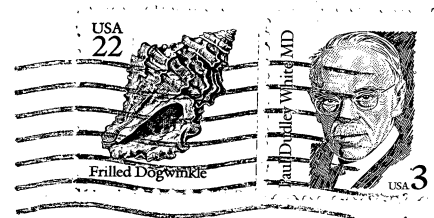


Margot Silin
57 Dana Street
Cambridge, MA 02138



Mr. Joseph E. Connairton
Cambridge City Clerk
Cambridge City Hall
795 Mass Ave.
Cambridge, MA 02139

Margot Silin
57 Dana Street
Cambridge, MA
02138

4-4-88

Commissioner Joseph Cellucci
Cambridge Building Dept.
Cambridge City Hall
795 Mass Ave.
Cambridge, MA 02139

RECEIVED BY
OFFICE OF CITY CLERK
1988 APR 15 AM 9:46
CAMBRIDGE MA.

Dear Commissioner Cellucci:

I wish to appeal the Building Departments decision concerning the legality of the zoning of a proposed driveway located between 51 Dana Street and 407A and 409 Broadway. Enclosed please find a copy of the applicable zoning regulation and a plan of the proposed site.

The measured distance between the wall at the rear of 407A and 409 Broadway and the side wall of 51 Dana St. is only 10 feet. The 407A and 409 Broadway wall has windows on all floors including the basement, while the 51 Dana St. wall has windows on the second and third floors.

407A Broadway is a four unit building while 51 Dana St. is a three unit building. According to Article 6.441 Part (a) of the Zoning Code a setback of ten feet is required from a four unit building. Consequently, I don't see how a driveway at this location is possible.

There may be some question as to whether the occupancy of 407A Broadway is legal as a four family (even though it is so listed with Rent Control). If in fact it can only be considered as a three family (which 409 Broadway probably is) the setback requirement according to Article 6.441 is five feet.

I am aware that there is some question as to the interpretation of the second sentence in Article 6.441(a) because it reads "within five feet" instead of "not within five feet". The first sentence reads "within ten feet" and makes perfect sense, and the second sentence makes perfect sense when read in the context of the first sentence. Its only when the second sentence is taken out of the context of the first sentence that its meaning becomes unclear. A literal interpretation of "within five feet" would have to mean the car is less than five feet wide which would be impossible, so I think its intention is obvious even if the wording is less than completely clear.

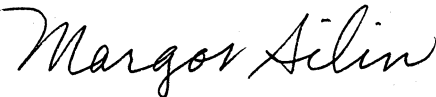
There is much neighborhood opposition to the proposed location of this driveway. I, along with many others, feel it would be aesthetically damaging to the street. I also believe it poses an unnecessary fire hazard, because the houses here are contiguous.

Even though these townhouses have brick firewalls, their mansard and flat roofs are not protected by the firewall, so if one were to catch fire we would all most likely burn.

The woman who is applying for the driveway has my sympathies, but I don't believe her convenience is worth risking the lives and property of the seven adjacent townhouses.

I would appreciate your consideration in this matter.

Sincerely yours

A handwritten signature in cursive script that reads "Margot Silin".

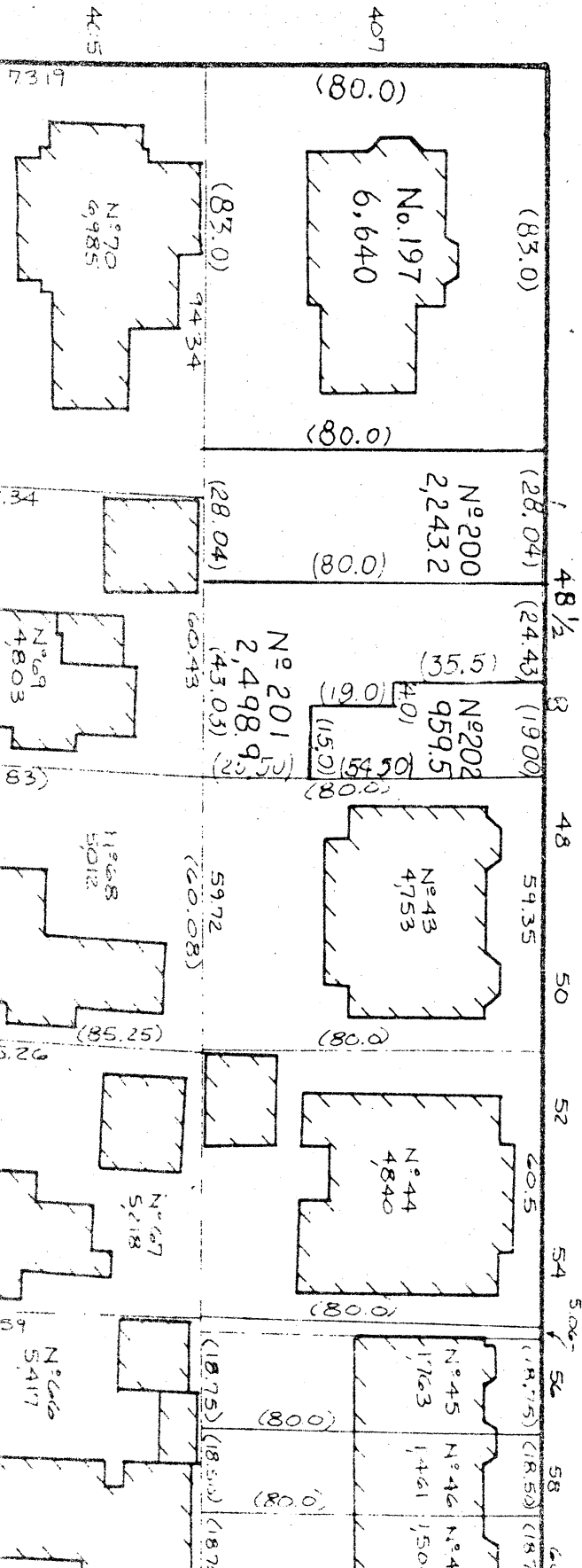
Margot Silin

cc: Mr. Robert Keating
Cambridge Public Works Dept.
147 Hampshire St.
Cambridge, MA 02139

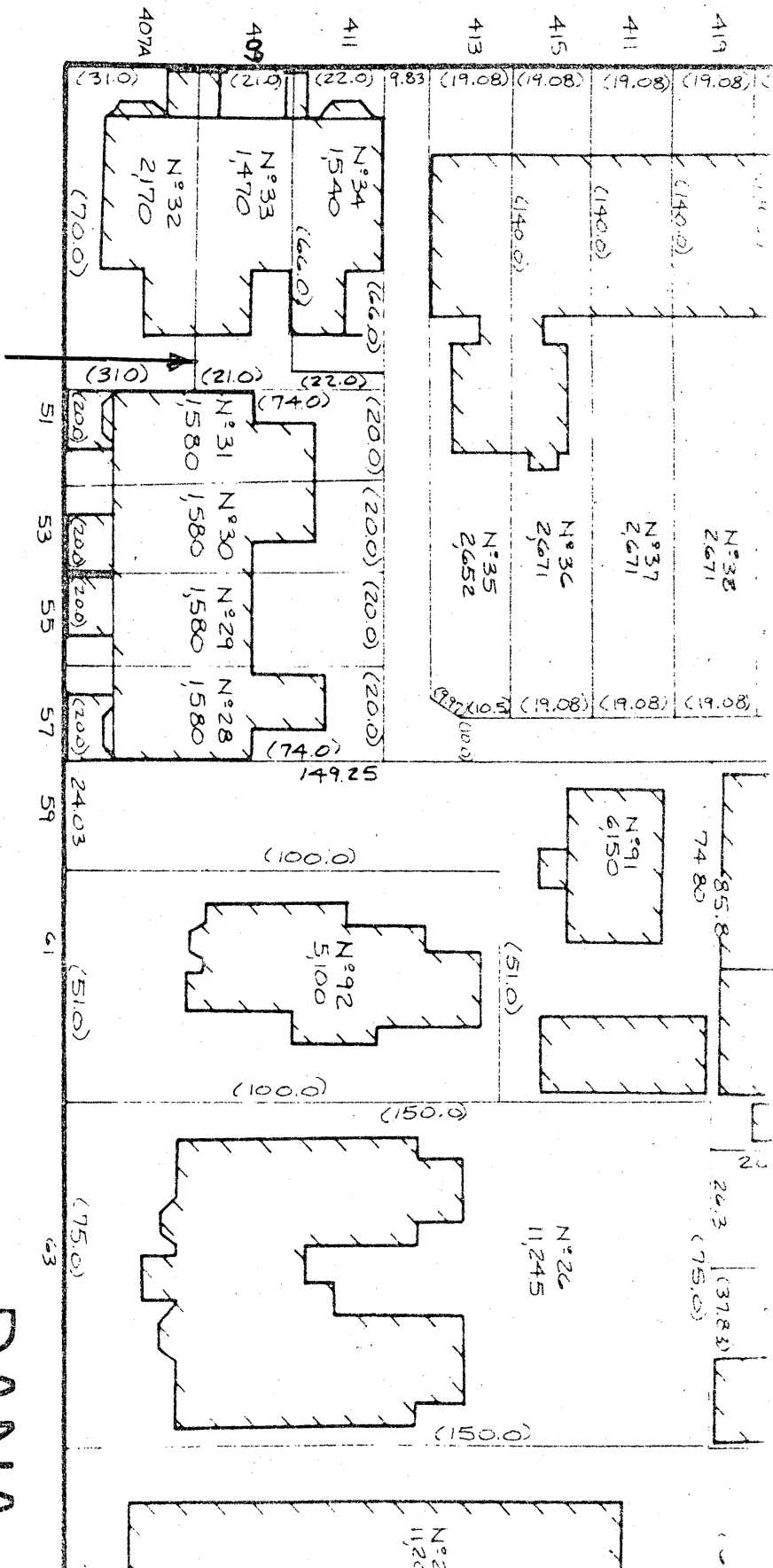
Mr. Joseph E. Connairton
Cambridge City Clerk
Cambridge City Hall
795 Mass Ave.
Cambridge, MA 02139

- 6.44 *Layout of Off-Street Parking Facilities.* Any parking facility located within a structure, unless it is completely underground, must conform to the yard requirements for the zoning district in which it is located. On-grade, open parking spaces may be located in required yards only as provided in this subsection 6.44.
- 6.441 Setbacks for on-grade open parking facilities shall be provided as follows:
- (a) No on-grade open parking space shall be located within ten (10) feet of that portion of a building wall containing windows of habitable or occupiable rooms at basement or first story. However, on-grade open parking spaces serving 1, 2, or 3 family dwellings may be located within five (5) feet of that portion of such building wall.
 - (b) Except for one, two, or three family dwellings existing at the time of the effective date of this ordinance or amendment thereto, no on-grade open parking space or driveway shall be located within five (5) feet of any side or rear property line.
 - (c) No on-grade open parking space shall be located within a required front yard setback.
 - (d) The area between the required parking setback line and the building or lot line shall be landscaped and maintained in accordance with the requirements of subsection 6.48.
 - (e) No on-grade open parking shall be allowed in a Residence C-2A district within 125 feet of a Residence A-1, A-2, B, C-1, or C-2 district.
 - (f) In an Industry C district, no parking lot shall be located within 50 feet of a residential district or within 25 feet of an open space district, a park or public recreation area or the right-of-way of a designated parkway.
 - (g) The Board of Zoning Appeal may grant a special permit to allow for modification of the requirements in 6.441 (a) or (b) if site specific factors favor such modification.
- 6.442 All roads, streets, alleys, sidewalks and other public rights-of-way and all landscaped areas shall be protected from vehicular overhang by wheel bumpers, curbs or other suitable method except those off-street parking facilities provided for one, two or three family dwellings.
- 6.443 Off-Street parking facilities shall be marked so as to indicate clearly the space to be occupied by each vehicle, in accordance with the dimensions specified in subsection 6.42 and including directional arrows and traffic signs as necessary for traffic control. Such markings shall be maintained so as to be plainly visible.
- 6.45 *Drainage, Surfacing and Maintenance.* All sections of off-street parking facilities which are not landscaped according to the requirements of subsection 6.48 shall be graded, surfaced (preferably with durable pervious paving materials such as modular paving blocks, bricks or similar materials), and maintained to the satisfaction of the Superintendent of Buildings to the extent necessary to prevent nuisance of dust, erosion, or excessive water flow onto any public way or onto another lot.

BROADWAY



DANA



H-41(A)

Comm. from Margot Silin to Inspectional Services Commissioner Joseph Cellucci regarding the petition of Ruth Hiller for a driveway at 409 Broadway.

April 15, 1988