



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2026 MAY 29 AM 10:00

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 1208103

General Information

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Margaret Fuller Neighborhood House, Inc. C/O James J. Rafferty

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

LOCATION OF PROPERTY: 71 Cherry St., Cambridge, MA

TYPE OF OCCUPANCY: Social Services Center **ZONING DISTRICT:** Residence C-1 Zone

REASON FOR PETITION:

/Subdivision/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Applicant seeks to subdivide existing lot into two separate lots.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000	Section: 5.31 (Table of Dimensional Requirements).
Article: 5.000	Section: 5.15 (Subdivision).
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, Suite 300
Cambridge, MA 02139
 Tel. No. 617.492.4100
 E-Mail Address: jrafferty@adamsrafferty.com

Date: May 19, 2026

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 Selvin L. Chambers III (OWNER)

Address: 71 Cherry Street

State that I/We own the property located at 71 Cherry Street, Cambridge, Massachusetts, which is the subject of this zoning application.

The record title of this property is in the name of _____
MARGARET FULLBROOK NEIGHBORHOOD HOUSE, INC.

*Pursuant to deed of duly recorded in the date April 3, 1973, Middlesex South County Registry of Deeds at Book 12407, Page 186; or Middlesex Registry District of Land Court, Certificate No. N/A
Book N/A Page N/A

Selvin L. Chambers III
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*

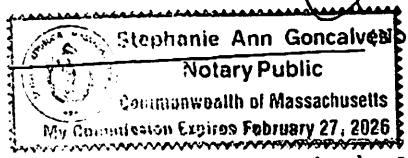
*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

The above-named Selvin Leonardo Chambers personally appeared before me, this 15 of Jan, 2020, and made oath that the above statement is true.

[Signature] Notary

My commission expires _____ (Notary Seal).
Stephanie Ann Goncalves
Notary Public



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

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 Ordinance would prevent the Petitioner from subdividing the lot as of right because the size of the existing structure results in a Floor Area Ratio that exceeds the .75 requirement by 368 square feet.

- 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 existing structure located thereon.

- 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:

To the contrary, the public good will benefit from this subdivision since it will result in a new owner (Cambridge Redevelopment Authority) being able to construct mixed-income housing on Lot B.

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

The nonconforming FAR of Lot A created by the subdivision will only be a temporary condition since the applicant intends to use the proceeds from the sale of Lot B to perform long needed renovations to the Margaret Fuller House which will result in the area of the existing structure being reduced, thus creating conforming FAR>

***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: Margaret Fuller Neighborhood House, Inc.
Location: 71 Cherry St., Cambridge, MA
Phone: 617.492.4100

Present Use/Occupancy: Social Services Center
Zone: Residence C-1 Zone
Requested Use/Occupancy: Social Services Center

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>
<u>TOTAL GROSS FLOOR AREA:</u>		7,163 sf	no change	12,930 sf (max.)
<u>LOT AREA:</u>		17,240 sf	9,060	see attached (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²		0.42	0.79	0.75
<u>LOT AREA OF EACH DWELLING UNIT</u>		N/A	no change	N/A
<u>SIZE OF LOT:</u>	WIDTH	85.33'	no change	N/A
	DEPTH	202.27'	105.98'	N/A
<u>SETBACKS IN FEET:</u>	FRONT	0'	no change	10'
	REAR	111.62'	15.83'	7.5'
	LEFT SIDE	0'	no change	10'
	RIGHT SIDE	6.8'	no change	7.5'
<u>SIZE OF BUILDING:</u>	HEIGHT	33' 4"	no change	35'
	WIDTH	90' 2"	no change	N/A
	LENGTH	78' 6"	no change	N/A
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		25%	36.7%	30%
<u>NO. OF DWELLING UNITS:</u>		0	no change	N/A
<u>NO. OF PARKING SPACES:</u>		20	1	N/A
<u>NO. OF LOADING AREAS:</u>		0	no change	N/A
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		N/A	no change	N/A

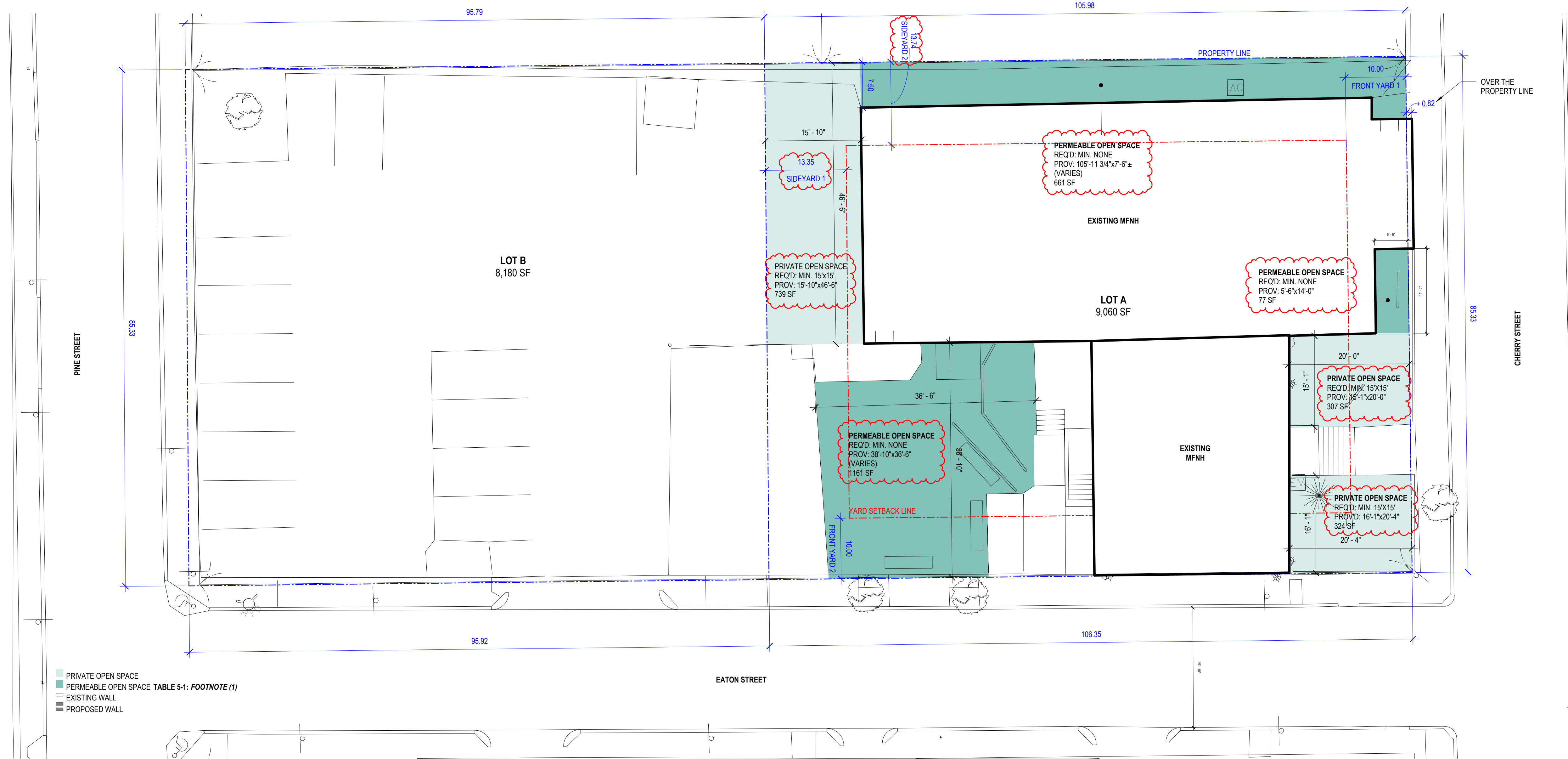
Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.:

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'.

Now or Formerly
**MARGARET FULLER
 NEIGHBORHOOD**
 BOOK 12407, PAGE 186
 PARCEL ID 75-172

PERMEABLE OPEN SPACE		PRIVATE OPEN SPACE		TOTAL OPEN SPACE	
AREA 1	662 SF	AREA 1	739 SF	PERMEABLE OPEN SPACE	1,900 SF
AREA 2	77 SF	AREA 2	307 SF	PRIVATE OPEN SPACE	1,370 SF
AREA 3	1,161 SF	AREA 3	324 SF	TOTAL OPEN SPACE	3,270 SF
TOTAL	1,900 SF	TOTAL	1,370 SF		



1 SITE PLAN - SUBDIVISION - LOT A & LOT B
 SCALE: 1" = 10'-0"

General Notes

5.24.4 ... For buildings of forty (40') feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b and c of Tables 5-1 and 5-2.

(2) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (H1, H2, etc.) times the length of each roof level (L1, L2, etc.) and dividing the sum by the sum of the length of the levels (L1, L2, etc.)

Average Height Formula

$$\frac{(H1 \times L1) + (H2 \times L2)}{L1 + L2} = \text{Average Height}$$

Front Yard Setback Formula

$$\frac{H + L}{6} = \text{Front Yard Setback (From Center of Road)}$$

** (re. 5.24.4)

Side Yard Setback Formula

$$\frac{H + L}{7.5} = \text{Side Yard Setback}$$

** (re. 5.24.4)

EAST ELEVATION (FRONT YARD 1)	
Average Height Formula	
$(33.97' \times 40.54') + (4.77' \times 13.25') + (9.52' \times 21.50') + (4.77' \times 3.49')$	
$40.54' + 13.25' + 21.50' + 3.49'$ = 21.09' Average Height	
Front Yard Setback Formula	
$\frac{21.09' + 78.78'}{6}$ = 16.65' Setback (From Center of Road)	

Table 5-1: Table of District Dimensional Requirements FOOTNOTE (5): Measured from the centerline of the street, but in no case may a non-residential building be nearer the street than ten (10) feet.

① EAST ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION (FRONT YARD 2)	
Average Height Formula	
$(7.81' \times 10.76') + (4.88' \times 22.33') + (7.92' \times 4.70') + (27.34' \times 11.90') + (34.09' \times 20.55') + (4.86' \times 14.35') + (10.23' \times 6.37')$	
$10.76' + 22.33' + 4.70' + 11.90' + 20.55' + 14.35' + 6.37'$ = 15.29' Average Height	
Front Yard Setback Formula	
$\frac{15.29' + 90.96'}{6}$ = 17.71' Setback (From Center of Road)	

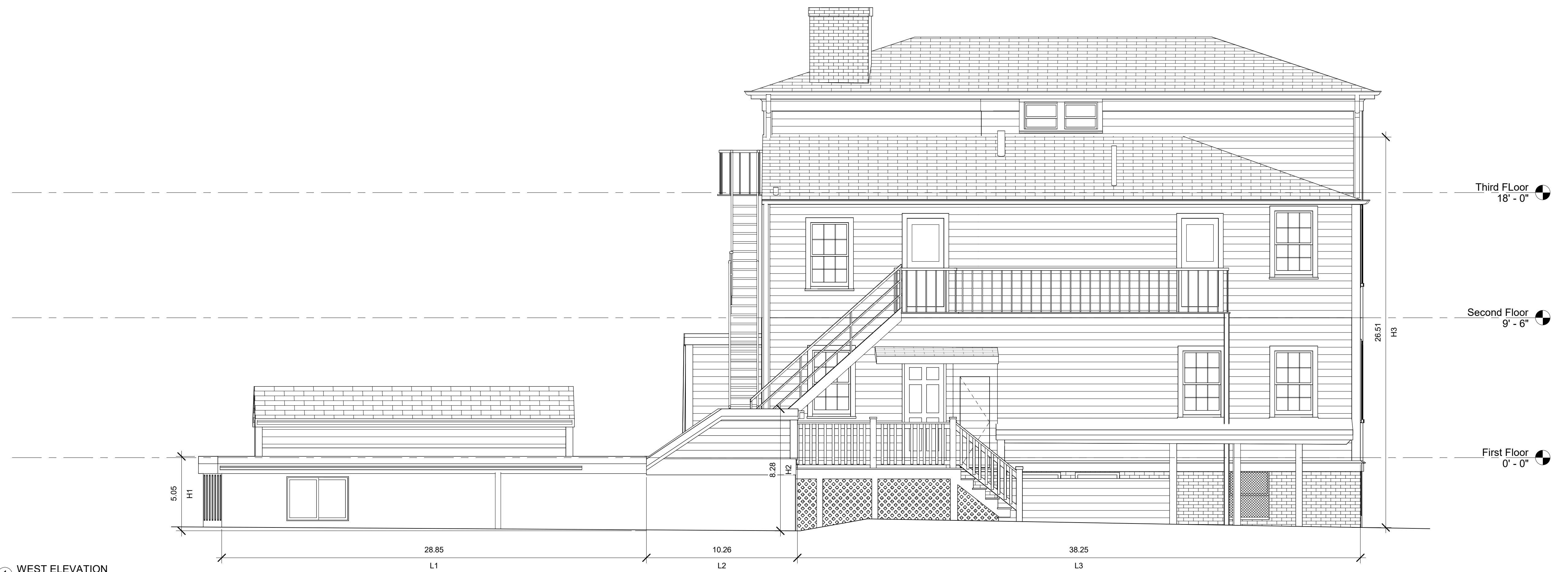
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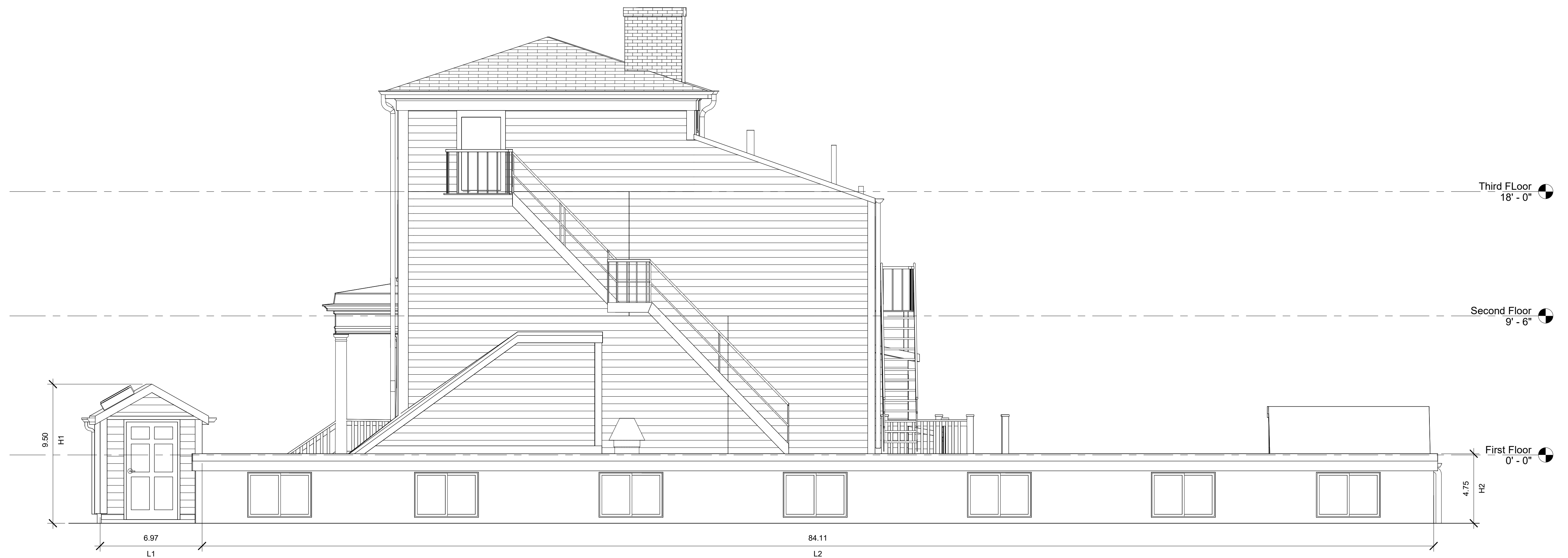
WEST ELEVATION (SIDE YARD 1)	
Average Height Formula	
$(5.05' \times 28.85') + (8.28' \times 10.26') + (26.51' \times 38.25')$	
$\frac{\quad}{28.85' + 10.26' + 38.25'} = 16.09'$ average height	
Side Yard Setback Formula	
$\frac{16.09' - 7.36'}{7}$	13.35' Setback

① WEST ELEVATION
1/4" = 1'-0"



NORTH ELEVATION (SIDE YARD 2)	
Average Height Formula	
$(9.50' \times 6.97') + (4.75' \times 84.11')$	
$\frac{\quad}{6.97' + 84.11'} = 5.11'$ Average Height	
Side Yard Setback Formula	
$\frac{5.11' - 31.08'}{7}$	13.74' Setback

② NORTH ELEVATION
1/4" = 1'-0"



5.25 GROSS FLOOR AREA (GFA) AND FLOOR AREA RATIO (FAR) 5.25.1

5.25.1 Gross Floor Area shall include:

(a) Roofed porches and balconies that are enclosed on more than fifty percent (50%) of their perimeter and do not meet the definition of Shaded Area.

Shaded Area. An outdoor area of a building or lot that is directly beneath a Shade Canopy as defined in this Zoning Ordinance, and that is horizontally open to the air on at least fifty percent (50%) of its perimeter.

Shade Canopy. An unenclosed structure that is freestanding or attached to a building, such as a pergola, arbor, porch cover, or awning, which is intended to protect outdoor areas from solar heat gain, and whose upper surface (which may be porous or nonporous) has a minimum Solar Reflectance Index (SRI) of 0.82 except in the case of a Solar Canopy.

(c) Elevator shafts and stairwells on each floor, not excluded in Section 5.25.2(c) or (f);

(d) Attic space, whether finished or unfinished, within the area of a horizontal plane that is five (5) feet above the attic floor and which touches the side walls and/or the underside of the roof rafters and which is not excluded in Section 5.25.2(f);

5.25.2 Gross Floor Area shall not include:

(a) Areas used for off street loading purposes;

(d) Open and lattice-work fire escapes;

(e) Unroofed porches and balconies no higher than the third floor;

(f) Areas located in any part of a building or site devoted to elevator machinery or mechanical equipment necessary for the operation and maintenance of the building, including heating and cooling equipment, electrical and telephone facilities, fuel storage, and sustainable mechanical systems and related equipment and chases for systems including, but not limited to, solar energy systems, geothermal systems and heat pumps, solar hot water systems and related tubes and tanks, equipment related to radiant heating, hydronic cooling, heat recovery ventilators, and energy recovery ventilators;

(g) Elevator shafts and stairwells on floors where there is no other area which qualifies to be included in Gross Floor Area.

(m) Shaded Area as defined in this Zoning Ordinance;

5.25.3 FAR Exemptions for Parking and Loading Facilities 5.25.3.1

Loading Facilities. Areas used for off-street loading purposes shall be exempt from the requirements as to Floor Area Ratio but shall conform to all other requirements of the district in which it is located.

Article 22.000 - SUSTAINABLE DESIGN AND DEVELOPMENT

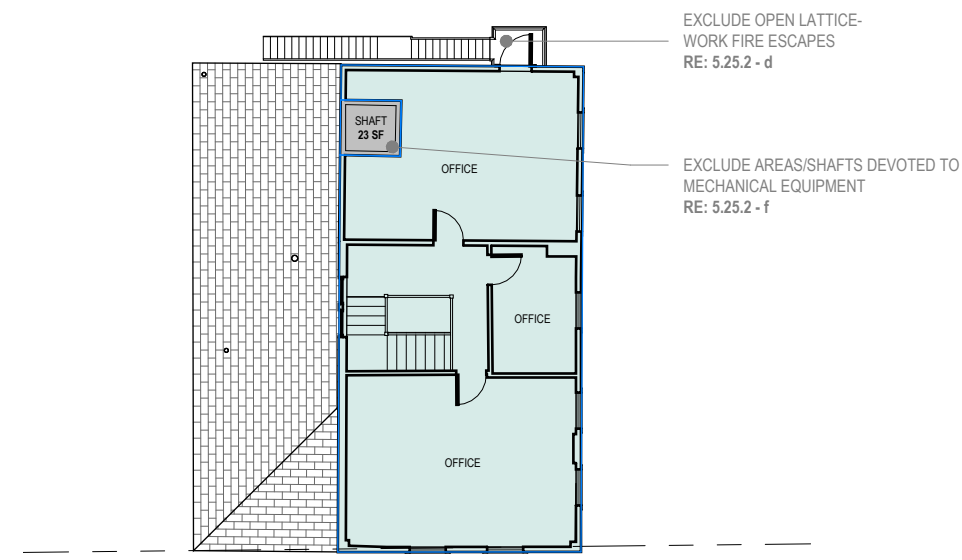
22.43.1 Floor Area Exemption for Added Exterior Insulation. Where the thickness of a solid, non-removable exterior wall of a building is greater than six (6) inches, such wall being comprised entirely of structural material, insulating material and interior and exterior finishes, any Gross Floor Area that is further than six (6) inches from the innermost solid plane of the exterior wall may be excluded from the calculation of Gross Floor Area of a building.

EXISTING GSF/ GFA MATRIX			
FLOOR	GSF	GFA EXCLUDED	GFA INCLUDED
ATTIC	822	23	799
L2	1,312	41	1,271
L1	1,315	53	1,262
BASEMENT	4,558	727	3,831
TOTAL:	8,007 SF	844 SF	7,163 SF

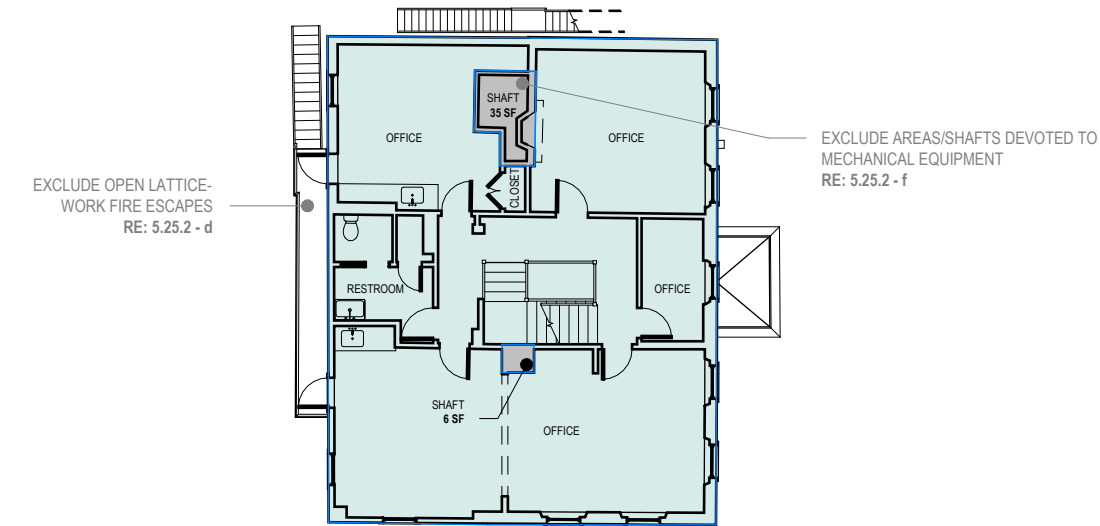
SUBDIVISION LOT A		
REGULATION	REQUIRED	PROPOSED
LOT AREA	N/A	9,060 SF
FAR (0.75 MAX)	0.75 MAX	.79
GFA	N/A	7,163 SF
OPEN SPACE (30%)	2,718 SF	3,270 SF
PERMEABLE OPEN SPACE (50%)	1,359 SF MIN	1,500 SF
PRIVATE OPEN SPACE		1,370 SF

SUBDIVISION LOT B		
REGULATION	REQUIRED	PROPOSED
LOT AREA	N/A	8,180 SF
FAR	N/A	N/A
GFA	N/A	N/A
OPEN SPACE	N/A	N/A
NO OPEN SPACE REQUIREMENT RE: 5.22 Open Space		

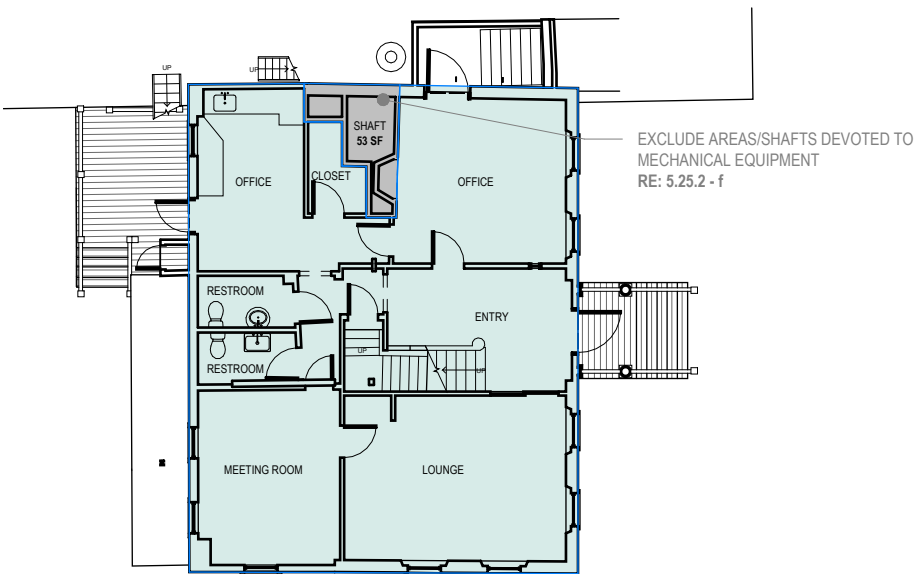
GSF GFA EXCLUDED GFA INCLUDED



12 EXISTING GFA - ATTIC
SCALE: 1/16" = 1'-0"



11 EXISTING GFA - SECOND FLOOR
SCALE: 1/16" = 1'-0"



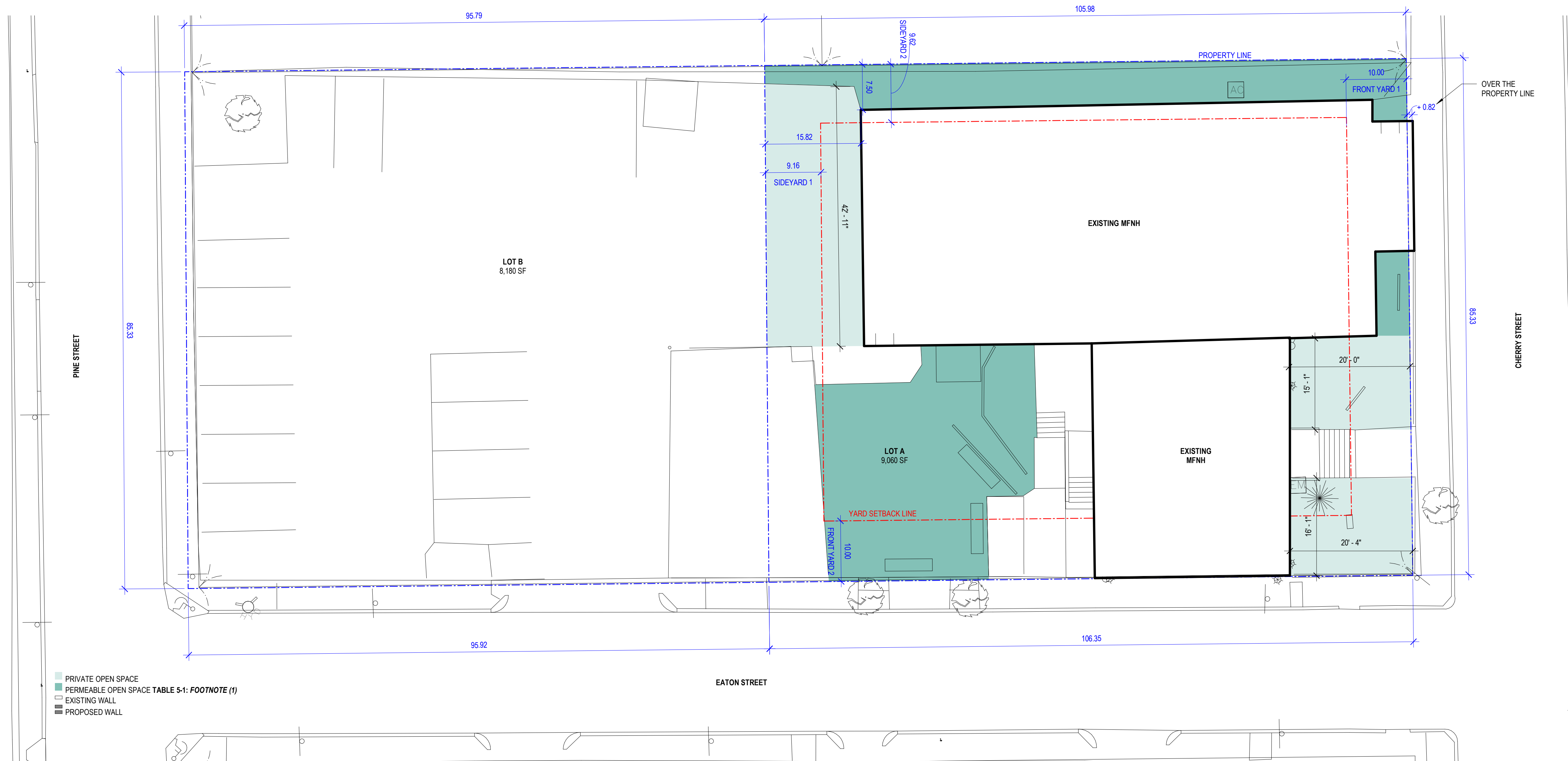
10 EXISTING GFA - FIRST FLOOR
SCALE: 1/16" = 1'-0"



9 EXISTING GFA - BASEMENT
SCALE: 1/16" = 1'-0"



Now or Formerly
**MARGARET FULLER
 NEIGHBORHOOD**
 BOOK 12407, PAGE 186
 PARCEL ID 75-172



1 SITE PLAN - SUBDIVISION - LOT A & LOT B
 SCALE: 1" = 10'-0"

General Notes

5.24.4 ... For buildings forty (40') feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b and c of Tables 5-1 and 5-2.

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Average Height Formula

$$\frac{(H1 \times L1) + (H2 \times L2)}{L1 + L2} = \text{Average Height}$$

Front Yard Setback Formula

$$\frac{H + L'}{8} = \text{Front Yard Setback (From Center of Road)}$$

** (re: 5.24.4)

Side Yard Setback Formula

$$\frac{H + L'}{10} = \text{Side Yard Setback}$$

** (re: 5.24.4)

EAST ELEVATION (FRONT YARD 1)	
Average Height Formula	
$(33.97' \times 40.54') + (4.77' \times 13.25') + (9.52' \times 21.50') + (4.77' \times 3.49')$	
$40.54' + 13.25' + 21.50' + 3.49'$	
$= 21.09'$ Average Height	
Front Yard Setback Formula	
$\frac{21.09' + 78.78'}{8} = 12.48'$ Setback (From Center of Road)	

Table 5-1: Table of District Dimensional Requirements FOOTNOTE (5): Measured from the centerline of the street, but in no case may a non-residential building be nearer the street than ten (10) feet.

① EAST ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION (FRONT YARD 2)	
Average Height Formula	
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$10.76' + 22.33' + 4.70' + 11.90' + 20.55' + 14.35' + 6.37'$	
$= 15.29'$ Average Height	
Front Yard Setback Formula	
$\frac{15.29' + 90.96'}{8} = 13.28'$ Setback (From Center of Road)	

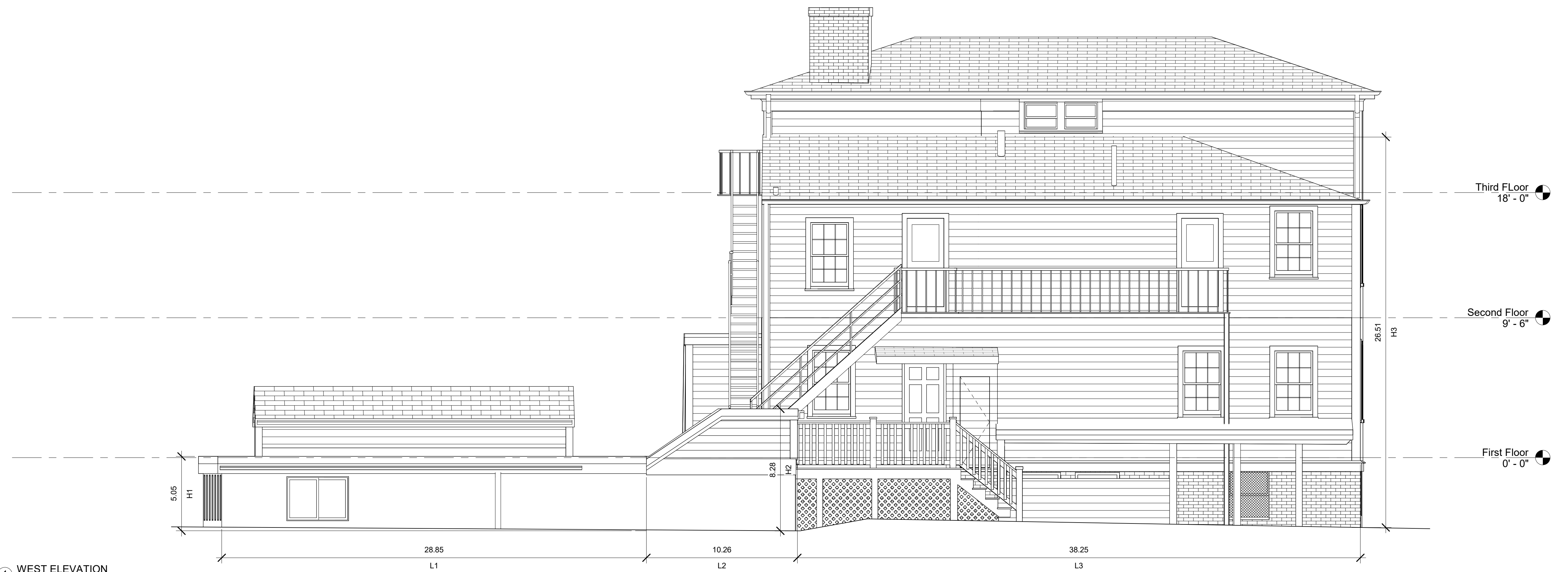
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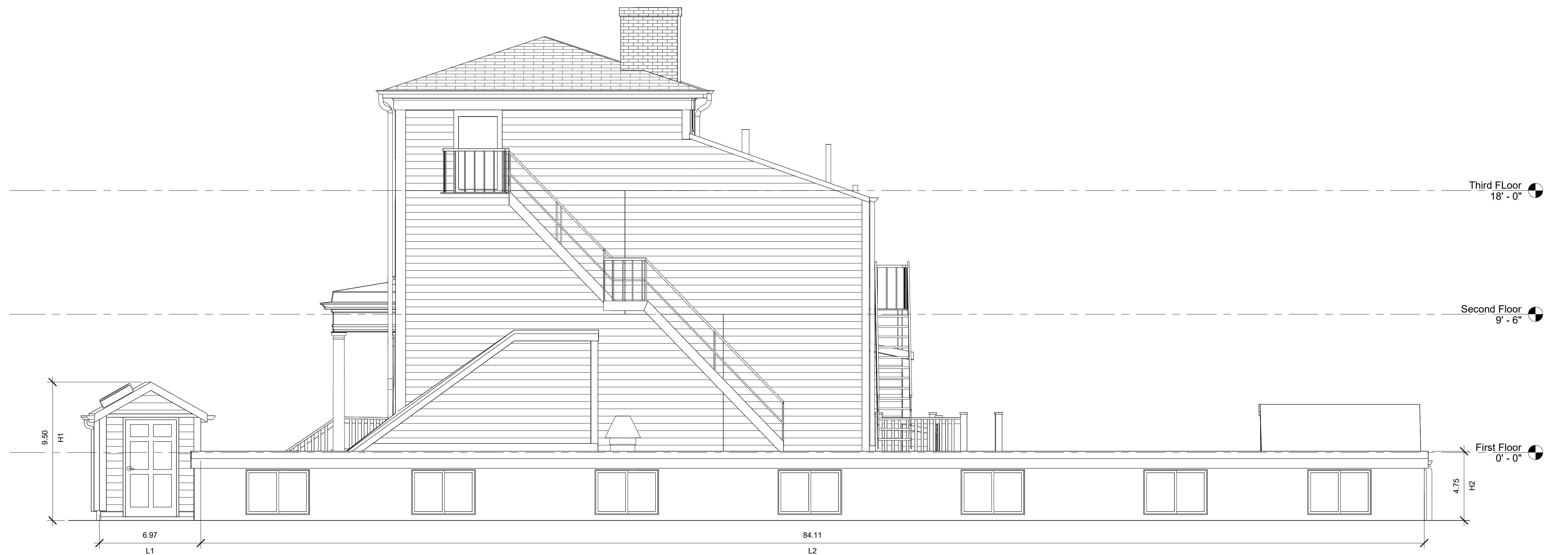
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Side Yard Setback Formula	
$\frac{14.21' + 77.36'}{10} = 9.16'$ Setback	

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NORTH ELEVATION (SIDE YARD 2)	
Average Height Formula	
$(9.50' \times 6.97') + (4.75' \times 84.11')$	
$\frac{\quad}{6.97' + 84.11'} = 5.11'$ Average Height	
Side Yard Setback Formula	
$\frac{5.11' + 91.08'}{10} = 9.62'$ setback	

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5.25.1 Gross Floor Area shall include:

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(c) Elevator shafts and stairwells on each floor, not excluded in Section 5.25.2(c) or (f);

(d) Attic space, whether finished or unfinished, within the area of a horizontal plane that is five (5) feet above the attic floor and which touches the side walls and/or the underside of the roof rafters and which is not excluded in Section 5.25.2(f);

5.25.2 Gross Floor Area shall not include:

(a) Areas used for off street loading purposes;

(d) Open and lattice-work fire escapes;

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(f) Areas located in any part of a building or site devoted to elevator machinery or mechanical equipment necessary for the operation and maintenance of the building, including heating and cooling equipment, electrical and telephone facilities, fuel storage, and sustainable mechanical systems and related equipment and chases for systems including, but not limited to, solar energy systems, geothermal systems and heat pumps, solar hot water systems and related tubes and tanks, equipment related to radiant heating, hydronic cooling, heat recovery ventilators, and energy recovery ventilators;

(g) Elevator shafts and stairwells on floors where there is no other area which qualifies to be included in Gross Floor Area;

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Article 22.000 - SUSTAINABLE DESIGN AND DEVELOPMENT

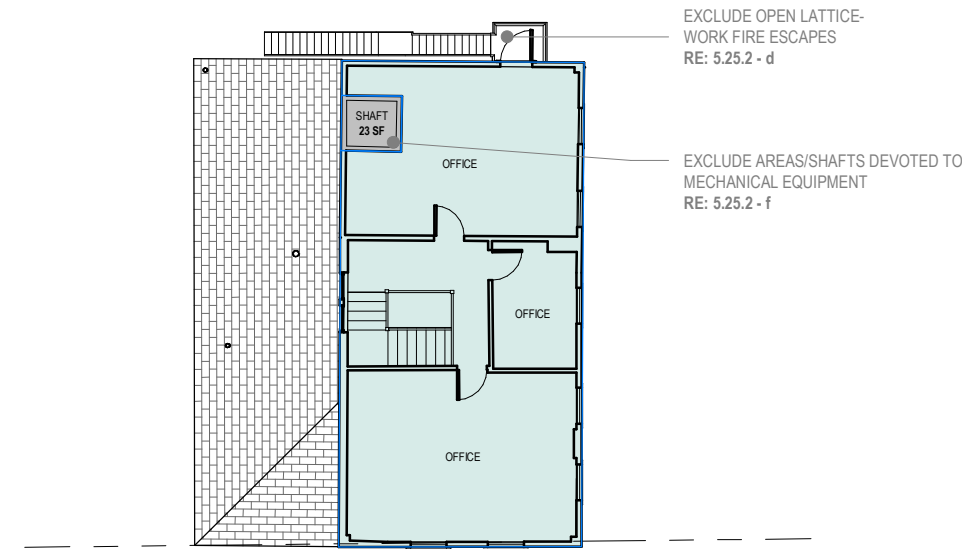
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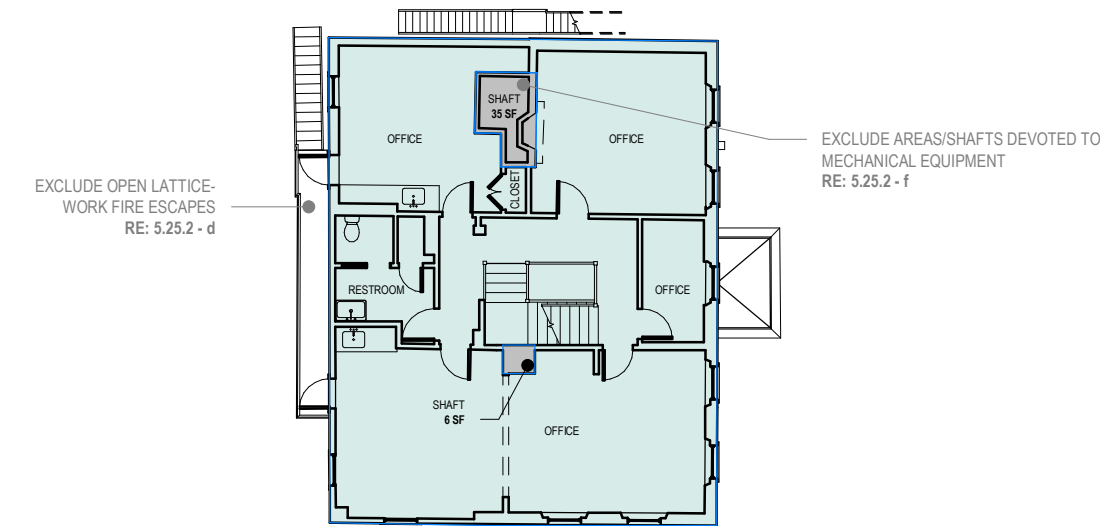
SUBDIVISION LOT A		
REGULATION	REQUIRED	PROPOSED
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FAR (0.75 MAX)	0.75 MAX	.79
GFA	N/A	7,163 SF
OPEN SPACE (30%)	2,718 SF	3,325 SF
PERMEABLE OPEN SPACE (50%)	1,359 SF MIN	1,954 SF
PRIVATE OPEN SPACE		1,371 SF

SUBDIVISION LOT B		
REGULATION	REQUIRED	PROPOSED
LOT AREA	N/A	8,180 SF
FAR	N/A	N/A
GFA	N/A	N/A
OPEN SPACE	N/A	N/A
NO OPEN SPACE REQUIREMENT RE: 5.22 Open Space		

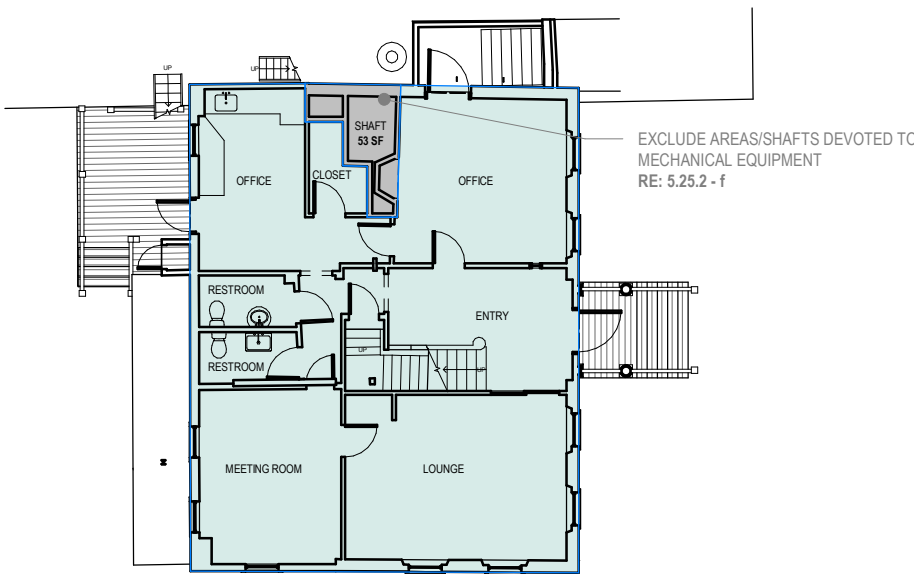
GSF GFA EXCLUDED GFA INCLUDED



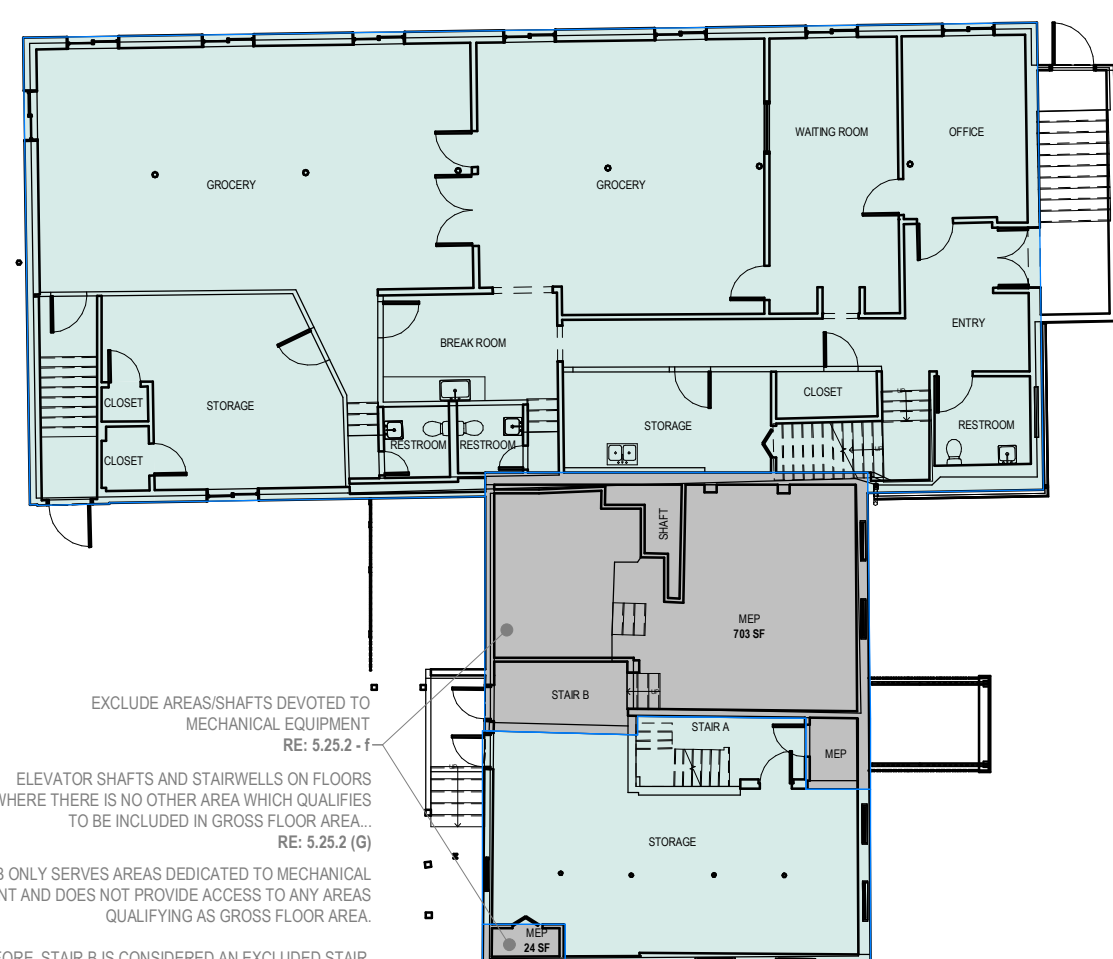
12 EXISTING GFA - ATTIC
SCALE: 1/16" = 1'-0"



11 EXISTING GFA - SECOND FLOOR
SCALE: 1/16" = 1'-0"

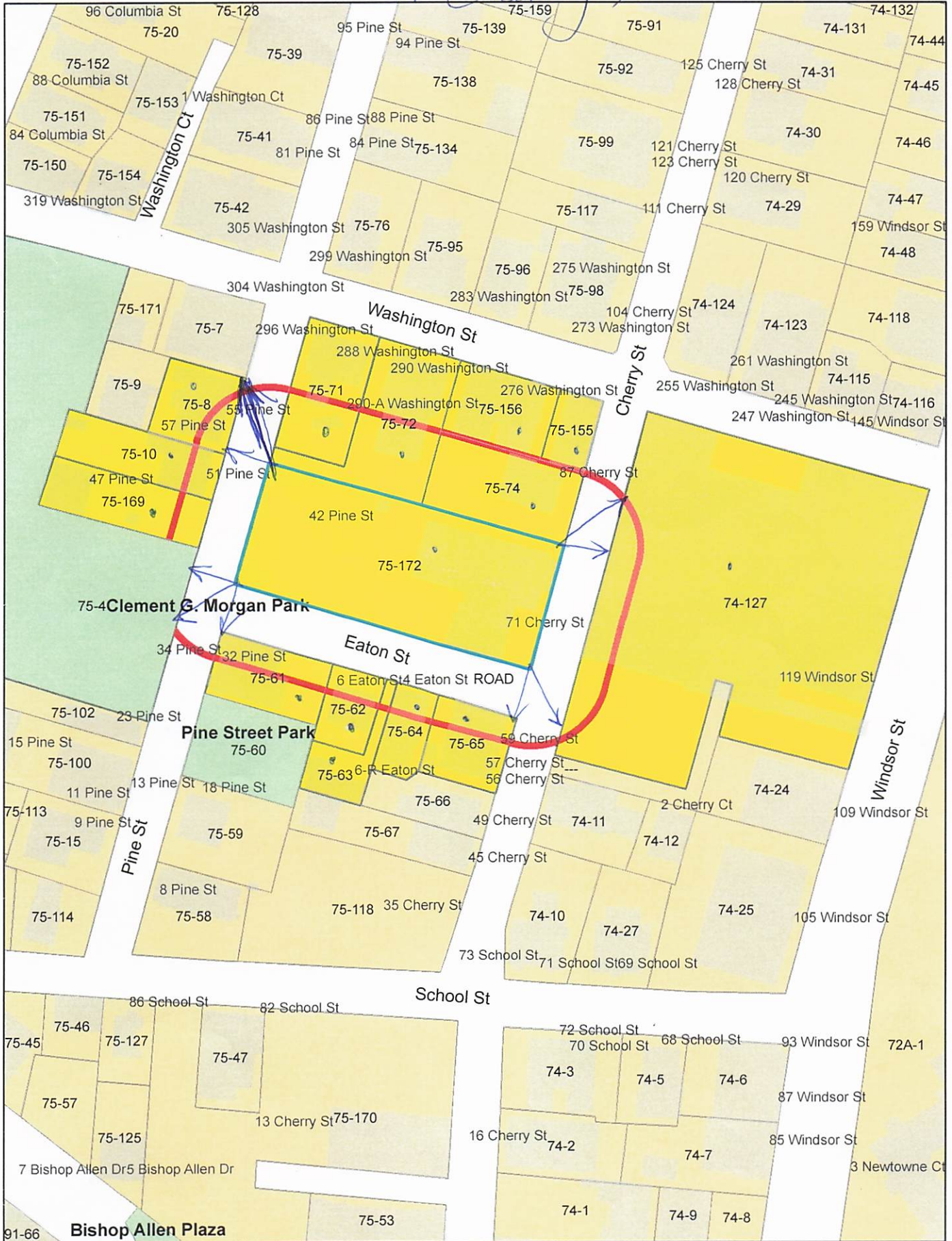


10 EXISTING GFA - FIRST FLOOR
SCALE: 1/16" = 1'-0"



9 EXISTING GFA - BASEMENT
SCALE: 1/16" = 1'-0"

71 Cherry St.



71 Cherry St

Pettinover

74-127
CITY OF CAMBRIDGE
C/O CAMBRIDGE HOSPITAL
1493 CAMBRIDGE ST.
CAMBRIDGE, MA 02139

75-65
DINIZ, JOHN F. & LEIGH H ROYDEN TRS
57 CHERRY ST UNIT 2
CAMBRIDGE, MA 02139

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE - SUITE 300
CAMBRIDGE, MA 02139

75-72
FAITH-SMITH, BONNIE
290A WASHINGTON ST
CAMBRIDGE, MA 02139

75-172
MARGARET FULLER NEIGHBORHOOD
HOUSE, INC.
71 CHERRY STREET
CAMBRIDGE, MA 02139

75-8
HO, CHIEN-CHIH
16 WILLIAMS ST
ARLINGTON, MA 02476

75-61
COLON, LUIS
32 PINE ST UNIT 2
CAMBRIDGE, MA 02139-3514

75-64
ROACHFORD, DANIEL & MARLENE E. HARRIS
& STACIE ROACHFORD CALIXTE TRS.
4 EATON STREET
CAMBRIDGE, MA 02139

75-72
FOUGY-JOSEPH, YANICK
288B WASHINGTON ST
CAMBRIDGE, MA 02139

75-155
AIMES, ELISE & VICTOR O'NEAL AIMES
266 WASHINGTON ST.
CAMBRIDGE, MA 02139-3506

75-4
CAMBRIDGE CITY OF COMM DEV
57 INMAN ST
CAMBRIDGE, MA 02139

75-10
FERRI, ANNE,
TR. OF FAVERSHAM TRUST
51 PINE ST
CAMBRIDGE, MA 02139-3513

75-74
PAYNE, CYMIE R.
STEPHEN R. ELSTON & ET-AL
983 RIDGE RD
MONMOUTH JUNCTION, NJ 08852

75-65
GAYDOSH, DOROTHY T.
TRS THE GAYDOSH REALTY TR OF 2023
57-59 CHERRY ST - UNIT 57-1
CAMBRIDGE, MA 02139

75-71
DOTTIN, GERALD
270 GARDEN ST
CAMBRIDGE, MA 02138

75-65
GODBOUT, JONATHAN & WENJING LIU
410 PLEASANT ST
BELMONT, MA 02478

75-65
MARTELLOTTO, SEBASTIAN
59 CHERRY ST UNIT 59-2
CAMBRIDGE, MA 02139

75-72
ADUGNA, SABA
290 WASHINGTON ST
CAMBRIDGE, MA 02139

75-156
WASHINGTON STREET CAMBRIDGE
MASSACHUSETTS LLC.
C/O DWM PROPERTY MGMT, ATTN: ACCT. DEPT
60 MASSACHUSETTS AVE
ARLINGTON, MA 02474

75-169
FYFIELD, JEROME E. & ANGELITA M. FYFIELD
47 PINE ST.
CAMBRIDGE, MA 02139-3513

75-62
JEFFS, DANIEL P.
6 EATON ST
CAMBRIDGE, MA 02139

75-63
JEFFS, KATINKA MARY ANNE
TRS THE WALDEN TR
6R EATON ST
CAMBRIDGE, MA 02139

75-72
NANCE, BAU BAU K.
288A WASHINGTON ST
CAMBRIDGE, MA 02139

74-127 & 75-4
CITY OF CAMBRIDGE
C/O MEGAN BAYER,
CITY SOLICITOR

74-127 & 75-4
CITY OF CAMBRIDGE
C/O YI-AN HUANG
CITY MANAGER



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

3 Bds

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name:

Glin Knudler
(Print)

Date:

6/10/20

Address:

71 Cherry St.

Case No.

BZA - 1208/03

Hearing Date:

6/25/26

Thank you,
Bza Members

AMENDED SUPPORTING STATEMENT 6/10/26

BZA Application Form

71 Cherry St.
J #1208103

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 Ordinance would prevent the Petitioner from subdividing the lot as of right because the size of the existing structure results in a Floor Area Ratio that exceeds the .75 requirement by 368 square feet.

- 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 existing structure located thereon.

- 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:

To the contrary, the public good will benefit from this subdivision since it will result in a new owner (Cambridge Redevelopment Authority) being able to construct mixed-income housing on Lot B.

- 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 lots are conforming, but for slightly non-conforming FAR on the lot that will contain the Margaret Fuller House. The Open Space, setbacks and height regulations will continue to conform to the dimensional regulations of the Zoning Ordinance.

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