



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

BZA APPLICATION FORM

Plan No: BZA-017258-2020

GENERAL INFORMATION

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

Special Permit : ✓ Variance : ✓ Appeal :         

PETITIONER : James Paul Robertson & Judith Robertson

PETITIONER'S ADDRESS : 45 Magoun St Cambridge, MA 02140

LOCATION OF PROPERTY : 45 Magoun St Cambridge, MA

TYPE OF OCCUPANCY : B ZONING DISTRICT : Residence B Zone

REASON FOR PETITION :

Parking

**DESCRIPTION OF PETITIONER'S PROPOSAL :**

Special permit application for shared driveway under mutual easement with our neighbors at 41 Magoun St. We intend to record the mutual easement with the Registry of Deeds once we receive the permit. Variance for relief from parking dimensions/size allocation and to park within frontyard setback.

**SECTIONS OF ZONING ORDINANCE CITED :**

Article 6.000	Section 6.43.6 (Common Driveway). S.P.
Article 6.000	Section 6.44.1.C (Front Yard Parking). V
Article 6.000	Section 6.34 (Size Allocation). V
Article 6.000	Section 6.42 (Dimensions of Parking). V
Article 10.000	Section 10.30 (Variance) & 10.40 (Special Permit).

Original Signature(s) :

  
(Petitioner(s) / Owner)  
James Paul Robertson  
(Print Name)

Address :

45 MAGOUN ST  
CAMBRIDGE, MA 02140

Tel. No. :

617 953 2270

E-Mail Address :

judithrobertson829@mac.com

Date :

2/12/2020

**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 Paul Robertson and Judith M. Robertson  
(OWNER)

Address: 45 Magoun St., Cambridge, MA 02140

State that I/We own the property located at 45 Magoun St. Cambridge, MA  
which is the subject of this zoning application.

The record title of this property is in the name of James Paul Robertson  
and Judith M. Robertson Co-Trustees of the 45 Magoun  
St. Cambridge Realty Trust.

\*Pursuant to a deed of duly recorded in the date 1/14/2014, Middlesex South  
County Registry of Deeds at Book 63352, Page 366; or

Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_

Judith M. Robertson  
James Paul Robertson  
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 James and Judith Roberson personally appeared before me,  
this 10 of Oct, 2019, and made oath that the above statement is true.

Kira Imprescia Notary

My commission expires



KIRA IMPRESCIA  
Notary Public (Notary Seal).  
Commonwealth of Massachusetts  
My Commission Expires Sept. 03, 2021

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

BZA APPLICATION FORM  
DIMENSIONAL INFORMATION

APPLICANT: \_\_\_\_\_ PRESENT USE/OCCUPANCY: \_\_\_\_\_

LOCATION: \_\_\_\_\_ ZONE: \_\_\_\_\_

PHONE: \_\_\_\_\_ REQUESTED USE/OCCUPANCY: \_\_\_\_\_

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> <sup>1</sup>
TOTAL GROSS FLOOR AREA:	_____	_____	_____ (max.)
LOT AREA:	_____	_____	_____ (min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup>	_____	_____	_____ (max.)
LOT AREA FOR EACH DWELLING UNIT:	_____	_____	_____ (min.)
SIZE OF LOT:			
WIDTH	_____	_____	_____ (min.)
DEPTH	_____	_____	_____ (min.)
Setbacks in Feet:			
FRONT	_____	_____	_____ (min.)
REAR	_____	_____	_____ (min.)
LEFT SIDE	_____	_____	_____ (min.)
RIGHT SIDE	_____	_____	_____ (min.)
SIZE OF BLDG.:			
HEIGHT	_____	_____	_____ (max.)
LENGTH	_____	_____	_____ (min.)
WIDTH	_____	_____	_____ (min.)
RATIO OF USABLE OPEN SPACE TO LOT AREA: <sup>3</sup>	_____	_____	_____ (min.)
NO. OF DWELLING UNITS:	_____	_____	_____ (max.)
NO. OF PARKING SPACES:	_____	_____	_____ (min./max)
NO. OF LOADING AREAS:	_____	_____	_____ (min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:	_____	_____	_____ (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'.

**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:

A literal enforcement would involve a substantial hardship, both financially, logistically, and due to other Cambridge ordinances. First, it would require us to move the sides of each of our homes inwards several feet to create full size parking spaces. This would be exorbitantly expensive. In addition, this would make our homes uninhabitable for a substantial period of time, for both the owners of 41-43 and 45 Magoun St of each and tenants in 41-43 Magoun St. Another alternative would be to physically move both homes, but then it would violate setback requirements on the other side of each home. Second, placing the parking lot in the backyard would involve substantial logistical hardship and ability to comply with other Cambridge ordinances. Our backyards are lower in elevation and in a flood zone. Attempting to create a parking lot there would involve significant expense for proper drainage, so as to avoid flooding in the yards of our abutments behind. It would also require both owners to rebuild or move our back decks, which would also be prohibitively expensive and could violate setback requirements. Lastly, both properties have several very large, old (approx 75-100 years old, >6" caliper) trees in the backyards providing shade to multiple homes and a significant amount of vegetation. A parking lot there could require removal of those trees (violating Cambridge ordinances), or could cause damage to them due to proximity to moving cars that might bang them, or a parking lot reducing rain water infiltrating the ground near the trees. This would make for a dangerous situation for the owners and several abutments.

- 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 owes to the shape and topography of the land and structures of the two lots. Residence B zoning district encompasses many neighborhoods across Cambridge. Zoning ordinances call for at least 50' of lot width and 5,000 square feet of lot size, but our lots were designed with only 40' of width on 4,000 square feet. This means homes on Magoun St were built close to each other. These non-conforming elements make it exceptionally difficult to meet the traditional requirements for off-street parking.

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

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

Relief will not involved substantial detriment to the public good but will actually provide a clear and obvious benefit. It will remove four cars from the street in the space of one car. It will also increase safety for a number of reasons (see comments in Special Permit application and letters of support from abutments across the street). We have support of our neighbors for this project. In addition, our neighborhood is full of driveways/parking spaces in the front and side of homes, not in the backyards (see images). Adding parking spots to the backyard to create a full five spots would turn the backyard into a parking lot, impact vegetation and tree coverage, and derogate the nature of the neighborhood. Surrounding properties typically do not have parking in the back; they are typically in the front and side of the house.

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

The general intent of the ordinances mentioned, as articulated in Article 1.30, are to lessen congestion on streets, to improve safety, and to facilitate the provision of open space, among other things. Relief will not derogate from that purpose but in fact enhance and enable it. First, this project will reduce congestion by removing four cars from the street in the equivalent street parking space of just one or at most two cars. Second, it will improve safety for the property owners involved (see below), as well as residents across the street who value having an empty space in front of their driveway to safely back out of their driveways (see letter), and those driving down the street, many of whom use it as an artery to avoid Mass Ave traffic. Third, by providing relief, significant amounts of open space in the backyard will be preserved. A note on safety: 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 (see image). It was extremely stressful to deal with the aftermath and resistance from the insurance company. The parking spaces 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, and in fact, help achieve some of the main goals of the Cambridge ordinances, as specified above.

- \* **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**

### **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 45 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 (see letters from neighbors). Moreover, we have already spoken with our abutters, who 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. Neighbors 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 (see image). It was extremely stressful to deal with the aftermath and resistance from the insurance company. The parking spaces 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:** Residential  
**LOCATION:** 45 Magoun St Cambridge, MA      **ZONE:** Residence B Zone  
**PHONE:** \_\_\_\_\_ **REQUESTED USE/OCCUPANCY:** Residential

		<b><u>EXISTING</u></b> <b><u>CONDITIONS</u></b>	<b><u>REQUESTED</u></b> <b><u>CONDITIONS</u></b>	<b><u>ORDINANCE</u></b> <b><u>REQUIREMENTS</u></b> <sup>1</sup>	
<u>TOTAL GROSS FLOOR AREA:</u>		2457	no change	n/a	(max.)
<u>LOT AREA:</u>		4000	no change	n/a	(min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> <sup>2</sup>		61%	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	15.1	no change	n/a	(min.)
	REAR	40.1	no change	n/a	(min.)
	LEFT SIDE	7.7	no change	n/a	(min.)
	RIGHT SIDE	7.7	no change	n/a	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	24	no change	n/a	(max.)
	LENGTH	n/a	no change	n/a	
	WIDTH	n/a	no change	n/a	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u>		77%	no change	n/a	(min.)
<u>NO. OF DWELLING UNITS:</u>		1	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.</u> <u>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.

Shared driveway (made with pervious material) under mutual easement between both homes.

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

### 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: Senné 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



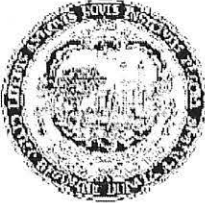
disapproval

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:



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



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

Desrosiers Life Estate

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:

11/6/19

Address:

PO Box 410072

Cambr., MA 02141

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:

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](http://www.usps.com)®.

CAMBRIDGE, MA 02140

Certified Mail Fee \$3.50

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy)

☐ Return Receipt (electronic)

☐ Certified Mail Restricted Delivery

☐ Adult Signature Required

☐ Adult Signature Restricted Delivery

\$2.80

\$0.00

\$0.00

\$0.00

\$0.00

Postage \$0.55

Total Postage and Fees \$6.85

Sent to  
Street and Apt. No., or PO Box No.  
City, State, ZIP+4®

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

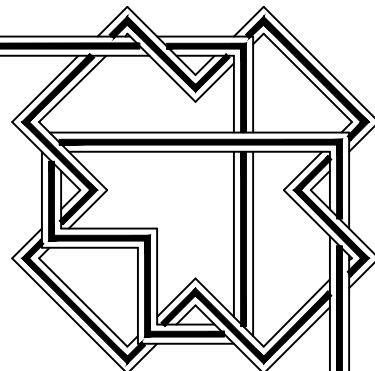
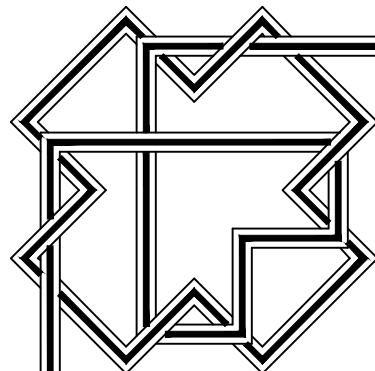
02144 USPS  
WEST NEWTON  
Postmark Here  
09/19/2019

0144 33  
2232425262728293031

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions





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'

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

N/F  
37 MAGOUN ST LLC

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

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

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 19' CURB CUT. SPOTS 1&3 FOR 45 MAGOUN. A SPOTS 2&4 FOR 41 MAGOUN

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.

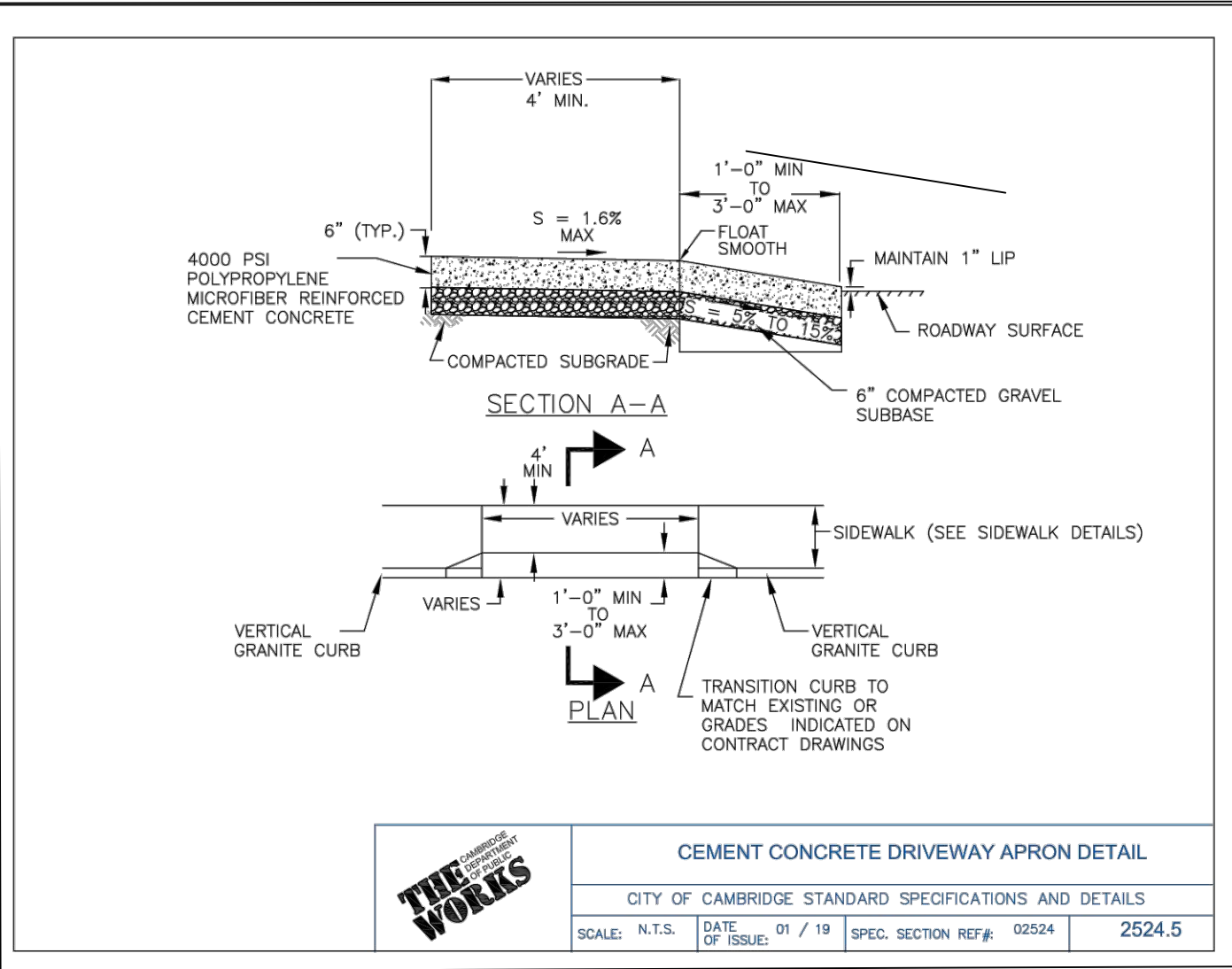
WIDTH 40', DEPTH 100'

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

BUILDING HEIGHT:  
29'±  
(NO CHANGE PROPOSED)

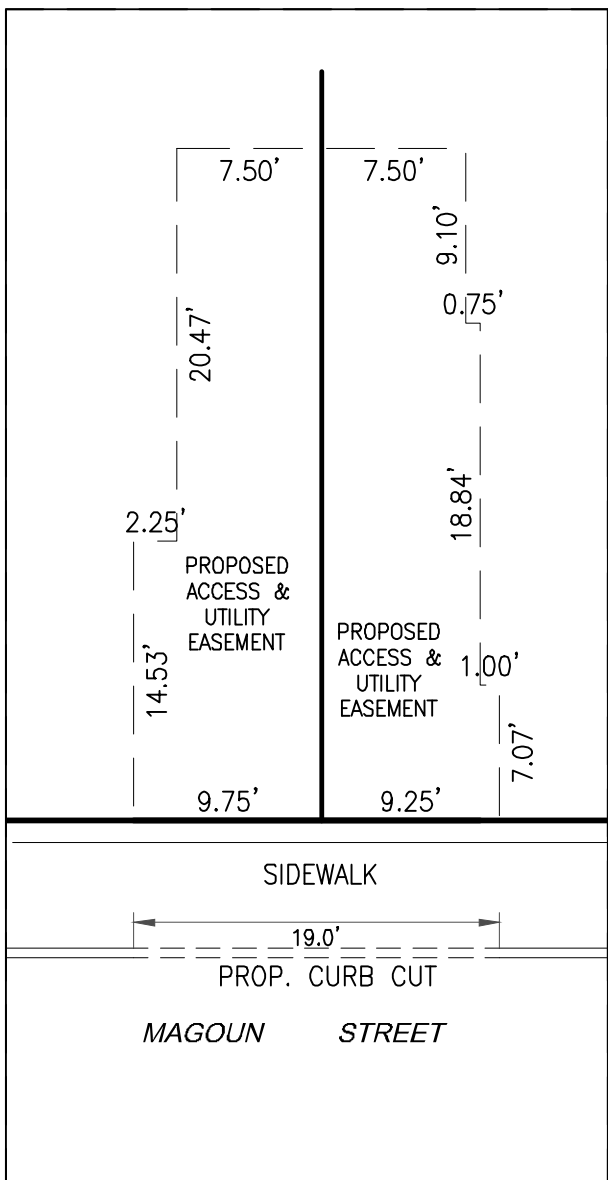
USEABLE OPEN SPACE:  
2,499 S.F.

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



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

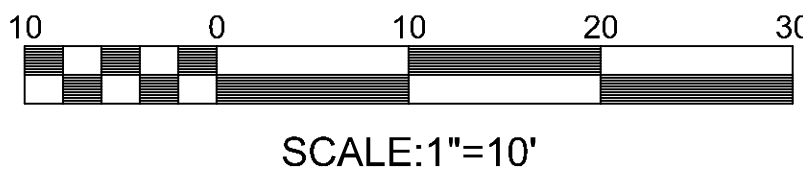
EASEMENT DETAIL  
1"=10'



SPECIAL PERMIT  
PLAN OF LAND  
IN  
**CAMBRIDGE, MASS.**

PREPARED FOR  
NAHEET TRIVEDI & JAMES ROBERTSON  
SCALE: 1"=10' JANUARY 4, 2020

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 MASSACHUSETTS AVENUE  
CAMBRIDGE, MA 02139  
617 349-6100

2020 FEB 18 AM 11:26

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

Plan No: BZA-017258-2020

BZA APPLICATION FORM

GENERAL INFORMATION

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

Special Permit : ✓ Variance : ✓ Appeal : \_\_\_\_\_

PETITIONER : James Paul Robertson & Judith Robertson

PETITIONER'S ADDRESS : 45 Magoun St Cambridge, MA 02140

LOCATION OF PROPERTY : 45 Magoun St Cambridge, MA

TYPE OF OCCUPANCY : B ZONING DISTRICT : Residence B Zone

REASON FOR PETITION :

Parking

**DESCRIPTION OF PETITIONER'S PROPOSAL :**

Special permit application for shared driveway under mutual easement with our neighbors at 41 Magoun St. We intend to record the mutual easement with the Registry of Deeds once we receive the permit. Variance for relief from parking dimensions/size allocation and to park within frontyard setback.

**SECTIONS OF ZONING ORDINANCE CITED :**

Article 6.000	Section 6.43.6 (Common Driveway). S.P.
Article 6.000	Section 6.44.1.C (Front Yard Parking). V
Article 6.000	Section 6.34 (Size Allocation). V
Article 6.000	Section 6.42 (Dimensions of Parking). V
Article 10.000	Section 10.30 (Variance) & 10.40 (Special Permit).

Original Signature(s) :

James P. Robertson  
(Petitioner(s) / Owner)

James Paul Robertson  
(Print Name)

Address :

45 MAGOUN ST  
CAMBRIDGE, MA 02140

Tel. No. :

617 953 2270

E-Mail Address :

judithrobertson829@gmail.com

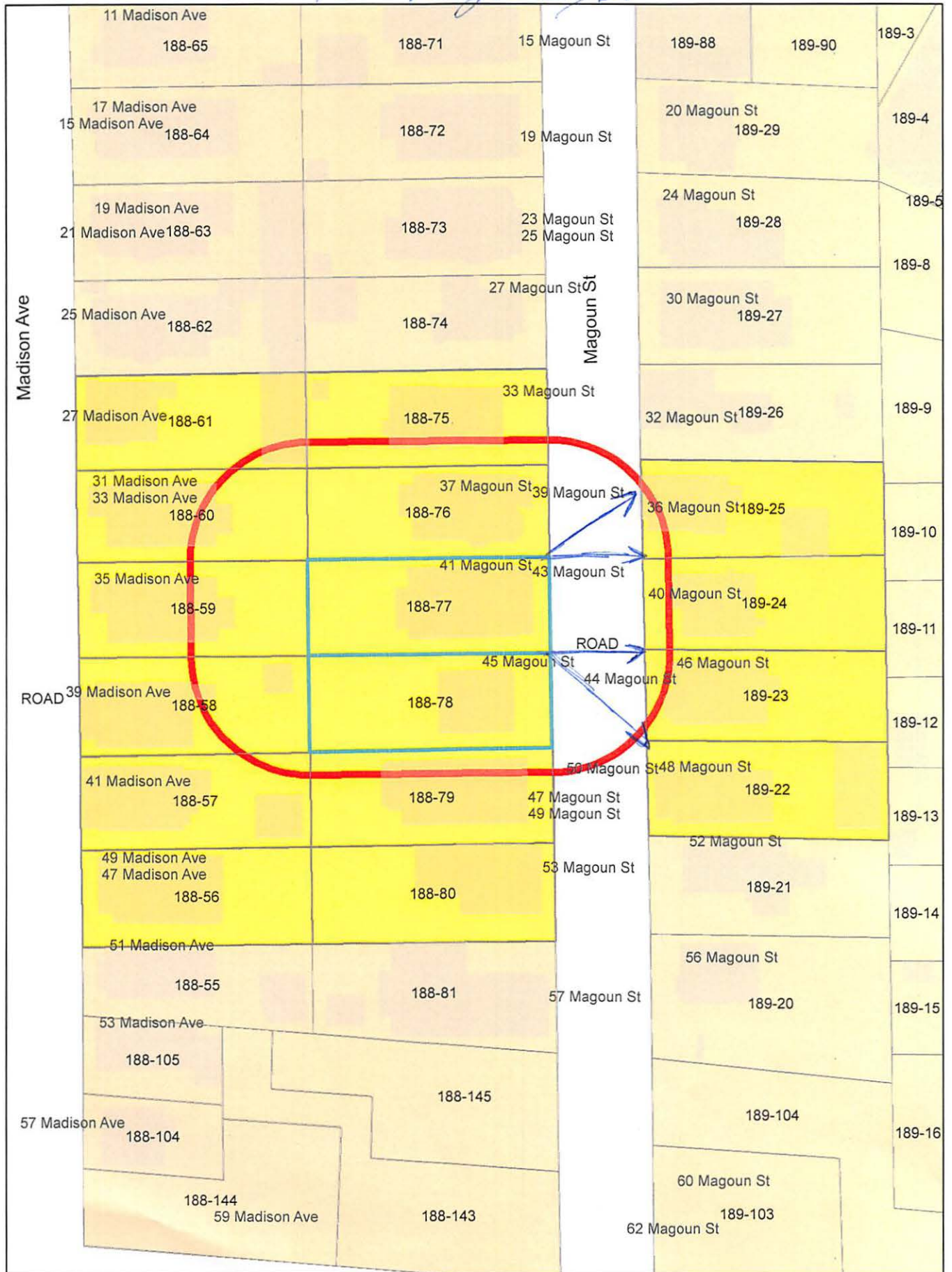
Date :

2/12/2020





45 Magoun St.



45 Magoun St.

*Petitioner*  
JAMES PAUL ROBERTSON  
45 MAGOUN STREET  
CAMBRIDGE, MA 02140

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. BOX 410072  
CAMBRIDGE, MA 02140-1614

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

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

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

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

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

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

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

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

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

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

188-57  
41 MADISON AVENUE LLC  
10 DRAPER ST, UNIT NO. 23  
WOBURN, MA 01801

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

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

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

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

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



Cambridge Board of Zoning Appeal  
831 Massachusetts Avenue  
Cambridge, MA 02139

Cambridge City Council  
795 Massachusetts Avenue  
Cambridge, MA 02139

January 8, 2020

Dear Cambridge Board of Zoning Appeal and Cambridge City Council:

We submit this letter in support of our neighbors across the street at 41-43 Magoun St and 45 Magoun St, in their application to secure a curb cut, shared driveway, and parking spaces.

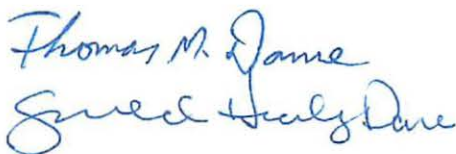
We live and own the property across the street at 40 Magoun St. We have lived here for many years.

This plan will help our neighbors to access their vehicles more safely off the busy street and will be beneficial to us as well. When we exit our driveway, we often must back out and make a wide turn onto Magoun St. With cars parked across the street, it is difficult to do so quickly and safely, especially with oncoming traffic (traffic is especially busy during rush hours, as people cut around Mass Ave lights). Given that the area in front of the proposed curb cut will be free of a parked vehicle, it will open up more space for us to exit our driveway, thus increasing safety and livability.

We also understand as a part of their proposal, they must request a special permit and variance to park in the space between their houses and in the front yard setback. We support them here. This will help remove as many cars from the street as possible and have them parked on the owner's property, to the benefit of the entire community.

As such, we hope you may approve their request.

Thank you,

The block contains two handwritten signatures in blue ink. The first signature is 'Thomas M. Dame' and the second is 'Geraldine Healey-Dame'. Both are written in a cursive, flowing style.

Thomas Dame and Geraldine Healey-Dame  
40 Magoun St  
Cambridge, MA 02140

Cambridge Board of Zoning Appeal  
831 Massachusetts Avenue  
Cambridge, MA 02139

Cambridge City Council  
795 Massachusetts Avenue  
Cambridge, MA 02139

February 22, 2020

Dear Cambridge Board of Zoning Appeal and Cambridge City Council:

I submit this letter in support of our neighbors Neheet Trivedi and Kate McGovern at 41-43 Magoun St, and Judy and Paul Robertson at 45 Magoun St, in their applications to secure a curb cut, shared driveway, and parking spaces.

We live diagonally across the street. My wife and I just gave birth to our first child several months ago. We are lucky to have off-street parking, so it is safe and easy for us to enter and the exit the car with our newborn. I understand the difficulties faced by our neighbors across the street with a young child. Cars come down the street very fast, making it unsafe for them to enter and exit their car with their daughter.

Their concerns are real and I think it would improve the safety of the neighborhood if the city allowed them to have a curb cut and driveway on their property. I support them in their efforts and wanted to share this with you as you consider their application, and I hope you approve their request.

Thank you,



Richard Ho  
32 Magoun St APT 1  
Cambridge, MA 02140

Cambridge Board of Zoning Appeal  
831 Massachusetts Avenue  
Cambridge, MA 02139

Cambridge City Council  
795 Massachusetts Avenue  
Cambridge, MA 02139

February 22, 2020

Dear Cambridge Board of Zoning Appeal and Cambridge City Council:

I own the three-unit building at 37-39 Magoun St, which abuts 41-43 Magoun St. I have had an opportunity to meet and speak with one of the petitioners, Neheet Trivedi, about the project and see where the driveway would be built. I support this project. The driveway will make it safer for the petitioners at both 41-43 and 45 Magoun St to enter and exit their vehicles; will remove cars from the road thus providing more parking to residents; and will enable the neighbors to move to electric vehicles, thus making the air cleaner.

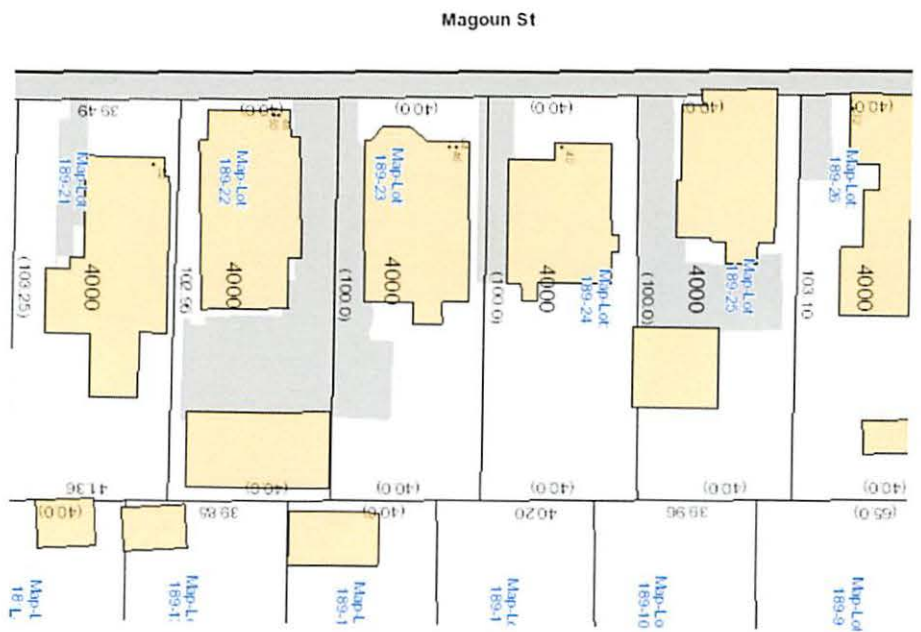
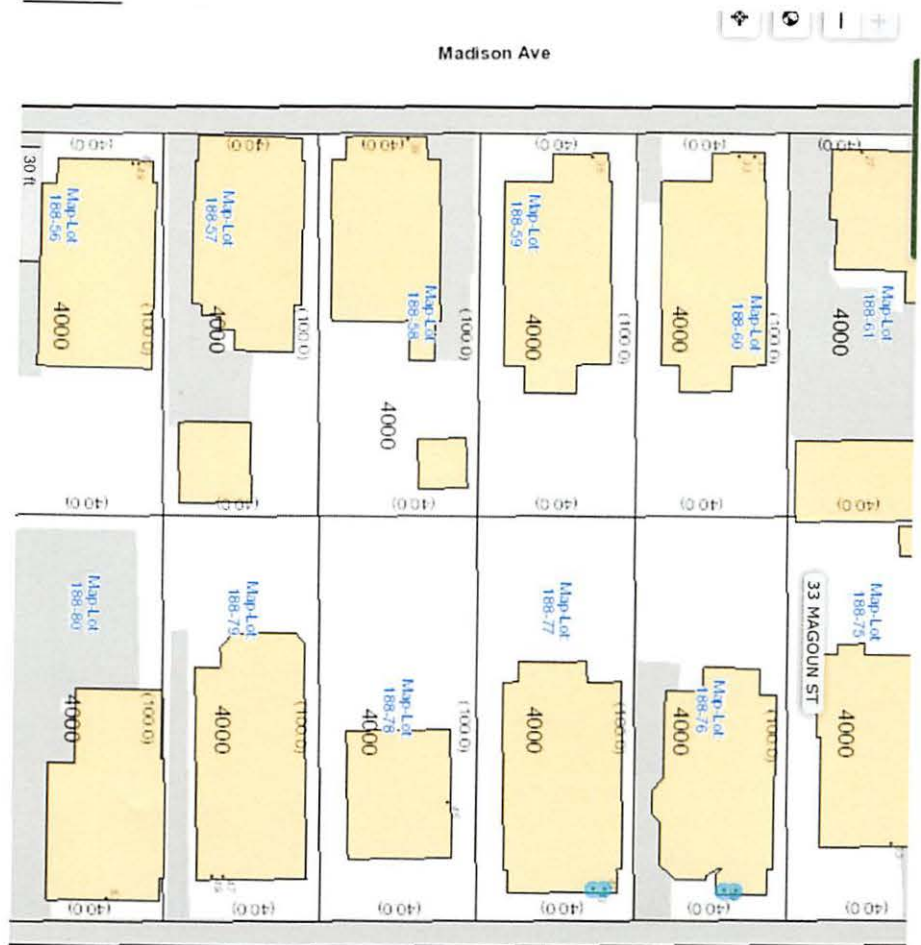
I also understand a small tree may need to be moved, replaced with another, or removed, and that the petitioners may need to park in the front yard setback. I am comfortable with both and believe the benefit to the community and these residents is great enough to support the project.

Thank you,

A handwritten signature in blue ink, appearing to read 'RM', with a long horizontal flourish extending to the right.

Richard Manders  
Owner, 37-39 Magoun St  
Cambridge, MA 02140

Mail correspondence to:  
Senne Management  
PO Box 380790  
Cambridge, MA 02238





Cambridge Board of Zoning Appeal  
831 Massachusetts Avenue  
Cambridge, MA 02139

Cambridge City Council  
795 Massachusetts Avenue  
Cambridge, MA 02139

January 8, 2020

Dear Cambridge Board of Zoning Appeal and Cambridge City Council:

I submit this letter in support of our neighbors across the street at 41-43 Magoun St and 45 Magoun St, in their application to secure a curb cut, shared driveway, and parking spaces.


I live and own the property across the street at 46 Magoun St. I have lived here for many years.

This plan will help our neighbors to access their vehicles more safely off the busy street and will be beneficial to me and residents in my building as well. When we exit our driveway, we often must back out and make a wide turn onto Magoun St. With cars parked across the street, it is difficult to do so quickly and safely, especially with oncoming traffic (traffic is especially busy during rush hours, as people cut around Mass Ave lights). Given that the area in front of the proposed curb cut will be free of a parked vehicle, it will open up more space for us to exit our driveway, thus increasing safety and livability.

I also understand as a part of their proposal, they must request a special permit and variance to park in the space between their houses and in the front yard setback. I support them here. This will help remove as many cars from the street as possible and have them parked on the owner's property, to the benefit of the entire community. I have tenants in my building and this will open up more street parking for them.

As such, I hope you may approve their request.

Thank you,



Moussa Yehia  
46 Magoun St  
Cambridge, MA 02140

## **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

