



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2025 FEB 18 PM 3:01

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 1152107

General Information

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Shain P. Roche, Trustee of the 12 Hubbard Park Road Realty Trust C/O Sarah Like Rhatigan, Esq.

PETITIONER'S ADDRESS: Trilogy Law LLC, 12 Marshall Street, Boston, MA 02108

LOCATION OF PROPERTY: 12 Hubbard Park Rd., Cambridge, MA

TYPE OF OCCUPANCY: Single-family

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

/Additions/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Construct addition above detached garage to create a Home Occupation (therapist) office which exceeds height limit for an accessory structure.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 4.000	Section: 4.21.k (Accessory Building).
Article: 8.000	Section: 8.22.3 (Alteration to Non-Conforming Structure).
Article: 10.00	Section: 10.30 (Variance).

Original
Signature(s):


(Petitioner (s) / Owner)

Sarah Like Rhatigan, Esq. on behalf of Petitioner

(Print Name)

Address: Trilogy Law LLC, 12 Marshall St., Boston, MA 02108
Tel. No. 617-543-7009
E-Mail Address: sarah@trilogylaw.com

Date: Feb. 14, 2025

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, Shain P. Roche, Trustee of The 12 Hubbard Park Road Realty Trust
(OWNER)


Address: 12 Hubbard Park Road, Cambridge, MA 02138

state that I/We own the property located at 12 Hubbard Park Road, Cambridge, Massachusetts, which is the subject of this zoning application.

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

Shain P. Roche, Trustee of The 12 Hubbard Park Road Realty Trust, under declaration of trust dated October 31, 2023 and recorded on November 1, 2023 in Middlesex South District Registry of Deeds, in Book 82162, Page 432.

*Pursuant to a deed dated October 31, 2023 and duly recorded on November 1, 2023 in Middlesex South District Registry of Deeds at Book 82162, Page 429.

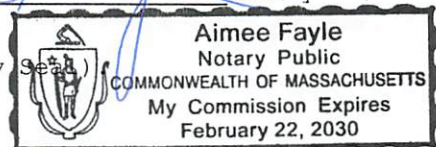

SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

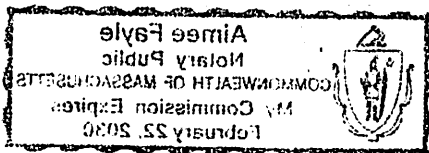
Commonwealth of Massachusetts, County of Suffolk

The above-named Shain P. Roche, Trustee personally appeared before me, this 29th of January, 2025, and made oath that the above statement is true.

My commission expires 2/22/30 (Notary Seal)



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



BZA Application Form**SUPPORTING STATEMENT FOR A VARIANCE**

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

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

BACKGROUND AND PURPOSE OF PROJECT:

The Petitioner's family resides in this single-family home on a parcel where the house abuts Hubbard Park Road and the accessory garage faces Foster Street, directly opposite. The Petitioner desires to construct an addition above the accessory garage in order to provide a private, self-contained space to see patients in her social worker/therapist practice.

The use of the space as a social worker/therapist practice will constitute a Home Occupation under Section 2.000 of the Cambridge Zoning Ordinance ("CZO") meeting the requirements of Sec. 4.21.d (1) as a professional office. A member of Petitioner's family (who resides at 12 Hubbard Park Road) is a therapist who will see patients at the office. There will be no more than 0-2 other individuals who may practice or be employed by her to assist with the practice on the premises at any one time. All activities will take place entirely within the accessory building. Patients will be allowed to park in one of the 4 parking spaces located off Foster Street, and will enter the office via a front entry door off Foster Street. Exterior lighting will be minimal, only as necessary to meet building code requirements for safety at the front entry door. No offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effects will be produced as a result of this addition.

HARDSHIP:

Due to physical and logistical constraints of the site, the only suitable location for the home therapist office is above the detached garage off Foster Street. It is not feasible to locate the therapist's office within the family's home due to concerns about access, privacy and security (for the family and patients), and off-street parking (which is off of Foster Street). It is also not feasible to construct a horizontal addition to the garage without losing the main yard area for the family (and without removing a substantial portion of the Private Open Space available on the site) or demolishing trees and vegetation to the detriment of the neighbors.

The height of the existing detached garage is 14 ft. 9 in.. The Petitioner has designed the addition to minimize to the greatest extent possible the total height of the accessory building with its' addition to 19 ft. 9 in., a mere 5 ft. above its current height. Pursuant to Sec. 4.21 (k) "k. An accessory building in Residence C-1, and Office-1 districts shall not exceed fifteen (15) feet in height above the ground level." There is no way to design an addition above the garage without exceeding this height allowance. Thus, a Variance will be necessary to allow the Petitioner to proceed with this project.

- 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 described above is owing to the unique circumstances affecting this parcel that abuts two streets on opposite sides and where the existing structures are sited so as to limit the options for expanding as describe above.

- 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 addition to the accessory garage will be in keeping with the height and massing of other accessory structures located in the vicinity, and will not be detrimental to the public good.

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

This minimal Variance will allow a Home Occupation use consistent with the purposes of this ordinance and without derogating from its intent or purposes.

***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:** Shain P. Roche, Trustee of the 12 Hubbard Park Road Realty Trust**Present Use/Occupancy:** Single-family**Location:** 12 Hubbard Park Rd., Cambridge, MA**Zone:** Residence C-1 Zone**Phone:** 617-543-7009**Requested Use/Occupancy:** Single-family & Accessory Home office (4.21.d.1)

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		7,659 sf	8,222 sf	n/a	(max.)
<u>LOT AREA:</u>		14,217 sf	14,217 sf	n/a	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.54	0.58 (total)/0.04 (non-residential)	n/a (0.75 non-res)	
<u>LOT AREA OF EACH DWELLING UNIT</u>		14,217 sf	14,217 sf	n/a	
<u>SIZE OF LOT:</u>	WIDTH	79 ft	79 ft	n/a	
	DEPTH	178 ft	178 ft	n/a	
<u>SETBACKS IN FEET:</u>	FRONT	12 ft 7 in (Foster St)	12 ft 7 in (Foster St)	10 ft	
	REAR	n/a	n/a	n/a	
	LEFT SIDE	1 ft 3 in	1 ft 6 in	1 ft 3 in	
	RIGHT SIDE	50 ft 4 in	50 ft 4 in	5 ft (sum 10 ft)	
<u>SIZE OF BUILDING:</u>	HEIGHT	14 ft 9 in (accessory structure)	19 ft 9 in (accessory structure)	15 ft (accessory structure)	
	WIDTH	23 ft 2 in	23 ft 2 in	n/a	
	LENGTH	26 ft 7 in	26 ft 4 in	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		60%/16% (private OS)	60%/16% (private OS)	30%/15% (private OS)	
<u>NO. OF DWELLING UNITS:</u>		1	1	n/a	
<u>NO. OF PARKING SPACES:</u>		7 (3 off Hubbard Park Rd & 4 off Foster St)	7 (3 off Hubbard Park Rd & 4 off Foster St)	0	
<u>NO. OF LOADING AREAS:</u>		0	0	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		39 ft 3 in	39 ft 3 in	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.:

Single-family home and a detached accessory garage. Project proposes addition above the garage for a home therapist's office. Construction will be standard residential construction.

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'.

March 5, 2025

Via Email and Courier

Ms. Maria Pacheco
Zoning Administrator
City of Cambridge Inspectional Services Department
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case No. 1152107-BZA-2025
BZA Application: 12 Hubbard Park Road, Cambridge, MA

Dear Ms. Pacheco:

Enclosed please find for filing in connection with the BZA Application referenced above, the following updated materials:

- Perspective Views and Renderings – 3/03/25

Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Like Rhatigan', with a long horizontal line extending to the right.

Sarah Like Rhatigan, Esq.

Enclosures



PERSPECTIVE VIEW - SITE - 1

12 HUBBARD PARK RD.

smma



PERSPECTIVE VIEW - SITE - 2

12 HUBBARD PARK RD.

smma



RENDERING - STREET VIEW 1

12 HUBBARD PARK RD.

smma



RENDERING - STREET VIEW 2

12 HUBBARD PARK RD.

smma

April 7, 2025

Via Email

Board of Zoning Appeal
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case No. 1152107-BZA-2025
BZA Application: 12 Hubbard Park Road, Cambridge, MA

Dear Chair Monteverde and Members of the Board of Zoning Appeal:

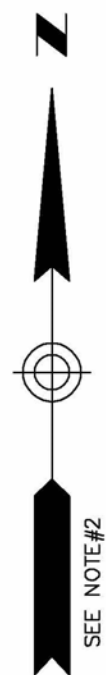
On behalf of the Petitioner, we request a withdrawal of the above-referenced Board of Zoning Appeal Application without prejudice.

We would also like to thank you all for your time in reviewing the application.

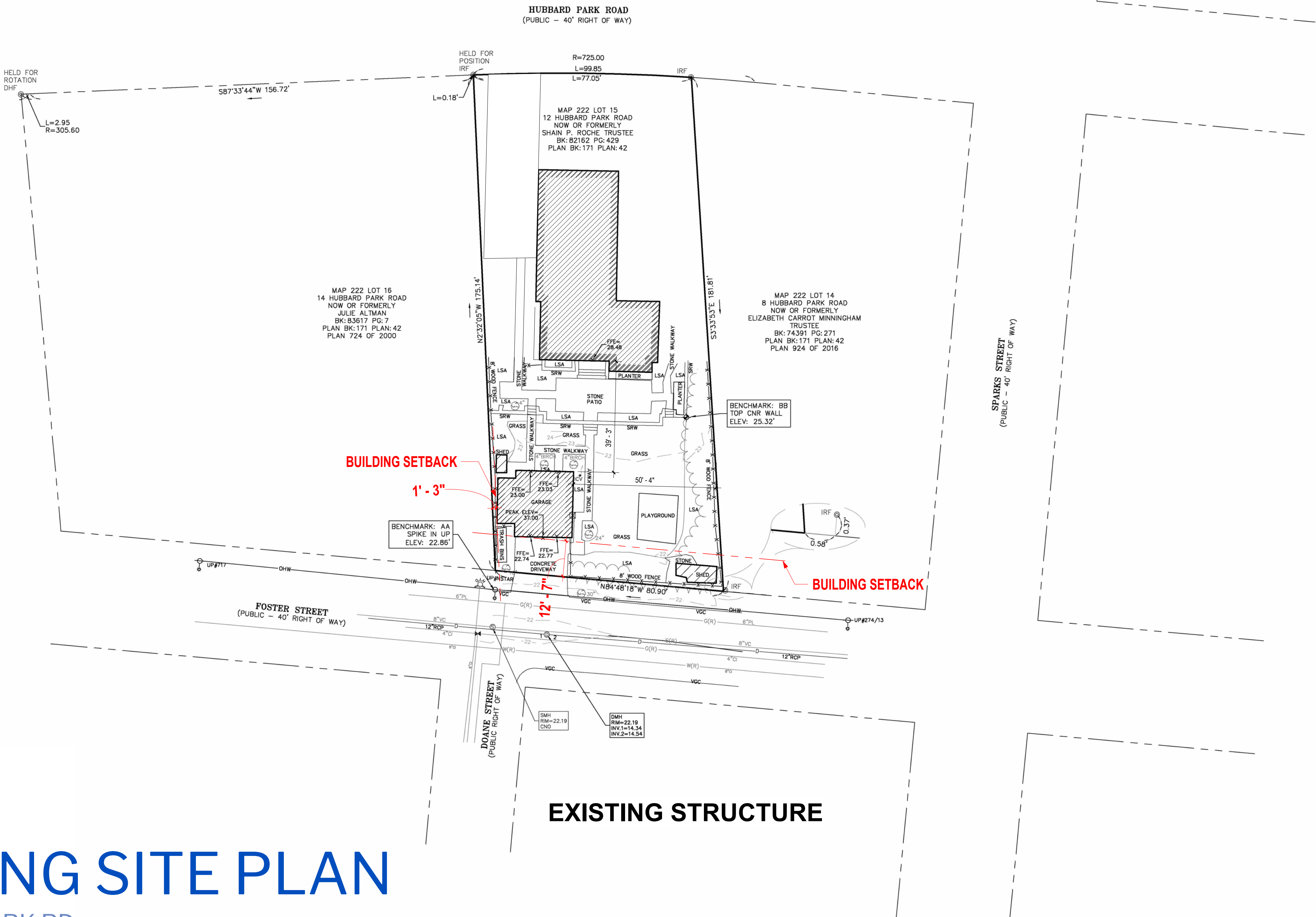
Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Like Rhatigan', with a long horizontal flourish extending to the right.

Sarah Like Rhatigan, Esq.

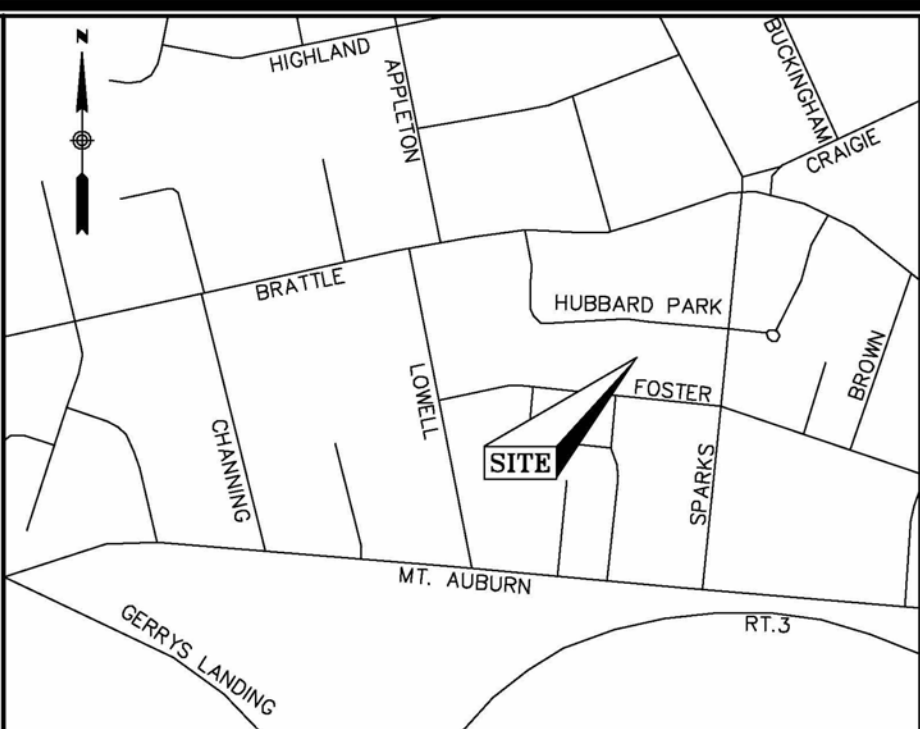


SEE NOTE#2



UTILITY STATEMENTS

THE LOCATION OF THE UTILITIES AS SHOWN HEREON HAVE BEEN COMPILED FROM VISIBLE STRUCTURES AND INFORMATION OBTAINED FROM VARIOUS SOURCES. THE ACTUAL LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHALL BE CONSIDERED APPROXIMATE AND SHALL BE VERIFIED BY THE OWNER PRIOR TO ANY CONSTRUCTION. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICES OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED.



LOCUS MAP (N.T.S.)

NOTES

1. THIS PLAN WAS PREPARED FROM AN ACTUAL ON THE GROUND FIELD SURVEY CONDUCTED BY WSP USA INC. IN DECEMBER OF 2024 AND JANUARY OF 2025.
2. THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, MASSACHUSETTS STATE PLANE MAINLAND COORDINATE SYSTEM AND WAS ESTABLISHED UTILIZING RTK GPS SURVEY TECHNIQUES.
3. THE VERTICAL DATUM SHOWN HEREON IS REFERENCED TO CAMBRIDGE CITY BASE AND WAS ESTABLISHED ON SITE UTILIZING RTK GPS SURVEY TECHNIQUES.

PLAN REFERENCES

MIDDLESEX SOUTH REGISTRY OF DEEDS

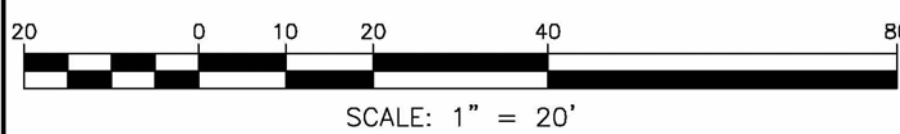
1. PLAN BOOK 171 PAGE 42
2. PLAN 724 OF 2000
3. PLAN 924 OF 2016

UNRECORDED PLANS PROVIDED BY SMMA

4. "MORTGAGE INSPECTION PLAN" PREPARED BY ABV SURVEY DATED DECEMBER 27, 2018.
5. "CERTIFIED PLOT PLAN" PREPARED BY JOHN L. LIBBY CONSULTING, INC. DATED AUGUST 13, 2019.

LEGEND

VGC	VERTICAL GRANITE CURB	DHF	DRILL HOLE FOUND
SRW	STONE RETAINING WALL	IRF	IRON ROD FOUND
LSA	LANDSCAPED AREA	DMH	DRAIN MANHOLE
FFE	FINISHED FLOOR ELEVATION	SMH	SEWER MANHOLE
VC	VITRIFIED CLAY	EB	ELECTRIC BOX
RCP	REINFORCED CONCRETE PIPE	GV	GAS VALVE
PL	PLASTIC	ICV	IRRIGATION CONTROL VALVE
CI	CAST IRON	FH	FIRE HYDRANT
INV.	INVERT	UPL	UTILITY POLE WITH LIGHT
(R)	RECORD INFORMATION	DT	DECIDUOUS TREE
CNO	COULD NOT OPEN	B	BENCHMARK
		AL	ABUTTERS LOT LINE
		PL	PROPERTY LINE
		WF	WOOD FENCE
		TL	TREE LINE
		IC	INTERMEDIATE CONTOURS
		IX	INDEX CONTOURS
		D	DRAIN LINE
		OW	OVERHEAD WIRES
		S(R)	RECORD SEWER LINE
		W(R)	RECORD WATER LINE
		G(R)	RECORD GAS LINE



REVISION

DATE DESCRIPTION

EXISTING CONDITIONS PLAN
12 HUBBARD PARK ROAD
CAMBRIDGE, MASSACHUSETTS
PREPARED FOR
SMMA



WSP USA Inc.
10 Al Paul Lane, Suite 103
Merrimack, NH 03054
603-324-0694

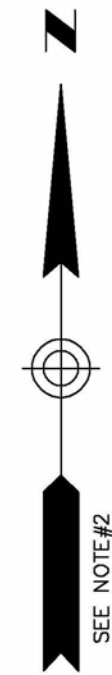
US0041039-5059-1.dwg

EXISTING SITE PLAN

12 HUBBARD PARK RD.

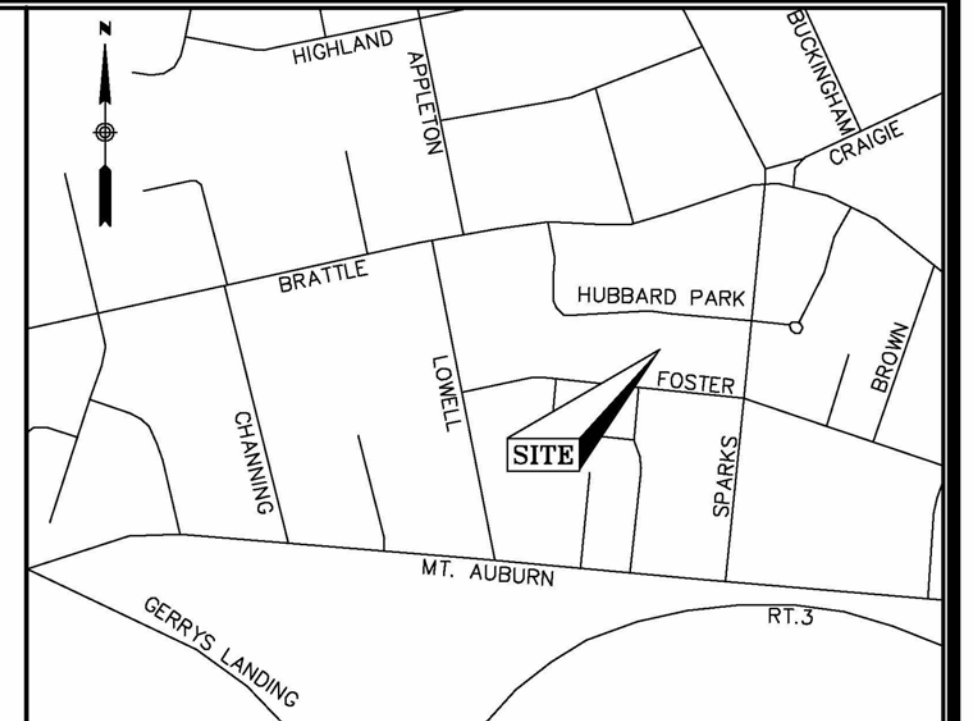
smma

Drawn By	MS	Date	JANUARY 10, 2025	Job No.	0041039.5059
Surveyed By	CH, JD	Scale	1"=20'	Sheet No.	1 OF 1
Checked By	DJH				
Book No.	M-41				



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(N.T.S.)

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PLAN REFERENCES

MIDDLESEX SOUTH REGISTRY OF DEEDS

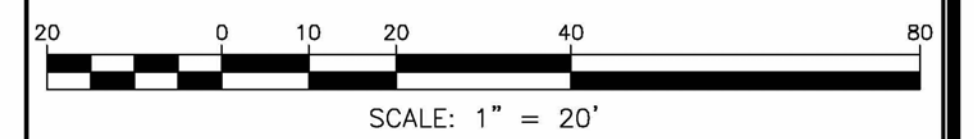
- PLAN BOOK 171, PAGE 42
- PLAN 724 OF 2000
- PLAN 924 OF 2016

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LEGEND

- | | | | |
|------|--------------------------|-----|--------------------------|
| VGC | VERTICAL GRANITE CURB | DHF | DRILL HOLE FOUND |
| SRW | STONE RETAINING WALL | IRF | IRON ROD FOUND |
| LSA | LANDSCAPED AREA | DM | DRAIN MANHOLE |
| FFE | FINISHED FLOOR ELEVATION | SM | SEWER MANHOLE |
| VC | VITRIFIED CLAY | EB | ELECTRIC BOX |
| RCP | REINFORCED CONCRETE PIPE | GV | GAS VALVE |
| PL | PLASTIC | ICV | IRRIGATION CONTROL VALVE |
| CI | CAST IRON | FD | FIRE HYDRANT |
| INV. | INVERT | UPL | UTILITY POLE WITH LIGHT |
| (R) | RECORD INFORMATION | DT | DECIDUOUS TREE |
| CNO | COULD NOT OPEN | B | BENCHMARK |
| | | AL | ABUTTERS LOT LINE |
| | | PL | PROPERTY LINE |
| | | WF | WOOD FENCE |
| | | TL | TREE LINE |
| | | IC | INTERMEDIATE CONTOURS |
| | | IN | INDEX CONTOURS |
| | | DL | DRAIN LINE |
| | | OW | OVERHEAD WIRES |
| | | SR | RECORD SEWER LINE |
| | | WR | RECORD WATER LINE |
| | | GR | RECORD GAS LINE |



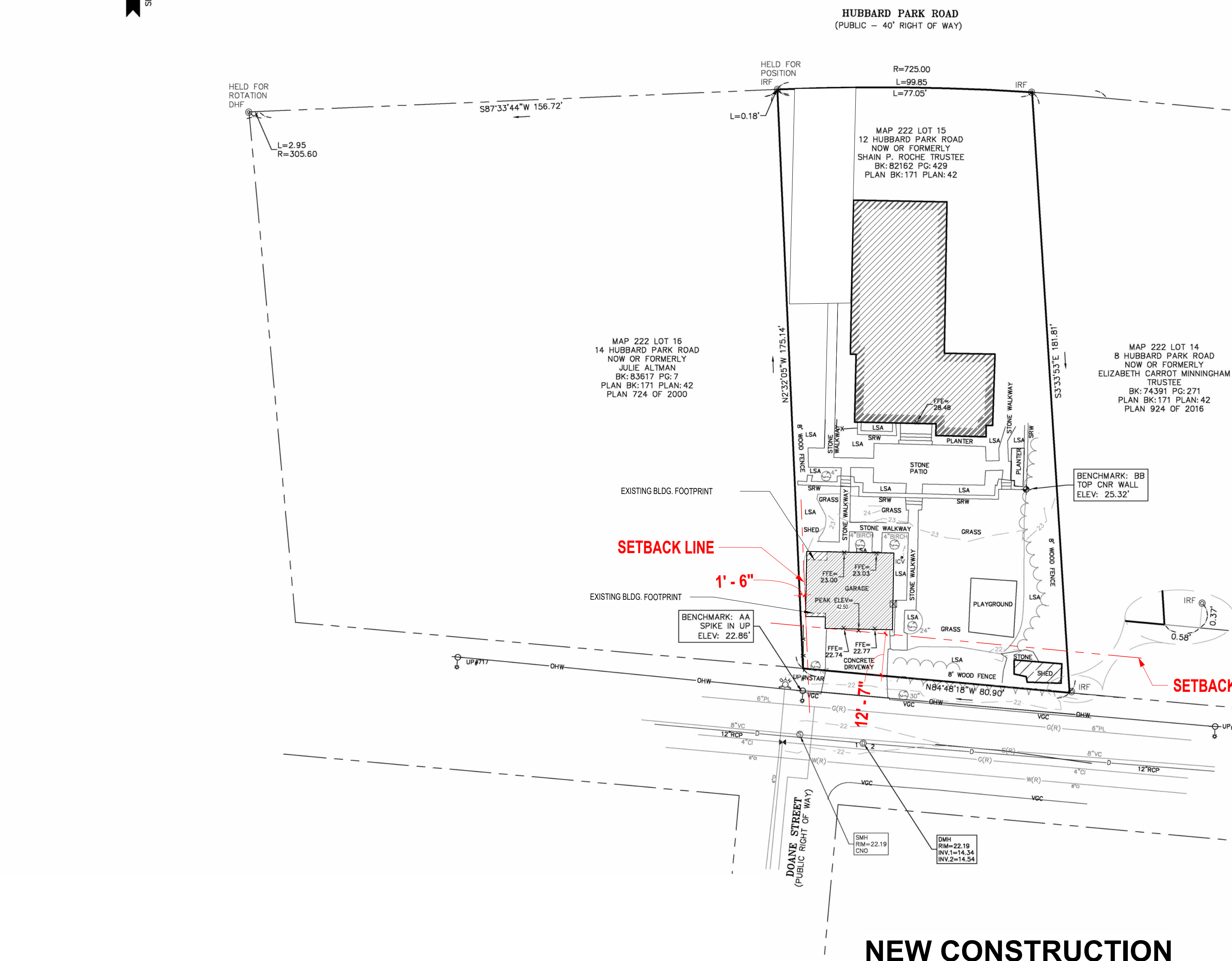
REVISION	
DATE	DESCRIPTION

12 HUBBARD PARK ROAD
CAMBRIDGE, MASSACHUSETTS
PREPARED FOR
SMMA



WSP USA Inc.
10 Al Paul Lane, Suite 103
Merrimack, NH 03054
603-324-0894

Drawn By	MS	Date	JANUARY 10, 2025	Job No.	0041039.5059
Surveyed By	CH, JD				
Checked By	DJH	Scale	1"=20'	Sheet No.	1 OF 1
Book No.	M-41				

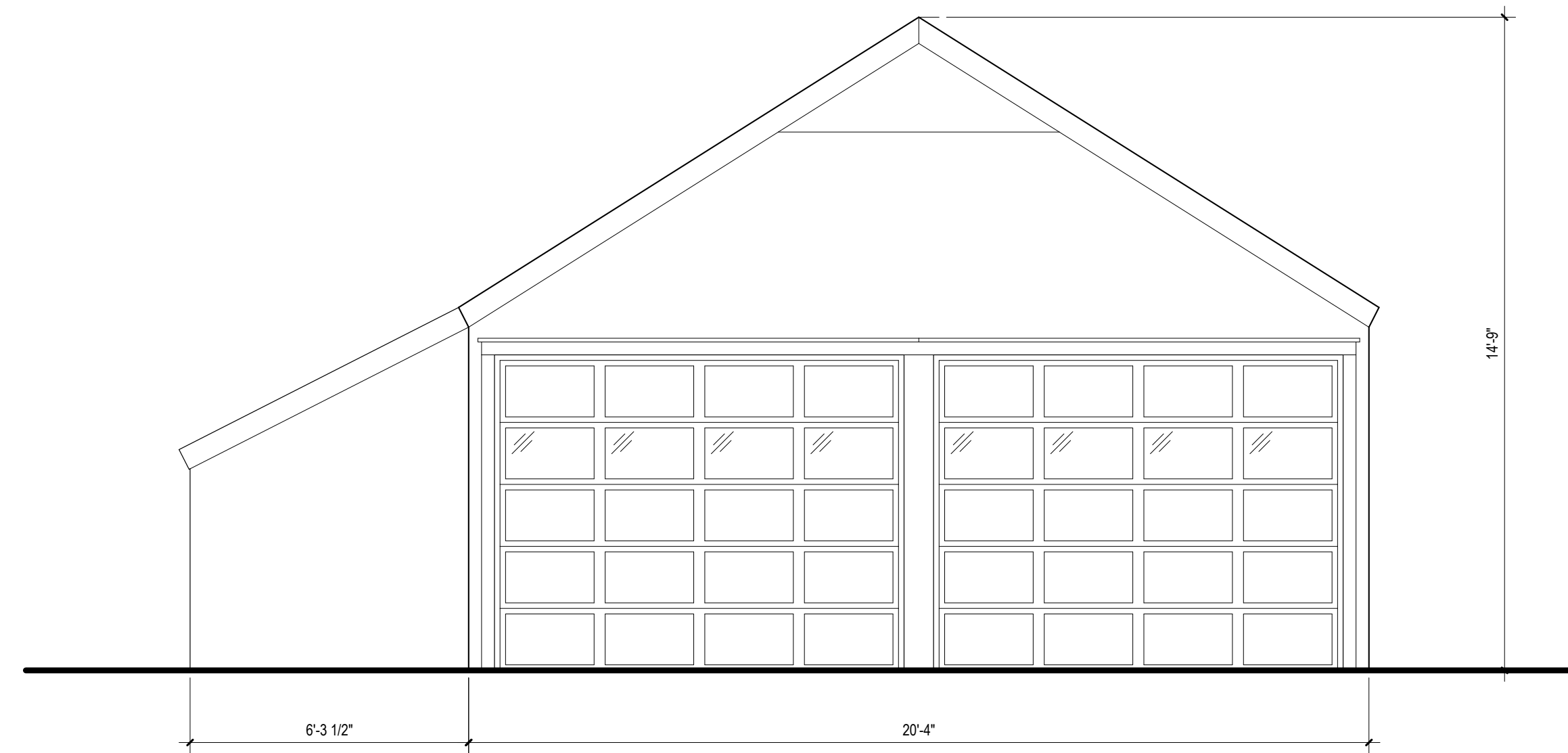


PROPOSED SITE PLAN

12 HUBBARD PARK RD.

smma

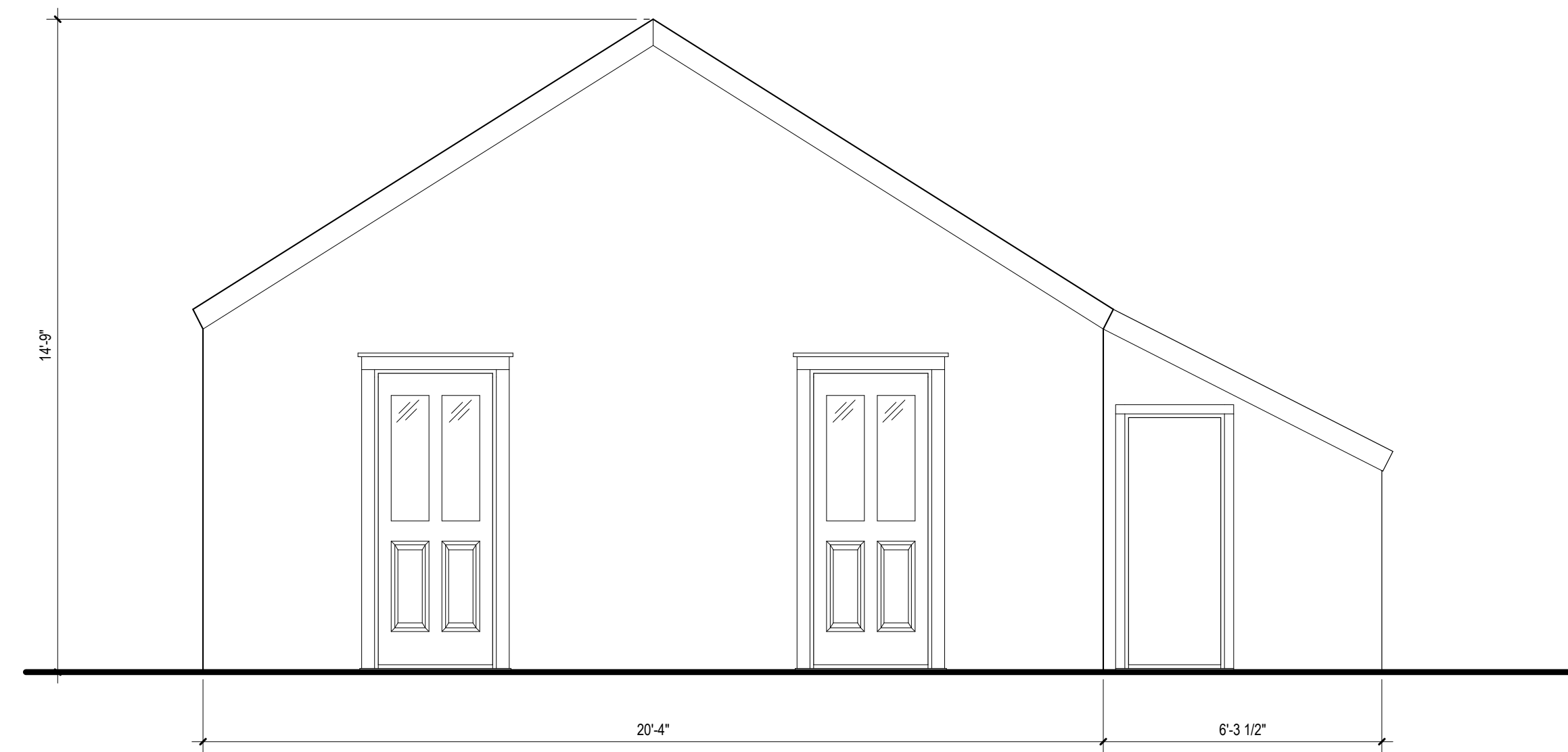
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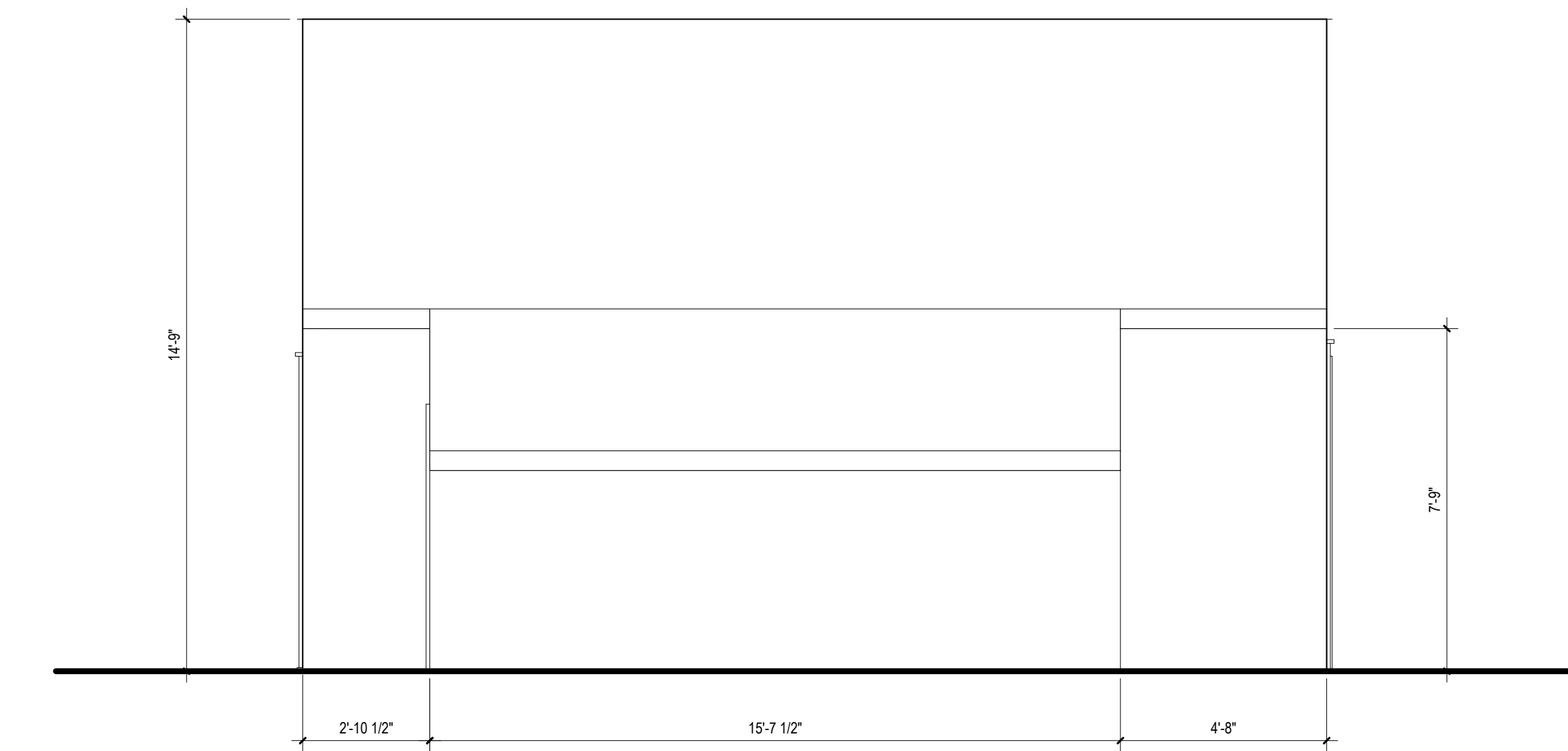
1 EXISTING STREET ELEVATION
SCALE: 3/8" = 1'-0"



2 EXISTING YARD ELEVATION
SCALE: 3/8" = 1'-0"



3 EXISTING REAR ELEVATION
SCALE: 3/8" = 1'-0"

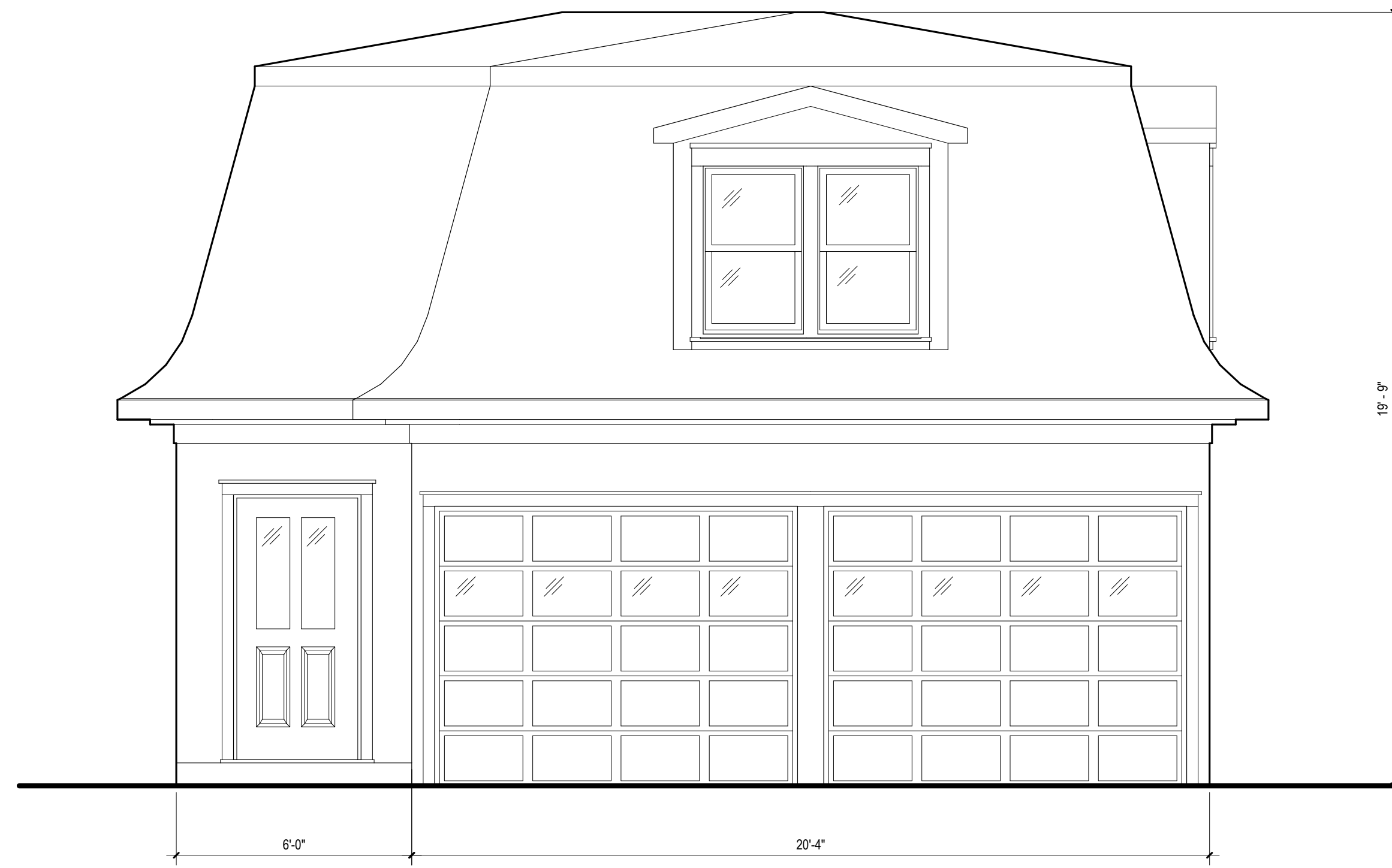


4 EXISTING SIDE ELEVATION
SCALE: 3/8" = 1'-0"

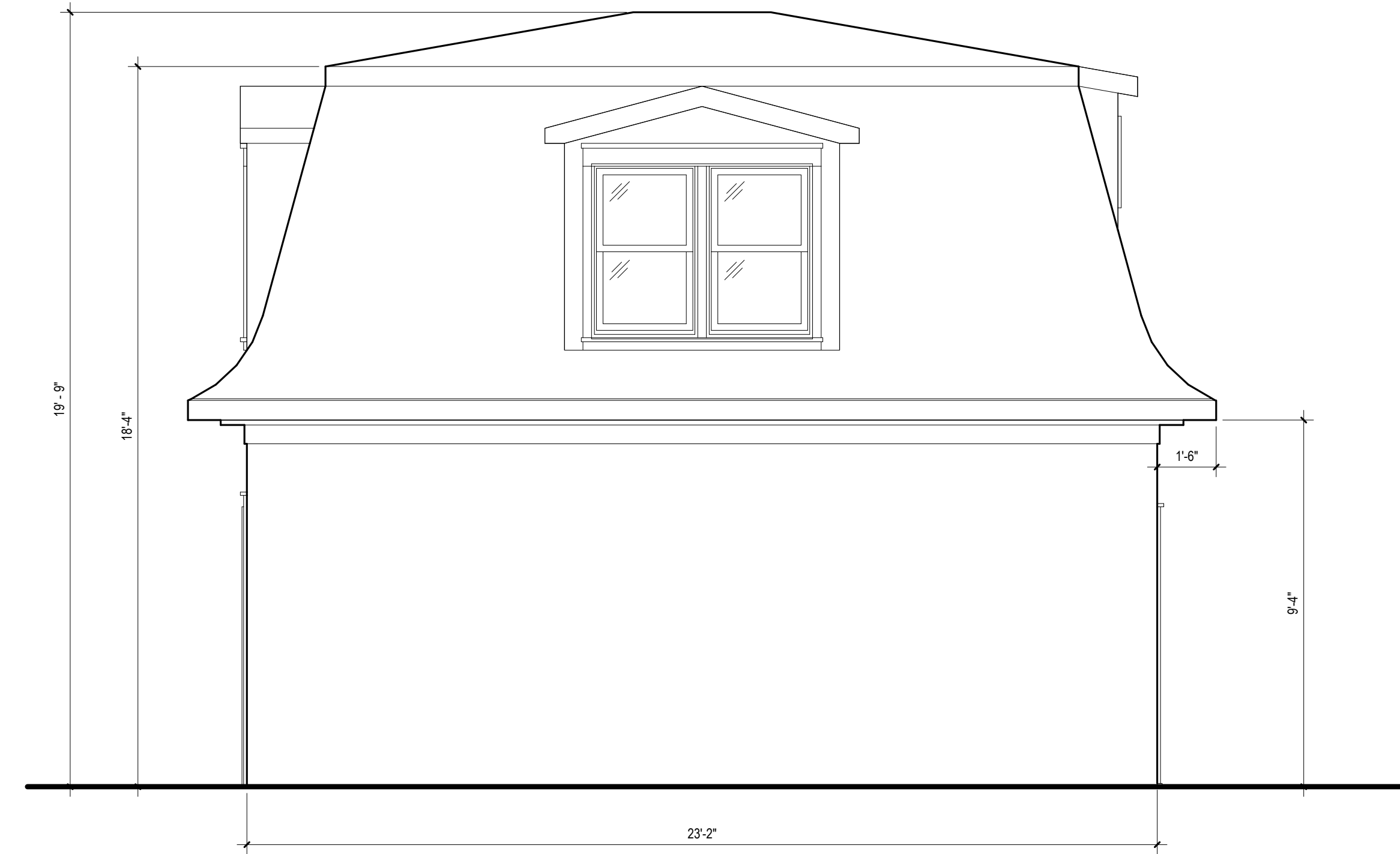
EXISTING ELEVATIONS

12 HUBBARD PARK RD.

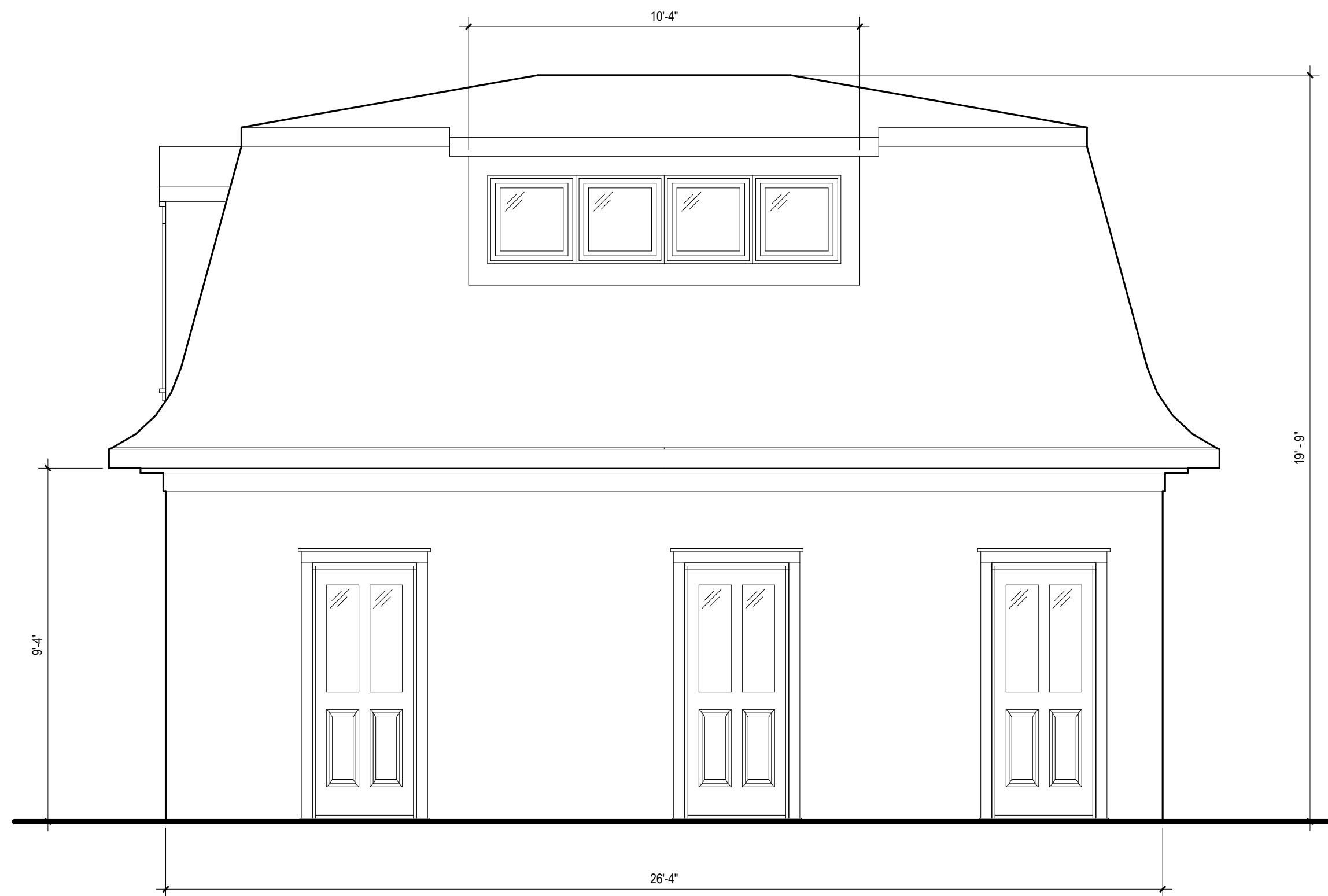
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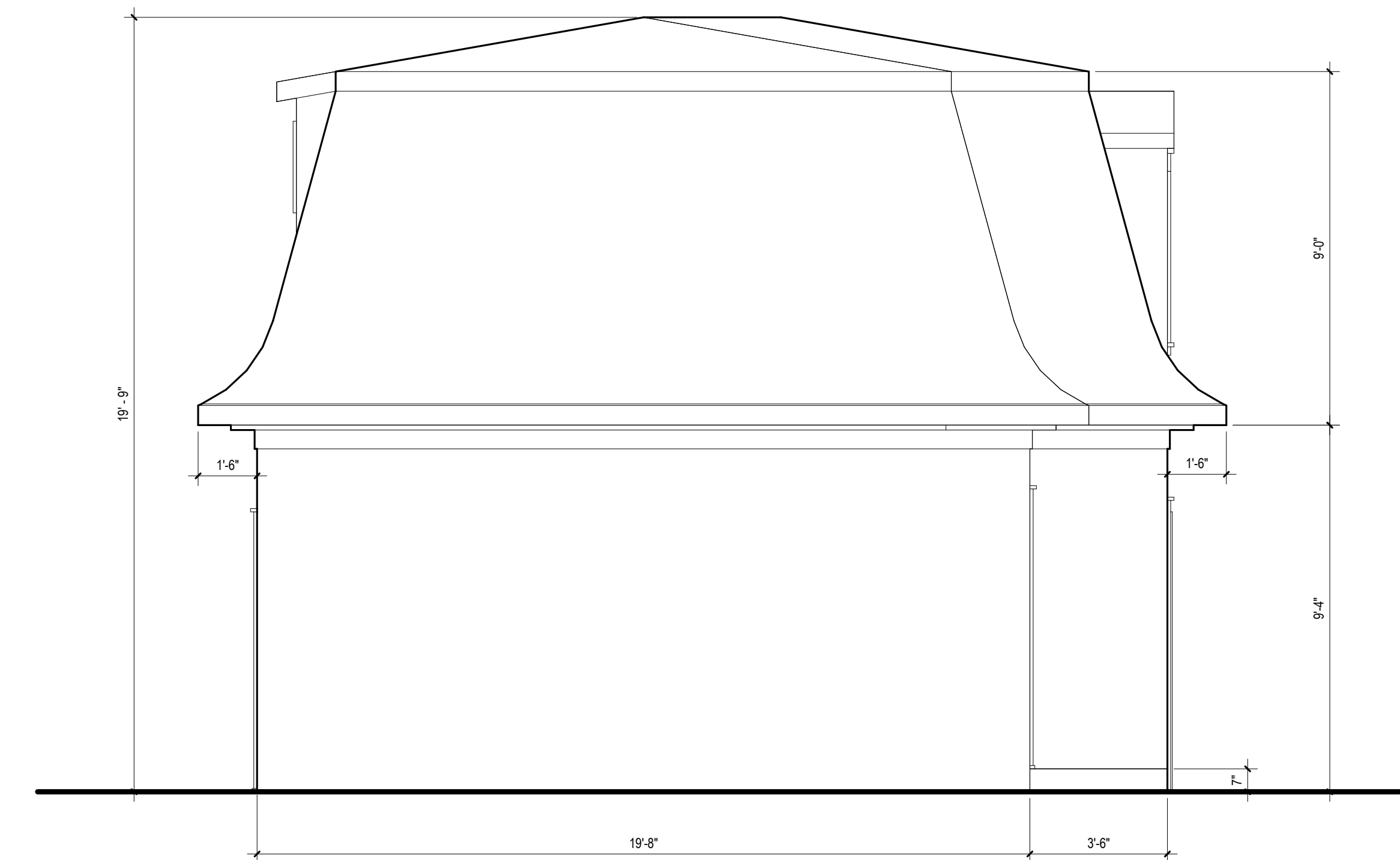
1 STREET ELEVATION
SCALE: 3/8" = 1'-0"



2 YARD ELEVATION
SCALE: 3/8" = 1'-0"



3 REAR ELEVATION
SCALE: 3/8" = 1'-0"



4 SIDE ELEVATION
SCALE: 3/8" = 1'-0"

PROPOSED ELEVATIONS

12 HUBBARD PARK RD.

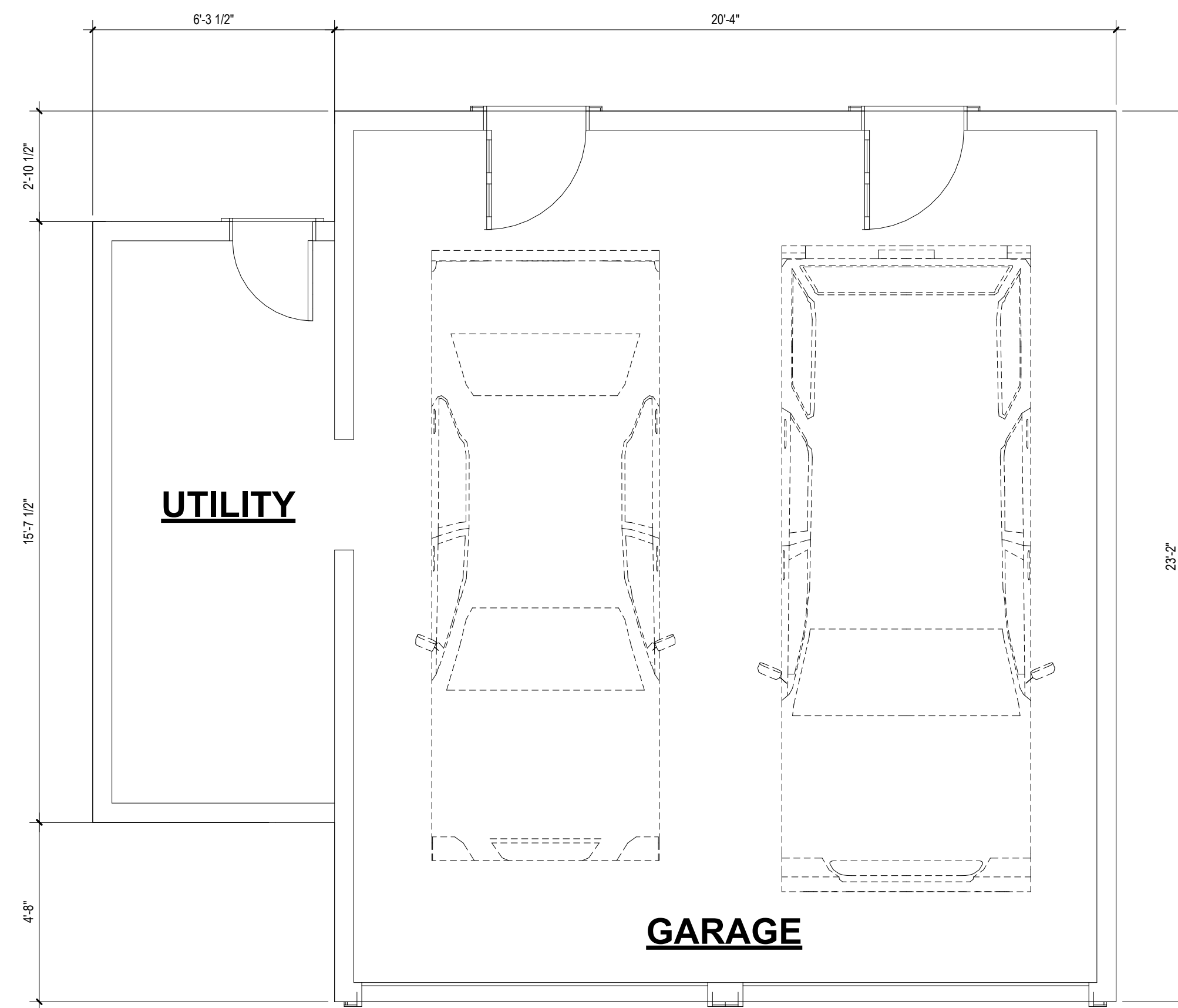
smma



EXISTING CONDITIONS PHOTOS

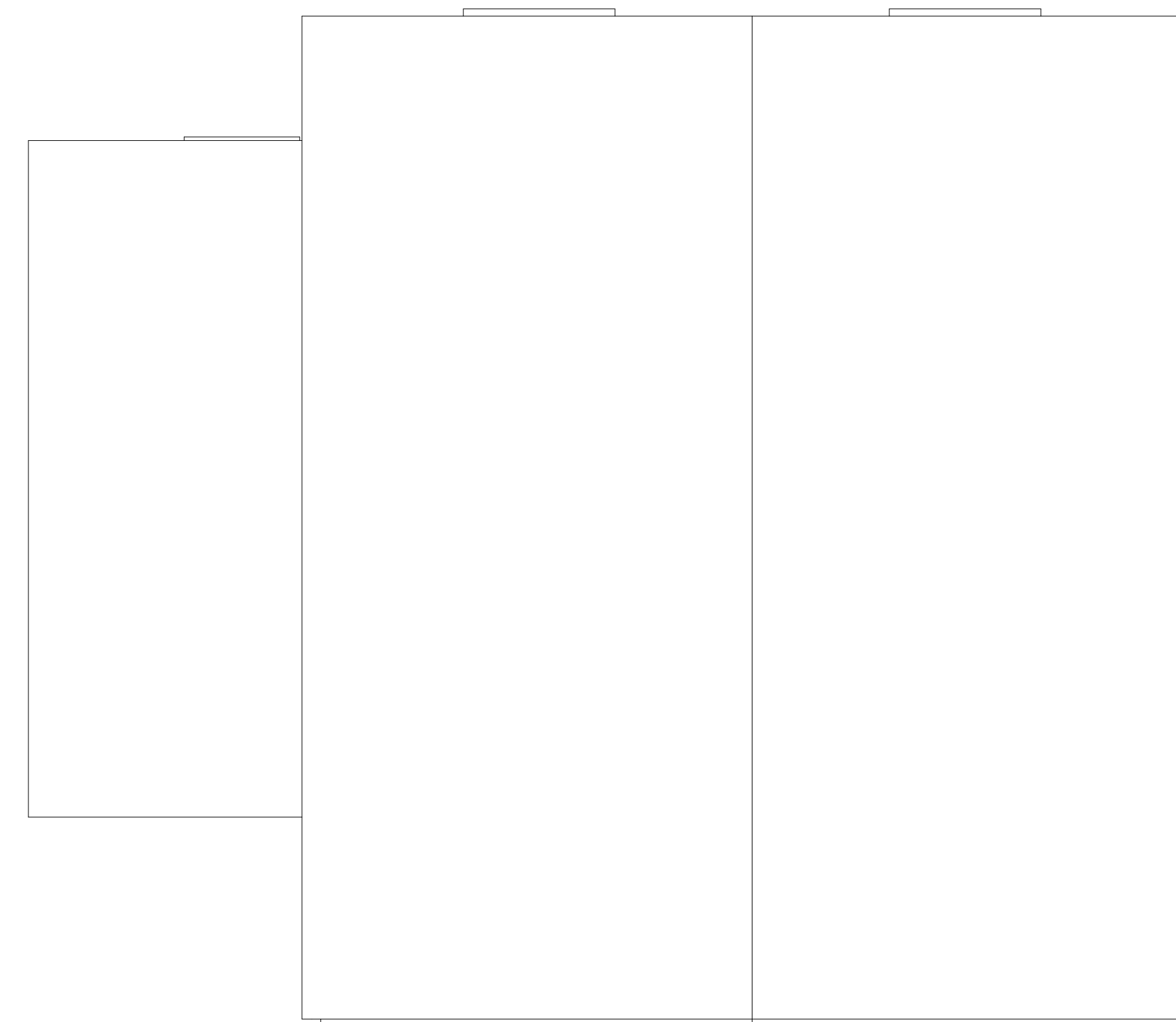
12 HUBBARD PARK RD.

smma



1 EXISTING PLAN - 1ST FLOOR
SCALE: 3/8" = 1'-0"

569 S.F.

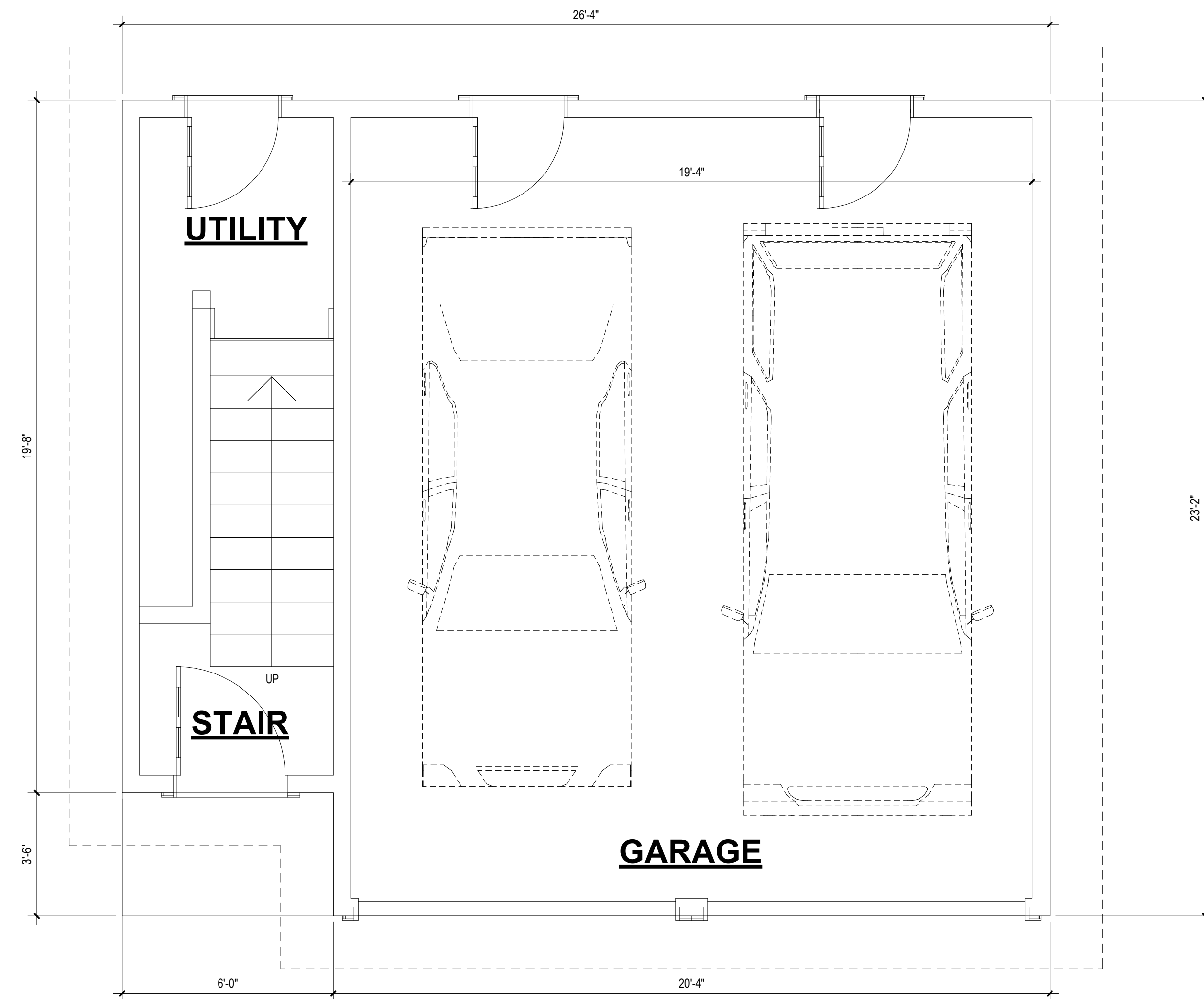


2 EXISTING PLAN - ROOF
SCALE: 3/8" = 1'-0"

PLANS - EXISTING CONDITIONS

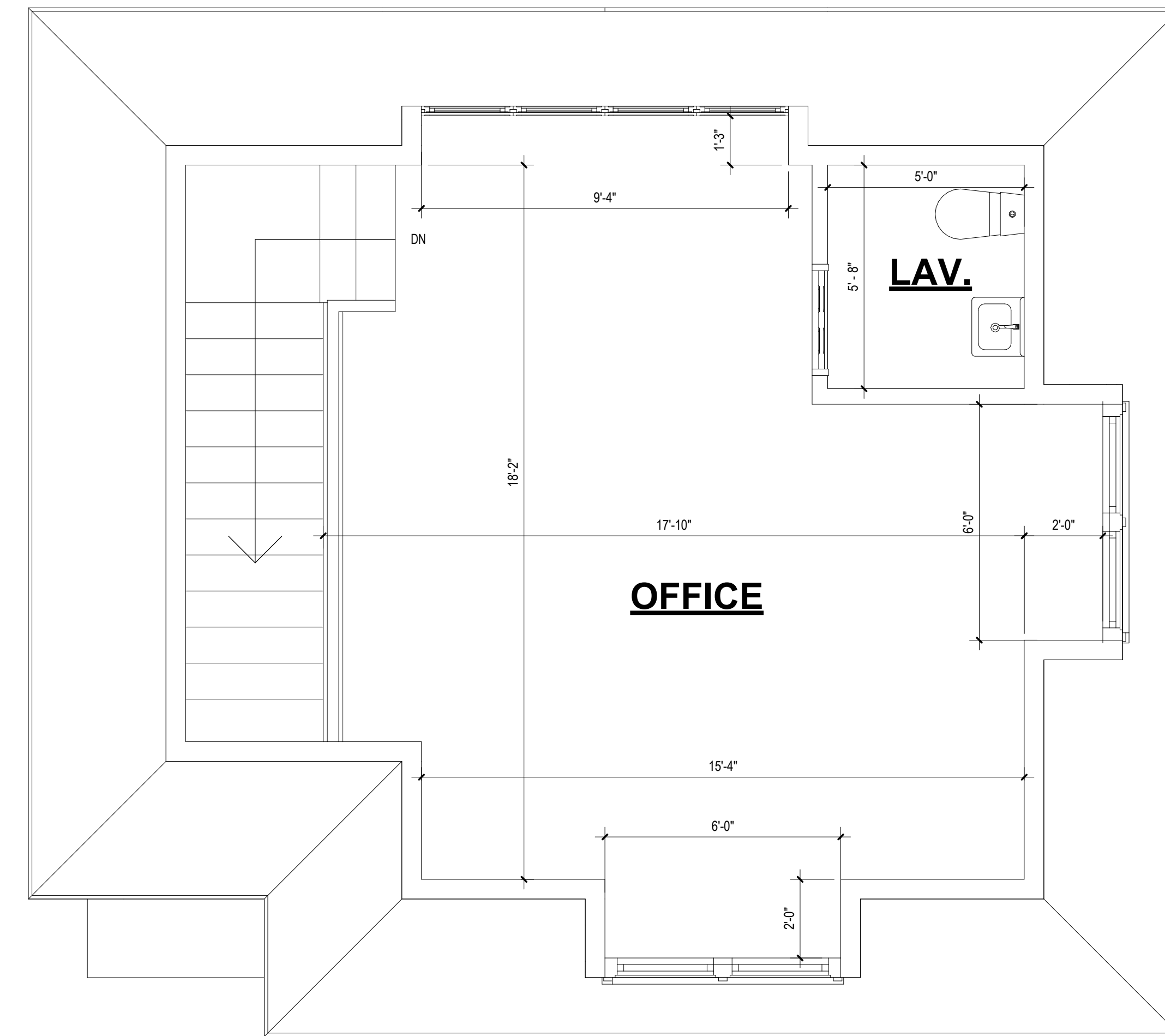
12 HUBBARD PARK RD.

smma



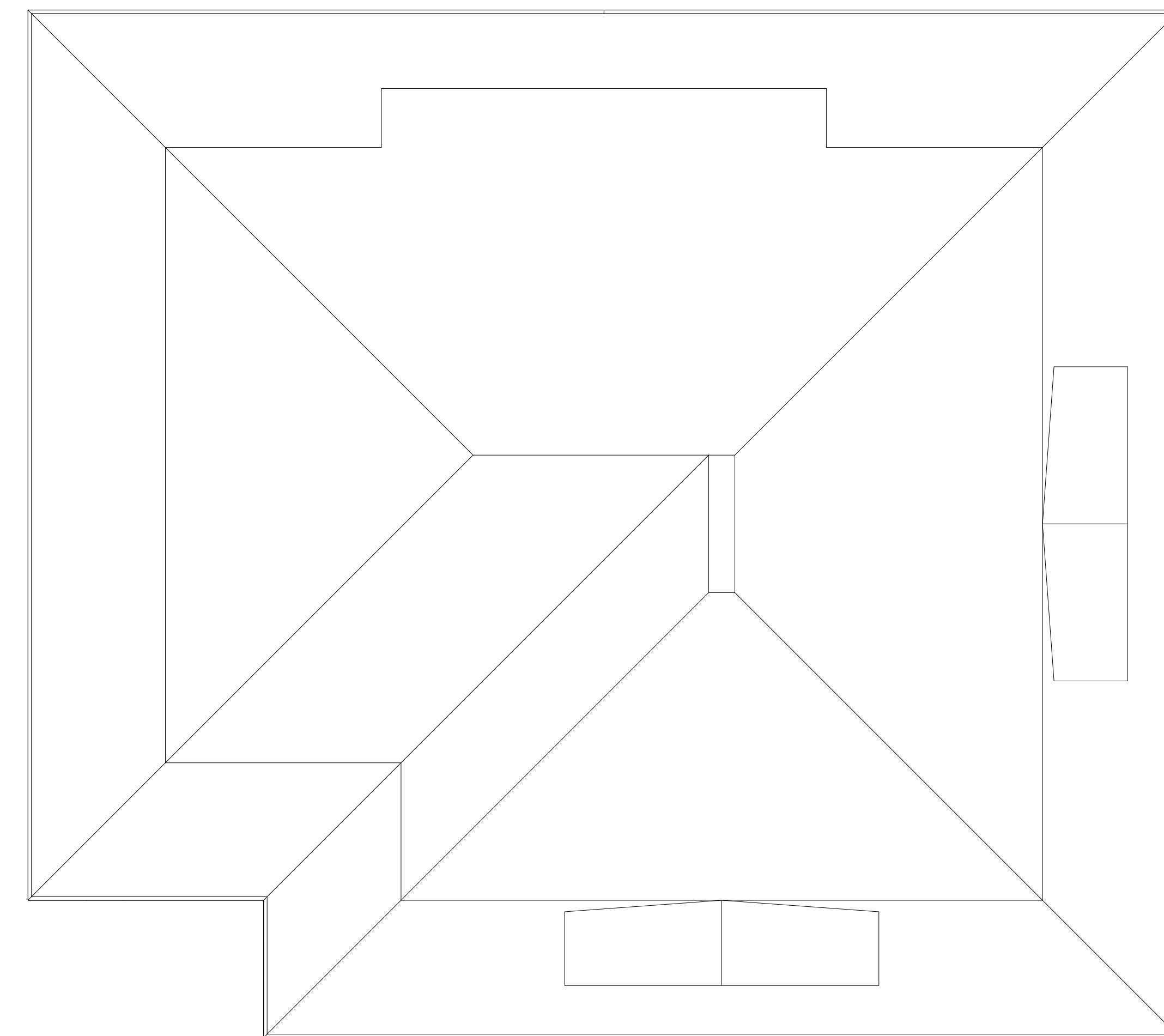
STAIRS AND UTILITY (118 S.F.) + GARAGE (471 S.F.) = 589 S.F. TOTAL

1 PROPOSED PLAN - 1ST FLOOR
SCALE: 3/8" = 1'-0"



445 S.F.

2 PROPOSED PLAN - 2ND FLOOR
SCALE: 3/8" = 1'-0"

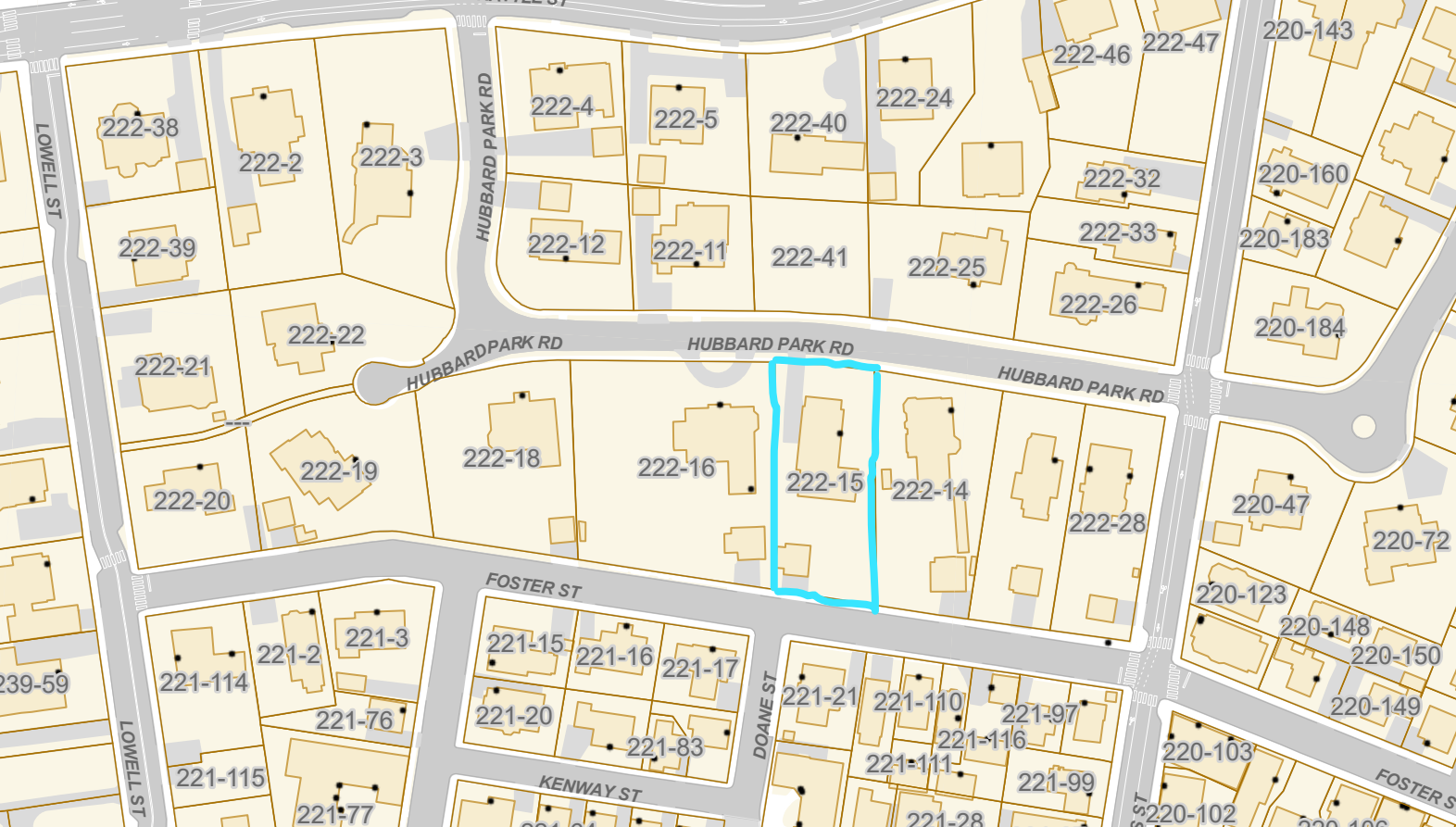


3 PROPOSED PLAN - ROOF
SCALE: 3/8" = 1'-0"

PLANS - PROPOSED PLANS

12 HUBBARD PARK RD.

smma



12 Hubbard Pk. Rd.

Petitioner

222-18
DUPREE, THOMAS & ANDREA DUPREE
20 HUBBARD PARK ROAD
CAMBRIDGE, MA 02138

221-22
WANNER, PATRICIA A. & EDWARD C. SERUES
100 FOSTER ST.
CAMBRIDGE, MA 02138-4729

TRILOGY LAW LLC
C/O SARAH LIKE RHATIGAN, ESQ.
12 MARSHALL STREET
BOSTON, MA 02108

221-17
NECZYPOR, FRANCIS M. &
ANN Z. NECZYPOR
114 FOSTER ST.
CAMBRIDGE, MA 02138

221-110
CONNOR, JAMES F., JR.
98 FOSTER
CAMBRIDGE, MA 02138-4729

222-25
NESSON, CHARLES R.,
TRUSTEE & FERN L. NESSON TRUSTEE
7 HUBBARD PARK RD
CAMBRIDGE, MA 02138

222-29
HENDERSON, MINAKO,
TR. THE MINAKO ENDERSON REV TRUST
6 HUBBARD PARK RD
CAMBRIDGE, MA 02138

222-41
BUSH, JONATHAN J., JR.
11 HUBBARD PARK DR
CAMBRIDGE, MA 02138

222-14
MINNINGH, ELIZABETH CARROTT TRUSTEE
8 HUBBARD PARK RD
CAMBRIDGE, MA 02138

221-21
BEAL, THADDEUS
106 FOSTER ST
CAMBRIDGE, MA 02138

222-16
ALTMAN, JULIE
14 HUBBARD PARK RD
CAMBRIDGE, MA 02138

222-15
ROCHE, SHAIN P
TRS THE 12 HUBBARD PK RD REALTY TR
155 FEDERAL ST - STE 700
BOSTON, MA 02110

222-11
BUSH, JONATHAN J. JR.
15 HUBBARD PARK RD
CAMBRIDGE, MA 02138

**DANIEL RASMUSSEN
8 HUBBARD PARK ROAD
CAMBRIDGE, MA 02138**

Board of Zoning Appeal
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

Subject: 12 Hubbard Park Road — BZA Case No. 1152107

Dear Members of the Board,

I am writing in support of my neighbors, Peter Palandjian and Eliza Palandjian, regarding their proposed home office project at 12 Hubbard Park Road. My wife and I live next door on Hubbard Park Road, and we share a fence on Foster Street. Given that we are, arguably, the most impacted by this project, we have carefully reviewed the Palandjian's plans.

Peter and Eliza have always been thoughtful, communicative, and considerate neighbors. They have kept us informed about their plans, and it is clear they have approached this project with care and sensitivity to the surrounding community. The proposed office space is a logical and unobtrusive addition that aligns with the character of the neighborhood. It does not increase the building's footprint, does not interfere with parking on Foster Street, maintains a practical height, and has been designed with privacy and aesthetics in mind.

We foresee no negative impact on the landscape, parking, drainage, or natural light and believe this will be a positive addition to their home. We fully support their application and appreciate their commitment to maintaining the integrity and harmony of our shared neighborhood.

Sincerely,

A handwritten signature in black ink that reads "Dan Rasmussen". The signature is written in a cursive, slightly slanted style.

Dan Rasmussen
8 Hubbard Park Road
Cambridge, MA 02138

Pacheco, Maria

From: GERALD ZURIFF <gerald.zuriff@verizon.net>
Sent: Sunday, March 2, 2025 7:33 PM
To: Pacheco, Maria
Subject: Petition 12 Hubbard Park Rd. Case #B2A115 2107

Dear Ms. Pacheco,

I am writing to object to the Petition Filed on behalf of 12 Hubbard Park Rd. Case B2A1152107. I live at 120 Foster St. which is nearly directly across from the property in question. As a member of the neighborhood, I have an interest in seeing that the City's zoning regulations are upheld. They are intended to protect and regulate the density, height, and aesthetics of structures in the community. They should be violated only in cases of real need and hardship. I do not think that the petition makes a convincing case of hardship.

There are many ways in which the petitioner can achieve the needs specified without further violation of the zoning rules. The office can be built in the yard, and the loss of yard space for the owners would not outweigh the loss for the entire neighborhood that would have to live with the new office.

The office can be built in the enormous house. No compelling case has been made that security and privacy preclude an in-house office. If there really are security issues, why are they not also pertinent to area on Foster St. outside the office door?

The office can be built on the first floor of the building.

These are just few of the options open to the petitioners.

I therefore request that the Board direct the petitioners to invest additional thought in order to arrive at a solution that does not violate the community regulations and that enhances the neighborhood.

Yours truly,
Gerald Zuriff
120 Foster St.

Pacheco, Maria

From: Jonathan Bush <jonathanjbushjr@gmail.com>
Sent: Monday, March 10, 2025 2:49 PM
To: Pacheco, Maria
Subject: 12 Hubbard Park Road — BZA Case No. 1152107
Attachments: Board of Zoning Appeal.pdf

Board of Zoning Appeal
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139
Subject: 12 Hubbard Park Road — BZA Case No. 1152107

Dear Members of the Board,

We fully and totally support Peter Palandjian and Eliza Palandjian in their proposed home office project at 12 Hubbard Park Road. My wife and I live across the street at 15 Hubbard Park Road. We have talked through the Palandjian's plans and love the idea for them. What a treat to have more people living AND working in the neighborhood!

Peter and Eliza are great neighbors. They have kept us informed about their plans, and it is clear they have approached this project with care to the surrounding community. The proposed office space is a logical and unobtrusive addition that aligns with the character of the neighborhood. It does not increase the building's footprint, does not interfere with parking on Foster Street, maintains a practical height, and has been designed with privacy and aesthetics in mind.

We foresee no negative impact on the landscape, parking, drainage, or natural light and believe this will be a positive addition to their home. We fully support their application and appreciate their commitment to maintaining the integrity and harmony of our shared neighborhood.

Sincerely,

Fay & Jonathan Bush
15 Hubbard Park Road
Cambridge, MA 02138
617-312-8033

Pacheco, Maria

From: Kathleen Moore <kathleensmoore@gmail.com>
Sent: Monday, March 10, 2025 2:31 PM
To: Pacheco, Maria
Subject: Opposition to Proposed Garage Addition at 12 Hubbard Park

Cambridge Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

Re: Opposition to Proposed Garage Addition at 12 Hubbard Park - BZA-1152107

Dear Members of the Board of Zoning Appeal,

I write to express my opposition to the proposed addition above the existing garage at 12 Hubbard Park. As a nearby resident, I'm concerned about the impact this expansion will have on the neighborhood.

The existing garage is already nonconforming, and allowing an additional floor above it would exacerbate this issue. Although Hubbard Park itself has no lack of a sense of space, Foster Street and its surrounding neighborhood is a different story—it's high density with a strong urban street wall. Because the garage fronts onto Foster Street, it's this neighborhood that would more significantly feel the negative effect of this expansion—an expansion that would create the feeling of the structure spilling over into the street and the neighboring area.

Furthermore, this request does not meet the threshold of a hardship. The property owners already have a very large home, which most certainly has ample space to accommodate a home office or any additional living needs within the primary structure. There is no justification for granting a variance for an expansion that is purely a matter of preference rather than necessity.

I urge the Board to deny this request. Thank you for your time and consideration.

Sincerely,

Kathleen Moore

9 Doane Street



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2 Bds

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: Georgia Lambros Date: ✓
(Print)

Address: 12 Hubbard Park Rd.

Case No. BZA-115-2107

Hearing Date: 3/13/25

Thank you,
Bza Members

Pacheco, Maria

From: Francis Neczypor <fmneczypor@outlook.com>
Sent: Tuesday, March 11, 2025 7:25 PM
To: Pacheco, Maria
Cc: Francis Neczypor
Subject: Case No: BZA-1152107

RE: Case No: BZA- 1152107
12 Hubbard Park Road
Residence C-1 Zone

My name is Francis Neczypor and I reside at 114 Foster street and I also own 9 Doane street. Both properties are within 125 feet and 180 feet respectively of 12 Hubbard Park Road (herein referred to as "the property").

I am in opposition to the petition to construct an addition above the attached garage of the property for the following reasons: mass and size of the addition, degradation of neighborhood security, degradation of privacy and implications to public parking and quality of life to the Foster Street neighborhood all of which are discussed as follows.

MASS and SIZE

The petitioner is requesting to increase the size of a detached two car garage with approximate cubic feet of 6151 cu. ft. to a two-story building of 12,050 cu. ft.. The proposed building will be 19'9"H x 23'.16"Wx26'.33"L for a floor plan of two floors total 1210 sq. ft. . The new building will also increase the footprint on the left side front and rear walls to accommodate a Foster street means of egress. The scale of this building will be larger than any secondary structure on Foster Street. The building would not be in conformity with any property on Foster street. This petition is not a "mere" increase in height of 5" of an existing structure. The new building will almost double the mass from a detached two car garage to a two-story medical office.

SECURITY

The petitioner indicates that the development of the separate building will implicitly improve " access, privacy and security" of the petitioner. Over the last few months, the petitioner has installed security surveillance as well requiring 24 hour posted security guards on Foster Street. The need for this level of security would not be reduced by introducing a daily queue of employees and patients to the property. Moving the access point to the property with a primary means of egress on Foster street given the prior level of required security would, by definition, reduce the level of personal and property security for the Foster street abutters.

PRIVACY

Within the petition the trustee states that by replacing a two-car garage with a 12,000 cu. ft. home office building the petitioner will have improved their privacy. That is not probable. Inviting third parties to access the property on a "with and without concept " can only decrease the current privacy of the petitioner. In addition, the increase in foot and auto traffic would reduce the privacy of the Foster street neighborhood.

PARKING

The property is at the intersection of Doane Street and Foster Street. This area supports the on-street parking of the Foster street residents, the 41 apartments for the Harvard students on Shaler lane and the multi family housing on Gibson street. The current on street parking is currently not adequate for the residents and visitors

of the current neighborhood. Adding an additional demand for the proposed office building employees (0-2) plus patients (1-3) would create a burden on the current Foster Street abutters.

HARDSHIP

The logic that a variance is needed to be granted by the CBZA due to a hardship created by doubling the size of a garage seems "distant". To wit, the hardship of security, privacy and access is only the result of inviting third party patients to visit the petitioner's residence. These types of concerns, regardless of 24-hour surveillance and 24-hour security guards are eliminated by using an off property office such as located in Harvard Square. Doubling the size of a two-car garage (the petition) does not eliminate those risks, instead it adds to that risk for the Foster Street Neighborhood which does not currently exist.

CONCLUSION

As such, based on the mass of the building, the degradation of security and privacy to the neighborhood, lack of parking access and failure to support a hardship under CZO article 10.30, it is clear that the granting of the variance would be to the detriment of the quality of life of the Foster street neighborhood.

It is also reasonable to accommodate the needs of the petitioner to follow the lead of the former owner of the property and various residents of Foster street to rent a third party office available within 3 blocks of the proerty. The purported hardship is easily remediated without the City of Cambridge granting a variance to the current Zoning statute.

Pacheco, Maria

From: Alan Seewald <alan@paradisecitylaw.com>
Sent: Wednesday, March 12, 2025 7:56 AM
To: Pacheco, Maria
Cc: Alex Sagan; Julie B. Altman; Jay Talerman; Matthew O'Connell
Subject: Memorandum of Law in Opposition to Variance - 12 Hubbard Park Road
Attachments: Altman-Sagan - Variance - Memo to BZA FINAL.pdf

Ms. Pacheco –

I represent Julie Altman and Alex Sagan, abutters to the property at 12 Hubbard Park Road (BZA No. 1152107). Attached is a Memorandum in Opposition to Variance for consideration by the Board. Please include in the record of the hearing scheduled for March 13, 2025. Thank you.

Alan Seewald

Law Office of Alan Seewald
One Roundhouse Plaza
Suite 304
Northampton, MA 01060
T: (413) 584-4455
E: alan@paradisecitylaw.com

**COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE
BOARD OF ZONING APPEALS**

BZA No. 1152107

**IN RE: APPLICATION OF SHAIN P. ROCHE, TRUSTEE
OF THE 12 HUBBARD PARK ROAD REALTY TRUST**

**MEMORANDUM OF JULIE ALTMAN AND ALEX SAGAN
IN OPPOSITION TO VARIANCE**

INTRODUCTION

For more than 26 years, Julie Altman and Alex Sagan have owned the property at 14 Hubbard Park Road (the Altman-Sagan property”) as their principal residence, raising four children there. The Altman-Sagan property is the western abutter to the property of Shain P. Roche, Trustee of the 12 Hubbard Park Road Realty Trust (“the applicant property”), the applicant in the instant variance application. The two properties are in the C-1 district.

The applicant seeks a variance to construct an addition atop an existing detached garage structure. The addition would be approximately five feet above the fifteen-foot height limit set forth in the Cambridge Zoning Ordinance (“CZO”). CZO 4.21(k). The applicant intends to operate a therapy practice as a home occupation, within the garage structure. The garage structure is located fifteen inches from the Altman-Sagan property line, and Ms. Altman and Mr. Sagan would be especially impacted by the construction of such an oversized structure.

Inasmuch as the variance cannot legally be granted in accordance with M.G.L. c. 40A, § 10 and CZO § 10.31, and because of the significant impact that the oversized structure would have on the Altman-Sagan property, Ms. Altman and Mr. Sagan oppose the application and urge the BZA to deny the variance.

NB: This memorandum is addressed to the variance requested in the application. A review of the plans reveals that the reconstructed garage structure would expand the footprint to the north-south in addition to being five feet taller than the existing structure. Both the north-south expansion and the height increase would intensify the side yard nonconformity, which would require a side-yard setback variance as well as the requested height variance. *Rockwood v. Snow Inn Corp.* 409 Mass. 361, 364 (1991).

ARGUMENT

Section 5.11 of the CZO is clear on the requirement for the enlargement of a structure to increase its height:

No ... existing building or structure [shall] be enlarged which does not conform to the regulations as to ... maximum height of structures, in the several districts as set forth in Article 5.000, Section 5.30 except as hereinafter provided....

The grant of the height variance is controlled by state law. M.G.L. c. 40A, § 10.¹ Section 10 contains rigorous requirements and provides that a variance may only be granted where the permit granting authority:

specifically finds 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.

“No person has a legal right to a variance and they are to be granted sparingly.” *Guiragossian v. Board of Appeals of Watertown*, 21 Mass. App. Ct. 111, 115 (1985), quoting from *Damaskos v. Board of Appeal of Boston*, 359 Mass. 55, 61 (1971).” The legislature allowed for the creation of new nonconformities through variances “to provide a kind of administrative escape hatch to protect the ordinance from being held unconstitutional as applied.” Report of the Department of Community Affairs Relative to the Proposed Changes and Additions to the Zoning Enabling Act, Mass. H.R. Rep. No. 5009, at 62 (1972)(“DCA Report”). “Therefore, variance may be granted only in “rare instances” and under “exceptional circumstances.” *Norcross v. Bd. of Appeal of the Bldg. Dep't of the City of Boston*, 255 Mass. 177, 185 (1926).

To grant a variance, this Board must find that the application meets each of the statutory factors. *Steamboat Realty v. Zoning Bd. of Appeal*, 70 Mass. App. Ct. 601, 603 (2007). It is not sufficient to recite the statutory factors in the decision; it is the applicant’s burden to satisfy the criteria and a decision granting a variance must set forth facts entered in evidence at the hearing that support the finding that each element of the statute has been met. A cursory review of the current application makes plain that the applicant has met none of those requirements.

Unique Circumstances

The first statutory factor to be proved by the applicant is that the variance is necessitated by the shape, topography or soil conditions that are unique to their land or structures, not affecting the district generally. The applicant does not cite any such factors in its application. That omission is understandable given that the applicant property is virtually indistinguishable from the other properties along Hubbard Park Road.

¹ The CZO provides for variances in § 10.31. The ordinance simply restates the required factors set forth in M.G.L. c. 40A, § 10.

The applicant asserts that “unique circumstances affecting this parcel that abuts two streets on opposite sides and where the existing structures are sited so as to limit² the options for expanding....” Those characteristics do not relate to “shape, topography or soil conditions.” The fact that the applicant property lies between Hubbard Park Road and Foster Street is not a shape characteristic and it is not in any sense unique. Each property with frontage on Hubbard Park Road bounds to the rear on Foster Street. Moreover, the location of the garage structure and its nonconforming nature are indistinguishable from the other properties on Hubbard Park Road and likely throughout the C-1 district. In fact, the Altman-Sagan property shares these exact characteristics. Having failed to identify any unique characteristics on the applicant property, the application fails.

Substantial Hardship

The applicant alleges the following as the hardship that justifies a variance:

It is not feasible to locate the therapist's office within the family's home due to concerns about access, privacy and security (for the family and patients), and off-street parking (which is off of Foster Street). It is also not feasible to construct a horizontal addition to the garage without losing the main yard area for the family (and without removing a substantial portion of the Private Open Space available on the site) or demolishing trees and vegetation to the detriment of the neighbors.

The applicant seems to confuse “hardship” with “preference.” Certainly, the applicant would prefer not to use their basement, which has a separate entrance easily accessible from Foster Street, for the home occupation. They would certainly prefer to maintain the lawn area for the family's use and enjoyment. But their preferences in this regard are not hardships within the meaning of the statute, nor do such alleged hardships flow from any unique conditions as the statute requires. Certainly, security measures could be implemented to assure the safety of both patients and residents if the basement were utilized for the home occupation. While it is nice to maximize the property's lawn area for the family's use, that does not render a horizontal addition infeasible. It certainly doesn't state a statutory hardship. The applicant does not address at all why the existing garage could not be renovated to accommodate a therapy practice without enlarging the structure. Of course, that would require the applicant to park their vehicles outdoors, which may be inconvenient but certainly not infeasible.

Furthermore, even if the applicants presented a facial case for hardship, which they have not, such hardship is entirely of their own making. They have ample opportunity to conduct a home occupation in the existing structures but have simply chosen not to do so.

It is obvious that the application does not address itself to “an escape hatch to avoid unconstitutionality.” See DCA Report. The applicant property is the site of a single-family residence with an accessory structure for which they paid \$15 million in 2019.³ Certainly the

² The use of the word “limit” as opposed to “prevent” other options for expansion is telling. As is argued in the Substantial Hardship section, the fact that there are alternatives that do not require a variance is fatal to this application.

³ See Middlesex South Registry of Deeds, Book 72161, Page 521 and Book 82162, Page 429.

existing structures enable a substantial use that would preclude any claim of unconstitutionality. Equally obvious is that the applicant's ultimate preference is to avoid any of the inconveniences that establishing a home occupation in conformity with the CZO might entail. They would prefer to impose those burdens on their neighbors instead, particularly on their closest abutters, Ms. Altman and Mr. Sagan. Those burdens are properly the applicants to bear. The application must be denied.

Substantial Detriment to Public Good and Derogation from Intent of the CZO

The application addresses the requirements that the variance can be granted without substantial detriment to the public good and without substantially derogating from the intent of the ordinance in the most cursory fashion. The applicant's argument is improperly tautological.

The application alleges that allowing the addition would be "in keeping with the height and massing of other accessory structures in the vicinity." The cases are consistent that the proximity to other nonconforming structures is an irrelevant consideration under § 10. *See Raia v. Board of Appeals of N. Reading*, 4 Mass. App. Ct. 318, 321-322 (1976); *Steamboat Realty v. Zoning Bd. of Appeal*, 70 Mass. App. Ct. 601 (2007). Moreover, describing a 30% increase in the allowable height of a structure as minimal should be dismissed out of hand. The CZO, like virtually all other zoning ordinances and bylaws, limit the height of accessory structures for good reason. It is incumbent upon the applicant seeking to deviate from that limitation to articulate the purposes of the limitation and to provide factual support for a finding that those purposes would be met despite the new nonconformity. The application completely fails in this regard.

CONCLUSION

The application for a variance does not present a rare circumstance where a variance may be granted. For all the foregoing reasons, the application must be denied.

**Julie Altman and Alex Sagan
By Their Attorney,**

Alan Seewald

**Alan Seewald
Law Offices of Alan Seewald
One Roundhouse Plaza, Suite 304
Northampton, MA 01060
(413) 584-4455
alan@paradisecitylaw.com**

Pacheco, Maria

From: Alex Sagan <alex@sagan.org>
Sent: Wednesday, March 12, 2025 11:24 AM
To: Pacheco, Maria
Cc: Julie B. Altman; Jay Talerman; Matthew O'Connell; Alan Seewald
Subject: 12 Hubbard Park Road BZA No. 1152107
Attachments: 12HPR - BZA Case 1152107 - Analysis and Observations - FINAL.pdf

Dear Ms. Pacheco –

Attached is a memorandum prepared by architect Matthew O'Connell, who is assisting us in understanding the zoning relief petition of our abutters at 12 Hubbard Park Road (BZA No. 1152107). Please include it in the records for this matter, including the hearing scheduled for March 13, 2025.

Thank you.

Alex Sagan and Julie Altman
14 Hubbard Park Road
Cambridge, MA 02138

March 12, 2025

Ms. Maria Pacheco
City of Cambridge Zoning Division
831 Massachusetts Avenue
Cambridge MA 02139

RE: Petition for Zoning Relief at 12 Hubbard Park Road - Case #BA115 2107

Ms. Pacheco,

My name is Matthew O'Connell, and I am writing on behalf of Alex Sagan and Julie Altman at 14 Hubbard Park Road, abutters to the Applicant on the western side of the shared property line. I have enjoyed a longstanding friendship with Alex and Julie dating back to work I performed professionally at their home over 25 years ago. My private consulting practice is currently based in Concord, MA.

My professional background is in architecture and construction management and includes presenting dozens of Variance and Special Permit Applications on behalf of clients in Boston, Cambridge, and other cities and towns primarily in Eastern Massachusetts. I have also served as the Chair of the Board of Zoning Appeals in my home town, and I have a practical understanding of MGL 40A and the policies and procedures related to both requesting and granting zoning relief.

After earning my professional degree in architecture, I became a Licensed Construction Supervisor and worked with S+H Construction where I learned a great deal about working in the City of Cambridge working with Ranjit, Ron Bentubo, and Peter McLaughlin. I subsequently worked with Marc Truant, permitting and building commercial and institutional projects in Cambridge. At the time Marc was a Member of the Cambridge BZA and we remain in professional contact.

With my background in mind, Alex and Julie asked me to review the facts and geometry of the proposed Variance Application on their behalf, through the lens of a designer and a builder.

These observations are being shared with the BZA for consideration on behalf and at the request of Alex Sagan and Julie Altman, Owners of the abutting property at 14 Hubbard Park Road.

Analysis of the Application for Variance

Applicants seek to build above an existing, non-conforming accessory building currently used as a garage with an attached utility shed, and not currently zoned for accessory use or for habitation.

The wall of the existing accessory building is 1'-3" from the property line at the closest point on the western side. Current zoning regulations in the C-1 District require a minimum of 5'-0" side yard setback. The Applicants propose to remove the utility shed at the western side of the garage, and build a two story structure located 1'-6" from the property line.

EXPANDED BUILDING FOOTPRINT

EXISTING BLDG. FOOTPRINT

SETBACK LINE

1' - 6"

EXISTING BLDG. FOOTPRINT

BENCHMARK: AA SPIKE IN UP ELEV. 22.85'

EXPANDED BUILDING FOOTPRINT

12' - 7"

STONE WALKWAY

GRASS

STONE WALL

CONCRETE DRIVEWAY

NEW CONSTRUCTION

PROPOSED SITE PLAN

12 HUBBARD PARK RD.

Diagram – Footprint

The proposed structure proposes to raise the height of the accessory building, increasing the shed roof from a current approximate height of 4'-6-1/2" above the ground to a proposed height of 19'-9" at the highest point. The height limitation for an accessory building in this district is 15'-0". The existing structure is compliant at 14'-9" in maximum height. The proposed structure is 4'-9" above and 31% higher than the allowed height for a detached accessory building in the zoning ordinance.

Additionally, a review of the proposed application reveals that the soffit and fascia extend 1'-6" away from the newly proposed accessory building, in the direction of the property line. This puts the closest corner of the roof overhang **DIRECTLY ON THE PROPERTY LINE** at the southwest corner. While there is an exemption in the ordinance for soffits and overhangs within the setback, the shape of the roof, angled and sloping with a curve towards the property line, would certainly direct rainfall towards the neighboring property, causing Alex and Julie inconvenience and potential hazards.

The current design does not show a gutter in place. If a gutter was added at a later date, it would cross over and violate the western property line, onto Alex and Julie's property, for a portion of its length. There is no mention of providing new drainage infrastructure, including footing drains or perimeter drains in the application materials. The drainage for this new roof is of critical concern.

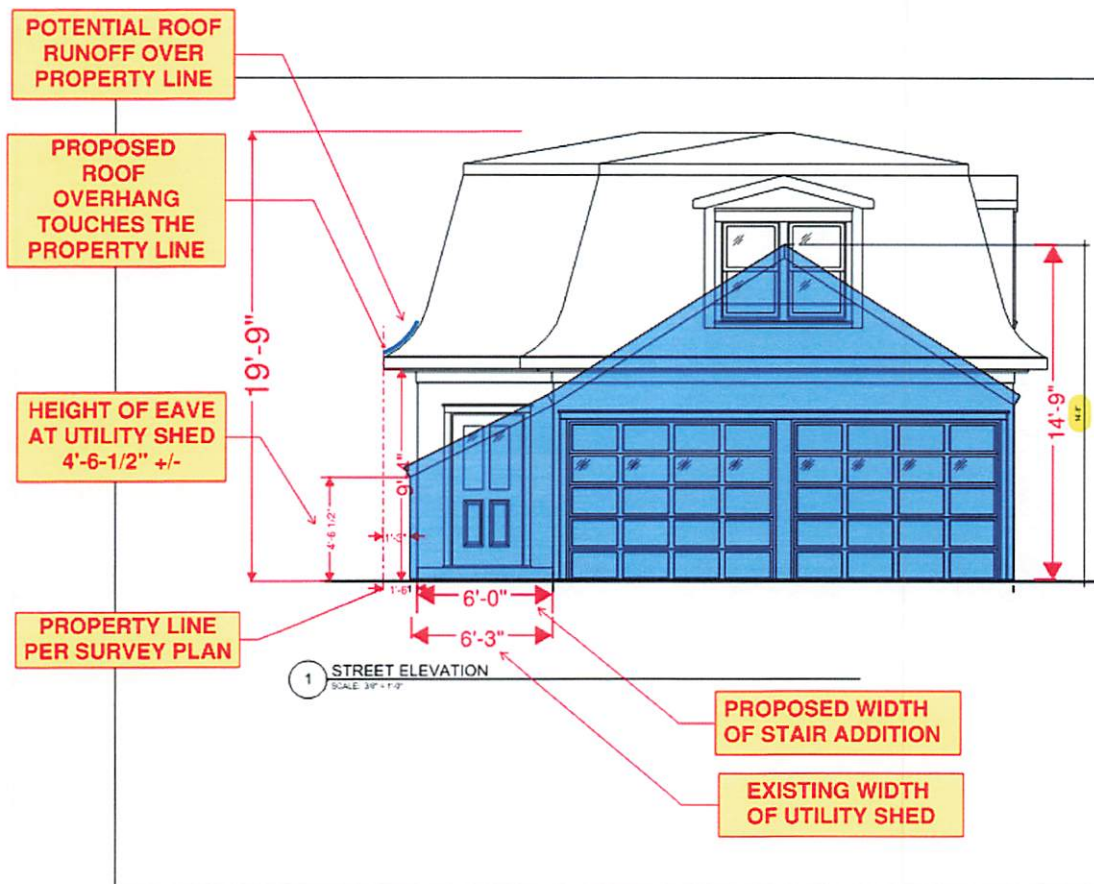


Diagram - Height

The current shape and geometry of the utility shed do not contain habitable space, being largely under 7'-0" with a sloped ceiling towards the property line. Converting a storage shed to a code compliant habitable building would require new footings below the frost line, extending towards the property line, currently just over (1) foot away. The excavation for new footings and a frost walls to support the new building will potentially cause disturbance to the soil, plantings, root systems, nearby walkway and the fence structure.

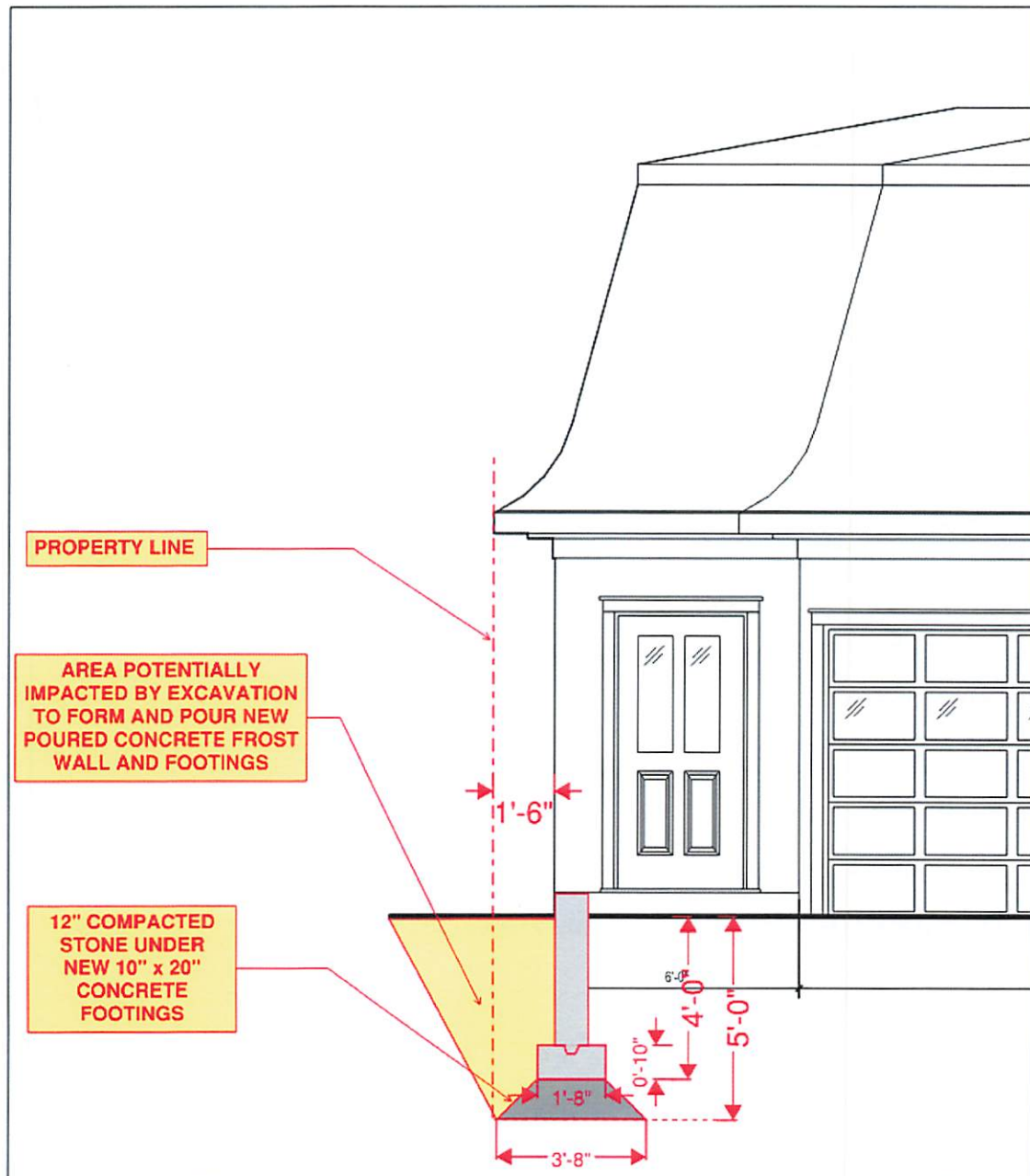


Diagram - Footing

Accessory Use

The proposed accessory use of a professional home office is certainly allowable under the current Ordinances, with a limit of 15% of the area in the primary residence. Given the scale and shape of the garage and primary residence, it appears a home office could reasonably be accommodated within the area of the ground floor garage or a horizontal extension of the garage to the East, and potentially further permutations of the use of the existing land and buildings.

Dimensional Table for C-1:

5.30 DISTRICT DIMENSIONAL REGULATIONS

5.30.1 Dimensional regulations shall apply as set forth in the table below for the indicated zoning districts. Refer to the applicable subsections of Section 5.20 for additional detail about how the below standards are applied.

Table 5-1: Table of District Dimensional Requirements

District	All Uses	Residential Uses (Section 4.31 a-j.)					Non-Residential Uses (Section 4.30 except 4.31 a-j.)			
	1. Min. Open Space Ratio (5.22)	2. Max. Stories Above Grade (5.23)	3. Max. Building Height in feet (5.23)	4. Min. Front Yard Setback in feet (5.24)	5. Min. Side or Rear Yard Setback in feet (5.24)	6. Max. Building Height in feet (5.23)	7. Min. Front Yard Setback in feet (5.24)	8. Min. Side Yard Setback in feet (5.24)	9. Min. Rear Yard Setback in feet (5.24)	10. Max. FAR (5.25)
5.31 Residence Districts										
Res. C-1	30% ⁽¹⁾	4 ⁽²⁾⁽³⁷⁾	45 ⁽²⁾⁽³⁷⁾	10 ⁽³⁾	5 ⁽⁴⁾	35	$\frac{H+L}{4}$ ⁽⁵⁾	$\frac{H+L}{5}$ ⁽¹⁴⁾⁽¹⁵⁾	$\frac{H+L}{4}$ ⁽⁷⁾	0.75

Dimensional Table

In conclusion, an analysis of the proposed design appears to show multiple encroachments on the western lot line, where a potential solution could be available as-of-right elsewhere on the property.

These observations are being shared with the BZA for consideration on behalf and at the request of Alex Sagan and Julie Altman, Owners of the abutting property at 14 Hubbard Park Road.

Respectfully Submitted,

Matthew O'Connell

Matthew O'Connell
MA CSL #088063
NCARB Record #381374

Pacheco, Maria

From: Alex Sagan <alex@sagan.org>
Sent: Wednesday, March 12, 2025 11:34 AM
To: Pacheco, Maria
Cc: Julie B. Altman; Matthew O'Connell; Alan Seewald; Jay Talerman
Subject: abutter's letter 12 Hubbard Park Road BZA No. 1152107
Attachments: BZA No.1152107, 12.3.2025.pdf

Dear Ms. Pacheco –

Attached is letter explaining our opposition to the zoning relief petition of our abutters at 12 Hubbard Park Road (BZA No. 1152107). Please include it in the records for this matter, including the hearing scheduled for March 13, 2025.

Please confirm receipt.

Thank you.

Alex Sagan and Julie Altman
14 Hubbard Park Road
Cambridge, MA 02138

Julie B. Altman & Alex Sagan

14 Hubbard Park Road • Cambridge, Massachusetts 02138-4731

telephone: 617-899-8997 • fax: 617-497-7877 • e-mail: alex@sagan.org

To: Board of Zoning Appeals, Cambridge, Massachusetts.

Re: BZA No.1152107, 12 Hubbard Park Road

Date: March 12, 2025

Dear Members of the Cambridge Board of Zoning Appeals,

We are Julie Altman and Alex Sagan, and we have lived at 14 Hubbard Park Road for over 26 years. We work in Cambridge, raised four children here, served as volunteers on several city committees, and love living in this city.

We live next to 12 Hubbard Park Road. Our neighbors, Eliza Dushku and Peter Palandjian, told us some months ago that they were thinking about enlarging their garage to build a new home office. Though they said that our privacy concerns would be addressed through window placement, we told them we would need dimensional information to form an opinion about the proposed structure. We requested this information in-person, and in writing on several occasions. Based on this communication, we were expecting to discuss their proposal further. The next we heard, however, was when we received the hearing notice from the city. We then downloaded the application from the BZA webpage. An email from our neighbors arrived only several days later with their application materials attached. We have since reviewed this petition for zoning relief and would like to share our views with the ZBA.

In short, we object to the requested zoning relief. The proposed structure is too tall and too close to our property.

The building would exceed the allowed height by over 30 percent, sitting above our yard, casting shadow, and blocking morning sunshine and views that we currently enjoy. It would make our lovely, sunny walkway into a shadowed alleyway. The dramatic increase in height and volume, so close to our property, would decrease the sense of privacy and negatively affect the lived experience and value of our home.

This expansion includes enlarging the footprint of existing structures that are little more than a foot from our lotline. It enlarges a utility shed that is currently not habitable and is within the side setback, only 15 inches from our property. The expansion of this shed would be to the north, the south, and skyward to a height of two stories.

The soffit or hip of the proposed second floor, on the west, appears to actually touch the lotline, right above the walkway that we use every day to go to work, receive visitors, visit neighbors, and access the Charles River basin. Due to this proximity, and the steep and curved mansard roof, additional snow, ice and rain would fall from our neighbors' roof onto our walkway. Even if the water management is addressed, we oppose a building of this height and volume so close to us.

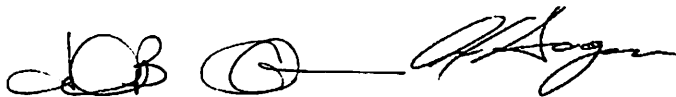
The height restrictions for accessory buildings in our area, and side setback next to us, should be respected. There are reasons for these zoning regulations and they should not be waived or derogated.

In addition, it must be said that the proposed construction is not in keeping with structures in the area. All of the houses located between Hubbard Park Road and Foster Street enjoy the amenity of driveways and garages on Foster Street. Each of these garages has just a peaked roof, and none has a finished second floor of any kind, including our own.

We do wish our neighbors the best of luck with the therapy practice, but they have as-of-right options for a home office, and abundant office space available nearby.

The proposed structure would simply be too high and too close. We would see it every day from our house, and would be in its shadow in our yard and as we enter and leave our property. It would negatively impact our lived experience, our privacy, and our property value. We hope that you will understand our reasons for opposing a structure of this height, and so close to us within the side setback, and will decline this request for relief from the zoning regulations.

Thank you.

The image shows two handwritten signatures in black ink. The first signature on the left is 'Julie Altman' and the second signature on the right is 'Alex Sagan'. They are written in a cursive, flowing style.

Julie Altman, Ph.D.
Alex Sagan, Ph.D.
14 Hubbard Park Road
Cambridge, MA 02138

Pacheco, Maria

From: Thaddeus Beal <thadbeal@tiac.net>
Sent: Wednesday, March 12, 2025 12:44 PM
To: Pacheco, Maria
Subject: BZA-1152107

STATEMENT IN OPPOSITION TO PETITION BZA-1152107 12 HUBBARD PARK ROAD

The Petitioner, a large residential land holder with frontage on a quiet street with ample parking space, seeks exemption from several zoning requirements in order to build a backdoor business on a narrow, totally residential street where inadequate parking is already a significant issue. The proposed changes are hardly “minimal” and would plainly constitute a “substantial detriment to the public good.” In specific, the proposed building would convert a modest, unobtrusive garage into a substantial building overlooking my property at 106 Foster Street. It would not be in keeping with the height and massing of other accessory structures located in the vicinity. And there are surely many alternative options available to the petitioner which would more closely conform to Cambridge’s zoning ordinances. The lot is very large, the accessory building does not need to be so tall, access does not need to be on a narrow and already burdened street, and alternative and ample parking is easily available on Hubbard Park Road. To my knowledge, there have been no discussions of the proposed plan or any alternatives with any affected neighbors.

With respect to the following provisions cited in the Notice of Public Hearing, let me note the following:

Art. 4.000, Sec. 4.21 (Accessory Building)

Adding a new address (let alone a commercial address) to Foster Street, creating a much more substantial building and introducing an active business would “significantly negatively impact the character [and] value of the neighboring properties.” And the size of the proposed non-conforming structure vastly exceeds 10% of the volume of the existing non-conforming structure.

Art. 8.000, Sec. 822.3 (Alteration to Non-Conforming Structure)

The height of the proposed building exceeds the law’s height limit for accessory buildings by nearly 5 feet. This represents a substantial increase given the existing character of the neighborhood. In addition, it needs to be re-emphasized that the proposed solution to the inevitable parking problem will not work. It contemplates that two cars will park directly behind two other cars which will not

be able to move unless the first cars back up. This stacking scheme which traps some parked cars will inevitably result in a further load on Foster Street's already burdened parking problems. The proposal hardly constitutes "four parking spaces located off Foster Street."

Art. 10.000, Sec. 10.30 (Variance)

Finally, the asserted hardship on the petitioner is in no way related to "circumstances relating to soil conditions, shape or topography of such land or structure."

The petition is inadequate for each, if not all, of the reasons recited above.

I appreciate the opportunity to be heard.

Respectfully submitted,

Thaddeus Beal, 106 Foster Street, Cambridge, MA

Pacheco, Maria

From: Holt Productions <sarah.holt.productions@gmail.com>
Sent: Wednesday, March 12, 2025 1:43 PM
To: Pacheco, Maria
Subject: Case no: BZA-1152107

Dear Zoning Board of Appeal:

This petition, BZA -1152107, has caught me by surprise. I live at 106 Foster Street, directly across from the garage the Petitioners want to expand. I appreciate having the chance to express my concerns in writing as I cannot attend the virtual meeting.

The proposed variance will introduce business onto a quiet, close-knit and completely residential street. Given the current congestion, it is already almost impossible for two cars to pass side by side at the same time. The proposed variance would add a new address and aggravate already tight parking (which inevitably will get even worse during what is going to be the long Riverview Apartments workout). The alleged four dedicated parking spaces off Foster Street, which will stack two cars directly behind two others, are also totally impractical-- as patients are likely to be overlapping.

As a legal matter, the alleged "hardship" asserted by the Shain P. Roche Trust hardly qualifies as there are other legally available options. Furthermore, the alleged "hardship" has absolutely nothing to do with soil conditions, shape or topography.

The height of the proposed building goes beyond what is permitted by an additional 5 feet, creating a structure of 19 feet and 9 inches. This office will be directly across from two bedrooms in my house. It is also out of keeping with the other peaked roof garages on Foster Street. While I hate to be unneighborly and object to the Petitioner's plans, their proposed alterations will have a detrimental impact on the neighborhood.

Since there are other legal options the Petitioners could pursue that would be less disruptive, I urge you to deny this petition.

Sincerely,

Sarah Holt



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2025 MAR 18 PM 1:20

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-1152107

Address: 12 Hubbard Park Rd.

☐ Owner, ☐ Petitioner, or ☐ Representative:

Jaiah L. Plafigan, Esq.
(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: March 15, 2025

Signature



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2025 MAR 18 PM 1:20

OFFICE OF THE CITY CLERK
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RE: Case # BZA-1152107

Address: 12 Hubbard Park Rd.

☐ Owner, ☐ Petitioner, or ☐ Representative:

Joseph L. Plafigan, Esq.
(Print Name)

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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: March 15, 2025

Signature

Pacheco, Maria

From: Ted Wagenknecht <tw@appliedfr.com>
Sent: Thursday, March 13, 2025 5:33 PM
To: Pacheco, Maria
Subject: Statement re: BZA#1152107
Attachments: Statement in Opposition to 12 Hubbard Street Addition.docx

Hello Ms. Pacheco,
Please find attached my statement of opposition to this item in today's hearing.

Best,
Ted

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STATEMENT IN OPPOSITION TO PETITION BZA -1152107, 12 Hubbard Park Road

My wife and I are the owners of 43 Gibson Street in Cambridge, a home that lies approximately 75 feet from the 12 Hubbard Park Road Realty Trust's, (hereinafter, the "Applicant") proposed property alteration. While I can understand the requirement to give every applicant due process, this proposal makes a mockery of Zoning law and shows a total lack of consideration for the safety and wellbeing of neighboring properties and families. As such, it should be rejected with prejudice to prevent the further waste of city and neighborly resources. I cite here 2 of many points that will lead the board to this same conclusion.

- 1) The Applicant incorrectly states that: "use of the space as a social worker/therapist practice constitutes a Home Occupation under section 2.0 of the Cambridge Zoning Ordinance". While the Applicant's language on this topic is "cute", the basis for this assertion is comical. The ordinance defines Home Occupation as (emphasis is mine):

"Home Occupation. For an occupation customarily carried on at home, the use of **a room in a dwelling** as an office, studio, or work room **by a person** residing on the premises and in connection with which there is kept no stock in trade nor commodity sold on the premises."

The Applicant's proposed addition *is not* to a Dwelling as defined in the ordinance. Further, by the Applicant's own admission, there will be "0-2 *other individuals who may practice* or be employed to assist in the practice". This also violates the definition of Home Occupation in the ordinance, which specifies that the occupation be conducted by a person, not a staff, and a person *who resides on the premises*, not a social worker/therapist who travels to someone else's "Home Occupation" to also practice. By definition this would make the proposed addition a commercial structure. Lastly, the definition of a Home Occupation PROHIBITS keeping stock in trade or commodities to be sold on premises. The Applicant has not specified what kind of social work/therapy will be conducted on the site, which is critical to the appropriateness whether to allow this in a densely populated residential neighborhood. Will this therapy include, consist of, or require medications or other elements like psychedelics, cannabis, or other items that are a commodity or stock in trade?

- 2) The Applicant uses a hardship to justify a variance under the code, saying: "It is not feasible to locate the therapist's (or social worker?) office within the family's home due to concerns about access, privacy and security (for the family and patients)"...

Clearly access is not a *real* concern, nor is parking. There are front doors and side doors to the Applicant's *actual* dwelling, as are there multiple parking spots in both the Applicant's front driveway and along the front of the property on Hubbard Park Road. This is about **safety, which is exactly why this application should be rejected with prejudice.** If the Applicant does not feel safe conducting their practice in their own home, why is it then ok to conduct that same practice near my family or the other families on Foster Street? Clearly if there is a safety risk (presumably from a patient), then by definition this practice should be conducted in a proper healthcare or psychiatric facility with the resources available to ensure the safety of everyone involved or in proximity of the facility. The Applicant cannot and will not provide that to their community, but will to their own family by pushing any safety issue in closer proximity to Foster Street Residents. This is insulting. Finally, similarly to a question raised above, the Applicant has not specified what kind of therapy/social work will be conducted in our neighborhood, nor to which kind of patients. We can, however, listen to the words in the application, which address concerns around **safety.**

If the Applicant expresses a concern for safety, then we as neighbors, and you as a Zoning Board should too.

Respectively Submitted,

Ted Wagenknecht