

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 6 2022

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Andrea A. Hickey

Wendy Leiserson

Jim Montverde

Laura Wernick

Jason Marshall

City Employees

Olivia Ratay, Zoning and Building Associate



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

2 * * * * *

3 (6:00 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,
5 Andrea A. Hickey, Wendy Leiserson, Jim
6 Monteverde, Laura Wernick, and Jason
7 Marshall

8 CONSTANTINE ALEXANDER: Good evening. Welcome to
9 the January 6, 2022 meeting of the Cambridge Board of Zoning
10 Appeals. My name is Gus Alexander, and at least for the
11 time being, I am the Chair.

12 This meeting is being held remotely, due to
13 statewide emergency orders limiting the size of public
14 gatherings in response to COVID-19, and in accordance with
15 Governor Charles Baker's Executive Order of March 12, 2020,
16 temporarily amending certain requirements of the Open
17 Meeting Law; as well as the City of Cambridge temporary
18 emergency restrictions on city public meetings, city events,
19 and city permitted events, due to COVID-19, dated May 27,
20 2020.

21 This meeting is being video and audio recorded,
22 and is broadcast on cable television Channel 22, within

1 Cambridge. In due course, there will be a transcript of
2 these proceedings.

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

6 Members of the public will be kept on mute until
7 it is time for public comment. The Chair will then give
8 instructions for public comment at that time, and you can
9 also find instructions on the City's webpage for remote BZA
10 meetings. Generally you will have up to three minutes to
11 speak.

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

14 OLIVIA RATAY: Jim Monteverde?

15 JIM MONTEVERDE: Jim Monteverde is present.

16 OLIVIA RATAY: Laura Wernick?

17 LAURA WERNICK: Laura Wernick is present.

18 OLIVIA RATAY: Andrea Hickey?

19 ANDREA HICKEY: Andrea Hickey present.

20 OLIVIA RATAY: Wendy Leiserson?

21 WENDY LEISERSON: Wendy Leiserson present.

22 OLIVIA RATAY: Jason Marshall?

1 JASON MARSHALL: Jason Marshall present.

2 OLIVIA RATAY: Brendan Sullivan?

3 BRENDAN SULLIVAN: Brendan Sullivan present and
4 audible.

5 OLIVIA RATAY: Gus Alexander?

6 CONSTANTINE ALEXANDER: And I'm present, obviously. Okay.

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2 (6:02 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Jim Monteverde, and Jason
5 Marshall

6 CONSTANTINE ALEXANDER: As is our usual procedure,
7 we will start with continued cases. We have three. But
8 even before that, at the first session of each year we elect
9 a new Chair and a new Vice Chair. So that's the first order
10 of business.

11 I will ask any nominees for our election to the
12 Chair of the Board for the coming year? Anyone wish to make
13 a nomination?

14 JIM MONTEVERDE: I would nominate Brendan for
15 Chair.

16 CONSTANTINE ALEXANDER: Any other nominations?

17 WENDY LEISERSON: I would nominate Andrea for
18 Chair or Vice Chair, either Chair.

19 ANDREA HICKEY: Thank you. Unfortunately, I am
20 not able to accept appointment for either position, as I
21 plan to step down at some point during this year.

22 WENDY LEISERSON: Okay. Thank you. Then second

1 Brendan's nomination.

2 BRENDAN SULLIVAN: I would love to second your
3 nomination, Wendy, except that --

4 CONSTANTINE ALEXANDER: Okay.

5 BRENDAN SULLIVAN: -- we have a --

6 CONSTANTINE ALEXANDER: Just a formality, Brendan,
7 how do you vote? Do you want to vote for yourself?

8 BRENDAN SULLIVAN: I will vote for myself.

9 CONSTANTINE ALEXANDER: Jim?

10 JIM MONTEVERDE: Hi, [Jim Monteverde.] I vote in
11 favor of Brendan for Chair.

12 CONSTANTINE ALEXANDER: And who am I missing?
13 Jason?

14 BRENDAN SULLIVAN: Laura.

15 CONSTANTINE ALEXANDER: Laura, I'm sorry.

16 JIM MONTEVERDE: Laura.

17 CONSTANTINE ALEXANDER: Laura, how do you vote?

18 LAURA WERNICK: I vote in favor of Brendan.

19 CONSTANTINE ALEXANDER: And I will be the fourth
20 vote. I also enthusiastically vote for Brendan. He's a
21 good Chair, and he's been a Chair before.

22 With that, I think Brendan will become the Chair

1 of the Board for this coming year.

2 Let me just finish up with one item, and then I'll
3 turn the Agenda over to him and add a new item: It is who
4 will be elected Vice Chair.

5 BRENDAN SULLIVAN: I nominate Jim Monteverde to be
6 Vice Chair for the ensuing year.

7 CONSTANTINE ALEXANDER: Jim?

8 JIM MONTEVERDE: Yeah, I accept. It's fine by me.
9 Happy to do it.

10 CONSTANTINE ALEXANDER: Linda?

11 BRENDAN SULLIVAN: Laura.

12 CONSTANTINE ALEXANDER: Oh, I'm sorry.

13 LAURA WERNICK: Oh, I --

14 BRENDAN SULLIVAN: Laura.

15 CONSTANTINE ALEXANDER: I apologize.

16 BRENDAN SULLIVAN: Linda's not here tonight.

17 LAURA WERNICK: Are we voting?

18 CONSTANTINE ALEXANDER: Yes.

19 LAURA WERNICK: Okay. I vote in favor of Jim
20 Monteverde for Vice Chair.

21 CONSTANTINE ALEXANDER: I as well.

22 [All vote YES]

1 So Jim, you are now our new Vice Chair.

2 JIM MONTEVERDE: Thank you.

3 WENDY LEISERSON: And I apologize if I was out of
4 order there for nominating.

5 CONSTANTINE ALEXANDER: That's quite all right.

6 WENDY LEISERSON: I said I apologize if I was out
7 of order. I'm happy Brendan is, and Laura and Jim are going
8 to be our people leading us.

9 JIM MONTEVERDE: Correct.

10 WENDY LEISERSON: Thank you.

11 LAURA WERNICK: Thanks.

12 BRENDAN SULLIVAN: Thank you, Members, for your
13 trust. And I feel privileged to actually be associated with
14 just wonderful people -- very wonderful and very bright
15 people. And so again, thank you for allowing me to be
16 associated with you all.

17 CONSTANTINE ALEXANDER: And I will thank you on
18 behalf of myself that we're very fortunate to have you
19 accept the position of the Chair. You've had a long
20 experience with this Board and you're very good at what you
21 do.

22 All right, now we're going to get all the good

1 stuff out of the way.

2 WENDY LEISERSON: Can I also say just we want to
3 thank Gus --

4 CONSTANTINE ALEXANDER: I'm sorry.

5 WENDY LEISERSON: -- for all of his time serving
6 as Chair and his wonderful fulfillment of that role. So --

7 JIM MONTEVERDE: Absolutely.

8 ANDREA HICKEY: Yes. I second that. Andrea
9 Hickey here.

10 BRENDAN SULLIVAN: Yes. Hear, hear.

11 CONSTANTINE ALEXANDER: Thank you. Thank you.

12 WENDY LEISERSON: And I third it.

13 JASON MARSHALL: I'm coming off camera to also say
14 thank you, Gus.

15 CONSTANTINE ALEXANDER: [Laughter] Now that we all
16 feel good for congratulating each other, let's to go
17 business.

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2 (6:06 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Laura Wernick, Jim Monteverde, and Jason
5 Marshall

6 CONSTANTINE ALEXANDER: So Brendan, you can start
7 with the three continued cases.

8 BRENDAN SULLIVAN: The first case we will hear is
9 BZA #1434056 -- Porter Circle. Is there anybody here who
10 wishes to speak on that matter?

11 [Pause]

12 There appears to be none. We are in receipt of
13 correspondence to Olivia Ratay dated January 5 to the Board
14 of Zoning Appeal from Mr. Scott Vaughn, architect on behalf
15 of the petitioners -- Jeff and Abby Gordon.

16 "The petitioners have decided to withdraw their
17 application to construct a carport on their property at 6
18 Porter Circle. Let me know if this e-mail is efficient
19 notice of their request to withdraw their application.

20 Thank you, Scott Vaughn."

21 On the motion to accept the withdrawal of the
22 petition at 6 Porter Circle? Laura, on the motion?

1 LAURA WERNICK: I vote in favor of the motion.

2 BRENDAN SULLIVAN: All right. Jim Monteverde on
3 the motion to withdraw?

4 JIM MONTEVERDE: I vote in favor to withdraw.

5 BRENDAN SULLIVAN: Jason Marshall on the motion to
6 withdraw?

7 JASON MARSHALL: Sorry, Mr. -- I didn't think I
8 was on the continued cases. But if that's the case, I will.

9 BRENDAN SULLIVAN: Yeah, if you're going to sit
10 for the ninth, then you can sit on this withdrawal.

11 JASON MARSHALL: All right. [Jason Marshall] I
12 vote in favor. Thank you.

13 BRENDAN SULLIVAN: Okay. Constantine Alexander?

14 CONSTANTINE ALEXANDER: I vote in favor as well.

15 BRENDAN SULLIVAN: And the Chair [Brendan
16 Sullivan]: I vote in favor of accepting the withdrawal.

17 [All vote YES]

18 The matter is withdrawn.

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2 (6:08 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Laura Wernick, Jim Monteverde, and Jason
5 Marshall

6 BRENDAN SULLIVAN: The next case the Board will
7 hear is BZA #127988 -- 26 Bellis Circle. Sarah, are you on
8 the call? Is anybody -- nobody calling in. I believe we
9 are in receipt of correspondence via e-mail dated January 3.

10 "Dear Members of the Board, the petitioners hereby
11 request a continuance of the above-referenced matter, which
12 is scheduled to be heard by the Board on January 6, 2022 as
13 a continued matter.

14 The petitioners respectfully request that the
15 Board continue this case until February 24, 2022, when the
16 companion case is scheduled to be heard.

17 Thank you for your consideration of this matter.

18 Sarah Rhatigan, Esquire."

19 On the motion, then, to continue this matter on
20 the condition that the posting sign by changed to reflect
21 the new date of February 24, 2022. The new posting time
22 will be 6:00 -- that should this case cede, that it would be

1 necessary should there be any new submittals that it be in
2 by 5:00 p.m. on the Monday prior to the February 24 meeting.
3 We already have a waiver of requirement for statutory time
4 for a hearing, so that is already in the file.

5 On the motion then to accept the request for
6 continuing, Laura?

7 LAURA WERNICK: I vote to accept the request for a
8 continuance.

9 BRENDAN SULLIVAN: Jim Monteverde on the motion to
10 continue?

11 Jim?

12 ANDREA HICKEY: He's muted.

13 BRENDAN SULLIVAN: Jim, on the motion to continue.

14 JIM MONTEVERDE: Pushed the wrong button. I vote
15 in favor of the continuance.

16 BRENDAN SULLIVAN: Jason on the motion to
17 continue?

18 JASON MARSHALL: Jason Marshall yes in favor of
19 the motion to continue.

20 BRENDAN SULLIVAN: Mr. Alexander on the motion?

21 CONSTANTINE ALEXANDER: I favor the motion.

22 BRENDAN SULLIVAN: And Brendan Sullivan on the

1 motion yes to continue; the matter is continued.

2 [All vote YES]

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2 (6:11 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Wendy Leiserson, Jim
5 Monteverde, and Laura Wernick

6 BRENDAN SULLIVAN: The next case the Board will
7 hear is BZA #149721 -- 54 Park Avenue. Is there anybody
8 here who would like to speak on the matter? It appears that
9 nobody is calling in. We are in receipt of correspondence
10 dated January 3 to the Board of Zoning Appeal.

11 "Dear Members of the Board, the petitioners hereby
12 request a continuance of the above-referenced matter, which
13 was scheduled to be heard above-referenced matter, which was
14 scheduled to be heard by the Board on January 6, 2022.

15 "As reasons for the continuance, the petitioners
16 are in the process of preparing revised plans to address
17 comments received from Board Members at the last hearing.
18 We request that the case be continued to the hearing on
19 February 10, 2022.

20 Thank you for your consideration.

21 Sincerely, Sarah Rhatigan, Esquire"

22 She is requesting February 10. That date seems to

1 work. Who sat on this case? Did the members who sat on
2 that case -- I believe Andrea, you sat on it?

3 ANDREA HICKEY: Yes.

4 BRENDAN SULLIVAN: Mr. Alexander sat on it, Mr.
5 Sullivan sat on it, Andrea sat on it. Wendy, are you
6 available on --

7 WENDY LEISERSON: Yes.

8 BRENDAN SULLIVAN: Okay. And Jim, you're
9 available on the tenth?

10 JIM MONTEVERDE: Yes, I am.

11 BRENDAN SULLIVAN: So all Members will be there.
12 On the motion, then, to continue this matter? Wendy, on the
13 motion to continue this matter?

14 WENDY LEISERSON: Yes, I vote in favor.

15 BRENDAN SULLIVAN: Okay. Jim Monteverde on the
16 motion to continue?

17 JIM MONTEVERDE: I vote in favor of continuing.

18 BRENDAN SULLIVAN: Okay, Laura on the motion to
19 continue this matter?

20 LAURA WERNICK: I vote in favor of continuing.

21 BRENDAN SULLIVAN: I'm not sure; you didn't sit on
22 this?

1 LAURA WERNICK: I did not sit on it, no.

2 BRENDAN SULLIVAN: Yeah. All right. Andrea?

3 ANDREA HICKEY: Yes, in favor. But could I ask
4 that you confirm the continued date again for me?

5 BRENDAN SULLIVAN: I think it was the tenth.
6 February 10.

7 ANDREA HICKEY: Okay. Thank you. Yes, in favor.

8 BRENDAN SULLIVAN: Okay. Mr. Alexander?

9 CONSTANTINE ALEXANDER: In favor.

10 BRENDAN SULLIVAN: And Mr. Sullivan yes in favor.

11 [All vote YES]

12 BRENDAN SULLIVAN: The matter will be continued.
13 On the motion that the posting sign be changed to reflect
14 the new date of February 10, 2022 at 6:00 p.m. and any new
15 submittals be in the file 5:00 on the Monday prior to the
16 February 10 hearing.

17 And we already have a waiver of statutory
18 requirement for a hearing and a decision to be rendered
19 therefore, so that is in the file.

20 The matter is continued. And that wraps up the
21 continued. We will wait; I have to wait until 6:30 for the
22 regular Agenda. So we have 15 minutes to wait until the

1 6:30 hearing begins.

2 WENDY LEISERSON: I would like to just recognize
3 you too, Brendan for your service. So thank you very much.

4 BRENDAN SULLIVAN: So Wendy you're going to sit on
5 Garden Street?

6 WENDY LEISERSON: That's right. And then I'll say
7 goodnight.

8 BRENDAN SULLIVAN: Huh?

9 WENDY LEISERSON: And then I'll be off.

10 BRENDAN SULLIVAN: You are?

11 WENDY LEISERSON: Yep.

12 BRENDAN SULLIVAN: Okay. And then Jim, you're
13 sitting on 10 Garden Street, Jason is sitting on Garden
14 Street, Laura and myself. That's correct, that's the
15 lineup?

16 ANDREA HICKEY: I think that's correct.

17 JIM MONTEVERDE: Right.

18 BRENDAN SULLIVAN: Okay, good. Thank you.

19 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey
20 speaking. I think that Laura has a conflict on the 7:00
21 case, and I'm happy to sit on that if that helps. Laura, is
22 that correct?

1 LAURA WERNICK: That's correct. The 115 Inman
2 Street. I'd like to recuse myself on that one.

3 ANDREA HICKEY: So Mr. Chair, with your permission
4 I will sit in place of Laura on that case?

5 BRENDAN SULLIVAN: Correct, if you would; yes.

6 ANDREA HICKEY: Yes. Happy to do so.

7 BRENDAN SULLIVAN: Thank you.

8 LAURA WERNICK: Thank you, Andrea.

9 BRENDAN SULLIVAN: So we will recess and resume at
10 6:30.

11 [BREAK]

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(6:30 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Jason Marshall, and Laura Wernick

BRENDAN SULLIVAN: We will continue with the regular Agenda. The first case the Board will hear is #154003 -- 10 Garden Street. Ms. Powers?

JEANNINE POWERS: Hi. Yes. Thank you to the Chair and Members of the Board. Can you all hear me okay?

BRENDAN SULLIVAN: Yes.

JEANNINE POWERS: Yes. My name is Jeannine Powers, and I'm a Senior Campus Planner from Harvard University Planning and Design representing the Friends Fellows of Harvard College.

I'm here with my colleagues, Kate Loosian from the Harvard Radcliffe Institute and Michaelann Zimmerman from Roll Barresi.

The Harvard Radcliffe Institute is seeking a variance to permit the installation of two exterior campus identification signs; one of which is located at the structure between the Knafel Center and the Agassiz's house,

1 the other located on the brick wall adjacent to the
2 Elizabeth Cary Agassiz's gate along Garden Street.

3 Both of the proposed signs will displace the new
4 vernacular name of Harvard Radcliffe Institute as the
5 identifier of campus.

6 To adequately serve the identification and
7 wayfinding needs of the campus, a variance is required to
8 permit the number of proposed signs, including the height of
9 the freestanding sign and its location in relationship to
10 the required setbacks.

11 The Radcliffe lot currently has 16 nonexempt
12 signs, with two allowed per building at eight buildings on
13 the lot.

14 We're proposing to include two additional
15 nonexempt signs that will require this variance. The
16 maximum number of signs permitted would limit Harvard
17 Radcliffe Institute from adequately identifying its campus
18 at key public-facing points surrounding the campus.

19 The proposed height of the freestanding sign
20 located at the brick wall on Garden Street was selected to
21 align with the upper portion of the existing brick wall that
22 partially surrounds the Radcliffe campus.

1 The proposed location faces a busy intersection
2 that's adjacent to a variety of multimodal transit options,
3 which many visitors we canvassed will be arriving from.

4 Regarding the hardship related to the existing
5 conditions, this part of the campus occupies an entire city
6 block that has multiple access points, and is surrounded by
7 high historic brick walls on multiple sides.

8 Primary building entrances are often oriented
9 toward the Radcliffe yard and not the adjacent streets, and
10 several of the campuses' major buildings have their façades
11 facing those adjacent streets. These characteristics make
12 the relationship between the campus arrival experience and
13 destination buildings unclear for many visitors, especially
14 for those arriving for the first time.

15 In addition, several buildings contain uses which
16 bring large number of occasional visitors to the campus.
17 This includes the Agassiz's Theater, which is a performing
18 arts space, and houses the Visitor Information Center for
19 Harvard College; the Knafel Center, which regularly hosts
20 lectures, meetings, and special events; and the Schlesinger
21 Library, which is used by Visiting Scholars and researchers.

22 The materials selected and design provide a

1 consistent aesthetic for the campus's public face, and
2 intend to reduce visual clutter as much as possible.

3 During the design phase, we consulted with the
4 Cambridge Historical Commission and adjusted our design to
5 reflect their recommendations. We also received a
6 Certificate of Appropriateness for these slides at the
7 November 4 CHC hearing.

8 The requested variance will allow the placement of
9 adequate signage to better identify the campus and its
10 entrances for guests and visitors to the Harvard Radcliffe
11 Institute, which is consistent with the Cambridge Zoning
12 Ordinance's assertion that public interest is served by use
13 of signs by businesses and services to identify their
14 premises.

15 I'm now going to turn it over to Michaelann
16 Zimmerman to review the details of the sign design.

17 MICHAELANN ZIMMERMAN: Hi. I'm Michaelann
18 Zimmerman, and I'm here representing Roll Barresi &
19 Associates, and I can walk you through the details of the
20 sign -- the sign in question.

21 So here you're seeing a plan of Radcliffe Yard.
22 And we have two locations highlighted as 1 and 2 on the

1 plan. They're the same ones that Jeannine was just
2 discussing. So number 1 is on the brick wall. We can go to
3 that slide.

4 So these would be dimensional letters that are
5 painted and mounted flush to the existing brick wall.
6 They've been scaled appropriately to complement the brick
7 layers on the wall and also be visible, so that they can
8 help identify the entrance to Radcliffe Yard beyond.

9 Currently, the wall is sort of a barrier to seeing
10 what is inside. And so any visitors who are trying to find
11 the space would not necessarily know which way to go. The
12 penetrations into the wall will be hidden behind the
13 letters, and should be buried in the mortar joints so that
14 there's nothing unsightly about that.

15 And the other location -- these are also pin-
16 mounted dimensional letters that would be painted, and they
17 would be located right within the friese above the entrance,
18 which currently there is no sign there.

19 This is an entrance that is used by the public for
20 public events, and there really isn't a way to know what is
21 beyond without the sign here. The letters are not terribly
22 big. The idea was to make a sign that looked like maybe it

1 had always been there, and as a confirmation for anybody who
2 wants to enter through this entrance.

3 BRENDAN SULLIVAN: The program -- the signage
4 program actually involves four signs; is that correct?

5 MICHAELANN ZIMMERMAN: That is correct.

6 BRENDAN SULLIVAN: Okay. And under -- after
7 review from the Community Development Department, it was
8 determined that two of the signs would be exempt from relief
9 by this Board because it is necessary for public
10 convenience, and did not exceed six square feet. That was
11 by Mr. Messplay. Is that correct?

12 JEANNINE POWERS: Yep, that's correct.

13 BRENDAN SULLIVAN: Okay. So there are four signs
14 that are proposed; however, only two require relief from
15 this Board?

16 JEANNINE POWERS: That's correct.

17 BRENDAN SULLIVAN: Yep, okay. All right, just so
18 that we know. All right. Anything else to add? You will
19 have a chance to rebut before the Board, and then we'll have
20 public comment, and then we can come back for the final
21 comment, by you if you wish. Okay?

22 JEANNINE POWERS: Great. Thank you.

1 MICHAELANN ZIMMERMAN: Thanks.

2 BRENDAN SULLIVAN: Any questions from members of
3 the Board? Wendy, any questions at this point?

4 WENDY LEISERSON: I do have a question. If you
5 could go back to the brick wall signage that's being
6 proposed -- that slide -- so just beyond to the left of the
7 word, "Harvard" are there not signs on those columns there?

8 Like, I can see the red sign on the second column
9 down there by the mailbox, but there are some signs -- I
10 guess those are plaques, is that right? -- in the columns
11 there that say --

12 JIM MONTEVERDE: There you go --

13 WENDY LEISERSON: -- these notes, or what do they
14 say?

15 KATE LOOSIAN: They are dedication -- oh, sorry,
16 I'm Kate Loosian from Harvard Radcliffe Institute -- there
17 are dedication plaques embedded --

18 WENDY LEISERSON: Okay --

19 KATE LOOSIAN: -- into the brickwork name the
20 gates themselves.

21 WENDY LEISERSON: I see.

22 KATE LOOSIAN: So they are not -- yeah, they do

1 not provide a directional assist.

2 WENDY LEISERSON: But that red sign to the left,
3 doesn't that say, "Harvard Radcliffe Institute"?

4 KATE LOOSIAN: It does, yes. The addition of the
5 lettering at the corner here was in part also aimed at
6 allowing people who are driving past, biking past and on
7 public transportation to not have to see a sign as they walk
8 up to it.

9 So the scale is something that allows for visitors
10 to really understand where they are without being on the
11 sidewalk.

12 WENDY LEISERSON: The reason why I ask is because
13 I was walking by there, and I saw at least 19 I think it was
14 -- 19 signs; some indicators, including the plaques. But
15 that whole block, as you said, has multiple signage facing
16 the street. Is that right?

17 KATE LOOSIAN: Each of our gates has -- most of
18 our gates do have a sign. Well, I'm sorry, let me restate
19 that. All of our gates have those dedication plaques that
20 don't actually help us in the wayfinding. Those are
21 historic and they are wonderful. They speak to the past,
22 but they don't help us in the present.

1 There are identifiers at our gates, and all of a
2 scale similar to the one that you're seeing right --
3 actually right next to the hand in that picture, so not
4 something broadly visible, other than to pedestrians.

5 WENDY LEISERSON: Mm-hm.

6 KATE LOOSIAN: But yes, you are -- there are lots
7 of identification.

8 WENDY LEISERSON: I'm asking because there was an
9 opposition filed, as you probably know, that requested that
10 that brick façade be left simple, and in walking around that
11 corner, it seemed just a few feet in each direction U sign
12 of this being Radcliffe.

13 And in fact, I think inside even the gate where
14 the dedication plaques are, there are sort of little signs
15 on posts on the property that say, "This is Radcliffe Yard."
16 you know, "Please, no smoking." Or something like that.
17 You know? "Please respect the sign."

18 So I'm not sure how likely -- because the parking
19 for that, for nearby is actually beyond that wall. And it's
20 about 12 parking spaces long, I think, between that corner
21 and the corner to Appian Way. And so all of the -- and the
22 bus stops are also near the gates where there are signs.

1 And the T is of course at the other end near Mass
2 Ave. So they would be coming towards Appian Way.

3 So I'm trying to imagine how many people are
4 really going to need this sign in order to find their way to
5 Radcliffe. Do you have any comments?

6 MICHAELANN ZIMMERMAN: I would say that a part of
7 this sign is a purposeful effort on the -- by Harvard
8 Radcliffe Institute to kind of make the gates more open.
9 And, you know, as much -- I think -- I do think it will help
10 people who are walking by that don't notice plaques to see
11 that there's something in there. But it is also just a more
12 welcoming gesture to announce the precedent of Harvard
13 Radcliffe Institute.

14 Some of those signs that you're talking about that
15 are within that first gate, there is a plan to take some of
16 those away, because they don't necessarily want to have
17 signs that greet you with a bunch of rules. There's just
18 been an overall movement towards making the yard a welcoming
19 space for the public to use.

20 So that would be my comment.

21 JEANNINE POWERS: I'd also like to add I think the
22 scale, to Kate's point, is very important. I think a lot of

1 the signs or plaques are much smaller.

2 So if you're arriving at a distance -- like you
3 said, if there's a bus stop across the street or down the
4 street, it's much more visible from a distance than some of
5 these smaller signs that are placed near the gates.

6 WENDY LEISERSON: I actually wonder. I mean, it's
7 hard to -- you know, say for certain since it's not actually
8 there now, but the red signs seem to really stand out.

9 And I would imagine if these are small, black
10 letters per -- you know, the design you compromised on with
11 the Historic Commission, I would have thought that the red
12 signs that were existing on Garden Street, where the bus
13 stops are and indeed right opposite the bus stops might be
14 sufficient for that purpose?

15 But I will consider everything that I hear.

16 MICHAELANN ZIMMERMAN: Thank you.

17 BRENDAN SULLIVAN: Jim, any comments at this time?

18 JIM MONTEVERDE: Yes. I have similar comments to
19 the photo we're looking at now -- the one on Garden or
20 Concord Ave. It just seems so -- one, I think there are --
21 as Wendy said -- there are other signage around that really
22 say the say the same thing.

1 I have less of an issue with the signage that's in
2 the -- what's on the second slide mounted directly on the
3 building and immediately at the entry. But the one at the
4 corner seems to serve a different purpose, and it could
5 perhaps be done a different way.

6 I think this Board has seen several over the past
7 two to three years that I recall proposals or signage
8 proposals from the various Harvard schools that have all
9 been done somewhat differently.

10 But the one I recall were I think last year was
11 the one for the Kennedy School, where they had a series of
12 signs -- some when you got exactly to a building like the
13 second slide, there was an identifier on the building.

14 There was another level, kind of at a greater
15 scale, that really was almost a pylon in the -- not in a
16 Public Way, but in a -- it was a way to orient and identify
17 the facility or the school in general, and then also with a
18 map to guide you to each of the individual buildings.

19 And then there was an identifier on the building.
20 That seemed to be a much more easy-to-follow concept... Not
21 easy to follow, but much more appropriate as opposed to
22 sticking a sign on the brick wall that faces the public way

1 on how to deal with that.

2 So my question is really, have you looked at any
3 alternatives that more stayed off of the wall, you know,
4 identified if you felt that location was necessary some
5 other type of signage -- freestanding on the wall -- that
6 did identify it as the Harvard Radcliffe Institute, but not
7 mounted on the wall? Was there any other options that you
8 had pursued?

9 KATE LOOSIAN: This is Kate from Radcliffe. I
10 guess I would like -- I'm going to let -- Michaelann
11 probably will be able to speak best in detail of that. But
12 I would love a little clarification on your question,
13 because off of the wall is in the public way.

14 And my assumption would be that I couldn't plant a
15 sign on the sidewalk, because I'm -- it's not Radcliffe's
16 property.

17 I'll also -- and I'll let Michaelann speak in just
18 one second. I'll just speak to the fact that while we find
19 our status as a "secret garden" fairly charming, it really
20 has worked against us in offering sort of open arms to
21 people coming to our programs.

22 And we are -- Harvard Radcliffe Institute really

1 is a point of entry for the public in Harvard programming --
2 in our lectures and in our conferences.

3 So this was a very thoughtful decision to put this
4 forth. We don't come in front of you lightly. But I do
5 want to let Michaelann speak to some of the thought that --
6 you know, technically went behind this.

7 Go ahead, Michaelann.

8 MICHAELANN ZIMMERMAN: Hi. We did in fact in our
9 earlier versions look at some freestanding signs, which we
10 thought would be less palatable because they were in the
11 public way.

12 We looked at sort of like a wrought iron framing
13 for a poster display, which would have -- you know, I think
14 if there's some concern that this is about sort of marketing
15 Radcliffe, that those were more directly doing that, and
16 that this was more discreet. It's intentionally black, to
17 be harmonious with the gates and the surrounding
18 environments.

19 But a big, tall brick wall that doesn't identify
20 itself -- even if when you continue down the street, you
21 come to a plaque that tells you what this private property
22 is, the big long expansive brick wall that doesn't identify

1 itself isn't very welcoming. It isn't -- it isn't open arms
2 at all.

3 So that that was how we arrived here was this sort
4 of led you to the gate.

5 JIM MONTEVERDE: Of. And if I heard you
6 correctly, there was no other opportunity not on the public
7 way to locate any other type of signage that would give you
8 the same identifier, correct?

9 MICHAELANN ZIMMERMAN: Unfortunately, there is a
10 gateway around the yard, so not really, no.

11 JIM MONTEVERDE: Right. Okay. Thank you.

12 MICHAELANN ZIMMERMAN: Okay.

13 BRENDAN SULLIVAN: Jason, any questions at this
14 point in time?

15 JASON MARSHALL: Thank you, Mr. Chair. It's
16 always helpful to go later and get to hear the discussion.
17 And I appreciate the exchange. You know, I also -- I think
18 I'd agree that the scale here is appropriate to me.

19 I also understand the location here at this
20 prominent corner, and the intentionality that went behind
21 putting it here.

22 The only other comment I would make goes to I

1 think the clarification that the Chairman made at the
2 beginning of this item, where there are four signs
3 referenced in this record -- only two signs are before us
4 for a variance.

5 There's a letter in the record questioning whether
6 all four needed a variance. I don't believe we need to
7 address that issue, because you are asking for a variance on
8 these two signs. Ultimately, of course, it's your
9 responsibility to comply with the zoning bylaws. So I don't
10 believe we need to act on that.

11 But I just want to clarify that we are only acting
12 on these two signage requests.

13 And with that, Mr. Chairman, I don't have any
14 other questions or comments at this time.

15 BRENDAN SULLIVAN: All right. Thank you, Jason.
16 Laura? Any questions?

17 LAURA WERNICK: No questions. I was kind of
18 surprised by the response. I find this quite eloquent and
19 inobtrusive but clear, and it would actually -- my feelings
20 would be if you could reduce the number of the red signs,
21 that would be helpful.

22 But I find that the way that this reads -- clearly

1 legible from a distance -- fits in with the character.

2 So I find it quite a positive addition to the
3 setting. And when you look at this, this photo is quite
4 telling, because there's so many little signs -- the speed
5 limit, the no-turn-on-red, the no parking -- so there's so
6 much visual clutter here, and that Harvard Radcliffe
7 Institute to my mind is just a simple and elegant
8 declaration, and kind of cuts against some of the visual
9 clutter of the other signage that's there.

10 As I say, even if there's a way to reduce the
11 number of the red signs, can this take the place of some of
12 the red signage that has historically existed there?

13 I think that would be a betterment to the visual
14 appearance of the -- along the street; a reduction of the --
15 kind of the more harsh signs I think would be a positive.

16 But I have no problem whatsoever with what's been
17 presented, either in this location or the other location.

18 BRENDAN SULLIVAN: Great, thank you. Let me open
19 it to public comment. Does any member of the --

20 CONSTANTINE ALEXANDER: We don't have any
21 comments. You want to ask if you have any questions?

22 BRENDAN SULLIVAN: Oh. Yeah, no, I think Board

1 Members do not -- who's sitting on this? So it's Wendy,
2 Jim, Jason, Laura and myself. Yeah. We're all set. Let me
3 open it to public comment.

4 Any members of the public who wish to speak should
5 now click the button that says, "Participants," and then
6 click the button that says, "Raise hand."

7 If you are calling in by phone, you can raise your
8 hand by pressing *9 and unmute or mute by pressing *6. You
9 will have up to three minutes to comment on the case before
10 us, and I would ask the Staff to chart the three-minute time
11 slot.

12 There appears to be nobody calling in at this
13 point. I will close the call-in portion. We are in receipt
14 of correspondence from the Cambridge Historical Commission
15 regarding 10 Garden Street.

16 "The Cambridge Historical Commission hereby
17 certifies pursuant to the Massachusetts Historical District
18 Act that the work described below is not is not incongruous
19 to the historical aspect or architectural character of the
20 building or district."

21 They are certifying that they will install three -
22 - they will approve the installation of three new surface-

1 mounted signs at key locations on the Harvard Radcliffe
2 Institute campus.

3 "Work will be carried out, as is indicated in the
4 plans, and assigned drawings by Roll Barresi & Associates,
5 title: "Harvard Radcliffe Institute", Radcliffe Yard
6 signage, rebranding, and dated September 2021.

7 "Approval is granted on their condition that the
8 historical details be reviewed and approved by Historical
9 Commission Staff.

10 "I also note for the record and incorporate by
11 reference the signed certificate form cover sheet prepared
12 by Community Development, which is a former exercise that
13 any sign applicant has to go before Community Development.
14 Community Development assesses the sign size, location,
15 lighting, et cetera, et cetera, and certifies either that
16 they are in compliance with the ordinance or not."

17 Out of compliance, they would then come before us.
18 This was all done by Mr. Daniel Messplay, and as such he has
19 approved four of the signs -- two of which he has exempted,
20 because they felt that the sign is exempt because it is
21 necessary for public convenience, and does not exceed six
22 square feet.

1 We are also in receipt of correspondence from
2 Carol O'Hare dated January 3.

3 "Harvard has proposed four signs for the Harvard
4 Radcliffe Institute. They all seem modest and tasteful to
5 me."

6 She's asking, though, for the record, that to
7 forestall future signers' application for signs that are not
8 so modest and tasteful. She's concerned about precedent
9 that could be set by Mr. Messplay's signed certificates
10 with certification for sign 1 and 4.

11 I will echo what Mr. Marshall said, that I'm --
12 don't feel comfortable to analyzing Mr. Messplay's analysis.
13 I take it for fact, and that he has done due diligence and
14 has deemed those two signs to be exempt.

15 Also we are in receipt from a James Williamson,
16 and he also has no objections to the sign over certain
17 entrances between Knafel and Agassiz. Tastefully done and
18 is appropriate signage. So is the small rectangular sign at
19 Brattle Street, which is not subject to this.

20 The sign -- and he goes on to comment that he goes
21 on to comment about some other signage, which he feels may
22 not be necessary or appropriate, and he would permit

1 permitting a small sign, and also possibly as a tradeoff of
2 the signs. [By] James Williamson, 1000 Jackson Place,
3 received by the Board and incorporated by reference.

4 With that: I will then conclude the public
5 comment and submittal part of the application.

6 Turning back to the applicants, Ms. Powers, Ms.
7 Zimmerman, anything else to add at all?

8 MICHAELANN ZIMMERMAN: I want to add one -- sorry.

9 BRENDAN SULLIVAN: Okay.

10 KATE LOOSIAN: Go ahead, Michaelann.

11 BRENDAN SULLIVAN: Okay.

12 MICHAELANN ZIMMERMAN: Okay. I wanted to add one
13 thing, which was their -- one of the red signs has been
14 removed in this scenario, where the sign is here. There was
15 a red sign next to the gate that we were discussing that has
16 the historic plaques on it.

17 So that sign is being removed, whether or not this
18 sign goes in. But that sign would not be there.

19 BRENDAN SULLIVAN: Okay. Thank you, Ms. Powers.
20 Anything else to add, or?

21 JEANNINE POWERS: No, nothing to add for me.
22 Thank you.

1 BRENDAN SULLIVAN: Yeah. Okay, fine. Any other
2 further comments by Members of the Board, or are you ready
3 for a motion?

4 JIM MONTEVERDE: Ready.

5 BRENDAN SULLIVAN: My feeling on this -- I did not
6 comment -- is that I think history has shown that Harvard
7 really does probably as good a job as any. I don't think
8 they overdo it, and I think they do what is necessary for
9 wayfinding to get people in and out of the area for
10 assessing the programs.

11 And I also note the comment by the Cambridge
12 Historical that are in favor of this, and again find that it
13 is minimal, and also, tastefully done, and also some of the
14 members of the Board also commented.

15 Let me make the motion, then, to grant the relief
16 requested, as per the application to install two exterior
17 campus identification signs, as per the location in the
18 application.

19 The Board finds that a literal enforcement of the
20 provisions of the ordinance would involve a substantial
21 hardship to the petitioner for the following reasons:

22 The Board finds that the Harvard Radcliffe

1 Institute is a multibuilding, educational campus surrounding
2 Radcliffe Yard. The core of the campus is accessed by
3 multiple entry points located around the perimeter, and
4 surrounded on multiple sides by high brick walls.

5 The Board notes that the Radcliffe campus contains
6 several uses that bring a significant number of visitors to
7 the campus, which -- experience has shown -- wayfinding to a
8 particular event/program can sometimes be difficult to
9 navigate for the general public.

10 These factors highlight the need for additional
11 signage at key intersections and access points surrounding
12 the perimeter of the campus, to help visitors identify
13 specify buildings and guide them to their destinations.

14 The Board finds that hardship is owing to the fact
15 that the campus has grown in size and also programs over a
16 period of time into a multibuilding campus. And as such,
17 specific building locations can be difficult, and adequate
18 wayfinding is in the petitioner's interest and the general
19 public's interest as well.

20 The need for greater flexibility in the signage
21 permitted for nonresidential uses in residential C-2 zone is
22 unique to the function of a multibuilding educational group,

1 and is not typical of other uses in the Residence C-2 Zoning
2 District.

3 The Board finds that relief may be granted without
4 substantial detriment to the public good. The requested
5 variance is necessary to address the need the clear
6 identification and wayfinding that supports a welcoming
7 environment for the large number of public who visit the
8 campus on a regular basis.

9 Therefore, the granting of the variance will not
10 be detrimental to the public good, but rather will provide a
11 public benefit by improving the wayfinding and the visual
12 character of the campus.

13 Desirable relief may be granted without nullifying
14 or substantially derogating from the intent and purpose of
15 this ordinance, but will allow the placement of adequate
16 signage to better identify the campus and its entrances for
17 guests and visitors to Harvard Radcliffe Institute...

18 Which is consistent with the Cambridge Zoning
19 Ordinance assertion that the public interest is served by
20 use of signs, by businesses and services to identify their
21 premises or the products or services there available.

22 The Board grants the relief requested on the

1 condition that the work comply with the application as
2 submitted; also the certification from the Community
3 Development Department, and also, the letter of
4 appropriateness and the condition further reviewed by the
5 Cambridge Historical Committee, and the work initialed by
6 the Chair on this particular date.

7 On the motion to grant the relief requested,
8 Wendy?

9 WENDY LEISERSON: I vote in favor.

10 BRENDAN SULLIVAN: Jim Monteverde?

11 JIM MONTEVERDE: I vote in favor.

12 BRENDAN SULLIVAN: Jason Marshall?

13 JASON MARSHALL: I vote in favor.

14 BRENDAN SULLIVAN: Laura?

15 LAURA WERNICK: -- votes in favor.

16 BRENDAN SULLIVAN: Hm?

17 JIM MONTEVERDE: You're muted, Laura.

18 BRENDAN SULLIVAN: Laura?

19 LAURA WERNICK: Laura Wernick votes in favor.

20 BRENDAN SULLIVAN: Okay. And Brendan Sullivan
21 votes in favor.

22 [All vote YES]

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Unanimous vote of four Members of the Board. The
variances are granted. Thank you.

KATE LOOSIAN: Thank you.

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2 (6:45 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Jason Marshall, and Laura
5 Wernick

6 BRENDAN SULLIVAN: The Board will hear Case
7 #154854 -- 22 Water Street. Mr. Brailard?

8 ADAM BRAILLARD: Thank you, Mr. Chairman and
9 Members of the Board. Adam Brailard, Prince Lobel and Tye.
10 We're at One International Place in Boston for the
11 applicant, Starry, Inc. for a special permit to install and
12 operate a wireless internet access facility on the rooftop
13 of the building located at 22 Water Street.

14 We submitted a request to continue this public
15 hearing because we were heard, or we met with the Planning
16 Board on Tuesday night, who had some comments in connection
17 with the design.

18 And the applicant decided too that if we could
19 continue the hearing to February 10 so that we could review
20 those comments, possibly to see if there are any options for
21 a different design, that would be helpful so we have some
22 time to then go back to the Planning Board with a possible

1 redesign.

2 BRENDAN SULLIVAN: Okay. We are in receipt of
3 your request, and the date of February 10 we are booked that
4 particular night, Adam, for any continued cases, so that the
5 next available would be February 24, if that works for you?

6 ADAM BRAILLARD: Next available. Thank you.

7 BRENDAN SULLIVAN: Okay. Would -- any comments by
8 Members of the Board regarding the continuance?

9 JIM MONTEVERDE: No. Sounds good.

10 BRENDAN SULLIVAN: Hearing none, I will make the
11 motion, then, to continue this matter until February 24,
12 2022 at 6:00 p.m. as a continued case not heard, on the
13 condition that the petitioner change the posting sign to
14 reflect the new date of February 24, 2022 at 6:00 p.m.

15 That any new submittals be in the file prior to --
16 one day prior to the February 24 at 5:00 p.m.

17 The other condition I would put in would be that
18 you return to the Planning Board prior to coming back to us.
19 They obviously initialed the initial review, and their
20 comments were to be respected, and that I would want them to
21 -- obviously -- see the new submittals and then report that
22 to -- their findings to the Board.

1 So on the motion, then, to continue this matter to
2 February 24, 2022 at 6:00 p.m.

3 CONSTANTINE ALEXANDER: Don't we need to have
4 another condition that he sign a waiver of time for
5 decision?

6 BRENDAN SULLIVAN: Thank you very much. Yes.
7 That's why I need somebody sitting shotgun here. And Adam,
8 if you would sign a waiver to the statutory requirement for
9 a hearing and a decision to be rendered therefore. And
10 tonight being Thursday, if you could have that in the file
11 by 5:00 p.m. on next Monday; is that possible?

12 ADAM BRAILLARD: Yes. Understood. Thank you.

13 BRENDAN SULLIVAN: Send that onto Maria or to
14 Olivia? So that would be the fourth condition, and the
15 waiver is very important.

16 So on the motion, then, to continue this matter,
17 Mr. Alexander?

18 CONSTANTINE ALEXANDER: I vote in favor.

19 BRENDAN SULLIVAN: Jason?

20 JASON MARSHALL: Jason Marshall in favor.

21 BRENDAN SULLIVAN: Jim Monteverde?

22 JIM MONTEVERDE: Jim Monteverde in favor of the

1 continuance.

2 BRENDAN SULLIVAN: Laura Wernick?

3 LAURA WERNICK: I vote in favor.

4 BRENDAN SULLIVAN: And Brendan Sullivan yes in
5 favor.

6 [All vote YES]

7 BRENDAN SULLIVAN: The matter is continued until
8 the twenty-fourth. See you then, Mr. Brailard.

9 ADAM BRAILLARD: Thank you.

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(7:06 p.m.)

Sitting Members: Brendan Sullivan, Constantine Alexander,
Jim Monteverde, Jason Marshall, and Andrea
Hickey

BRENDAN SULLIVAN: The Board will now hear Case
#151952 -- 115 Inman Street. Andrea Hickey will be sitting
in place of Laura Wernick on this particular case. So we
have Andrea Hickey, Mr. Alexander, Mr. Marshall, Jim
Monteverde and myself sitting on this case, yes?

[Pause]

And I got the high sign yes. Okay, the Board
will now hear Case Number #151952 -- 115 Inman Street.

DOUG ARSHAM: Hi. Good evening. Thank you,
Members of the Board and Mr. Chairperson for having us this
evening. My name is Doug Arsham here with my wife, Jennifer
Effron, the residence of 115 Inman Street.

We're before you this evening; our plan is to
build a roof deck on our third floor of our house. We are
here because we need a variance from FAR.

The house itself was built in 1863. We renovated
it four or five years ago with the intent of putting the

1 roof deck on at some point in the future. The future is
2 here. We have two little kids and need a little extra
3 space.

4 When we went through the zoning code, we realized
5 that the -- because we're an existing FAR, in creating the
6 dormer that we need for the access to the roof deck, the
7 dormer creates about 40 square feet of additional FAR under
8 the current regulations. So that is what we're looking for
9 a variance from. The plans just came up on the screen here;
10 thank you.

11 We are also -- I believe, yeah, I think you met my
12 wife; just reminded me. We are also within the setback to
13 our neighbors' house. This is an attached single-family
14 home; it is not a condo.

15 So we are actually -- where we were building the
16 roof deck is actually within the--quote, unquote-- "setback"
17 of our attached neighbor, who has sent along in the package
18 that we submitted a letter of support with this application
19 of a variance.

20 BRENDAN SULLIVAN: Okay. And the need for the
21 deck?

22 DOUG ARSHAM: The need is additional space.

1 BRENDAN SULLIVAN: Do you have any additional yard
2 space in the back of your building?

3 DOUG ARSHAM: We do. We have a fairly small yard
4 space in the back. As our kids are getting older -- they're
5 currently 8 and 5, and we hear them in the background.
6 You'll see that any space is good space for us.

7 And so we're just looking to increase the amount
8 of outdoor space we have, which is -- you know, something
9 that's been exacerbated over the past two years of COVID and
10 the earlier parts of lockdown -- that we need as much
11 outdoor space as we can get.

12 BRENDAN SULLIVAN: Okay. Olivia, could you pull
13 up the dimensional form?

14 [Pause]

15 Okay. So right now it's over -- you're not adding
16 any new violations, you're already over on the GFA. You're
17 not encroaching anymore, and you're basically just going up.
18 There is some additional square footage, which obviously is
19 in that dormer to access the roof deck.

20 DOUG ARSHAM: Yeah. That's the only place where
21 the additional FAR is located --

22 BRENDAN SULLIVAN: Yeah.

1 DOUG ARSHAM: -- within that dormer, per the
2 calculations.

3 BRENDAN SULLIVAN: Correct. Okay, fine. All
4 right. Any questions by members of the Board? Mr.
5 Alexander?

6 CONSTANTINE ALEXANDER: I have none.

7 BRENDAN SULLIVAN: Mr. Marshall?

8 JASON MARSHALL: No questions at this time.

9 BRENDAN SULLIVAN: Jim Monteverde?

10 JIM MONTEVERDE: I just have -- I think you
11 explained the need for the deck. My question was about the
12 hardship, as it's a variance request. So if you could
13 address what the hardship is as one.

14 And then second, could you just explain the
15 drawing that was up on the screen before? It has some
16 dimensions on it. How large is the deck?

17 DOUG ARSHAM: Sure. So the hardship -- the reason
18 we need the FAR in the variance on the setback is twofold.
19 So the setback is fairly simple. The only place for us to
20 put the door in our house currently is against the wall --
21 the separating wall, the party wall between our property and
22 our neighbor's property.

1 And you'll see it right there where if you were to
2 put it anywhere closer into the building itself, there's a -
3 - we've got all of our infrastructure and our HVAC unit, and
4 also, the door itself would be in a separate room.

5 And so the best place for us to put this door, or
6 the only place really for the door, is right at the top of
7 the staircase, where we've got it located here. So that's
8 why the door has to be within the setback.

9 And then also the size of the deck as well. If we
10 were to meet the setback requirements, the deck would be far
11 too small to use. So we've -- that's the first reason for
12 the setback variance.

13 And the second reason, the second question you
14 asked was -- I'm sorry, could you repeat that with regards
15 to --

16 JIM MONTEVERDE: Just the size of the deck. The
17 Board has seen a number of roof decks and various
18 configurations, and it has usually reacted negatively to
19 those that are of a generous size.

20 And the concern is just -- you know, impact on
21 neighbors. You know, does it become a party space? What --
22 you know, what's the screening around it, what -- how big

1 does it need to be for -- what is the function? If you're
2 coming out here to read a book, you know, does it need to be
3 that large? Can it be done less impactfully or smaller?
4 That's the point.

5 DOUG ARSHAM: I know, that's a good question. So
6 we have our family of four. And so for us to be able to sit
7 outside on the roof deck, be able to watch movies, have
8 friends over for the kids; be able to actually use the roof
9 deck and sit on it, be able to have meals on it -- the size
10 that we planned we think is commensurate with the type of
11 activities that we'd be doing out there.

12 So I think any smaller would create -- the roof
13 deck would be, I wouldn't say, "unusable" but certainly not
14 the size that we need with the family that we have.

15 JIM MONTEVERDE: Thank you.

16 BRENDAN SULLIVAN: Andrea Hickey, you got any
17 questions at this point?

18 ANDREA HICKEY: Yes. I'm having a hard time
19 seeing the thumbnails on the left-hand side. Is there a
20 plot plan that was submitted as part of this application?

21 Thank you. Great. So respectfully, if the
22 purpose of this deck is outdoor space, as Cambridge goes,

1 your lot seems to have some pretty decent outdoor space.
2 You know, we hear cases looking for roof decks where there's
3 no sort of green space at all.

4 And again, when I look at this plot plan, it looks
5 like there is ample room for a family to eat outdoors or
6 kids to play. I'm just not seeing the hardship as presented
7 at present, anyway.

8 If I could ask the petitioners as well, what room
9 on the top floor would you access this roof deck through?

10 DOUG ARSHAM: So the roof deck itself wouldn't be
11 accessed through a room; it would be accessed through a top
12 landing.

13 So as you walk up the stairs of our house, which
14 are on the party wall side of our neighbor, when you get to
15 the top floor of the stairs, there's a small landing. And
16 the landing is where we would locate the door to keep all
17 ingress and egress along that side of that.

18 ANDREA HICKEY: All right. If I could see the
19 plan that shows that?

20 Okay. Thank you. I mean, if the petitioners wish
21 to address my comments about there apparently being -- in my
22 mind anyway -- adequate green space or outdoor space, you

1 know, they're certainly welcome to do so. But those are my
2 comments at present.

3 BRENDAN SULLIVAN: Okay. Olivia, could you pull
4 up the elevation -- yeah, plan of it right there? Okay.

5 DOUG ARSHAM: So with regards to your question, in
6 the back yard, I think -- you know, there's a couple things.
7 Number one, obviously there's precedence in the
8 neighborhood. A lot of our neighbors have space; they have
9 roof decks.

10 But for us particularly, the way our family is,
11 and as our kids get older, yes there is space -- I think
12 when you look at the mortgage plot plan, you'll notice that
13 there's a front yard which isn't necessarily space that we
14 sort of hang out in or do anything in. There's the side
15 yard and the driveway that we have.

16 And then when you look at where the green space
17 actually begins, it's actually fairly small. When we were
18 locked down during COVID, with our family, and when all four
19 of us are outside, it's tight. Yes, we can have a meal, but
20 you only need a couple square feet to actually sit down and
21 have a meal.

22 So what we'd like to be able to do is just create

1 more space on our property; not just for us but for our kids
2 and to be able to have people over, quite frankly.

3 Not as a party house, of course; we're a family,
4 we're professional, but to build something that we can
5 entertain. And we do like to have friends of our children
6 over; different families. And especially right now with the
7 way COVID has gone, we're looking for any space that we can
8 get that we think would create an environment around here
9 where we can be outside, quite frankly.

10 ANDREA HICKEY: Thank you. That's all I have, Mr.
11 Chairman.

12 BRENDAN SULLIVAN: Jason, did I ask you your
13 comment?

14 JASON MARSHALL: Yes, you did, Mr. Chair.

15 BRENDAN SULLIVAN: Okay, fine. Let me open it up
16 to public comment. Any members of the public who wish to
17 speak should now click the button that says, "Participants,"
18 and then click the button that says, "Participants" and then
19 click the button that says, "Raise hand."

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

1 OLIVIA RATAY: Charles Korn?

2 CHARLES KORN: Hello. Can you hear me?

3 BRENDAN SULLIVAN: Yes. Identify yourself,
4 please, for the record.

5 CHARLES KORN: My name is Charles Korn, K-o-r-n,
6 and I'm here with my wife, Karen Korn. We are the abutters
7 on the other side at #113 Inman. We've looked at the plans,
8 and we will state we are 100 percent in support of it. I
9 think they've done a very tasteful addition to the property.

10 I think in terms of concerns of privacy, I think
11 they've addressed it very well with -- you know, their two
12 children in their small child to have both a meal and a
13 children's play space is impractical.

14 I think to have a meal area on a deck, for
15 example, and then a separate play area would be very useful,
16 particularly as the children grow.

17 We also have noticed in the neighborhood almost
18 every single house has a deck of some kind; in fact some
19 fairly substantial decks on their properties. And I think
20 the character of the neighborhood and the character of the
21 neighbors suggests that these will be -- the space will be
22 used very tastefully.

1 And I think we are very, very, very much in
2 support of what they're trying to do.

3 And, honestly, it would make a visually very --
4 fairly unattractive space much more attractive. You know,
5 because we look directly at it. And it would look -- quite
6 frankly, it would be a significant improvement to both their
7 house and to the neighborhood.

8 BRENDAN SULLIVAN: Great, thank you. Anybody else
9 who wish to comment? There appears to be nobody else
10 calling in. We are in receipt of a correspondence from Mr.
11 Bob Dougherty.

12 "I'm writing to support Douglas Ashram's petition
13 to build a roof deck with a dormer on his house at 115. I
14 am the direct abutter at 117. I share a party wall and I do
15 not have any concerns with the proposed roof deck, for which
16 the zoning relief is requested will interfere with my
17 property. I have reviewed the plans, and I approve of
18 them."

19 There is correspondence in the file from the Mid-
20 Cambridge Neighborhood Conservation District.

21 "Mid-Cambridge Neighborhood Conservation District
22 hereby certifies that the construction described below is

1 not incongruous to the historic aspect or architectural
2 character of the building or district regarding 115 Inman
3 Street to construct a rear roof deck accessed by third
4 floor.

5 "The Commission regarded the proposed design
6 including the deck railing pulled back from the edge of the
7 dormer well -- being well below the roof's original lines as
8 well thought-out and appropriate."

9 The Board is also in receipt of correspondence
10 from Alanna Mallon, the Cambridge Vice-Mayor.

11 "I'm writing on behalf of Douglas Ashram and
12 Jennifer Effron, who have submitted a request for a variance
13 to construct a nonconforming addition of a roof deck access
14 and access dormer to their home.

15 "This family is one that is deeply committed to
16 our community. Douglas and Jennifer are actively involved
17 in the Inman Square neighborhood and the small businesses
18 that are located there.

19 "This necessary addition to their home will better
20 suit their growing family and allow them to remain in a
21 community that they love. Jennifer and Douglas have done
22 ample outreach to their neighbors to keep them informed of

1 the proposed changes to their home and have received two
2 letters of support from their direct abutters, which are
3 included in this application.

4 "I wholeheartedly encourage the Board to grant
5 this variance regarding this matter. Thank you.

6 Alanna Mallon, Cambridge Vice Mayor."

7 [Sum and substance of the correspondence.] I will
8 close the public comment aspect of it. Any further
9 discussion by the petitioner at all, any comments?

10 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey.

11 BRENDAN SULLIVAN: Yep.

12 ANDREA HICKEY: If I could just ask the
13 petitioners, do either of the abutters on the right or the
14 left, do those structures have a roof deck?

15 CHARLES KORN: Yes.

16 JENNIFER EFFRON: One.

17 ANDREA HICKEY: Which one's?

18 CHARLES KORN: The Korn's' house.

19 ANDREA HICKEY: Are they attached? Is their
20 building attached to you?

21 JENNIFER EFFRON: No --

22 CHARLES KORN: No.

1 JENNIFER EFFRON: -- the other side.

2 ANDREA HICKEY: On the other side. Okay. Thank
3 you.

4 BRENDAN SULLIVAN: Okay. Any more discussion by
5 the Board, or shall I make a motion? Any other comments?

6 JIM MONTEVERDE: Motion.

7 BRENDAN SULLIVAN: Okay. Let me make a motion,
8 then, to grant the relief requested as per the application
9 and the supporting documentation.

10 The Board finds that a literal enforcement of the
11 provisions would involve a substantial hardship to the
12 petitioner, because it would preclude the petitioner access
13 to a roof deck, which, as recent events have shown us, that
14 outdoor space -- private outdoor space and singular outdoor
15 space can be very much needed and well sought-out by
16 occupants of a building.

17 That the Board finds that the hardship is owing to
18 the fact that the building was constructed prior to the
19 enacting of the existing zoning, is encumbered by the
20 existing zoning, is a detached residence, which gives it a
21 zero-lot line on one side, and so that any construction in
22 that particular area -- albeit a dormer and/or roof deck

1 that encroaches on that setback and cannot be altered.

2 The Board finds that desirable relief may be
3 granted without substantial detriment to the public good.

4 The Board finds that the roof deck, though it
5 encroaches over the side property line, does not impact the
6 neighboring properties at all.

7 The Board finds that there are other roof decks
8 somewhat similar nature in the neighborhood, without any
9 adverse factor on surrounding properties. That immediate
10 abutters have voiced their approval of same, and feel that
11 there would be no impact on their quality of life.

12 The Board finds that desirable relief may be
13 granted without substantial detriment to the public good, or
14 nullifying or substantially derogating from the intent and
15 purpose of the ordinance, to allow the fair and reasonable
16 use of the property. This particular is unused roof area;
17 can be utilized in a better way.

18 And again, given the current conditions -- health
19 conditions that society is facing -- and also the fact that
20 there tends to be a shift in societal norms, and that the
21 requiring can be being able to capture some outdoor space
22 does have an enormous health benefit to the occupants of the

1 property.

2 For those reasons, I would make a motion, then, to
3 grant the relief requested on the documentation as presented
4 in the supporting documents.

5 On the motion to grant, Mr. Alexander?

6 CONSTANTINE ALEXANDER: In favor.

7 BRENDAN SULLIVAN: Mr. Marshall?

8 JASON MARSHALL: Jason Marshall yes in support of
9 the variance.

10 BRENDAN SULLIVAN: Mr. Monteverde?

11 JIM MONTEVERDE: Jim Monteverde in support of the
12 variance.

13 BRENDAN SULLIVAN: Andrea Hickey?

14 ANDREA HICKEY: Yes, I'm in support of the
15 request.

16 BRENDAN SULLIVAN: And Brendan Sullivan in support
17 of the request.

18 [All vote YES]

19 Unanimous vote of five members of the Board. The
20 requested variance is granted.

21 COLLECTIVE: Thank you very much.

22 BRENDAN SULLIVAN: You're welcome.

1 ANDREA HICKEY: Mr. Chair, this is Andrea Hickey
2 speaking. I am going to step back, but if I am needed at
3 all throughout the evening, feel free to have someone reach
4 me on my cell phone, but I am home and available.

5 BRENDAN SULLIVAN: Well, your --

6 LAURA WERNICK: Thank you.

7 BRENDAN SULLIVAN: -- presence --

8 LAURA WERNICK: -- Thank you, Andrea.

9 ANDREA HICKEY: Sure.

10 BRENDAN SULLIVAN: -- your presence has graced us.
11 Thank you.

12 ANDREA HICKEY: Thank you, Mr. Chair.

13 BRENDAN SULLIVAN: We will talk again.

14 ANDREA HICKEY: Yes, we will. Thank you.

15 BRENDAN SULLIVAN: Hurry back. Thank you.

16 ANDREA HICKEY: Thank you, everyone. Goodnight.

17 LAURA WERNICK: Thank you.

18 BRENDAN SULLIVAN: Thanks.

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(7:25 p.m.)

Sitting Members: Brendan Sullivan, Constantine Alexander,
Jim Monteverde, Jason Marshall, and Laura
Wernick

BRENDAN SULLIVAN: The Board will now hear Case
#154221 -- 213 Harvard Street. Does the petitioner wish to
speak?

EVAN SMITH: Yes. Hello. Thank you to Members of
the Board for having us here this evening. I am here to
represent the members of the 213 Harvard Street Condo
Association. 213 Harvard Street was --

BRENDAN SULLIVAN: I just want to --

EVAN SMITH: All right.

BRENDAN SULLIVAN: -- interrupt you for a moment,
but there was some discussion the other night by the
Planning Board. And their suggestion was that you consult
potentially with the Community Development Department about
a redesign of the project.

This Board is not a Design Review Board. We deal
in matters of the Zoning Ordinance. However, we do respect
any comments by the Planning Board Members.

1 Aside from that, there is significant opposition
2 from the abutting property condominium owners. And there
3 are an awful lot of issues that are raised. You're aware of
4 their letter and their opposition?

5 EVAN SMITH: We are, yes. And we have made
6 changes during our community process in order to help
7 alleviate or minimize said concerns.

8 BRENDAN SULLIVAN: And have those changes been
9 incorporated into the new submittals at all?

10 EVAN SMITH: Yes.

11 BRENDAN SULLIVAN: So I guess the question that
12 I'm going to ask -- and I will leave it open even to discuss
13 from the Board is whether or not we should even proceed with
14 the hearing of this case tonight in light of the Planning
15 Board comments, in light of the comments by the Condominium
16 Association neighbor, and whether all of these issues can be
17 addressed tonight in a case heard.

18 If we open up the case, and we go through another
19 hour, hour and a half, whatever it may be, and we wind up
20 continuing it, you're going to have to reassemble the exact
21 same five members, which could kick this down the road a bit
22 in order to gather the five of us together.

1 My question to you is whether or not you really
2 want to continue this matter tonight, you want to regroup,
3 go back, address all of the issues of the Condominium
4 Association -- and again, they're having to do with light
5 and air, and also, I think the access to the parking, and
6 also, the issue of the Planning Board comments. So.

7 EVAN SMITH: Let me pick those off one by one. To
8 the Planning Board comments, my understanding from the
9 Planning Board on Tuesday night was that they were in
10 support of the project going forward to Zoning with the
11 contingency that we speak to them further about the
12 aesthetic design -- not the massing or the layout of the
13 building, but in fact just the aesthetics of the building
14 itself.

15 And that did not seem unreasonable to us. And we
16 are definitely open to continuing the work on the design.

17 With relationship to the concerns raised by the
18 217 Condo Association, if you make the presentation, you'll
19 see that we've addressed the shadow issues significantly by
20 removing a parapet on the top of the building, changing
21 massing slightly.

22 That issue has been very much minimized. And then

1 the parking issue -- access to parking -- we would not be
2 able to reapply for the parking as it was formerly. The
3 Dimensional Requirements don't work for the old parking
4 area.

5 So I think it's worth noting too, if I may, that
6 you know, there are five condo owners who are currently
7 without their homes who formerly lived in this building.

8 The building burned down in May of 2020. They've
9 had a year and a half of dealing with insurance companies
10 and dealing with an investor owner who owned three of the
11 units, who did not want to rebuild. They would very much
12 like to move this process along, so that they can rebuild
13 their homes and move back in.

14 And we think we've -- the reason we're here asking
15 for variances is that the -- in theory, we could grandfather
16 in the old building as it was, but we run into several
17 issues:

18 One, we don't meet egress requirements for the
19 basement units, which are present in this. We have a hard
20 time meeting ADA requirement. And the dimensional
21 requirements of parking are such that the grandfathered plan
22 really doesn't work.

1 And so here we are asking for some minimal changes
2 to the footprint of the building and the orientation of
3 parking, trying to make this better for the occupants, and -
4 - frankly -- better for the neighborhood. So.

5 BRENDAN SULLIVAN: Okay. On the issue regarding
6 the redesign, and I watched the Planning Board hearing
7 regarding this matter, and the consensus is that yes, they
8 would like to see it rebuilt, obviously -- and they have a
9 right to rebuild.

10 However, should a redesign of the element of the
11 building change from what is before us tonight, then we
12 cannot approve something that may change. And that not
13 knowing what is going to change, it -- you know, it may
14 change some of the balconies, it may change some of the
15 entryways, it may change -- who knows what it's going to
16 change.

17 But whatever we approve is what has to be built.
18 And if there's any changes to that, in what we approve, then
19 it's going to have to come back before us again.

20 So it's a question of which comes first. You
21 know, you could get some zoning relief, but it's the zoning
22 relief on the document that's in front of us. And I'm

1 hesitant to proceed if that document -- that design is going
2 to change.

3 EVAN SMITH: I think the types of things that we
4 have discussed with abutters of changing simple detailing
5 issues -- things like potentially a soffit or cornice line
6 at the top of the building, window detailing -- I don't
7 think the massing is going to be changing. That was not our
8 intent was to modify the massing.

9 There does not seem to be opposition to the
10 massing shape itself. It's more of whether, you know, it
11 has a very clean, contemporary look or if it has some more
12 traditional elements in it.

13 Can I also just ask the question of when -- if we
14 were to ask for a continuation, when is the soonest that we
15 would be able to get before this Board? Cognizant of the
16 situation of the owners, who are both paying in the injury
17 that they have suffered.

18 Not only are they not in their homes, but they're
19 paying their mortgages still on these -- on this property.
20 So it's a pretty significant expense to them to delay.

21 BRENDAN SULLIVAN: I'm sensitive to that and
22 understanding.

1 CONSTANTINE ALEXANDER: I just wanted to point out
2 -- so this is Constantine Alexander, a Member of the Board.
3 If you're going to have changes with the Planning Board, as
4 Brendan has told you, there was a meeting with the Planning
5 Board. The relief we'll give you tonight, should we give
6 it, is useless.

7 Why don't we get the -- finalize yours with the
8 Planning Board? And that's a question of how quickly you
9 can do that with them -- and then come back to us with the
10 finished product? We don't usually take -- act on cases
11 where the ball is still up in the air. And the Planning
12 Board has specifically suggested that we would give you --
13 that there be a continuance.

14 I don't think it's a very good idea -- from the
15 point of view of this Board and from the point of view of
16 your Condominium -- to go forward tonight. You're just not
17 ready.

18 EVAN SMITH: So I'm asking when would we be able
19 to reschedule to?

20 CONSTANTINE ALEXANDER: You tell me. You've got
21 to tell us when do you think you can resolve your issues
22 with the Planning Board?

1 BRENDAN SULLIVAN: March 10. It would be March 10
2 would be the next available?

3 CONSTANTINE ALEXANDER: Assuming you are all set
4 with the Planning Board by that date? When we have the
5 final plans, if you will -- not what's been presented to us
6 tonight?

7 BRENDAN SULLIVAN: Mr. Smith, let me just ask one
8 other question here. The latest submittal that we have here
9 is dated Wednesday January 5 at 12:24, is that correct?

10 EVAN SMITH: Correct.

11 BRENDAN SULLIVAN: Well that, then trips over. We
12 usually have a 5:00 deadline of any new submittals on the
13 Monday prior to our hearing, so that this coming in
14 yesterday at 12:24 does not give sufficient time --

15 EVAN SMITH: I'm sorry, I wasn't submitted -- it
16 was submitted on Tuesday morning at 9:00 a.m., which would
17 have been January 4. That's when it got in -- I received a
18 late e-mail; I was out last week -- I received an e-mail
19 late on Friday of the week before saying that they wanted
20 this in.

21 I'm not familiar with Cambridge, and getting it in
22 on Tuesday at 9:00 a.m. was the best I could do.

1 BRENDAN SULLIVAN: Well, at any rate, it went
2 beyond 5:00.

3 EVAN SMITH: Am I correct in hearing that, you
4 know, if we go forward with this, the Board is likely going
5 to vote against this?

6 BRENDAN SULLIVAN: I'm not going to -- from one
7 Member, I'm not going to indicate one way or the other on
8 this. It's just that, as I have said and I think as Mr.
9 Alexander has reiterated is that it does not appear to be
10 ready to go.

11 I think it also is, number one, fatal to your
12 application that it came in after the 5:00 on Monday
13 evening, because it didn't give sufficient time for the
14 Board to --

15 EVAN SMITH: Okay. I guess at this point we'll
16 continue. It's really unfortunate that we're not able to
17 present this, because we have paid attention to people's
18 concerns and made adjustments.

19 But if it sounds like this is not going to go the
20 way we want it to, then I guess we have no choice but to ask
21 for a continuation and further delay the return of these
22 homeowners to their units.

1 BRENDAN SULLIVAN: Other members of the Board?
2 Jason, any comments regarding the proceeding or continuing?

3 JASON MARSHALL: No, I think I agree with the
4 earlier comments; that it does feel challenging to act on
5 this request tonight. And it would be helpful to have a
6 cleaner record, to have more time to review the record. So
7 it sounds like the petitioner is inclined toward requesting
8 the continuance. And personally I think that would be
9 helpful.

10 BRENDAN SULLIVAN: Okay, Jim Monteverde your
11 comments regarding the proceeding or continuance?

12 JIM MONTEVERDE: I'm in favor of the continuance.
13 I don't think you can proceed tonight at all.

14 BRENDAN SULLIVAN: All right, thank you. Laura,
15 your comments?

16 LAURA WERNICK: I agree. I'd be hesitant to
17 proceed tonight.

18 BRENDAN SULLIVAN: Okay. Let me make the motion
19 then to continue this matter until March 10, 2022 at 6:00
20 p.m. on the condition that the petitioner sign a waiver of
21 the statutory requirement for a hearing and a decision to be
22 rendered therefore.

1 Such waiver shall be in the file by 5:00 p.m. next
2 Monday and should be addressed to either Maria Pacheco or to
3 Ms. Ratay -- and that the posting sign be changed to reflect
4 the new date of March 10 and the time of 6:00 p.m.

5 And that any new submittals regarding this
6 particular case be in the file by 5:00 p.m. on the Monday
7 prior to the March 10 hearing. On the motion then to
8 continue this matter?

9 CONSTANTINE ALEXANDER: I vote in favor of the
10 continuance.

11 BRENDAN SULLIVAN: Jason Marshall?

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

14 BRENDAN SULLIVAN: Jim Monteverde?

15 JIM MONTEVERDE: Jim Monteverde in favor of
16 continuing.

17 BRENDAN SULLIVAN: Laura?

18 LAURA WERNICK: I vote in favor of the
19 continuance.

20 BRENDAN SULLIVAN: And Brendan Sullivan yes to the
21 -- continuing the matter.

22 [All vote YES]

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BRENDAN SULLIVAN: The matter is continued until
March 10,2022 at 6:00 p.m.

1 * * * * *

2 (7:41 p.m.)

3 Sitting Members: Brendan Sullivan, Constantine Alexander,
4 Jim Monteverde, Jason Marshall, and Laura
5 Wernick

6 BRENDAN SULLIVAN: The Board will hear Case
7 #154682 -- 30 Cameron Avenue. Anybody here regarding --
8 representing the petitioner? 30 Cameron Avenue? Mr. Bellal
9 Defreitas?

10 JIM MONTEVERDE: They're there. They were just
11 there a second ago, and then they disappeared.

12 BRENDAN SULLIVAN: Mr. Bellal [(sic) and per
13 Liberty]?

14 JIM MONTEVERDE: No, Defreitas is trying to
15 connect the audio. At least that's what my screen says.
16 Nope, now he's on mute.

17 LAURA WERNICK: Mr. Defreitas, you need to switch
18 off of mute.

19 JIM MONTEVERDE: There you go.

20 BELLAL DEFREITAS: Hello.

21 LAURA WERNICK: Hello.

22 JIM MONTEVERDE: Hi.

1 WAGNER DEFREITAS: I think we should have Attorney
2 David in the meeting as well with us.

3 BRENDAN SULLIVAN: I don't think he's in. Are you
4 with us?

5 WAGNER DEFREITAS: Hi, I'm here.

6 BRENDAN SULLIVAN: Okay. If you would identify
7 yourself for the record?

8 WAGNER DEFREITAS: I'm Wagner Defreitas.

9 BRENDAN SULLIVAN: Your address?

10 WAGNER DEFREITAS: The property address?

11 CONSTANTINE ALEXANDER: We have that.

12 WAGNER DEFREITAS: Okay. So 72 Gore Road in
13 Revere, Massachusetts.

14 BRENDAN SULLIVAN: Okay. Okay, your case.

15 CONSTANTINE ALEXANDER: All right. Present the
16 case. Your obligation is to tell us why you should give us
17 the relief you're seeking.

18 JIM MONTEVERDE: Yeah. Mr. Defreitas, are you
19 waiting for your attorney to join you?

20 WAGNER DEFREITAS: Yes. That's what I was waiting
21 for. And the architect. He was supposed to be here, but I
22 don't --

1 JIM MONTEVERDE: Maybe we can move this to the end
2 of the Agenda, Mr. Chair?

3 WAGNER DEFREITAS: Can we do that, so I can try to
4 get hold of them?

5 BRENDAN SULLIVAN: Yes. All right.

6 CONSTANTINE ALEXANDER: We're not quite at 7:45,
7 which is the next case; we're a couple minutes away.

8 WAGNER DEFREITAS: Okay.

9 CONSTANTINE ALEXANDER: We might as well do it.

10 CONSTANTINE ALEXANDER: People waiting.

11 OLIVIA RATAY?: What are the names of the people
12 you're waiting for?

13 WAGNER DEFREITAS: Lewis and David. David Click.
14 I mean, everyone knew about the meeting, so. Can I try to
15 get hold of them? It looks like they're on, from the
16 Participant list.

17 BRENDAN SULLIVAN: Could you call them?

18 WAGNER DEFREITAS: Hang on one second.

19 OLIVIA RATAY?: Lewis Colton, you can speak.

20 WAGNER DEFREITAS: [Phone call] Lewis? Are you --
21 you trying to -- yeah, can you talk to them or not? What
22 about David? They can't hear you? What about David? I'll

1 call him. One second. Am I heard?

2 OLIVIA RATAY: You're on the phone.

3 CONSTANTINE ALEXANDER: Hello?

4 [Echo: "Hello"]

5 DAVID CLICK: Good evening, Mr. Chairman and
6 Members of the Board. This is Attorney David Click. My
7 apologies. I was having some technical difficulties on
8 signing in. Can you hear me okay?

9 BRENDAN SULLIVAN: Yes.

10 CONSTANTINE ALEXANDER: Yes.

11 DAVID CLICK: Okay. Thank you. This is an
12 application from the applicant 30-32 Cameron, LLC for relief
13 from the Uniform Dimensional Requirements under Article 5
14 Section 5.31 for the construction related to certain -- a
15 certain multifamily building at 30-32 Cameron Ave in
16 Cambridge.

17 This application: It relates to this multifamily
18 building, which just to give the Board a resynopsis (sic) of
19 the surrounding area, it's in a Residence B zone.

20 The building is a two-story building. It's a bit
21 unique in the sense that as opposed to the surrounding
22 multifamily buildings or residences that are roughly over,

1 under and three-story buildings, this is a two-story side-
2 by-side, in that there are four units within the property
3 with a total square footage of 3420 square feet.

4 The lot area at the property is approximately 5415
5 square feet. The current building height is roughly 23.5
6 feet. The current parking -- amount of parking spaces for
7 the facility or for the residence is six, and so essentially
8 this application comes before the Board based on the intent
9 of the owner in order to enlarge the gross square footage at
10 the residence that would -- and I can get to it later, but
11 would coincide and dovetail with the surrounding
12 neighborhood.

13 At this point, the -- as I mentioned before, the
14 gross floor area is roughly -- it's under about 3416 feet.
15 The ordinance requirements are roughly 2645 square feet. So
16 it's already falling outside of compliance with what the
17 maximum requirements could be under the circumstances.

18 What we're essentially requesting is to take this
19 four-unit essentially a two-story residence and expand the
20 living space for the two units on the first floor that are
21 side-by-side, to expand those into a living space in the
22 right now underutilized and unused basement.

1 At the same time, we are asking to expand the
2 third and fourth unit that are both located side-by-side on
3 the second floor of the residence into a third floor that
4 would be of similar height, but would still fall under the
5 height restriction of 35 feet in the Residence B zone.

6 The proposed -- and I'm happy at any time just in
7 the existing, or what I can say is the existing -- oh, thank
8 you for bringing it up -- so this right here is the actual
9 set of plans showing the existing and proposed. If I may, I
10 don't know if I could have the ability to control the
11 pointer? Is that possible?

12 BRENDAN SULLIVAN: No, Staff controls it. Olivia
13 Ratay is going to have to control the scrolling.

14 DAVID CLICK: Okay, that's fine.

15 BRENDAN SULLIVAN: You can put in a request, and
16 then she's more than capable of complying with that.

17 DAVID CLICK: Okay. So essentially what we're
18 looking to do here, if you could please turn to Sheet A1?

19 CONSTANTINE ALEXANDER: Excuse me, sir. This is
20 Constantine Alexander, a Member of the Board. This is a
21 variance. The variance -- requirements of the variance are
22 set by state law. You've got to address and convince us

1 that you satisfy the requirements for a variance for state
2 law. I mean, the fact that you want to -- you're building
3 on and all that is very nice, but if you don't meet the
4 requirements of a variance, we can't grant you relief.

5 DAVID CLICK: Yep.

6 CONSTANTINE ALEXANDER: You're going to address
7 the fact of the substantial hardship if we enforce the
8 ordinance? The hardship that I can see is that the property
9 can't -- you want to make the property more valuable than it
10 is now. That's not a hardship for the purpose of the
11 zoning.

12 Moreover, the hardship must be owing to
13 circumstances relating to the soil conditions, shape or
14 topography of such land or structures, and especially
15 affecting such land or structure, but not affecting
16 generally the zoning district in which it is located.

17 I have seen nothing in our files that addresses
18 that issue. You have to persuade us -- and that's one of
19 the requirements maybe not mentioned -- you have to persuade
20 us that you meet these requirements.

21 DAVID CLICK: Okay. Thank you. So what I would
22 suggest as it relates to hardship and to discuss that now,

1 due to the uniqueness of this lot; this long-standing
2 existing lot and its shape, coupled with the shape of the
3 structure that's there, that a literal enforcement of the
4 dimensional provisions under 5.31 would involve a
5 substantial hardship, financial or otherwise, as
6 contemplated under Section 40 or Chapter 40A Section 10,
7 here you have a shape of a lot.

8 And I reference the uniqueness of the shape of the
9 structure because of the way that it's set, and how that
10 affects the Dimensional Requirements -- i.e., the ratio of
11 gross floor area to lot area. The required gross floor area
12 to lot area is 0.5. In our case, the existing conditions
13 already are 0.488.

14 Our requested conditions, which I was going to get
15 to after explaining somewhat of what the build is is
16 essentially 0.84.

17 But what we're saying is is that considering the
18 shape and the current -- the shape of the lot, current shape
19 of the structure, that any request for any form of an
20 improvement to the structure or to the property, as would be
21 of benefit to all parties -- those in the surrounding
22 community as well as the applicant -- that it can't be done

1 without seeking relief..

2 And -- or seeking relief from this uniform
3 restriction in the Table of Dimensions.

4 BRENDAN SULLIVAN: Mr. Councillor, this is Brendan
5 Sullivan. I'll amplify upon Mr. Alexander's comments and
6 say that you're not entitled to any expansion; that there is
7 nothing unique about the size or shape of this lot vis-à-vis
8 other sizes and shapes of lots in the surrounding area.
9 Now, you may say it's unique because it only goes up two
10 stories, other properties go up three stories.

11 Across the street, there is a mix of two- and
12 three-story buildings. And it is encumbered by the current
13 zoning ordinance, which at some point whoever drafted the
14 zoning ordinance and the application of the ordinance to
15 this particular area decided to stay with that 0.50, and
16 that not to exceed that under -- until extreme
17 circumstances.

18 And yet again, I don't see anything unique about
19 this property as far as the soil, shape or topography, or
20 the placement of the building. Yes, it predates the
21 existing ordinance, but at some point the drafters of -- and
22 obviously started with Community Development, went to

1 Planning Board; they approved it and went to the City
2 Council to enact is as the governing ordinance for this
3 particular district.

4 Can we just back up a little bit? When did 30-32
5 Cameron Ave, LLC purchase this property?

6 DAVID CLICK: Sometime in the beginning of last
7 year.

8 BRENDAN SULLIVAN: May of 2021? I don't mean to
9 be cute, but I mean is that roughly it?

10 DAVID CLICK: If you can bear with me, I can tell
11 you right now. Yes, I believe -- honestly --

12 BRENDAN SULLIVAN: So that at the time, was the
13 building was occupied or was it vacant, when the new owners
14 took title to it?

15 DAVID CLICK: I would let Mr. Defreitas answer
16 that.

17 WAGNER DEFREITAS: Hello. Can you hear me?

18 BRENDAN SULLIVAN: Yes.

19 WAGNER DEFREITAS: Okay. Yeah, so there was one
20 unit occupied. But once we purchased the building, they
21 moved out like the next two days.

22 BRENDAN SULLIVAN: Yeah. Was the building when

1 you purchased it -- was it condominiums or was it rentals?

2

3 WAGNER DEFREITAS: I'm not sure.

4 BRENDAN SULLIVAN: Well, you had one person living

5 --

6 DAVID CLICK: It was a -- rental.

7 BRENDAN SULLIVAN: Well, you had one person living

8 there.

9 DAVID CLICK: Mm-hm.

10 BRENDAN SULLIVAN: Did they pay you rent the day

11 after you took --

12 WAGNER DEFREITAS: Yeah, it was rental. It was

13 rental. Yeah, I just got a text from my --

14 BRENDAN SULLIVAN: It was rental. So what we're

15 being asked to -- what we're being asked is to take a four-

16 unit previously rental building. And I would assume that

17 given the size of the units and also the condition of the

18 building, it's probably somewhat moderate affordable rental

19 units.

20 And it would appear that the Cameron Ave, LLC:

21 They then decided that, well, we can maximize this building

22 by -- and again, I'm reading your pleadings, which -- again,

1 didn't make much sense to me -- that, just stay with me for
2 a minute, the "existing non-occupied space is wasteful and
3 not being effectively used for the inhabitants of this
4 building." So I'm saying to myself, "Well, so then they've
5 taken it all away and decided to put units in there. What
6 benefit is that for the inhabitants of the building?"

7 And then also adding the third structure -- what
8 benefit is that to the inhabitants of the building, and
9 there is none. It was really an attempt to take this
10 building, take away the rental aspect of it, which there was
11 obviously a community benefit to that, and then to turn it
12 into condos. And so now we get into the area of development
13 and the expansion of the building.

14 Regarding the -- what you're -- where it was and
15 where you're going, the basement -- we can go floor by floor
16 -- the basement before had no bedrooms, no bathrooms,
17 correct?

18 DAVID CLICK: That's correct.

19 BRENDAN SULLIVAN: Okay. The first floor was --
20 had four bedrooms? Two bedrooms on one side, two bedrooms
21 on the other?

22 DAVID CLICK: So each unit had two bedrooms, one

1 bath.

2 BRENDAN SULLIVAN: On the first floor, you had
3 four bedrooms. On the second floor, which was probably a
4 mirror image of the first floor, there was also four
5 bedrooms there. Is that correct? Two on one side, two on
6 the other.

7 WAGNER DEFREITAS: Yes.

8 DAVID CLICK: That is correct, because you can see
9 on the left-hand side second floor demolition plan.

10 BRENDAN SULLIVAN: Right. Okay. So now we're up
11 to -- there is a total of eight bedrooms in the existing --
12 preexisting building.

13 On the bathrooms -- on the first -- on the
14 basement, obviously, there were none. Because there was no
15 useable space on there or at the higher levels --
16 residential occupiable space. The proposal is for four
17 bathrooms in the basement?

18 DAVID CLICK: Correct.

19 BRENDAN SULLIVAN: On the first floor, there were
20 two existing, and there are now two more proposed. On the
21 second floor, there were two existing, and now two proposed.

22 So I guess where I'm going with this is that in

1 the existing building there were eight existing bedrooms.
2 What you're proposing is 14 bedrooms. There were four
3 existing bathrooms, and the proposal before us is for 12
4 proposed bathrooms.

5 Dramatically going to increase the intensity and
6 use of that building. And I understand you're fighting the
7 ordinance and the -- how you're hampered by it.

8 The purpose of the zoning ordinance is that it shall be the
9 purpose of the ordinance -- and I'm citing from Section 1.30
10 -- to lesson congestion in the street, conserve health, to
11 secure safety from fire, flood, panic, other dangers -- to
12 provide adequate light and air to prevent the overcrowding
13 of land and to avoid the undue concentration of population
14 and to encourage housing of persons of all income levels.

15 What we're being asked is for you to go from the
16 fairly reasonable, moderate rental -- and you purchased the
17 property, obviously, for its current use; I can't think that
18 somebody who's going to pay an exorbitant amount of property
19 because of what they potentially can do -- potentially have
20 to come down before this Board in order to enhance that
21 investment.

22 However, that happens to be a business decision

1 that you're purchasing a piece of property for its current
2 use, current condition, and the ability to pay for that.

3 But it's the intensity of the use where I think I
4 draw the line as to what was there existing --

5 WAGNER DEFREITAS: Yep.

6 BRENDAN SULLIVAN: -- had some public benefit, and
7 what is now being proposed. Is there anybody else? Again,
8 Mr. Click, I'll allow you to come back. You may want to
9 hear some other members of the Board.

10 Jason, any thoughts on --

11 JASON MARSHALL: Thanks, Mr. Chair. You know, I
12 guess similar to you, I have reviewed this application
13 several times before the hearing, and really struggled with
14 understanding what the hardship is.

15 And to Mr. Alexander's earlier comments -- and as
16 you know, Counsel, variance isn't exactly standard -- I
17 can't discern what our legal ability would be to grant the
18 variance based on the given reason here.

19 And I agree with the Chair that this is quite an
20 intensive request. So I am struggling with this
21 application. So I don't need to pile on. The Chairman went
22 into it in great detail, and I'll look forward to hearing

1 what my fellow Board Members say and your response. But
2 that's where I am at this point.

3 DAVID CLICK: Thank you, Mr. Marshall. I'm open
4 to hear what the Board says. And obviously, you know, it's
5 certainly good feedback to hear. The initial -- just in
6 order to maintain transparency as to bringing this
7 dimensional variance -- dimensional variances are not a --
8 there's not a streamlined definition as to what the hardship
9 would be for a dimensional variance.

10 And what level of hardship needs to be shown when
11 you have a dimensional variance under circumstances where
12 the -- essentially the footprint of the property remains the
13 same and the general character of the use remains the same.

14 That said, certainly open to hear comments from
15 the Board, as to what other -- you know, what other
16 reflections they may have as to what the build is now, and
17 what it could potentially be.

18 BRENDAN SULLIVAN: Jim Monteverde, your comments,
19 questions?

20 JIM MONTEVERDE: No, I had two concerns initially.
21 And I think I heard discussion about some of them. I didn't
22 follow the hardship, and I notice that the FAR she is

1 considerably above the allowed. So -- and from everything
2 I've heard, I would not be in support of the application as
3 it stands.

4 BRENDAN SULLIVAN: Laura?

5 LAURA WERNICK: Yeah. I think my fellow Board
6 members have articulated any concerns that I have. Thank
7 you.

8 BRENDAN SULLIVAN: Okay. Well, Mr. Glick, it's a
9 high hurdle. I'm not sure how you can -- given those
10 comments by the Board, I think the sentiment of the Board is
11 to try to explain away the application and the extent of the
12 relief being requested.

13 DAVID CLICK: So at this time I just would need
14 given the response from the Board, I would need time to
15 speak with my client before making a further request. Can
16 we come back on a further call, or what are our options for
17 the Board?

18 BRENDAN SULLIVAN: Well, we could recess this. We
19 have two more cases that may go fairly quickly that -- you
20 know, if you want to recess this, you can come back. Stay
21 tuned; it may be -- you know, a half-an-hour, 45 minutes at
22 the outset. After you huddle, what are the options?

1 The options are either to we can go forward or we
2 can take a vote up or down. The ramifications of that is
3 that should you be denied relief based on this particular
4 application, that you are precluded for two years coming
5 back.

6 DAVID CLICK: In which I can state, Mr. Chair,
7 that we're not inclined to go forward to vote.

8 BRENDAN SULLIVAN: Okay. And on the -- why don't
9 you huddle for 30 minutes, and the other option would be
10 then to continue this matter and take into consideration the
11 comments of the Board and potentially come back with a
12 revised plan?

13 Do you want to take a 30-minute break, or do you
14 want to just go forward now with the continuance?

15 DAVID CLICK: I would just go forward with the
16 continuance right now.

17 BRENDAN SULLIVAN: Okay, that's fine. All right.
18 That's fine. We are into -- we would be into March 10.
19 It's a case heard, and so we would need Mr. Alexander to be
20 present.

21 CONSTANTINE ALEXANDER: I can be available on the
22 tenth.

1 BRENDAN SULLIVAN: Mr. Alexander is available.

2 Jason, are you available on the tenth?

3 JASON MARSHALL: I am, yes.

4 BRENDAN SULLIVAN: Jim Monteverde, are you
5 available on the tenth?

6 JIM MONTEVERDE: I am available.

7 BRENDAN SULLIVAN: And Laura on the tenth?

8 LAURA WERNICK: Tenth of February?

9 BRENDAN SULLIVAN: Tenth of March.

10 LAURA WERNICK: Of March? I'm sorry. Yes, I
11 expect to be.

12 BRENDAN SULLIVAN: Yes?

13 LAURA WERNICK: Yes.

14 BRENDAN SULLIVAN: Yes. Okay, great. And
15 [Brendan Sullivan] I'm not going anywhere anyhow. So we are
16 all available on March 10, if that works for you, Mr. Click?

17 DAVID CLICK: It certainly does. I appreciate
18 your availability.

19 BRENDAN SULLIVAN: Okay. Let me make a motion
20 then to continue this matter until March 10, 2022 at 6:00
21 p.m. on the condition that the petitioner change the posting
22 date on the sign to March 10, 2022 at 6:00 p.m.

1 That any changes to the submittal that is before
2 us tonight be in the file by the 5:00 p.m. on the Monday
3 prior to March 10.

4 That the petitioner sign a waiver to the statutory
5 requirement for a hearing and the decision to be rendered
6 thereof. Such waiver shall be in the file by a week from
7 this coming Monday 5:00 p.m. And it should be sent to
8 either Ms. Pacheco or Ms. Ratay.

9 And I think that's it. Oh, changing the posting
10 sign; any new submittals be in by 5:00 p.m. prior to March
11 10 -- by 5:00 p.m. on Monday prior to March 10 and the
12 signing of the waiver. Great. On the motion --

13 DAVID CLICK: And then --

14 BRENDAN SULLIVAN: Yes?

15 DAVID CLICK: I apologize; the waiver, when must
16 that be submitted to --

17 BRENDAN SULLIVAN: A week from Monday.

18 DAVID CLICK: Okay. Okay, thank you.

19 CONSTANTINE ALEXANDER: I should add that a
20 failure to do that means this case will be dismissed
21 automatically.

22 DAVID CLICK: Understood.

1 BRENDAN SULLIVAN: Yeah. It's very important that
2 that waiver -- and again, it's very easy; you can sign it,
3 and then you just --

4 DAVID CLICK: Yeah.

5 BRENDAN SULLIVAN: -- attach it and sent it right
6 back again. So, on the motion, then, to continue this
7 matter until March 10? Mr. Alexander?

8 CONSTANTINE ALEXANDER: I vote in favor.

9 BRENDAN SULLIVAN: Mr. Marshall?

10 JASON MARSHALL: Yes in favor of the continuance.

11 BRENDAN SULLIVAN: Jim Monteverde?

12 JIM MONTEVERDE: Jim Monteverde in favor of
13 continuance.

14 BRENDAN SULLIVAN: Laura Wernick?

15 LAURA WERNICK: Laura Wernick in favor of the
16 continuance.

17 BRENDAN SULLIVAN: And Brendan Sullivan in favor
18 of continuing.

19 [All vote YES]

20 BRENDAN SULLIVAN: The matter is continued until
21 6:00 p.m. March, 10. Thank you, Mr. Click.

22 DAVID CLICK: Thank you, Mr. Chair. Thank you,

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Members of the Board.

1 * * * * *

2 (8:09 p.m.)

3 Sitting Members: Brendan Sullivan, Constantine Alexander,
4 Jim Monteverde, Jason Marshall, and Laura
5 Wernick

6 BRENDAN SULLIVAN: The Board will hear Case
7 #153095 -- 472 Cambridge Street. Mr. Noorouzi?

8 MOHAMMAD NOOROUZI: Yes. Good evening. My name
9 is Mohammad Noorouzi. And I'd like to thank you for
10 considering my proposal tonight. And my proposal is for the
11 three-family currently that we have on Cambridge Street to
12 be able to split the first floor of the unit, because the
13 first-floor and second=floor units are very large, and..

14 But the main purpose is to divide the first-floor
15 apartment by adding to it and a bathroom to the one section
16 of the apartment that I could have my mother to live in one
17 of the units, and my sister, who is becoming a caregiver to
18 her, to be able to live independently in her own apartment
19 at the other section.

20 BRENDAN SULLIVAN: Mr. Noorouzi, let me -- this is
21 Brendan Sullivan -- let me just interject here for a minute.
22 The Members of the Board have reviewed your case. I'm not

1 going to make any comments on that particular aspect of it.
2 However, what I did do is I asked the Commissioner regarding
3 the level of the submittal and the proposed layout of the
4 unit on the first floor, was that sufficient for us, if we
5 were to approve it, to pass it onto the Building Department?

6 Whatever we do, it has to be a legal document, and
7 we have to be able to pass not only our comments and our
8 approval onto the Building Department -- Building Inspector
9 -- for a building permit.

10 However, the level of that document, that
11 proposal, that layout, is really quite deficient and not
12 able to pass onto the Building Department. There was that
13 level, number one.

14 The other issue that I raised is because you are
15 asking to take that first-floor unit and basically split it
16 into two units, so that you're asking to up the number of
17 units in the building by one?

18 MOHAMMAD NOOROUZI: Correct.

19 BRENDAN SULLIVAN: From three to four. However,
20 what that triggers is the state building code. Because each
21 unit has to have a separate means of egress. And on that
22 plan -- Olivia, could you pull up that proposed? So there's

1 the first-floor plan.

2 And if you could -- and that is the proposal that
3 is before us, which is deficient. And there is no second
4 means of egress out of the unit. There is also -- I guess
5 where I'm going is it needs to be not necessarily
6 professionally done, but it needs to be more professional in
7 its presentation.

8 Now, I know that the -- you may have had some
9 discussion with the Commissioner, in that we could allow the
10 addition of another kitchenette unit in that unit, so that
11 you could have two bathrooms and two kitchenette units, and
12 would remain -- it could remain a single unit.

13 But once you are asking us to split that, and to
14 put it into two units, that then triggers state building
15 code factors, which is beyond our control. We cannot
16 approve this plan based on the fact -- knowing that it
17 violates state building code.

18 MOHAMMAD NOOROUZI: Understood.

19 BRENDAN SULLIVAN: My suggestion would be is that
20 you step back from tonight -- I don't know the extent of
21 your discussion with the Commissioner, but I think maybe
22 what you need to do is to have a conversation potentially

1 with the Commissioner as to what the violations are, and how
2 they can be addressed.

3 Because if you were to add another means of egress
4 out of both of those units, that's going to trigger some
5 work on the outside of the building -- albeit a doorway,
6 stairway, whatever it may be, which is going to change the
7 application that is before us, because then that triggers
8 potential openings on side -- setback requirements.

9 It could be a whole host of issues that it
10 triggers, and it would be derelict on our part to approve
11 something that eventually is going to get kicked back to you
12 and you're going to wind up all the way back here again and
13 wasting a lot of time.

14 So what I'm trying to do is to short-circuit the
15 relief that you're requesting, but it has to be in a more
16 professional manner than what is before us tonight.

17 MOHAMMAD NOOROUZI: Yes, sir. Absolutely. So if
18 I -- so should I speak to the Commissioner, or should I --

19 BRENDAN SULLIVAN: I would speak to the
20 Commissioner. He would be very well versed -- we cannot
21 give you advice -- very well-versed as to exactly what the
22 requirement is if you want to proceed with taking this

1 particular unit and splitting it into two separate units.

2 MOHAMMAD NOOROUZI: Yes.

3 BRENDAN SULLIVAN: There was a whole host of other
4 issues that it triggers. And that you should talk to him as
5 to what it is you're going to need to do to address those
6 issues, and then who best to take care of those issues for
7 you, whether it be an architect, or whether it be an
8 architect/attorney in your presentation or whatever. But it
9 really needs to come up quite a few notches than what is
10 before us tonight.

11 MOHAMMAD NOOROUZI: Absolutely. Thank you for
12 that advice.

13 BRENDAN SULLIVAN: And again, just trying to
14 shorten down. I mean, what you -- again, I don't want to
15 comment on the merits of it. I understand what you're
16 trying to do.

17 I'm trying to potentially get you to that point,
18 just trying to cut down on the duration of it, and not do
19 something, stand in your way and then three, four, five
20 months from now realize you can't do it, and then you wind
21 up back here again and you've wasted all that time.

22 MOHAMMAD NOOROUZI: Appreciate it.

1 BRENDAN SULLIVAN: So it may take some time, and
2 it's going to take potentially some money, but it's got to
3 get -- be done right. So that's my thought on that.

4 Mr. Alexander, any comments?

5 CONSTANTINE ALEXANDER: No. I think you said it
6 very well.

7 BRENDAN SULLIVAN: Jason, any comments?

8 BRENDAN SULLIVAN: No, Mr. Chair.

9 BRENDAN SULLIVAN: Jim?

10 JIM MONTEVERDE: No, I agree. There's no way that
11 I could render an opinion on the plan -- the proposed plan
12 as presented. So I think that's what has to happen.

13 BRENDAN SULLIVAN: Yeah.

14 JIM MONTEVERDE: Thank you.

15 BRENDAN SULLIVAN: Laura, any comments at all?

16 LAURA WERNICK: No, I agree that this is not
17 ready.

18 BRENDAN SULLIVAN: Let me make a motion, then, to
19 continue this matter -- Case #153095 -- 472 Cambridge Street
20 Unit 1, to March 10?

21 CONSTANTINE ALEXANDER: Does that realistically
22 give them enough time?

1 BRENDAN SULLIVAN: I'm going to put it down at
2 March 10, Mohammad, and if you see that it's not enough
3 time, you can always ask for another continuance.

4 MOHAMMAD NOOROUZI: I appreciate it very much.
5 Thanks for your time. Thanks. That should be sufficient.

6 BRENDAN SULLIVAN: Okay. So you don't have that
7 staring in your face. But, you know, obviously do due
8 diligence and try to expedite it, and potentially the
9 Commissioner may take some time.

10 And so we mark it up for March 10,2022 at 6:00
11 p.m. and if you get close to that date and you're still not
12 ready, then you can inform us and we can set another date.

13 MOHAMMAD NOOROUZI: Of course.

14 BRENDAN SULLIVAN: So on the motion, then, to
15 continue this matter until March 10,2002 at 6:00 p.m. on the
16 condition that the petitioner change the posting sign to
17 reflect the new date of March 10,2022 at 6:00 p.m. and the
18 time at 6:00 p.m..

19 Any new submittals be in our file -- that you
20 would have to submit them back to us on the 5:00 p.m. on the
21 Monday prior to March 10. That I'm going to request that
22 you sign a waiver of the requirement for the Board to hear

1 the case and to render a decision.

2 Such waiver -- and again, you can ask for Ms.
3 Ratay or Ms. Pacheco to furnish you that form -- review it,
4 if you're okay with it, sign it and then send it back to
5 either one of the ladies. And it becomes part of the file.

6 Failure to do that and this case will not proceed
7 on March 10, and could be subject to denial. So if you
8 would do those things, then we will see you then on March
9 10, on the five --

10 MOHAMMAD NOOROUZI: Appreciate that.

11 BRENDAN SULLIVAN: -- vote, yes? Any question?

12 MOHAMMAD NOOROUZI: No, thank you. Appreciate
13 very much. I will sign the waiver as soon. As I receive
14 it, I'll be happy to take care of it.

15 BRENDAN SULLIVAN: Great. Okay, thanks.

16 MOHAMMAD NOOROUZI: Thanks for your time,
17 likewise.

18 BRENDAN SULLIVAN: No, that's all right.

19 MOHAMMAD NOOROUZI: Thank you. Appreciate it.

20 BRENDAN SULLIVAN: We want to get it right. We
21 want to do right by you and also by the Board.

22 MOHAMMAD NOOROUZI: Appreciate it very much. No,

1 it's good advice. Thank you for your follow-up.

2 BRENDAN SULLIVAN: On the affirmative vote of five
3 Members of the Board, this matter is continued until March
4 10. See you then.

5 MOHAMMAD NOOROUZI: Thank you. Have a good night,
6 everyone. Have a good evening.

7 BRENDAN SULLIVAN: Thank you.

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2 (8:19 p.m.)

3 Sitting Members: Brendan Sullivan, Constantine Alexander,
4 Jim Monteverde, Jason Marshall, and Laura
5 Wernick

6 Brendan Sullivan the Board will now hear Case
7 #153428 -- 179-181 Third Street. Mr. Risola?

8 [Pause]

9 BRENDAN SULLIVAN: Okay, you're on.

10 CARMELA RISOLA: Thank you, Mr. Chair and the
11 Board.

12 BRENDAN SULLIVAN: Yep.

13 PHILIP O'BRIEN: I have with me Camila Risola,
14 who's the applicant. My name is Philip O'Brien. I helped
15 draw up the plans for this project. I'm a designer, and I
16 work with the Risolas to develop this project.

17 This is an existing two-family residential
18 structure at 179-181 Third Street. The development is to
19 kind of restore it and bring it back. It's going to remain
20 as a two-family.

21 And as part of the research that we did on site,
22 we documented the existing conditions and drew up plans and

1 so forth, and you have those as well.

2 We discovered two windows, which is what we're
3 here to you all about, that were existing at the time that
4 we did the -- predevelopment. And one of them on the second
5 floor was covered over with plywood, because the window had
6 been broken.

7 And the one on the first floor had been covered
8 over with wood, and then actually sided over it at some
9 point in the past.

10 There are a lot of windows actually predevelopment
11 on that side on the north side of the building that we're
12 talking about, and we actually closed up about half of them.
13 And we went through a couple of iterations with Inspectional
14 Services on -- to make sure that we got all the dimensions
15 correct on the pre and the post. And so all of the windows
16 on that side fit into the existing window openings, and are
17 the same size or smaller than the existing window openings.

18 And so we are looking for a special permit to be
19 allowed to bring these two windows -- to allow these two
20 windows to remain. They were on the on the plans that were
21 approved by Inspectional Services, and they were actually
22 built that way. So -- in accordance with the approved

1 documents.

2 And so when it came time for final inspection of
3 the enclosure, the Building Department basically said no on
4 these two windows, indicating that they weren't preexisting,
5 or they didn't meet the requirements for preexisting.

6 And we're looking for a special permit on that to
7 allow these two windows to stay where they were. We're
8 trying to restore this house. It's been in the family for a
9 long time.

10 At one point it was a meat market on the first
11 floor. We used old photographs to try to replicate a lot of
12 the nice details of this building, and we'd like to restore
13 these two windows, along with the rest of them. They're up
14 close to the front of the house on the north, and it would
15 be the adjacent neighbor to the north is in favor and
16 support of keeping these windows.

17 As I've said, it's been built that way, and so the
18 neighbors had an opportunity, as has the neighborhood, to
19 take a look at this redevelopment and see what we've done,
20 and they are -- this neighbor is in favor.

21 And so we'd ask for you to consider a special
22 permit to allow these windows to remain as they were on the

1 approved permit drawings.

2 BRENDAN SULLIVAN: And the violation is the window
3 opening within a setback?

4 PHILIP BORDEN: Right. Yeah. The setback
5 basically is -- we're very close to the property line here.
6 And so we're preexisting, nonconforming, and we basically
7 would like to restore the windows to pretty much the way
8 they were. But as I said, the existing case there's a --
9 there was a fair number of windows along that elevation.

10 We actually closed up about half of them. The
11 openings totaled pre-renovation 12.7 percent of the north
12 elevation. And the post proposed is 6.2 percent opening.
13 So we've cut down the overall openings on that window by
14 about half by closing up a series of windows there. So I
15 think we've made the condition a little bit better.

16 You can see the pre and the post are kind of
17 highlighted on the .pdf page 11. That elevation shows --
18 you can see in red there's a red outline that shows the
19 existing layout of the windows. And then in black overlaid
20 is what the post development is.

21 And you can see there's a series of double and
22 triple windows toward the right-hand side of that elevation,

1 and we've closed them up -- the double and the triple, and
2 put in two smaller window openings.

3 A lot of the window openings have been made
4 smaller than they were before, and in this calculation I
5 just gave you we're going from 12.7 percent opening of this
6 elevation down to 6.2. It includes all of these windows.

7 BRENDAN SULLIVAN: Yeah, okay. Good. Any
8 questions by Members of the Board?

9 JIM MONTEVERDE: No questions.

10 CONSTANTINE ALEXANDER: No. No questions.

11 BRENDAN SULLIVAN: All right, then. Let me open
12 it to public comment. Any member of the public who wishes
13 to speak should now click the button that says,
14 "Participants," and then click the button that says, "Raise
15 hand."

16 If you are calling in by phone, you can raise your
17 hand by pressing *9 and unmute or mute by pressing *6, and
18 you will have up to three minutes if you wish to comment.
19 There appears to be nobody calling in. I will close that
20 portion of the call-in. We are in receipt of correspondence
21 dated November 4, 2021 to Mr. Sanjay Mohantee (sic).

22 "To whom it may concern, I have been made aware

1 that my neighbor, Mr. and Mrs. Charles Risola, are applying
2 for a special permit for their property 179-181 Third Street
3 to keep two of their windows open on the north side of their
4 property.

5 "I would like to state that I approve of and
6 appreciate all the work that they've done to the house, and
7 do not have any issues with the two front windows on the
8 north side staying open. Please feel free to call Mr.
9 Sanjay Mohantee."

10 We are in receipt of correspondence from City
11 Councillor Timothy Toomey.

12 "Dear Board Members, please accept my strong
13 support for the special permit request occurring on the
14 January 6, 2022 Agenda -- by Charles Risola, Chairman of the
15 CR Nominating Trust to allow the restoration of two existing
16 windows that were boarded up at the time the building permit
17 was issued at 179 181 Third Street.

18 I also wanted to thank the Board and its members
19 for your many years of service and all the work you've done
20 to help improve the City of Cambridge and our residents.

21 Thank you very much,

22 Councillor."

1 That is the sum and substance of any
2 correspondence. I will close public comment. Any
3 discussion by Members of the Board, any -- ready for a
4 motion?

5 JIM MONTEVERDE: Ready for a motion.

6 BRENDAN SULLIVAN: Let me make a motion, then, to
7 grant the relief requested to allow the opening of two
8 windows as per the application and the supporting documents
9 submitted.

10 With the application, the Board finds that the
11 requirements of the ordinance cannot presently be met; can
12 be met with the granting of this special permit.

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

17 The Board finds that continued operation of or
18 development of adjacent uses, as permitted in the zoning
19 ordinance, would not be adversely affected by the nature of
20 the proposed use.

21 And the Board also finds that there would not be
22 any nuisance or hazard created to the detriment of the

1 health, safety and/or welfare of the occupant of the
2 proposed use, or to the citizens of the city.

3 The Board finds that the proposed restoration of
4 two existing windows brings the total window area on this
5 elevation to less than half of the preexisting,
6 nonconforming condition.

7 The Board notes that relief was sought from the
8 Board of Building Standards and Regulations for the same
9 issue, which was granted.

10 The Board finds that the proposed use would not
11 impair the integrity of the district or adjoining district,
12 it would actually enhance it, and otherwise derogate from
13 the intent and purpose of the ordinance, to allow proper
14 fenestration of light and air.

15 And also, the Board notes the letters in support.

16 On the motion, then, to grant the special permit?
17 Mr. Alexander?

18 CONSTANTINE ALEXANDER: I vote in favor.

19 BRENDAN SULLIVAN: Mr. Marshall?

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

22 BRENDAN SULLIVAN: Jim Monteverde?

1 JIM MONTEVERDE: Jim Monteverde in favor of the
2 permit.

3 BRENDAN SULLIVAN: Laura Wernick?

4 LAURA WERNICK: Voting in favor of the permit.

5 BRENDAN SULLIVAN: And Brendan Sullivan in favor.

6 [All vote YES]

7 BRENDAN SULLIVAN: Five in favor; the permit is
8 granted. Thank you, Mr. O'Brien.

9 PHILIP O'BRIEN: Thank you very much.

10 COLLECTIVE: Thank you very much.

11 BRENDAN SULLIVAN: And that's it for the night,
12 folks.

13 JIM MONTEVERDE: Goodnight.

14 COLLECTIVE: Happy New Year.

15 BRENDAN SULLIVAN: Happy New Year, stay well.

16 [8:30 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.

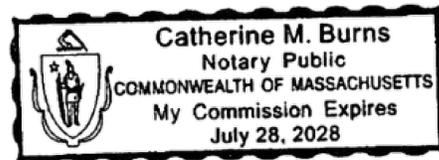
In witness whereof, I have hereunto set my hand this 24th day of January, 2022.



Notary Public

My commission expires:

July 28, 2028



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