



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2021 JUN -2 PM 3: 10

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 120369

General Information

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

Special Permit: _____

Variance: X

Appeal: _____

PETITIONER: Bostonian Investment Realty Group, LLC C/O James J. Rafferty

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

LOCATION OF PROPERTY: 35 Berkshire St., Cambridge, MA

TYPE OF OCCUPANCY: multi family

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

/Rear Decks/

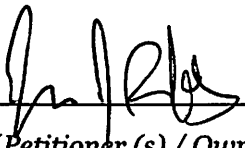
DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner seeks to construct rear decks to existing three family residential building.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000	Section: 5.31 (Table of Dimensional Requirements).
Article: 8.000	Section: 8.22.3 (Non-Conforming Structure).
Article: 10.000	Section: 10.30 (Variance).

Original
Signature(s):


(Petitioner (s) / Owner)

James J. Rafferty, Attorney for Petitioner
(Print Name)

Address:

Tel. No. 617.492.4100
E-Mail Address: jrafferty@adamsrafferty.com

Date: 6/1/221

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

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

Bostonian Investment Realty Group, LLC

(Owner or Petitioner)

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

Location of Premises: 35-37 Berkshire Street

the record title standing in the name of Bostonian Investment Realty Group, LLC

whose address is 2 Neptune Road, Boston MA 02128

(Street)

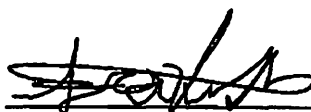
(City or Town)

(State & Zip Code)

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

Book 75140 Page 165 or _____ Registry

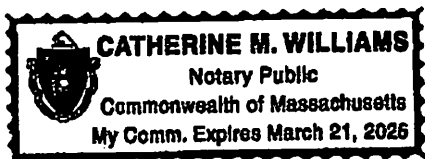
District of Land Court Certificate No. _____ Book _____ Page _____



(Manager)

=====

On this 11 day of May, 2021, before me, the undersigned notary public, personally appeared Wilfredo Villanueva proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Catherine Williams
Notary Public

My commission expires: 3/21/25

SUPPORTING STATEMENT FOR A VARIANCE

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

- A)** A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:
- A literal enforcement of the Ordinance would prevent the petitioner from constructing decks that will allow each tenant of the building to have access to outdoor space.
- 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 hardship is directly related to the undersized nature of the lot and the location of the building thereon.
- C)** **DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**
- 1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The proposed decks do not extend beyond the existing setbacks.

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

The nature and intensity of the use of this three family structure will not change by the creation of the proposed rear decks.

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

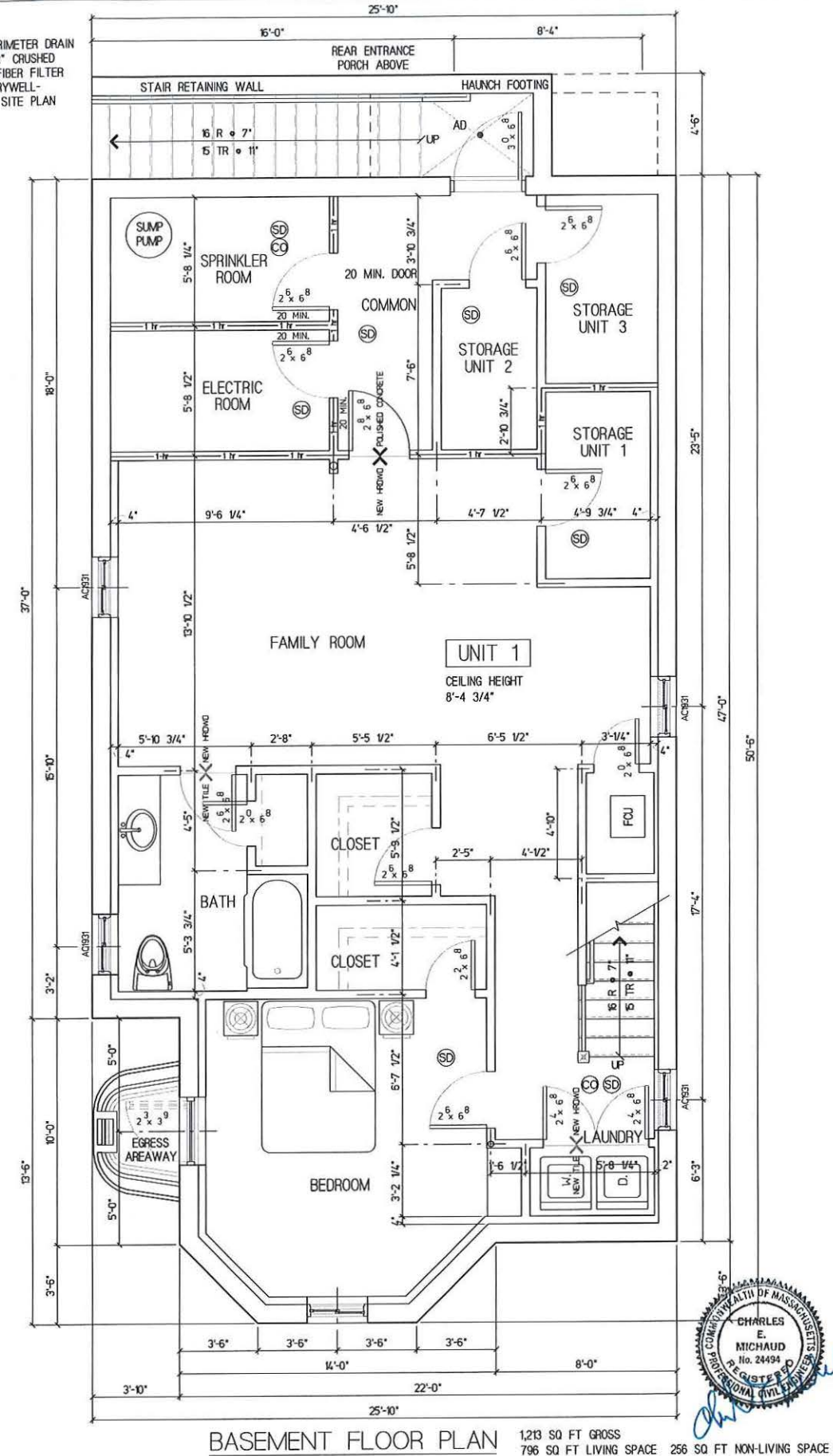
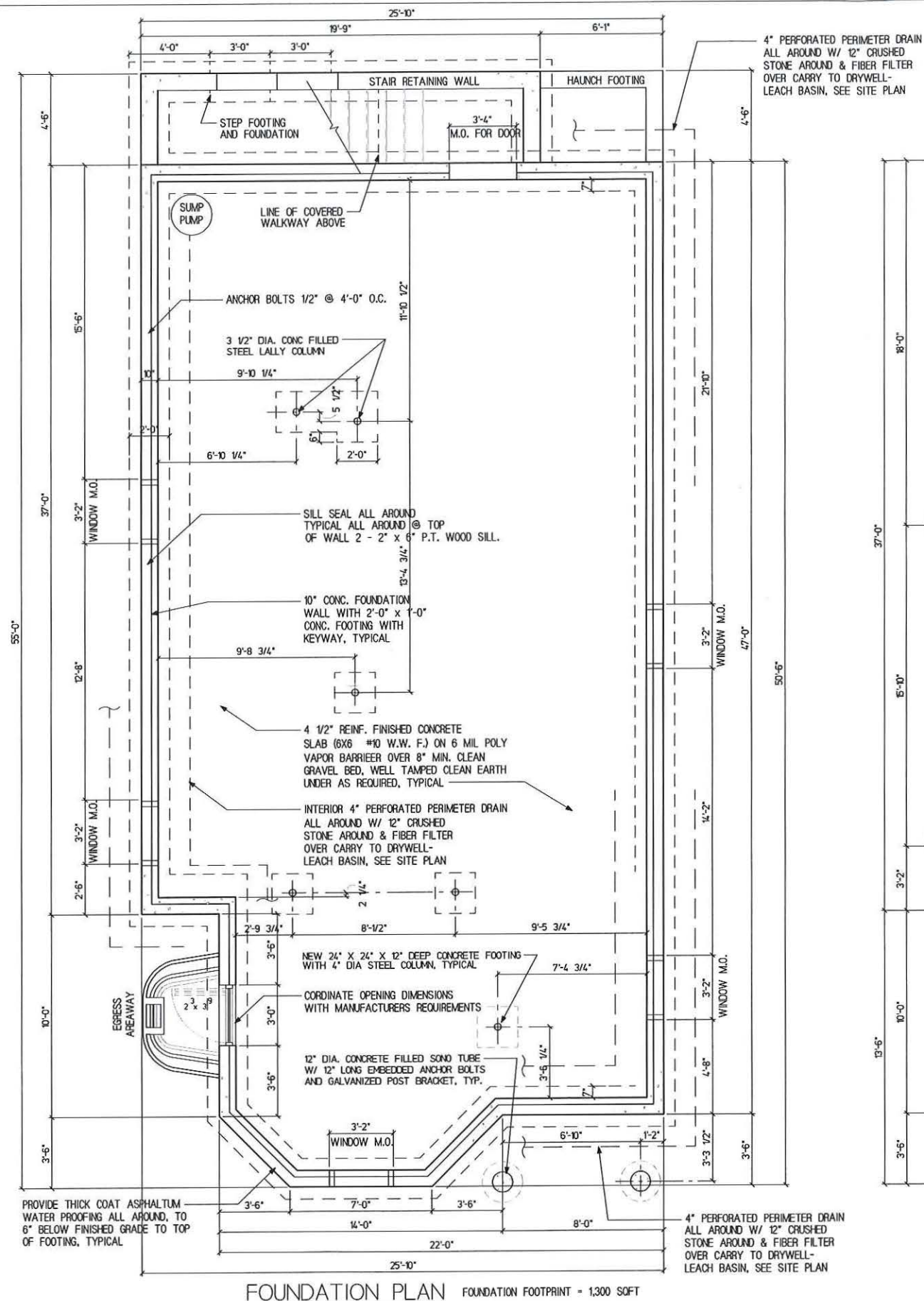
BZA Application Form**DIMENSIONAL INFORMATION****Applicant:** Bostonian Investment Realty Group, LLC**Present Use/Occupancy:** multi family**Location:** 907 Massachusetts Avenue**Zone:** Residence C-1 Zone**Phone:** 617.492.4100**Requested Use/Occupancy:** multi family

	<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	4,729	4,971	2,135	(max.)
<u>LOT AREA:</u>	2,847	no change	5,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>	1.66	1.78	.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>	949 sf	no change	1,500 sf	
<u>SIZE OF LOT:</u>				
WIDTH	33.5'	no change	50'	
DEPTH	85'	no change	N/A	
<u>SETBACKS IN FEET:</u>				
FRONT	2.3'	no change	22.8'	
REAR	32.2'	27.7'	22.8'	
LEFT SIDE	5.9'	no change	19.66'	
RIGHT SIDE	1.4'	no change	17.66'	
<u>SIZE OF BUILDING:</u>				
HEIGHT	28.4'	no change	35'	
WIDTH	25.8'	no change	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	24.2	20	30	
<u>NO. OF DWELLING UNITS:</u>	3	no change	1	
<u>NO. OF PARKING SPACES:</u>	3	no change	3	
<u>NO. OF LOADING AREAS:</u>	N/A	no change	N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>	N/A	no change	N/A	

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

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

BZA Application Form



Bourque Design
Architectural Design from
Concept to Construction

Ron Bourque, Architect
AIA, NCARB, CS, LEED GA

rbourqdesign@gmail.com
TEL: 504-664-0434
10 Williams Ave. #1415

BD

Bourque
Design

Client Name: New Residence for
Bostonian Investment Realty Group LLC
35 Berkshire Street, Cambridge, MA

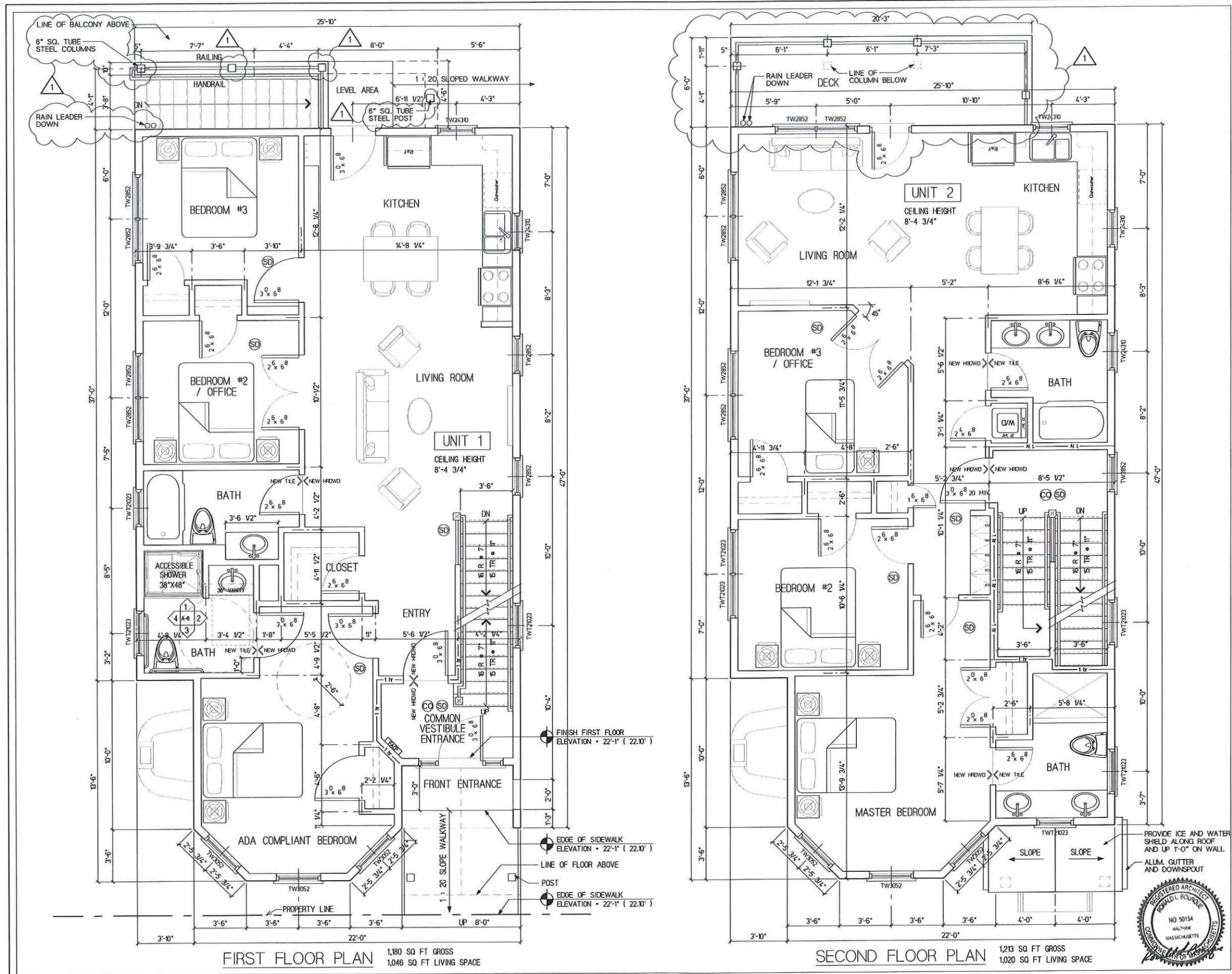
Sheet Title: FOUND. / BASEMENT FLOOR PLANS

Sheet: A1 of 9

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ISSUED FOR PERMIT REVISION - SEPTEMBER 24, 2020

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



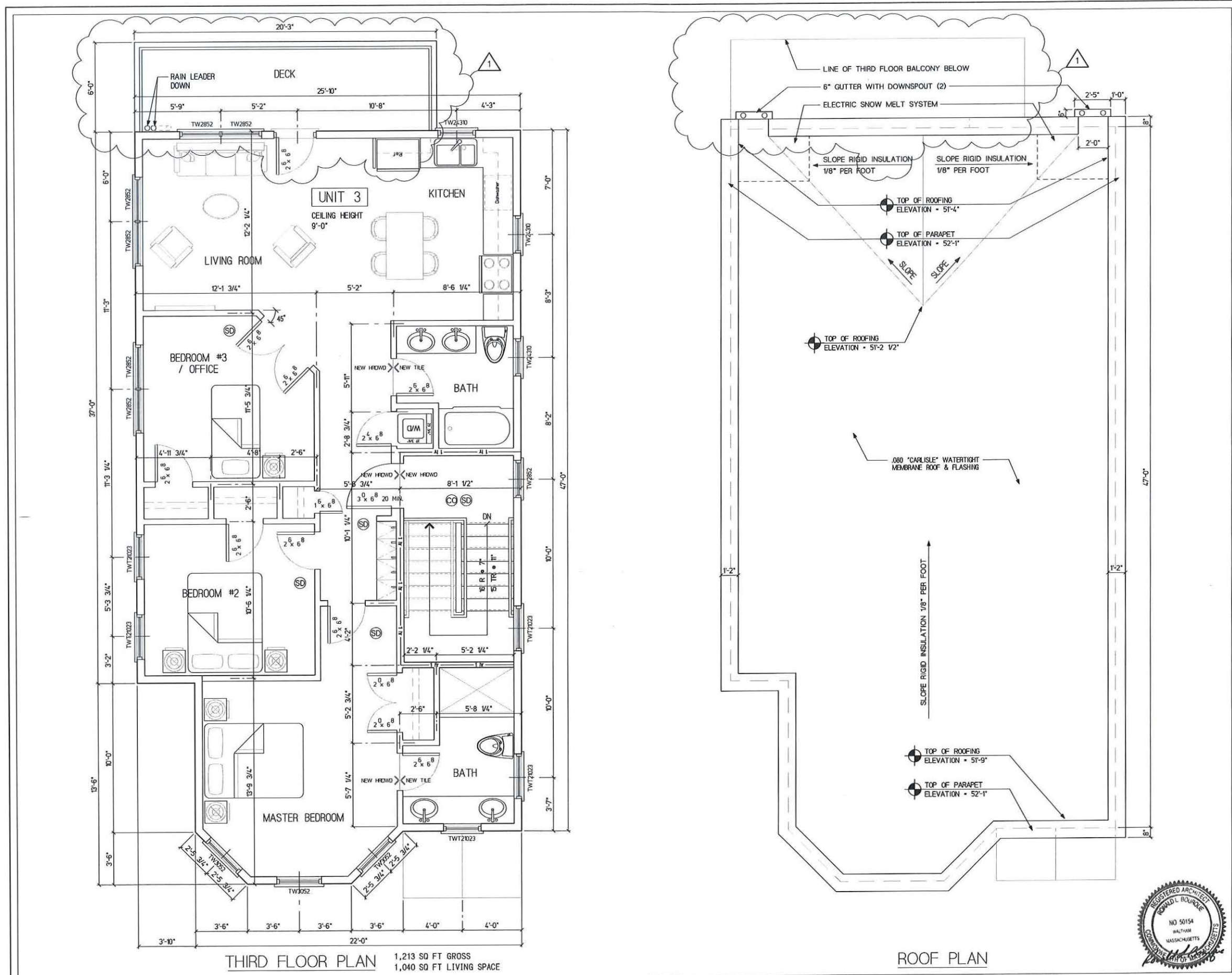
Bourque Design
Registered Architect
Ron Bourque, Architect
AIA No. 6444, CA, 12345-CA
100 Main St., Suite 200
Cambridge, MA 02142
Tel: 617-552-1234

Client Name:
**New Residence for
Bostonian Investment Realty Group LLC
35 Berkshire Street, Cambridge, MA**

Sheet Title:
**FIRST / SECOND
FLOOR PLANS**

Sheet:
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of 9

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Bourque Design
 Architectural Design Firm
 Commercial & Residential
 Ron Bourque - Architect
 AIA, NCARB, CC, LEED v4
 1000 Beacon St., Suite 200
 Cambridge, MA 02138
 617-452-4641
 www.bourquedesign.com

Client Name:
**New Residence for
 Bostonian Investment Realty Group LLC**
 35 Berkshire Street, Cambridge, MA

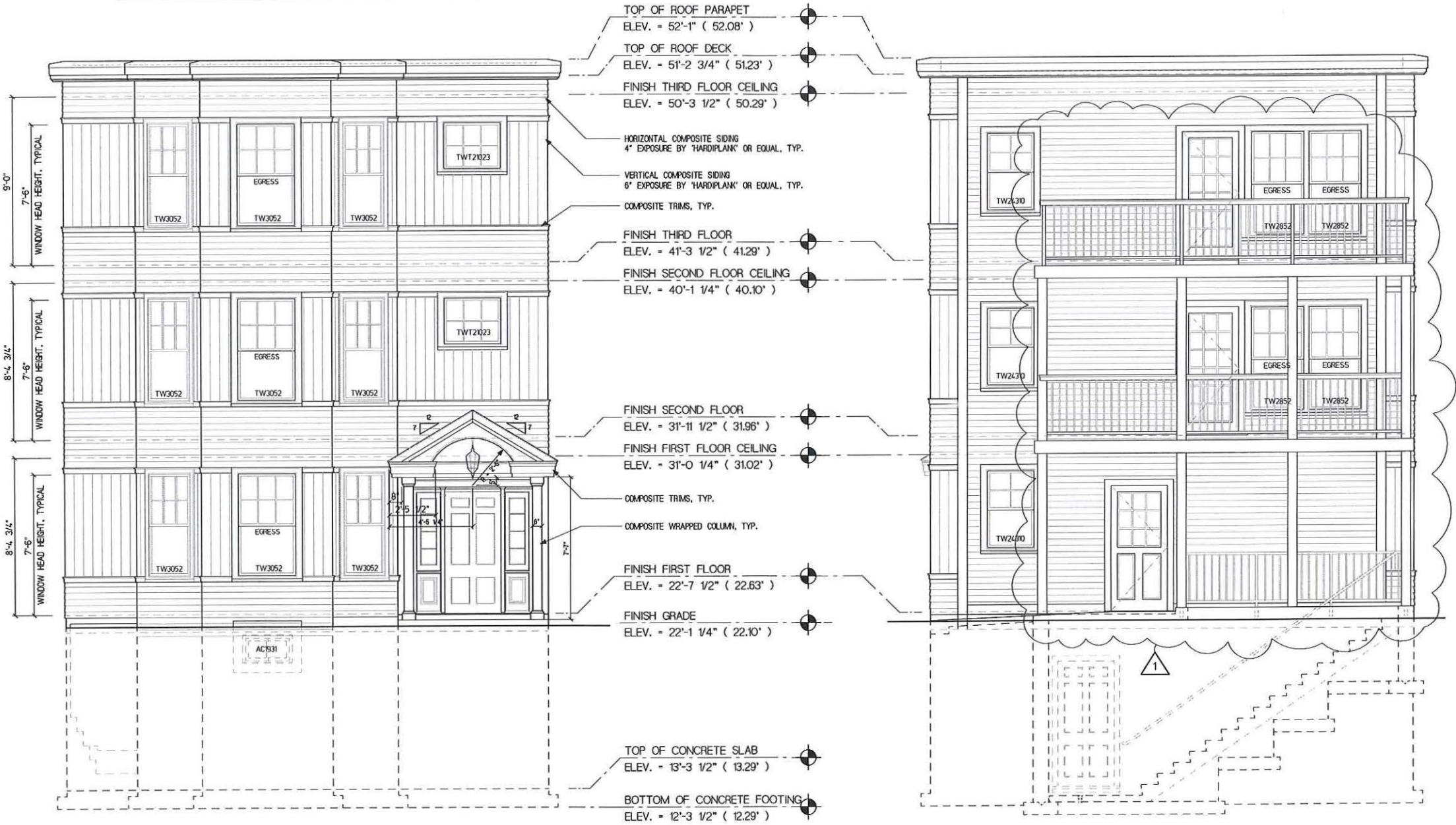
Sheet Title:
**THIRD FLOOR / ROOF
 PLAN**

Sheet:
A3
 of 9

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FRONT ELEVATION OPENING SIZES					
TYPE	QTY	MODEL NUMBER	ROUGH OPENING	SQ. FT.	SUBTOTAL
WINDOW	2	TWT2023	1'-10" 1/8" x 5'-0" 7/8"	1.08	2.16
WINDOW	9	TW3052 - EGRESS	3'-2" 1/8" x 5'-4" 7/8"	17.20	154.80
DOOR	1	6'-0" x 6'-8"	6'-2" 1/2" x 6'-10" 1/2"	42.11	42.11
TOTAL WALL SQ. FT.					899.12
TOTAL OPENING SQ. FT.					199.07
PERCENTAGE OF OPENINGS					22 %

REAR ELEVATION OPENING SIZES					
TYPE	QTY	MODEL NUMBER	ROUGH OPENING	SQ. FT.	SUBTOTAL
WINDOW	4	TW2852 - EGRESS	2'-10" 1/8" x 5'-4" 7/8"	15.36	122.88
WINDOW	3	TW2430	2'-6" 1/8" x 4'-0" 7/8"	10.22	30.66
DOOR	1	3'-0" x 6'-8"	3'-2" 1/2" x 6'-10" 1/2"	22.06	22.06
TOTAL WALL SQ. FT.					748.65
TOTAL OPENING SQ. FT.					175.60
PERCENTAGE OF OPENINGS					23 %



○ FRONT ELEVATION - BERKSHIRE STREET
SCALE 1/4"=1'-0"

○ REAR ELEVATION
SCALE 1/4"=1'-0"



Bourque Design
Architectural Design Firm
Commercial & Residential
Ron Bourque, Architect
AIA, NCMA, C.A. 2010
781-264-4444
www.bourquedesign.com
Boston, MA 02120

BD
Bourque Design

Client Name:
New Residence for
Bostonian Investment Realty Group LLC
35 Berkshire Street, Cambridge, MA

Sheet Title:
FRONT / REAR
ELEVATIONS

Sheet:
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of 9

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MAXIMUM BUILDING HEIGHT = 35'-0"
ELEV. = 57'-1 1/4"

TOP OF ROOF PARAPET
ELEV. = 52'-1" (52.08')

TOP OF ROOF DECK
ELEV. = 51'-2 3/4" (51.23')

FINISH THIRD FLOOR CEILING
ELEV. = 50'-3 1/2" (50.29')

FINISH THIRD FLOOR
ELEV. = 41'-3 1/2" (41.29')

FINISH SECOND FLOOR CEILING
ELEV. = 40'-1 1/4" (40.10')

FINISH SECOND FLOOR
ELEV. = 31'-11 1/2" (31.96')

FINISH FIRST FLOOR CEILING
ELEV. = 31'-0 1/4" (31.02')

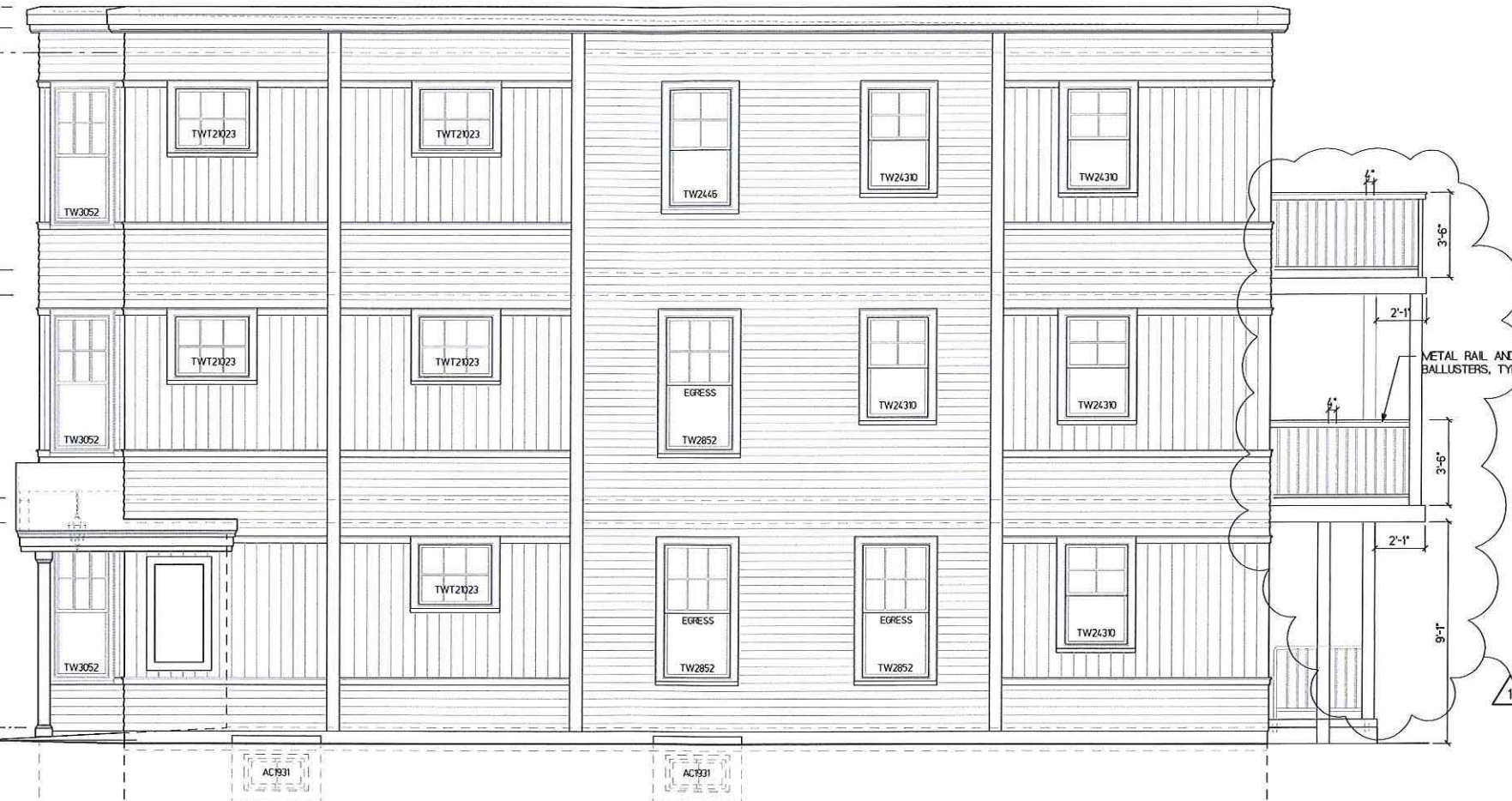
FINISH FIRST FLOOR
ELEV. = 22'-7 1/2" (22.63')

FINISH GRADE
ELEV. = 22'-1 1/4" (22.10')

TOP OF CONCRETE SLAB
ELEV. = 13'-3 1/2" (13.29')

BOTTOM OF CONCRETE FOOTING
ELEV. = 12'-3 1/2" (12.29')

RIGHT ELEVATION OPENING SIZES					
TYPE	QTY	MODEL NUMBER	ROUGH OPENING	SQ. FT	SUBTOTAL
WINDOW	3	TW2852 - EGRESS	2'-10 1/8" x 5'-4 7/8"	15.36	46.08
WINDOW	5	TW2430	2'-6 1/8" x 4'-0 7/8"	10.22	51.10
WINDOW	5	TWT2023	1'-10 1/8" x 5'-0 7/8"	1.08	5.40
WINDOW	1	TW2446	2'-6 1/8" x 4'-8 7/8"	11.90	11.90
TOTAL WALL SQ. FT					1,375.72
TOTAL OPENING SQ. FT					114.48
PERCENTAGE OF OPENINGS					8 %



RIGHT ELEVATION
SCALE 1/4"=1'-0"



Client Name:
New Residence for
Bostonian Investment Realty Group LLC
35 Berkshire Street, Cambridge, MA

Sheet Title:
RIGHT
ELEVATION

Sheet:
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of 9

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ISSUED FOR PERMIT REVISION - SEPTEMBER 24, 2020

1 REV 1 BALCONY ADDITION 03-29-2021

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

CURRENT OWNER: MARIA G COELHO

THIS PLAN WAS PREPARED WITHOUT A FULL TITLE EXAMINATION AND IS NOT A CERTIFICATION TO THE TITLE OF THE LANDS SHOWN. THE OWNERSHIP OF ABUTTING PROPERTIES IS ACCORDING TO ASSESSORS RECORDS. THIS PLAN MAY OR MAY NOT SHOW ALL ENCUMBRANCES WHETHER EXPRESSED, IMPLIED OR PRESCRIPTIVE.

SURVEYOR'S CERTIFICATION:

TO: WILFREDO VILLANUEVA

I CERTIFY THAT THIS PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE GENERALLY ACCEPTABLE PRACTICES OF LAND SURVEYORS IN THE COMMONWEALTH OF MASSACHUSETTS FOR A PLAN AND SURVEY OF THIS TYPE. THIS CERTIFICATION IS MADE ONLY TO THE ABOVE NAMED INDIVIDUAL(S) AND IS NULL AND VOID UPON ANY FURTHER CONVEYANCE OF THIS PLAN.

THE FIELD WORK WAS COMPLETED ON: JUNE 21, 2016
DATE OF PLAN: JUNE 22, 2016
REVISION: OCTOBER 18, 2016
REVISION: MARCH 17, 2017
REVISION: SEPTEMBER 25, 2020 (WALKWAYS)

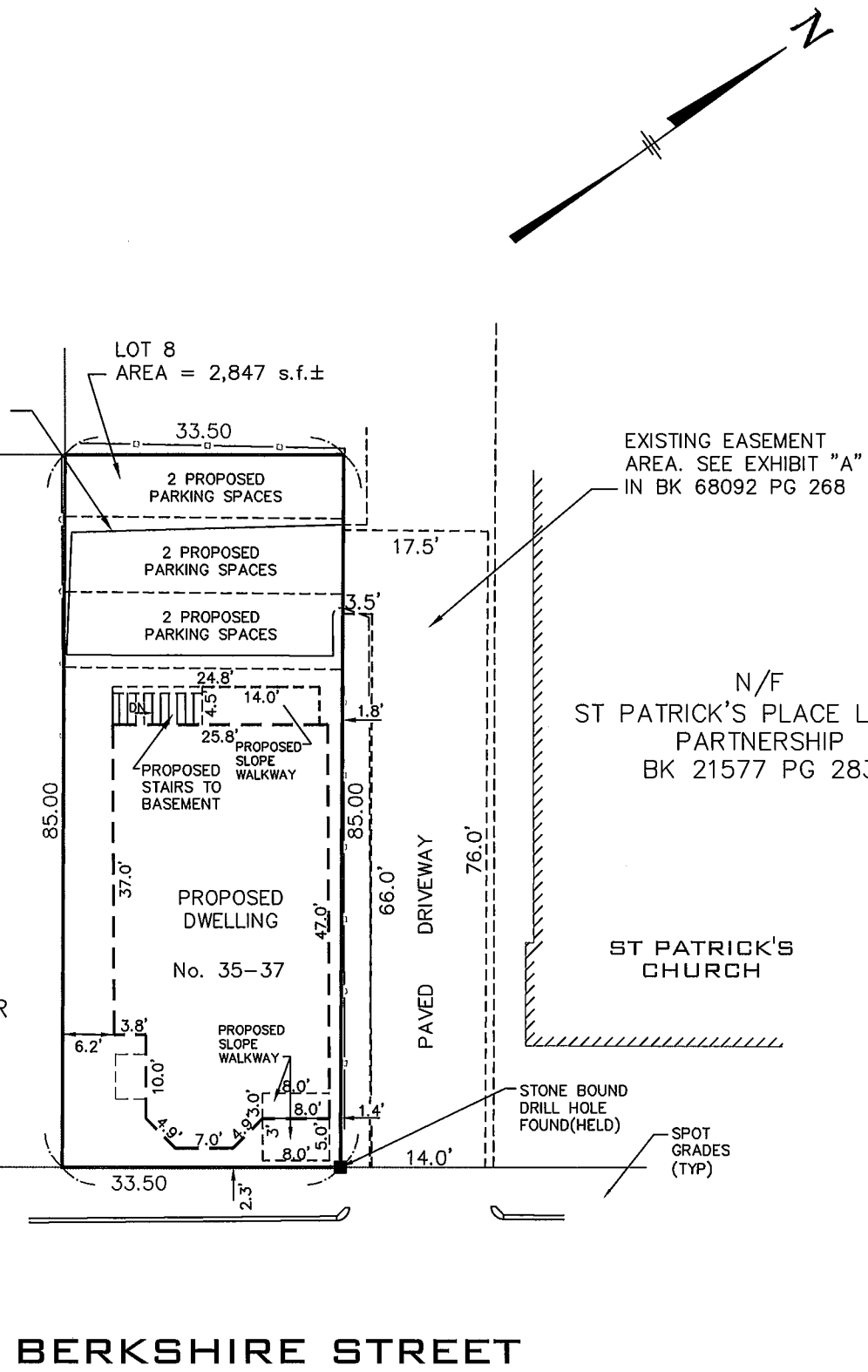
 09/25/2020
RICHARD J. MEDE, JR. P.L.S. DATE:



N/F
JOHN & ANNE MARIE
CICCARELLI
BK 17057 PG 476
37 PLYMOUTH STREET

N/F
ELISABETH T MOSS
BK 47771 PG 149
33 PLYMOUTH STREET

N/F
ANN CAMARA
RICHARD ANDREW & LINDA
DELL'OLIO
EMILY BUSWELL & KAREN FULLER
BK 65968 PG 498
27 BERKSHIRE STREET

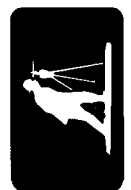


BERKSHIRE STREET

BENCHMARK: X-CUT ON
RIM SEWER MANHOLE.
ELEV = 22.19

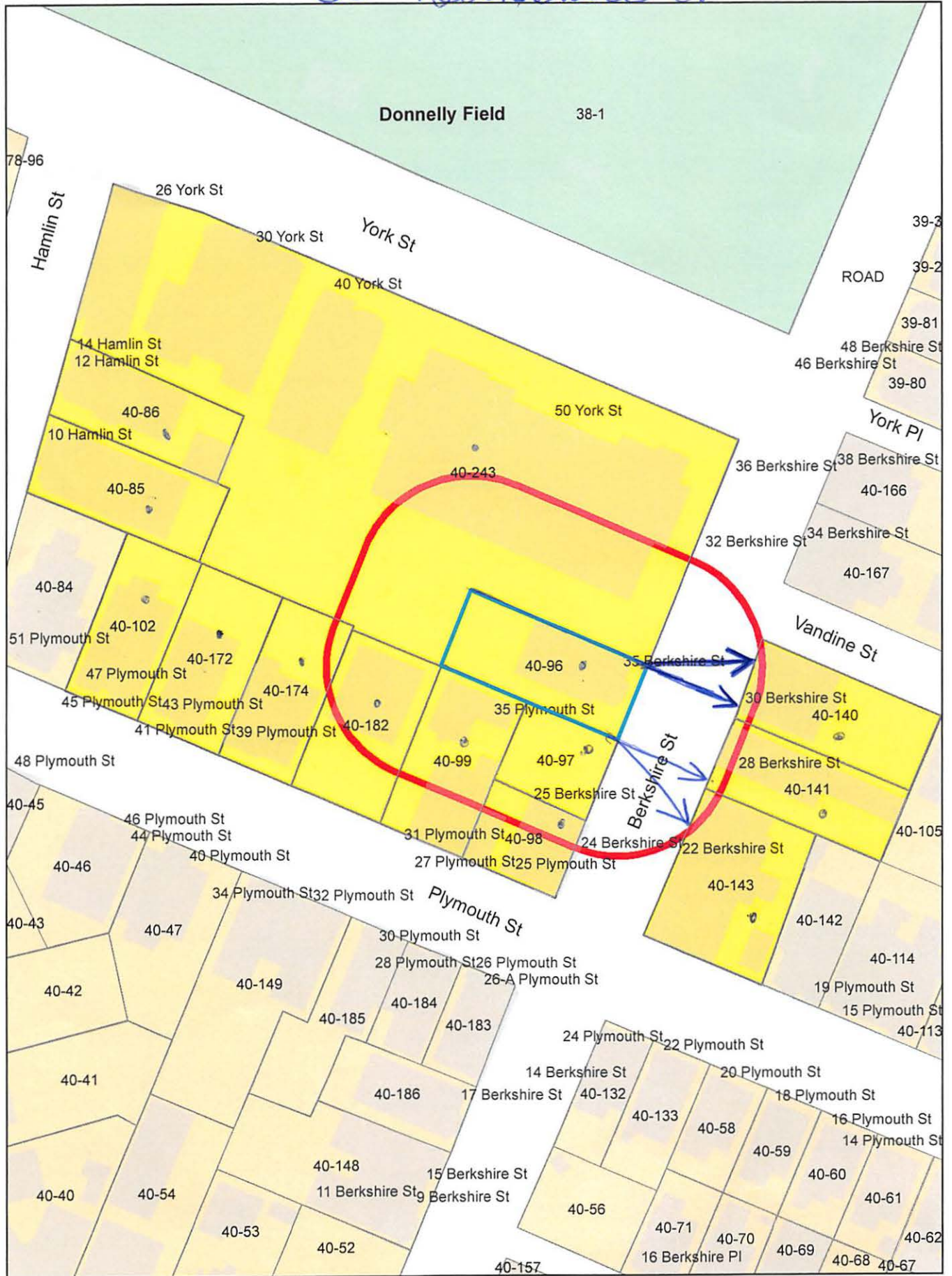
CERTIFIED PLOT PLAN
35-37 BERSHIRE STREET
CAMBRIDGE, MA.
(MIDDLESEX COUNTY)

PREPARED BY:


**MEDFORD
ENGINEERING
& SURVEY**
ANGELO B. VENEZIANO ASSOCIATES
15 HALL STREET, MEDFORD, MA 02155
781-396-4466 fax: 781-396-8052

PREPARED FOR:	WILFREDO VILLANUEVA		
	DRAWN CAV	CHECKED RJM	FILE No. 19464

35 Berkshire St.



35 Berkshire St.

Petitioner

40-172
GALVIN, DANIEL P., JR.
12 RIVER PARK ST
NEEDHAM, MA 02194

40-174
SULLIVAN, ANNA E., A LIFE ESTATE
41 PLYMOUTH ST
CAMBRIDGE, MA 02141

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE - 3RD FL.
CAMBRIDGE, MA 02139

40-143
BAIROS, JOAO DE ANDRADE
59 PLYMOUTH ST
CAMBRIDGE, MA 02141-1923

40-85
CAMARA, ALVARO & TERESA CAMARA
TR. OF CAMARA IRREVOCABLE TRUST.
10 HAMLIN ST
CAMBRIDGE, MA 02141

40-102
PUZYN, STEPHEN & LORRAINE PUZYN
49 PLYMOUTH ST
CAMBRIDGE, MA 02141

40-99
31 PLYMOUTH ST. LLC
90 SPENCER AVE
CHELSEA, MA 02150

40-243
JAS CONSOLIDATED PROPERTIES LLC
C/O JAS CORPORATION
1035 CAMBRIDGE ST., #12
CAMBRIDGE, MA 02141

40-182
CICCARELLI, JOHN A. & ANNE MARIE CICCARELLI
37 PLYMOUTH ST.
CAMBRIDGE, MA 02141

40-98
25-27 PLYMOUTH LLC
228 WESTERN AVE
CAMBRIDGE, MA 02139

40-140
30 BERKSHIRE STREET, LLC
18 NEWBURY STREET #4
BOSTON, MA 02116

40-86
SU, NANCY, ZHINAN XIA & DAVID XIA
22 GROVE STREET #1
WALTHAM, MA 02453

40-141
S-G 28 BERKSHIRE LLC
26 TARA DR
NORWELL, MA 02061

40-97
CE BERKSHIRE STREET LLC
25 NUTTER RD
NORTH READING, MA 01864

40-96
BOSTONIAN INVESTMENT REALTY GROUP LLC
2 NEPTUNE RD STE 411
BOSTON, MA 02128















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: Derek Conte Date: 7/12
(Print)

Address: 35 Berkshire St.

Case No. BZA-120369

Hearing Date: 7/29/21

Thank you,
Bza Members