



CITY OF CAMBRIDGE
MASSACHUSETTS
BOARD OF ZONING APPEAL
831 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139
617 349-6100

BZA APPLICATION FORM

Plan No: BZA-017118-2019

GENERAL INFORMATION

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

Special Permit : ✓ Variance : ✓ Appeal :

PETITIONER : Blue Maple LLC - C/O Mark Hanlon

PETITIONER'S ADDRESS : 90 Jackson St Cambridge, MA 02140

LOCATION OF PROPERTY : 90 Jackson St Cambridge, MA

TYPE OF OCCUPANCY : Two family ZONING DISTRICT : Residence B Zone

REASON FOR PETITION :

Other: increase safety, decrease energy, improve useage

DESCRIPTION OF PETITIONER'S PROPOSAL :

Special Permit for driveway to be about 3' further into setback than current driveway;
Variance to not use at grade swing-up window and stair well grates but use above grade
railings in setback

SECTIONS OF ZONING ORDINANCE CITED :

Article 6.000	Section 6.44.1(g) (Change Setback).
Article 6.000	Section 6.44.1(b) (Five Foot Driveway Setback).
Article 10.000	Section 10.40 (Special Permit).
Article 5.000	Section 5.31 (Table of Dimensional Requirements).
Article 5.000	Section 5.24.2 (Fences, Fire Escapes in Setback).

Original Signature(s) :

(Petitioner(s) / Owner)

Mark Hanlon, Manager

(Print Name)

Address : 90 Jackson St

Cambridge, MA 02140

Tel. No. : 714-412-9120

E-Mail Address : bluemaplellc@gmail.com

Date : May 8, 2019

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 Blue Maple LLC

(OWNER)

Address: 90 Jackson St, Cambridge


State that I/We own the property located at 90 Jackson St,
which is the subject of this zoning application.

The record title of this property is in the name of Blue Maple LLC

*Pursuant to a deed of duly recorded in the date 12/28/2018, Middlesex South
County Registry of Deeds at Book 72071, Page 462; or

Middlesex Registry District of Land Court, Certificate No. _____

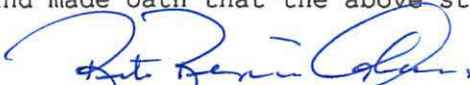
Book _____ Page _____.


SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

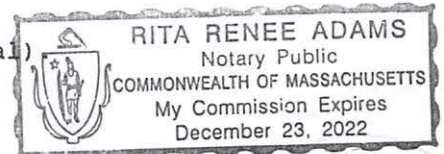
Commonwealth of Massachusetts, County of MIDDLESEX

The above-name MARK T HANLON personally appeared before me,
this 1 of MAY, 2019, and made oath that the above statement is true.



Notary

My commission expires 12/23/2022 (Notary Seal)



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

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:

- A)** A Literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

A literal enforcement of the Ordinance decreases both the safety of the basement egress and the likelihood of achieving the Net Zero Energy goal.

- B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The by-right design is identical except basement egress is more difficult. People either climb the stairs and exit from the floor above or climb into the window well and lift up the grate (maybe a problem when there is ice, corrosion, or a blockage, or for a small child or elderly person). With relief, in a fire, people may exit the door or window without lifting a grate. Another hardship is that Eversource limits by the assessor's lot the amount of energy that can be sent to the electric grid. This is based on the lot, not on the use or size of structures. This limits the amount of solar energy generated. This limit forces the most efficient structures. They must be the smallest, the lowest, and positioned to best use the sun. To use the window well grate, the by-right design requires inefficient double-hung windows instead of casements.

- C)** **DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**

- 1)** Substantial detriment to the public good for the following reasons:

There is limited impact on neighboring properties as the side boundaries are 120' long. Most relief is on the North with one railing being about 4' long and the two being about 7' long. The railings are 3 feet into the (conforming) setback but will be screened from abutter(s) by replacing the chain link fence with a wood fence higher than the railings.

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

This relief does not derogate the intent of the Ordinance as it intends to promote safety and sustainability. In fact, Article 22 of the Cambridge Zoning Ordinance is devoted to Sustainability. Moreover, the City Council adopted the Net Zero Action Plan in 2015. It requires Net Zero for small residential construction in 2022, 18 months away. Additionally, Ordinance Sections 5.24.1 and 5.24.2 allow very similar structures in setbacks.

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

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 90 Jackson 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:
- Section 6.44.1 (g) allows a driveway in the proposed location upon the issuance of a Special Permit.
- 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 driveway has been in basically the same location for decades. There will still be a two car garage. Little change in the traffic pattern can be expected by moving the driveway about three feet south.
- 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:
- Moving the driveway three feet southerly and deeper into the five foot driveway setback will have no effect on the operation or development of the adjacent (residential) uses. Additionally a six foot wood fence is proposed to replace the existing mixture of four foot high chain link and six foot wood stockade fencing along the driveway with the consent of the neighbor.
- 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 driveway will not conflict with either the house on the left (its driveway is on Dudley St) or the house on the right (its driveway is about 50' away). Conflict decreases with the driveway across Jackson St as the driveways move further apart.
- 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 new driveway is less than half the area of the old driveway and will be permeable pavers. This will reduce the effects of storm water for the neighborhood.



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831 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02139
617 349-6100

2019 MAY 13 PM 1:37

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA APPLICATION FORM

Plan No: BZA-017118-2019

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Article 5.000	Section 5.24.2 (Fences, Fire Escapes in Setback).

Original Signature(s) :

(Petitioner(s) / Owner)

Mark Hanlon, Manager

(Print Name)

Address : 90 Jackson St

Cambridge, MA 02140

Tel. No. : 714-412-9120

E-Mail Address : bluemaplellc@gmail.com

Date : May 8, 2019



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Floor, Cambridge, Massachusetts 02139

Telephone: 617 349 4683 TTY: 617 349 6112

E-mail: histcomm@cambridgema.gov URL: <http://www.cambridgema.gov/Historic>

Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles M. Sullivan, *Executive Director*
William G. Barry, Jr., Robert G. Crocker, Joseph V. Ferrara, Chandra Harrington, Jo M. Solet, *Members*
Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

Jurisdiction Advice

To the Owner of Property at 90 Jackson Street

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- ☐ Old Cambridge Historic District
 - ☐ Fort Washington Historic District
(M.G.L. Ch. 40C, City Code §2.78.050)
 - ☐ Avon Hill Neighborhood Conservation District
 - ☐ Half Crown – Marsh Neighborhood Conservation District
 - ☐ Harvard Square Conservation District
 - ☐ Mid Cambridge Neighborhood Conservation District
 - ☐ Designated Landmark
 - ☐ Property is being studied for designation: _____
(City Code, Ch. 2.78., Article III, and various City Council Orders)
 - ☐ Preservation Restriction or Easement (as recorded)
 - ☐ Structure is fifty years or more old and therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). See the back of this page for definition of demolition.
 - ☒ No jurisdiction: not a designated historic property and the structure is less than fifty years old.
 - ☐ No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.
- Staff comments: _____

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.

CHC staff initials SLB

Date May 21, 2019

Received by Uploaded to Energov
Relationship to project BZA 017118-2019

Date May 21, 2019

cc: Applicant
Inspectional Services Commissioner

Demolition Delay Ordinance and Application Information

The Demolition Delay Ordinance (Chapter 2.78, Article II of the Cambridge Municipal Code) was adopted by the City Council in 1979 to afford public review of demolition permit applications for potentially significant buildings. When the Historical Commission determines that a building is significant and should be preserved, demolition will be delayed for up to six months so that solutions can be sought to preserve the building indefinitely. The Ordinance covers all buildings over 50 years old, city-wide. The Historical Commission archives provide dates of construction for all properties in the City.

Demolition is defined in the ordinance as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." The Inspectional Services Commissioner has provided further guidelines to outline what actions require a demolition permit. **In addition to complete demolition of a building, the following actions may require a demolition permit,**

- **removal of a roof,**
- **removal of one side of a building,**
- **gutting of a building's interior to the point where exterior features (windows, etc.) are impacted, and**
- **removal of more than 25% of a structure.**

Please contact the building inspector or a staff member of the Historical Commission if you have questions about whether a demolition permit is required for a particular project.

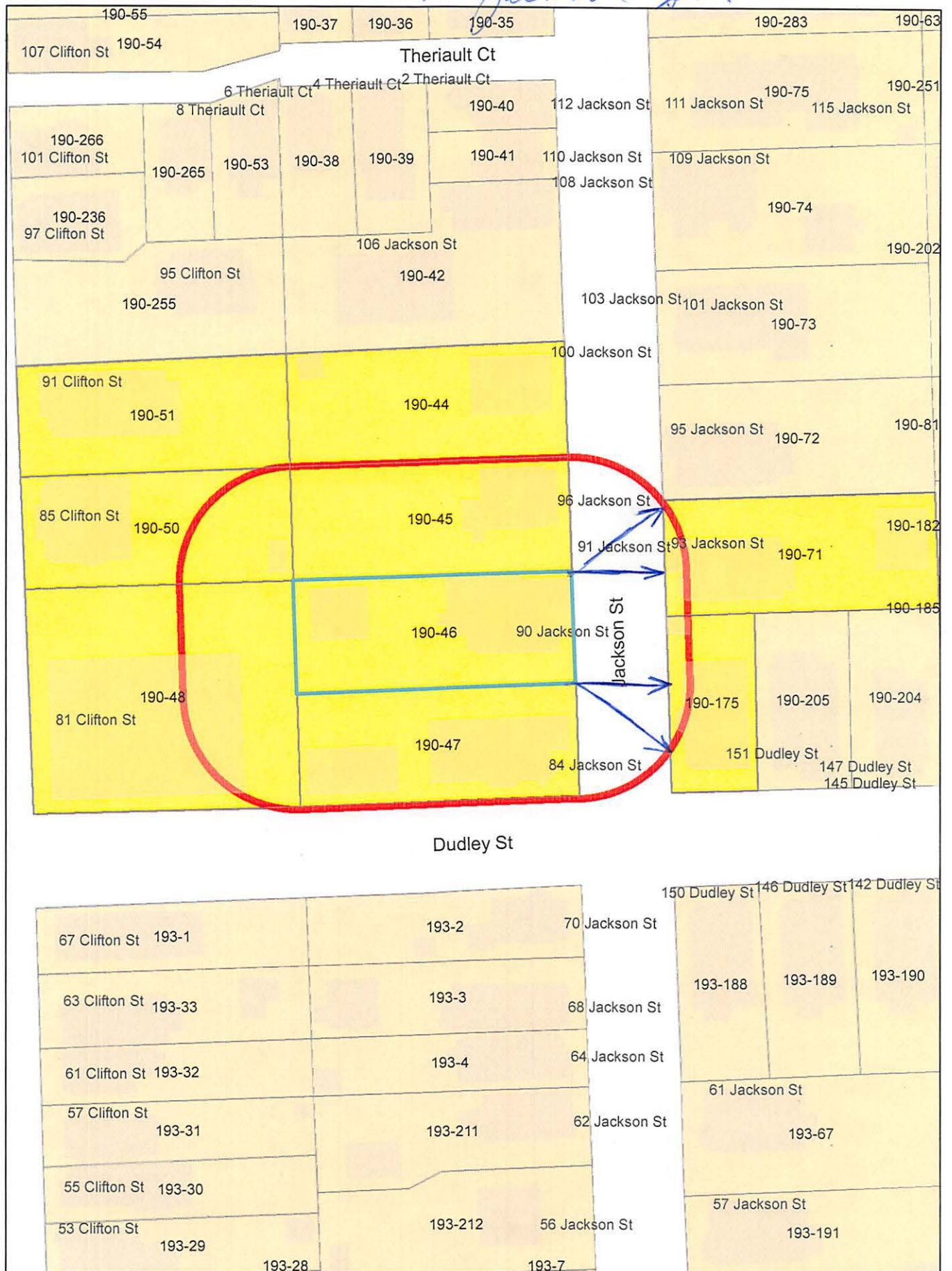
Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that the building is significant, a public hearing will be scheduled with Historical Commission. If the staff makes an initial determination that the building is not significant, the application is released for further review by the Building Commissioner.

More information about the demolition permit application procedures is available on the Historical Commission's web site or by calling or dropping by the Historical Commission office.

July 2003

Cambridge Historical Commission
831 Massachusetts Ave., 2nd Fl.
Cambridge, MA 02139
Ph: 617/349-4683 or TTY: 617/349-6112
<http://www.cambridgema.gov/Historic>

90 Jackson St.



90 Jackson St.

Petitioner

190-44
COHEN, TRUDI E. & JOHN T. BELL
100 JACKSON ST
CAMBRIDGE, MA 02140

190-45
CHEN, NELSON & TAO TAO
96 JACKSON ST
CAMBRIDGE, MA 02140

BLUE MAPLE LLC
C/O MARK HANLON, MANAGER
90 JACKSON STREET
CAMBRIDGE, MA 02140

190-47
OJEDA, EDWIN & BRIGIDA JIMENEZ
84 JACKSON ST #1
CAMBRIDGE, MA 02140

190-48
CAMBRIDGE HOUSING AUTHORITY
10 PARK PLAZA
BOSTON, MA 02116

190-51
FERRARO, ERNEST A.,
TR. OF CLIFTON STREET REALTY TRUST
C/O JAMES FERRARO
130 PHILLIPS BROOKS RD.
ISLINGTON, MA 02090

190-71
ALLRED, JAMES DAVID &
CAROLYN R. GREENBERG
91-93 JACKSON ST.
CAMBRIDGE, MA 02140

190-50
MURALI, RAMAL
191 NEWTON ST
WESTON, MA 02493

190-50
MORAN, STACY J.
85 CLIFTON ST., UNIT #2
CAMBRIDGE, MA 02139

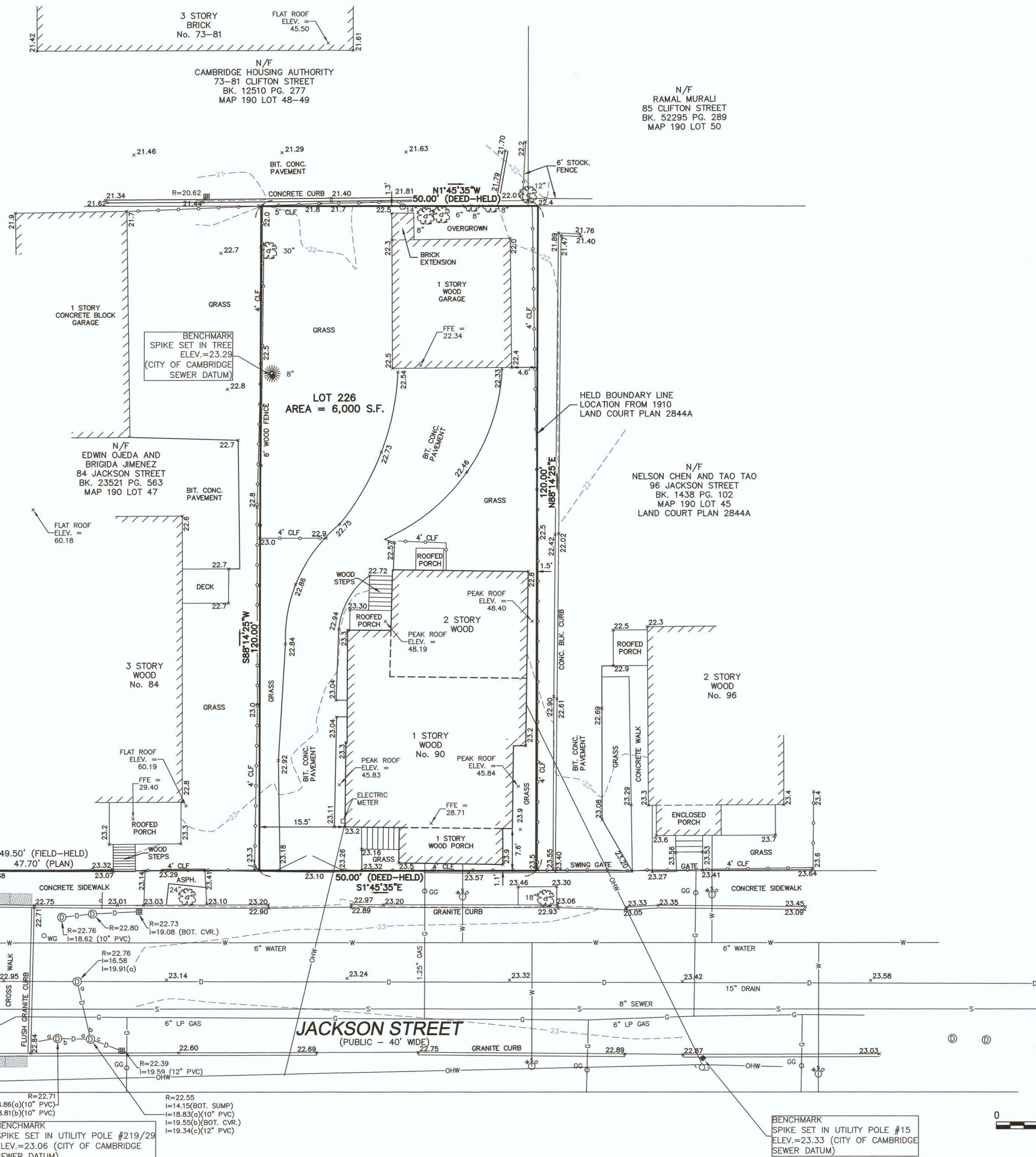
190-50
NICKERSON, ANDREW
85 CLIFTON ST., #3
CAMBRIDGE, MA 02140

190-175
BARTHLE, CHRISTOPHER PAUL
151 DUDLEY ST., #1
CAMBRIDGE, MA 02140

190-175
RIDEAU, FRANCOIS-RENE
151 DUDLEY ST., #3
CAMBRIDGE, MA 02140

190-175
CHENG, DAN
151 DUDLEY ST., #2
CAMBRIDGE, MA 02140

190-46
MAILHOIT, HERVEY A.
90 JACKSON STREET
CAMBRIDGE, MA 02140



- LEGEND**
- S SANITARY SEWER
 - D DRAIN LINE
 - W WATER LINE
 - G GAS LINE
 - ⊙ SANITARY MANHOLE
 - ⊙ DRAIN MANHOLE
 - ⊙ UNKNOWN MANHOLE
 - ⊙ CATCH BASIN
 - ⊙ DECIDUOUS TREE
 - ⊙ CONIFEROUS TREE
 - ⊙ FIRE HYDRANT
 - ⊙ WG WATER GATE
 - ⊙ WWS WATER SHUTOFF
 - ⊙ GG GAS GATE
 - FFE FINISHED FLOOR ELEVATION
 - CLF CHAIN LINK FENCE
 - ☆ LIGHT POLE
 - × 23.20 SPOT GRADE

NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF THE LOCUS PARCEL FOR DESIGN PURPOSES. THIS PLAN IS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED BETWEEN DECEMBER 17, 2018 AND DECEMBER 19, 2018, BY DESIGN CONSULTANTS, INC. (DCI).

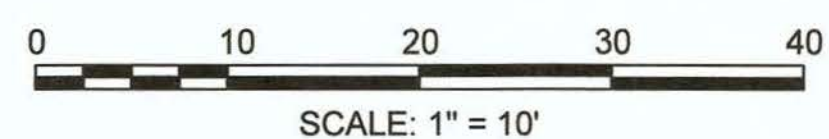
BOUNDARY LINES AND EASEMENTS FOR THE SUBJECT PROPERTY ARE PER DEED AND PLAN RESEARCH BY DESIGN CONSULTANTS, INC. THIS PLAN WAS PREPARED WITHOUT A FULL TITLE EXAMINATION, UNRECORDED EASEMENTS AND/OR ADVERSE CLAIMS BY OTHERS ARE NOT SHOWN.

LOCATION OF UNDERGROUND UTILITIES FEATURES SHOWN ARE THE RESULT OF SURFACE EVIDENCE AS LOCATED BY: FIELD SURVEY, AERIAL PHOTOGRAMMETRY, PLANS OF RECORD, INFORMATION FURNISHED BY THE RESPECTIVE UTILITY COMPANIES, AND OTHER AVAILABLE SOURCES. OVERHEAD WIRES DEPICTED HEREON ARE SHOWN FOR GENERAL LOCATION PURPOSES ONLY. ACTUAL WIDTH, TYPE, NUMBER, AND HEIGHT SHOULD BE FIELD VERIFIED PRIOR TO ANY SITE DESIGN WORK. THIS PLAN DOES NOT NECESSARILY DEPICT THE EXACT LOCATION OF ALL UTILITIES WHICH MAY EXIST AT THIS TIME WITHIN THE PREMISES SURVEYED. CALL DIGSAFE PRIOR TO EXCAVATION.



P.L.S. *Matthew Lowry*
MATTHEW LOWRY, P.L.S. MASS. REGISTRATION NO. 49625
DATE 1-3-2019

LOCUS TITLE INFORMATION
90 JACKSON STREET
OWNER: BLUE MAPLE LLC
DEED REFERENCE: BK. 72071 PG. 462
PLAN REFERENCE: PLAN BOOK 6 PLAN 37
ASSESSORS: MAP 190, LOT 46



Copyright 2019 Design Consultants, Inc.

P:\2018 Projects\2018-124 90 Jackson St Cambridge\DWG\SURVEYING\18-124ec.dwg

Design Consultants, Inc.
CIVIL ENGINEERS and LAND SURVEYORS

120 MIDDLESEX AVENUE
SOMERVILLE, MA 02145
617-776-3350

SCALE:
HORIZ: 1" = 10'
VERT: _____

NO.	DATE	BY	REVISIONS

FIELD: LG
CALCS: GM/ML
CHECKED: ML
APPROVED: ML

EXISTING CONDITIONS PLAN

90 JACKSON STREET

LAND LOCATED IN
CAMBRIDGE, MASSACHUSETTS
SURVEYED FOR
BLUE MAPLE LLC

PROJECT NO.
2018-124
DATE: JAN. 3, 2019
SHEET NO.
1 OF 1



Setback to triple-decker decreases from 15.5' to 15.1'
About 30 feet between the buildings

Site post-demolition

Front setback 1.1'

#96 Jackson driveway



Right side setback 1.5'

Rear setback 1.3' from abutting driveway

No.	Date	Comment

Photos

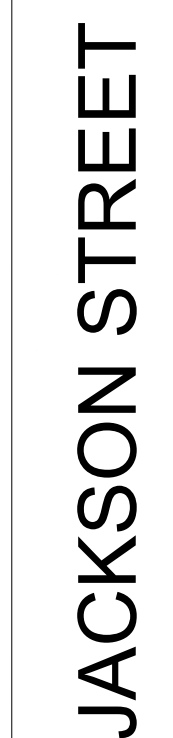
#92 (front) and #90 (rear)
Jackson Street
Cambridge, MA 02140

Blue Maple LLC
90 Jackson Street
Cambridge, MA 02140
bluemaplellc@gmail.com

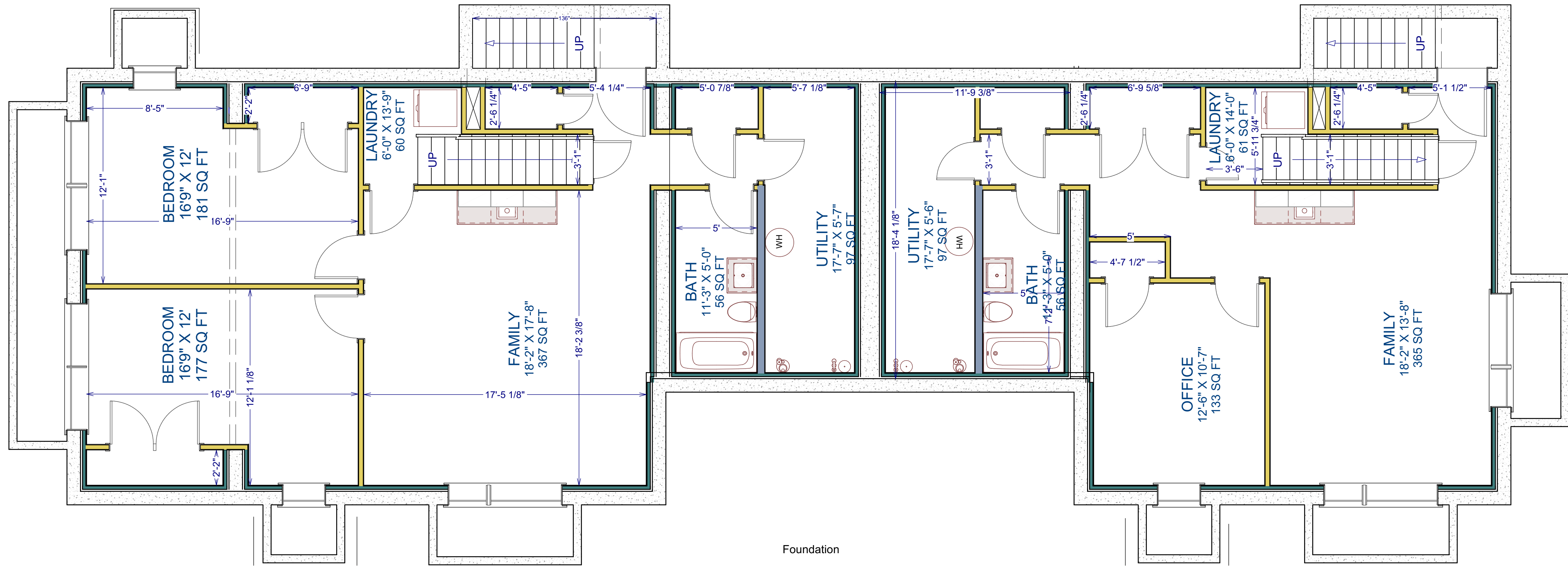
DATE:
4/30/2019

SCALE:

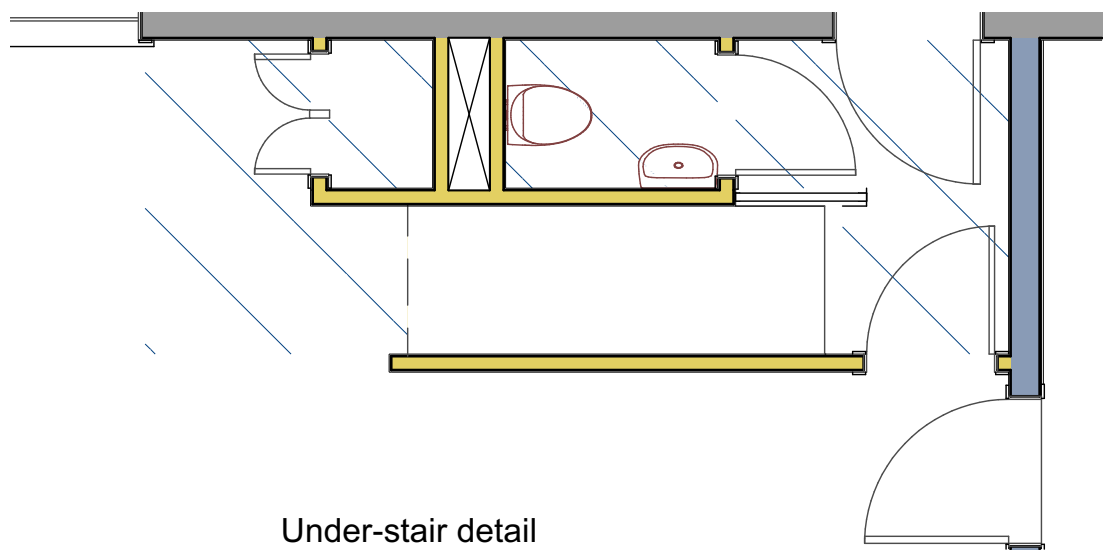
SHEET:
Z-9



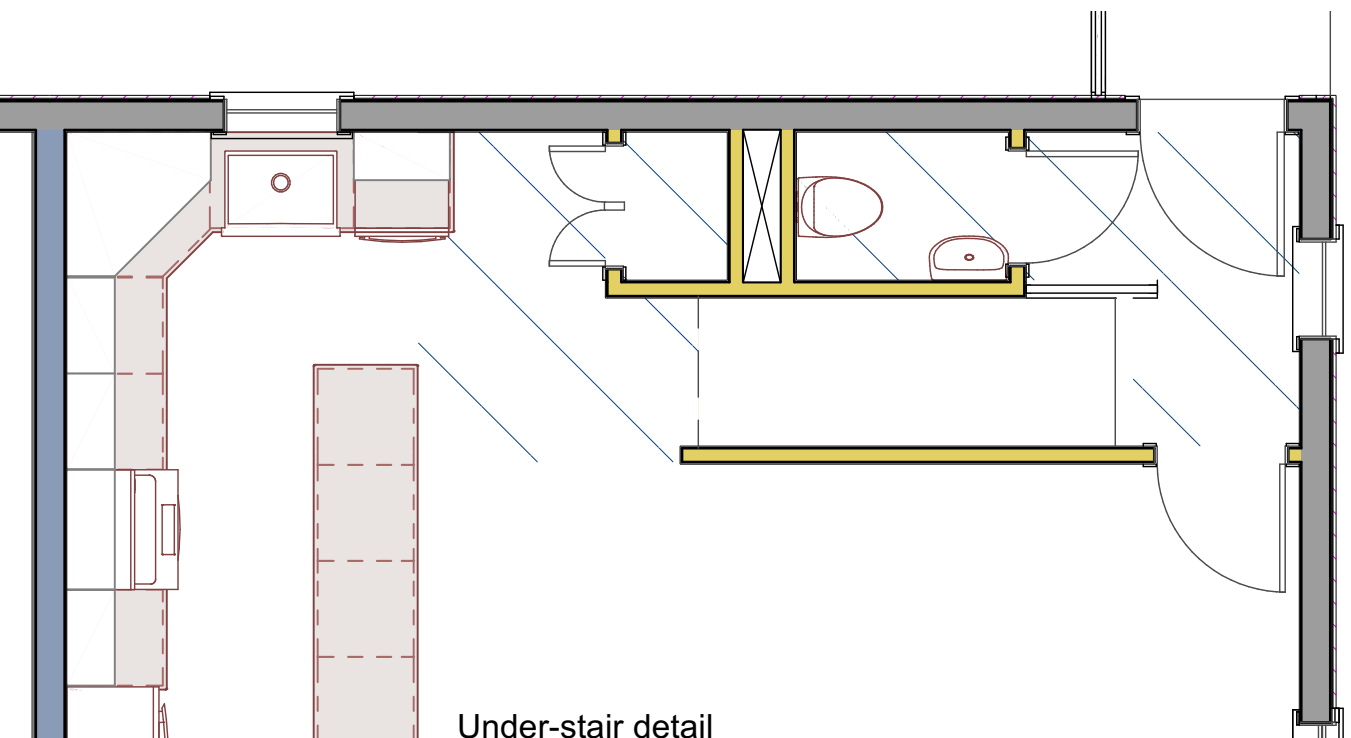
Blue Maple LLC 90 Jackson Street Cambridge, MA 02140 bluemaplellc@gmail.com	#92 (front) and #90 (rear) Jackson Street Cambridge, MA 02140	BZA Permit Plan	Date	Description	Scale: 1/8" = 1'	Date: 5/2/2019	BZA1



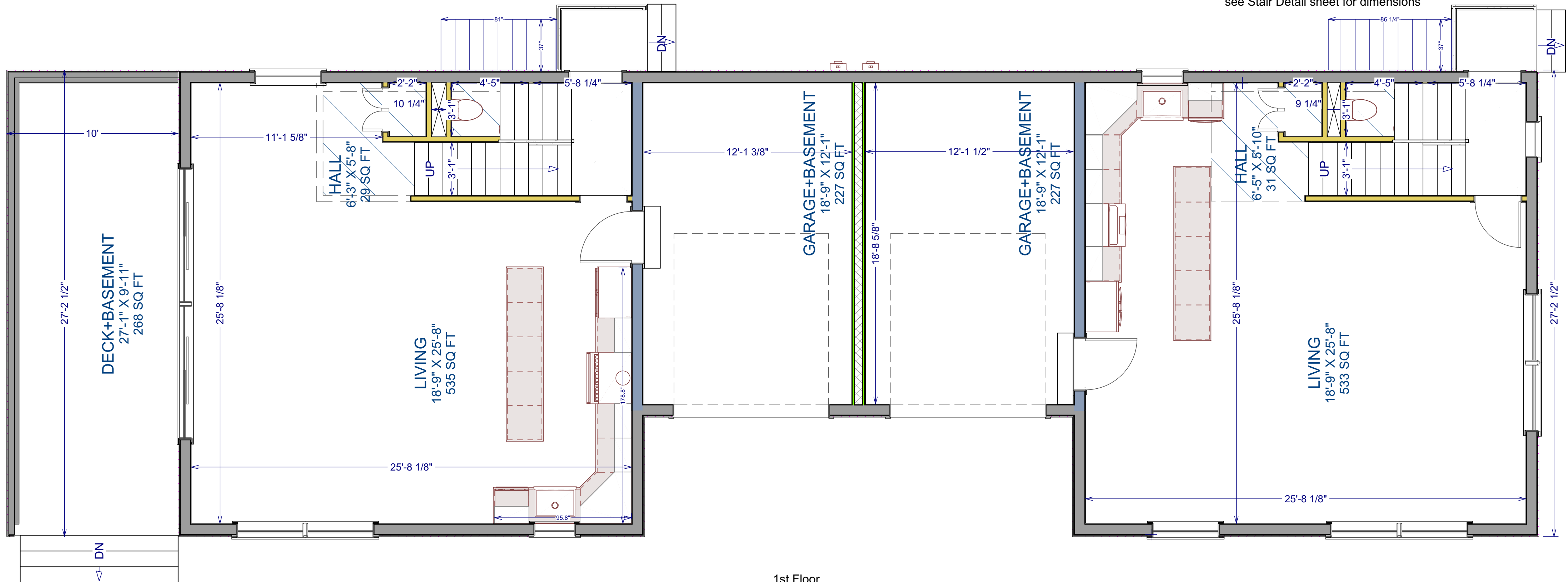
Foundation



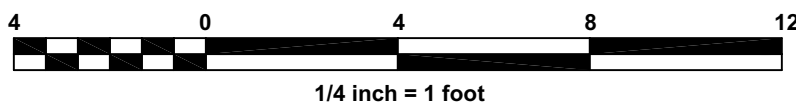
Under-stair detail
see Stair Detail sheet for dimensions



Under-stair detail
see Stair Detail sheet for dimensions



1st Floor



Blue Maple LLC
90 Jackson Street
Cambridge, MA 02140
bluemaplellc@gmail.com

#92 (front) and #90 (rear)
Jackson Street
Cambridge, MA 02140

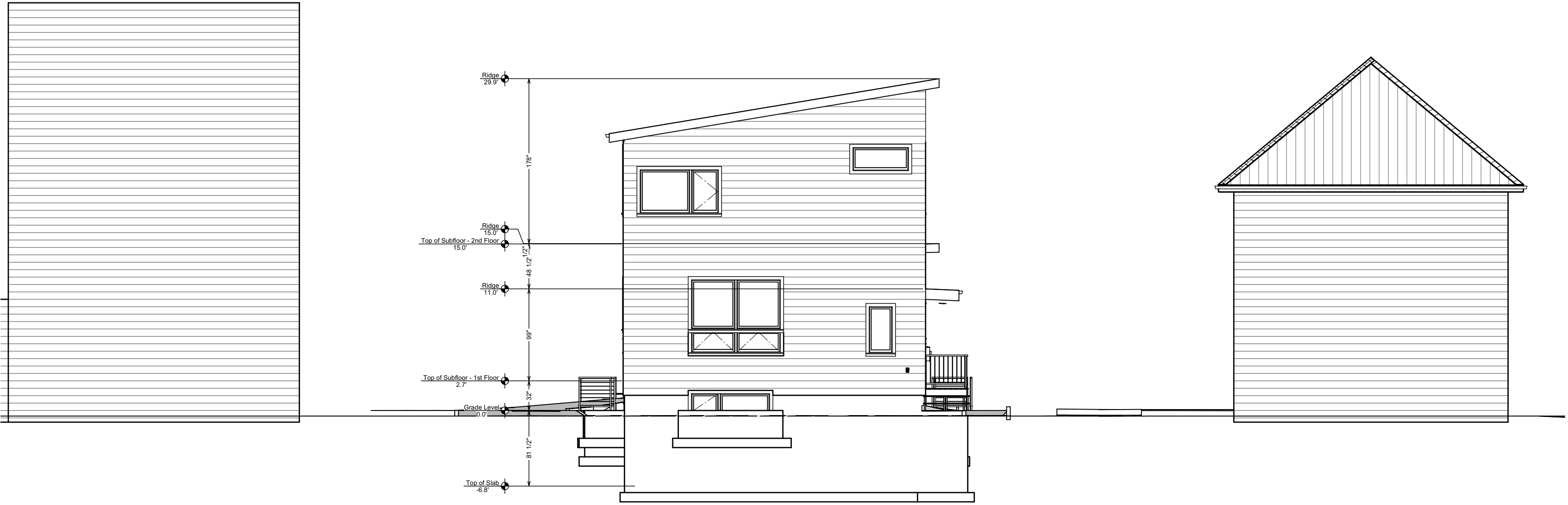
BZA Permit Plan

Date	Description

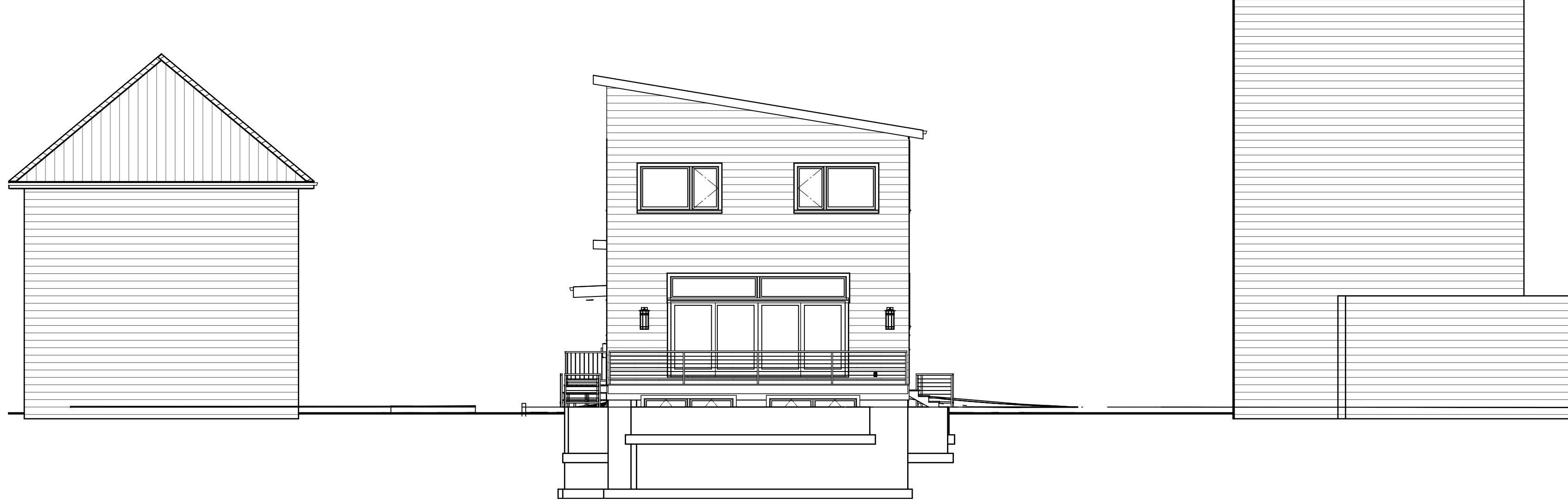
Scale:
1/4" = 1'

Date:
5/2/2019

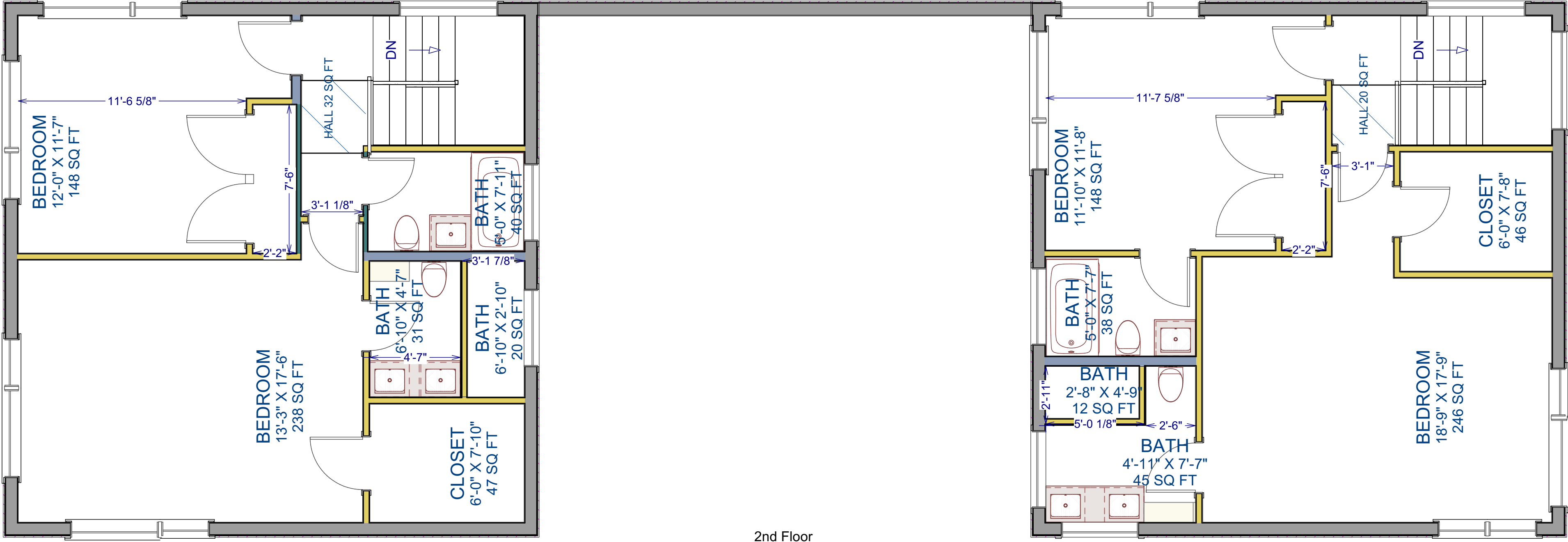
BZA2



Elevation East



Elevation West



2nd Floor

Pacheco, Maria

From: Adam J. Costa <adam@mtclawyers.com>
Sent: Monday, June 17, 2019 7:26 PM
To: Pacheco, Maria
Subject: Reschedule BZA-017118-2019

Ms. Pacheco:

I represent Blue Maple, LLC, with regard to its application to the BZA for a variance for property at 90 Jackson Street. We are presently on the agenda for the BZA's June 26 meeting.

Unfortunately, it has come to my attention that an error has occurred with the advertisement for the meeting. It reads:

Variance: To construct new above grade railings within the setback for new stairway to basement.

However, while somewhat nuanced, the application filed is, yes, for a variance, but for somewhat different relief:

Variance to not use at grade swing- up window and stair well grates but use above grade railings in setback.

Stated more simply, the variance is for a window well with stair well grates and above-grade railings. No new stairway is proposed.

I am concerned about the difference between the application and the advertisement, inasmuch as, if relief is granted and the decision ever challenged, I'd like to be certain that there is no procedural flaw. I'll be responsible for writing a zoning opinion for financing purposes, after all, so I'd rather address the discrepancy now than have to return to the BZA later.

I am therefore requesting a re-advertisement for a future BZA meeting, preferably July 11, but alternatively August 8, with the advertising stating:

EITHER

Variance: To construct above grade railings within the setback.

OR

Variance: To construct above grade railings within the setback for conforming window and stair wells.

Please let me know how that might occur.

Thanks in advance.



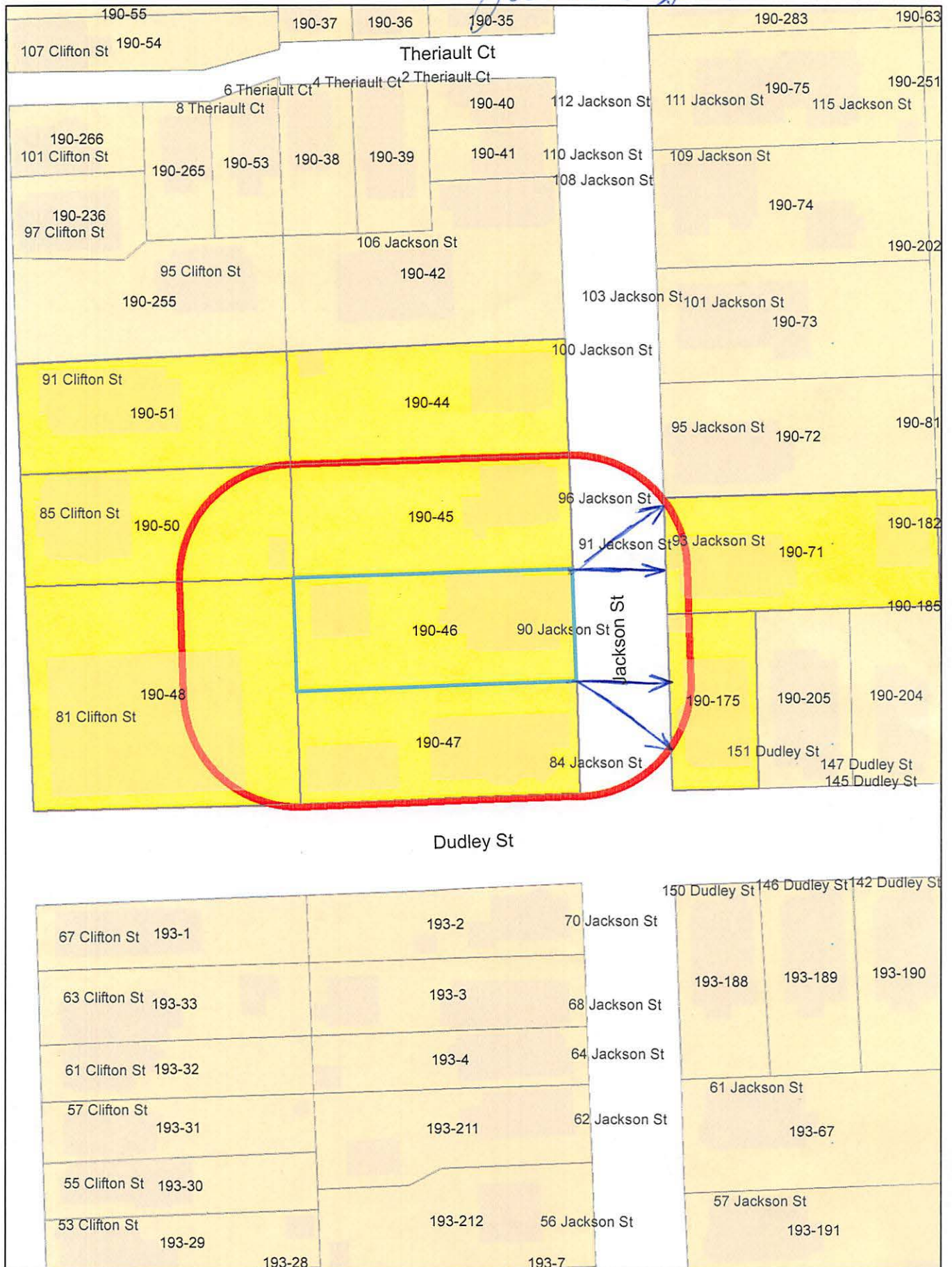
Adam J. Costa
Mead, Talerman & Costa, LLC
30 Green Street · Newburyport, Massachusetts · 01950
Phone 978.463.7700 · Fax 978.463.7747
adam@mtclawyers.com · www.mtclawyers.com

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If you have received the above transmittal in error, please delete the message and any attachment(s) hereto from your e-mail system and notify us immediately.

♻️ Think before you print.

90 Jackson St.



*90 Jackson St.
UP-dated list 6/8/19 Pettiner*

190-44
COHEN, TRUDI E. & JOHN T. BELL
100 JACKSON ST
CAMBRIDGE, MA 02140

190-45
CHEN, NELSON & TAO TAO
96 JACKSON ST
CAMBRIDGE, MA 02140

BLUE MAPLE LLC
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CAMBRIDGE, MA 02140

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OJEDA, EDWIN & BRIGIDA JIMENEZ
84 JACKSON ST #1
CAMBRIDGE, MA 02140

190-48
CAMBRIDGE HOUSING AUTHORITY
10 PARK PLAZA
BOSTON, MA 02116

MEAD, TALERMAN & COSTA, LLC
C/O ADAM J. COSTA
30 GREEN STREET
NEWBURYPORT, MA 01950

190-71
ALLRED, JAMES DAVID &
CAROLYN R. GREENBERG
91-93 JACKSON ST.
CAMBRIDGE, MA 02140

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MURALI, RAMAL
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WESTON, MA 02493

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90 JACKSON STREET
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190-51
FERRARO, ERNEST A.,
TR. OF CLIFTON STREET REALTY TRUST
C/O JAMES FERRARO
130 PHILLIPS BROOKS RD.
ISLINGTON, MA 02090