

# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2020 OCT 11 AM 11:49

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## BZA Application Form

**BZA Number:** 245462

### General Information

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

Special Permit:   X  

Variance:           

Appeal:           

**PETITIONER:** Ann Fullerton

**PETITIONER'S ADDRESS:** 23 Josephine Ave, Somerville, MA 02144

**LOCATION OF PROPERTY:** 87-1/2 Sixth St., Cambridge, MA

**TYPE OF OCCUPANCY:** Single family residential

**ZONING DISTRICT:** Residence C-1 Zone

**REASON FOR PETITION:**

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

Relocation and addition of windows on two existing side and rear elevations that violate setbacks.

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

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)

ANN FULLERTON

(Print Name)

Address:

27 JOSEPHINE AVE, SOMERVILLE MA

Tel. No.

6175018338

E-Mail Address:

annmfullerton@gmail.com

02144

Date: 10.5.20

## BZA Application Form

### DIMENSIONAL INFORMATION

**Applicant:** Ann Fullerton

**Present Use/Occupancy:** Single family residential

**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 Ann Fullerton  
\_\_\_\_\_ (OWNER)

Address: 23 Josephine Ave, Somerville MA 02144

State that I/We own the property located at 87.5 Sixth St, Cambridge MA 02141,  
which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Ann & Jeffery Fullerton

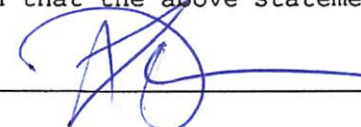
\*Pursuant to a deed of duly recorded in the date 6/8/2021, Middlesex South  
County Registry of Deeds at Book 77966, Page 133; or  
Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

  
\_\_\_\_\_  
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 Ann M Fullerton personally appeared before me,  
this 5th of Oct., 2023, and made oath that the above statement is true.

  
\_\_\_\_\_  
Notary

My commission expires MAY 16 2025 (Notary Seal).

  
JAYDEN DDHIR  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
May 16, 2025

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

UNITED STATES DEPARTMENT OF JUSTICE

IN RE: [Illegible Name]

Attorney General

[Illegible]

[Illegible]

[Illegible]

[Illegible]

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[Illegible]

**Location:** 87-1/2 Sixth St., Cambridge, MA  
**Phone:** 6175018338

**Zone:** Residence C-1 Zone  
**Requested Use/Occupancy:** Single family residential

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		1152	1080	NA	(max.)
<u>LOT AREA:</u>		994	994	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> <sup>2</sup>		1.15	1.08	.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		1060	1060	NA	
<u>SIZE OF LOT:</u>	WIDTH	18.25	18.25	50	
	DEPTH	54.5	54.5	NA	
<u>SETBACKS IN FEET:</u>	FRONT	0	0	10	
	REAR	12.35	12.35	20	
	LEFT SIDE	2.375	2.375	7.5	
	RIGHT SIDE	0	0	NA	
<u>SIZE OF BUILDING:</u>	HEIGHT	24.48	24.48	50	
	WIDTH	42.1	42.1	NA	
	LENGTH	15.8	15.8	NA	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		33	37	30	
<u>NO. OF DWELLING UNITS:</u>		1	1	NA	
<u>NO. OF PARKING SPACES:</u>		0	0	NA	
<u>NO. OF LOADING AREAS:</u>		0	0	NA	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		0	0	NA	

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.:

Wood frame

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**

### **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 87-1/2 Sixth 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:**

Modification of the side and rear elevation windows will not negatively impact public or the immediate neighbors safety and / or welfare.

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

No change to this existing condition.

**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:**

No change to this existing condition.

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

No substantive change to the is existing condition.

**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:**

Positive impact on immediate neighbor to the left by eliminating window that looks into neighbors house and rasing new windows to above eye height.

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

PROPOSED SITE PLAN  
87.5 SIXTH STREET

CAMBRIDGE, MASSACHUSETTS

1 INCH = 10 FEET AUGUST 23, 2023

SNELLING & HAMEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS & ENGINEERS

10 LEWIS STREET P.O. BOX 102  
LINCOLN, MASSACHUSETTS 01773  
(781) 259-0071

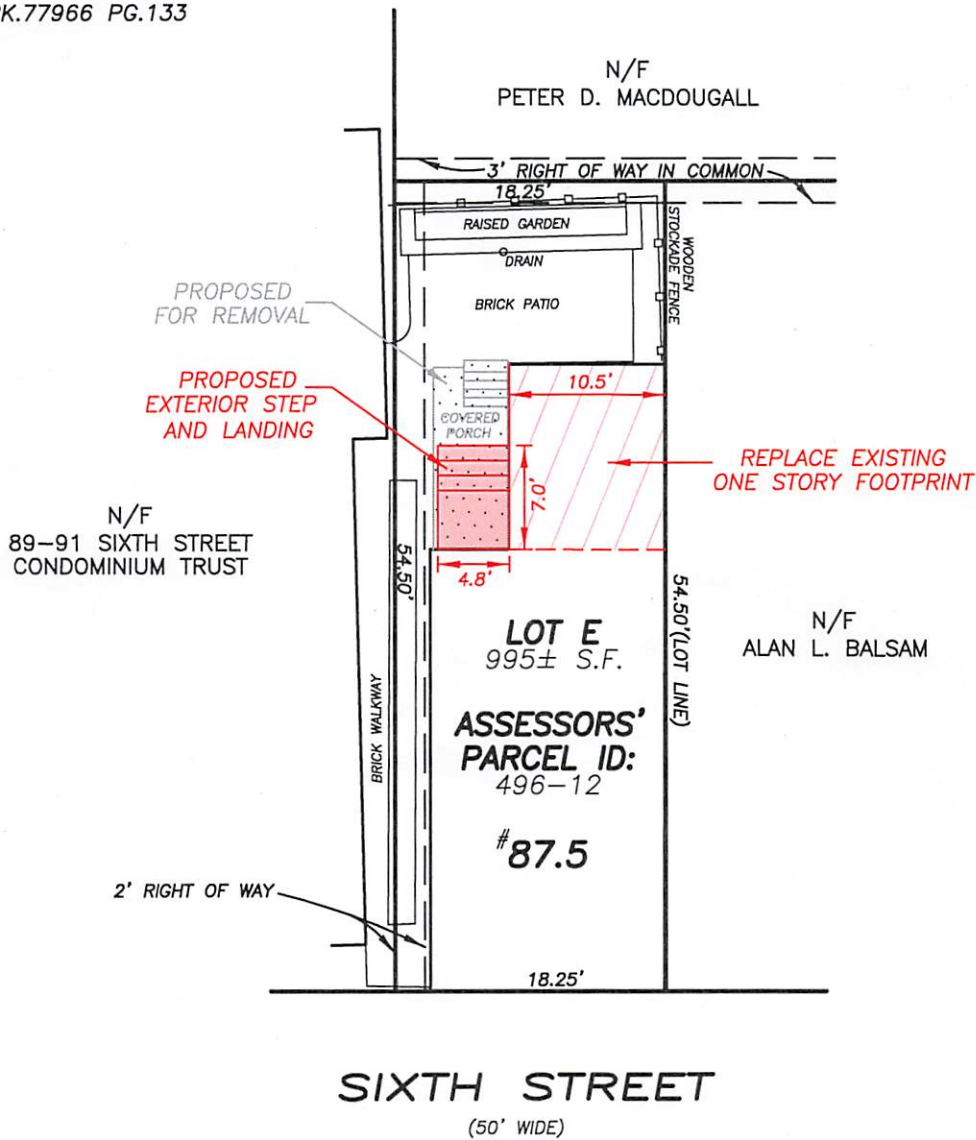
OWNERS OF RECORD:

JEFFREY FULLERTON  
&

ANN M. FULLERTON  
BK.77966 PG.133

1 INCH = 10 FEET  
0 5 10 20 30

APPROXIMATE NORTH FROM  
PLAN 223 OF 1947



PLAN REFERENCES:

- PLAN 223 OF 1947
- PLAN 947 OF 1973
- PLAN 1269 OF 1985

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF JULY 20, 2023 WITH THE USE OF A NIKON TOTAL STATION.

*John R. Hamel*

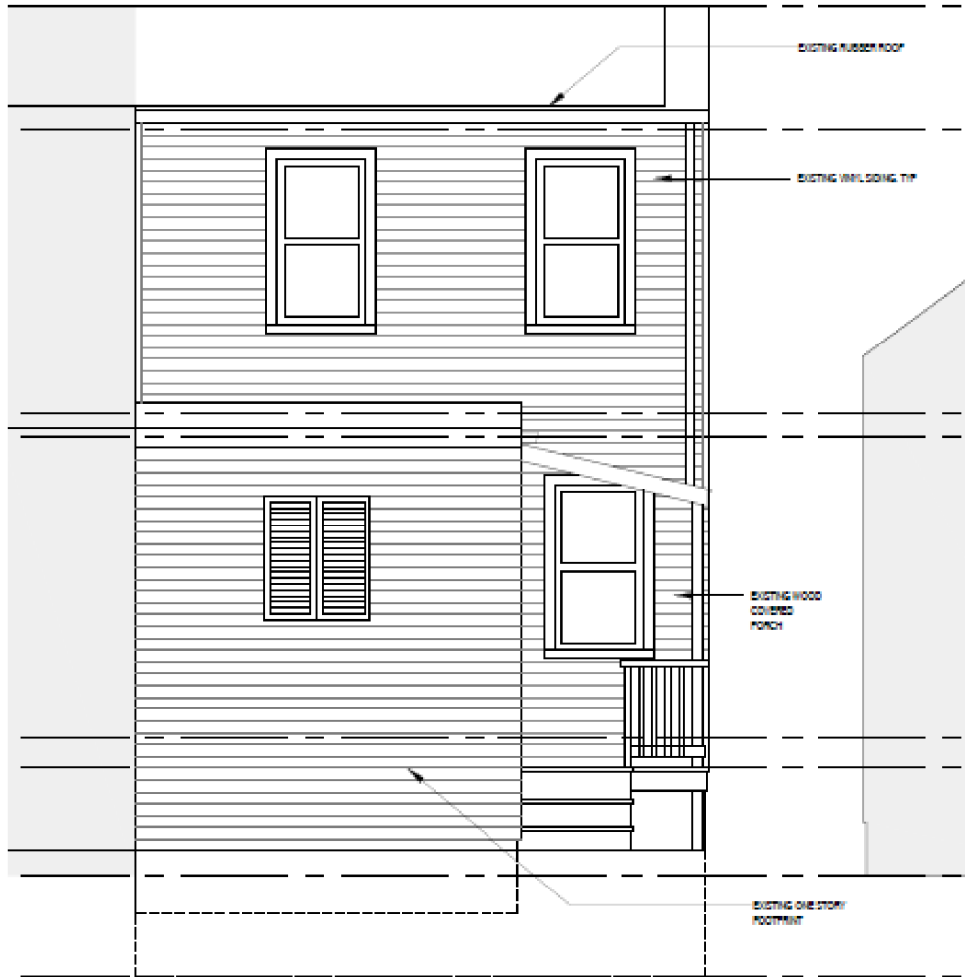
JOHN R. HAMEL  
PROFESSIONAL  
LAND SURVEYOR



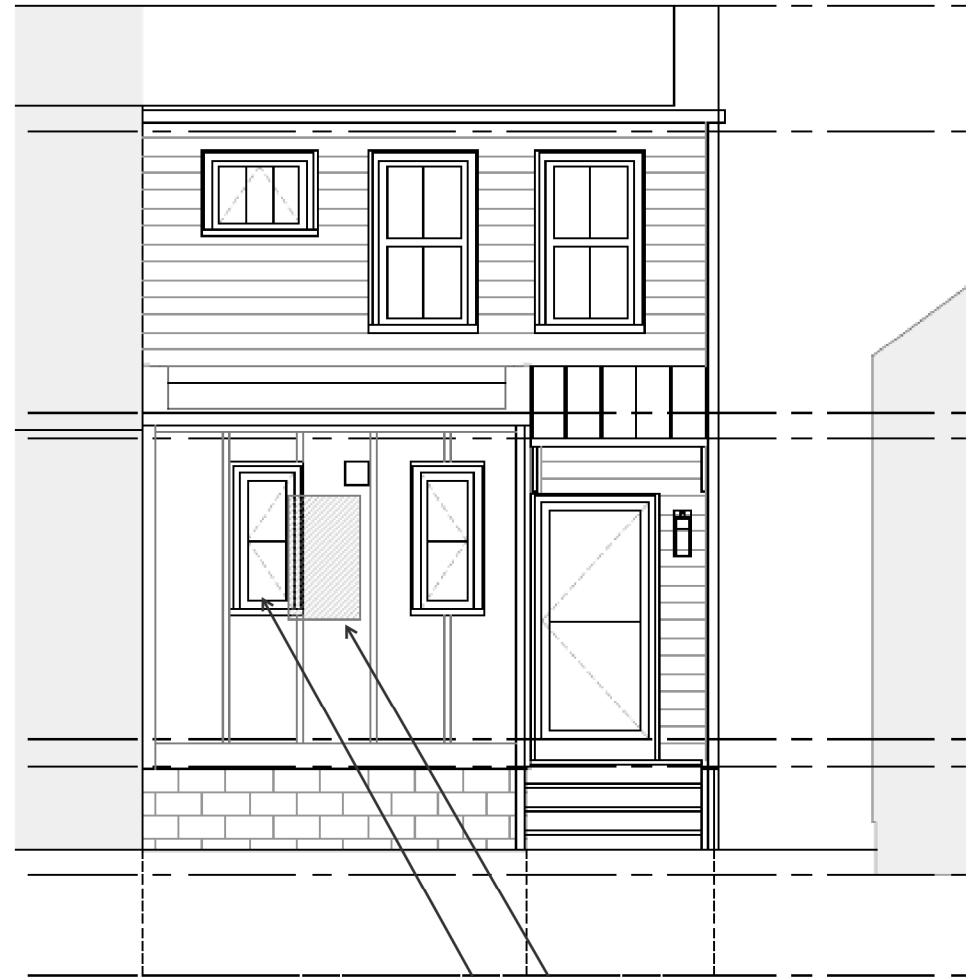
AUGUST 23, 2023

DATE:

17030.DWG  
AUGUST 23, 2023



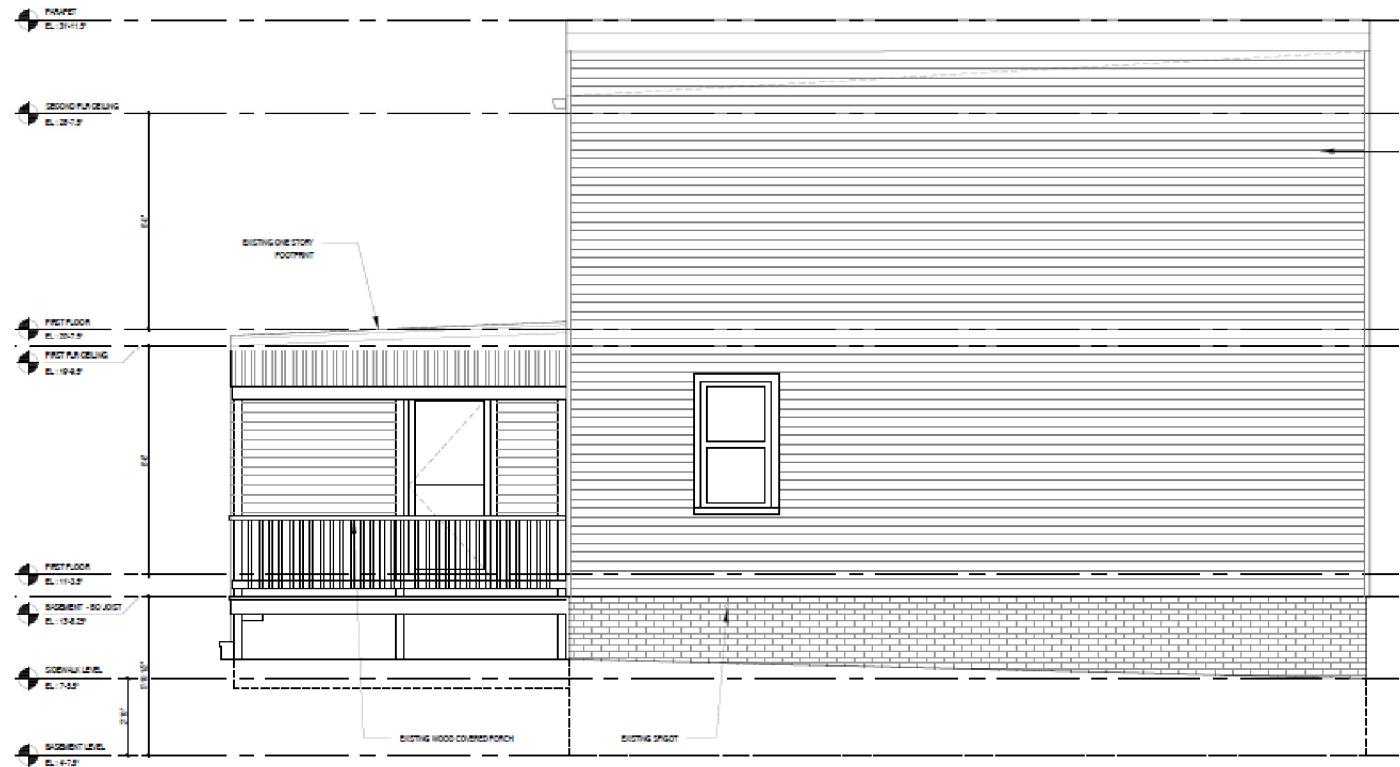
EXISTING



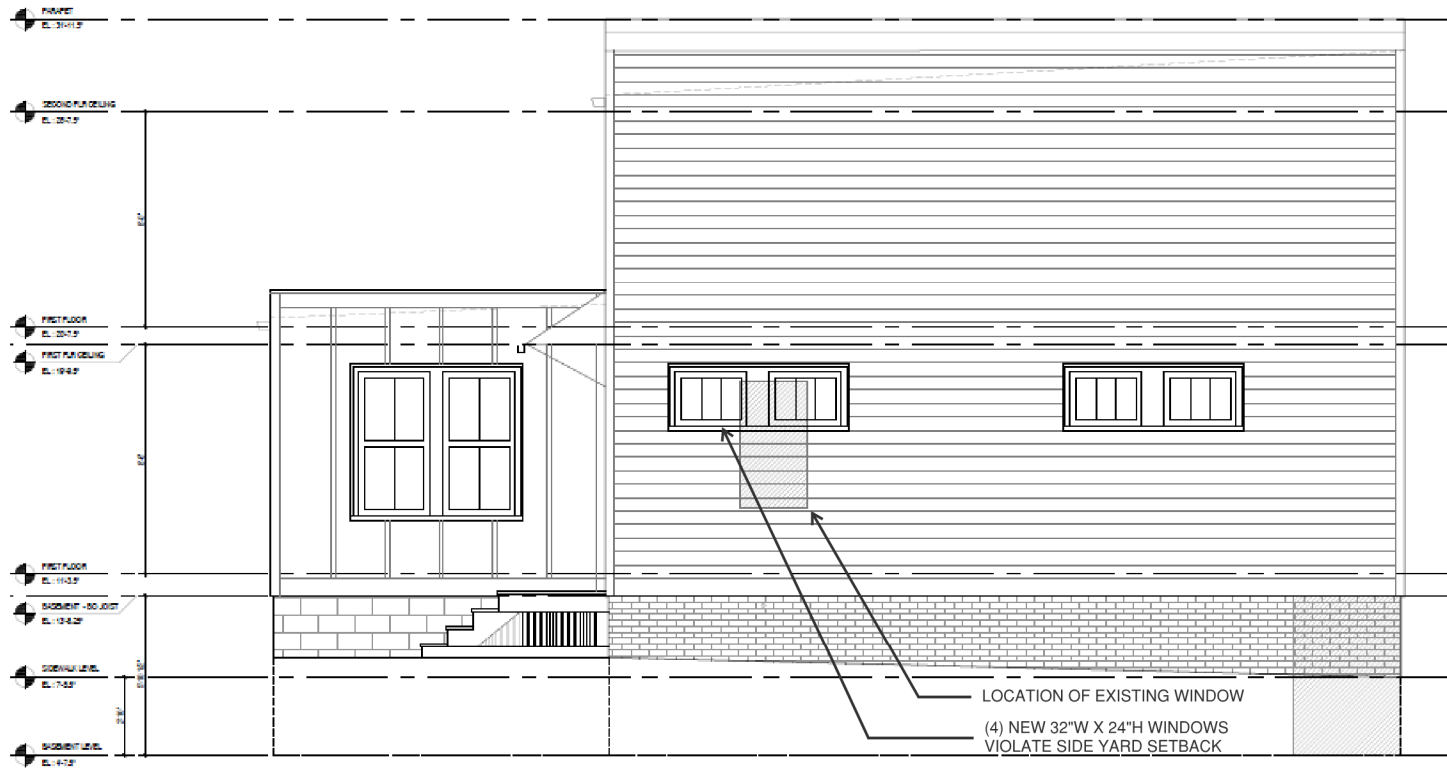
PROPOSED

LOCATION OF EXISTING WINDOW

(2) NEW 18" W X 46" H WINDOWS  
VIOLATE BACK YARD SETBACK



EXISTING



PROPOSED

87.5 Sixth St, Cambridge -  
SIDE ELEVATION





VIEW OF SIDE ELEVATION FROM SIDEWALK



VIEW OF PATH WITH NEIGHBOR'S WINDOWS ALIGNED

87.5 Sixth St, Cambridge MA 02141 - EXISTING CONDITIONS PHOTOS  
10.5.23

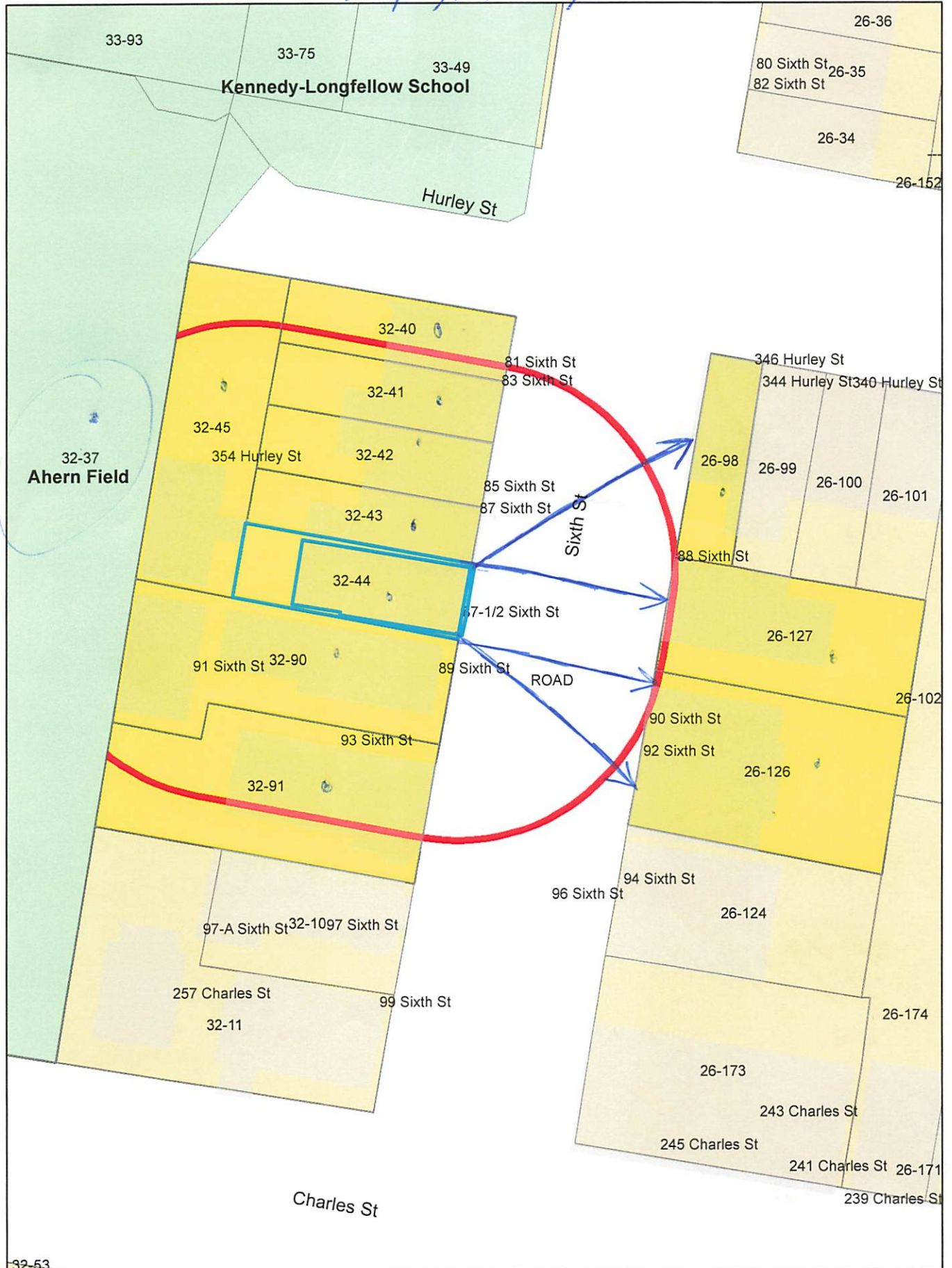




VIEW OF REAR ELEVATION OF ONE STORY ADDITION

87.5 Sixth St, Cambridge MA 02141 - EXISTING CONDITIONS PHOTOS  
10.5.23

87 1/2 Sixth St



87 1/2 Sixth St.

*Petitioner*

32-43  
BALSAM, ALAN L.  
87 SIXTH STREET  
CAMBRIDGE, MA 02141

32-90  
DAVIS, JANE E. & LUCIANO F. BOGLIONE  
1404 ORCHARD ST  
ALEXANDRIA, VA 22302

32-44  
FULLERTON JOFFREY & ANN M FULLERTON  
23 JOSEPHINE AVE  
SOMERVILLE, MA 02144

32-42  
COTE, PAUL B.  
85 SIXTH STREET  
CAMBRIDGE, MA 02141-2014

32-91  
CHAUDHARY, MINAKSHI  
151 OSGOOD ST  
ANDOVER, MA 01810

26-98  
SPAETH, MARK C.  
346 HURLEY STREET  
CAMBRIDGE, MA 02141

32-40  
MACDOUGALL, PETER  
81 SIXTH ST  
CAMBRIDGE, MA 02141

32-45  
MACDOUGALL, PETER D.  
83 SIXTH ST  
CAMBRIDGE, MA 02141

32-41  
MACDOUGALL, CHRISTYN  
83 SIXTH ST  
CAMBRIDGE, MA 02141

26-126-127  
TOOMEY TIMOTHY J JR  
TRS TIMOTHY J TOOMEY JR REVOCABLE TR  
88 SIXTH ST  
CAMBRIDGE, MA 02141

32-37  
CAMBRIDGE CITY OF  
THE JOHN J AHERN PLAYGROUND  
RECREATION DEPT  
51 INMAN ST  
CAMBRIDGE, MA 02139

32-37  
CITY OF CAMBRIDGE  
C/O MEGAN BAYER  
CITY SOLICITOR

32-37  
CITY OF CAMBRIDGE  
C/O YI-AN HUANG  
CITY MANAGER

## **Pacheco, Maria**

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**From:** boglionefamily@yahoo.com  
**Sent:** Sunday, November 5, 2023 4:58 PM  
**To:** Pacheco, Maria  
**Subject:** FW: BZA-245462

**From:** boglionefamily@yahoo.com <boglionefamily@yahoo.com>  
**Sent:** Tuesday, October 31, 2023 10:41 PM  
**To:** 'mpacheco@cambridge.ma.gov' <mpacheco@cambridge.ma.gov>  
**Cc:** 'Luciano Boglione' <l.boglione@ieee.org>  
**Subject:** BZA-245462

Please accept this note as a formal objection/concern to the petition to the additions of windows on two existing side and rear elevations that violate setbacks.

We are owners of #89 and #91 sixth street. The addition of the new 32 W \*24 H windows on the side will infringe on the privacy of the existing window at #89 (currently a bedroom/study) and right of way access. While the rear elevation addition of windows and door does not directly infringe on our units, we have concern with the second-floor window spacing and view to #91.

The proximity to our adjacent units seems too close for these window additions and placement. We respect our neighbors desire to renovate and upgrade their property and trust in the zoning department to exercise caution with how these plans are considered.

Thank you in advance for the opportunity to document our concern.

Jane Davis and Luciano Boglione





# 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: Deirdre Fullerton Date: 10.23.23  
(Print)

Address: 87 1/2 Sixth St

Case No. BZA-245462

Hearing Date: 11/9/23

Thank you,  
Bza Members