR PETITION :

Parking

DESCRIPTION OF PETITIONER'S PROPOSAL :

Special permit application for mutual easement with our neighbors at 45 Magoun St for curb cut and driveway. We intend to record the mutual easement with the Registry of Deeds once we receive the permit.

SECTIONS OF ZONING ORDINANCE CITED :

Article 6.000 Section 6.43.6 (Common Driveway).

Article 10.000 Section 10.40 (Special Permit).

Original Signature(s) :

Neheet Trivedi Kate McGovern
(Petitioner(s) / Owner)

Neheet Trivedi Kate McGovern
(Print Name)

Address : 43 Magoun St

Cambridge MA 02140

Tel. No. : 415-967-1225

E-Mail Address : ntrivedi00@gmail.com

Date : 11/7/19

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 Neheet Trivedi and Kate L. McGovern
(OWNER)

Address: 41-43 Magonn Street

State that I/We own the property located at 41-43 Magonn St.,
which is the subject of this zoning application.

The record title of this property is in the name of Neheet Trivedi
and Kate L. McGovern

*Pursuant to a deed of duly recorded in the date Dec 14, 2018, Middlesex South
County Registry of Deeds at Book 67461, Page 289; or and in Book 71578, Page 291
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

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

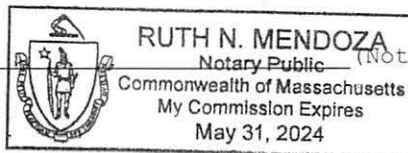
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

The above-name Neheet Trivedi & Kate L. McGovern personally appeared before me,
this 12 of October, 2019, and made oath that the above statement is true.

Ruth N. Mendoza Notary

My commission expires _____ (Notary Seal).



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

RECEIVED 9 OCT 1964

TO: DIRECTOR, FBI (100-388610) FROM: SAC, NEW YORK (100-100000)

SUBJECT: JAMES EARL RAY, AKA; MURDER OF MARTIN LUTHER KING, JR.

RE: NEW YORK TELETYPE TO BUREAU, OCTOBER 1, 1964.

ENCLOSED FOR THE BUREAU ARE TWO COPIES OF A LETTERHEAD MEMORANDUM.

ADMINISTRATIVE: NEW YORK OFFICE IS CURRENTLY CONDUCTING AN INVESTIGATION.

ADMINISTRATIVE: NEW YORK OFFICE IS CURRENTLY CONDUCTING AN INVESTIGATION.

ADMINISTRATIVE: NEW YORK OFFICE IS CURRENTLY CONDUCTING AN INVESTIGATION.

ADMINISTRATIVE: NEW YORK OFFICE IS CURRENTLY CONDUCTING AN INVESTIGATION.

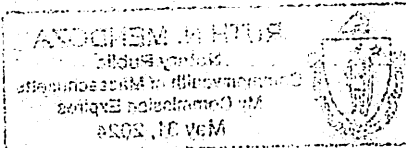
ADMINISTRATIVE: NEW YORK OFFICE IS CURRENTLY CONDUCTING AN INVESTIGATION.

ADMINISTRATIVE: NEW YORK OFFICE IS CURRENTLY CONDUCTING AN INVESTIGATION.

MIDWINTER

RECEIVED 19 OCT 1964

[Handwritten signature]



BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

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

Granting the Special Permit requested for 41-43 Magoun St Cambridge, MA (location) would not be a detriment to the public interest because:

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

We are applying for a special permit as per 6.43.6, to establish a common driveway with our neighbors under a mutual easement. We, the owners of each 41/43 and 45 Magoun St, intend to record the easement at the Registry of Deeds once we receive the special permit. We also intend to apply for a curb cut permit, whose ordinance requirements are met through our plan and application.

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

The granting of the special permit, and eventually the curb cut permit, will allow for parking spaces on our own properties and off the street, thus improving the availability of street parking. Our proposal would remove more cars from the street than could park in the length of the curb cut, thus easing congestion. Moreover, we have already spoken with our abutters, and all we have heard from have provided their approval (see attachment). Lastly, almost all homes on Magoun Street have a curb cut and off-street parking; as such the neighborhood character would not change (see attachment with images).

C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

Creation of the parking from the driveway and the curb cut will not adversely affect the adjacent residential uses. In fact, we as applicants are each the adjacent neighbor that would be most impacted, and we are seeking to create this driveway together for each of our mutual benefits. Properties behind will not be affected as the driveway will not go into the backyard. Abutters have provided approval for the project.

D) Nuisance or hazard would not be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:

The welfare of the occupants of the proposed use will be improved as it will provide more safety. Magoun St is straight and flat, suffers from significant through-traffic at high speeds as commuters attempt to bypass the signal at Mass Ave and Alewife Brook Parkway. We at 41/43 Magoun St are parents of a young two-and-a-half year old daughter. When placing her in the back seat, we have almost been hit by oncoming traffic numerous times. We at 45 Magoun Street are seniors and would like easier access to our cars. Paul is deaf in one ear and has only 40% hearing in the other, making it difficult to hear the fast oncoming traffic when entering the car. In addition, our parked car on the street was recently banged on the side by someone driving down the street. It was extremely stressful to deal with the aftermath and resistance from the insurance company. The parking space will also enable better public health and clean air, as it will open up the opportunity for electric cars and less emissions. We do not see any detrimental effects from this change to the public generally.

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

Curb cuts, off-street driveways, and even mutual driveways are common in North Cambridge. We include here photos from our most proximate neighborhood (North Cambridge north of the linear bike path). As such, the proposed use would not impair the integrity of the district, but in fact improve the safety of both the occupants and provide more street parking to others. There is one small tree, about 4-5 inch caliper (less than the 6" mentioned in the ordinance), that would need to be moved or removed for the curb cut; we include here in our design a plan to either move it to either side of the curb cut, or plant a new one, as per the City's advice.

BZA APPLICATION FORM**DIMENSIONAL INFORMATION**

APPLICANT: self / Cambridge resident **PRESENT USE/OCCUPANCY:** None
LOCATION: 41-43 Magoun St Cambridge, MA **ZONE:** Residence B Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** Parking

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹
<u>TOTAL GROSS FLOOR AREA:</u>		5118	no change	n/a (max.)
<u>LOT AREA:</u>		4000	no change	n/a (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²		128%	no change	n/a (max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>		n/a	n/a	n/a (min.)
<u>SIZE OF LOT:</u>	WIDTH	40	no change	n/a (min.)
	DEPTH	100	no change	n/a
<u>SETBACKS IN FEET:</u>	FRONT	7.1	no change	n/a (min.)
	REAR	36.3	no change	n/a (min.)
	LEFT SIDE	7.7-8.8	no change	n/a (min.)
	RIGHT SIDE	5	no change	n/a (min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	29	no change	n/a (max.)
	LENGTH	n/a	n/a	n/a
	WIDTH	n/a	n/a	n/a
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		63%	no change	n/a (min.)
<u>NO. OF DWELLING UNITS:</u>		2	no change	n/a (max.)
<u>NO. OF PARKING SPACES:</u>		0	2	n/a (min./max)
<u>NO. OF LOADING AREAS:</u>		0	no change	n/a (min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>		n/a	n/a	n/a (min.)

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

Curb cut and driveway/parking (made with pervious material) with neighbors.

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'.



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: Judith M. Robertson Date: 11/22/19
(Print)

Address: 41-43 Magoun St.

Case No. BZA-017213-2019

Hearing Date: 12/12/19

Thank you,
Bza Members

Pacheco, Maria

From: N Trivedi <ntrivedi00@gmail.com>
Sent: Tuesday, November 26, 2019 12:02 PM
To: Pacheco, Maria
Subject: Images of signs posted

Hi Maria,

Just for record keeping and your reference, here are two photos of the signs that have been posted at 41-43 and 45 Magoun St, more than the two weeks in advance of the hearing date. Thank you. Neheet





Pacheco, Maria

From: Neheet Trivedi <neheet@gmail.com>
Sent: Wednesday, December 11, 2019 2:36 PM
To: Pacheco, Maria
Subject: case extension

BZA 017213-2019

BZA 017212-2019

Dear Maria,

I spoke with Ranjit. We wish to continue the above cases for the next available hearing in January. We are proposing slight changes to the application. We will be re-applying to the BZA with the new changes.

Thanks,
Neheet



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

2019 DEC 13 AM 10:58

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

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 # 017213-2019

Address: 41-43 Magoun St.

☒ Owner, ☐ Petitioner, or ☐ Representative: Neheet Trivedi
(Print Name)

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: 12/12/19

Neheet Trivedi
Signature



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Floor, Cambridge, Massachusetts 02139

Telephone: 617 349 4683 TTY: 617 349 6112

E-mail: histcomm@cambridgema.gov URL: <http://www.cambridgema.gov/Historic>

Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles M. Sullivan, *Executive Director*

William G. Barry, Jr., Joseph V. Ferrara, Chandra Harrington, Jo M. Solet, *Members*

Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

Jurisdiction Advice

To the Owner of Property at 41-43 Magoun Street

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- ☐ Old Cambridge Historic District
- ☐ Fort Washington Historic District
(M.G.L. Ch. 40C, City Code §2.78.050)
- ☐ Avon Hill Neighborhood Conservation District
- ☐ Half Crown – Marsh Neighborhood Conservation District
- ☐ Harvard Square Conservation District
- ☐ Mid Cambridge Neighborhood Conservation District
- ☐ Designated Landmark
- ☐ Property is being studied for designation: _____
(City Code, Ch. 2.78., Article III, and various City Council Orders)
- ☐ Preservation Restriction or Easement (as recorded)
- ☒ Structures are fifty years or more old and is therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). See the back of this page for definition of demolition.
No demolition permit application anticipated.
- ☐ No jurisdiction: not a designated historic property and the structure is less than fifty years old.
- ☐ No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.
Staff comments: _____

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.

CHC staff initials SLB

Date December 19, 2019

Received by Uploaded to Energov

Date December 19, 2019

Relationship to project BZA 017213-2019

cc: Applicant
Inspectional Services Commissioner

Demolition Delay Ordinance and Application Information

The Demolition Delay Ordinance (Chapter 2.78, Article II of the Cambridge Municipal Code) was adopted by the City Council in 1979 to afford public review of demolition permit applications for potentially significant buildings. When the Historical Commission determines that a building is significant and should be preserved, demolition will be delayed for up to six months so that solutions can be sought to preserve the building indefinitely. The Ordinance covers all buildings over 50 years old, city-wide. The Historical Commission archives provide dates of construction for all properties in the City.

Demolition is defined in the ordinance as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." The Inspectional Services Commissioner has provided further guidelines to outline what actions require a demolition permit. **In addition to complete demolition of a building, the following actions may require a demolition permit,**

- **removal of a roof,**
- **removal of one side of a building,**
- **gutting of a building's interior to the point where exterior features (windows, etc.) are impacted, and**
- **removal of more than 25% of a structure.**

Please contact the building inspector or a staff member of the Historical Commission if you have questions about whether a demolition permit is required for a particular project.

Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that the building is significant, a public hearing will be scheduled with Historical Commission. If the staff makes an initial determination that the building is not significant, the application is released for further review by the Building Commissioner.

More information about the demolition permit application procedures is available on the Historical Commission's web site or by calling or dropping by the Historical Commission office.

July 2003

Cambridge Historical Commission
831 Massachusetts Ave., 2nd Fl.
Cambridge, MA 02139
Ph: 617/349-4683 or TTY: 617/349-6112
<http://www.cambridgema.gov/Historic>

* * * * *

(8:33 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Andrea A. Hickey, and
Jim Monteverde

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017213 -- 41-43 Magoun Street. Anyone here
wishing to be heard on this matter?

NEHEET TREVEDI: Yes, I already told you my name.

CONSTANTINE ALEXANDER: Yeah.

NEHEET TREVEDI: It hasn't changed. The only
other question I have is as a matter of preference for the
Board, we have some other work that we plan to do, and my
understanding is we'll need to apply for it as well. Does
the Board have some sort of preference for, like, hearing
everything at once, or does that not --

CONSTANTINE ALEXANDER: If the work is related to
-- if there's some relationship between this work and that
work, we do want to hear them all at the same time.

NEHEET TREVEDI: Okay.

CONSTANTINE ALEXANDER: The other work you want to
do is completely unrelated to this driveway issue?

1 NEHEET TREVEDI: Yeah.

2 CONSTANTINE ALEXANDER: It's up to you. But if
3 you do it all at one time, you only have one filing fee, and
4 one advertisement so --

5 NEHEET TREVEDI: Okay.

6 CONSTANTINE ALEXANDER: -- it makes sense to do it
7 that way, but you don't have to do it.

8 NEHEET TREVEDI: Okay.

9 CONSTANTINE ALEXANDER: What I don't want -- what
10 we don't want to have, as I said, is this being a salami
11 approach. You ask for a little bit here, and then you come
12 back with the same concept, a little bit more. We want to
13 hear everything at one time.

14 NEHEET TREVEDI: Okay, okay. I think I
15 understand. Thank you so much.

16 CONSTANTINE ALEXANDER: Oh, we've got to take a
17 vote.

18 NEHEET TREVEDI: Oh.

19 CONSTANTINE ALEXANDER: Yes. The Chair moves that
20 we continue this case as a case not heard until 7:00 p.m. on
21 March -- help me --

22 NEHEET TREVEDI: 26.

1 SISIA DAGLIAN: 26.

2 CONSTANTINE ALEXANDER: -- 26, subject to the
3 following conditions: That the petitioner sign a waiver of
4 time for decision and you're in the process of doing that, I
5 hope.

6 That, again, the advertisement, the posting sign
7 that's there for this case needs to be modified -- new date,
8 new time, get a new sign or get a magic marker out and do
9 it, either way. It's up to you. And that has to be
10 maintained for the 14 days before the new hearing date, the
11 continued date.

12 And lastly to the extent that our new plans -- the
13 relief you're seeking, or modifications, that and any
14 dimensional forms, have to be in our files, or the
15 Inspectional Services Department files, no later than 5:00
16 p.m. on the Monday before the continued date.

17 NEHEET TREVEDI: Okay.

18 CONSTANTINE ALEXANDER: All those in favor,
19 please say, "Aye."

20 THE BOARD: Aye.

21 [All vote YES]

22 CONSTANTINE ALEXANDER: Five in favor, case

1 continued, as long as you sign that.

2 NEHEET TREVEDI: All right, thank you.

3 COLLECTIVE: Thank you.

4 CONSTANTINE ALEXANDER: We'll see you later. I'm
5 sorry for the confusion.

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41-43 Magoun St.

Petitioner

188-79
KOZACHUK, ALEXANDER M. &
KEVIN PAUL KOZACHUK
49 MAGOUN ST
CAMBRIDGE, MA 02140

188-58
MAHONEY, ELVIRA V.
39 MADISON AVE
CAMBRIDGE, MA 02140

188-77
TRIVEDI, NEHEET & KATE L. MCGOVERN
41-43 MAGOUN ST
CAMBRIDGE, MA 02140

188-78
ROBERTSON, JAMES P. & JUDITH M ROBERTSON
TR. OF BOTH THE JAMES ROBERTSON REVOC TR.
8 MAPLE ST
WATERTOWN, MA 02472

189-25
ALBERT, JULES J. & CLAIRE M ALBERT
36 MAGOUN ST
CAMBRIDGE, MA 02140-1617

189-24
DAME, THOMAS M. &
GERALDINE A. HEALEY-DAME
40 MAGOUN ST.
CAMBRIDGE, MA 02140-1617

188-56
KING, EDWARD P. & JULIA A. KING
ELLEN M. DENTE
129 COLON ST
BEVERLY, MA 01915

188-59
DESROSIERS, LEO A. & THERESA I. DESROSIERS
LIFE ESTATE
P.O BX 410072
CAMBRIDGE, MA 02140-1614

188-76
37 MAGOUN ST LLC
52 porter street #1
SOMERVILLE, MA 02143

188-80
FOLEY, JONATHAN & REBECCA TEITELBAUM
53 MAGOUN ST. UNIT#2
CAMBRIDGE, MA 02140

188-80
DIEP, GEORGE
53 MAGOUN ST. UNIT#1
CAMBRIDGE, MA 02140

188-61
BOUCHARD, ANNA K.,
TRUSTEE THE ANNA K. BOUCHARD LIV TRUST
27 MADISON AVE
CAMBRIDGE, MA 02140

JAMES PAUL ROBERTSON &
JUDITH ROBERTSON
45 MAGOUN STREET
CAMBRIDGE, MA 02140

188-60
BAKSHI, RAY S.
31-33 MADISON AVE. UNIT 2
CAMBRIDGE, MA 02140

188-60
JOHN, BINO & ELANE FISHLEVICH
31-33 MADISON AVE. UNIT 3
CAMBRIDGE, MA 02140

188-57
DOUCETTE, FREDERICK
41 MADISON AVE
CAMBRIDGE, MA 02140

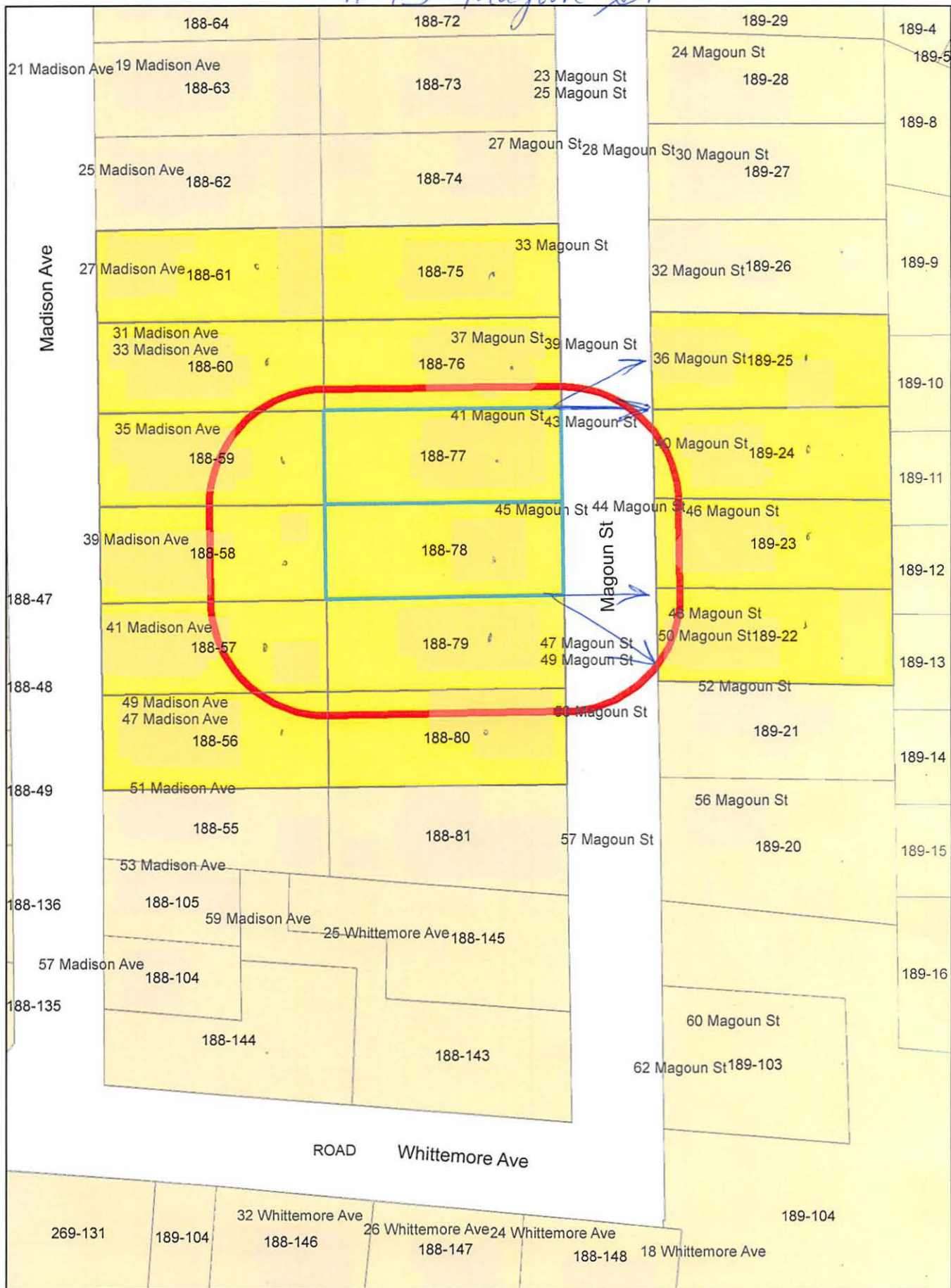
188-60
VEROSKO, JESSICA
31-33 MADISON AVENUE. UNIT 1
CAMBRIDGE, MA 02140

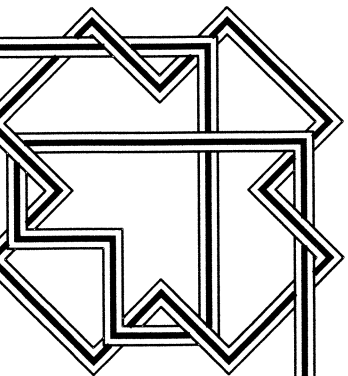
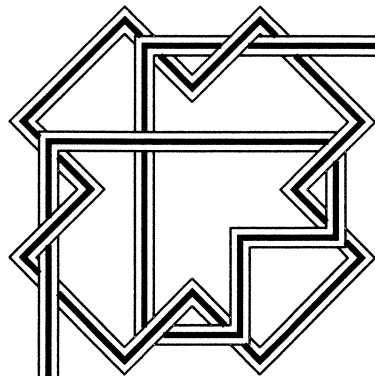
189-23
MOUSSA, YEHIA S. & LAILA MOUSSA
46 MAGOUN ST
CAMBRIDGE, MA 02139

189-22
REYBURN HOLDINGS LLC
2 WORCESTER ST
CAMBRIDGE, MA 02139

188-75
RULF, DAPHNE
33 MAGOUN ST
CAMBRIDGE, MA 02140

41-43 Magoun St





45 MAGOUN STREET
TOTAL GROSS FLOOR AREA:
2,457 S.F. (ASSESSOR)
(NO CHANGES PROPOSED)

RATIO OF GROSS FLOOR AREA TO LOT AREA:
2,457/4,000 S.F. = 61.4% (NO CHANGES PROPOSED)

LOT AREA :
4,000 S.F.

WIDTH 40', DEPTH 100'

BUILDING HEIGHT:
24'±
(NO CHANGE PROPOSED)

SETBACKS: (NO CHANGES PROPOSED)
FRONT = 15.1'
REAR = 40.1'
LEFT SIDE = 7.7'
RIGHT SIDE = 7.7'

USEABLE OPEN SPACE:
3,072 S.F.

NUMBER OF DWELLING UNITS:1
NUMBER OF PARKING SPACES
(EXISTING = 0 PROPOSED = 2 COMPACT CAR)

N/F
ALEXANDER M. &
KEVIN PAUL KOZACHUK

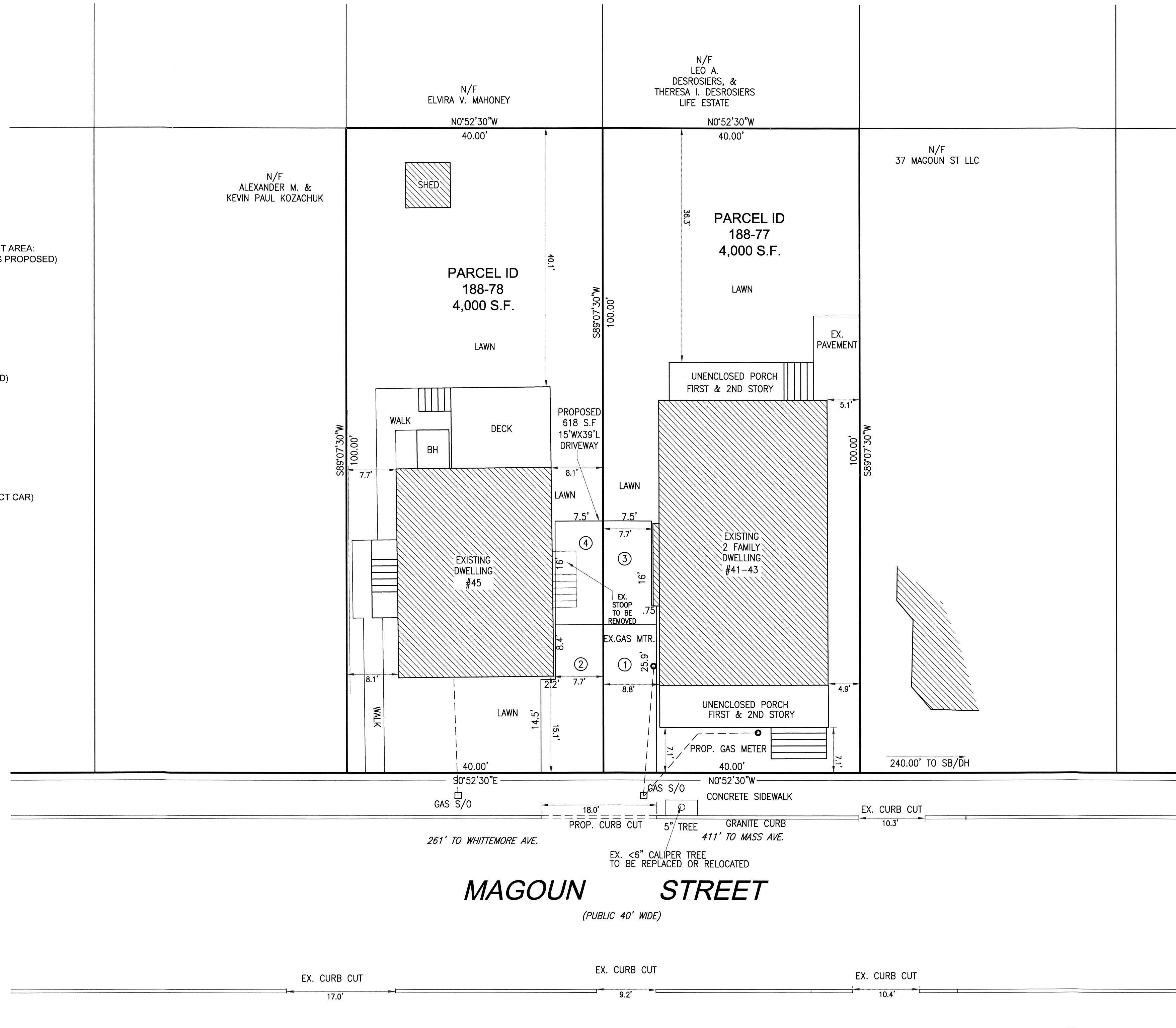
N/F
ELVIRA V. MAHONEY
N0°52'30"W
40.00'

PARCEL ID
188-78
4,000 S.F.

N/F
LEO A.
DESROSIER, &
THERESA I. DESROSIER
LIFE ESTATE
N0°52'30"W
40.00'

PARCEL ID
188-77
4,000 S.F.

N/F
37 MAGOUN ST LLC



NOTES:
RECORD OWNERS:

#41-43 MAGOUN STREET (MAP 188-LOT 77)
NEHEET TRIVEDI &
KATE MCGOVERN
RECORD DEED:
BK 72014 PAGE 164

#45 MAGOUN STREET (MAP 188 LOT 78)
JAMES & JUDITH ROBERTSON TR.
RECORD DEED:
BK 69178-45

REC. PLAN BK 22-14

LOCUS IS ZONED RB

PORTIONS OF THE LOCUS DO LIE IN A SPECIAL FLOOD HAZARD
ZONE AS SHOWN ON COMMUNITY PANEL 25017C0419E
EFFECTIVE 06/04/2010

THERE ARE NO PROPOSED CHANGES TO GRADES OR EXISTING DRAINAGE PATTERNS
SHOWN ON THIS PLAN

APPLICANTS ARE REQUESTING A SPECIAL PERMIT TO ALLOW FOR A
COMMON DRIVEWAY WITH 4 TOTAL COMPACT CAR PARKING SPACES (2 ON EACH LOT)
WITH ONE 18' CURB CUT.

APPLICANT WILL CREATE AND RECORD AN EASEMENT FOR DRIVEWAY UPON
GRANTING OF SPECIAL PERMIT

41-43 MAGOUN STREET
TOTAL GROSS FLOOR AREA:
5,118 S.F. (ASSESSOR)
(NO CHANGES PROPOSED)

RATIO OF GROSS FLOOR AREA TO LOT AREA:
5,118/4,000 S.F. = 128% (NO CHANGES PROPOSED)

LOT AREA :
4,000 S.F.

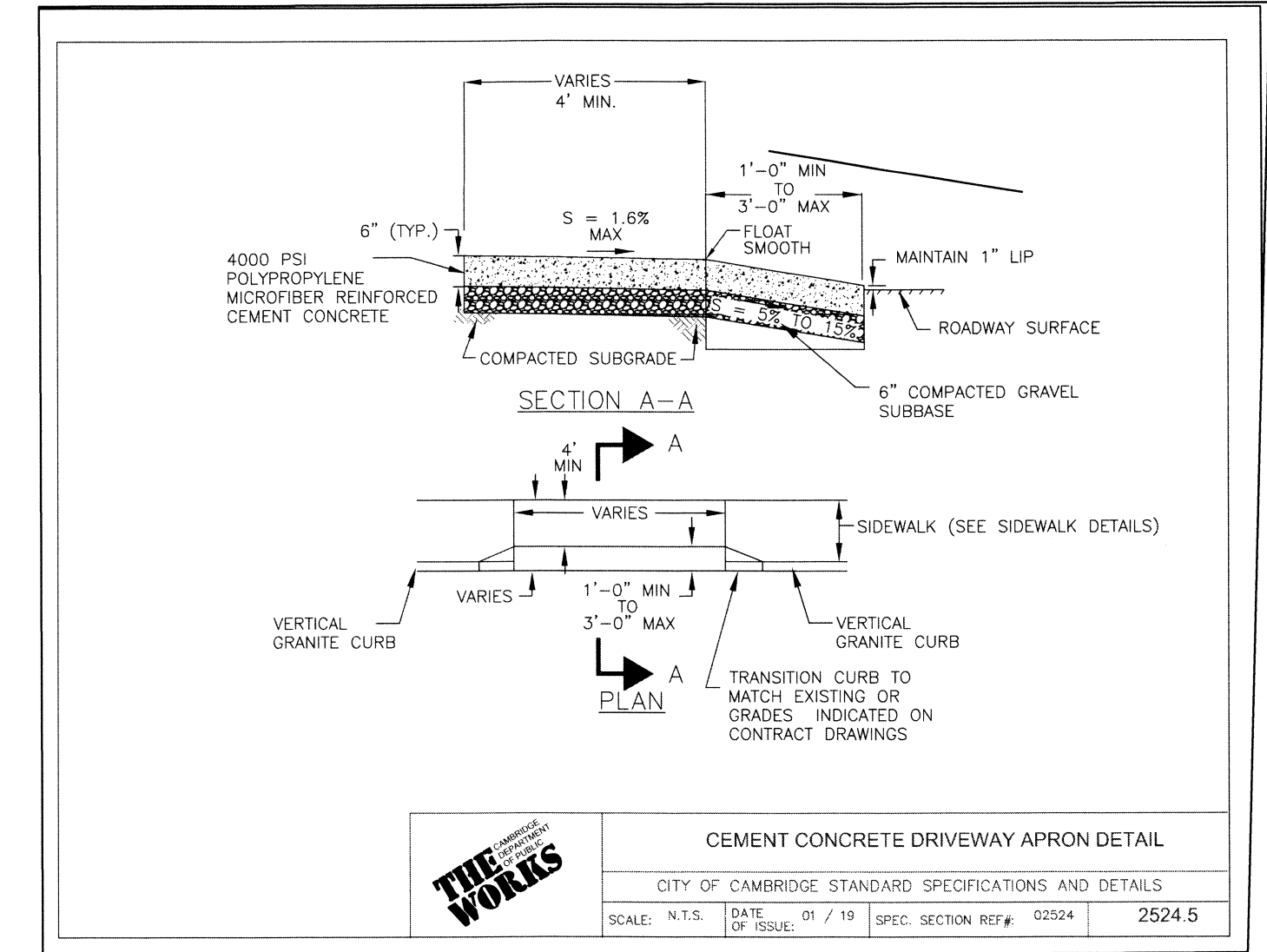
WIDTH 40', DEPTH 100'

SETBACKS: (NO CHANGES PROPOSED)
FRONT = 71'
REAR = 36.3'
LEFT SIDE = 7.7'
RIGHT SIDE = 4.9'

BUILDING HEIGHT:
29'±
(NO CHANGE PROPOSED)

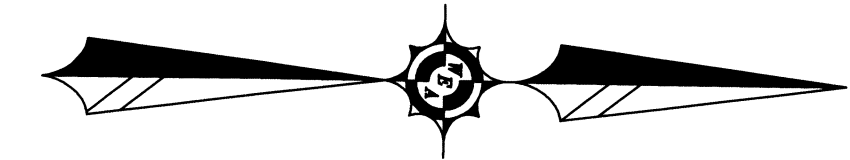
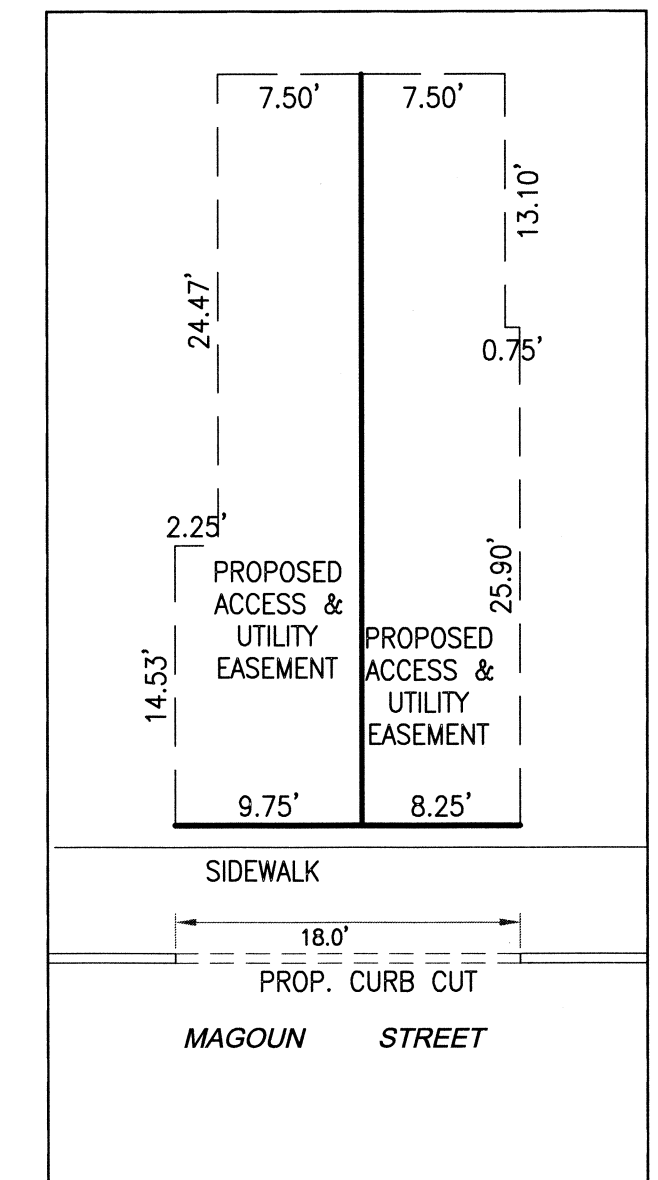
USEABLE OPEN SPACE:
2,499 S.F.

NUMBER OF DWELLING UNITS:2
NUMBER OF PARKING SPACES
(EXISTING = 0 PROPOSED = 2 COMPACT CAR)



GENERAL NOTES:
1. BEFORE CONSTRUCTION BEGINS DIG-SAFE AND THE CITY OF
CAMBRIDGE MUST BE NOTIFIED.
2. ALL UTILITY LOCATIONS AND INVERTS SHOWN ON THIS PLAN ARE
APPROXIMATE ONLY. IT IS THE CONTRACTORS RESPONSIBILITY TO
VERIFY ALL INVERTS AND UTILITY LOCATIONS. FIELD ADJUSTMENTS
ARE TO BE MADE AS NECESSARY.
3. SUBSURFACE SOIL CONDITIONS AND SEASONAL HIGH
GROUNDWATER ARE UNKNOWN

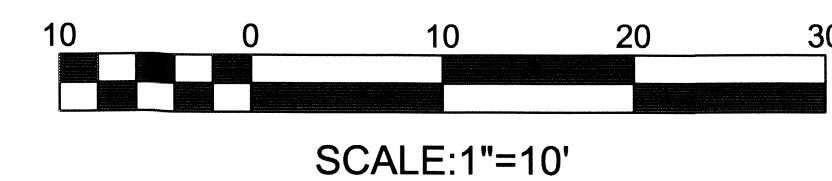
EASEMENT DETAIL
1"=10'



SPECIAL PERMIT
PLAN OF LAND
IN
CAMBRIDGE, MASS.

PREPARED FOR
NAHEET TRIVEDI & JAMES ROBERTSON
SCALE: 1"=10' OCTOBER 22, 2019

WEBBY ENGINEERING ASSOCIATES, INC.
ENGINEERS & LAND SURVEYORS
180 COUNTY ROAD - PLYMPTON, MA.
02367 TEL. 1-781-585-1164





CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the assessor's plat and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of 36 Magoun St.

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

41-43 Magoun St.

Signed: Charlie Albert Date: 5/26/19

Address: 36 Magoun St
Cambridge MA 02148

To Whom It May Concern:

As owner or agent of _____

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

Signed: _____ Date: _____

Address: _____



CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS
AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the assessor's plat and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of 37-39 Magoun Street

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

41-43 Magoun St., Cambridge

Signed: [Signature] Date: 10-29-19

Address: Sené Management

P.O. Box 380740, Cambridge, MA, 02238

To Whom It May Concern:

As owner or agent of _____

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

Signed: _____ Date: _____

Address: _____



CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the assessor's plat and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of 40 Magoun St

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

41-43 Magoun St

Signed: Geri Healey-Dame

Date: 5/5/19

Address:

Geri Healey-Dame
40 Magoun St
Cambridge, MA 02140

To Whom It May Concern:

As owner or agent of _____

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

Signed: _____

Date: _____

Address:



CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the assessor's plat and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of 41-43 Magoun St.

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

45 Magoun St.

Signed: Nehru Jit Date: 10/1/19

Address: 43 Magoun St
Cambridge, MA 02140

To Whom It May Concern:

As owner or agent of _____

Cambridge, Massachusetts, I do hereby declare



approval

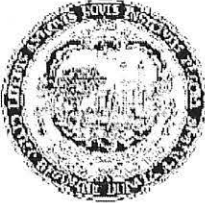


disapproval

of installment of Off-Street Parking Facility located at:

Signed: _____ Date: _____

Address: _____



CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS
AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the assessor's plat and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of

45 Magoun St., Cambridge, MA

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

41-43 Magoun

Signed:

Judith M. Robertson

Date:

9/7/2019

Address:

45 Magoun St
Cambridge, MA 02140

To Whom It May Concern:

As owner or agent of

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

Signed:

Date:

Address:



CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the assessor's plat and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of

46 MAGOUN ST

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

41-43 MAGOUN ST.

Signed:

[Signature]

Date:

5/5/19

Address:

YEHIA MOUSSA

46 MAGOUN ST. CAMBRIDGE, MA

To Whom It May Concern:

As owner or agent of

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

Signed:

Date:

Address:



CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS
AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the **assessor's plat** and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of

48 Magoun St. Cambridge, MA 02140

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

41-45 Magoun St, Cambridge, MA 02140

Signed:

Wilfredo Morales

Date:

8-20-19

Address:

48 Magoun St

To Whom It May Concern:

As owner or agent of

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

Signed:

Date:

Address:



CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS
AND OPENINGS ABUTTOR'S FORM

Applicants must submit a copy of the assessor's plat and signatures from all abutting property owners including property owners directly across the street (may be more than one). If the abutting buildings are condominiums then all condominium owners must sign.

To Whom It May Concern:

As owner or agent of

47-49 Magoun St. Cambridge, MA 02140

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

45 Magoun St. Cambridge, MA 02140

Signed:

Kevin P. Kyzachuk, Alex Kyzachuk

Date: Sept. 14, 2019

Address:

49 Magoun St.

Cambridge MA

To Whom It May Concern:

As owner or agent of

Cambridge, Massachusetts, I do hereby declare



approval



disapproval

of installment of Off-Street Parking Facility located at:

Signed:

Date:

Address:

45 Magoun St.
Cambridge, MA. 02140
September 18, 2019

Ms. Alvira V. Mahoney
39 Madison Ave.
Cambridge, MA. 02140

Re: Curb break at #45 Magoun St.

Dear Ms. Mahoney,

My name is Judith Robertson, my husbands name is James Paul Robertson. We are your neighbors and abutters in the rear of your property on Madison Ave., Cambridge.

In order for us to begin the process of a request for a curb break, we would like your signature on the enclosed sheet for the City of Cambridge. The curb cut and driveway will be on the right of our house as you are facing our home. It will accommodate one small car.

We have owned our property at #45 for 20 years, but have rented it for most of that time. We moved here in July and within 3 weeks or less my car was sideswiped and totaled by my insurance company. We are seniors and would like to have some protection on a street that is very busy.

If you would like to speak with us, you are more than welcome to stop by our house and/or call us at 617 953 2270.

Thank you for your consideration. A self addressed stamped envelope is enclosed.

Sincerely,

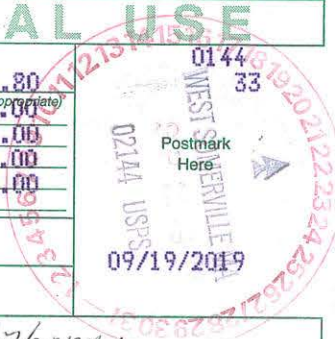
Judith M. Robertson
James Paul Robertson

7019 0700 0000 6713 4410

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
CAMBRIDGE, MA 02140	
Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$2.80
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.85
Sent to Ms. Alvin V. Mahoney 39 Madison Ave Cambridge, MA 02140	

0144 33
WEST NEWTON
02144 USPS
Postmark Here
09/19/2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



Kate McGovern and Neheet Trivedi

43 Magom St.

Cambridge MA 02140



1000



02140

U.S. POSTAGE PAID
FCM LG ENV
CAMBRIDGE, MA
02140
OCT 31, 19
AMOUNT

\$1.15

R2305M149496-75

Desrosiers, Leo & Theresa I. Desrosiers
Life Estate

Po Box 410072

Cambridge, MA 02140



Certificate Of Mailing

To pay fee, affix stamps or
meter postage here.

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing.
This form may be used for domestic and international mail.

From: Kate McGovern & Neheet Trivedi
43 Magom St.
Cambridge MA 02140

To: Desrosiers, Leo & Theresa I
Desrosiers Life Estate
Po Box 410072
Cambridge, MA 02140



Kate McGovern and Neheet Trivedi
43 Magoun St
Cambridge, MA 02140

Desrosiers, Leo A & Theresa I. Desrosiers
Life Estate
P.O Box 410072
Cambridge, MA 02140-1614

Re: Curb cut

Dear Neighbor:

We are your neighbors and abutters in the rear of your property, on Magoun St. in Cambridge. We recently moved in earlier this year. Kate was born and raised in Cambridge and Neheet was born and raised in Connecticut, and has been in Cambridge for the last decade.

We have a 2 1/2 year old daughter and, as we try to put her in the car, we – either she or us as parents – have almost been hit multiple times by cars coming down Magoun Street at a high rate of speed. We are worried about her safety.

We are seeking to install a small driveway so that we do not have to enter and exit the car with her on the road. The driveway would be on the front and left side of our house as you are facing our home. Our neighbors are seniors, and we would like to make a joint driveway with them between our homes. It would not go into the backyard. As such it would not impact you or the residents of your property.

In order for us to begin the process of a request for a curb cut we would like your signature on the enclosed sheet for the City of Cambridge.

If you would like to speak with us you are more than welcome to stop by our house and or call us at 415-967-1225. Thank you for your consideration. A self-addressed stamped envelope is enclosed.

Thank you,

Kate McGovern

Neheet Trivedi

Addendum to BZA Application Form, Supporting Statement for Special Permit, Question E

Here we include several images of curb cuts and driveways in our neighborhood in North Cambridge. One can see here that:

- (1) curb cuts and driveways are very common on Magoun St; nearly all of our nearest neighbors have one,
- (2) there are numerous examples of curb cuts 17' or wider; here are just a couple close by, and
- (3) there are a number of driveways shared by two adjacent properties.

(1) curb cuts and driveways are very common on Magoun St; nearly all of our nearest neighbors have one

Even number (across the street)



32 Magoun St



36 Magoun St



40 Magoun St



46 and 48/50 Magoun St



52 Magoun St



58 Magoun St

Odd number (same side of street)



53 and 57 Magoun St



37-39 Magoun St



33 Magoun St

(2) there are numerous examples of curb cuts 17' or wider in North Cambridge; here are just a couple close by



46 and 48/50
Magoun St –
17 feet



31 - 33
Magoun St –
21 feet, 2 in

(3) In the neighborhood, there are a number of shared/mutual curb cuts and/or driveways shared by adjacent properties.



46 and 48/50 Magoun St



19 and 25 Madison Ave

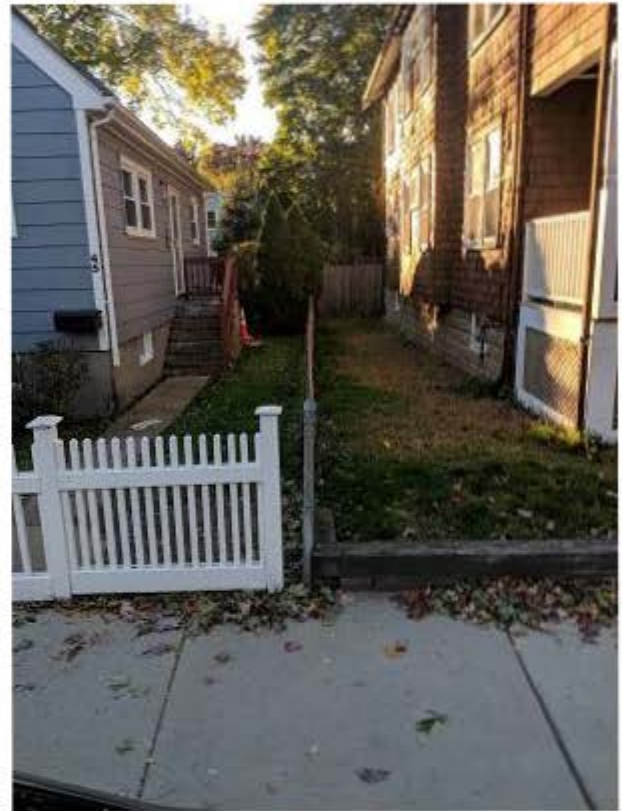


19-21 Kimball St with 2
Seagrave Rd



8-10 Columbus with 3
Madison Ave

Images of proposed driveway location



45 MAGOUN STREET
TOTAL GROSS FLOOR AREA:
2,457 S.F. (ASSESSOR)
(NO CHANGES PROPOSED)

RATIO OF GROSS FLOOR AREA TO LOT AREA:
2,457/4,000 S.F. = 61.4% (NO CHANGES PROPOSED)

LOT AREA:
4,000 S.F.

WIDTH 40', DEPTH 100'

BUILDING HEIGHT:
24'
(NO CHANGE PROPOSED)

SETBACKS: (NO CHANGES PROPOSED)
FRONT = 15.1'
REAR = 40.1'
LEFT SIDE = 7.7'
RIGHT SIDE = 7.7'

USEABLE OPEN SPACE:
3,072 S.F.

NUMBER OF DWELLING UNITS: 1
NUMBER OF PARKING SPACES:
(EXISTING = 0 PROPOSED = 2 COMPACT CAR)

N/F
ALEXANDER M. &
KEVIN PAUL KOZACHUK

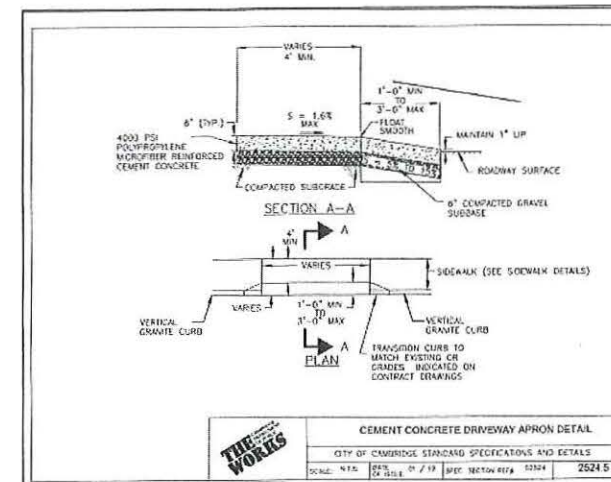
N/F
ELVIRA V. MAHONEY
N0°52'30"W
40.00'

PARCEL ID
188-78
4,000 S.F.

N/F
LEO A.
DESROSIERS, &
THERESA I. DESROSIERS
LIFE ESTATE
N0°52'30"W
40.00'

PARCEL ID
188-77
4,000 S.F.

N/F
37 MAGOUN ST LLC



NOTES:
RECORD OWNERS:

#11-43 MAGOUN STREET (MAP 188 LOT 77)
NEHEET TRIVEDI &
KATE MCGOVERN
RECORD DEED:
BK 72014 PAGE 164

#45 MAGOUN STREET (MAP 188 LOT 78)
JAMES & JUDITH ROBERTSON TR.
RECORD DEED:
BK 69176-45

REC. PLAN BK 22-14

LOCUS IS ZONED RB

PORTIONS OF THE LOCUS DO LIE IN A SPECIAL HAZARD
ZONE AS SHOWN ON COMMUNITY PANEL 25017C0410E
EFFECTIVE 06/04/2010

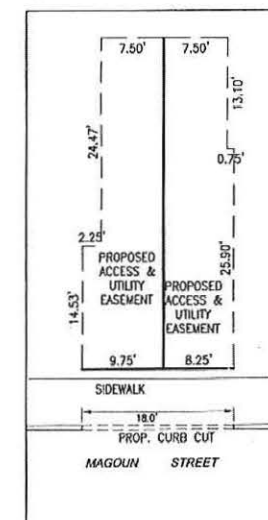
THERE ARE NO PROPOSED CHANGES TO GRADES OR EXISTING DRAINAGE PATTERNS
SHOWN ON THIS PLAN

APPLICANTS ARE REQUESTING A SPECIAL PERMIT TO ALLOW FOR A
COMMON DRIVEWAY WITH 4 TOTAL COMPACT CAR PARKING SPACES (2 ON EACH LOT)
WITH ONE 18' CURB CUT.

APPLICANT WILL CREATE AND RECORD AN EASEMENT FOR DRIVEWAY UPON
GRANTING OF SPECIAL PERMIT

GENERAL NOTES:
1. BEFORE CONSTRUCTION BEGINS DIG-SAFE AND THE CITY OF
CAMBRIDGE MUST BE NOTIFIED.
2. ALL UTILITY LOCATIONS AND INVERTS SHOWN ON THIS PLAN ARE
APPROXIMATE ONLY. IT IS THE CONTRACTORS RESPONSIBILITY TO
VERIFY ALL INVERTS AND UTILITY LOCATIONS. FIELD ADJUSTMENTS
ARE TO BE MADE AS NECESSARY.
3. SUBSURFACE SOIL CONDITIONS AND SEASONAL HIGH
GROUNDWATER ARE UNKNOWN

EASEMENT DETAIL
1"=10'



41-43 MAGOUN STREET
TOTAL GROSS FLOOR AREA:
5,118 S.F. (ASSESSOR)
(NO CHANGES PROPOSED)

RATIO OF GROSS FLOOR AREA TO LOT AREA:
5,118/4,000 S.F. = 128% (NO CHANGES PROPOSED)

LOT AREA:
4,000 S.F.

WIDTH 40', DEPTH 100'

SETBACKS: (NO CHANGES PROPOSED)
FRONT = 7.1'
REAR = 36.3'
LEFT SIDE = 7.7'
RIGHT SIDE = 4.9'

BUILDING HEIGHT:
29'
(NO CHANGE PROPOSED)

USEABLE OPEN SPACE:
2,499 S.F.

NUMBER OF DWELLING UNITS: 2
NUMBER OF PARKING SPACES:
(EXISTING = 0 PROPOSED = 2 COMPACT CAR)

SPECIAL PERMIT
PLAN OF LAND
IN

CAMBRIDGE, MASS.

PREPARED FOR

NAHEET TRIVEDI & JAMES ROBERTSON

SCALE: 1"=10' OCTOBER 22, 2019

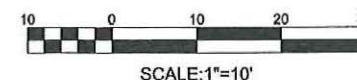
WEBBY ENGINEERING ASSOCIATES, INC.

ENGINEERS & LAND SURVEYORS

180 COUNTY ROAD - PLYMPTON, MA.

02367

TEL. 1-781-585-1164



CITY OF CAMBRIDGE

Massachusetts
BOARD OF ZONING APPEAL
831 Mass Avenue, Cambridge, MA.
617) 349-6100

April 15, 2020

Neheet Trivedi & Kate McGovern
43 Magoun Street
Cambridge, MA 02140

RE: 41-43 Magoun Street – BZA-017213-2019

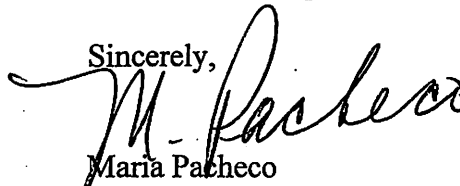
Dear Mr. Trivedi & Mrs. McGovern,

I am writing to you in regard to your above up-coming Board of Zoning Appeal Hearing.

At this time the City will not be holding any non-essential public meetings due to the COVID-19 Pandemic and the City Manager's closure of all City buildings to non-essential business. On April 3, 2020, the Governor signed into law Chapter 53 of the Acts of 2020 ("Act"), which extends all land use permitting deadlines until after the State of Emergency is lifted. In light of the extensions provided for in the Act and the closure of City buildings, at this time the Board of Zoning Appeal will be rescheduling all public hearings in accordance with the extensions permitted under the Act. You will receive notice of the new date, once the hearing is rescheduled.

Thank you for your patience and understanding during this unprecedented time.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Pacheco", written over the printed name.

Maria Pacheco
Administrative Assistant

* * * * *

(7:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017213, 41-43 Magoun Street. And again, this is
like the case before. The petitioner is aware of the
circumstances. He can't be not aware of circumstances in
the country right now, and has agreed to continue this case
until 7:00 p.m. on April 23.

The petitioner is also aware of the requirements
for continued cases in terms of sign posting and submission
of revised or new plans, specifications, et cetera.

The Chair moves that we grant -- we continue this
case until 7:00 p.m. on April 23.

BRENDAN SULLIVAN: Can I make a suggestion that
you call the roll of individuals?

CONSTANTINE ALEXANDER: Okay. In favor, Brendan?

BRENDAN SULLIVAN: Brendan, yes.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: Andrea Hickey, yes.

CONSTANTINE ALEXANDER: Jim?

1 JIM MONTEVERDE: Yes.

2 CONSTANTINE ALEXANDER: And the Chair says yes as
3 well. So it's unanimous.

4 [All vote YES]

5 CONSTANTINE ALEXANDER: The case is continued
6 until April 23.

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