



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2022 NOV 29 PM 2:55
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 203395

General Information

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Vikas Saini and Julia Ann Croston C/O James J. Rafferty

PETITIONER'S ADDRESS: 907 Massachusetts Avenue, Cambridge, MA 02139

LOCATION OF PROPERTY: 63 Chilton St., Cambridge, MA

TYPE OF OCCUPANCY: Single Family w/ Accessory Dwelling Unit **ZONING DISTRICT:** Residence B Zone

REASON FOR PETITION:

/Additions/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner seeks to reinstate lapsed variance granted in BZA case no. 124207 to allow Petitioner to construct non-conforming addition to existing single-family structure. Special Permit component of decision has not lapsed.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
Article: 8.000 Section: 8.22.3 (Non-Conforming Structure).
Article: 10.000 Section: 10.30 (Variance).

Original
Signature(s):



(Petitioner (s) / Owner)

James J. Rafferty, Attorney for Petitioner

(Print Name)

Address: 907 Massachusetts Avenue, Cambridge, MA 02139
Tel. No. 617.492.4100
E-Mail Address: jrafferty@adamsrafferty.com

Date: 11/28/2022

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

Vikas Saini and Julia Ann Croston
(Petitioner)

Address: c/o James J. Rafferty, Esq. 907 Massachusetts Avenue Cambridge, MA 02139

Location of Premises: 63 Chilton Street, Cambridge MA

the record title standing in the name of Vikas Saini and Julia Ann Croston

whose address is 63 Chilton Street, Cambridge MA 02138
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex County Registry of Deeds in

Book 54898 Page 549 or _____
Registry

District of Land Court Certificate No. _____ Book _____ Page _____

Vikas Saini
Owner

On this 18th day of November, 2021, before me, the undersigned notary public, personally appeared Vikas Saini proved to me through satisfactory evidence of identification, which were MA Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that Vikas Saini signed it voluntarily for its stated purpose.



THERESA KAUFMAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 05, 2029

Theresa Kaufman
Notary Public
My commission expires: 01-05-2029

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 of the provisions of this Ordinance would prevent the Petitioner from making any modifications to this home.
- B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:
- The Hardship is directly related to the shape and size of the lot and the age and layout of the building.
- 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 proposed modifications conform to the height, front setback, lot area per dwelling unit and open space requirements, and do not exceed the extent of the existing rear setback violations.
- 2)** Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:
- The proposed structure is consistent with the size and use of surrounding structures in the neighborhood.

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

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Vikas Saini and Julia Ann Croston

Present Use/Occupancy: Single Family w/ Accessory Dwelling Unit

Location: 63 Chilton St., Cambridge, MA

Zone: Residence B Zone

Phone: 617.492.4100

Requested Use/Occupancy: Single Family w/ Accessory Dwelling Unit

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		2,682	3,682	3,343.5	(max.)
<u>LOT AREA:</u>		7,410	no change	5,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²		.036	.497	.5/35	
<u>LOT AREA OF EACH DWELLING UNIT</u>		3,705	no change	2,500	
<u>SIZE OF LOT:</u>	WIDTH	75	no change	50	
	DEPTH	88-111	no change	N/A	
<u>SETBACKS IN FEET:</u>	FRONT	21.7'	17.7'	15'	
	REAR	16.5'	16.5' (plus new .33' insulation)	25'	
	LEFT SIDE	16.4'	17.8-8.75'	7'6" (sum of 20')	
	RIGHT SIDE	23.4'	27.75-20'	7'6" (sum of 20')	
<u>SIZE OF BUILDING:</u>	HEIGHT	21'	34-35'	35'	
	WIDTH	N/A	N/A	N/A	
	LENGTH	52.9'	no change	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		66.1	54	40	
<u>NO. OF DWELLING UNITS:</u>		2	no change	2	
<u>NO. OF PARKING SPACES:</u>		1	no change	1	
<u>NO. OF LOADING AREAS:</u>		0	no change	N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		N/A	N/A	N/A	

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.:

N/A

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'.

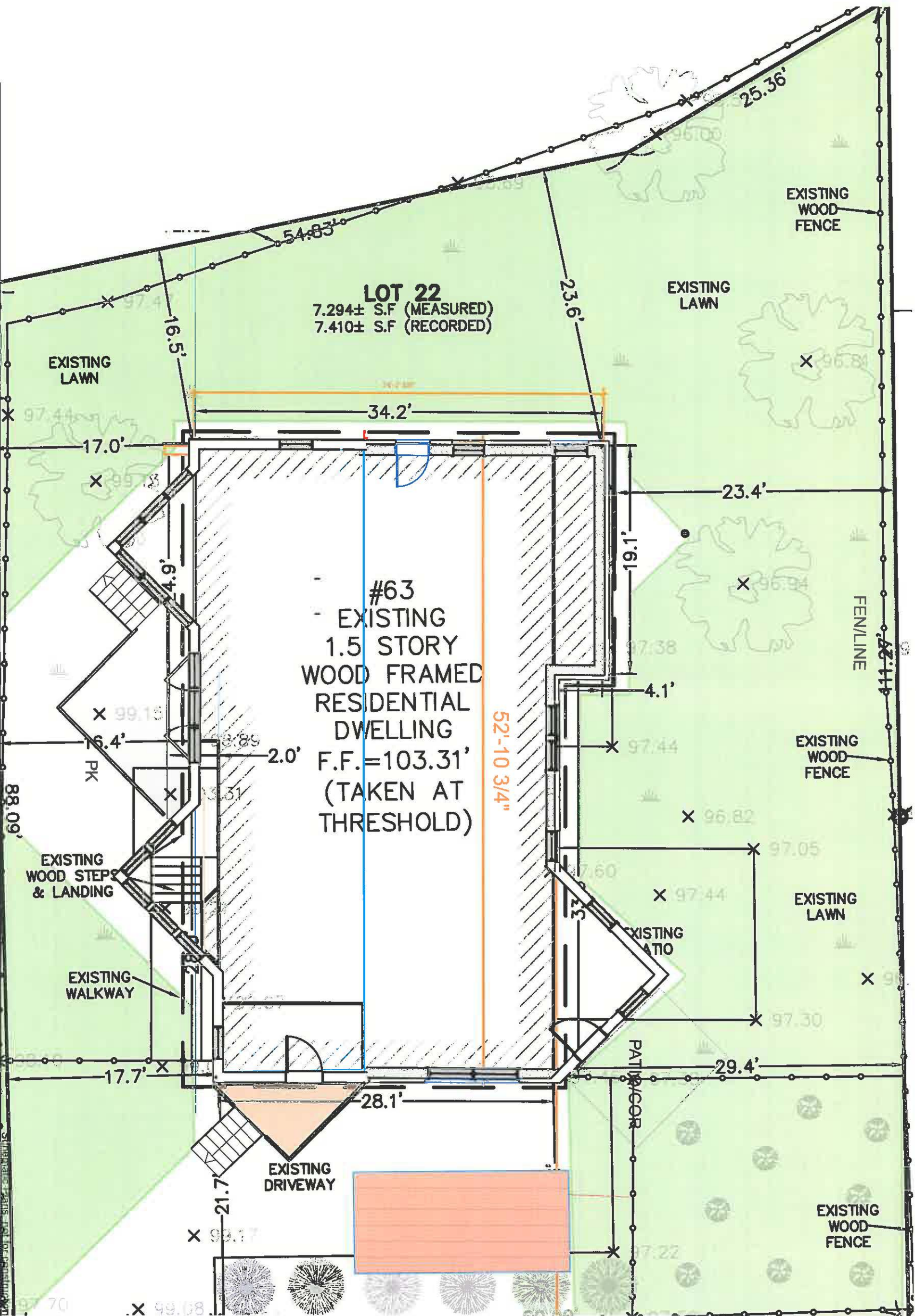
A-1

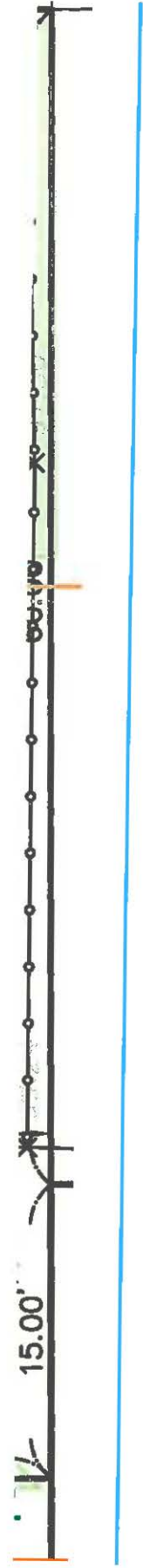
Proposed
Site Plan

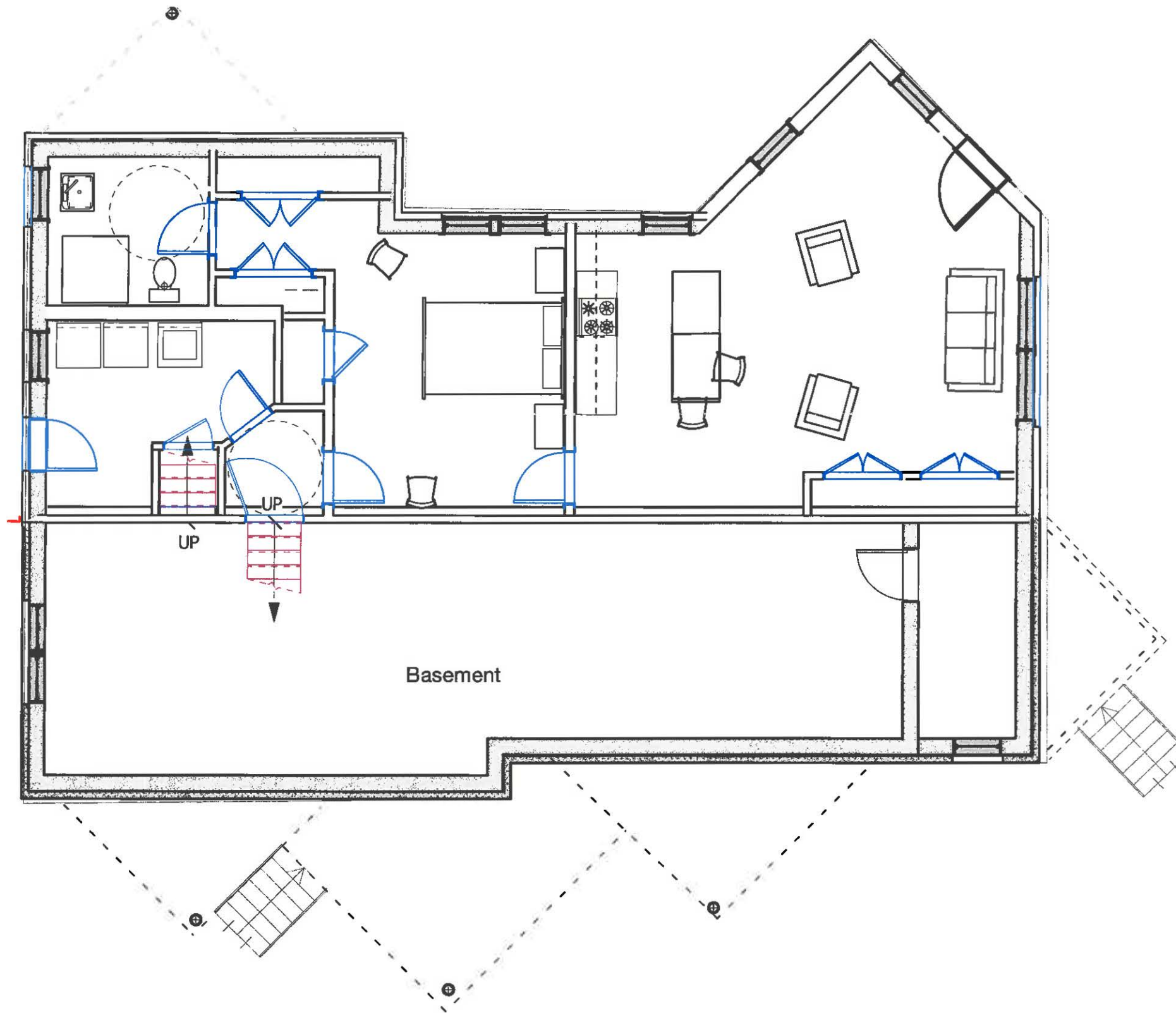
SCALE: 3/32" = 1'-0"
DATE OF ISSUE: 7.24.21.

The Saini Croston Residence
63 Chilton St
Cambridge, MA


Amacher and Associates Architects
237 Mt Auburn St., Cambridge, MA 02138
www.amacher-associates.net
Phone: 617 354-8707

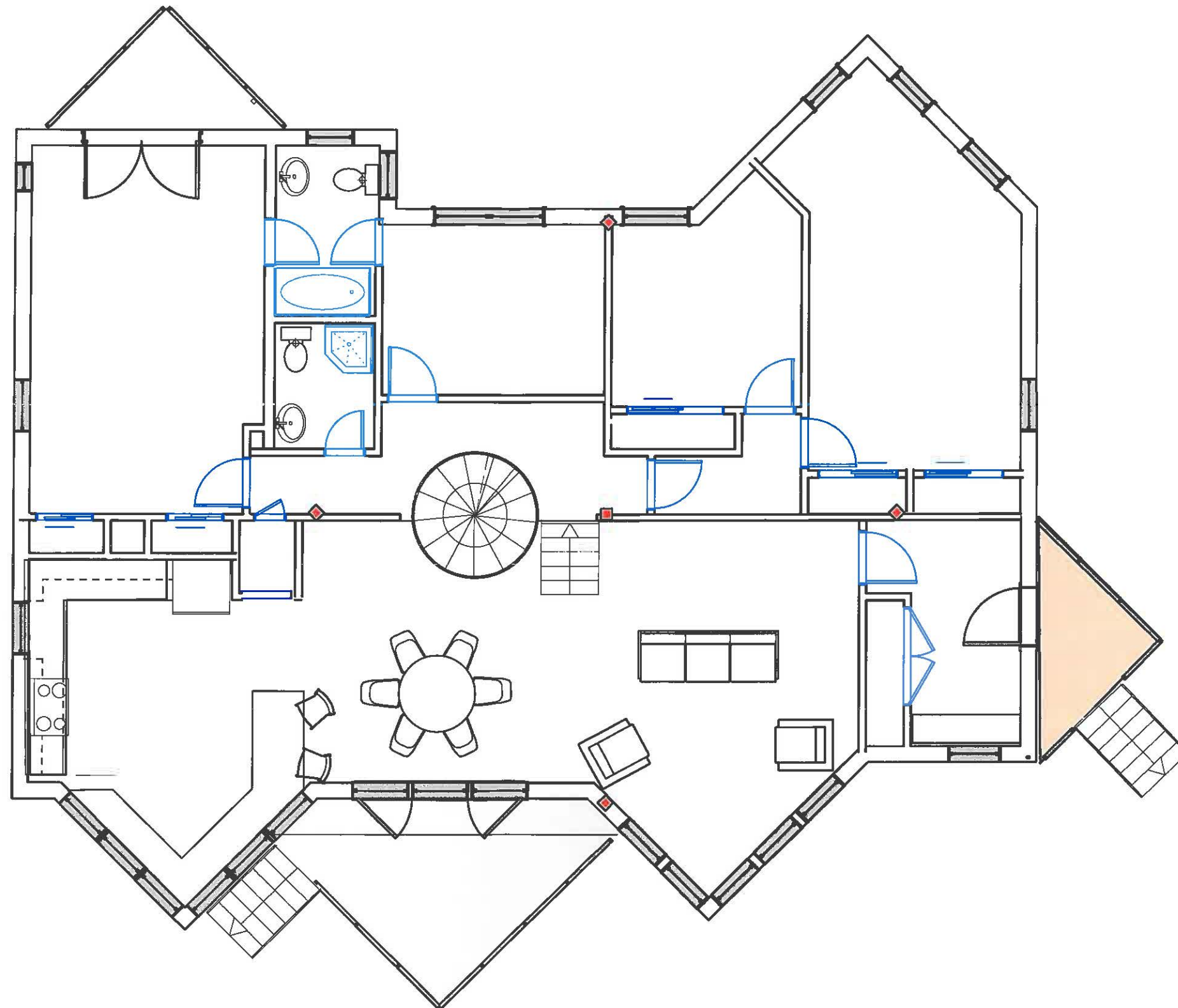






Schematic Plans, not for construction

A-2	Basement & First Floor	The Saini Croston Residence 63 Chilton St Cambridge, MA	Amacher and Associates Architects 237 Mt Auburn St., Cambridge, MA 02138 www.amacher-associates.net Phone: 617 354-8707	
	SCALE: 1/8" = 1'-0" DATE OF ISSUE: 7.24.21.			



A-3

2nd & 3rd Floors

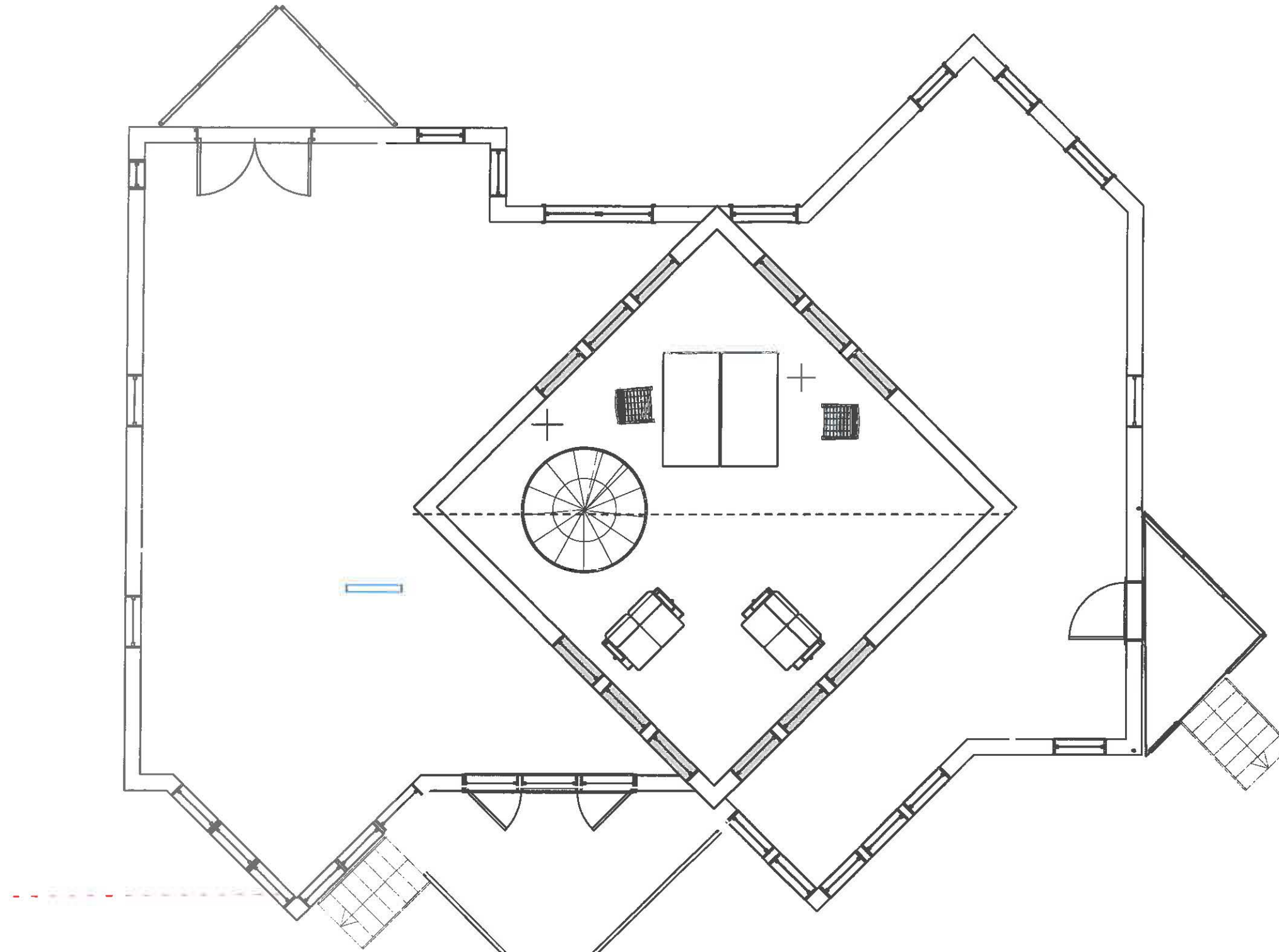
SCALE: 1/8" = 1'-0"
 DATE OF ISSUE: 7.24.21.

The Saini Croston Residence
 63 Chilton St
 Cambridge, MA


Amacher and Associates Architects

237 Mt Auburn St., Cambridge, MA 02138
 www.amacher-associates.net
 Phone: 617 354-8707






Schematic Plans, not for construction

A-4	4th Flr over 3rd & 2nd Flrs	The Saini Croston Residence 63 Chilton St Cambridge, MA	Amacher and Associates Architects 237 Mt Auburn St., Cambridge, MA 02138 www.amacher-associates.net Phone: 617 354-8707	
	SCALE: 1/8" = 1'-0" DATE OF ISSUE: 7.24 .21.			




A-5	South Elevation	The Saini Croston Residence 63 Chilton St Cambridge, MA	Amacher and Associates Architects 237 Mt Auburn St., Cambridge, MA 02138 www.amacher-associates.net Phone: 617 354-8707	
	SCALE: 1/8" = 1'-0" DATE OF ISSUE: 7.24.21.			




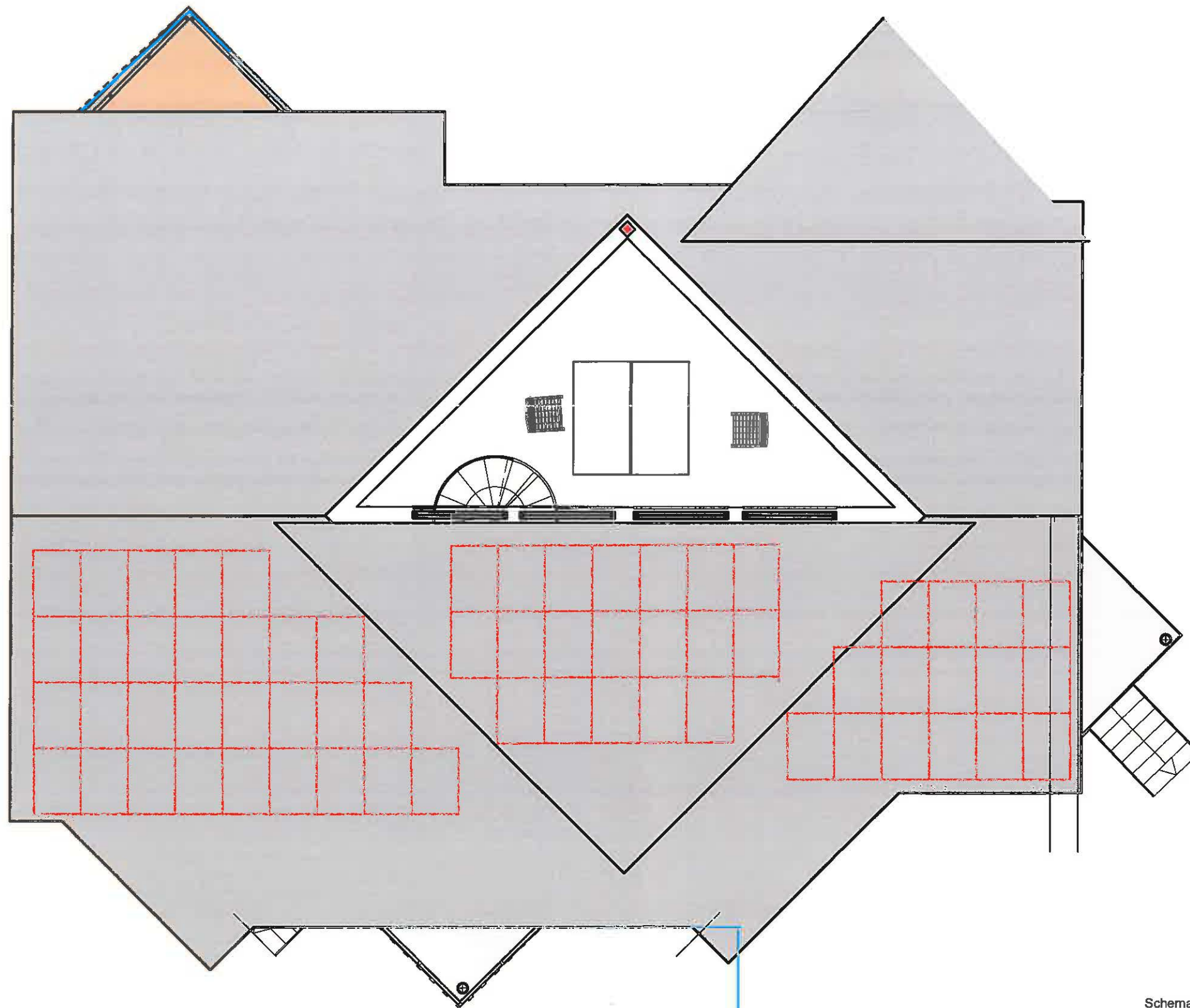
A-6	East Elevation SCALE: 1/8" = 1'-0" DATE OF ISSUE: 7.24.21.	The Saini Croston Residence 63 Chilton St Cambridge, MA	Amacher and Associates Architects 237 Mt Auburn St., Cambridge, MA 02138 www.amacher-associates.net Phone: 617 354-8707	
------------	---	--	---	---



<p>A-7</p>	<p>North Elevation</p> <p>SCALE: 1/8" = 1'-0" DATE OF ISSUE: 7.24.21.</p>	<p>The Saini Croston Residence 63 Chilton St Cambridge, MA</p>	<p>Amacher and Associates Architects 237 Mt Auburn St., Cambridge, MA 02138 www.amacher-associates.net Phone: 617 354-8707</p>	
-------------------	--	---	---	---




A-8	West Elevation	The Saini Croston Residence 63 Chilton St Cambridge, MA	Amacher and Associates Architects 237 Mt Auburn St., Cambridge, MA 02138 www.amacher-associates.net Phone: 617 354-8707	
	SCALE: 1/8" = 1'-0" DATE OF ISSUE: 7.24.21.			



60

Schematic Plans, not for construction

<p>A-9</p>	<p>ROOFS</p> <p>SCALE: 3/32" = 1'-0"</p> <p>DATE OF ISSUE: 7.24.21.</p>	<p>The Saini Croston Residence 63 Chilton St Cambridge, MA</p>	<p>Amacher and Associates Architects 237 Mt Auburn St., Cambridge, MA 02138 www.amacher-associates.net Phone: 617 354-8707</p>	
-------------------	--	---	---	---



A-10

SW & SE 3D

SCALE: 1/16, 3/32" = 1'-0"
DATE
OF ISSUE: 7.24.20.

The Saini Croston Residence
63 Chilton St
Cambridge, MA

Amacher and Associates Architects

237 Mt Auburn St., Cambridge, MA 02138
www.amacher-associates.net

Phone: 617 354-8707





A-11

NE & NW 3D

SCALE: 1/8" = 1'-0"
DATE OF ISSUE: 7.24.21

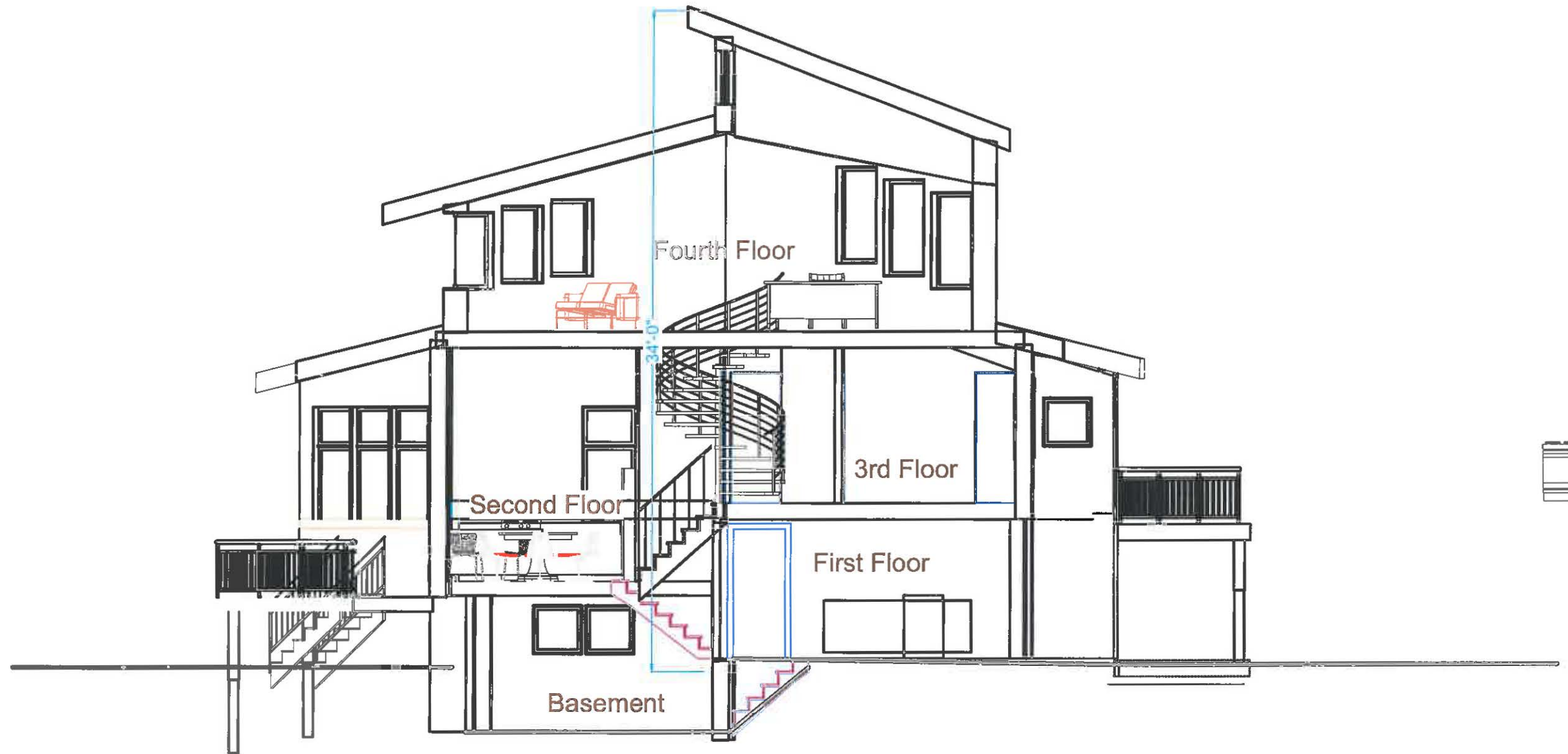
The Saini Croston Residence
63 Chilton St
Cambridge, MA


Amacher and Associates Architects

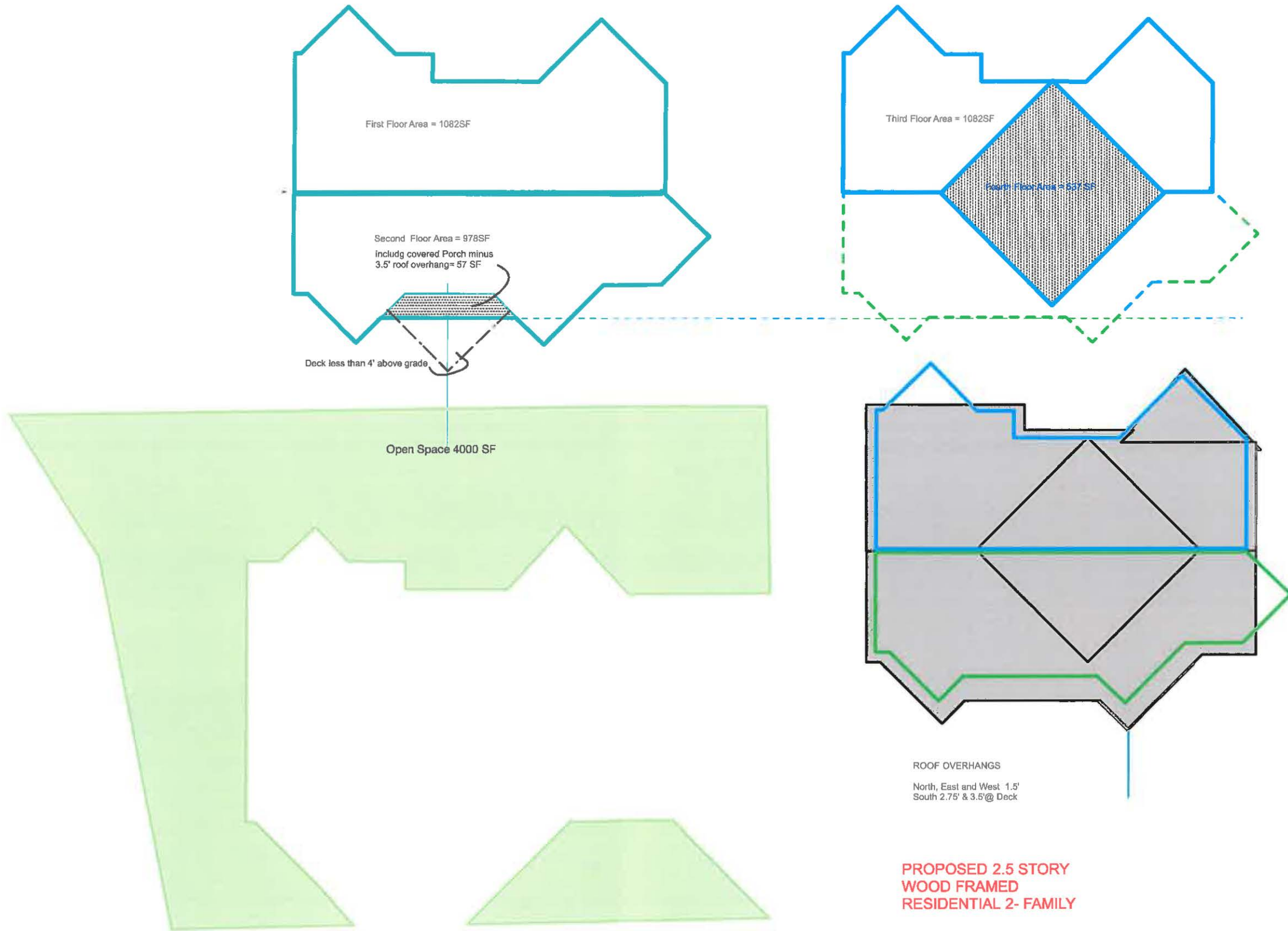
237 Mt Auburn St., Cambridge, MA 02138
www.amacher-associates.net


Phone: 617 354-8707

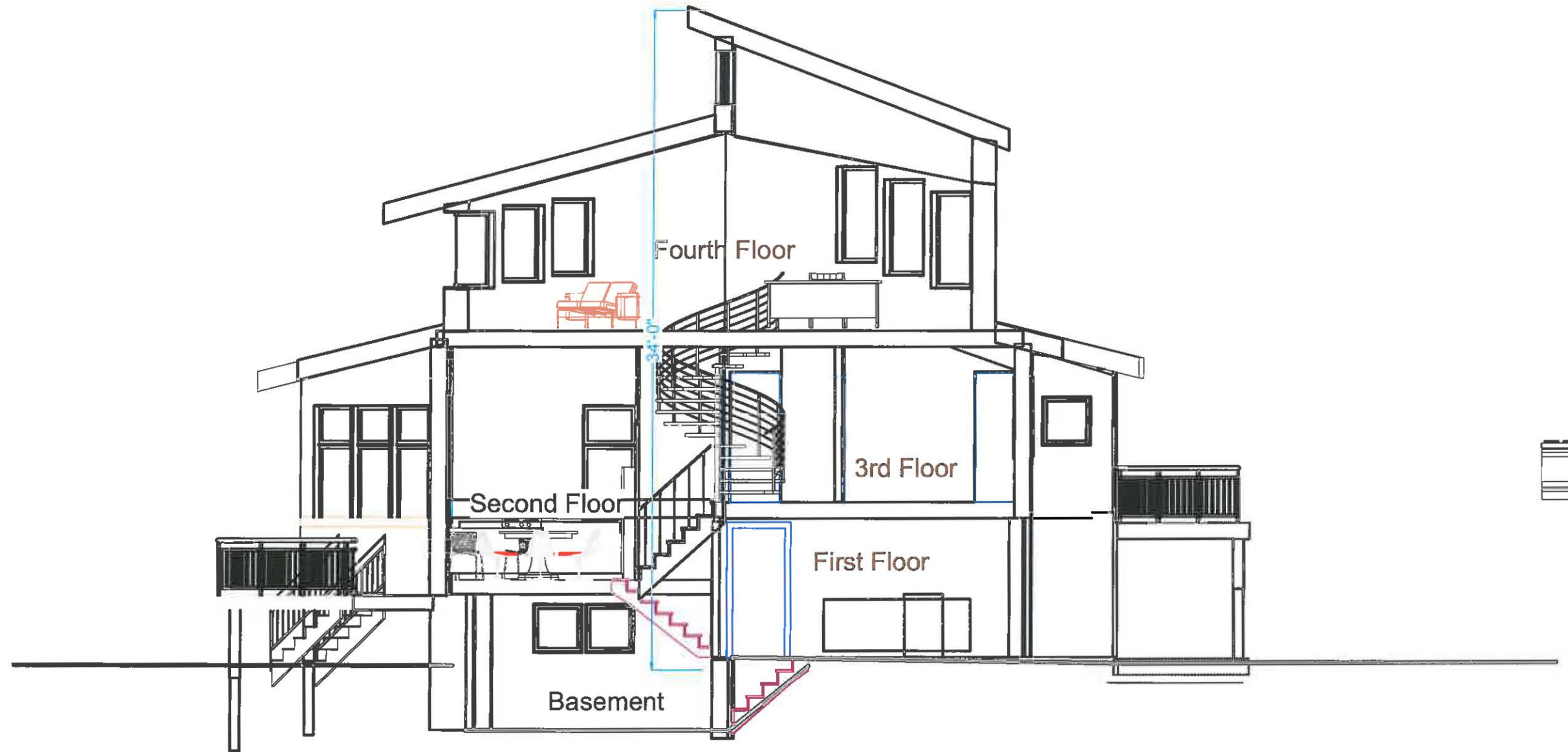




A-13	Section S-N	The Saini Croston Residence 63 Chilton St Cambridge, MA	Amacher and Associates Architects 237 Mt Auburn St., Cambridge, MA 02138 www.amacher-associates.net Phone: 617 354-8707	
	SCALE: 1"=20'0"			



A-12	Floor Areas	The Saini Croston Residence 63 Chilton St Cambridge, MA	Amacher and Associates Architects 237 Mt Auburn St., Cambridge, MA 02138 www.amacher-associates.net Phone: 617 354-8707	
	SCALE: 1"=20'0" DATE OF ISSUE: 4.28.21.			



A-13

Section S-N

SCALE: 1"=20'0"
 DATE OF ISSUE: 7.24.21.

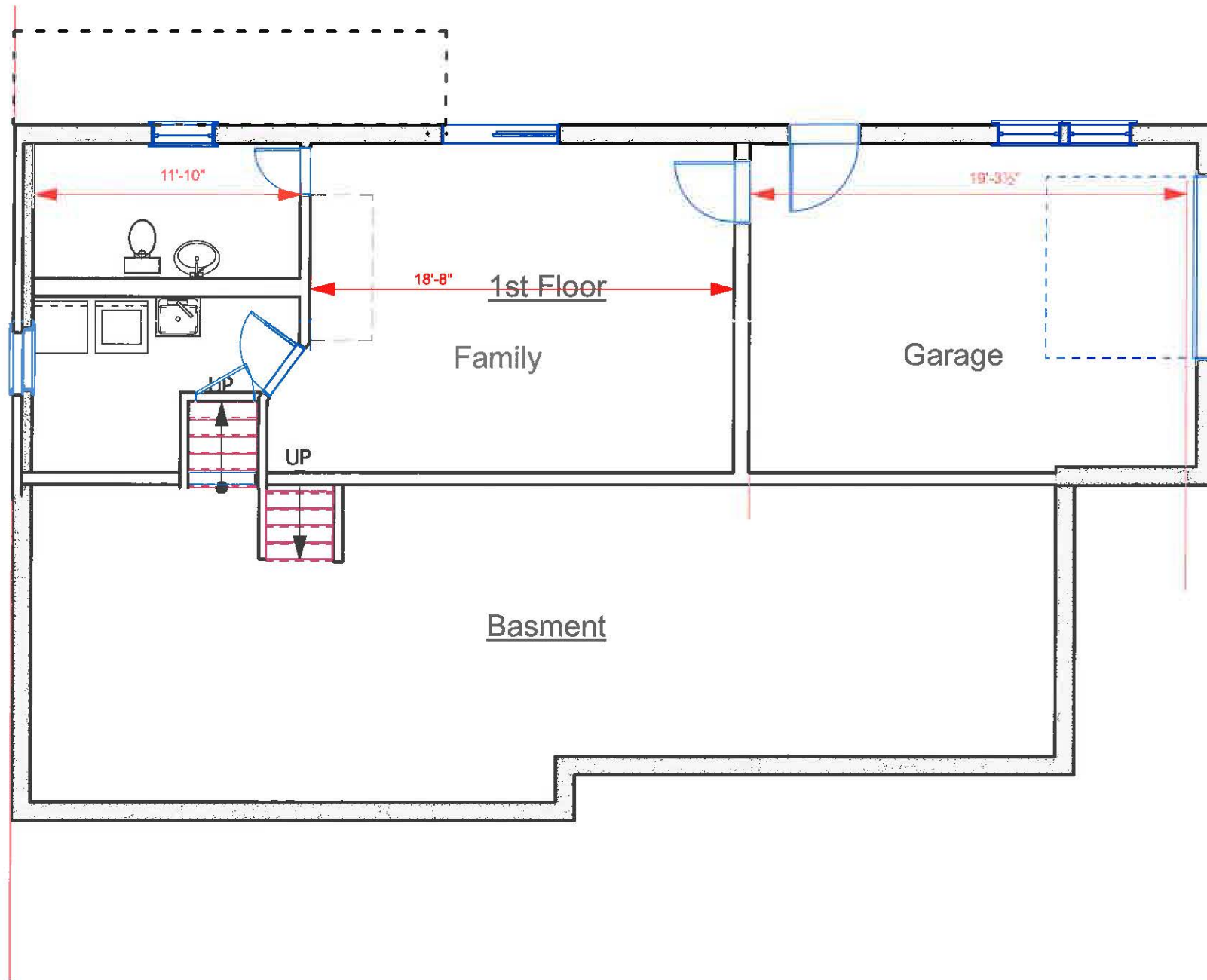
The Saini Croston Residence
 63 Chilton St
 Cambridge, MA


Amacher and Associates Architects

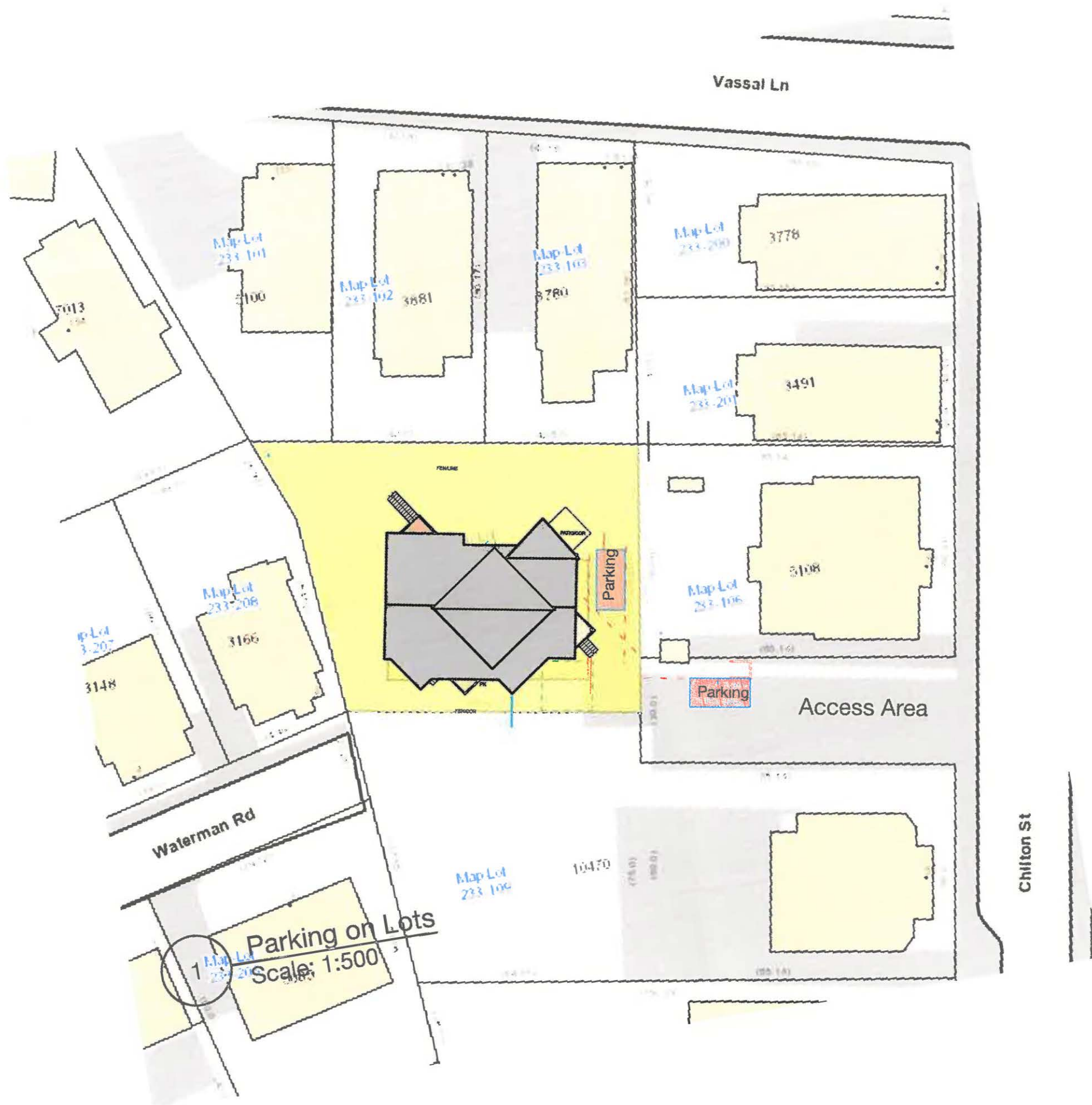
237 Mt Auburn St., Cambridge, MA 02138
www.amacher-associates.net

Phone: 617 354-8707





D-11	Exstg 1st Flr & Basment	The Saini Croston Residence 63 Chilton St Cambridge, MA	Amacher and Associates Architects 237 Mt Auburn St., Cambridge, MA 02138 www.amacher-associates.net Phone: 617 354-8707	
	SCALE: 1/8" = 1'-0" DATE OF ISSUE: 4.8.21			



EXISTING LEGEND

—	SEWER LINE
⊙	SEWER MANHOLE
—	WATER LINE
—	GAS LINE
⊙	UTILITY POLE
⊗	GAS VALVE
⊗	OVERHEAD ELECTRIC SERVICE
⊗	WATER VALVE
□	CATCH BASIN
—	FENCE
—	CONTOUR LINE (MJR)
—	CONTOUR LINE (MNR)
•	SPOT GRADE
⊙	DRAIN MANHOLE
⊗	HYDRANT
⊗	TREE

ZONING LEGEND

ZONING DISTRICT: RESIDENCE B

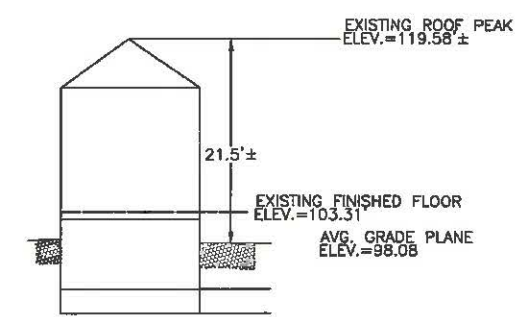
	REQUIRED	EXISTING	COMPLIANCE
MIN. AREA	5,000 S.F.	7,410± S.F.	YES
MIN. YARD FRONT	15'	21.3'	YES
SIDE (RIGHT)	7.5'	23.4'	YES
SIDE (LEFT)	7.5'	16.4'	YES
REAR *	27.8'	18.5'	EXISTING NON-COMPLYING
MAX. BLDG. HEIGHT	35'	21.5'±	YES
MIN. OPEN SPACE	40%	66.1%	YES
MIN. LOT WIDTH	50'	75'	YES
MAX. F.A.R.	0.5	—	—

* In Residence A-1, A-2, and B districts, no building may be nearer the rear lot line than twenty-five (25) feet plus one additional foot of rear yard for each four feet that the depth of the lot exceeds one hundred (100) feet, up to a maximum of thirty-five (35) feet.

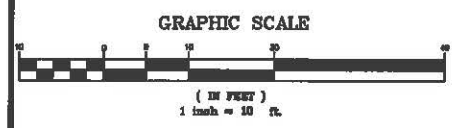
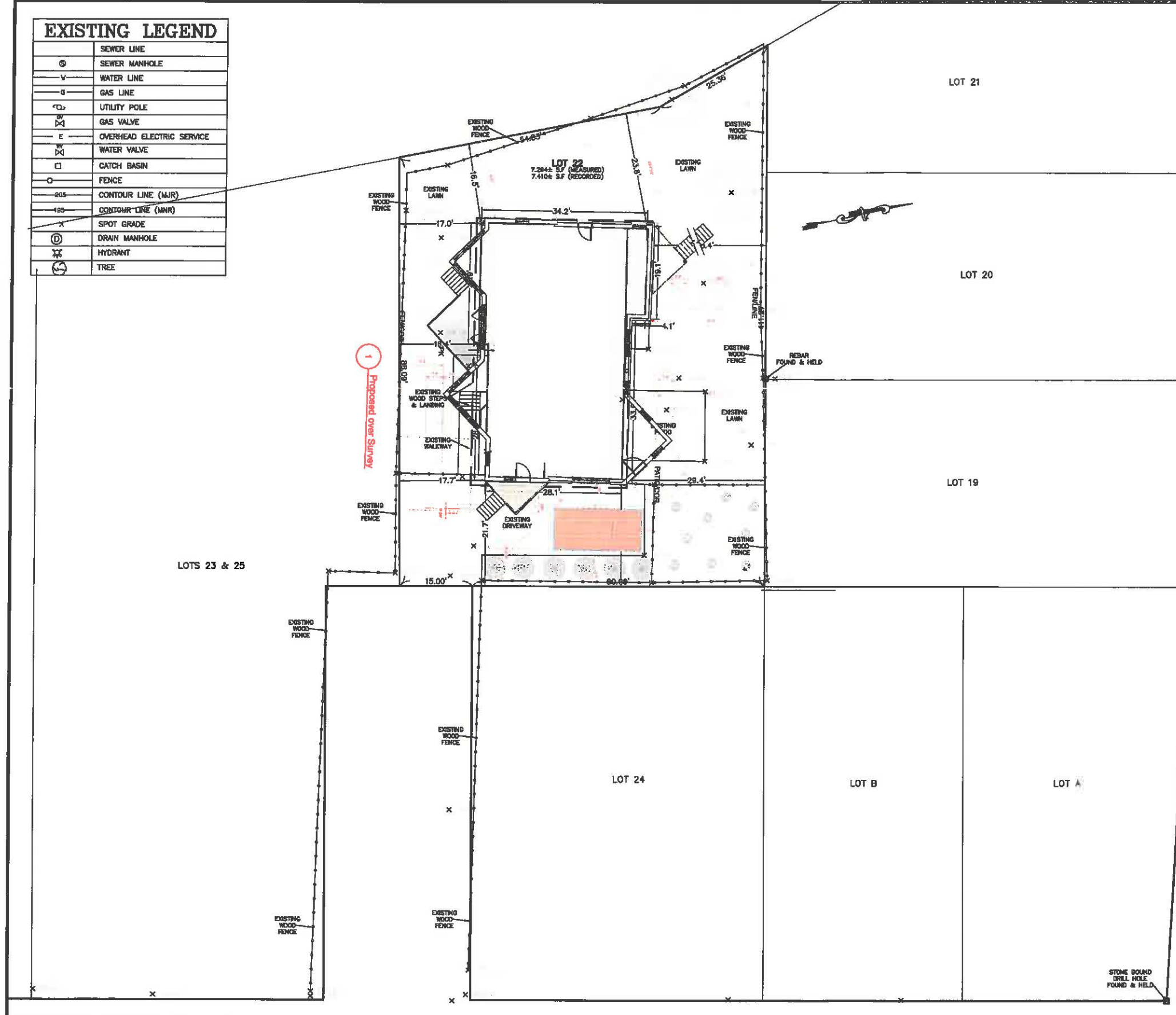
NOTES:

1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC AS OF 02-23-2017.
2. DEED REFERENCE BOOK 54898 PAGE 549, MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS.
3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017CD419E, PANEL NUMBER 0419E, COMMUNITY NUMBER: 250186, DATED JUNE 4, 2010.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAN NO SUCH EASEMENTS EXIST.
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.

1 Proposed over Survey

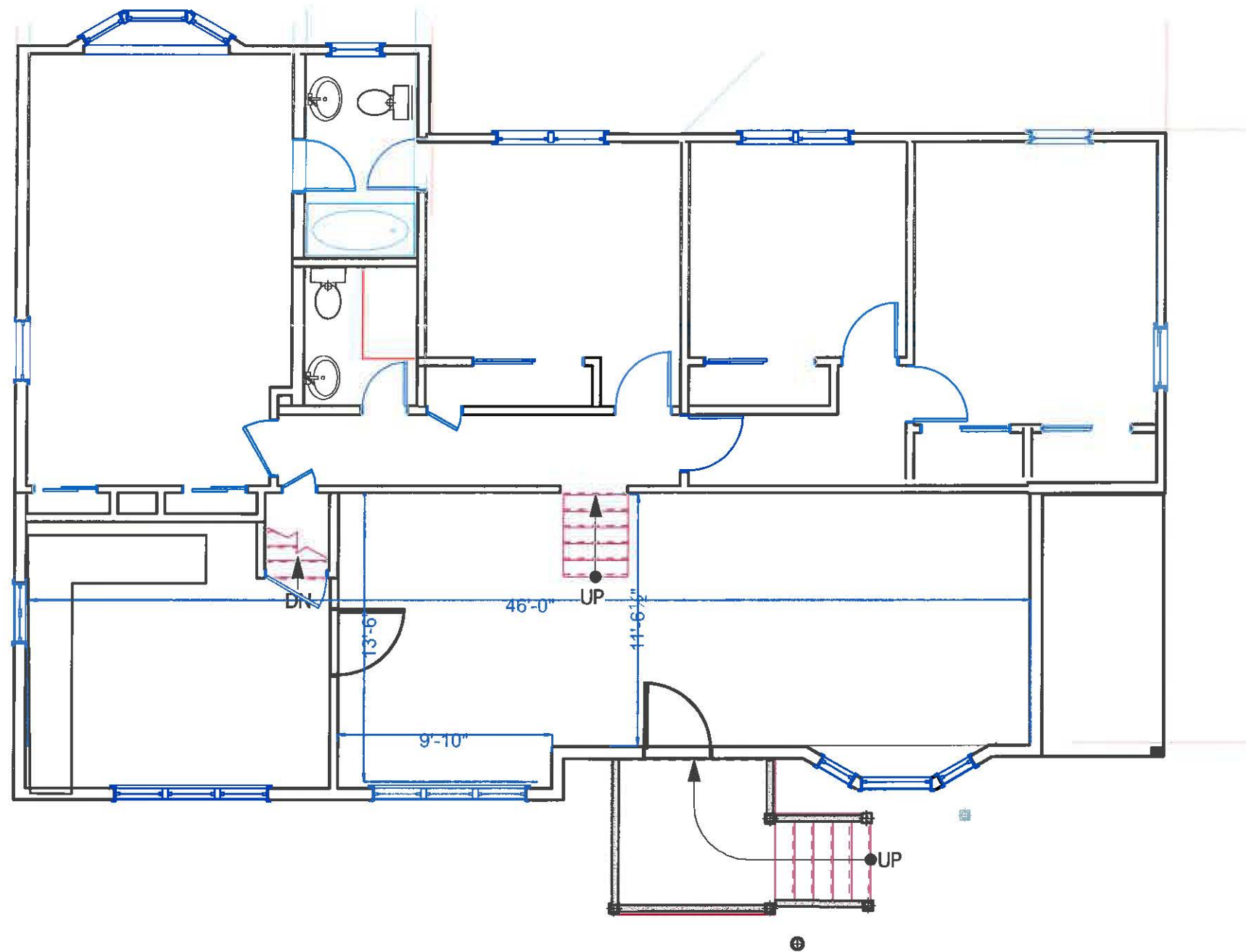


EXISTING PROFILE
NOT TO SCALE

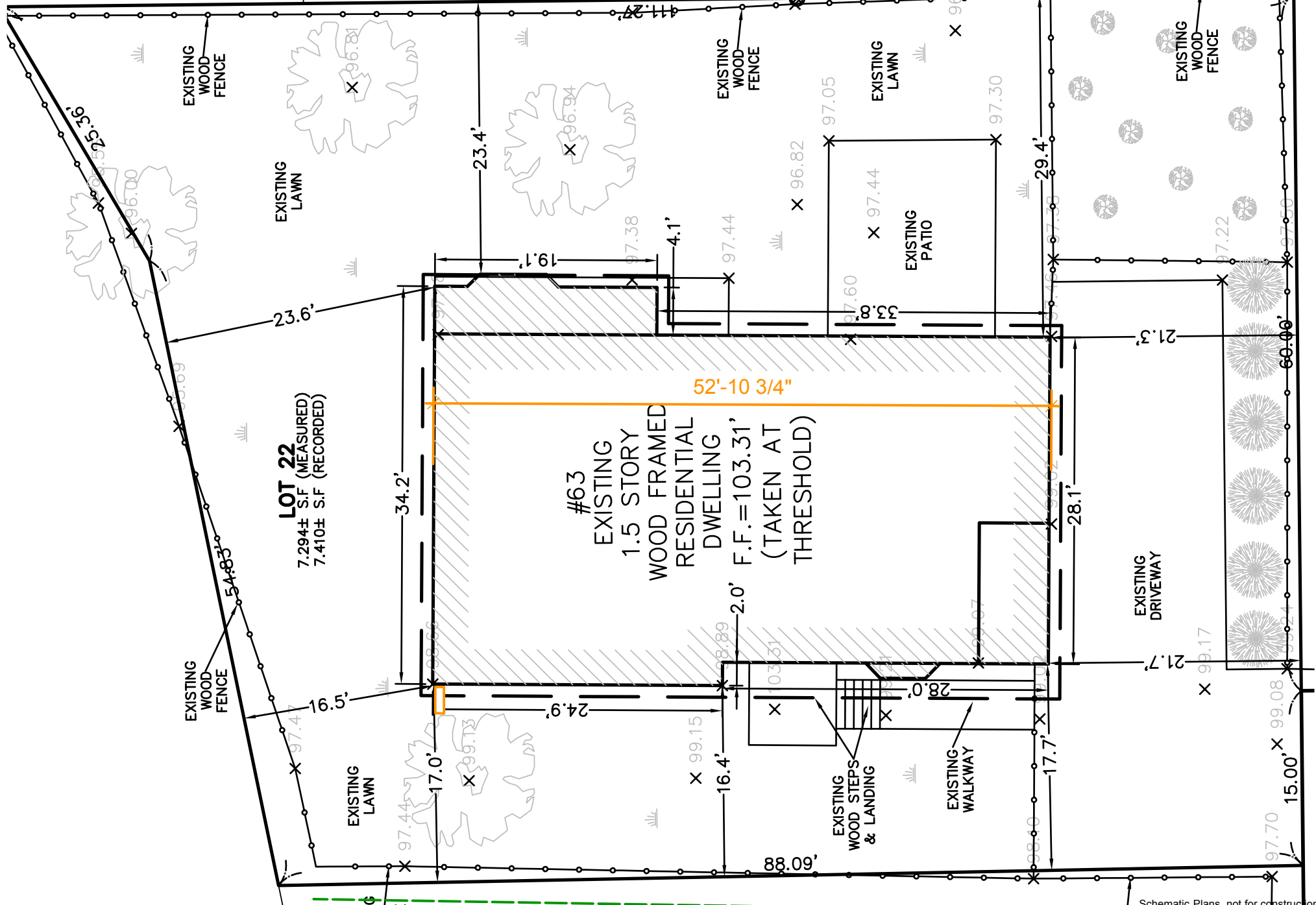


CHILTON STREET
(PUBLIC WAY-50' WIDE)

SCALE	1"=10'
DATE	2/28/2017
SHEET	1
PLAN NO.	1 OF 1
CLIENT:	63 CHILTON STREET CAMBRIDGE MASSACHUSETTS
DRAWN BY:	PLOT PLAN OF LAND
CHKD BY:	PETER NOLAN & ASSOCIATES LLC LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS
APPD BY:	607 CAMBRIDGE STREET, SUITE 103 BRIGHTON MA 02135 PHONE: 857 891 7478/617 782 1533 FAX: 617 202 5691 EMAIL: pnolan@pnasurveyors.com
SHEET NO.	1



D-2	Exstg 2nd & 3rd Flrs	The Saini Croston Residence 63 Chilton St Cambridge, MA	Amacher and Associates Architects 237 Mt Auburn St., Cambridge, MA 02138 www.amacher-associates.net Phone: 617 354-8707	
	SCALE: 1/8" = 1'-0"			
	DATE OF ISSUE: 4.8.21			



Schematic Plans, not for construction

D-0

Existing Site Plan
 SCALE: 3/32" = 1'-0"
 DATE OF ISSUE: 4.8.21.

The Saini Croston Residence
 63 Chilton St
 Cambridge, MA

Amacher and Associates Architects
 237 Mt Auburn St., Cambridge, MA 02138
 www.amacher-associates.net
 Phone: 617 354-8707





EXISTING LEGEND

SS	SEWER LINE
⊙	SEWER MANHOLE
—V—	WATER LINE
—G—	GAS LINE
⊕	UTILITY POLE
⊗	GAS VALVE
—E—	OVERHEAD ELECTRIC SERVICE
⊗	WATER VALVE
□	CATCH BASIN
○	FENCE
205	CONTOUR LINE (MJR)
195	CONTOUR LINE (MNR)
x	SPOT GRADE
⊙	DRAIN MANHOLE
⊕	HYDRANT
⊗	TREE

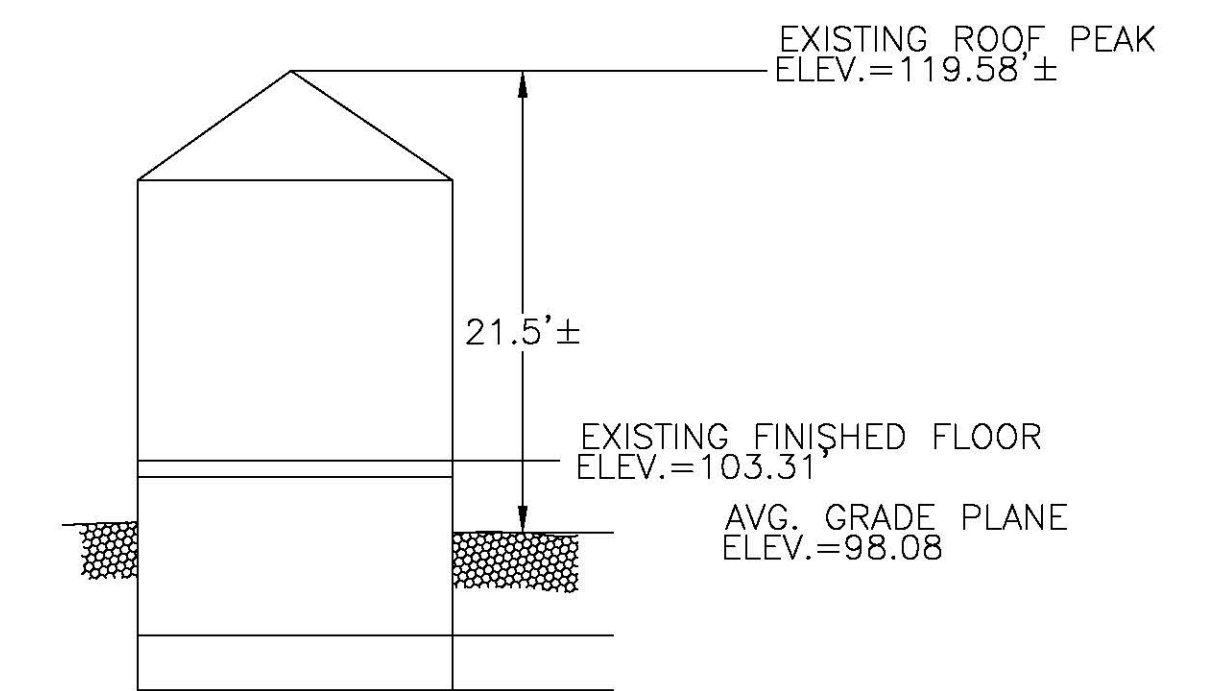
ZONING LEGEND

ZONING DISTRICT: RESIDENCE B				
	REQUIRED	EXISTING	COMPLIANCE	
MIN. AREA	5,000 S.F.	7,410± S.F.	YES	
MIN. YARD FRONT	15'	21.3'	YES	
	SIDE (RIGHT)	7.5'	23.4'	YES
	SIDE (LEFT)	7.5'	16.4'	YES
	REAR *	27.8'	16.5'	EXISTING NON-COMFORMING
MAX. BLDG. HEIGHT	35'	21.5'±	YES	
MIN. OPEN SPACE	40%	66.1%	YES	
MIN. LOT WIDTH	50'	75'	YES	
MAX. F.A.R.	0.5	—	—	

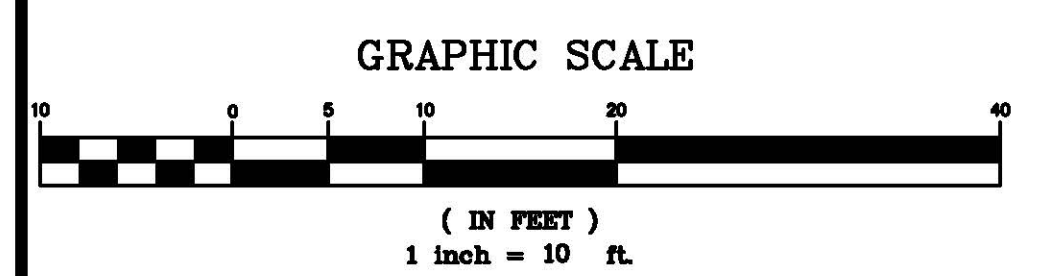
* In Residence A-1, A-2, and B districts, no building may be nearer the rear lot line than twenty-five (25) feet plus one additional foot of rear yard for each four feet that the depth of the lot exceeds one hundred (100) feet, up to a maximum of thirty-five (35) feet.

NOTES:

1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC AS OF 02-23-2017.
2. DEED REFERENCE BOOK 54898 PAGE 549, MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS.
3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C0419E, PANEL NUMBER 0419E, COMMUNITY NUMBER: 250186, DATED JUNE 4, 2010.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAN NO SUCH EASEMENTS EXIST.
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.



EXISTING PROFILE
NOT TO SCALE



CHILTON STREET
(PUBLIC WAY-50' WIDE)

SCALE	1"=10'
DATE	2/28/2017
REV	DATE REVISION BY
SHEET	1
PLAN NO.	1 OF 1
CLIENT:	63 CHILTON STREET CAMBRIDGE MASSACHUSETTS
DRAWN BY	PLOT PLAN OF LAND
CHKD BY	PETER NOLAN & ASSOCIATES LLC LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS
APPD BY	697 CAMBRIDGE STREET, SUITE 103 BRIGHTON MA 02135 PHONE: 857 891 7478/617 782 1535 FAX: 617 202 5691 EMAIL: pnolan@pnasurveyors.com

SHEET NO.
1



2021 00219462

Bk: 78846 Pg: 374 Doc: DECIS
Page: 1 of 4 10/05/2021 08:41 AM



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

2021 SEP -2 PM 1:40
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CASE NO: BZA-124207
LOCATION: 63 Chilton Street / Residence B Zone
Cambridge, MA
PETITIONER: ✓ Vikas Saini & Julia Ann Croston
C/o James J. Rafferty, Esq

PETITION: Variance: To construct non-conforming addition to existing single-family structure.
Special Permit: To allow for the addition of an accessory dwelling unit and to allow for the continued use of a parking space that does not conform to the location requirements of Article 6.

VIOLATIONS: Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).
Art. 8.000, Sec. 8.22.3 (Non-Conforming Structure).
Art. 6.000, Sec. 6.41.C (Parking in Front Setbacks).
Art. 4.000, Sec. 4.22 (Accessory Dwelling Unit).
Art. 10.000, Sec. 10.30 (Variance) & Sec. 10.40 (Special Permit).

DATE OF PUBLIC NOTICE: July 15, 2021 & July 22, 2021

DATE OF PUBLIC HEARING: July 29, 2021

MEMBERS OF THE BOARD:
CONSTANTINE ALEXANDER – CHAIR ✓
BRENDAN SULLIVAN – VICE-CHAIR ✓
ANDREA A. HICKEY ✓
JIM MONTEVERDE _____
LAURA WERNICK _____

ASSOCIATE MEMBERS:
SLATER W. ANDERSON _____
ALISON HAMMER _____
JASON MARSHALL _____
MATINA WILLIAMS ✓
WENDY LEISERSON ✓

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner's property, the layout, and other characteristics as well as the surrounding district.

Book 54898 Pg 549

54898 - 549

Case No. BZA-124207

Location: 63 Chilton Street

Petitioner: Vikas Saini and Julia Ann Croston – c/o James J. Rafferty, Esq.

On July 29, 2021, Petitioners Vikas Saini and Julia Ann Croston appeared before the Board of Zoning Appeal with their attorney James Rafferty requesting a variance in order to construct a non-conforming addition to an existing single-family structure and a special permit in order to allow for the addition of an accessory dwelling unit and to allow for the continued use of a parking space that does not conform to the location requirements of Article 6. The Petitioner requested relief from Article 5, Section 5.31, Article 8, Section 8.22.3, Article 4, Section 4.22, Article 6, Section 6.41.C, and Article 10, Sections 10.30 and 10.40 of the Cambridge Zoning Ordinance (“Ordinance”). The Petitioner submitted materials in support of the application including information about the project, plans, and photographs.

Mr. Rafferty stated that the petitioners are seeking to provide additional living space for themselves, but also to create at the first floor, the ground floor, an in-law, or accessory apartment for Dr. Saini’s mother. The amount of GFA being requested is 185 square feet to convert the garage to the accessory apartment. He stated that the proposal involved converting a garage and the area behind it into an accessory unit, a dwelling unit that is below 900 square feet, making some additions to the dwelling, and legalizing long standing front yard parking. He stated that the house is significantly below the allowed GFA now, and that 80 percent of what is being proposed from a GFA perspective is permissible. He stated that the massing is within the 35-foot height limit. He stated that the proposed in-law apartment met all the requirements needed to seek the special permit. He stated that the additions would be the usual residential additions that would be compatible with the neighborhood. He stated that the request to formalize the long-standing front yard parking would not raise the usual concerns regarding streetscapes, because the property sat on a private way and the parking was not visible from the public way. He stated that in response to neighbors’ concerns about short-term rentals, the Petitioner’s agreed to limit rentals to no less than 30 days.

The Chair asked if any members of the public wished to be heard on the matter. Neighbors spoke and wrote in support of the proposal and addressed concerns regarding limitations on rentals.

After discussion, the Chair moved, with regard to the requested variance, that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner’s submitted materials and the evidence before the Board: that the Board find that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship; that the Board find that the hardship related to the need for additional living space; that the Board find that the need for more living space existed for the current occupants, as well as any future occupants; that the Board find that the hardship is owed to the shape and topography of the lot; that the Board find that relief could be granted without substantial detriment to the public good, or nullifying or substantially derogating from the intent or purpose of the Ordinance.

The Chair further moved that the Board specifically find that based upon all the information presented, there are circumstances involving a substantial hardship relating to this property

within the meaning of M.G.L. c. 40A § 10 and that the Board grant the variance based on the further finding that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner on the condition that the work proceed in accordance with plans prepared by Amacher and Associates Architects, dated July 24, 2021, as initialed by the Chair at the hearing of July 29, 2021.

The five-member Board voted unanimously in favor of granting the variance as conditioned (Alexander, Sullivan, Hickey, Williams, and Leiserson). Therefore, the variance is granted as conditioned.

After discussion, the Chair moved, with regard to the requested special permit, that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board: that the Board find that the requirements of the Ordinance could not be met without the special permit; that the Board find that traffic generated or patterns of access or egress resulting from what was proposed would not cause congestion, hazard, or substantial change in established neighborhood character, depending on the imposition of the condition to come; that the Board find that the continued operation of or development of adjacent uses, as permitted in the Ordinance, would not be adversely affected by the nature of what was proposed; that the Board find that no nuisance or hazard would 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; that the Board find that, generally, what was proposed would not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of the Ordinance.

The Chair further moved that based upon all the information presented the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board on the following conditions:

1. that the work proceed in accordance with the plans referred to with regard to the variance granted above; and
2. that, with regard to the accessory apartment resulting from this relief, the Petitioners shall not avail themselves of the benefits of Article 4, Section 4.60 of the Ordinance, so that rentals of the accessory apartment may not be for a term shorter than 30 days.

The five-member Board voted unanimously in favor of granting the special permit with the above condition (Alexander, Sullivan, Hickey, Williams, and Leiserson). Therefore, the special permit is granted as conditioned.

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulations of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.



Constantine Alexander, Chair

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 9-2-21 by Marie Pacheco Clerk.

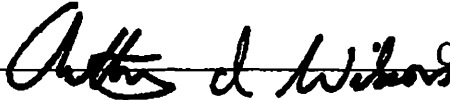
Twenty days have elapsed since the filing of this decision.

No appeal has been filed



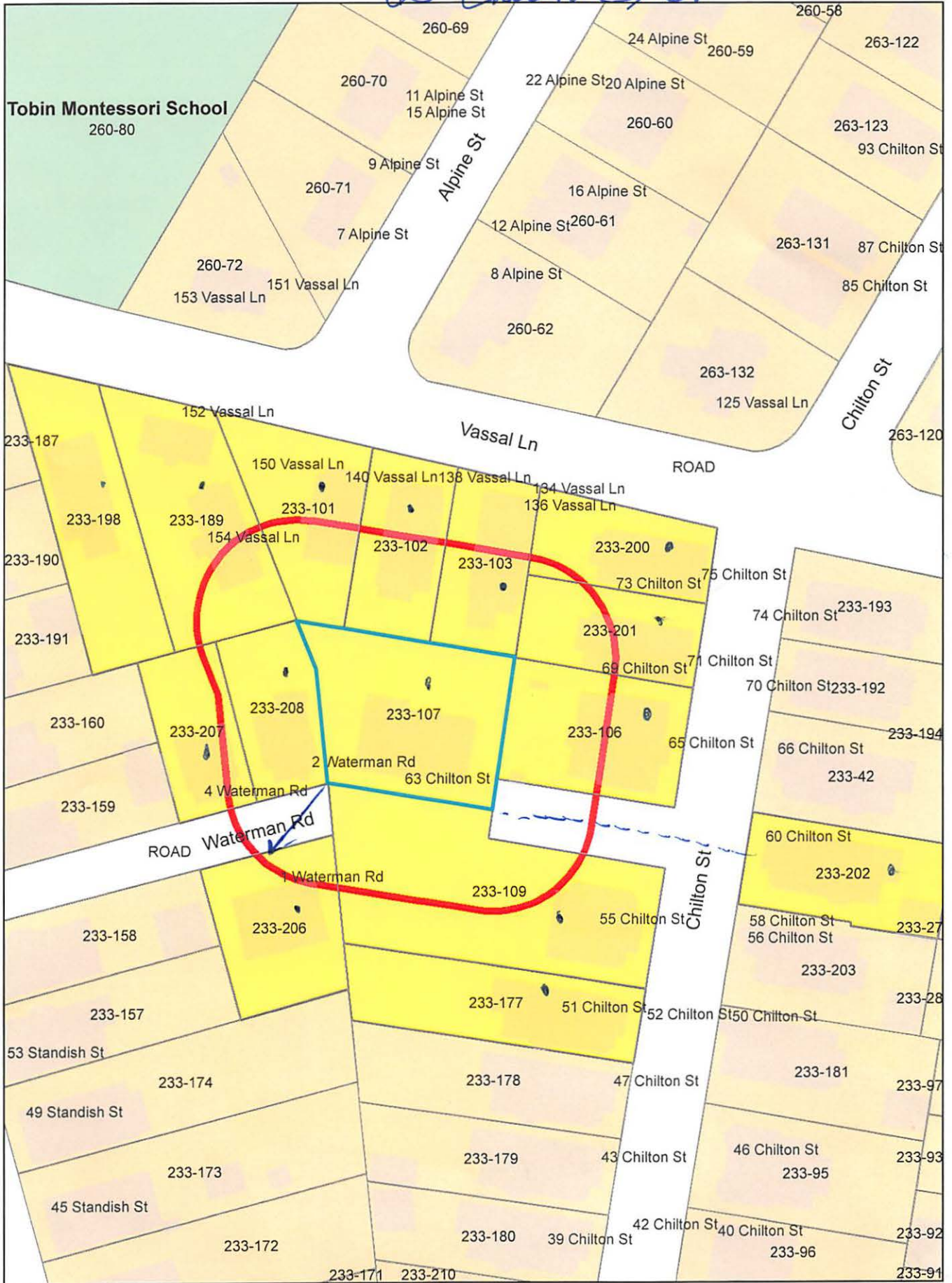
Appeal has been filed and dismissed or denied.

Date: September 30, 2021



City Clerk.

63 Chilton St.



63 Chilton St.

Petitioner

233-101
POMA, ALLEN M. & LISA M.POMA
150 VASSAL LA
CAMBRIDGE, MA 02138

233-106
VNA CARE HOSPICE, INC.
120 THOMAS ST.
WORCESTER, MA 01615

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE,
CAMBRIDGE, MA 02139

233-200
TURNBULL, KENNETH M.
73-75 CHILTON ST., UNIT #2
CAMBRIDGE, MA 02138

233-103
MANNA, MARIE & JAMES M. MCCREIGHT
136 VASSAL LN., #136
CAMBRIDGE, MA 02138

233-177
BARFIELD, THOMAS J.
51 CHILTON ST., #2
CAMBRIDGE, MA 02138

233-202
BUCKLEY, CHRISTOPHER J. & LISA M. ROBERTS
60 CHILTON ST., UNIT #1
CAMBRIDGE, MA 02138

233-207
ROACH, TIMOTHY M. & ANDREA C. KRAMER
4 WATERMAN RD
CAMBRIDGE, MA 02138

233-107
SAINI, VIKAS & JULIA ANN CROSTON
63 CHILTON ST
CAMBRIDGE, MA 02138

233-206
MAGILL, CARROLL & CAMERON WU
TRS OF THE MARIE I SOUSA REV TRUST
10 GIBSON ST
CAMBRIDGE, MA 02138

233-177
BARFIELD, THOMAS J.
51 CHILTON ST., UNIT #1
CAMBRIDGE, MA 02138

233-200
TURNBULL, KENNETH M.
73-75 CHILTON ST., #1
CAMBRIDGE, MA 02138

233-202
MARSHALL, JASON R. & ALISON O. MARSHALL
60 CHILTON ST., #2
CAMBRIDGE, MA 02138

233-109
NELSON, NICHOLAS C. & SARAH M. KLIONSKY
55 CHILTON ST., #1
CAMBRIDGE, MA 02138

233-102
SAINI, VIKAS & VEENA C. SAINI
140 VASSAL LN., #1
CAMBRIDGE, MA 02138

233-109
CARROLL, SEAN MICHAEL &
JESSICA ANN BRYANT
55 CHILTON ST., #3
CAMBRIDGE, MA 02138

233-109
BURTON, BRENDA F.,
TR. OF BRENDA F. BURTON REVOCABLE TRUST
55 CHILTON ST. #2
CAMBRIDGE, MA 02138

233-102
HASLETT, NANCY F. A LIFE ESTATE
140 VASSAL LN 2
CAMBRIDGE, MA 02138

233-201
BOUTAUD, FREDERIC
TR. OF THE BOUTAUD FAMILY REALTY TRUST
5 FULTON RD
LEXINGTON, MA 02420

233-201
BOOMER, TIMOTHY L.
69-71 CHILTON ST., #69
CAMBRIDGE, MA 02138

233-189
RUTHERFORD MATTHEW S & BRIDGET M
TR RUTHERFORD FAMILY TRUST
154 VASSAL LN
CAMBRIDGE, MA 02138

233-202
MEEHAN, SUSAN N,
TRS THE SUSAN N. MEEHAN 2020 REV TR
60 CHILTON ST UNIT 3
CAMBRIDGE, MA 02138

233-189
KENTON SCOTT
152 VASSAL LN
CAMBRIDGE, MA 02138

233-198
YESSELMAN, JAY
160 VASSAL LN
CAMBRIDGE, MA

233-208
WESSLER MATTHEW W H & SHARON Y WONG
2 WATERMAN RD
CAMBRIDGE, MA 02138

233-103
MIDUTURU VASUMATHY & CHANDRASEKHAR
134-136 VASSAL LN - UNIT 134
CAMBRIDGE, MA 02138

233-177
HOUBART, GILBERTE
51 CHILTON ST., UNIT #3
CAMBRIDGE, MA 02138