



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2021 SEP -2 PM 1:40

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 141587

General Information

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

Special Permit: X Variance: Appeal:

PETITIONER: George Finn and Christine Waite C/O James J. Rafferty

PETITIONER'S ADDRESS: 907 Massachusetts Avenue, Cambridge, MA 02138

LOCATION OF PROPERTY: 7 Malcolm Rd., Cambridge, MA

TYPE OF OCCUPANCY: Two Family

ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/Dormer/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner seeks to construct dormer on right side of existing two family dwelling.


SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).

Article: 8.000 Section: 8.22.2(d) (Non-Conforming Structure).

Article: 10.000 Section: 10.40 (Special Permit).

Original
Signature(s):



(Petitioner (s) / Owner)

James J. Rafferty, Attorney for Petitioner

(Print Name)

Address:

Tel. No. 617.492.4100

E-Mail Address: jrafferty@adamsrafferty.com

Date: August 31, 2021

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

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

George Finn and Christine Waite
(Owner or Petitioner)

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

Location of Premises: 7 Malcolm Rd, Unit 2.

the record title standing in the name of George Finn and Christine Waite

whose address is 7 Malcolm Road, Cambridge MA 02138
(Street) (City or Town) (State & Zip Code)

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

Book 58606 Page 464 or _____ Registry

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

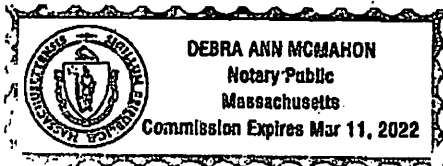
George Finn Christine Waite
(Owner)

=====

On this 24 day of June, 2021, before me, the undersigned notary public, personally appeared George Finn + Christine Waite proved to me through satisfactory evidence of identification, which were Mass. Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Debra Ann McMahon
Notary Public

My commission expires: March 11, 2022



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 7 Malcolm Rd , 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 provisions of Section 6, Chapter 40A G.L. and Sec. 8.22.2(d) of the Zoning Ordinance recognize the ability for single and two family dwellings to be altered as proposed in this application.

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:

The addition of a dormer will not alter traffic patterns.

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 adjacent users are all similarly sized two family dwellings.

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 proposed addition represents an increase of approximately 85 sf which will not create any detriment to the health of Cambridge citizens.

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 intensity and use of this two family dwelling will not be altered as a result of the proposed dormer. As a result, there will not be any impairment to the integrity of the Residence B District. Moreover, the proposed design has been informed by the Dormer Guidelines.

***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:** George Finn and Christine Waite**Present Use/Occupancy:** Two Family**Location:** 907 Massachusetts Avenue**Zone:** Residence B Zone**Phone:** 617.492.4100**Requested Use/Occupancy:** no change

	<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	4,555	4,630	1,700	(max.)
<u>LOT AREA:</u>	3,400	no change	5,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>	1.34	1.36	0.5	
<u>LOT AREA OF EACH DWELLING UNIT</u>	1,700	no change	2,500	
<u>SIZE OF LOT:</u>				
WIDTH	42.5'	no change	50'	
DEPTH	80'	no change	N/A	
<u>SETBACKS IN FEET:</u>				
FRONT	7.0' +/-	no change	15'	
REAR	18.0' +/-	no change	25'	
LEFT SIDE	8.0'+/-	no change	7.5' (min)	
RIGHT SIDE	7.0'+/-	no change	12.5' (min)	
<u>SIZE OF BUILDING:</u>				
HEIGHT	33'	no change	35'	
WIDTH	55.6'	no change	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	+/- 30%	no change	40%	
<u>NO. OF DWELLING UNITS:</u>	2	no change	2	
<u>NO. OF PARKING SPACES:</u>	2	no change	2	
<u>NO. OF LOADING AREAS:</u>	N/A	no change	N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>	N/A	N/A	N/A	

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

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'.

Pacheco, Maria

From: Debra Gentile-McMahon <dgentile@cpsd.us>
Sent: Monday, October 18, 2021 1:30 PM
To: Pacheco, Maria
Subject: 7 Malcolm Road #2

Hi Maria,

Although I am not a direct abuter to 7 Malcolm Road #2 I live only 5 houses away on Lakeview. George and his family are teffic neighbors. He has helped me with snow removal and many small household repairs. In fact last week he replaced my door handle.

Debbie Gentile-McMahon
Clerk Specialist
Learning Community C
617-349-6674

Pacheco, Maria

From: shirsh3400@aol.com
Sent: Monday, October 18, 2021 3:50 PM
To: Pacheco, Maria
Subject: Case Number BZA-141587

Hi Maria,

My name is Sue Hirsh, and I live on 16 Malcolm Rd across from George Finn, Christine and their family. I just wanted to express my full support of the project they're planning for their home.

George and Christine have been amazing neighbors. During the winter, they are known to frequently snow blow the sidewalks up and down the entire street, helping all of their neighbors. George also helped me to fix an exterior issue at my home, when water was shooting out of a pipe, and he even loaned me a power washer. They are literally the ideal neighbors- thoughtful and generous. They take pristine care of their home, whether it's landscaping, exterior house design or general upkeep, and we appreciate their continued care and improvements to their property. I have faith and confidence that whatever decision/action they take for their house will be thoughtful and positive.

Please don't hesitate to reach out to me if I can answer any additional questions.

Best, Sue Hirsh and Charles Glick (16 Malcolm Rd.)



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.

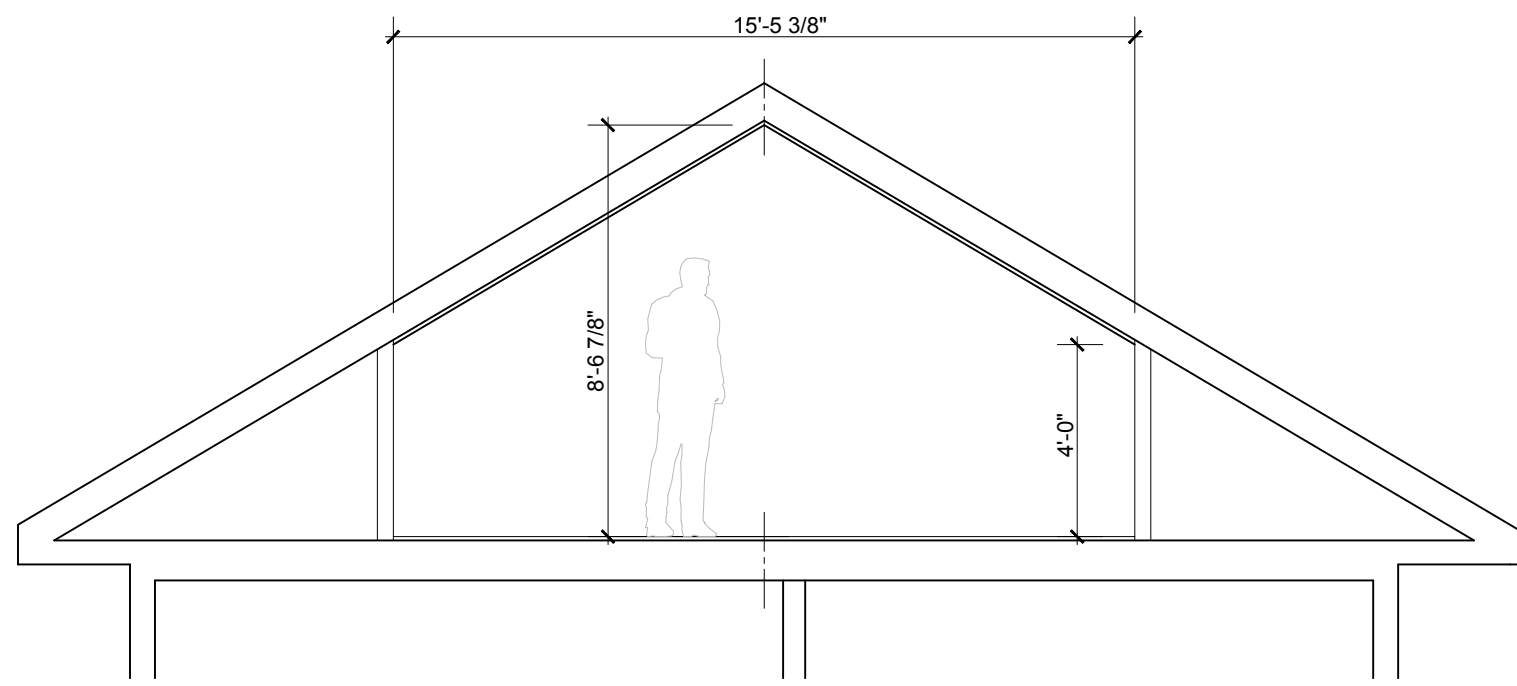
Name: Patrick Cote Date: 9/30
(Print)

Address: 7 Malcolm Rd

Case No. BZA-141587

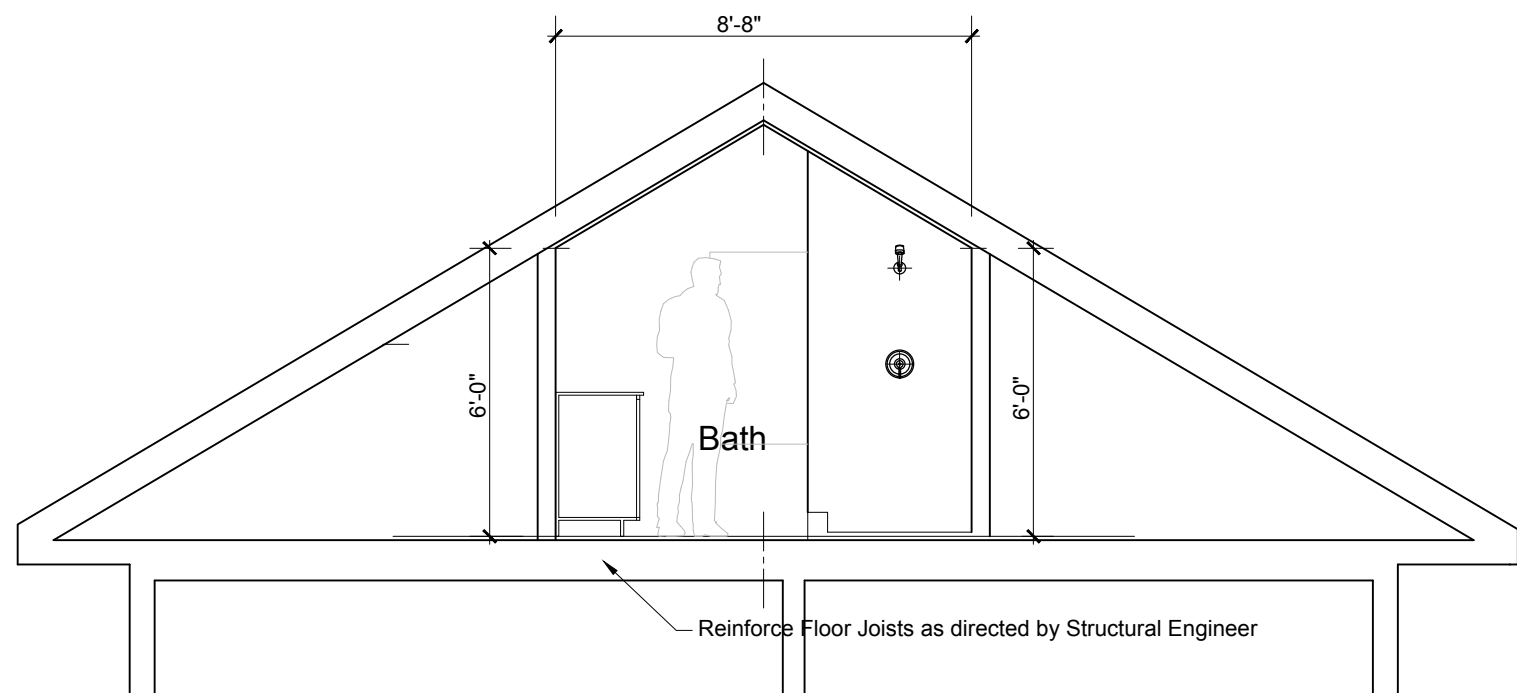
Hearing Date: 10/21/21

Thank you,
Bza Members



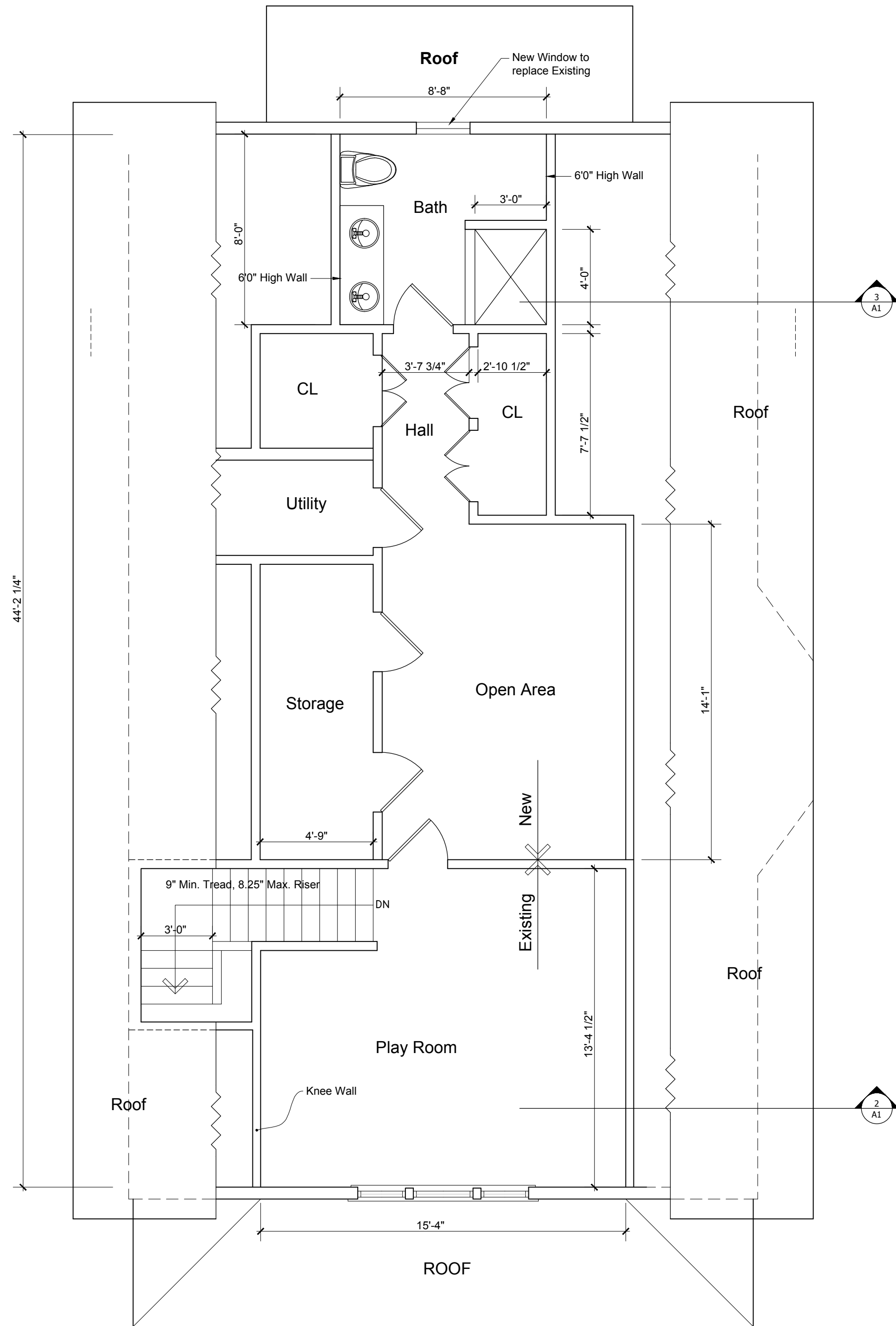
2 Existing Section Through Play Room

Scale: 1/4" = 1'-0"



3 Proposed Section Through Bath

Scale: 1/4" = 1'-0"



1 Proposed Attic Plan

Scale: 1/4" = 1'-0"

Date	Revision / Issue

Notes

Project Title
PRIVATE RESIDENCE
 7 Malcolm Road
 Cambridge, MA

Drawing Title
Proposed Attic Plan and Sections

Seal

architecture sv
 ARCHITECTURE DESIGN PLANNING
 36 Highgate Rd, Framingham, MA 01701
 Tel. (617) 277-7617
 Fax. (617) 277-8621
 architect@alexnet.com

Project	1112
Date	17 February 2021
Scale	AS NOTED

Sheet
A1

Date	Revision / Issue
6/28/19	Owner's Review
8/12/19	ZBA Set
3/9/21	ZBA Set Revised

Notes

Project Title
PRIVATE RESIDENCE
 7 Malcolm Road
 Cambridge, MA

Drawing Title
 Proposed Front and
 Rear Elevations

Seal

architecture sv
 ARCHITECTURE DESIGN PLANNING
 36 Highgate Rd, Framingham, MA 01701
 Tel. (617) 277-7617
 Fax. (617) 277-8621
 architex@alexnet.com

Project	1112
Date	9 March 2021
Scale	AS NOTED

Sheet
A2

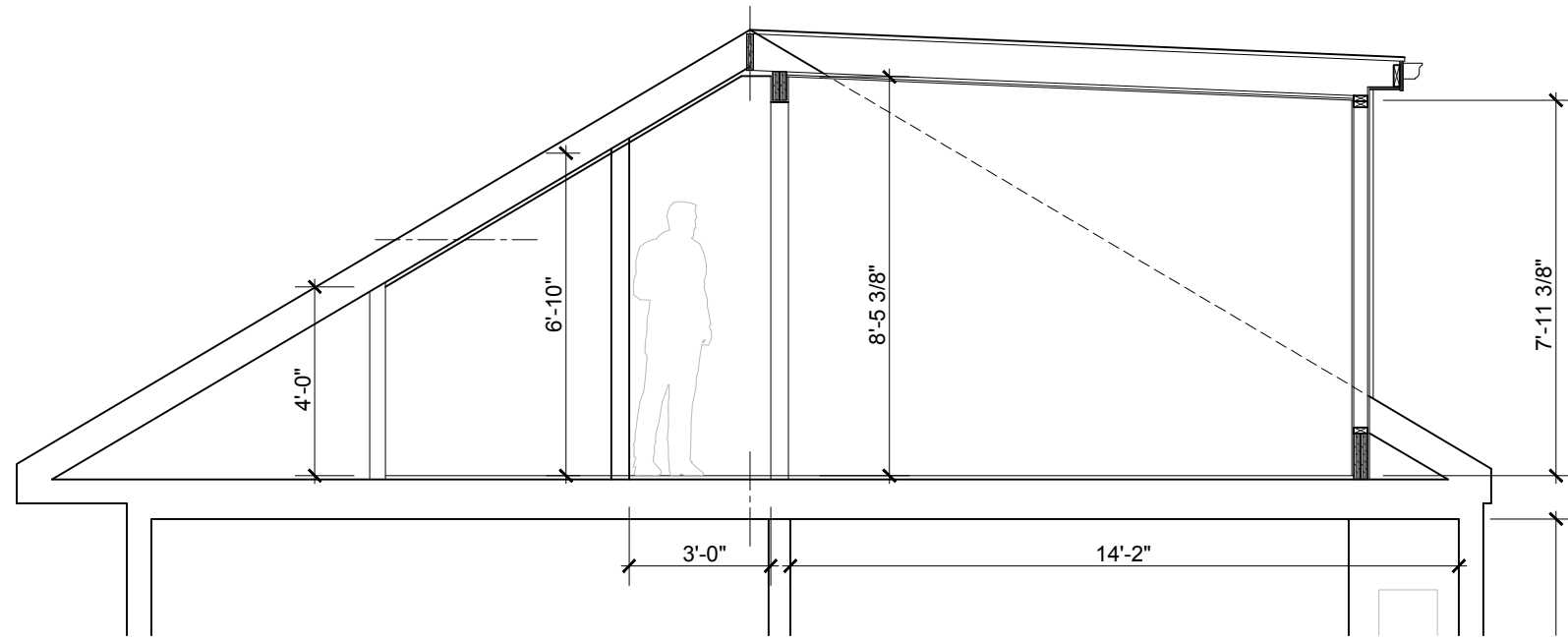


2 Proposed Rear Elevation
 Scale: 1/4" = 1'-0"



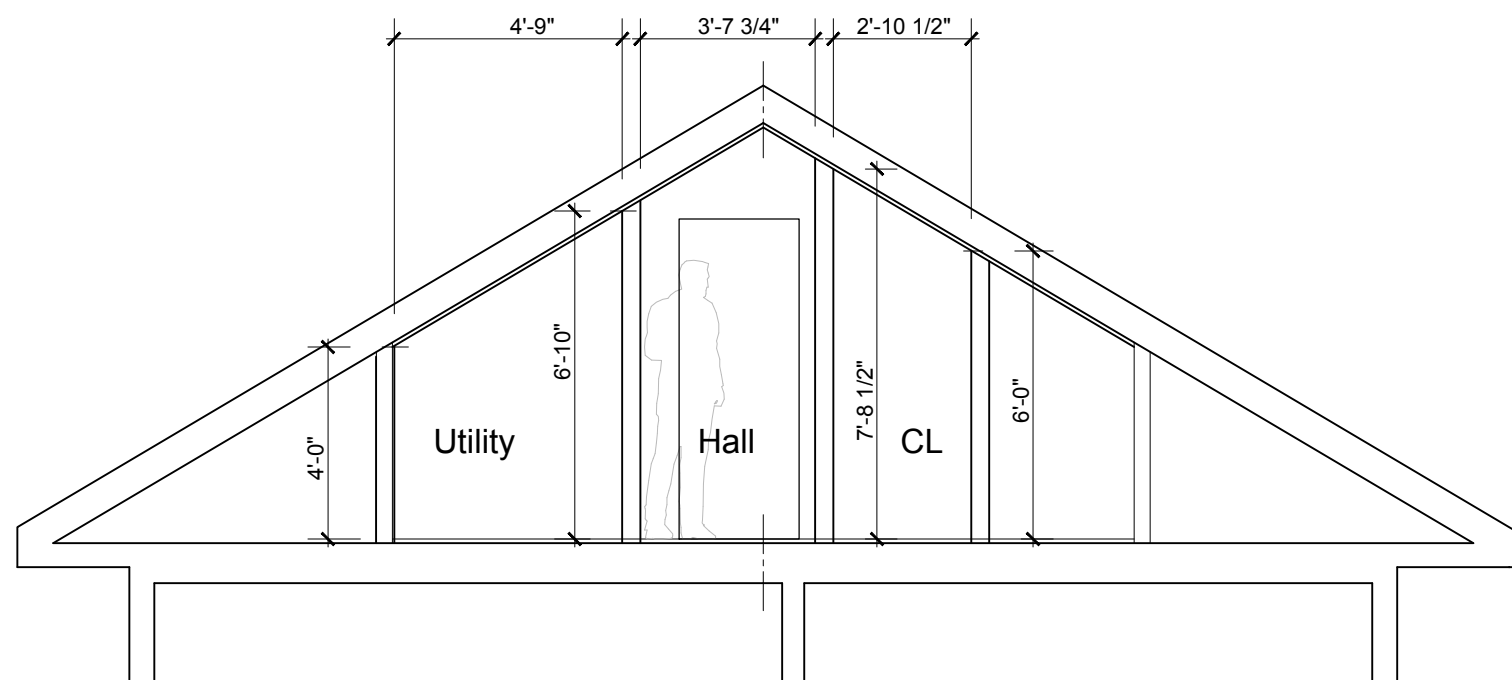
1 Proposed Front Elevation
 Scale: 1/4" = 1'-0"





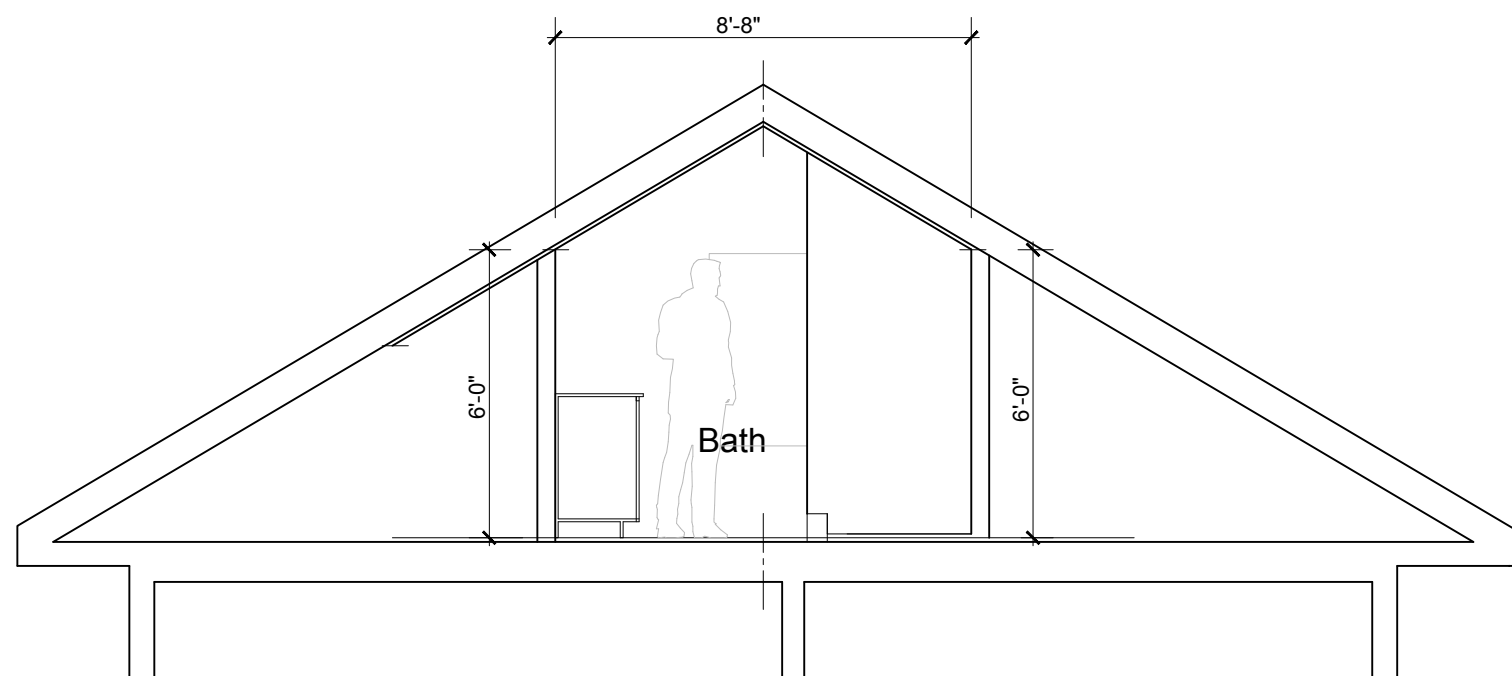
2 Proposed Section Through Dormer

Scale: 1/4" = 1'-0"



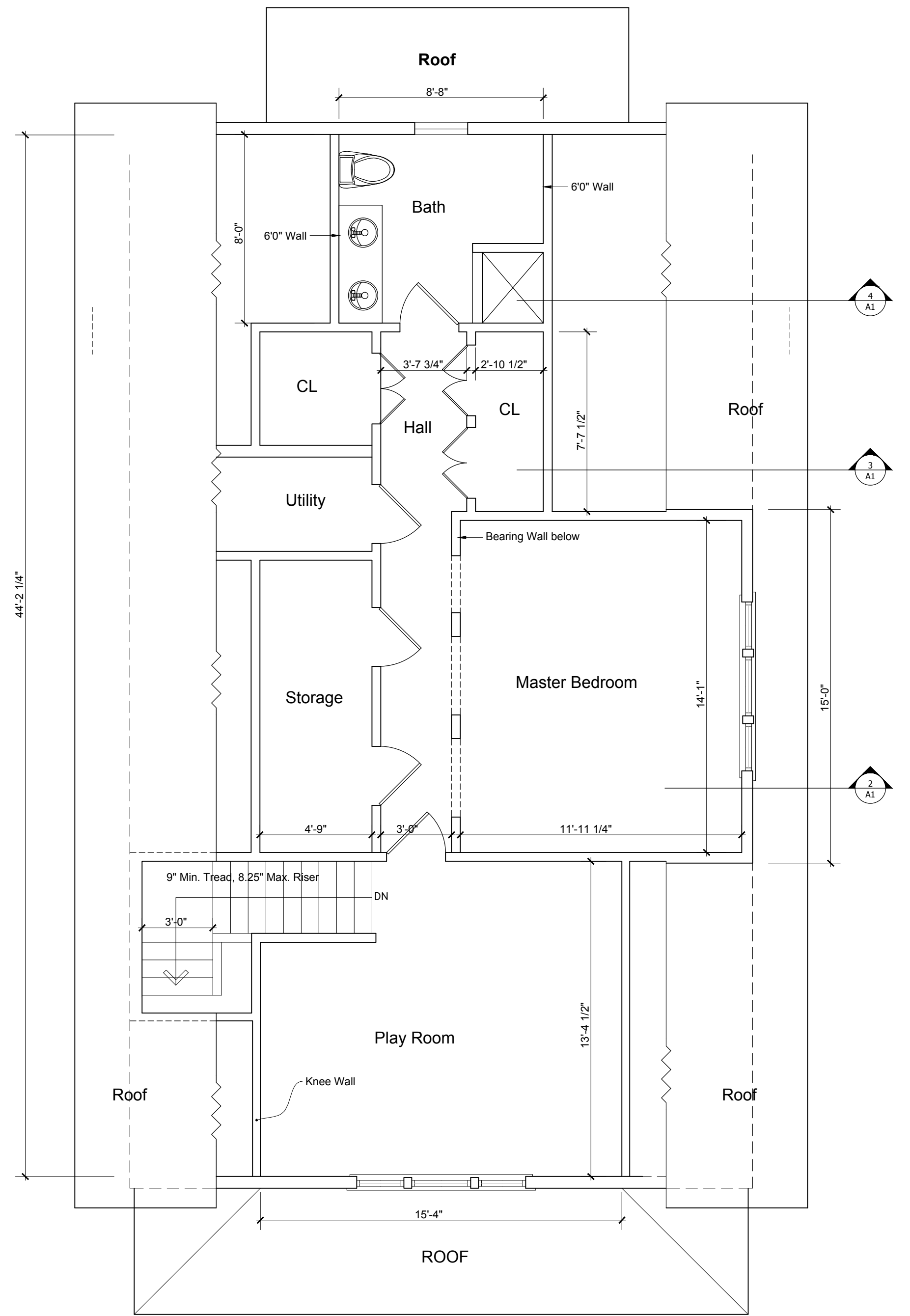
3 Proposed Section Through Closet and Storage

Scale: 1/4" = 1'-0"



4 Proposed Section Through Bath

Scale: 1/4" = 1'-0"



1 Proposed Attic Plan

Scale: 1/4" = 1'-0"

Date	Revision / Issue
6/28/19	Owner's Review
8/12/19	ZBA Set
3/9/21	ZBA Set Revised

Notes

Project Title
PRIVATE RESIDENCE
 7 Malcolm Road
 Cambridge, MA

Drawing Title
Proposed Attic Plan and Sections

Seal

architecture sv
 ARCHITECTURE DESIGN PLANNING
 36 Highgate Rd, Framingham, MA 01701
 Tel. (617) 277-7617
 Fax. (617) 277-8621
 architect@alexnet.com

Project	1112
Date	9 March 2021
Scale	AS NOTED

Sheet
A1

Date	Revision / Issue
6/28/19	Owner's Review
8/12/19	ZBA Set
3/9/21	ZBA Set Revised

Notes

Project Title
PRIVATE RESIDENCE
 7 Malcolm Road
 Cambridge, MA

Drawing Title
Proposed Right Elevation

Seal

architecture sv
 ARCHITECTURE DESIGN PLANNING
 36 Highgate Rd, Framingham, MA 01701
 Tel. (617) 277-7617
 Fax. (617) 277-8621
 architex@alexnet.com

Project	1112
Date	9 March 2021
Scale	AS NOTED

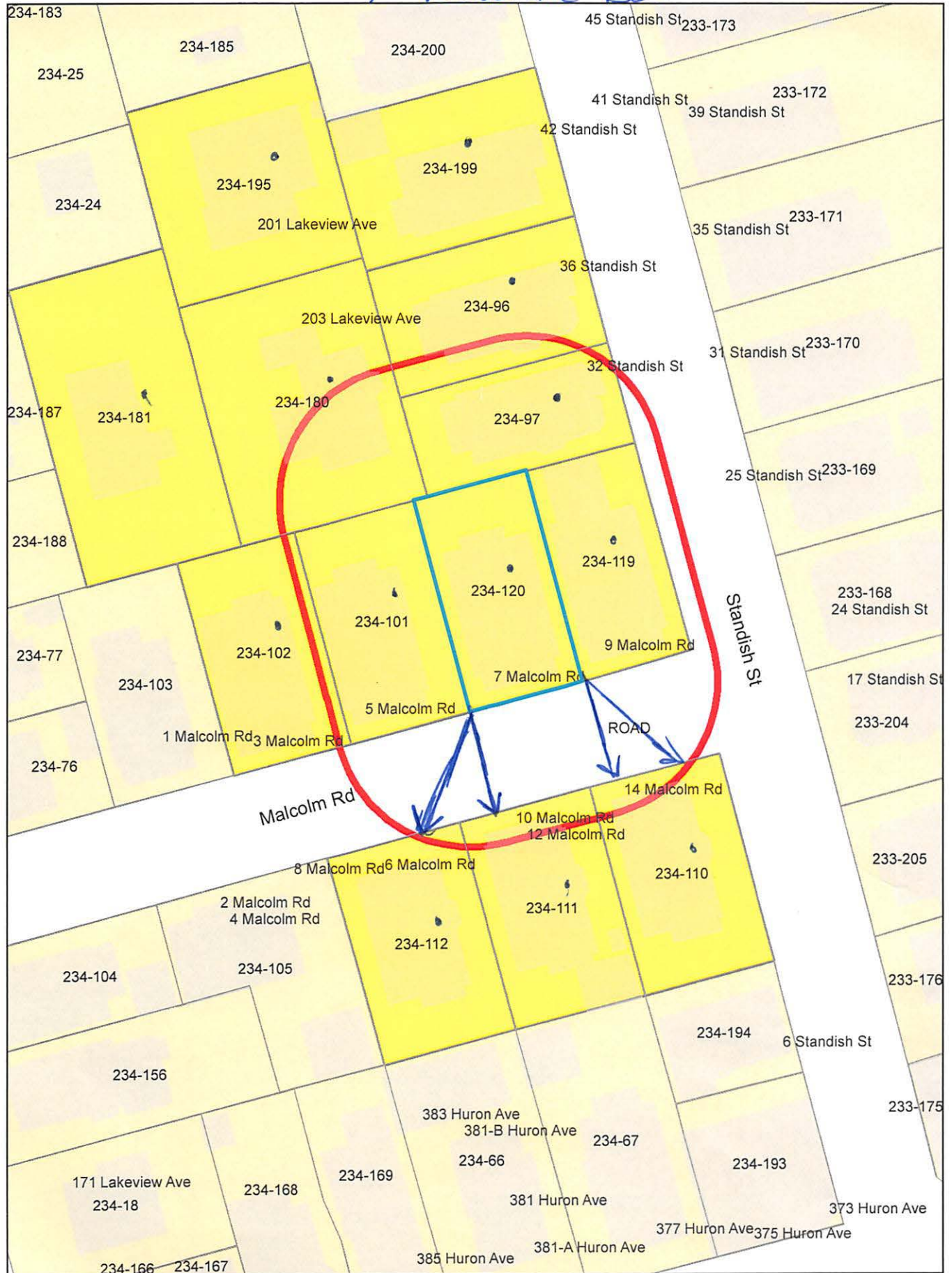
Sheet
A3



1 Proposed Right Elevation

Scale: 1/4" = 1'-0"

7 Malcolm Rd.



7 Malcolm Rd.

Petitioner

234-199
JFM MARITAL, LLC.
C/O STEPHEN MCEVOY
15 DAY SCHOOL LANE
BELMONT, MA 02478

234-101
WAGNER, MARK R. & JUDY A. KRAMER
5 MALCOLM RD
CAMBRIDGE, MA 02138

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE
CAMBRIDGE, MA 02138

234-102
DOYLE, PAUL F. A LIFE ESTATE
3 MALCOLM RD
CAMBRIDGE, MA 02138-6814

234-119
HERBST, JAMES H. & DOROTHY S. M. YEP
9 MALCOLM RD.
CAMBRIDGE, MA 02138

234-111
CICON, CHRISTINE A. & SAMUEL P. STERN
10-12 MALCOLM RD
CAMBRIDGE, MA 02138

234-112
GURDAL, IHSAN M. & VALERIE A. GURDAL
6 MALCOLM RD.
CAMBRIDGE, MA 02138

234-180
GARVEY, TIMOTHY & LESLIE GARVEY
203 LAKEVIEW AVE
CAMBRIDGE, MA 02138

234-181
PALEY, MARK,
TR. OF LAKEVIEW AVENUE NOMINEE TRUST
199 LAKEVIEW AVE
CAMBRIDGE, MA 02138

234-195
BOYNE, DANIEL & KAREN BARSS
201 LAKEVIEW AVE
CAMBRIDGE, MA 02138

234-110
HIRSH, SUSAN J.
16 MALCOLM RD., #16
CAMBRIDGE, MA 02138

234-120
FINN, BRENDA,
TRUSTEE THE BRENDA FINN TRUST
7 MALCOLM RD., UNIT #1.
CAMBRIDGE, MA 02138

234-120
FINN, GEORGE & WAITE, CHRISTINE
7 MALCOLM RD., #2
CAMBRIDGE, MA 02138

234-96
LEOFANTI, JR, PAUL J. & JAY M. PABIAN,
TRS JOHN W. MCEVOY, MARY JANE WALSH &
CHRISTINE MCEVOY
80 CUSHING ST
BELMONT, MA 02478

234-110
HIRSH, SUSAN CHARLES GLICK
14 MALCOM RD UNIT #16
CAMBRIDGE, MA 02138

234-97
32 STANDISH STREET LLC
151 SOUTH OLD WOODWARD AVE., STE 400
BIRMINGHAM, MI 48009

Pacheco, Maria

From: Sam Stern <samsternjones@gmail.com>
Sent: Monday, October 18, 2021 9:38 AM
To: Pacheco, Maria
Subject: Writing In Support Of George Phin & Christine Waite's Project at 7 Malcolm Road

Hi Maria,

I hope you're well and had a nice weekend. I live at 10 Malcolm Road, directly across the street from George and Christine at 7 Malcolm Road. I am writing to you to enthusiastically support their project, case # BZA-141587.

7 Malcolm Road looks great - they do regular maintenance to keep their yard and house looking sharp (watching them work often reminds me of maintenance we need to get after across the street!). I know that the work on the attic dormer will be performed efficiently and to a high standard, and be a credit to their property and to Malcolm Road after it's done. I say that from experience, as they have done other projects on their house (solar panels, HVAC, etc.) in the past few years, and it has never been an imposition on us in any way, and their house always comes out looking better than before.

We moved in 5 years ago, and they have been great neighbors in that time - welcoming us to the block, inviting us to gatherings at their house that helped us meet other neighbors, and always helping on the block. For instance, George has a snow-blower and clears everyone's sidewalks each snowfall. Given how many elderly residents we have nearby, it's not just a nice neighborly gesture, though it is, but also an essential kindness to those folks who would struggle to clear their sidewalks and driveways.

Their daughters were very welcoming to our younger daughters too, and I credit them with getting our daughters interested in gymnastics. Their grandmother lives on the first floor, and I have seen her clean up broken glass bottles left in the street on a garbage/recycling day. It is little and big things like that make them essential neighbors.

Thanks, and I hope you have a great week.

Cheers,
Sam Stern
10 Malcolm Road

--
S a m S t e r n

Pacheco, Maria

From: James Herbst <jasleaf9@gmail.com>
Sent: Monday, October 18, 2021 1:06 PM
To: Pacheco, Maria; gfinn@cpsd.us

To whom it may concern:

Re: Case number BZA-141587

I write as the homeowner of the residence at 9 Malcolm Road, directly adjacent to the proposed dormer project at 7 Malcolm Road.

I have discussed the project with George and he has assured me that, to minimize disruption to my household, construction work will be completed during weekday hours from 8 AM to 4 PM, and that there will be no construction activity on Saturday or Sunday.

George and his family have been good neighbors for the past 10 years and I support their continued improvement to the property.

Sincerely,
James Herbst

9 Malcolm Road no. 2
Cambridge, MA
02138-6814

617-480-8938