

# **CITY OF CAMBRIDGE**

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MAN 10:31

617-349-6100

OFFICE OF THE CITY CLERK CAMBRIDGE, MASSACHUSETTS

# **BZA Application Form**

$\mathbf{B}'_{\mathbf{z}}$	ZA	Num	ber:	14340	05
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## **General Information**

The undersigned he	reby petitions the Board of Zoning Appeal for the following:
Special Permit:	Variance:X Appeal:
PETITIONER: Jeff	rey & Abagail Gordon C/O Scott Vaughn - Vaughn Associates, Inc.
PETITIONER'S AD	DRESS: 1 Mifflin Place, Cambridge, MA 02138
LOCATION OF PR	OPERTY: 6 Porter Cir, Cambridge, MA
TYPE OF OCCUPA	NCY: Two family ZONING DISTRICT: Residence B Zone
REASON FOR PE	TITION:
/Additions/	
DESCRIPTION OF	PETITIONER'S PROPOSAL:
Construction of Car front, side, and rear	port to protect car from falling ice/snow from roof. Portions of the proposed work are within the yard setbacks.
SECTIONS OF ZO	NING ORDINANCE CITED:
The state of the s	Section: 5.31 (Table of Dimensional Requirements). Section: 10.30 (Variance).
	Original Signature(s):  (Petitioner (s) / Owner)  Scott Vacquel  (Print Name)
	Address:
Date: 10 /6/2	Tel. No. 617-776-6333 E-Mail Address: smvaughn@verizon.net

## 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. Address: State that I/We own the property located at which is the subject of this zoning application. The record title of this property is in the name of  $1e^{-1}$ \*Pursuant to a deed of duly recorded in the date 6/14/201,8Middlesex South County Registry of Deeds at Book 71107, Page 446; or Middlesex Registry District of Land Court, Certificate No. Book \_\_\_\_\_ Page AUTHORIZED TRUSTEE, OFFICER OR AGENT\* \*Written evidence of Agent's standing to represent petitioner may be requested. gordon personally appeared before me, The above-name this  $\triangle$  of  $\triangle uovik$ , 20  $\overline{21}$ , and made oath that the above statement is true. Notary 2021

Scott M. Vaughn
NOTARY PUBLIC
Commonwealth Of Massachusetts

My commission expires

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

(Notary Seal).

Scott M. Vaughn NOTARY PUBLIC Commonwealth Of Mossechuseith Wy Comission Explose 1914/8014

#### 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:

On going damage to parked car from falling ice and snow.

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:

Slope of roof above parking space and/or location of solar panels above parking space.

### 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 carport has been designed with the minimum profile necessary to construct the work.

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 work will allow the ongoing use of an off street parking space, and there is no negative impact on the adjoining properties.

<sup>\*</sup>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: <u>Jeffrey & Abagail Gordon</u> Present Use/Occupancy: <u>Two family</u>

Location: 1 Mifflin Place Zone: Residence B Zone

Phone: 617-776-6333 Requested Use/Occupancy: Two family

		Existing Conditions	Requested Conditions	<u>Ordinance</u> <u>Requirements</u>	
TOTAL GROSS FLOOR AREA:		N/A	N/A	N/A	(max.)
LOT AREA: RATIO OF GROSS		N/A	N/A	N/A	(min.)
FLOOR AREA TO LOT AREA: 2 LOT AREA OF		N/A	N/A	N/A	
EACH DWELLING UNIT		N/A	N/A	N/A	
SIZE OF LOT:	WIDTH	36'	36'	50'	
	DEPTH	N/A	N/A	N/A	
SETBACKS IN FEET	FRONT	0	0	15'	
	REAR	N/A	N/A	N/A	
	LEFT SIDE	N/A	N/A	N/A	
	RIGHT SIDE	10.33'	.25'	7.5'	
SIZE OF BUILDING:	HEIGHT	37.3'	N/A	35'	
	WIDTH	N/A	N/A	N/A	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		N/A	N/A	N/A	
NO. OF DWELLING UNITS:		2	2	2	
NO. OF PARKING SPACES:		1	1	0	
NO. OF LOADING AREAS:		N/A	N/A	N/A	
DISTANCE TO NEAREST BLDG. ON SAME LOT		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.

- 1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
- 2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
- 3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

### **BZA Application Form**

Project Address: 6 Porter Circle

Application Date: 8 SEP 2021

	Existing	Allowed or Required (max/min)	Proposed	Permitted
Lot Area (sq ft)	2,250 SF	5,000 SF	No Change	
Lot Width (ft)	34'	50'	No Change	
Total Gross Floor Area (sq ft)	3,826 SF	1,150 SF	No Change	
Residential Base	2,341 SF		No Change	
Non-Residential Base	1,485 SF		No Change	
Inclusionary Housing Bonus	n/a	n/a	n/a	
Total Floor Area Ratio	1.7	0.5	No Change	
Residential Base	1.04		No Change	
Non-Residential Base	0.66		No Change	
Inclusionary Housing Bonus	n/a	n/a	n/a	
Total Dwelling Units	2	2	2	
Base Units	2	2	2	
Inclusionary Bonus Units	0	0	0	
Base Lot Area / Unit (sq ft)	1,250 SF	2,500 SF	No Change	
Total Lot Area / Unit (sq ft)	1,250 SF	2,500 SF	No Change	
Building Height(s) (ft)	35' +/-	35' +/-	No Change	
Front Yard Setback (ft)	3.5'	15'	No Change	
Side Yard Setback (ft)	4.1'	7.5' / Sum 20'	No Change	
Side Yard Setback (ft)	10.4'	7.5' / Sum 20'	0.25'	
Rear Yard Setback (ft)	3.4'	25'	No Change	
Open Space (% of Lot Area)	64%	40%	50%	
Private Open Space	1,000 SF	50%	1,000 SF	
Permeable Open Space	775 SF	50%	775 SF	
Other Open Space (Specify)	350 SF parking		Carport	
Off-Street Parking Spaces	1	1	1	
Long-Term Bicycle Parking	0	0	0	
Short-Term Bicycle Parking	0	0	0	
Loading Bays	0	0	0	

Use space below and/or attached pages for additional notes:

Seth Harwood 11 Pine Hill Rd. Easthampton, MA 01027 October 30, 2021

Jeff & Abby Gordon 6 Porter Circle Cambridge MA 02140

Dear Jeff and Abby,

As an owner of 1-2 Porter Circle, I am writing in support of your proposed carport for 5-6 Porter Circle, Cambridge MA. Your plans look good to me. I certainly understand that you would not want to incur further car damage or potential injury to people from snow and ice falling off your roof.

I hold Power of Attorney for my mother, Judith Harwood, and co-own 1-2 Porter Circle along with her. We are both in agreement around supporting your proposed car port.

Yours,

Seth Harwood

**From:** jeffreyagordon@comcast.net, **To:** smvaughn@verizon.net,

Subject: FW: RE: Proposed Carport at 5-6 Porter Circle

Date: Fri, Oct 15, 2021 11:37 am

Hi Scott,

A message of support from my neighbor.

Jeff

Sent from Samsung Galaxy smartphone.

----- Original message -----

From: Brian Aylward < Aylward @ SmithLevensonLaw.com>

Date: 10/13/21 6:46 AM (GMT-05:00)

To: Jeffrey Gordon <jeffreyagordon@comcast.net> Cc: Brian Aylward <Aylward@SmithLevensonLaw.com> Subject: RE: Proposed Carport at 5-6 Porter Circle

October 13, 2021

Jeff & Abby Gordon

6 Porter Circle

Cambridge MA 02140

RE: 6 Porter Circle, Cambridge, MA carport.

Dear Jeff and Abby:

Thanks for your email below explaining your need for a carport at your home at 6 Porter Circle. My wife May Sun and I own 3-4 Porter Circle which is next to your property. I have spoken with each of you in detail about the carport, including, your need for it, its location and the impact on the neighbors. Please know that we support your request for a variance before the City of Cambridge ZBA or other review process. Your other snow control methods have not worked and I had a chance to see the aftereffects of the snow damage and the danger and fear you felt for yourself, your tenants and anyone walking in that area. If you have any questions, please feel free to contact me anytime.

Very truly yours,

/s/ Brian Aylward, Trustee

Owner of 3-4 Porter Circle Realty Trust

292 Newbury Street, #400

Boston, MA 02115

(978) 766-5283 Aylward@SmithLevensonLaw.com

#### **CONFIDENTIALITY NOTICE**

THIS E-MAIL AND ANY FILES TRANSMITTED WITH IT ARE CONFIDENTIAL AND ARE INTENDED SOLELY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM THEY ARE ADDRESSED. THIS LAW FIRM ENGAGES IN DEBT COLLECTION AND IN SUCH INSTANCES; THIS IS AN ATTEMPT TO COLLECT A DEBT; THIS COMMUNICATION IS FROM A DEBT COLLECTOR, AND ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE. This communication may contain material protected by the attorney-client privilege, other privileges and statutory protections. This communication does not establish any attorney-client relationship. If you are not the intended recipient or the individual responsible for delivering the email to the intended recipient, please be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. Code of Massachusetts Regulations 201 CMR 17 requires encryption when sending e-mails of certain personal information defined as a Massachusetts resident's first name and last name or first initial and last name, in combination with any one of the following data elements that relate to such resident, social security number; driver's license or state-issued identification number; or financial account number, or credit or debit card number, with or without any required security code, access code, personal identification number or password, that would permit access to a Massachusetts resident's financial account. Personal information does not include information that is lawfully obtained from publicly available information, or from federal, state or local government records lawfully made available to the general public. We support S/MIME & PGP encryption. If in doubt use the U.S. Mail. If you have received this email in error, please immediately delete it from your system and notify our office by telephone at (978) 766-5283. Thank you.

From: Jeffrey Gordon

Sent: Monday, October 11, 2021 7:17 PM

To: Brian Aylward

Subject: RE: Proposed Carport at 5-6 Porter Circle

Hi Brian:

I'm attaching the carport plan as some others said it didn't come through when I sent it before.

Jeff

From: Jeffrey Gordon [mailto:jeffreyagordon@comcast.net]

Sent: Wednesday, October 6, 2021 4:23 PM

To: jeffreygordon@alum.mit.edu

Subject: Proposed Carport at 5-6 Porter Circle

As you may know every winter the snow and ice slides off our roof-solar-panels and onto our driveway. This past winter was the third time our car or our tenant's car was seriously damaged causing thousands of dollars in repair costs. The force of the ice and snow sliding off the panels could seriously injure or even kill anyone who was accidently in the wrong place in our driveway. We have submitted a variance request to the City of Cambridge to build a carport to protect people and cars from this damage – just a roof with open sides.

Attached is a drawing of the proposed carport. If you are willing to write a letter of support for our request we would be thankful for you taking the time to do so. Please address the letter to us saying that you are not opposed to the construction of the carport:

Jeff & Abby Gordon

6 Porter Circle

Cambridge MA

02140

Or you can send an email to jeffreygordon@alum.mit.edu.

We will provide copies of any letters that we receive to the Board of Zoning Appeal as part of our application. You will be receiving a mailing telling you when the public hearing will be held for our Zoning Appeal. If you can attend in person (or by Zoom meeting) to lend your support it would be greatly appreciated.

Needless to say if you have any questions we are available to meet with you to describe the proposed work in more detail. If there are any questions, we can't answer then we will be happy to set a time for you to meet with our architect (a plan of the work is attached with this email).

Thank you for your consideration of this request.

Sincerely,

Jeff & Abby

## Pacheco, Maria

From:

smvaughn@verizon.net

Sent:

Monday, December 6, 2021 5:03 PM

To:

Pacheco, Maria

**Subject:** 

6 Porter Circle BZA-143405 - Request to continue hearing to a later date

#### Maria

On behalf of the petitioners Jeff & Abby Gordon the effort has been made to meet with the Courier family (abutters why filed a letter of opposition to the proposed work). At this time VA has received a written response, but no agreement to meet to discuss the work.

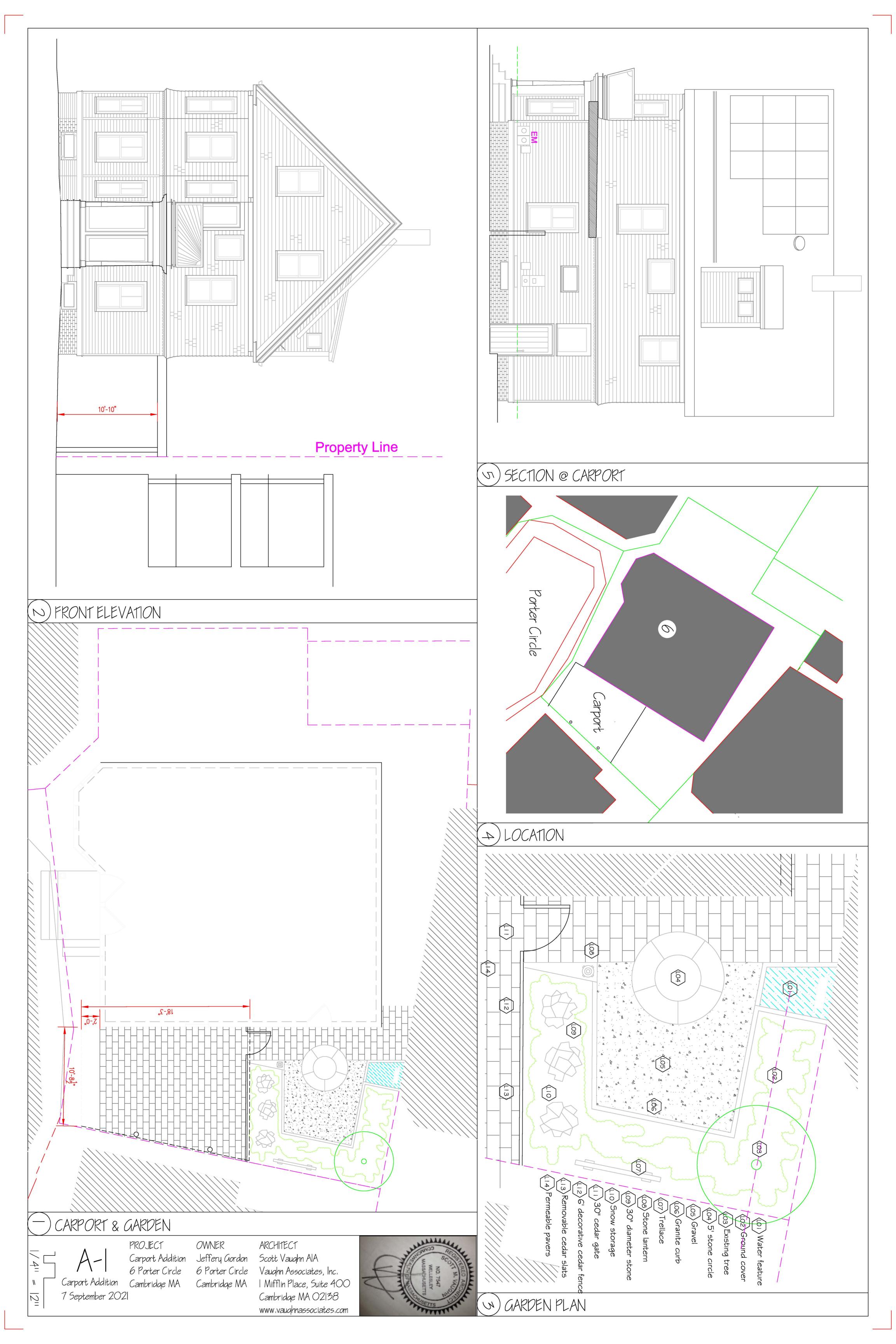
After discussion with the petitioners they would like to request that their next presentation the the Board be held at a hearing date after the currently scheduled January 6th date. This request is made so that additional time will be available to schedule a meeting with the Courier's in the effort to craft a mutually acceptable proposal.

Is this email sufficient to postpone to the following hearing date, or is there a form to be submitted.

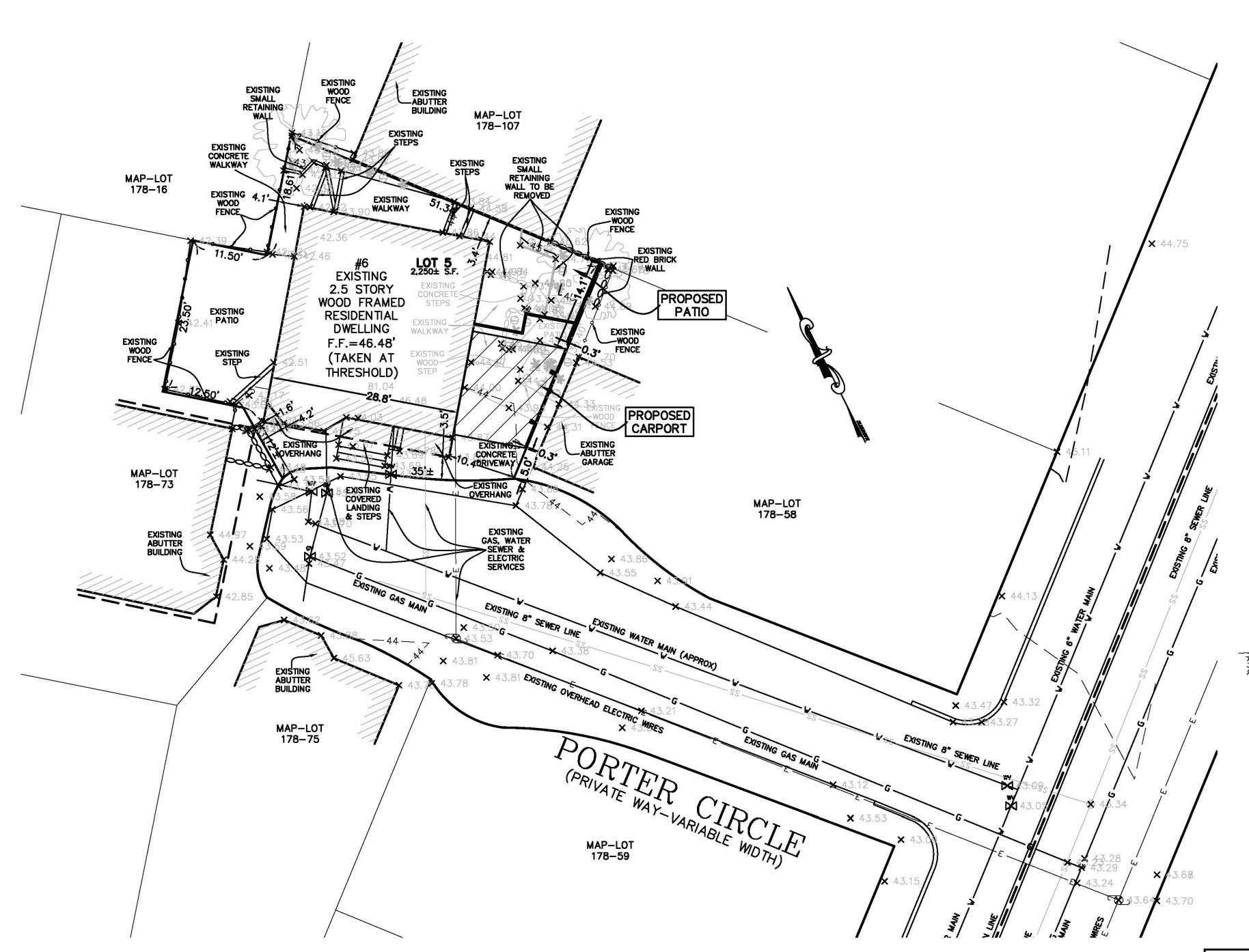
Thank you.

Scott

Vaughn Associates, Inc.

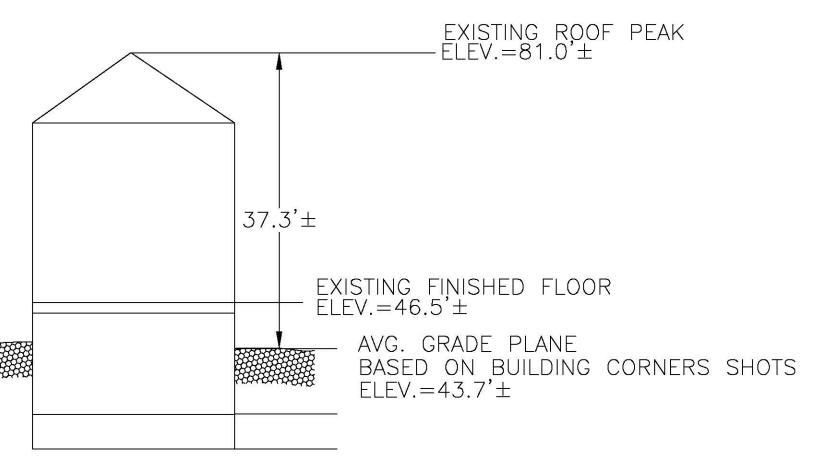


EXIST	ING LEGEND
22	SEWER LINE
<b>S</b>	SEWER MANHOLE
v	WATER LINE
—— G ——	GAS LINE
b	UTILITY POLE
©v ⊠	GAS VALVE
— Е	OVERHEAD ELECTRIC SERVICE
××	WATER VALVE
	CATCH BASIN
<u> </u>	FENCE
<del>2</del> 05	CONTOUR LINE (MJR)
<del></del>	CONTOUR LINE (MNR)
×	SPOT GRADE
<b>(D)</b>	DRAIN MANHOLE
**	HYDRANT
	TREE



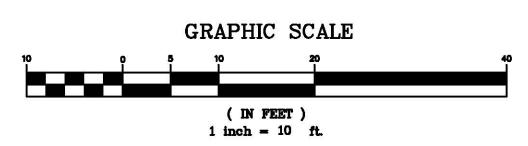
# NOTES:

- 1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC AS OF 04/12/2021.
- 2. DEED REFERENCE: BOOK 71102, PAGE 446, PLAN REFERENCE: BOOK 117, PAGE 36, 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 25017C0438E, PANEL NUMBER 0438E, 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.
- 7. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS PETER NOLAN & ASSOCIATES LLC ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
- 8. ZONING DISTRICT = RESIDENCE B
- 9. ELEVATIONS SHOWN ARE BASED ON CITY OF CAMBRIDGE DATUM.



EXISTING PROFILE NOT TO SCALE

SCALE "=10"					PETER CO
DATE 3/10/2021	REV	DATE	REVISION	BY	PETER J. J. NOLAN G
SHEET	6 PORTER CIRCLE CAMBRIDGE				CO 1 ST ERECTOR
PLAN NO. OF 1			SAME DATE		
CLIENT:		PR	OPOSED PLOT PLAN		SHEET NO.
DRAWN BY		,	TER NOLAN & ASSOCIATES LLC		1
CHKD BY					
APPD BY	697 CAMBRIDGE STREET, SUITE 103 BRIGHTON MA 02135 PHONE: 857 891 7478/617 782 1533 FAX: 617 202 5691 EMAIL: pnolan@pnasurveyors.com				

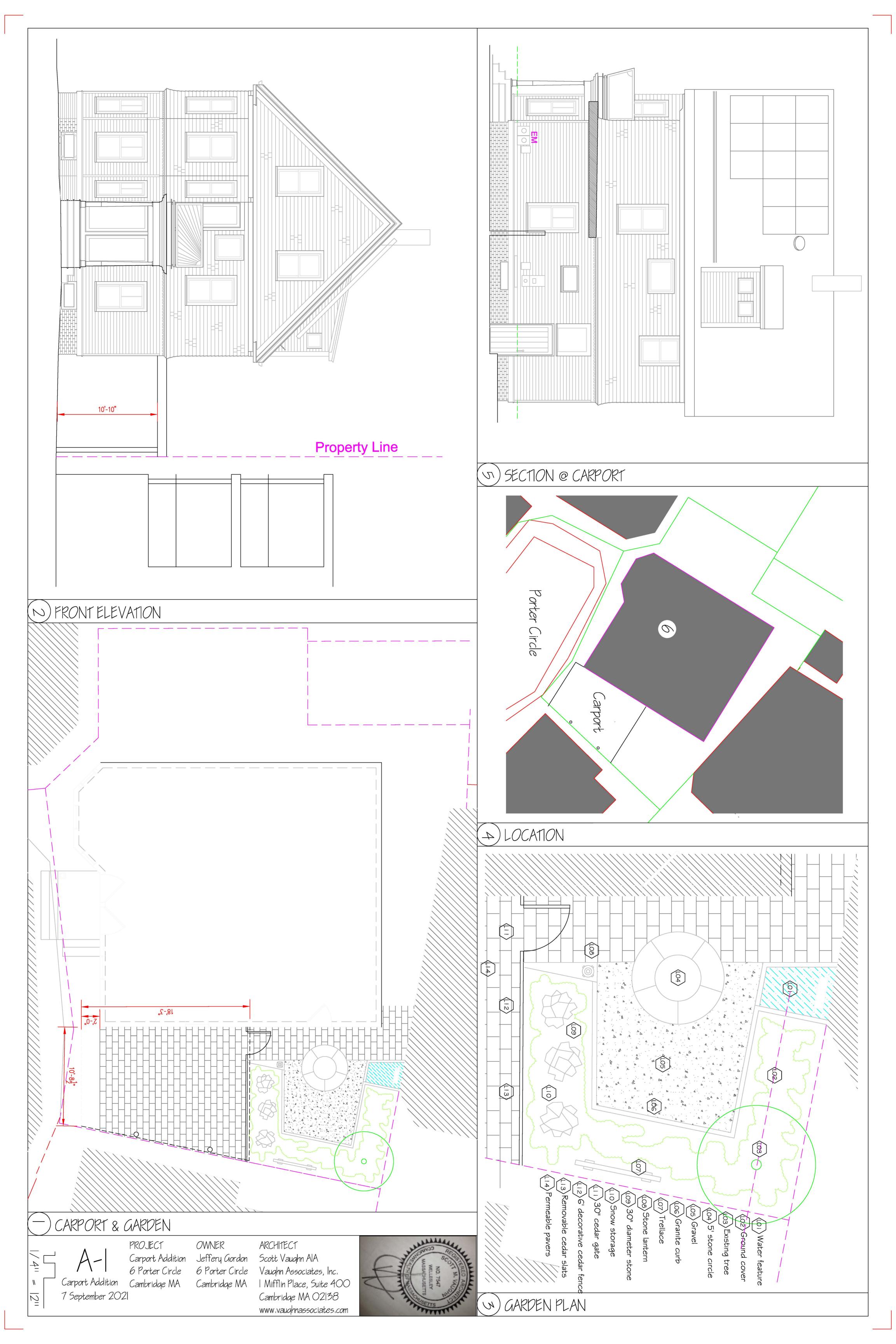


PETER NOLAN & ASSOCIATES LLC SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES; OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORKING ACCORDANCE WITH THE CONTRACT DOCUMENTS.

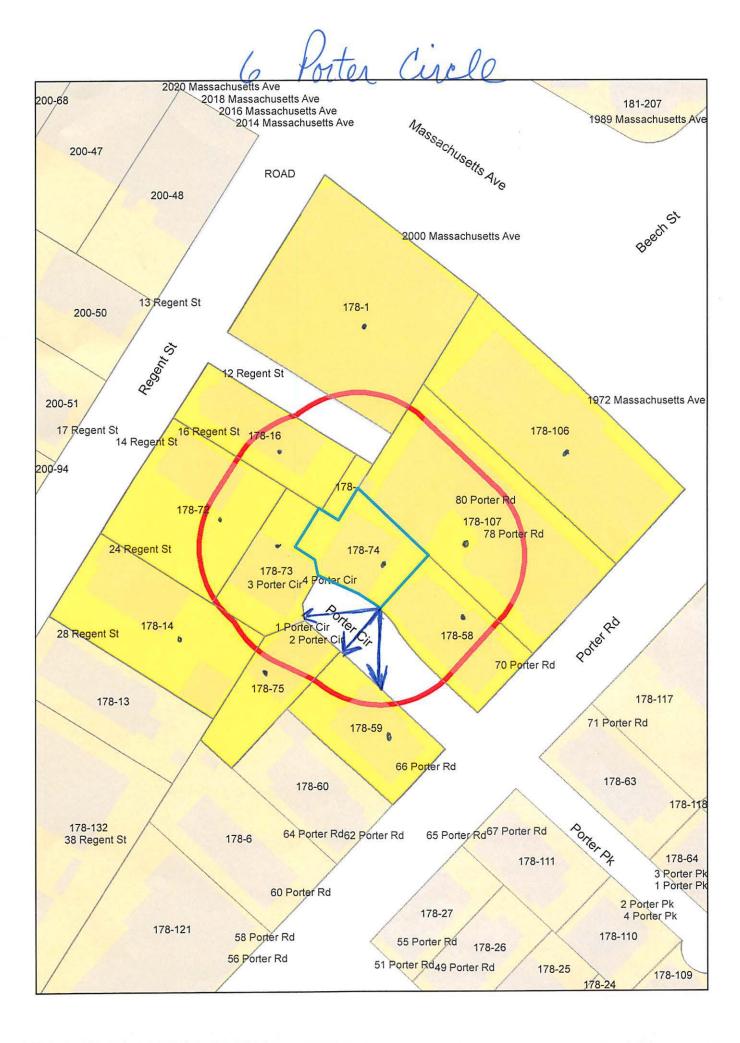
THE EXTENT OF PETER NOLAN & ASSOCIATES LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIRD PARTY COST

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MODIFICATIONS TO THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF PETER NOLAN & ASSOCIATES I.L. SHALL RENDER IT INVALID AND UNUSABLE.







178-14 THORNER, BENJAMIN & CHRISTINE P. THORNER 24 REGENT STREET CAMBRIDGE, MA 02140

178-75 HARWOOD, JUDITH 1 PORTER CIRCLE CAMBRIDGE, MA 02140

178-59
CAPUCCIO, STEPHEN P. &
PATRICIA D.CAPUCCIO, TRUSTEES
68 PORTER RD
CAMBRIDGE, MA 02140

178-72 THIBAULT, CAROLYN, TRS 14 REGENT ST CAMBRIDGE, MA 02140 178-58
COURIER, WILLIAM FLORIAN &
CARON D. COURIER, TRS
70 PORTER RD
CAMBRIDGE, MA 02140

178-107 CAMBRIDGE AFFORDABLE HOUSING CORP 1770 MASS AVE STE #331 CAMBRIDGE, MA 02140

178-106 NEW ENGLAND REAL ESTATE DEVELOPMENT, INC. C/O OMAR BANDAR P.O. BOX 400751 CAMBRIDGE, MA 02140

178-1 BANDAR RAYMOND B 6 WOODLAND ST ARLINGTON, MA 02476 178-74 GORDON, JEFFREY A. & ABIGAIL A. GORDON 6 PORTER CIR CAMBRIDGE, MA 02140

1 times

VAUGHN ASSOCIATES INC. C/O SCOTT VAUGHN 1 MIFFLIN PLACE – SUITE 400 CAMBRIDGE, MA 02138

178-16 MCCLENDON, LEE CHRISTOPHER TING-YING WU MCCLENDON 12 REGENT ST CAMBRIDGE, MA 02139

178-73 SUN, YONGMEI & BRIAN AYLWARD 292 NEWBURY ST., #400 BOSTON, MA 02115 October 28, 2021

Board of Zoning Appeal Attn: Ms. Maria Pacheco 831 Massachusetts Avenue Cambridge, MA 02139-3201

Dear Ms. Pacheco,

The purpose of this letter is to further review case number BZA-143405, virtual hearing date November 4, 2021. The petition is requesting the construction of a carport at 6 Porter Circle to which we are direct abutters and to request the Board of Zoning Appeal that we are formally opposed to the petition. We are concerned for the following reasons:

- · Accessibly to my property for maintenance due to carport in the ladder zone
- · The proposed carport will prevent us from being able to maintain our wood balconies and fire escape
- The carport is proposed up to the property lot line
- We did not receive a boundary survey
- · A plot plan is not sufficient evidence of actual property division
- · We did not see any survey markers showing us carport and other proposed structures

Thank you for your time and consideration.

Sincerely, Wor + Sill

Caron and Bill Courier 70 Porter Road

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: Scon Voyly	Date: 10/20/202/
Address: 6 Porter Cicle	· ·
Case No. BTA-143405	
Hearing Date: 11/4/21	

Thank you, Bza Members

## Pacheco, Maria

From: Bill Courier <sox720@gmail.com>

Sent: Thursday, December 30, 2021 11:58 AM

**To:** Pacheco, Maria; Caron Courier; William Courier **Subject:** Fwd: Emailing: BZA CASE NUMBER BZA-143405.pdf

Attachments: BZA CASE NUMBER BZA-143405.pdf

#### Good Morning Ms. Pacheco,

Caron & I just wanted to keep the BZA up to date. As of today, December 30, 2021 we have not received any additional correspondence from Jeff and Abby Gordon or from Vaughn Associates from our request for information letter dated December 1, 2021 in preparation for their follow up meeting scheduled January 6, 2022. We would like to continue to go on the record that we continue objecting to the carport, especially since no action has taken place. We believe we have given them ample time to respond and meet with us and unfortunately have received no response to this matter. On a side note, we have also not received the letter back as undelivered from the Post Office that we mailed to Vaughn on December 1, 2021. Thank you for your ongoing assistance. Please reply to verify reciept of this email.

**HAPPY NEW YEAR!** 

Caron & Bill Courier

Your message is ready to be sent with the following file or link attachments:

BZA CASE NUMBER BZA-143405.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.