



BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139 2023 OCT 12 PM 2: 34

617-349-6100

BZA Application Form

FFICE OF THE CITY OLERM MBRIDGE, MASSACHUSETT

BZA Number: 245510

General Information

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

Special Permit: X

Variance:

Appeal: _____

PETITIONER: Abigail Lipson C/O Shelly Ziegelman, AIA

PETITIONER'S ADDRESS: 30 Winsor Ave., Watertown, MA 02472

LOCATION OF PROPERTY: 45 Orchard St, Unit REAR, Cambridge, MA

TYPE OF OCCUPANCY: Residential

ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/Additions/

DESCRIPTION OF PETITIONER'S PROPOSAL:

The Special Permit seeks relief for an increase in Total Gross Floor Area and FAR, due to adding a modest first floor bedroom addition to the rear single family unit which will enable the Owner to age in place.

SECTIONS OF ZONING ORDINANCE CITED:

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

> Original Signature(s):

(Petitioner (s) / Owner)

Address: Tel. No. E-Mail Address:

617 893-8907 shellywoodz@gmail.com

Date: 10/0/23

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 Abigail Lipson (OWNER)
(OWNER)
Address: 45 Orchard Street, Cambridge MA 02140
State that I/We own the property located at 45 orchard St., Cambridge,
which is the subject of this zoning application.
The record title of this property is in the name of Abigail Lipson Trust
*Pursuant to a deed of duly recorded in the date $\frac{11/24}{2015}$, Middlesex South
County Registry of Deeds at Book 66429, Page 468; or
Middlesex Registry District of Land Court, Certificate No
Book Page
SIGNATURE EX 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
The above-name Abigail hipson personally appeared before me,
this all' of September, 2023, and made oath that the above statement is true.
Notary
My commission expires 2/8/2030 (Notary Seal).

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

(ATTACHMENT B - PAGE 3)

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 <u>45 Orchard St</u>, <u>Unit REAR</u>, <u>Cambridge</u>, <u>MA</u> (location) would not be a detriment to the public interest because:</u>

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

The proposed, one story bedroom addition to the single family rear unit will allow for the Owner to age-in-place. In 2020, the Owner was granted a Variance for the existing barn structure to be converted into a single family residence. The addition will benifit the City by transforming the one bedroom unit into a two bedroom, accessible residential structure without any impact to the abbutters or the neighborhood. This small addition will also provide increased privacy to the neighbors on the left side

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:

The property currently has 3 units and there will be no change to the traffic generated by adding the addition to the rear unit.

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

The proposed additon does not impact or adversely affect the development or operation of adjacent uses. Privacy will be maintained through new and existing plantings or distance.

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:

The addition will increase the health, safety and welfare of the occupant for the following reasons: It transforms one of the three dwelling units on the property into an age-in-place house, allowing the property's owner to remain in her home. The small addition will not have any effect on the abbuters.

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

The proposed addition will enhance, not impair the integrety of the district and adjoining districts for all of the above reasons.

*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:	Abigail Lipson
Location:	45 Orchard St, Unit REAR, Cambridge, MA
Phone:	617 893-8907

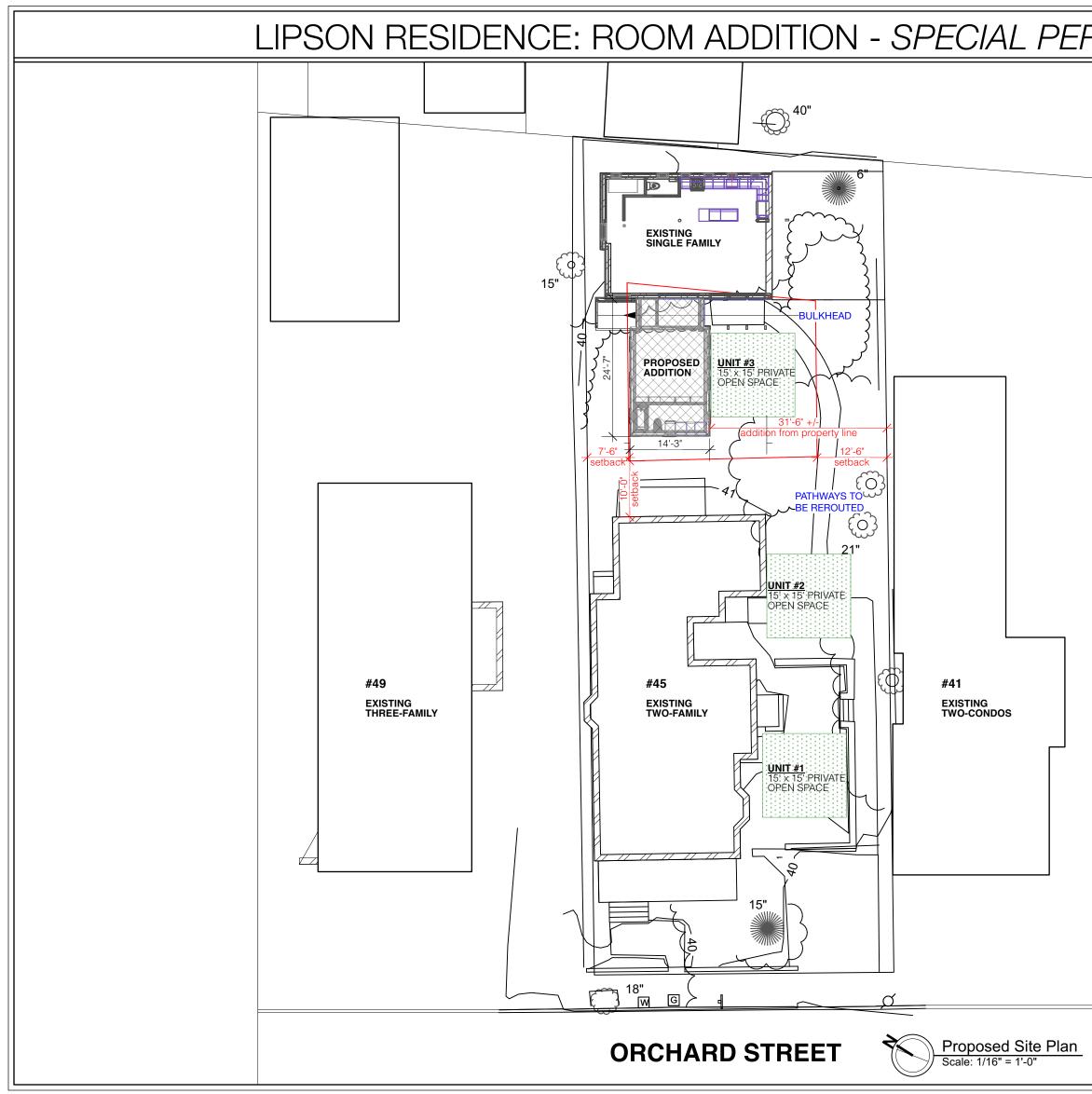
Present Use/Occupancy: <u>Residential</u> Zone: <u>Residence B Zone</u> Requested Use/Occupancy: Residential

		Existing Conditions	Requested Conditions	<u>Ordinance</u> Requirements	
TOTAL GROSS FLOOR AREA:		4379	4715	3512	(max.)
LOT AREA:		7894	7894	5000	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²		.55	.59	.45	
LOT AREA OF EACH DWELLING UNIT		not applicable, 1 Owner (NA)	NA	NA	
SIZE OF LOT:	WIDTH	53.58'	53.58' (no change)	50'	
	DEPTH	147.3'	147.3' (no change)	NA	
SETBACKS IN FEET:	FRONT	20.4'	20.4'	15'	
	REAR	3.6'	27' (to proposed addition)	25'	
	LEFT SIDE	.2'	7.5' (to proposed addition)	7.5' (sum of 20')	
	RIGHT SIDE	19.85'	31.5' (to proposed addition)	12.5' (sum of 20')	
SIZE OF BUILDING:	HEIGHT	27.7'	27.7'	35'	
	WIDTH	22.6'	47.1'	NA	
	LENGTH	30.4'	30.4'	NA	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		.52	.48	.4	
NO. OF DWELLING UNITS:		3	3	2 (3 units previously granted in 2020)	
NO. OF PARKING SPACES:		2	2	3 (2 granted previously)	
<u>NO. OF LOADING</u> AREAS:		NA	NA	NA	
DISTANCE TO NEAREST BLDG. ON SAME LOT		39'	14'	10'	

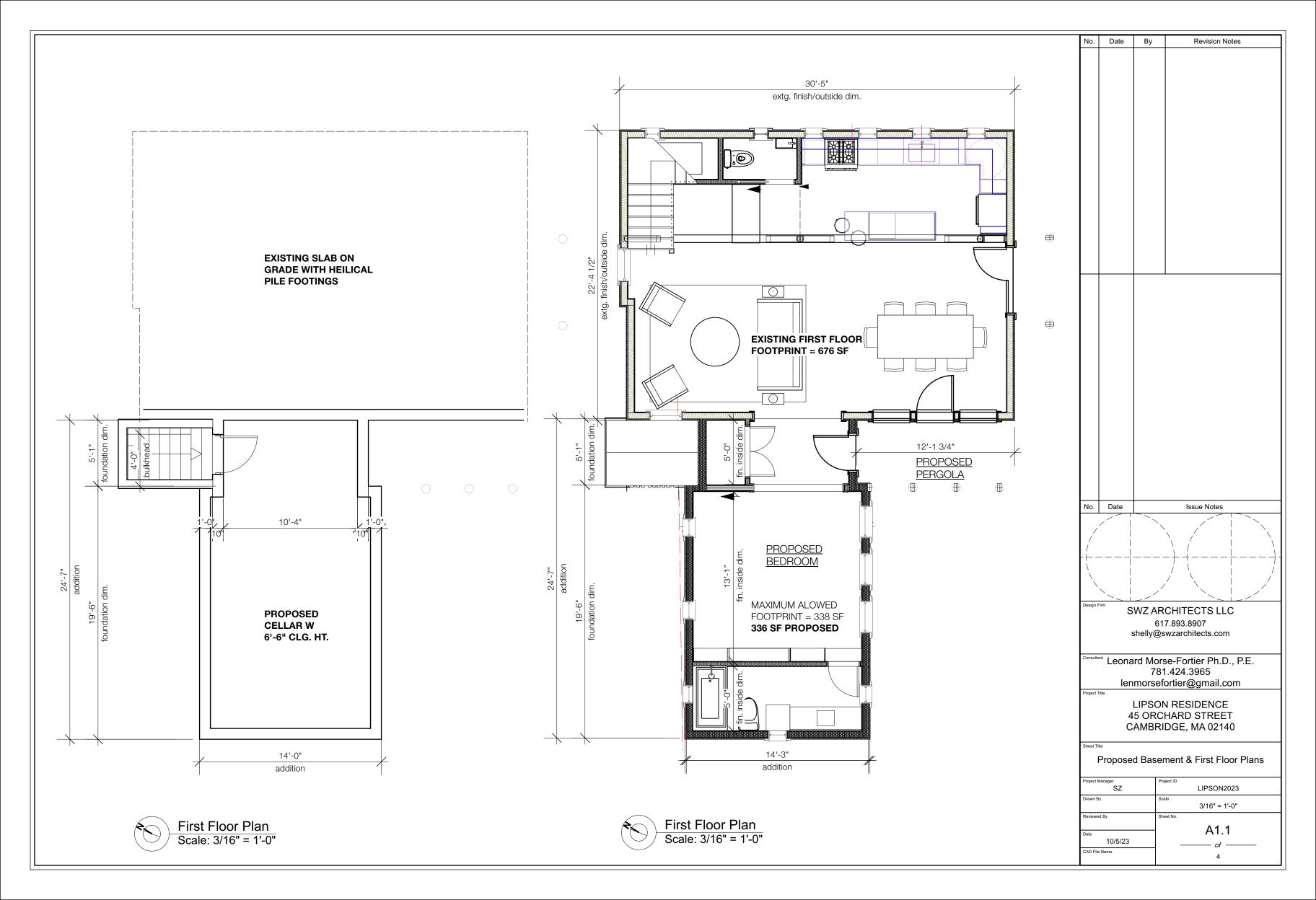
Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.:

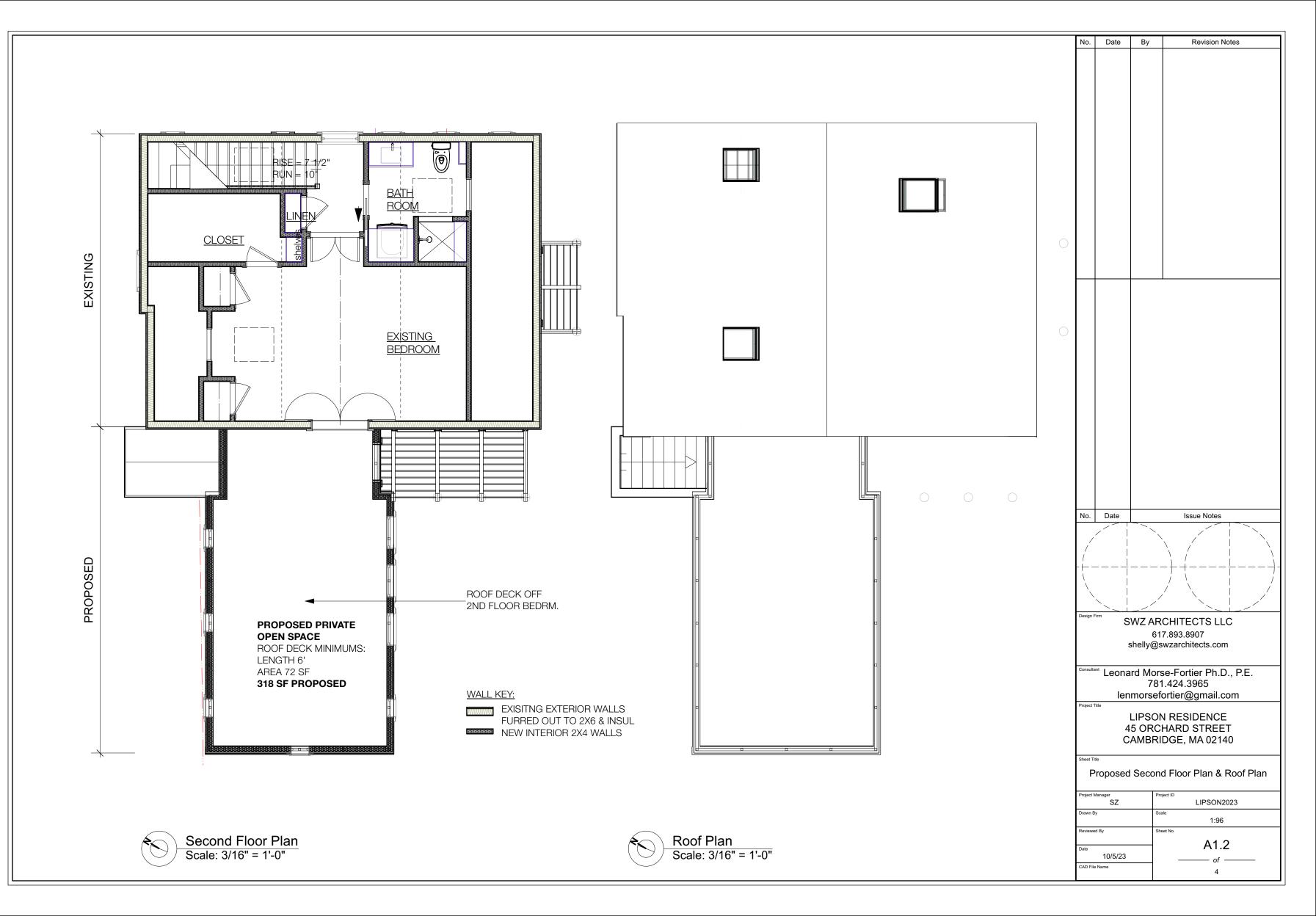
The 7894 square foot lot contains a 2 family (approx. $30' \times 60'$), two-story dwelling at the front of the lot with a 1.5 story (approx. $30' \times 22.6'$), 1 bedroom single family at the rear of the lot. Both structures are wood frame construction. The propsed addition to the rear single family dwelling unit is wood frame construction over a concrete cellar with a 6'3'' ceiling height.

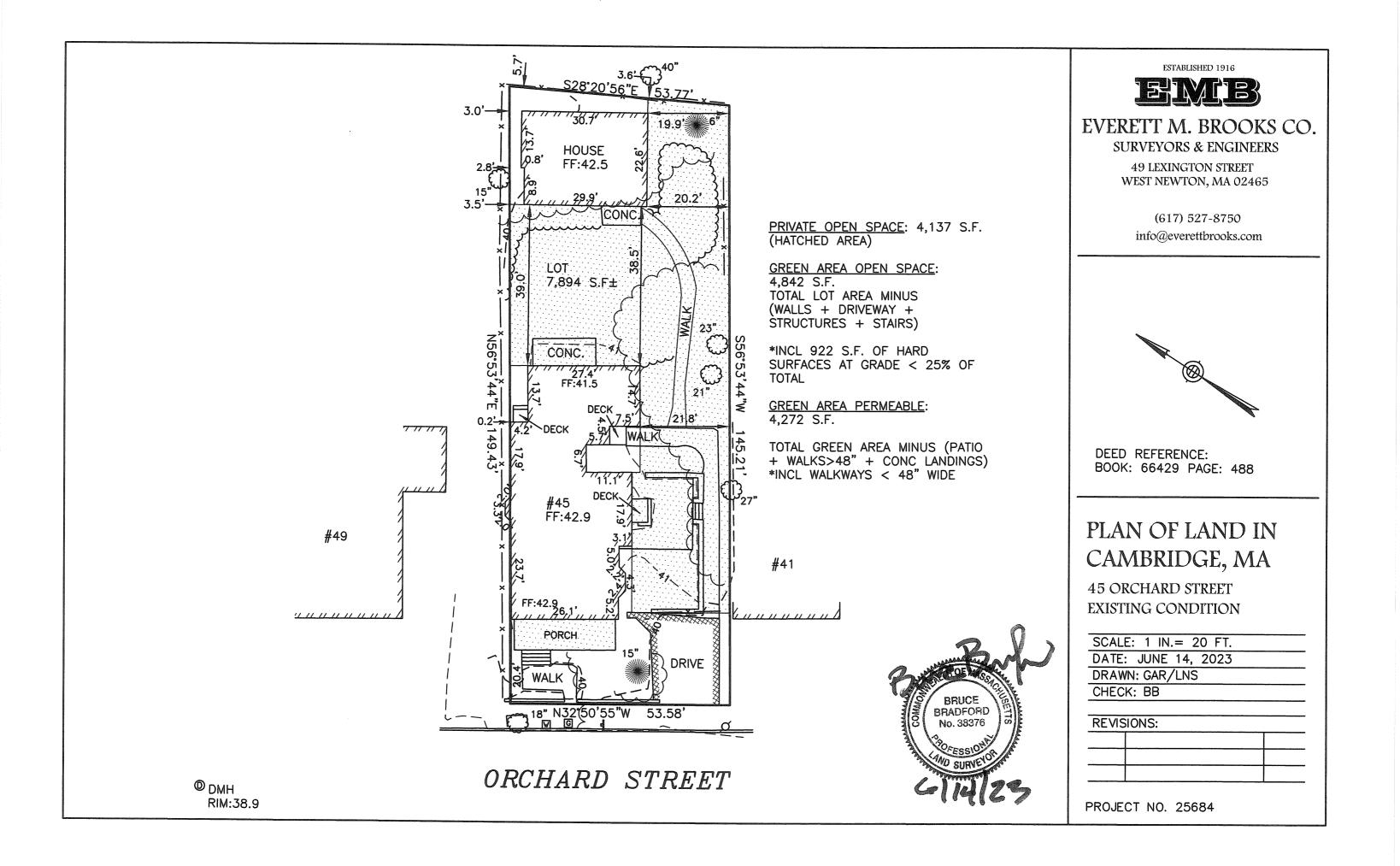
- 1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
- 2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
- 3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL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

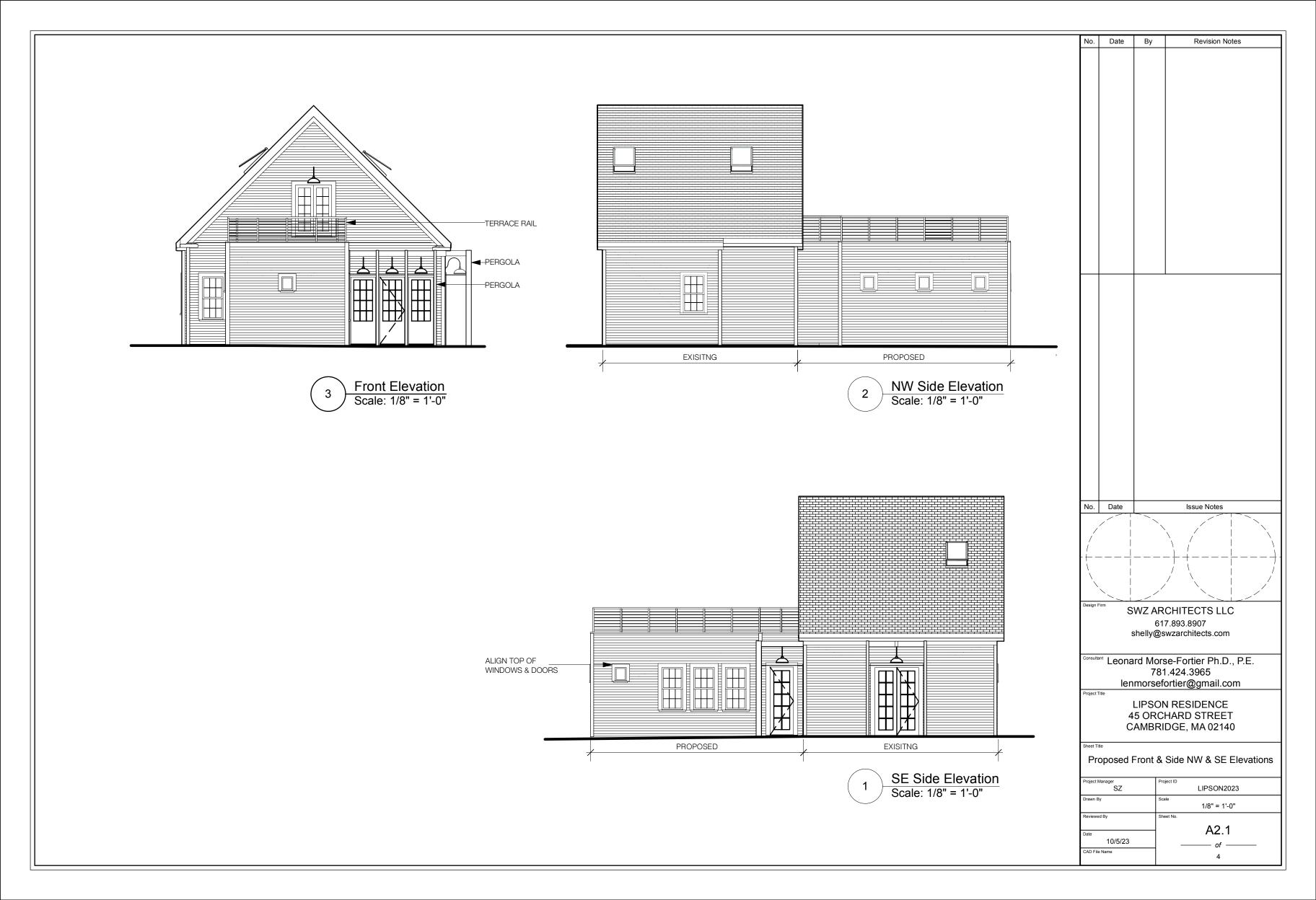


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	Design Firm SWZ ARCHITECTS LLC				
	617.893.8907				
	shelly@swzarchitects.com ^{Consultant} Leonard Morse-Fortier Ph.D., P.E. 781.424.3965 lenmorsefortier@gmail.com				
	Project T	ītle		N RESIDENCE	
	45 ORCHARD STREET				
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From: Janie Katz-Christy <buckriverdesigns2@gmail.com>
Sent: Saturday, October 7, 2023 11:01 AM
To: Abigail Lipson <a.lipson@comcast.net>
Subject: Support for One-Story Addition to 45 Orchard Street barn

Hi Abigail,

Please share with the Zoning Board of Appeals:

Dear BZA,

We have spoken with Abigail Lipson about her plans for a one-story addition to her home at 45 Orchard Street, and are in support of it.

Janie Katz and Samuel Christy 166A Elm St North Cambridge, MA 02140

Susan Matkoski/Stewart Wiley

168 Elm St. North North Cambridge, MA 02140

4 October 2023

Board of Zoning Appeal

City of Cambridge Cambridge, MA

To whom it may concern:

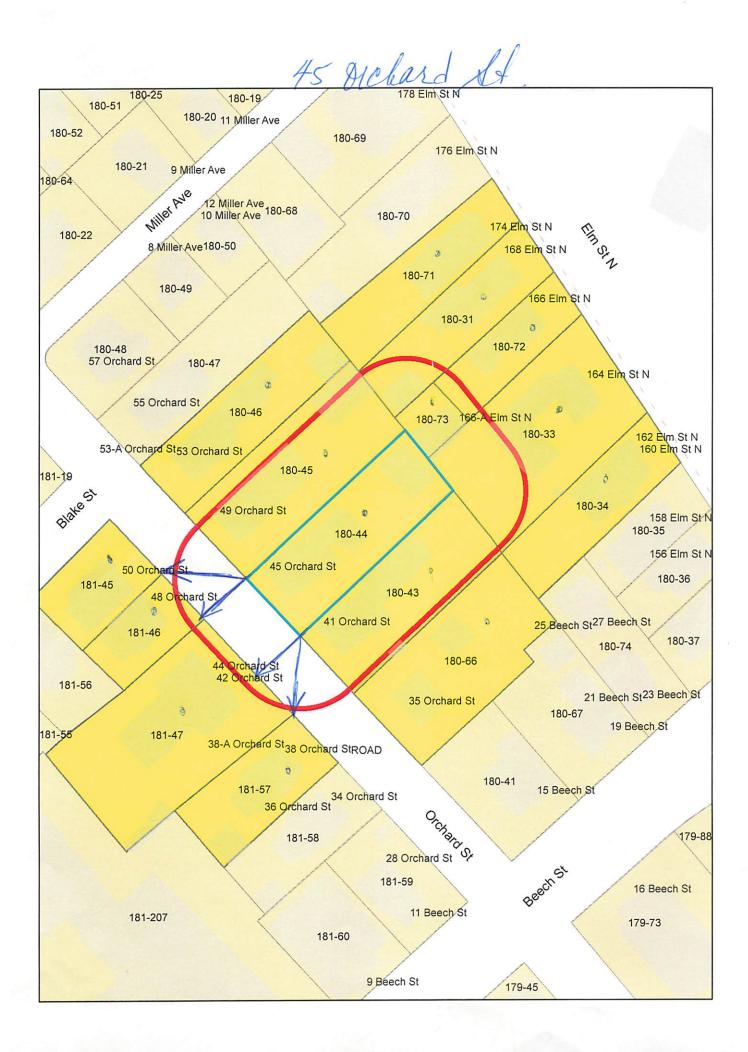
My neighbor Abigail Lipson, who resides at 45 Orchard St, recently informed us of her intention to build a one-story addition, about 14 ft. by 20 ft., to her carriage barn. We have no objections.

Sincerely,

Sullathi timtilh

Susan Matkoski/Stewart Wiley





45 Olchard Al

180-45 OLIVER, SHERAN O. TR. OF SHERMAN O. OLIVER LIVING TRUST 49 ORCHARD ST CAMBRIDGE, MA 02140

180-34 SUPPANISANUWONG, MOOKDA TRS THE MOOKDA SUPPANISANUWONG REC TRUST 162 ELM ST N. CAMBRIDGE, MA 02140

180-72 HAUG, STEFANIE & STEPHEN J. WELLER 166 ELM ST UNIT 2 CAMBRIDGE, MA 02140

180-43 WINTERS, PAMELA 41 ORCHARD ST #41R CAMBRIDGE, MA 02140

180-46 OKUN, DOUGLAS R., TRUSTEE THE DOUGLAS OKUN REV TRUST 334 WALDEN ST CAMBRIDGE, MA 02138

180-46 AGRAWAL, KRISHNA 53 ORCHARD STREET, UNIT #1 CAMBRIDGE, MA 02139

180-33 WHITE, HANNA T. ROSS A. MARINO 164 ELM ST NORTH UNIT 2 CAMBRIDGE, MA 02140

180-71 ROTH SHARON G 174 ELM ST N - UNIT 3 CAMBRIDGE, MA 02140 180-33 MITARACHI, JOHN PAUL & REGINA MITARACHI 164 ELM ST N. UNIT#164/3 CAMBRIDGE, MA 02140

180-43 SAMUELS, RICHARD L. & VARDIT HAIMI SAMUELS 41 ORCHARD ST. UNIT#41F CAMBRIDGE, MA 02140

181-47 SOARES, ANTONIO P. AND GILDA C. SOARES, TRS OF SOARES FAMILY TRUST 44 ORCHARD ST. CAMBRIDGE, MA 02140-1308

180-73 CHRISTY, SAMUEL T. & JANE KATZ 166A ELM ST NORTH CAMBRIDGE, MA 02140

180-71 ESDAILE, MICHAEL J. 174 ELM ST UNIT N 2 CAMBRIDGE, MA 02140

180-66 WALSH, DAVID 35 ORCHARD STREET CAMBRIDGE, MA 02140

181-46 KIRKPATRICK EDWARD SCOTT 48 ORCHARD ST CAMBRIDGE, MA 02140

181-45 GERSHENFELD, NEIL LAURA BREWER TRS 50 ORCHARD ST CAMBRIDGE, MA 02140

Ationel's

SHELLY ZIEGELMAN, AIA 30 WINSOR AVENUE WATERTOWN, MA 02472

180-44 LIPSON, ABIGAIL, TRUSTEE THE ABIGAIL LIPSON TRUST 45 ORCHARD ST CAMBRIDGE, MA 02140

180-31 WILEY, STEWART & SUSAN D. MATKOSKI 168 ELM ST NORTH CAMBRIDGE, MA 02140

180-46 WEITZ, JAMES & ELINOR C WINSLOW 53 ORCHARD STREET, UNIT #2 CAMBRIDGE, MA 02139

180-71 KATZ, BENJAMIN 5B RANDOLPH RD CHESTNUT HILL, MA 02467

181-57 ROBERTS, VIRGINIA S. TRUSTEE 38 ORCHARD ST CAMBRIDGE, MA 02140

180-33 HANSON, GORDON CATHERINE HANSON 164 ELM ST, UNIT 1 CAMBRIDGE, MA 02140

180-72 GOULD, KAREN L & IAN BRIGGS 166 ELM ST NORTH - UNIT 1 CAMBRIDGE, MA 02140 41 Orchard Street Cambridge, MA October 31, 2023

To the BZA re: BZA-245510

There are several reasons why we come before you tonight to oppose Ms. Lipson's addition to her accessory building. For those of you who were not on the BZA a few years ago, Ms. Lipson wanted to convert the barn on her property to a living space, which was illegal except for 900 square feet. She then renovated the barn and was able to have her wish to "age in place"....it was approved and now she has decided she does not have enough space for guests and wants to put on an addition, including a roof deck and basement. These are not "modest" as she says in her petition and would adversely affect the use and enjoyment of our home, which is just a few feet from hers. It is neither appropriate nor lawful to expand the current dwelling space beyond the size restrictions for accessory dwelling units.

1. Ms. Lipson has 2 other units on the lot which she is now renting out in front of her current building. They have 2 or 3 bedrooms each which would be more than enough to accommodate company or caretakers and for her to "age in place".

2. Ms. Lipson's addition would reduce the green space and increase the carbon footprint on the lot.

3. Ms. Lipson now returns with another proposal that would add a room app. 18 by 14 feet with an adjoining bathroom...and as mentioned a basement and a roof deck. These are outside the footprint of the 900 sq. ft. who was originally given by the BZA for an accessory apartment.

Therefore the current proposal to expand the structure is inconsistent with the zoning regulations applying to an accessory dwelling unit. These units are restricted in size because they are extremely close to abutters and represent a marked change in the intensity of their use by adding additional dwelling units to backyards.

Thank you for your consideration.

Sincerely,

Pamela Winters

41 Cudhurr Roladh Cauth fugac air October 31, 2026 -

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LA KANNA

rational Winters

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C10115004

To: Cambridge Board of Zoning Appeals Case # BZA-245510

CITY OF CAMBRIDGE SUSPECTIONAL SERVICES

Nov 1, 2023

2023 OCT 32 A II: 23.

I reside at 41 Orchard Street in Cambridge, next door to 45 Orchard Street. I have many reasons to oppose expansion of Ms Lipson's accessory apartment at the rear of the 45 Orchard Street lot:

-it will adversely affect the use and enjoyment of my home. The deck atop the proposed addition, in particular, would greatly reduce my privacy;

-it will reduce green space on Ms Lipson's lot. My neighborhood has over the years already lost much open space to development. (Specifically the nearby park abutting the church on Mass Ave near Elm Street, and three private properties directly abutting mine.)

-it will increase the carbon footprint of the lot;

-the proposal is inconsistent with the zoning regulations.

To expand a bit on this last point, and I hope this does not take up too much of the Board's time, I'd like to acknowledge that the third unit at the rear of Ms Lipson's lot, in which she now lives, replaced a freestanding barn. Ms Lipson's goal was to develop the barn into a dwelling unit in which she could 'age in place', notwithstanding the fact that either of the two already existing dwelling units could have served the same purpose. The purpose and intent of converting the barn to a dwelling unit were entirely consistent with the creation of 'Accessory Apartments' per Article 4.22. I believe it makes sense to view the third dwelling unit in this way, and apply to it the use regulations of 'Accessory Apartments'.

The initial proposal in 2019 sought to increase the total gross floor area to 4712 sq feet and to expand the footprint of the existing barn. That proposal was rejected by the BZA. After scaling back the plans, in 2020 approval was granted to develop approximately 900 sq feet of additional living space which was to remain within the envelope of the barn. (Total GFA 4379 sq feet). Now Ms Lipson again seeks expansion, to 4715 sq feet, virtually identical in size to the proposal that was rejected in 2019.

Specifically, she would add 336 sq feet to the existing 900 sq foot structure, all outside of the footprint of the original structure. This is far larger than Accessory Apartments were ever intended to be (900 sq feet max) on a lot that already exceeds the maximum total GFA.

The plans also include an outdoor deck atop the new addition, and a cellar beneath. One must at least acknowledge the possibility that the proposed cellar could be used as additional living space. As mentioned, the deck will intrude upon my privacy.

Tor Cambridge Guera of Zuchte Agrunds (Deae # 874-245510

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My request, in brief, is that the BZA remain consistent and not approve this repackaging of a previously rejected proposal.

Sincerely, Harry Shapiro 41 Orchard Street

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Pacheco, Maria

From: Sent: To: Subject: Ross Marino <marinoross@gmail.com> Tuesday, October 31, 2023 3:44 PM Pacheco, Maria Special Permit BZA-245510

To Maria Pacheco,

We are Hanna and Ross Marino and live in 164 Elm st unit 3, Cambridge. Our backyard abuts 45 Orchard Street where there is a petition for a special permit.

We would like to ask that the BZA allow the special permit and allow the bedroom to be added. We believe that this will not cause any issues or damages in any way.

Thank you for reading,

Hanna and Ross Marino

Pacheco, Maria

From: Sent: To: Subject: SHERRY OLIVER <sherryoliver46@comcast.net> Sunday, November 5, 2023 6:01 PM Pacheco, Maria Case Number: BZA-245510

November 5, 2023

To: Board of Zoning Appeal, Cambridge

I am a direct abutter to the petitioner, Abigail Lipson at 45 Orchard Street. The proposal adds an addition that will have a significant impact on me by eliminating an open green space (a coveted commodity in the city) but I have decided to remain neutral on the addition.

I am, however, opposed to the addition of a roof deck. My house is two stories and I live on the second floor. I have a deck that overlooks Abigail's yard and it will be in a direct line of view with her roof deck. I feel it will impact my privacy. It will also increase the height of the addition.

Sherry Oliver 49 Orchard Street

City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

BZA

POSTING NOTICE - PICK UP SHEET

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

Name:	Abigail Lipson (Print)	Date: 10 23	23
Address:	45 orchard St.	• • • •	
Case No	BZA-245510	i.	
Hearing Dat	e: 11/9/23	¥	

Thank you, Bza Members

Pacheco, Maria

From: Sent: To: Cc: Subject: Attachments: Shelly Ziegelman <shellywoodz@gmail.com> Monday, November 6, 2023 3:55 PM Pacheco, Maria Abigail Lipson 45 Orchard Street 45 Orchard Street - Privacy Buffer.pdf

Hi Maria,

Please upload this sketch that addresses the privacy concerns of the neighbors at 41 Orchard Street with a planted buffer.

Thanks so much,

Shelly

Shelly Wood Ziegelman, AIA, LEED AP S W Z ARCHITECTS LLC cell: 617.893.8907

