



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

BZA Application Form

BZA Number: 190504

General Information

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

Special Permit: X

Variance:

Appeal:

PETITIONER: Cecile F. Barthelemy and Frederic R. Barthelemy C/O Campbell H. Ellsworth

PETITIONER'S ADDRESS: 267 Norfolk Street, Cambridge, MA 02139

LOCATION OF PROPERTY: 75 Orchard St., Cambridge, MA

TYPE OF OCCUPANCY: 2 Family

ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/Requesting Special Permit relief for: creating/moving openings within a setback; extending a deck within a setback/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Owner requests Special permit relief to add/alter windows within a required setback. And to extend a rear deck within a required setback, at 75 Orchard Street. Owner is taking a pre-existing 2F structure and creating a 1F structure.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000	Section: 5.31 (Table of Dimensional Requirements).
Article: 8.000	Section: 8.22.2.D & Sec. 8.22.2.C (Non-Conforming Structure).
Article: 10.000	Section: 10.40 (Special Permit).

Original
Signature(s):

(Petitioner (s) / Owner)

Campbell H. Ellsworth

(Print Name)

Address:	267 Norfolk St., Cambridge, MA 02139
Tel. No.	617.799.4462
E-Mail Address:	campbell@ellsworth-associates.com

Date:

2022 AUG 25 PM 1:47
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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 Cecile F. Barthelemy & Fredric R. Barthelemy
(OWNER)

Address: 75 Orchard Street, Cambridge, MA 02140

State that I/We own the property located at 75 Orchard Street, Cambridge, MA 02140 which is the subject of this zoning application.

The record title of this property is in the name of _____

Cecile F. Barthelemy & Fredric R. Barthelemy

*Pursuant to a deed of duly recorded in the date 6/29/2022, Middlesex South County Registry of Deeds at Book 80352, Page 354; or Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____.



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

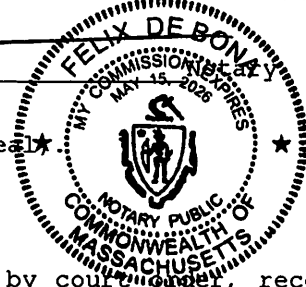
**Written evidence of Agent's standing to represent petitioner may be requested.*

Commonwealth of Massachusetts, County of Middlesex

The above-name Cecile F. Barthelemy personally appeared before me, this 9th of August, 2022, and made oath that the above statement is true.

My commission expires 05/15/2026

(Notary Seal)



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

BZA Application Form

SUPPORTING STATEMENT FOR A 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 75 Orchard St., Cambridge, MA (location) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reasons:

The modest request to modify/enlarge opening within the setback, as well as extending the deck within that setback, will allow this older structure to meet the needs of a modern family. With the requested relief the requirements of the ordinance will be satisfied.

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:

No congestion, hazard, or substantial change in the established neighborhood character will result from approval of the additional windows at 75 Orchard Street, or by the extension of the deck, because the new windows will allow for the appropriate light and air into the renovated single family dwellings and will be of a quality and style that is consistent with the established neighborhood character.

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

The continued operation of or the development of adjacent uses will not be adversely affected because there is no change to the proposed Use and the additional windows will enhance the dwelling creating more functional living spaces for its occupants. The ability to extend the deck will allow a more efficient use of the rear yard.

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

No nuisance or hazard will be created nor will any detriment to the health, safety and/or welfare of the occupants of the proposed use or the citizens of the City. The new window and door openings, and the new deck, are part of complete refurbishment of the deteriorating structure, and will enhance the neighborhood.

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 and deck will not impair the integrity of the district and are consistent with the quality and character of the dwelling on street and the greater Cambridge

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

Date: _____

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Cecile F. Barthelemy and Frederic R. Barthelemy
Location: 75 Orchard St., Cambridge, MA
Phone: 617.799.4462

Present Use/Occupancy: 2 Family
Zone: Residence B Zone
Requested Use/Occupancy: 1 Family

		<u>Existing Conditions</u>		<u>Requested Conditions</u>		<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		2903		2903		1256.5	(max.)
<u>LOT AREA:</u>		2513		2513		5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		1.15		1.15		.5	
<u>LOT AREA OF EACH DWELLING UNIT</u>		1256.5		2513		2500	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	32		32		50	
	<u>DEPTH</u>	78.55		78.55		N/A	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	15.7		15.7		15	
	<u>REAR</u>	15.66		7.1		25	
	<u>LEFT SIDE</u>	1.3		1.3		7.5	
	<u>RIGHT SIDE</u>	5		5		7.5	
<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	34.5		34.5		35	
	<u>WIDTH</u>	47.2		47.2		N/A	
	<u>LENGTH</u>	25.33		25.33		N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		N/A		N/A		N/A	
<u>NO. OF DWELLING UNITS:</u>		2		1		1	
<u>NO. OF PARKING SPACES:</u>		0		0		1	
<u>NO. OF LOADING AREAS:</u>		N/A		N/A		N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		N/A		N/A		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.:

N/A

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'.

NEW ENGLAND LAND SURVEY

Professional Land Surveyors

710 MAIN STREET
N.Oxford, MA 01537

PHONE: (508) 987-0025

FAX: (508) 438-6604

REGISTRY SOUTH MIDDLESEX

MORTGAGE INSPECTION PLAN

NAME FREDERIC BARTHELEMY & CECILE BARTHELEMY

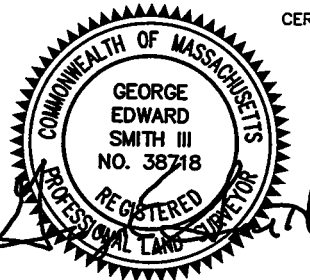
LOCATION 75 ORCHARD STREET

CAMBRIDGE, MA

SCALE 1"=20'

DATE 06/21/22

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING DWELLING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW). NOTE: NOT DEFINED ARE ABOVE GROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS, ETC. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.



CERTIFY TO: GUARANTEED RATE INC

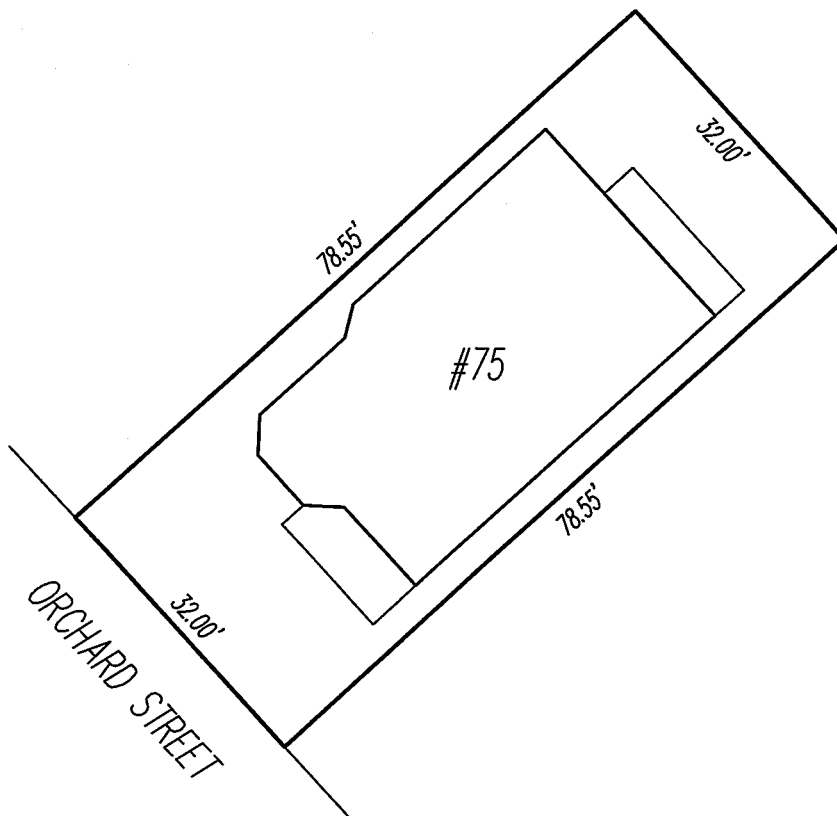
DEED REFERENCE: 59013/379

PLAN REFERENCE: N/A

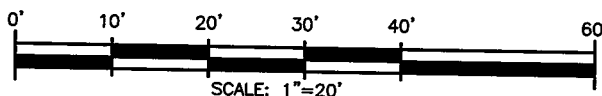
WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FIRM:

25017C0438E DTD: 06/04/2010

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.



REQUESTED BY: PRESSMAN & KRUSKAL
DRAWN BY: CRC
FIELD BY: JZ
CHECKED BY: GES
FILE: 22MIP09102



*CONFIGURATION OF LOT IS COMPILED FROM DEED & ASSESSOR MAP INFORMATION. AN INSTRUMENT SURVEY IS RECOMMENDED.

22MIP09102



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. *CAMPBELL ELLSWORTH*

Name:

Campbell Ellsworth
(Print)

Date:

9/16/22

Address:

75 Orchard St.

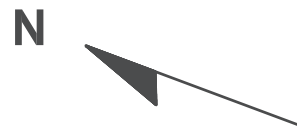
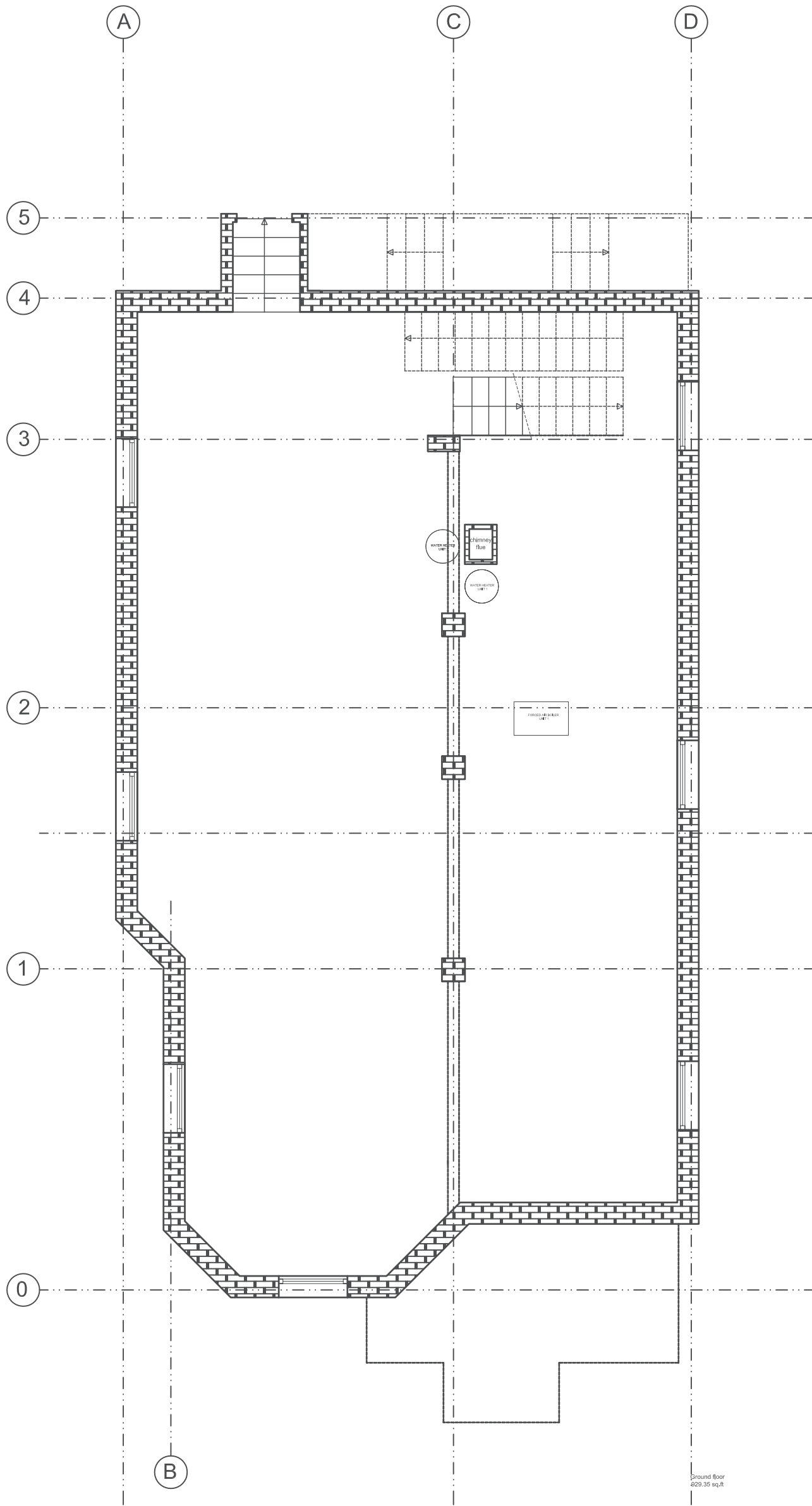
Case No.

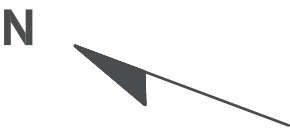
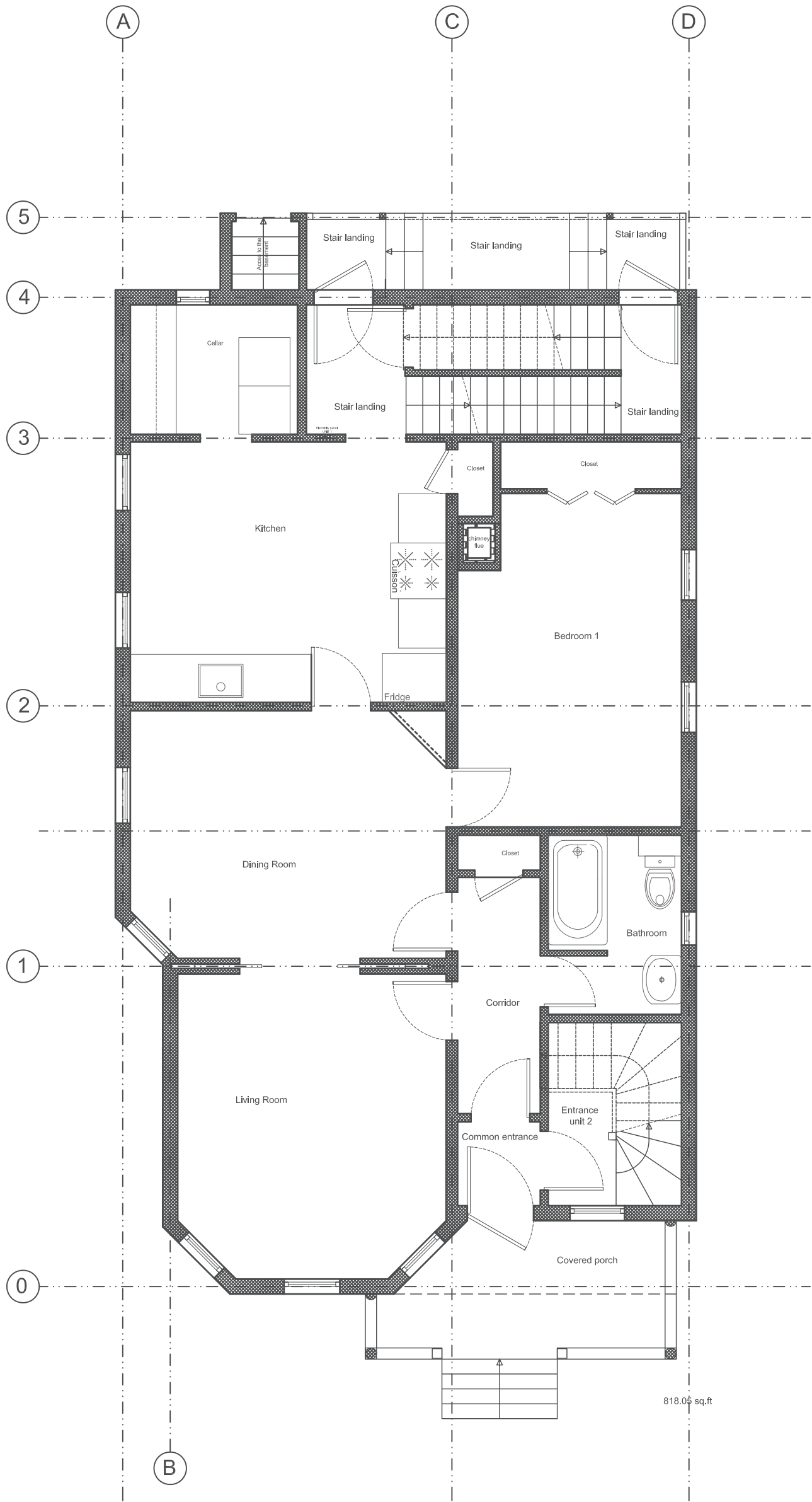
BZA-190504

Hearing Date:

10/6/22

Thank you,
Bza Members





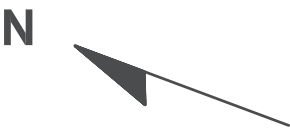
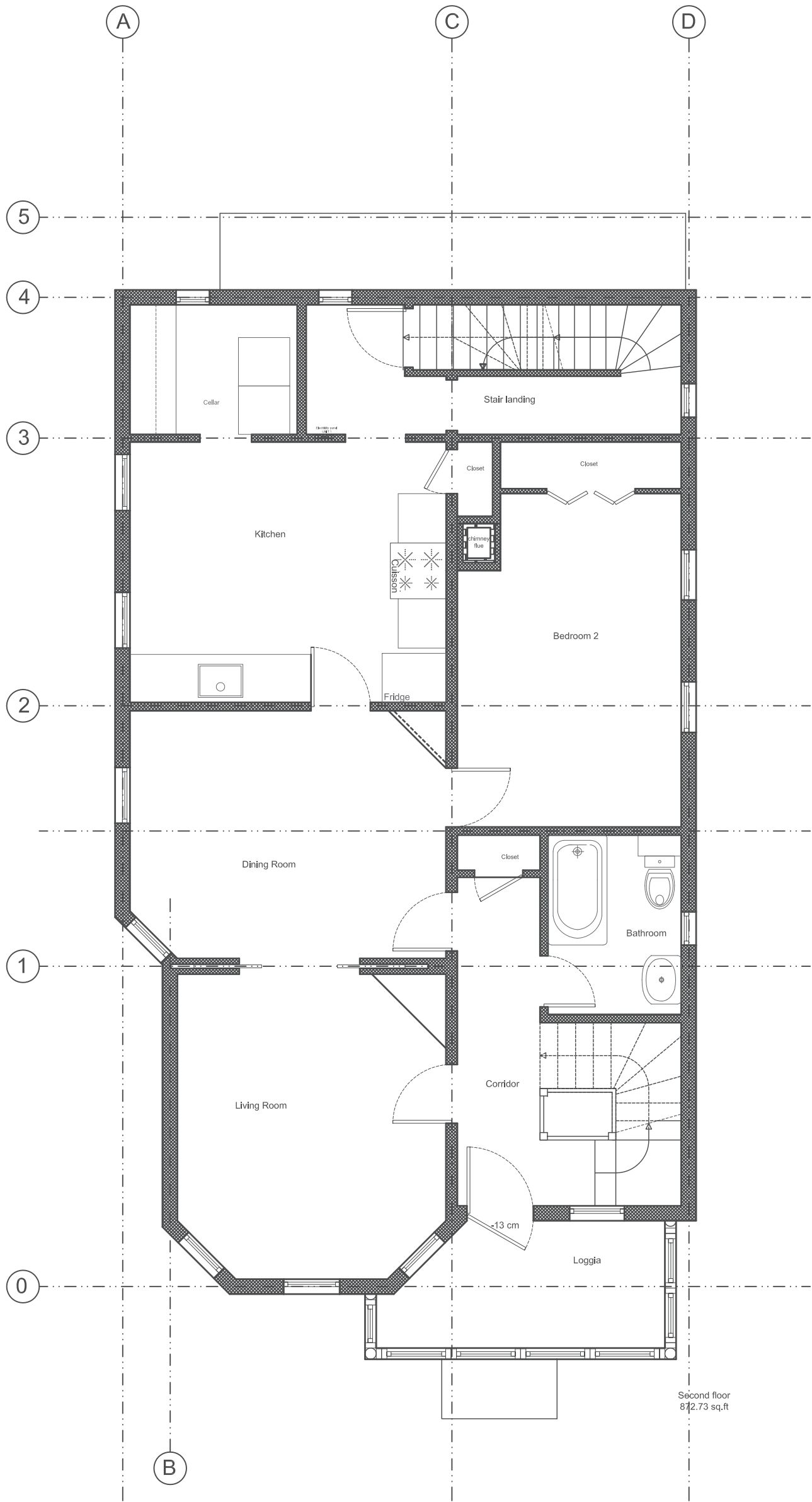
A1.1

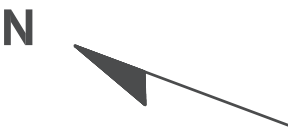
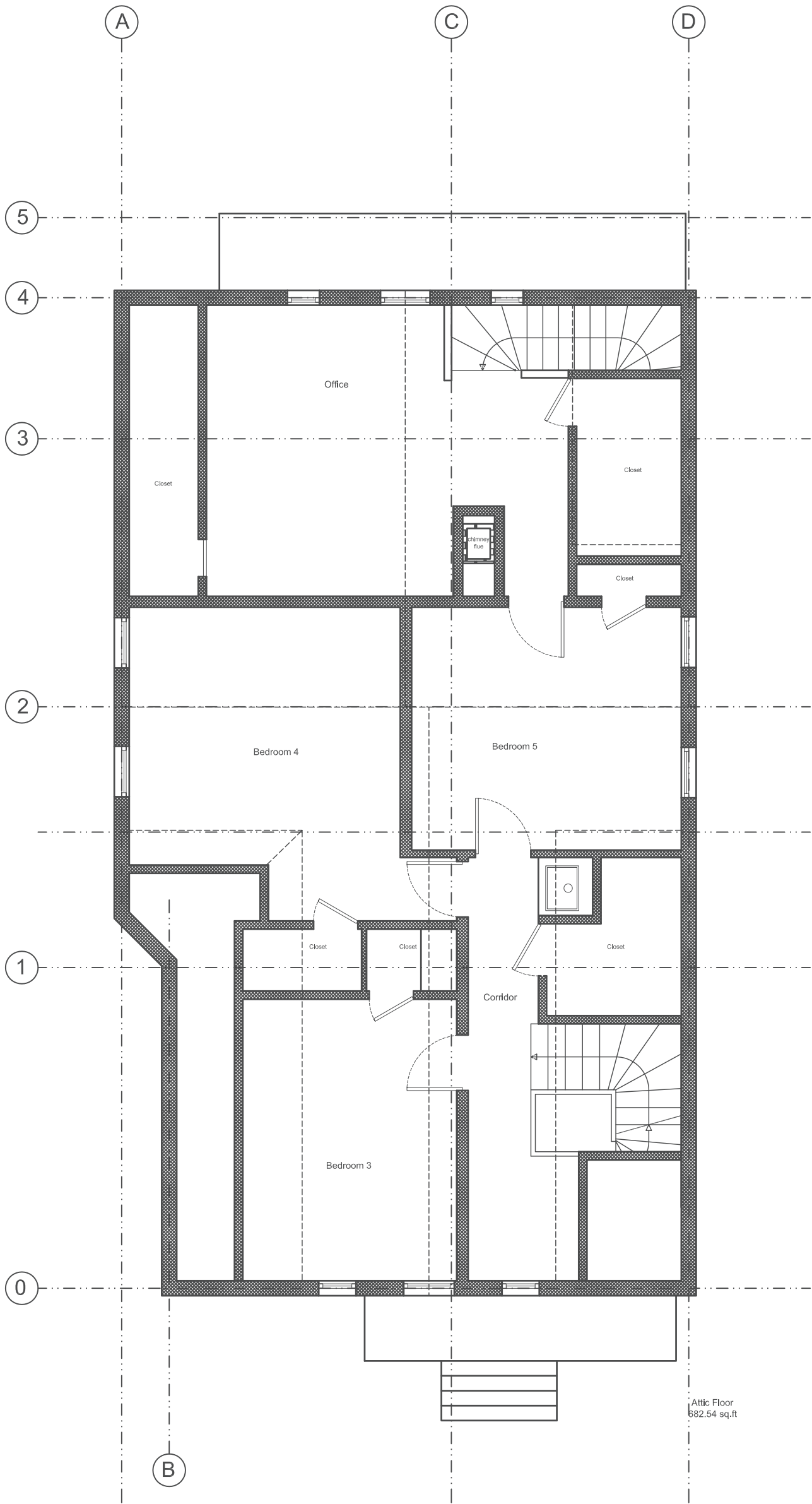
EXISTING
FIRST FLOOR
PLAN

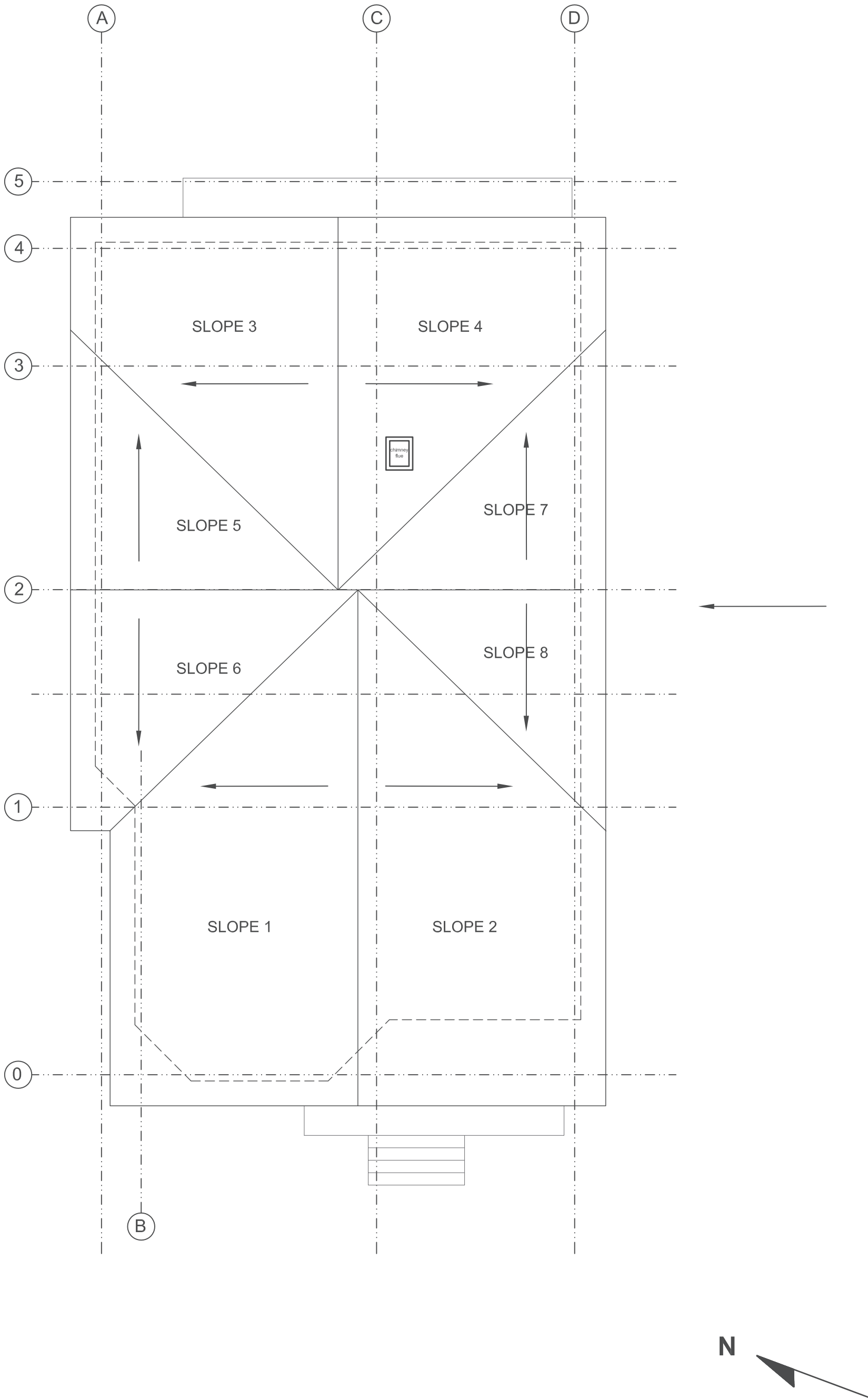
ELLSWORTH ASSOCIATES, Inc.
267 NORFOLK STREET, CAMBRIDGE, MA 02139
PH. 617-492-0709 FAX. 617-714-5900

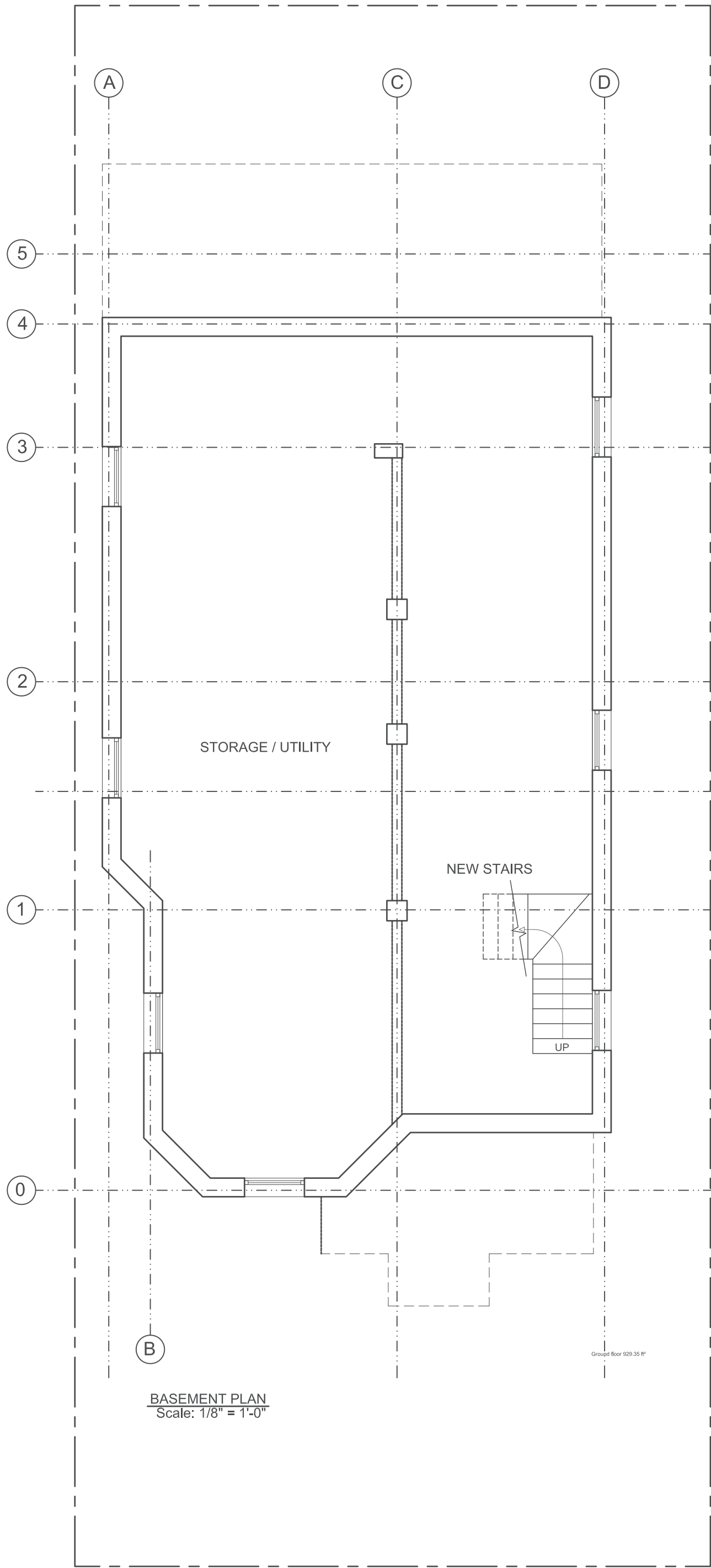
75 ORCHARD ST
CAMBRIDGE, MA 02140

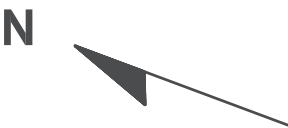
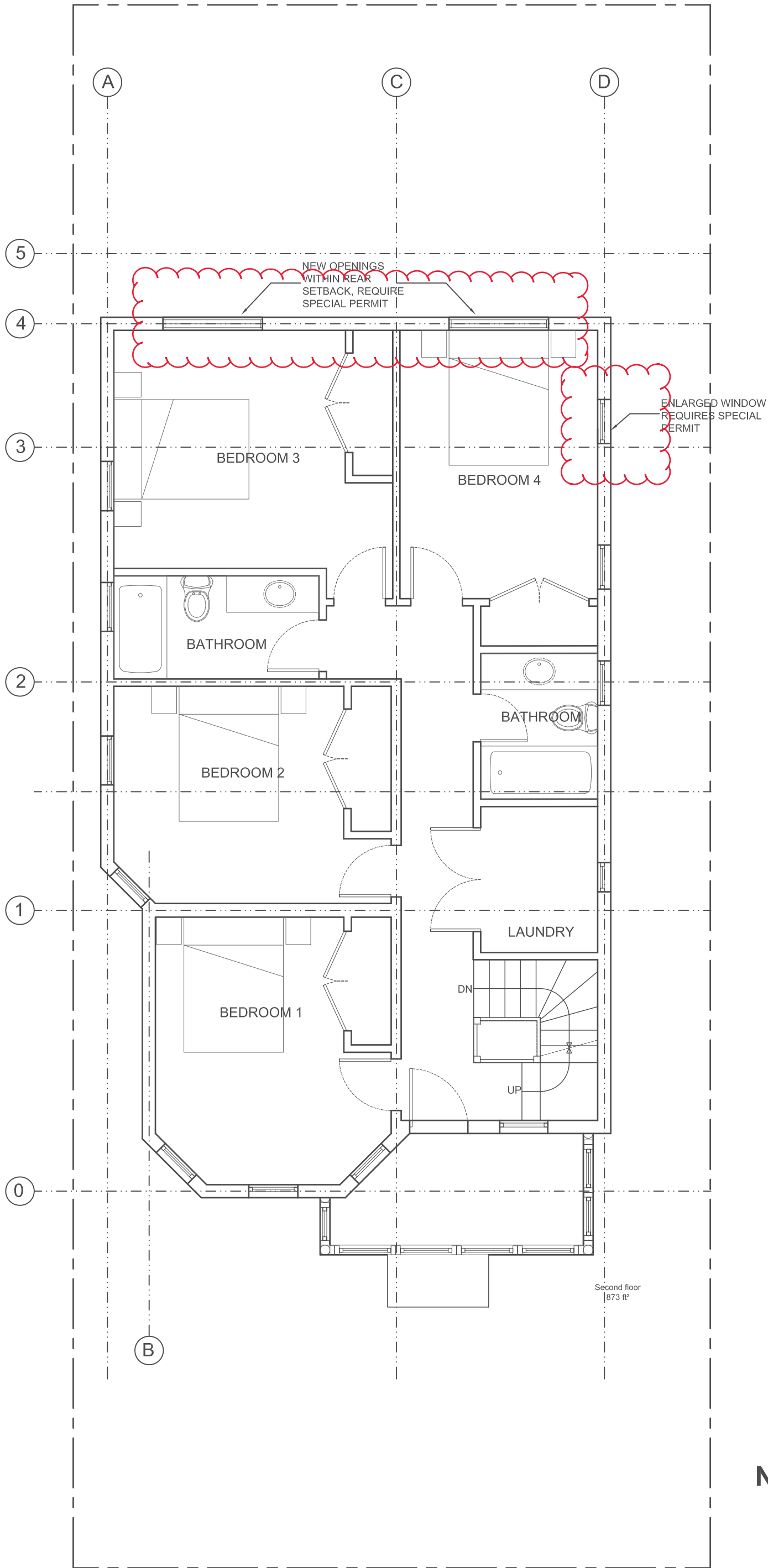
DATE: 08/07/2022
SCALE: 3/16" = 1'-0
FILE: 75 ORCHARD

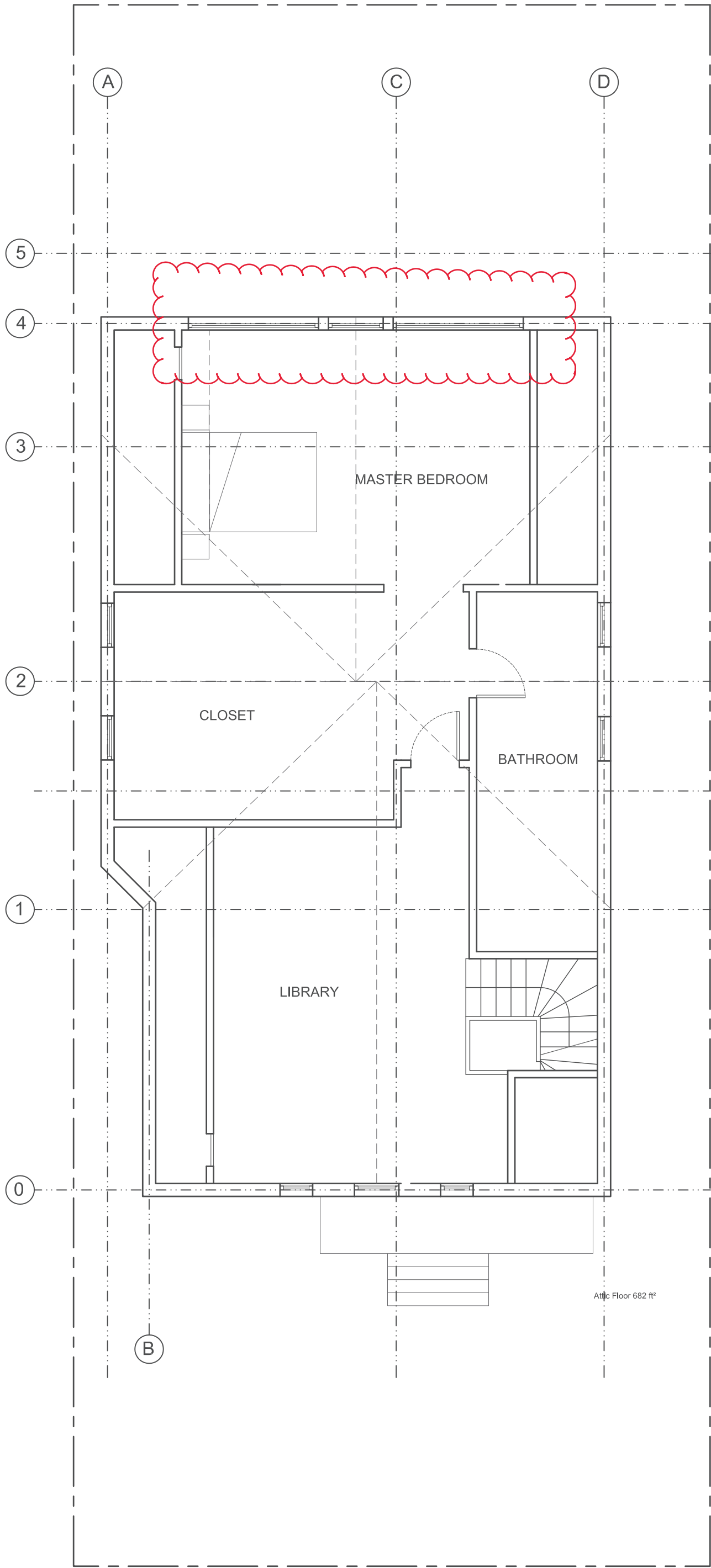


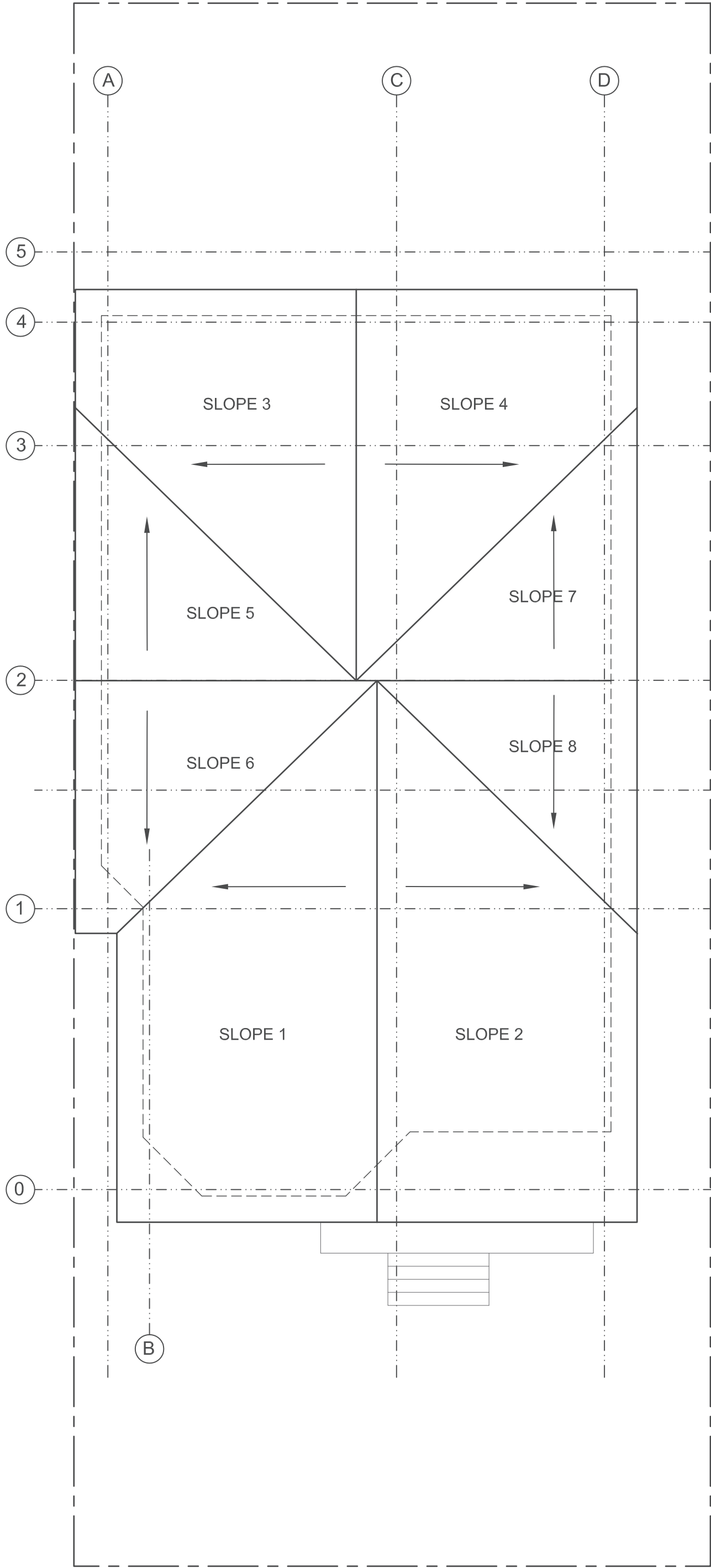














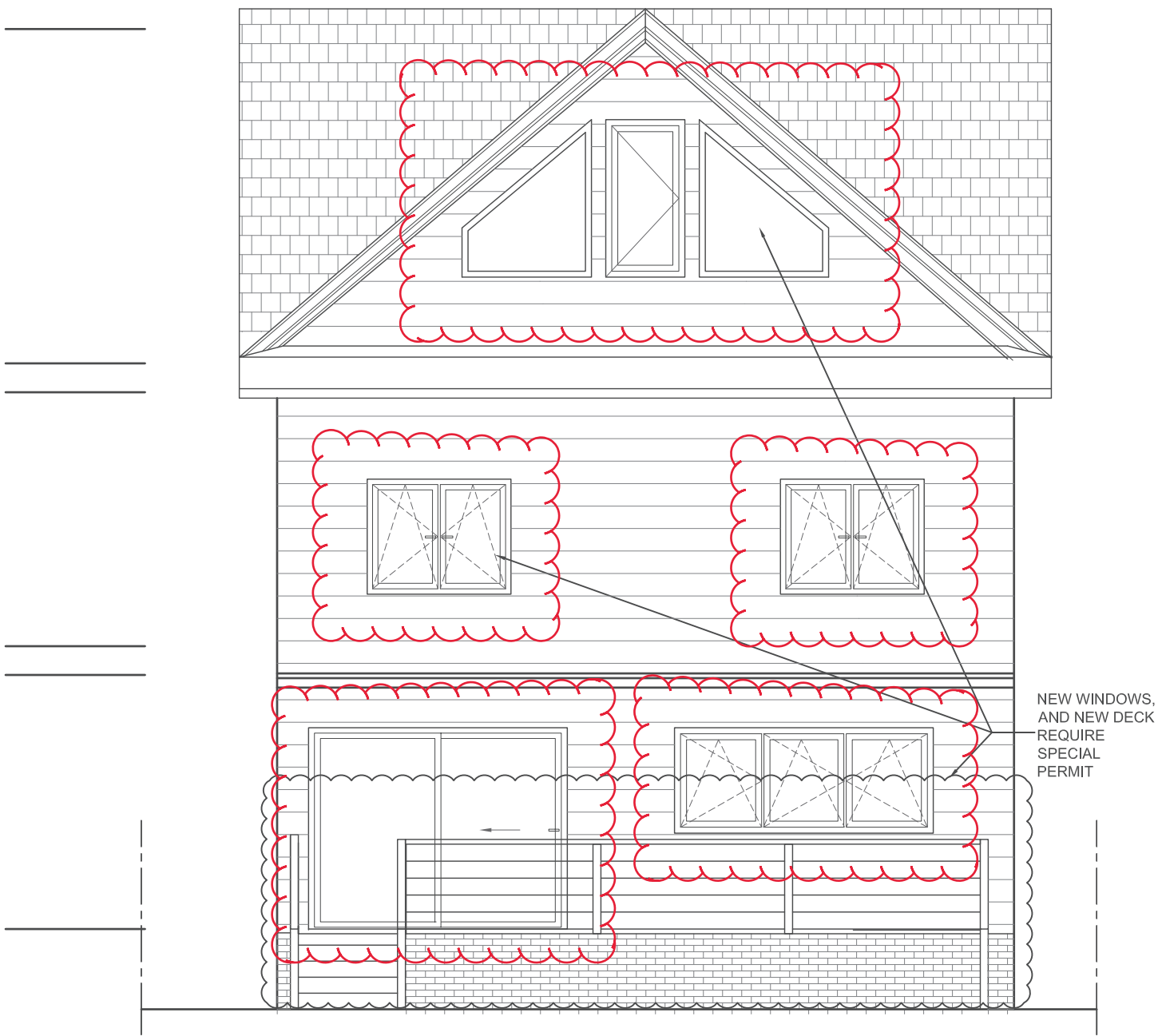
① West Elevation



① North Elevation



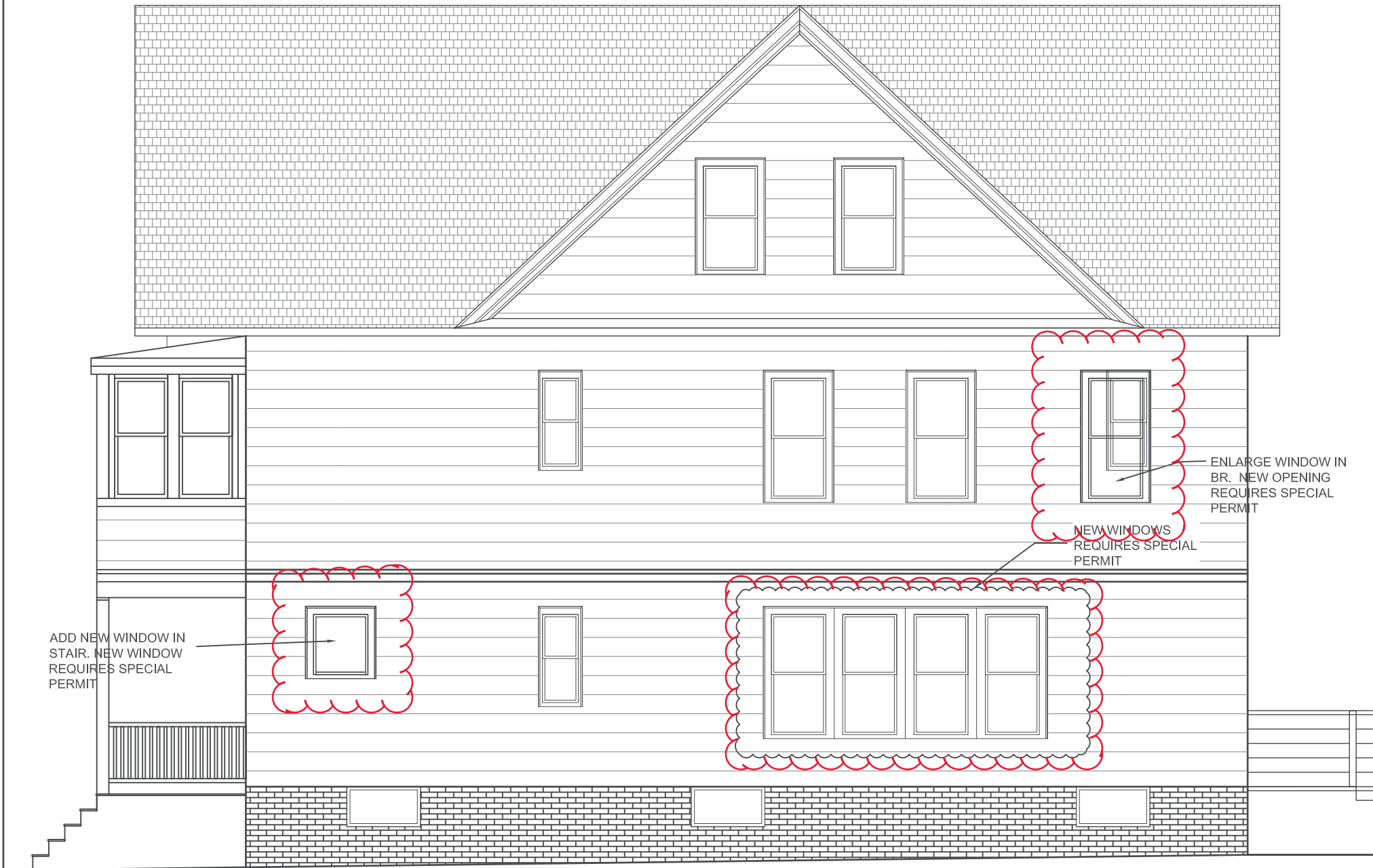
① Existing East Elevation



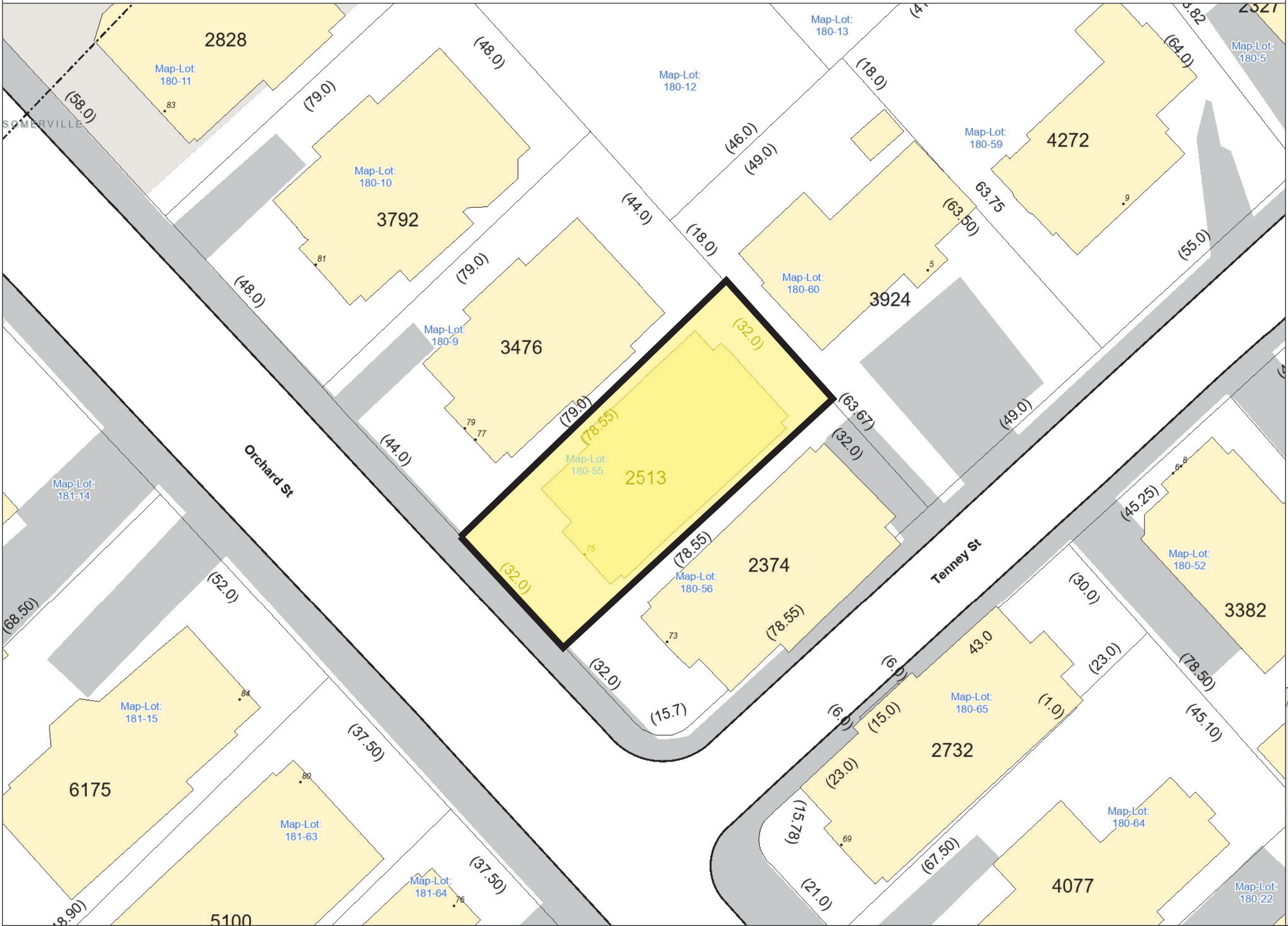
② Proposed East Elevation



① Existing North Elevation



② Proposed North Elevation



LEGEND

- Address
- Rail
- Building Footprints
- Parcels
- Paved Surfaces
 - Paved Roads
 - Bridges
 - Unpaved Roads
 - Unpaved Parking
 - Sidewalks
 - Driveways
 - Alleys
 - Other Paved Surface
 - Public Footpath



City of Cambridge
Massachusetts

1" = 20 ft

All data is provided for graphic representation only. The City of Cambridge expressly disclaims all warranties of any type, expressed or implied, including, but not limited to, any warranty as to the accuracy of the data, merchantability, or fitness for a particular purpose.

www.cambridgema.gov/gis





FRONT LEFT



FRONT CENTER



FRONT RIGHT



REAR LEFT

NEW WINDOWS
ON 3RD, 2ND
AND 1ST
FLOORS, TO
ACCOMODATE
NEW INTERNAL
FUNCTIONS.
EXISTING
SETBACK TO
FENCE IS
APPROX. 5'-0"



REAR CENTER

NEW WINDOW
ON 3RD AND 2ND
FLOORS

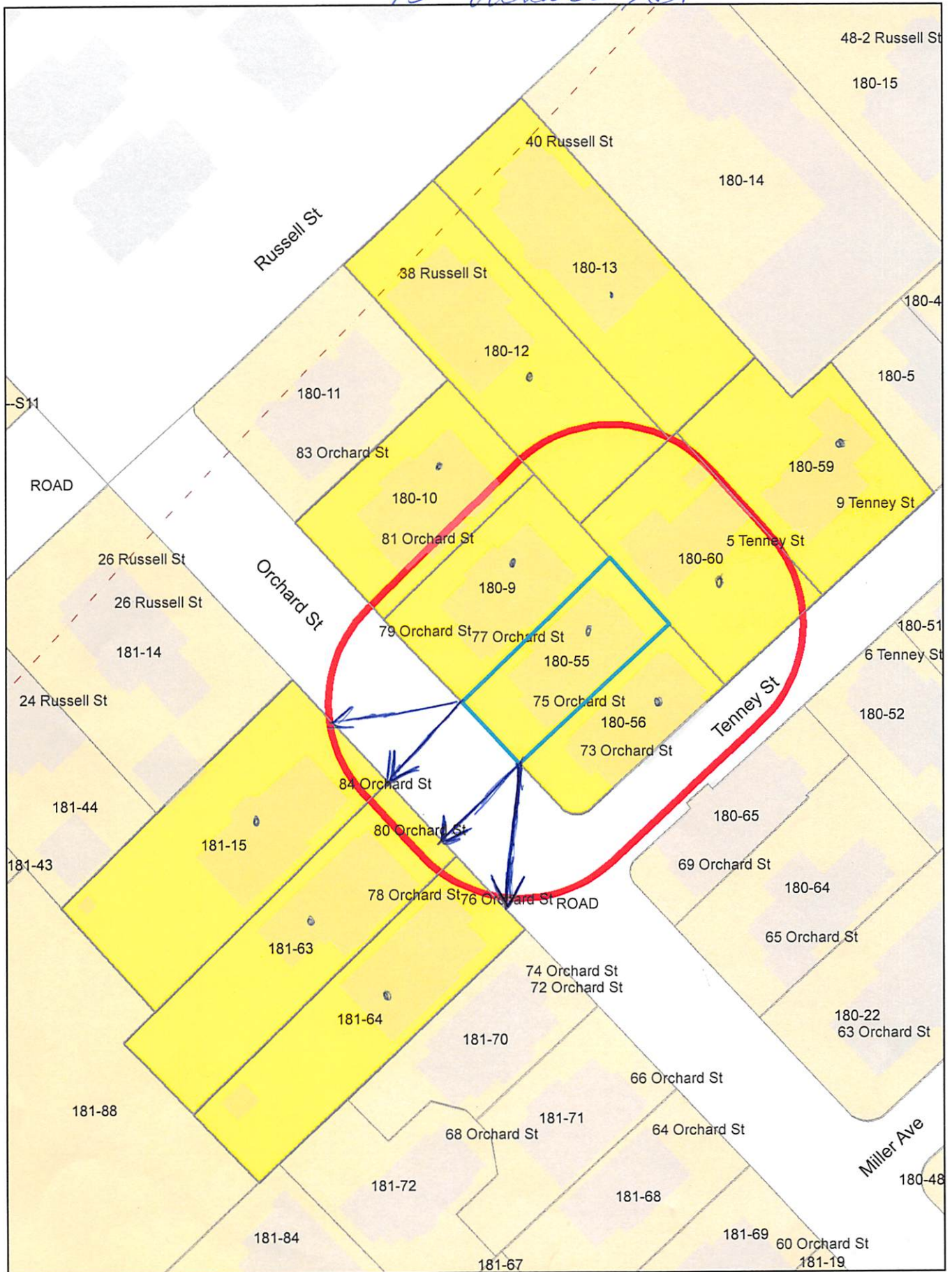
NEW SLIDING
DOOR AND
KITCHEN
WINDOWS ON
1ST FLOOR

EXTEND
EXISTING DECK
INTO YARD



REAR RIGHT

75 Orchard St.



75 Orchard St.

Petitioner

180-9
HAZLETT, THOMAS C. & JOAN A. HAZLETT
77 ORCHARD ST
CAMBRIDGE, MA 02140-1329

180-12
MAHDAVI, REZA & MARIE PIERRE DILLENSEGER
38 BACON LANE
CENTERVILLE, MA 02632

CAMPBELL ELLSWORTH, ARCHITECT
267 NORFOLK STREET
CAMBRIDGE, MA 02139

181-63
HUNZIKER, SUSAN M.
82 ORCHARD ST
CAMBRIDGE, MA 02140

180-10
CLARK, JUDITH A.,
TRUSTEE JAR FAMILY TRUST
81 ORCHARD ST
CAMBRIDGE, MA 02140

180-13
KLA REALTY, LLC,
31 LOVE LANE
WESTON, MA 02493

180-55
OCCHIALINI, JUDITH E. A LIFE ESTATE
75 ORCHARD ST
CAMBRIDGE, MA 02140

181-64
DAHL, KATHRYN & STEPHEN FEIGE
76 ORCHARD ST
CAMBRIDGE, MA 02140

180-59
COUGHLIN, JUDY A. LIFE ESTATE
9 TENNEY ST
CAMBRIDGE, MA 02140

181-15
BERDAN MICHAEL A CORASH JANET E. TRS
84 ORCHARD ST
CAMBRIDGE, MA 02140

180-56
GAO WEI
73 ORCHARD ST
CAMBRIDGE, MA 02138

180-60
SKOMRO, ROBERT & IRENE S. TEEGARDEN
5 TENNEY ST
CAMBRIDGE, MA 02140-1311

Ratay, Olivia

From: Judy Clark <Judy.Clark@umb.edu>
Sent: Monday, October 3, 2022 12:57 AM
To: Ratay, Olivia
Subject: FW: Case # BZA-190504

Dear Olivia Ratay,

I received a note from Maria Pacheco to get in touch with you in regards to issues for the BZA. Following is a note regarding Case # BZA 190504

Sincerely,
Judith Clark

From: Judy Clark <Judy.Clark@umb.edu>
Date: Monday, October 3, 2022 at 12:44 AM
To: mpacheco@cambridgema.gov <mpacheco@cambridgema.gov>
Subject: Case # BZA-190504

Dear Ms. Pacheco, Zoning Administrator,

I am writing to let the Board of Zoning Appeals know that I have no objection to the petition filed by Cecile & Frederick Barthelemy to add/ alter windows and extend a rear deck (both within a required setback) at 75 Orchard St.

It is wonderful that they are joining our neighborhood.

Sincerely,
Judith Clark, owner,
81 Orchard St

Pacheco, Maria

From: Bob Skomro <skomror@gmail.com>
Sent: Friday, September 16, 2022 3:04 PM
To: Pacheco, Maria
Cc: Suzanne Teegarden; Cecile Barthelemy
Subject: 75 Orchard street case BZA 190504

Dear Maria Pacheco

We have carefully reviewed the plans for changes at 75 Orchard to be dealt with at the BZA meeting on October 6, 2022. We are the owners Of 5 Tenney which abuts 75 Orchard for the entire length of that back yard. We are quite happy with the proposed changes which will greatly enhance the appearance of the property. We have no objections and look forward to the completion of the project

Robert Skomro and Irene Suzanne Teegarden
5 Tenney St.
Cambridge 02140 1311
617 547 3460

Pacheco, Maria

From: Joan Hazlett <joanhaz@comcast.net>
Sent: Thursday, September 15, 2022 10:36 AM
To: Pacheco, Maria
Subject: changes to structure at 75 Orchard Street, Cambridge

Hello Ms. Pacheco.

I live at 79 Orchard Street next door to 75 Orchard Street where the new residents want to make some changes to their property. I have no objections to their plans to change the windows on the first floor and to add a deck to their back yard. I want to go on record that these property changes are acceptable to me.

Best regards.
Joan Hazlett

Sent from [Mail](#) for Windows



75

75 Richard St
BFA 1-19-2024

Notice of Public Hearing