



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

2018 SEP -5 PM 3: 18
 OFFICE OF THE CITY CLERK
 CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-017011-2018

GENERAL INFORMATION

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

Special Permit : _____ Variance : v Appeal : _____

PETITIONER : James M. Maher, Trustee of IRL Trust - C/O Michael W. Wiggins, Esq.

PETITIONER'S ADDRESS : 84 State Street 11th Floor Boston, MA 02109

LOCATION OF PROPERTY : 44 Cogswell Ave Cambridge, MA

TYPE OF OCCUPANCY : Residence B ZONING DISTRICT : Residence B Zone

REASON FOR PETITION :
 Additions

DESCRIPTION OF PETITIONER'S PROPOSAL :

The relief will permit a two story addition on a footprint of 7 feet by 14 feet that will house only an entrance, stairwell and stairs afford access to the two rear units of the building.

SECTIONS OF ZONING ORDINANCE CITED :

Article 5.000 Section 5.31 (Table of Dimensional Requirements).

Article 10.000 Section 10.30 (Variance).

Original Signature(s) :

*James M. Maher Trustee
 of IRL Trust
 by Michael W. Wiggins
 Attorney duly authorized*

(Petitioner(s) / Owner)

James M. Maher Trustee of IRL Trust
 By Michael W. Wiggins Attorney

(Print Name)

Address : 84 State Street 11th Flr

Boston, MA 02109

Tel. No. : 617 742 9310 ext, 313

E-Mail Address : mww@westonpatrick.com

Date : September 5, 2018

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 James M. Maher Trustee of IRL Trust/att 3/28/18
(OWNER)

Address: 966 Broadway Somerville, MA 02144

State that I/We own the property located at 44 Cogswell Avenue,
which is the subject of this zoning application.

The record title of this property is in the name of James M. Maher
Trustee of the IRL Trust/att March 3/28/2018

*Pursuant to a deed of duly recorded in the date 04/06/2018, Middlesex South
County Registry of Deeds at Book 70839, Page 51; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____

James M. Maher Trustee by
his attorney
Michael W. Wiggins duly
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT* *authorized*

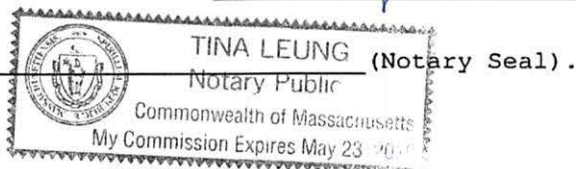
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Suffolk

The above-name Michael W. Wiggins personally appeared before me,
this 28 of August, 2018, and made oath that the above statement is true.

T. V. Notary

My commission expires



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

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A 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 current structure of the building which contains very small stairways and outside second fire escapes for emergency egress makes it impossible to comply with current safety code for all four units.

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 unusual shape and configuration of the building prevents the provision of safe ingress and egress to each apartment without severely reducing interior living space in the already very small one bedroom apartments.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

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

The small extension of the rear of the building will scarcely be visible from the street and will not adversely impact views, air or light at surrounding properties. As reconfigured the building will enable safe occupancy of four one bedroom apartments that are in short supply in the district.

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

The extension will merely afford safe access to the rear apartments and constitutes the minimum additional space that is needed to provide safe access to and egress from the rear apartments.

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



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., Robert G. Crocker, 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 44 Cogswell 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)
- Structure is fifty years or more old and 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 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 September 11, 2018

Received by Uploaded to Energov

Date September 11, 2018

Relationship to project BZA 17011-2018

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.**

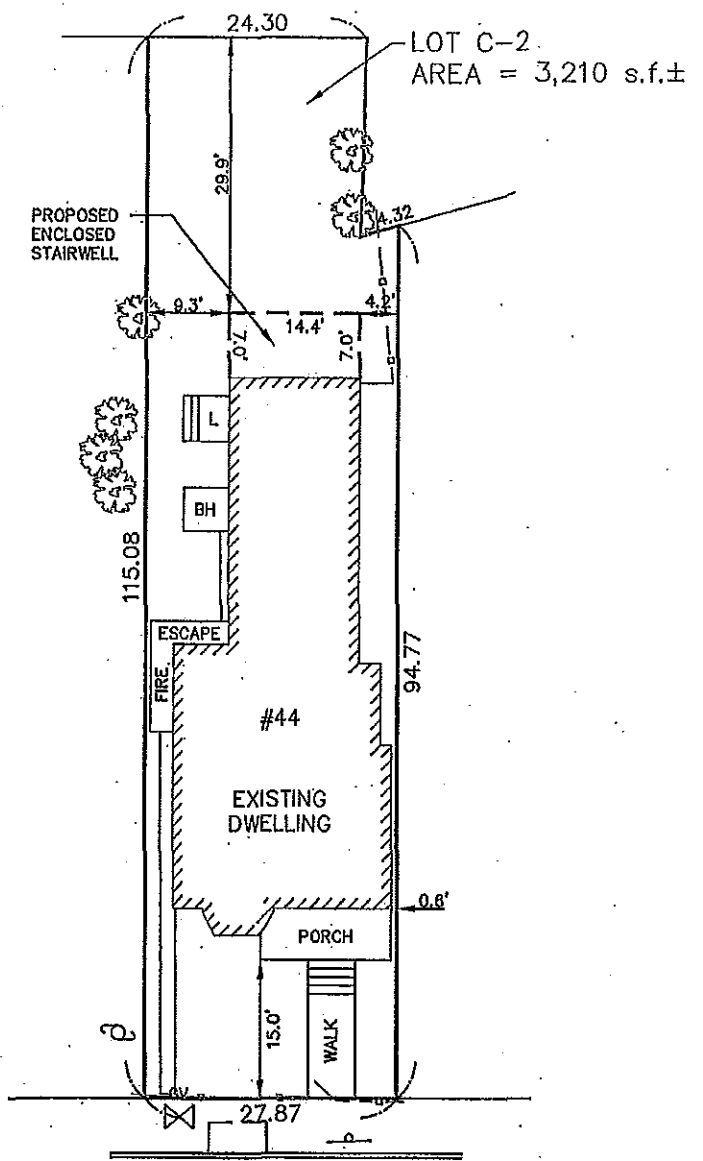
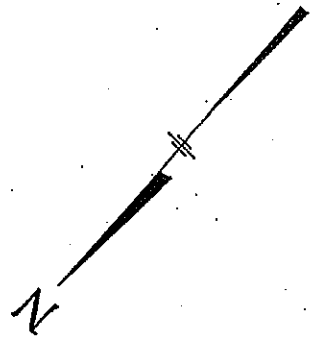
Please contact the building inspector or a staff member of the Historical Commission if you have questions about whether a demolition permit is required for a particular project.

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>



COGSWELL AVENUE

CURRENT ZONE : RES - B

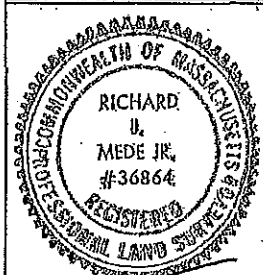
NOTE: TIES SHOWN TO PROPERTY LINES TAKEN FROM CORNER BOARD.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED FROM AN INSTRUMENT SURVEY.

[Signature]
RICHARD J. MEDE JR., P.L.S.

07/01/2018
DATE:

CERTIFIED
PLOT PLAN OF LAND
44 COGSWELL AVENUE
CAMBRIDGE, MA



PREPARED BY:
MEDFORD ENGINEERING & SURVEY
ANGELO B. VENEZIANO ASSOCIATES
15 HALL ST. MEDFORD, MA. 02155
781-396-4466 fax: 781-396-8052

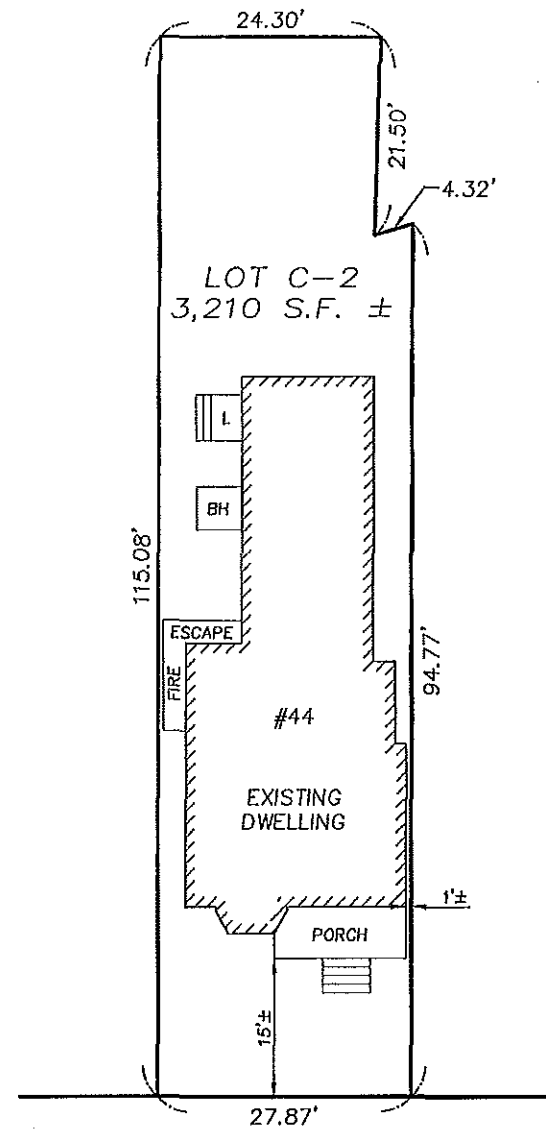
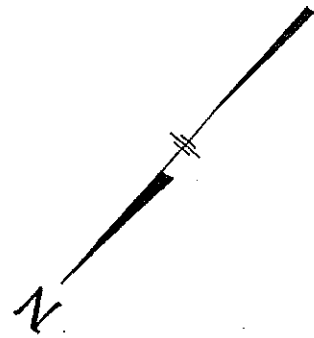
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TITLE REF: BK 29872 PG 53

DATE: JULY 1, 2018

FILE No. 20226

[Signature] 07/01/2018



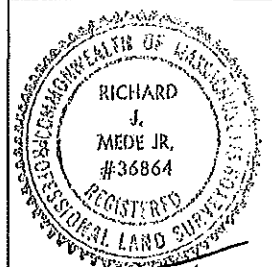
COGSWELL AVENUE

ALL TIES SUBJECT TO WHAT AN ACCURATE INSTRUMENT SURVEY WOULD REVEAL. THIS MORTGAGE INSPECTION PLAN IS NOT TO BE USED FOR PROPERTY LINE DETERMINATION, THE LOCATION OF FENCES OR THE LOCATION OF ANY OTHER STRUCTURES. THIS CERTIFICATION IS MADE TO: NORTHERN BANK AND TRUST COMPANY AND BECOMES NULL AND VOID UPON FUTURE CONVEYANCE.

I HEREBY CERTIFY THAT I HAVE EXAMINED THE PREMISES AND ALL BUILDINGS ARE LOCATED ON THE GROUND AS SHOWN. I FURTHER CERTIFY THAT THE PRINCIPAL BUILDING, WHEN CONSTRUCTED, DID ~~NOT~~ CONFORM TO THE DIMENSIONAL ZONING LAWS OF: CAMBRIDGE OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER G.L. TITLE VII CHAPTER 40A SECTION 7.

I HEREBY CERTIFY THAT THE DWELLING ~~IS~~ IS NOT LOCATED IN AN ESTABLISHED FLOOD HAZARD AREA.
 COMMUNITY No.: 250186
 REVISION DATE: JUNE 4, 2010

**MORTGAGE INSPECTION PLAN
 44 COGSWELL AVENUE
 CAMBRIDGE, MA.**



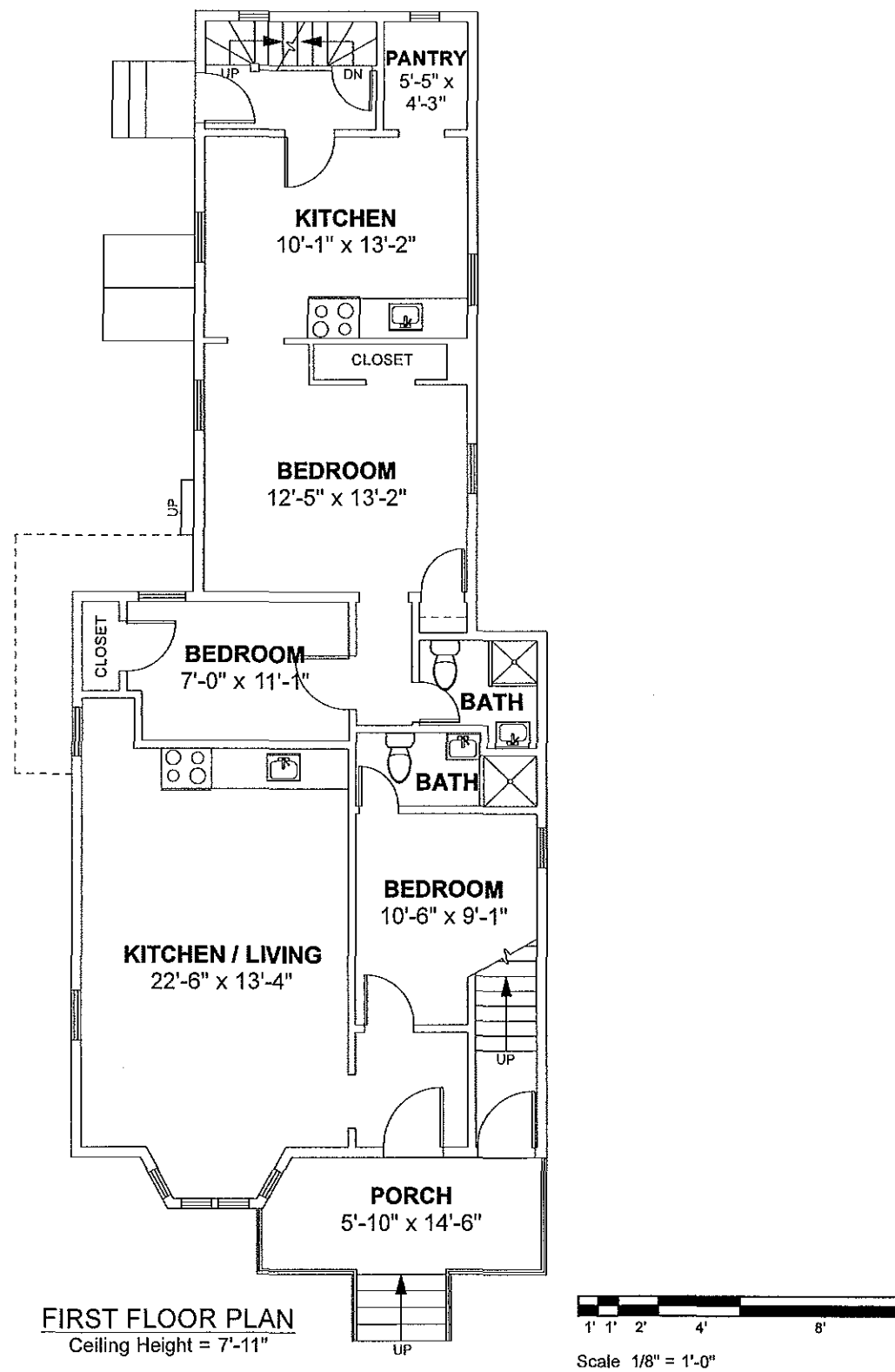
ABV SURVEY

15 HALL STREET, MEDFORD, MASS. 02155
 781-396-4466 FAX: 781-396-8052

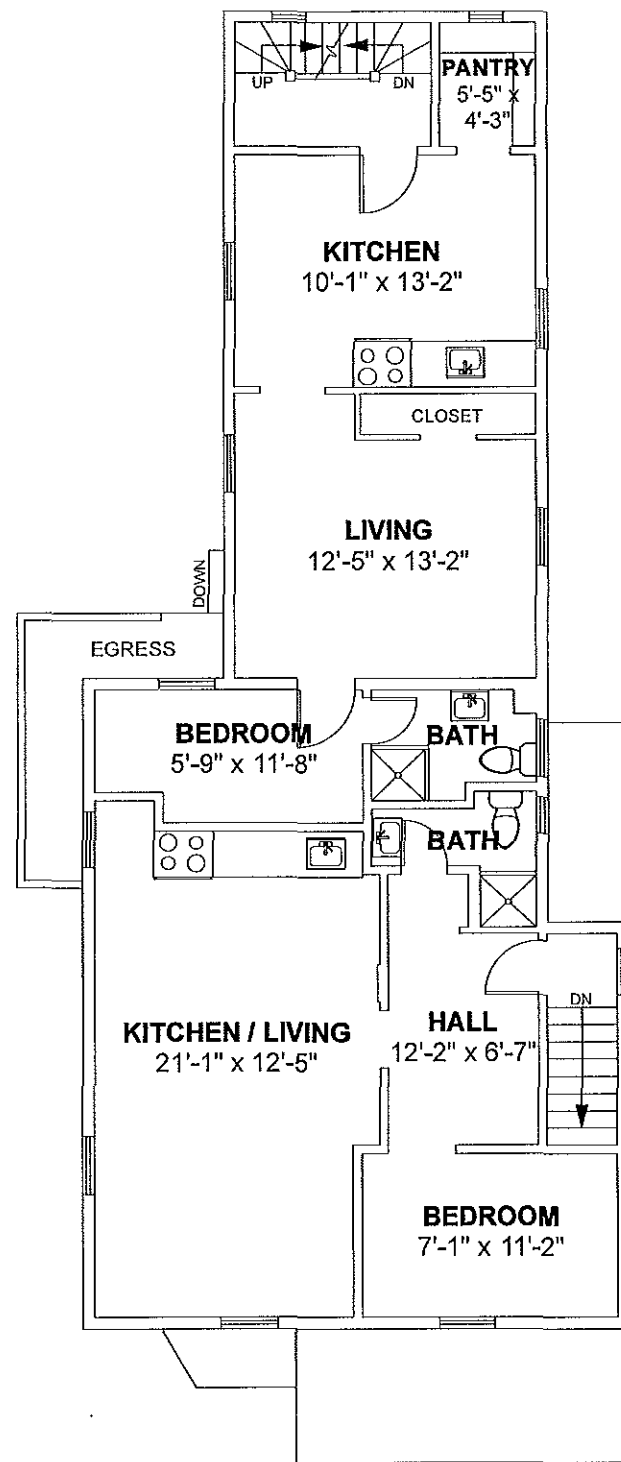
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 TITLE REF: BK 29872 PG 053
 DATE: FEBRUARY 16, 2018
 FILE No. 086-18

Richard J. Mede Jr. 02/16/2018
 RICHARD J. MEDE JR., P.L.S. DATE:

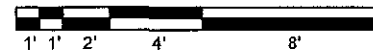
Richard J. Mede Jr. 02/16/2018



EXISTING CONDITIONS FLOOR PLANS			1
JOB NO.	DATE: MAY 2018	SCALE: 1/8" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		44 COGSWELL AVENUE CAMBRIDGE, MA	

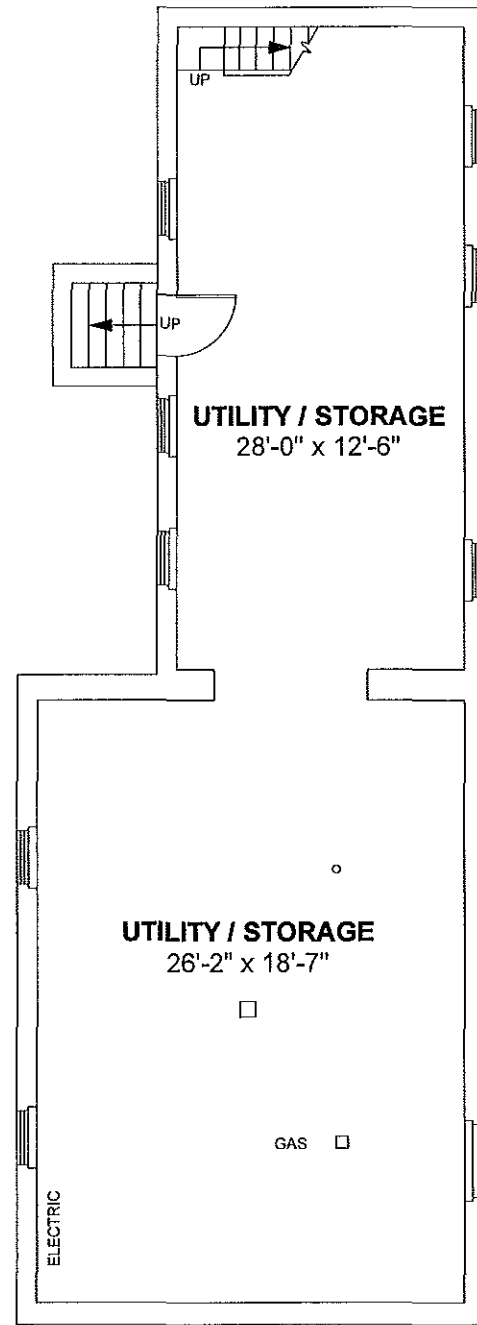


SECOND FLOOR PLAN
Ceiling Height = 7'-7"



Scale 1/8" = 1'-0"

EXISTING CONDITIONS FLOOR PLANS			2
JOB NO.	DATE: MAY 2018	SCALE: 1/8" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		44 COGSWELL AVENUE CAMBRIDGE, MA	

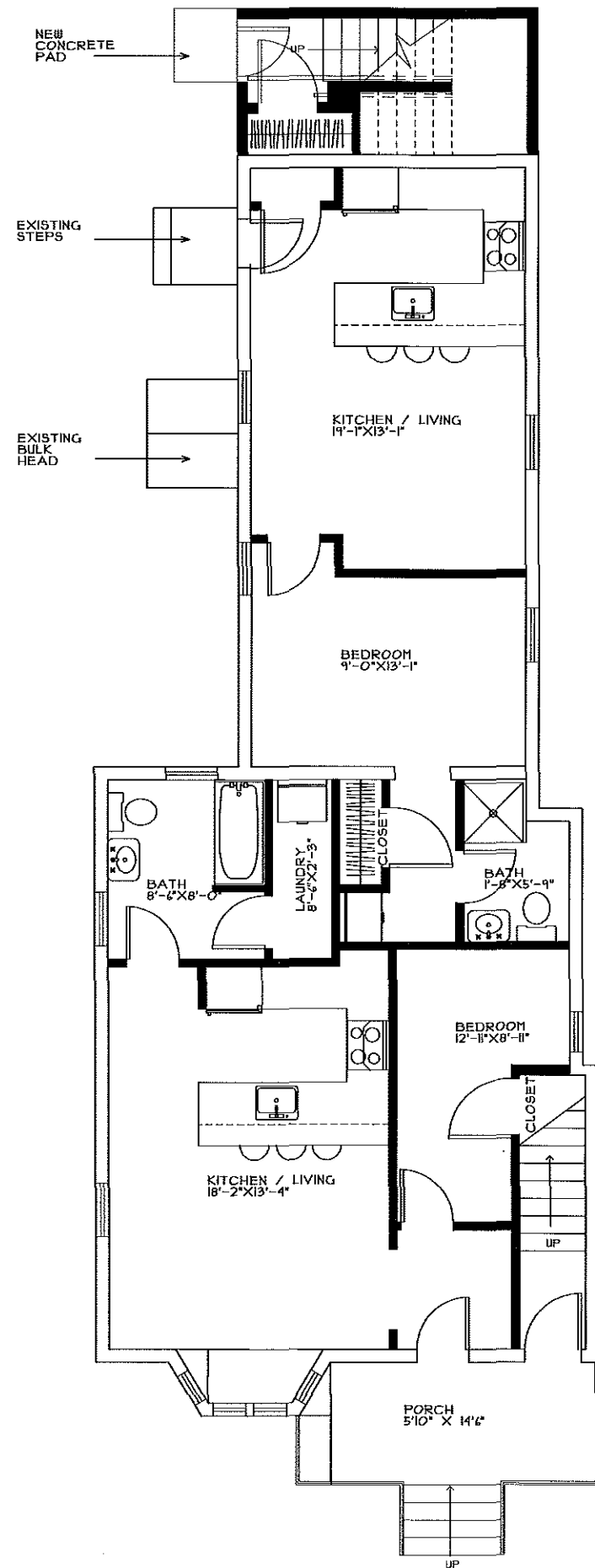


BASEMENT PLAN
Ceiling Height = 5'-11"

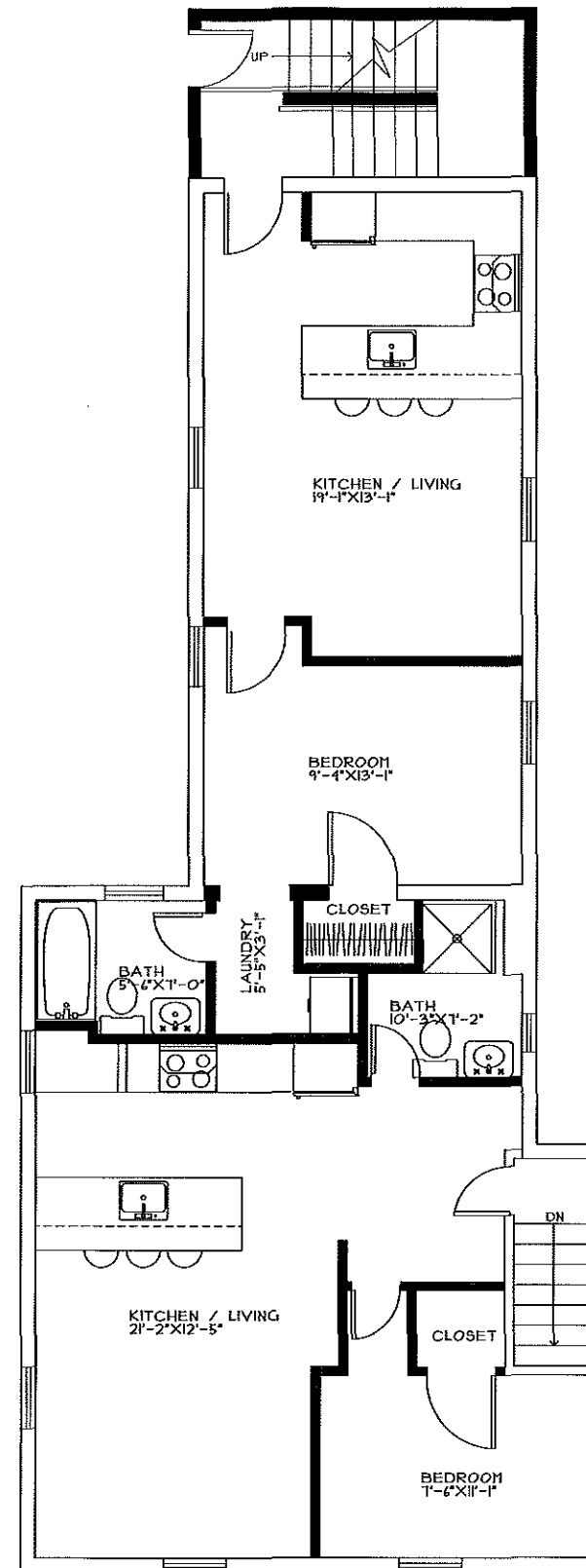


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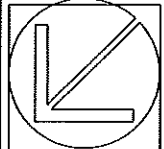
EXISTING CONDITIONS FLOOR PLANS			3
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NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		44 COGSWELL AVENUE CAMBRIDGE, MA	



1 FIRST FLOOR PLAN
 1 2 3 4 8 SCALE IN FEET 16



2 SECOND FLOOR PLAN
 1 2 3 4 8 SCALE IN FEET 16



44 COGSWELL
 44 COGSWELL AVE
 CAMBRIDGE, MA 02140

BLACK
 RIVER
 ARCHITECTS,
inc.

1640 Mass. Ave.
 Cambridge, MA
 02138
 (617) 661-3007



Title
 FIRST AND SECOND
 FLOOR PLAN

Scale
 AS NOTED

Job No.
 022016.00

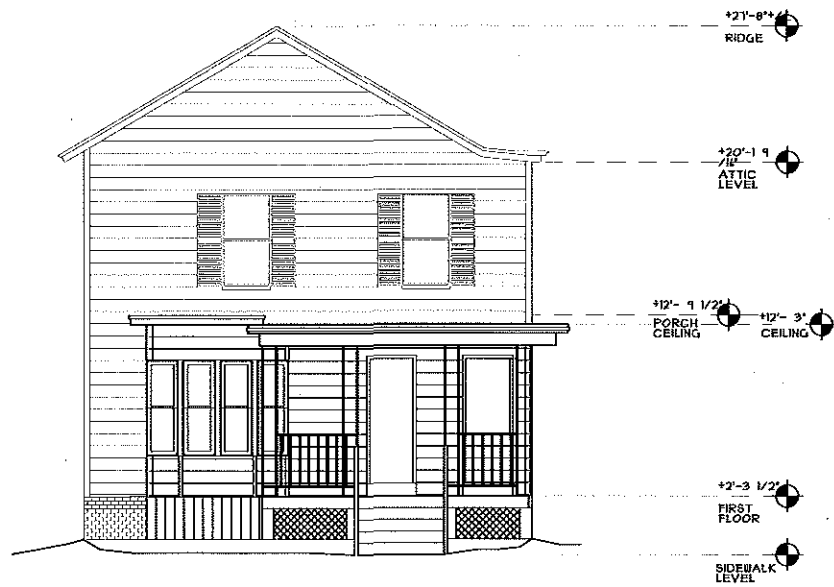
Drawing File
 COG 18 07 A .ARC

Drawn By
 EZ

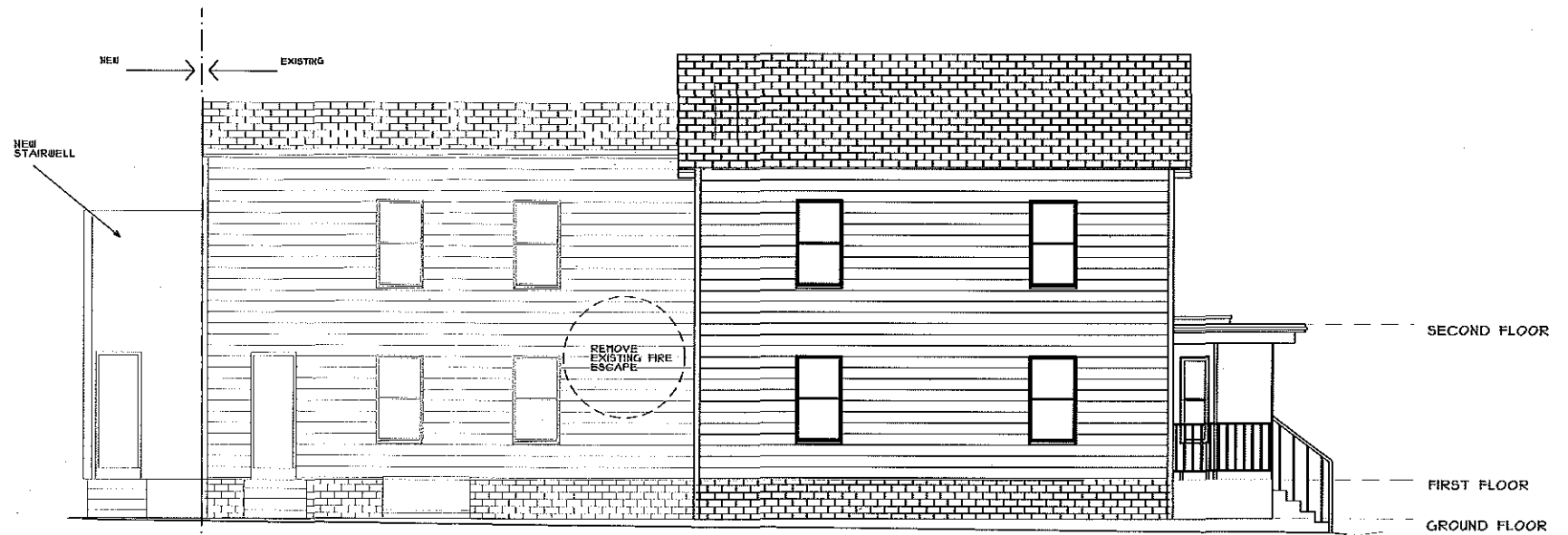
Checked By
 AH

Date
 07.17.2018

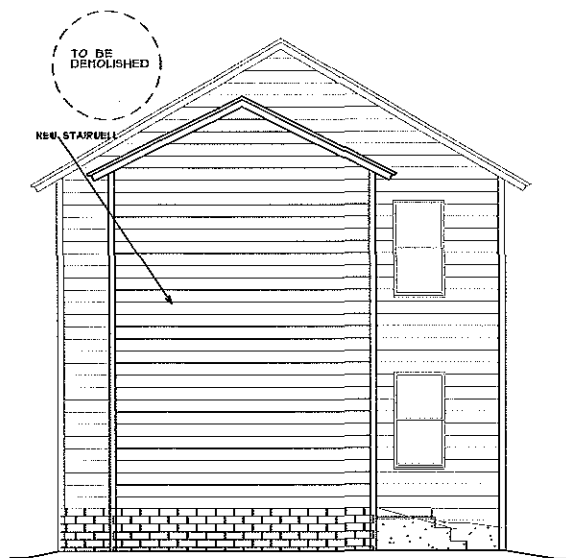
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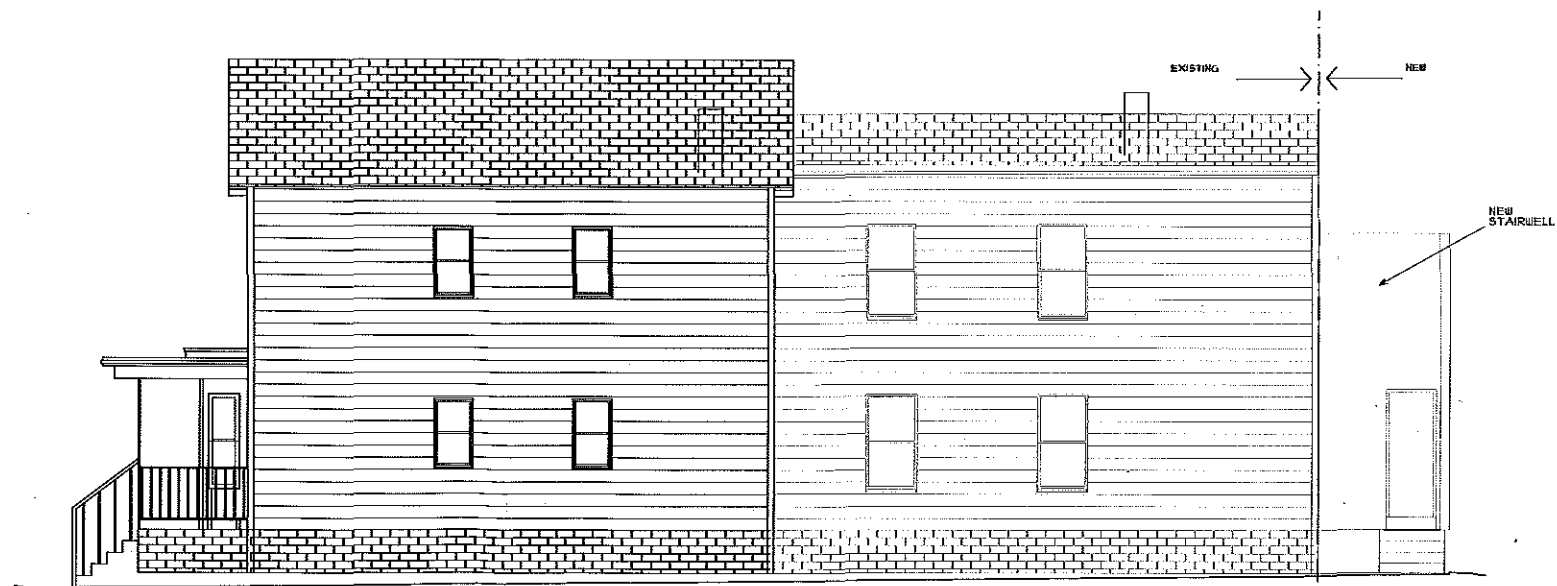
1 SOUTH ELEVATION
 1 2 3 4 0 SCALE IN FEET 1/4"



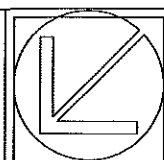
2 WEST ELEVATION
 1 2 3 4 0 SCALE IN FEET 1/4"



3 NORTH ELEVATION
 1 2 3 4 0 SCALE IN FEET 1/4"



4 EAST ELEVATION
 1 2 3 4 0 SCALE IN FEET 1/4"



44 COGSWELL
 44 COGSWELL AVE
 CAMBRIDGE, MA 02140

BLACK RIVER ARCHITECTS, inc.

1640 Mass. Ave.
 Cambridge, MA 02138
 (617) 661-3007



Title
 FIRST AND SECOND FLOOR PLAN

Scale
 AS NOTED

Job No.
 022016.00

Drawing File
 COG 18 07 A .AEC

Drawn By
 EZ

Checked By
 AH

Date
 07.17.2016

A101

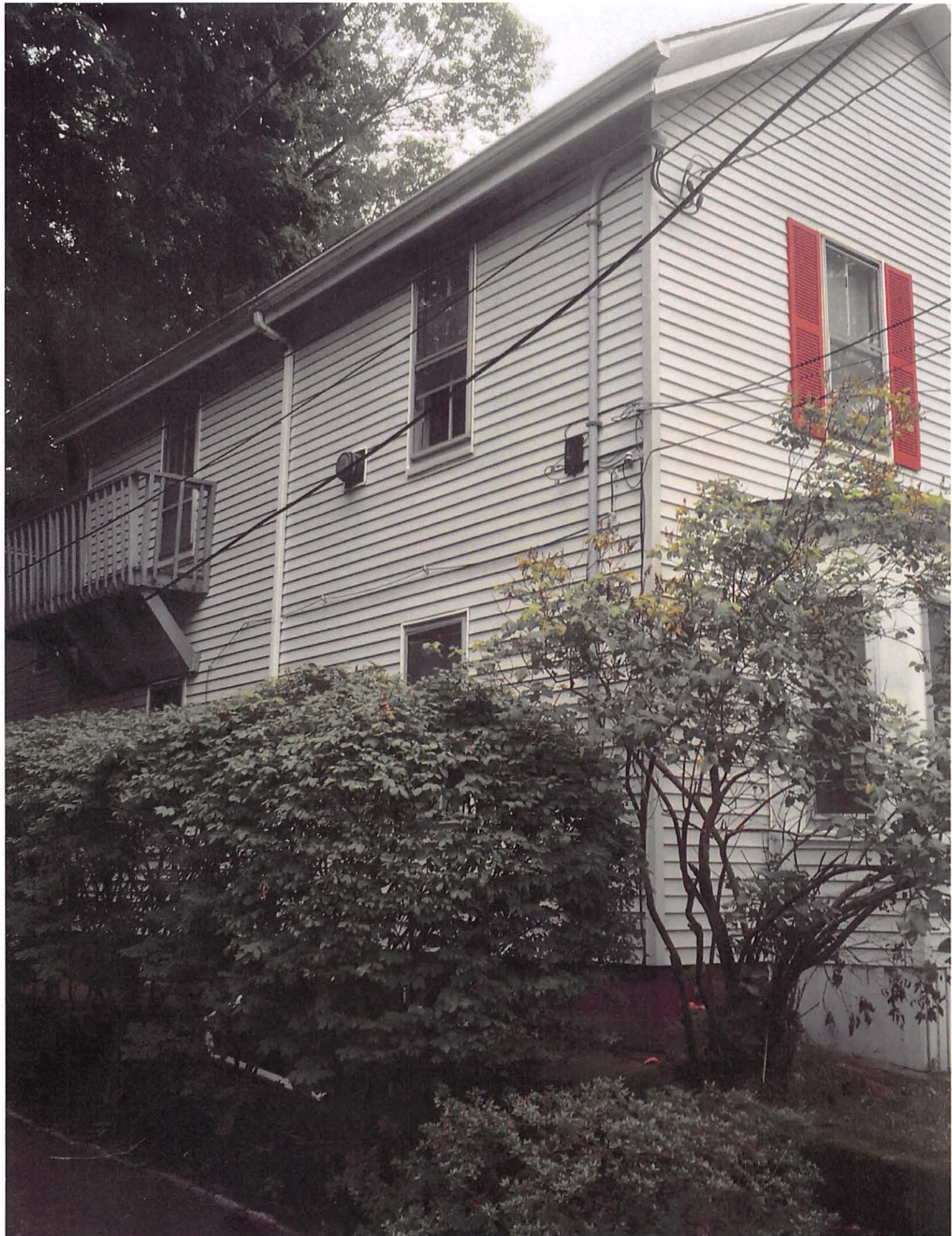
44 Cogswell Ave

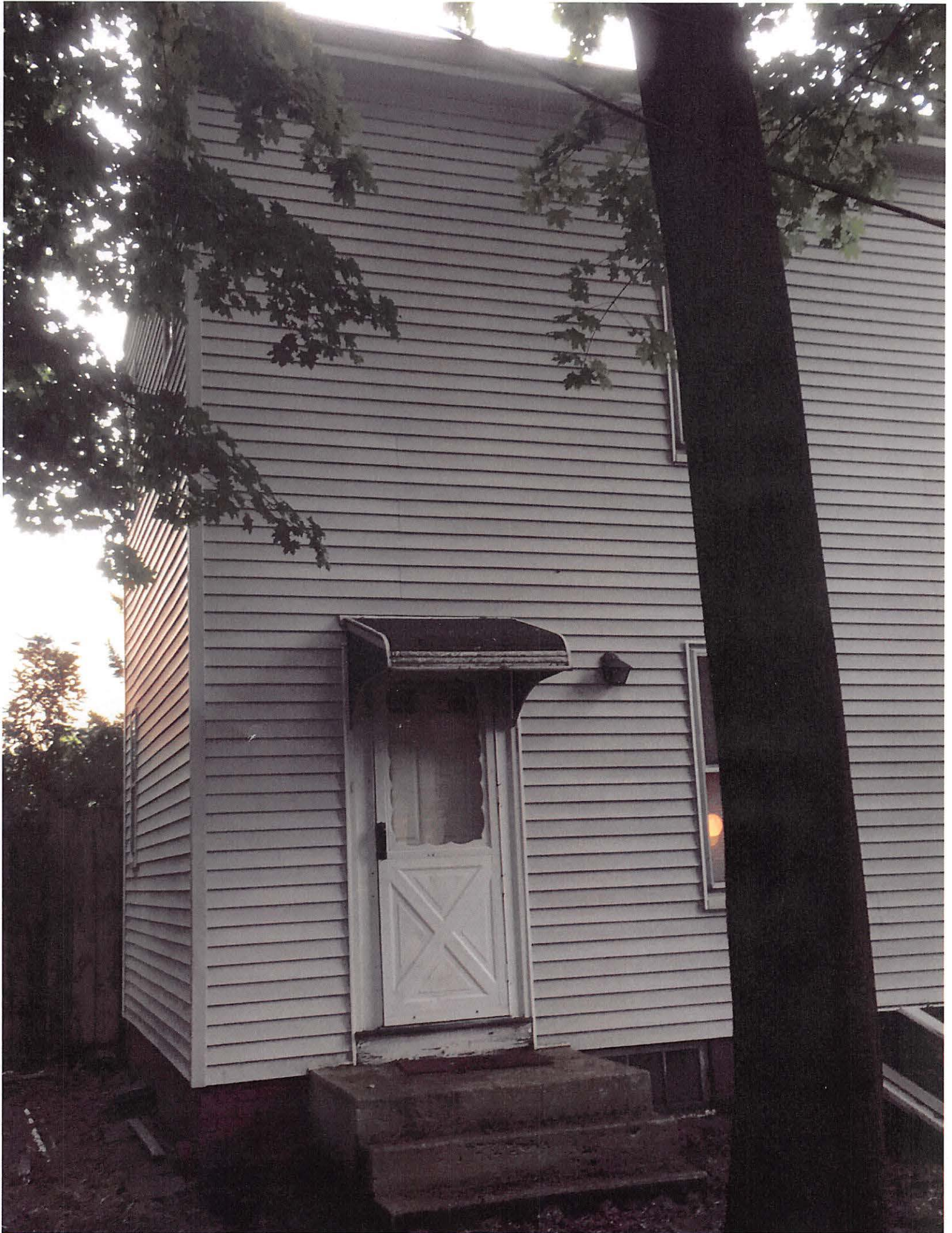


TOW ZONE
NO PARKING
EXCEPT PERMITS
8AM TO 6PM
MONS THURS SATS
EXCEPT SUNGATS

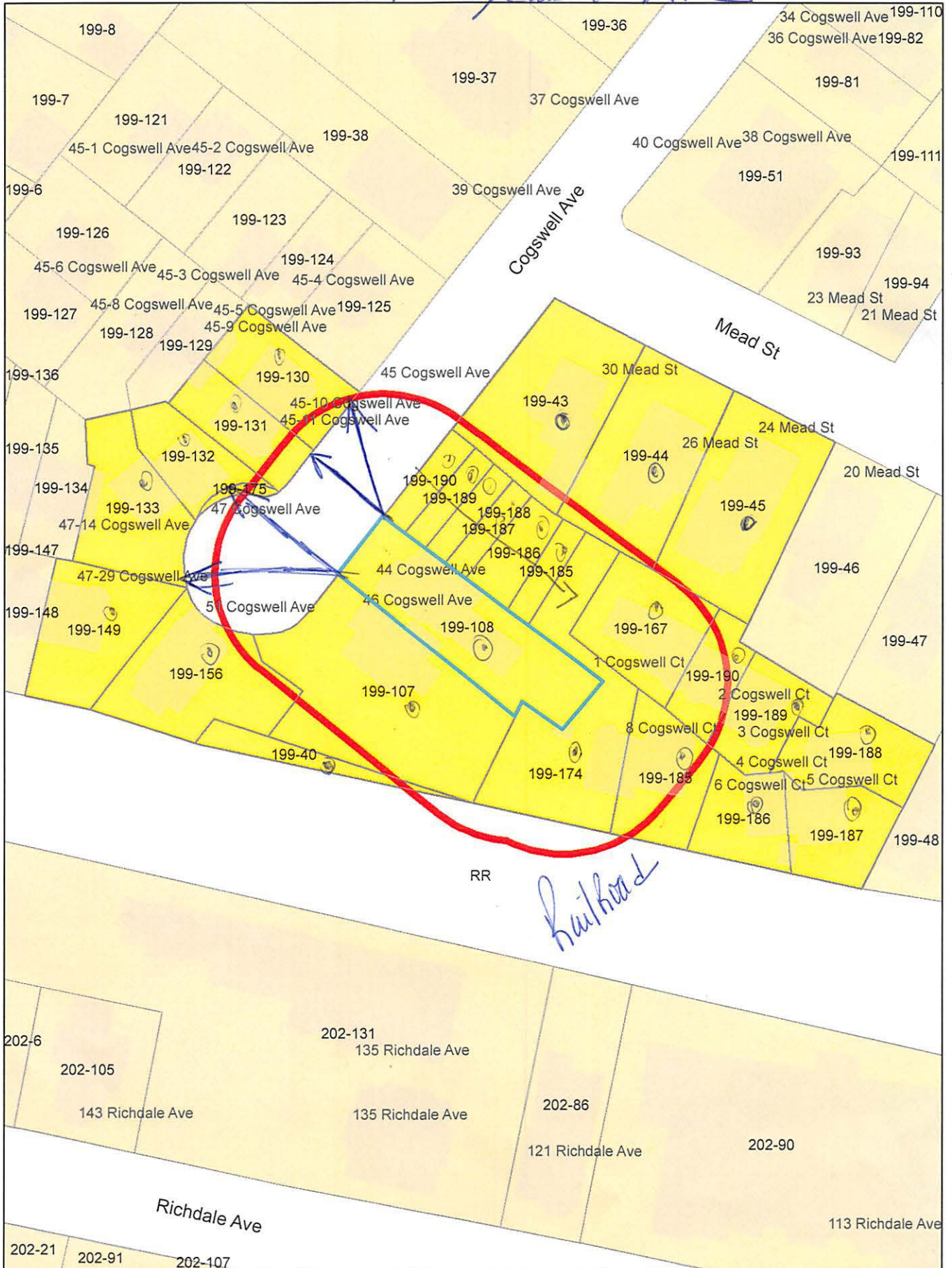
PARKING
BY PERMIT
ONLY
EXCEPT SUNGATS
←







44 Cogswell Ave



44 Cogswell Ave

Petitioner

199-40
MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY
10 PARK PLAZA
BOSTON, MA 02116

199-43
PRICE, IRENE A. &
CITY OF CAMBRIDGE TAX TITLE
30 MEAD ST
CAMBRIDGE, MA 02140

WESTON PATRICK, P.A.
MICHAEL W. WIGGINS, ESQ.
84 STATE STREET - 11TH FL.
BOSTON, MA 02109

199-45
CRUTCHFIELD, PHILIP W.,
TR. THE PHILIP W. CRUTCHFIELD 2014 REV TR
24 MEAD ST
CAMBRIDGE, MA 02140

199-107
ROGERS, JAMES S. & THEODORE T. CLAUSEN JR.
46 COGSWELL AVE
CAMBRIDGE, MA 02140

JAMES M. MAHER
TRUSTEE OF IRL TRUST
966 BROADWAY
SOMERVILLE, MA 02144

199-130
BARUZZI, CYNTHIA & THOMAS LEIB
P.O. BOX 401028
CAMBRIDGE, MA 02140

199-131
GETMAN, ANN D.
45 COGSWELL AVE., #11
CAMBRIDGE, MA 02140

199-132
JAMES, SARAH
47 COGSWELL AVE #12
CAMBRIDGE, MA 02140

199-133
TISHLER, CARLA F
47-13 COGSWELL AVE.
CAMBRIDGE, MA 02140

199-149
HARBO, PETER AND DAVID A. WAIGHT
47-29 COGSWELL AVE
CAMBRIDGE, MA 02140

199-156
MERCER, JAMES & MARY MERCER
51 COGSWELL AVE.
CAMBRIDGE, MA 02140

199-167
KATZ, ARRIN & ELA BEN-UR
42 COGSWELL AVE, #1
CAMBRIDGE, MA 02140

199-190
COLE, FORRESTER H.
2-2A COGSWELL CT.
CAMBRIDGE, MA 02140

199-189
ABBAY, HILLARY
42-3 COGSWELL AVE
CAMBRIDGE, MA 02140

199-188
LINSNER, DOROTHY M.
TR. OF DOROTHY M. LINSNER TRUST
42 COGSWELL AVE. #4
CAMBRIDGE, MA 02140

199-187
GAI, MARGALIT
C/O TALIGAI, LLC
147 SHERMAN ST., UNIT #105
CAMBRIDGE, MA 02140

199-186
HAMMERSTROM, MARGIT O.
42 COGSWELL AVE., #6-6A
CAMBRIDGE, MA 02140

199-185
BOWER, MICHAEL & DOROTHY COCHRANE
42-7 COGSWELL AVE
CAMBRIDGE, MA 02138

199-174
KATZ, ARRIN & ELA BEN-UR
42-8 COGSWELL AVE
CAMBRIDGE, MA 02140

BOSTON & MAIN RAILROAD
IRON HORSE PARK
B. BILLERICA, MA 01862

199-44
FEENEY, MARK & CLAIRE SILVERS
26 MEAD ST
CAMBRIDGE, MA 02140

199-108
COOKE, THOMAS J.
87 FAIRMONT ST
ARLINGTON, MA 02474