

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2021 SEP 20 PM 12:29
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 143864

General Information

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Carpenter & Company C/O James J. Rafferty

PETITIONER'S ADDRESS: 907 Massachusetts Avenue, Cambridge, MA 02139

LOCATION OF PROPERTY: 5 Bennett St., Cambridge, MA

TYPE OF OCCUPANCY: Hotel

ZONING DISTRICT: Residence C-3, PUD 1, Harvard Square Overlay

REASON FOR PETITION:

/Change in Use/Occupancy/

DESCRIPTION OF PETITIONER'S PROPOSAL:

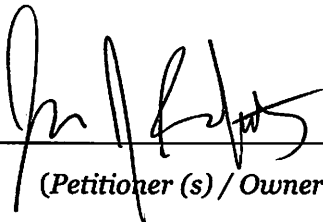
Petitioner seeks to convert closed swimming pool area in hotel to eight (8) hotel rooms.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).

Article: 10.000 Section: 10.30 (Variance).

Original
Signature(s):



(Petitioner (s) / Owner)

James J. Rafferty, Attorney for Petitioner

(Print Name)

Address:

Tel. No. 617.492.4100

E-Mail Address: jrafferty@adamsrafferty.com

Date: September 15, 2021

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

Carpenter & Company

(Petitioner)

Address: c/o James J. Rafferty, Esq. 675 Massachusetts Avenue Cambridge, MA 02139

Location of Premises: 5 Bennett Street

the record title standing in the name of Carpenter & Company

whose address is 20 University Road, Cambridge MA 02138

(Street)

(City or Town)

(State & Zip Code)

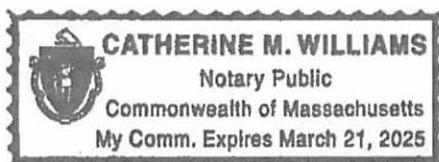
by a deed duly recorded in the Middlesex County Registry of Deeds in

Book 30324 Page 26 or _____
Registry

District of Land Court Certificate No. _____ Book _____ Page _____

[Signature]
Attorney for Owner

On this 1st day of September, 2021, before me, the undersigned notary public, personally appeared James J Rafferty proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that James J Rafferty signed it voluntarily for its stated purpose.



Catherine M. Williams
Notary Public
My commission expires: 3/21/25

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10.

A) A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

A literal enforcement of the Ordinance would prevent the Petitioner from making the proposed modifications to the interior of the building.

B) The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures by not affecting generally the zoning district in which it is located for the following reasons:

The hardship is based upon the need to utilize space that has been unoccupied for more than a year since the closing of the swimming pool.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

1) Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The construction will occur entirely within the existing structure. Given the large volume of the pool area (17' 3"), constructing an interim floor over the pool area is necessary to create functional hotel rooms.

2) Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

The proposed conversion will meet the Ordinance's stated purpose of promoting rational uses of land and buildings without derogating from any of its other intents.

***If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an attorney.**

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Carpenter & Company

Present Use/Occupancy: Hotel

Location: 907 Massachusetts Avenue

Zone: Residence C-3, PUD 1, Harvard Square Overlay

Phone: 617.492.4100

Requested Use/Occupancy: Hotel

	<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	550,872 sf	552,845 sf	550,872 sf	(max.)
<u>LOT AREA:</u>	183,354 sf	no change	5,000 sf	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>	2.99	3.01	3.000	
<u>LOT AREA OF EACH DWELLING UNIT</u>	N/A	no change	N/A	
<u>SIZE OF LOT:</u> WIDTH	varies	no change	50'	
DEPTH	varies	no change	N/A	
<u>SETBACKS IN FEET:</u> FRONT	varies	no change	0	
REAR	varies	no change	0	
LEFT SIDE	varies	no change	0	
RIGHT SIDE	varies	no change	0	
<u>SIZE OF BUILDING:</u> HEIGHT	varies	no change	60'	
WIDTH	varies	no change	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	0	no change	15	
<u>NO. OF DWELLING UNITS:</u>	295 hotel rooms	303 hotel rooms	N/A	
<u>NO. OF PARKING SPACES:</u>	500	497	245	
<u>NO. OF LOADING AREAS:</u>	3	no change	3	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>	N/A	no change	N/A	

Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

BZA Application Form



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

2 Signs

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: Patrick Corte Date: 9/30
(Print)

Address: 5 Bennett St.

Case No. BZA-143864

Hearing Date: 10/21/21

Thank you,
Bza Members

Pacheco, Maria

From: James Rafferty <jrafferty@adamsrafferty.com>
Sent: Thursday, October 21, 2021 1:48 PM
To: Pacheco, Maria
Cc: Wolf, Daniel; Roberts, Jeffrey
Subject: BZA Case No 143864 5 Bennet Street Charles Hotel

Dear Ms. Pacheco,

Please be advised that the applicant appeared before the Harvard Square Advisory Committee at 6pm last night at a duly advertised public hearing in order to present the above captioned variance application.

Committee members in attendance were Alexander Offiong, Frank Kramer, Lauren Curry, Kari Kuelzer, Matt Simitis, Jenel Derbali and John Di Giovannii.

Jeff Roberts and Daniel Wolf of the Community Development Department were also in attendance.

Present for the applicant was Alex Attia, General Manager of the Charles Hotel, myself, and architects Gary Johnson and Robert Bander of Cambridge Seven.

Mr. Johnson presented the plans to the Committee, including the site plan, elevations and floor plans.

Committee members asked questions about the amount of gfa being requested in the variance, the changes in elevation, and the new floor plans.

There were no members of the public in attendance at the hearing.

During the discussion and deliberation portion of the meeting several members commented about the minimal impact the proposed variance will have on the building and also expressed the view that additional hotel rooms would be a good thing for the economic vitality of Harvard Square.

Several members expressed regret and disappointment that the pool had closed, citing it as an example of a use that benefited not just hotel guests but the public as well.

At the conclusion of the discussion a motion was made to support the variance. The motion passed unanimously, with Mr. DiGiovanni abstaining due to a conflict.

I would request that you include this correspondence in the file for this application.

Best regards,

Jim

James J. Rafferty, Esquire
Adams & Rafferty
907 Massachusetts Avenue
Cambridge, MA 02139
Tel: 617-492-4100
Fax: 617-492-3131
jrafferty@adamsrafferty.com

Pacheco, Maria

From: Patrick Conte <pconte@adamsrafferty.com>
Sent: Thursday, October 21, 2021 2:03 PM
To: Pacheco, Maria
Subject: Fwd: Charles Hotel - BZA PRESENTATION
Attachments: Charles Hotel - BZA.pdf

Please find attached additional plans for BZA case no. 143864 (5 Bennett aka The Charles Hotel). There have been no changes to the design or layout. The plans have just been color coded to provide a greater degree of clarity.

The new GFA is shaded orange
Existing GFA blue
Deductions Yellow

1095 SQ on 1st floor
0 on 3rd floor
3217 SQ on 4th

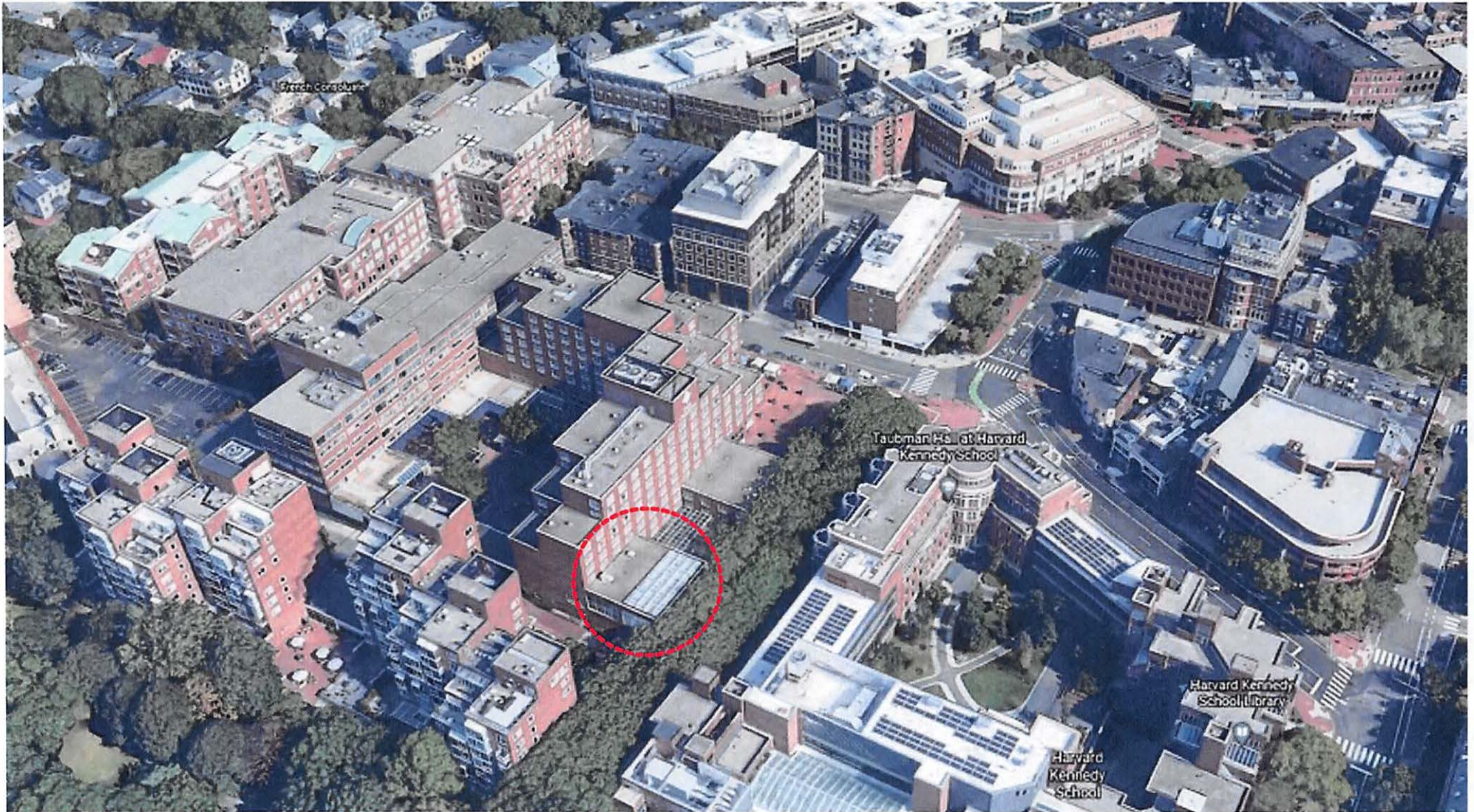
Thank you for your time and assistance.

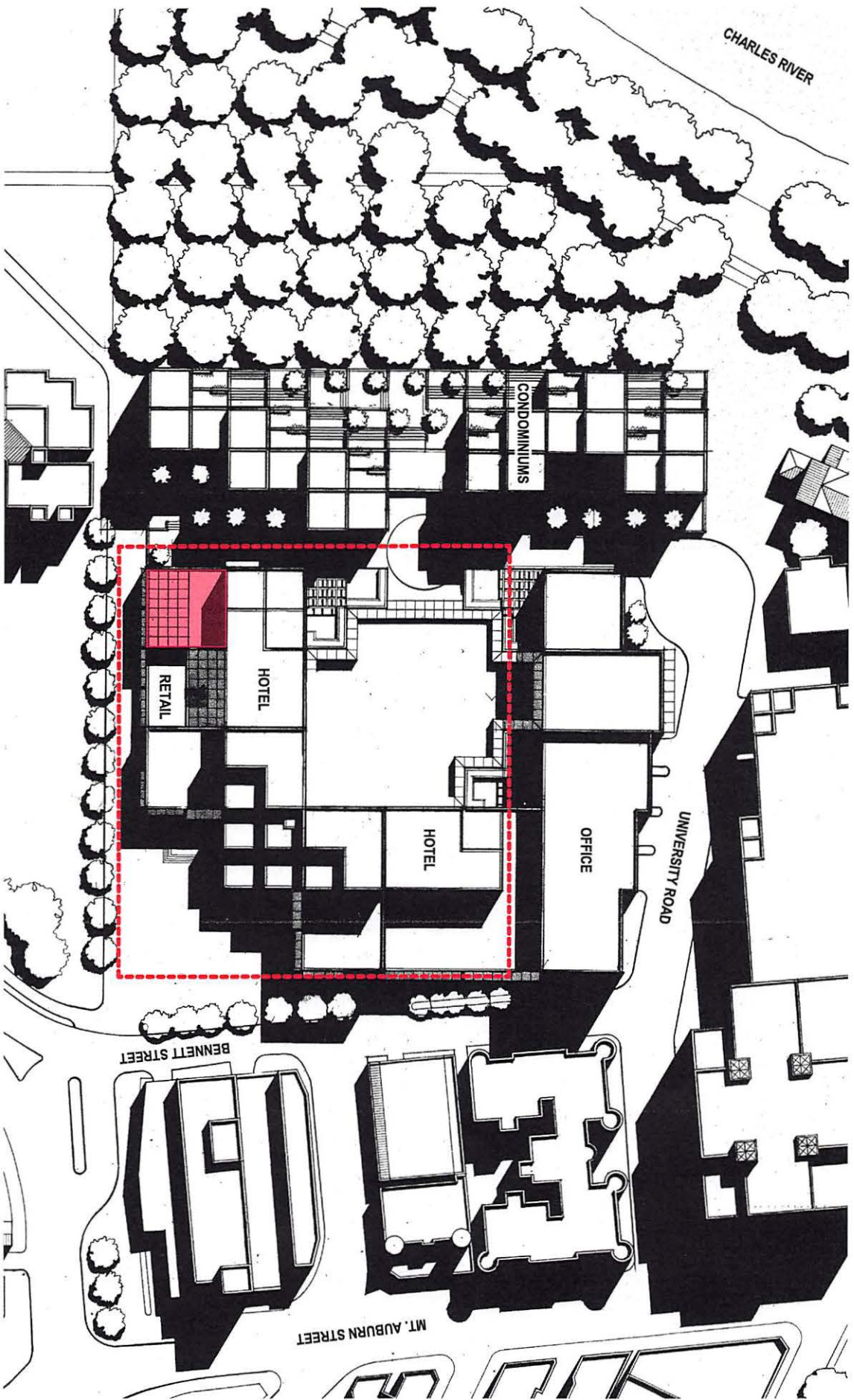
Regards,

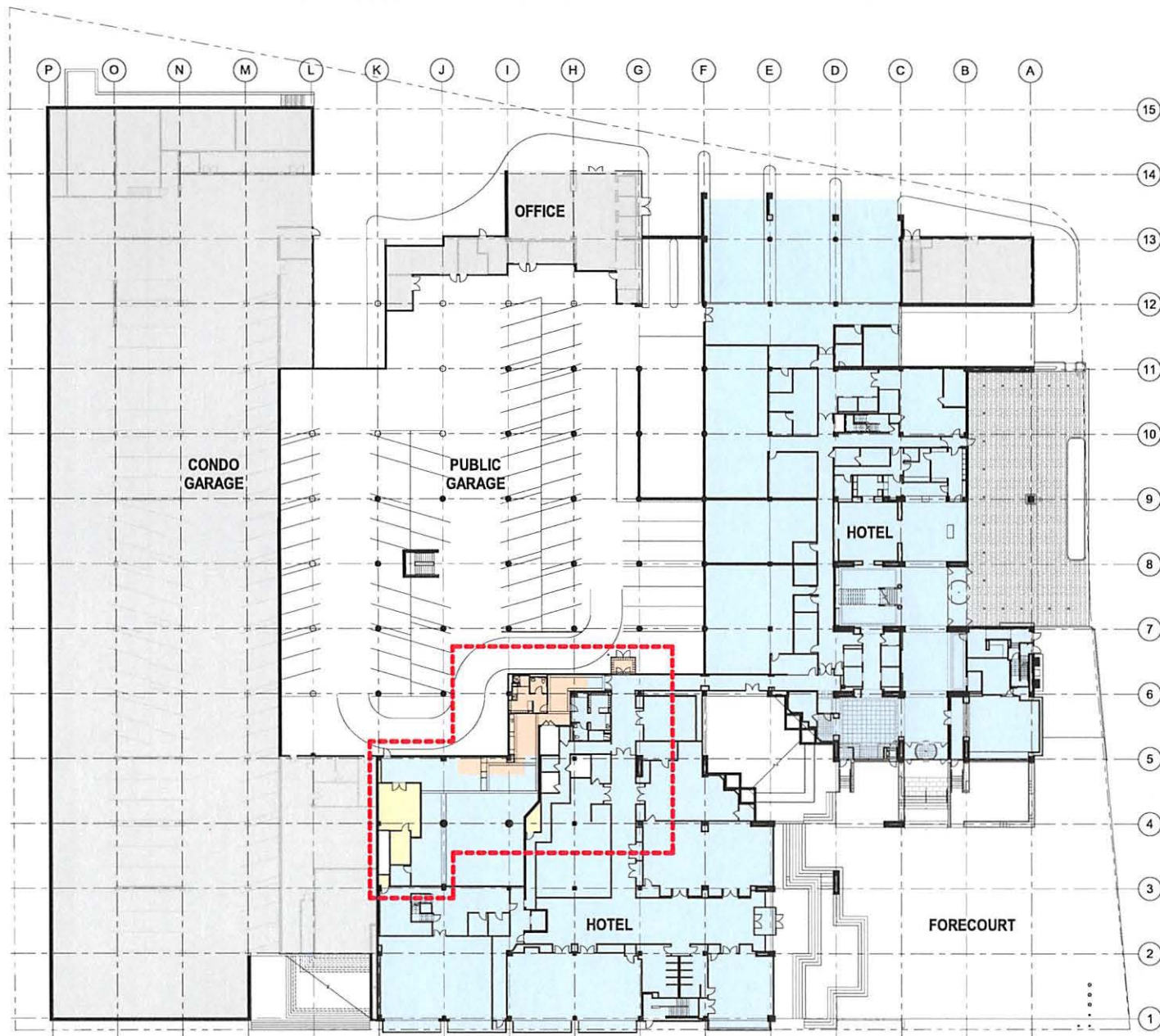
Pat

Thank you for your
Patrick Conte
legal assistant

Adams & Rafferty
907 Massachusetts Avenue
Cambridge, MA 02139

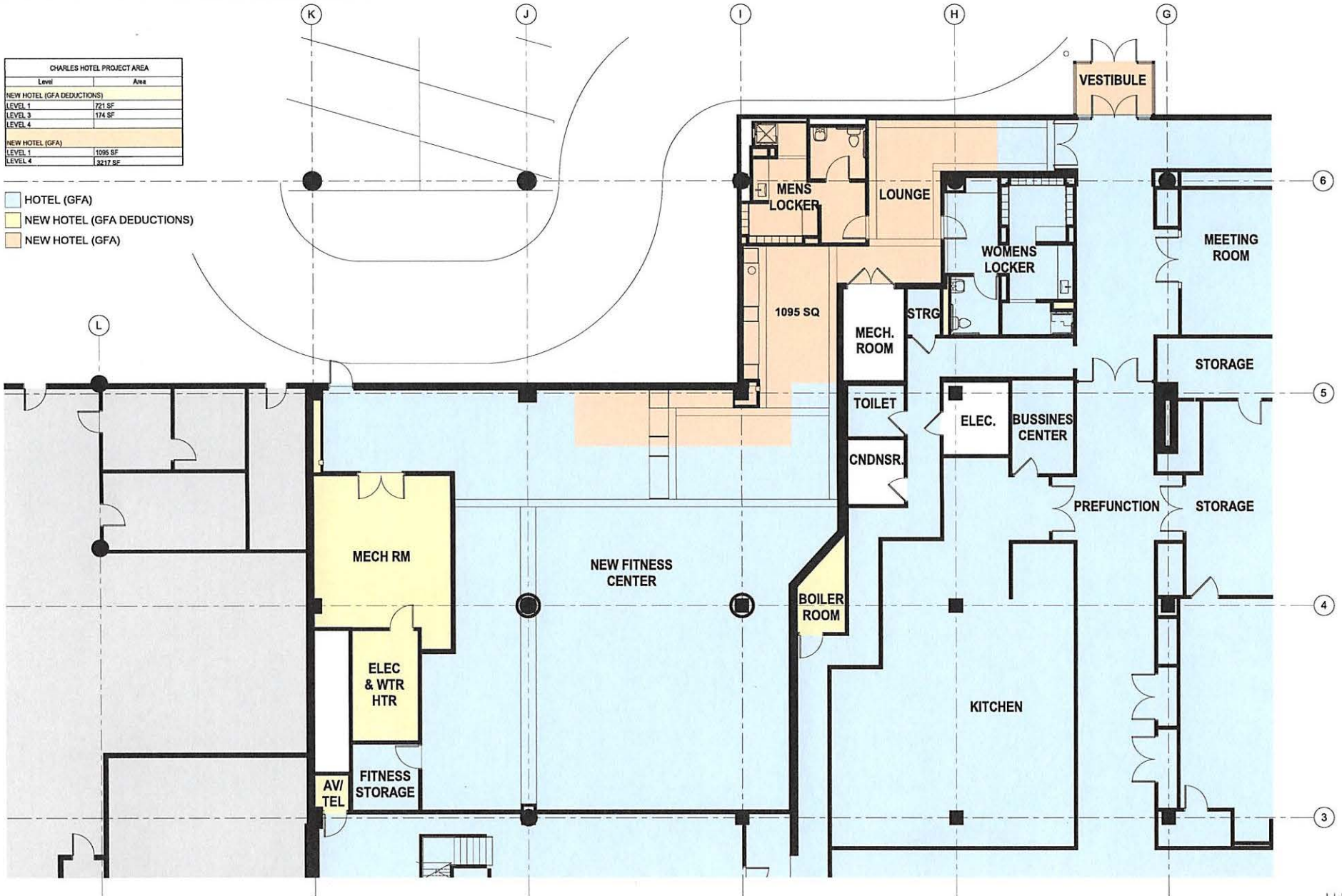


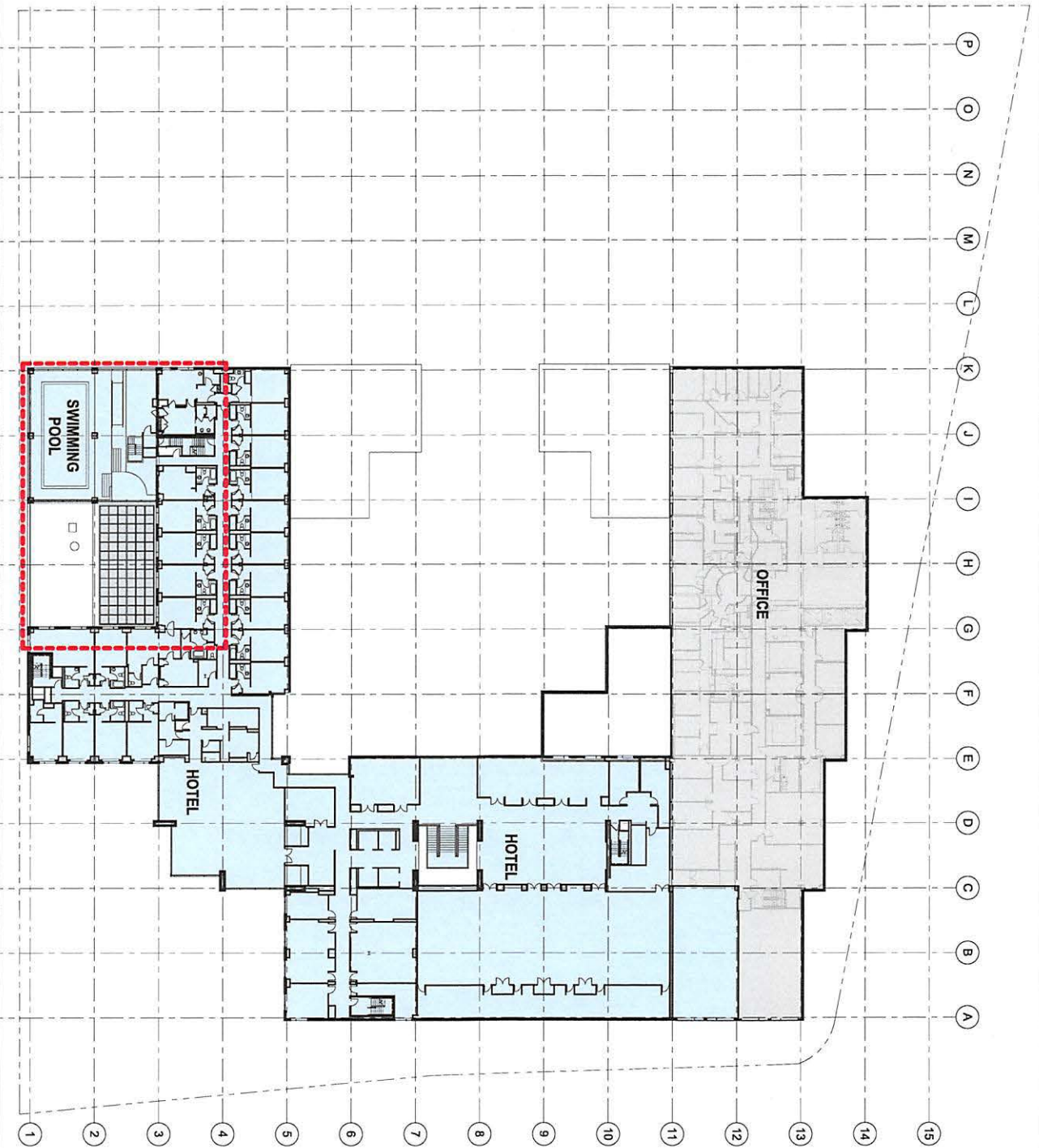


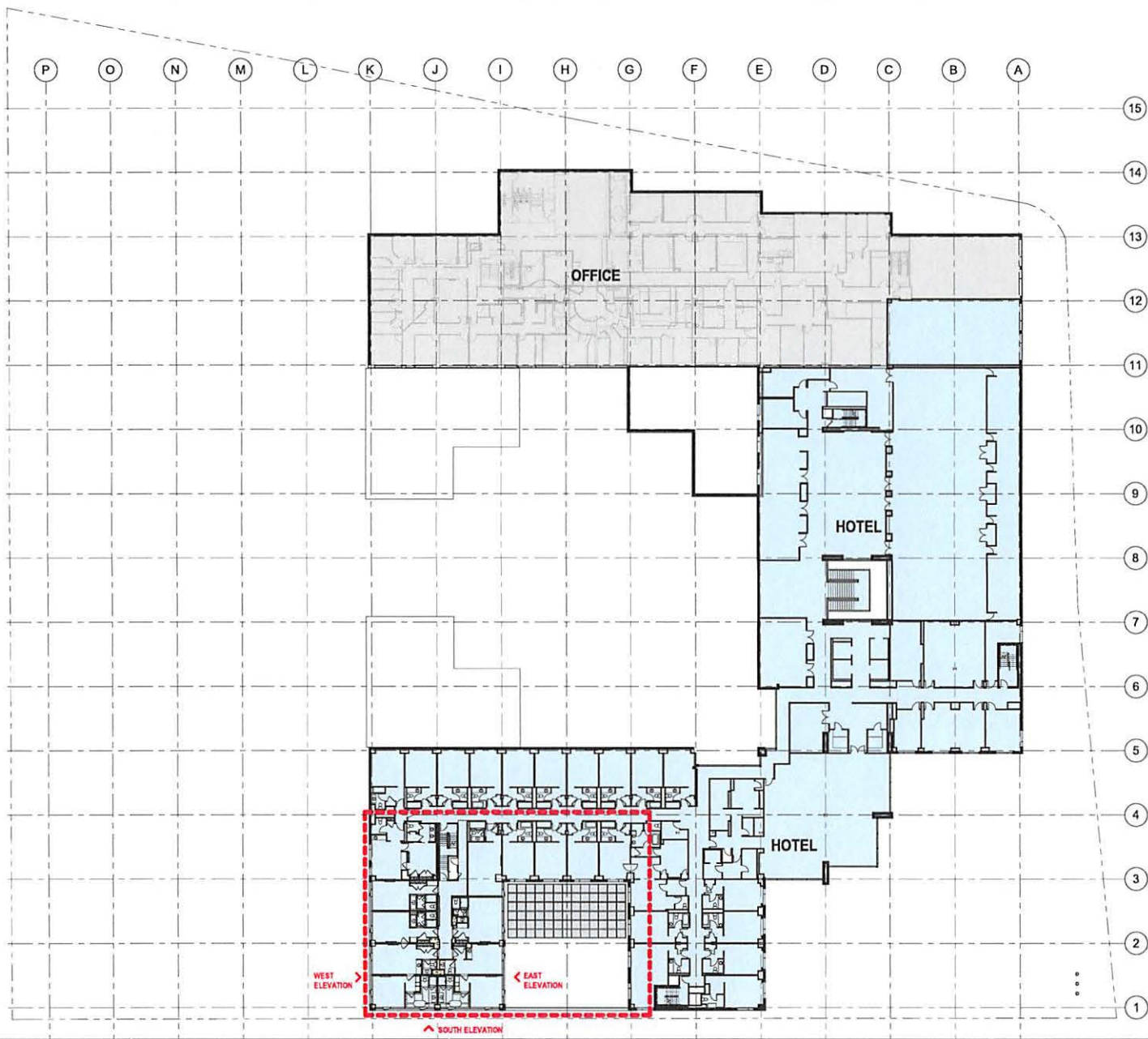


CHARLES HOTEL PROJECT AREA	
Level	Area
NEW HOTEL (GFA DEDUCTIONS)	
LEVEL 1	721 SF
LEVEL 3	174 SF
LEVEL 4	
NEW HOTEL (GFA)	
LEVEL 1	1095 SF
LEVEL 4	3217 SF

- HOTEL (GFA)
- NEW HOTEL (GFA DEDUCTIONS)
- NEW HOTEL (GFA)

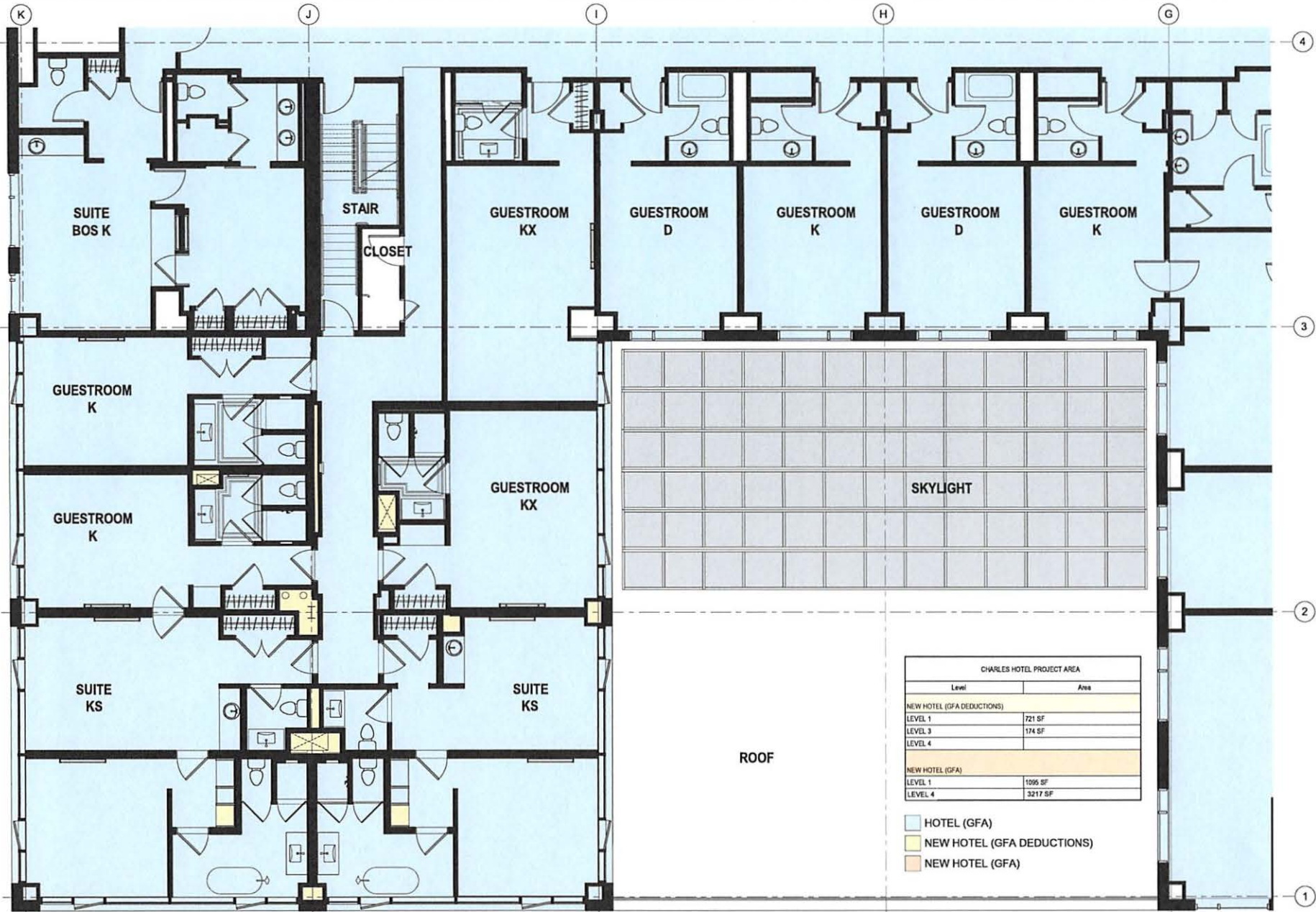






- HOTEL (GFA)
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- NEW HOTEL (GFA)

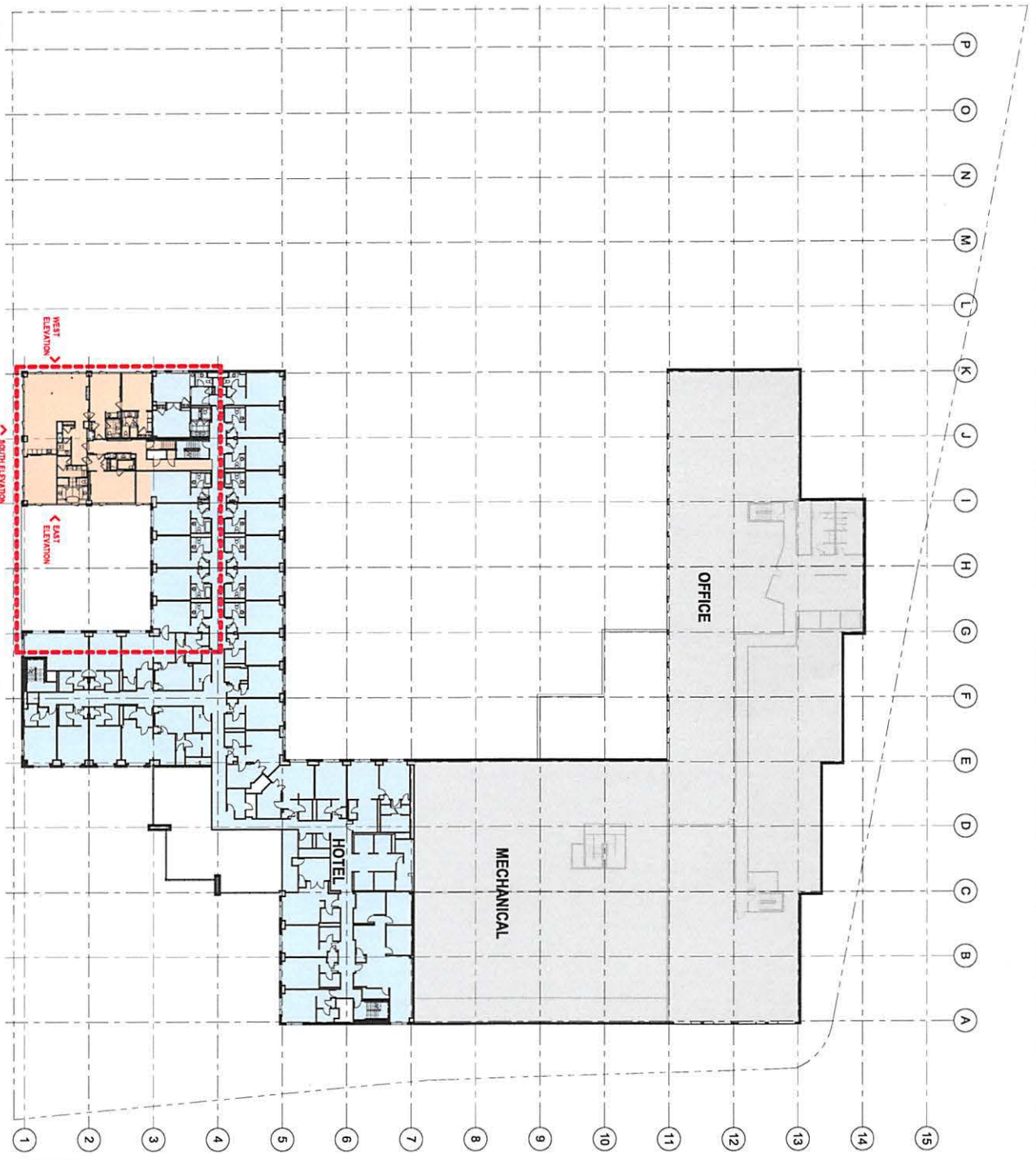




CHARLES HOTEL PROJECT AREA

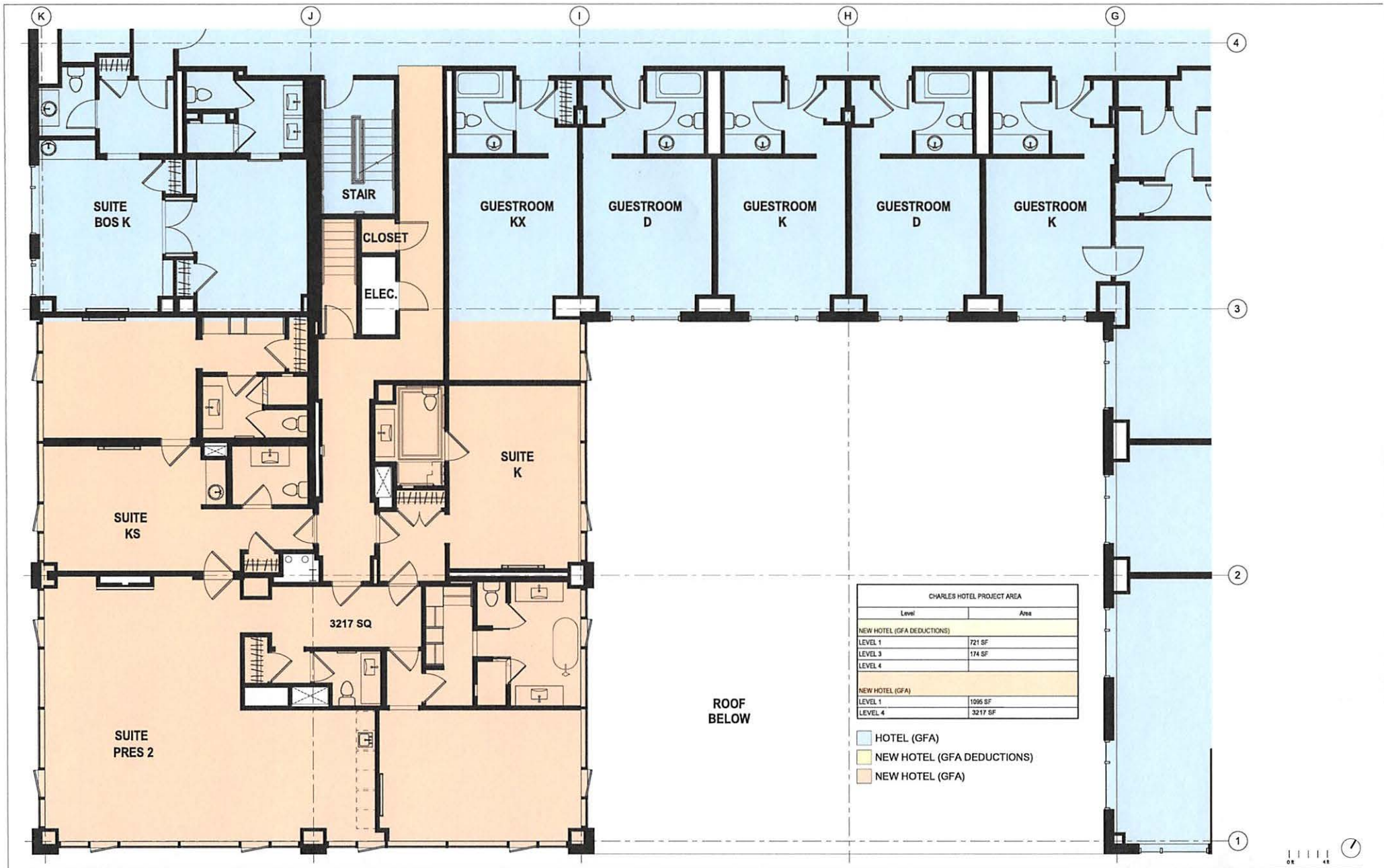
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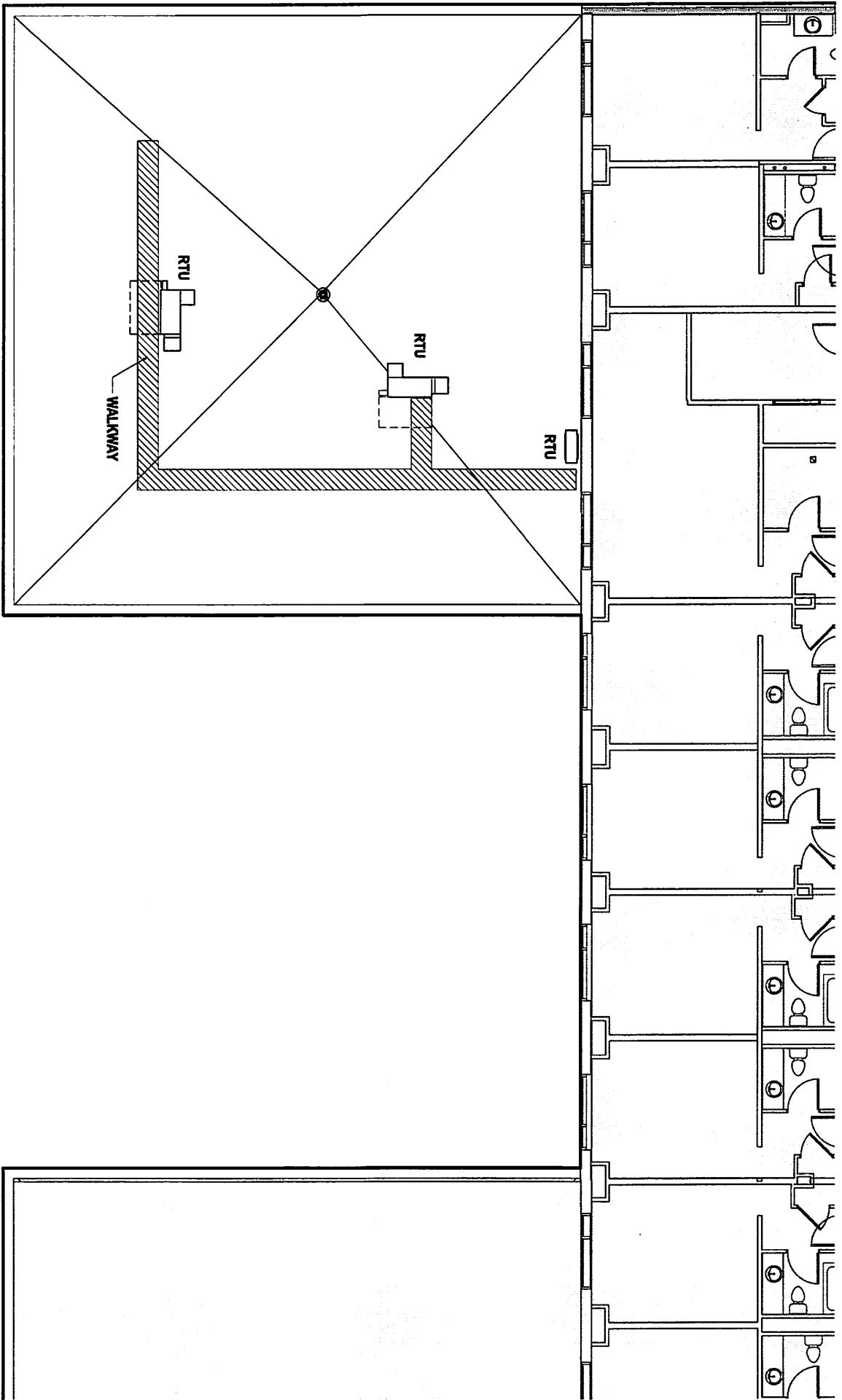
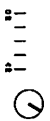
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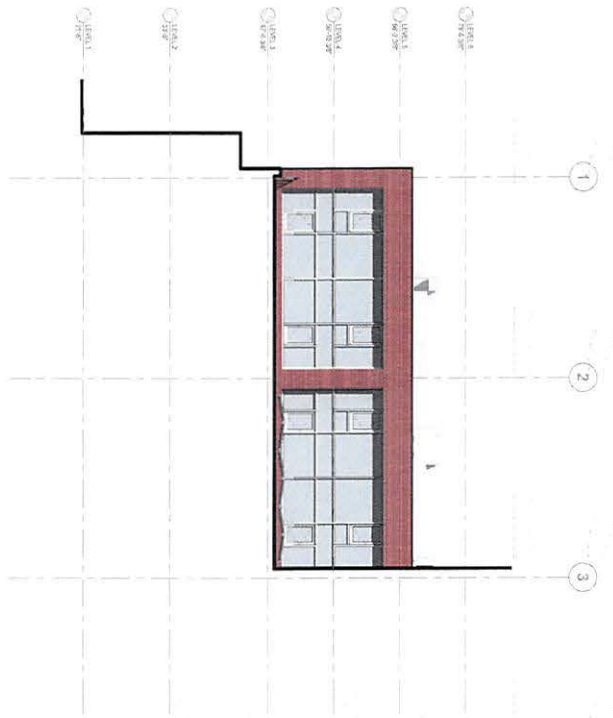


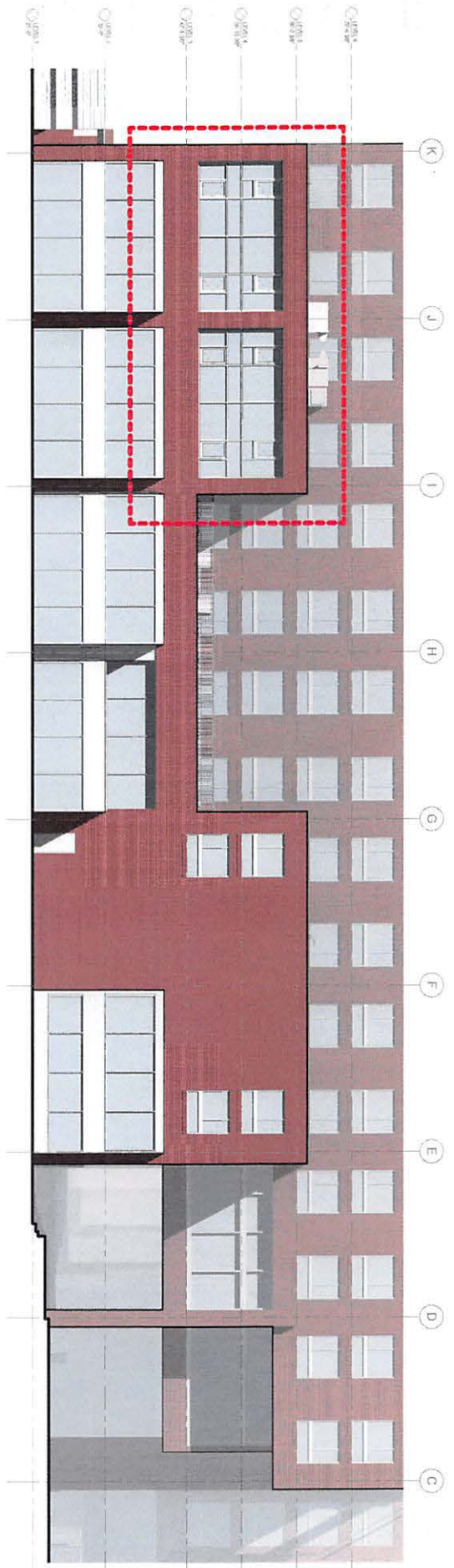


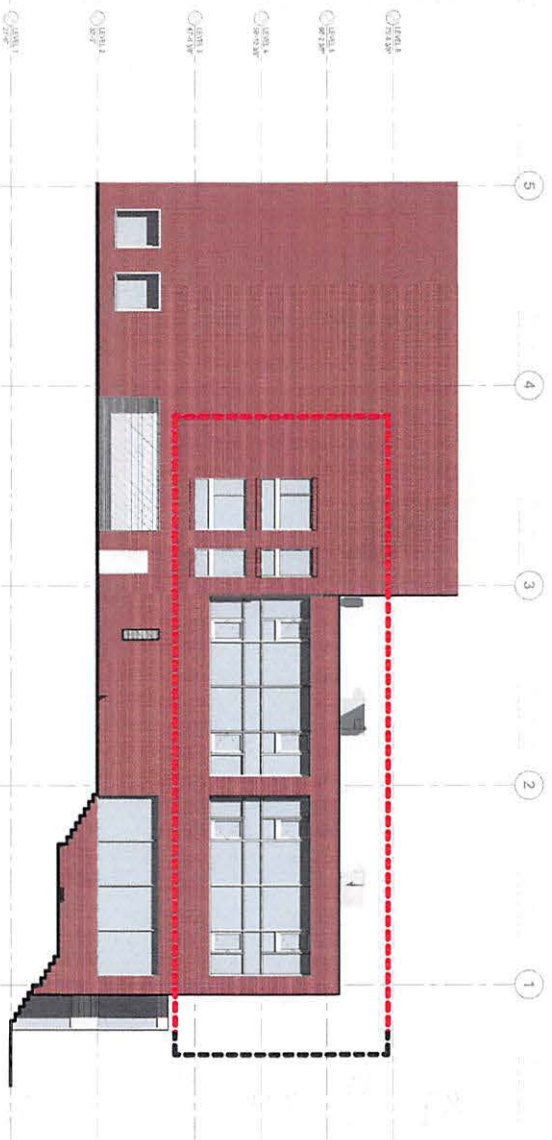
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REAR	varies	no change	0	
LEFT SIDE	varies	no change	0	
RIGHT SIDE	varies	no change	0	
<u>SIZE OF BUILDING:</u>				
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1 * * * * *

2 (7:20 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Laura Wernick, Matina Williams and Wendy
5 Leiserson

6 CONSTANTINE ALEXANDER: The Chair will next call
7 Case Number No. 143864 -- 5 Bennett Street. Anyone here
8 wishing to be heard on this matter? Mr. Rafferty?

9 JAMES RAFFERTY: Thank you again, Mr. Chair. Good
10 evening.

11 CONSTANTINE ALEXANDER: Before you start, before
12 you proceed, though --

13 JAMES RAFFERTY: Yeah.

14 CONSTANTINE ALEXANDER: I did get the letter that
15 you sent, and the plans that were delivered to me by Maria
16 Pacheco this afternoon, with regard to the hearing that was
17 held at the Harvard Square Association.

18 JAMES RAFFERTY: Excuse me. I believe that's the
19 next case, Mr. Chair.

20 CONSTANTINE ALEXANDER: No. It's 5 Bennett
21 Street, isn't it? No?

22 JAMES RAFFERTY: Yeah. I thought -- I'm sorry,

1 are we -- I thought we were doing -- is this 5 Bennett? I
2 thought it was 11 Berkeley.

3 CONSTANTINE ALEXANDER: No, no. 11 Berkeley has
4 windows on nonconforming walls.

5 JAMES RAFFERTY: I apologize. I apologize.
6 Right. That's the next one. Okay. Yes.

7 CONSTANTINE ALEXANDER: My question is, originally
8 -- as you probably know -- the Harvard Square Association,
9 get the exact name, asked that we continue this case,
10 because they had not had a chance to review the plans and
11 the like, and they wanted that.

12 And I gather you had -- someone created a meeting
13 that happened yesterday, or -- right? In the last day or
14 two. But the result is that the Harvard Square Committee
15 did vote in favor of the relief you're seeking? Am I
16 correct?

17 JAMES RAFFERTY: Well, you are correct in the
18 second part; there was a duly noticed hearing in the -- of
19 the Harvard Square Advisory Committee. We sent a copy of
20 the application to the Advisory Committee after it was filed
21 with the BZA.

22 We were assigned the date last evening. The date

1 was only one day before this hearing. But the Committee saw
2 the case.

3 I did summarize the activity, because I was
4 present for it and we included in the letter for Ms. Pacheco
5 because it didn't -- it wasn't clear to me that there was
6 sufficient time for the Staff perhaps to provide the Board
7 with that information.

8 So I did include it, including the most notable
9 inclusion was the Board -- the Advisory Committee voted
10 unanimously in favor of supporting the variance.

11 CONSTANTINE ALEXANDER: Okay, that's where I'm a
12 little confused a bit. They've had their hearing now. When
13 they first wrote to our Board, they said they recommend that
14 the BZA continue our hearing tonight until they can receive
15 a report from the Harvard Square Advisory Committee. This
16 is from Sarah --

17 JAMES RAFFERTY: Right.

18 CONSTANTINE ALEXANDER: -- Sarah Scott.

19 JAMES RAFFERTY: So I learned of the existence of
20 that request today. What the request, as I understood it
21 from reading it, was Ms. Scott of the CDD staff --

22 CONSTANTINE ALEXANDER: Right.

1 JAMES RAFFERTY: -- did not feel there would be
2 adequate time between last night's hearing and today's
3 hearing to prepare a report. And I think it's for that
4 reason she suggests in her e-mail to Ms. Pacheco that the
5 BZA might consider continuing the case. The hearing did
6 take place as scheduled. No members of the public attended.

7 I took the liberty of summarizing what was said.
8 I included both of the staff people from Community
9 Development on my e-mail today, so that if there was any
10 chance that anything contained in the e-mail was found not
11 to be consistent with their experience at the hearing, they
12 would be able to do so.

13 But I -- we have met before the Advisory
14 Committee, and they voted unanimously last night to support
15 the variance.

16 CONSTANTINE ALEXANDER: Okay. But my concern is
17 that I think we do need to hear a formal recommendation or
18 comment from the Community Development, and we don't have
19 that. It seems to me we should wait until we receive that
20 before hearing this case. I appreciate what you've said,
21 and -- well, the indications are that there will be no
22 objection or problems from the Community Development

1 Department, but we don't know that.

2 JAMES RAFFERTY: Well, with all due respect, there
3 is my representation, and I would hope that there isn't a I
4 would hope that there isn't a suggestion that there's a lack
5 of veracity in what I'm representing?

6 CONSTANTINE ALEXANDER: No, no, no, no. There's
7 none of that. Don't suggest that. I just want something
8 from Sarah Scott or someone from the Community Development
9 telling me that. That's the way -- I mean, she requested a
10 continuance until they can receive a report from the Harvard
11 Square Advisory Committee.

12 And we -- I don't know if -- they must have
13 received the report that you referred to, which was
14 discussed last night, but I don't know that.

15 JAMES RAFFERTY: Huh.

16 CONSTANTINE ALEXANDER: I don't think we need to
17 rush this case for a decision, until I hear from community
18 Department, or this Board hears from Community Development.
19 So I'm going to propose that we continue this case as a case
20 not heard since we didn't get into the merits of the case in
21 any way.

22 I don't think tonight's the night. Other than --

1 well, I'll open it to the other members of the Board.

2 BRENDAN SULLIVAN: Yeah. This is Brendan
3 Sullivan. I think that the petitioner has probably done
4 what was requested of them. I think the crucial cog in this
5 thing was to go before the Harvard Square Advisory
6 Committee, get a report from them.

7 I think the onus was on Community Development to
8 be up to speed on this particular case, and that they could
9 have been, should have been aware that they were going
10 before Harvard Square advisory, and they could have gotten
11 that report in our file today, reviewed it. And I think
12 that their comments could have been that, "We have received
13 it, however, we maybe would like more time" or something.

14 But I think that the petitioner has done what they
15 were supposed to do. And I think it would be onerous on us,
16 I think, to delay it. I'm not sure what CDC could add to
17 it. But, you know, we will always welcome their comments,
18 their input.

19 CONSTANTINE ALEXANDER: We can hear the case.

20 BRENDAN SULLIVAN: I would go forward.

21 CONSTANTINE ALEXANDER: Okay. Other members of
22 the Board? Wendy, what do you think?

1 WENDY LEISERSON: I wonder if we can hear it on
2 the merits. I don't have any reason to doubt Mr. Rafferty's
3 veracity on this, but --

4 CONSTANTINE ALEXANDER: No, no.

5 WENDY LEISERSON: -- perhaps --

6 CONSTANTINE ALEXANDER: Nobody's suggesting Mr.
7 Rafferty --

8 WENDY LEISERSON: Right. Right. But perhaps we
9 could include a condition that says, you know, "provided
10 that we receive confirmation from whichever entity we want
11 to hear from" to the outcome of the hearing last night. I
12 wonder if that would be a way to solve this?

13 CONSTANTINE ALEXANDER: I'm sorry? I didn't catch
14 the last part of what you just said.

15 WENDY LEISERSON: I just wonder if imposing some
16 kind of condition that we get, you know, some written
17 confirmation from the Advisory Committee or the CDD,
18 whichever we're wanting to hear from.

19 CONSTANTINE ALEXANDER: But you suggest we hear
20 the case, and then not make a decision tied to receiving the
21 report from CDD?

22 WENDY LEISERSON: I just wondering if that would

1 be a way to satisfy your concern.

2 CONSTANTINE ALEXANDER: I don't think that's a
3 good idea, personally. Again, I'm only one of five -- I
4 don't think that's a good idea. Let's hear from the CDC
5 (sic), hear their words directly, and if there's something
6 in there we don't like to or suggests we should deny relief,
7 we'll discuss it. But I think we're taking it out of order
8 if we wait.

9 We have in our file a letter from the CDC asking
10 that this case be continued. And tonight -- and I think as
11 a matter of comity to our other fellow Boards in the city,
12 we should accede to that request.

13 LAURA WERNICK: What was the dating of that --

14 CONSTANTINE ALEXANDER: The letter from --

15 LAURA WERNICK: -- Gus?

16 CONSTANTINE ALEXANDER: -- I'll tell you in a
17 second. October 4, Monday.

18 JAMES RAFFERTY: So Mr. Chair? Mr. Chair, I would
19 just note in terms of comity, I would have appreciated being
20 informed by the staff person that they were seeking such a
21 request. There is no report to come from CDD. There is a
22 report of what transpired at last night's hearing, and CDD

1 is to report it.

2 So the request said there isn't enough time to
3 prepare the report. That request was made before the
4 hearing was ever held. So the hearing was held last night.
5 Frankly, it feels a bit like form over substance. It was
6 the unanimous decision, it's a rather modest request. It
7 has no -- literally no visible impact upon the building.

8 And I did include in the -- my accounting of what
9 took place the fact that there was some disappointment
10 expressed at the loss of the swimming pool.

11 But the report, I don't see how the report would
12 contain anything beyond what's contained in my
13 communication, which was a discussion, a presentation by the
14 architects -- the same presentation you'll be receiving this
15 evening -- and the unanimous vote to support.

16 LAURA WERNICK: So, Gus, what might be --

17 CONSTANTINE ALEXANDER: Let me -- since you didn't
18 see the letter from Sarah Scott, Mr. Rafferty, I have it in
19 front of me.

20 JAMES RAFFERTY: No, excuse me. I saw it today
21 for the first time. I wasn't given the courtesy of being
22 informed that she intended -- that she had on Monday put a

1 request before the Board to continue the case. It was only
2 when I was at the office today reviewing the file that I
3 learned that that request had been made without any
4 notification to the applicant.

5 CONSTANTINE ALEXANDER: Well, I'm sorry as to how
6 this all proceeded, but those are the facts. I mean, maybe
7 Ms. Scott can be criticized for how she's proceeded. But
8 she did say -- let me read from her letter to our Board --
9 "We only got materials last week." This is October -- right?
10 This e-mail, as I indicated, is dated October 4. "Given the
11 timing of the two meetings" -- she refers to, I think she's
12 referring to our meeting and the meeting with the Harvard
13 Square Advisory Committee" -- we won't -- "we," has got to
14 be Community Development - "we won't be able to turn around
15 a report before your October 21 meeting.

16 So I'd recommend that the BZA continue the hearing
17 until they can receive a report from the Harvard Square
18 Advisory Committee. We don't have a report, we have your
19 report of what happened, which I'm sure --

20 JAMES RAFFERTY: I don't dispute that there is not
21 a report from the Advisory Committee.

22 CONSTANTINE ALEXANDER: Right.

1 JAMES RAFFERTY: I agree with that.

2 CONSTANTINE ALEXANDER: So I just think given
3 where we are in this thing, I don't think it's a terribly
4 controversial case, but given -- you know, I think we have a
5 -- we have to accommodate fellow Boards and other Advisory
6 Committees, and they're squeezed. And so they feel they
7 need more time to prepare a report from the Advisory
8 Committee.

9 I very much appreciate your report of what
10 happened there, but I -- that's how I feel. And I'm one of
11 five. I'll ask -- I'll make a motion.

12 WENDY LEISERSON: Mr. Chair? This is Wendy again.
13 I actually will just say before you ask for a vote that I
14 think you have made a persuasive point regarding
15 accommodating fellow Boards. So I would also agree with the
16 continuance.

17 CONSTANTINE ALEXANDER: Okay. Laura?

18 LAURA WERNICK: I'm not sure that I do -- I'm not
19 sure that I do agree. I think as I understood that letter,
20 that they were asking for -- not to write a report
21 themselves, but until there was a decision made by the
22 Advisory Board; the Advisory Board had made a decision?

1 CONSTANTINE ALEXANDER: Well I think they --

2 LAURA WERNICK: So I'm not sure what else there is
3 to do; a decision's been made.

4 CONSTANTINE ALEXANDER: She anticipates that --
5 according to, "she" being Sarah Scott, in the letters that
6 I've been reading, is that they want to continue the case
7 until they can receive a report from the Harvard Square
8 Advisory Committee. There has been no --

9 JAMES RAFFERTY: No, no, no. Excuse me, excuse
10 me, Mr. Chair. "They" don't receive anything. "They" being
11 CDD, and there were two CDD staff people at the hearing --
12 they prepared the report. And then that report goes to the
13 BZA.

14 So, like I said, when I learned of that today, my
15 first reaction was, "Gee, it wasn't the most complex case, I
16 don't think the report would take that much time to
17 prepare." Ms. Scott actually didn't attend the hearing,
18 because she indicated she wasn't available. So another
19 staff person from CDD was there, and ran the hearing. For
20 years, Ms. Paden ran these hearings. She would turn the
21 report around in about six hours the next day.

22 So I learned of this, I thought it was relevant

1 that the Board -- I mean, the Board, it was not a close
2 vote; it was -- there were no contentious issues -- it was
3 unanimous.

4 But I certainly -- I'm respectful of this Board's
5 time and the Advisory Committee. I know my client is
6 eager. We've put a lot of time into what frankly is a
7 rather modest change. But if I have complete understanding,
8 I guess my question would be, if given the views expressed
9 by the Chair and some others, might this be a case that
10 could return in two weeks to this Board?

11 CONSTANTINE ALEXANDER: All right. Let me find
12 out what our schedules like two weeks from now. Do we have
13 any room?

14 [Pause]

15 CONSTANTINE ALEXANDER: Do we have room? So we
16 can continue this case to two weeks. And that will give --
17 and contact Ms. Scott, and tell her we do need a report from
18 whomever in our files, or the Harvard Square Advisory
19 Committee, in advance of two weeks from tonight, so we can
20 have a proceeding on that basis.

21 So two weeks work? Can we continue this case for
22 two weeks, Mr. Rafferty?

1 JAMES RAFFERTY: I'm looking at Mr. Attia, and I
2 see his disappointment. But I understand the position the
3 Board is in, and I'm respectful of needing to allow the
4 Advisory Committee to be a part of this process. So yes,
5 two weeks is appreciated.

6 CONSTANTINE ALEXANDER: Okay. The Chair moves
7 that we continue this case as a case heard until 6:00 p.m.
8 on November 4. Brendan?

9 BRENDAN SULLIVAN: Brendan Sullivan yes to the
10 continuance.

11 CONSTANTINE ALEXANDER: Matina?

12 MATINA WILLIAMS: Matina Williams yes to the
13 continuance.

14 CONSTANTINE ALEXANDER: Wendy?

15 WENDY LEISERSON: Wendy Leiserson yes to the
16 continuance.

17 CONSTANTINE ALEXANDER: Laura?

18 LAURA WERNICK: Laura no to the continuance.

19 CONSTANTINE ALEXANDER: The Chair votes for the
20 continuance. We'll see you in two weeks.

21 [Four vote YES, one vote NO]

22 JAMES RAFFERTY: Thank you very much.

1 BRENDAN SULLIVAN: They should change the sign
2 immediately.

3 JAMES RAFFERTY: Yep.

4 BRENDAN SULLIVAN: -- to reflect the new date and
5 time, because the clock is still ticking for two weeks. So
6 --

7 JAMES RAFFERTY: Appreciate it. I'll review that
8 with Mr. Attia later tonight.

9 BRENDAN SULLIVAN: Yep.

10 CONSTANTINE ALEXANDER: I also need to sign the
11 agreement to -- consent to the continuance; the waiver of
12 time for a decision and it refers to the three conditions we
13 imposed.

14 JAMES RAFFERTY: Right. So I will go by the
15 office and --

16 CONSTANTINE ALEXANDER: Yeah.

17 JAMES RAFFERTY: -- sign, yeah, yeah, yeah.

18 CONSTANTINE ALEXANDER: See if we can get that
19 done as well.

20 JAMES RAFFERTY: Yeah.

21 CONSTANTINE ALEXANDER: And obviously, if there
22 are any -- if you're going to decide to modify -- not you,

1 your client -- the plans, specs, what have you, they have to
2 be in our office by 5:00 p.m. on the Monday before November
3 4.

4 JAMES RAFFERTY: Understood. And I don't mean to
5 anticipate, but would it be a fair assumption that if in two
6 weeks' time a report has not been produced by the Advisory
7 Committee, that would not preclude the Board from going
8 forward at that time?

9 CONSTANTINE ALEXANDER: Generally that's right.
10 If we wanted to hear why we need that report, in any event,
11 I'll get a good reason; you're right. We would hear the
12 case in two weeks.

13 JAMES RAFFERTY: Thank you.

14 CONSTANTINE ALEXANDER: Moving on.
15
16
17
18
19
20
21
22



CITY OF CAMBRIDGE

Community Development Department

IRAM FAROOQ
Assistant City Manager for
Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration

KHALIL MOGASSABI
Deputy Director
Chief of Planning

To: Planning Board
From: Harvard Square Advisory Committee
Date: November 1, 2021
Re: **5 Bennett Street – Board of Zoning Appeal Variance**

Overview

The Harvard Square Advisory Committee (the “Committee”) met on Wednesday, October 20, 2021 to discuss the application by Carpenter & Company for a zoning variance for the Charles Hotel at 5 Bennett Street. The meeting was conducted pursuant to the provisions of Section 20.50 of the Cambridge Zoning Ordinance in advance of the applicant’s request for a variance from the Board of Zoning Appeal. Committee members present were Lauren Curry, Jemel Derbali, Frank Kramer, Kari Kuelzer, Alexandra Offiong, and Matt Simitis. Committee member John DiGiovanni was also present at the meeting but recused himself from the discussion of this application. After discussion, the Committee decided unanimously to forward a report to the Board of Zoning Appeal with a positive recommendation.

Proposal Description

The applicant proposes to convert the former swimming pool in the Charles Hotel to eight hotel rooms. Doing so would exceed the Gross Floor Area (GFA) and Floor Area Ratio (FAR) requirements set forth in Section 5.31 of the Zoning Ordinance, which is why the applicant is seeking a variance. The applicant also proposes to decrease the total number of parking spaces from 500 to 497, which complies with zoning.

Committee Comments

Members of the Committee were generally supportive of the applicant’s proposal. They recognized that the pool was no longer functional as an amenity for hotel guests and health club members, but some Committee members were disappointed by the loss of the pool. These Committee members saw the pool as a public-facing facility that contributed to the vitality of the community. However, they understood that the applicant had made an effort to keep the pool operational and had not succeeded.

On the whole, Committee members found that the proposed renovation did not have any significant negative impacts on the public realm. They agree that it will be a good use for the existing space and believe in supporting hotels in Harvard Square.

Given the Committee’s discussion, a motion was made and seconded to forward a

344 Broadway
Cambridge, MA 02139
Voice: 617 349-4600
Fax: 617 349-4669
TTY: 617 349-4621
www.cambridgema.gov

(continued)

5 Bennett Street – Report to Board of Zoning Appeal

report to the Board of Zoning Appeal with a recommendation that it grant the requested variance. All six members present voted in favor.

Respectfully submitted for the Committee,

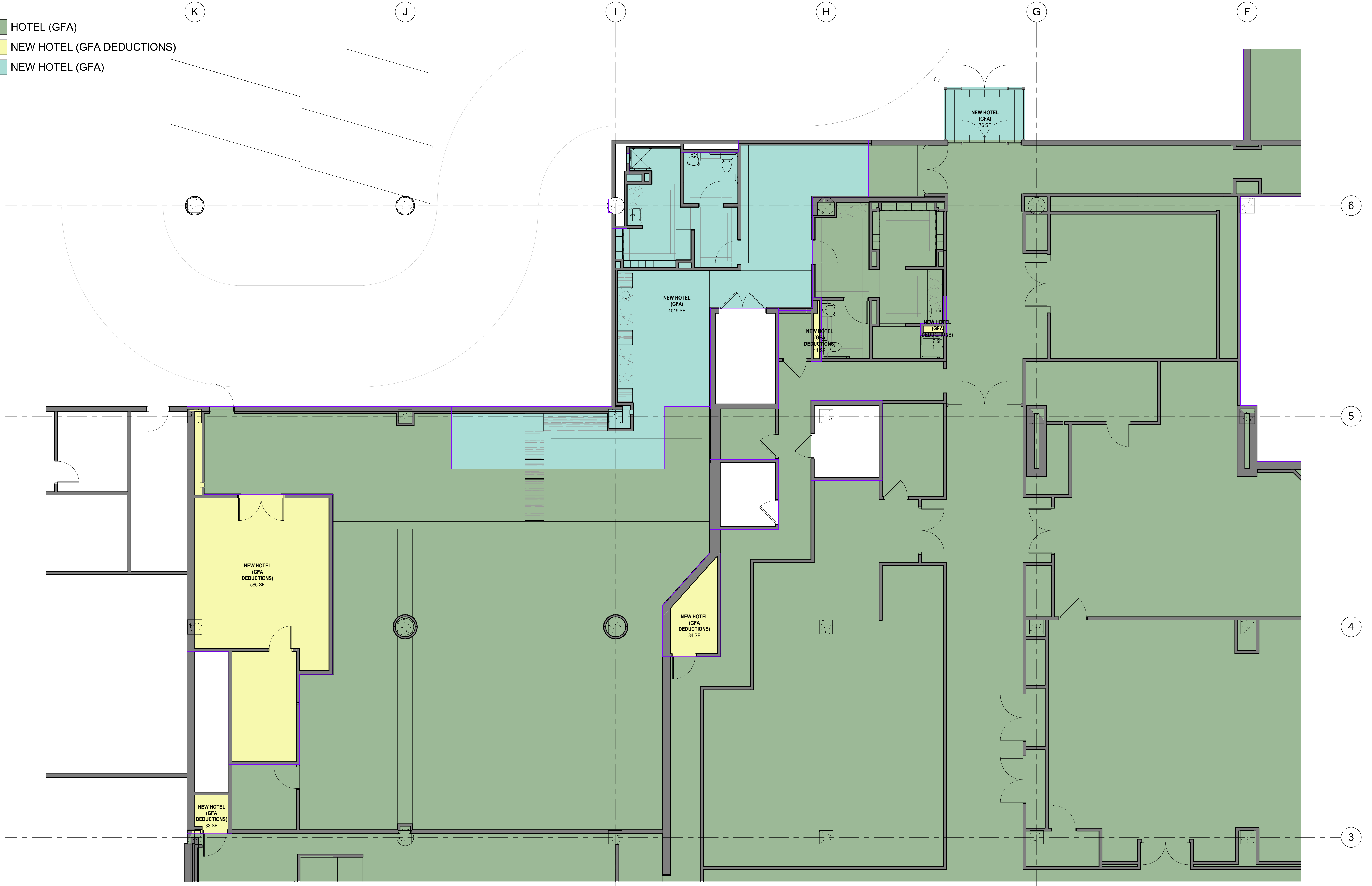
Sarah Scott

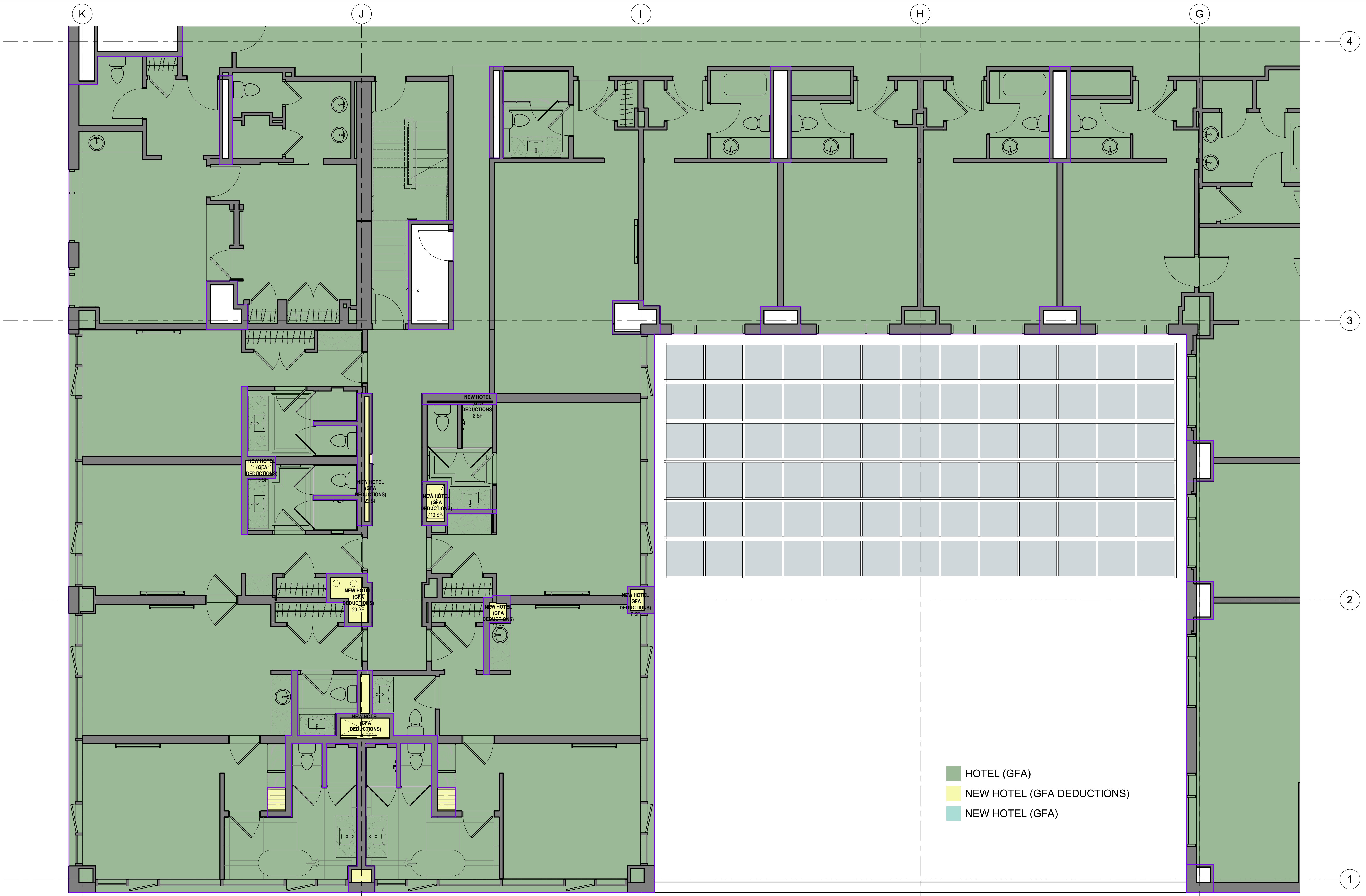
Sarah Scott

Associate Zoning Planner

Community Development Department

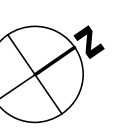
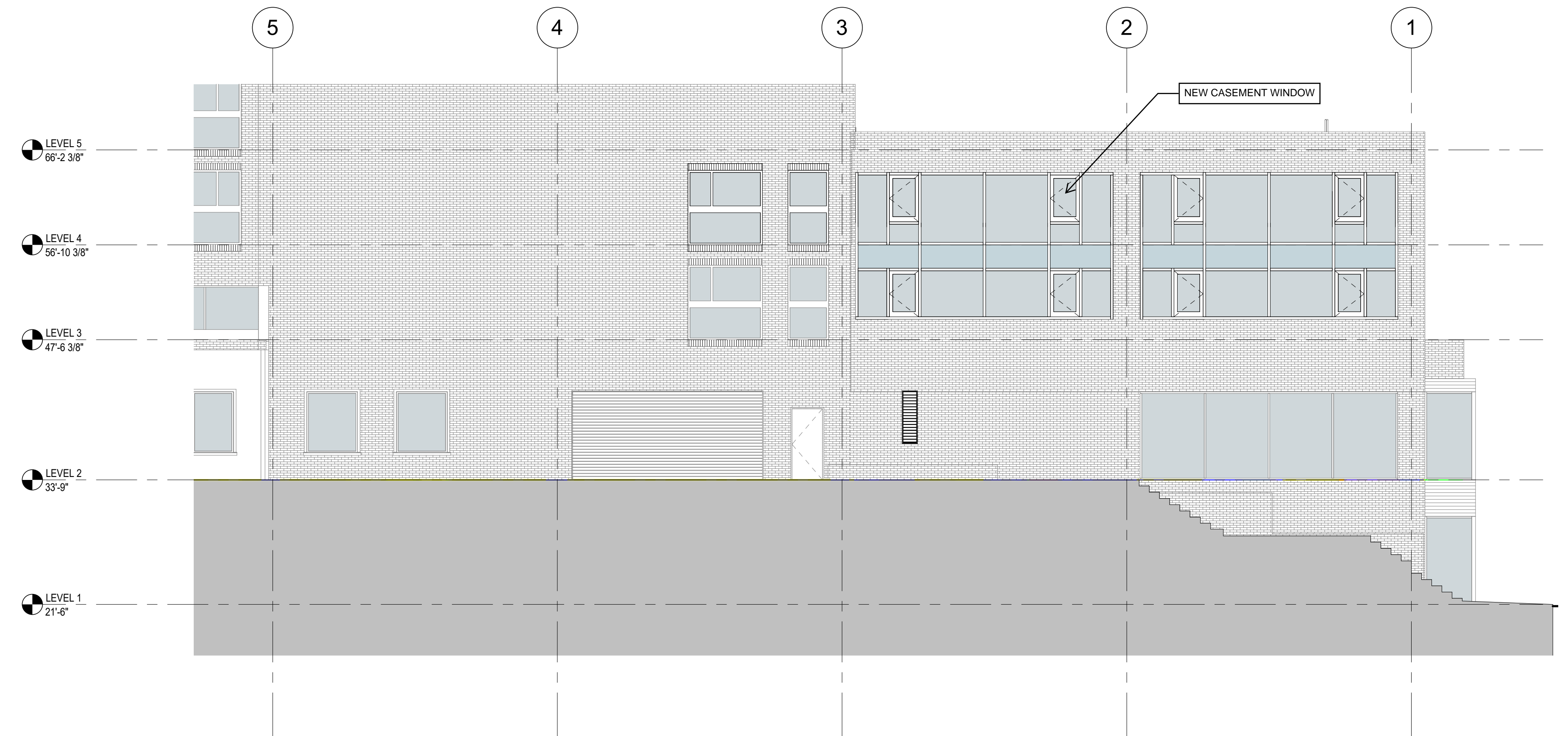
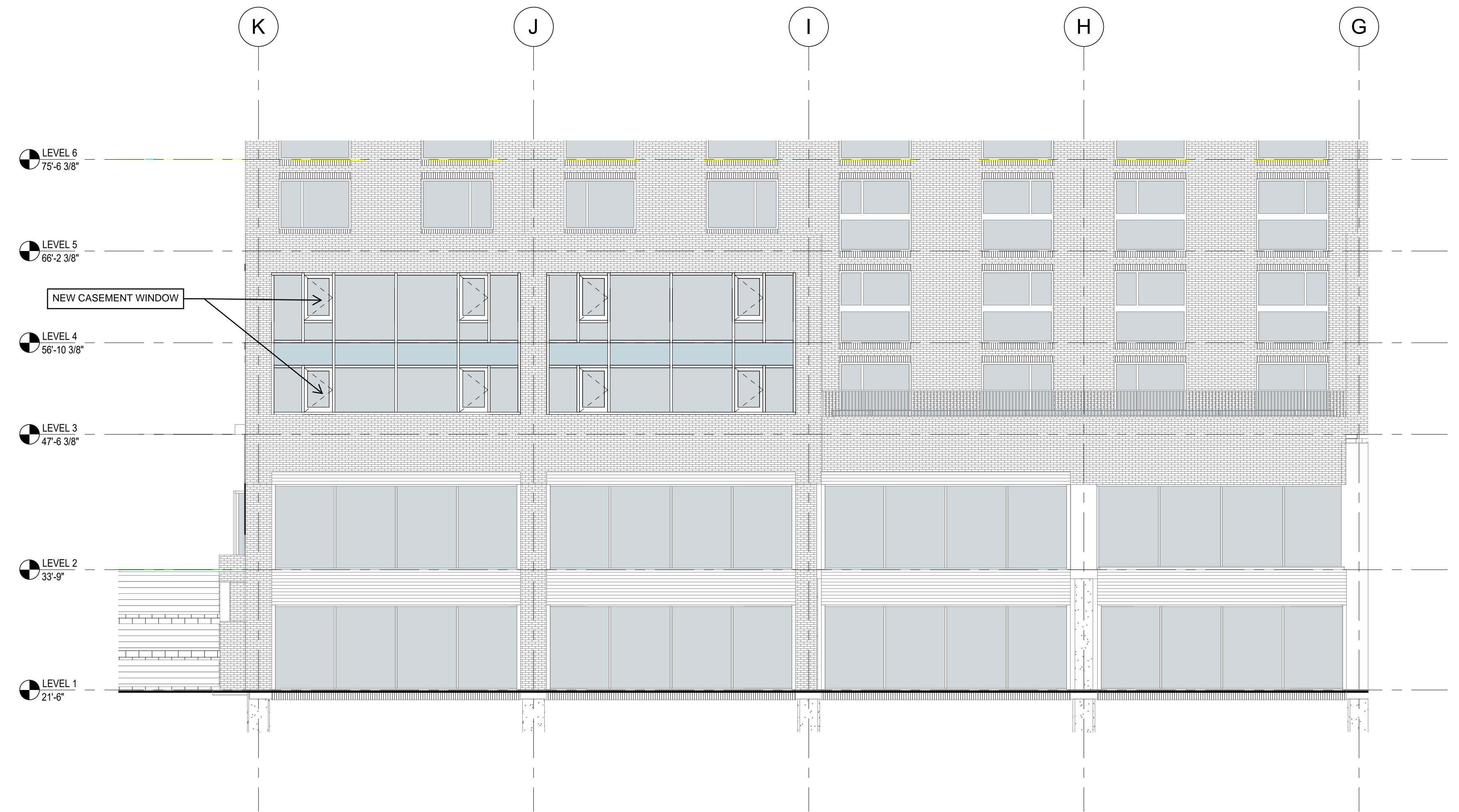
- HOTEL (GFA)
- NEW HOTEL (GFA DEDUCTIONS)
- NEW HOTEL (GFA)

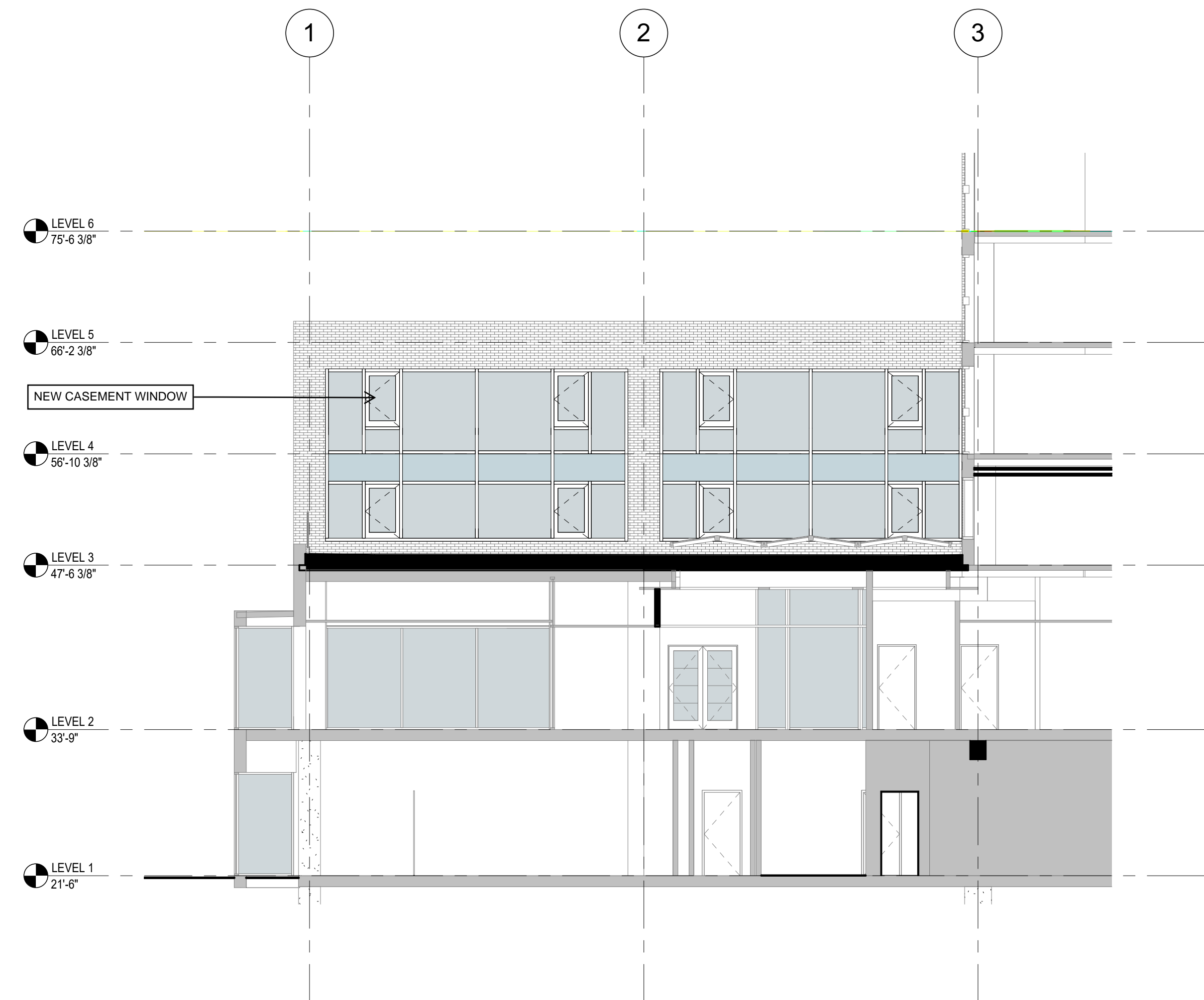


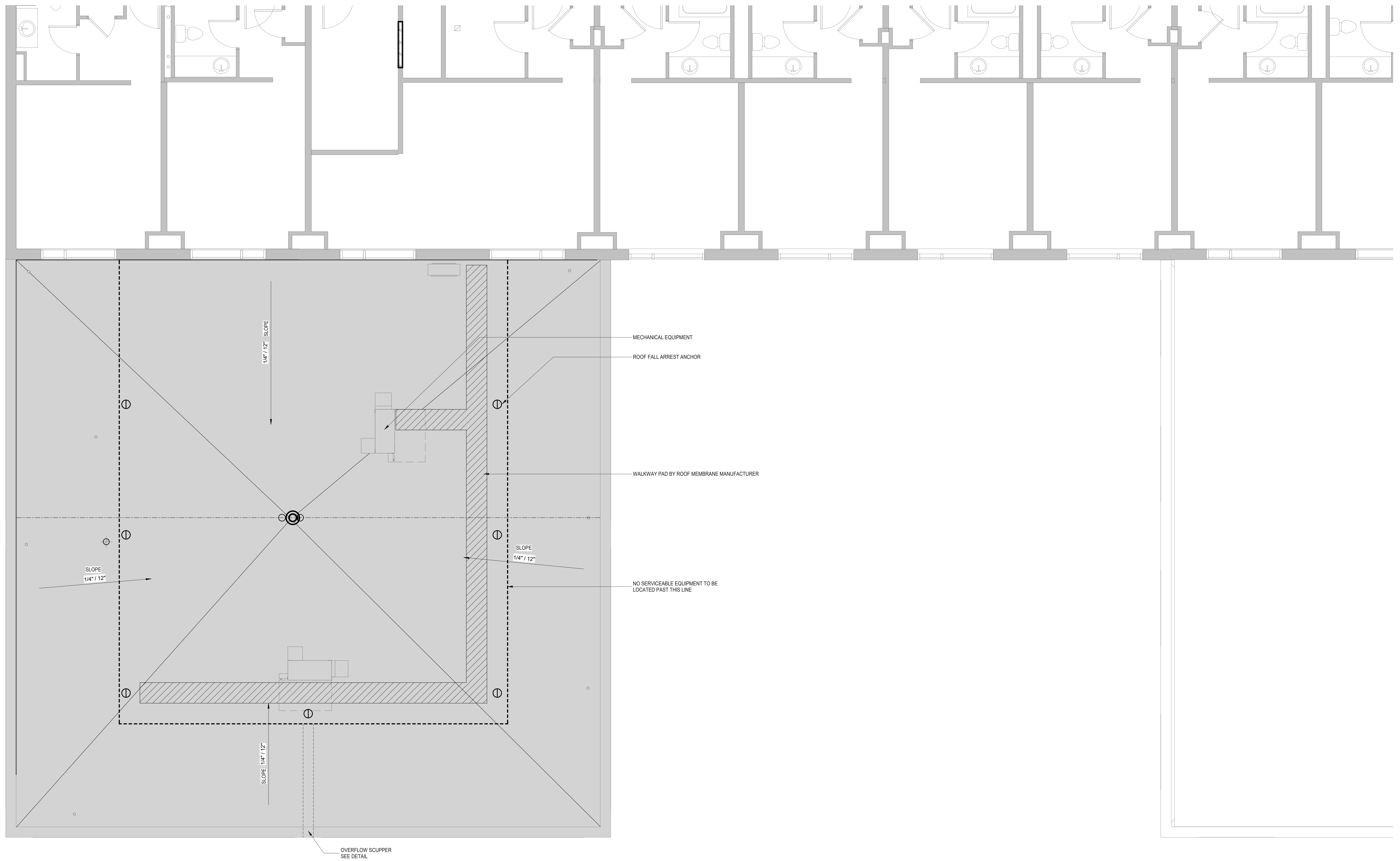


- HOTEL (GFA)
- NEW HOTEL (GFA DEDUCTIONS)
- NEW HOTEL (GFA)

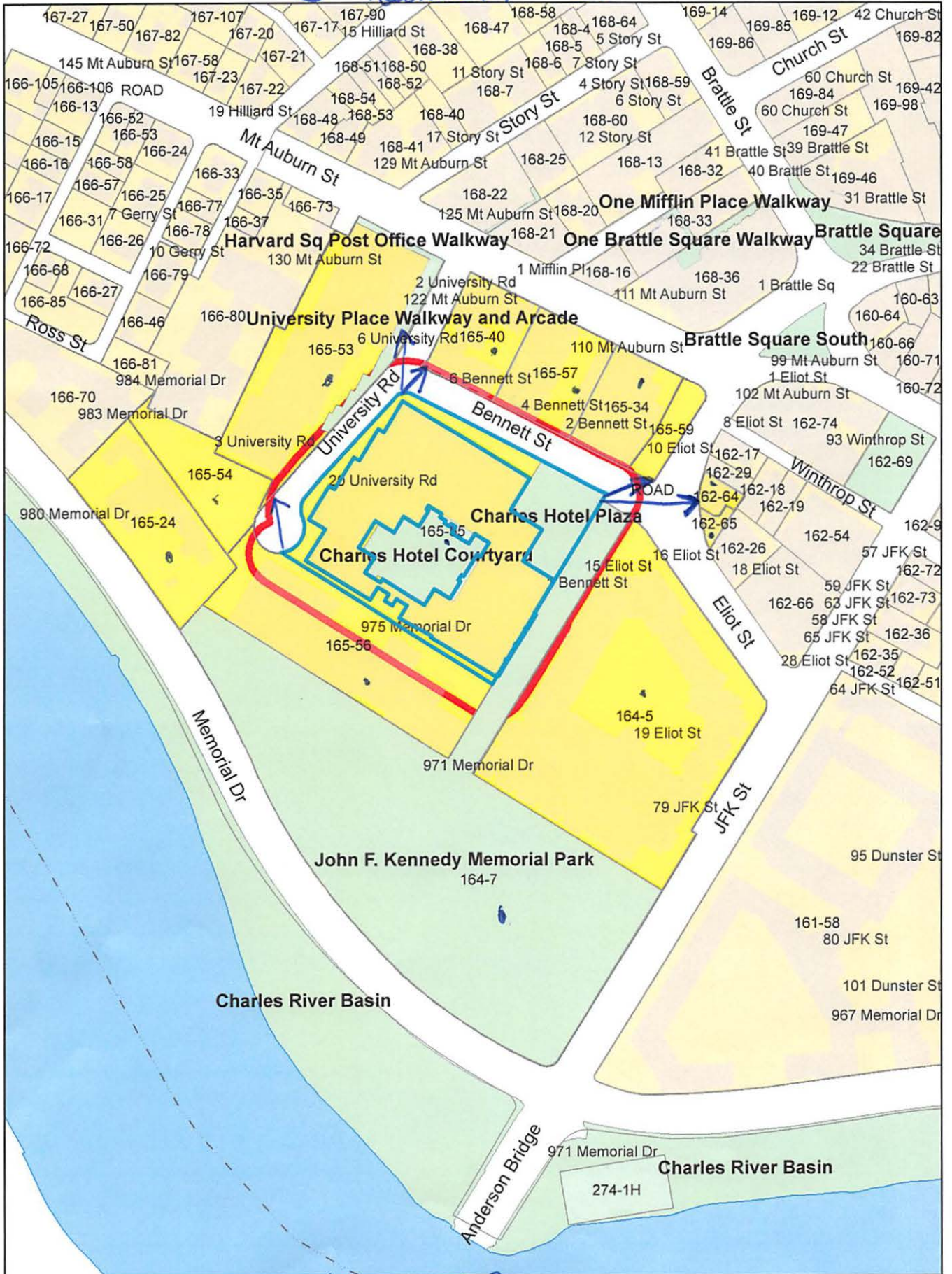








5 Bennett St.



5 Bennett St.

Petitioner

162-64
THE R B FAMILY LIMITED PARTNERSHIP
C/O THE BANKER REAL ESTATE COMPANY
14A ELIOT ST
CAMBRIDGE, MA 02138

164-5/165-54
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE, INC.
HOLYOKE CENTER, ROOM 1000
1350 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138-3895

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE
CAMBRIDGE, MA 02139

165-55
FRIEDMAN, RICHARD L., JOHN L. HALL III,
C/O CARPENTER & COMPANY
20 UNIVERSITY ROAD
CAMBRIDGE, MA 02138

165-56
VACCARO, JOHN GINO & GUNDRUN VACCARO TRS
JOHN GINO & GUNDRUN VACCARO REVOCABLE TR
975 MEMORIAL DR. UNIT#203
CAMBRIDGE, MA 02138

165-56
PETERSEN, ROBERT A. &
VERONICA STINNERS PETERSEN, TRS
975 MEMORIAL DR., # 204
CAMBRIDGE, MA 02138

165-56
MAK, NUSA WIDJAJA & MESKALINA OH
975 MEMORIAL DR #205
CAMBRIDGE, MA 02138

165-56
MORSE, ROBERT F. & JANE G. MORSE, TRUSTEE
975 MEMORIAL DR., #207
CAMBRIDGE, MA 02138

165-56
HART, AUSTIN D. TRUSTEE
P.O BX 381348
CAMBRIDGE, MA 02238-1348

165-56
NELSON, CARL F. & CHRISTINE S. NELSON
975 MEMORIAL DR., #504
CAMBRIDGE, MA 02138

165-56
RICHARD WEIDMANN, TRUSTEE
C/O ELIZABETH TEN GROTENHULS TRS
975 MEMORIAL DR. 608
CAMBRIDGE, MA 02138

165-56
PARAFESTAS, ANASTASIOS,
TRUSTEE UNIT 512 MEMORIAL DR. NOMINEE TRUST
THE BOLLARD GROUP LLC
ONE JOY STREET
BOSTON, MA 02108

165-56
FLEMINGS, MERTON C.
975 MEMORIAL DR. UNIT#608
CAMBRIDGE, MA 02138

165-56
TAKEUCHI, HIROTAKA & NOBUKO TAKEUCHI
975 MEMORIAL DR., UNIT #609
CAMBRIDGE, MA 02138

165-56
GOLDBERG, RAY A. AND THELMA E. GOLDBERG,
TRS OF THE GOLDBERG
CAMBRIDGE REAL ESTATE TRUST
975 MEMORIAL DR #701
CAMBRIDGE, MA 02138

165-56
HART, SARAH J.
51 MEADOWBROOK ROAD
WESTON, MA 02493

165-56
KASS, RUDOLPH, TRUSTEE OF CS 809 REALTY TR.
975 MEMORIAL DR. UNIT#710
CAMBRIDGE, MA 02138

165-56
TIEDEMANN, HENRY & SANFORD WECHSLER,
TRS OF OFUSION TRUST
P.O. BOX 381465
CAMBRIDGE, MA 02238

165-56
COGAN, JOHN F., JR. & MARY L. CORNILLE
975 MEMORIAL DR., UNIT #902
CAMBRIDGE, MA 02138

165-56
KLINE, JACK & CAROLYN KLINE, TRUSTEE 975
MEMORIAL DRIVE, UNIT 906 NOMINEE TRU
975 MEMORIAL DRIVE. UNIT#906
CAMBRIDGE, MA 02139

165-56
MERRILL, ARTHUR C. JR.,
ROBERT A. MERRILL HOLLIS F. RUSSELL, TRS
C/O Robert A. Merrill
500 Regent Park
Palm Beach, FL 33480

164-7
MASSACHUSETTS COMMONWEALTH OF
STATE HOUSE
BOSTON, MA 02133

165-24
SOCIETY OF ST JOHN THE EVANGELIST
980 MEMORIAL DRIVE
CAMBRIDGE, MA 02138

165-34-53
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE INC.
HOLYOKE CENTER - ROOM #1017
1350 MASS AVE
CAMBRIDGE, MA 02138-3895

165-56
BUTLER, RUTH
975 MEMORIAL DR., #209
CAMBRIDGE, MA 02139

165-56
POTTER, ELIZABETH F. & JOSEPH L. BOWER TRUSTEES
975 MEMORIAL DR., #301
CAMBRIDGE, MA 02138

165-56
BASILIKUM LLC
5 COWPERTHWAITTE ST., #218
CAMBRIDGE, MA 02138

165-56
CAPTAIN, KHUSHROO M.
975 MEMORIAL DR., UNIT #404
CAMBRIDGE, MA 02138

165-56
HART, AUSTIN D. TRUSTEE
P.O. BOX 381348
CAMBRIDGE, MA 02238-1348

165-56
CHARLES SQUARE PROPERTIES LLC
C/O PAULA WANANDI
975 MEMORIAL DR #407
CAMBRIDGE, MA 02138

S Bennett St.

165-56
MANK, EDWARD H.
C/O CENTURY REAL ESTATE CO.
975 MEMORIAL DR., #411
CAMBRIDGE, MA 02138

165-56
GOLDMAN, MARSHALL T. & MERLE GOLDMAN
106 HANCOCK STREET
CAMBRIDGE, MA 02139

165-56
LOONIN, MATHEW R. & BARBARA LOONIN, TR
464 PROSPECT ST. PH2
LA JOLLA, CA 92037

165-56
SUBRIN, JOAN A.
975 MEMORIAL DR., #601
CAMBRIDGE, MA 02138

165-56
RABINOWITZ, AMY,
TRUSTEE THE 975 MEMORIAL DR., UNIT 605 NOM TR
161 RIDGE AVE
NEWTON, MA 02459

165-56
WALTCH, LILLA M.,
TR. OF THE CHARLES SQUARE NO. 607 REALTY TRUST
975 MEMORIAL DR., #607
CAMBRIDGE, MA 02138

165-56
TABBAL, LILY
975 MEMORIAL DR. #612
CAMBRIDGE, MA 02138

165-56
SEEVAK, ELINOR A, ALISTON R. SEEVAK EVAN SEEVAK
& MARINA SEEVAK, TRS
975 MEMORIAL DR., #703
CAMBRIDGE, MA 02138

165-56
GRAGOUDAS, EVANGELOS & CHARICLEA GRAGOUDAS
975 MEMORIAL DR. #704
CAMBRIDGE, MA 02138

165-56
LAKE NATILIA CORPORATION
C/O ATKINS CALLAHAN PLLC
20 DEPOT STREET #220
PETERBOROUGH, NH 03458

165-56
HERSCHBACH, GEORGENE BOTYOS &
DUDLEY ROBERT HERSCHBACH
975 MEMORIAL DR., #712
CAMBRIDGE, MA 02138

165-56
WALDEN EQUITY GROUP, INC.
69 NEWBURY STREET
BOSTON, MA 02116

165-56
DAVIS, DONNA
TRUSTEE OF DAVIS FAMILY REALTY TRUST.
975 MEMORIAL DR. UNIT#908
CAMBRIDGE, MA 02138

165-56
RICHARDS, KAREN F., TRUSTEE PHASE FOUR TRUST
975 MEMORIAL DR., #1006
CAMBRIDGE, MA 02138

165-56
NAUGHTON, AMY, TRUSTEE
C/O LOURIE & CUTLER, P.C. ATTN: AMY NAUGHTON
60 STATE ST
BOSTON, MA 02109

165-56
GREIMANN, GARTH & LINDSAY GREIMAN
TRUSTEE OF MAHARE REALTY TRUST
975 MEMORIAL DR. UNIT 1108
CAMBRIDGE, MA 02138

165-40
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O CHAPMAN ARMS LLC
280 FRANKLIN STREET
CAMBRIDGE, MA 02139

165-56
FOWLER EMILY TRS CD TR
22 HIGHLAND ST
CAMBRIDGE, MA 02138

165-56
RIBMAN DARCY L.
TRUSTEE OF THE DARCY L. RIBMAN 2001 TRT
2525 N. PEARL ST. - APT. 2100
DALLAS, TX 75201

165-56
ERICKSON, KENNETH W. & ALICE W. ERICKSON
41 FOLLY POINT RD
GLOUCESTER, MA 01930

165-56
CASEY, CAMERON,
TRUSTEE THE VENTANA TRUST
800 BOYLSTON ST
BOSTON, MA 02199

165-56
BUSH, SUSAN HILLES, TRUSTEE THE SUSAN HILLES
BUSH 2012 PERSONAL RES TR.
975 MEMORIAL DR #603
CAMBRIDGE, MA 02138

165-56
FREEDMAN, JAMES O.
975 MEMORIAL DR., UNIT #610
CAMBRIDGE, MA 02139

165-56
KAHN, VIRGINIA L. & STEFANIE D. CANTOR
TRS. THE KAHN REALTY TRUST
975 MEMORIAL DR., UNIT #611
CAMBRIDGE, MA 02138

165-56
KRIPKE, CAROL F.,
TRUSTEE THE CAROL F. KRIPKE TRUST
975 MEMORIAL DR., #708
CAMBRIDGE, MA 02138

165-56
POORVU, WILLIAM J. & LIA G. POORVU
975 MEMORIAL DR., #710
CAMBRIDGE, MA 02138

165-56
COGAN, JOHN F. & MARY L. CORNILLE
975 MEMORIAL DR. #802
CAMBRIDGE, MA 02138

165-56
PHILLIPS, DANIEL A. AND DIANA W. PHILLIPS
975 MEMORIAL DR. #903
CAMBRIDGE, MA 02138

165-56
BORE, NELLY,
TRUSTEE THE 975 MEMORIAL DR NOM REALTY TR
975 MEMORIAL DR., #909
CAMBRIDGE, MA 02138

165-56
PLOTKIN, IRVING H.,
TR OF PLOTKIN ROCKPORT NOMINEE REALTY TRUST
975 MEMORIAL DR #910
CAMBRIDGE, MA 02138

5 Bennett St.

162-65
THE R B FAMILY LIMITED PARTNERSHIP
C/O THE BANKER REAL ESTATE COMP.
14A ELIOT ST
CAMBRIDGE, MA 02138

165-57
CONDUCTOR'S BUILDING LLC
20 UNIVERSITY RD.
CAMBRIDGE, MA 02138

165-56
LISS, ROBIN S.
975 MEMORIAL DR., #410
CAMBRIDGE, MA 02138

165-56
NELSON, CARL F. & CHRISTINE S. NELSON
975 MEMORIAL DR., #503
CAMBRIDGE, MA 02138

165-56
MEMOIRAL DRIVE HOLDINGS LLC C/O ILYSE
DOLGENAS, WITHERS BERGMAN, LPP
430 PARK AVE, 10TH FLOOR
NEW YORK, NY 10022-3505

165-56
ANSIN, BETSEY C/O RINET COMPANY, INC
101 FEDERAL STREET FL 14
BOSTON, MA 02110

165-56
TANNER COMPANY INC ATTN: MR NICHOLAS JACOB
C/O FOSTERS LLP
31 HILL STREET - W1J 5L5
LONDON, - -

165-56
DAS, KUNTALA P., SRIRAM P. DAS &
950 PARK AVE #9B
NEW YORK, NY 10028

165-56
HAMLEN, RUTH F.
975 MEMORIAL DR., #904
CAMBRIDGE, MA 02138

165-56
DAVIDOFF, CLAUDIA,
TRUSTEE THE CLAUDIA DAVIDOFF TRUST--2010
975 MEMORIAL DR., #212
CAMBRIDGE, MA 02138

165-56
SEXTON, BARBARA A.
C/O PENOBSCOTT INVESTMENT. MANG COM
50 CONGRESS ST. SUITE 410
CAMBRIDGE, MA 02109

165-56
GLIMP, ELEANOR C. KATHLEEN FELDSTEIN
975 MEMORIAL DR UNIT #409E
CAMBRIDGE, MA 02138

165-56
EILEEN C. SHAPIRO & REUBEN E. EAVES TRUSTEES
TOQUE BLACHE REALTY TRUST
300 BEACH DRIVE NE, #1704
ST. PETERSBURG, FL 33701

165-56
FIELD, MARY ELISABETH, TRS
975 MEMORIAL DR #408
CAMBRIDGE, MA 02138

165-56
PLATH INVESTMENTS CORP
16192 COASTAL HWY
LEWES, DE 19958

165-56
FOWLER EMILY TRS CD TRUST
22 HIGHLAND ST
CAMBRIDGE, MA 02138

165-56
GODSHALK, CHRISTINA S.
975 MEMORIAL DR, UNIT 805
CAMBRIDGE, MA 02138

165-56
HOUT, THOMAS SONJA ELLINGSON HOUT
8545 CARMEL VLLY RD #11C
CARMEL, CA 93923

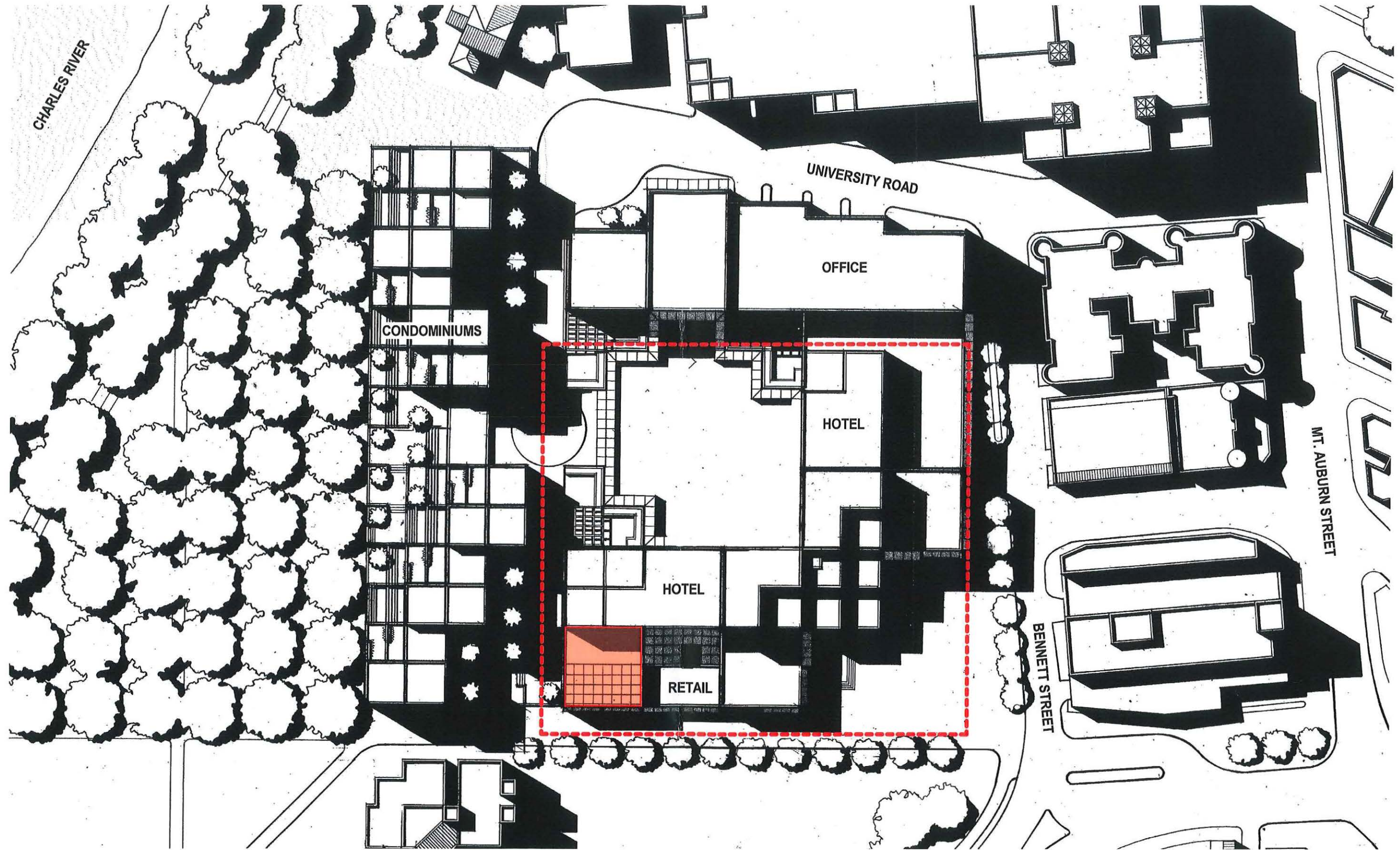
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ZECKHAUSER, RICHARD,
TRS THE 138Z REALTY TRUST
138 IRVING ST
CAMBRIDGE, MA 02138

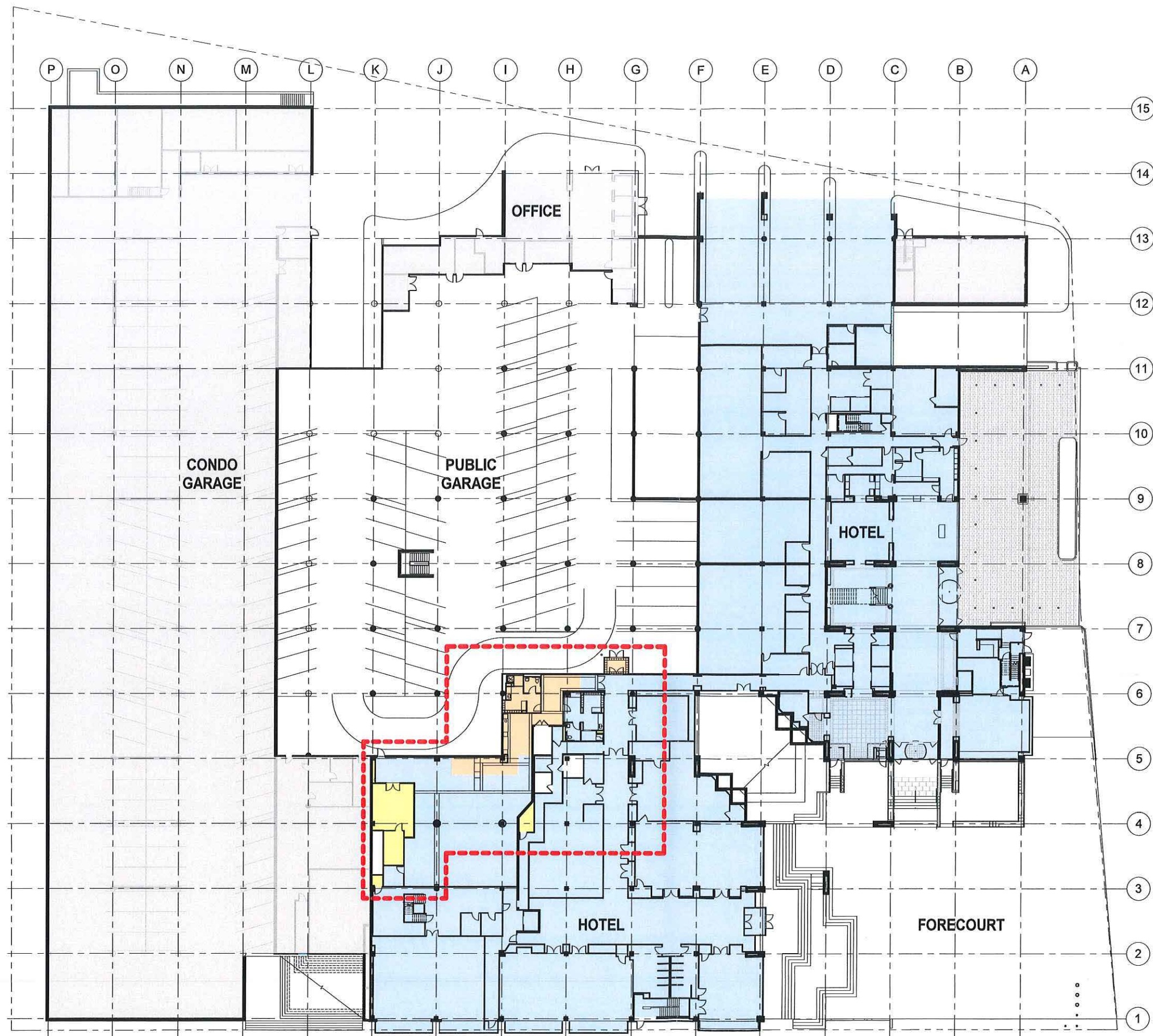
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LUCE KELLY TRS REX TRUST
975 MEMORIAL DR - UNIT 401
CAMBRIDGE, MA 02138

165-56
STEVENSON HOWARD H & FREDERICKA O STEVENSON
975 MEMORIAL DR - UNIT 201
CAMBRIDGE, MA 02138

165-56
PALMER ANDREW H
975 MEMORIAL DR - UNIT 210
CAMBRIDGE, MA 02138







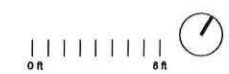
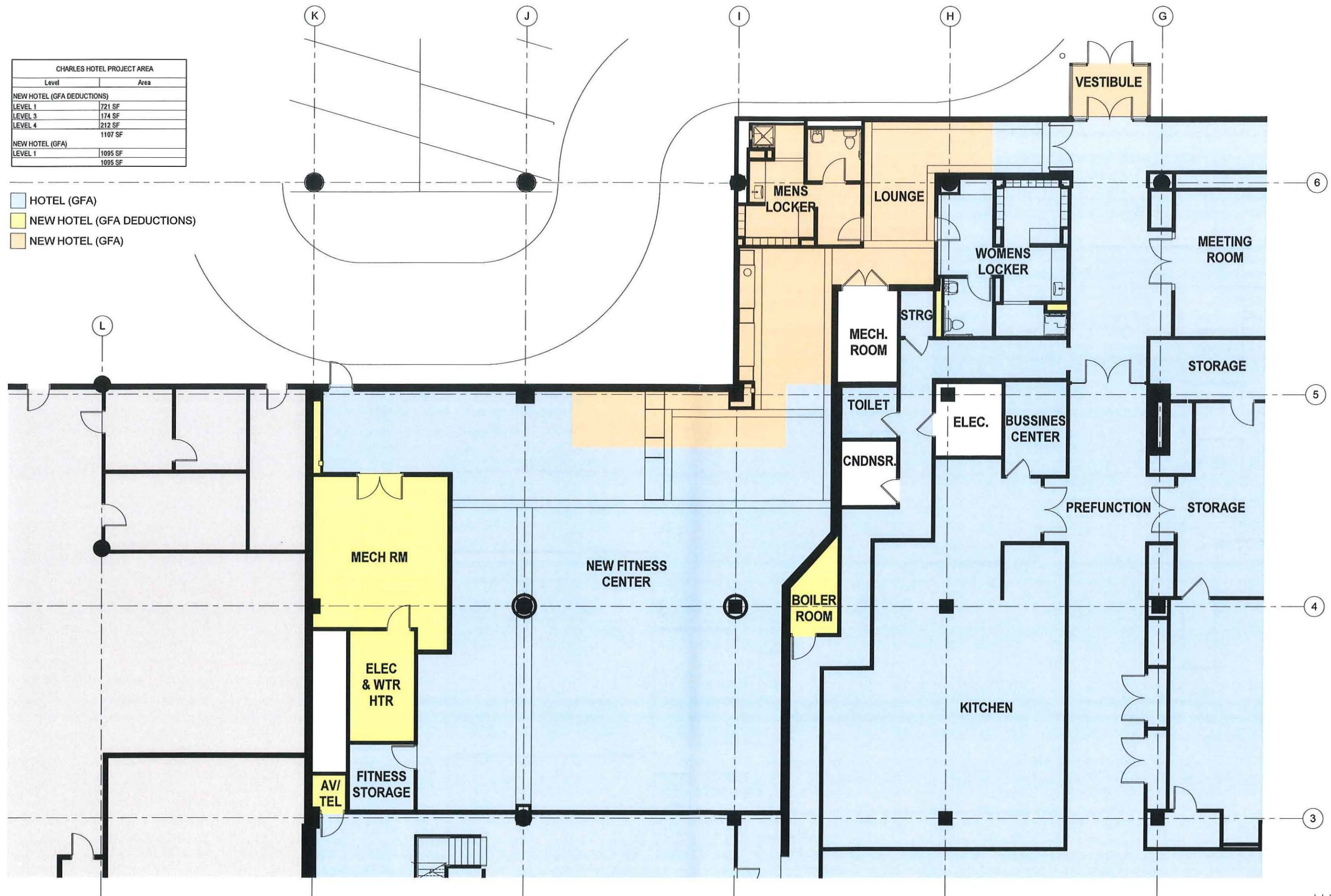
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 ALLOWABLE GFA = 183,624 SF X 3.0 = 550,872 SF

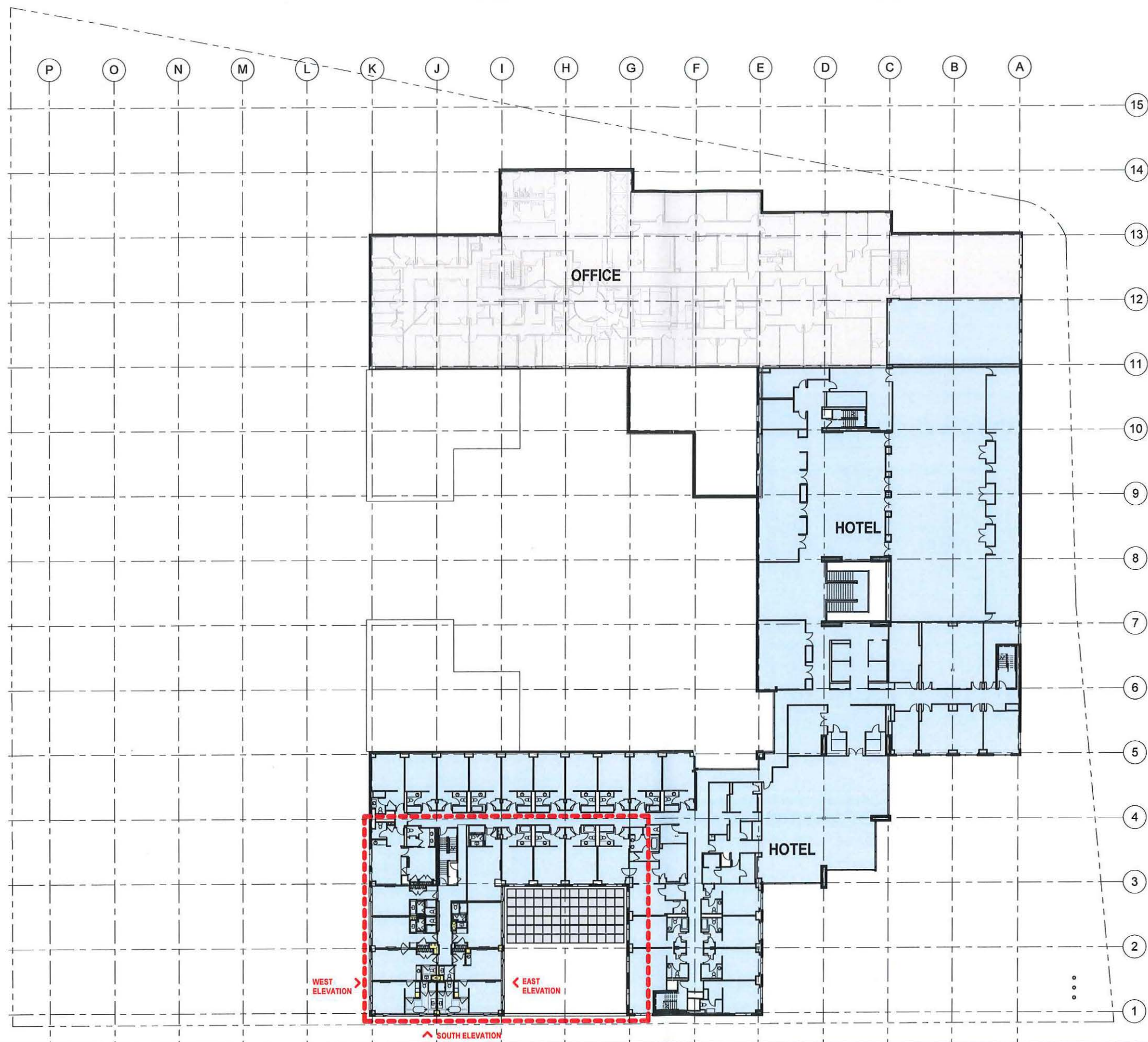
- HOTEL (GFA)
- NEW HOTEL (GFA DEDUCTIONS)
- NEW HOTEL (GFA)



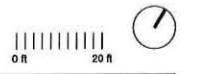
CHARLES HOTEL PROJECT AREA	
Level	Area
NEW HOTEL (GFA DEDUCTIONS)	
LEVEL 1	721 SF
LEVEL 3	174 SF
LEVEL 4	212 SF
	1107 SF
NEW HOTEL (GFA)	
LEVEL 1	1095 SF
	1095 SF

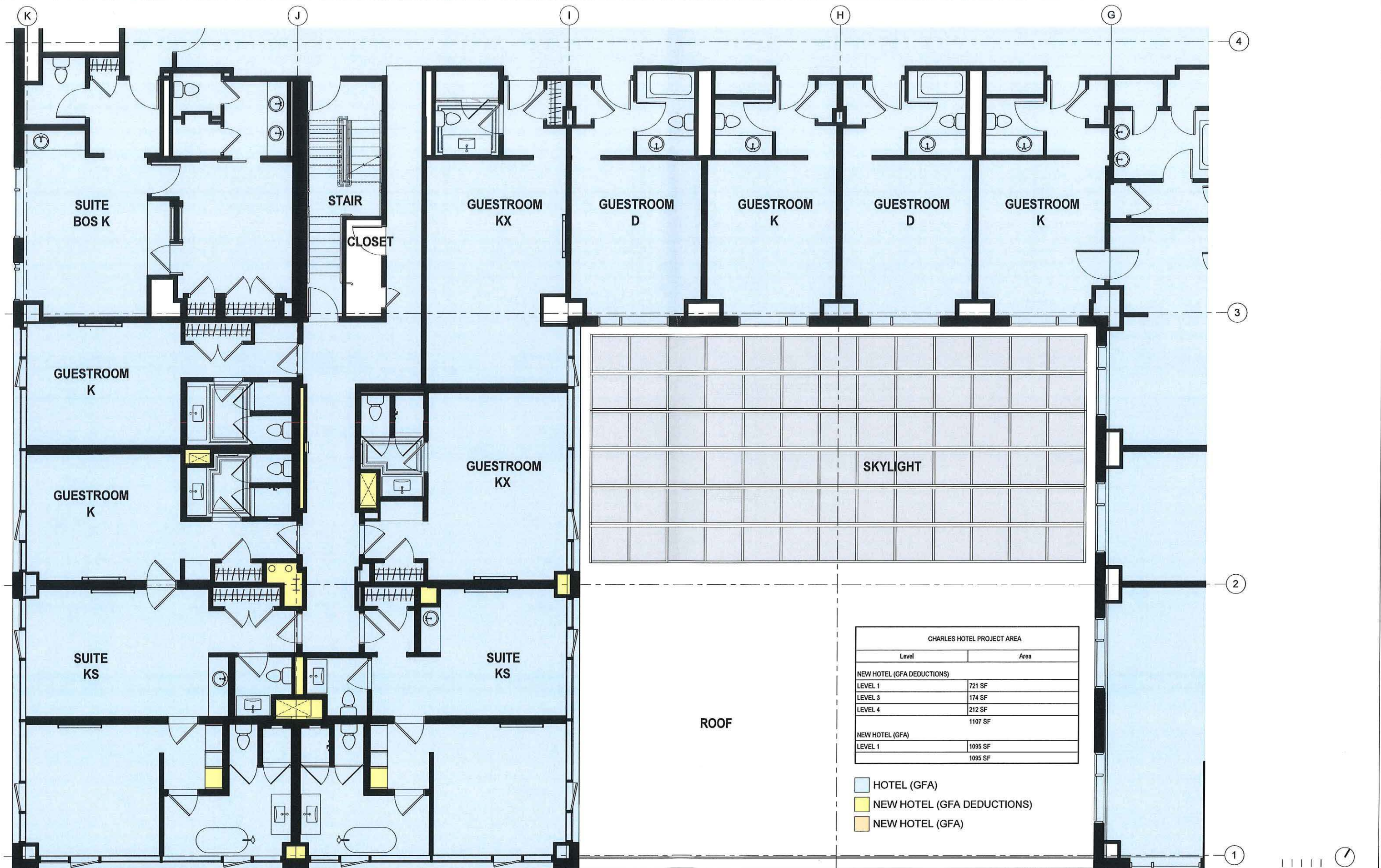
- HOTEL (GFA)
- NEW HOTEL (GFA DEDUCTIONS)
- NEW HOTEL (GFA)





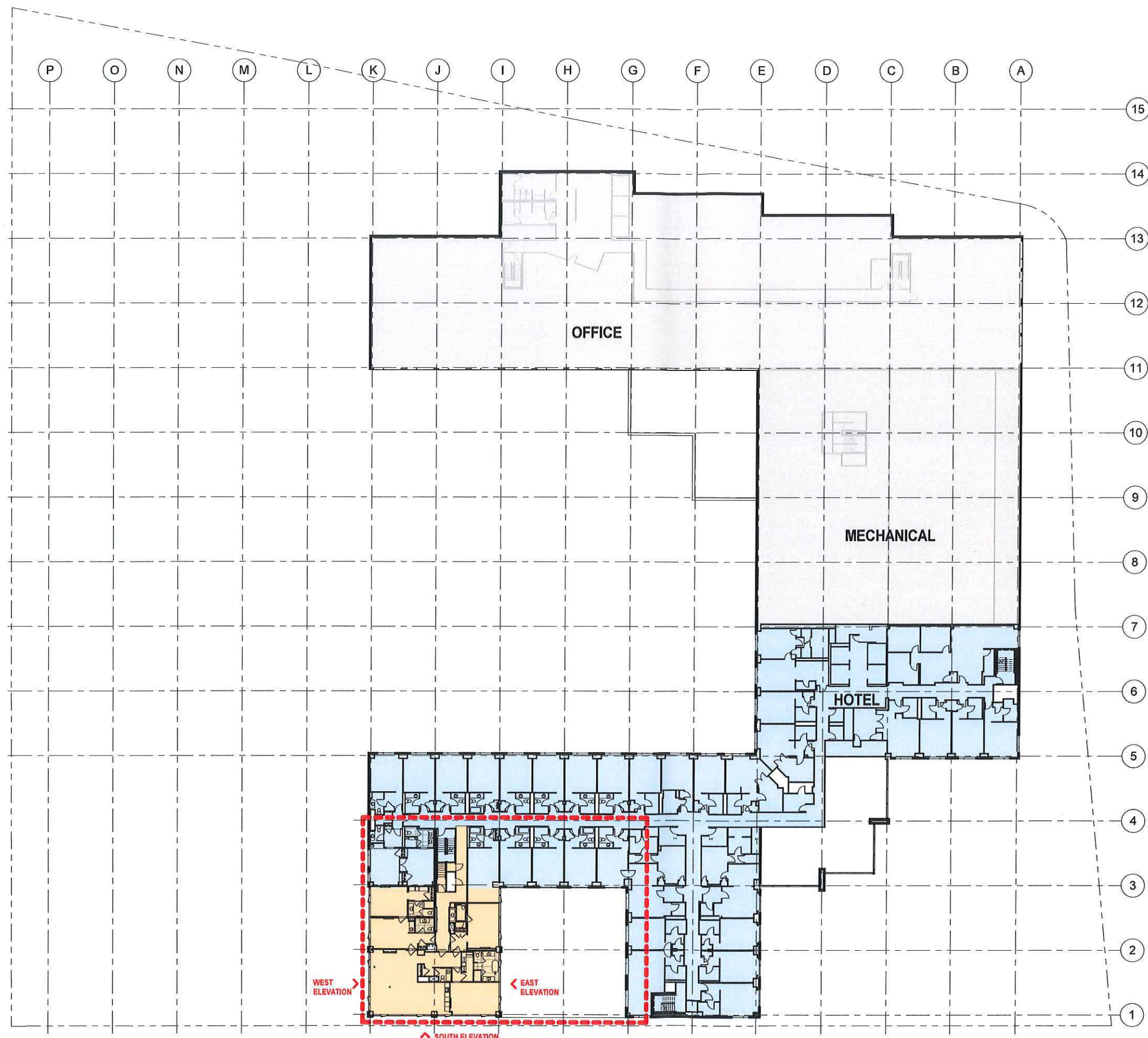
- HOTEL (GFA)
- NEW HOTEL (GFA DEDUCTIONS)
- NEW HOTEL (GFA)





CHARLES HOTEL PROJECT AREA	
Level	Area
NEW HOTEL (GFA DEDUCTIONS)	
LEVEL 1	721 SF
LEVEL 3	174 SF
LEVEL 4	212 SF
	1107 SF
NEW HOTEL (GFA)	
LEVEL 1	1095 SF
	1095 SF

- HOTEL (GFA)
- NEW HOTEL (GFA DEDUCTIONS)
- NEW HOTEL (GFA)



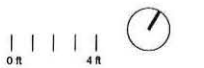
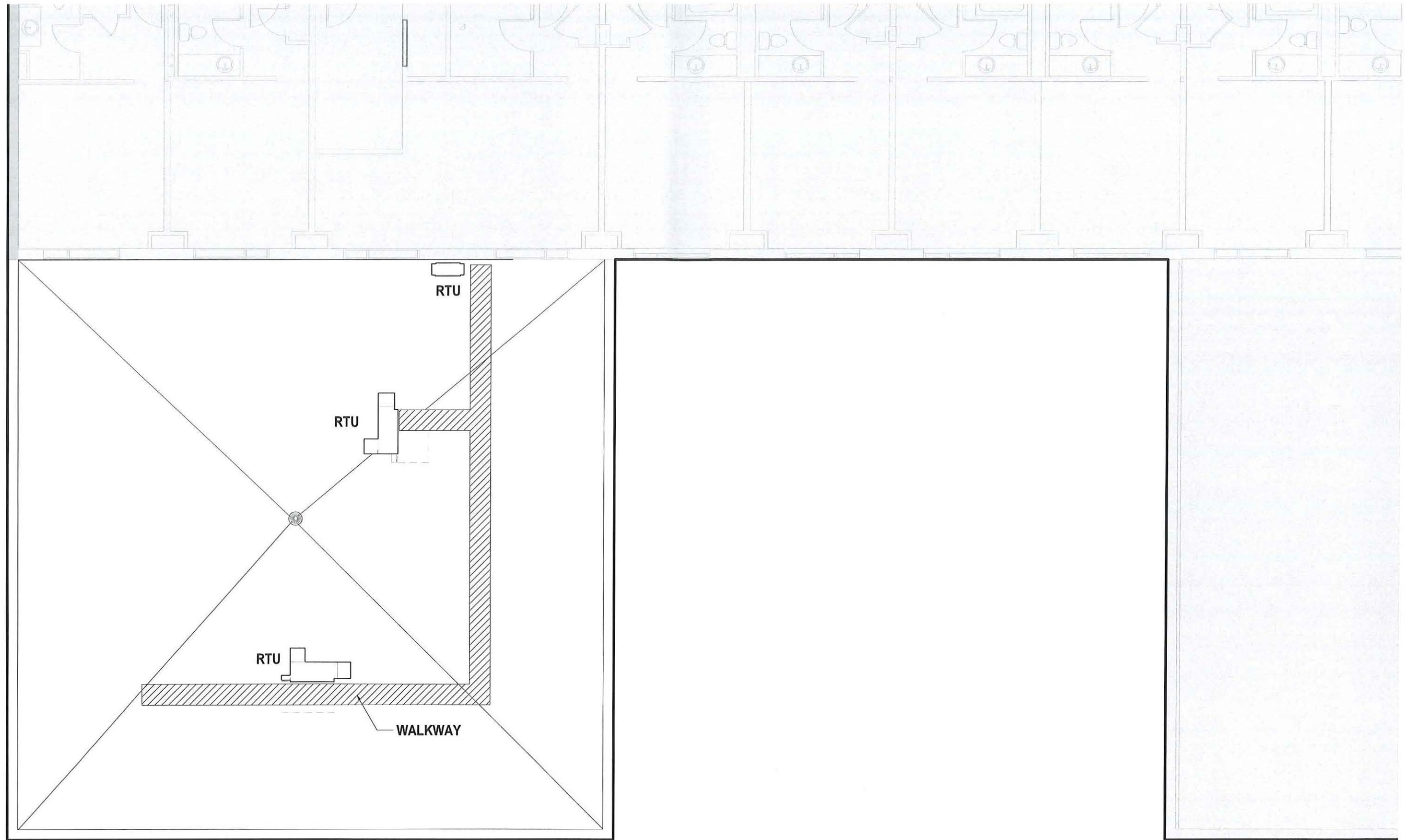
- HOTEL (GFA)
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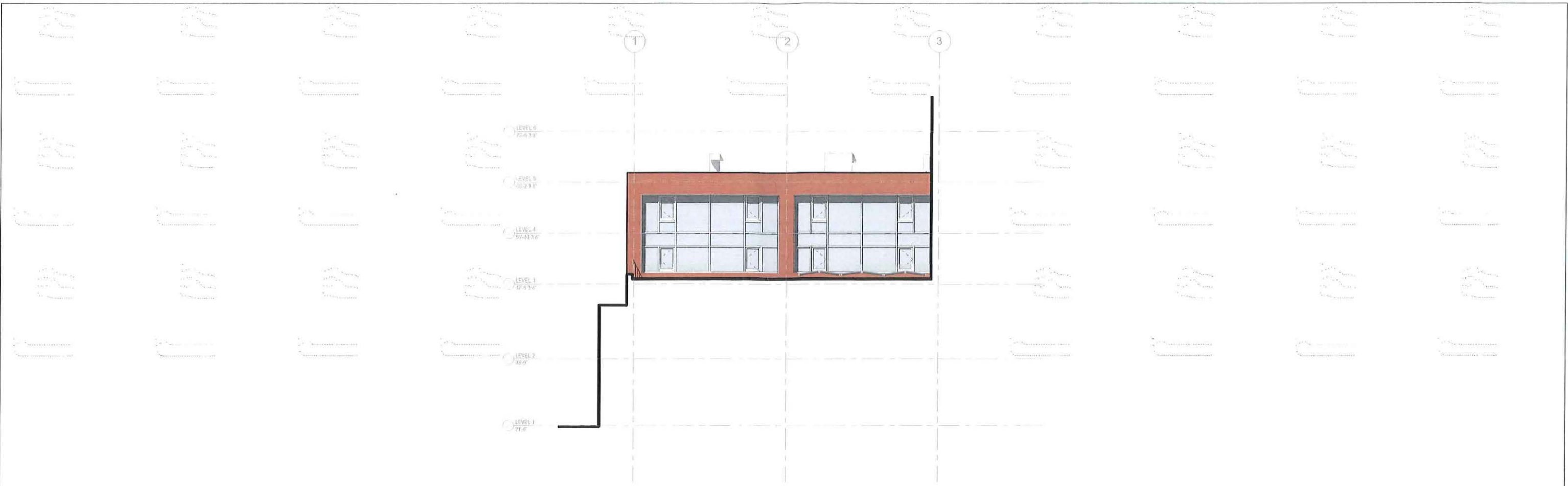




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5 Bennett St.
Sign

Office of Public Hearing



Zira
2 Rowlett St.

Pacheco, Maria

From: Scott, Sarah
Sent: Monday, October 4, 2021 2:42 PM
To: Pacheco, Maria
Cc: Joseph, Swaathi
Subject: RE: October 21, 2021 BZA Agenda

Hi Maria (copy Swaathi),

I wanted to let you know that the applicant for BZA-143864, 5 Bennett Street, is scheduled to go in front of the Harvard Square Advisory Committee on Wednesday, October 20th. As you know, applicants are supposed to submit materials to the HSAC for their review and comment before submitting a special permit or variance, but we only got materials last week. Given the timing of the two meetings, we won't be able to turn around a report before your October 21st meeting, so I'd recommend that the BZA continue the hearing until they can receive a report from the HSAC.

Let me know if you want to talk about this further.

Thanks,
Sarah

Sarah Scott | Associate Zoning Planner

City of Cambridge, Community Development Department

344 Broadway, Cambridge MA 02139

cambridgema.gov/CDD

(617) 349-9463 • TTY (617) 349-4621

M: 8:30-8 T-TH: 8:30-5 F: 8:30-Noon



Think before you print

From: Pacheco, Maria <mpacheco@cambridgema.gov>

Sent: Wednesday, September 29, 2021 2:46 PM

To: Agassiz Baldwin Community - PHOEBE SINCLAIR, COMMUNITY LIAISON <psinclair@agassiz.org>; Agassiz Neighborhood Council - Fred Meyer (cambridgefred@comcast.net) <cambridgefred@comcast.net>; ALEXANDRA OFFIONG <ALEXANDRA_OFFIONG@HARVARD.EDU>; Ann Tennis - Cambridge Highland Association <jatennis@comcast.net>; Area 4 Neighborhood Coalition - Julian Cassa & Liz Layton <area4neighborhoodcoalition@gmail.com>; Bethany Stevens <beth100springstreet@gmail.com>; City Council <CityCouncil@CambridgeMA.GOV>; Cambridge Transcriptionist (Buck Ewing) <Buck@ctran.com>; Cambridge Transcripts <transcripts@ctran.com>; Cambridgeport Neighborhood Association C/o Rebecca Bowie, President <rsrbowie@gmail.com>; CARL BARRON - CENTRAL SQ. BUSINESS ASSOCIATION <carlbarron@aol.com>; Carol O'Hare <cbo1066@gmail.com>; Cathy Burns - Cambridge Transcriptionist <cathodic@gmail.com>; Crane, Paula <pcrane@cambridgema.gov>; Dana Park Neigh. Association - Ginny Payson <ginnyp214@comcast.net>; Dennis Carlone - Carlone & Associates Architecture <dcarlone@carloneassociates.com>; East Cambridge Business Association - Jason Alves <baecamb@gmail.com>; East Cambridge Planning Team - Charles Hinds, President <chuckhinds@msn.com>; East End House - Mike Delia, Executive Director <michael@eastendhouse.org>; Hill, Eric <ehill@cambridgema.gov>; Freelance Journalist John Hawkinson (jhawk@alum.mit.edu) <jhawk@alum.mit.edu>; Fresh Pond Residents Alliance - Alison Field-Juma, Co-Chair <fieldjuma@gmail.com>; Fresh Pond Residents Alliance - Doug Brown, Co-Chair <douglas_p_brown@yahoo.com>; Ingrid Marchesano - Watertown Planning Board <imarchesano@watertown-ma.gov>; Jessica Kennicker - Cambridge Transcriptionist <jessica@ctran.com>; Margaret Fuller House - Selvin Chambers <Schambers@margaretfullerhouse.org>; MICHAEL BRANDON <mjbrandon@gmail.com>; Crosbie, Allison <acrosbie@cambridgema.gov>; Mid-Cambridge Neighborhood Association - C/o