

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY FEBRUARY 29, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair
Steven Ng, Vice Chair
Virginia Keesler
Carol Agate
Fernando Daniel Hidalgo
Zarya Miranda
Thomas Miller

City Employees
Olivia Ratay



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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Daniel Hidalgo, and Zarya
Miranda

JIM MONTEVERDE: Welcome to the February 26, 2024
meeting of the Cambridge Board of Zoning Appeal. My name is
Jim Monteverde, and I am the Chair.

Pursuant to Chapter 2 of the Acts of 2023 adopted
by the Massachusetts Court, and approved by the Governor,
the City is authorized to use remote participation at
meetings of the Cambridge Board of Zoning Appeal.

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

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

Members of the public will be kept on mute until
it is time for public comment. I will give instructions for

1 public comment at that time, and you can also find
2 instructions on the City's webpage for remote BZA meetings.

3 Generally, you will have up to three minutes to
4 speak.

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

7 OLIVIA RATAY: Virginia Keesler?

8 VIRGINIA KEESLER: Present.

9 OLIVIA RATAY: Steven Ng.

10 VIRGINIA KEESLER: Can you hear me?

11 OLIVIA RATAY: Yes.

12 STEVEN NG: Present.

13 OLIVIA RATAY: Zarya Miranda?

14 ZARYA MIRANDA: Present.

15 OLIVIA RATAY: Daniel Hidalgo?

16 DANIEL HIDALGO: Present.

17 OLIVIA RATAY: And Jim Monteverde?

18 JIM MONTEVERDE: Present.

19 OLIVIA RATAY: And Jim Monteverde?

20 JIM MONTEVERDE: Present. Thank you.

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(6:03 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Daniel Hidalgo, and Zarya
Miranda

JIM MONTEVERDE: The first case tonight is a
continued case, and it is BZA-251999 -- 72-A Inman Street.
Is there anyone who wishes to speak on that case?

ANGELA JAIMES: We're the homeowners, but Jonathan
who is joining us, is the Architect, so I think he'll lead
the discussion.

JIM MONTEVERDE: Yeah. Can you introduce yourself
first, please?

ANGELA JAIMES: My name is Angela Jaimes. This is
my husband.

DANIEL MONET: Dan Monet.

JIM MONTEVERDE: Great.

JOHNATHAN PAGADUAN: Jonathan Pagaduan here, the
Architect.

JIM MONTEVERDE: Yep, okay. Do you want to walk
us through what you're -- you were here before.

JOHNATHAN PAGADUAN: Yes.

1 JIM MONTEVERDE: We raised some concerns about
2 your -- the amount of dormer you were proposing up on your
3 roof --

4 JOHNATHAN PAGADUAN: That's right.

5 JIM MONTEVERDE: -- as not in compliance with the
6 Dormer Guidelines. So you're back, I'm assuming, or if you
7 would confirm, please, that's the sole issue you're in front
8 of us for this evening?

9 JOHNATHAN PAGADUAN: That's right.

10 JIM MONTEVERDE: Okay.

11 JOHNATHAN PAGADUAN: Do you want me to recap the
12 relief that we're asking for, or how do you want me to go
13 about this?

14 JIM MONTEVERDE: Oh, yeah, if you could --

15 JOHNATHAN PAGADUAN: Okay.

16 JIM MONTEVERDE: -- highlight the relief that
17 you're seeking and then show us what you're looking to do.

18 JOHNATHAN PAGADUAN: Sure. If you go to the next
19 slide, actually. So to recap from the last review, we're
20 proposing to improve the home by adding dormers on the third
21 floor. We're required relief for the side setbacks and the
22 floor area ratio to accommodate the improvements.

1 Currently the allowable FAR is limited to 1,133
2 square feet. What is existing currently is 1,640 square
3 feet, and we're asking to increase that to 1,805 square
4 feet.

5 Would it be all right, actually, to have Angela
6 and Dan speak next and explain why it is that they want to
7 have this addition done?

8 JIM MONTEVERDE: Sure.

9 ANGELA JAIMES: So I may defer to my husband. I
10 wrote a long letter that is included in the package that I'm
11 sure you've all had a chance to review.

12 But a lot of the impetus for the renovation is I
13 have an allergy to the house. We've been in the house now
14 for two years. And so, because of that, we're -- we've
15 exhausted air testing, we've exhausted -- I've been allergy
16 tested, we've been trying to figure it out now for two
17 years, we have not been able to do that.

18 And so, this is kind of our last chance to be able
19 to stay in a place we really love.

20 DANIEL MONET: Yeah. And we moved to Boston 12
21 years ago. A couple years ago we moved to Cambridge [audio
22 distortion] found this home that we love in a neighborhood

1 that we love, with neighbors that are wonderful, and we love
2 living here. But, you know, it makes her sick. It's -- we
3 have two small children and it's -- a lot -- this
4 improvement would allow us to stay here.

5 JIM MONTEVERDE: Okay.

6 DANIEL MONET: I'll figure out --

7 JIM MONTEVERDE: And one of you just described for
8 us, and I think we can go to the exhibits, either the new --
9 the proposed third floor plan with the existing --

10 JOHNATHAN PAGADUAN: Yep, yep. So this is the
11 previously proposed -- the previously proposed plan. So you
12 can go to the next slide, actually?

13 JIM MONTEVERDE: Yep.

14 JOHNATHAN PAGADUAN: Just I brought this here for
15 reference. So this is here the third floor is the bottom
16 left corner there.

17 JIM MONTEVERDE: Yep.

18 JOHNATHAN PAGADUAN: Okay, so with these plans
19 we've made some adjustments. So the alterations that have
20 been executed in accordance with the Cambridge Guidelines,
21 the floor plan you'll notice a couple of changes.

22 Notice notably the dormers have been decreased in

1 size to be in line with the 15' Guideline. You know, the
2 dormer placement you'll notice that the southern dormer is
3 actually located towards the rear, but we're sticking -- and
4 we're within that 3' setback from the gable ends.

5 If you want to go to the next slide?

6 So this is just the proposed, for your reference.

7 If you go to Slide 8, I believe.

8 Yeah. So looking at the elevations, you can see
9 the proposed dormers are offset from the existing ridge by
10 1', which is in the Cambridge Dormer Guidelines. And again,
11 you will see that the dormers are, again, within the 15'
12 Guideline.

13 And if you want to go to, I think it's the next
14 slide? This is the render.

15 Yeah. So this here, so the dormer is integrated
16 into the architectural settings for the surrounding homes.
17 Not only do they meet the Dormer Guidelines, but they also
18 improve the overall visual and useability of the building.

19 I would also like to note that the dormer -- the
20 south dormer -- south dormer? Yeah, that's right -- the
21 south dormer being shifted towards the rear of the home
22 makes it not visible from the street unless you're standing

1 really in between the two homes.

2 That's really all.

3 JIM MONTEVERDE: Okay. Thank you. Are there any
4 questions from members of the Board? If not, let me ask
5 one.

6 JOHNATHAN PAGADUAN: Sure.

7 JIM MONTEVERDE: I have the Dormer Guidelines in
8 front of me.

9 JOHNATHAN PAGADUAN: Mm-hm.

10 JIM MONTEVERDE: And there's a section regarding
11 windows.

12 JOHNATHAN PAGADUAN: Yes.

13 JIM MONTEVERDE: Basically, that windows should
14 account for at least 50 percent of the dormer's front wall
15 face.

16 JOHNATHAN PAGADUAN: Yep.

17 JIM MONTEVERDE: Do the ones you're proposing do
18 that?

19 JOHNATHAN PAGADUAN: If you go to the elevations,
20 so the bottom -- okay, so if we're looking at the south
21 elevation, that one does not meet that requirement.

22 JIM MONTEVERDE: Mm-hm.

1 JOHNATHAN PAGADUAN: But we do have two windows
2 stacked. If we -- if it would please the Board, we could
3 create some paneling to replicate some windows. This is --
4 or we could add an additional window if we needed to.

5 The bottom two, the north elevation, the smaller
6 one does meet the requirement, but obviously the larger, the
7 9'2.5" I think is -- does not meet that requirement. This
8 is a bathroom, though, so it's kind of difficult to add more
9 glazing in this location.

10 JIM MONTEVERDE: I'll agree to disagree. Can you
11 propose the, or can you suggest the same type of panel
12 configuration you're talking about on the -- or you're
13 proposing on the south elevation, do the same thing with the
14 bathroom?

15 JOHNATHAN PAGADUAN: Sure. Yeah, we can do that.

16 JIM MONTEVERDE: Okay. So that you get that --
17 that panelization will give you what appears to be the 50
18 percent. You'll at least reflect the 50 percent of the
19 front face of the dormer, correct?

20 JOHNATHAN PAGADUAN: Yep.

21 JIM MONTEVERDE: Okay. All right. Anything else?
22 Any questions from members of the Board? If not, let me --

1 correspondence -- we have two pieces of correspondence in
2 the file, both in favor in supporting the proposal: One
3 from Gabrielle Morales Rivera, from February 27, basically
4 in full support of the proposal. And then another from
5 Stephen Kidder, February 20, in support as well.

6 So there are two in support and none in -- none
7 speaking against, none objecting.

8 With that, I will open it to public comment. Any
9 members of the public who wish to speak should now click the
10 icon at the bottom of your Zoom screen that says, "Raise
11 hand."

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

14 I'll now ask Staff to unmute speakers one at a
15 time. You should begin by saying your name and address, and
16 Staff will then confirm that we can hear you. After that
17 you will have up to three minutes to speak before I ask you
18 to wrap up.

19 No one calling in. All right. I'll close public
20 testimony. Any discussion among the members of the Board?
21 Or are we ready for a motion?

22 Motion. And this is a special permit. And a

1 special permit -- let me go through those conditions for a
2 second -- special permit, the criteria is:

3 It appears that the requirements of the Ordinance
4 cannot or will not be met. That's correct regarding the
5 side yard setback and the FAR.

6 Second, that traffic generated, or patterns of
7 access or egress will cause congestion or hazard. No.

8 c) The continued operation of or the development
9 of the adjacent uses would be adversely affected. I think
10 not.

11 d) Nuisance or hazard would be created. Not. And

12 e) for other reasons, would impair the integrity
13 of the district. Again, I think it not.

14 So I think you meet all the criteria under Section
15 10.43 for a special permit.

16 So with that, the Chair makes a motion to grant
17 relief from the requirements of the ordinance under Sections
18 -- that's 5.31, that's the Dimensional Form for the
19 additional FAR, gross floor area -- and also for the side
20 yard setback that the dormers will impinge on, as well as
21 special permit is 10.43.

22 On the condition that the work proposed conforms

1 to the drawings entitled, "Jaimes-Monet Residence," -- sorry
2 for the pronunciation - "72-A Inman Street," prepared by
3 Charles Street Design, and dated January 30, 2024; initialed
4 and dated by the Chair.

5 And further, that we incorporate the supporting
6 statements and dimensional forms submitted as part of the
7 application.

8 Further, that the special permit is granted
9 incorporating the following conditions: And that is what we
10 just spoke about, that the dormer on the -- let me get my
11 orientations correct -- south face and the larger dormer,
12 9'2" wide on the north face that you will include some
13 paneling, panelization on those façades -- to give it the
14 effect of having the 50 percent of windows that the Dormer
15 Guidelines talks about.

16 With that, Board members, let's take a voice vote
17 on the motion to grant relief.

18 Virginia?

19 VIRGINIA KEESLER: In favor.

20 JIM MONTEVERDE: Thank you. Steven?

21 STEVEN NG: In favor.

22 JIM MONTEVERDE: Thank you. Daniel?

1 DANIEL HIDALGO: In favor.

2 JIM MONTEVERDE: Thank you. Zarya?

3 ZARYA MIRANDA: In favor.

4 JIM MONTEVERDE: And Jim Monteverde in favor.

5 [All vote YES]

6 JIM MONTEVERDE: That's five in favor, it's
7 unanimous. Relief is granted.

8 COLLECTIVE: Thank you very much.

9 JIM MONTEVERDE: Now we have a break of 13 minutes
10 before the 6:30 agenda commences.

11 STEVEN NG: All right.

12 JIM MONTEVERDE: So we'll see you all then.

13 STEVEN NG: Yeah. I'll see -- I'll wish you guys
14 a good night.

15 JIM MONTEVERDE: Thanks, Steve.

16 STEVEN NG: All right. Bye-bye.

17 JIM MONTEVERDE: Steven, hang on for one second.

18 STEVEN NG: Yep.

19 JIM MONTEVERDE: Are you available -- we have --
20 we only have four members on one of the -- right in the
21 middle of the Agenda for the Regular Agenda, the one that's
22 listed for 7:30 on Magazine Street.

1 STEVEN NG: 7:30? I can do 7:30.

2 JIM MONTEVERDE: Well, I don't know that it's ever
3 at 7:30. We hardly ever make that.

4 STEVEN NG: Yeah, well any -- later is better.

5 JIM MONTEVERDE: Okay. So if we give you a call,
6 can you jump on and join us for that --

7 STEVEN NG: Sure.

8 JIM MONTEVERDE: -- one that right now is
9 scheduled for 7:30?

10 STEVEN NG: Yeah, sure.

11 JIM MONTEVERDE: Great. Thank you.

12 STEVEN NG: Okay. Thanks. See you soon.

13 JIM MONTEVERDE: Yep. Bye.

14 VIRGINIA KEESLER: And I'm jumping off as well,
15 have a nice evening.

16 JIM MONTEVERDE: Thank you.

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(6:31 p.m.)

Sitting Members: Jim Monteverde, Daniel Hidalgo, Carol Agate, Thomas Miller, and Zarya Miranda

JIM MONTEVERDE: Okay. We're back for our 6:30 Agenda, the Regular Agenda for the Board of Zoning Appeal. Let's just do a roll call for the Board members, please, make sure we can -- everyone is in attendance, and we can verify that you're audible?

OLIVIA RATAY: Carol Agate?

CAROL AGATE: Here.

OLIVIA RATAY: Daniel Hidalgo?

DANIEL HIDALGO: Here.

OLIVIA RATAY: Zarya Miranda?

ZARYA MIRANDA: Here.

OLIVIA RATAY: Tom Miller?

THOMAS MILLER: Here.

OLIVIA RATAY: Jim Monteverde?

JIM MONTEVERDE: Here. Thank you. The first case I'm going to call is BZA-254009 -- 9 Garfield Street. Is there anyone calling in who wishes to talk to us about this case?

1 RICHARD BERNSTEIN: This is Richard Bernstein.
2 I'm the Architect.

3 JIM MONTEVERDE: Yep.

4 RICHARD BERNSTEIN: Representing Amy Brigham.

5 JIM MONTEVERDE: Uh-huh. Okay.

6 RICHARD BERNSTEIN: And Amy was going to be
7 joining us. I'm not sure if she's there yet, but I will
8 start.

9 My name is Richard Bernstein, and I am the
10 Architect representing Amy Brigham of 9 Garfield Street,
11 where she has lived with her family since purchasing the
12 property in the 1990s.

13 Originally, it was a one and a half story cottage.
14 It was enlarged to a two-and-a-half story home, which
15 required BZA special approval in 2002. Amy's father,
16 Richard Brigham, was the architect for this project, and I
17 was introduced to Amy 10 years ago by Doug Hannah of SNH.
18 Little background.

19 The proposed alterations require a special permit
20 since they involved work within existing nonconforming
21 exterior walls. These, I think, can be best described as
22 life safety improvements and are of critical importance for

1 this property.

2 The work proposed in the basement is within an
3 existing room that currently includes an en suite bathroom.
4 This room has been used as a professional painting studio,
5 office, and most recently storage, and anticipated future
6 use as a guest bedroom is now being planned for.

7 The goal of this improvement is to provide an
8 increase in natural light and air, beneficial for any use,
9 and most importantly also to install a new window unit which
10 meets the emergency egress requirements of the Building
11 Code.

12 Though technically only required for a bedroom,
13 this would be a life safety improvement for any use of the
14 room and for the existing finished basement.

15 In addition, the special permit approval will
16 cover the changes proposed to the existing exterior wall of
17 the house, including replacing the existing patio door with
18 a wider, more functional unit and removing one of the
19 existing kitchen windows to accomplish this as shown on the
20 plans.

21 Also, part of the proposed project will be
22 providing steps from the first floor kitchen down to a new

1 masonry patio.

2 Currently, there are no steps in place, and these
3 would be constructed of either wood or masonry to provide
4 extended, usable open space for the home, a new landscape,
5 stone patio along the existing grade of the narrow back yard
6 that will be installed as shown on the plans.

7 This concludes my presentation. Thank you.

8 JIM MONTEVERDE: Thank you. Any questions from
9 members of the Board? If not -- oh, sorry, go ahead.

10 RICHARD BERNSTEIN: Oh, no, I see Amy has joined
11 us, so I just want to say hi to Amy.

12 AMY BRIGHAM: I was here, I just wasn't visible.

13 RICHARD BERNSTEIN: Okay. Next time on Zoom. I'm
14 not -- I miss the in-person presentations, for the record.

15 JIM MONTEVERDE: Okay. Let me ask a couple of
16 questions. So just so we're clear, what you're asking
17 relief for is the basement bedroom window is -- sits in the
18 west side yard setback, correct?

19 RICHARD BERNSTEIN: That's correct.

20 JIM MONTEVERDE: And the patio door sits in the
21 rear setback?

22 RICHARD BERNSTEIN: That's correct.

1 JIM MONTEVERDE: Correct? That's what you're
2 asking relief for?

3 RICHARD BERNSTEIN: Correct.

4 JIM MONTEVERDE: All right. So the references to
5 -- I'm just trying to figure out if there's anything within,
6 since they are listed, 8.22.2.c, 8.22.2.d that you're
7 actually looking for relief from?

8 (Question to Staff) Do you know? Requesting from
9 8.22.2c and d. That's the windows. What's d for, anything?
10 Doesn't have anything to do with this.

11 RICHARD BERNSTEIN: It's the existing
12 nonconforming structure.

13 JIM MONTEVERDE: Yeah, but all you're doing is
14 moving windows and doors around.

15 RICHARD BERNSTEIN: That's right, I just wanted to
16 -- the critiques from the Zoning in the plan review.

17 JIM MONTEVERDE: All right.

18 RICHARD BERNSTEIN: Better to be safe than sorry
19 as far as covering yourself. The work will also include a
20 masonry patio so that's not a structure, and therefore
21 there's no setback issue.

22 JIM MONTEVERDE: Okay.

1 RICHARD BERNSTEIN: The steps are -- actually
2 there's none that exist. It's blocks that are set up as a
3 -- I don't think they're ever used. The door that's there
4 is fairly non usable because of its narrowness, as you can
5 see from the photographs.

6 JIM MONTEVERDE: Okay.

7 AMY BRIGHAM: We had it --

8 JIM MONTEVERDE: Let me --

9 AMY BRIGHAM: We --

10 JIM MONTEVERDE: Let me, excuse me --

11 AMY BRIGHAM: -- once upon a time --

12 JIM MONTEVERDE: -- let me, let me ask -- excuse
13 me, let me just ask one --

14 RICHARD BERNSTEIN: Sure.

15 JIM MONTEVERDE: -- more question. The areaway that
16 will be in the west side yard setback, when that's done,
17 you'll be less than three feet from the property line,
18 correct?

19 RICHARD BERNSTEIN: Yes. It's --

20 JIM MONTEVERDE: Do you propose any type of cover
21 or railing or anything around that opening?

22 RICHARD BERNSTEIN: No. It's 18". The grade

1 drops down from the first floor. And so, if you get to --
2 the window will be set at the minimum clearance needed. And
3 so, the bottom of the areaway is actually about 18" below
4 the existing grade.

5 JIM MONTEVERDE: Yeah.

6 RICHARD BERNSTEIN: And we actually worked
7 extensively with Dan Vallee about the drainage and revisions
8 for that and the permitting.

9 JIM MONTEVERDE: Okay. So I was more concerned
10 about someone stepping into it, trying to walk along that
11 side yard.

12 RICHARD BERNSTEIN: And no one does. There's a
13 picture of the side. There's a fence that runs -- the
14 neighbor wouldn't be walking, and Amy doesn't ever --

15 JIM MONTEVERDE: No one goes there?

16 RICHARD BERNSTEIN: -- goes there, yeah.

17 JIM MONTEVERDE: Okay.

18 RICHARD BERNSTEIN: It's unique site to say the
19 least. On the Mass Ave side is a gas station.

20 JIM MONTEVERDE: Yep.

21 RICHARD BERNSTEIN: And there's a bed and
22 breakfast on the other side of the back yard.

1 JIM MONTEVERDE: Okay. Thank you.

2 AMY BRIGHAM: Once upon a time we had a deck out
3 there. I don't know if you can hear me.

4 JIM MONTEVERDE: Yes.

5 AMY BRIGHAM: We had a deck out that back window,
6 but the deck evenly rotted out, and we took it down and we
7 were unsure of what we wanted to do, whether build a new
8 deck or patio or, you know.

9 JIM MONTEVERDE: Okay.

10 RICHARD BERNSTEIN: On the original BZA plans,
11 there was a wood deck there, part of their proposal. So
12 that explains it --

13 JIM MONTEVERDE: Yep.

14 RICHARD BERNSTEIN: -- and it was gone before I --
15 I started working 10 years ago.

16 JIM MONTEVERDE: Okay. Thank you. I think we
17 have the description of the work.

18 We have no correspondence in the file either for
19 or against. So I will open it up for public comment.

20 Any members of the public who wish to speak should
21 now click the icon at the bottom of your Zoom screen that
22 says, "Raise hand."

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

3 I'll now ask Staff to unmute the speakers one at a
4 time. You should begin by saying your name and address, and
5 Staff will then confirm that we can hear you. After that
6 you will have up to three minutes to speak before I ask you
7 to wrap up.

8 No one is calling in. All right. Close public
9 testimony. Are we ready for a motion?

10 CAROL AGATE: Ready.

11 JIM MONTEVERDE: It sounds like we are. This is
12 also a special permit. So let me just run through that
13 criteria.

14 It appears that the requirements of the ordinance
15 cannot or will not be met. That is correct for the openings
16 that are being proposed.

17 b) Traffic generated or patterns of access or
18 egress would cause congestion or hazard. I think not.

19 c) The continued operation of or the development
20 of adjacent uses would be adversely affected. I think not.

21 d) Nuisance or hazard would be created to the
22 detriment of the health, safety, or welfare of the

1 occupants. I think not. And

2 e) And for other reasons that proposed use would
3 impair the integrity of the adjoining district. And I think
4 not.

5 So I think you're in compliance with all of the --
6 where you meet all of the criteria in Section 10.43 for a
7 special permit.

8 With that, I will propose a motion. The Chair
9 makes a motion to grant relief from the requirements of the
10 Ordinance under Sections 5.31 -- and that's specifically the
11 rear yard setback relative to the relocate patio door; and
12 the west side yard setback relative to the new basement, the
13 basement window and window well, and new stairs down to a
14 stone patio and Sections 8.22.2.c and that's for window, and
15 8.22.2.d and 10.43 for a special permit.

16 On the condition that the work proposed conforms
17 to the drawings entitled, "9 Garfield Street," prepared by
18 RF Bernstein Architects, dated January 4, 2024; initialed
19 and dated by the Chair.

20 And further, that we incorporate the supporting
21 statements and dimensional forms submitted as part of the
22 application.

1 On a voice vote, please, Board members, Tom?

2 THOMAS MILLER: In favor.

3 JIM MONTEVERDE: Daniel?

4 DANIEL HIDALGO: In favor.

5 JIM MONTEVERDE: Carol?

6 CAROL AGATE: In favor.

7 JIM MONTEVERDE: Zarya?

8 ZARYA MIRANDA: In favor.

9 JIM MONTEVERDE: And Jim Monteverde in favor.

10 [All vote YES]

11 JIM MONTEVERDE: That's five in favor. Relief is
12 granted. Congratulations.

13 AMY BRIGHAM: Thank you.

14 RICHARD BERNSTEIN: Thank you very much.

15 JIM MONTEVERDE: You're welcome.

16 RICHARD BERNSTEIN: Good luck.

17 JIM MONTEVERDE: All right, Board members. I'll
18 have to speak more slowly. All right. You have to wait
19 three minutes.

20 CAROL AGATE: This one's a Request for a
21 Continuance.

22 JIM MONTEVERDE: Yep. We have to wait three

1 minutes. So says my keeper.

2 So are there any traditions for the leap year? No
3 special greeting, no party, no -- I mean the dais here is
4 festooned with things, but I don't think it's for leap year.
5 I guess --

6 CAROL AGATE: It's already showing us it's going
7 to be a speedy evening.

8 JIM MONTEVERDE: No, it was just an easy start. I
9 don't want to jinx it. We're going to do this again once we
10 process the next one. It's like sitting in rush-hour
11 traffic. Maybe then we can get up to some speed.

12 So does the warm weather come back soon?

13 THOMAS MILLER: Supposed to be in the forties
14 tomorrow, I think.

15 JIM MONTEVERDE: Yeah, 40.

16 THOMAS MILLER: If that counts as warm.

17 JIM MONTEVERDE: Yeah, no, it's fine. It's 40.
18 I'll take that. Friday 45, Saturday 50. Sunday 53, that
19 will be nice. March! Okay, 6:45. We're back to it.

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(6:42 p.m.)

Sitting Members: Jim Monteverde, Daniel Hidalgo, Carol
Agate, Thomas Miller, and Zarya Miranda

JIM MONTEVERDE: This is Case BZA-253747 -- 16
James Way. I have a letter from the proponent, Lan Zhang,
dated February 26, saying that they decided to withdraw the
Variance application. So we all just need to vote to accept
the withdrawal. So Carol?

CAROL AGATE: Withdrawal accepted.

JIM MONTEVERDE: Yes, thank you. Zarya?

ZARYA MIRANDA: Accepted.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Thank you. Tom?

THOMAS MILLER: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: So the matter is withdrawn. Now
we get to wait until 7 o'clock. See you all back then.

1 * * * * *

2 (7:00 p.m.)

3 Sitting Members: Jim Monteverde, Daniel Hidalgo, Carol
4 Agate, Thomas Miller, and Zarya Miranda

5 JIM MONTEVERDE: Welcome back, everyone. The next
6 case is BZA-253656 -- 4 Holworthy Terrace. Is there anyone
7 joining us tonight who wants to speak about this case?

8 ROBERT LINN: Hi. I'm sorry. I just logged in.
9 I'm Robert Linn. I am the applicant, and I'm the Architect
10 for this project.

11 JIM MONTEVERDE: Okay.

12 ROBERT LINN: I'm not sure if -- and this is my
13 associate, Charlie Cotton.

14 CHARLIE COTTON: Hi, everyone.

15 JIM MONTEVERDE: So do you want us to bring up the
16 drawings? Do you want to walk us through what you're --

17 CHARLIE COTTON: Yes, yes please.

18 ROBERT LINN: So we are proposing to build two new
19 single-family residences on the site that currently has two
20 existing single-family residences. And it's -- the address
21 is, we're calling it 4 Holworthy Terrace, but it is also 92
22 Holworthy.

1 And we're proposing to put these two new
2 residences more or less in the same position as the older
3 structures, but in doing so, we're trying to meet as many of
4 the Zoning Ordinance requirements as possible.

5 And so, we're meeting FAR in height and open space
6 as much as we could possibly meet, but because of the very
7 unusual nature of this site, it has a -- it has just enough
8 frontage off of Holworthy Street and a shared access drive
9 -- it's, we found it virtually impossible to meet every
10 zoning requirement.

11 So in the end, we minimized what we're asking as a
12 variance to two components. So really one is more -- two of
13 them are related to the parking.

14 One we're showing parking within the front yard
15 setback and parking closer than 5' from the property line,
16 which is kind of a preexisting condition with the existing
17 drive -- the shared drive.

18 And then the second piece, where we're not able to
19 conform was the rear yard setback of House B, which is we
20 have it 7.5' from the rear property line, which is actually
21 a bit further, I think, than the existing house.

22 But because of this really weird site, we worked

1 with Olivia and ISD to even, like, understand what the front
2 yard, where we would be taking the front yard setbacks from.

3 And so both of these houses are we're using the
4 line that's perpendicular to the -- no, that's parallel to
5 the street and to the rear yard, we're using that as our
6 front yard setback.

7 So for House B, it's the line right behind 96
8 Holworthy, and for House A, it's a line behind 90 Holworthy.
9 So those are -- those become our front yard setbacks, which
10 we're meeting in this particular situation.

11 JIM MONTEVERDE: Okay.

12 ROBERT LINN: And we are meeting all of the side
13 yard setbacks, all of the Open Space Requirements. But that
14 one rear yard setback for House B, which we're showing at
15 7.5, is the Dimensional discrepancy.

16 And then along those same lines, we -- when we
17 were thinking about having some parking, we -- off-street
18 parking, we're showing that the parking stops short of the
19 -- you know, it's not past the front yard setback for both
20 of these two houses, partly because House A, if we were to
21 try to park behind the front yard setback, we weren't -- we
22 were going to push everything further back, we wouldn't be

1 able to meet the Open Space Requirements if we had more
2 driveway.

3 And where we're positioned at less than 5' away
4 from the property line of 90 Holworthy, it's been if we push
5 that off 5' away, we wouldn't meet the rear yard setback for
6 House A.

7 So it's kind of a, it was sort of a push and pull
8 where we're trying to meet as many of the Ordinance
9 Requirements as possible, and also -- you know, trying to
10 kind of come up with the best setup for privacy and
11 separation between the two places, a lot of open space and
12 open space and light for -- not just for our project, but
13 for our neighbors as well.

14 And to that end, we actually met with all of the
15 neighbors that we're closely -- you know, would be impacted
16 more drastically for this project, and we actually made
17 tweaks and we moved things around.

18 And we've actually made some accommodations to,
19 you know, make sure that everybody feel comfortable because
20 it is a tight spot back there. It's a little -- very little
21 -- sort of a community of buildings.

22 And I think everyone is very happy that we're

1 going to be taking what's really more or less of, you know,
2 a couple of uncared for houses, taking them down, and we'll
3 be creating a nice little village back there off of
4 Holworthy Terrace.

5 And, you know, we spoke to the owner of 96
6 Holworthy multiple times. She wants to coordinate the
7 painting of her house with the painting of our house. We're
8 showing the -- both of these properties have parking off-
9 street, but there's also guest parking/snow removal, because
10 everybody here was concerned about where we'd be pushing the
11 snow.

12 They want to make sure that there's some potential
13 open parking space where snow could be ploughed at different
14 times. They were really interested in drainage and
15 planting.

16 And we worked with all of them to coordinate all
17 of these efforts.

18 Olivia, maybe if you could just flip to the next.

19 So I'll go back to this once we get to our
20 elevations. But, you know, we did a little study of the
21 context on Holworthy Street. We've designed a couple of
22 houses there already, so we've been very familiar with the

1 street. But it's a street with a lot of these sort of
2 older, you know, little bit more substantial workers
3 cottages that all have these gable roofs, a lot of
4 Italianate details.

5 And it's a very -- it's a lovely little street.
6 And so, we're -- in our design, we're trying very much to
7 feel contextual and have something that feels like it fits
8 nicely within the street. But we also want it to feel like
9 it's designed of today. So we're not trying to replicate
10 something that was there in the past.

11 Both of the houses that we're planning to take
12 down were reviewed by the Historic Commission, and we have a
13 letter or an e-mail from Sarah Burks saying that neither one
14 is significant. So they were happy for us to take them both
15 down.

16 Keep going, Olivia, to the next.

17 This is just our plot plan. But you can see here
18 that there's the shared drive parking to the left for House
19 A, parking directly ahead for House B. And for proposed
20 House B, we're also elevating the yard by a couple of feet,
21 because the 96 Holworthy is actually sitting up on a plinth
22 to the right. There's sort of a -- not sort of, there is a

1 retaining wall that runs along the edge of that drive.

2 And so, we're going to elevate the back house so
3 that it's in the -- at the same level as the 96 Holworthy,
4 so that we're not sort of, like, down in a -- we're not
5 sitting kind of down lower. We wanted to bring it up so
6 that we're more contiguous and sort of helping to piece
7 together the -- stitch together this funny area.

8 If you go to the next version.

9 So you can see the top plan is the existing
10 condition. You can see how much paving is noted in the --
11 with all of that gray. And those are the two houses.

12 And then below is our proposed addition, our
13 proposed homes, and we pushed House A a little bit further
14 away from 90 Holworthy and we've -- you know, obviously
15 we've expanded what's currently 92 Holworthy to maximize the
16 FAR allowable on the site.

17 If you keep going on.

18 And this is our -- this was when we were studying
19 the -- making sure that we would meet our Open Space and
20 Green Score Requirements, Cool Score Requirements, and so
21 forth. We worked through all of those details. We're going
22 to be showing permeable pavers from the street all the way

1 back, and plantings around the perimeter and trying to
2 maintain as many trees as possible.

3 I think there's one -- potentially one significant
4 tree that we're going to have to take down in the front --
5 that's currently in front of where House A is now.

6 Okay. Next one, Olivia?

7 So we did a number of shadow studies looking at,
8 you know, the critical times of day at different times of
9 the year, and we shared these with all of the neighbors that
10 were -- that we met with all around the perimeter. They
11 were very interested to see this.

12 And I think that what we demonstrated was that
13 what we're showing has no significant impact on any of the
14 houses in terms of losing light and open space and views.

15 So we don't need to belabor the -- so both of
16 these structures are designed as a sort of a gabled mass
17 that is that kind of more contemporary version of that
18 contextual massing that's all over Holworthy Street, but
19 with a one-story, more contemporary piece that's plugged
20 into the side of it and integrated with it.

21 Both of these houses have three bedrooms on the
22 second floor. They have a guest bedroom/office on the first

1 floor open floor plan, and then a full basement with another
2 bedroom and, you know, workout room and media room in the
3 basement. And both of them have more or less the same plan.
4 We don't need to belabor that either.

5 Can we move on, Olivia?

6 And this is the other, more or less the same plan
7 with the other house. These were the existing homes. What
8 we're showing is slightly bigger, slightly taller, but still
9 conforming to all zoning standards, other than that rear
10 yard setback.

11 So this is the example of what I was talking
12 about; a very -- what we believe is a very contextual kind
13 of base component, but done in a more contemporary way, you
14 know, with pieces that are carved away, some corner windows
15 night and day more contemporary bays, but then a more
16 contemporary one-story piece that's kind of plugged in and
17 interlocking with it.

18 And we wanted to clad that in something different
19 -- in this case, it might be Corten, or maybe there are
20 going to be wood slats. But it would certainly be a little
21 bit more contemporary than the shingles and, you know,
22 painted siding on the other piece.

1 Move on to the next. Just this is the -- this is
2 House B. The same idea, where you have the -- sort of the
3 more contextual piece in the back, and then a -- kind of a
4 more contemporary component plugged into the front, with
5 lots of glass.

6 So these are some views looking down Holworthy
7 Terrace: House A on the left, House B on the right. The
8 one on the right is looking back at House A, and we have
9 views of House B on the back here.

10 You can see here what I was talking about earlier
11 in the upper left corner, raising that back house so that
12 it's contiguous with the plane of the existing property
13 that's right in front of it. So you come up a few steps to
14 get to that, which also helps to differentiate the two
15 houses in the section a little bit and create a little bit
16 more privacy.

17 Move on and I guess that's pretty much it.

18 JIM MONTEVERDE: Okay. Thank you.

19 ROBERT LINN: Yes.

20 JIM MONTEVERDE: Any questions from members of the
21 Board?

22 CAROL AGATE: No.

1 JIM MONTEVERDE: If not, let me ask a few. This
2 is a variance?

3 ROBERT LINN: This is a variance, yes.

4 JIM MONTEVERDE: Okay. It's a Variance Request.
5 So we need to determine that you meet all of the following
6 criteria:

7 a. A literal enforcement of the provisions of the
8 ordinance would involve a substantial hardship.

9 b. The hardship is owing to circumstances
10 relating to the soil condition, the shape or topography of
11 such land or structure. And

12 c. Desirable relief may be granted without either
13 substantial detriment to the public good or nullifying or
14 substantially derogating from the intent and purpose of the
15 Ordinance. Could you please speak to the hardship?

16 ROBERT LINN: The hardship in this case really is
17 the shape of the lot. You know, we looked at trying to
18 accommodate all of the Zoning Ordinance Requirements with
19 these two new structures, and we found it virtually
20 impossible to do so in a way that made sense from a
21 development point of view.

22 JIM MONTEVERDE: Okay.

1 ROBERT LINN: And in terms of the -- oh, I'm
2 sorry.

3 JIM MONTEVERDE: I had follow-up questions. Just
4 so we understand what you're asking relief from, what
5 conditions: 5.31, the Dimensional Table, that's really the
6 rear yard setback for House B?

7 ROBERT LINN: Correct. Correct.

8 JIM MONTEVERDE: That's on the plan that's up on
9 the screen, it's House B, and it's a 7.5' rear yard, right?

10 ROBERT LINN: Correct.

11 JIM MONTEVERDE: Yeah. Okay. And then Article 6,
12 6.44.1.b that says no parking within 5' of the side or rear
13 yard property lines. And so, that affects both -- whoops,
14 did I -- oh, it just disappeared from here. Confirm for me
15 that that -- regarding the guest parking at House A?

16 ROBERT LINN: That's right. House A.

17 JIM MONTEVERDE: And then what's labeled as
18 "House B Parking," same thing?

19 ROBERT LINN: Yes, correct.

20 JIM MONTEVERDE: Okay. And are there any physical
21 barriers along those lines where you abut the neighbor?
22 Does that segregate that parking from the neighbor?

1 ROBERT LINN: Yes. There is a -- currently there
2 is a fence that's running along the edge of the neighbors'
3 property line, all along that edge.

4 JIM MONTEVERDE: On both? Both for House A and
5 House B?

6 ROBERT LINN: Both on House A and House B,
7 correct, yes.

8 JIM MONTEVERDE: Okay. And then 6.44.1.c there's
9 no parking in the front yard setback. And that is -- sorry,
10 on the diagram on your screen, which --

11 ROBERT LINN: Mm-hm.

12 JIM MONTEVERDE: -- parking space is that?

13 ROBERT LINN: All of our parking spaces. Because
14 the -- we're in the front yard setback for House A, and
15 House B as well.

16 JIM MONTEVERDE: And House B.

17 ROBERT LINN: Yes.

18 JIM MONTEVERDE: Okay. 8.22.3 Nonconforming
19 Structure is what requires a variance. And we just talked
20 about the Variance conditions.

21 In that same drawing, your terraces, your --
22 sorry, not terraces, your decks, House A in particular --

1 ROBERT LINN: -- Mm-hm.

2 JIM MONTEVERDE: -- is facing the abutter to the
3 -- I don't know what cardinal direction that is, southeast?

4 ROBERT LINN: Yep.

5 JIM MONTEVERDE: And from the site locus plan it
6 looks like there will be a house fairly close to it?

7 ROBERT LINN: Mm-hm.

8 JIM MONTEVERDE: In the future or proposed, right?
9 So what is that -- what do you propose that that
10 guardrail/handrail be? How transparent is it?

11 ROBERT LINN: Yeah. So you're talking about the
12 second floor roof deck?

13 JIM MONTEVERDE: Yes. I'm sorry, yes, and House
14 A.

15 ROBERT LINN: So we were -- that was actually part
16 of the cladding. Our design around the cladding was that in
17 that case, and we may switch it back and forth, but both of
18 these structures, we were thinking that if it was a
19 corrugated metal, that it would be a continuation of that
20 metal coming up from the siting all the way up to create
21 that guardrail to create a pretty dense visual separation.

22 I don't know if, Olivia, you can pull up that

1 elevation, one of those -- just one of the elevations you'll
2 see. But we really were concerned about having a very open
3 rail. So it's --

4 JIM MONTEVERDE: Right.

5 ROBERT LINN: -- we wanted some transparencies,
6 you know, so that you weren't feeling like you just had a
7 solid. But we also wanted it to feel like it was a bit of a
8 filter so that you'd get a little bit of light, but you'd
9 also when you're sitting down you wouldn't be, like, looking
10 -- people wouldn't be looking right at you, and you'd have a
11 little bit of a visual separation.

12 JIM MONTEVERDE: Right. That's -- yeah. I see some of
13 the illustrations look like it was more transparent, and
14 then others almost look like --

15 ROBERT LINN: Yep.

16 JIM MONTEVERDE: -- you know, you kind of skip a
17 board in between. That looked a little too transparent.

18 ROBERT LINN: Mm-hm.

19 JIM MONTEVERDE: So I'm looking for a way to state
20 that as a condition that you can add that would be
21 acceptable that it is as opaque as possible.

22 ROBERT LINN: Mm-hm.

1 JIM MONTEVERDE: Really for its effect on the
2 neighbors. Because you're up on the second floor --

3 ROBERT LINN: Yep.

4 JIM MONTEVERDE: -- you're looking down --

5 ROBERT LINN: Yes.

6 JIM MONTEVERDE: -- on those properties. So I
7 think the continuation of the façade material below --

8 ROBERT LINN: Mm-hm.

9 JIM MONTEVERDE: -- would be exactly it. If there
10 are some openings in that, fine.

11 ROBERT LINN: Mm-hm.

12 JIM MONTEVERDE: But that it's primarily a solid.
13 I think --

14 ROBERT LINN: Okay.

15 JIM MONTEVERDE: -- that would do it for me.

16 ROBERT LINN: Okay.

17 JIM MONTEVERDE: Okay. I have monopolized the
18 question time. Does anybody else have any questions? Any
19 member of the Board?

20 CAROL AGATE: Yes. I wonder what would be the
21 hardship in making it somewhat smaller, so that you would
22 have the full-sized setback?

1 CHARLIE COTTON: I'm not sure that even making it
2 smaller we'd be able to get that rear yard setback for House
3 A. Because even the existing house that's there now, which
4 is relatively small, doesn't meet the rear setback. In
5 fact, I'm not even sure.

6 Charlie, does it meet the front yard setback,
7 current house?

8 CHARLIE COTTON: The current house does meet the
9 front yard setback.

10 ROBERT LINN: Okay.

11 CHARLIE COTTON: But if you pushed it very far
12 forward --

13 ROBERT LINN: Yep.

14 CHARLIE COTTON: -- it would still violate one or
15 the other of the setbacks.

16 ROBERT LINN: Yeah. So we were kind of caught in
17 a bind between front or rear, and our -- we actually at one
18 point we thought about turning it 90 degrees, but we met
19 with the neighbor to the north, who's kind of up a little
20 bit several -- we met with her a couple of times.

21 And she was very keen on maintaining the light and
22 view that comes with that separation from the front yard

1 setback.

2 So in order to keep her, you know, so that she had
3 the view and the lay that she's used to, we pretty much
4 needed to put the structure where the existing house is,
5 which doesn't meet the current, you know, rear yard setback.

6 JIM MONTEVERDE: Carol, we can bring that up in
7 discussions again, if you'd like. Did that answer your
8 question, Carol?

9 CAROL AGATE: Not completely, in that it would
10 seem to me -- I mean I haven't got the vision of actually
11 what these setbacks are and where, but it seems to me
12 whenever you're dealing with setbacks, if you're starting
13 fresh with a brand-new house, you just make the house
14 smaller, so it fits.

15 And is there any reason that it has to be this
16 size, rather than a somewhat smaller house?

17 ROBERT LINN: Well, I understand your thinking.
18 And, you know, there's also the -- because this is a
19 development project, there's always the -- kind of the
20 balance between, you know, what's economically feasible and,
21 you know, what's meeting as many of the Zoning criteria as
22 possible.

1 So of course, it would be possible to put a very
2 small house on here, but it wouldn't be a viable -- it
3 wouldn't be a viable, I don't think it would be a viable
4 development.

5 And putting any house, I think, back where that
6 existing house is is impossible because of the shape of the
7 lot. I mean, to meet all the Zoning criteria and maintain
8 the open space that the neighbors were looking for.

9 JIM MONTEVERDE: Yeah. I think the financial
10 discussion of the development is really not one that
11 qualifies --

12 ROBERT LINN: Yes, right.

13 JIM MONTEVERDE: -- for a variance. So it may in
14 fact be the case, but it really is not our purview.

15 ROBERT LINN: Yes, correct.

16 JIM MONTEVERDE: And I think Carol, if you look at
17 the dimensional form, really what's going on is those two
18 buildings it max out the allowed gross square footage. So
19 it's just redeveloped to the max. It's the max that's
20 allowed and being compliant, except for the side yard -- the
21 rear yard setback.

22 CAROL AGATE: I have no objection to it, and the

1 neighbors don't object. I was just curious as to they that
2 would actually qualify for as a reason for a variance. But
3 --

4 JIM MONTEVERDE: Yeah.

5 CAROL AGATE: I think the financial --

6 JIM MONTEVERDE: I don't disagree --

7 CAROL AGATE: -- the financial part --

8 JIM MONTEVERDE: Yeah, I don't --

9 CAROL AGATE: -- is -- sounds like a valid reason.

10 JIM MONTEVERDE: Okay. Thank you. Any other
11 Board member have any questions? If not, public comment;
12 there is one letter in the file from Brenda Shannon dated
13 February 26, who resides at 96 Holworthy. It's one of the
14 abutters saying they are in support of the project. That's
15 all we have in the file. So I will open it up to public
16 comment.

17 Any members of the public who wish to speak should
18 now click the icon at the bottom of your Zoom screen that
19 says, "Raise hand." If you're calling in by phone, you can
20 raise your hand by pressing *9 and unmute or mute by
21 pressing *6.

22 I'll now ask Staff to unmute the speakers one at a

1 time. You should begin by saying your name and address, and
2 Staff will confirm that we can hear you. After that you
3 will have up to three minutes to speak before I ask you to
4 wrap up.

5 OLIVIA RATAY: Steve Sillari?

6 STEPHEN SILLARI: Oh hey, how are you doing? Can
7 you hear me?

8 JIM MONTEVERDE: Yes. Can you introduce yourself,
9 please?

10 STEPHEN SILLARI: Oh, yeah. My name is Stephen
11 Sillari. I live at 85-87 Holworthy Street. I bought that
12 house 26 years ago, and I am developing 88 Holworthy. And
13 working with Duncan MacArthur.

14 So I just wanted to say that Duncan's a great
15 builder. I support what's going on with the Holworthy
16 Terrace. It's, as you know, or you don't know, Holworthy
17 has been going through a transitional development period and
18 this makes sense with what's been happening over the last --
19 since I bought my house, 26 years.

20 And I just want to give my support to Duncan.

21 JIM MONTEVERDE: All right. Thank you for calling
22 in.

1 OLIVIA RATAY: Angela Papierski?

2 ANGELA PAPIERSKI: Hi. My name is Angela
3 Papierski, and my husband Kevin and I are the current
4 tenants at 98 Holworthy Street, which is the property in
5 front of Brenda Shannon at 96 Holworthy Street. So I'm
6 tuning in, even though I'm not a homeowner.

7 I -- my husband and I have lived in this house now
8 for over 20 years. So -- and we'd like to stay in this
9 neighborhood for as many more years as we possibly can. And
10 we obviously expect that our lives will be somewhat impacted
11 by the construction. So we definitely were interested in
12 being in contact with the architects and with the builders as
13 they work on this project.

14 We are in support of the project overall, because
15 most of the houses that are there now and the former
16 landlord of those houses, you know, definitely it's a good
17 idea to put some new property -- to put some development
18 into that -- into the Terrace.

19 But our concerns kind of stem from the
20 construction that took part in at 90 Holworthy Street and
21 how disruptive and in many cases how unneighborly you could
22 say the builders were to -- so we just want to make sure

1 that, that even though we're not owners, that we are -- we
2 definitely feel like we have a stake in what happens, and we
3 are generally in support of it, as long as, you know, all
4 the ordinances are maintained and all the other things that
5 would make for neighborly kind of interactions. So.

6 JIM MONTEVERDE: Thank you. Just to be clear,
7 though, the Zoning Board has no authority over construction.
8 It's not the matter before us, right and not one that we can
9 advise on.

10 So if you have any concerns during the course of
11 construction, I suggest you reach out to the Building
12 Department, Inspectional Services Department.
13 Unfortunately, it's not something that we can attach a
14 condition to the motion we'll make, as it's not in our
15 purview.

16 I am sensitive to what you're saying, it's just we
17 really can't do much about it.

18 ANGELA PAPIERSKI: Yes, okay. Now I -- which I
19 understand.

20 JIM MONTEVERDE: Okay. So Inspectional Services
21 is the place you want to talk to if there are any -- if any
22 issues do come up.

1 ANGELA PAPIERSKI: Right. No, I just wanted to
2 say that I am generally in support of this project. So.

3 JIM MONTEVERDE: Thank you.

4 ANGELA PAPIERSKI: You're welcome.

5 JIM MONTEVERDE: Thank you for calling in.

6 ANGELA PAPIERSKI: Mm-hm.

7 JIM MONTEVERDE: Anyone else? Nope? That's it for
8 public testimony.

9 Discussion from members of the Board?

10 DANIEL HIDALGO: I just want to say -- you know,
11 thinking about the Variance Requirements, I'm convinced
12 that, you know, this fits particularly the condition that
13 what's unique, you know, topography or shape of the land
14 it's kind of unusual and that -- you know -- is not
15 representative of the larger district. And so, I'm
16 convinced on that front that it meets that requirement.

17 On the hardship point, I take the point that we
18 probably shouldn't be concerned too much with the economic
19 realities of I think having the finance this kind of
20 project.

21 That said, you know, I do think it would be nice
22 to at least not lower the number of -- or lower the amount

1 of housing in this property. I would love it if you would
2 even increase it, but I don't know if that's probably not
3 realistic given the Zoning rules.

4 So -- and I don't think it's any substantial
5 detriment to the public good, given their outreach to the
6 neighbors.

7 So I'm in favor.

8 JIM MONTEVERDE: Okay. Thank you. Any other
9 discussion from members of the Board? If not, I'll move on
10 to a motion.

11 This is a variance. So as I read before, what we
12 have to find is that all of the following apply:

13 a) A literal enforcement of the provisions of the
14 Ordinance would involve a substantial hardship, financial or
15 otherwise.

16 b) The hardship is owing to the circumstances
17 relating to the soil condition, shape or topography of such
18 land or structures.

19 c) Desirable relief may be granted without either
20 substantial detriment to the public good or nullifying or
21 substantially derogating from the intent or purpose of the
22 Ordinance.

1 So the Chair makes a motion to grant relief from
2 the requirements of the Ordinance under Section 5.31, and
3 that's specifically for the rear yard setback on House B
4 only.

5 Section 6.44.1.b, which is the requirement that
6 there be no parking within 5' of the side or rear yard
7 property lines. That applies to both Buildings A and B, and
8 6.44.1.c, no parking in the front yard setback, and that
9 also applies to both.

10 Is that correct, Mr. Linn?

11 ROBERT LINN: Yes, it is correct.

12 JIM MONTEVERDE: Okay. And 8.22.3, Nonconforming
13 Structure, that's what requires a variance. And I just went
14 through the conditions of the variance. And I'll let
15 everyone vote to confirm that they agree.

16 On the condition that the work proposed conforms
17 to the drawings entitled, "4 Holworthy Terrace," prepared by
18 Moscow Linn Architects, dated January 8 2024; initialed and
19 dated by the Chair.

20 And further, that we incorporate the supporting
21 statements and dimensional forms submitted as part of this
22 application.

1 Further, that the variance is granted
2 incorporating the following conditions: And that's on both
3 houses A and B -- that the guardrail around the second floor
4 deck, balcony, be -- how do we want to phrase this, I was
5 going to say primarily solid material to avoid lack of or
6 losing any privacy in the adjacent properties.

7 And with that, a voice vote please. Tom?

8 THOMAS MILLER: In favor.

9 JIM MONTEVERDE: Daniel?

10 DANIEL HIDALGO: In favor.

11 JIM MONTEVERDE: Carole?

12 CAROL AGATE: In favor.

13 JIM MONTEVERDE: Thank you. Zarya?

14 ZARYA MIRANDA: In favor.

15 JIM MONTEVERDE: And Jim Monteverde in favor.

16 [All vote YES]

17 JIM MONTEVERDE: That's five affirmative. The
18 relief is granted.

19 ROBERT LINN: Great. Thank you very much.

20 JIM MONTEVERDE: You're welcome.

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1 * * * * *

2 (7:32 p.m.)

3 Sitting Members: Jim Monteverde, Daniel Hidalgo, Carol
4 Agate, Thomas Miller, and Zarya Miranda

5 JIM MONTEVERDE: Next case is BZA-253983 -- 1762
6 Mass Avenue. Is there anyone joining us who wants to speak
7 on this case?

8 CAROL AGATE: You're muted.

9 CARRIE BONACORSI: Okay, let's try that again.
10 Good evening.

11 JIM MONTEVERDE: Sorry. Can you introduce
12 yourself, please?

13 CARRIE BONACORSI: Yeah. I'm Carrie Bonacorsi.
14 I'm the veterinarian who's looking to open a holistic
15 practice at 1762 Mass Ave.

16 JIM MONTEVERDE: Yep.

17 CARRIE BONACORSI: Yep, there are two of me. So
18 this is my first Zoning appeal. Do you want me to just talk
19 about my practice and what I do?

20 JIM MONTEVERDE: Briefly. We've all read the
21 file. We have read through your description.

22 CARRIE BONACORSI: Okay.

1 JIM MONTEVERDE: We have that. But if you could
2 briefly, you know, talk what it is that you do or plan to do
3 or would like to do in this location. And then if you could
4 talk to us about the Zoning-related relief that you are
5 requesting.

6 CARRIE BONACORSI: Okay. So I am a veterinarian
7 with 19 years of practice experience. I started -- I left
8 general practice three -- almost three years ago to open up
9 a holistic practice offering Chinese medicine, so
10 acupuncture, Chinese herbs, Hu therapy, Tuina -- kind of
11 like an acupressure massage -- and chiropractic services for
12 mostly my patients are dogs and cats right now.

13 I'm open to other small critters; we won't be
14 having any farm animals, although I did see a bunch of
15 turkeys in the park nearby today.

16 And let's see: Where am I going? Oh, right now
17 it's just been a mobile practice. And my business is
18 growing, and I want to offer this to more people. I know
19 this is something that's not -- there aren't very many
20 resources for this in the area at this time.

21 A colleague of mine who has a practice up in
22 Arlington is so booked that she can't even have a waiting

1 list. So I feel like our community wants this kind of
2 service.

3 It's a good -- it can be a good adjunct to
4 conventional medicine, it can be a good replacement. It
5 also can be used as preventative services to keep our pets
6 healthy to live happy, longer lives.

7 I think as far as the zoning, it just wasn't zoned
8 for animal services. And this, I don't think, will be a
9 nuisance. There will be no boarding. There's no surgery or
10 anesthesia. Clients will be with their pets the whole time.

11 And what was the other thing? Oh, there's no
12 controlled substances on the premises. And I'm happy to
13 answer more questions if you have anything.

14 JIM MONTEVERDE: Okay. No. I just brought up the
15 -- your locus plan, just so we can -- just so the Board can
16 refresh our memory to see exactly where you're talking
17 about, where this is located and what's around it. I think
18 if you are finished with your presentation, thank you.

19 Any questions from members of the Board?

20 If not, I have one.

21 CARRIE BONACORSI: Okay.

22 JIM MONTEVERDE: One of the pieces you're

1 requesting relief from, I believe, the way it's stated,
2 4.35.1, Animal Services Facility --

3 CARRIE BONACORSI: Mm-hm.

4 JIM MONTEVERDE: That section requires that all
5 animals be kept indoors, which I think you're saying is the
6 way it's going to be.

7 CARRIE BONACORSI: Yep.

8 JIM MONTEVERDE: No noise or odors are perceptible
9 from adjoining lots.

10 CARRIE BONACORSI: I would anticipate that to be
11 the case. What's nice is my practice is -- the patients are
12 normally, like, very relaxed during treatment, often
13 sleeping. So it's not a -- it won't be like a rowdy
14 grooming facility or boarding facility.

15 JIM MONTEVERDE: And is there anything you're
16 doing in the fit up of the space to -- again, so that there
17 will be no perceptible noise or odors to the adjoining lots?

18 CARRIE BONACORSI: No, there shouldn't be any. I
19 mean, I -- obviously we want, you know, sometimes animals
20 have accidents inside, but that would be cleaned up right
21 away and disposed of.

22 JIM MONTEVERDE: Okay. Is that -- oh, thank you.

1 That locus plan is still up. What I noticed when I went on
2 Google Earth to just see where there's -- I know where the
3 site is, but just see what's around it -- and in the locus
4 map that was just up on the screen.

5 The building directly behind is approximately --
6 I've it -- I think it's approximately -- well, it's a
7 multistory brick building that's directly behind it.

8 CARRIE BONACORSI: Mm-hm.

9 JIM MONTEVERDE: And I'm assuming it's a
10 residential building and that means there are probably
11 operable windows that are facing the back of the lot that
12 your space is in.

13 CARRIE BONACORSI: Mm-hm.

14 JIM MONTEVERDE: All I would caution you is please
15 if you -- when you're doing your -- the odor control that
16 any fans you put up on the roof you really don't want to be
17 moving air towards those what this is think take as
18 apartments or residential units.

19 CARRIE BONACORSI: Okay.

20 JIM MONTEVERDE: Okay?

21 CARRIE BONACORSI: Yep.

22 JIM MONTEVERDE: All right. And this is a Special

1 Permit. And we have to find the criteria: It appears that
2 the requirements of the ordinance cannot or will not be met.
3 That's correct.

4 b) Traffic generated will cause congestion,
5 hazard, or substantial change in the established
6 neighborhood character. I would say not.

7 c) The continued operation of or the development
8 of the adjacent uses would be adversely affected. I think
9 not.

10 d) Nuisance or hazard will be created to the
11 health, safety, or welfare. I think not. And

12 e) For other reasons, the proposed use would
13 impair the integrity of the district or adjoining district.
14 And I think not.

15 So I think all the criteria under 10.43 for the
16 special permit are met. Anyone else have any questions or
17 shall I move on to a motion?

18 DANIEL HIDALGO: We're ready for a motion.

19 JIM MONTEVERDE: Well, let's do the -- see if we
20 have any public comment.

21 DANIEL HIDALGO: Okay.

22 JIM MONTEVERDE: There was no public commentary in

1 the file. See if there's anyone who wants to call in.

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

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

7 I'll now ask Staff to unmute the speakers one at a
8 time. You should begin by saying your name and address, and
9 Staff will confirm that we can hear you. After that you
10 will have up to three minutes to speak before I ask you to
11 wrap up.

12 OLIVIA RATAY: Anne Sweeney?

13 ANN SWEENEY: Hi. My name is Ann Sweeney. I live
14 at 86 Lakeview Avenue in Cambridge. And I am honored to be
15 here tonight. I want to thank everyone for allowing me to
16 speak.

17 So I have known Carrie for a little over a year
18 and a half. She provided holistic veterinary services to my
19 late dog, Leopold. I cannot -- I'm going to get a little
20 emotional, he recently passed away -- but Carrie was just
21 extraordinary in taking good care of him. She provided
22 acupuncture and cold laser services to him.

1 And I can attest that the services that she
2 provides are nondisruptive. You basically walk your dog in,
3 or your animal in, you walk them out, there is no odor. You
4 know, so it's not going to be disruptive at all to the
5 community.

6 I can also share that I have been a long-standing
7 member of one of the adjacent businesses Get In Shape for
8 Women, and I personally because I feel so positive about
9 Carrie and her business and the contribution she'll making
10 to this business community, I introduced her to the owner of
11 that gym, John Pecchia -- who is a dog lover himself --
12 because I wanted to make sure that she got some good
13 grounding in the neighborhood, and I just want to also say
14 that I know he is very supportive of this initiative.

15 So just want to say, you know, I think that we
16 could not have a better neighbor in the Porter Square
17 community. Carrie is exceptional. She is one of the best
18 providers that I have ever encountered and takes
19 extraordinarily good care of her -- all of the animals in
20 her charge.

21 JIM MONTEVERDE: Thank you. Thank you for calling
22 in.

1 ANN SWEENEY: Thank you.

2 JIM MONTEVERDE: And that's all we have for public
3 commentary. So I will close public comment.

4 Any discussion from members of the Board or are we
5 ready to move for a motion?

6 Motion it sounds like. The Chair makes a motion
7 to grant relief from the requirements of the Ordinance under
8 Sections 4.35.1, although I think from what you just said,
9 you actually comply with all of those, and that all the
10 animals are kept indoors and there will be no noise or odor
11 that are perceptible from adjoining lots.

12 And Section 10.40 for a special permit. We just
13 read through those conditions -- 10.43 -- and it appears
14 that you comply, you meet all of that criteria.

15 On the condition that the work proposed conforms
16 to the drawings entitled, "1762 Mass Ave" -- there's no
17 author's name, prepared by -- on it, or a date; I'll put
18 today's date on it -- initialed and dated by the Chair.

19 And further, that we incorporate the supporting
20 statements and dimensional forms submitted as part of the
21 application.

22 Board members, by a voice vote, please. Tom?

1 THOMAS MILLER: In favor.

2 JIM MONTEVERDE: Daniel?

3 DANIEL HIDALGO: In favor.

4 JIM MONTEVERDE: Carol?

5 CAROL AGATE: In favor.

6 JIM MONTEVERDE: Zarya?

7 ZARYA MIRANDA: In favor.

8 JIM MONTEVERDE: And Jim Monteverde in favor.

9 [All vote YES]

10 JIM MONTEVERDE: That's five in favor. Relief is
11 granted. Congratulations.

12 CARRIE BONACORSI: Thank you. Thank you all for
13 your time.

14 JIM MONTEVERDE: Great.

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(7:44 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,
Carol Agate, and Zarya Miranda

JIM MONTEVERDE: Next case is BZA-255407 -- 118
Magazine Street. Is there anyone calling in who wishes to
speak about this case?

ELKIE ZARCHI: Hi. Should I begin?

JIM MONTEVERDE: Just introduce yourself, please?

ELKIE ZARCHI: I'm Elki Zarchi. And I [audio
distortion]

JIM MONTEVERDE: Okay. Do you want to explain
what's in front of us, what you're asking for and what
relief you're seeking?

ELKIE ZARCHI: Sure. So we started a [audio
distortion] of seven or so of Cambridge --

JIM MONTEVERDE: I'm having a rather difficult
time understanding you. It seems like it's breaking up or
something else. Are you close to your microphone?

ELKIE ZARCHI: I am but let me try it.

CAROL AGATE: The captions are coming through
well.

1 UNIDENTIFIED SPEAKER: Perhaps Morris can speak.

2 MORRIS SHOP: Okay. My name is Morris Shop
3 (phonetic). I'm the house Architect for the Chabad in
4 Cambridge. They've acquired a building at 118 Magazine
5 Street, which has been an office building for many years.
6 Most recently, it was the office of an internationally known
7 landscape architectural firm with about 50 employees.

8 Because it is in Zone C and it is not in a special
9 district, day care was permitted, but there is that nasty
10 little footnote that says that day care requires a special
11 permit.

12 So the application actually indicates those
13 violations which are associated with that special permit.
14 There will be no change in the footprint, and the building
15 will be occupied by the Chabad's day care facility and the
16 Cambridge School of the Arts, which has several other
17 locations also in Cambridge.

18 Here is Elkie again. So perhaps Elkie can explain
19 about the use of the building. But it will be similar --
20 we've been before you before -- it will be a neighborhood
21 day care facility similar to the other ones that the Chabad
22 operates.

1 Elkie, do you want to talk about what we're going
2 to do there a little bit?

3 [Pause]

4 You need to unmute yourself, Elkie.

5 [Pause]

6 Apparently, apparently her connection is not
7 great. In any case, let's see, you should probably know --

8 ELKIE ZARCHI: Sorry. Do you hear me now?

9 MORRIS SHOP: No --

10 ELKIE ZARCHI: I'm so sorry.

11 MORRIS SHOP: Now there you go.

12 ELKIE ZARCHI: Do you hear me now? Okay.

13 MORRIS SHOP: Yes, Elkie. Go ahead.

14 ELKIE ZARCHI: Okay. I'm sorry. I'm a better
15 educator than I am on technology. But --

16 JIM MONTEVERDE: That's okay.

17 EDRICK VANBEUZEKOM: -- we started our school
18 seven years ago with the intention of building community
19 centered around families with young children. And we're a
20 non-profit, community-based school.

21 And so, even though we had started with just one
22 school with 27 children and that was our goal, the families

1 just keeping coming.

2 And it's really hard for us to stomach a waitlist
3 because, you know, when you're building community, you want
4 to let everyone who wants to be part of that community in.

5 And so, we ended up expanding, and we have three
6 other locations now. So we have a total of four locations.
7 We have one in West Cambridge, one in Harvard Square, one in
8 Inman Square, and one in East Cambridge. And this would be
9 a new location in Cambridgeport.

10 We are very much eager to building community
11 within a neighborhood. So our goal is to enhance the
12 neighborhood and not to burden the neighborhood. It's to
13 bring that relief to families who are seeking child care,
14 but also to band together the -- you know, a diverse group
15 of community members who live in that neighborhood, centered
16 around their young families and interacting with the wider
17 community at large.

18 So even though it's -- you know, it's a nice-sized
19 build and we hope to fill it, there it doesn't cause a lot
20 of traffic, because most of the families end up walking,
21 being that we're in all different neighborhoods. Each
22 school kind of draws people who live around that location.

1 And so, we don't really anticipate a lot of traffic.

2 I hope that what we bring is children's laughter
3 and the sense of community, sense of friendship, sense of
4 people being there for each other.

5 So that's sort of who we are in a nutshell.

6 Mandy and I went around. We met a lot of the
7 neighbors. We've gotten a lot of calls from them. Some of
8 them had a few questions, we answered them. We've already
9 started to develop really nice relationships.

10 So I hope that we just continue to bring joy and
11 laughter to the city of Cambridge that could certainly use
12 more of it, as can the rest of this world.

13 JIM MONTEVERDE: Okay. Thank you. And the relief
14 that you're seeking -- this is a special permit, I'll go
15 through those criteria in a minute -- is really under
16 Section, as it says in the advertisement: 4.56.c.1 which is
17 really the change of use from the realtor -- oh no, I'm
18 sorry -- on the architectural firm it was described before
19 the building change of use to the preschool and day care and
20 kindergarten.

21 That is the relief that you're seeking, isn't it?

22 ELKIE ZARCHI: Correct.

1 JIM MONTEVERDE: You need the special permit for?
2 Okay. Any questions from members of --

3 ELKIE ZARCHI: Correct.

4 JIM MONTEVERDE: Thank you. Any questions from
5 members of the Board?

6 DANIEL HIDALGO: I guess, like, I understand your
7 point that most families will be from nearby, and they might
8 want there kids there, but, you know, I have small kids who
9 are in day care and, you know, when it rains or when it's
10 cold and, you know, people so often drive.

11 So I'm just curious, like, what is the situation
12 for drop-off? Is it possible that will there be enough
13 spots just for short-term parking to drop people off and --
14 I don't know, or do you work with the parents to make sure
15 that they are aware?

16 ELKIE ZARCHI: Sure.

17 DANIEL HIDALGO: Okay. Yeah.

18 ELKIE ZARCHI: Sure. So actually, none of our
19 properties have parking or driveways or a drop-off lanes.
20 So even in West Cambridge where we do have a parking lot,
21 parents are not allowed to use it. So, you know, for
22 safety.

1 So there -- you know -- Magazine Street,
2 obviously, is a little busy, but there are a lot of streets
3 surrounding it, plenty of parking to pull in. We tested it
4 out, of course, to make sure different times of day,
5 different times, different daytimes, different weekdays.

6 We have a very tight drop-off policy. So the
7 parents do not come into school. They meet the Site
8 Director or the teachers who are on call at the front door,
9 so it's very quick.

10 So our parents do not walk in. So at the drop-
11 off, they hand the child to us, and they leave right away.
12 Sometimes they congregate, you know, on the block to say
13 hello to each other, but not in their cars. So it's a very
14 quick drop-off. And we have Site Directors who are there.

15 Our -- I think because we are community-based, our
16 families really understand the importance of being
17 neighbors. So nobody blocks driveways. Our Security detail
18 and our Site Directors are out there, and if anybody [audio
19 distortion] drop -- you can hear this from our neighbors,
20 our current neighbors -- if anyone dares walk a driveway,
21 that parent is called immediately, and we don't care if you
22 are holding three children, you need to get back into your

1 car and move your car.

2 So we're pretty good about that and we have pretty
3 strict policies around it.

4 DANIEL HIDALGO: Thank you.

5 JIM MONTEVERDE: Thank you. Any other questions
6 from the Board?

7 CAROL AGATE: I wonder whether -- will the parents
8 be allowed to get out of the car to bring the child out? Or
9 they have to wait for somebody to pick the child up?

10 ELKIE ZARCHI: No, no, no, the parents have to
11 walk the children to the door. We don't go to the cars.
12 The parents park --

13 CAROL AGATE: Oh.

14 ELKIE ZARCHI: -- in the nearby block, and then
15 they bring the children to the door. And we take the
16 children from the school door. So we're not holding up
17 traffic.

18 CAROL AGATE: Have you -- well, if the parent is
19 getting out of the car, then I would think there would be
20 traffic held up.

21 Have you talked with the City about getting a
22 drop-off zone perhaps around the corner, not on Magazine

1 Street, but on the side street?

2 ELKIE ZARCHI: We haven't done that yet. You
3 know, we were going based off our other centers that are all
4 in residential areas. We don't have that in any of those.
5 Parents park in -- you know, they all have parking permits
6 because they're all part of that neighborhood. And if they
7 don't, they pull into a metered spot.

8 But they just pull into a spot, come out, give us
9 the child, go back in and leave. So we didn't think of it,
10 because we don't have it anywhere else. But it's certainly
11 something we're happy to pursue.

12 CAROL AGATE: Thank you.

13 ELKIE ZARCHI: I think we would just look and make
14 sure that we're not eating up neighbors' spots, we're not
15 eating up more parking spots if we turn it into a drop-off
16 zone. We'd want to be conscious of that too.

17 JIM MONTEVERDE: All right. Thank you. Any other
18 questions from members of the Board?

19 ZARYA MIRANDA: I do. Out of curiosity, with the
20 day care, do you have to get a crossing guard for pickup and
21 drop-off times, or because it's --

22 ELKIE ZARCHI: No.

1 ZARYA MIRANDA: -- and not public school, you
2 don't? Okay.

3 ELKIE ZARCHI: Correct. And also, the children
4 are too little to cross the street themselves.

5 JIM MONTEVERDE: Okay. Thank you. Any other
6 questions from members of the Board? If not, we'll go to
7 public comment.

8 We have one correspondence in the file from
9 Shoshanah Garber Ramirez from today, who lives across --
10 directly across the street from the property, and she's
11 expressing her support.

12 With that, I'll open it up to public comment. Any
13 member of the public who wishes to speak should now click
14 the icon at the bottom of your Zoom screen that says, "Raise
15 hand." If you're calling in by phone, you can raise your
16 hand by pressing *9 and unmute or mute by pressing *6.

17 I'll now ask Staff to unmute speakers one at a
18 time. You should begin by saying your name and address, and
19 Staff will confirm that we can hear you. After that you
20 will have up to three minutes to speak before I ask you to
21 wrap up.

22 OLIVIA RATAY: Loocie Brown?

1 LOOCIE BROWN: My name is Loochie Brown. Also,
2 Beth Summers is here with me. We are adjacent to this
3 building. Our driveway is to the edge of this building.
4 And so, we did put in questions directly about whether we
5 were going to have problems in terms of our driveway being
6 blocked by people dropping off.

7 Mandy, you did answer us by e-mail. Wendy and
8 Lindsay (phonetic) also are adjacent neighbors right there
9 on the side of the driveway.

10 So we did have a question about how many children
11 do you think will be coming to this particular school, and
12 you said they are all local. Are they all Cambridge folks,
13 or are they from outside of Cambridge?

14 JIM MONTEVERDE: Is the proponent still with us?
15 Can you answer the comment, please?

16 MORRIS SHOP: Elkie, you're muted.

17 ELKIE ZARCHI: Yeah, yeah. Sorry. So most of --
18 I don't know. We didn't enroll any children. We wouldn't
19 enroll any children before we knew that, you know, we were
20 granted this permit.

21 So I can't tell you exactly but based on our other
22 locations and based on the interest and inquiries from

1 overseas from Cambridgeport families, yes, I'm going to
2 assume that at least 98 percent of the children are from
3 Cambridge.

4 Sometimes we get some from Somerville with, you
5 know, parents who work in that neighborhood, and in our
6 location that's closest to Boston, we sometimes get some
7 families (sic) from Boston whose parents are working close
8 to our center.

9 So -- and I hope that answers your question. As
10 far as how many classrooms, we're not going to -- we'd like
11 to open up our new center slowly. So we'll start with,
12 like, two classrooms and then eventually work it up to six
13 or seven.

14 JIM MONTEVERDE: Thank you. Anyone else calling
15 in?

16 OLIVIA RATAY: Seri Roth?

17 SERI ROTH: Hi. My name is Seri Roth, and I live
18 at 119 Magazine Street. So literally right across the
19 street from where this school will reside. I just want to
20 voice my total support for this school; not only my total
21 support, but I'm really excited to welcome this school into
22 the community.

1 JIM MONTEVERDE: Thank you.

2 ELKIE ZARCHI: Thank you.

3 JIM MONTEVERDE: Thanks for calling in.

4 ELKIE ZARCHI: We're excited to meet you.

5 SERI ROTH: Very excited.

6 JIM MONTEVERDE: Anyone else? Okay. That's all
7 for public calling in. I will close public testimony.
8 Discussion among members of the Board?

9 CAROL AGATE: Well, I am concerned about that
10 location with people pulling over, blocking Magazine Street,
11 getting out of the car, getting the children unbuckled and
12 out onto the street.

13 You know, it's -- it is such a perfect building
14 for the school, and I don't know what kind of answer there
15 is if there could be some stipulation about the traffic or
16 some requirement that they get drop-off spots for the
17 children. I don't know. I'd like to see/hear others
18 discuss it.

19 JIM MONTEVERDE: Yep. I understand your point,
20 Carol. I don't know that it's within our purview to make a
21 condition that they go to Transportation and Parking and get
22 any number of drop-off spots, either on Magazine or on

1 Allston Street. I think -- and Magazine Street is busy
2 enough.

3 And my sense is with the neighbors being sensitive
4 about people parking, you know, or taking out a parking
5 space is that as soon as someone starts to double park,
6 there will be complaints to the Police Department and the
7 Traffic Department, and the operator will have to then look
8 for some drop-off spaces.

9 So I think it's -- I understand the point, but I
10 think it'll happen once they start -- once you gear up, I
11 think more fully, I think for the first couple classrooms,
12 if that really appeals to the local residents and that's
13 primarily your clientele, that shouldn't be an issue.

14 I think as you gear up and get larger, there may
15 be some need for some drop-off spaces, and I think you'll
16 need to apply to the City for that at the time.

17 Does anybody else have any thoughts? I don't see
18 how we can put that in as a condition.

19 CAROL AGATE: Okay.

20 JIM MONTEVERDE: Nice idea, but I don't know how
21 to make it compliant. Anyone else have any thoughts on that
22 or anything else? Any other discussion? If not, I'll make

1 a motion. And this is a special permit. So special permit.
2 The criteria: It appears that the requirements of the
3 Ordinance cannot or will not be met.

4 b) Traffic generated or patterns of access or
5 egress would cause congestion, hazard, or substantial
6 change: I think that's the item that we're discussing.

7 c) The continued operation of or the development
8 of the adjacent uses would be adversely affected. I think
9 not.

10 d) Nuisance or hazard would be created to the
11 detriment of the health, safety, or welfare. I think not.

12 And

13 e) And for other reasons, the proposed use would
14 impair the integrity of the district or adjoining district.
15 I don't think so.

16 So I think we will have to say that we feel that
17 the criteria for Section 10.43 for a Special Permit are met,
18 expressing our concern about the traffic -- potential
19 traffic as the school opens up and expands the number of
20 classrooms.

21 The Chair makes a motion to grant relief from the
22 requirements of the Ordinance under Sections 4.56.c.1 for a

1 preschool, day care, or kindergarten, and under Section
2 10.40, specifically 10.43, the criteria for a special
3 permit.

4 On the condition that the work proposed conform to
5 the drawings entitled, "118 Magazine Street," prepared by
6 SDA, dated January 15, 2024; initialed and dated by the
7 Chair.

8 And further, that we incorporate the supporting
9 statements and dimensional forms submitted as part of the
10 application. On a voice vote, please?

11 Steven?

12 DANIEL HIDALGO: Steven, you're muted.

13 STEVEN NG: What about now?

14 DANIEL HIDALGO: I can hear you now.

15 STEVEN NG: Okay. Steven Ng in favor. Sorry
16 about that.

17 JIM MONTEVERDE: Thank you. That's okay. Daniel?

18 DANIEL HIDALGO: In favor.

19 JIM MONTEVERDE: Carol?

20 CAROL AGATE: In favor.

21 JIM MONTEVERDE: Zarya?

22 ZARYA MIRANDA: In favor.

1 JIM MONTEVERDE: Thank you. And Jim Monteverde in
2 favor.

3 [All vote YES]

4 JIM MONTEVERDE: That's five in favor. The relief
5 is granted.

6 ELKIE ZARCHI: Thank you so much. Thank you.

7 MORRIS SHOP: Thank you all very much.

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(8:04 p.m.)

Sitting Members: Jim Monteverde, Daniel Hidalgo, Carol
Agate, Thomas Miller, and Zarya Miranda

JIM MONTEVERDE: Next case is BZA-255232 -- 2
Nichols Street -- Nichols Place, sorry. Is there anyone
wishing to speak to us about that case?

STEVEN NG: Chair Monteverde, it's Steve Ng. Do
you need me for this hearing, or --

JIM MONTEVERDE: You're sticking around, right?
Yeah, no, Steven, you're excused. Thank you for jumping in.

STEVEN NG: Oh, okay. Thank you. Goodnight,
everybody.

JIM MONTEVERDE: Goodnight.

KELLY BOUCHER: Good evening, Board. I'm here to
present on behalf of 2 Nichols Place. My name --

JIM MONTEVERDE: Yep. Can you identify yourself
please?

KELLY BOUCHER: Yep.

JIM MONTEVERDE: -- for the record?

KELLY BOUCHER: Yep. My name is Kelly Boucher. I
am the Architect for the project. And my address is 54

1 Harvard Street in Brookline, Massachusetts.

2 JIM MONTEVERDE: Yep. Thank you.

3 KELLY BOUCHER: Can we bring up the presentation,
4 please?

5 2 Nichols Place is a very straightforward
6 application. It is an existing, attached, single-family
7 house located in a Res C-1 district. It's on one of those
8 little private ways. It's tucked behind the house at 21
9 Roberts Street.

10 The existing house is located on a very small lot.
11 It's only 1279 square feet. And we are coming to you today
12 with the request for window changes within a setback.

13 Can we switch to the next slide, please?

14 Here on the right, you can see 2 Nichols Place is
15 the left half of the mansard house. It's a tiny peanut of a
16 lot, and it's basically both the left side and the rear of
17 the building are both within the setbacks, as you can see
18 from the red hatched area here.

19 We are not proposing any changes to the building
20 envelope, so no additions. We're not coming out in any way.
21 It's basically just four windows.

22 If we could scroll through almost until the

1 elevations, which -- yes, perfect. So existing elevations
2 are along the top. We're proposing no changes to the front.
3 Along the side, we're looking to change that back-located
4 double window to enlarge to a three, and then we're also
5 looking to change the window facing the rear. And those two
6 windows are the only requests of our application tonight.

7 JIM MONTEVERDE: Yep. Thank you. That is about
8 it. This is a special permit for the moving of the windows.

9 Any questions from members of the Board?

10 I have one for you.

11 KELLY BOUCHER: Sure.

12 JIM MONTEVERDE: There's no correspondence in the
13 file for or against. Do you know -- have you or the owners
14 met with the adjacent neighbors? Do they have any concerns
15 about the window rearrangement, do you know?

16 KELLY BOUCHER: I do know that the homeowners, Ben
17 and Lucy, have been in touch both with the attached
18 structure at 1 Nichols Place who --

19 JIM MONTEVERDE: Yeah.

20 KELLY BOUCHER: -- voiced their support through a
21 conversation, as well as the neighbors on the other side at
22 the next property over, which is 3 Nichols Place, who were

1 also in support of the minor nature of the proposed changes.

2 JIM MONTEVERDE: Okay. Great. Thank you. Any
3 other questions from members of the Board?

4 If not, we'll move to public comments. As I said,
5 there are no correspondence in the file. So any member of
6 the public who wishes to speak should now click the icon at
7 the bottom of your Zoom screen that says, "Raise hand."

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

10 I'll now ask Staff to unmute speakers one at a
11 time. You should begin by saying your name and address, and
12 Staff will confirm that we can hear you. After that you
13 will have up to three minutes to speak before I ask you to
14 wrap up.

15 And no one is calling in, so we'll close public
16 testimony. Any discussion among members of the Board?

17 If not, I will move to a motion. And this is a
18 Special Permit -- again, for the windows, the repositioning
19 of the windows. But the criteria for the Special Permit:

20 It appears that the requirements of the Ordinance
21 cannot or will not be met. That's correct for the two
22 windows in question that are sitting in the two different

1 setbacks.

2 b) Traffic generated would cause congestion. I
3 think not.

4 c) Continued operation of would adversely affect
5 No.

6 d) Nuisance or hazard will be created. No.

7 e) And for other reasons, the proposed use would
8 impair the integrity of the district or adjoining district.
9 So I think not.

10 So I think we meet all the criteria of Section
11 10.43 for a special permit.

12 So, the Chair makes a motion to grant relief from
13 the requirements of the Ordinance under Sections 5.31, and
14 that specifically has to do with the window relocations in
15 both -- that are both in the rear and the left side setback;
16 Article 5.22.2.c and that involves the windows; and we just
17 went through the criteria for 10.40, and specifically 10.43.

18 On the condition that the work proposed conform to
19 the drawings entitled, "2 Nichols Place," prepared by KBA,
20 and dated January 23, 2024; initialed and dated by the
21 Chair.

22 And further, that we incorporate the supporting

1 statements and dimensional forms submitted as part of the
2 application.

3 On a voice vote, please, Tom?

4 THOMAS MILLER: In favor.

5 JIM MONTEVERDE: Daniel?

6 DANIEL HIDALGO: In favor.

7 JIM MONTEVERDE: Carole?

8 CAROL AGATE: In favor.

9 JIM MONTEVERDE: Zarya?

10 ZARYA MIRANDA: In favor.

11 JIM MONTEVERDE: And then Jim Monteverde in favor.

12 [All vote YES]

13 JIM MONTEVERDE: five in favor. The relief is
14 granted.

15 LOOCIE BROWN/ELKIE ZARCHI: Thank you very much.

16 JIM MONTEVERDE: You're welcome.

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(8:10 p.m.)

Sitting Members: Jim Monteverde, Daniel Hidalgo, Carol
Agate, Thomas Miller, and Zarya Miranda

JIM MONTEVERDE: Next case is BZA-25549 -- 204
Erie Street, Unit 204. Is there anyone who wishes to speak
to us about this case?

HUBERT MURRAY: Yes. My name is Hubert Murray,
living at 204 Erie Street. Do you want me to continue?

JIM MONTEVERDE: Okay, thank you.

HUBERT MURRAY: Yeah. My wife, Nancy Murray, and
I moved into 204 Erie Street in 1996. I am an architect,
and we had a carriage house in the back -- I'm sorry, we've
got -- I've got two images of myself -- we have a carriage
house in the back, which is in a state of dilapidation, and
in 2003 we were given a variance to completely rebuild the
carriage house, which I then used as an architectural office
and studio.

And I've wrapped up my practice. And my wife and
I would like to use that as a place to which we can retire,
because it's a lot simpler to use than a full house.

To go on, the building ever since its inception I

1 1857 does not comply with modern zoning ordinances. And
2 there are the setbacks, the height and the amount of space
3 required in the lot, which is 50 x 100', are all
4 noncompliant.

5 However, based on the variance that was granted,
6 we want to make this change of use without any changes to
7 the exterior envelope; only some changes to the interior to
8 allow this to be converted into a residence.

9 JIM MONTEVERDE: Okay.

10 HUBERT MURRAY: Perhaps you could just scroll
11 through some of the images.

12 So what you're seeing now is the existing
13 situation on the ground floor, and then the existing
14 situation on the upper floor, which was also a studio and
15 library, with a bathroom and small shower there.

16 And then what we're proposing is to put in a
17 kitchen on the -- what is actually the northeast wall. And
18 to put in a washer and dryer on the right-hand side, and to
19 put in some shelving and make a study out of what is
20 actually right now a model workshop.

21 And then on the upper floor it's simply a bedroom
22 with some closet space. So as you can see from the plot

1 plan, there are no setbacks in effect.

2 The one thing that is compliant is that the
3 building itself is more than the requisite number of feet
4 away from the main building itself. So that is compliant,
5 but otherwise not.

6 And then you can scroll through perhaps the next
7 few slides showing where it is on Erie Street, and yeah.
8 There is -- there's no anticipated increase in parking. In
9 fact, we just have one vehicle parked there at the moment
10 and we don't foresee any further; there is permission for
11 two.

12 In fact, probably there's a reduction in new
13 vehicles, because I had clients coming to visit me and I had
14 to make accommodation for them.

15 The external elevations remain exactly as they
16 are.

17 JIM MONTEVERDE: Thank you. Any questions from
18 members of the Board? If not, public commentary, we have --
19 let me just summarize from the last count was -- this is
20 chart, let's say, that contains six names, signatures,
21 dates, addresses, all nearby.

22 Katherine Greeley, 200 Erie Street -- these are

1 all taking no exception; Amina Sheikh, 202 Erie Street;
2 Campbell Murray, 210 Erie Street; Stephen Kaiser 189-191
3 Hamilton; Martin Ostrow, 193 Hamilton; Daniel Cross at 199-
4 201 Hamilton.

5 So we have correspondence from six in favor and
6 none opposed. I'll open it up to public comment.

7 Any member of the public who wish to speak should
8 now click the icon at the bottom of your Zoom screen that
9 says, "Raise hand." If you're calling in by phone, you can
10 raise your hand by pressing *9 and unmute or mute by
11 pressing *6.

12 I'll now ask Staff to unmute speakers one at a
13 time. You should begin by saying your name and address, and
14 Staff will confirm that we can hear you. After that you
15 will have up to three minutes to speak before I ask you to
16 wrap up.

17 I'll now ask Staff to unmute the speakers one at a
18 time. You should begin by saying your name and address, and
19 Staff will confirm that we can hear you. After that you
20 will have up to three minutes to speak before I ask you to
21 wrap up.

22 And there's no one out there calling in. So I'll

1 close public testimony.

2 Any discussion from members of the Board?

3 ZARYA MIRANDA: Yes. Zarya here.

4 JIM MONTEVERDE: Yep.

5 JIM MONTEVERDE: So just so I'm understanding the
6 landscape of this property correctly, so on my -- scroll
7 down -- so -- sorry.

8 JIM MONTEVERDE: Mr. Murray, this is really for
9 discussion among members of the Board. So if you'd hold
10 back?

11 HUBERT MURRAY: Okay, yep.

12 JIM MONTEVERDE: If we have a question for you,
13 we'll ask, but otherwise --

14 ZARYA MIRANDA: So 202 and 204 Erie are both
15 condominium units as is, they're attached. And in the back
16 is the carriage house. Is that identified also as a
17 condominium unit separately, or is that deeded attached to
18 your current unit?

19 HUBERT MURRAY: Do I respond?

20 JIM MONTEVERDE: Please.

21 HUBERT MURRAY: Okay. Yeah, the carriage house is
22 part of Unit 204.

1 ZARYA MIRANDA: Okay.

2 HUBERT MURRAY: And Unit 202 is separate.

3 JIM MONTEVERDE: So -- and I'm assuming you will,
4 or is it correct you will be renting out 204?

5 HUBERT MURRAY: Well, a daughter may be occupying
6 the family -- what has been the family house.

7 JIM MONTEVERDE: Okay. All right. Any other --

8 CAROL AGATE: What is --

9 JIM MONTEVERDE: -- discu--

10 CAROL AGATE: Oh.

11 JIM MONTEVERDE: -- sorry, go ahead.

12 CAROL AGATE: What is the parking situation there?
13 You've got the driveway so that cars have to move -- if a
14 car in front of it is getting out, what about 202? Do they
15 have parking rights there, or do they park on the street?

16 HUBERT MURRAY: They park on the street.

17 CAROL AGATE: Okay. So you would have two
18 different units -- nice that it would be your daughter --
19 sharing the parking.

20 HUBERT MURRAY: Yes.

21 CAROL AGATE: Okay.

22 THOMAS MILLER: This is Thomas Miller.

1 JIM MONTEVERDE: Yep, go ahead.

2 THOMAS MILLER: I just want to make sure that I
3 understand the decision before us. We're being asked to
4 approve a special permit, and if anyone else on the Board
5 disagrees with this, the special permit in this case is
6 governed by the Zoning Ordinance Section 4.22.1. Is that --
7 Jim, if you disagree with that?

8 JIM MONTEVERDE: I don't know. Go ahead. You can
9 proceed.

10 THOMAS MILLER: But so all we need -- we don't
11 need to worry about any of the dimensional stuff or any of
12 the existing nonconformities. We only need to worry about
13 the conditions for the special permit for an accessory
14 apartment. I am a little concerned.

15 I'm not sure that the dwelling contains at least
16 1,800 square feet of gross floor area, which is one of the
17 requirements in 4.22.1.

18 But if we have the discretion to ignore this and
19 that, I would support doing that. So I do think this is a
20 very sensible project that would essentially change the
21 existing conditions in a meaningful way.

22 JIM MONTEVERDE: Yeah. I would certainly support

1 waiving that requirement.

2 Any other discussion from members of the Board?

3 If not, I will move --

4 DANIEL HIDALGO: I think that this is very much in
5 keeping with the purpose of the ADU Ordinance. So I would
6 support.

7 JIM MONTEVERDE: Thank you. Very good. Anyone
8 else? Any to member of the Board? No? If not, I will move
9 to a motion. Before I do that, this is a special permit.
10 And again, that criteria from Section 10.43 in the Ordinance
11 says:

12 It appears the requirements of the Ordinance
13 cannot or will not be met. I think it's true, it's correct.

14 b) Traffic generated, patterns of access or egress
15 would cause congestion or hazard. I think not.

16 c) The continued operation of or the development
17 of the adjacent uses would be adversely affected. I think
18 not. And:

19 d) Nuisance or hazard will be created to the
20 detriment of the health, safety, or welfare. I think not.

21 And

22 e) For other reasons, the proposed use would

1 impair the integrity of the district or adjoining district.

2 I think not.

3 So the Chair makes a motion to grant relief from
4 the requirements of the Ordinance under Sections 4.21 for an
5 Accessory Use and 4.2.2.1 --

6 THOMAS MILLER: I think it's -- I believe it's
7 4.22.1.

8 JIM MONTEVERDE: That's 4.22 -- I brought it with
9 me. 4.22.1. Yeah. 4.22.1 for an Accessory Apartment, and
10 the condition of the special permit, which we just described
11 under the Section 10.43.

12 On a voice vote, please, Tom?

13 THOMAS MILLER: In favor.

14 JIM MONTEVERDE: Daniel?

15 DANIEL HIDALGO: In favor.

16 JIM MONTEVERDE: Carol?

17 CAROL AGATE: In favor.

18 JIM MONTEVERDE: Zarya?

19 ZARYA MIRANDA: In favor.

20 JIM MONTEVERDE: And Jim Monteverde in favor.

21 [All vote YES]

22 JIM MONTEVERDE: That's five in favor. The relief

1 for the Change of Use is granted. Congratulations.

2 HUBERT MURRAY: Thank you very much.

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2 (8:23 p.m.)

3 Sitting Members: Jim Monteverde, Daniel Hidalgo, Carol
4 Agate, Thomas Miller, and Zarya Miranda

5 JIM MONTEVERDE: Next and last: Next case is BZA-
6 254192 -- 40 Land Boulevard. Do we have anyone who wishes
7 to speak on this?

8 KRISTINA COTTONE: Hi. Good afternoon. This is
9 Kristina with Smartlink at AT&T.

10 JIM MONTEVERDE: Yep. Thank you. Can you outline
11 for us what the proposed work is? And then can we go
12 through the photo simulations, please?

13 KRISTINA COTTONE: Yes. So for this upgrade, AT&T
14 is on top of the roof. Currently, we're at the Royal
15 Sonesta Hotel up on the roof. One of our sectors is behind
16 the screen wall, and two of the other sectors are somewhat
17 visible.

18 What you see there currently today is pretty much
19 what you will see after the install. So here is first page
20 of our photo sims.

21 If you want to go to the next one.

22 So this is one of our sectors. As you can see,

1 current day. You don't really see our antennas right there
2 for that sector.

3 If you want to go down one.

4 Now we're going to go to our other sector. So you
5 can see the antennas up on the roof currently.

6 And if you go to the next page, you know, the
7 mounting structure is staying the same. We are just
8 swapping out two of those antennas right there. Very
9 comparable in size, weight, and dimensions. So not much
10 visual impact at all at that -- for that sector.

11 And then if you want to go to the next page, again
12 we're behind that screen wall, so not much visual impact at
13 all, because everything is behind that still.

14 If you want to go to that last page, that's just
15 another shot of one of our sectors.

16 So all in all for this project, we are only
17 removing two antennas and replacing them with two new ones
18 per sector. So it's a change of six to six. You know,
19 we're staying at -- we currently have 10 antennas, and we're
20 going to walk off the site with 10 antennas still up there.

21 Again, we're not changing any of the mounting
22 structures. We're not making any kind of visual impact.

1 It's just a simple swap of like for like in comparable sizes
2 of existing antennas for, like new ones.

3 JIM MONTEVERDE: Thank you.

4 KRISTINA ROBINSON: Thank you.

5 JIM MONTEVERDE: Any questions from members of the
6 Board? No.

7 We have no correspondence in the file either for
8 or against. So I'll open it up to public comment.

9 Any members of the public who wish to speak should
10 now click the icon at the bottom of your Zoom screen that
11 says, "Raise hand." If you're calling in by phone, you can
12 raise your hand by pressing *9 and unmute or mute by
13 pressing *6.

14 I'll now ask Staff to unmute speakers one at a
15 time. You should begin by saying your name and address, and
16 Staff will confirm that we can hear you. After that you
17 will have up to three minutes to speak before I ask you to
18 wrap up.

19 I thought there would be a groundswell. All
20 right. We will close public testimony. Discussion among
21 members of the Board? Great.

22 Okay, motion. This is a Special Permit. Let's

1 see. The Chair makes a motion to grant relief from the
2 requirements of the Ordinance under Sections -- gave you
3 everything that's listed here in the advertisement:
4 4.32.3.1 Section 4.40 Footnote 49, and Section and 10.40 and
5 10.43 for the special permit.

6 On the condition that the work proposed conforms
7 to the drawings entitled -- let me try this one:
8 "AT&T Site No. MA-2038," otherwise the Sonesta Hotel.

9 KRISTINA COTTONE: Mm-hm.

10 JIM MONTEVERDE: Prepared by TEP Northeast --

11 KRISTINA COTTONE: Mm-hm.

12 JIM MONTEVERDE: -- dated July 19, 2023; initialed
13 and dated by the Chair.

14 And further, that we incorporate the supporting
15 statements and dimensional forms submitted as part of the
16 application.

17 Further, that this special permit is granted on
18 the following conditions: Bear with me for a moment.

19 Based on the findings, the Chair moves that the
20 petitioner be granted the special permit it is seeking
21 subject to the following conditions:

22 One, that the work proceed in accordance with the

1 plans submitted by the petitioner, and initialed by the
2 Chair.

3 Two, that upon completion of the work, the
4 physical appearance and visual impact of the proposed work
5 will be consistent with the photo simulations submitted by
6 the petitioner and initialed by the Chair.

7 Three, that the petitioner shall at all times
8 maintain the proposed work, so that its physical appearance
9 and visual impact will remain consistent with the photo
10 simulations previously referred to.

11 Four, that should the petitioner cease to utilize
12 the equipment approved tonight for a continuous period of
13 six months or more, it shall promptly thereafter remove such
14 equipment and restore the building on which it is located to
15 its prior condition and appearance, to the exact reasonably
16 practicable.

17 Five, that the petitioner is in compliance with
18 and will continue to comply with in all respects the
19 condition imposed by this Board with regard to previous
20 special permits granted to the petitioner, with regard to
21 the site in question.

22 In as much as the health effects of the

1 transmission of electromagnetic energy waves is a matter of
2 ongoing societal concern and scientific study, the special
3 permit is also subject to the following conditions:

4 a) That the petitioner shall file with the
5 Inspectional Services Department each report it files with
6 the federal authorities regarding electromagnetic energy
7 waves emissions emanating from all the petitioner's
8 equipment on the site.

9 Each such report shall be filed with the
10 Inspectional Services Department no later than 10 business
11 days after the report has been filed with the federal
12 authorities.

13 Failure to timely file any such report with the
14 Inspectional Services Department shall ipso facto terminate
15 the special permit granted tonight.

16 b) That in the event that at any time federal
17 authorities notify the petitioner that its equipment on the
18 site, including but not limited to the special permit
19 granted tonight, fails to comply with the requirements of
20 law or governmental regulations -- whether with regard to
21 the emissions of electromagnetic energy waves or otherwise -
22 - the petitioner, within 10 business days of receipt of such

1 notification of such failure, shall file with the
2 Inspectional Services Department a report disclosing in
3 reasonable detail that such failure has occurred, and the
4 basis for such claimed failure.

5 The special permit granted tonight shall ipso
6 facto terminate if any of the petitioner's federal licenses
7 is or are suspended, revoked, or terminated.

8 c) That to the extent a special permit has
9 terminated, pursuant to the foregoing paragraphs a) and b),
10 the petitioner may apply to this Board for a new special
11 permit, provided that the public notice concerning such
12 application discloses in reasonable detail that the
13 application has been filed because of the termination of the
14 special permit, pursuant to paragraph a) and b) above.

15 Any such new application shall not be deemed a
16 repetitive petition, and therefore would not be subject to
17 the two-year period during which repetitive petitions may
18 not be filed. And finally:

19 d) That within 10 business days after receipt of a
20 building permit for the installation of the equipment
21 subject to this petition, the petitioner shall file with the
22 Inspectional Services Department a sworn affidavit of the

1 person in charge of the installation of equipment by the
2 petitioner with a geographical area that includes Cambridge
3 stating that:

4 a) he or she has such responsibility, and

5 b) that the equipment being installed pursuant to
6 the special permit we are granting tonight will comply with
7 all federal safety rules and will be situated and maintained
8 in locations with appropriate barricades and other
9 protections, such that individuals, including nearby
10 residents and occupants of nearby structures, will be
11 sufficiently protected from excessive radiofrequency
12 radiation under federal law.

13 The end. Thank you.

14 Now, Board members, on a voice vote, please. Tom?

15 THOMAS MILLER: In favor.

16 JIM MONTEVERDE: Daniel?

17 DANIEL HIDALGO: In favor.

18 JIM MONTEVERDE: Carol?

19 CAROL AGATE: In favor.

20 JIM MONTEVERDE: Zarya?

21 ZARYA MIRANDA: In favor.

22 JIM MONTEVERDE: And Jim Monteverde in favor.

1 [All vote YES]

2 JIM MONTEVERDE: That's five in favor. The relief
3 is granted. Thank you.

4 KRISTINA COTTONE: Thank you.

5 JIM MONTEVERDE: And that's it for the night.
6 Thank you everyone.

7 DANIEL HIDALGO: Thank you. Have a good night.

8 JIM MONTEVERDE: See you next time. Goodnight.

9 [8:34 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts
Middlesex, ss.

I, Lynne Blaszak, Notary Public in and for the
Commonwealth of Massachusetts, do hereby certify that the
witness whose deposition is hereinbefore set forth, was
duly sworn by me and that such deposition is a true record,
to the best of my ability, of the testimony given by the
witness.

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.

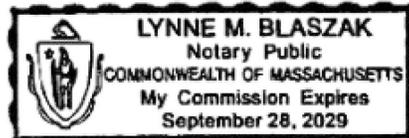
In witness whereof, I have hereunto set my hand this
20th day of March 2024.

Lynne M. Blaszak

Notary Public

My commission expires:

September 28, 2029



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