

RECEIVED BY
OFFICE OF CITY CLERK
MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR ALFRED E. VELLUCCI

1986 MAY -6 AM 11:02

CAMBRIDGE MA.

May 6, 1986

Date

Vice-Mayor Vellucci has notified the Acting City Clerk of his intention to move Reconsideration of the votes of the City Council taken on Monday, May 5, 1986 adopting an order granting permission for a driveway at the premises numbered 48 Dana Street on the petition of John & Constance Hsia and adopting an order granting permission for a driveway at the premises numbered 48 A & B Dana Street on the petition of Dana Street Realty Trust.

Alfred Vellucci

Signature

Notes:—

*Reconsideration motion withdrawn by
telephone Friday, May 9 '86 11:10 a.m.*

City of Cambridge

*On move my
intentions to
reconsider
after Vellucci*

COMMUNICATIONS CONTINUED - CITY COUNCIL MEETING OF MONDAY, MAY 5, 1986

- reconsider*
10. Petition received from John & Constance Hsia, requesting permission for a driveway at the premises numbered 48 Dana Street; said petition has been approved by the Public Works Dept., Traffic and Parking Dept., Historical Commission, Inspectional Services Dept., and Board of Zoning Appeal. No response has been received from the area neighborhood association. 10.
- Reconsider*
11. Petition received from Dana Street Realty Trust, requesting permission for a driveway at the premises numbered 48 A & B Dana Street; said petition has been approved by the Public Works Dept., Traffic and Parking Dept., Historical Commission, Inspectional Services Dept., and Board of Zoning Appeal. No response has been received from the area neighborhood association. 11.
12. Communication received from Joseph E. Connarton, Acting City Clerk, transmitting a letter from Edmund T. Curtis, requesting that his petitions for driveways at 407 Broadway be resubmitted for consideration of the City Council (said petitions had been tabled in 1985 and placed on file without prejudice at the end of the last legislative session). In his communication, Mr. Curtis withdraws his Dana Street driveway petition formally; which petition had met with neighborhood opposition and asks for one curb cut at 407 Broadway. 12.
13. Communication received from William J. Gustus, Esq., Middlesex County Treasurer, stating that pursuant to M.G.L. Chapter 262, Section 8a, all appointed constables and deputy sheriffs must file an Annual Earnings Report with the County Treasurer's Office. 13.
14. Communication received from Frank Sharry and Sister Rose Cummins, Co-Directors, Centro Presente, relative to the policy of the License Commission in asking for and reviewing green cards (alien registration cards) of taxi drivers and owners. 14.
15. Petition received from Raymond Bandar d/b/a The Averof Restaurant, requesting reaffirmation of the vote of the City Council on September 9, 1985 granting permission for the conduct of their Greek & Middle Eastern Fair to benefit the Mass. Society for the Prevention of Cruelty to Children on Saturday, May 17, 1986 from 9:00 a.m. to 7:00 p.m. & the closing of a portion of Porter Road & the sidewalk at 1924 Mass. Avenue for the Festival, which will include handicraft stands, live music, dancing, food, rides & animals. Also included with the petition is a petition from Porter Road residents approving the closing of a portion of their street. 15.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

April 3, 1986

Dear Neighborhood Representative:

Please be advised that this office is in receipt of a petition from _____
Dana Street Realty Trust _____ requesting a driveway at the premises numbered
48 A & B Dana Street _____.

The City Council has directed that all driveway petitions be submitted to the appropriate Neighborhood Associations where said curb cut would be made for their approval, prior to action by the City Council. Please indicate by return mail your approval or disapproval of said petition within ten days from the receipt of this letter. I have enclosed a self-addressed stamped envelope to facilitate your reply.

Your kind cooperation in this matter will be greatly appreciated by the members of the City Council.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
Acting City Clerk.

Name of Neighborhood Association: _____

I hereby _____ approve _____ disapprove said driveway petition.

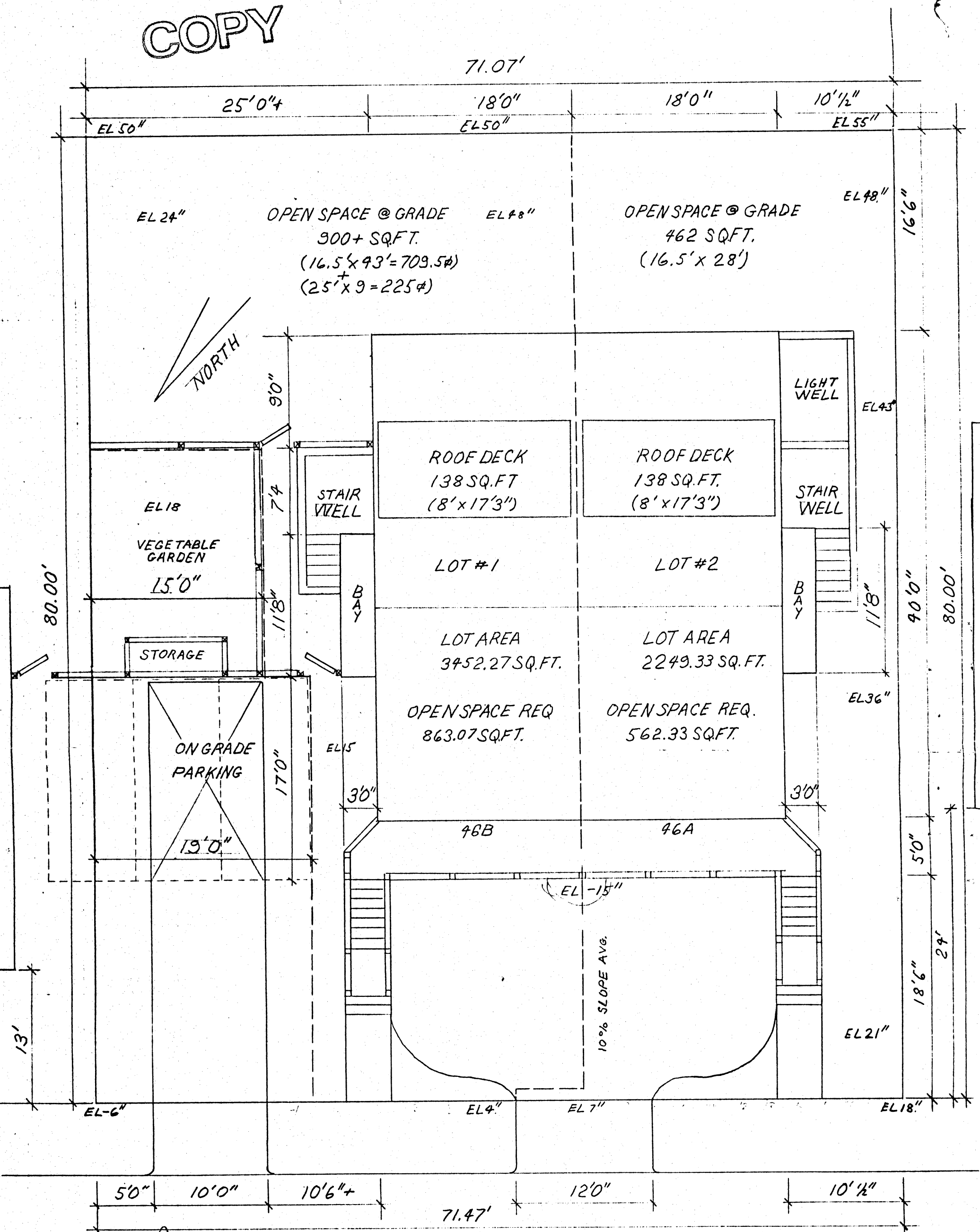
Comments: _____

Neighborhood

Mid-Cambridge Neighborhood Association
P. O. Box 904
Cambridge, MA 02138
Attn: John Pitkin, Chairperson

Peg Murphy, Chairperson
Longfellow Neighborhood Council
342 Broadway
Cambridge, MA 02139

COPY



APPROVED FOR ZONING

12/18/84

"DANA 3"

DANA STREET

SITE PLAN

1/8" = 1'

THOMAS J. COSTAGLIOLA
d/b/a INFINITY CONSTRUCTION
DEVELOPER / DESIGNER / BUILDER
515 FRANKLIN ST., CAMBRIDGE

DEC. 17, 1984

PAGE 1

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

Case No.: 5216

Location: 48a and 48b Dana Street - Residence C-3 Zone
Middlesex County Registry of Deeds
Book 15916; Page 209

Petitioner: Thomas J. Costagliola Trustee, Dana Realty Trust

Petition: Variance: Subdivision of the lot; violation of the sideyard setback requirements for the proposed townhouse development. (Article 11.000, Section 11.154.2 Sideyard setback requirements, of the Zoning Ordinance.

Dates of Public Notice: June 6 and 13, 1985

Date of Public Hearing: June 20, 1985

Members of the Board: Vincent J. Panico, Chairman
Hugh Adams Russell, F. L. Clauson
Brendan J. Sullivan, Mel Gadd

Thomas J. Costagliola, 515 Franklin Street, Cambridge, was present at the hearing and said that he purchased the vacant lot for townhouse development. He submitted layouts and photographs of the property.

Constance Hsia, owner of the two-family house on the adjacent lot was present. She said that they had used the vacant lot for parking and now that it is being developed they would like to purchase approximately 960 square feet of land next to their lot to satisfy their parking needs.

Petitioner proposes to construct two townhouses on the lot but the subdivision of the 960 square feet of land would result in a sideyard setback violation along the new property line. He requested a variance to allow construction of two townhouses without the required ten foot sideyard setback.

Findings:

1. A substantial number of the petitioner's neighbors have given written support of the petition. No one was in opposition.
2. Petitioner and Mr. and Mrs. Hsia have already entered into a leasing agreement allowing them to do what they have asked the Board to grant them but, for the sake of legal ownership, they have asked for the subdivision.
3. There would be no adverse effect on the neighborhood if a variance were granted since the number of cars would remain consistent. In fact, this would keep vehicles off the street and somewhat alleviate the parking in the street.

4. A literal enforcement of the provisions of the Ordinance would disallow parking, continuing the hardship of no parking.

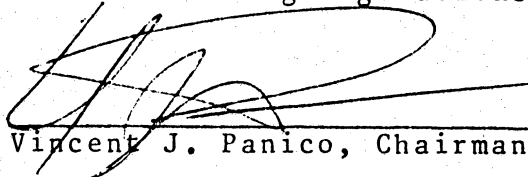
5. The hardship results from the facts that #48 Dana Street was created before the parking ordinance and dimensional requirements were created; and that #48 has no other way to accommodate their parking needs.

6. Relief is desirable because the proposed parking will lessen the amount of on-street parking, thereby creating more on-street parking for the community.

7. Relief from the sideyard requirement would not cause construction to be any closer than otherwise would be permitted on 48 Dana Street.

THEREFORE, the Board of Zoning Appeal, by unanimous vote, granted the relief requested, a variance from the sideyard setback requirement for townhouses proposed for 48a and 48b Dana Street, Cambridge, Massachusetts, in accordance with plans submitted.

This decision does not relieve the petitioner in any way from the duty to comply with requirements of the Building Code or other applicable laws and regulations. The Board of Zoning Appeal is empowered to waive local zoning regulations only.


Vincent J. Panico, Chairman

ATTEST: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 7-8-85
by Gillen McLaughlin, Secretary.

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



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

NOTICE OF PUBLIC HEARING

A petition has been presented to the Board of Zoning Appeal on the following matter. If you wish to express your views in favor of or in opposition to the petition, you are invited to attend the public hearing or submit a written statement to the Board of Zoning Appeal, City Hall, Cambridge, Massachusetts.

TIME AND PLACE: ROOM 200, CITY HALL, CAMBRIDGE, MASSACHUSETTS
JUNE 20, 1985 - 8:00 P. M.

CASE NO.: 5216

PETITIONER: Thomas J. Costagliola Trustee, Dana Realty Trust

LOCATION: 48A and 48B Dana Street
Cambridge, Massachusetts

ZONE: Residence C-1 Zone

PETITION: Variance: Subdivision of the lot, which will violate the sideyard setback requirements for the townhouse development on the lot. Article 11.000, Section 11.154.2 (Sideyard setback requirements) of the Zoning Ordinance.

ADVERTISING: June 6 and 13, 1985 - Cambridge Chronicle

Eileen McGaughey
Secretary

APPROVAL OR DISAPPROVAL OF CURB CUTS

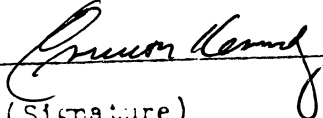
PETITIONER

Dana Street Realty Trust

ADDRESS OF CURB CUT REQUEST

48a + b Dana Street

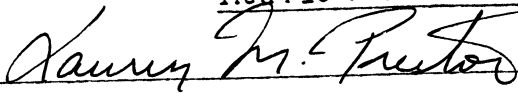
PUBLIC WORKS DEPARTMENT


(Signature)

✓ APPROVED

DISAPPROVED

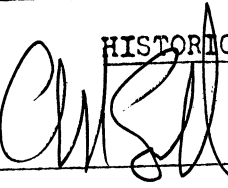
TRAFFIC AND PARKING DEPARTMENT


(Signature)

✓ APPROVED

DISAPPROVED

HISTORICAL COMMISSION

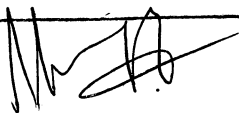

(Signature)

✓ APPROVED

DISAPPROVED

INSPECTIONAL SERVICES

(Signature)



✓ APPROVED

DISAPPROVED

NEIGHBORHOOD ASSOCIATION

(Signature)

APPROVED

DISAPPROVED



City of Cambridge

Massachusetts

BOARD OF ZONING APPEAL

NOTICE OF DECISION

DECISION FILED WITH THE OFFICE OF THE CITY CLERK ON JULY 8, 1985

Any person aggrieved by a decision of the Board of Zoning Appeal may appeal to the Superior Court. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty days after the date of filing of such notice in the office of the City Clerk.

Petitioner: Thomas J. Costagliola Trustee, Dana Realty Trust

Premises: 48a and 48b Dana Street, Cambridge, Massachusetts

Petition: Variance: Subdivision of the lot which will violate the sideyard setback requirements for the townhouse development on the lot.

Decision: GRANTED

Eileen McGaughey
Secretary

Case No.: 5216



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

July 8, 1985

Mr. Thomas J. Costagliola
515 Franklin Street
Cambridge, Massachusetts 02139

RE: Case No. 5216

Dear Mr. Costagliola:

We enclose the Decision of the Board of Zoning Appeal as it pertains to the premises located at 48a and 48b Dana Street, Cambridge, Massachusetts.

A copy of this Decision has been filed with the Office of the City Clerk, this date. When twenty days have passed, you MUST:

1. HAVE THIS DECISION COMPLETED AND SIGNED BY THE CITY CLERK, City Hall, in the space provided.
2. FILE THE DECISION WITH THE REGISTRY OF DEEDS in Middlesex County. (There is usually a fee, payable to the Registry of Deeds.)
3. SUPPLY THE BOARD OF ZONING APPEAL WITH DOCUMENTATION OF SUCH FILING WITH THE REGISTRY OF DEEDS. The Division of Inspectional Services will not issue building permits unless this has been done.

Appeals of this Decision, if any, shall be made pursuant to Section 17 of Chapter 40A, Massachusetts General Laws, and shall be filed within twenty days after the filing of such notice in the office of the City Clerk.

If you have any questions, please phone me at 498-9013.

Sincerely,

Eileen McGaughey
Eileen McGaughey
Secretary

Section 10:35 of the Zoning Ordinance:

If the rights authorized by a variance are not exercised within one year of the date of granting of such variance, they shall lapse and may be reestablished only after notice and new hearing pursuant to this Section 10.30.

Cambridge, 4 November 1985

RECEIVED BY
OFFICE OF CITY CLERK
1986 APR 13 PM 2:06
CAMBRIDGE MA.

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray that a driveway for residential use may be constructed and agrees to deposit with the City Treasurer the sum of seventy five (\$75.00) dollars, subject to the following conditions, to wit: In case the amount so deposited is in excess of the cost of the driveway, the difference shall be refunded by the City Treasurer, but in case the cost of the driveway exceeds that deposit, said deposit shall be applied as a credit to the bill and the balance shall be paid to the City Treasurer within thirty days from the receipt of the bill.

Location of proposed driveway 48a #b Dana Street

Owner or Owners Name Dana Street Realty Trust,

Address Thomas J. Costagliola, Trustee
610 Green Street, Cambridge, MA 02138

Telephone Number 864-4647

Thomas J. Costagliola
THOMAS J. COSTAGLIOLA

PETITION

of Dana Street Realty Trust

for Driveway at premises

No. 48 A & B Dana Street

April 3, 19.86

Location of driveway approved by


Commissioner of Public Works

#6 Neighborhood notified 4/2/86
5/5/86 Order Adopted - 9

In City Council, May 5, 19. 86 *mv*Referred to the Committee on Roads and
Bridges

Attest:

City Clerk