



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

BZA Application Form

BZA Number: 214584

General Information

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

Special Permit: _____ Variance: X Appeal: _____

2023 MAR 16 PM 3:10
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

PETITIONER: Daniel Anderson C/O Anderson Porter Design Inc

PETITIONER'S ADDRESS: 1972 Massachusetts Avenue 4th Floor, Cambridge, MA 02140

LOCATION OF PROPERTY: 88 Holworthy St., Cambridge, MA

TYPE OF OCCUPANCY: 2 Family

ZONING DISTRICT: Residence B Zone

REASON FOR PETITION:

/New Structure/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Addition of a new two-family structure at rear of lot.

SECTIONS OF ZONING ORDINANCE CITED:

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

Article: 10.000 Section: 10.30 (Variance).

Original
Signature(s):

(Petitioner (s) / Owner)

DANIEL P. ANDERSON

(Print Name)

Address:
Tel. No.
E-Mail Address:

ANDERSON PORTER DESIGN
1972 MASS AVE FL 4 CAMB 40
6177942371
dan@andersonporter.com

Date: 3.14.2023

BZA Application Form

BZA APPLICATION FORM - OWNERSHIP INFORMATION

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

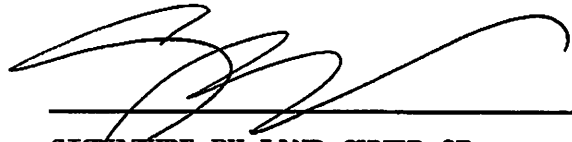
I/We STEPHEN SILLARI & SILLARI ENTERPRISES LLC

(OWNER).
Address: 91 PARK AVE CAMBRIDGE MA 02138

State that I/We own the property located at 88 HOLWORTHY which is the subject of this zoning application.

The record title of this property is in the name of _____
SILLARI ENTERPRISES LLC c/o STEPHEN SILLARI

*Pursuant to a deed of duly recorded in the date 9/24/19, Middlesex South County Registry of Deeds at Book 73334, Page 572; or Middlesex Registry District of Land Court, Certificate No. _____
Book 73334 Page 572



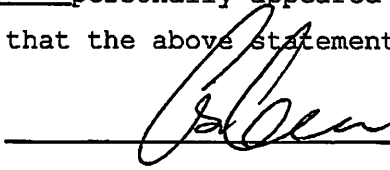
SIGNATURE BY LAND OWNER OR

AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

Commonwealth of Massachusetts, County of Plymouth

The above-name Stephen R. Sillari personally appeared before me, this 11 of March 2023, and made oath that the above statement is true.



My commission expires 11/28/2025 (Notary Seal).



- If ownership is not shown in recorded deed, e.g. if by court order, 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:

The literal enforcement of the provisions of this Ordinance would involve a substantial hardship due to the cost of rehabilitating the existing non-conforming structure to a conforming condition combined with nearly four years of legal challenges.

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 is owing to the following circumstances relating to the shape and location of the structures on an atypical lot and financial burden created by the existing non-conforming building placement and neglected condition. The proposed relief of dwelling unit limit and FAR will not affect generally the zoning district as it otherwise conforms with the uses and dimensions outlined in the ordinance. The relaxation of the lot area per dwelling unit will allow the owner to occupy one of the units and provide rental income. The relief will also allow for sorely needed additional rental units in the neighborhood and city.

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 proposed alteration does not present a substantial detriment to the public good because it is largely consistent with the zoning district's dimensional requirements. The proposal improves the overall quality of the existing non-conforming building, and restores it to a conforming status. The new structure is consistent with the existing residential uses and development patterns on the street and does not detract from the neighborhood character. The addition of new smaller mid-market residential units presents a benefit to the neighborhood by providing a greater diversity of housing options.

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

Relief may be granted without substantially altering the intent of this Ordinance because the proposed project is part of an overall improvement of the lot and existing structure. The proposed project works within the overall requirements of the ordinance and responds to the urgent current demand for new housing. The project is consistent with the scale of the immediate neighborhood. The project has received both Planning Board Special Permit Approval and approval from the Cambridge Historic Commission.

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

DIMENSIONAL INFORMATION

Applicant: Daniel Anderson
Location: 88 Holworthy St., Cambridge, MA
Phone: 6177942371

Present Use/Occupancy: 2 Family
Zone: Residence B Zone
Requested Use/Occupancy: 4 Family

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		2243	3795	3772.95	(max.)
<u>LOT AREA:</u>		8637	8637	5000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²		0.448	0.856	0.85	
<u>LOT AREA OF EACH DWELLING UNIT</u>		4318.5	2159.25	2978.3	
<u>SIZE OF LOT:</u>	WIDTH	50	50	50	
	DEPTH	172.5	172.5	NA	
<u>SETBACKS IN FEET:</u>	FRONT	9.1	15	15.0	
	REAR	103.9	38.6	35.0	
	LEFT SIDE	21.2	12.5	12.5	
	RIGHT SIDE	3.7	7.5	7.5	
<u>SIZE OF BUILDING:</u>	HEIGHT	30.42	34.3	35.0	
	WIDTH	55.8	75.0	NA	
	LENGTH	22.4	27.3	NA	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		79.9	0.52	0.40	
<u>NO. OF DWELLING UNITS:</u>		2	4	2.9	
<u>NO. OF PARKING SPACES:</u>		1	3	0	
<u>NO. OF LOADING AREAS:</u>		0	0	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		16.5	34.5	10.0	

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.:

Proposed project is for two detached two-family wood frame structures.

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'.

2024 APR 30 PM 2:39

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

TO: Board of Zoning Appeals
City of Cambridge

RE: 88 Holworthy Street – Request for Extension of BZA Case 214584

April 29, 2024

Dear Chair and Members of the Board,

This letter requests an extension of the variances granted for 88 Holworthy Street on behalf of the applicant, Sillari Enterprises, LLC. The BZA approval of case 214584 was granted in 2023 at the April 27 public hearing with a decision filing date of June 22, 2023.

Our request for an extension is due to the unexpected difficulties in finalizing financing for the project and reaching an agreement with a general contractor.

The project has now completed permit documents and the contract for construction. We expect an application for a building permit to be submitted shortly but do not anticipate being able to start construction prior to June 22. We respectfully request an extension of the previously approved project to allow us to proceed with its completion.

Regards,



Daniel P. Anderson, Partner
Anderson Porter Design, Inc.

88 HOLWORTHY STREET REVISED DEVELOPMENT PACKAGE



REVISIONS		
No.	Description	Date

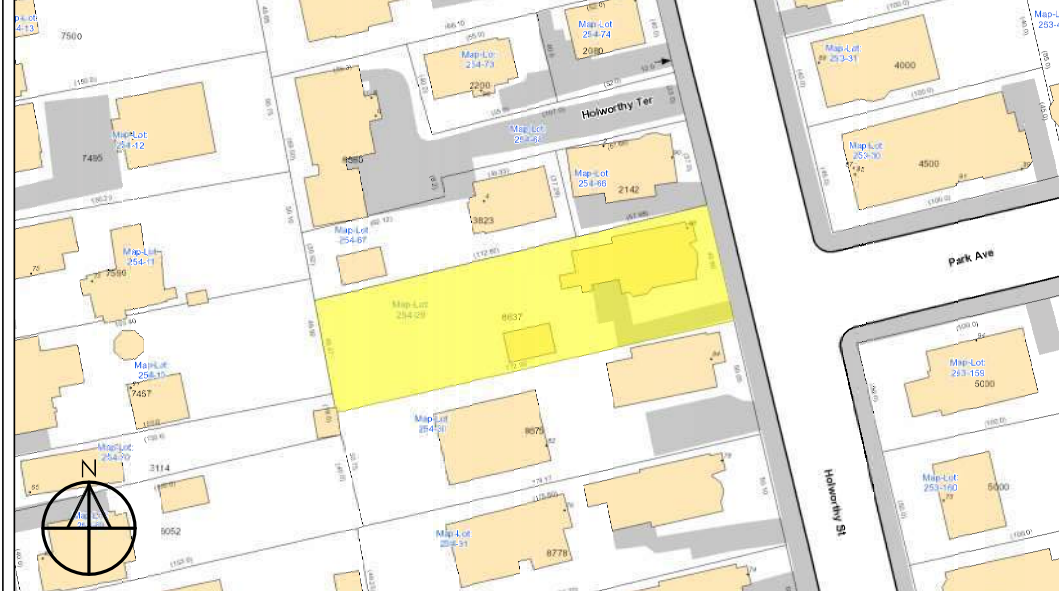
LIST OF SYMBOLS

- EXISTING PARTITION OR PARTITION W/ DOOR TO BE REMOVED; REFER TO AD1 DRAWINGS.
- EXISTING STRUCTURE OR PARTITION TO REMAIN.
- NEW STRUCTURE OR PARTITION.
- CARBON MONOXIDE DETECTOR
- SMOKE ALARM
- LIGHT FIXTURE (PENDANT/SURFACE MOUNTED)
- LIGHT FIXTURE (SCONCE)
- LIGHT FIXTURE (RECESSED)
- EXHAUST FAN
- WALL TYPE TAG
- DOOR IDENTIFICATION SYMBOL
- WINDOW IDENTIFICATION SYMBOL
- FINISH ELEVATION.

ABBREVIATIONS

- AFF ABOVE FINISHED FLOOR
- CJ CONTROL JOINT
- CLG CEILING
- CLR CLEAR
- CO CLEAN OUT
- COL COLUMN
- CONC CONCRETE
- CONT CONTINUOUS
- DN DOWN
- EJ EXPANSION JOINT
- EL ELEVATION
- ELEC ELECTRICAL
- EQ EQUAL
- EXIST EXISTING
- FC FURRING CHANNEL
- FD FLOOR DRAIN
- FIN FINISH
- FL FLOOR
- GL GLASS
- GWB GYPSUM WALLBOARD
- HT HEIGHT
- HDWD HARDWOOD
- HVAC HEATING, VENTILATION AND AIR CONDITIONING
- INSUL INSULATION
- MAX MAXIMUM
- MFR MANUFACTURER
- MIN MINIMUM
- MO MASONRY OPENING
- MTL METAL
- NIC NOT IN CONTRACT
- NTS NOT TO SCALE
- O/C OR CENTER
- PLAM PLASTIC LAMINATE
- PLYWD PLYWOOD
- PTD PAINTED
- REQD REQUIRED
- RL RAIN LEADER
- STL STEEL
- STRL STRUCTURE/STRUCTURAL
- TYP TYPICAL
- UNO UNLESS NOTED OTHERWISE
- VCT VINYL COMPOSITION TILE
- WD WOOD
- W/ WITH
- WINDW WINDOW

SITE LOCATION



DRAWING LIST

ARCHITECTURAL	
G0.1	COVER SHEET
EX.1	EXISTING PLOT PLAN
EX.1 (REV)	PROPOSED PLOT PLAN
AX1.1	EXISTING FLOOR PLANS
AD1.1	DEMOLITION FLOOR PLANS
A1.1	PROPOSED FLOOR PLANS
A1.2	PROPOSED REFLECTED CEILING PLANS
A2.1	PROPOSED EXTERIOR ELEVATIONS

CONTACT

ARCHITECT
Anderson Porter Design
1972 Mass Ave Cambridge, MA
02139

Dan Anderson
617-354-2501

CITY OF CAMBRIDGE ZONING ANALYSIS:

PROPERTY ADDRESS:	88 HOLWORTHY STREET CAMBRIDGE, MA 02138				
ZONING DISTRICT	RESIDENCE B				
LOT SIZE	±8,637 S.F.				
MAX F.A.R.	0.50 (5,000sf) / 0.35 (for additional lot area)				
PROJECT DESCRIPTION	REAR LOT DEVELOPMENT PLAN - ALTERATION OF EXISTING TWO-FAMILY STRUCTURE WITH NEW DETACHED TWO-FAMILY STRUCTURE				
BUILDING AREAS	EXISTING:	PROPOSED:			
	FIRST FLOOR: 1,048 GSF	FIRST FLOOR: 1,712 GSF (869 GSF in front + 843 GSF in rear)			
	SECOND FLOOR: 1,024 GSF	SECOND FLOOR: 1,607 GSF (800 GSF in front + 807 GSF in rear)			
	ATTIC: 171 GSF	ATTIC: 476 GSF (in front only)			
TOTAL: 2,243 GSF*	TOTAL: 3,795 GSF*				
	*BASEMENT AREA EXCLUDED FROM F.A.R. PER ARTICLE 2 GROSS FLOOR AREA EXCLUSIONS #15				
	ALLOWED/REQUIRED	EXISTING	PROPOSED	EXISTING COMPLIANCE	PROPOSED COMPLIANCE
F.A.R.	0.50 + 0.35 (2500 + 1272.95=3772.95)	0.448 + 0.0 (2243 + 0=2243)	0.50 + 0.356 (2500 + 1295=3795)	CONFORMING	RELIEF REQUIRED (+22.05 SF) 0.6%
MINIMUM LOT AREA/D.U.	2,500 S.F. (first 5,000sf) + 4,000 S.F. (additional)	2,500 S.F. + 0.0 S.F.	2,500 S.F. + 1,818.5 S.F.	CONFORMING	RELIEF REQUIRED (1.09 UNITS)
MINIMUM SETBACK (FRONT YARD)	15'	9.1'	15'	NON-CONFORMING	CONFORMING
MINIMUM SETBACK (SIDE YARD)	7.5' (SUM OF 20)	3.7' (SUM 24.9)	7.5' (SUM OF 20)	NON-CONFORMING	CONFORMING (RELOCATE EXISTING)
MINIMUM SETBACK (REAR YARD)	35'	103.9'	38.6'	CONFORMING	CONFORMING
MAXIMUM HEIGHT	35'	30.4'	33.1'	CONFORMING	CONFORMING
MINIMUM OPEN SPACE RATIO	40%	79.9%	52%	CONFORMING	CONFORMING
MINIMUM LOT WIDTH	50'	50'	50'	CONFORMING	CONFORMING
GENERAL RANGE OF ALLOWED USES	SINGLE AND TWO-FAMILY DETACHED DWELLINGS.	TWO-FAMILY	DETACHED TWO-FAMILY AT REAR	CONFORMING	RELIEF REQUIRED (BEYOND 75' DEPTH)

AndersonPorterDesign
1972 Mass Ave Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

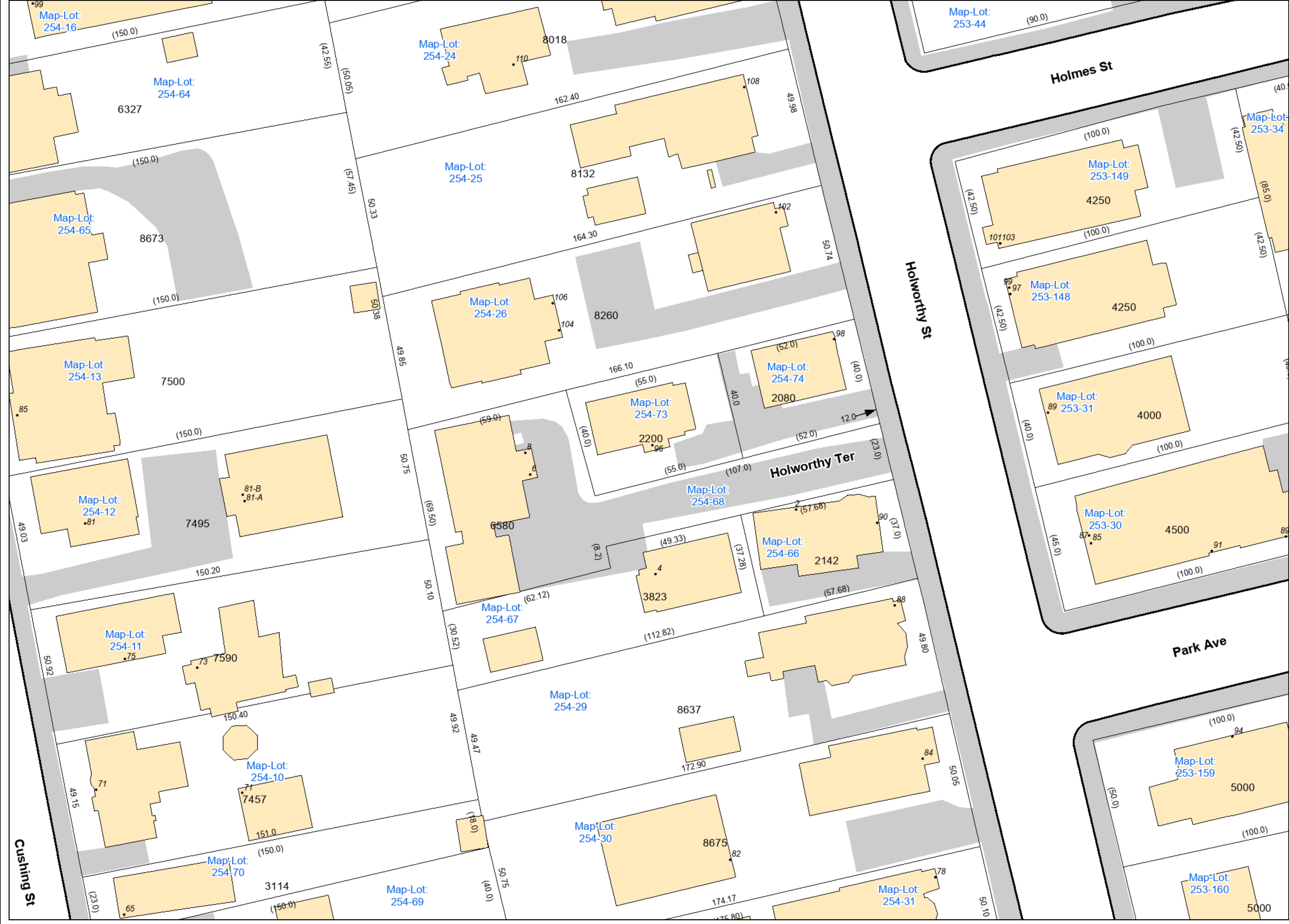
Project: 88 HOLWORTHY

Address: 88 HOLWORTHY STREET
CAMBRIDGE, MA
02138

Title: COVER SHEET

Drawing/Issued By: ANDERSON PORTER DESIGN

Proj. #	1929	Drawing No.	G0.1
Date:	03/09/2023		
Scale:			
Drawn By:	DA/DS		



LEGEND

- Address
- Rail
- ▭ Building Footprints
- ▭ Parcels
- Paved Surfaces
 - ▭ Paved Roads
 - ▭ Bridges
 - ▭ Unpaved Roads
 - ▭ Unpaved Parking
 - ▭ Sidewalks
 - ▭ Driveways
 - ▭ Alleys
 - ▭ Other Paved Surface
 - ▭ Public Footpath

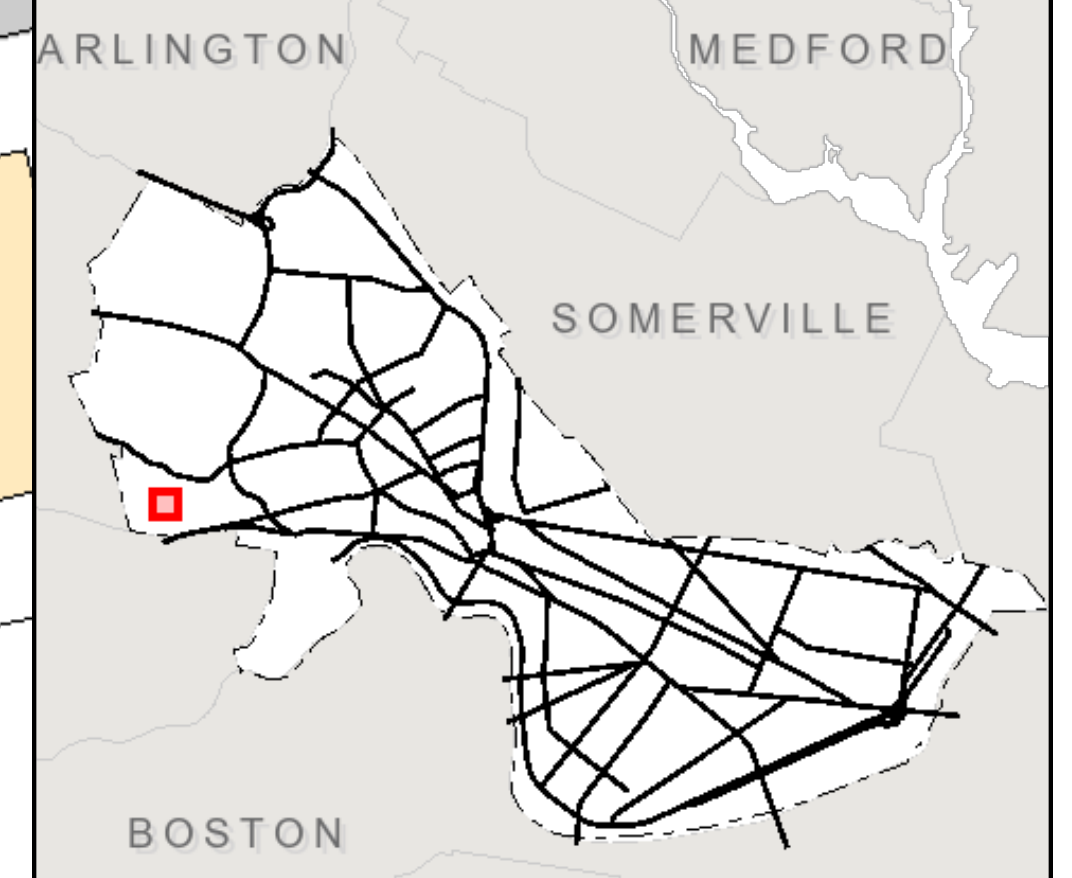


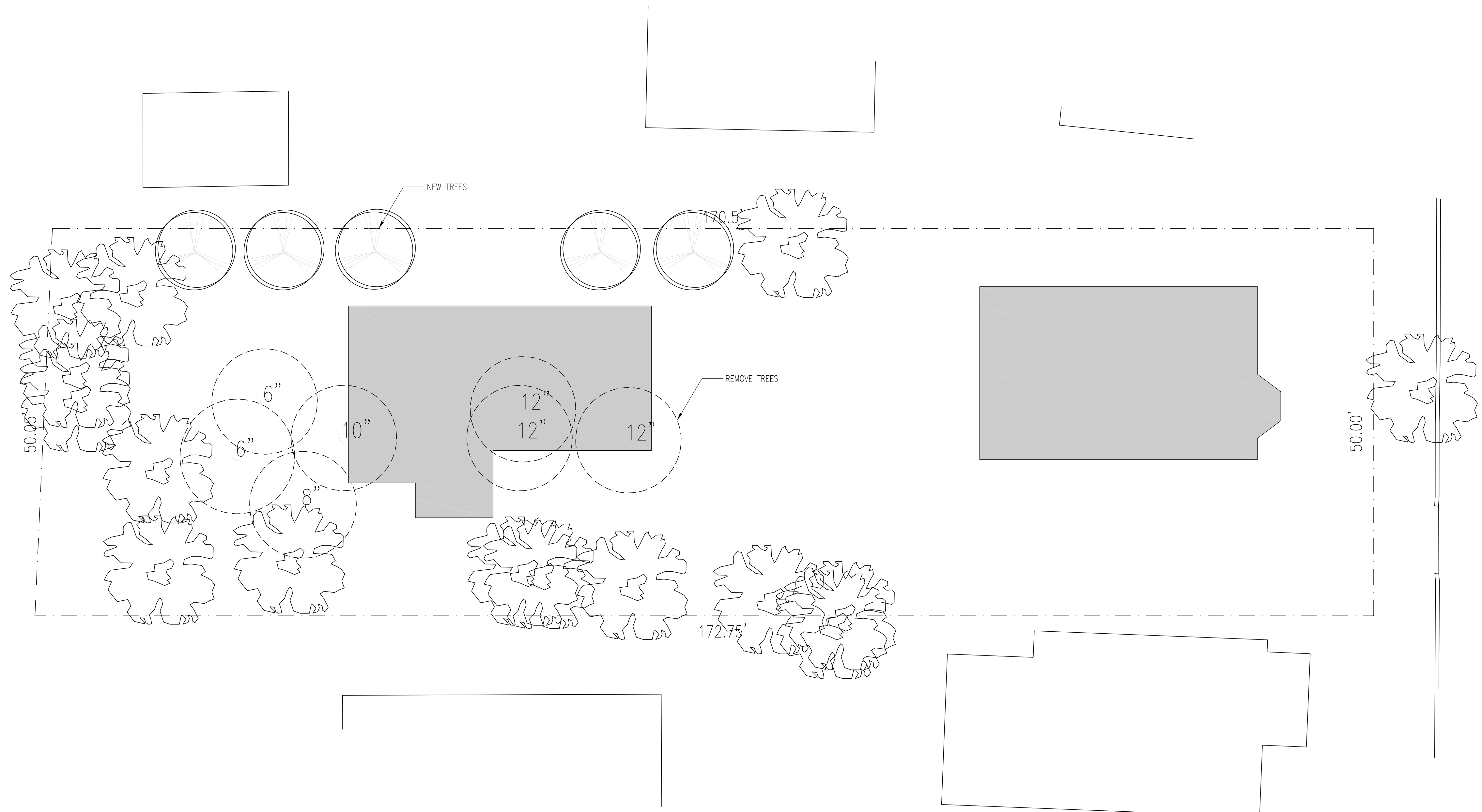
City of Cambridge
Massachusetts

1" = 35 ft

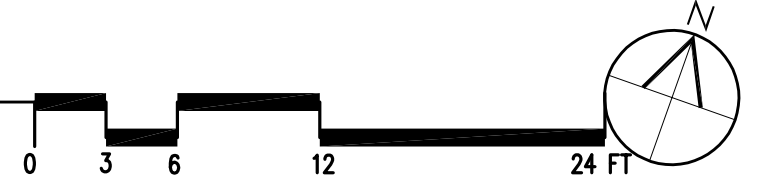
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www.cambridgema.gov/gis





1 Site Plan: Proposed Tree Plan
 L1.3 Scale 1/8" = 1'-0"



PERMIT SET

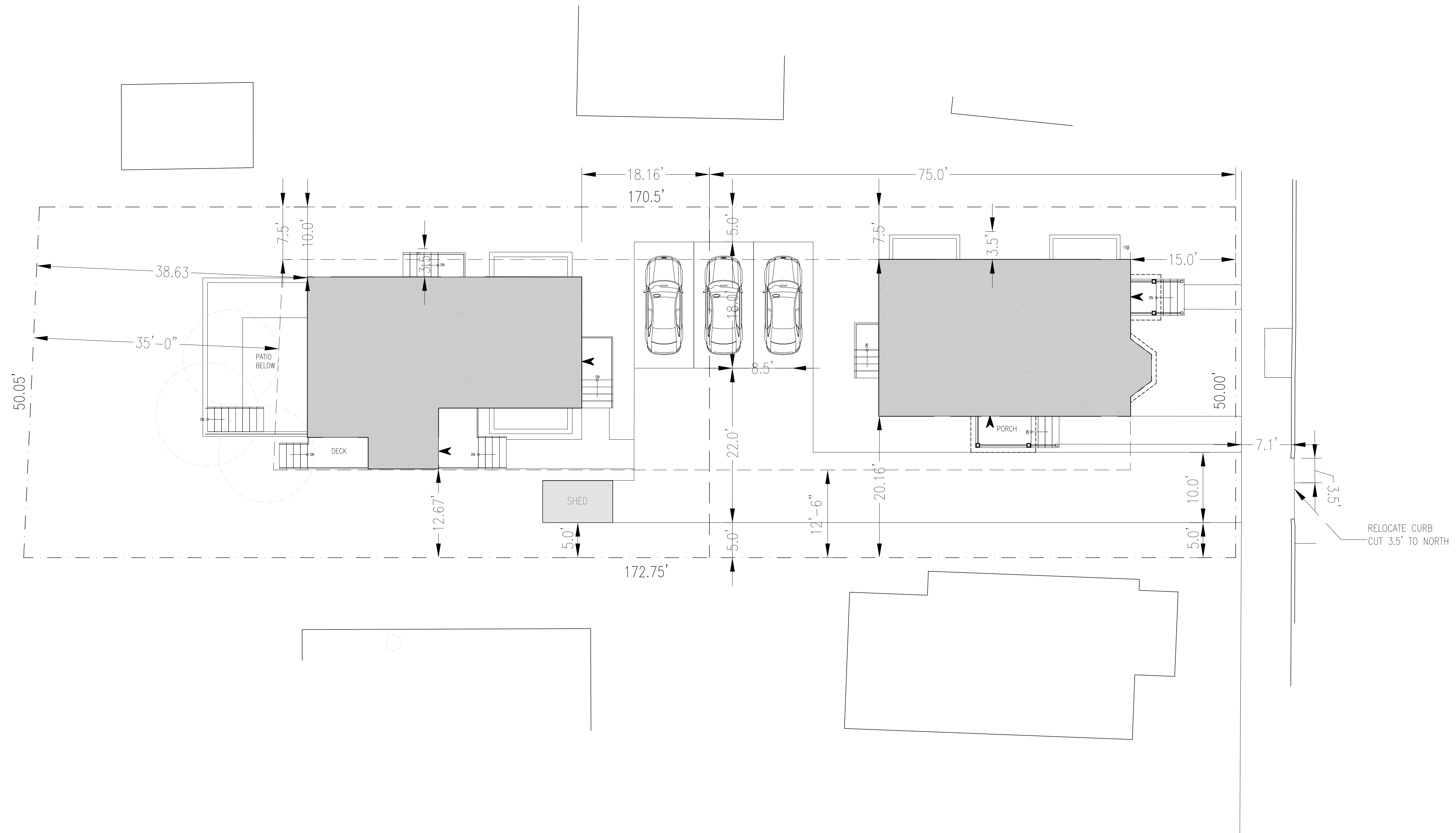
REVISIONS		
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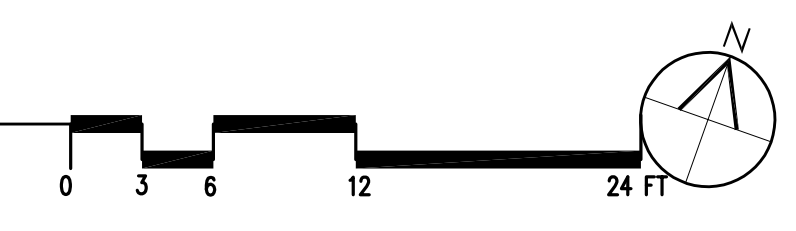
Project: 88 HOLWORTHY
 Address: 88 HOLWORTHY STREET
 CAMBRIDGE, MA
 02138

Title: LANDSCAPE PLAN

Drawing Issued By: ANDERSON PORTER DESIGN	
Proj. #: 1929	Drawing No. L1.0
Date: 03/09/2023	
Scale: 1/8"=1'	
Drawn By: DA	



1 Site Plan: Zoning
L1.1 Scale 1/8" = 1'-0"



PERMIT SET

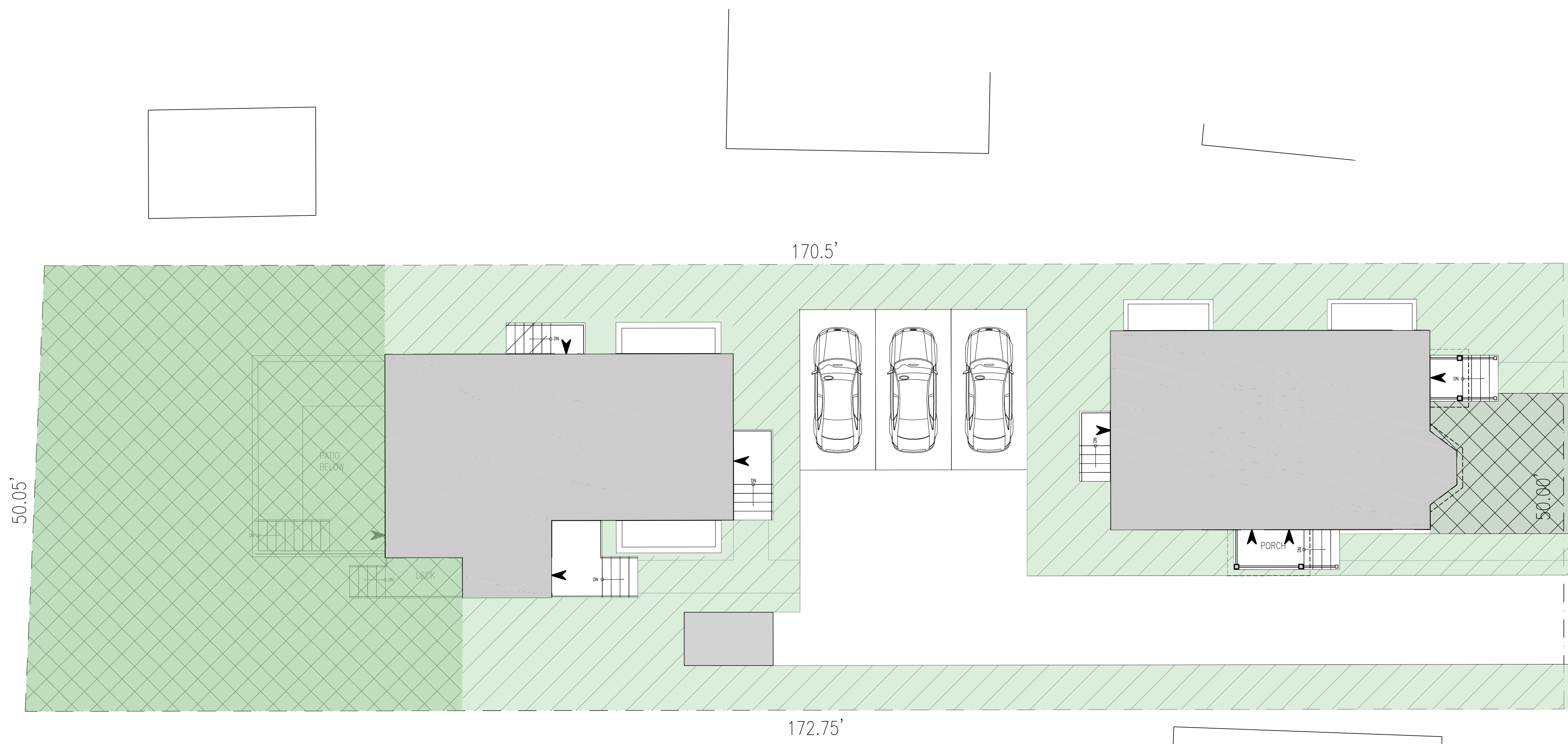
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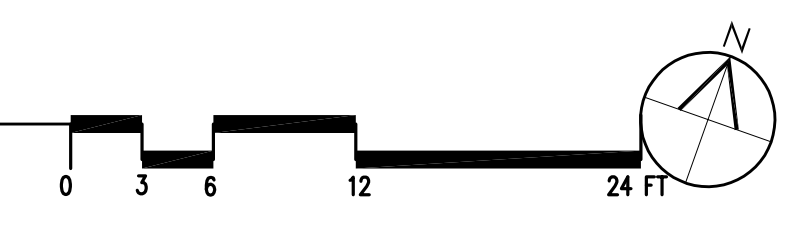
Title: ZONING SITE PLAN

Drawing Issued By: ANDERSON PORTER DESIGN	
Proj. #: 1929	Drawing No. L1.1
Date: 03/09/2023	
Scale: 1/8"=1'	
Drawn By: DA	



- PRIVATE OPEN SPACE - 2324 SF (27%)
- PERMEABLE OPEN SPACE - 2149 SF (25%)
- TOTAL OPEN SPACE - 4473 SF (52%)

1 Site Plan: Open Space
L1.2 Scale 1/8" = 1'-0"



PERMIT SET

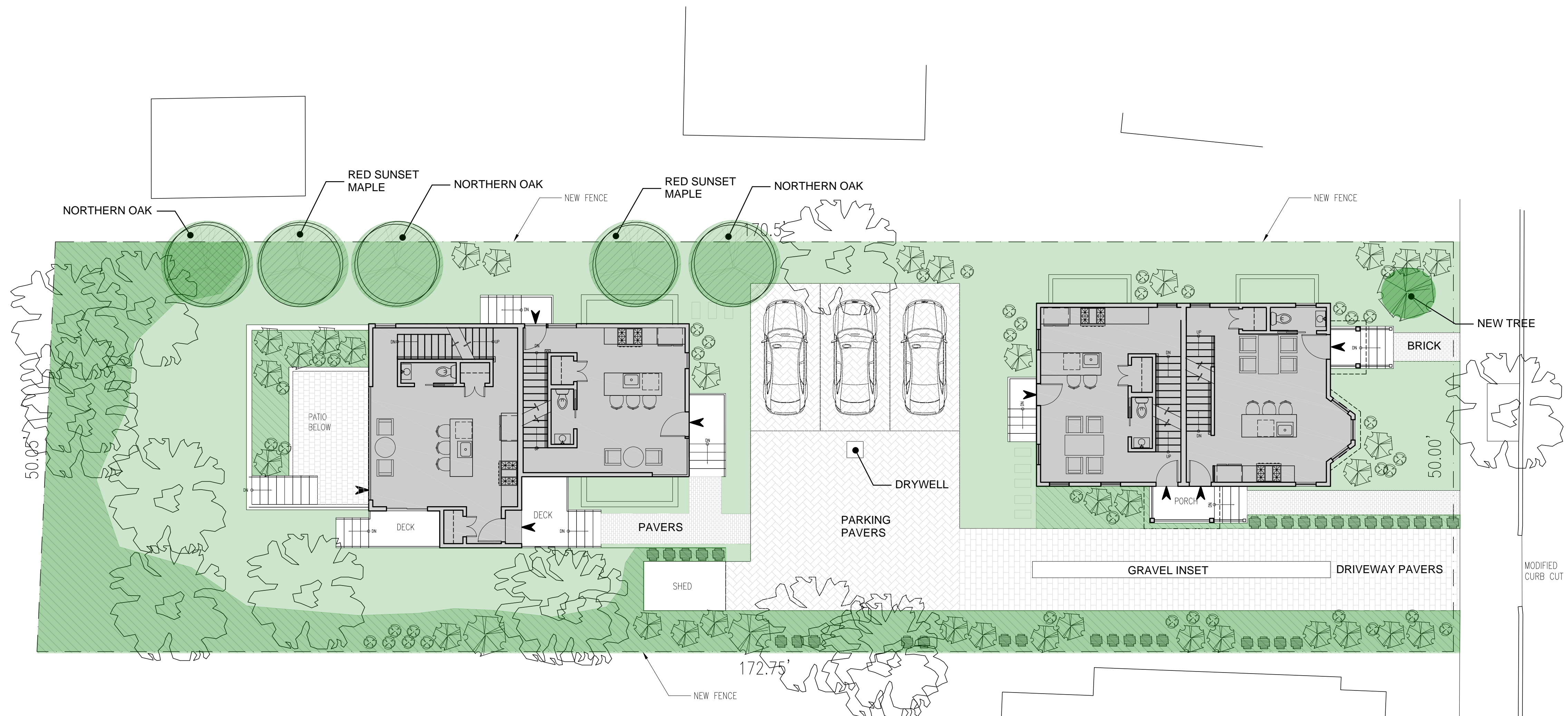
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Project: 88 HOLWORTHY
Address: 88 HOLWORTHY STREET
CAMBRIDGE, MA 02138

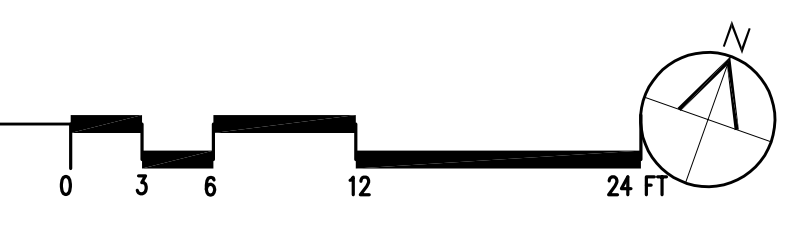
Title: OPEN SPACE PLAN

Drawing Issued By: ANDERSON PORTER DESIGN	
Proj. #: 1929	Drawing No. L1.2
Date: 03/09/2023	
Scale: 1/8"=1'	
Drawn By: DA	



-  BOXWOOD
-  AZALEA AND RHODEDENRON
-  HOSTA AND ASTILBE
-  NEW TREE
-  KOUUSA DOGWOOD
-  GROUND COVER
-  PACHYSANDRA AND MYRTLE

1 Site Plan: Landscape
 L1.3 Scale 1/8" = 1'-0"



PERMIT SET

REVISIONS		
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Project 88 HOLWORTHY
 Address 88 HOLWORTHY STREET
 CAMBRIDGE, MA
 02138

Title LANDSCAPE PLAN

Drawing Issued By: ANDERSON PORTER DESIGN	
Proj. #: 1929	Drawing No.
Date: 03/09/2023	L1.3
Scale: 1/8"=1'	
Drawn By: DA	



1 Elevation: Front
A2.1 Scale 1/4" = 1'-0"



2 Elevation: South Side
A2.1 Scale 1/4" = 1'-0"



3 Elevation: Rear
A2.1 Scale 1/4" = 1'-0"



4 Elevation: North Side
A2.1 Scale 1/4" = 1'-0"



REVISIONS		
No.	Description	Date

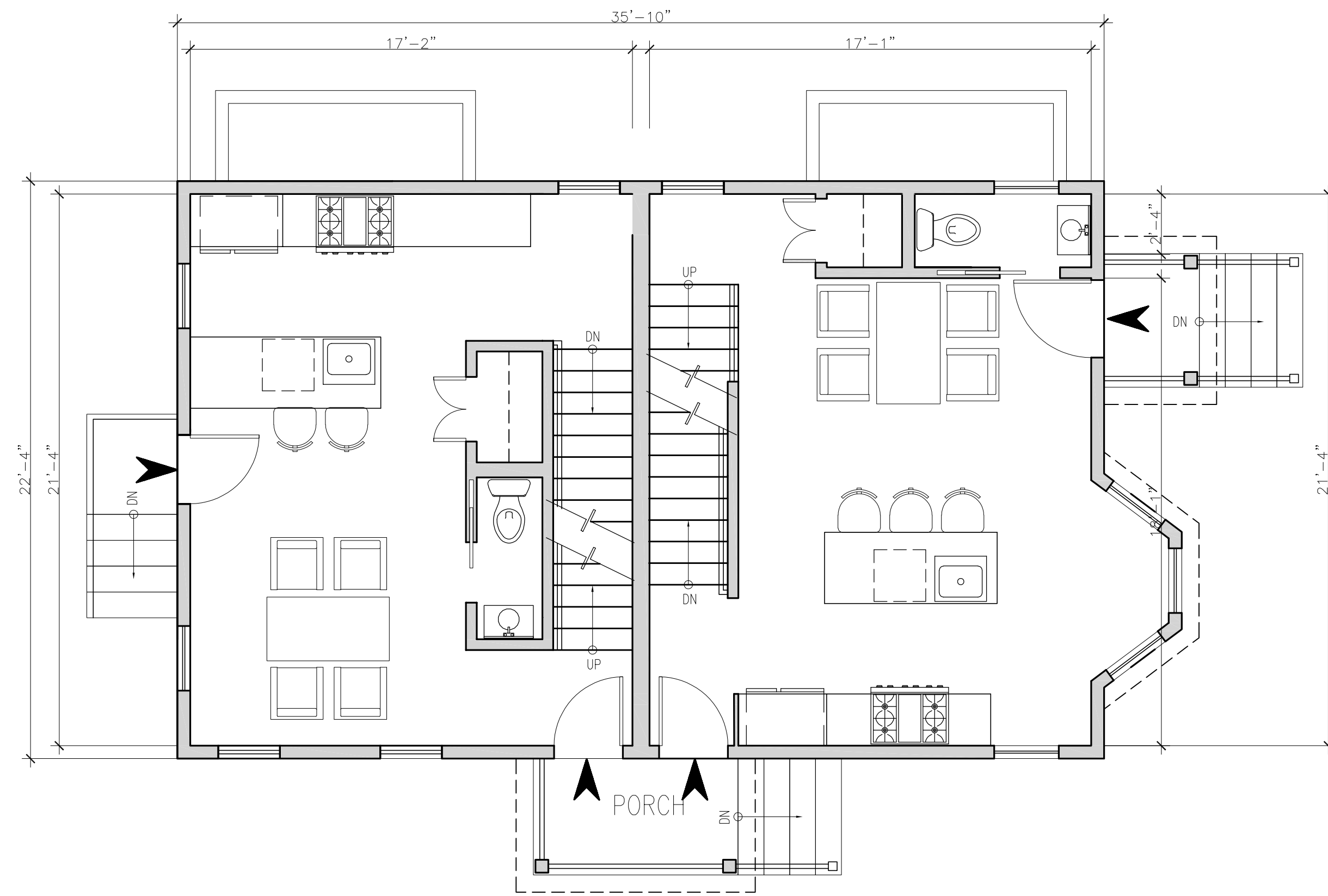
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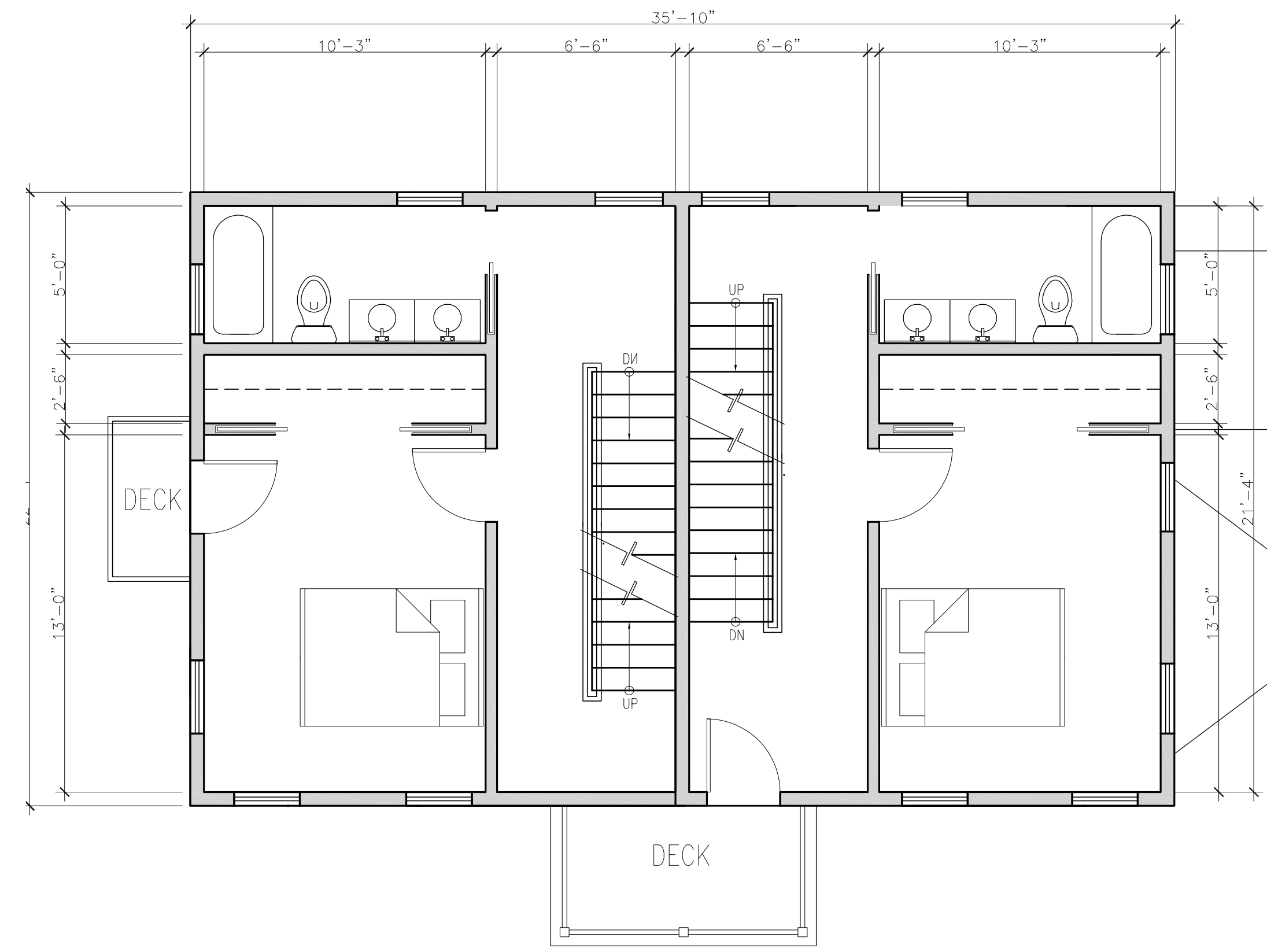
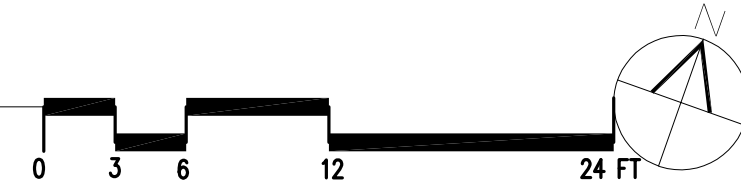
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Drawing Issued By: ANDERSON PORTER DESIGN
Proj. #: 1929 Drawing No.:
Date: 03/09/2023
Scale: AS NOTED
Drawn By: DA

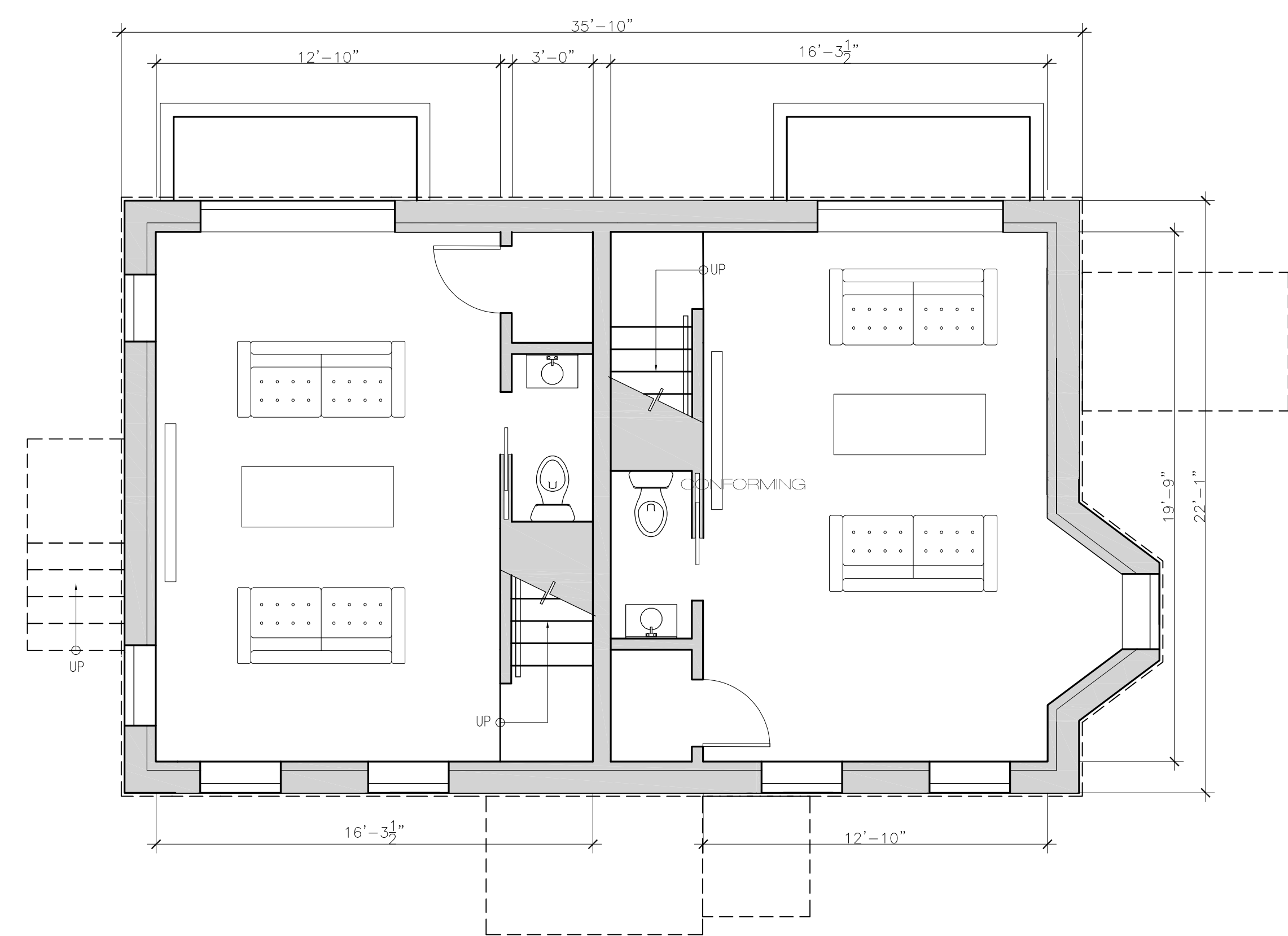
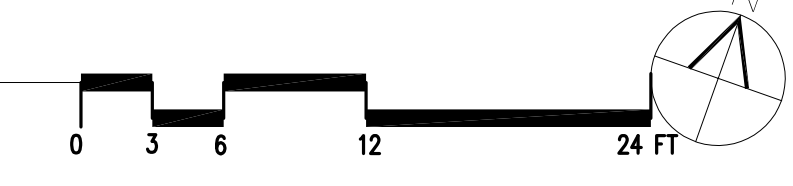
AX2.1



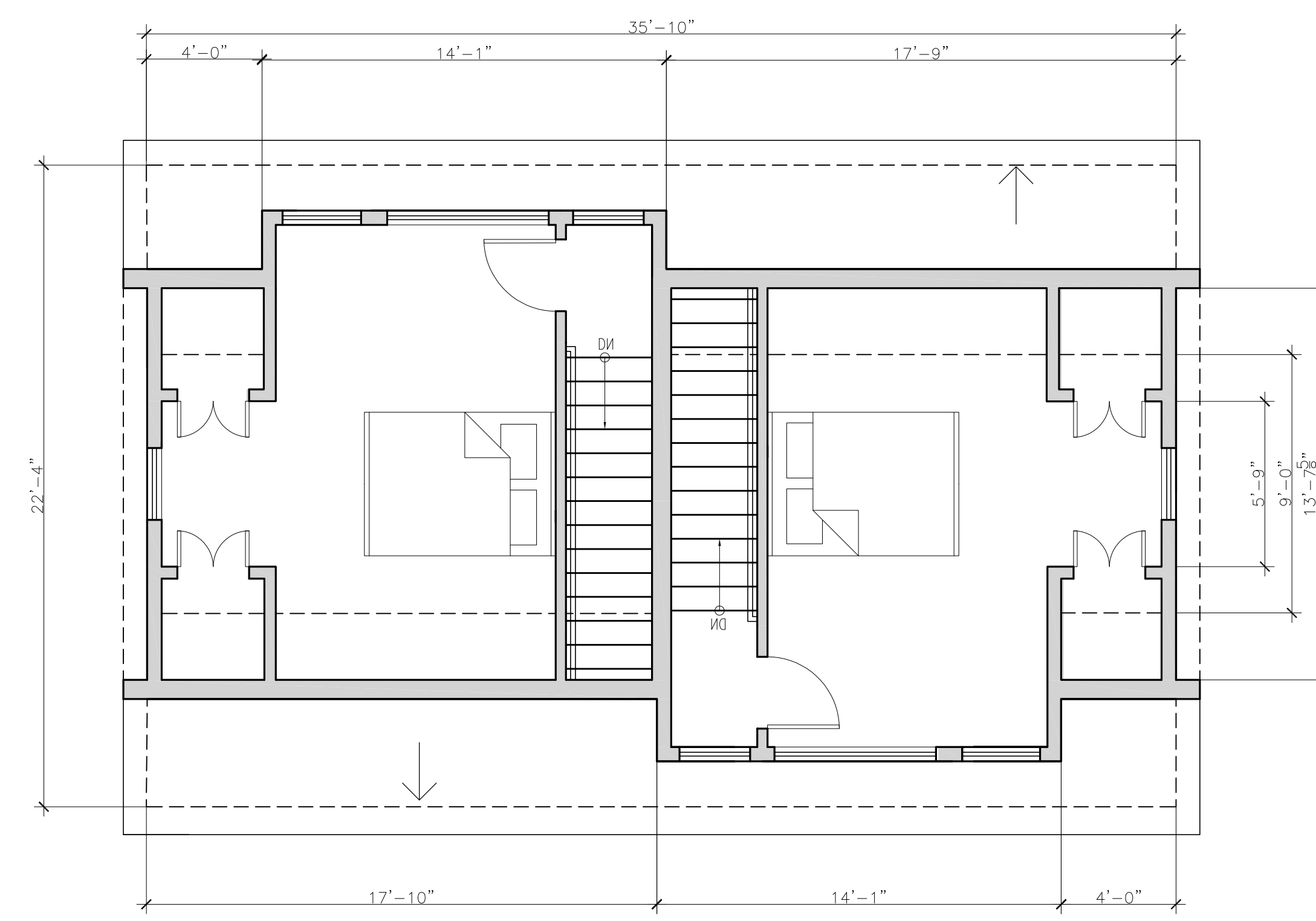
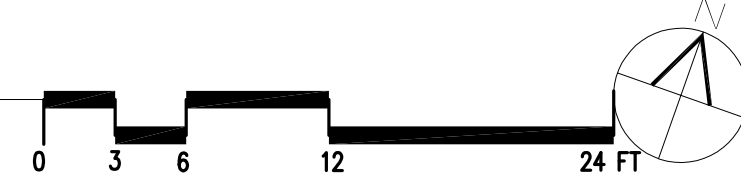
1 Plan: First Floor
A1.1 Scale 1/8" = 1'-0"



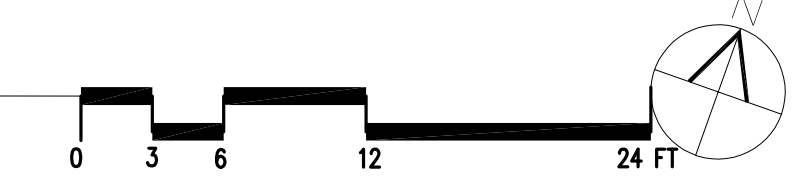
2 Plan: Second Floor
A1.1 Scale 1/8" = 1'-0"



3 Plan: Garden
A1.1 Scale 1/8" = 1'-0"



4 Plan: Upper Floor
A1.1 Scale 1/8" = 1'-0"



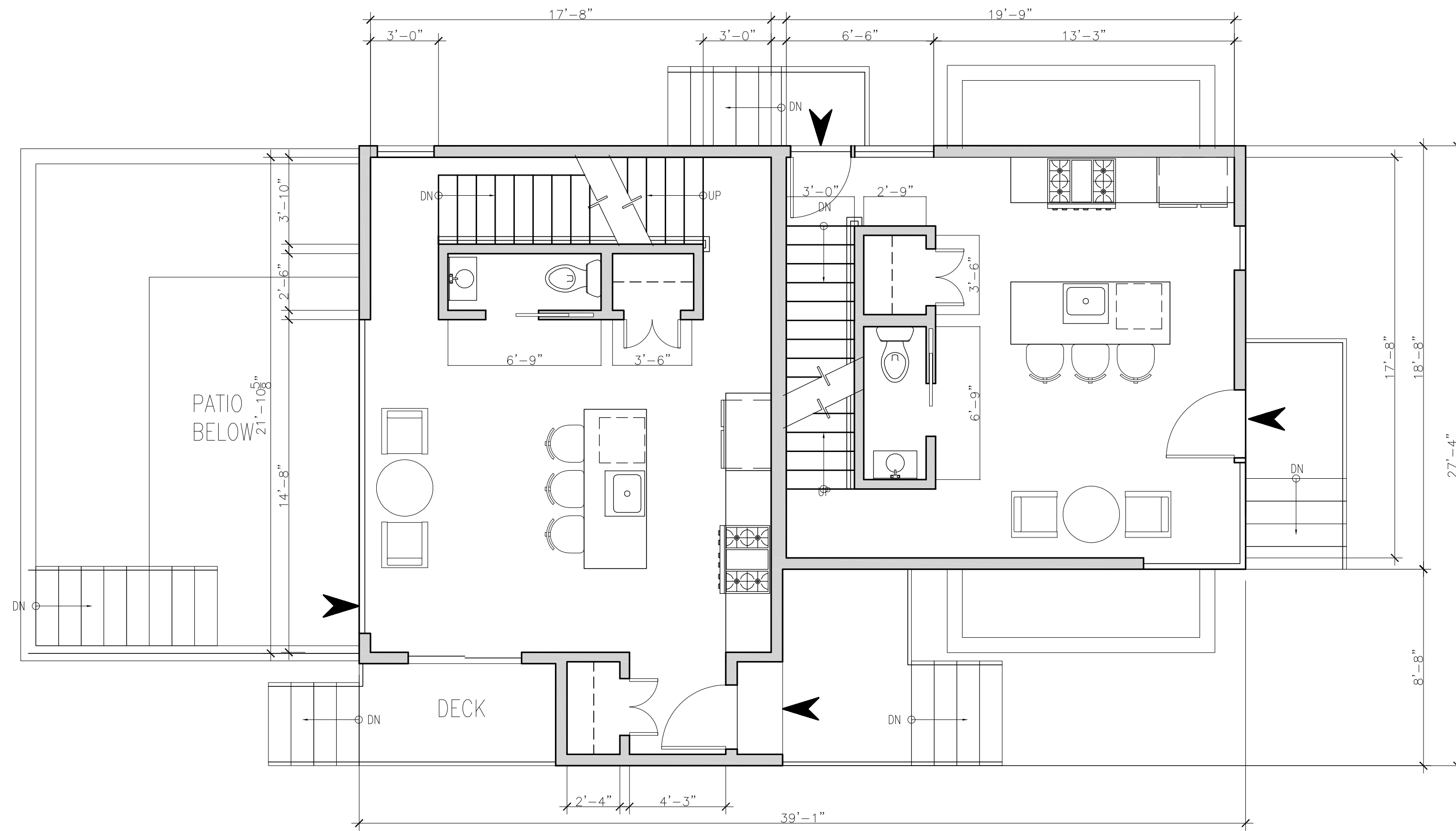
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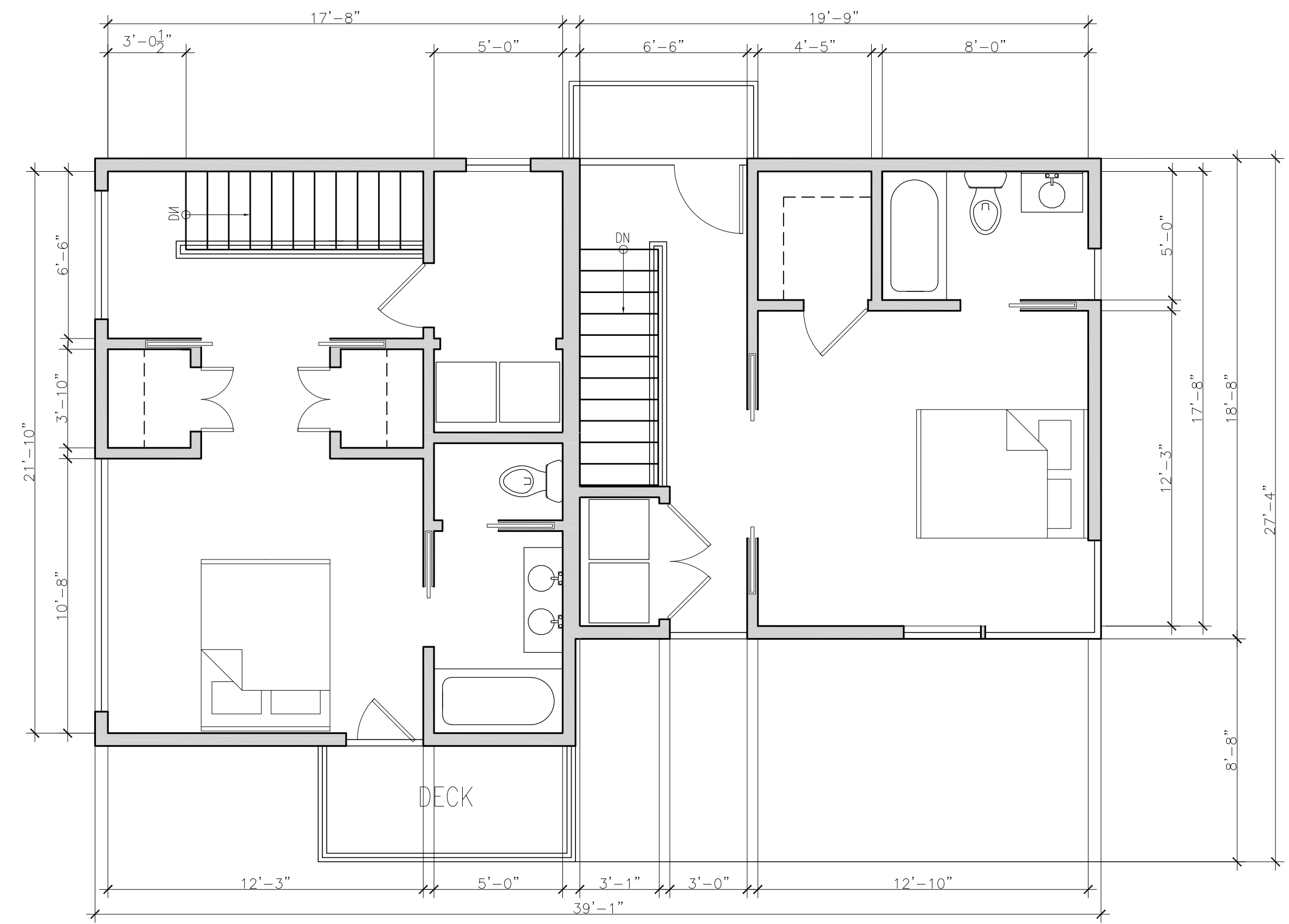
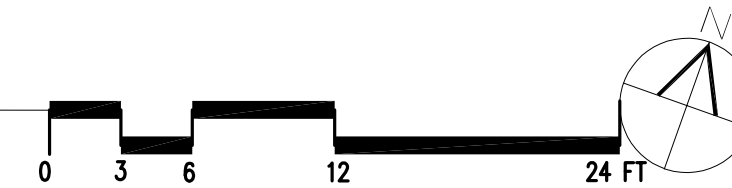
Project: 88 HOLWORTHY
Address: 88 HOLWORTHY STREET
CAMBRIDGE, MA
02138

Title: UNIT PLANS AT FRONT

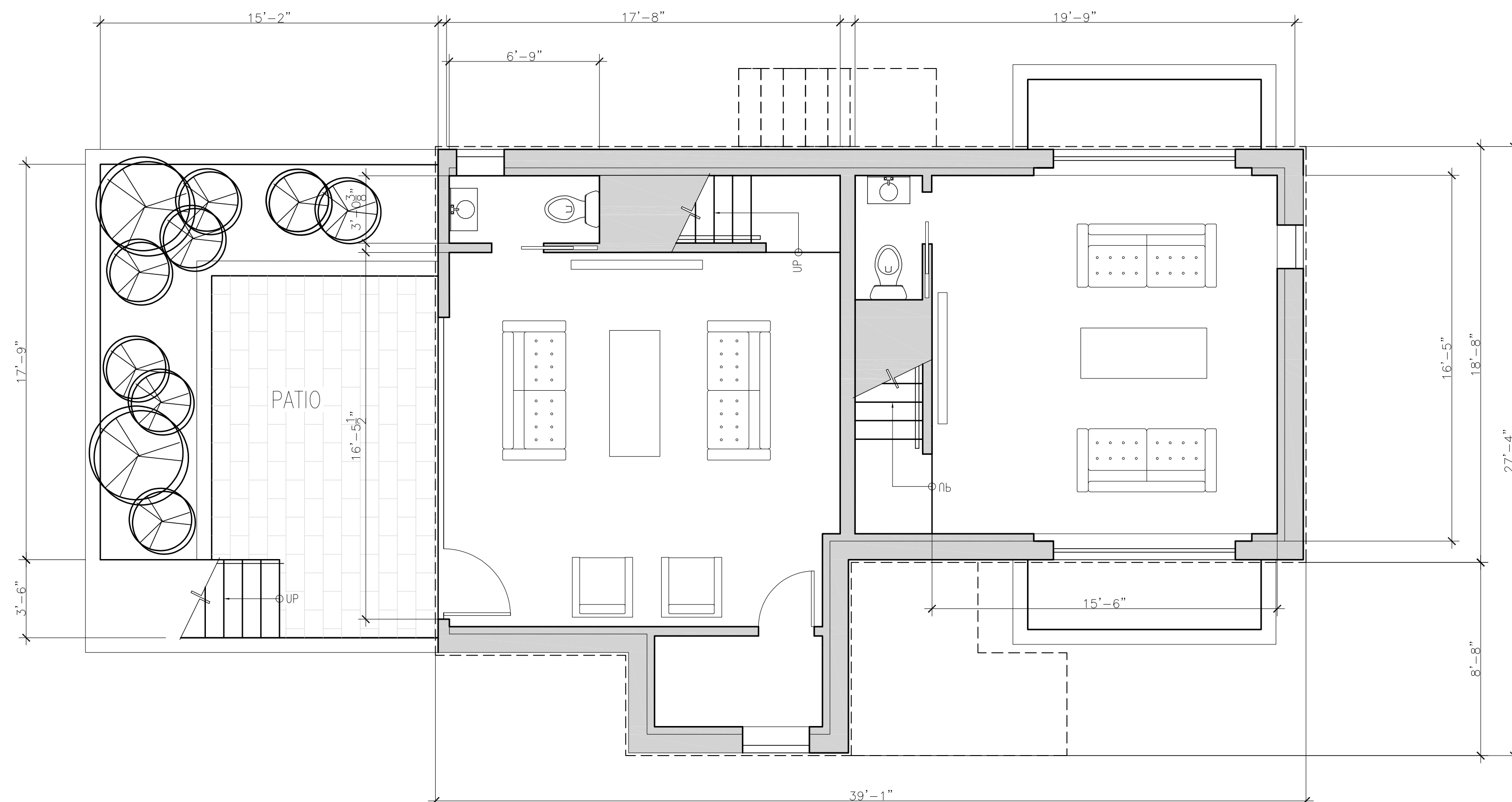
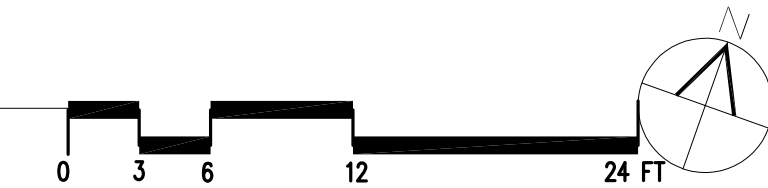
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Proj. #: 1929	Drawing No.
Date: 03/09/2023	A1.1
Scale: AS NOTED	
Drawn By: DA	



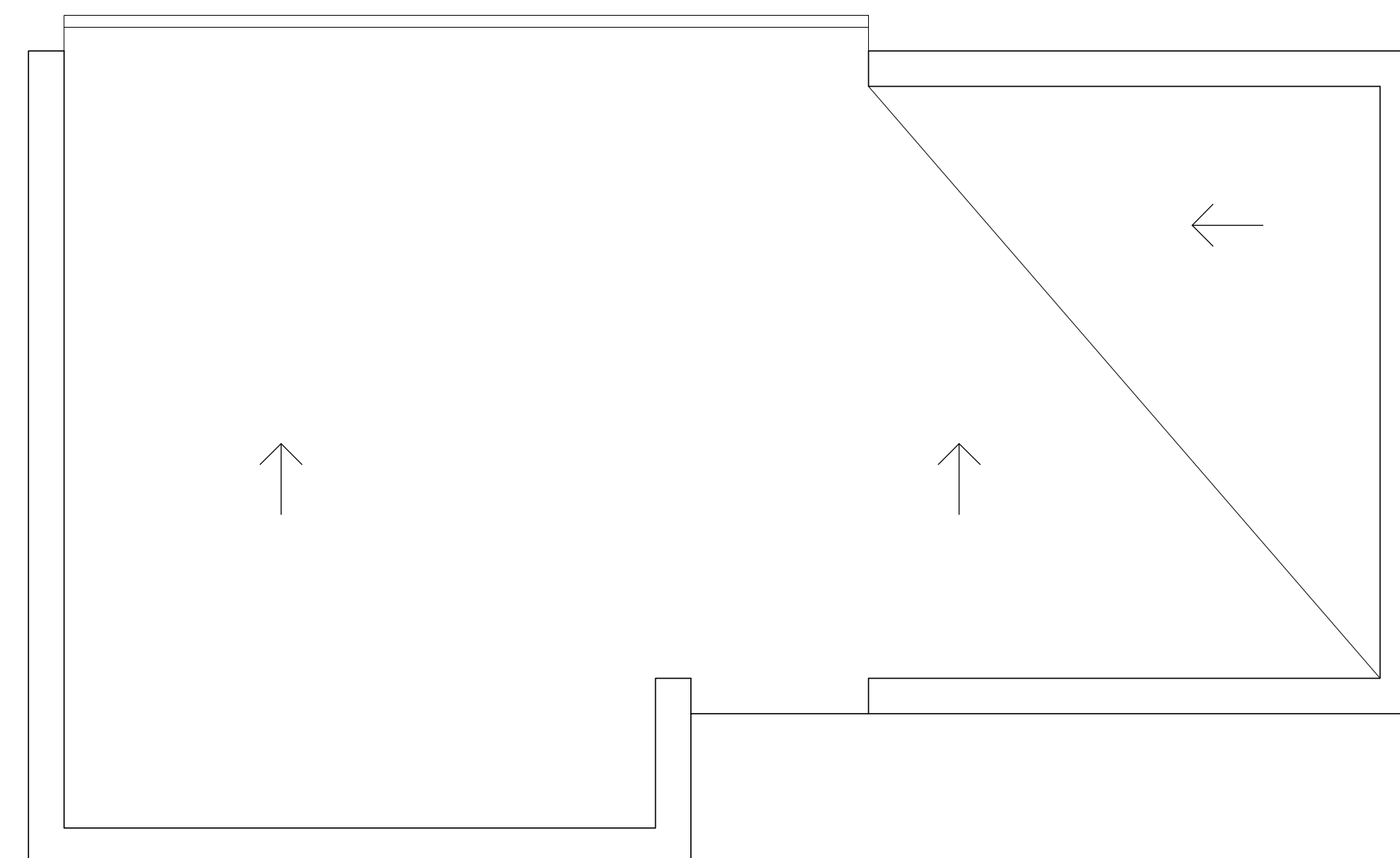
1 Plan: First Floor
A1.2 Scale 1/8" = 1'-0"



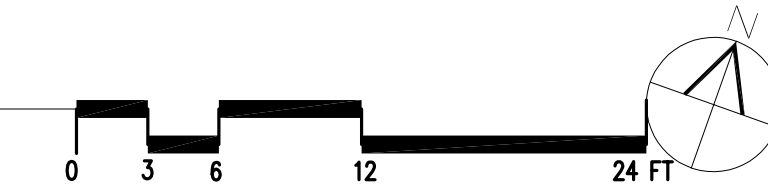
2 Plan: Second Floor
A1.2 Scale 1/8" = 1'-0"



3 Plan: Garden
A1.2 Scale 1/8" = 1'-0"



4 Plan: Roof
A1.2 Scale 1/8" = 1'-0"



REVISIONS		
No.	Description	Date

AndersonPorterDesign
1972 Mass Ave Cambridge, MA 02140
Tel. 617.354.2501 Fax. 617.354.2509

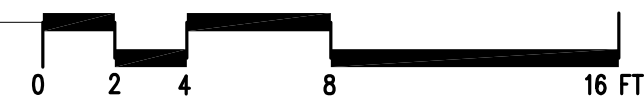
Project: 88 HOLWORTHY
Address: 88 HOLWORTHY STREET
CAMBRIDGE, MA
02138

Title: UNIT PLANS AT REAR

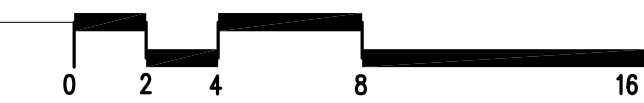
Project No. 1929	Drawing No.
Date: 03/09/2023	A1.2
Scale: AS NOTED	
Drawn By: DA	



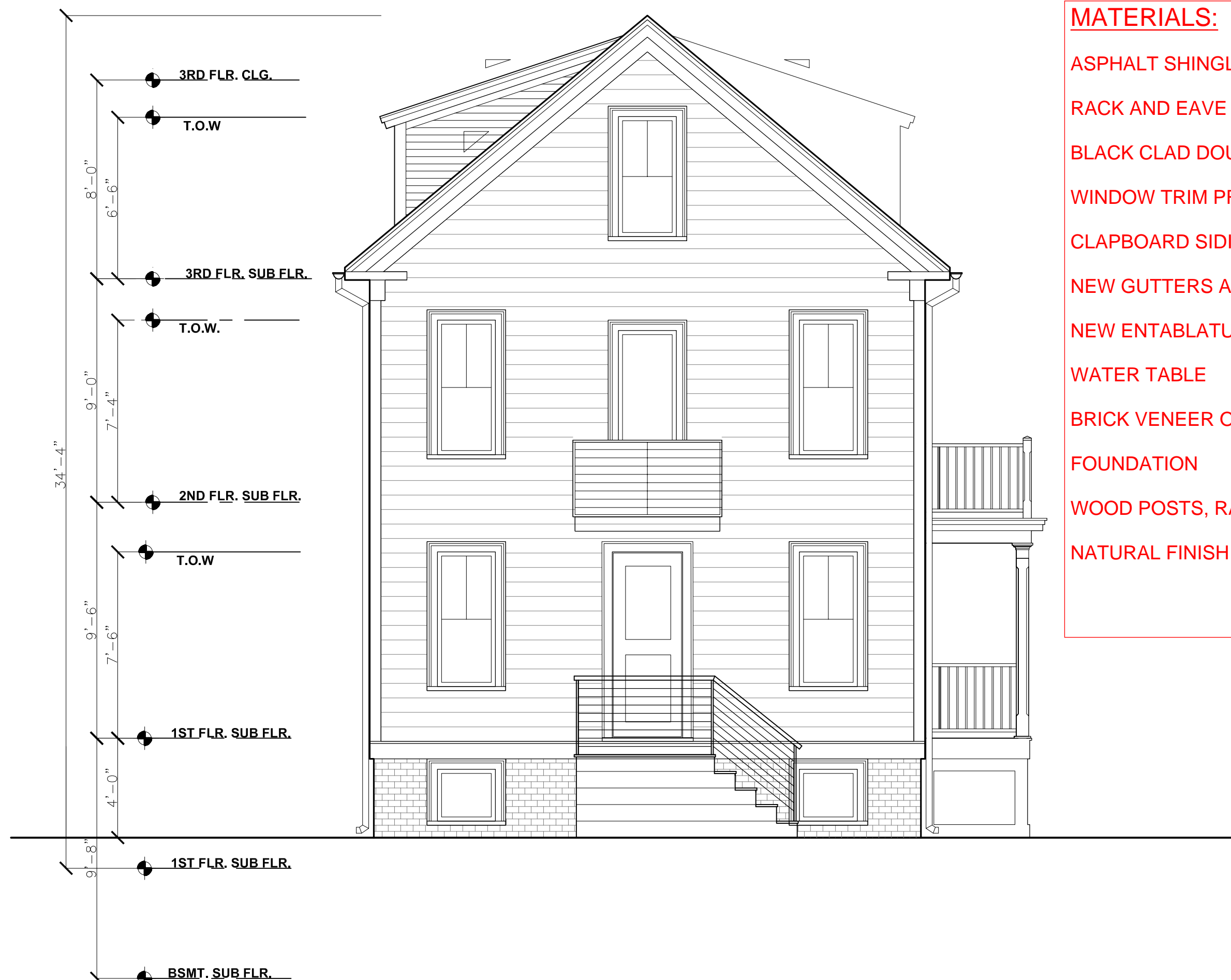
1 Elevation: East
A2.1 Scale 1/4" = 1'-0"



2 Elevation: South
A2.1 Scale 1/4" = 1'-0"



MATERIALS:
 ASPHALT SHINGLE ROOFING
 RACK AND EAVE DETAILS TO MATCH EXISTING
 BLACK CLAD DOUBLE HUNG WINDOWS 2/1
 WINDOW TRIM PROFILES TO MATCH EXISTING
 CLAPBOARD SIDING 7.5" EXPOSURE
 NEW GUTTERS AND DOWNSPOUTS
 NEW ENTABLATURE, CORNER BOARDS AND
 WATER TABLE
 BRICK VENEER OVER NEW CONCRETE
 FOUNDATION
 WOOD POSTS, RAILS, AND BALUSTERS
 NATURAL FINISH WOOD DECKING AND TREADS



3 Elevation: West
A2.1 Scale 1/4" = 1'-0"



4 Elevation: North
A2.1 Scale 1/4" = 1'-0"



REVISIONS		
No.	Description	Date

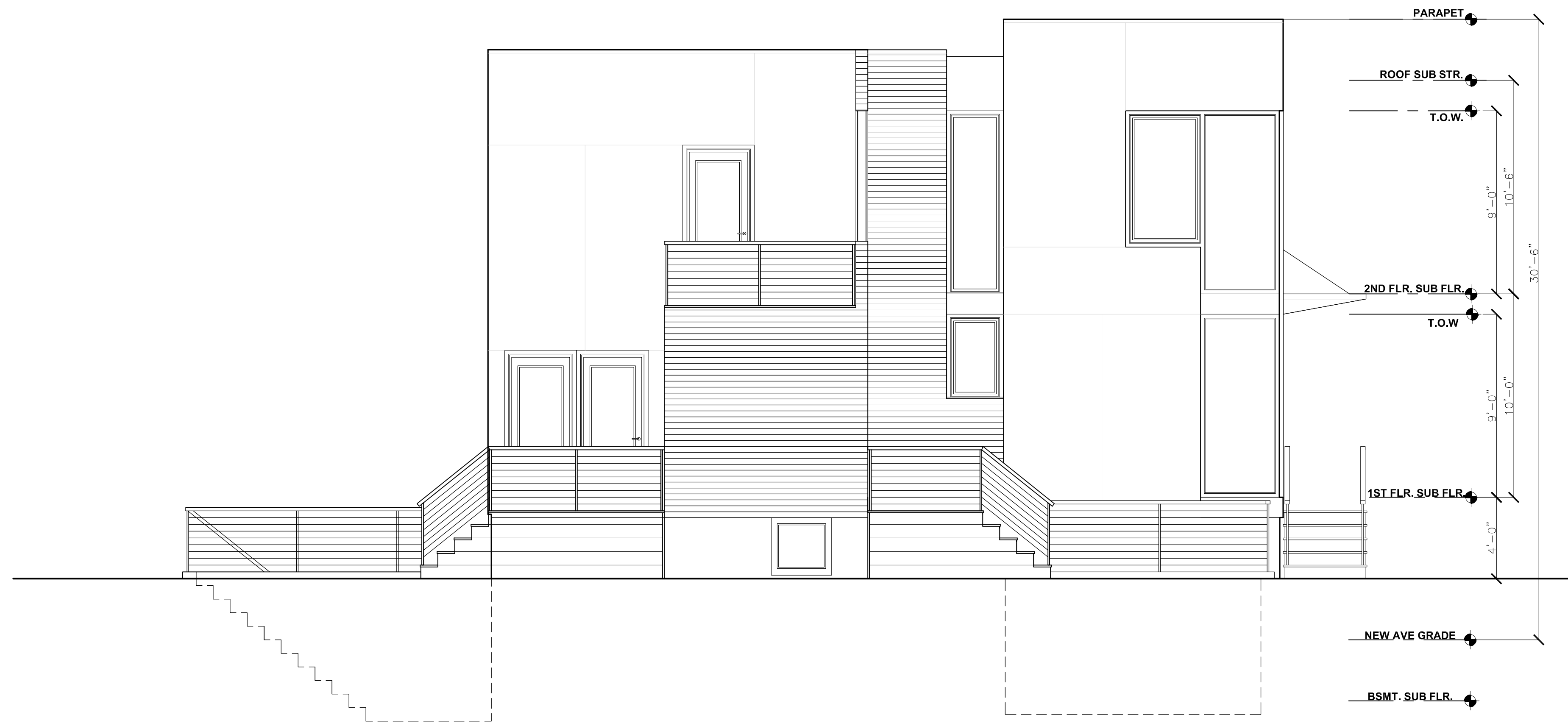
AndersonPorterDesign
 1972 Mass Ave Cambridge, MA 02140
 Tel. 617.354.2501 Fax. 617.354.2509

Project: 88 HOLWORTHY
 Address: 88 HOLWORTHY STREET
 CAMBRIDGE, MA
 02138

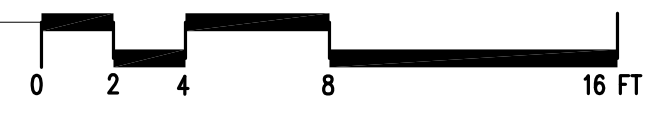
Title: PROPOSED ELEVATIONS

Drawing Issued By: ANDERSON PORTER DESIGN
 Proj. #: 1929
 Date: 03/09/2023
 Scale: AS NOTED
 Drawn By: DA

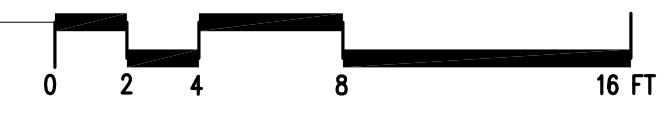
A2.1



1 Elevation: South
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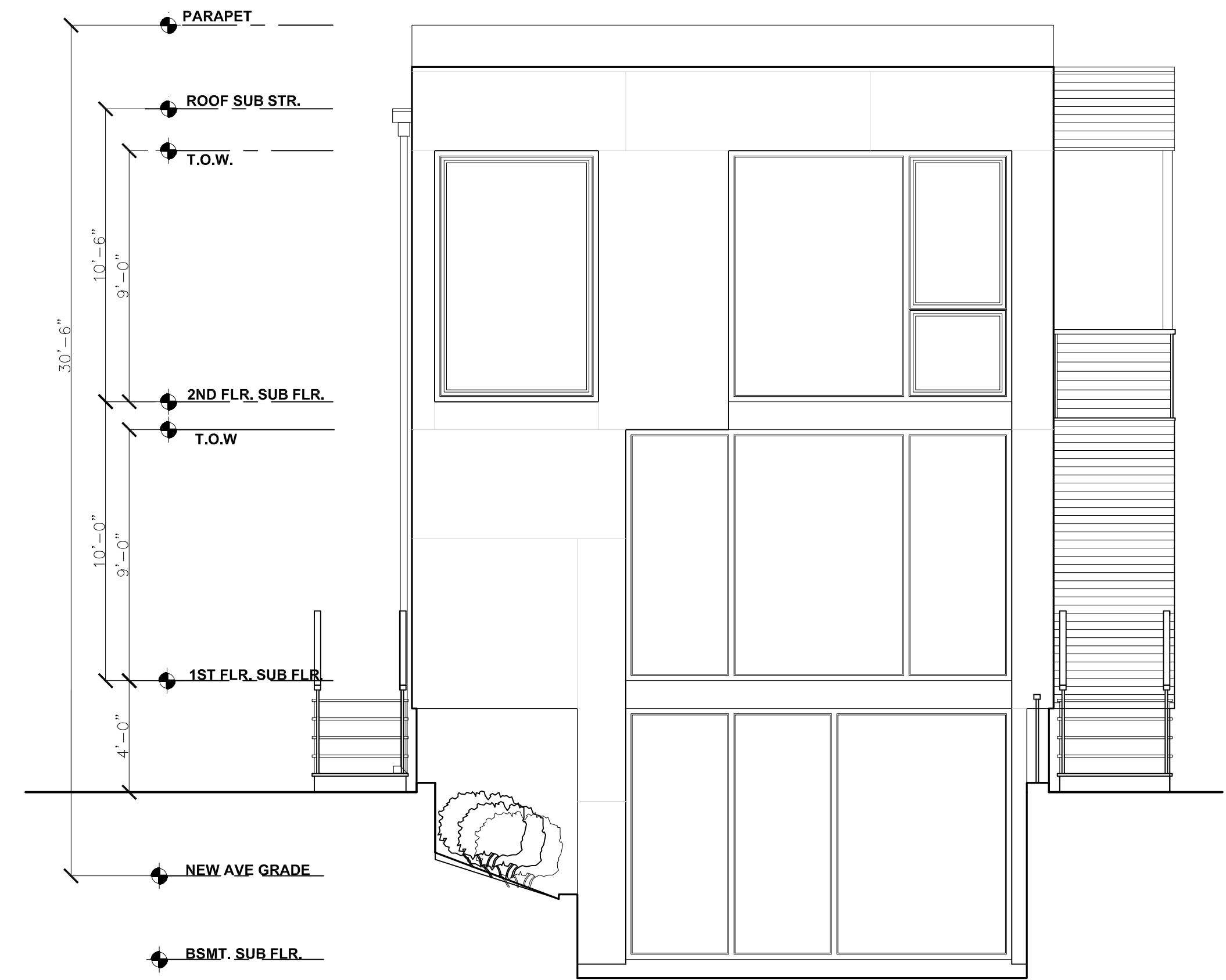
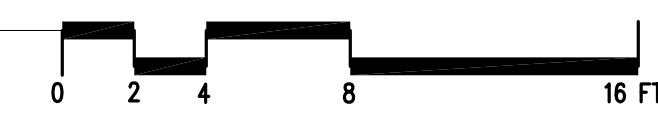
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A2.2 Scale 1/4" = 1'-0"



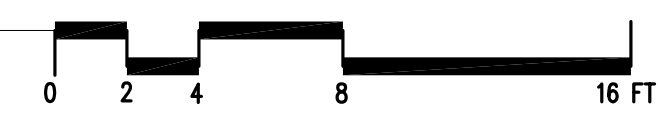
MATERIALS:
 RUBBER MEMBRANE ROOFING
 BLACK CLAD WINDOWS - PICTURE, AWNING, AND CASEMENT
 WHITE HIGH PRESSURE LAMINATE PANELS
 NATURAL FINISH WOOD SHIPLAP 3.5" EXPOSURE
 NEW GUTTER AND DOWNSPOUTS
 NEW CONCRETE FOUNDATION
 NATURAL FINISH WOOD DECKING AND TREADS
 METAL RAIL SYSTEMS



3 Elevation: North
A2.2 Scale 1/4" = 1'-0"



4 Elevation: West
A2.2 Scale 1/4" = 1'-0"



REVISIONS		
No.	Description	Date

AndersonPorterDesign
 1972 Mass Ave Cambridge, MA 02140
 Tel. 617.354.2501 Fax. 617.354.2509

Project: 88 HOLWORTHY
 Address: 88 HOLWORTHY STREET
 CAMBRIDGE, MA
 02138

Title: PROPOSED ELEVATIONS

Drawing/Issued By: ANDERSON PORTER DESIGN
 Proj. #: 1929 Drawing No.
 Date: 03/09/2023
 Scale: AS NOTED
 Drawn By: DA

A2.2



REVISIONS		
No.	Description	Date

AndersonPorterDesign
 875 Main Street Cambridge, MA 02139
 Tel. 617.354.2501 Fax. 617.354.2509

Project: 88 Holworthy
 Address: 88 Holworthy
 Cambridge MA
 02138
 Title: PHOTOGRAPHS

Drawing Issued By: ANDERSON PORTER DESIGN
 Proj. #: 1929
 Date: 03/09/2023
 Scale: AS NOTED
 Drawn By: DA

Drawing No.
A3.0



1
A3.0 50-52 Holworthy Street



2
A3.0 66-68 Holworthy Street



3
A3.0 72-74 Holworthy Street



4
A3.0 76-78 Holworthy Street



5
A3.0 82-84 Holworthy Street



6
A3.0 88 Holworthy Street



7
A3.0 110-112 Holworthy Street



8
A3.0 124-124R Holworthy Street

REVISIONS		
No.	Description	Date

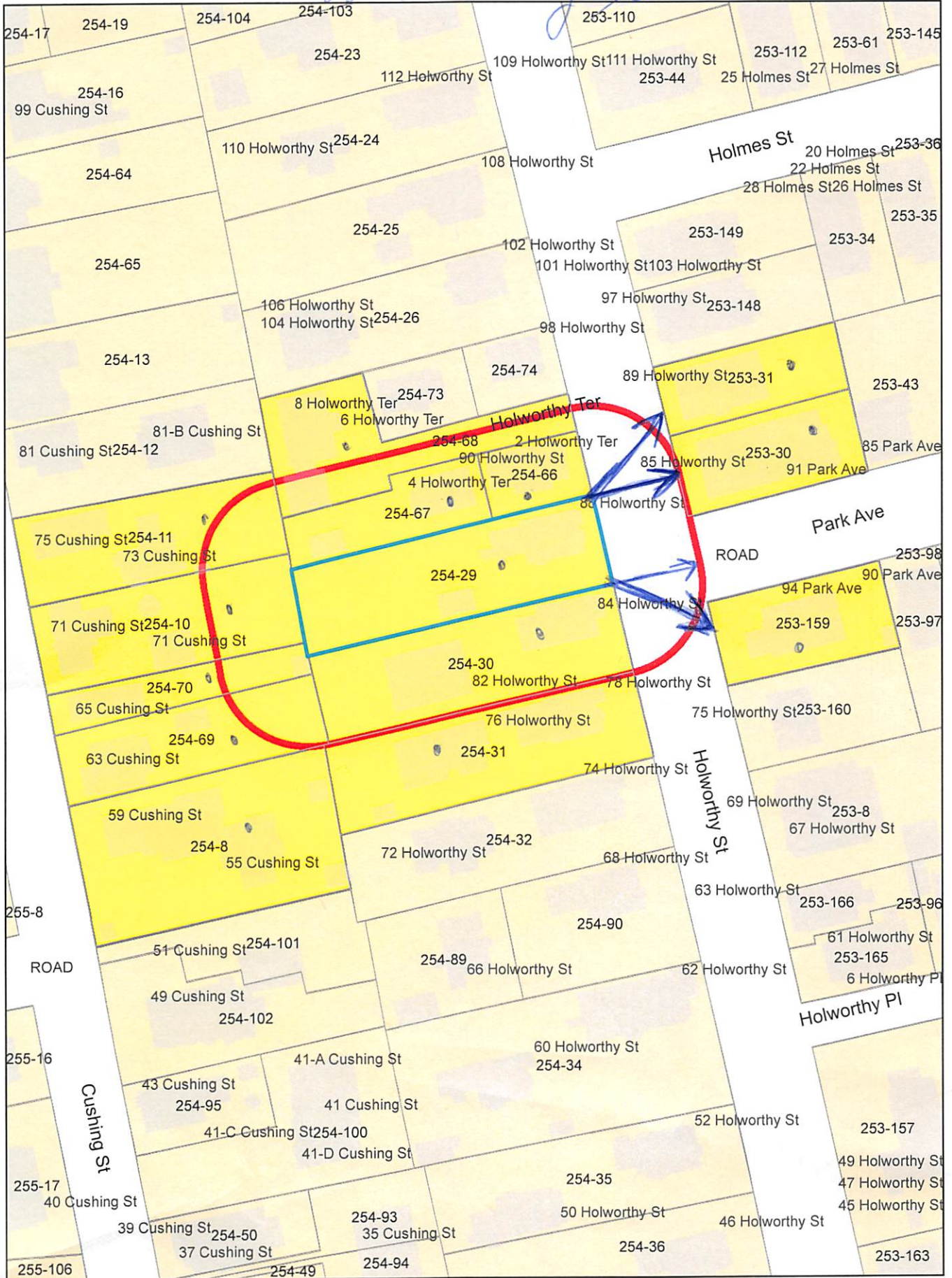
AndersonPorterDesign
875 Main Street Cambridge, MA 02139
Tel: 617.354.2501 Fax: 617.354.2509

Project: 88 Holworthy
Address: 88 Holworthy
Cambridge MA
02138
Title: PHOTOGRAPHS

Drawing Issued By: ANDERSON PORTER DESIGN
Proj. #: 1929 Drawing No.:
Date: 03/09/2023
Scale: AS NOTED
Drawn By: DA

A3.1

88 Holworthy St.



88 Holworthy St.

Petitioner

253-31
COYLE, MAXINE
89 HOLWORTHY ST. UNIT#1
CAMBRIDGE, MA 02138

253-31
LO, MICHAEL MAI,
TR. OF THE CHENG & LO LIVING TRUST
1543 TODD ST
MOUNTAIN VIEW, CA 94040

ANDERSON PORTER DESIGN
C/O DANIEL ANDERSON, ARCHITECT
1972 MASS AVENUE #4B
CAMBRIDGE, MA 02140

254-30
MCKIE, JUDY K. & TODD S. MCKIE
82 HOLWORTHY ST., #1
CAMBRIDGE, MA 02138

254-67
DENNIS, JUSTIN & CHRISTOPHER DENNIS
6 CROWNINSHIELD RD.
MARBLEHEAD, MA 01945-2629

254-68
TAVERNA, PETER J.
C/O DONALD DENNIS & BARBARA TAVERNA
6 CROWNINSHIELD RD
MARBLEHEAD, MA 01945

254-10
WHITE, GEORGE J. & LYNN M. WHITE,
TRS THE WHITE FAMIL REV TRUST
71 CUSHING ST
CAMBRIDGE, MA 02138

254-11
MANKINS, DAVID PATRICK &
GWENDOLYN WHITTAKER
73 CUSHING ST., UNIT #73
CAMBRIDGE, MA 02138-4581

254-70
PILOTTO, SANDRA K. & DUNCAN S. MARTIN
65 CUSHING ST
CAMBRIDGE, MA 02138

254-8
EDEN, JONATHAN T. & LUCY KIM
55-59 CUSHING ST., #55
CAMBRIDGE, MA 02138

254-8
TELLEZ, ANDRES B. &
KATHERINE M. ARMSTRONG
55-59 CUSHING ST., #59
CAMBRIDGE, MA 02138

254-30
BINGHAM, FRANCIS ANDREA EICHMAN
84 HOLWORTHY ST UNIT #2
CAMBRIDGE, MA 02138

253-31
CIOFFI, ANDREA K.
89 HOLWORTHY ST #2
CAMBRIDGE, MA 02138

254-11
GUNGOR, TUNCH A.
75 CUSHING ST
CAMBRIDGE, MA 02138

254-29
SILLARI ENTERPRISES LLC
C/O STEPHEN SILLARI
91 PARK AVE
CAMBRIDGE, MA 02138

254-8
OLSHAN RYAN & CAROLYN
59 CUSHING ST UNIT 57
CAMBRIDGE, MA 02138

254-66
DONOHUE ROBERT
TRS 46 FAYERWEATHER STREET REALTY TR
46 FAYERWEATHER ST
CAMBRIDGE, MA 02138

254-69
CARBIN, MICHAEL & ANGELEE RUSS-CARBIN
63 CUSHING ST
CAMBRIDGE, MA 02138

254-31
HARRY + LILI LLC,
67A SMITH PL - UNIT 12-A
CAMBRIDGE, MA 02138

253-159
WALKER JEFFREY T & KATHLEEN A ROOSEVELT
94 PARK AVE
CAMBRIDGE, MA 02138

253-30
SILLARI, STEPHEN
91 PARK AVE
CAMBRIDGE, MA 02138

Pacheco, Maria

From: Don Dennis <dondennis201@yahoo.com>
Sent: Tuesday, April 18, 2023 2:49 PM
To: Pacheco, Maria
Subject: CASE NO. BZA-214584 - 88 Holworthy Street

Dear Marcie Pacheco and Board of Zoning Appeal:

My family owns 92 Holworthy Street and 4 Holworthy Terrace- two contiguous properties immediately adjacent to 88 Holworthy Street in Cambridge.

After reviewing redevelopment plans by Sillari Enterprises for 88 Holworthy Street I am very much in favor of the proposal to renovate the existing two family house and to create another two family structure in the rear yard. I understand the requested square footage of the four units and the reason this appeal. This project will greatly improve our neighborhood.

Feel free to contact me with any questions,

Don Dennis
Architect
941-735-3899

[Sent from Yahoo Mail for iPhone](#)

Pacheco, Maria

From: Ferahnaz Kahyaoglu <k.ferah@gmail.com>
Sent: Monday, April 24, 2023 4:49 PM
To: Pacheco, Maria
Cc: Singanayagam, Ranjit; Zondervan, Quinton; Totten, Daniel; Siddiqui, Sumbul; Nolan, Patricia; Huang, Yi-An; Mike Connolly Representative
Subject: 88 Holworthy St / CASE NO. BZA-214584

Dear Zoning Committee and City of Cambridge Officials,

I have important comments for 88 Holworthy St. Case with number BZA-214584 where there is a public hearing on April 27, 2023.

Basically the City of Cambridge is illegally doing operations on the land while there are active pending cases in the State of Massachusetts Courts for property ownership for this particular land where Ferahnaz Kahyaoglu is seeking her property ownership at Cambridge District Court with her counterclaims while Sillari is an unlawful owner; And also, Human Rights violations occurred in this property against Kahyaoglu by Stephen Sillari/Sillari Enterprises LLC where the case is still pending at Supreme Judicial Court.

Moreover illegal and criminal eviction happened in this property on December 1, 2022 against Ferahnaz Kahyaoglu by Stephen Sillari/ Sillari Enterprises LLC. On or about November 2022, Sillari first shut off Kahyaoglu's gas from the street by claiming that no-one lives in the property and left Kahyaoglu without heat; and made her to be sick. When Kahyaoglu called the utility providers , city inspectional services and police to find out this criminal activity, Sillari retaliated against her and speedily evicted her, despite Kahyaoglu having a Medical Report requiring her to stay at least 5 days in her home to recover. But Sillari's moving crew arrived at the property on December 1st and viciously evicted her from her home on a cold winter day when Kahyaoglu was very sick with fever, chills and muscle weakness; they locked her out and she became homeless. Since then Kahyaoglu never recovered and was more traumatized with being homeless where she stayed on the streets, shelters and developed extreme physical and emotional distress where required to undergo therapies, and fracturing her foot due to poor living conditions . Sillari's movers maliciously and recklessly made mess Kahyaoglu's Court documents, and destroyed, broken, damaged Kahyaoglu's personal property to turn them to the junk to fill her storage units where she pays. The Court ignored at the hearing that Kahyaoglu pointed out that Sillari's Constable has no address and no qualifications for this duty. They collectively caused financial damages, pain and suffering on Kahyaoglu.

"The practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing."- [Commission on Human Rights, Resolution 1993/77](#)

Every year, millions of people around the world are forcibly evicted from their homes and their land, often leaving them living in extreme poverty and destitution. Forced evictions can be severely traumatic. They set back even further the lives of those that are already marginalized or vulnerable in society. Moreover, forced evictions violate a wide range of internationally recognized human rights, including the rights to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment, and freedom of movement (<https://www.ohchr.org/en/forced-evictions-and-human-rights>).

Furthermore, the City Housing Liaison gave her a false hope to find "emergency" housing when they said no fault evictions are in the emergency category; and Cambridge Housing Authority did not provide all necessary information for her other than saying it is overwhelming information as more discriminatory treatment for a "HOMELESS" person while all those hustles are man-made-disasters to torture her!

Ferahnaz Kahyaoglu
617-755-6990



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.

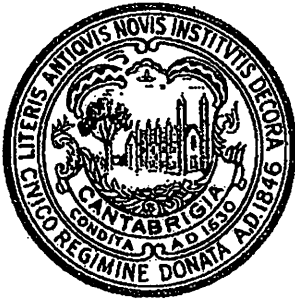
Name: Stephen Sillar Date: 4/13/23
(Print)

Address: 88 Holworthy St.

Case No. BZA-214584

Hearing Date: 4/27/23

Thank you,
Bza Members



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2021 JUN -9 PM 6:21:59
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	377
Address:	88 Holworthy Street
Zoning:	Residence B District
Applicant:	Stephen Sillari 91 Park Avenue, Cambridge, MA 02138
Owner:	Sillari Enterprises, LLC 91 Park Avenue, Cambridge, MA 02138
Application Date:	February 24, 2021
Date of Planning Board Public Hearing:	April 27, 2021
Date of Planning Board Decision:	April 27, 2021
Date of Filing Planning Board Decision:	June 9, 2021
Application:	Special Permit for more than one structure containing a principal residential use (Section 5.53.2)
Decision:	GRANTED, with Conditions.

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after filing of the above referenced decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Swaathi Joseph

For further information concerning this decision, please contact Swaathi Joseph at 617-349-4668, or sjoseph@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application submitted on 2/24/2021, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Narrative, Community Outreach Summary, plan set titled 88 Holworthy Street Revised Development Package, prepared by Anderson Porter Design, dated 2/10/2021.
2. Presentation slides shown to the Planning Board on 4/27/2021.

City of Cambridge Documents

3. Memorandum to the Planning Board from Katherine F. Watkins, City Engineer, Department of Public Works (DPW), dated 4/18/2021.
4. Memorandum to the Planning Board from Community Development Department staff, dated 4/20/2021.

Other Documents

5. Letter to the Planning Board from Timothy Flynn, dated 12/9/2020.
6. Email communication to the Planning Board from Jason Stonehouse, dated 3/15/2021.
7. Letter to the Planning Board from Fleurette Arseneault, undated.
8. Letter to the Planning Board from Lynne Schiebe, undated.
9. Letter to the Planning Board from Patricia Caldwell, undated.
10. Letter to the Planning Board from Richard Michalowski, undated.
11. Letter to the Planning Board from Jean-Antoine Ribeil and Magali Pederzoli-Ribeil, undated.
12. Letter to the Planning Board from Karen Propp, undated.
13. Letter to the Planning Board from Denise O'Brien, undated.
14. Letter to the Planning Board from Barbara Glick, undated.
15. Letter to the Planning Board from Phyllis Newton, undated.
16. Letter to the Planning Board from Gideon Balloch and Kaitlyn Choo, undated.
17. Letter to the Planning Board from Phyllis Newton, undated.

APPLICATION SUMMARY

The Applicant proposes to rehabilitate an existing two-family structure and construct a new detached two-family structure in the rear yard which would be more than seventy-five (75) feet from Holworthy Street. The base zoning is Residence B and the parcel is located in the Strawberry Hill neighborhood. The requested special permits are discussed in detail in the Findings below.

In addition to the special permits requested, the application requires obtaining zoning relief (described below) through the issuance of variances from the Board of Zoning Appeal to permit aspects of the development that are not zoning compliant.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Special Permit for more than one structure containing a principal residential use (Section 5.53.2)

Because the proposal includes two principal residential structures on the lot, and one of those structures is more than seventy-five (75) feet from the abutting street line of Holworthy Street, the following provisions of the zoning ordinance apply.

In Residence B districts more than one structure containing a principal residential use is allowed on a lot by special permit from the Planning Board provided the Board finds:
5.53.2

- (a) *that development in the form of two or more structures on the lot will not significantly increase or may reduce the impact of the new construction should it occur in a single structure; or*
- (b) *That two or more structures may provide identifiable benefits beyond that provided should all construction be in a single structure. In making its findings the Board shall consider the impact of the new construction on the following:*
 - (1) *the extent to which the preservation of a large contiguous open space in the rear of the lot or series of adjacent lots is achieved through the provision of a rear yard setback significantly greater than that required and through the dedication of that rear yard as Green Area, as defined in this Ordinance,*
 - (2) *incentives for the location of buildings and parking facilities in the front half of a lot in a pattern compatible with the development pattern prevailing in the neighborhood,*
 - (3) *the extent to which two or more structures provides an enhanced living environment for residents on the lot,*

- (4) *incentives to retain existing structures on a lot, particularly any structure determined to be a Preferably Preserved Significant structure by the Cambridge Historical Commission,*
- (5) *the opportunities presented to reduce the visual impact of parking from the public street and from adjacent lots,*
- (6) *The increased opportunities to reduce the height and bulk as new construction is deeper into a lot or closer to structures on abutting lots.*

The proposed development will preserve the existing two-family structure on the lot, but will relocate it in order to be in closer conformance to yard setback requirements in the zoning district. As a separate structure, the proposed additional development will be more harmonious with the existing scale, massing and pattern of development along Holworthy Street than if all development were in a larger multifamily or townhouse structure. Off-street parking will be located between the front and rear structures, which will minimize the visual impact of parking from Holworthy Street and adjacent lots.

For these reasons, the Board finds that development in the form of two structures will not significantly increase the impact of new construction, and therefore the proposal meets the criteria set forth in Section 5.53 Paragraph (a).

2. General Criteria for Issuance of a Special Permit (Section 10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

- (a) *It appears that requirements of this Ordinance cannot or will not be met, or ...*

The development will not conform to the maximum floor area ratio (FAR) and minimum lot area per dwelling unit limitations of the Residence B district. The Applicant will be seeking variances from the Board of Zoning Appeal. Therefore, this Special Permit will be conditioned on receiving the necessary relief from applicable zoning requirements. The proposed two-family dwelling uses are permitted in the district, and the development otherwise appears to conform to the development controls of the Zoning Ordinance.

- (b) *traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...*

The proposed construction of one new two-family dwelling and rehabilitation to an existing two-family dwelling, to include a total of four off-street parking spaces, is not

anticipated to cause particular congestion or hazard or substantial change in the neighborhood character. With continuing design review and approval of the proposed driveway design, the pattern of ingress and egress from the site will not create hazard.

- (c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...*

The proposed residential use complies with allowed uses in this district, and hence will not adversely affect adjacent uses that exist or are anticipated in the future.

- (d) nuisance or hazard would 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, or ...*

The proposed uses will not create nuisance or hazard, and all development activity will adhere to applicable health and safety regulations.

- (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...*

The proposed infill residential use and increase in housing units is encouraged by City plans for the area and the Zoning Ordinance. The neighborhood generally consists of single-family and two-family dwellings, and the proposed development of two detached two-family dwellings would fit the existing pattern of development.

- (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.*

The proposal is not inconsistent with the citywide urban design objectives. The urban design objectives are supported in the proposal with the expansion of the inventory of housing, improved streetscape appearance, compatibility with historic patterns of development, minimal environmental impacts on abutters, and minimal impact on City infrastructure.

DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

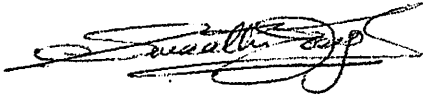
1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents and other supporting materials submitted to the Planning Board, and the additional Conditions of this Special Permit Decision. The project plans hereby approved by the Planning Board specifically include all revisions and modifications in the revised plan set titled Special Permit Set 88 Holworthy Street Revised Development Package, prepared by Anderson Porter Design, dated 2/10/2021. Appendix I summarizes the dimensional features of the project as approved.
2. This Special Permit shall be contingent on the project receiving variances from the Board of Zoning Appeal necessary to provide relief from the floor area ratio (FAR), lot area per dwelling unit, and other provisions of the zoning district to which the project does not conform.

The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit for the project, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Decision. As part of CDD's administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment.

3. The Permittee shall address the following comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit:
 - a. CDD shall review and approve the selection of paving materials and landscaping to minimize the visual impact of the driveway and parking area and reduce the percentage of impervious surface on the lot.
 - b. CDD shall review and approve landscape details, including proposed plantings and treatment of the space between the two dwellings.
4. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

Voting in the affirmative to approve the Development Proposal were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Mary Flynn, Hugh Russell, and Tom Sieniewicz, constituting at least two thirds of the members of the Board.

For the Planning Board,

A handwritten signature in black ink, appearing to read "Hugh Russell", written over a horizontal line.

Representative to the Planning Board, authorized by Catherine Preston Connolly, Chair.

A copy of this decision PB #377 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision has been filed on June 9, 2021 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:
_____ no appeal has been filed; or

_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	8,637	5,000	8,637	No Change
Lot Width (ft)	50	50	50	No Change
Total GFA (sq ft)	2,769	3,775	3,795*	3,850
Residential Base	2,769	3,775	3,795*	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	0	0	0	
Inclusionary Bonus	n/a	n/a	n/a	
Total FAR	0.321	0.437	0.439*	Consistent with Application Documents and applicable zoning requirements
Residential Base	0.321	0.437	0.439*	
Non-Residential Base	0	0	0	
Inclusionary Bonus	n/a	n/a	n/a	
Total Dwelling Units	2	2.9	4*	2
Base Units	2	2.9	4*	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	n/a	n/a	n/a	
Base Lot Area / Unit (sq ft)	4,318.5	2,978.3	2,159.25*	
Total Lot Area / Unit (sq ft)	4,318.5	2,978.3	2,159.25*	
Height (ft)	30.42	35	35	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	9.1	15	15	
Side Setback (ft)	3.7	7.5 (sum 20)	7.5	
Side Setback (ft)	21.2	12.5	12.5	
Rear Setback (ft)	103.9	35	38.63	
Open Space (sq ft)	7,348	3,454.8	4,496	Consistent with Application Documents and applicable zoning requirements
Private Open Space (sq ft)	3,674	1,727.4	2,324	
Permeable Open Space (sq ft)	3,674	1,727.4	2,149	
Off-Street Parking Spaces	2	4	4	
Long-Term Bicycle Parking	0	0	0	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	0	0	0	
Loading Bays	0	0	0	

*Indicates that a variance will be required by the Board of Zoning Appeal



KEITH B. KENYON, ESQ.
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April 27, 2023

CITY OF CAMBRIDGE
BOARD OF ZONING APPEAL
831 Mass Avenue, Cambridge, MA

**RE: Fraudulent Dissemination of Information by Ferhanez Kahyaoglu regarding
Sillari Enterprises LLC 88 Holworthy Street**

Dear Sir or Madam Board Member,

My office represents Sillari Enterprises LLC in regards to the property at 88 Holworthy Street, Cambridge Massachusetts. This letter is written in response to a letter written to you and City of Cambridge Citizens, promulgated by a former occupant of Unit 1, Ferahnaz Kahyaoglu. That letter, intended to harass, disrupt and intimidate my client, is full of false accusations that are all easily dispelled by court records.

To be clear, there was no illegal eviction, there was no criminal activity, Sillari Enterprises never shut off the utilities, there was no destruction of personal property, and there was certainly no “speedy” eviction.

The eviction proceedings against Kahyaoglu was pending for over 3 years.

Kahyaoglu was afforded a lengthy, fair court process with multiple appeals and she did not prevail (***DOCKET ATTACHED***).

Sillari Enterprises LLC bought the property on September 24, 2019 with Kahyaoglu as a holdover occupant who had not paid rent in over 8 years. The original Notice to Quit commencing the eviction process was served on or about October 25, 2019. The Summary Process Eviction Trial was eventually held over multiple days and concluded with Judgment against Kahyaoglu on December 14, 2021. Multiple appeals were filed, eventually reviewed by the Appeals Court or the Supreme Court, and dismissed on or about December 1, 2022. Kahyaoglu occupied the unit for that entire 3-year time period without paying use and occupancy despite being ordered to pay \$1500 per month by the court on March 8, 2021.

In addition, Kahyaoglu filed a separate Land Court action stating she owned the property which was also dismissed by the Land Court, appealed by Kahyaoglu and eventually dismissed

by the Appeals Court as meritless.

At no time did Sillari Enterprises LLC shut off Kahyaoglu's utilities as her letter suggests. That entire incident was fabricated by Kahyaoglu in an attempt to secure a stay of execution on the eviction. That claim was proven false at a hearing on November 17, 2022 and Kahyaoglu's motion regarding the same was denied.

At no time did the constable ever damage or destroy Kahyaoglu's possessions as the letter states. The constable and moving company that conducted the eviction are licensed, insured companies with extensive history in this field. On the date of the eviction Kahyaoglu packed up her belongings, instructed the moving company and left under her own will.

In fact, at all times relevant Sillari Enterprises has attempted to work with Kahyaoglu. At one point early in the proceedings Sillari Enterprises attempted to offer Kahyaoglu "cash for keys" which would have included moving expenses and rental compensation/payment at a new apartment/condo for an entire year. Kahyaoglu refused, stating she was owed over \$400,000.00.

Sillari Enterprises has remained empathetic to Kahyaoglu but that empathy is waning. Kahyaoglu has revealed her true intentions on many occasions. She has maliciously attacked everyone during this process. She has been publicly admonished by the court for verbal and written attacks against, (1) Honorable Judge Malumet based upon his religion, (2) the court interpreter's disabled autistic son, (3) Honorable Judge Michelle Hogan and Clerk Magistrate in the Cambridge District Court, stating they were working for the former owner/plaintiff against Kahyaoglu (4) Officials and staff at the Cambridge Inspectional Services, Inspector David Power and Director Tuccinardi (5) The Cambridge City Assistant City Solicitor, Brian Schwartz, and (6) the Cambridge Police Department. This does not include the numerous, vicious attacks on Mr. Sillari and my office.

In addition, Kahyaoglu's fraudulent claim to ownership is based upon her *friendship* with the former owner, who's family sold the property to Sillari Enterprises LLC, an independent bona fide purchaser for value. Despite Kahyaoglu's claims that she was the former owner's caretaker, she is not a medical doctor and is not a graduate of Harvard Medical School. She was not ever the caretaker or medical proxy for the former owner and was never hired to serve in that position.

Prior to his death, the former owner wrote an affidavit outlining Kahyaoglu's attempts to use fear, coercion and undue influence on him to secure the property from him. She kept him in the house, refusing to call a hospital and pretending to be a medical doctor instead of getting him the proper medical help he needed. (*Affidavit attached*).

I will be present at the hearing scheduled for April 27, 2023 at 7:00 p.m. to clarify and answer any individual questions any one may have. I am also available via phone and email to answer all questions and concerns or to provide more detailed information on any of the above statements.

Very Truly Yours,

Keith B. Kenyon
Keith B. Kenyon

20H84SP000833 Sillari Enterprises, Llc vs. Kahyaoglu, Ferahnaz

- Case Type:
 - Housing Court Summary Process
- Case Status:
 - Closed
- File Date:
 - 02/17/2020
- DCM Track:
 -
- Initiating Action:
 - Efiled SP Summons and Complaint - No Cause
- Status Date:
 - 01/24/2023
- Case Judge:
 -
- Next Event:
 -

Property Address

88 Holworthy Street Unit 1
Cambridge MA 02138

[All Information](#) [Party](#) [Event](#) [Docket](#) [Disposition](#) [Judgment](#)

Party Information

Sillari Enterprises, Llc
- Plaintiff

Alias

Party Attorney

- Attorney
- Kenyon, Esq., Keith B
- Bar Code
- 673569
- Address
- Kenyon Law
- 1040 North Shore Rd
- Suite B7
- Revere, MA 02151
- Phone Number
- (617)410-9200

[More Party Information](#)

Kahyaoglu, Ferahnaz
- Defendant

Alias

Party Attorney

[More Party Information](#)

Events

Date	Session	Locality	Location	Type	Result
02/28/2020 09:00 AM	Middlesex Session		Somerville Session 2	Summary Process Trial	Continued
03/13/2020 09:00 AM	Middlesex Session		Somerville Session 2	Summary Process Trial	Held
03/27/2020 09:00 AM	Middlesex Session		Somerville Session 2	Status Hearing	Rescheduled-Covid-19 emergency
01/04/2021 01:00 PM	Housing Specialist Session			Housing Specialist Status Conference	Neither Party Appeared
02/24/2021 12:00 PM	Second Session		Courtroom 11 - 5th floor	Motion Hearing	Continued

<u>Date</u>	<u>Session</u>	<u>Locality</u>	<u>Location</u>	<u>Type</u>	<u>Result</u>
02/26/2021 AM	10:00 Second Session		Courtroom 11 - 5th floor	Motion Hearing	Held
04/07/2021 AM	10:00 Second Session		Courtroom 11 - 5th floor	Motion Hearing	Held
08/09/2021 PM	12:00 Second Session		Courtroom 11 - 5th floor	Motion Hearing	Continued
09/03/2021 AM	10:30 Second Session		Courtroom 11 - 5th floor	Motion Hearing	Held
09/24/2021 PM	02:00 Second Session		Courtroom 11 - 5th floor	Pretrial Conference	Held
10/01/2021 PM	02:00 Second Session		Courtroom 11 - 5th floor	Pretrial Conference	Held
10/05/2021 AM	09:00 Housing Specialist Session			Housing Specialist Status Conference	Held
10/07/2021 AM	09:00 Second Session		Courtroom 11 - 5th floor	Trial	Held
10/13/2021 PM	02:00 Second Session		Courtroom 11 - 5th floor	Summary Process Trial	Held
10/21/2021 PM	02:00 Second Session		Courtroom 11 - 5th floor	Summary Process Trial	Held
10/22/2021 AM	11:00 Second Session		Courtroom 11 - 5th floor	Summary Process Trial	Rescheduled
10/22/2021 AM	11:30 Second Session		Courtroom 11 - 5th floor	Summary Process Trial	Held
02/10/2022 PM	02:00 Second Session		Courtroom 11 - 5th floor	Motion Hearing	Held
10/17/2022 AM	09:00 Courtroom 11 Virtual Conference		Zoom Virtual Courtroom	Motion Hearing	Rescheduled
10/25/2022 PM	12:00 Second Session		Courtroom 11 - 5th floor	Motion Hearing	Held
11/07/2022 PM	02:30 Second Session		Courtroom 11 - 5th floor	Motion Hearing	Allowed
11/16/2022 AM	09:00 Second Session		Zoom Virtual Courtroom	Motion Hearing	Rescheduled
11/17/2022 AM	09:00 Second Session		Courtroom 11 - 5th floor	Motion Hearing	Held
11/29/2022 AM	09:00 Second Session		Courtroom 11 - 5th floor	Motion Hearing	Held
12/19/2022 PM	02:00 Second Session		Courtroom 11 - 5th floor	Hearing	Held

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/17/2020	Entry Package - SP Summons and Complaint - No Cause	1	Image
02/17/2020	Entry Package - Notice to Quit	2	Image
02/17/2020	Entry Package - Affidavit of Compliance	3	Image
02/18/2020	Summary Process: MGL Chapter 185C Section 19; Chapter 262 Section 2 Receipt: 93810 Date: 02/18/2020		
02/18/2020	SURCHARGE 185C:Entry of Action filed (Section 466 - M.G.L. c. 185C, §19) SURCHARGE Receipt: 93810 Date: 02/18/2020		
02/20/2020	Answer and Counterclaim of Ferahnaz Kahyaoglu filed. With Jury Trial Request	4	Image
02/20/2020	Defendant Discovery Requests	5	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/25/2020	Scheduled Event: Summary Process Trial Date: 02/28/2020 Time: 09:00 AM Result: Continued		
02/25/2020	Event Resulted: Summary Process Trial scheduled on: 02/28/2020 09:00 AM Has been: Continued For the following reason: By operation of rule Honorable Anne Kenney Chaplin, Presiding		
02/25/2020	Scheduled Event: Summary Process Trial Date: 03/13/2020 Time: 09:00 AM Result: Held		
02/28/2020	Motion to enforce or compel discovery filed by Ferahnaz Kahyaoglu	6	Image
03/13/2020	Event Resulted: Summary Process Trial scheduled on: 03/13/2020 09:00 AM Has been: Held Comments: CC 3/27/20. See margin order. Hon. Michael Malamut, Presiding		
03/13/2020	Referred to Housing Specialist	7	<i>Image</i>
03/13/2020	Margin Order Judge: Malamut, Hon. Michael	8	Image
03/13/2020	Scheduled Event: Status Hearing Date: 03/27/2020 Time: 09:00 AM Result: Rescheduled-Covid-19 emergency	9	
03/17/2020	Court orders rescheduling due to State of Emergency surrounding the Covid-19 virus.: Status Hearing scheduled on: 03/27/2020 09:00 AM Has been: Rescheduled-Covid-19 emergency Hon. Michael Malamut, Presiding		
03/20/2020	Alternative Dispute Resolution Outcome Referral Date: 03/13/2020 Referral Source: Referral Event: Summary Process Trial Mar 13, 2020 9:00:00 AM Referral Status: Did Not Enter Process Referral Specialist: Digiacomandrea, Jody		
03/20/2020	Motion for use and occupancy pending jury trial filed by Sillari Enterprises, Llc	10	Image
04/09/2020	Opposition to by *AFFIDAVIT OF TONY CABRAL	11	Image
06/08/2020	Attorney Appearance		<i>Image</i>
06/08/2020	Attorney Appearance On this date Keith B Kenyon, Esq. added as Private Counsel for Plaintiff Sillari Enterprises, Llc	12	<i>Image</i>
10/16/2020	COPY OF SCHEDULING ORDER ISSUED IN CASE #20-CV-00203 Judge: Malamut, Hon. Michael	13	Image
11/30/2020	Scheduled Event: Housing Specialist Status Conference Date: 01/04/2021 Time: 01:00 PM Result: Neither Party Appeared		
11/30/2020	The following court event has been scheduled: 01/04/2021 01:00 PM Housing Specialist Status Conference. The event will be held via video conference. The virtual conference information is Mtg ID: 160 518 4063 Pwd: 6174 Tel# 646-828-7666 The Lawyer for the Day program can be reached at not available. The TPP can be reached at not available. The Court Service Center can be reached at not available. Notice of Virtual Hearing sent. If this case involves a claim for unpaid rent, the plaintiff must file an "Affidavit Concerning CDC Order" (available at https://www.mass.gov/lists/housing-court-forms) pursuant to Housing Court Standing Order 6- 20(available at https://www.mass.gov/housing-court-rules/housing-court-standing-order-6-20-temporary-modifications-to-court-operations).	14	<i>Image</i>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/30/2020	Form generated. A Notice of Virtual Court Hearing was generated and sent to: Plaintiff, Attorney: Kenneth C Vining, Esq. Broderick Bancroft & Saccardi 761 Broadway, Somerville, MA 02144 Plaintiff, Attorney: Keith B Kenyon, Esq. Kenyon Law 1040 North Shore Rd Suite B7, Revere, MA 02151 Defendant: Ferahnaz Kahyaoglu 88 Holworthy Street Unit 1, Cambridge, MA 02138		
12/08/2020	Letters dated 11/16/20 Applies To: Kenyon, Esq., Keith B (Attorney) on behalf of Sillari Enterprises, Llc (Plaintiff)	15	Image
12/28/2020	Scheduling Order issued (also applies to 20-CV-203) - see order for details Judge: Malamut, Hon. Michael	16	Image
01/04/2021	Event Resulted: Housing Specialist Status Conference scheduled on: 01/04/2021 01:00 PM Has been: Neither Party Appeared Unassigned, Presiding		
01/04/2021	Referred to Housing Specialist	17	Image
01/12/2021	Motion for access or motion to dismiss defense and counterclaim for warranty of habitability/ quiet enjoyment violations filed by Sillari Enterprises, Llc	18	Image
01/12/2021	Motion for court order regarding future filings of defendant filed by Sillari Enterprises, Llc	19	Image
01/12/2021	Motion to order use and occupancy payment filed by Sillari Enterprises, Llc	19	Image
01/22/2021	Exhibits filed by Ferahnaz Kahyaoglu	20	Image
01/22/2021	Motion of Ferahnaz Kahyaoglu to dismiss	21	Image
01/22/2021	Amended Complaint filed.	22	Image
01/22/2021	Motion by Ferahnaz Kahyaoglu to compel discovery	23	Image
01/22/2021	Motion of Ferahnaz Kahyaoglu to dismiss Due to Attorney Conduct	24	Image
01/28/2021	Scheduled Judge: Malamut, Hon. Michael Event: Motion Hearing Date: 02/24/2021 Time: 12:00 PM Result: Continued		
01/28/2021	The following court event has been scheduled: 02/24/2021 12:00 PM Motion Hearing. The event will be held via video conference and the conference information is Mtg ID: 160 178 6838 Pwd:1234 Tel# 646-828-7666. *ALL PENDING MOTIONS	25	Image
01/28/2021	The following notice was sent and the supplemental civil information sheet was included. A Notice of Virtual Court Hearing was generated and sent to: Plaintiff, Attorney: Kenneth C Vining, Esq. Broderick Bancroft & Saccardi 761 Broadway, Somerville, MA 02144 Plaintiff, Attorney: Keith B Kenyon, Esq. Kenyon Law 1040 North Shore Rd Suite B7, Revere, MA 02151 Defendant: Ferahnaz Kahyaoglu 88 Holworthy Street Unit 1, Cambridge, MA 02138		
02/24/2021	Motion to Strike "Affidavit of Abul Maksud Sayied" Submitted by Plaintiff Sillari Enterprises, LLC filed by Ferahnaz Kahyaoglu	26	Image
02/24/2021	Defendant Ferahnaz Kahyaoglu's Exhibits with Index	27	Image
02/24/2021	Defendant Ferahnaz Kahyaoglu's Exhibit #35 (corrected)	28	Image
02/24/2021	Motion filed by	29	Image
02/24/2021	Motion filed by	30	Image
02/24/2021	Discovery Response	31	Image
02/24/2021	Discovery Response	32	Image
02/24/2021	Event Resulted: Motion Hearing scheduled on: 02/24/2021 12:00 PM Has been: Continued For the following reason: Court Action Hon. Michael Malamut, Presiding		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/24/2021	Scheduled Event: Motion Hearing Date: 02/26/2021 Time: 10:00 AM Result: Held		
02/25/2021	Appearance Withdrawn by Kenneth C Vining, Esq. by Sillari Enterprises, Llc	33	Image
02/26/2021	Exhibits filed by	34	Image
02/26/2021	Event Resulted: Motion Hearing scheduled on: 02/26/2021 10:00 AM Has been: Held Hon. Michael Malamut, Presiding		
03/02/2021	Exhibits filed by Ferahnaz Kahyaoglu addendum	35	Image
03/03/2021	Exhibits filed by	36	Image
03/09/2021	ORDER ON PENDING MOTIONS (*ORDER emailed to parties). Judge: Malamut, Hon. Michael	37	Image
03/19/2021	Affidavit of Indigency FILED by defendant Docket Note made on June 10, 2021: The Clerk's Office IMPOUNDED this Affidavit of Indigency (and all attached documents) as a matter of course when the defendant filed it on March 19, 2021.	38	Image
03/24/2021	Affidavit of Indigency referred to judge by Asst. Clerk Trilla as affidavit requests waiver, substitution or payment by the Commonwealth of extra fees and costs.	39	Image
03/25/2021	Motion to impound documents 1) affidavit of indigency 2) supplemental form filed by Ferahnaz Kahyaoglu	40	Image
04/02/2021	Scheduled Judge: Malamut, Hon. Michael Event: Motion Hearing Date: 04/07/2021 Time: 10:00 AM Result: Held		
04/02/2021	The following court event has been scheduled: 04/07/2021 10:00 AM Motion Hearing. The event will be held via video conference, telephone conference and the conference information is Mtg ID: 160 178 6838 Pwd:1234 Tel# 646-828-7666. Hearing on Defendant's Motion to Impound and hearing on Defendant's Affidavit of Indigency	41	
04/02/2021	The following notice was sent and the supplemental civil information sheet was included. A Notice of Virtual Court Hearing was generated and sent to: Plaintiff, Attorney: Keith B Kenyon, Esq. Kenyon Law 1040 North Shore Rd Suite B7, Revere, MA 02151 Defendant: Ferahnaz Kahyaoglu 88 Holworthy Street Unit 1, Cambridge, MA 02138		
04/07/2021	Notice of Docket Entry received from the Appeals Court: Petition pursuant to G.L. c. 231, s. 118 with attachments, filed by Ferahnaz Kahyaoglu	42	Image
04/07/2021	Event Resulted: Motion Hearing scheduled on: 04/07/2021 10:00 AM Has been: Held - Per Court's endorsement on Affidavit of Indigency, defendant's Request for Determination on Affidavit of Indigency denied, as defendant withdrew/disclaimed request in open court and Court notes that all affidavits of indigency and indigency determinations are to be impounded. No action taken on defendant's Motion to Impound. Hon. Michael Malamut, Presiding		
04/07/2021	Affidavit of Indigency DENIED		Image
04/16/2021	Notice of Docket Entry received from the Appeals Court: Petitioner's request for relief from orders regarding access, use and occupancy, and restrictions on filing, and the denial of her motions is DENIED (Sullivan, J.) See Order for details.	43	Image
04/27/2021	Notice of Appeal by Ferahnaz Kahyaoglu from Order dated 04/16/2021	44	Image
04/28/2021	Attorney Appearance On this date Kenneth C Vining, Esq. dismissed/withdrawn as Private Counsel for Plaintiff Sillari Enterprises, Llc per 02/25/21 Notice of Withdrawal		
07/13/2021	Motion for Judgment For Possession Based on Defendant's Failure to Pay Court Ordered Use and Occupancy	45	Image
07/27/2021	Scheduled Event: Motion Hearing Date: 08/09/2021 Time: 12:00 PM Result: Continued	46	
08/05/2021	Motion by Sillari Enterprises, Llc to continue	47	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/09/2021	Event Resulted: Motion Hearing scheduled on: 08/09/2021 12:00 PM Has been: Continued For the following reason: Plaintiff's Request Hon. Michael Malamut, Presiding		
08/09/2021	Margin Order: Motion to Continue ALLOWED Judge: Malamut, Hon. Michael	48	Image
08/20/2021	Motion by Ferahnaz Kahyaoglu to continue	49	Image
08/20/2021	Proposed Exhibit Filed by Ferahnaz Kahyaoglu	50	Image
08/20/2021	Scheduled Event: Motion Hearing Date: 09/03/2021 Time: 10:30 AM Result: Held		
08/20/2021	The following court event has been scheduled: 09/03/2021 10:30 AM Motion Hearing. The event will be held via video conference and the conference information is Mtg ID: 160 178 6838 Pwd:1234 Tel# 646-828-7666. PLAINTIFF'S MOTION FOR JUDMENT FOR POSSESSION BASED ON DEFENDANT'S FAILURE TO PAY COURT ORDERED USE AND OCCUPANCY	51	<i>Image</i>
08/20/2021	Motion To Wait For Supreme Judicial Court Ruling filed by Ferahnaz Kahyaoglu	52	Image
08/27/2021	Motion for in person hearing filed by Ferahnaz Kahyaoglu	53	Image
08/27/2021	Margin Order: Motion for In-person Hearing DENIED - see endorsement for details Judge: Malamut, Hon. Michael	54	Image
09/02/2021	Opposition to to Plaintiff's Motion for Judgment or Possession by Ferahnaz Kahyaoglu	55	Image
09/02/2021	Defendant Ferahnaz Kahyaoglu's Video Exhibit (NOT SCANNED)	56	
09/03/2021	Event Resulted: Motion Hearing scheduled on: 09/03/2021 10:30 AM Has been: Held Comments: Defendant's motion #52 Denied, jury trial stricken ,all motions to be filed by 9/10/21 and oppositions filed by 9/17/21. Hon. Michael Malamut, Presiding		
09/03/2021	Scheduled Judge: Malamut, Hon. Michael Event: Pretrial Conference Date: 09/24/2021 Time: 02:00 PM Result: Held		
09/07/2021	Pretrial Order; see order for details Judge: Malamut, Hon. Michael	57	Image
09/07/2021	Scheduled Judge: Malamut, Hon. Michael Event: Trial Date: 10/07/2021 Time: 09:00 AM Event being held IN PERSON Result: Held	58	
09/07/2021	Scheduled Event: Housing Specialist Status Conference Date: 10/05/2021 Time: 09:00 AM Result: Held		
09/07/2021	The following court event has been scheduled: 10/05/2021 09:00 AM Housing Specialist Status Conference. The event will be held via Video Conference and the virtual conference information is Mtg ID: 160 518 4063 Pwd: 6174 Tel# 646-828-7666.	59	<i>Image</i>
09/07/2021	Notice of Pretrial Conference	60	Image
09/08/2021	Motion for leave to file motion for Turkish interpreter filed by Ferahnaz Kahyaoglu *ALLOWED; Defendant has leave to request a Turkish interpreter.	61	Image
09/08/2021	Motion by Ferahnaz Kahyaoglu to continue *Request for Turkish interpreter ALLOWED; see margin order for specific conditions.	62	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/08/2021	Motion for leave to file motion for hybrid hearing filed by Ferahnaz Kahyaoglu	63	Image
09/08/2021	Motion for hybrid hearing filed by Ferahnaz Kahyaoglu	64	Image
09/10/2021	Motion for Judgment	65	<i>Image</i>
09/10/2021	Witness List filed by Plaintiff	66	Image
09/10/2021	Affidavit - Revised witness list	67	Image
09/11/2021	Motion for leave to file motion to amend answers filed by	68	Image
09/11/2021	Motion by Ferahnaz Kahyaoglu to amend pleadings	69	Image
09/11/2021	Motion filed by Ferahnaz Kahyaoglu *WITNESS LIST*	70	Image
09/15/2021	Exhibits filed by Ferahnaz Kahyaoglu video (rec'd 9/14/21)	71	
09/18/2021	Pre-trial Memorandum filed. Ferahnaz Kahyaoglu	72	Image
09/18/2021	Opposition to Plaintiff's Motion for Judgment for Possession by Ferahnaz Kahyaoglu	73	Image
09/23/2021	Motion to stay filed by Ferahnaz Kahyaoglu	74	Image
09/23/2021	Notice of Judgment received from the SJC: The petition is DENIED without hearing (Wendlandt, J.)	75	Image
09/23/2021	Courtesy Copy of Single Justice Appeal filed by Defendant (Attachments not scanned due to volume)	76	Image
09/23/2021	Notice of Docket Entry received from the Appeals Court: All relief requested DENIED. (Lemire, J.)	77	Image
09/23/2021	Defendant's Affidavit in Support of Violations of Sanitary Codes Landlord Did Not Fix	78	Image
09/24/2021	Event Resulted: Pretrial Conference scheduled on: 09/24/2021 02:00 PM Has been: Held Comments: Both parties appeared. Deft's MO for Sanctions DENIED. Deft's MO for Leave re: Sanctions DENIED. Deft's MO for Hybrid Hearing ALLOWED. Deft's MO for Leave re: Hybrid Hearing ALLOWED. Deft's MO for Stay DENIED. Deft's MO for Leave to File MO re: Answer DENIED. Deft's MO to Amend Answer & CC's DENIED. P's MO for Judgment is DENIED. Order issued - P's Oral MO to File PT Memo Late is ALLOWED. Judicial notice taken per Mass Guide to Evidence sec. 202(b). Pre-trial CC 10/1/21 @2PM, 2nd session in person w/Turkish interpreter. See Order. Hon. Michael Malamut, Presiding		
09/27/2021	Pretrial Memorandum filed by Plaintiff (FIOC 9/24/21, not scanned).	79	
09/27/2021	Defendant's Motion to Leave to File a Motion for Sanctions for Plaintiff's Failure to File Pretrial Memorandum Which Include Dismissal of Case or Striking Any Evidence Not Identified in the Memo and Striking the Plaintiff's Witnesses (FIOC 9/24/21). *DENIED 9/24/21. Judge: Malamut, Hon. Michael	80	
09/27/2021	Motion for Sanctions for Plaintiff's Failure to File Pretrial Memorandum Which Include Dismissal of Case or Striking any Evidence Not Identified in the Memo and Striking the Plaintiff's Witnesses (FIOC 9/24/21). *DENIED 9/24/21; See Order on Motion for Leave to File. Judge: Malamut, Hon. Michael	81	Image
09/27/2021	ORDER dated 9/24/21: Plaintiff's oral motion to file pre-trial memo late is allowed. Responses to pre-trial memo's are to be filed no later than 9/29/21. PT Conference is rescheduled to 10/1/21 @2PM. All exhibits are to be submitted & filed by 9/27/21, in the format indicated by the scheduling order. Judge: Malamut, Hon. Michael	82	Image
09/27/2021	MARGIN ORDER 9/24/21: MO for Leave to File MO for Hybrid Hearing (P#63) is ALLOWED. Judge: Malamut, Hon. Michael	83	Image
09/27/2021	MARGIN ORDER 9/24/21: MO for Hybrid Hearing (P#64) ALLOWED after hearing. Judge: Malamut, Hon. Michael	84	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/27/2021	MARGIN ORDER 9/24/21; P's Motion for Judgment (P#65) DENIED after hearing. Judge: Malamut, Hon. Michael	85	Image
09/27/2021	MARGIN ORDER 9/24/21: Motion for Leave to file Motion to Amend Answers & Counterclaims (P#68) DENIED after hearing. See order. Judge: Malamut, Hon. Michael	86	Image
09/27/2021	MARGIN ORDER 9/24/21: MO(P#69) DENIED; See order on motion for leave to file. Judge: Malamut, Hon. Michael	87	Image
09/27/2021	MARGIN ORDER 9/24/21: MO(P#74) DENIED as moot; see order. Judge: Malamut, Hon. Michael	88	
09/27/2021	Scheduled Judge: Malamut, Hon. Michael Event: Pretrial Conference Date: 10/01/2021 Time: 02:00 PM Result: Held		
09/27/2021	Exhibits filed by Ferahnaz Kahyaoglu	89	
09/27/2021	Defendant Ferahnaz Kahyaoglu's Exhibits Folder & USB Drive filed with Clerk's Office	90	Image
09/29/2021	Pre-trial Memorandum filed. Sillari Enterprises, Llc	91	Image
09/29/2021	Motion to Clarify List of Exhibits filed by plaintiff	92	<i>Image</i>
09/29/2021	Motion in Limine to Remove Attorney from Witness List	93	<i>Image</i>
09/29/2021	Defendant's Motion to Limine the Plaintiff's Witnesses who are unrelated with this matter	94	<i>Image</i>
09/29/2021	Motion for More Definite Statements of Plaintiff's Pretrial Memorandum and Motion to Strike the Portions of Plaintiff's Pretrial Memorandum filed by Ferahnaz Kahyaoglu	95	Image
09/30/2021	Motion in Limine to Include Additional Document if Necessary to Clarify Non Revised Defendant Document	96	<i>Image</i>
09/30/2021	Opposition to to Plaintiff's Motion in Limine to Include Additional Document in Necessary to Clarity Non Revised Defendant Document by Ferahnaz Kahyaoglu	97	Image
10/01/2021	Margin Order: Motion for More Definite DENIED Judge: Malamut, Hon. Michael	98	Image
10/01/2021	Margin Order: Motion in Limine to Include Additional Document ALLOWED Judge: Malamut, Hon. Michael	99	Image
10/01/2021	Margin Order: Motion to Limine the Plaintiff's Witnesses DENIED Judge: Malamut, Hon. Michael	100	Image
10/01/2021	Event Resulted: Pretrial Conference scheduled on: 10/01/2021 02:00 PM Has been: Held Hon. Michael Malamut, Presiding		
10/01/2021	Margin Order: Motion to Clarify List of Exhibits ALLOWED Judge: Malamut, Hon. Michael	101	Image
10/01/2021	Margin Order: Motion in Limine to Remove Attorney from Witness List ALLOWED Judge: Malamut, Hon. Michael	102	Image
10/01/2021	Margin Order: Motion to Stay FIOC DENIED Judge: Malamut, Hon. Michael	103	Image
10/05/2021	Updated Witness List Filed by Ferahnaz Kahyaoglu	104	Image
10/05/2021	Proposed Exhibit Filed by Ferahnaz Kahyaoglu	105	Image
10/05/2021	Alternative Dispute Resolution Outcome Referral Date: 10/05/2021 Referral Source: Referral Event: Housing Specialist Status Conference Oct 5, 2021 9:00:00 AM		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Referral Status: Closed - Not Settled Referral Specialist: Mangual, Dashira M.		
10/05/2021	Event Resulted: Housing Specialist Status Conference scheduled on: 10/05/2021 09:00 AM Has been: Held Comments: not settled Unassigned, Presiding		
10/05/2021	Motion to continue trial filed by Ferahnaz Kahyaoglu DENIED. See Margin Order for details. (Malamut, A.J.)	106	Image
10/05/2021	Motion to Exclude Defendant's Exhibits Volume II	107	Image
10/05/2021	Motion in Limine	108	Image
10/06/2021	Motion of Ferahnaz Kahyaoglu to dismiss	109	Image
10/06/2021	Proposed Exhibit Filed by Ferahnaz Kahyaoglu	110	Image
10/06/2021	Motion to exclude defendant's exhibits volume III	111	Image
10/06/2021	Motion in opposition to motion to dismiss/postpone	112	Image
10/07/2021	Event Resulted: Trial scheduled on: 10/07/2021 09:00 AM Has been: Held Comments: commenced - cc 10.13.21 at 2 PM for completion PNIOC Hon. Michael Malamut, Presiding		
10/07/2021	Scheduled Event: Summary Process Trial Date: 10/13/2021 Time: 02:00 PM Result: Held		
10/07/2021	Motion to Quash filed by City of Cambridge IOC	113	Image
10/07/2021	Order: Motion to Quash ALLOWED - see order for details Judge: Malamut, Hon. Michael	114	Image
10/07/2021	Margin Order: Motion (#107) ALLOWED - see endorsement for details Judge: Malamut, Hon. Michael	115	Image
10/07/2021	Further Order in re: Motion (#107) issued Judge: Malamut, Hon. Michael	116	Image
10/07/2021	Margin Order: Motion (#108) withdrawn IOC Judge: Malamut, Hon. Michael	117	Image
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10/07/2021	Margin Order: Motion (#111) withdrawn IOC Judge: Malamut, Hon. Michael	119	Image
10/13/2021	Event Resulted: Summary Process Trial scheduled on: 10/13/2021 02:00 PM Has been: Held Comments: cc 10.21.21 at 2 PM for completion of trial Hon. Michael Malamut, Presiding		
10/13/2021	Scheduled Judge: Malamut, Hon. Michael Event: Summary Process Trial Date: 10/21/2021 Time: 02:00 PM Result: Held		
10/19/2021	Motion to Quash filed by City of Cambridge with Supporting Memorandum of Law and Appearance of Counsel	120	Image
10/19/2021	Margin Order: City of Cambridge's Motion to Quash ALLOWED Judge: Malamut, Hon. Michael	121	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
10/20/2021	Motion to Quash filed by Non-Party Gregg, Hunt, Ahern & Embrey with Memorandum of Law and Attorney Appearance	122	Image
10/20/2021	Margin Order: Motion (#122) to Quash ALLOWED Judge: Malamut, Hon. Michael	123	Image
10/21/2021	Event Resulted: Summary Process Trial scheduled on: 10/21/2021 02:00 PM Has been: Held Comments: cc 10.22.21 at 11 AM for completion Hon. Michael Malamut, Presiding		
10/21/2021	Scheduled Event: Summary Process Trial Date: 10/22/2021 Time: 11:00 AM Result: Rescheduled		
10/22/2021	Event Resulted: Summary Process Trial scheduled on: 10/22/2021 11:00 AM Has been: Rescheduled Hon. Michael Malamut, Presiding		
10/22/2021	Scheduled Judge: Malamut, Hon. Michael Event: Summary Process Trial Date: 10/22/2021 Time: 11:30 AM Result: Held		
10/22/2021	Event Resulted: Summary Process Trial scheduled on: 10/22/2021 11:30 AM Has been: Held Hon. Michael Malamut, Presiding		
10/25/2021	Scheduling Order issued 10.22.21 Judge: Malamut, Hon. Michael	124	Image
10/25/2021	Exhibit List with Trial Exhibits (9) from trial on higher right of possession concluded 10.22.21	125	Image
11/05/2021	Proposed Order filed by Plaintiff	126	<i>Image</i>
11/05/2021	Answer of Ferahnaz Kahyaoglu The Defendant's Proposed Findings of Fact And Conclusions Of Law	127	Image
11/05/2021	Proposed Exhibit Filed by Ferahnaz Kahyaoglu	128	Image
11/12/2021	Reply to Plaintiff's Proposed Findings of Fact and Conclusions of Law filed by Ferahnaz Kahyaoglu	129	<i>Image</i>
12/14/2021	FINDNGS OF FACT, RULINGS OF LAW AND ORDER FOR JUDGMENT Judge: Malamut, Hon. Michael	130	Image
12/21/2021	Notice of Appeal by Ferahnaz Kahyaoglu from Order dated 12/14/2021	131	Image
12/21/2021	Motion to Waive Appeal Bond and Other Costs filed by Ferahnaz Kahyaoglu	132	Image
01/07/2022	Motion to accept copy of summary process summons and complaint in lieu of original filed by Sillari Enterprises, Llc	133	Image
01/10/2022	Motion to Accept Copy of Summary Process Summons and Complaint in Lieu of Original filed by Sillari Enterprises, Llc (same as P#133). *ALLOWED	134	Image
01/10/2022	Motion in Opposition to Waiver of Appeal Bond and Request for Denial of Stay of Execution Pending Appeal filed by Sillari Enterprises, Llc	135	Image
01/10/2022	Judgment issued: Final Judgment Finding Presiding: Hon. Michael Malamut Judgment For: Sillari Enterprises, Llc Judgment Against: Ferahnaz Kahyaoglu Terms of Judgment: Interest Begins: 02/17/2020 Jdgmnt Date: 01/10/2022 Interest Rate: .12 Daily Interest Rate: .000329 Damages: Damage Amt: .00 Filing Fees: 135.00 Costs Pd to Court: 5.00 Other Costs: .00	136	<i>Image</i>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Judgment Total: 140.00		
01/18/2022	Notice of Appeal by Ferahnaz Kahyaoglu from Judgment dated 01/10/2022	137	Image
01/18/2022	Motion to Waive Appeal Bond and Other Costs filed by Ferahnaz Kahyaoglu	138	Image
01/20/2022	Scheduled Judge: Malamut, Hon. Michael Event: Motion Hearing Date: 02/10/2022 Time: 02:00 PM Result: Held		
01/20/2022	The following court event has been scheduled: 02/10/2022 02:00 PM Motion Hearing. The event will be held via video conference and the conference information is Mtg ID: 160 178 6838 Pwd:1234 Tel# 646-828-7666. *MOTION TO WAIVE APPEAL BOND AND OTHER COSTS	139	<i>Image</i>
02/08/2022	Letter re: Turkish interpreter (time stamped 2/3/22).	140	Image
02/08/2022	Defendant Ferahnaz Kahyaoglu's Motion for in-Person Hearing for "Motion to Waive Appeal Bond and Other Costs" (time stamped 2/3/22).	141	Image
02/09/2022	MARGIN ORDER 2/8/22: RE: Letter/Request/Turkish interpreter Judge: Malamut, Hon. Michael	142	Image
02/09/2022	ORDER 2/8/22: Motion for In-Person Hearing ALLOWED. Parties to appear IN PERSON 2/10/22 @2PM, courtroom #11. Judge: Malamut, Hon. Michael	143	Image
02/10/2022	Defendant's Memorandum in Support of Motion to Waive Appeal Bond and Other Costs (71 pages, scanned but NOT printed).	144	Image
02/10/2022	Memorandum of Ferahnaz Kahyaoglu in Support of Motion to Waive Appeal Bond and Other Costs	145	Image
02/10/2022	Event Resulted: Motion Hearing scheduled on: 02/10/2022 02:00 PM Has been: Held Hon. Michael Malamut, Presiding		
02/10/2022	Taken under advisement Judge: Malamut, Hon. Michael		
02/11/2022	Affidavit of Indigency FILED (emailed copy 2/10/22) (IMPOUNDED).	146	
03/01/2022	ORDER SETTING APPEAL BOND (dated 2/28/22) Judge: Malamut, Hon. Michael	147	Image
03/07/2022	Request for Review of Orders Relating to the Appeal Bond & Memorandum in Support of Request for Review of Orders Relating to Appeal Bond	148	<i>Image</i>
03/09/2022	Motion for Issuance of Execution filed by Sillari Enterprises, Llc	149	Image
03/10/2022	Notice of Assembly of Record on Appeal sent to all counsel of record. RE: Defendant's Request for Review of Orders Relating to Appeal Bond	150	<i>Image</i>
03/11/2022	CASE SENT TO THE APPEALS COURT RE: DEFENDANT'S REQUEST FOR REVIEW OF APPEAL BOND ON THIS DATE VIA EMAIL.		
03/18/2022	Opposition to Plaintiff's Motion for Issuance of Execution and Memorandum in Support of Opposition by Ferahnaz Kahyaoglu	151	Image
03/29/2022	Notice of Docket Entry received from the Appeals Court	152	Image
09/28/2022	Memorandum and Order received from the Appeals Court: See Order for details. (Desmond, J.)	153	Image
09/30/2022	Notice of Docket Entry received from the Appeals Court: Defendant's Motion for Reconsideration DENIED (Desmond, J.)	154	Image
09/30/2022	Motion by Ferahnaz Kahyaoglu for stay of execution	155	Image
10/03/2022	Motion by Sillari Enterprises, Llc to issue execution Motion in Opposition to Stay of Execution	156	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
10/04/2022	Scheduled Judge: Malamut, Hon. Michael Event: Motion Hearing Date: 10/17/2022 Time: 09:00 AM Result: Rescheduled		
10/04/2022	Notice of Docket Entry received from the Appeals Court: Defendant's Motion to Reconsider DENIED. (Desmond, J.)	158	Image
10/04/2022	Motion for In-Person Hearing with Certified Turkish Interpreter filed by Ferahnaz Kahyaoglu	159	Image
10/04/2022	Motion for in person hearing with certified Turkish interpreter filed by Ferahnaz Kahyaoglu	160	Image
10/06/2022	Margin Order: MO(P#159/160) ALLOWED. Judge: Malamut, Hon. Michael	161	
10/06/2022	Event Resulted: Motion Hearing scheduled on: 10/17/2022 09:00 AM Has been: Rescheduled For the following reason: Court Action Hon. Michael Malamut, Presiding		
10/06/2022	Scheduled Judge: Malamut, Hon. Michael Event: Motion Hearing. Turkish interpreter requested. Date: 10/25/2022 Time: 12:00 PM Result: Held	162	
10/25/2022	Event Resulted: Motion Hearing scheduled on: 10/25/2022 12:00 PM Has been: Held Hon. Michael Malamut, Presiding		
10/28/2022	Margin Order of 10.25.22: Motion (#155) to Stay Execution DENIED Judge: Malamut, Hon. Michael	163	Image
10/28/2022	Margin Order of 10.25.22: Motion to Stay Execution FIOC DENIED Judge: Malamut, Hon. Michael	164	Image
10/28/2022	Margin Order of 10.25.22: Motion to Dismiss Appeal ALLOWED - Execution to issued forthwith Judge: Malamut, Hon. Michael	165	Image
10/28/2022	Margin Order of 10.25.22: Notice of Appeal FIOC STRICKEN Judge: Malamut, Hon. Michael	166	Image
10/28/2022	Execution Issued Execution for Possession and Money Judgment Debtor: Kahyaoglu, Ferahnaz Judgment Creditor: Sillari Enterprises, Llc Terms of Execution: EXON Issuance Date: 10/28/2022 Judgment Total: 140.00 Execution Subtotal: 140.00 Execution Total: 140.00	167	<i>Image</i>
10/28/2022	Notice of Appeal by Ferahnaz Kahyaoglu from Order dated 10/25/2022	168	Image
11/07/2022	Constable or Sheriff's 48hr Notice Filed	169	<i>Image</i>
11/07/2022	Motion by Ferahnaz Kahyaoglu for stay of execution	170	Image
11/07/2022	Scheduled Judge: Malamut, Hon. Michael Event: Motion Hearing Date: 11/07/2022 Time: 02:30 PM Result: Allowed		
11/07/2022	Event Resulted: Motion Hearing scheduled on: 11/07/2022 02:30 PM Has been: Allowed For the following reason: Court Action Hon. Michael Malamut, Presiding		
11/07/2022	Margin Order: Motion (#170) heard Ex Parte and ALLOWED; Levy scheduled for 11.10.22 ENJOINED - Clerk to schedule continued hearing within 10 days - see order for details	171	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Judge: Malamut, Hon. Michael		
11/07/2022	Scheduled Judge: Malamut, Hon. Michael Event: Motion Hearing Date: 11/16/2022 Time: 09:00 AM Result: Rescheduled		
11/10/2022	Motion for in person hearing w.certified Turkish interpreter filed by Ferahnaz Kahyaoglu	172	Image
11/15/2022	Event Resulted: Motion Hearing scheduled on: 11/16/2022 09:00 AM Has been: Rescheduled Comments: CC 11/17 @9AM w/22CV 623 Hon. Michael Malamut, Presiding		
11/15/2022	Scheduled Judge: Malamut, Hon. Michael Event: Motion Hearing Date: 11/17/2022 Time: 09:00 AM Result: Held		
11/16/2022	Motion by to enforce agreement and issue execution	174	Image
11/17/2022	Motion to Continue Stay of Levy on Execution filed by Ferahnaz Kahyaoglu IOC	175	Image
11/17/2022	Event Resulted: Motion Hearing scheduled on: 11/17/2022 09:00 AM Has been: Held Hon. Michael Malamut, Presiding		
11/17/2022	Taken under advisement Judge: Malamut, Hon. Michael		
11/17/2022	Order Denying Equitable Relief and Further Stay of Levy on Execution issued and emailed Judge: Malamut, Hon. Michael	176	Image
11/22/2022	Memorandum and Order received from the Appeals Court: Defendant's Motion to Stay pursuant to Mass. R.A.P. 6(a) DENIED. (Blake, J.)	177	<i>Image</i>
11/28/2022	Motion to Stay Levy filed by Ferahnaz Kahyaoglu	178	Image
11/28/2022	Constable or Sheriff's 48hr Notice Filed	179	<i>Image</i>
11/28/2022	Correspondence received from Ferahnaz Kahyaoglu	180	Image
11/28/2022	Scheduled Judge: Malamut, Hon. Michael Event: Motion Hearing Date: 11/29/2022 Time: 09:00 AM Result: Held		
11/29/2022	Event Resulted: Motion Hearing scheduled on: 11/29/2022 09:00 AM Has been: Held Hon. Michael Malamut, Presiding		
11/29/2022	Taken under advisement Judge: Malamut, Hon. Michael		
11/29/2022	Order Denying Stay of Levy issued and emailed Judge: Malamut, Hon. Michael	181	Image
12/01/2022	Notice of Docket Entry received from the Appeals Court: Motion for Stay filed by Defendant	182	<i>Image</i>
12/01/2022	Notice of Docket Entry received from the Appeals Court: Motion to Stay DENIED. (Blake, J.)	183	<i>Image</i>
12/01/2022	Notice of Docket Entry received from the Appeals Court: Petition DENIED. (Blake, J.)	184	<i>Image</i>
12/07/2022	Change of Address by Ferahnaz Kahyaoglu	185	<i>Image</i>
12/14/2022	Scheduled Judge: Malamut, Hon. Michael Event: Hearing Date: 12/19/2022 Time: 02:00 PM		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Result: Held Result: Held		
12/19/2022	Return of Execution (with Service)	187	Image
12/19/2022	Event Resulted: Hearing scheduled on: 12/19/2022 02:00 PM Has been: Held Hon. Michael Malamut, Presiding		
12/19/2022	Event Resulted: Hearing scheduled on: 12/19/2022 02:00 PM Has been: Held Hon. Michael Malamut, Presiding		
12/20/2022	Affidavit of Indigency DENIED as to extra fees and costs after hearing Judge: Malamut, Hon. Michael	188	
12/22/2022	Motion of Reconsideration of Decision dated 12/19/22 to Waive for Transcript and Other Fees & Costs Related to SJC Full Panel Appeal filed by Ferahnaz Kahyaoglu	189	
12/22/2022	Motion for Funds for Expedited Transcript and Other Fees & Costs Related to SJC Court Full Panel Appeal filed by Ferahnaz Kahyaoglu	190	
12/22/2022	Motion for Method of Appeal: An Appeal on Record Proceedings filed by Ferahnaz Kahyaoglu	191	
12/23/2022	Margin Order: MO(P#189) denied: Issue was thoroughly considered on 12/19/22 and there is no change noted in the motion. Judge: Malamut, Hon. Michael	192	Image
12/23/2022	Margin Order: MO(P#190) Treated as a motion to reconsider order of 12/19/22, DENIED for grounds, see order on motion to reconsider. Judge: Malamut, Hon. Michael	193	Image
12/23/2022	Margin Order: MO(P#191) denied. See margin order. Judge: Malamut, Hon. Michael	194	Image
01/06/2023	Memorandum of Ferahnaz Kahyaoglu	195	Image

Case Disposition

<u>Disposition</u>	<u>Date</u>
Judgment in SP case entered	01/10/2022

Judgments

<u>Date</u>	<u>Type</u>	<u>Method</u>	<u>For</u>	<u>Against</u>
01/10/2022	Final Judgment	Finding	Sillari Enterprises, Llc	Kahyaoglu, Ferahnaz

THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

**CAMBRIDGE DISTRICT COURT
CIVIL ACTION NO.1952RO192**

FERAHNAZ KAHYAOGU,

Plaintiff,

v.

OMAR SAYIED,

Defendant.

AFFIDAVIT OF ABUL MAKSUD SAYIED

I, Abul Sayied, do hereby depose and state as follows:

In the 2000's I would regularly attend the Eid (moslem) dinner at Harvard. It was at one of these occasions (perhaps 2007) that I first met Ferahnaz Kahyaoglu. She was one of the other guests at the dinner and I spoke to her among others about religion, politics, education, etc. I had no contact whatsoever with Ferahnaz for several years thereafter.

In September 2012 I placed an ad for an apartment for rent (\$1350 plus utilities) with the MIT housing office. I received an email from a woman calling herself "Sarah" and she made an appointment to see the apartment at 88 Holworthy St. I recognized the woman who showed up to see the apartment as Ferahnaz and asked her why she said her name was Sarah, to which she replied that people in the area are very prejudice against moslems. I showed her the apartment after which she began to cry telling me a story about her parents having passed away and her sister apparently stealing her inheritance, having lost her job, and facing prejudice as a moslem. I asked her how she would be able to pay rent without a job to which she told me that she had interviews and would soon be employed. Feeling pity for her and her circumstances I told her she could move in as long as she quickly found a job and pay me as soon as she could.

In early 2013 Ferahnaz had not paid any rent and I asked her when she would be able to pay and that if she couldn't she would need to find another place to live. Her response was that she had resumes sent out and that something would happen soon.

As the months pressed on and Ferahnaz had still not paid me any rent she told me that she would soon be able to pay as she had a settlement that would be coming soon from a bicycle accident in which she was involved. She stated that it would take up to a year however for the settlement to arrive and that in the meantime she found out that she could get a good paying job as an acupuncturist but would need to start the classes for certification right away and was short the money. I foolishly paid for her schooling (she had promised to pay me back either with money she would earn working as an acupuncturist or as soon as the settlement money arrived). I wrote a check from my Cambridge Trust bank account payable to Harvard (where Ferahnaz took the classes). The amount was approximately \$7800, the exact amount of which can be verified through Cambridge Trust.

In 2015 just prior to graduating from acupuncture schooling she came to me and said that they had an additional training program whereby she could be certified to acupuncture on the ears of people and thereby earn more than a normal acupuncturist and that the additional schooling would cost \$900. I gave her the money in cash. None of this was a gift as the expectation from me and her statements were that she would repay this money for the schooling as well as pay me rent as well as all the rent she had never paid since moving in in 2012.

At one point in about late 2015 Ferahnaz asked me to contact a Dr. Agarwal at Carney Hospital about getting her old job back. Ferahnaz had told me that she was unfairly discharged from the hospital but that there was a new director of internal medicine (Dr. Agarwal), and that if I told Dr Agarwal that she (Ferahnaz) was a relative of mine that she would likely get her job back as "I was an Indian just like Dr Agarwal and Indians help Indians". I told Ferahnaz that I would not lie to Dr. Agarwal but that I would speak to her about her problems. Ferahnaz called Dr. Agarwal and put her on the phone with me. Dr. Agarwal informed me that she knew of Ferahnaz and that she had been dismissed from Carney Hospital some years before and was forbidden to be on the hospital property. I told Dr. Agarwal that in that case I had nothing to say and I ended the conversation. At this point Ferahnaz grew very angry with me and said that if I had said that we were related that all would have been good.

When Ferahnaz completed with the acupuncture schooling she still had no job and I asked her when she would get a job with her new degree and be able to pay rent. She said that there was a problem and that she could not practice in the state of Massachusetts as an acupuncturist as she was not licensed to practice medicine in the state. She added that she did not know that this would be a problem prior to starting the program and went back to saying that she would look very hard for a job and find something very soon.

In 2016 I grew very frustrated with Ferahnaz and told her that she should either get a job of some kind, move to a state where she could practice as an acupuncturist, or move back to Turkey where she could practice medicine as a medical doctor and make a good living. She kept saying that she would be getting a job. I realized that this was not likely to happen but continued to hope for the best as I just did not have the energy to get her evicted.

My son Omar Sayied would visit me whenever he was on the east coast or we would speak often via phone several times a week sometime for several hours at a time. In 2017 I wanted to visit my son in Phoenix, AZ. Ferahnaz grew agitated that I was going to fly to Phoenix and told me not to go. When I told her it was non of her business she threatened to contact the airlines and tell them that she was my doctor and I was unfit to fly. I informed her that it was a crime to mess with airline activities and that if she did that that I would contact the FBI. She then quieted down and did not prevent me any further from traveling. Omar had tried to get me to move and live with him in Phoenix for several years however I wanted to live on my own and independently. When Omar moved to Germany in 2018 he asked me again if I would move to Germany where he could take care of me however I again declined.

Ferahnaz was never my caretaker. I would go shopping to the Star Market alone and the neighbors have seen me for years and doing this as recently as the winter of 2019. Nothing was promised to her by me in any way shape or form, rather rent payments and repayment of the schooling loans were promised to me from her but I never received them. The only things I did for her out of kindness and did not expect repayment were moneys I gave her on several occasions in the winter months to help her pay utilities as she would often come to me and say that it was cold and she could not afford to heat the apartment. When she on occasion would come to me telling me that she did not even have the money for food I would sometimes give her \$20-25. Additionally when I would go grocery shopping I would often purchase a little extra pasta, flour, beans, sugar, etc and leave something in front of her door.

The things she did do for me such as occasionally leave me something additional from what she cooked for herself in a small container and leave it on my back door. For the most part Ferahnaz had her life and I had mine. She was not a close friend or even a friend at all, although I did feel sorry for her at first and simply foolish and having been taken advantage of.

In March of 2019 I was feeling weak and was sleeping a good amount hoping to get better. My condition worsened until at one point I remember my son in the house insisting that I go to the hospital and despite not wanting to go I told him to make the decision as I trusted him to make the best decision for me. I found myself in

Mass General Hospital being treated for jaundice and dehydration and then being told I had pancreatic cancer. I decided that the best thing for me was to go to Germany and be with my son where he could take care of me. I asked to be discharged from MGH on my own free will and informed the doctors that I wanted to go with my son to Germany and be treated there. We needed to wait for a few days before being able to travel as my passport had expired. I did not want to be back in my house or around Ferahnaz and contacted an old friend of mine and asked her if my son and I could stay at her place in Arlington. While in Arlington I asked my son to execute the trust of my property (it had been placed in trust for my son back in 1979) so that he could sell it and use the proceeds as needed to take care of me or do as he deemed proper and fit. I additionally informed my son that Stephen Sillari should be given first chance at purchasing the property as he had cleared the snow for me for the past 20 years and that I had always told Steve that when I'm ready to sell that he would have the first shot at it. I told my son that he should respect my promise to Steve. We stayed in Arlington for five days before flying to Germany on March 29th.

Since arriving in Germany on March 30th, my son has been working around the clock to take care of me and keep me comfortable. We are regularly visited by neighbors, friends, and family. I am happy here despite my failing health, but I am thankfully still of sound mind.

Signed under the pains and penalties of perjury this 12th day of July, 2019.

Abul Maksul Sayied

ABULMAKSULSAYIED

WITNESS

Christina Feichting

Name:

WITNESS

[Signature]

Name:



88 Holworthy St. zoning Inbox x



Ron Rizzuto

to mpacheco@cambridgema.gov

12:06 PM (1 hour ago)

To: Maria Pacheco mpacheco@cambridgema.gov

Subject: BZA Case Number: BZA-214584

Dear Marcie Pacheco and Board of Zoning Appeal:

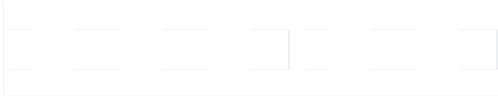
For the past forty plus years my wife and I have lived at 90 Park Ave, a few houses from 88 Holw reviewing the redevelopment plans by Stephen Sillari, we are very much in favor of the proposal existing two-family house and to create another two-family structure in the rear yard. This projec improve our neighborhood and provide additional smaller and more reasonably priced housing tl this neighborhood and throughout Cambridge.

Feel free to contact me with questions, Thank you.

Best regards,

Ron and Mary Rizzuto





88 Holworthy St



Duncan

to Maria, steve

11:54 AM (1 hour ago)

To whom it may concern,

As the owner of 78 Holworthy St I have no objections to the plans Steve Sillari has shared with me regarding his plans for 88 Holworthy St. as long as they are not used for short term rentals.

It will be nice to see the properties improved.

Sincerely,

Duncan MacArthur
617 648 6014 Cell
617 864 2234 Office

Sent from my tiny key pad. Please excuse itypos

Dmacarthur@maccoco.com (building)

617 864 2234

Duncan.MacArthur@commonmoves.com (real estate)

617 864 4600

Received, thank you.

Thank you!

Approved.



Case No. BZA-214584



Francis

to mpacheco, me

12:18 PM (1 hour ago)

Dear Ms. Pacheco,

I am writing in support of Steve Sillari's proposed redevelopment of 88 Holworthy Street set forth in detail at [Concept - The Redevelopment of 88 Holworthy Street Cambridge, MA 02138](#). I supported the project in a letter to Swaathi on November 25, 2020 and I reiterate that support now. As the immediate next door neighbor to this property, for years my property has fallen into progressively deteriorating condition. Holworthy Street has seen remarkable improvements even in the past year with 88 Holworthy Street being a notable exception because the owner and occupant before Mr. Sillari bought it did not want to maintain or improve the property. Mr. Sillari's vision and investment in this property is long overdue and I look forward to the changes that will come with the new construction.

Thank you,

Francis J. Bingham

Owner of 84 Holworthy St, Cambridge, MA 02138

Nice letter.

Looks good to me.

Well said!

Reply

Reply all

Forward

To: Olivia Ratay; oratay@cambridgema.gov

Subject: BZA Case Number: BZA-214584

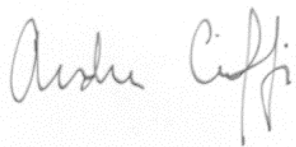
Dear Board of Zoning Appeal:

Since 2018 I have owned 89 Holworthy Street unit 2, which neighbors 85 Holworthy that Stephen Sillari owns and rents. After reviewing the redevelopment plans by his company Sillari Enterprises for 88 Holworthy Street, I am very much in favor of the proposal to renovate the existing two-family house and to create another two-family structure in the rear yard.

The current house that sits there is in a state of neglect and disrepair and I know he will take care to restore it and make it a beautiful part of the neighborhood. I have heard nothing but good things about Mr. Sillari as a landlord and he is a great member of our neighborhood, often helping us snowblow our sidewalk, as well as other neighbors, when it snows. He is kind and friendly to everyone that comes past. Our neighborhood desperately needs more small and reasonably priced housing and I think Mr. Sillari will be able to provide that with this project. All of the tenants he has brought into this neighborhood have been kind and friendly and a delight to see while out walking my dog. I am excited to see what beautiful things he does with 88 Holworthy St!

Feel free to contact me with questions.

Best regards,

A handwritten signature in cursive script that reads "Andrea Cioffi". The ink is dark and the signature is written in a fluid, connected style.

Andrea Cioffi

Pacheco, Maria

From: Francis <fjbingham@gmail.com>
Sent: Thursday, April 27, 2023 12:18 PM
To: Pacheco, Maria
Cc: steve sillari
Subject: Case No. BZA-214584

Dear Ms. Pacheco,

I am writing in support of Steve Sillari's proposed redevelopment of 88 Holworthy Street set forth in detail at [Conceptual Development - The Redevelopment of 88 Holworthy Street Cambridge, MA 02138](#). I supported the project in a letter to Swaathi Joseph on November 25, 2020 and I reiterate that support now. As the immediate next door neighbor to this property, for years I have seen the property fall into progressively deteriorating condition. Holworthy Street has seen remarkable improvements even in the last 3-5 years, with 88 Holworthy Street being a notable exception because the owner and occupant before Mr. Sillari bought it did not take any steps to maintain or improve the property. Mr. Sillari's vision and investment in this property is long overdue and I look forward to the changes that will come with the new construction.

Thank you,

Francis J. Bingham

Owner of 84 Holworthy St, Cambridge, MA 02138

Pacheco, Maria

From: Ron Rizzuto <ronrizzuto@outlook.com>
Sent: Thursday, April 27, 2023 12:06 PM
To: Pacheco, Maria
Subject: 88 Holworthy St. zoning

To: Maria Pacheco mpacheco@cambridgema.gov
Subject: BZA Case Number: BZA-214584

Dear Marcie Pacheco and Board of Zoning Appeal:

For the past forty plus years my wife and I have lived at 90 Park Ave, a few houses from 88 Holworthy. After reviewing the redevelopment plans by Stephen Sillari, we are very much in favor of the proposal to renovate the existing two-family house and to create another two-family structure in the rear yard. This project will greatly improve our neighborhood and provide additional smaller and more reasonably priced housing that is needed in this neighborhood and throughout Cambridge.

Feel free to contact me with questions, Thank you.

Best regards,
Ron and Mary Rizzuto

Pacheco, Maria

From: Duncan <dmacarthur@maccoco.com>
Sent: Thursday, April 27, 2023 11:55 AM
To: Pacheco, Maria
Cc: steve sillari
Subject: 88 Holworthy St

To whom it may concern,

As the owner of 78 Holworthy St I have no objections to the plans Steve Sillari has shared with me regarding his proposal for 88 Holworthy St. as long as they are not used for short term rentals.

It will be nice to see the properties improved.

Sincerely,

Duncan MacArthur
617 648 6014 Cell
617 864 2234 Office

Sent from my tiny key pad. Please excuse itypos

Dmacarthur@maccoco.com (building)

617 864 2234

Duncan.MacArthur@commonmoves.com (real estate)

617 864 4600

* * * * *

(7:55 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
A. Hickey, Laura Wernick, Matina Williams,
and Slater Anderson

BRENDAN SULLIVAN: Let me call Case No. 214584 --
88 Holworthy Street. Mr. Anderson? Yes.

DANIEL ANDERSON: Mr. Sullivan?

BRENDAN SULLIVAN: Yes.

DANIEL ANDERSON: Members of the Board, good
evening. Daniel Anderson, a Partner at Anderson Porter
Design, 1972 Mass Ave., Cambridge.

Good to see you again.

BRENDAN SULLIVAN: Yes.

DANIEL ANDERSON: I don't know if Steve Sillari is
on, whether he was going to make a quick introduction, but
if he's not readily available, I'm happy to jump in.

BRENDAN SULLIVAN: Okay. Yeah. Whoever wants to
present it.

STEPHEN SILLARI: Hey, good evening, Mr. Chair.
Thanks, Daniel, and everyone on the Board. We'll try to be
quick so Joe can make his cruise dinner. But I just want to

1 say thank you for hearing my case.

2 My name is Stephen Sillari. I'm here tonight to
3 discuss adding a two-family structure in the rear of 88
4 Holworthy. I purchased 85 Holworthy, which is across the
5 street from 88 back in 1996. It's a four-family dwelling
6 where I've been living and renting apartments for over 25
7 years.

8 I'm not a developer. I was fortunate to purchase
9 88 Holworthy, as I met Abul (phonetic), the owner, and
10 shoveled his stairs and sidewalk every year. So he was nice
11 enough to offer me the home, and in 2015 it was quite a
12 challenge.

13 It's been almost four years since I bought the
14 house. And we've been going through the approvals process,
15 checking all the boxes. We received the setback and
16 demolition permits.

17 We've had several neighborhood meetings the past
18 few years: two in the last month. The outreach to all
19 abutters was done a few times. The results have been very
20 positive. And I received several letters of support that
21 have been uploaded to the Board.

22 And lastly, just my thoughts and the thought of my

1 neighbors in support is that this project will greatly
2 improve our neighborhood and provide additional smaller,
3 more reasonably priced housing that is needed here and
4 throughout Cambridge.

5 The neighborhood doesn't really need, in my
6 opinion two more four-bedroom, four-bath homes and there's
7 currently four on the market today on the street.

8 So with that, I'll hand it over to Daniel to talk
9 you through our plan. Thanks again for your time.

10 BRENDAN SULLIVAN: Thank you.

11 DANIEL ANDERSON: Thank you, Stephen. So again,
12 Daniel Anderson. I think that I would also point out that
13 Steve's intention is to be an owner-occupant on this
14 property. Because his vision for this from the beginning
15 was not to build two large condominium projects, as he's
16 pointed out. That's been the development pattern on the
17 street for the past 20 years with these lots, and -- but
18 instead looking for smaller units that would not only
19 support the diversity of the neighborhood, but also he,
20 being an owner-occupant does not need a large living space
21 but does really look forward to living here as an owner-
22 occupant.

1 So as Steve also pointed out, we're approved by
2 the Cambridge Historic Commission for the renovation and
3 restoration of the front unit, as well as the design
4 criteria and approval for the design of the two units at the
5 rear.

6 The Planning Board also made an approval for the
7 depth of the lot; portions of the second building are
8 greater than 75 feet back in the lot.

9 And their decision is read into the record. It
10 also supports some of Steve's comments about trying to match
11 some of the Urban Design housing production and unit density
12 in the city, and basically is supportive of this project.

13 So our final step here is really to be here in
14 front of the Board of Zoning Appeals. We're looking for two
15 variances. The minor one is a 0.6 percent increase over
16 allowable FAR, 22 square feet. That is to support the
17 addition of the side porch on the front that was requested
18 as part of the approval by the Cambridge Historic
19 Commission.

20 We were otherwise in -- fully in conformance and
21 are confirming in all manners.

22 The intention is to relocate, and the approval for

1 the front unit is to make it more -- to make it fully
2 compliant. So it's being slightly relocated from its
3 current location, which has a nonconforming side and front
4 yard setback. And it's being proposed to be relocated to a
5 conforming side and front yard setback.

6 The other request, which is also a variance, is
7 to increase the dwelling units from two to four. The lot is
8 just under 9000 square feet.

9 Per the 1995 Res B and full housing amendment, you
10 by code now, by zoning ordinance, require 9000 square feet
11 to add the third -- a third dwelling unit. We're basically
12 363 square feet shy of that.

13 However, allowing the -- an increase not just of
14 one but of 1.09 units, allows a development consistent in
15 size and scale with the development pattern in the
16 neighborhood, but creates smaller one- and two-bedroom units
17 that, again, provide that greater amount of diversity of
18 housing unit types to the neighborhood, as well as
19 supporting Steve's intent to keep it owner-occupied.

20 So overall, we're looking for a relief on those
21 two variance items. And again, probably ask to just move
22 through the design deck, describe their project in terms of

1 its location and site plan, so the second page would be
2 great.

3 So 88 Holworthy is right at the end of Park Ave.
4 So -- yes, exactly there. So there's an existing two-family
5 structure, late 1800s construction, with a rear ell addition
6 and a garage.

7 So the rear ell is -- if you go to the next page?

8 Gives you a little better sense with the site
9 plan. You can see the Holworthy terrace with 90 Holworthy
10 and 4 Holworthy terrace, so just to the north of this
11 parcel, and below it 86 -- 84-86 I believe, which was a
12 previous division to large, single-unit condos.

13 So next slide?

14 Thank you very much. So there is some slight tree
15 removal. You can see the calipers there. Steve is going
16 through the tree ordinance and removal. But you can see
17 that we're proposing two units; the reconfiguration of 88 in
18 the front and it would be whatever number we'll come up
19 with. It's probably -- call it 88.5.

20 So next slide?

21 So although parking is not required off-street
22 here, we're proposing three off-street parking spaces.

1 We're meeting and exceeding the open space requirements.

2 We're meeting all of the yard setbacks and have basically a
3 side drive parking between the two units.

4 The entry to the front unit is from the street
5 front on the sidewalk. The second unit has its primary
6 entry to the side. And at the rear facing Holworthy, two
7 separate units; one at the front and one at the lower side.

8 So next slide?

9 Just to illustrate that we meet the open space and
10 private open space requirements.

11 Next slide?

12 Preliminary landscaping plan. And you can start
13 to see the unit layout as side-by-side. So unit 1 closest
14 to the street, party wall, unit 2 behind. Each of these are
15 approximately 450 square feet per floor plate per unit. 800
16 and -- just under 900 square feet per floor.

17 So next slide? I have -- so these are existing
18 conditions. You can skip to the next slide. Thank you.

19 So this gives the proposed floor plans. So you
20 can see they're very, very simple. Center party wall,
21 straight run stair, one bedroom and bath layout, top floor
22 bedroom, shared bath on the second floor. And entry-level

1 kitchen, small living area, small dining area, powder room
2 closet, and downstairs living area and a small powder room.

3 So this is -- the floor plans for the front unit.

4 And if we go to the next slide, please?

5 These give the floor plans for the rear two units.

6 So the ground-floor plan is in the upper left. You can see
7 the two primary entries.

8 And we have on the second floor a single bedroom
9 with in-suite bath and closet and laundry, and down below
10 the lower area is the -- the lower living area.

11 So, again, small kitchen and dining area on the
12 first floor. So very compact, one-bedroom units here in the
13 rea. The front are two-bedroom units.

14 Next slide?

15 So these are the proposed elevations for the
16 reconfiguration of the front unit; again, reviewed and
17 approved by Cambridge Historic. In red are just the siding
18 and materials on the list.

19 Next slide?

20 The rear unit is a little bit more contemporary in
21 feel. Similar materials and coloration, just with more
22 contemporary window and siding treatment.

1 Next slide?

2 So these photos are a bit off the page. But they
3 give you a pretty good sense of the existing condition of 88
4 Holworthy. It's been in disrepair for some time. So part
5 of this proposal obviously is to spend the necessary funds
6 to fully redevelop this into two living units.

7 And then next slide?

8 And this is a sampling of the projects, which over
9 the past 15 to 20 years have all taken advantage of these
10 lot sizes to create two large, very expensive condo units --
11 four-bedroom condo units.

12 So 88 Holworthy is looking to make a change from
13 that pattern. It fits Steve's intentions for his occupation
14 of the property.

15 And, you know, I'm sensitive to this as really
16 addressing not only the shortage of units citywide and the
17 cost of ownership, but also that we're fitting within the
18 overall unit density and square footage. No major increase
19 in FAR. Size and scale of the buildings follow the
20 traditional building pattern here on the street.

21 But we're really looking to provide additional
22 units, which really provide much-needed housing, that are --

1 you know, possibly within the reach of and more income-
2 appropriate to a range of Cambridge residents.

3 So I think that the hardship here, as these
4 require a variance, is really there's a -- you know,
5 obviously financial cost of rehabilitating the existing
6 structure.

7 The ability for Steve to be an owner-occupant here
8 is significantly limited by a two-unit, you know, I think
9 that number 1 the cost structure really requires an outright
10 sale of those, not to mention that as a single guy, he
11 doesn't need a 4000 square-foot, four-bedroom house.

12 So really looking to input from the Board and
13 discussion on this. But as Steve also mentioned, there's
14 been really positive reaction for all of his neighborhood
15 outreach. I believe that there are four or five letters of
16 support in the file.

17 And it has been a pleasure to work on this project
18 and see it through. It's been now coming up on four years
19 that we've been working on this. And so, I'll stop it here,
20 take questions, and look forward to comments.

21 BRENDAN SULLIVAN: Great. Jim Monteverde, any
22 questions or comments at this time?

1 JIM MONTEVERDE: Just one question. Can you go
2 back to the side elevation of the front building?

3 DANIEL ANDERSON: There you go.

4 JIM MONTEVERDE: Can you just -- can -- Daniel,
5 can you talk about the dormer, its length, Dormer
6 Guidelines, et cetera?

7 DANIEL ANDERSON: Yeah. So this fully conforms to
8 the Dormer Guidelines. The overall width -- I think we have
9 to look at the plans, but I think we're just shy of 15' on
10 the dormer. The --

11 JIM MONTEVERDE: That's fine. That was my
12 question. Thank you.

13 DANIEL ANDERSON: Yeah.

14 BRENDAN SULLIVAN: Anything else? No. Anything
15 else at all?

16 JIM MONTEVERDE: No. Thank you.

17 BRENDAN SULLIVAN: Okay. Andrea Hickey, any
18 questions, comments?

19 ANDREA HICKEY: Not at the moment. I may ask you
20 to come back to me. Thank you.

21 BRENDAN SULLIVAN: Okay. You don't have to ask.
22 I will, probably.

1 ANDREA HICKEY: Okay.

2 BRENDAN SULLIVAN: Wendy Leiserson, any questions,
3 comments?

4 WENDY LEISERSON: No questions or comments.

5 BRENDAN SULLIVAN: Matina, any questions or
6 comments at this time?

7 MATINA WILLIAMS: No. I don't think so. I did
8 have a question that you're putting it -- you're not
9 conforming with the -- the FMR's not conforming because
10 you're adding this and it's under -- what, you said under
11 403 something, 350 or something? I don't remember the
12 number.

13 DANIEL ANDERSON: Hi, Matina. So for the lot to
14 be fully confirming --

15 MATINA WILLIAMS: Mm-hm.

16 DANIEL ANDERSON: -- for three, for three units,
17 it would require a 9000 square-foot lot.

18 MATINA WILLIAMS: Yep.

19 DANIEL ANDERSON: So it's 2500 square feet for the
20 first 5000 square feet, and an additional 4000 for a third
21 unit.

22 MATINA WILLIAMS: Mm-hm. Okay. All right. That

1 was my question.

2 DANIEL ANDERSON: Sure.

3 BRENDAN SULLIVAN: All right. Let me open it to
4 public comment. Any member of the public who wishes to
5 speak should now click the icon at the bottom of your Zoom
6 screen that says, "Raise hand."

7 If you are calling in by phone, you can raise your
8 hand by pressing *9 and unmute or mute by pressing *6, and
9 you'll have up to three minutes in which to comment.

10 STEPHEN NATOLA: Brenda Shannon?

11 BRENDAN SHANNON: Hi, yes. I am an owner at number
12 96 Holworthy Street. And I just have a couple questions.
13 I'm a little bit confused about what is allowed there now.
14 Is it just two units that are allowed?

15 And you're short 360 square feet for three units?
16 So you're actually looking for a variance for two units
17 above what's allowed? Am I understanding that right?

18 DANIEL ANDERSON: Brenda, yeah. We're asking for
19 relief for 1.09 units. So you're correct, there's two. A
20 third would be allowable with an additional 363 square feet.
21 But we are actually asking for four.

22 The -- as I explained in my presentation, that's

1 really to have units of really a smaller size -- one- and
2 two-bedroom units, rather than four-bedroom units.

3 And this is essentially the same size and
4 footprint that a larger, you know, four-unit building -- I'm
5 sorry, four-bedroom structure -- has a, you know, prevalence
6 up and down the street. So hope that answers your question.

7 BRENDA SHANNON: Yes. And the other question is
8 what do you anticipate the price point of these units being?
9 You mentioned them being affordable, so I'm curious to know
10 what that is?

11 DANIEL ANDERSON: So I don't know the price point.
12 I think that Steve's intention at the moment is to own and
13 provide them as rental properties. So I --

14 STEPHEN SILLARI: Yeah, that's my intention,
15 Brenda, would be to -- to live in one and rent the others,
16 like I've been doing across the street for the last 25
17 years. I have one-bedroom and two-bedroom apartments at 85
18 Holworthy, and I rent them in the \$2-s. And just around
19 \$3000 per units.

20 So that's kind of what I'm looking at as far as,
21 you know, going forward. I mean, the market changes. It
22 goes up and down, of course, but -- but we're not creating

1 affordable housing per se, but just making smaller units
2 that would be less expensive to rent or purchase, if that
3 were the case.

4 BRENDA SHANNON: So -- so what was the range
5 again? Somewhere in the \$2-s up to \$3000?

6 STEPHEN SILLARI: Yeah. Again, that's what I rent
7 my apartments across the street for. These would be newer,
8 right? And a little nicer. So I'm sure it would be a bit
9 more than that, but you know whatever the market bears for
10 rent in the West Cambridge area.

11 BRENDA SHANNON: Okay.

12 STEPHEN SILLARI: But I have -- I've increased.
13 I've been renting across the street for 25 years. And I
14 have not increased my rents. Like the market has gone up
15 over the last, you know, few years.

16 My tenants typically stay with me for three, four,
17 or five years and only move on typically if they're, you
18 know, getting married or buying a home or something like
19 that.

20 BRENDA SHANNON: Okay. Thank you.

21 BRENDAN SULLIVAN: Thank you, Shannon.

22 STEPHEN NATOLA: David Mankins?

1 DAVID MANKINS: Hi. I live on Cushing Street. I
2 have diagonal -- abut diagonally on the northwest corner.
3 I'm enthusiastically in favor of this project. It looks
4 great. The -- the area has a plenty of trees. I'm glad to
5 see Stephen's putting in some more trees, even though he's
6 taking out a couple.

7 And the area is well served by public transit and
8 bicycle. So I think the need for -- I think the fact that
9 there's only three off-street parking spaces is fine too.

10 I think it's great. I'm just -- called in to
11 express my support.

12 BRENDAN SULLIVAN: Thank you for taking the time.

13 STEPHEN NATOLA: Fara Kahyaoglu?

14 FERAHNAZ KAHYAOGU: Good af -- good evening. I
15 am Ferah Kahyaoglu, who is the victim of the rich community
16 in Cambridge. I was promised to be the owner of this
17 property verbally and written while I lived on this property
18 to take care of the old property owner, Abul.

19 BRENDAN SULLIVAN: Ms. Kahya, let me -- this is
20 Brendan Sullivan, the Chair. Let me interrupt. I have read
21 your submission.

22 FERAHNAZ KAHYAOGU: This is public speech

1 earlier. So you shouldn't interrupt me. I should be able to
2 talk.

3 BRENDAN SULLIVAN: No, I'm -- I'm just --

4 FERAHNAZ KAHYAOGU: I live this in property and
5 this current owner throw all my agreements -- bills --

6 BRENDAN SULLIVAN: You'll have up to three minutes
7 in which to comment.

8 FARAHAZ KAHYAOGU: -- and he made me homeless.
9 There is still pending cases at the court for my property
10 ownership. I am seeking compensations. And I am seeking
11 for honest attorney to help me. My number is (617) 755-
12 6990. Please stop this kind of game this current owner is
13 acting through. Thank you.

14 BRENDAN SULLIVAN: Thank you. Okay. That's the
15 end of people calling in. I will note that the Board is in
16 receipt of quite a few letters in support -- from Ron and
17 Mary Rizzuto, from Duncan MacArthur, who is the owner of 78
18 Holworthy.

19 There are letters of support from Francis Bingham
20 -- he's the owner of 84. There is a letter from Andrea
21 Cioffi, who lives at 89.

22 Also, there is a letter from the Planning Board.

1 And they granted a special permit on this. And some of the
2 reasoning that they wrote in -- we have to grant a variance;
3 they granted a special permit -- that they find that the
4 proposed infill residential uses and increase in housing
5 units is encouraged by City plans for the area and the
6 zoning ordinance.

7 The neighborhood generally consists of single-
8 family and two-family dwellings, and the proposed
9 development of two detached single-family dwellings would
10 fit the existing pattern of development.

11 And one of the findings that they made under
12 Section 19.30 of the proposal is not inconsistent with the
13 citywide Urban Design objective.

14 The Urban Design objectives are supported in the
15 proposal with the expansion of the inventory of housing,
16 improved streetscape appearance and compatibility with
17 historic patterns of development, minimal environmental
18 impacts on abutters, and minimal impact on city
19 infrastructure.

20 And their granting of a special permit goes on
21 for nine pages. I won't read that, but I thought that was a
22 couple of salient points to add into the record.

1 I will close public comment part of it and send it
2 back to Jim. Any questions --

3 JIM MONTEVERDE: No further questions.

4 BRENDAN SULLIVAN: -- at this time? Andrea, any
5 questions of the petitioner?

6 ANDREA HICKEY: Yeah. I just had a quick question
7 about the driveway. What's being used for the pavers? Are
8 they permeable, and why is there gravel in the middle of the
9 pavers?

10 DANIEL ANDERSON: Hi, so Andrea. Dan Anderson,
11 the architect. So we are back and forth between permeable
12 an impermeable pavers. I'd particularly like to have either
13 grass or gravel break up the drive. Currently those are
14 proposed as not as permeable.

15 We're more than meeting the permeable area
16 requirements. So we were providing some permeability as
17 well as a visual breakup of the drive surface.

18 ANDREA HICKEY: That's fine. That answers my
19 question. Thank you.

20 BRENDAN SULLIVAN: Wendy Leiserson, any questions
21 or comments further?

22 ANDREA HICKEY: No questions or comments.

1 BRENDAN SULLIVAN: Matina?

2 MATINA WILLIAMS: No questions or comments.

3 BRENDAN SULLIVAN: Okay. Let me just -- as far as
4 the submittals, there was a letter from -- I can't think of
5 the name now, Ms. Kahya -- I'm sorry I'm going to butcher
6 that -- and also a reply to that from Keith Kenyon -- K-e-n-
7 y-o-n. Neither one is the matter between -- before the
8 Board.

9 So it's not pertinent to our consideration. And
10 as such, I'll enter it into the record. It's in the folder,
11 but it is not germane to what is before us tonight.

12 Is the Board ready for a motion? Yes?

13 MATINA WILLIAMS: Yes.

14 BRENDAN SULLIVAN: Let me make a motion, then, to
15 grant the relief requested as per the application, the
16 drawings, dimensional form, as by Daniel Anderson, Anderson
17 Porter Design, and initialed by the Chair.

18 The Board finds that a literal enforcement of the
19 provisions of the ordinance would involve a substantial
20 hardship to the petitioner because it would preclude the
21 petitioner from rehabilitating, refurbishing the existing
22 structure, and also being able to build a modest, two-family

1 home in the back yard -- the extensive back yard -- which is
2 getting to be quite consistent with the pattern in the
3 neighborhood.

4 That the development of additional housing is an
5 asset and greatly encouraging by the City policymakers, and
6 that the proposal before us goes to those aims of the City
7 policy.

8 The Board finds that the hardship is owing to the
9 shape of the lot; also the siting of the existing house on
10 the lot, what is quite forward in leaving a very large,
11 expansive back yard, which is greatly underutilized; can be
12 put to a better use by building a couple of smaller-scale
13 residential units and that the fact that the existing house
14 was built prior to the enactment of the existing zoning
15 ordinance, and as such is encumbered by it and creates a
16 hardship on any property owner who would own this locus.

17 The Board finds that desirable relief may be
18 granted without substantial detriment to the public good.
19 The Board notes the letters of support from abutters in
20 favor of the proposal.

21 The Board notes the special permit granted by the
22 Planning Board and the special language on their granting of

1 the special permit.

2 And the Board finds that the proposal improves the
3 overall quality of the existing nonconforming building and
4 restores it to a conforming status.

5 The Board finds that desirable relief may be
6 granted without nullifying or substantially derogating from
7 the intent and purpose of the ordinance, which allows this
8 Board to grant what it deems to be a reasonable development
9 and adequate use of lots within the city.

10 And the Board also notes the project has received
11 both Planning Board, special permit approval, and approval
12 from the Cambridge Historical Society.

13 On the motion, then, to grant the relief requested
14 as per the application, Jim Monteverde?

15 JIM MONTEVERDE: In favor.

16 BRENDAN SULLIVAN: Andrea Hickey?

17 ANDREA HICKEY: Yes, in favor.

18 BRENDAN SULLIVAN: Wendy Leiserson?

19 WENDY LEISERSON: Yes, in favor.

20 BRENDAN SULLIVAN: Matina Williams?

21 MATINA WILLIAMS: Yes, in favor.

22 BRENDAN SULLIVAN: And Brendan Sullivan yes.

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[All vote YES]

BRENDAN SULLIVAN: Five affirmative votes; the variance is granted. Good luck with it.

DANIEL ANDERSON: Board members, thank you very much.

STEPHEN SILLARI: Thank you so much, everybody. Appreciate it.



CITY OF CAMBRIDGE

Massachusetts
BOARD OF ZONING APPEAL
831 Mass Avenue, Cambridge, MA.
617) 349-6100

2023 JUN 22 PM 3:09
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CASE NO: 214584

LOCATION: 88 Holworthy Street Residence B Zone
Cambridge, MA

PETITIONER: Stephen Sillari & Sillari Enterprises, LLC
C/o Daniel Anderson, Architect

PETITION: Variance: To add a new two-family detached structure at rear of lot that exceeds FAR and lot area per dwelling unit.

VIOLATIONS: Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).
Art. 10.000, Sec. 10.30 (Variance).

DATE OF PUBLIC NOTICE: April 13 & April 20, 2023

DATE OF PUBLIC HEARING: April 27, 2023

MEMBERS OF THE BOARD:

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

ASSOCIATE MEMBERS:

SLATER W. ANDERSON
JASON MARSHALL
MATINA WILLIAMS
WENDY LEISERSON

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-214584
Location: 88 Holworthy Street, Cambridge, MA
Petitioner: Stephen Sillari and Sillari Enterprises, LLC – c/o Daniel Anderson

On April 27, 2023, Petitioner Stephen Sillari appeared before the Board of Zoning Appeal with his architect Daniel Anderson requesting a variance in order to add a new two-family detached structure at the rear of the lot that exceeds FAR and lot area per dwelling unit. The Petitioner requested relief from Article 5, Section 5.31 and Article 10, Section 10.30 of the Cambridge Zoning Ordinance (“Ordinance”). The Petitioner submitted materials in support of the application including information about the project, plans, and photographs.

Mr. Anderson stated that the proposal was to build a two-family house in the backyard of an existing two-family house. He stated that this would violate FAR and lot area per dwelling unit requirements, creating four units where only two were allowed. He stated that the hardship was the financial cost to the petitioner to rehabilitate the existing front house. He stated that the Cambridge Historic Commission had approved of the renovation and restoration of the existing two-family and the design for the proposed two-family. He stated that the Planning Board granted a special permit in order to build portions of the second building greater than 75 feet from the front property line. He stated that the neighbors supported the proposal.

Neighbors asked questions, questioned the ownership of the property, or spoke in support. The Chair noted letters of support from neighbors. The Chair noted a letter from the Planning Board stating that the proposed infill residential uses and increase in housing units was encouraged by City plans for the area and was not inconsistent with the citywide Urban Design objective.

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 to the petitioner because it would preclude the petitioner from rehabilitating and refurbishing the existing structure, and from building a modest, two-family home in the extensive back yard, which was getting to be a quite consistent pattern in the neighborhood; that the Board find that the development of additional housing was an asset and greatly encouraged by the City policymakers, and that the proposal supported those aims of the City policy; that the Board find that the hardship owed to the shape of the lot and the siting of the existing house on the lot, which was forward orientated, leaving a very large, expansive back yard, which was greatly underutilized and could be put to better use by building a couple of smaller-scale residential units; that the Board find that the existing house was built prior to the enactment of the existing Ordinance, and as such was encumbered by it; that the Board find that this created a hardship that any property owner who owned the property would face; that the Board find that desirable relief could be granted without substantial detriment to the public good; that the Board note the letters of support from abutters and the special permit granted by the Planning Board and the language in their grant; that the Board find that the proposal improved the overall quality of the existing nonconforming building and restored it to a conforming status; that the Board find that desirable relief could be granted without nullifying or

substantially derogating from the intent and purpose of the Ordinance, which allowed the Board to grant what it deemed to be a reasonable development and adequate use of lots within the City; that the Board note that the project had received a Planning Board special permit and approval from the Cambridge Historical Society.

The Chair further moved that the Board specifically find that based upon all the information presented, there are circumstances involving a substantial hardship relating to this property within the meaning of M.G.L. c. 40A § 10 and that the Board grant the variance for the requested relief on the condition that the work be as per the application, the dimensional form, and the drawings, by Daniel Anderson, Anderson Porter Design, as initialed by the Chair.

The five-member Board voted unanimously in favor of the findings and of granting the variance as conditioned (Sullivan, Monteverde, Hickey, Williams and Leiserson). Therefore, the variance 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 6-22-2023 by Fazera McDonald, 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: _____ City Clerk.