

# CITY OF CAMBRIDGE

## BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

### BZA Application Form

**BZA Number: 177941**

2022 JUN -1 PM 3:19  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

### General Information

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

Special Permit: \_\_\_\_\_

Variance:   X  

Appeal: \_\_\_\_\_

**PETITIONER:** Fraser Allan C/O Adam Glassman, R.A. / GCD Architects

**PETITIONER'S ADDRESS:** 2 Worthington Street , Cambridge , MA 02138

**LOCATION OF PROPERTY:** 286 Broadway , Cambridge, MA

**TYPE OF OCCUPANCY:** Business

**ZONING DISTRICT:** Residence C-2B Zone

### **REASON FOR PETITION:**

/New Structure/

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

New 2 family building construction violating the setbacks.

### **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):

Adam Glassman

(Petitioner (s) / Owner)

Adam Glassman

(Print Name)

Address:

2 Worthington St Cambridge MA 02138

Tel. No.

617-412-8450

E-Mail Address:

ajglassman.ra@gmail.com

**Date:** 5/31/2022

### BZA Application Form



**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 Fraser Allan ~~an~~ \_\_\_\_\_  
(OWNER)

Address: 200 Falcon St East Boston MA 02128

State that I/We own the property located at 286 Broadway Cambridge MA 02139,  
which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
FL BROADWAY LLC

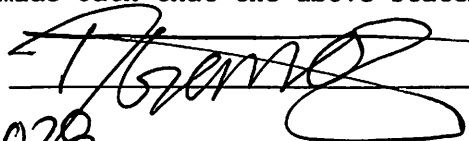
\*Pursuant to a deed of duly recorded in the date 3/22/2022, Middlesex South  
County Registry of Deeds at Book 79768, Page 516; or  
Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

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

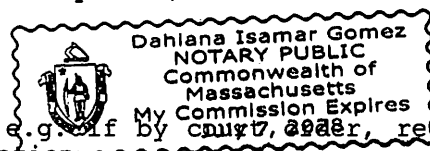
**\*Written evidence of Agent's standing to represent petitioner may be requested.**

Commonwealth of Massachusetts, County of ~~Middlesex~~ Suffolk

The above-name Fraser Allan personally appeared before me,  
this 25 of 5, 2022, and made oath that the above statement is true.

  
\_\_\_\_\_  
Notary

My commission expires July 7, 2028 (Notary Seal).



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



THE UNITED STATES OF AMERICA

Washington, D.C.

January 10, 1964

Dear Mr. [Name]

Thank you for your letter of January 8, 1964.

I am sorry that I cannot give you a more definite answer at this time.

I am sure that you will understand my position.

I am sure that you will understand my position.

I am sure that you will understand my position.

I am sure that you will understand my position.

Sincerely,  
[Signature]

I am sure that you will understand my position.

I am sure that you will understand my position.

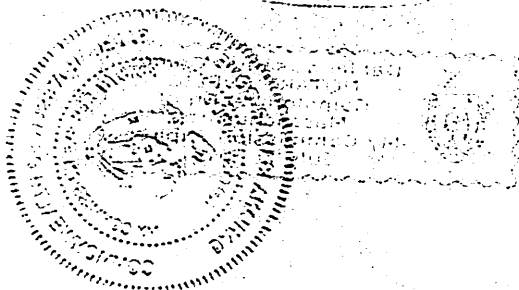
I am sure that you will understand my position.

I am sure that you will understand my position.

I am sure that you will understand my position.

I am sure that you will understand my position.

I am sure that you will understand my position.



10/11/64 DISSENT

SS 3-25

SSUS, F. [Signature]



## **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 would prevent the sensible, practical and desirable utilization and habitation of this small urban corner lot in the form of housing appropriate for (2) families. The existing non-conforming corner lot is 3,100 SF and actually supports 5.13 dwelling units per the Res C-2B zone requirement of 600 SF per dwelling unit. The required front and side setbacks, however, on such a small lot render the sensible development of this lot with a new structure that can accommodate even (2) modest family friendly dwelling units impossible without obtaining zoning relief. Alternatively, the construction of a single family home in the middle of this dense, larger scale urban neighborhood makes neither financial nor practical sense and defies the tenets of proper urban planning. This section of Broadway is contextually inappropriate for a single family structure both in terms of scale and density. The surrounding properties, with the exception of the 1-story commercial properties Lamplighter Brewery and Yayla Tribal Rugs, are all 3-4 story, 4-9 dwelling unit multifamily properties, and many with mixed use programs. Additionally, given the work required to remediate the contaminated soil below the existing paved lot of the former auto mechanic's shop and the removal of the existing outdated CMU structure, the development of a single family structure is also completely cost prohibitive.

Without zoning relief the owner will remain unable to utilize this difficult lot in a way that is both consistent with and appropriate for the higher density of this characteristically commercial zone, and in this more urban context a single family structure is economically unfeasible and would result in architecturally inferior massing and programming.

Without zoning relief the lot will continue to remain under-utilized. However, with a very modest amount of zoning relief this lot will provide (2) family oriented units which the city badly needs, and which as designed, will conform to the zoning in every way except the required setbacks (and associated 'Green Areas').

- 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 by not affecting generally the zoning district in which it is located for the following reasons:

The existing non-conforming corner lot is only 3,100 SF, and the set backback requirements per the calculations of the zoning ordinance render this lot impossible to properly utilize to the benefit of both the owners and the surrounding community.

- 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 existing site and structure are those of a former and long closed mechanics shop. The existing building and lot as they are have proven over many years to be economically unsustainable, and largely undesirable. The proposed creation of a four story structure supporting (2) dwelling units with parking is zoning code compliant in every way other than the required setbacks and associated yard space. There will be no loss of on street parking, no additional noise, light or air pollution will be created. FAR, building height and usable open space have all been designed in conformance with the zoning code.



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

The existing non-conforming side setbacks will remain non-conforming but will be greatly improved on both Sides. Additionally, per the 'Green Area' requirements, substantial and effective landscape buffers will be created on all sides, all asphalt paving will be removed, and the entire lot area outside of the building envelope will be either professionally designed and maintained landscaping or earth toned pervious paving. These improvements will greatly enhance the character and appearance of this lot, as well as substantially improve the lot's ability to retain and manage stormwater, and reduce this lot's very real contribution to the local heat island effect. The benefits of this project to the community include architectural, economic, and environmental improvements. This project will greatly enhance the streetscape as well as the quality of life in this neighborhood and has the enthusiastic support of both direct abutters.

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



# **DIMENSIONAL INFORMATION**

**Applicant:** Fraser Allan  
**Location:** 286 Broadway, Cambridge, MA  
**Phone:** 617-412-8450

**Present Use/Occupancy:** Business  
**Zone:** Residence C-2B Zone  
**Requested Use/Occupancy:** 2 Family Residential

		<u><b>Existing Conditions</b></u>	<u><b>Requested Conditions</b></u>	<u><b>Ordinance Requirements</b></u>	
<u><b>TOTAL GROSS FLOOR AREA:</b></u>		1,189.0	5,423.0	5,425.0	(max.)
<u><b>LOT AREA:</b></u>		3,100	No Change	5,000.0	(min.)
<u><b>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></b></u>		.35	1.74	1.75	
<u><b>LOT AREA OF EACH DWELLING UNIT</b></u>		0	1,550.0	600.0	
<u><b>SIZE OF LOT:</b></u>	<b>WIDTH</b>	62.2	No Change	50.0	
	<b>DEPTH</b>	48.65	No Change	NA	
<u><b>SETBACKS IN FEET:</b></u>	<b>FRONT</b>	Broadway 20.6' / Elm 12.5'	Broadway 11.08' at Grade & 6.83' at Bay / Elm 4.82' at Grade & 3.0' at Bay	Broadway 15.7' / Elm 12.80'	
	<b>REAR</b>	No Rear Yard per Corner Lot	No Rear Yard per Corner Lot	No Rear Yard per Corner Lot	
	<b>LEFT SIDE</b>	0.8'	3.13'	10.90'	
	<b>RIGHT SIDE</b>	1.2'	7.11'	13.0'	
<u><b>SIZE OF BUILDING:</b></u>	<b>HEIGHT</b>	12.8'	39.7'	45.0'	
	<b>WIDTH</b>	26.9	32.6'	NA	
<u><b>RATIO OF USABLE OPEN SPACE TO LOT AREA:</b></u>		0.0 SF	506.3 SF / 16.3%	466.0 SF / 15%	
<u><b>NO. OF DWELLING UNITS:</b></u>		0	2	5 max per lot size	
<u><b>NO. OF PARKING SPACES:</b></u>		0	2	2	
<u><b>NO. OF LOADING AREAS:</b></u>		0	NA	NA	
<u><b>DISTANCE TO NEAREST BLDG. ON SAME LOT</b></u>		10.2	only 1 building	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.:

Existing building to be removed is CMU Block, Proposed building to be wood frame

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'.



CITY OF CAMBRIDGE  
INSPECTIONAL SERVICES  
2022 JUL 11 AM 11:21



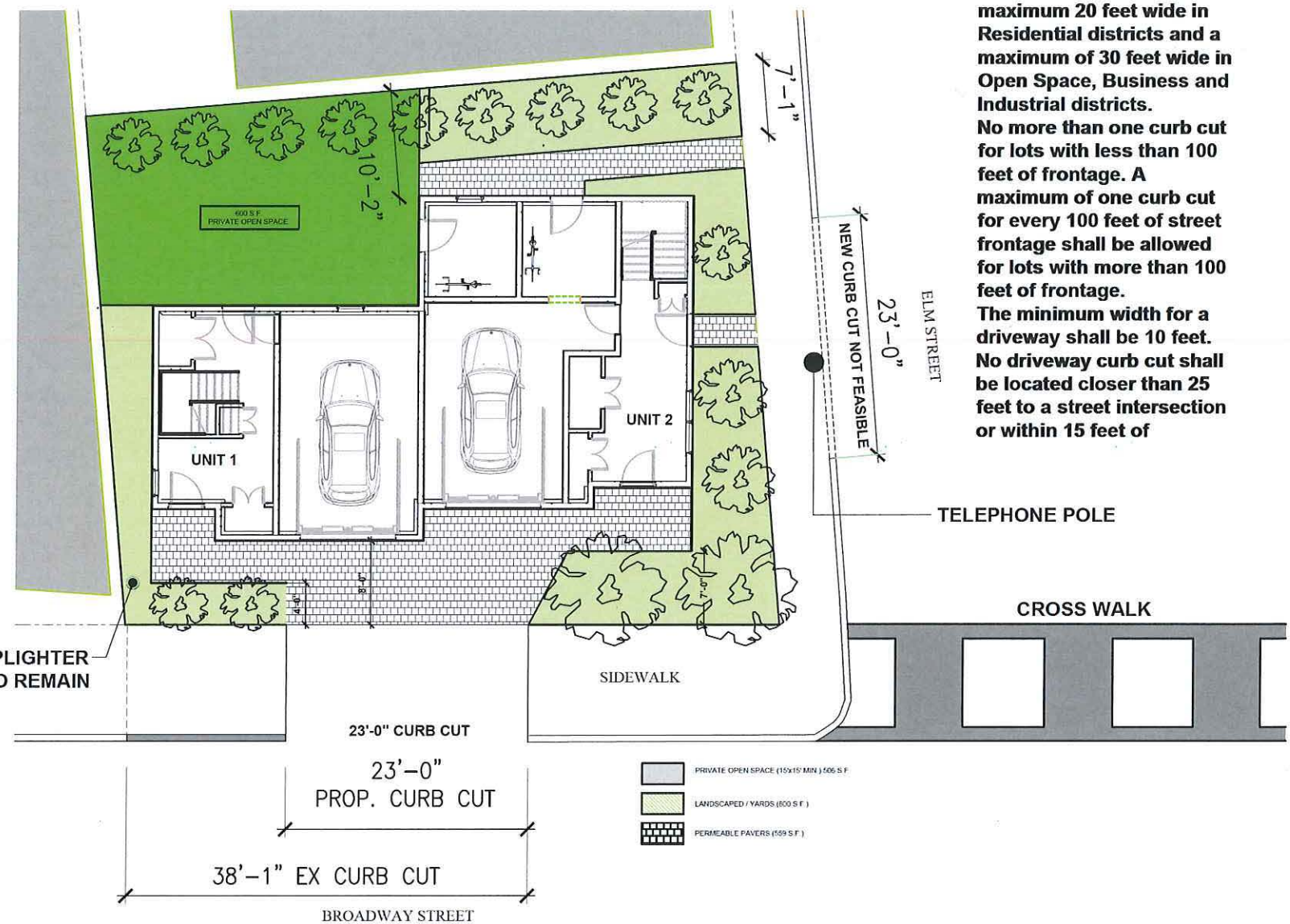
VIEW FROM ELM STREET

TELEPHONE POLE

Curb cuts shall be maximum 20 feet wide in Residential districts and a maximum of 30 feet wide in Open Space, Business and Industrial districts. No more than one curb cut for lots with less than 100 feet of frontage. A maximum of one curb cut for every 100 feet of street frontage shall be allowed for lots with more than 100 feet of frontage. The minimum width for a driveway shall be 10 feet. No driveway curb cut shall be located closer than 25 feet to a street intersection or within 15 feet of



ORIGINAL SUBMISSION TO BZA AND PLANNING BOARD



REVISED SUBMISSION TO BZA

## 286 BROADWAY SITE PLAN AND CURB CUT PLANS 10 JULY 2022

GCD ARCHITECTS









PERMEABLE PAVERS



BOLLARD-STYLE PATH LIGHTS



BACK FENCE: CEDAR WITH COLOR DETAIL



STEPPING STONE PATH



MIXED TREES, SHRUBS, AND PERENNIALS



















# 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: Adam Glossman Date: 6/30/22  
(Print)

Address: 286 Broadway

Case No. BZA-177941

Hearing Date: 7/14/22

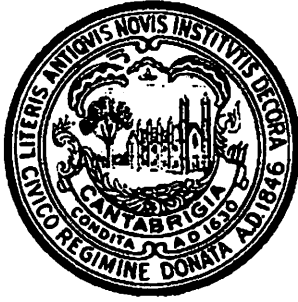
Thank you,  
Bza Members



286 Broadway sign posted 6-30-22







CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

July 8, 2022

To: The Board of Zoning Appeal

From: The Planning Board

RE: BZA-177941 286 Broadway

The Planning Board reviewed this BZA application during a meeting on July 5, 2022 and decided to forward the following comments to BZA.

The Planning Board had no recommendation regarding whether or not to grant the requested relief. However, the Planning Board suggested exploring the following design improvements:

- Though the project is proposing to reduce the existing curb cut on Broadway, the Board suggested relocating the driveway to Elm Street if feasible.
- The Board supports further reduction of the setback along Broadway to align better with the existing buildings along Broadway and improving the façade design to maintain a stronger presence along the street.
- The Board recommends further improvements to landscape area along Broadway and additional street trees wherever possible, with approval from DPW.





# City of Cambridge

MASSACHUSETTS

## BOARD OF ZONING APPEAL

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

2022 JUL 20 AM 10:52

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

### Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal  
831 Mass Avenue  
Cambridge, MA 02139

RE: Case # BZA-177941

Address: 286 Broadway

☐ Owner, ☒ Petitioner, or ☐ Representative: Adam Glassman, R.A.

(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The ☐ Owner, ☐ Petitioner, or ☐ Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

Date: 7/18/22

Adam Glassman  
Signature



## **Pacheco, Maria**

---

**From:** Alex Wang <awswim@gmail.com>  
**Sent:** Thursday, July 14, 2022 8:00 AM  
**To:** Pacheco, Maria  
**Subject:** BZA-177941 - 286 Broadway

Hello,

I'm excited to see that 286 Broadway is under development. Given the lack of housing in Cambridge and the high density in our neighborhood, I would be interested in seeing a building with more than just 2 residential units, and I urge the board to grant significant zoning relief if that makes more units possible. As the petitioner says in the supporting statement, the surrounding properties include several 4-9 unit multifamily properties.

I support the setback zoning relief required to develop this property into residential units. All of the buildings on this block and many on adjacent ones have zero setbacks.

Thank you,  
Alex Wang  
45 Market St.



## Pacheco, Maria

---

**From:** Jean Cummings <jean.l.cummings@gmail.com>  
**Sent:** Wednesday, July 13, 2022 9:31 PM  
**To:** Pacheco, Maria  
**Subject:** development proposal at 286 Broadway

I am a resident of The Port and would like to submit comments re the proposed building, based on the documents provided:

- I am happy with modern as a concept. It think that part of the street could handle that nicely. If the materials are satisfactory, I think the design is fine.
- I think a building there with two 4-bedroom units is a great idea, especially if it is "affordable," that is, if families could live there instead of multiple single folks. The location is great for families too, with Cambridgeport School and the park nearby.
- I have heard some push-back asking for retail on the ground floor. I disagree. I would rather see housing than ground floor retail. We have several examples of nearby housing starting at ground floor level (like the ones lining Elm Street at that corner). We also have a good amount of retail space a couple of blocks away in the new development on Mass Ave that are still empty.
- I think building at the sidewalk line might work better there; it matches Lamplighter and the rest of the block, as well as the pre-school on the other side of Elm, and it could offer more space/another unit. However, IF the proposed plantings can actually look like the proposal and can be maintained, that would be more than satisfactory.

Thank you,

Jean Cummings  
5 Ashburton Place



## Pacheco, Maria

---

**From:** Jean Cummings <jean.l.cummings@gmail.com>  
**Sent:** Wednesday, July 13, 2022 10:54 PM  
**To:** Pacheco, Maria  
**Subject:** FOLLOW UPFwd: development proposal at 286 Broadway

Hi, I have one other thing I'd like to add.

Can the city use a homeownership program/Section 8 certificates to make these units more affordable? We keep having "market rate" (read: luxury) units added to the stock. Can the city satisfy developer needs by partnering with them to make units more affordable?

Jean Cummings

Begin forwarded message:

**From:** Jean Cummings <[jean.l.cummings@gmail.com](mailto:jean.l.cummings@gmail.com)>  
**Subject:** development proposal at 286 Broadway  
**Date:** July 13, 2022 at 9:30:37 PM EDT  
**To:** [mpacheco@cambridgema.gov](mailto:mpacheco@cambridgema.gov)

I am a resident of The Port and would like to submit comments re the proposed building, based on the documents provided:

- I am happy with modern as a concept. It think that part of the street could handle that nicely. If the materials are satisfactory, I think the design is fine.
- I think a building there with two 4-bedroom units is a great idea, especially if it is "affordable," that is, if families could live there instead of multiple single folks. The location is great for families too, with Cambridgeport School and the park nearby.
- I have heard some push-back asking for retail on the ground floor. I disagree. I would rather see housing than ground floor retail. We have several examples of nearby housing starting at ground floor level (like the ones lining Elm Street at that corner). We also have a good amount of retail space a couple of blocks away in the new development on Mass Ave that are still empty.
- I think building at the sidewalk line might work better there; it matches Lamplighter and the rest of the block, as well as the pre-school on the other side of Elm, and it could offer more space/another unit. However, IF the proposed plantings can actually look like the proposal and can be maintained, that would be more than satisfactory.

Thank you,

Jean Cummings  
5 Ashburton Place



## Pacheco, Maria

---

**From:** Dan Totten <dantotten@gmail.com>  
**Sent:** Wednesday, July 13, 2022 6:51 PM  
**To:** Pacheco, Maria  
**Subject:** 286 Broadway (BZA- 177941)

Please forward my public comment to the BZA regarding the proposal at 286 Broadway.

I am writing with concern that not enough consideration has been given to the need to preserve an active non-residential use on this corner lot in what is such a fragile business district. This area in The Port is zoned as a Business A district, something that might not be apparent when reviewing [the application](#). The fact that the dimensional requirements of a Res C2B district happen to apply to residential development here absolutely does not make this a residential district. Losing the commercial space on the corner would be of substantial detriment to the public interest, and it is of great community concern that zoning relief could be granted without the applicant having had to substantially grapple with this fact.

The applicant acknowledges that the business district on Broadway is characterized by “3-4 story, 4-9 dwelling unit multifamily properties, many with mixed-use programs”. Why then are we getting a request to accommodate just two expensive housing units and no commercial space at all? That seems like one of the worst possible outcomes for this parcel.

I would completely understand if the applicant had sought a variance specifically to accommodate commercial space as part of a mixed-use project, but that is not what happened and with no explanation of why not, I urge the board to continue this application so there can be further discussion. It simply doesn't make any sense to eliminate the commercial space on this corner if we are serious about preserving The Port's fragile business district. If we're already in the territory of seeking a variance, there should be more thought given to what it would take to also include a floor of commercial space. The zoning offers basically zero setbacks for commercial space as-of-right, but even more generous relief could be granted if deemed necessary.

I'm also curious if any thought has been given to making use of the Affordable Housing Overlay. It seems like the AHO offers setbacks that are in line with or even more generous than what the developer is requesting, in addition to extra density and height and a lower minimum lot area per dwelling ratio. Crucially, the AHO even offers extra height for a project that includes active non-residential use on the ground floor.

If you do approve the variance request at this hearing, please at least make the preservation of the “Metric Systems” sign a condition of the relief. I very much appreciate the applicant's promise to preserve the sign, but it would be great to ensure that it actually happens. The “Metric Systems” sign has transcended the business it once belonged to, becoming a bonafide landmark that is crucial to the current identity of the surrounding business district AND a reminder of its more industrial past.

Finally, I want to remind the board that the most recent use of this parcel was as a beloved pandemic-era retail and community space. On weekends, there would be tables set up so Black and Brown entrepreneurs from the neighborhood could sell their art and merchandise. The place was full of life and joy in a time that was characterized by a distinct absence of those things. Given this very recent history, I was very surprised to see the applicant refer to the lot as having a history of having been “largely undesirable”. Word choice and respect for the community matter quite a bit!

I hope that the board will take some time to consider how The Port neighborhood could get a better outcome at this parcel if the developer is seeking a variance. We shouldn't give away relief when it is not in the interest of the community to do so. Additionally, the community is only starting to become aware of this situation. I remember 50 people turning out to discuss the future of the former use, so it is clear a lot of people care about this one. And these are people who aren't typically engaged with the process. They deserve more time. Please do not approve what is before us at this moment. Thank you.



Dan Totten  
54 Bishop Allen Drive #2



## Pacheco, Maria

---

**From:** Eugenia Schraa <schraa@gmail.com>  
**Sent:** Thursday, July 14, 2022 11:19 AM  
**To:** Pacheco, Maria  
**Cc:** Ming-Tai Huh  
**Subject:** Ground-floor retail for 286 Broadway project

Dear Ms. Pacheco,

Thank you for forwarding this note to the BZA.

—

Dear Board of Zoning Appeal Members,

I'm excited that 2 more homes are coming online at **286 Broadway**. But how sad for the neighborhood to be **losing ground floor retail** at that location:

- directly next to the wonderful **Lamplighter Brewery**
- itself next to **Dresscode Cleaners** and **Lucky Corner** bodega
- across from **Violetta Montessori**
- across Broadway from the lovely **Judy's Bay** +
- from **Yayla Tribal Rug**, a particularly magical place.

Please encourage and give permission to the developer to continue enlivening that small slice of Cambridge with ground-floor retail, which could continue with the **flowers and plants** that were there before, the **artsy-strange-mix** that existed most recently (and where a good friend **celebrated his 40th**), or with something **completely new**.

To lose that precious chance for exchange and commerce is tragic — like the many nearby houses that present blank, black faces to the street where once shops presumably stood.

In addition, the location seems big enough for more than 2 new homes! Please make sure we get a **maximal amount of homes** on top of the retail.

As an extremely nearby neighbor with two young kids and no car, I also think that **two parking spaces are excessive**. Zero should do fine, help our planet, and not inconvenience residents, who can simply rent spaces nearby if they actually do have cars.

Thank you,  
Eugenia Schraa

—

Eugenia Schraa  
(617) 270-6549  
259 Washington St.  
Cambridge, MA 02139



## **Pacheco, Maria**

---

**From:** Luis Mejias <lmejias@gmail.com>  
**Sent:** Thursday, July 14, 2022 11:50 AM  
**To:** Pacheco, Maria  
**Subject:** Proposal at 286 Broadway

Good morning,

I am writing to comment on the proposed project at 286 Broadway.

I live down the street and go by this site frequently, most of the time by foot or bicycle, but also by car.

I appreciate the proposer adding housing to our neighborhood, as its sorely needed. However, these are very large units. A greater number of smaller units will do more to address the housing crisis as they'd be sized better to meet the demand for who needs housing (students, young professionals). At these sizes, these will be \$1.5-2 million+. More, smaller units will be more attainable. Even if a variance is needed for parking (see below).

I also think the Broadway street frontage with two garages and a curb-cut goes against the character of the street and good urban design. There are active street frontages next door (Lamplighter) down to Columbia and, while I know the existing structure was a garage/service center, it's time to move past this antiquated design language instead of doubling down on it for another 100 years. The street would be more vibrant with active uses fronting Broadway.

I'd also like to mention that Broadway is slated to receive protected bike lanes and that more transit is proposed under the T's Bus Network Redesign (improved route 68 and the new frequent service on Prospect St). The site is also less than a 10 minute walk to the Red Line at Central Square. Thus, perhaps the site doesn't need to meet minimum parking standards (or could have none).

If parking must be included, at a minimum the curb cut should moved to the side street (Elm), so that the future protected bike lane is not subject to more cross-traffic. This also provides an opportunity for an active Broadway frontage instead of dead space that are garage doors.

Thank you for listening to my comments.

Luis  
18 Plymouth Street



## **Pacheco, Maria**

---

**From:** Andy N <anash18@gmail.com>  
**Sent:** Thursday, July 14, 2022 1:09 PM  
**To:** Pacheco, Maria  
**Subject:** Proposal for 286 Broadway

**Categories:** Red Category

Hello,

I'm a resident of Worcester Street, two blocks from the development proposed for 286 Broadway. Having just heard today about this 2-unit, no retail proposal, I respectfully request that you continue this case and hold off on a variance in order to give residents time to understand the pros and cons of this proposal. The commercial district over there is quite fragile, and I would like to see a new small business at street level.

Thank you,  
Andy Nash  
18 Worcester St, Cambridge



# PROPOSED 2 FAMILY DWELLING

286 Cambridge Street  
Cambridge, MA

Sheet List		
Sheet Number	Sheet Name	Sheet Issue Date
..T1.1	Title Sheet	5/31/2022
A0.1	Broadway Street Views	5/31/2022
A.0	3D views	5/31/2022
Z1.0	ZONING	5/31/2022
Z1.1	Zoning - GFA & FAR Analysis	5/31/2022
Z1.2	Set Backs Plan	5/31/2022
Z1.3	Open Space Analysis	5/31/2022
Z1.4	Proposed Open Space	5/31/2022
Z1.5	Existing Open Space	5/31/2022
A0	Site Plan Comparison, extg. and proposed	5/31/2022
A0.1	Site Plan Comparison	5/31/2022
A1.1	Proposed 1st Floor Plan	5/31/2022
A1.2	Proposed 2nd Floor Plan	5/31/2022
A1.3	Proposed 3rd Floor Plan	5/31/2022
A1.4	Proposed 4th Floor Plan	5/31/2022
A1.5	Roof Plan	5/31/2022
A1.6	UNIT SIZE	5/31/2022
A2.1	Proposed Elevations	5/31/2022
A2.2	Proposed Elevations	5/31/2022
A3.1	Sections	5/31/2022



PROJECT:  
286 Broadway Street  
Cambridge, MA

## GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

--

### GENERAL CONSTRUCTIO NOTES:

1. ALL WORK SHALL CONFORM TO THE MASSACHUSETTS COMMERCIAL BUILDING CODE 9TH ADDITION, ASSOCIATED MASS AMENDMENTS, AND THE RULES AND REGULATIONS OF ALL GOVERNING BODIES.
2. THE CONTRACTOR SHALL APPLY FOR AND MAINTAIN IN GOOD ORDER ALL REQUIRED PERMITS AND SHALL COORDINATE WITH OFFICIALS ALL REQUIRED INSPECTIONS AND CERTIFICATIONS
3. THE CONTRACTOR SHALL DETERMINE EXISTING CONDITIONS WHERE REQUIRED AND VERIFY ALL FIELD CONDITIONS FOR CLEARANCES, DIMENSIONS, AND ELEVATIONS SHOWN ON DRAWINGS. ANY DISCREPANCIES SHALL BE MARKED ON A PRINT OF THE RELEVANT DRAWING AND FORWARDED IMMEDIATELY TO THE ARCHITECT.
4. THE CONTRACTOR SHALL COORDINATE WITH THE OWNER AND ARCHITECT ALL REQUIREMENTS FOR INSTALLATION OF REQUIRED FURNISHINGS, WINDOWS, FIXTURES AND EQUIPMENT
5. DIMENSIONS ARE FINISH TO FINISH, UNLESS OTHERWISE NOTED
6. GC TO INSTALL ALL MATERIALS IN ACCORDANCE WITH MANUFACTURER'S REQUIREMENTS
7. ALL PLUMBING, ELECTRICAL & HVAC PER CODE

Drawing Title:

Title Sheet

Scale:

Drawing No.:

Job. #: 2022-121

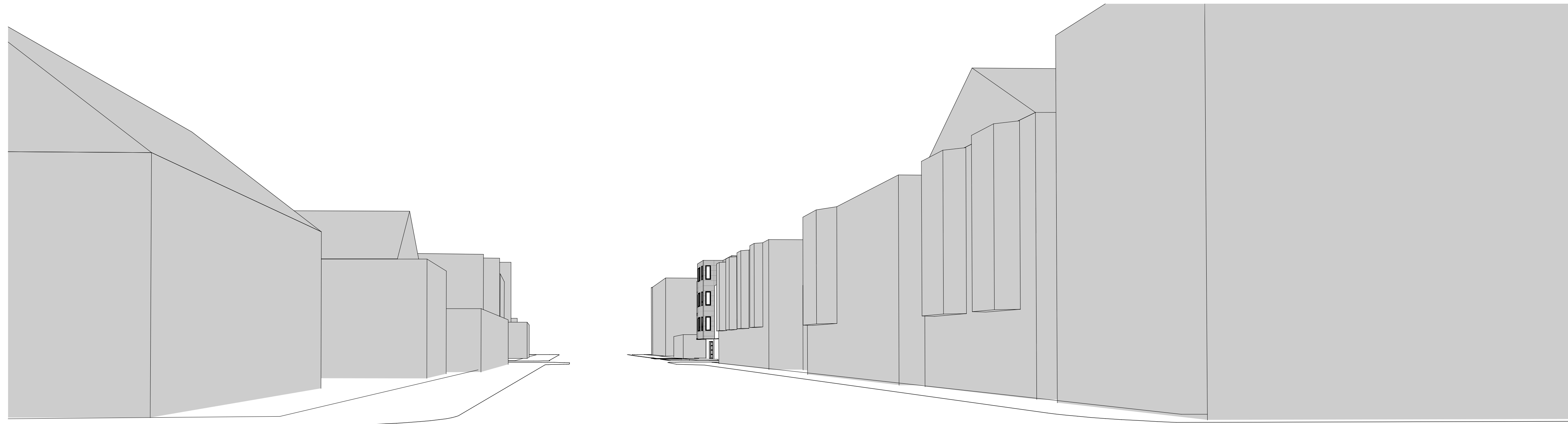
Date: 5/31/2022

..T1.1

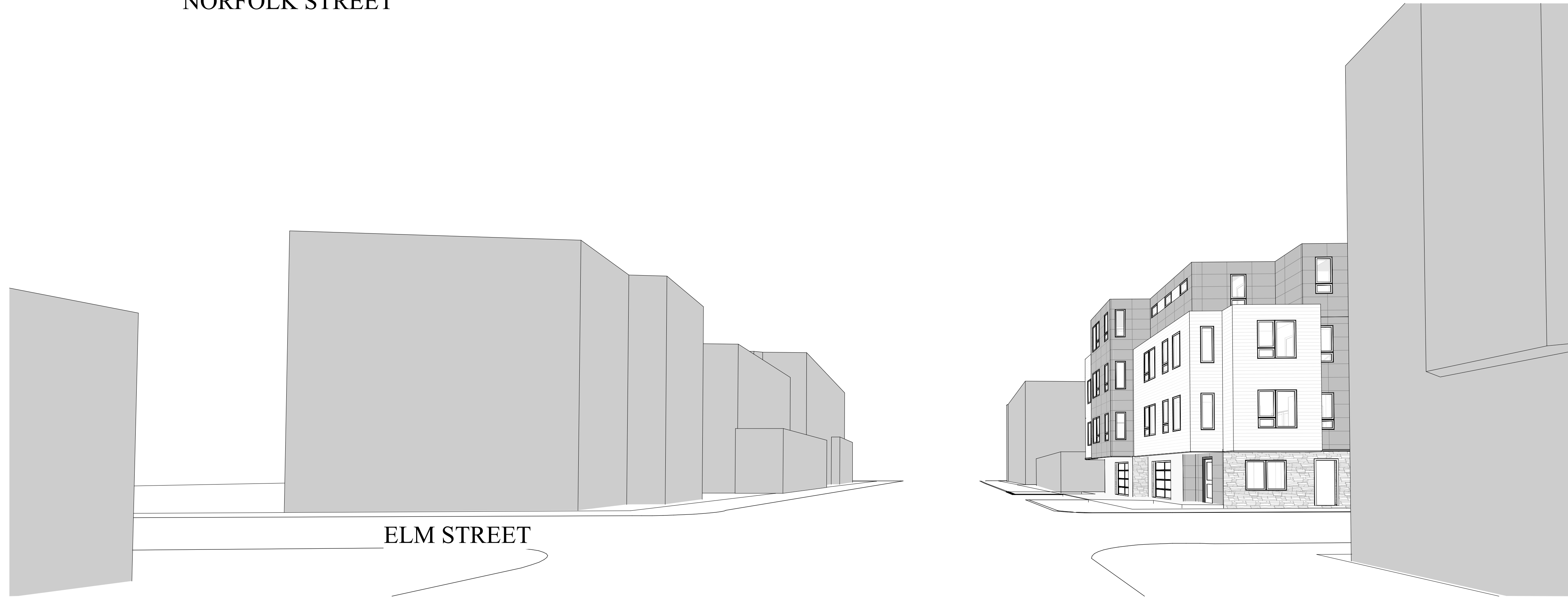




COLUMBIA STREET



NORFOLK STREET



ELM STREET

PROJECT:  
286 Broadway Street  
Cambridge, MA

GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com

CLIENT:

--

Drawing Title:  
Broadway Street  
Views

Scale: Job. # 2022-121 Date: 5/31/2022 Drawing No.: .A0.1





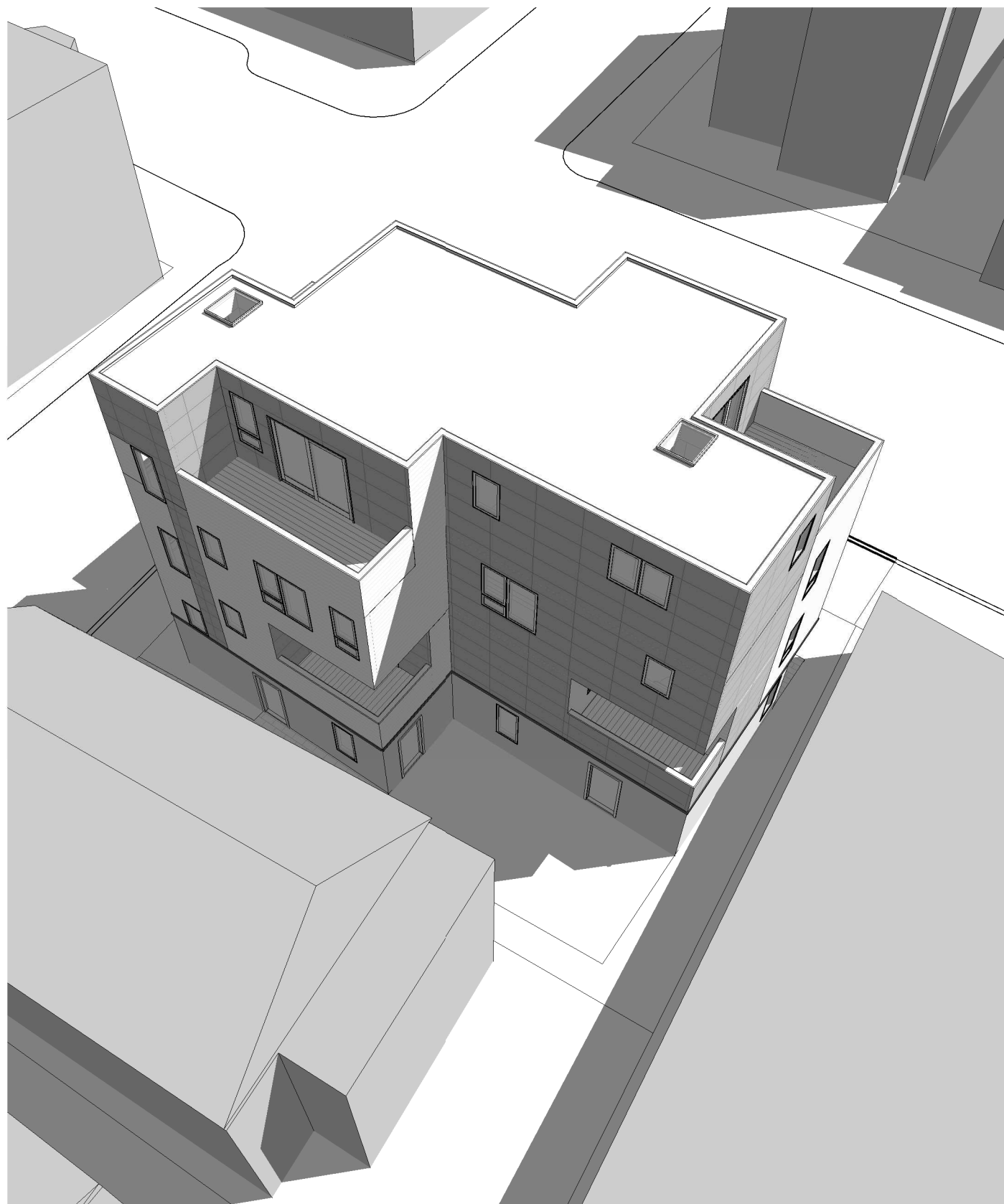
① View from corner of Elm and Broadway



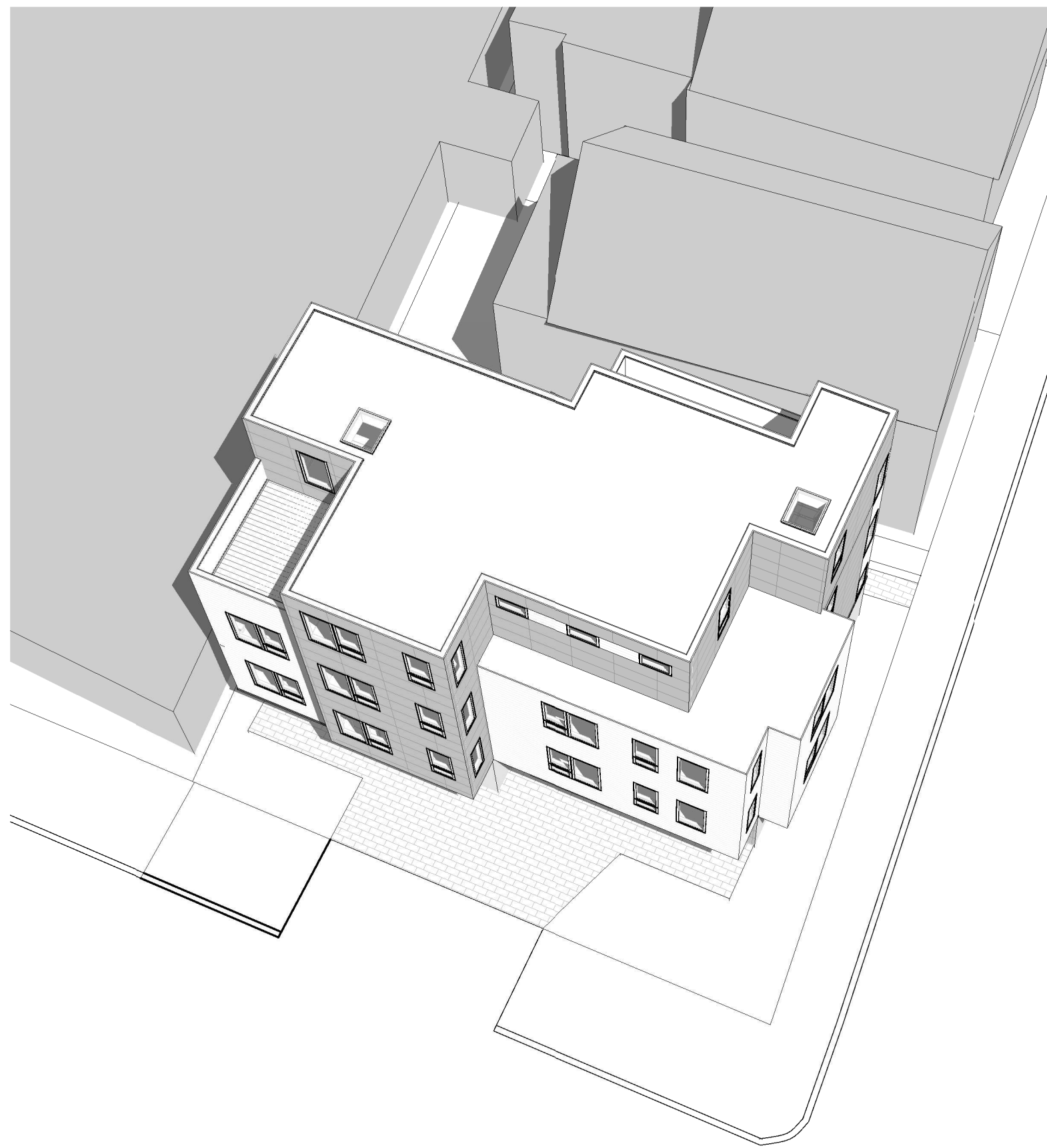
③ View from Broadway



② View from Elm Street



④ Aerial View Back



⑤ Aerial View front

PROJECT:  
286 Broadway Street  
Cambridge, MA

## GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com

CLIENT:

Drawing Title:

3D views

Scale:

Job. #: 2022-121

Date: 5/31/2022

Drawing No.:

.A.0



Dimension Regulation - ZONE C-2B			
	PROPOSED	REQUIRED	CONFORMING
MIN. LOT SIZE	3,100 sq. ft.	5,000 sq. ft.	EXISTING NON CONFORMING
FAR	1.749	1.75	YES
MIN. LOT WIDTH	62.21'	50'	YES
MIN. FRONT SETBACK (BROADWAY ST)	6.83'	(H+L)/6 = 15.7' see Z1.2	NO
MIN. FRONT SETBACK (ELM ST.)	3'	(H+L)/6 = 12.80' see Z1.2	NO
MIN. LEFT SIDE SETBACK	3.13'	(H+L)/7 = 10.90' see Z1.2	NO
MIN. REAR SETBACK (SIDE)	7.11'	(H+L)/7 = 13' see Z1.2	NO
MAXIMUM HEGHT	39.7'	45'	YES
MIN. RATION OF PRIVATE OP. SP. TO LOT AREA	506 S.F. ON 1ST FLOOR	15% (465 S.F.)	YES

PROJECT:  
286 Broadway Street  
Cambridge, MA

GCD ARCHITECTS  
2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

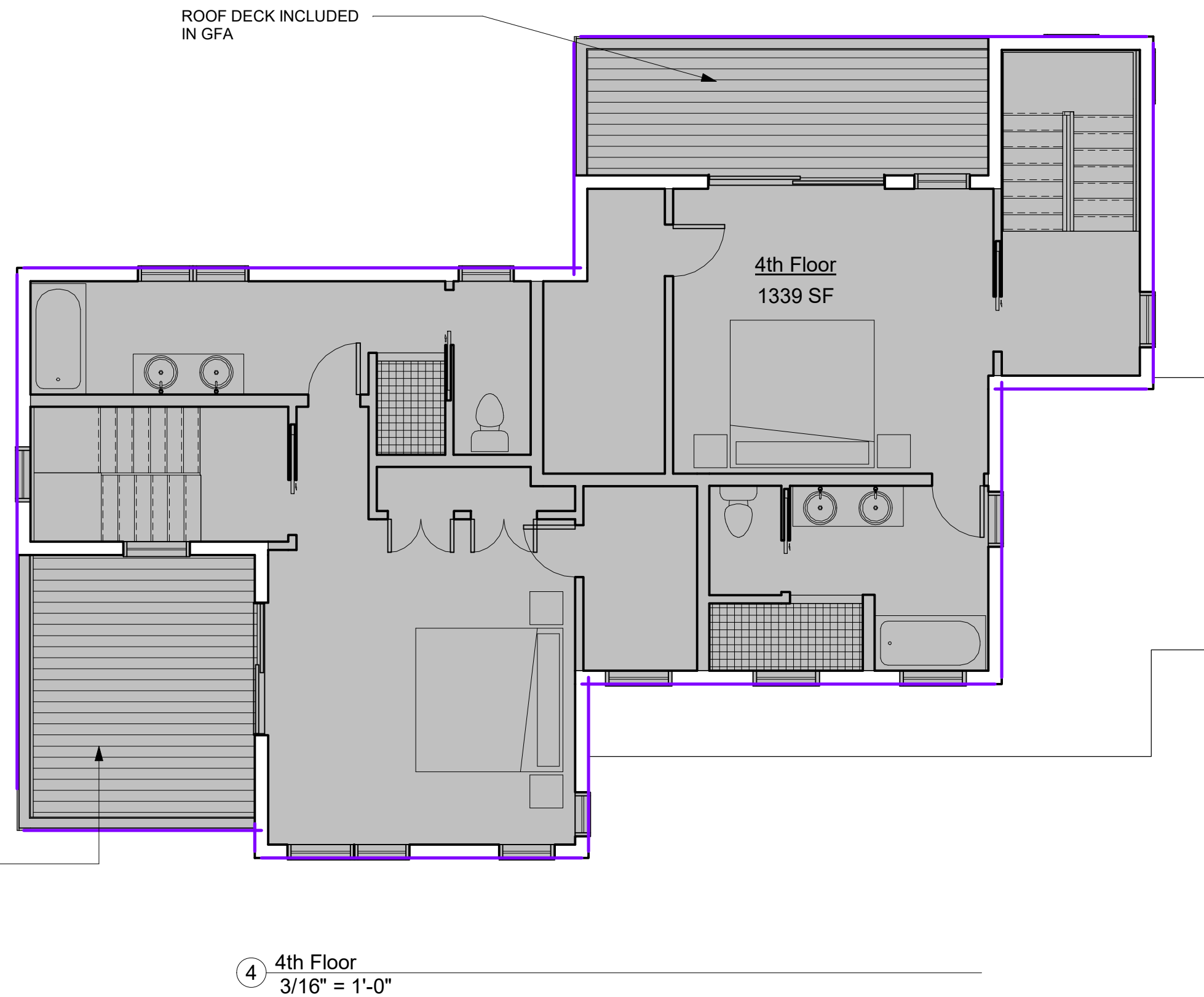
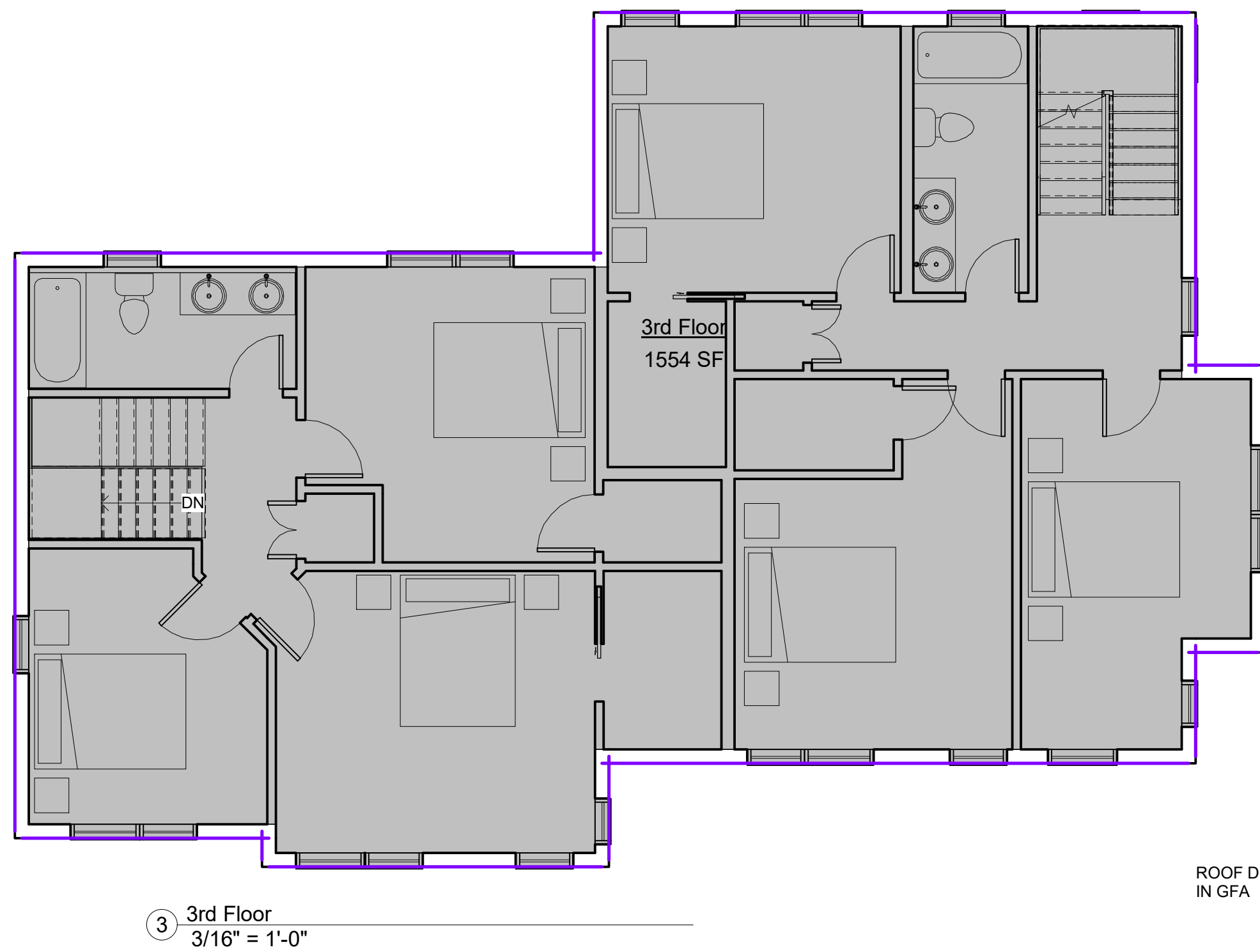
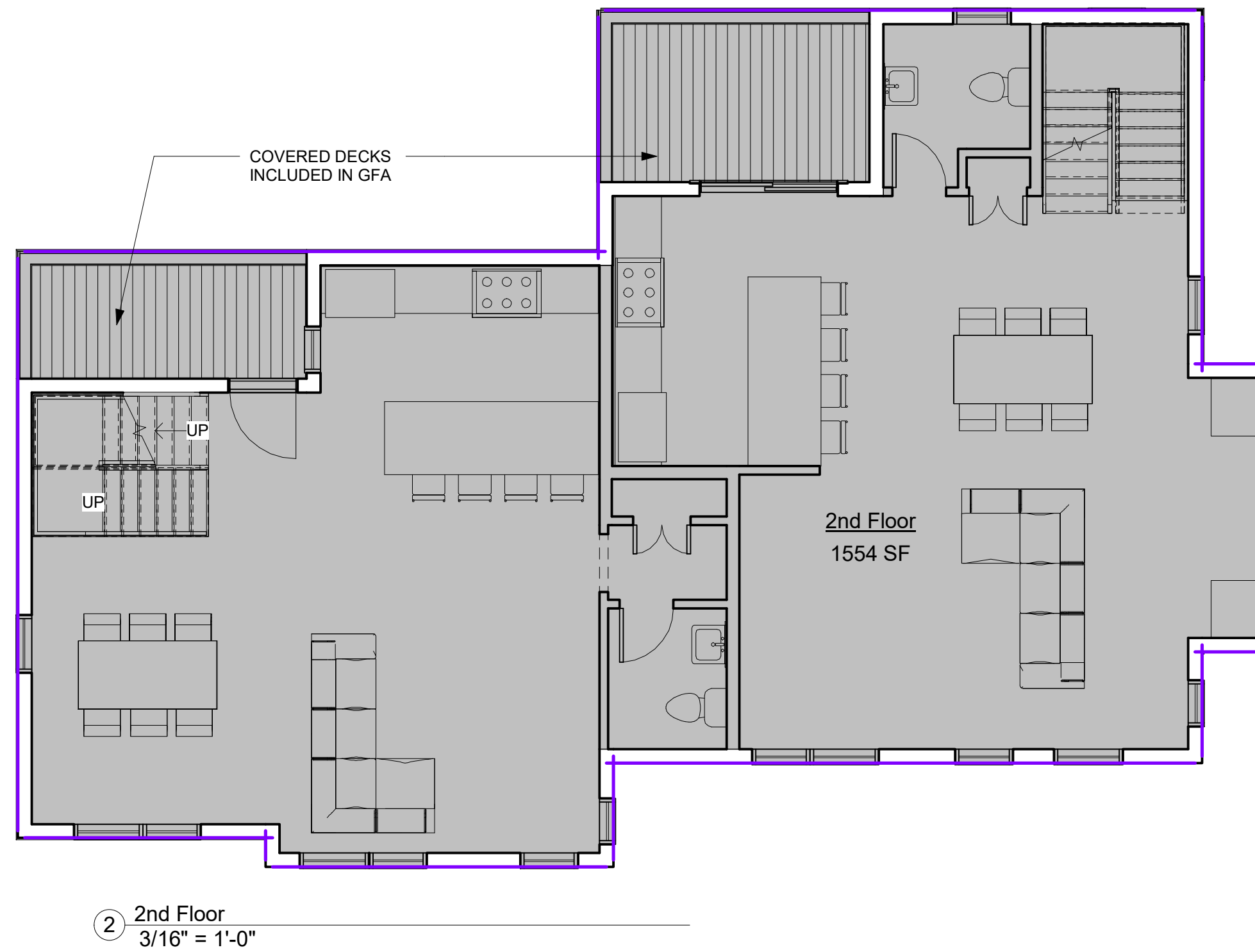
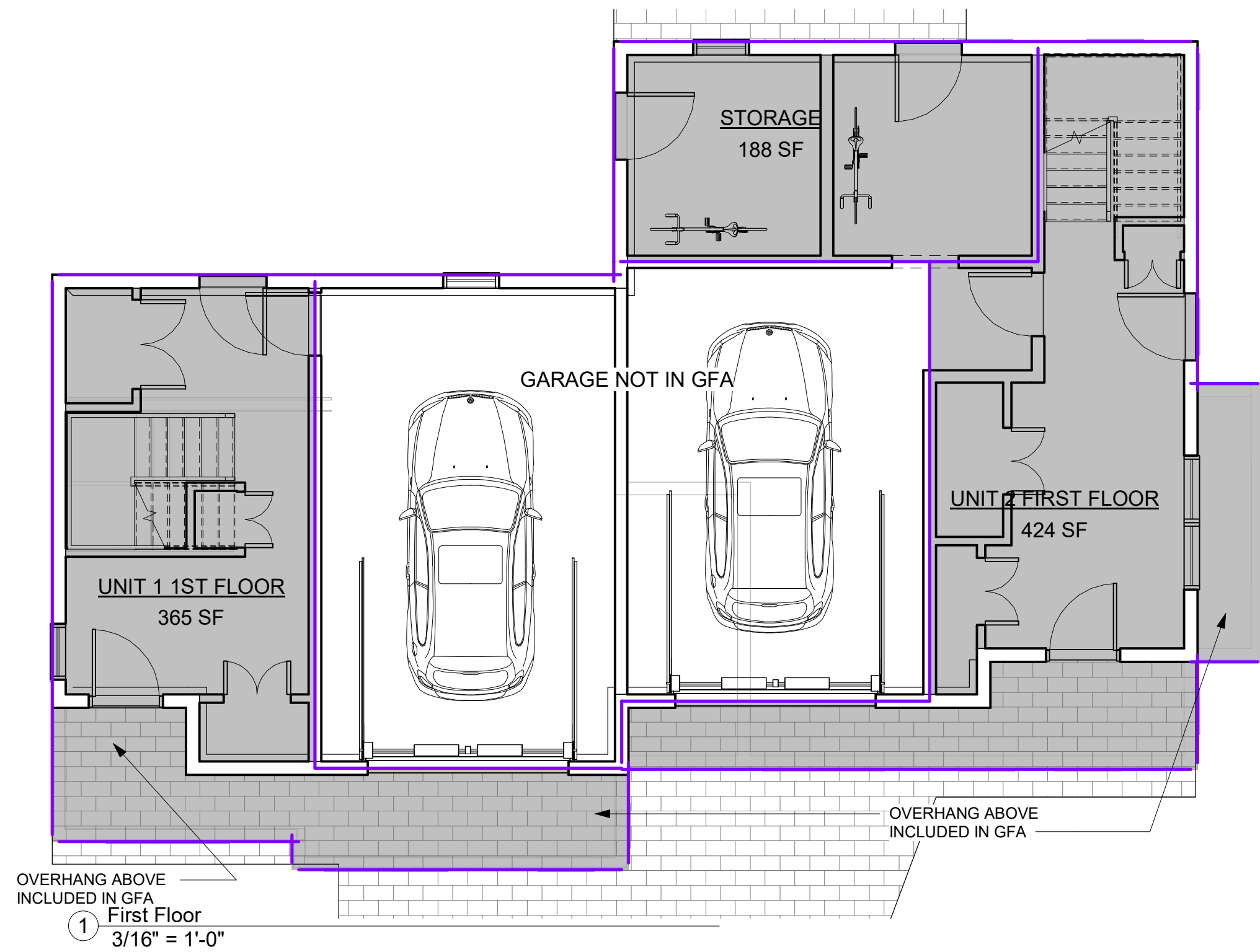
--

Drawing Title:  
ZONING

Scale:  
Job. #: 2022-121  
Date: 5/31/2022

Drawing No.:  
**.Z1.0**





GFA - FAR CALCULATION				
Name	Level	Gross Floor Area	Lot Area	FAR (GFA/LOT)
UNIT 1 1ST FLOOR	1st Floor	365 SF	3100 SF	0.117723
UNIT 2 FIRST FLOOR	1st Floor	424 SF	3100 SF	0.136694
STORAGE	1st Floor	188 SF	3100 SF	0.060657
2nd Floor	2nd Floor	1554 SF	3100 SF	0.50113
3rd Floor	3rd Floor	1554 SF	3100 SF	0.50113
4th Floor	4th Floor	1339 SF	3100 SF	0.431897
		5423 SF		1.749231

PROJECT:  
286 Broadway Street  
Cambridge, MA

## GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

--

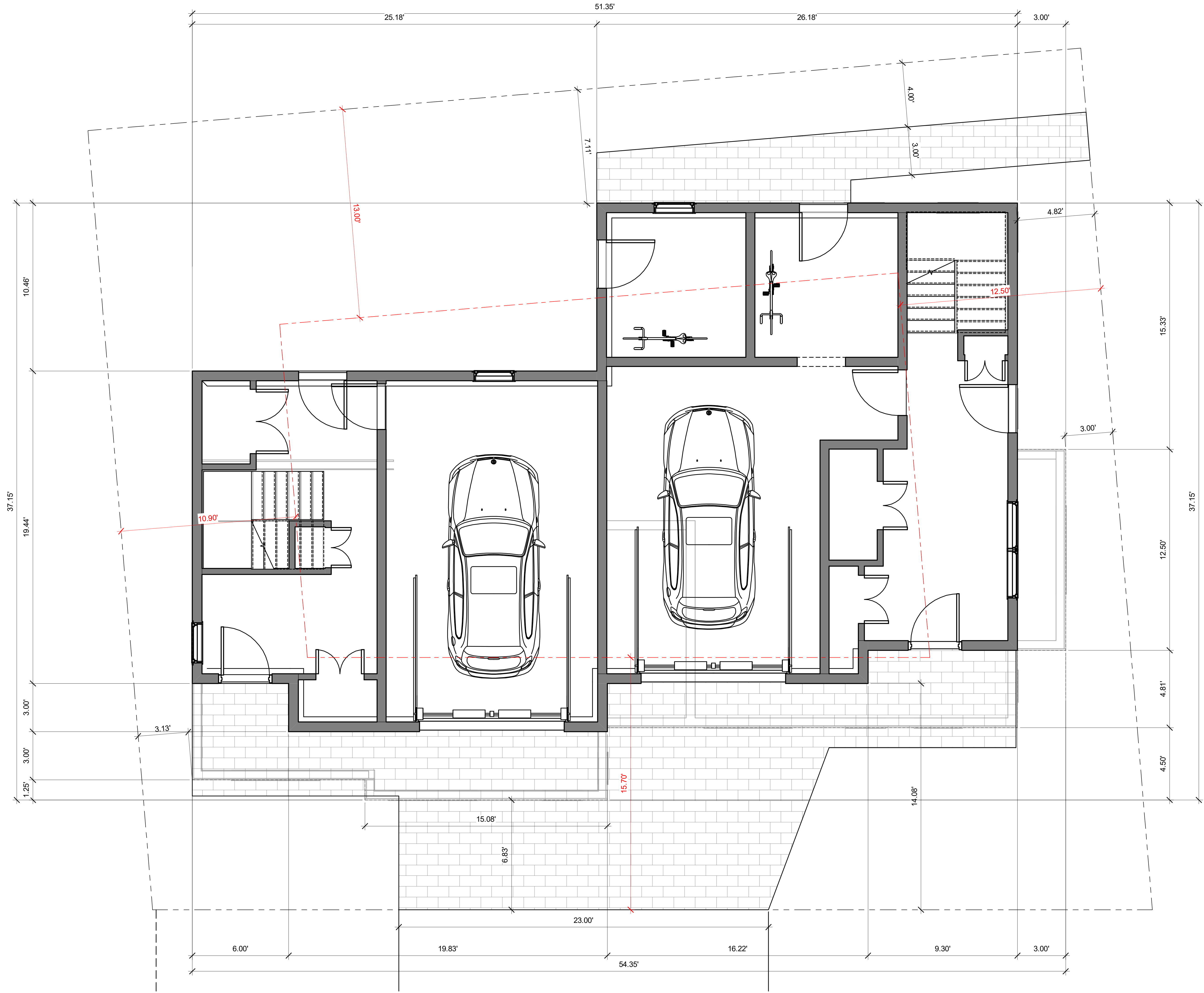
Drawing Title:

Zoning - GFA &  
FAR Analysis

Scale: 3/16" = 1'-0" Drawing No.:  
Job #: 2022-121  
Date: 5/31/2022

**.Z1.1**





PROJECT:  
286 Broadway Street  
Cambridge, MA

GCD ARCHITECTS  
2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

--

**REQUIRED FRONT SETBACK:**  
 $(H+L) / 6 = (39.7 + 54.35) / 6 = 15.7'$

**REQUIRED RIGHT SIDE SETBACK:**  
 $(H+L) / 6 = (39.7 + 37.15) / 6 = 12.8'$

**REQUIRED REAR SETBACK:**  
 $(H+L) / 7 = (39.7 + 51.35) / 7 = 13'$

**REQUIRED LEFT SIDE SETBACK:**  
 $(H+L) / 7 = (39.7 + 37.15) / 7 = 10.9'$




Drawing Title:  
Set Backs Plan

Scale: 3/8" = 1'-0" Drawing No.:  
Job #: 2022-121  
Date: 5/31/2022

.Z1.2





 PRIVATE OPEN SPACE (15'x15' MIN.) 506 S.F.  
 LANDSCAPED / YARDS (800 S.F.)  
 PERMEABLE PAVERS (559 S.F.)

—

Scale: 1/8" = 1'-0" Drawing No.: Z1.3  
Job #: 2022-121  
Date: 5/31/2022





ELM STREET

BROADWAY STREET

- PRIVATE OPEN SPACE (15'x15' MIN.) 506 S.F.
- LANDSCAPED / YARDS (800 S.F.)
- PERMEABLE PAVERS (559 S.F.)

PROJECT:  
286 Broadway Street  
Cambridge, MA

GCD ARCHITECTS  
2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

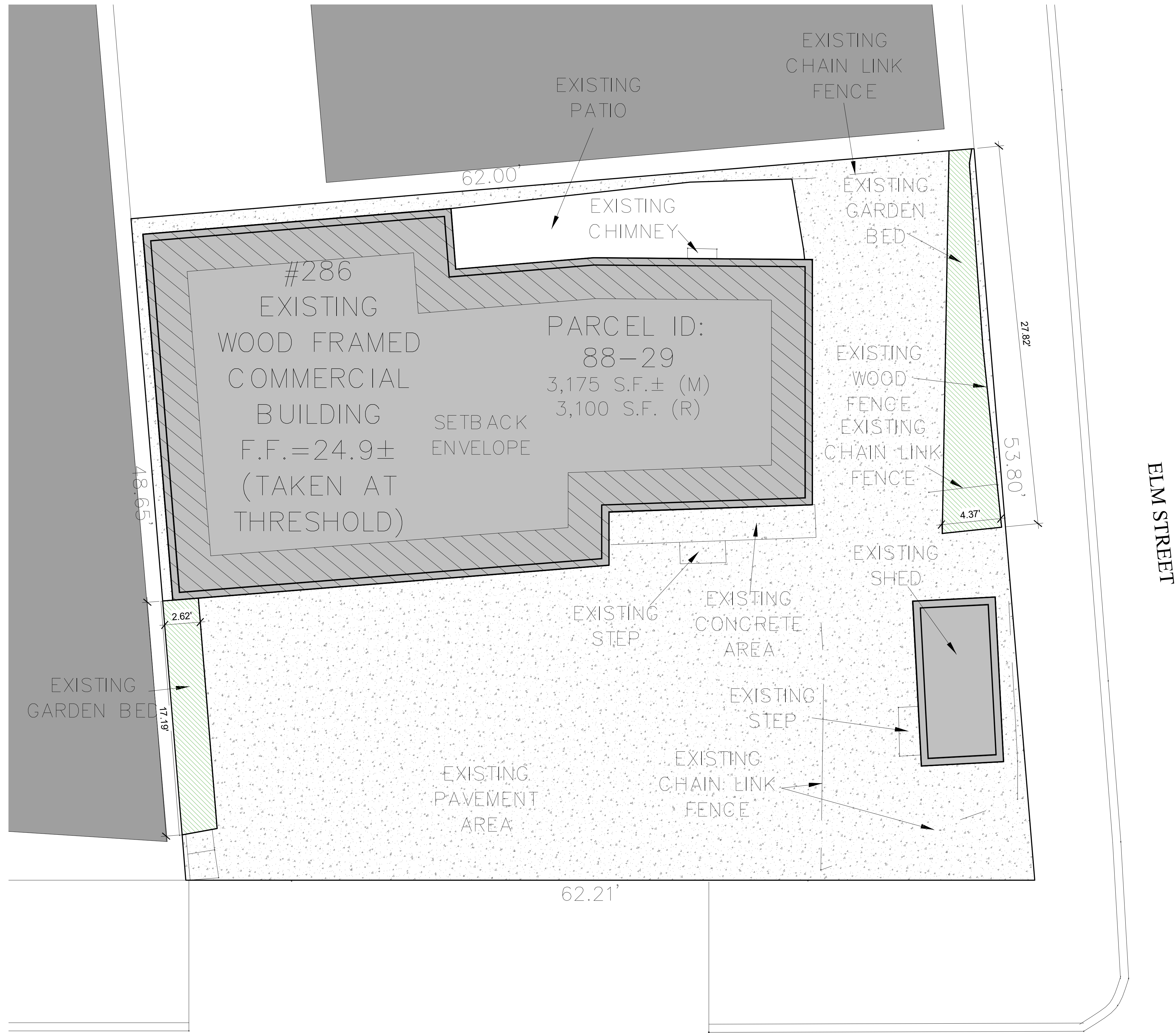
Drawing Title:

Proposed Open  
Space

Scale: 1/4" = 1'-0" Drawing No.:  
Job. #: 2022-121  
Date: 5/31/2022

.Z1.4





PROJECT:  
286 Broadway Street  
Cambridge, MA

GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

--

Drawing Title:

Existing Open  
Space

① Existing Open space Plan  
1/4" = 1'-0"

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

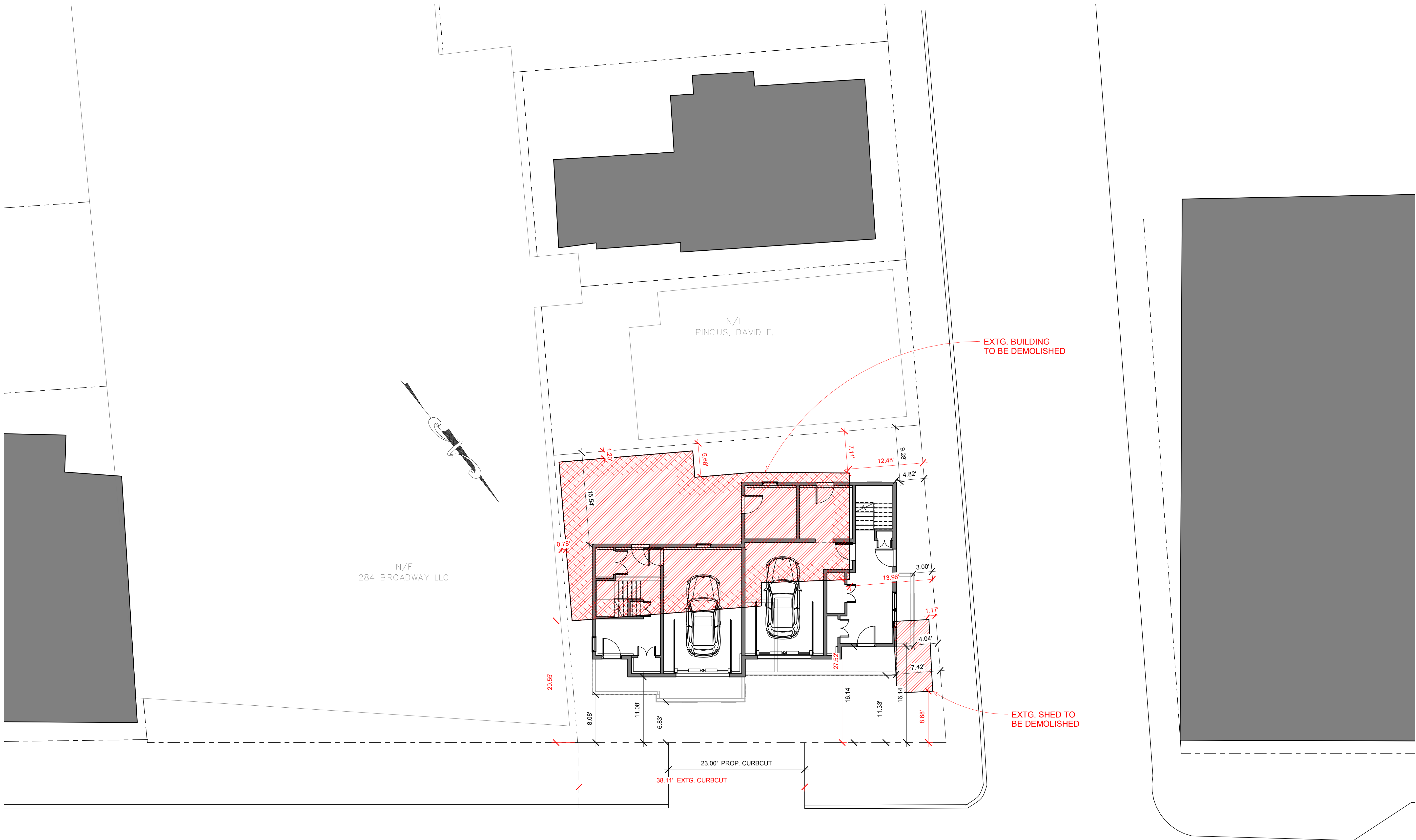
Job. #: 2022-121

Date: 5/31/2022

Drawing No.:

.Z1.5





PROJECT:  
286 Broadway Street  
Cambridge, MA

## GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

Drawing Title:

Site Plan  
Comparison, extg.  
and proposed

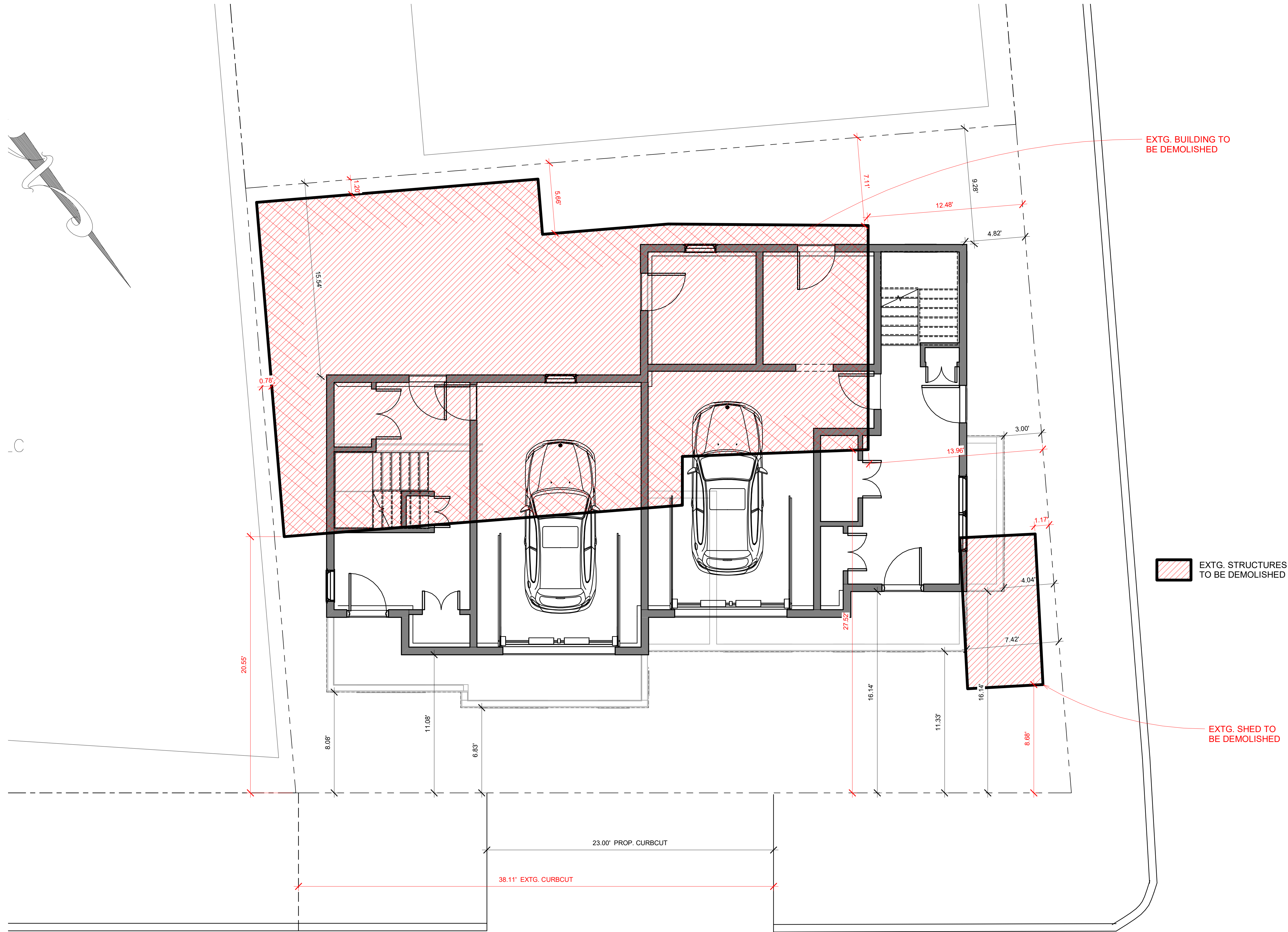
Scale: 1/8" = 1'-0"

Job. #: 2022-121

Date: 5/31/2022

Drawing No.:





**EXTG. FOOTPRINT:**  
MAIN BUILDING = 1,115 S.F.  
SHED = 73 S.F.  
TOT.= 1,188 S.F.

**PROPOSED FOOTPRINT:**  
PROPOSED 1ST FLOOR = 1,312 S.F.

PROJECT:  
286 Broadway Street  
Cambridge, MA

GCD ARCHITECTS  
2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

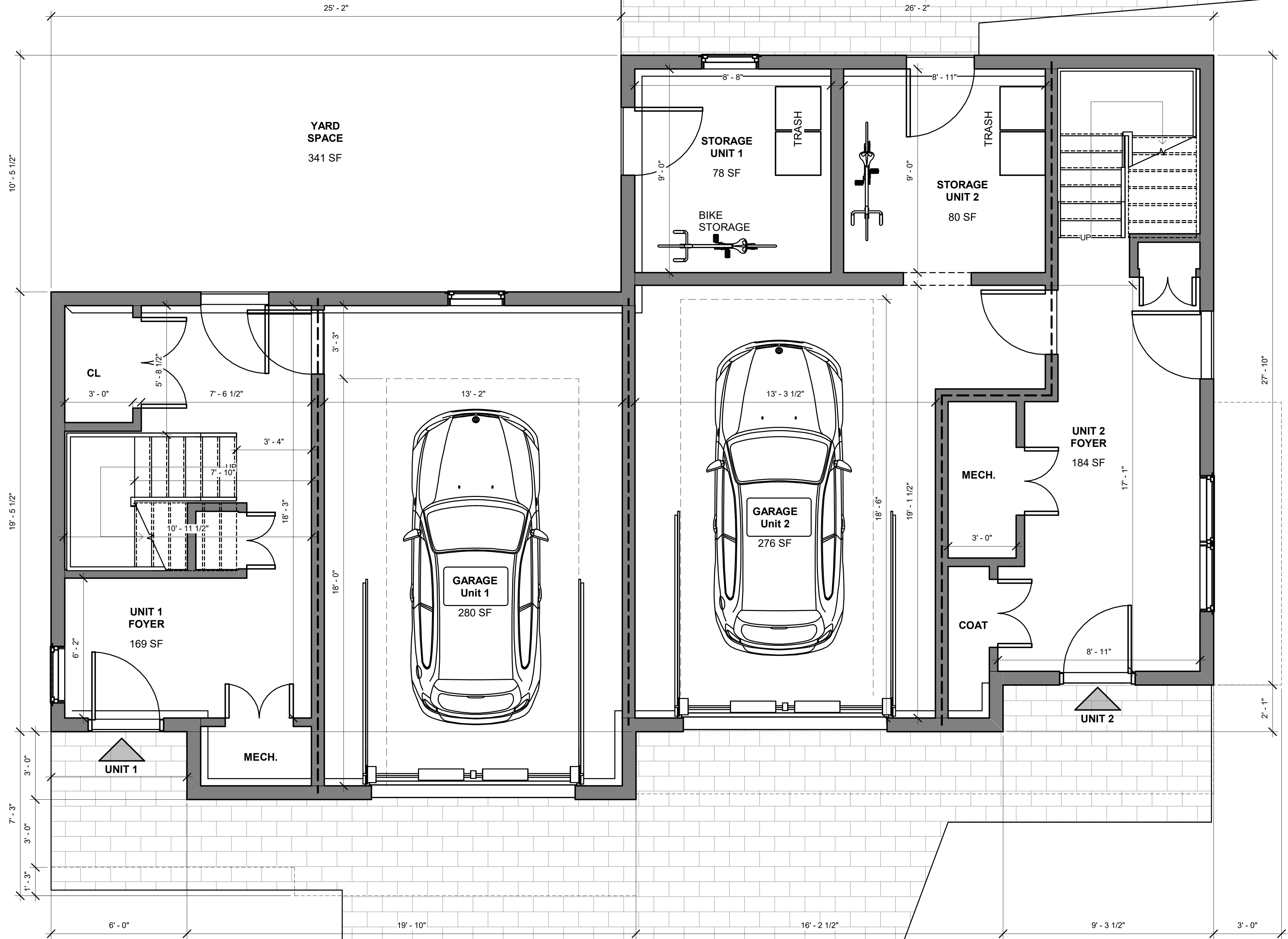
--

Drawing Title:  
Site Plan  
Comparison

Scale: 1/4" = 1'-0" Drawing No.:  
Job. #: 2022-121  
Date: 5/31/2022

A0.1





PROJECT:  
286 Broadway Street  
Cambridge, MA

GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

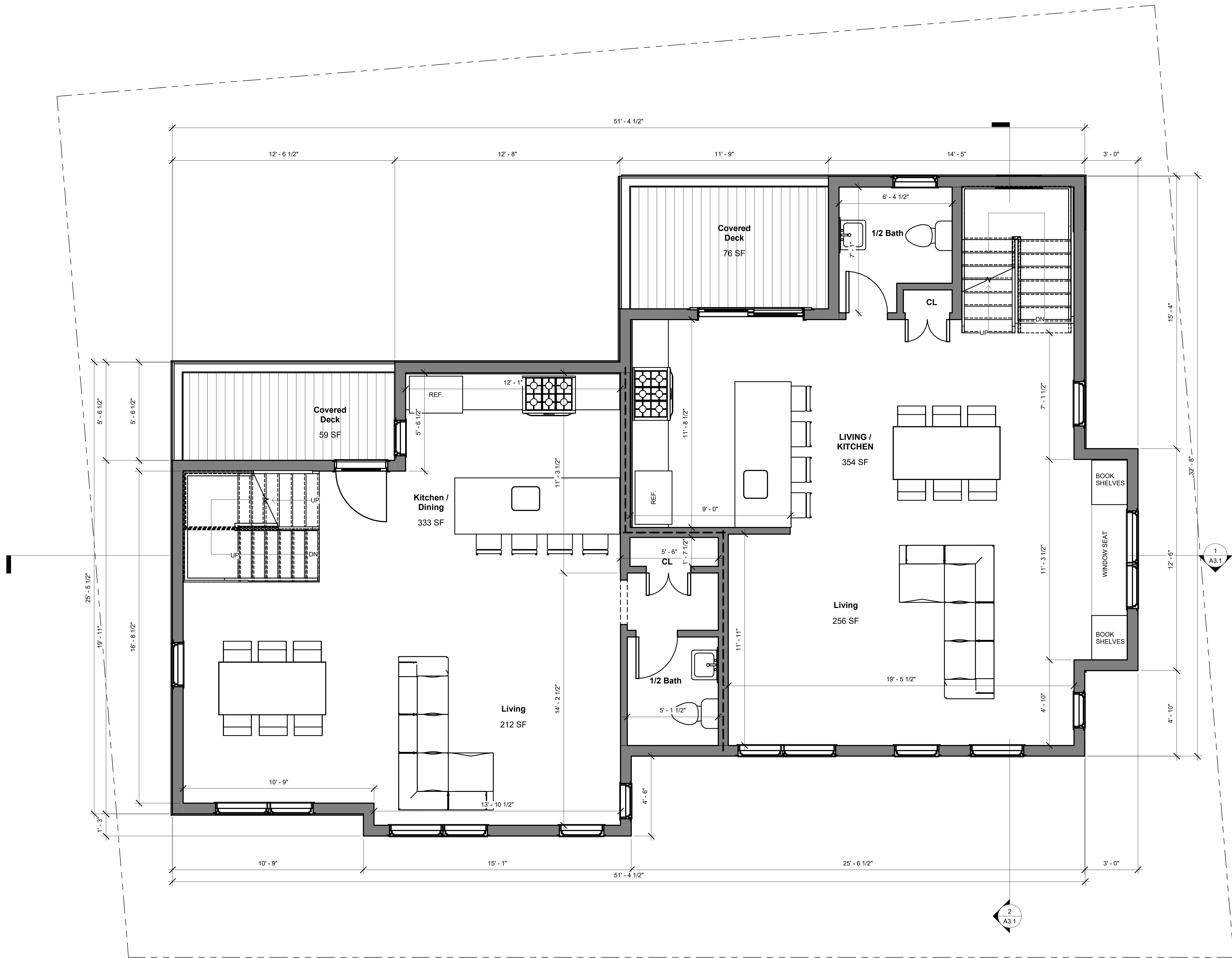
--

- EXTG. WALLS TO REMAIN
- PROPOSED WALLS
- 1 HOUR FIRE RATED WALLS

Drawing Title:  
Proposed 1st Floor  
Plan

Scale: As indicated  
Job. #: 2022-121  
Date: 5/31/2022  
Drawing No.:  
**A1.1**





1 2nd Floor  
3/8" = 1'-0"

PROJECT:  
286 Broadway Street  
Cambridge, MA

## GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:  
--

- EXTG. WALLS TO REMAIN
- PROPOSED WALLS
- 1 HOUR FIRE RATED WALLS

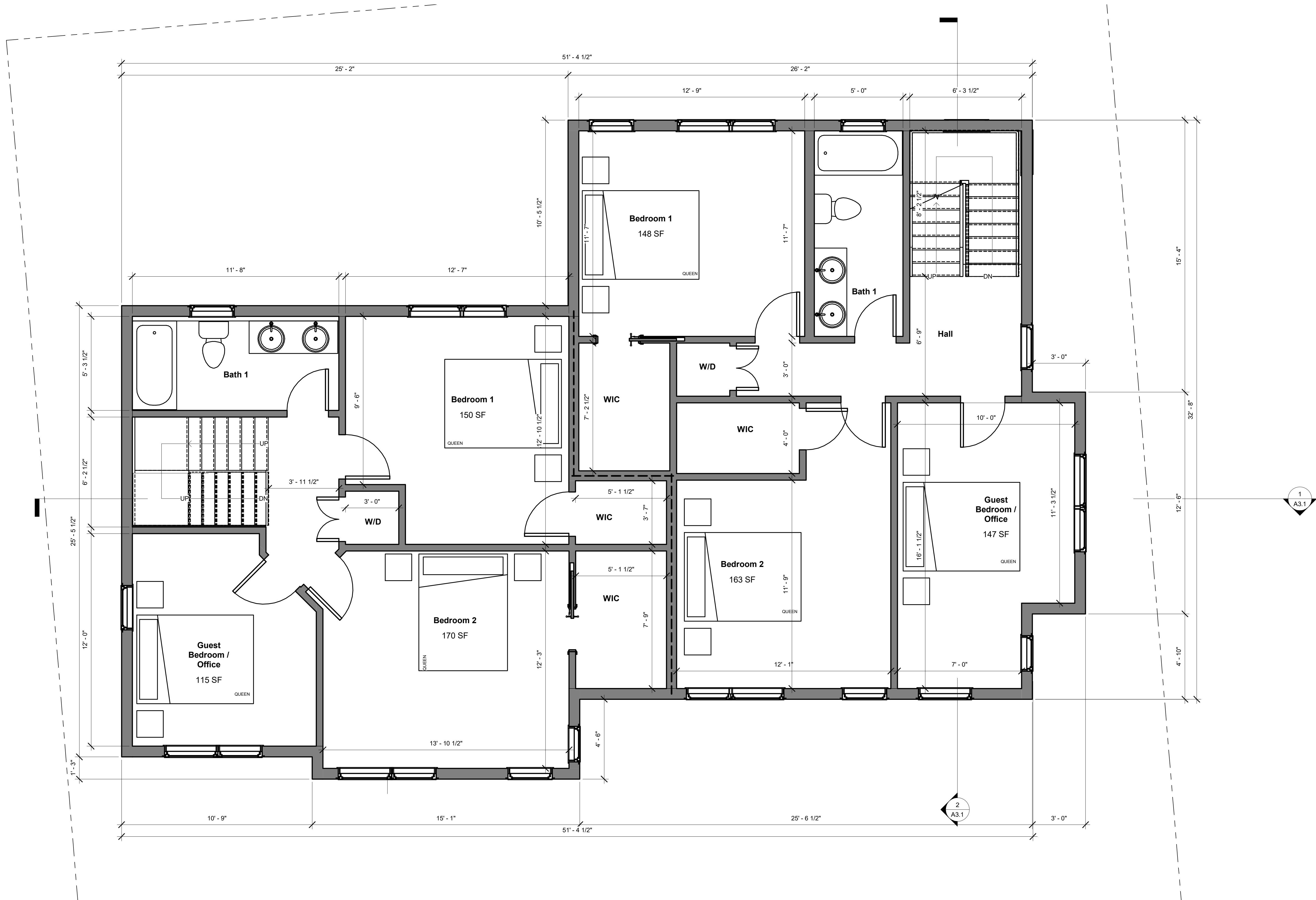
Drawing Title:

## Proposed 2nd Floor Plan

Scale: As indicated Drawing No.:  
Job. #: 2022-121  
Date: 5/31/2022

# A1.2





PROJECT:  
286 Broadway Street  
Cambridge, MA

GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

--

- EXTG. WALLS TO REMAIN
- PROPOSED WALLS
- 1 HOUR FIRE RATED WALLS

Drawing Title:

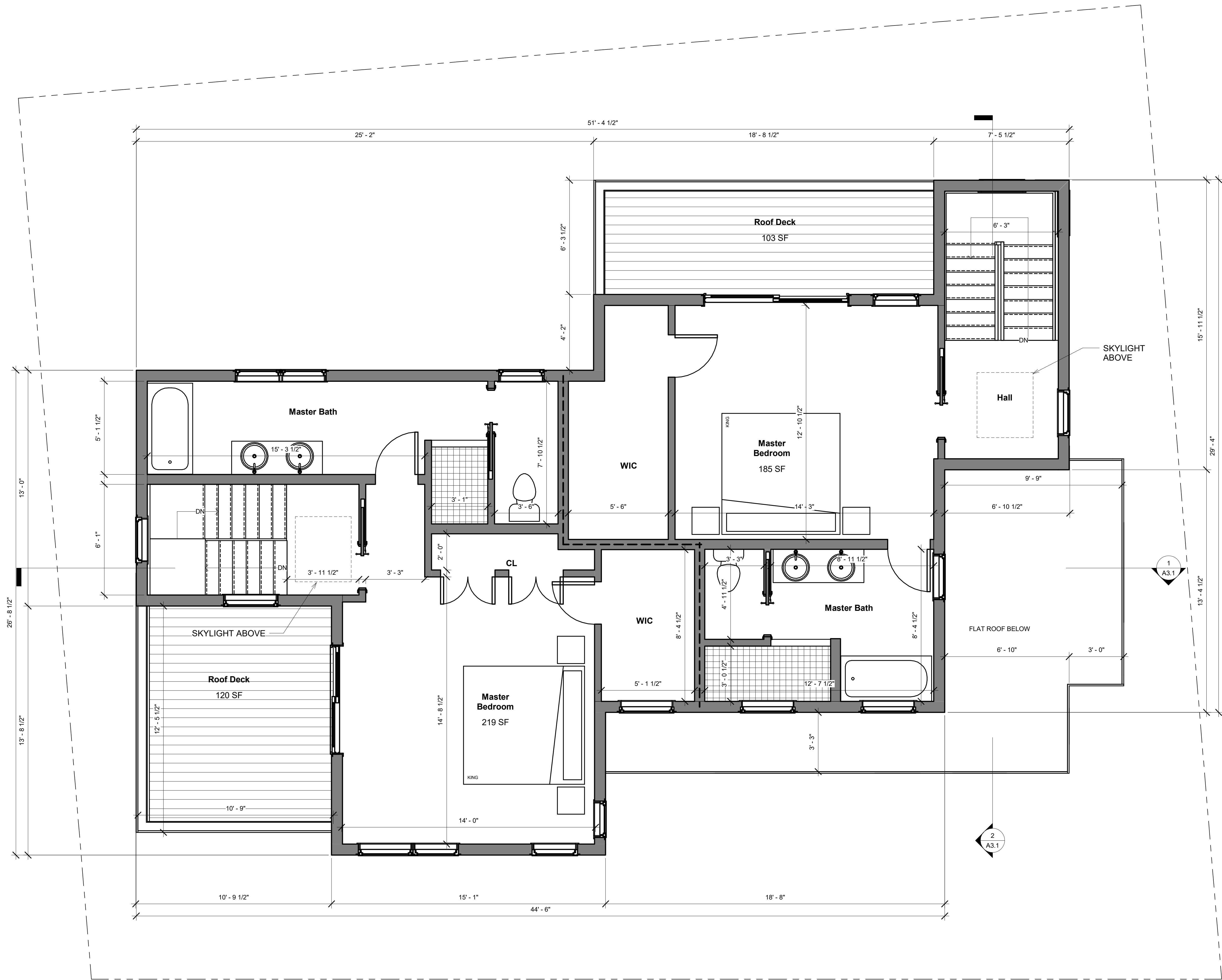
Proposed 3rd Floor  
Plan

Scale: As indicated Drawing No.:  
Job. #: 2022-121  
Date: 5/31/2022

A1.3

1 3rd Floor  
3/8" = 1'-0"





① 4th Floor  
3/8" = 1'-0"

PROJECT:  
286 Broadway Street  
Cambridge, MA

## GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

--

- EXTG. WALLS TO REMAIN
- PROPOSED WALLS
- - - 1 HOUR FIRE RATED WALLS

Drawing Title:

Proposed 4th Floor  
Plan

Scale: As indicated

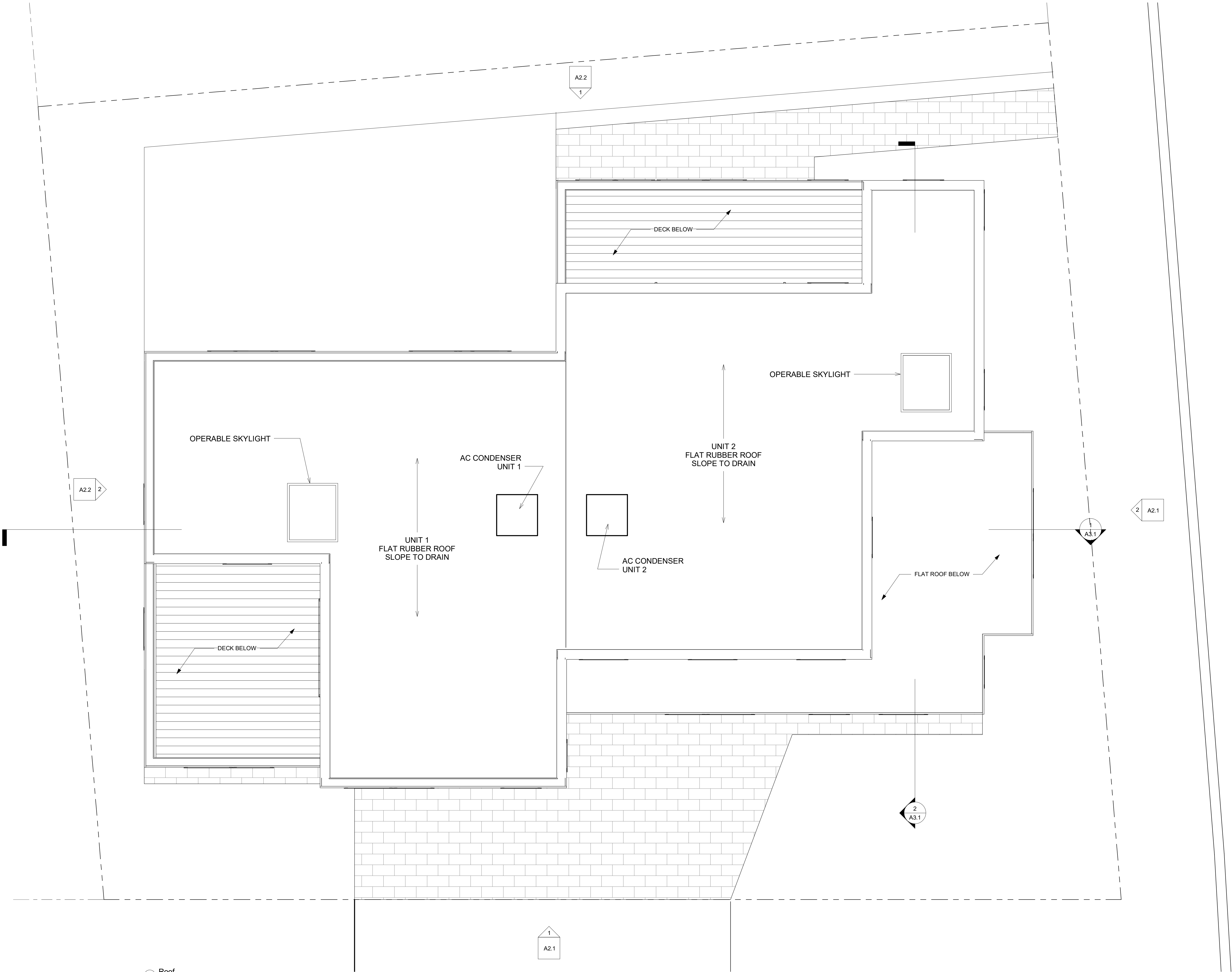
Job. #: 2022-121

Date: 5/31/2022

Drawing No.:

A1.4





PROJECT:  
286 Broadway Street  
Cambridge, MA

GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

--

Drawing Title:

Roof Plan

Scale: 3/8" = 1'-0"

Job. #: 2022-121

Date: 5/31/2022

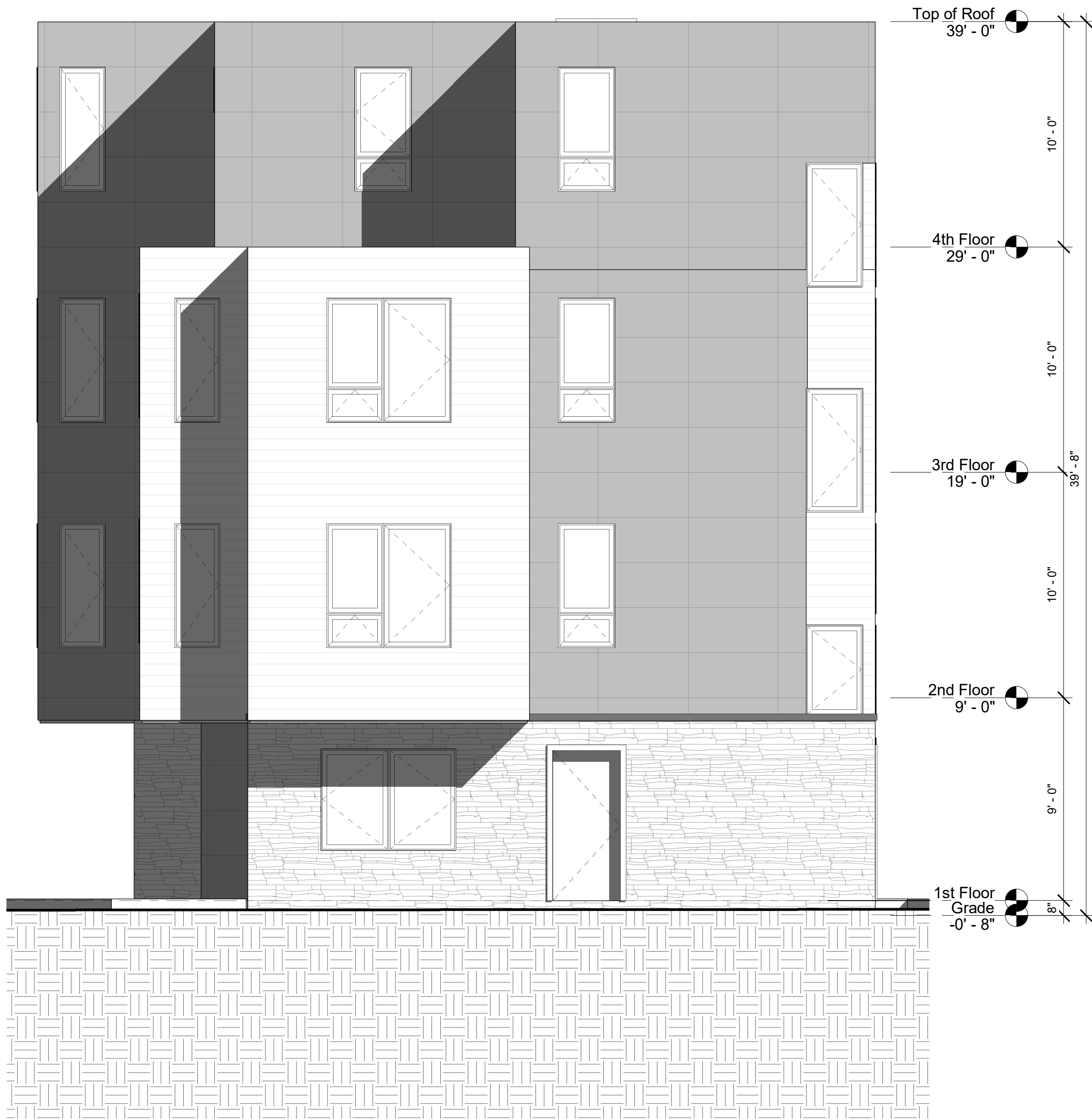
Drawing No.:

A1.5





1 Front  
1/4" = 1'-0"



2 Right  
1/4" = 1'-0"

PROJECT:  
286 Broadway Street  
Cambridge, MA

GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:

Drawing Title:

Proposed  
Elevations

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

Job. #: 2022-121

Date: 5/31/2022

Drawing No.:

A2.1





① Rear  
1/4" = 1'-0"



② Left  
1/4" = 1'-0"

PROJECT:  
286 Broadway Street  
Cambridge, MA

GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



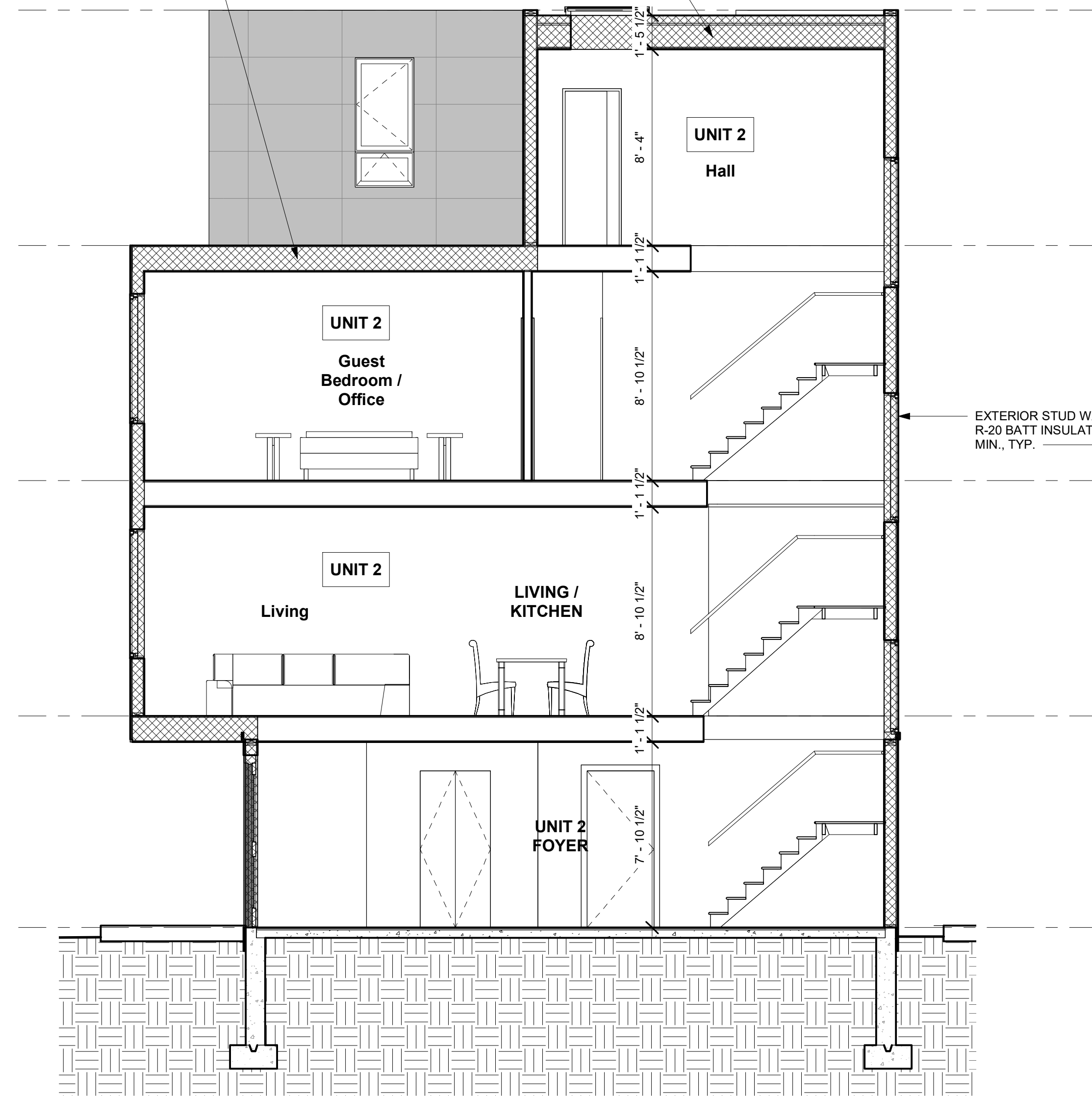
CLIENT:

Drawing Title:

Proposed  
Elevations

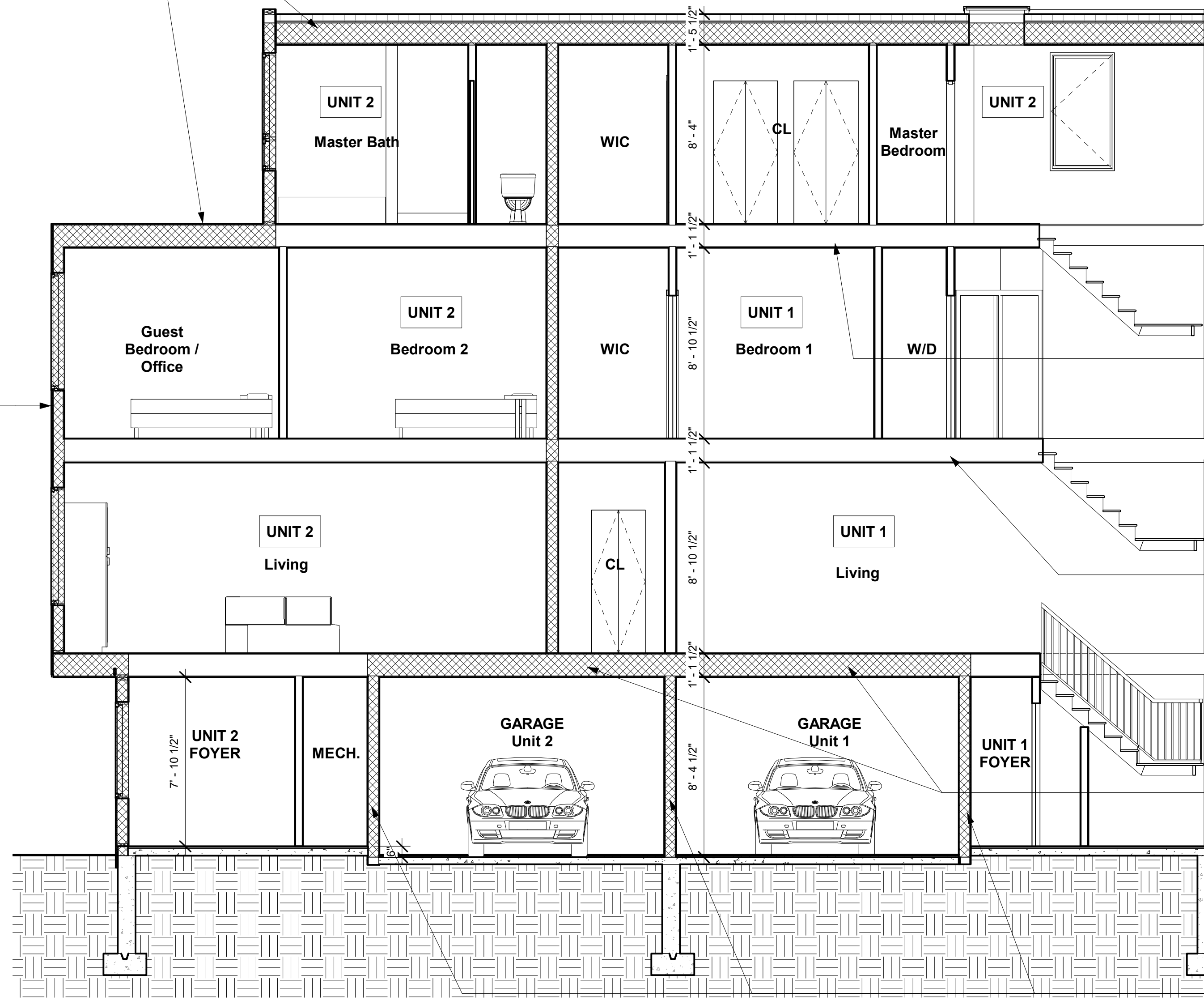


ROOFS:  
OPEN CELL SPRAY FOAM  
INSULATION R-49, TYP.



② Section 2  
1/4" = 1'-0"

ROOFS:  
OPEN CELL SPRAY FOAM  
INSULATION R-49, TYP.



① Section 1  
1/4" = 1'-0"

Top of Roof  
39' - 0"

10' - 0"

4th Floor  
29' - 0"

4TH FLOOR SYSTEM (STC 50, NO FIRE RATED)  
SRB SOUND MAT  
SUB-FLOOR  
FLOOR JOIST  
R-25 BATT. INSULATION  
1X3 STRAPPING @ 16" O.C.  
1 LAYER 5/8" GWB.  
TAPED, MUDDED & PTD.

10' - 0"

3rd Floor  
19' - 0"

3RD FLOOR SYSTEM (STC 50, NO FIRE RATED)  
SRB SOUND MAT  
SUB-FLOOR  
FLOOR JOIST  
R-25 BATT. INSULATION  
1X3 STRAPPING @ 16" O.C.  
1 LAYER 5/8" GWB.  
TAPED, MUDDED & PTD.

10' - 0"

2nd Floor  
9' - 0"

FLOOR SYSTEM ABOVE GARAGE (STC 50, 1H FIRE RATED)  
SRB SOUND MAT  
SUB-FLOOR  
FLOOR JOIST  
R-25 BATT. INSULATION  
1X3 STRAPPING @ 16" O.C.  
2 LAYERS 5/8" TYPE X GWB.  
TAPED, MUDDED & PTD.

9' - 0"

1st Floor  
Grade  
-0' - 8"

ALL WALLS BETWEEN GARAGE AND UNITS:  
SAFENSOUND INSULATION RESILIENT CHANNELS 25 GA. FURRING CHANNELS INSTALLED HORIZONTALLY SPACED 24 IN O.C.  
(1) LAYER 5/8" GBW TYPE-X  
1 HOUR FIRE RATING, STC: 50

PROJECT:  
286 Broadway Street  
Cambridge, MA

## GCD ARCHITECTS

2 Worthington St.  
Cambridge, MA 02138  
Tel. 617-412-8450  
ajglassman@hotmail.com  
www.glassmanchungdesign.com



CLIENT:  
--

Drawing Title:

## Sections

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

Job. #: 2022-121

Date: 5/31/2022

Drawing No.:

# A3.1



## Pacheco, Maria

---

**From:** Kathleen G <kgenova49@gmail.com>  
**Sent:** Thursday, July 14, 2022 2:32 PM  
**To:** Pacheco, Maria  
**Subject:** BZA Number 177941: Opposition

Attention: Secretary, Cambridge Board of Zoning Appeal

Hello, This email is submitted in opposition to the variance Application submitted by Fraser Allan, owner of 286 Broadway, Cambridge through his entity, FL Broadway, LLC. Mr. Allan's Application should be denied because the standard for issuance of a variance under MGL c. 40A, s. 10 is not met. Further, to have a setback less than 10', a special permit is required.

### A. Variance

Variances are to be granted sparingly. See, e.g., [\*Dion v. Board of Appeals of Waltham\*, 344 Mass. 547, 555 \(1962\)](#). Even if the board could grant a variance, it is not required to do so because no one has a legal right to a variance. See, e.g., [\*Pendergast v. Board of Appeals of Barnstable\*, 331 Mass. 555, 557, 559-560 \(1954\)](#).

To issue a variance, the ZBA by statute must "specifically find[] that owing to 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, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law."

Applicant has not met his burden of providing evidence that the statutory standard is met. The burden is upon the Applicant, as the person seeking a variance, and the board granting one, to produce evidence that each of the discrete statutory prerequisites has been met and that the variance is justified. Since the requirements for the grant of a variance are conjunctive, not disjunctive, a failure to establish any one of them is fatal. In other words, if the Board is unable to make all of the findings required by the statute, the variance must be denied.

First, only one of the three statutory circumstances arguably applies, which is soil conditions. Applicant alleges contaminated soil due to a former auto body shop, but provides no details or clean-up expenses. Notably, to date the MA DEP Waste Site and Reportable Release website does not even reflect a filing reporting the alleged contamination. See [Energy & Environmental Affairs Data Portal \(state.ma.us\)](#). Thus, there is nothing offered to even support Applicant's contention that there is soil contamination, let alone to understand its scope.

Second, Applicant has not shown that these soil conditions are not generally applicable to the district in which the property is located. To the contrary, contaminated soil appears common in the district. For example and without limitation, our own property directly across the street at 281 Broadway has a filing with the MA DEP indicating that it had soil contamination and clean-up was needed before our building was constructed on a similarly sized parcel, with the minimum 10' setback (3,504 square feet compared to 3,162 square feet). Another property diagonally across the street, 277 Broadway, has multiple filings with the DEP due to an auto body shop on the property. The DEP Waste Site and Reportable Release website reflects these and other filings in the district. See [Energy & Environmental Affairs Data Portal \(state.ma.us\)](#).

Third, Applicant has not shown that a literal enforcement of the provisions of the by-law would involve substantial hardship. The Applicant alleges that the clean-up costs make it too expensive to build anything on the subject property without a variance excusing it from complying with the setback requirements. Yet, as noted above, Applicant has not provided any information regarding the alleged contamination. Further, Applicant has not provided



any information concerning the alleged clean-up expense, not even a cost estimate. Nor has Applicant provided any construction cost information or information concerning the cost of alternatives.

This falls far short of Applicant's obligation under well-established caselaw that one seeking a variance to avoid substantial financial hardship must provide detailed financial information regarding construction costs and the cost of alternatives. See Perez v. Bd. of Appeals of Norwood, 54 Mass. App. Ct. 139, 143-144 (2002) (where developer failed to link requested variance to a § 10 hardship, and left impression he merely sought to maximize his profit, that "does not constitute 'substantial' hardship"); See also Guiragossian v. Board of Appeals of Norwood, 21 Mass. App. Ct. 111, 119 n. 6 (1985) (where applicant who claims economic hardship fails to provide court with financial data, there is "no basis for the judge to conclude that the land could not, consistent with economic feasibility, be developed for a permitted use").

Further, Applicant's hardship claims seem implausible. Applicant is an experienced developer who purchased the subject developer only a few months ago, presumably only after conducting an environmental assessment and factoring that expense into his development calculations. A variance is not intended to relieve a self-created hardship, assuming arguendo there is one. It certainly cannot be granted simply to relieve a developer of a situation he created or to increase a developer's profits. Purely financial hardship, of the owner's own making, is insufficient to support the granting of a variance. See, e.g., Arrigo v. Planning Board of Franklin, 12 Mass. App. 802, 803-804, (1981). The "granting of a variance to permit the owner of the locus to increase profits. . . does not qualify as a hardship permitting the granting of a variance." Wolfson v. Sun Oil Co., 357 Mass. 87, 90 (1970).

Finally, granting the requested ordinance would cause substantial detriment to the public good and substantially derogate from the intent or purpose of the setback bylaw. Contrary to Applicant's contention, all the surrounding properties are not 4-9 dwelling unit multifamily properties. Our home, directly across the street, is a 3 dwelling unit building. Further, our home was built approximately a decade ago and complies with the setback requirements, which enables our corner property to have a nice garden area adjacent to the street, fostering a residential feel to the neighborhood. It also would look much better to have the driveway entrance on the side street of Elm instead of Broadway, again, as was done with our home.

Applicant's proposal would decrease the existing setbacks for his property and detract from the neighborhood feel that would be achieved by compliance with the requirements. Compliance with at least the minimum required 10' setback (see s. 5.30.2(a)) would allow 286 Broadway to improve the neighborhood feel by providing space for green areas as done on our property, in furtherance of the intent of the bylaw.

Locating the building with the required minimum 10' setback from Elm and Broadway at least the required amount would help with sightlines and foster a family feel in this neighborhood. Notably, many families and school children use the crosswalk daily at that very intersection of Elm and Broadway on the way to and from the school on Elm Street.

All that said, I note that the Application uses in its calculations the setback formula for the Business District of H+L divided by 6, not the formula applicable to Residence C-2B of H+L divided by 4. If the correct formula is used, the extent of the requested non-conformance for the front setbacks on Broadway and Elm is greater than set forth in the Application.

## **B. Special Permit**

The Application seeks a Variance to allow minimum setbacks below that required by the bylaw and, indeed, as low as 3'. Yet Applicant makes no mention of the bylaw's requirement at 5.30.2(l) that the setback may not be less than 10' without a special permit.

For any of these reasons, the Application should be denied. Thank you for your attention to this matter.

Sincerely,

Kathleen M. Genova  
281 Broadway



✓ Cambridge, MA



## Pacheco, Maria

---

**From:** Theodora Skeadas <theodora.skeadas@gmail.com>  
**Sent:** Thursday, July 14, 2022 3:19 PM  
**To:** Pacheco, Maria  
**Subject:** Public comment for 286 Broadway (BZA- 177941)

Hello,

My name is Theodora (Theo) Skeadas, and I am a Cambridge resident at 988 Memorial Drive.

Please forward my public comment to the BZA regarding the proposal at 286 Broadway:

I am writing to share concerns about the impact of the 286 Broadway (BZA- 177941) proposal of the commercial district in The Port neighborhood, a vulnerable Cambridge neighborhood with a large Black and Brown population. This space has been used as a pandemic-era retail and community space, in a neighborhood that has witnessed a disproportionate decline of small businesses during the pandemic. As I understand it, the effect of the proposed development would be to transform what is a commercial space into purely residential space, without regard to what is a fragile business space (the Port).

I request that the BZA refrain from making a decision today, so that relevant stakeholders have the time to review the proposal and assess its impact on the business district, given the possible adverse community impact.

Thank you!

Cheers,  
Theo

--

Theodora M. Skeadas  
[LinkedIn](#) | She/her



## Pacheco, Maria

---

**From:** Botong Ma <botongma@gmail.com>  
**Sent:** Thursday, July 14, 2022 3:58 PM  
**To:** Pacheco, Maria  
**Subject:** BZA Number 177941: Opposition

Attention: Secretary, Cambridge Board of Zoning Appeal

Hello, This email is submitted in opposition to the variance Application submitted by Fraser Allan, owner of 286 Broadway, Cambridge through his entity, FL Broadway, LLC. Mr. Allan's Application should be denied because the standard for issuance of a variance under MGL c. 40A, s. 10 is not met. Further, to have a setback less than 10', a special permit is required.

### A. Variance

Variances are to be granted sparingly. See, e.g., [\*Dion v. Board of Appeals of Waltham\*, 344 Mass. 547, 555 \(1962\)](#). Even if the board could grant a variance, it is not required to do so because no one has a legal right to a variance. See, e.g., [\*Pendergast v. Board of Appeals of Barnstable\*, 331 Mass. 555, 557, 559-560 \(1954\)](#).

To issue a variance, the ZBA by statute must "specifically find[] that owing to 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, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law."

Applicant has not met his burden of providing evidence that the statutory standard is met. The burden is upon the Applicant, as the person seeking a variance, and the board granting one, to produce evidence that each of the discrete statutory prerequisites has been met and that the variance is justified. Since the requirements for the grant of a variance are conjunctive, not disjunctive, a failure to establish any one of them is fatal. In other words, if the Board is unable to make all of the findings required by the statute, the variance must be denied.

First, only one of the three statutory circumstances arguably applies, which is soil conditions. Applicant alleges contaminated soil due to a former auto body shop, but provides no details or clean-up expenses. Notably, to date the MA DEP Waste Site and Reportable Release website does not even reflect a filing reporting the alleged contamination. See [Energy & Environmental Affairs Data Portal \(state.ma.us\)](#). Thus, there is nothing offered to even support Applicant's contention that there is soil contamination, let alone to understand its scope.

Second, Applicant has not shown that these soil conditions are not generally applicable to the district in which the property is located. To the contrary, contaminated soil appears common in the district. For example and without limitation, our own property directly across the street at 281 Broadway has a filing with the MA DEP indicating that it had soil contamination and clean-up was needed before our building was constructed on a similarly sized parcel, with the minimum 10' setback (3,504 square feet compared to 3,162 square feet). Another property diagonally across the street, 277 Broadway, has multiple filings with the DEP due to an auto body shop on the property. The DEP Waste Site and Reportable Release website reflects these and other filings in the district. See [Energy & Environmental Affairs Data Portal \(state.ma.us\)](#).

Third, Applicant has not shown that a literal enforcement of the provisions of the by-law would involve substantial hardship. The Applicant alleges that the clean-up costs make it too expensive to build anything on the subject property without a variance excusing it from complying with the setback requirements. Yet, as noted above, Applicant has not provided any information regarding the alleged contamination. Further, Applicant has not provided



any information concerning the alleged clean-up expense, not even a cost estimate. Nor has Applicant provided any construction cost information or information concerning the cost of alternatives.

This falls far short of Applicant's obligation under well-established caselaw that one seeking a variance to avoid substantial financial hardship must provide detailed financial information regarding construction costs and the cost of alternatives. See Perez v. Bd. of Appeals of Norwood, 54 Mass. App. Ct. 139, 143-144 (2002) (where developer failed to link requested variance to a § 10 hardship, and left impression he merely sought to maximize his profit, that "does not constitute 'substantial' hardship"); See also Guiragossian v. Board of Appeals of Norwood, 21 Mass. App. Ct. 111, 119 n. 6 (1985) (where applicant who claims economic hardship fails to provide court with financial data, there is "no basis for the judge to conclude that the land could not, consistent with economic feasibility, be developed for a permitted use").

Further, Applicant's hardship claims seem implausible. Applicant is an experienced developer who purchased the subject developer only a few months ago, presumably only after conducting an environmental assessment and factoring that expense into his development calculations. A variance is not intended to relieve a self-created hardship, assuming arguendo there is one. It certainly cannot be granted simply to relieve a developer of a situation he created or to increase a developer's profits. Purely financial hardship, of the owner's own making, is insufficient to support the granting of a variance. See, e.g., Arrigo v. Planning Board of Franklin, 12 Mass. App. 802, 803-804, (1981). The "granting of a variance to permit the owner of the locus to increase profits. . . does not qualify as a hardship permitting the granting of a variance." Wolfson v. Sun Oil Co., 357 Mass. 87, 90 (1970).

Finally, granting the requested ordinance would cause substantial detriment to the public good and substantially derogate from the intent or purpose of the setback bylaw. Contrary to Applicant's contention, all the surrounding properties are not 4-9 dwelling unit multifamily properties. Our home, directly across the street, is a 3 dwelling unit building. Further, our home was built approximately a decade ago and complies with the setback requirements, which enables our corner property to have a nice garden area adjacent to the street, fostering a residential feel to the neighborhood. It also would look much better to have the driveway entrance on the side street of Elm instead of Broadway, again, as was done with our home.

Applicant's proposal would decrease the existing setbacks for his property and detract from the neighborhood feel that would be achieved by compliance with the requirements. Compliance with at least the minimum required 10' setback (see s. 5.30.2(a)) would allow 286 Broadway to improve the neighborhood feel by providing space for green areas as done on our property, in furtherance of the intent of the bylaw.

Locating the building with the required minimum 10' setback from Elm and Broadway at least the required amount would help with sightlines and foster a family feel in this neighborhood. Notably, many families and school children use the crosswalk daily at that very intersection of Elm and Broadway on the way to and from the school on Elm Street.

All that said, I note that the Application uses in its calculations the setback formula for the Business District of H+L divided by 6, not the formula applicable to Residence C-2B of H+L divided by 4. If the correct formula is used, the extent of the requested non-conformance for the front setbacks on Broadway and Elm is greater than set forth in the Application.

## **B. Special Permit**

The Application seeks a Variance to allow minimum setbacks below that required by the bylaw and, indeed, as low as 3'. Yet Applicant makes no mention of the bylaw's requirement at 5.30.2(l) that the setback may not be less than 10' without a special permit.

For any of these reasons, the Application should be denied. Thank you for your attention to this matter.

Sincerely,

Botong Ma  
281 Broadway







## Pacheco, Maria

---

**From:** Lee Farris <Lee@LeeFarris.net>  
**Sent:** Thursday, July 14, 2022 6:33 PM  
**To:** Pacheco, Maria  
**Subject:** Proposal for 286 Broadway

Dear BZA,

I just learned about this project. I live nearby. I am asking for a continuation of this case, so neighbors have more time to learn about it and build consensus.

Thanks,

Lee  
[Lee@LeeFarris.net](mailto:Lee@LeeFarris.net)  
269 Norfolk St. 02139.  
617-354-6740 (9am-10pm)



## **Pacheco, Maria**

---

**From:** Lynette Cole <lynette@violeta.org>  
**Sent:** Thursday, July 14, 2022 6:27 PM  
**To:** Pacheco, Maria  
**Cc:** Rudy Roman  
**Subject:** 286 Broadway

Good evening,

My name is Lynette Cole and I am the Head of School of Violeta Montessori School which is located at 290 Broadway. I only found out today that there would be a hearing for this major development at 286 Broadway and I ask that more time and community input is gathered before making any decisions.

I am especially concerned that no one has contacted us, despite being direct neighbors to the property, for this project that will surely impact our community. I am unlikely able to attend tonight's meeting with such short notice (though will try to find a proxy) and sincerely hope that more thought is put into this before moving forward, including holding meetings with enough notice for relevant parties to be able to attend.

Lastly, I was apart of the previous meeting about this property back in the fall and have read through the few email chains forwarded to me today from families in our community. I echo many of the concerns about affordable housing and keeping retail space available in this already commercially-zoned property.

What I ask most, however, is to give sufficient time and notice to folks so that our voices can be heard, which is essential to equity and building a stronger community for our residents and children.

Best,  
Lynette Cole



## **Pacheco, Maria**

---

**From:** Poka1 <poka1@comcast.net>  
**Sent:** Tuesday, July 19, 2022 9:39 AM  
**To:** Pacheco, Maria  
**Subject:** 286 Broadway proposal

I am the owner of a single family home at 82 Elm Street. I am disappointed to learn that this development will not be affordable. Building under the AHO would have provided more units and no parking requirement. A denial of requested relief may persuade the developer to go affordable.

I do not like the modern look for the neighborhood, a look that seems to cry out for more gentrification. Traffic patterns on Broadway, especially close the Lamplighter and the preschool across Elm suggest to me that if parking is necessary, then the curb cut should be (must be) on Elm street.

Additional tree planting is necessary!

Keep me informed about plan revisions.

Gerald Bergman  
82 Elm Street



\* \* \* \* \*

(7:47 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
Monteverde, Matina Williams and Jason  
Marshall

BRENDAN SULLIVAN: The Board will hear Case No.  
177941 -- 286 Broadway. Mr. Glassman?

ADAM GLASSMAN: Good evening, Cambridge BZA,  
members of the Board and our Chairman. We're here tonight  
to hear -- to request zoning relief for 286 Broadway, a  
3,100 square-foot lot at the corner of Broadway and Elm  
Street, in a BA Zone.

BRENDAN SULLIVAN: Not to interrupt you, but I  
think I will. Adam, are you aware of correspondence that  
came in today from sort of a number of people in opposition  
and stating legal arguments against the granting and stating  
legal arguments that we have no legal basis to grant the  
relief?

ADAM GLASSMAN: I'm not aware of those letters  
that came in today. I can say we have substantial  
neighborhood support, especially from our most direct  
abutters. We had a Planning Board hearing last week, and



1 they had requests -- many of which we've been able to  
2 address.

3 I do know I've been in contact with Dan Totten  
4 since July 4, so I know he is very upset that we're not  
5 building more units. And I have a feeling that's where a  
6 lot of this opposition has come from in the last day or two.

7 I'm -- I can't answer the legal arguments. I  
8 would say that the Zoning Code allows us to take an approach  
9 that is controlled by the C-2B Residential Zone. We do not  
10 have to develop according to the BA zone. We have that  
11 option under the zoning code.

12 And therefore anything we propose under the zoning  
13 code, governed by C-2B -- Dimensional Requirements -- that  
14 we cannot meet we can take to the Board.

15 BRENDAN SULLIVAN: I guess where I'm going with  
16 this is that whether or not you wanted to proceed with  
17 tonight's hearing, or continue the matter and address some  
18 of the issues that were raised?

19 ADAM GLASSMAN: Well, I would like to proceed.  
20 I'm definitely not saying --

21 BRENDAN SULLIVAN: Okay.

22 ADAM GLASSMAN: -- that I need the Board to vote



1 tonight, we have outstanding questions. But I would  
2 definitely like to proceed.

3 BRENDAN SULLIVAN: Okay. That's fine. All right.

4 ADAM GLASSMAN: Could we see the first slide? So  
5 what we're proposing is a two-family dwelling unit. Each  
6 unit approximately 2,700 square feet, a rather modest  
7 proposal, units large enough to accommodate modern living  
8 for two families, but certainly not exceeding it by much.

9 The zoning relief required is only for setbacks.  
10 We would be here for zoning relief no matter what approach  
11 we took to this lot.

12 The approach that the owners in consultation with  
13 our abutters decided to take was the path of least  
14 resistance, according to the Zoning Code. We're able to  
15 provide the parking spaces, the open space. Our height is  
16 conforming. Our FAR remains conforming. We're here only  
17 for setback violations.

18 And the existing structure, I should add, also has  
19 existing setback violations.

20 Next slide?

21 Here you can see where -- towards the bottom  
22 central, center of the BA Zone, the X shows our corner lot



1 on the corner of Elm and Broadway.

2 Next slide?

3 I'm sure everyone's familiar with the lot, but we  
4 can slowly go through these photos, Olivia?

5 This is the state of the lot now. It's been --  
6 the building's been past its useful life for a long time.  
7 It's been on and off the market for about 10 years.

8 Various developers have approached me to study the  
9 site over the years, and no one's been really willing to  
10 take the chance to do anything here out of fear of being  
11 declined by the Zoning Board or opposed by the abutters.

12 And now we have a real chance to develop this lot  
13 in a way beneficial to the community that the neighbors  
14 support to add two, high-quality housing units and finally  
15 bring something of value to this corner.

16 This is the -- go back one more, please, Olivia?  
17 This is the view from Elm Street. And you can see in the  
18 background the metric system sign which there was interest  
19 in preserving, which we will be preserving. And you can see  
20 the telephone pole which is directly in the middle of our  
21 lot.

22 Next slide?



1           Quick review of the zoning variables, the lot size  
2 is existing, non-conforming. FAR lot width, building  
3 height, ratio of private open space to lot size will all be  
4 conforming. Our front rear and side setbacks will require  
5 zoning relief.

6           Next slide?

7           This is a diagram that shows the change in the  
8 footprint location. The red is the existing old mechanic  
9 shop, essentially at a zero lot line of both the back and  
10 the left, very nearly a zero lot line.

11           We are taking a nearly identical sized footprint  
12 and relocating it on the lot, increasing non-conforming  
13 setbacks, where they're already non-conforming.

14           Next slide?

15           Oh, you can zoom out a little bit, just below  
16 this. In addition to the mechanic shop in the left-hand  
17 corner or towards the back, you've also got an existing shed  
18 on the lower right, which has been there for some time and  
19 creates visibility issues.

20           Next slide?

21           Our setback diagram -- you can see the red dashed  
22 line -- running through the building on the left, the right,



1 the rear and the front sides. You can see that while  
2 accommodating the required parking and functional entry  
3 rooms for trash, recycling bikes, this is a challenging lot  
4 to develop, while also maintaining their acquired landscape  
5 buffers, the usable open space.

6 So anything developed on this lot according to the  
7 zoning approach we've taken would require zoning relief.

8 Next slide?

9 The existing lot to provide contrast, we've got  
10 the building wedged up in the upper left-hand corner. The  
11 rest of the lot is essentially black asphalt paving.

12 Next slide?

13 3D views of the proposed two-family dwelling unit.  
14 We tried to make something that was somewhat visually  
15 interesting, somewhat sculptural, we have a diverse  
16 architectural group of buildings on this section of  
17 Broadway.

18 And this addition would be consistent with the  
19 size and the massing and the height and add to the visual  
20 interest of the neighborhood.

21 Next slide?

22 Our open space diagram -- and actually this is our



1 -- this is what we proposed originally. This does become  
2 modified slightly in the next slide, but where we -- where  
3 we started this process was the building more or less  
4 located in the center of the lot.

5 The garage towards the left closest to the  
6 lamplighter was proposed to be approximately 11 feet from  
7 the sidewalk, and we had 11 or seven feet of landscape  
8 buffer on the lower left-hand corner, 500 square feet of  
9 private open space in the back left, and a four-foot  
10 landscape buffer in the rear.

11 Next slide, please?

12 We have developed landscape plans to make sure  
13 that all open space is appropriately landscaped,  
14 attractively landscaped, providing buffers between us and  
15 our neighbors, and between the building and the street.  
16 Only the driveway and the walkways would be paved, and they  
17 would all be pervious pavers. There will be no asphalt  
18 introduced to this site.

19 Next slide?

20 Additional landscape details we can go back to  
21 later if anyone's interested.

22 Next slide?



1           So this brings us to where we were when we  
2 submitted, and where we are now after our Planning Board  
3 hearing. On the left is the original submission with the  
4 building located more towards the middle of the lot. On the  
5 right-hand side, after receiving Planning Board comments,  
6 we've moved the building three feet to the front towards  
7 Broadway.

8           The Planning Board wanted us to move the building  
9 as close to the street as possible. Some even asked for  
10 zero lot lines, to be consistent with some of the other  
11 buildings on the block. However, they also asked for  
12 landscape buffers on Broadway, and on the corner of Broadway  
13 and Elm, so there were some mixed messages there with those  
14 comments, so we tried to split the difference.

15 We have moved the building three feet towards Broadway.

16           We've maintained the landscape buffer on the lower  
17 left, but we've reduced it by three feet, and we've been  
18 able to maintain the walkways, the driveway, the areas for  
19 snow removal that would be needed.

20           And this dovetails with strong requests by many of  
21 our abutters on Elm Street who ask that we move the building  
22 towards Broadway and increase our landscape buffers and



1     usable open space in the rear.

2             Oh, and what I want to add is although the first  
3     story is now eight feet from the street, we have a  
4     projecting bay on the upper levels that will be three feet  
5     from the street.

6             So the request from the Planning Board, or one of  
7     the requests, was a zero lot line. We've reduced it down to  
8     three, and we've been able to maintain the landscape buffers  
9     that were also requested at the same time, which we also  
10    think makes these units much more livable for the families  
11    who will be there.

12            Next slide?

13            Could you zoom out of it? Digital renderings of  
14    the proposed architecture -- again, we've got various  
15    building types in the neighborhood, and were consistent with  
16    their size and scale. And again, not trying to create  
17    something that would lack any kind of visual interest or  
18    sculptural qualities.

19            Next slide?

20            View from the east on Broadway. You can see the  
21    landscape buffers in the front, our projecting bays on the  
22    upper levels, and our street-facing front doors and garages.



1               Next slide?

2               First floor, we've got garages for each unit.

3       These are townhouse style units, side-by-side. Each unit  
4       has one parking space, an entry and a stair that goes up to  
5       the upper levels and supporting spaces for storage, trash,  
6       recycling and bikes.

7               Next slide?

8               Upstairs, open living space, kitchen, dining and  
9       living areas. These are not huge units. They basically  
10      provide the kinds of living spaces that most people now  
11      require with the family.

12              Next slide?

13              On the upper levels, we have three bedrooms for  
14      each unit, and on the upper level on the next slide, the  
15      topmost level, we have one main bedroom. We've got small  
16      deck spaces for both units, so there's more of a direct  
17      connection to the outside for whatever families live here.

18              Next slide?

19              Our roof plan, condensers, skylights for access  
20      and maintenance.

21              Next slide?

22              And a final view of the proposed project -- again



1 to the left and to the right, there's consistency in scale  
2 and massing, which we thought was important.

3 At this time, we will take any questions.

4 BRENDAN SULLIVAN: Just a comment that I would  
5 have is that we are basically starting off with a blank  
6 piece of paper, because the existing building which is  
7 there, obviously is an eyesore and just has to go away.  
8 Replacing it with what is proposed to me I think is a little  
9 bit of a stretch. Well, maybe a bit more than a little bit  
10 of a stretch. And the owner of the property bought this  
11 last fall?

12 ADAM GLASSMAN: Frasier Allen is here with us. I  
13 believe it was last fall, but he can answer questions.

14 FRASER ALLAN: Fraser Allan. I'm the owner of the  
15 property. I live in East Boston, 200 Falcon Street. And  
16 yes, we bought the property. I believe it was March.

17 BRENDAN SULLIVAN: So we have basically ostensibly  
18 a blank piece of paper. And somebody buys it and wants to  
19 develop it and comes down to us and needs -- you know,  
20 relief, and the question I have ask is that, you know, what  
21 you paid for the lot is your cost.

22 But when you buy something like this -- and again,



1 it's a business decision -- the value of it is what you can  
2 do with it as of right. And not have to rely upon zoning  
3 relief in order to develop it.

4 And, you know, it's chancy to come down and say,  
5 "Okay, I'm going to buy it and" -- and in order to recoup  
6 and, you know, make some money on it, which is fine -- I  
7 mean that's -- I don't care if you make a dollar or a  
8 million dollars, it doesn't matter to me -- but we -- in  
9 order to when you buy it and you are going to develop it  
10 that you need zoning relief, I can't connect those dots.  
11 I would like to see what can I do with this as of right?  
12 And then say I can't do it.

13 Well, then the question is why? Well, it's not  
14 feasible. It's not economically feasible. Well, when does  
15 it not become feasible? Is it because I paid too much for  
16 the lot and now I have to put x number of dollars into it in  
17 order to recoup my initial investment?

18 Obviously, there is the soft costs and the hard  
19 costs that go into this, in order to make this development  
20 worthwhile.

21 So those are the dots and those are the areas that  
22 I can't connect yet, as to why you need so much zoning



1 relief in order to justify or, you know, to -- well, it's  
2 more than justification, it's more to make this project  
3 viable to your standards, whatever that may be, which is  
4 fine. So I'm -- as to what is proposed.

5 ADAM GLASSMAN: Could I address some of what  
6 you've asked us to address?

7 BRENDAN SULLIVAN: Yep.

8 ADAM GLASSMAN: Certainly no one came in here  
9 assuming they were entitled to a lot of zoning relief. A by  
10 -right project as a single-family is feasible to build --  
11 certainly not feasible as a business decision, but even more  
12 than that everyone with interest in this site, whether they  
13 oppose it or support it, nobody wants to see a single-family  
14 here.

15 And most of our opposition is that we don't have  
16 more ambitious plans to cram more units on this lot.

17 If we were to do that, we would have more support,  
18 but we would be asking for substantially more zoning relief  
19 to make that happen.

20 The zoning relief we're asking for is quite modest  
21 in this case. We're asking for setback relief. This is a  
22 difficult corner lot.



1           And we've managed to submit a nearly zoning code  
2 compliant project, but given it's a corner lot, and given  
3 that nobody here, for good urban planning reasons, wants to  
4 see a single-family, we do need zoning relief to accommodate  
5 even a two-family in order to have parking.

6           If we weren't seeking zoning relief for setbacks,  
7 we'd be seeking it for parking. And without the parking,  
8 the abutters on Elm Street, where there's substantial  
9 pressure on parking already, we wouldn't have the support of  
10 our closest abutters.

11           Additionally, another -- one other improvement  
12 that we're adding here is that we've got an existing 38-foot  
13 curb cut on Broadway. We're reducing it to 23 feet, adding  
14 in basically another off-street parking space.

15           So not only are we meeting the zoning code with  
16 parking, we're providing an additional parking space on  
17 Broadway. So I would disagree that we're here seeking all  
18 kinds of zoning relief. This is really just for setbacks.

19           BRENDAN SULLIVAN: Well, yeah. I mean, I concur  
20 with the Planning Board that I think it's inappropriate to  
21 have the entrance on Broadway. It should be the other side.  
22 But also, it could be that it's a smaller structure. You're



1 proposing what, 2 four-bedroom units.

2 ADAM GLASSMAN: A smaller structure will not  
3 change the physical requirements for parking and entry and  
4 trash. And the Planning Board did ask us to look at --

5 BRENDAN SULLIVAN: Maybe you don't provide any  
6 parking?

7 ADAM GLASSMAN: Then we'll be here for relief for  
8 parking.

9 BRENDAN SULLIVAN: Well, then maybe that's --

10 ADAM GLASSMAN: So no matter -- I know one of the  
11 Standards the Board uses, would anybody need zoning relief  
12 on this lot to do something reasonable? And that applies to  
13 this corner lot.

14 BRENDAN SULLIVAN: Let me open it up to questions  
15 from the Board.

16 Jim Monteverde, any questions or comments?

17 JIM MONTEVERDE: Comments. I'm -- I'm actually  
18 comfortable with the scheme. I think it's a rather nice  
19 proposal for this particular lot in this particular section  
20 of Broadway. And I think the photos that you showed across  
21 the state, it all seems to be very much in context.

22 And I read the Planning Board's comments. I don't



1 think there's any way with your current plan or even a  
2 revised plan you're going to park from the opposite street.  
3 So I think it's a reasonable request, and that's my comment.

4 BRENDAN SULLIVAN: Okay. Jason, any questions or  
5 comments at this time?

6 JASON MARSHALL: Just a comment at the outset.  
7 Mr. Chair, you had referred some letters that have been  
8 input into the record today. I haven't reviewed those  
9 letters. They are not in the electronic file on the City's  
10 website. I checked the record earlier, weren't there,  
11 they're still not there.

12 So it is challenging to make a determination today  
13 without having reviewed those, and maybe the individuals  
14 that submitted them will be here tonight and can review  
15 those comments during the public comment phase of the  
16 hearing here.

17 Mr. Glassman, just a threshold question, is the  
18 hardship here related to topography, soil, shape or a  
19 combination of one of those three?

20 ADAM GLASSMAN: It is. Shape and lot size. This  
21 is very typical -- a small lot in Cambridge can't fit  
22 modest, functional space with violating at least, you know,



1 one piece of the zoning ordinance.

2 JASON MARSHALL: Well, it would have to be -- it  
3 can't be lot size. Lot size isn't one of the three --

4 ADAM GLASSMAN: Well, the --

5 JASON MARSHALL: -- terms. I mean it's -- you  
6 know, personally I think that should be a criteria, but  
7 that's not what the legislature

8 ADAM GLASSMAN: Right.

9 JASON MARSHALL: -- has said.

10 ADAM GLASSMAN: And I get that. And quite often,  
11 you know, the Board views a non-conforming lot, an existing  
12 non-conforming lot, as a legitimate hardship.

13 JASON MARSHALL: I understand that. I think I'm  
14 probably more of a nudge on that than maybe my colleagues,  
15 but it is an issue for me. So if shape is there, if you  
16 could sort of talk through that a little bit, I think that  
17 would be helpful for the record.

18 ADAM GLASSMAN: Well, the shape of the lot is  
19 related also, of course to its size. It's a non-conforming  
20 lot. So there's no way we can produce anything beyond a  
21 single-family here, which nobody wants to see without  
22 seeking zoning relief.



1           We're not asking for more units than the Zoning  
2 Code requires, we're not asking for parking relief, which is  
3 always a major concern. This is really a very modest amount  
4 in order to satisfy the rest of the zoning code.

5           JASON MARSHALL: Yeah. I mean, it's not the  
6 Board's criteria, it's -- you know, it's statutory. Again,  
7 I think I am more of a nudge on that. There's a lot of case  
8 law, where size has been the basis of BZA's ruling, and it's  
9 been overturned. It's pretty clear. So that doesn't give  
10 me a lot of confidence. I guess I'll stop there for now and  
11 see if my colleagues have other questions.

12           ADAM GLASSMAN: You know, I'd also like to say all  
13 these letters that came in today, it -- it feels somewhat  
14 like kind of a sabotaged move here, because we in good faith  
15 have had our application and the sign's been posted.

16           We've spoken to our abutters. We've been able to  
17 produce in a timely manner our support letters, and -- you  
18 know, a bunch of letters that were organized coming at the  
19 last minute in Design just to prolong this case doesn't feel  
20 fair.

21           BRENDAN SULLIVAN: It makes it very difficult for  
22 members of the Board and puts us into an awkward position



1 when somebody does write in -- and again, it's their  
2 prerogative, this was received today at 3:58.

3 And just basically enough time for Staff to insert  
4 it into the file, but definitely not enough time for Board  
5 members to review. However, that being said, some of the  
6 issues that are raised are legitimate and -- you know,  
7 because it came in even under the wire, still came in and my  
8 way of thinking cannot be discounted anyhow. But my thought  
9 on that.

10 ADAM GLASSMAN: Yeah.

11 BRENDAN SULLIVAN: Jason, we can get back to that.  
12 Wendy Leiserson, any comments or questions at this time?

13 WENDY LEISERSON: You know, I think -- I don't  
14 have any more comments. I think I'd like to see these  
15 letters that came in today. And, you know, I think the  
16 design is thoughtful, but I think Jason raises some valid  
17 statutory concerns, and I'd like to consider them.

18 BRENDAN SULLIVAN: Okay. Matina, any questions,  
19 comments at this time?

20 MATINA WILLIAMS: I'm actually in favor. I like  
21 it. I love the design. I like the fact that you didn't try  
22 and cram 10 million little units on one little lot. It's



1 nice. It's tasteful.

2 BRENDAN SULLIVAN: Okay. That's fine. Let me  
3 open it up to public comment. Any member of the public who  
4 wishes to speak should now click the button that says,  
5 "Participants," and then click the button that says, "Raise  
6 hand."

7 If you are calling in by phone, you can raise your  
8 hand by pressing \*9 and unmute or mute by pressing \*6, and  
9 you will have up to three minutes in which to comment, and  
10 then we will mute you at that point.

11 OLIVIA RATAY: Justin Saif?

12 JUSTIN SAIF: Hi, Justin Saif. I'm from 259  
13 Hurley Street in East Cambridge. I'm here on behalf of  
14 Violeta Montessori School, which is a direct abutter across  
15 the street.

16 Violeta has been there for many years, and is  
17 disheartened and disappointed not to have received any  
18 notice from the proponents of this project.

19 Violeta is strongly opposed to the approval of  
20 this project on that basis alone, prior to further  
21 opportunity -- prior to being provided with further  
22 opportunity to review the proposal and provide more



1 considered feedback.

2 I spoke to the Head of School just before this  
3 meeting. She is on vacation out of town. She's not had any  
4 contact, nor has anyone else associated with the school,  
5 from the proponents, and would wish to be able to have more  
6 time to provide that feedback and review of this.

7 The same thing happened with previous proposal for  
8 this lot. So it's extra disappointing to have this happen  
9 again. And obviously, you know, there should be awareness  
10 of their location across the street, given that the -- you  
11 know, the proposed dispensary that was there before had to  
12 withdraw, in part due to the fact that there is a school  
13 directly across the street.

14 In addition, consistent with the Montessori  
15 philosophy and the Wildflower School network storefront  
16 approach, Violeta would propose the removal of the first-  
17 floor retail space from this location.

18 Violeta has greatly enjoyed having retail  
19 neighbors that walk as activated. The students are able to  
20 visit and interact with the commercial strip on the  
21 Broadway.

22 And it's a detriment to the community to have that



1 chipped away at for a, you know, two-family housing project  
2 of very large, very expensive homes that will contribute  
3 very little, plus parking that will likely interfere with  
4 drop-off and pickup and the future protected bike lane to be  
5 built on Broadway.

6 A two-family is frankly no better than a single  
7 family here, and no parking should be permitted and -- you  
8 know, on a personal basis as a lawyer I'd just say that it  
9 certainly sounds like this proposal would not likely qualify  
10 for zoning relief.

11 Thank you very much.

12 BRENDAN SULLIVAN: Thank you for calling in.

13 OLIVIA RATAY: Tracey Stark?

14 BRENDAN SULLIVAN: Jason (sic)?

15 TRACEY STARK: For me?

16 OLIVIA RATAY: Tracey.

17 JIM MONTEVERDE: Tracey.

18 TRACEY STARK: Yep, okay. I live at 51 Market  
19 Street, which is just a couple blocks away. And I've just  
20 heard about this recently, and I'm kind of troubled.  
21 There's only two parking spaces, and it's naïve to think  
22 there's only going to be two cars. There's going to be at



1 least two cars per unit, and in my experience, these often  
2 get rented out to college kids.

3 So there might be as many as eight or 10 cars in  
4 there, and certainly can't stipulate when you sell it that  
5 there will only be one or two cars. And we already have a  
6 shortage of parking in the neighborhood.

7 And furthermore, I'm sad to see the loss of retail  
8 space. I think that this could be an area -- there used to  
9 be an arts center there, there could be an area where we  
10 have more community space.

11 And I know the developer says, "Well, this will  
12 benefit the community," but I don't see how it would benefit  
13 the community. It looks like it benefits the development.  
14 And that's my comment. Thanks.

15 BRENDAN SULLIVAN: Great. Thank you.

16 OLIVIA RATAY: Santos?

17 SANTOS CARRASQUILLO: Hello, everyone. Can you  
18 hear me?

19 BRENDAN SULLIVAN: Yes.

20 SANTOS CARRASQUILLO: Hello, my name is Santos  
21 Carrasquillo, lifelong resident of the Port, and the  
22 previous leaseholder of the space. I also disagree that --



1 and do not see any community benefit with this current  
2 proposal. So I don't think they should receive any special  
3 permitting, any variances at all.

4 The space was previously used as open community  
5 art and retail space. The space is in a small commercial  
6 district, in the poorest and marginalized neighborhood in  
7 Cambridge.

8 So to remove retail space and remove the  
9 opportunity for our poorer residents to obtain retail and do  
10 business and economically grow would not be possible with  
11 this proposal.

12 There also has been the lack of engagement in the  
13 community, as the Montessori School has not been notified  
14 and other communities have not been notified of the project.  
15 I just came here today to, you know, decline, not agree, and  
16 please do not approve this special permitting.

17 We need more retail space so more residents can be  
18 able to do business and get out of poverty. And this was  
19 the home of many and multiple businesses -- diverse  
20 businesses, small businesses, which will be removed with  
21 this current proposal.

22 BRENDAN SULLIVAN: Great. Thank you.



1 OLIVIA RATAY: Kathleen?

2 KATHLEEN GENOVA: Hello, can you hear me?

3 BRENDAN SULLIVAN: Yes, we can.

4 KATHLEEN GENOVA: I'm sorry, I was driving.

5 Kathleen Genova, 281 Broadway. I own and live in one of the  
6 units in the three-family house directly across Broadway  
7 from this proposed project.

8 Our lot size is the same pretty much regular,  
9 almost a rectangle, just like 286's shaped lot, only 300  
10 square feet larger. And just about 10 years ago, they were  
11 able to develop our three-family home with a three-car  
12 parking garage in total conformity with the zoning bylaw.

13 We satisfied the setback requirements, and it is  
14 appalling to have this applicant suggest that they cannot on  
15 virtually an identically sized and shaped lot do the same  
16 thing.

17 The law is very clear that there are three initial  
18 criteria that need to be met.

19 The first option would be that there's a problem  
20 with the shape of the lot, which there is not -- the lot  
21 being a corner lot is not a shape issue, size is not a shape  
22 issue.



1           The second is that there's a problem with the  
2 topography, which there is not and there has been no claim  
3 there is, and the third is that there is an issue with soil  
4 conditions.

5           Interestingly in the application, the applicant  
6 says the problem is soil conditions, and that there is  
7 contamination that needs to be addressed.

8           However, at least on the Mass DEP website, which  
9 is linked in this submission -- and I apologize if people  
10 feel it was late, I did get a notice from the Board and went  
11 to the website, and it said things were due today and with  
12 July 4 holiday last week, today was the first time I could  
13 get to it.

14           So I apologize if people feel I'm complying with  
15 the Board's timeline was too late, but I did follow the  
16 notice I was given. In any event, I did submit today and  
17 searched today on the Mass DEP reporting website for waste  
18 sites and releases, and there is no report filed for 286  
19 Broadway.

20           It might be that they are aware of some  
21 contamination and have filed their report and it just hasn't  
22 popped up on the website yet, I don't know. But there's no



1 information provided in their report, other than the bare  
2 assertion that there's contaminated soil, and that was not  
3 mentioned in the presentation earlier as a reason for this  
4 request.

5           So I just find it curious. I do cite in my  
6 submission today that that quite unfortunately is not an  
7 unusual soil condition in the district. In fact, our own  
8 property at 281 Broadway used to have an auto shop as well  
9 and had contaminated soil. And they still -- project  
10 without a variance.

11           Diagonally across the street, 277 Broadway has  
12 contamination issues. And they have a building there. In  
13 any event, in short, I will direct you to the legal  
14 standard. It's not nudge to comply with it, it's your  
15 obligation to comply with it.

16           The developer bought this property just a couple  
17 months ago knowing that there were challenges, and if they  
18 want a variance because alleged soil conditions cause  
19 subsection hardship --

20           BRENDAN SULLIVAN: Okay, okay.

21           KATHLEEN GENOVA: -- it's incumbent on them to  
22 submit proof of that, which includes costing information for



1 their project and for conforming alternatives. Thank you.

2 BRENDAN SULLIVAN: All right. Thank you. Yep.

3 OLIVIA RATAY: Journey?

4 FRUITFUL JOURNEY: Hello?

5 BRENDAN SULLIVAN: Yes. Go ahead.

6 FRUITFUL JOURNEY: How you guys doing this  
7 evening?

8 BRENDAN SULLIVAN: Okay. You have three minutes.

9 FRUITFUL JOURNEY: Yeah. I'm a longtime resident  
10 of Cambridge, 2 Norfolk Place. And I oppose the continuing  
11 of the gentrification in general of Cambridge. There's a  
12 lot of opportunities that are not coming from what will  
13 happen if you guys do this.

14 The retail space is very important. I have a 12-  
15 year-old daughter. I was bringing her to the space. There  
16 were also workshops I was doing with [audio unclear] and  
17 garden-related ventures for the kids, also across the way.

18 I feel like you will be taking away from the  
19 Montessori School as well as the kids being able to interact  
20 with the plant life and other things that entail the space.  
21 It could be worked with, you know? Everyone else had a lot  
22 of great ideas.



1           But the key thing is, I hear a lot of compassion  
2 for parking spaces but what about the community? What is  
3 the community going to get from this? If they build this  
4 cranky, thick building, you know.

5           What about the construction noises for the people  
6 that have been chillin' and had to live in those apartments  
7 all around? What about those people? Do they get a  
8 notification that one day they're -- [noise] just start  
9 drilling and make all this -- you know what I mean? I just  
10 hope that we'll can make the right decision and stop taking  
11 from the community and build.

12           You know, there's a lot of other apartments and  
13 stuff already built new around there. You know what I mean?  
14 And yeah, that's my piece on that. You know? I just want  
15 to see Cambridge be great. We've got to make better  
16 decisions as a community, you know.

17           BRENDAN SULLIVAN: Yeah. And thank you.

18           FRUITFUL JOURNEY: And that's my piece. Thank you  
19 so much for your time.

20           BRENDAN SULLIVAN: Yeah, no, thank you for calling  
21 in.

22           OLIVIA RATAY: Jeff Solomon?



1           JEFF SOLOMON: Hi. Can you guys hear me?

2           BRENDAN SULLIVAN: Yeah, go ahead.

3           JEFF SOLOMON: I'm also -- I'm a resident of  
4 Cambridge, long-term resident. I've been here for over 20  
5 years. I lived at 12 Boardman Street, just currently  
6 relocated to 54 Market.

7           I am also opposed to the construction of this  
8 building. I don't see how it benefits in any way, shape or  
9 form, expressly because the building that they're putting up  
10 doesn't have affordable housing in it or Section 8 units.

11           I have lived here through many counts of  
12 construction, and I live in a newly renovated building. And  
13 there's maybe five or six within -- not even about block of  
14 my building that have been renovated.

15           The building that I used to live in was also  
16 renovated. I don't think we need another housing building  
17 or two-family house or another -- like, like my other person  
18 said on here, another gentrification building. You guys are  
19 taking away from the marginalized families who live in this  
20 community. I've had friends who literally have had to move  
21 out of this city because they couldn't afford rent.  
22



1           And nobody makes it easier for people who live  
2 here that can literally only survive on Section 8 and Social  
3 Security, you know, that's all the money that they have  
4 coming in on a monthly basis.

5           So I just see a lot of people kicking these people  
6 out and just -- it's, it's -- it's like a, "Okay, well,  
7 figure out where to go" mindset and, "We don't care, because  
8 we got the development, and we got what we needed. So you  
9 guys can go figure it out."

10          And I think we need to stop doing that. And I  
11 think we need to combat doing that, and I just think that  
12 this is not good idea to build another rushed project in the  
13 poorer city in Cambridge? Thank you.

14          BRENDAN SULLIVAN: Thank you.

15          OLIVIA RATAY: Dan Totten?

16          DAN TOTTON: Yes, hi. My name is Dan Totten. I  
17 live at 54 Bishop Allen, which is a few blocks away. I have  
18 a few things I want to say. I did submit something  
19 yesterday. I apologize that it was not sooner but, you  
20 know, I -- I didn't realize it was on this agenda until  
21 yesterday. So that's why.

22          First of all, I just want to point out that the



1 application lists the current zoning district as Residence  
2 C-2B zone. And that's, like, actually incorrect. It's a BA  
3 Zone, it's a business district.

4 And I would wonder -- I'm just going to wonder out  
5 loud whether that sort of makes this particular application  
6 invalid from the start. Because I think it's very important  
7 when you're -- you know, it seems to me that it's important  
8 when you're considering a variance to understand the data.

9 And if this application was filled out thinking  
10 that this was a C-2B Zone -- and I understand why that might  
11 have been thought, because the BA District for dwelling  
12 units says to use the Dimensional Standards of a C-2B zone.

13 But this is not applicable to C-2B zone. And I  
14 think that really gets at the heart of the matter. Because  
15 in a BA District, the goal is to have some ground-floor  
16 commercial space.

17 And if they were working from a place where this  
18 was Residence C-3B or C-2B, they weren't ever considering  
19 the -- that the zoning does permit at this site to put it --  
20 for ground-floor retail, there's essentially zero setbacks,  
21 right? They weren't considering that, their delta was  
22 something else.



1           And so, I think on a fundamental level, you know,  
2   this application is -- is in some ways not valid. But I  
3   think another point I want to make is about the school.  
4   Because a few weeks ago I did reach out to the developer,  
5   you know, because my intent is not to -- you know, get in  
6   the way here, my intent is to work collaboratively.

7           And so, a few weeks ago I did reach out to the  
8   developer, and I asked him as part of my e-mail, "Will you  
9   please reach out to the Montessori School, as a courtesy?  
10   This will have an impact on their operations, the kids  
11   eating lunch at a picnic table on Elm Street right at the  
12   corner, will you please reach out as a courtesy?"

13          And I was very disappointed today before the  
14   meeting to find out that he had not reached out to them, and  
15   that was confirmed by Justin earlier.

16          And I just -- I think that's, it's just indicative  
17   of a lack of outreach that's been made clear tonight and  
18   presumably through e-mail.

19          And I just want to say that I think, at a minimum,  
20   this should be continued to give people more time to, you  
21   know, appreciate what's going on.

22          But frankly, I think you might want to -- you



1 might want to suggest to the applicant that this be  
2 scrapped, and that they start over, because -- you know, it  
3 just -- it just seems fundamentally invalid, because they --  
4 they're starting from the wrong zoning point.

5 BRENDAN SULLIVAN: Okay.

6 DAN TOTTEN: And finally I just want to say, you  
7 know, this is a neighborhood with a lot of people of color.  
8 I dare say it's not often that you hear from lifelong Black  
9 and Brown Cantabridgians in this Board, and I think that  
10 should really be factored in. Thank you so much.

11 BRENDAN SULLIVAN: Okay. Thank you, Dan. All  
12 right. That's the end of the callers. We are in receipt of  
13 a plethora of communication. Start with the Planning Board.

14 "The Planning Board reviewed this BZA application  
15 during its meeting on July 5 and decided to forward the  
16 following comments to the BZA.

17 "The Planning Board had no recommendation  
18 regarding whether or not to grant the requested relief.  
19 However, the Planning Board suggested exploring the  
20 following design improvements.

21 "Though the project is proposing to reduce the  
22 existing curb cut on Broadway, the Board suggested



1 relocating the driveway to Elm Street if feasible. The  
2 Board supports further reduction of the setbacks along  
3 Broadway to align better with the existing buildings along  
4 Broadway, and improving the façade design to maintain a  
5 stronger presence along the street.

6 "The Board recommends further improvements to  
7 landscape area along Broadway and additional street trees  
8 whenever possible, with approval from the DPW."

9 There's correspondence from A.C. Jones, Co-  
10 Founder, Lamplighter Brewing.

11 "I have had the opportunity to review the proposed  
12 plans to construct a new two-family dwelling at 286  
13 Broadway. As an abutter to the project, I would like to  
14 express my full support for the proposed design, which is a  
15 welcome and appropriate addition to our streetscape.

16 "The existing corner lot is small and impossible  
17 to utilize and improve without even the most minimal zoning  
18 relief. Therefore, I urge the Cambridge BZA to approve the  
19 requested zoning relief, to allow this sensible project to  
20 proceed."

21 The correspondence that I earlier referenced from  
22 Botong Ma -- B-o-t-o-n-g Ma, 281 Broadway:



1            "This e-mail is submitted in opposition to the  
2            variance application submitted by Frasier Allan, owner of  
3            286 Broadway, through his entity, FL Broadway LLC.

4            "Mr. Allen's application should be denied because  
5            the standard for issuing a variance under Massachusetts  
6            General Law 40A Section 10 is not met.

7            "Further, if you have any further setback less  
8            than 10 feet, a special permit as required, variances are to  
9            be granted sparingly, Dion v. Board of Appeal of Waltham.  
10          Even if the Board could grant a variance, it is not required  
11          to do so, because no one has a legal right to a variance.

12          "To issue a variance, the BZA by statute must  
13          significantly find -- must specifically find that owing to  
14          circumstances relating to the soil conditions, the shape or  
15          topography of such land or structures, and especially  
16          affecting such land or structures but not affecting  
17          generally the zoning district in which it is located, a  
18          literal enforcement of the provisions of the ordinance or  
19          bylaws would involve a substantial hardship, such hardship,  
20          financial or otherwise to the petitioner or appellant.

21          "And that desirable relief may be granted without  
22          substantial detriment to the public good, and without



1 nullifying or substantially derogating from the intent and  
2 purpose of such ordinance to the bylaw.

3 "The applicant has not met his burden of providing  
4 evidence that the statutory standard is met. The burden is  
5 upon the applicant, as the person seeking a variance, and  
6 the Board granting, to produce evidence that each of the  
7 discrete statutory prerequisites have been met, and that the  
8 variance is justified.

9 "Since the requirements for the grant of a  
10 variance are injunctive, not disjunctive, a failure to  
11 establish any one of them is fatal."

12 In other words, if the Board is unable to make all  
13 of the findings required by the statute, the variance must  
14 be denied.

15 There is some issue about the soil, and the data  
16 does not show this particular site.

17 "The applicant has not shown the soil conditions  
18 and are not generally applicable to the district. The  
19 applicant has not shown that a literal enforcement of the  
20 provisions of the bylaw would involve a substantial  
21 hardship.

22 "The applicant has not provided --



1           It really goes on for -- for three pages, the  
2 legal argument against the granting of purely financial --

3           "It certainly cannot be granted simply to relieve  
4 a developer of a situation he created or to increase a  
5 developer's profits -- purely financial hardship of the  
6 owner's own making is insufficient to support a granting of  
7 a variance -- see Arrigo v. Planning Board of Franklin.

8           "The grant of a variance to permit the owner of  
9 the locus to increase profits does not qualify as a hardship  
10 permitting the granting of the variance, and that's Wilson  
11 v. Sun Oil Company."

12           I think that's really the sum and substance and  
13 flavor of that correspondence. There are other letters in  
14 opposition basically picking up on that same point, and also  
15 mentioning some of the other comments that the other callers  
16 have mentioned.

17           So I will close the public comment part of this  
18 and send it back to you.

19           ADAM GLASSMAN: Before you close public comment, I  
20 believe there's a raised hand from one of our abutters. Do  
21 you see anyone trying to get in?

22           BRENDAN SULLIVAN: I've closed, and I didn't see



1 it. So --

2 ADAM GLASSMAN: This was -- this -- this was our  
3 --

4 BRENDAN SULLIVAN: All right. We'll allow one  
5 more call.

6 OLIVIA RATAY: David Pincus?

7 ADAM GLASSMAN: Pincus.

8 DAVID PINCUS: Hi. I'm David Pincus. I am a  
9 resident of Cambridge. I've lived here at 32 Elm Street,  
10 for now entering my twenty-ninth year by choice.

11 I am the single most affected residential abutter.  
12 The existing building goes right up against mine along my  
13 long lot line. This has been an incredibly difficult  
14 building to live next to. It's been a very difficult site  
15 to improve, it's been a blight on our neighborhood.

16 And I can say this as a resident next door, for  
17 many, many years I've personally put time, effort, sweat  
18 equity and money into cleaning up that property multiple  
19 times -- taking lots and lots and lots of auto parts and  
20 schlepping it down to Nissenbaum's and paying for them to  
21 disappear. I helped Hisham (phonetic) find real estate  
22 agents again and again we commiserated, and no one wanted to



1 develop this plot, because it's tough.

2 I'm sorry to hear that the developer did not reach  
3 out to Montessori; that definitely should have happened. He  
4 certainly reached out to me. I extended that to all the  
5 owners, or most of the owners along Elm Street. And if you  
6 know anything about owners in Cambridge, it is difficult to  
7 get them all together to agree.

8 And so the letter that I put together is signed by  
9 five owners on Elm Street -- me, Mohammed (phonetic) who  
10 lives right across Elm, Ruth who lives next to me, David and  
11 Tina who own the building beyond that, and Mike and Mimi who  
12 own the building behind that.

13 I'd like to point out that together as a unit, we  
14 support this project. We very strongly would support this  
15 project if it slid towards Broadway. And I'm very happy to  
16 hear that the developer, after getting input from the  
17 Planning Board, did so.

18 In terms -- I'm not an engineer, but as far as  
19 shape goes, there is a very important power pole on Elm  
20 Street right in front of this building. That power pole is  
21 not just a regular power pole, it carries the high-tension  
22 line from under the street, up and then across to the



1 transformer. And that does not exist in front of 279? 281,  
2 right across.

3 So the lot directly across Broadway was able to  
4 turn their building and have the entrances -- their three-  
5 car entrance on Elm Street, whereas that I don't think is  
6 possible here.

7 BRENDAN SULLIVAN: Thank you for the wrap-up.  
8 I'll give you another 10 seconds.

9 DAVID PINCUS: Thank you. 100 percent of  
10 buildings on my block and across Elm Street violate the  
11 setback.

12 BRENDAN SULLIVAN: Great. Thank you, David.

13 DAVID PINCUS: Thank you very much for the  
14 opportunity to talk.

15 BRENDAN SULLIVAN: All right. Yep. We'll close  
16 public comment. Back to you, Adam.

17 ADAM GLASSMAN: I'm sorry, back to me?

18 BRENDAN SULLIVAN: Back to you.

19 ADAM GLASSMAN: Okay. So there's -- there's kind  
20 of a lot here to go through.

21 The first thing I want to say is extend our  
22 apologies to the Montessori School. This was certainly not



1     meant to disrespect them in any way. Frankly, we were very  
2     focused on our most direct abutters, and those residential -  
3     - the residences on Elm Street.

4             It didn't, frankly, occur to me that Montessori  
5     School would have a problem with this modest residential  
6     development. We've provided landscape buffers between the  
7     building and the sidewalk. We're certainly not a cannabis  
8     business. We're not serving alcohol. This is a pretty  
9     harmless program we're proposing for the street.

10            But again, we'll certainly reach back out to them.  
11     I'm not sure what their concerns are, how we can really  
12     address them. But we all do our best.

13            As far as the zone that we're in, yes, it's a BA  
14     Zone, and it is our responsibility to apply either according  
15     to the dimensional requirements of the BA zone or the C-2B,  
16     if we're proposing a residential use.

17            Even if we were proposing a mixed-use development,  
18     we would still be here applying for zoning relief, because  
19     the residential use would still be controlled by the C-2B.  
20     And I know our neighbors behind us don't want to see a zero  
21     lot line, and I know landscape buffers and useable open  
22     space are important to the Zoning Board, and to the people



1 who live in the neighborhood.

2           Soil conditions, while we did not -- we never  
3 claimed that our hardship is due to less-than-ideal soil,  
4 the fact is we did have it tested. And it -- cleanup was  
5 recommended.

6           We are not claiming it as a hardship. That's part  
7 of the cost of developing a lot like this -- frankly why  
8 this lot has been passed over for the past 10 years -- this  
9 soil makes this lot very unappealing.

10           And I'd like to remind everyone that for 10 years  
11 this lot has essentially been on the market. No one has  
12 stepped forward to propose retail or more units or a denser  
13 program because it's a tough site, and this has a lot of --  
14 it attracts a lot of interest.

15           And some of that interest I'd have to address is  
16 more policy -- policy desires rather than the zoning code  
17 related. You know, we'll understand the appeal of retail  
18 uses. I would love if in my own neighborhood developers  
19 would put up an ice cream shop instead of maybe something  
20 else that they're proposing.

21           But the zoning code allows -- some of these policy  
22 questions is a much larger discussion beyond this hearing,



1 and it goes back to how the zoning code should be written.  
2 We're certainly not depriving anyone of anything. We're not  
3 removing existing retail or commercial use.

4 What we are removing is an old mechanic's shop in  
5 an asphalt lot, which -- you know, as is contributes its own  
6 negative environmental impacts to the neighborhood. The  
7 asphalt is very hot, there's no shade, there's no place for  
8 stormwater runoff to go.

9 I would say the landscaping of this lot, the  
10 greening of this lot, the shading of this lot, the cleaning  
11 of the soil, which we'll have to do -- this is a benefit to  
12 the neighborhood.

13 I also want to address the idea that we have no  
14 standing. Anyone who comes to the Board on a regular basis,  
15 all the Board members know that routinely we acknowledge  
16 that a site, that an existing "nonconformancy" with setbacks  
17 that are -- that make use of the lot impossible in an  
18 appropriate way are recognized by the Board as a hardship.

19 Now, I'm sure everyone agrees -- if there's one  
20 thing everyone can agree on, is that a single-family on this  
21 lot would be entirely appropriate. Yes, maybe two units is  
22 not as many as some would like, but it's a whole lot better



1     than one.

2             And what will wind up on this site without any  
3     zoning relief, if anything happens, it will not be retail.  
4     It will not be mixed-use, because that is a very difficult  
5     and expensive proposition on this lot -- it will be a  
6     single-family if the requirement is that there is no zoning  
7     relief, there's no hardship seen given the size of the lot  
8     -- the existing non-conforming setbacks at the corner lot,  
9     which are routinely recognized as a legitimate hardship, and  
10    our power line on the Elm Street side, which makes  
11    impossible any kind of curb cut or reconfiguration of the  
12    parking on this lot.

13            BRENDAN SULLIVAN:   What about a single-family with  
14    an accessory apartment?

15            ADAM GLASSMAN:   Well, for those who like to see  
16    more density -- and I would also say providing units for  
17    families -- is a benefit to the neighborhood. I would think  
18    more children in the neighborhood would be a benefit to the  
19    Montessori School.

20            An accessory apartment would create a -- such a  
21    lopsided structure we'd still wind up in an essentially  
22    enormous single-family, really too big for this site in this



1 part of the city.

2 DAVID PINCUS: So what you're saying is it's not  
3 feasible?

4 ADAM GLASSMAN: Well. I'm saying it doesn't -- in  
5 the real world, a single-family with an accessory apartment  
6 makes no sense. You know, in terms of urban design and in  
7 terms of who's actually going to live here, who would be  
8 attracted to this.

9 And, you know, as it is we've got two units with  
10 four bedrooms creating an enormous single-family. I mean,  
11 talk about overpriced housing. That's what we'd be looking  
12 at -- even more exclusive housing than some feel we already  
13 have.

14 BRENDAN SULLIVAN: But again, it goes back to  
15 price of acquisition.

16 ADAM GLASSMAN: Right. But, you know, the lot --  
17 whatever the lot is purchased for -- I mean, I don't really  
18 want to -- we're not really claiming that kind of financial  
19 hardship, because that -- you know, doesn't seem  
20 appropriate, but the fact is on this lot, no one's ever  
21 going to build anything other than a single-family, and they  
22 have to do it by right. And yeah, that certainly makes no



1 business sense.

2 And I know it's been said, "Sure, everybody likes  
3 to make money, that's the American way," but you can't come  
4 to the Board saying "We're not going to make enough money,  
5 "and we're not -- but we're not doing that."

6 We're trying to say that a reasonable use of this  
7 lot in the BA's District, even using C-2B Dimensional  
8 Requirements, would still demand at least a two-family on  
9 this lot.

10 BRENDAN SULLIVAN: Well, I'm not there to support  
11 what's before us anyhow. So maybe you can get four other  
12 members of the Board. But anyhow -- all right, if you would  
13 -- if you have anything else to add before we put it back to  
14 the Board?

15 JASON MARSHALL: Are we going back to Board  
16 discussion?

17 BRENDAN SULLIVAN: Discussion and a vote.

18 JASON MARSHALL: Sure. I'd like -- let's, if  
19 we're moving into discussion, I'd like to hear more comments  
20 from the Board before we decide whether or not to continue  
21 the case.

22 BRENDAN SULLIVAN: All right. Jim, I think you



1 are clear that you support what's before us?

2 JIM MONTEVERDE: Correct. And I think Adam's  
3 discussion of I have up on my screen the site -- the setback  
4 plan, which kind of describes the lot and the required  
5 setbacks and the fact that that's basically, you know, a  
6 single-family footprint size I agree with. I think that is  
7 the basis for the variance.

8 BRENDAN SULLIVAN: Okay.

9 JIM MONTEVERDE: Anyway, thank you.

10 BRENDAN SULLIVAN: All right. Great. Wendy, any  
11 further comments, or your thoughts on what's before us?

12 WENDY LEISERSON: I think I would prefer to see  
13 this continued and hear that outreach had been made to all  
14 of the neighbors before I considered this, and also have a  
15 chance to look over those submissions today.

16 BRENDAN SULLIVAN: Okay. So you're not  
17 comfortable on voting up or down tonight?

18 WENDY LEISERSON: Correct.

19 BRENDAN SULLIVAN: Okay. All right. That's --  
20 no, perfectly fine and legitimate. Matina, your thoughts on  
21 what's before us?

22 MATINA WILLIAMS: Again, like I said before, I



1 think I like the plan.

2 BRENDAN SULLIVAN: Okay.

3 MATINA WILLIAMS: It's -- doesn't give you a bunch  
4 of cookie-cutter little shoeboxes and it's nice.

5 BRENDAN SULLIVAN: Great. All right. Thank you.  
6 Jason, back to you with your thoughts on what's before us?

7 JASON MARSHALL: Thanks. Following on Matina's  
8 comment, Adam, I will commend you. I think you bring a lot  
9 of creativity to the designs that you come before the Board  
10 with.

11 I also think the policy questions you raised are  
12 valid. I just don't think this is the forum for it. I  
13 think that's -- that is -- those are better addressed by the  
14 City Council.

15 Stating the obvious, we are bound to apply the  
16 law. We don't make it here, and going back and forth and  
17 some of the public comments, which I agree with, I just  
18 don't think you meet the statutory standard.

19 I don't think that the hardship is related to  
20 soil, shape or topography. So I would not vote to support  
21 this proposal tonight.

22 BRENDAN SULLIVAN: Okay. All right. So Adam,



1     you've heard comments from the Board.

2             ADAM GLASSMAN:   We'd like to continue.

3             BRENDAN SULLIVAN:  All right.  You'd have to  
4     assemble the same five.  September 8.  So members, are we  
5     available on September 8?  Jim Monteverde?

6             JIM MONTEVERDE:  Yes, I will be.

7             BRENDAN SULLIVAN:  Jason, will you be available on  
8     September 8?

9             JASON MARSHALL:  I will not, Brendan, as we -- as  
10    I noted earlier.  I think was it September 27 that was the  
11    next date available?  I can do that.

12            BRENDAN SULLIVAN:  Okay.  Jim, are you available  
13    on September 27?

14            JIM MONTEVERDE:  Yes.

15            BRENDAN SULLIVAN:  I'm sorry.

16            JASON MARSHALL:  No, it's the twenty-second,  
17    sorry.

18            BRENDAN SULLIVAN:  All right.  Twenty-second?

19            ADAM GLASSMAN:  Yes.

20            BRENDAN SULLIVAN:  I'm sorry, Jason, September 22?

21            JASON MARSHALL:  Yes, 22.  Yep.

22            BRENDAN SULLIVAN:  Okay.



1 JASON MARSHALL: I apologize.

2 BRENDAN SULLIVAN: Yeah. All right. Jim, are you  
3 available on September 22?

4 JIM MONTEVERDE: Yes.

5 BRENDAN SULLIVAN: Wendy, are you available on  
6 September 22?

7 WENDY LEISERSON: Yes, I am.

8 BRENDAN SULLIVAN: Okay, Matina?

9 MATINA WILLIAMS: I think I said yes before, but I  
10 realized I'm not available.

11 BRENDAN SULLIVAN: You are not available?

12 MATINA WILLIAMS: I will not be available.

13 BRENDAN SULLIVAN: Okay. Or you can go with four  
14 members, Adam, if you wish.

15 ADAM GLASSMAN: No. I think we prefer five  
16 members.

17 BRENDAN SULLIVAN: October 6 would be the next  
18 date. So going back again, Matina, October 6?

19 MATINA WILLIAMS: October 6 works.

20 BRENDAN SULLIVAN: Okay. Wendy, October 6?

21 MATINA WILLIAMS: Yes.

22 BRENDAN SULLIVAN: Jason, October 6?



1 JASON MARSHALL: No, that does not work for me.  
2 I'd have to do the two weeks out from there, the twentieth.

3 BRENDAN SULLIVAN: So we're back to October 27?  
4 And I think everybody said that they were available on the  
5 twenty-seventh? October 27?

6 COLLECTIVE: That's correct. Yes. Yeah.

7 BRENDAN SULLIVAN: Okay. So Adam, October 27?

8 ADAM GLASSMAN: Okay. Before we go, Mr. Chair, I  
9 know you're not -- you're not in favor of this project. I  
10 think, you know, if you could clarify, you know, maybe the  
11 direction you'd like to see us go.

12 BRENDAN SULLIVAN: Well, I think it's just too  
13 much building for the site. And that, again, starting off  
14 with a blank piece of paper, and I know if you ask 10  
15 people, you're going to get 10 different opinions, and I  
16 guess --

17 ADAM GLASSMAN: But when you say it's too much --

18 BRENDAN SULLIVAN: -- I see -- procedural -- once  
19 heard that is deeper -- is really, of course, decided by a  
20 committee. But I think it's -- the site is a challenge. It  
21 has its constraints. But I think that it can be reduced to  
22 allow more open space, more of a buffer on Elm to the



1 adjoining property behind on Elm.

2           Whether or not it comes forward to Broadway, I'd  
3 like to see some green space there. I'm not terribly happy  
4 with the garages on Broadway, but I think turning them to  
5 Elm is probably going to be more of a challenge.

6           I just think that it can be a smaller building  
7 because we're asking, I think, for a fair amount of relief  
8 on the setbacks. And the setbacks to me are important.

9           ADAM GLASSMAN: If we conform to the setback --

10          BRENDAN SULLIVAN: I mean --

11          ADAM GLASSMAN: -- if we conform to the setbacks,  
12 and we're back here with a request for relief for parking,  
13 is that more favorable to you, even though the abutters all  
14 appreciate that we're providing the required amount of  
15 parking? Because that's what -- that's where we're going to  
16 go with setbacks for parking on this lot.

17          BRENDAN SULLIVAN: Setbacks or parking?

18          ADAM GLASSMAN: We can conform to setbacks or  
19 parking and the feedback we got from those who live on Elm  
20 Street was, you know, please provide parking. They like the  
21 buffers we provided, it's much more than they have now,  
22 especially for David Pincus right behind us.



1           So sure, we can squeeze this building, but we  
2       won't have parking. This plan we submitted was not a -- you  
3       know, a first pass at this. We did study how to get --  
4       bring this into full zoning conformance. And if we can't,  
5       what was the least detrimental way to do this?

6           BRENDAN SULLIVAN: Then I would just like to see a  
7       lot smaller building. How you deal with the parking, you  
8       deal with parking.

9           ADAM GLASSMAN: Okay.

10          BRENDAN SULLIVAN: And I can't redesign this now  
11       in my head --

12          ADAM GLASSMAN: Okay.

13          BRENDAN SULLIVAN: -- say --

14          ADAM GLASSMAN: Okay. Thank you for that.

15          BRENDAN SULLIVAN: All right. So on the motion,  
16       then, to continue this matter to October 27 at 6:00 p.m., on  
17       the condition that the petitioner sign a waiver to the  
18       statutory requirement for a hearing and a decision to be  
19       rendered thereof. Such waiver should be in the file a week  
20       from Monday by 5:00 p.m.

21                 That any new submittals different than what is in  
22       the file now be in the file by 5:00 p.m. on the Monday prior



1 to the October 27 hearing.

2 That the posting sign be changed to reflect the  
3 new date of October 27 at 6 -- and the time at 6:00 p.m.  
4 Doesn't have to be continuous from tonight, it's just that  
5 it must be maintained at least 14 days prior to October 27.

6 And I would also encourage the petitioner to  
7 address the correspondence that has come in regarding the  
8 legal standard that they state you have failed to meet, and  
9 how you can address that and address the legal standard that  
10 we have to grant.

11 Anything else to add?

12 ADAM GLASSMAN: Before we go, I'd just like to ask  
13 you, I'd like to ask you to respond to those claims that we  
14 have no legal standing when we know on a lot with required  
15 setbacks with conforming setbacks make development --

16 BRENDAN SULLIVAN: Yeah. Then you say that  
17 they're not valid, that's all.

18 ADAM GLASSMAN: I guess I just wanted your  
19 opinion. I mean, maybe you want to wait and see what we can  
20 come up with regard to setbacks before you decide?

21 BRENDAN SULLIVAN: Correct. That's fair.

22 ADAM GLASSMAN: Okay. All right.



1 BRENDAN SULLIVAN: That's it. That's exactly  
2 correct.

3 ADAM GLASSMAN: Okay.

4 BRENDAN SULLIVAN: Anything else, Board, to add to  
5 the conditions going forward? No. All right. On the  
6 motion, then, to continue this matter, Jim Monteverde?

7 JIM MONTEVERDE: In favor of the continuance.

8 BRENDAN SULLIVAN: Jason Marshall?

9 JASON MARSHALL: In favor.

10 BRENDAN SULLIVAN: Wendy Leiserson?

11 WENDY LEISERSON: In favor.

12 BRENDAN SULLIVAN: Matina Williams?

13 MATINA WILLIAMS: In favor.

14 BRENDAN SULLIVAN: And Brendan Sullivan yes, in  
15 favor of continuing this matter until October 27 at 6:00  
16 p.m.

17 [All vote YES]

18 BRENDAN SULLIVAN: Thank you.

19 ADAM GLASSMAN: Thank you.

20

21

22



Pacheco, Maria

BZA-177941

**From:** Adam Glassman <ajglassman.ra@gmail.com>  
**Sent:** Monday, October 24, 2022 10:41 AM  
**To:** Fraser Allan; Pacheco, Maria; Ratay, Olivia  
**Subject:** 286 Broadway

Hi Maria,

We would like to withdraw this case and close the application. We will not be moving forward with this application for zoning relief.

Thank you,

Adam

--

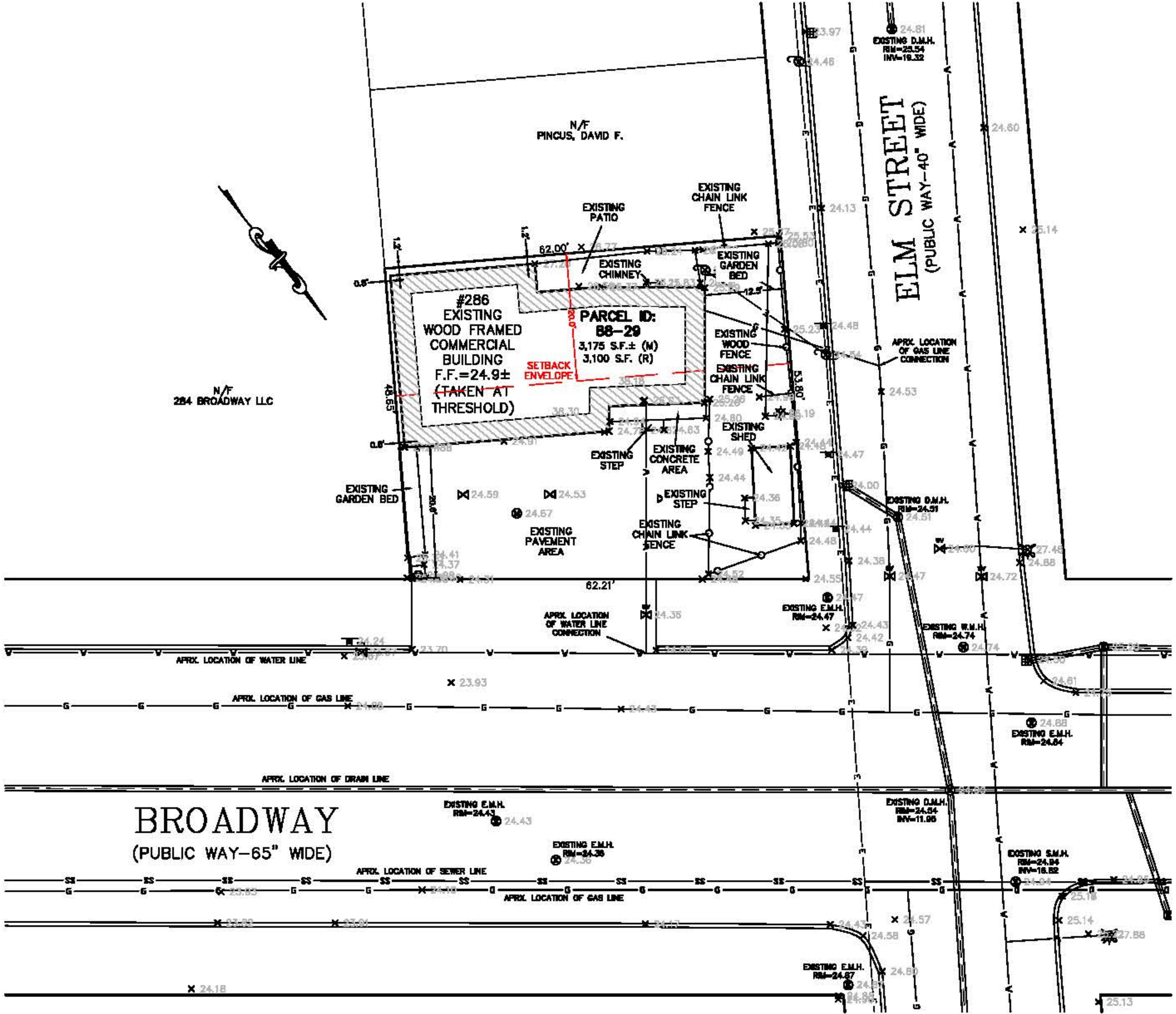
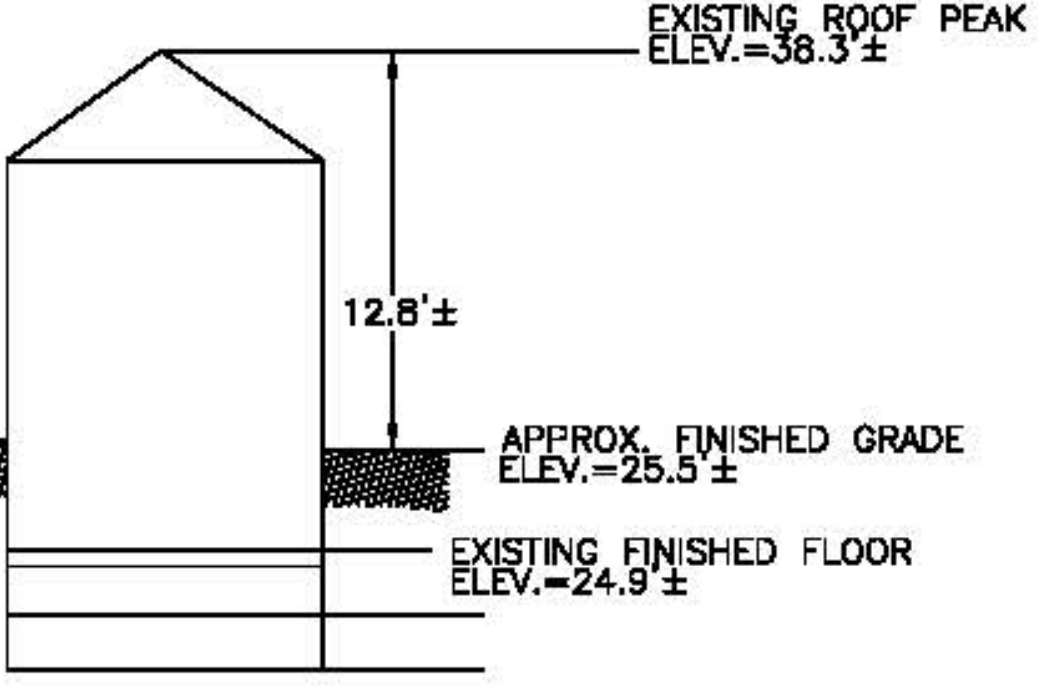
Adam J. Glassman, R.A.  
Cambridge, MA  
C: 617.412.8450  
[www.glassmanchungdesign.com](http://www.glassmanchungdesign.com)



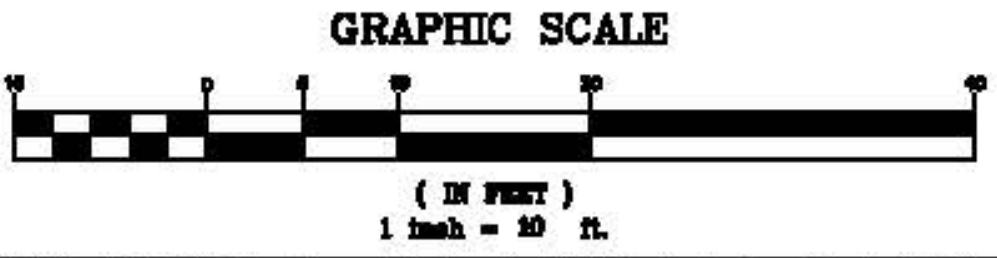
- NOTES:
1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC AS OF 3/9/2022.
2. DEED REFERENCE: BOOK 54331, PAGE 548  
PLAN REFERENCE 1: PARCEL BLOCK MAP (BLOCK\_88)  
PLAN REFERENCE 2: REF PLAN (BK 240, PG 37)  
PLAN REFERENCE 3: REF PLAN (PLAN 370 OF 1998)  
PLAN REFERENCE 4: REF PLAN (PLAN 1486 OF 1985)  
MIDDLESEX COUNTY SOUTH DISTRICT REGISTRY OF DEEDS
3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C05786, IN COMMUNITY NUMBER: 250186, DATED 6/4/2010.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
7. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS PETER NOLAN & ASSOCIATES LLC ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
8. THE ELEVATIONS SHOWN ARE ON A CITY OF CAMBRIDGE DATUM.
9. ZONING DISTRICT = BUSINESS A

LEGEND	
	BOUND
	IRON PIN/PIPE
	STONE POST
	TREE
	METAL POST
	SHRUBS/FLOWERS
	SIGN
	BOLLARD
	SEWER MANHOLE
	DRAIN MANHOLE
	CATCH BASIN
	WATER MANHOLE
	WATER VALVE
	HYDRANT
	GAS VALVE
	ELECTRIC MANHOLE
	ELECTRIC HANDHOLE
	UTILITY POLE
	LIGHT POLE
	MANHOLE
	SPOT GRADE
	TOP OF WALL
	BOTTOM OF WALL
	EXISTING BUILDING
	RETAINING WALL
	STONE WALL
	FENCE
	TREE LINE
	SEWER LINE
	DRAIN LINE
	WATER LINE
	GAS LINE
	UNDERGROUND ELECTRIC LINE
	OVERHEAD WIRES
	CONTOUR LINE (MWR)
	CONTOUR LINE (MNR)

COLUMBIA STREET  
(PUBLIC WAY-45" WIDE)



ZONING LEGEND			
ZONING DISTRICT: BUSINESS A			
	REQUIRED	EXISTING	PROPOSED
MIN. LOT SIZE	-	-	-
MIN. LOT AREA FOR EACH DWELLING UNIT	800 S.F.	-	-
MIN. YARD FRONT	-	-	-
SIDE (RIGHT)	-	-	-
SIDE (LEFT)	-	-	-
REAR	20'	1.2'	1.2'
MAX. BLDG. HEIGHT	45'	12.8'±	12.8'±
MIN. OPEN SPACE	-	-	-
MIN. LOT WIDTH	-	-	-
MAX. F.A.R.	1.0/1.75	-	-





















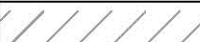


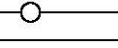



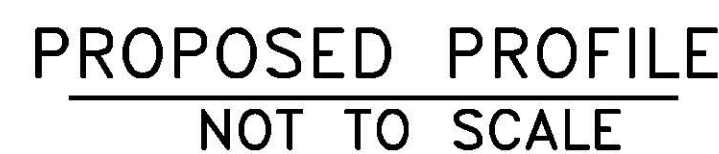
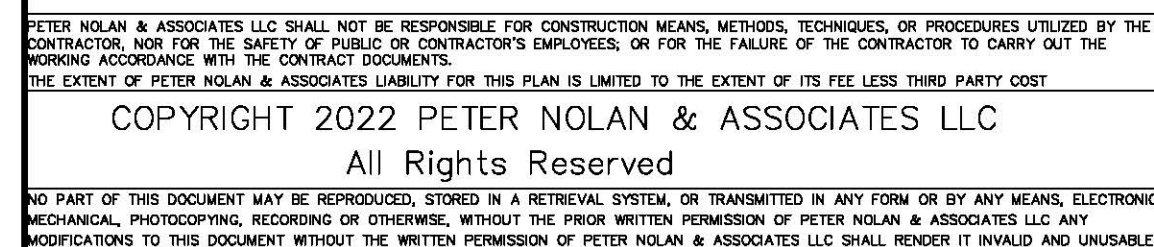
SCALE	1"=10'
DATE	4/7/2022
SHEET	1
PLAN NO.	1 OF 1
CLIENT:	286 BROADWAY STREET CAMBRIDGE MASSACHUSETTS
DRAWN BY	D.K.
CHKD BY	P.N.
APPD BY	P.N.
REVISION	
BY	
EXISTING CONDITION OF LAND	
PETER NOLAN & ASSOCIATES LLC LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS 80 JEWETT STREET NEWTON, MA. SUITE 1 PHONE: 857 891 7478 EMAIL: pnolan@pnasurveyors.com	


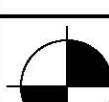




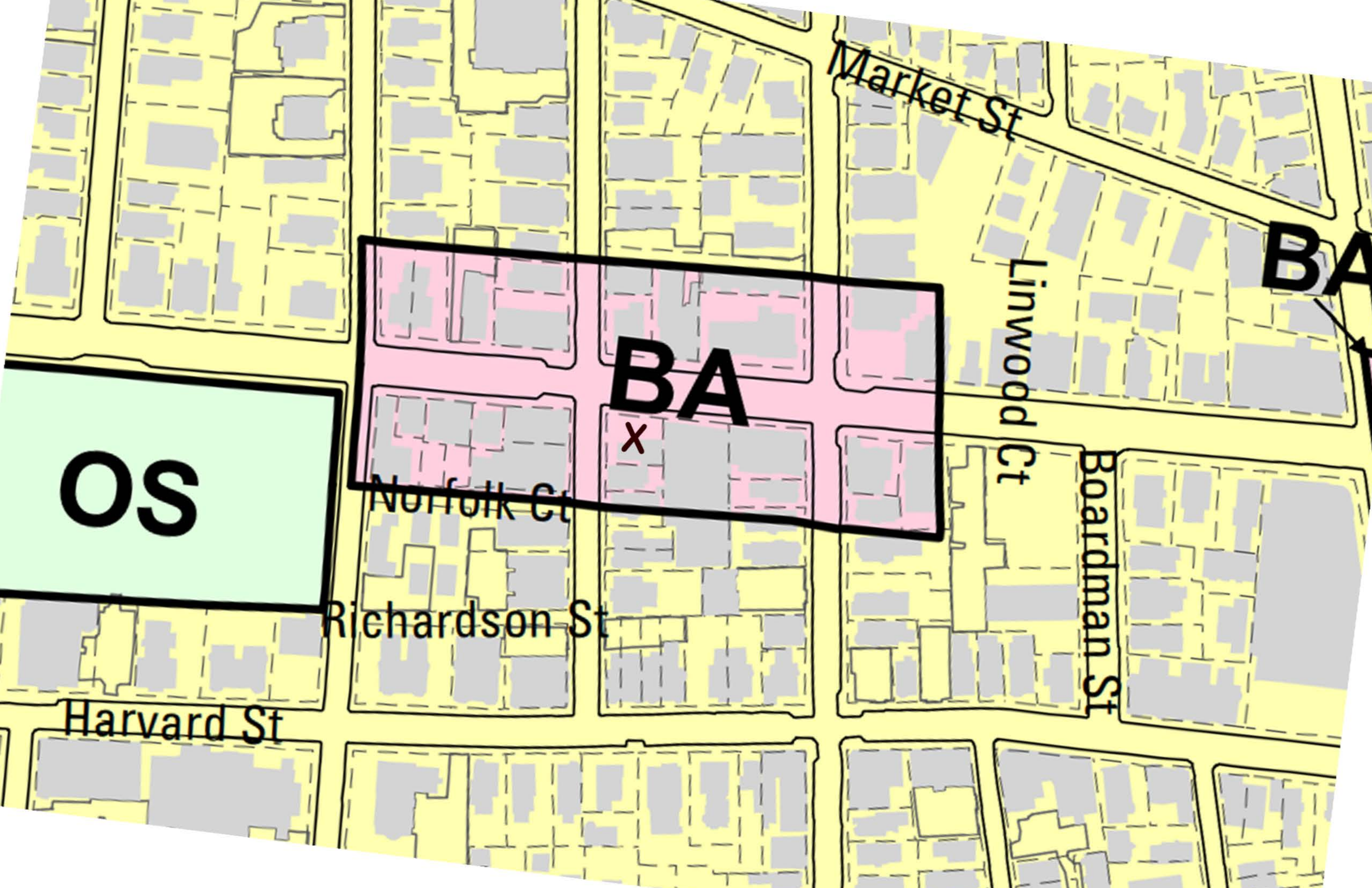
1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC AS OF 3/9/2022.
2. DEED REFERENCE: BOOK 54331, PAGE 546  
PLAN REFERENCE 1: PARCEL BLOCK MAP (BLOCK\_88)  
PLAN REFERENCE 2: REF PLAN (BK 240, PG 37)  
PLAN REFERENCE 3: REF PLAN (PLAN 370 OF 1996)  
PLAN REFERENCE 4: REF PLAN (PLAN 1486 OF 1985)  
MIDDLESEX COUNTY SOUTH DISTRICT REGISTRY OF DEEDS
3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C0576 IN COMMUNITY NUMBER: 250186, DATED 6/4/2010.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
7. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS PETER NOLAN & ASSOCIATES LLC ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
8. THE ELEVATIONS SHOWN ARE ON A CITY OF CAMBRIDGE DATUM.
9. ZONING DISTRICT = BUSINESS A

LEGEND	
	BOUND
	IRON PIN/PIPE
	STONE POST
	TREE
	METAL POST
	SHRUBS/FLOWERS
	SIGN
	BOLLARD
	SEWER MANHOLE
	DRAIN MANHOLE
	CATCH BASIN
	WATER MANHOLE
	WATER VALVE
	HYDRANT
	GAS VALVE
	ELECTRIC MANHOLE
	ELECTRIC HANDHOLE
	UTILITY POLE
	LIGHT POLE
	MANHOLE
148.00	SPOT GRADE
TW	TOP OF WALL
BW	BOTTOM OF WALL
	EXISTING BUILDING
	RETAINING WALL
	STONE WALL
	FENCE
	TREE LINE
-S-	SEWER LINE
-D-	DRAIN LINE
-W-	WATER LINE
-G-	GAS LINE
-E-	UNDERGROUND ELECTRIC LINE
OHW	OVERHEAD WIRES
	CONTOUR LINE (MJR)
	CONTOUR LINE (MNR)



SCALE 1"=10'					
DATE 05/24/2022	REV	DATE	REVISION	BY	
SHEET 1	286 BROADWAY STREET CAMBRIDGE MASSACHUSETTS				
PLAN NO. 1 OF 1					
CLIENT:	PROPOSED SITE PLAN				SHEET NO.  1
DRAWN BY D.N.	 <b>PETER NOLAN &amp; ASSOCIATES LLC</b> LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS 80 JEWETT STREET NEWTON, MA. SUITE 1 PHONE: 857 891 7478 EMAIL: pnolan@pnasurveyors.com				
CHKD BY P.J.N					
APPD BY P.J.N					





Market St

BA

BA

X

Linwood Ct

Boardman St

Norfolk Ct

Richardson St

OS

Harvard St







































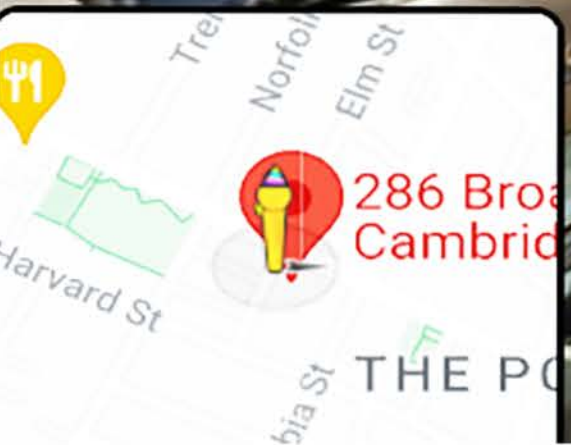
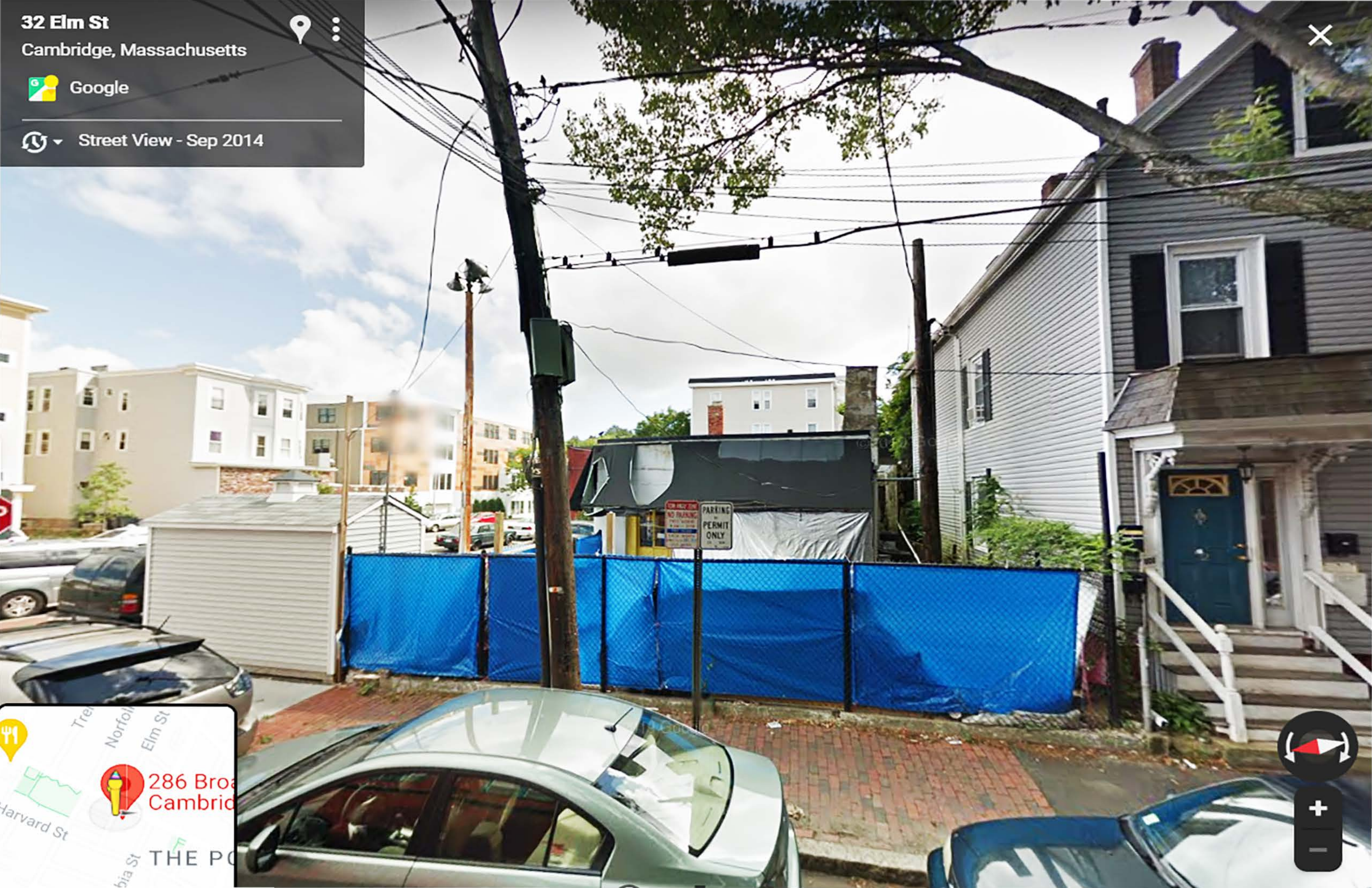
32 Elm St  
Cambridge, Massachusetts



Google

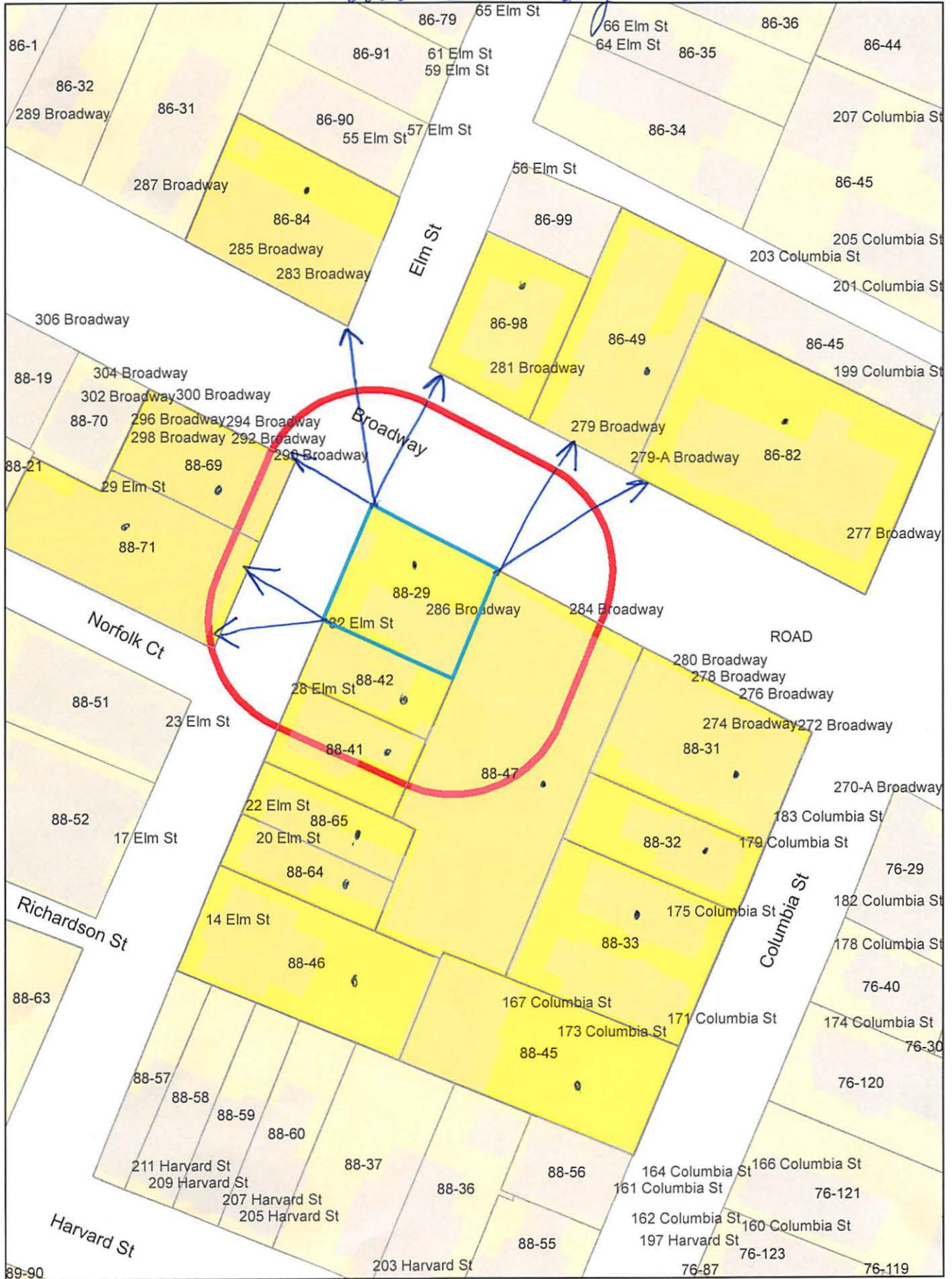


Street View - Sep 2014





286 Broadway





286 Broadway

Peabody

88-33  
CAMBRIDGE COMMUNITY HOUSING  
DEVELOPMENT, INC.  
810 MEMORIAL DR. - SUITE 102  
CAMBRIDGE, MA 02139

88-42  
PINCUS, DAVID F.  
32 ELM ST  
CAMBRIDGE, MA 02139

GCD ARCHITECTS  
C/O ADAM GLASSMAN, R.A  
2 WORTHINGTON STREET  
CAMBRIDGE, MA 02138

88-64-65  
RAIMO, DAVID P. & CHRISTINA M. RAIMO  
23 OLD ROWLEY RD  
NEWBURY, MA 01951

86-84  
WALTER, CHRISTOPHER & F. ERCAN KORKMAZ,  
TRS. NAMKA REALTY TRUST  
283 BROADWAY  
CAMBRIDGE, MA 02139

86-82  
277 BROADWAY, LLC.  
277 BROADWAY  
CAMBRIDGE, MA 02139

86-49  
AMARAL, ANTONIO & ANN B. AMARAL  
8 BURLINGTON STREET  
BURLINGTON, MA 01803-4734

88-45  
MEDEIROS, ANTONIO & MICHAEL VITAL,  
JOAO CARVALHO,  
TRUSTEES OF THE JAM REALTY TRUST  
732 CAMBRIDGE ST  
CAMBRIDGE, MA 02141-1401

88-31  
CHICCARELLI REAL ESTATE, INC. 1  
P.O. BOX 2215  
ACTON, MA 01720-2215

88-32  
O'CONNOR, BENJAMIN & KRISTIN RAVEN  
179 COLUMBIA STREET  
CAMBRIDGE, MA 02139

88-46  
LAGOS, ROBERT S.  
14 ELM ST. 14/1  
CAMBRIDGE, MA 02139

88-47  
284 BROADWAY LLC  
313 PARK AVE  
ARLINGTON, MA 02474

88-71  
GANI, MOHAMMED O.  
29 ELM ST., UNIT #1  
CAMBRIDGE, MA 02142

88-71  
JOHNSON, NILS  
29 ELM ST., UNIT #3  
CAMBRIDGE, MA 02139

88-41  
MCHENRY, BRUCE A.  
28 ELM ST  
CAMBRIDGE, MA 02139-1810

88-46  
DELANCEY, JOHN CHARLES AND  
HELENA MING-CHU CHANG  
16 ELM ST  
CAMBRIDGE, MA 02139

88-46  
PUREKA, MICHAEL T. & YUAN-MIN CHONG  
14-2 ELM ST  
CAMBRIDGE, MA 02139

86-98  
NAGLE, BRIAN & KATHLEEN GENOVA  
31 ARBORWAY  
EASTON, MA 02356

86-98  
XIE, HUANGMING & MIAOQING FANG  
281 BROADWAY, UNIT #1  
CAMBRIDGE, MA 02139

88-69  
SHIRIN & AIBEK, LLC  
294 BROADWAY  
CAMBRIDGE, MA 02139

88-69  
SHIRIN & AIBEK, LLC  
294 BROADWAY  
CAMBRIDGE, MA 02139

88-69  
KORKMAZ FUAT ERCAN & LEMLEM B KORKMAZ  
290-300 BROADWAY UNIT 294  
CAMBRIDGE, MA 02139

88-69  
SHIRIN & AIBEK, LLC  
294 BROADWAY  
CAMBRIDGE, MA 02139

88-69  
WALTER, CHRISTOPHER & ARTI PANDEY  
296 BROADWAY  
CAMBRIDGE, MA 02139

88-69  
YAYLA, INC  
283 BROADWAY  
CAMBRIDGE, MA 02139

88-71  
29-2 ELM STREET LLC  
29 ELM ST #2  
CAMBRIDGE, MA

88-71  
MASON, GEOFFREY M.,  
TRUSTEE THE 29-4 ELM STREET TRUST  
C/O ELM ST #4  
CAMBRIDGE, MA 02139

88-71  
29-5 ELM STREET LLC  
29 ELM ST UNIT #5  
CAMBRIDGE, MA 02139

88-29  
FL BROADWAY LLC  
200 FALCON ST  
BOSTON, MA 02128

86-98  
MA BOTONG  
281 BROADWAY - UNIT 3  
CAMBRIDGE, MA 02139





















PERMEABLE PAVERS



BOLLARD-STYLE PATH LIGHTS



BACK FENCE: CEDAR WITH COLOR DETAIL



STEPPING STONE PATH



MIXED TREES, SHRUBS, AND PERENNIALS





July 6th 2022

Maria Pacheco  
City of Cambridge, Board of Zoning Appeals  
831 Massachusetts Avenue  
Cambridge MA 02139

**RE: 286 Broadway, Cambridge 02139**

Dear Board of Zoning Appeals:

I have had the opportunity to review the proposed plans to construct a new (2) family dwelling at **286 Broadway, Cambridge**. As an abutter to the project, I would like to express my full support for the proposed design which is a welcome and appropriate addition to our streetscape.

The proposed project will cause no adverse effects to the neighborhood. In fact, the proposed building is attractive and will enhance the prominent corner of Broadway and Elm Street which has for far too long been under-utilized. The lot has for many years been a mean black asphalt surface with a former mechanic's shop which remains closed and long past its useful life. The state of the lot is shabby and unfortunate, and we applaud this proposed development which will improve our neighborhood.

The proposed structure will provide the city with (2) additional needed dwelling units designed for families and will do so without any loss of existing street parking. Additionally, the proposed design will include the removal of all surface asphalt and the creation of new and attractive landscape buffers on all sides. The new building is well proportioned, maintains the scale of the neighborhood and would be a positive addition.

The existing corner lot is small and impossible to utilize and improve without even the most minimal zoning relief. Therefore, I urge the Cambridge BZA to approve the requested zoning relief to allow this sensible project to proceed.

*AC Jones*

AC Jones, Co-Founder, Lamplighter Brewing Co.

284 Broadway, Cambridge, MA 02139

[acjones@lamplighterbrewing.com](mailto:acjones@lamplighterbrewing.com)

860-841-3637



# Signature Certificate

Reference number: FOSP4-86VHM-NXTHH-EXIEV

## Signer

## Timestamp

## Signature

### AC Jones

Email: acjones@lamplighterbrewing.com

Sent:

06 Jul 2022 14:21:13 UTC

Viewed:

06 Jul 2022 14:22:08 UTC

Signed:

06 Jul 2022 14:23:08 UTC

*AC Jones*

### Recipient Verification:

✓ Email verified

06 Jul 2022 14:22:08 UTC

IP address: 174.242.75.88

Location: Boston, United States

Document completed by all parties on:

06 Jul 2022 14:23:08 UTC

Page 1 of 1



Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 30,000+ companies worldwide.





JULY 7th, 2022

Maria Pacheco  
City of Cambridge, Board of Zoning Appeals  
831 Massachusetts Avenue  
Cambridge MA 02139

**RE: 286 Broadway, Cambridge 02139**

Dear Board of Zoning Appeals: We have had the opportunity to review the proposed plans to construct a new (2) family dwelling at 286 Broadway, Cambridge. As both owners and abutters to the project, we would like to express our support for the proposed design which is a welcome and appropriate addition to our streetscape.

We feel the proposed project will enhance the prominent corner of Broadway and Elm Street which has for far too long been both under-utilized and an eye sore. The lot has for many years been a stark asphalt surface with a former mechanic's garage which remains closed and long past its useful life. The state of the lot is shabby and unfortunate, and we applaud this proposed development which will improve our neighborhood substantially.

The proposed structure will provide the city with (2) additional badly needed family friendly dwelling units and will do so without any loss of existing street parking. The proposed design will include the removal of all surface asphalt and the creation of attractive landscape buffers on all sides. The new building maintains the scale of the neighborhood and would be a positive addition.

This existing corner lot was on the market for several years, and is difficult to utilize and improve without even the most minimal zoning relief. Therefore we, abutters all, urge the Cambridge BZA to approve the requested zoning relief to allow this sensible project to proceed.

Sincerely,

[NAMES]	[ADDRESSES]	[TELEPHONE]	[EMAIL]
David Pincus	32 Elm Street	857-244-5677	<a href="mailto:dfpincus@gmail.com">dfpincus@gmail.com</a>
Bruce McHenry	28 Elm Street	650-656-0060	<a href="mailto:bruce@discussit.org">bruce@discussit.org</a>
David & Tina Raimo	18 & 22 Elm Street	978-462-0764	<a href="mailto:cmraimo@gmail.com">cmraimo@gmail.com</a>
Michael Pureka & Yuan-Min Chong	14 Elm Street #2	617-828-4111	<a href="mailto:mpureka@gmail.com">mpureka@gmail.com</a>
Mohammed Gani	29 Elm Street #1		