

BZA APPLICATION FORM

GENERAL INFORMATION

BZA-190731

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

Special Permit: X

Variance: _____

Appeal: _____

PETITIONER: JENNA LARSON + JACOB SMIGIEL

PETITIONER'S ADDRESS: 78 EVERY ST.

LOCATION OF PROPERTY: 78 EVERY ST

TYPE OF OCCUPANCY: SINGLE FAM ZONING DISTRICT: RES C-1

REASON FOR PETITION:

_____ Additions	_____ New Structure
_____ Change in Use/Occupancy	_____ Parking
_____ Conversion to Addi'l Dwelling Unit's	_____ Sign
<u>X</u> _____ Dormer	_____ Subdivision
_____ Other: _____	

DESCRIPTION OF PETITIONER'S PROPOSAL:

RECONFIGURE EXISTING ROOF + GABLE END TO
CREATE ADDITIONAL LIVING SPACE. CONSTRUCT
NEW WINDOWS, SUN TUNNELS + SKYLIGHTS IN
EXISTING NONCONFORMING ELEVATIONS.

SECTIONS OF ZONING ORDINANCE CITED:

Article 5 Section 5.31 TABLE OF DIV. REQ.
Article 8 Section 8.22.2d + 8.22.2c NON-CONFORMING
Article 10 Section 10.4 SPECIAL PERMIT

Applicants for a **Variance** must complete Pages 1-5

Applicants for a **Special Permit** must complete Pages 1-4 and 6

Applicants for an **Appeal** to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s):

Jacob Smigiel
(Petitioner(s)/Owner)

Jacob Smigiel
(Print Name)

Address:

78 EVERY ST
CAMBRIDGE, MA 02138

Tel. No.:

339-788-0392

E-Mail Address:

js21j123@gmail.com

Date:

8.18.22

The undersigned hereby certifies the truth of the following information:

Special Permit: ☒ Validated: ☐ Expiry: ☐

PERSON FOR WHOM APPLIED: JOHN J. JAMES

APPLICANT'S ADDRESS: 1000 10th St. N.W.

LOCATION OF PROPERTY: 1000 10th St. N.W.

TYPE OF OCCUPANCY: RENTAL

PERSON FOR WHOM APPLIED: JOHN J. JAMES

Additional: ☐ Change of Use: ☐

Conversion to Residential Use: ☐

Other: ☒

Other: ☐

REASON FOR APPLICANT'S REQUEST:

TO OBTAIN A SPECIAL PERMIT FOR THE CONVERSION OF THE ABOVE PROPERTY FROM A SINGLE-FAMILY RESIDENTIAL TO A TWO-FAMILY RESIDENTIAL USE. THE PROPERTY IS CURRENTLY OCCUPIED BY TWO FAMILIES AND THE APPLICANT REQUESTS A SPECIAL PERMIT TO LEGALIZE THIS USE.

SECTION OF ZONING ORDINANCE CITED:

ARTICLE 17, SECTION 17.01, ZONING ORDINANCE, CITY OF WASHINGTON, D.C.

APPLICANT'S DECLARATION: I, the undersigned, declare that the information furnished herein is true and correct to the best of my knowledge and belief, and I am not aware of any facts which would render the same false or misleading.

Original Signature(s): [Signature]

Witness Signature(s): [Signature]

Notary Public Signature: [Signature]

Notary Public Seal: [Seal]

Notary Public Commission Expires: 12/31/2010

Notary Public Name: JOHN J. JAMES

Notary Public Address: 1000 10th St. N.W.

Notary Public Phone: 202-555-1234

Notary Public Email: john.james@dc.gov

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 Jacob Smigiel (OWNER)

Address: 78 Elery St, Cambridge, MA 02138

State that I/We own the property located at 78 ELERY ST., which is the subject of this zoning application.

The record title of this property is in the name of JENNA LARSON + SMIGIEL

*Pursuant to a deed of duly recorded in the date 6.6.86, Middlesex South County Registry of Deeds at Book 17072, Page 281; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.

Jacob Smigiel
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 JACOB SMIGIEL personally appeared before me, this 16 of AUG, 20 22, and made oath that the above statement is true.

My commission expires _____ (Notary Seal).
Notary



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

THE NATIONAL GUARANTEE AND FIDELITY BONDING COMPANY

of Canada has under a contract with the Government of Canada the privilege of insuring the fidelity of its employees.

It is hereby certified that the above named company is a duly licensed and authorized company under the laws of the Province of Ontario.

Witness my hand and the seal of the Registrar of Companies at Toronto, this 15th day of June, 1915.

THE REGISTRAR

By the Registrar of Companies, Ontario

THE NATIONAL GUARANTEE AND FIDELITY BONDING COMPANY

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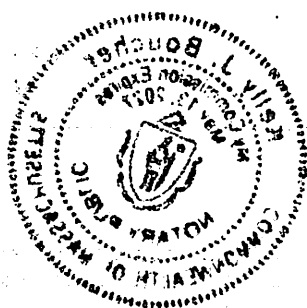
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THE REGISTRAR

By the Registrar of Companies, Ontario



BZA Application Form

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 78 Ellery St., Cambridge, MA (location) would not be a detriment to the public interest because:

- A)** Requirements of the Ordinance can or will be met for the following reasons:
- the relief is minor in nature and does not increase any existing nonconformities
- B)** Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:
- traffic will be unaffected by the proposed project
- C)** The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:
- the proposed fenestration changes and roof reconfiguration are minor in nature and will not create any adverse affects on adjacent uses
- D)** Nuisance or hazard would not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:
- the existing use, single family residence, will remain unchanged and no hazard or nuisance is created by continuing the exsiting use.
- E)** For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:
- the proposed changes are consistent with other residential structures in the neighborhood and will not adversely impare the integrity of the neighborhood. It has been reviewed and approved by the MCNCD as an appropriate renovation of the historic carraige house.

***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: Jenna Larson & Jacob Smigiel
Location: 78 Ellery St., Cambridge, MA
Phone: 339-788-0392

Present Use/Occupancy: Single Family
Zone: Residence C-1 Zone
Requested Use/Occupancy: Single Family

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		2972	3126	4131	(max.)
<u>LOT AREA:</u>		5508	5508	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.53	0.56	0.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		5508	5508	1500	
<u>SIZE OF LOT:</u>	WIDTH	85'	85'	50'	
	DEPTH	150'	150'	n/a	
<u>SETBACKS IN FEET:</u>	FRONT	21'	21'	10.0'	
	REAR	1.5'	unchanged	20'	
	LEFT SIDE	6.3'	unchanged	14.7'	
	RIGHT SIDE	0.4'	unchanged	14.7'	
<u>SIZE OF BUILDING:</u>	HEIGHT	25.3'	unchanged	35'	
	WIDTH	25.5'	unchanged	n/a	
	LENGTH	78.1'	unchanged	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		39%	unchanged	30%	
<u>NO. OF DWELLING UNITS:</u>		1	unchanged	3.6	
<u>NO. OF PARKING SPACES:</u>		2	unchanged	1	
<u>NO. OF LOADING AREAS:</u>		n/a	n/a	n/a	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		n/a	n/a	n/a	

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

none

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'.

PROJECT SUMMARY

ZONING SUMMARY

THIS IS AN EXISTING RESIDENTIAL SINGLE FAMILY STRUCTURE LOCATED IN A RES C-1 ZONE.

THE HOUSE IS EXISTING NONCONFORMING FOR BUIDLING SETBACKS.

- THE PROPOSED MODIFICATIONS INCLUDE
- RAISING EXISTING LEFT SIDE RIDGE TO ALIGN WITH RIGHT SIDE, NO INCREASE IN OVERALL BUIDLING HEIGHT AND A SMALL INCREASE IN CONFORMING GFA
 - CHANGES TO EXTERIOR FENESTRAITON WITHIN SETBACKS (FRONT)
 - CONSTRUCT SKYLIGHTS WITHIN SETBACKS (SIDE + REAR)
 - CONVERT EXISTING GARAGE SPACE TO FITNESS ROOM, SMALL INCREASE IN CONFORMING GFA

HISTORIC / OVERLAY DISTRICT SUMMARY

THIS PROJECT IS LOCATED WITHIN THE MID-CAMBRIDGE NEIGHBORHOOD CONSERVATION DISTRICT. APPLIED FOR A CERTIFICATE OF APPROPRIATENESS FROM THE MCNCD - MAY 2022 HEARING DATE CASE NUMBER: TBD

BUILDING USE AND OCCUPANCY

GENERAL BUILDING/PROJECT DESCRIPTION:

RENOVATION AND RECONSTRUCTION OF A SINGLE FAMILY RESIDENTIAL WOOD FRAME STRUCTURE. PROPERTY HAS AN EXISTING ATTACHED GARAGE

THE PROJECT IS NONCONFORMING TO CURRENT ZONING REGULATIONS AND WILL REQUIRE A SPECIAL PERMIT FROM THE BZA FOR CHANGES PROPOSED WITHIIN SETBACKS.

OCCUPANCY GROUP:
PER IBC 310.5 RESIDENTIAL - GROUP **R-3** ONE AND TWO FAMILY

CONSTRUCTION TYPE:
PER IBC TABLE 6.1 CONSTRUCTION TYPE **V-B**
WOOD FRAME STRUCTURE, RATED BEARING WALLS REQ.

FIRE PROTECTION SYSTEMS:
THE BUILDING WILL BE EQUIPPED WITH A LOCAL TYPE SMOKE AND CARBON MONOXIDE DETECTION SYSTEM. ALARM AND SPRINKLER SYSTEMS ARE NOT REQUIRED.

APPLICABLE CODES - 1-2 FAMILY RESIDENTIAL

BUILDING CODES
MASSACHUSETTS STATE BUILDING CODE, 780 CMR
9TH EDITION AMENDMENTS
INTERNATIONAL RESIDENTIAL CODE 2015 IRC
INTERNATIONAL EXISTING BLDG CODE 2015 IEBC

FIRE PREVENTION CODES
INTERNATIONAL FIRE CODE 2015 IFC, 527 CMR

ACCESSIBILITY
MA ARCHITECTURAL ACCESS BOARD 521 CMR

M-E-P CODES
MASSACHUSETTS ELECTRICAL CODE 527 CMR 12.00
INTERNATIONAL ELECTRICAL CODE 2015 IEC
INTERNATIONAL MECHANICAL CODE 2015 IMC
UNIFORM STATE PLUMBING CODE 2015 IPC, 248 CMR

ENERGY CODE
INTERNATIONAL ENERGY CONSERV. 2015 IECC
WITH MASSACHUSETTS AMENDMENTS 780 CMR CH. 11

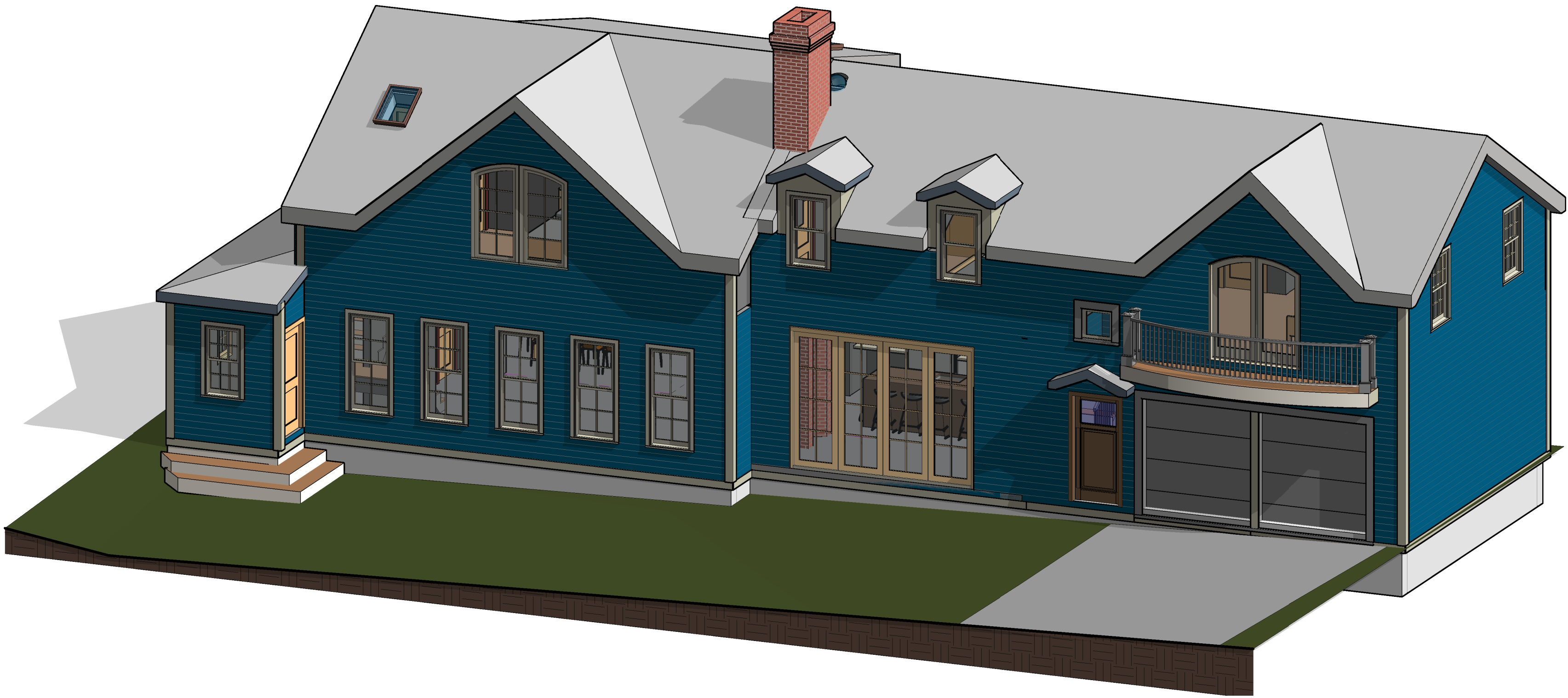


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A302	BUILDING SECTIONS

COVER SHEET
BZA SUBMISSION SET

78 ELLERY STREET, CAMBRIDGE MA



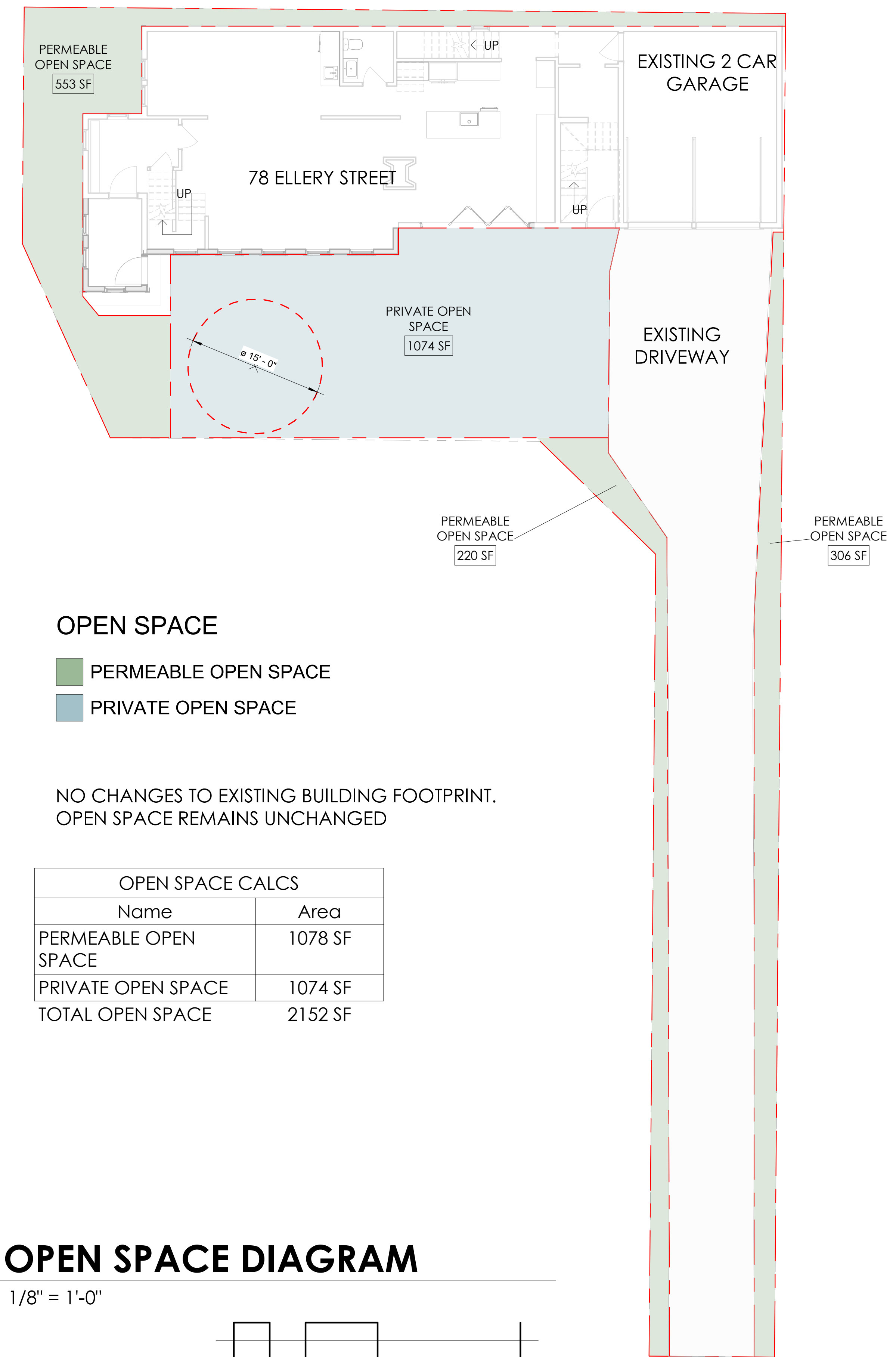
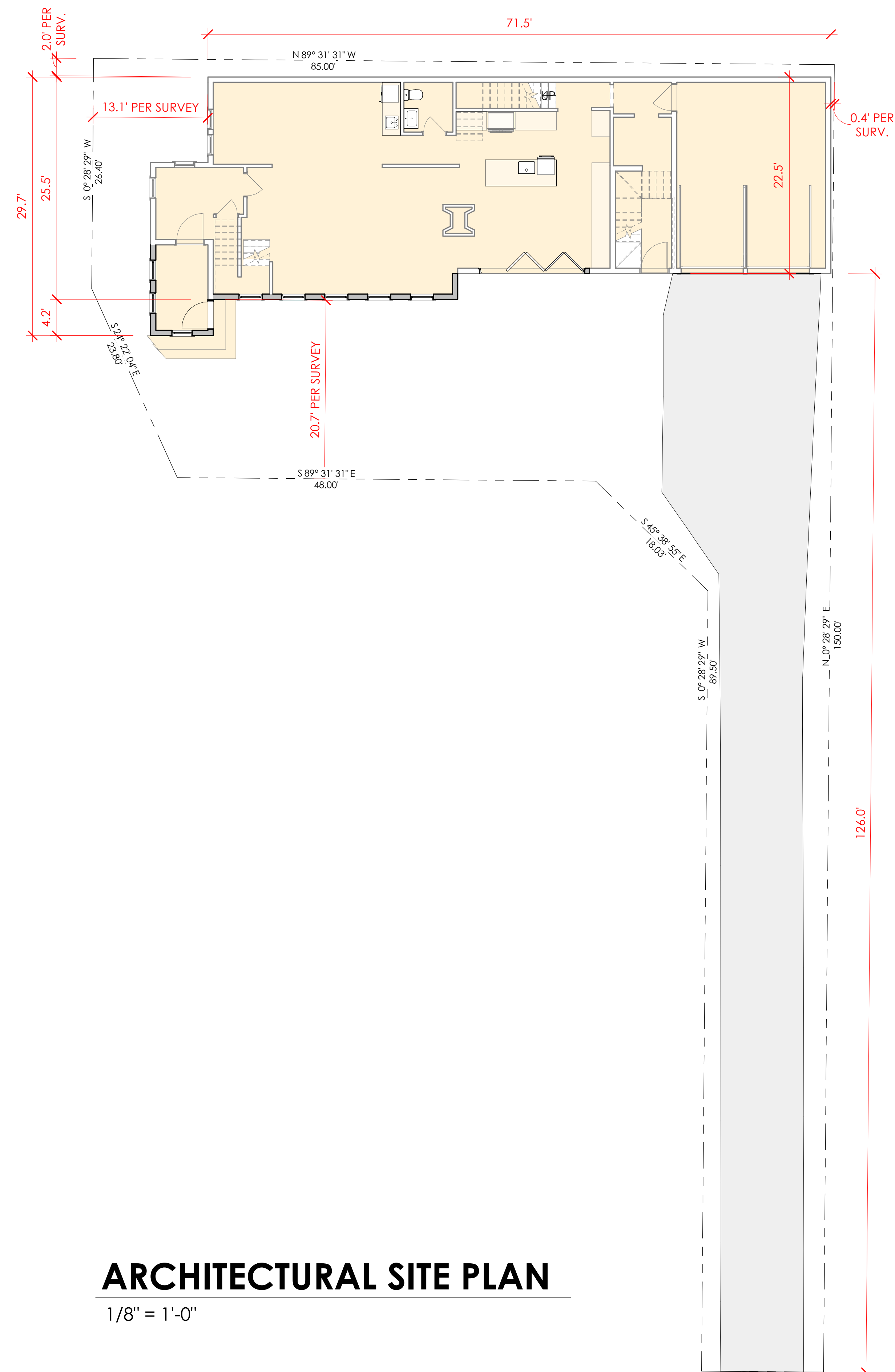
Date
08.18.22

Drawing no.
A000

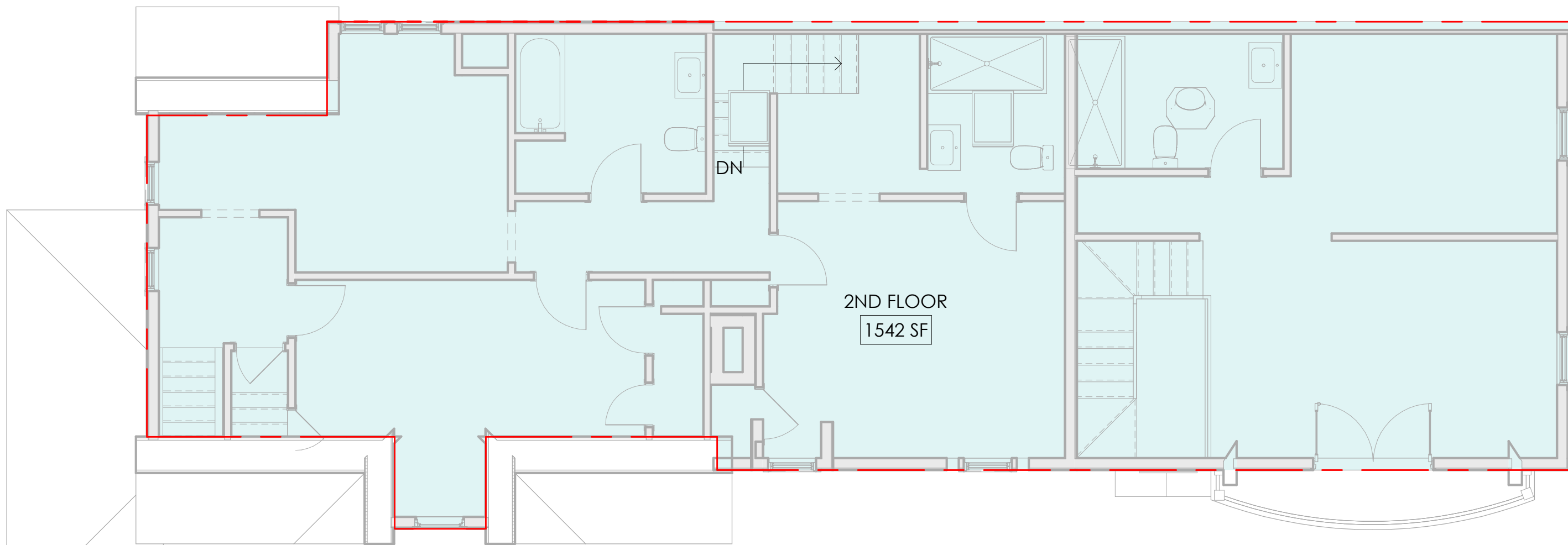

$$1/8'' = 1'-0''$$

78 ELLERY STREET, CAMBRIDGE MA



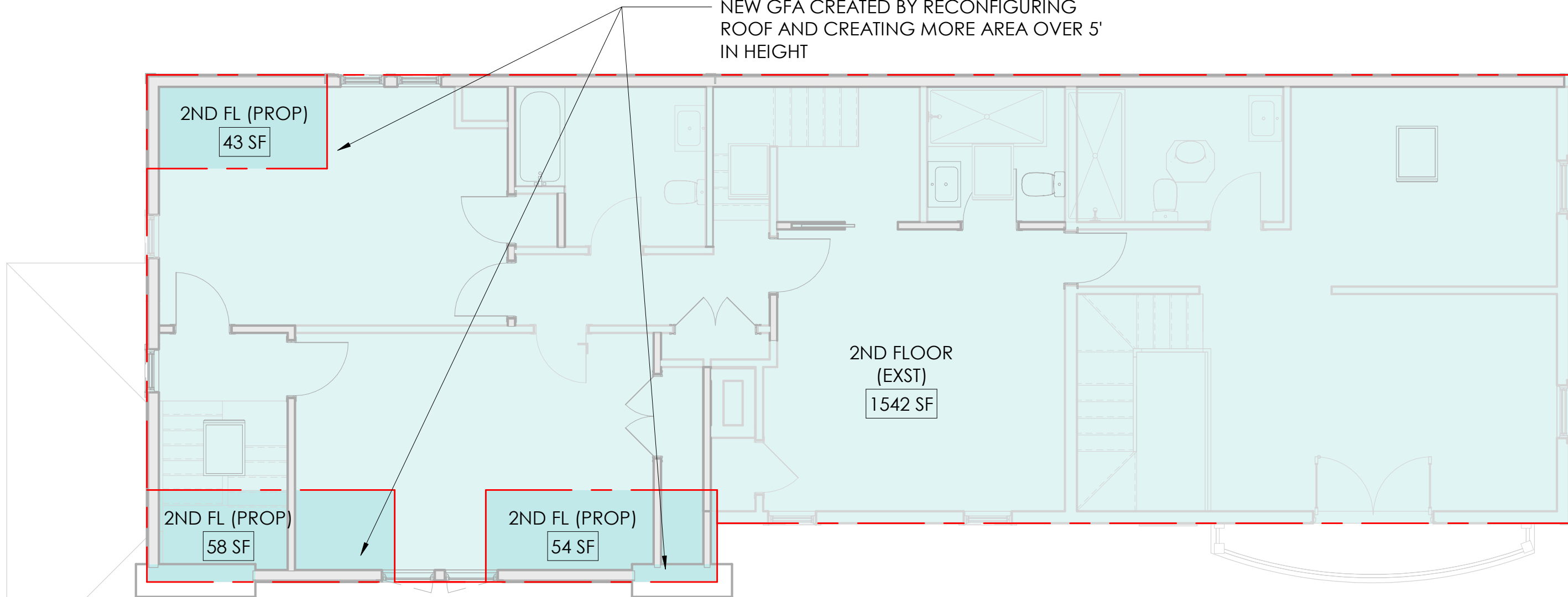


OPEN SPACE CALCS	
Name	Area
PERMEABLE OPEN SPACE	1078 SF
PRIVATE OPEN SPACE	1074 SF
TOTAL OPEN SPACE	2152 SF



EXISTING 2ND FL GFA DIAG

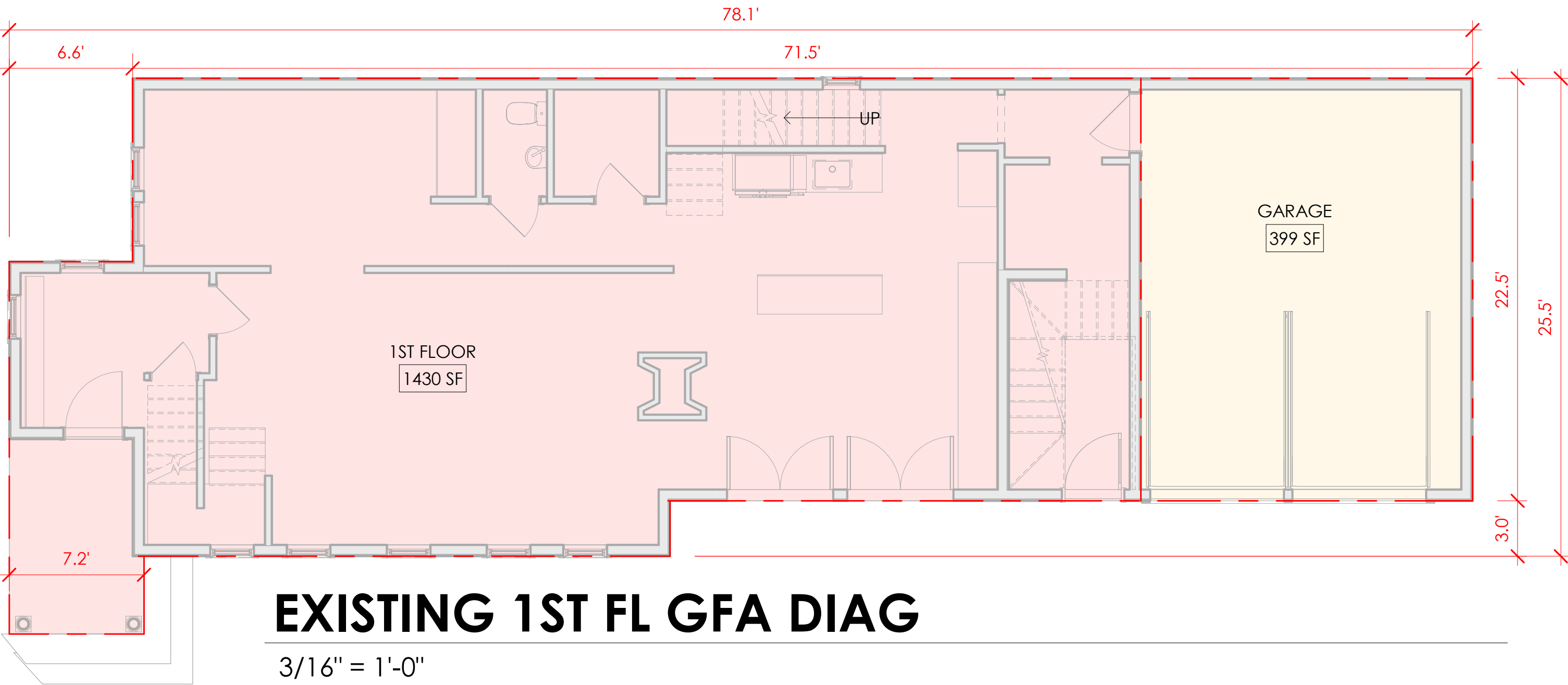
3/16" = 1'-0"



PROPOSED 2ND FL GFA DIAG

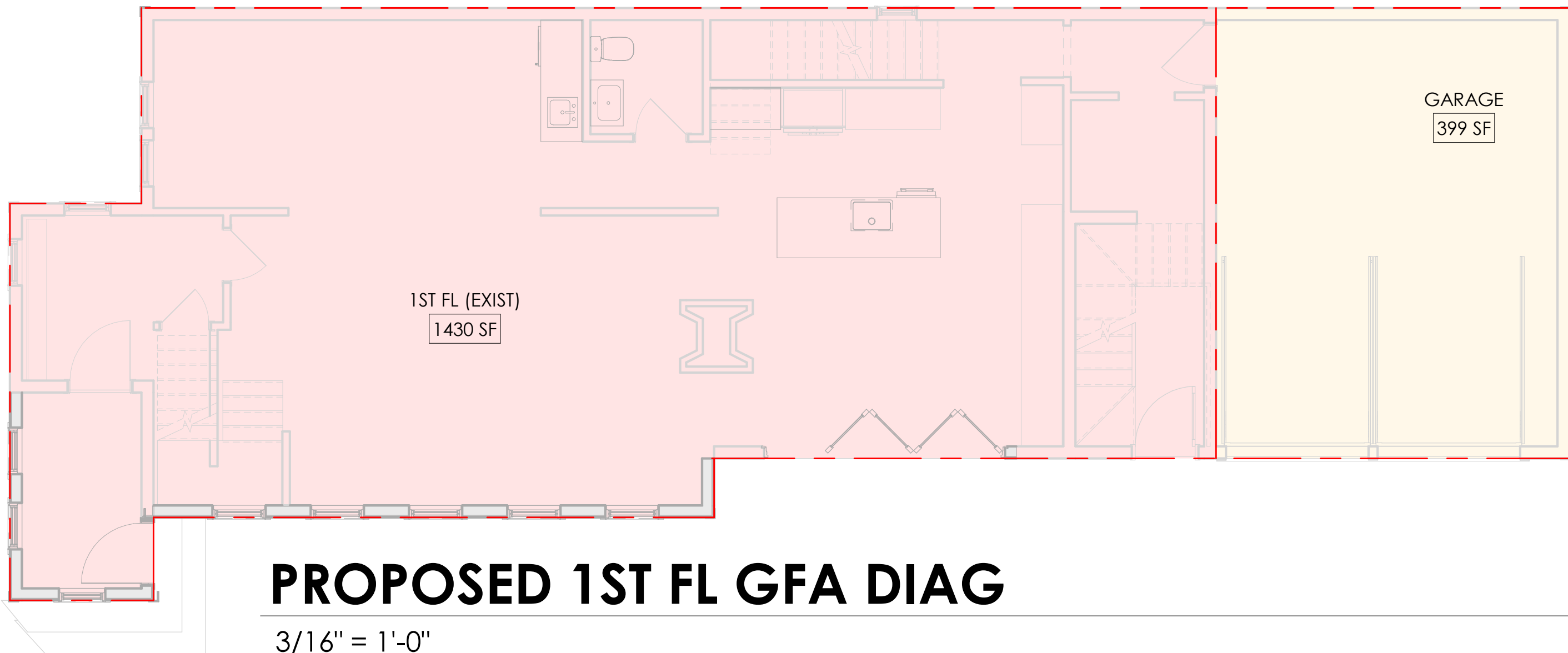
3/16" = 1'-0"

TOTAL EXISTING GFA:	2972 SF
PROPOSED NEW GFA:	+154 SF
TOTAL PROPOSED GFA:	3126 SF



EXISTING 1ST FL GFA DIAG

3/16" = 1'-0"



PROPOSED 1ST FL GFA DIAG

3/16" = 1'-0"

DIMENSIONAL FORM

LOCATION: , CAMBRIDGE MA
ZONE: RES C-1
PRESENT USE/OCCUPANCY: TWO FAMILY
REQUESTED OCCUPANCY: UNCHANGED

	EXISTING	PROPOSED	ORDINANCE	
LOT SIZE:	5508	Unchanged	5000	Complies
GROSS FLOOR AREA				
EXIST. BUILDING	2972	0	4131	Complies
NEW CONSTRUCTION		154	N/A	
TOTAL GFA		3126		Complies
FLOOR AREA RATIO	.53	.56	.75	Complies
LOT AREA PER DWELLING UNIT	5508	Unchanged	1,500	Complies
NO. OF D.U.	1	Unchanged	3.6	Complies
SIZE OF LOT:				
WIDTH	85'	Unchanged	50'	Complies
LENGTH	150'	Unchanged	N/A	Complies
BUILDING - SIZE:				
BUILDING HEIGHT	25.3'	Unchanged	35'	Complies
BUILDING LENGTH	78.1'	Unchanged	N/A	Complies
BUILDING WIDTH	25.5	Unchanged	N/A	Complies
BUILDING - SETBACKS:				
FRONT	SEE SURVEY	Unchanged	17.2' (H+L/6)	Non-Conforming
REAR	1.5	Unchanged	20'	Non-Conforming
LEFT SIDE	6.3	Unchanged	14.7' (H+L/7)	Non-Conforming
RIGHT SIDE	0.4	Unchanged	14.7' (H+L/7)	Non-Conforming
DISTANCE BETWEEN STRUCTURES	N/A	Unchanged	10'	
TOTAL OPEN SPACE	(2154) 39%	Unchanged	975 SF	Complies
PERCENTAGE LOT AREA		Unchanged	30%	
PRIVATE OPEN SPACE	(1074) 19%	Unchanged	15%	Complies
PERMEABLE OPEN SPACE	(1078) 19%	Unchanged	15%	Complies
NO. OF PARKING SPACES:	2	2	1	Complies

EXISTING GROSS FLOOR AREA		
NAME	AREA	ZONING
1ST FLOOR	1430 SF	GFA
2ND FLOOR	1542 SF	GFA
GFA	2972 SF	
GARAGE	399 SF	NON-GFA
NON-GFA	399 SF	
TOTAL SF	3371 SF	

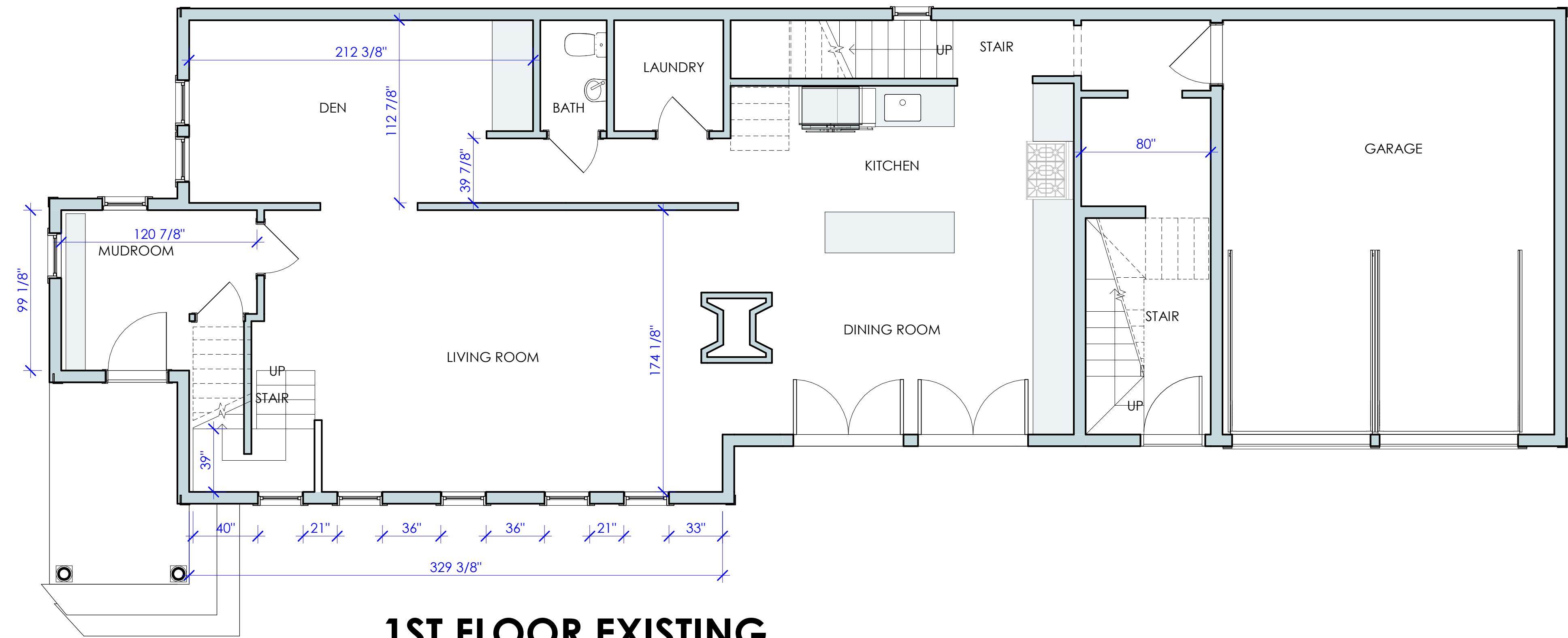
PROPOSED GROSS FLOOR AREA		
NAME	AREA	ZONING
2ND FLOOR (EXST)	1542 SF	GFA
1ST FL (EXIST)	1430 SF	GFA
EXISTING	2972 SF	
2ND FL (PROP)	43 SF	GFA
2ND FL (PROP)	58 SF	GFA
2ND FL (PROP)	54 SF	GFA
NEW	154 SF	
GARAGE	399 SF	NON-GFA
NON-GFA	399 SF	
TOTAL SF	3525 SF	

GFA AREA DIAGRAMS
BZA SUBMISSION SET

78 ELLERY STREET, CAMBRIDGE MA

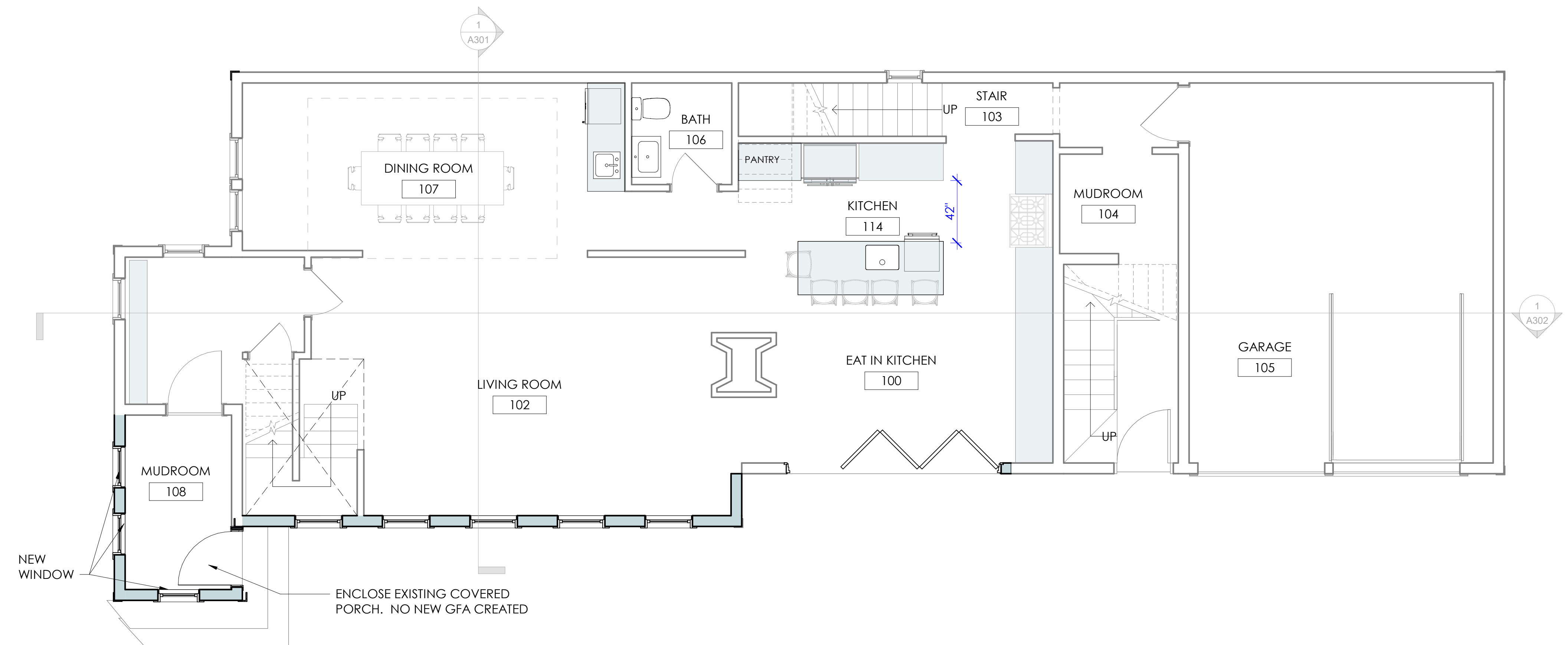


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1ST FLOOR EXISTING

1/4" = 1'-0"

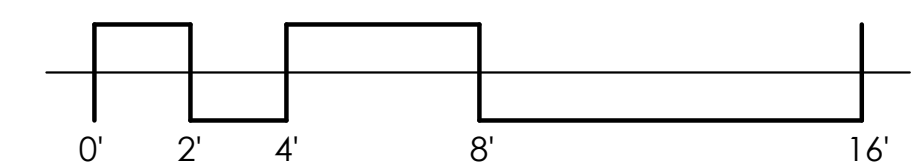


1ST FLOOR PROPOSED

1/4" = 1'-0"

FLOOR PLAN KEY

- INDICATES EXISTING WALL TO REMAIN
- INDICATES EXISTING WALL TO BE REMOVED
- INDICATES NEW WALL, SEE WALL TYPES FOR CONSTRUCTION INFORMATION
- INDICATES NEW 1 HOUR FIRE RATED WALL, SEE WALL TYPES FOR CONSTRUCTION INFORMATION



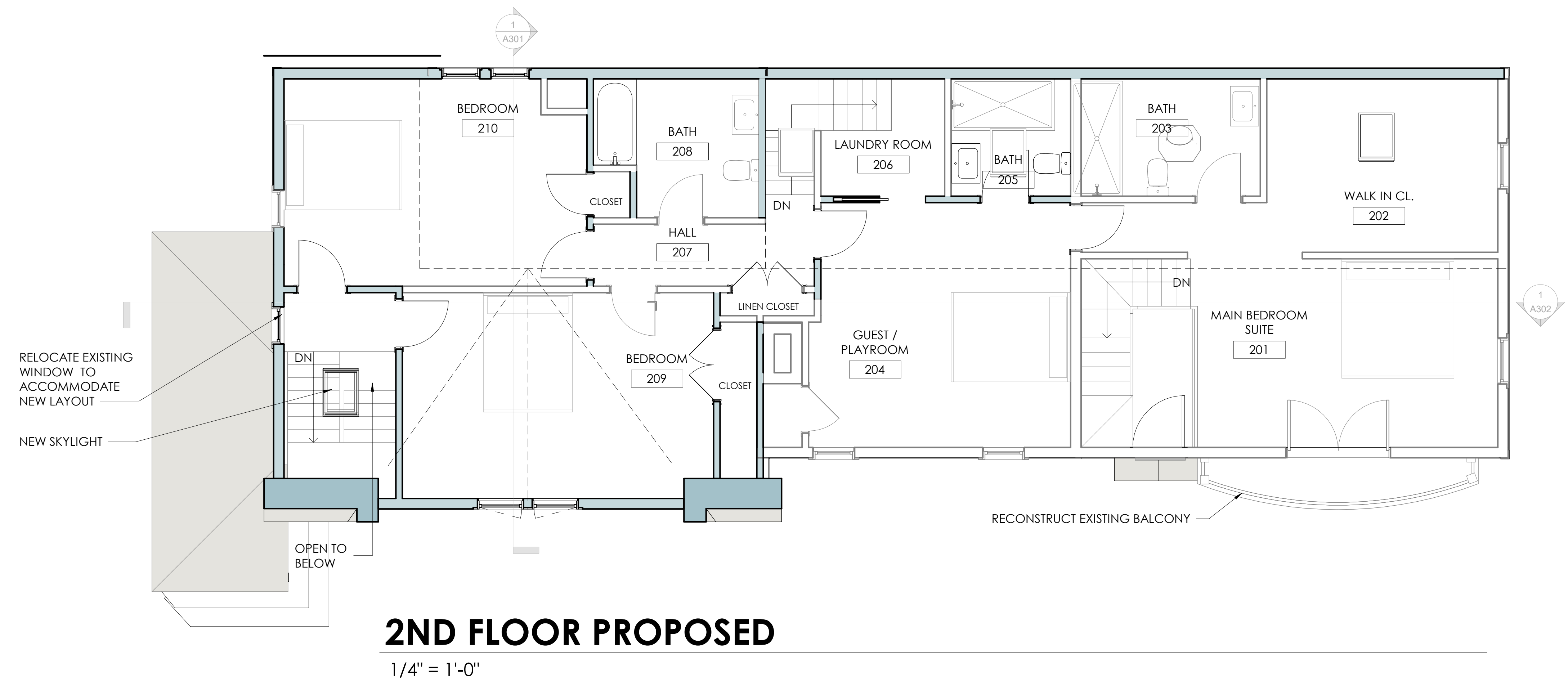
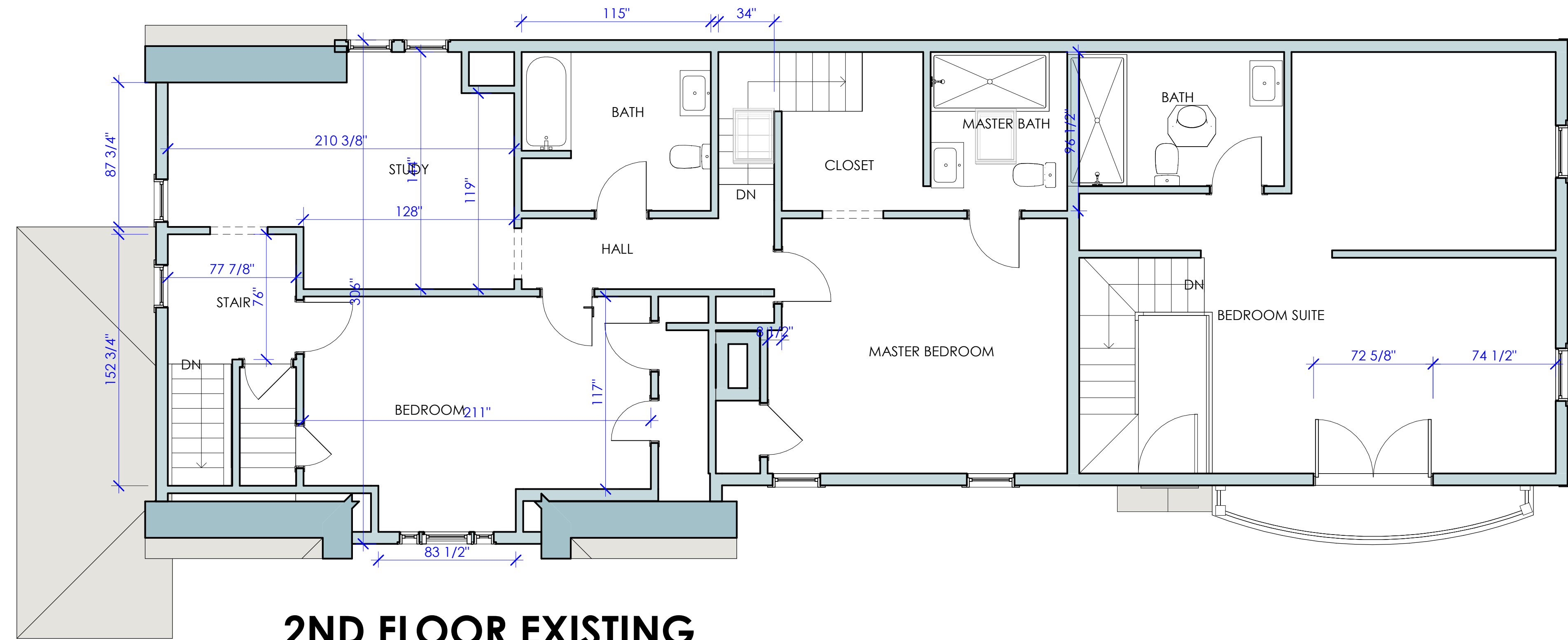
EXISTING AND PROPOSED FIRST FLOOR PLANS

BZA SUBMISSION SET

78 ELLERY STREET, CAMBRIDGE MA

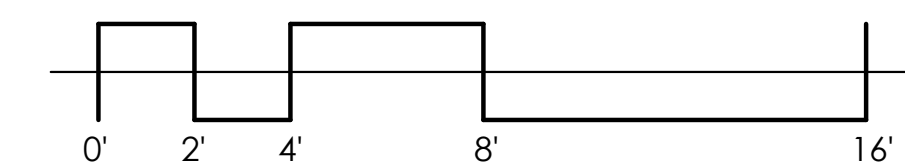


Date	08.18.22
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FLOOR PLAN KEY

- INDICATES EXISTING WALL TO REMAIN
- INDICATES EXISTING WALL TO BE REMOVED
- INDICATES NEW WALL, SEE WALL TYPES FOR CONSTRUCTION INFORMATION
- INDICATES NEW 1 HOUR FIRE RATED WALL, SEE WALL TYPES FOR CONSTRUCTION INFORMATION



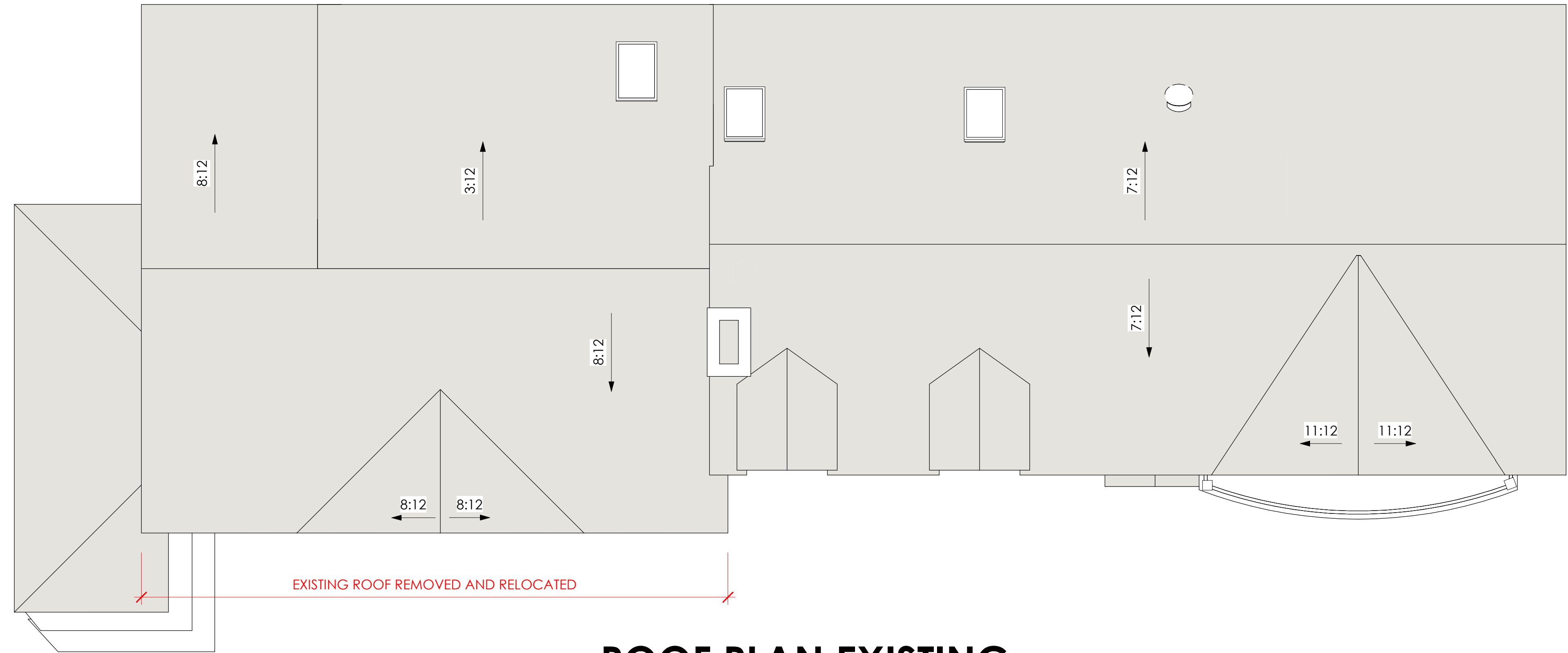
EXISTING AND PROPOSED SECOND FLOOR PLANS

BZA SUBMISSION SET

78 ELLERY STREET, CAMBRIDGE MA

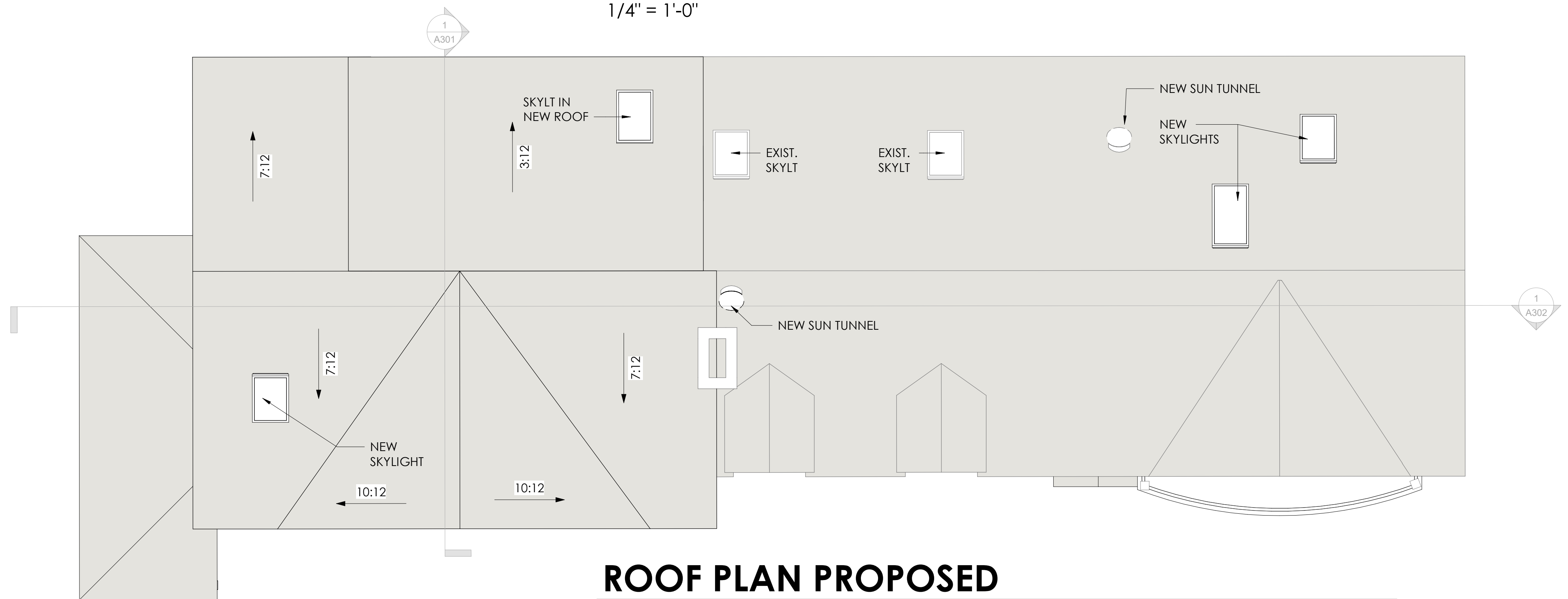


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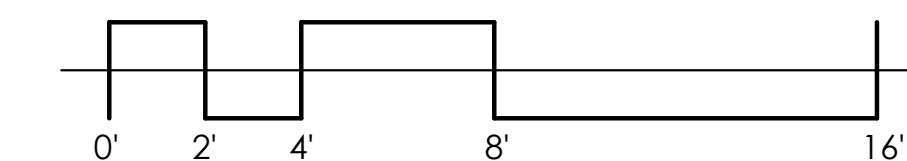
ROOF PLAN EXISTING

1/4" = 1'-0"



ROOF PLAN PROPOSED

1/4" = 1'-0"



FLOOR PLAN KEY

- INDICATES EXISTING WALL TO REMAIN
- INDICATES EXISTING WALL TO BE REMOVED
- INDICATES NEW WALL. SEE WALL TYPES FOR CONSTRUCTION INFORMATION
- INDICATES NEW 1 HOUR FIRE RATED WALL, SEE WALL TYPES FOR CONSTRUCTION INFORMATION

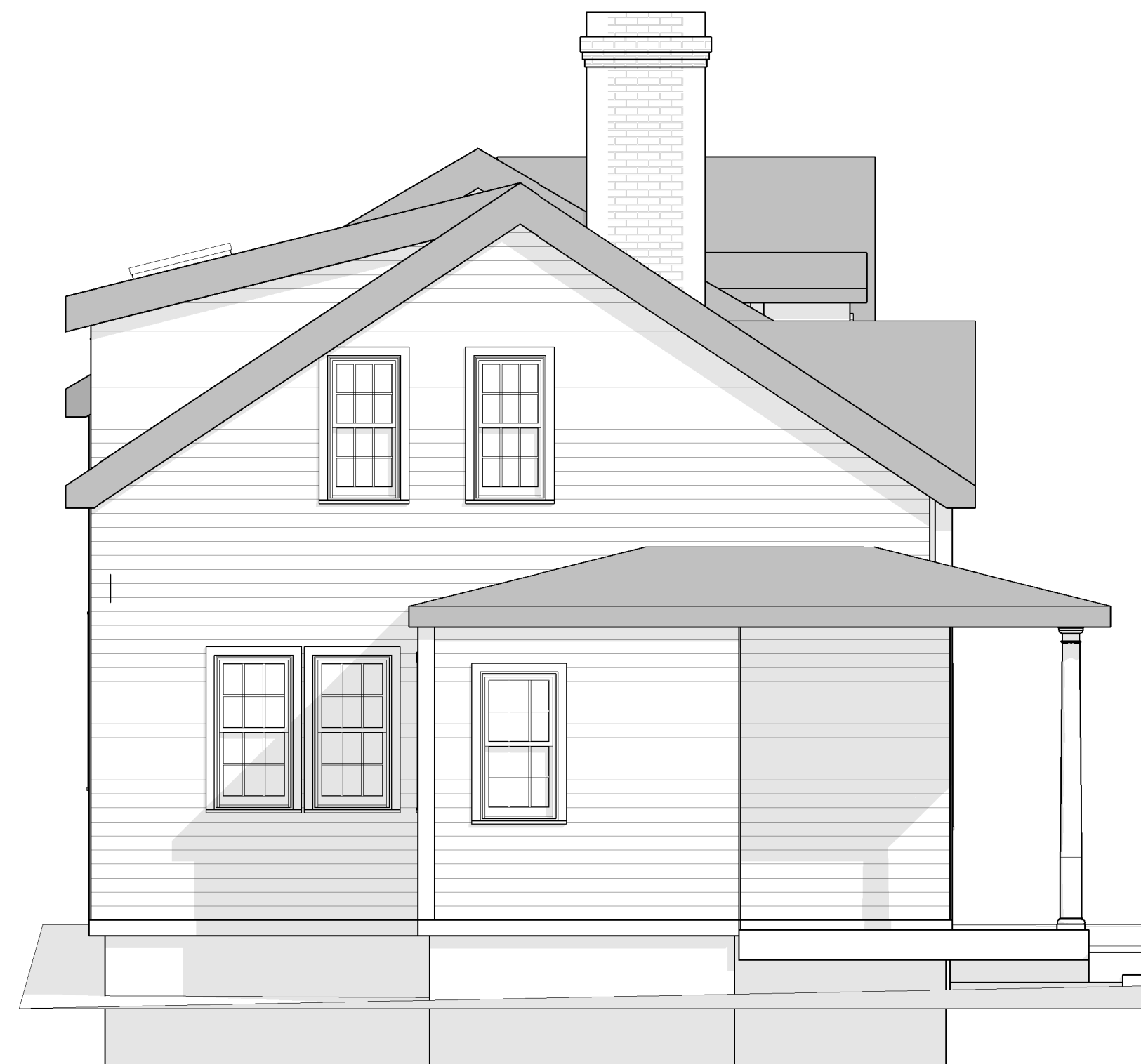
EXISTING AND PROPOSED ROOF FLOOR PLANS

BZA SUBMISSION SET

78 ELLERY STREET, CAMBRIDGE MA



Date	08.18.22
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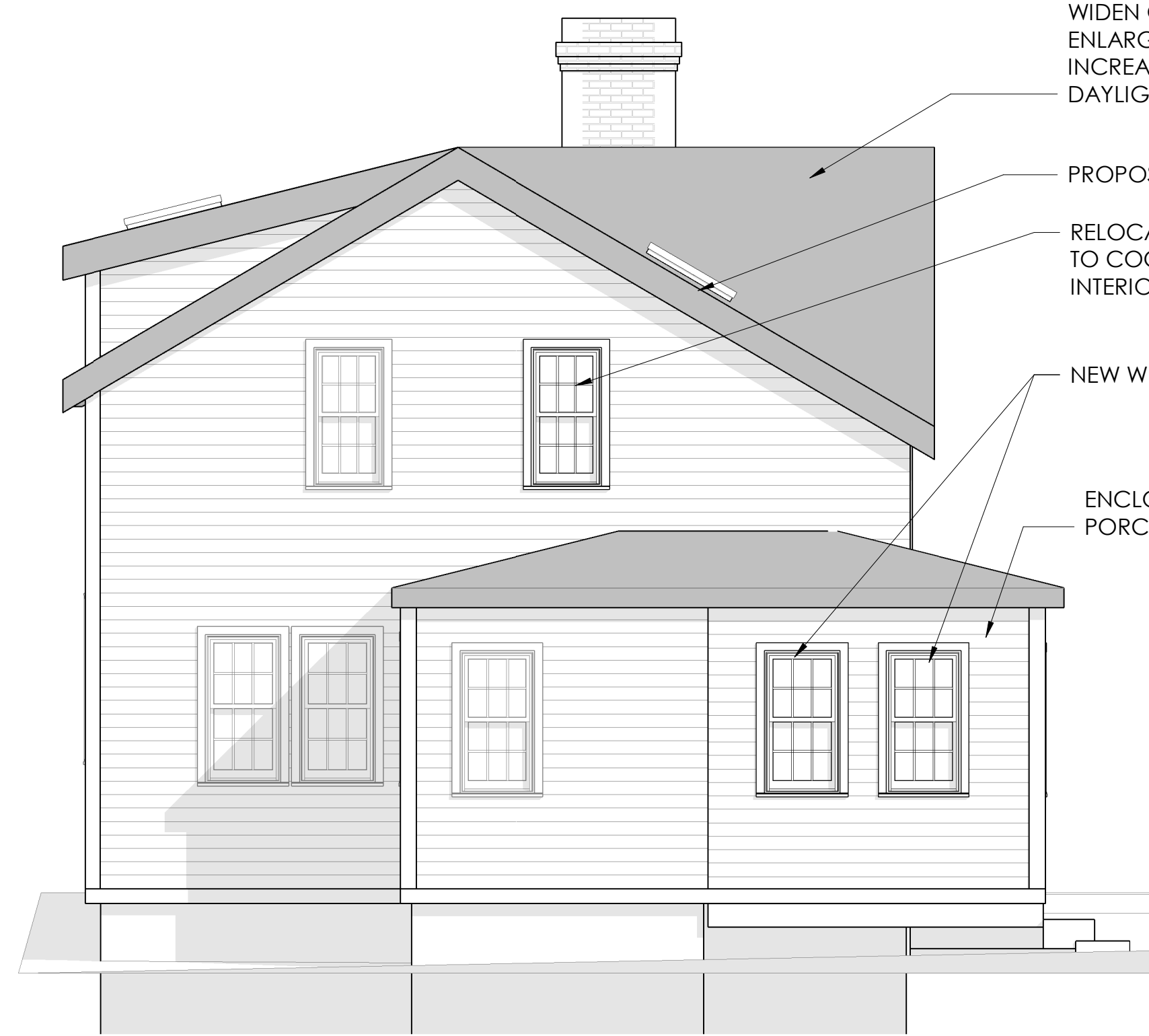
EXISTING LEFT SIDE ELEVATION

1/4" = 1'-0"



EXISTING FRONT ELEVATION

1/4" = 1'-0"



PROPOSED LEFT SIDE ELEVATION

1/4" = 1'-0"



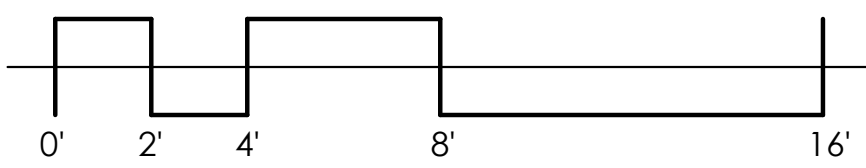
PROPOSED FRONT ELEVATION

1/4" = 1'-0"

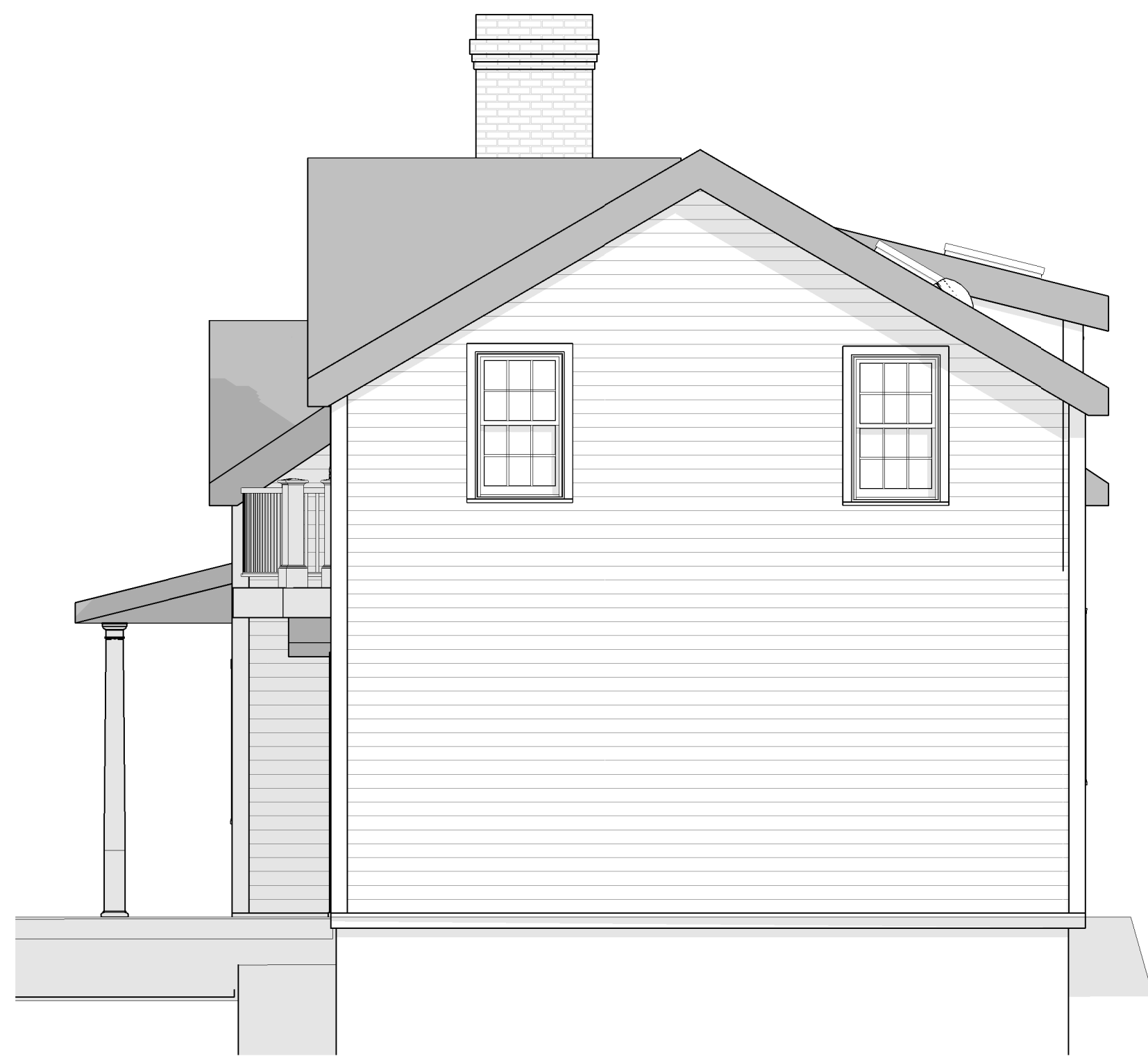
EXISTING AND PROPOSED ELEVATIONS

BZA SUBMISSION SET

78 ELLERY STREET, CAMBRIDGE MA

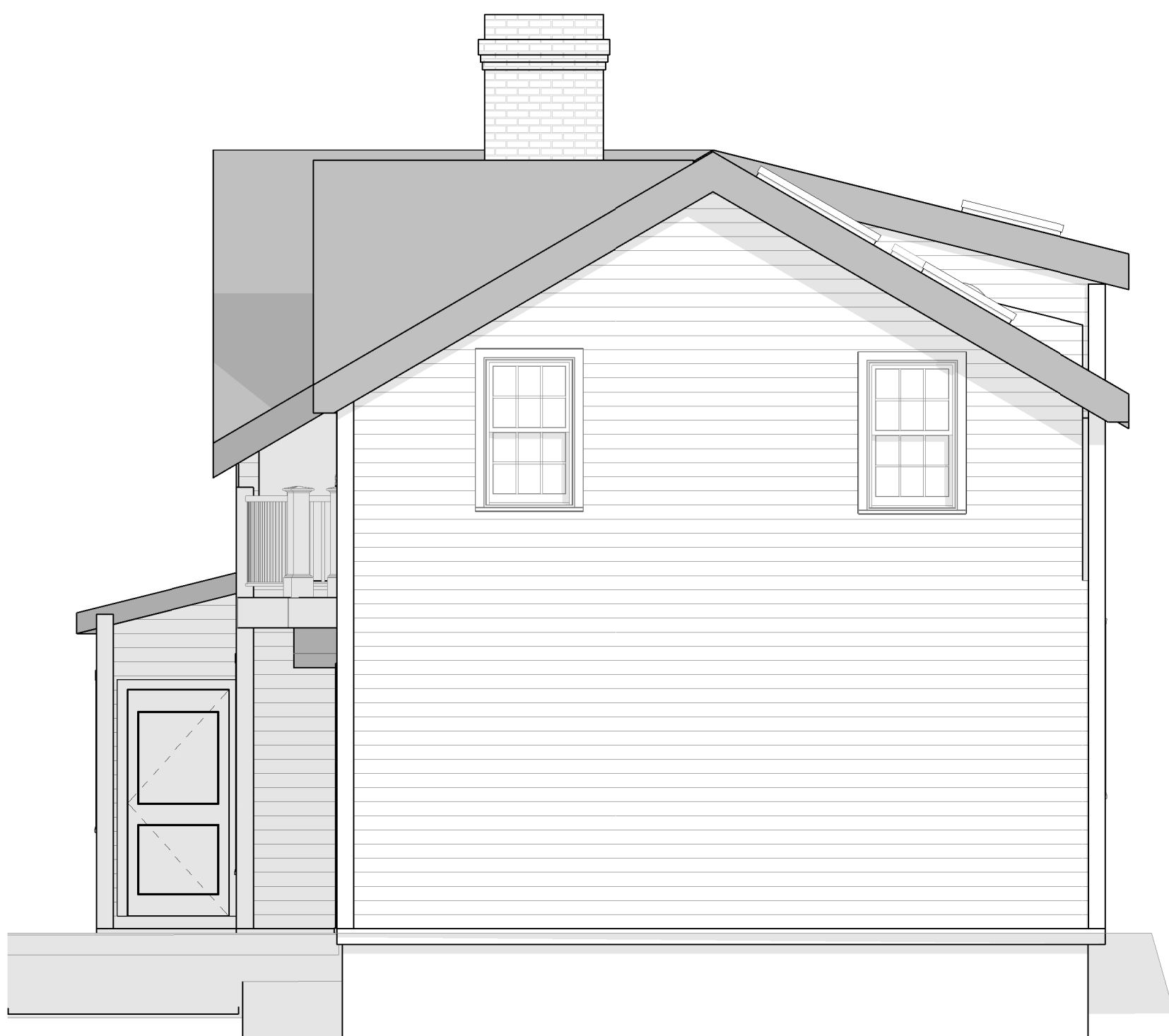


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EXISTING RIGHT SIDE ELEVATION

1/4" = 1'-0"



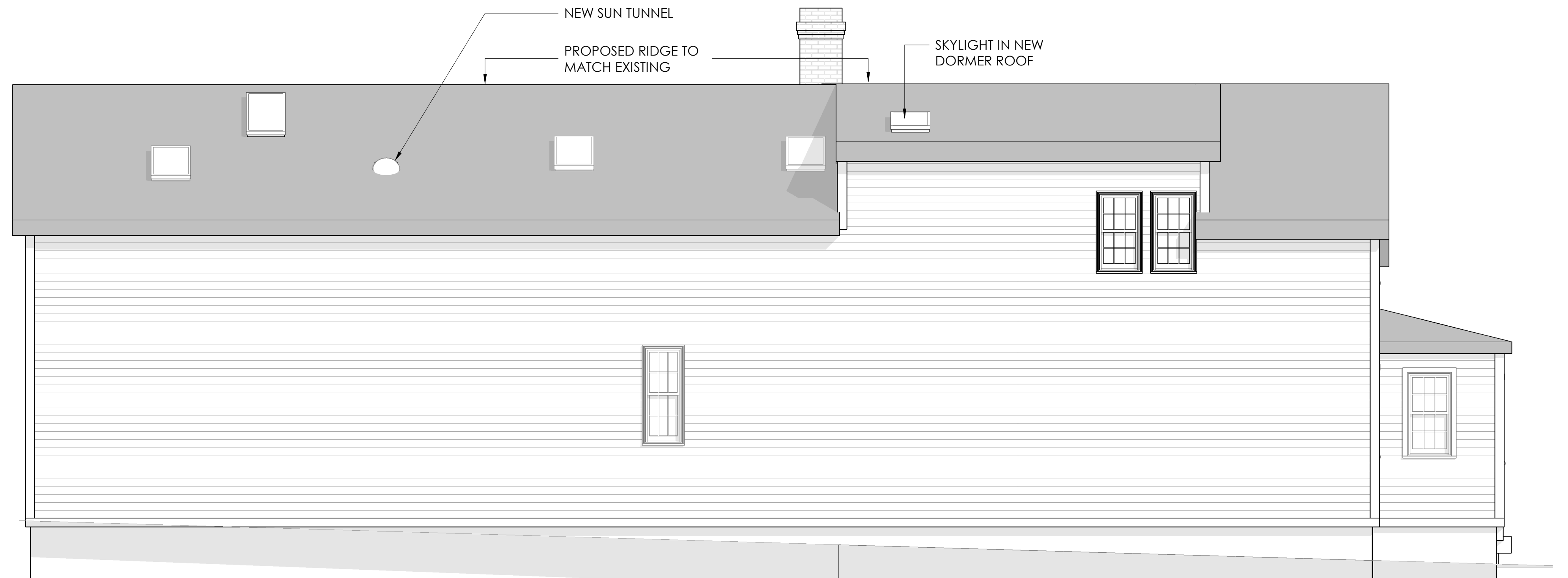
PROPOSED RIGHT SIDE ELEVATION

1/4" = 1'-0"



EXISTING REAR ELEVATION

1/4" = 1'-0"



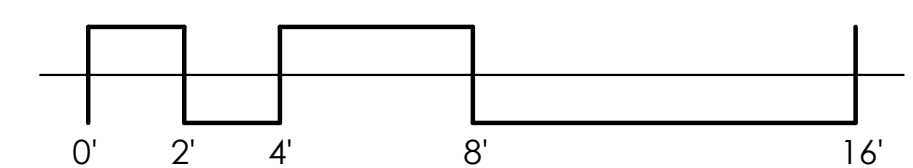
PROPOSED REAR ELEVATION

1/4" = 1'-0"

EXISTING AND PROPOSED ELEVATIONS

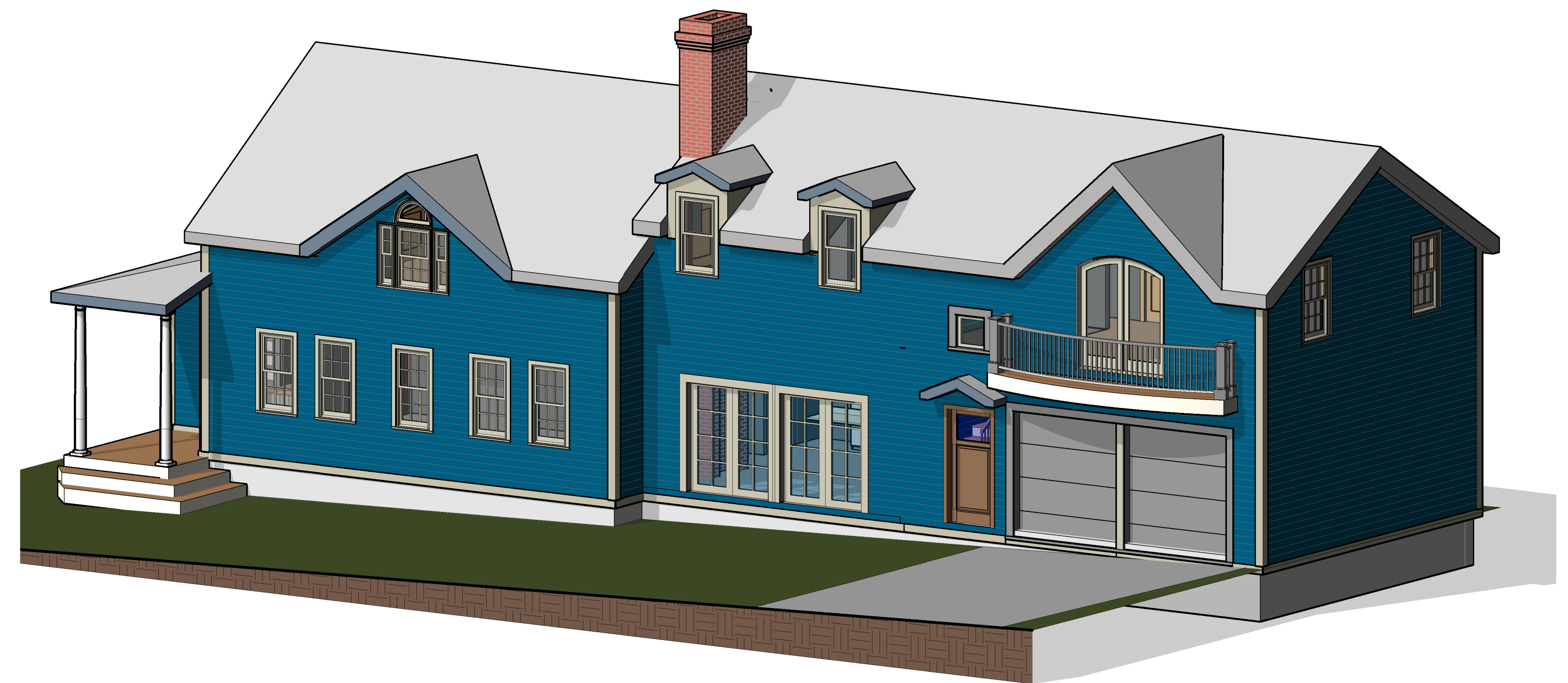
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78 ELLERY STREET, CAMBRIDGE MA

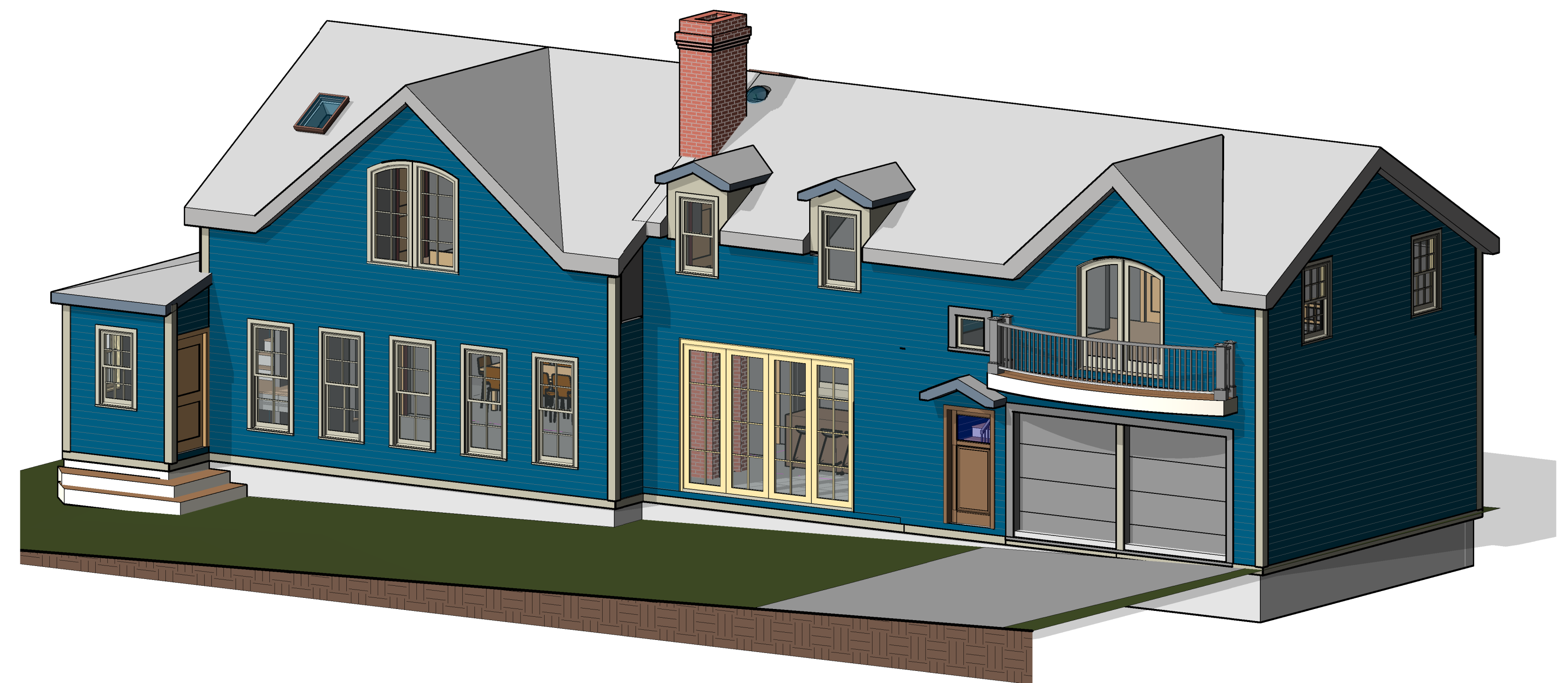


Date 08.18.22

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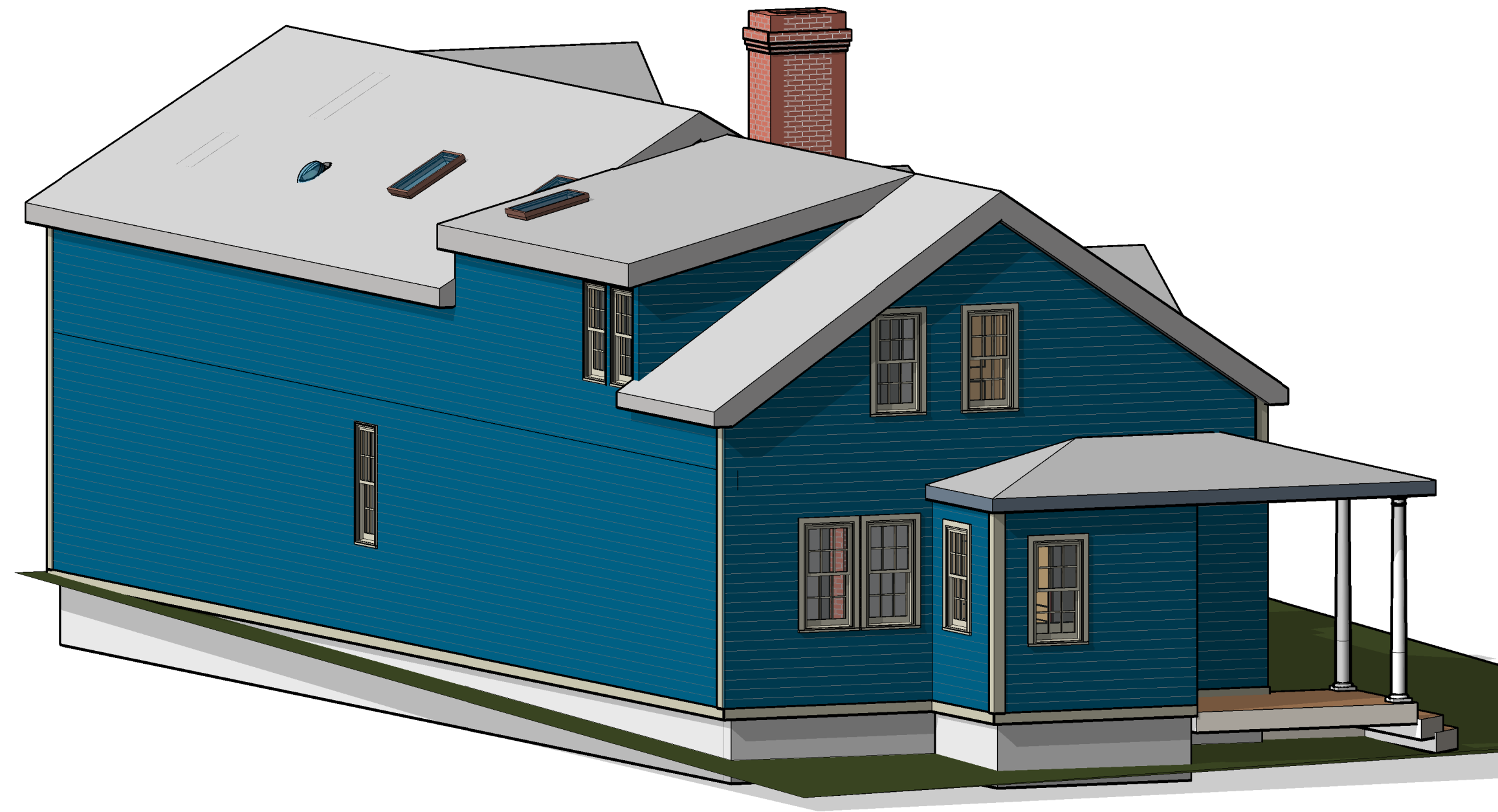
EXISTING 3D VIEW 01



PROPOSED 3D VIEW 01

3D VIEWS & PHOTOS
BZA SUBMISSION SET

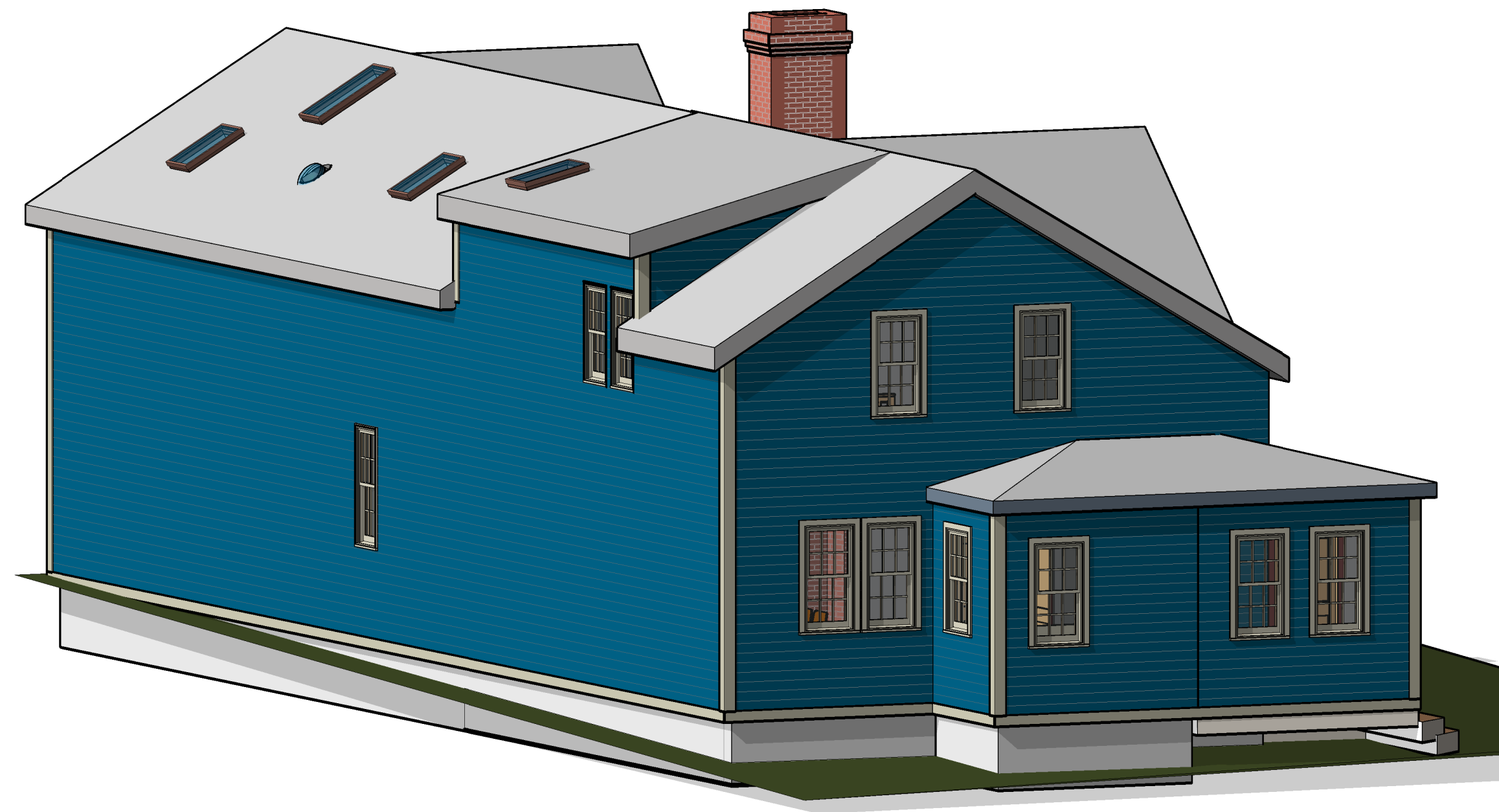
78 ELLERY STREET, CAMBRIDGE MA



EXISTING 3D VIEW 03



EXISTING 3D VIEW 02



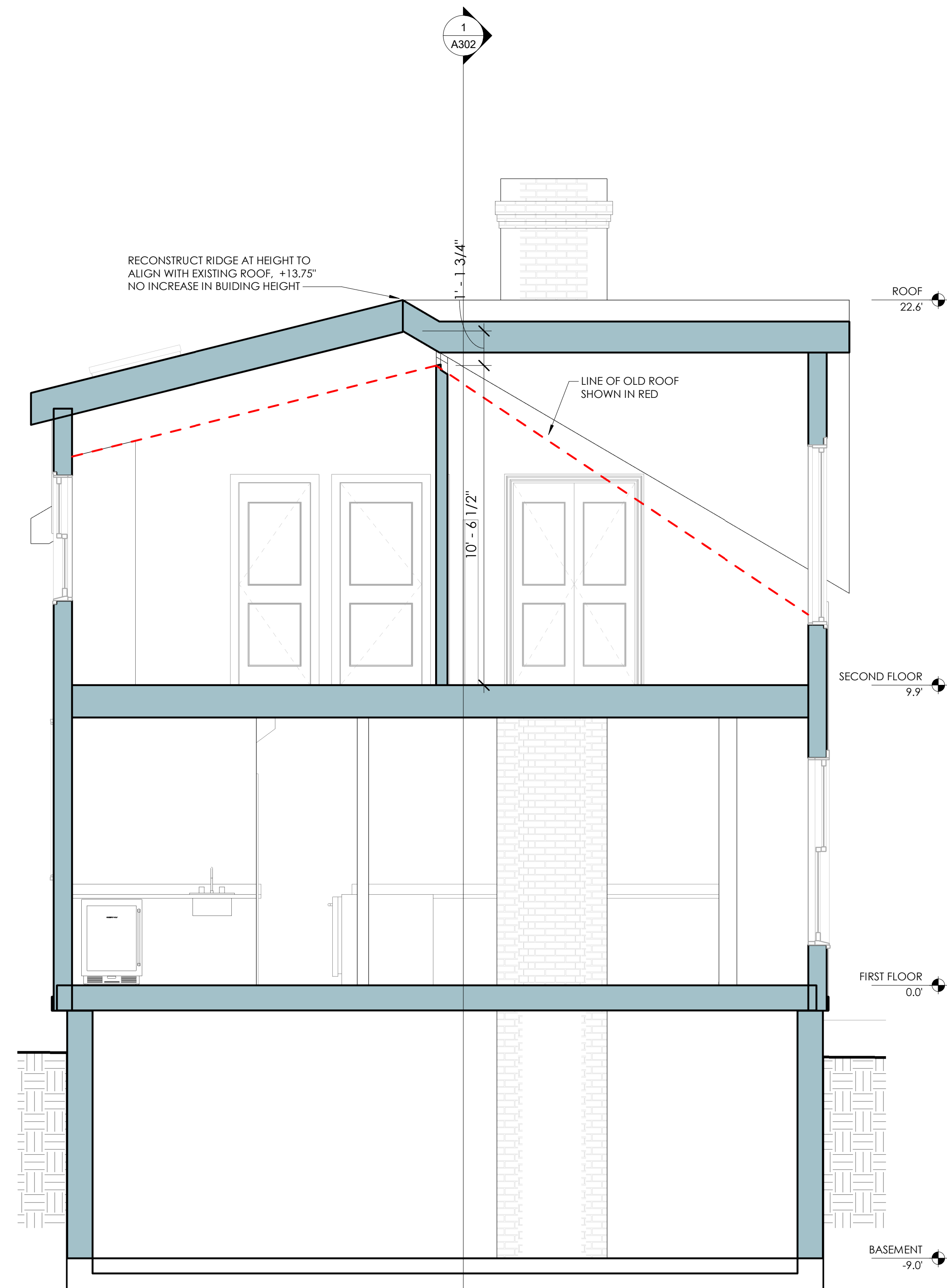
PROPOSED 3D VIEW 03



PROPOSED 3D VIEW 02

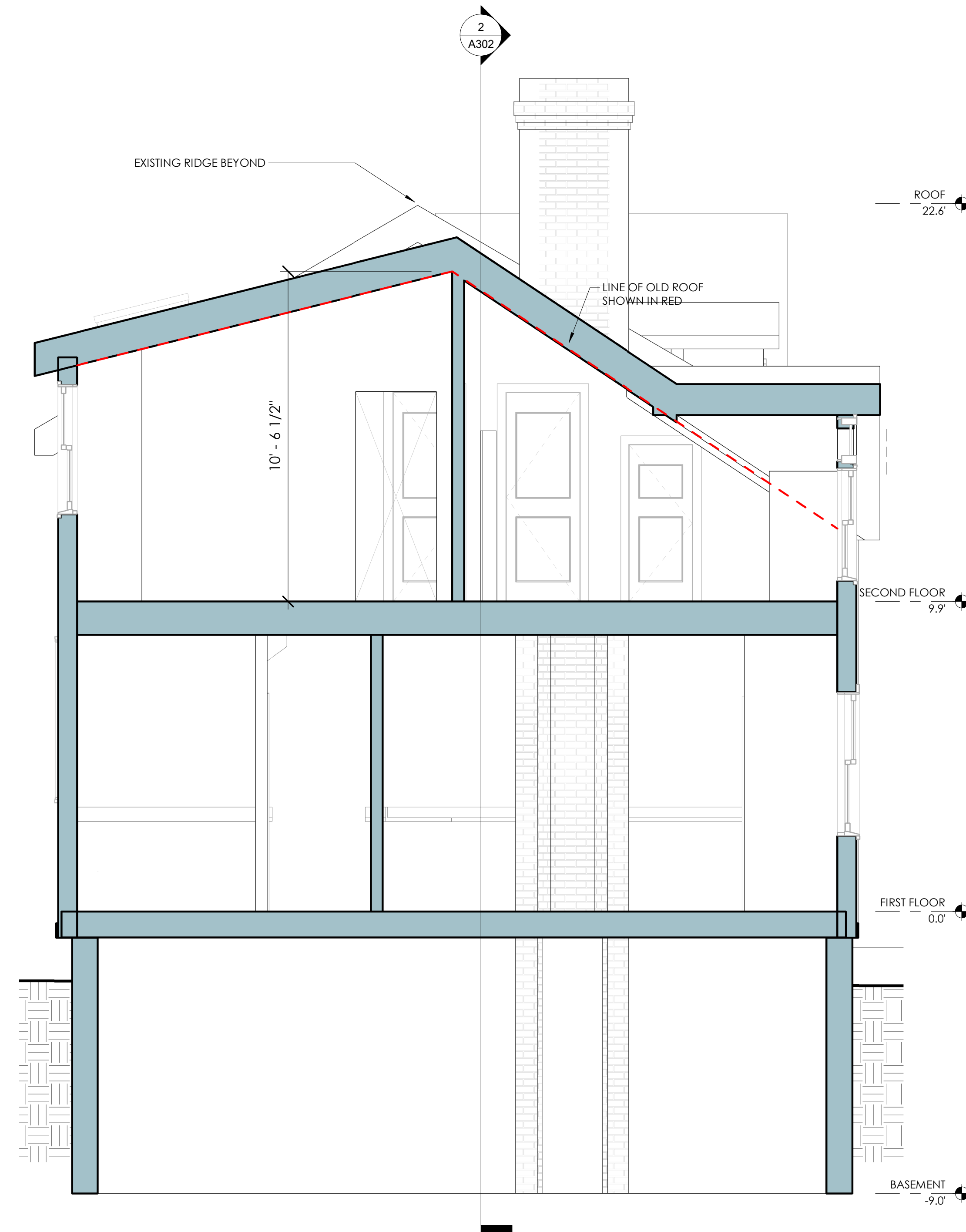
3D VIEWS
BZA SUBMISSION SET

78 ELLERY STREET, CAMBRIDGE MA



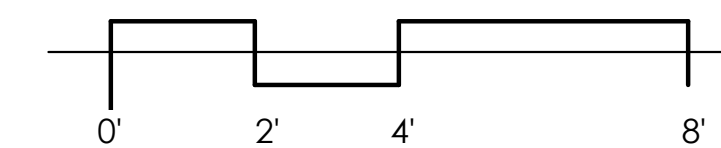
CROSS SECTION - PROPOSED

3/8" = 1'-0"



CROSS SECTION - EXISTING

3/8" = 1'-0"



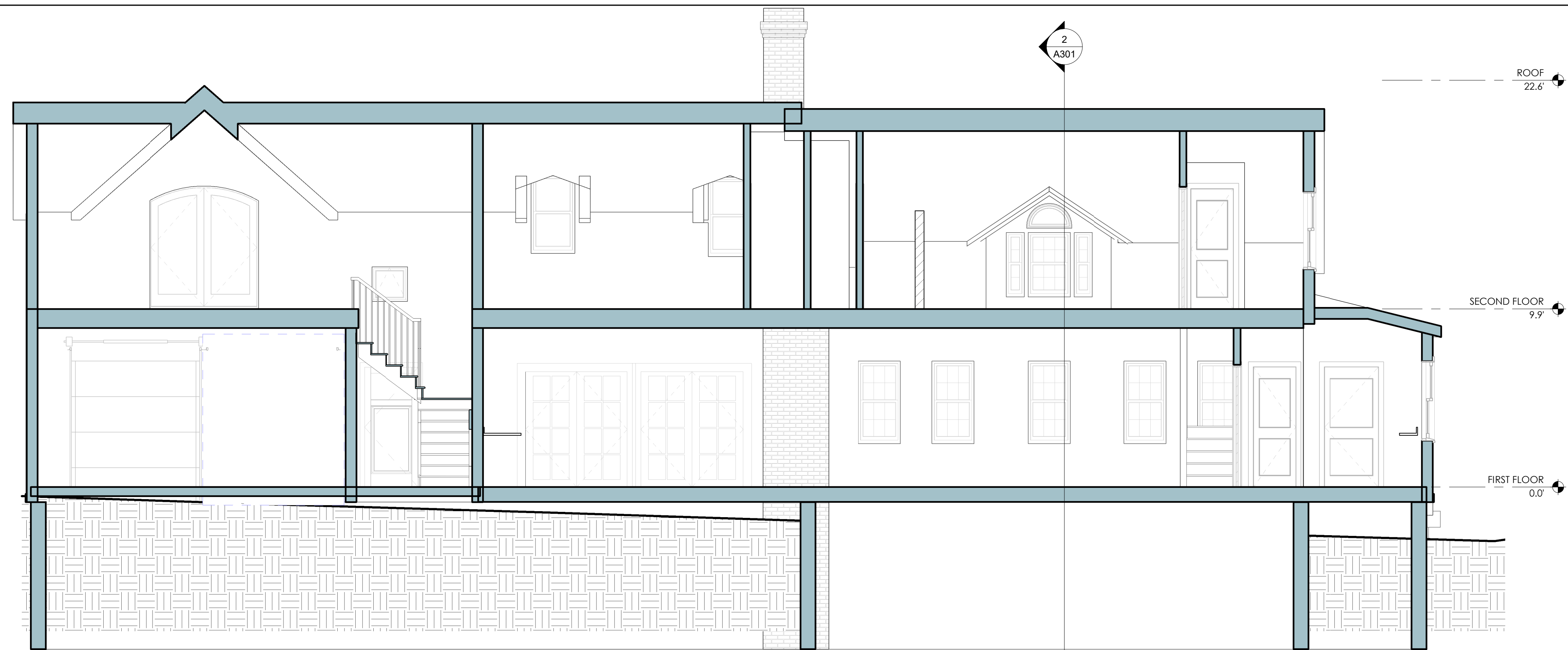
BUILDING SECTIONS
BZA SUBMISSION SET

78 ELLERY STREET, CAMBRIDGE MA



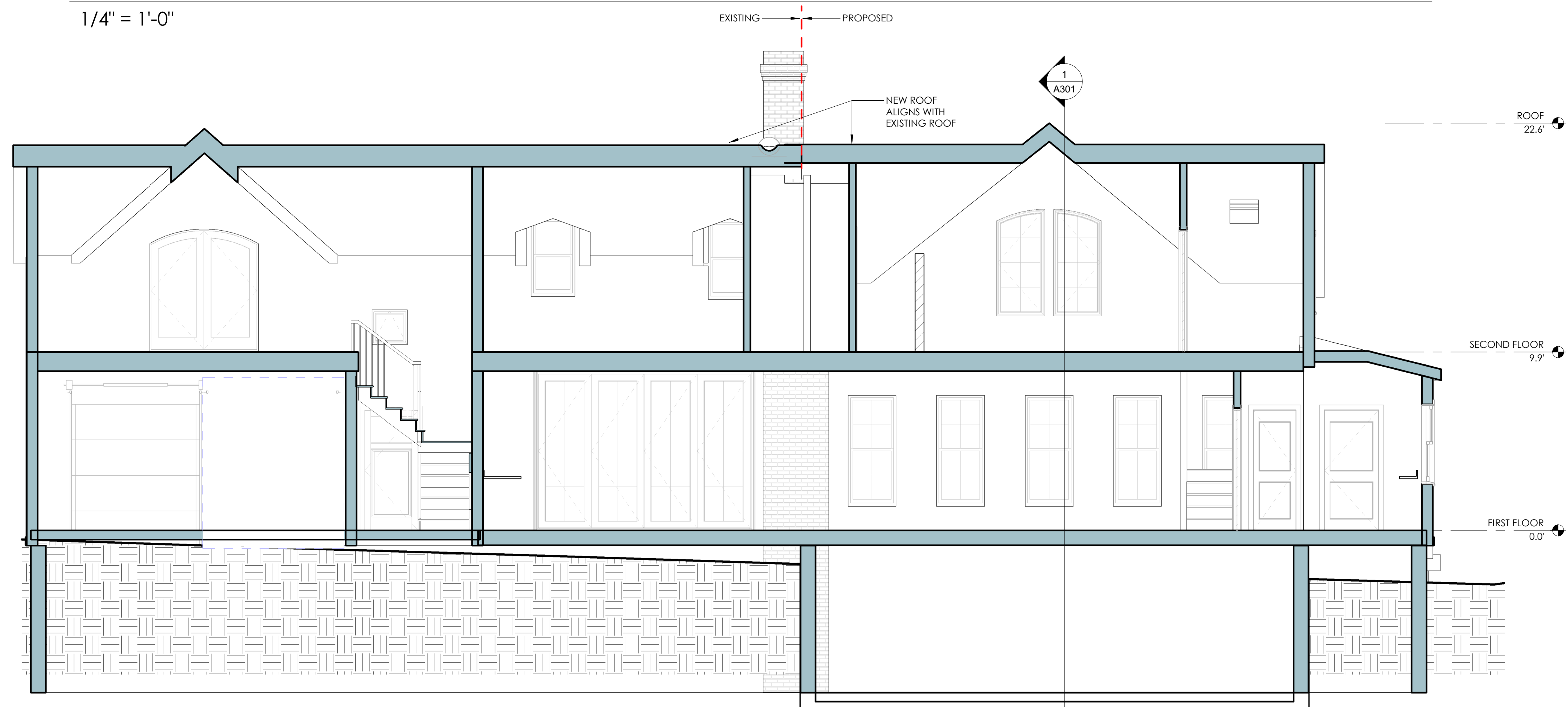
Date
08.18.22

Drawing no.
A301



LONG BUILDING SECTION - EXISTING

1/4" = 1'-0"



LONG BUILDING SECTION - PROPOSED

1/4" = 1'-0"

BUILDING SECTIONS
BZA SUBMISSION SET

78 ELLERY STREET, CAMBRIDGE MA



Date
08.18.22

Drawing no.
A302

78 Ellery St.







Mid Cambridge Neighborhood Conservation District Commission

831 Massachusetts Avenue, Cambridge, Massachusetts 02139
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112
E-mail: histsncds@cambridgema.gov
URL: <http://www.cambridgema.gov/Historic/midcambridgehome.html>

Tony Hsiao, *Chair*, Lestra Litchfield, *Vice Chair*
Monika Pauli, Charles Redmon, *Members*
Margaret McMahon, *Alternate*

CERTIFICATE OF APPROPRIATENESS

PROPERTY: **78 Ellery Street**

OWNER: **Jenna Larson & Jason Smigiel**
78 Ellery Street
Cambridge, MA 02138

The Mid Cambridge Neighborhood Conservation District Commission hereby certifies, pursuant to Title 2, Chapter 2.78, Article III, Section 2.78.140-270 of the Code of the City of Cambridge and the City Council order establishing the Commission, that the construction described below is not incongruous to the historic aspects or architectural character of the building or district:

Reconfigure roof and alter fenestration.

The plans and specifications that were submitted with the application, titled "78 Ellery Street, MCNDC Submission," by Kelly Boucher Architecture, dated April 11, 2022, are incorporated into this certificate, which is non binding on the applicant.

This certificate is granted upon the condition that the work authorized is commenced within six months after the date of issuance. If the work authorized by this certificate is not commenced within six months after the date of issuance, or if such work is suspended in significant part for a period of one year after the time the work is commenced, this certificate shall expire and be of no further effect; provided that, for cause, one or more extensions not exceeding ninety days each may be allowed in writing by the Chairman.

Case Number: **MC 6439**

Date of Certificate: **May 10, 2022**

Attest: A true and correct copy of decision filed with the office of the City Clerk and the Mid Cambridge Neighborhood Conservation District Commission on May 10, 2022.

By Tony Hsiao/aac, Chair

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____. Appeal has been filed _____.

Date _____, City Clerk

The map displays a residential area with various streets and property lots. A red outline highlights a large area in the center, while a blue outline highlights a smaller area within it. The streets shown include Ellery St, Dana St, Broadway, and Ellery Sq. The map also shows the locations of Cambridge Rindge & Latin School and Joan Lorentz Park. The lots are numbered with various identifiers, including 139-1, 139-2, 139-5, 139-8, 139-86, 139-88, 139-91, 139-92, 139-95, 139-96, 139-195, 139-196, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154, 139-155, 139-156, 139-197, 139-200, 139-201, 139-22, 139-23, 139-25, 139-26, 139-32, 139-33, 139-34, 139-35, 139-36, 139-37, 139-38, 139-39, 139-40, 139-41, 139-43, 139-44, 139-45, 139-69, 139-70, 139-118, 139-119, 139-125, 139-126, 139-127, 139-128, 139-129, 139-130, 139-141, 139-142, 139-154,

78 Ellery St.

Petitioner

138-2
CAMBRIDGE CITY OF
159 THORNDIKE ST
CAMBRIDGE, MA 02141

138-2
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

139-195
LARSON JENNA SMIGIEL JASON
78 ELLERY ST
CAMBRIDGE, MA 02138

138-2
CITY OF CAMBRIDGE
CITY MANAGER

139-39
DEVANEY, JOHN G.
10 POND VIEW DRIVE
NANTUCKET, MA 02554

KELLY BOUCHER, ARCHITECT
561 LEXINGTON STREET
WALTHAM, MA 02452

139-5
84-86 ELLERY STREET LLC
11 MAURIELLO DR
STONEHAM, MA 02180

139-34
PETERS, GEOFFREY
411 BROADWAY
CAMBRIDGE, MA 02138

139-35
YOUSEF-MARTINEK, DIANA O. &
SEBASTIAN MARTINEK
413 BROADWAY
CAMBRIDGE, MA 02138

139-25
65 DANA STREET, LLC
63 SHORE RD UNIT #31
WINCHESTER, MA 01890

139-37
CRAWFORD, CUBIED & ZELTE CRAWFORD
PO BOX 1277
SAN MATEO, CA 94401

139-38
KARNIK RAHUL & SHALINI UNNIKRISHNAN
419 BROADWAY
CAMBRIDGE, MA 02139

139-40
MELLGARD, BJORN & YING JIN
423 BROADWAY
CAMBRIDGE, MA 02138

139-92
GUARDINO, GERALDINE A. AS
TRUSTEE OF THE GURADINO REVOC TRUST
61 DANA ST 2
CAMBRIDGE, MA 02138

139-196
84-86 ELLERY STREET LLC
11 MAURIELLO DR
STONEHAM, MA 02180

139-88
DIONNE, RICHARD D. & ELIZABETH A. DIONNE
88 ELLERY STREET
CAMBRIDGE, MA 02138

139-91
ZARB, KRISTA A.
59 DANA ST
CAMBRIDGE, MA 02139

139-1
ASALEY, EDWARD
TRUSTEE OF ASALEY REALTY TRUST.
C/O BARBARA PETRELLA
27 STEARNS AVE
MEDFORD, MA 02155

139-26
MEDJOOL, LLC.
C/O NCP MANAGEMENT CO.
P.O. BOX 590179
NEWTON CENTRE, MA 02459

139-28
HOLLAND, PHILIP G. & SIOBHAN C. MCMAHON
57 DANA ST
CAMBRIDGE, MA 02138-4310

139-36
PERKINS, RUFUS M.
TRUSTEE THE RUFUS M. PERKINS TRUST
415 BROADWAY
CAMBRIDGE, MA 02138-4278

139-92
KIM NAM WOOK IM HYEJIN
61 DANA ST - UNIT 3
CAMBRIDGE, MA 02138

139-92
RICHMAN ANDREW WHEATLEY THALIA
36 HUBBARD AVE
CAMBRIDGE, MA 02140

139-2
CULLEN ZOE B FLYNN JAMES P
74 ELLERY ST
CAMBRIDGE, MA 02138

139-85
BERNSTEIN, SUSAN A.
82 ELLERY ST
CAMBRIDGE, MA 02138

139-85
KANAAN, AMMAR Y. JACOBS VELELLA & KERR
ATTN: ALBERTO VELELLA
388 HILLSIDE AVENUE.
NEEDHAM, MA 02494

139-33
CONNOR, RUIKO K.
409 BROADWAY
CAMBRIDGE, MA 02139

139-92
GOLD, HANNAH &
MERAV GOLD NURIT LISSOVSKY
7 SHADY HILL SQ
CAMBRIDGE, MA 02138

139-29
AVANT, DEBORAH J., CHARLOTTE M,
ROSLYN, RAYMOND AVANT
CITY OF CAMBRIDGE TAX TITLE
55 DANA STREET
CAMBRIDGE, MA 02138-4310

139-30
ROTHSTEIN, NATHAN CAROLINE G. GAMMILL
53 DANA ST
CAMBRIDGE, MA 02138

78 Ellery St.

139-41

MAGNUSSON, JOAN R. & JAMES T. MERCHANT,
TRS. OF THE MERCHANT FAMILY TRUST
167 GLENWOOD STREET
MALDEN, MA 02148

139-31

GILMORE, MARVIN E. & MARVIN D. GILMORE
TRUSTEE OF THE GILMORE REALTY TRUST
26 MOUNT VERNON ST
CAMBRIDGE, MA 02140

1. The Data Accumulation And Boundary Survey Depicted Hereon Were Obtained By A Field Survey Using Conventional Survey Methods On June 14, 2022 By Chess Engineering, LLC. A Leica TS16 Total Station Was Used Having A Minimal Accuracy Of 5" And 2 PPM. All Features And Objects Shown Are Existing As Of The Date Of The Survey Unless Otherwise Depicted As Proposed.

3. This Plan Does Not Show Any Unrecorded Or Unwritten Easements Which May Or May Not Exist. A Reasonable And Diligent Attempt Has Been Made To Observe Any Apparent, Visible Uses Of The Land; However, This Does Not Constitute A Guarantee That No Such Easements Exist.

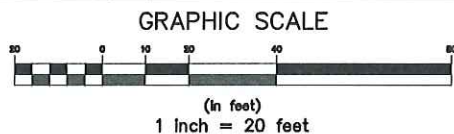
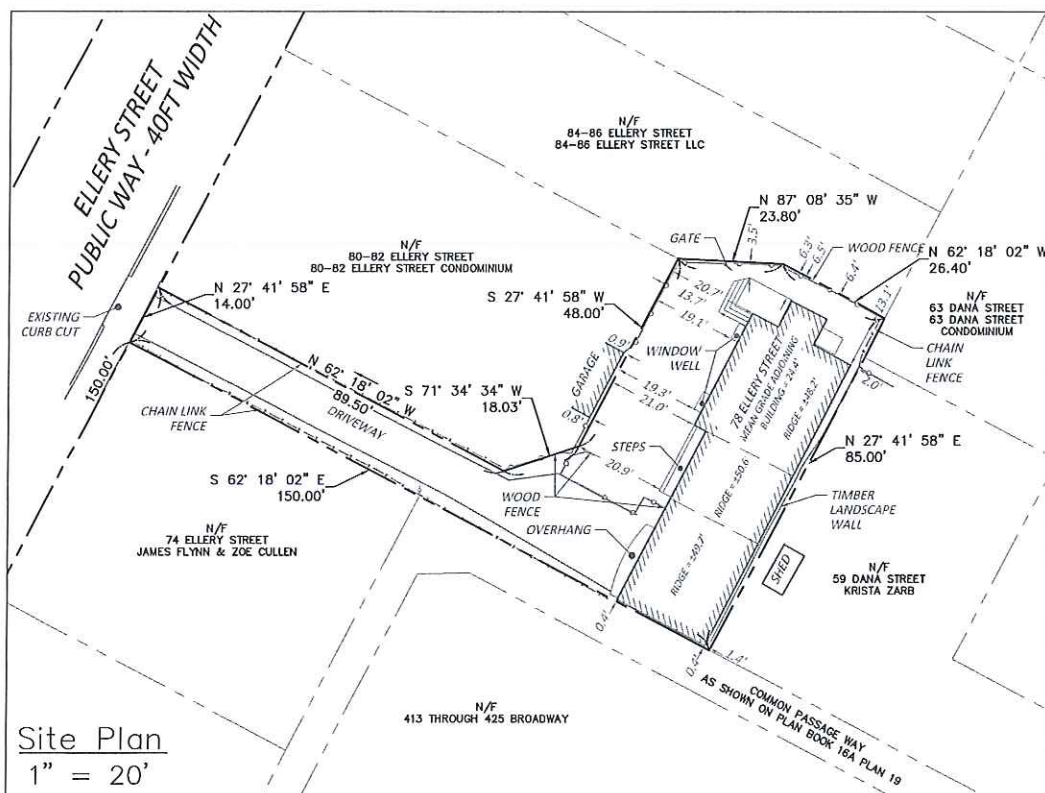
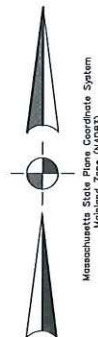
4. The Basis Of Bearings, Azimuths, And The North Arrow Shown Hereon Is The Massachusetts State Plane Coordinate System, Mainland Zone. A Leica GS-14 GNSS Receiver Was Utilized At A Starting Position USN2961212.8818 US761818.9961 With A Scale Factor = 0.9999724

5. Plans Or Information Referenced Are Pertinent Surveys Of Record Describing The Subject Premises And Any Abutting Premises. These References Are Not An Exclusive List Of All Plans Researched.

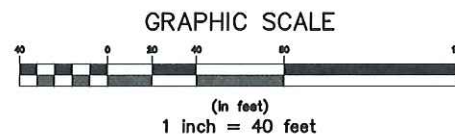
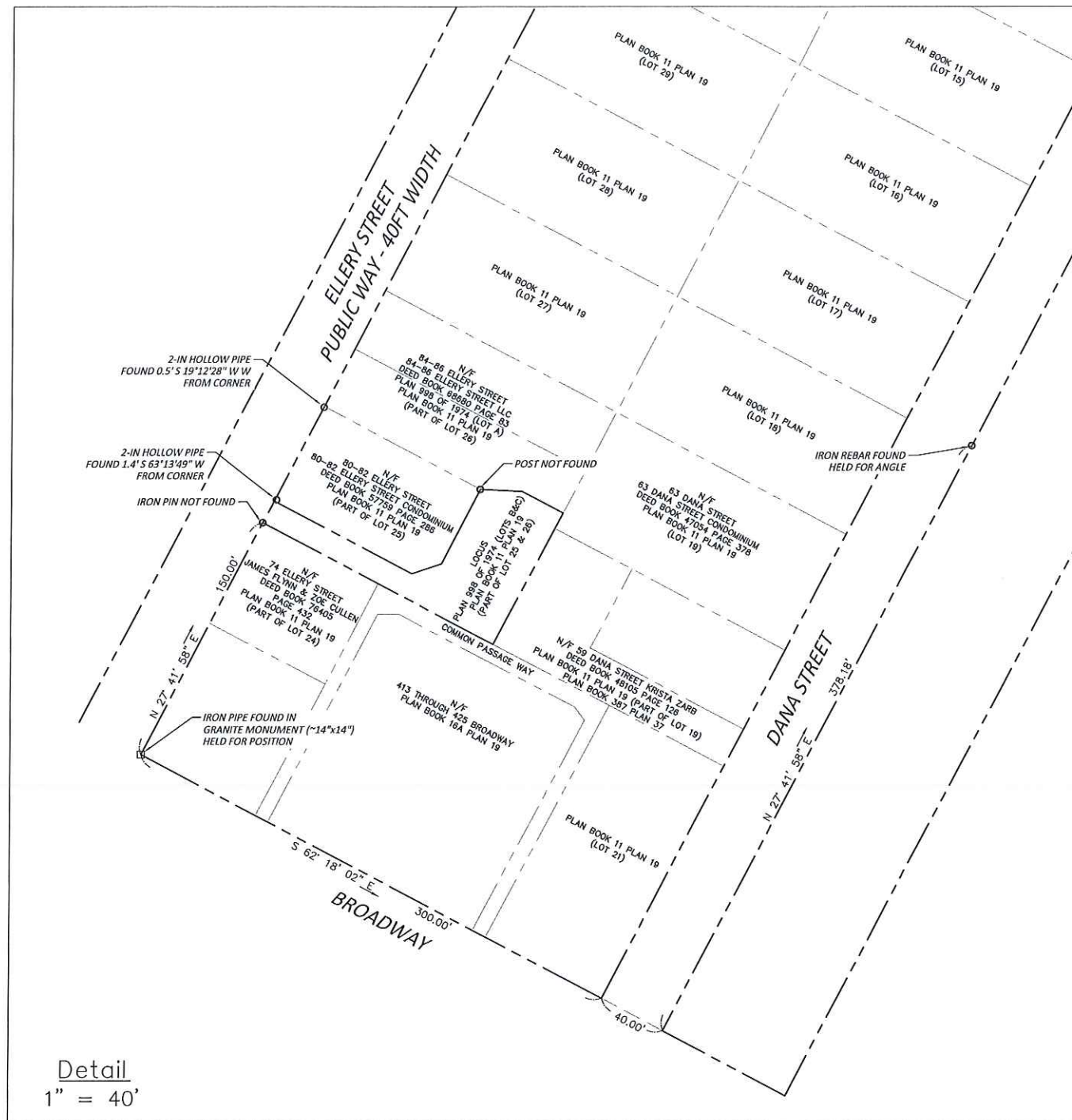
6. This Plan Shall Not Be Used For Construction. Construction Layout Of Buildings, Location Of Site Improvements And Boundary Location Shall Be Performed By A Professional Land Surveyor. Location Of Features Or Boundaries Derived By Scaling This Plan May Not Be Accurate.

7. This Plan: A) Shall Not Be Recorded, B) Does Not Imply Or Otherwise Certify Any Form Of Ownership, And C) Shall Not Be Used To Determine The Location Of Any Features (Fences, Driveways, etc) Relative To Any Feature Or Boundary Unless Explicitly Dimensioned On This Plan.

8. Scale of Drawing Intended For A 24"x36" Print Only.



The Location Of All Underground Utilities Shown Are Approximate And Are Based Upon A Field Survey And Compilation Of Plans Of Record. Chess Engineering, LLC Does Not Warranty The Location Of All Utilities Depicted. Only Record Information Provided By The Respective Utility Owner And Independently Verified By Chess Engineering, LLC Is Shown Hereon. The Contractor, Engineer, or Architect Prior To Commencement Of Construction or Design, Shall Verify The Location Of All Utilities And Contact Dig Safe At 1-888-344-7233.



Middlesex South Registry Of Deeds

1. Plan 998 Of 1974
2. Plan Book 11 Plan 19
3. Plan 733 Of 2011
4. Plan Book 16A Plan 19
5. Plan Book 387 Plan 37
6. End Of Book 4801
7. Plan 733 Of 2011
8. LC32810A&B

City Of Cambridge Department Of Public Works

1. Plan Titled "Plan Of Land in Cambridge, Mass Belonging To Luta Cassedy" Dated August 10, 1938
2. Plan Titled "Plan Of Premises In Cambridgeport Belonging To Heach Hughes" Dated May 26, 1909
3. Plan Titled "Subdivision Land In Cambridge, Mass Belonging To City Of Cambridge" Dated Dec 6, 1957 Plan #7804
4. Plan Titled "Plan Of Concord Street Or Broadway" Dated 1847 Plan #STR-01-15
5. Plan Titled "Plan Of A Part Of Dana Street Between Broadway & Cambridge Sts." Dated August 1864 Plan #STR-04-17
6. Plan Titled "Plan & Profile Of Part Of Ellery Street" Dated March 1869 Plan #STR-04-45

I Declare That This Survey And Plan Were Prepared In
Accordance With The Procedural And Technical Standards
For The Practice Of Land Surveying In The Commonwealth
Of Massachusetts.



Paul Campbell

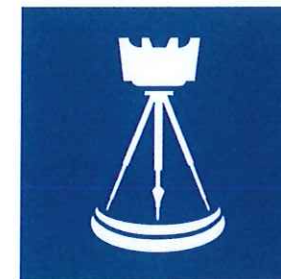
Paul Campbell, PLS #52781 Date: 7/25/2022



Locus

Owner Of Record:

Jenna Larson & Jason Smigiel
78A Ellery Street
Cambridge, Massachusetts 02138
Deed Book 75366, Page 597
PID: 139-195
Plan: 998 Of 1974
(Lots B & C)
Area Measured: $\pm 5,481.25$ S.F.



CHESS
ENGINEERING

PO Box 9480
Lowell, MA 01853
Phone (617) 982-3250
www.chessengineeringne.com

Record & Certified Plot Plan

Prepared For
Jenna Larson

78A Ellery Street
Cambridge, MA 02138
(Middlesex County)

No.	Revision	Date	App
Designed By	Drawn by	PVC	Checked by: PVC
Scale:	As Noted	Date: July 13, 2022	



CITY OF CAMBRIDGE

Massachusetts

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

2022 DEC -7 PM 12: 19

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CASE NO: 190731

LOCATION: 78 Ellery Street Residence C-1 Zone
Cambridge, MA

PETITIONER: Jenna Larson & Jacob Smigiel

PETITION: Special Permit: Reconfigure existing roof and gable end to create additional 2nd floor living space. Construct new windows, sun tunnels & skylights in existing non-conforming elevations.

VIOLATIONS Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).
Art. 8.000, Sec. 8.22.2.c & Sec. 8.22.2.d (Non-Conforming Structure).
Art. 10.000, Sec. 10.40 (Special Permit).

DATE OF PUBLIC NOTICE: September 22 & 29 2022

DATE OF PUBLIC HEARING: October 6, 2022

MEMBERS OF THE BOARD:

BRENDAN SULLIVAN – CHAIR
JIM MONTEVERDE – VICE-CHAIR
CONSTANTINE ALEXANDER
ANDREA A. HICKEY
LAURA WERNICK

✓

✓

ASSOCIATE MEMBERS:

SLATER W. ANDERSON
ALISON HAMMER
JASON MARSHALL
MATINA WILLIAMS
WENDY LEISERSON

✓

✓
✓

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

Case No. BZA-190731
Location: 78 Ellery Street, Cambridge MA
Petitioner: Jenna Larson and Jacob Smigiel

On October 6, 2022, Petitioners Jenna Larson and Jacob Smigiel appeared before the Board of Zoning Appeal with their architect Kelly Boucher requesting a special permit in order to reconfigure the existing roof and gable end to create additional second floor living space and to construct new windows, sun tunnels and skylights in existing nonconforming elevations. The Petitioners requested relief under Article 5, Section 5.31, Article 8, Sections 8.22.2.c&d and Article 10, Section 10.40 of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioners submitted materials in support of the application including information about the project, plans, and photographs.

Ms. Boucher stated that house is a converted carriage house and sits in the rear and side setbacks. She stated that the proposal was to raise a section of roof in order to create some additional living space and to add some fenestration in order to bring more light into the home, without changing the character or the footprint of the carriage house. The proposal includes adding some skylights and some sun tunnels in the rear setback. The building as it exists now is conforming for FAR. The proposal will add 154 square feet, but will still be under the allowable FAR.


The Chair asked if any from the public wished to be heard on the matter and no one indicated such. The Chair read a Letter of Appropriateness from the Mid Cambridge Neighborhood Conservation District Commission.

After discussion, the Chair moved that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioners' submitted materials and the evidence before the Board: that the Board find that the alteration and enlargement of the preexisting dimensionally nonconforming, detached single-family dwelling would not be substantially more detrimental than the existing nonconforming structure to the neighborhood; that the Board find that the requirements of the Ordinance could be met; that the Board find that traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character; that the Board find that continued operation of or development of adjacent uses, as permitted in the Zoning Ordinance, would not be adversely affected by the nature of the proposed use; that the Board find that there would not be any nuisance or hazard created to the detriment of the health, safety, and/or welfare of the occupants of the proposed use, but in fact, would enhance their safety and welfare; that the Board find that the proposed use would not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of the Ordinance; that the Board note the Letter of Appropriateness from the Mid Cambridge Neighborhood Conservation District Commission; that the Board find that proposal conformed with the purpose of the Ordinance to allow homeowners to alter and upgrade their properties; that the Board find that proposed work was quite de minimis and was a fair and reasonable form of relief.

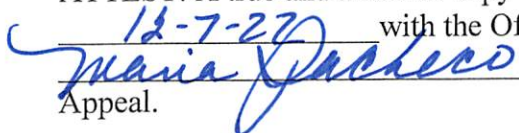
The Chair further moved that based upon all the information presented the Board grant the requested relief as described in the Petitioners' submitted materials and the evidence before the Board.

The five-member Board voted unanimously in favor of granting the special permit (Sullivan, Hickey, Anderson, Leiserson, Williams). Therefore, the special permit is granted.

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


Brendan Sullivan, Chair

ATTEST: A true and accurate copy of the above decision has been filed on

12-7-27 with the Offices of the City Clerk and the Planning Board by
, duly authorized representative of the Board of Zoning Appeal.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:

_____ no appeal has been filed; or

_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk

87



CITY OF CAMBRIDGE

Massachusetts

BOARD OF ZONING APPEAL

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

2022 DEC -7 PM 12:19

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CASE NO: 190731

LOCATION: 78 Ellery Street ✓ Residence C-1 Zone
Cambridge, MA

PETITIONER: Jenna Larson & Jacob Smigiel ✓

PETITION: Special Permit: Reconfigure existing roof and gable end to create additional 2nd floor living space. Construct new windows, sun tunnels & skylights in existing non-conforming elevations. *MR: 75366-598*

VIOLATIONS Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).
Art. 8.000, Sec. 8.22.2.c & Sec. 8.22.2.d (Non-Conforming Structure).
Art. 10.000, Sec. 10.40 (Special Permit).

DATE OF PUBLIC NOTICE: September 22 & 29 2022

DATE OF PUBLIC HEARING: October 6, 2022



2023 00002709

Bk: 81146 Pg: 174 Doc: DECIS
Page: 1 of 3 01/10/2023 10:24 AM

MEMBERS OF THE BOARD:

BRENDAN SULLIVAN – CHAIR
JIM MONTEVERDE – VICE-CHAIR
CONSTANTINE ALEXANDER
ANDREA A. HICKEY
LAURA WERNICK

✓

✓

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SLATER W. ANDERSON
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WENDY LEISERSON

✓

✓
✓

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

Case No. BZA-190731

Location: 78 Ellery Street, Cambridge MA

Petitioner: Jenna Larson and Jacob Smigiel

On October 6, 2022, Petitioners Jenna Larson and Jacob Smigiel appeared before the Board of Zoning Appeal with their architect Kelly Boucher requesting a special permit in order to reconfigure the existing roof and gable end to create additional second floor living space and to construct new windows, sun tunnels and skylights in existing nonconforming elevations. The Petitioners requested relief under Article 5, Section 5.31, Article 8, Sections 8.22.2.c&d and Article 10, Section 10.40 of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioners submitted materials in support of the application including information about the project, plans, and photographs.

Ms. Boucher stated that house is a converted carriage house and sits in the rear and side setbacks. She stated that the proposal was to raise a section of roof in order to create some additional living space and to add some fenestration in order to bring more light into the home, without changing the character or the footprint of the carriage house. The proposal includes adding some skylights and some sun tunnels in the rear setback. The building as it exists now is conforming for FAR. The proposal will add 154 square feet, but will still be under the allowable FAR.


The Chair asked if any from the public wished to be heard on the matter and no one indicated such. The Chair read a Letter of Appropriateness from the Mid Cambridge Neighborhood Conservation District Commission.

After discussion, the Chair moved that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioners' submitted materials and the evidence before the Board: that the Board find that the alteration and enlargement of the preexisting dimensionally nonconforming, detached single-family dwelling would not be substantially more detrimental than the existing nonconforming structure to the neighborhood; that the Board find that the requirements of the Ordinance could be met; that the Board find that traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character; that the Board find that continued operation of or development of adjacent uses, as permitted in the Zoning Ordinance, would not be adversely affected by the nature of the proposed use; that the Board find that there would not be any nuisance or hazard created to the detriment of the health, safety, and/or welfare of the occupants of the proposed use, but in fact, would enhance their safety and welfare; that the Board find that the proposed use would not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of the Ordinance; that the Board note the Letter of Appropriateness from the Mid Cambridge Neighborhood Conservation District Commission; that the Board find that proposal conformed with the purpose of the Ordinance to allow homeowners to alter and upgrade their properties; that the Board find that proposed work was quite de minimis and was a fair and reasonable form of relief.

The Chair further moved that based upon all the information presented the Board grant the requested relief as described in the Petitioners' submitted materials and the evidence before the Board.

The five-member Board voted unanimously in favor of granting the special permit (Sullivan, Hickey, Anderson, Leiserson, Williams). Therefore, the special permit is granted.

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


Brendan Sullivan, Chair

ATTEST: A true and accurate copy of the above decision has been filed on 12-7-22 with the Offices of the City Clerk and the Planning Board by Maria Pacheco, duly authorized representative of the Board of Zoning Appeal.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:

☒ no appeal has been filed; or

☐ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: January 3, 2023


_____, City Clerk

Appeal has been dismissed or denied.

Date: _____

_____, City Clerk



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: Jacob Smigiel Date: 9-21-22
(Print)

Address: 78 Ellery St.

Case No. BZA-190731

Hearing Date: 10/4/22

Thank you,
Bza Members

* * * * *

(9:47 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Wendy
Leiserson, Slater W. Anderson, and Matina
Williams

BRENDAN SULLIVAN: The Board will hear Case No.
190731 -- 78 Ellery Street.

KELLY BOUCHER: Hello. I'm here to speak on
behalf of 8 Ellery Street -- oh, 78 Ellery Street, excuse
me. I'm also joined by the homeowners, Jacob and Jenna
Smigiel here to answer any questions you might have.

My name is Kelly Boucher. I'm the architect for
the project. My office is located at 54 Harvard Street in
Brookline, Massachusetts.

And Olivia, if you want to bring up the drawings,
I will -- I'll present these to you guys.

[Pause]

Great.

So a little bit of context. 78 Ellery Street is a
carriage house located on Ellery Street in the Residential
C1 Zone. It's also located in the Cambridge Historic
Preservation District. We did go to Mid Cambridge in the

1 spring and were granted a Certificate of Appropriateness
2 while we were there.

3 If you want to flip to the next slide?

4 Here you can see the location of 78 Ellery Street
5 tucked behind the Mansard that's at 80 and 81. It's got a
6 very long driveway that you can sort of peek down to get a
7 small glimpse of the house. But mostly it's pretty hidden
8 and tucked in back there.

9 Do you want to -- slide please?

10 Here's our site plan. Our proposed changes --
11 we're here today to -- for a special permit for windows in
12 non-conforming setbacks. We are not going outside the
13 building footprint with any proposed renovation.

14 But here you can see that the property is quite
15 small in the back and the building as a carriage house is
16 tucked up to its property lines. So we're non-conforming on
17 both sides and at the rear for setbacks.

18 The next slide, please?

19 So proposed renovations included a reconfiguration
20 of the roof on the left-hand side of the building. So
21 currently, the right side has a slightly higher ridge than
22 the left. And we're going to raise that up to meet, not be

1 taller than the ridge that's existing, but add a little bit
2 of square feet to the second floor.

3 The building as it exists now is conforming for
4 FAR, adding 154 square feet and will still be well under our
5 allowable FAR.

6 You want to hit the next slide? Thanks.

7 First floor changes include enclosure of an
8 existing covered porch to create a little mudroom in the
9 lower left corner of the building. That part of the
10 building is already GFA. We're just looking to drop walls
11 underneath the roof.

12 Can you click to the next slide, please?

13 Proposed second-floor changes include
14 reconfiguring the roof on the left side, which does give a
15 little bit more room. It's got quite a shallow slope down
16 there. So it adds a little bit of volume without changing
17 the character or the footprint of the carriage house.

18 Next slide, please?

19 Here in our proposed roof plan. We are in the
20 rear setback. And the homeowners, because they're so close
21 to the setback, we're really not allowed to put any window
22 openings there.

1 So in order to get sunlight, that's the east side
2 of the house, we're proposing to add some skylights and some
3 sun tunnels, which do hit that rear setback. We're not
4 proposing any windows along the back face, but skylights.

5 And the next slide should show comparison
6 elevations. So the existing is along the top. You can see
7 the right side is a few feet taller than the left. We're
8 proposing to even them out to change the cross gable at the
9 front so that we get a nice, west-facing window for light to
10 the second floor, and to enclose the porch at the bottom.

11 So you can see here the windows on the front, the
12 long façade, are changing. But that is a conforming
13 setback, so those should be allowed as-of-right. And the
14 windows in question are the three in the short elevation.
15 So we're moving one on the second floor to meet some -- to
16 avoid some walls that we're trying to change.

17 And we're looking to add two windows in that
18 mudroom part that we are enclosing.

19 You can hit the next slide.

20 Really no changes besides skylights to the rear
21 elevation and the ridgeline. No changes at all to the right
22 side.

1 And then if you want to keep going, there are some
2 context photos and some 3D views just before and after to
3 show what it looks like now at the top and what we're
4 proposing on the bottom.

5 You know, there's a section showing how the roof
6 will gain a little bit -- a squeak, a little bit of extra
7 square feet in there, and then there's a few context photos.

8 But basically, a light touch to the historic
9 house. We're not trying to change its spirit; we're just
10 trying to squeeze alibi more room for the growing family
11 that's -- that occupies the house and to make the windows
12 bigger to get a little bit more light.

13 Because we can't really get any windows at the
14 back or the right side, you know, we're trying to maximize
15 the two sides that we do have through fenestration.

16 So that's just an explanation of what we're
17 proposing to do. I'd invite questions or comments from the
18 Board.

19 BRENDAN SULLIVAN: Okay, great. If it wasn't for
20 Google Maps saying, "You have arrived at your destination" I
21 would have gone right by the house, actually."

22 KELLY BOUCHER: I went by myself --

1 BRENDAN SULLIVAN: It's really a lovely house in a
2 great location.

3 KELLY BOUCHER: Very hard to find.

4 BRENDAN SULLIVAN: So Andrea, any questions at
5 this time?

6 ANDREA HICKEY: No, that was a very cool
7 presentation Ms. Boucher made. I have no questions at this
8 time.

9 BRENDAN SULLIVAN: Wendy, any questions?

10 WENDY LEISERSON: Agreed.

11 BRENDAN SULLIVAN: Slater?

12 SLATER ANDERSON: No questions.

13 BRENDAN SULLIVAN: Matina?

14 MATINA WILLIAMS: No questions. That was a great
15 presentation. Thank you.

16 BRENDAN SULLIVAN: All right. Let me open it to
17 public comment. Any member of the public who wishes to
18 speak should now click the button that says, "Participants,"
19 and then click the button that says, "Raise hand."

20 If you're calling in by phone, you can raise your
21 hand by pressing *9 and unmute or mute by pressing *6, and
22 you'll have up to three minutes in which to comment.

1 [Pause]

2 There appears to be nobody calling in. We are in
3 receipt of correspondence from the Mid Cambridge
4 Neighborhood Conservation. It's a Letter of
5 Appropriateness.

6 "The Mid Cambridge Neighborhood Conservation
7 hereby certifies that the construction described below is
8 not incongruous to the historic aspect or architectural
9 character of the building or district to reconfigure the
10 roof and alter fenestration, plans submitted entitled, "78
11 Ellery Street MCNDC submission, dated April 11.

12 "The certificate is granted upon the condition
13 that the Board authorize this commence within six months."

14 And the letter is dated May 10, 2022. That is the
15 sum and substance of the correspondence. I will close the
16 public comment. I will close public comment part. I don't
17 think there's anything to add to the presentation, but you
18 may if you wish.

19 KELLY BOUCHER: No, I'm --

20 BRENDAN SULLIVAN: No? Okay, that's great. Any
21 comments by the Board, or are we ready for a motion?

22 ANDREA HICKEY: Ready.

1 BRENDAN SULLIVAN: Okay.

2 KELLY BOUCHER: Andrea's ready.

3 BRENDAN SULLIVAN: Seeking relief for a special
4 permit under 8.22d and a special permit criteria.

5 Under 8.22d, the Board may grant a special permit
6 for the alteration or enlargement of a pre-existing
7 dimensionally non-conforming, detached single-family
8 dwelling or two-family dwelling not otherwise permitted in
9 8.22.1 above, but not the alteration or enlargement of a
10 pre-existing, non-conforming use.

11 Provided that there is no change in use, and that
12 any enlargement or alteration of such pre-existing, non-
13 conforming detached single-family dwelling or two-family may
14 only increase a pre-existing dimensional non-conformity but
15 does not create a new dimensional non-conformity.

16 In order to grant the special permit, the Board of
17 Zoning Appeal is required to find -- and does make such
18 finding -- that the alteration or enlargement shall not be
19 substantially more detrimental than the existing non-
20 conforming structure to the neighborhood, and that the
21 alteration or enlargement satisfies the criteria in Section
22 10.43.

1 Under 10.43, it appears that the requirements of
2 the Ordinance can be met. Traffic generated or patterns of
3 access or egress would not cause congestion, hazard, or
4 substantial change in the established neighborhood
5 character.

6 Continued operation of or development of adjacent
7 uses, as permitted in the Zoning Ordinance, would not be
8 adversely affected by the nature of the proposed use.

9 There would not be any nuisance or hazard created
10 to the detriment of the health, safety, and/or welfare of
11 the occupants of the proposed use -- in fact, it would be
12 enhanced their safety and welfare would be greatly enhanced
13 by the alterations proposed.

14 And that the proposed use would not impair the
15 integrity of the district or adjoining district, or
16 otherwise derogate from the intent and purpose of the
17 ordinance.

18 The Board notes the letter from the Cambridge
19 Neighborhood Conservation Committee Letter of
20 Appropriateness for the work that is being proposed, and
21 also that it conforms to the purpose of the ordinance to
22 allow petitioners to -- homeowners -- to alter and upgrade

1 their properties, and the Board finds that this work is
2 quite de minimis and is a fair and reasonable form of
3 relief. On the motion to grant the special permit, Andrea
4 Hickey?

5 ANDREA HICKEY: Yes, in favor.

6 BRENDAN SULLIVAN: Wendy Leiserson?

7 WENDY LEISERSON: Yes, in favor.

8 BRENDAN SULLIVAN: Slater Anderson?

9 SLATER ANDERSON: Yes, in favor.

10 BRENDAN SULLIVAN: Matina?

11 MATINA WILLIAMS: In favor.

12 BRENDAN SULLIVAN: Brendan Sullivan yes.

13 [All vote YES]

14 BRENDAN SULLIVAN: On the five affirmative votes,
15 the special permit is granted.

16 KELLY BOUCHER: Thank you.

17 BRENDAN SULLIVAN: Good luck.

18 KELLY BOUCHER: Thanks.

19 BRENDAN SULLIVAN: Yep.

20

21

22



Kelly Boucher Architecture
54 Harvard Street
Brookline, MA 02445
kelly@boucherarchitecture.com
617.827.3527

2024 NOV -5 PM 2:36
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

November 4, 2024

Board of Zoning Appeals

Cambridge, MA

Subject: Request for Extension of Approved Special Permit

Dear Members of the Board,

I am writing to respectfully request an extension of an approved special permit for 78 Ellery Street BZA # 190731. The original special permit, filed on December 7, 2022 is scheduled to expire on December 7, 2024. Due to various reasons, we have been unable to complete the project as initially planned.

To ensure the successful completion of this renovation in accordance with the permit's guidelines, I am requesting an extension of six months. This additional time will allow us to complete the required work and fulfill all conditions set forth in the permit approval.

Thank you for considering this request.

Sincerely,

Kelly Boucher, AIA
Project Architect