

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2022 OCT 24 PM 1:22

BZA Application Form

BZA Number: 197887

General Information

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

Special Permit: X Variance: X Appeal:

PETITIONER: Stephen E. Brown C/O James J. Rafferty

PETITIONER'S ADDRESS: 907 Massachusetts Avenue, Cambridge, MA 02139

LOCATION OF PROPERTY: 47 Eighth St., Cambridge, MA

TYPE OF OCCUPANCY: two family

ZONING DISTRICT: Residence C-1 Zone

REASON FOR PETITION:

/New Structure/ /Parking/

DESCRIPTION OF PETITIONER'S PROPOSAL:

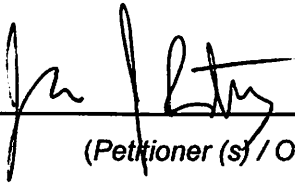
Petitioner seeks to replace existing non-conforming two family home and detached garage with a new non-conforming two family home with attached garage.

Petitioner seeks to reduce the required amount of parking spaces from 2 to 1.

SECTIONS OF ZONING ORDINANCE CITED:

- Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
- Article: 6.000 Section: 6.35.1 (Reduction of Required Spaces).
- Article: 8.000 Section: 8.22.3 (Nonconforming Structure).
- Article: 10.00 Section: 10.30 & 10.40 (Variance and Special Permit).

Original
Signature(s):



(Petitioner (s) / Owner)

James J. Rafferty, Attorney for Petitioner
(Print Name)

Address: 907 Massachusetts Avenue, Suite 300
Tel. No. Cambridge MA 02139
E-Mail Address: 617.492.4400
jrafferty@adamsrafferty.com

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

Stephen Brown and Michelle Jodrey
(Owner or Petitioner)

Address: c/o James J. Rafferty 907 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 47 Eighth Street

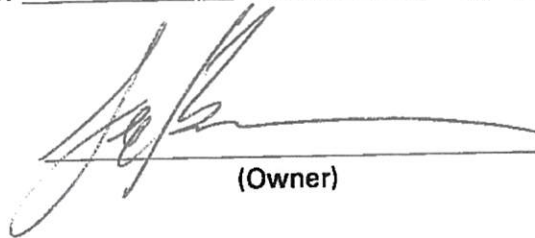
the record title standing in the name of Stephen E. Brown

whose address is 47 Eighth Street, Cambridge MA 02141
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex South County Registry of Deeds in

Book 257436 Page 553 or _____ Registry

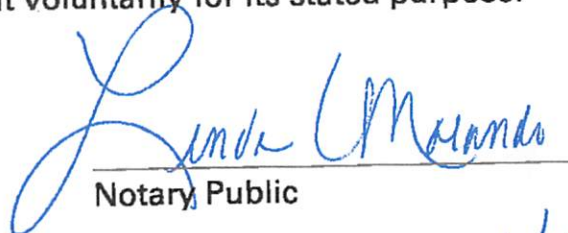
District of Land Court Certificate No. _____ Book _____ Page _____


(Owner)

On this 22nd day of September 2022, before me, the undersigned notary public, personally appeared Stephen E. Brown proved to me through satisfactory evidence of identification, which were MA Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



LINDA MORANDO
Notary Public
Commonwealth of Massachusetts
My Commission Expires
June 1, 2023


Notary Public

My commission expires: 6/1/23

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 existing two family house was constructed in 1854 and is in serious decline and beyond the point of renovation. The Executive Director of the Historical Commission determined that the structure was not significant and approved its demolition without requirement a public hearing. Given the size of the lot, rebuilding a replacement structure of similar scale requires a variance.

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 directly related to the shape of this small lot, its location behind another lot, and the condition of the existing structure.

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:

A two family home has been located on this lot for over 130 years. Allowing a replacement structure to be built will not harm the public good.

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

The petitioner has designed a home that is comparable in footprint and mass to the existing structure.

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

BZA Application Form

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 47 Eighth St., Cambridge, MA (location) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reasons:

Section 6.35.1 allows for the reduction of required parking with the issuance of a Special Permit.

B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

There will be no change to traffic generation or patterns of access and egress as a result of this application; the parking ratio, driveway and space location are consistent with the existing conditions.

C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

There will be no change to the continued operation of adjacent uses.

D) Nuisance or hazard would not 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 for the following reasons:

The reduction in motor vehicle parking will not adversely affect the health, safety, and/or welfare of the people living or working in the building, nor the citizens of Cambridge.

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

The use of the property as a two family residence with one parking space is consistent with the character and context of the neighborhood and the history of the site.

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

Date: 10/21/22**BZA Application Form****DIMENSIONAL INFORMATION**Applicant: Stephen E. BrownPresent Use/Occupancy: two familyLocation: 47 Eighth St., Cambridge, MAZone: Residence C-1 Zone

Phone: 617.492.4100

Requested Use/Occupancy: two family

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		1,734	2,648	2,082	(max.)
<u>LOT AREA:</u>		2,777	2,777	5,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.62	0.95	0.75	
<u>LOT AREA OF EACH DWELLING UNIT</u>		1,388	1,388	1,500	
<u>SIZE OF LOT:</u>	WIDTH	44.2'	44.2'	50'	
	DEPTH	87.70'	87.70'	N/A	
<u>SETBACKS IN FEET:</u>	FRONT	33'	33'	10'	
	REAR	0.1'-2.5'	1'4"-2'8"	20'	
	LEFT SIDE	2.7'	3'6"	7'6"	
	RIGHT SIDE	2'5"	1'9.5"	7'6"	
<u>SIZE OF BUILDING:</u>	HEIGHT	28'	33'6"	35'	
	WIDTH	48'7"	48'7"	N/A	
	LENGTH	17'2.5"	38'3.5"	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		15% permeable (no private)	15% permeable (no private)	30%	
<u>NO. OF DWELLING UNITS:</u>		2	2	1	
<u>NO. OF PARKING SPACES:</u>		1	no change	2	
<u>NO. OF LOADING AREAS:</u>		N/A	N/A	N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		2'10"	N/A	N/A	

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.:

N/A

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'.

ADAMS & RAFFERTY
ATTORNEYS AT LAW
A Professional Association *
907 Massachusetts Avenue, Suite 300
Cambridge, MA 02139

2024 APR 29 PM 2:36
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

James J. Rafferty, P.C.
jr Rafferty@adamsrafferty.com

Telephone (617) 492-4100
Fax (617) 492-3131

April 26, 2024

Maria Pacheco
Cambridge Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

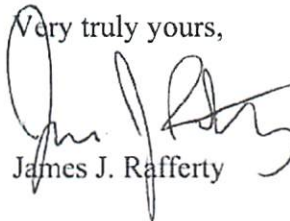
Re: BZA Case No. 197887
47 Eighth Street

Dear Ms. Pacheco:

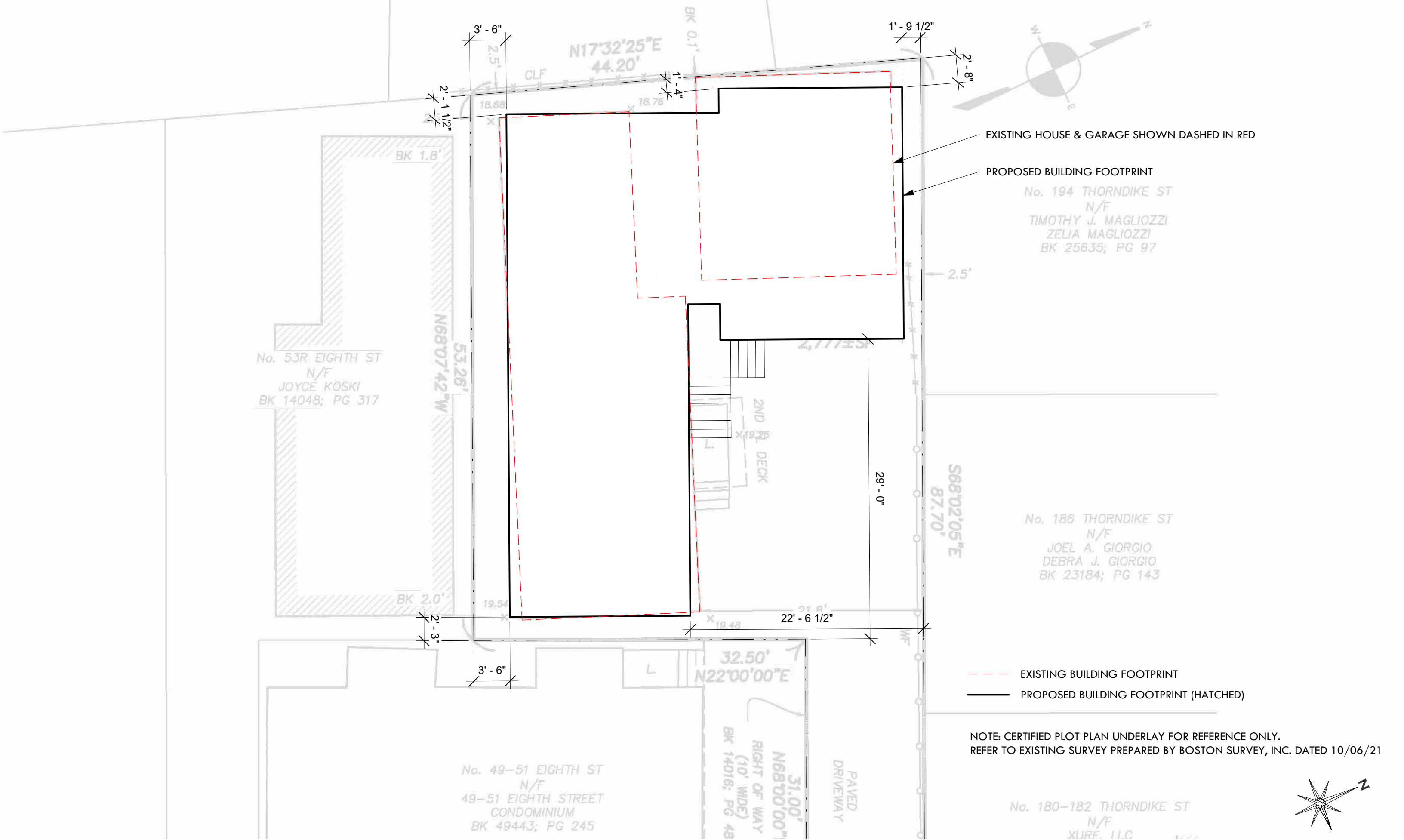
Please accept this correspondence as a request to extend the time for the above-captioned variance for a period of six (6) months.

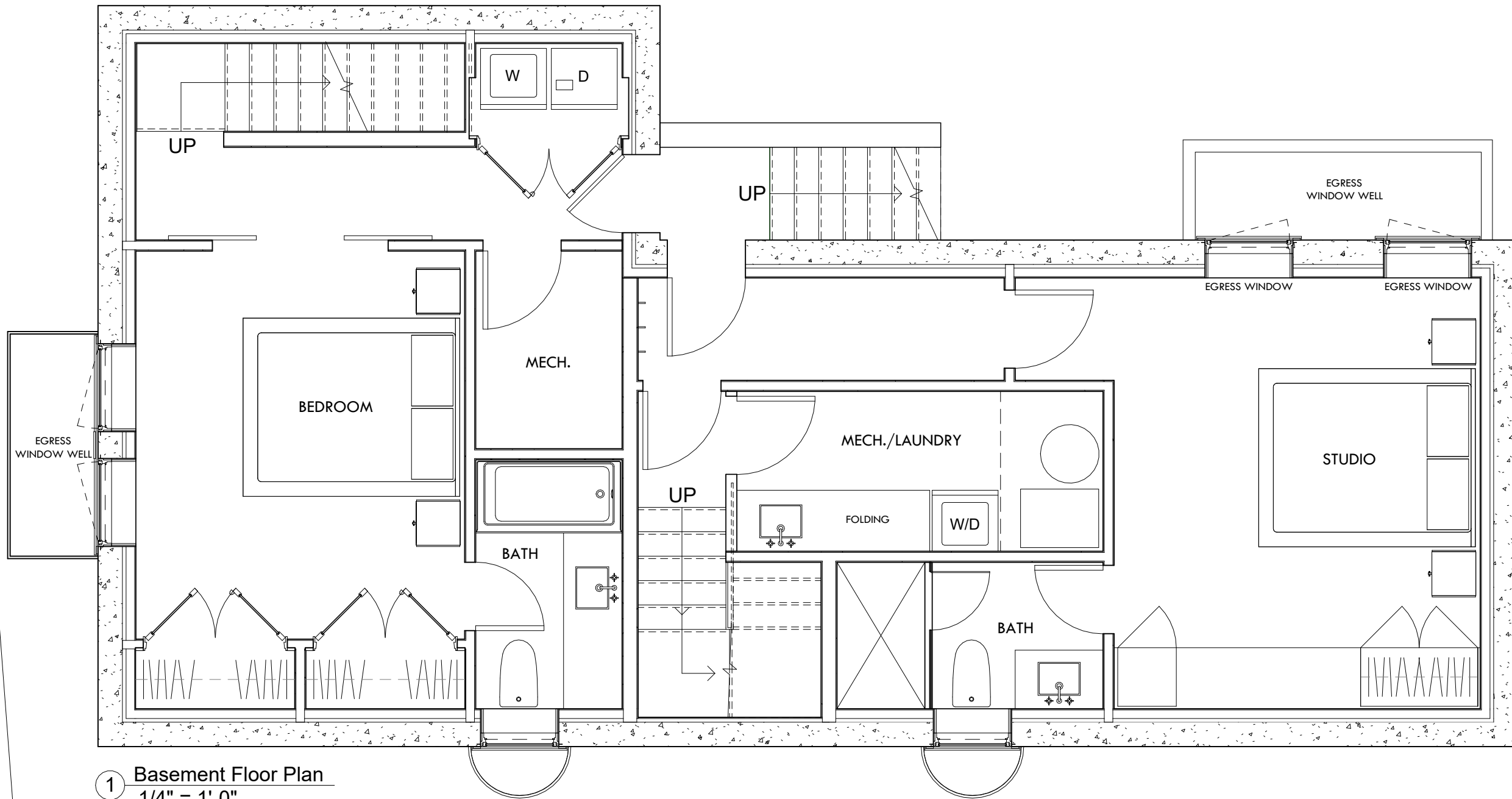
Please contact me if you require any additional information in order to bring this request before the Board.

Thank you for your cooperation and assistance with this matter.

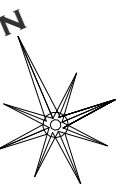
Very truly yours,

James J. Rafferty

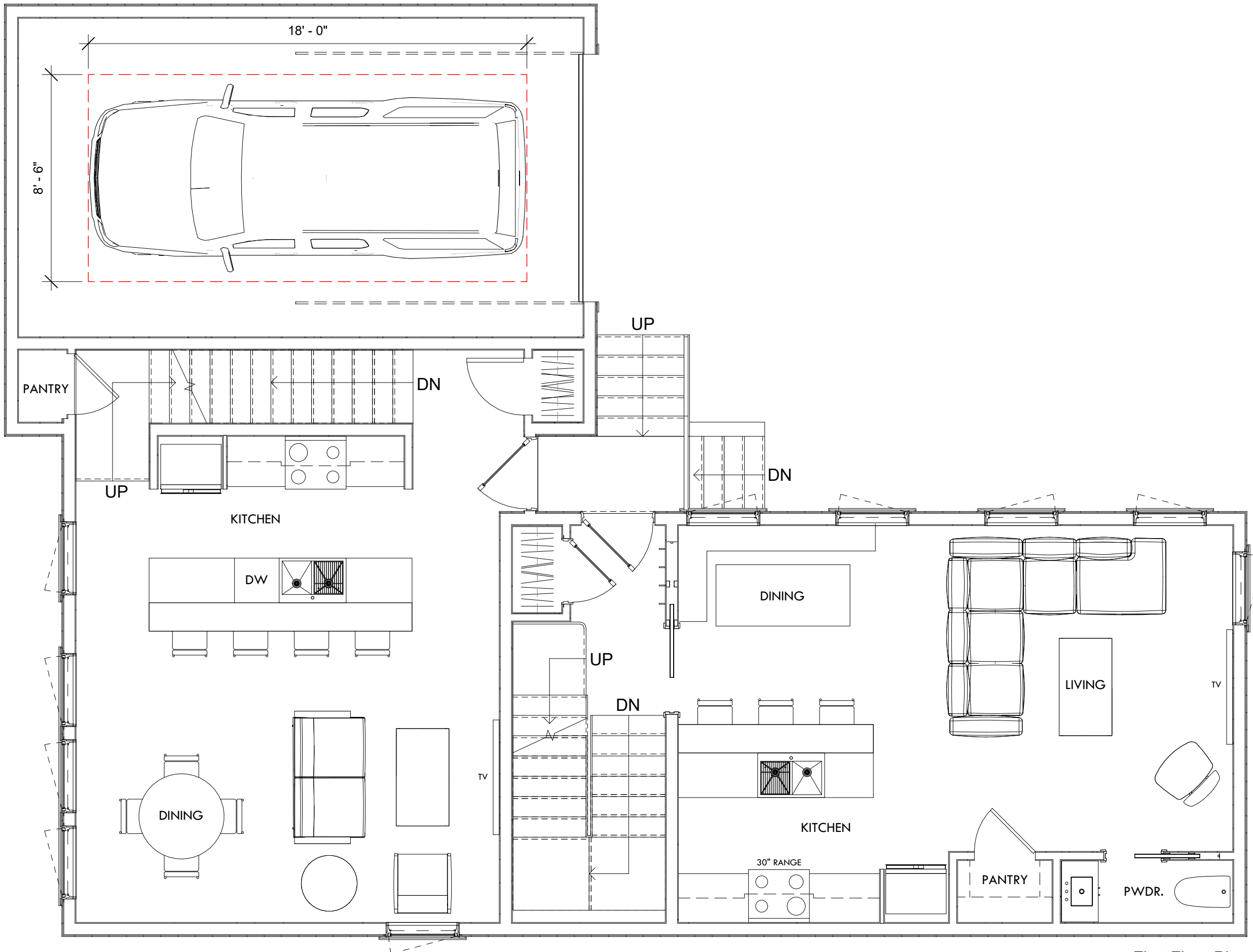
JJR/pwc





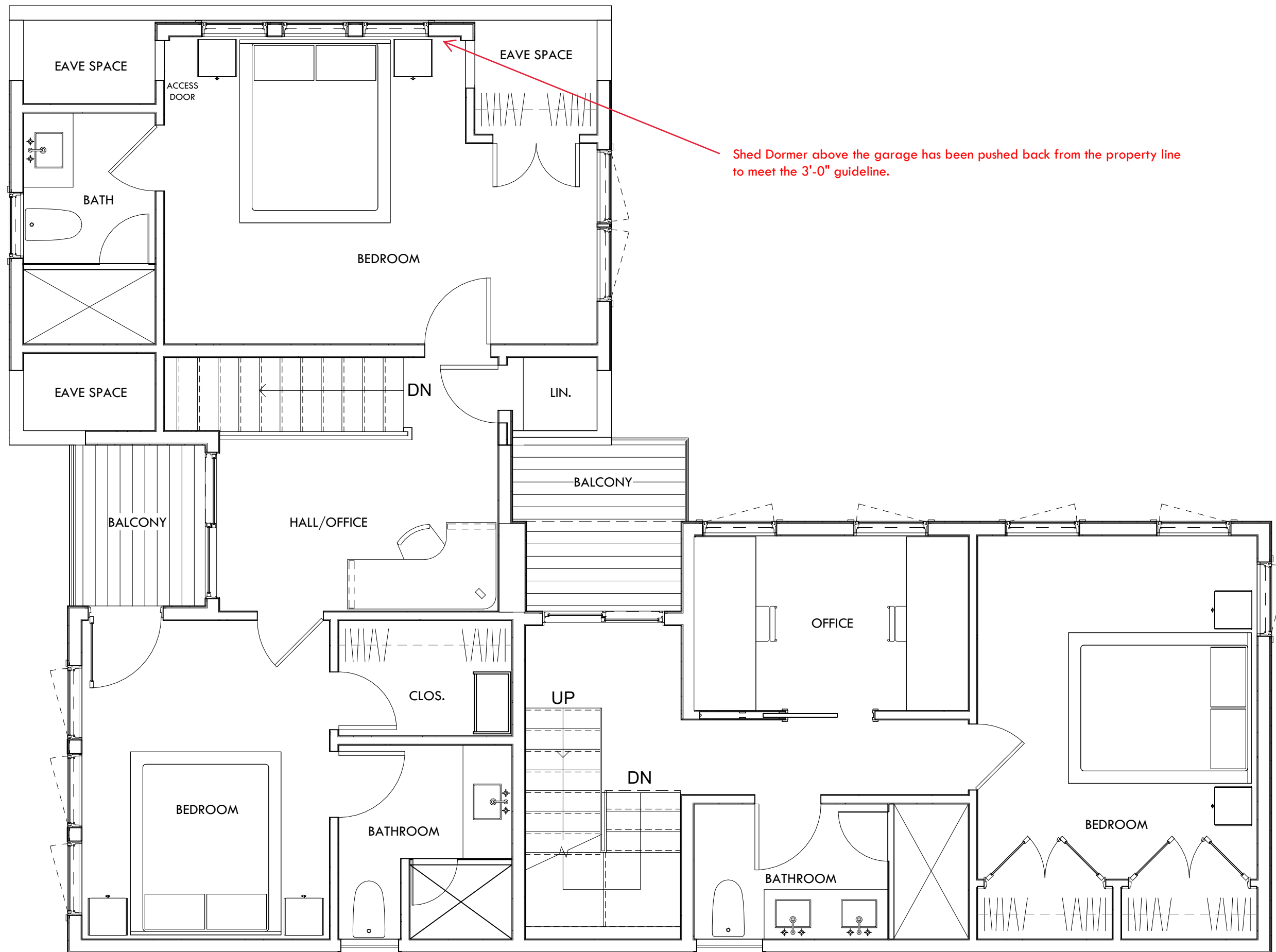
1 Basement Floor Plan
1/4" = 1'-0"



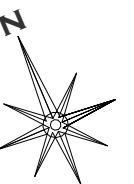


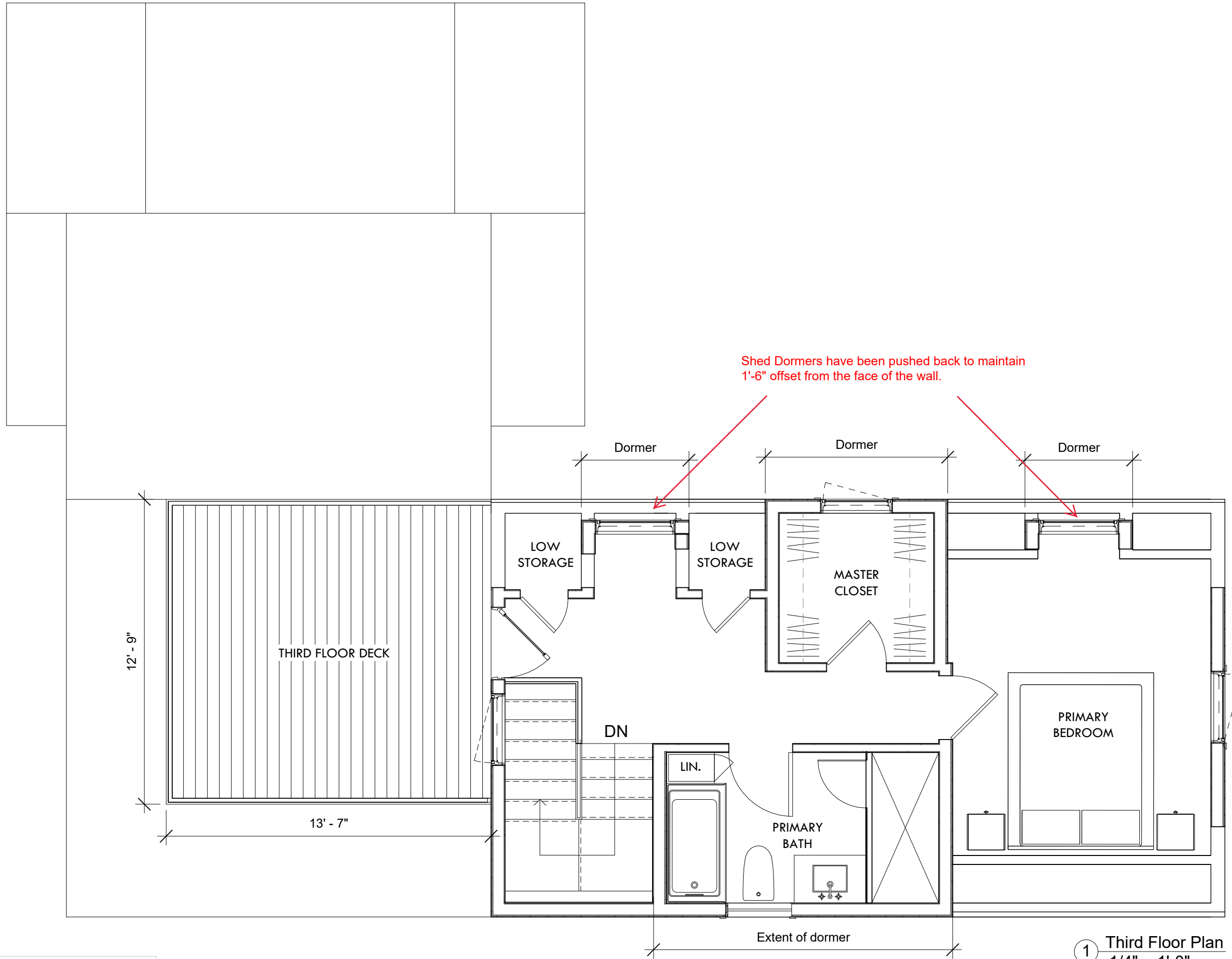
1 First Floor Plan
1/4" = 1'-0"



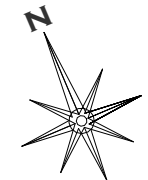


Shed Dormer above the garage has been pushed back from the property line to meet the 3'-0" guideline.





Shed Dormers have been pushed back to maintain 1'-6" offset from the face of the wall.



Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



1 South Elevation
1/8" = 1'-0"

Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



1 West Elevation
1/8" = 1'-0"

Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



① East Elevation
1/8" = 1'-0"

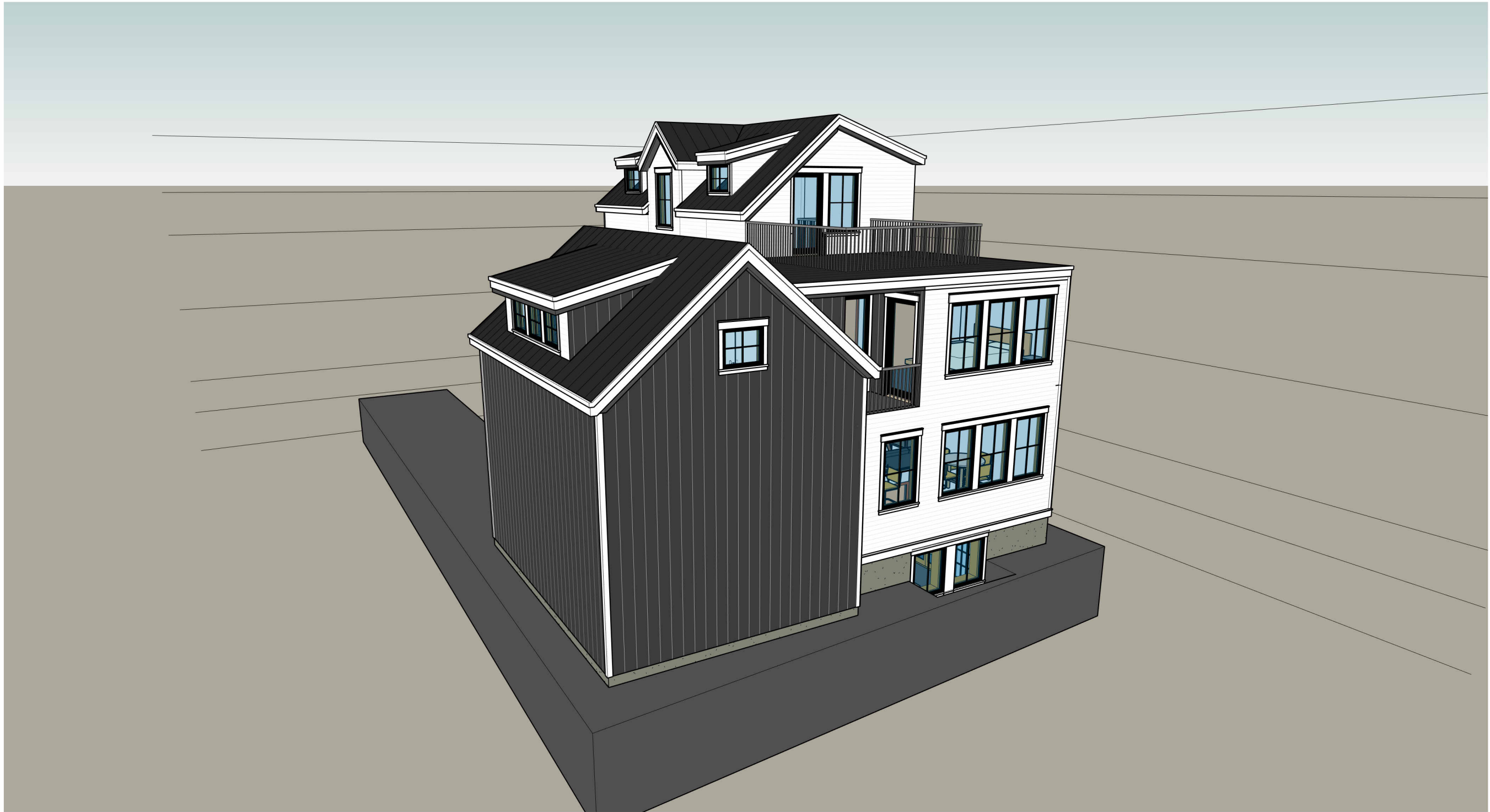
Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



① North Elevation
1/8" = 1'-0"



① 3D Front View



① 3D Back View

















PREPARED FOR:
 OWNER OF RECORD:
 STEPHEN E. BROWN
 47 EIGHTH STREET
 CAMBRIDGE, MA 02141

REFERENCES:
 DEED: BK 57436; PG 553
 EASEMENT: BK 14016; PG 483
 PLAN: PL BK 113; PL 15
 PL BK 278; PL 24
 PL 1973 #237
 PL 1980 #31
 PL 2007 #478
 LCC: 4479-A
 11266-A
 40780-A
 D. 1475552

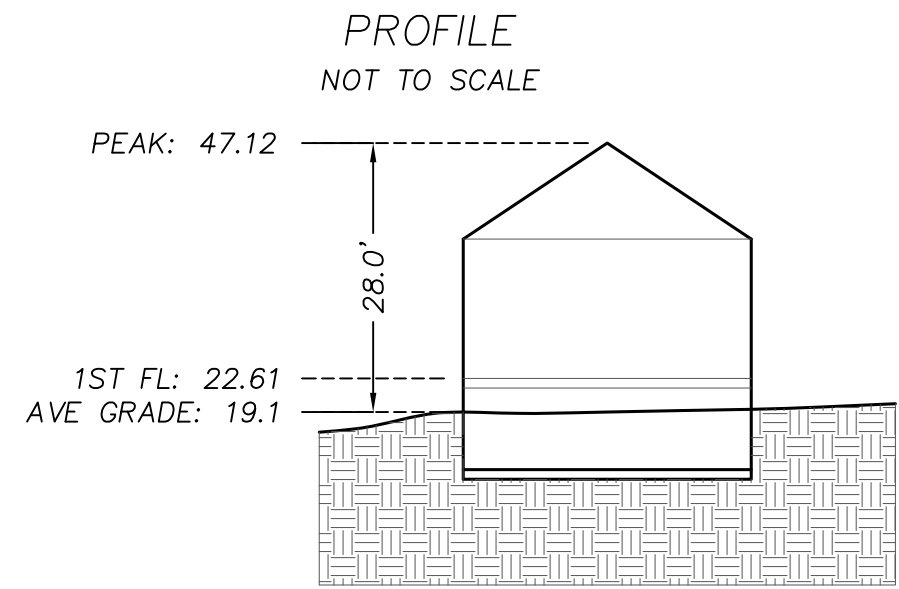
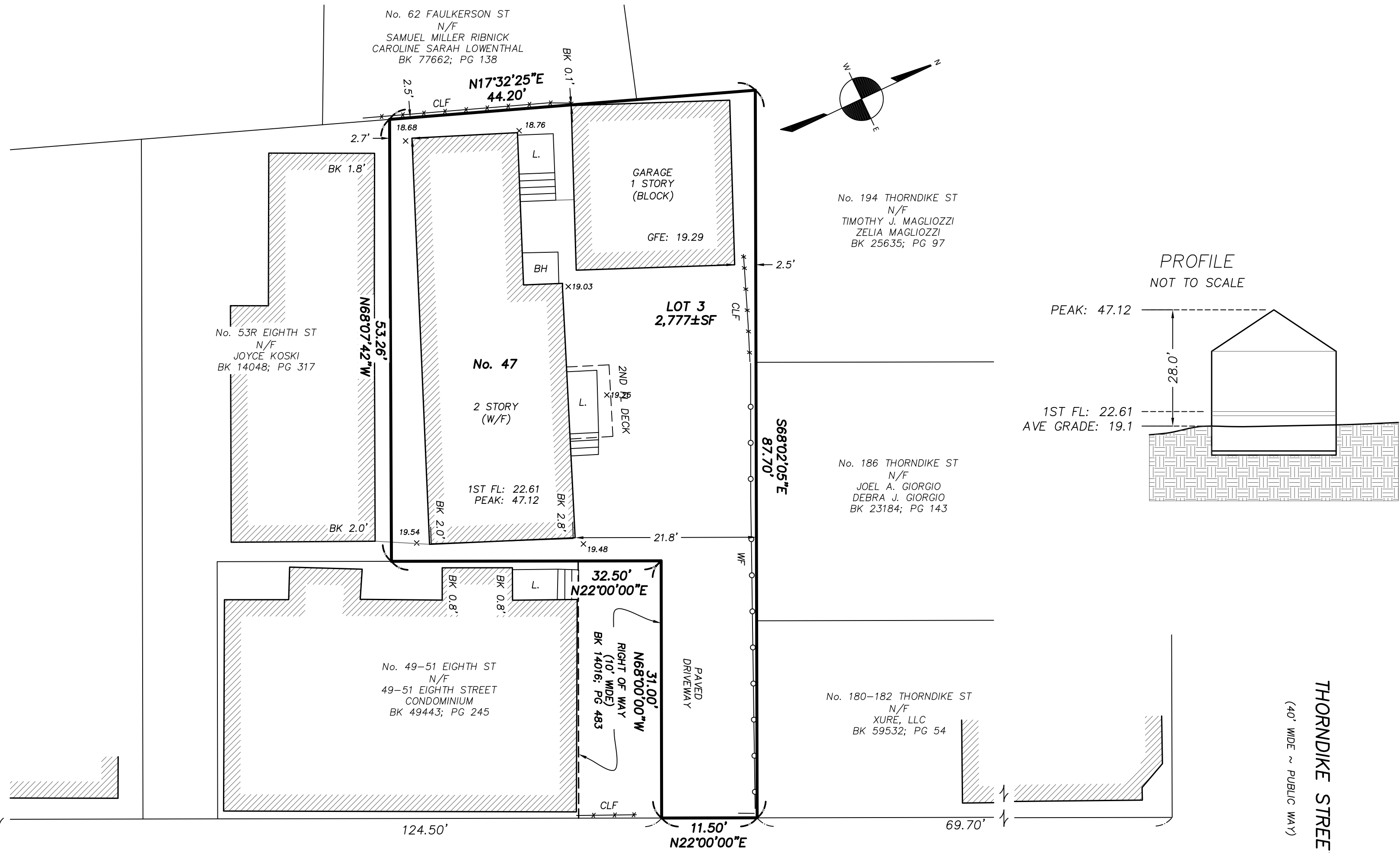
CITY OF CAMBRIDGE ENGINEERING RECORDS
 FB 156; PG 99
 PL #9015
 PL #9045

NOTES:
 MAP/LOT: 33/96
 ZONING: C-1
 VERT. DATUM: CAMBRIDGE CITY BASE

CERTIFIED PLOT PLAN

LOCATED AT
47 EIGHTH STREET
CAMBRIDGE, MA

SCALE: 1.0 INCH = 10.0 FEET



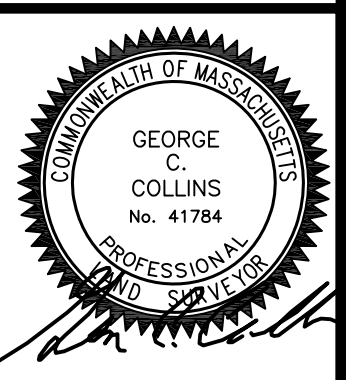
I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND ON THE DATE OF OCTOBER 1, 2021 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

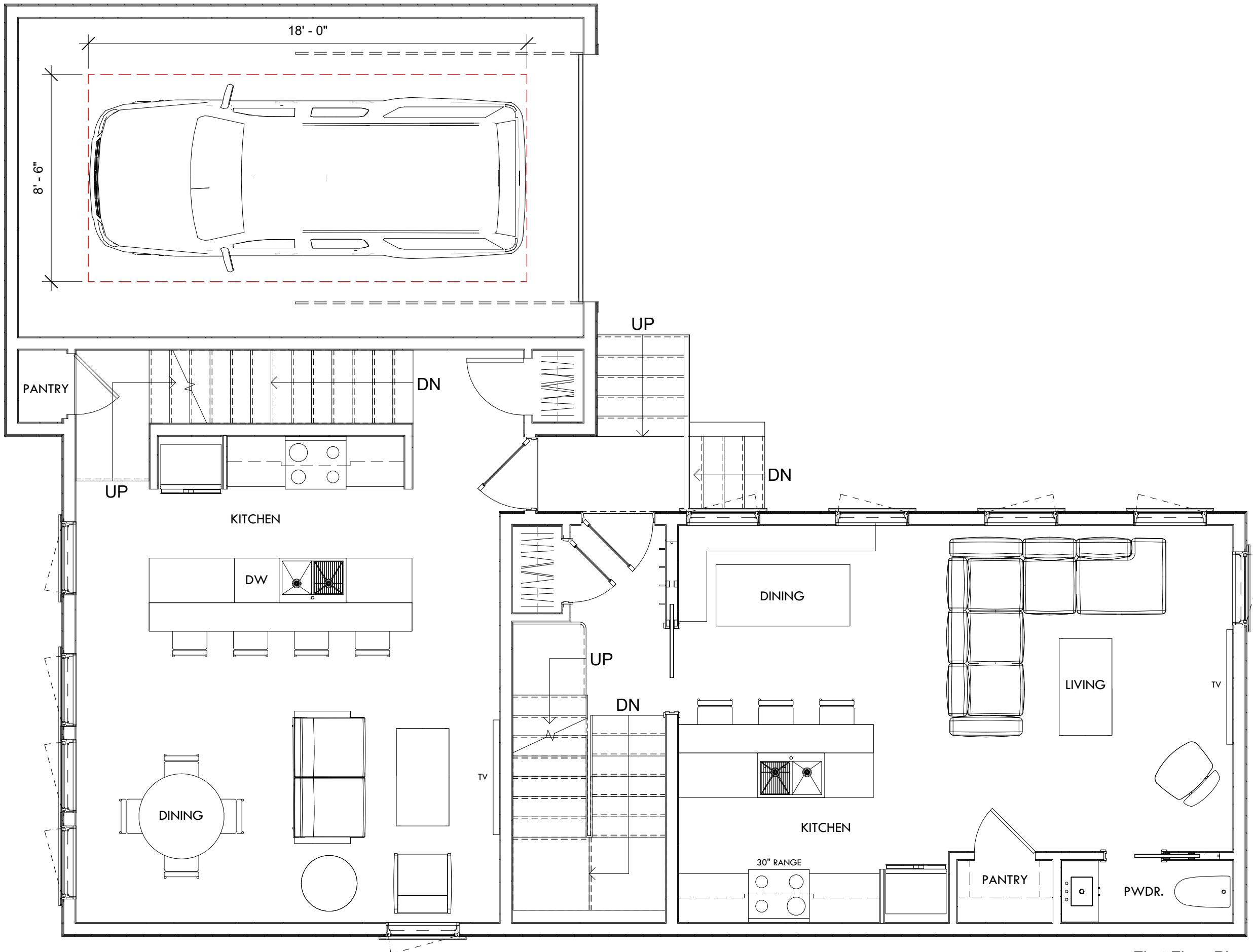
ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS
 ZONE: X
 COMMUNITY PANEL: 25017C0577E
 EFFECTIVE DATE: 06/04/2010

EIGHTH STREET

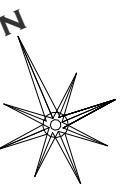
(40' WIDE ~ PUBLIC WAY)

FIELD:	MO
DRAFT:	RAP
CHECK:	GCC
DATE:	10/06/21
JOB #	20-00188





1 First Floor Plan
1/4" = 1'-0"



From: Sullivan, Charles M.
Sent: Thursday, September 1, 2022 1:13 PM
To: Stephen Brown
Cc: michelle jodrey; Burks, Sarah
Subject: Re: Demolition of an older home

Stephen,

Are we still discussing 47 Eighth Street? If so, I stand by my previous answer. We'll sign off when we see your application in the permitting system.

Charles Sullivan

Charles Sullivan, Executive Director
Cambridge Historical Commission
831 Massachusetts Avenue
Cambridge, Mass. 02139
617 349-4684

From: Stephen Brown <stephen.e.brown@gmail.com>
Sent: Thursday, September 1, 2022 12:29 PM
To: Sullivan, Charles M. <csullivan@cambridgema.gov>
Cc: michelle jodrey <orchid001980@gmail.com>
Subject: Re: Demolition of an older home

Good afternoon Mr Sullivan,

I hope this email finds you well. I'd love to restart the conversation around a demo permit application. We have engaged the architecture firm Fiore and Foley (of east cambridge) to assist us in our project. We are also working with attorney Jim Rafferty who is assisting us in the zba application and zoning process. We would love to share the project with you if you'd like.

We are hoping that we will not have a demolition delay ordinance as you mentioned previously. Do you suspect we still might need a hearing with the historic commission on this matter?

Thank you for your time,
Michelle and Steve

On Wed, Jan 23, 2019 at 3:53 PM Sullivan, Charles M. <csullivan@cambridgema.gov> wrote:
Mr. Brown,

Although 47 Eighth Street was built in 1860, in its current location and condition I do not consider it significant for the purposes of the demolition delay ordinance. We will sign off on the demolition permit application when it appears.

Please be sure that your replacement project is buildable under zoning before you remove the existing building - you may not be allowed to replicate its current bulk and lot coverage.

Charles Sullivan

Charles Sullivan, Executive Director
Cambridge Historical Commission
831 Massachusetts Ave., 2nd Fl.
Cambridge, Mass. 02139
ph 617-349-4684; fax 617-349-6165; TTY 617-349-6112
<http://www.cambridgema.gov/Historic>

-----Original Message-----

From: Steve Brown <noreply-webcontactform@cambridgema.gov>
Sent: Wednesday, January 23, 2019 11:13 AM
To: HistComm <HistComm@CambridgeMA.GOV>
Subject: Demolition of an older home

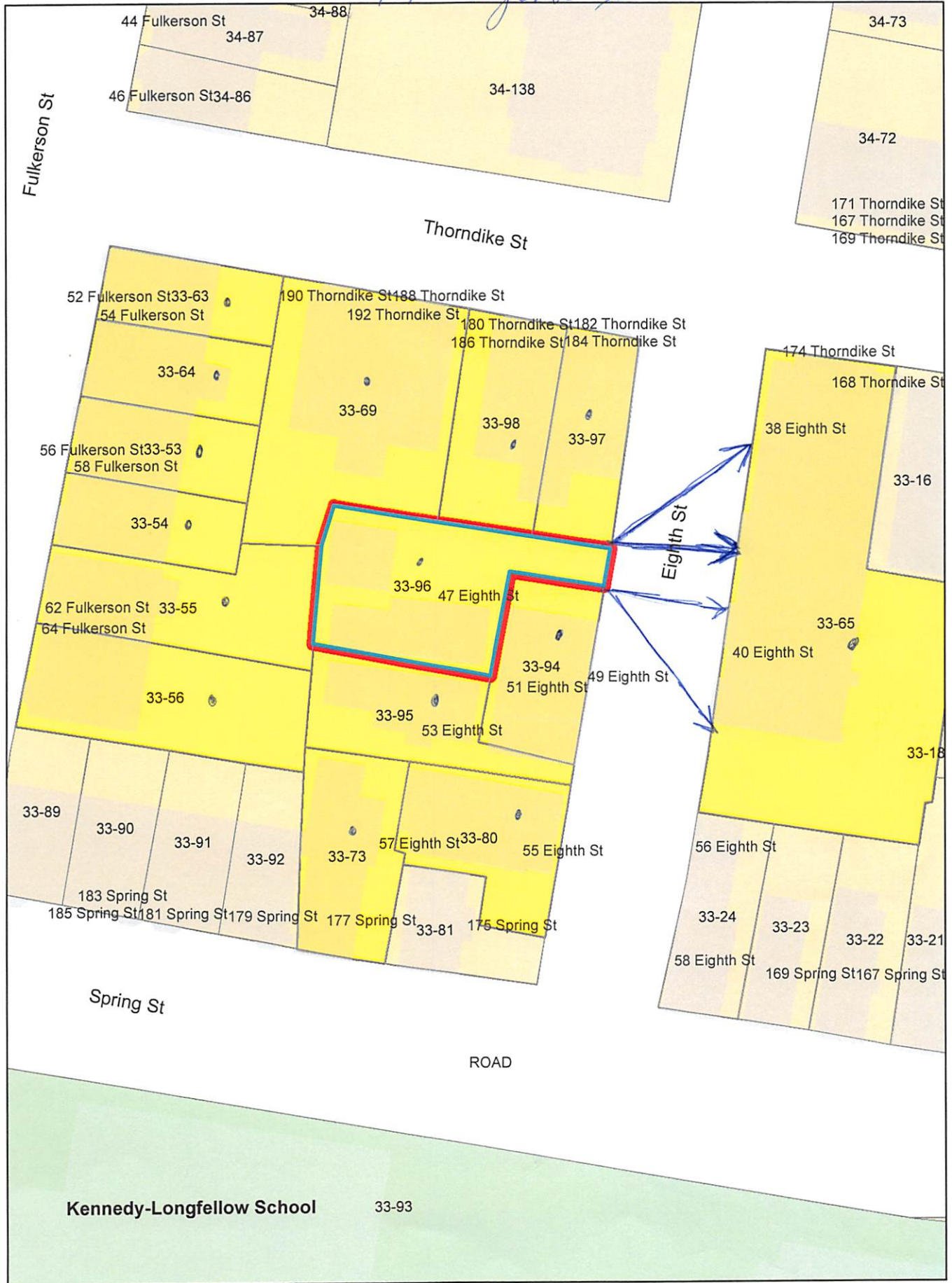
Sender's Email: stephen.e.brown@gmail.com Sender's Name: Steve Brown Sent from a web contact form at <https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cambridgema.gov%2Fhistoric%2Fcontactforms%2Fhistoricalcommission&data=02%7C01%7Ccsullivan%40cambridgema.gov%7C900c56627b254a306c1608d6814d957b%7Cc06a8be784794d73b35193bc9ba8295c%7C0%7C0%7C636838567582630180∓reserved=0>

Hi - my name is Stephen Brown. We own the property at 47 8th Street. We are considering a demolition and rebuild but have been reading that we need to talk to you guys before we do anything. Can you let me know what we need to do here?

Thank you
Stephen Brown

--
- Stephen

47 Eighth St.



47 Eighth St.

Relatives

33-94
ADAMS, JONATHAN & MONICA ADAMS
4234 Q ST
EUREKA, CA 95503

33-54
RONALD R. RAIRIGH & JOANNE NELSON,
TRS RONALD RAIRIGH & JOANNE NELSON ETAL
58 FULKERSON ST.
CAMBRIDGE, MA 02141

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE - SUITE 300
CAMBRIDGE, MA 02139

33-64
TRAVERS, ROBERT V. & MARY TRAVERS
TRUSTEE OF THE TRAVERS REALTY TRUST.
54 FULKERSON ST
CAMBRIDGE, MA 02141-1507

33-65
ELEFTHERAKIS, JOHN J.
C/O EIGHTH STREET REALTY TRUST
267 NORTH BEACON STREET
BRIGHTON, MA 02135-1542

33-96
BROWN, STEPHEN E.
47 EIGHTH ST
CAMBRIDGE, MA 02141

33-63
RAKOFF-NAHOUM, SETH & KATHERINE O'NEILL
52 FULKERSON ST
CAMBRIDGE, MA 02141

33-73
SANO, KATHLEEN J.
177 SPRING ST
CAMBRIDGE, MA 02141

33-69
ANDREW'S ANGELS LLC
7 SUMMIT RD
MEDFORD, MA 02155

33-95
KOSKI, JOYCE & CITY OF CAMBRIDGE TAX TITLE
53R EIGHT ST
CAMBRIDGE, MA 02141-1731

33-97
XURE, LLC C/O ALINA HSU
223 EGREMONT PLAIN RD., #95
GREAT BARRINGTON, MA 01230

33-56
TRAVERS, ROBERT V. & MARY TRAVERS
TRUSTEE OF THE TRAVERS REALTY TRUST.
54 FULKERSON ST
CAMBRIDGE, MA 02141

33-80
RODRIGUES, JAMES A. & NANCY R. RODRIGUES
55 EIGHTH ST
CAMBRIDGE, MA 02141-1544

33-98
GIORGIO, DEBRA J.
186 THORNDIKE ST
CAMBRIDGE, MA 02141

33-55
RIBNICK, SAMUEL MILLER CAROLINE
SARAH LOWENTHAL
62 FULKERSON ST
CAMBRIDGE, MA 02141

33-94
ALVAREZ-ALTALEF, REBECA
49-51 EIGHTH STREET - UNIT 49
CAMBRIDGE, MA 02141

33-53
DIMAIO, LOIS
56 FULKERSON ST.
CAMBRIDGE, MA 02141-1507



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: Dat Cab Date: 10/31
(Print)

Address: 47 Eighth Street

Case No. BZA-197887

Hearing Date: 11/17/22

Thank you,
Bza Members

ADAMS & RAFFERTY

ATTORNEYS AT LAW

A Professional Association*

907 Massachusetts Avenue, Suite 300
Cambridge, Massachusetts 02139

James J. Rafferty, P.C.
jrafferty@adamsrafferty.com

Telephone (617) 492-4100
Fax (617) 492-3131

October 31, 2022

VIA EMAIL

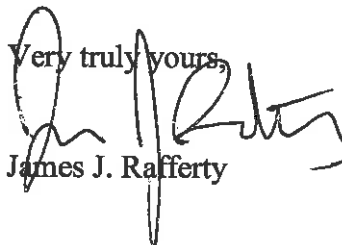
Maria Pacheco, Secretary
Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

RE: BZA Case No. 197887
47 Eighth Street

Dear Ms. Pacheco:

Please accept this correspondence as a request to continue the above-captioned case currently scheduled for Thursday, November 17 to the next regularly scheduled hearing of the Board of Zoning Appeal. The architect who designed the proposal, Paul Fiore, is unable to attend the hearing on the 17th.

Thank you for your attention to this matter.

Very truly yours,

James J. Rafferty

JJR/pwc

cc: Stephen Brown and Michelle Jodrey
Paul Fiore

**not a partnership*



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

2022 NOV 14 PM 3:00
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA-197887

Address: 47 Eighth Street

Owner, Petitioner, or Representative: James Rafferty, Esq.
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The Owner, Petitioner, or Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

Date: 11/14/22

James Rafferty
Signature

1 * * * * *

2 (8:21 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Laura Wernick, and Jason
5 Marshall

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 197887 -- 47 Eighth Street.

8 JAMES RAFFERTY: Good evening, Mr. Chair, and
9 members of the Board. James Rafferty, again, on behalf of
10 the applicant. We have filed with the Board a request to
11 continue the case, due to the unavailability of the Project
12 Architect. We would appreciate the case scheduled as soon
13 as it's convenient for the Board.

14 BRENDAN SULLIVAN: There is -- Olivia, well
15 there's January 12. We're filled up for December 1 and for
16 December 15. We're filled up because of 10 cases on the
17 fifteenth. So January 12, 2023, does that work, Mr.
18 Rafferty?

19 JAMES RAFFERTY: Yes, if that's the soonest
20 available, we will be back at that time.

21 BRENDAN SULLIVAN: Yeah. All right. So let me
22 make a motion, then, as a case not heard that this matter is

1 continued to January 12, 2023 at 6:00 p.m. on the condition
2 that the petitioner change the posting sign to reflect the
3 new date of January 12, 2023 and the time at 6:00 p.m.

4 Any new submittals not currently in the file be
5 submitted by 5:00 p.m. on the Monday prior to January 12,
6 2023 hearing.

7 That the petitioner has signed the waiver of
8 statutory requirement for a hearing that is in the file;
9 that any new submittals, which changes the application, that
10 a dimensional form -- new dimensional form -- be
11 incorporated and submitted, and any new supporting
12 statements also be submitted by 5:00 p.m. on the Monday
13 prior to January 12.

14 On the motion, then, to continue this matter: Jim
15 Monteverde?

16 JIM MONTEVERDE: In favor.

17 BRENDAN SULLIVAN: Laura Wernick?

18 LAURA WERNICK: In favor.

19 BRENDAN SULLIVAN: Andrea Hickey?

20 ANDREA HICKEY: Yes, in favor.

21 BRENDAN SULLIVAN: And Jason Marshall?

22 JASON MARSHALL: In favor.

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BRENDAN SULLIVAN: Brendan Sullivan.

[All vote YES]

BRENDAN SULLIVAN: On the five affirmative votes,
the matter is continued until January 12. See you then.

JAMES RAFFERTY: Thank you, and good evening.

BRENDAN SULLIVAN: Yes.

AMENDED 1/9/23
DIMENSIONAL FORM

APPLICANT: Michelle Jodrey & Stephen Brown

LOCATION: 47 Eighth St, Cambridge, MA 02141

ZONE: C-1 District

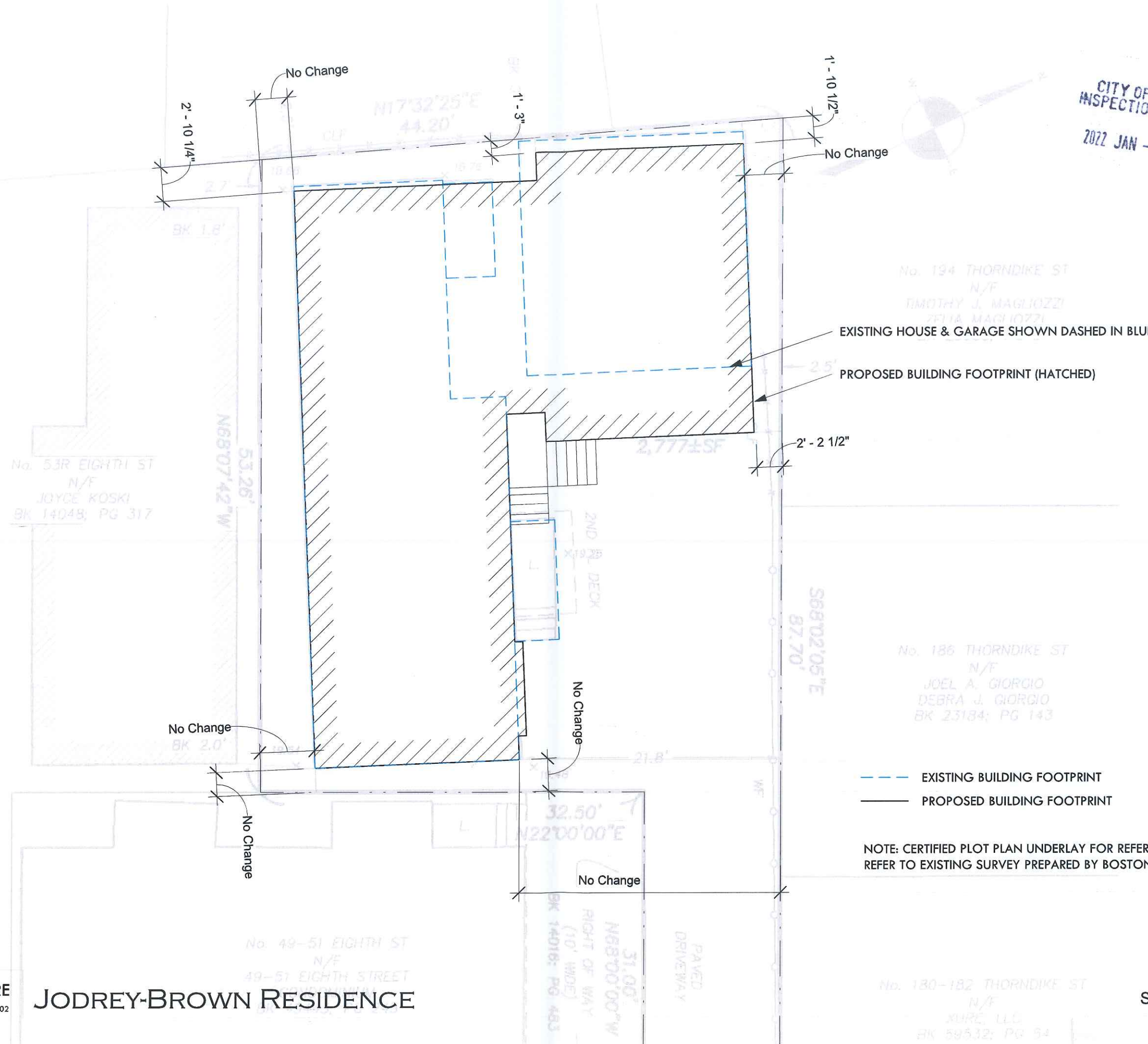
PHONE:

REQUESTED USE/OCCUPANCY: 2 Family Residential Dwelling

CITY OF CAMBRIDGE
INSPECTION SERVICES
2022 JAN - 9 AM 11:47

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u>
<u>TOTAL GROSS FLOOR AREA:</u>	1734.18	2648	2082.75
<u>LOT AREA:</u>	2777	no change	5000
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u>	0.62	0.95	0.75
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	1388.5	1388.5	1500
<u>SIZE OF LOT:</u>	WIDTH: 44.20' DEPTH: 87.70'	44.20' 87.70'	50' N/A
<u>SET-BACKS:</u>	FRONT: 2.0' - 2.6' REAR: 0.1' - 2.5'	2.0' - 2.6' 1'4" - 2'8" 1'3" - 2'10 1/4"	10' 20'
	LEFT SIDE: 2.7'	3'6" 2.7' (No Change)	7'-6"
	RIGHT SIDE: 2'-5"	1'9.5" 2'-2 1/2"	7'-6"
<u>SIZE OF BUILDING:</u>	HEIGHT: 28' LENGTH: 48'-7" WIDTH: 17'-2.5"	33'-6" 48'-7" 38'-3.5"	35' <u>N/A</u> <u>N/A</u>
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	28.51%	25.13%	
<u>NO. OF DWELLING UNITS:</u>	2	2	2
<u>NO. OF PARKING SPACES:</u>	2	2	2
<u>NO. OF BIKE SPACES:</u>	0	0	0
<u>NO. OF LOADING AREAS:</u>	0	0	<u>N/A</u>
<u>DISTANCE TO NEAREST BLDG.:</u>	2'-10"	2'-10"	<u>N/A</u>
<u>SIZE OF BLDGS. ADJACENT ON SAME LOT:</u>			<u>N/A</u>

CITY OF CAMBRIDGE
INSPECTIONAL SERVICES
2022 JAN -9 P 4:47



EXISTING HOUSE & GARAGE SHOWN DASHED IN BLUE
PROPOSED BUILDING FOOTPRINT (HATCHED)

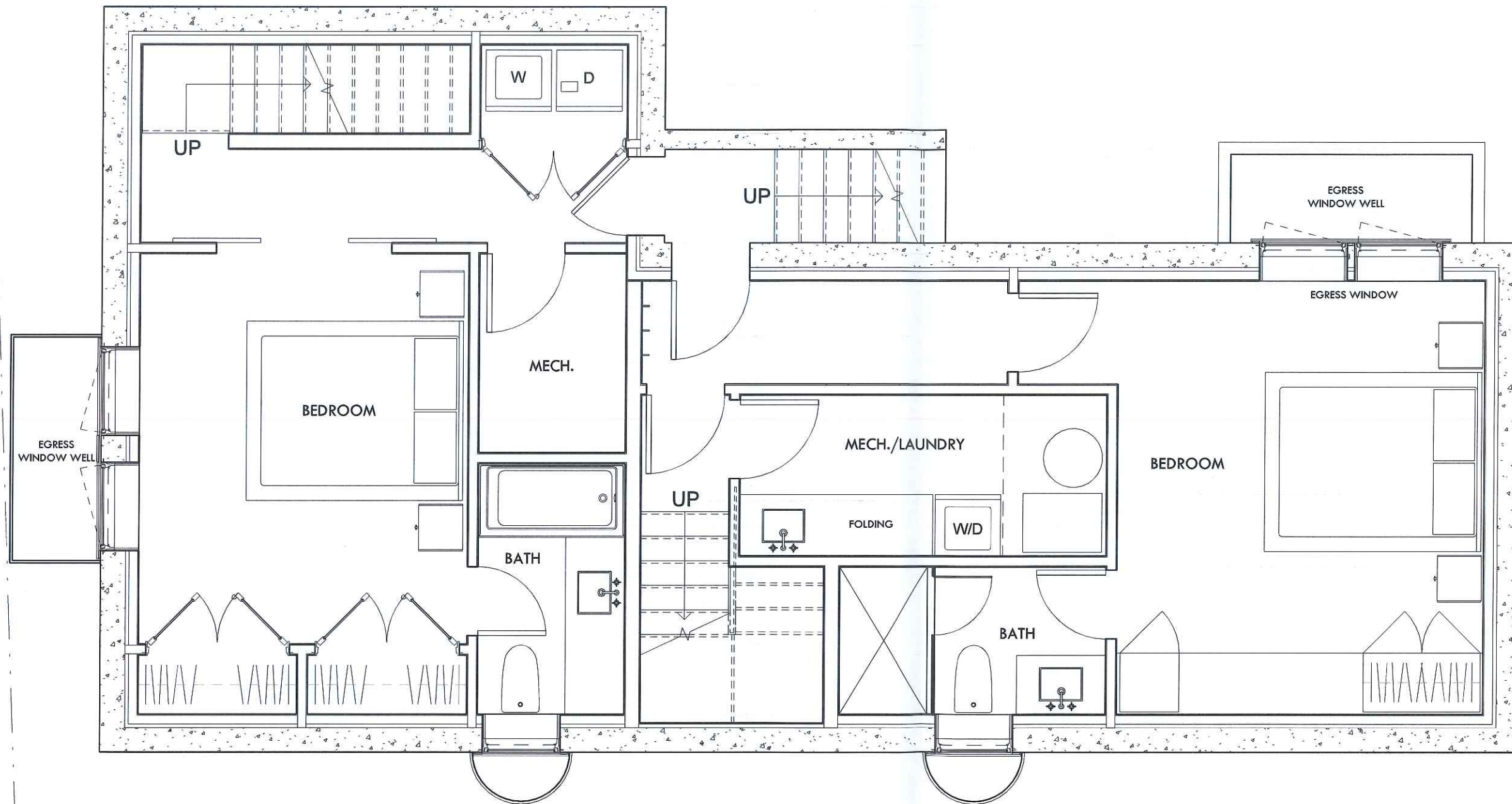
--- EXISTING BUILDING FOOTPRINT
— PROPOSED BUILDING FOOTPRINT

NOTE: CERTIFIED PLOT PLAN UNDERLAY FOR REFERENCE ONLY.
REFER TO EXISTING SURVEY PREPARED BY BOSTON SURVEY, INC. DATED 10/06/21

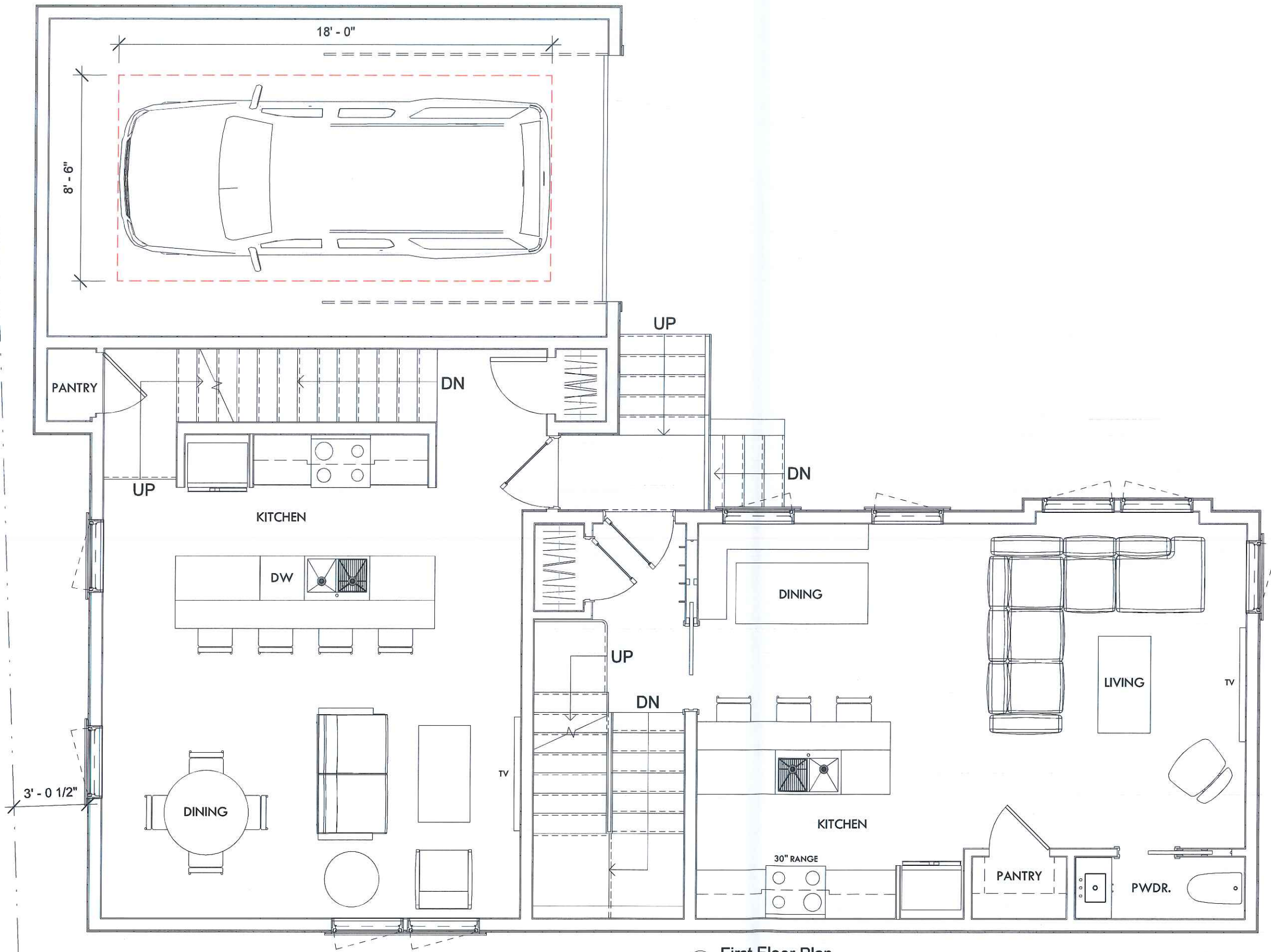
FOLEY FIORE ARCHITECTURE
316 Cambridge Street Cambridge MA 02141 617.547.8002

JODREY-BROWN RESIDENCE

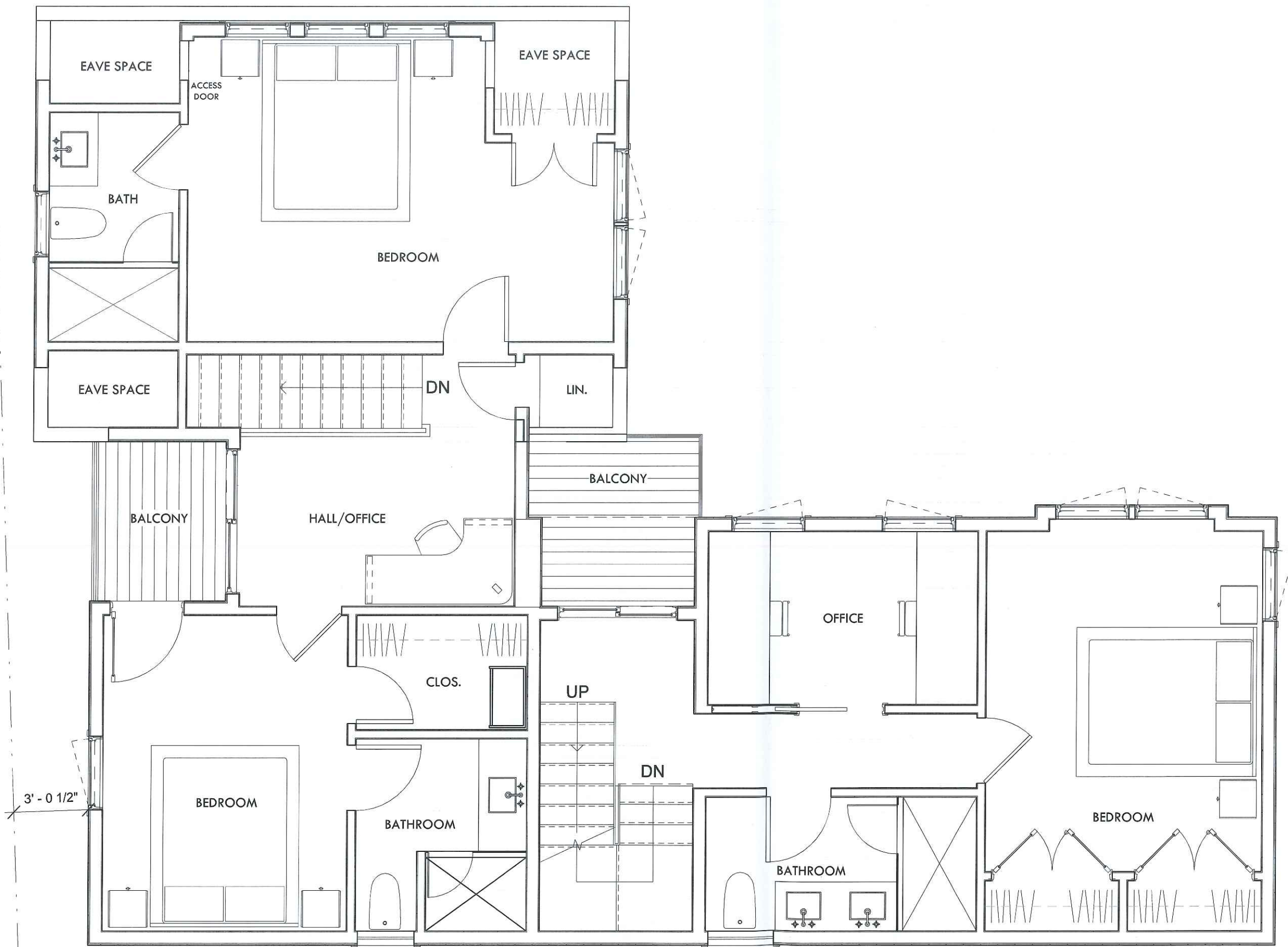
Site Plan | 1/8" = 1'-0"
1/06/2023 2:03:42 PM



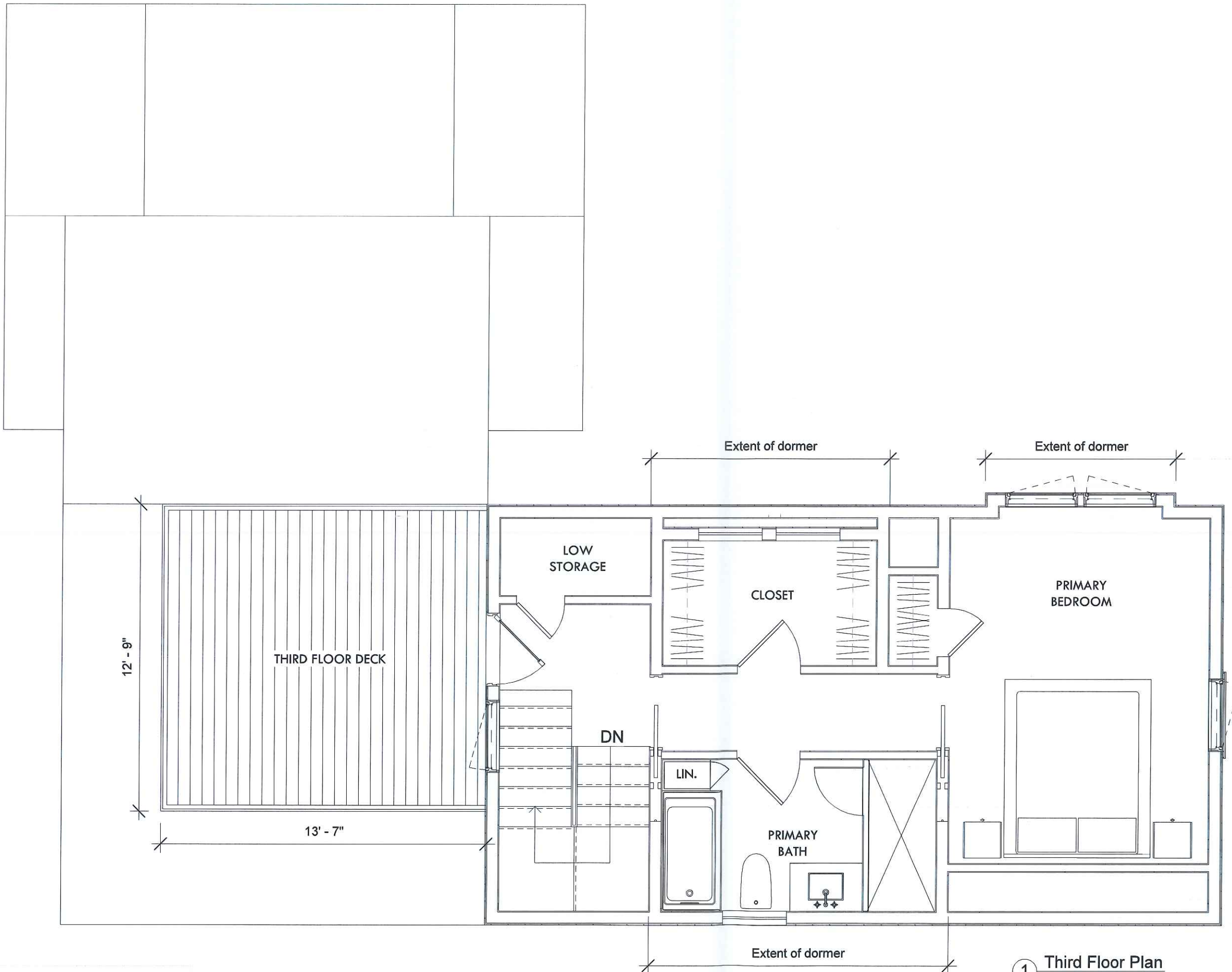
① Basement Floor Plan
1/4" = 1'-0"



1 First Floor Plan
1/4" = 1'-0"



1 Second Floor Plan
 1/4" = 1'-0"



Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



① North Elevation
1/8" = 1'-0"

Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



① East Elevation
1/8" = 1'-0"

Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



① West Elevation
1/8" = 1'-0"

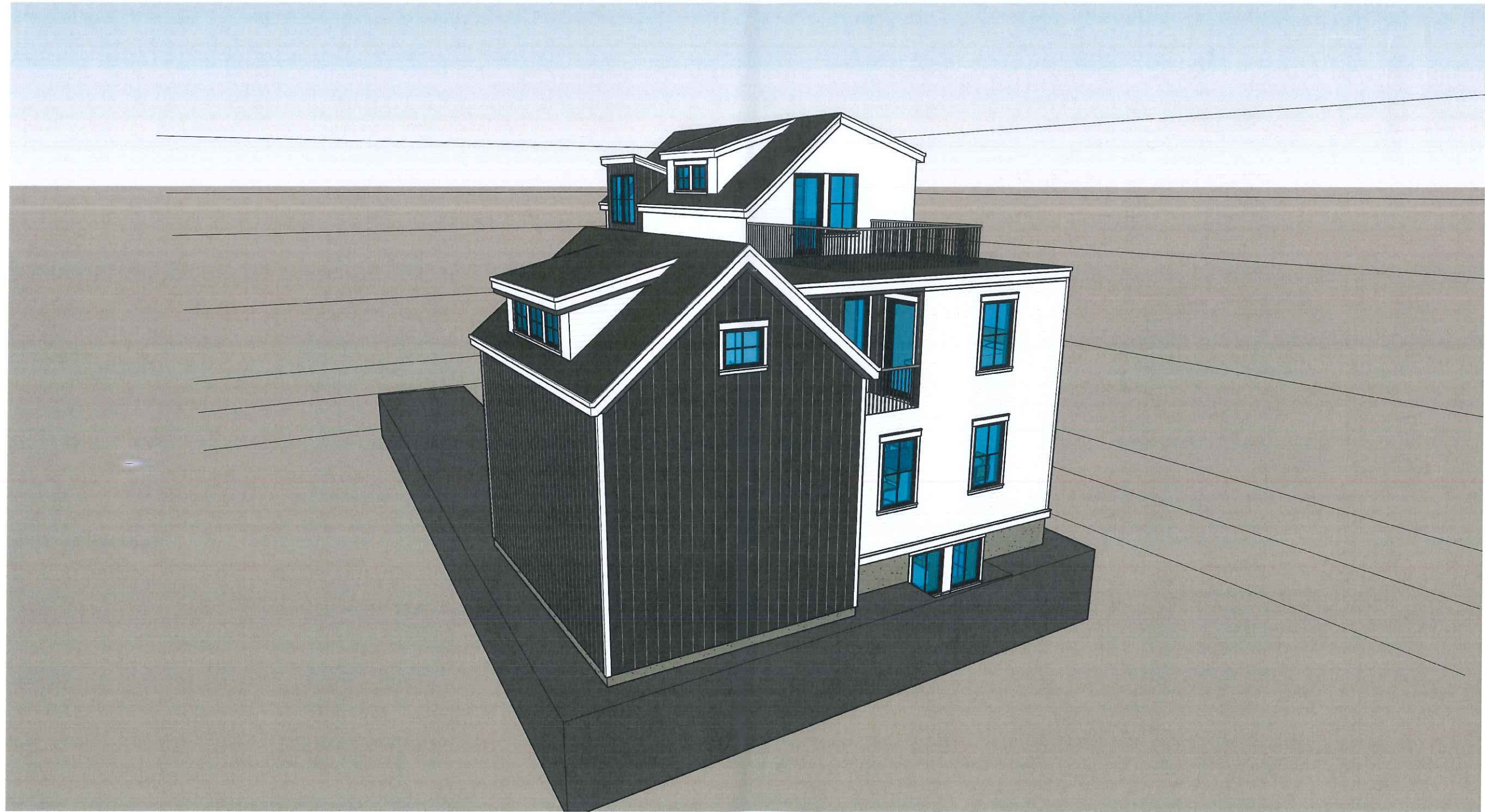
Note: Grade Elevation (19'-1 1/4") is certified by Plot Plan dated 10/06/21 by BOSTON SURVEY, INC.



① South Elevation
1/8" = 1'-0"



① 3D Front View



① 3D Back View

Pacheco, Maria

From: Seth Diamond <seth@mac.com>
Sent: Monday, January 2, 2023 5:36 PM
To: Pacheco, Maria
Subject: Re: BZA Case No. 197887 (47 Eighth Street)

Monday, January 2nd, 2023

Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case No. 197887
47 Eighth Street

Dear Members of the Board of Zoning Appeal:

It is with great pleasure that I'm writing the Board of Zoning Appeal on behalf of my dear friends Steve Brown and Michelle Jodrey in support of their application. I'm proud to say that they've remained dear friends of mine for years now, and they've kept me abreast of their plans of their home at 47 Eighth Street.

Even if I didn't know them, as an involved and long-time resident of East Cambridge (20+ years), I'd be happy to speak up; my wife and I live just a few walking-distance blocks away over on Gore Street. As an involved member of our community all these years, I'm very mindful of the architecture, homes, and the general development in our area. Having reviewed their plans, and as objective as I might be, I strongly believe that their proposed structure will speak to its surroundings and will be a welcome addition to our neighborhood.

Best,

Seth Diamond
617-461-4646 | seth@mac.com
126 Gore St, #2 • Cambridge, MA 02141-1126 USA

Pacheco, Maria

From: Joanne Nelson <nelsonje@att.net>
Sent: Monday, December 26, 2022 1:01 PM
To: Pacheco, Maria
Subject: 47 8th St

Hi Maria,

I hope you had a nice holiday! There is going to be a bza meeting on January 12 for the property at 47 8th St in Cambridge. I should be able to attend but my only concern is if the owners decide to put lights on the back of the house, they either point them down or put a cover on them so they don't blind me. I live on 58 Fulkerson St and my bedroom and kitchen face the back of their house. They used to have a very bright led light on the second floor back deck. I couldn't sit out on my deck at night and had to buy room darkening shades that did not help because the light came in from the sides. What should I do?

Thank you so much,
Joanne Nelson
617-899-0747

[Sent from AT&T Yahoo Mail for iPhone](#)

Pacheco, Maria

From: Stephen Payne <stephenpayne511@gmail.com>
Sent: Sunday, January 1, 2023 12:36 PM
To: Pacheco, Maria
Subject: Re: BZA Case No. 197887 47 Eighth Street Letter of Support

Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case No. 197887
47 Eighth Street

Dear Members of the Board of Zoning Appeal:

I am a longtime Cambridge Resident who still owns his property on 6 Bristol St., a few blocks away from Steve and Michelle. My wife, Emily, and I have known Stephen Brown and Michelle Jodrey for ten years and find them to be valuable and important members of the community.

Stephen Brown is a US Army veteran who was ready to put his life on the line for this country and has continued to contribute to the community at the local level by supporting local businesses and by being a great neighbor. Furthermore, it seems to me that veterans are likely an underrepresented group in the Cambridge community, and the community could greatly benefit from that sort of diversity and dedication to public service. Michelle Jodrey is a nurse who was and continues to work nights and overtime to treat people infected with Covid, putting her life on the line as a frontline worker even when we knew very little about the nature of the virus and did not yet have vaccines. My wife, Emily, and I cannot think of better members of the Cambridge community as they represent the best that America has to offer.

Regarding the case in the subject line, as an interested party, I have reviewed Michelle Jodrey and Stephen Brown's plans for their home at 47 Eighth Street and support their application. I believe that the addition of windows on their own property should be solely the decision of the owners of the property, especially since it is an urban environment. I also think the proposed structure will be a great addition to the neighborhood.

Thank you,

Dr. Stephen Payne

Pacheco, Maria

From: dballestas@yahoo.com
Sent: Monday, January 2, 2023 12:59 PM
To: Pacheco, Maria
Subject: Letter of support for BZA Case No. 197887
Attachments: BZA Case No. 197887 47 8th st.doc

Dear Ms. Pacheco,

Attached is my letter of support for Stephen Brown and Michelle Jodrey's permit application.

I recently looked at Stephen Brown and Michelle Jodrey's plans for their renovation of their home located at 47 Eighth St. As a fellow East Cambridge resident and neighbor, I am in full support of the proposed renovation.

If there is anything else I can do to support Stephen and Michelle's permit application, please let me know.

Sincerely,



Diane Ballestas

Diane Ballestas
112 Seventh St. # 1
Cambridge, MA 02141

Maria Pacheco
City of Cambridge
Inspectional Services Department
831 Mass Ave.
Cambridge, MA 02139

RE: BZA Case No. 197887 (47 Eighth St. Cambridge, MA 02141)

January 3, 2023

Dear Ms. Pacheco,

I recently looked at Stephen Brown and Michelle Jodrey's plans for their renovation of their home located at 47 Eighth St. As a fellow East Cambridge resident and neighbor, I am in full support of the proposed renovation.

If there is anything else I can do to support Stephen and Michelle's permit application, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Diane Ballestas". The signature is written in a cursive style with a large initial 'D' and a long horizontal stroke at the end.

Diane Ballestas

Pacheco, Maria

From: George Ni <georgen.wei@gmail.com>
Sent: Tuesday, January 3, 2023 2:06 PM
To: Pacheco, Maria
Subject: Re: BZA Case No. 197887

Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case No. 197887
47 Eighth Street

Dear Members of the Board of Zoning Appeal:

I am writing to support Michelle and Steve's application to renovate their home. They are outstanding members of the community, and contribute to the friendliness and familiarity that makes East Cambridge such a unique neighborhood in Cambridge. Their home is dire need of updating, and I implore the Board to approve their building permits.

I first met Steve when I moved into the neighborhood about 7 years ago. A very friendly fellow that passed by on the street, we started chatting and found out we had many common interests. Every time I walked by his house, Steve was always happy to open up his garage, and show me his latest project. I find Steve's small-town, neighborly personality so crucial to differentiating East Cambridge from the big-city feel of nearby Boston.

Steve and Michelle's proposed structure will be a great addition to the neighborhood, and will blend in with the existing aesthetic of the area. As inhabitants of a densely developed town, we all have to contend with sharing spaces with our neighbors. Steve and Michelle's proposed structure appears quite equitable, and I personally can not see a reasonable bar to reject their application.

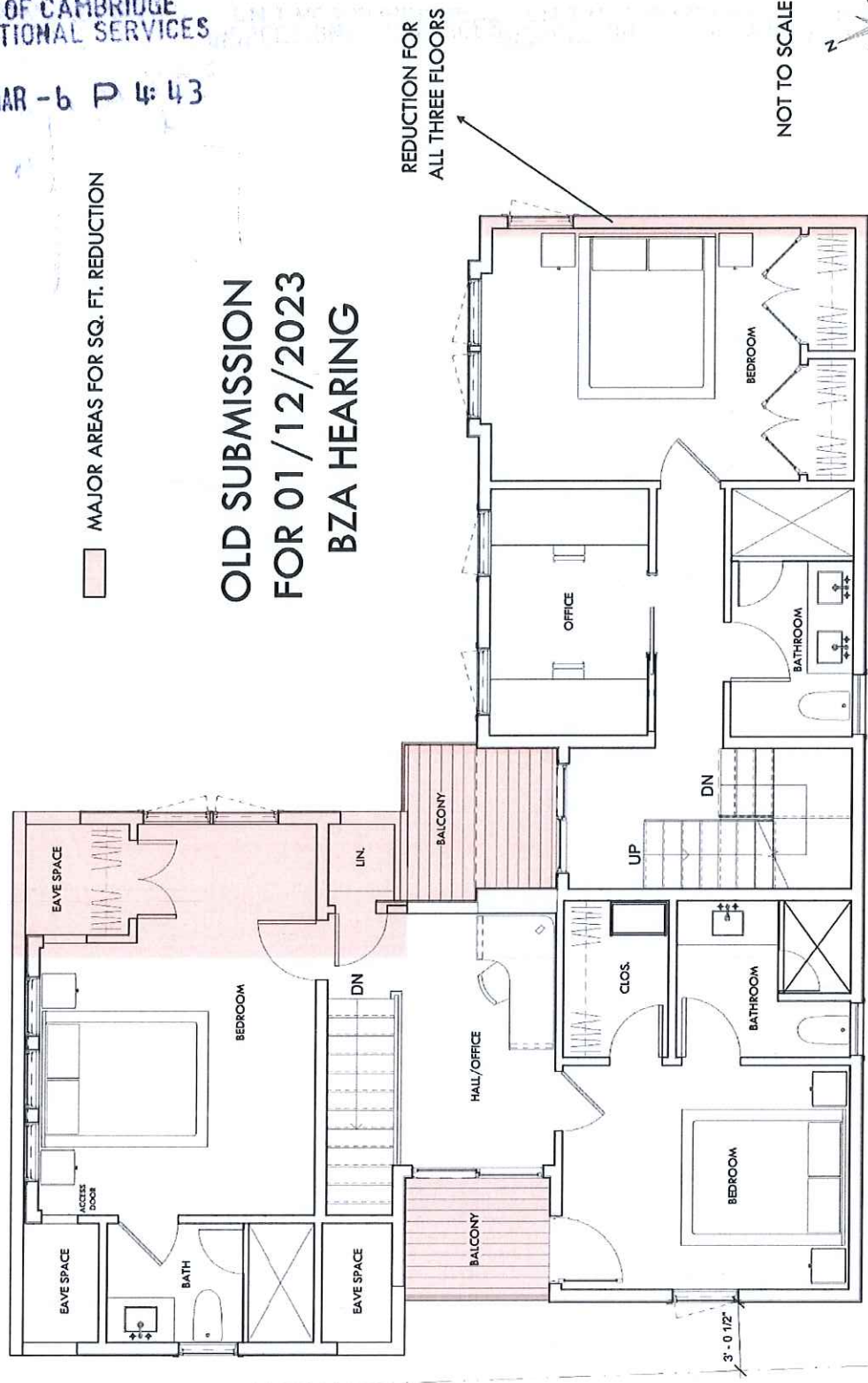
It would be a shame if Steve and Michelle were forced to move to find a more suitable home. My biggest fear if they were forced to move out, is that professional condominium developers would come in and continue to drive up rent and force the exodus of long-time residents.

Regards,

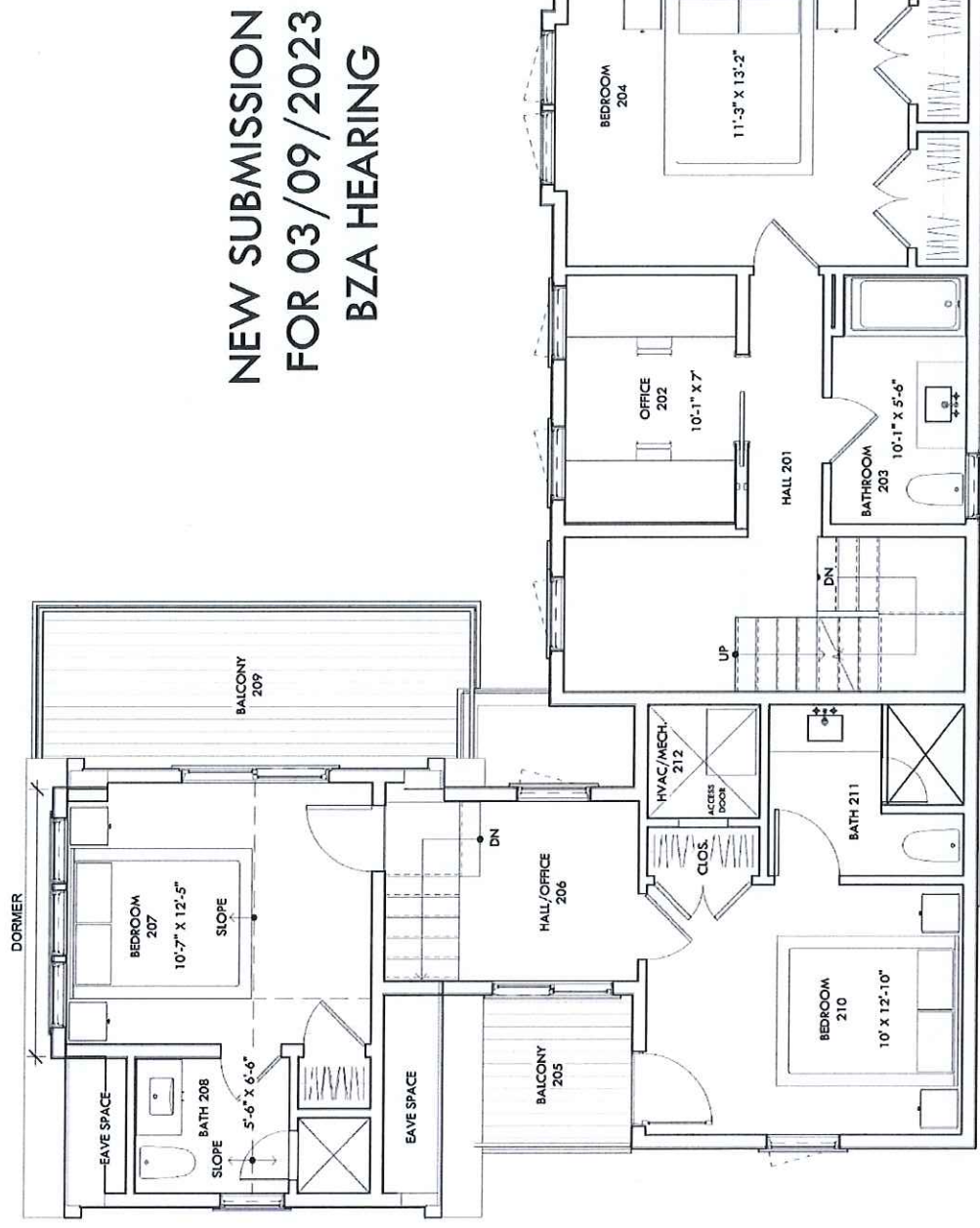
Dr. George W. Ni
8 5th St, Cambridge MA 02141
734-223-7518

COMPARISON DIAGRAM

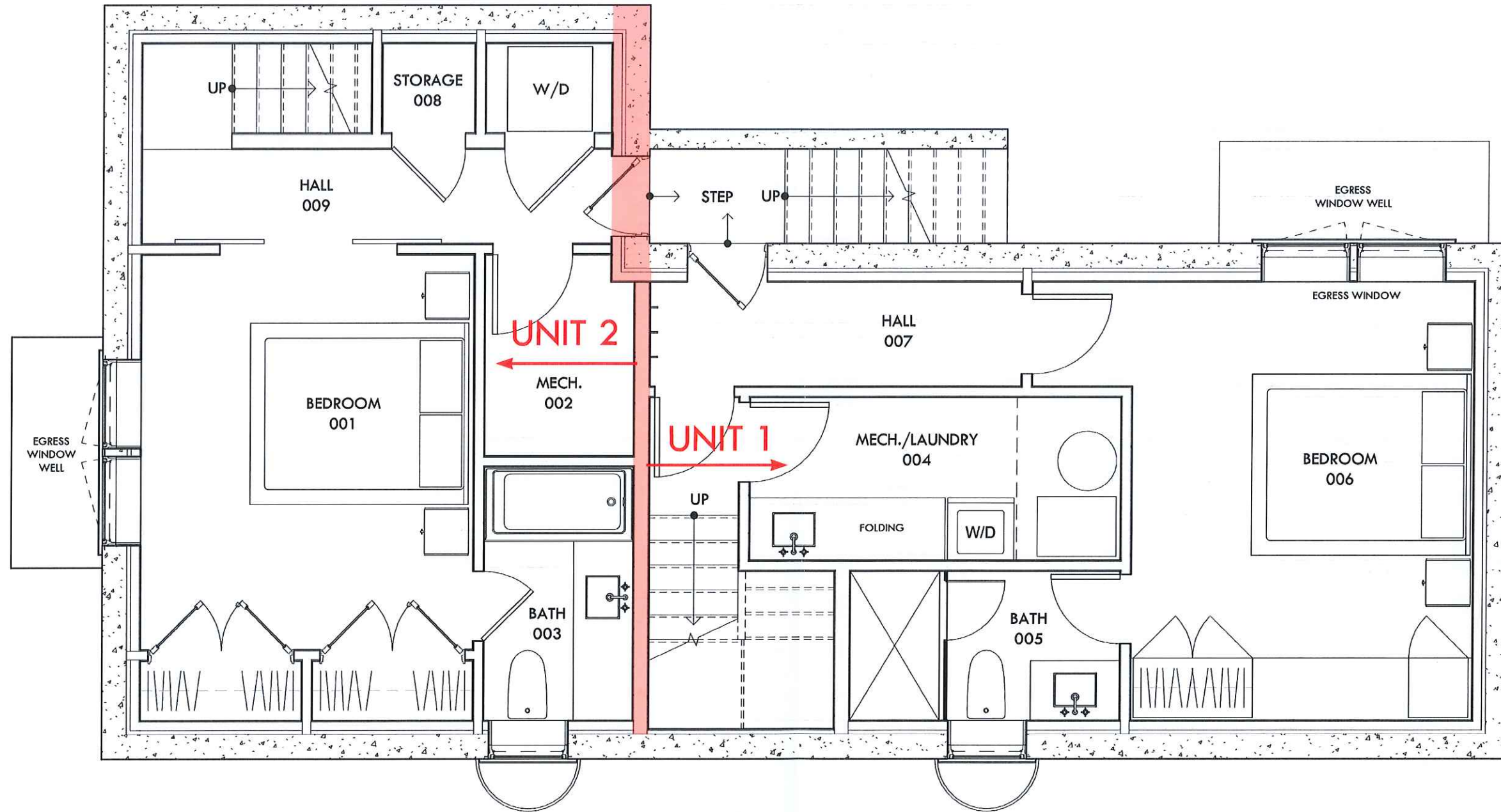
CITY OF CAMBRIDGE
INSPECTIONAL SERVICES
2023 MAR -6 P 4:43



FOLEY FIORE ARCHITECTURE JODREY-BROWN RESIDENCE
316 Cambridge Street Cambridge, MA 02141 © 12/24/2022

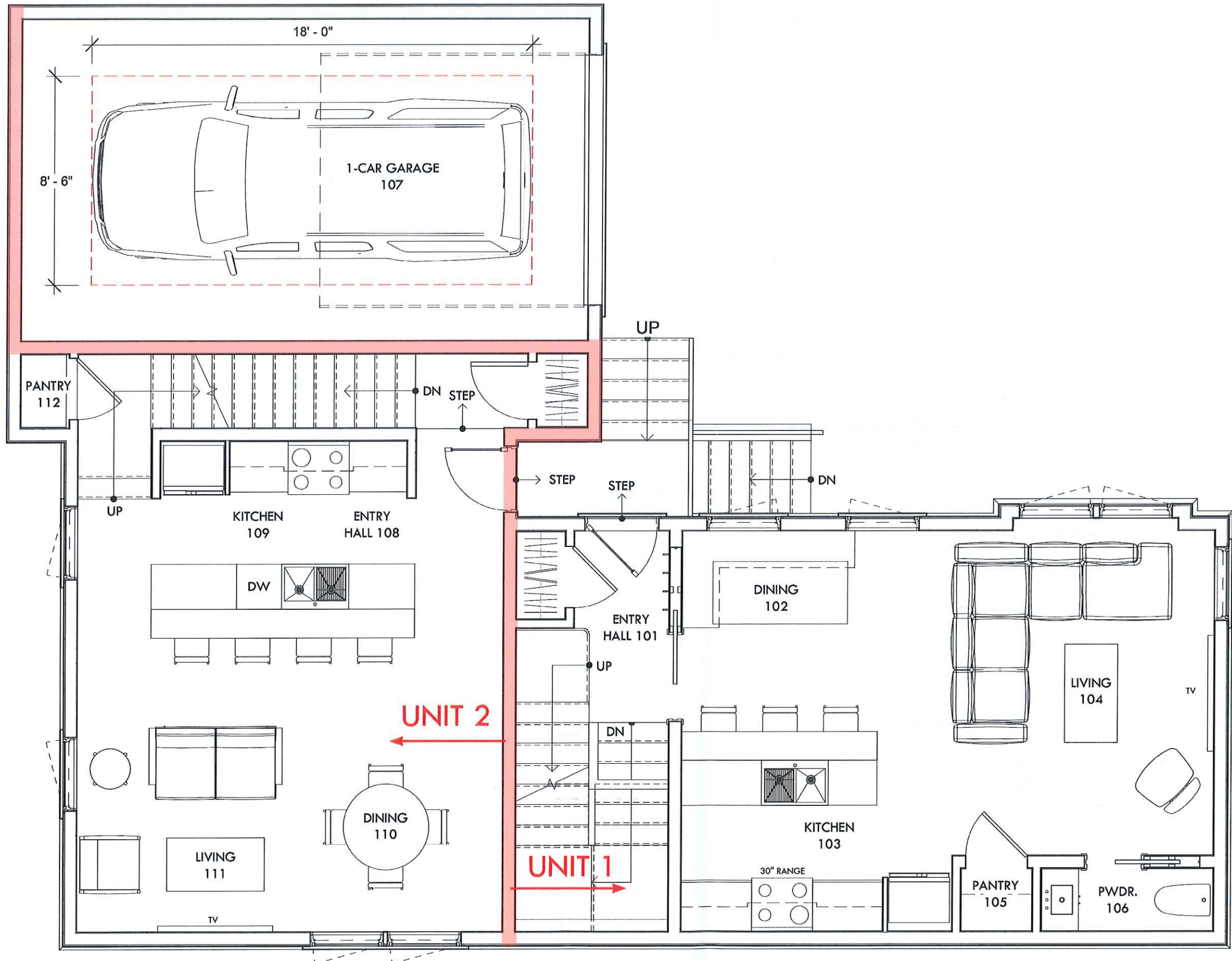


FOLEY FIORE ARCHITECTURE JODREY-BROWN RESIDENCE
316 Cambridge Street Cambridge, MA 02141 © 12/24/2022



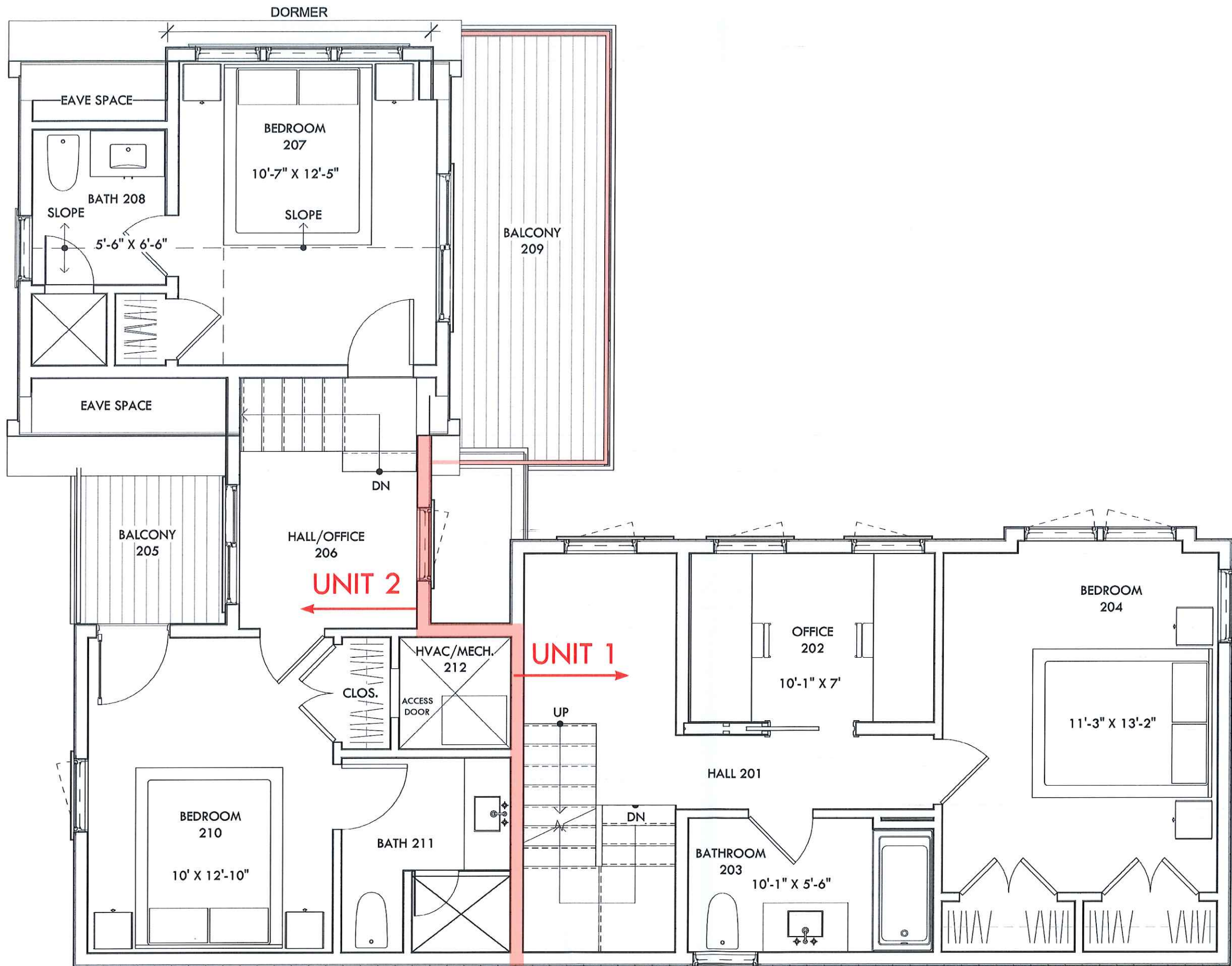
1 Proposed Basement Floor Plan
 1/4" = 1'-0"





1 Proposed First Floor Plan
1/4" = 1'-0"





1 Proposed Second Floor Plan
1/4" = 1'-0"



Pacheco, Maria

From: CARL FANTASIA <newdealfish@comcast.net>
Sent: Tuesday, January 10, 2023 3:13 PM
To: Pacheco, Maria
Subject: BZA Case No 197887
Attachments: Letter of Recommendation for Michelle Jodrey.docx

Hello Ms. Pacheco,

Please open the attached file that is my letter of support for Stephen Brown and Michelle Jodrey at 47 8th Street. Also please accept this email as my execution of the letter as I didn't have a scanner with me to forward you the letter with my signature. Should you require a signature please let me know so that I can resubmit the letter before the hearing.

Thank You
Carl Fantasia
New Deal Fish Market

Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

1/10/2023

Re: BZA Case No 197887
47 Eighth Street

Dear Members of the Board of Zoning Appeal:

My name is Carl Fantasia and I am the owner of New Deal Fish Market located at 622 Cambridge Street. My family has operated a business on Cambridge Street since 1928 and has resided in Cambridge at various times for 70 plus years. I am taking this opportunity to support Stephen Brown and Michelle Jodrey's plans for their home at 47 Eighth Street and ask that you grant their application for variance. Both Stephen and Michelle have been weekly customers of my market for well over 10 years and that they are kind, gracious, and good stewards of our neighborhood. I am confident that the proposed structure will be a terrific addition to the neighborhood and ask that you give strong consideration to allowing them to construct their home to their plans.

Thank You,

Carl Fantasia

From: Michael Moynihan <mjmoynihan13@gmail.com>
Date: January 9, 2023 at 13:15:35 EST
To: MichelleJodrey <michellejodrey@gmail.com>
Subject: Re: Support letter

Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case No 197887
47 Eighth Street

My name is Michael Moynihan. I've been a resident of Cambridge for about sixteen years.

My address is:

32 Fulkerson St. Apt#2
Cambridge Ma. 02141

During that time , I have met many residents in the neighborhood. Two of them are Steve and Michelle. Steve is a veteran and Michelle is an ICU nurse. They have lived here for twelve years. I enjoy walking around the neighborhood and meeting neighbors like Michelle and Steve. Always pleasure to speak with. They are active members of the community. Steve and Michelle believe in buying locally, supporting the small business community. Since they live in the neighborhood they always participate in any EBAC functions supporting local businesses. They also support their neighbors and any renovation projects.

It is a pleasure to have them as neighbors and friend.

I am in total support of their project. It only shows how much they love the neighborhood and want to enhance their life but also enhance the beauty of East Cambridge.

Michael Moynihan

Sent from my iPhone

----- Forwarded message -----

From: **Stephen Payne** <stephenpayne511@gmail.com>

Date: Sun, Jan 1, 2023 at 12:35 PM

Subject: Re: BZA Case No. 197887 47 Eighth Street Letter of Support

To: <mpacheco@cambridgema.gov>

Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case No. 197887
47 Eighth Street

Dear Members of the Board of Zoning Appeal:

I am a longtime Cambridge Resident who still owns his property on 6 Bristol St., a few blocks away from Steve and Michelle. My wife, Emily, and I have known Stephen Brown and Michelle Jodrey for ten years and find them to be valuable and important members of the community.

Stephen Brown is a US Army veteran who was ready to put his life on the line for this country and has continued to contribute to the community at the local level by supporting local businesses and by being a great neighbor. Furthermore, it seems to me that veterans are likely an underrepresented group in the Cambridge community, and the community could greatly benefit from that sort of diversity and dedication to public service. Michelle Jodrey is a nurse who was and continues to work nights and overtime to treat people infected with Covid, putting her life on the line as a frontline worker even when we knew very little about the nature of the virus and did not yet have vaccines. My wife, Emily, and I cannot think of better members of the Cambridge community as they represent the best that America has to offer.

Regarding the case in the subject line, as an interested party, I have reviewed Michelle Jodrey and Stephen Brown's plans for their home at 47 Eighth Street and support their application. I believe that the addition of windows on their own property should be solely the decision of the owners of the property, especially since it is an urban environment. I also think the proposed structure will be a great addition to the neighborhood.

Thank you,

Dr. Stephen Payne

Pacheco, Maria

From: Rachel Rosenbloom <rachelrosenbloom@gmail.com>
Sent: Wednesday, January 11, 2023 2:19 PM
To: Pacheco, Maria
Cc: Michelle Jodrey; Grace Moreno
Subject: letter of support BZA Case No. 197887

Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case No. 197887
47 Eighth Street

Dear Members of the Board of Zoning Appeal:

We have reviewed Michelle Jodrey and Stephen Brown's plans for their home at 47 Eighth Street and support their application.

We are writing as two people with a connection to 49 Eighth Street, which is located just steps away from Michelle and Stephen's house. The owner of 49 Eighth Street, Rebeca Alvarez-Altalef, passed away in October. One of us (Rachel) is the surviving parent of Rebeca's two children, Miriam Alvarez-Rosenbloom (age 21) and Elisa Alvarez-Rosenbloom (age 16), who will soon be inheriting the house; Miriam and Elisa are aware of Michelle and Stephen's plans and have no objection to them. The other one of us (Graciela Moreno) is currently awaiting appointment in Middlesex Probate Court as the Personal Representative of Rebeca's estate.

We think the proposed structure will be an improvement over the existing structure and we support their application for whatever permits and variances are required to commence construction.

Regards,

Rachel Rosenbloom and Graciela Moreno
c/o 49 Eighth St.
Cambridge, MA 02141

Pacheco, Maria

From: Adam Bryant <adambryant2002@gmail.com>
Sent: Thursday, January 12, 2023 8:00 AM
To: Pacheco, Maria; Ratay, Olivia; Singanayagam, Ranjit
Subject: BZA-197887

Dear BZA,

I write to object to BZA-197887 at 47 Eighth St. The applicants seem like worthy community members and relief to allow them to renovate their home is worth consideration if it is necessary. However, petitioners are making a bald-faced grab for GFA, proposing a new home that is far in excess of the existing home size (a 50% increase) or what is permitted in the C-1 zone (violating the max GFA by over 27%). They have presented no evidence for why they face a hardship that would justify building a home that expands the size of the current building, much less one that violates GFA limits. It is also troubling that their attorney's narrative makes no mention of the excess GFA, instead highlighting the difficulty of renovating on a tight lot. Ignoring the FAR elephant in the room while seeking to draw attention to other considerations is misleading at best and undermines the applicant's credibility.

The BZA should seriously consider conditioning relief on GFA staying at the current level. Just because a party needs a variance to renovate existing living space, it does not logically follow that the variance should also extend to allowing them to max out their GFA or violate GFA limits altogether. An inability to max out GFA is not a hardship. At a bare minimum, any relief should be conditioned on GFA not exceeding the maximum 0.75 FAR.

Thank you,
Adam Bryant
71 Fulkerson St.

1 ANDREA HICKEY: Goodnight.

2 BRENDAN SULLIVAN: Goodnight.

3 BRENDAN SULLIVAN: The Board will hear Case No.
4 197887 -- 47 Eighth Street. Mr. Rafferty?

5 JAMES RAFFERTY: Thank you. Good evening, Mr.
6 Chair, members of the Board. Again, for the record, James
7 Rafferty on behalf of the applicants with offices addressed
8 at 907 Massachusetts Avenue in Cambridge.

9 I'm appearing this evening on behalf of property
10 owners who are present. Stephen Brown and Michelle --
11 Michelle, or Michelle Jodrey, J-o-d-r-e-y.

12 Mr. Brown and Ms. Jodrey have called this property
13 their home for the past 11 years. We also have on the call
14 the Project Architect Paul Fiore.

15 This is a proposal I'm sure the Board has been
16 able to ascertain. It involves a small house in the rear of
17 the lot at this address on Eighth Street. In the existing
18 house, the applicants' original intention was to renovate
19 the house.

20 The house is old. It is really in need of
21 significant renovation. And as the applicants explored that
22 process with Mr. Fiore, it became increasingly apparent that

1 structural conditions of the house were such that the type
2 of renovation work required would really be so overwhelming
3 that there would not be much remaining of the existing
4 house.

5 So the applicants spoke with the Historical
6 Commission and the Executive Director viewed the home. And
7 he made a determination that the home did not meet the
8 significant threshold that would warrant a public hearing.

9 As Board members probably know, the city's
10 Demolition Delay Ordinance has property owners first seek a
11 determination by the Historical Commission whether a
12 property is significant. If the Executive Director makes a
13 preliminary determination, the matter is referred for a
14 public hearing.

15 In this case, the Executive Director determined
16 that the house was not significant unless a public hearing
17 was not needed.

18 So what's proposed here is a house that very much
19 follows the footprint of the existing home. And Mr. Fiore
20 can go through those plans with you.

21 But after the plans were filed, the applicants did
22 hear from a rear abutter, who expressed concerns about

1 privacy impacts that were created because this home,
2 although the rear setback is unchanged, actually, currently
3 has a blank wall facing the rear abutter.

4 The rear abutter's home appears to be about 50
5 feet into their lot, but nonetheless there were concerns
6 expressed about the amount of fenestration which candidly
7 was considerable.

8 So the applicants and their architects went back
9 to the drawing board. They invited that abutter to
10 participate in that process -- Mr. Fiore's office is in the
11 East Cambridge neighborhood -- but the abutter wasn't able
12 to do so.

13 But the plan that's before the Board tonight
14 reflects a significant reduction, a 50 percent reduction in
15 the amount of fenestration. So we do recognize that that
16 abutter -- my understanding is that abutter continues to
17 express concern.

18 But creating a home and a living situation with a
19 blank wall really is far less than ideal. So the proposal
20 has been designed in a way to actually meet the 3' setback
21 requirement for the building code to allow for operable
22 windows.

1 If the Board would like, I could have Mr. Fiore go
2 through the changes to the windows, but it's worth noting
3 that the house is -- the application seeks a variance
4 because the new house, like its predecessor, does not comply
5 with the setbacks.

6 And there is one image, or one sheet that I might
7 ask the Board -- that's exactly it. Thank you.

8 Clairvoyant.

9 This -- this -- this site plan shows the
10 difference between existing footprint and the proposed
11 footprint. And what's most notable in terms of the massing
12 and organization of the house, you'll see, is the house
13 currently has a detached garage.

14 Where we're seeing a lot of the added GFA in the
15 new house is that detached garage is now an ex-garage. And
16 the area between the current garage and the current home is
17 now occupied with GFA.

18 And the garage has been brought forward for a
19 number of reasons, including the fact that the current
20 garage is at a 0 setback. This garage is brought forward.
21 There are no windows on the rear wall of the garage.

22 But the application seeks a variance because of

1 the setback issues created, and also because of the increase
2 in square footage, the application seeks to -- an additional
3 600 square feet over what the current FAR allows.

4 It's a case where the lot is extremely small. The
5 -- the house itself has suffered due to its cramped size and
6 its small conditions. In many ways, the reorganization of
7 the house in this form actually creates a separation at
8 least between the rear abutter.

9 And Mr. Fiore would point out at the second floor
10 of the house, you'll notice -- if we can go to that
11 elevation -- you'll notice that the massing on the second
12 floor steps back and so the -- it's only the first floor
13 that is at the closest adjacency to the rear. The second
14 floor and the third floors are pulled back considerably.

15 So, as I said, Mr. Fiore is on the call. I'm
16 happy to respond to any questions or comments about the
17 plans as submitted.

18 BRENDAN SULLIVAN: Okay. Let me open it up to the
19 Board. Jim, do you have any questions?

20 JIM MONTEVERDE: I just had one. I think Mr.
21 Rafferty touched on it. I was trying to understand where
22 all the added square footage came from, or where it is. I

1 understand the garage comment that accommodates the bulk of
2 it.

3 JAMES RAFFERTY: Right. So far --

4 JIM MONTEVERDE: Can you walk me through? It's
5 about -- it looks like it's about 900 some-odd square feet?

6 JAMES RAFFERTY: You're absolutely correct. And
7 the -- the increases are on the first floor; I prepared this
8 analysis in anticipation of this question -- the existing
9 first floor is about 760 square feet. The proposed is
10 nearly 1000. It's 999. So that's the first tronche, at
11 about 250 square feet.

12 Where the most additional GFA is occurs on the
13 second floor. It goes from 760 to 1217. Maybe, would it
14 be possible maybe to get the floor plan to look at the
15 second floor, and maybe Mr. Fiore is probably better skilled
16 to kind of address this. Are you in a position to comment,
17 Paul?

18 PAUL FIORE: Can I -- can people hear me?

19 JAMES RAFFERTY: Yes. You should give your -- you
20 give your name for the record, please?

21 PAUL FIORE: My name is Paul Fiore. And --

22 JAMES RAFFERTY: Right. And I'm just going to

1 finish up with the -- in response to Mr. Monteverde's
2 question. And then the final, the third floor, the attic
3 floor, went from 212 to 430 square feet.

4 But I think you could perhaps give a more
5 comprehensive assessment of where this additional GFA is
6 occurring in the building, as opposed to the existing
7 structure.

8 PAUL FIORE: Right. So on the first floor, as Mr.
9 Rafferty said, it's mostly the infill between the existing
10 house and the garage, because the footprint -- the outline
11 of the footprint really didn't change.

12 The second floor, because we're building over the
13 -- we're -- we're requesting to build over the garage, all
14 of the area over the garage is now -- now occupiable, where
15 it wasn't previously when it was just a one-story garage
16 structure. So that's why the second floor has the most
17 added space.

18 JIM MONTEVERDE: Okay. Thank you.

19 BRENDAN SULLIVAN: Laura, any questions of the
20 petitioner at this time? Comments?

21 LAURA WERNICK: The amount of windows seems
22 relatively small. And you do have that balcony with a large

1 opening, sliding door there, I assume?

2 Can you kind of go through the exercise that you
3 went -- how much, how much glazing, how much window area was
4 reduced from your original?

5 PAUL FIORE: Yeah. If you'd like, I could bring
6 up -- well, actually, you have it all in the -- you have the
7 3D of the back elevation. I'll tell you when to stop. This
8 is what's -- oh, go back. Oh, no, that's the elevation.
9 Okay. So that's -- sorry. One more back.

10 That is the -- right there. That's what we're
11 proposing now. The original rear elevation, if you scroll
12 all the way down, our original submission you can see the --
13 oh, is it -- yeah, keep moving -- yeah, keep going. It
14 should --

15 LAURA WERNICK: Think you have to keep going.

16 JAMES RAFFERTY: It's an elevation, not a photo.
17 Yeah. Keep going.

18 PAUL FIORE: Yeah. Is that the end?

19 PAUL FIORE: Yes. That's the end. Okay.

20 JAMES RAFFERTY: We, must have gone past the other
21 -- it's the rear elevation of the original application.

22 LAURA WERNICK: Right in there.

1 JAMES RAFFERTY: Yeah, that's not it.

2 BRENDAN SULLIVAN: That's the front.

3 JAMES RAFFERTY: That -- that -- that's -- that's
4 the current proposal, what's before the Board tonight. But
5 to the question being asked about -- whoop, that's not it,
6 either. What was the -- what has been the change in the
7 original submission to this submission?

8 PAUL FIORE: Is there a way to share my screen
9 that I can -- I have it right up on it now. And when I
10 looked at the submission online, it was included, the
11 original submission was included with the proposed or the --

12 JAMES RAFFERTY: Yeah.

13 PAUL FIORE: -- amended solution.

14 JAMES RAFFERTY: Right. So the -- yeah. So the
15 original application, of course, was uploaded at the time of
16 filing. So that is -- that is present. That's -- that's
17 the existing condition in the photo. I'm trying to find --

18 BRENDAN SULLIVAN: Is that the west elevation,
19 then?

20 JAMES RAFFERTY: I believe it is.

21 PAUL FIORE: It is, yes.

22 BRENDAN SULLIVAN: The sheets here are not

1 numbered, so. Well --

2 JIM MONTEVERDE: Yeah. I have a sheet -- I have
3 it as from the -- what's in the public file.

4 BRENDAN SULLIVAN: Yeah, there's --

5 JIM MONTEVERDE: Sheet 33 of 54.

6 BRENDAN SULLIVAN: Oh, okay.

7 JIM MONTEVERDE: For the elevations. 33, 34.

8 JAMES RAFFERTY: And that's from the original
9 application?

10 JIM MONTEVERDE: Yeah. It's dated October 1.

11 JAMES RAFFERTY: Exactly.

12 JIM MONTEVERDE: October 17.

13 JAMES RAFFERTY: Right. That's -- that -- the,
14 comparing that elevation with tonight's will -- will explain
15 the response and accommodation that was made. So is that
16 not available for viewing by the Board?

17 SLATER ANDERSON: It should be Sheet 35.

18 PAUL FIORE: I would make one correction. We
19 actually reduced the windows on that façade from seven
20 double-hung windows to three. So it's more than a 50
21 percent reduction. And if we could pull that up, you would
22 be able to see them.

1 LAURA WERNICK: Yeah. I'm looking at them now.

2 BRENDAN SULLIVAN: And it was discussions with Ms.
3 Joanne Nelson, is that correct?

4 JAMES RAFFERTY: No. It was -- it was discussions
5 with Mr. Ribnick, I believe -- the gentleman who appeared on
6 the prior case mistakenly.

7 BRENDAN SULLIVAN: Okay. Joanne Nelson -- well,
8 writes, "I should be able to attend, but my only concern is
9 if the owners decided to put lights of the house, they
10 either point them down or put a cover on them so they don't
11 blind me.

12 "I live in 58 Fulkerson Street. My bedroom and
13 kitchen face the back of their house. They used to have a
14 very bright light on the second-floor back deck. I couldn't
15 sit out on the deck at night and had to buy room-darkening
16 shades to alleviate."

17 But I don't know, did you have any discussions
18 with Ms. Nelson at all? She obviously is in the back at
19 Fulkerson Street.

20 JAMES RAFFERTY: Stephen, could you address the
21 Chair whether you've had any discussions? Stephen or
22 Michelle, could you -- can you address the question about

1 communication with that abutter?

2 MICHELLE JODREY: Hello?

3 STEPHEN BROWN: Hi, there. This is Stephen Brown

4 --

5 BRENDAN SULLIVAN: Yes.

6 STEPHEN BROWN: -- and Michelle Jodrey. We did
7 not -- we weren't exposed to that question. But to respond
8 to that, we --

9 MICHELLE JODREY: We're happy to make whatever
10 accommodations. We don't -- we didn't even know that there
11 was a porch light that was bothering her. And actually, we
12 wish she would have said something. So --

13 STEPHEN BROWN: It may have been before we bought
14 this place.

15 MICHELLE JODREY: Yeah.

16 STEPHEN BROWN: Regardless --

17 MICHELLE JODREY: We would have changed it.

18 JOANNE NELSON: Hi. Can you hear me at all?

19 MICHELLE JODREY: Hi.

20 STEPHEN BROWN: Yes.

21 JOANNE NELSON: Hi. I'm sorry -- hi, this is

22 Joanne.

1 STEPHEN BROWN: Hi, Joanne.

2 MICHELLE JODREY: Hi, Joanne.

3 JOANNE NELSON: Hi. Hi. First, I want to say
4 your house is going to be beautiful when it's finished.

5 STEPHEN BROWN: Oh.

6 MICHELLE JODREY: Oh, thank you.

7 JOANNE NELSON: I mean, I applaud you. Great job.

8 BRENDAN SULLIVAN: Maybe what I'll do, Joanne, is
9 if you could just stand by --

10 JOANNE NELSON: Okay.

11 BRENDAN SULLIVAN: -- just a brief question, but
12 when I open it to public comment, maybe you could chime in
13 then.

14 JOANNE NELSON: Oh, all right. I'm sorry.

15 BRENDAN SULLIVAN: Yeah, no, no.

16 JOANNE NELSON: I didn't know the procedure.

17 BRENDAN SULLIVAN: That's fine. That's fine.

18 JOANNE NELSON: Okay.

19 BRENDAN SULLIVAN: Just trying to keep some -- a
20 little bit of law and order and decorum here, anyhow. So
21 anyhow, regarding the back of the house, which was -- was it
22 sheet 33? Are we trying to --

1 JAMES RAFFERTY: It was 35.

2 BRENDAN SULLIVAN: 35? That --

3 JAMES RAFFERTY: There you go. There you go.

4 There you go. So that's -- that's the -- that's the October
5 submission, as noted by Mr. Fiore, a reduction from seven
6 double-hung windows to three, in direct response to the rear
7 abutter, Mr. Ribnick, who contacted the owners and expressed
8 serious reservation about the fact that the -- he much
9 prefers the blank wall that he looks at now apparently than
10 any glazing on this wall.

11 So as I noted, Mr. Fiore could walk you through
12 the changes he made, but this -- the glazing that's being
13 provided here would be one room in a kit -- one window in a
14 kitchen, one window in a dining room downstairs, and now one
15 window in an upstairs bedroom.

16 BRENDAN SULLIVAN: Okay. That's the west
17 elevation? I don't know if you can pull that one up.

18 LAURA WERNICK: East.

19 JAMES RAFFERTY: It seems to be east, I apologize,
20 if the marking is correct. The sheet says east.

21 PAUL FIORE: Yeah, it is -- it is the west
22 elevation. My apologies. I think that sheet is mislabeled.

1 JAMES RAFFERTY: Did they --

2 BRENDAN SULLIVAN: I don't know, Stephen, if we
3 could pull that one up somewhere, wherever that is?

4 JAMES RAFFERTY: -- the following as well, where
5 the upper --

6 BRENDAN SULLIVAN: No.

7 JAMES RAFFERTY: Where the upper story --

8 BRENDAN SULLIVAN: Okay. All right.

9 JAMES RAFFERTY: -- of the second floor --

10 BRENDAN SULLIVAN: So that's -- that's what's
11 proposed now?

12 PAUL FIORE: Correct.

13 BRENDAN SULLIVAN: Okay.

14 JIM MONTEVERDE: Correct.

15 BRENDAN SULLIVAN: But there's an axonometric or
16 3D image a little further back that shows the shifting mass
17 at the second and third -- thank you, right there, yeah.

18 So you see the -- a portion of the second floor
19 steps back, and the third floor is back about an additional
20 25 feet, Paul, about, recalling correctly?

21 PAUL FIORE: Yes. The back -- the setback is in
22 the same place as the original volume of the house, which is

1 about 20 feet back, I believe.

2 LAURA WERNICK: 18?

3 PAUL FIORE: Yeah. It's about 18 feet back.

4 JAMES RAFFERTY: Thank you.

5 BRENDAN SULLIVAN: Okay. The original question
6 was from Laura? Was it your question that --

7 LAURA WERNICK: Yes, that's right.

8 BRENDAN SULLIVAN: Yeah, okay.

9 LAURA WERNICK: And I've had my question answered.
10 Thank you.

11 BRENDAN SULLIVAN: Okay. Wendy Leiserson, any
12 questions, comments at this time?

13 WENDY LEISERSON: I do have some questions just
14 regarding the application form. I'm not sure how
15 dispositive they are, but I just want some clarity on them.
16 One is the proposal says it's seeking to place a two-family
17 home with a two-family home.

18 And I -- I'm not sure where the two-family piece
19 is in this new proposal. Is that accurate, or is that
20 erroneous?

21 JAMES RAFFERTY: No, it is correct. It is a two,
22 and the rebuilt structure will be a two. There's an

1 apartment in the lower level.

2 WENDY LEISERSON: Okay. I didn't see it. You
3 know, when I'm looking at these things online, it's harder
4 to --

5 JAMES RAFFERTY: Yeah, I think --

6 WENDY LEISERSON: -- analyze.

7 JAMES RAFFERTY: -- I'm guessing, I'm guessing --

8 WENDY LEISERSON: But I don't see the -- is there
9 a kitchen in the basement?

10 JAMES RAFFERTY: Yeah. There's a -- there's a
11 floor plan. Paul, can you direct the sheet number on the
12 basement floor plan, the lower --

13 LAURA WERNICK: There you go, there you go.

14 JIM MONTEVERDE: There you go.

15 PAUL FIORE: Stephen -- I think Stephen's trying
16 to explain right now. But I -- the -- it's a two-family
17 house floor through. So the first floor is one family, and
18 the second floor is another family presently.

19 JAMES RAFFERTY: Right.

20 PAUL FIORE: Does that answer the question?

21 JAMES RAFFERTY: No, I think the question is --

22 JIM MONTEVERDE: No.

1 JAMES RAFFERTY: -- where is the -- where is the
2 kitchen --

3 JIM MONTEVERDE: Where's the kitchen?

4 JAMES RAFFERTY: -- in the lower-level apartment?

5 MICHELLE JODREY: Right side.

6 PAUL FIORE: There is no kitchen in the lower-
7 level apartment. The apartments are not -- they're now not
8 floor-through units. They are actually duplexes, side-by-
9 side. If -- if you want to --

10 JAMES RAFFERTY: Yeah, maybe -- maybe you -- maybe
11 you --

12 PAUL FIORE: I can maybe just go through the plan?

13 JAMES RAFFERTY: Yeah, why don't you -- maybe you
14 could walk the Board through the floor plans?

15 PAUL FIORE: Sure. Sure. Go to the first. So in
16 the lower level, there was no kitchen. These are just
17 bedrooms. But if you go to the first floor, it's easier to
18 see the division of the units. So the front --

19 WENDY LEISERSON: Oh, I see it now. Yes. Okay.

20 PAUL FIORE: Okay.

21 WENDY LEISERSON: Okay. Got it. Thank you.

22 Sorry.

1 PAUL FIORE: Oh, no -- no worries.

2 WENDY LEISERSON: I think I need to get a mega TV
3 for my reviewing of these documents. Okay. Got it. And
4 then it also says that you're reducing the number of parking
5 spaces from two to one the application form, but then in the
6 table it only says -- it says there's no change in the
7 parking. Is there a change in the parking or not?

8 JAMES RAFFERTY: No, there really isn't. I mean,
9 it depends how you count. So the existing parking is two
10 because there's a garage containing one space, and then
11 there's the driveway behind the garage.

12 And historically, they have parked in that
13 driveway. It is technically a tandem space meaning that the
14 car in the garage can't move without the car in the driveway
15 being moved over. But that's -- that's the reference to
16 parking: One space in the garage, one space on the surface.

17 WENDY LEISERSON: Okay. So it's -- you're not
18 seeking any kind of permission to reduce the parking as
19 written on the form, then?

20 JAMES RAFFERTY: No. In fact --

21 WENDY LEISERSON: Okay.

22 JAMES RAFFERTY: -- the -- in fact, we -- there

1 might have been a point in time when we were, but then the
2 City Council obviated that need with an amendment not that
3 long ago that no longer has minimum parking requirements or
4 -- in the zoning ordinance. So a two-family house may not
5 have any parking space.

6 WENDY LEISERSON: Okay. Great. And then the
7 table is missing the open space data. Is it true to say
8 that -- I mean, is there a change in it at all? Your
9 revised form is not showing any open space data change. Or
10 is it? No, sorry --

11 PAUL FIORE: It is.

12 WENDY LEISERSON: -- your revised, it's showing a
13 change, but not the ordinance requirements, which are 30
14 percent, right?

15 JIM MONTEVERDE: That's -- I'm just noticing that
16 omission as well, yes.

17 WENDY LEISERSON: Yeah. But it's already been
18 nonconforming, correct? It was at 15 percent, according to
19 the original filing? I just want to double check that with
20 you.

21 PAUL FIORE: No. Well, this dimensional form
22 today, or maybe Paul could speak to it, says that the

1 existing open space ratio is at 28 percent. And we're --

2 WENDY LEISERSON: Right.

3 PAUL FIORE: -- going to be reducing it to 25.

4 WENDY LEISERSON: Okay. So just ignore the first
5 one. All right. And then let me just see. Okay. So the
6 only thing I would say, I think it's a little misleading to
7 say that it's comparable in mass when you are adding almost
8 1000 square feet.

9 Not that that's going to affect whether I -- but
10 in future, I would like to see sort of more transparency in
11 terms of the comparability of mass on an application.

12 JAMES RAFFERTY: I accept that. I misspoke. I
13 was more focused on the footprint impact, but I agree, bulk
14 and mass are expressed differently. So --

15 WENDY LEISERSON: Thank you.

16 JAMES RAFFERTY: Yes. I apologize if that was
17 seen as imprecise.

18 WENDY LEISERSON: Thank you.

19 PAUL FIORE: If I may comment on that?

20 WENDY LEISERSON: Yep.

21 PAUL FIORE: We did -- we did make a serious
22 attempt to do it because -- for that reason, because there's

1 more square footage to keep the back of the front apartments
2 while -- pretty much in the same place where it is.

3 And in reality, it's actually -- the rear part of
4 the house on that side is actually lower now, because if you
5 scroll through those photographs, you can see there's a two
6 and a half story picture there, two and a half story
7 addition in the back, which now has a flatter roof on it and
8 makes the volume slightly less.

9 So, you know, we did make attempts -- there it is.
10 That one really shows the back presently.

11 WENDY LEISERSON: Mm-hm.

12 PAUL FIORE: And now it's about 80 feet lower than
13 that in the back.

14 WENDY LEISERSON: Okay. Thank you. I don't think
15 I have any other questions.

16 BRENDAN SULLIVAN: Okay. Slater Anderson, any
17 questions, comments at this time?

18 SLATER ANDERSON: No questions or comments, thank
19 you.

20 BRENDAN SULLIVAN: Okay. Let me open it to public
21 comment. Any member of the public who wishes to comment --

22 JOANNE NELSON: Oh, hi. This is --

1 BRENDAN SULLIVAN: -- should now click the button
2 that says, "Participants," and then click the button that
3 says, "Raise hand."

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

7 JOANNE NELSON: Hi. This is Joanne, can you hear
8 me?

9 BRENDAN SULLIVAN: Yes.

10 JOANNE NELSON: Oh, okay. Hi. I know we were
11 starting to talk earlier about the lights.

12 BRENDAN SULLIVAN: Yes.

13 JOANNE NELSON: But I would just ask if you decide
14 to put lights, which I'm sure you are on the deck in the
15 back if you can angle them down or put a shield on the back?

16 Because the current light that's out there now --
17 I know I didn't say anything in the past, but it is like a
18 direct -- hard to explain, but it's horizontal right into my
19 bedroom and kitchen.

20 And part of the reason I didn't say anything,
21 because the light seems to burn out all the time. I figured
22 I was in luck. I thought maybe --

1 COLLECTIVE: [Laughter]

2 JOANNE NELSON: -- I thought maybe you took it
3 out? And then all of a sudden, I said, "Oh my God, there it
4 is again." So my husband and I went out and bought --

5 MICHELLE JODREY: Oh.

6 JOANNE NELSON: -- room-darkening shades. But, as
7 you know, sometimes they don't stick to the window, if you
8 will, and all the light still comes in on the side and I
9 can't sleep.

10 MICHELLE JODREY: I'm sorry.

11 JOANNE NELSON: And I saw your drawing and I'm
12 like, "Oh my God, how many lights are going to be out there
13 now?" So.

14 MICHELLE JODREY: Oh my God.

15 JOANNE NELSON: Like, point them down or --

16 MICHELLE JODREY: No problem. No problem.

17 STEVE NORTON: If you could tell us where they are

18 --

19 JAMES RAFFERTY: Excuse me, Steve and Michelle,
20 with all due respect, the Chair -- all comments need to go
21 through the Chair, and you have to wait until the Chair
22 recognizes you.

1 MICHELLE JODREY: Sorry.

2 JOANNE NELSON: Oh, okay.

3 BRENDAN SULLIVAN: Okay. Only because we're
4 making a transcript, and the dear lady who is doing this at
5 the other end is having fits. She -- her hands or her
6 fingers can't move that quickly.

7 So when she's trying -- she's being very, very
8 attentive to an accurate record. So we have to be sensitive
9 to that. So anyhow, Joanne anything else to add?

10 JOANNE NELSON: Yeah. I just had another question
11 too. The extra room on the garage, is that for, like, a
12 rental or an Airbnb? I was just curious what that was for?
13 Because I don't think it was in the original house, right?

14 MICHELLE JODREY: No.

15 JOANNE NELSON: You said it was another apartment
16 above the garage?

17 PAUL FIORE: The above the garage is just part of
18 the rear unit's square footage. So there's a bedroom.
19 That's the plan right there. So the rear unit, Joanne, is
20 -- the whole back of the house is now one unit, and the
21 whole back of the house is the other unit. So --

22 JOANNE NELSON: Okay.

1 PAUL FIORE: -- that's the change.

2 JOANNE NELSON: Okay. All right. So there's
3 three floors now, then, basically, as opposed to two?

4 PAUL FIORE: Only if you -- no, it's still two
5 floors, but the basement is now livable, or it will be
6 livable where it isn't presently.

7 JOANNE NELSON: Okay. Well, thank you. I
8 appreciate it.

9 BRENDAN SULLIVAN: Okay. Anybody else wish to
10 comment?

11 SAMUEL RIBNICK: Yes. This is Sam Ribnick, the
12 abutter to the rear.

13 BRENDAN SULLIVAN: Yes, Sam. Yep?

14 SAMUEL RIBNICK: Hi. Thank you. So I just wanted
15 to comment that my wife and I live on the property to the
16 rear. We have three young kids.

17 Overall, we support the idea of the project. We
18 are very happy to see that they are taking this opportunity
19 to improve the house and add space.

20 But as mentioned earlier, we don't support the
21 addition of windows on the back wall, which is currently
22 blank.

1 As you saw in some of the existing pictures, the
2 house currently has windows that face sort of onto their own
3 property. But as they're filling that space in to add
4 square footage, they're now moving those windows to face
5 back onto our property in a very small setback.

6 One of the big things for us is that I reached out
7 to them when I go to the zoning notice. And I had a phone
8 call with them. In that conversation, I understood that
9 they plan to live in the front unit, which means that the
10 rear unit, which is just feet from our yard would presumably
11 be renters or even Airbnb short-term tenants.

12 And, you know, for us we really sought out a house
13 with a yard in this neighborhood. We have young kids. We
14 make good use of that yard and our rear deck.

15 And given that the rear unit as I understand would
16 be occupied by unknown renters or Airbnbers and we just
17 don't know who those would be, or what behavior that might
18 bring, we feel that the windows on the currently blank wall
19 and built in the setback and just feet of our yard would
20 have a negative impact.

21 You know, I think I would be more supportive if,
22 you know, the whole property were their home, and I would

1 want to make sure that they could get enjoyment of their
2 home.

3 But given that it's for -- you know, unknown
4 renters and given that they, you know, currently have
5 windows that face onto their property and they're just
6 shifting them around to be, you know, sort of feet from our
7 property as they fill in the space, where things stand now,
8 we support the overall idea of the project, but we do not
9 support the special permit for the windows. And I just
10 wanted to share that view.

11 BRENDAN SULLIVAN: Thank you. Anybody else wish
12 to comment?

13 JOANNE NELSON: Hi. This is Joanne. Can you hear
14 me again?

15 BRENDAN SULLIVAN: Yes.

16 JOANNE NELSON: This is Joanne Nelson. Yes. I
17 was just going to say I support Sam and Caroline 100
18 percent. Because I had heard it was an Airbnb too, but Sam
19 kind of elaborated a little bit more. So I can agree with
20 what he is saying as well.

21 BRENDAN SULLIVAN: Okay. Thank you.

22 STEVE NORTON: Seth Diamond?

1 SETH DIAMOND: Yes, hi. This is Seth Diamond at
2 126 Gore Street, Apartment 2. Can everybody hear me okay?

3 BRENDAN SULLIVAN: Yes.

4 SETH DIAMOND: Oh, fantastic. Thank you so much
5 for your time, Mr. Chair and the members of the Board. I --
6 I basically just wanted to very briefly speak up here, you
7 know, in support of Steve and Michelle.

8 Aside from the fact that they're, you know, dear
9 friends of mine, I live literally just right around the
10 corner, you know, a couple -- a couple blocks away.

11 And I am very, very, you know, concerned about
12 overdevelopment in our neighborhood. And this is the exact
13 opposite. When you're thinking of major development, you're
14 thinking of Cambridge Crossing, you know, the rehabilitation
15 of the courthouse.

16 And I'm used to city living. My wife and I have
17 been here in the neighborhood for over 20 years. And
18 windows are something, you know, that we're used to seeing
19 staring across at other windows that are right across from
20 us. That's what city living is about.

21 And frankly, in this age of, shall we say, climate
22 change or whatnot, natural light is really key. You know,

1 this way you can, you know, decrease your energy costs --
2 things like that.

3 You know, when you have something like saying,
4 hey, you know, asking for a neighbor, you know, to -- you
5 know -- turn a porch light down or whatnot, that's being
6 reasonable. These structures will probably outlast many of
7 us and these decisions for let's say, you know, putting in
8 windows, things like that, have a longer-term impact than we
9 realize.

10 So I'm very much in support of, if anything, the
11 idea that it was very reasonable, shall we say, for
12 fenestration to drop it over 50 percent.

13 Frankly, I think it should be -- they should put
14 in as many windows as they like and let in as much light.
15 There's a reason they get curtains and drapes, you know,
16 things like that.

17 Again, I want to thank you all for your time.
18 Thanks.

19 BRENDAN SULLIVAN: Thank you for calling in.

20 STEVE NORTON: Stephen Payne?

21 STEPHEN PAYNE: Hi, can you hear me?

22 BRENDAN SULLIVAN: Yes.

1 STEPHEN PAYNE: Yes. I'm a longtime resident --
2 10 years -- at 6 Bristol Street a few blocks away, and also
3 a great, great friend of Steve and Michelle's. And I mean
4 Steve's -- Steve's a veteran. Michelle is a nurse,
5 frontline worker. I don't know how you could hassle
6 somebody about windows.

7 I mean, a whole, whole side of your house can't
8 have any windows; I thought this was the United States of
9 America where you're allowed to do what you want in terms of
10 windows, especially in a city environment, as the previous
11 caller said.

12 So just wanted that to be on the record.

13 BRENDAN SULLIVAN: Great. Thank you. There
14 appears to be nobody else calling in. We are in receipt of
15 correspondence from Michelle Rosenbloom (phonetic) and
16 Graciella Moreno (phonetic), who are in support; Michael
17 Monahan (phonetic) at 32 Fulkerson Street, who is writing in
18 support of the project.

19 There is correspondence -- well, Mr. Payne had
20 written a letter; Carl Fantasia from New Deal Fish Market,
21 who is writing in support.

22 There is correspondence from Dr. George W. Ni, N-

1 i, who is a neighbor and is in support; Diane Ballestas --
2 B-a-l-l-e-s-t-a-s, who is in favor.

3 There was also correspondence from Mr. Adam Bryant
4 (phonetic).

5 "I am writing to object to BZA-197887 at 47 Eighth
6 Street. The applicants seem like worthy community members,
7 and relief to allow them to renovate their home is worth
8 consideration if it is necessary.

9 "However, petitioners are making an all-face grab
10 for GFA in proposing a new home that is far in excess of the
11 existing home size, a 50 percent increase for what is
12 permitted in the C-1 zone, violating the max GFA by over 27
13 percent.

14 "They have presented no evidence for why they face
15 a hardship that would justify building a home that expands
16 the size of the current building, much less one that
17 violates GFA limits.

18 "It's also troubling that their attorney's
19 narrative makes no mention of the excessive GFA, instead
20 highlighting the difficulty of renovation on a tight lot,
21 ignoring the FAR elephant in the room while seeking to draw
22 attention to other considerations -- misleading at best and

1 undermines the applicants' credibility.

2 "The BZA should consider conditioning relief on
3 GFA staying at the same current level. Just because a party
4 needs a variance to renovate existing living space, it does
5 not logically follow that the variance should also extend to
6 allowing them to max out their GFA or violate GFA limits
7 altogether.

8 "Inability to max out GFA is not a hardship. It
9 would be a minimum -- any relief should be conditioned on
10 GFA not exceeding the maximum 0.75 FAR.

11 "Thank you.

12 "Adam Bryant, 71 Fulkerson Street." That is --

13 STEPHEN PAYNE: Could I add one comment on that?

14 BRENDAN SULLIVAN: Yeah, well, that's the lone
15 letter of opposition. I will close public comment part of
16 the proceedings, and I'll turn it back to the applicant. I
17 guess Mr. Bryant obviously raises a salient point.

18 And I think the other in the public comment was
19 Mr. Ribnick, who spoke on the amount of windows in the rear
20 elevation and the effect that it would have on his adjoining
21 property, even though cognizant of the fact also that
22 building code requires a certain amount of windows, light

1 and fenestration for any particular room.

2 So there are, I think, significant opposition and
3 some issues that have been raised by at least those two
4 people. So let me turn it back again either to Mr. Rafferty
5 or to Mr. Fiore for comment.

6 [Pause]

7 Either one?

8 JAMES RAFFERTY: I'm sorry, I was muted. I
9 apologize. With regard to the issue involving the setback,
10 I was able to review the files of the BZA in a case in June
11 of 2021 where Mr. Ribnick applied for a variance to put a
12 rear addition onto his home, which was granted, and the
13 dimensional form submitted there indicate that there's a 43-
14 foot setback between Mr. Ribnick's home and the rear
15 property line.

16 That's a wonderful amenity for Mr. Ribnick, but I
17 do think it's relevant when the Board assesses the primary
18 impact of these windows, admittedly on a nonconforming wall.

19 But I also would caution the Board not to adopt a
20 suggestion that we have a separate standard for light and
21 air for tenants than we would have for property owners.

22 I have no understanding of the relevance of the

1 comment that because this is a rental apartment as opposed
2 to owner-occupied, the Board should take a different view on
3 the issue presented involving the windows.

4 As for the GFA, it's quite correct. It does
5 represent an increase. And the hardship requirements are
6 directly related to the size of the lot, the very small size
7 of the lot, and the fact that the layout of the home as
8 proposed by the architect creates opportunities for
9 efficiency, particularly with regard to the second floor
10 over the garage. That, as noted by Mr. Fiore, represents a
11 portion of the GFA.

12 And in the area between the garage and the home
13 now is really not benefitting anyone. It's less than is
14 really not benefitting anyone. It's less than the 10-foot
15 minimum requested, and --

16 UNIDENTIFIED: Can you follow, can I need to know
17 if they're going to get it?

18 THE REPORTER: I'm sorry, whoever's running this,
19 could they mute the speakers please?

20 BRENDAN SULLIVAN: I'm sorry. Somebody
21 interjected there, Mr. Rafferty?

22 JAMES RAFFERTY: Yeah. I don't know. I stopped

1 speaking when I heard comments that were not coming from me.

2 So --

3 BRENDAN SULLIVAN: Okay.

4 JAMES RAFFERTY: I think -- I think people were
5 being asked to mute or perhaps not -- mute themselves, I
6 guess. Oh, that would be my response to the two issues.

7 There is a -- there is a -- there is a significant
8 setback, as I noted, a wonderful amenity for Mr. Ribnick and
9 his family. It's hard to envision how these three windows
10 at a distance of more than 40 feet could seriously impact
11 the privacy of the property owner in the rear.

12 Having said that, I want to make clear that the
13 record should show that the applicants were quite responsive
14 when they received the concerns expressed by Mr. Ribnick,
15 including inviting him to participate at Mr. Fiore's office
16 to see if we could -- they could come up with an -- a window
17 alignment that would have not much impact on him.

18 He chose not to participate, but the invitation
19 still stands in terms of is there something more that can be
20 done by way of window treatments or other types of measures
21 that would ensure a reduced privacy impact on the rear
22 abutter, which seems to be the principal purpose of the

1 objection.

2 BRENDAN SULLIVAN: Okay, great. Thank you. Let
3 me turn it back to the Board. Jim Monteverde, any questions
4 or comments at this time?

5 JIM MONTEVERDE: My only comment is I -- one of the
6 letters that you read, Mr. Chair, talked about the FAR and
7 then I don't know what the other topic was.

8 But it's the FAR that has troubled me at, you
9 know, an increase of what looks like 50 percent. I see
10 where it is, and I got the description of how it all adds
11 up. But I am troubled that it's so far above the ordinance
12 requirement.

13 BRENDAN SULLIVAN: Okay. Laura, any comments,
14 questions?

15 LAURA WERNICK: Just to respond to the GFA
16 question, I mean it is a concern, certainly, but it's also
17 making use of unused space now. It's not impacting the --
18 the rear abutter's concern about windows, except for one
19 very small bathroom window that's way up high.

20 So I'm -- and the space that's been connected,
21 that connects the garage to the main building I think it's
22 very useful and efficient space. So I'm -- I'm less

1 concerned about the GFA, I think. That's my only comment at
2 this point.

3 BRENDAN SULLIVAN: Okay. Wendy? Comments,
4 questions?

5 WENDY LEISERSON: Yes. Thank you, Mr. Chair. So
6 with regard to -- first, I'm going to take the privacy and
7 use and enjoyment of the abutters' property issue -- which
8 is a consideration that we have to -- just to address one of
9 the public commenters -- the use and enjoyment of adjacent
10 property is something that we do need to -- we're required
11 to consider.

12 And, however, I take Mr. Rafferty's point about
13 the windows in a rental apartment, and as a renter, I
14 appreciate that there are amenities in my apartment like
15 windows and sunlight.

16 So I do think there should not be a double
17 standard in that regard, to Mr. Rafferty's point.

18 And I do wonder why landscaping, or some other
19 kind of solution could not be explored between the neighbors
20 if there really is, you know, a legitimate concern about the
21 privacy.

22 And I think the other piece that that -- the

1 abutter raised was about the possibility of short-term
2 rentals. And I can understand being more comfortable with
3 renters who are, you know, part of the community -- a stable
4 part of the community, people you get to know as your
5 neighbors.

6 So I also wonder about the possibility of having
7 a condition added to our decision with regard to short-term
8 rentals to satisfy that issue.

9 The other issue is on the GFA. And here I,
10 frankly, feel a little bit tied. And I'd love to hear from
11 my fellow Board members as Laura just tried to -- to
12 explore, which is, you know, we are -- I see that this is a
13 small property, a small lot, and it's not like they're --
14 they're asking for a bedroom.

15 It's not like they're asking for something
16 outrageous about the -- the, you know, purpose in expansion.

17 But, nevertheless, the ordinance is the ordinance,
18 and we're going from a conforming GFA to a significantly
19 nonconforming GFA, and I'm not sure how the criteria that
20 we're bound to follow, which is namely finding a hardship,
21 is created such that we can improve that GFA, especially
22 when this is a rental apartment and not -- there's no

1 hardship to the family who's going to be occupying this
2 house, per se.

3 So I'd like to hear some comments from my fellow
4 Board members regarding that.

5 BRENDAN SULLIVAN: Great. Thank you. Slater?
6 Any comments, questions?

7 SLATER ANDERSON: I guess I'll make a comment.
8 You know, the GFA is -- on the face to me was/is a
9 substantial ask. The ordinance would allow 2082 according
10 to the form I'm looking at here on the screen. You know, it
11 was 1700 square feet. So for me it's like the 2082 up to
12 2648 is a big jump.

13 But the commentary I'm hearing and the concerns
14 from the neighbors isn't -- isn't as much about the GFA as
15 it is about the windows. And I think if we said, "Well
16 scale it back," I don't think that solves the window
17 problem.

18 So I'm not as hung up on, I think, the GFA as I
19 was initially looking at this, you know, having heard the
20 neighbors. So that's what my, you know, thinking is. I
21 agree the hardship piece.

22 I mean, it's -- that East Cambridge neighborhood

1 is always -- all those houses are irregular in tight lots
2 and it's tough over there to do much in a conformity way
3 that's practical. So I sort of sense a neighborhood hardship
4 in a lot of those lots over there.

5 So I don't know what -- I don't see going back on
6 the GFA is going to solve what seems to be the main problem,
7 which is the window problem. So that's my comment.

8 BRENDAN SULLIVAN: All right. Well, my thoughts
9 on this -- and I don't know if I can answer all of the
10 concerns -- is that I guess my first take on this was that I
11 thought it was a nice proposal, nice use of the land.

12 The existing house, obviously, is in total
13 disrepair. And it is beyond salvageable, and that a new
14 building is probably warranted; has all of the benefits of
15 mechanical systems up to date, energy efficiency, and just a
16 nice building to live in for homeowners and renters.

17 The uptake in the GFA is significant, and so, then
18 what comes to the fore is okay, what if they scale it back,
19 and then where do they scale it back?

20 Well, I guess the first logic is over the garage
21 area, because there is none there now, and there is some
22 proposed. But then you look at the floor plan, and you see

1 how that second floor flows and how it really becomes a very
2 nice, livable unit.

3 The basement area, the first-floor, second floor,
4 third all seem to work well. Not overly generous, but
5 comfortable in sort of each one of those rooms, and they
6 flow well, and it works well.

7 As far as the rental unit, I think Mr. Rafferty
8 very adeptly answered the concern regarding the windows and
9 there cannot be a distinction between whether it be a
10 homeowner or a rental unit; it is people that are living in
11 that particular space, and they should be afforded the same
12 amenities, whether they be minimal or maximal -- if that's
13 such a word -- that could be afforded to if it was a
14 homeowner.

15 And possibly homeowners could switch into the
16 smaller unit and rent the bigger unit or something or vice
17 versa. So.

18 And as far as the short-term rental, I get a
19 little bit nervous on that, because the ordinance passed by
20 the City Council allows for short-term rentals, provided
21 that the structure meet certain criteria.

22 So it seems a little bit draconian on my part to

1 say you can't have short-term rentals when in fact the city
2 allows it and there is an ordinance which allows it and also
3 protects the abutters from any deviation from the ordinance.

4 So I'm not sure, Wendy, if that sort of answers
5 the question. Sometimes what we have done is asked the
6 petitioners if they would offer that their intent is not to
7 have short-term rentals -- Airbnb, whatever -- and they have
8 readily agreed to it, because it's not their intention.

9 We could ask the same question here but on the
10 same token, I'd be a little bit nervous about taking away a
11 right that a homeowner has. So, and, you know, there's to
12 be honest with you short-term rentals and Airbnb around my
13 neighborhood, and some people come in and, you know, they
14 stay for a year and move on.

15 Some people come in and you never see them again.
16 So it's just sort of change that's going on in the
17 neighborhood, and I adjust and they're nice people and I
18 move on.

19 So I guess the concern -- and I think Slater, you
20 touched on that -- is that the real concern is possibly
21 focused on the back of the building, I think that they have
22 tried to address that and as well as possible scaling back

1 the amount of light coming out of it and any possible
2 intrusion in the rear properties.

3 And I think that Council obviously addressed the
4 distance between the proposed structure and the abutter in
5 the rear. And that potentially ameliorates that immediate
6 concern.

7 So I guess on balance, my thought would be that
8 even though it is an uptick, and I think that without doing
9 a total forensics of the entire neighborhood and what the
10 GFA is for each and every structure, albeit I would think
11 that it's probably over that this would not be out of
12 character, out of norm for the neighborhood.

13 And I think that the new structure has tremendous
14 benefits to the neighborhood, to the streetscape, and also
15 to any person who occupies the structure. So I would be
16 supportive of the proposal that is before us.

17 So anybody else wish to comment back again? Jim,
18 Laura, Wendy, Slater, anything else to add?

19 JIM MONTEVERDE: This is -- this is Jim. Sorry,
20 Laura, are you done?

21 LAURA WERNICK: Yes.

22 JIM MONTEVERDE: Yeah. This is Jim. I'm still

1 stuck on the -- on the FAR. I -- I get the point about, and
2 just looking at the plan, and it's really the bedroom suite
3 that's over the garage I think that kicks it up to the 50
4 percent add.

5 The link between the existing house or the new
6 house and the garage, I can see, because that's where the
7 staircase is that serves the rear apartment.

8 But I don't -- I don't see the, what's the word
9 I'm searching for, the "hardship" -- in needing, requiring
10 that rear unit be a three-bedroom unit, where if they didn't
11 build over the garage and lessen the FAR, it would be a two-
12 bedroom unit, which would still be desirable, I would think.

13 So I'm not -- I'm not favoring it at the moment,
14 based on the FAR. I think there's -- there's just more
15 building here than, again, by the ordinance is allowed. And
16 I don't see the hardship.

17 BRENDAN SULLIVAN: Is there anybody else who
18 shares Jim's view?

19 And I -- the reason I raise that question is we'll
20 follow up with a suggestion to the petitioner that they
21 potentially go back, and view comments made by the Board and
22 see if they can come back with an alternative that might be

1 more acceptable to the Board.

2 Laura, do you feel that that would be worthwhile,
3 or something that you would be -- well, let me --

4 LAURA WERNICK: I think when you think of the
5 quality of that unit, it does enhance that unit
6 significantly. And I think part of the Board's
7 responsibility is trying to create high-quality housing in
8 an appropriate manner within these communities.

9 So I currently -- I mean, I certainly don't object
10 to going back, but I kind of like the plan the way it is,
11 even with the GFA excess.

12 BRENDAN SULLIVAN: Okay. I guess my question is
13 anybody else of the mind of thinking of Jim that it would be
14 fatal for you supporting the proposal -- the proposal that
15 is before us?

16 WENDY LEISERSON: This is Wendy Leiserson.

17 BRENDAN SULLIVAN: Yes.

18 WENDY LEISERSON: Like Laura, I really like this
19 proposal. I'm going to be honest. Like, I would like to
20 say yes to it.

21 And I just -- as a matter of law, I just feel
22 constrained by the relationship between hardship and that

1 amount of, you know, overage of the allowable FAR.

2 And I mean I do see that things like open space,
3 that's below the minimum. Perhaps, you know, that's an
4 opportunity to make a rooftop garden or something like that,
5 you know? I'm -- I'm not saying that that's what the
6 homeowners want, but I'm just saying there are other ways to
7 use that space, even though I also like the fact that it is
8 adding a three-family -- a three-bedroom unit to the rental
9 market, which is needed too.

10 So -- but I just feel I can't honestly apply the
11 legal criteria to get over that --

12 BRENDAN SULLIVAN: All right.

13 WENDY LEISERSON: FAR.

14 BRENDAN SULLIVAN: That's fine. Slater, any
15 additional thoughts?

16 SLATER ANDERSON: Yeah. I mean, I totally respect
17 Wendy's perspective on that. I mean, it's -- the hardship's
18 not crystal clear.

19 I mean, it's a good plan. It's a good layout, it
20 makes sense. But it is a big increase in mass in the
21 neighborhood. Not that that seems to be, you know, the
22 issue with the neighbors, back to my point about the

1 windows, you know? So, I don't know. I'm on the fence.

2 BRENDAN SULLIVAN: Okay. Mr. Rafferty? Think you
3 can read the tea leaves?

4 JAMES RAFFERTY: Well, thank you. I think I
5 discern a little happen here. So yes, on behalf of the
6 applicants, we would request the opportunity to review the
7 plan further and come back to the Board before final vote is
8 taken.

9 BRENDAN SULLIVAN: Available date would be
10 February 23. Does that work for you, Mr. Rafferty, Mr.
11 Fiore, your petitioners? And let me ask the same question
12 to Jim, Laura, Wendy, Slater. Are you available on February
13 23?

14 JIM MONTEVERDE: This is Jim.

15 BRENDAN SULLIVAN: Who is not available?

16 JIM MONTEVERDE: Yeah. Right.

17 BRENDAN SULLIVAN: May be the easier way.

18 WENDY LEISERSON: I believe that falls during
19 school vacation week, so I would not be available. So I
20 would not be available.

21 BRENDAN SULLIVAN: Okay. The next date after that
22 is -- our next, well January 26 is totally full. February

1 9, we have a full agenda. The twenty-third is open, but
2 Wendy, you're not available. March 9?

3 LAURA WERNICK: I'm available on the ninth.

4 BRENDAN SULLIVAN: Okay. Jim, March 9?

5 JIM MONTEVERDE: Yep. Works for me.

6 BRENDAN SULLIVAN: Wendy, you're available.

7 WENDY LEISERSON: Yes.

8 BRENDAN SULLIVAN: Laura, you're available.

9 Slater, March 9?

10 SLATER ANDERSON: Yes. I'm good on March 9.

11 BRENDAN SULLIVAN: Okay. And I'm not going
12 anywhere. So, Mr. Rafferty, are you, Mr. Fiore or client
13 available on March 9?

14 JAMES RAFFERTY: I will make myself available.

15 Thank you, Mr. Chair. I assume Mr. Fiore and --

16 PAUL FIORE: Yes, I can be available as well.

17 BRENDAN SULLIVAN: Okay. Let me make a motion,
18 then, to continue this matter to June 9 -- I'm sorry, March
19 9, 2023 on the condition that the petitioner sign a waiver
20 of time for the statutory requirement of a hearing and a
21 decision to be rendered thereof, but I believe that is also
22 in the file.

1 That the petitioner change the posting sign and
2 maintain it for at least 14 days prior to the March 9
3 hearing, change the date to March 9, 2023 and the time at
4 6:00 p.m.

5 That any new submittals not currently in the file
6 pertaining to plans, supporting statements, dimensional
7 forms be in the file by 5:00 p.m. on the Monday prior to the
8 March 9, 2023 hearing.

9 On the motion, then, to continue this matter to
10 March 9, 2023, Jim Monteverde?

11 JIM MONTEVERDE: In favor.

12 BRENDAN SULLIVAN: Laura Wernick?

13 LAURA WERNICK: In favor.

14 BRENDAN SULLIVAN: Wendy Leiserson?

15 WENDY LEISERSON: In favor.

16 BRENDAN SULLIVAN: Slater Anderson?

17 SLATER ANDERSON: In favor.

18 BRENDAN SULLIVAN: Brendan Sullivan yes.

19 [All vote YES]

20 BRENDAN SULLIVAN: On the five affirmative votes,
21 this matter is continued to March 9, 2023 at 6:00 p.m. on
22 thank you.

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JAMES RAFFERTY: Thank you very much. Have a good evening.

DIMENSIONAL FORM

APPLICANT: Michelle Jodrey & Stephen Brown

LOCATION: 47 Eighth St, Cambridge, MA 02141

ZONE: C-1 District

PHONE:

REQUESTED USE/OCCUPANCY: 2 Family Residential Dwelling

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u>
<u>TOTAL GROSS FLOOR AREA:</u>	1734.18	2648 2437	2082.75
<u>LOT AREA:</u>	2777	2777	5000
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u>	0.62	0.95 0.88	0.75
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	1388.5	1388.5	1500
<u>SIZE OF LOT:</u>	WIDTH: 44.20' DEPTH: 87.70'	44.20' 87.70'	50' N/A
<u>SET-BACKS:</u>	FRONT: 2.0' – 2.6'	2.0' – 2.6' 3'-0 1/4" – 3'-8 3/4"	10'
	REAR: 0.1' – 2.5'	1'3" – 2'10 1/4"	20'
	LEFT SIDE: 2.7'	2.7'	7'-6"
	RIGHT SIDE: 2'-5"	2'-2 1/2"	7'-6"
<u>SIZE OF BUILDING:</u>	HEIGHT: 28' LENGTH: 48'-7" WIDTH: 17'-2.5"	33'-6" 48'-7" 47'-7" 38'-3.5"	35' <u>N/A</u> <u>N/A</u>
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	28.51%	25.13%	
<u>NO. OF DWELLING UNITS:</u>	2	2	2
<u>NO. OF PARKING SPACES:</u>	2	2	2
<u>NO. OF BIKE SPACES:</u>	0	0	0
<u>NO. OF LOADING AREAS:</u>	0	0	<u>N/A</u>
<u>DISTANCE TO NEAREST BLDG.:</u>	2'-10"	2'-10"	<u>N/A</u>
<u>SIZE OF BLDGS. ADJACENT ON SAME LOT:</u>			<u>N/A</u>

DIMENSIONAL FORM

APPLICANT: Michelle Jodrey & Stephen Brown

LOCATION: 47 Eighth St, Cambridge, MA 02141

ZONE: C-1 District

PHONE:

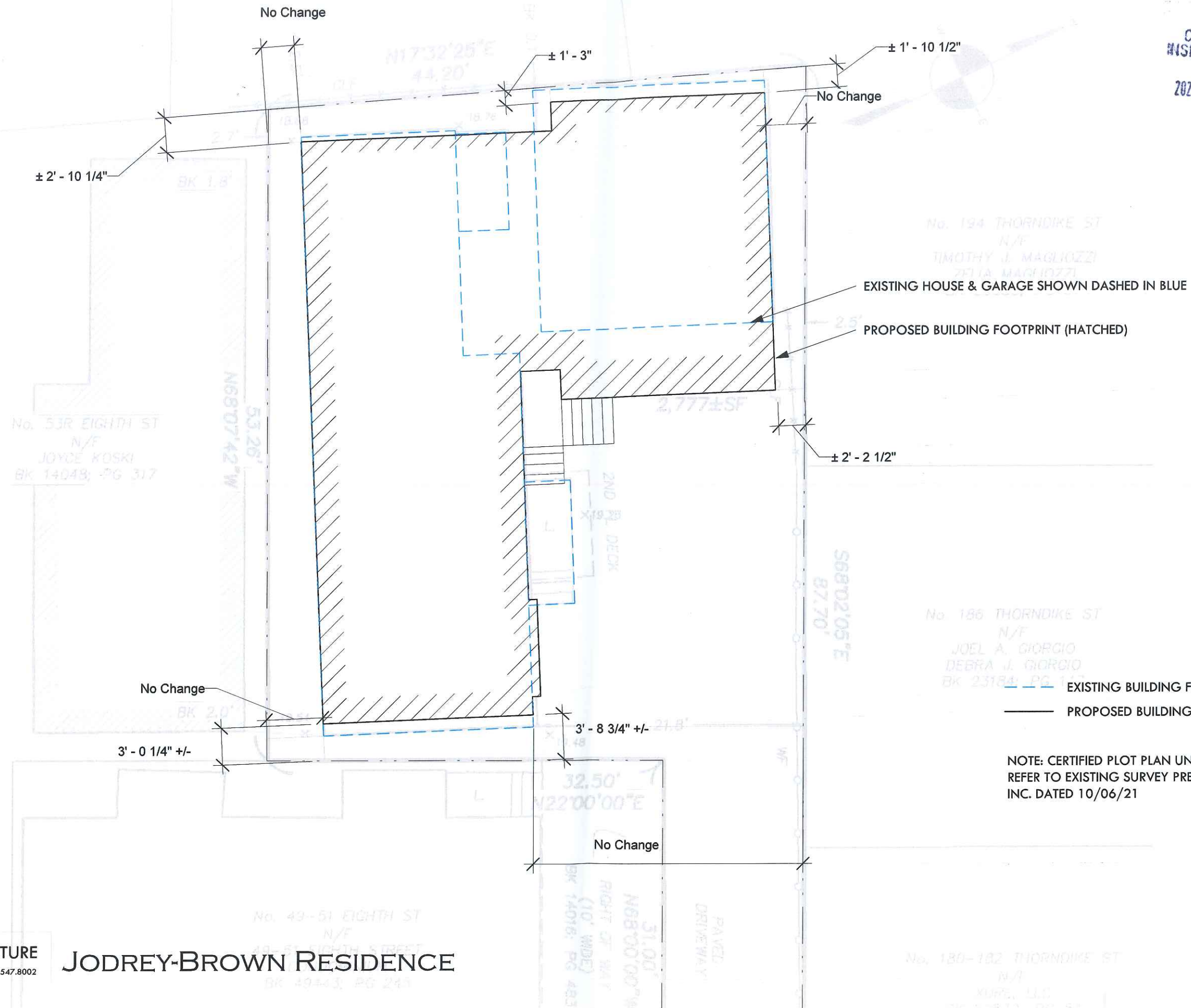
REQUESTED USE/OCCUPANCY: 2 Family Residential Dwelling

CITY OF CAMBRIDGE
INSPECTIONAL SERVICES

2023 MAR -2 P 2:13
ORDINANCE REQUIREMENTS

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u>
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<u>NO. OF BIKE SPACES:</u>	0	0	0
<u>NO. OF LOADING AREAS:</u>	0	0	<u>N/A</u>
<u>DISTANCE TO NEAREST BLDG.:</u>	2'-10"	2'-10"	<u>N/A</u>
<u>SIZE OF BLDGS. ADJACENT ON SAME LOT:</u>			<u>N/A</u>

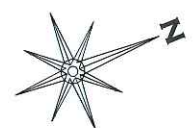
CITY OF CAMBRIDGE
INSPECTORIAL SERVICES
2023 MAR -2 P 2: 13

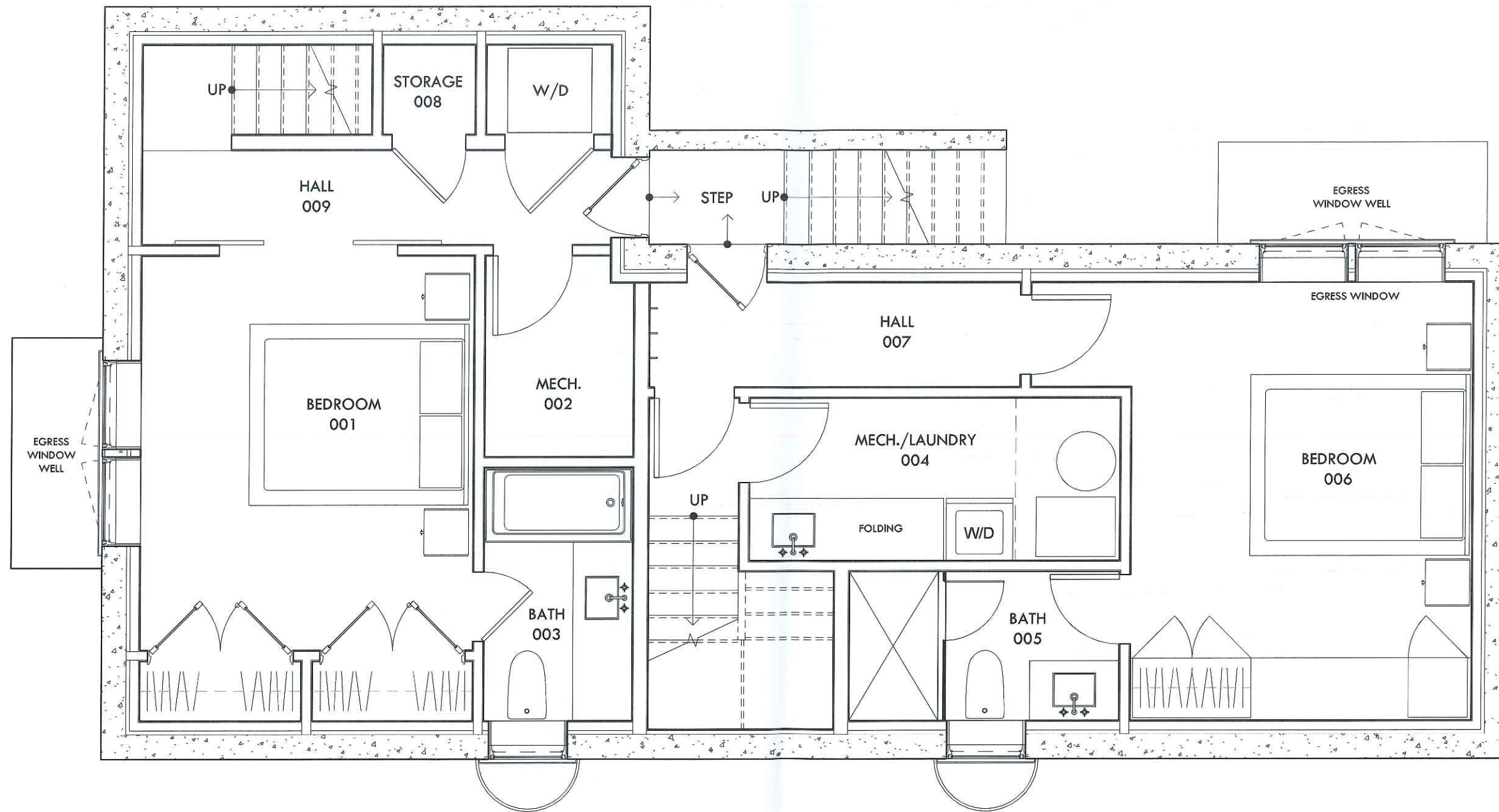


EXISTING HOUSE & GARAGE SHOWN DASHED IN BLUE
PROPOSED BUILDING FOOTPRINT (HATCHED)

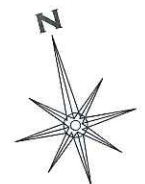
— EXISTING BUILDING FOOTPRINT
— PROPOSED BUILDING FOOTPRINT

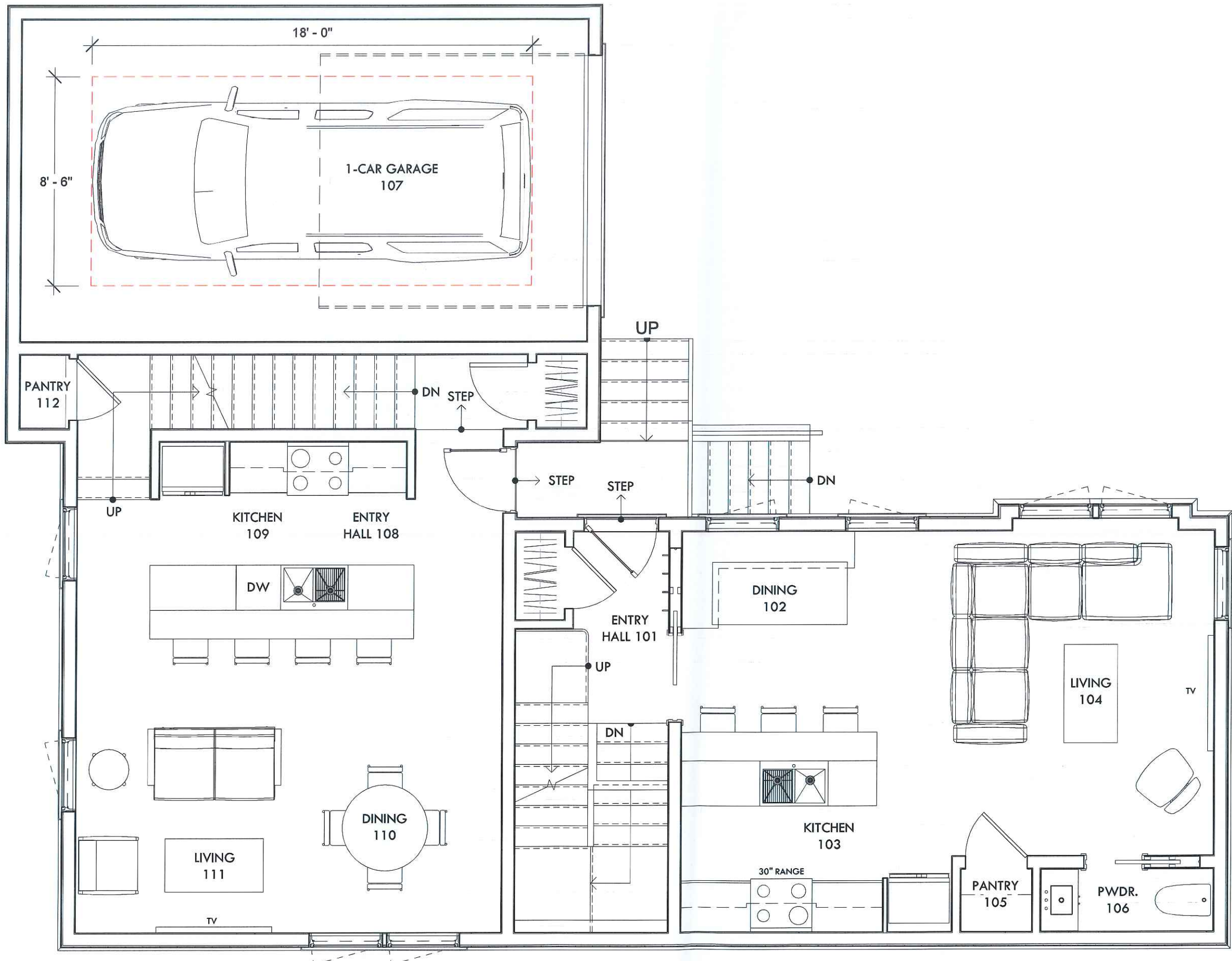
NOTE: CERTIFIED PLOT PLAN UNDERLAY FOR REFERENCE ONLY.
REFER TO EXISTING SURVEY PREPARED BY BOSTON SURVEY,
INC. DATED 10/06/21



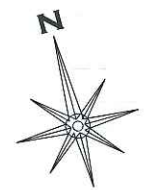


1 Proposed Basement Floor Plan
 1/4" = 1'-0"



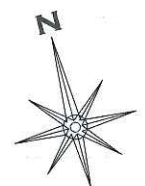


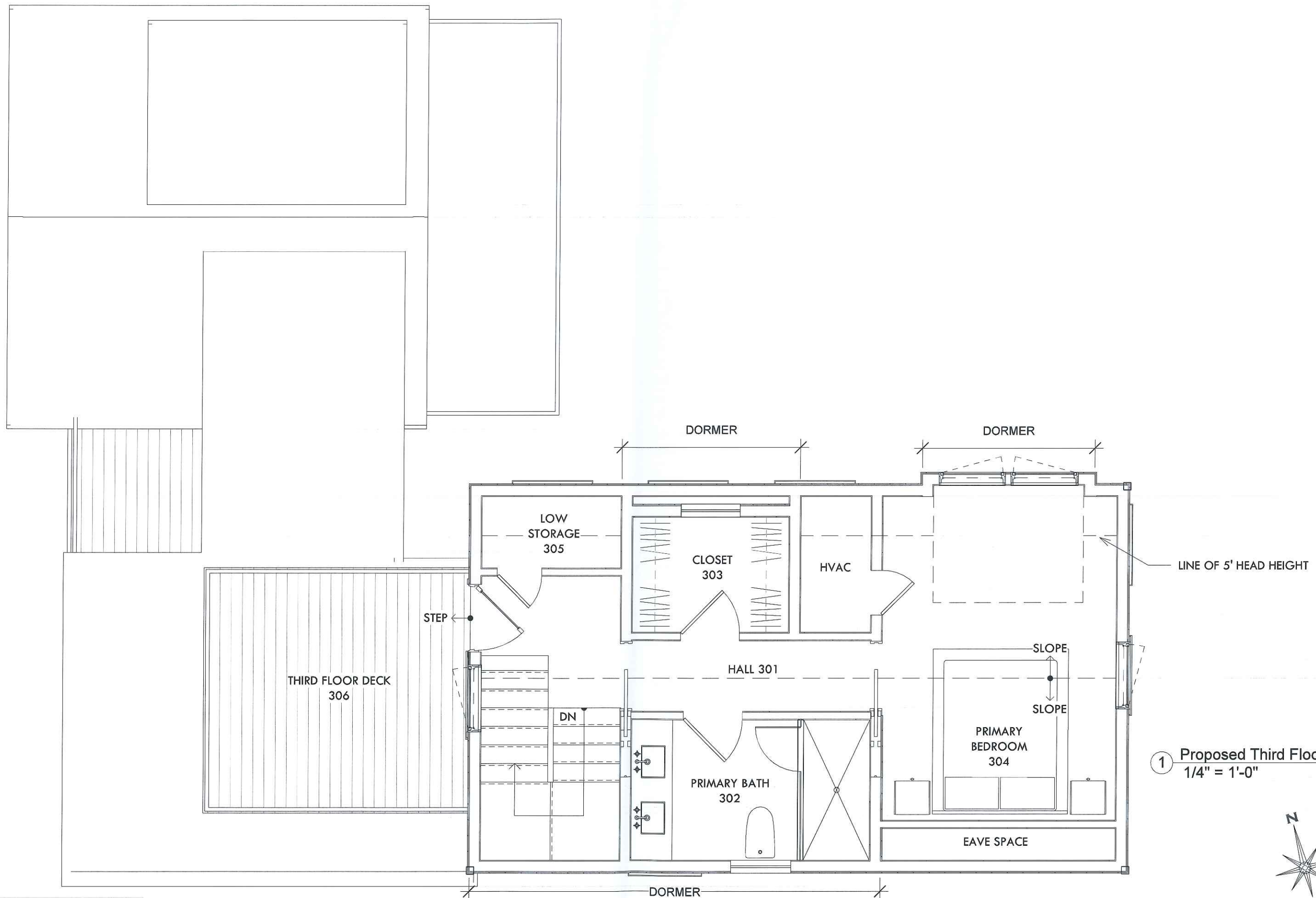
1 Proposed First Floor Plan
1/4" = 1'-0"





1 Proposed Second Floor Plan
 1/4" = 1'-0"







① Proposed North Elevation
 1/8" = 1'-0"



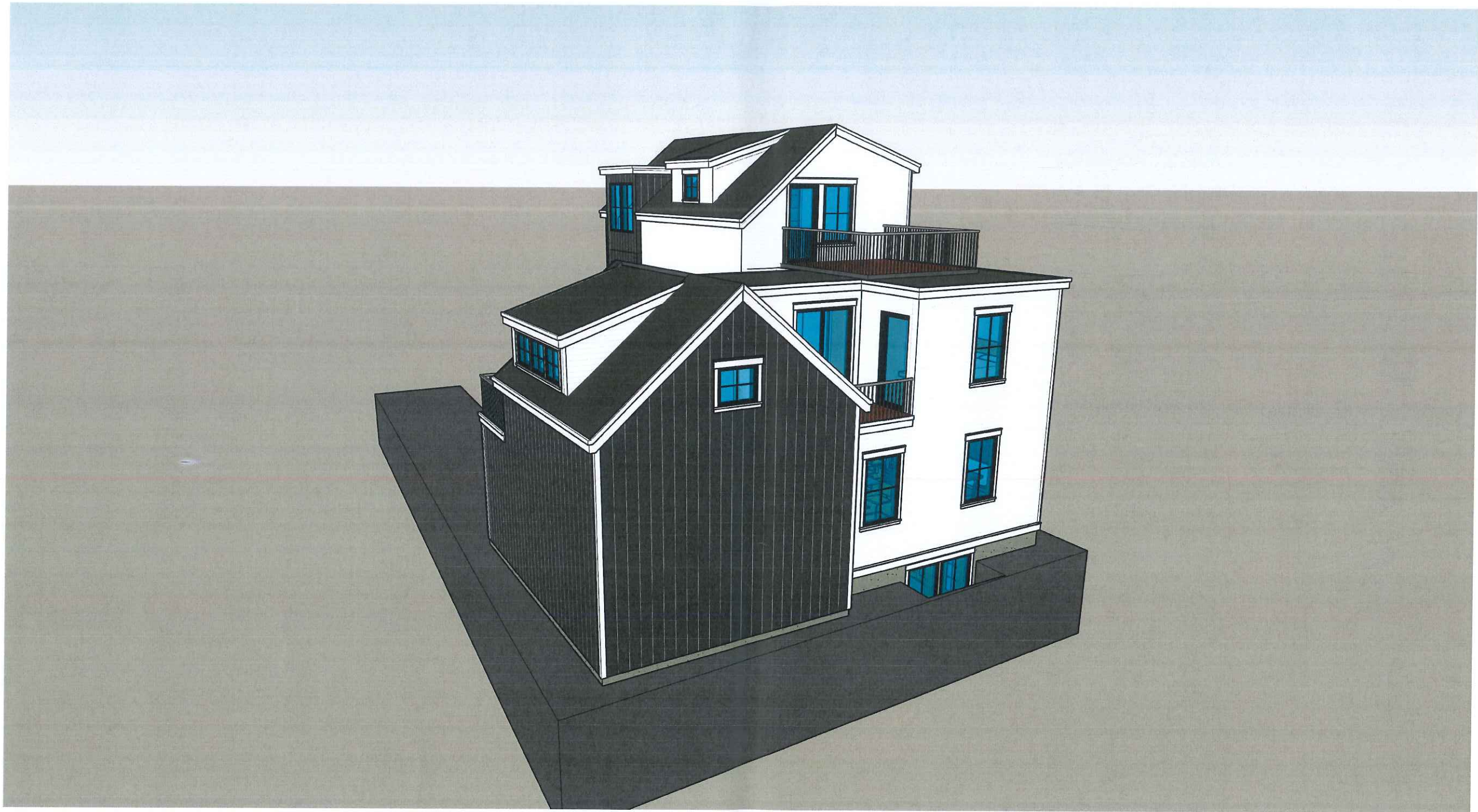
① Proposed East Elevation
 1/8" = 1'-0"



① Proposed South Elevation
 1/8" = 1'-0"



① 3D Front View



① 3D Back View



CITY OF CAMBRIDGE

Massachusetts

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.

617) 349-6100

2023 JUN -5 AM 11: 22

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CASE NO: 197887

LOCATION: 47 Eighth Street
Cambridge, MA

Residence C-1 Zone

PETITIONER: Stephen E. Brown – C/o James J. Rafferty, Esq.

PETITION: Variance: To replace existing non-conforming two-family home and detached garage with a new non-conforming two-family home with attached garage.

Special Permit: To reduce the required amount of parking spaces from 2 to 1.

VIOLATIONS Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).
Art. 8.000, Sec. 8.22.3 (Non-Conforming Structure).
Art. 6.000, Sec. 6.35.1 (Reduction of Required Spaces).
Art. 10.000, Sec. 10.30 (Variance). 10.40 (Special Permit).

DATE OF PUBLIC NOTICE: November 3 & 10, 2022

DATE OF PUBLIC HEARING: November 17, 2022, January 12, 2023
March 9, 2023

MEMBERS OF THE BOARD:

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

✓
✓

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ASSOCIATE MEMBERS:

SLATER W. ANDERSON
ALISON HAMMER
JASON MARSHALL
MATINA WILLIAMS
WENDY LEISERSON

✓

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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-197887

Location: 47 Eighth Street, Cambridge, MA

Petitioner: Stephen E. Brown – C/O James J. Rafferty, Esq.

On November 17, 2022, the hearing was opened and then continued to January 12, 2023, and then continued again to March 9, 2023. On March 9, 2023, Petitioner's attorney James Rafferty appeared before the Board of Zoning Appeal requesting a variance in order to replace an existing nonconforming two-family home and detached garage with a new nonconforming two-family home with attached garage and a special permit in order to reduce the required amount of parking spaces from two to one. The Petitioner requested relief from Article 5, Section 5.31, Article 8, Section 8.22.3, Article 6, Section 6.35.1 and Article 10, Sections 10.30 and 10.40 of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioner submitted materials in support of the application including information about the project, plans, and photographs.

Mr. Rafferty stated that due to a recent Ordinance amendment, the parking special permit was no longer needed, and he would be proceeding with the variance only. He stated that the proposal was to replace and moderately enlarge an existing old and dilapidated two-family home, while essentially maintaining the existing footprint. He stated that the hardship related to the subject property's small lot and footprint. After extensive testimony, given at the January 12, 2023 hearing, the Petitioner reworked the proposal extensively and reduced the overall GFA in the proposed new structure by 211 square feet.

The Chair asked if anyone wished to be heard on the matter, no one indicated such. The Chair noted letters of support from neighbors. The Chair also noted there were previously letters in opposition, but with the reduction and reworking of the proposal those concerns may have been ameliorated and the proposal now met with some approval with the abutters.

After discussion, the Chair moved that the Board make the following findings based upon the 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 building a new structure, which would be far more livable, energy-efficient, and have better health and safety features than the existing structure; that the Board find that the proposed replacement would greatly add to the community at large, and to the immediate neighborhood specifically; that the Board find the hardship owed to the unusual shape of the lot, its location behind another lot, and its being encumbered by the existing Ordinance, which severely restricted the size of the building that could be created as-of-right; that the Board find that relief could be granted without substantial detriment to the public good and in fact would be an enhancement to the surrounding neighborhood, to the homeowner, and to the tenant of the two-family home; that the Board find that desirable relief could be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance to allow a fair and reasonable development to preserve the amenities of the City and to allow homeowners to enjoy a far more livable structure, one that would be far more energy-efficient with updated and brand-new mechanical systems.

The Chair further moved that based upon all the information presented the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board on the condition that the work proceed as per the supporting statements, revised dimensional form, and the revised drawings, stamped March 6, entitled Jodrey Brown residence by Foley Fiore Architecture, as initialed by the Chair.

The five-member Board voted unanimously in favor of granting the variance with the above condition (Sullivan, Monteverde, Wernick, Anderson, 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 6-5-23 by Maria Pacheco, 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.

* * * * *

(6:11 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, and Slater Anderson

BRENDAN SULLIVAN: So Slater, you're tuned in?

SLATER ANDERSON: Hi. And I'm here.

BRENDAN SULLIVAN: The next case is going to be 202568 -- 3 Hancock Place. Sitting on this particular case is myself -- Brendan Sullivan -- Jim Monteverde, Laura Wernick, Slater Anderson and Wendy Leiserson.

So John Lodge -- is it 8:00? Oh, I'm sorry. I'm sorry. I'm getting ahead of myself here. The next case we're going to hear is 47 Eighth Street. Let me correct the record, then. So the Board will hear Case No. 197887 -- 47 Eighth Street.

Mr. Rafferty?

JAMES RAFFERTY: Thank you. Good evening, Mr. Chair. For the record, my name is James Rafferty. I'm an attorney with offices located at 907 Massachusetts Avenue in Cambridge. I'm appearing this evening on behalf of the property owners, Michelle Jodrey -- J-o-d-r-e-y and her

1 husband, Stephen Brown.

2 This is a case that was heard a few months back
3 that involves a new house being constructed on a rather
4 small lot in East Cambridge.

5 The Board took extensive testimony from the case
6 last time, reviewed the drawings by Foley Fiore Architects,
7 and the conclusion at that time was that the elements of the
8 case were such that the proposed additional GFA for which
9 this variance is being sought was seen as perhaps too
10 aggressive.

11 The prior application sought approval for GFA
12 practically 600 square feet over what would be allowed.

13 The applicants and their architects have reworked
14 the plan extensively. They've succeeded in reducing the
15 overall GFA in the new structure by 211 square feet, such
16 that the current request seeks 355 square feet of additional
17 GFA.

18 We provided not only the new drawings, but this
19 week a drawing that shows where those reductions were
20 achieved. And Mr. Fiore could go through those but suffice
21 it to say that the objective here is to continue this
22 building as a two-family dwelling. The new design is a

1 duplex-style house. It's going to result in a significant
2 improvement to the overall area, but there are certain
3 factors associated with the lot itself, the exceptionally
4 small footprint.

5 What Mr. Fiore has been able to do is essentially
6 maintain the footprint of the existing house, moving it a
7 little bit off the rear lot line, but still create a good
8 living size space for a family and for a rental unit.

9 If the Board is inclined, I'm happy to have Mr.
10 Fiore walk you through those changes or address any other
11 issues. But I think the thing that I wish to impress upon
12 the Board now is the applicant did take the direction
13 seriously to the Board at the last hearing and did create
14 this reduction in square footage.

15 BRENDAN SULLIVAN: All right. Let me see if any
16 members of the Board -- obviously they have reviewed the
17 file and -- let me see if they would like to have Mr. Fiore
18 walk through it. I've got too many papers here.

19 Jim Monteverde, have you any questions or -- at
20 this time?

21 JIM MONTEVERDE: No questions. Thank you.

22 BRENDAN SULLIVAN: Laura, any questions at this

1 time?

2 LAURA WERNICK: No questions, thank you.

3 BRENDAN SULLIVAN: Slater?

4 SLATER ANDERSON: No questions.

5 BRENDAN SULLIVAN: And Wendy?

6 WENDY LEISERSON: No questions.

7 BRENDAN SULLIVAN: All right. And I don't have
8 any other at this time. So let me open it, then, to public
9 comment. I guess let me say for the record I think that I
10 have reviewed it, obviously, as have other members of the
11 Board. And I think it has made a significant reduction and
12 sort of pulling in a little bit on the building, still
13 making it livable and a doable project. Let me open it to
14 public comment.

15 Any members of the public who wish to speak should
16 now click the button that says, "Participants," and then
17 click the button that says, "Raise hand."

18 If you're calling in by phone, you can raise your
19 hand by pressing *9 and unmute or mute by pressing *6, and
20 you will have up to three minutes in which to comment.

21 [Pause]

22 There appears to be nobody calling in. So I will

1 close the public comment part.

2 There were some letters in opposition previous.
3 Maybe with the reduction and the reworking, that may have
4 been ameliorated and has now met some approval with the
5 abutters. There's a number of letters that are in favor.

6 I will then close public comment part. Not to
7 refute Mr. Rafferty, but I guess my -- let me start the
8 comment part of it for the Board. I guess the house has
9 been built in 1854, which is some -- doing the math I don't
10 know 169 years ago.

11 My feeling on this is that it is in dire need of
12 rejuvenation and/or total rehab. And being in the business,
13 it obviously gets to the point where it's not cost worthy to
14 try to renovate or repair, and that a complete teardown --
15 this particular teardown I think is quite an ambitious
16 project.

17 However, I think it's a worthy one, and I applaud
18 the petitioner for even undertaking it. Because it will add
19 greatly to the amenities of the city, will add quality
20 housing for themselves and also for another tenant being a
21 two-family, and I think the petitioner has shown great
22 forethought to reduce it as much as possible.

1 And so, I would support the proposal as amended
2 and recently resubmitted.

3 Jim, any thoughts?

4 JIM MONTEVERDE: I agree with the Chair. Thank
5 you.

6 BRENDAN SULLIVAN: Any other members of the Board
7 wish to chime in at all? Wendy, any thoughts?

8 WENDY LEISERSON: No, as long as you continue to
9 articulate the hardship so well, that gets me over the legal
10 hurdle that I was concerned about.

11 BRENDAN SULLIVAN: Okay. Slater, any additional
12 thoughts at all?

13 SLATER ANDERSON: No additional thoughts, thank
14 you.

15 BRENDAN SULLIVAN: Laura? You don't have any.
16 All right. Let me then make a motion to grant the relief
17 requested. The application was for a variance and special
18 permit, but I guess the special permit is no longer
19 necessary, is that right, Mr. Rafferty? Because that
20 requirement is no longer necessary?

21 JAMES RAFFERTY: Yes.

22 BRENDAN SULLIVAN: -- to be provided.

1 JAMES RAFFERTY: Right. The special permit
2 addressed the parking requirements, but as the Chair and the
3 Board knows, the parking requirements have been removed by
4 recent amendment. That's correct.

5 BRENDAN SULLIVAN: Okay. Let me make a motion,
6 then, to grant the relief requested; a variance as per the
7 drawings submitted. Revised drawings dated, stamped in
8 March 6 and entitled Jodrey Brown residence by Foley Fiore
9 Architects and initialed by the Chair.

10 The Board finds that a literal enforcement of the
11 provisions of the ordinance would involve a substantial
12 hardship to the petitioner because it would preclude the
13 petitioner from building a new structure, which would be far
14 more livable, energy-efficient, have better health and
15 safety features than the existing structure, and would
16 greatly add to the community at large, and also this
17 particular locus specifically.

18 The Board finds that the hardship is owing to the
19 unusual shape of the lot, especially the fact that it is
20 located behind another lot, and it is encumbered by the
21 existing ordinance, which would severely restrict the size
22 of the building that could be created as-of-right and as

1 such.

2 That the intent and purpose of the ordinance would
3 be to allow this Board to relax those requirements and to
4 approve what the Board would find would be an appropriate
5 development on this site.

6 The Board finds that relief may be granted without
7 substantial detriment to the public good -- in fact, it
8 would be enhanced both to the surrounding neighborhood, also
9 to the homeowner and also a tenant in the two-family home.

10 And that the desirable relief may be granted
11 without substantial detriment to the public good or
12 nullifying or substantially derogating from the intent and
13 purpose of the ordinance to allow a fair and reasonable
14 development to preserve the amenities of the city and to
15 allow homeowners to enjoy a far more livable structure, one
16 that's far more energy-efficient with updated and brand-new
17 mechanical systems.

18 On the motion, then, to approve and grant the
19 variance, Jim Monteverde?

20 JIM MONTEVERDE: I agree.

21 BRENDAN SULLIVAN: Laura Wernick?

22 LAURA WERNICK: In favor.

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BRENDAN SULLIVAN: Slater Anderson?

SLATER ANDERSON: In favor?

BRENDAN SULLIVAN: Wendy Leiserson?

WENDY LEISERSON: In favor.

BRENDAN SULLIVAN: And Brendan Sullivan yes.

[All vote YES]

BRENDAN SULLIVAN: On the five affirmative votes, the variance as per the application and on further condition that the work conform with the supporting statements, dimensional form, revised dimensional form, and the new drawings submitted, initialed by the Chair. The variance is granted.

JAMES RAFFERTY: Thank you very much.