

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY NOVEMBER 7, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair

Steven Ng, Vice Chair

Virginia Keesler

Michael LaRosa

Thomas Miller

City Employees

Olivia Ratay



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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Michael LaRosa, and Thomas Miller

JIM MONTEVERDE: Good evening. Welcome to the
November 7, 2024 meeting of the Cambridge Board of Zoning
Appeal. My name is Jim Monteverde, and I am the Chair.

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

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

There will also be a transcript of the
proceedings.

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

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

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

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

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

7 OLIVIA RATAY: Virginia Keesler?

8 VIRGINIA KEESLER: Present.

9 OLIVIA RATAY: Steven Ng?

10 STEVEN NG: Present.

11 OLIVIA RATAY: Tom Miller?

12 THOMAS MILLER: Present.

13 OLIVIA RATAY: Michael LaRosa?

14 MICHAEL LAROSA: Present.

15 OLIVIA RATAY: And Jim Monteverde?

16 JIM MONTEVERDE: Present. Thank you.

17

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1 * * * * *

2 (6:02 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Michael LaRosa, and Thomas Miller

5 JIM MONTEVERDE: The first case I'm going to call
6 tonight is BZA-289881.

7 SARAH RHATIGAN: Good evening, Mr. Chairman.

8 JIM MONTEVERDE: Yep. Sarah, are you with us?

9 SARAH RHATIGAN: I am. Sarah Rhatigan. For the
10 record, Trilogy Law LLC, 12 Marshall Street in Boston.
11 Thank you very much for hearing us this evening.

12 I just wanted to check before we begin. Our
13 architect was having a little -- I'm not sure if he was
14 invited as a panelist and I wanted to make sure that he was,
15 as we get going. That's J.B. Clancy and Abby Reed. I'm
16 just checking the view of who is on the meeting, and I don't
17 see them yet, so I'll get started. But once we get into the
18 planned presentation, I'll ask that we have them invited as
19 participants.

20 JIM MONTEVERDE: Okay.

21 SARAH RHATIGAN: Thank you so much, Members of the
22 Board. We're very pleased to be before you this evening to

1 present this proposal. I am here representing the owner of
2 the property, which is the Laguna De Los Tres Nominee Trust,
3 which is a family trust.

4 Mr. John Felix is here, who's the Trustee for the
5 family, also the proud father and grandfather of the family
6 who will be residing in the home and he's an architect and
7 is assisting them with this with kind of the project.

8 There's also the architects who will be joining
9 us, J.B. Clancy and Abby Reed -- oh, I see you on the
10 screen, good -- who will present the plans.

11 And I just wanted to very briefly describe to you
12 the reason for the special permit this evening. This is a
13 project -- actually if Staff doesn't mind, put the slides up
14 on the screen, we'll just do a little visual as we talk.

15 But this is a two-family home in Cambridge on
16 Pearl Street -- 316 Pearl Street. And it is -- next page,
17 please? Yep. The visual, thank you.

18 This is a home that has been essentially left
19 abandoned for quite a few years. A little unusual for
20 Cambridge, but I think between 20 and 30 years, the home has
21 not really been utilized, in pretty rough shape. And so,
22 the renovation work will be extensive, essentially an

1 interior gut rehab.

2 But the project has been really carefully designed
3 to limit the zoning relief needed.

4 It is a special permit under Section 8.22.2.d,
5 which allows for alterations of preexisting, nonconforming
6 single- or two-family homes, if we are increasing an
7 existing nonconformity but not creating any new
8 nonconformities, which is what's happening here.

9 Next slide, please?

10 Just to orient you in terms of the lot layout.
11 This is the existing survey. So this is -- we're on Pearl
12 Street, and if you see to the left of the structure, that's
13 Pearl Street place; that's a private way. So it is a corner
14 lot to their two front yards and two side yards.

15 And so the home is both nonconforming both as to
16 the square footage, the FAR, the existing FAR, and then also
17 the front setbacks, which are both noncomplying with current
18 zoning requirements.

19 And the plan --

20 Next slide, please?

21 The proposed site plan, you'll see some colored
22 markings here. The green are exterior changes, and the

1 yellow hashmarks are where there is some addition, although
2 just -- not to confuse you here, but there's a little side
3 porch, which is noted on the right-hand side, which is an
4 open porch, so it's not actually an addition, but we just
5 wanted to show you how it impacts the yard.

6 And you'll notice that there's also provision for
7 a driveway. This is a new curb cut that actually went
8 through the process of a curb cut application, and then
9 approval by the City Council.

10 Plans have been approved, and in fact construction
11 plans have been approved by the DPW as well, so that they
12 will have room for one car to be parked on the lot.

13 Next slide, please?

14 Thank you. Just hold here while I just finish the
15 conversation about relief. So the architects will go
16 through the plans in details, but the two elements of the
17 plans that require zoning relief are that the proposed --
18 there are some small additions that are all within the
19 existing footprint of the home, but those additions increase
20 the square footage of the home by 298 square feet, which
21 brings the floor area ratio from a 0.81 to a 0.87.

22 So already we're already exceeding FAR. It would

1 be a -- we're in a C District, so we're required to
2 technically be at a 0.6, which obviously we're over to begin
3 with.

4 It's a relatively modest increase, and we hope
5 that you'll agree that this has been done as carefully and
6 efficiently as possible to allow for the family to be able
7 to modernize the home for modern living and to the family.

8 The other element of relief that you'll see is
9 that there's plans for a basement -- an exterior stair to
10 the basement that allows for a second egress to that
11 basement area for -- both for safety for the family, because
12 they've got children who may be playing downstairs and want
13 a quick exit -- also it provides for a way for them to
14 access bike storage in the basement, which is what they have
15 planned.

16 And that basement stair affects the average grade
17 around the exterior of the house. And as this Board knows,
18 when average grade changes, the calculation of height is
19 affected even though the home is not expanding upwards,
20 because of the basement exterior digging out of that
21 basement stairwell; that increases the height.

22 We'll remain under the 35' required for the

1 district, but it is a very minor increase in calculated
2 height above grade.

3 So with that technical stuff aside, I'm going to
4 turn this over to J.B. Clancy of our architects' office to
5 review the plan changes with you.

6 Thank you.

7 J.B. CLANCY: Thank you, Sarah.

8 JIM MONTEVERDE: Sarah? Sarah? J.B., before you
9 jump in?

10 J.B. CLANCY: Yep?

11 JIM MONTEVERDE: Just so I'm clear. The set of
12 plans --

13 SARAH RHATIGAN: Yes.

14 JIM MONTEVERDE: -- that we have on file are dated
15 November 4, 2024?

16 SARAH RHATIGAN: That's correct, yes, thank you.

17 JIM MONTEVERDE: This was continued --

18 SARAH RHATIGAN: And do you --

19 JIM MONTEVERDE: -- once before? It was a --

20 SARAH RHATIGAN: Yeah. and if --

21 JEFF ROBERTS: -- slightly different --

22 SARAH RHATIGAN: -- you'd like --

1 JIM MONTEVERDE: scheme?

2 SARAH RHATIGAN: -- I can --

3 JIM MONTEVERDE: No, no --

4 SARAH RHATIGAN: Yeah, I can --

5 JIM MONTEVERDE: -- we don't have to go back.

6 SARAH RHATIGAN: Yeah. I can -- well, I was just
7 going to mention, I was going to mention it after Clancy was
8 --

9 JIM MONTEVERDE: Okay.

10 SARAH RHATIGAN: -- J.B. was done, but --

11 JIM MONTEVERDE: Yep.

12 SARAH RHATIGAN: -- the plans that we originally
13 filed; we had a comment from one of our neighbors on Pearl
14 Street Place who expressed some concern about the extent of
15 a third-floor addition.

16 JIM MONTEVERDE: Yep.

17 SARAH RHATIGAN: And so, we went back to the
18 drawing board and did some hard work to scale that back.

19 JIM MONTEVERDE: Okay.

20 SARAH RHATIGAN: So the plans 11/04 are the
21 current plans --

22 JIM MONTEVERDE: Yep.

1 SARAH RHATIGAN: -- revised to accommodate our
2 neighbor.

3 JIM MONTEVERDE: Thank you.

4 SARAH RHATIGAN: Thank you.

5 JIM MONTEVERDE: Sorry to interrupt. Go ahead.

6 J.B. CLANCY: Great.

7 SARAH RHATIGAN: Oh, no, thank you.

8 J.B. CLANCY: Thank you, Sarah and good evening,
9 everyone. Thank you also to the Board for your service this
10 evening. My name is J.B. Clancy and I'm an architect with
11 ART Architects in Boston. And we're the architects for 316
12 Pearl Street.

13 As Sarah said, this project is the renovation of
14 an abandoned house in Cambridgeport. And the intent is to
15 renovate this for a young family. Both their children
16 attend the Morse Elementary School down the street, and this
17 will be their primary residence.

18 You can see here from these existing conditions
19 photos that the house has really not been taken care of in a
20 long time, and this project, you know, intends to rectify
21 that.

22 Next slide, please?

1 Again, just more images of the existing
2 conditions. I mean, it really has not -- probably not been
3 inhabited for, as Sarah said, 30 years.

4 Next slide, please?

5 And this is the back part, the condition at the
6 site.

7 Next slide?

8 These are some photos of the interior and you can
9 see the condition of the roof.

10 Next slide?

11 One of the things that a house has is a not-to-
12 code stair. Actually you can see it right here. Those
13 steep winder treads, the low handrails. So one of the
14 components of the design is to change that and bring the
15 stair up to code for safety reasons.

16 Next slide?

17 So these are the existing conditions drawings.
18 You can see here the foundation plan with a rubble wall
19 foundation, and then the existing third-floor pollinator on
20 the right. You can see the initial stair kind of going up
21 from the front door there and the bay window.

22 Next slide? And this is both the second floor and

1 the third floor. The hatched area is the area that's, you
2 know, the 5' knee wall and higher. And again, note that
3 tight stair. You can see that tight stair is not in the
4 area where there's a 5' knee wall. So, you know, you really
5 practically hit your head as you're trying to get up and
6 into that. It's definitely well, well below the 6'8"
7 requirement.

8 Next slide?

9 So this is our proposal. The basement plan is on
10 the left. The areas hatched in green are the areas outside
11 or not roofed, per se. And the area hatched in yellow is a
12 new component increasing the footprint of the building to
13 accommodate the program above.

14 As Sarah mentioned, the stair in the back kind of
15 upper left-hand corner of the basement plan: That is our
16 areaway, which will provide that second means of egress out
17 of the lower level in the basement, which is intended to be
18 used, you know, as a rec room and a laundry room and such.

19 This plan on the right is the first-floor plan.
20 That shows also the areaway. And the two small green
21 rectangles in the front, those are just window wells -- you
22 know, 2' deep window wells to provide natural light into

1 that front room.

2 And then you can see the hatched area on the upper
3 right that is for a sitting area, kind of our breakfast bay,
4 that works its way into the middle of the site.

5 The intent is to really keep that front portion of
6 the building completely intact. So the geometry, the width,
7 the roof slope and all the details -- you know, we made to
8 make it feel like it's always been there. And so, most of
9 the changes occur in the back of the plan.

10 You can also see in this drawing there's a kind of
11 wrapping around the kind of red Pochette walls. And that's
12 an exterior wrap of insulation which we're going to be
13 putting on this building to both meet and exceed the new
14 energy code for the state.

15 So this building, you know, we have this 2x4
16 frame, which clearly, we can't meet the energy code that.
17 So to meet the code and to exceed it, we'll be wrapping this
18 building with a continuous layer of rigid insulation and
19 putting triple-pane windows throughout.

20 Next slide, please?

21 So this is the second and third floor. You can
22 see the second floor has a minimal kind of addition that's

1 in the upper left. That just kind of sits over where the
2 kitchen part is, and -- you know, we did that to still give
3 a little articulation of the back.

4 We just didn't want to square the back off. So as
5 the building steps back toward this ell, it becomes kind of
6 a secondary element for the building.

7 And then the third floor, you can see a hatched
8 area in the back. That is for a new office for the owner.
9 The owner works from home a lot, and so, we wanted to
10 provide an office for them facing in the back. And that's
11 going over -- again, an existing two-story element, which
12 our three-dimensional drawings will describe very clearly.

13 But there's a two-story element that sits
14 underneath that, and we're just extending the ridge of the
15 front volume and therefore extending the gable to provide
16 habitable space over that back ell.

17 You can also see here the stairs have been
18 designed. So those winder treads are eliminated, and they
19 all now will meet code in terms of the rise to run and hand
20 railings and such.

21 Okay, next slide?

22 This is a roof plan. The south-facing roof we

1 really left intact, because we wanted to maximize that roof
2 area for solar panels. You can see those solar panels
3 indicated there. We have wonderful southern exposure.

4 And then to provide the headroom for that stair up
5 to the third floor, we have a shed dormer, which you'll see
6 on the left.

7 And then you can see the ridge of the main
8 building kind of extends all the way back to the back of the
9 building, kind of linking the new addition piece to the
10 front historic piece.

11 Next slide?

12 So these show the elevations, both kind of
13 existing photos above and our proposed below. So you can
14 see starting with the west elevation, which is the Pearl
15 Street side, you can see the bay window, the covered
16 entryway, the single window sitting over the entry, the
17 single window sitting up in the gable. That's all
18 completely intact.

19 We've been looking -- there's not all of the of
20 the existing trim and moldings left, but our intent is to go
21 and study that and recreate that. So the eave and rake trim
22 that you're seeing in some of the photos above, we would

1 recreate, and we would use clapboards and corner boards to
2 kind of create the armature.

3 The hatched areas are the dormers, which you're
4 kind of seeing behind you.

5 So if we go to the next elevation, the south
6 elevation, you can see some of those areas looking at the --
7 this is the south elevation is the elevation which faces the
8 interior of the lot.

9 So the hatched area indicates the areas where
10 we're doing the new addition piece; the open porch that
11 Sarah had mentioned; the breakfast bay here to the right;
12 and then the office on the third floor extending out over
13 what is an existing two-story piece, which you can see in
14 the photo on the top right.

15 Next slide?

16 These elevations are the north elevation,
17 Elevation No. 2 is the Pearl Street Place elevation. This
18 shows that we have left the bump that's on the Pearl Street
19 Place side intact, so it has the flat roof, just like it has
20 now.

21 But to get the headroom for the stair, we've
22 proposed a shed dormer, which will allow that stair to now

1 come up to the third floor in a safe and comfortable way.

2 And then this also shows the addition pieces on
3 the back for the office. And again for the breakfast bay
4 and the porch.

5 Next slide?

6 There's a section, as Sarah mentioned. You know,
7 we redid the calculation with the new areaway and, you know,
8 the building is still under the 35' height limit. So we
9 recalculated that, weighted average going around with both
10 the window wells and the areaway.

11 The intent is, given the condition of the
12 foundation, we're going to replace it with a new poured-in-
13 place foundation, but we're going to leave the existing
14 framing in as best we can. But to meet current structural
15 codes, we are going to have to supplement the frame.

16 Next slide?

17 So I think these three-dimensional drawings are
18 very helpful, because they -- again, show you in three
19 dimensions the areas that we are adding on. So again, you
20 can see the historic kind of front building that faces Pearl
21 Street. That is, you know, really left intact, especially
22 the front façade. All the eave and rake details you know,

1 we're looking to kind of rebuild.

2 And then all the addition pieces kind of happen
3 toward the back -- building that roof over the back ell, the
4 breakfast bay in the side porch, and then the dormer here on
5 the Pearl Street Place side for the stair to the third
6 floor.

7 Next slide?

8 More views -- again, showing you the area of where
9 we're adding on to the existing building. And again, we've
10 worked to keep all the architect intact as best we can,
11 including the two-over-two windows, and a lot of the
12 historic detailing.

13 Next slide?

14 And we also thought these would be helpful. We
15 just took the photos, you know, back from the end of Pearl
16 Street Place and drew in where some of this additional
17 volume is going to occur on the new building.

18 So this shows the shed dormer on the Pearl Street
19 Place side for the new code stair, and then the office
20 addition in the back.

21 Next slide?

22 And then this is just zoomed in a little more --

1 again, showing the same thing.

2 We also looked at some shadow studies. Okay,
3 yeah, we can -- here you go. So these are some shadow
4 studies we did. You can see the time of day and the time of
5 year that we ran these studies, because this is all modeled
6 in Revit, so we have a very accurate three-dimensional model
7 of this building, placed it on the site with the correct
8 orientation, and went through and looked at how the shadow
9 was falling.

10 One thing to note: this study was actually done
11 before we modified that component on Pearl Street Place that
12 Sarah had mentioned. So the actual shadow impact, you know,
13 facing north, is going to be less because we have less
14 volume.

15 Next slide?

16 And what really wanted to point out here was we
17 ran the shadow studies because we were curious about that.
18 But, you know, it's a neighborhood in Cambridge. And we
19 have a lot of trees and other elements throughout that are
20 also, you know, casting shadows.

21 So, you know, our buildings -- some of the
22 drawings where our building is in isolation, it looks like

1 it's the only thing there. But, you know, there are a lot
2 of other structures and especially trees around our project,
3 which are obviously going to have some impact on the shadow
4 component.

5 So -- and then next slide?

6 Yeah. So this just shows that same shadow study
7 laid in over that aerial Google image. But again, you can
8 see the extent of the trees. You know, obviously, you know
9 worst-case scenario our building's casting a deep shadow,
10 but it's really being hit. The tree is capturing the
11 shadow.

12 Next slide?

13 Yeah, I think I'm going to turn it back to Sarah
14 now.

15 SARAH RHATIGAN: Thank you. Thanks, J.B.

16 Just briefly, I wanted to comment on the public
17 outreach efforts. First, the team met several times with
18 Staff from the Cambridge Historic Commission because there
19 was, you know, interest and concern that we get some
20 feedback from them about plans to potentially modify the
21 building.

22 And we were pleased to get a lot of support and --

1 from Charlie Sullivan and Sarah Burks, who met with us. And
2 there's a -- you know, a non-applicability concept here
3 because of the plans. So we're pleased with that.

4 And then there was also quite a bit of outreach
5 with the immediate neighbors, and I know that you'll see
6 that there are several letters in the file. I believe I
7 counted five letters of support from neighbors that are
8 immediately circling the home.

9 And then in addition to that, the neighbor who
10 lives at One Pearl Street Place who had been concerned about
11 the original plans reported back to us after seeing our
12 revised plans that they were really happy with the moves
13 that were made, and they said that we could convey this to
14 the Board. They didn't write a letter but wanted to say
15 that they were very supportive of the plans as filed today.

16 So we're pleased to report that.

17 I will briefly just mention I think -- I hope that
18 this Board will agree that we're meeting a Special Permit
19 Standard in all of the usual respects in terms of complying
20 with the Ordinance, having very minimal impacts to no
21 impacts on our neighbors not being substantially detrimental
22 to adjacent uses. No impacts on traffic or access and

1 egress to the site.

2 If there are any concerns at all, of course we'd
3 be happy to answer any questions from the Board on that.
4 But hopefully you think that that's sufficient to address
5 the legal Standard on the special permit.

6 Thank you.

7 JIM MONTEVERDE: All right. Thank you. Any
8 questions from Members of the Board? If not, I just have a
9 couple. And they have to do with the Dimensional Form, and
10 what it is you're actually seeking relief for.

11 I think -- and I'll just read down the Dimensional
12 Form. So either gross floor area increases slightly --
13 Sarah, you mentioned how much that was -- and therefore the
14 GFA increases slightly.

15 The front -- and I guess it's the Pearl Street
16 Place -- once you do the exterior insulation, you
17 infinitesimally increase that encroachment on the 10' front
18 yard setback, correct?

19 You're on mute, Sarah.

20 SARAH RHATIGAN: Sorry. And before I was saying
21 "correct" I guess I wasn't audible before. I was shaking my
22 head correct. Sorry about that.

1 JIM MONTEVERDE: Okay. Yep.

2 SARAH RHATIGAN: But yes, the answer to that is
3 yes, infinitesimally increasing, but within the Ordinance's
4 allowance for increases due to added insulation.

5 JIM MONTEVERDE: Yep. Okay. And the right-side
6 setback, I think that's the porch on the driveway side is in
7 the -- is it 15' now?

8 SARAH RHATIGAN: That is complying. That's
9 complying. There's no encroachment issue on the right-hand
10 side.

11 JIM MONTEVERDE: Oh. I'm just reading the
12 Dimensional Form. It says 15'. It says required is 20',
13 existing 20.5' and the requested is 15'.

14 SARAH RHATIGAN: No, I'm sorry. In the --

15 JIM MONTEVERDE: Is that something else?

16 SARAH RHATIGAN: -- requirements, in the
17 requirements it's actually 7.5' -- sum of 20'.

18 JIM MONTEVERDE: Yeah, okay.

19 SARAH RHATIGAN: Sorry. The way it -- the way it
20 --

21 JIM MONTEVERDE: All right.

22 SARAH RHATIGAN: -- reads, it knocked 20' down to

1 the second line.

2 JIM MONTEVERDE: So it's 7.5' and you've --

3 SARAH RHATIGAN: So.

4 JIM MONTEVERDE: -- got 15' so you're complying?

5 SARAH RHATIGAN: Correct.

6 JIM MONTEVERDE: Okay.

7 SARAH RHATIGAN: Yep.

8 JIM MONTEVERDE: That's not an issue. But like
9 you said, the height, just the recalculation of the height
10 you come out to 35' exactly, and that's the Ordinance
11 requirement?

12 SARAH RHATIGAN: Correct.

13 JIM MONTEVERDE: Right? Okay. That's the only
14 questions I had.

15 Any other questions from anyone else? Member or
16 Board? If not, I'll open it up to public comment. As you
17 said, Sarah, there were letters in the file dated from your
18 previous visit. There were -- I counted, and I'll go
19 through these now -- four in favor, none opposed.

20 And there are -- I'll summarize these -- from
21 Quinn Charbonneau and Tobias Schatton, 322 Pearl Street, in
22 full support, talking about how the building has been

1 abandoned for decades. They don't have a date on this one.
2 From Sam Batchelor, 309 Pearl Street. Again, full support,
3 no date. October 17, Jo-Ann and Robert Ackman at 314 Pearl
4 Street, in support. And Anne Davis and Denise Davis
5 Sullivan at 321 Pearl Street, dated October 14, enthusiastic
6 in full support. And Rebecca Bowie, 3 Hastings Square, in
7 support.

8 That's everything we have in our record. So with
9 that, I'll open it up to public comment.

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

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

20 Nope. Nobody's calling in. I will close public
21 testimony.

22 Any discussion among Members of the Board? Or are

1 we ready to go to a motion? I'll take that as we're ready
2 for a motion. And this is -- as Sarah said, this is a
3 special permit, so I'll read through those criteria in a
4 moment.

5 The Chair makes a motion to grant relief from the
6 requirements of the Ordinance under Sections 5.31, Table of
7 Dimensional Requirements -- sorry, Section 8.22.2.d,
8 Alteration to a Preexisting, Nonconforming two-family
9 dwelling; and Section 10.40 for a Special Permit. And under
10 Section -- that criteria from Section 10.43:

11 It appears the requirements of this Ordinance
12 cannot or will not be met. That is correct.

13 Traffic generated or patterns of access or egress
14 would cause congestion, hazard, or substantial change. It
15 will not.

16 The continued operation of or the development of
17 the adjacent uses as permitted in the ordinance would be
18 adversely affected. They will not.

19 Nuisance or hazard would be created to the
20 detriment of the health, safety, or welfare of the occupant
21 of the proposed use or citizens of the city. It will not.

22 And for other reasons, the proposed use would

1 impair the integrity of the district or adjoining district.

2 And it will not.

3 So it complies with all the criteria for a Special
4 Permit.

5 On the condition that the work proposed conform to
6 -- oops, let me get the right drawings -- entitled, "316
7 Pearl Street" prepared by ART Architects, dated November 4,
8 2024; initialed and dated by the Chair.

9 And further, that we incorporate the supporting
10 statements and Dimensional Form submitted as part of the
11 application.

12 On a voice vote, please? Virginia?

13 VIRGINIA KEESLER: In favor.

14 JIM MONTEVERDE: Thank you. Steven?

15 STEVEN NG: In favor.

16 JIM MONTEVERDE: Thank you. Tom?

17 THOMAS MILLER: In favor.

18 JIM MONTEVERDE: Thank you. Michael?

19 MICHAEL LAROSA: In favor.

20 JIM MONTEVERDE: Thank you. And Jim Monteverde in
21 favor.

22 [All vote YES]

1 JIM MONTEVERDE: That's five in favor. That's
2 understandable. The relief is granted.

3 SARAH RHATIGAN: Thank you very much.

4 JIM MONTEVERDE: You're welcome.

5 SARAH RHATIGAN: Have a great evening.

6 J.B. CLANCY: Thank you.

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(6:33 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Michael LaRosa, and Thomas Miller

JIM MONTEVERDE: The next case is BZA-769560 --
125 Brattle Street. Is there anyone here wishing to present
this case to us? We have a lot of windows tonight.

KATIE FLYNN: Hi. Thank you.

JIM MONTEVERDE: Yep.

KATIE FLYNN: Can you hear me?

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

KATIE FLYNN: Yes. my name is Katie Flynn. I am
an architect with Hisel Flynn Architects. I am here
representing Lawrence Miller and Ellen Williams for their
project at 125 Brattle Street in Cambridge.

We are seeking relief for two additional windows
on a nonconforming wall. If I can ask the moderator to
please pull up the drawings, I'll explain the topic. And
I'll be very brief, because it's a very minor issue.

JIM MONTEVERDE: Good idea.

KATIE FLYNN: Thank you.

1 JIM MONTEVERDE: Thank you.

2 KATIE FLYNN: If I could ask you to pan down, I
3 think it's page 5 shows the proposed plot plan. Whoop, you
4 just passed it. Yes, exactly.

5 You'll see here that the kind of backwards L-
6 shaped hatched area noted "Proposed second-story addition"
7 is the topic in question. And there is a single-story
8 volume in that location that is existing nonconforming
9 relative to the rear yard setback.

10 So you can see the very short distance between
11 that back corner. It's 6'8", and that is an existing
12 nonconformity. The requirement is 25' to the rear yard
13 setback.

14 This project is actually by right in almost all
15 regards, and it's permitted presently. And it's been
16 approved by the Historical Commission as well.

17 But if you scroll down to the proposed elevations
18 -- and I'm so sorry, I don't know the PDF page number, but
19 if you go one by one, I'll tell you when you get there.

20 Next? Keep going. There we are. All right.

21 The bottom drawing shows -- if you look at the
22 bottom drawing, the two Windows A on the second floor are

1 the problem.

2 And truthfully, I'm a little bit confused about
3 the -- like minutia of the Zoning Ordinance. The wall, the
4 addition of that second-story volume, is by right. But
5 putting those two windows in is not. So we're here to seek
6 relief to just include those two windows in the project.

7 And again, they face the rear of the property.
8 And the abutting neighbor, it's kind of a shared driveway,
9 and the abutting neighbor to the rear is 123 Brattle Street.
10 And they have written a letter of support. And that should
11 be on the file, along with at least one other letter of
12 support.

13 So that is our ask, is to be able to include these
14 two second-story windows, which are in the permitted set of
15 plans omitted. But we would like to include them. Again,
16 it's in keeping with the existing house, the Historic
17 Commission has approved these windows, the spec and the
18 location and the addition of them.

19 And we're hoping that you will agree that this
20 satisfies the conditions for a special permit, in that it
21 does not negatively impact the neighbors or anyone. In
22 fact, it provides additional means of egress from those new

1 bedrooms upstairs, or the new bedroom upstairs.

2 JIM MONTEVERDE: All right. Thank you.

3 SARAH RHATIGAN: Sure.

4 JIM MONTEVERDE: Any questions from Members of the
5 Board? If not, we'll go to public comment. We do have --
6 as for yesterday, there were two pieces of correspondence in
7 the file speaking in favor, none against.

8 And we do have a letter from the Historic
9 Commission. Let me just summarize the letters we do -- we
10 have received from Margaret and Joseph Koerner, 121 Brattle
11 Street. Are they the folks that are directly behind, Katie?

12 KATIE FLYNN: I don't believe so.

13 JIM MONTEVERDE: No?

14 KATIE FLYNN: I think it's the Blumenreich family,
15 the other letter at 123.

16 JIM MONTEVERDE: Oh.

17 KATIE FLYNN: Yeah.

18 JIM MONTEVERDE: So we have first is Margaret and
19 Joseph Koerner, 121 Brattle Street, dated September 30 in
20 support of the application. And then we have 123 Brattle
21 Street, the other neighbors. Yep.

22 KATIE FLYNN: That's mine.

1 JIM MONTEVERDE: Peggy and Gene Blumenreich, dated
2 September 30, 2024, in support. Those are the two pieces of
3 correspondence in favor.

4 And then we have a Certificate of Appropriateness
5 from the Cambridge Historic Commission dated August 26,
6 2024. And let me just read into the record, it said, "To
7 construct an additional story above the garage and alter the
8 east elevation.

9 "Work is to be carried out as shown in the plans
10 by Hisel Flynn Architects titled, 'Brattle Addition Ellen
11 and Lawrence Williams, 125 Brattle Street, Cambridge,
12 Massachusetts' and dated May 14, 2024.

13 "Approval was granted on the condition that
14 construction details be reviewed and approved by the
15 Historic Commission."

16 And also, "This certificate is granted upon the
17 condition that the work authorized herein is commenced
18 within six months after the date of issue. If the work
19 authorized by this certificate is not commenced within six
20 months after the date of issue, or if such work is suspended
21 in significant part for a period of one year after the time
22 the work is commenced, then this certificate shall expire

1 and be of no further effect."

2 That's everything in the file. Do we have anybody
3 calling in? I'll open it up to public comment.

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

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

14 JIM MONTEVERDE: Nope. No one calling in. I will
15 close public testimony.

16 Any discussion among Members of the Board? If
17 not, I will move to a motion.

18 THOMAS MILLER: Jim, actually --

19 JIM MONTEVERDE: Yep. Thomas.

20 THOMAS MILLER: Thomas Miller here. I see no
21 problem with this project. For the record, I would be
22 interested if anyone has thoughts about 5.28.28 in the

1 Zoning Ordinance and just that that is what is required --
2 what is causing the need for relief here.

3 JIM MONTEVERDE: Would you like to remind me what
4 5.28.28 is?

5 THOMAS MILLER: I believe it's about privacy
6 considerations, which I think is what triggers the need for
7 us to review the addition of these windows in the setback
8 area. But I just want to make sure that my understanding of
9 that is accurate.

10 JIM MONTEVERDE: Hold on. Let me look at the
11 Bible here.

12 THOMAS MILLER: Again, I'm not inclined to oppose
13 this, but just for the record to understand why we're here.

14 JIM MONTEVERDE: 5.28.28: Privacy considerations:
15 "Where significant variations from the normally required
16 Dimensional Standards for the district are proposed, the
17 Board shall evaluate the impact on the residential neighbors
18 of the new housing use and/or other proposed uses as it may
19 affect privacy.

20 "The location and size of the windows, screen
21 elements, decks increase, other lighting and aspects
22 included shall be reviewed in order to ensure the

1 maintenance of reasonable levels of privacy for abutters.”

2 I don't think that's why we're here. We're here
3 just because it's a special permit and a window placed or --
4 say again?

5 Yeah, so windows and setback automatically get you
6 to a special permit, even though the addition itself does
7 not. Just like the architect presented.

8 THOMAS MILLER: Thanks.

9 JIM MONTEVERDE: Yep. Good thing I carried that
10 big, heavy book with me tonight. Where were we? Any other
11 discussion from Members of the Board? If not, we'll make a
12 motion, and this is a special permit.

13 The Chair makes a motion to grant relief from the
14 requirements of the Ordinance under Sections 5.31, the Table
15 of Dimensional Requirements -- that's the one that specially
16 shows these new windows are in the rear yard setback -
17 5.22.2.c for a Nonconforming Structure and 10.40 Special
18 permit. And specifically that criteria:

19 It appears the requirements of this ordinance
20 cannot or will not be met. That is correct.

21 Traffic generated or patterns of access or egress
22 would cause congestion, hazard, or substantial change. It

1 will not.

2 The continued operation of or the development of
3 the adjacent uses as permitted in the Ordinance would be
4 adversely affected. It will not.

5 Nuisance or hazard would be created to the
6 detriment of the health, safety, or welfare of the occupant.
7 It will not.

8 And for other reasons, the proposed use would
9 impair the integrity of the district or adjoining district.
10 And it will not.

11 So we find that the proposal meets the criteria
12 under Section 10.43 for a Special Permit.

13 On the condition that the work proposed conform to
14 the drawings entitled, "Brattle Addition, Ellen Williams and
15 Lawrence Miller, 125 Brattle Street, Cambridge,
16 Massachusetts," prepared by Hisel Flynn Architects and
17 dated August 9, 2024; initialed and dated by the Chair.

18 And further, that we incorporate the supporting
19 statements and Dimensional Form submitted as part of the
20 application.

21 And further, that the special permit is granted
22 incorporating the following conditions: and that's all --

1 those conditions are all the statements that are mentioned
2 in the Certificate of Appropriateness from the Cambridge
3 Historic Commission.

4 On a voice vote, please? Steven?

5 STEVEN NG: In favor.

6 JIM MONTEVERDE: Virginia?

7 VIRGINIA KEESLER: In favor.

8 JIM MONTEVERDE: Tom?

9 THOMAS MILLER: In favor.

10 JIM MONTEVERDE: Thank you. Michael?

11 MICHAEL LAROSA: In favor.

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

14 [All vote YES]

15 JIM MONTEVERDE: That's five in favor. The relief
16 is granted.

17 KATIE FLYNN: Thank you very much for your time
18 and consideration.

19 JIM MONTEVERDE: You're welcome.

20 KATIE FLYNN: Have a good night.

21 JIM MONTEVERDE: You too.

22

1 * * * * *

2 (6:33 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Michael LaRosa, and Thomas Miller

5 JIM MONTEVERDE: Next case is BZA-1138407 -- 44
6 Russell Street. Is there anyone calling in who wants to
7 talk to us about 44 Russell Street to present the proposed
8 modification?

9 GUEVE ATAIE: Yes, hi. This is Gueve Atai. I'm
10 the petitioner on 44 Russell Street. I will just give a
11 brief introduction about myself and the property, and then I
12 will pass it along to the architects on this particular job.

13 My name is Gueve Ataie, like I mentioned, with
14 Broad Ridge Real Estate. We're based here in Kendall
15 Square, where our office is located. I live in Mid
16 Cambridge on Antrim Street with my wife.

17 We purchased the property in April of this year
18 and have been in the plan and design phase since then. This
19 property is a two-unit property, the front unit being the
20 existing Victorian and the rear unit being the structure
21 behind the existing Victorian.

22 The rear unit was previously kind of just storage

1 for a significant amount of junk, and I think as a part of
2 this proposal you'll see that we are going to be
3 significantly improving the life safety and the fire safety.
4 We're going to be removing all of the junk and also adding
5 sprinklers to the rear unit.

6 Over the past six weeks or so, I have knocked on
7 every abutter's door, and I have been able to speak with the
8 majority of them. Every one that I've spoken with has been
9 in support of the project; four abutters, two on Russell and
10 two on the -- on Tenney Street behind the property -- have
11 actually signed letters of support, which should be attached
12 to the file here.

13 We had one abutter behind the property who was
14 concerned with a couple of windows in the second story of
15 the rear unit. I discussed those concerns with my
16 architect, and we have since revised our plans to address
17 their concerns. That abutter is now happy with the changes
18 that we have made and in support of the project.

19 With all of that, I will pass this off to the
20 architects, Alison Hammer with Hammer Design and Development
21 and Shuji Suzumori, with Suzumori Architecture.

22 ALISON HAMMER: Hi, everybody. Thanks for the

1 introduction, Gueve. Alison Hammer, Hammer Design and
2 Development, Newton, Massachusetts. I'm joined here by my
3 friend and colleague, Shuji Suzumori, Suzumori Architects in
4 Brooklyn, New York. And we're collaborating on this
5 project.

6 If you could bring up the slide package, I'd be
7 happy to start running through the project.

8 So the project of 44 Russell Street residence is
9 applying for special permit relief in three areas, the first
10 of which is extending the preexisting height nonconformity,
11 not by changing the height of the building itself, but
12 simply by some regrading in the vicinity of the building, as
13 well as adding an areaway.

14 Secondly, we are applying for special permit
15 relief for extending some preexisting setback
16 nonconformities by just a matter of inches in order to get
17 proper fire rating and insulation, as well as to create a
18 little bit of architecture relief.

19 And lastly, we are asking for special permit
20 relief for windows on nonconforming setbacks.

21 We wanted to start on this slide here, just to
22 give a quick overview for the overall project -- obviously

1 focusing on the areas where we are requesting relief from
2 the BZA.

3 So as you can see, we have a 3D view of both the
4 existing conditions on the top and the proposed additions at
5 the bottom. And I'm just going to kind of use this slide to
6 run through the project conceptually, and then that will
7 help contextualize the presentation slides.

8 So starting at the front of the lot, you can see
9 that we are mostly maintaining the overall gestalt of the
10 front unit.

11 The changes requiring relief to this unit, as I
12 mentioned briefly earlier, are the addition of an areaway on
13 the front right of the unit that you can see next to the
14 driveway, as well as not visible in this view, but in later
15 views we'll point out a small protrusion on the first floor,
16 where we're going to be adding some fire protection and
17 exterior insulation that will be, again, just reducing our
18 setback by a matter of a few inches.

19 If you could zoom out again, please? Thank you.

20 Moving back to the -- moving on towards the back
21 of the lot, you can see that we are going to be moving the
22 carport that attaches these two units above-grade, but we

1 will be maintaining a below-grade foundation connection in
2 order to maintain the two-family status of this building.

3 Moving now towards the existing rear unit, we're
4 proposing an interior and exterior renovation that will
5 transition this unit into a more active residential use.

6 So from a functional perspective, as you can see,
7 we're kind of carving out bits of the building to create a
8 system of courtyards to bring light and air into this deep
9 floorplate and make it a more habitable, comfortable
10 environment.

11 And you can see the -- we're definitely placing as
12 many windows as practical facing onto our own lot along that
13 line, but we will be also having some additional windows on
14 some of our preexisting, nonconforming setbacks in order to
15 get additional light and air to other rooms in the interior
16 and for life safety and egress.

17 And speaking of life safety, this is definitely a
18 major aspect of this project, in that we are improving the
19 safety of this building first of all by adding rated walls
20 on all of the nonconforming setbacks as well as bringing in
21 an automated sprinkler system throughout the unit.

22 And, you know, in certain select areas, we are

1 bringing the walls further from the property line.

2 And then additional, we are proposing some
3 regrading around this building not for an egress wall, but
4 simply just to keep things a little bit more flat and keep
5 the first floor above the ground level all around the
6 building, so that -- again -- and that will be, obviously
7 all within our property.

8 And we'll be redirect -- continuing to direct all
9 water and runoff onto our own property, so we'll be actually
10 lowering the rating ground, if not raising it.

11 So -- and so again, that just changes the
12 technical height of the building. And again, it stems that
13 preexisting nonconformity.

14 If we can move on to the next slide? Thank you.

15 Here we can just quickly see the aerial view of
16 the property. You can see the front even facing on Russell
17 Street, and then the back unit kind of tucked into the urban
18 fabric on the top.

19 Below on the left, you can see the one-story
20 projection off of the side of the front unit, where we're
21 asking for very small relief on our setback.

22 And on the bottom right you can see kind of again

1 the overall site from Russell Street.

2 Next slide, please?

3 And again, here are just some additional photos of
4 the overall site, the vicinity of the areaway that we're
5 proposing, as well as some of the existing conditions along
6 the nonconforming setbacks.

7 Next slide, please?

8 This is our gross floor area calculation and our
9 Zoning Table. And as you see, we've called out the height
10 and the setbacks on the left and the rear as requiring
11 relief.

12 Moving onto the next page.

13 I thought this was a good page just, again, to
14 pause on briefly just to -- again, now that we've kind of
15 looked at the overall project to kind of locate all of those
16 things that we discussed -- specific places on the overall
17 plot plan.

18 So you can see we've kind of listed all of our
19 relief in the middle of the page. Just looking down at
20 them, you can see we're asking for a little bit of relief on
21 the setback on the second story of the rear unit, just for
22 creating a little bit of architectural relief.

1 We're going to be regrating again around that rear
2 unit, and -- which lowers the average grade, as well as new
3 windows on three preexisting nonconforming setbacks.

4 Continuing down, you can see again in the front
5 unit, we'll be decreasing the setback by about 2" for
6 installation of fire separation, as well as adding a new
7 egress well and areaway, which lowers the average grade, and
8 therefore increases the height.

9 Next slide?

10 We just did a quick -- this slide and the next
11 slide -- a quick figure gram comparison of the existing and
12 the proposed. So this is the existing conditions on the
13 site. You can see there's an extremely large asphalt
14 parking area.

15 And if we kind of flip to the next slide.

16 You can see that we're trying to definitely reduce
17 that impervious area, increase the landscaping. We're
18 working with a great landscape architecture team to develop
19 some really beautiful landscaping, both along the
20 streetscape, as well as for the internal courtyards.

21 And here you can also see as well that this lot is
22 actually technically in Somerville as well. The vast

1 majority of it is in Cambridge, including all of the
2 entirety of the buildings.

3 Next slide, please?

4 So now running into the actual plans themselves,
5 first focusing on the front unit. You can see here the
6 basement, the areaway, which contributes to extending our
7 existing height nonconformity, which will allow us to get
8 down for an egress window in the bedroom and an entry --
9 direct entry to the basement.

10 Next slide, please?

11 And you can see again that areaway showing up on
12 the first plan, as well as the small area where we're going
13 -- where we're requesting to extend slightly into the
14 setback to -- for insulation and fire separation.

15 The next slide is just the second floor, for which
16 there's no relief requested, followed by the third floor.
17 Again, no relief; we just put it all in there.

18 So continuing on to the next slide, this is the
19 existing -- the rear unit now, as planned, where we will be
20 excavating, creating a new basement underneath for really --
21 just for mechanical purposes, a small mechanical room and
22 then a mechanical crawl space to allow us to distribute our

1 -- our MEPS.

2 Next page, please?

3 So now we get into the areas of this building
4 where we're requesting relief. We kind of tried to create a
5 little key to explain exactly what needs relief where, where
6 everything that needs BZA relief is highlighted in red --
7 all the openings are required -- BZA relief are highlighted
8 in red.

9 We've additionally highlighted some windows in
10 blue, which we will also be pursuing Building Code relief
11 for those. So after hopefully for granting a relief here,
12 we'll next apply for the relief in the Building Code for
13 those windows as well, and those will have additional
14 sprinkler heads over them, should that dual relief be
15 granted.

16 So you can see here how we've kind of created
17 these perimeter courtyards around the building, as well as
18 bringing in pieces of the building further from the property
19 line in order to create safe egress paths from our egress
20 windows and second means of egress door.

21 And, you know, as you can see again also on this
22 plan, you know, we certainly are mostly trying to orient

1 this house into itself into its internal courtyards and into
2 our own property line.

3 But again, just for some additional light air
4 ventilation and life safety, we have some additional windows
5 on the sides.

6 Next slide, please?

7 So this was -- as Gueve briefly mentioned, we did
8 have some feedback from one of our abutters that asked us to
9 reconsider some of our windows that looked onto their
10 property out of the second floor. You can see them
11 highlighted on the right side of the page here. This was
12 the original plan we put forward.

13 And if we split -- go to the next slide?

14 You can see we've switched to a single window, and
15 you'll see when we show our elevations that that window has
16 moved way up higher, to give them kind of that visual
17 privacy.

18 Next slide?

19 And here you can see the roof plan with skylights
20 highlighted for relief.

21 Next slide, please?

22 Now looking at these -- again, these two units now

1 in elevation with the -- you can see the top has the rear,
2 and you can see just in kind of profile that area where
3 we're going to -- we're asking for a little bit of relief
4 into the setback.

5 On the bottom, you can see the front with the
6 areaway, as well as -- again, the area where we're slightly
7 extending into the setback.

8 Next slide?

9 Here you can see that the area of the areaway in
10 elevation for -- there will be a door and a window inside of
11 it, kind of sunken.

12 Next slide, please?

13 And again, here on the north elevation you can see
14 where we are extending just that tiny bit into the setback.

15 Next slide, please?

16 Here now we can see the rear unit and elevation,
17 starting with the front or west elevation, the Russell
18 Street-facing side, where the only really kind of visible
19 from this side is a small, 2" projection on the second floor
20 to create a little bit of architectural relief for that
21 volume of the building.

22 Next slide?

1 Here you can see the east elevation, or the rear
2 elevation. This would be the original version prior to
3 feedback from the abutter.

4 We can go to the next slide here.

5 And again, you can see we've taken those two
6 windows and consolidated them to a single, nonoperable
7 window and moved the sill up significantly to about 6',
8 which satisfied the abutters' concerns.

9 Next slide, please?

10 And lastly, here we have the rear unit on the left
11 and right side. Again, just highlighting those windows that
12 need the relief and the elevation. Again, we were just
13 asking for that little 2" projection into the setback to
14 extend that nonconformity.

15 And that's the project and we obviously welcome
16 any questions from the Board. Thank you for your time.

17 JIM MONTEVERDE: Thank you. Any questions from
18 Members of the Board?

19 MICHAEL LAROSA: Yes. This is Michael LaRosa,
20 Jim.

21 JIM MONTEVERDE: Yep. Go ahead.

22 MICHAEL LAROSA: So I notice that you folks called

1 the front building Unit 1 and the back Unit 2. But the
2 Assessor seems to show two -- it would appear that the front
3 building was two units with 3,400 square feet of living
4 space in the back of the barn. So are we not needing relief
5 for a change in use?

6 ALISON HAMMER: So thank you for that question,
7 Michael. We have been vetting this project with the Zoning
8 Staff, and their feeling is that the existing use of the
9 rear portion is already considered residential.

10 So we are actually continuing the residential use,
11 just the changing the activity of it within the space.

12 MICHAEL LAROSA: So the -- well, first of all I
13 guess was I correct it was the front was two units?

14 ALLISON HAMMER: Correct. So the front is
15 currently used as two units. We'll be converting it to a
16 single unit and moving that second unit into the rear
17 structure.

18 MICHAEL LAROSA: So you'll have one large single
19 in front and one large single the back of the barn is
20 converted to?

21 ALLISON HAMMER: Exactly.

22 MICHAEL LAROSA: And Jim, is that right -- I

1 assume that's right, that Olivia and the Staff considered it
2 already residential?

3 JIM MONTEVERDE: Yep. That's correct.

4 MICHAEL LAROSA: Okay. That was my biggest
5 question, because I noticed the terminology was off with
6 what the Assessors' records were.

7 ALISON HAMMER: Sure. Thank you, Michael.

8 JIM MONTEVERDE: Okay. Any other questions from
9 Members of the Board? If not, I will open it up to public
10 comment. We have no correspondence in the file either for
11 or against.

12 ALISON HAMMER: We should have four letters of
13 support in the file, I believe.

14 JIM MONTEVERDE: I have nothing. So depending on
15 when they came in, they're not --

16 GUEVE ATAIE: They were all uploaded at minimum a
17 week ago. More -- more of them were --

18 MICHAEL LAROSA: Yeah, they're in there, Jim.
19 This is Mike again. They're in the -- whatever the most
20 recent upload was there at the tail end of it. That's four
21 --

22 JIM MONTEVERDE: They may be in the electronic --

1 MICHAEL LAROSA: -- five --

2 JIM MONTEVERDE: -- electronic -- file, but I'm
3 not finding any in the paper file.

4 MICHAEL LAROSA: If you want, I can tell you.

5 JIM MONTEVERDE: Yeah, do you have --

6 MICHAEL LAROSA: We -- they have like a --

7 JIM MONTEVERDE: Michael, just do the -- the usual
8 is just give them the date, give the name of the folks who
9 are writing in, their address and whether they're in support
10 or if not.

11 MICHAEL LAROSA: Yep.

12 JIM MONTEVERDE: Do you have those handy?

13 MICHAEL LAROSA: Yeah. I have them in front of
14 me. The first four are undated. It's a preformatted - "I
15 am in support of the proposal, after reviewing the plans and
16 application." One is from Robert Skompo or Skomro, 5 Tenney
17 Street. The second -- same letter -- Judith A. Delaney, 9
18 Tenney Street. Well, it looks like we have Robert Sombro
19 again. So that's two so far.

20 Barbara Gendron-Greene, 50 Russell Street, same
21 default letter in support. And then a letter from October
22 29 with the same language: Borgna Brunner and Richard

1 Moran, 45 Russell Street, Unit 1, all in support.

2 JIM MONTEVERDE: Okay.

3 MICHAEL LAROSA: Which is -- and actually, that
4 was why I asked my question, because it just says they
5 reviewed the application, and I wanted to make sure
6 everybody understood the difference in the use, even if it's
7 now considered residential.

8 JIM MONTEVERDE: Okay. Thanks for mentioning the
9 ones that are in the record. I'll now open it to public
10 comment to call in. Any members of the public who wish to
11 speak should now click the icon at the bottom of your Zoom
12 screen that says, "Raise hand."

13 If you're calling in by phone, you can raise your
14 hand by pressing *9 and unmute or mute by pressing *6. I'll
15 now ask Staff to unmute speakers one at a time. You should
16 begin by saying your name and address, and Staff will then
17 confirm that we can hear you. After that you will have up
18 to three minutes to speak before I ask you to wrap up.

19 Nobody wants to call in tonight. Geez. Nope.
20 Nobody calling in. I will close public testimony.

21 Any discussion among Members of the Board? Are we
22 ready for a motion? I will move to a motion. This, again,

1 is a special permit.

2 The Chair makes a motion to grant relief from the
3 requirements of the Ordinance under Sections 5.31, the Table
4 of Dimensional Requirements.

5 And that -- correct me if I'm wrong, Alison, but I
6 think it's specifically the added insulation that makes you
7 less compliant on the rear and the left side setbacks --
8 you're okay on the right -- and then also in the height as
9 you add the -- modify the grade and add the stairway to the
10 basement. Correct? Those are the --

11 ALISON HAMMER: Correct.

12 JIM MONTEVERDE: -- only dimensional things that
13 you've got. Yep. Section 5.24.2.b for exterior insulation,
14 8.22.2.c for Nonconforming Structure and 8.22.2.d for
15 Nonconforming Structure. And Section 10.40 for a special
16 permit, and I we'll read that criteria.

17 a) It appears the requirements of this ordinance
18 cannot or will not be met. That is correct.

19 b) Traffic generated or patterns of access or
20 egress would cause congestion, hazard, or substantial
21 change. No.

22 c) The continued operation of or the development

1 of the adjacent uses as permitted in the Zoning Ordinance
2 would be adversely affected. That's no.

3 d) Nuisance or hazard would be created to the
4 detriment of the health, safety, or welfare of the occupant.
5 That's a no.

6 e) And for other reasons, the proposed use would
7 impair the integrity of the district or adjoining district.
8 That's a no.

9 So we meet all the criteria of Section 10.43 for a
10 Special Permit.

11 On the condition that the work proposed conform to
12 the drawings entitled, "44 Russell Street Residences"
13 prepared by Hammer Design and Development. And the cover
14 sheet is dated 10/30/2024, and I noted the majority of
15 drawings contained therein are dated September 24, 2024;
16 initialed and dated by the Chair.

17 And further, we incorporate the supporting
18 statements and Dimensional Form submitted as part of the
19 application.

20 Board Members, on a voice vote, please? Virginia?

21 VIRGINIA KEESLER: In favor.

22 JIM MONTEVERDE: Thank you. Tom?

1 THOMAS MILLER: In favor.

2 JIM MONTEVERDE: Thank you. Michael?

3 MICHAEL LAROSA: In favor.

4 JIM MONTEVERDE: Thank you. Steven?

5 STEVEN NG: In favor.

6 JIM MONTEVERDE: Thank you. Jim Monteverde in
7 favor.

8 [All vote YES]

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

11 ALISON HAMMER: Thank you all very much. Have a
12 good evening.

13 JIM MONTEVERDE: You too.

14 GUEVE ATAIE: Thanks very much for your time.

15 SHUJI SUZAMORI: Thank you very much.

16 JIM MONTEVERDE: You're welcome.

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2 (7:00 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Michael LaRosa, and Thomas Miller

5 JIM MONTEVERDE: Next case is BZA 290238 -- 10
6 Blanchard Road.

7 Maggie, are you with us tonight? Nobody wants to
8 call in tonight. Oh, we're having a technical issue here at
9 our end.

10 MAGGIE BOOZ: I'm with you.

11 JIM MONTEVERDE: We can hear you. Go ahead.

12 MAGGIE BOOZ: Okay. Yeah. I was just promoted to
13 panelist.

14 JIM MONTEVERDE: Yep. Introduce yourself and
15 launch into it.

16 MAGGIE BOOZ: I'm Maggie Booz, B-o-o-z from Smart
17 Architecture. I'm the architect for Kerry and Prithvi
18 Tanwar at 10 Blanchard Road. And we're here to request
19 permission for a second curb cut on an 84' wide property on
20 Blanchard Road.

21 The property currently has a single, 20' wide curb
22 cut leading to a two-car carport that is attached to the

1 house and sits behind the front yard setback, so conforms to
2 the front yard setback, but the access in and out of the
3 property through this one 20' wide curb cut, and we're
4 requesting permission to have two curb cuts instead, each
5 10' wide.

6 And the reason is because Blanchard Road is an
7 exceedingly heavily-traveled throughway from Cambridge,
8 Belmont and Watertown and is a major route to access Route 2
9 and Concord Ave.

10 So our request does increase the impermeable area
11 of the property -- I should say the open space area of the
12 property somewhat; very little.

13 We still conform overwhelmingly to the Open Space
14 Requirements of the ordinance. But the safety of an in and
15 out -- an ingress and egress driveway is pretty paramount on
16 this property. It's really treacherous to go in and out of
17 that driveway.

18 Also Blanchard Road curves, and that makes it even
19 a little bit harder, because cars come around the curve, and
20 you can't -- you don't know that they're coming.

21 I also have -- I don't know if I can do this, if
22 I'm allowed to share my screen, but I do have a couple of

1 photographs from a morning a few weeks ago when I just was
2 over there at eight o'clock and it just shows the kind of
3 traffic that's on that street.

4 JIM MONTEVERDE: No, Maggie, we don't have a way
5 that you can share your screen --

6 MAGGIE BOOZ: Oh, okay.

7 JIM MONTEVERDE: -- so.

8 MAGGIE BOOZ: Okay. So I'll also point out that
9 the neighboring property at 9 Blanchard Road has two curb
10 cuts. There's one that's right on the property line, right
11 on its northern edge that abuts my client's property, so to
12 their south -- to the south edge of 10 Blanchard Road.

13 There's a curb cut right there, and then they have
14 another double -- a single curb cut. It appears to be kind
15 of unused. I'm not sure what the story is with 9 Blanchard
16 Road. But then further south on their property, they have a
17 wider -- you know, essentially double-wide, you know,
18 ordinary you curb cut.

19 So I don't know what happened there at 9
20 Blanchard, but that does exist just on the other side of the
21 property line to the right in this plot plan that you're
22 looking at on the screen.

1 JIM MONTEVERDE: Okay. And the relief that you're
2 seeking is really because the lot -- I'm reading off of the
3 application form --

4 MAGGIE BOOZ: That's correct.

5 JIM MONTEVERDE: -- the property is 84' wide
6 instead of the 100+' wide, that Article 6.43.c requires for
7 more than one curb cut.

8 MAGGIE BOOZ: That's correct.

9 JIM MONTEVERDE: That's what brings you here,
10 right?

11 MAGGIE BOOZ: That's exactly right, yep.

12 JIM MONTEVERDE: Okay.

13 MAGGIE BOOZ: So we've tried to conform to side
14 yard setbacks, minimize the amount of driveway that there is
15 and make a reasonable request to make a safer property. I
16 think we do have a situation here where though it's not 100'
17 wide, it's truly a matter of safety to grant the relief.

18 JIM MONTEVERDE: Okay. Thank you. Any questions
19 from Members of the Board?

20 MICHAEL LAROSA: Not a question so much as a
21 comment. I know that road and travel a lot, and traffic is
22 horrific. So I can see the need for the request. Just

1 pulling in and out is kind of dangerous; people walking by,
2 cars not stopping during peak hours.

3 JIM MONTEVERDE: Yep.

4 MICHAEL LAROSA: Just a comment, basically.

5 JIM MONTEVERDE: No, it's good. I concur. Thank
6 you. Any other comments or questions?

7 STEVEN NG: Steve Ng, here, Jim.

8 JIM MONTEVERDE: Yep.

9 STEVEN NG: If -- Maggie, if you could explain or
10 tell us about what the driveway material would be, and then
11 also if there's thoughts on managing snow in the wintertime?

12 MAGGIE BOOZ: Yeah.

13 STEVEN NG: Where would that be placed?

14 MAGGIE BOOZ: Yeah. Well, the snow removal is --
15 you know, like any driveway you would be -- first of all,
16 you would actually you be able to send it out, but keeping
17 it on the property, keeping the snow on the property, the
18 snow would be piled along the sides just as the driveway
19 would now.

20 But the question of the material: we would like
21 to make it a permeable driveway. We're not -- we're
22 probably not going to asphalt it. We've explored a couple

1 of different options.

2 One is actually making it a stone dust driveway,
3 and we're trying to find out from the mason whether we can
4 make a stable enough surface with that and not have -- you
5 know, not have tracking from the tires through the stone
6 dust. I think it's possible.

7 The other possibility is that right now the
8 driveway is made of concrete pavers, and those pavers go
9 into the carport. We're keeping those pavers in the
10 carport.

11 We're exploring whether we can find the same paver
12 and pull it around onto the new driveway, and reuse those
13 that we're taking out in the portion of driveway where we're
14 narrowing the driveway. So we're looking for permeable
15 solutions, not asphalt.

16 And that's really at my client's request.

17 STEVEN NG: Yep. No, appreciate that. That's a
18 challenge, but it's a good one to try to think through to
19 come up with a good solution for that. Thank you.

20 MAGGIE BOOZ: Mm-hm.

21 JIM MONTEVERDE: Thank you. Any other questions
22 from Members of the Board? If not, we have in the file no

1 correspondence either for or against. So I will open it up
2 to public comment for call-in.

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

6 If you're calling in by phone, you can raise your
7 hand by pressing *9 and unmute or mute by pressing *6. I'll
8 now ask Staff to unmute speakers one at a time. You should
9 begin by saying your name and address, and Staff will then
10 confirm that we can hear you. After that you will have up
11 to three minutes to speak before I ask you to wrap up.

12 ROBERT SAVAGE: Robert Savage. Hello. Can you
13 guys hear me?

14 JIM MONTEVERDE: We can.

15 ROBERT SAVAGE: Okay. Robert Savage, resident at
16 28 DeWolf Street. First, I appreciate the proposed curb cut
17 design due to safety.

18 Just one minor question is in terms of traffic
19 management plans, what is the safety going to be during the
20 construction of the curb cut? Is there any I guess safety
21 initiatives involved when doing the construction?

22 JIM MONTEVERDE: That's -- I don't know that

1 that's a zoning issue that we can --

2 ROBERT SAVAGE: Okay. No worries.

3 JIM MONTEVERDE: -- go through. It's really
4 construction related and not for this Board.

5 ROBERT SAVAGE: Okay. I digress.

6 JIM MONTEVERDE: Okay.

7 ROBERT SAVAGE: Thank you.

8 JIM MONTEVERDE: No, it's okay. Do you have any
9 other questions?

10 ROBERT SAVAGE: No, sir. Thank you.

11 JIM MONTEVERDE: That we can discuss? All right.
12 Sorry.

13 ROBERT SAVAGE: Thank you. Have a good day.

14 JIM MONTEVERDE: Okay. Anybody else calling in?
15 Nope, that's it. I'll close public testimony. Discussion
16 among Members of the Board? If not, I will move to a
17 motion.

18 STEVEN NG: Jim, this is Steve Ng. I think --

19 JIM MONTEVERDE: Yep. I think just with regards
20 to the material, I think kind of it's great that the
21 applicants -- you know, wants to do a pervious surface.

22 But I'm -- I -- I'm not too keen on if they say,

1 like, the drawings do call out a keystone or if there is a
2 loose material that's proposed, I think that could drag out
3 into the street and just become a bigger issue if they use
4 the wrong material.

5 Like the pavers would be great because the joints
6 will just help with the perviousness of the surface, but I'm
7 not too sure. I mean, whatever the Board -- I wonder what
8 their Board is thinking if it's -- it's kind of like a loose
9 material how -- you know, I don't think that --

10 MAGGIE BOOZ: Yeah. It's an interesting question,
11 and it's the -- the quandary between, you know, permeability
12 that isn't unit pavers' --

13 STEVEN NG: Mm-hm. --

14 MAGGIE BOOZ: -- bricks, cobbles, et cetera. And
15 then the -- you know, and then the -- all of which are
16 costly.

17 STEVEN NG: Mm-hm.

18 MAGGIE BOOZ: And then the -- you know, and then
19 the tradeoff being the runoff from an asphalt driveway,
20 which actually isn't even -- I mean it is less costly, but
21 it isn't -- you know, it isn't inexpensive anymore to do
22 asphalt. You know --

1 JIM MONTEVERDE: Yep.

2 MAGGIE BOOZ: I'd love -- I mean, I would -- I
3 would feel absolutely at ease, and I think my clients would
4 too. I mean, Kerry and Prithi, you can weigh in on this,
5 but to designate that it be a permeable surface --

6 JIM MONTEVERDE: As a con -- okay.

7 MAGGIE BOOZ: As a condition?

8 JIM MONTEVERDE: -- so if we can do that as a
9 condition?

10 MAGGIE BOOZ: Mm-hm.

11 JIM MONTEVERDE: Because I think Steven and the
12 other members of the Board, what's really in front of us,
13 the section that we're being asked to grant relief on, has
14 nothing to do with the material of the drive itself.

15 STEVEN NG: Mm-hm, yep. Correct.

16 JIM MONTEVERDE: It's really just allowing it.

17 STEVEN NG: Mm-hm.

18 JIM MONTEVERDE: So I think if we -- if we allow
19 them the -- or make, state the condition and as Maggie has
20 said, that's acceptable, that it be a permeable material and
21 leave it to them. The maintenance of it is going to be
22 theirs.

1 STEVEN NG: Mm-hm.

2 JIM MONTEVERDE: So I think we can --

3 STEVEN NG: Yeah. I think you're right, Jim. And
4 my apologies for overstepping, but I'm --

5 JIM MONTEVERDE: No, I'd be interested in it
6 myself.

7 STEVEN NG: Yeah.

8 JIM MONTEVERDE: Again, I think we could -- you
9 just don't need to get that detailed in it.

10 STEVEN NG: Right. Understood.

11 JIM MONTEVERDE: All right?

12 STEVEN NG: Yep.

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

14 MAGGIE BOOZ: Yeah, no I -- yeah, I appreciate
15 your thinking through the issue. I mean, it's -- you know,
16 it's -- it's good. But yeah.

17 JIM MONTEVERDE: Okay. Any other discussion from
18 Members of the Board? If not, as I said, I have -- I see no
19 correspondence in the file either for or against.

20 MAGGIE BOOZ: We -- we did, Jim, submit signatures
21 pages from the abutting neighbors to the north and the
22 south.

1 JIM MONTEVERDE: Hold on. Hold on. Let me look
2 at it.

3 MAGGIE BOOZ: From -- I'm not sure why they're not
4 there, because they were uploaded. But one is from 11
5 Blanchard Road and --

6 MICHAEL LAROSA: Hey, Jim, they're in the most
7 recent upload.

8 JIM MONTEVERDE: All right. Again, I don't -- I'm
9 not -- I'm not finding them in the physical file, but --

10 MICHAEL LAROSA: I can do the same --

11 JIM MONTEVERDE: -- that's fine.

12 MICHAEL LAROSA: -- if you want --

13 JIM MONTEVERDE: Yep.

14 MICHAEL LAROSA: -- and read them off.

15 JIM MONTEVERDE: Do the same thing.

16 MICHAEL LAROSA: The preformatted abutters form.

17 JIM MONTEVERDE: Okay. Yeah, if you would please,
18 Michael, help me out here.

19 MICHAEL LAROSA: Yep. Forgive me if I'm
20 mispronouncing names, but George Kouyoumjian from 10
21 Blanchard Road -- I'm sorry, 8 Blanchard Road -- and Harry
22 Kouyoumjian, also from I believe it's 8 Blanchard Road.

1 It's a bad copy.

2 And then we have someone from 11 Blanchard, but I
3 cannot read the signature. There's no printed name, just
4 the signature. I'll assume that it's Robin Ehlert listed on
5 the abutters' card.

6 ROBERT SAVAGE: Correct. Correct.

7 JIM MONTEVERDE: And are they all speaking --
8 sorry, one second -- are they all speaking in favor?

9 ROBERT SAVAGE: Yes. It's that old preformatted
10 application for --

11 JIM MONTEVERDE: Yeah.

12 ROBERT SAVAGE: -- driveway cut where the abutter
13 just checks off approval.

14 MAGGIE BOOZ: And I believe --

15 JIM MONTEVERDE: Yeah. All right, yes.

16 MAGGIE BOOZ: -- Kerry and Prithi spoke to both of
17 those neighbors as well.

18 JIM MONTEVERDE: Okay. Yeah. My bad. Those are
19 in the file; I just didn't recognize them in the
20 correspondence.

21 Okay. We have those in the file. I'm going to --
22 you said no one's calling in? Should I do that? Did it?

1 No one's calling in, great. Any other discussion, Members
2 of the Board? Or could I make a motion? I can make a
3 motion.

4 The Chair makes a motion to grant relief from the
5 requirements of the Ordinance under Sections 6.43.3.c,
6 Access for Off-Street parking Facilities; and Section
7 6.43.5.c -- again, access for off-street parking facilities.
8 And Section 10.40, Special permit. And that criteria is:

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

11 Traffic generated or patterns of access or egress
12 would cause congestion, hazard, or substantial change.
13 That's no.

14 The continued operation of or the development of
15 the adjacent uses as permitted in the Zoning Ordinance would
16 be adversely affected. That's no.

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

20 And for other reasons, the proposed use would
21 impair the integrity of the district or adjoining district.
22 That is also a no. And that shows you meet all of the

1 criteria for the special permit.

2 On the condition that the work proposed conform to
3 the drawings entitled, "Tanwar Residence, 10 Blanchard
4 Road," prepared by Smart Architecture dated September 19,
5 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 condition: And that condition
11 is that the new paving be a permeable product.

12 On a voice vote, please? Virginia?

13 VIRGINIA KEESLER: In favor.

14 JIM MONTEVERDE: Thank you. Steven?

15 STEVEN NG: In favor.

16 JIM MONTEVERDE: Thank you. Tom?

17 THOMAS MILLER: In favor.

18 JIM MONTEVERDE: Thank you. Michael?

19 MICHAEL LAROSA: In favor.

20 JIM MONTEVERDE: Thank you. And Jim Monteverde in
21 favor.

22 [All vote YES]

1 JIM MONTEVERDE: That's five affirmative. The
2 relief is granted. Thank you.

3 MAGGIE BOOZ: Thank you so much.

4 KERRY TANVAR: Thank you.

5 JIM MONTEVERDE: Don't go away, Maggie.

6 MAGGIE BOOZ: Yes, okay.

7 JIM MONTEVERDE: You're up again.

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2 (7:28 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Michael LaRosa, and Thomas Miller

5 JIM MONTEVERDE: Next case is BZA-785300 -- 6
6 Acacia Street. Maggie?

7 MAGGIE BOOZ: Um --

8 JIM MONTEVERDE: Yep. I think you have to
9 introduce yourself and introduce yourself and --

10 MAGGIE BOOZ: -- yes. I'm --

11 JIM MONTEVERDE: -- tell us about the window.

12 MAGGIE BOOZ: Of course. I'm Maggie Booz. I'm
13 the architect for William and Tete (phonetic) Heller who
14 live at 6 Acacia Street.

15 And we're requesting relief to change windows that
16 are in the rear façade of the building in a wall that does
17 not conform to the rear yard setback.

18 We're - William and Tete are undergoing a pretty
19 big renovation of this building. It has been a single-
20 family with an accessory apartment, and it's being turned
21 into a single-family, and the rear -- the -- I guess all the
22 changes that have taken place on the building previously

1 were done in a kind of haphazard way, I'll say, in terms of
2 -- especially in terms of windows and doors on the back.

3 And we're trying to make the rear of the house be
4 more harmonious with the front of the house, the historic
5 nature of the house.

6 And so, we're asking permission to remove for
7 instance a very large and fixed picture window at the second
8 floor, and then smaller, old-generation replacement windows
9 at the first floor and replace them with double-hung windows
10 that are like the windows on the front of the house; more in
11 keeping with the windows on the front of the house -- two

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12 over two, you know, more late 19 -century or 1870s, 1880s
13 kind of windows, in keeping with the style of the building
14 that -- the original building.

15 At the back of the house right now there's a deck,
16 a raised deck. We're removing that deck. So that deck --
17 it actually was -- it isn't more than 10' off the house and
18 it isn't more than 4' high. So it was allowed to violate
19 the rear yard setback.

20 But we're removing it nonetheless, and just
21 because it makes a better room without it, and we have two
22 other doors which you can see -- actually one of them in the

1 -- in this elevation that you have pulled up here, there's a
2 sliding door at the kitchen, and there's also a back
3 entrance, rear entrance on the driveway, which is on the
4 left side of this elevation that you're looking at.

5 But the two relevant elevations; the one you
6 showed before, the existing elevation at the rear, that
7 shows the large picture window at the second floor and the
8 two little double-hungs and the fiberglass door at the back
9 are what we're changing to -- essentially to five double-
10 hung windows.

11 JIM MONTEVERDE: All right. Thank you, Maggie.

12 Any questions from Members of the Board? No? If
13 not -- and I'll say this tentatively -- I have no
14 correspondence in the file. Michael, tell me if you're
15 aware of any other correspondence in the electronic world?

16 Michael, are you there?

17 MICHAEL LAROSA: I can check right now. I don't
18 believe there was. Let me --

19 JIM MONTEVERDE: All right. No correspondence in
20 the file, either for or against, so I'll open it up to
21 public comment.

22 Any members of the public who wish to speak should

1 now click the icon at the bottom of your Zoom screen that
2 says, "Raise hand." If you're calling in by phone, you can
3 raise your hand by pressing *9 and unmute or mute by
4 pressing *6.

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

10 No one is calling in. I'll close the presentation
11 part.

12 Any discussion among Members of the Board? If
13 not, I will make a motion. This is - and again, the special
14 permit.

15 The Chair makes a motion to grant relief from the
16 requirements of the Ordinance under Sections 5.31, Table of
17 Dimensional Requirements. That's really the fact that the
18 windows are in the rear yard setback - the existing ones
19 are, and the new ones are as well; Section 8.22.2.c,
20 Nonconforming Structure; and 10.40 for a Special Permit.

21 And that criteria is:

22 It appears the requirements of this Ordinance

1 cannot or will not be met. That is correct.

2 Traffic generated or patterns of access or egress
3 would cause congestion, hazard, or substantial change. It
4 will not.

5 The continued operation of or the development of
6 the adjacent uses as permitted in the ordinance would be
7 adversely affected. It will not.

8 Nuisance or hazard would be created to the
9 detriment of the health, safety, or welfare of the occupant.
10 It will not.

11 And for other reasons, the proposed use would
12 impair the integrity of the district or adjoining district.
13 And it will not.

14 So it meets all the criteria under Section 10.43
15 for a Special Permit.

16 On the condition that the work proposed conform to
17 the drawings entitled, "Heller Residence, 6 Acacia Street,"
18 prepared by Smart Architecture, dated September 24, 2024;
19 initialed and dated by the Chair.

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

1 Board Members, on a voice vote, please?

2 Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: Thank you. Steven?

5 STEVEN NG: In favor.

6 JIM MONTEVERDE: Thank you. Tom?

7 THOMAS MILLER: In favor.

8 JIM MONTEVERDE: Thank you. Michael?

9 MICHAEL LAROSA: In favor.

10 JIM MONTEVERDE: Thank you. And Jim Monteverde in
11 favor.

12 [All vote YES]

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

15 MAGGIE BOOZ: Thank you so much.

16 JIM MONTEVERDE: You're welcome.

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(7:35 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Michael LaRosa, and Thomas Miller

JIM MONTEVERDE: Next case is BZA-289791 - 64 Rice
Street. John Large, are you out there?

JOHN LODGE: Oh, I am. I'm sorry. Hi. I'm John
Lodge. I'm the architect for 64 Rice Street. And my
clients Harriet and Robert are also with us tonight. We're
coming before the Board to request a special permit to
create a new ADU in the back yard of the property at 64
Rice.

And before I get into the drawings, I thought I
would just let Harriet and Robert sort of give you the story
of what they want to do and why.

JIM MONTEVERDE: Okay.

HARRIET GARSKOVAS: Hi. My name is Harriet
Garskovas. Hello?

JIM MONTEVERDE: Hello. My name is Robert
Garskovas.

HARRIET GARSKOVAS: So we have lived on 64 Rice
Street. We are the fourth generation on this property, and

1 we've lived here for a very long time, we raised our
2 children.

3 And we would like to stay on our property; stay in
4 Cambridge, stay and age in place, which means that our --
5 the ADU we would like to build would give us a place to live
6 once we get even older than now, and the existing house will
7 still remain in the family with us, and one of our children
8 may well join us or the grandchildren -- we also have three
9 grandchildren, and we are hoping to just make this house
10 work for us for the future for a long, long, time.

11 So we love being here, and we don't want to leave.

12 JIM MONTEVERDE: All right. Very good. Thank
13 you. Can we go back to Mr. Lodge for a moment?

14 JOHN LODGE: Sure.

15 JIM MONTEVERDE: So can you walk us through the
16 relief that you're requesting and why?

17 JOHN LODGE: I can. All right. So if you look at
18 -- if you look at the Z-2, which is basically the site plan,
19 the existing two-family sits at the front of the lot. It's
20 a large lot. It's 7,650 square feet, so there's a fair
21 amount of space behind the house.

22 But the allowable gross square footage for the

1 lot, if we were to just sort of maintain the two-family
2 status would be almost 3,430 square feet.

3 But rather than stick -- you know, rather than
4 build sort of two bigger units, the idea here is to build a
5 unit that's sort of -- so to build the ADU as a unit that's
6 sort of attached to basically in this case the upstairs
7 unit, so that -- so that that sort of stays as the sort of
8 family compound, and then the existing first-floor unit
9 would remain as a rental unit to provide some income for
10 Harriet and Robert as they -- you know, once they retire.

11 So the tradeoff here is that we're looking for
12 basically a third unit, which I understand -- you know, I
13 understand the constraints of an ADU in terms of -- you
14 know, it can't be sold separately and things like that.

15 But we're -- our goal is to trade off the extra
16 square footage for the flexibility and the sort of
17 livability of a sort of a one-floor, two-bedroom unit in the
18 back yard.

19 So if you want to -- if you want to sort of, if
20 you can go to the next drawing down, I can -- I can -- so,
21 yeah. All right.

22 So right now --

1 JIM MONTEVERDE: Let me interrupt you --

2 JOHN LODGE: Sorry.

3 JIM MONTEVERDE: -- for a second and just ask you
4 to -- I think the question I'm asking is can you -- are
5 there any side yard setback relief that you need? Front
6 yard, rear yard, windows in any of those setbacks?

7 JOHN LODGE: No, it meets all the accessory
8 building setbacks, and it actually meets the main building
9 setbacks with the exception -- if you go back to the --
10 yeah, you can see the rear -- we don't quite meet the rear
11 yard setback, but I think given the fact that it's an
12 accessory building, it doesn't have to meet the rear yard
13 setback, or the -- you know, the sort of deeper rear yard
14 setback.

15 JIM MONTEVERDE: Okay. So if there are no zoning
16 relief required relative to the Dimensional Form -- is that
17 correct?

18 JOHN LODGE: I believe that's correct.

19 JIM MONTEVERDE: And then you're specifically
20 asking for relief at Section 4.21 and 4.22 regarding the
21 accessory apartment?

22 JOHN LODGE: Correct.

1 JIM MONTEVERDE: All you need?

2 JOHN LODGE: I think that's correct, yes.

3 JIM MONTEVERDE: Okay. And is there any in either
4 Section 4.21 or 4.22 that you currently don't comply with
5 that you're asking for relief?

6 JOHN LODGE: No, I believe -- I think, I think we
7 comply. We meet all the -- yeah.

8 JIM MONTEVERDE: Okay. Great. Okay. So Staff
9 just confirmed for me the reason you're here, even though
10 you seem to be compliant with all those conditions, is that
11 in order to do an accessory apartment you need the special
12 permit?

13 JOHN LODGE: Correct.

14 JIM MONTEVERDE: So that's why we're here.

15 JOHN LODGE: Yes.

16 JIM MONTEVERDE: Is that the long and short of it?

17 JOHN LODGE: That is.

18 JIM MONTEVERDE: Okay. Do you want to present
19 anything else, or is that kind of --

20 JOHN LODGE: Sure, well if -- yeah, I mean --

21 JIM MONTEVERDE: -- it in a nutshell?

22 JOHN LODGE: -- so why don't we -- I -- we can

1 just go through the drawings.

2 So currently, so there's the existing. So this is
3 sort of existing and proposed. So currently there is a --
4 there's an accessory building in the back yard, which is a
5 one-story shed roof building. And you can see that we would
6 expand it and substantially rebuild it to accommodate --
7 it's basically a one-bedroom, but it has an office in it
8 that could serve as a second bedroom if necessary.

9 But it's -- it's basically three rooms and a --
10 three rooms and a bathroom sort of two smaller rooms around
11 a living, dining, kitchen area in the middle that - it's all
12 on one-story, so it's -- you know, it's -- it's -- it's
13 easy.

14 So I apologize for the -- for the plans of the
15 existing building. We were originally trying -- we were
16 originally thinking we were going to ask for a special
17 permit just to move some windows in the existing building,
18 but I talked to Staff, and they thought for the time being
19 it would be simpler if we just applied for the ADU, which is
20 actually the thing we're doing now.

21 And then later on, we're proposing some -- some
22 mostly interior renovations in the two-family. So -- so

1 those drawings are sort of moot for the purposes of this
2 discussion. But yeah.

3 So here's the plan layout of the proposed ADU. So
4 there's a bedroom, there's sort of a living, dining area.
5 There's a bath, and then there's the office that's also sort
6 of swing space -- it could be another small bedroom. And
7 then there's a fenced-in sort of small garden in the back.

8 And these are -- yeah, so these are the
9 elevations.

10 JIM MONTEVERDE: Okay. Anything else you want to
11 present, or is that the --

12 JOHN LODGE: Well, if you have any questions?

13 JIM MONTEVERDE: -- sum and substance?

14 All right, why don't we get to that one next if
15 you're done with the presentation and I'll ask if there are
16 any questions from Members of the Board?

17 If not, we do have in the file correspondence in
18 support dated October 2024. This is a form letter signed by
19 - these are all in favor, these are neighbors: Janet Walsh,
20 69 Rice Street; Timothy Groves, 59 Rice Street; Betsy
21 Groves, 59 Rice Street; Linda Pursley I believe, 71 Rice
22 Street; and I can't make out the next one, 4 Hollis Park;

1 and I can't make out the next one; 70-72 Rice Street writing
2 in in favor. And we have none against.

3 I will open it up to public comment by phone.

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

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

14 All quiet. All right, we'll close public
15 testimony.

16 Any discussion among Members of the Board? If
17 not, this is a special permit. Let me make a motion. And
18 again, this is strictly regarding the - as the Agenda says,
19 the expansion and rebuilding of the existing accessory
20 building at the rear of the lot to create a new two-bedroom
21 accessory unit, and not the work to the main house.

22 The Chair makes a motion to grant relief from the

1 requirements of the ordinance under Sections 4.21 and 4.22
2 for and Accessory Apartment and 10.40 for a Special Permit.

3 And that criteria is:

4 It appears the requirements of this Ordinance
5 cannot or will not be met. That is correct.

6 Traffic generated or patterns of access or egress
7 would cause congestion, hazard, or substantial change.

8 That's no.

9 The continued operation of or the development of
10 the adjacent uses as permitted in the zoning ordinance would
11 be adversely affected. It will not.

12 Nuisance or hazard would be created to the
13 detriment of the health, safety, or welfare of the occupant
14 of the proposed use. It will not.

15 And for other reasons, the proposed use would
16 impair the integrity of the district or adjoining district.

17 And it will not.

18 So it meets the criteria of Section 10.43 for a
19 Special Permit.

20 On the condition that the work proposed conform to
21 the drawings entitled, "64 Rice Street," prepared by John
22 Lodge Architects, dated September 11, 2024; initialed and

1 dated by the Chair.

2 And further, that we incorporate the supporting
3 statements and Dimensional Form submitted as part of the
4 application.

5 On a voice vote, please, Michael?

6 MICHAEL LAROSA: In favor.

7 JIM MONTEVERDE: Thank you. Tom?

8 THOMAS MILLER: In favor.

9 JIM MONTEVERDE: Thank you. Steven?

10 STEVEN NG: In favor.

11 JIM MONTEVERDE: Thank you. Virginia?

12 VIRGINIA KEESLER: In favor.

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

15 [All vote YES]

16 JIM MONTEVERDE: That's five affirmative. Relief
17 is granted. Thank you.

18 JOHN LODGE: Thank you very much. Have a great
19 night.

20 JIM MONTEVERDE: You too.

21

22

1 * * * * *

2 (7:48 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Michael LaRosa, and Thomas Miller

5 JIM MONTEVERDE: And last but not least and back
6 by popular demand is BZA Case 1139118 -- 26 Bellis Circle.
7 If memory serves me right, we've done this -- is this the
8 third round? It is the third round.

9 Is there anybody calling in about 26 Bellis
10 Circle?

11 TOM CULOTTA: Hi, this is Tom Culotta and Mary
12 Custic, the owners of 26 Bellis Circle. And I'm sorry that
13 we're back by popular demand. It's been quite the road and
14 journey for us. So I'll get right to the point.

15 I'm also joined here today by Robert Brainerd,
16 who's our architect.

17 JIM MONTEVERDE: Yep.

18 TOM CULOTTA: He's on the line as well too.

19 JIM MONTEVERDE: Thank you.

20 TOM CULOTTA: Okay. So the reason why we're here
21 today is we want to request a variance for a minor
22 adjustment. It's to reconfigure the placement of windows on

1 the south-facing wall of our addition, which remains - still
2 remains nonconforming in terms of the rear setback
3 requirements.

4 To emphasize, the request involves no changes to
5 the building's footprint or square footage and maintains the
6 same number of windows that were approved the last year
7 under Case 218034.

8 We are only requesting to adjust window layout
9 within the existing south wall to improve both functionality
10 and aesthetic balance.

11 So for those of you not familiar with the
12 background and the hardship, the hardship remains the same
13 and consistent with the reasoning for the variance granted
14 last year. The unusual shape of our property results in
15 irregular rear-boundary, yielding a setback of 31.3' at the
16 southwest corner.

17 This limited setback restricts feasibility
18 placement options for -- you know, any modification without
19 zoning relief.

20 The same hardship extends to our current request
21 here for a minor configuration. The irregular shape of the
22 plot and rear boundary setback required for a nonconforming

1 south wall restrict feasible options or any modifications to
2 that wall. Due to this unique shape, the setback
3 requirement governs even the minor changes such as a window
4 placement.

5 The requested adjustments are essential to allow
6 for both functional use inside, as well as visually balance
7 the design outside.

8 With respect to the lack or detriment of the
9 public good, our proposed changes will not increase the
10 size, height, or footprint of the structure.

11 We have also received written approval from all
12 our direct abutters. We have no concerns about these - they
13 have no concerns about these adjustments. This support
14 confirms that our request presents no adverse impacts on the
15 surrounding properties.

16 And then lastly, you know, we believe that our
17 request aligns with the intent and purpose of the Zoning
18 Ordinance. when the Board approved our addition last year,
19 it determined that the project did not conflict with the
20 Ordinance purpose.

21 Our current request, which only involves adjusting
22 the layout of windows within the approved wall respects all

1 existing boundaries and neighborhood considerations.

2 So in closing, we feel the request is reasonable
3 and consistent with both the Ordinance and the community
4 expectations. We respectfully ask the Board to grant us
5 this variance for minor window adjustments and happy to
6 answer any questions you might have.

7 JIM MONTEVERDE: So just so we understand, we
8 brought up the one slide?

9 TOM CULOTTA: Yeah.

10 JIM MONTEVERDE: It shows the -- last year's --
11 this is the south façade, correct?

12 TOM CULOTTA: Yes.

13 JIM MONTEVERDE: It shows the -- that approved
14 design for the addition. And then on the right-hand side of
15 the screen is your revised south elevation, correct?

16 TOM CULOTTA: Yes. It's -- yes.

17 JIM MONTEVERDE: And that's all the changes?

18 TOM CULOTTA: It's all the changes. We -- same
19 number of windows, seven.

20 JIM MONTEVERDE: Yep.

21 TOM CULOTTA: It's just reconfigured for better
22 balance and use and that's what we're seeking.

1 JIM MONTEVERDE: Okay. Very good. Thank you.

2 Any questions from Members of the Board?

3 MICHAEL LAROSA: I just have a minor question just
4 trying to compare these two. I'm sorry, Tom --

5 TOM CULOTTA: Yes.

6 MICHAEL LAROSA: -- you said there's no change
7 other than to the number and, like, the layout of the
8 windows? The middle -- I don't know how to describe this --
9 on the conceptual design on the left?

10 TOM CULOTTA: Yes.

11 MICHAEL LAROSA: Right in the middle of the first
12 floor, there's something that's half blocking that window,
13 that doesn't exist on the final plan? So I didn't know if
14 there's a change in the walls or the layout, or --

15 TOM CULOTTA: No. The layout still remains the
16 same. It was -- when we went to the BZA before, it was a
17 conceptual design. It wasn't a finished architectural plan.
18 Since it was approved, my archi-- I used a design-build
19 firm, and they really raised the prices to the point where I
20 couldn't afford them anymore. So I changed, and I hired Joe
21 the architect. I hired Robert here. And they provided a
22 more aesthetically balanced plan that you see over here on

1 the right-hand side of the plan.

2 ROBERT BRAINARD: Yeah, I actually --

3 JIM MONTEVERDE: I think --

4 ROBERT BRAINARD: This is Robert here, with Joe
5 the architect -- I actually think, to be totally honest that
6 that -- what you're seeing on the conceptual design approved
7 drawing -- is a drafting error. Because looking -- like --

8 JIM MONTEVERDE: Yeah.

9 ROBERT BRAINARD: -- I'm familiar with the plans;
10 obviously I created the new version following the exact same
11 footprint as what was previously approved -- and that wall
12 just goes straight back to the existing structure.

13 So my suspicion is that that's just sort of a
14 technical glitch on that drawing.

15 JIM MONTEVERDE: Yep. Looking at the plan, that's
16 exactly it. It was just --

17 ROBERT BRAINARD: Yeah.

18 JIM MONTEVERDE: -- the drafting oops.

19 MICHAEL LAROSA: Okay. That's all. I was just
20 curious, because I wanted to - as you said, you already went
21 in for approval. So I just --

22 JIM MONTEVERDE: Yep.

1 MICHELLE LOWER: -- want to make sure nothing else
2 was changing.

3 JIM MONTEVERDE: Okay. Any other questions from
4 Members of the Board? If not, we have some letters in the
5 file. We have dated October 25 Erica Bial and Revathi
6 Yerramilli (phonetic) -- basically owners of 16 and 18
7 Bellis have approved and support the proposed changes. That
8 is all the correspondence we have in the --

9 MICHAEL LAROSA: Hey, Jim, it's Mike again.

10 JIM MONTEVERDE: -- I'll get more. All right.

11 MICHAEL LAROSA: There's one on page 13 of the
12 upload. It's from October 8. It's kind of out of place.

13 JIM MONTEVERDE: Yep. Yeah, it's the same format
14 dated October 8, 2024; Kathryn Childs -- there's a date here
15 somewhat -- 24 Bellis Circle; Beverly Wyman, 25 Bellis
16 Circle; Adam Kerr, 27 Bellis Circle. They have approved and
17 support the proposed changes. That's what we have in the
18 file. And no one's speaking against.

19 I'll open it up to public comment by phone.

20 Any members of the public who wish to speak should
21 now click the icon at the bottom of your Zoom screen that
22 says, "Raise hand." If you're calling in by phone, you can

1 raise your hand by pressing *9 and unmute or mute by
2 pressing *6.

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

8 Once again, no one calling in. So I will close
9 public testimony. Any discussion among Members of the
10 Board? If not, I will move to a motion. And this is our
11 lone variance for the evening.

12 The Chair makes a motion to grant relief from the
13 requirements of the Ordinance under Sections 5.31, Table of
14 Dimensional Requirements; and 8.22.3 for a Nonconforming
15 Structure; and 10.30 for a Variance. And this is all to
16 revise the configuration of windows on the south wall of the
17 addition.

18 And the conditions for a Variance:

19 A literal enforcement of the provisions of the
20 ordinance would involve a substantial hardship.

21 The hardship is owing to the circumstances
22 relating to the soil condition, shape, or topography of such

1 a plan, which is correct. We found that last time.

2 Desirable relief may be granted without either
3 substantial detriment to the public good -- that is correct
4 -- or nullifying or substantially derogating from the intent
5 or purpose of this ordinance. And that is correct.

6 So we meet all the criteria under Article 10.31
7 for a Variance.

8 On the condition that the work proposed conforms
9 to the drawings titled -- the drawings we have are, the set
10 at least, is still Joe The Architect. Are these still with
11 an attachment for the change to the south elevation? Are
12 those the correct documents?

13 Proponents?

14 TOM CULOTTA: Yes. The elevation pieces that I
15 submitted are from the plans from Joe the architect. So
16 they are correct.

17 JIM MONTEVERDE: Okay. So -- right. So on the
18 condition that the work proposed conforms to the drawings
19 entitled -- it says "848-26 -- Bellis Circle" prepared by
20 Joe the architect. These are dated -- it's another one
21 that's an eye test here.

22 TOM CULOTTA & MARY CUSTIC: There should be an

1 issuance chart somewhere in the -- I don't know, bottom
2 third or so on the title block that has an issuance date on
3 it?

4 JIM MONTEVERDE: Yep. What date are you seeing?

5 TOM CULOTTA: 08/05/24.

6 JIM MONTEVERDE: 08/05/2024. And -- right. That
7 contains the new elevation. And we're talking about in the
8 south elevation? Yep.

9 -- initialed and dated by the Chair. And further,
10 that we incorporate the supporting statements and
11 dimensional form submitted as part of the application.

12 Board Members, on a voice vote, please? Virginia?

13 VIRGINIA KEESLER: In favor.

14 JIM MONTEVERDE: Thank you. Steven?

15 STEVEN NG: In favor.

16 JIM MONTEVERDE: Thank you. Tom?

17 THOMAS MILLER: In favor.

18 JIM MONTEVERDE: Thank you. Michael?

19 MICHAEL LAROSA: In favor.

20 JIM MONTEVERDE: Thank you. And Jim Monteverde in
21 favor.

22 [All vote YES]

1 JIM MONTEVERDE: That's five affirmative. Relief
2 is granted.

3 TOM CULOTTA & MARY CUSTIC: Thank you. Thank you
4 so much.

5 JIM MONTEVERDE: You're welcome. And Board
6 Members, that wraps it up for the evening. Thank you all
7 for your help. See you next time.

8 COLLECTIVE: Thank you.

9 JIM MONTEVERDE: Goodnight.

10 COLLECTIVE: Good evening.

11 JIM MONTEVERDE: You too. Thanks.

12 [08:01 p.m. End of Proceedings]

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CERTIFICATE

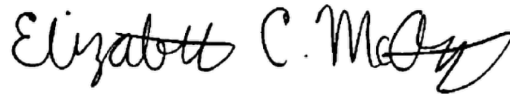
Commonwealth of Massachusetts

Middlesex, ss.

I, Elizabeth McAvoy, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

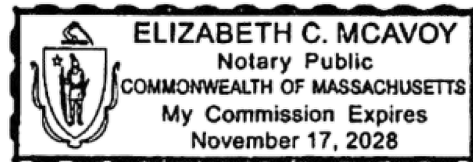
In witness whereof, I have hereunto set my hand this second day of December 2024.



Notary Public

My commission expires:

November 17, 2028



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