

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

BZA APPLICATION FORM

Plan No:

BZA-017054-2018

GENERAL INFORMATION

The under	signed hereby petitio	ns the Boa	rd of Zoning A Variance :	RVE	e following: Appeal:		
PETITION	·	outh LLC	- C/O Jame)		
	ER'S ADDRESS :				Cambridge, MA 02139		
LITTON	ER O ADDICEOU .		w 20 W 10 00	0 00 00 00 00 00	OPEN STATE AND A		
LOCATION OF PROPERTY: 35-37 Berkshire St Cambridge, MA 02141					ge, MA 02141		
TYPE OF (OCCUPANCY:		ZONING DISTRICT: Residence C-1 Zone				
REASON F	FOR PETITION :						
	Other	Reconst	ruction				
DESCRIPT	ION OF PETITIONER	'S PROPOS	AL:				
no. 0136	Dication seeks 511-2017 which 1	apsed in	November.	ariance and	nd special permit granted in BZA Case		
Article				e of Dimer	ensional Requirements).		
Article		Section	6.35.1 (Reduction in Required Parking).				
Article	8.000	Section	8.22.2C (Windows).				
Article	8.000	Section	8.22.3, 8.23 (Nonconforming Structure).				
Article	10.000	Section	10.30 (Variance) & 10.40 (Special Permit).				
			Original Sign	ature(s):	(Petitioner(s) / Owner) James J. Rafferty, Esq.		
					(Print Name)		
				Address :	907 Massachusetts Avenue		
					Cambridge, MA 02139		
				Tel. No. :	(617) 492-4100		
	E-Mail Address : jrafferty@adamsrafferty.com						
Date:	December 21, 201	8					

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

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

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

The petitioner's property was destroyed by fire.

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

The hardship is directly related to the destruction of the prior structure by fire and the size of the lot.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

Substantial detriment to the public good for the following reasons:

The public good will not suffer as a result of the reconstruction of this residential building in a neighborhood that suffered the loss of dozens of dwelling units.

- Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:
 The proposed building is not inconsistent with the multi-family uses prevalent in the zoning district, including the abutting structure that contains 32 dwelling units.
- * If You have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 35-37 Berkshire St Cambridge, MA 02141 (location) would not be a detriment to the public interest because:

- Approximately Requirements of the Ordinance can or will be met for the following reasons:

 Article 8.22.2(c) permits the creation of windows on non-conforming walls when, as in this case, there are no further violations of the dimensional requirements of Article 5.000.
- B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

There will not be any change in traffic patterns as a result of adding windows.

The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

Adjacent uses will not be affected since the use of the property as a residential building will not be changed.

Nuisance or hazard would not be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:

Adding windows will benefit the health, safety and welfare of the occupants of this dwelling.

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

The proposed windows will not change the use of the property and are consistent with the residential uses in the district.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

James Rafferty, Esq. APPLICANT: PRESENT USE/OCCUPANCY: three family

ZONE: Residence C-1 Zone 35-37 Berkshire St Cambridge, MA 02141 **LOCATION:**

PHONE: **REQUESTED USE/OCCUPANCY:** three family **EXISTING** REQUESTED **ORDINANCE CONDITIONS CONDITIONS** REQUIREMENTS 4,729 sf N/A 2,135 sf TOTAL GROSS FLOOR AREA: (max.) 2,847 sf no change 5,000 sf (min.) LOT AREA: n/a 1.66 .75 RATIO OF GROSS FLOOR AREA (max.) TO LOT AREA: 949 sf 711 sf 1,500 sf LOT AREA FOR EACH DWELLING UNIT: (min.) 33.5' 50' no change WIDTH (min.) SIZE OF LOT: 85' no change n/a DEPTH 2.3' 22.08' no change FRONT (min.) SETBACKS IN FEET: 31.8' 32.21 22.08' REAR (min.) 5.5' 5.9' 19.66' LEFT SIDE (min.) 1.4' no change 17.66' RIGHT SIDE (min.). n/a 28.41 35' (max.) SIZE OF BLDG.: HEIGHT n/a 50.51 n/a LENGTH n/a 25.8' n/a WIDTH 28% 24.2% 30% (min.) RATIO OF USABLE OPEN SPACE TO LOT AREA: 3 no change 1 (max.) NO. OF DWELLING UNITS: 3 no change 3 (min./max) NO. OF PARKING SPACES: n/a n/a n/a NO. OF LOADING AREAS: (min.) n/a n/a n/a DISTANCE TO NEAREST BLDG. (min.)

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

ON SAME LOT:

SECTION 5.30 (DISTRICT OF DIMENSIONAL 1. SEE CAMBRIDGE ORDINANCE ARTICLE 5.000. ZONING REGULATIONS).

TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') 2. DIVIDED BY LOT AREA.

OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.



Date:

CITY OF CAMBRILGE **MASSACHUSETTS BOARD OF ZONING APPEAL** 831 MASSACHUSETTS AVENUE CAMBRIDGE, MA 021392019 JAN -2 PM 12: 19 617 349-6100

BZA APPLICATION FORM

OFFICE OF THE CITY CLERK CAMBRIDGE, MASSACHUSETTS BZA-017054-2018 Plan No:

GENERAL INFORMATION

The unders	The undersigned hereby petitions the Board of Zoning Appeal for the following:							
Special Pe	rmit :		Variance :	<u> </u>		Appeal:		
PETITIONE	KHF Plymo	outh LLC	- C/O James	J. Raffer	cty, Esq.			
PETITIONE	ER'S ADDRESS :	907 Ma	ssachusetts	Avenue Ca	mbridge, MA	02139		
LOCATION	OF PROPERTY :	35-37 B	erkshire St	Cambridge	e, MA 02141			
TYPE OF OCCUPANCY :			ZONING DISTRICT: Residence C-1 Zone					
REASON F	OR PETITION :							
	Other: Reconstruction							
DESCRIPT	ION OF PETITIONER	'S PROPOS	SAL:					
	This application seeks to reinstate the variance and special permit granted in BZA Case no. 013611-2017 which lapsed in November.							
SECTIONS	OF ZONING ORDINA	ANCE CITE	D:					
Article	5.000	Section	5.31 (Table	e of Dimen	sional Requi	rements).		
Article	6.000	Section	6.35.1 (Reduction in Required Parking).					
Article	8.000	Section	8.22.2C (Wi	indows).				
Article	8.000	Section	8.22.3, 8.23 (Nonconforming Structure).					
Article	10.000	Section	10.30 (Variance) & 10.40 (Special Permit).					
			Original Signa	ture(s) :	<u></u>	(Petitioner(s) / Owner)		
					James J.	Rafferty, Esq.		
						(Print Name)		
			А	ddress :	907 Massach	husetts Avenue		
					Cambridge,	MA 02139		
			Т	el. No. :	(617) 492-41	00		
				-Mail Addres	s: jrafferty(@adamsrafferty.com		
Date :	December 21, 201	8			1.1			

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Bk: 70325 Pg: 227

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



Bk: 70325 Pg: 227 Doo: DECIS Page: 1 of 3 12/01/2017 02:57 PM

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CAMERILOS, MASSAS MISLITS

CASE NO:	BZA-01361	1-2017	Residence C-1 Zone			
LOCATION:	35-37 Berkshire St Cambridge, MA 02141					
PETITIONER:	KHF Plymouth, LLC - C/O James J. Rafferty, Esq.					
PETITION:	<u>Variance:</u> Petitioner seeks to reconstruct nonconforming three family structure that was recently destroyed by fire and add an additional dwelling unit in the basement.					
		Special Permit: To allow for windows on a nonconforming wall and to provide three				
VIOLATION:	parking sp	aces for four dwelling units.				
Article 5.000		Section 5.31 (Table of Dimension	nal Requirements).			
Article 6.000	2.00	Section 6.35.1 (Reduction in Red	quired Parking).			
Article 8.000		Section 8.22.2.C (Windows).				
Article 8.000		Section 8.22.3, 8.23 (Nonconforming Structure).				
Article 10.000		Section 10.30 (Variance).				
Article 10.000		Section 10.40 (Special Permit).				
DATE OF PUBLIC NOTICE: June 29 & July 6, 2017						
DATE OF PUBLIC HEARING: July 13, 2017; July 27, 2017; September 28, 2017;						
MEMBERS OF THE BOARD: CONSTANTINE ALEXANDER - CHAIR						
	970	RENDAN SULLIVAN - VICE-CHAIR				
6	JA	ANET O. GREEN	V			
	PA	ATRICK TEDESCO				
	Α	NDREA A. HICKEY				
ASSOCIATE MEMBERS:						
		OUGLAS MYERS				
		LATER W. ANDERSON				
		LISON HAMMER				
	•	M MONTEVERDE				
	G	EORGE BEST	0			

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

LAURA WERNICK

Bk: 70325 Pg: 228

Case No. BZA-013611-2017 Location: 35-37 Berkshire Street

Petitioner: KHF Plymouth, LLC - c/o James Rafferty, Esq.

On September 28, 2017, Petitioner's attorney James Rafferty appeared before the Board of Zoning Appeal requesting a variance in order to reconstruct the nonconforming three family structure destroyed by fire and to add an additional dwelling unit in the basement, and a special permit in order to allow for windows on a nonconforming wall and to provide three parking spaces for four dwelling units. The Petitioner requested relief from Article 5, Section 5.31, Article 6, Section 6.35.1, and Article 8, Sections 8.22.C and 8.22.3 of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioner submitted materials in support of the application including information about the project, plans, and photographs.

Mr. Rafferty stated that the Petitioner was withdrawing the variance request to add an additional dwelling unit and the special permit request to provide three parking spaces for four dwelling units. He stated that the Petitioner was also withdrawing the special permit request to allow for windows on a nonconforming wall based upon the determination by Inspectional Services staff that it was not required because the variance for the rebuild would include the windows.

Mr. Rafferty stated that the remaining proposal was to slightly enlarge the structure by in filling some gaps in the floor plan, which would accommodate code compliant stairs. He stated that the enlargement would be of 122 square feet.

The Chair asked if anyone wished to be heard on the matter, no one indicated such.

After discussion, the Chair moved that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board: that the Board find that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship; that the Board find that the hardship related to the structure being destroyed in a fire that affected the entire neighborhood; that the Board find that it was in the City's interest to have the structure rebuilt; that the Board find that an Ordinance complying rebuild would not be desirable in terms of the structure proposed; that the Board find that the hardship owed to the shape of the lot and its setbacks; that the Board find that relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Ordinance; that the Board find that rebuilding and updating the structures damaged by fire was desired by the City Council; and that the Board find that the relief sought was modest and allowed just over a hundred square feet in order to in fill two notches in the structure.

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The Chair further moved that the Board specifically find that based upon all the information presented, there are circumstances involving a substantial hardship relating to this property within the meaning of M.G.L. c. 40A § 10 and that the Board grant the variance in order to reconstruct the nonconforming three family structure destroyed by fire based on the further finding that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner on the condition that the work proceed in accordance with plans prepared by Eco Builders Group, as initialed by the Chair at the hearing of September 28, 2017.

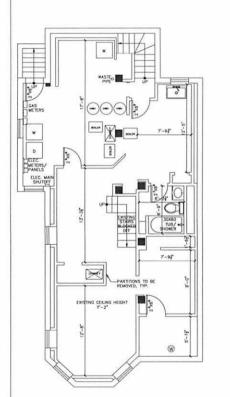
The five member Board voted unanimously in favor of granting the variance as conditioned (Alexander, Sullivan, Green, Hickey, and Tedesco). Therefore, the variance is granted as conditioned.

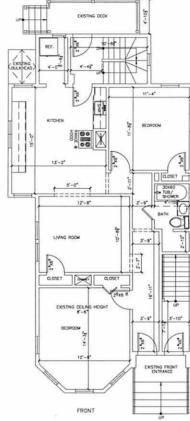
The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulations of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.

Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 12/14/2017 10:05:05 AM

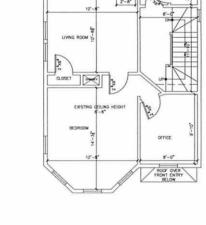
Doc#	Document Type	Town	Book/Page	File Date	Consideration
195804	DECISION		70325/227	12/01/2017	
Property-Str	eet Address and/or Des	scription			
35-37 BERK	SHIRE ST				
Grantors					
CAMBRIDGE	CITY, KHF PLYMOUT	HLLC			
Grantees					
References-Book/Pg Description Recorded Year					
Registered l	_and Certificate(s)-Cert	# Book/Pg			

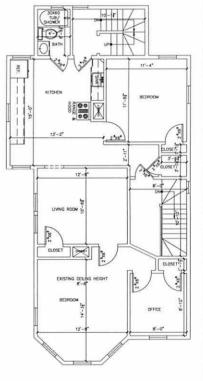




REAR

12'-11}





EXISTING FIRST FLOOR PLAN

NOTE= VERIFY ALL DIMENSIONS IN FIELD = WALLS

EXISTING THIRD FLOOR PLAN SCALE 1/4"=1"-0" ALL DIMENSIONS +-

NOTE = VERIFY ALL DIMENSIONS IN FIELD = WALLS

KHF PLYMOUTH, LLC

35-37 BERKSHIRE STREET CAMBRIDGE, MA

> PROPOSED NEW 3 FAMILY

General Notes :

Symbol



ARI MAIN STREET WALTHAM, MA 02451 TEL./FAX: 781-647-5831



20891,00 03-17-17 Date: 03-21-17 05-31-17R 09-14-17R 09-15-17R 04-17-18

EXISTING PLANS



NOTE= VERIFY ALL DIMENSIONS IN FIELD

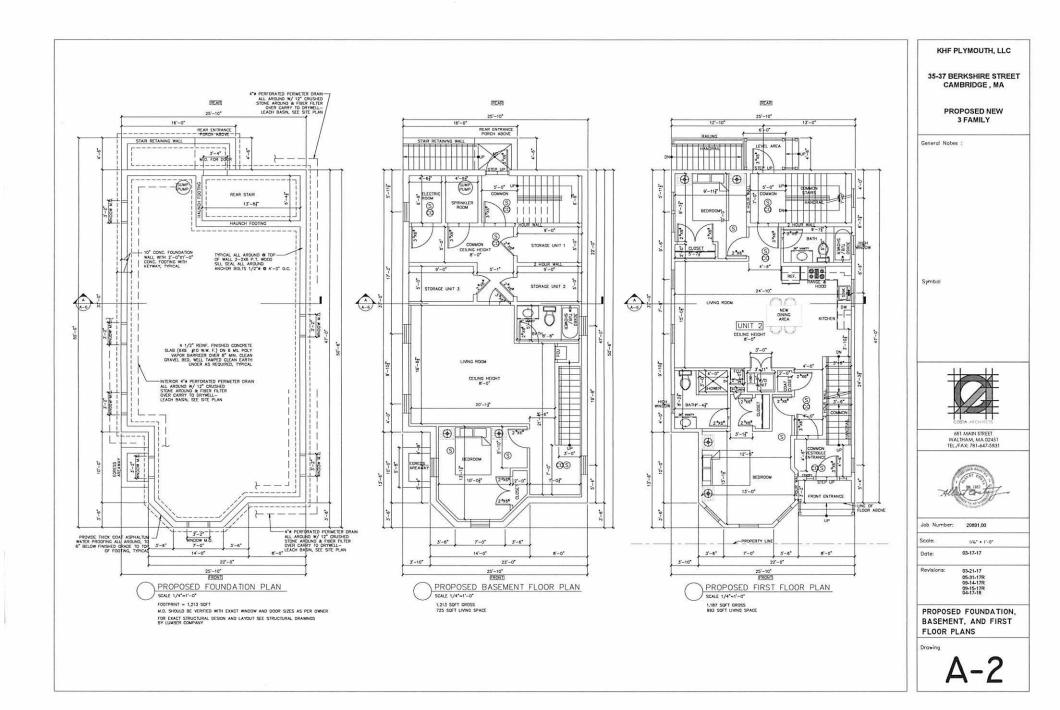
= WALLS

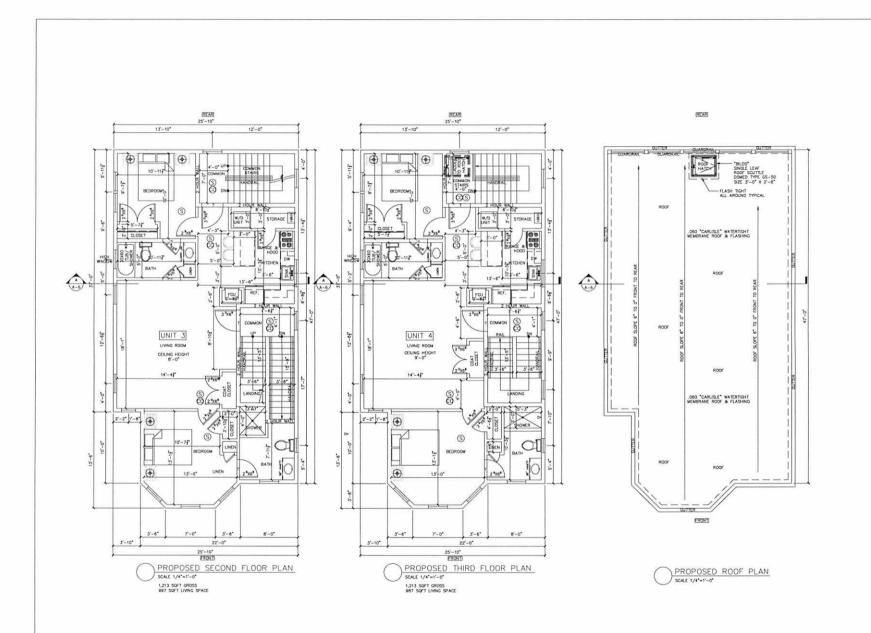
= EXISTING BRICK PIERS

EXISTING SECOND FLOOR PLAN

NOTE= VERIFY ALL DIMENSIONS IN FIELD

= WALLS





35-37 BERKSHIRE STREET CAMBRIDGE, MA

PROPOSED NEW 3 FAMILY

General Notes :

Symbol



681 MAIN STREET WALTHAM, MA 02451 TEL:/FAX: 781-647-5831



Job Number:	20891,00
Scale:	1/4" • 1:-0"
Date:	03-17-17
Revisions:	03-21-17
	05-31-17R 09-14-17R
	09-15-17R

PROPOSED SECOND FLOOR, THIRD FLOOR AND ROOF PLANS

Drawin

A-3



35-37 BERKSHIRE STREET CAMBRIDGE, MA

> PROPOSED NEW 3 FAMILY

General Notes :

Symbol



681 MAIN STREET WALTHAM, MA 02451 TEL./FAX: 781-647-5831



Job Number: 20891.00
Scale: 1/4" • 1'-0"

Date: 03-17-17

Revisions: 03-21-17 05-31-17R 09-14-17R 09-15-17R 04-17-18

FRONT ELEVATION-BERKSHIRE STREET RIGHT SIDE ELEVATION

Drawin

Δ-4



35-37 BERKSHIRE STREET CAMBRIDGE, MA

PROPOSED NEW 3 FAMILY

General Notes :

Symbol



681 MAIN STREET WALTHAM, MA 02451 TEL:/FAX: 781-647-5831



lob Number: 20891.00

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

Date: 03-17-17

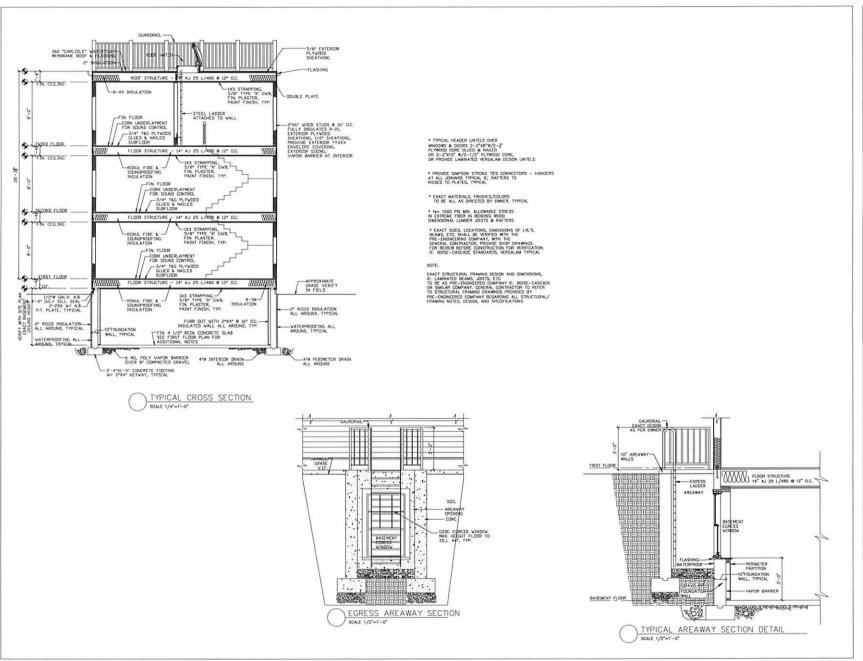
Revisions: 03-21-17 05-31-17R 09-14-17R 09-15-17R 04-17-18

04-17-18

REAR ELEVATION, LEFT SIDE ELEVATION

Drawin

A-5



35-37 BERKSHIRE STREET CAMBRIDGE . MA

> PROPOSED NEW 3 FAMILY

General Notes :

Symbol



681 MAIN STREET WALTHAM, MA 02451 TEL /FAX: 781-647-5831

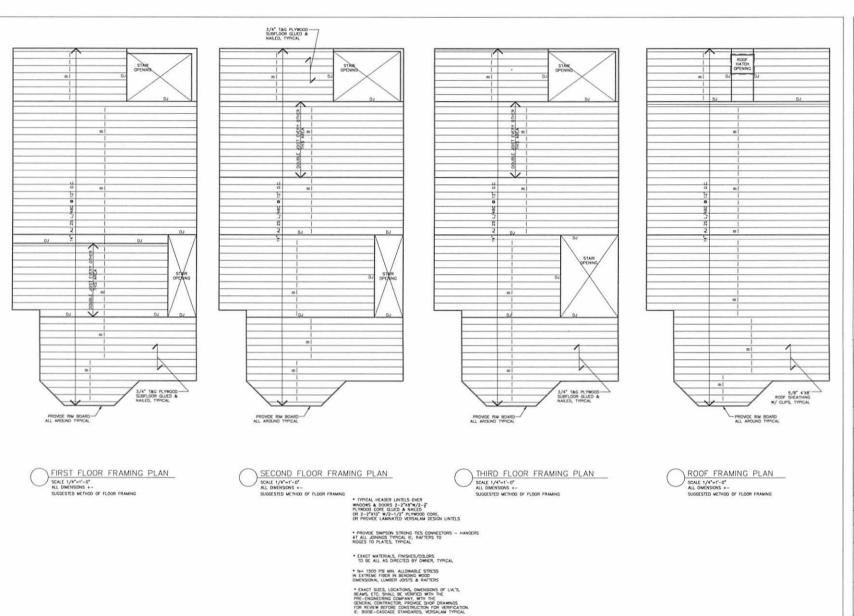


Job Number:	20891.00	
Scole:	AS NOTED	
Date:	03-17-17	
Revisions:	03-21-17	
	05-31-17R 09-14-17R	

TYPICAL CROSS SECTION EGRESS AREAWAY DETAILS

Drawing

A-6



NOTE

EXACT STRUCTURAL FRAMING DESIGN AND DIMENSIONS, 6: LAMINATED BEAMS, JOSTS, ETC. 10 BE AS PRE-MISHINGTED COMPANY E: BOSE-CASCADE 61 SHILAR COMPANY, EDEBAL CONTRACTOR TO RETER 10 STRUCTURAL FRAMING DEVANINGS PROMODED BY PRE-FININCERED COMPANY RECARDING ALL STRUCTURAL/ FRAMING NOTES, DESIGN, AND SPECIFICATIONS, DESIGN, AND SPECIFICATIONS. KHF PLYMOUTH, LLC

35-37 BERKSHIRE STREET CAMBRIDGE, MA

> PROPOSED NEW 3 FAMILY

General Notes :

Symbol



681 MAIN STREET WALTHAM, MA 02451



Job Number: 20891,00

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

Date: 03-17-17

Revisions: 03-21-17

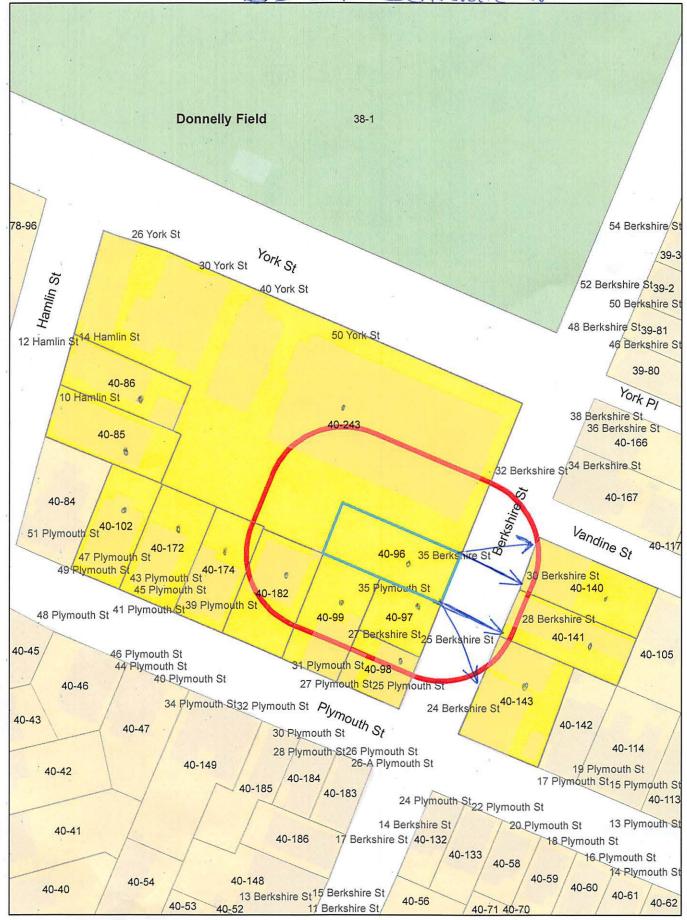
05-31-17R 05-31-17R 09-14-17R 09-15-17R 04-17-18

FRAMING PLANS

Drawing

Δ-7

35-37 Berksline St



35-37 Berkeline &

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

40-97-98
DELL'OLIO, RICHARD, ANDREW, LINDA, CARON
C/O 25-27 BERKSHIRE LLC
228 WESTERN AVE
CAMBRIDGE, MA 02139

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

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

40-141
JEFFREY, CHRISTINA
C/O 28 BERKSHIRE STREET LLC
30 KATHERINE RD
WATERTOWN, MA 02472

40-140 ELLSWORTH, KRISSY M.,RANDAL N. ELLSWORTH & SILVIA E. ELLSWORTH 30 BERKSHIRE ST., UNIT #1 CAMBRIDGE, MA 02139 40-86 SU, NANCY, ZHINAN XIA & DAVID XIA 29 BURKE LANE WELLESLEY, MA 02481

40-96 KHF PLYMOUTH LLC 1551 CENTRAL ST STOUGHTON, MA 02072

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

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

40-141 AL-RAWL, AHLAM, HASSAN, DUAA, & ALI MOHAMMAD CITY OF CAMBRIDGE TAX TITLE 28 BERKSHIRE ST., UNIT #2 CAMBRIDGE, MA 02141

40-140 WORKMAN, MICHAEL WHEELER 30 BERKSHIRE ST., #3 CAMBRIDGE, MA 02141 JAMES J. RAFFERTY, ESQ. 907 MASS AVENUE – 3RD FLOOR CAMBRIDGE, MA 02139

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

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

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

40-141 KING, MICHAEL ANTHONY 38 VAN HORN ST. WEST SPRINGFIELD, MA 01089

40-140 WICHT, DENYCE 218 THORNDIKE ST., #203 CAMBRIDGE, MA 02141