

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY FEBRUARY 8, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Jim Monteverde, Chair

Steven Ng, Vice Chair

Virginia Keesler

Wendy Leiserson

Thomas Miller

City Employees

Stephen Natola



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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, and Wendy Leiserson

JIM MONTEVERDE: Good evening. Welcome to the  
February 8, 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  
public comment at that time, and you can also find

1 instructions on the City's webpage for remote BZA meetings.

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

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

6 STEPHEN NATOLA: Jim Monteverde?

7 JIM MONTEVERDE: Present.

8 STEPHEN NATOLA: Steven Ng?

9 STEVEN NG: Present.

10 STEPHEN NATOLA: Virginia Keesler?

11 VIRGINIA KEESLER: Present.

12 STEPHEN NATOLA: Wendy Leiserson?

13 WENDY LEISERSON: Present.

14 STEPHEN NATOLA: Daniel Hidalgo?

15 [Pause]

16 STEPHEN NATOLA: Tom Miller?

17 [Pause]

18 JIM MONTEVERDE: No? Okay, we'll proceed with the  
19 four of us. We'll see if that works.

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(6:03 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia  
Keesler, and Wendy Leiserson

JIM MONTEVERDE: The first case I'm going to call  
is a continued case, and it is BZA 245889 -- 585  
Massachusetts Avenue. Is there anyone wishing to speak on  
this case?

[Pause]

Let's give them a minute.

So if you all remember, this is the signage on the  
building in Central Square, the banners. We -- this case  
was continued. That was no one came in for the continued  
session, and this is the second continued.

So if they don't -- no one arrives, shows up, then  
with the four of us, I will recommend that we vote to deny  
without prejudice.

Does this allow them to come back?

STEPHEN NATOLA: Someone's --

JIM MONTEVERDE: Yeah. Let's see who it is. We  
have someone who's calling in. We'll see if this is the  
proponent or --

1 STEVEN NATOLA: Sarah Nabulsi?

2 SARA NABULSI: Yes, that's correct. Hello,  
3 everybody.

4 JIM MONTEVERDE: Hi. Can you tell us your name --

5 SARAH NABULSI: Yes, absolutely. My name is Sarah  
6 Nabulsi. I am an individual contributor for the location at  
7 585 Massachusetts Avenue.

8 We are advocating to have two of the banners  
9 placed on the third and/or fourth floor of the building. We  
10 have a landlord approval letter.

11 We have two main entrances to our building, which  
12 reading the code -- City of Cambridge code, it does allow us  
13 to have the two. I understand that they are bigger in size  
14 because this is due to -- because of the placement of where  
15 we're looking to have the banners placed.

16 JIM MONTEVERDE: Yep. Yeah. Can I interrupt you  
17 a second? So --

18 SARAH NABULSI: Yeah.

19 JIM MONTEVERDE: We went through all of this.

20 SARAH NABULSI: Okay.

21 JIM MONTEVERDE: Let me find the date. When was  
22 this? This is February 8, it's tonight. I'm sorry, I'm not

1 finding the date of the original -- oh, it was November 30.

2 SARAH NABULSI: Okay.

3 JIM MONTEVERDE: And we went through the  
4 presentation. The proponent walked us through the  
5 presentation. We stated concerns, give them a couple  
6 options on how to proceed, and the proceed was to continue  
7 this case.

8 SARAH NABULSI: Yes.

9 JIM MONTEVERDE: And that would mean we would  
10 expect to see something new in the file, a revision, a  
11 change.

12 SARAH NABULSI: Okay.

13 JIM MONTEVERDE: There is nothing in the file.  
14 Nothing's been submitted by the due date. And are you  
15 explaining to us the original proposal?

16 SARAH NABULSI: I apologize. Yes, sir, I am. I  
17 -- we hired vendors, which is Art and Visual, who did the  
18 initial presentation to you all. So --

19 JIM MONTEVERDE: Yep.

20 SARAH NABULSI: I am just here to try to help  
21 advocate for us getting the banners.

22 JIM MONTEVERDE: Well, we've had this -- you

1 really have to get -- I think I would suggest --

2 SARAH NABULSI: Yes, sir.

3 JIM MONTEVERDE: -- you get the transcript of the  
4 November 30 meeting --

5 SARAH NABULSI: Okay, yes, sir.

6 JIM MONTEVERDE: -- and go through it and the  
7 questions that were raised and we expected to see, if in  
8 fact the proponent wanted to continue with this discussion,  
9 is to have some revision through the initial proposal, not a  
10 representation of the initial proposal, submitted at the  
11 appropriate time before this meeting date, so that we can  
12 hear it.

13 SARAH NABULSI: Okay, I --

14 JIM MONTEVERDE: So if you're the one who will be  
15 following -- will you be the one following this up?

16 SARAH NABULSI: I will be, going forward, yes,  
17 sir.

18 JIM MONTEVERDE: So what I would suggest is -- and  
19 we've continued -- this is the second continuance. So  
20 typically, we deny you at this point, but since you're here,  
21 if you'd like us to continue this one more time, I'd be  
22 happy to do that.



1 SARAH NABULSI: I very much appreciate that. I  
2 would greatly appreciate that, as I was not aware that there  
3 was a first continuance. I initially thought this was the  
4 first one.

5 JIM MONTEVERDE: Nope. This is -- and again, even  
6 if it was the first continuance, we expect --

7 SARAH NABULSI: You're looking for a revision.

8 JIM MONTEVERDE: -- we did not receive anything in  
9 the file to modify what the original presentation was.

10 SARAH NABULSI: Yes, sir. I understand --

11 JIM MONTEVERDE: -- which is typical.

12 SARAH NABULSI: I will go back to the transcripts.  
13 May you please reiterate where I can find that at?

14 JIM MONTEVERDE: If you can contact Maria Pacheco  
15 at the Inspectional Services Department, give her a call,  
16 and send her an email.

17 SARAH NABULSI: Maria Pacheco?

18 JIM MONTEVERDE: And I think -- yeah. I don't  
19 know that it's available online. But ask Maria.

20 SARAH NABULSI: Okay, for the November --

21 JIM MONTEVERDE: All right?

22 SARAH NABULSI: -- 30 transcript. Yes, sir.

1 Thank you so much. I very much appreciate it and I --

2 JIM MONTEVERDE: Wait, wait.

3 SARAH NABULSI: -- apologize for wasting --

4 JIM MONTEVERDE: We're not done.

5 SARAH NABULSI: -- your time.

6 JIM MONTEVERDE: We're not done.

7 SARAH NABULSI: Oh.

8 JIM MONTEVERDE: We have to set a date for it.

9 SARAH NABULSI: Sure thing. Yes, sir.

10 JIM MONTEVERDE: We can do -- the next opportunity  
11 is February 29.

12 SARAH NABULSI: Okay.

13 JIM MONTEVERDE: Or March 14, whatever your  
14 preference is. And then let's see if the -- let me know  
15 which one works for you, and then we'll check and see if  
16 these Board members are available.

17 SARAH NABULSI: Yes, sir. March 14 would be the  
18 best, so I may be able to work with our vendor.

19 JIM MONTEVERDE: That's good. Wendy, does that  
20 work for you?

21 WENDY LEISERSON: Yes.

22 JIM MONTEVERDE: Steven?

1 STEVEN NG: Yes. That date's fine.

2 JIM MONTEVERDE: Virginia? Yes, Virginia?

3 VIRGINIA KEESLER: Yes, that works for me.

4 JIM MONTEVERDE: Okay. And it works for me. And  
5 we'll contact Daniel, I think, and see if he can make it.

6 JIM MONTEVERDE: All right. Let me make a motion  
7 to continue. Let me make a motion to continue this matter  
8 until March 14, 2024, on the condition that the petitioner  
9 change the posting sign to reflect the new date of March 14,  
10 2024, and the new time of 6:00 p.m.

11 Also, that the petitioner sign a waiver to the  
12 statutory requirements for the hearing. This waiver can be  
13 obtained from Maria Pacheco or Olivia Ratay at the  
14 Inspectional Services Department.

15 I ask that you sign the waiver and return it to  
16 the Inspectional Services Department by a week from this  
17 coming Monday. Failure to do so will de facto cause this  
18 Board to give an adverse ruling on this case.

19 Also, that if there are any new submittals,  
20 changes to drawings, dimensional forms, or any supporting  
21 statements, that those be in the file by 5:00 p.m. on the  
22 Monday prior to the continued meeting date.

1           On the motion to continue this matter until March  
2 14, 2024, Wendy?

3           WENDY LEISERSON: In favor.

4           JIM MONTEVERDE: Virginia?

5           VIRGINIA KEESLER: In favor.

6           JIM MONTEVERDE: Steven?

7           STEVEN NG: In favor.

8           JIM MONTEVERDE: Thank you. Jim Monteverde in  
9 favor.

10          [All vote YES]

11          JIM MONTEVERDE: That's four in favor; the motion  
12 is carried, and the case is continued.

13          Now, is the caller still on the line?

14          SARAH NABULSI: Yes. I am still here.

15          JIM MONTEVERDE: Okay. Sarah?

16          SARAH NABULSI: Yes.

17          JIM MONTEVERDE: Just if you heard the motion --

18          SARAH NABULSI: Yes, sir.

19          JIM MONTEVERDE: -- you've got to change the sign  
20 that should be posted up on the property to reflect the new  
21 date and the new time of 6:00 p.m., sign a waiver -- you'll  
22 get that from the Inspectional Services Department -- and

1 then any new drawings, and we expect something new, or some  
2 response to the comments from the Board previously, has to  
3 be filed by 5:00 p.m. on the Monday prior to the meeting  
4 date. Okay?

5 SARAH NABULSI: Yes, sir. Thank you very much.  
6 Thank you all. I very much appreciate your time.

7 JIM MONTEVERDE: Thank you. Now we have to wait  
8 until 6:30.

9 SARAH NABULSI: Sorry for making it so fast.

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(6:30 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia  
Keesler, Wendy Leiserson, and Thomas  
Miller

JIM MONTEVERDE: Just to confirm forth evening we  
have myself, Jim Monteverde; Virginia, you're still with,  
correct?

VIRGINIA KEESLER: That's correct.

JIM MONTEVERDE: Steven, are you with us?

STEVEN NG: Steven Ng, present.

JIM MONTEVERDE: Yep. Thank you. Wendy?

WENDY LEISERSON: Present.

JIM MONTEVERDE: Thank you. And Tom?

THOMAS MILLER: Present.

JIM MONTEVERDE: Excellent. Okay. We're good to  
go.

The first case on the Regular Agenda is BZA-252574  
-- 83 Winter Street.

Is there anyone wishing to speak on this case?

DUO (ALAN) YU: Good evening, Board. So this is  
Alan Yu. I'm the Project Architect. And I'm here with our

1 design team and construction team --

2 JIM MONTEVERDE: Yep.

3 DUO (ALAN) YU: -- sitting in the same room with  
4 me. We also have Wing Pong (phonetic) who's the owner's  
5 representative from their side. She's joining separately.

6 JIM MONTEVERDE: Okay. Are you going to walk us  
7 through the -- what they're asking, what relief you're  
8 looking for and what the project is about?

9 DUO (ALAN) YU: Yeah, sure. So the existing  
10 project at 83 Winter Street in Cambridge. Currently, the --  
11 so there are four adjacent lots from 80 -- so it's 83, 85,  
12 87, 89 and 91.

13 There are currently three buildings combined. On  
14 the Zoning Table we submitted, there are -- so there -- the  
15 existing lot size is about 13,000 square feet and currently  
16 it has 14 units.

17 And the project that we're looking at today is for  
18 the -- is the one on -- the second one from the right side,  
19 which is 83 Winter Street. It's one of the three buildings.

20 So the existing 83 Winter Street is two and a half  
21 dwelling units with currently housing three units inside,  
22 with an unoccupied basement, which has the same height range

1 from 7'1" to 7'4".

2 So our intent is to convert the existing  
3 unoccupied basement into an additional unit. To achieve  
4 this, we're -- so we will be providing two separate egresses  
5 by introducing a service entry from the grade into the  
6 basement and reuse the existing -- one of the existing  
7 stairs to achieve that.

8 And we will also be introducing window wells to  
9 provide egresses from the bedroom.

10 The current FAR is existing nonconforming, 1.53  
11 and the permitting required is about a quarter. And by  
12 introducing the fourth additional unit, we will be exceeding  
13 the FAR to 1.63.

14 The most conditions on site are existing  
15 nonconforming, and we're not increasing a lot in terms of  
16 the nonconformity. We have conducted thoroughly architect  
17 existing as for -- you know, survey on site.

18 We have a land surveyor on board. We also have  
19 our engineer team look at the building structurally and --  
20 you know, both for existing condition as well as the  
21 proposed condition.

22 So the Zoning Board that was going through our --



1 for each building, so this page is the [unclear] for the  
2 entire site.

3 So -- and they are all colored. So the orange on  
4 the left and the blue in the middle and the red are three  
5 separate buildings on the same level.

6 So the building we're looking at is currently the  
7 red. As you can see in the existing condition on the top  
8 right -- sorry, top left corner, the third diagram -- is  
9 showing the existing 83 unfinished basement.

10 They're currently housing utility zone (sic) and  
11 some storage partitions and currently in a pretty, you know,  
12 unusable state. And there is actually a pretty good  
13 staircase coming from the common space from Level 1 going  
14 down to the existing basement.

15 And there are two units on Level 1. There's a  
16 studio on the north side and one apartment on the south  
17 side.

18 And second and third level, each housing a  
19 separate dwelling unit. So there are currently totally four  
20 existing units.

21 Can we go to the next page, please?

22 So this is exactly the same diagram but showing

1 the proposed conditions. You can see on the drawing view  
2 No. 1, the top left one and the third from the left side, as  
3 you can see, we're adding the shaded red area, which will be  
4 the 83 basement proposed unit.

5 The projected square footage will be roughly  
6 around 910 square feet. So this is the overview of our  
7 overall scope.

8 Next page, please? Thank you.

9 So in the next set of drawings, we're showing the  
10 as-built condition of all three buildings on the four  
11 adjacent lots. The one we're looking at -- the right-hand  
12 side one, is the existing basement at 83 Winter Street.

13 As you can see on the top right corner, there are  
14 currently some water tanks and furnaces. That's the utility  
15 zone.

16 And to the middle of the right side of the  
17 basement there's currently an existing stairway coming from  
18 Level 1 common space directly into the basement. So there  
19 are two chimneys in the current condition.

20 Next page, please?

21 So this is the first floor. As you can see, we  
22 are putting the red arrows showing. Because it's a pretty

1 complex building in all three. So if you look at the red  
2 arrows, we're showing all the different unit entries.

3 Again, so from the right side -- on the right  
4 side, you're currently -- can I arrow down to this? Sorry.  
5 Okay.

6 So this stair is the existing stair. It's going  
7 down to the basement from the common space of the existing  
8 condition. It goes this way -- it goes to the basement.

9 The entry currently for the building is at the  
10 front, where you -- this is the entry for arrival and the  
11 current unit you can enter from here and here.

12 So our proposed condition will be take this entry  
13 and if you follow my cursor, it will go down to the proposed  
14 basement.

15 So to conform the building code, we need to  
16 provide a second means of egress for the additional unit,  
17 which we'll see in the next few pages -- you know, the  
18 proposed conditions.

19 Can we go next page, please?

20 So on this page we're showing the second level  
21 across all three buildings. Again, on the right-hand side  
22 is 83 Winter Street. That's labeled. There's currently one

1 unit on this level.

2 Can we go to the next page, please?

3 So this is the third level across all three  
4 buildings. As you can see, the fourth unit is on the attic  
5 space of the 83 Winter Street. It currently has one  
6 dwelling unit.

7 Next page, please? So in the next few pages will  
8 be a series of color plans to help understand current and  
9 the proposed conditions.

10 So here we're looking at on the left-hand side  
11 will be the existing/demolition plan for the existing  
12 conditions. And on the right is the proposed conditions.

13 We will be -- if you look at the drawings on the  
14 left, we will be -- you know, of course reinforcing the  
15 structure of the entire building. Currently, it's not in  
16 very good shape. We'll be removing one chimney, and we will  
17 also reorganize the utility zone.

18 Now we move on to the left -- the right side.

19 So in terms of the room arrangement, we'll be  
20 introducing the one bedroom into the basement area. I'm  
21 circling the bathroom. It's in the blue zone.

22 We will also be introducing the egress window well

1 without provide legal second means of egress for this  
2 bedroom.

3           So after you're coming down the stairs, you'll be  
4 arriving at the living space/kitchen area. There will be  
5 two bathrooms being proposed. One will be right off the  
6 living space and the second will be off the bedroom.

7           There also will be a walk-in closet, as well as  
8 the office area, which will have a case (sic) opening  
9 instead of a door.

10           Just imagine, so we are careful about the fire  
11 protection situation on this case. So we have fire  
12 protection in here going on board. We'll be looking at the  
13 overall fire protection situation. So we are planning to  
14 reserve this walk-in closet for the fire pump room when  
15 needed.

16           Can we go to the next page, please?

17           So there also will be a little modification on the  
18 Unit 1, because we are introducing a doorway into the  
19 proposed new basement.

20           So we are also planning to rearrange -- taking the  
21 chance to rearrange the existing Level 1 unit on the south  
22 side a little bit by modifying -- so with some modifications

1 to the entry point on both ends.

2 And that's basically limited scope on Level 1.

3 Can we go to the next page, please?

4 So the next two or three pages are all basically  
5 existing conditions to remain, other than removing the  
6 currently unused chimney, as you can see. The red dotted  
7 line is showing our demolition intent.

8 And next page, please?

9 As you can see through the next few pages, they're  
10 all -- basically we're not having any proposed scope on the  
11 second and third floor.

12 Next page?

13 So to show an elevation, so here is also an  
14 existing condition versus proposed conditions. It's very  
15 clear on this page that in order to provide a second means  
16 of egress for the first -- sorry, for the basement unit,  
17 we're introducing a great entry off the building -- so and  
18 this basically being the second means of egress for the  
19 basement unit.

20 And this window well next to it is the one that we  
21 talked about that's providing a second means of egress for  
22 the bedroom unit.

1           Next page, please?

2           So in order to give everyone on the Board a clear  
3 view of what we're doing, so we're providing a 3D Axon view.  
4 So again, on the left-hand side is the existing condition.  
5 We're currently having a second entry on the side of 83  
6 Winter Street, and what we're proposing is on the right.

7           You can see we're maintaining this entry while  
8 meantime introducing one window well for the proposed  
9 additional unit, and also one entry to the basement for the  
10 second means of egress for the proposed unit.

11           Next page, please?

12           So this page basically we have a certified land  
13 surveyor that surveyed our entire site. Just to recap our  
14 building location, so we have a -- so there are one, two,  
15 three, four adjacent lots.

16           In our calculation directed by the Zoning Board,  
17 we're currently calculating the Zoning Tables for each one  
18 building and also as a hope (sic) for the FAR calculation.

19           Our project scope is on 83. So this stair is the  
20 one that we just looked at in the accent 3D view, provides a  
21 second access to the building. And we're proposing a window  
22 well right here and a staircase going down to the basement

1 roughly around this area, just to give everyone an idea  
2 about what we're looking at.

3 So the lot on the far right-hand side -- this lot  
4 -- is currently a parking lot. And we're not looking to  
5 increase any parking numbers for this proposal.

6 Next page, please?

7 So -- the next page we'll be seeing, so we'll be  
8 looking at the existing photos of the current site  
9 condition.

10 As you can see, so on -- right over here is just a  
11 vacant lot, the parking lot that we're looking at. And this  
12 building is 83, where our current additional units are being  
13 proposed in the basement.

14 Next page, please?

15 So this is the aisle that's currently in between  
16 83 and 85 that -- our proposed unit's right here at this  
17 location.

18 Next page? If you don't mind just scrolling down  
19 a few photos? Yeah.

20 So this is the parking lot looking from the  
21 parking lot looking at the building. And the next page is  
22 looking at the aisle between 83 and 84, and we will be going



1 up here into the building. Yep. Yep.

2 Next page is good. Thank you.

3 So our proposed window well will be roughly here,  
4 going down. And a staircase kind of going this way.

5 Next page, please?

6 So this photo shows the existing entry off the --  
7 from the side of the building.

8 So if you don't mind going to the next page?

9 Yep. So this door will be the entry point for the  
10 proposed additional unit. It's the existing stair behind  
11 this door, and we're entering the building off a common  
12 corridor, which I'm highlighting right now. This is the  
13 common quarter. And this is the common staircase.

14 JIM MONTEVERDE: I think for the moment, the  
15 interior reconfiguration is really not something that the  
16 Board is going to opine on.

17 DUO (ALAN) YU: Understood.

18 JIM MONTEVERDE: So do you have more to say about  
19 the relief that you're seeking specifically before we --

20 DUO (ALAN) YU: No, thank you. I think I conclude  
21 my presentation on this.

22 JIM MONTEVERDE: Okay.

1 DUO (ALAN) YU: And willing to answer any  
2 questions.

3 JIM MONTEVERDE: Okay. Are there any questions  
4 from members of the Board? If not, I have two.

5 Stephen, back to the elevation.

6 Do you know what the ceiling height will be in the  
7 basement units?

8 DUO (ALAN) YU: We're currently proposing at least  
9 8'. So there will be -- from a construction standpoint,  
10 we'll be looking at a foundation wall and potentially  
11 updating the structure. So the existing ceiling height is  
12 7'1" and 7'4", which is now verified by the City.

13 JIM MONTEVERDE: Okay. The reason I'm asking is  
14 I'm looking at the elevations, and it basically calls the  
15 level 1 at 0'0" and it calls the basement level as 8'10.5".  
16 That means you've got 10.5" for a floor assembly, and that  
17 gives you an 8' clear ceiling, something like that. Is that  
18 correct?

19 DUO (ALAN) YU: So my apologies. So there's  
20 obviously some little error here. So this is actually  
21 currently showing the existing condition level. If you  
22 don't mind scrolling up to the proposed conditions on the

1 floor plan, just to --

2 JIM MONTEVERDE: Are you dropping the slab down?

3 DUO (ALAN) YU: Yes, we're dropping the slab.

4 We'll be reconstructing the slab and doing all the painting  
5 on the foundation wall to achieve that.

6 JIM MONTEVERDE: Okay. Thank you. And then my  
7 second question, just to confirm what you're seeking relief  
8 from, on the Dimensional Table there are a string of  
9 dimension say that -- where the building currently isn't  
10 confirming, but then you're increasing the nonconforming  
11 various numbers.

12 So that's what you're really seeking the relief  
13 from. The conversion is really to go from three units to  
14 four apartments, and then we can talk about the variance  
15 later.

16 But that's what I basically see is what you're  
17 seeking relief for on. And again, we're talking only about  
18 83 Winter Street, correct?

19 DUO (ALAN) YU: Correct, yes.

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

22 WENDY LEISERSON: Yes, Jim, I have some. So just

1 a couple of clarifications. So I understand you own all of  
2 these properties, is that right? Even though you're only  
3 here before us about No. 83 but you own from what, 80 -- the  
4 whole row and the parking lot as well?

5 DUO(ALAN) YU: Yeah, so yeah, the owner -- so our  
6 client does own the four lots combined, correct.

7 WENDY LEISERSON: So this is part of a plan to  
8 rehab all of these units, correct?

9 DUO(ALAN) YU: Not at this point. So we're more  
10 looking -- so we're only looking at adding the additions for  
11 83 Winter Street only, at this stage.

12 WENDY LEISERSON: And I thought I heard in the  
13 presentation that there are actually four units there now?  
14 But your dimensional sheet says there are only three. Are  
15 there three or are there four right now?

16 DUO(ALAN) YU: I think -- sorry, give me one  
17 second. I have a probably -- yeah, I think there are  
18 currently three. My apologies. So there's actually -- the  
19 second level and third level are one unit. Sorry. My  
20 apologies on that.

21 WENDY LEISERSON: Okay. I just wanted to clarify.

22 DUO(ALAN) YU: Yeah.

1           WENDY LEISERSON: And then I didn't notice where  
2 your second means of egress was for the first-floor rear  
3 unit. Can you just quickly show me that on --

4           DUO (ALAN) YU: Sure.

5           WENDY LEISERSON: -- page?

6           DUO (ALAN) YU: Yeah. Can we go to the proposed  
7 core and shell on level 1, which is on page 13, yep. If you  
8 keeping a few more, please? Yeah, right here.

9           So this is the first level. So the -- for the  
10 building, the first means of egress is right here. So this  
11 is No. 1 for the building.

12          WENDY LEISERSON: I had it -- we're going to get  
13 there.

14          DUO (ALAN) YU: So -- so the proposed basement  
15 unit, the first entry will be right here.

16          WENDY LEISERSON: Existing, yeah.

17          DUO (ALAN) YU: Yeah. It will be existing. And  
18 proposed will be -- can we go up one page, please?

19          JIM MONTEVERDE: Nope. Before you go there, let's  
20 listen to the question from Wendy.

21          WENDY LEISERSON: So right now, are there two  
22 means of egress to that rear unit?

1 DUO (ALAN) YU: To the rear unit?

2 WENDY LEISERSON: Yeah. On the existing  
3 conditions?

4 DUO (ALAN) YU: I do not believe so.

5 WENDY LEISERSON: So right now it's not in  
6 compliance?

7 DUO (ALAN) YU: For the existing unit on the north  
8 page, yeah, on the page north side, correct.

9 WENDY LEISERSON: And you're -- how are you  
10 proposing to make it in compliance?

11 DUO (ALAN) YU: We're currently not having the  
12 scope in that part of the house. But we're certainly --  
13 we're willing to look into that if that's something the  
14 Board is concerned about.

15 WENDY LEISERSON: Well, I think the City would be  
16 concerned about whether this particular Board has that  
17 provenance or not.

18 DUO (ALAN) YU: Oh, yeah, we're happy to look into  
19 that. Absolutely.

20 WENDY LEISERSON: Okay. And then so Jim, getting  
21 back to the legal matter of 5.26, the conversion thing, I  
22 wasn't sure how you were interpreting the request before the

1 Board in your question, but 5.26 says that, you know, -- I  
2 mean the variance is for relief from that, I believe,  
3 because it clearly says there is no conversion allowed to  
4 increase the number of units, unless the requirements of  
5 minimum lot area per dwelling and -- et cetera, et cetera.

6 JIM MONTEVERDE: Right.

7 WENDY LEISERSON: Right? So --

8 JIM MONTEVERDE: I agree.

9 WENDY LEISERSON: Okay.

10 JIM MONTEVERDE: So to me, I think if I could skip  
11 the -- or delete the Section 5.26, Conversion, because it  
12 just -- too many things don't apply, unless they're asking  
13 for relief from that section.

14 And really, the increase in the number of dwelling  
15 units from three to four will be contained on the  
16 Dimensional Form 5.31. Right? So my sense was to not  
17 ignore, not grant relief for the 5.26 --

18 WENDY LEISERSON: Mm-hm.

19 JIM MONTEVERDE: -- because it won't comply.

20 WENDY LEISERSON: Right.

21 JIM MONTEVERDE: Unless, we think we need to grant  
22 them that relief. But I don't see what it does. It's not

1 going to meet the minimum lot area per dwelling.

2 WENDY LEISERSON: Right. I know.

3 JIM MONTEVERDE: It doesn't now, and it gets  
4 worse.

5 WENDY LEISERSON: Yeah.

6 JIM MONTEVERDE: Yeah, so I don't --

7 WENDY LEISERSON: Okay. You're saying --

8 JIM MONTEVERDE: I don't think -- unless our help  
9 Staff thinks that conversion piece is there for another  
10 reason. Do you have any thought?

11 [Side discussion with Staff]

12 WENDY LEISERSON: I didn't hear that directly, but  
13 I think from what I thought I heard, you're saying because  
14 it's already nonconforming with 5.26, is that what you --  
15 what the gist?

16 JIM MONTEVERDE: Yeah. It's nonconforming. It's  
17 going to go down slightly. It's -- you know, the Ordinance  
18 Requirement is 1,500 lot area per dwelling unit square feet;  
19 it's currently at 648, and with this additional unit it's  
20 going to go to 601.

21 WENDY LEISERSON: Okay.

22 JIM MONTEVERDE: So I think --



1           WENDY LEISERSON: Okay. I get your reasoning.  
2 Thank you.

3           JIM MONTEVERDE: Yeah, but Staff is saying we  
4 really shouldn't ignore it or delete it.

5           WENDY LEISERSON: Mm-hm.

6           JIM MONTEVERDE: So I think we're looking to grant  
7 relief from the requirement of the minimum lot size per  
8 dwelling in the Section 5.26 --

9           WENDY LEISERSON: Mm-hm.

10          JIM MONTEVERDE: -- because it doesn't comply now,  
11 and it won't comply when this renovation work is complete.

12          WENDY LEISERSON: Mm-hm. Okay.

13          JIM MONTEVERDE: Does that make sense?

14          WENDY LEISERSON: I think so.

15          JIM MONTEVERDE: Okay. Any other questions from  
16 members of the Board?

17                 If not --

18          VIRGINIA KEESLER: So in terms of meeting the  
19 hardship requirements for a variance, it would seem to me  
20 that that just relates to making the best use of the  
21 existing structure. But I guess can you speak -- is there  
22 any other detail or color you would want to add to the

1 hardship --

2 JIM MONTEVERDE: Yep.

3 VIRGINIA KEESLER: -- that you see?

4 JIM MONTEVERDE: I think the way we've treated  
5 similar ones before, where we're creating new units in the  
6 basement, is really the hardship is the citywide hardship  
7 with the need for dwelling units.

8 VIRGINIA KEESLER: Yep. Okay.

9 JIM MONTEVERDE: And where this is creating a new  
10 dwelling unit. I think what's stated in the statement kind  
11 of goes around that. But I think more to the point is the  
12 -- what I just described as the rationale for the variance,  
13 the hardship.

14 VIRGINIA KEESLER: Understood.

15 JIM MONTEVERDE: It's really the citywide hardship  
16 and solving that, which is the way I'll present it when we  
17 get there for the variance.

18 VIRGINIA KEESLER: Great.

19 JIM MONTEVERDE: Okay?

20 WENDY LEISERSON: I do -- that may be what we --  
21 what -- how we have reasoned it, but I don't think  
22 technically speaking that's what the legal standard of

1 hardship is meant to do.

2 JIM MONTEVERDE: Yes, I hear you, but I'm  
3 personally willing to stand on the rationale that we've used  
4 previously in what I just stated as being -- you know, the  
5 citywide need for an increase in apartments. And this is  
6 providing an apartment as the hardship, the citywide.

7 I don't have another way to do that. Do you have  
8 a suggestion?

9 WENDY LEISERSON: Yeah, I agree. And I think this  
10 is as an interesting question. But I, I mean, one could  
11 also say that, you know, there's a citywide need for family-  
12 friendly apartments more than one-bedrooms or whatever.

13 So I -- but we're not the city policymakers. So  
14 we're supposed to apply what the law says about variances.  
15 And so, that's where I come down from that.

16 I have trouble -- even while I believe the city is  
17 in a housing crisis, I have trouble from a legal standpoint  
18 finding the hardship that's required within the Zoning  
19 Ordinance.

20 But I'm welcome to hear other perspectives on  
21 this.

22 THOMAS MILLER: I guess in response to your

1 question, Wendy, I would also point to the small size of the  
2 lot, and I don't believe this property is in the Historic  
3 District for Winter Street, but it is immediately next to  
4 the Historic District. I think the contiguous properties  
5 are contained in it.

6 So I also think that in light of the -- that  
7 contiguity to these other dwellings, I appreciate that  
8 they've been able to create this new unit in a way that  
9 doesn't change the external appearance of the house or the  
10 street and won't -- so maybe those are other reasons that  
11 could contribute to the -- an effective constraint, given  
12 the location of this property that would affect the hardship  
13 analysis.

14 WENDY LEISERSON: I think that that certainly does  
15 go to the -- you know, the B in the request, supporting  
16 statement for a variance. I can see that for sure.

17 What is your legal definition of "hardship" for  
18 the purpose of Point A? You agreeing with Jim's simplified  
19 need for more housing as the basis for that?

20 THOMAS MILLER: I'm personal happy to accept Jim's  
21 reading for the purposes of Point A.

22 VIRGINIA KEESLER: I'll agree with that, and also

1 add that I think underutilization of the existing structure  
2 and the need to make use of the existing structure is also  
3 something I would see as a rationale.

4 JIM MONTEVERDE: Okay. Thank you.

5 STEVEN NG: I totally agree with the Board's  
6 comments.

7 VIRGINIA KEESLER: Okay. Thank you for your  
8 input.

9 JIM MONTEVERDE: Yep. Thank you. Any other  
10 questions from members of the Board? If not, I will open it  
11 up to public comment. We have no correspondence either for  
12 or against in the file, so we'll open it up for public  
13 comment.

14 Any member of the public who wishes to speak  
15 should now click the icon at the bottom of your Zoom screen  
16 that says, "Raise hand." If you're calling in by phone, you  
17 can raise your hand by pressing \*9 and unmute or mute by  
18 pressing \*6.

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

1 wrap up.

2           STEPHEN NATOLA: Betty Saccoccio?

3           MARIE ELENA SACCOCCIO: Good evening. This is  
4 Marie Saccoccio. We share the computer tonight. I have a  
5 question about I was a little bit confused about the window  
6 well.

7           From reading of the plans, I thought there was  
8 just an addition of one window, but now as presented, are  
9 there actually going to be windows, or is there just going  
10 to be one window well for that unit?

11           DUO(ALAN) YU: So happy to answer that question.  
12 So there will be one additional window well with one  
13 additional window for the bedroom proposed.

14           MARIE ELENA SACCOCCIO: Okay.

15           DUO(ALAN) YU: We're also proposing additional  
16 windows in the basement in the current condition. So if the  
17 Board can go to page 12, where we're showing the existing  
18 versus proposed plan, I'm happy to point out the window  
19 conditions that we're adding.

20           So as you can see, Betty, from the left side will  
21 be the existing conditions. We're currently having one  
22 existing window in the entire -- in the -- sorry, three of

1       them right here I'm circling.

2               And in the proposed conditions, what we're doing  
3       is we're adding one in the bedroom, and required by the  
4       Building Code, we have to add a window well to provide a  
5       means of egress from the bedroom.

6               And we're also proposing two small ones along the  
7       aisle.

8               MARIE ELENA SACCOCCIO:   Okay, thank you.

9               Also, from your -- the photos of the basement, it  
10       looks like a classic East Cambridge basement from -- you  
11       know, 150 years ago, when all the mechanicals were down  
12       there.

13               I don't see in your plan what are you going to do  
14       with all the mechanicals that supply the rest of the  
15       building.

16               DUO(ALAN) YU:   So the owner has committed to  
17       reorganize and upgrade as needed.   So we basically will be  
18       tidying up everything in the basement.   As you can see on  
19       this plan as well, we will be relocating some water tanks,  
20       and to better organize the common area.

21               And also, for existing, you know, condo wires and  
22       piping, we'll be also -- the owner has committed to upgrade,

1 you know, tidy things up as well.

2 MARIE ELENA SACCOCCIO: Yeah. I always understood  
3 from different developments around in East Cambridge that  
4 there had to be a special kind of relocation when you were  
5 putting living quarters in the basement to separate from the  
6 mechanicals.

7 So I was kind of perplexed when I didn't see  
8 anything on your plans.

9 Also, I notice from the photos in the basement  
10 that there's efflorescence on the brick. Do you know if  
11 there's -- if they get water damage down there?

12 DUO (ALAN) YU: So that's something we will  
13 probably need more investigation on. But currently the  
14 basement has been occupied for a long time and it's not in  
15 the great condition. So during our construction, we'll  
16 definitely assess the condition of that.

17 And just to answer your question about the  
18 separation for the additional unit, we'll make sure we  
19 provide [unclear] separations from the -- between the  
20 proposed new basement unit and the level above.

21 We'll also be providing a wall, you know, to  
22 separate the proposed unit and the rest of the building,



1 including the common area, you know, which is housing the  
2 mechanical equipment.

3 MARIE ELENA SACCOCCIO: Is part of your plan --  
4 what I see with a lot of the newer developments --

5 JIM MONTEVERDE: Betty, I'm going to ask you to  
6 wrap it up, please. You're going way beyond the three-  
7 minute mark. So --

8 MARIE ELENA SACCOCCIO: Okay. All right. Thank  
9 you. Thank you very much.

10 JIM MONTEVERDE: Thank you. Thanks for calling  
11 in. Anyone else?

12 STEPHEN NATOLA: 617-719-8311?

13 HEATHER HOFFMAN: Hi. Heather Hoffman, 213 Hurley  
14 Street. The Dimensional Form is very confused. I mean,  
15 this is -- these four lots are merged. And so, that's why  
16 they should be taken as one -- one entire item.

17 But I am hard pressed to find any open space. I  
18 thought parking areas didn't count as open space. And this  
19 says that afterwards there's going to be -- you know, it  
20 says there's 50 percent usable open space. So I'm confused  
21 about that.

22 Additionally, I would agree with Ms. Leiserson's

1 comment about hardships. They -- I mean, they started out  
2 with a statement that said it was not applicable. And then  
3 they went to just describing what they're going to do. They  
4 haven't stated a hardship.

5 It isn't -- and it, you know, in general, Zoning  
6 really doesn't encourage even more dwelling units above  
7 what's allowed. I mean, this in the C-1 district for this  
8 entire 8,400 square feet, they're allowed five. So this is  
9 further densifying something that's already extremely dense.

10 I was also -- I couldn't tell if any of these new  
11 windows are too close to the adjacent building and whether  
12 they'd need relief for that.

13 And I also don't know if this comes under the  
14 Basement Dwelling Unit Regulations, because I am not the  
15 expert on that. But I know it exists.

16 And also, whether there are any windows on the  
17 parking lot side that have parking spaces too close.

18 But just in general, we really should have real  
19 hardship. And not being able to make even more money isn't  
20 a hardship. This Board has done an excellent job in recent  
21 years of -- I'm -- this is my last sentence --

22 JIM MONTEVERDE: Thank you.

1 HEATHER HOFFMAN: -- this Board has done an  
2 excellent job in recent years about being real about  
3 requiring hardship. And you shouldn't change that.

4 Thanks.

5 JIM MONTEVERDE: Thank you. Thank you for calling  
6 in.

7 DUO (ALAN) YU: So may I just respond to that  
8 briefly?

9 JIM MONTEVERDE: Yep.

10 DUO (ALAN) YU: Thank you so much for calling. So  
11 we just -- we actually just took another look at the Table.  
12 Apologies that we should have excluded parking spaces,  
13 which, you know, by Cambridge Zoning Bylaw definition: Open  
14 space should exclude, you know, should -- my apologies --  
15 should exclude the parking spaces.

16 We'll make sure to update the Table, but it  
17 doesn't change the fact that we're not actually increasing  
18 much, just by a tiny bit.

19 But to also answer your question about privacy as  
20 a result of placing the new windows, we can -- we're happy  
21 to provide additional studies and being very careful, you  
22 know, placing the new windows. We're happy to show studies

1 and to mitigate that as an issue. We're happy to work with  
2 the Board on that.

3 JIM MONTEVERDE: Okay. Thank you. All right.  
4 Close public commentary. Discussion among members of the  
5 Board? Ready for a motion? Motion it is.

6 The Chair makes a motion to grant relief from the  
7 requirements of the Ordinance under Sections 5.31. It's the  
8 Dimensional Requirements -- from the form submitted due to  
9 the gross floor area increasing beyond the Ordinance  
10 Requirement and the current nonconforming area, the increase  
11 of the GFA, decrease of the lot area per dwelling unit,  
12 increase of the building height because of the stairway and  
13 the window well, and the increase in the dwelling units of  
14 83 Winter Street from three to four.

15 Conversion to waive that requirement, because it  
16 will not meet the minimum lot area per dwelling. It doesn't  
17 now, and it won't with the renovation work with what's being  
18 proposed.

19 And Section 8.22.3, the alterations which really  
20 are all contained in the Dimensional Form.

21 And then Section 10.30 for a Variance, where we  
22 have to find all of the following:

1           That's there's a literal hardship where the  
2 provisions of the ordinance would involve a substantial  
3 hardship, financial or otherwise to the petitioner or  
4 appellant.

5           And the hardship is owing to circumstances  
6 relating to the soil condition, shape of the lot or the  
7 topography of such land or structure, especially affecting  
8 such land or structure, but not affecting generally the  
9 zoning district in which it is located.

10           And desirable relief may be granted without either  
11 substantial detriment to the public good or nullifying or  
12 substantially derogating from the intent and purpose of the  
13 Ordinance.

14           And I think as some of the Board members mentioned  
15 before, the rationale for the variance -- the hardship --  
16 having to do with in part what the proponent has listed in  
17 their statement from the variance that they're looking to  
18 utilize underutilized space and convert it to habitable  
19 space -- that's the basement conversion.

20           Also due to the small lot size, a bunch to the --  
21 a number of the dimensional requirements of the Ordinance  
22 cannot be met.

1           And finally that it's what I proposed earlier,  
2           that the city need for additional housing is helped by the  
3           inclusion of an additional unit here.

4           So I think in that -- those definitions, we meet  
5           the requirements of 10.31 for the variance cases.

6           On the condition that the work proposed conforms  
7           to the drawings entitled "83 Winter Street," prepared by --  
8           there's no name here; no name, I'll put the proponent's name  
9           down -- and dated -- no date. I will put today's date on it  
10          as well -- initialed and dated by the Chair.

11          And further, that we incorporate the supporting  
12          statements and dimensional forms submitted as part of the  
13          application.

14          On a voice vote please for the variance, Virginia?

15          VIRGINIA KEESLER: In favor.

16          JIM MONTEVERDE: Steven?

17          STEVEN NG: In favor.

18          JIM MONTEVERDE: Wendy?

19          WENDY LEISERSON: Not in favor.

20          JIM MONTEVERDE: Tom?

21          THOMAS MILLER: In favor.

22          JIM MONTEVERDE: And Jim Monteverde in favor.

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[Four vote YES, One OPPOSED]

JIM MONTEVERDE: That's four in favor. The relief is granted. Thank you.

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(7:16 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia  
Keesler, Wendy Leiserson, and Thomas  
Miller

JIM MONTEVERDE: Next case is BZA-249521 -- 8  
Holly Avenue.

JACK MAHONEY: Thank you, Board, thank you.

JIM MONTEVERDE: Anyone wishing to speak on 8 Holly  
Avenue? Mr. Rafferty, are you with us today?

JACK MAHONEY: Not sure if he's on, but I am  
representing the applicant. Jack Mahoney from Khalsa  
Design; Will Chalfant. Oh, I do see Jim. All right. There  
you go, Jim. Sorry.

JIM MONTEVERDE: Do you want to walk us through  
the -- we'll bring up your presentation. Do you want to  
walk us through what you're looking to do and what relief  
you're looking for?

JAMES RAFFERTY: Thanks. Thank you. Good  
evening, Mr. Chair, and members of the Board. For the  
record, my name is James Rafferty. I'm an attorney with  
offices located at 907 Massachusetts Avenue in Cambridge.



1           You know, there's a moment of panic that occurs in  
2 this process when you're asked if you're present and there's  
3 nothing you can do until such time as you get a prompt  
4 telling you you're a panelist. And nothing makes me more  
5 nervous than when the Architect says he'll take over, so.

6           WILLIAM CHALFANT: [Laughter]

7           JAMES RAFFERTY: I apologize for my late entry  
8 here. But I'd like to have a conversation about the  
9 technology. But anyway, please apologize for my humor  
10 because the architect, Mr. Chalfant, is with us -- William  
11 Chalfant -- and this is a case seeking a special permit  
12 pursuant to Section 8.22.2d.

13           As the Board knows, that special permit allows for  
14 an increase in a preexisting nonconformity provided that  
15 there are no new nonconformities created.

16           In this case, the increase in the nonconformity  
17 involves the gross floor area. It's a very modest increase.  
18 It's going to be an additional 138 square feet.

19           The building itself exceeds the allowed FAR  
20 currently. The property is located on a Residential C-1  
21 zoning district in the Observatory Hill such that Cambridge  
22 is one block in from the intersection of Huron and Concord.

1 I think the changes being proposed here can be  
2 best seen on page A-020, if that's -- that can be set up.  
3 And they're occurring principally in two areas. A very  
4 small change at the front of the house, where a porch is  
5 being squared off.

6 Is that showing up in A-020? Yes. Okay.

7 So you'll see an area in pink at the bottom left  
8 here. And you'll see how the front porch is being extended  
9 about 5' in that area. It will make access to the porch  
10 easier for the first floor unit.

11 And also at the rear of the building you'll see  
12 another area shaded in pink. And that is going to involve  
13 the expansion of rear decks. There are rear decks on the  
14 house now, but they don't go across the full length of the  
15 back of the house.

16 This will -- the renovation here will extend them  
17 the full length of the house, and they'll also enclose them.

18 So it doesn't change the setback. The setback  
19 there is not changing, but once again the area, the  
20 expansion of the deck and enclosed deck in that area,  
21 represents additional GFA.

22 So those are the two areas where the house -- the

1 external modifications are occurring in the house, which  
2 will lead to an increase in the gross floor area.

3 It just so happens that when you do the math, the  
4 FAR really doesn't change. It's at 1.8 and it stays at 1.8,  
5 but that's a rounded figure. But kind of illustrates the  
6 modest nature of these changes.

7 So we believe that these changes can easily meet  
8 the standard set forth in 8.22.2d that these alterations  
9 will not have an adverse effect on the neighborhood. And  
10 for that reason, we would ask the Board to grant the special  
11 permit being requested.

12 The owner of the property is present, Mr. Mahoney,  
13 as is the Architect if the Board has any questions for them.

14 STEPHEN NATOLA: Thomas Miller?

15 WILLIAM CHALFANT: If I could just make one  
16 clarification -- I'm sorry. For the record, Will Chalfant  
17 from Khalsa Design. One thing Jim misspoke slightly on -- I  
18 know that's very rare, Jim -- but the rear porches are  
19 existing from -- they go the full length to the back of the  
20 house.

21 So we're not -- we're actually proposing to infill  
22 within the existing footprint of the existing porches. So

1 that back right pink block that we see here on the screen,  
2 it is currently a porch.

3 JAMES RAFFERTY: Thank you. And there are photos  
4 and elevations that show that change. When I saw the area  
5 in pink --

6 WILLIAM CHALFANT: Yeah, I'm happy to walk --

7 JAMES RAFFERTY: Well, I think --

8 WILLIAM CHALFANT: Sorry. I'm happy to walk  
9 people through the plans.

10 JAMES RAFFERTY: I think we'll take our direction  
11 from the Chair. Thank you for having that.

12 JIM MONTEVERDE: Yeah. Let's take -- ask the  
13 Board if they have any questions. Board members?

14 Tom, did you have a question?

15 THOMAS MILLER: So as part of this, we do need to  
16 look at the traditional conditions for a special permit in  
17 10.43.

18 And, you know, thinking about derogating from the  
19 purpose of the Zoning Ordinance. I always feel that, you  
20 know, there needs to be special scrutiny for changes that  
21 facilitate the conversion of, you know, three units to two  
22 or otherwise reduce the number of housing units that are

1 available given, you know, the lack of affordable housing  
2 and housing in general in Cambridge that we referred to  
3 earlier this evening, especially in a -- you know, triple-  
4 decker like this, you know, that is -- you know, clearly  
5 built as a three-unit.

6 So I would be -- you know, I feel that there needs  
7 to be some good reasons for why there needs to be the loss  
8 of that unit. And I'd, you know, interested to hear  
9 anything in that direction.

10 JAMES RAFFERTY: Well, if I might address that,  
11 Mr. Chair, first of all there's nothing in the relief that  
12 creates the reduction of the unit. That's an as-of-right  
13 move that has already occurred as a result of a prior issued  
14 building permit.

15 So reducing a three-family to a two-family in this  
16 district is permitted. In some ways, it makes the lot more  
17 conforming.

18 I understand the desire and interest in dwelling  
19 units, but the truth of the matter is there's nothing in the  
20 special permit request before the Board that if granted  
21 would have an impact on the issue of whether this structure  
22 goes back to a three-family dwelling.

1           THOMAS MILLER: I would just briefly say that, you  
2 know, under Section E of what you've submitted for the  
3 special permit, you've submitted that the reduction from  
4 three units to two units is part of what would mean that  
5 you're not derogating from the intent and purpose of the  
6 Ordinance.

7           So I do feel that that issue is before the Board.

8           JAMES RAFFERTY: No, no, it is. But the  
9 conclusion is the opposite of what you're asserting.

10           The reality is that section of the application  
11 asks how the proposed work would relate to the integrity of  
12 the Ordinance. As it turns out, that the lot area per  
13 dwelling unit currently or prior when it was a three-unit,  
14 was less compliant.

15           So the fact of the matter is that the project as a  
16 whole is consistent with or doesn't derogate from the intent  
17 of the Ordinance. So, I mean, it's just the reality of how  
18 the Ordinance is written. And it -- like I said, the  
19 granting of the relief is not at all related to the unit  
20 count in the structure.

21           JIM MONTEVERDE: We can go back to it, right?

22           Any other questions from members of the Board? If

1 not, I'll just ask one. I think there was some discussion a  
2 couple moments ago about the rear yard setback.

3 I notice in the dimensional form it says, "The  
4 existing condition is" -- or it says, "The Ordinance  
5 requirement is 20', the existing condition is 15'8", and the  
6 requested condition is 9'5.5"." Can you graphically just  
7 show me what in fact the rear setback will be?

8 JAMES RAFFERTY: Very interesting.

9 JIM MONTEVERDE: And then I notice on your survey,  
10 there are an interesting --

11 JAMES RAFFERTY: Sure. Right. So --

12 JIM MONTEVERDE: -- applicant at the back of the  
13 lot? But --

14 JAMES RAFFERTY: Right. So the survey does show  
15 that, but it's a very interesting question. And believe it  
16 or not, it has nothing to do with the physical setback  
17 itself. The porches for the life of this building up until  
18 -- or deck -- up until about a year and a half ago, those  
19 porches would have been considered in the setback.

20 JIM MONTEVERDE: Right.

21 JAMES RAFFERTY: What happened is when the Green  
22 Building Sustainability Measures were adopted, because

1 they're open porches, they are no longer considered within  
2 the setback. So for the last 18 months, the setback by  
3 virtue of the amendment to the Ordinance, actually increased  
4 here.

5 What's going to happen now is when the porches  
6 become enclosed, it will - the porches will no longer get  
7 the benefit of this exception for open porches for setbacks.  
8 So physically, the footprint of the porches is established  
9 there.

10 So we are enclosing the porches, but the porches  
11 themselves physically - the face of the porch, the distance  
12 between the face of the rear porch, the exterior face of the  
13 rear porch, and the rear property line, is unchanged.

14 It's just a different interpretation of setback  
15 when the porches were open more than 50 percent.

16 JIM MONTEVERDE: Yep. Understood. Understood.  
17 Okay. Thank you.

18 Any other questions from members of the Board? If  
19 not, I will open it up to public comment. And I think I  
20 have -- let me summarize what we have in the file.

21 We appear to have two form letters in the file;  
22 one from Alex Schrebler, 16 Holly Ave, they're in favor; and



1 then Michael -- I'm sorry, there are three: David Foster,  
2 11 Holly Ave -- this is a form letter -- they're in favor;  
3 and Michael Rosenberg in favor as well, 159 Concord Avenue.

4 With that, I will open it up to public comment.

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

10 I'll now ask Staff to unmute the 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 STEPHEN NATOLA: John Mahoney?

16 JAMES RAFFERTY: I'm not sure Mr. Mahoney wants to  
17 speak. He's the property owner.

18 JOHN MAHONEY: Hi, everyone, I'm here. I just  
19 don't know if I'm doing this right. Can everyone see me?

20 JAMES RAFFERTY: No. Do you feel the need to  
21 speak, John?

22 JACK MAHONEY: No, I didn't know.

1 JAMES RAFFERTY: Okay.

2 JACK MAHONEY: I heard someone call my name, so I  
3 didn't know if you guys needed a question answered.

4 JIM MONTEVERDE: No. Thank you. Not unless you  
5 want to offer some public comment.

6 Anyone else?

7 STEPHEN NATOLA: Joyce Devlin?

8 [Pause]

9 JIM MONTEVERDE: Joyce, are you there?

10 JOYCE DEVLIN: Sorry. All right. Can you hear me  
11 now?

12 JIM MONTEVERDE: We can. Can you introduce  
13 yourself, please?

14 JOYCE DEVLIN: Okay. Yes. My name is Joyce  
15 Devlin, and I live at 6 Holly Ave. And I have a question  
16 that perhaps is suitable for this forum or some other, and  
17 it has to do with the wall on page 20 that you haven't shown  
18 today. And it is not included in this petition, special  
19 permit.

20 And my question is I have seen Mr. Mahoney a  
21 couple of times since he's come by the house and we've  
22 talked, and he did mention that the condominium directly

1 behind our units has a large parking lot, and they -- if I  
2 understand correctly -- put in this concrete wall behind  
3 Unit 6, the House 6, 8, and 12, which are next to each  
4 other.

5 And that Mr. Mahoney said that the condominium is  
6 going to replace the wall behind all three homes. And if  
7 it's appropriate, I would just like to say that I have  
8 concerns about what that would entail for our property at 6  
9 Holly Ave, because we have 11 trees right behind that wall,  
10 we also have a fence -- a very expensive fence -- right  
11 behind that wall, and it would have a huge impact on our  
12 property.

13 So is that to be addressed now, or some other  
14 time?

15 JIM MONTEVERDE: Joyce, I don't see that on any of  
16 the documentation that's been presented or submitted to the  
17 Board, but either Mr. Rafferty or Architect, can you just --  
18 can you help us understand what this is about?

19 JAMES RAFFERTY: Yes, Mr. Chair. As Ms. Devlin  
20 noted, there is a retaining wall that runs across the three  
21 properties that supports the parking lot of the abutting  
22 condominium building.

1 JIM MONTEVERDE: Oh, I see it.

2 JAMES RAFFERTY: And it --

3 JIM MONTEVERDE: -- Mr. Mahoney has --

4 JIM MONTEVERDE: It's on the --

5 JAMES RAFFERTY: -- it's on the survey, right.

6 JIM MONTEVERDE: It's on the survey, it says,  
7 "Leaning wall."

8 JAMES RAFFERTY: Right.

9 JIM MONTEVERDE: Yep.

10 JAMES RAFFERTY: So I don't think it presents a  
11 zoning issue, candidly. And so, we didn't include anything.  
12 And whatever remediation needs to occur in that wall  
13 obviously would have to be done in coordination with the  
14 abutting landowners, because I don't know how you could  
15 achieve that work without having some type of agreement for  
16 access.

17 But --

18 JIM MONTEVERDE: Thank you.

19 JAMES RAFFERTY: I'm sure it's -- I think its  
20 something that Mr. Mahoney is committed to participating  
21 with his neighbors and come up with a remediation, but I  
22 know from his comments -- discussions with me, there is some

1 concern about the long-term health or structural safety of  
2 that retaining wall.

3 JIM MONTEVERDE: Right. I agree that this doesn't  
4 seem to be relevant to the case in front of us, to the  
5 zoning issues in front of us but I would suggest if the  
6 people who were speaking want to contact the owner directly  
7 and work that out, please go ahead.

8 JOYCE DEVLIN: Okay.

9 UNIDENTIFIED SPEAKER: Thank you.

10 JOYCE DEVLIN: Thank you very much for that  
11 clarification.

12 JIM MONTEVERDE: Joyce, you're welcome. Yep.  
13 Thank you for calling in. Anyone else calling in? That's  
14 it? I'll close public commentary. Any discussion among  
15 members of the Board?

16 WENDY LEISERSON: I do have a couple points, just  
17 for the record.

18 JIM MONTEVERDE: Yep.

19 WENDY LEISERSON: One is the ratio of gross floor  
20 area to lot area, which Mr. Rafferty pointed out was a  
21 rounding figure. If my math is correct, I think it should  
22 be rounded up to 1.9, but I don't think it's relevant,

1 because it's already an existing nonconformity anyway. But  
2 just in terms of rounding, I always thought you round up if  
3 it's over point --

4 JIM MONTEVERDE: Mm-hm.

5 WENDY LEISERSON: -- and then --

6 JAMES RAFFERTY: You do. So if I didn't -- I  
7 can't do this math, so I relied upon our architect, but --

8 WENDY LEISERSON: Okay.

9 JAMES RAFFERTY: You're correct. The rounding  
10 above 0.5 it should round up.

11 WENDY LEISERSON: Okay.

12 JOHN MAHONEY: You're right. It's 1.86. You got  
13 me.

14 WENDY LEISERSON: It's not dispositive, in any  
15 event. But it did want to address Tom's comments. I  
16 actually happen to agree with Attorney Rafferty's  
17 interpretations of whether or not the number of units is  
18 relevant to our discussion tonight.

19 I do think, though, that this case, especially as  
20 it's back-to-back with the prior case, shows one of the  
21 dilemmas that we have as a Zoning Board, which is that I  
22 think we all agree there is a housing crisis in Cambridge.

1           There's particularly a housing crisis in Cambridge  
2 for affordability purposes, and -- but I do think that it  
3 would be incorrect of the Board to only go by the numbers of  
4 units when making its decisions, as opposed to applying the  
5 principles of the law that we are bound to apply.

6           And I think that the number of units as a sole  
7 decision-making criteria doesn't address who needs housing  
8 in Cambridge.

9           And while I would like to see, obviously, more  
10 affordable units, affordability defined by the number of  
11 bedrooms is not affordability for all. We are in desperate  
12 needs of units that can accommodate families as well. And  
13 they require more than one bedroom.

14           So that's -- I just want to make sure that the  
15 Board looks beyond the numbers and applies the principles  
16 that we're bound to apply.

17           JIM MONTEVERDE: Thank you.

18           THOMAS MILLER: Just for the record, I will set  
19 out my interpretation of the law here that I'm relying on.  
20 I do think that we need to decide as a Board in order to  
21 grant the special permit whether the proposed use would  
22 derogate from the purpose of the Zoning Ordinance.

1           The purpose of the Zoning Ordinance, among many  
2 other purposes, lists to encourage housing for persons of  
3 all income levels.

4           So I would say that the loss of the dwelling unit  
5 in some sense does derogate rebuttably from the purpose of  
6 the Zoning Ordinance. Obviously, that can be outweighed by  
7 countervailing considerations.

8           In this -- in terms of the relevance to the  
9 question before us, the application submitted -- I'm just  
10 quoting from b) in their supporting statement -- says, "The  
11 proposed work will result in a less intense use of the  
12 property by being converted from a three-family dwelling to  
13 a two-family dwelling."

14           So I conclude from that that the loss of a  
15 dwelling unit is closely related to the work that we're  
16 being asked the grant the special permit to allow.

17           And I take your point, Wendy, absolutely, about  
18 the need for different types of apartments as well as rather  
19 than focusing just on the number of units.

20           It doesn't look to me like these are -- you know,  
21 exceptionally small units. These are single-floor units of  
22 a triple-decker, so in this case, I think these already are



1 family dwelling units.

2 So that's -- those are considerations that make me  
3 tend to oppose this proposal. Thank you.

4 JIM MONTEVERDE: Thank you.

5 WENDY LEISERSON: Yeah. Tom, I agree with your  
6 point. I will leave it for someone else to respond after  
7 this, but the purpose of the Zoning Ordinance also includes  
8 not overcrowding land.

9 And not -- in the last case, you know, we have  
10 voted -- you know, the Board as a whole voted, I did not --  
11 in favor of increasing the number of units, which was  
12 increasing crowding on a very small lot.

13 So there -- we can hand pick which element of the  
14 multiple purposes and factors that we're supposed to  
15 consider depending on the case as which one is the most  
16 important. But as Mr. Rafferty pointed out, they have --  
17 it's a matter of right for them to change the number of  
18 units in this building.

19 So if it's their right to do so, irrespective of  
20 how they phrased this application form, I don't think we as  
21 a Board have the right to say you can't do something that  
22 you have a right to do.

1           That's not part of the relief that they're asking  
2 for.

3           JIM MONTEVERDE: Thank you.

4           JAMES RAFFERTY: Mr. Chair, can I just --

5           JIM MONTEVERDE: No, no, no, no, Jim.

6           JAMES RAFFERTY: No?

7           JIM MONTEVERDE: I'm sorry --

8           JAMES RAFFERTY: Okay.

9           JIM MONTEVERDE: -- Mr. Rafferty, hold on. This  
10 is just a discussion among the Board members, please.

11          JAMES RAFFERTY: I apologize.

12          JIM MONTEVERDE: Any other discussion among the  
13 members of the Board? If not, are we ready for a motion? I  
14 think we're ready for a motion?

15          STEVEN NG: Yes.

16          JIM MONTEVERDE: Thank you. The Chair makes a  
17 motion to grant relief from the requirements of the  
18 Ordinance under Sections 5.31, the Dimensional Form, and  
19 that's the increase in the gross floor area; the modest  
20 increase in the GFA; the -- actually positive -- the  
21 increase of the lot area per dwelling unit; the setback  
22 we've talked about that's really the same as it is now; and

1 the change in number of dwelling units from three to two.

2 That's on 5.31.

3 And in Sections 8.22.2.d and .c for Nonconforming  
4 Structure; and the criteria for Special Permit under 10.43;  
5 and I'll go through those.

6 a) That it appears the requirements of the  
7 Ordinance cannot or will not be met. That's correct.

8 b) That traffic generated, or patterns of access  
9 or egress would congestion or hazard. It will not.

10 c) Continued operation of or the development of  
11 the adjacent uses would be adversely affected. I think not.

12 d) Nuisance or hazard will be created to the  
13 detriment of the health, safety, or welfare. No.

14 e) For other reasons, would impair the integrity  
15 of the district or adjoining district.

16 So I think all the criteria for the special permit  
17 under Section 10.43 are met.

18 On the condition that the work proposed conforms  
19 to the drawings entitled "8 Holly Avenue," prepared by  
20 Khalsa Design, dated November 10, 2023, initialed and dated  
21 by the 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, among the Board members?  
4 Tom?

5 THOMAS MILLER: Not in favor.

6 JIM MONTEVERDE: Wendy?

7 WENDY LEISERSON: In favor.

8 JIM MONTEVERDE: Thank you. Steven?

9 STEVEN NG: In favor.

10 JIM MONTEVERDE: Virginia?

11 VIRGINIA KEESLER: In favor.

12 JIM MONTEVERDE: And Jim Monteverde in favor.

13 [Four vote YES, One OPPOSED]

14 JIM MONTEVERDE: That's four affirmative. The  
15 relief is granted.

16 JAMES RAFFERTY: Thank you very much.

17 JIM MONTEVERDE: Thank you.

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(7:40 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia  
Keesler, Wendy Leiserson, and Thomas  
Miller

JIM MONTEVERDE: Next case is BZA-253736 -- 141  
Otis Street.

ADAM GLASSMAN: Good evening, Mr. Chair, and  
members of the Board. For the record for this is Adam  
Glassman, GCD Architects, with offices at 17 Brown Street in  
Cambridge. I'm here tonight representing the owners of 141  
Otis Street, Paul and Anna Dixon.

And before I get into the presentation of the  
application, they've asked me to allow them to make a brief  
opening statement.

ANNA DIXON: Hi there. My name is Anna Dixon.  
I'm here with my husband Paul. We are the owners of 141  
Otis Street, and I'd first just like to thank the Board for  
taking the time to review and consider our application.

I wanted to share a bit about us. My husband and  
I are both originally from Bermuda, and we moved to  
Massachusetts Ave about 15 years ago and have lived in East

1 Cambridge for the past 10 years.

2           When we first found 141 Otis Street, we were  
3 immediately struck by its history and the feeling that this  
4 was the home that we wanted to raise a family.

5           I am a mom of two young kids: my 4-year-old  
6 daughter Julia here and our 8-month son, Robbie. And we  
7 quickly realized that it's time to create a bit more room  
8 for our family to grow, so that we may remain in the home  
9 that we have slowly and lovingly restored, and the  
10 neighborhood that we are so committed to, especially as we  
11 are priced out of the current housing market.

12           My husband and I both work from home, and with our  
13 young son at home with a nanny we have no dedicated office,  
14 and we have multi, multipurposed every single space in our  
15 home. And with grandparents visiting regularly from  
16 Bermuda, we are cramped. We are stressed, and we're out of  
17 space.

18           So I hope you will understand and appreciate our  
19 need for more room and approve our application so that we  
20 can continue to live here in our home that we love while  
21 creating the space for our children to thrive and us to  
22 work, and our family to visit.

1           That's all I have to say. Thank you.

2           JIM MONTEVERDE: Thank you.

3           ADAM GLASSMAN: Thank you, Anna. That was well  
4 said.

5           Mr. Chair, and members of the Board, so what we  
6 have is a classic case of a Cambridge family committed to  
7 their neighborhood, committed to the local schools,  
8 committed to their home, and it is a small home of about  
9 1,700 square feet on an exceptionally small lot of just over  
10 1,000 square feet in a C-1 district.

11           The structure is an attached townhome, which  
12 creates -- or compels us to seek a variance, as opposed to a  
13 special permit, which would normally apply to a single-  
14 family home situation, but because it's a townhouse, we are  
15 here seeking a variance.

16           And our hardship is due to the size of the lot,  
17 which is 1,020 square feet. The width of the lot is 20  
18 square feet. And the water level and soil conditions of the  
19 basement prevent us from utilizing that area for added  
20 living space.

21           As you heard, they have two children. One is a  
22 young boy and other is a young girl, and they're both

1 getting bigger. And the family needs three bedrooms in  
2 addition to office space for two adults and flexible area  
3 for grandparents who come and stay for lengthy periods.

4 We have existing nonconforming FAR. We have  
5 existing nonconforming setbacks, and it is impossible to  
6 modify this envelope in any way without seeking relief from  
7 the Zoning Board.

8 Let's go to the plans, please.

9 On the left is our locus map. You can see 141  
10 highlighted at level, in yellow. You can see the back of  
11 141 and the adjacent buildings create kind of a courtyard,  
12 back yard environment so there's a lot of shared, or feels  
13 like shared space.

14 There's an alleyway that connects from the back  
15 yard to Sixth Street. 133 on the right side is a full  
16 three-story building. We've got two and a half story  
17 buildings at 137, 139, 141, and 143.

18 From this front view, we'd be proposing to add a  
19 15' dormer, which is in line with the Dormer Guidelines. In  
20 the rear of the house, we're proposing a much smaller dormer  
21 and a third-floor addition.

22 Next slide, please?



1 More street views. You can see 141 labeled, and  
2 the properties to the right have large dormers in front, and  
3 then moving to a full three-story mansard roof.

4 Next slide, please?

5 These are our back yard views. The photo on the  
6 left, that flat roof area is where they're proposing a 5'  
7 deck at the end of the building, and then a about a 9' along  
8 third-floor addition.

9 And those two windows you see are their windows.  
10 The three windows below is their first floor. And the  
11 windows to the right are also theirs.

12 Next slide, please?

13 Oh, no actually -- and to the right, the photo on  
14 the right, this is looking down the alley, 141 is on the  
15 left with a flat roof, and the abutter on their left, which  
16 is also a blue building with a pitched roof, supports this  
17 project.

18 The building on the right, the gray building with  
19 a deck and the two-story and then the three-story portion on  
20 Sixth Street is -- also supports this project.

21 Next slide, please?

22 Our setback plan, showing the restrictive setbacks

1 that basically nothing can be done to this house without  
2 violating the setbacks. The proposed addition you can see  
3 labeled off the back behind that is the proposed deck, and  
4 both of those are over their existing flat roof. And in the  
5 front facing Otis is the 15' dormer.

6 Next slide, please?

7 Our existing GFA calculations, we've got 17 --  
8 approximately 1,700 square feet between two and a half  
9 floors includes a stair and hallway space, so it's not quite  
10 as large at 1,700 square feet may sound. And that gives  
11 them an FAR of 1.7, which is well above the allowable.

12 Next slide, please?

13 Our proposed GFA adds approximately 390 square  
14 feet total of living space on the third floor. So it's  
15 really a modest ask in terms of square footage in the FAR  
16 increase, and in the amount of envelope increase.

17 Next slide, please?

18 Our open space diagrams, we actually have -- while  
19 they enjoy open space, none of it is technically conforming  
20 in terms of usable, but by adding a 77 square feet deck, we  
21 do gain some additional open space that is attached to the  
22 house, and technically it counts as usable open space.

1           So that's going to increase there in terms of what  
2 the zoning code is looking for.

3           Next slide?

4           Our zoning breakdown. Again, the minimum lot size  
5 required for this district is 5,000 square feet. We're at  
6 1,020. It's exceptionally small. Our existing FAR is 1.7.  
7 Our proposed is actually 2.08 but here we rounded to 2.1 and  
8 0.75 is allowed. The lot width is only 20' wide. 50' is  
9 required.

10           Our setback diagram you saw previously, our height  
11 -- existing height -- is almost 30' and we will not be  
12 exceeding that and that will remain conforming. Minimum  
13 open space remains nonconforming, but at least we're adding  
14 some.

15           In the diagram on the top left is an image of the  
16 15' dormer and on the lower left is a side elevation of the  
17 addition on the third floor and a small deck past it.

18           Originally, our proposed addition extended all the  
19 way to the edge of the building, but -- you know,  
20 communicating with our neighbor who had some concerns about  
21 light and shadows we decided to reduce it. It definitely  
22 helped with that, and it provided the family with some open

1 space attached to the house that their kids need.

2 Next slide, please?

3 3D views of the existing conditions. One  
4 important one is right here front and center without the  
5 dormer.

6 Next slide, please?

7 Our existing plans: We've got a basement that is  
8 unusable for habitation. We've got living, dining and  
9 kitchen areas and half-bath on the first floor, a stair that  
10 goes up to a second floor, where we have labeled two  
11 bedrooms and a living room.

12 I'd say the living room is really more like office  
13 space, flex space for when in-laws are here. We have one  
14 full bathroom.

15 And again, so we've got two parents and two kids  
16 and, you know, parents trying to work from home all kind of  
17 competing for space on the second floor.

18 Next slide, please?

19 Our existing third floor. Again, for some reason  
20 we labeled it, "living room" but it's really just -- it's  
21 unconditioned, unusable attic space at this time. Some of  
22 it counts as FAR because of the ceiling height where we have

1 five feet. But right now, it is an unconditioned attic with  
2 no windows, no insulation.

3 Next slide, please?

4 Some demo elevations showing the area in the front  
5 for the front dormer, and on the left side is the existing  
6 rear elevation, the extent of the roof to be removed.

7 Next slide, please?

8 Side view of the rear portion of their house  
9 looking in from the back courtyard. The flat roof is where  
10 most of the proposed work would be located.

11 Next slide?

12 Views of the front with our 15' dormer per the  
13 Dormer Guidelines.

14 Next slide, please?

15 Some bird's eye views of the proposed addition in  
16 the back, where most of it is. On the left side you can see  
17 the small deck, the bump-out addition, and a small dormer  
18 with a window on the rear of the house. Views from kind of  
19 like top right and top left.

20 Next slide, please?

21 We can skip this one. The lower levels won't be  
22 changing.

1                   Next slide, please?

2                   So here on the third floor we're labeling the  
3 "family room" and plans. But this becomes really the flex  
4 room for the family where the in-laws can stay, where we  
5 have office space.

6                   And this is the added room that would really allow  
7 this family to grow into this home comfortably and not have  
8 to, you know, find housing in a market that's very  
9 expensive. It's not like, you know, there's a lot of  
10 families in Cambridge in this situation that need the extra  
11 space.

12                   And fortunately simply selling their home and  
13 finding a bigger home in Cambridge isn't really possible for  
14 most people who are actually lucky enough to be here now.

15                   Next slide, please?

16                   Our -- more elevations. I think, you know, we can  
17 say that these designs maintain the scale and character of  
18 the house and neighborhood.

19                   Next slide?

20                   Another view to the left showing our bump-out  
21 addition and a small deck.

22                   Next slide?

1           And our section through the building. Either  
2 that's -- that's pretty much it for the architectural  
3 presentation. In the file we have, I think, about six  
4 letters of support.

5           I know we have a letter written in opposition from  
6 our abutter at 143, and -- you know, hopefully we'll have a  
7 chance to address this after the Board has discussed it.  
8 But just for some context, Anna and Paul have been reaching  
9 out the their neighbor Lyza since last July.

10           So for seven months they have been doing their  
11 part to review plans, solicit feedback, respond to questions  
12 and concerns.

13           It's been really with -- it's been difficult,  
14 because over the past seven months, their abutter has  
15 presented a concern and we've addressed the concern, and  
16 then there's been no more comment on that concern that has  
17 been a new concern.

18           So this started with, "Well, she was up -- you  
19 know concerned about the structure of the house, how this  
20 construction could impact her home. We had an engineer  
21 evaluate who was able to write a letter with a stamp stating  
22 that this work can be done without any structural impact to

1 our abutters.

2           There was concern about replacing the roof and who  
3 was going to pay for a roof replacement, and Paul and Anna  
4 offered to pay for some part of her new roof if she felt  
5 like she needed a new roof. And that was never really  
6 accepted.

7           There's been a lot of -- the latest concerns have  
8 been about, well, construction is noisy, it'll be  
9 bothersome, it'll be intrusive. You know, everyone who  
10 lives in a city knows that construction is noisy and that  
11 it's intrusive, and it comes, and it goes, and we move on.

12           And, you know, Anna and Paul have agreed to abide  
13 by all Cambridge rules. I think they said that they would  
14 not work on Saturdays, although Cambridge allows  
15 construction on Saturdays. They offered to have no work on  
16 Saturdays.

17           She had some concerns about light and shadows,  
18 which we addressed with the shadow study, which we  
19 presented, but we really didn't get any feedback.

20           So there's been no -- this has not really been a  
21 two-way dialogue, although they have been trying their best  
22 as good neighbors to do this in a way respectful and



1 responsive to their abutter.

2 So with that, I'll take any questions from the  
3 Board and --

4 JIM MONTEVERDE: Thank you.

5 ADAM GLASSMAN: -- after letters are read, the  
6 Board has had some discussion, I just -- I hope we'll have  
7 one more chance to speak before the vote.

8 JIM MONTEVERDE: Okay. Thank you for your  
9 presentation. Any questions from members of the Board?

10 VIRGINIA KEESLER: Could you discuss the findings  
11 of the shadow study?

12 ADAM GLASSMAN: Sure. So the shadow study, which  
13 I don't believe we have tonight, because we -- well, we did  
14 the shadow study. There was no response to it, so we didn't  
15 upload it into the file. We actually haven't heard from  
16 Lyza until Monday, this recent Monday.

17 But what the shadow study shows, and -- you know,  
18 it's not in this presentation, it's a separate packet, but  
19 what it shows is that there are some shadows currently that  
20 are cast during certain times of day and our addition adds a  
21 very small amount of new shadows when those shadows pass,  
22 but it's a very brief period of time.

1 VIRGINIA KEESLER: Thank you.

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

4 THOMAS MILLER: This is a question that maybe my  
5 fellow Board members can also enlighten me on, but does the  
6 front dormer conform with the Dormer Guidelines if it begins  
7 with the -- at the ridgeline and doesn't have, I think it's  
8 three feet or something on the setback on either side?

9 ADAM GLASSMAN: Well, I'll -- if I may respond to  
10 this, you know, the Guidelines are called guidelines.  
11 They're not really -- every guideline can't be met; every  
12 piece of the guideline can't be met every single time.

13 And when we have a low ridge height, we simply  
14 can't lower it below the ridge, because of legal head  
15 height. That's generally been acceptable to the Board.

16 15' is the real residential use that, you know,  
17 must be obeyed when it comes to the Dormer Guidelines.  
18 We're definitely meeting the 15'. The setback on either  
19 side is certainly in the spirit of the Guidelines.

20 THOMAS MILLER: Thank you.

21 JIM MONTEVERDE: Any other questions from Board  
22 members? If not, I have one. You're correct that the

1 Guidelines in terms of the maximum length for the dormer or  
2 dormers on the side are 15'.

3 Looking at the illustrations and the photographs  
4 in the neighborhood, it seems that the adjacent neighbors  
5 each have dormers up on their roofs that are less than --  
6 they appear to be less than the 15' width.

7 And in kind of keeping with that neighborhood  
8 character, is there an opportunity --

9 ADAM GLASSMAN: Wel, could we go to the photos  
10 towards the beginning?

11 JIM MONTEVERDE: Yeah. The elevations as well.

12 ADAM GLASSMAN: So if we -- yeah, keeping.

13 JIM MONTEVERDE: Photos at the beginning?

14 ADAM GLASSMAN: Yes, at the very beginning.

15 JIM MONTEVERDE: Yep. Here we go. You just pick.

16 ADAM GLASSMAN: So yep. Maybe go one more up.

17 JIM MONTEVERDE: There you go. Thank you.

18 ADAM GLASSMAN: So, you know, I mean I know we  
19 have some existing dormers. You know, they're not all  
20 identical. And I don't think I'd argue that to maintain the  
21 character of the neighborhood every dormer needs to be  
22 identical or the same style.

1 I mean, we're proposing dormers that are set back  
2 from the face of the house, which is a Dormer Guideline and  
3 probably the most important one after the 15'.

4 And I'm not sure, you know, looking at these  
5 dormers and the way they're designed, I'm not sure remaking  
6 them is really the best way to respect the character of the  
7 neighborhood.

8 JIM MONTEVERDE: Well, we can agree to disagree.  
9 Are there any other questions from members of the Board? If  
10 not, we'll go to public comment. And it seems like a number  
11 of correspondences have come in since I took a look at the  
12 file on Tuesday. But let me go through what's here.

13 In summary, first from Tim Toomey, 88 Sixth  
14 Street, strongly in support of the variance.

15 Adam, and then you've got to help me here. There  
16 are a couple that are back and forth between you and Paul  
17 Dixon, Lyza. There's one from the --

18 ADAM GLASSMAN: Yeah, so -- you know, we -- like I  
19 said, they had been reaching out to Lyza, who basically  
20 refused to email, although she -- it's not like she can't  
21 email.

22 JIM MONTEVERDE: Okay.

1           ADAM GLASSMAN: So what happened was she sent her  
2 letter of opposition in at the last minute. And at that  
3 point, we felt it was important to show the record of  
4 abutter outreach.

5           JIM MONTEVERDE: Yep. Okay.

6           ADAM GLASSMAN: And that's what that's all about.

7           JIM MONTEVERDE: Gotcha, gotcha. And then we have  
8 correspondence from Chuck Hinds, President of the East  
9 Cambridge Planning Team. This is dated February 8. And  
10 then there's a letter from the East Cambridge Planning Team,  
11 same date, signed by Charles Hinds.

12           And it basically says that in the end they took no  
13 official position, meaning not for or against. And they  
14 said in final -- in closing, "Any increase in size needs to  
15 be carefully and deliberately reviewed to determine a clear  
16 and definitive hardship."

17           And then -- Adam, again, this is you and Charles.  
18 Some more back and forth to Charles. Lyza, this is Adam.  
19 This is your -- it's titled, "Rebuttal to Lyza's letter"  
20 from February 7. I'm assuming you're addressing each of our  
21 concerns here?

22           ADAM GLASSMAN: We have. I mean, with every

1 concern she's had, we have --

2 JIM MONTEVERDE: Yeah.

3 ADAM GLASSMAN: -- addressed it, and then we're --  
4 you know, now towards -- as we got closer to the hearing, we  
5 provided these, you know, summaries so the Board could see  
6 that we have responded to her concerns as they've come up  
7 over the past seven months.

8 JIM MONTEVERDE: Yep.

9 ADAM GLASSMAN: And each and every concern we've  
10 addressed, and each time it is addressed it -- you know, we  
11 move on to a different concern.

12 JIM MONTEVERDE: Okay. Thank you. And then we  
13 have Chris and Takako Matthews, 26 Sixth Street, from the  
14 sixth of February, writing in opposition.

15 Their statement said that the proposal would  
16 detract significantly from their quality-of-life. The sun  
17 will be almost totally blocked by the proposed addition.  
18 Adam, I think you've addressed that by the sun studies and  
19 they're all in the file here. If not --

20 ADAM GLASSMAN: Right.

21 JIM MONTEVERDE: -- available electronically.

22 Also, directly overlooking -- now this is the new deck --

1 directly overlooking the yard, bedrooms, and kitchens of 143  
2 Otis by the proposed deck and additional room windows and  
3 increase in density to almost three times that allowed.

4 But it's -- I'll direct our attention to the  
5 privacy issues about looking out of the yard, bedrooms, and  
6 kitchens of the neighbor.

7 ADAM GLASSMAN: Would you like me to address that?

8 JIM MONTEVERDE: And I'm not convinced there's any  
9 real hardship. So if you could just tell us -- I'm assuming  
10 you've seen this correspondence?

11 ADAM GLASSMAN: Actually, you know, I've been  
12 keeping my eye on the folder. I have not seen that one.  
13 I'm not sure --

14 JIM MONTEVERDE: All right.

15 ADAM GLASSMAN: -- how late it came in. It wasn't  
16 out.

17 JIM MONTEVERDE: What's proposed as the enclosure  
18 for the decks, since that seems to be the -- part of the --

19 ADAM GLASSMAN: Well, well --

20 JIM MONTEVERDE: -- the concern?

21 ADAM GLASSMAN: I mean, maybe we want to look at a  
22 back view. But, you know, we've got a -- where we have a

1 flat roof, now we've got a small deck, and basically, they'd  
2 be looking into their own yard.

3 And the other yard they'd be looking mostly into  
4 on the other side of the alley that's -- is supporting the  
5 project. You know --

6 JIM MONTEVERDE: Yep.

7 ADAM GLASSMAN: -- all these, the rears of all  
8 these homes, these courtyard homes, they already face each  
9 other. Everybody's got windows that look into each other's  
10 windows. It's kind of the nature of living in this --

11 JIM MONTEVERDE: Yep.

12 ADAM GLASSMAN: -- little village-like block.

13 And, you know, the new, if we want to look at some views of  
14 the upstairs addition, these new windows aren't -- you know,  
15 they're above. These aren't looking directly into anyone's  
16 windows; they're looking over the roof.

17 JIM MONTEVERDE: All right. And what's the height  
18 of the rail on the deck?

19 ADAM GLASSMAN: It's 36".

20 JIM MONTEVERDE: Okay.

21 ADAM GLASSMAN: I'm not sure what this site -- I  
22 don't know what the concern of the rail is. I mean, it's



1 not --

2 JIM MONTEVERDE: Well, I'm just nosing around for  
3 privacy. I mean, if the rail is at 3'6" that means in a  
4 seated position you're not looking over it, but in a  
5 standing position --

6 ADAM GLASSMAN: Oh.

7 JIM MONTEVERDE: -- you are.

8 ADAM GLASSMAN: Yeah. I mean, it's a small deck.  
9 I mean, yeah, if you were standing there, you would be  
10 looking over.

11 JIM MONTEVERDE: Yep.

12 ADAM GLASSMAN: The people who are -- whoever  
13 wrote this letter, I'm not exactly sure where they live or  
14 how they're impacted by this project at all.

15 JIM MONTEVERDE: Okay. And then the final one,  
16 this is the one we have. This is from February 5. This is  
17 the correspondence from Lyza Bayard. Let me just summarize  
18 these, and Adam tell us if you've -- how you've addressed  
19 those in your other correspondence.

20 ADAM GLASSMAN: Sure.

21 JIM MONTEVERDE: Lyza is writing in opposition to  
22 the variance request. Similar to the previous one,

1 "Proposed additions will block light and shade my rear  
2 patio, kitchen, dining room, and two of my bedrooms.

3 "The windows of the proposed third floor addition  
4 and rear dormer and the proposed deck would all have  
5 sightlines directly into the bedrooms of my home,  
6 significantly impacting my privacy.

7 "The proposed third-floor rear dormer and rear  
8 addition create a very claustrophobic feeling within the  
9 straight, vertical, three-story wall that I would look out  
10 at."

11 And "The uses proposed for the third-floor spaces  
12 are for a family room and an office. It is hard to  
13 understand how one family can significantly increase their  
14 floor area for enjoyment space at the expense of my  
15 enjoyment and privacy and comfort." And "unclear on what  
16 the hardship is that's being claimed, and don't believe a  
17 hardship exists."

18 I think that's the extent of the -- what we have  
19 in our file. So I will open it up to public commentary.  
20 Anybody calling in. Any members of the public who wish to  
21 speak should now click the icon at the bottom of your Zoom  
22 screen that says, "Raise hand."

1           If you're calling in by phone, you can raise your  
2 hand by pressing \*9 and unmute or mute 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           STEPHEN NATOLA: Lyza Bayard?

9           LYZA BAYARD: Hi. Excuse me. Oh, let me put my  
10 microphone on on my -- oh, do you want to see --

11          JIM MONTEVERDE: We can hear you. So go ahead  
12 with your discussion, please.

13          LYZA BAYARD: Okay. Thank you. Good evening,  
14 Board and Chair. I'm Lyza Bayard, and I'm the most  
15 immediate abutter. Safe to say I don't agree with the  
16 claims, but moving forward you have my letter, and I am here  
17 to represent my concerns about this project.

18          My neighbors have a three-bedroom home, a basement  
19 with storage and laundry, and the home of course as their  
20 architect has stated is over two-thirds, is over -- would be  
21 over almost two-thirds the current allowed FAR, the  
22 conforming FAR.

1           So they're essentially requesting an entire  
2 addition of a third floor in a neighbor that is already very  
3 dense.

4           And I wanted to say that the egresses are not even  
5 4' wide in the back. They are all wood-framed houses. Our  
6 houses share party walls and studs with nothing in between  
7 them. In fact, once my neighbor's ex suddenly drilled five  
8 holes through my living room wall and it's pretty funny  
9 actually, but that just shows you how close the quarters  
10 are.

11           Any -- this variance would set a precedent in the  
12 neighborhood for possibly enlarging all of the houses by  
13 close to 30 percent. Their dormer is significantly larger  
14 than any of the other dormers in the row.

15           It almost goes edge to edge for the house in the  
16 front alone, plus they're adding a back dormer. No other  
17 houses have that. Plus the full addition, which as you  
18 looked at the those drawings, you could see it's a full  
19 third floor technically.

20           In addition to the loss of privacy and light to  
21 two-thirds of my home and my yard, they did a yard study  
22 indeed. But I only saw some of the drawings. They never

1 sent them to me as they had promised.

2 And they said it would give back a little bit of  
3 the light, but it would take most and a lot of my early  
4 morning light away. I only have morning light, as one of  
5 the abutters actually indicated.

6 And so, that just furthers the issues, including  
7 the loss of privacy and the light to the bedrooms and the  
8 kitchen.

9 So I did hear something in the last case that the  
10 Zoning Board is not about overcrowding the land. So I  
11 respectfully request the Board rejects these variance  
12 requests. And I'll stop there.

13 JIM MONTEVERDE: Thank you. Thanks for calling  
14 in.

15 LYZA BAYARD: Thank you.

16 STEPHEN NATOLA: Kendra Klein?

17 KENDRA KLEIN-MASCIA: Hi. Thank you for having me  
18 tonight. My name is Kendra Klein-Mascia. And I'm at 137  
19 Otis, so close by there.

20 I just wanted to speak about the hardship actually  
21 because that -- you know, I can really understand that. My  
22 husband Mark and I, we actual have a young family ourselves

1 with a 3- and 4-year-old, so similar ages. And we often  
2 have our in-laws come and visit us as well.

3 So I totally understand and appreciate the need  
4 for more room with a growing family in Cambridge, which is  
5 extremely expensive, and like it was mentioned before, not a  
6 lot of good options for moving towards larger houses. So I  
7 really do feel that that is a hardship and it's a real one  
8 that should be considered.

9 Anna and Paul have been very proactive in reaching  
10 out to us about the project. And they've always kind of  
11 wanted to collaborate and make sure that we are comfortable  
12 before they moved forward.

13 And, you know, for me I feel that the project is  
14 very modest in scope and doesn't negatively impact the  
15 character of the neighborhood at all. I think everything  
16 they've done so far in terms of improvements to the house  
17 has been very tastefully done.

18 And in the past when they have done renovations,  
19 it's always been done in a considerate manner with, you  
20 know, really minimal impact for us.

21 So I think it's a great family. I would hate to  
22 see them leave the neighborhood. And given the current real

1 estate market, I think it's impossible to do so and stay in  
2 Cambridge. Thank you.

3 JIM MONTEVERDE: Thank you for calling in.

4 STEPHEN NATOLA: Lynne Cayford?

5 [Pause]

6 JIM MONTEVERDE: Anyone else?

7 STEPHEN NATOLA: Christopher Herlich?

8 CHRISTOPHER HERLICH: Hello. My name is Chris  
9 Herlich. I am the owner along with my wife of 139 Otis  
10 Street. We are immediate neighbors to the Dixon family.

11 I'd like to speak strongly in support of this  
12 project, both as a neighbor and as a practicing Urban  
13 Designer and Certified Urban Planner.

14 I think that the project as proposed is simple.  
15 It's unobtrusive, and it's sensitive to the context. There  
16 are several other examples of dormers similar to the one  
17 proposed elsewhere within a two-block radius of the house,  
18 so I do think it's quite sensitive to the surrounding  
19 contexts.

20 I do think that their claims of hardship are quite  
21 valid, as our neighbor Kendra has just spoken. We too have  
22 a family -- a young son, 18 months. We too have relatives

1 that come and visit with some frequency and stay with us.  
2 And it is extremely cramped. And there are extremely,  
3 extremely limited options for finding space for a family.

4           You know, these are thousand-square-foot lots with  
5 absolutely no opportunity to expand the footprint and to  
6 accommodate a family's needs. There really is only one  
7 option, and that is to go up to a certain extent -- again,  
8 what I feel is a contextually sensitive way.

9           I do want to speak also on behalf of the Dixon  
10 family. They have been extremely clear about their  
11 intentions for design and construction from the outset of  
12 this project.

13           As Kendra mentioned, I similarly feel that they  
14 have been very proactive. They've communicated their scope  
15 along the way. They've communicated the changes. And  
16 they've been doing so for several months. We've had a  
17 number of conversations with them. They've been very  
18 welcoming during those conversations and very collaborative.

19           We -- you know, as immediate neighbors, we do --  
20 you know, we have had concerns about the design and  
21 construction, and they've been excellent about addressing  
22 those and touching base with us continuously throughout the



1 process to make sure that we are understanding their  
2 intentions and that our concerns are being addressed.

3 As mentioned before, they have undertaken smaller  
4 construction projects in the past. And they've been  
5 extremely respectful during that process. They've done  
6 everything in their power to mitigate impact on their  
7 neighbors, and we have no doubt that they would continue to  
8 do so in any future work that happens here.

9 And overall, they've been very accommodating and  
10 very forthcoming, which we appreciate. And as I and Kendra  
11 stated, the hardship here is real. This is extremely,  
12 extremely constrained as a site.

13 There are very few options available to them, and  
14 I think the one that they have chosen is really the only one  
15 available to them and needed for their family.

16 Thank you.

17 JIM MONTEVERDE: Thank you for calling in.

18 STEPHEN NATOLA: 617-719-8311.

19 HEATHER HOFFMAN: Hello. Heather Hoffman, 213  
20 Hurley Street. Well, interestingly, two cases ago was about  
21 creating an entire apartment in a basement, and this one has  
22 a basement. So I'm not 100 percent certain that it's

1 totally impossible.

2 But I would like to reiterate what I said in that  
3 other case. This is a dense neighborhood. And both of the  
4 cases tonight are coming from particularly dense parts of  
5 the neighborhood and people looking to add on. And I don't  
6 think that they've stated a hardship.

7 1,700 square feet is gigantic for East Cambridge.  
8 You know, and you look at the plans and they can say, "Well,  
9 yeah, we don't really have two living rooms and a family  
10 room. We're using that." But that is how they chose to  
11 label their plans.

12 I just think that what we have is people who would  
13 really like more, as many of us would, and so they're just  
14 trying to make you believe that they can't possibly manage.  
15 And yet our ancestors managed like families of 10 in spaces  
16 like this. And yes, it was crowded.

17 But I just think that we really need to remember  
18 that the standard for a variance is stringent for a good  
19 reason. And we shouldn't be so quick to toss it away  
20 because we don't -- we think that someone really deserves to  
21 have all this, even though they don't actually have a  
22 hardship.

1           So thank you.

2           JIM MONTEVERDE: Thank you for calling in.

3           STEPHEN NATOLA: Betty Saccoccio?

4           MARIE ELENA SACCOCCIO: Yeah, this is Marie  
5 Saccoccio -- we're sharing the computer -- 55 Otis Street.  
6 I'm actually opposed to this.

7           I think, you know, what is being presented really  
8 is an entire third floor. The triple dormer and the front  
9 façade really does -- is not compatible with the rest of the  
10 row. This is a very modest row.

11           I just can't imagine -- I have no idea what it's  
12 going to do, although they seem to have support from  
13 abutters, but I don't see -- you know, to -- not to harp  
14 back on the basis for a variance, but I thought it had to do  
15 with topography, you know, unique topography of a certain  
16 lot. And for some reason, the BZA has redefined it into  
17 something that I don't recognize as a lawyer.

18           I'm really disappointed tonight, to be honest with  
19 you. I would never approve this. This is way too big.  
20 This is incredibly dense area, and it's a very modest  
21 rowhouse. It'll completely destroy the look of it and the  
22 feel of it.

1 Thank you.

2 JIM MONTEVERDE: Thank you for your call. That's  
3 the end of people calling in. So I will close public  
4 commentary. Discussion from members of the Board?

5 WENDY LEISERSON: I have a question for you --

6 JIM MONTEVERDE: Yep.

7 WENDY LEISERSON: -- because we are not in the  
8 position to see the shadow study from the digital file.  
9 Have you -- can you speak to what you see on that?

10 JIM MONTEVERDE: Yep. One moment.

11 ADAM GLASSMAN: If it's helpful to know, the front  
12 of the house faces south. So that really minimizes the  
13 potential impact for shading, as it turns the corner, as it  
14 rises in the east just towards the courthouse and the  
15 shadows coming from that direction.

16 JIM MONTEVERDE: Yep.

17 ADAM GLASSMAN: Direct abutter in opposition are  
18 short and limited.

19 JIM MONTEVERDE: And Adam, do you have the solar  
20 studies in front of you I can refer to? I'm looking at the  
21 views you took from within the courtyard --

22 ADAM GLASSMAN: I do. Yeah. I mean, I don't know

1 if you have them also, but on each page, we have an existing

2 --

3 JIM MONTEVERDE: Yes.

4 ADAM GLASSMAN: -- shadow. And if opposed --

5 JIM MONTEVERDE: Mm-hm.

6 ADAM GLASSMAN: Yeah, okay.

7 JIM MONTEVERDE: Yep. So I'm looking at S2-101.

8 ADAM GLASSMAN: Yep.

9 JIM MONTEVERDE: It shows an existing summer  
10 shadow. I'm assuming the light gray tone is the proponent,  
11 is that correct? Or is that the --

12 ADAM GLASSMAN: Right, the -- yeah, correct. The  
13 solid -- we are looking -- the solid gray is our abutter.

14 JIM MONTEVERDE: Is the abutter.

15 ADAM GLASSMAN: Yep.

16 JIM MONTEVERDE: So this shows that summertime  
17 8:00 a.m. there's an existing shadow on the lower half of  
18 abutter, and once the proposed construction is done, there's  
19 more shadow across the back of the neighbor rising up to the  
20 top of their second floor for a width of a window and also  
21 covering one, two, of three windows.

22 So there's a -- there's more shadow in that --

1 that summertime at 8:00 a.m., summer at 8:30 it'll be the --  
2 just very similar.

3 ADAM GLASSMAN: By the time you get to 10 a.m.,  
4 you know --

5 JIM MONTEVERDE: Yep, that's where I'm going --

6 ADAM GLASSMAN: -- many of these shadows are gone.

7 JIM MONTEVERDE: Yep. So as the sun rises, as  
8 Adam is saying, by 10 o'clock the existing and the proposed  
9 are really for all intent equal, and then same thing for  
10 obviously 11 and noon the sun is dead overhead. In fall at  
11 8:00 a.m. the neighbor has a bit of sunlight on their second  
12 floor, and most of that is gone with the proposal  
13 constructed.

14 Same at 9:00 a.m.; their second floor is getting  
15 some sunlight, and that is blocked in the proposed. Same at  
16 10 a.m., there's sunlight on approximately half of the  
17 façade, kind of diagonally in half, and that is mostly  
18 blocked by the new proposal -- the proposal.

19 11:00 a.m. there's -- again the same diagonally  
20 approximately half of the existing façade of the neighbor is  
21 in sunlight and that gets cut down about in half with the  
22 proposed construction. So yeah, by wintertime everybody's

1 always in shadow in the wintertime. So that's the same.

2 No, I'm sorry. Looking at some of these at 8:00  
3 a.m., 9:00 a.m. in the existing, the neighbor gets similar  
4 to what happened before in the fall, they have in their  
5 second-floor windows, and that's all shaded in the proposed.  
6 And that's springtime at 10:00 a.m.

7 So there's definitely a shadow impact earlier in  
8 the morning into midday that the neighbor, abutting neighbor  
9 is probably half in shadow most of the time.

10 And with the new construction, they will be at  
11 some times of the day fully in shut down.

12 So there's definitely an impact for certain times  
13 of the day. That's the best I can summarize it without  
14 being able to show it to you.

15 WENDY LEISERSON: Thank you. Can you speak to the  
16 dormer issue, Jim? Your opinion, the size of the dormer?

17 JIM MONTEVERDE: Oh, you're asking me? Yeah. I  
18 mean, my sense is just looking at the photo, and looking at  
19 the request, the plans, and understanding the Dormer  
20 Guidelines say that it's 15' max and that's what's being  
21 proposed, I was just hoping that this one could be a little  
22 more in keeping a) with the scale of the façade, the

1 building itself, and with what the neighbors have done.

2 And again, as Adam said, they're a couple  
3 different sizes, but they're all -- they appear to be well  
4 under 15'. So I was looking for some -- see if there was  
5 any flexibility that the dormer could be done otherwise, if  
6 there was an option that they could be frankly a bit smaller  
7 -- less wide -- to be -- that character.

8 ADAM GLASSMAN: Jim, could you look at page --

9 JIM MONTEVERDE: Let me --

10 ADAM GLASSMAN: -- A0.1.

11 JIM MONTEVERDE: Yeah. Let me finish. Let me  
12 just finish the discussion here. So at the moment, and I  
13 wanted to pursue the question about the hardship and about  
14 the condition of the basement, but I'm not favoring the  
15 scheme. And I don't want squash all of this just for the  
16 one dormer, but I'm looking for some flexibility here for  
17 what I'm seeing is -- and I'm agreeing it doesn't need to  
18 match the neighbors, but more in keeping with and in scale  
19 with -- I understand this isn't an architectural review, but  
20 I think it does have an impact on the neighborhood, as some  
21 of neighbors have said.

22 ADAM GLASSMAN: I mean, if we could talk the front



1 dormer in this view, you know, unlike our abutter dormers,  
2 the other dormers on the street, we are pulled back from the  
3 side of the house, which definitely is much more appropriate  
4 in terms of scale.

5           If we did a -- I think these gabled dormers that  
6 are pulled to the front of the house look much more vertical  
7 and top-heavy than these symmetrical, recessed shed dormers.  
8 I mean, this looks like a dormer that won, you know, that  
9 was really designed.

10           JIM MONTEVERDE: Hey, I understood your point  
11 before and heard it before. I'm still saying I'm concerned  
12 about the overall width of the dormer on that façade.

13           ADAM GLASSMAN: I think we're open. We're  
14 definitely flexible to make it shorter, Jim, if that's what  
15 you need to be a yay vote.

16           JIM MONTEVERDE: Yeah, that's what I'm stuck on.

17           STEVEN NG: On the front dormer, I think I don't  
18 mind the shed concept, and going to the ridge I think is in  
19 the guidelines. But if Adam and the proponents are willing  
20 to meet that 3'6" I -- you know, they're fine well within  
21 the guidelines if they can get that 3'6" off the edge  
22 dimension on either side and just go to the ridge.

1           ADAM GLASSMAN: I would say that we could meet  
2 that. I mean, typically that guideline is really talking  
3 about corners, edges of buildings. And as we are a rowhome,  
4 that condition doesn't really exist here. We are pulled in  
5 2'10" from either side, which kind of seems appropriate for  
6 the size of the building.

7           It just -- visually this 15' dormer seems to fit  
8 the width of their unit, but if to get this through the  
9 Board you need us to pull it back to 3' on either side, we  
10 could definitely do that.

11          JIM MONTEVERDE: Yeah, and I'm just trying to look  
12 at the dormer again, understanding what the Guidelines say  
13 and what the minimums and maximums are. I'm just trying to  
14 look at it in context of the scale that -- we've seen it on  
15 other structures where there's, you know, considerably more  
16 roof than what's here and that 15' guideline works  
17 comfortably.

18          In this one, it just seems to be out of context  
19 and not quite -- again -- as seeing what's adjacent with the  
20 neighbor. So.

21          ADAM GLASSMAN: Well, we could make it -- we could  
22 reduce the width, Jim. I mean, we'll do that.

1           JIM MONTEVERDE:  Yep.  No, I heard you.  I think  
2 that would be good.  Thank you.

3           Wendy, did we interrupt you?  You asked the  
4 question there before.  Did we answer it or?

5           WENDY LEISERSON:  No.  Yes, you've answered it.  I  
6 wanted to hear more about what you had to ask about their  
7 say about the basement and hardship issues you were about to  
8 raise?

9           JIM MONTEVERDE:  Yep.  Okay.  Wendy, do you have  
10 anything else to ask?  Any other discussion, Wendy?

11          WENDY LEISERSON:  No, no, I don't.

12          JIM MONTEVERDE:  Okay.  I don't want to monopolize  
13 this.  Tom?

14          THOMAS MILLER:  I'll just say briefly that I would  
15 support the project as proposed as far as the dormer goes.  
16 I think that Mr. Glassman's point about the unique situation  
17 where these are connected rowhomes so that the visual effect  
18 from the street is somewhat different than the case when  
19 these were detached houses with a dormer that dominated the  
20 width to this extent.

21                 So the dormer doesn't bother me.  I think this is  
22 in the spirit of the Guidelines, if not the letter.

1           JIM MONTEVERDE: Thank you. Virginia, any  
2 comments? Any discussion?

3           VIRGINIA KEESLER: I'll echo what Wendy said, that  
4 I'm interested to hear more thoughts sort of in the  
5 direction you were going, Jim.

6           JIM MONTEVERDE: Okay. Steven, anything else?

7           STEVEN NG: Yeah. I want to definitely dive into  
8 that hardship topic.

9           JIM MONTEVERDE: Yeah.

10          Adam, could you repeat, just to follow up on that?

11          ADAM GLASSMAN: Sure.

12          JIM MONTEVERDE: I think you made a statement and  
13 I want to understand it about the basement and why that --  
14 the current basement could not be used, improved for living  
15 space.

16          ADAM GLASSMAN: Sure. Well --

17          JIM MONTEVERDE: Did I misunderstand you?

18          ADAM GLASSMAN: I mean, as some of you may know,  
19 East Cambridge is built over basically marshland.

20          JIM MONTEVERDE: Yep.

21          ADAM GLASSMAN: The water table is very high. DPW  
22 discourages basement conversions in East Cambridge in the

1 strongest possible terms. The basement height is 6'7".

2 We'd have to excavate. I'm not sure how we even physically  
3 do that, how we'd get the soil removed on this kind of lot.

4 You know, if anyone -- you know, if there's  
5 anything that could, you know, cause structural implications  
6 for our abutters, it would be messing with the foundation  
7 walls and kind of bad soil that we have down there.

8 We wouldn't be able to get any window wells in the  
9 front. I'm not sure we would be able to get any in the  
10 back, a real limit of natural light.

11 But the water table is really the biggest obstacle  
12 here. I mean, if you dig down, you'll find oyster shells.

13 JIM MONTEVERDE: Yeah. No. Thank you. That's  
14 what I thought I heard. To me, that presented -- you know,  
15 from member of the Board that presented the stronger  
16 hardship than, you know, the description that's filed about,  
17 you know, the growing family needing more space, it's a  
18 workers cottage, et cetera.

19 Not being able to go into the basement kind of  
20 forces it up, and then you've got to deal with how do you  
21 get usable space up there. So I kind of followed that  
22 discussion that Adam just presented about not being able to

1 use the basement is really the hardship, or part of it, and  
2 causing the addition to be up above.

3 Still, I'd like to, Adam, get your sense of a less  
4 wide dormer that I could be comfortable with so I could  
5 support it. Because I'm on board with all the other bits  
6 and pieces of it.

7 ADAM GLASSMAN: I mean, could I --

8 JIM MONTEVERDE: I can't tell from the drawings --  
9 well, you said it's a 15' wide dormer.

10 ADAM GLASSMAN: Yeah, I mean, I mean --

11 JIM MONTEVERDE: Right?

12 ADAM GLASSMAN: -- I don't know, Jim, like, just  
13 looking at this image, it seems to sit nicely on the roof.  
14 And again, it's set back. It's definitely -- I mean, while  
15 it doesn't match the other dormers, it's definitely more --  
16 it's more in scale with the kind of structure that it's on.

17 I mean, it's -- hierarchically, it's much smaller  
18 than our neighbors with these gables that come right up to  
19 the face of the building. It makes these look top heavy.

20 Yeah, if you want us to reduce it to, like, a 13'  
21 dormer, I guess, you know, we could do that.

22 STEVEN NG: This is Steve.

1 ADAM GLASSMAN: I mean, I'd like to hear of other  
2 Board members. Like, I mean, briefly I'd like to know --

3 STEVEN NG: Yeah.

4 JIM MONTEVERDE: Yeah.

5 ADAM GLASSMAN: -- if we have the support for the  
6 15' dormer before I start giving their, you know, their  
7 house away.

8 STEVEN NG: Yeah, this is Steve Ng.

9 JIM MONTEVERDE: Yep.

10 STEVEN NG: I think that I was just about to ask  
11 that. I did offer my suggestion to kind of serve as a way  
12 to kind of get you something there. But nice to hear  
13 Thomas, you know, Thomas agreeing with the current proposed  
14 design. But I'd like to hear fellow Board members, their  
15 thoughts on that dormer width.

16 JIM MONTEVERDE: Yeah. Steven, if I'm reading, if  
17 it's 3'6" on each side, 7' setback in total, if I'm reading  
18 the cover sheet correctly, each lot, if I'm reading it  
19 correctly, is 20' wide.

20 STEVEN NG: Correct.

21 JIM MONTEVERDE: It's a 13' dormer.

22 ADAM GLASSMAN: I could do that.

1           JIM MONTEVERDE: Happy. So that's where I could  
2 be more comfortable. Members of the Board, anybody else on  
3 board? Anybody else have any concern or -- no? Okay.  
4 Well, you have my support. If we have a 13' dormer and, you  
5 know, 3 and a half feet in on both sides. If it's --

6           ADAM GLASSMAN: I think we can agree to that.

7           JIM MONTEVERDE: Okay.

8           WENDY LEISERSON: I think I -- I mean, the design  
9 is attractive. I would feel more comfortable voting if I  
10 could actually see the shadow study. I think that's, I'm  
11 still hesitant about that. That's where I am.

12          STEVEN NG: I agree with that. I'd like to see  
13 it. But Adam, when you modeled the shadow, did you have the  
14 railing as part of that in the middle?

15          ADAM GLASSMAN: We did. We did. And you can see  
16 it. In some of those studies you can see it. I mean, I --  
17 if -- I don't know if Jim can pass it around, but you can  
18 see that the railing is caught in, you know, one of those  
19 views that I can think of.

20          JIM MONTEVERDE: Most members aren't present, so I  
21 can't --

22          ADAM GLASSMAN: Oh, right. I mean, we could make



1 it a cable railing, and that would -- you know, that would  
2 get rid of that impact.

3 STEVEN NG: Right there. Perfect.

4 JIM MONTEVERDE: Well, Wendy, truthfully, in order  
5 to see the shadow study and have the time to look through it  
6 and digest it and understand it, we'd have to continue. And  
7 --

8 STEVEN NG: Yeah.

9 JIM MONTEVERDE: -- get that scanned and available  
10 to everyone to study, look at and come to their conclusions.  
11 Excuse me one second.

12 WENDY LEISERSON: Why don't we take a straw poll?  
13 I mean, the others on the Board can say where -- if they're  
14 ready for a motion, then I won't hold it up unilaterally.  
15 So.

16 JIM MONTEVERDE: Sorry. Could you say that again,  
17 Wendy? I was consulting with Staff to just confirm that the  
18 shadow study isn't somewhere tucked away in the electronic  
19 file that we can bring it up.

20 WENDY LEISERSON: Oh, okay. I said I'd like to  
21 know if the other members of the Board are ready for a  
22 motion.

1           JIM MONTEVERDE: Well, I think I heard Steven  
2 asking for the shadow study as well. Is that correct?

3           STEVEN NG: I would say it's more just for fellow  
4 Board members. You know, I mean, I see the site plan  
5 orientation, and with your description I get a good feel for  
6 what you were describing.

7           JIM MONTEVERDE: Yeah.

8           THOMAS MILLER: I'll say I'm happy to rely on the  
9 able summary of the study given to us by the Chair.

10          JIM MONTEVERDE: Yeah. Just to repeat in summary,  
11 there are shadows in the back yards existing -- significant  
12 ones. They become a bit more significant in certain seasons  
13 -- early in the morning where part of the façade of the  
14 neighbor that was half in shadow is now fully in shadow. It  
15 happens.

16          And as Adam said, the building's front face is  
17 facing south, I believe. So that's fully in sunlight.  
18 Obviously, nothing of concern there, but in the courtyards,  
19 the back yards there's definitely shadow increase there in  
20 certain seasons, just what you expect. Wintertime. That's  
21 the best I can describe it without you being able to see it  
22 and sort through it yourself.

1           So do members want to see this shadow study and go  
2 through it themselves, or are you comfortable with a motion?  
3 Anyone?

4           THOMAS MILLER: Comfortable with a motion.

5           STEVEN NG: Comfortable with a motion.

6           JIM MONTEVERDE: Motion?

7           WENDY LEISERSON: Comfortable with a motion.

8           JIM MONTEVERDE: Okay. All right. The Chair  
9 makes a motion to grant relief from the requirements of the  
10 Ordinance under Sections -- and let me see if I can get this  
11 right -- under Sections 5.31 for the Dimensional Form, and  
12 that's based on the new increased gross square footage, the  
13 increase in the GFA, that's the major change. The rest stay  
14 the same; and Section 8.22.3 for a Nonconforming Structure  
15 and 10.30 for a variance.

16           And let me go through those.

17           A literal enforcement of the provisions of the  
18 Ordinance would involve a substantial hardship, financial or  
19 otherwise to the petitioner or appellant. I'll certainly  
20 take the discussion about the growing family and the need  
21 for the additional space and not being able to go in the  
22 basement because of the soil and water condition, which is

1 really the next topic, and therefore having to go up.

2           The second condition is the hardship is owing to  
3 circumstances relating to soil conditions and topography,  
4 and it's really the soil conditions and the water table.

5 And that's what drives us -- the expansion schemes to be up  
6 above and not being able to go down below.

7           And desirable relief may be granted without either  
8 substantial detriment to the public good. I believe that's  
9 correct -- nullifying or substantially derogating from the  
10 intent or purpose of this Ordinance. And I believe that's  
11 correct.

12           So I believe the conditions, all of the following  
13 for Section 10.31 are met.

14           On the condition that the work proposed conforms  
15 to the drawings entitled "141 Otis Street," prepared by GCD  
16 Architects, dated January 04, 2024, initialed and dated by  
17 the Chair.

18           Further, we incorporate the supporting statements  
19 and dimensional forms submitted as part of the application.  
20 And further that the variance is granted incorporating the  
21 following conditions. And that condition is that the dormer  
22 will be held back from their -- its side property lines by

1 3.5', resulting in a dormer that is 13' wide.

2 For that, a voice vote by the members, please?

3 Tom?

4 THOMAS MILLER: In favor.

5 JIM MONTEVERDE: Wendy?

6 WENDY LEISERSON: Wendy Leiserson in favor.

7 JIM MONTEVERDE: Thank you. Steven?

8 STEVEN NG: In favor.

9 JIM MONTEVERDE: Thank you. Virginia?

10 VIRGINIA KEESLER: In favor.

11 JIM MONTEVERDE: Thank you. Jim Monteverde in  
12 favor.

13 [All vote YES]

14 JIM MONTEVERDE: That's unanimous and the relief  
15 is granted. Thank you for your flexibility, Adam.

16 ADAM GLASSMAN: Thank you, Mr. Chair, and members  
17 of the Board. Have a good evening.

18 PAUL DIXON: Thank you so much.

19 JIM MONTEVERDE: Thank you.

20

21

22

1 \* \* \* \* \*

2 (8:44 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia  
4 Keesler, Wendy Leiserson, and Thomas  
5 Miller

6 JIM MONTEVERDE: Next case is BZA-254334 -- 2154  
7 Mass Avenue. Thank you. Mr. Rafferty, are you back?

8 JAMES RAFFERTY: I am, Mr. Chair. Thank you.  
9 Good evening again. For the record, Attorney James  
10 Rafferty, on behalf of the applicant.

11 This is an application for special permit to allow  
12 for an animal services facility in a Business A-2 zoning  
13 district in North Cambridge on Mass Avenue. Its location is  
14 just in from the corner on Rindge Avenue, and for many years  
15 was the home of Rockler Woodworking and Hardware.

16 Present this evening for the hearing is the  
17 building's landlord owner, Charles Laverty and the Operator  
18 and Principle of RiverDog, Greg Kamstra, K-a-m-s-t-r-a.  
19 RiverDog -- and what's proposed here is what's often  
20 referred to as doggie daycare -- it's a facility that Mr.  
21 Kamstra will be happy to talk to the Board about, but it  
22 allows -- it operates a facility where dog owners drop off

1 their pets in the morning and pick them up in the evening.

2 This location will not have any overnight boarding  
3 at all. It is simply going to be a daytime operation.

4 RiverDog operates several of these locations in the area.

5 They're very popular with dog owners.

6 And it's also the case that in this special  
7 permit, there is a requirement, a footnote for this use in  
8 the Table of Uses that says it must -- that all animals must  
9 be kept indoors, and there would be no odors or noise  
10 emanating to adjacent lots.

11 And that is the -- that will be the case here.  
12 Certainly, all of the dogs will be indoors, but Mr. Kamstra  
13 can walk you through the operation of the facility. But all  
14 of the dogs will enter and exit through the front door.

15 The landlord has been actively involved in the  
16 selection of this tenant and being particularly attentive to  
17 the noise issues associated -- the potential noise issues.

18 As you might imagine, a landlord's interests are  
19 twofold. He has other tenants in this building, he's owned  
20 it for nearly 50 years. He's got a very successful hair  
21 salon, a beauty treatment facility. Neither of those  
22 tenancies want to experience any disruption.

1           So a list of measures has been proposed by Mr.  
2 Lavery around soundproofing. They're contained in a letter  
3 that we filed with the Board today, but they wouldn't --  
4 principally involved soundproofing of the windows through  
5 acoustical caulking, the introduction of acoustical foam,  
6 acoustical fiberglass insulation, and then closing off the  
7 windows with Mass Loaded Vinyl. Those windows will be  
8 sealed up by the landlord.

9           In addition, in the interior of the space, Mr.  
10 Kamstra will describe to you they're going to be -- RiverDog  
11 is going to be installing an interior wall, floor-to-ceiling  
12 wall that is intended to separate the area where the dogs  
13 will be from the rear portion of the facility.

14           So, but if the Board would indulge us, Mr. -- I  
15 think Kamstra can tell you a little bit about the operation.  
16 It is a Use Special Permit and compatibility with the  
17 surrounding uses is obviously an important criteria in the  
18 special permit consideration by the Board.

19           And Mr. Kamstra has experience with these  
20 operations adjoining retail and residential areas.

21           So if Mr. Kamstra could address the Board on these  
22 issues?



1 GREG KAMSTRA: Can everybody hear me?

2 JAMES RAFFERTY: Yes.

3 GREG KAMSTRA: Hi, everyone. Yes. I'm happy to  
4 address any sort of operational questions. As Mr. Rafferty  
5 was saying, you are --

6 JIM MONTEVERDE: Just introduce yourself for the  
7 transcriber, please?

8 GREG KAMSTRA: Oh, sure. My name is Greg Kamstra.  
9 I'm the CEO of RiverDog Daycare.

10 JIM MONTEVERDE: Thank you.

11 GREG KAMSTRA: We operate dog daycares in the  
12 North Boston area, so we have a unit in Somerville, Malden,  
13 Melrose, and Peabody currently. And yeah, we're -- we have  
14 a number of customers in Cambridge. We're very excited  
15 about the space. But we're also very cognizant of being  
16 good neighbors. We think we are good neighbors everywhere,  
17 and we want to be. And we're very cognizant of the noise  
18 and making sure that we do not create a noise issue, both  
19 for the -- you know, adjacent businesses, as well as for any  
20 abutters.

21 JAMES RAFFERTY: And then -- and Mr. Laverty is  
22 present, and perhaps he could inform the Board of the

1 mitigation measures he intends to implement in the building  
2 to address noise concerns.

3 [Pause]

4 Mr. Lavery?

5 JIM MONTEVERDE: I think, Mr. Rafferty, can you  
6 just --

7 JAMES RAFFERTY: Can Mr. Lavery unmute himself?

8 JIM MONTEVERDE: Mr. Rafferty, you just did that,  
9 didn't you? You went through the windows that will be  
10 sealed, how they'll be sealed, the partition on the interior  
11 that will separate where the dogs are located, correct?

12 JAMES RAFFERTY: Yes, Mr. Chair. You are correct.  
13 I did summarize that, but --

14 CHARLES LAVERTY: Can you hear me now?

15 JIM MONTEVERDE: Yep. Just introduce yourself,  
16 please.

17 CHARLES LAVERTY: Charles Lavery, Trustee of the  
18 Lavery Real Estate and Trust, Owner, and Manager of the  
19 property for the past 40 years.

20 I totally vetted RiverDog, visited their  
21 facilities, and my main concern as the neighbors for the  
22 abutters is noise.

1           So we have spent some time to make sure that we  
2 will close out the windows acoustically so there will be no  
3 sound, plus the fact the tenant is also going to put up a  
4 barrier wall between the exterior wall of the building from  
5 ceiling, from the floor to the ceiling, and that will be  
6 insulated.

7           My main -- one of my concerns is the existing  
8 tenants on either side. And we have in the lease a clause  
9 that if there is any problem with the noise, we will also  
10 soundproof the walls of the abutting tenants.

11           So we intend to create a space that's totally  
12 soundproof, that's going to benefit the area, but for dog  
13 daycare.

14           JIM MONTEVERDE: Thank you.

15           JAMES RAFFERTY: That would be the extent of our  
16 presentation, Mr. Chair.

17           JIM MONTEVERDE: Okay. Thank you. Any questions  
18 from members of the Board? If you -- I don't think you've  
19 seen the letter that both Mr. Rafferty and Mr. Laverty  
20 referred to. It's in the file. It just came in to the file  
21 today.

22           And it does run through exactly what they talked

1 about, closing up the approximately 10 windows at the rear  
2 of the facility and installing acoustical cork foam,  
3 fiberglass insulation, and/or foam padding internally and be  
4 closed off with a Mass Loaded Vinyl.

5 And then also that the tenant will be installing  
6 the floor-to-ceiling barrier, just what they described. So  
7 that's all in a letter to us from Charles Laverty to  
8 describe that.

9 JAMES RAFFERTY: Mr. Chair, it is the case that if  
10 the Board were to act favorably upon the application, the  
11 applicant is willing to accept all of those items contained  
12 in Mr. Laverty's letter as a condition of the special  
13 permit.

14 JIM MONTEVERDE: Yes. Thank you. That's what I  
15 would propose. Any questions from members of the Board? If  
16 not, let me summarize the correspondence we have in the  
17 file.

18 As I said, we have a letter from Charles Laverty,  
19 today, February 8. This is outlining the measures they'll  
20 take to -- it says soundproof, but acoustically isolate the  
21 facility from the neighbors and windows and then the  
22 partition within the building, just what Mr. Laverty

1 described.

2 We then have someone -- this person doesn't want  
3 to be identified. This came in today. They oppose the  
4 permit. Unclear what is being proposed. I think you've  
5 cleared that up. It is a dog care center. The dogs are not  
6 boarded. Correct?

7 JAMES RAFFERTY: Correct.

8 JIM MONTEVERDE: Yeah. So I think that's all  
9 clear. They're concerned with the noise, which I think is  
10 similar to what the other five letters that I've recorded in  
11 here talk about. But I think you've addressed that.

12 Adam Ried from today, this morning concerned about  
13 the noise of the barking dogs. That is their concern.

14 Mr. Rafferty, that's one from you, same one.  
15 Another letter from Charles Laverty about noise and odors.

16 February 1, a Jonna Meyler from 4 Warwick Place,  
17 in opposition. They are concerned about constant loud noise  
18 from barking dogs. Susan Adams, February 4, live at 3  
19 Warwick Park. Very concerned about noise.

20 Robert and Adalicia Roth, opposed to the noise.  
21 Don't believe this is an appropriate use for this building.

22 And then one from Elisa Bronfman, 5 Warwick Place.

1 And their concern is the noise. However, this one ends,  
2 "Please do as much research as you can before permitting  
3 this petition." And I think -- my personal opinion --  
4 that's what Mr. Lavery has presented.

5 Another one, January 26, from Theresa Fritzler, in  
6 opposition. This is about noise through the back windows.  
7 I think you've addressed that.

8 Belinda Morse, January 29, strongly oppose; the  
9 issue is noise.

10 And those are the letters that are in the file, in  
11 summary. Let's see if anyone wants to call in.

12 Anyone calling in? Yes, we do.

13 STEPHEN NATOLA: Rachel Barker.

14 RACHEL BARKER: Good evening. This is Rachel  
15 Barker. I live and also work at 11 Pemberton, which is  
16 right around the corner from the building in question. I  
17 also have a back yard that abuts the parking lot.

18 And just wanted someone to address any -- I  
19 understand you've talked about the inside noise, just I did  
20 have a concern about also that parking area, if that was to  
21 be used for, you know, pickup and drop-off of dogs, there  
22 would be some additional noise created from that.

1           And I also -- you talked about mitigation of  
2 noise, but there is also a provision about odors.

3           And obviously there's a difference between  
4 Rocklers throwing away building materials and cardboard  
5 boxes and the waste produced by a dog daycare center. So if  
6 those could be addressed, I'd appreciate it.

7           JIM MONTEVERDE: Thank you.

8           Mr. Rafferty, can you respond to any of those?

9           JAMES RAFFERTY: Yes. On the question of the  
10 parking lot, the parking lot will not be for customer  
11 parking. It will be for employees only. And it will also  
12 be the case that all customers and their dogs will enter and  
13 exit from the Mass Avenue side of the building. That's a  
14 commitment that Mr. Kamstra made operationally.

15           And Mr. Kamstra can go on at great length about  
16 odor mitigation. There is a full protocol that they employ  
17 if the Board wants him to share a bit of that. I'm sure  
18 that --

19           JIM MONTEVERDE: I think if that could be  
20 summarized for the caller, that would be helpful. Just to  
21 indicate how it's addressed.

22           CHARLES LAVERTY: Sure.

1           JIM MONTEVERDE: Or that it is addressed.

2           CHARLES LAVERTY: Yes, absolutely. I'm happy to.  
3 I would say, you know, having shared -- and we have a  
4 variety of rotating veterinary cleaners that we use --  
5 everything, floors and walls are sealed and used, you know,  
6 kind of industry protocol materials to make sure they're  
7 fully, you know, cleanable.

8           And in terms of waste, that's actually dog waste,  
9 the way it's addressed is there's a poop bag that's tied  
10 off. It goes into what -- you know, effective a Diaper  
11 Genie type thing that is tied off.

12           And that -- at that point there's really no smell  
13 emanating from it. But then it goes in an industrial grade  
14 trash bag, which is tied off before being put into a sealed  
15 waste container for pickup.

16           And so, you know, I have a young daughter, I have  
17 diapers also. I would say there's less smell emanating from  
18 a bag coming from us versus, you know, even my household  
19 trash. And we do take that very seriously.

20           And so, you know, we feel very confident, and have  
21 experience that our trash does not smell and will not create  
22 any kind of a nuisance for neighbors.



1           JIM MONTEVERDE: All right. Thank you. Anyone  
2 else calling in?

3           STEPHEN NATOLA: P. Grewal?

4           UNIDENTIFIED SPEAKER: Hello. Can you hear me?

5           JIM MONTEVERDE: Yes. Can you introduce yourself,  
6 please?

7           PAM GREWAL: Yes. Hello. My name is Pam Grewal,  
8 and I live at 5 Warwick Park. The back of my house abuts  
9 the said property. I think similar to everyone I'm  
10 concerned about the noise, especially people working from  
11 home.

12           I heard all the discussion about sealing the  
13 property. Are they really never going to open the windows?  
14 That's a query I have. It sounded like they were going to  
15 be sealed shut, so.

16           JIM MONTEVERDE: That's what the -- let me see,  
17 I'm reading this. Yeah, they're going to be soundproofed.  
18 They're going to be caulked, foam, fiberglass insulation.  
19 So yes, they will be sealed.

20           PAM GREWAL: And if there is noise, is there,  
21 like, something the neighbors can do? Will the place be  
22 shut down, revisited, will this be reassessed?

1           JIM MONTEVERDE: I don't know what -- what would  
2 the remedy be if there is noise?

3           JAMES RAFFERTY: Well, Mr. Chair, if it's  
4 suggested -- If it's a condition of the special permit and  
5 it's -- the applicant is -- operator is in violation of a  
6 condition, the first place to complain is with the ISD.

7           JIM MONTEVERDE: Yeah. Agreed. And I -- it'll  
8 certainly be a condition of the motion. So that will be  
9 your route if there are any complaints is back to ISD, the  
10 Inspectional Services Department.

11           I'm sorry?

12           PAM GREWAL: Okay. Thank you. I just want to  
13 know there was something in place.

14           JIM MONTEVERDE: Yeah.

15           PAM GREWAL: But I do oppose.

16           JIM MONTEVERDE: Understood.

17           PAM GREWAL: Thank you.

18           JIM MONTEVERDE: Thank you for your comment.

19           Anyone else?

20           STEPHEN NATOLA: Michael Anthony.

21           LAURA ANTHONY: Hi. My name is Laura Anthony and  
22 I'm here with my husband, Michael. We are at 2130 Mass Ave,

1 a 33-unit apartment building that has small children and  
2 elderly living at it.

3 We have a large back yard and green space that is  
4 visible from the street and less than 50 feet from the  
5 proposed place.

6 We've heard a lot of the feedback about the dog  
7 noise and the dog waste health concerns, but people in our  
8 building are most concerned about if owners are walking  
9 their dogs, picking them up, dropping them off. Maybe they  
10 see the green spaces and think it's a place where their dog  
11 could relieve themselves or walk off leash for a moment.

12 That if we had children in the back or possibly  
13 elderly people and a dog lunged or attacked or maimed one of  
14 them that it would bring a nuisance and hazard into the  
15 community.

16 What is the day camp doing to keep the community  
17 safe and prevent any dangerous situations?

18 JIM MONTEVERDE: Thank you for your question.  
19 Would the proponent like to respond or Mr. Rafferty?

20 JAMES RAFFERTY: I'd let Mr. Kamstra, the dog  
21 authority speak.

22 JIM MONTEVERDE: Yep.

1 CHARLES LAVERTY: Yes, absolutely. So I'd love to  
2 respond to that. One, we can definitely work with all of  
3 our clients, anybody coming to the facility and let them  
4 know that the yard is private. Of course, we can do things  
5 like that.

6 In terms of what we're doing in the community to  
7 keep dogs safe, I would say, you know, there's a large need  
8 for our services. There are a lot of dogs in Cambridge  
9 already, and the existence of our business doesn't affect  
10 those dogs.

11 If anything, dog daycares are a more affordable  
12 and a good way to exercise your dog and get dog care during  
13 the day when somebody might be working.

14 And the alternative typically is somebody getting  
15 a Rover walk a couple times a day for 15 minutes and, you  
16 know, that can be anybody.

17 There are some amazing Rovers in Cambridge and  
18 there are some that I think maybe are less trained and more  
19 likely to use a private yard or to not be -- you know, to be  
20 with a dog that they don't know well, and to not be able to  
21 control that dog.

22 And so, for us, we feel like our entire team,

1 we're trained professionals. We care deeply about the dogs  
2 in our care. We work with owners to get those dogs trained  
3 and to improve the dogs' handling. And we definitely do not  
4 want a situation where we're causing a nuisance in that part  
5 as well.

6 And so, you know, and I think the people that use  
7 our services tend to be very responsible dog owners, dog  
8 owners who want to take good care of their dogs, get the  
9 dogs exercised in a way that's, you know, appropriate for  
10 the community.

11 Because obviously there's not -- there are some  
12 great spaces in Cambridge to exercise the dogs, but they're  
13 not everywhere.

14 And so, you know, I think that's what we're doing  
15 to help keep dogs safe and help make sure that those issues  
16 are -- yeah.

17 JIM MONTEVERDE: Okay. Thank you. Thank you for  
18 your response.

19 Anyone else? That's everyone calling in. So I  
20 will close public testimony. Any discussion among members  
21 of the Board?

22 VIRGINIA KEESLER: I found the responses to be

1 very thorough and satisfactory.

2 JIM MONTEVERDE: Thank you. Anyone else for  
3 discussion? This is -- sorry, go ahead.

4 WENDY LEISERSON: I was just going to concur with  
5 Virginia and also say that I think the City has already in  
6 its Section 20 -- has already specifically anticipated that  
7 the kennel would be one of the issues in the -- one of the  
8 businesses brought into the Mass Ave Overlay District.

9 So I think that since the City has already  
10 considered that, that's something that we should also weigh  
11 in favor of this proposal.

12 JIM MONTEVERDE: Thank you. And as we go to the  
13 motion, I will offer that the conditions, or condition to  
14 the motion, will be the content of the letter from Charles  
15 Lavery dated today, addressed to the Board, that talks  
16 about the sound mitigation efforts they will employ at the  
17 facility, and that obviously the intent of that is to  
18 mitigate but take care of any of the concerns that the  
19 adjacent neighbors have for the noise from the dogs, if  
20 that's acceptable to everyone.

21 Any other discussion, or are we ready for a  
22 motion?

1 STEVEN NG: I think we're ready.

2 JIM MONTEVERDE: All right. The Chair makes a  
3 motion to grant relief from the requirements of the  
4 Ordinance under Sections 4.35.1, Animal Services Facility  
5 and Section 10.40 for a Special Permit. And that criteria,  
6 again, is:

7 a) It appears that the requirements of the  
8 Ordinance cannot or will not be met. That's correct.

9 b) Traffic generated or patterns of access or  
10 egress would congestion or hazard. No.

11 c) The continued operation of or the development  
12 of the adjacent uses would be adversely affected. No.

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

15 e) For other reasons, the proposed use would  
16 impair the integrity of the district or adjoining district.  
17 I think not.

18 So, and therefore it meets all the criteria of  
19 Sections 10.43 for a special permit.

20 On the condition that the work -- are there  
21 drawings here?

22 JAMES RAFFERTY: No. It's really a Use Special

1 Permit, Mr. Chair. I think --

2 JIM MONTEVERDE: Yeah.

3 JAMES RAFFERTY: -- there's a floor plan. But  
4 they're --

5 JIM MONTEVERDE: -- there are some sketches, but  
6 yep.

7 JAMES RAFFERTY: Yes.

8 JIM MONTEVERDE: So it would not conform to any  
9 drawings, none entitled, not dated. I can initial the  
10 application form if that's desirable, dated by the Chair.

11 Further, that we incorporate the supporting  
12 statements and dimensional forms submitted as part of the  
13 application.

14 And further that the special permit is granted  
15 incorporating the following conditions: And the conditions  
16 are the content of the correspondence from Charles Laverty,  
17 dated February 8, to this Board describing the sound  
18 mitigation efforts that they will take to allay the  
19 neighbors' concern of noise from the dogs.

20 On a voice vote, please, Virginia?

21 VIRGINIA KEESLER: In favor.

22 JIM MONTEVERDE: Thank you. Steven?



1 STEVEN NG: In favor.

2 JIM MONTEVERDE: Wendy?

3 WENDY LEISERSON: In favor.

4 JIM MONTEVERDE: Thank you. Tom?

5 THOMAS MILLER: In favor.

6 JIM MONTEVERDE: And Jim Monteverde in favor.

7 [All vote YES]

8 JIM MONTEVERDE: That's unanimous. Relief is  
9 granted. Thank you.

10 JAMES RAFFERTY: Thank you very much, Mr. Chair,  
11 members of the Board. Have a good evening.

12 CHARLES LAVERTY: Thank you.

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(9:07 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia  
Keesler, Wendy Leiserson, and Thomas  
Miller

JIM MONTEVERDE: Next case is BZA-250990 -- 2  
Alewife Park. The big restaurant. Is the proponent here,  
who wishes to speak? I think I saw Kevin Gaughan. Raise  
your hand? Are you with us?

ANTHONY GALUCCIO: Mr. Chair, Anthony Galluccio.

JIM MONTEVERDE: Anthony, how are you?

ANTHONY GALUCCIO: I'm well. Good evening. Thank  
you for recognizing me. I am lead Counsel on this. Just  
quickly intro my co-counsel, Kevin Gaughan, and Darren  
Baird, as well as our Project Manager Kim Thai, who's also  
an architect for IQHQ. And I'll lead the presentation.

Should I go ahead, Mr. Chair?

JIM MONTEVERDE: Go right ahead. Yeah, go right  
ahead.

ANTHONY GALUCCIO: Thank you. I'm happy to give  
Mr. Rafferty a break tonight. So I'm pleased to be here.

This is a -- hopefully will provide an interesting

1 break for you.

2           It's unique in that the zoning Section 17.32,  
3 which was the zoning passed, the enlarged part through  
4 community activism by the neighborhood in North Cambridge --  
5 Mr. Chair you will remember it, but -- back when there was  
6 development proposals at the W.R. Grace site in and around  
7 those parcels, the community put a moratorium in. I was  
8 actually on the City Council, so I remember it well.

9           And out of that moratorium came a rezoning. I  
10 wouldn't say that the zoning is exactly as everyone in the  
11 neighborhood wanted, but it generally met the goals of the  
12 community, which consolidated development and added a lot of  
13 protection around soil disturbance and environmental issues.

14           The reason it's relevant is out of that, there was  
15 some concern around box stores at the time, because there  
16 was a proposal for a large supermarket.

17           And I believe the legislative intent at the time  
18 -- and this is just giving you background -- was to prevent  
19 a big box store retail.

20           The zoning, which we found later on, limited a  
21 single retail establishment to 1,200 square feet. So  
22 although during the community process which we engaged in,

1 which was extremely lengthy -- two and a half years, and it  
2 was very productive, and we talked about a full-service  
3 restaurant and the community was really excited about it, we  
4 didn't realize that there was a limitation on the size of a  
5 single establishment retail or restaurant.

6 So actually, when we got our special permit  
7 approved, the Planning Board required 3,500 square feet of  
8 restaurant space. We later realized that we couldn't comply  
9 with that because of the 1,200 square-foot limitation. We  
10 couldn't comply with it in one location, which is what we  
11 showed the community during the process.

12 So we need a Use Variance for that provision,  
13 which limits us to 1,200 square feet. But the use is  
14 allowed and is consistent with Planning objectives.

15 And you may have seen the letter at January 31  
16 from the Planning Board saying that the use is consistent,  
17 and they actually pointed out they were very pleased to see  
18 a developer asking to do more retail within the site.

19 I have not heard any opposition from the  
20 community. In fact, I know we have a number of folks that  
21 are very supportive and excited to get a full-service  
22 restaurant.

1           The issue is we just -- you can't provide, you  
2 know, a two- or three-shift restaurant with the offerings  
3 that the community wants with a 1,200 square-foot  
4 establishment.

5           I did provide just for context -- thank you Steve,  
6 and I saw this was on the screen earlier -- I did provide  
7 just a picture of the development site, which isn't at issue  
8 tonight, but I did think it was important that you see the  
9 proposed location, because we are proposing this for a  
10 specific location.

11           For those of you familiar with this site, we have  
12 two existing buildings. If you're coming from Route 16,  
13 which would be looking at the screen to the left, the first  
14 two buildings were existing, and we're renovating those two.  
15 Those are under construction now, and that's where the  
16 proposed location would be for the restaurant.

17           It opens up to a pavilion which goes across the  
18 middle of the site, which was the subject of a lot of  
19 discussion from the community about activation and enjoyment  
20 by way of community use.

21           So I think that really does it. I don't want to  
22 belabor this. But it's somewhat unique, but -- again -- we

1 think it's noncontroversial, and we think it's consistent  
2 with the community has asked us to do.

3 JIM MONTEVERDE: Thank you. Could you touch on --  
4 and maybe elaborate on what you just said. If you think you  
5 covered it on the conditions for the variance, the hardship  
6 that we always have to deal with?

7 ANTHONY GALUCCIO: So yes, we do think it's a  
8 unique hardship in that what is intended by the zoning is  
9 not allowed to be delivered because of this single  
10 establishment limitation. Again, the use is allowed. There  
11 was no concern about restaurant.

12 And again, I'm reading into the legislative  
13 intent, so forgive me for taking that liberty, but we think  
14 the intent really was to prevent sort of box store retail.  
15 And a lot of thought wasn't given to that.

16 The hardship would be we can't deliver a full-  
17 service restaurant at that size. So we wouldn't be able to  
18 comply with either what the Planning Board asked us --  
19 envisioned, or what the community asked us to do.

20 So it would just be a critical loss in terms of  
21 activation for the site.

22 JIM MONTEVERDE: Okay. Thank you.

1           ANTHONY GALUCCIO: You're welcome.

2           JIM MONTEVERDE: Any questions from members of the  
3 Board? If not, I'll go through at my count we have five  
4 pieces of correspondence in favor and none in opposition.

5           We have Neheet Trivedi, 41 Magoun Street,  
6 yesterday, February 7, in support of the variances, saying  
7 there are virtually no restaurants or coffee shop options in  
8 this part of North Cambridge. Saviz Mowlavi, February 2,  
9 homeowner on Clifton Street. They're in support.

10           I'll come back to the Planning Board, Community  
11 Development. Lynne Lombardi, January 28. "I'm so grateful  
12 for the improvements that are being made and will love the  
13 idea of the restaurant on the first floor."

14           And then we have from the Planning Board dated  
15 January 31, I'll read most of this.

16           "The Board recommends granting a variance for the  
17 6,500 square foot proposed restaurant use in the existing  
18 building along with the attached staff report.

19           "The Board noted that retail uses are encouraged  
20 by the Planning Board's special permit. The retail use of  
21 the proposed size, though larger than what the SD-3 zoning  
22 permits, is consistent with the planning objectives for the

1 area, and with the Planning Board's approval of the larger  
2 project."

3 And then attached is the Staff Report from January  
4 17. "Staff have reviewed the proposal and do not have  
5 concerns about the size or location of the proposed retail  
6 use."

7 That is the correspondence we have in the file  
8 summarized. Let's see if anyone is calling in.

9 STEPHEN NATOLA: Eppa Rixey?

10 EPPA RIXEY: Hi there. My name is Eppa Rixey. I  
11 live at 126 Harvey Street, and I'm a member of the Alewife  
12 Study Group. I've been involved in the various community  
13 group meetings related to this project and just want to  
14 express my support.

15 I think the situation's pretty straightforward.  
16 There was a pretty widespread viewpoint that a larger retail  
17 component catering to the tenants, but also to the community  
18 around a restaurant would be a really great amenity for the  
19 community, and I think this zoning variance would help to  
20 accomplish that objective.

21 Thank you.

22 JIM MONTEVERDE: Thank you for calling in.



1           STEPHEN NATOLA: Lisa Birk?

2           LISA BIRK: Hi. My name is Lisa Birk. I live at  
3 20 Castle Park, about a block from this site. I can see it  
4 right now.

5           Anthony's exactly right. I was a participant in  
6 the zoning -- the downzoning of this site, and we did not  
7 want big box stores here with the assigned parking and  
8 traffic nightmare, as well as a whole bunch of other things.

9           This use, however, is terrific. And I think IQHQ  
10 has been very thoughtful in their siting of it. It is on  
11 the promenade, so that it is purposely in compliance with  
12 the zoning as I recall it.

13           There is no signage or windows on Whittemore  
14 Avenue. So this is very likely to be a walk-in traffic  
15 restaurant for the workers and for those of us who live  
16 nearby. This is a kind of a blank spot in terms of dining  
17 options. You've got to go up Mass Ave a ways or over to  
18 Arlington or Davis Square or up the Alewife Reservation.

19           So this is a very welcome addition to the  
20 neighborhood. Thank you so much.

21           JIM MONTEVERDE: Thank you for your comments.

22           STEPHEN NATOLA: Mike Nakagawa?

1           MIKE NAKAGAWA: Hi. This is Mike Nakagawa, 51  
2 Madison Avenue. I live about 150 feet from the construction  
3 zone that's currently happening. And I can see the  
4 buildings going up as I look out my window when I work.

5           I -- as other people have said, there's not a lot  
6 of like amenities in the area. There's very few things that  
7 you can walk to at this part of town.

8           An advantage that hasn't been mentioned is on the  
9 IQHQ property, like, right in the middle, is the head house  
10 for the Alewife T station, which will help bring -- it's  
11 like another source of people to come to be able to support  
12 a restaurant in this area in addition to being right by  
13 Route 2, 3, and 16, where they all converge.

14           So there's enough other support for people on  
15 their way home, they can stop in. There's a parking garage  
16 on the site, so if that's used, that could all support  
17 having a restaurant that could be viable in this area.

18           And so, it would be a great addition to have  
19 something like that in the area and a larger one beyond what  
20 the existing zoning is 1,200 square feet is pretty small for  
21 a restaurant.

22           So I think that would be a good benefit for the

1 neighborhood that could be long-lasting also.

2 Thank you.

3 JIM MONTEVERDE: Thank you. Thank you for calling  
4 in. And that is the end of the public commentary. I'll  
5 close public testimony. Any discussion among members of the  
6 Board?

7 Let me offer one thing. I think this is unique.  
8 This is the only one I've seen that has such a unique  
9 requirement -- not requirement, but condition for the  
10 variance for a hardship.

11 And the hardship is really that the Ordinance  
12 itself restricts the size of a restaurant and establishment  
13 to an establishment that would be so much smaller than what  
14 the proponent needs.

15 That seems to be -- and for the full-service  
16 restaurant that they're trying to operate, and that it seems  
17 the community is looking for.

18 So this is -- I've not come across one like this  
19 before that that's actually the rationale for the variance  
20 as a hardship, but I think that's what it boils down to, at  
21 least in my opinion.

22 Any discussion, or are we ready for a motion?

1 VIRGINIA KEESLER: Oh, I was just going to add I  
2 believe the proposal also mentions the visibility from  
3 Whittemore Ave, and that that could be grounds for a  
4 hardship. And the reason why maybe a larger restaurant  
5 would be more likely to survive than a smaller retail space.

6 JIM MONTEVERDE: Yep. I think that's part of  
7 their written --

8 VIRGINIA KEESLER: Yeah.

9 JIM MONTEVERDE: -- description that they  
10 submitted. Yes. I will mention that as well. Thank you.

11 Anyone else? Discussion, or are we ready for a  
12 motion?

13 WENDY LEISERSON: Ready.

14 JIM MONTEVERDE: Go to a motion. And this is a  
15 variance. The Chair makes a motion to grant relief from the  
16 requirements of the Ordinance under Sections 17.32.2  
17 permitted Nonresidential Use. This is the section that  
18 actually limits it to 1,200 square feet.

19 So the relief is needed to be able to -- from this  
20 particular section to get the 6,500 square feet they're  
21 looking for. Section 4.35.f.1 for Restaurant Use, and  
22 Section 10.30 for a Variance. And I'll go through those,

1 what we need to find.

2 A literal enforcement of the provisions of this  
3 Ordinance will involve a substantial hardship, financial or  
4 otherwise to the petitioner or appellant: And I think what  
5 I described before, the fact that this is the Ordinance  
6 itself restricts the size of restaurants to 1,200 square  
7 feet, that would not allow this size of an establishment to  
8 function at 6,500 square feet and is the substantial  
9 hardship here.

10 b) The hardship is owing to circumstances relating  
11 to soil condition, shape or the topography of the land or  
12 structures, especially affecting such land or structures not  
13 affected generally by the zoning district in which it's  
14 located.

15 I think that comment kind of reaches to the  
16 comment that the appellant made, that Virginia repeated --  
17 that the restaurant, this retail space will actually be  
18 fronting not the public street, but a pedestrian path that  
19 bisects the site. So it's less visible from the street, and  
20 that's basically part of its needs for its variance.

21 And desirable relief may be granted without either  
22 substantial detriment to the public good. That is true.

1 And nullifying or substantially derogating from the intent  
2 and purpose of this Ordinance. I think that's true.

3 So I think the conditions for the variance stated  
4 in 10.31 are all met.

5 On the condition that the work proposed conform to  
6 the drawings entitled -- sorry, there's a lot of survey  
7 information that comes up here -- "36-64 Whittemore Avenue,"  
8 prepared by Gensler, and dated -- I'll put today's date on  
9 it -- initialed and dated by the Chair.

10 And further, that we incorporate the supporting  
11 statements and dimensional forms submitted as part of the  
12 application.

13 On a voice vote, please, Virginia?

14 VIRGINIA KEESLER: In favor.

15 JIM MONTEVERDE: Wendy?

16 WENDY LEISERSON: In favor.

17 JIM MONTEVERDE: Thank you. Steven?

18 STEVEN NG: In favor.

19 JIM MONTEVERDE: Thank you. Tom?

20 THOMAS MILLER: In favor.

21 JIM MONTEVERDE: Thank you. And Jim Monteverde in  
22 favor.

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[All vote YES]

JIM MONTEVERDE: That's five affirmative. The relief is granted. Thank you.

ANTHONY GALLUCCIO: Thank you very much.

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(9:27 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia  
Keesler, Wendy Leiserson, and Thomas  
Miller

JIM MONTEVERDE: Next case is BZA-254230 -- 218  
Hamilton Street.

EDRICK VANBEUZEKOM: Hi.

JIM MONTEVERDE: Edrick, are you here to --

EDRICK VANBEUZEKOM: I am.

JIM MONTEVERDE: -- walk us through it?

EDRICK VANBEUZEKOM: Yes. Can you hear me?

JIM MONTEVERDE: Yep. Just introduce yourself --

EDRICK VANBEUZEKOM: Okay.

JIM MONTEVERDE: -- and you're good to go.

EDRICK VANBEUZEKOM: Yes. My name is Edrick  
vanBeuzekom. I'm an architect with EVB Design. And I'm  
working with the owners of the property, Noor Johnson, and  
Zachary Hunter.

Noor is also on, and I will ask her to speak after  
I give you a quick overview of the project.

Basically, I was approached by Noor and Zach to



1 help them figure out how to make the house livable for them,  
2 as they have a growing family. And sort of an awkwardly  
3 designed house on a -- it's a large lot, but it's an odd  
4 lot. It's sort of an L-shaped lot.

5 So if we can actually go to the first site plan in  
6 the drawings, that would be helpful. I can -- keep going.  
7 Yes. Here we go. This is just the plot plan.

8 You can see the house. Hamilton Street is on the  
9 right. The house is long and narrow, and it's close to the  
10 property line on the right side of the house if you're  
11 facing it from the street to the top of the plan. So it's  
12 noncompliant to the side yard setback there.

13 As you can see, it's an L-shaped lot. So there's  
14 a nice piece of yard in the back there, but it's not really  
15 situated in a way that we could easily add to the property  
16 in that area.

17 I also think that portion of the yard is a nice  
18 amenity for the neighborhood too, to just keep that as green  
19 space.

20 So if we can go up to the -- to the FAR, or if we  
21 can go up to the Zoning Table first, I can talk about --  
22 whoop, yeah.

1           So I'll just run real quickly through the numbers  
2 that are at issue here. The house is currently complying  
3 with gross floor area. You will see in the plans the third  
4 floor is very small. It's part of a rental unit that's on  
5 the second and third floor. The owners live just on the  
6 first floor.

7           And we are proposing an addition to the third  
8 floor or attic level, which would basically raise the roof,  
9 still staying within the allowable height. We will go from  
10 30'8" roughly to the peak to 34'8". So a little bit higher,  
11 but it's still under the allowable 35'.

12           This will increase the floor area of the third  
13 floor. I submitted some documents on Monday suggesting that  
14 perhaps this portion of the project should be considered as  
15 part of the special permit, because it falls within the  
16 footprint of the existing house. It's not in further  
17 violation of the Zoning Regulations, Dimensional  
18 Requirements.

19           The added FAR for just the third floor puts us  
20 right at the 0.68, or 60 -- I'm sorry, allowable FAR. So  
21 that is one thing that I wanted to raise.

22           So if we can go to the next page.

1           Here you can see -- this is a diagram of just what  
2 the existing floor area ratio is. And you can see what the  
3 existing floor plans are. There is a basement on the right,  
4 which has a very low ceiling. It's not really usable, even  
5 though there's a small bathroom down there.

6           We considered digging the basement down, but this  
7 is in an area of Cambridgeport where the water table is  
8 pretty high, they currently have flooding issues in the  
9 basement. In big storms, there's flooding in the  
10 neighborhood. I live in the neighborhood, so I'm aware of  
11 this as well.

12           And so, and then you can see in the existing floor  
13 plan - first floor plan to the left of the -- in the second  
14 one from the right, is all existing FAR.

15           If you go all the way to the left, you see the  
16 third floor, where we have a narrow area that has 5' of  
17 ceiling height. It's actually -- it's 5' at the low parts  
18 of what's shaded there, and then goes up slightly higher.

19           But it's all pretty narrow and the stair is really  
20 not conforming to code. It's a 24" wide stair going up  
21 there. But it is a rental unit.

22           And you can see on the second plan from the left,

1 the third - second floor plan that they have two bedrooms  
2 and a living, kitchen, dining area. Very awkward sort of  
3 layout.

4 So if we can go to the next sheet?

5 Here we're showing you what we're adding for floor  
6 area ratio. On the third floor, we're -- by raising the  
7 roof, we pick up a little bit of additional floor area, and  
8 then the dormers, we're proposing to add two dormers, one on  
9 each side, both of which conform to the Dormer Guidelines.  
10 And these, of course, then also add usable gross floor area.

11 We're also doing a small addition opening out to  
12 the back in order to get a code-compliant stair down there  
13 that will help get them down into the lower level of the  
14 unit, and then down to the stairs. There's two stairs from  
15 the second floor that will lead to outside. And those are  
16 existing stairs.

17 If you can scroll up slightly -- well, actually,  
18 let's go to the next page.

19 And next one?

20 And next one? Oh, yeah. Okay.

21 So here's what we're proposing on the first floor,  
22 which is no additions, it's just rearranging. And this

1 includes a stair we're adding in the back to lead up to the  
2 second floor.

3           Maybe what I should do is show you the existing  
4 first floor plan first. We can scroll down to X1.1. It's  
5 farther down in the set of floor plans. It's at the end of  
6 the proposed. There we go. Next. Yep. Okay. So here you  
7 can see.

8           What we have currently here is there are two  
9 bedrooms, the two rooms on the far right and in the middle.  
10 And then there's a -- or sorry, the one on the far right is  
11 the living room. The one in the middle is the kids'  
12 bedroom. They have two children.

13           And the bedroom in the very back is the master  
14 bedroom, which also serves as a home office. And there's a  
15 kitchen in the middle and the dining space in the middle.

16           So none of the living space is open to the yard.  
17 And with two children working from home, it just doesn't  
18 really work. And they looked into moving elsewhere. And  
19 I'll let Noor explain sort of why they chose to go this way.

20           But now let's go back up to the architectural  
21 floor plans. Okay. Right there.

22           So basically, what we're doing is taking the

1 master bedroom that's on the first floor in the back and  
2 we're moving it up to the second floor and creating living  
3 space in the back, moving the kitchen and living room and  
4 dining room back.

5 That allows us to make the front room, which is  
6 currently the living room, into one of the children's  
7 bedrooms. And that's -- we're adding a laundry room as  
8 well. And then there's a stair in the back that will lead  
9 up to the second floor of the master.

10 You can go to the next page.

11 Here you can see this section in the back, where  
12 you see the master bedroom. There's a little home office  
13 there, a new bathroom, a walk-in closet, which is extending  
14 into part of the area that is currently the rental unit.

15 And then the rental unit we're reconfiguring with  
16 a new stair going up from the living room area to go up to  
17 the second floor. And so, we have a single bedroom on this  
18 level for the rental.

19 And if you go to the next page?

20 We have two bedrooms up on the upper level and a  
21 new bathroom, all of which is much more code-compliant and  
22 comfortable and makes this more of a family-size unit for

1 their rental unit, which we think is a good addition to the  
2 neighborhood.

3 If we can go to the next page?

4 This is a view of the front of the house, which  
5 gives you a sense of how much we're raising the roof, the  
6 shaded area. This is the new roof area, and you see the  
7 dormers on the sides.

8 We can go to the next page.

9 This is a view from the right side of the house.  
10 All the shaded area is the addition. So it's a -- you can  
11 see how much we're raising the main roof. And then in the  
12 back you can see where we've added a portion to the second  
13 floor, with a new roof over that.

14 We can go to the next.

15 Oh, and actually, hold on a second. Part of the  
16 special permit that we're asking for has to do with the  
17 windows that we're changing on this side. So if you see at  
18 the bottom of the elevation the series of four windows in a  
19 row, that's in the new kitchen, where there's currently just  
20 a single window.

21 And then we're moving and resizing some of the  
22 other windows on that side of the house, along with the

1 addition.

2 Next page?

3 This is a view from the back. The shaded part  
4 shows the second floor addition over the first floor. We  
5 basically put a shed roof on it in order to keep the  
6 rooflines low enough to be able to get windows out of the  
7 rear of the third floor, so that there's some windows for  
8 the bedroom up there.

9 And then next page?

10 And also, the shape of the roof allows us to get  
11 some clear story windows for the master bedroom. And here  
12 again, you can see the shaded areas show what's been added.

13 Next sheet?

14 This is just a quick section to give you a sense  
15 of heights that we have. And let's continue on. So there's  
16 a section through the master bedroom addition.

17 You can go to the next.

18 And then these are just the existing plans.  
19 That's the existing basement, which you already saw these in  
20 the FAR diagram, so let's skip these.

21 We did some shadow studies, and the owners have  
22 spoken to many of the neighbors. And, you know, I think the



1 -- here's the existing front of the house.

2 I think that what we tried to do in terms of  
3 changes with the roof in the front was to try to stay with  
4 the character of the existing house with a gabled roof, and  
5 I think it still fits in nicely to the neighborhood.

6 Can we continue on down through the drawings? I  
7 don't know if the shadow studies are in this set here, but  
8 there you can see how small the basement is.

9 Keep going. Okay. Here are some photos. This is  
10 the existing house. The house to the right is a mostly  
11 rental. I think it's an owner-occupied four-unit rental.  
12 Noor can clarify. But on the lower picture you can see the  
13 side of the house.

14 Continue? Next?

15 Here are some -- sorry it's turned sideways, but  
16 these are photos of the front of the house from the street,  
17 where you can see the other side, where we have a little bit  
18 of parking and a small driveway.

19 Next?

20 This is from the rear of the existing house. So  
21 there's the one-story addition that currently exists on the  
22 rear, which is the master, currently the master bedroom that

1 we want to move up to the top.

2           And then the funky sort of roof on the back part  
3 up on the second floor there would also get replaced as part  
4 of the addition.

5           Next?

6           This is just a view of the back yard. That's a  
7 little hard to see much with the foliage around there, but  
8 it gives you a sense of some of the open space we have back  
9 there.

10           The house -- we're looking toward the house, so  
11 you can just see the siding of the house behind the trees on  
12 the right-hand side there. And in the lower picture again,  
13 you can see that there.

14           Next?

15           A few more pictures of the back yard.

16           Next?

17           Okay. Oh, here are our shadow studies. So here  
18 you can see some 3D projections of what we're proposing.  
19 And again, I think the hardship we're looking at has to do  
20 with just the configuration of the lot, because we have a  
21 complying lot in terms of total lot area, but in terms of  
22 the actual portion that's really buildable for us, it's

1 small and narrow.

2           So here you can see this is -- can you slide up  
3 just slightly, so we can see what time of year this is?  
4 Okay. This is the equinox, where the night and day are  
5 equal. So this is at nine in the morning. The purple areas  
6 show you the added shadow on the neighbors' house, which is  
7 -- that's the one-story rental next door.

8           So normally the shadows are already mostly onto  
9 the roof of that house, and this will extend it a little bit  
10 over that.

11           Next?

12           Here you can see as we get to noon already, the  
13 shadows are pushed more out to the street. It's not a  
14 significant change, I think.

15           So next?

16           And then late in the day, it sort of shifts the  
17 other way and it's adding -- as you can see -- a little bit  
18 of shadow across the neighbors' house to the left of the  
19 subject property.

20           Next?

21           This is sort of the best-case conditions, the  
22 summer solstice when the sun is at its highest. So again,

1 here at nine o'clock in the morning, there is a little bit  
2 of additional shadow cast onto the neighboring house, but  
3 most of that façade is already in shadow.

4 Next?

5 Here at noon, it's basically only casting a little  
6 bit of shadow to the front, additional shadow, not much.  
7 And there's a tree right in front of the house too, so that  
8 mitigates it.

9 Next?

10 And here is at three o'clock in the summer  
11 solstice. You see a little bit of shadow, which is  
12 partially reaching the house next door, but not very  
13 extensively.

14 Next?

15 And here we are in the winter solstice. And so,  
16 this is at nine o'clock in the morning. As you can see, the  
17 added shadow extends on the roof of the house next door and  
18 a little bit on the side of the house one property over,  
19 because the next-door neighboring house is only one story.

20 Next?

21 Here you can see -- again at noon -- a little bit  
22 of shadow increase, but not too extensive.

1           Next?

2           And here late in the day already it's pretty much  
3 mostly in shadow already. The angle of the sun is low, and  
4 we're not really casting any additional shadows of this at  
5 three o'clock on the winter solstice.

6           So next sheet? Let's see what we have after this.

7           Oh. So here's our calculations for the third  
8 floor, just showing how we reached the 0.60 FAR with just  
9 what we're proposing to do at the third floor, that includes  
10 a little bit of additional space on the second floor as well  
11 to create the stairs coming up.

12           So that's my reasoning to put this portion of the  
13 project under the Special Permit rather than the Variance.

14           And I think that's all we have right here. So,  
15 you know, let me turn it over to Noor and let her talk to  
16 you about why we are doing this, or why they're doing this,  
17 and then I'll come back and add a few comments.

18           NOOR JOHNSON: Thanks, Edrick. Good evening. My  
19 name is Noor Johnson, and I'm one of the owners of 218  
20 Hamilton Street, along with my husband Zach, who would like  
21 to be here but is putting our kids to bed.

22           Zach grew up in Cambridge and actually lived in

1 this house with his mom in middle and high school. We moved  
2 back into this house about 12 years ago in 2012, and as  
3 Edrick said, have lived in the first floor; this is a two-  
4 family house.

5 And during that period of time, the last 10 years,  
6 we've had two kids who are now 3 and 8. And I work remotely  
7 from home and Zach commutes on foot to work in the Longwood  
8 Medical Area.

9 And we really love our neighborhood. We have  
10 great neighbors, many of whom Zach has known since he was in  
11 high school. And our kids are really happy in the Cambridge  
12 Public Schools.

13 So, you know, I think, like many families, we love  
14 Cambridge, we want to stay here, but we've outgrown our two-  
15 bedroom apartment. And over the past 12 years, we've also  
16 been landlords to a series of tenants who have lived in the  
17 upstairs rental unit. So we're aware of how tight the  
18 housing market is in Cambridge.

19 The last few times we advertised for tenants; we  
20 were inundated with inquiries. So we really would like to  
21 maintain the three-bedroom rental to provide needed housing  
22 to other families in Cambridge.

1           And through this renovation we're trying to  
2 improve the rental unit and bring it up to code. And we've  
3 really been thinking about and saving for this renovation  
4 for more than five years.

5           We've worked with two different architects to  
6 explore different floor plans. Our -- as Edrick said, our  
7 house and the lot that we're on are long and narrow so it  
8 was a challenge to find a design that would allow us to  
9 expand in our current footprint while maintaining the rental  
10 unit.

11           Edrick's design takes advantage of every inch of  
12 space and creatively accommodates the quirks of an older  
13 house, while keeping the project budget within our scope.

14           Over the past few weeks, we've reached out to all  
15 32 of our neighbor abutters. So because of that L-shaped  
16 lot, we had many abutters. We spoke directly with 19 of  
17 them, including all of our direct abutters, to share our  
18 plans.

19           We have incredible neighbors. Everyone we spoke  
20 with was supportive. And so that's sort of the reason  
21 behind our request. We hope that the Board will grant our  
22 request for a variance and special permit to conduct this

1 renovation.

2 Thank you.

3 JIM MONTEVERDE: Thank you. Does that conclude  
4 your presentation, or is there more?

5 EDRICK VANBEUZEKOM: I think that concludes it.  
6 I'm open for any questions.

7 JIM MONTEVERDE: Okay. Thank you.

8 EDRICK VANBEUZEKOM: You're welcome.

9 JIM MONTEVERDE: Before we go to questions, Edrick  
10 mentioned this: I don't -- I doubt that anyone else on the  
11 Board is seeing this, but Erick mentioned a letter asking  
12 that we kind of reshuffle the deck in terms of what's part  
13 of the Variance Request and what's part of the Special  
14 Permit Request.

15 The letter is dated February 5, from Edrick to  
16 Olivia Ratay, and -- let me do it this way: Currently  
17 what's advertised, the Variance Request is for the second-  
18 story addition at the rear of the house, and then also to  
19 raise the roof over the existing front portion of the house  
20 and add the two dormers on the two -- on both sides, which  
21 increases the gross area more than 25 percent.

22 And the Special Permit is for windows moving



1 around -- typical special permit stuff.

2 What Edrick is requesting is that the second floor  
3 addition to the rear become the only Variance Request, and  
4 the addition that involves raising the main roof and the two  
5 dormers be a Special Permit.

6 I don't know that we as a Board can do that, since  
7 it's other than what's advertised, one, and two, it feels  
8 more appropriate the way it's advertised, that it's all --  
9 you know, the Ordinance, the variance, where you're  
10 requesting your additional square footage, relief for the  
11 additional square footage with both the addition in the back  
12 and the addition up top.

13 So personally, I think we want to continue this or  
14 -- not continue this, but to consider this the way it's  
15 advertised, which is the variance is the two-story addition  
16 at the rear and raising the roof and the added dormers,  
17 realizing that that makes the variance a bit more -- I won't  
18 say onerous, but it's got the -- you've got to meet the  
19 conditions for the hardship.

20 So I don't know if any -- if other Board members  
21 have a comment on that, but I'd like to hear if there are  
22 any comments or any sense of things, or -- again, my

1 suggestion is we proceed the way it's advertised, and not  
2 try and remove the second -- the upper floor, raising the  
3 roof in the two dormers and move that to a special permit.

4 Any sense of that from members of the Board?

5 WENDY LEISERSON: I agree with you.

6 JIM MONTEVERDE: Okay.

7 THOMAS MILLER: I also agree with you, for the  
8 reasons you said. And I don't think we want to encourage  
9 piecemealing projects to bring it under Special Permit  
10 conditions rather than Variance conditions when the entirety  
11 of the project and substance really would require a  
12 variance.

13 JIM MONTEVERDE: Okay. Anyone else have any  
14 thought about that? Otherwise, that's the way we'll  
15 proceed. So we'll proceed as it's advertised?

16 Any questions from members of the Board for the  
17 proponent? No? Okay. I will open it up to -- well, let me  
18 summarize what's in the file. We have five in favor -- my  
19 last count -- five in favor and none opposed.

20 From Sally Waldron, February 5, who lives at 194-  
21 196 Hamilton Street, in strong support. Bianca Tones lives  
22 across the street, in support. Martha Drost, 100 Magazine

1 Street, in support.

2 Cathy Zusi, February 1, doesn't say where they  
3 live, but in support. Margie Duignan at 210 Hamilton  
4 Street, in support. And that's everything we have in the  
5 file.

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

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

16 [Pause]

17 Nope, we have no one calling in.

18 EDRICK VANBEUZEKOM: James, can I just mention  
19 something? One of the neighbors of the house to the right I  
20 think has been on the Zoom since the time that was  
21 originally scheduled, and he had to go off, but he was going  
22 to speak in support, I believe. That's what Noor told me.

1           Maybe Noor, you want to confirm that one?

2           NOOR JOHNSON: Yeah. That was -- we have two  
3 Joes. That was the Joe in the -- who lives in the rental  
4 unit who's the house manager of that sort of smaller four-  
5 bedroom.

6           JIM MONTEVERDE: Okay. So is there someone  
7 calling in? Sorry, I was also conferring with our Staff  
8 here, who I hear talking.

9           Edrick, is there anyone else who -- anyone calling  
10 in?

11          EDRICK VANBEUZEKOM: No, I don't think so. It was  
12 just somebody who had planned to speak in support.

13          JIM MONTEVERDE: Okay.

14          EDRICK VANBEUZEKOM: He had to leave, so.

15          JIM MONTEVERDE: Okay. Thank you. I'll --

16          EDRICK VANBEUZEKOM: Okay.

17          JIM MONTEVERDE: -- close the public testimony.  
18 Discussion from Board members? No? Let me --

19          STEVEN NG: We're ready for a motion.

20          JIM MONTEVERDE: Yeah. Let me just get this off  
21 my chest before we go.

22          When I reviewed this last week, and I looked at

1 Google Earth to go up and down the street, the notes I made  
2 to myself is it's a bit -- the additions up top.

3 The ones on the back I didn't have an issue with,  
4 but the raising the roof and the two dormers all meet the  
5 guidelines. I don't have any issue with that.

6 But the raising the roof I thought made the  
7 building -- the rest of the neighbors' were much smaller in  
8 scale. This seemed to not be fitting with the neighborhood.  
9 I think the adjacent building looks like they've done  
10 exactly the same thing previously.

11 But the more I looked at the it -- we just looked  
12 at the it, Tom, and I, on Google Earth again, and I have  
13 convinced myself that it works. So. Thanks for letting me  
14 share that.

15 Any other discussion, or can we move on to a  
16 motion?

17 WENDY LEISERSON: Thank you for doing that  
18 research, Jim.

19 JIM MONTEVERDE: Yeah. All right. I'll make a  
20 motion. We have two pieces. Variance first. The Chair  
21 makes a motion to grant relief from the requirements of the  
22 Ordinance under Sections 5.31 -- And that has to do with the

1 Dimensional Form. Sorry, let me get it here.

2           And that is really the increase in the gross  
3 square footage area. The ordinance max is 3,999, currently  
4 sits at 2,700 and change and this will now be 35- 3,524. So  
5 it will be over the Ordinance. And therefore, the GFA will  
6 also be over the ordinance of 0.6. It will now be 0.68.  
7 It's not far off, but it's above it.

8           That's the 0. -- that's 5.31, the Dimensional  
9 Table. And 8.22.3 -- again, because it's a greater than 25  
10 percent increase.

11           And the conditions for a variance, which:

12           A literal enforcement of the provisions of the  
13 Ordinance would involve a substantial hardship, financial or  
14 otherwise, and that I'm -- I'll read from the -- what the  
15 proponent submitted. And it says,

16           "The petitioners have two young children and a  
17 relatively small two-bedroom unit, along with a rental unit  
18 on a nonconforming lot. They wish to remain in Cambridge.  
19 They need more space. Could not afford to purchase a larger  
20 home.

21           "The proposed addition does not further violate or  
22 change any of the Dimensional Requirements, except for

1 exceeding the floor area ratio and a floor area or allowed  
2 gross floor area.

3 "A literal enforcement of the provisions of the  
4 Ordinance would be a substantial hardship. It would force  
5 the family to move out of Cambridge." I think that's the  
6 hardship in front of us.

7 And "The hardship is owing to circumstances  
8 relating to the soil condition, shape or topography of the  
9 lot or structures." It's definitely the shape or the  
10 structure.

11 Again, it's a very small lot. A very small house,  
12 and in terms of adding space, the only way to go is up with  
13 the water table conditioned at Edrick vanBeuzekom described  
14 in the basement, so you can't go down, you have to go up.

15 And desirable relief may be granted without  
16 substantial detriment to the public good -- I think that's  
17 correct -- or nullifying or substantially derogating from  
18 the intent and purpose of the Ordinance: I believe that is  
19 correct. So I believe we meet all the requirements for the  
20 variance under Section 10.31.

21 So on a voice vote, please, for the variance,  
22 Virginia?

1 VIRGINIA KEESLER: In favor.

2 JIM MONTEVERDE: Steven?

3 STEVEN NG: In favor.

4 JIM MONTEVERDE: Wendy?

5 WENDY LEISERSON: In favor.

6 JIM MONTEVERDE: Tom?

7 THOMAS MILLER: In favor.

8 JIM MONTEVERDE: And Jim Monteverde in favor.

9 [All vote YES]

10 JIM MONTEVERDE: Now onto the Special Permit.

11 Special permit has to do with the couple windows that Edrick  
12 vanBeuzekom indicated to us are moving around on the façade.  
13 That's the gist of the special permit.

14 So Special Permit is under Section 8.22.2.c,  
15 Nonconforming Structure and Article 10.40 for Special  
16 Permit, which is -- and I'll go through that.

17 Item a) It appears the requirements of the  
18 ordinance cannot or will not be met. That's correct.

19 b) Traffic generated or patterns of access or  
20 egress would congestion, or hazard. No, it will not.

21 c) The continued operation of or the development  
22 of adjacent uses would be adversely affected. They will



1 not.

2 d) Nuisance or hazard will be created to the  
3 detriment of the health, safety, and/or welfare. I think  
4 not. And

5 e) For other reasons, would impair the integrity  
6 of the district or adjoining district. And I think not.

7 So I believe that moving the windows meet all of  
8 the criteria for the Special Permit.

9 Okay. So voice vote, please, Virginia?

10 VIRGINIA KEESLER: In favor.

11 JIM MONTEVERDE: Steven?

12 STEVEN NG: In favor.

13 JIM MONTEVERDE: Wendy?

14 WENDY LEISERSON: In favor.

15 JIM MONTEVERDE: Tom?

16 THOMAS MILLER: In favor.

17 JIM MONTEVERDE: And Jim Monteverde in favor.

18 [All vote YES]

19 JIM MONTEVERDE: And what I forgot to mention is,  
20 on the condition that the work proposed conform to the  
21 drawings entitled, "Nora Johnson and Zachary Hunter  
22 Residence, 218 Hamilton Street," prepared by EVB Design,

1 dated January 5, 2024, initialed and dated by the Chair.

2 And further, that we incorporate the supporting  
3 statements and dimensional forms submitted as part of the  
4 application.

5 Thank you. The relief is granted.

6 EDRICK VANBEUZEKOM: Thank you very much. We  
7 appreciate it.

8 JIM MONTEVERDE: You're welcome.

9 NOOR JOHNSON: Thank you.

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(10:02 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia  
Keesler, Wendy Leiserson, and Thomas  
Miller

JIM MONTEVERDE: Now, last but not least, Case No.  
247514 -- 114 Inman Street, Unit 114.

TANYA CARRIERE: Good evening, everyone.

JIM MONTEVERDE: Hi.

TANYA CARRIERE: Can you hear me?

JIM MONTEVERDE: Hi. Could you introduce  
yourself, please?

TANYA CARRIERE: Yes. Hi, everyone. I'm Tanya  
Carriere from Khalsa Design, Architect on the Project. With  
me tonight is Eileen McCullough, who is the homeowner, as  
well as the Contractor, Marcelo Franco.

JIM MONTEVERDE: Okay.

TANYA CARRIERE: And I can go right into the  
presentation.

JIM MONTEVERDE: Can you walk us through what it  
is you want to do and what relief you need, and why you  
should get that relief?

1           TANYA CARRIERE: Yes. So the site is a -- it's an  
2 existing site with two buildings on it, a total of five  
3 units.

4           The building we are looking at today is the  
5 single-family at 114-A Inman Street. And what we were  
6 looking to do is basically expand the FAR by -- there's a  
7 double height space within the unit, currently.

8           And we'd like to install a floor in that space,  
9 creating another room which would be a walk-in closet for  
10 the bedroom.

11           On the outside, there would be minimal change.  
12 There is an existing dormer, and we'd like to extend that to  
13 the side wall about three feet.

14           Right now, there's kind of a steep roof in between  
15 the dormer and that side wall causing some icicles to form  
16 right over the door there. You can see the dormer here in  
17 this image, where the dashed line just adjacent to the  
18 window going towards the left on the screen would be where  
19 we'd like to extend the dormer.

20           So it would be two-fold, in that it would give us  
21 better ceiling height in the room, as well as prevent that  
22 icicle problem that the homeowner has been having over the

1 porch there.

2 The total increase in floor area we are looking  
3 for is 142 square feet. The FAR existing is 1.24, and we'd  
4 be looking to go to 1.26. So it is already noncompliant.  
5 And then that's kind of the summary -- a brief summary of  
6 what we're looking to do. I'm happy to take any questions.

7 JIM MONTEVERDE: And what relief do you need to do  
8 that?

9 TANYA CARRIERE: So our -- we need relief for the  
10 FAR. Our FAR is currently noncompliant at 1.24. We are  
11 allowed only 0.75 FAR. And we'd be seeking to further  
12 increase the noncompliance to the 1.26.

13 JIM MONTEVERDE: Thank you.

14 Any questions from members of the Board?

15 I have one. We have a former file from 2018 for  
16 the same property, same address, seeking to construct  
17 dormers as part of a conversion, and that's a church, which  
18 this one isn't, and add dormers to the former rectory  
19 building, which I think this is being converted into an  
20 attached single-family dwelling.

21 So that basically -- and that was approved.

22 That's -- is that basically the dormer that's there?

1 TANYA CARRIERE: That dormer -- I know my office

2 --

3 JIM MONTEVERDE: Are you familiar with which case  
4 that was?

5 TANYA CARRIERE: Yes, a little bit. So that was  
6 prior to this homeowner. But the dormer -- that dormer was  
7 existing prior to that approval. The dormer that was  
8 constructed is the one towards the left there, where there's  
9 a larger gable.

10 JIM MONTEVERDE: Okay. All right. So that work  
11 was done, and -- all right.

12 TANYA CARRIERE: Yes. Yeah. That was done prior  
13 to this homeowner purchasing the condo.

14 JIM MONTEVERDE: Thank you. And this is a  
15 condominium?

16 TANYA CARRIERE: Yes. I believe it's technically  
17 part of a condominium association, because there are five  
18 units on the lot.

19 JIM MONTEVERDE: Yep. So we do have  
20 correspondence from the Mid Cambridge Neighborhood  
21 Conservation District Commission but we don't have anything  
22 on file from the condo association, nor correspondence from

1 them.

2 Do you have anything from the condo association  
3 approving these improvements?

4 EILEEN MCCULLOUGH: Yes. I have signature (sic)  
5 from all of the owners in the condo association approving  
6 those.

7 JIM MONTEVERDE: Can you introduce yourself,  
8 please?

9 EILEEN MCCULLOUGH: Oh, sorry. Eileen McCullough,  
10 the homeowner.

11 JIM MONTEVERDE: Okay. Do you have that on some  
12 written form that you can submit to us?

13 EILEEN MCCULLOUGH: Yes.

14 JIM MONTEVERDE: Okay.

15 WENDY LEISERSON: Jim, I see it online, I think.

16 EILEEN MCCULLOUGH: Mm-hm.

17 JIM MONTEVERDE: Oh, really? I apologize. I  
18 didn't see it. Oh, I'm sorry. Yes, we do. Okay. My  
19 apologies.

20 Any other questions from members of the Board?

21 If not, we have by my count we have correspondence  
22 from the Mid Cambridge Neighborhood Conservation District

1 Commission. It is a Certificate of Non-Applicability.

2 And then we have the condo association Letter of  
3 Approval signed by one, two, three, four, five people. And  
4 that's everything in the file.

5 Let's open it up to any public comment. Any  
6 members of the public who wish to speak should now click the  
7 icon at the bottom of your Zoom screen that says, "Raise  
8 hand."

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

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

16 [Pause]

17 No one is there. So I will close public  
18 testimony. Discussion from members of the Board? Or are we  
19 ready to go? Ready for a motion?

20 WENDY LEISERSON: Ready.

21 JIM MONTEVERDE: Ready. Okay. This is a Variance  
22 Request. Let me look at the filing for the hardship



1 description. What's been submitted reads -- and this is  
2 under:

3 a) The literal enforcement of the provisions of  
4 the Ordinance would involve a substantial hardship,  
5 financial or otherwise. It basically reads, "We're doing a  
6 114 square feet addition on the third floor adjacent to the  
7 attic or a closet." That's not quite a hardship yet.

8 The second one, b) says, "The hardship is owing to  
9 circumstances relating to the soil condition, shape or  
10 topography, and the response is, "The initial house has been  
11 changed to an irregular shape home. Previous addition is  
12 being extended for the new closet." That's the extent of the  
13 --

14 WENDY LEISERSON: I think we could also add from  
15 the testament that we heard that there were icicles forming  
16 over the porch, and that this would create a safer situation  
17 for those.

18 JIM MONTEVERDE: I think that sounds more like a  
19 hardship.

20 Okay. With that, the Chair makes a motion to  
21 grant relief from the requirements of the Ordinance under  
22 Sections 5.31, the Dimensional Form, and that is to allow --

1 again, it's a 114 square-foot addition, so the gross square  
2 footage is increased beyond the Ordinance requirement. The  
3 gross floor area ratio also increases. And the rest of the  
4 Dimensional Form stays unchanged. That's 5.31.

5 Article 8 -- oh, I'm sorry. Article 8.22.3 for  
6 Nonconforming Structure and 10.30 for a Variance. And those  
7 conditions that we need to find are:

8 A literal enforcement of the provisions would  
9 involve a substantial hardship, financial or otherwise. And  
10 I think, as Wendy mentioned, there's an issue with the -- in  
11 its current condition without the addition icicles forming  
12 on that deck and the rear of the building, and with the new  
13 addition, that would be ameliorated.

14 And hardship is owing to circumstances relating to  
15 the soil condition, shape of the lot or the topography of  
16 the land. I think that's true in that the way the unit is  
17 configured, there is no way to do an addition for this  
18 closet, except in the area that they have proposed.

19 And desirable relief may be granted without either  
20 substantial detriment to the public good -- that's correct  
21 -- or nullifying or substantially derogating from the intent  
22 and purpose of this Ordinance. I think that's correct.

1           So I believe we may meet all of the requirements  
2 under Article 10.31 for a variance.

3           On the condition that the work -- sorry, let me  
4 make sure I have the right set -- proposed conforms to the  
5 drawings entitled, "Renovation to 114A Inman Street  
6 Residences" by Khalsa Design, dated -- can you confirm for  
7 me this is the correct -- I'm looking at the right plans?  
8 This is dated April 29, 2022. Is that correct?

9           EILEEN MCCULLOUGH: Yes, that's correct.

10          JIM MONTEVERDE: Okay. All right.

11          EILEEN MCCULLOUGH: We've been at it for a while.

12 [Laughter]

13          JIM MONTEVERDE: Yep. Been thinking about it for  
14 a while. Initialed and dated by the Chair.

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

18          By a voice vote, please? Virginia?

19          VIRGINIA KEESLER: In favor.

20          JIM MONTEVERDE: Thank you. Steven?

21          STEVEN NG: In favor.

22          JIM MONTEVERDE: Thank you. Wendy?

1 WENDY LEISERSON: In favor.

2 JIM MONTEVERDE: Thank you. Tom?

3 THOMAS MILLER: In favor.

4 JIM MONTEVERDE: Thank you. And Jim Monteverde in  
5 favor.

6 [All vote YES]

7 JIM MONTEVERDE: That's understandable. Relief is  
8 granted.

9 EILEEN MCCULLOUGH: Great. Thank you.

10 JIM MONTEVERDE: You're welcome.

11 TANYA CARRIERE: Thank you very much.

12 JIM MONTEVERDE: All right. Thank you all.

13 WENDY LEISERSON: Thank you and goodnight.

14 JIM MONTEVERDE: Enjoy the Super Bowl.

15 STEVEN NG: Thank you.

16 JIM MONTEVERDE: Good luck on your football pool  
17 if you're participating.

18 COLLECTIVE: [Laughter]

19 JIM MONTEVERDE: Take care. Goodnight.

20 STEVEN NG: Goodnight.

21 [10:14 p.m. End of Proceedings]

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CERTIFICATE

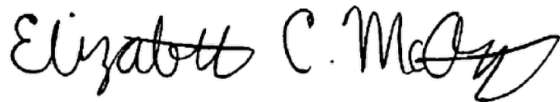
Commonwealth of Massachusetts

Middlesex, ss.

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

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

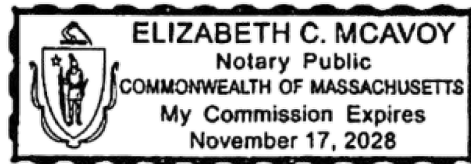
In witness whereof, I have hereunto set my hand this 27th day of February, 2024.



Notary Public

My commission expires:

November 17, 2028



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