



# CITY OF CAMBRIDGE

## BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2025 AUG 18 PM 5:16

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

### BZA Application Form

**BZA Number:** 1178118

### General Information

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

Special Permit: \_\_\_\_\_

Variance:   X  

Appeal: \_\_\_\_\_

**PETITIONER:** Monica and Ivan Toft

**PETITIONER'S ADDRESS:** 63 Washburn Avenue, Cambridge, MA 02140

**LOCATION OF PROPERTY:** 63 Washburn Ave., Cambridge, MA

**TYPE OF OCCUPANCY:** front yard

**ZONING DISTRICT:** Residence B Zone

**REASON FOR PETITION:**

/Parking/

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

We respectfully request a variance to install one additional off-street parking space within the front-yard setback at 63 Washburn Avenue. It will involve nothing more than adding one brick track next to an existing brick path to create the parking spot. There is an existing curb cut in place that is adequate for our purposes, we therefore do not require any additional disruption to our property or to the neighborhood.

This proposal addresses legitimate household needs while providing community benefits and advancing Cambridge's sustainability and accessibility objectives.

This space would be in the front-yard setback area, well within our property boundaries, located in the 16-17-foot-wide zone between the existing sidewalk and front porch façade.

### **Design Specifications:**

- **Diagonal design** means that only the back driver's side bumper will be out of compliance (see schematic)
- **Additional new Surface area (to be added to existing brick walkway) is minimal:** 3 feet by 11 feet (33 square feet) of new permeable brick
- **Access:** Existing 10-foot curb cut (no sidewalk or street modifications required)
- **Screening:** Comprehensive visual screening through existing mature hedging, trees, and neighbor fencing that will stay in place
- **Materials:** Permeable brick pavers on engineered base with positive drainage

**Visual Integration:** The parking space will be substantially screened from street view by existing vegetation, providing superior visual treatment compared to the majority of unscreened front-yard parking arrangements elsewhere on Washburn Avenue.

We believe this exemplifies the comprehensive, context-sensitive development that variance provisions encourage—optimizing private property to serve both household needs and community benefit.

## 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:

This variance represents thoughtful, community-minded planning that addresses legitimate household needs while providing measurable public benefits. **All four variance criteria are satisfied:**

- **Substantial hardship** through unique combination of household composition, legal boundary changes, safety hazards, and site constraints
- **Site-specific circumstances** involving lot configuration, existing infrastructure, and property boundary modifications
- **No public detriment**; instead provides community benefits through reduced parking pressure and superior visual treatment
- **Ordinance intent preserved** through comprehensive screening and strategic site planning
- **Integration with Zoning Objectives:** Front-yard parking placement strategically preserves our expansive back yard beyond the required 30% private open space ratio (Section 5.22.1), demonstrating harmony with overall zoning objectives.
- In fact, as our plot indicates, our extensive open back yard alone is roughly 38 feet wide by 42 feet long, coming to 1560 square feet (minus the shed), while our total land area is 3961 square feet, indicating an open space of just over 40%.
- If we include the side and front open spaces, the total open area of our property will remain roughly 2500 square feet or over 60% of open space.

**The request for relief arises due to a unique confluence of circumstances:**

- **Household composition:** Four driving adults requiring reasonable parking access
- **Legal boundary changes:** Litigation settlement eliminated decades-established parking for two cars
- **Safety hazards:** Neighbor fence creates dangerous egress conditions for passengers
- **Accessibility needs:** Elderly family members and veterans require level, safe access
- **Site constraints:** Narrow lot prevents compliant parking placement elsewhere

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:

**Physical and legal constraints:**

- Historical 16-17 foot front yard depth typical of early 20th century development, predating current setback requirements
- Existing 10-foot curb cut establishes logical access point for proposed space
- Recent property boundary modification created new dimensional constraints

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:

### **Community benefits:**

- **Parking relief:** Removes one vehicle from severely constrained street parking
- **Traffic improvement:** Eliminates resident parking searches
- **Environmental:** Electric vehicle ready; eliminates street parking contamination from gas, oil and other related vehicular liquids
- **Superior design:** Comprehensive screening exceeds neighborhood norm
- **Infrastructure:** Uses existing curb cut; no street modifications required

### **Supports zoning objectives:**

- **Visual preservation:** Existing mature landscaping provides superior screening
- **Strategic planning:** Preserves areas needed for required private open space
- **Efficient land use:** Serves several objectives without conflict
- **Climate goals:** Electric vehicle infrastructure supports Cambridge's transportation electrification
- **Accessibility policy:** Supports aging-in-place and veteran accessibility (two veterans live in the household) needs
- **Urban design:** Maintains stormwater management through permeable surfaces

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

There is a supporting precedent for this relief:

#### **Case BZA-1145011 (January 30, 2025) - 527 Green Street:**

- Residence C-1 Zone variance under Section 10.30 for identical issue
- Confirms established Board practice treating front-yard parking as variance matter
- Recent precedent shows current Board familiarity with this request type

#### **Our Case Requires Less Impact than this precedent case:**

- **No new curb cut:** We use existing infrastructure; Green Street required new curb cut
- **Net parking benefit:** We remove a car from street; Green Street reduced street parking
- **Superior community impact:** We increase effective neighborhood parking capacity

**Neighborhood Context:** Properties at 61, 55, 50/52, 51, and 41 Washburn Avenue all feature unscreened front-yard parking. Our proposal provides superior visual treatment through comprehensive landscaping. Neighborhood supports the initiative.


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

We are grateful for the Board's consideration and remain available to address questions. We respectfully request favorable consideration of this variance, which serves the interests of our family, neighborhood, and broader Cambridge community.

**SECTIONS OF ZONING ORDINANCE CITED:**

Article: 5.000      Section: 5.31 (Table Of Dimensional Requirements).  
Article: 10.000      Section: 10.30 (Variance).  
Article: 6.000      Section: 6.42 (Dimensions for Off Street Parking Spaces.)  
Article: 6.000      Section: 6.44.1c (Layout of Off-Street Parking Facilities).  
Article: 6.000      Section: 6.45.1 (Design and maintenance of Off street Parking Facilities)

Original  
Signature(s):

  
(Petitioner (s)/ Owner)  
Monica Toft / Ivan Toft  
(Print Name)

Address: 63 Washburn Avenue  
Tel. No. 857 928 1386  
E-Mail Address: mduffytoft@mac.com

Date: 18 Aug 25

**BZA Application Form**

**DIMENSIONAL INFORMATION**

**Applicant:** Monica and Ivan Toft  
**Location:** 63 Washburn Ave., Cambridge, MA  
**Phone:** 857 928 1386

**Present Use/Occupancy:** front yard  
**Zone:** Residence B Zone  
**Requested Use/Occupancy:** parking space

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		1800	0	1493	(max.)
<u>LOT AREA:</u>		3961	0	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u>		2.20	2.12	.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		2961	0	1500	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	38	0	50	
	<u>DEPTH</u>	114	0	na	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	+/- 17	5	10	
	<u>REAR</u>	42	0	27	
	<u>LEFT SIDE</u>	7.7	5	5	
	<u>RIGHT</u>	3-7	0	5	



	SIDE					
SIZE OF BUILDING:	HEIGHT	+ 35		0		35
	WIDTH	31		0		na
	LENGTH	23		0		na
RATIO OF USABLE OPEN SPACE TO LOT AREA:		63		59		30
NO. OF DWELLING UNITS:		1		0		1
NO. OF PARKING SPACES:		1		1		na
NO. OF LOADING AREAS:		0		0		na
DISTANCE TO NEAREST BLDG. ON SAME LOT		na		0		na

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.:

The construction proposed will be the addition of one red city brick track for parking a car.

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'.

**To:** Board of Zoning Appeal, City of Cambridge, MA  
**From:** Ivan and Monica Toft, 63 Washburn Avenue  
**Date:** 12 August 2025  
**Re:** Addendum to Variance Application No. 1178118

Following a conversation with the Inspectional Services Division, we have received clarification regarding our application and the requested modification to our parking. Accordingly, we are amending the list of applicable Zoning Ordinance sections for Variance Application No. 1178118.

In light of the relief sought, three sections of the Zoning Ordinance apply: (1) §6.42; (2) §6.44.1(c); and (3) §6.45.1.

1. **§6.42 – Dimensions for Off-Street Parking Spaces**

This section establishes the following minimum dimensions:

Space Type	90° Width	90° Depth	Vertical Clearance
Regular	8.5 ft	18 ft	7.5 ft
Compact Car	7.5 ft	16 ft	7.5 ft

*Our proposed space will measure 8.0 ft x 16.4 ft—slightly smaller than the minimum for a regular car but fully compliant with compact car standards.*

2. **§6.44.1(c) – Setbacks**

This section states: “No on-grade open parking space shall be located within a required front yard setback.”

*Our proposed space will encroach into the required 5-foot front yard setback; however, only one corner of the space will do so, as the car will be parked at an angle.*

3. **§6.45.1 – Parking Space Length for One-, Two-, or Three-Family Dwellings**

This section permits a parking space to consist of two parallel paved strips, each at least 18 feet long, separated by a landscaped area.

*Our design follows this format, but the strips will be 16.4 ft in length rather than 18 ft. This modification is necessary to preserve a mature Wolf’s Eye Japanese Dogwood, planted over 15 years ago, which enhances the property and provides natural screening. While the tree could be removed under city guidelines to allow our space to be more compliant, we prefer to retain it for both aesthetic and environmental reasons.*

We appreciate the Board’s consideration of these amendments and apologize for any inconvenience.

**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 Monica and Ivan Toft  
(OWNER)

Address: 63 Washburn Avenue, Cambridge, MA 02140

State that I/We own the property located at 63 Washburn Avenue, Cambridge, MA 02140  
which is the subject of this zoning application.

The record title of this property is in the name of Monica and Ivan Toft

\*Pursuant to a deed of duly recorded in the date 3 March 03, Middlesex South  
County Registry of Deeds at Book 073381, Page 000129; or  
Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

*[Signature]*  
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 Monica & Ivan Toft personally appeared before me,  
this 1 of August, 2025, and made oath that the above statement is true.

My commission expires 3-9-2029 (Notary Seal).



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

CERTIFICATION:

TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN IS THE RESULT OF AN ON-THE-GROUND SURVEY PERFORMED BY WDA DESIGN GROUP, INC. IN MAY AND JUNE 2021.



KENNETH T. STROM, PLS #36393

DATE

BASIS OF BEARINGS:



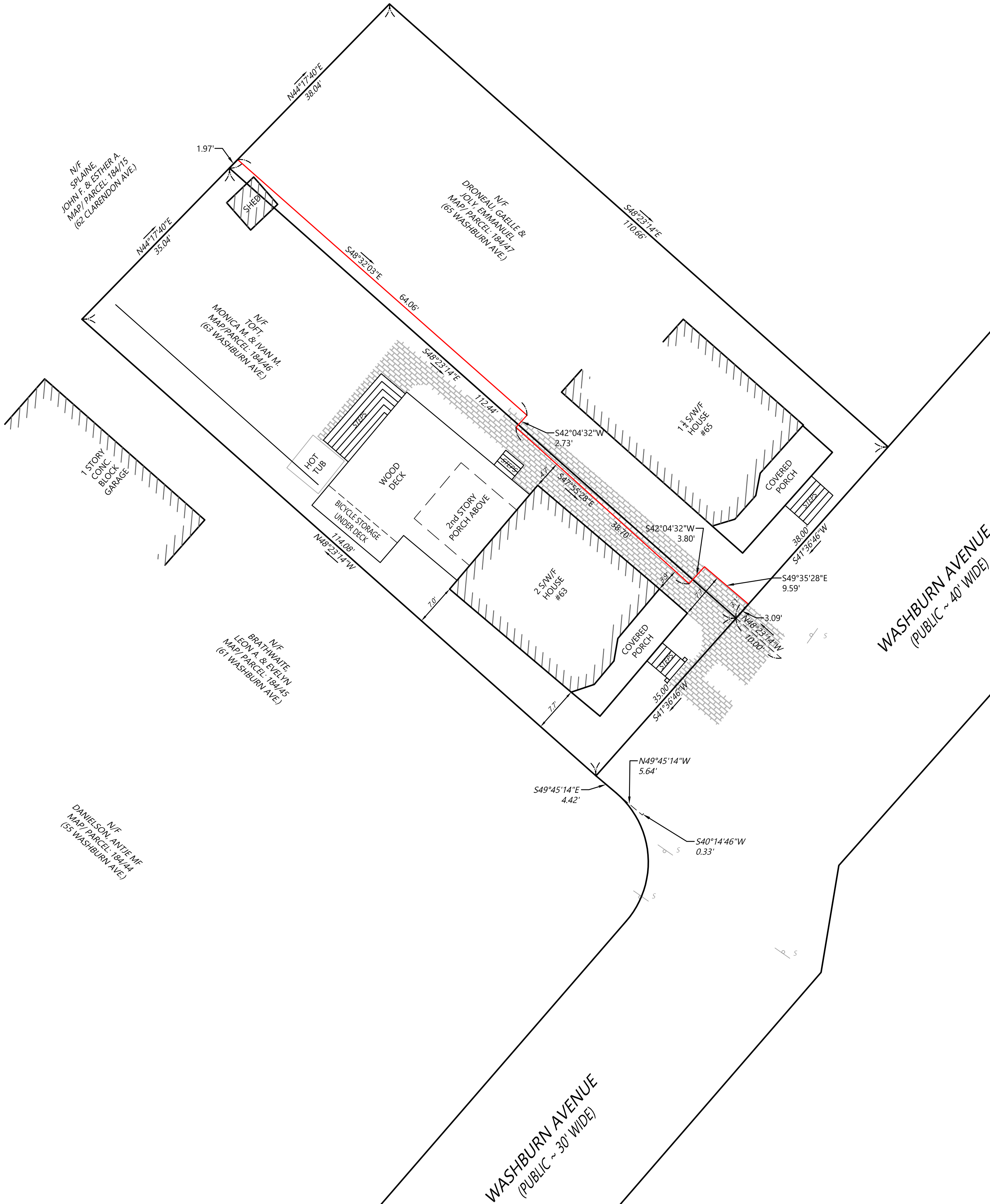
MASSACHUSETTS STATE PLANE  
COORDINATE SYSTEM, MAINLAND ZONE  
(NAD 1983)

NOTES:

- EXISTING CONDITIONS INFORMATION IS BASED ON AN ON-THE-GROUND FIELD SURVEY BY WDA DESIGN GROUP, INC. IN MAY AND JUNE 2021. COORDINATE SYSTEM IS BASED ON MASS. STATE PLANE COORDINATE SYSTEM, MAINLAND ZONE (NAD 1983).
- NO APPROXIMATE LIMITS OF FEMA ZONE A (AREAS OF 100-YEAR FLOOD) EXIST WITHIN THE LOCUS PARCEL AS COMPILED FROM FEMA, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 2507C0419E, MIDDLESEX COUNTY, EFFECTIVE DATE JUNE 4, 2010.

LEGEND:

DESCRIPTION	EXISTING
BITUMINOUS CONCRETE	BIT. CONC.
BITUMINOUS CONCRETE WALKWAY	BCW
BOLLARD POST	BP
BRICK WALKWAY	BW
BUILDING	
CALCULATED	(C)
CATCH BASIN	CB
CHAIN LINK FENCE	CLF
CONCRETE	CONC.
CONCRETE BOUND	CB
CONCRETE BOUND W/DRILL HOLE	CB/DH
CONIFEROUS TREE	T
DECIDUOUS TREE	T
DEED	(D)
DOOR	DMH
DRAIN MANHOLE	DMH
DRILL HOLE	DH
D-TYPE CATCH BASIN	CB
EDGE OF PAVEMENT	EOP
ELECTRIC MANHOLE	EMH
ELECTRIC METER	EM
FEET HIGH	FH
FEET WIDE	FW
FOUND	(FND.)
GAS VALVE/GAS LINE	GV
GAS METER	GM
HYDRANT	H
IRON PIPE	IP
IRON ROD	IR
LANDSCAPED AREA	LA
LIGHT POLE	LP
MAILBOX	MB
METAL RAIL FENCE	MRF
MISCELLANEOUS MANHOLE	MH
MISCELLANEOUS UTILITY	MU
MONITORING WELL	MW
NOT TO SCALE	N.T.S.
NOW OR FORMERLY	N/F
OVERHANG	OH
OVERHEAD WIRE	OHW
PLUS OR MINUS	±
POST AND RAIL FENCE	PRF
SEWER MANHOLE	SMH
SIGN	S
SLOPED GRANITE CURB	SGC
SQUARE FEET	S.F.
STEEL HAND RAIL	SHR
STEEL SURVEY MARKER	SSM
STOCKADE FENCE, WOOD	SF WD
STONE BOUND	SB
STONE BOUND W/DRILL HOLE	SB/DH
STONE RETAINING WALL	SRW
TELEPHONE MANHOLE	TMH
TIMBER RETAINING WALL	TRW
UTILITY POLE	UP
VERTICAL GRANITE CURB	VGC
WATER METER	WM
WATER VALVE	WV
WATER SHUT OFF	WVO
WELL	W



OWNERS OF RECORD:  
MONICA M. TOFT & IVAN M. TOFT  
63 WASHBURN AVENUE, CAMBRIDGE, MA

ASSESSORS MAP REFERENCE:  
MAP/ PARCEL: 184/46

DEED REFERENCES:  
DEED BOOK 73381 PAGE 129 (63 WASHBURN AVE.)  
DEED BOOK 74214 PAGE 548 (65 WASHBURN AVE.)  
DEED BOOK 15259 PAGE 168 (61 WASHBURN AVE.)  
DEED BOOK 19944 PAGE 293 (62 CLARENDON AVE.)

PLAN REFERENCES:

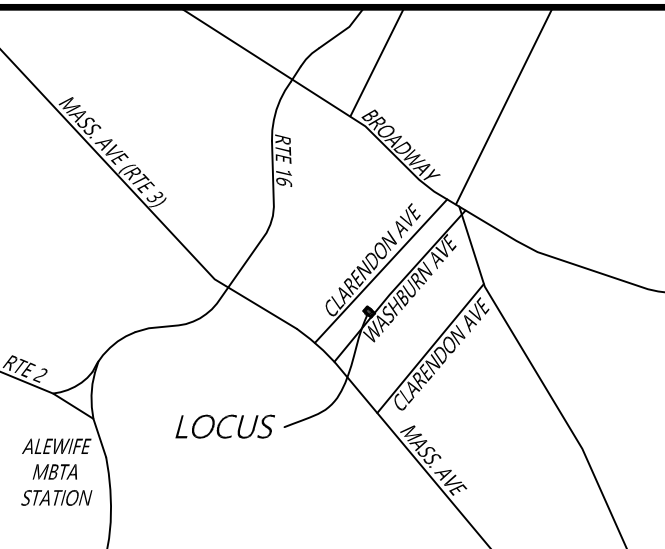
M.S.D.R.D.  
PLAN BOOK 21 PLAN 20  
PLAN BOOK 21 PLAN 21  
PLAN BOOK 344 PLAN 14  
PLAN BOOK 167 PLAN 6  
PLAN 147 OF 1997  
PLAN 1745 OF 1988  
PLAN 795 OF 1989  
PLAN 84 OF 1995  
PLAN 1057 OF 1996  
PLAN 384 OF 2002  
PLAN 1118 OF 2002  
PLAN 1101 OF 2003  
PLAN 925 OF 2020

LAND COURT PLANS:  
9871  
12387

CITY OF CAMBRIDGE STREET LAYOUTS:  
STR-17-04 CLARENDON AVENUE, MAY 4, 1906  
STR-17-31 WASHBURN AVENUE, JUNE 1910

FEMA/FIRM REFERENCE:

FLOOD INSURANCE RATE MAP  
No. 2507C0419E  
EFFECTIVE JUNE 4, 2010



LOCUS MAP  
N.T.S.

THIS DOCUMENT, AS AN INSTRUMENT OF SERVICE, IS THE SOLE PROPERTY OF WDA DESIGN GROUP, INC. ITS USE BY THE OWNER FOR OTHER PROJECTS OR FOR COMPLETION OF THIS PROJECT BY OTHERS IS STRICTLY FORBIDDEN. DISTRIBUTION IN CONNECTION WITH THIS PROJECT SHALL NOT BE CONSTRUED AS PUBLICATION IN DEROGATION OF WDA DESIGN GROUP'S RIGHTS. 6/2021, WDA DESIGN GROUP, INC.

REV.	DATE	DESCRIPTION	INIT.
B	06-28-21	ADD BICYCLE STORAGE UNDER DECK	KTS
A		INITIAL ISSUE	

DRAFT  
08/02/23

PREPARED BY:

**WDA  
DESIGN  
GROUP**  
31 EAST MAIN STREET WESTBOROUGH, MA  
508.366.6552  
WDA-DG.COM

OWNERS:

Monica M. Toft  
& Ivan M. Toft  
63 Washburn Avenue  
Cambridge, MA  
  
and  
Gaelle Droneau  
& Emmanuel Joly  
65 Washburn Avenue  
Cambridge, MA

PREPARED FOR:

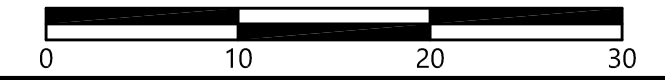
Monica M. Toft  
& Ivan M. Toft  
63 Washburn Avenue  
Cambridge, MA

TITLE:

Land Court Exhibit Plan

Toft and Droneau & Joly  
63 & 65 Washburn Avenue  
Cambridge, MA  
(Middlesex County)

SCALE: 1" = 10'



JOB NO.:	1430	DATE:	08/02/23
DWN. BY:	KTS	SHEET:	
CHK'D. BY:	KTS		LC



63 washburn Front

# 1178118



Street



Satellite



Map



Hide Values



63 Washburn + 11818 front view with curb cut





63 Washburn Ave Front of House screening # 117819





63 Washburn # 1178118 View of existing curb cut





63 Washburn front yard / brick path #1178118





63 Washburn # 1178118 from yard existing brick path





63 Washburn Passenger side blocked

# 1178118





603 Washburn View of fencing as Screening # 1178116





63 Washington Backyard 38' x 42' #117816





63 Waeburn Sideyard # 117811c





63 Washburn # 118116 Parking at 61 Washburn Front Yard





63 Washburn # 11 # 118

Parking at 55 Washburn Frontyard





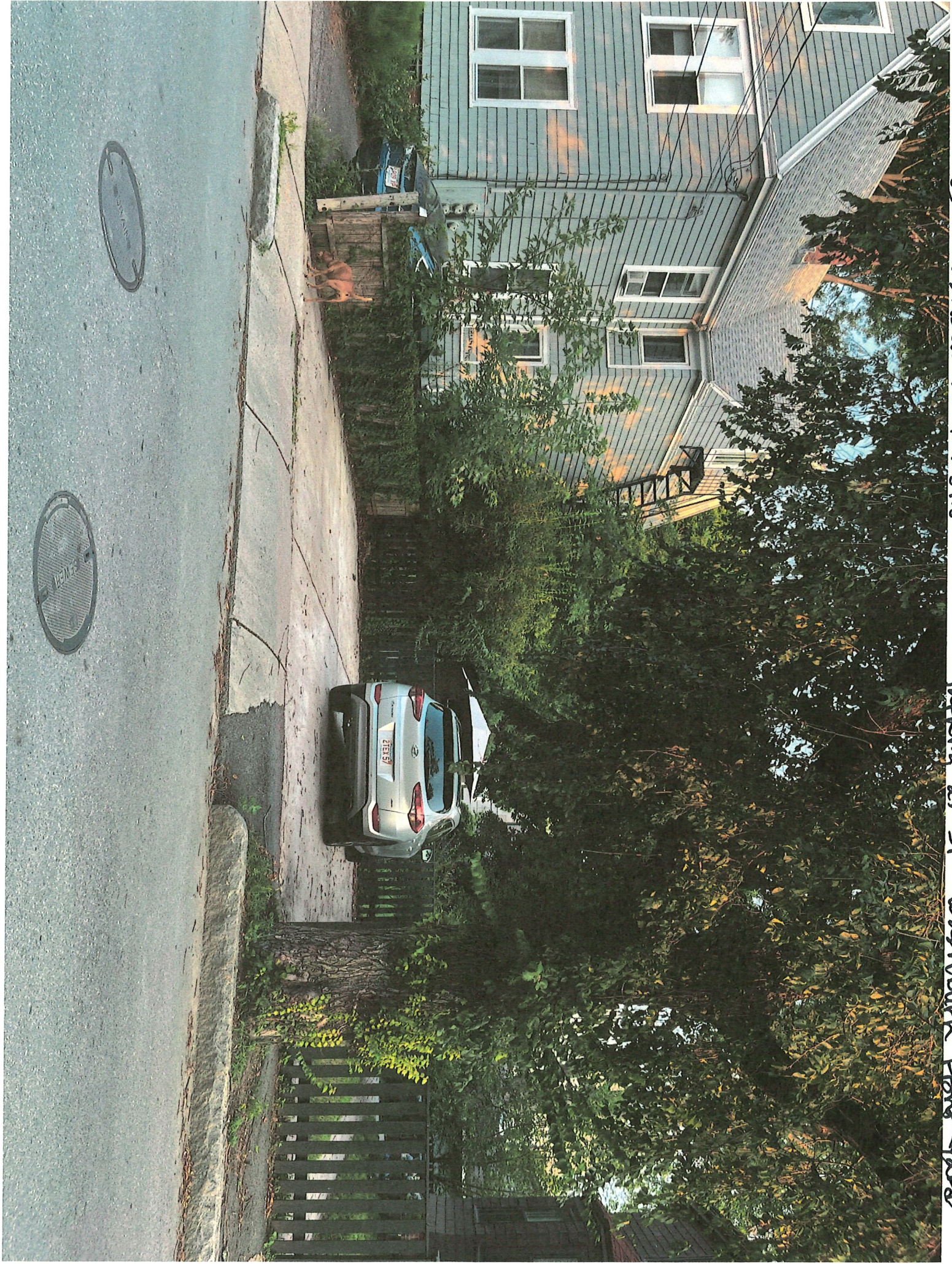
63 Washburn Parking at 50/52 Washburn  
# 1178116





63 Washburn # 1178116

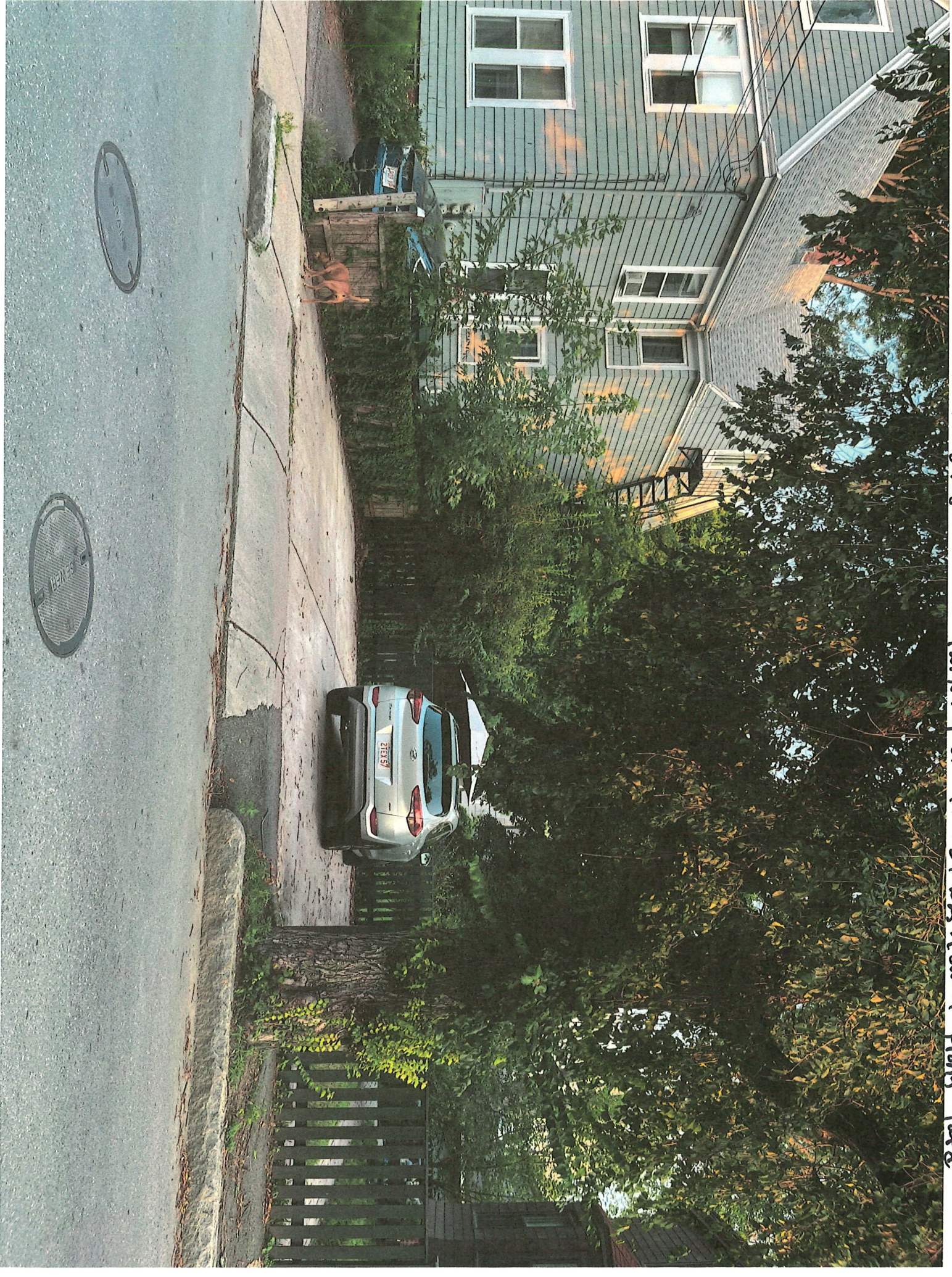
Parking at 51 Washburn Front yard





L3 Washburn # 1178118

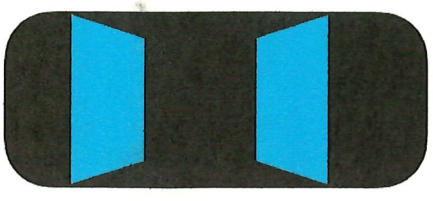
Parking at 41 + 51 Washburn Front yard





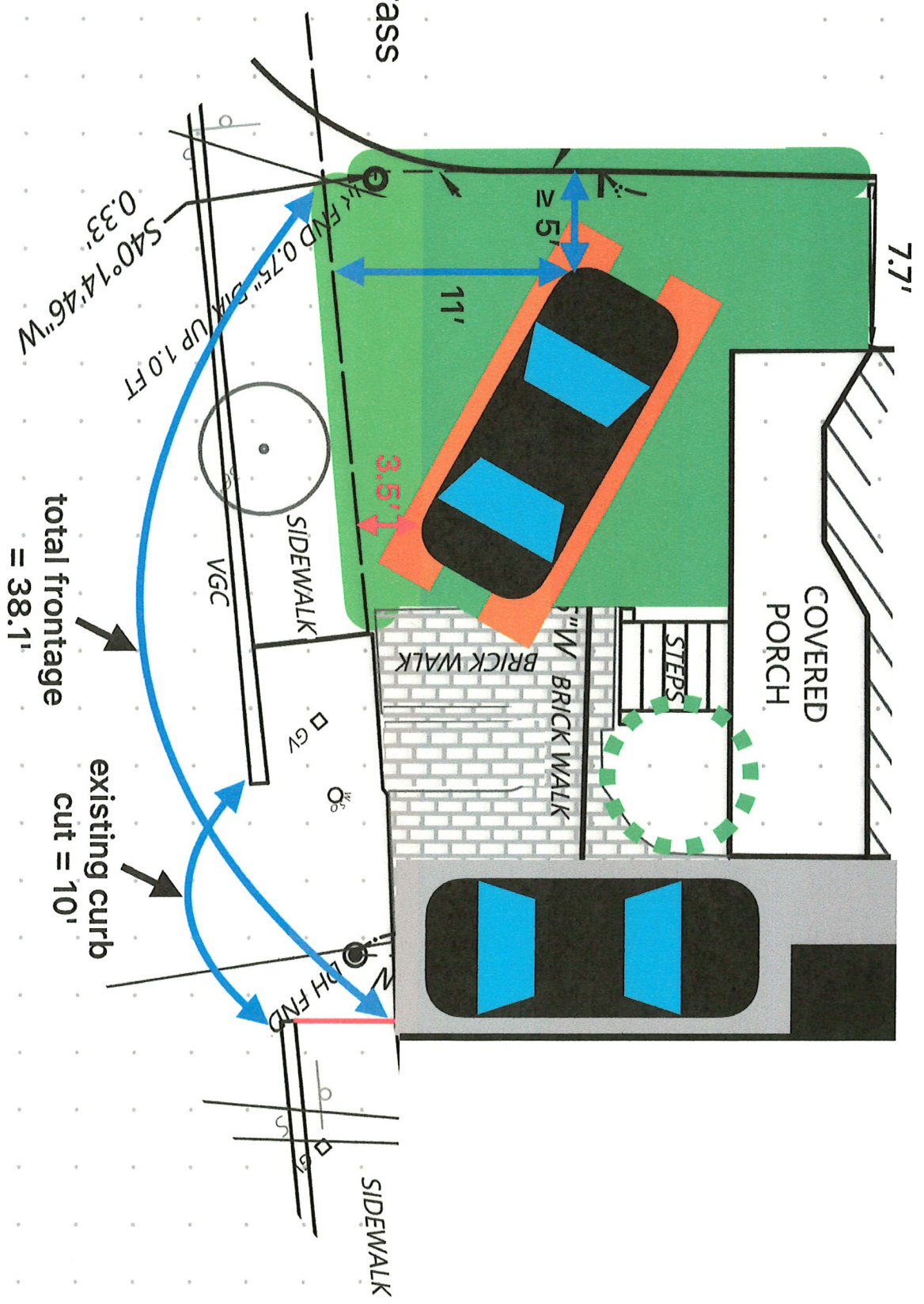
# Proposed parking modification 63 Washburn Avenue (2): dimensions with car [to scale]

Sedan 6'x15'  
[to scale]



hedge or grass

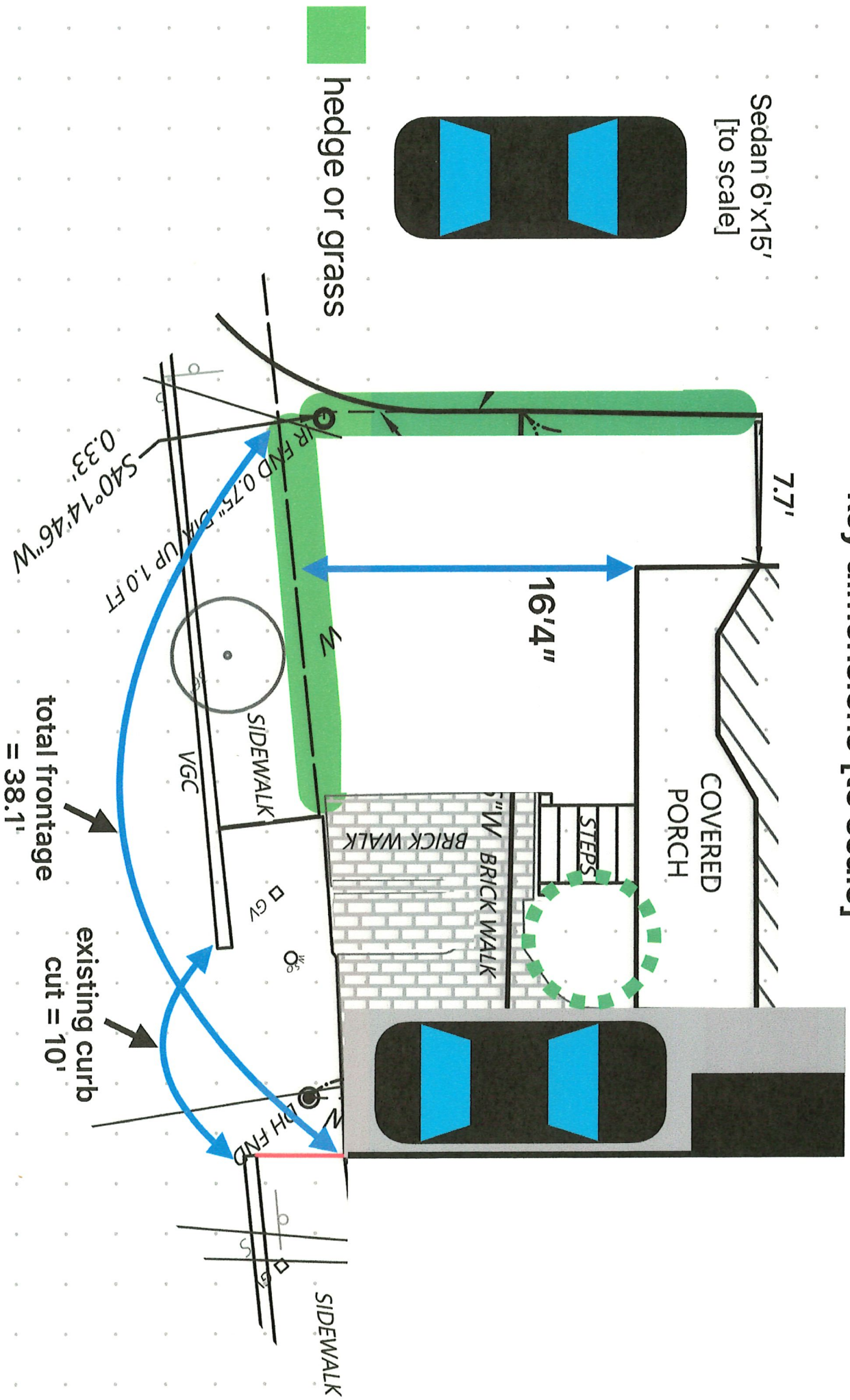
brick track





# 1178118

# Proposed parking modification 63 Washburn Avenue (1): key dimensions [to scale]





To: City of Cambridge, Inspectional Services Division

From: Aaron Brathwaite, 61 Washburn Avenue, Cambridge

July 27, 2025


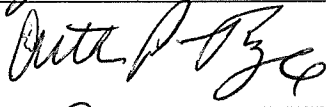
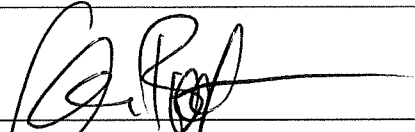
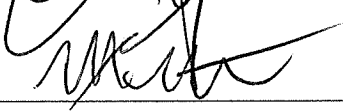
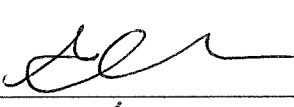
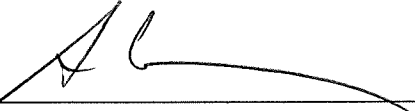

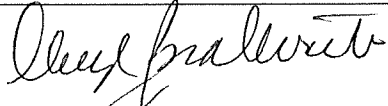


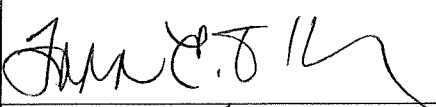

Re: Support for permit to change parking at 63 Washburn Avenue

To whom it may concern, I write in support of Monica and Ivan Toft's request for a permit to change the parking configuration at their house. I live next door and would be the most impacted neighbor. I have no problem with their plan. Existing hedging would remain, therefore I wouldn't even see their car. Plus, in this neighborhood, most residents park in the front of their houses or on the side front of their properties, so the Tofts' plan is entirely consistent with neighborhood. Moreover, it would open up one more parking spot on the street, one that doesn't have enough parking as it is.

Thank you, Aaron Brathwaite



We, the undersigned, register our support for the Tofts' request to modify their parking at 63 Washburn Avenue

Property address on Washburn Avenue	Name	Signature
35 Washburn #2	Zoe Maschella Mervine	
38 Washburn #2	ARTHUR P Ryce	
52 Washburn #2	Christoph Badjem	
55 Washburn #1	Maxwell Danielsson	
55 Washburn #1	Pigi Chow	
55 Washburn #2	Antje Danielson	
55 Washburn #2	 Willem Parman	
51	Cheryl Brathwaite	
44 Washburn	Danae McLoughlin	
40 Washburn	David Dean	
34 Washburn	Fran O'Reilly	
38 Washburn	Bebringer	







**To:** Board of Zoning Appeal, City of Cambridge, MA  
**From:** Ivan and Monica Toft, 63 Washburn Avenue  
**Date:** 12 August 2025  
**Re:** Addendum to Variance Application No. 1178118

Following a conversation with the Inspectional Services Division, we have received clarification regarding our application and the requested modification to our parking. Accordingly, we are amending the list of applicable Zoning Ordinance sections for Variance Application No. 1178118.

In light of the relief sought, three sections of the Zoning Ordinance apply: (1) **§6.42**; (2) **§6.44.1(c)**; and (3) **§6.45.1**.

1. **§6.42 – Dimensions for Off-Street Parking Spaces**

This section establishes the following minimum dimensions:

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This section states: “No on-grade open parking space shall be located within a required front yard setback.”

*Our proposed space will encroach into the required 5-foot front yard setback; however, only one corner of the space will do so, as the car will be parked at an angle.*

3. **§6.45.1 – Parking Space Length for One-, Two-, or Three-Family Dwellings**

This section permits a parking space to consist of two parallel paved strips, each at least 18 feet long, separated by a landscaped area.

*Our design follows this format, but the strips will be 16.4 ft in length rather than 18 ft. This modification is necessary to preserve a mature Wolf’s Eye Japanese Dogwood, planted over 15 years ago, which enhances the property and provides natural screening. While the tree could be removed under city guidelines to allow our space to be more compliant, we prefer to retain it for both aesthetic and environmental reasons.*

We appreciate the Board’s consideration of these amendments and apologize for any inconvenience.







63 Washburn Ave

Petitioner

184-15  
SPLAINE, ESTHER A. & JOHN F. SPLAINE  
62 CLARENDON AVE.  
CAMBRIDGE, MA 02140

184-48  
LOWER, MICHELLE K & CHARLES B. LOWER  
67 WASHBURN AVE UNIT 1  
CAMBRIDGE, MA 02140

184-46  
TOFT, MONICA M. IVAN M. TOFT  
63 WASHBURN AVE  
CAMBRIDGE, MA 02140

184-45  
BRATHWAITE, LEON A. &  
EVELYN BRATHWAITE  
61 WASHBURN AVE  
CAMBRIDGE, MA 02140-1123

184-48  
CAMDAN LLC  
PO BOX 5807  
BOSTON, MA 02114

184-168  
WASHBURN AVENUE REALTY ASSOCIATED,  
LLC. C/O G. STEVEN KOKINOS  
3 BRANTWOOD RD  
ARLINGTON, MA 02476

184-48  
AUBURN, CHARLOTTE BURGESS  
67 WASHBURN AVE UNIT 3  
CAMBRIDGE, MA 02140

184-44  
DANIELSON, ANTJE MF  
55 WASHBURN AVE  
CAMBRIDGE, MA 02140

184-47  
DRONEAU, GAELE & EMMANUEL JOLY  
TRS. JOLY & DRONEAU FAMILY TRUST  
65 WASHBURN AVE  
CAMBRIDGE, MA 02140

184-16  
PEARCE, MIRANDA MARGARET & MATTHEW BOYD  
THE MIRANDA MARGARET PEARCE TRUST 2009  
52 CLARENDON AVE  
CAMBRIDGE, MA 02140

184-89  
LIU, JUN & CHRISTOPH BUDJAN  
50-52 WASHBURN AVE - UNIT 2  
CAMBRIDGE, MA 02140

184-89  
KIMBROUGH, JEROME ROBERT  
50-52 WASHBURN AVE - UNIT 50  
CAMBRIDGE, MA 02140

184-14  
GELINAS, MICHAEL JAYASHREE KUMAR  
70 CLARENDON AVE  
CAMBRIDGE, MA 02140





# 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: Monica Toft Date: 26 Aug 25  
(Print)

Address: 63 Washburn Ave

Case No. BZA-1178118

Hearing Date: 9/11/25

Thank you,  
Bza Members



\* \* \* \* \*

(6:15 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Carol Agate

STEVEN NG: Okay, we are back. Next up for 6:15 is Case Number BZA-1178118 -- 63 Washburn Avenue.

Is there anyone on Zoom for that application?

IVAN TOFT: Yes, I am, or we are.

STEVEN NG: Hi. Yes. Could you please introduce yourselves?

IVAN TOFT: Sure, of course. My name is Ivan Toft, and this is my wife, Monica. We've lived here for 20 years. We're residents at 63 Washburn Ave in Cambridge. and --

STEVEN NG: Oh, and just one thing, Mr. Toft, before you start the presentation. We did -- we do have kind of a technical question or request. In the package you sent us, there were surveys from WDA Design Group --

IVAN TOFT: Yeah.

STEVEN NG: -- Drawing LC and then Drawing LC-2. And in those two drawings, there is a sliver, a parcel of land in LC-2 at the front of the home of the property; I



1 think it's page 28 of the packet.

2 And then that particular drawing doesn't really  
3 give any information on the ownership of that trapezoid-  
4 shaped parcel.

5 MONICA TOFT: Can I explain what the situation is  
6 with that? So it turns out that they straightened our --

7 STEVEN NG: Well, I think the thing is is that in  
8 the documentation for the record, we need kind of an  
9 official verification of -- yeah, a survey of who that piece  
10 of land belongs to.

11 MONICA TOFT: Yes.

12 STEVEN NG: And it's -- I think yeah, if we could  
13 get the survey or to kind of update that, that would really  
14 --

15 MONICA TOFT: Yes.

16 STEVEN NG: -- resolve that issue. And I think  
17 the best thing is to have you work with your surveyor to get  
18 that resolved, and then we can just continue the case so  
19 that the file will be pretty much compliant with your design  
20 intent.

21 IVAN TOFT: Yeah, it sounds like it's an issue of  
22 documentation, rather than an issue of rights. And I'm sure



1 somewhere we have the judge's, the land court's decision  
2 with the updated -- what is it called -- the updated survey.

3 And probably I just -- you know, didn't put that  
4 particular one in or covered it over, but we're not -- I'm  
5 just saying orally -- we're not transgressing on anybody's  
6 property, and we know --

7 STEVEN NG: Oh yeah, no, it's more just --

8 IVAN TOFT: -- no, I know you guys need to  
9 document it. We'll definitely add the proper updated and --  
10 what do you call it, survey so that all our "t"s are crossed  
11 and "i"s are dotted. And I totally understand that.

12 So if you -- are you saying that we can't proceed  
13 with just the basic case until --

14 STEVEN NG: Right.

15 IVAN TOFT: -- we have it --

16 STEVEN NG: Because right now we don't have that  
17 information in the record, so I think the best thing would  
18 be to continue to get on the next available time.

19 IVAN TOFT: Yeah. Well, I mean if that's your  
20 decision, then that's fine. I mean, what am I going to say,  
21 "No, you know, we'll get it to you"; that kind of thing.

22 So listen, we respect that. How long do you think



1     that delay will be, another month maybe?

2             STEVEN NG:   Yeah, the -- Jim, do you have --  
3     October 9 is -- I'm sure sooner is better than later for  
4     you.   But we could do October 9, November 6?

5             IVAN TOFT:   Yeah, November 6 is probably when  
6     we'll do it.

7             STEVEN NG:   Okay.

8             IVAN TOFT:   All right, well, thanks.   It saves me  
9     a lot of nervous speaking, and our neighbors will be a  
10    little disappointed, because some of them chimed -- you  
11    know, wanted to join in.   But that's all right.   And I  
12    appreciate your --

13            STEVEN NG:   No, it's important we get the  
14    documentation correct.   So I'll make -- let me make a motion  
15    to continue this matter to October -- oh.

16            IVAN TOFT:   November 6.

17            MONICA TOFT:   Can I --

18            STEVEN NG:   November --

19            MONICA TOFT:   -- can I --

20            STEVEN NG:   sixth.

21            MONICA TOFT:   Can I just ask one question?   And I  
22    know Olivia Ratay is on the line.   So our property is really



1 located -- sorry, there's the dog -- in that the front part  
2 of our property used to be City property, but they  
3 straightened our street. And the City has been working for  
4 years trying to rectify that with City records.

5 So I think one of the reasons that our survey  
6 looks the way it does is because the City has never  
7 rectified, and we've been assured many times by the City,  
8 and including by the -- whatever, the ISD and the Zoning  
9 that indeed that property is now ours, just --

10 IVAN TOFT: That trapezoid.

11 MONICA TOFT: -- just like the neighbors at 65 and  
12 our neighbor at 61. Our street, you can see that it's odd.  
13 And they straightened our street because our neighbor at 55,  
14 their house used to regularly get hit.

15 And so, the City, many years ago, decades ago,  
16 straightened our street, but never corrected the -- our  
17 survey plots.

18 So my concern is that our -- even our survey  
19 cannot rectify this, and we've been working with the City,  
20 and I'm not sure the City is ever going to get around to  
21 fixing this because it's a can of worms.

22 JIM MONTEVERDE: Hi. This is Jim Monteverde. So



1 a question, then --

2 MONICA TOFT: Yes.

3 JIM MONTEVERDE: -- to help us decide if we need  
4 to do some homework before we -- before you come back.

5 You're saying that that piece of property between the  
6 current edge of the sidewalk and your property line is  
7 actually City property?

8 MONICA TOFT: Some of it has been designated as  
9 originally belonging to the City, yes. And then --

10 JIM MONTEVERDE: So when you do the survey, it's  
11 basically going to say, "City of Cambridge" --

12 MONICA TOFT: No.

13 JIM MONTEVERDE: -- potentially?

14 MONICA TOFT: No. I mean, because the City --

15 IVAN TOFT: The City says it's ours.

16 MONICA TOFT: -- the City -- see, that's where  
17 it's really confusing. Because the City wasn't even aware  
18 of this problem, because in part of the plots, it shows that  
19 it's ours and in part of the plot it shows it the City's.  
20 So --

21 IVAN TOFT: [Laughter].

22 MONICA TOFT: So -- right? And so, we've worked



1 with the City and Olivia and others to try to get this  
2 remedied, and we've heard nothing. We've been working on  
3 this for oh, gosh, probably 10 years.

4 And so, we have been assured that where our  
5 property -- where the sidewalk ends currently back to our --  
6 all the way back to the back end of our property lot, that  
7 that is our property, because it has stood for so many  
8 decades.

9 JIM MONTEVERDE: Okay. Well --

10 MONICA TOFT: Yeah, go ahead.

11 JIM MONTEVERDE: -- if -- I guess if you -- if you  
12 get your surveyor to either amend or create the plot plan --

13 MONICA TOFT: Okay.

14 JIM MONTEVERDE: -- if it shows that piece of  
15 property is yours, fine, we can hear it. If it shows it's  
16 the City of Cambridge, I think frankly we -- this Board may  
17 need the opinion of the Legal Department before we can hear  
18 it.

19 MONICA TOFT: Okay.

20 JIM MONTEVERDE: So I guess, like we said before,  
21 if you can please get the survey --

22 MONICA TOFT: Yep.



1           JIM MONTEVERDE:  -- to identify whoever they think  
2 owns that piece of property that you're intending to park on  
3 --

4           MONICA TOFT:  Mm-hm.

5           JIM MONTEVERDE:  -- then we can take it from  
6 there.

7           MONICA TOFT:  Okay.  Yeah.  And I can reconnect  
8 with the Legal Department in the City of Cambridge --

9           JIM MONTEVERDE:  Yep.

10          MONICA TOFT:  -- to see if perhaps they could  
11 perhaps put a note in verifying to you that they see this  
12 property as belonging to us.

13          JIM MONTEVERDE:  Yep.

14          STEVEN NG:  Yep.

15          JIM MONTEVERDE:  Yeah.  Sorry it's so complicated,  
16 but --

17          MONICA TOFT:  It's been a nightmare, actually.

18          IVAN TOFT:  This isn't the first complicated  
19 situation you all have come across.

20          MONICA TOFT:  Yeah.

21          JIM MONTEVERDE:  Okay.

22          MONICA TOFT:  No.  So.  Okay.  So we'll see you in



1 November, then. And hopefully --

2 JIM MONTEVERDE: Yep.

3 MONICA TOFT: -- with everything in order.

4 STEVEN NG: Okay.

5 MONICA TOFT: Okay. Thank you.

6 STEVEN NG: All right. Making a motion to  
7 continue this matter to the November 6, 2025, meeting on the  
8 condition that the petitioner change the posting sign to  
9 reflect the new date and the new time of 6 p.m.

10 Also, that the petitioner sign a waiver to the  
11 statutory requirements for the hearing. This waiver can be  
12 obtained from Maria Pacheco or Olivia Ratay at the  
13 Inspectional Services Department.

14 I ask that you sign the waiver and return it to  
15 the Inspectional Services Department by a week from this  
16 coming Monday.

17 Failure to do so will de facto cause this Board to  
18 give an adverse ruling on this case.

19 Also that if there are any new submitted changes  
20 to the drawings, dimensional forms, or any supporting  
21 statement, that those be in the file by 5 p.m. on the Monday  
22 prior to the continued meeting date.



1           On the motion to continue this matter until 11 --  
2 November 6, 2025, a voice vote for -- by the Board members  
3 please? Jim Monteverde?

4           JIM MONTEVERDE: In favor.

5           STEVEN NG: Virginia Keesler?

6           VIRGINIA KEESLER: In favor.

7           STEVEN NG: Carol?

8           CAROL AGATE: Carol Agate in favor.

9           STEVEN NG: And Daniel Hidalgo?

10          DANIEL HIDALGO: In favor.

11          [All vote YES]

12          STEVEN NG: So the motion passes, and yep, so  
13 we'll continue to November. We're five-minute to 6:30, so  
14 for the next case. So we will come back.

15          Thanks.

16

17

18

19

20

21

22





# City of Cambridge

MASSACHUSETTS

## BOARD OF ZONING APPEAL

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

2025 SEP 12 AM 9:58

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

### Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal  
831 Mass Avenue  
Cambridge, MA 02139

RE: Case # BZA-1178118

Address: 63 Washburn Avenue

☐ Owner, ☐ Petitioner, or ☐ Representative: Monica Toft  
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The ☐ Owner, ☐ Petitioner, or ☐ Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

12 Sep 25

Date: \_\_\_\_\_

Monica Toft

Signature



\* \* \* \* \*

(6:08 p.m.)

Sitting Members: Jim Monteverde, Daniel Hidalgo, Carol  
Agate, Wendy Leiserson, and Michael LaRosa

JIM MONTEVERDE: The first cases tonight are  
continued cases. They were started previously and not  
resolved. The first case is BZA-1178118 -- 63 Washburn  
Avenue. Is there anyone calling in for this address?

STEPHEN NATOLA: Ivan Toft?

IVAN TOFT: Hi. That's me.

JIM MONTEVERDE: Yep. Can you introduce yourself,  
please?

IVAN TOFT: Sure. My name is Ivan Toft, and I  
live at 63 Washburn Avenue. Monica and I have lived here  
for a bit over 20 years.

JIM MONTEVERDE: Okay. Thank you. Now let me  
just remind everybody what got continued here. So you were  
looking to -- as the advertisement says, you're looking for  
a variance to park within the front yard setback and modify  
the minimum parking space dimensions.

The question we had for you had to do with parking  
in the front yard and determining the setback.



1           And it had to do with the curious survey -- not  
2           curious, but the survey that was submitted initially that  
3           showed that the piece of the property that you were doing  
4           most of the parking on was outside of your property line.

5           So we asked you to provide some survey and  
6           description of how you could do that, or a survey showing  
7           that it was your property so you could park on it. Right?  
8           Something to that effect?

9           IVAN TOFT: Yep. That's correct.

10          JIM MONTEVERDE: Okay. So -- and I don't know if  
11          other members saw -- I came into the office on Monday. I  
12          don't know if this made it into the electronic file. By  
13          Monday, there was no new information in the file, but as of  
14          this evening, we have -- yeah. Stephen's going to bring it  
15          on the screen.

16          And this is -- in fact, the survey was updated by  
17          WDA Design Group, and we have a letter -- could you bring up  
18          a copy of the letter, or if there's -- read it.

19          We have a letter from John Nardone, the  
20          Commissioner of Public Works. Here you go. So -- and I  
21          will read from it and then refer back to the graphic.

22          It says,



1           "Following a review by the City Engineer in  
2 comparison with records on file, the survey accurately  
3 reflects the right-of-way line on Washburn Avenue. On the  
4 survey, I've highlighted this right-of-way line in yellow.  
5 The area between the right-of-way line and the back of the  
6 sidewalk is shaded in blue. Portions of the brick driveway"  
7 -- this is the existing driveway -- "brick walk, and shrubs  
8 located within this blue-shaded area fall within the City's  
9 right-of-way."

10           Can you go to the graphic for a second? So, and  
11 following that description, that yellow line has been  
12 highlighted, which was the line that was on the original  
13 survey as the extent of your property line.

14           John Nardone is saying is the right-of-way line,  
15 and between that and the back of the sidewalk with the area  
16 shaded in blue, which if I read this letter correctly is  
17 saying that is within City's right-of-way.

18           And the last paragraph of the letter says,

19           "The WDA survey aligns with the historic street  
20 acceptance plan and reflects the City's understanding of the  
21 right-of-way boundary. Based on this review, the Department  
22 of Public Works has no objection to the proposed



1 improvements outlined in your application, provided they  
2 remain within the limits of your property as shown on the  
3 WDA survey."

4 I'm going to repeat that last line one more time,  
5 or part of it. It says, "provided --" This is it, sorry:

6 "The Department of Public Works has no objection  
7 to the proposed improvements outlined in your application,  
8 provided they remain within the limits of your property, as  
9 shown on the WDA survey."

10 So, Mr. Toft, before we go much further, I'm not  
11 familiar with what the right-of-way description means;  
12 whether you own it and the City has rights over it, or  
13 whether it's City property.

14 Because as I look at the latest survey from WDA,  
15 it doesn't move through or amend your property line that's  
16 shown here on the screen in yellow.

17 So tell me how you understand the City right-of-  
18 way. Are you parking on --

19 IVAN TOFT: Let me ask --

20 JIM MONTEVERDE: -- City's property?

21 IVAN TOFT: Yeah, I'm going to ask my wife to jump  
22 in here, since she did most of the communication. Her name



1 is Monica Toft. She lives at the same address, and she can  
2 speak for herself, obviously.

3 But you guys will already know that that last  
4 sentence is sort of paradoxical.

5 MONICA TOFT: Yeah.

6 IVAN TOFT: But I'll let her speak.

7 MONICA TOFT: So yes, thank you. So we've been  
8 dealing with this for about 20 years actually, or 10 years  
9 trying to get this remedied.

10 So the City has told us that that is our right-of-  
11 way at this point, because it has been established for  
12 decades. So Washburn Avenue was straightened.

13 And what's going to happen next -- this is what  
14 we've been told by the Legal Department and the Commissioner  
15 -- that it is going to be conveyed to us that the City has  
16 no interest in that property that -- and if you notice, 65  
17 Washburn Avenue has a similar problem, and then a little bit  
18 on 61 Washburn Avenue.

19 JIM MONTEVERDE: Okay.

20 MONICA TOFT: So my understanding -- and there is  
21 a series of e-mail exchanges as well in the file exchanging  
22 the back -- explaining the back and forth.



1           And what happened is is because we had this  
2       hearing today, the person who is supposed to have written  
3       the letter went on holiday. And so, John Nardone came in  
4       late on this. I appreciate that he wrote the letter, but he  
5       wrote it in such a way that it's confusing.

6           But our understanding in talking to the Legal  
7       Department and with the Commissioner's Office that that --  
8       what they're saying is that that is okay for us to build and  
9       that the City has no claim to that at this point, and that  
10      they plan if they can do it soon to convey that property to  
11      us. They just have to figure out how to do that.

12  
13           JIM MONTEVERDE: Okay. And the person who went on  
14      vacation, that was --

15           MONICA TOFT: Jim Wilcox.

16           JIM MONTEVERDE: -- they were drafting a letter to  
17      --

18           MONICA TOFT: It was Jim --

19           JIM MONTEVERDE: -- say that?

20           MONICA TOFT: -- it was Jim Wilcox.

21           JIM MONTEVERDE: Yeah.

22           MONICA TOFT: And what he said was just share the



1 exchanges of e-mails, it's clear from them. And I said,  
2 "Well, Jim, it would be nice to have a clear statement of  
3 it, because we don't want to have you guys have to read  
4 through a series, you know, months long of e-mails."

5 And so, John -- so I e-mailed Jim again on Monday  
6 saying, "Jim, I have to get these papers in." He had gone  
7 away; he's on holiday. So John -- so I contacted Kathy  
8 Watkins. She said, "John should handle this." So John came  
9 in late and not fully understanding --

10 JIM MONTEVERDE: Yep.

11 MONICA TOFT: -- I think --

12 JIM MONTEVERDE: Yep.

13 MONICA TOFT: -- what was happening here.

14 JIM MONTEVERDE: No, I get it. Okay.

15 MONICA TOFT: Which is why -- I apologize, the  
16 letter did not make it into our file until Tuesday.

17 JIM MONTEVERDE: Yep. Okay. Well, it gets us  
18 closer but I don't think it gets us there. At least, this  
19 is my opinion. Other Board members may feel differently.  
20 But I'm not sure how we can vote on this, in essence giving  
21 you the right to use what the letter -- the current letter  
22 from John Nardone says is the City right-of-way.



1           And the survey doesn't show that. Because I'm  
2 familiar with the other right-of-ways.

3           MONICA TOFT: Mm-hm.

4           JIM MONTEVERDE: MWRA has right-of-ways that cut  
5 right across people's property. And it basically -- but the  
6 property lines are clear, and there's a clear designation  
7 that says there's a -- you know, that property owner has  
8 granted a right-of-way to someone. Your case is different.

9           MONICA TOFT: Yes.

10          JIM MONTEVERDE: Just because of that survey.  
11 Your property ends at that yellow line. So I'm in no better  
12 place than I was --

13          MONICA TOFT: Mm-hm.

14          JIM MONTEVERDE: -- although I'm hearing what  
15 you're saying, and that certainly seems like an advancement,  
16 and once they do get -- turn that property over to you, then  
17 I think it's pretty clear we could proceed with this matter.  
18 But I don't see how we can with the way it is.

19          Can I ask one of our Board members, Wendy?

20          WENDY LEISERSON: Yes.

21          JIM MONTEVERDE: Do you have a sense of this one?

22          WENDY LEISERSON: I agree with you, Jim. But I



1 did wonder if it made sense to give the owners any feedback  
2 about the proposal on the assumption that they would be able  
3 to produce that letter showing that they have permission to  
4 -- we don't have to, it's optional.

5 JIM MONTEVERDE: Yeah. Nope.

6 WENDY LEISERSON: And --

7 JIM MONTEVERDE: Short of a vote, yeah. Without a  
8 vote.

9 WENDY LEISERSON: Yeah. But --

10 JIM MONTEVERDE: It's kind of the lay of the land.

11 WENDY LEISERSON: -- but I agree that we would  
12 need a letter from -- I guess the Law Department; would it  
13 be the Law Department? To say that that is not --

14 JIM MONTEVERDE: Yeah, well I would -- I think we  
15 could defer to the Legal Department to state an opinion.

16 WENDY LEISERSON: Yeah.

17 JIM MONTEVERDE: Or if -- and again, whether  
18 there's something here that we can vote on, or whether we  
19 really have to wait for the proponent to get the paperwork  
20 from the City that says the property is either theirs or  
21 theirs to use as they wish --

22 WENDY LEISERSON: Yeah.



1 JIM MONTEVERDE: -- before we go forward.

2 WENDY LEISERSON: Because I agree, because of  
3 where the property line is here that we wouldn't be able to  
4 interpret this as a usual right-of-way situation. Yeah.

5 JIM MONTEVERDE: So what you're saying is  
6 interesting, though. If we can do a -- if we want to do an  
7 informal read of the tea leaves, if everyone's familiar with  
8 the file and knows what's being proposed, parking in that  
9 blue zone on the graphic in the screen, surrounded by some  
10 shrubbery -- just to give some guidance to the proponent.  
11 Does anyone have any comments relative to that request?

12 WENDY LEISERSON: Do we want to hear the full  
13 proposal, or no?

14 JIM MONTEVERDE: Yep, yep, assuming that they can  
15 square away the legalities and use that property,  
16 informally, not as a vote? Is everybody leaning in favor of  
17 it, if that were possible?

18 MICHAEL LAROSA: Jim, this is Mike LaRosa. Can --  
19 is there any way to zoom in on the plan as it's shown right  
20 now, just so we can see that area better?

21 [Pause]

22 Here we go.

1           JIM MONTEVERDE: So -- yeah, so the yellow line  
2 going diagonally across the sheet there from lower left to  
3 upper right is the property line.

4           And the blue shaded area -- again, this is from  
5 the description from John Nardone, the Commissioner of  
6 Public Works -- the blue shaded area is, as it reads,  
7 "within the City's right-of-way."

8           And I'm assuming this had to do with an alignment  
9 or realignment of Washburn Avenue at some point in the past.

10          And if you look at the diagrams that were  
11 submitted initially, the proposed parking space falls within  
12 -- primarily, most of it -- falls within that blue zone,  
13 which means it's within the right-of-way, which we can't  
14 determine right now whether they have the right to use it or  
15 not.

16          WENDY LEISERSON: Well, it's also not within their  
17 property line, based on this map. Right?

18          JIM MONTEVERDE: Correct.

19          WENDY LEISERSON: Yeah.

20          JEFF ROBERTS: Correct. Not as shown on this  
21 yellow line, it's outside of their property line. So --

22          CAROL AGATE: Shouldn't we just continue it?



1           JIM MONTEVERDE: Yeah. That's a point. I think  
2 Wendy was suggesting kind of a -- and correct me if I'm  
3 wrong, kind of reading the tea leaves so we don't --

4           WENDY LEISERSON: Well, I just wondered how  
5 familiar people were with -- if people already -- I don't  
6 know if it would be a short reading of the tea leaves or a  
7 long reading the tea leaves, but if there's something that  
8 we're going to ask the owners to change or whatever, I was  
9 just thinking about expediting it, because clearly they have  
10 been going to -- around the City trying to get this  
11 resolved.

12           So I was just trying to see if there was a way to  
13 give them some guidance and make them feel like they're not  
14 delayed again, you know, and then come back and find out  
15 that they could have done something in between; I don't  
16 know. So.

17           JIM MONTEVERDE: Right. So do you have any --  
18 anyone have any comments relative to that, and in essence  
19 any modification of what they propose?

20           DIEGO MACIAS: I mean I -- just a procedural point  
21 is if we do that, does that mean that this would count as a  
22 heard case so that we would have to be --

1 WENDY LEISERSON: Yes.

2 DIEGO MACIAS: Yeah.

3 WENDY LEISERSON: It would. It would.

4 DIEGO MACIAS: Yeah. Okay.

5 JIM MONTEVERDE: Yeah.

6 WENDY LEISERSON: That's true. That is a --

7 JIM MONTEVERDE: Yeah.

8 WENDY LEISERSON: -- downside.

9 JIM MONTEVERDE: Right.

10 WENDY LEISERSON: Yeah. Okay.

11 JIM MONTEVERDE: Let's not go there.

12 WENDY LEISERSON: Yep.

13 MONICA TOFT: Yeah. I appreciate that. Thank  
14 you, Wendy. We can wait. I mean, look. We've been --

15 JIM MONTEVERDE: Okay.

16 MONICA TOFT: -- dealing with this for 20-  
17 something years, honestly. It's kind of frustrating. We  
18 thought we had what we needed for this. And, you know, I  
19 will work with the Legal Department.

20 My one question is, because it's probably going to  
21 take another 20 years for the City to convey this property  
22 to us, is would it be enough to have a letter from the Legal



1 Department to state the Tofts are allowed to develop within  
2 that blue area to the sidewalk?

3 Would that be satisfactory to the BZA to say?

4 Because that is what our plan is premised on, is  
5 that front yard, our real property, and then that blue area.  
6 Would that be enough to say, yes, the City does plan to  
7 convey that property to the Tofts for their use?

8 JIM MONTEVERDE: That would satisfy me.

9 MONICA TOFT: Okay.

10 WENDY LEISERSON: Jim, is this a situation where  
11 the BZA -- since you're Chair, I'm not as familiar with this  
12 sort of procedural point, but is this a situation where we  
13 could ask the Legal Department for guidance on this to --

14 JIM MONTEVERDE: Yeah, we could do it  
15 simultaneously. Just let them know that, you know, the  
16 Tofts are coming to them, and we just need some guidance on  
17 whether they can use that piece of -- piece of that -- piece  
18 of land for the parking in the front yard.

19 So I think we'll reach out to the Legal  
20 Department, I will and ask for an opinion.

21 IVAN TOFT: We'd be grateful for that. Thank you.

22 JIM MONTEVERDE: Okay. Just talking with our

1 zoning expert. So I'll contact via e-mail -- the Legal  
2 Department. When I do that, I always copy the Building  
3 Commissioner and folks at ISD zoning specialists.

4 So I will do that and ask them to review the info  
5 you have, and you've been given and what you've been told,  
6 and to basically give us an opinion if we can assume that  
7 you can use the -- or if you can use that piece of property.

8 I would suggest if you also, Monica and Ivan --

9 MONICA TOFT: Mm-hm.

10 JIM MONTEVERDE: -- would contact ISD, the folks  
11 you've been dealing with.

12 MONICA TOFT: Okay.

13 JIM MONTEVERDE: Stephen, Olivia, Maria; let them  
14 know what you intend to do, you know, how you'll proceed.  
15 And if you'll contact the Legal Department also, I think the  
16 two of us, let's see if we can get a response from them.

17 MONICA TOFT: Okay.

18 IVAN TOFT: That's a great plan. Thank you.

19 MONICA TOFT: Thank you. No promises.

20 JIM MONTEVERDE: You're welcome. Yeah, let's see  
21 what happens.

22 Now, in terms of continued, next date. So the



1 last date I have on this piece of paper in front of me is  
2 March 26. Do you want to go out that far or sometime in  
3 February or March? When would you like?

4 MONICA TOFT: I'd love -- well, now we're getting  
5 into winter, so developing is going to be difficult. I'd  
6 prefer to do it sooner rather than later. You know, this  
7 has been hanging over our --

8 JIM MONTEVERDE: It's up to you. Yep.

9 MONICA TOFT: Yeah. so is there a date in  
10 December or January?

11 JIM MONTEVERDE: I wouldn't do it in December.  
12 Because I --

13 MONICA TOFT: Yeah, that's true. Two months.  
14 Let's -- is there a January date?

15 JIM MONTEVERDE: And there's January 29 or  
16 February 12.

17 MONICA TOFT: January 29.

18 JIM MONTEVERDE: Is January 29 okay?

19 MONICA TOFT: Yeah, January 29. That gives us --

20 JIM MONTEVERDE: Okay.

21 MONICA TOFT: -- a good amount of time to work on  
22 this.

1 JIM MONTEVERDE: Yeah, you'll need to waive the  
2 deadline. I'll read that in a moment for the continuance.

3 All right.

4 WENDY LEISERSON: And as a --

5 JIM MONTEVERDE: I'll make a motion.

6 WENDY LEISERSON: -- case not heard. Correct?

7 Yeah.

8 JIM MONTEVERDE: Sorry?

9 WENDY LEISERSON: As a case not heard, yes. So --

10 JIM MONTEVERDE: Yep. All right. Let me make a  
11 motion, then. Let me make a motion to continue the matter  
12 to January 29, 2026 on the condition that the petitioner  
13 change the posting sign to reflect the new date of June 26,  
14 2025 and the new time of 6:00 p.m.

15 Also that the petitioner sign a waiver to the  
16 statutory requirements for the hearing. This waiver can be  
17 obtained from Maria Pacheco or Olivia Ratay at the  
18 Inspectional Services Department.

19 I ask that you sign the waiver and return it to  
20 the Inspectional Services Department by a week from this  
21 coming Monday. Failure to do so will de facto cause this  
22 Board to give an adverse ruling on this case.



1           Also, that if there are any new submittals,  
2 changes to the drawings, dimensional forms, or any  
3 supporting statements that those be in the file by 5:00 p.m.  
4 on the Monday prior to the continued meeting date.

5           On the motion to continue this matter until  
6 January 29, 2026? Carol?

7           CAROL AGATE: Carol Agate in favor.

8           JIM MONTEVERDE: Thank you. Wendy?

9           WENDY LEISERSON: Wendy Leiserson in favor.

10          JIM MONTEVERDE: Thank you. Michael?

11          MICHAEL LAROSA: Michael LaRosa in favor.

12          JIM MONTEVERDE: Thank you. Daniel?

13          DANIEL HIDALGO: Daniel Hidalgo in favor.

14          JIM MONTEVERDE: Thank you. And Jim Monteverde in  
15 favor.

16          [All vote YES]

17          JIM MONTEVERDE: That's five in favor. We are  
18 continued. Sorry to keep moving this along, but.

19          MONICA TOFT: No, it's okay.

20          IVAN TOFT: We appreciate your help and your  
21 support.

22          MONICA TOFT: Yeah. Thank you. We appreciate it.

1 JIM MONTEVERDE: Yep. Okay. Thanks.

2 MONICA TOFT: Take care.

3 JIM MONTEVERDE: January 29. Thank you.

4 IVAN TOFT: See you next year.

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City of Cambridge  
Department of Public Works

*John F. Nardone, Commissioner*

147 Hampshire Street  
Cambridge, MA 02139  
theworks@cambridgema.gov

Voice: 617 349 4800

TDD: 617 499 9924

To: Monica Toft,  
Property Owner 63 Washburn Ave

From: John F Nardone  
Commissioner DPW

Date: November 4<sup>th</sup>, 2025

**Re: 63 Washburn Ave**

Attached is a copy of the survey conducted by WDA Design Group for your property at 63 Washburn Avenue.

Following a review by the City Engineer and comparison with records on file, the survey accurately reflects the right-of-way line on Washburn Avenue. On the survey, I've highlighted this right-of-way line in yellow. The area between the right-of-way line and the back of the sidewalk is shaded in blue. Portions of the brick driveway, brick walk, and shrubs located within this blue-shaded area fall within the City's right-of-way.

The WDA survey aligns with the historic street acceptance plan and reflects the City's understanding of the right-of-way boundary. Based on this review, the Department of Public Works has no objection to the proposed improvements outlined in your application, provided they remain within the limits of your property as shown on the WDA survey.

Sincerely,

A handwritten signature in blue ink, appearing to read "John F. Nardone", with a long horizontal flourish extending to the right.

John F Nardone  
Commissioner

