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# **CITY OF CAMBRIDGE**

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100 **BZA Application Form BZA Number: 214584 General Information** The undersigned hereby petitions the Board of Zoning Appeal for the following: Special Permit: \_\_\_\_\_ Variance: X\_\_\_ Appeal:

PETITIONER: Daniel Anderson C/O Anderson Porter Design Inc.

PETITIONER'S ADDRESS: 1972 Massachusetts Avenue 4th Floor, Cambridge, MA 02140

## LOCATION OF PROPERTY: 88 Holworthy St , Cambridge, MA

**TYPE OF OCCUPANCY: 2 Family** 

ZONING DISTRICT: Residence B Zone

## **REASON FOR PETITION:**

/New Structure/

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

Addition of a new two-family structure at rear of lot.

## SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000 Section: 5.31 (Table of Dimensional Requirements) Article: 10.000 Section: 10.30 (Variance).

> Original Signature(s):

(Petitioner (s) / Owner)

DANIEL P. ANDERSON (Print Name)

Address: Tel. No. E-Mail Address: dan@andersonporter.com

NDERGON FORTHER DESKON 972 WALS AVE FLY CAMB-40 6177942371

Date: 3.14.2022

## **BZA Application Form**

## BZA APPLICATION FORM -OWNERSHIP INFORMATION

(To be completed by <b>OWNER</b> , signed before a notary, and returned to Secretary of Board of Appeal).
I/WE STEPHEN SILLARI ESTLUARI ENTERPRISES (LC
Address: 9 PARAT AVE CAMBRIDGE MA Od 138
State that I/We own the property located at <u>88 Holworthy</u> which is the
subject of this zoning application.
The record title of this property is in the name of
*Pursuant to a deed of duly recorded in the date $\frac{9/24/19}{1}$ , Middlesex South County Registry of Deeds at Book $\frac{73334}{1}$ , Page $572$ ; or
Middlesex Registry District of Land Court, Certificate No.
Book Page 572
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
The above-name <u>Stephen R. Sillar</u> personally appeared before me,
this of, 2023, and made oath that the above statement is true.
- AVAT BUNNING
My commission expires <u>U 28 /2025</u> (Notary Seal).

(ATTACHMENT B -PAGE 3)

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## **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:

The literal enforcement of the provisions of this Ordinance would involve a substantial hardship due to the cost of rehabilitating the existing non-conforming structure to a conforming condition combined with nearly four years of legal challenges.

The hardship is owing to the following circumstances relating to the soil conditions, shape or
 B) 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 owing to the following circumstances relating to the shape and location of the structures on an atypical lot and financial burden created by the existing nonconforming building placement and neglected condition. The proposed relief of dwelling unit limit and FAR will not affect generally the zoning district as it otherwise conforms with the uses and dimensions outlined in the ordinance. The relaxation of the lot area per dwelling unit will allow the owner to occupy one of the units and provide rental income. The relief will also allow for sorely needed additional rental units in the neighborhood and city.

## C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

1) Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The proposed alteration does not present a substantial detriment to the public good because it is largely consistent with the zoning district's dimensional requirements. The proposal improves the overall quality of the existing non-conforming building, and restores it to a conforming status. The new structure is consistent with the existing residential uses and development patterns on the street and does not detract from the neighborhood character. The addition of new smaller mid-market residential units presents a benefit to the neighborhood by providing a greater diversity of housing options.

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

Relief may be granted without substantially altering the intent of this Ordinance because the proposed project is part of an overall improvement of the lot and existing structure. The proposed project works within the overall requirements of the ordinance and responds to the urgent current demand for new housing. The project is consistent with the scale of the immediate neighborhood. The project has received both Planning Board Special Permit Approval and approval from the Cambridge Historic Commission.

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

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## **DIMENSIONAL INFORMATION**

Applicant:	Daniel Anderson	Present
Location:	<u>88 Holworthy St , Cambridge, MA</u>	
Phone:	6177942371	Requested

Present Use/Occupancy: <u>2 Family</u> Zone: <u>Residence B Zone</u> Requested Use/Occupancy: 4 Family

		Existing Conditions	<u>Requested</u> <u>Conditions</u>	<u>Ordinance</u> <u>Requirements</u>	E
<u>Total gross floor</u> <u>Area:</u>		2243	3795	3772.9	5 (max.)
LOT AREA:		8637	8637	5000	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: 2		0.448	0.856	0.85	
LOT AREA OF EACH DWELLING UNIT		4318.5	2159.25	2978.3	
<u>SIZE OF LOT:</u>	WIDTH	50	50	50	
	DEPTH	172.5	172.5	NA	
SETBACKS IN FEET:	FRONT	9.1	15	15.0	
	REAR	103.9	38.6	35.0	
	LEFT SIDE	21.2	12.5	12.5	
	RIGHT SIDE	3.7	7.5	7.5	
SIZE OF BUILDING:	HEIGHT	30.42	34.3	35.0	
	WIDTH	55.8	75.0	NA	
	LENGTH	22.4	27.3	NA	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		79.9	0.52	0.40	
<u>NO. OF DWELLING UNITS:</u>		2	4	2.9	
NO, OF PARKING SPACES:		1	3	0	
<u>NO. OF LOADING</u> AREAS:		0	0	0	
DISTANCE TO NEAREST BLDG. ON SAME LOT		16.5	34.5	10.0	

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.:

Proposed project is for two detached two-family wood frame structures.

- 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'.

# 88 HOLWORTHY STREE REVISED DEVELOPMEN

LIST OF	SYMBOLS	ABBREVIATIONS	SITE LOC
	EXISTING PARTITION OR PARTITION W/ DOOR TO BE REMOVED; REFER TO AD I DRAWINGS. EXISTING STRUCTURE OR PARTITION TO REMAIN. NEW STRUCTURE OR PARTITION. CARBON MONOXIDE DETECTOR SMOKE ALARM LIGHT FIXTURE (PENDANT/SURFACE MOUNTED) LIGHT FIXTURE (SCONCE) LIGHT FIXTURE (RECESSED) EXHAUST FAN WALL TYPE TAG DOOR IDENTIFICATION SYMBOL	AFF       ABOVE FINISHED FOOR         CJ       CONTROL JOINT         CLG       CEILING         CW       CLEAR         CO       CLEAN OUT         COL       COLUMN         CONC       CONCRETE         CONT       CONTINUOUS         DN       DOWN         EJ       EXPANSION JOINT         ELE       ELEVATION         ELEC       ELECTRICAL         EQ       EQUAL         EXIST       EXISTING         FC       FURNING CHANNEL         FD       FLOOR DRAIN         FIN       FINISH         FL       FLOOR         GL       GLASS         GWB       GYPSUM WALLBOARD         HT       HEIGHT         HDWD       HARDWOOD         HVAC       HEATING, VENTILATION         AND AR CONDITIONING       INSUL         INSUL INSULATION       MAX         MAX       MAXIMUM         MFR       MANUFACTURER         MIN       MINIMUM         MO       MASONRY OPENING         MTL       METAL         NIC       NOT TO SCALE         OC       ON CENTER <th>леко леко</th>	леко леко
	FINISH ELEVATION.	TYP TYPICAL UNO UNLESS NOTED OTHERWISE VCT VINYL COMPOSITION TILE WD WOOD W/ WITH WNDW WINDOW	CONTACT ARCHITECT Anderson Porter Desi 1972 Mass Ave Cam 02139 Dan Anderson 617-354-2501



## DCATION

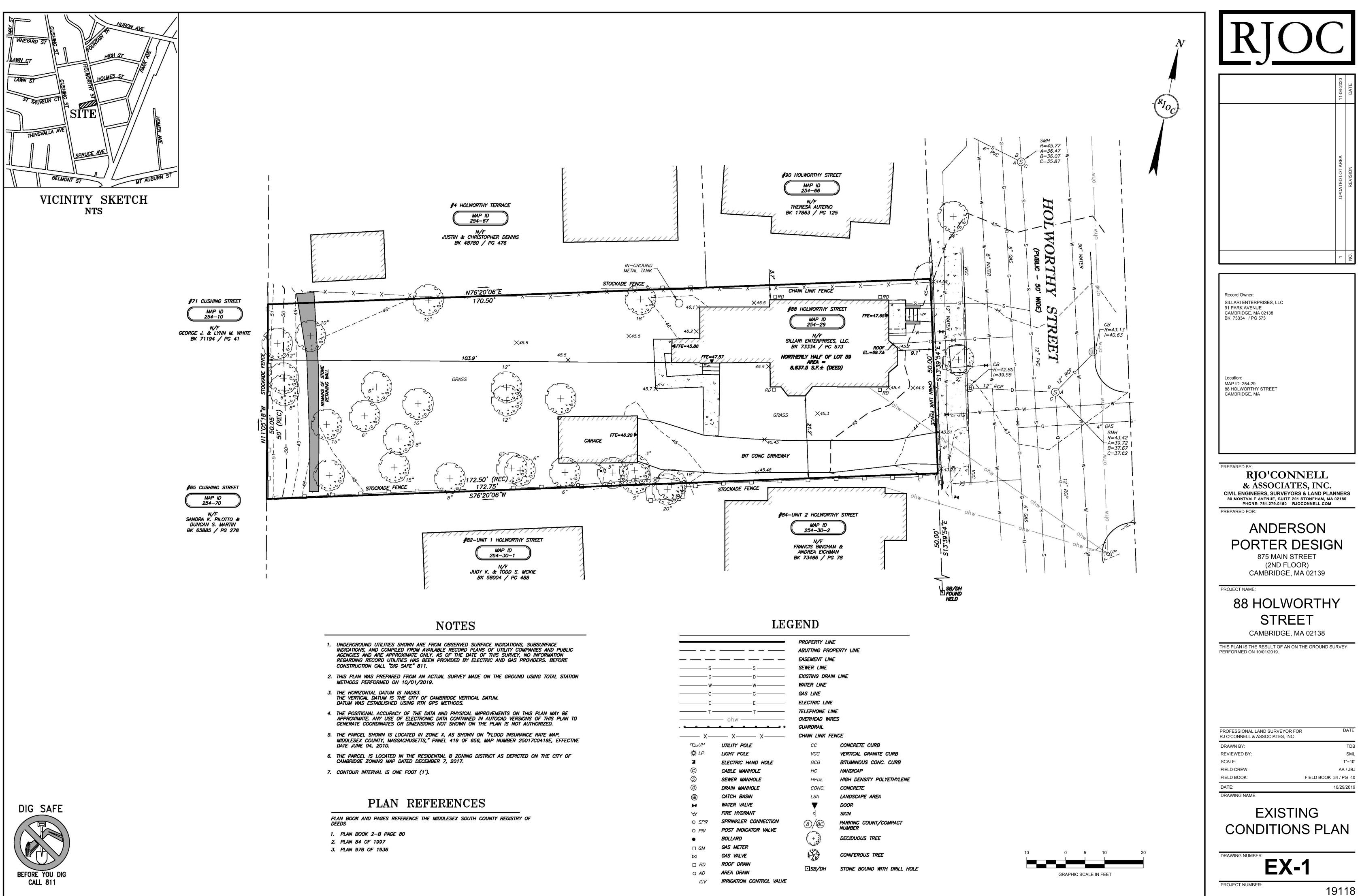


COVER SHEET EXISTING PLOT PLAN PROPOSED PLOT PLAN EXISTING FLOOR PLANS DEMOLITION FLOOR PLANS PROPOSED FLOOR PLANS PROPOSED REFLECTED CEILING PLANS PROPOSED EXTERIOR ELEVATIONS

			AG				
							R E V I S I O N S           No.         Description         Date
Map-Lot	CITY OF CAMBRIE PROPERTY ADDRESS:	DGE ZONING ANALYSIS: 88 HOLWORTHY STREET					
1050	ZONING DISTRICT	CAMBRIDGE, MA 02138 RESIDENCE B					
	LOT SIZE MAX F.A.R.	±8,637 S.F. 0.50 (5,000sf) / 0.35 ( for additional lot area )					
	PROJECT DESCRIPTION BUILDING AREAS	REAR LOT DEVELOPMENT PLAN - ALTERATION OF EXI EXISTING: FIRST FLOOR: 1,048 GSF SECOND FLOOR: 1,024 GSF ATTIC: 171 GSF TOTAL: 2,243 GSE*	PROPOSED:           FIRST FLOOR:         1,712 GSF (869 C           SECOND FLOOR:         1,607 GSF (800 C           ATTIC:         476 GSF (in from	GSF in front + 843 GSF in rear) GSF in front + 807 GSF in rear))			
TOTAL: 2,243 GSF*       TOTAL: 3,795 GSF*         *BASEMENT AREA EXCLUDED FROM F.A.R. PER ARTICLE 2 GROSS FLOOR AREA EXCLUSIONS #15							
	F.A.R.	<u>ALLOWED/REQUIRED</u> 0.50 + 0.35 (2500 + 1272.95=3772.95)	EXISTING 0.448+ 0.0 (2243 + 0=2243)	<u>PROPOSED</u> 0.50+ 0.356 (2500+1295=3795)	EXISTING COMPLIANCE CONFORMING	PROPOSED COMPLIANCE           RELIEF REQUIRED (+22.05 SF) 0.6%	AndersonPorterDesign 1972 Mass Ave Cambridge, MA 02140 Tel. 617.354.2501 Fax. 617.354.2509
	MINIMUM LOT AREA/D.U. MINIMUM SETBACK (FRONT YARD)	2,500 S.F. (first 5,000sf) + 4,000 S.F. (additional) 15'	2,500 S.F. + 0.0 S.F. 9.1'	2,500 S.F. + 1,818.5 S.F. 15'	CONFORMING NON-CONFORMING	RELIEF REQUIRED (1.09 UNITS) CONFORMING	
	MINIMUM SETBACK (SIDE YARD) MINIMUM SETBACK (REAR YARD)	7.5' (SUM OF 20) 35'	3.7' (SUM 24.9') 103.9'	7.5' (SUM OF 20) 38.6'	NON-CONFORMING CONFORMING	CONFORMING (RELOCATE EXISTING) CONFORMING	Address: 0.0 LIQUA CODTLIN STREET
	MAXIMUM HEIGHT	35'	30.4'	33.1'	CONFORMING	CONFORMING	Address: 88 HOLWORTHY STREET CAMBRIDGE, MA
	MINIMUM OPEN SPACE RATIO MINIMUM LOT WIDTH	40% 50'	79.9% 50'	52% 50'	CONFORMING CONFORMING	CONFORMING	02138
	GENERAL RANGE OF ALLOWED USES	SINGLE AND TWO-FAMILY DETACHED DWELLINGS.	TWO-FAMILY	DETACHED TWO-FAMILY AT REAR	CONFORMING	RELIEF REQUIRED (BEYOND 75' DEPTH)	Drawing Issued By: ANDERSON PORTER DESIGN Proj. #: 1929 Date: 03/09/2023 Scale: Drawn By: DA/DS Date: DA/DS

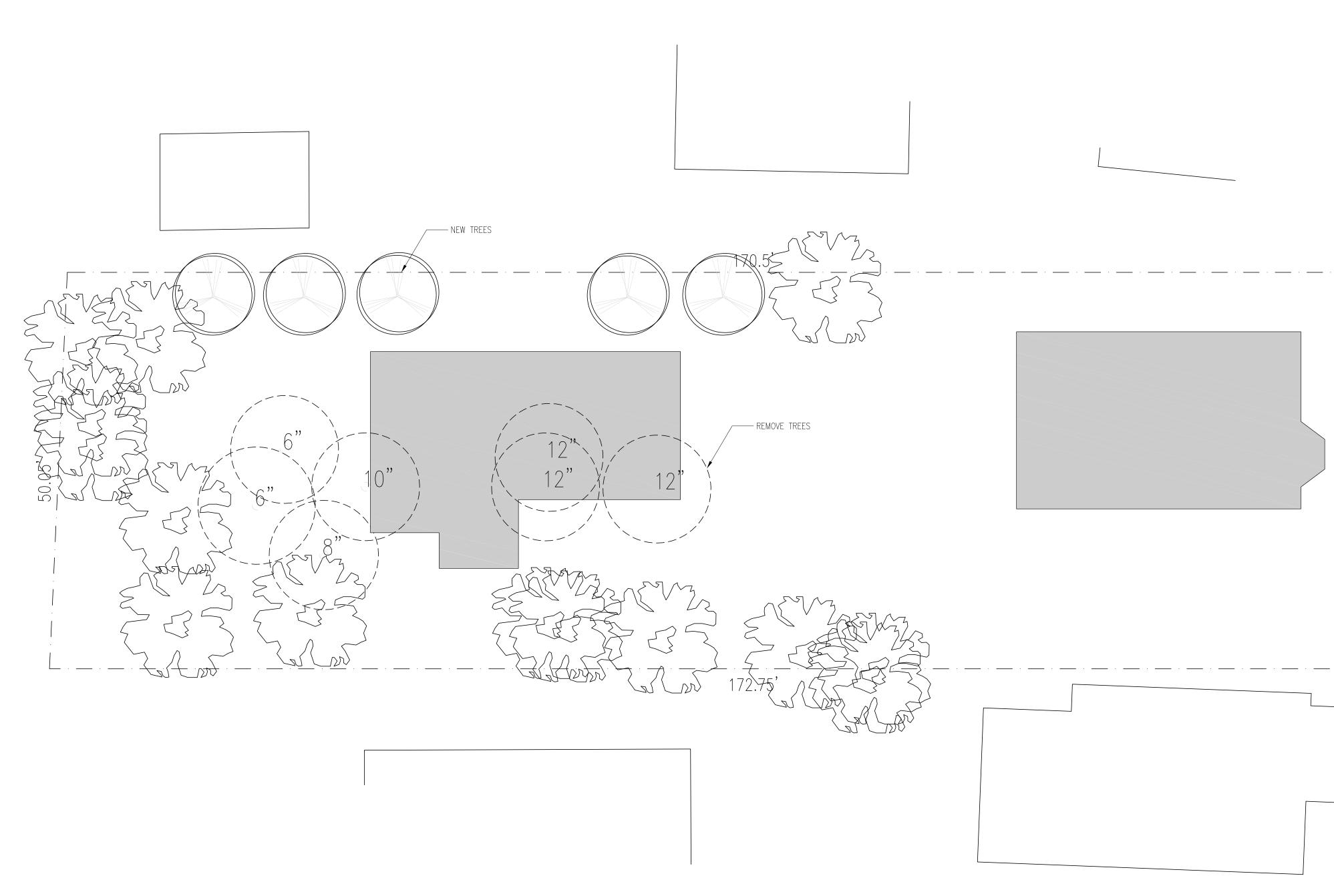
Design Cambridge, MA





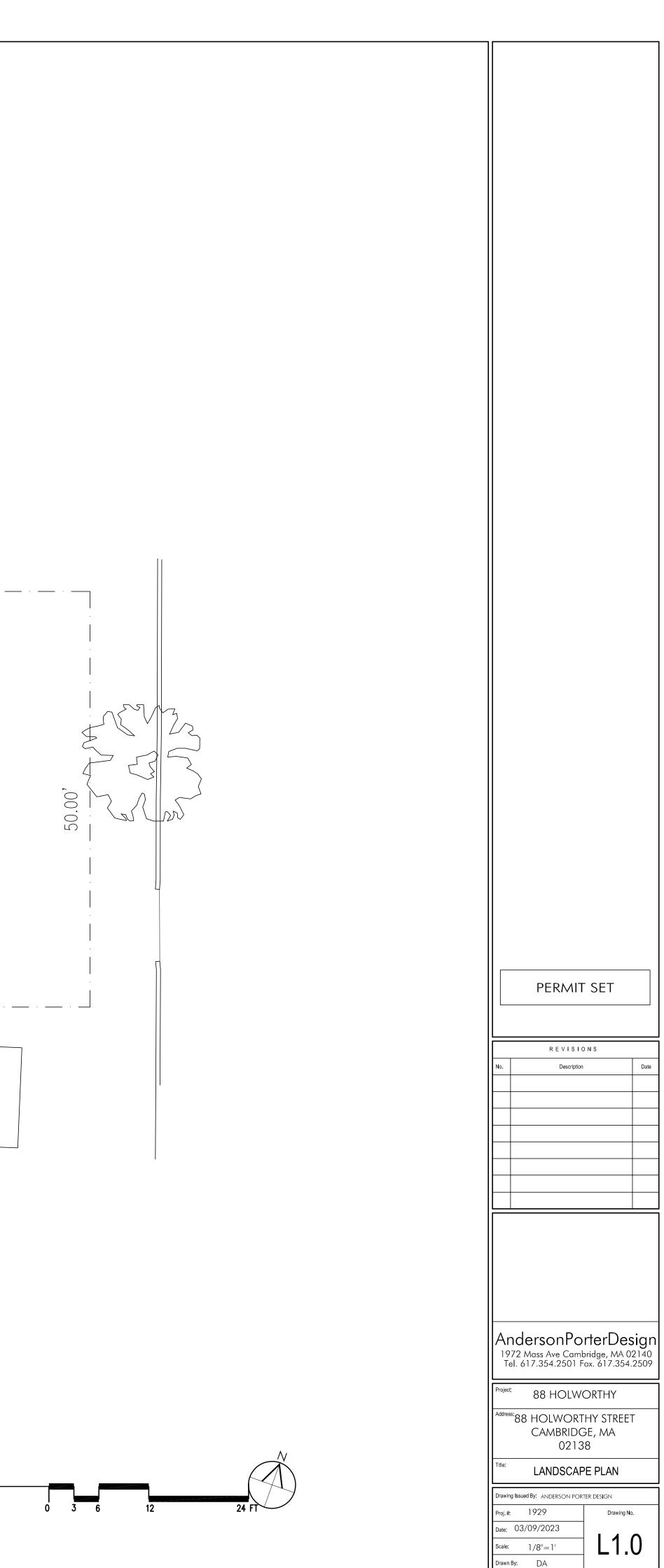
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	EASEMENT LINE			
S	SEWER LINE			
D	EXISTING DRAII	N LINE		
W	WATER LINE			
G	GAS LINE			
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T	TELEPHONE LI	VE		
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UTILITY POLE	СС	CONCRETE CURB		
LIGHT POLE	VGC	VERTICAL GRANITE CURB		
ELECTRIC HAND HOLE	BCB	BITUMINOUS CONC. CURB		
CABLE MANHOLE	НС	HANDICAP		
SEWER MANHOLE	HPDE	HIGH DENSITY POLYETHYLENE		
DRAIN MANHOLE	CONC.	CONCRETE		
CATCH BASIN	LSA	LANDSCAPE AREA		
WATER VALVE	▼	DOOR		
FIRE HYDRANT	q	SIGN		
SPRINKLER CONNECTION	(8)/80	PARKING COUNT/COMPACT		
POST INDICATOR VALVE		NUMBER		
BOLLARD		DECIDUOUS TREE		
GAS METER	2			
GAS VALVE	N.	CONIFEROUS TREE		
ROOF DRAIN	<u>ላ</u> እሥ			
AREA DRAIN	⊡ <i>SB/D</i> H	STONE BOUND WITH DRILL HOL		
IRRIGATION CONTROL VALVE				

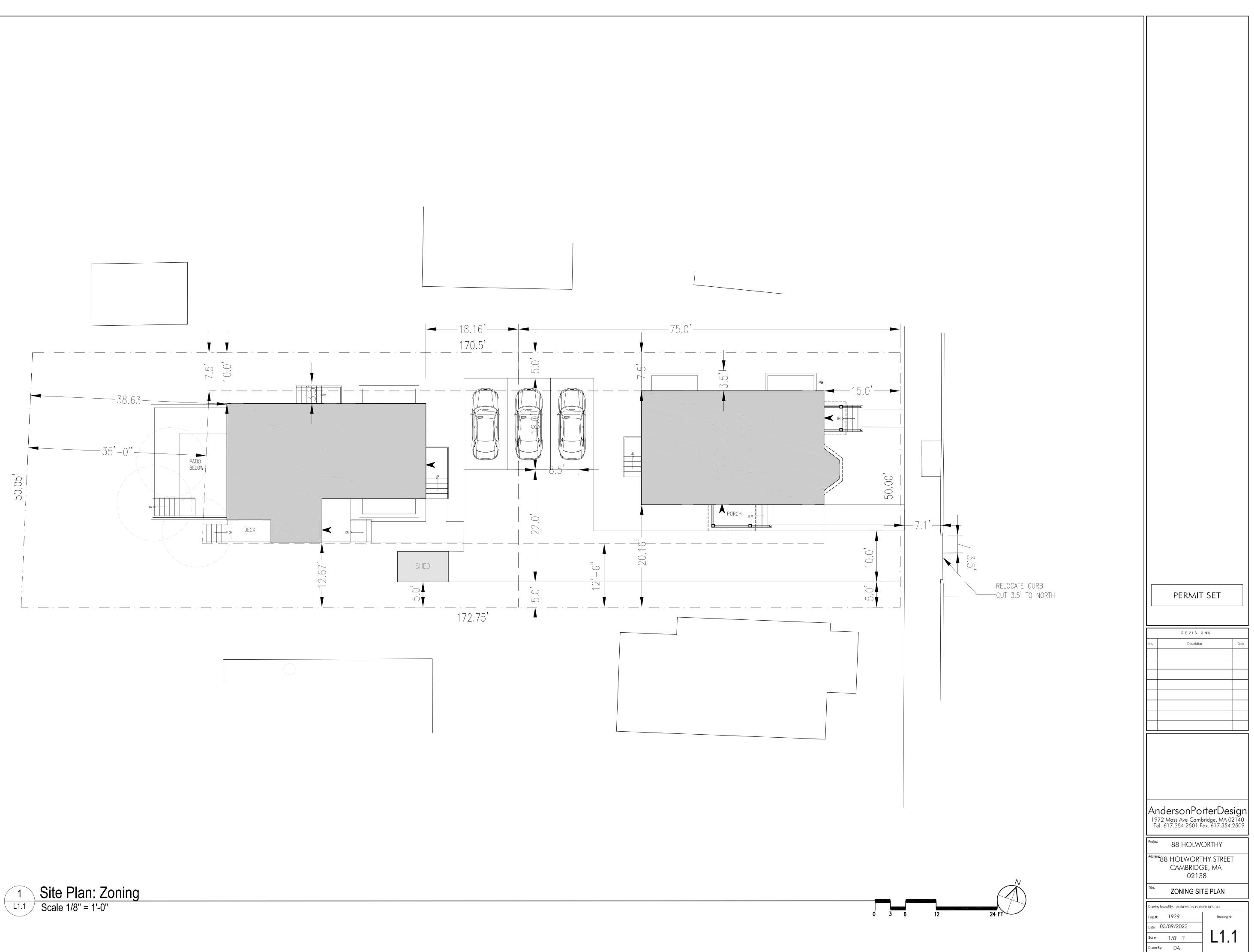
Copyright © 2019 by R.J. O'Connell & Associates, Inc.



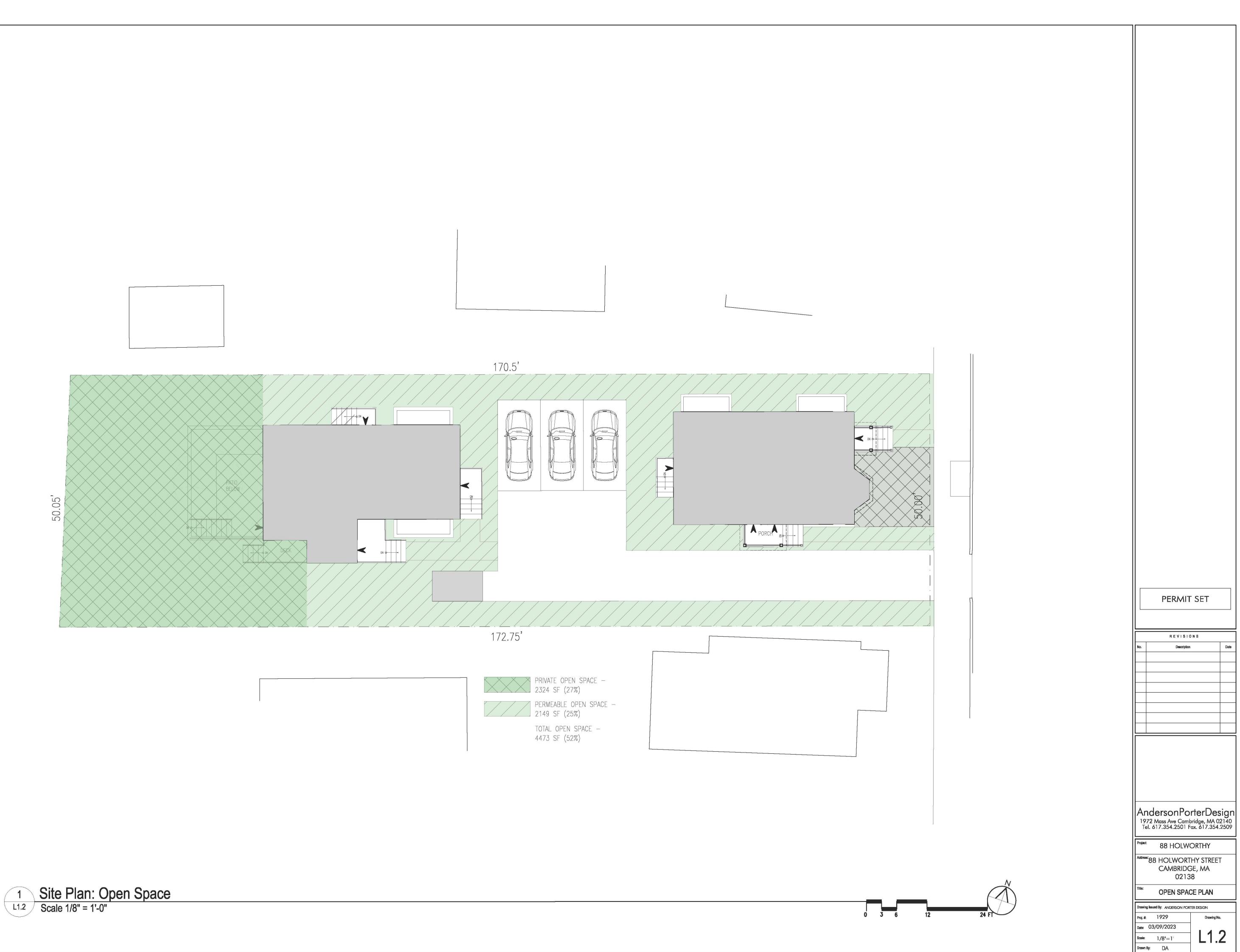


1Site Plan: Proposed Tree PlanL1.3Scale 1/8" = 1'-0"

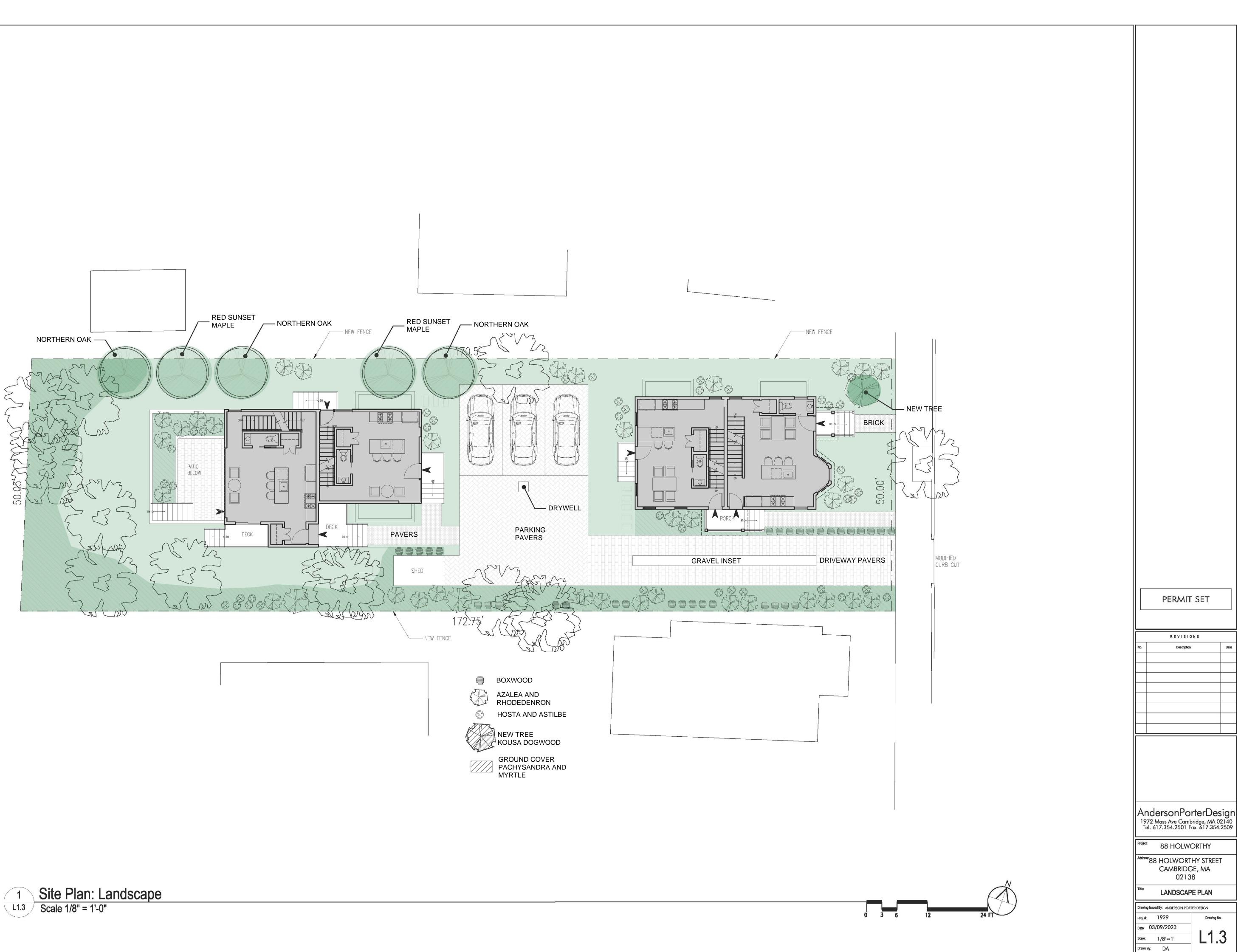






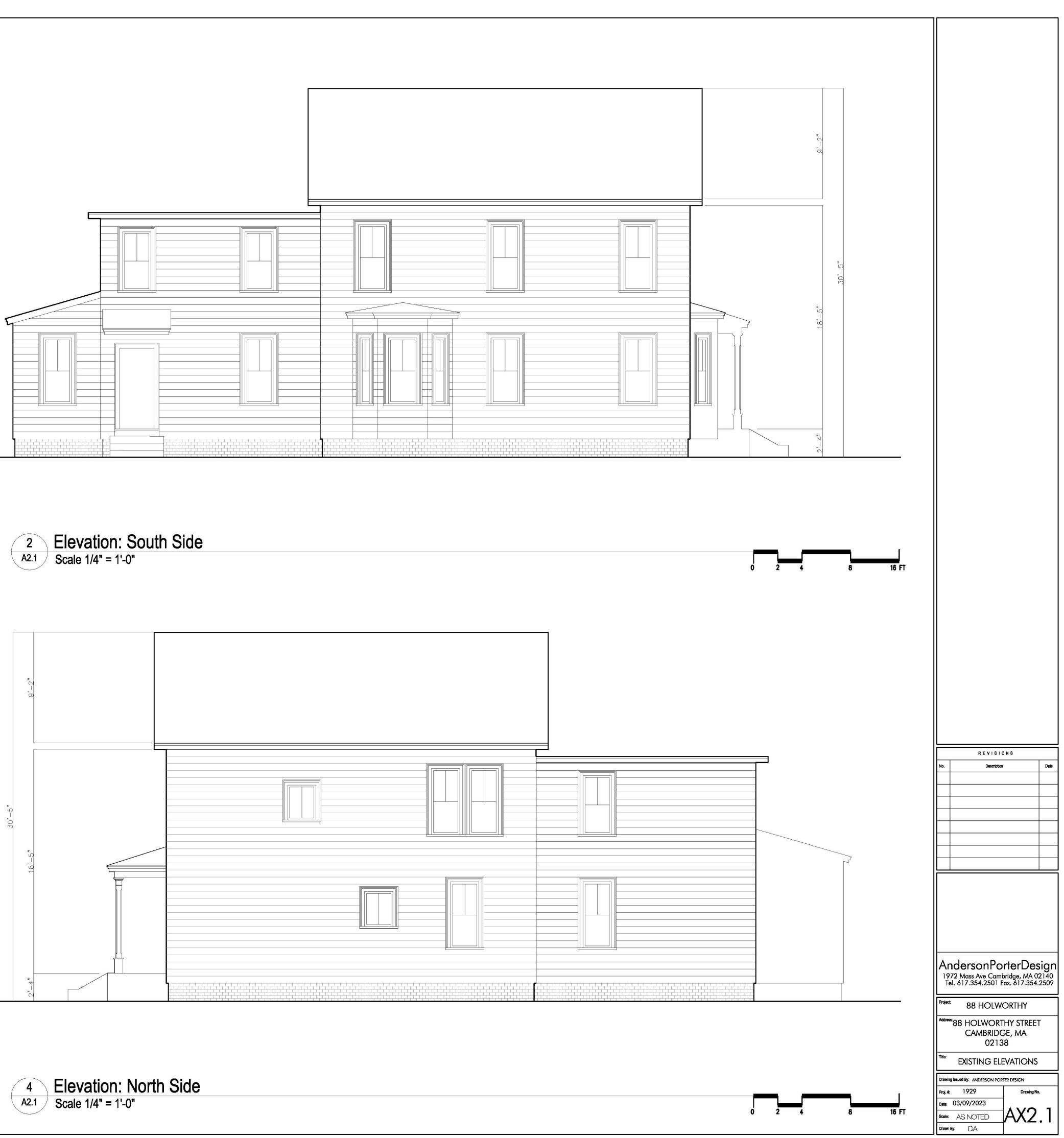




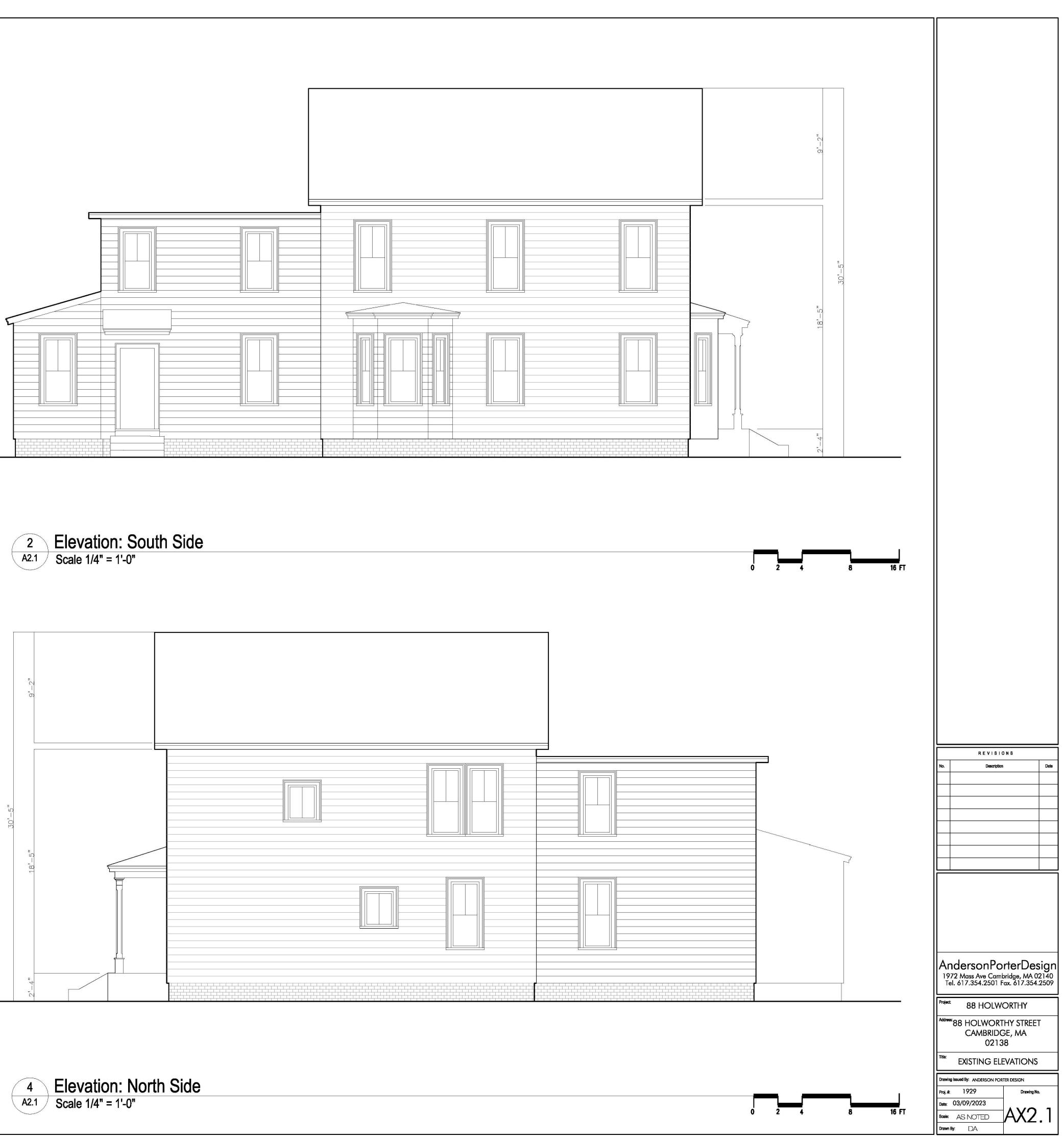


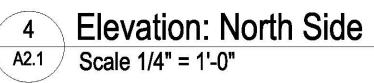


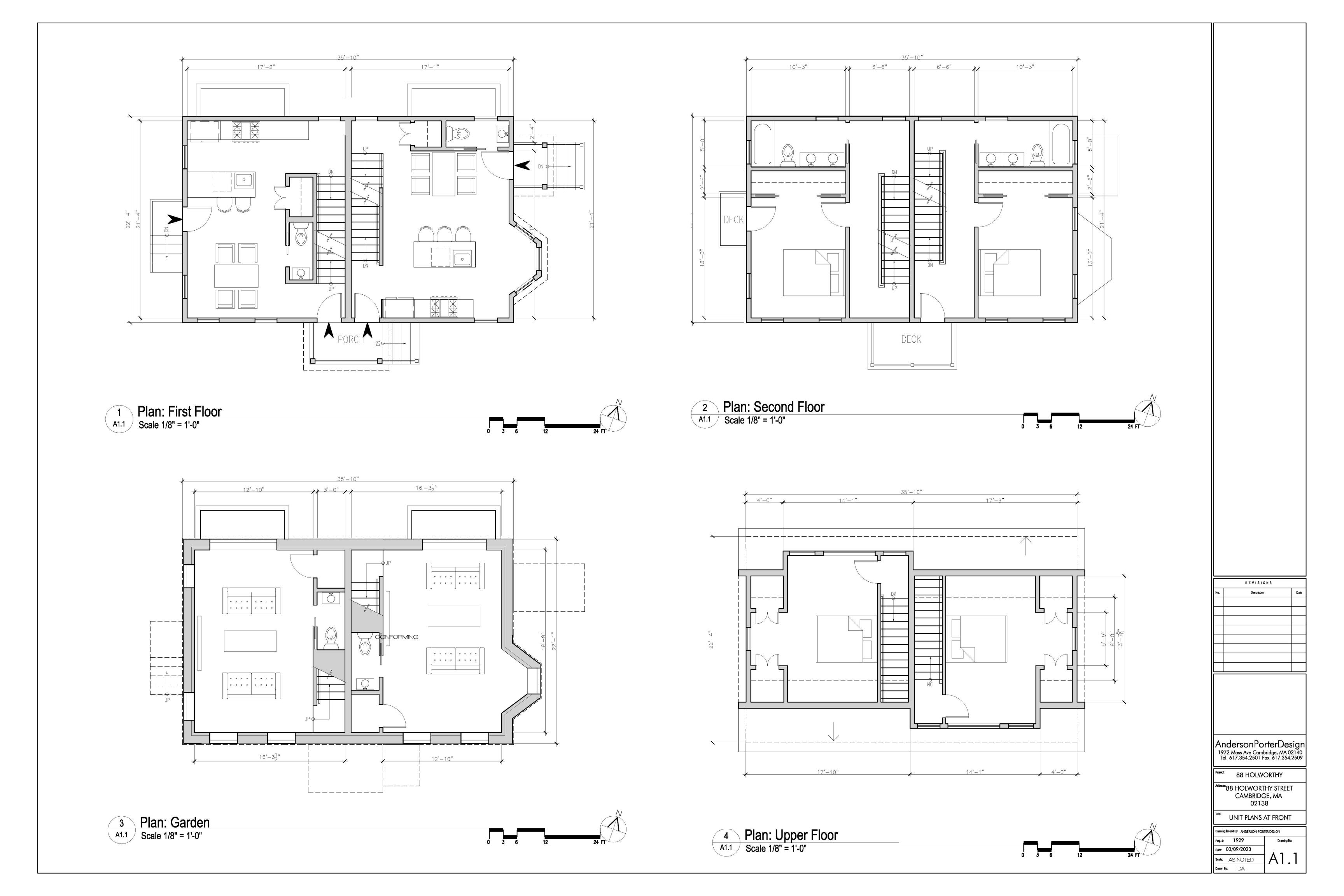


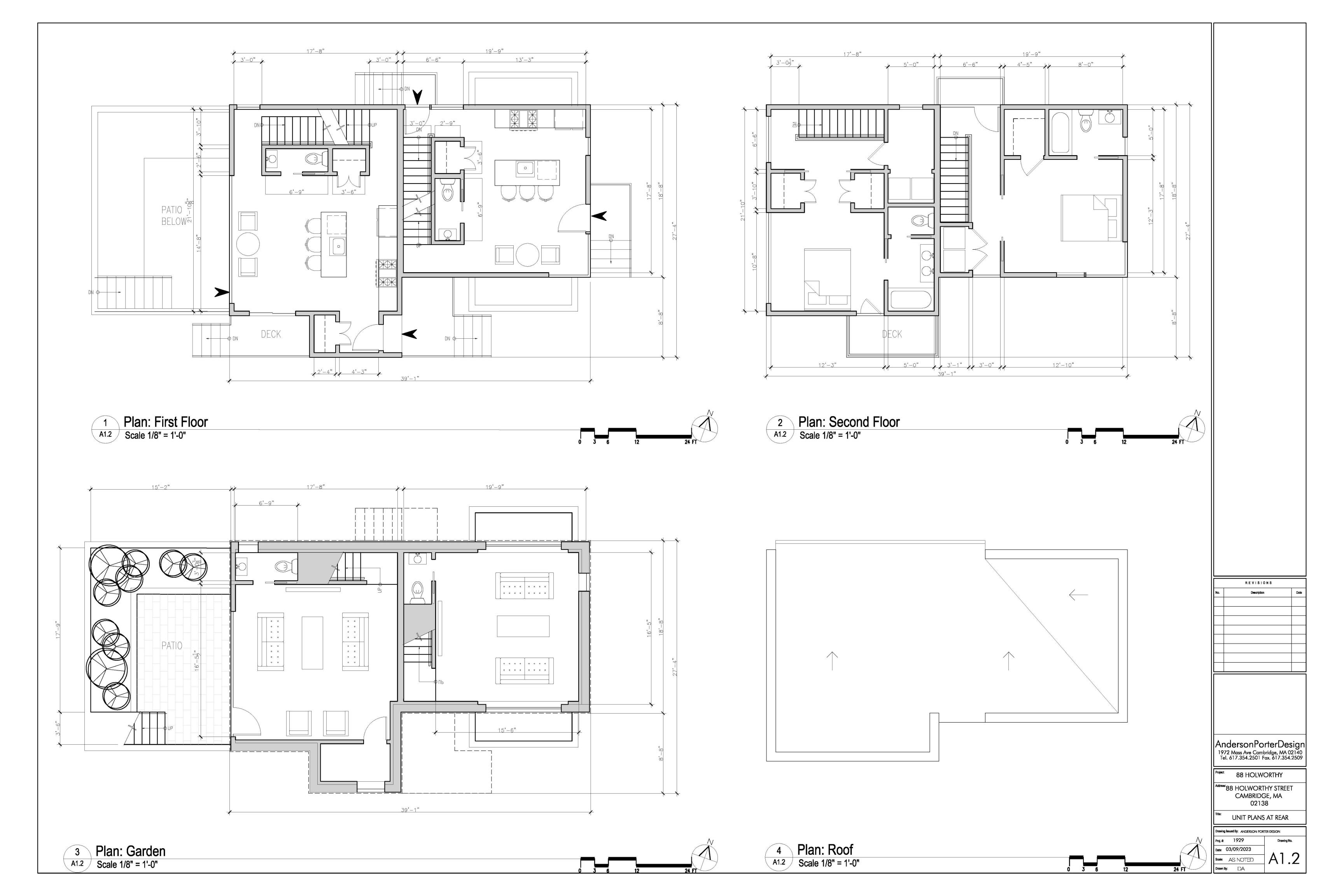






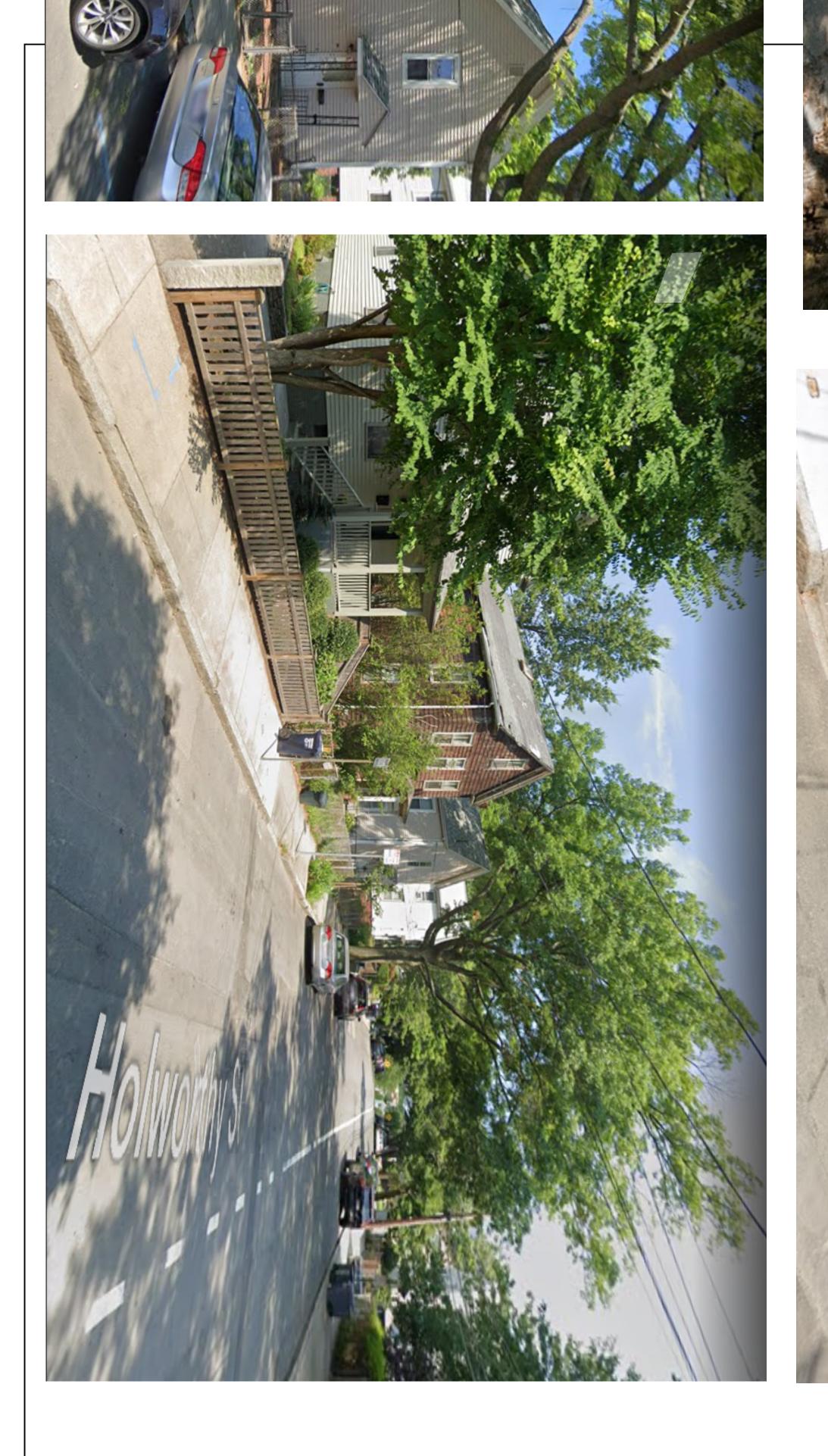
















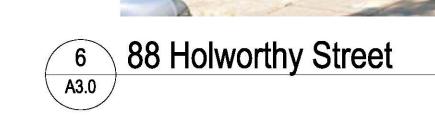
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		I
	AndersonPorterDes	sian
	AndersonPorterDes 875 Main Street Cambridge, MA 0 Tel. 617.354.2501 Fax. 617.354	2139 2509
	Address: 88 Holworthy Cambridge MA	
	02138	
	Drawing issued By: ANDERSON PORTER DESIGN	
	Proj. # 1929 Drawing No	).
1	Date:         01/03/2021           Scale:         AS NOTED         A3.	$\cap$
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124-124R Holworthy Street 8 A3.0

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No.	Description		Date
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Addree	88 Holw Cambridg		
	0213		
Title:	PHOTOG	RAPHS	
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253-31 COYLE, MAXINE 89 HOLWORTHY ST. UNIT#1 CAMBRIDGE, MA 02138

254-30 MCKIE, JUDY K. & TODD S. MCKIE 82 HOLWORTHY ST., #1 CAMBRIDGE, MA 02138

254-10 WHITE, GEORGE J. & LYNN M. WHITE, TRS THE WHITE FAMIL REV TRUST 71 CUSHING ST CAMBRIDGE, MA 02138

254-8 EDEN, JONATHAN T. & LUCY KIM 55-59 CUSHING ST., #55 CAMBRIDGE, MA 02138

253-31 CIOFFI, ANDREA K. 89 HOLWORTHY ST #2 CAMBRIDGE, MA 02138

254-8 OLSHAN RYAN & CAROLYN 59 CUSHING ST UNIT 57 CAMBRIDGE, MA 02138

254-31 HARRY + LILI LLC, 67A SMITH PL - UNIT 12-A CAMBRIDGE, MA 02138

88 Holworthy St

253-31 LO, MICHAEL MAI, TR. OF THE CHENG & LO LIVING TRUST 1543 TODD ST MOUNTAIN VIEW, CA 94040

254-67 DENNIS, JUSTIN & CHRISTOPHER DENNIS 6 CROWNINSHIELD RD. MARBLEHEAD, MA 01945-2629

254-11 MANKINS, DAVID PATRICK & GWENDOLYN WHITTAKER 73 CUSHING ST., UNIT #73 CAMBRIDGE, MA 02138-4581

254-8 TELLEZ, ANDRES B. & KATHERINE M. ARMSTRONG 55-59 CUSHING ST., #59 CAMBRIDGE, MA 02138

254-11 GUNGOR, TUNCH A. 75 CUSHING ST CAMBRIDGE, MA 02138

254-66 DONOHUE ROBERT TRS 46 FAYERWEATHER STREET REALTY TR 46 FAYERWEATHER ST CAMBRIDGE, MA 02138

253-159 WALKER JEFFREY T & KATHLEEN A ROOSEVELT 94 PARK AVE CAMBRIDGE, MA 02138

ANDERSON PORTER DESIGN C/O DANIEL ANDERSON, ARCHITECT 1972 MASS AVENUE #4B CAMBRIDGE, MA 02140

254-68 TAVERNA, PETER J. C/O DONALD DENNIS & BARBARA TAVERNA 6 CROWNINSHIELD RD MARBLEHEAD, MA 01945

254-70 PILOTTO, SANDRA K. & DUNCAN S. MARTIN 65 CUSHING ST CAMBRIDGE, MA 02138

254-30 BINGHAM, FRANCIS ANDREA EICHMAN 84 HOLWORTHY ST UNIT #2 CAMBRIDGE, MA 02138

254-29 SILLARI ENTERPRISES LLC C/O STEPHEN SILLARI 91 PARK AVE CAMBRIDGE, MA 02138

254-69 CARBIN, MICHAEL & ANGELEE RUSS-CARBIN 63 CUSHING ST CAMBRIDGE, MA 02138

253-30 SILLARI, STEPHEN 91 PARK AVE CAMBRIDGE, MA 02138

## Pacheco, Maria

From: Sent: To: Subject: Don Dennis <dondennis201@yahoo.com> Tuesday, April 18, 2023 2:49 PM Pacheco, Maria CASE NO. BZA-214584 - 88 Holworthy Street

Dear Marcie Pacheco and Board of Zoning Appeal:

My family owns <u>92 Holworthy Street</u> and 4 Holworthy Terrace- two contiguous properties immediately adjacent to <u>88</u> Holworthy Street in Cambridge.

After reviewing redevelopment plans by Sillari Enterprises for <u>88 Holworthy Street</u> I am very much in favor of the proposal to renovate the existing two family house and to create another two family structure in the rear yard. I understand the requested square footage of the four units and the reason this appeal. This project will greatly improve our neighborhood.

Feel free to contact me with any questions,

Don Dennis Architect 941-735-3899

Sent from Yahoo Mail for iPhone

## Pacheco, Maria

From:	Ferahnaz Kahyaoglu <k.ferah@gmail.com></k.ferah@gmail.com>	
Sent:	Monday, April 24, 2023 4:49 PM	
To:	Pacheco, Maria	
Cc:	Singanayagam, Ranjit; Zondervan, Quinton; Totten, Daniel; Siddiqui, Sumbul; Nolan, Patricia; Huang, Yi-An; Mike Connolly Representative	
Subject:	88 Holworthy St / CASE NO. BZA-214584	

Dear Zoning Committee and City of Cambridge Officials,

I have important comments for 88 Holworthy St. Case with number BZA-214584 where there is a public hearing on April 27, 2023.

Basically the City of Cambridge is illegally doing operations on the land while there are active pending cases in the State of Massachusetts Courts for property ownership for this particular land where Ferahnaz Kahyaoglu is seeking her property ownership at Cambridge District Court with her counterclaims while Sillari is an unlawful owner; And also, Human Rights violations occurred in this property against Kahyaoglu by Stephen Sillari/Sillari Enterprises LLC where the case is still pending at Supreme Judicial Court.

Moreover illegal and criminal eviction happened in this property on December 1, 2022 against Ferahnaz Kahyaoglu by Stephen Sillari/ Sillari Enterprises LLC. On or about November 2022, Sillari first shut off Kahyaoglu's gas from the street by claiming that no-one lives in the property and left Kahyaoglu without heat; and made her to be sick. When Kahyaoglu called the utility providers , city inspectional services and police to find out this criminal activity, Sillari retaliated against her and speedily evicted her, despite Kahyaoglu having a Medical Report requiring her to stay at least 5 days in her home to recover. But Sillari's moving crew arrived at the property on December 1st and viciously evicted her from her home on a cold winter day when Kahyaoglu was very sick with fever, chills and muscle weakness; they locked her out and she became homeless. Since then Kahyaoglu never recovered and was more traumatized with being homeless where she stayed on the streets, shelters and developed extreme physical and emotional distress where required to undergo therapies, and fracturing her foot due to poor living conditions . Sillari's movers maliciously and recklessly made mess Kahyaoglu's Court documents, and destroyed, broken, damaged Kahyaoglu's personal property to turn them to the junk to fill her storage units where she pays. The Court ignored at the hearing that Kahyaoglu pointed out that Sillari's Constable has no address and no qualifications for this duty. They collectively caused financial damages, pain and suffering on Kahyaoglu.

"The practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing."- <u>Commission on Human</u> <u>Rights</u>, <u>Resolution 1993/77</u>

Every year, millions of people around the world are forcibly evicted from their homes and their land, often leaving them living in extreme poverty and destitution. Forced evictions can be severely traumatic. They set back even further the lives of those that are already marginalized or vulnerable in society. Moreover, forced evictions violate a wide range of internationally recognized human rights, including the rights to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment, and freedom of movement (https://www.ohchr.org/en/

forced-evictions-and-human-rights).

Furthermore, the City Housing Liaison gave her a false hope to find "emergency" housing when they said no fault evictions are in the emergency category; and Cambridge Housing Authority did not provide all necessary information for her other than saying it is overwhelming information as more discriminatory treatment for a "HOMELESS" person while all those hustles are man-made-disasters to torture her!

Ferahnaz Kahyaoglu 617-755-6990



# City of Cambridge

MASSACHUSETIS 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:	Aephie Silleri		Date: 4/13/23	
Address:	(Print) 88 Holworthy S.	ł		
Case No	BZA-214584			
Hearing D	ate: 4/27/23			

Thank you, Bza Members



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## CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE? MAY 02139

OFFICE OF THE CITY CLERK CAMBRIDGE, MASSAGIUSETTE

## NOTICE OF DECISION

Case Number:	377
Address:	88 Holworthy Street
Zoning:	Residence B District
Applicant:	Stephen Sillari 91 Park Avenue, Cambridge, MA 02138
Owner:	Sillari Enterprises, LLC 91 Park Avenue, Cambridge, MA 02138
Application Date:	February 24, 2021
Date of Planning Board Public Hearing:	April 27, 2021
Date of Planning Board Decision:	April 27, 2021
Date of Filing Planning Board Decision:	June 9, 2021
Application:	Special Permit for more than one structure containing a principal residential use (Section 5.53.2)
Decision: GRANTED, with Condition	ns.

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after filing of the above referenced decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Swaathi Joseph

For further information concerning this decision, please contact Swaathi Joseph at 617-349-4668, or sjoseph@cambridgema.gov.

## **DOCUMENTS SUBMITTED**

## Application Documents and Supporting Material

- 1. Special Permit Application submitted on 2/24/2021, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Narrative, Community Outreach Summary, plan set titled 88 Holworthy Street Revised Development Package, prepared by Anderson Porter Design, dated 2/10/2021.
- 2. Presentation slides shown to the Planning Board on 4/27/2021.

## City of Cambridge Documents

- 3. Memorandum to the Planning Board from Katherine F. Watkins, City Engineer, Department of Public Works (DPW), dated 4/18/2021.
- 4. Memorandum to the Planning Board from Community Development Department staff, dated 4/20/2021.

## Other Documents

- 5. Letter to the Planning Board from Timothy Flynn, dated 12/9/2020.
- 6. Email communication to the Planning Board from Jason Stonehouse, dated 3/15/2021.
- 7. Letter to the Planning Board from Fleurette Arseneault, undated.
- 8. Letter to the Planning Board from Lynne Schiebe, undated.
- 9. Letter to the Planning Board from Patricia Caldwell, undated.
- 10. Letter to the Planning Board from Richard Michalowski, undated.
- 11. Letter to the Planning Board from Jean-Antoine Ribeil and Magali Pederzoli-Ribeil, undated.
- 12. Letter to the Planning Board from Karen Propp, undated.
- 13. Letter to the Planning Board from Denise O'Brien, undated.
- 14. Letter to the Planning Board from Barbara Glick, undated.
- 15. Letter to the Planning Board from Phyllis Newton, undated.
- 16. Letter to the Planning Board from Gideon Balloch and Kaitlyn Choo, undated.
- 17. Letter to the Planning Board from Phyllis Newton, undated.

## **APPLICATION SUMMARY**

The Applicant proposes to rehabilitate an existing two-family structure and construct a new detached two-family structure in the rear yard which would be more than seventy-five (75) feet from Holworthy Street. The base zoning is Residence B and the parcel is located in the Strawberry Hill neighborhood. The requested special permits are discussed in detail in the Findings below.

In addition to the special permits requested, the application requires obtaining zoning relief (described below) through the issuance of variances from the Board of Zoning Appeal to permit aspects of the development that are not zoning compliant.

## FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

# 1. <u>Special Permit for more than one structure containing a principal residential use (Section 5.53.2)</u>

Because the proposal includes two principal residential structures on the lot, and one of those structures is more than seventy-five (75) feet from the abutting street line of Holworthy Street, the following provisions of the zoning ordinance apply.

In Residence B districts more than one structure containing a principal residential use is allowed on a lot by special permit from the Planning Board provided the Board finds: 5.53.2

- (a) that development in the form of two or more structures on the lot will not significantly increase or may reduce the impact of the new construction should it occur in a single structure; or
- (b) That two or more structures may provide identifiable benefits beyond that provided should all construction be in a single structure. In making its findings the Board shall consider the impact of the new construction on the following:
  - (1) the extent to which the preservation of a large contiguous open space in the rear of the lot or series of adjacent lots is achieved through the provision of a rear yard setback significantly greater than that required and through the dedication of that rear yard as Green Area, as defined in this Ordinance,
  - (2) incentives for the location of buildings and parking facilities in the front half of a lot in a pattern compatible with the development pattern prevailing in the neighborhood,
  - (3) the extent to which two or more structures provides an enhanced living environment for residents on the lot,

- (4) incentives to retain existing structures on a lot, particularly any structure determined to be a Preferably Preserved Significant structure by the Cambridge Historical Commission,
- (5) the opportunities presented to reduce the visual impact of parking from the public street and from adjacent lots,
- (6) The increased opportunities to reduce the height and bulk as new construction is deeper into a lot or closer to structures on abutting lots.

The proposed development will preserve the existing two-family structure on the lot, but will relocate it in order to be in closer conformance to yard setback requirements in the zoning district. As a separate structure, the proposed additional development will be more harmonious with the existing scale, massing and pattern of development along Holworthy Street than if all development were in a larger multifamily or townhouse structure. Off-street parking will be located between the front and rear structures, which will minimize the visual impact of parking from Holworthy Street and adjacent lots.

For these reasons, the Board finds that development in the form of two structures will not significantly increase the impact of new construction, and therefore the proposal meets the criteria set forth in Section 5.53 Paragraph (a).

2. General Criteria for Issuance of a Special Permit (Section 10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

(a) It appears that requirements of this Ordinance cannot or will not be met, or ...

The development will not conform to the maximum floor area ratio (FAR) and minimum lot area per dwelling unit limitations of the Residence B district. The Applicant will be seeking variances from the Board of Zoning Appeal. Therefore, this Special Permit will be conditioned on receiving the necessary relief from applicable zoning requirements. The proposed two-family dwelling uses are permitted in the district, and the development otherwise appears to conform to the development controls of the Zoning Ordinance.

(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...

The proposed construction of one new two-family dwelling and rehabilitation to an existing two-family dwelling, to include a total of four off-street parking spaces, is not

anticipated to cause particular congestion or hazard or substantial change in the neighborhood character. With continuing design review and approval of the proposed driveway design, the pattern of ingress and egress from the site will not create hazard.

(c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...

The proposed residential use complies with allowed uses in this district, and hence will not adversely affect adjacent uses that exist or are anticipated in the future.

(d) nuisance or hazard would 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, or ...

The proposed uses will not create nuisance or hazard, and all development activity will adhere to applicable health and safety regulations.

(e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...

The proposed infill residential use and increase in housing units is encouraged by City plans for the area and the Zoning Ordinance. The neighborhood generally consists of single-family and two-family dwellings, and the proposed development of two detached two-family dwellings would fit the existing pattern of development.

(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

The proposal is not inconsistent with the citywide urban design objectives. The urban design objectives are supported in the proposal with the expansion of the inventory of housing, improved streetscape appearance, compatibility with historic patterns of development, minimal environmental impacts on abutters, and minimal impact on City infrastructure.

## DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

- 1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents and other supporting materials submitted to the Planning Board, and the additional Conditions of this Special Permit Decision. The project plans hereby approved by the Planning Board specifically include all revisions and modifications in the revised plan set titled Special Permit Set 88 Holworthy Street Revised Development Package, prepared by Anderson Porter Design, dated 2/10/2021. Appendix I summarizes the dimensional features of the project as approved.
- 2. This Special Permit shall be contingent on the project receiving variances from the Board of Zoning Appeal necessary to provide relief from the floor area ratio (FAR), lot area per dwelling unit, and other provisions of the zoning district to which the project does not conform.

The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit for the project, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Decision. As part of CDD's administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment.

- 3. The Permittee shall address the following comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit:
  - a. CDD shall review and approve the selection of paving materials and landscaping to minimize the visual impact of the driveway and parking area and reduce the percentage of impervious surface on the lot.
  - b. CDD shall review and approve landscape details, including proposed plantings and treatment of the space between the two dwellings.
- 4. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

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Voting in the affirmative to approve the Development Proposal were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Mary Flynn, Hugh Russell, and Tom Sieniewicz, constituting at least two thirds of the members of the Board.

For the Planning Board,

Representative to the Planning Board, authorized by Catherine Preston Connolly, Chair.

A copy of this decision PB #377 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

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ATTEST: A true and correct copy of the above decision has been filed on June 9, 2021 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

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 Clerl

Appeal has been dismissed or denied.

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

\_\_\_\_\_, City Clerk

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	8,637	5,000	8,637	No Change
Lot Width (ft)	50	50	50	No Change
Total GFA (sq ft)	2,769	3,775	3,795*	3,850
Residential Base	2,769	3,775	3,795*	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	0	0	0	
Inclusionary Bonus	n/a	n/a	n/a	
Total FAR	0.321	0.437	0.439*	Consistent with Application Documents and applicable zoning requirements
Residential Base	0.321	0.437	0.439*	
Non-Residential Base	0	0	0	
Inclusionary Bonus	n/a	n/a	n/a	
Total Dwelling Units	2	2.9	4*	2
Base Units	2	2.9	4*	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	n/a	n/a	n/a	
Base Lot Area / Unit (sq ft)	4,318.5	2,978.3	2,159.25*	
Total Lot Area / Unit (sq ft)	4,318.5	2,978.3	2,159.25*	
Height (ft)	30.42	35	35	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	9.1	15	15	
Side Setback (ft)	3.7	7.5 (sum 20)	7.5	
Side Setback (ft)	21.2	12.5	12.5	
Rear Setback (ft)	103.9	35	38.63	
Open Space (sq ft)	7,348	3,454.8	4,496	Consistent with Application Documents and applicable zoning requirements
Private Open Space (sq ft)	3,674	1,727.4	2,324	
Permeable Open Space (sq ft)	3,674	1,727.4	2,149	
Off-Street Parking Spaces	2	4	4	
Long-Term Bicycle Parking	0	0	0	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	0	0	0	
Loading Bays	0	0	0	

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## Appendix I: Approved Dimensional Chart

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\*Indicates that a variance will be required by the Board of Zoning Appeal