

Mid-Cambridge Neighborhood Association

P.O. Box 907, Cambridge, Massachusetts 02238

May 12, 2000

Richard Rossi
Deputy City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Rossi:

The Mid-Cambridge Neighborhood Association has followed with interest the development at 75-81 Antrim Street. The development includes the renovation of an existing house and the construction of a new dwelling on the same lot. Initially supportive of the development, a group of neighbors began questioning a series of building code and zoning ordinance decisions after it became clear that the developer's plans were different from what was presented for approval at public meetings. As a result, twenty five households have incurred considerable legal expense to correct what we perceive to be the failure of the City to properly oversee and enforce existing regulations.

In March of this year the Board of Zoning Appeal denied the developer's request for an increase in the floor-to-area ratio (FAR) and to comply the developer removed an extension on the back of the new house. This was an unfortunate consequence of a situation for which there was no other means of resolution. We believe this situation was in part created by the Inspectional Services Department's refusal to adequately monitor and enforce compliance with zoning through to the project's completion.

With the BZA's decision and two of the three units now occupied, this might appear to be the end of this issue on Antrim Street. However the issues of enforcement in this project still remain and are examples of our broader concern as similar issues arise throughout the neighborhood, driven by the market pressure to maximize values and investment returns. Two examples from Antrim Street are particularly relevant.

First, in the neighbors' initial dispute with the intended use of newly finished basement space in the existing house, the developer's original permit plans were revised to indicate that the finished basement spaces are all storage, in accordance with zoning and building code regulations. The Inspectional Services Department assured neighbors that although there are no regulations which prevent the high level of finishes in these "storage" spaces, the certificates of occupancy would clearly indicate that the basement cannot be habitable space. However the certificates of occupancy do not clearly indicate allowed use of basement space. The same condition appears to exist in the new house.

Second, the developer was also directed by the ISD to remove a new bathroom in the basement of the existing house. After initially planning to appeal this directive, the

developer withdrew his appeal but in fact did not remove the bathroom. Today the tub is still in place, concealed behind a drywall partition, and the rough plumbing is still in place. ISD has accepted this condition as compliance with its written directive to remove the bathroom. A similar condition appears to exist in the basement of the new house.

The neighbors' months of discussion with city representatives, their considerable legal expense and many presentations at subsequent public hearings of the Mid-Cambridge Neighborhood Conservation District Commission and the BZA have resulted in the following:

- less than full enforcement of the codes;
- a built situation that would not have been allowed if there had been appropriate oversight from the outset of the project;
- an ambiguous condition of occupancy in which the new owners may unknowingly be using the basement spaces in violation of the building and zoning codes; and
- an unacceptable burden on neighbors to monitor compliance of developers and other neighbors.

The disingenuous position of the ISD throughout this process does not serve the city well nor does it measure up to the level of professionalism and performance we have come to expect of our city administration. On behalf of the Association and the Antrim Street neighbors, I ask you to address this situation so that other citizens can rely on the vigilance of city agencies and will not have spend their own time and money to assure that regulations are properly enforced.

We also respectfully request that you inform the Association of measures that you take to improve code enforcement by the ISD.

Sincerely,

John Pitkin, President
Mid-Cambridge Neighborhood Association

cc: ✓ Cambridge City Council
Robert Bersani, Inspectional Services Department
Mid-Cambridge Neighborhood Conservation District Commission
Board of Zoning Appeals
DeWolfe New England Realtors
Antrim Street Neighbors

The Mid-Cambridge Neighborhood Association was founded in 1975 and has approximately six hundred members. The Association took a position in favor of for better enforcement in general and in this case in particular through a vote of the membership at a meeting in January, 2000.

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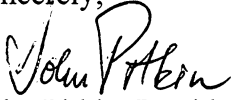
May 12, 2000

Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

To the Honorable the City Council:

Following an unduly time-consuming campaign for compliance codes at a development at 75-81 Antrim Street, the Mid-Cambridge Neighborhood Association has asked the City Administration to improve its enforcement of zoning and building codes. We would like you to be aware of our concerns and I am therefore sending you the attached copy of my letter to Mr. Rossi about our request.

Sincerely,



John Pitkin, President
Mid-Cambridge Neighborhood Association

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Consent Communciation #6

1475

A communicaiton was received from John Pitkin, President, Mid-Cambridge Neighborhood Association, relative to a development at 75-81 Antrim Street and requesting the City Administration to improve its enforcement of zoning and buidlign codes.

S-147

In City Council June 5, 2000

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