

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY FEBRUARY 23, 2023

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair  
Jim Monteverde, Vice Chair

Andrea A. Hickey

Laura Wernick

Matina Williams

City Employees

Stephen Natola



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1 P R O C E E D I N G S

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3 (6:00 p.m.)

4 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
5 Jim Monteverde, Laura Wernick, and Matina Williams

6 BRENDAN SULLIVAN: Welcome to the February 23,  
7 2023 meeting of the Cambridge Board of Zoning Appeal. My  
8 name is Brendan Sullivan, and I am Chair for tonight's  
9 meeting.

10 This meeting is being held remotely, due to the  
11 statewide emergency orders limiting the size of public  
12 gatherings in response to COVID-19, and in accordance with  
13 Governor Charles D. Baker's Executive Order of March 12,  
14 2020 temporarily amending certain requirements of the Open  
15 Meeting Law; as well as the City of Cambridge temporary  
16 emergency restrictions on city public meetings, city events,  
17 and city permitted events, due to COVID-19, dated May 27,  
18 2020.

19 This meeting is being video and audio recorded and  
20 is broadcast on cable television Channel 22 within  
21 Cambridge.

22 There will also be a transcript of the

1 proceedings.

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

5 Members of the public will be kept on mute until  
6 it is time for public comment. I will give instructions for  
7 public comment at that time, and you can also find  
8 instructions on the City's webpage for remote BZA meetings.

9 Generally, you will have up to three minutes to  
10 speak, but that might change based on the number of  
11 speakers, and at the discretion of the Chair.

12 I'll start by asking Staff to take Board members  
13 attendance and verify that all members are audible.

14 STEPHEN NATOLA: Matina Williams?

15 MATINA WILLIAMS: Present.

16 STEPHEN NATOLA: Laura Wernick?

17 LAURA WERNICK: Present.

18 STEPHEN NATOLA: Andrea Hickey?

19 ANDREA HICKEY: Present.

20 STEPHEN NATOLA: Jim Monteverde?

21 JIM MONTEVERDE: Present.

22 STEPHEN NATOLA: And Brendan Sullivan?

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BRENDAN SULLIVAN: Present and audible.

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2 (6:05 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
4 Jim Monteverde, Laura Wernick, and Matina Williams

5 BRENDAN SULLIVAN: First case I'll call tonight  
6 is BZA 168852 -- 35 Webster Avenue.

7 DAN ANDERSON: Good evening, Mr. Sullivan. Dan  
8 Anderson, a Partner at Anderson Porter Design. I believe my  
9 client had requested a continuance on this. And I thought  
10 there was a letter that had been added to the file. But if  
11 the -- could have the Board's permission on this to continue  
12 this case?

13 I also have another case on here for the Regular  
14 Agenda, Case No. 2088873. My client from that project would  
15 also like to request a continuance for further neighborhood  
16 discussion.

17 BRENDAN SULLIVAN: Which -- I'm sorry, Dan, which  
18 one was that now? That's --

19 DAN ANDERSON: The continued case is for Webster  
20 Ave, the --

21 BRENDAN SULLIVAN: Right.

22 DAN ANDERSON: -- it's on the regular agenda, it's

1 2088873. It's for 231-235 Third Street.

2 BRENDAN SULLIVAN: All right. So requesting a  
3 continuance on Third Street also?

4 DAN ANDERSON: As well.

5 BRENDAN SULLIVAN: Okay. I will call that case at  
6 that time. Will you be available to speak to that issue?  
7 There is a number of correspondences that have come into it.  
8 So I suspect that the general public will probably be tuning  
9 in. And in case any questions, you know, come up at that  
10 point, I would welcome if you would be available?

11 DAN ANDERSON: I can make myself available.

12 BRENDAN SULLIVAN: It may not be necessary, but  
13 I'm just wondering if you would be available at that time?

14 DAN ANDERSON: Sure. I can -- at the pleasure of  
15 the Board, I will appear at either.

16 BRENDAN SULLIVAN: Okay, thank you. Appreciate  
17 that. Now, on Webster Avenue -- again, this is -- keeps  
18 kicking down the road, and one of the problems is that it  
19 takes a time slot from somebody else: How far out do we  
20 want to continue this?

21 DAN ANDERSON: This should not be very long. I  
22 think that as the Board has already ruled in favor of a

1 special permit for this project, I think we're really just  
2 looking for the appeal process to sunset, and to file with  
3 the Registry. So that is I think a matter of weeks. So --

4 BRENDAN SULLIVAN: Can we mark it up for April 13?

5 DAN ANDERSON: That would be acceptable.

6 BRENDAN SULLIVAN: All right. I'm going to make  
7 a motion, then, to continue this matter until April 13, 2023,  
8 on the condition that the petitioner change the posting sign  
9 to reflect -- and I'm going to say at 6:00 -- change the  
10 posting sign to reflect the new date of April 13, 2023 and  
11 the time at 6:00 p.m.

12 Should there be any new correspondence that the  
13 petitioner would like to submit, that it be in the file be  
14 submitted by 5:00 p.m. on the Monday prior to the April 13  
15 hearing.

16 Marking it up to that date, and hopefully the  
17 Commissioner will be available at that time should this go  
18 forward. But at any rate, we'll mark it up then for April  
19 13, 2023.

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

22 JIM MONTEVERDE: In favor.

1 BRENDAN SULLIVAN: Andrea Hickey?

2 ANDREA HICKEY: Yes, in favor.

3 BRENDAN SULLIVAN: Laura Wernick?

4 LAURA WERNICK: In favor.

5 BRENDAN SULLIVAN: Matina Williams?

6 MATINA WILLIAMS: In favor.

7 BRENDAN SULLIVAN: Brendan Sullivan yes to the  
8 continuance.

9 [All vote YES]

10 BRENDAN SULLIVAN: This matter on five affirmative  
11 votes is continued to April 13, 2023 at 6:00 p.m.

12 DAN ANDERSON: Thank you very much.

13 BRENDAN SULLIVAN: All right. The other thing is  
14 that Third Street is scheduled for 8:00. Maybe as we get  
15 further along, we can either give you a head's up or maybe  
16 you can leave it on somehow.

17 DAN ANDERSON: I'll check in periodically to thank  
18 you.

19 BRENDAN SULLIVAN: Thank you.  
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(6:09 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
Jim Monteverde, Laura Wernick, and Matina Williams

BRENDAN SULLIVAN: Next matter we'll hear is Case  
No. 205192 -- 255 Grove Street. Mr. MacArthur or Mr. Linn,  
are you on the line?

[Pause]

Well, we are in receipt of a correspondence --  
Moskow Linn Architects -- dated February 17.

"Dear Maria,

"I am writing on behalf of the petitioner, Duncan  
and Diana MacArthur, to request a third continuance for Case  
No. BZA 205192.

"The petitioners would like additional time to  
work through possible modifications to the initial design  
proposal, that would not impact the language of the  
advertised variance, but could result in changes to the  
submitted plan and dimensional form.

"Thank you for your help in this matter.

"Sincerely, Robert Linn."

On the motion, then, to continue this matter, next

1 available date is April 13, 2023 at 6:00 p.m. Let me make a  
2 motion, then, to continue this matter on the condition that  
3 the petitioner change the posting sign to reflect the new  
4 date of April 13, 2023 and the time of 6:00 p.m.

5 That any new submittals not current in the file --  
6 dimensional forms, supporting statements -- be in the file  
7 by 5:00 p.m. on the Monday prior to the April 13, 2023  
8 hearing.

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

11 JIM MONTEVERDE: Excuse me, Mr. Chair, there --  
12 this is one of several continuances, correct? For this one?

13 BRENDAN SULLIVAN: This is the third one.

14 JIM MONTEVERDE: Can we make this ask that this be  
15 the last?

16 BRENDAN SULLIVAN: We can -- I -- let me go on the  
17 record, yes, in saying that one of the problems with  
18 continuing these cases -- and I was hoping that Mr. Linn or  
19 Mr. MacArthur was on the line -- is that, and again we're  
20 here on Thursday nights, so it really doesn't matter what  
21 our caseload is or what it is, but when we reschedule cases,  
22 we do it as a courtesy to the petitioner.

1           Because either they -- some issues have come up  
2 during the hearing that the Board would like to address, or  
3 potential abutters have issues and we would like the  
4 applicant to have additional time to work through whatever  
5 issues come up. And it's done as a courtesy, because we  
6 feel that additional time would help the proposal.

7           However, what it does is it takes somebody else's  
8 time slot. And I don't think that's fair to the general  
9 public. We're here, we're going to hear cases. But the  
10 general public who come down make an application, and all of  
11 a sudden, they're given a date two months out or something,  
12 and as they've already been waiting for drawings to be drawn  
13 up and submitted to the Planning Board -- I mean to the  
14 Inspectional Services, it's not fair to them.

15           And then after we have a hearing, obviously  
16 there's a number of weeks before the decision is filed with  
17 the City Clerk, but then there's a 20-day period. And  
18 again, I think it's -- our courtesy has -- can only go so  
19 far, and we ask a little bit of courtesy in return and  
20 respect.

21           So Jim, to your point, I would go on the record --  
22 and this will be conveyed to Mr. Linn and also to Mr.

1 MacArthur -- that this will be the last continuance with 255  
2 Grove Street. They should be prepared to go forward that  
3 night.

4 JIM MONTEVERDE: Yeah, thank you.

5 BRENDAN SULLIVAN: And Jim, thank you very much --

6 JIM MONTEVERDE: In that case -- in that case I'm  
7 in favor.

8 BRENDAN SULLIVAN: Okay. Andrea Hickey?

9 ANDREA HICKEY: Yes, in favor.

10 BRENDAN SULLIVAN: Laura Wernick?

11 LAURA WERNICK: Yes, in favor.

12 BRENDAN SULLIVAN: Matina Williams?

13 MATINA WILLIAMS: Yes, in favor.

14 BRENDAN SULLIVAN: And Brendan Sullivan in favor.

15 [All vote YES]

16 BRENDAN SULLIVAN: Five affirmative votes, this  
17 matter is continued to April 13, 2023 at 6:00 p.m.

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(6:14 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
Jim Monteverde, Laura Wernick, and Matina Williams

BRENDAN SULLIVAN: The Board will now hear Case  
No. 207647 -- 401 Concord Avenue. Mr. Plumb?

[Pause]

He's on. Mr. Plumb, you may be on mute.

ANDREW PLUMB: Yes, I'm here. Thank you.

BRENDAN SULLIVAN: All right. We can hear you  
now. Okay. If you'd like to proceed?

ANDREW PLUMB: Okay, thank you. Thank you, Mr.  
Chair and members of the Board. As you know, we were on the  
agenda for the February 9 meeting, and had requested a  
continuance at that time in order to continue meeting with  
the --

VOICE: Recording in progress.

ANDREW PLUMB: -- for a number of months, which we  
did. And as a result of that meeting last week, we  
resubmitted the proposal that you have before you this  
evening. And I'll just sort of dive into that.

So the -- the petition is for -- the property has

1 an existing, single-family residence on it that's in very  
2 bad repair. And we're proposing to remove that existing  
3 single-family and garage and, in its place, build a new two-  
4 family residence. This is located at the corner of Concord  
5 Avenue and Corporal Burns Road.

6 And the relief that we're requesting this evening  
7 to -- this hearing to build on this corner lot within the  
8 two front yard setbacks to reduce the minimum lot area per  
9 dwelling unit per the ordinance, and to increase the maximum  
10 FAR and to -- we're looking for some relief on the minimum  
11 dimensions of private open space, and I'm happy to go  
12 through those things.

13 Before I get into the details of that, I do want  
14 to say that we are very proud of the process that we've been  
15 able to run with the community. We reached out back in  
16 October of last year and flyered the whole neighborhood and  
17 surrounding blocks.

18 And out of that group of neighbors who were  
19 interested, joined a series of Zoom meetings that we held.  
20 And I have submitted a -- I apologize -- rather lengthy kind  
21 of summary of the process that we went through.

22 But just to show that we really wanted to have the

1 community input for -- inform the design that we came up  
2 with.

3 And so, let's see -- to begin with, importantly,  
4 it's a two-fam residence. We feel very strongly that  
5 Cambridge is in dire need of additional housing units.

6 And this is a property that is zoned for two-  
7 family and is flanked by other properties along Concord  
8 Avenue that have existing two-families on similar lots with  
9 similar restrictions to this one. So in our minds, this  
10 proposal is a sort of trying to continue that pattern of  
11 development by putting a two-family residence on this  
12 property.

13 So if I could ask that we start on Drawing No.  
14 Z0.3, which is the Zoning Summary and site plan that  
15 overlays -- yep, there you go.

16 So the -- the sort of solid, shaded gray zone is  
17 the proposed footprint of the project. And then the dashed  
18 line with the sort of diagonal hash marks going through it  
19 represents the footprint of the existing building and its  
20 detached garage.

21 And so, you can see that what we're proposing if  
22 you -- in terms of the amount of the footprint that touches

1 the ground on the property is not terribly different than  
2 what's there with the existing residents and garage. If you  
3 were to sort of in your mind move that garage closer to the  
4 building, you would see that it's of a similar amount of  
5 area.

6 We're also improving the side yard setbacks on the  
7 two side yard setbacks and the front yard setback on  
8 Corporal Burns from what's existing.

9 And on the Concord Avenue side, we're proposing  
10 that the sort of main body of the massing of the building  
11 fall close -- that's within -- that's at 15 feet from the  
12 property line, but there's also porches that are proposed,  
13 which came out working with the movers to find some ways to  
14 tie in the new building with the adjacent buildings and the  
15 porches with something that was important to several of the  
16 neighbors.

17 And that sort of sits in a similar location  
18 relative to the property line, as the neighboring projects.

19 I want to say that the proposal that we had  
20 presented or submitted for the prior meeting had a higher  
21 floor-to-area ratio that we were seeking relief for than  
22 this one.

1           And we had at that time several of the abutting  
2 neighbors in support of the project, and several of the  
3 other neighbors in the neighborhood that were concerned and  
4 submitted letters of not in support. And they had cited  
5 issues of FAR being too high and a sense of the mass of the  
6 building feeling too big.

7           And so, what we did in the interim, but we last  
8 meeting and this one was to remove the proposed third floor  
9 of living area and its associated dormers. And actually,  
10 that would be a good time if we could just go to the  
11 elevation, the main elevation on Corporal Burns, which is --  
12 let's see -- that's Z2.1, there you go.

13           And in addition, by removing the third-floor  
14 living space, that brought the FAR that we're seeking here  
15 to 0.72, but it also allowed us to rework the roof form.  
16 And so, what was before a continuance roof along the entire  
17 length that you see here with dormers -- two on this side  
18 and two on the other -- is now broken up into two roofs and  
19 a lower, middle roof in the zone.

20           And the reason for doing that was to really try to  
21 break down the mass of the building and have it relate to  
22 the scale that's present on Corporal Burns.

1           And if I could ask you to go to the elevation  
2 sheet, which is of the whole block, let's see that's 2.4,  
3 there you go. I don't know if it's possible to zoom in, but  
4 you can see the top drawing up there is looking along  
5 Corporal Burns.

6           And you can see that the -- by breaking up the  
7 roof form and sort of treating that middle zone differently,  
8 what we kind of get is a massing that has a similar width to  
9 the single-families that are directly adjacent as you move  
10 to the left on this drawing.

11           And then you can see it further down at the end of  
12 Corporal Burns, there's 2 two-families that are shown in  
13 this drawing. There's actually a third one that's not in  
14 the drawing. But just to kind of, you know, show that the  
15 street has, you know, the scale of the two-family at both  
16 ends.

17           And so, these were the types of things that we did  
18 in response. And we met with the community on the sixteenth  
19 in the evening. I felt that it was well received. And I  
20 know that at least two of the people who had previously not  
21 supported the project rescinded their letter and instead  
22 wrote a letter of support. I don't know if others did that

1 as well.

2 But I think that I just wanted to -- you know,  
3 point out that we -- it's very important to us that there be  
4 a community process, even if it's not strictly required, and  
5 that we wanted to show the Board that we really tried hard  
6 to find and project that's viable from a development point  
7 of view, but also one that's directly informed by those who  
8 are, you know, living around it and are affected by it. And  
9 this is -- this is a very clear example of that.

10 One more note about the FAR: The -- we did an  
11 analysis of the -- the two families that are along Concord  
12 Avenue adjacent to this property and found a range of FAR  
13 that's existing, ranging from 0.63 to 0.74, just by taking  
14 the data that's available on the City of Cambridge assessing  
15 database and not including sort of attic space.

16 And so, we feel like what we're proposing here is  
17 not setting a precedent of any more FAR than is already sort  
18 of present in the amount of density that's in this  
19 neighborhood.

20 And if you were to look at properties along Alpine  
21 Street, which is -- you know, just the other side of one  
22 street up here, you'll find FAR in point -- mid to point

1 sevens, point eights, even -- even -- I saw 0.98.

2 So our feeling is that the -- what we're proposing  
3 here is not pushing the envelope in terms of requested FAR.

4 If I could now ask that we look at the open space  
5 drawings? So that would be Z0.5. I'm sorry, one more up  
6 would be the -- yeah, this one shows the -- the sort of  
7 existing open space.

8 And what I've done is just sort of color-coded the  
9 footprint of the building and the existing. The solid green  
10 represents sort of how private open space is -- is counted  
11 within the ordinance.

12 So the solid green zone is the zone that has the  
13 15-foot minimum dimension in both directions. And then the  
14 kind of cross-hatch green represents other open space. And  
15 then we've got the sort of paved areas in the gray.

16 If we go to the next drawing, I will show the  
17 proposal.

18 So I think the headline here that I want to point  
19 out is that the amount of open space of both types, we are  
20 exceeding the requirements. The caveat is that we're  
21 looking for relief on the 15 x 15 dimension.

22 And so, if you look at the -- for the private open

1 space, so if you look at the solid green zones that are  
2 along Corporal Burns on either side of that sort of entry,  
3 you'll see that what we've got is -- on the Corporal Burns  
4 side is about a 10' dimension by approximately 25' on each  
5 side, and then in the corner behind the driveway that's  
6 proposed, we've got another zone there that's about 22.5'  
7 wide by about 11' or 12' in the other direction.

8           And so, you know, we're meeting the -- the amount  
9 of square footage of both types of open space for this --  
10 this -- this area. And what we're looking for relief for is  
11 in the sort of 15' dimension. And I think the argument I  
12 just want to make is that it's worth it if it allows for us  
13 to put a second unit on the property and to build a second  
14 unit of housing in Cambridge.

15           I believe that touches on all of my sort of  
16 prepared remarks to begin with.

17           And actually I'll just say one more thing just to  
18 discuss the argument for hardship, which is that the -- you  
19 know, we're located on a corner lot that is smaller than the  
20 minimum 5000 square-foot lot in this Residence B district.  
21 It's also narrower than the 50-foot requirement.

22           And it's also got this sort of quarter-circle

1 corner condition, which I believe was, you know, part of  
2 some street work to kind of make this -- the sidewalk, you  
3 know, enlarged. And that took away from this property as  
4 well.

5 And so, those sorts of facts when you combine that  
6 with the sort of maximum FAR that was contemplated with this  
7 district -- it was contemplated for larger, more generous  
8 lots -- what you get is an overly restrictive, if you were  
9 to apply that literally, it would mean that you, you just  
10 couldn't build two units on this property.

11 That and also the minimum square footage per  
12 dwelling unit. And it's simply due to the fact that we've  
13 got a lot that's under 5000 square feet. It's narrower than  
14 50 square feet, and we've also got this geometry at the  
15 corner.

16 And like I said, there's ample precedent of two-  
17 families built on lots of this size or smaller, and we think  
18 that it's a reasonable request to propose this two-family  
19 residence as you see before you this evening. Thank you.

20 BRENDAN SULLIVAN: One of the questions I always  
21 ask myself when I see -- as obviously this property needs  
22 total redo, which is what you're proposing -- been looking

1 at this for years and years and years -- that you're  
2 basically starting off with a blank piece of paper, because  
3 you're going to tear down the existing structures and level  
4 the site and then go from there.

5 So starting off with a blank piece of paper, did  
6 you look at -- and again, looking at the ordinance, you  
7 really according to numbers are only allowed a single-family  
8 there, because you don't meet the minimum lot area per  
9 dwelling unit.

10 And other than the fact trying to provide another  
11 unit there of housing, does a single-family not work for  
12 you, or can it work for you, or is it absolutely out of the  
13 question that it will not work for you?

14 ANDREW PLUMB: I'm not sure I understand in terms  
15 of does it work for me. I mean, I think that the -- what,  
16 you know, as an architect and as developer, I have -- you  
17 know, our company has a certain set of mission and values  
18 that we operate by.

19 And one of them is to, you know, create homes that  
20 are -- that are, you know, of high-quality that are  
21 nontoxic, that are energy-efficient, but also in the larger  
22 context of the housing crisis that exists, when we see a

1 property that can support the two-families it has, you know,  
2 for the last 100 years and there's all these other flanking  
3 properties, it seems to me that it's a waste to build a  
4 single-family here.

5 And of course you can build a single-family here,  
6 but to make it economically viable, you have to build a big  
7 one. And it's -- that's not what Cambridge needs. We need  
8 reasonable apartments that are a reasonable size, that  
9 families will want to live in.

10 And so, is it possible to build a single-family?  
11 Yes. But I think it's an absolute wasted opportunity and  
12 sends the wrong message.

13 BRENDAN SULLIVAN: Okay. No, I think that's a  
14 good answer to my question. So let me open it up to the  
15 members of the Board. Jim Monteverde, any questions or  
16 comments at this time?

17 Jim Monteverde?

18 JIM MONTEVERDE: Sorry. Can you hear me?

19 BRENDAN SULLIVAN: Yes. Any --

20 JIM MONTEVERDE: Sorry.

21 BRENDAN SULLIVAN: -- questions or comments at  
22 this time?

1           JIM MONTEVERDE: Yeah. Just one related to the  
2 dimensional form. So I'm looking at Sheet Z0.3, the Zoning  
3 Analysis.

4           ANDREW PLUMB: Yeah.

5           JIM MONTEVERDE: Could you please help me  
6 understand just without a north arrow on this -- I'm not  
7 sure where east and west is -- but I'm looking at the  
8 dimensional form and where it says, "I read the minimum  
9 front yard Concord Avenue required 15, provided 9," but  
10 you've got a porch that otherwise would be 15' to the front  
11 of the building. Corporal Burns side, I think it asks for  
12 15', you're providing 11, correct?

13           ANDREW PLUMB: Correct.

14           BRENDAN SULLIVAN: Right. And then which side is  
15 east end, requires 7'6" and you're providing 7'6", you're  
16 fine? And north requires 7'6" and you're proposing 22'6".  
17 So you're fine. The only setback issue is really on the  
18 Concord Avenue side because of the porch, is that correct?

19           ANDREW PLUMB: Yes, although I guess I felt that,  
20 you know, with the Corporal Burns side, the 11-foot-setback  
21 --

22           JIM MONTEVERDE: Oh, that's right. Yeah.

1           ANDREW PLUMB: That was driven by picking up the  
2 adjacent, you know, sort of prevailing setback of adjacent  
3 properties. But by the letter of the ordinance, it's 15',  
4 so that's why I was requesting relief in both --

5           JIM MONTEVERDE: Okay. And that -- and that 11'  
6 is measured to the face of the building, not to the  
7 areaways, not to the front steps? I'm assuming that there's  
8 a porch there, but front steps, right?

9           ANDREW PLUMB: That's --

10          JIM MONTEVERDE: It's the property line to base of  
11 the building?

12          ANDREW PLUMB: Correct.

13          JIM MONTEVERDE: Okay. Thank you.

14          BRENDAN SULLIVAN: Andrea Hickey, any questions or  
15 comments at this point?

16          ANDREA HICKEY: Yes. I just have one question  
17 regarding the open space dimensioning. If I could ask the  
18 petitioner, is there a plan that shows the proposed open  
19 space as what the actual dimensions? I do see the -- at the  
20 top sort of the box in the bar where you've made the total  
21 calculations.

22                 But is there a plan that sort of shows the actual

1 dimensions of each of these little proposed open space  
2 areas?

3           ANDREW PLUMB: Unfortunately, this drawing -- what  
4 I've done is I've itemized the square footage of each sort  
5 of block, but in terms of like a dimension,

6           ANDREA HICKEY: Right. I can say for me it would  
7 have been helpful to see --

8           ANDREW PLUMB: Yeah.

9           ANDREA HICKEY: -- sort of where you come up with  
10 those numbers.

11           ANDREW PLUMB: Yeah. Well, I mean it's all just -  
12 - it's all directly measured from modeling it in the  
13 computer, so the numbers are -- the square footages are  
14 correct. But I -- unfortunately I did not include that on  
15 here, the dimension strengths of these.

16           I mean, for comparison, the -- like if we look at  
17 the driveway, the width that's proposed is 17'. Actually,  
18 well we know that the setback from the property line to the  
19 building on the north side where the driveway is is 22'6"  
20 anyhow. So the width of that solid green square on the --  
21 on the left-hand side is 22'6".

22           ANDREA HICKEY: Okay.

1           ANDREW PLUMB: And we know that the -- along  
2 Corporal Burns, the building setback is 11' so those solid  
3 green areas are 11' deep by -- yeah, it's -- and we might  
4 need to look at the floor plans to sort of -- well, I did  
5 dimension the floor plans, so let me just see if I can find  
6 a better drawing to look at.

7           Well, if you look at the first-floor plan on Z1.2,  
8 the -- now this is an interior dimension, but it's close.  
9 So the -- it's -- that's an interior dimension of about 23  
10 feet that's of that sort of main living space.

11           So the width of that private open space that I'm  
12 showing on the other drawing is 23' plus another, like, foot  
13 and a half. So call it 24.5' by 11'. So it's approximately  
14 -- I apologize for not having the dimensions drawn on there.  
15 I agree that would have been useful.

16           ANDREA HICKEY: All right. So just moving on, is  
17 there a plan that shows us how far away the proposed two  
18 outdoor parking spaces are from the rear of the proposed  
19 structure, just so that I could see that?

20           ANDREW PLUMB: How far they are from the rear? So  
21 let's -- if we look at Z0.5 --

22           ANDREA HICKEY: Yeah. What I'm calling the rear

1 is the part of the lot furthest away from the Concord Ave  
2 frontage, so --

3 ANDREW PLUMB: Okay.

4 ANDREA HICKEY: I realize that's not the rear of  
5 the building.

6 ANDREW PLUMB: Yeah. So the width of the parking  
7 is 17' and the width of the space of the setback is 22'6".  
8 So if I subtract, that's 5.5' over 2'. So we're about just  
9 under 3' from the edge of the parking to the building.

10 ANDREA HICKEY: And then also accordingly about  
11 that same width from the lot line on the side of the --

12 ANDREW PLUMB: Yes.

13 ANDREA HICKEY: -- other parking space?

14 ANDREW PLUMB: Yes.

15 ANDREA HICKEY: So about 3'. Okay. That's all I  
16 have for questions now. I would like to thank you for your  
17 community outreach in this case. We don't see that enough  
18 in cases that come before us.

19 And in reviewing the file, it just is really good  
20 to see how much time you spent sort of listening to the  
21 neighbors and doing your best to address their questions and  
22 concerns.

1           So thank you for doing that. That makes our job a  
2 lot easier. So that's all I have for now.

3           BRENDAN SULLIVAN: Laura Wernick, any comments or  
4 questions at this point?

5           LAURA WERNICK: Well, I'll just follow up on both  
6 of Andrea's points. One is yes, I agree the outreach has  
7 been really -- is -- is very, very helpful. And then going  
8 back to the parking places, I'm just curious as to the depth  
9 of the parking area from Corporal Burns Road.

10           And what I'm going -- what's in the back of my  
11 mind is could that be shortened, bring the cars closer to  
12 the street? Is there anything particularly set, that back  
13 end of the parking spaces?

14           As you bring the cars closer to the street,  
15 obviously you can shorten the length of the drive --

16           ANDREW PLUMB: Right.

17           ANDREA HICKEY: -- then the green area becomes  
18 wider. So I just was wondering what's the --

19           ANDREW PLUMB: I believe that the -- the  
20 requirement for the driveway is that you provide the parking  
21 space not within the front yard setback. I could be wrong  
22 on that, but that's -- so basically, what I've done is I've

1 taken where I've set the front yard setback and then set the  
2 parking space beyond that. So that's sort of what -- that's  
3 what was locating it.

4 ANDREA HICKEY: Okay. Okay.

5 ANDREW PLUMB: But I agree with you. I mean, that  
6 would be -- I just don't think it's allowed, I guess.

7 ANDREA HICKEY: Yeah. Okay. That was my only  
8 question. Thank you.

9 BRENDAN SULLIVAN: Matina Williams, any questions  
10 or comments at this point?

11 MATINA WILLIAMS: No. I don't think so. I'm  
12 still wondering what the hardship is, though? But that's  
13 it.

14 BRENDAN SULLIVAN: Okay. I think we will get into  
15 that when we come back on the other side of that. That  
16 would be a -- I think he's attempted to answer it in the  
17 beginning, and it's incumbent with -- with a number of  
18 issues. But Andrea, if you wanted to elaborate on that now  
19 for Matina, the hardship issue?

20 ANDREW PLUMB: Sure.

21 BRENDAN SULLIVAN: How you meet the statutory  
22 requirement?

1           ANDREW PLUMB: Yes. So the hardship that we're  
2 seeing has to do with the size and shape of the property,  
3 and that's it's undersized. And so, it's -- it's too small  
4 for the minimum lot size. It's too narrow for the minimum  
5 lot width. And it also has this unusual corner shape to it.

6           And those things taken together when you apply the  
7 ordinance literally results in an overly restrictive set of  
8 requirements for building on the lot that I don't think was  
9 intended with the way that the ordinance was written in the  
10 first place, because it contemplated with more generous  
11 lots.

12           And what it would mean if you did it literally was  
13 that you simply wouldn't be able to build units on a  
14 property that's zoned for two units, and which has proven to  
15 be able to easily handle two units, because there are -- you  
16 know, dozens or more two-family units on properties of this  
17 size or smaller in the neighborhood.

18           And so, the literal enforcement or application of  
19 the variance -- sorry, of the ordinance -- creates a  
20 situation that is overly restrictive than what is -- was  
21 intended, and also is -- well, it seems like it would be  
22 unfair to not allow building on this lot in the manner that

1 all these other properties have been built on in the past.  
2 In fact, if you were to try to build any of these two-  
3 families again, you'd be asking for very similar relief that  
4 I'm requesting here this evening.

5 BRENDAN SULLIVAN: Okay. Matina, does that  
6 somewhat answer your question?

7 MATINA WILLIAMS: Yep.

8 BRENDAN SULLIVAN: Yep.

9 MATINA WILLIAMS: Somewhat. It answers it.

10 BRENDAN SULLIVAN: All right. You can mull losses  
11 over it, anyhow, and we will catch you on the back side --

12 MATINA WILLIAMS: -- yeah.

13 BRENDAN SULLIVAN: -- when we come back.

14 MATINA WILLIAMS: Okay. Okay. Thank you.

15 BRENDAN SULLIVAN: Great. Let me open it -- thank  
16 you. Let me open it to public comment. Any member of the  
17 public who wishes to speak should now click the button that  
18 says, "Participants," and then click the button that says,  
19 "Raise hand."

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

1           STEPHEN NATOLA: User called, "Andrew Plumb."

2           NICOLA MOORE: Hello?

3           BRENDAN SULLIVAN: Yes.

4           NICOLA MOORE: Hi.

5           BRENDAN SULLIVAN: You can identify yourself for  
6 the record.

7           NICOLA MOORE: Yeah, my name is Nicola Moore. I  
8 live in and -- I own and live in the house, one of the two  
9 houses that abut this property. I live on Concord Avenue at  
10 395-397 Concord Avenue. And I -- I'm here to support this  
11 project.

12           I think it will be a really nice addition to the  
13 neighborhood. And Mr. Plumb has -- he's gone above and  
14 beyond in terms of working with the community. And there  
15 were some very tough meetings. I -- and he adjusted the  
16 plans and adjusted the plans and adjusted the plans.

17           And on -- you know, both to respond to the people  
18 on Concord Avenue who wanted the property to sort of match,  
19 you know, with the porch and things like that the way that  
20 Concord Avenue looks, and also the people who live on  
21 Corporal Burns, who were concerned about having a large  
22 block of property, a sort of massive property on Corporal

1 Burns.

2 And I think -- I think he's really done the best  
3 he can to adjust the property to the community's concerns  
4 and also that property that he, you know, that he's -- the  
5 lot that he's dealing with.

6 So I enthusiastically support the project.

7 BRENDAN SULLIVAN: Thank you, Nicola.

8 STEPHEN NATOLA: Another user named Andrew Plumb.

9 [Pause]

10 BRENDAN SULLIVAN: No, that's the petitioner.

11 ANDREA HICKEY: There may be some confusion about  
12 the name.

13 BRENDAN SULLIVAN: Yeah, that's the petitioner.

14 STEPHEN NATOLA: Yes.

15 BRENDAN SULLIVAN: Yeah.

16 ROBERT TAGUIN: I think you're up. You're  
17 unmuted.

18 BRENDAN SULLIVAN: Anybody else calling in?

19 JUDY BACHER: Yes, hi, this is Judy Bacher and  
20 Dave Doolittle.

21 BRENDAN SULLIVAN: Yes.

22 JUDY BACHER: We are the other abutters. We are

1 on Corporal Burns right next to the property 401.

2           And we -- we support the project as well. I  
3 support exactly what Nicola said about Andrew being very  
4 approachable and setting up all sorts of communication and  
5 meetings so we could learn and express our issues and  
6 concerns. And I believe they really have addressed the  
7 biggest concerns that the neighborhood had regarding the FAR  
8 and the massiveness.

9           And earlier -- this was the latest changes that  
10 they made, but even earlier they addressed one of the  
11 concerns we had, because -- you know, we're right next to  
12 them -- if they had moved the parking lot, the driveway into  
13 the center of the unit, then we would have had a big  
14 building right next to our property, which we weren't really  
15 happy about, but they -- they listened to that, and they  
16 moved the parking area to closest to our house.

17           And so that will really alleviate some of the  
18 blockage that we might otherwise have experienced.

19           So we really support this new design. And thank  
20 Andrew for reaching out and really communicating and  
21 listening to our concerns. So we are for it.

22           BRENDAN SULLIVAN: Great. Thank you for calling

1 in.

2 STEPHEN NATOLA: Robert Tagiuri?

3 [Pause]

4 BRENDAN SULLIVAN: Robert?

5 ROBERT TAGIURI: Hi. I'm confused. I'm -- I'm  
6 here for the hearing for 65 Sparks Street variance, which I  
7 thought was at 6:30?

8 BRENDAN SULLIVAN: That will be after this hearing  
9 on this case concludes.

10 ROBERT TAGIURI: Okay. And --

11 BRENDAN SULLIVAN: Maybe another 15,20 minutes or  
12 so.

13 ROBERT TAGIURI: Okay. Sorry to interrupt you.

14 BRENDAN SULLIVAN: Not a problem.

15 ROBERT TAGIURI: I'm also not seeing any of the --  
16 I just see the big plan in front of me, and then somebody's  
17 face. I don't see the normal Zoom controls below. But  
18 maybe they'll appear.

19 BRENDAN SULLIVAN: Okay.

20 ROBERT TAGIURI: Thank you.

21 BRENDAN SULLIVAN: Yes. That appears to be all of  
22 the call-ins there is.

1           Probably another half dozen letters from people  
2 who had written earlier voicing some concern or objection to  
3 the original plan who have now rescinded the letter of  
4 objection and a revised letter of support.

5           We've heard from a couple of the abutters, and the  
6 letters are -- have been read by the Board members and will  
7 be incorporated by reference.

8           I will conclude the public comment portion  
9 applicants. I will send it back to Andrew. If you have any  
10 other comments you wish to add at this point, before we take  
11 it to the Board for a vote?

12           ANDREW PLUMB: Nothing further at this point,  
13 thank you.

14           BRENDAN SULLIVAN: Okay. I guess my -- let me  
15 open it up I guess for discussion with the Board. I guess  
16 my thought on this is that if -- I initially said is that  
17 when you start off with a blank piece of paper, you know,  
18 what can you do as-of-right and not have to seek relief?

19           And yet I think that Andrew had basically hit the  
20 salient points, that yeah, you probably could build a  
21 single-family home, but that the price point of that would  
22 be high -- not that these are not going to be reasonable.

1 They're going to be somewhat pricey, but then again, I think  
2 that the value is probably being put into it.

3           There is, obviously, acquisition costs and then  
4 building the structure -- hard costs and soft costs. And,  
5 you know, being a realist that a single-family home would  
6 probably be, you know, out of reach and yes, compliant.

7           However, the addition of a second unit is probably  
8 obviously some economies of scale. And to make two  
9 reasonably -- I guess for Cambridge standards -- priced  
10 units would be far more advantageous to the housing stock,  
11 and also to the neighborhood. And these are well-designed.

12           I think that the original plan was probably a  
13 stretch -- probably would have met with some resistance from  
14 the Board. And I think in reading the initial letters from  
15 the neighbors voicing their concerns, some of those concerns  
16 resonated with me also.

17           So in total, I think that is applaud -- and, you  
18 know, that other members have mentioned your outreach and  
19 your willingness to scale back the project to make it still  
20 viable, but also attractive to the abutters. And something  
21 needs to be done there.

22           And I think that the plan before us as far as I'm

1 concerned achieves that end. And it will be a win-win for  
2 the neighborhood, and also adds another unit to the housing  
3 stock for that area.

4 So that's my thought on it.

5 Jim, any thought further?

6 JIM MONTEVERDE: Yeah. My -- my thought is, and  
7 it goes back to the dimensional form -- I'm still concerned  
8 about the 50 percent above the required or the allowed FAR,  
9 realizing what it means in terms of the lot, in terms of how  
10 much you can build.

11 And I think looking at the plan, what it means is  
12 -- and I don't think it means the only thing you can build  
13 is a single-family home; I think what it's saying is you  
14 can't build this plan, which is two identical, three-bedroom  
15 units. It could be some other combination.

16 So at the moment, I'm still struggling over the  
17 FAR and not feeling very supportive at the moment. However,  
18 I do appreciate all of the effort they went through with the  
19 neighbors and et cetera.

20 BRENDAN SULLIVAN: Yeah, Jim, if -- if you look at  
21 the -- and again, and I wrestled with that same question --  
22 is --

1 JIM MONTEVERDE: Yeah.

2 BRENDAN SULLIVAN: -- are these units, two units,  
3 are they sort of -- you know, bigger than they need to be?  
4 Can we pull back the structure or something like that? And  
5 I don't -- I did not come to the conclusion that these  
6 units, the interior spacing of the bedrooms and the other --  
7 were overly generous or excessive.

8 And I thought that they are of an appropriate size  
9 that would garner a certain attractiveness to family looking  
10 for three-bedroom units, and also that the price point of it  
11 would be also somewhat attractive for the related size of  
12 the units.

13 So I think in proportion to the size of the units,  
14 the size of the rooms, I felt that it was adequate and to  
15 scale it back even though it does lessen the number --

16 JIM MONTEVERDE: Right.

17 BRENDAN SULLIVAN: -- I think it may compromise  
18 the useability or the livability and the attractiveness of  
19 the units. That's the conclusion I came to, anyhow.

20 JIM MONTEVERDE: Yeah, I -- right. And I don't  
21 know that without, you know, not designing it in my head,  
22 but --

1 BRENDAN SULLIVAN: Right.

2 JIM MONTEVERDE: -- without seeing that as part of  
3 an alternative, I can't -- I can't say -- I can't get to  
4 that point. And whether it would be a three-bedroom and a  
5 two-bedroom unit, you know, I don't know. But it seems like  
6 there potentially could be a different mix, or at least that  
7 could be explored to get closer to the ordinance FAR.

8 BRENDAN SULLIVAN: Okay.

9 JIM MONTEVERDE: 50 percent just seems to be a bit  
10 too much of a reach for me.

11 BRENDAN SULLIVAN: Okay, Laura Wernick your  
12 thoughts? You're on mute, Laura.

13 LAURA WERNICK: Yeah. Sorry.

14 BRENDAN SULLIVAN: Okay. Now you're on.

15 LAURA WERNICK: Yeah. I think my leanings are  
16 along with the Chair's thoughts: that these do not seem  
17 like extravagant units. I also feel like it's in keeping  
18 with the scale and the intensity of the other properties in  
19 the neighborhood. So that's a positive consideration in my  
20 -- in my mind.

21 So I appreciate the bringing into Cambridge 2  
22 three-bedroom units. I think this is much needed.

1           And it's done in a way that fits in and is  
2           comparable to what exists in this neighborhood. So it  
3           doesn't feel as if it's imposing in any way, or presenting  
4           some extravagant, large, out of scale structure that I would  
5           have a great deal of difficulty with.

6           So I think that's what's -- that's what I'm  
7           seeing. Thank you. That's it.

8           BRENDAN SULLIVAN: Okay. Matina, any thoughts,  
9           comments at this time?

10          MATINA WILLIAMS: Well, I have to agree with Jim a  
11          little bit. But I also, you know, weigh in the fact that  
12          the neighbors do -- you know, have put a lot of thought and  
13          effort in. And Mr. Plumb has -- has revised his plans  
14          somewhat. I'm still not weighing in towards it, though. I  
15          just can't. I don't know.

16          BRENDAN SULLIVAN: All right. You know, and  
17          here's the other thought I have regarding the three bedrooms  
18          is --

19          MATINA WILLIAMS: Mm-hm.

20          BRENDAN SULLIVAN: -- that we're finding lately is  
21          people coming down, adding bedrooms or kind of chomping up  
22          interior space, what have you, and then that yes it can be

1 used as a bedroom. Three-bedrooms are, obviously, much-  
2 needed, as Laura says, and very attractive. But sometimes  
3 that third bedroom becomes a home office or --

4 MATINA WILLIAMS: Mm-hm.

5 BRENDAN SULLIVAN: -- the need for home office.

6 And then it can also then double as, you know, the part-time  
7 bedroom if a family member comes or whomever comes or what  
8 have you, so that this pandemic has changed societal trends  
9 on how they use their house. And that's one of the things  
10 that we keep being asked is to add some more space so that  
11 it could be used as a home office.

12 So I just throw that out for consideration.

13 Andrea Hickey, any thoughts, comments?

14 ANDREA HICKEY: Yes. So I struggle a bit, as Mr.  
15 Monteverde does, regarding FAR and whether we really need  
16 two identical, large -- I consider, still consider these  
17 large, large units on this site, or whether there's some  
18 sort of a compromise that could make sense for the developer  
19 to maybe have one large unit and one small unit.

20 I like the idea of there being an additional unit,  
21 given housing stock issues and all, but I think two big  
22 units are going to be too big expensive units, and --

1           ANDREW PLUMB: Yeah, right.

2           ANDREA HICKEY: -- and the FAR issue still is a  
3 little troubling to me. My other issues are going back to  
4 Matina's initial comments about hardship: I'm not  
5 completely swayed that the sort of hardship bar has been met  
6 with this proposal. And my final thought is that I don't  
7 like parking spaces to -- as close to the structure as these  
8 two proposed spaces are.

9           If I could ask the petitioner, has that area  
10 always been used for parking outdoors of more than one car,  
11 where there is a garage there now?

12          ANDREW PLUMB: I don't -- I mean, it's always been  
13 a garage with a driveway in front of it, and it's got space  
14 for two cars. I don't know what's been parked there in the  
15 past, if that's what you're asking?

16          MATINA WILLIAMS: Oh.

17          ANDREW PLUMB: And it's -- so it's always been  
18 sort of the part of the property that's been utilized in  
19 that way.

20          ANDREA HICKEY: Right. Well, those are my  
21 comments at the moment. So Mr. Chair, I'll give it back to  
22 you.

1           BRENDAN SULLIVAN: Okay. And it appears that if  
2 we were to take it to a vote, that you may not at this  
3 juncture out of the four affirmative votes that you need,  
4 the option would be -- I can proceed with a motion and a  
5 vote, or that if you want to digest what you've just heard  
6 from members of the Board and go back to the drawing board,  
7 see if you can't whittle it down, address some of the  
8 concerns.

9           Or you may come back and say, "You know, guys,  
10 I've tried my best and -- and, you know, it is what it is."

11           So those are your two options. I can either  
12 proceed, or ask for -- you could ask for a continuance and  
13 come back another night and see if you can't in the interim  
14 address some of the comments and concerns that you've heard  
15 from members of the Board.

16           ANDREW PLUMB: Could I ask for the opportunity to  
17 try to speak to some of these FAR comments?

18           BRENDAN SULLIVAN: Yeah. Yeah. No, sure, yep.

19           ANDREW PLUMB: Okay. So one of the things that we  
20 talked about a lot in the community meetings -- and we had  
21 several -- was FAR and how much is appropriate and how much  
22 is too much, and where's the line?

1           And, you know, at least out of those  
2           conversations, it was sort of like a, "I don't know what the  
3           -- if there is a magic number, but there's -- there was a  
4           feeling before we made this latest change -- that, you know,  
5           that where we were at was too high.

6           And then after we -- after we -- you know, pulled  
7           off the third floor and brought it back in line in the  
8           midpoint of what's already there in the existing -- in the  
9           adjacent properties, that that felt like, okay, that seems  
10          reasonable. You're not setting any precedent.

11          And so, to the folks on the Board who aren't  
12          comfortable with the FAR that we're looking at here, I know  
13          is there a target? Because, you know, like I said, the  
14          comparable properties along Concord Avenue as they stand  
15          today all exceed the 0.5. And if you look on Alpine Street,  
16          for example, they're even higher.

17          And so, I guess I don't -- I don't personally  
18          follow how applying the 0.5 in this case only is -- is  
19          appropriate, given -- given the ample precedent of the other  
20          properties that are all exceeding the 0.5 FAR, and many of  
21          which exceed it by a great deal more than -- than what this  
22          proposal is for. And so --

1           JIM MONTEVERDE: Mr. Chair, can I address that for  
2 a second?

3           BRENDAN SULLIVAN: Yeah, sure, Jim. Yeah.

4           JIM MONTEVERDE: So my issue is -- and I  
5 understand your point, Mr. Plumb, it's not that I disagree  
6 with it -- but I don't believe the ordinance gives us the  
7 wiggle room to say that there's an ordinance required FAR  
8 that can be modified, based on what existing or proposed  
9 adjacent properties for the neighborhood present. So I  
10 can't -- and it sets a precedent -- that's one.

11           Two, then, it also sets a precedent. If we were  
12 to, you know, following your logic, it could apply to any  
13 number of other cases now and in the future, where it just  
14 may not be appropriate.

15           So it -- that's -- it's a number, and that's the  
16 ordinance, and that's kind of what we're stuck with. And  
17 that's what -- we're the body that has to adjudicate based  
18 on.

19           ANDREW PLUMB: May I respond, Mr. Monteverde?

20           BRENDAN SULLIVAN: Yes, yeah.

21           ANDREW PLUMB: Just a quick question, really,  
22 which is -- I hear what you're saying, but how is it that if

1 you look at every single two-fam property on Concord Avenue,  
2 on Alpine Street on both sides, every single one of them  
3 exceeds the FAR? How did they get there if what you're  
4 saying has to be followed? And maybe you're suggesting that  
5 --

6 JIM MONTEVERDE: Oh. If it's like my  
7 neighborhood, most of what was built was before the zoning  
8 ordinance was in effect. And things are much larger than  
9 they could be.

10 Again, it -- but it's an issue that would have to  
11 be addressed by a modification to the zoning ordinance,  
12 which I'd be happy to see. But it's not what it reads now.  
13 And that's what we're trying to --

14 ANDREW PLUMB: You have any preexisting,  
15 nonconforming lot, it's too small. I mean, it -- you can't  
16 build -- you can build appropriate-sized units at 0.5 on a  
17 lot that's too small.

18 ANDREA HICKEY: I mean, that's what we're doing.  
19 We're always making judgment calls on what's appropriate  
20 when there's far -- when there are unusual lots, and what's  
21 appropriate for the context, and what's needed in Cambridge.  
22 And that's part of our responsibility as well.

1           So I think that in this instance when -- I have  
2 you know, and I have to say if my family's -- my kids grew  
3 up in a lot that was -- in Cambridge that was -- had almost  
4 no, you know, I mean it had a very large FAR and had no --  
5 was shared space with the surrounding kids and it was an  
6 incredibly wonderful experience for them.

7           So I don't have the underlying prejudices and I do  
8 -- against tight sites. I understand the purpose of the  
9 ordinance. I think the ordinance sets a framework, which is  
10 important.

11           But when there are important reasons to adjust  
12 that framework, then I think it's upon this Board to  
13 determine what has -- what values do we weigh here?

14           BRENDAN SULLIVAN: One comment to Andrew that  
15 applies to the size of the lot, that case law will -- I'm  
16 sure when I don't have the actual cases in front of me, I  
17 could research it, that the courts have found that the size  
18 of a lot, even though substandard, not compliant with the  
19 existing ordinance -- is not sufficient grounds to grant a  
20 variance.

21           That the only test is relating to the soil  
22 conditions, the shape or topography. There are no known

1 soil conditions here. There is no known topography issues  
2 here -- topographical issues here.

3 The only other one would be the shape of the lot.  
4 And I could understand on this particular one the shape of  
5 the lot being not perfectly rectangular -- different than  
6 other lots, other than maybe Emory's one across -- on the  
7 other side of the street there.

8 But that you are encumbered by having two front  
9 yards, and so, consequently two front yard setbacks. And  
10 you're encumbered by that.

11 To your question of how did he get to all the  
12 other houses on Corporal Burns and also Concord Avenue,  
13 well, they were built prior to the Zoning Ordinance.

14 The Zoning Ordinance has changed over the years,  
15 and in the divine wisdom or whatever of the Community  
16 Development Department, Planning Board, and then ultimately  
17 the City Council has enacted that standard, that number for  
18 this particular area. So that's how those houses got built.

19 And even though it appears to be somewhat  
20 draconian that, you know, now I have to comply with a higher  
21 number, I need more land and I don't have it, and so  
22 consequently, you know, I can't build something similar to

1 what is there now.

2 Well, unfortunately, they with the broad brush  
3 bring in a zoning ordinance that governs an entire area --  
4 section of town or something like that. And so, that's how  
5 you're encumbered by it. And how you can't, obviously,  
6 mirror or mimic what is the existing situation, condition on  
7 both those streets.

8 So if that answers the question, anyhow?

9 ANDREW PLUMB: I -- I understand, and I appreciate  
10 that. I just -- I think I feel very strongly that, or, you  
11 know, the -- the literal enforcement of the ordinance is  
12 winning over here over what seems to me to be a rather  
13 commonsense proposal here, where you can support two units.

14 You know, we're trying to build something that  
15 people want to live in in this day of age, not from 100  
16 years ago. We're trying to build something that's done in  
17 a way that's of good quality and that, you know,  
18 construction costs have never been higher. Labor costs have  
19 never been higher. That means you need to build units of a  
20 certain size.

21 The units are not extravagant, they're  
22 appropriate.

1           And, you know, what's -- what's going to happen  
2 here is that if we can't -- if we can't get there, then we  
3 end up having to building an extravagant single-family home.  
4 And how is that the outcome of this?

5           I mean, it just seems given all of the effort and  
6 energy and desire of the neighborhood and of, you know,  
7 everyone knows what's coming in terms of pressure to build  
8 more multifamily in Cambridge and every other city around  
9 the MBTA and everything like that that the result of this  
10 process is an extravagant single-family home.

11           I mean, yes, the question was asked, "Can you  
12 build one big one and one small one?" I don't know. I don't  
13 know, and we're already putting a third basement, the third  
14 bedroom in the basement. Does shaving off a few feet and  
15 bringing the FAR down by another 0.2 suddenly make it  
16 palatable?

17           I mean, it's -- it's just -- I feel like, you  
18 know, what's the magic, what's the magic number? You know?  
19 We should be able to build a two-family home here, and the  
20 reality of building in this day in age requires that you  
21 have to build of a certain size for it to be desirable in  
22 the market and you have to be able to build it of a certain

1 level of quality to meet energy code, which is -- you know,  
2 in Massachusetts it's one of the most strict, thicker walls.  
3 You know, all of these things add up.

4 And so, you know, as an architect, as a builder,  
5 as a developer, I'm balancing all of these things. And I  
6 feel that we're being -- well, it's -- it's just -- it's  
7 just -- it feels very disappointing that the outcome of this  
8 is going to be an extravagant single-family home, instead of  
9 two, 2 reasonable two-families -- I'm sorry, two reasonable  
10 units.

11 And I -- I don't know if there's anything I can  
12 say at this point that -- that will have, won't be on the  
13 fence about the FAR rethink it, but I just feel like it  
14 needs to be said.

15 BRENDAN SULLIVAN: Well, all right. Let me throw  
16 it back to the -- the Board. Is it the sense of the Board  
17 that a continuance would be in order? Jim?

18 LAURA WERNICK: I just think it goes back to Mr.  
19 Plumb's initial question. What is the magic line where the  
20 FAR would be acceptable? And be reduced as a bedroom, and  
21 it's still high. So we're going to say, "Well, you know,  
22 okay, sorry, you can't do it. Do a single-family."

1 I think we're really getting to the point where  
2 you're going to have a much-less desirable situation and add  
3 very little to the site.

4 So is that -- is that the direction the Board  
5 wants to go in? If I could understand -- yeah, so that's --  
6 that's concerning to me.

7 BRENDAN SULLIVAN: I -- Laura, I agree with you.  
8 And -- and your reasoning, that's my reasoning. I mean, I  
9 support the plan that is in front of us, for a variety of  
10 reasons that I have stated -- that I think that it's not  
11 excessive. Yes, it does tickle the number, but I think that  
12 the lot can support it.

13 I think the hardship is that he's encumbered by  
14 the change in the ordinance some years ago, and also that  
15 you're on two front yard setbacks, which further constrains  
16 the size of the building.

17 So anyhow, but he still has to get to four votes,  
18 and if there's no four votes there, then it's an up and down  
19 vote, it's not going to happen, and then you can't come back  
20 for two years.

21 So I think that if we -- my suggestion is that we  
22 step back from tonight to just Board members what, you know,

1 your thought is on it. Maybe you can relook at it.

2 Mr. Plumb, if you can suggest what the Board  
3 members have said and take another relook at it, maybe both  
4 sides can take a relook at this and come back another night,  
5 and see if we can't come to some agreement? Does that make  
6 sense, Board members and Mr. Plumb? Yes? No?

7 JIM MONTEVERDE: Makes sense to me.

8 BRENDAN SULLIVAN: Sure. Okay.

9 ANDREW PLUMB: It makes sense to me, I just would  
10 request any level of specificity of what I can do, you know,  
11 that would be helpful.

12 BRENDAN SULLIVAN: Okay.

13 ANDREW PLUMB: It's difficult to just say the FAR  
14 is too high. I don't -- you know, I don't know, if you tell  
15 me that the FAR has to be 0.5, I can tell you right now that  
16 the project doesn't work.

17 And, you know, so I -- it -- so is there are  
18 number, a threshold? You know, what are the things -- you  
19 just need to see that one unit's smaller? You know, is that  
20 -- so that's the kind of -- if there's any kind of specific  
21 feedback I guess of what I can look at, so that I can see if  
22 it's even possible, that would be --

1           BRENDAN SULLIVAN: Okay, I -- yeah, I mean I  
2 cannot add anything more than what I've said. I mean, I  
3 support what is before us. Jim, can you --

4           JIM MONTEVERDE: Yeah, I'd -- I wouldn't -- I  
5 don't think it would be appropriate to state a number,  
6 because we're not charged to, you know, restate the  
7 ordinance or modify the ordinance.

8           But I think the comment I made before it it seems  
9 like it does appear that with the scheme that you have to  
10 get closer to the FAR, you probably would not have two  
11 identical units side-by-side.

12           That's -- I don't know how else to suggest it.  
13 They're either smaller than what they are now, and I kind of  
14 agree with Brendan that I don't see -- they're not large by  
15 any means, but it basically suggests they're not the same.  
16 They're not identical. One may still be a three bedroom;  
17 one is something else.

18           BRENDAN SULLIVAN: Okay, and --

19           JIM MONTEVERDE: And you may make the decision  
20 that that's not -- you can't market that. You can't finance  
21 that. You can't do that. Just asking you to take a look at  
22 that.

1           ANDREW PLUMB: I understand.

2           BRENDAN SULLIVAN: Okay. Andrea, any -- can you  
3 add to the discussion?

4           ANDREA HICKEY: So I am really aligned with Jim on  
5 this. And what I can say is I don't need to see 0.5.  
6 That's not what I'm looking for here. I certainly am  
7 willing to make a compromise.

8           And if Mr. Plumb comes back and says that this is  
9 the only viable project, it's either what he's presented  
10 tonight or nothing, then I'd make a decision at that time.

11           But I'd like to see a little exploration about  
12 perhaps two units that are not equal in size as presented  
13 this evening.

14           BRENDAN SULLIVAN: Okay, Matina, any comments,  
15 guidance at this point? Anything else you'd like to add?

16           MATINA WILLIAMS: No. If you can come back and,  
17 you know, if we could see something different where the FAR  
18 does come down, we could create -- sorry, I'm losing my  
19 voice --

20           BRENDAN SULLIVAN: All right.

21           MATINA WILLIAMS: I think we said -- oh, sorry.

22           BRENDAN SULLIVAN: Okay.

1           MATINA WILLIAMS: I think we stated to another  
2 developer a few weeks ago --

3           BRENDAN SULLIVAN: Yep.

4           MATINA WILLIAMS: -- that, you know, you buy these  
5 lots and you, you know, try and max out your money. And we  
6 understand that, but we still have rules that we follow.  
7 And so, that neighborhood's not overbuilt and things aren't  
8 overbearing.

9           And I do take into account that you did do a lot  
10 of outreach with the -- the community. I do. And that's,  
11 you know, part of my hangup is, like, okay, the community is  
12 -- is -- is agreeing. How can we come to a great, a good  
13 compromise?

14          BRENDAN SULLIVAN: Okay.

15          MATINA WILLIAMS: And it may be that when you come  
16 back you may say, "This is the only viable option for  
17 yourself."

18          BRENDAN SULLIVAN: All right. Matina, thank you.  
19 That was very good. Let me make a motion, then. Andrea,  
20 I'm going to continue this matter to April 13, 2023 at 6:00  
21 p.m. on the condition that you change the posting sign to  
22 reflect the new date of April 13, 2023 at 6:00 p.m.

1 Any new submittals not in the file, dimensional  
2 form, supporting statements, be submitted by 5:00 p.m. on  
3 the Monday prior to the April 13, 2023 hearing.

4 We already have a waiver of statutory time for a  
5 hearing and a decision to -- so that is not the issue.

6 On the motion, then, to continue this matter to  
7 April 13, Jim Monteverde?

8 JIM MONTEVERDE: In favor.

9 BRENDAN SULLIVAN: Andrea Hickey?

10 ANDREA HICKEY: Yes.

11 BRENDAN SULLIVAN: Laura Wernick?

12 LAURA WERNICK: Yes.

13 BRENDAN SULLIVAN: Andrea Hickey?

14 ANDREA HICKEY: Yes, in favor.

15 BRENDAN SULLIVAN: Matina Williams?

16 MATINA WILLIAMS: Yes, in favor.

17 [All vote YES]

18 BRENDAN SULLIVAN: And Brendan Sullivan yes. Five  
19 affirmative votes to the continuance. This matter is  
20 continued to April 13, 2023, at 6:00 p.m. See you then,  
21 Andrew.

22 ANDREW PLUMB: Thank you.

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(7:17 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
Jim Monteverde, Laura Wernick, and Matina Williams

BRENDAN SULLIVAN: Going to the Regular Agenda,  
the Board will now hear Case No. 209310 -- 65 Sparks Street.

ADAM DASH: Good evening, Mr. Chair. Can you hear  
me?

BRENDAN SULLIVAN: Yes.

ROBERT TAGIURI: Good evening. This is Attorney  
Adam Dash, at 48 Grove Street in Somerville. D-a-s-h,  
representing the applicants.

BRENDAN SULLIVAN: All right. Adam, are you aware  
of the letter from Bob --

ADAM DASH: I am.

BRENDAN SULLIVAN: -- Tagiuri?

ADAM DASH: Yes.

BRENDAN SULLIVAN: Okay. And he is requesting,  
because his counsel is out of the country and not available,  
to postpone this for at least two weeks. Are you amenable  
to that at all, before we open it up?

ADAM DASH: Yeah, there's more to this, Mr. Chair,

1 if I may -- I don't want to get into a whole lot of detail  
2 about this. I have talked to his counsel over the past week  
3 or so and including several times today. He may be out of  
4 the country, but I have been able to reach him.

5 I would note that I do appear before this Board  
6 from time to time and I did want to respond. I feel like I  
7 was personally called out in some of those letters, and I  
8 don't believe that the facts are correct.

9 Because I have been in touch. As I said, we did  
10 have some discussions about this through Counsel. I don't  
11 want to get into that. It's not really relevant to the  
12 record.

13 We were unable to resolve Mr. Tagiuri's demands,  
14 but I don't want the Board to think that I or my clients  
15 were somehow ignoring him or not talking to him or not  
16 working through counsel.

17 There was a brief hiccup where I played phone tag  
18 with the lawyer, but we've spoken off and on a bit today as  
19 well as e-mailing. So I think -- and we were both of the  
20 agreement that -- both counsel are in agreement that this  
21 matter as far as resolving is at a dead end. So there's  
22 really no point in putting it off.

1           So we would rather go forward.

2           BRENDAN SULLIVAN: Okay. All right. Well, if you  
3 want to proceed, then let me read the -- it just came in  
4 today. I'm not sure if all the Board members have received  
5 it. But let me just read it into the record anyhow. And it  
6 sent to Ms. Pacheco from Mr. Rob Tagiuri.

7           "I would like to request that the hearing of BZA  
8 209310 to be postponed for two weeks. The 67 Park Street  
9 Realty Trust, the owner of 67 Spark Street, and an abutter  
10 to 65 Sparks Street opposes the granting of a variance for  
11 two dormers on the roof of 65 Park.

12           "The Trust does not see the petitioners have a  
13 hardship as defined by the zoning code. However, the Trust  
14 is attempting to work out a compromise with the petitioners,  
15 which has been complicated by communication issues between  
16 our counsel and theirs.

17           "We have submitted a proposal to the petitioners  
18 via their attorney, Mr. Dash, and we await a response.  
19 James P. Mitchell, our attorney, is out of the country and  
20 he has had difficulties with phone service and Internet.  
21 Attorney Mitchell will be back in Massachusetts in a few  
22 days, facilitating a dialogue.

1 "Thank you for your attention to this matter."

2 Then there was a further correspondence today from  
3 Mr. Tagiuri.

4 "I am representative of 67 Park Street Realty  
5 Trust." And he goes on:

6 "Over the four decades, we have maintained the  
7 architectural integrity of the building. Having worked on  
8 the exterior of property to preserve the historic façade,  
9 which includes the mansard roof.

10 "Our Building 67 abuts 65 Sparks. We oppose the  
11 variance for two dormers and a deck on the roof at 65 Park  
12 Street for three reasons. It is our interpretation of the  
13 zoning code that no hardship exists that would permit the  
14 granting of the variance.

15 "The dormers will have a negative effect on the  
16 appearance of 67 Sparks Street when the architectural  
17 integrity is violated on the roof of 65 Sparks and decrease  
18 the value of our property. The deck is adjacent to my  
19 bedroom window.

20 "The variance is granted, it is our plan to  
21 appeal. We reached to the petitioner by their attorney with  
22 a compromise proposal. They did not accept it. Thank you

1 for your attention.

2 "Mr. Tagliuri."

3 So I throw this out to the Board. If you are  
4 aware of the correspondence which came in today, and the  
5 question I throw out, and I ask for a response from Board,  
6 is whether they would proceed according to Mr. Dash's  
7 request -- he is a petitioner to counsel -- or in light of  
8 this correspondence that they feel a continuance would be in  
9 order? Jim, your thoughts?

10 And I don't mean to color the opposition's  
11 petition here, Mr. Dash, you know, it's just I want to make  
12 sure that the Board is fully aware. And I don't want to go  
13 through this whole long thing and then wind up having it  
14 continued because of this, that's all.

15 ADAM DASH: Well, I understand. I just wanted to  
16 --

17 BRENDAN SULLIVAN: You know?

18 ADAM DASH: -- note for the record that I did --  
19 after that first e-mail was sent earlier this morning, I did  
20 speak with Attorney Mitchell. I then spoke with him again  
21 after that second e-mail, of which he told me he was unaware  
22 it was being sent.

1           So I have had conversations with Mr. Mitchell off  
2 and on --

3           BRENDAN SULLIVAN: Okay.

4           ADAM DASH: -- for a while now.

5           BRENDAN SULLIVAN: All right.

6           ADAM DASH: And including several times today  
7 trying to resolve this matter with Mr. Tagiuri. And it's  
8 not going to get resolved. We can put it off two weeks;  
9 it's not going to change anything. So I'm just trying to be  
10 efficient.

11           BRENDAN SULLIVAN: Okay. All right, fine. Jim  
12 Monteverde, your thoughts on this?

13           JIM MONTEVERDE: -- I was unmuted. I would  
14 support a continuance.

15           BRENDAN SULLIVAN: Okay. Matina?

16           MATINA WILLIAMS: I have no objection to a  
17 continuance.

18           BRENDAN SULLIVAN: All right. Andrea Hickey?

19           ANDREA HICKEY: Yes. I would support a  
20 continuance as well. They're only requesting two weeks at  
21 that time. Hopefully, they can have a bit more dialogue if  
22 it doesn't result in anything. I don't think two weeks

1 would -- I support the --

2 BRENDAN SULLIVAN: Okay.

3 ROBERT TAGIURI: Thank you.

4 BRENDAN SULLIVAN: Laura?

5 ROBERT TAGIURI: May I say something?

6 BRENDAN SULLIVAN: Well, wait a minute. Let me --

7 LAURA WERNICK: No, I would -- I would be in  
8 support of a continuance.

9 BRENDAN SULLIVAN: Okay. I'm sorry, who spoke up?  
10 Was it Adam, or -- did you speak up, or --

11 ADAM DASH: No, that wasn't me.

12 BRENDAN SULLIVAN: Oh. All right. So anyhow,  
13 Adam, I --

14 ROBERT TAGIURI: Excuse me --

15 BRENDAN SULLIVAN: -- throw this out is I think  
16 with the issues raised, and the abutters have raised some  
17 issues that I think that a continuance would probably be in  
18 order.

19 ADAM DASH: Well, certainly obviously that's the  
20 Board's prerogative if you like. I mean, we -- I think if  
21 we went through all of this, I mean, we're talking about a  
22 0.03 FAR variance. This is a very, very, very small thing.

1 And there are other dormers on these buildings.

2 I got to say is completely disagree with the facts  
3 that Mr. Tagiuri put out. They sound good when you read the  
4 letter, but I think when you --

5 ROBERT TAGIURI: But --

6 ADAM DASH: -- see the context, I think you'll  
7 understand what we're doing here. But obviously I can't  
8 make the Board take this tonight. So it's certainly up to  
9 you.

10 Like, I can just tell you having gone back and  
11 forth with Attorney Mitchell as recently as this afternoon,  
12 I -- it just seems like we're not -- it would be a benefit  
13 continuance for the sake of having this same conversation in  
14 two weeks.

15 It's fine, but I don't -- see, my clients here,  
16 Kiersten Kerby-Patel one of them -- has her hand up. I  
17 don't know, one of the applicants and owners of the  
18 property. Her husband, I guess, Feanil Patel, is here, but  
19 he wasn't promoted. He probably -- shortly -- I don't know,  
20 Kiersten, is there anything you wanted to add before we go  
21 forward?

22 BRENDAN SULLIVAN: All right. The thing is, I

1 don't want to get into the merits of it.

2 JIM MONTEVERDE: Right.

3 BRENDAN SULLIVAN: And -- because then we'd have  
4 to reassemble the same -- so once I start taking testimony,  
5 then we're into the merits of the case. So I would just  
6 assume hold on from that.

7 The next available date would be April 13. So  
8 just -- Mr. Dash, are you available on the thirteenth?

9 ADAM DASH: That's a good question, Mr. Chair. I  
10 can check. I would also --

11 BRENDAN SULLIVAN: It's either --

12 ADAM DASH: Yeah.

13 BRENDAN SULLIVAN: -- the thirteenth or the  
14 twenty-seventh of April.

15 ADAM DASH: No, I'm available on the thirteenth.  
16 I would note that if you may recall at the last meeting,  
17 that there was a companion case to this that the Board  
18 continued until March 23, because it would be mooted by this  
19 case. So if we bump the thirteenth, we're now out of order  
20 of the cases.

21 BRENDAN SULLIVAN: I'm sorry.

22 ADAM DASH: Aside from the fact that this has been

1 going on for a long time already.

2 ROBERT TAGIURI: Not on our end. Not your end,  
3 but on our end.

4 BRENDAN SULLIVAN: Yeah.

5 ANDREA HICKEY: Perhaps we switch the dates of  
6 those cases and take this case on the earlier date, to  
7 switch the dates, Mr. Chair?

8 ADAM DASH: If those are our choices, I think that  
9 would be -- that would be better.

10 ANDREA HICKEY: Right. I mean, the continuance  
11 request was for two weeks. Now sort of making the  
12 petitioners wait really a month and a half was not what I  
13 has contemplated when I was in support of the continuance.

14 BRENDAN SULLIVAN: Okay. On the ninth we have --  
15 March 9, we have eight, nine, 10, 11 -- we have 12 cases  
16 that night. On 03/13, we have eight, nine, ten. This would  
17 be the eleventh.

18 ANDREA HICKEY: Mr. Dash, on what night is the  
19 companion case already scheduled?

20 ADAM DASH: March 23.

21 ANDREA HICKEY: So, Mr. Chair, could we sort of  
22 switch the Sparks Street cases and put tonight's case on for

1 the twenty-third?

2 BRENDAN SULLIVAN: We could.

3 ANDREA HICKEY: And then the one on for the  
4 twenty-third onto the thirteenth?

5 BRENDAN SULLIVAN: We could do that. We can't --  
6 no, the -- we can't -- we can put another 65 Sparks Street  
7 on the twenty-third. So March 23, we already have a 65  
8 Sparks Street case.

9 ANDREA HICKEY: Right. And -- and we could add  
10 this case on it too at 65 Sparks Street.

11 ADAM DASH: Yeah, Mr. Chair, we would just need  
12 this case, this tonight's case heard first. Because the --

13 BRENDAN SULLIVAN: Right.

14 ADAM DASH: -- other one would be mooted, and we  
15 would just --

16 BRENDAN SULLIVAN: Right. So one of -- one of  
17 them will go away, anyhow.

18 ADAM DASH: Right. Right.

19 BRENDAN SULLIVAN: So Andrea, does that sound  
20 okay?

21 ANDREA HICKEY: That sounds better. Yes.

22 BRENDAN SULLIVAN: Okay.

1           ANDREA HICKEY: Again, I'd love to be able to give  
2 the petitioners the actual two weeks that's requested, but  
3 we can't really pack the schedule any more than it already  
4 is. So --

5           BRENDAN SULLIVAN: Yeah.

6           ANDREA HICKEY: -- thank you, Mr. Chair. That  
7 would satisfy me.

8           BRENDAN SULLIVAN: All right. Let me make a  
9 motion, then, to continue this matter to March 23, 2023 at  
10 6:00 p.m. on the condition that there be -- well, we have a  
11 waiver already in the file, do we?

12          ADAM DASH: You have one on the --

13          BRENDAN SULLIVAN: We do not.

14          ADAM DASH: -- companion case, Mr. Chair.

15          BRENDAN SULLIVAN: Yeah, but I would ask that you  
16 sign a waiver for this particular case, also, Mr. Dash, if  
17 you would and --

18          ADAM DASH: We can -- yeah, we can do that, yeah.

19          BRENDAN SULLIVAN: Yeah. Sign it, get it back to  
20 Maria.

21          ADAM DASH: Yes.

22          BRENDAN SULLIVAN: Have it in by at least a week

1 from today.

2 So on the condition that the petitioner change the  
3 posting sign to reflect the new date of March 23, 2023 and  
4 the time of 6:00 p.m., have the signed waiver of statutory  
5 requirement for a hearing and a decision to be rendered  
6 thereof in the file by 5:00 p.m. a week from tonight, and  
7 that any new submittals regarding this particular case --  
8 dimensional form, supporting statements, be in the file by  
9 5:00 p.m. on the Monday prior to the March 23, 2023 hearing.

10 On the motion to continue, Jim Monteverde?

11 JIM MONTEVERDE: In favor.

12 BRENDAN SULLIVAN: Andrea Hickey?

13 ANDREA HICKEY: Yes, in favor.

14 BRENDAN SULLIVAN: Laura Wernick?

15 LAURA WERNICK: In favor.

16 BRENDAN SULLIVAN: Matina Williams?

17 MATINA WILLIAMS: In favor.

18 BRENDAN SULLIVAN: And Brendan Sullivan yes.

19 [All vote YES]

20 BRENDAN SULLIVAN: On the five affirmative votes,  
21 this matter is continued to March 23, 2023 at 6:00 p.m.  
22 thank you, Mr. Dash.

1           ADAM DASH: Thank you, Mr. Chair and members of  
2 the Board.

3           BRENDAN SULLIVAN: Somehow, I lost my -- oh.  
4 Thank you very much.

5           Andrea, that was a good point. Thank you. Can  
6 always count on you --

7           ANDREA HICKEY: Thank you, Mr. Chair.

8           BRENDAN SULLIVAN: -- to do the right thing. Keep  
9 me on the straight and narrow.

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2 (7:30 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
4 Jim Monteverde, Laura Wernick, and Matina Williams

5 BRENDAN SULLIVAN: The Board will now hear Case  
6 No. 206365 -- 18 Pleasant Street. Is there anybody in --

7 MATINA WILLIAMS: Yeah.

8 BRENDAN SULLIVAN: We are in continued -- we are  
9 in receipt of a letter to -- addressed to Maria Pacheco  
10 dated February 7, 2023.

11 "This office continues to represent The Rossmore  
12 LLC and Boston Residential LLC with regard to the above-  
13 referenced Board of Zoning Appeal Case No. 2066365.

14 "The project currently pending at 18 Pleasant  
15 Street, with an upcoming schedule date of February 23. The  
16 petitioner respectfully requests a continuance from this BZA  
17 hearing date of February 23, in order to have additional  
18 time to provide an updated presentation and information to  
19 the Central Square Advisory Committee regarding the project,  
20 which is next scheduled to meet on March 1, as they did not  
21 have any meeting in February.

22 "As this is the next CSAC meeting is scheduled for

1 after the project's initial BZA hearing, we require a  
2 continuance in order to accommodate the same.

3 "As a result, the petitioner hereby respectfully  
4 requests a continuance from this date, with a request for a  
5 new continuation, continued hearing date of March 9 if  
6 available, in order to provide the petitioner sufficient  
7 time to meet with the CSAC."

8 March 9 is -- is booked. I'm going to say March  
9 23, which is 18 Pleasant Street, as a case not heard. Let  
10 me make a motion, then, to continue this matter to March 23,  
11 2023 at 6:00 p.m. on the condition that the petitioner  
12 change the posting sign to reflect the new date of March 23,  
13 2023 and the new time of 6:00 p.m.

14 Any new submittals that are not in the file  
15 tonight currently regarding drawings, supporting statements,  
16 dimensional form be in the file by 5:00 p.m. on the Monday  
17 prior to the March 23, 2023 hearing. Waiver of the  
18 statutory requirement has been signed, so that is not  
19 necessary.

20 On the motion, then, to continue this matter to  
21 March 23, Jim Monteverde?

22 JIM MONTEVERDE: In favor of the continuance.

1 BRENDAN SULLIVAN: Matina Williams?

2 MATINA WILLIAMS: In favor of the continuance.

3 BRENDAN SULLIVAN: Andrea Hickey?

4 ANDREA HICKEY: Yes, in favor.

5 BRENDAN SULLIVAN: Laura Wernick?

6 LAURA WERNICK: I'm in favor, just to let the  
7 Chair know I won't be here that evening, but this has not  
8 been heard. So I don't think that's a concern.

9 BRENDAN SULLIVAN: I'm sorry, there's a case --

10 WENDY LEISERSON: I -- yeah.

11 BRENDAN SULLIVAN: Yeah, it's a case not heard.

12 LAURA WERNICK: I'm in favor, yes.

13 BRENDAN SULLIVAN: Okay. Brendan Sullivan yes.

14 [All vote YES]

15 BRENDAN SULLIVAN: On the five affirmative votes,  
16 this matter is continued until March 23, 2023. Now, this is  
17 the last one?

18 LAURA WERNICK: Yeah, it's March 23.

19 BRENDAN SULLIVAN: I wonder if I didn't put it in  
20 the other file there? All right.

21

22

1 \* \* \* \* \*

2 (7:34 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
4 Jim Monteverde, Laura Wernick, and Matina Williams

5 BRENDAN SULLIVAN: Next case we'll here is No.  
6 207818 -- 60 Martin Street. Mr. Firouzbakht.

7 KELLY BOUCHER: Hi, I'm Kelly Boucher, an  
8 architect for the project. I'll be presenting for Mahmood  
9 Firouzbakht -- excuse me. The homeowner is here as well. I  
10 can -- at any point.

11 ANDREA HICKEY: Excuse me for one moment. Mr.  
12 Chair, I would just like to call to the attention of the  
13 people that I represented the seller of this property, I  
14 believe.

15 I don't see any conflict of interest, but I'd be  
16 happy to recuse myself if the petitioner does feel in any  
17 way that there would be a conflict.

18 MAHMOOD FIROUZBAKHT: Thank you for pointing that  
19 out, Counselor. I have no issue with that.

20 BRENDAN SULLIVAN: Okay. All right.

21 ANDREA HICKEY: Mr. Chair, then with your  
22 permission, I'll continue to sit on this case.

1           BRENDAN SULLIVAN: Yes. Any member of the Board  
2 feel that Ms. Hickey has any potential conflict?

3           JIM MONTEVERDE: No.

4           BRENDAN SULLIVAN: Not hearing any. Good. Okay.  
5 So we shall proceed then, and Ms. Hickey will be empaneled.

6           KELLY BOUCHER: Great. Is it me that shares the  
7 screen, or do you share the screen?

8           BRENDAN SULLIVAN: Kelly, yeah, which -- yep.

9           KELLY BOUCHER: Great. Thank you. A little bit  
10 of context: 60 Martin Street is a two-family home located  
11 on the corner of Martin and Wright Streets. It's located in  
12 a Res B zone. It's an existing nonconforming house for a  
13 few reasons: For a front yard both on Wright Street and on  
14 Martin Street, for GFA and for open space and lot area per  
15 dwelling unit.

16           It was, the lot over time in the 1960s was reduced  
17 when they widened both Martin Street and Wright Street, and  
18 that point made our lot slightly more nonconforming.

19           And then in 1988 there was a previous zoning  
20 application where the petitioner added a great big sort of  
21 top hat on the house, a third-story mass that was a little  
22 bit incongruous with the existing house, which you can see

1 from the photo.

2           What we're here for permission to request today is  
3 two things: One, we would like to relocate some of the  
4 existing, nonconforming GFA by removing two exterior covered  
5 porches, unenclosed -- one on Martin Street and one near the  
6 parking spaces, and taking some of that square footage and  
7 squaring off the four bays that are now on the house that  
8 sort of have 45-degree angles.

9           The house already is nonconforming for GFA. We're  
10 looking to remove more square feet than we're putting back.  
11 So by shuffling that around, we're actually creating a 20-  
12 square-foot reduction in the total GFA for the property,  
13 still nonconforming, but it's a little bit less  
14 nonconforming than it is currently.

15           And to other thing we're here to request is to add  
16 a second parking space along the Wright Street front yard.  
17 There is an existing parking space now. But we would like  
18 to provide one parking space for each house. Doing this  
19 requires that we remove that porch that's sort of yellow on  
20 that drawing.

21           The curb cut that's there now is actually the full  
22 width of both parking spaces. So that doesn't need to

1 change. And the added parking space sort of slightly  
2 adjusts our open space.

3 So if you could flip to the next slide, please?  
4 Scroll down. Here's just our Assessor's map showing on the  
5 corner of Martin and Wright. You can see our driveway is in  
6 gray, already sort of where we're looking to locate it  
7 currently.

8 Can you flip to the next slide?

9 Here are our area diagrams -- just the existing  
10 area is across the top and the proposed area is down on the  
11 bottom. So no changes in the basement. A slight removal of  
12 those two porches, which are on the first floor, and then  
13 squaring off the base, both on the first floor and the  
14 second floor, and no changes to the third floor.

15 Can you scroll to the next slide?

16 Here you can see get existing configuration open  
17 space plan is on the left. That little yellow area is our  
18 existing paved parking.

19 And you can see right now there's that covered  
20 porch and a little step that pokes into this area. We're  
21 looking to remove that, and then that would become the  
22 second parking space for the second unit of the house and

1 leaving the existing parking space there now.

2           You can scroll to the next one.

3           Here are just closer diagrams of our floor area.

4 So no changes to the basement, which is on the right-hand  
5 side. On the left, the yellow areas are the square footage  
6 that are being removed. And the pink is the square footage  
7 that we're looking to add.

8           Same -- same here. So there's the little bit of  
9 squaring of the base on the second floor as well, and no --  
10 no zoning work related to the third floor at all.

11           So here our existing and proposed elevations.  
12 Existing is across the top. And you can see that sort of  
13 the house has had a lot of incongruous additions over the  
14 years. It's got a very steep roof; it's got some angled  
15 bays with some band moulding. It's got various porches and  
16 scrolly columns and a balustrade.

17           And all of it is a little -- it's a little bit  
18 much. Sort of some of it doesn't match with each other. So  
19 our intent is to try to aesthetically clean up, simplify the  
20 fenestration.

21           Squaring the front bays will provide two separate  
22 doors for the property on Martin Street in the bottom right-

1 hand corner. You can see now you sort of have to find your  
2 way between the bays and under the porch and get in the  
3 house in a shared door, but we're looking to organize it so  
4 the three-story is one unit, they have their own door. And  
5 then the two-story is a second unit and has his own front  
6 door as well.

7 So here you can see what the bays will look like  
8 in the proposed scheme. And the other elevation on this  
9 drawing is for the front yard of Wright Street, where  
10 there's also another bay. So a hip roof, 45-degree angles.  
11 Again, we're looking to square those off.

12 You could flip the next slide as well.

13 Great. And here are just the other -- the other  
14 two elevations. So the bottom right is the elevation that's  
15 closest to the parking spaces. You can see in the upper one  
16 of there's the roofed area, there's a little bay with a  
17 gable roof that's not the same pitch as the main roof, sort  
18 of crushed adjacent to another bay.

19 And we're just trying to organize all those  
20 spaces. There's really no changes to the back elevation and  
21 all the things that are on the right-side elevation, which  
22 sort of feels like the back are pretty far towards the

1 street.

2 Can you flip to the next one?

3 And here are just some 3D renderings of what the  
4 house looks like now up at the top, and what we are  
5 proposing that that would look like after the renovations.

6 And some photos of what the house looks like,  
7 looks like originally. So that's -- that's pretty much what  
8 we're proposing to do. The GFA, just to remind everyone, is  
9 a special permit.

10 It's nonconforming now, it will be a little less  
11 nonconforming, but still nonconforming when we're done. And  
12 the second parking space is via variance request, because  
13 it's located in the front yard.

14 BRENDAN SULLIVAN: Okay. Thank you. Jim  
15 Monteverde, any questions, comments at this time?

16 JIM MONTEVERDE: A comment: I'm really not a fan  
17 of parking in the front yard. That's my comment.

18 BRENDAN SULLIVAN: Okay.

19 KELLY BOUCHER: Well, there --

20 BRENDAN SULLIVAN: Andrea?

21 KELLY BOUCHER: -- there -- oh. I was going to  
22 say there already is an existing parking spot in the front

1 yard.

2           And by getting another car in there, within its  
3 own curb cut, we're actually not affecting any of the street  
4 parking that's there now. And we would be taking away a  
5 street spot and providing a place where the homeowners could  
6 electrically charge their car --

7           JIM MONTEVERDE: Yep.

8           KELLY BOUCHER: -- which isn't something that they  
9 would be able to do if they had to park on the street.

10          JIM MONTEVERDE: Mm-hm. Thank you.

11          BRENDAN SULLIVAN: Andrea Hickey, any questions,  
12 comments at this time?

13          ANDREA HICKEY: Yes. If I could just ask the  
14 petitioner's representative to confirm with respect to open  
15 space, there's no net change. Is that accurate?

16          KELLY BOUCHER: There is a slight net change -- if  
17 we go back, I'm not sure if you have the dim form? There's  
18 a slight net change in the useable open space, but not the  
19 overall open space of the lot.

20          Because we're changing the front on just sort of  
21 right above there -- can you scroll a little bit down so we  
22 can see the whole floor plan? Oh, the other way, sorry.

1 BRENDAN SULLIVAN: Okay.

2 KELLY BOUCHER: The whole site plan for example?  
3 Sorry. We are removing a little bit of the permeable, but  
4 not any of the usable.

5 ANDREA HICKEY: And is that --

6 KELLY BOUCHER: You practically can see on here in  
7 the existing there's that little bit of green that's not  
8 quite 15 at the end of the parking space, and all of that  
9 gets slightly reconfigured in our proposed option.

10 ANDREA HICKEY: All right.

11 KELLY BOUCHER: So right now, but to answer your  
12 question, our usable existing open space is at 17.9 percent.  
13 Our proposed is at 17.8 percent, which is a 1 percent -- a  
14 0.1 percent reduction.

15 ANDREA HICKEY: All right. And what is the best  
16 plan in your presentation to illustrate how close the  
17 proposed parking spaces will be to the structure? Is it the  
18 plan that's up now, or is there a better plan to illustrate  
19 that?

20 KELLY BOUCHER: It would probably that plan.  
21 Right now, there's 19.1 feet between the side lot line and  
22 the house. Two 8.5' parking structures is 17', so you would

1 be two feet off of the existing wall of the house, with the  
2 proposed parking spots if they were parked in a -- in a  
3 configuring sized parking space.

4 ANDREA HICKEY: Yeah. I can say I don't love  
5 that. One of my pet peeves is sort of parking too close to  
6 the structure. I know Mr. Monteverde's comment was relative  
7 also to adding a second space. I'll withhold my final  
8 decision on that issue.

9 But otherwise, I think you've made a nice  
10 presentation here very easy to understand, and your graphics  
11 were great. So thank you.

12 KELLY BOUCHER: Thanks.

13 BRENDAN SULLIVAN: Laura Wernick, any questions,  
14 comments at this time?

15 [Pause]

16 Laura, you're on mute.

17 LAURA WERNICK: Yeah, sorry.

18 BRENDAN SULLIVAN: There you go.

19 LAURA WERNICK: I would just echo Andrea's concern  
20 about parking right up against the house. And -- yeah,  
21 that's all for now.

22 BRENDAN SULLIVAN: Okay. Matina, any comments,

1 questions at this time?

2           MATINA WILLIAMS: No. Just one -- one question  
3 that I did have. I notice that you mentioned that they were  
4 going to do an electric vehicle. Is that happening now or,  
5 like, are they looking for that for the future for the  
6 parking?

7           ANDREA HICKEY: Mahmood, who is in the process of  
8 renovating this house now, is going to wire these parking  
9 spots for electric upgrades, if the homeowner chooses to do  
10 so. Right, Mahmood?

11           MAHMOOD FIROUZBAKHT: That's correct. We  
12 typically --

13           MATINA WILLIAMS: Oh, so --

14           MAHMOOD FIROUZBAKHT: -- will provide the outlets  
15 next to the parking area, and then the homeowners, depending  
16 on what kind of car, electric car, you know, they have, that  
17 will require a specific kind of charger. But they'll come  
18 sort of prewired for EV charging, which is something that  
19 we're basically doing in all of the homes that we're  
20 renovating now.

21           MATINA WILLIAMS: Okay. So there's no -- nobody  
22 requesting it, it's just something you want to provide?

1 MAHMOOD FIROUZBAKHT: Just sort of assuming that  
2 that's where we're headed in the future and if I -- if there  
3 was a universal charger that all cars would comply with or  
4 sort of would be compatible with --

5 MATINA WILLIAMS: Right.

6 MAHMOOD FIROUZBAKHT: We would install it on the  
7 system. You know, we don't know if someone's going to have  
8 a, you know, Ford electric or Tesla or, you know, or any of  
9 the other models.

10 MATINA WILLIAMS: Okay.

11 BRENDAN SULLIVAN: All right, let me open it --

12 MATINA WILLIAMS: Thank you.

13 BRENDAN SULLIVAN: -- let me open it to public  
14 comment. Any member of the public who wish to speak should  
15 now click the button that says, "Participants," and then  
16 click the button that says, "Raise hand."

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

20 STEPHEN NATOLA: Pattie Heyman?

21 PATTIE HEYMAN: Yes. Hi, everybody. I -- I live  
22 next door to this house on Martin Street. And I've lived

1 there for 31 years. And --

2 BRENDAN SULLIVAN: And I'm sorry, if you could  
3 just identify yourself for the record. Name, please?

4 PATTIE HEYMAN: Oh, yes. Pattie Heyman -- H-e-y-  
5 m-a-n.

6 BRENDAN SULLIVAN: Yep.

7 PATTIE HEYMAN: Want me to say anything now?

8 BRENDAN SULLIVAN: Yeah, yeah, sure.

9 PATTIE HEYMAN: Oh, okay, sure. Well, I was just  
10 commenting. By the way, Jim, do we know each other?

11 JIM MONTEVERDE: We do.

12 PATTIE HEYMAN: Jim Monteverde?

13 JIM MONTEVERDE: We do. Small world.

14 PATTIE HEYMAN: Yes! How are you?

15 JIM MONTEVERDE: Okay.

16 PATTIE HEYMAN: Anyway, I think it was Jim who  
17 described that parking area as the front of the house? Is  
18 that right?

19 BRENDAN SULLIVAN: Well, it's in the front yard  
20 setback. There are two front yard setback for zoning  
21 purposes on this house.

22 PATTIE HEYMAN: Oh, okay, okay. Because I've

1 lived -- I was going to say I've lived here 31 years, and I  
2 always considered that the side of the house.

3 BRENDAN SULLIVAN: Correct.

4 Pattie Heyman: So I didn't know that that was  
5 called --

6 [Noise]

7 Pattie Heyman: I always thought the front of the  
8 house was Martin Street, and the side of the house was  
9 Wright Street. That was my only comment.

10 Brendan Sullivan: Okay. Thank you.

11 Stephen Natola: Ryan Will?

12 Ryan Will: Hello. This is Ryan Will, 300  
13 Franklin Street. I just wanted to put in my support for  
14 this project. I think the changes look -- look very nice  
15 and I like the curb cut, already accommodating two cars.  
16 It's going to alleviate one -- one spot from somebody  
17 parking on the street, plus -- you know, with the ready-to-  
18 be charged or the prewired for the electric cars, I think is  
19 helpful in our city, where we want it to be green.

20 That's all for me.

21 Brendan Sullivan: Thank you.

22 Stephen Natola: 11 Wright?

1 CHRISTINE HATHAWAY: Hello. This is Christine  
2 Hathaway. I'm speaking for my husband, John Gazley, and  
3 myself. We live right next door to this building.

4 And we are both in very much favor of the plans.  
5 The developer has been nothing but transparent with the  
6 neighborhood.

7 And the parking we actually really do appreciate.  
8 And when people say, "The front yard" there's a space there  
9 right now. And it's -- to me I consider it a driveway spot.  
10 It's not really a -- like a yard per se.

11 But whatever language we use, I think it's a  
12 really benefit. It does provide parking off-street, which  
13 is a huge benefit personally for me. We live right next  
14 door, and we have a driveway and a garage. And it's very  
15 nice to have off-street parking.

16 So we're in favor of this. And I think it's  
17 beautiful so far. So thank you very much.

18 JIM MONTEVERDE: Thank you.

19 UNIDENTIFIED: Wow. Good thing you had your  
20 spokesperson.

21 STEPHEN NATOLA: Warren Goldfarb?

22 UNIDENTIFIED: Wait. Was your picture up there,

1 John?

2 UNIDENTIFIED: John's picture.

3 UNIDENTIFIED: Yeah. You should have gotten a  
4 photo.

5 BRENDAN SULLIVAN: Warren?

6 WARREN GOLDFARB: Sorry. I simply agree with the  
7 comments of the other neighbors. I live a couple of houses  
8 away on Gray Street. And I think they're quite right. I  
9 think the new parking does not read as a front yard; it  
10 reads as a side yard. And it's to the benefit of the  
11 neighborhood that we have an extra parking space.

12 And basically the architectural plan is -- I've  
13 looked at this house for 40 years I've lived here. And  
14 although I'll regret some of these weird excrescences being  
15 removed, I think probably it's for the better.

16 BRENDAN SULLIVAN: Okay. Thank you. Seems to be  
17 the end of the -- people calling in. There is  
18 correspondence of Sara Kimmel.

19 "I'm writing to express my support in favor of the  
20 special permit, listed by Mahmood Firouzbakht. Has kindly  
21 shared his plans with us and our neighbors, and these  
22 changes will be good for our neighborhood, 14 Wright

1 Street."

2 There is correspondence from David Lilley.

3 "As an abutter to the project, we are writing to  
4 support the zoning application by the owner. We believe  
5 this proposal -- proposed changes to the exterior of the  
6 building improve the overall appearance.

7 "The creation of an additional parking space will  
8 benefit not only the residents of these homes, but also  
9 benefit the surrounding neighborhood. Parking in this  
10 neighborhood is quite limited, and having an additional off-  
11 street parking space will alleviate the demand for on-street  
12 parking.

13 "We believe the overall design and parking area  
14 will fit in with the character of the neighborhood, and we  
15 will -- and will be a vast improvement over the prior  
16 condition of the property."

17 Alan Savenor:

18 "As abutter to the project, we are writing in  
19 support of the zoning application. We met with the owner  
20 last week and reviewed the plans. We believe the proposed  
21 changes to the exterior of the building will improve the  
22 overall appearance.

1            "In addition, the creation of an additional  
2 parking space will benefit not only the residents of these  
3 homes but will also benefit the surrounding neighbors.  
4 Parking in this neighborhood is quite limited."

5            And that is the sum and substance of  
6 correspondence. I will close the public comment part.

7            Kelly, anything else to add?

8            KELLY BOUCHER: No. I think that's it.

9            BRENDAN SULLIVAN: Okay. Mahmood, anything to  
10 add? There were some comments expressed by members of the  
11 Board if you wish to chime in at all or address them?

12            MAHMOOD FIROUZBAKHT: Well, I think in the ideal  
13 world, we would have a condition where we could provide for  
14 conforming parking spaces and create more of a buffer here  
15 just given some of the limitations of his lot.

16            We're sort of -- we're working with what we have,  
17 and the existing driveway is probably the most logical  
18 location on this property to provide for an additional  
19 space.

20            And we would be doing so elegantly. This would be  
21 paved, in all likelihood, with city brick pavers. We would  
22 provide for landscaping and lighting, and also plantings

1 around the parking area to sort of soften, you know, that --  
2 the hardscape and notwithstanding the closeness of the space  
3 to the house, we would take steps to mitigate sort of, you  
4 know, that as much as possible.

5 You know, as Kelly noted, in the 1960s, there was  
6 a taking by the city to widen both Martin Street and Wright  
7 Street.

8 And so, on both sides, the city took approximately  
9 five feet of the lot, which resulted in I think an almost  
10 700 square feet reduction of the lot size, and also reduced  
11 the front yard -- front yard setback on both sides.

12 And I was just doing the rough math. You know, if  
13 we were to go back and add that five feet in, I think we  
14 could almost and probably would be able to create conforming  
15 parking spaces with that five feet that was sort of removed  
16 as part of that taking.

17 And so, so here we are. We are really trying to  
18 do the best that we can, given the existing conditions. And  
19 so, you know, I think Kelly's done a wonderful job of  
20 accomplishing that.

21 And as you've heard, I think most neighbors would  
22 appreciate having this additional off-street parking space,

1 because this parking in this neighborhood is quite tight.

2 But happy to answer any other questions.

3 BRENDAN SULLIVAN: Okay. Thank you. Let me turn  
4 it over to the Board, and you're then, for discussions or  
5 potential vote. I guess -- let me start off, I visited this  
6 actually probably three or four times.

7 And I've come away that I would support the  
8 proposal that is before us. The parking in that area for  
9 someone who has worked in the area trying to find a parking  
10 during the day is challenging. Our streets are somewhat  
11 narrower around there. This type of time of the year,  
12 inclement weather adds to that.

13 During the other times of the years, during -- oh,  
14 street sweeping days and everybody's scurrying around trying  
15 to get off the streets and find a spot, again, is another  
16 challenge. And there is a parking space there already.  
17 Curb cut is already being created.

18 And I think that it is, as some of the  
19 correspondence has pointed out, that it would be beneficial  
20 to the neighborhood to have another car off the street and  
21 onto the lot. And yes, it's a little bit tight, but I would  
22 support it.

1           The -- I share the concern of parking too close to  
2 the structure, and that's something that I think the people  
3 are going to wind up doing anyhow, especially if they're  
4 going to have a charging station there. I think that it's  
5 going to be close proximity to the structure anyhow.

6           So I would support the proposal that in front of  
7 us to trim back some of the appendages that are on the  
8 structure, and also by adding a parking space -- albeit that  
9 vicinity, front yard setback.

10           And I share Jim and Andrea's concerns -- and even  
11 Matina had mentioned it -- that, you know, we don't like  
12 really to park in the front yards, but I think under the  
13 circumstances it's probably somewhat warranted. So that's  
14 my viewpoint on this.

15           Jim Monteverde, your continued thoughts and  
16 guidance?

17           JIM MONTEVERDE: No, I had the same comments as I  
18 did originally.

19           BRENDAN SULLIVAN: Okay. Andrea, any -- any  
20 thoughts here?

21           ANDREA HICKEY: Well, it was helpful for me to  
22 hear from the neighbors and their sort of unanimous support

1 for the second parking space. So that tips the scales a  
2 little bit for me, and I can support what's being requested  
3 here. Thank you, Mr. Chair.

4 JIM MONTEVERDE: Thank you. Laura Wernick?

5 LAURA WERNICK: Yeah, I have no comments. I can  
6 support this.

7 BRENDAN SULLIVAN: Okay. Matina Williams?

8 MATINA WILLIAMS: Yes. I agree with Andrea. I  
9 can support this with the neighbors weighing in. It was  
10 very helpful.

11 BRENDAN SULLIVAN: Great. All right, thank you,  
12 Matina. All right. Let me -- there are two forms of  
13 relief. One is the parking and that's a variance. Let me  
14 make a motion, then, to grant the request of the deviation  
15 from the parking requirement. And the Board accepts the  
16 plan as presented.

17 And I will make the motion, then, to grant the  
18 relief requests as per the plan submitted, which is  
19 entitled, "60 Martin Street, ABA design" dated 01/24/23,  
20 initialed by the Chair.

21 The Board finds that a literal enforcement of the  
22 provisions of the ordinance would involve a substantial

1 hardship to the petitioner.

2           The Board finds that the property is located in a  
3 neighborhood which has huge demand for parking, limited  
4 space, and as such -- and I will incorporate by reference  
5 comments by the abutting neighborhoods that the addition of  
6 an off-street parking space would be welcomed by and an  
7 asset to the neighborhood.

8           The Board finds that the hardship is directly  
9 located to the size and location of the building on the lot,  
10 which creates a tight area, and in order to be able to park  
11 a second car, and that the lot is encumbered by the existing  
12 ordinance regarding the dimension -- front yard dimension  
13 for a parking space.

14           That the addition off charging stations, which  
15 would be an asset to the community, further reduces the  
16 constraints and the -- imposed by the size of the parking  
17 space that is available.

18           The Board finds that desirable relief may be  
19 granted without substantial detriment to the public good --  
20 in fact, I would incorporate testimony from abutters that  
21 the public good will actually be served by the addition of  
22 this parking space and taking an additional car off the

1 road.

2 And that desirable relief may be granted without  
3 substantial detriment to the public good, or nullifying or  
4 substantially derogating from the intent and purpose of this  
5 ordinance to allow homeowners to locate vehicles off the  
6 street and onto the property, and also in close proximity to  
7 charging stations for electric vehicles.

8 On the motion, then, to grant the variance, Andrea  
9 Hickey?

10 ANDREA HICKEY: Yes, in favor.

11 BRENDAN SULLIVAN: Laura Wernick?

12 LAURA WERNICK: Yes, in favor.

13 BRENDAN SULLIVAN: Matina Williams?

14 MATINA WILLIAMS: Yes, in favor.

15 BRENDAN SULLIVAN: Jim Monteverde?

16 JIM MONTEVERDE: Not in favor.

17 BRENDAN SULLIVAN: Brendan Sullivan yes.

18 [FOUR vote YES, ONE votes NO]

19 BRENDAN SULLIVAN: On the four affirmative votes,  
20 one against, the variance is granted.

21 Now, there is a special permit request, and that  
22 is for some alterations to a nonconforming structure. And

1 you're citing protection under 8.22d?

2 KELLY BOUCHER: Yes.

3 BRENDAN SULLIVAN: All right. Let me pull that  
4 up.

5 Let me make a motion, then, to grant the special  
6 permit as per the plans submitted, initialed by the Chair,  
7 dated 01/24/23 entitled, "60 Martin Street by KDA  
8 Architecture."

9 The Board finds that it may grant a special permit  
10 for the alteration or enlargement of a preexisting  
11 dimensionally nonconforming, detached single-family dwelling  
12 or two-family dwelling not otherwise permitted in 8.22.1  
13 above, but not the alteration or enlargement of a  
14 preexisting, nonconforming use, provided there is no change  
15 in use, and that any enlargement or alteration of such  
16 preexisting, nonconforming, detached single-family dwelling  
17 or two-family dwelling may only increase a preexisting,  
18 dimensional nonconformity, but does not create a new  
19 dimensional nonconformity.

20 In order to grant the special permit, the Board of  
21 Zoning Appeal is required to find -- and does find -- that  
22 the alteration or enlargement shall not be substantially

1 more detrimental than the existing nonconforming structure  
2 to the neighborhood.

3 And that the alteration or enlargement satisfies  
4 the criteria in 10.43.

5 Under 10.43, the Board makes the following  
6 findings: That it appears that the requirements of the  
7 ordinance can be met. Traffic generated, or patterns of  
8 access or egress would not cause congestion, hazard, or  
9 substantial change in the established neighborhood  
10 character.

11 The Board finds that continued operation of or  
12 development of adjacent uses, as permitted in the Zoning  
13 Ordinance, would not be adversely affected by the nature of  
14 the proposed use.

15 The Board finds that there would not be any  
16 nuisance or hazard created to the detriment of the health,  
17 safety and/or welfare of the occupants of the proposed use,  
18 or to the citizens of the city.

19 And the Board finds that the proposed use would  
20 not impair the integrity of the district or adjoining  
21 district, or otherwise derogate from the intent and purpose  
22 of the ordinance to allow property owners to adjust, alter

1 their structure to make the structure more energy-efficient,  
2 and also more livable in today's norms.

3 On the motion, then, to grant the special permit  
4 as per the application, Andrea Hickey?

5 ANDREA HICKEY: Yes, in favor.

6 BRENDAN SULLIVAN: Laura Wernick?

7 LAURA WERNICK: Yes, in favor.

8 BRENDAN SULLIVAN: Matina Williams?

9 MATINA WILLIAMS: Yes, in favor.

10 BRENDAN SULLIVAN: Jim Monteverde?

11 JIM MONTEVERDE: In favor.

12 BRENDAN SULLIVAN: Brendan Sullivan yes.

13 [All vote YES]

14 BRENDAN SULLIVAN: Five affirmative votes; the  
15 special permit is granted.

16 COLLECTIVE: Thank you.

17 MAHMOOD FIROUZBAKHT: Thank you, Mr. Chair --

18 KELLY BOUCHER: Thank you.

19 BRENDAN SULLIVAN: Okay.

20 MAHMOOD FIROUZBAKHT: -- members of the Board.

21 BRENDAN SULLIVAN: Thank you. I'm just going to  
22 skip a little bit here and take it out of order.

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(8:09 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
Jim Monteverde, Laura Wernick, and Matina Williams

BRENDAN SULLIVAN: The next case I'm going to call  
will be 231-235 Third Street. That's 208873. That would be  
-- Mr. Anderson, are you still on the line?

DAN ANDERSON: Hello, Mr. Sullivan. I am here.

BRENDAN SULLIVAN: Okay. Let me -- I think we can  
dispose of this very quickly, and then I don't need to have  
you hanging around.

DAN ANDERSON: I appreciate it. It's always  
interesting and engaging to hear you guys. So not a  
hardship here.

BRENDAN SULLIVAN: Okay. So let me call the case  
then. The Board will now hear Case No. 208873 -- 231-235  
Third Street. So you are requesting a continuance?

DAN ANDERSON: Yes, sir. So Dan Anderson, a  
Partner at Anderson Porter Design. So on request from my  
clients to have time to further engage the neighborhood, we  
would like to request a continuance.

BRENDAN SULLIVAN: All right. Any -- and it's a

1 case not heard? We're into April 13? I'm sorry, could I  
2 have that sheet? Either April -- or April 27?

3 DAN ANDERSON: Is it a choice between the two?  
4 Because I'll take the thirteenth if it's available.

5 BRENDAN SULLIVAN: I'm sorry? Yeah, so we have  
6 four and three. Yeah. Okay. And that one of them is going  
7 to go away anyhow, so -- I know that one's going away. All  
8 right, sorry.

9 April -- April 13, Dan?

10 DAN ANDERSON: That would be outstanding. Thank  
11 you.

12 BRENDAN SULLIVAN: Okay. Let me make a motion,  
13 then, to continue this matter to April 13, 2023 at 6:00 p.m.  
14 on the condition that you sign a waiver to the statutory  
15 requirement for a hearing and a decision to be rendered  
16 thereof. That such waiver should be in the file by 5:00  
17 p.m. or one week from tonight.

18 That any new submittals be in the file -- plans,  
19 dimensional forms, supporting statements, by 5:00 p.m. on  
20 the Monday prior to the April 13 hearing.

21 And that you change the posting sign to reflect  
22 the new date of April 13, 2023 and the new time of 6:00 p.m.

1           On the motion, then, to continue this matter, Jim  
2 Monteverde?

3           JIM MONTEVERDE: In favor of the continuance.

4           BRENDAN SULLIVAN: Andrea Hickey?

5           ANDREA HICKEY: Mr. Chair, I'm going to abstain.  
6 But I don't think you need me anyway in order for the  
7 continuance to carry.

8           BRENDAN SULLIVAN: Great. Laura Wernick?

9           LAURA WERNICK: In favor.

10          BRENDAN SULLIVAN: Matina Williams?

11          MATINA WILLIAMS: In favor.

12          BRENDAN SULLIVAN: Brendan Sullivan yes.

13          [FOUR vote YES, ONE abstains]

14          BRENDAN SULLIVAN: On the four affirmative votes,  
15 this matter is continued to April 13, 2023 at 6:00 p.m.

16          DAN ANDERSON: Thank you very much. Have a good  
17 evening.

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(8:12 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
Jim Monteverde, Laura Wernick, and Matina Williams

BRENDAN SULLIVAN: All right. Returning now to  
the regular agenda, Case No. 208300 -- 65 Banks Street.

[Pause]

65 Banks?

[Pause]

RABBI HIRSCHY ZARCHI: Hello?

BRENDAN SULLIVAN: Yes. Rabbi Zarchi?

RABBI HIRSCHY ZARCHI: Yeah, hi. Good evening,  
Mr. Chair --

BRENDAN SULLIVAN: Yeah, just introduce yourself  
for the record.

RABBI HIRSCHY ZARCHI: Sure. It's -- I'm Rabbi  
Hirschy Zarchi. Some people -- known to many as Rabbi  
Hirschy. I'm here with my wife Elkie.

We come before you, Mr. Chairman, and the  
Committee this evening on your suggestion while we convened  
last time on a discussion of granting the permanent change  
of use for 65 Banks Street to serve the permanent Cambridge

1     Preschool of the Arts community that has been offering the -  
2     - the educational opportunities for our families in our  
3     neighborhood for the last several years.

4             My wife, Elkie, who's the Head of School, is here  
5     to answer any questions, along with many members of the  
6     community whom -- who are available and eager to speak if  
7     necessary.

8             But what we understood from you last time and from  
9     the long discussions we've had, this was a technicality that  
10    needed a separate scheduled hearing, because it -- it wasn't  
11    advertised as such at the time.

12            But we were thrilled to receive wonderful and  
13    enthusiastic support from Mr. Chairman and the Committee  
14    last meeting. So, you know, hopefully we can achieve that  
15    this evening.

16            BRENDAN SULLIVAN: Okay. I think in your  
17    pleadings you basically have said that even though you are  
18    on a time -- we gave you a time that it would expire, August  
19    31, 2024, and that according to your supporting statements,  
20    you are encumbered by that, because it somewhat prevents  
21    some of the people who use the day care, long-term planning.

22            And I guess also that it also inhibits some of

1 your long-term planning, financial -- also your ability to  
2 know, I guess, where the structure is going or what your  
3 future needs would be with that August 31 date hanging over  
4 your head.

5           Is that sort of a brief summation of where we're  
6 at?

7           DAN ANDERSON: Certainly.

8           BRENDAN SULLIVAN: Yeah. Okay. Let me open it up  
9 to questions from members of the Board. Jim Monteverde, any  
10 questions you have at this time?

11           JIM MONTEVERDE: No. I was just curious if there  
12 had been any neighborhood input?

13           BRENDAN SULLIVAN: Well, there is one. There's  
14 one letter that came in today from an abutter who had spoken  
15 the last time we met. And I have not had a chance to read  
16 it, because it just -- it just came to my attention. So I  
17 will read it into the record anyhow.

18           DAN ANDERSON: Okay.

19           BRENDAN SULLIVAN: So -- during public comment,  
20 but -- or maybe I should read it now, and that will help?  
21 Why don't I do that? I'm going to take this a little out of  
22 turn. This is Doris Jurisson and Reed Alexander, a

1 correspondence that came in February 23 at 10:43.

2 "To Maria Pacheco: I do not believe I will be able  
3 to attend the meeting this evening. I would appreciate if  
4 someone read this letter on our behalf. We have lived at 22  
5 Bank Street for 23 years and walked our daughter Garden  
6 Nursery School in Harvard Square, so understanding the value  
7 and need of local preschools.

8 "This is the second letter that we have written on  
9 this matter, and we have attached the original note, which I  
10 was not clear that the Zoning Board had received a copy at  
11 the time.

12 "The core of our objection to the location of the  
13 preschool at 65 Banks Street is the safety of the children  
14 during drop-off and pickup, the congestion on the street and  
15 the impact to the neighbors.

16 "Since the last meeting, we have not observed any  
17 improvement to traffic or safety issues. There are Harvard  
18 buses, delivery vehicles for a neighborhood store, FedEx,  
19 Amazon, Uber and Lyft vehicles, to name a few, going up the  
20 road as well as the neighborhood traffic.

21 "Additionally, it is an emergency route to Peabody  
22 Terrace. So fire trucks and emergency vehicles go down the

1 wrong way on Banks Street.

2 "Adding the nursery school traffic with 65  
3 children that need to be dropped off and picked up on a  
4 postage stamp-sized lot without any infrastructure to  
5 manage, support this activity creates a burden to the  
6 neighborhood.

7 "This property was not the first choice of the  
8 POTA School. And the temporary variance was based on a more  
9 appropriate location imminently becoming available.  
10 Unfortunately, that did not work out. But that should not  
11 mean that the temporary variance is granted permanence.

12 "The location does not provide fundamental traffic  
13 safety to the children, and if Harvard would make a similar  
14 proposal for a preschool, I am sure they would be required  
15 to meet basic traffic safety standards.

16 "Lubavitch of Cambridge, Inc., parking spots are  
17 full, so neither available drop-off, nor safe if they were  
18 available, given every car would need to drive in and back  
19 out during the busiest times.

20 "The Lubavitch of Cambridge, Inc. does own three  
21 other properties on the east side of Banks Street that abut  
22 each other, providing an expansive frontage area.

1           "The middle structure at 48 Banks is set back from  
2 the street, creating the potential to design a safe, off-  
3 street area for dropping off and picking up children. This  
4 area could be designed to reduce the impact to through-  
5 traffic and neighbors, as well as keep traffic out of the  
6 bike lane.

7           "While the school is providing a valuable service,  
8 it is also an institution sharing resources with its  
9 neighbor, and at the time of the day the neighborhood is  
10 overwhelmed.

11           "In the previous meeting, we heard promises for  
12 addressing this situation, but these issues have not been  
13 addressed, and the current traffic safety issue should be  
14 resolved and documented before a permanent variance is  
15 granted.

16           "We would like to see the Lubavitch of Cambridge,  
17 Inc. work with the Zoning Board and neighborhood to come up  
18 with a reasonable alternative that supports their mission,  
19 addresses the safety of the children, and reduces  
20 neighborhood impact.

21           "We don't think it's fair to allow a situation  
22 where some neighbors are so concerned about the children's

1 safety, they are afraid to use their cars during the drop-  
2 off and pickup hours.

3 "Thank you, Doris Jurisson and Reed Alexander."

4 That is the correspondence that we have received.  
5 So, Jim, digesting that, any thoughts or comments?

6 JIM MONTEVERDE: No. That's what I was curious  
7 about. Thank you.

8 BRENDAN SULLIVAN: All right. Andrea Hickey, any  
9 comments, thoughts?

10 ANDREA HICKEY: Yeah, Mr. Chair, I just have a  
11 procedural or a technical question. If we were to deny the  
12 request tonight, would that prevent the petitioners from  
13 coming back for two years, given that their current approval  
14 expires on 08/21/24?

15 I'm just, like, wondering how our decision tonight  
16 impacts that deadline that already exists?

17 BRENDAN SULLIVAN: This is --

18 ANDREA HICKEY: If I'm not asking my question the  
19 right way.

20 BRENDAN SULLIVAN: -- a request basically to do  
21 away with the August 31, 2024 hearing. If we were to deny  
22 this, my interpretation is that they would be precluded from

1 coming back for two years, because it would be an  
2 unfavorable action regarding their request.

3 ANDREA HICKEY: Right. That's my thought exactly.  
4 And I don't know whether the petitioner has sort of  
5 contemplated that.

6 Perhaps he might like to reply as to at least our  
7 interpretation that a decision tonight, especially an  
8 unfavorable one, would mean you'd have to wait two years to  
9 come back.

10 BRENDAN SULLIVAN: It would have to come back or -  
11 - and again, this is where maybe the Law Department would  
12 have an -- I did not anticipate that scenario.

13 But if we were to deny the request to do away with  
14 the original condition, then the condition stays in place  
15 until August 31, 2024. Then the question is, do they come  
16 back and then extend that?

17 ANDREA HICKEY: Or can -- my, my question --

18 BRENDAN SULLIVAN: So it's a little bit of a  
19 Catch-22, because --

20 ANDREA HICKEY: Right.

21 BRENDAN SULLIVAN: -- If we were to deny the  
22 request now, they can still operate until August 31, 2024.

1           ANDREA HICKEY: Right.

2           BRENDAN SULLIVAN: Prior to that expiration date,  
3 they potentially could come back and seek an extension of  
4 that date.

5           ANDREA HICKEY: Right.

6           BRENDAN SULLIVAN: Possibly not a doing away with  
7 it totally.

8           ANDREA HICKEY: Right. So if an extension versus  
9 eliminating it is considered a substantially different  
10 petition, then I agree with you.

11           So I'd like to put it back to the petitioner to  
12 ask have you sort of considered the ramifications of what  
13 happens tonight and how that impacts the good through date,  
14 put it that way, that you have at present.

15           RABBI HIRSCHY ZARCHI: I'm not sure I understood  
16 fully understood, you know, what you're saying, but I will  
17 make two -- I should make two points here. But we're here  
18 today because this is what we were advised to do by the  
19 Committee and the Chairman of last hearing.

20           We can come immediately back and fix this issue,  
21 because of it was -- it was no, no reason at the time why  
22 this would not be granted its permanent status, considering

1 the very wide support and appreciation for this and its  
2 essential service to the entire community.

3 So that's why we're here today, because that's  
4 what we were advised to do by the Committee.

5 With regard to the timing, please understand that  
6 on August 8, we can't run a -- most people that enroll their  
7 children and most schools are built (sic) a full year in  
8 advance at a minimum is when enrollment happens.

9 So for example, enrollment for next year, at  
10 Preschool of the Arts on 65 Banks Street, has been  
11 essentially completed already now. That's --

12 ELKIE ZARCHI: So we were on an epidemic calendar.  
13 So we're fully enrolled already for September of 2023.

14 ANDREA HICKEY: Right. No, I understand why you  
15 would want to do away with the date. And I apologize for  
16 not being as articulate as I'd like to be about the issue  
17 that I -- the potential issue that I see.

18 Are there any of my colleagues that could perhaps  
19 help me and talk through the issue that I see with the date,  
20 if this petition is denied this evening?

21 BRENDAN SULLIVAN: I think I'm starting to get  
22 into a little bit of an uncomfortable zone here and not

1 being exactly 100 percent sure that an unfavorable action  
2 tonight would preclude them from coming back with the same  
3 request that my reading of it would be that they could  
4 continue until August 24.

5 Prior to that, they could come back and ask for an  
6 extension to that, and we could set it for four years, five  
7 years, 10 years, whatever.

8 But what that does is it really pushes the  
9 calendar down to seriously affecting their operation. So  
10 what I'm uncomfortable about is I would feel better if I  
11 were to raise this scenario with the Law Department, and  
12 they gave me a legal interpretation that either I correct or  
13 that I may not be correct.

14 And because I think no matter what we decide here,  
15 if we decide unfavorable tonight, Rabbi, I think that it  
16 could have serious ramifications. And I just want to make  
17 sure that we are 100 percent correct.

18 ANDREA HICKEY: Right. That's -- that's my  
19 concern Mr. Chair. I don't know for sure either what an  
20 unfavorable decision tonight, what impact that would have on  
21 the dates certain of 08/21/24.

22 I mean, I suppose we could continue to discuss it,

1 and if it seems as if the Board is leaning toward an  
2 approval, then perhaps that discussion would be moot, Mr.  
3 Chair. But I defer to you on how you'd like to proceed.

4 BRENDAN SULLIVAN: Okay. All right. All right,  
5 so that we may be able to come back to this, Laura Wernick,  
6 what are your thoughts --

7 LAURA WERNICK: Well, I was just --

8 BRENDAN SULLIVAN: -- on the request?

9 LAURA WERNICK: Yeah. We're proceeding with  
10 discussion, right? We're not considering doing a  
11 continuation of the hearing, is that correct? I mean we're  
12 already, it's already open. We've already --

13 BRENDAN SULLIVAN: I'm sorry, I wasn't paying  
14 attention, Laura. Sorry, sorry.

15 LAURA WERNICK: Okay, so --

16 BRENDAN SULLIVAN: What was that question again?

17 LAURA WERNICK: Okay, so we're still discussing  
18 the case itself, in addition to the -- the --

19 BRENDAN SULLIVAN: The --

20 LAURA WERNICK: -- potential of what happens if we  
21 should deny it. I'm just curious to hear Rabbi Hirschy's  
22 response to the letter, and if there are any potential --

1 what he sees as issues that were raised about the issues  
2 that were raised in the letter.

3 RABBI HIRSCHY ZARCHI: Yeah, no, we're actually  
4 very eager to do that. And I'm going to turn it over to  
5 Elkie and if you'll invite the community to speak to it in  
6 terms of the, you know, I'm told that it is, is that's under  
7 those discussions of safety and other discussion.

8 The only thing I wanted to remind you is if you  
9 listen to the letter, it speaks of Amazon trucks, UPS  
10 trucks, Ubers. We have 18-wheelers parked in front of the  
11 school every day to drop off the liquor multiple times a day  
12 from the liquor store on the banks and coupled with across  
13 the street from the school there's a gut renovation going  
14 on. There's constantly construction vehicles.

15 And this is -- we don't deny that, but the point  
16 that this applies is that all this traffic is happening  
17 unrelated to the school. Most of the families who are  
18 enrolled in the school walk to school, it's a neighborhood  
19 school. And there's an amazing system in place.

20 But then I'll let Elkie -- Elkie had some other  
21 future parents who are here to speak to.

22 BRENDAN SULLIVAN: Yeah, Elkie, if you could just

1 identify yourselves, your name and the address, just for the  
2 record, for the transcripts.

3 ELKIE ZARCHI: So Elkie Zarchi. And I'm the Head  
4 of School. I will say that we live on Main Street too. So  
5 we've lived here for 25 years. And we have raised six  
6 children here, our oldest being 25 and our baby being 8.

7 So I agree that the traffic on Main Street is --  
8 you know, can be scary. But we have never, ever, run into  
9 any incident where any of our hearts started being fast.

10 And I will tell you that we have a huge parking  
11 lot -- not huge, but relatively speaking for Cambridge, we  
12 have a nice parking lot in our West Cambridge location, and  
13 we have much scarier situations there. We've never had any  
14 scary, unsafe situation happen.

15 The children are young. They're -- they hold  
16 their parents' hands if they're crossing at the crosswalk.  
17 They hold our hands if they're crossing the crosswalk.  
18 They're in buggies, they're on roads. I mean, they --  
19 they're -- I have never worried about their safety, and I  
20 worry about them, you know, 24/7.

21 I will also say that there have been a few  
22 incidents this year when a neighbor has come up to us and

1 said, 'Oh, the cars parking, you know, there's a car  
2 blocking my driveway."

3 And either Kathryn who's our Site Director and  
4 outside every single morning every morning in drop-off have  
5 run over to the car, and they have not been related to POTA.  
6 And I think, you know, we've become the easy, "Oh, it must  
7 be POTA."

8 But we're definitely not delivering there,  
9 although I'm sure some of our parents and teachers would  
10 love that. But we're not delivering there and the Amazon  
11 and FedEx trucks will be there with or without us.

12 And as a mom, and as someone who's responsible for  
13 these 66 children, we would never let something unsafe  
14 happen for even a minute, and we would not be in denial  
15 about it.

16 So I think it's true there's traffic on Main  
17 Street, but in the same way that we were able to raise our  
18 six children safely, we have great systems in place. And  
19 the children at POTA are felt -- they're safe.

20 They're, you know, these are educated parents.  
21 They've chosen our school for good reasons, with a lot of  
22 thought and with a lot of intention. And I don't think that

1 they would continue to deliver their children to us if they  
2 didn't feel safe.

3 And lastly, the only thing I will say is that it's  
4 -- it may -- I don't remember how it came about. And it is  
5 true that perhaps we were first going to be on Main Street  
6 as a temporary solution.

7 But our other centers are also over capacity. And  
8 we have a huge waitlist for all four locations. And it's  
9 hard -- it's hard to turn people away when you know that  
10 they depend on you. They depend on you to be able to go to  
11 work, to provide for their families, and be able to live in  
12 Cambridge.

13 So we have huge waitlists in all four locations,  
14 and this didn't happen because one of our locations fell  
15 through. All of our locations are full, and have, you know,  
16 very long waitlists.

17 And obviously, you know, there are doctors in our  
18 school. There are students in our school, there are faculty  
19 members, there are scientists, there's everything --  
20 artists. And we're just -- we're so blessed and feel so  
21 fortunate to be able at home for these children.

22 And it's brought, you know, we raised our children

1 on Main Street. And I keep telling you, we'll -- we've  
2 always loved living here. But the joy and the sense of  
3 community that POTA -- and this is not us, this is obviously  
4 reflective of our community.

5 But the joy and the neighborhood feel, and the  
6 family feel that it's brought to Main Street is so  
7 magnificent, and Main Street is just so alive and vibrant --  
8 full of children's laughter and people, you know, standing  
9 on the street corners just to catch up and say hello, it's  
10 really heartwarming.

11 So I hope that the Board would understand that we  
12 would never take safety lightly.

13 BRENDAN SULLIVAN: Good.

14 ELKIE ZARCHI: Honest people feel responsible for  
15 others.

16 BRENDAN SULLIVAN: All right.

17 LAURA WERNICK: Can I have a motion follow-up  
18 question, Mr. Chair? Could I have a follow-up question?

19 BRENDAN SULLIVAN: Yes. Is this Larua?

20 LAURA WERNICK: Yeah, there's -- I'm sorry, this  
21 is Laura.

22 BRENDAN SULLIVAN: Yeah.

1           LAURA WERNICK: Yes. Would it ever be appropriate  
2 to have some kind of -- or would it be at all helpful in any  
3 way even just to reduce neighbors' concerns to have a  
4 crossing guard in the morning or afternoon to assist parents  
5 as they're bringing their children to and from school?

6           ELKIE ZARCHI: I mean, we would be open to that.  
7 I don't -- I don't know if it's needed. Of course, we'd be  
8 happy to have a crossing guard. But it's not -- children  
9 aren't walking by themselves. The oldest child in our  
10 school is 5. So every child --

11           LAURA WERNICK: No, I realize that. I realize  
12 that. Thank you.

13           ELKIE ZARCHI: Yeah.

14           LAURA WERNICK: That answers my question.

15           BRENDAN SULLIVAN: Okay. Thank you.

16           LAURA WERNICK: Thank you.

17           BRENDAN SULLIVAN: Matina Williams, any comments,  
18 questions at this time?

19           MATINA WILLIAMS: No questions at this time.

20           BRENDAN SULLIVAN: Okay. Jim, going back to you,  
21 any thoughts?

22           JIM MONTEVERDE: No comments, no questions. Thank

1 you.

2 JIM MONTEVERDE: Okay. Let me open it to public  
3 comment. Any member of the public who wishes to speak  
4 should now click the button that says, "Participants," and  
5 then click the button that says, "Raise hand."

6 If you are calling in by phone, you can raise your  
7 hand by pressing \*9 and unmute or mute by pressing \*6, and  
8 you'll have up to three minutes in which to comment.

9 STEPHEN NATOLA: Eliza Haviland?

10 ELIZA HAVILAND: Hi. Thank you very much for your  
11 time. I'm glad to be here, and I appreciate the concern of  
12 the counsel and the concern of our community.

13 I've lived in Cambridge for 14 years, and one of  
14 the things I love about Cambridge is the fact that it is a  
15 neighborhood community and people care about those around  
16 them. So it's heartwarming to hear that there are neighbors  
17 on Banks Street who care about the children, and who are  
18 glad to see that they are safe.

19 You know, I think that we have a very thoughtful  
20 community, and Elkie and the team at POTA have done a  
21 wonderful job of letting the community know -- the POTA  
22 community know that there's concern in their neighborhood.

1           And the extent that there was anything that was  
2 sort of worth being of note, I think there's been a huge  
3 response to that.

4           This morning for example, in the middle of a  
5 snowstorm and an ice storm when most people were not going  
6 to work or were not being in person, the teachers for our  
7 schools so that our children could still go and be educated  
8 still showed up.

9           And as I dropped my daughter off walking, because  
10 we walk to school every day regardless of weather, a car  
11 pulled in through the driveway at Elkie's house -- Elkie  
12 and Hirschy leave their driveway at their house for cars to  
13 pull in so they're not in the road -- and four teachers got  
14 out, all carpooling together.

15           And I know for a fact that those teachers don't  
16 live together. Some of them don't even live close to each  
17 other, but they're listening and they're responding. And  
18 it's a thoughtful community. And are taking the time to try  
19 to make a difference for the neighbors who are sort of  
20 feeling concerned.

21           If we really were thinking about concern for the  
22 street anyway, I would argue that the greatest sort of

1 safety concern would be the fact that the decision was made  
2 at some point prior to put a one-way bike lane the wrong way  
3 down a one way street, so that the bikes are going the  
4 opposite direction of the cars.

5 But I would not say that the -- you know, my  
6 daughter is 3. She doesn't even -- she doesn't, you know,  
7 leave the table without asking me if she can get down. She  
8 doesn't do anything by herself. She's not going somewhere  
9 by herself and she's not unsafe.

10 And I guess I would just close by saying I have  
11 extreme confidence in Elkie and the POTA team. I have  
12 extreme confidence in their ability to care for, teach,  
13 love, and keep my child safe. And I would not send my child  
14 anywhere where I didn't feel that that was true. So I'm --

15 BRENDAN SULLIVAN: Thank you.

16 ELIZA HAVILAND: -- really grateful that they're a  
17 part of the community, and I'm grateful that they're where  
18 they are.

19 BRENDAN SULLIVAN: Thank you for calling in.

20 STEPHEN NATOLA: Emily Jacobstein?

21 BRENDAN SULLIVAN: Emily?

22 EMILY JACOBSTEIN: Hi. Emily Anne Jacobstein. I

1 am a parent of a child at POTA. I'm also a Cambridge  
2 resident. We walk our son across Harvard Yard every day and  
3 I have never doubted the safety of it.

4 I will say that child care is very, very hard to  
5 come by in this area. My husband and I both work. When we  
6 were looking for day care, we applied to nine different  
7 schools. We were so thankful when we got the e-mail from  
8 POTA. It's an incredible program.

9 And when the children are out, when they walk to  
10 the playground, they are either in the group strollers, or  
11 they'll walk holding onto a rope.

12 This past weekend, we were walking around town and  
13 my son, who's 3, asked where the rope was for safety. And  
14 then he sang to me a song about safety and safely walking  
15 around the street that he learned from his wonderful  
16 educators at POTA. I have no concerns at all about his  
17 safety when he's there.

18 And I've seen drop-off in a regular morning,  
19 pickup in a regular morning, and then as the previous  
20 speaker said, on a day like today, there were parents that  
21 were walking their kids very safely in a snowstorm to get  
22 there. It's an incredible addition to the neighborhood.

1           And for families like ourselves, if POTA wasn't  
2 there, we would have to either drive somewhere, which is  
3 going to be worse for traffic and worse for everyone, or  
4 consider moving outside of Cambridge.

5           So fully, fully support the permanent location.  
6 Thank you.

7           BRENDAN SULLIVAN: Thank you. How many people in  
8 line? 11? Okay, there's a number of people in --

9           STEPHEN NATOLA: Tuvia Tendler?

10          BRENDAN SULLIVAN: -- line to comment. So I would  
11 -- it's the Chair's discretion -- reduce the comment to two  
12 minutes, please?

13          TUVIA TENDLER: Hi. I'm Tuvia Tendler. I'd like  
14 to voice my strong support for the school and their  
15 petition. You know, I do drop-off every single morning,  
16 never saw anything that looked unsafe in the slightest.

17          There's -- you know, a large range of drop-off  
18 times. Most of the times when I'm dropping off, I see one  
19 or two other families at the same time. It's not the type  
20 of school where you have, you know, 60 kids at an exact same  
21 time.

22          And, as others have noted, you know, it's an

1 amazing neighborhood. It's in the neighborhood, walk there  
2 every day. And if -- if -- if not for that, and I walk  
3 there every day, and then, you know, pick up a bike on  
4 Cowperthwaite -- if not for that, I would have to drive  
5 somewhere and then park -- you know, drive to work  
6 afterwards, pay for parking in Boston.

7 You know, really having the school in this  
8 location makes the area just so much more livable and more  
9 pedestrian-friendly, and for me and for everyone really a  
10 better place.

11 BRENDAN SULLIVAN: Great. Thank you.

12 STEPHEN NATOLA: Caleb Neufeld?

13 CALEB NEUFELD: Good evening. Can you hear me?

14 BRENDAN SULLIVAN: Yes.

15 CALEB NEUFELD: Thank you so much for taking the  
16 time for this comment period. I've lived in Cambridge since  
17 2013. Both my son and my daughter attend POTA. My son was  
18 literally on the waitlist since he was a fetus, because  
19 child care is in such high demand here.

20 And I essentially exclusively walk both of my  
21 children every day to Banks. We hear and register the  
22 multiple remonstrations that Elkie and Kathryn have had to

1 not use the cars in a roadblocking fashion. So even today  
2 when there was the snowstorm, I was there, pushing my kids  
3 through the snow.

4 And most other parents also arrive at POTA on  
5 foot. I would also like to add that I think that the POTA  
6 is totally willing to adapt to any circumstances that might  
7 arise and is committed to being flexible. And thank you so  
8 much for your -- your listening to me. And -- well, that  
9 will be all.

10 BRENDAN SULLIVAN: Thank you for calling in.

11 STEPHEN NATOLA: Elizabeth Foote?

12 ELIZABETH FOOTE: Hi. I'm Elizabeth Foote, and I  
13 live at 29 Surrey Street. My back door is across the street  
14 from the school. And we use the back door not only for our  
15 driveway there, but also that's our main coming and going.  
16 So we do run in both on foot and in traffic from the  
17 driveway and from leaving the house.

18 I want to remind people that we're not at all  
19 insulting the school. We're talking about something that I  
20 did not consider a technicality.

21 When we agreed in 2021 to a temporary school,  
22 there was a group of about 25 people -- children in the

1 school. The neighbors talked together and said, "We let  
2 this temporary thing happen until the other part -- the  
3 other building opens."

4 It was an understanding that was blown up last  
5 year when the request was to increase to 66 children with --  
6 and an expansion to the basement without the consideration  
7 of the technicality "it's a temporary place." Without  
8 taking pictures or asking you to be here during drop-off and  
9 pickup times, it becomes a he said, she said.

10 And Doris -- all the people on the street, Doris's  
11 letter that you read that a group of us got together on, the  
12 problem is here. And it is dangerous. And we need you to  
13 know that.

14 If there were something that was going to happen  
15 that would allow for drop-off and pickup -- it's not there  
16 now -- we would certainly entertain the thought of that.  
17 The crosswalk is at the corner of Cowperthwaite and Surrey.  
18 And the next one is up at Grant Street. People drop their  
19 kids, and I know that people have spoken of walking their  
20 kids to school and that's great.

21 But it isn't safe in our street. And the  
22 temporary 25 children is blown up to 66 and it is definitely

1 less safe today than it was a year ago.

2 So we would love to see those things addressed.

3 We are very uncomfortable seeing parents drop kids off  
4 stopping on sidewalks and -- our driveway is crossed every  
5 single day. There is no one out there saying, "Don't do  
6 that." And I don't want to go out and say that.

7 I -- you know, carrying children around, 3-year-  
8 olds around is not easy. And I have great sympathy for them  
9 trying to get their kids across the street.

10 So I guess that I said what I need to say, unless  
11 you have a question.

12 BRENDAN SULLIVAN: Thank you for calling in.

13 STEPHEN NATOLA: Rachel Bernard?

14 RACHEL BERNARD: Hi, can you hear me?

15 BRENDAN SULLIVAN: Yes.

16 RACHEL BERNARD: Hi. My name is Rachel. I'm a  
17 Pediatric Critical Care Nurse Practitioner. I work at  
18 Boston Children's Hospital, and I would not be able to do so  
19 if not for POTA. As someone previously mentioned, child  
20 care is very hard to come by here in Cambridge.

21 We love the preschool and as a mandated reporter  
22 myself, if I saw anything that was suspicious at all for

1 unsafe activity, I would first mention something to the  
2 school administration as well as report, which obviously I  
3 have not seen. I feel so safe sending my child to this  
4 school.

5 And as others have mentioned, it seems like when I  
6 do drop-off and pickup when I'm not working, the majority of  
7 parents are walking their children to school and respectful  
8 of crosswalks.

9 And while it's unfortunate that sometimes we have  
10 to cross people's driveways to get from Point A to Point B,  
11 they're on the sidewalk and crossing of the driveway, what  
12 seems perfectly legal and perfectly safe. I think parents  
13 always have their children's best interest in mind, as does  
14 the school, and are doing everything to keep their children  
15 safe.

16 So I would really hope that everyone can see the  
17 value added in having this preschool and would vote  
18 accordingly.

19 BRENDAN SULLIVAN: Thank you for calling in.

20 STEPHEN NATOLA: Mara Laderman?

21 MARA LADERMAN: Hi. My name is Mara Laderman. I  
22 am a parent of a child at POTA. My daughter's been at POTA

1 for two years. I've lived in Cambridge for 15 years and  
2 would not be able to continue to live here and work if it  
3 weren't for a neighborhood preschool like POTA.

4 Like many of the other parents, I walk my daughter  
5 every day. I have never had any concerns about her safety.  
6 As many of the other parents have said, if I saw anything  
7 that was worrisome, I would certainly speak up about it.

8 You know, I think -- I think that the lack of  
9 child care in this neighborhood is a significant issue. I'm  
10 certainly sympathetic to neighbors who do have lots of foot  
11 traffic on their street. And, you know, I think living in a  
12 city, living in an urban area, having foot traffic is just  
13 kind of a fact of life.

14 And I hope that the Board will vote in support of  
15 being able to keep child care in the area for families that  
16 really need it to be able to continue to work and live in  
17 Cambridge. Thank you.

18 BRENDAN SULLIVAN: Thank you.

19 STEPHEN NATOLA: Flo Braunstein?

20 FLO BRAUNSTEIN: Hi, can you hear me?

21 STEPHEN NATOLA: Yes.

22 FLO BRAUNSTEIN: Great. Thank you very much. I

1 am a parent of two children at POTA who started this year.  
2 My son is 3 years old, and my daughter is 5 years old. It  
3 was the best decision I think we've made as parents.

4 We stayed isolated all during pandemic our own  
5 concern for my son, who has a cardiac condition. And he had  
6 never played with another child until September, other than  
7 his sister. And it's been miraculous.

8 And I couldn't be more confident than I am in the  
9 people who work at POTA and the strategy, and all the care  
10 and thought that's been put into everything that they do.

11 I'm continually surprised. I'm continually  
12 impressed with the decisions that have been made.

13 I grew up in Harvard Square, and I went to a  
14 Harvard Square preschool when I was a child. And, you know,  
15 we walked. We walked around. We learned how to be good  
16 little pedestrians, just like we learned he would to share,  
17 and our ABCs and our 123s.

18 And delivery trucks are -- delivery trucks  
19 especially now since everyone gets things from Amazon, they  
20 are a fact of life. And I was concerned due to our  
21 isolation that my children were not getting this incredible  
22 valuable skill to safeguard themselves with proper

1 pedestrian, you know, etiquette and safety.

2           And I have seen the teachers teach them, exhibit  
3 to them and keep them in line. You know, they're 3 and 5-  
4 years old. Sometimes they need gentle encouragement.

5           They've -- the teachers and the administration are  
6 taking care to help us as parents learn better how to teach  
7 them when we're doing with them. And both of my kids, you  
8 know, they look for crosswalk. They look as we cross the  
9 crosswalk. They wave to vehicles when they stop for us.  
10 You know, they pay attention when they hear a siren to look  
11 around.

12           It's -- I -- I think it's a public good for  
13 stakeholders -- you know, for the community, for all of us  
14 that children not, you know, be relegated to strip malls  
15 that their parents have to drive to to drop them off so that  
16 they never learn how to be a pedestrian in a walking  
17 community.

18           I love seeing pictures of my kids walking on the  
19 sidewalk, you know, paying attention, mailing things in a  
20 mailbox. These are valuable skills -- going to the  
21 playgrounds, the wonderful playgrounds that are in the  
22 Harvard Square area. The libraries. It's -- it's exactly

1 what I would want for them.

2 And I see the care at each level that the  
3 administration and the teachers put. They're always looking  
4 around to see if there's a situation that they can jump in  
5 and help.

6 I feel I am safer on the sidewalk when I am in  
7 view of the teacher -- when I am, you know, in view of POTA  
8 than I am at any other point in time with my children on the  
9 sidewalk. And it's just getting better and better for what  
10 they're learning.

11 BRENDAN SULLIVAN: Great. Okay.

12 FLO BRAUNSTEIN: Okay. And that's --

13 BRENDAN SULLIVAN: Please wrap it up.

14 FLO BRAUNSTEIN: Thank you.

15 BRENDAN SULLIVAN: We have a number of people on  
16 the line, so we're trying to -- yeah. All right. Thank  
17 you. Again, I would ask people to --

18 STEPHEN NATOLA: Katie Ford?

19 BRENDAN SULLIVAN: -- limit their comments to two  
20 minutes, please.

21 KATIE FORD: Yep, got it. And thanks for the time  
22 today. I am also a parent of a child at POTA. I am a

1 student at the Harvard Kennedy School. And to be honest, I  
2 had deferred one year, because it was hard to find child  
3 care. And because also my child has a cardiac condition as  
4 well.

5 And I wasn't even sure I was going to be able to  
6 go to Harvard and bring my family here from D.C. if not for  
7 POTA, which was able to give me timely acceptance to the  
8 program after having applied to many, like so many other  
9 parents here. And so I'm so incredibly grateful to it.

10 In terms of Banks Street, I heard the arguments as  
11 to why Banks Street was trafficked. And I agree that, you  
12 know, of course there's trucks all over Cambridge. And it's  
13 not unique to Banks Street. And certainly there's other  
14 ways for emergency vehicles to access the Harvard buildings.  
15 I know there's back ways there.

16 And in terms of what POTA has taught my daughter,  
17 I mean, I second everyone's opinion that they taught my  
18 daughter how to cross the street. And she actually sings  
19 the same song about how to cross the street. And when POTA  
20 heard the concerns from the community about the parking  
21 situation and they sent a very detailed note to all of the  
22 parents asking them be cognizant as we do drop-off.

1           I try to walk my child whenever I can, but I  
2 sometimes do drive her. And I'm very cognizant of the  
3 neighborhood and making sure I don't park in anyone else's  
4 space or block anyone's driveway. And I hold my daughter's  
5 hand across the street.

6           Finally, I'll just close with that -- this is  
7 actually my younger daughter, I do have an older daughter --  
8 and I have to say I had a great preschool back in the D.C.  
9 area, but POTA just has gone far above and beyond in the  
10 services that they can provide. And it's so critical to  
11 have a wonderful preschool like they have a wonderful  
12 preschool like POTA close to Harvard Square, especially for  
13 people in my situation.

14           Thanks so much.

15           BRENDAN SULLIVAN: Thank you. How many more have  
16 we got? Again, we're going to ask people if they would be  
17 brief --

18           STEPHEN NATOLA: Frannie Weinograd?

19           BRENDAN SULLIVAN: -- in their comments. We get  
20 it. So.

21           FRANNIE WEINOGRA: Hi. My name is Frannie  
22 Weinograd. And I have a daughter at --

1           STEPHEN NATOLA: Sorry about that, Frannie.

2           BRENDAN SULLIVAN: Okay.

3           FRANNIE WEINOGRAD: Can you hear me?

4           BRENDAN SULLIVAN: Yes.

5           FRANNIE WEINOGRAD: Okay. So I have a daughter at  
6 POTA, and I just want to say thank you to the community for  
7 worrying about the children's safety.

8           But you don't have to worry. The teachers at POTA  
9 are the most attentive grownups that -- they care about the  
10 kids, they listen to the kids, they're constantly  
11 interacting with them and seeing how they can help them  
12 navigate what's around them.

13           My daughter knows how to cross the street because  
14 -- she tells me to look left and right, and left. She's  
15 telling me. She's teaching me things that I didn't learn as  
16 a kid that she knows as a little kid.

17           She -- the -- the -- the administration's very  
18 flexible, like the previous callers said. We got an e-mail  
19 explaining how the -- what we should do at drop-off and  
20 pickup.

21           The Zarchis are the most -- they're gems of  
22 people. They really are the best partners to work with.

1 And I think their goal is to have a peaceful neighborhood.  
2 And we all want to work towards that. So, you know, I think  
3 that strong support for POTA.

4 BRENDAN SULLIVAN: Thank you.

5 STEPHEN NATOLA: Elchanan Mossel?

6 ELCHANAN MOSSEL: Hey, hi good evening. I just  
7 want to echo what so many of the parents have said. We have  
8 two kids at POTA. And we actually felt -- all the kids, we  
9 had two other day cares in Cambridge, and I think this is  
10 the safest drop-off among the three day cares that we tried  
11 in Cambridge.

12 It is a city. We have to be careful. Most of the  
13 days we walk -- it's about 10 minutes' walk from where we  
14 live. Today, for instance, we drove. We found a parking --  
15 a legal parking spot on Putnam Street. We walked for  
16 another five minutes.

17 I think most of the parents are very, very careful  
18 and very aware of the neighborhoods and the parking rules of  
19 Cambridge.

20 And what I'm learned, especially from my other  
21 kid, is that he's so disciplined about crosswalks, that I'm  
22 often being -- he's often comments on, you know, how unsafe

1 I am. And I don't cross at the middle of the crosswalk  
2 very, very carefully.

3 So I think you know the safety of the children is  
4 really a very high priority for the day care. And this is  
5 an amazing day care, so we love it. And for us, life would  
6 be more difficult -- more commute, more congestion -- and we  
7 wouldn't get the quality of education that we get. So I  
8 support --

9 BRENDAN SULLIVAN: Thank you. Thank you for  
10 calling in.

11 STEPHEN NATOLA: Nina?

12 NINA FORZIKI: Hello. Hi. I'm sorry. I'm on a  
13 plane, but I felt this was really important and I wanted to  
14 just comment. My son is a 3-year-old who's been at --

15 THE REPORTER: Can you please provide --

16 NINA FORZIKI: Sorry. My name --

17 BRENDAN SULLIVAN: Yeah, please give your --

18 NINA FORZIKI -- is --

19 BRENDAN SULLIVAN: -- your name and address,  
20 please.

21 NINA FORZIKI: My name is Nina Forziki (phonetic).  
22 And I am at 10 Ellery Street. And I am a mother of a 3-

1 year-old who goes to POTA.

2           And I just wanted to add that I feel like the most  
3 dangerous walk or biking to the school every day, and I'll  
4 actually -- the most dangerous part is crossing Mass Ave,  
5 which is funny. So when we get onto Banks Street, I always  
6 have a sigh of relief.

7           And I just want to support -- and I'm also  
8 thankful that the neighbors care so much and that we will be  
9 respectful of the neighbors as well, as much as they care,  
10 are respectful of our children. So thank you so much.

11           BRENDAN SULLIVAN: Thank you.

12           STEPHEN NATOLA: James Williamson?

13           BRENDAN SULLIVAN: James?

14           JAMES WILLIAMSON: Yeah. Can you hear me?

15           BRENDAN SULLIVAN: Yes.

16           JAMES WILLIAMSON: So thank you. I wasn't  
17 planning to speak to this, but listening to the comments, it  
18 occurs to me to make a contribution that might be --

19           BRENDAN SULLIVAN: You still live at 1000 Jackson  
20 Place?

21           JAMES WILLIAMSON: Oh, oh, oh, yeah. Sorry.

22           Actually, 30 Churchill Ave. They're tearing down Jefferson

1 Park.

2 BRENDAN SULLIVAN: Oh, that's right. Okay.

3 JAMES WILLIAMSON: Yeah. So listening to the  
4 speakers as I'm waiting for another case, it occurs to me  
5 the key thought is, you know, I hear a lot of people who  
6 obviously have kids who go to the school, the preschool and  
7 are happy, very happy about the situation.

8 But there is the anecdotal quality. And I think  
9 maybe not so much perhaps for this particular case, but in  
10 general, this is -- you know, we're living in a city where  
11 everybody's talking about data-driven everything.

12 And that would seem to be a situation -- this  
13 would seem to be the situation as others in the future where  
14 actual data could be easily gathered and be part of the  
15 discussion as the Board make your evaluation of the extent  
16 of a potential issue here in response to however many of  
17 neighbors have been expressing their concerns.

18 So it's not just, "Well, we walk to school." I  
19 think it's like, "Okay, how many of the 60 or 65 families  
20 walk to school and how many drive? I don't think that's  
21 something that should be that hard for -- to be gathered and  
22 presented, if the Board felt that that were sufficiently

1 relevant.

2 I also remember -- I'm not going to go into the  
3 details, but years ago permits of a certain kind were  
4 distributed to people on Banks Street. Quite familiar with  
5 Banks Street, and friends of mine have lived there and  
6 around the corner for a long time going back many years.  
7 And a niece lived in Peabody Terrace.

8 I could -- I'm not going to go into the details,  
9 but you can imagine the distribution of special permits when  
10 Harvard were expanded in that neighborhood by a particular  
11 City Councillor would shed light on goes on in this city  
12 around parking sometimes. But I'll leave it to your  
13 imagination.

14 Thank you.

15 BRENDAN SULLIVAN: Thank you for calling in.

16 STEPHEN NATOLA: Kathryn Nassberg?

17 KATHRYN NASSBERG: Hi, yes. So I'm another parent  
18 of two children, one who currently has -- this is his second  
19 year at POTA -- I have another son who will be joining this  
20 fall.

21 And I also want to express my -- my support for --  
22 for POTA. I think they have done a wonderful job of keeping

1 my son safe.

2 And I know I'm another piece of -- you know,  
3 another piece of anecdotal evidence, but -- you know, we  
4 walk our son to school every morning cognizant of the  
5 traffic around us.

6 And honestly, to kind of echo the sentiment of  
7 some of the other people, I feel more relaxed once I've hit  
8 Bank Street versus some of the other, you know, walking  
9 around crossing Putnam or now that we've moved to Dana  
10 Street, of, you know, having to cross Mass Ave.

11 I also want to reiterate that POTA has made a  
12 concerted effort with parents to ensure that they are  
13 cognizant and aware of the surroundings in terms of parking.  
14 We have received several e-mails reminding -- you know,  
15 reminding parents to be aware of the situation with parking,  
16 to try to avoid it, to be respectful of the neighbors and  
17 the neighborhood in general.

18 So I think there is a very good faith effort  
19 that's being put there. So I too would like to express my  
20 support to POTA in their location there.

21 BRENDAN SULLIVAN: Right. Thank you.

22 KATHRYN NASSBERG: We couldn't do what we do

1 without -- without having them there.

2 BRENDAN SULLIVAN: Thank you. Any more? All  
3 right we're going to have three more callers, please.

4 STEPHEN NATOLA: Haley Shore?

5 BRENDAN SULLIVAN: And two minutes each.

6 DAVID SHORE: Hello. This is David Shore, husband  
7 of Haley Shore. We live at 91 Clarendon Avenue on the  
8 borderline of Somerville and Cambridge. I'm a doctor as  
9 well as a therapist, lawyer, and a parent of a student.

10 You know, I think walking kids to school in a city  
11 and walking kids in a city in general is just entirely safe  
12 and natural and part of being a parent. It's really a  
13 loving community with exceptional teachers. I -- I  
14 honestly, as many have said, I don't think safety is a real  
15 concern.

16 And I really wonder if the motivation of the  
17 letter was -- was really not around safety at all. You  
18 know, one can consider that question. In terms of, you,  
19 drop-offs it's really a narrow window of the day. And so, -  
20 - so I would think that, you know, we can think about that.  
21 It's not really all day long, it's specific times.

22 And, you know, I hate to hear that anyone's

1 inconvenienced by the cars, but I would empathize that the  
2 school has been very actively, especially in recent weeks  
3 and months -- emphasized that -- that we do need to be  
4 parking in the proprietary spaces that they make available.  
5 And I think many people has been part of that effort.

6           So the school has certainly been doing its part to  
7 -- to keep the community focused and together on, you know,  
8 regulating how people are using the public spaces during  
9 drop-off.

10           So just wanted to say that. You know, I think  
11 it's a well-meaning community and a school that deserves to  
12 be there. Thanks much.

13           BRENDAN SULLIVAN: Thank you. Two more callers.

14           STEPHEN NATOLA: Sara Greenberg?

15           SARA GREENBERG: Hi. This is Sarah Greenberg,  
16 with my husband, Amone Sheffler (phonetic). We have a  
17 daughter at POTA. We just moved this year to the area and  
18 chose to live in Cambridge because of POTA. So we see it as  
19 a remarkable educational institution. We feel incredibly  
20 safe dropping off our daughter. And we just wanted to voice  
21 our support for the school and what it's doing for the  
22 community.

1           And we're constantly reminded by Elkie and the  
2           POTA Staff about being respectful of the neighborhood. So  
3           appreciate everyone's concern.

4           BRENDAN SULLIVAN: Thank you for calling in. one  
5           more caller.

6           STEPHEN NATOLA: Avishay Sasson-Gordis?

7           AVISHAY BEN SASSON-GORDIS. Hi. Hello. Thank you  
8           very much. I'd like to thank the neighbors for the concern  
9           -- my name is Avishay Ben Sasson-Gordis, and I live on 4  
10          Athens Terrace, so also a neighbor and a parent at POTA, but  
11          also a parent at another day school, because my youngest  
12          child currently doesn't have room in a Harvard Square  
13          school.

14          And therefore, as a result of the fact that there  
15          aren't enough schools, what I do every morning is add  
16          another vehicle driving around the neighborhood to  
17          Somerville because I can't walk my other -- my second child  
18          to school.

19          So that's one perspective that I would like to add  
20          to what's been said so far, which is that the parents living  
21          in this area, either Putnam -- either on Putnam, Peabody  
22          Terrace or the vicinity, are either adding cars or walking

1 their kids elsewhere on the same street.

2           So while I'm grateful for the neighbors for their  
3 concern for my child's safety, and I'm -- I'm really  
4 heartened to hear that the concerns about parking from last  
5 year are no longer a concern -- I was on the hearing last  
6 year as well -- I would like to point out that there is an  
7 alternative cost to not enabling this in the same concern  
8 that is driving the neighbors' very well-meaning letter and  
9 voice in this meeting today.

10           BRENDAN SULLIVAN: All right. Thank you for  
11 calling in. That is the sum and substance of the call-ins.  
12 I'm going to halt the public comment portion. I -- other  
13 correspondence was from Doris Jurisson and Reed Alexander,  
14 which I read into the record initially. So.

15           I will send it back to Rabbi. Any very brief  
16 comments that you would like to make before I send it over  
17 to the Board?

18           RABBI HIRSCHY ZARCHI: Yeah, it seems -- yeah,  
19 Elkie just pointed out to me that what may have been a  
20 concern about vehicles a year ago has now -- they've shifted  
21 to the issue of pedestrians, I think.

22           I think we've been hearing that people are walking

1 across people's driveways, right? It seems to be what we're  
2 hearing from everyone is that no child walking at any moment  
3 is unaccompanied by an adult.

4 So -- you know, it's -- it's -- and listening to  
5 our families, it made me realize maybe I'm not fully  
6 appreciating the -- some of the neighbors who have expressed  
7 concern for their children. I believe it comes from a very  
8 good place, and it's heartening to know that they're  
9 concerned about the safety.

10 But I think it's been demonstrated and expressed  
11 so eloquently and compellingly by such a diverse group of  
12 parents, who are the ones who are most concerned for the  
13 welfare of their children that we're deeply appreciative of  
14 the concern, but we're -- we're actually confident about the  
15 safety of our children and the way the school is managing  
16 drop-off and pickup and any other aspect that can be in  
17 other circumstances unsafe.

18 It seems to be incredibly safe here and having  
19 vibrancy and life and joy to the neighborhood. And I think  
20 that's --

21 ELKIE ZARCHI: Yeah. I would just add, if anyone  
22 does have a suggestion on how to be even safer or even more

1 generous and respectful of our neighbors, we're obviously so  
2 willing and would love to hear recommendations and  
3 suggestions.

4 We took your suggestions last year. We sent out  
5 multiple communications about reminding parents about  
6 parking in the neighborhood, and neighborhood neighbors --  
7 and, and not blocking anybody -- anyone's driveway. We  
8 stand outside every morning.

9 So most of our parents walk, but if there are any  
10 other suggestions, we'd love to hear them, and we'll be  
11 thrilled to implement them as well.

12 BRENDAN SULLIVAN: Great. Thank you. All right.  
13 Let me send it back to the Board. Jim Monteverde, now that  
14 you have ingested and digested all the comments, any  
15 thoughts?

16 JIM MONTEVERDE: No comments. No questions.  
17 Thank you.

18 BRENDAN SULLIVAN: Andrea Hickey, any more  
19 comments?

20 ANDREA HICKEY: No, thank you, Mr. Chair.

21 BRENDAN SULLIVAN: Laura Wernick?

22 LAURA WERNICK: I'm -- I imagine that the school's

1 already done this, so this may be totally redundant, but you  
2 know having a time when the neighbors could come to speak to  
3 them specifically about whatever their concerns are.

4           You know, I think live in a neighborhood that has  
5 a school and when I -- I always have to be very careful  
6 background out of my driveway, because I have to look three  
7 times to make sure that there's not a parent and child  
8 approaching if I'm --

9           So I can see that there could be concerns that  
10 maybe haven't been articulated precisely. And so, that  
11 would be my only thought. But yeah, it was a very moving  
12 series of comments this evening. Thank you.

13           BRENDAN SULLIVAN: Thank you.

14           LAURA WERNICK: No further comments.

15           BRENDAN SULLIVAN: Matina Williams, any thoughts,  
16 comments at this time?

17           MATINA WILLIAMS: No. No comments at this time.

18           BRENDAN SULLIVAN: Okay. Are we ready for a  
19 motion, then?

20           The motion would be to eliminate the August 31,  
21 2024 special permit expiration date, and to make the special  
22 permit permanent. So that would be the motion. Any

1 comments from the Board, other suggestions or not?

2 All right. Let me take it to -- let me make a  
3 motion to grant the relief requested to make the entire  
4 building long-term day care operation use permanent under  
5 the previous granted special permits BZA 121039 and BZA  
6 172275.

7 The violations are in Article 4, 4.33b2, which is  
8 a day care use and Institutional Use Regulation. You go to  
9 4.33b2, then the Table of Uses would be the preschool day  
10 care, which is what this establishment falls under. That  
11 then says yes, it is allowed. If we go to then footnote 43.

12 Footnote 43 says yes, except in Residence C-1,  
13 which is what the zone that this location is in. And then  
14 you are subject to the Regulations under Section 4.50, which  
15 is the Institutional Use Regulations.

16 That then refers you to Section 4.56 C-1, which  
17 reading through all of that says it is allowed by means of a  
18 special permit. And we have to find that the criteria for  
19 the special permit has been met.

20 So that's how it got us all through all of that in  
21 the book to this. So let me make a motion, then, to grant  
22 the relief requested as per the application. And that the

1 requirements of the ordinance -- it appears that the  
2 requirements of the ordinance can be met.

3 The Board finds that the requirements of the  
4 ordinance have been met since the granting of the initial  
5 special permit for temporary day care use, and it is the  
6 position -- petitioner's position that the requirements of  
7 the ordinance will be -- will continue to be met under a  
8 permanent day care use of the subject property.

9 The petitioner is not changing the day-to-day  
10 operations of the day care. The petitioner is not planning  
11 to make any structural improvements to the structure on the  
12 subject property. The number of children enrolled in the  
13 program is not anticipated to increase. And sufficient  
14 parking will continue to be provided.

15 The Board finds that traffic generated, or  
16 patterns of access or egress would not cause congestion,  
17 hazard, or establish change in the neighborhood character.

18 The Board finds, again, that the petitioner's  
19 statement does not anticipate any issues under the permanent  
20 day care use, as the petitioner does not plan to change its  
21 day-to-day operation.

22 The Board finds that the continued operation of or

1 development of adjacent uses, as permitted in the Zoning  
2 Ordinance, would not be adversely affected by the nature of  
3 the proposed use.

4 As a matter of fact, the Board finds that since  
5 the inception in 2021, that the -- has not been any adverse  
6 development or impact by the proposed use. And in fact that  
7 the -- the zoning ordinance would not be adversely affected.

8 The Board finds that there would not be any  
9 nuisance or hazard created to the detriment of the health,  
10 safety and/or welfare of the occupants of the proposed use,  
11 or to the citizens of the city.

12 The Board finds that the applicant has made  
13 sufficient actions to ensure the safety of the children who  
14 use the space, the parents who drop them off, pick them up,  
15 and that the Board takes that as face value.

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

20 The Board finds that the day care use has proven  
21 to be supported by many community members, and has been  
22 fulfilling a need -- needed service in the district. The

1 permanent use will allow families to make long-term plans  
2 and the petitioner to continue to serve the families well  
3 beyond 2024.

4 The petitioner further notes -- and the Board  
5 accepts -- that the special permit granted in 2021 found  
6 that the day camp use furthers the intent and purpose of the  
7 ordinance because it encourages educational services and day  
8 care services that are not necessarily offered in the public  
9 schools, and not for the children of age who will be  
10 attending the petitioner's day care.

11 On the motion to grant the special permit, Jim  
12 Monteverde?

13 JIM MONTEVERDE: In favor of the special permit.

14 BRENDAN SULLIVAN: Andrea Hickey?

15 ANDREA HICKEY: Yes, in favor.

16 BRENDAN SULLIVAN: Laura Wernick?

17 LAURA WERNICK: Yes, in favor.

18 BRENDAN SULLIVAN: Matina Williams? Yes, in  
19 favor.

20 BRENDAN SULLIVAN: Brendan Sullivan yes.

21 [All vote YES]

22 BRENDAN SULLIVAN: On the five affirmative votes,

1 the special permit as per the application is granted.

2 RABBI HIRSCHY ZARCHI: Thank you so very much, Mr.  
3 Chairman, and Committee, if you're listening.

4 BRENDAN SULLIVAN: Good luck.

5 RABBI HIRSCHY ZARCHI: Thank you.

6 MATINA WILLIAMS: Mr. Chair, can I get five?

7 BRENDAN SULLIVAN: Yes.

8 MATINA WILLIAMS: Thank you.

9 LAURA WERNICK: Taking a five-minute break?

10 BRENDAN SULLIVAN: Yes.

11 (BREAK)

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(9:20 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
Jim Monteverde, Laura Wernick, and Matina Williams

BRENDAN SULLIVAN: The Board will now hear Case  
No. 208345 -- 41 Linnaean Street, Unit 36. Sarah Rhatigan?

Sarah?

PAMINA FIRCHOW: Hello.

BRENDAN SULLIVAN: Pamina?

PAMINA FIRCHOW: I'm Pamina Firchow. I'm the  
owner -- of the --

BRENDAN SULLIVAN: Okay.

PAMINA FIRCHOW: -- apartment.

BRENDAN SULLIVAN: All right.

PAMINA FIRCHOW: I believe that Sarah Rhatigan is  
representing me, but some -- I don't see her here on the  
list.

BRENDAN SULLIVAN: Sarah's on? Oh, okay. Pamina,  
did you want to present the case, or do you want Sarah to,  
or do you want to contact Sarah? I can go to the next --

PAMINA FIRCHOW: I had been in contact with her,  
and she and she told me that she was online. I'm not sure -

1 -

2 BRENDAN SULLIVAN: She's not coming up.

3 PAMINA FIRCHOW: Oh, she says -- she said 10  
4 minutes ago, "We're up next." Is she not online?

5 BRENDAN SULLIVAN: Apparently not. No, she is  
6 not.

7 PAMINA FIRCHOW: Okay. Well, I can start, and I  
8 hope that she logs in.

9 BRENDAN SULLIVAN: Yeah, she -- actually it's  
10 funny, because she has the next case too. So -- or I could  
11 go to the case after that, and if you want --

12 PAMINA FIRCHOW: She says, "I'm not getting  
13 promoted." So I think she's having some issue being put into  
14 the Presenter View.

15 BRENDAN SULLIVAN: Well, we're trying to get  
16 through to her now.

17 PAMINA FIRCHOW: Okay.

18 SARAH RHATIGAN: Hello?

19 BRENDAN SULLIVAN: Sarah?

20 SARAH RHATIGAN: Hi. It's Sarah Rhatigan. I'm  
21 not sure what is happening with the --

22 BRENDAN SULLIVAN: Video?

1 SARAH RHATIGAN: -- with the logging in. Yeah.  
2 I'm going to try again to go through the link. I apologize.  
3 I know it's been a long night. Let me see if I can find a  
4 way in through the usual link.

5 LAURA WERNICK: Just continue as you are.

6 SARAH RHATIGAN: I could. But this is so  
7 unsatisfying for me.

8 COLLECTIVE: [Laughter]

9 BRENDAN SULLIVAN: Well, you have the next case  
10 also, so --

11 SARAH RHATIGAN: I do. I do. I am now -- and  
12 again, I apologize. I'll start talking in a minute. I'm  
13 trying to log in through a separate link. Okay, well.

14 STEPHEN NATOLA: I can rename you to Sarah if you  
15 want.

16 SARAH RHATIGAN: Okay. Sure. I'm named as,  
17 "Asha"? Oh, I see. Okay. I'm not sure what happened there  
18 but thank you. And you can't see me, but that's all right.  
19 Great.

20 So thank you for taking this case this evening.  
21 This is from 41 Linnaean Street. And Pamina Firchow has  
22 already introduced herself. That is my client. I'm Sarah

1 Rhatigan from Trilogy Law, LLC, 12 Marshall Street, in  
2 Boston.

3 This is a variance case to seek to reestablish to  
4 condominium units as separate units. Technically, this is  
5 called a conversion to additional dwelling units, but the  
6 story here is that Ms. Firchow acquired essentially two  
7 Condominium units from her godfather quite recently.

8 Her godfather had lived in this property actually  
9 originally as a renter, and then acquired one unit, then  
10 acquired the unit directly above it in this large apartment  
11 building.

12 And then at some point in the 1990s, he did  
13 construction work to essentially combine the units by  
14 installing a stairwell that connected the fourth floor to  
15 the third floor.

16 And he maintained them as separate units in all  
17 other respects, to two kitchens, two baths, you know, no  
18 modification to the condominium documents, you know,  
19 separate Condominium association fees, and everything that  
20 would identify these as separate units.

21 However, when Ms. Firchow went to the Building  
22 Department to seek a building permit, in order to do some

1 much-needed renovations to the top floor, she was told by  
2 Inspectional Services that because the units had been  
3 connected by the stairwell, and the -- you know, fire  
4 separation had been removed, that they had been deemed  
5 merged essentially for zoning purposes.

6           And unfortunately, this building is a large -- I  
7 think it's approximately a 34-unit building that's located  
8 in both a C-2 and a Residential B district, which as you  
9 know only allow for up to -- usually up to two units  
10 approximately for, you know, sort of most unit -- most lot  
11 sizes.

12           There was no way of complying with current zoning  
13 if we were to divide what's now considered two -- one unit  
14 back into the -- those two units. So that's the reason for  
15 the variance under 5.26 and 5.31. A variance is required  
16 for us the -- again, to reestablish these as separate units.

17           Not allowing for this ischemia causing both  
18 financial and a practical hardship for Ms. Firchow, due to  
19 the difficulties that she would have renting this one large,  
20 connected unit, which does not lend itself well to doing so.

21           And also for her own reasons, she would -- she  
22 would want to be able to rent these as separate units, and

1 also would want to be able to ultimately move back in to one  
2 of these units once -- once she is back in town. I believe  
3 she's on sabbatical now.

4 So the -- you know, the hardship is -- is based --  
5 based on the, the unique circumstances of having this large  
6 preexisting, nonconforming apt building built into  
7 approximately 1922 before the City imposed such things as  
8 lot size, lot number -- I'm sorry, dwelling units per lot  
9 size requirements and, you know, resulting in a difficult  
10 situation for the current petitioner.

11 There's also some good arguments for a variance in  
12 the sense that there's really no detriment to either the  
13 neighborhood or the condominium association or the  
14 condominium of the condominium neighbors. I believe that  
15 these units have been used as separate units for many years.

16 The work that's entailed in separating the units  
17 is literally internal work, which would be to demolish the  
18 existing stairs that connect these two, and to -- to re --  
19 to separate these units in terms of fire safety.

20 And I think that's it. I do have -- we do have --  
21 obviously we have plans in the file. And I'm sorry, I'm  
22 feeling very unattached here to the system. Okay, great.

1           The plans are pretty basic. These were the plans  
2 that were submitted with the building permit. And you can  
3 see removing the existing staircase is shown on the Unit 46  
4 Demolition Plan.

5           And then you can see -- you can see on the next  
6 page, I believe, 36 where that -- where that opening will be  
7 closed up on the left side. Thank you.

8           BRENDAN SULLIVAN: Yep.

9           SARAH RHATIGAN: And I think that the other thing  
10 that's helpful is the photos that we included. So that's  
11 the outside of the building. And then here you can see the  
12 staircase, that next photo. Thank you. You can see the  
13 staircase that was installed. And, you know, removing that  
14 staircase is going to -- is going to be very beneficial to -  
15 - to both units.

16           Next photo just shows the narrow hallway leading  
17 to that stairwell.

18           And then there's just a series of photos that's  
19 just showing you how these properties are separately  
20 situated with separate egress, separate kitchens. That  
21 second kitchen is all, you know, partially demolished.  
22 There's a -- they're separate -- those wooden doors are

1 showing separate storage areas in the basement, separate  
2 trash, separate mailboxes.

3 BRENDAN SULLIVAN: Okay.

4 SARAH RHATIGAN: And that concludes the  
5 presentation.

6 BRENDAN SULLIVAN: Good. All right. Jim, any  
7 questions at this point?

8 JIM MONTEVERDE: No questions. Thank you.

9 BRENDAN SULLIVAN: Laura?

10 [Pause]

11 Laura's on mute.

12 LAURA WERNICK: No questions.

13 BRENDAN SULLIVAN: Oh, okay. Andrea?

14 ANDREA HICKEY: Just a quick question. Attorney  
15 Rhatigan, when the two units were combined, that was done  
16 pursuant to a building permit?

17 SARAH RHATIGAN: It was.

18 ANDREA HICKEY: All right.

19 SARAH RHATIGAN: Yes.

20 ANDREA HICKEY: Great. That's all I have. Thank  
21 you.

22 SARAH RHATIGAN: Thank you.

1 BRENDAN SULLIVAN: Matina?

2 MATINA WILLIAMS: No questions.

3 BRENDAN SULLIVAN: All right. And I have no  
4 questions either. Let me open it to public comment. Any  
5 member of the public who wishes to speak should now click on  
6 the button that says, "Participants," and then click the  
7 button that says, "Raise hand."

8 If you are calling in by phone, you can raise your  
9 hand by pressing \*9 and unmute or mute by pressing \*6, and  
10 you'll have up to three minutes in which to comment. We are  
11 in communication -- we are in receipt of communication from  
12 the Renzi -- R-e-n-z-i Bulger Group dated February 1.

13 "To whom it may concern,

14 "The Trustees of the Peabody Condominium  
15 Association write to support Pamina Firchow's application  
16 for a variance in order to restore the separation between  
17 unit 36 and 46 in 41 Linnaean Street, Cambridge,  
18 Massachusetts.

19 "Our Condo Association already treats these units  
20 as separate, evidenced by the following: Two separate Condo  
21 Association fees, two separate mailboxes, two separate  
22 entrances and egresses, two separate storage units, two

1 votes on the election of Trustees, and two separate deeds.

2 "Since we already treat the two units separately,  
3 we support Pamina Firchow's removal of the stairs that  
4 currently connect the two units internal on behalf of the  
5 Peabody Court Condominium Trustee Property Manager, Renzi --  
6 R-e-n-z-i Bulger Group, LLC."

7 And that is the sum and substance of any  
8 correspondence. So I will close public comment portion,  
9 send it back to Sarah for any further comments before we  
10 take it to the Board.

11 SARAH RHATIGAN: No, not unless there are  
12 questions, which we are happy to answer.

13 BRENDAN SULLIVAN: No. Apparently, there are not.  
14 So let me make a motion, then, to grant the relief requested  
15 as per the application, supporting statements, and the  
16 drawings. The drawings submitted [are] entitled, "interior  
17 renovation 41 Linnaean Street, Cambridge, A-1, A-3, A-1 and  
18 initialed by the Chair."

19 The Board finds that a literal enforcement of the  
20 provisions of the ordinance would involve a substantial  
21 hardship to the petitioner, as it would preclude the  
22 petitioner from being able to separate the two units, which

1 inadvertently were merged for zoning purposes.

2 Somewhat of a technicality -- probably the  
3 petitioner or the homeowner at the time didn't realize the  
4 consequences of combining the both units.

5 The Board finds that the hardship is owing to the  
6 existing and unique shape of the building, location of the  
7 building on the -- on the lot that straddles both Residence  
8 C-2 and Residence B.

9 As such, the density of the units, which has been  
10 de facto decreased by one, would not be allowed to increase  
11 by this one under the current zoning ordinance. And as  
12 such, the homeowner, petitioner is encumbered by the  
13 existing ordinance.

14 The Board finds that desirable relief may be  
15 granted without substantial detriment to the public good.  
16 In fact, the public good would probably be enhanced by the  
17 addition of an additional residential unit.

18 The petitioner's testimony is that it would be  
19 rental, something that is most sought after in this  
20 particular area, and that it appears that it may very well  
21 be a long-term rental initially, short-term for two rental  
22 units, and then eventually as the petitioner moves back, it

1 would be one rental unit.

2 Desirable relief may be granted without nullifying  
3 or substantially derogating from the intent and purpose of  
4 the ordinance, so that it would further the goals of the  
5 city to increase the housing stock in allowing necessary  
6 renovations and improvements to the existing housing stock  
7 to bring residential units up to code-compliance, and also  
8 more efficient, livable space.

9 On the motion, then, to grant the relief  
10 requested, Jim Monteverde?

11 JIM MONTEVERDE: In favor of the relief.

12 BRENDAN SULLIVAN: Andrea Hickey?

13 ANDREA HICKEY: Yes, in favor.

14 BRENDAN SULLIVAN: Laura Wernick?

15 LAURA WERNICK: Yes. Laura Wernick yes in favor.

16 BRENDAN SULLIVAN: Matina Williams?

17 MATINA WILLIAMS: Yes, in favor.

18 BRENDAN SULLIVAN: And Brendan Sullivan yes.

19 [All vote YES]

20 BRENDAN SULLIVAN: Five affirmative votes; the  
21 variance as per the application is granted. Good luck,  
22 Pamina.

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SARAH RHATIGAN: Thank you very much.

PAMINA FIRCHOW: Thank you.

1 \* \* \* \* \*

2 (9:37 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
4 Jim Monteverde, Laura Wernick, and Matina Williams

5 BRENDAN SULLIVAN: Okay, it being at least 7:45,  
6 the Board will hear Case No. 208880 -- 18 Clinton Street.

7 SARAH RHATIGAN: Thank you, Mr. Chairman. This is  
8 Sarah Rhatigan, Trilogy Law, LLC, 12 Marshall Street in  
9 Boston. I am here representing the petitioner, an 18  
10 Clinton LP. And that's Asha Daniere, who I believe is  
11 online.

12 And also with us are the architects from Sam  
13 Kachmar Design -- Steve Hoheb I believe is going to be here  
14 presenting with me.

15 I'll give you a brief introduction, and then turn  
16 over to Steve, who will run through some slides. Steven or  
17 Olivia, would you mind bringing up the slide presentation  
18 for us?

19 So while that occurs, this is a case that you may  
20 recall was originally filed as a special permit not heard.  
21 That case was not heard and continued. We refiled this as a  
22 variance after some advice on that issue.

1           The house -- the photo is on the left, the yellow  
2 home on 18 Clinton Street just off of Massachusetts Avenue  
3 and just outside of Central Square. This is a home built in  
4 I believe 1856. This is in the Mid Cambridge Neighborhood  
5 District and was granted -- this project was granted a  
6 Certificate of Appropriateness by the Historical Commission  
7 in the fall.

8           And Ms. Daniere actually grew up or spent some  
9 years in her younger childhood at this home. Her mother  
10 purchased it in 1983 -- Nirmal Daniere -- and lived here and  
11 rented to tenants over many decades. And it's currently,  
12 and for several decades, been a six-unit dwelling.

13           What you can't see quite so well in this photo,  
14 but you'll see it the others is that historically this was a  
15 main house, and then it was a horse barn in the back. And  
16 then over years, the two structures were combined together,  
17 when the units were divided up into what are now six, things  
18 got a little unique and hectic inside is I guess what I  
19 would say.

20           And when we go through the plans, we'll show you  
21 how the current unit sizes and dimensions are -- are very  
22 difficult and kind of unworkable.

1           Could you go to the next slide, please? Second.  
2 Third slide. Thank you. This is a good view. So the  
3 reason to be here today for a variance and special permit  
4 are -- the proposed renovations to this property are some  
5 small additions, and there are improvements in the basement  
6 and creating more livable space and bedrooms -- code-  
7 compliant bedrooms in the basement that are creating some  
8 window wells, and as a result of these, these are increasing  
9 current nonconformities in the setbacks.

10           And also the addition of these window wells, as  
11 this Board I'm sure is aware, once you change window wells,  
12 then you're changing the calculated height of the building,  
13 because the average grade is -- is changing slightly.

14           So we have -- again, there's no change in the roof  
15 height, but there's a technical increase in height because  
16 of the way the ordinance defines height.

17           And as I said, Steve will go through the plan  
18 modifications in some detail.

19           But reasons for these changes relate to both  
20 creating more code-compliant situations in the basement, and  
21 also improving some -- creating some livable space there,  
22 the additions which removed some very constrained

1 conditions, and then being able to convert this to a two-  
2 unit, as opposed to the six-unit conditions.

3 Ms. Daniere and her family want to ultimately be  
4 able to live in the rear unit, and then by the renter or  
5 perhaps more likely sell the front unit in order to be able  
6 to finance what's going to be a very, very significant  
7 renovation project.

8 Steve, I'm going to turn this over to you to run  
9 through the plans.

10 STEVE HOHEB: Thank you, Sarah. Olivia, could we  
11 go to the top of the presentation, and I'll try to  
12 officially go through the drawings. We could start on the  
13 first sheet, on the cover page. Oh, that's perfect. Thank  
14 you.

15 So as Sarah said, we're SKA. I'm Steve Hoheb.  
16 I'm here with Axel Ramirez-Palacio --

17 AXEL RAMIREZ-PALACIO: Mm-hm.

18 STEVE HOHEB: -- and Sam Kachmar. On the screen  
19 here we have two photos of the 18 Clinton residence. The  
20 image on the left is the photo of the existing house in  
21 yellow. And on the right is the proposed rendering in blue.

22 As mentioned, the property is being converted from

1 a 6-unit property down to a two-family dwelling. We met  
2 with the Historical Commission and were approved on  
3 September 6 of last year, and we were also in front of the  
4 Zoning Board for a special permit on January 12.

5 On the Board's recommendation, we are here tonight  
6 to pursue a variance to seek relief on the property  
7 conversion.

8 Next slide, please?

9 On the bottom left of the screen, we have a lot  
10 map of the building along Clinton Street.

11 Next slide, please?

12 Here we have the bird's eye renderings of the  
13 property with the proposed work for comparison. On the  
14 right along the driveway, the second floor is being infilled  
15 above the existing first-floor footprint. It is also  
16 highlighted in the following floor plans.

17 Next slide, please?

18 This shows the zoning calculations. We've added  
19 to the Zoning Board a few times and it's a unique situation  
20 where the FAR is going from a 9.6 to a 0.73, bringing the  
21 FAR into conformity. We are adding additional square  
22 footage shown in blue on the left side of the sheet.

1           We had several discussions with ISD and met with  
2 the Building Commissioner on January 9 of this year, where  
3 we ended with the understanding that the basement is exempt  
4 from the proposed FAR calculation once those six units were  
5 converted into a two-family dwelling.

6           Sarah can go into more detail if there are any  
7 questions regarding this.

8           Next slide, please?

9           These pages show the existing and proposed street  
10 views from the left side of the property. We've omitted the  
11 shrubs and bushes for visual clarity.

12          Next slide, please?

13          These street views show the front of the building,  
14 which preserve the historic detailing of the building.

15          Next slide, please?

16          On this page, the street views from down the  
17 street show how visible the property is from this angle of  
18 the street. Only a small section of the property is visible  
19 from this. The yard and rear unit can't be seen from this  
20 angle.

21          Next slide, please?

22          Here we're showing the existing and proposed

1 shadow studies of the site. The proposed work does not cast  
2 additional shadow on the neighboring properties.

3 Next slide, please?

4 Here's the basement plans. The setback lines are  
5 shown in blue, and we've highlighted the area we're seeking  
6 relief in red. And Sarah mentioned the window wells that  
7 are highlighted as the building height is increasing, due to  
8 the decrease in the average grade caused by the window  
9 wells. The roof ridge is not increasing, and the existing  
10 condition will remain.

11 Additionally, along gridline A, and between  
12 gridlines 5 and 8, the wall is being infilled as shown in  
13 the highlighted region.

14 Next slide, please?

15 On the first floor, highlighted in red along  
16 gridline A and between gridlines 4 and 8, we are seeking  
17 relief for additional windows and the infills shown in the  
18 hatch region.

19 An additional window is being added along gridline  
20 9 and between gridlines A and B on the right side of the  
21 sheet -- all covered using the following elevations.

22 Next slide, please?

1           On the second floor, the areas highlighted show  
2 the proposed area that adds square footage. On the right,  
3 along gridline 9, an additional window is being added  
4 between gridlines A and B.

5           Next slide, please?

6           On the third floor, along -- one dormer along  
7 gridline B is being widened by 30 inches but remains within  
8 the Cambridge Guideline requirements. The other dormers on  
9 the south side of the house are remaining the same size.

10           On the right, we've highlighted the skylights to  
11 within setbacks. I don't believe we need relief for the  
12 skylights, but we've highlighted these for clarity.

13           Next slide, please?

14           This is the overall roof plan, which again shows  
15 the skylights within the setbacks. The proposed roof at the  
16 rear entry is also highlighted.

17           Next slide, please?

18           This is the front elevation. And shows the  
19 preserved historic detailing. No changes needing relief  
20 here.

21           Next slide, please?

22           On the south elevation, the additional areas are

1 highlighted to show we infilled the regions above the  
2 existing first-floor footprint, along with the skylights  
3 within the setbacks.

4 Next slide, please?

5 On the -- I'm sorry, on the east elevation, two  
6 windows are within the setback. We met with the neighbors  
7 on January 9 and made the changes in an effort to address  
8 the neighbors' concern over privacy. As the windows  
9 overlook the neighbors rear yard, the horizontal window will  
10 allow for more light and provide privacy for the neighbor,  
11 for the neighbor's request.

12 Next slide, please?

13 On the north elevation, the proposed windows and  
14 skylights that are within the setback are highlighted in  
15 red.

16 Next slide, please?

17 You can scan the QR code with your phone camera,  
18 and for an aerial walk through of the project. We've also  
19 included supplementary photos of the existing house on the  
20 following pages, though you also included the existing plot  
21 plan. I believe we also have three letters of support  
22 included in the file.

1           Thanks for your time. I'll turn this over to  
2 Sarah, who can summarize the variance application. Thank  
3 you.

4           SARAH RHATIGAN: Thanks very much, Steve. Just  
5 briefly, I wanted to show you also some photos of the  
6 interior, which we thought would be illustrative of the  
7 conditions inside. Olivia or Steven, if you could just page  
8 through to the additional photos after the site plan. We've  
9 seen a bunch of street views.

10           It looks like this might not be the presentation  
11 that I had sent to you, which has photos -- additional  
12 photos. Do you have those on hand?

13           BRENDAN SULLIVAN: Well, there's photos of the  
14 property, Sarah, but --

15           SARAH RHATIGAN: If not, I can share my screen if  
16 I'm allowed to --

17           BRENDAN SULLIVAN: -- there's, yeah, there's none  
18 in the --

19           SARAH RHATIGAN: There we go.

20           BRENDAN SULLIVAN: -- file.

21           SARAH RHATIGAN: Thank you. Thank you. These are  
22 the -- these were part of the set that I had sent earlier.

1 Perfect. Thanks. So you can see some lovely basement  
2 conditions. I believe that there may have been a legal  
3 apartment in here at some point. There was some signs of  
4 that.

5 Next page, please?

6 This is showing the side entry to the basement,  
7 and then showing the entry, the basement egress in its  
8 current condition.

9 Next slides, please?

10 And you can just scroll through slowly. I just  
11 wanted to give a sense to the Board of what the, you know,  
12 kind of the cramped interior conditions and its current  
13 configuration as a six-unit, as a six-unit property.

14 Just briefly on the variance, on the hardships, I  
15 think we've touched on all these, but I just wanted to make  
16 sure that we kind of summarized for you in terms of meeting  
17 a standard of hardship, our -- our circumstances are pretty  
18 unique for this property. It's an oddly-shaped, multiple  
19 level historic home.

20 So you have the floor plates of the original home  
21 not meeting the -- the floor plates of the carriage house in  
22 the rear. And there's sort of, you know, efforts that were

1 made to connect those two buildings with the buildings, but  
2 that were not very efficient or not workable at this point.

3 The interior has been modified over decades to  
4 allow for the six units, small units, and kind of  
5 substandard units.

6 The location of the structure, the rear portion of  
7 it is very close to the left side and to the rear of the  
8 lot, so that any of those changes that we're proposing in  
9 those areas are within setbacks, and so, you know, extending  
10 existing nonconformities.

11 And also additionally being in the jurisdiction of  
12 the Mid-Cambridge Neighborhood Conservation District, this  
13 constrains in some ways what one could do with the property  
14 in order to, you know, sort of accommodate the needs of  
15 modernizing, bringing code-compliance and doing so within  
16 the ordinance restrictions.

17 So we hope that the Board sees this as a valuable  
18 property, a valuable project that really works within an  
19 existing historic structure, finds a -- you know, a way of  
20 redeveloping it and to provide quality housing.

21 There's really low to no impact on abutters, and  
22 none of the negative impact that you sometimes are concerned

1 about, and also is encouraging the preservation and reuse of  
2 the existing home.

3 And we are happy to answer your questions.

4 BRENDAN SULLIVAN: Okay. Jim Monteverde, any  
5 questions at this time?

6 JIM MONTEVERDE: I see a Certificate of  
7 Appropriateness from the Mid-Cambridge Neighborhood  
8 Conservation District Commission dated September 7 of last  
9 year. Have those --

10 SARAH RHATIGAN: Yes.

11 JIM MONTEVERDE: -- comments been incorporated in  
12 the set that's dated February 20?

13 SARAH RHATIGAN: I'm going to ask Steve to comment  
14 on it specifically. But my recollection is that none of the  
15 comments requested any modifications to the design. There  
16 were some requests with respect to landscaping. Were --

17 JIM MONTEVERDE: Well, the planting is pervious --

18 SARAH RHATIGAN: -- there any comments, Mr.  
19 Monteverde --

20 JIM MONTEVERDE: -- paving, and it says -- yep,  
21 consider delineating the addition from the original house on  
22 the façade facing the driveway, such as a corner board or --

1 SARAH RHATIGAN: Mm-hm.

2 JIM MONTEVERDE: -- changing color tones, and then  
3 consider keeping the more visible chimney above the roofline  
4 or install chimney to preserve, da-da-da-da-da.

5 And then consult CHC Staff on paint colors and  
6 details. It's those last three.

7 SARAH RHATIGAN: Okay. Sure. Steve, are you able  
8 to respond to those?

9 STEVE HOHEB: Yeah, yeah. So -- yes, we  
10 incorporated all those changes. The -- the Board had  
11 mentioned that in regards to color, that was -- that they  
12 had urged us to proceed with a more [connection  
13 interference] color.

14 But they -- they had also stated that it was a  
15 down to the owner's preference as to the overall color  
16 selection. But we have incorporated all those changes.

17 JIM MONTEVERDE: Okay. I'm looking at the proposed  
18 site axonometric. Is there a chimney somewhere I'm not  
19 seeing in the proposed?

20 STEVE HOHEB: There's not a chimney, just because  
21 there was a discussion as to whether or not to go all-  
22 electric or to remain gas powered. And the only reason to

1 keep the chimney was for, like, gas exhaust.

2 So just as a decorative element itself in the  
3 historical discussion, we talked about it's sort of an  
4 antiquated element, and that it would only -- they've only  
5 been utilized in that building not for fireplaces, but just  
6 for ventilation of old equipment.

7 JIM MONTEVERDE: Yep.

8 STEVE HOHEB: So it was kind of discussed that it  
9 would be let go.

10 JIM MONTEVERDE: Okay. But that's the discussion  
11 you had with the Conservation District Commission?

12 STEVE HOHEB: Yep, correct.

13 JIM MONTEVERDE: Okay. Thank you. That's all.

14 STEPHEN HISERODT: Andrea Hickey, any questions,  
15 comments at this time?

16 ANDREA HICKEY: I have no questions, Mr. Chair.

17 BRENDAN SULLIVAN: Laura Wernick, any questions,  
18 comments?

19 LAURA WERNICK: How long -- how many -- I didn't  
20 catch, I'm sorry -- how many bedrooms are in the proposed?  
21 The new home? The front home?

22 STEVE HOHEB: There are -- for the new home

1 there's a total I believe of seven bedrooms between the two  
2 units.

3 LAURA WERNICK: Between the two units, there's  
4 seven?

5 STEVE HOHEB: Correct.

6 LAURA WERNICK: Okay. Thank you.

7 BRENDAN SULLIVAN: Matina Williams, any questions,  
8 comments at this time?

9 MATINA WILLIAMS: No. Not at this time.

10 BRENDAN SULLIVAN: Thank you. Let me open it to  
11 public comment. Any members of the public who wish to speak  
12 should now click the button that says, "Participants," and  
13 then click the button that says, "Raise hand."

14 If you are calling in by phone, you can raise your  
15 hand by pressing \*9 and unmute or mute by pressing \*6, and  
16 you'll have up to three minutes to comment.

17 There appears to be nobody calling in. We are in  
18 receipt of correspondence from Asha Daniere, A-s-h-a D-a-n-  
19 i-e-r-e. It's addressed to Maria Pacheco.

20 "I am the homeowner of 18 Clinton Street. Sarah  
21 Rhatigan is away this week, so I am forwarding the below e-  
22 mail I received in support of our application to you

1 directly."

2 This is from Molly Howard, M-o-l-l-y Howard, H-o-  
3 w-a-r-d.

4 "Hi, Asha. I am Molly and together with my  
5 husband Nick Nanda, N-a-n-d-a, we own 15 Clinton. Thanks  
6 for your nice note. We're excited to see the continued  
7 improvement of houses on Clinton Street and are supportive  
8 of your renovation plan. Good luck with all of the zoning  
9 permitting processes.

10 "Best, Molly."

11 We are in receipt of a Certificate of  
12 Appropriateness from the Mid-Cambridge Neighborhood  
13 Conservation District.

14 "The Mid-Cambridge Neighborhood Conservation  
15 District hereby certifies pursuant to Chapter 2, Title 2  
16 Chapter 2.78 establishing the Commission that the  
17 construction described below is not incongruous to the  
18 historic aspect or architecture character of the building or  
19 district. Construct a second-floor addition, alter the  
20 fenestration, replace siding and trim and remove chimneys.

21 "The Commission approved the proposal as submitted  
22 with the following recommendations: Consider additional

1 plantings and landscaping on the site. Reduce pervious  
2 paving as much as possible. Consider delineating the  
3 addition from the original house on the façade facing the  
4 driveway, such as corner board or change in color tone.

5 "Consider keeping the more visible chimney above  
6 the roofline or install faux chimneys to preserve the  
7 historic character of the neighborhood. Consult with CHC  
8 Staff on paint colors and architectural details, plans,  
9 specifications that were submitted with the application are  
10 incorporated into this certificate, which is nonbinding.

11 "Case No. MC6545C, date of certificate September  
12 7, 2022."

13 And the that is the sum and substance of any  
14 correspondence. I will close the public comment, send it  
15 back to Sarah for any further comments at all?

16 SARAH RHATIGAN: Mr. Chairman, I do believe there  
17 were two other letters in the file that came from other  
18 neighbors in support.

19 BRENDAN SULLIVAN: I'm sorry. Yeah. That was  
20 stuck together here.

21 SARAH RHATIGAN: That's all right. And don't feel  
22 that you need to read them, they're long.

1           BRENDAN SULLIVAN:    Yeah.

2           "Our name is David and Patricia Wagner.  We live  
3   at 12 Clinton.  We live two buildings away and writing to  
4   voice our support for Asha's proposed project, 18 Clinton."

5           And that's basically it.  And then from Sue  
6   Butler?

7           SARAH RHATIGAN:  Correct.

8           BRENDAN SULLIVAN:  "I am delighted to write a  
9   letter of strong support for the proposed changes,  
10  improvements to the building at 18 Clinton.  I abut the  
11  property on two sides, because I own 14-16 Clinton and 17  
12  Clinton.

13          "I have lived on Clinton Street for 41 years, and  
14  care deeply about my neighborhood and my community.  We have  
15  a variety of small apartments and condos and a few larger  
16  ones.

17          "Asha's proposal will bring a better balance of  
18  unit size and affordability to our street.  The reduction of  
19  units is very appropriate.  These units will provide housing  
20  for families.

21          "There are single-family houses and three-bedroom  
22  condos on Clinton Street this are lived in by families now.

1 There are two families. Asha's proposed changes are fully  
2 fitting with the neighborhood, and I endorse them with  
3 unqualified enthusiasm."

4 And let's see if I can unstick any more here.  
5 Nope, that's it. Okay. And I will close the public comment  
6 part.

7 Anything else, Sarah?

8 SARAH RHATIGAN: No, thank you.

9 BRENDAN SULLIVAN: Okay. Are we ready for a  
10 motion, then, Board?

11 JIM MONTEVERDE: Ready.

12 COLLECTIVE: Yes.

13 BRENDAN SULLIVAN: Let me make a motion, then, to  
14 grant the relief requested. Now, we're asking for two for  
15 most of relief, the variance to the preexisting,  
16 nonconforming dwelling conversion to a two-family dwelling,  
17 including the additions, new window wells within the setback  
18 and increase in the calculated height.

19 Also a special permit for the new and modified  
20 windows and doors within the setbacks.

21 So first on the variance, let me make a motion,  
22 then, to grant the relief requested.

1           The Board finds that a literal enforcement of the  
2 provision of the ordinance would involve a substantial  
3 hardship the the petitioner, because it would preclude the  
4 petitioner from making the commitment necessary alterations,  
5 repurposing of this building, which over years has fallen  
6 into great disrepair that the interior space is somewhat  
7 unworkable, potentially illegal and not safe for occupants  
8 of the structure, and that the petitioners proposal will  
9 attempt to alleviate that and to create two family-size, up  
10 to date, modern, energy-efficient apartments -- residential  
11 units, so there were.

12           The Board finds that the hardship is owing to the  
13 unique siting of this particular lot and the house contained  
14 thereon, which was built prior to the existing ordinance,  
15 that it is encumbered by the existing ordinance, in that so  
16 any alterations of this particular nation (sic) which the  
17 Board finds somewhat de minimis in nature, as to the modest  
18 additions, which will actually bring it closer to  
19 conformity.

20           And that it's a reduction of the FAR, and that  
21 does not create any new nonconformities.

22           The Board finds that desirable relief may be

1 granted without substantial detriment to the public good, or  
2 would -- relief may be granted... Yes, it is a great long  
3 night, Sarah, thank you. Desirable relief may be granted  
4 without substantial detriment to the public good.

5 The Board notes the letter of Appropriateness from  
6 the Mid-Cambridge Neighborhood Conservation Commission --  
7 also letters of support from adjoining properties.

8 That the public good will be enhanced by a totally  
9 refurbished premise, which will add to the streetscape and  
10 to the preservation of existing housing stock.

11 The Board finds that relief may be granted without  
12 nullifying or substantially derogating from the intent and  
13 purpose of the ordinance.

14 The Board finds that the proposal is consistent  
15 with Massachusetts General Laws 40A, Section 10. The  
16 variance is being granted to encourage the rational use of  
17 land throughout the city, including the encouragement of  
18 appropriate economic development to create the quality  
19 housing within close proximity to public transportation.

20 The Board finds that it will not result in a use  
21 or activity not otherwise permitted in the ordinance, and  
22 there would be no negative impact regarding traffic,

1 population density, blight or pollution. And that it would  
2 encourage the preservation of and reuse of preexisting  
3 structures, which adds to the amenities of the city.

4 On the motion, then, to grant the variance as per  
5 the application, supporting statements, dimensional forms,  
6 initialed by the Chair and drawings provided, Jim  
7 Monteverde:

8 JIM MONTEVERDE: In favor of the variance.

9 BRENDAN SULLIVAN: Andrea Hickey?

10 ANDREA HICKEY: Yes, in favor.

11 BRENDAN SULLIVAN: Laura Wernick?

12 LAURA WERNICK: Yes, in favor.

13 BRENDAN SULLIVAN: Matina Williams?

14 MATINA WILLIAMS: Yes, in favor.

15 BRENDAN SULLIVAN: Brendan Sullivan in favor.

16 [All vote YES]

17 BRENDAN SULLIVAN: The five affirmative votes, the  
18 variance is granted. Now on the special permit, the special  
19 permit is for new and modified window, doors openings with  
20 as per the plan submitted.

21 The Board finds that it appears that the  
22 requirements of the ordinance can be met. Traffic

1 generated, or patterns of access or egress would not change  
2 -- would not congestion, hazard, or substantial change in  
3 the established neighborhood character.

4 The Board again notes and incorporates by  
5 reference the Letter of Appropriateness from the Mid-  
6 Cambridge Neighborhood Conservation Association; also  
7 letters from adjoining property owners in favor of this  
8 project.

9 The continued operation of or development of  
10 adjacent uses, as permitted in the Zoning Ordinance, would  
11 not be affected by the nature of the proposed use.

12 There would not be any nuisance or hazard created  
13 to the detriment of the health, safety and/or welfare of the  
14 occupants of the proposed use, in fact, it would be enhanced  
15 by an upgraded property, code-compliant, with modern  
16 amenities and utilities.

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

21 And the Board notes the previous granting of the  
22 variance and the language used then to support the granting

1 of the variance, enhancing the purpose of the ordinance and  
2 how it meets that criteria.

3 On the motion, then, to grant the special permit,  
4 Jim Monteverde?

5 JIM MONTEVERDE: In favor of the special permit.

6 BRENDAN SULLIVAN: Andrea Hickey?

7 ANDREA HICKEY: Yes in favor.

8 BRENDAN SULLIVAN: Laura Wernick?

9 LAURA WERNICK: Yes, in favor.

10 BRENDAN SULLIVAN: Matina Williams?

11 MATINA WILLIAMS: Yes, in favor.

12 BRENDAN SULLIVAN: Brendan Sullivan in favor.

13 [All vote YES]

14 BRENDAN SULLIVAN: five affirmative votes; the  
15 special permit part is granted also. Good luck.

16 COLLECTIVE: Thank you very much, Thank you, Mr.  
17 Chairman.

18 MATINA WILLIAMS: I think there's one more case,  
19 right?

20 BRENDAN SULLIVAN: Okay. We have one more case.  
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(10:05 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
Jim Monteverde, Laura Wernick, and Matina Williams

BRENDAN SULLIVAN: The Board will now hear Case  
No. 207927 -- 151 Sherman Street.

[Pause]

151 Sherman?

LISA SIMON: Hello. We're Matt Tobey and Lisa  
Simon. We're the owners at 151 Sherman Street.

BRENDAN SULLIVAN: Okay.

LISA SIMON: And we're here also with Jim McGrath,  
who is kindly going to be presenting the plans in our  
request.

BRENDAN SULLIVAN: All right. If you would tell  
us what you would like to do and why we should let you do  
it.

LISA SIMON: Sure. We're proposing to have a  
patio on the side of our townhome be enclosed, to be used as  
an additional office space.

The requested variance is for an additional 6",  
which would not result in an extension beyond the existing

1 vertical wall.

2 BRENDAN SULLIVAN: Okay. How -- the building  
3 isn't that old. What is it, three or four years old or so,  
4 is it? Or --

5 LISA SIMON: It was built in 2015.

6 BRENDAN SULLIVAN: Oh, okay. Time does fly, then.  
7 [Laughter] Okay. And you don't use the space, or you feel  
8 as if you could put it to better use, is that --

9 LISA SIMON: Yeah, we recently had a baby, who's  
10 now 6 months old. But it means that we lost one of our  
11 previous office spaces in the home.

12 So we love our neighborhood in Cambridge and are  
13 really trying to squeeze every possible use out of the  
14 spaces in our home so we can stay here and be a part of the  
15 community for as long as possible.

16 MATT TOBEY: Yeah, the house has another patio,  
17 and we don't use this space as it's currently laid out.

18 BRENDAN SULLIVAN: Okay. All right. Let me open  
19 it up to questions from the Board. Jim Monteverde, any  
20 questions at this time?

21 JIM MONTEVERDE: Just one question. I notice from  
22 the floor plan that the new enclosure, it's 4' wide out to

1 out. Is that the space you're using for a workspace or  
2 planning to use for a workspace?

3 LISA SIMON: Yes. That's what we're planning on  
4 using for a workspace.

5 MATT TOBEY: Yeah. It's narrow, but it's -- you  
6 know, 4' does feel fairly, you know, workable.

7 JIM MONTEVERDE: Okay. Thank you.

8 MATT TOBEY: Thank you.

9 BRENDAN SULLIVAN: Andrea Hickey?

10 ANDREA HICKEY: I have no questions at this time.  
11 Thank you.

12 BRENDAN SULLIVAN: Laura Wernick?

13 LAURA WERNICK: I have no questions.

14 BRENDAN SULLIVAN: Matina?

15 MATINA WILLIAMS: I have no questions at this  
16 time.

17 BRENDAN SULLIVAN: All right. And I have no  
18 questions either. Let me open it to public comment. Any  
19 member of the public who wishes to speak should now click  
20 the button that says, "Participants," and then click the  
21 button that says, "Raise hand."

22 If you are calling in by phone, you can raise your

1 hand by pressing \*9 and unmute or mute by pressing \*6, and  
2 you will have up to three minutes in which to comment.

3 [Pause]

4 BRENDAN SULLIVAN: There appears to be nobody  
5 calling in. There is no correspondence received by us, so I  
6 will close the public comment part. Anything else to add,  
7 or pretty simple?

8 LISA SIMON: No. Thank you all for your time.

9 BRENDAN SULLIVAN: Okay. There appears to be no  
10 comments or questions by the Board. Let me make a motion,  
11 then, to grant the relief requested. Let me make a motion,  
12 then, to grant the relief requested, to enclose the second-  
13 story patio as per the dimensional form, supporting  
14 statements and drawings as submitted, the work being in  
15 conformance with the drawings, which are prepared by Dean  
16 Architects dated 22-04-01...

17 I'm sorry, it's not dated -- dated 10/25/22 for  
18 the property at 151 Sherman Street.

19 The Board finds that a literal enforcement of the  
20 provisions of the ordinance would involve a substantial  
21 hardship to the petitioner.

22 The Board notes that the -- it would preclude the

1 petitioner from gaining some much-needed interior space by  
2 capturing what is now exterior space.

3 The Board finds that the addition of a family  
4 member has constrained or potentially eliminated what was a  
5 home office area that they were using, and as such needs to  
6 some additional interior living space, and that this is the  
7 only possible area in which to capture much-needed space.

8 The Board finds that the hardship is owing to the  
9 siting of the structure, the size of the structure, and the  
10 siting of the structure on the property, and that they are  
11 encumbered by the existing ordinance with regard to  
12 additional floor area ratio, even though this proposal is  
13 quite de minimis.

14 The Board finds that desirable relief may be  
15 granted without substantial detriment to the public good,  
16 and feel that the public good will have -- it would be --  
17 there would not be any detriment to the public good. It  
18 would actually be a benefit to anyone who occupies the  
19 space.

20 And that desirable relief may be granted without  
21 nullifying or substantially derogating from the intent and  
22 purpose of the ordinance to allow homeowners to update their

1 homes in a fair and reasonable manner.

2 And that the Board finds that the requested  
3 addition is quite de minimis and will have absolutely no  
4 consequence at all on adjoining properties.

5 On the motion, then, to grant the variance as per  
6 the application, Jim Monteverde?

7 JIM MONTEVERDE: In favor.

8 BRENDAN SULLIVAN: Andrea Hickey?

9 ANDREA HICKEY: Yes, in favor.

10 BRENDAN SULLIVAN: Laura Wernick?

11 LAURA WERNICK: Yes, in favor.

12 BRENDAN SULLIVAN: Matina Williams?

13 MATINA WILLIAMS: Yes, in favor.

14 BRENDAN SULLIVAN: And Brendan Sullivan yes.

15 [All vote YES]

16 BRENDAN SULLIVAN: Five affirmative votes; the  
17 variance is granted for the work. Good luck.

18 COLLECTIVE: Thank you very much.

19 LISA SIMON: Have a great evening, everybody.

20 TOBY SIMON: Thank you.

21 BRENDAN SULLIVAN: and that concludes the meeting.

22 Thank you all --

1           LAURA WERNICK: Thank you.

2           BRENDAN SULLIVAN: -- once again --

3           COLLECTIVE: Thank you.

4           BRENDAN SULLIVAN: -- you were excellent.

5           MATINA WILLIAMS: Thank you, Mr. Chair.

6           BRENDAN SULLIVAN: Thank you.

7           ANDREA HICKEY: Goodnight.

8           [10:12 p.m. End of Proceedings]

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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.

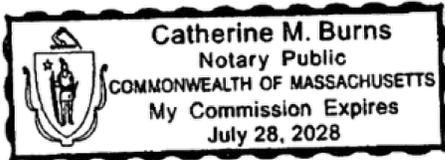
I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this third day of March, 2023.



Notary Public

My commission expires:  
July 28, 2028



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