



City of Cambridge

Consent Comm. #6

IN CITY COUNCIL

May 24, 1999

ORDERED: That the Commissioner of Public Works be authorized to construct curb cuts over sidewalks in front of estates upon the streets as hereinafter named, the expense thereof to be charged to the appropriation for Public Works Department, Paving (Edgestones and Sidewalks). The entire cost of material and labor furnished to be repaid to the City by the owners of abutting estates.

Gino Segre

40 Hawthorn Street

In City Council May 24, 1999.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

A handwritten signature in black ink, appearing to read "D. Margaret Drury".

ATTEST:-

D. Margaret Drury
City Clerk



City of Cambridge

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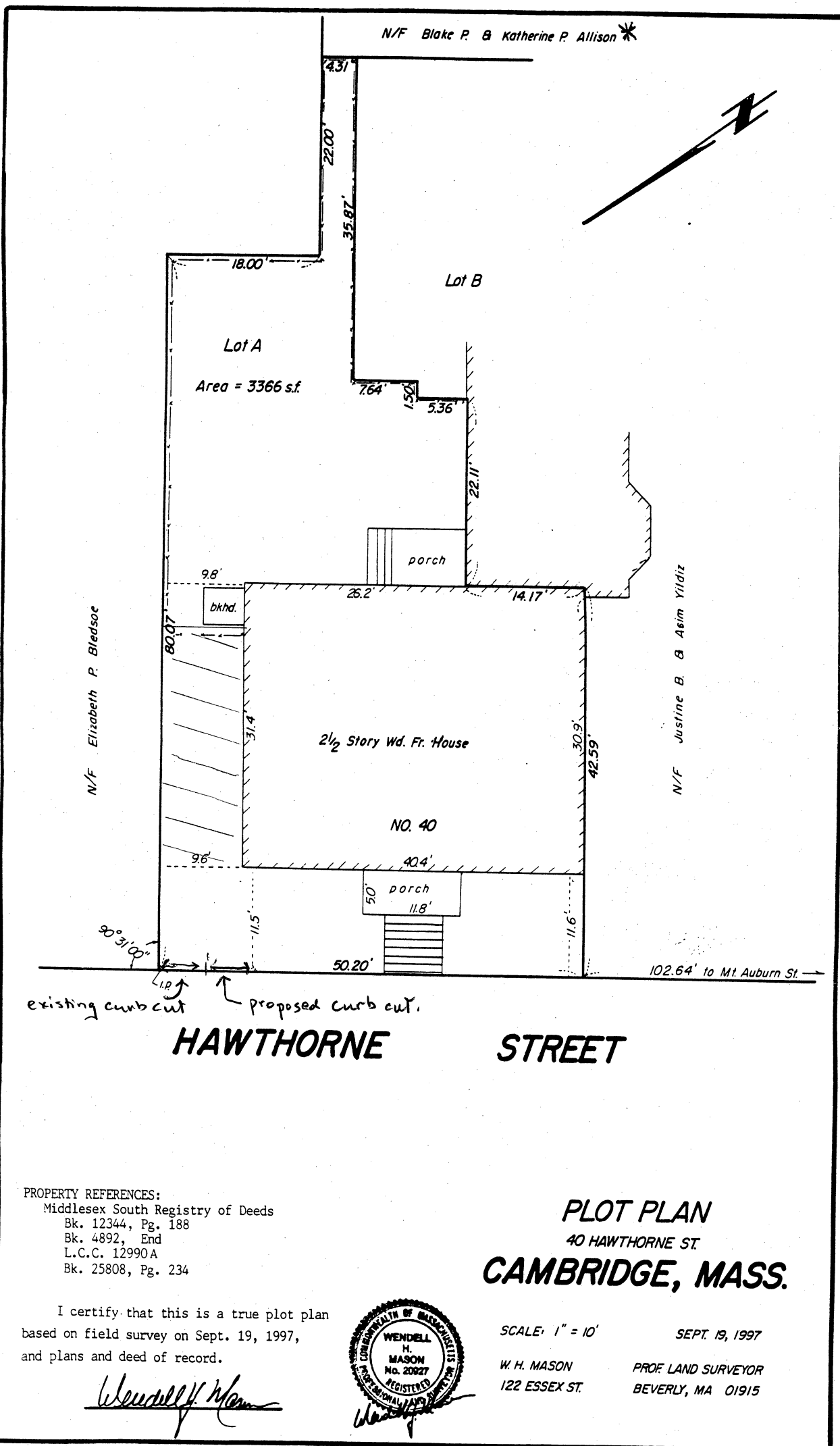
Attest:- D. Margaret Drury, City-Clerk.

A true copy; .

A handwritten signature in cursive script, reading "D. Margaret Drury".

ATTEST:-

D. Margaret Drury
City Clerk



It is impossible to use the driveway at 40 Hawthorn Street in the present circumstances without having to drive over the curb, causing damage to the bottom of the car. The existing driveway entrance is only 5.75 feet across; and must be negotiated by passing between the cars parked in the driveway at 36 Hawthorn Street on the left and the retaining wall of 40 Hawthorn Street on the right. (See photo #1.) The owners of the condominium property at 36 Hawthorn Street park their vehicles at the edge of the petitioner's property in order to create two lanes in their adjoining driveway. (See photo #2.)

The major issue is of public safety. It is difficult to see the traffic coming down Hawthorn Street while maneuvering around cars parked in the abutters' driveway. To avoid damage to the undercarriage of my cars, they must exit at an angle which creates a substantial risk of colliding with cars parked across Hawthorn Street. Traffic flow is interrupted as exits and entrances must be affected very slowly.

The second issue is the effect of the petitioner's use of his property on his abutters, and by extension, on his neighborhood. The applicant has made a significant positive impact on his neighbors' aesthetic enjoyment of the neighborhood by his careful renovation of the house and landscaping at 40 Hawthorn Street. (See photos #3a and 3b.)

The petitioner provides the following answers to objections of abutters. Please note that the abutters adjoining the property on the west and across the street gave unrestricted approval to this request, whereas Mr. and Mrs. Allison who object are completely unaffected by the proposed curb cut. (See Exhibit #1 which shows the property and the positions of the relevant abutters: note particularly the location of the Allisons' property in relation to the proposed curb cut.)

1. No more than two cars will be parked in the driveway. This space cannot accommodate a larger number.
2. The congestion in the combined driveway areas of 36 and 40 Hawthorn Street is due to the activities of 36 Hawthorn Street, not to those of the petitioner and his family. There is an extraordinarily heavy volume of traffic in the abutters' driveway. A log of automobile activity taken during the two month period from mid-October to mid-December, 1998 documents this. (See Exhibit 2.) The three condominium unit owners each have one vehicle which they park in the driveway. Of the 26 days documented 12 days show the presence of four or more vehicles. In addition to the owners' cars at least 16 other cars, including six from out of state, rotated in and out of the spaces. Some appeared on a weekly or biweekly basis; some for only a day. (See photos 4a-4h.)

864 - 7658 H

726 3681 W

It is well recognized by neighbors that Elizabeth Bledsoe of 36 Hawthorn Street rents room(s) to transient visitors which accounts partly for this congestion.

3. The backyard fence is unrelated to the curb cut. The applicant would welcome a 'Fence Viewing' by the appropriate City of Cambridge officials to resolve the disagreement between him and the residents of 36 Hawthorn Street and Mr. and Mrs. Allison. It should be noted that the previous fence between 36 and 40 Hawthorn Street. which belonged to the applicant, was removed without his permission by the 36 Hawthorn Street Condominium Association.

Exhibit 2.

Episodic Log of Motor Vehicle Activity in Driveway at
36 Hawthorn Street
(N.B. Bledsoe, Shepherd and Gobhai are the condominium owners
of #36 Hawthorn Street)

October 15, 1998: Shepherd, Gobhai, MA 664GUV, MA 799FVR
October 16, 1998: Bledsoe, Shepherd, Gobhai, MA 2160FX
October 18, 1998: Bledsoe, Shepherd, Gobhai
October 21, 1998: Bledsoe, Shepherd, Gobhai, VT #?
October 22, 1998: Bledsoe, Shepherd, Gobhai, MA 19719,
MA 791TNW
October 24, 1998: Shepherd, Gobhai, NY INC723
October 27, 1998: Bledsoe, Shepherd, Gobhai, MA #?
October 29, 1998: Bledsoe, Shepherd, Gobhai, MA 2000AA
October 30, 1998: Gobhai, MA 791TNW
November 1, 1998: Shepherd, Gobhai, FL #?
November 4, 1998: Bledsoe, Gobhai, MA 791TNW, AR 625ACD
November 5, 1998: Bledsoe, Shepherd, Gobhai, unidentified mv
November 7, 1998: Bledsoe, Shepherd, Gobhai, 2 other mv
November 10, 1998: Bledsoe, Shepherd, Gobhai, MA791TNW
November 11, 1998: Bledsoe, Gobhai, MA 105CVW
November 13, 1998: Bledsoe, Shepherd, Gobhai, MA #?
November 15, 1998: Bledsoe, Gobhai, AR 625ACD
November 18, 1998: Bledsoe, Shepherd, Gobhai, MA 791TNW
November 21, 1998: Bledsoe, Shepherd, Gobhai, NY 9YL503
November 25, 1998: Shepherd, Gobhai, MA 384CCB MA #?, NY #?
December 10, 1998: Bledsoe, Shepherd, Gobhai, MA #?
December 14, 1998: Bledsoe, Shepherd, Gobhai, MA 791TNW, MA #?

Additional motor vehicles parked at 36 Hawthorn Street:
MA 830PEP, MA 528GSH during same period

CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS
ABUTTOR'S FORM

To Whom It May Concern:

As owner or agent of 41 HAWTHORNE ST. CAMBRIDGE MA.

☒ approval

Cambridge, Massachusetts, I do hereby declare

☐ disapproval

of the installment of:

Off-Street Parking Facility located at 40 HAWTHORNE ST.
CAMB. MASS

Signed: Edward Fehrmann Date: 7/15/98

Address: 14 TROWBRIDGE ST. BELMONT MA. 617-439-3052

To Whom It May Concern:

As owner or agent of 42 HAWTHORNE ST CAMBRIDGE MA

☒ approval

Cambridge, Massachusetts, I do hereby declare

☐ disapproval

of the installment of:

Off-Street Parking Facility located at 40 HAWTHORNE ST CAMB. MA.

Signed: Josh B. Cipriani Date: 9/8/98

Address: 42 HAWTHORNE ST CAMB. MA 02138

To Whom It May Concern:

As owner or agent of _____

☐ approval

Cambridge, Massachusetts, I do hereby declare

☐ disapproval

of the installment of:

Off-Street Parking Facility located at _____

Signed: _____ Date: _____

Address: _____

CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS
ABUTOR'S FORM

To Whom It May Concern:

As owner or agent of _____,

☐ approval

Cambridge, Massachusetts, I do hereby declare ☐ disapproval

of the installment of:

Off-Street Parking Facility located at _____

Signed: _____ Date: _____

Address: _____

CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS
ABUTTOR'S FORM

To Whom It May Concern:

As owner or agent of Unit Three, 36 Hawthorn Street, Cambridge, Middlesex, MA 02138

☐ approval

☒ Conditional
approval, see
letter of 10/14/attached

Cambridge, Massachusetts, I do hereby declare
of the installment of:

☐ disapproval

Off-Street Parking Facility located at 40 Hawthorn Street, Cambridge, MA 02138

Signed: _____

Date: _____

Address: Unit ^{Three} 36 Hawthorn St., Cambridge, MA 02138

CAVAS M. GOBHAI
36 HAWTHORN STREET
CAMBRIDGE, MASSACHUSETTS 02138
(617) 868-1313

October 14, 1998

Dr. Gino V. Segre
40 Hawthorn Street
Cambridge, MA 02138

RE: My conditional assent to your curb cut request

Dear Dr. Segre:

As a neighbor, I certainly have no wish to cause a "bottoming-out" of your car's under carriage.

As an abutter, I wish to point out that in the more than ten years that I have spent at 36 Hawthorn (as a tenant and later as an owner) there has been one car parked in the space you refer to, and because of an obstruction that I can't remember, when another car was sometimes parked behind the first one, it had to be at an angle, which then caused it to protrude into our driveway.

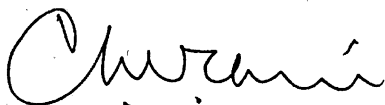
If my memory serves, the obstruction was removed, the space was leveled and two cars have been parked there for the last year or so.

If space for the two cars is lawful, I certainly don't have any problem with facilitating the parking, by removing the curb sufficiently. It may even be a plus for us since none of our driveway will be used. If however this goes from one car to two cars to three cars, with the concomitant congestion of in and out movement, I would oppose the curb cut.

On a related matter, I hope your new fence is lawful. My understanding is that it should be limited to a maximum dimension of six feet from the ground. If it is not lawful, once again I would oppose the construction.

I look forward to more friendly discourse in the near future.

Yours sincerely,



Cavas M. Gobhai

CMG:tb

Enclosure

CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS
ABUTTOR'S FORM

To Whom It May Concern:

As owner ~~or agent~~ of Unit One, 36 Hawthorn Street, Cambridge, Middlesex, MA 02138,

☒ approval under the conditions
below.

Cambridge, Massachusetts, I do hereby declare

☐ disapproval

of the installment of:

Off-Street Parking Facility located at 40 Hawthorn Street, Cambridge, MA 02138

Signed: _____ Date: _____

Address: Unit One, 36 Hawthorn St., Cambridge, MA 02138

1) fence not to exceed 6 ft
in height.

2) not more than two cars
in driveway at any time.

~
Thank you.

Elyahon Bledsoe

CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS
ABUTTOR'S FORM

To Whom It May Concern:

As owner ~~or agent~~ of Unit ^{Two(2)} ~~Three~~ 36 Hawthorn Street, Cambridge, Middlesex, MA 02138

☐ approval

Cambridge, Massachusetts, I do hereby declare

☒ disapproval

of the installment of:

Off-Street Parking Facility located at 40 Hawthorn Street, Cambridge MA 02138

Signed: Mary A. Shepherd Date: 10/13/98

Address: Unit ^{Two(2)} ~~Three~~ 36 Hawthorn St., Cambridge, MA 02138

Mary Shepherd
36 Hawthorn St.
Cambridge

This is a very congested neighborhood and the proposed curb cut would allow parking for an undefined number of cars along our property line. Consequently, I cannot approve of Dr. Segre's curb cut application until it is clear that the proposed parking area meets all the requirements for size and setbacks mandated by the city of Cambridge, and that Dr. Segre's new fence, which defines that area, also conforms to the height allowed by the city. At present the fence is almost two feet over the six foot limit.

WKS SBS

CITY OF CAMBRIDGE

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS
ABUTTOR'S FORM

To Whom It May Concern:

As owner or agent of 159 Mount Auburn St., Cambridge, Middlesex, MA 02138,

☒ approval *X see note below*

Cambridge, Massachusetts, I do hereby declare

☐ disapproval

of the installment of:

Off-Street Parking Facility located at 40 Hawthorn Street, Cambridge, MA 02138

Signed: K. Pallin Date: _____

Address: 159 Mount Auburn St., Cambridge, MA 02138

X note: The new fence on the property appears to exceed the 6' height limit with its $\pm$ 8' posts. Our approval assumes the fence will conform to the fence ordinance limits and that the number of parking spaces will not be increased beyond the current 2.



Photo # 4e.



Photo # 4g.

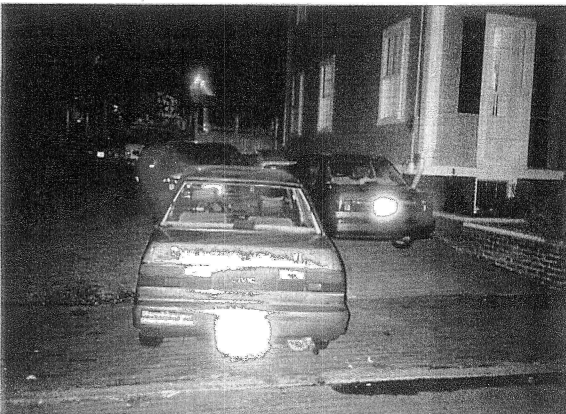


Photo # 4f.

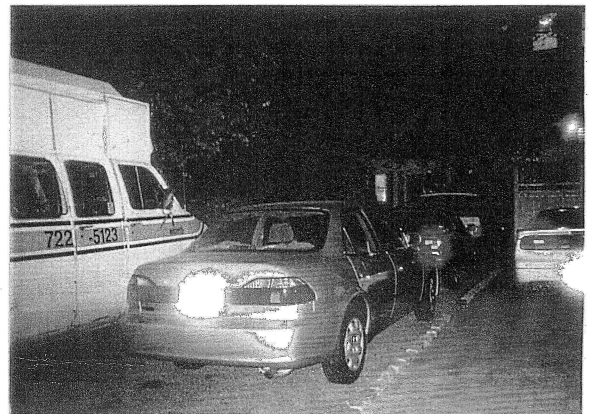


Photo # 4h.



Photo #1



Photo #2

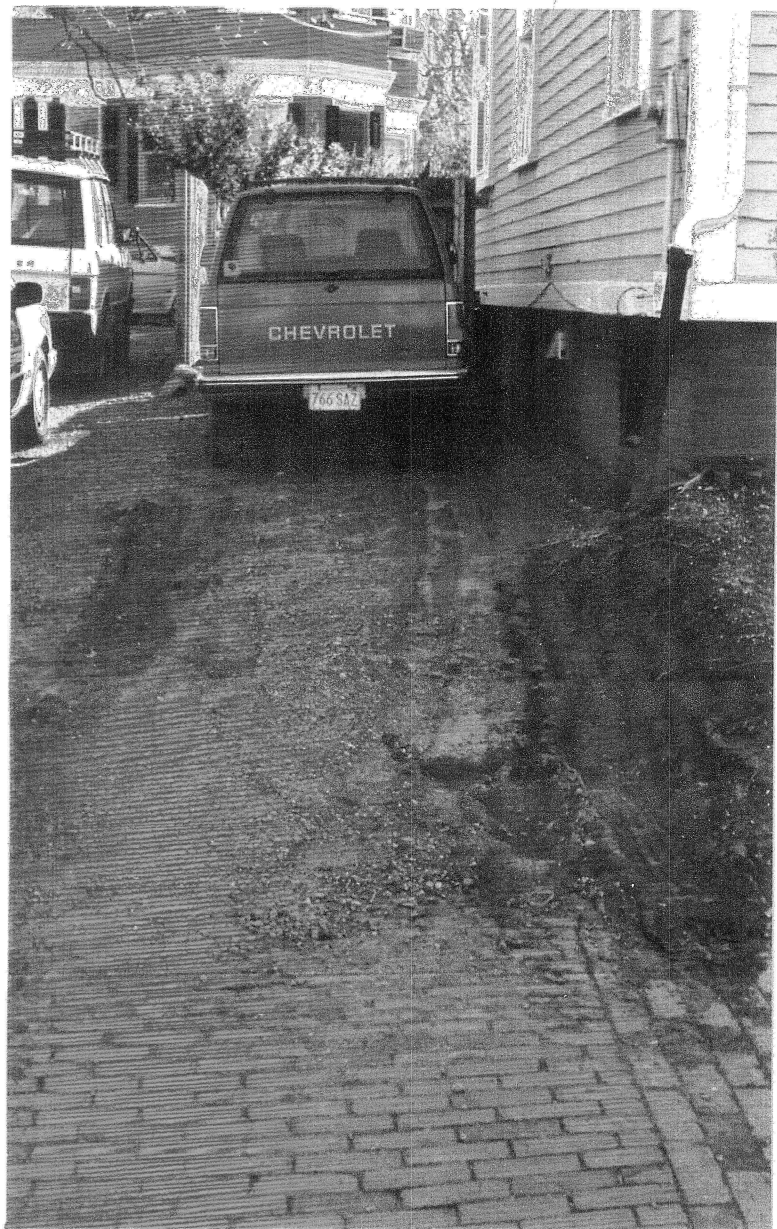


Photo 3a.



Photo 3b.

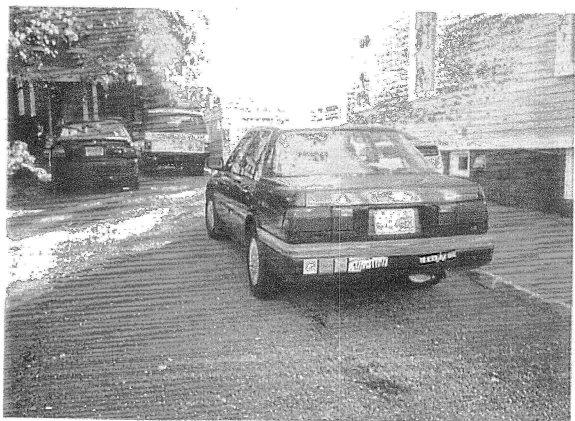


Photo # 4a.



Photo # 4c.



Photo # 4b



Photo # 4d.

#19990302

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS

INSPECTIONAL SERVICES

CITY OF CAMBRIDGE

'99 MAR 2 AM 11 11



INSTRUCTIONS:

In order to obtain permission for a driveway cut or opening you must first get approval from the Department of Inspectional Services on the zoning requirements for off-street parking, including the cooperation of your immediate abuttors.

To receive a review from Inspectional Services you must fill out Part I of the application. Be sure to draw your plot plan on Drawing 1, choosing the lot that represents your lot's position, i.e. corner or interior. You must also include a sketch of the proposed driveway, including dimensions, on Drawing 2. You may then calculate the cost of the driveway by using the formula based on your choice of surfaces. You must also include a signed abuttor sheet for each of your abuttors: back yard, one on either side and the abuttor directly across the street.

Once you have gathered this information on the application, it should be submitted to:

Zoning Officer
Inspectional Services
831 Massachusetts Avenue
Cambridge, MA 02139

If the application is approved by Inspectional Services, it will then be sent on to Traffic and Parking, the Historical Commission and the Department of Public Works. If approved by Public Works, the application and backup will be sent to the City Council for their approval. Once the City Council approves, the driveway curb cut can be installed. However, the full cost of the cut must be paid to Public Works before the work will start.

If, however, Inspectional Services denies your application you may then appeal to the Zoning Board of Appeals.

DATE:

2 / 28 / 99

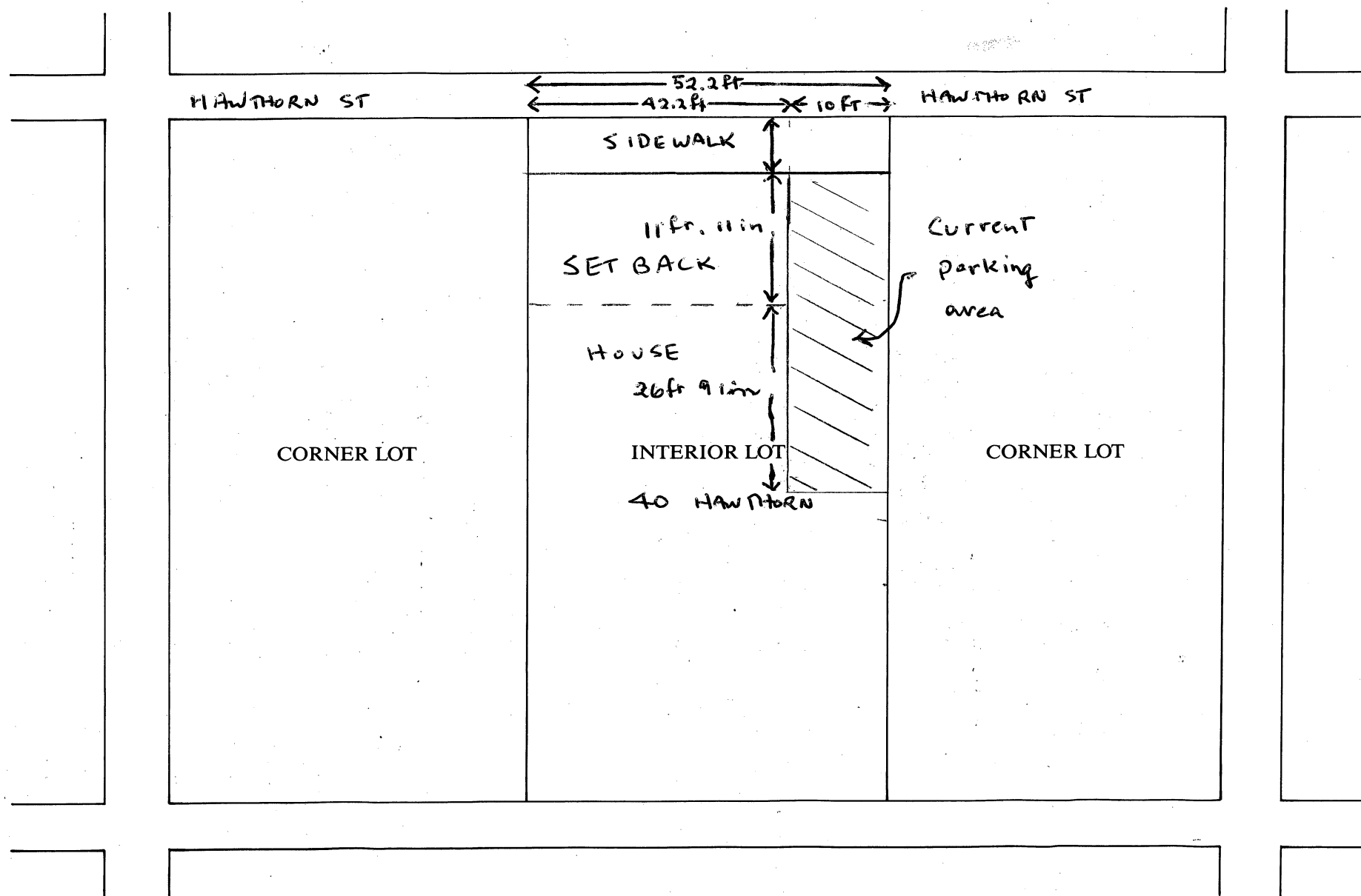
PART I:

Address of proposed curb cut or off-street parking facility: <u>40 HAWTHORN STREET, CAMBRIDGE</u>	
Frontage: <u>50.2 FEET</u>	Block and Lot: _____
Setback (distance from building to sidewalk): <u>11 FEET, 11 INCHES</u>	
Distance from proposed driveway to surrounding structures and property line: <u>FROM PROPERTY LINE TO HOUSE</u>	
Dimensions of proposed driveway: <u>10 FEET X 26 FEET 9 INCHES</u>	
Location of any trees, sign posts, fire hydrants, utility poles, etc., in direct vicinity of proposed driveway: <u>NONE</u>	

- ☒ Plot plan is included
- ☒ Sketch of driveway with cost estimate is included
- ☒ All abuttor's forms are included

DRAWING 1:

PLEASE INDICATE LOCATION OF HOUSE AND DRIVEWAY.
BE SURE TO GIVE DIMENSIONS OF LOT.



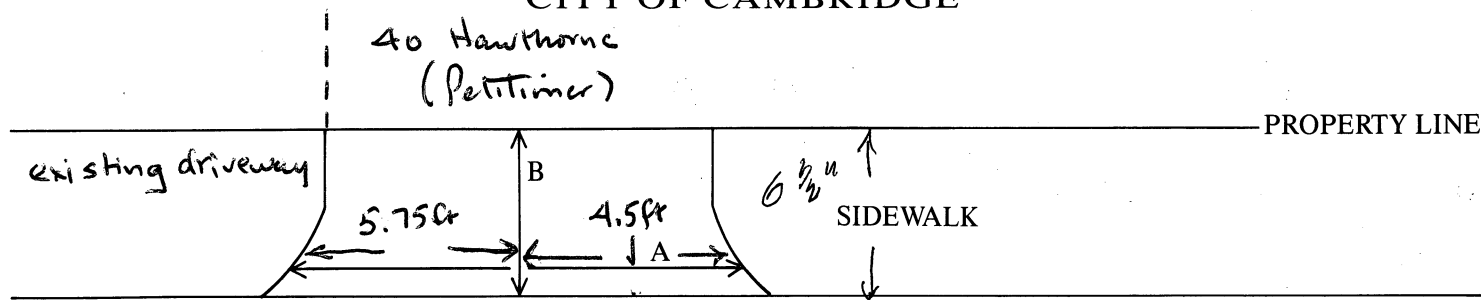
DRAWING 2:

SKETCH OF PROPOSED DRIVEWAY WITH COST ESTIMATE

36 Hawthorn

CITY OF CAMBRIDGE

40 Hawthorne
(Petitioner)



curb cut already exists
STREET requested curb cut (see photo #1)

$$A = 4.5 \text{ FT.} \div 3 = 1.5 \text{ YARDS}$$

$$B = 6.5 \text{ FT.} \div 3 = 2.2 \text{ YARDS}$$

$$A \times B = 3.25 \text{ SQUARE YARDS}$$

COST ESTIMATE:

BRICK: _____ SQUARE YARDS $\times$ \$70/SQUARE YARD = \$ _____

BRICK ON CONCRETE: 3.25 SQUARE YARDS $\times$ \$85/SQUARE YARD = \$ 276.25

CONCRETE: _____ SQUARE YARDS $\times$ \$40/SQUARE YARD = \$ _____

ASPHALT: _____ SQUARE FEET $\times$ 1 TON/40 SQUARE FEET $\times$ \$125/TON = \$ _____

The sidewalk is made of brick.
Therefore, although the brick will
need to be repositioned, no additional
brick is needed. 2.84 square yards
of the current sidewalk will now
become "driveway."

\$276.25

DEPARTMENT OF PUBLIC WORKS SCHEDULED DATE FOR CONSTRUCTION:

DEPARTMENT OF PUBLIC WORKS STATED FEE: \$ _____

The undersigned agrees to pay the stated fee for the driveway installation in full within two (2) weeks of the estimated starting date of construction before the Department of Public Works shall proceed with construction:

Owner's signature: _____

Gino V. Segre

(GINO V. SEGRE)

Date: 2/28/99

Address: _____

40 HAWTHORN ST., CAMBRIDGE, MA 02138

Funds Received: \$ _____

Check Number: _____

APPLICATION FOR DRIVEWAY CUTS AND OPENINGS

CITY OF CAMBRIDGE

PART II: INSPECTIONAL SERVICES DEPARTMENT

☒ Application approved ☐ Application denied

Reason:

pre-existing driveway

Signature:

[Signature]

Date:

5/5/99

Title:

PART III: TRAFFIC AND PARKING DEPARTMENT

☒ Application approved ☐ Application denied

Reason:

Signature:

[Signature]

Date:

5/6/99

Title:

DEPT TRAFFIC DIR.

PART IV: HISTORICAL COMMISSION

☒ Application approved ☐ Application denied

Reason:

Signature:

[Signature]

Date:

5/10/99

Title:

Designated Property Administrator

PART V: PUBLIC WORKS DEPARTMENT

☒ Application approved ☐ Application denied

Reason:

Signature:

[Signature]

Date:

5-17-99

Title:

Superintendent of STREETS

Consent Communication #6 75 H

An application was received
from Gino Segre, requesting a
curb cut at the premises numbered
40 Hawthorn Street.

In City Council May 24, 1999

ORDER ADOPTED