



# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2024 NOV -7 AM 11:57  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## BZA Application Form

**BZA Number: 1142420**

### General Information

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

Special Permit:   X                        Variance:                             Appeal:       

**PETITIONER:** 18 Clinton LP C/O Sarah Like Rhatigan, Esq., Trilogy Law LLC

**PETITIONER'S ADDRESS:** 12 Marshall Street, Cambridge, MA 02108

**LOCATION OF PROPERTY:** 18 Clinton St., Cambridge, MA

**TYPE OF OCCUPANCY:** Two-family dwelling                      **ZONING DISTRICT:** Residence C-1 Zone

**REASON FOR PETITION:**

/Additions/

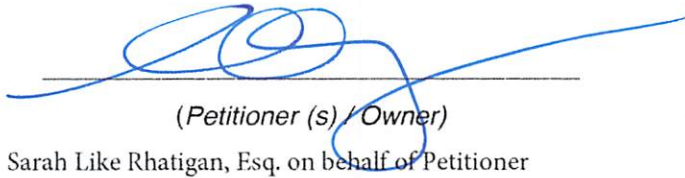
### **DESCRIPTION OF PETITIONER'S PROPOSAL:**

Raise the base of the foundation of rear portion of structure out of the high water table, resulting in an increase in Height of rear portion of the structure located within setbacks, requiring a special permit.

### **SECTIONS OF ZONING ORDINANCE CITED:**

Article: 5.000            Section: 5.31 (Table of Dimensional Regulations)  
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)

Sarah Like Rhatigan, Esq. on behalf of Petitioner

\_\_\_\_\_  
(Print Name)

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

**Date:** November 6, 2024

BZA APPLICATION FORM - OWNERSHIP INFORMATION

(To be completed by OWNER, signed before a notary, and returned to Secretary of Board of Appeal).

*18 Clinton LP, a Delaware limited partnership*

(OWNER)

Address: with a principal place of business at *18 Clinton Street, Cambridge, MA 02139*

states that *18 Clinton LP, a Delaware limited partnership* owns the property located at *18 Clinton Street, Cambridge, MA 02139* which is the subject of this zoning application.

The record title of this property is in the name of *18 Clinton LP, a Delaware limited partnership* pursuant to a deed dated *July 29, 2021* and duly recorded in the Middlesex South County Registry of Deeds on *August 5, 2021*, at Book *78415*, Page *106*;

*18 CLINTON LP,*  
*a Delaware limited partnership*

By: *Prithviraj Inc., Its General Partner*

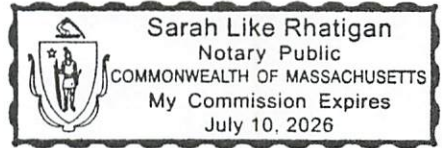
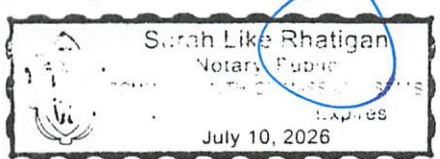
By: *Asha Daniere, Pres. & Treasurer, by her attorney in fact*  
Name: *Asha Daniere*  
Title: *President and Treasurer*

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

NOTARY PUBLIC

STATE OF MA, County of Middlesex  
The above-named Sarah Like Rhatigan, Esq., Attorney-in-Fact for *Asha Daniere, President and Treasurer of Prithviraj Inc., General Partner of 18 Clinton LP,* personally appeared before me, this 6th day of November, 2024, and made oath that the above statement is true.

*[Signature]* Notary  
My commission expires (Notary Seal).



## **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 18 Clinton 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:

This proposal seeks relief to allow the owner to raise the base level of the foundation at the rear portion of the structure in order to address water conditions discovered during pre-construction soil testing.

The applicant is currently under construction of a renovation project approved by this Board of Zoning Appeal in February of 2023. See BZA Case No. 208880, Decision issued on April 28, 2023, and Extension of Time of Expiration issued on April 11, 2024 (hereinafter the "BZA Decision"). This BZA Decision granted the applicant relief (a variance and special permit) to allow for (i) a conversion from a multi-family to a two-family use, (ii) additions, and (iii) new and modified window within setbacks.

The applicant filed for and obtained a building permit in April, 2024. During pre-construction investigations for the stormwater infiltration system, the engineer witnessed a high water table during deep hole observation testing on site. Noting that the planned construction would result in the proposed basement of the rear unit sitting in the high-water area, the engineer and general contractor recommended raising the foundation for the basement of the rear portion of the structure out of the water table. This recommendation was made after considering the impact of building within the water table, which includes increased flooding risk, the potential for material water displacement to surrounding properties, and increased BPA plastics in the groundwater as well as other environmental concerns.

The applicant's team prepared a revised plan and sought approval to allow them to raise the base level of the foundation to address flooding concerns. Through a miscommunication or misunderstanding, the applicant and general contractor understood that the revised plan submitted to Inspectional Services in July 2024 had been approved as an "as of right" modification under the new Flood Resiliency provisions of the Ordinance. Thereafter in reliance on this understanding, the team proceeded with excavation and pouring of the new foundation per the revised plan, and received interim signoffs from the building inspector. In October, 2024, the applicant was notified by Inspectional Services that the plan to raise the foundation level would require Board of Zoning Appeal approval and she was ordered to stop construction on the rear structure.

The revised plan results in an increase in the height above grade of the rear portion of the structure by 4.3 feet. It will result in the rear roof ridge rising from 22.35 feet to 26.65 feet above grade, well below the 35.0 ft. maximum for the district. Where this increase in height occurs within setbacks (left and rear), per Inspectional Services interpretation, this increases a pre-existing nonconformity and requires a special permit.

No new conformities will be created and thus the revised plan may be allowed with the granting of a special permit pursuant to Sec. 8.22.2.d, for an increase in a pre-existing nonconformity for a two-family dwelling. There will be no increase in the GFA/FAR, no new violations of setbacks, and no diminishment of open space.

The increase in height of the rear portion of the structure affects the height of windows on the nonconforming left side and rear elevations of the rear structure, thus requiring special permit relief under Section 8.22.2.c.

In all other respects, the requested modification to raise the rear portion of the structure will comply with zoning and building code requirements.

- B)** Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

There will be no impact on traffic, patterns of access or egress, no resulting congestion hazard or substantial change in the established neighborhood character resulting from this proposal.

- 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 the adjacent residential uses will not be negatively impacted by the increase in height.

- 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:

There is no nuisance that will result from the proposed change. In fact, by elevating the foundation out of the water table, many potential negative impacts to the abutting lots and groundwater are alleviated.

- 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:

There will be no impairment to the integrity of the district in allowing this sensible change to the plans to address water table conditions discovered in the field. By allowing for the modification, the Board of Zoning Appeal will help to support a Cambridge-based owner with a substantial renovation that will allow for her and her family to relocate and reside in Cambridge. It will also assist in helping the owner avoid problematic future flooding on her property which may result if construction is required to proceed as originally designed.

**\*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:** 18 Clinton LP  
**Location:** 18 Clinton St., Cambridge, MA  
**Phone:** 617-543-7009

**Present Use/Occupancy:** Two-family dwelling  
**Zone:** Residence C-1 Zone  
**Requested Use/Occupancy:** Two-family dwelling

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>
<u>TOTAL GROSS FLOOR AREA:</u>		4,450 sf	4,450 sf	4,531 sf (max.)
<u>LOT AREA:</u>		6,042 sf	6,042 sf	5,000 sf (min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u>		0.74	0.74	0.75
<u>LOT AREA OF EACH DWELLING UNIT</u>		3,021 sf	3,021 sf	1,500 sf
<u>SIZE OF LOT:</u>	WIDTH	60.02 ft	60.02 ft	50.00
	DEPTH	100.67 ft	100.67 ft	n/a
<u>SETBACKS IN FEET:</u>	FRONT	15.5 ft	15.5 ft	10.0 ft
	REAR	0.2 ft	0.2 ft	20.0 ft
	LEFT SIDE	1.4 ft	1.4 ft	7.5 ft
	RIGHT SIDE	22.3 ft	22.3 ft	7.5 ft
<u>SIZE OF BUILDING:</u>	HEIGHT	36.00 ft (front)/22.35 ft (rear)	36.00 (front)/26.65 ft (rear)	35.0 ft
	WIDTH	85.0 ft	85.0 ft	n/a
	LENGTH	22.5 ft and 36.2 ft	22.5 ft and 36.2 ft	n/a
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		0.46/0.24 complies w Sec 5.22.1	0.46/0.24 complies w Sec 5.22.1	0.30/0.15 complies w Sec 5.22.1
<u>NO. OF DWELLING UNITS:</u>		2	2	4 (max)
<u>NO. OF PARKING SPACES:</u>		4	4	0
<u>NO. OF LOADING AREAS:</u>		0	0	0
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		n/a	n/a	(H+L)/6

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.:

The project utilizes customary wood frame residential two-family 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'.

# ZBA-303 EXISTING PLOT PLAN



BOSTON  
SURVEY, INC.  
UNIT C-4 SHIPWAY PLACE  
CHARLESTOWN, MA 02129  
(617) 242-1313

© 2023 SAM KACHMAR ARCHITECTS  
**SAM KACHMAR ARCHITECTS**  
(p) 617-800-6223  
www.SKA-MA.com  
357 HURON AVE.  
CAMBRIDGE MA, 02138

REGISTRATIONS:

**NOT FOR CONSTRUCTION**

EXISTING PLOT PLAN

18 CLINTON LP  
18 CLINTON RESIDENCE  
18 CLINTON ST.  
CAMBRIDGE, MA 02138

Project Status ZBA SUBMISSION SET  
Project number 2203-0018  
Date 02/20/2023  
Drawn by SKA  
Checked by SKA

**ZBA-303**

Scale 1:140

2/17/2023 11:48:31 AM

## SITE PLAN OF LAND LOCATED AT 18 CLINTON STREET CAMBRIDGE, MA

DATE: SEPTEMBER 27, 2021 SCALE: 1.0 INCH = 10.0 FEET



I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND ON THE DATE OF SEPTEMBER 15, 2021 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

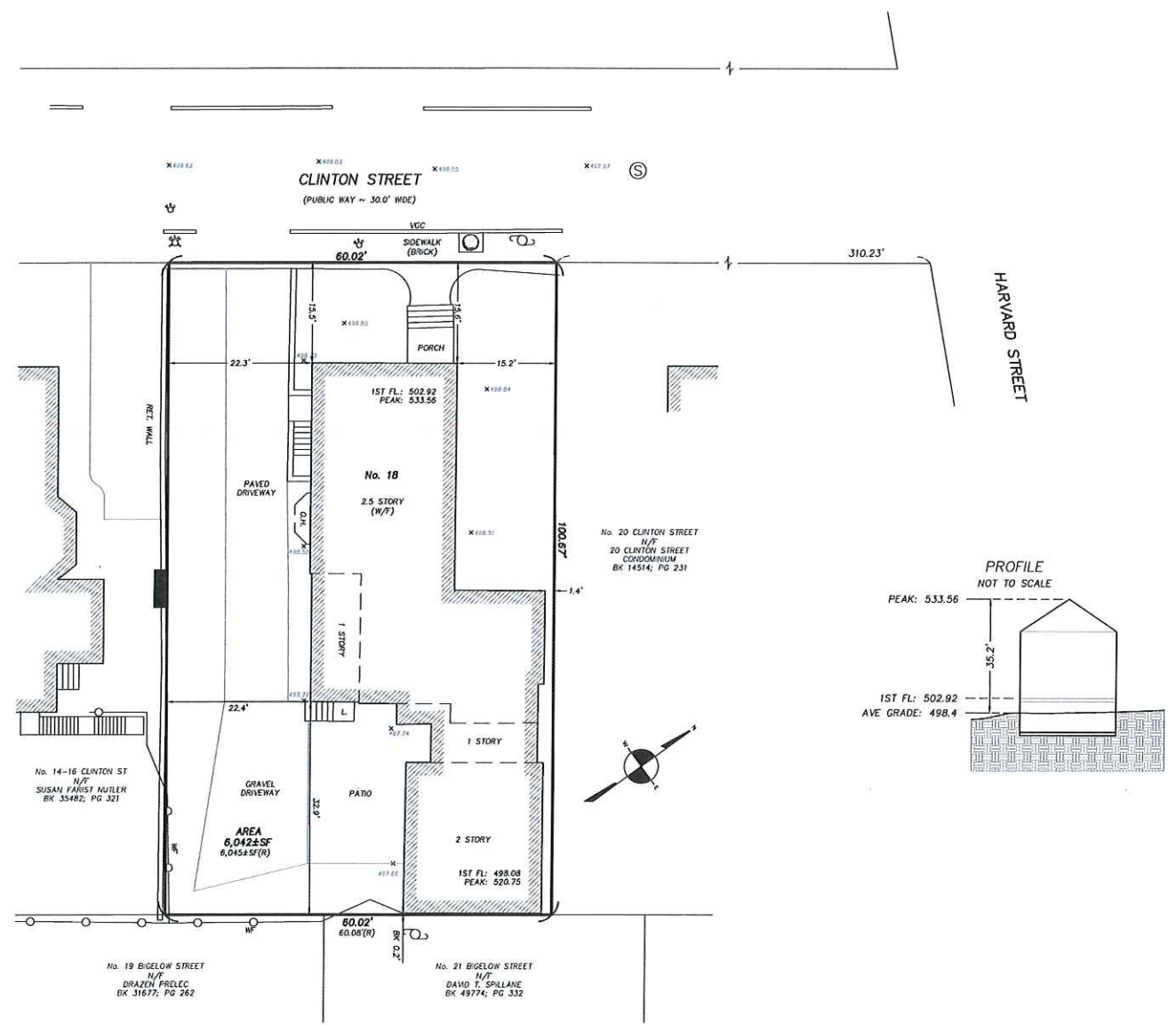
ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS ZONE: X  
COMMUNITY PANEL: 25017C0576E  
EFFECTIVE DATE: 06/04/2010

PREPARED FOR:  
OWNER OF RECORD:  
ASHA DAHIERE  
280 SOUTH KINGSWAY  
TORONTO, ONTARIO, CANADA

REFERENCES:  
OWNER OF RECORD:  
NIRMAL DAHIERE  
18 CLINTON STREET  
CAMBRIDGE, MA 02140

DEED: BK 15003; PG 191  
PLAN: No. 609 OF 2015  
No. 316 OF 1980  
LCC: 4353-A  
11056-A  
13089-A

NOTES:  
MAP/LOT: 118-B  
VERTICAL DATUM: ASSUMED



FIELD:	JJH
DRAFT:	NPP
CHECK:	GCC
DATE:	09/27/21
JOB #	21-00519



1 EXISTING PLOT PLAN  
1:140

# 18 CLINTON RESIDENCE

## CONSTRUCTION DOCUMENTS

18 CLINTON LP

05/10/2024

18 CLINTON ST / CAMBRIDGE, MA 02138

PROJECT DESCRIPTION

**NARRATIVE:**

THE DANIERE RESIDENCE PROJECT CONSISTS OF A FULL RENOVATION - CONVERTING THE 6 APARTMENTS BUILDING INTO AN ATTACHED 2 FAMILY HOUSE, MAINTAINING THE CURRENT FOOTPRINT WITH ADDITIONAL LIVING SPACE ON LEVELS 0 AND 2.

THE MAIN UNIT FACING CLINTON ST., WILL KEEP ITS TRADITIONAL ASPECT WITH ADDITIONAL EXTERIOR ELEMENTS LIKE DECORATIVE CORBELS, CORNER TRIMS, WINDOW CORNICES AND CLAPBOARD SIDING, ALL NEW WINDOWS TO MATCH EXISTING. THE MAIN ENTRY IS TO REMAIN, WITH REPAIRS AS NEEDED, RESHINGLING OF THE ROOF WITH ADDITIONAL SKYLIGHTS, NEW TRADITIONAL GUTTERS AND DOWNSPOUTS, NEW WINDOW WELLS WITH RAILINGS TO MATCH EXISTING AND EXISTING CHIMNEY REMOVAL.

ON THE REAR UNIT, WHERE THE BUILDING IS NOT VISIBLE FROM PUBLIC VIEW, A NEW CONTEMPORARY EXTERIOR WILL BE ADDED. THE EXTERIOR WORK WILL INCLUDE A NEW METAL DARK ROOF WITH VERTICAL WOODEN SIDING AND NEW CASEMENT AND AWNING WINDOWS WITHOUT DIVIDERS AND ALL NEW WINDOW WELLS.



AFFILIATES

ARCHITECT:

**SKA INC.**  
357 HURON AVE.  
CAMBRIDGE, MA 02138



GENERAL CONTRACTOR:

**MATTHEW ROMAN**

LANDSCAPE ARCHITECT:

N / A

STRUCTURAL ENGINEER:

**DAN WEBB**  
**WEBB STRUCTURAL SERVICES**



CIVIL ENGINEER:

**HANCOCK SURVEY**

CONTENTS

Sheet Number	Sheet Name
A-000	COVER
A-001	GENERAL NOTES
A-003	AREA PLANS
A-005	SITE AXONS
A-100	LEVEL 0
A-101	LEVEL 1
A-102	LEVEL 2
A-103	LEVEL 3
A-104	ROOF PLAN
A-120	LEVEL 0 - R.C.P.
A-121	LEVEL 1 - R.C.P.
A-122	LEVEL 2 - R.C.P.
A-123	LEVEL 3 - R.C.P.
A-200	ELEVATION WEST
A-201	ELEVATION SOUTH

Sheet Number	Sheet Name
A-202	ELEVATION EAST
A-203	ELEVATION NORTH
A-204	ELEVATION CALCULATIONS
A-205	ELEVATION CALCULATIONS
A-300	SECTION A
A-301	SECTION B
A-302	SECTION C
A-303	SECTION D
A-304	SECTION E
A-401	LEVEL 0 - UNIT A - ENLARGED LIVING ROOM
A-402	LEVEL 0 - UNIT A - ENLARGED MECH. ROOM
A-403	LEVEL 0 - UNIT A - ENLARGED MUDROOM
A-405	LEVEL 0 - UNIT A - ENLARGED BEDROOM
A-406	LEVEL 0 - UNIT A - ENLARGED BATHROOM
A-407	LEVEL 1 - UNIT A - ENLARGED ENTRY

Sheet Number	Sheet Name
A-408	LEVEL 1 - UNIT A - ENLARGED COAT CLOSET
A-409	LEVEL 1 - UNIT A - ENLARGED POWDER ROOM
A-410	LEVEL 1 - UNIT A - ENLARGED LIVING ROOM
A-411	LEVEL 1 - UNIT A - ENLARGED DINING ROOM
A-412	LEVEL 1 - UNIT A - ENLARGED KITCHEN
A-413	LEVEL 1 - UNIT A - ENLARGED KITCHEN
A-414	LEVEL 2 - UNIT A - ENLARGED LAUNDRY
A-414B	LEVEL 2 - UNIT A - ENLARGED SITTING AREA
A-415	LEVEL 2 - UNIT A - ENLARGED PRIMARY BEDROOM
A-416	LEVEL 2 - UNIT A - ENLARGED PRIMARY BATHROOM
A-417	LEVEL 2 - UNIT A - ENLARGED HER CLOSET
A-418	LEVEL 2 - UNIT A - ENLARGED BATHROOM
A-419	LEVEL 2 - UNIT A - ENLARGED BEDROOM 3
A-420	LEVEL 2 - UNIT A - ENLARGED BEDROOM 4
A-421	LEVEL 3 - UNIT A - BEDROOM 5

Sheet Number	Sheet Name
A-422	LEVEL 3 - UNIT A - BATHROOM
A-423	LEVEL 3 - UNIT A - OFFICE
A-424	LEVEL 3 - UNIT A - STAIR SHEET
A-426	LEVEL 0 - UNIT B - ENLARGED LIVING ROOM
A-427	LEVEL 0 - UNIT B - ENLARGED FAMILY ROOM
A-428	LEVEL 0 - UNIT B - ENLARGED LAUNDRY ROOM
A-429	LEVEL 0 - UNIT B - ENLARGED MECHANICAL ROOM
A-430	LEVEL 0 - UNIT B - ENLARGED BEDROOM
A-431	LEVEL 0 - UNIT B - ENLARGED BATHROOM
A-432	LEVEL 1 - UNIT B - ENLARGED MUDROOM
A-433	LEVEL 1 - UNIT B - ENLARGED LIVING ROOM
A-434	LEVEL 1 - UNIT B - ENLARGED DINING ROOM
A-435	LEVEL 1 - UNIT B - ENLARGED KITCHEN
A-435B	LEVEL 1 - UNIT B - ENLARGED PANTRY
A-436	LEVEL 1 - UNIT B - ENLARGED POWDER ROOM

Sheet Number	Sheet Name
A-437	LEVEL 2 - UNIT B - ENLARGED MAIN BEDROOM
A-438	LEVEL 2 - UNIT B - ENLARGED MAIN CLOSET
A-439	LEVEL 2 - UNIT B - ENLARGED MAIN BATHROOM
A-440	LEVEL 2 - UNIT B - ENLARGED BEDROOM
A-441	LEVEL 2 - UNIT B - ENLARGED BATHROOM
A-442	UNIT B - STAIR SHEET
A-501	DETAILS - PARTITIONS
A-503	DETAILS - PARTITIONS
A-600	DETAILS
A-601	DETAILS 2
A-700	WINDOW SCHEDULE
A-701	DOOR SCHEDULE
X-802	DETAILS 3



SAM KACHMAR ARCHITECTS

(p) 617-800-6223  
www.SKA-MA.com  
357 HURON AVE  
CAMBRIDGE MA, 02138



No.	Description	Date



1 Section 12  
1/4" = 1'-0"

SECTION E

18 CLINTON RESIDENCE  
18 CLINTON LP  
18 CLINTON ST.  
CAMBRIDGE, MA 02138

Project number	2203-0018
Date	05/10/2024
Drawn by	Author
Checked by	Checker

A-304

Scale 1/4" = 1'-0"



**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

(To be completed by **OWNER**, signed before a notary, and returned to Secretary of Board of Appeal).

**18 Clinton LP, a Delaware limited partnership**

(OWNER)

Address: with a principal place of business at **18 Clinton Street, Cambridge, MA 02139**

states that **18 Clinton LP, a Delaware limited partnership** owns the property located at **18 Clinton Street, Cambridge, MA 02139** which is the subject of this zoning application.

The record title of this property is in the name of **18 Clinton LP, a Delaware limited partnership** pursuant to a deed dated **July 29, 2021** and duly recorded in the Middlesex South County Registry of Deeds on **August 5, 2021**, at Book **78415**, Page **106**;

**18 CLINTON LP,  
a Delaware limited partnership**

By: **Prithviraj Inc., Its General Partner**

By: 

Name: **Asha Daniere**

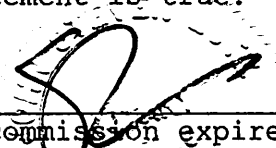
Title: **President and Treasurer**

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

**NOTARY PUBLIC**

STATE OF Ontario, County of Ynk

The above-named **Asha Daniere, President and Treasurer of Prithviraj Inc., General Partner of 18 Clinton LP**, personally appeared before me, this 7th day of November, 2024, and made oath that the above statement is true.

  
Notary

My commission expires (Notary Seal).

**John Steven Lutz  
Partner, McMillan LLP  
Brookfield Place  
Suite 4400  
181 Bay Street, Toronto, Ontario**

CONFIDENTIAL - SECURITY INFORMATION

... ..  
... ..  
... ..

(S)

... ..  
... ..  
... ..

... ..  
... ..  
... ..

... ..  
... ..

... ..

... ..  
... ..  
... ..

... ..  
... ..

... ..

... ..  
... ..  
... ..

... ..  
... ..



... ..  
... ..

Middlesex South Registry of Deeds  
Electronically Recorded Document

This is the first page of the document - Do not remove

---

Recording Information

Document Number	: 27179
Document Type	: DECIS
Recorded Date	: March 20, 2024
Recorded Time	: 09:29:43 AM
Recorded Book and Page	: 82582 / 269
Number of Pages(including cover sheet)	: 5
Receipt Number	: 2984521
Recording Fee	: \$105.00

**Middlesex South Registry of Deeds**  
**Maria C. Curtatone, Register**  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)



# CITY OF CAMBRIDGE

Massachusetts

## BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA. 2023 APR 28 AM 10: 55  
617) 349-6100

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

CASE NO: 208880

LOCATION: 18 Clinton Street Residence C-1 Zone  
Cambridge, MA

PETITIONER: 18 Clinton LP, A Delaware Limited Partnership  
C/o Sarah L. Rhatigan, Esq.

*DEED REFERENCE: See Deed Recorded at Book 78 415, Page 113.*

PETITION: Variance: Alterations to a pre-existing nonconforming multi-family dwelling and conversion to a two-family dwelling, including additions and new window wells within setbacks and an increase in calculated height.

Special Permit: New and modified windows/doors within setbacks.

VIOLATIONS: Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).  
Art. 8.000, Sec. 8.22.3 (Non-Conforming Structure).  
Art. 8.000, Sec. 8.22.2.c & 8.22.1.d (New or Modified Windows).  
Art. 10.000, Sec. 10.30 (Variance). & Sec. 10.40 (Special Permit).

DATE OF PUBLIC NOTICE: February 9 & 16, 2023

DATE OF PUBLIC HEARING: February 23, 2023

MEMBERS OF THE BOARD:

BRENDAN SULLIVAN – CHAIR  
JIM MONTEVERDE – VICE-CHAIR  
ANDREA A. HICKEY  
LAURA WERNICK

*[Handwritten initials]*

ASSOCIATE MEMBERS:

SLATER W. ANDERSON  
JASON MARSHALL  
MATINA WILLIAMS  
WENDY LEISERSON

*[Handwritten initials]*

*Property address: 18 Clinton Street, Cambridge, MA*

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

Case No. BZA-208880  
Location: 18 Clinton Street, Cambridge, MA  
Petitioner: 18 Clinton LP, A Delaware Limited Partnership – c/o Sarah L. Rhatigan, Esq.

On February 23, 2023, Petitioner's attorney Sarah Rhatigan and architect Steve Hoheb appeared before the Board of Zoning Appeal requesting a variance in order to alter a preexisting nonconforming multi-family dwelling and convert it into a two-family dwelling, including additions and new window wells within setbacks and an increase in calculated height and a special permit in order to add and modify windows and doors within the setbacks. The Petitioner requested relief from Article 5, Section 5.31, Article 8, Sections 8.22.3, 8.22.2.c and 8.22.1.d, and Article 10, Sections 10.30 and 10.40 of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioner submitted materials in support of the application including information about the project, plans, and photographs.

Ms. Rhatigan stated that the property held an oddly shaped, antique 6-unit apartment building in disrepair. Ms. Rhatigan stated that the proposal was to renovate it and convert it to a two-family. Mr. Hoheb stated that there would be small additions to the property in order to assist with the new floor plan, but that the resulting FAR would be reduced. Ms. Rhatigan stated that window wells would affect height calculations. Ms. Rhatigan stated that the hardship related to the oddly shaped structure, placed within the lot's setbacks, and encumbered by the Historical District. Mr. Hoheb stated that the project had a Certificate of Appropriateness from the Historical Commission. Ms. Rhatigan briefly stated the hardships present concerning the variance portion of the application.

The Chair asked if any Board members had any questions or if anyone wished to be heard on the matter, no one indicated such. The Chair read the letter of Appropriateness from the Mid-Cambridge Neighborhood Conservation Commission and the letters of support from adjoining properties.

After discussion, the Chair moved that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board: that the Board find that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship the petitioner, because it would preclude the petitioner from making the necessary alterations to repurpose the building, which over years had fallen into great disrepair, with an interior space that was somewhat unworkable, potentially illegal, and unsafe for occupants of the structure; that the Board find that the petitioner's proposal would attempt to alleviate those concerns and create two family-sized, up to date, modern, energy-efficient residential units; that the Board find that the hardship owed to the unique siting of the lot and the house contained thereon, which was built prior to the existing Ordinance and was encumbered by it; that the Board find that the alterations were de minimis in nature and included modest additions, which would bring the structure more into conformity due to the reduction of the FAR; that the Board find that desirable relief could be granted without substantial detriment to the public good; that the Board note the letter of Appropriateness from the Mid-Cambridge Neighborhood Conservation Commission and the letters of support from

adjoining properties; that the Board find that the public good would be enhanced by a totally refurbished premise, which would add to the streetscape and to the preservation of existing housing stock; that the Board find that relief could be granted without nullifying or substantially derogating from the intent and purpose of the Ordinance; that the Board find that the proposal was consistent with Massachusetts General Laws Chapter 40A, Section 10, where the variance being granted would encourage the rational use of land throughout the City, including the encouragement of appropriate economic development to create the quality housing within close proximity to public transportation; that the Board find that granting relief would not result in a use or activity not otherwise permitted in the Ordinance, and that there would be no negative impacts regarding traffic, population density, blight or pollution, and that it would encourage the preservation of and reuse of preexisting structures, which added to the amenities of the City.

The Chair further moved that based upon all the information presented the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board on the condition that the work proceed as per the dimensional form, the supporting statements, and the plans submitted, as initialed by the Chair.

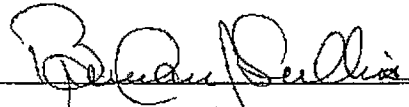
The five-member Board voted unanimously in favor of granting the variance with the above condition (Sullivan, Monteverde, Hickey, Wernick, and Williams). Therefore, the variance is granted as conditioned.

After discussion, the Chair moved that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board: that the Board find that the requirements of the Ordinance were met; that the Board find that traffic generated, or patterns of access or egress would not change and that there would be no congestion, hazard, or substantial change in the established neighborhood character; that the Board note the Letter of Appropriateness from the Mid-Cambridge Neighborhood Conservation Association and the letters from adjoining property owners in favor of the project; that the Board find that the continued operation of or development of adjacent uses, as permitted in the Zoning Ordinance, would not be affected by the nature of the proposed use; that the Board find that there would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupants of the proposed use, in fact, it would be enhanced by upgraded, code-compliant, units with modern amenities and utilities; that the Board find that the proposed use would not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of the Ordinance; and that the Board note the above granting of the variance and the language used regarding enhancing the purpose of the Ordinance.

The Chair further moved that based upon all the information presented the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board on the condition that the work comply with the supporting statements, dimensional form, and drawings submitted.

The five-member Board voted unanimously in favor of granting the special permit with the above condition (Sullivan, Monteverde, Hickey, Wernick, and Williams). Therefore, the special permit is granted as conditioned.

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

  
Brendan Sullivan, Chair

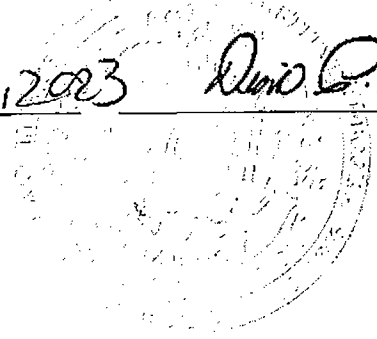
Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 4-28-23 by Maia Pichero, Clerk.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed ✓

Appeal has been filed and dismissed or denied.

Date: JUN 26, 2023  City Clerk.





# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2024 APR 12 AM 10:16

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## EXTENSION OF TIME OF EXPIRATION

CASE NO: BZA-208880

LOCATION: 18 Clinton Street Residence C-1 Zone  
Cambridge, MA

PETITIONER: 18 Clinton LP, A Delaware Limited Partnership  
C/o Sarah L. Rhatigan, Esq.

PETITION: Variance: Alterations to a pre-existing nonconforming multi-family dwelling and conversion to a two-family dwelling, including additions and new window wells within setbacks and an increase in calculated height.  
Special Permit: New and modified windows/doors within setbacks.

DATE OF FILING DECISION: **April 28, 2023**

Petitioner was granted a **Variance & Special Permit** on **April 28, 2023**, for the above-mentioned petition.

A letter was filed with the office of the City Clerk on **March 21, 2024**, requesting an extension of the expiration of that **Variance** granted by the Board of Zoning Appeal.

The Board of Zoning Appeal, at their **April 11, 2024**, hearing, unanimously granted the extension for the **Variance** until **October 29, 2024**.

Jim Monteverde, Chairperson

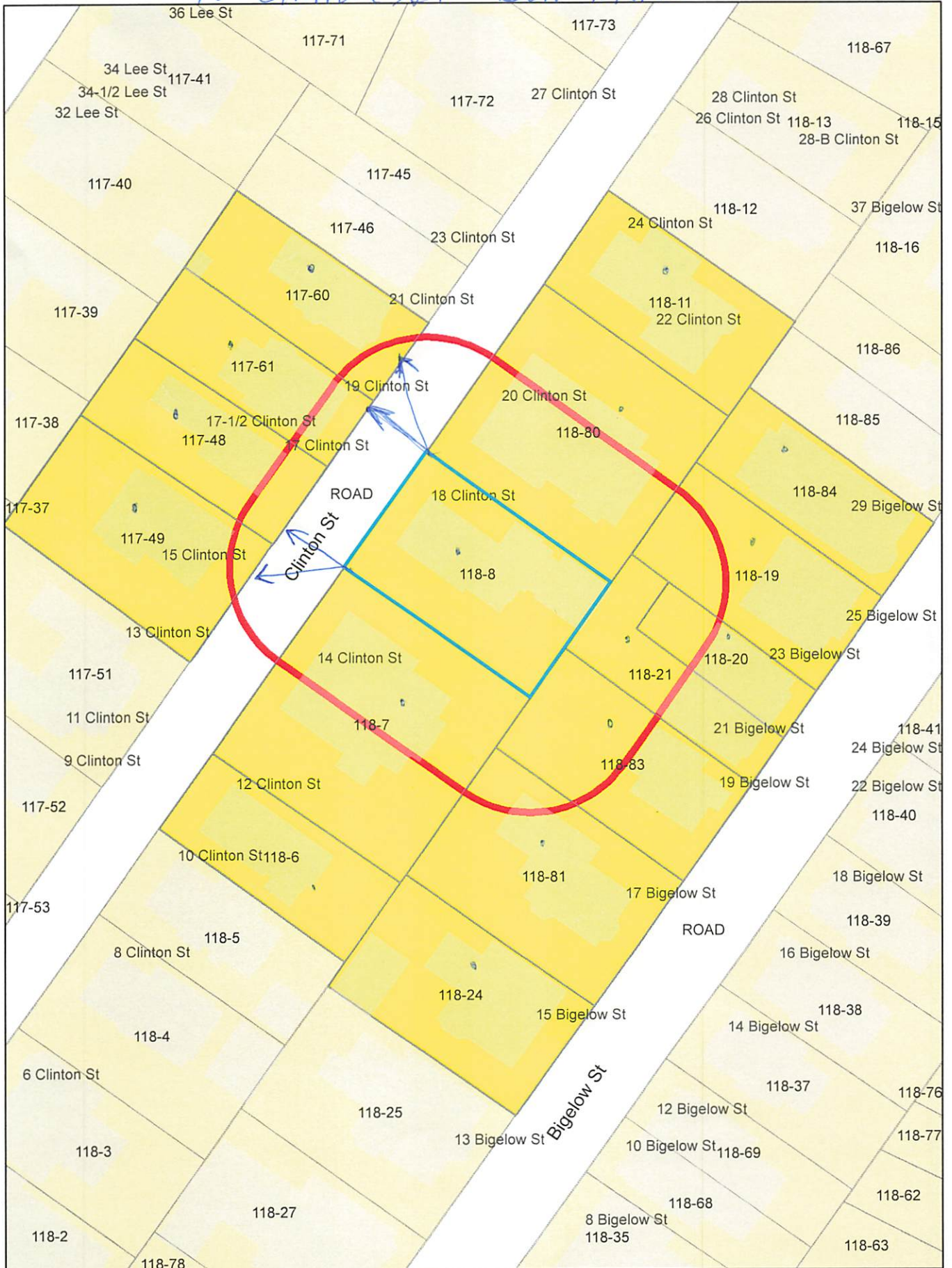
Attest: A true and correct copy of Extension of Time of Expiration for

Case: BZA-208880 filed with the office of the City Clerk and Planning Board on

4/12/24 by Maria J. Pecko, Zoning Clerk.



18 Clinton St. BZA-1142420



18 Clinton St.

Petitioner

117-60  
BEAUSANG, KENNETH WILLIAM &  
KARI ANN JORGENSON  
21 CLINTON ST  
CAMBRIDGE, MA 02139

118-7  
BUTLER, SUSAN FARIST  
14-16 CLINTON ST  
CAMBRIDGE, MA 02139-2303

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

118-24  
LEDWELL, JAMES R. & MARGARET R. LEDWELL  
TRS. OF THE JAMES & MARGARET REALTY TRUST  
52 MILL RD  
FALMOUTH, MA 02536

118-21  
SPILLANE, DAVID T. & LINDA S. MURPHY  
21 BIGELOW ST  
CAMBRIDGE, MA 02139

118-8  
18 CLINTON LP  
18 CLINTON ST  
CAMBRIDGE, MA 02138

118-24  
LEPERA, JOSEPH N.  
15 BIGELOW ST. UNIT 4  
CAMBRIDGE, MA 02139

118-24  
JOY, DAVID  
456 WATEROWN ST  
NEWTON, MA 02460

118-24  
MAXWELL, MINDY,  
TRUSTEE THE MAXWELL REALTY TRUST  
12 CHAUNCY ST UNIT 4  
CAMBRIDGE, MA 02138

118-83  
PRELEC, DRAZEN & DANICA MIJOVIC PRELEC  
19 BIGELOW STREET  
CAMBRIDGE, MA 02138

118-80  
BLITZ, AMY  
20 CLINTON ST UNIT 1  
CAMBRIDGE, MA 02139

118-80  
KARNIK, ROHIT NANDKUMAR & YUKIKO OKA  
20 CLINTON ST UNIT 5  
CAMBRIDGE, MA 02139

118-80  
DENIZ, YAMO & SUSAN SHAW-DENIZ  
20 CLINTON ST UNIT 3  
CAMBRIDGE, MA 02139

118-80  
DAVIS, JANENE L.  
20 CLINTON ST UNIT 2  
CAMBRIDGE, MA 02139

118-80  
ROBINSON JR, ROBERT JAMES &  
STEPHANIE W. ROBINSON  
20 CLINTON ST UNIT 7  
CAMBRIDGE, MA 02139

118-84  
HOLLENBECK, PATRICK G.  
29 BIGELOW ST  
CAMBRIDGE, MA 02139

118-11  
BOWDEN, CHRISTOPHER J. &  
ELIZABETH C. BOWDEN  
22 CLINTON ST.  
CAMBRIDGE, MA 02140

118-11  
BRONSON, PAOLA G. &  
NATHAN G. BRONSON  
24 CLINTON ST  
CAMBRIDGE, MA 02140

118-20  
OLIVIER, KATHERINE L.  
23 BIGELOW ST  
CAMBRIDGE, MA

118-6  
WAGNER, DAVID PATRICIA WAGNER  
12 CLINTON ST  
CAMBRIDGE, MA 02139

118-24  
KWAN NICOLE Q  
253 ACTON ST  
CARLISLE, MA 01741

117-48  
BUTLER, SUSAN FARIST  
CITY OF CAMBRIDGE TAX TITLE  
17 CLINTON ST  
CAMBRIDGE, MA 02139

118-24  
REILLY, PATRICIA J.  
80 COTTING ST  
MEDFORD, MA 02155

118-19  
FISHER DANIEL B DAVIS K LETITIA  
25 BIGELOW ST  
CAMBRIDGE, MA 02139

118-80  
WERLANG, CAROLINE ANDREA  
CONNOR W COLEY  
20 CLINTON ST -UNIT 6  
CAMBRIDGE, MA 02139

118-80  
MCGOVERN, PATRICIA  
20 CLINTON ST - UNIT 4  
CAMBRIDGE, MA 02139

118-24  
MAXWELL, MINDY  
186 GRANITE ST  
ROCK-POR, MA 01966

117-49  
RESIDENT  
15 CLINTON ST  
CAMBRIDGE, MA 02139

117-61  
COLE, HEATHER E.  
ELEKTRA MARIA MURIEL SAVILONIS  
19 CLINTON ST  
CAMBRIDGE, MA 02139

118-81  
MACDOUGALL, CYNTHIA R  
FRANCIS FOX SPINKS TRS  
17 BIGELOW ST  
CAMBRIDGE, MA 02139

18 Clinton St .

118-24  
LE, MONICA & MARTIN PURSCHKE  
15 BIGELOW ST UNIT 3  
CAMBRIDGE, MA 02139