

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, AUGUST 19, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Brendan Sullivan, Vice Chair

Jim Monteverde

Laura Wernick

Matina Williams

Jason Marshall

City Employee

Olivia Ratay, Zoning and Building Associate



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P R O C E E D I N G S

* * * * *

(6:00 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Laura
Wernick, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: This meeting is being held
remotely, due to statewide emergency orders limiting the
size of public gatherings in response to COVID-19, and in
accordance with Governor Charles D. Baker's Executive Order
of March 12, 2020, temporarily amending certain requirements
of the Open Meeting Law; as well as the City of Cambridge's
temporary emergency restrictions on city meetings, city
events, and city permitted events, due to COVID-19, dated
May 27, 2020.

This meeting is being video and audio recorded,
and is broadcast on cable television Channel 22 within
Cambridge. There will also be a transcript of the meeting.

All Board members, applicants, and members of the
public will state their name before speaking. All votes
will be taken by roll call.

Members of the public will be kept on mute until

1 it is time for public comment. I will give instructions for
2 public comment at that time, and you can also find
3 instructions on the city's webpage for remote BZA meetings.

4 Generally, you will have up to three minutes to
5 speak. That might change based on the number of speakers.

6 I'll start by asking the Staff to take Board
7 member attendance and verify that all members are audible.

8 OLIVIA RATAY: Jason Marshall?

9 JASON MARSHALL: Jason Marshall here.

10 OLIVIA RATAY: Laura Wernick?

11 LAURA WERNICK: Laura Wernick is here.

12 OLIVIA RATAY: Jim Monteverde?

13 JIM MONTEVERDE: Jim Monteverde is here.

14 OLIVIA RATAY: Matina Williams?

15 MATINA WILLIAMS: Matina Williams here.

16 OLIVIA RATAY: Brendan?

17 BRENDAN SULLIVAN: And Brendan Sullivan is here
18 and audible.

19 Let me make an announcement regarding our agenda
20 for the night. We'll also announce it at the appropriate
21 time, but the 6:45 hearing -- BZA #132592 -- 621 Cambridge
22 Street, has requested a continuance.

1 Further, the 7:30 p.m. case, 107 First Street, has
2 also requested a continuance.

3 And the 8:00 case, BZA #102207 -- 1923
4 Massachusetts Avenue, although we don't have written
5 correspondence, there was conversation today, and it appears
6 that they will also continue the matter. There will not be
7 any public testimony taken at those continuances.

* * * * *

(6:02 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde,
Laura Wernick, Matina Williams and
Jason Marshall

BRENDAN SULLIVAN: So with that out of the way,
let me call the first case, which is BZA Case #126012 -- 35
Shea Road. Drew or Anne Hyland, you are present? Yes.
Okay. You may speak. Present.

DREW HYLAND: My name is Drew Hyland. This is my
wife, Anne. We live at 35 Shea Road. We are requesting
that we be able to take a window on the southwest side of
our house and turn it into a door.

The reason we wish to -- the reasons that we wish
to do so are: First, we moved into this house a little over
a year ago, and when we did, we began to realize that the
only two exits, or two doors are on the same side of the
house, and probably only 20 feet apart.

And so we thought that it would be a safety
consideration to have a door -- an exit on the other side of
the house in case of fire or something like that.

Second, the exit -- that door will lead us

1 directly to our back yard, where we have an outdoor table
2 and a grill, and spend time out there. And so it will be
3 much more convenient for us than walking all around our --
4 from the front all the way around the cars and everything
5 else.

6 BRENDAN SULLIVAN: Okay. Any questions by any
7 members of the Board?

8 JIM MONTEVERDE: Jim Monteverde no questions.

9 BRENDAN SULLIVAN: Matina?

10 MATINA WILLIAMS: Matina Williams no questions.

11 BRENDAN SULLIVAN: Laura?

12 LAURA WERNICK: No questions.

13 BRENDAN SULLIVAN: Jason?

14 JASON MARSHALL: Jason Marshall no questions at
15 this time.

16 BRENDAN SULLIVAN: And the Chair has no questions
17 either. I will open it now to public comment. Any members
18 of the public who wish to speak should now click the button
19 that says "Participants" and then click the button that
20 says, "Raise hand."

21 If you are calling in by phone, you can raise your
22 hand by pressing *9 and unmute or mute by pressing *6.

1 We'll wait a couple of minutes or moments.

2 [Pause]

3 BRENDAN SULLIVAN: Okay. It appears nobody is
4 interested. I will close public comment. There are no
5 letters in the file commenting one way or the other. Any
6 other comments? From the Hylands at all? No?

7 DREW HYLAND: No.

8 BRENDAN SULLIVAN: Okay. It appears to be a very
9 reasonable request. The fact that I sort of really
10 appreciate is the safety issue. You have an exit on the
11 other side of the house, rather than having two on one side
12 and fairly close together.

13 So with that said, let me make a motion, then, to
14 grant the special permit as requested. The Board finds that
15 the requirements of the ordinance can be met unless with the
16 granting of the special permit. The special permit request
17 is to change one window on the southwest side of the house
18 into a door.

19 The Board finds that it will not fall to any of
20 the zoning requirements, including setback, FAR, height,
21 open space, parking, the number of units, or the number of
22 vehicles.

1 The Board finds that traffic generated or patterns
2 of access or egress would not cause congestion, hazard, or
3 substantial change in the established neighborhood
4 character. The Board finds that there will be no increase
5 in any parking as an additional benefit.

6 The Board finds that continued operation of or
7 development of adjacent uses, as permitted in the zoning
8 ordinance, would not be adversely affected by the nature of
9 the proposed use, and that there would not be any nuisance
10 or hazard created to the detriment of the health, safety
11 and/or welfare of the occupants of the proposed use, or to
12 the citizens of the city.

13 In fact, I previously noted, and I think that it
14 will enhance a very necessary safety issue by having an exit
15 on that side of the house.

16 And the Board finds that the proposed use would
17 not impair the integrity of the district or adjoining
18 districts, or otherwise derogate from the intent and purpose
19 of the ordinance.

20 On the motion, then, to grant the special permit
21 Jim Monteverde?

22 JIM MONTEVERDE: I vote in favor of the special

1 permit.

2 BRENDAN SULLIVAN: Matina?

3 MATINA WILLIAMS: I vote in favor of the special
4 permit.

5 BRENDAN SULLIVAN: Laura?

6 LAURA WERNICK: I vote in favor of the special
7 permit.

8 BRENDAN SULLIVAN: Jason?

9 JASON MARSHALL: Jason Marshall yes in favor of
10 the special permit.

11 BRENDAN SULLIVAN: And the Chair, Brendan
12 Sullivan, votes in favor also.

13 [All vote YES]

14 Special permit granted. Good luck.

15 DREW HYLAND: Thank you. Could I just ask what
16 the next step in our efforts to get this are?

17 BRENDAN SULLIVAN: Yeah. The next step will be
18 for the decision to be -- the transcripts have to be
19 provided to the Inspectional Services from the transcripts
20 of this hearing. A decision will be typed up, basically.

21 DREW HYLAND: Yeah.

22 BRENDAN SULLIVAN: Sent over to the Law

1 Department. The Law Department reviews it, sends it back to
2 Inspectional Services. I will then sign it. It gets filed
3 with the City for -- and then there is a 20-day appeal
4 period.

5 So timewise from tonight may very well be four
6 weeks? Four to five weeks before you can actually get a
7 permit.

8 You will be notified when the decision has been
9 filed with the City Clerk, and you will also be notified by
10 mail that the City Clerk hasn't had anybody contest a
11 decision, at which point you take -- you have to go down to
12 City Hall.

13 You get that document, and then you have to go
14 down to the Registry of Deeds, or maybe you can do it online
15 now, and then have it attached to your deed and bring that
16 back, and then you and your contractor can then get a
17 permit.

18 DREW HYLAND: I see.

19 BRENDAN SULLIVAN: So it's four to five weeks.

20 DREW HYLAND: Yeah. Okay. So I'll just wait to
21 receive the instructions?

22 BRENDAN SULLIVAN: You will receive -- yes,

1 notification by mail.

2 DREW HYLAND: Yeah. Okay, thank you very much.
3 We appreciate that.

4 BRENDAN SULLIVAN: All right, yep. We're five
5 minutes early. We have to call the cases at their posted
6 schedule time. This case is scheduled for 6:15. On a
7 personal note, welcome, Jim Monteverde.

8 JIM MONTEVERDE: Thank you. Thank you.

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(6:15 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Laura
Wernick, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: It being 6:15, I'll call the
next case #127988 -- 26 Bellis Circle, #26.

SARAH RHATIGAN: Good evening Mr. Chairman. This
is Sarah Rhatigan from Trilogy Law. Thank you very much,
members of the Board for hearing this case. I'm here with
my clients, Tom Culotta -- can you wave, Tom? And Mary
Custic and our architect, Grady Ragsdale, is here as well.

Thanks very much for hearing us this evening.

BRENDAN SULLIVAN: Sarah, let me preface the
discussion and making note that if this case or any case
that's on our agenda tonight is to be continued for whatever
reason, that the earliest we would be able to hear it with
the current Board will be in January? One of the members
have a conflict going forward from tonight until the end of
December.

So if you want to be -- if should it be continued
and you want to be heard by the same five members, then it

1 would have to be continued till January.

2 Or, it can be continued, but you would have to be
3 heard by only four members. I'm sure you understand that
4 then you would need a unanimous four votes, four out of
5 four. So I mention that to you for you to consider that.

6 That being said, there is substantial objection to
7 the proposal by two of the neighbors. You're aware of that?

8 SARAH RHATIGAN: Yes, sir. May I ask your
9 indulgence for a two-minute break just to have a --

10 BRENDAN SULLIVAN: Sure, sure.

11 SARAH RHATIGAN: -- have a quick call with our
12 clients and just so I can explain what you just described,
13 and we can discuss our options, and we'll be right back to
14 you?

15 BRENDAN SULLIVAN: Yeah, sure. Yep, that's fine.

16 SARAH RHATIGAN: Okay, great. Thank you very
17 much. I'm just going to put myself on mute and turn my
18 camera off, and we'll be right back to you.

19 [Pause]

20 SARAH RHATIGAN: Thanks for your patience, I
21 really appreciate it. One thing I should have asked
22 previously and I did not ask, if we were to request a

1 continuance for two weeks until your next hearing, do you
2 then have a panel of Board members who would not have that
3 scheduling issue? So that if the case were continued, they
4 would have to continue until January to get the same five
5 members available?

6 BRENDAN SULLIVAN: Yes.

7 SARAH RHATIGAN: That is correct?

8 BRENDAN SULLIVAN: Yes.

9 SARAH RHATIGAN: So?

10 BRENDAN SULLIVAN: Yes.

11 SARAH RHATIGAN: So we would like to request a
12 continuance for two weeks.

13 BRENDAN SULLIVAN: Okay.

14 SARAH RHATIGAN: Until the September 2 hearing.

15 BRENDAN SULLIVAN: The earliest, Sarah, would be
16 09/23/21. We're full for the second.

17 SARAH RHATIGAN: Okay. Let me just check. Grady,
18 does 09/23 work for you? Yes? Tom and Mary? Sorry, I
19 can't -- that's a thumbs up for Mary. Okay, yes. Thank
20 you. Okay, yes. Thank you. September 23 would work for
21 our team.

22 BRENDAN SULLIVAN: Let me make a motion, then, to

1 continue this matter as per the petitioner's request to
2 September 23, 2021 at 6:00. [Continuing it at 6:00?] 6:00,
3 on the condition that the petitioner sign a waiver of
4 statutory requirement for a hearing and a decision to be
5 rendered thereof.

6 That the posting sign should be changed to reflect
7 the new date, September 23, and the time of 6:00 p.m., and
8 that should there be any changes to the original submittals,
9 that they be in the file on the Monday at 5:00 prior to the
10 September 23 hearing.

11 Any other conditions by members of the Board?

12 [Pause]

13 BRENDAN SULLIVAN: No. One thing, Sarah, now that
14 you are going to continue it, I did look at the solar study,
15 and I'm not sure if I fully understood it and the effect.
16 And I'm just wondering if perhaps you may resubmit the same
17 one, if you could not maybe do a more enhanced one -- solar
18 study on the effect on the adjoining properties.

19 SARAH RHATIGAN: Thank you. We'll take a look at
20 that.

21 BRENDAN SULLIVAN: I'm glad one was submitted, but
22 I think we could do a little bit more enhanced solar study

1 on it.

2 SARAH RHATIGAN: Okay. Thank you for the
3 feedback.

4 BRENDAN SULLIVAN: All right. So then on the --
5 and of course obviously outreach to -- and you can get
6 copies of the letters if you haven't already had them from
7 abutters who have some concerns about the project. On the
8 motion, then, to continue this matter until September 23,
9 Jim?

10 JIM MONTEVERDE: Jim Monteverde yes.

11 BRENDAN SULLIVAN: Matina?

12 MATINA WILLIAMS: Matina Williams yes.

13 BRENDAN SULLIVAN: Laura?

14 LAURA WERNICK: Laura Wernick yes.

15 BRENDAN SULLIVAN: Jason?

16 JASON MARSHALL: Jason Marshall yes.

17 BRENDAN SULLIVAN: And the Chair votes yes also.

18 [All vote YES]

19 The matter is continued until September 23. See
20 you then.

21 SARAH RHATIGAN: Thank you.

22 BRENDAN SULLIVAN: We have five minutes before the

1 next case.

2 SARAH RHATIGAN: Mr. Chairman, point of order, may
3 I just ask a quick question?

4 BRENDAN SULLIVAN: Yeah. Yep.

5 SARAH RHATIGAN: You mentioned at the top of the
6 hour that the case at 6:45 has a continuance. I'm the
7 attorney on that matter, and is there a need for me to stay
8 on the call to be here for that discussion, or --

9 BRENDAN SULLIVAN: You don't have to be, Sarah.

10 SARAH RHATIGAN: Okay.

11 BRENDAN SULLIVAN: I'll just announce that we have
12 a letter in the file anyhow. So that will be sufficient.

13 SARAH RHATIGAN: We do? Okay, great. Thanks so
14 much.

15 BRENDAN SULLIVAN: The only thing is, you can call
16 in tomorrow as far as a continuance what date. So --

17 SARAH RHATIGAN: Okay, sure. We did request a
18 date, and it's pretty far in the future. I spoke to Ms.
19 Pacheco, so if there are any issues, I'll --

20 BRENDAN SULLIVAN: I haven't seen the letter, but
21 if that's in the letter, then we'll -- we can accommodate?
22 Okay. We'll accommodate then.

1 SARAH RHATIGAN: Okay, great. Thank you so much.
2 Have a great evening. Thanks.

3 BRENDAN SULLIVAN: Okay, you too.

4 SARAH RHATIGAN: Bye-bye.

5 BRENDAN SULLIVAN: To the Board members, this may
6 be a little bit of a stop/start tonight, but we will get
7 through it, so.

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(6:27 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Laura
Wernick, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: Olivia has told me that it is
almost 6:30 and to proceed. I will call BZA Case #128101 --
25 Williams Street, Unit 25B. Mr. Glassman?

ADAM GLASSMAN: Good evening, members of the
Board. Everyone can hear me?

BRENDAN SULLIVAN: Yes.

ADAM GLASSMAN: Okay. We are here tonight -- I'm
here representing my client, Leyla Tegmo-Reddy, who I
believe is here. I see her. Please wave. Thank you.

BRENDAN SULLIVAN: Okay. Thank you. Adam, let me
preface your remarks by saying that should this case be
continued, for whatever reason, that one of the members who
are sitting here tonight cannot sit until January.

And as such, should it be continued, in order to
reassemble the same five-member Board, it would have to be
continued to January or it can be continued to an earlier
date, but you would only have four members to vote on it.

1 ADAM GLASSMAN: I would say we're comfortable
2 moving forward tonight. It's a relatively straightforward
3 and simple project and request. Leyla, do you agree?

4 LEYLA TEGMO-REDDY: Yes. I do agree. Thank you.

5 BRENDAN SULLIVAN: Okay. Yep. Fine.

6 ADAM GLASSMAN: We're seeking relief for a project
7 in two parts. The first part is a 15-foot shed dormer on
8 the rear of the building. Technically, it's a side setback
9 with a corner lot. The other component is a small, second-
10 story rear deck.

11 I will start with the dormer component. Sisia,
12 who's flipping tonight, is it Sisia? Or --

13 BRENDAN SULLIVAN: Sisia is on a special
14 assignment. So Olivia is --

15 ADAM GLASSMAN: Oh, I'm sorry, Olivia.

16 BRENDAN SULLIVAN: -- double duty here tonight.

17 ADAM GLASSMAN: Okay, so the slide we see here,
18 front view of the property, if you look above the white
19 truck: That is the second-floor flat roof off of Leyla's
20 unit, which she owns roof rights to, and where we propose
21 putting a small deck.

22 The dormer you would not see from this view.

1 Next slide?

2 The side view directly above the red car all the
3 way up to the attic levels where you'd see the side view of
4 the proposed dormer, and on the lower left of the same
5 building, those two first-floor black windows above which we
6 propose the small deck.

7 On the right photo, another view -- the most
8 prominent view of both the proposed second-floor rear deck,
9 and the right-side dormer.

10 And on the right-side photo, you can see peeking
11 out from the upper left a shed dormer that the Board granted
12 relief for. And we're essentially asking for the same
13 dormer.

14 And I will say that, as you may know, we were at
15 the Planning Board two nights ago. This was -- it's an
16 unusual ask, because technically we have more than 30 feet
17 of dormers on the property, given that there are two small
18 doghouse window dormers on the front, which are essentially
19 just windows.

20 And the Zoning Board asked the Planning Board for
21 their opinion on adding an I'd like 15-foot dormer, which
22 would be the same ask as the other property owner. And the

1 Planning Board had no problem with this ask. There should
2 be a letter of approval in the file that hopefully you've
3 all seen.

4 Next slide?

5 The need for the dormer you can see here is the
6 owner standing at the knee wall. We come up the stairs and
7 into a small room, and there's very little code-compliant
8 headroom on this level. Leyla has told me she doesn't mind
9 me saying that she's nearing 70 years old. There's no
10 bathroom on this level, and going up and down the stairs too
11 much is a problem for her.

12 Next slide, please?

13 Bird's eye view of the site plan, you can see the
14 dark red dashed line in the middle of the front portion of
15 the house would be the proposed 15-foot dormer matching the
16 existing 15-foot dormer just below it.

17 To the right, you can see the red outline of a
18 small deck. That is within the side setback.

19 Next slide?

20 Another view, just a little bit more clear. At
21 the end of the day, we have two identical shed dormers on
22 the rear of the gable, and a small proposed second-floor

1 deck.

2 Next slide?

3 Another view and plan, the second floor on the
4 right side of the slide shows that the modest-sized deck
5 would be accessible off of Leyla's kitchen, and this would
6 allow her to have some small, useable outdoor space off of
7 her unit, without again having to go up and down the stairs
8 to her yard, where she has a negligible amount of space, not
9 really enough to occupy in any meaningful way.

10 Leyla has friends and family in the neighborhood,
11 and having the small space outside will give her a more
12 meaningful connection to her community -- again, a place to
13 enjoy being outdoors without having to track up and down
14 old, steep stairs.

15 Next slide?

16 The dormer space would add a negligible amount of
17 additional FAR, approximately 28 square feet, which would
18 technically increase our nonconforming FAR, but again it's
19 28 square feet.

20 Next slide?

21 The side view from Williams Street on the bottom
22 is the existing view. And at the top is the -- on the left

1 side of the gabled roof is the existing dormer. Our dormer
2 would match it. It would be identical, so the view from
3 that street really doesn't change.

4 And the only significant change in view on account
5 of the deck would be a 42-inch guardrail which would blend
6 in seamlessly with the character of the house in the
7 neighborhood.

8 Next slide?

9 The rear view again showing existing dormer on the
10 left, which is a different property, which is 23 Williams
11 Street -- part of the same association. Leyla's would be
12 more or less identical design, in accordance with the dormer
13 guidelines. And again, you can see the guardrail of the
14 deck on the second floor.

15 Next slide?

16 And this view is just an enlarged view of what we
17 would have already presented. Dormer views, deck views.
18 The scale and character of the house has not changed. It's
19 actually enhanced.

20 Next slide?

21 The view from the yard, which is owned by the
22 neighbor down below. Guardrail, no guardrail. That's our

1 difference. And all of the co-owners in Leyla's building
2 have supported both components of the application. And as
3 far as I know, we have no objections.

4 And I believe that is the end of the presentation.
5 Any questions?

6 BRENDAN SULLIVAN: For Board members' edification,
7 in reviewing tonight's cases -- and this one sort of popped
8 out because it -- contrary to the dormer guidelines
9 regarding having a number of feet of dormer on one side of
10 the house on the roof, the dormer guidelines call for one
11 15-foot dormer; there's already one existing. So that it
12 would appear to be problematic to approve this, because it's
13 contrary to the dormer guidelines.

14 However, in further researching of this, that it
15 is there are two different owners, as Adam has pointed out.
16 And so it is a little bit different than our normal dormer
17 request.

18 Through the Commissioner, I asked the Planning
19 Board to review all our cases tonight, and then to comment
20 where they will. They have been very good in the past,
21 obviously commenting on all the telecoms, some of the other
22 ones that they have left to our discretion.

1 But I felt that this particular one needed their
2 look at. And how it related to the dormer guidelines.
3 Hence, they did have some discussions the other night, I
4 watched it. And they felt that as far as exceeding that 15-
5 foot, it really depended upon the location and how it fit on
6 a roof, and the symmetry it had with other elements on the
7 roof; hence a proposed 15-foot dormer in relationship to the
8 existing one.

9 And I believe you all have a letter from the
10 Planning Board, but let me reiterate it that the Board
11 recommends approval of the dormer for this building at this
12 location as proposed.

13 The Board has no objections to the added dormer,
14 as it provides greater architectural symmetry to the
15 building and improved the useability of the residential
16 space.

17 And that's sort of the backdrop on this. I had
18 also asked -- and they will maybe get to it at some point --
19 for them to relook at the dormer guidelines in relationship
20 as to whether or not it is totally relevant, given today's
21 market, given today's climate of trying to enhance housing,
22 provide more housing and allow people who are long-term and

1 even short-term citizens and occupants to stay in their
2 home.

3 The dormer guidelines were enacted back in 1996,
4 and are they still relevant today? So that is a question
5 that is still out there. So that's a little bit of the
6 backdrop of the Planning Board's chiming in on this, and how
7 it relates to this particular dormer.

8 That said, Jim, any questions?

9 JIM MONTEVERDE: Yeah. I have two. Does the
10 proponent have any rights to any ground-floor outdoor space?

11 ADAM GLASSMAN: Leyla, could you answer this,
12 please?

13 LEYLA TEGMO-REDDY: Yes, I can. My name is Leyla
14 Tegmo-Reddy. Good evening to the members of the Board.
15 There is a very small area outdoors, but it's very -- it
16 would be very difficult.

17 As mentioned by Adam, I'm 69 years old. I've come
18 back to Cambridge after working about 40 years in the United
19 Nations in Asia, Africa and Europe. And I've moved here to
20 be close to my 99-year-old mother and my older sister and
21 son.

22 So I'm looking at it from a perspective both of

1 comfort in getting up and down these very steep stairs. And
2 there is a very small area. I don't know if it's anywhere
3 you can see it on the diagrams that are here. It's a very
4 small area adjacent to the downstairs neighbors' large
5 exterior area.

6 ADAM GLASSMAN: Leyla, is your area on Magazine
7 Street, or --

8 LEYLA TEGMO-REDDY: It's on Magazine. It's on
9 Magazine Street. It's on Magazine Street.

10 ADAM GLASSMAN: Can you try to identify where it
11 is on the enlarged image on the screen?

12 LEYLA TEGMO-REDDY: So I'm trying to see where we
13 are. Okay, that's William. Okay. So yeah. Can you --
14 it's this tiny area that is just -- as you go down, as you
15 go left here, and you see this existing -- yeah. It's just
16 here. Yeah.

17 ADAM GLASSMAN: Perfect, thank you.

18 LEYLA TEGMO-REDDY: That's correct.

19 ADAM GLASSMAN: Thank you.

20 LEYLA TEGMO-REDDY: That's correct. Sorry.

21 JIM MONTEVERDE: That's for your exclusive use.

22 LEYLA TEGMO-REDDY: That is for my exclusive use.

1 But yeah, but it's kind of a walkway to --

2 JIM MONTEVERDE: Yep. And there's no connection
3 from the indoors to that space directly?

4 LEYLA TEGMO-REDDY: Unfortunately not, no. So --

5 JIM MONTEVERDE: Okay, thank you. That's question
6 one. Question two -- and this is more for the Board just to
7 confirm, but the proposal for the second-floor deck, it's
8 16-foot wide, 13-foot-4 inches deep, that doesn't strike me
9 as a de minimis outdoor space.

10 And the Board has not looked favorably on some of
11 these similar sized roof decks previously. In other words,
12 it's not a balcony, it's not a -- it's really a useable
13 outdoor space. And the concern is the adjacency of the
14 neighbors.

15 And if I look at that plan that's up on the screen
16 now, and how adjacent -- and also the photograph that you
17 showed, I believe the building to the left of this property
18 is a triple-decker or more. Windows are basically even
19 looking down on your deck. And it's just a question of, you
20 know, privacy from your perspective on noise to those
21 neighbors.

22 But, so I have -- I don't have a concern about the

1 dormer proposal. I do have a concern about just the size of
2 the roof deck proposal. I can understand the need for some
3 outdated space. But it's the size -- again, just in terms
4 of how the Board has viewed I think similar sized decks
5 previously.

6 Thank you. That's all my questions.

7 BRENDAN SULLIVAN: Okay. Matina, any questions?

8 MATINA WILLIAMS: No. I just -- the same concerns
9 that Jim had, that the size of the deck and then the
10 building that was next, I think it's a six-family, if I'm
11 not mistaken?

12 LEYLA TEGMO-REDDY: At least.

13 MATINA WILLIAMS: Eight? Is that the one that had
14 the fire?

15 LEYLA TEGMO-REDDY: Next door.

16 MATINA WILLIAMS: Yep, yep. So you want -- the
17 roof deck is going to be that whole sort of area right above
18 the roof, on the roof there.

19 ADAM GLASSMAN: Yep. It would be -- she, Leyla
20 owns the rights to it. We pulled it closer to that side of
21 the building in order to keep it away from the edge that
22 overlooks her neighbor's yard. I think we do have some

1 flexibility with size.

2 If the Board could possibly give us a little
3 direction in terms of typically the size of a roof deck
4 you're comfortable with, and how far away you'd like to see
5 it from the edge of that roof we could commit to those
6 revisions?

7 LAURA WERNICK: Could I just ask a question, if
8 you've discussed any of this with any of those neighbors in
9 the other building?

10 LEYLA TEGMO-REDDY: I can't hear you, Laura.

11 LAURA WERNICK: I was asking if it has been
12 discussed with anybody in the triple-decker?

13 ADAM GLASSMAN: The building's owned by MIT. I
14 know Leyla reached out, tried to find someone to communicate
15 with directly about the project. She -- no one was really
16 available. However, we have no objections from MIT.

17 BRENDAN SULLIVAN: Okay.

18 LEYLA TEGMO-REDDY: Could I speak?

19 BRENDAN SULLIVAN: Yes.

20 LEYLA TEGMO-REDDY: Thank you very much. I wanted
21 to mention in designing the deck, I was extremely conscious
22 of the situation. And if you will look at the design, there

1 are two things that I found extremely important. One was
2 building a walkway, which would prevent blocking the windows
3 from the rental apartment, which Adam helped design.

4 And the other -- and vis-à-vis the condo owners,
5 to set it in a bit. So I would not be right on top of the
6 downstairs neighbors.

7 So if you'll see the deck, there's a walkway. So
8 -- and right opposite this, I have a window. There's a --
9 there are some windows.

10 So this is avoiding several of the windows, which
11 would -- so I would not be sitting outside and disturbing
12 the neighbors opposite. This was very important to me,
13 rather than trying to get a deck that would go all the way
14 flush across to the other side.

15 ADAM GLASSMAN: Yeah, so --

16 LEYLA TEGMO-REDDY: Similarly, if you -- sorry.

17 ADAM GLASSMAN: No, it's okay. So what Leyla's
18 saying is the deck does not sit directly in front of the
19 windows, which face her side of the building.

20 BRENDAN SULLIVAN: Okay. Olivia, could you pull
21 up a drawing, A1.2?

22 [Pause]

1 BRENDAN SULLIVAN: Yeah. That's it, yeah. That
2 will just give us sort of a scale of the deck.

3 ADAM GLASSMAN: Now, if it's helpful to know, if
4 we pulled the deck back to the setback, the required
5 setback, the full span of the deck would be about seven
6 feet, which is a little tight. And it also makes the
7 structure more intrusive into the ceiling system, especially
8 for the unit below. So we're trying to carry the deck on
9 the exterior walls.

10 LAURA WERNICK: Well, so my concern would be
11 noise, rather than the privacy issue. It may not be Leyla,
12 but sometime in the future, there could be an owner who uses
13 this space for parties that could disturb those neighbors.
14 So it's more of a size. When does an outdoor space become a
15 great party area? As opposed to a more quiet --

16 ADAM GLASSMAN: Sure.

17 LAURA WERNICK: -- sitting area for a few people.
18 And I don't know exactly what the size of that, where that
19 difference is.

20 BRENDAN SULLIVAN: Matina, any other comments or
21 questions at this time?

22 MATINA WILLIAMS: Not at this time.

1 BRENDAN SULLIVAN: Okay. Laura, anything else at
2 this time?

3 LAURA WERNICK: I'm just curious as to if other
4 Board members have any concern?

5 BRENDAN SULLIVAN: Yeah, okay.

6 LAURA WERNICK: About the distance.

7 BRENDAN SULLIVAN: Jason, you're -- any comments
8 or questions?

9 JASON MARSHALL: Thank you, Mr. Chair. [Jason
10 Marshall.] You anticipated some of my questions regarding
11 the dormer, so I appreciate that. I don't have any other
12 questions relating that aspect of the design.

13 One question regarding -- I'm looking at the
14 dimensional information in the application. It looks like
15 the ratio of usable open space decreases down to 15 percent,
16 which is below the ordinance requirement. Is that related
17 to the dormer, or to the deck?

18 ADAM GLASSMAN: We should have an increase in
19 useable open space, actually. There's no decrease, and if
20 the application indicates that, I apologize. That would be
21 a typo.

22 JASON MARSHALL: That's why that jumped out,

1 because it's going from it says existing conditions is 41
2 percent down to 15 percent. So I kind of scratch my head on
3 that. So --

4 ADAM GLASSMAN: That is incorrect. Thank you for
5 pointing that out. We are not decreasing useable open
6 space.

7 JASON MARSHALL: Okay.

8 BRENDAN SULLIVAN: Funny you bring that up,
9 because I mentioned -- I saw that too. And I'm wondering
10 where and how did it decrease?

11 JASON MARSHALL: Yeah.

12 BRENDAN SULLIVAN: So I also noticed that. So
13 Adam, at some point you may want to relook at that number,
14 and if possible, change it, just so that the record reflects
15 the accuracy. So regarding the deck, I don't necessarily
16 have a problem with it. And yes, the six-family I guess
17 next to it is pretty close.

18 But this is coming from somebody who has a deck
19 much larger than this over our first-floor kitchen area that
20 my wife occupies an awful lot of time out there doing her
21 needlepoint, reading books, listening to whatever she
22 listens to. And so we absolutely, love it.

1 And we have a good-sized back yard and everything
2 like that. But that deck off of our living space is
3 actually a Godsend to us. So I'm somewhat partial to that.
4 That being said, also very cautious as to the locations of
5 them.

6 And as Jim and Laura and Matina have brought up is
7 that -- and the potential effect on next door neighbors.
8 And it is kind of close to the adjoining structure.

9 But I -- and again, I think that the applicant is
10 a, you know, lovely person and is not going to have wild
11 parties or loud music or being disruptive out there. I
12 think it's just a nice space that she will sit and have
13 flowers and all that and enjoy the outdoor space. But yes,
14 it could be the next person that comes along becomes sort of
15 a nuisance with a large space there.

16 So I don't know. We'll have to work our way
17 through that.

18 LEYLA TEGMO-REDDY: Can I -- oh, sorry.

19 BRENDAN SULLIVAN: Yes, go ahead.

20 LEYLA TEGMO-REDDY: Yeah. I don't -- although I
21 don't have it very handy in front of me, please excuse me, I
22 believe we have an agreement in the condo as to noise after

1 certain hours and before certain hours. And so I don't know
2 if this would protect for any worries there might be in the
3 future. But my mother is 99, and I hope to live 30 morning
4 years at least. But yeah.

5 So there is, if I'm not wrong something in the
6 condo association documents. If not, it can certainly be
7 introduced.

8 BRENDAN SULLIVAN: Well, that's helpful to know.
9 There is also a noise ordinance in the city that sometimes
10 people obey and are sensitive to, and other times they're
11 not. And it's the ones that are not that we sort of -- you
12 know, are worried about, I guess. It's always the fear of
13 the unknown.

14 ADAM GLASSMAN: Could I make a suggestion about
15 the size of this deck? I think we can get a functional deck
16 and address your concerns by reducing the amount of deck
17 space. And the overall width that we proposed was 13.4. We
18 could reduce that to 10 feet.

19 And the 16-foot dimension we could reduce to 11.4.
20 And that would basically -- where you see the landing, that
21 Leyla would walk out to and up a few steps, we'd extend
22 that, what she's calling a walkway to a 10 x 11 square foot

1 deck. And that would pull the edge we're talking about four
2 and a half feet from the lot line.

3 BRENDAN SULLIVAN: Okay.

4 JIM MONTEVERDE: [This is Jim Monteverde.] I would
5 certainly see that as an improvement, and I would just
6 suggest that the outer edge of that deck that's facing the
7 four-story adjacent to you, there would just be some type of
8 screen fence, et cetera there that --

9 ADAM GLASSMAN: Sure.

10 JIM MONTEVERDE: -- at least can shield -- you
11 know, I like the planter that's there, that's nice. If
12 there's something like that planter with a something -- you
13 know, trellis that it can grow up, you know, not to just put
14 a wall against your neighbor, but a green wall against your
15 neighbor, that would satisfy me.

16 ADAM GLASSMAN: Sure.

17 JIM MONTEVERDE: I could support the deck on that
18 basis.

19 BRENDAN SULLIVAN: Let me open that to public
20 comment. I have misplaced my -- [do you have the notice
21 there?] Too many papers and too many -- space up here. I
22 will now open it to public comment. Any members of the

1 public who wish to speak should now click the icon at the
2 bottom of your Zoom screen that says, "Raise hand."

3 If you're calling in by phone, you can raise your
4 hand by pressing *9 and unmute or mute by pressing *6. It
5 appears to be nobody calling in. There are no letters in
6 the file. Making comments, so I will close the public
7 comment part.

8 Erik (sic), if you can just run through, I'm on
9 sheet A12, and the 16-foot-0 dimension will be reduced to?

10 ADAM GLASSMAN: 11'4'.

11 BRENDAN SULLIVAN: To 11 foot 4 inches, and the 13
12 foot 4 is going to be reduced to 10 foot?

13 ADAM GLASSMAN: To 10 feet.

14 BRENDAN SULLIVAN: Okay. Okay. Good. Any other
15 comments at this time? Erik? I'm sorry. Why am I calling
16 you Erik? Adam.

17 ADAM GLASSMAN: I'm sorry, was there a question?

18 BRENDAN SULLIVAN: I'm sorry. Any other comments
19 at this time before --

20 ADAM GLASSMAN: No, no more comments.

21 BRENDAN SULLIVAN: Give it to the Board? All
22 right. Does the Board want to discuss it, or shall I make a

1 motion? Jim, any --

2 JIM MONTEVERDE: Ready to vote.

3 BRENDAN SULLIVAN: Okay, Matina. Discussion or a
4 vote?

5 MATINA WILLIAMS: Ready to vote.

6 BRENDAN SULLIVAN: Okay, Laura?

7 LAURA WERNICK: Ready to vote, yes.

8 BRENDAN SULLIVAN: Okay, and Jason. Any other --

9 JASON MARSHALL: [Jason Marshall] I don't have any
10 questions; I would just maybe ask in doing the motion given
11 the typo in the application on open space, that we note that
12 we're not approving a reduction in open space requirements.

13 BRENDAN SULLIVAN: Okay. Fine. And that will be
14 part of the record and a condition of the approval. Let me
15 make a motion then to grant the relief requested.

16 The Board finds that a literal enforcement of the
17 provisions of the ordinance would involve a substantial
18 hardship to the petitioner.

19 The Board finds that the existing structure is
20 already nonconforming, and has the existence of a 15-foot
21 dormer, rear dormer, as part of another unit.

22 The Board finds that the literal enforcement would

1 prevent the owner from adding another 15-foot dormer to
2 accommodate a modest-sized bathroom to the third floor,
3 which has two bedrooms, no bathroom, and a very steep both
4 stairs to the second floor.

5 The Board notes that the age of the structure has
6 a living space on the third floor, which is not of prime
7 concern when the structure was built. It has become
8 valuable residential living space, but is lacking sufficient
9 headroom. It lacks a code-compliant staircase, which may or
10 may not be improved, but makes the -- accessing this area
11 far more difficult.

12 And the Board finds that the -- as far as the
13 deck, that the literal enforcement would prevent the owner
14 from constructing a modest-sized rear deck. The Board notes
15 that the size of the deck has been reduced from 16 foot in
16 width to 11 foot 4, and from 13 foot 4 in depth to 10 foot,
17 as per the applicant's recommendation and the Board's
18 approval.

19 The Board finds that the hardship is owing to the
20 fact that the existing structure predates the current
21 ordinance. It is encumbered by it. It is an old structure
22 with outdated living space that needs to be updated,

1 modernized.

2 And that the Board finds that the relief being
3 requested and approved is a fair and reasonable request, and
4 so is the approval a fair and reasonable, and which will
5 allow the applicant better use and safer use of their
6 property.

7 The Board finds that desirable relief may be
8 granted without substantial detriment to the public good.
9 The Board finds that the proposed dormer is hardly visible
10 from the public way, and that it actually would blend in
11 quite nicely with an existing dormer.

12 The Board notes the Planning Board recommendations
13 on the dormer and the qualifications of their approval.

14 The Board finds that desirable relief may be
15 granted without substantial detriment to the public good, or
16 nullifying or substantially derogating from the intent or
17 purpose of the ordinance, to allow people fair and
18 reasonable use of the property. And the granting of this
19 variance will allow the same.

20 The Board would also note that there is a -- there
21 appears to be a misprint on the amount of usable open space.
22 The Board requests that the architect or the applicant

1 clarify that number and resubmit the application form with
2 the proper dimension, should it be so.

3 On and that the work comply with the plans as
4 noted, prepared by GCD Architects, dated 06/10/21, with the
5 notion on A12 of the correction, and initialed by the Chair.

6 On the motion, Jim Monteverde?

7 JIM MONTEVERDE: Jim Monteverde yes.

8 BRENDAN SULLIVAN: Matina?

9 MATINA WILLIAMS: Matina Williams yes.

10 BRENDAN SULLIVAN: Laura?

11 LAURA WERNICK: Laura Wernick yes.

12 BRENDAN SULLIVAN: Jason?

13 JASON MARSHALL: Jason Marshall yes to the
14 variance.

15 BRENDAN SULLIVAN: And Brendan Sullivan to approve
16 the variance.

17 [All vote YES]

18 BRENDAN SULLIVAN: Variance approved, good luck.

19 ADAM GLASSMAN: Thank you all, goodnight.

20 LEYLA TEGMO-REDDY: Thank you very much.

21 BRENDAN SULLIVAN: You're welcome. Thank you. We
22 have 6:45; we're at 6:45.

* * * * *

(6:45 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Laura
Wernick, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: The Board will now hear Case
Number 132592 -- 621 Cambridge Street. The Board is in
receipt of a letter from the applicant.

"Dear members of the Board,

This matter has been scheduled for public hearing
on August 19, 2021. The petitioner hereby requests that the
Board allow for a continuance of a hearing of this matter
until Thursday, October 7, 2021. Thank you for your
consideration. Sincerely, Sarah Rhatigan."

BRENDAN SULLIVAN: There will not be any public
comment on the continuance. Any comment by members of the
Board regarding a continuance?

[Pause]

BRENDAN SULLIVAN: On the motion, then, to
continue this matter as per the request, October 7 2021 at
6:00 p.m. on the condition that the petitioner sign a waiver
to the statutory requirement for a hearing and a decision to

1 be rendered thereof that the posting sign be changed to
2 reflect the new time and date of October 7, 2021 at 6:00
3 p.m.

4 And that should any revisions to the original
5 submittals, that they be submitted by 5:00 p.m. on the
6 Monday prior to the October 7 date.

7 On the motion, then, to continue: Jim?

8 JIM MONTEVERDE: Yes, I agree.

9 BRENDAN SULLIVAN: Matina?

10 MATINA WILLIAMS: Yes.

11 BRENDAN SULLIVAN: Laura?

12 LAURA WERNICK: Yes.

13 BRENDAN SULLIVAN: Jason?

14 JASON MARSHALL: Jason Marshall yes.

15 BRENDAN SULLIVAN: And Brendan Sullivan said yes
16 to the continuance.

17 [All vote YES]

18 BRENDAN SULLIVAN: Matter is continued. On a note
19 to any of the public that may be listening, the BZA case
20 126224 -- 107 First Street is requesting a continuance.

21 I will call the case at the appropriate time, and
22 that the 8:00 scheduled case at 1923 Mass Avenue is also

1 apparently asking for a continuance. And I will again call
2 that case at the appropriate time and deal with that just
3 for your edification.

* * * * *

(7:00 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Laura
Wernick, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: It being 7:00, the Board will
hear Case Number #126866 -- 385 Walden Street; the Clarks,
or Clifford. Okay, the floor is yours.

CLIFFORD BOEHMER: Actually, can you promote two
panelists, Al Clark and Lia Scheele? Al is the owner on
Walden Street, and Lia is the Project Architect from Davis
Square Architects.

BRENDAN SULLIVAN: Okay.

CLIFFORD BOEHMER: I'm not sure what I can find
out through --

BRENDAN SULLIVAN: There's some kind of a
fluttering going on there.

CLARENCE A CLARK: This is Clarence Clark.

BRENDAN SULLIVAN: I'm sorry?

CLARENCE A CLARK: Can you hear me?

BRENDAN SULLIVAN: Yes.

CLARENCE A CLARK: Okay, yeah. So Clarence Clark

1 is the owner. Albert is my middle name.

2 BRENDAN SULLIVAN: Okay.

3 CLARENCE A CLARK: So should I start now?

4 BRENDAN SULLIVAN: All right, who's going to
5 present the case?

6 CLARENCE A CLARK: So I'm going to say a few
7 minutes, and then I'll have Cliff and Lia talk. My name is
8 Clarence Clark. My wife and I are seeking a minor
9 accommodation for a change to our house at 385 Walden.

10 I grew up in the house along with three siblings
11 as the third Clark generation to reside there. My wife and
12 I have resided there for the past 40 years, and have no
13 plans to leave; however, we are looking for a way to make
14 things a bit easier as we age.

15 We currently reside on the top two floors, but are
16 looking to move down to the first floor to minimize the
17 number of steps we need to negotiate on a regular basis.

18 We currently have a very nice second-floor back
19 porch, which has been a delight to us over the years.

20 Currently the first-floor back porch contains entries to
21 both residences, and does not offer the privacy we would
22 like when we move down.

1 We are seeking to have the first-floor back porch
2 and stairs restructured such that there are separate
3 entrances to the residence and to provide a private space
4 comparable to our current back porch. The increase in the
5 footprint is very minor, and is intended to make the space
6 much more livable.

7 I should point out that the state of the design
8 now is it references the porch, the first-floor porch being
9 screened porch, but we are really thinking that we would
10 like it to be more like the upstairs porch, which has glass
11 panels in it.

12 So basically, that's what we're asking for. And
13 we're in -- Cliff is there to answer any other questions
14 that you might have about the plans. But you can ask me
15 whatever else that you want.

16 BRENDAN SULLIVAN: Okay. One question I had, and
17 there was a little bit of a confusion here, is to the,
18 you're asking -- you're coming out for a special permit.
19 And I believe the special permit allows you under the
20 Bellalta decision, because you are not creating any new
21 nonconformities?

22 CLARENCE A CLARK: Yep.

1 BRENDAN SULLIVAN: Is that correct?

2 LIA SCHEELE: Mm-hm.

3 CLARENCE A CLARK: Yes.

4 LIA SCHEELE: Correct.

5 BRENDAN SULLIVAN: All right. I've downloaded a
6 couple of the dimensional forms, and the numbers vary. And
7 so I'm trying to establish exactly what is the rear setback
8 now?

9 LIA SCHEELE: So that was the confusion. The
10 original document that was uploaded -- which I forgot to
11 revise it; I sent it via e-mail -- the original document had
12 the wrong existing condition setback. When I measured it
13 based off of the worst-case scenario, which is what the
14 zoning says, it's 24 feet.

15 BRENDAN SULLIVAN: Okay.

16 LIA SCHEELE: So that was updated in the
17 application form. It was just not reuploaded to the
18 website.

19 BRENDAN SULLIVAN: Because the only dimension
20 that's really missing P1 from the certified flood plan is
21 that rear dimension. So --

22 LIA SCHEELE: Okay.

1 BRENDAN SULLIVAN: So you're saying that it is 14
2 feet. The 15 foot is the minimum. So you're basically
3 saying that you're nonconforming now? And that's really the
4 --

5 LIA SCHEELE: Correct.

6 BRENDAN SULLIVAN: -- key element of this?

7 LIA SCHEELE: Correct.

8 BRENDAN SULLIVAN: All right. And that you're
9 adding basically three feet, is that correct, to the bottom?

10 LIA SCHEELE: Yes. Correct. Only three feet to
11 the bottom section of the porch. The top section stays
12 exactly where it is.

13 BRENDAN SULLIVAN: Okay.

14 LIA SCHEELE: And it also means that the stairs
15 move as well. But the stairs are staying within that added
16 three feet.

17 CLIFFORD BOEHMER: I'll add to that, that those
18 current exterior stairs serve both the first and -- the
19 first-floor unit as well as the unit that's on the second
20 and third floor.

21 So the purpose of re -- of this -- part of the
22 purpose of the reconfiguration is to provide independent

1 entry and access without having to walk through the new
2 porch rail like Jennifer.

3 BRENDAN SULLIVAN: Okay. Olivia, could you pull
4 up the proposed, which would be --

5 OLIVIA RATAY: Yeah, I think A202 would probably
6 be the best drawing to look at, which is the section or the
7 side elevation. It shows what's currently there and what
8 was proposed.

9 BRENDAN SULLIVAN: Yeah, I got you. Yep. Yep.
10 Okay. Any -- Jim, any questions?

11 JIM MONTEVERDE: Yeah. I was a bit confused by
12 the description, and I'm looking at what was on the city
13 website. And I'm looking at the dimensional form. The
14 description you just went through about the rear setback,

15 I'm just trying to figure out what at the moment
16 doesn't conform, and what won't conform after you do this
17 addition? Is there any greater nonconformance with the
18 addition?

19 LIA SCHEELE: So the rear setback from the back of
20 the porch to the back of the site right now is 24.

21 JIM MONTEVERDE: Right.

22 LIA SCHEELE: We're reducing that by three feet.

1 So it's going now to 21, but the --

2 JIM MONTEVERDE: Oh, okay. --

3 LIA SCHEELE: -- order of the zoning --

4 JIM MONTEVERDE: Gotcha.

5 LIA SCHEELE: -- says it's supposed to be 25. So
6 we technically --

7 JIM MONTEVERDE: Correct. Okay.

8 LIA SCHEELE: We're already one foot into that.

9 JIM MONTEVERDE: Yeah. No, I understand. Okay.

10 LIA SCHEELE: Okay.

11 JIM MONTEVERDE: Thank you.

12 LIA SCHEELE: No problem.

13 JIM MONTEVERDE: No other questions. And I'm
14 assuming you've looked at -- there is no option to be able
15 to do what your client is looking to do and somehow be
16 within the ordinance, within that 25 feet. Correct?

17 LIA SCHEELE: Not really trying to make two
18 separate entrances at the bottom floor. It doesn't work
19 without trying to extend out the porch, yes.

20 JIM MONTEVERDE: Okay. Thank you. No further
21 questions.

22 BRENDAN SULLIVAN: Okay. Matina, any questions?

1 MATINA WILLIAMS: No questions.

2 BRENDAN SULLIVAN: Laura?

3 LAURA WERNICK: No questions.

4 BRENDAN SULLIVAN: Jason?

5 JASON MARSHALL: [Jason Marshall.] Mr. Chairman,
6 I think you and Jim covered the landscape pretty well. I
7 don't have any questions at this time.

8 BRENDAN SULLIVAN: And I have no questions at this
9 point. Let me open it to public comment. Any member of the
10 public who wishes to speak should now click the icon at the
11 bottom of your Zoom screen that says, "Raise hand."

12 If you're calling in by phone, you can raise your
13 hand by pressing *9 and unmute or mute by pressing *6.

14 [Pause]

15 BRENDAN SULLIVAN: It appears that nobody is
16 calling in, and there are no letters of comment in the
17 files. So I will close public comment. Any other comments
18 by the applicants at all regarding the proposal?

19 CLIFFORD BOEHMER: The only comment I would like
20 to make is what Al referred to at the beginning, that the
21 current drawings do refer to the addition as being a
22 screened porch. We limited the amount of design development

1 we did, just because we wanted to make sure that we pass
2 muster with you folks.

3 So I think it's more likely that we will make a --
4 they're basically sliding glass doors that make it possible
5 to use the porch, you know, basically for three seasons.
6 And we're happy to accept any conditions that we might want
7 to see that.

8 But I think rather than screened porch, I think
9 we're more likely to use a sliding glass door system, much
10 like what's already there.

11 BRENDAN SULLIVAN: Yeah, so make it more of a
12 three-season?

13 CLIFFORD BOEHMER: Yeah, yeah.

14 BRENDAN SULLIVAN: Yeah.

15 CLIFFORD BOEHMER: That's really what --

16 BRENDAN SULLIVAN: Yeah.

17 CLIFFORD BOEHMER: -- adds the most utility to it.

18 BRENDAN SULLIVAN: Yeah. No. I think that's a --
19 to me that's a fair and reasonable assumption that you would
20 want to make it a three-season. But it seems to need
21 something there, so anyhow.

22 CLIFFORD BOEHMER: Yeah.

1 BRENDAN SULLIVAN: Shall I make a motion, members
2 of the Board?

3 [Pause]

4 BRENDAN SULLIVAN: No objection? Let me make a
5 motion, then, to grant the special permit as per the
6 application; grant the special permit and with the following
7 findings: That it appears that the requirements of the
8 ordinance can be met with the granting of the special
9 permit.

10 The Board finds that the porch extension in
11 question is existing with some proposed minor extensions
12 that will not affect the setback or open space requirements.

13 The Board finds that the proposal -- even though
14 it's in a three-foot addition, it is not increasing or --
15 I'm sorry, is not creating a new nonconformities.

16 The Board finds that traffic generated or patterns
17 of access or egress resulting from what is being proposed
18 would not cause congestion, hazard, or substantial change in
19 the established neighborhood character.

20 The Board finds that the porch is the rear side of
21 the property. There was quite a bit of distance from this
22 proposal and the next-door neighbor, and will have really de

1 minimis effect on any of the surrounding properties, if at
2 all, but will have a tremendous positive effect on the
3 livability of that particular section of the house.

4 The Board finds that the continued operation of or
5 development of adjacent uses, as permitted in the zoning
6 ordinance, will not be adversely affected at all, and that
7 there would not be any nuisance or hazard created to the
8 detriment of the health, safety and/or welfare of the
9 occupants of the proposed use; in fact it would enhance the
10 livability and use of the structure.

11 The Board finds that the proposed use would not
12 impair the integrity of the district or adjoining district,
13 or otherwise derogate from the intent and purpose of the
14 ordinance, to allow the occupants of the house to have a
15 fair and reasonable use of their property.

16 On the motion, then, and also that this condition
17 that the work conform with the general outline as per the
18 drawings prepared by Davis Square Architects, and initialed
19 by the Chair.

20 And that the assumption is that it can either be a
21 screened in, or it could possibly be a three-season with
22 glass panels. Is that correct by members of the Board,

1 would we allow that?

2 JIM MONTEVERDE: That's fine.

3 BRENDAN SULLIVAN: On the motion, then, to grant
4 the special permit, Jim?

5 JIM MONTEVERDE: [Jim Monteverde] I vote in favor.

6 BRENDAN SULLIVAN: Matina?

7 MATINA WILLIAMS: [Matina Williams] I vote in
8 favor.

9 BRENDAN SULLIVAN: Laura?

10 LAURA WERNICK: Laura Wernick in favor.

11 BRENDAN SULLIVAN: Jason?

12 JASON MARSHALL: Jason Marshall yes in favor of
13 the special permit.

14 BRENDAN SULLIVAN: And Brendan Sullivan votes to
15 grant the special permit.

16 [All vote YES]

17 Special permit is granted. Good luck.

18 COLLECTIVE: Thank you very much. Bye.

19 BRENDAN SULLIVAN: Goodnight now.
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* * * * *

(7:15 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Laura
Wernick, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: Being 7:15, the Board will hear
Case Number #122419 -- 359 Fresh Pond Parkway. Anybody here
from Prince Lobel?

ANN SOBOLEWSKI: Yes. Good evening. This is Ann
Sobolewski from Prince Lobel here on behalf of the
applicant, SCHF VEG LLC, which does business as veterinary
emergency service. And with me is Jennifer Hanlon and
Amanda Morgan (phonetic), also of VEG.

We're here for a special permit to operate --

BRENDAN SULLIVAN: Ann, Ann, Ann. Let me
interrupt you for a second.

ANN SOBOLEWSKI: Sure.

BRENDAN SULLIVAN: Being a lawyer, you'll
appreciate this: The lawyer's have asked me to say that
should this matter be continued tonight for whatever reason,
that the earliest that it could be heard by the same five-
member Board would be in January. One of the members of the

1 Board cannot sit from now until January 4.

2 And you could, if it were to be continued, could
3 be heard at an earlier date, but it would only be with four
4 members. And as such, you would need a unanimous four votes
5 of the Board.

6 So that is your option: to either proceed, or
7 with the caveat of the continuance.

8 ANN SOBOLEWSKI: Well, I think -- Jennifer, do you
9 have an opinion? Would you like to --

10 JENNIFER HANLON: Ann, yes, let's proceed.

11 ANN SOBOLEWSKI: The applicant would like to
12 proceed.

13 BRENDAN SULLIVAN: Yep. Fine. The floor is
14 yours.

15 ANN SOBOLEWSKI: Okay. So this is a special
16 permit application for a veterinary establishment in an
17 existing retail building at 359 Fresh Pond Parkway. Before
18 we get into the proposal, I'd like to give you a little bit
19 of information about VEG.

20 The company was started in 2014. They provide
21 emergency veterinary services; not regular routine
22 veterinary services. These are for example when your rescue

1 dog eats a chicken bone that your toddler left on the coffee
2 table and that is in fact something that happened to me.

3 So they're there for things that are not within
4 regular business hours or for whenever it's an emergency. I
5 don't know if anyone saw on Channel 4 last month there was
6 an MSPCA story about how Angel Memorial had seen their
7 emergency services grow 40 percent.

8 And in fact just last night they exceeded their ER
9 capacity, and they were required to transfer pets to other
10 emergency facilities; Angel Memorial could not handle them.
11 That is the kind of service that this facility will provide.

12 So VEG has two other locations in Massachusetts.
13 There is one in Newton, and there is one in Boston. And we
14 believe that this is a useful service that can provide
15 benefits to the people of Cambridge.

16 To talk a little bit about the site location, if
17 we could go to the next slide?

18 This is an existing building. It was built in
19 accordance with a special permit that was granted back in
20 2008. It's a multitenant retail building located on Fresh
21 Pond Parkway. This space in the pictures is the space that
22 VEG would occupy. It is currently vacant. It was formerly

1 occupied by a vitamin shop and a Select Comfort Sleep N
2 umber.

3 If we could go to the next slide?

4 The area that they would be operating in is shown
5 in red on this slide with -- the immediate abutter next door
6 to the left in the picture is a gasoline station off the
7 screen. The next abutter to the right is another gasoline
8 station, a Mobil. At the top of the picture is the National
9 Guard building. And then where the trees are in the bottom,
10 below that is Fresh Pond.

11 So that is the immediate vicinity of the space.

12 Now, if we could go to the next slide.

13 Unfortunately, this one is flipped. You can see that to the
14 right of the picture, those are the spaces that VEG would be
15 in; the Select Comfort space and The Vitamin Shoppe space.

16 And on the next slide is a full site plan showing
17 the existing building, the existing parking lot, as well as
18 the location that VEG would be in.

19 Just as a note, we did host a community meeting
20 via ZOOM on the fourth of August. We sent notices to
21 everyone who was listed in the abutters' list. No abutter
22 attended. However, we did get one e-mail request for

1 information from an abutter.

2 That person wanted to know about emergency vehicle
3 services for the facility, and we explained to them that
4 there are no emergency vehicles that would be coming to this
5 location. Individual pet owners bring their pets
6 themselves, either in their car or via public
7 transportation. There's no emergency services.

8 So we're seeking a special permit. And the
9 standard is that all animals be kept indoors, and that there
10 be no issues with noise or odor, in addition to the regular
11 special permit standards. So we've addressed that in a
12 number of ways. If you could go to the next slide.

13 All of VEG's operations will be located within the
14 facility. As you can see, at the main entrance there's no
15 space for anything to be done outside, and in the next slide
16 it's the same with the side facing Fresh Pond Parkway, as
17 well as in the next slide the side facing the gas station --
18 the immediately adjacent gas station.

19 And then the next slide is our floor plan. All of
20 this is purely interior work. There is no exterior work
21 proposed, except for changing the color of the awnings, the
22 trim paint and the signage that you saw in the previous

1 photo renderings of their space.

2 To deal with potential issues of noise, VEG uses
3 soundproofing within their facility. They analyze each
4 facility and what is necessary to provide adequate
5 soundproofing. They have calculated the maximum number of
6 decibel that could be possible in the facility and worked
7 off of that. However, in reality that is unlikely to
8 happen, because that would be based on the entire facility
9 being full of barking dogs.

10 Dogs are not the only type of pets that would use
11 this facility. They service people who have cats and
12 rabbits and guinea pigs and birds and snakes and other
13 things. But it is based off of barking dogs, and it has
14 been designed to ensure that there will be adequate noise
15 protection; noise will not leave this building as a result
16 of this use.

17 With respect to odor, that has also been
18 evaluated. They do surgeries here, so it's important that
19 they maintain a quality HVAC system to address issues of
20 noise -- excuse me, issues of odor -- and also, if you think
21 back to the location of this building and the location of
22 this space and the types of the abutters that are

1 surrounding it, we don't feel that any of the abutters would
2 be complaining about potential odors emanating from the
3 veterinary hospital.

4 And then in terms of waste, they have medical
5 waste picked up from a third party. Any animal waste is
6 properly disposed of and properly managed in accordance with
7 their procedures.

8 They have operating protocols, and the dumpster
9 which is shown here in orange is located as far away from
10 any of the residential abutters that live across Concord
11 Avenue. The dumpster that already serves the existing
12 retail building is located right at the corner by the mobile
13 station and the National Guard facility.

14 So we don't believe that that waste is going
15 through be a significant problem caused by the operation of
16 the emergency veterinary hospital.

17 In addition to those specific requirements for
18 this particular use, we don't believe that there are going
19 to be detrimental impacts generally under the General
20 Special Permit Standards for this use.

21 With respect to Traffic and Parking, if you could
22 go to the next slide, there is a bicycle rack that is

1 provided at this location. VEG anticipates that a lot of
2 their employees will use public transportation or perhaps
3 bicycles to get to work, because it is convenient to do
4 that, particularly in Cambridge.

5 In addition, they have designated parking spaces
6 from the landlord and designated visitor spaces that they
7 can avail themselves of, in addition to the existing parking
8 spaces that are not specifically designated to their use,
9 that are open for anyone in the building to use.

10 In terms of traffic impacts, while it is a 24-
11 hour, seven-day-a-week establishment, they don't see most of
12 the traffic generated during peak a.m. and daytime hours, or
13 peak p.m. hours.

14 All of the people who visit this facility visit it
15 when perhaps their regular vet is not open. So it's more of
16 an afterhours facility, in terms of people coming to the
17 site.

18 And in general, I think if my memory is correct,
19 yeah, there are about eight to 10 cases that would come in
20 during the day. Most of the other cases would come in in
21 the evening, and there are only a handful of customers that
22 will visit between midnight and 8:00 a.m. that would be the

1 true emergency. However, it is possible for people to visit
2 at that time.

3 It is already, you know, a relatively heavily
4 trafficked area, and we don't believe that this particular
5 use is markedly different from the existing retail uses that
6 were in these two spaces, and the existing retail uses that
7 remain in the rest of the building, which are a Sherwin-
8 Williams paint store, a T-Mobile and a bank.

9 Jennifer, is there anything that you might want to
10 add?

11 JENNIFER HANLON: No, Ann. I think you did a
12 fantastic job. Thank you. I will add we're very excited to
13 bring our use to Cambridge. We think it's going to be
14 really welcome by the community.

15 BRENDAN SULLIVAN: Jennifer, this is Brendan
16 Sullivan. I have one question. The -- you're a 24/7
17 facility, and yet that midnight to 8:00, is it staffed by
18 somebody, or is it sort of a will call or somebody on call?
19 Or is it somebody physically in the building?

20 JENNIFER HANLON: Nope. So the facility is fully
21 staffed 24 hours a day, 365 days a year. We just don't tend
22 to see a ton of people that come between midnight and 8:00

1 a.m. The people that do generally show up are the ones that
2 had a true emergency. Because most people are not awake at
3 that hour. So if you are awake, it's probably because your
4 pet is having a real emergency.

5 But we are fully staffed 24 hours a day.

6 BRENDAN SULLIVAN: Well, do you know of any other
7 facility around here that renders that service and is open
8 24/7, 365 days a year?

9 JENNIFER HANLON: There are a handful of
10 facilities in and around the Greater Boston area. Angel
11 Memorial is one of them, which is not particularly close to
12 this, because it's just in Jamaica Plain. There is a Blue
13 Pearl probably about 20 to 25 minutes away, which is a
14 large, specialty and emergency provider.

15 What sets us apart from both of those that I just
16 mentioned is that we only provide emergency services.

17 BRENDAN SULLIVAN: Okay.

18 JENNIFER HANLON: So that is what we consider our
19 bread and butter, while the other providers do provide
20 additional services as well.

21 BRENDAN SULLIVAN: Yeah. I think that was the
22 thought that in reading all your pleadings and, obviously

1 knowing the location very well and the demographics of the
2 city is that your operation is actually quite unique to the
3 city.

4 JENNIFER HANLON: Yes, it is. Which is why we
5 think the communities are really going to enjoy and welcome
6 our service. And we spent quite a bit of time working
7 internally with our team and working with our medical
8 director, who is local to the Cambridge area and she's the
9 doctor that will be running the facility.

10 So she's done, you know, quite a bit of outreach
11 to the community and the vet community, and we know this is
12 a needed service here.

13 BRENDAN SULLIVAN: Good. Thank you. Any -- you
14 have concluded the initial presentation, have you?

15 ANN SOBOLEWSKI: Yes. Thank you very much.

16 BRENDAN SULLIVAN: Okay, Ann. Jim, any questions
17 at this time?

18 JIM MONTEVERDE: Jim Monteverde no questions.

19 BRENDAN SULLIVAN: Matina, any questions?

20 MATINA WILLIAMS: Matina Williams no questions.

21 BRENDAN SULLIVAN: Laura?

22 LAURA WERNICK: No questions.

1 BRENDAN SULLIVAN: Jason?

2 JASON MARSHALL: Jason Marshall no questions.

3 BRENDAN SULLIVAN: All right. And [Brendan
4 Sullivan] I have no questions. Let me just make a comment
5 that you're asking for a special permit, which is an allowed
6 use in Section 4.35L.

7 Subsection 29 says a special permit may be
8 granted, provided that the -- maybe provided in Business A
9 and Be zone -- this is -- that all animals are kept indoors
10 and that no odors or -- no noise or odors are perceptible
11 from adjoining lots. And I think that in your presentation
12 and in your pleadings and application you have addressed
13 that issue.

14 Let me open it to public comment. Any member of
15 the public who wishes to speak should now click the icon at
16 the bottom of your Zoom screen that says, "Raise hand."

17 If you're calling in by phone, you can raise your
18 hand by pressing *9 and unmute or mute by pressing *6.

19 [Pause]

20 BRENDAN SULLIVAN: Nope. Nobody is calling in.
21 There are no letters in the file, and so I will close public
22 comments. Any comments by any member of the Board at all,

1 or shall I take it to a vote?

2 JIM MONTEVERDE: Ready for a vote.

3 BRENDAN SULLIVAN: Okay. Thank you. Let me make
4 a motion, then, to grant the special permit as per the
5 application.

6 The Board finds that the requirements of the
7 ordinance can be met with the granting of the special
8 permit.

9 The Board finds that the nature of the applicants'
10 use does not include keeping animals outdoors, and that they
11 provide emergency veterinary care only.

12 With respect to noise specifically, the applicant
13 will implement noise mitigation measures to ensure that the
14 veterinary hospital will not have any adverse noise impact
15 on closes uses.

16 VEG hospitals are all designed to address the need
17 for extra noise insulation, and each location, as per the
18 application, is individually evaluated with a soundproofing
19 plan of action.

20 The Board finds that the applicant will utilize an
21 HVAC system that uses an exhaust system and outside air to
22 provide positive negative pressure and ventilation within

1 the vet space.

2 That this will neutralize any odors to adjoining
3 areas. There will not be any negative waste impacts; all
4 animal waste that occurs within the vet spaces would be
5 collected by Staff and deposited into closed waste disposal
6 containers.

7 The applicant will dispose of medical waste
8 according to industry standard with a third-party
9 contractor, that provides regular pickup services.

10 The Board finds that traffic generated or patterns
11 of access or egress would not cause congestion, hazard, or
12 substantial change in the established neighborhood
13 character.

14 The Board finds that the applicant has secured 15
15 designated Staff parking spaces, and two designated client
16 parking spaces within the parking lot. Said designated
17 spaces are in addition to any available spaces within the
18 parking lot that are not assigned specifically for the use
19 of any and all tenants.

20 The Board finds that the highest concentration of
21 customers coming to VEG between six and ten. During the
22 day, VEG sees approximately eight to 10 cases between 8:00

1 a.m. and 6:00 p.m.

2 This level of use will not increase the number of
3 vehicle trips per day to or from the property in such a
4 manner as to cause congestion, hazard or substantial change
5 in the established neighborhood character.

6 The Board finds that continued operation of or
7 development of adjacent uses, as permitted in the zoning
8 ordinance, would not be adversely affected by the nature of
9 the proposed use. what is being proposed use.

10 The Board finds that the proposed noise and odor
11 mitigation described above and in the application is
12 sufficient to prevent disruption of all the other uses
13 within the building.

14 The Board finds that the proposed use will not
15 have any affect on these abutting, fully developed property.
16 The Board finds that nuisance or hazard would not be created
17 to the detriment of the health, safety and/or welfare of the
18 occupants of the proposed use, or to the citizens of the
19 city.

20 The Board finds that the applicant's design
21 implements noise and odor mitigation measures. The use
22 itself will provide a benefit to the neighbor and

1 surrounding areas by providing convenient and close,
2 dedicated, emergency veterinary services.

3 The Board finds that this particular location, as
4 is the norm for this particular business, does not involve
5 any animal boarding.

6 The Board finds that the proposed use would not
7 impair the integrity of the district or adjoining districts,
8 or otherwise derogate from the intent and purpose of
9 ordinance.

10 The immediate adjacent uses are commercial, and
11 the Board finds that the veterinary establishment in this
12 location would provide immediate service for pet owners in
13 surrounding areas.

14 On that motion, the motion is to grant the special
15 permit, and with the -- incorporate the application and the
16 supporting statements.

17 On the motion, Jim Monteverde?

18 JIM MONTEVERDE: Jim Monteverde votes in favor.

19 BRENDAN SULLIVAN: Matina Williams?

20 MATINA WILLIAMS: Matina Williams votes in favor.

21 BRENDAN SULLIVAN: Laura?

22 LAURA WERNICK: Laura Wernick votes in favor.

1 BRENDAN SULLIVAN: Jason?

2 JASON MARSHALL: Jason Marshall yes in favor of
3 granting the special permit.

4 BRENDAN SULLIVAN: And Brendan Sullivan yes to
5 grant the special permit.

6 [All vote YES]

7 BRENDAN SULLIVAN: The permit is granted. Good
8 luck. Welcome.

9 ANN SOBOLEWSKI: Thank you very much.

10 LIA SCHEELE: Thank you, everyone. Have a great
11 night.

12 BRENDAN SULLIVAN: Nice presentation.

13 JIM MONTEVERDE: Attorney Ann?

14 ANN SOBOLEWSKI: Yes.

15 JIM MONTEVERDE: May I ask you a question?

16 ANN SOBOLEWSKI: Sure.

17 JIM MONTEVERDE: I notice in the background you
18 have a nice Giulietta Alfa Romeo. Are you an owner or a
19 racer or aficionado?

20 ANN SOBOLEWSKI: No. This is my husband's office.

21 JIM MONTEVERDE: Ah, well.

22 ANN SOBOLEWSKI: And we can't afford anything like

1 that.

2 JIM MONTEVERDE: Give your husband a big hug and
3 kiss from me. Nice guy. I like him already.

4 ANN SOBOLEWSKI: I will do so. Thank you so much.

5 COLLECTIVE: Bye.

6 BRENDAN SULLIVAN: Are we at 7:30 yet? Yep?

7 Okay. Olivia says go. So we go.

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(7:30 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Laura
Wernick, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: The Board will hear Case Number
#126224 -- 107 First Street. Is there anybody representing
the applicant in this particular case?

[Pause]

BRENDAN SULLIVAN: No. We are in receipt of a
letter from Frank Meroney, M-e-r-o-n-e-y, Fast Signs of
Quincy.

"To Whom it May Concern: We formally request a
continuance for applicant 126224 -- 107 First Street, until
the next meeting. If you have any questions, please e-mail.
Thank you, Frank Meroney."

I will make a motion, then, to continue this
matter on the condition that the applicant and in their
supporting statements under B where it says, "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 by not

1 affecting generally the zoning district, which it is located
2 for the following reasons, and the answer is unknown that
3 the petitioner must give a reason as to the hardship to
4 waive the zoning ordinance regarding this particular sign
5 location."

6 And also, I would -- that is also reiterated by
7 the Planning Board report.

8 I will continue this -- may I make a motion to
9 continue this matter on the condition that the petitioner
10 sign a waiver to the statutory requirement for a hearing on
11 the decision to be rendered thereof.

12 That the posting sign be changed to reflect the
13 new date of October 7, 2021 at 6:00 p.m., and that any new
14 submissions and/or supporting statements be in the file by
15 5:00 p.m. on the Monday prior to the October 7, 2021
16 hearing.

17 On the motion, then, to grant the request for the
18 continuance, Jim?

19 JIM MONTEVERDE: Jim Monteverde in favor.

20 BRENDAN SULLIVAN: Matina Williams?

21 MATINA WILLIAMS: Matina Williams in favor.

22 JIM MONTEVERDE: Laura?

1 LAURA WERNICK: Laura Wernick in favor of
2 granting.

3 BRENDAN SULLIVAN: Jason?

4 JASON MARSHALL: Jason Marshall yes.

5 BRENDAN SULLIVAN: And the Chair, Brendan
6 Sullivan, votes in favor of the continuance.

7 [All vote YES]

8 BRENDAN SULLIVAN: We have to wait four minutes.

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(7:45 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Laura
Wernick, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: Okay. It being 7:45, the Board
will hear Case Number #132265 -- 2447 Massachusetts Avenue.
Petitioner? Mr. McGuinness?

ANTHONY MCGUINNESS: Good evening, members of the
Board, Staff, members of the public. My name is Anthony
McGuinness, and I represent Season To Taste Catering. I
have with me the owner, Robert Harris.

Season to Taste is located at 2447 Mass Ave, and
they are the tenant there. They run a catering business and
small restaurant out of that space.

Season To Taste is looking to expand the number of
seats in its restaurant to 49 seats. So they are in an
attempt to kind of recreate themselves a little bit due to
the pandemic, and the drop-off in catering services. They
are looking to expand their restaurant offerings by
increasing the number of spaces -- seats, excuse me.

And in that vein, they are applying for a special

1 permit seeking a waiver of required parking that would be
2 necessary for the increase in the restaurant seats.

3 Currently, there's really if you look at the slide
4 that's being shown right now, the area on the left where you
5 see seating, that is currently used as office space. Where
6 it says, "Entry to 449" that space is currently not used as
7 part of the restaurant, but the center area is.

8 So really the only change is moving seating over
9 into that left side. We don't foresee any other change to
10 the business whatsoever. This is located in a commercial
11 area. It's an A2 business zone.

12 There is no parking currently there, and we don't
13 see that there would be any need for additional parking.
14 This is on Mass Ave. Many people -- it's a neighborhood
15 type establishment. Many people come by foot, public
16 transportation. It's well suited to that. People use ride
17 sharing apps when coming for dinner. So we don't feel there
18 would be a negative impact as to traffic or parking in the
19 area.

20 We also have for the same reasons don't feel that
21 there would be a negative impact to any of the adjacent
22 businesses in that area. And I think that there's been a

1 lot of support for this from neighbors and people in the
2 area.

3 We've submitted a number of letters of support,
4 and we feel that this would be a good use of the space. And
5 we feel that the area could use more restaurants. And I
6 think that's probably the extent of our presentation. It's
7 just to add seats.

8 And the owner is here if there are any additional
9 questions that we can answer for the Board or for the
10 public.

11 BRENDAN SULLIVAN: Thank you. Any questions by
12 members of the Board? Jim?

13 JIM MONTEVERDE: Jim Monteverde no questions.

14 BRENDAN SULLIVAN: Matina?

15 MATINA WILLIAMS: Matina Williams no questions.

16 BRENDAN SULLIVAN: Laura?

17 LAURA WERNICK: No questions.

18 BRENDAN SULLIVAN: Jason?

19 JASON MARSHALL: Jason Marshall no questions.

20 BRENDAN SULLIVAN: And [Brendan Sullivan, Chair,]
21 I have no questions either. I will open it up to public
22 comment. Any member of the public who wishes to speak

1 should now click the icon at the bottom of your Zoom screen
2 that says, "Raise hand."

3 If you're calling in by phone, you can raise your
4 hand by pressing *9 and unmute or mute by pressing *6. And
5 you'll have up to three minutes to speak.

6 [Pause]

7 BRENDAN SULLIVAN: There appears to be nobody
8 calling in, as stated by Council that there is a number of -
9 - there appears to be the entire Gold Star Road voicing
10 their support forth particular establishment and the
11 expansion of it.

12 Legally, under Section 6.35, that any amount --
13 required amount of parking may be reduced by the issuance of
14 a special permit to the Board of Zoning Appeal, as provided
15 below.

16 And some of the criteria are the availability of
17 surplus off-street parking in the vicinity for the use being
18 served by or the proximity of the MBTA transit. And it is
19 on a bus line.

20 There is some available off-street parking, but it
21 doesn't appear to be needed or utilized by this particular
22 application. The availability of public or commercial

1 parking facility in the area is being provided, and I
2 believe in your application you said that there is some,
3 but, again, felt that it was not necessary or required in
4 order to service your patrons.

5 And the Board finds that the requirement for the
6 production of the off-street parking potentially has been
7 satisfied. I'll make one comment on this, and that the
8 proposal to expand at this particular site I think, because
9 I sort of know the area very well, really a plus for the
10 neighborhood.

11 And the pandemic has shuttered an awful lot of
12 restaurant establishments. And so they're either very small
13 establishments. And again, sort of owner-occupied, chef,
14 cook and bottle washer type of establishments up and down
15 Mass Avenue, even spilling into Arlington, or sort of the
16 large fine dining rooms.

17 And yet there does not appear to be this sort of
18 middle road of adequate size to accommodate you when you
19 call up and ask for availability or reservations, that
20 they're not telling you 9:00, 10:00 at night, because they
21 don't have the capacity. And you don't want to have to
22 schlep into Boston for this fine dining.

1 So I think that this particular proposal is a boon
2 to the neighborhood and Cambridge because it is sort of that
3 middle road that has adequate size to accommodate people in
4 the neighborhood, people in the community, without being
5 overly burdensome. So that's sort of my comment on that.

6 Jim, any comments? Any thoughts on the proposal?

7 JIM MONTEVERDE: [Jim Monteverde] no comments, I'm
8 in favor of it.

9 BRENDAN SULLIVAN: Okay. Matina, any thoughts,
10 comments at all?

11 MATINA WILLIAMS: No comments.

12 BRENDAN SULLIVAN: Laura?

13 LAURA WERNICK: Well, I would just echo no
14 comments, Mr. Chair, and that in addition that it's really
15 good food.

16 BRENDAN SULLIVAN: [Laughter] Okay. Jason?

17 JASON MARSHALL: [Jason Marshall] It appears to be
18 a reasonable proposal, and I intend to support it. Thank
19 you.

20 BRENDAN SULLIVAN: All right. Thank you. Let me
21 make the motion, then, to grant the special permit as per
22 the application and supporting statements.

1 The Board finds that the requirements of the
2 ordinance can be met with the granting of the special
3 permit. The existing structure, Season To Taste, is located
4 at 2447 Massachusetts Avenue. And patrons from the area
5 generally arrive on foot rather than in cars or by public
6 transportation or a large service.

7 The Board finds that increasing the seating to 49
8 will not create any traffic congestions.

9 The Board finds that traffic generated or patterns
10 of access or egress resulting from what is being proposed
11 would not cause congestion, hazard, or substantial change in
12 the established neighborhood character.

13 And [that] the Board finds that the restaurant is
14 in an established commercial zone with existing parking lots
15 in the area and plenty of metered parking available, and
16 also, access to public transportation.

17 The Board finds that the continued operation of or
18 development of adjacent uses, as permitted in the zoning
19 ordinance, would not be adversely affected by what is being
20 proposed use. And in fact, that the adjoining uses up and
21 down the street could potentially benefit from expanded
22 business such as this, which brings additional patrons to

1 the area.

2 And the Board finds that an increase of activity,
3 especially after dark, has a benefit to the area.

4 The Board finds that there would not be any
5 nuisance or hazard created to the detriment of the health,
6 safety and/or welfare of the occupants of the proposed use,
7 or to the citizens of the city.

8 And that the proposed use will not impair the
9 integrity of the district, or adjoining district or
10 otherwise derogate from the intent and purpose of the
11 ordinance.

12 And that they find that they have met the criteria
13 for granting relief under Section 6.35.

14 On the motion, Jim Monteverde?

15 JIM MONTEVERDE: Jim Monteverde votes in favor.

16 BRENDAN SULLIVAN: Matina?

17 MATINA WILLIAMS: Matina Williams votes in favor.

18 BRENDAN SULLIVAN: Laura?

19 LAURA WERNICK: Laura votes in favor.

20 BRENDAN SULLIVAN: And Jason?

21 JASON MARSHALL: Jason Marshall yes in favor of
22 granting the special permit.

1 BRENDAN SULLIVAN: And Brendan Sullivan yes in
2 favor of granting the special permit.

3 [All vote YES]

4 The special permit is granted. And hope to see
5 you there.

6 COLLECTIVE: Thank you very much.

7 BRENDAN SULLIVAN: We have to wait until 8:00.

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(8:00 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Laura
Wernick, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: It is now 8:00. The Board will
hear Case Number #102207 -- 1923 Massachusetts Avenue.
Anybody representing the applicant at this time?

[Pause]

BRENDAN SULLIVAN: No. We have a letter in the
file. "After speaking internally with T-Mobile, as well as
discussing with the building owner, T-Mobile would like to
ask for a continuance on tonight's meeting, in order to
address the concerns the Planning Board brought up on
Tuesday and sent yesterday afternoon."

And they want to know if they can be done just
tonight or can it be confirmed in advance, and it was
confirmed in advance that they could be granted the
continuance.

The Planning Board recommends that the BZA
continue the hearing also, to allow the applicant to revise
the proposal to respond to the comments and suggestions

1 provided in the CDD memo, which is two pages long. I won't
2 need to go into that. That is a part of the public record,
3 and available for Board members and the public to review.

4 On the motion to continue Case Number #102207 --
5 1923 Massachusetts Avenue, the motion is to continue it to
6 October 21, 2021, at 6:00 p.m. on the condition that the
7 petitioner change the posting sign to reflect the new date
8 of October 21 and the new time of 6:00 p.m.

9 Also, that the petitioner sign a waiver to the
10 statutory requirement for a hearing and a decision to be
11 rendered thereof, and that should any new submittals, which
12 there will be, must be in the file no later than Monday
13 prior to the October 21 meeting.

14 Also, that the petitioner -- and it's imperative
15 that the petitioner also submit any new submissions,
16 documents to the Planning Board for their review and perusal
17 and comment back to the Board prior to our October 21
18 hearing.

19 On the motion to continue this matter, Jim
20 Monteverde?

21 JIM MONTEVERDE: Jim Monteverde in favor of the
22 continuance.

1 BRENDAN SULLIVAN: Matina?

2 MATINA WILLIAMS: Matina Williams in favor of the
3 continuance.

4 BRENDAN SULLIVAN: Laura?

5 LAURA WERNICK: Laura Wernick in favor of the
6 continuance.

7 BRENDAN SULLIVAN: Jason?

8 JASON MARSHALL: Jason Marshall yes in favor of
9 the continuance.

10 BRENDAN SULLIVAN: And the Chair votes also in
11 favor of the continuance.

12 [All vote YES]

13 The matter is continued until October 2021.

14 And that concludes our meeting. Thank you
15 very much, Board members.

16 COLLECTIVE: Thank you very much. Goodnight.
17 Bye.

18 BRENDAN SULLIVAN: Goodnight and stay well.

19 [8:02 p.m. End of Proceedings]
20
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22

CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Catherine Burns, Notary Public in and for the
Commonwealth of Massachusetts, do hereby certify that the
above transcript is a true record, to the best of my
ability, of the proceedings.

I further certify that I am neither related to nor
employed by any of the parties in or counsel to this action,
nor am I financially interested in the outcome of this
action.

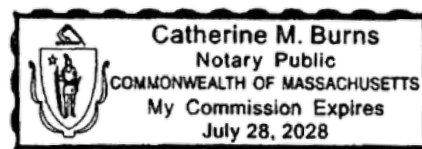
In witness whereof, I have hereunto set my hand this
25th day of August, 2021.



Notary Public

My commission expires:

July 28, 2028



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