

# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2021 JUL 27 PM 2:44  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## BZA Application Form

**BZA Number: 106926**

### General Information

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

Special Permit: \_\_\_\_\_ Variance:  X  Appeal: \_\_\_\_\_

**PETITIONER:** Marc and Jennifer Richards

**PETITIONER'S ADDRESS:** 4 Aberdeen Court, Cambridge, MA 02138

**LOCATION OF PROPERTY:** 4 Aberdeen Ct., Cambridge, MA

**TYPE OF OCCUPANCY:** Single Family

**ZONING DISTRICT:** Residence B Zone

### **REASON FOR PETITION:**

/Retroactive approval of shed within setback/

### **DESCRIPTION OF PETITIONER'S PROPOSAL:**

In 2016, we replaced a 20'x10' carport + shed combination structure with a 10'x10' enclosed wood shed in the same location. The shed (like the structure before it) is only partially on our land. We seek relief to relocate the shed completely on our land, within the setback.

### **SECTIONS OF ZONING ORDINANCE CITED:**

Article: 4.000      Section: 4.21.H (Accessory Uses).  
Article: 8.000      Section: 8.22.3 (Non-Conforming Structure)

Original  
Signature(s):

(Petitioner (s) / Owner)

MARC RICHARDS

(Print Name)

Address:

Tel. No.                      617-460-7088  
E-Mail Address:      marc.d.richards@gmail.com

Date: 7/25/2021

**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 Marc and Jennifer Richards  
(OWNER)

Address: 4 Aberdeen Court, Cambridge MA

State that I/We own the property located at 4 Aberdeen Court,  
which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
RICHARDS, MARC D. & JENNIFER A. RICHARDS


\*Pursuant to a deed of duly recorded in the date June 22, 2006, Middlesex South  
County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_; or  
Middlesex Registry District of Land Court, Certificate No. 1414180  
Book 1321 Page 142.

Marc Richards  
**SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\***

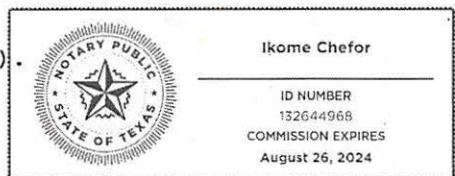
*\*Written evidence of Agent's standing to represent petitioner may be requested.*

-----  
State of Texas, County of Harris

The above-name Marc D Richards personally appeared before me,  
this 28 of January 20 21, and made oath that the above statement is true.

  
Ikome Chefor Notary

My commission expires 08/26/2024 (Notary Seal).



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

Notarized online using audio-video communication

## 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 shed is used primarily as bicycle storage for our family of 5, as well as yard maintenance items such as our lawn mower, shovels, rakes, etc. Without the shed, we have no covered, secure area for our bicycles. Storing them in our basement would be a significant physical and financial hardship, as access through our bulkhead is very steep and narrow, and would require significant improvements for us to feel it is safe for our children (ages 10, 10, and 11) to use on their own.

- 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 by not affecting generally the zoning district in which it is located for the following reasons:

Our lot is an irregular, trapezoidal shape, and the primary structure is situated diagonally across it. Therefore, the lot layout provides minimal opportunity for a conforming shed or other outdoor storage, especially one that is directly accessible from our driveway at the end of Aberdeen Court. The nonconforming location is LESS detrimental to the character of the neighborhood compared to any available conforming location: Instead of being situated in a paved area at the end of the driveway, any conforming location is on our lawn. Any conforming location would also significantly reduce our children's outdoor play area.

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

- 1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The original carport / shed combination had existed since at least the 1960s, likely dating back to the construction of the house in 1941. The carport footprint was 20'x10', and overlapped the property boundary to #3 Aberdeen Court. As it overlapped the property boundary, it did not conform to the setback. It was also nonconforming in that it was less than 5' away from the main structure on our property. That structure was demolished in November 2015 as it was rusting and had become an eyesore. A replacement cedar 10'x10' shed was put within the original carport footprint, and was a significant aesthetic upgrade compared to the steel-and-sheet-metal carport / shed. We did not seek relief at the time it was replaced, because we were unaware it was necessary due to the small size of the shed.

The owner of #3 Aberdeen Court recently requested that we relocate the shed to be completely within our property boundary. The new shed location is no longer fully within the footprint of the original carport, but the general location and storage use is the same as the older structure which dated back at least 50 years. The new structure offers improved aesthetics and function on a smaller footprint. Also, the new shed location, while within the setback, no longer encroaches on our neighbor's property.

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

The shed sits by the side of the far end of a dead-end street. It is under the 120 sq ft limit for permit-required accessory buildings, and maintains a similar location and storage purpose as the prior structure which stood for 50+ years. The shed does not reduce the amount of Usable Open Space on our lot, and we have improved the overall aesthetics of the neighborhood by replacing the previous rusting metal carport and shed structure with a newer, smaller cedar shed.

**BZA Application Form**

**DIMENSIONAL INFORMATION**

**Applicant:** Marc and Jennifer Richards

**Present Use/Occupancy:** Single Family

**Location:** 4 Aberdeen Court

**Zone:** Residence B Zone

**Phone:** 617-460-7088

**Requested Use/Occupancy:** Single Family

	<u>Existing</u> <u>Conditions</u>	<u>Requested</u> <u>Conditions</u>	<u>Ordinance</u> <u>Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	1456	N/A	2790	(max.)
<u>LOT AREA:</u>	5580	N/A	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u>	0.232	N/A	0.50	
<u>LOT AREA OF EACH DWELLING UNIT</u>	5580	N/A	2500	
<u>SIZE OF LOT:</u> <u>WIDTH</u>	67 (front); 92 (back)	N/A	50	
<u>DEPTH</u>	81 (left); 64 (right)	N/A	N/A	
<u>SETBACKS IN FEET:</u> <u>FRONT</u>	0	1	5	
<u>REAR</u>	50+	50+	10	
<u>LEFT SIDE</u>	8	6	5	
<u>RIGHT SIDE</u>	40+	40+	10	
<u>SIZE OF BUILDING:</u> <u>HEIGHT</u>	9.5	9.5	15	
<u>WIDTH</u>	10	N/A	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	0.69	N/A	0.4	
<u>NO. OF DWELLING UNITS:</u>	1	N/A	N/A	
<u>NO. OF PARKING SPACES:</u>	2	N/A	N/A	
<u>NO. OF LOADING AREAS:</u>	0	N/A	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>	9	6	10	

Describe where applicable, other occupancies on the 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'.



Hi Maria,

I am writing in regards to case number BZA-106926

I want to clarify my support statement on Feb the 1st, 2021. It states that the location of the shed does not currently impact our lives in any way. Hence not objecting to the shed's location relative to the setback. However, my statement does not imply any opinions towards the right-of-the-away in our deed. If two conflict, then the four deeds will govern.

Thanks

Liyan Guo

2 aberdeen Ct  
Cambridge, MA

[contact@liyanguo.com](mailto:contact@liyanguo.com)

November 1, 2021

Cambridge Board of Zoning Appeals  
831 Massachusetts Avenue  
Cambridge, MA 02139  
RE: BZA-106926

To the Cambridge BZA,

I am the owner of 18 Old Dee Road, which abuts 4 Aberdeen Court to the east. I have no objection to the shed on 4 Aberdeen Court, in its current location within the side and front setbacks.

Sincerely,

A handwritten signature in black ink that reads "Bianchi". The signature is written in a cursive, flowing style.

Corinne Bianchi  
18 Old Dee Road

## Petition overview: BZA-106926

Seeking retroactive relief for nonconforming 10x10 shed, constructed in 2016 to replace previous 20x10 structure.

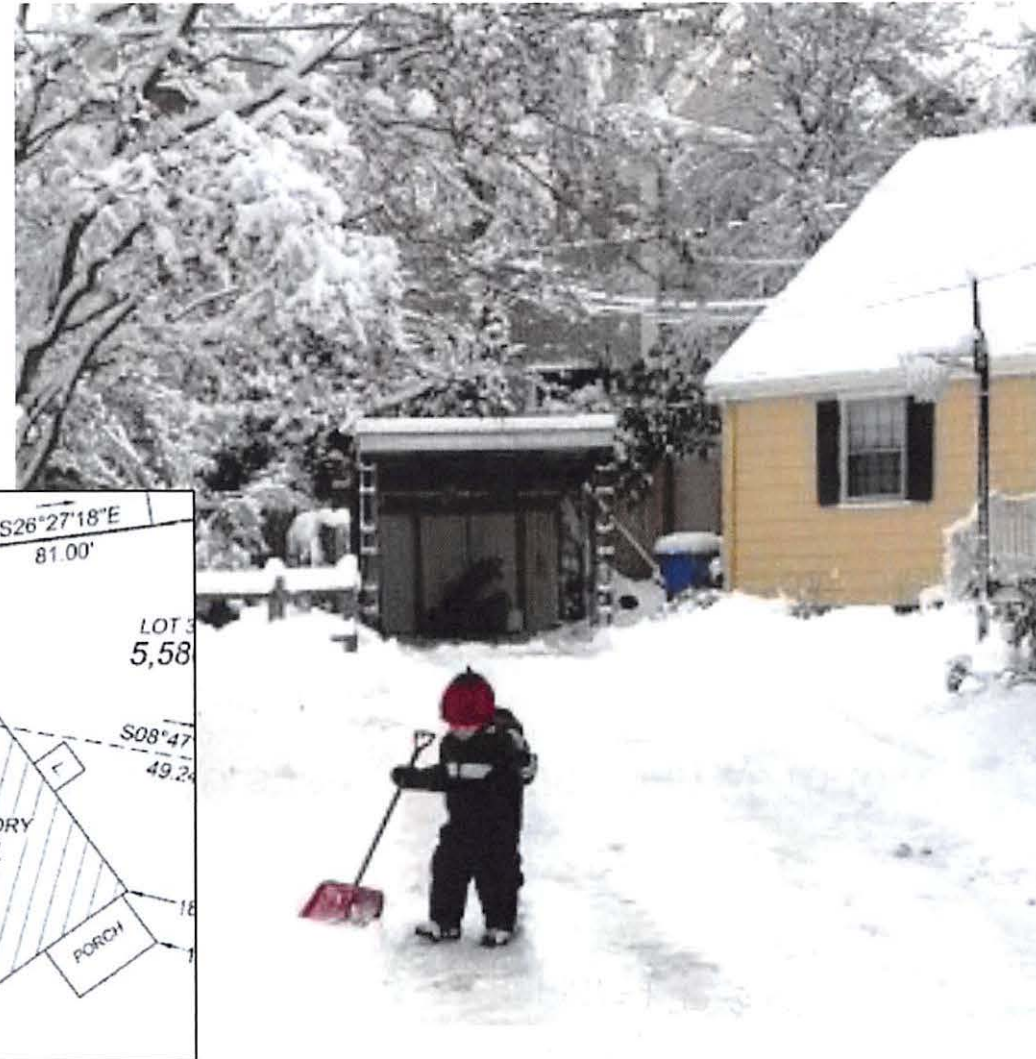
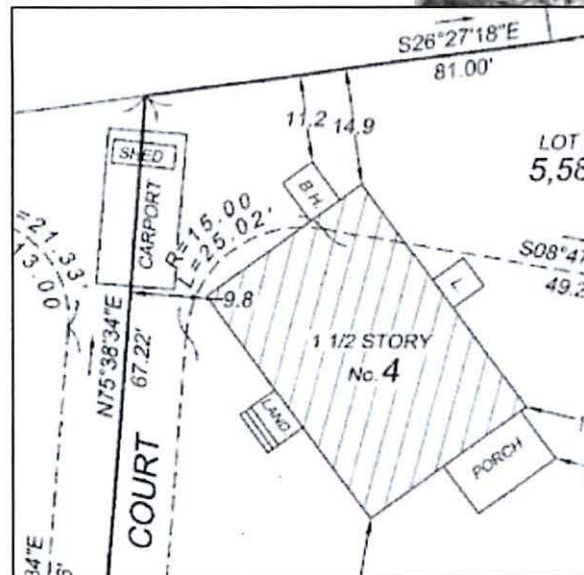
Shed was moved in 2021 to a nearby location with overlapping footprint, reducing the nonconformity.

Petition continued from BZA hearing on September 2, 2021.

# Petition overview

Pre-1963 to 2015:  
20x10 sheet metal carport &  
shed structure.

Structure straddled  
the property line,  
within a shared right  
of way.

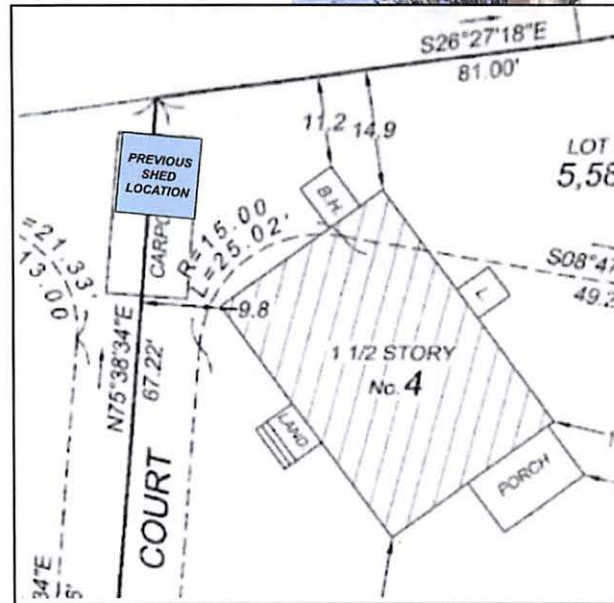
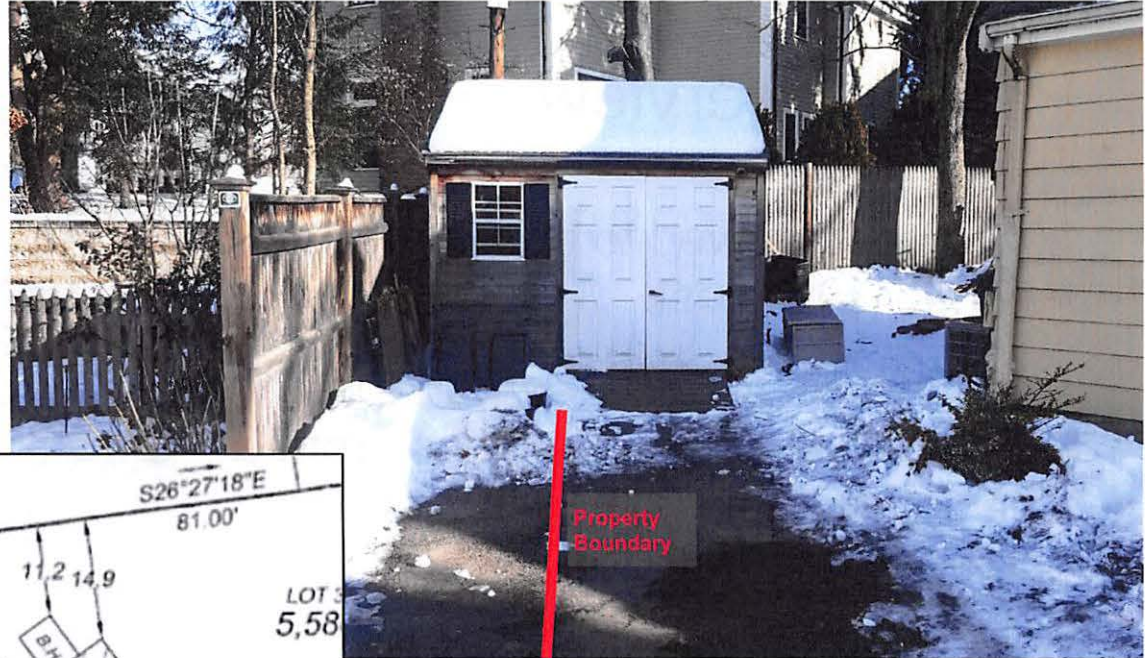


# Petition overview

2016-2021:

10x10 replacement cedar shed, built within footprint of previous structure.

Main purpose: bicycle storage for our family of five.



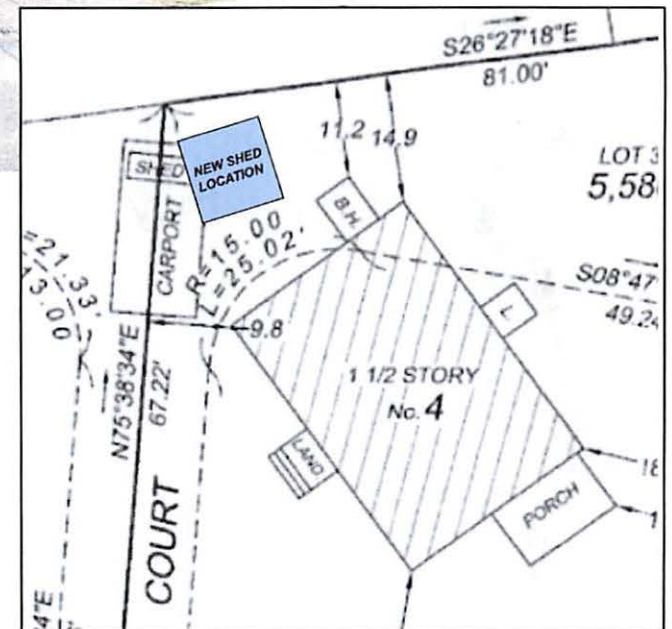
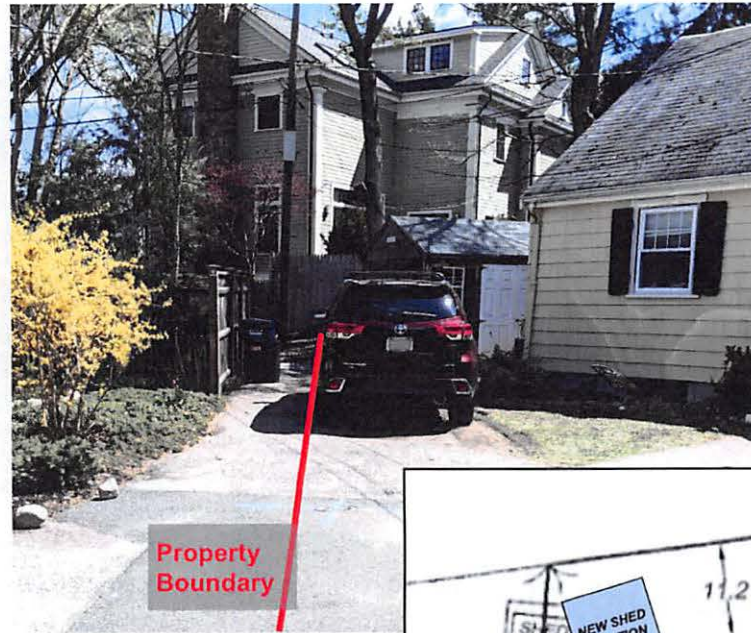


# Petition overview

2021: Shed moved to accommodate neighbor's request.

Overlaps with original carport footprint, with reduced nonconformities: front & side setbacks, less than 10' from primary structure

Moved prior to variance hearing, due to urgency of neighbor's request & understanding that they would not challenge this petition.



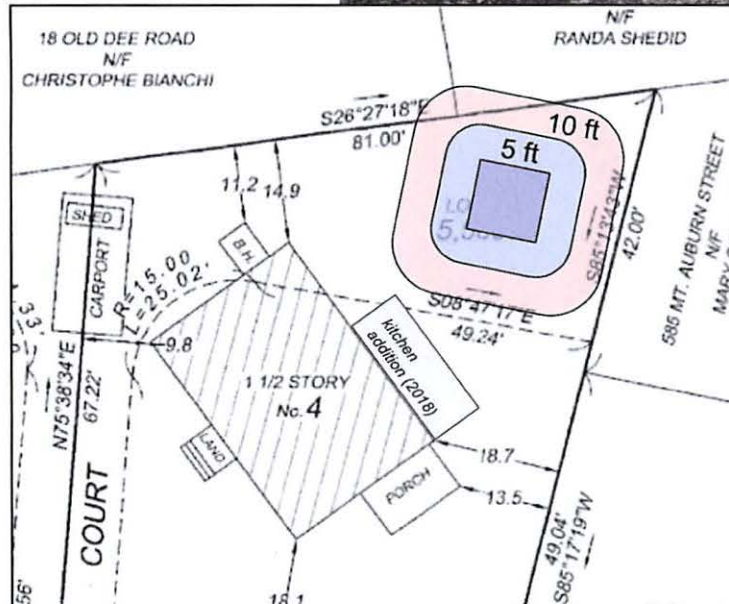
## **Concerns from September hearing**

- 1. Other suitable locations on the property?**
- 2. Location of shed within easement**

# Southeast corner: back yard

Open space: permanent play structure

No other conforming location due to 10 ft rear setback and trapezoidal plot shape.

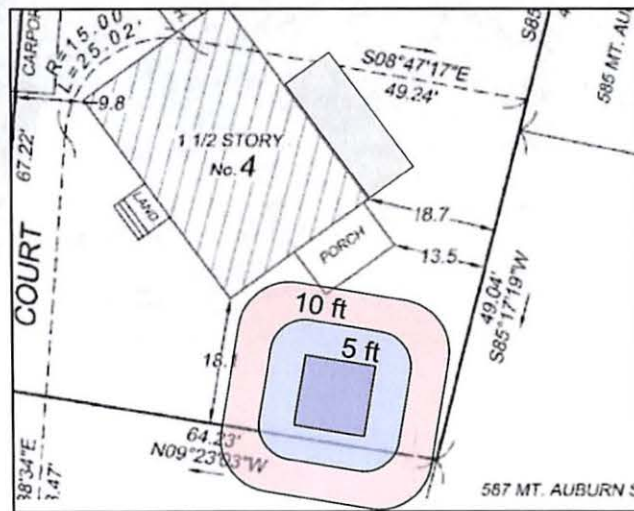




## Southwest corner: side yard

No conforming location, due to side setback and distance to primary structure

Open space: lawn & garden

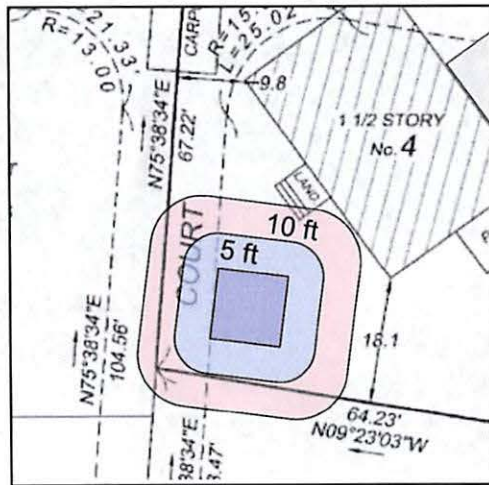




## Northwest corner: front yard

Conforming location exists, on the right side of the front yard.

Obvious negative aesthetic impact to the neighborhood



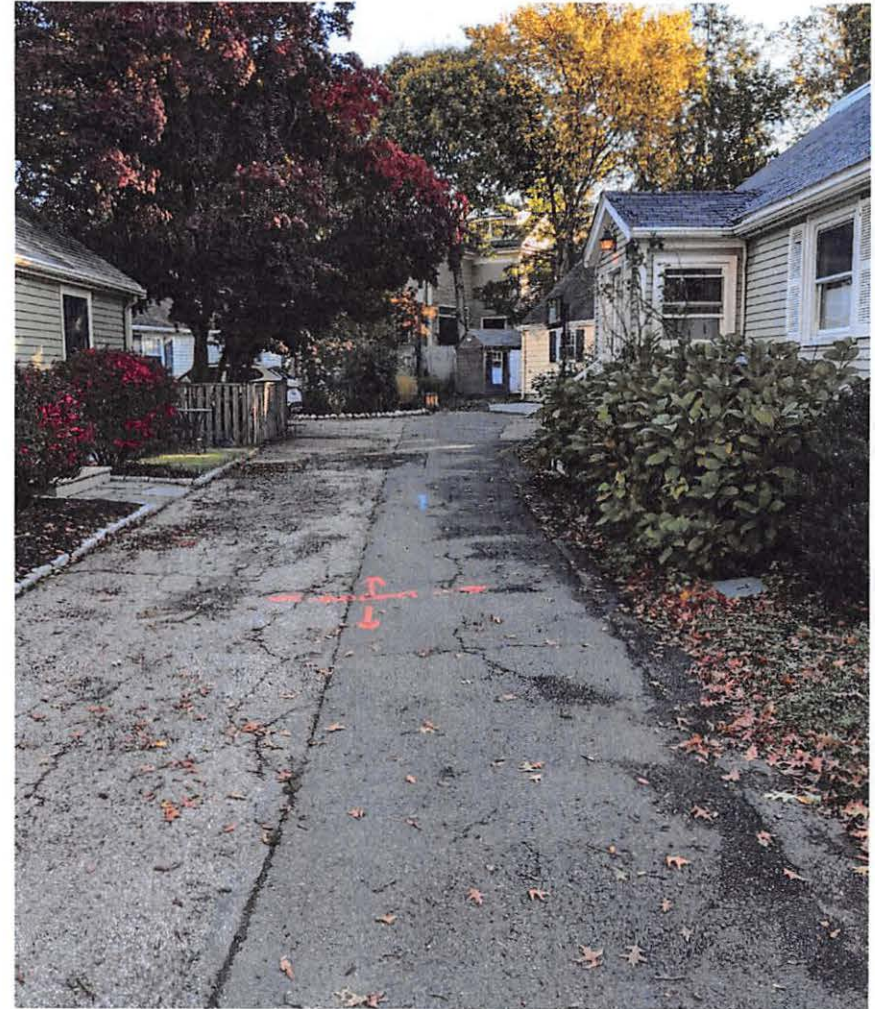


## Northeast corner: current location

Currently in least nonconforming location, due to proximity to primary structure and setback requirements.

NE side of property historically used as a storage & utility area, not suitable for lawn or other recreational use.

Moved to the current location as an accommodation to one neighbor, who is now raising the only objection.



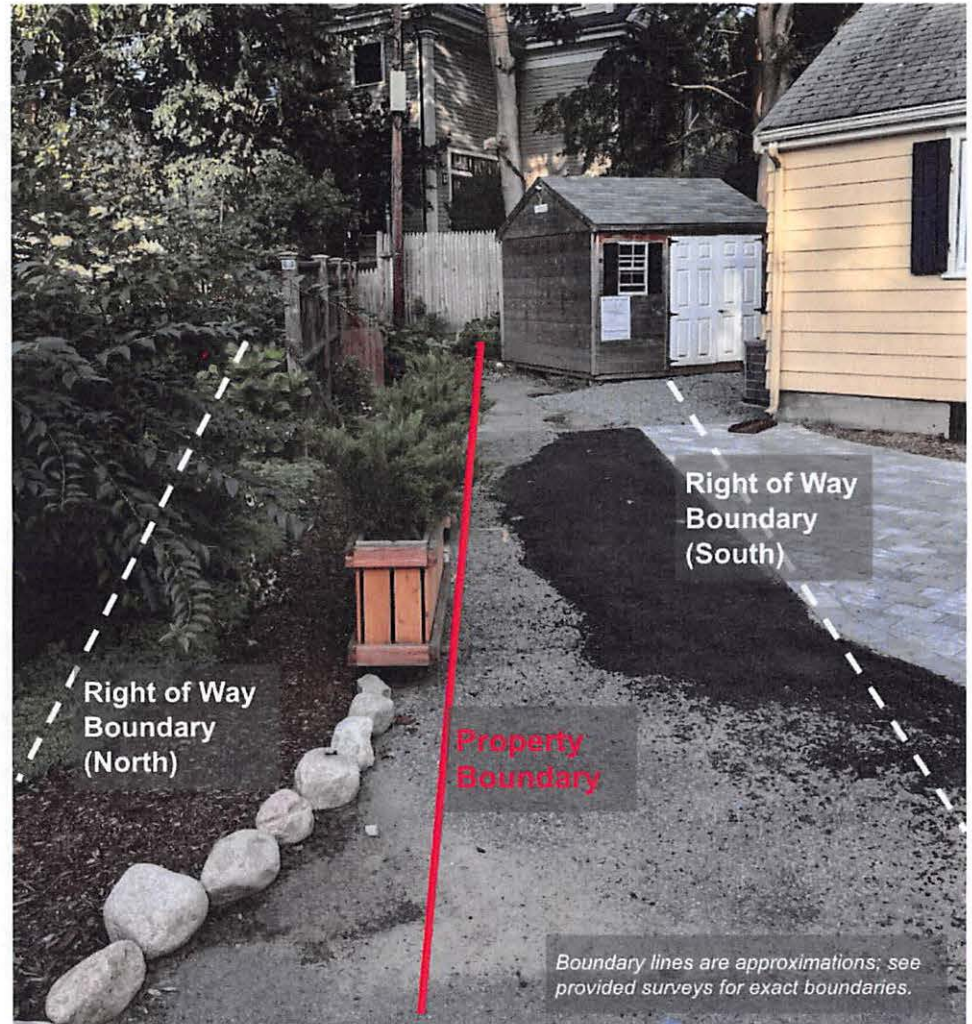
*View from public street (Aberdeen Ave)*



## Mutual easement

Concern raised in objection letter:  
“[all] owners have an obligation to  
keep it unobstructed.”

Objection is not consistent with historical  
use of the right of way by either party,  
including objector’s permanent fencing  
and June 2021 garden expansion.



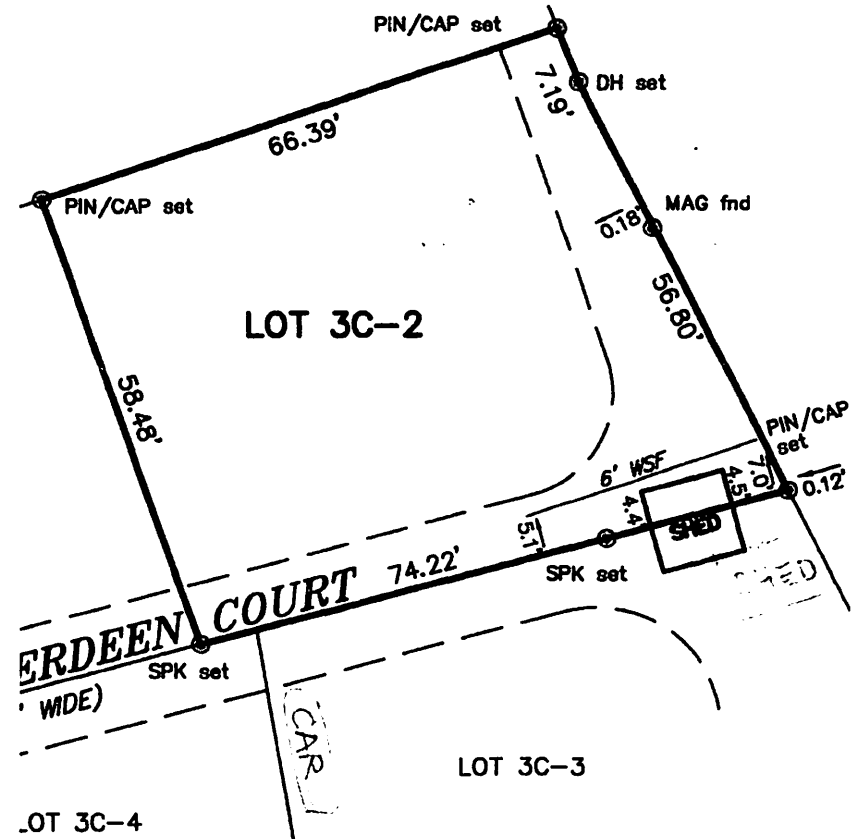
# Email from Ms Donnelly, November 5, 2020

Hi Marc,

**I have attached a picture which shows another option. I don't have a problem with you sliding the shed into your yard. The Land Survey outlines the boundary so that makes it easy to know how far to move it over. You could put your car on the other side of your yard, parallel to Dan's. I believe this was an option I suggested months ago. Again, my reason has not changed. I need to have my yard free of anyone else's personal belongings.**

Let me know if this works for you.

Kathy



*Ms Donnelly attached this drawing, proposing new shed location within easement and setbacks. This exact location was infeasible due to topography.*

## Summary

Shed serves similar purpose, and is in an overlapping location with previous, larger structure that was built pre-1963.

No reasonable conforming locations exist on lot, due to setbacks and reduction in usable open yard space.

Shed was moved to the current location due to an urgent request from a neighbor, consistent with her own proposed new location. She did not indicate any intent to object, until days before September hearing.

Neighbor's objection is based on an interpretation of the easement that is demonstrably inconsistent with her own use.

## Appendix:

### Recent variances granted for similar circumstances

BZA-006204-2015: Replacement shed for snowblower storage, on similar nonconforming footprint

BZA-011633-2016: Replacement shed for bicycle storage, on similar nonconforming footprint. Land topography hardship “to maintain usable open space (lawn and terrace) on small lot.”

BZA-017210-2019: Replacement of nonconforming detached garage, **in a different nonconforming location that had lesser encroachment of setbacks.**

BZA-017233-2019: Retroactive relief for replacement nonconforming bike shed “rebuilt in the location it stood for 25 years.”

BZA-017252-2020: New bike shed within setback. Land topography hardship “blocking circulation if placed outside of setback.”

## Appendix: Alternate option for smaller shed

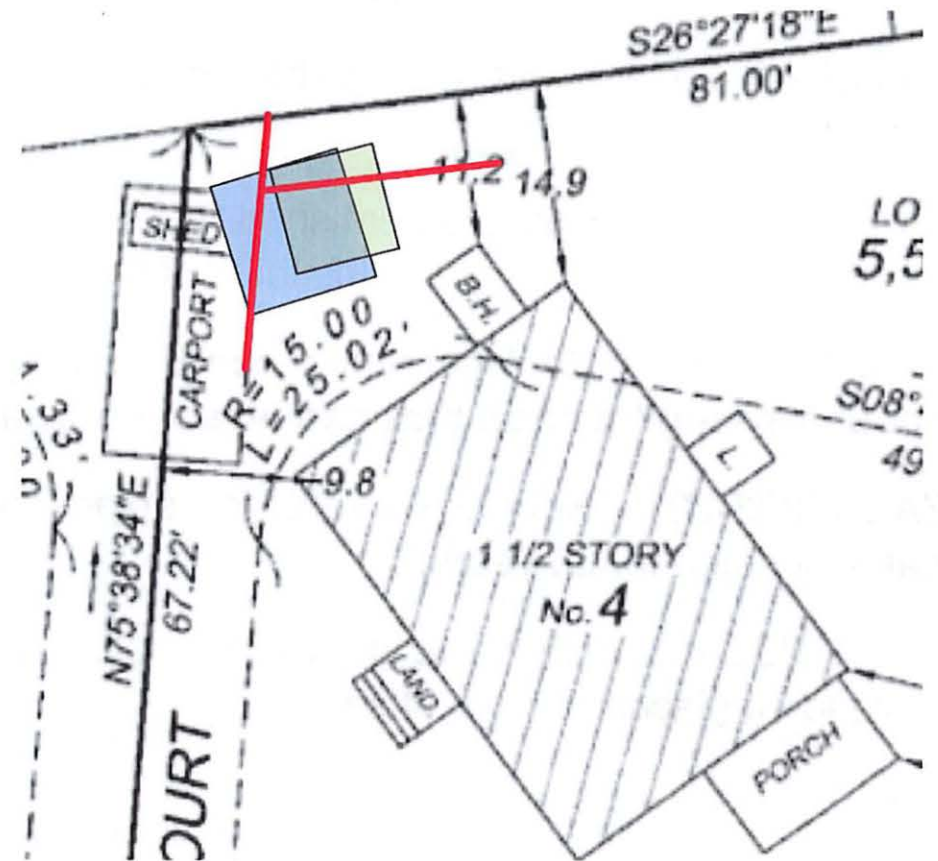
8x8 shed in overlapping location.

Conforms to the front setback and distance from the primary structure. Variance for the side setback required (3-4' from property line).

Reduces nonconforming square footage from ~36 to ~16.

**Additional financial hardship:** \$6,800+ for comparable replacement shed, plus cost to remove the existing shed (and sunk costs for regrading & relocating).

**Increased difficulty of bicycle access** due to smaller interior space and single door.



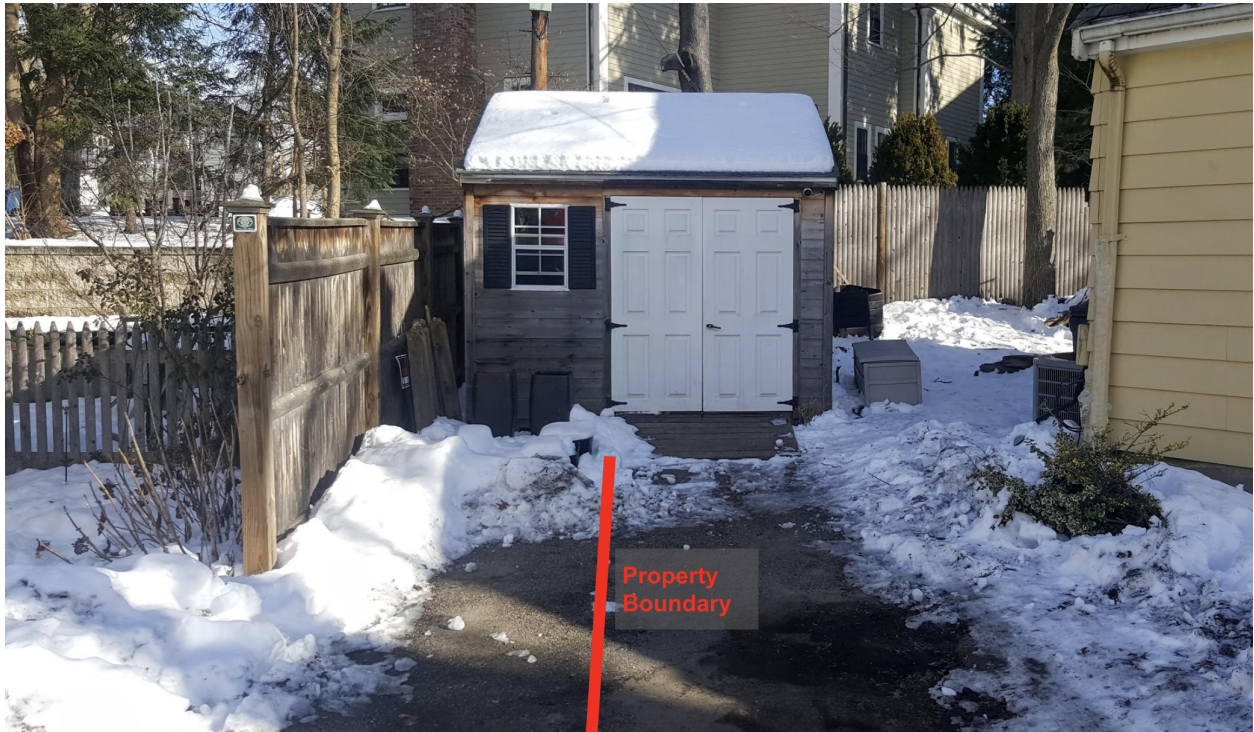


**Original Carport + Shed structure, c.1960 - 2015**





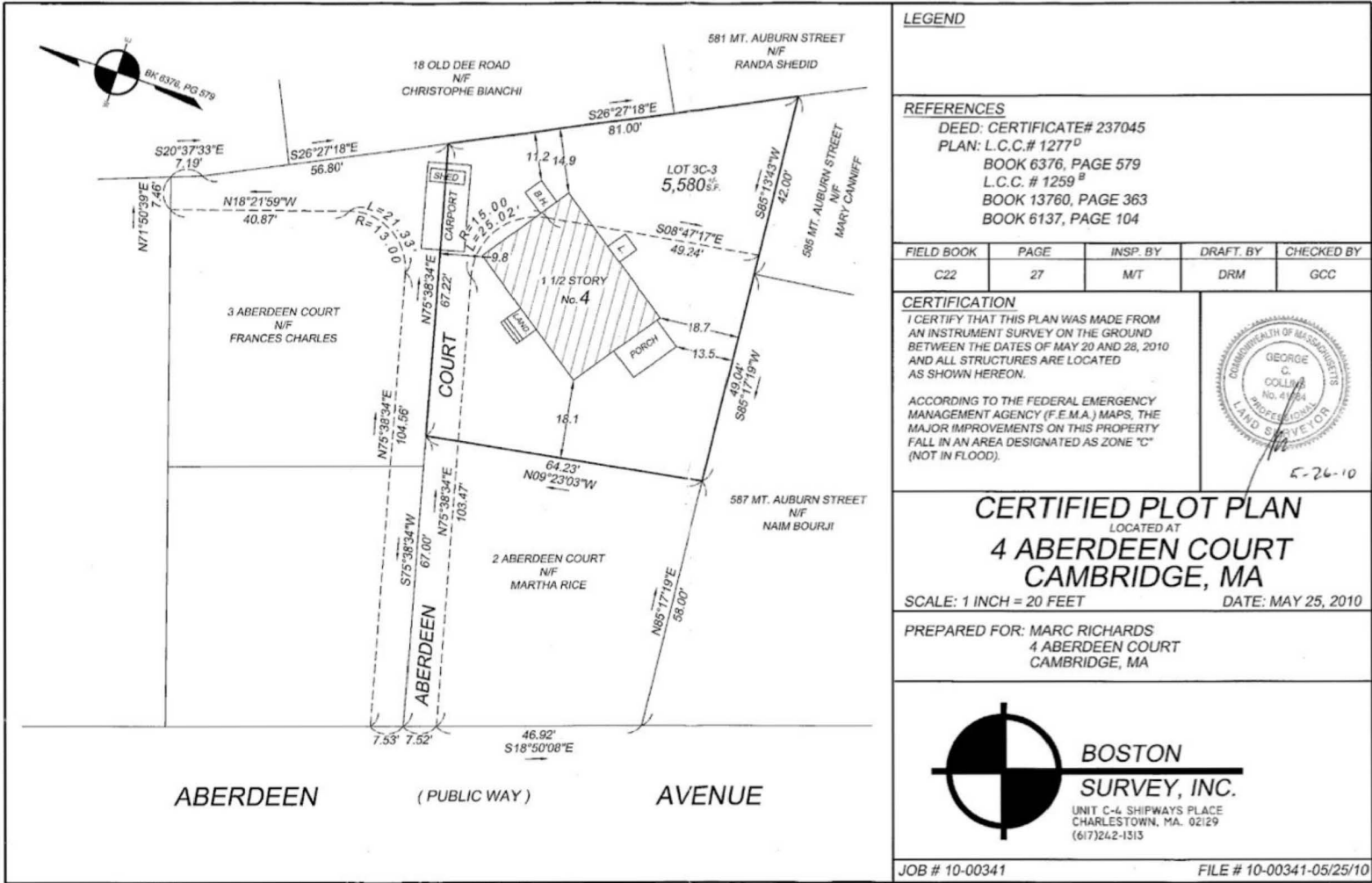
**Shed location 2016-2021**



**New shed location as of February 1, 2021**



Plot plan showing original carport + shed (2010)



**Plot plan detail: Shed location 2016 - 2021**



**Plot plan detail: New shed location as of Feb 1, 2021**





## **Cambridge BZA - Richards - 4 Aberdeen Court Statements of Support / Opposition**

Unlike our prior appearance before the Zoning Board of Appeals in 2018 for an unrelated kitchen addition (BZA-016624-2018), we did not seek letters of support from neighbors for this petition. The reason is that the shed being within the setback will only be significantly visible to one abutting property, #3 Aberdeen Court. While the owner of #3 Aberdeen Court, Kathleen Donnelly, declined to offer a statement of support, she is aware of the setback requirements and that the shed will remain within the setback. When specifically asked if she would support or oppose a petition for relief on two occasions in the fall of 2020 (October 28 and November 29), her response both times was “that’s between you and the city.” We also have exchanged numerous emails about our plan with her, including specific mention of the setback & petition for relief, and she has not indicated she would oppose this petition.

Because the shed is at the end of a dead-end street, with the side of our property being bounded by a privacy fence, the location of the shed is not significantly visible or impactful to any other abutters.

**Cambridge BZA - Richards - 4 Aberdeen Court  
Statements of Support / Opposition**

Please see attached letter of support from two of the three neighbors on Aberdeen Court.

While the owner of #3 Aberdeen Court, Kathleen Donnelly, declined to offer a statement of support, she is aware of the setback requirements and that the shed will remain within the setback. When specifically asked if she would support or oppose a petition for relief on two occasions in the fall of 2020 (October 28 and November 29), her response both times was “that’s between you and the city.” We also have exchanged numerous emails about our plan with her, including specific mention of the setback & petition for relief, and she has not indicated she would oppose this petition.

Because the shed is at the end of a dead-end street, with the side of our property being bounded by a privacy fence, the location of the shed is not significantly visible or impactful to any other abutters. I reached out to the left-side abutter, Corinne Bianchi of 18 Old Dee Road, via text message, to inform her of the new location within the setback and this petition, and did not hear back.

To the Cambridge Board of Zoning Appeals:

As a property owner and resident of Aberdeen Court, I am supportive of the location of the shed on #4 Aberdeen Court, in its new location since February 1, 2021. While partially within the setback, the shed does not detrimentally impact the neighborhood.

James T. Sullivan

Jim Sullivan  
Signature

Jim Sullivan

Kristin Sullivan  
Print name

2/5/21  
Date

1 Aberdeen Ct, Cambridge Ma  
Address  
02138

Liyun Guo

Signature

Liyun Guo

Print name

2/5/21  
Date

2 Aberdeen Ct, Cambridge MA  
Address  
02138

February 7, 2021

To The Cambridge Board of Zoning Appeals:

The initial variance application was filed prior to the shed being moved, so some of the documentation refers to the new location as though it had not already been moved. The "existing conditions" in the original application refer to the shed location prior to the move.

The shed move was completed on February 1st, and the Statement of Support and Photographs documents have been updated to reflect the actual location.

Due to tree roots discovered while re-grading, the shed needed to be rotated slightly relative to our original plan. As a result, the final dimensions between the shed, left setback, and house are slightly different than the original application. The southeast corner of the shed is 4.5 feet from the left (east) property line, not 6 feet as originally anticipated. This results in a small portion of one corner of the shed resting within the left setback. The southwest corner of the shed is 8 feet from the main building, not the 6 feet requested in the variance petition.

It did not appear to be possible to update our petition with this new information via the ViewPoint website.

Sincerely,  
Marc Richards





4 Aberdeen Ct.

Petitioners

251-113  
PACHECO-ABERDEEN LIMITED PARTNERSHIP  
PACHECO FAMILY REALTY CO. LLC  
54 LARCHWOOD DR  
CAMBRIDGE, MA 02138

251-9  
CANNIFF, MARY A. & PAUL JOHN KILGARRIFF,  
TRS. OF GRANITE TRADING REALTY TRUST  
P.O. BOX 74  
ROSLINDALE, MA 02131

251-245  
RICHARDS, MARC D. & JENNIFER A. RICHARDS  
4 ABERDEEN CT  
CAMBRIDGE, MA 02138

251-258  
TURNER, FEDERICA C.  
581 MT AUBURN ST.#3  
CAMBRIDGE, MA 02138

251-259  
WOOTTON, RAYMOND JOSHUA &  
LOIS A. HETLAND  
581-4 MT AUBURN ST  
CAMBRIDGE, MA 02138

251-260  
CHUNG, YOOJIN & RAJIV NARAYAN  
581 MT AUBURN ST., #5  
CAMBRIDGE, MA 02138

251-261  
SHIELDS, HILARY  
581-6 MT AUBURN ST  
CAMBRIDGE, MA 02138

252-139  
COX, RANDALL L. & SUSAN T. CAULFIELD  
22 ABERDEEN AVE  
CAMBRIDGE, MA 02138

252-140  
SUNNYVIEWRE LLC  
259 LOWELL ST  
LEXINGTON, MA 02420

251-243  
LOFBLAD, KRISTIN A.  
1 ABERDEEN CT  
CAMBRIDGE, MA 02138

251-244  
DONNELLY, KATHLEEN M.  
3 ABERDEEN CT  
CAMBRIDGE, MA 02138

251-247  
BIANCHI, CHRISTOPHER & CORINNE C. BIANCHI  
18 OLD DEE RD  
CAMBRIDGE, MA 02138

251-262  
AUNG, SANDA S.,  
TRUSTEE THE SANDA S. AUNG TRUST OF 2011  
2440 MASS AVE., #34  
CAMBRIDGE, MA 02140

251-263  
SHEDID, RANDA & NASSER O. RABBAT  
77 MASSACHUSETTS AVE ROOM 10-390  
CAMBRIDGE, MA 02139

251-221  
BOURJI, NAIM,  
TRUSTEE THE BOURJI NOM REAL ESTATE TRUST  
587 MT AUBURN ST  
CAMBRIDGE, MA 02138

251-241  
O'CONNELL, MICHAEL F. & NANCY E.  
TR. O'CONNELL/ OLD DEE ROAD TRUST  
19 OLD DEE RD  
CAMBRIDGE, MA 02138

251-242  
GUO, LIYAN & LIN ZHOU  
2 ABERDEEN CT  
CAMBRIDGE, MA 02138

251-257  
SONG, JUN  
581-2 MT AUBURN ST  
CAMBRIDGE, MA 02138

251-256  
MONDINO, GABRIELA R. &  
RENZO BALDASSO, TRUSTEE  
581-1 MT AUBURN ST  
CAMBRIDGE, MA 02138

251-235  
DAMON KENT T JR TR LORI N. DAMON  
14 OLD DEE RD  
CAMBRIDGE, MA 02138

## Pacheco, Maria

---

**From:** katdon5@gmail.com  
**Sent:** Monday, August 30, 2021 1:38 PM  
**To:** Pacheco, Maria  
**Subject:** BZA-106926--opposition from abutter at 3 Aberdeen Court  
**Attachments:** BZA-106926\_8-30-21.pdf

Dear Ms. Pacheco,

I am writing in regards to Case No BZA-106926 to express my opposition to this variance petition. I have outlined my reasons below, and have also included additional information in the attached file.

Please feel free to contact me if you have any questions.

### **Abutters views in opposition to this petition to the BZA:**

I believe that the City of Cambridge has zoning ordinances for good reasons. I don't believe 4 Aberdeen Court has any soil condition, shape or topography that affects it compliance with the laws, nor would it be a substantial hardship to relocate it adhering to the setback, or in another area on the property.

In addition, the shed is currently located in a right of way that all other properties on Aberdeen Court have written into their titles. The Richards' deed/title, and all of the deeds/titles for the 4-lot subdivision, refer to the plan that created the subdivision: Plan entitled "Subdivision of Lot 3C Shown on Plan 1277C, Filed with Cert. of Title No. 49025 South Registry District of Middlesex County, Land in Cambridge, July 23, 1941, G.B. Northrup, C.E. ("Lot 3C Subdivision Plan"). *"These premises are conveyed subject to and with the benefit of a right of way as set forth on said plan, in common with others entitled thereto."*

Therefore, all abutters have the right to use the right of way as shown on the plan. Because all owners have the right to use the right of way as shown on the plan, owners have the obligation to keep it unobstructed so that everyone else can exercise their right to use it. Allowing the Richards to place their shed in the right-of-way would obstruct others' use of it.

Sincerely,  
Kathleen Donnelly  
3 Aberdeen Court, Cambridge, MA  
617-686-5164  
[Katdonn5@gmail.com](mailto:Katdonn5@gmail.com)





# 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: MARC Richards Date: 8/19/2021  
(Print)

Address: 4 Aberdeen Court

Case No. BZA-106926

Hearing Date: 9/2/21

Thank you,  
Bza Members

## Pacheco, Maria

---

**From:** katdon5@gmail.com  
**Sent:** Tuesday, August 31, 2021 5:50 PM  
**To:** Pacheco, Maria  
**Subject:** FW: BZA-106926--opposition from abutter at 3 Aberdeen Court  
**Attachments:** October-1-2020-Certified Plot Plan-3 Aberdeen Ct.pdf; October 24, 1941.pdf

Dear Ms. Pacheco,

I don't think these attachments were entered into the agenda, so I am sending them here as separate documents. It may be too late, but just wanted the City to have them in case it is helpful.

Thanks,  
Kathleen Donnelly

**From:** katdon5@gmail.com <katdon5@gmail.com>  
**Sent:** Monday, August 30, 2021 1:38 PM  
**To:** mpacheco@cambridgema.gov  
**Subject:** BZA-106926--opposition from abutter at 3 Aberdeen Court

Dear Ms. Pacheco,

I am writing in regards to Case No BZA-106926 to express my opposition to this variance petition. I have outlined my reasons below, and have also included additional information in the attached file.

Please feel free to contact me if you have any questions.

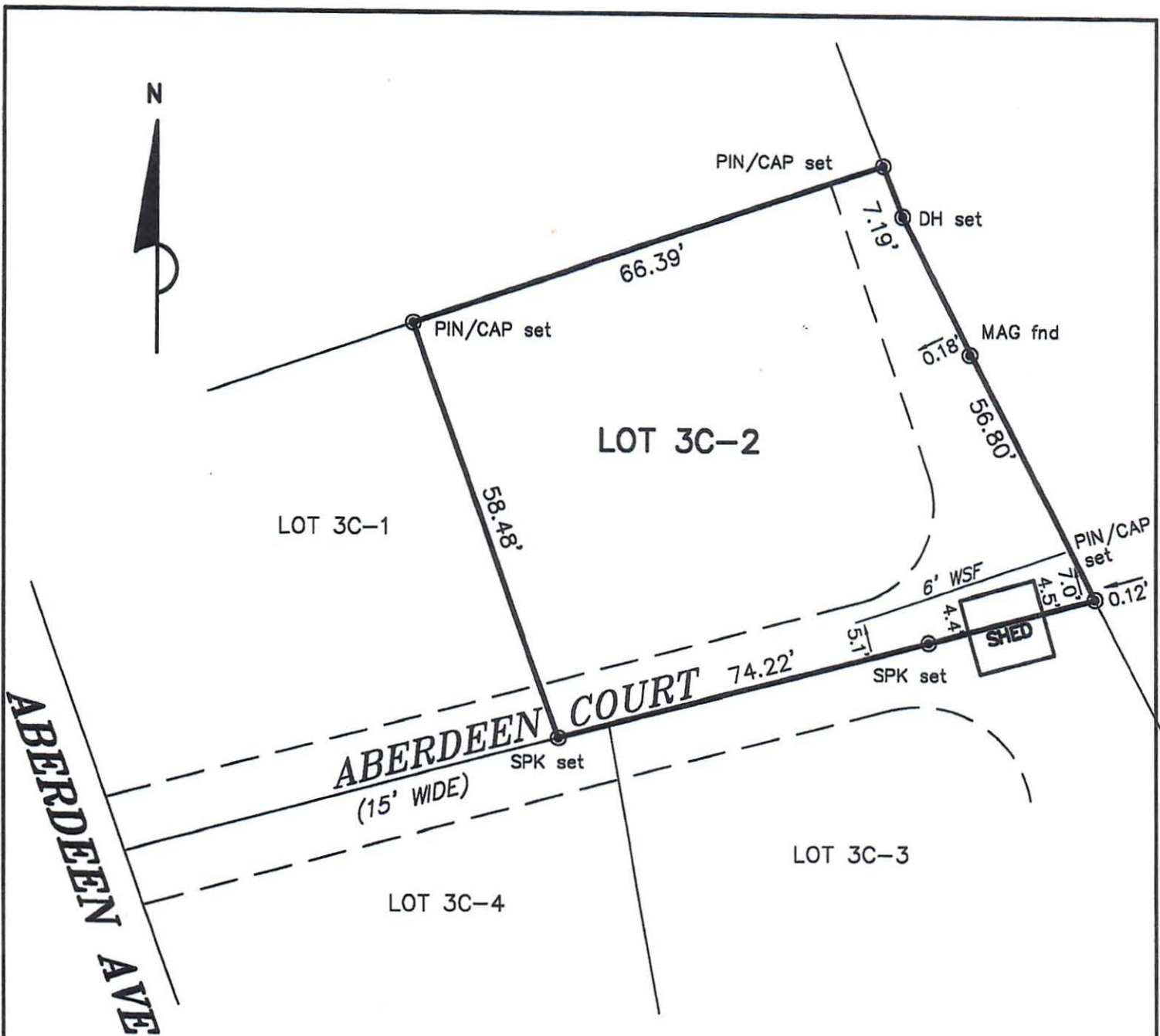
### **Abutters views in opposition to this petition to the BZA:**

I believe that the City of Cambridge has zoning ordinances for good reasons. I don't believe 4 Aberdeen Court has any soil condition, shape or topography that affects it compliance with the laws, nor would it be a substantial hardship to relocate it adhering to the setback, or in another area on the property.

In addition, the shed is currently located in a right of way that all other properties on Aberdeen Court have written into their titles. The Richards' deed/title, and all of the deeds/titles for the 4-lot subdivision, refer to the plan that created the subdivision: Plan entitled "Subdivision of Lot 3C Shown on Plan 1277C, Filed with Cert. of Title No. 49025 South Registry District of Middlesex County, Land in Cambridge, July 23, 1941, G.B. Northrup, C.E. ("Lot 3C Subdivision Plan"). *"These premises are conveyed subject to and with the benefit of a right of way as set forth on said plan, in common with others entitled thereto."*

Therefore, all abutters have the right to use the right of way as shown on the plan. Because all owners have the right to use the right of way as shown on the plan, owners have the obligation to keep it unobstructed so that everyone else can exercise their right to use it. Allowing the Richards to place their shed in the right-of-way would obstruct others' use of it.

Sincerely,  
Kathleen Donnelly  
3 Aberdeen Court, Cambridge, MA  
617-686-5164  
[Katdon5@gmail.com](mailto:Katdon5@gmail.com)



OWNER: KATHLEEN DONNELLY

I HEREBY CERTIFY THAT THE BUILDING IS LOCATED AS SHOWN.



*[Signature]* 10/1/20  
**CLIFFORD E. ROBER, PLS**      **DATE**

THIS PLAN MAY HAVE BEEN ALTERED IF THE SIGNATURE IS NOT SIGNED IN BLUE.

**CERTIFIED PLOT PLAN  
 #3 ABERDEEN COURT  
 IN  
 CAMBRIDGE, MA  
 (MIDDLESEX COUNTY)**

**SCALE: 1" = 20'      DATE: 10/1/2020**



**ROBER SURVEY**  
 1072A MASSACHUSETTS AVENUE  
 ARLINGTON, MA 02476  
 (781) 648-5533  
 6278S01.DWG

Subdivision of Lot 3<sup>c</sup> Shown on Plan 127<sup>c</sup>

1277<sup>D</sup>

Filed with Cert. of Title No. 49025 South Registry District of Middlesex County

LAND IN CAMBRIDGE

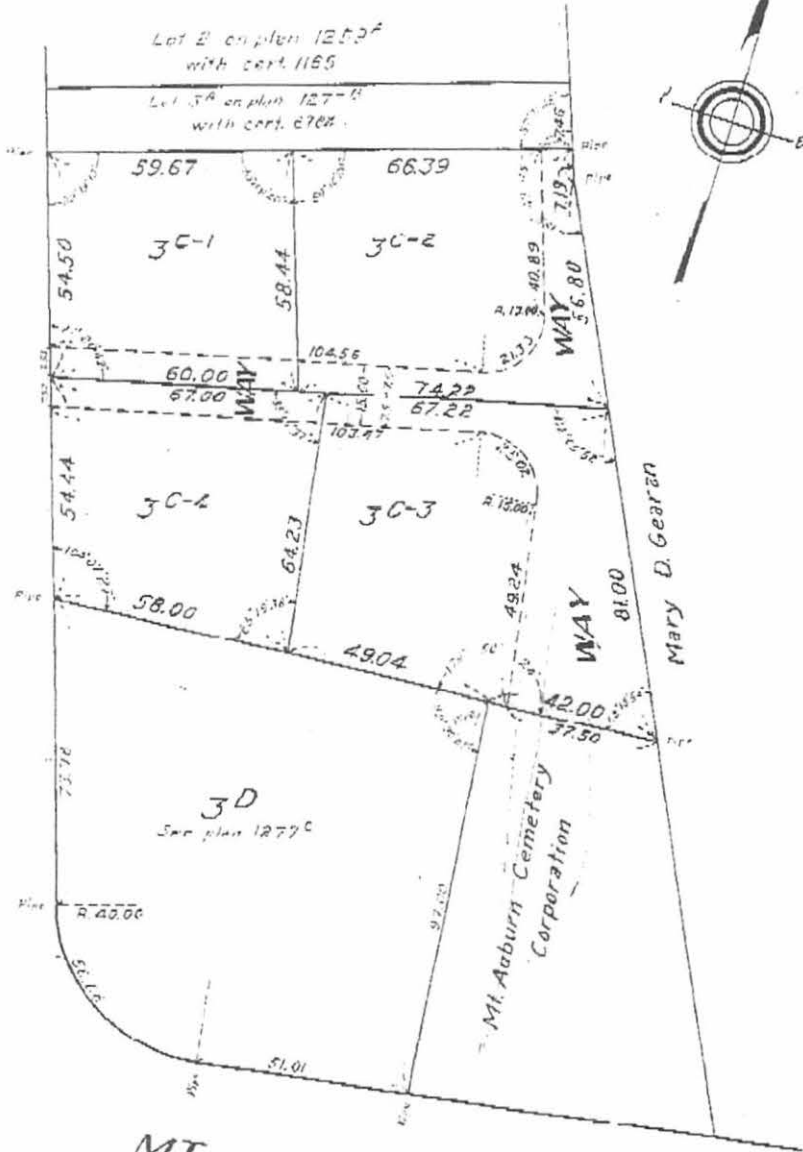
July 23, 1941

G. B. Northrup, C. E.

ABERDEEN AVENUE

Lot 2 on plan 125<sup>D</sup>  
with cert. 1165

Lot 3<sup>a</sup> on plan 127<sup>B</sup>  
with cert. 2787



MT AUBURN STREET

Middlesex South Registry District  
OCT 24 1941

RECEIVED FOR REGISTRATION  
11 O'CLOCK

Separate certificates of title may be issued  
for Lots 3c-1 to 3c-4 incl. as shown hereon  
By the Court

AUG. 27, 1941

*Joseph Bennett*  
Recorder

Copy of part of plan  
filed in  
LAND REGISTRATION OFFICE  
AUG. 4, 1941  
Scale of this plan 30 feet to an inch  
C. D. Humphrey, Engineer for Court



**From:** [katdon5@gmail.com](mailto:katdon5@gmail.com)  
**To:** [katdon5@gmail.com](mailto:katdon5@gmail.com)  
**Subject:** RE: 4 Aberdeen Court plot plan  
**Date:** Tuesday, August 31, 2021 6:05:50 PM

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**From:** [katdon5@gmail.com](mailto:katdon5@gmail.com) <[katdon5@gmail.com](mailto:katdon5@gmail.com)>  
**Sent:** Monday, November 23, 2020 9:02 AM  
**To:** 'Marc Richards' <[marc.d.richards@gmail.com](mailto:marc.d.richards@gmail.com)>  
**Cc:** 'Jennifer Richards' <[jenniferrichardspt@gmail.com](mailto:jenniferrichardspt@gmail.com)>  
**Subject:** RE: 4 Aberdeen Court plot plan

Hi Marc,

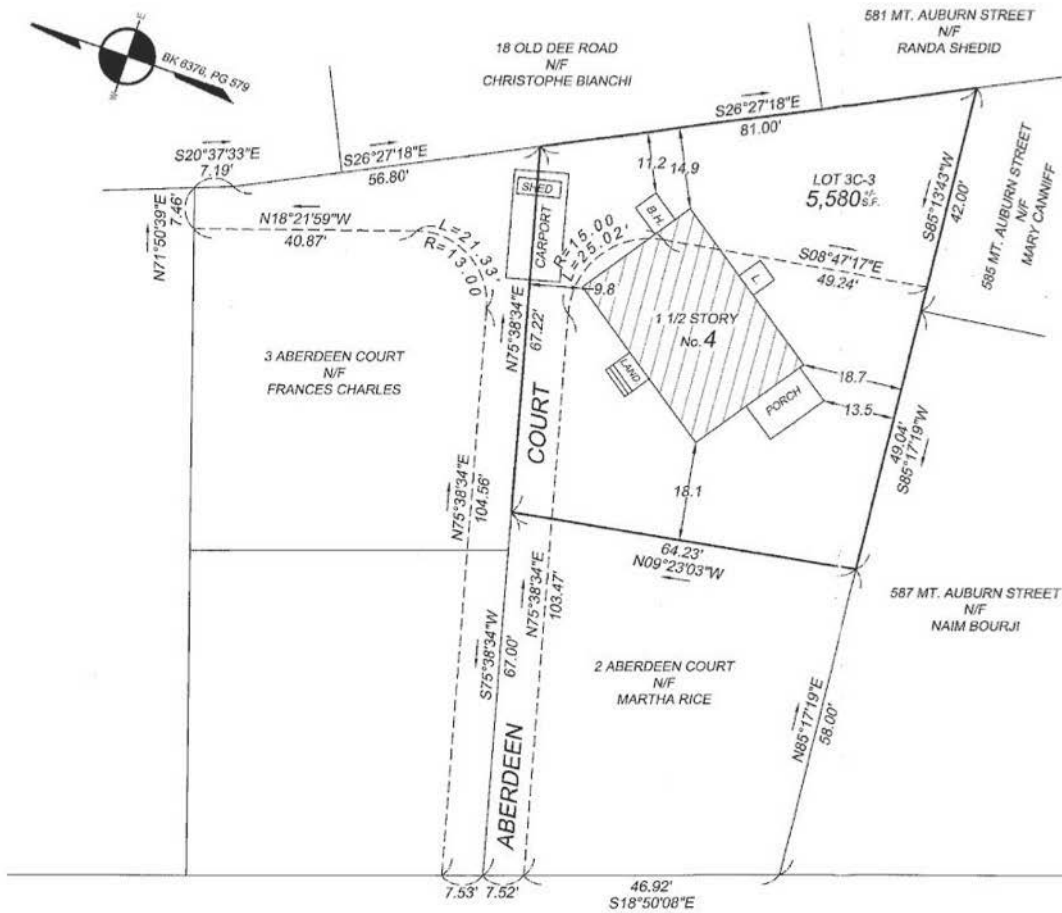
I'm getting back to you on your October 28<sup>th</sup> email proposal. My responses are below in RED and CAPS.

Assuming re-drawing the easement is off the table, I believe the *\*only\** options available are:

- 1) *Write up an indemnity agreement and otherwise leave the shed & parking as-is. As I first said in August, I'm happy to pay the cost for this. NOT ACCEPTABLE.*
- 2) *Slide the shed over ~5 feet to be 100% on my property, and continue to park my car where I always have, though part of the shed would remain within the way bounds. NOT ACCEPTABLE.*
- 3) *Move the shed to the other side of the yard, and park my car on the east side of the house. I would need to retain access over the way, but would not park straddling the property line. WE BOTH NEED TO RETAIN ACCESS OVER THE WAY. YOU CAN PARK YOUR CAR ON THE EAST SIDE OF YOUR HOUSE AS LONG AS IT DOES NOT VIOLATE THE CAMBRIDGE ZONING LAWS, PROPERTY LINE SET BACK REQUIREMENTS, AND RIGHT OF WAY PRIVILEGES AS DEEDED AND TITLED TO MY PROPERTY.*

Kathy





ABERDEEN

(PUBLIC WAY)

AVENUE

**LEGEND**

**REFERENCES**

DEED: CERTIFICATE# 237045  
 PLAN: L.C.C.# 1277<sup>D</sup>  
 BOOK 6376, PAGE 579  
 L.C.C. # 1259<sup>B</sup>  
 BOOK 13760, PAGE 363  
 BOOK 6137, PAGE 104

FIELD BOOK	PAGE	INSP. BY	DRAFT. BY	CHECKED BY
C22	27	MT	DRM	GCC

**CERTIFICATION**

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES OF MAY 20 AND 28, 2010 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS ZONE "C" (NOT IN FLOOD).



5-26-10

**CERTIFIED PLOT PLAN**  
 LOCATED AT  
**4 ABERDEEN COURT**  
**CAMBRIDGE, MA**

SCALE: 1 INCH = 20 FEET

DATE: MAY 25, 2010

PREPARED FOR: MARC RICHARDS  
 4 ABERDEEN COURT  
 CAMBRIDGE, MA



**BOSTON**  
**SURVEY, INC.**

UNIT C-4 SHIPWAYS PLACE  
 CHARLESTOWN, MA. 02129  
 (617)242-1313