

BZA APPLICATION FORM

GENERAL INFORMATION

2019 OCT 17 PM 3:16
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

The undersigned hereby petitions the Board of Zoning Appeal for the following: Special Permit: x Variance: _____ Appeal: _____

PETITIONER: Leon Navickas

PETITIONER'S ADDRESS: 56 Juniper Rd., Belmont, MA 02478

LOCATION OF PROPERTY: 32-34 Sparks St., Cambridge, MA

TYPE OF OCCUPANCY: 3-family ZONING DISTRICT: R2

REASON FOR PETITION:

_____ Additions	_____ New Structure
_____ Change in Use/Occupancy	_____ Parking
_____ Conversion to Addi'l Dwelling Unit's	_____ Sign
_____ Dormer	_____ Subdivision
<u>x</u> Other: Add 3 window wells and enlarge windows	

DESCRIPTION OF PETITIONER'S PROPOSAL:

Excavate and install 3 window wells on north elevation; 3'x3' each with 6" concrete retaining walls below grade; finished structure will be approximately 18" from property line and >10' from neighbor's 3-family building; Will not create hazard or obstruction. Enlarge existing basement windows to provide required code-compliant emergency egress and openings for additional sunlight.

SECTIONS OF ZONING ORDINANCE CITED:

Article 8 Section 22.2 (non street facing window enlargement)
Article 5 Section 31 (dimensional requirement for window well setback)
Article _____ Section _____

Applicants for a **Variance** must complete Pages 1-5

Applicants for a **Special Permit** must complete Pages 1-4 and 6

Applicants for an **Appeal** to the BZA of a Zoning determination by the Inspectional Services Department must attach a statement concerning the reasons for the appeal

Original Signature(s): Leon Navickas
(Petitioner(s)/Owner)

Leon Navickas, Mgr. Creative Properties on Centre, LLC
(Print Name)

Address: 56 Juniper Rd., Belmont, MA 02478

Tel. No.: 617-513-9873

E-Mail Address: leon@navickas.com

Date: October 10, 2019

1990

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 Leon Navickas, Manager of Creative Properties on Centre, LLC
(OWNER)

Address: 56 Juniper Rd., Belmont, MA 02478

State that I/We own the property located at 32-34 Sparks St., Cambridge,
which is the subject of this zoning application.

The record title of this property is in the name of _____
Creative Properties on Centre, LLC

*Pursuant to a deed of duly recorded in the date 9/10/2018, Middlesex South
County Registry of Deeds at Book 71596, Page 440; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.


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

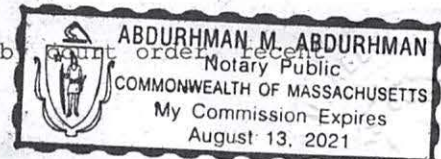
***Written evidence of Agent's standing to represent petitioner may be requested.**

Commonwealth of Massachusetts, County of Middlesex

The above-name Leon Navickas personally appeared before me,
this 15th of October, 2019, and made oath that the above statement is true.

My commission expires August 13, 2021 (Notary Seal).

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



SEA APPLICATION FORM - (APPENDIX INFORMATION)

To be completed by OWNER, signed before a notary and returned to the Secretary of the Board of Mining Appeals.

Name of the Applicant: _____
(OWNER)

Address: _____

County and State: _____

Which of the following is the nature of the claim?

1. _____
2. _____

Is there a record of duly recorded in the _____

to the _____ of the _____

Mineral was last sold to _____

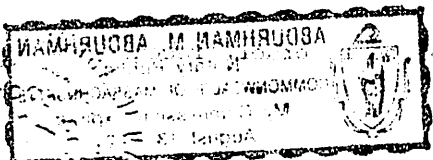
Page _____

SIGNED AND VERIFIED BY:
SUBSCRIBED TRUSTEE, OFFICER OR AGENT

Notation evidence of Agent's standing to represent petitioner may be required.

Comments: _____

Notary _____





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 32-34 Sparks St. (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:
- Proposed window wells and larger basement windows will be a benign change; They will not be visible from public way, installed below grade, covered by metal grates, and surrounded by landscaping. Wells will be built in a manner and style identical to other windows wells on the property.
- 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:

Window wells and enlarged basement windows will not be generally accessible from a public way. A neighbors walkway that is 2' away will not be affected, nor create a change of traffic pattern, nor become a hazard.

- 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:

Window wells will not interfere with any adjacent uses, as they will be entirely on private property and benign to neighboring activity.

- 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:

Window wells will not be a hazard or risk. They will be constructed in a code-compliant manner, only 30" deep, surrounded by 6" retaining walls below grade, covered with a metal grate, and blocked from outside view by landscaping.

- 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:

This proposal was reviewed by The Half-Crown Marsh Neighborhood Conservation District Commission and issued a Certificate of Appropriateness.

BZA APPLICATION FORM**DIMENSIONAL INFORMATION**

APPLICANT: Creative Properties **PRESENT USE/OCCUPANCY:** 3 family
LOCATION: 32-34 Sparks St Cambridge, MA **ZONE:** Residence A-2 Zone
PHONE: _____ **REQUESTED USE/OCCUPANCY:** no change

		<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹
<u>TOTAL GROSS FLOOR AREA:</u>		4500	4500	4500 (max.)
<u>LOT AREA:</u>		3023	3923	3023 (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: 2</u>		0.42	0.42	0.42 (max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>		3023	3023	3023 (min.)
<u>SIZE OF LOT:</u>	WIDTH	76	76	76 (min.)
	DEPTH	42	42	42
<u>SETBACKS IN FEET:</u>	FRONT	7.3	7.3	7.3 (min.)
	REAR	10.8	10.8	10.8 (min.)
	LEFT SIDE	5.6	5.6	5.6 (min.)
	RIGHT SIDE	10.0	10.9	10.9 (min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	29	29	29 (max.)
	LENGTH	50	50	50
	WIDTH	25	25	25
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		57	57	57 (min.)
<u>NO. OF DWELLING UNITS:</u>		3	3	3 (max.)
<u>NO. OF PARKING SPACES:</u>		2	2	2 (min./max)
<u>NO. OF LOADING AREAS:</u>		0	0	0 (min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>		N/A	N/A	N/A (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.

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

BZA APPLICATION FORM
DIMENSIONAL INFORMATION

APPLICANT: Leon Navickas **PRESENT USE/OCCUPANCY:** 3-family
LOCATION: 32-34 Sparks St. **ZONE:** R2
PHONE: 617-513-9873 **REQUESTED USE/OCCUPANCY:** No Change

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS¹</u>
<u>TOTAL GROSS FLOOR AREA:</u>			(max.)
<u>LOT AREA:</u>	<u>3023.5 sf</u>		(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:²</u>	<u>0.42</u>		(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>			(min.)
<u>SIZE OF LOT:</u> <u>WIDTH</u>	<u>76.17 north; 66.13 south</u>		(min.)
<u>DEPTH</u>	<u>42.5 east; 43.62 west</u>		
<u>Setbacks in</u> <u>FRONT</u>	<u>7'3"</u>		(min.)
<u>Feet:</u> <u>REAR</u>	<u>10'8"</u>		(min.)
<u>LEFT SIDE</u>	<u>5'6"</u>		(min.)
<u>RIGHT SIDE</u>	<u>10'9"</u>		(min.)
<u>SIZE OF BLDG.:</u> <u>HEIGHT</u>	<u>29'</u>		(max.)
<u>LENGTH</u>			
<u>WIDTH</u>			
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:³</u>	<u>57%</u>		(min.)
<u>NO. OF DWELLING UNITS:</u>	<u>3</u>		(max.)
<u>NO. OF PARKING SPACES:</u>	<u>2</u>		(min./max)
<u>NO. OF LOADING AREAS:</u>			(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	<u>12'</u>		(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.

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'.

32-34 Sparks St.

Petitioner

220-47
WARREN, ALVIN CLIFFORD JR. &
JUDITH BLATT WARREN
5 MERCER CIR
CAMBRIDGE, MA 02138

220-72
LIPSON, PETER B. & DEBRA M. LONGSTREET
4 MERCER CIR
CAMBRIDGE, MA 02138

LEON NAVICKAS
56 JUNIPER RD.
BELMONT, MA 02478

220-104
RUSH, DAVID & CATHARINE D. RUSH
68 FOSTER ST
CAMBRIDGE, MA 02138

220-122
DYNAN, JOSEPH
32 SPARKS ST
CAMBRIDGE, MA 02138

220-123
RODES, THOMAS & SACHIKO RODES
9 BROWN ST
CAMBRIDGE, MA 02138

220-123
RODES, THOMAS & SACHIKO RODES
9 BROWN ST
CAMBRIDGE, MA 02138

220-103
FOSTER SPARKS, LLC
C/O OXFORD STREET REALTY INC.
P.O. BOX 400354
CAMBRIDGE, MA 02140

220-147
ALLEN, WHITNEY H. &
CHRISTOPHER R.. BINGHAM
65 FOSTER ST
CAMBRIDGE, MA 02138

220-148
BRUDER, SETH DANIEL & TATIANA SANDINO
63 FOSTER STREET
CAMBRIDGE, MA 02138

220-149
FISHMAN, CAROL L.,
TR 59 FOSTER ST RLTY TR
59 FOSTER ST
CAMBRIDGE, MA 02138

220-150
BAUER, DANIEL & JILL DESIMINI
61 FOSTER ST
CAMBRIDGE, MA 02138

221-98
GIANIS, ROBIN FASCIANO, KAREN MARIE
FASCIANO & ROBERT WALTER
249 THREE MILE HARBOR RD
EAST HAMPTON, NY 11937

222-28
VON TSCHARNER, RENATA
2 HUBBARD PARK
CAMBRIDGE, MA 02138

Notes:

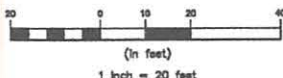
1. The Date Accumulation And Boundary Survey Depicted Hereon Were Obtained By A Field Survey Using Conventional Survey Methods December 2018 By Chess Engineering, LLC. All Features And Objects Shown Are Existing As Of The Date Of The Survey Unless Otherwise Depicted As Proposed.
2. This Plan Does Not Show Any Unrecorded Or Unwritten Easements Which May Or May Not Exist.
3. The Purpose Of This Plan Is For Obtaining Local Approval For The Existing Or Proposed Use Depicted On This Plan Only.
4. This Plan: A) Shall Not Be Recorded, B) Does Not Imply Or Otherwise Certify Any Form Of Ownership, C) Shall Not Be Used For Future Boundary Determination And D) Shall Not Be Used To Determine The Location Of Any Features (Fences, Driveways, etc) Relative To Any Feature Or Boundary Unless Explicitly Dimensioned On This Plan.
5. Contractor Shall Verify The Location Of UTILITIES Shown Prior To Commencing Construction And Contact The City Of Cambridge And CHESSE Engineering To Resolve Potential Conflicts Prior To Adjustments In The Field.
6. Scale of Drawing (1" = 20') Intended For A 11"x17" Print Only.

I Declare That This Survey And Plan Were Prepared In Accordance With The Procedural And Technical Standards For The Practice Of Land Surveying In The Commonwealth Of Massachusetts.

DRAFT COPY
FOR CLIENT REVIEW ONLY

Paul Campbell, PLS #02781 PE #46238 Date

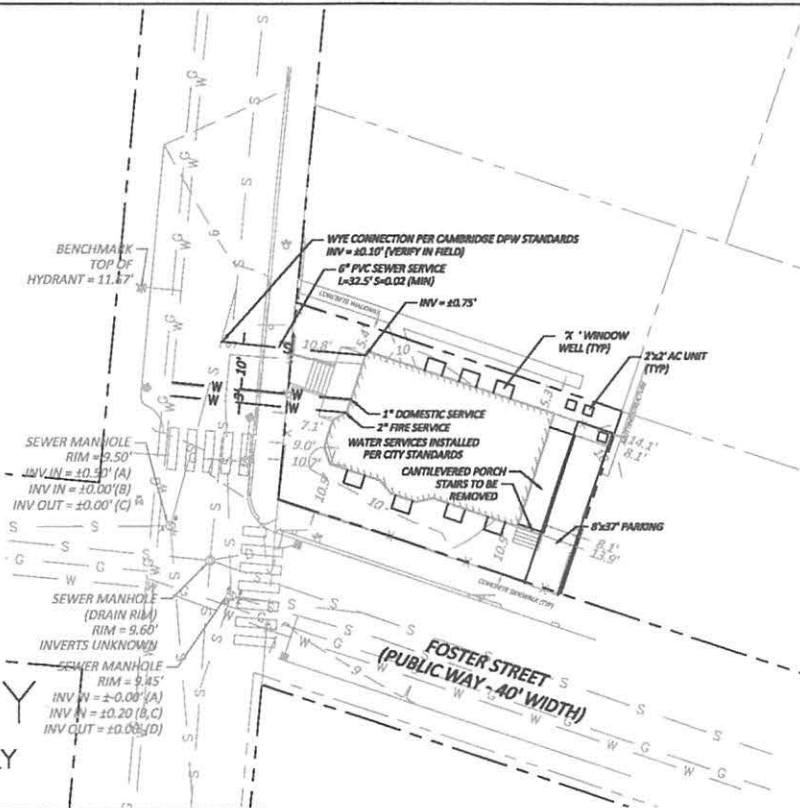
GRAPHIC SCALE



The Location Of All Underground Utilities Shown Are Approximate And Are Based Upon A Field Survey And Completion Of Plans Of Record. Chess Engineering, LLC Does Not Warrant The Location Of All Utilities Depicted. Only Record Information Provided By The Respective Utility Owner And Independently Verified By Chess Engineering, LLC Is Shown Hereon. The Contractor Prior To Commencement Of Construction Or Shall Verify The Location Of All Utilities And Contact Dig Safe At 1-888-344-7233.

Owner Of Record:
Creative Properties On Centre, LLC
32-34 Sparks Street
Cambridge, Massachusetts 02138
Deed Book 71596, Page 442
PID: 220-122
Plan Book 249 Plan 15

Drawing name: C:\Users\Administrator\Dropbox\CHESSE\Projects\0068 - 32-34 Sparks Street Cambridge MA\dwg\0068.app.rev00.dwg
Jan 12, 2019 - 16:15pm



LOCUS



PO Box 9480
Lowell, MA 01853
Phone (617) 982-3250
www.chessengineeringma.com

Certified Plot Plan

Prepared For
Creative Properties
32-34 Sparks Street
Cambridge, MA 02138
(Middlesex County)

Rev	Revised	By	Date
1	Initial	PC	1/12/19

TOP OF PLATE
27' - 8 1/8"

THIRD FLOOR
18' - 5 5/8"

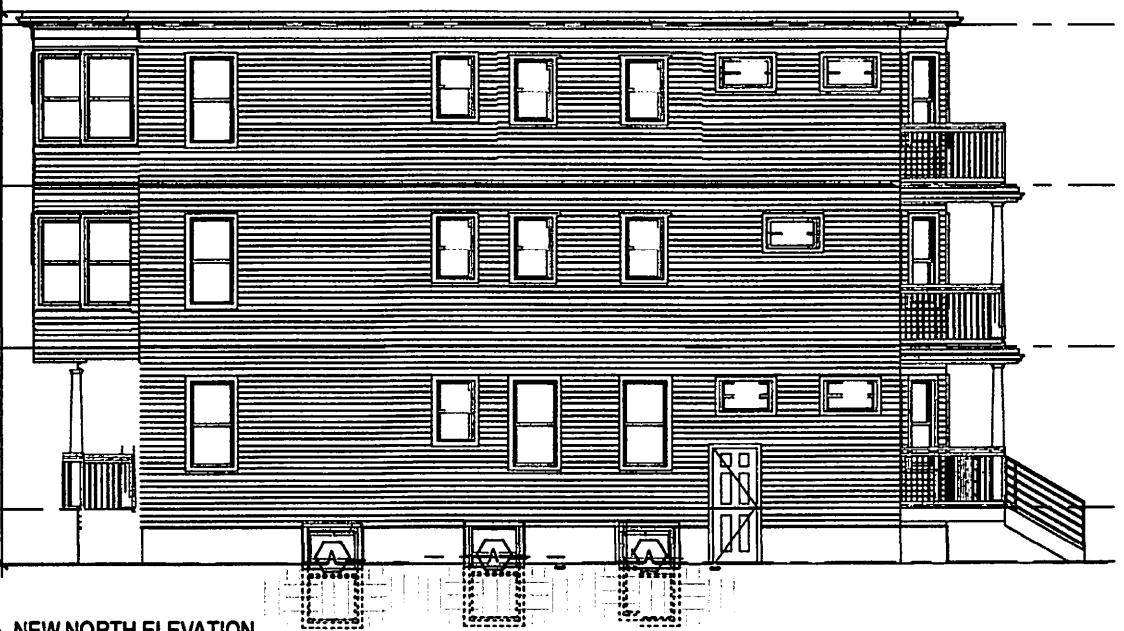
SECOND FLOOR
9' - 3 1/4"

FIRST FLOOR
0"

BACK GRADE
-3' - 1 1/4"

31' - 5 5/8"

1 NEW NORTH ELEVATION
A2.5 1/8" = 1'-0"











City of Cambridge
Massachusetts

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.



Half Crown-Marsh Neighborhood Conservation District Commission

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112
E-mail: histncds@cambridgema.gov

James Van Sickle, Chair; Marie-Pierre Dillenseger, Vice Chair;
Jo Solet, Peter Schur, Members
Adrian Catalano, Maximillian Frank, and Rory O'Connor, Alternates

CERTIFICATE OF APPROPRIATENESS

PROPERTY: 32-34 Sparks Street

OWNER: Creative Properties on Centre, LLC

The Half Crown-Marsh Neighborhood Conservation District Commission hereby certifies, pursuant to Title 2, Chapter 2.78, Article III, Section 2.78.140-270 of the Code of the City of Cambridge and the City Council order establishing the Commission, that the construction described below is not incongruous to the historic aspects or architectural character of the building or district:

Replace all old windows on structure to match existing replacement vinyl windows on structure; lower sills on basement windows for light wells.

The following item was continued to a subsequent hearing and approved with conditions at the 02-11-19 Half Crown-Marsh NCD public hearing.

Enclose porches at rear of main structure.

The plans and specifications referenced above are incorporated into this certificate, which is binding on the applicant and all improvements shall be carried out as described therein.

This certificate is granted upon the condition that the work authorized is commenced within six months after the date of issuance. If the work authorized by this certificate is not commenced within six months after the date of issuance, or if such work is suspended in significant part for a period of one year after the time the work is commenced, this certificate shall expire and be of no further effect; provided that, for cause, one extension not exceeding six months may be allowed in writing by the Chairman.

Case Number: HCM-440

Date of Certificate: March 20, 2019

Attest: A true and correct copy of decision filed with the office of the City Clerk and the Half Crown-Marsh Neighborhood Conservation District Commission on _____. By James Van Sickle/ Eric Hill, Chair/Staff

Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____. Appeal has been filed _____.

Date _____, City Clerk.

Half-Crown-March Neighborhood
Conservation District Commission
831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617-349-4622 Fax: 617-349-3116 TTY: 617-349-6112
E-mail: hcnmcd@cityofcambridge.gov

James Van Sledright, Chair; Warren-Brown-Billingsley, Vice Chair;
to Select Peter Schmitt, Members
Adrian Catalano, Elizabeth Evans, and David O'Connor, Alternates

CERTIFICATE OF APPROPRIATENESS

PROPERTY: 32-24 Sparks Street

OWNER: Creative Properties on Canal LLC

The Half-Crown-March Neighborhood Conservation District Commission hereby certifies, pursuant to Title 2, Chapter 278, Article III, Section 2.78(1)(b)-(c) of the Code of the City of Cambridge and the City Council order establishing the Commission, that the construction described below is not incongruous to the historic aspects or architectural character of the building or district:

Replace all old windows on structure to match existing replacement vinyl
windows on structure; lower sills on basement windows for light wells.

The following item was continued to a subsequent hearing and approved with conditions at the 02-11-19 Half-Crown-March NCD public hearing.

Enclose porches at rear of main structure.

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Date of Certificate: March 30, 2019

Case Number: HC24-440

Attest: A true and correct copy of decision filed with the office of the City Clerk and the Half-Crown-March Neighborhood Conservation District Commission on _____ by James Van Sledright, Chairman.

Twenty days have elapsed since the filing of this decision.
No appeal has been filed. Appeal has been filed.

Date _____ City Clerk