

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY OCTOBER 24, 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
Fernando Daniel Hidalgo
Carol Agate
Zarya Miranda

City Employees
Stephen Natola
Olivia Ratay



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P R O C E E D I N G S

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(5:30 p.m.)

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

JIM MONTEVERDE: Welcome to the October 24, 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 General Court, and approved by the
Governor, the City is authorized to use remote participation
at meetings of the Cambridge Board of Zoning Appeal.

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

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

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

1 public comment at that time. You can also find instructions
2 on the City's webpage for remote BZA meetings. Generally,
3 you will have up to three minutes to speak.

4 I'll start by asking Staff to take Board Member
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: Carol Agate?

13 CAROL AGATE: Present.

14 STEPHEN NATOLA: Wendy Leiserson?

15 WENDY LEISERSON: Present.

16 STEPHEN NATOLA: Daniel Fernando Hidalgo?

17 DANIEL HIDALGO: Present.

18 JIM MONTEVERDE: Is that everyone? All right.

19 The first order of business for this evening is I
20 will make a motion to go into an executive session to
21 discuss BZA Case No. 261068 -- 38-40, 48, and 54-56 Banks
22 Street, Cambridge, Mass.

1 The reason for going into executive session
2 discussion is to discuss strategy with respect to litigation
3 known as Lubavitch of Cambridge, Inc. v. Jim Monteverde as
4 member of the Cambridge Board of Zoning Appeals et al.
5 (Middlesex Superior Court, Civil Action No. 2481CV02465),
6 John W. Touloupoulos Trustee of the Touloupoulos Realty Trust,
7 et al. v. Lubavitch of Cambridge Inc. et al. (Land Court,
8 Docket No. 24 Misc 000528), and Lubavitch of Cambridge, Inc.
9 v. Cambridge Board of Zoning Appeal and City of Cambridge
10 (United States District Court District of Massachusetts,
11 Docket No. 1:24-cv-12403), which all relate to the BZA's
12 Decision in BZA-261068 38-40, 48, 54-56 Banks Street.
13 Discussing these matters in an open session may have a
14 detrimental effect on the litigating position of the BZA.

15 JIM MONTEVERDE: Got to take a vote. So we have
16 Steven?

17 STEVEN NG: In favor.

18 JIM MONTEVERDE: Daniel?

19 DANIEL HIDALGO: In favor.

20 JIM MONTEVERDE: Carol?

21 CAROL AGATE: In favor.

22 JIM MONTEVERDE: Virginia?

1 VIRGINIA KEESLER: In favor.

2 JIM MONTEVERDE: And Jim Monteverde in favor.

3 [All vote YES]

4 JIM MONTEVERDE: It's five in favor.

5 STEPHEN NATOLA: Members and others will be back
6 in a moment.

7 THE BOARD OF ZONNG APPEAL IS IN EXECUTIVE SESSION
8 PUBLIC MEETING RESUMED

9 JIM MONTEVERDE: Carol, we have two continued
10 cases that I believe the members sitting on these are
11 myself, Steven Ng, Virginia, Daniel, and -- sorry for the
12 mispronunciation but Zarya?

13 ZARAYA MIRANDA: Zarya. We'll get it one day.

14 [Laughter]

15 JIM MONTEVERDE: I don't know.

16 CAROL AGATE: And I guess I just have to sit here
17 until you get to the second one?

18 JIM MONTEVERDE: Right. So Carol, you come back on
19 when it's the Regular Agenda.
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(6:33 p.m.)

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

JIM MONTEVERDE: Okay. So we've confirmed we can
hear all the Board Members. This is now the continued
cases.

The first case is BZA-278934 -- 148-150 Western
Avenue. Is the proponent on the line with us?

FAWWAZ ABU-RUBIEH: Fawwaz. My name is Fawwaz Abu-
Rubieh from 148-150 Western Ave., Cambridge, Mass.

JIM MONTEVERDE: Thank you. Can you describe to us
what you've submitted as new material for us to discuss?

FAWWAZ ABU-RUBIEH: Yes. This is here Hugo with
me. He's the one to explain exactly what's going on.

JIM MONTEVERDE: Okay.

HUGO MENDEZ: Hi. Yeah, so the three items that we
submitted was the floor plan of the business at 148-150
Western Ave.

JIM MONTEVERDE: Yep. Give us a second to bring
that up. Yep. Begin there. That one?

1 HUGO MENDEZ: No.

2 JIM MONTEVERDE: Can you see the screen? Yeah.

3 HUGO MENDEZ: Yeah. There's a -- no, it's a new --

4 JIM MONTEVERDE: That's the previous one, right?

5 HUGO MENDEZ: That's the previous one.

6 JIM MONTEVERDE: Yep. There's another one, simpler
7 plan, looks like this.

8 HUGO MENDEZ: It should be --

9 JIM MONTEVERDE: Oh, there it is.

10 HUGO MENDEZ: Yeah.

11 JIM MONTEVERDE: Is that the one?

12 HUGO MENDEZ: Yeah. The one on top. The one where
13 it shows -- yeah, the one -- there's one that's supposed to
14 -- that has a patio on it. Yeah. So it's the same one, but
15 it's a more complete plan. As for the --

16 JIM MONTEVERDE: That's all we have in our file.

17 HUGO MENDEZ: Yep, that's the one.

18 JIM MONTEVERDE: That one?

19 HUGO MENDEZ: Yes. So it has the kitchen area.

20 JIM MONTEVERDE: Yep.

21 HUGO MENDEZ: It has where the hood's going to be,
22 which is the bottom left side.

1 JIM MONTEVERDE: Okay.

2 HUGO MENDEZ: The cooking, you know, appliances are
3 going to be there. We don't need a hood space -- I mean a
4 walk-in cooler, because the operation is small enough to
5 just be able to carry, like, a two-door fridge for all the
6 cold items, which are -- is the one on the bottom left.

7 So two fridges that we have that's basically the
8 whole operation.

9 And then it has the sitting on the dining room, and
10 where the bar area would be, where the alcohol would be
11 stored on the top left.

12 On the top middle, that's where the garbage bin
13 zone would be, which is next to the -- on the Kinnaird side
14 of the street. That's the Kinnaird. And then the -- all of
15 the right side is the outside patio seating.

16 JIM MONTEVERDE: Okay. Thank you. And I think we
17 also asked -- you described the hood, and how the exhaust
18 would happen, and what the equipment would be on the roof.

19 HUGO MENDEZ: Yes.

20 JIM MONTEVERDE: You submitted something there too,
21 right?

22 HUGO MENDEZ: Right. Should be on the -- so this

1 is -- this is basically how it works. So it's --

2 JIM MONTEVERDE: Yeah.

3 HUGO MENDEZ: -- where the hood is, it's the
4 cooking equipment. And it vents up, outwards. The exhaust
5 on the other model, I don't think it's permitted in
6 Cambridge anymore, the side of the building one. So it has
7 to --

8 JIM MONTEVERDE: Right.

9 HUGO MENDEZ: -- go up on the roof. And so, we
10 submitted a picture too of where it would be on the top --

11 JIM MONTEVERDE: Yep.

12 HUGO MENDEZ: -- of the building, which it's -- you
13 know, it would have to be the -- you know, the food company
14 that will --

15 JIM MONTEVERDE: Yeah.

16 HUGO MENDEZ: -- come and let us know where, or --
17 you know, they would work out all the logistics of where we
18 have to go on top. But that's basically -- you know, the --
19 the idea of where it would be, according to where the plan
20 is and where the kitchen is [unclear] right now.

21 JIM MONTEVERDE: And I have in the file several
22 other -- it looks like hand annotations on the photographs

1 --

2 HUGO MENDEZ: Yes.

3 JIM MONTEVERDE: -- showing the trash area.

4 HUGO MENDEZ: Right. So the trash area is --

5 JIM MONTEVERDE: The hood?

6 HUGO MENDEZ: -- yeah, where -- right now, we had
7 made already a surface, wooden surface where -- and that was
8 actually secluded with like a little fence before.

9 But since we had that -- we have that restriction
10 where we can't -- we had to take all the garbage every day,
11 we didn't really need it, so we took the fence out and we
12 used it as a storage area right now on the outside.

13 We have a little shed, like a 4'x2' shed, because
14 we didn't have need for a garbage bin disposal or garbage
15 bins, because every day we bring the garbage back to the
16 Mass Ave location to disposal; the big trash receptacles
17 that are -- that we pay here that are in the back of the
18 building.

19 JIM MONTEVERDE: Okay. And I think that -- Board
20 Members, tell me if you think otherwise, but I think those
21 diagrams address most of the questions that we raised. Does
22 everyone agree, or does everyone have any other information

1 that they're looking for, or any questions for the
2 proponent?

3 STEVEN NG: Yeah, Jim. I think the wall between
4 the kitchen and the dining area is a low wall, correct? So
5 that --

6 HUGO MENDEZ: The wall between the kitchen and the
7 -- sorry?

8 JIM MONTEVERDE: Kitchen and the dining area?

9 STEVEN NG: Yeah.

10 HUGO MENDEZ: Kitchen and -- well, it's just the
11 front -- I believe the -- the ceiling is --

12 JIM MONTEVERDE: 16'.

13 HUGO MENDEZ: -- about 16'. So it looks -- it's
14 lower than the roof of the rest of the building or the
15 house. So it has, like, a -- like a surface in the front
16 that's about 16.'

17 STEVEN NG: Right. But the server won't have to go
18 outside to come back in to go around.

19 HUGO MENDEZ: Right, so --

20 STEVEN NG: You know?

21 HUGO MENDEZ: -- it could go -- I mean, it depends
22 on what, you know, they can -- the company that will have to

1 do the -- the hood venting, you know --

2 FAWAZ ABU-RUBIEH: In the front.

3 HUGO MENDEZ: Yeah, knows (sic) if it's better to
4 put just straight up through that flat area, which is -- I
5 believe it's about 4' --

6 JIM MONTEVERDE: 6'.

7 HUGO MENDEZ: -- 6' long.

8 JIM MONTEVERDE: Right.

9 HUGO MENDEZ: Or if it has to --

10 STEVEN NG: Oh, come --

11 HUGO MENDEZ: -- go through the side up.

12 STEVEN NG: Oh, I was just talking about the floor
13 plan if you guys could scroll back to the floor plan? I'm
14 sorry. So the wall between the kitchen and the dining, is
15 that wall --

16 HUGO MENDEZ: It's to the outside.

17 STEVEN NG: -- an opening?

18 HUGO MENDEZ: Right. Yeah. It's an opening right
19 like the other picture, where it has the -- the venting
20 coming out.

21 STEVEN NG: Okay.

22 HUGO MENDEZ: So about half -- it's -- it goes back

1 about -- I'd probably say like four or five feet --

2 STEVEN NG: Mm-hm.

3 HUGO MENDEZ: -- from like, from where the patio
4 ends to where the hood is.

5 STEVEN NG: Okay. All right. Thanks.

6 JIM MONTEVERDE: Any other questions from Members
7 of the Board? If not, we've received one correspondence
8 that is speaking in opposition. It's some of the same
9 people who spoke last time. They've revised their comments,
10 but I will summarize.

11 This is dated yesterday, October 23, from Jennifer
12 Brill and signed by Jennifer Brill, Laurence Weil, 138
13 Western Avenue. Bari Brodsky, David Gunther, 16 Kinnaird.
14 Carol Greenwood, Richard Probert, 10 Kinnaird.

15 And they're speaking in opposition to the proposed
16 plan for a full kitchen and liquor license. They are
17 concerned -- sorry, I'm just -- I hadn't seen this before,
18 I'm just reading this and trying to summarize it.

19 They're concerned that it's a much larger
20 operation, basically double the size -- approximately double
21 -- that was presented. It would entail more cooking, more
22 trash, more parking issues, street noise from the outdoor

1 drinking and eating than is otherwise implied.

2 It goes on to say that "Given the close proximity
3 of our houses, we request that the placement and decibel
4 level of the equipment be taken into account."

5 I think in that case, there's a City Sound
6 Ordinance that there's a decibel rating. This is basically
7 for your exhaust fan; anything that's outside the building
8 would have to comply with.

9 So I think the City Ordinance would address that.
10 And if the decibel level went beyond that, then the
11 neighbors could complain, and ISD could come down and take a
12 reading, and we would have to remediate.

13 They go on to say the placement and management of
14 any waste system or dumpster would also be in close
15 proximity to their houses. And they request that no
16 dumpster be permitted on the property.

17 Parking issues, they say they're already difficult,
18 and with the not enough parking for 36-seat full-service
19 restaurant, particularly if alcohol is served.

20 Did the proponent see this at all? Are you aware
21 of this?

22 HUGO MENDEZ: Yes. We received a copy.

1 JIM MONTEVERDE: Okay. Do you have any response to
2 their concerns?

3 HUGO MENDEZ: Well, I believe their very valid
4 response. We -- I mean, we, we do understand, you know,
5 their -- how, you know, they perceive the -- the operation
6 being bigger than it is by adding a hood.

7 So we could -- you know, basically have more items
8 on the menu. And, I mean, they shouldn't have alcohol.

9 But -- but I think it's -- they're thinking more
10 about, you know, this space becoming like a -- like a bar or
11 a pub or something to that matter, but it's -- the way we
12 run it, it's a family restaurant.

13 And most of the patrons are from the same
14 neighborhood. They actually walk to the restaurant. If
15 there's some traffic, it might be just, you know, the
16 deliveries that, you know, that we do. But they're just --
17 you know, come, and pick up and leave. We don't do
18 curbside, or anything like that.

19 But I do believe I read too about the question
20 about the rodents, you know, being an issue. And, you know,
21 we're just -- we're willing to work or do anything to
22 accommodate or just to make sure that that doesn't happen,

1 basically.

2 We've been really good this year by, you know,
3 following all the rules, bringing all the garbage to the
4 restaurant every day to the Mass Ave location so we don't --
5 you know, fall into any rodents going through any left-out
6 garbage.

7 The one positive thing about running a restaurant
8 is that, you know, it's by -- we do get a pest control
9 monthly for the inside and the outside of the restaurant
10 that would help in some way, you know, any of these things
11 pointed out.

12 But yeah, we're -- you know, willing to do
13 anything, you know, possible to --

14 JIM MONTEVERDE: Okay.

15 HUGO MENDEZ: -- make sure to remediate that.

16 JIM MONTEVERDE: Thank you. And the plan that's
17 up on the screen, if I read it correctly, the area to the
18 right, that's actually the patio, correct? That's outdoors.

19 HUGO MENDEZ: Right. That's outdoors. That's
20 seasonal. Yeah, that's --

21 JIM MONTEVERDE: Right.

22 HUGO MENDEZ: -- open area.

1 JIM MONTEVERDE: So the -- right. So --

2 HUGO MENDEZ: That's the --

3 JIM MONTEVERDE: -- the area --

4 HUGO MENDEZ: -- going down.

5 JIM MONTEVERDE: -- to the left, I think you
6 described it as the bar?

7 HUGO MENDEZ: Right. So --

8 JIM MONTEVERDE: One, two, three, four 2-seat
9 tables, and then there are one, two, three, four, three,
10 four, six seats at a counter?

11 HUGO MENDEZ: Yeah, a countertop, yeah.

12 JIM MONTEVERDE: Is that specifically bar, or are
13 you serving food there as well?

14 HUGO MENDEZ: Everything's food. Everything's --
15 because we already oriented for food, you know? We're a
16 takeout place and dine-in if people want to dine in.

17 JIM MONTEVERDE: Okay.

18 HUGO MENDEZ: But most of it is takeout. And we
19 want to basically make it a family restaurant where people
20 can just come in and sit down if they want to and, you know,
21 have food with their drinks.

22 JIM MONTEVERDE: All right. So if I look at your

1 previous plan, which was all dining room, it looked like you
2 had the -- and you weren't cooking on site -- it looked like
3 you actually had the capacity for more dining seats inside
4 than you do now?

5 So I'm just trying to look at your neighbors'
6 concern about the number of seats and it looks like
7 something -- you know, the operation is roughly doubled.

8 Not counting the terrace, which -- again -- is
9 seasonal, it looks like you actually reduced the number of
10 indoor spaces in your current proposed plan, because of the
11 kitchen. The kitchen takes out the former dining space.

12 HUGO MENDEZ: Right.

13 JIM MONTEVERDE: Am I reading that correctly?

14 HUGO MENDEZ: Yes. Yes.

15 JIM MONTEVERDE: Okay.

16 HUGO MENDEZ: It reduces the space, because they're
17 -- we would have to make space for, you know, where to serve
18 the alcohol and --

19 JIM MONTEVERDE: Okay.

20 HUGO MENDEZ: -- all that stuff, and all the new
21 kitchen additions.

22 JIM MONTEVERDE: Thank you. And I won't reread the

1 correspondence that we received previously -- give me one
2 second to find them all, just so everyone recalls. So we
3 had letters -- these were back in September. Strong support
4 from Mayor Denise Simmons.

5 Opposition from Carol Greenwood. They're on the
6 current letter. Opposition from Jennifer Brill -- it's on
7 the current letter, on the updated letter. Bari Brodsky
8 opposing -- that was they're opposed in the current
9 correspondence. And that was the extent of correspondence
10 before and now.

11 So that's what we have in front of us. That's all
12 of public commentary. We'll open the matter to public
13 comment.

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

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

19 I'll now ask Staff to unmute 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 [Pause]

3 Do we have anybody calling in?

4 STEPHEN NATOLA: No one's raising their hand.

5 JIM MONTEVERDE: No? We have no one calling in, so
6 I will close public testimony.

7 Any discussion among Members of the Board? If not,
8 I will make a motion, then. And this is a variance.

9 Can you -- you might have described this before,
10 but the variance has some specific requirements to
11 demonstrate a hardship -- specifically that the hardship is
12 owing to the soil condition, shape, or topography of such
13 land or structures, and -- or we can grant relief without
14 any substantial detriment to the public good.

15 Can you just speak to a second about the hardship
16 from the proponent, please?

17 HUGO MENDEZ: Yes. Well, it's -- it's been a
18 tough, you know, five years for us since 2019 until now.
19 We've done -- you know, lots of things to try to bring
20 business up. It's been very challenging due to all the --
21 the way the economy has been, you know, the inflation and
22 just -- you know, everything in general. It's been kind of

1 tough.

2 So by having these changes, we hope to, you know,
3 to run a business a little bit more smoothly by bringing up
4 the ticket prices -- basically, the -- you know, to -- so we
5 actually would lower the volume of, you know, customers by
6 -- you know, hopefully having the tickets being a little
7 higher by selling, you know, more stuff that's -- that would
8 be on the menu and hopefully some add-ons.

9 So yeah, it's -- I mean, it's kind of hard to
10 describe all the -- you know, the hardship that's -- that we
11 had to go through these years. You know, we've been
12 essential workers for so long that it's -- now that it's an
13 afterthought, you know, we just -- you know, want to try to
14 make the business better or, you know, run the restaurant
15 better making -- you know, all these changes, hopefully.

16 JIM MONTEVERDE: Okay. Thank you. I am going to
17 make --

18 STEVEN NG: Jim, just a quick question.

19 JIM MONTEVERDE: Yep.

20 STEVEN NG: So, you know, let's say we make the
21 motion, support the variance, et cetera, but in their
22 applications, building permits, et cetera --

1 JIM MONTEVERDE: Say that again, Steven?

2 STEVEN NG: -- addressed and all that, that's --
3 you know, that's out of our --

4 JIM MONTEVERDE: Yeah. There's still the building
5 permit, there's still the Health Department. There's still
6 the --

7 STEVEN NG: Yes.

8 JIM MONTEVERDE: -- you know, whatever other
9 occupancy permits, there's any other groups that have
10 jurisdiction over this.

11 STEVEN NG: Correct.

12 JIM MONTEVERDE: Ours is just -- frankly just the
13 variance, but it's really allowing the kitchen to come in
14 here.

15 STEVEN NG: Right. Okay. Thank you.

16 JIM MONTEVERDE: Right? That's the way --

17 STEVEN NG: Yeah.

18 JIM MONTEVERDE: -- I see it. That's the change.

19 STEVEN NG: Agreed.

20 JIM MONTEVERDE: Right? So with that, the Chair
21 makes a motion to grant relief from the requirements of the
22 ordinance under Sections -- oh, sorry. It's 4.35.f.1,

1 that's to do with Restaurant Use; 8.22.3 for Nonconforming
2 Use, and 10.30 or 10.31, which are the requirements of the
3 variance that the literal enforcement of the provisions
4 wouldn't involve substantial hardship. I think it will,
5 from the description of the operation and what operation
6 they hope this becomes by including this kitchen.

7 That the hardship is owing to the soil condition,
8 shape, or topography of the land or structures, and if --
9 but not affecting generally the zoning district in which
10 it's located.

11 And desirable relief may be granted without either
12 substantial detriment to the public good -- and I think
13 they've demonstrated that, or there are enough controls in
14 place by City agencies to make sure that doesn't happen --
15 or nullifying or substantially derogating from the intent or
16 purpose of this Ordinance.

17 On the condition that the work proposed conform to
18 the drawings entitled -- there isn't a title on the drawing,
19 but I will name it, I will title it as "148-150 Western
20 Avenue," the floor plan that's on the screen. I will -- and
21 initialed -- and I will give it today's date; and initialed
22 and dated by the Chair.

1 And further, that we incorporate the supporting
2 statements and dimensional forms submitted as part of the
3 application.

4 On a voice vote, please?

5 Steven?

6 STEVEN NG: In favor.

7 JIM MONTEVERDE: Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Daniel?

10 DANIEL HIDALGO: In favor.

11 JIM MONTEVERDE: Zarya?

12 ZARAYA MIRANDA: In favor.

13 JIM MONTEVERDE: In favor. That's five in favor.

14 Unanimous. The relief is granted. Good luck.

15 HUGO MENDEZ: Thank you so much.

16 FAWWAZ ABU-RUBIEH: Thank you.

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2 (6:56 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, and Carol Agate

5 JIM MONTEVERDE: Next case is BZA-287537 -- 54
6 Garfield Street. Is the proponent on the line? Mr. Wiggins
7 is joining us?

8 MICHAEL WIGGINS: Mr. Chairman, can you hear me?

9 JIM MONTEVERDE: We can.

10 MICHAEL WIGGINS: Okay. Good evening, Mr.
11 Chairman, and Members of the Board. This case was continued
12 from I think October 10. I'm here on behalf of William
13 Daniel Hillis and Taylor Milsal, the owners, and Patrick
14 Guthrie is again with me as the architect.

15 If I recall correctly, we had gone through the
16 reasons why we thought it -- the project qualified for a
17 special permit, but one of the members was concerned that we
18 hadn't had a dialogue with one of the abutters who appeared
19 and objected. We had e-mailed him before, but evidently
20 hadn't gotten through to him.

21 So since then, at my request, the owners sent him
22 an e-mail -- they sent him a mail, by certified mail,

1 regular mail. They also e-mailed him at the same address
2 and tried to call him.

3 And eventually he did respond to them, not in
4 person as they had requested, but just to respond by e-mail
5 saying that he was not willing to allow anything -- he was
6 not willing to allow this project, and he wanted them to
7 move the door to the back.

8 So basically, we don't have an agreement.

9 I sent a few days ago a picture -- and I don't know
10 if we can get it in front of you -- from the street of the
11 two buildings. And it shows the two driveways. The door in
12 the entrance is a bit beyond where you see the car on the
13 left, which is in my client's driveway. And so, it's a bit
14 beyond the jutting out part of the house. So it's toward
15 the rear of the property.

16 And as you can see, it's quite apart from the
17 owners' building next door, where you've got to driveways in
18 between.

19 When we -- when my client tried to reach out again
20 to the abutter, she reminded him that she had offered many
21 years ago to put a privacy fence on the strip between the
22 two driveways and there was never any response to that. But

1 she told him in this letter that the offer still stands;
2 that she would be willing to pay for that.

3 Again, no response to that; simply "No, I don't
4 agree with this door." So that leaves us going back to the
5 standards for a special permit, which I think I mentioned
6 before. We believe that the design of this door, which
7 replaces a window that was there, will have no effect on
8 privacy next door.

9 In fact, the tenant who will be coming up the
10 driveway, will be turning away at a shorter distance than
11 going all the way the length of the property to the back
12 door. So if anything, there would be less visibility.

13 And we believe -- and several other neighbors have
14 agreed -- that this project fits in with the character of
15 the neighborhood. Certainly, there is no threat to traffic
16 or safety. There's not going to be any difference in the
17 residents who are going to be there or the amount of people.

18 And there's no -- not going to be any compromise
19 with the integrity of the neighborhood.

20 If the Chair would like, I could have Patrick
21 Guthrie again explain the reasons for the project. But I
22 think we did cover it earlier.

1 JIM MONTEVERDE: Yeah. You covered that. I don't
2 think there's any reason to go through that again. I just
3 -- I asked to bring the plan up just to -- so I could ask
4 the question. In the current configuration, that side --
5 the entrance to the side stair is from the rear of the
6 property, not from the side of the building facing your --
7 the neighbor who's objecting.

8 And on the lower plan diagram, which is your
9 current proposal, I guess I'm going to ask: isn't there any
10 way to take that -- the landing is -- the new landing that
11 serves the tenant is -- is there any way to take that stair
12 and have it exit that enclosure to the back as opposed to
13 the side? And I think that would address at least that
14 issue for the abutter? Is that not a solution that's
15 possible?

16 MICHAEL WIGGINS: Well, I -- Patrick is with me.
17 Maybe he could speak to that. But I think that that would
18 compromise somewhat what we're trying to do with that space.

19 JIM MONTEVERDE: How?

20 MICHAEL WIGGINS: Where the current space is to the
21 rear.

22 JIM MONTEVERDE: How?

1 MICHAEL WIGGINS: Well, that was going to --
2 Patrick, maybe you could speak --

3 PATRICK GUTHRIE: Yeah.

4 MICHAEL WIGGINS: -- to that. But that was going
5 to be where the kitchen was going to be expanded slightly
6 and add space at the floor above it.

7 JIM MONTEVERDE: No, I'm -- yeah, and I'm not
8 suggesting --

9 PATRICK GUTHRIE: So --

10 JIM MONTEVERDE: -- changing that at all. It's just
11 --

12 UNIDENTIFIED SPEAKER: -- if I can speak?

13 JIM MONTEVERDE: Yeah. Go ahead.

14 PATRICK GUTHRIE: I'll speak to that. So presently
15 --

16 JIM MONTEVERDE: Introduce yourself for the record,
17 Patrick?

18 PATRICK GUTHRIE: Okay. Patrick Guthrie, Design
19 Associates Architects, 1035 Cambridge Street, Cambridge,
20 Massachusetts. Architect for the proponent.

21 So presently, to enter the tenant unit, you have to
22 walk the length of the driveway, pass through a fence into

1 basically the back yard, come around to a stairway, walk up
2 the stairway, and basically come back towards the front of
3 the house. So you're walking along an open porch, which is
4 raised, which has more view into the abutting property.

5 You also have to go through a fence into the back
6 yard and come around to do that. If we rotated the entry
7 stoop, then you would still have to proceed through the
8 fence, walk around, and there is -- what's not shown on this
9 plan is -- and this is the bigger reason not to do it --
10 there is a, it's about an 86" caliper red maple or -- it's
11 not a red maple, but it's a maple tree, which is extent,
12 right, in that corner of the property?

13 So you can't turn the stair in that direction,
14 you'd have to take out --

15 JIM MONTEVERDE: Okay.

16 PATRICK GUTHRIE: -- that 140-year-old tree.

17 JIM MONTEVERDE: All right. And you couldn't go in
18 the opposite direction to the front of the house? I don't
19 know, I'm just looking for some way to not enter directly
20 towards your abutting -- your neighbor, who's objecting.

21 PATRICK GUTHRIE: Yeah, they -- well, the other
22 direction is towards the bay, and you'd end up projecting

1 further out into the driveway, and probably prolonging the
2 amount of time that you're in sightline of the neighbor.

3 JIM MONTEVERDE: But no further than the enclosure
4 that's out there now, correct? In other words, if that
5 platform extended out, the full depth of what you've drawn
6 for the platform and the stairs, and the stairs happen
7 turning page right, just so you get rid of the door to the
8 tenant.

9 I don't -- I'm just searching for a solution here,
10 and I'll stop with that last suggestion.

11 PATRICK GUTHRIE: Yeah. The other intent is to
12 leave the existing fence enclosure as it is presently, so
13 that there's no change other than the stoop to the site from
14 the neighbor's side. It's hard to predict what would become
15 objectionable if we change that.

16 MICHAEL WIGGINS: Patrick, just so we might --

17 JIM MONTEVERDE: All right.

18 MICHAEL WIGGINS: -- clarify. So you mean there is
19 an existing fence that -- where this is going to go, and
20 that would be -- that would --

21 PATRICK GUTHRIE: Right. So --

22 MICHAEL WIGGINS: -- remain in place.

1 PATRICK GUTHRIE: -- that's a good point, Michael.
2 To access this door, you are coming through a fenced
3 enclosure. So you open the en--

4 MICHAEL WIGGINS: Yep.

5 PATRICK GUTHRIE: -- you open the gate and step
6 into the enclosure and go up four steps, you're at your
7 door, and proceed into the unit.

8 JIM MONTEVERDE: Okay. Yeah. I'm reading the
9 neighbors' letter. One particular line caught my eye, just
10 where they say, "We are --" and I'll get to this in a second
11 with public comment, but where they say, "We request that
12 they sustain the current rear-facing orientation of their
13 tenant entry door and staircase."

14 So without trying to design it for you, the
15 question is --

16 PATRICK GUTHRIE: Yeah.

17 JIM MONTEVERDE: -- if you can think of any -- if
18 that's a possible solution, given the plan change that you
19 want to make to add space for the kitchen.

20 PATRICK GUTHRIE: Yeah, the door direction -- I'm
21 sorry, again. The door direction would have to stay the way
22 it is. I mean, that's --

1 JIM MONTEVERDE: Okay. Just thought I'd wrestle
2 with it and see if there was some compromise that would
3 work.

4 Okay. Any questions from Members of the Board? If
5 not, public comment. We do have a letter from the neighbor.
6 And their concerns I'll summarize, if they're not on the
7 line, but with the line that I just read -- this is October
8 23 from -- Mark and Susan Woods. I believe they're the
9 abutter.

10 And again, what I've underlined, it says, "We
11 request that they sustain the current rear-facing
12 orientation of their tenant entry door and staircase." So
13 it looks like you're at an impasse with your neighbor.

14 With that, open it up to public comment. Is there
15 anyone calling in?

16 STEPHEN NATOLA: Susan Williams?

17 MARK WOODS: This is Mark Woods at 44 Garfield
18 Street. And we are the -- Susan and I are the abutting
19 neighbors. One thing I think is important to address is
20 that this casting of us is unresponsive, because we have
21 sent the letters in -- by mail, and some letters by
22 registered mail. And we have called as well. So we have

1 responded, and I think that it's important to note that that
2 has been -- we've been [unclear] in that regard.

3 And another important aspect is that what they're
4 proposing has implications for us for privacy and for sound
5 and for illumination as well when it's telling you a door
6 opening toward you with tenants.

7 And the door, and the entry -- and the deck in
8 front of it happened above the fence. It's not as though --
9 this, this, there's -- it's misrepresenting to say that a
10 fence is going to obscure all of this. The fence is not
11 going to obscure all of this; it's going to be right toward
12 us.

13 And it is very different to take the privacy that
14 they have -- we have currently with the door opening toward
15 the back and change it to a door opening toward us, and the
16 sound -- and again, the light and the -- the redirection of
17 that is a different experience for us. It's an inferior
18 experience.

19 So this is the -- a change with serious
20 implications for us. We've asked for that.

21 And part of the technique is here to act like
22 we're unreasonable people, and we're not unreasonable

1 people. We're just asking that they -- within their project
2 that they just sustain the orientation of their stairs and
3 not take our privacy, and then instead give it to themselves
4 for the events that they conduct in their back yard.

5 JIM MONTEVERDE: Okay. Thank you for calling in
6 and thank you for writing in.

7 Anyone else calling in?

8 TAYLOR MILSAL: Yes. Hello?

9 JIM MONTEVERDE: Yep. Can you introduce yourself,
10 please?

11 TAYLOR MILSAL: Yes, hi. My name is Taylor Milsal
12 and I'm the owner of 54 Garfield Street.

13 And we have offered a privacy fence. We also just
14 realized that looking at the property again, that there is a
15 statue at the end of our driveway. We would be very happy
16 to remove the statue and plant a hedge or a tree or whatever
17 would make our neighbor happy, so that this would not even
18 be visible from his property. We can shorten our driveway,
19 we can -- we could certainly fix this --

20 JIM MONTEVERDE: Okay.

21 TAYLOR MILSAL: -- to a point that it would be
22 completely screened.

1 JIM MONTEVERDE: Great. Thank you. Thank you for
2 calling. Thank you for your comment.

3 TAYLOR MILSAL: Yes. Thank you.

4 JIM MONTEVERDE: Anybody else calling? Anyone
5 calling in?

6 STEPHEN NATOLA: Susan Williams, who just spoke,
7 is calling in. So it could be --

8 JIM MONTEVERDE: Susan Williams calling in? Or is
9 it Mark? Are you continuing that conversation?

10 MARK WOODS: Yeah. One important point is this
11 discussion saying it's not visible from the driveway. The
12 house -- we don't live just on the driveway level. There's
13 the -- the house is -- there -- it's a three-story building.

14 So the implications don't just happen in our
15 driveway at the fence level. Even in the driveway, it's
16 visible above that line.

17 JIM MONTEVERDE: Okay.

18 MARK WOODS: So you can see it there. And also,
19 anywhere else in the house. So this notion that it's like
20 simply just a matter of if you're -- if you're crouched on
21 the fence level that it has no implications; this has
22 implications for the entire building. And there are

1 negative implications.

2 And the other thing is --

3 JIM MONTEVERDE: Thank you.

4 MARK WOODS: -- which is the landing closer to our
5 property line, if you suddenly put that -- the deck and the
6 fencing through there, so it redirects it towards us in that
7 regard too.

8 Whereas the solution here is simple, and it's this
9 matter of maligning all the neighbors down the street
10 against us and having us have think of a color-base polarity
11 is -- we're not fine with that.

12 So the simple solution here is to have the
13 staircase go back toward the -- the way it is now and not
14 change it toward us and assume it's fine to abrogate our
15 rights, and just conventional human consideration!

16 JIM MONTEVERDE: All right. Thank you for calling in.
17 Again.

18 MICHAEL WIGGINS: Mr. Chairman, can I just
19 respond?

20 JIM MONTEVERDE: Nope. Nope. No. This isn't a
21 debate. This is public commentary. We'll move on to -- I
22 just want to see if there's anybody else calling in.

1 STEPHEN NATOLA: No one else is calling in.

2 JIM MONTEVERDE: No one else is calling in. I'm
3 going to close public testimony. Discussion among Members
4 of the Board?

5 STEVEN NG: Steve, can you put that photo back up
6 of what's the view between the two houses? Thank you.

7 I think the application meets the Special Permit
8 request. The stairs coming out don't get -- you know, I
9 mean you're within that 14', 14.5' setback. I don't see
10 what the issue is.

11 JIM MONTEVERDE: Yep. Well, I see what the issue
12 is, but I think there is -- what the proponent family have
13 or has offered in terms of mitigation would seem to certain
14 help. But otherwise, thank you for your comment, Steven.

15 Anybody else have any discussion, or are we ready
16 for a motion?

17 CAROL AGATE: Well, in the motion, would you be
18 planning to put in the plantings between them? The bush --

19 JIM MONTEVERDE: I think we can --

20 CAROL AGATE: -- put in --

21 JIM MONTEVERDE: -- I think we can make a condition
22 that the proponent have that discussion with their

1 neighbors. Because frankly, why do that if the neighbor's
2 going to object? So if they could have that discussion with
3 the neighbor and if the neighbors agree, then the proponent
4 go ahead and do those mitigation measures they just -- they
5 talked about.

6 So Carol, I think that's a way we could do it as a
7 condition.

8 CAROL AGATE: Okay.

9 JIM MONTEVERDE: If that's okay with the other
10 Board Members? Okay?

11 CAROL AGATE: Yes.

12 JIM MONTEVERDE: Any other discussion from Members
13 of the Board

14 CAROL AGATE: And then if the neighbor does not
15 agree, they can go ahead and --

16 JIM MONTEVERDE: Yep.

17 CAROL AGATE: -- anyway.

18 JIM MONTEVERDE: Yep.

19 STEVEN NG: Yes.

20 CAROL AGATE: Yep. Okay.

21 JIM MONTEVERDE: Any other Board Members for any
22 discussion? If not, I'll move to a motion. And this is a

1 special permit.

2 The Chair makes a motion -- hold on one second,
3 ducks in a line here -- the Chair makes a motion to grant
4 relief from the requirements of the Ordinance under Sections
5 5.31, Dimensional Table; Section 8.22.2.d for a
6 Nonconforming Structure; and 10.40 -- specifically 10.43,
7 the Criteria for the Special Permit, which I will read in
8 summary.

9 a) It appears that the requirements of this
10 ordinance cannot or will not be met. That is correct.

11 b) Traffic generated or patterns of access or
12 egress would cause congestion, hazard, or substantial
13 change. That is a no.

14 c) The continued operation of or the development of
15 the adjacent uses as permitted in the ordinance would be
16 adversely affected. No.

17 d) Nuisance or hazard would be created to the
18 detriment of the health, safety, or welfare. No.

19 e) And for other reasons, the proposed use would
20 impair the integrity of the district or adjoining district.
21 And that's a no.

22 So I think that meets the criteria for a Special

1 Permit.

2 On the condition that the work proposed conform to
3 the drawings entitled, "The Milsal Residence, 54 Garfield
4 Street," prepared by Design Associates, Inc., dated August
5 28, 2024; initialed and dated by the Chair.

6 And further, that we incorporate the supporting
7 statements and Dimensional Form submitted as part of the
8 application.

9 Further, that the special permit is granted
10 incorporating the following conditions:

11 And that condition is that the proponent will reach
12 out and have a discussion. Please try not to do it by mail
13 or e-mail; have the discussion face to face if you can with
14 the objecting abutting neighbor and propose the
15 ameliorations that you've discussed -- fence, planting, et
16 cetera and see if the neighbor would react positively to any
17 of those to ameliorate their concerns.

18 If you don't reach any agreement on any of those
19 additional actions that you're willing to take, then you can
20 go ahead and do what's on the drawings.

21 Board Members, on a voice vote, please?

22 Steven?

1 STEVEN NG: In favor.

2 JIM MONTEVERDE: Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: Daniel?

5 [Pause]

6 Daniel, are you with us?

7 STEPHEN NATOLA: I think it's Carol.

8 STEPHEN NATOLA: Zarya, maybe.

9 JIM MONTEVERDE: Hm?

10 STEPHEN NATOLA: Zarya, it could be. Yeah.

11 JIM MONTEVERDE: Zarya, are you with us? I'm
12 missing Daniel and Zarya. Are they there?

13 CAROL AGATE: Can we go ahead with the four of us
14 here, or --

15 STEPHEN NATOLA: The continued cases only. Can I
16 see the --

17 JIM MONTEVERDE: Yeah.

18 STEPHEN NATOLA: Oh. I don't see [unclear].

19 JIM MONTEVERDE: Do you want this?

20 STEPHEN NATOLA: Jim, Steve, Virginia, Daniel and
21 Zarya.

22 JIM MONTEVERDE: Hold on a second.

1 STEPHEN NATOLA: You know what I'd almost say?
2 Tell Mike Wiggins to stay on and I'll contact them, and can
3 you circle back to the case? Yep.

4 JIM MONTEVERDE: Let's just suspend our final vote
5 on this, until we can contact the other two members who need
6 to sit on this continued case.

7 VIRGINIA KEESLER: Jim, this is Virginia. I feel
8 like I recall that Carol did originally sit on this case,
9 though. I think it might have been listed.

10 STEPHEN NATOLA: Let me read --

11 JIM MONTEVERDE: Yeah, hold on one second. Yeah,
12 hold on one second. The list I have in front of me has you,
13 Daniel, and Zarya.

14 MICHAEL WIGGINS: Mr. Chairman, if I could be heard
15 just briefly about that, I do recall Ms. Agate was the one
16 who asked for --

17 CAROL AGATE: Hi.

18 JIM MONTEVERDE: Yeah. We're just going to --

19 CAROL AGATE: Hi. I was on this case. I was on
20 this case. I was the one who suggested it be continued.

21 JIM MONTEVERDE: Okay.

22 STEPHEN NATOLA: Yep.

1 JIM MONTEVERDE: So my confusion. So we have
2 Steven, we have Virginia, we have Carol. Did I ask you for
3 a vote? Carol, are you there?

4 CAROL AGATE: Oh, yeah. Oh.

5 JIM MONTEVERDE: For the special permit?

6 CAROL AGATE: Me -- okay, Carol Agate in favor.

7 JIM MONTEVERDE: Okay. Jim Monteverde in favor.
8 That's still four. We're missing one.

9 STEPHEN NATOLA: You can -- four out of zero gets
10 it, doesn't it?

11 CAROL AGATE: Well --

12 JIM MONTEVERDE: If you're okay with it. If you're
13 okay with that, Mr. Wiggins? We have four present.

14 MICHAEL WIGGINS: Four in favor and four voting.

15 JIM MONTEVERDE: We have four in favor; we're good
16 to go.

17 MICHAEL WIGGINS: Thank you.

18 STEPHEN NATOLA: Steven Ng?

19 JIM MONTEVERDE: Okay. Four in favor.

20 JIM MONTEVERDE: We did.

21 STEPHEN NATOLA: Steven Ng, Virginia?

22 JIM MONTEVERDE: Yeah.

1 JIM MONTEVERDE: Steven, I didn't miss you --
2 sorry. [Laughter]

3 CAROL AGATE: The --

4 JIM MONTEVERDE: It's like a full moon night over
5 here. But anyway. I just want to make sure of Steven. We
6 -- I --

7 STEVEN NG: Yeah.

8 JIM MONTEVERDE: -- asked for your vote, correct?

9 STEVEN NG: Yes.

10 JIM MONTEVERDE: Yes.

11 STEVEN NG: Steven Ng in favor, yep.

12 JIM MONTEVERDE: Yep. And Virginia? Same?

13 VIRGINIA KEESLER: Virginia Keesler in favor.

14 [All vote YES]

15 JIM MONTEVERDE: All right. The Board in favor.
16 Relief is granted. Thank you.

17 MICHAEL WIGGINS: Thank you, Mr. Chair.

18 PATRICK GUTHRIE: Thank you.

19 JIM MONTEVERDE: You're welcome. Okay. Next case.

20 CAROL AGATE: But is Daniel on the Regular
21 calendar?

22 JIM MONTEVERDE: No. What I have is it's myself,

1 Carol, Wendy, Virginia, and Steven.

2 CAROL AGATE: Oh.

3 JIM MONTEVERDE: Going forward. Correct? Boss?

4 STEPHEN NATOLA: Jim, Steven, Virginia, Carol,
5 Wendy.

6 JIM MONTEVERDE: Yep. So we're set. Everybody is
7 present, correct?

8 STEPHEN NATOLA: Yeah.

9 JIM MONTEVERDE: Correct. Okay.

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(7:25 p.m.)

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

JIM MONTEVERDE: Okay. Next case is BZA-277317 --
799 Concord Avenue. Oh, my favorite. Antennas!

Is there anyone from Sancta Maria Hospital or
their representative who wants to -- can present this for
us, please?

WENDY LEISERSON: Jim, do we need to take a roll
call?

JIM MONTEVERDE: Everyone's been present, but
sure. Carol?

CAROL AGATE: Yes.

JIM MONTEVERDE: Just to make sure we can hear
you. So Carol, are you with us?

CAROL AGATE: Yes.

JIM MONTEVERDE: Yes. Wendy?

WENDY LEISERSON: Here.

JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: Present.

1 JIM MONTEVERDE: Steven Ng?

2 STEVEN NG: Present.

3 JIM MONTEVERDE: And Jim Monteverde is here, in
4 person if not in spirit. But -- so the case is BZA 277317
5 -- 799 Concord Avenue, Sancta Maria Hospital.

6 We have up on the screen the application form.
7 This is a telecommunications antenna case. And is there
8 anyone calling in? Mr. Valeriani?

9 JAMES VALERIANI: Yes, I am here on behalf of DISH
10 Wireless.

11 JIM MONTEVERDE: Excellent. You can introduce
12 yourself and then tell us what you're looking for, what
13 relief you need?

14 JAMES VALERIANI: Sure. Jim Valeriano on behalf
15 of DISH Wireless. This is for a wireless facility on the
16 rooftop of the Sancta Maria Hospital, 799 Concord Ave. It's
17 allowed by special permit by this Board.

18 DISH Wireless is building out a newly-licensed --
19 building out a network to compete with the existing one and
20 its carriers. Somebody's been in front of this Board a
21 number of times over the past couple of years.

22 This particular application involves DISH Wireless

1 locating all of its equipment on the rooftop of the hospital
2 at a height of approximately 80'. The base station
3 cabinets, the transmitters, receivers, battery packs; those
4 will be installed inside an existing penthouse and will not
5 be visible.

6 And the antennas: DISH Wireless being a new
7 carrier and the frequency it operates right now does not
8 need a whole bunch of antennas. They can install in this
9 case a single, 6' antenna and three sectors for a total of
10 three antennas and radio heads a total of six antennas --
11 six radio heads. Those are about the size of a large shoe
12 horse.

13 The only portion of this installation that should
14 be visible: the upper portion of the antennas we have
15 proposed attaching them to the corners of the penthouse
16 structures.

17 If you scroll down to page 14 or 15, you'll see
18 the photo simulations. But we think the site will not be
19 visible, if at all. It might be visible.

20 JIM MONTEVERDE: Yep. keep it --

21 JAMES VALERIANI: And --

22 JIM MONTEVERDE: Oh, here we go. Yeah. I was

1 just going to ask you to go to the -- if we can go to the --
2 in a moment go to the photo simulations and just walk us
3 around the building and we can see what the effect is, if
4 any.

5 JAMES VALERIANI: Okay. So if we go to -- let's
6 see, the next one down from G, from the aerial view: I
7 don't have control of this, but I would like --

8 JIM MONTEVERDE: No, we have control of it. So
9 we'll -- just tell us what you want.

10 JAMES VALERIANI: Okay. So here's a before,
11 existing conditions. Oh, by the way, I didn't mention
12 Verizon Wireless is on this rooftop as well. They've been
13 operating that for well over 15 years. So we'd be the
14 second carrier using Sancta Maria's rooftop.

15 So this is a before picture without any DISH
16 antennas installed.

17 You can see the next photo down from here, please.

18 This is the proposed conditions from the south.

19 You'll to go to the next photo, because it's difficult to

20 see the antenna on the corner. There you see the

21 enlargement in the right-hand corner. We show that signal

22 antenna mounted to a corner and painted to blend as well as

1 we can. So there's only three of those, on three corners of
2 the penthouses. And there's three penthouses up there.

3 So the rest of the antennas have the same
4 appearance, if you want to scroll down.

5 So that's the front of the hospital building.

6 The next photo should have the antenna on the left
7 side of the penthouse on the corner.

8 JIM MONTEVERDE: One second. One second, please.

9 JAMES VALERIANI: I'm sorry.

10 JIM MONTEVERDE: There we go.

11 JAMES VALERIANI: Yep. So it's not -- it's on
12 the corner. It aligns well with the corner and helps to
13 keep it --

14 JIM MONTEVERDE: Okay.

15 JAMES VALERIANI: -- free.

16 JIM MONTEVERDE: Next photo?

17 JAMES VALERIANI: Okay. There's the enlargement.

18 JIM MONTEVERDE: Yep. Next?

19 Yep. Yep. Next.

20 Nope. There you go. Nope. Up to the corner.

21 Mm-hm.

22 JAMES VALERIANI: So the facility is unmanned.

1 There's a -- plenty of parking over there at the hospital,
2 obviously. There's just [unclear], and --

3 JIM MONTEVERDE: Okay.

4 JAMES VALERIANI: Okay?

5 JIM MONTEVERDE: I think we get it. Good? Thank
6 you.

7 JAMES VALERIANI: Thank you.

8 JIM MONTEVERDE: Any questions from Members of the
9 Board before I make my required speech? No? Okay. Anybody
10 calling in for public comment?

11 STEPHEN NATOLA: Yes.

12 JIM MONTEVERDE: My God. No one else's ever
13 called in.

14 STEPHEN NATOLA: Monique Kahn?

15 MARY ELLEN KENT: Yes, hi.

16 JIM MONTEVERDE: Hi.

17 MONIQUE KHAN: I'm Monique Khan. I live at 23
18 Griswold Street, which is the next street over from Sancta
19 Maria. And I'm the third house down.

20 And I'm extremely concerned about this, and also
21 nervous to speak. But -- because of health consequences of
22 living next to not one but two carriers with antennas; the

1 one that's there already plus the proposed antennas going
2 up.

3 And also, I'm concerned about house value, because
4 even though the antennas won't be -- as he's pointing out,
5 you know, they're going to try to mitigate the visibility of
6 the antennas, people who are in the know know about
7 antennas.

8 I bought my house during the pandemic. It was a
9 very tough time to buy a house, so I bought it, even though
10 there was an antenna. But I think when I resell, I don't
11 want a potential 2- to 9 percent reduction in value of the
12 house, given the number of antennas nearby, which is some of
13 the evidence I found online.

14 And also, well, mainly it's the health effects and
15 the house value. Cancers have been shown in lab animals in
16 experiments that were shown that were run in order to show
17 the effects on people, but then industry said that it could
18 not be guaranteed to show the effects in people.

19 And it really worries me.

20 JIM MONTEVERDE: Okay.

21 MONIQUE KHAN: It really worries me.

22 JIM MONTEVERDE: Okay. Anything else? Just want

1 to make sure you get your chance to be heard. I think we've
2 heard --

3 MONIQUE KHAN: There are other effects besides
4 cancers that are less easy to -- in individuals that are
5 sensitive to electromagnetic fields --

6 JIM MONTEVERDE: Mm-hm.

7 MONIQUE KHAN: -- and nonionizing radiation.
8 There are effects such as difficulty concentrating, nausea,
9 dizziness, tinnitus, and it's -- it's scary stuff. Because
10 that's the kind of stuff that if you were to experience it
11 and go to your doctor, I think the doctor is going to tell
12 you you're crazy.

13 JIM MONTEVERDE: Okay. I have to ask you to wrap
14 up your commentary.

15 MONIQUE KHAN: Okay. I'm all wrapped up.

16 JIM MONTEVERDE: Thank you for calling in.

17 MONIQUE KHAN: Mm-hm.

18 JIM MONTEVERDE: Is there anyone else calling in?

19 STEPHEN NATOLA: No one else raising their hand.

20 JIM MONTEVERDE: No one else there. I'm going to
21 close public testimony. And then there's a speech that we
22 have to make, if you'll bear with me for a second. I think

1 this answers some of the concerns that were raised. But
2 here we go.

3 Based on the findings, the Chair moves that the
4 petitioner be granted the special permit it is seeking,
5 subject to the following conditions:

6 One, that the work proceed in accordance with the
7 plans submitted by the petitioner, and initialed by the
8 Chair.

9 Two, that upon completion of the work, the
10 physical appearance and visual impact of the proposed work
11 will be consistent with the photo simulations submitted by
12 the petitioner and initialed by the Chair.

13 Three, that the petitioner shall at all times
14 maintain the proposed work, so that its physical appearance
15 and visual impact will remain consistent with the photo
16 simulations previously referred to.

17 Four, that should the petitioner cease to utilize
18 the equipment approved tonight for a continuous period of
19 six months or more, it shall promptly thereafter remove such
20 equipment and restore the building on which it is located to
21 its prior condition and appearance, to the exact reasonably
22 practicable.

1 Five, that the petitioner is in compliance with
2 and will continue to comply with in all respects the
3 condition imposed by this Board with regard to previous
4 special permits granted to the petitioner, with regard to
5 the site in question.

6 In as much as the health effects of the
7 transmission of electromagnetic energy waves is a matter of
8 ongoing societal concern and scientific study, the special
9 permit is also subject to the following conditions:

10 a) That the petitioner shall file with the
11 Inspectional Services Department each report it files with
12 the federal authorities regarding electromagnetic energy
13 wave emissions emanating from all the petitioner's equipment
14 on the site.

15 Each such report shall be filed with the
16 Inspectional Services Department no later than 10 business
17 days after the report has been filed with the federal
18 authorities.

19 Failure to timely file any such report with the
20 Inspectional Services Department shall ipso facto terminate
21 the special permit granted tonight.

22 b) That in the event that at any time federal

1 authorities notify the petitioner that its equipment on the
2 site, including but not limited to the special permit
3 granted tonight, fails to comply with the requirements of
4 law or governmental regulations -- whether with regard to
5 the emissions of electromagnetic energy waves or otherwise -
6 - the petitioner, within 10 business days of receipt of such
7 notification of such failure, shall file with the
8 Inspectional Services Department a report disclosing in
9 reasonable detail that such failure has occurred, and the
10 basis for such claimed failure.

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

14 c) That to the extent a special permit has
15 terminated, pursuant to the foregoing paragraphs a) and b),
16 the petitioner may apply to this Board for a new special
17 permit, provided that the public notice concerning such
18 application discloses in reasonable detail that the
19 application has been filed because of a termination of the
20 special permit, pursuant to paragraphs a) and b) above.

21 Any such new application shall not be deemed a
22 repetitive petition, and therefore would not be subject to

1 the two-year period during which repetitive petitions may
2 not be filed. And finally,

3 d) That within 10 business days after receipt of a
4 building permit for the installation of the equipment
5 subject to this petition, the petitioner shall file with the
6 Inspectional Services Department a sworn affidavit of the
7 person in charge of the installation of equipment by the
8 petitioner with the geographical area that includes
9 Cambridge stating that:

10 a) he or she has such responsibility, and

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

19 The end. All right.

20 So Board Members, on a voice vote, please? On the

21 --

22 STEPHEN NATOLA: There are a couple raising their

1 hand.

2 JIM MONTEVERDE: Didn't I close public testimony?
3 If not, I'll have to reopen it. We have someone else
4 calling in.

5 STEPHEN NATOLA: Michael Daniliuk?

6 MICHAEL DANILIUK: Yes. Good evening. My name is
7 Mike Daniliuk, and I live at 30 Griswold Street -- literally
8 a fence away from the Sancta Maria property. That's -- the
9 only thing that separates their property and my property is
10 a fence.

11 I don't know if it was infrastructure they've put
12 in for the last -- I don't know maybe month, month, and a
13 half, but there's been a lot of cutting of cement and just
14 kind of debris flying over. I had to clean my grill every
15 day.

16 I have a wife who is -- she's -- has her immune
17 system suppressed, and she's already had a couple of bouts
18 of cancer and our next-door neighbor has had cancer as well.

19 I am extremely worried about -- and I get it, like,
20 you know cell phones they say, you know, there's some risk
21 there, but at least you're getting something out of the cell
22 phone.

1 This is something we as neighbors -- not only did
2 Sancta Maria not tell us that they were doing all this work
3 that was a surprise to us hearing the drilling and all the
4 noise in the morning at 7 a.m., which is -- you know, which
5 is fine if you got a heads up.

6 But the fact that -- this doesn't seem like just an
7 antenna; it's a full, it says, like, a full station. And
8 I'm not asking for -- to put stop to it, but I would like
9 for the -- the neighborhood and the City to do a little bit
10 more research.

11 Like the caller prior to me, I have heard that
12 their radio waves can affect folks within a certain
13 distance.

14 And also, you know, depending on how the antennas
15 are pointed and things like that. And I just -- I would
16 like us to all be safe, and I'm sure that's your hope as
17 well. And then also, some of the neighborhood can do the
18 proper research and just put a hold on it for a little
19 while, just so we can kind of all get on the same page. And
20 maybe there's some more information that the people putting
21 it up can share. But right now, it just seems like it was
22 kind of our idea at the meeting and, you know, it just may

1 go or not go.

2 And what I would ask is for a little bit more time
3 for the neighborhood to kind of maybe get involved and --
4 and also do their proper research, because this is our
5 lives. And we get nothing from, you know, whatever
6 advantage that Sancta Maria gets by putting this up. and we
7 may suffer the consequences.

8 And I'm not really sure about property values, but
9 if that's an issue, that -- that's also something that
10 affects the neighborhood.

11 So if we could put just a hold on it so the
12 neighborhood can get a little more involved and can get a
13 little more information through their research, that would
14 be very appreciated.

15 Thank you for your time.

16 JIM MONTEVERDE: Okay. Thank you for calling in.

17 Anyone else calling in?

18 All right. I am closing public testimony. Any
19 discussion among Members of the Board? If not --

20 CAROL AGATE: Well, I am concerned about you not
21 having a chance to study it first. I mean, I thought it was
22 interesting that the problem was already rewritten and --

1 but of course it was spelled out so fast that I know nothing
2 about it.

3 Is there any reason that there can't be the delay,
4 so the neighbors can study it when something like that goes
5 in, that they can have a couple of months to find out what
6 the problem is, what can be done about it and whether there
7 is a problem and at least continue the case for two months?

8 JIM MONTEVERDE: [No, we can't.] Well, Carol,
9 that's an interesting question. I think the simple answer
10 is we can't.

11 My understanding is there is enough federal
12 regulation behind this that in all the cases that I've heard
13 over the past eight years, the only piece where we could
14 take any or had any comment was if we were concerned about
15 the visual impact and this either related to paint color or
16 what type of shroud they were putting on there, but not
17 about the -- whether this use was allowed. And -- sorry?
18 And yeah, nor the health effects.

19 I think part of the speech that I had recorded that
20 we have to make at each one of these talks about the health
21 effects and if the proponent is aware of any health effects
22 that they have to report those immediately and let the City

1 take action.

2 So I don't know that we have the ability to delay
3 this to let the neighborhood get together and understand
4 better what there is, because I think in the end hearing
5 what the neighbors have said, I don't know that getting more
6 info is going to satisfy them.

7 And I don't know that -- again, that we have the --
8 as a Board have the right to stop this or delay this or make
9 them go back to the neighborhood. So --

10 CAROL AGATE: Okay.

11 JIM MONTEVERDE: -- my simple answer is I don't
12 think we have a way to do that. If we have an objection to
13 something specific about the -- you know, what's being
14 proposed, I guess we can state those.

15 But I don't think we have much territory to be able
16 to object here, one way or the other. That's what I
17 believe.

18 Any other discussion among Members of the Board?

19 WENDY LEISERSON: I just want to concur with what
20 you said to Carol, which is that I don't think that we are a
21 Board that's competent to hear those particular concerns
22 that were raised. So in other words -- yep.

1 JIM MONTEVERDE: Yep, thank you.

2 WENDY LEISERSON: Go ahead. Virginia?

3 VIRGINIA KEESLER: I was going to say that's the
4 Spectrum Act, right, that's referenced on the --

5 JIM MONTEVERDE: Yep.

6 WENDY LEISERSON: Yep.

7 JIM MONTEVERDE: That is correct. So yeah, I think
8 it fits the Spectrum Act. There's other. There's the --
9 sorry, Middle Class Tax Relief and Job Creation Act of 2012.
10 This is -- again, I think we just have a very narrow basis
11 to have any objection, frankly.

12 And it's really about the view and what it all
13 looks like and not about the functioning of the equipment.

14 CAROL AGATE: Okay.

15 JIM MONTEVERDE: Or the fact that there's an
16 installation here.

17 So on that basis, and with the statement that I had
18 recorded into the minutes previously, the Chair makes a
19 motion to grant relief from the requirements of the
20 Ordinance under Sections 4.32.g.1 and 4.0, Footnote 29 for a
21 Telecommunications Facility, and 10.40 for a Special Permit.

22 On the condition that the work proposed conforms to

1 the drawings entitled -- one second, please -- "DW Site No.
2 BOBOSO1184A" -- being Sancta Maria Hospital -- prepared by
3 Vertical Resources QRP and dated July 3, 2023; initialed and
4 dated by the Chair.

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

8 On a voice vote, please? Carol?

9 CAROL AGATE: In favor.

10 JIM MONTEVERDE: Thank you. Wendy?

11 WENDY LEISERSON: In favor.

12 JIM MONTEVERDE: Thank you. Virginia?

13 VIRGINIA KEESLER: In favor.

14 JIM MONTEVERDE: Thank you. Steven?

15 STEVEN NG: In favor.

16 JIM MONTEVERDE: Thank you. And Jim Monteverde in
17 favor.

18 [All vote YES]

19 JIM MONTEVERDE: The relief is granted.

20 JAMES VALERIANI: Thank you.

21 JIM MONTEVERDE: Yep.

22

1 * * * * *

2 (7:46 p.m.)

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

6 JIM MONTEVERDE: Next case is BZA-289881 -- 316
7 Pearl Street. This is a special permit. Is there anyone --
8 the proponent or their representation calling in? Sarah,
9 are you calling in?

10 SARAH RHATIGAN: Good evening, Mr. Chairman.
11 Apologies, I was signing in.

12 JIM MONTEVERDE: No problem.

13 SARAH RHATIGAN: A little silly. Mr. Chairman,
14 the petitioners had somewhat late comments received from a
15 neighbor.

16 And we have been sort of scrambling back and forth
17 over the last day or so to have some conversations, but
18 unfortunately haven't been able to conclude those in time to
19 proceed tonight with the plans.

20 We are hoping for the Board's leave for just a
21 very brief two-week continuance. We're hopeful that you
22 have space on your November 7 hearing for us --

1 JIM MONTEVERDE: We do.

2 SARAH RHATIGAN: -- to present.

3 JIM MONTEVERDE: We do.

4 SARAH RHATIGAN: Excellent. Great news.

5 JIM MONTEVERDE: So shall we continue until
6 November 7?

7 SARAH RHATIGAN: Yes, please.

8 JIM MONTEVERDE: Okay. I'm sorry. Continue. Let
9 me make a motion to continue this matter until November 7,
10 2024, on the condition that the petitioner change the
11 posting sign to reflect the new date of November 7, 2024 and
12 the new time of 6 p.m.

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

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

21 Also, that if there are any new submittals,
22 changes to the drawings, dimensional forms, or any

1 supporting statements that those be in the file by 5 p.m. on
2 the Monday prior to the continued meeting date.

3 On the motion to continue this matter until
4 November 7, 2024, by a voice vote of the Board Members?
5 Carol?

6 CAROL AGATE: In favor.

7 JIM MONTEVERDE: Thank you. Wendy?

8 WENDY LEISERSON: In favor.

9 JIM MONTEVERDE: Thank you. Virginia?

10 VIRGINIA KEESLER: In favor.

11 JIM MONTEVERDE: Thank you. Steven?

12 STEVEN NG: In favor.

13 JIM MONTEVERDE: Thank you. And Jim Monteverde in
14 favor.

15 [All vote YES]

16 JIM MONTEVERDE: So --

17 SARAH RHATIGAN: Thank you very much.

18 JIM MONTEVERDE: No, one second, one second --

19 SARAH RHATIGAN: Oh, sorry.

20 JIM MONTEVERDE: Yeah, that's what I just read
21 into the --

22 STEPHEN NATOLA: So [side conversation; unclear].

1 JIM MONTEVERDE: That's what I said, change the
2 posting sign to reflect the new date.

3 STEPHEN NATOLA: Got it.

4 JIM MONTEVERDE: Yeah. Sorry. Okay. A little
5 confusion on our end here. All right. Thank you, Sarah.
6 See you on November --

7 SARAH RHATIGAN: Thank you.

8 JIM MONTEVERDE: -- seventh. Okay. See you soon.
9 Thank you. Yep. That matter is continued.

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(7:49 p.m.)

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

JIM MONTEVERDE: Next case is BZA-288881 -- 51
Kelley Street. This one is a variance to add a window.
[Noise] Drumroll.

Is there anyone calling in? Kent Christman or a
representative? Is he on?

Kent, are you there?

KENT CHRISTMAN: Yes, I am here. I'm finally
here. This is Kent Christman.

JIM MONTEVERDE: So you want to tell us about the
big change you want to make and why?

KENT CHRISTMAN: This was a slight modification to
an existing variance that was granted last year for 51
Kelley Street.

It -- the change came about as just kind of further
consideration of the use of the space on the second floor
and effectively it became clear that by reversing and sort
of mirroring the second-floor plan from front to rear, the

1 primary bedroom could be more comfortable. It was away from
2 the noise, kind of on the greener side of the house.

3 In the course of doing that, it reversed the
4 direction of the stairs, and consequently the window that
5 was at the top of the stairs. And then once I was looking
6 at this a little bit more, I thought actually having a
7 window in the primary bedroom would -- with the addition of
8 light and air -- would benefit the primary bedroom as well.

9 So I -- it's -- the only other change other than
10 adding the window was to reduce the size of the original
11 window at the top of the stairs. So that's -- that's what
12 I'm trying to do here.

13 And unfortunately, there was a change to the
14 fenestration on the nonconforming side of the house to the
15 southeast. So it required modifications to the variance; so
16 it's a variance to the variance, I think, or something like
17 that.

18 JIM MONTEVERDE: Yep. And that's because you're
19 within the side yard setback?

20 KENT CHRISTMAN: It is, yes. It's in -- it's the
21 side yard setback to the southeast.

22 JIM MONTEVERDE: Which? Left side, right side?

1 KENT CHRISTMAN: If you're facing a house, it's
2 the right side.

3 JIM MONTEVERDE: Right side setback. Okay.

4 KENT CHRISTMAN: The drawings that you're looking
5 at are actually of the southeast elevation. So -- yeah.
6 And that -- it's this -- the proposed window is circled.

7 JIM MONTEVERDE: Yep.

8 KENT CHRISTMAN: And --

9 JIM MONTEVERDE: Okay. I think that's pretty
10 clear. Thank you.

11 Any questions from Members of the Board?

12 CAROL AGATE: Nope.

13 JIM MONTEVERDE: If not, in the file we have kind
14 of a form letter, but there are 10 signatures on this in
15 support. And we have none in opposition. I will open the
16 matter to public comment.

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

21 I'll now ask Staff to unmute speakers one at a
22 time. You should begin by saying your name and address, and

1 Staff will then confirm that we can hear you. After that
2 you will have up to three minutes to speak before I ask you
3 to wrap up.

4 Anybody out there? No one. Okay. We'll close
5 public testimony.

6 Any discussion among Members of the Board? If not,
7 we can move to a motion. I don't know how to talk about the
8 variance requirement that there be a hardship. I think it's
9 a pretty simple change that was made to a case that we
10 basically approved before.

11 But the Chair makes a motion to grant relief from
12 the requirements of the Ordinance under Sections 5.31, and
13 that's the right-side setback -- the window is within the
14 right-side setback -- and Section 8.22.3 for a Nonconforming
15 Structure. And the requirements of Section 10.31 for a
16 Variance.

17 And I think regarding that, the sections that are
18 applicable is desirable relief may be granted without either
19 substantial detriment to the public good -- that is correct
20 -- or nullifying or substantially derogating from the intent
21 or purpose of this ordinance. I think that is correct also.

22 On the condition that the work proposed conforms to

1 the drawings entitled -- one second -- proposed plan dated
2 or entitled "51 Kelley Street," prepared by Kent Christman
3 and dated September 11, 2024; initialed and dated by the
4 Chair.

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

8 Board Members, on a voice vote, please? Carol?

9 CAROL AGATE: In favor.

10 JIM MONTEVERDE: Thank you. Wendy?

11 WENDY LEISERSON: In favor.

12 JIM MONTEVERDE: Thank you. Virginia?

13 VIRGINIA KEESLER: In favor.

14 JIM MONTEVERDE: Thank you. Steven?

15 STEVEN NG: In favor.

16 JIM MONTEVERDE: Thank you. And Jim Monteverde in
17 favor.

18 [All vote YES]

19 JIM MONTEVERDE: The relief is granted.
20
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22

1 * * * * *

2 (7:57 p.m.)

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

6 JIM MONTEVERDE: Next case is BZA-286224 -- 10
7 Eighth Street. Is there anyone calling in to present this
8 project to us?

9 TARYN BONE: Yes. Hello, Taryn Bone. I'm the
10 architect. I'm representing the homeowners, Alex Franco,
11 and Cheryl Sadeli.

12 So this is a single-family home in East Cambridge.
13 And we're looking to do a modest addition off the back, kind
14 of square out the façade on the back. It's already a
15 nonconforming lot, a very small lot.

16 The current gross floor area is 1,281. We're
17 proposing the addition is around 117 square feet off the
18 back, and then we're also proposing to make the basement
19 finished so that they can utilize that as living space.
20 They're a young family with two young children, and they
21 want to remain in this area as their family has grown.

22 If we move to the plans and elevations, we can see

1 -- yeah, these are the -- we had a site survey done, so you
2 can see on the back of the property our proposed basement
3 and first floor addition.

4 And then if you go to the next plans, I think the
5 proposed plans and elevation -- or yeah, so this is a photo
6 of the back. These are the -- this is the existing plan of
7 the first floor and the basement, and you can see that back
8 little bump out and it has like a shed roof right now.

9 And so, if you go forward to the proposed plans,
10 the next one.

11 This is what we're proposing on the back. So we
12 would just square off that back first-floor façade to add a
13 primary bedroom, and then, you know, we'd have to dig out
14 the basement a little bit to get the property head height
15 for them to be able to have livable space downstairs.

16 And this is just to show the existing height of
17 the basement and the proposed height.

18 JIM MONTEVERDE: And your area tabulation for the
19 requested condition, does that include the basement or not?

20 TARYN BONE: It does, yes. So requested
21 conditions: yeah, 2,141, that includes the basement.

22 JIM MONTEVERDE: So they've got included. Okay.

1 Okay.

2 Any questions from Members of the Board? I have
3 just a couple. Since your presentation -- your drawings
4 basically show part plans, it's kind of impossible to figure
5 out what the condition is now and what the --

6 TARYN BONE: Oh sure.

7 JIM MONTEVERDE: -- rationale for the addition
8 [is.]

9 TARYN BONE: Okay. That's fair.

10 JIM MONTEVERDE: Talk to us about that, please?

11 TARYN BONE: Yeah. So what we're not -- if we go
12 back to the -- the proposed plans, or the existing -- the
13 existing ones I guess, so the upstairs is really kind of a
14 half story. It's two bedrooms and a bathroom; that's all
15 that's happening upstairs. So we're not proposing touching
16 any of that.

17 JIM MONTEVERDE: Mm-hm.

18 TARYN BONE: And then the first floor what you're
19 not seeing on the back bump-out is a kitchen. And then that
20 big open area next to the stair is a living room and dining
21 room, just to open space. And that that is a bathroom. So
22 -- you know, a modest, single-family home.

1 And nothing in the basement. The basement has --
2 you know, basically a dirt floor, and they use it for
3 storage. It's only 6'2".

4 JIM MONTEVERDE: Correct. So by your plans, it
5 looks like in the basement with this addition, you'd pick up
6 a bathroom?

7 TARYN BONE: A bathroom --

8 JIM MONTEVERDE: Okay.

9 TARYN BONE: -- and a bedroom and a family room,
10 Mm-hm.

11 JIM MONTEVERDE: Yep. And then on the ground
12 floor, that addition becomes a bedroom and a closet, is that
13 correct?

14 TARYN BONE: Yes. That's correct.

15 JIM MONTEVERDE: Okay. All right. Any questions
16 from Members of the Board? If not, I'll open it up to
17 public comment.

18 As of this evening, we have no correspondence in
19 the file, either for or against. So let me open it to
20 public comment.

21 Any members of the public who wish to speak should
22 now click the icon at the bottom of your Zoom screen that

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

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

9 Anybody out there?

10 STEPHEN NATOLA: No one's raised their hand.

11 JIM MONTEVERDE: No one. Okay. I will close
12 public testimony. Any discussion among Members of the
13 Board?

14 CAROL AGATE: I just want to point out that it's a
15 condominium, and the others all approved.

16 TARYN BONE: Oh. No, this is not a condo.

17 CAROL AGATE: Oh.

18 JIM MONTEVERDE: This is a single-family.

19 TARYN BONE: Mm-hm.

20 CAROL AGATE: Oh.

21 JIM MONTEVERDE: Right?

22 CAROL AGATE: I've got 302 to 308 Harvard Street.

1 Am I in the right place?

2 TARYN BONE: No.

3 JIM MONTEVERDE: No, no, no, we're at -- we're on
4 10 Eighth Street. This is a single-family.

5 CAROL AGATE: Oh, sorry.

6 JIM MONTEVERDE: That's okay.

7 TARYN BONE: That's okay.

8 JIM MONTEVERDE: That's okay.

9 TARYN BONE: We'll take it.

10 JIM MONTEVERDE: One question. So I have -- if
11 there is no discussion, Taryn, I have one other question for
12 you.

13 TARYN BONE: Mm-hm.

14 JIM MONTEVERDE: Sorry I didn't do that before.
15 Did you or the proponent reach out to your next-door
16 neighbor that this addition will sit close to your property
17 line? I can't tell if there's a fence there or what in the
18 existing condition.

19 TARYN BONE: There is a fence. I did not. I
20 don't know if Alex is on here to speak to that.

21 JIM MONTEVERDE: That would be my only concern,
22 that you haven't reached out to them or that they're not

1 aware of it, and lo and behold someday if this is approved,
2 then there will be a building right up against their fence.

3 STEPHEN NATOLA: [Unclear].

4 JIM MONTEVERDE: So okay. So they received the
5 letter, they just didn't respond.

6 TARYN BONE: Mm-hm.

7 JIM MONTEVERDE: Okay. Any other discussion among
8 Members of the Board? If not, I'll move to a motion. This
9 is a variance, so before we move to that, Taryn, could you
10 talk about -- a variance you've got to meet all of the
11 following:

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

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

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

22 Can you talk about the hardship here?

1 TARYN BONE: Yeah. I think, you know, it's just a
2 -- it's a very small lot and a very, like modest home for a
3 family of four.

4 So I think that this -- what we're proposing
5 doesn't give any detriment to the public at all; it's all
6 happening kind of within their back yard and within -- you
7 know, a small footprint and kind of using what they have,
8 with adding --

9 JIM MONTEVERDE: Yeah.

10 TARYN BONE: -- square footage to the basement.

11 JIM MONTEVERDE: So I think in that sense, I --
12 looking at Dimensional Form, it's kind of clear what you're
13 saying, right? The lot is --

14 TARYN BONE: Mm-hm. They're --

15 JIM MONTEVERDE: -- way undersized, right? The --

16 TARYN BONE: Yeah.

17 JIM MONTEVERDE: -- Ordinance requires 5,000.

18 You've got --

19 TARYN BONE: Mm-hm.

20 JIM MONTEVERDE: -- less than 2,000. So it's an
21 undersized lot.

22 TARYN BONE: Yes.

1 JIM MONTEVERDE: I think that's the basis for the
2 hardship. On that basis, let me propose a motion then.

3 The Chair makes a motion to grant relief from the
4 requirements of the Ordinance under Sections 5.31, and
5 that's encroaching on the side yard setback, and 8.22.3 for
6 a Nonconforming Structure.

7 And the requirements for the 10.31 that we just
8 went through. And I think the basis for the hardship there
9 is the undersized lot that the structure sits on.

10 On the condition that the work proposed conforms
11 to the drawings entitled, "10 Eighth Street" prepared by
12 Bone Collective Studio and dated October 9, 2024; initialed
13 and dated by the Chair.

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

17 On a voice vote, please? Carol?

18 CAROL AGATE: In favor.

19 JIM MONTEVERDE: Thank you. Wendy?

20 WENDY LEISERSON: In favor.

21 JIM MONTEVERDE: Thank you. Virginia?

22 VIRGINIA KEESLER: In favor.

1 JIM MONTEVERDE: Thank you. Steven?

2 STEVEN NG: In favor.

3 JIM MONTEVERDE: Thank you. And Jim Monteverde in
4 favor.

5 [All vote YES]

6 JIM MONTEVERDE: That's five in favor. The relief
7 is granted.

8 TARYN BONE: Thank you.

9 JIM MONTEVERDE: You're welcome.

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2 (7:30 p.m.)

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

6 JIM MONTEVERDE: Next case is BZA-1138165 -- 304
7 Harvard Street. This one is a variance also -- oh, hold on
8 one second. This we have a note that the proponent would
9 like to withdraw. So it basically reads:

10 "My husband Michael and I would like to withdraw
11 our BZA application for 304 Harvard Street, effective
12 immediately. After giving consent for the project on
13 September 9, earlier this week, our condo board went to
14 great lengths to show, or so they feel, that our architect's
15 View drawings were inaccurate. The Historic Commission
16 doesn't agree."

17 So they no longer feel it's worth the time and the
18 money to continue to extend their deck.

19 On that basis, let me find my speech for a
20 withdrawal. I don't have one. What do I do, just vote to
21 withdraw? It's not in my prepared script.

22 Wendy, are you there?

1 WENDY LEISERSON: I'm here. I think you just put
2 it to a --

3 JIM MONTEVERDE: Just put it for a vote.

4 WENDY LEISERSON: -- vote, yeah.

5 JIM MONTEVERDE: Yeah.

6 WENDY LEISERSON: Although --

7 JIM MONTEVERDE: Just vote to withdraw.

8 WENDY LEISERSON: -- there are consequences of
9 withdrawing, but they don't --

10 JIM MONTEVERDE: All right.

11 WENDY LEISERSON: -- seem to be concerned with
12 that. So [laughter.]

13 JIM MONTEVERDE: Right.

14 WENDY LEISERSON: And they don't seem to be here,
15 I guess, so.

16 JIM MONTEVERDE: No. All right. So --

17 WENDY LEISERSON: Okay.

18 JIM MONTEVERDE: -- I'll make a motion to withdraw
19 this case. This is 304 Harvard Street. Responding to the
20 letter from the applicant; their request to withdraw
21 immediately. So on a voice vote, please, Carol?

22 CAROL AGATE: In favor.

1 JIM MONTEVERDE: Wendy?

2 WENDY LEISERSON: In favor.

3 JIM MONTEVERDE: Mm-hm. Virginia?

4 VIRGINIA KEESLER: In favor.

5 JIM MONTEVERDE: Steven?

6 STEVEN NG: In favor.

7 JIM MONTEVERDE: And Jim Monteverde.

8 [All vote YES]

9 JIM MONTEVERDE: This case is withdrawn. Thank
10 you.

11 WENDY LEISERSON: Jim?

12 JIM MONTEVERDE: Yes.

13 WENDY LEISERSON: I just wanted to make sure did
14 we ask if anyone was present about it? Like, if the -- or
15 do we check to see if the homeowners --

16 JIM MONTEVERDE: Oh.

17 WENDY LEISERSON: -- the petitioners were there?

18 JIM MONTEVERDE: Yeah. Yeah. If anyone was there
19 to present, then --

20 WENDY LEISERSON: Okay. I just wanted to make
21 sure we did do that. Okay. Thank you.

22 JIM MONTEVERDE: And there's, no one calling in

1 for public commentary, correct? Yeah.

2 WENDY LEISERSON: Okay.

3 JIM MONTEVERDE: The applicant's not there, so --

4 WENDY LEISERSON: Great. Thank you.

5 JIM MONTEVERDE: Okay. Thank you for helping us
6 through this anomaly.

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2 (8:10 p.m.)

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

6 JIM MONTEVERDE: And next case and final is BZA
7 769646 -- 401 Concord Avenue. Is there anyone calling in?

8 STEPHEN NATOLA: Eduardo Berlin.

9 JIM MONTEVERDE: Okay. One second please.

10 EDUARDO BERLIN: Hello?

11 JIM MONTEVERDE: Yes. Hi.

12 EDUARDO BERLIN: Hi. Mr. Chairman, thank you all
13 for -- for being here and for taking our case. If it's
14 okay, I -- I know the owner is also on this call. So if
15 it's okay, he'd like to make a short statement, and then I
16 can go into the nitty-gritty, the details of what we're
17 asking and why.

18 JIM MONTEVERDE: That's fine. Just introduce.

19 EDUARDO BERLIN: It's David Nix.

20 JIM MONTEVERDE: Yep.

21 DAVID NIX: Hello. I'm here.

22 JIM MONTEVERDE: You just need to introduce

1 yourself and then go ahead.

2 DAVID NIX: Hi. I'm David Nix. I'm one of the
3 owners of 401 Concord. I just want to give a brief
4 backstory before we get into the more details. Eduardo's
5 going to give a presentation about the project.

6 We bought the land -- my family and I bought the
7 land for our forever home in Cambridge, for a family of
8 four. We are a multigenerational household between my wife,
9 our 8-year-old daughter and my mother-in-law and myself.

10 We're currently in Tampa, while my wife is doing a
11 specialty residency in veterinary medicine, but I've lived
12 and worked in Cambridge for the better part of the last
13 decade.

14 I have MS and work permanently from home, and we
15 are blessed to have my mother-in-law live with us to give us
16 the support. She's our Energizer Bunny and helps us keep up
17 with our 8-year-old daughter.

18 Super active family, love the outdoors, very much
19 into biking and walking over near the Fresh Pond is great.
20 Would use multiple cars, as we expect my wife to need to
21 drive around the town for her veterinary practice and
22 possibly teaching. My mother-in-law, of course, ferries my

1 daughter around town frequently.

2 We just kind of fell in love with the site and its
3 location and proximity to a lot of our favorites in town.
4 Despite the site's complexities, we really feel that it's
5 the perfect place for our forever home.

6 We think the project we've come up with is a very
7 rational and thoroughly conceived home. Fits well with the
8 neighborhood, we think. We think that it's -- justifies
9 what is a pretty significant personal investment.

10 Before I turn it over to Eduardo with the nitty-
11 gritty, if the Chair will permit me, we got a letter of
12 support I think after the deadline to attach to our binder,
13 but I'd love for it to be on the record, if that's possible.

14 JIM MONTEVERDE: Yeah.

15 DAVID NIX: Would that be okay?

16 JIM MONTEVERDE: Yeah.

17 DAVID NIX: Okay.

18 JIM MONTEVERDE: Just if you can summarize it,
19 please?

20 DAVID NIX: Yes, of course. So this is from our
21 direct abutter on Corporal Burns. David Doolittle and
22 Judith Bacher.

1 JIM MONTEVERDE: Yep.

2 DAVID NIX: I'll be very brief.

3 JIM MONTEVERDE: We have that in the record.

4 DAVID NIX: Should I -- is it okay to --

5 JIM MONTEVERDE: No, we have --

6 DAVID NIX: -- read it out loud?

7 JIM MONTEVERDE: -- it in the file, we'll have it
8 in the file --

9 DAVID NIX: Okay.

10 JIM MONTEVERDE: -- and I'll get to it when we get
11 to public comment.

12 DAVID NIX: Okay. Okay. Great. It's a summary
13 that they're in favor of it. Yeah. Okay. So with that,
14 I'll turn it over to Eduardo, who's the Project Architect,
15 and he'll walk through the proposal.

16 Thank you in regards to the Board and the Staff
17 for your consideration and for the opportunity to present.

18 JIM MONTEVERDE: Okay.

19 DAVID NIX: Thank you.

20 EDUARDO BERLIN: Thank you, Dave. Can you all
21 hear me again?

22 JIM MONTEVERDE: Yep.

1 EDUARDO BERLIN: Thank you. So --

2 JIM MONTEVERDE: Yep.

3 EDUARDO BERLIN: -- I'm Ed Berlin. I'm the
4 Project Architect. And the first thing, before getting into
5 the plans, so I want to, like, say we're going to talk a lot
6 about FAR, but for the benefit of everybody here, I know the
7 Board fully understands it, but FAR is not the same thing as
8 livable space.

9 And we are proposing a house that has excessive
10 FAR per the Dimensional Standards, as FAR is considered, you
11 know, above grade, but we have a -- we are also -- the same
12 house is actually way smaller than the average home, or the
13 neighboring homes or the previous variance that was granted
14 for the same site.

15 And that's -- it's -- which was 1,100 square feet
16 bigger. So.

17 And the reason we have this problem is because
18 we're not going to build a basement, and we'll talk about
19 that later for hardship reasons. So we're not asking to
20 build a bigger house or to build more, we're just asking to
21 build different.

22 I know this Board is -- if you could go, please to

1 Page No. 9 where we have the neighbor's FAR living space
2 comparison table on the bottom right?

3 Yeah, so basically this is basically the first
4 thing is the GFA. And then, you know, if you consider the
5 basement you get to the total living space, adding those two
6 together, right? So FAR wise, we are proposing 0.73, where
7 the average of the street is 0.63.

8 But on the living space, if you see we are under
9 the average, the median and for sure the maximum, this is
10 taking into account all of the [unclear] of homes on the
11 block west and on the block east of Concord Ave.

12 JIM MONTEVERDE: Eduardo --

13 EDUARDO BERLIN: Yep.

14 JIM MONTEVERDE: Before you try and convince us
15 why we should --

16 EDUARDO BERLIN: Yeah.

17 JIM MONTEVERDE: -- approve the FAR that you're
18 proposing, can you just walk us through the proposal of what
19 you're --

20 EDUARDO BERLIN: Yes.

21 JIM MONTEVERDE: -- proposing here?

22 EDUARDO BERLIN: Yes, if the --

1 JIM MONTEVERDE: Simply?

2 EDUARDO BERLIN: Yeah. This is -- basically it's
3 a single-family home. It's two and a half stories, no
4 basement. We are proposing a house with no basement, and
5 so, we're saying the previous --

6 JIM MONTEVERDE: Sorry, can I interrupt you for
7 one second?

8 EDUARDO BERLIN: Sure.

9 JIM MONTEVERDE: And for Board Members, if anyone
10 recalls this site, we've reviewed this previously.
11 Different proponent, different scheme.

12 EDUARDO BERLIN: Yes.

13 JIM MONTEVERDE: So I'm assuming this is now a new
14 owner, new scheme, correct?

15 EDUARDO BERLIN: Yes. New owner, new scheme.

16 JIM MONTEVERDE: Yep.

17 EDUARDO BERLIN: And just for context, so that --
18 I know we followed that process after we got involved, of
19 course, but we watched every recording, we understood the
20 whole process of the previous variance that was granted
21 after a year or so of iterations, also with greater FAR,
22 also with much greater square footage, and for two homes in

1 an under --

2 JIM MONTEVERDE: Right.

3 EDUARDO BERLIN: -- sized lot.

4 JIM MONTEVERDE: Correct.

5 EDUARDO BERLIN: The reason this didn't happen is
6 because all that project was not real, based on the fact
7 that the previous owner did the due diligence on soil after
8 he got the variance approved, and as he did that and
9 realized that this site has poor subgrade, and a water table
10 at 4' --

11 JIM MONTEVERDE: Oh.

12 EDUARDO BERLIN: -- the effort to build a basement
13 costs \$500,020 just to build the encasement you need with --

14 JIM MONTEVERDE: Mm-hm.

15 EDUARDO BERLIN: -- 30' down. Not considering the
16 Resiliency Standards that now the City Ordinance will
17 require or does require for basements.

18 So the basement -- building that project or
19 building any project with the basement -- that standard
20 basement in this lot would cost you \$800,000 more than --
21 than on top of the cost of the house and the land. That was
22 the reason it was unfeasible.

1 We -- we knew that when we purchased this land,
2 David was fully aware, but we looked at the hardship and the
3 Standards for Hardship and we have shape, soil and
4 topography and I'll get into that now.

5 So on the shape side, we are in a nonconforming
6 lot. It's 3,900 square feet and where the minimum is 5,000,
7 we're in a corner lot, so we have more setbacks as you know,
8 because we have two front yards.

9 We are in a -- in a curve -- the side has a curve,
10 the 20' radius curve on the -- on the -- on the corner,
11 which makes it even more restricted. It's a very narrow
12 site.

13 On the soil, as I just mentioned, we have the
14 hardship and even without a basement, we're going to need to
15 do deep -- helical pile deep foundation that's going to add
16 to the cost \$200,000 anyway.

17 And last but not least, the topography we're in a
18 floodplain. So the -- on top of the water table, on top of
19 the soil problems, we have to mitigate in a few words to
20 build a basement for the new Standards for Floodplain.

21 So -- so with that in mind, basically, we
22 determined -- and you can see that the project -- and we saw

1 some of the letters from neighbors that they're trying to
2 argue that it's better to have two families, even if it's --

3 JIM MONTEVERDE: Just --

4 EDUARDO BERLIN: Yeah.

5 JIM MONTEVERDE: -- can you just present to us,
6 please --

7 EDUARDO BERLIN: Yes.

8 JIM MONTEVERDE: -- what it is you're proposing,
9 and what --

10 EDUARDO BERLIN: Yes.

11 JIM MONTEVERDE: -- relief that requires? And
12 then we can get into what the neighborhood's --

13 EDUARDO BERLIN: Sure. That's fair. Can you --
14 can you please move to Slide No. 11?

15 Yeah. So here's the first floor. There.

16 So this is a single-family home. We are within
17 the setbacks on the heights in all areas except on the front
18 yard towards Corporal Burns. We're asking for 6" of relief.
19 And this is based on -- because the setbacks should be 11.5'
20 and we're asking for 11' instead.

21 Again, the previous variance had this approved at
22 11', but it wasn't asking for any relief. They assumed that

1 was the correct setback. We did topographic studies on both
2 of our neighbors to get the average and realized that
3 actually we were -- 11.5' was that average.

4 So -- and in this case, it's very important
5 because this is such a narrow site, and you see up in the
6 second floor where bedrooms and all the distributions, those
7 6" are really meaningful. That's one of the aspects of
8 relief.

9 The second one is you see the carport. So those
10 two vehicles there are in an open carport. It's not closed,
11 it's not a garage, it's basically under a cantilevered part
12 of the second floor, which has bedrooms.

13 And they protrude a little bit into the front yard, as you
14 can see.

15 So that line above -- the dashed line that you see
16 above that's marked at 3'10" -- is the solar -- a solar
17 shade, the shade canopy, per the Ordinance. So that's just
18 not part of the house, it's just a shade canopy that covers
19 the porch.

20 And, but the actual setback or the actual front
21 yard goes all the way to those 11'. So 3'10" of the 18' --
22 Dimensional Standard for a car parking space are within the

1 front yard, right? We are using the existing curve cut.
2 This is the same area where the previous house or the
3 existing house had -- because now it's kind of in ruins --
4 but had the two-car garage.

5 And actually, part of our FAR is a portion of that
6 cardboard, because the City you only extends one car in
7 terms of FAR, even if it's open and even if it's an open
8 carport, just because it has a roof on top.

9 Thank you.

10 Second floor, there's three bedrooms and a rec
11 room, or a family room if you will, and a laundry room. And
12 again, that's part of the program that every house you'll
13 see nowadays includes the basement, let alone another
14 bedroom and bathroom.

15 But rec room, laundry, mechanical room, storage --
16 all the things that we are not able to do within a
17 reasonable, you know, cost structure.

18 And last, the third floor has an additional
19 bedroom, bathroom -- and that's for Dave's mother-in-law,
20 and it has a little deck, viewing deck, that's over Concord
21 Ave so it's not all invasive to the neighbors, it has --
22 it's within the, you know, way within the setback of that's

1 15' width, 24' I believe.

2 So that's -- so -- so the -- I mentioned the two
3 first, so the car -- the cars popping into the -- front yard
4 is one aspect of the relief.

5 The second is the 6" and the most significant one
6 of course is the FAR, which is where this house is 2,700
7 square feet. We try our very best to keep it as small as
8 possible within the required spaces that the family needs.

9 As you can imagine, the staircase takes a lot of
10 square footage. The carport that I mentioned takes another
11 part of the square footage.

12 And if we had a basement, we would be able to
13 build another 1,200 square feet or 1,000 square feet, which
14 is -- would be the same footprint of the house. And we
15 wouldn't need to ask for this.

16 So that's going back to what I mentioned in the
17 beginning that if you look at living space and not at FAR,
18 we are not only in compliance with what would have been
19 possible without the hardship, but under what that is,
20 right? So just for reference, the previous project was
21 3,800 square feet. We're at 2,700 square feet.

22 JIM MONTEVERDE: Thank you.

1 EDUARDO BERLIN: Yep. Yeah, that's basically the
2 project that -- what I was going to say if you allow me,
3 Chairman, of the neighbors that we think that -- we saw a
4 letter that we haven't reached out to the community.

5 We sent a letter with a QR code pointing to all
6 the documentation and our content information and all that
7 on August -- sorry, on October 4, the same day we got the
8 scheduled hearing.

9 Moreover, we went and knocked on the doors. We
10 talked to some neighbors; we couldn't find all of them. And
11 then we sent more e-mails to talk to our two direct abutters
12 at least.

13 One of the letters of support we have is from one
14 of the direct abutters. The other is a letter of not
15 support; of opposition -- mainly because we are not building
16 two homes, and because they kind of liked the previous
17 project, so last but not least, that previous project -- I
18 want to --

19 JIM MONTEVERDE: Okay. I'll -- I'll get to --
20 I'll get to public comment in a moment. So just --

21 DAVID NIX: Yeah, so --

22 JIM MONTEVERDE: -- are you --

1 EDUARDO BERLIN: -- yeah, so just so I --

2 JIM MONTEVERDE: -- done with your presentation?

3 EDUARDO BERLIN: Yes, I am. Thank you.

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

6 STEVEN NG: Yeah. Eduardo, can you just talk
7 about the elevation and the architecture please?

8 EDUARDO BERLIN: Yes. So the architecture, if you
9 go to the elevation sheet that I believe right after this --
10 one more, yeah.

11 So the house is a gabled roof for most of it, and
12 then when it gets the half-story on the third level, and the
13 deck, it's basically -- well, it's a deck so it's flat. And
14 then to maintain the height as low as possible, we went --
15 we did the extra effort to do another -- I meant a flat roof
16 on top of that little half floor.

17 So in general, the height of the -- of the
18 overall, the majority of the house is also lower than the
19 previous project and much lower than the maximum. With the
20 new ordinance, we can go up to 37' high, because we are 2'
21 under the floodplain.

22 We are -- the majority of the house is at 31'9"

1 and the top -- and on the ridge of the gabled roof, and the
2 top of the flat roof is at 33'.5".

3 The back one you're seeing in the second, towards
4 the Corporal Burns neighbor, you're seeing a bike -- a
5 bicycle garage -- oh, that's on the previous one.

6 And then here you can see the front façade and
7 then the back façade. We -- in terms of, you know, the
8 architecture, we're trying to make -- to design a home
9 that's -- and I should have said this before, but this house
10 is highly energy-efficient. We are in the process of
11 getting it LEED --

12 JIM MONTEVERDE: Yep.

13 EDUARDO BERLIN: -- certified. It's, you know, we
14 -- we take a lot of pride in the way we work. I am a
15 Cambridge resident. I've lived here for 15 years.

16 JIM MONTEVERDE: Yep.

17 EDUARDO BERLIN: So --

18 JIM MONTEVERDE: Mr. Berlin, we're going to skip
19 through to -- or at least get to the sheet that has
20 isometric view, aerial view, just to --

21 EDUARDO BERLIN: Sure.

22 JIM MONTEVERDE: -- see it in massing and see if

1 Steven has that -- if that answers the question Steven has
2 on the --

3 EDUARDO BERLIN: Yes.

4 JIM MONTEVERDE: -- architecture?

5 EDUARDO BERLIN: Yes. One -- I think the previous
6 one is better.

7 JIM MONTEVERDE: I think that -- yeah.

8 EDUARDO BERLIN: One more.

9 STEVEN NG: Yeah.

10 EDUARDO BERLIN: Or that one, either one.

11 JIM MONTEVERDE: Yeah. That basically --

12 EDUARDO BERLIN: -- height and dimensions, yeah.

13 STEVEN NG: That's great.

14 JIM MONTEVERDE: Yeah, let --

15 STEVEN NG: Yeah.

16 JIM MONTEVERDE: -- they --

17 STEVEN NG: Fantastic.

18 JIM MONTEVERDE: -- that shows the parking space,
19 it shows the --

20 STEVEN NG: Mm-hm.

21 EDUARDO BERLIN: Yes.

22 JIM MONTEVERDE: -- the pitched roof portion of

1 the building, and then the flat roof terrace at the third-
2 floor level --

3 EDUARDO BERLIN: Yes.

4 JIM MONTEVERDE: -- et cetera. I think the whole
5 thing that's not illustrated here kind of dashed in is what
6 I assume to be the terraced area on the -- well patio,
7 whatever, or patio whatever on the ground-floor level that
8 leads to the entry?

9 EDUARDO BERLIN: Yes, yes. And that's -- that's -
10 -

11 JIM MONTEVERDE: Steven, does that -- does that
12 answer your question, or do you have a follow-up question?

13 STEVEN NG: No, no. That's exactly -- I just -- I
14 just -- I -- he -- Eduardo was moving towards public
15 comments and I wanted him to kind of just complete the
16 design presentation?

17 JIM MONTEVERDE: Okay.

18 STEVEN NG: Thank you.

19 JIM MONTEVERDE: Great.

20 STEVEN NG: Thank you so much.

21 DAVID NIX: Thank you.

22 JIM MONTEVERDE: Any other questions from Members

1 of the Board? If not --

2 EDUARDO BERLIN: Can I add one last thing?

3 JIM MONTEVERDE: Nope.

4 EDUARDO BERLIN: Um.

5 JIM MONTEVERDE: Yep. One last thing, please.

6 EDUARDO BERLIN: One last thing, sorry. But the
7 deck -- so basic the deck is conforming, and we verified
8 this with the Building Department, so that deck that's not
9 shown here, and it's basically -- it's just like the front
10 porch, and then when it gets --

11 JIM MONTEVERDE: -- yeah.

12 EDUARDO BERLIN: into the back yard it's a deck,
13 and it's above -- it's right above the floodplain. So
14 that's kind not only [unclear] but encouraged by DPW.

15 JIM MONTEVERDE: Okay. Thank you.

16 WENDY LEISERSON: Jim, this is Wendy Leiserson. I
17 have one question.

18 JIM MONTEVERDE: Yep.

19 WENDY LEISERSON: The building across on Corporal
20 Burns, the corner of Corporal Burns and Concord, is that a
21 bakery, or am I in the --

22 JIM MONTEVERDE: Yeah.

1 WENDY LEISERSON: -- wrong street? That is a
2 bakery? Okay.

3 JIM MONTEVERDE: It is.

4 EDUARDO BERLIN: Yes, is it.

5 WENDY LEISERSON: So there are a lot of cars
6 parked --

7 EDUARDO BERLIN: A lot.

8 WENDY LEISERSON: -- right across the street
9 there, yes?

10 DAVID NIX: It's very hard to park here, yes.

11 WENDY LEISERSON: Yes. Okay. All right.

12 JIM MONTEVERDE: Yep.

13 WENDY LEISERSON: All right.

14 JIM MONTEVERDE: Yep.

15 WENDY LEISERSON: All right. Thank you.

16 JIM MONTEVERDE: Yeah. And if you recall, I don't
17 know if you sat on the case, but we had a case for that
18 bakery a little while ago --

19 WENDY LEISERSON: Mm-hm.

20 JIM MONTEVERDE: -- where they wanted to be able
21 -- permission to use -- they already have it, but to use
22 some space outside, some patio space in the good weather.

1 So they are --

2 WENDY LEISERSON: Mm-hm.

3 JIM MONTEVERDE: -- that was allowed in front of
4 the building, so the bakery kind of takes up that space as
5 well.

6 WENDY LEISERSON: Right. Right.

7 JIM MONTEVERDE: And the balance is parking.

8 WENDY LEISERSON: Okay.

9 EDUARDO BERLIN: On top of that, we have a fire
10 hydrant in the --

11 DAVID NIX: Yeah.

12 EDUARDO BERLIN: -- where we can park. Yeah.

13 JIM MONTEVERDE: Does that answer your question,
14 Wendy?

15 WENDY LEISERSON: Yes. And I just wanted to know,
16 so did the direct abutter, do you have any supporting?

17 EDUARDO BERLIN: We have a supporting --

18 WENDY LEISERSON: -- neighbors?

19 EDUARDO BERLIN: Yes. We do have a supporting
20 letter from the -- from Judy Bacher and David Doolittle --

21 JIM MONTEVERDE: Yep.

22 EDUARDO BERLIN: -- from --

1 WENDY LEISERSON: Okay.

2 EDUARDO BERLIN: -- next-door neighbor and --

3 WENDY LEISERSON: Yep.

4 JIM MONTEVERDE: -- I'll read that.

5 EDUARDO BERLIN: -- the neighbor --

6 JIM MONTEVERDE: I'll read that in a second.

7 EDUARDO BERLIN: -- okay.

8 WENDY LEISERSON: Okay, thank you, Jim. Not any
9 more questions for now. Thank you.

10 JIM MONTEVERDE: Thank you. Any other questions
11 from Members of the Board? If not, I'll open it up to public
12 comment.

13 WENDY LEISERSON: Oh, wait. I'm sorry, Jim. It's
14 Wendy. I had --

15 JIM MONTEVERDE: Yep.

16 WENDY LEISERSON: -- one more question.

17 JIM MONTEVERDE: Go ahead.

18 WENDY LEISERSON: In the prior proposal for the
19 two buildings on that site, was the height proposed the
20 same?

21 JIM MONTEVERDE: The height -- God, I don't
22 remember.

1 EDUARDO BERLIN: I remember --

2 JIM MONTEVERDE: The previous proposal?

3 WENDY LEISERSON: Yeah, I'm just curious because
4 the neighbors have --

5 JIM MONTEVERDE: It is.

6 WENDY LEISERSON: -- have expressed, you know --

7 JIM MONTEVERDE: Yeah, it was --

8 WENDY LEISERSON: -- that they were in support of
9 the last proposal, and I wondered if it was similar height.
10 That's all.

11 JIM MONTEVERDE: I don't recall, and I don't have
12 that file in front of me.

13 WENDY LEISERSON: Okay. Thank you.

14 EDUARDO BERLIN: I can --

15 JIM MONTEVERDE: And I don't recall that height
16 was the issue.

17 WENDY LEISERSON: No, I just wondered --

18 JIM MONTEVERDE: Yeah.

19 WENDY LEISERSON: -- to get a sense of the
20 neighbors' --

21 JIM MONTEVERDE: -- yep.

22 WENDY LEISERSON: -- concerns. Thank you.

1 JIM MONTEVERDE: I'll see if there's anything in
2 the correspondence.

3 EDUARDO BERLIN: It's 33' flat for the previous
4 project. We have 33.5' in a small portion and 31. 9' in
5 the majority of it.

6 JIM MONTEVERDE: Yep.

7 WENDY LEISERSON: Okay, thank you.

8 JIM MONTEVERDE: Okay. Any other questions from
9 Members of the Board or I'll open it up to public comment?
10 Okay, for correspondence we have -- and I'll go through
11 these, summarize these.

12 We have two in the file in support and one raising
13 some concerns. Let me go through the support.

14 This is David Doolittle and Judith Bacher, who
15 live at 8 Corporal Burns. That's the next-door property, I
16 believe. And they have reviewed the plans, and they are in
17 support of the newly proposed design. And -- sorry, that
18 one is dated October 21.

19 We also have correspondence dated October 17 from
20 David Chilinski. I don't think he gives his residential
21 address, but he is -- hold on one second. My notes say he's
22 -- hold on. This one is speaking against on the basis of --

1 and I'll just quote from the last line of their letter,

2 "It's in that context that I respectfully ask you
3 not to grant these variances." And it's really raising the
4 issue of the FAR being unreasonable and the size being
5 unreasonable. I'll go through this and see if I have
6 anything else.

7 Nicola -- yeah, some of these are duplicates.
8 October 24 from Nicola Moore, who resides at -- say they
9 were a direct abutter on 401 Concord Avenue. They own and
10 reside at 395-397 Concord Avenue.

11 They are concerned about the significant -- that
12 the FAR significantly exceeds the Ordinance limit. That's
13 what we have in the file; one for, two against and then two
14 against. They're both speaking about the FAR.

15 I will open the matter up to public commentary.

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

21 I'll now ask Staff to unmute the speakers one at a
22 time. You should begin by saying your name and address, and

1 Staff will confirm that we can hear you. After that you
2 will have up to three minutes to speak before I ask you to
3 wrap up.

4 STEPHEN NATOLA: Judith Bacher?

5 JUDITH BACHER: Yes, hi. This is Judy Bacher. I
6 live with Dave Doolittle at 8 Corporal Burns, which is one
7 of the immediate abutters.

8 JIM MONTEVERDE: Yep.

9 JUDITH BACHER: We have met with Eduardo and with
10 David Nix and discussed their design and all the challenges
11 that they face with the lot and the different impediments,
12 if you will.

13 And we think that given all of those, that the
14 design is reasonable and -- and works in that space. And
15 so, we support the design and hope that it will get approved
16 and go forward.

17 JIM MONTEVERDE: Thank you.

18 JUDITH BACHER: This will be much better -- much
19 better than the eyesore that we have to look at right now.
20 So thank you.

21 JIM MONTEVERDE: All right. Very good. Thank
22 you. Thank you for calling in. Anyone else?

1 STEPHEN NATOLA: No one else is raising their
2 hand.

3 JIM MONTEVERDE: We have no one else calling in,
4 so we'll close public testimony.

5 Any discussion among Members of the Board? If
6 not, I'll raise three issues. The notes I made to myself,
7 there's one that questioned about hardship.

8 The next is the FAR does exceed by quite a bit the
9 allowable -- where the allowable is 0.5 and the current
10 condition is 0.448 and the request is for 0.725, so that's a
11 50 percent increase.

12 I can rationalize that by the fact that this is an
13 undersized lot. So that 0.5 GFA is based on a 5,000 square-
14 foot lot. It's by Ordinance would let you do 2,500 square
15 feet of house. The proposed is for 2,800 square feet of
16 house.

17 So you know, it's actually a little above that.
18 But to me, so it kind of speaks to the undersized lot, which
19 I guess becomes the hardship, since this is a variance. And
20 as a way of explaining the area, although I wish the area
21 was a bit less.

22 My last point is I'm concerned about -- I always

1 have a concern about decks, especially the one here that's
2 on the third level. It's a decent size. I understand this
3 is a family residence, but I would ask the proponent if the
4 Board agrees if they -- if there would be a way to do less
5 of a deck upon that third floor.

6 Anyway, those are my concerns.

7 Anyone else have any discussion among the Board
8 Members?

9 STEVEN NG: Yeah, I definitely agree with you on
10 the meeting -- feel that scale of the undersized lot versus
11 what the FAR would be if it was a compliant lot, you know,
12 so I'm sympathetic to that.

13 I do like the move they made to pull away from
14 Concord Ave a little bit, because that is a very busy
15 street. So I think that move is good for the family.

16 I like the porch concept. I mean, I think we're
17 all seeing this contemporary kind of trend now when we see
18 new applications. So it's kind of consistent with that
19 openness, but still willing to address the streetscape and
20 have space that you connect with people, and I think that
21 does well.

22 And Jim, you're very consistent with that upper-

1 level terrace issue. I think that's a good question to be
2 up that high, just kind of not that consistent with the
3 neighborhood. And I guess I wonder what our fellow Board
4 Members would have to say about that. But --

5 JIM MONTEVERDE: Okay. Thank you.

6 VIRGINIA KEESLER: I would just add that I also
7 appreciate that the encroachment on the setbacks is minimal,
8 and that the height is conforming. I -- also that there is
9 off-street parking included in this scheme in an area where
10 there is not much available on-street parking. I think all
11 this are great factors.

12 I am not personally bothered by the deck. If, you
13 know, the neighbors haven't taken issue with it, it is a
14 busy area -- I don't find it particularly troubling myself.

15 JIM MONTEVERDE: Okay. Thank you.

16 CAROL AGATE: And the FAR doesn't bother me. if I
17 were just looking at the numbers, I would say, "Oh, no, that
18 FAR is a problem." But the fact that it's on a corner lot,
19 it seems more spacious than normally it would with that kind
20 of FAR.

21 And the deck: I'll point out that the bakery
22 across the street has outdoor seating. So you've already

1 got people eating outside.

2 So I think it just fits that spot. And it fits in
3 with the other houses around there.

4 WENDY LEISERSON: Can you remind me of the
5 neighbor on Concord, the abutter on Concord, what was the
6 basis of their objection?

7 EDUARDO BERLIN: Me?

8 JIM MONTEVERDE: No, hold on.

9 WENDY LEISERSON: I'm asking Jim.

10 JIM MONTEVERDE: No, hold on. I'm thumbing
11 through my files here to see -- make sure I get the right
12 person.

13 WENDY LEISERSON: Same. That's --

14 JIM MONTEVERDE: Give me one second.

15 WENDY LEISERSON: It's 395 Concord.

16 JIM MONTEVERDE: Yeah, I just have two pieces of
17 correspondence -- one an older one that identifies where
18 they live, and then the new one that does not. I just want
19 to make sure it's the same person.

20 WENDY LEISERSON: Okay.

21 JIM MONTEVERDE: Yeah. Here we go. That's Nicola
22 Moore.

1 WENDY LEISERSON: Okay.

2 JIM MONTEVERDE: That's the -- the folks from 395-
3 397 Concord Avenue.

4 WENDY LEISERSON: Mm-hm.

5 JIM MONTEVERDE: Their objection is -- let me read
6 this, because I didn't underline it enough.

7 "I write to raise my opposition to the several
8 variances requested by the new owners in their plan to build
9 a single-family residence. I supported several variances
10 requested by the previous owners, who had a two-family
11 residence at the property.

12 "First, I considered the replacement of the
13 current single-family home with the two-family and --" it's
14 going backwards.

15 WENDY LEISERSON: Mm-hm. Okay.

16 JIM MONTEVERDE: "Second previous owners, worked
17 extensively over many months with neighborhood members and
18 --" it's not relevant. The -- I mean, it's a point to be
19 made, yes. "The current owners have not --

20 WENDY LEISERSON: Yep.

21 JIM MONTEVERDE: "-- as far as I know shown a good
22 faith effort to elicit input from neighbors and abutters in

1 developing their plan. The first contact I had from the new
2 owners --" again, this is dated October 17 "I had from new
3 owners occurred today, that's October 16 via e-mail. And in
4 that e-mail the new owners state that they have knocked on
5 my door three times with no luck.

6 "The plan for a single-family residence to replace
7 a single-family residence does not help with the Cambridge
8 housing shortage, and the new owners have not demonstrated
9 adequate justification for their request, to significantly
10 exceed the FAR to decrease the size of the front yard, or to
11 allow the parking space to project into the front yard
12 setback."

13 So I think, Wendy, just between us, or amongst the
14 Board, I think we've discussed a bit what really drives the
15 FAR.

16 WENDY LEISERSON: Mm-hm.

17 JIM MONTEVERDE: And it may seem, you know, by the
18 dimensional chart to be excessive, but when you look at the
19 size of the spaces, et cetera, it does not seem to be
20 excessive. A little over, but --

21 WENDY LEISERSON: Yeah.

22 JIM MONTEVERDE: -- really, it's the undersized

1 lot that kind of does that.

2 WENDY LEISERSON: I agree with you. I just wanted
3 to make sure that they were not addressing -- not raising
4 any privacy issues or anything like that with regard to the
5 deck.

6 JIM MONTEVERDE: No.

7 WENDY LEISERSON: So I think you're right, that
8 the FAR discussion we've covered.

9 JIM MONTEVERDE: Okay.

10 WENDY LEISERSON: Thank you.

11 JIM MONTEVERDE: Yep. Thank you. Any other
12 discussion from Members of the Board? Are we ready for a
13 motion? Motion; and this is a variance.

14 The Chair makes a motion to grant relief from the
15 requirements of the Ordinance under Sections 5.31, Table of
16 Dimensional Requirements.

17 Again, that's for the total gross square footage
18 and over the Dimensional limitation; the FAR being in excess
19 of the Ordinance requirement, and the left side setback
20 being 6' beyond the Ordinance requirement.

21 And section 6.44.1.c parking in the front yard,
22 that was as the proponent described, I believe they --

1 they're over that dimension they're required to keep by 6"
2 by a couple of inches, if I read that correctly.

3 And Requirements for a Variance. I went through
4 those. That's Section 10.41.

5 a) A literal enforcement of the provisions of the
6 ordinance would provide a substantial hardship.

7 b) The hardship is owing to the circumstances
8 relating to the soil condition, shape, or topography of such
9 land -- and I think that one, as we discussed, is really the
10 undersized lot is what kind of drives some of the objections
11 and drives the -- the Dimensional Form showing that it's
12 over the GFA. It's really because of the undersized lot.
13 And that:

14 c) Desirable relief may be granted without
15 substantial detriment to the public good, or -- which I
16 think is correct -- or nullifying or substantially
17 derogating from the intent or purpose of the ordinance,
18 which I think is correct.

19 So I think it meets the criteria for a variance
20 under Section 10.31.

21 On the condition that the work proposed conforms
22 to the drawings entitled, "401 Concord Avenue House,"

1 prepared by Bone Studio, LLC, and dated September 27, 2024;
2 initialed and dated by the Chair.

3 And further, that we incorporate the supporting
4 statements and dimensional form submitted as part of the
5 application.

6 Board Members on a voice vote, please? Carol?

7 CAROL AGATE: In favor.

8 JIM MONTEVERDE: Thank you. Wendy?

9 WENDY LEISERSON: In favor.

10 JIM MONTEVERDE: Thank you. Virginia?

11 VIRGINIA KEESLER: In favor.

12 JIM MONTEVERDE: Thank you. Steven?

13 STEVEN NG: In favor.

14 JIM MONTEVERDE: Thank you. And Jim Monteverde in
15 favor.

16 [All vote YES]

17 JIM MONTEVERDE: That's five in favor. It's
18 unanimous. The relief is granted.

19 EDUARDO BERLIN: Thank you.

20 JIM MONTEVERDE: Can Board Members hang around for
21 two more minutes?

22 WENDY LEISERSON: Yes.

1 JIM MONTEVERDE: Please.

2 STEVEN NG: Sure thing.

3 EDUARDO BERLIN: Thank you very much.

4 JIM MONTEVERDE: Thank you. So since we're all
5 together, let me just give you an update on our -- I'm
6 sorry, Zoning petition. So --

7 WENDY LEISERSON: Are we still being recorded?
8 Yes.

9 JIM MONTEVERDE: It's fine. We're all here.

10 WENDY LEISERSON: Yep. Okay. Got it.

11 JIM MONTEVERDE: I think. If not, I'll find out.
12 I'll hear about it later.

13 WENDY LEISERSON: [Laughter].

14 JIM MONTEVERDE: The Ordinance Committee for the
15 City Council held a meeting -- I forget when it was, a week
16 ago? And invited Community Development, the Legal
17 Department, Historic Commission, ISD, Zoning Staff, to go
18 through the BZA's petition. They didn't invite the BZA.

19 So when they figured that out, they had a chat and
20 they decided to defer it, delay it, not take any action, and
21 to -- and it was of no fault of ours. We weren't invited.
22 We never got -- Bill and I -- Bill Boehm and I never got an

1 invitation. Okay.

2 So we both participated by phone. We knew the
3 meeting was happening, so we heard it, but it was deferred.
4 And it's now going to occur this coming Tuesday at the
5 inconvenient time of -- for folks who work -- from noon to
6 two.

7 So Bill and I will both attend, and we'll present
8 the petition that you all have seen.

9 And what seems like will come out of it -- it
10 seemed -- the Council was, I think, responded favorably to
11 it, at least the Ordinance Committee. What will transpire
12 there in that hearing is any other group that has comments,
13 so there have been comments from the Planning Board that we
14 presented to them, they had some comments.

15 There is correspondence in the file from the
16 Community Development, who took a -- I wouldn't call it an
17 exception, but they weren't exactly -- we weren't getting
18 hugs and kisses from them. But they raised some points.

19 So this will all go -- it will be our chance to
20 explain why and what it is we are proposing and how simple
21 we thought it was and see if there are any comments that the
22 Ordinance Committee directs be incorporated into our

1 petition.

2 And we'll then ask who is supposed to make that
3 modification. At this moment I don't know. My guess is
4 it's Community Development.

5 So we'll see what comes out of that discussion --
6 whether it resembles what we've proposed or what it becomes.
7 This becomes like, you know, it's the part you hate about
8 design by committee.

9 STEVEN NG: Mm-hm.

10 JIM MONTEVERDE: You know, blind men describing
11 the elephant. So we'll see how it comes out. But everyone
12 spoke -- I mean the Planning Board, Historic Commission, and
13 the Ordinance Committee were -- seemed very much in favor of
14 what we were proposing.

15 So if anyone's available this Tuesday noon to two,
16 tune in. Public comment will be open. You can throw your
17 two cents in. otherwise, I'll let you know what happens
18 next time we meet.

19 WENDY LEISERSON: So is it -- it's only virtual?
20 I mean, like there's no --

21 JIM MONTEVERDE: Yeah.

22 WENDY LEISERSON: Okay.

1 JIM MONTEVERDE: As far -- I think, I noticed when
2 I tuned in last time a lot of the folks who were presented
3 -- CDD presented and Legal was here and ISD and Historic, so
4 I was going to show up, because it's convenient for me to
5 do.

6 WENDY LEISERSON: Mm-hm.

7 JIM MONTEVERDE: But otherwise, it's remote.

8 CAROL AGATE: Is this the dormers that you're
9 talking about?

10 JIM MONTEVERDE: Say ag -- yeah, it's --

11 CAROL AGATE: Okay. I was just trying to be --

12 JIM MONTEVERDE: I've been dragging this dormer
13 package around with me for the last year plus now.

14 COLLECTIVE: [Laughter]

15 JIM MONTEVERDE: I feel like -- you know, in high
16 school I had to read the -- what is it, the -- oh, and now
17 I'm blanking on it -- the famous old book, The Albatross
18 Around [someone's] Neck.

19 STEVEN NG: Yep.

20 WENDY LEISERSON: Oh, yeah.

21 JIM MONTEVERDE: Yeah, that book. I had to -- you
22 know, "Water, water everywhere, not a drop to drink." I

1 start to feel like that -- that gentleman in that book that
2 carried this albatross around for decades.

3 So anyway, the hearing is on Tuesday. You can
4 attend.

5 WENDY LEISERSON: Where is it if we did want to
6 pop in in person?

7 JIM MONTEVERDE: They'll be at the City Council
8 Chamber.

9 WENDY LEISERSON: Okay. Great.

10 JIM MONTEVERDE: Sullivan Room, right?

11 WENDY LEISERSON: The "Rhyme of the Ancient
12 Mariner"?

13 JIM MONTEVERDE: "Rhyme of the Ancient Mariner",
14 thank you.

15 STEVEN NG: That's it.

16 JIM MONTEVERDE: It's starting to feel like that,
17 so I'm anxious for this to be over. Oh --

18 WENDY LEISERSON: I know.

19 JIM MONTEVERDE: The other thing that --

20 WENDY LEISERSON: Thank you.

21 JIM MONTEVERDE: -- while I have you all, the
22 other thing to be aware of --

1 WENDY LEISERSON: Yep.

2 JIM MONTEVERDE: -- I signed up for a little
3 notification thing from the City. I get notices every day
4 about things that are happening or proposed --

5 STEVEN NG: Yeah.

6 JIM MONTEVERDE: -- or whatever. One thing that
7 came up on my screen this morning, which I had heard about
8 elsewhere, is the bigger zoning petition that has to do with
9 multifamily housing.

10 STEVEN NG: Yes.

11 JIM MONTEVERDE: And affordable housing. And if
12 you all have not read up on that, you should just for the
13 heck of it to see what life may be like if that all passes.

14 WENDY LEISERSON: This is the upzoning stuff?

15 JIM MONTEVERDE: Yeah. So all of the single-
16 family and two-family zoning districts go away. Every
17 district would be multifamily.

18 All of the -- now this is me, I could be wrong in
19 what I've read or maybe I haven't read it all or understood
20 it all, but what I read: the Dimensional Form just about
21 goes away. There are no side -- no setbacks, no FAR, no
22 GFA.

1 The height to 60', no 75' -- six stories and --

2 STEVEN NG: Right.

3 JIM MONTEVERDE: -- six --

4 STEVEN NG: Six floors.

5 JIM MONTEVERDE: -- and 75'?

6 STEVEN NG: Yep. Six floors.

7 JIM MONTEVERDE: Unless there's -- they're along a
8 corridor, which I think was in the Envision Cambridge
9 report, in which case it goes to 10 stories and 120'. It's
10 a new world out there.

11 WENDY LEISERSON: What is the -- I'm sorry, just
12 to ask the protocol, so does the City ever ask the Zoning
13 Board, or ISD -- I mean for an opinion on --

14 JIM MONTEVERDE: No.

15 WENDY LEISERSON: -- it's just --

16 JIM MONTEVERDE: Well, it was drafted by CDD --
17 you know, the Community Development.

18 WENDY LEISERSON: Right.

19 JIM MONTEVERDE: So --

20 WENDY LEISERSON: Okay.

21 JIM MONTEVERDE: -- there was a -- what I read was
22 the back story was there was a -- what do they call it, an

1 order, or a policy --

2 STEVEN NG: Yeah.

3 JIM MONTEVERDE: -- number from the City Council -
4 -

5 WENDY LEISERSON: Yep.

6 JIM MONTEVERDE: -- directing I believe the
7 Housing Committee, and I don't know if they actually mention
8 Community Development -- to -- and their request was fairly
9 simple; you know, to enable multifamily housing --

10 WENDY LEISERSON: Mm-hm.

11 JIM MONTEVERDE: -- and to enable affordable
12 housing. Period. And those groups must have take -- you
13 know, took that over, and I don't know how long this has
14 been going on.

15 Some of those look like they're about -- I saw
16 reports from the Planning Board from two years ago.

17 STEVEN NG: Mm-hm.

18 JIM MONTEVERDE: But it looks like -- CD -- CDD
19 took the lead and has drafted this. So if you go on the
20 City website or go in Community Development, just type in,
21 "Multifamily Housing" the amendment -- the amendment to the
22 Ordinance is there.

1 WENDY LEISERSON: Yep. Okay. Thank you.

2 JIM MONTEVERDE: All right. John Hawkinson, are
3 you in there for some pearl of wisdom?

4 JOHN HAWKINSON: Sure, Mr. Chair. I just wanted
5 to note that in response to Wendy's inquiry that CDD does
6 consult with ISD on these things, and so, if ISD isn't
7 consulting with the BZA, that's something the BZA could well
8 pursue with ISD.

9 But I always sort of joke with CDD's Staff that it
10 feels like they're siloed, and they always assure me in no
11 uncertain terms that they definitely talk to the Law
12 Department and ISD about zoning petitions and incorporate
13 feedback in the their memos.

14 JIM MONTEVERDE: Yep.

15 JOHN HAWKINSON: For whatever that's worth.

16 JIM MONTEVERDE: Thank you. But again, if you
17 look on the -- any of the websites and see what the
18 Ordinance looks like and the public meetings that the
19 Community Development has set up, you know, in terms of
20 raising our hand and saying we'd like to be consulted, I
21 think the train has left that station.

22 STEVEN NG: Yeah. A little late now.

1 JOHN HAWKINSON: Yeah, no, I just meant as a
2 process point in the future.

3 JIM MONTEVERDE: Now I understand. But --

4 WENDY LEISERSON: Good job for clarifying that.
5 And I -- there -- I don't believe there's anything that
6 prevents any of us as individual citizens from expressing an
7 opinion as long as you make it clear on the record that you
8 are not representing the BZA when you just --

9 JIM MONTEVERDE: Yeah. And if you look on the
10 website, you can see the series of meetings that Community
11 Development has set up. Some are just straight information,
12 other are for public comment. So yes, absolutely take a
13 look and offer your comment.

14 WENDY LEISERSON: Thank you.

15 JIM MONTEVERDE: All right. Just so we all know.

16 WENDY LEISERSON: Okay. Thanks for that.

17 JIM MONTEVERDE: Yep. Thank you all for your
18 help.

19 COLLECTIVE: Goodnight.

20 JIM MONTEVERDE: See you next time.

21 COLLECTIVE: Thank you.

22 JIM MONTEVERDE: Goodnight.

1 COLLECTIVE: Goodnight.

2 JIM MONTEVERDE: Bye.

3 [8:47 p.m. End of Proceedings]

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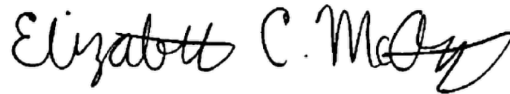
Commonwealth of Massachusetts

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.

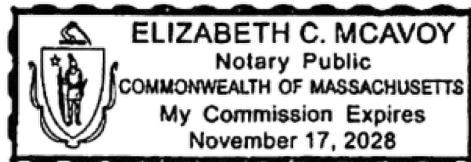
In witness whereof, I have hereunto set my hand this 13th day of November 2024.



Notary Public

My commission expires:

November 17, 2028



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