

May 27, 2021

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MAY 27, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair

Jim Monteverde

Slater W. Anderson

Matina Williams

Jason Marshall

City Employees

Ranjit Singanayagam

Sisia Daglian



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(6:00 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: Welcome to the May 27, 2021
meeting of the Cambridge Board of Zoning Appeals. My name
is Brendan Sullivan. I am the acting Chair for this meeting,
and accompanying me on the stage is Jim Monteverde.

This meeting is being held remotely, due
to statewide emergency orders limiting the size of public
gatherings in response to COVID-19, and in accordance with
Governor Charles D. Baker's Executive Order of March 12,
2020, temporarily amending certain requirements of the Open
Meeting Law; as well as the City of Cambridge temporary
emergency restrictions on city public meetings, city events,
and city permitted events, due to COVID-19, dated May 27,
2020.

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

1 proceedings.

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

5 Members of the public will be kept on mute until
6 it is time for public comment. I will give instructions for
7 public comment at that time, and you will also find
8 instructions on the city's webpage for remote BZA meetings.
9 You will have up to three minutes to speak

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

12 SISIA DAGLIAN: Slater Anderson?

13 SLATER ANDERSON: Yes, I am here. I'm getting a
14 little bit of a high-pitched noise. I don't know if anyone
15 else is getting that, but --

16 BRENDAN SULLIVAN: A little bit of a feedback or
17 something.

18 JIM MONTEVERDE: Yeah. There's a feedback. I
19 don't know who manages that, but maybe it's just me. I'm
20 here. Thank you.

21 SISIA DAGLIAN: Jason?

22 JASON MARSHALL: Jason Marshall present. I don't

1 hear the high-pitched noise. But maybe your hearing is
2 better than mine, Slater.

3 SLATER ANDERSON: It's gone away now. We'll see
4 if it comes back.

5 SISIA DAGLIAN: Okay, Matina?

6 MATINA WILLIAMS: I'm here. Hi.

7 BRENDAN SULLIVAN: And Jim.

8 JIM MONTEVERDE: Jim Monteverde, I'm present.

9 BRENDAN SULLIVAN: Okay, and Brendan Sullivan.

10 SISIA DAGLIAN: Yes.

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(6:04 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: First case I'm going to call
tonight is Case Number 103314 -- 2614 Massachusetts Avenue.
Mr. Schomer?

JESSE SCHOMER: Yes, good evening Mr. Chair.

BRENDAN SULLIVAN: Proceed.

JESSE SCHOMER: Thank you very much. I think I
have audio only, but I'm available for my video if the
Board would like. I also have some documents that I could
put up on the screen that we could follow along with the
presentation, if it pleased the Board?

BRENDAN SULLIVAN: Sure.

SISIA DAGLIAN: Well, no, we're doing --

BRENDAN SULLIVAN: Staff has to do the video. Any
documents I'm not sure if you can transmit from your place
to here now? Unfortunately. You can probably refer to
documents that we may have in the file.

Mr. Schomer, just for clarification, on your

1 application I know there was a brief discussion in the last
2 meeting regarding a request for a variance and the special
3 permit. It has been determined that it is a variance that
4 you are going to require. Do you agree with that?

5 JESSE SCHOMER: Well, I would not fully agree with
6 that, Mr. Chair. We believe that this is permissible under
7 Chapter 40A Section 6. But we did request in the
8 alternatives of the variance that the Inspectional Services
9 Department felt was necessary for this.

10 So I would leave that up to the Board.

11 BRENDAN SULLIVAN: Yes. I had a very brief
12 conversation with the commissioner as to his feel in moving
13 on it, and he said they would require a variance. And so I
14 would then defer to that.

15 If you disagree with that, you can also take an
16 appeal to his decision, but in view of what he told me that
17 the required relief was a variance, then I will rely on his
18 presentation to me.

19 JESSE SCHOMER: Understood.

20 BRENDAN SULLIVAN: Okay. So we'll proceed on the
21 variance standard.

22 JESSE SCHOMER: Okay.

1 BRENDAN SULLIVAN: Yeah.

2 JESSE SCHOMER: Thank you very much.

3 BRENDAN SULLIVAN: Okay. So your presentation?

4 JESSE SCHOMER: Thank you very much, Mr. Chair.

5 What you see in front of you on the screen here, this is an
6 image of the site. 2615 Mass Ave is the address.

7 This is the vantage point of the site from Mass
8 Ave, and you see on the screen left there some sitting
9 traffic. That's Alewife Brook Parkway. And the site itself
10 is used for a gas station, as you can see. There are four
11 filling stations with pumps on each side of those islands.

12 And this view may look somewhat anachronistic
13 because these fuel pumps obviously do not have canopies, and
14 that's somewhat atypical for gas stations in this day in
15 age, primarily because of the computerized equipment that
16 modern fuel pump equipment utilizes.

17 And so the pump islands themselves are completely
18 uncovered. There is some fire suppression equipment on the
19 pumps themselves. You can see the red tanks there. Those
20 are for fire suppression. And there are lights mounted onto
21 these islands, but they're unshielded lights, so it sends
22 light more or less in every direction throughout the site.

1 So what we've proposed -- and if whoever is
2 controlling the slide show could go onto the next slide --
3 we have proposed to construct canopies over these fuel
4 islands, and there would be two canopies in total; one
5 covering the cluster of fuel pumps along Mass Ave, and the
6 other along Alewife Brook Parkway.

7 The canopies themselves -- one of them is proposed
8 to be 24 feet in width by 44 feet in length. The other one
9 is slightly smaller than that at 24 x 42. And both of the
10 canopies are proposed to be 15 feet in height.

11 And the reason why we chose that height, Board
12 members, was because we wanted to permit this as an
13 accessory structure. And the requirements of the zoning
14 ordinance for test restructures is not taller than 15 feet
15 above grade. So that's what we've proposed here.

16 It's also at least 10 feet away from the lot
17 lines, and in fact meets all setback requirements for
18 primary and accessory structures, and is also more than five
19 feet away from the principal building on the property. So
20 there's no dimensional relief that's required for these
21 canopies.

22 If you could go on to the next slide, please?

1 This is a detailed sheet that shows the footings
2 of the canopies, I won't dwell on that one.

3 The next slide, please? This is more of the same
4 detail sheets. We could go, if you have the site plan --
5 that's it there.

6 So this is a survey plan of the site, and the area
7 that you see shaded in dark gray, that's the extent of the
8 canopy that they would be covering over the site. You'll
9 see that dashed line around the property; those are the
10 setback lines. So it shows that both of the canopies meet
11 all required setbacks.

12 And if you could go on to a few more slides later,
13 we did recently submit renderings and a photometric study of
14 the proposed canopies.

15 If it's possible, I would be happy to share my
16 screen, if that's something that can be permitted for me to
17 do.

18 BRENDAN SULLIVAN: Yeah, I'm not sure if it can.
19 Can we download the photo simulations?

20 JESSE SCHOMER: Mr. Chair, it does appear that I
21 am able to do this. I'll give it a shot here.

22 BRENDAN SULLIVAN:

1 JESSE SCHOMER: Are you able to see that, Members?

2 JIM MONTEVERDE: Yep.

3 JESSE SCHOMER: Okay. So this is -- again, this
4 is that view of the site that we saw previously. This is
5 another view of the same site from Alewife Brook Parkway.
6 This is the site plan that we were just looking at a moment
7 ago.

8 So to move on to the photometric study, this was
9 the study that was commissioned that measures the light
10 impact of the canopies.

11 And you see these outlines in blue here. These
12 are the canopies. And the green squares represent the light
13 fixtures that would be affixed to these structures on the
14 underside of the canopy.

15 And you see a series of numbers -- a grid around
16 the site. These represent the light impact around the site
17 and on neighboring properties. And that's measures in foot
18 candles, which is a measurement of light based on the light
19 of one candle at a distance of one foot.

20 So if you can see here around the edges, the light
21 impact beyond the property line is zero along all of the
22 residential sides of this property. There's no light impact

1 whatsoever. There's a slight impact here, but this is
2 Alewife Brook Parkway, so there are -- as you know, a number
3 of street lights here, and the same is true here for Mass
4 Ave; a slight light impact, but nothing significant.

5 The most important thing from our perspective is
6 the residential property here, which is the closest, there's
7 an apartment building here. There's a wood fence along the
8 property, and that shields the light impact and provides
9 zero light impact to that property.

10 If we move on to the -- this is a heat map of that
11 light impact. It shows the way that the light is cast
12 around the site.

13 You see here the blue measures effectively zero
14 light impact, and so it's really limited right here, to the
15 areas right around the canopy and right under the canopy,
16 and that's intentional, because we wanted to be sensitive to
17 the nearby residential neighbors.

18 This is the same thing from a three-dimensional
19 perspective, and then this is how it would look at night,
20 the same street map more or less and the same impact here.

21 And then this is that 3D image of that. And you
22 can see the fence here along the property line here -- that

1 shields the light from entering the neighboring properties.

2 The next slides that we have, these are 3D models
3 of what the canopies would look like. We're proposing them
4 to be -- as you can see here, these are what's known as
5 "slimline canopies."

6 These are 15 feet in height from the grade here to
7 the top of the structure here, and this fascia board here,
8 this is only 18 inches in height, and that was also selected
9 to be sensitive to the nearby neighbors, because we don't
10 want to have a large visual impact the property that's right
11 here, and this is that apartment building here.

12 So that 18 -- I'm sorry, 15 inch height sits
13 slightly above the first-story level. So this is a view of
14 the site at night, with a light impact. Moving onto another
15 view of the site from Mass Ave same view.

16 This is a 3D from above showing that there's
17 nothing mounted on the top here, and we're not proposing the
18 signage on these canopies. They're just simple fascia.

19 And then here's how it would look during the day.
20 It looks like the same cars have been parked there
21 overnight, so I'm sure we should be calling the local Police
22 Department to have them towed, but never mind.

1 And that's the extent of our presentation, Board
2 members. Just to let the members know, we did provide these
3 images to the local North Cambridge Stabilization Committee,
4 which is a neighborhood group, and requested their feedback
5 on these.

6 We have not heard back from them. We have met
7 with them previously to try to earn their support for this
8 project. I understand that at least one of the neighbors
9 has submitted a letter with some concerns about this.

10 But we have reached out to them, and we've done
11 our best we think to try to satisfy their concerns, and we
12 believe that this project would be a welcome addition to the
13 neighborhood because it would shield impacts from those
14 neighbors. It would provide added safety in the form of
15 their fire suppression for their fuel islands, and we think
16 it would have a minimal visual impact the neighbors.

17 BRENDAN SULLIVAN: Mr. Schomer, the hours of
18 operation from 6:00 a.m. to 12:00 midnight, can you confirm
19 that?

20 JESSE SCHOMER: Mr. Chair, I would have to defer
21 to my client on that one. His name is Mark Lakkis, and I do
22 see that he is on the line. I'm not sure if he's able to

1 unmute himself.

2 MARC LAKKIS: Hi, good evening Mr. Chair. Good
3 evening, Jesse, how are you?

4 JESSE SCHOMER: Hi.

5 MARC LAKKIS: Yeah, sorry. The hours --

6 JESSE SCHOMER: Go ahead, Marc.

7 MARC LAKKIS Sure. The hours of operation, before
8 COVID it was 6:00 a.m. to midnight. During COVID, it's 6:00
9 a.m. to 10:00 p.m.

10 BRENDAN SULLIVAN: Okay. So after the COVID
11 emergency has been lifted, you'll go back to the midnight
12 closing you think, or --

13 MARC LAKKIS: Yes, sir.

14 BRENDAN SULLIVAN: Okay. I guess where I'm going
15 is at midnight when they close the station and shut off the
16 lights in the station house if you will -- what happens to
17 the canopy lights? Will they also be dimmed?

18 MARC LAKKIS: Yes, they will all be turned off.
19 They will all be turned off from the control inside where
20 the cashier stays.

21 JESSE SCHOMER: Okay.

22 MARC LAKKIS: And we will take care of it. So

1 after midnight there will be no light exposure or anything
2 to bother our residential neighbors.

3 BRENDAN SULLIVAN: Okay. That's one -- I guess --
4 plus as far as the neighbors' concerned. The other thought
5 that I have -- and again, this is -- I shouldn't even really
6 get into it, I don't have the expertise at it -- is that
7 there probably should be some lighting as far as to identify
8 the pumps, because at night your gas station can be a cut-
9 through.

10 And I would want to make sure that those pumps and
11 everything are visible, and also protected. I'm sure you do
12 also.

13 So I'm not going to require it, but I think that
14 dimming the lights is a plus. Shutting them off, if that
15 would ameliorate the neighbors, then I guess that would be
16 okay also.

17 So some lighting there to identify the gas station
18 or the pumps may not be a bad idea, but you can think about
19 that.

20 Any questions by members of the Board? Jim?

21 JIM MONTEVERDE: [Jim Monteverde.] Are there
22 lights on any dimming system at all or dimmable?

1 MARC LAKKIS: Not at this point. All this
2 equipment is now -- there are lights inside the repair shop
3 in the station. Now, there's lights inside, and if we keep
4 the power onto the pumps or put on an all-stop, the pumps
5 will have the lights on. So they'll be able to see the
6 pumps from the screens -- the digital screens and
7 everything.

8 So if that -- I mean, if that's a -- this is just
9 me brainstorming right now, we're thinking about it. But as
10 of now, I mean all the equipment right now is about 30 years
11 old. So none of those at this point have that. But --

12 JIM MONTEVERDE: Right, but the new equipment --
13 the new lights and the new canopies, are they dimmable?

14 MARC LAKKIS: Jesse, Can I defer that question to
15 you? I'm not sure about everything on the equipment.

16 JESSE SCHOMER: I believe they are. I'm not 100
17 percent certain. I know that the canopy light fixtures do
18 allow different levels of light in terms of what the maximum
19 is.

20 JIM MONTEVERDE: Yep.

21 JESSE SCHOMER: And I believe we would be going
22 for the lower end of that. As to whether they're dimmable,

1 I don't know the answer to that. I'd have to ask that of
2 the manufacturer.

3 JIM MONTEVERDE: All right. Thank you.

4 BRENDAN SULLIVAN: Slater, any questions?

5 SLATER ANDERSON: No questions.

6 BRENDAN SULLIVAN: Matina, any questions?

7 MATINA WILLIAMS: No questions.

8 BRENDAN SULLIVAN: Jason?

9 JASON MARSHALL: Yeah. Thank you, Mr. Chair.
10 Counsel, you mentioned that you wouldn't be putting up any
11 signage on top of the canopies, is that correct?

12 JESSE SCHOMER: That's our intent, Mr. Marshall.

13 JASON MARSHALL: Yeah. And would you seek to do
14 that in the future? It sounds like you would not, given the
15 height restriction. Is that right?

16 JESSE SCHOMER: Do you mean something on top of
17 the sign itself, or mounted on the base of the sign?

18 JASON MARSHALL: I mean on top of the canopy.

19 JESSE SCHOMER: No. I don't believe that there is
20 any intent to do that this time. You know, we're really
21 just primarily trying to get the canopies themselves
22 primarily for the weather protection, because those pumps --

1 the equipment really does need it. And we are -- the
2 operators are planning on upgrading that equipment in the
3 near future. In order to do that, we need the canopies.

4 So no, the answer is no. A long-winded no.

5 JASON MARSHALL: Okay.

6 JESSE SCHOMER: We're not looking to put up any
7 signage.

8 JASON MARSHALL: Thank you. Thank you for the
9 response. And then just finally, I know you had referenced
10 40A Section 6. I think I would tend to agree that that's
11 the starting point of the conversation. I just want to make
12 sure I understand your position.

13 Is it that really the only issue before us is the
14 question of us, is that your position, whether or not the
15 canopies would constitute a change in use? Is that your
16 primary position?

17 JESSE SCHOMER: Yes, Mr. Marshall. That was the
18 way we initially presented this application to the Board,
19 and at that point the Commissioner raised -- the
20 Commissioner of the Building Department raised an issue
21 about whether a variance was needed.

22 I respectfully disagree with the Commissioner. I

1 think Section 6 does permit what we're proposing to do,
2 which is to change a nonconforming use. The gas station has
3 been there since 1921 in one form or another, so it long
4 predates the zoning bylaw, and in our position, the addition
5 of these canopies does not change the use. It would not be
6 substantially more detrimental to the neighborhood.

7 But with all that having been said, we recognize
8 that the Commissioner, his view is that a variance is more
9 appropriate in this case, and as the Chair mentioned, he
10 will defer to the Commissioner, and so will we.

11 JASON MARSHALL: Okay. Thank you. No further
12 questions.

13 BRENDAN SULLIVAN: Jason, are you familiar with
14 the Powers case at all?

15 JASON MARSHALL: I am. That's why I was trying to
16 tease out the conversation, yes.

17 BRENDAN SULLIVAN: Yeah. For the other members of
18 the Board, let me just bring that out. In the case of
19 Powers versus the Building Inspector of Barnstable, the SJC
20 -- Supreme Judicial Court -- articulated a three-prong test
21 for determining whet a proposed development relating to a
22 preexisting, nonconforming use would rise to the level of a

1 change, extension or alteration of such use.

2 The three prongs are: whether the use reflects
3 the nature and purpose of the use prevailing when the Zoning
4 Board bylaw took effect.

5 Two, whether there was a difference in the quality
6 or character, as well as the degree of use. Whether the
7 current use is different in kind and its effect on the
8 neighborhood.

9 And Mr. [25:27 indiscernible proper name], the
10 Commissioner, feels that it is somewhat of a change and to
11 the quality and character of the existing nonconforming use
12 as a gas station.

13 And he basically said that you're adding a
14 structure in a -- to a nonconforming use, because what was a
15 business use, business zone, is now a residence. And he
16 felt that the proper vehicle was a variance.

17 This can be sited -- you know, you can go back and
18 forth I think on this, and so I defer basically to his
19 ruling that it should be a variance, and that's the three-
20 prong test. So Jason, any other comments, questions?

21 JASON MARSHALL: I think, you know, I'd appreciate
22 any response you might want to provide for that. I'm just

1 trying to sort of square my head arounds the Powers test and
2 under what posture this application is before the Board:
3 Whether or not we would provide a ruling on 48 Section 6, or
4 whether you're simply here to seek a variance at this point?

5 JESSE SCHOMER: So Mr. Marshall, so what I would
6 say is the Powers test -- what is at issue in that case, as
7 I understand it, is a question of whether zoning relief of
8 any kind is needed in order to do something involving a
9 preexisting nonconforming use or structure, and if the three
10 tests that were recited regarding nature and purpose,
11 quality and character in kind..

12 If those are all satisfied, if it's determined
13 that the proposal does not constitute a change in the nature
14 or change in the quality or change in time, then what Powers
15 holds is that no zoning relief of any kind is needed, and
16 you can call a building permit for the proposed work.

17 But if you trigger any of those factors, if it is
18 deemed to be a change in the kind of use, as it sounds like
19 the Commissioner has determined, at that point you have to
20 go to the Zoning Board for a Section 6 finding, which is
21 what we have sought in this case.

22 And the finding that would be requested in that

1 instance is a finding that the proposal would be not
2 substantially more detrimental to the neighborhood than the
3 existing development of the site.

4 And we believe that it is less detrimental to the
5 neighborhood because of the increased safety, as I mentioned
6 before, and the light shielding, which is not available to
7 the nearby residents.

8 If there is a proposal that would violate zoning
9 effectively, that's when you come into the variance
10 standard, which is I'm sure very familiar to the Board
11 members regarding hardship and things of that nature.

12 So we believe that the proposal meets both
13 standards. We applied under the Section 6 findings
14 standard, because frankly I prefer if I can avoid requesting
15 variances from zoning bylaws.

16 That's how I prefer to do my permitting, because I
17 think that this is something that qualifies for a Section 6
18 finding.

19 But as before, we'll defer to however the Board
20 feels about that. If they want to defer to the Commissioner
21 and vote on a variance standard, that's fine with us. We
22 will even meet that.

1 JASON MARSHALL: Okay. Thank you for that
2 clarification. Thank you Mr. Chair as well.

3 BRENDAN SULLIVAN: Okay. With that being said,
4 let me open it to public comment. Any member of the public
5 who wish to speak should now click the button that says,
6 "Participants." And then click the button that says, "Raise
7 hand."

8 If you are calling in by phone, you can raise your
9 hand by pressing *9 and unmute or mute by pressing *6. You
10 will be given up to three minutes to make your comments,
11 with -- at the two and a half minute point, Staff will
12 notify you of 30 seconds left in your presentation.

13 With that said, I will open it now to public
14 comment.

15 SISIA DAGLIAN: Richard Cadotte?

16 RICHARD CADOTTE: Thank you. My name is Rich
17 Cadotte. And I want to thank you for giving me this
18 opportunity to speak. I reside -- I live in this building
19 next door, directly adjacent to the gas station, and I am
20 the Managing Trustee who represents all the owners and
21 residents of this building.

22 I'd like to state right off the bat that no one

1 has reached out to us concerning the questions or opinions
2 we may have on the proposed canopy.

3 Mr. Schomer has -- I think that's his name,
4 Schomer -- has reached out Stabilization Committee, but not
5 to us.

6 I have -- it's obvious that we are opposed to this
7 canopy or these canopies for basically because it's the
8 albatross in the room. I find it difficult to believe that
9 there will be no light intrusion from these canopies. I
10 believe that the renditions are not as accurate as they
11 should be.

12 I also understand that there will be nothing on
13 the canopies. I find it hard to believe that there will not
14 be a tank farm above with all the fire suppression
15 equipment. We all know there has to be fire suppression
16 equipment, and I doubt that they're going to be hidden
17 within the structure of the canopy.

18 I asked the question several months ago, where
19 they stated that this equipment required canopies because of
20 the electronics. There has been electronics in those fuel
21 dispensers for quite some time, and they appear to be
22 working correctly. These units are sealed from the weather.

1 So the statement of them being required: totally
2 unsubstantiated.

3 I'm also concerned about the viability of these
4 canopies standing. I stated in my letter that in my
5 opinion, the space in and around pump island number one and
6 pump island number 3 is too tight for trucks. They're
7 constantly being -- these units are constantly being hit by
8 these Weekend Warriors who drive these U-Haul and Ride-A-
9 Trucks.

10 As we can see on pump island Number 1, which I'm
11 wondering, is it functional? The fire suppression has been
12 damaged by a truck, and it's all --

13 SISIA DAGLIAN: 30 seconds.

14 ROBERT CADOTTE: Okay, sorry. I'll make this
15 quick. I just do not believe that this is a good fit for
16 the area, and I don't believe that the residents and owners
17 of this building should have a lesser equality of life than
18 anywhere else in the city. Thank you very much. Have a
19 great night.

20 BRENDAN SULLIVAN: Thank you, Mr. Cadotte. The
21 next speaker?

22 SISIA DAGLIAN: Maria Maddaloni?

1 MARIA MADDALONI: Thank you. My name is Maria
2 Maddaloni. I'm a 16-year owner and resident in Parkway
3 Condos. My unit faces the Mobil Station from two different
4 sides of my unit.

5 I will be -- along with a number of my neighbors -
6 - living with the view of these canopies. Preliminary the
7 view I have is straight across to the Alewife Greenway,
8 which is certainly a pleasant view. And that will be
9 diminished substantially.

10 And I think a large concern I have after watching
11 Mr. Schomer's presentation concerns the light trespassing,
12 where he's focused on basically the lighting that was right
13 on the property, and then he did point out that there would
14 be more lighting that is reflected onto Alewife Brook
15 Parkway, which I face.

16 So it's not about what's on the actual property of
17 the gas station, I can see beyond that. And so I will be
18 looking at that lighting. And as it is, although the gas
19 station's hours are presently 6:00 to 10:00, the lights are
20 routinely on at 5:30 in the morning.

21 I have light blocking curtains, and it still seeps
22 in, and their trash gets removed at 5:30 in the morning,

1 which has woken me up a few times.

2 The fence that Mr. Schomer talked about, which
3 separates our building from the Mobil station really only
4 applies to the first floor of this building. There are
5 three floors of residences in this building. The second and
6 third floor still will have a view. The fence is immaterial
7 with respect to that. So the lighting going into
8 different directions needs to be considered.

9 And lastly, I just want to point out that I have
10 concerns about the stewardship of the property. The
11 renderings have really nice landscaping shown there.
12 There's presently not landscaping of that caliber there.

13 I am sitting in another room of my condo. I can
14 see the fence in the back of the property, what has been
15 feeling down for a while. You know, there's not been -- you
16 know, there's not been good maintenance of this property.
17 And, you know, we used to have nicer landscaping there, and
18 then it was taken out. And, you know, I'm concerned --

19 SISIA DAGLIAN: 30 seconds?

20 MARIA MADDALONI: I'm concerned just like my
21 neighbor, Rich Cadotte said, that -- you know, a lot of this
22 is just for show, and what we're going to actually see is

1 not going to be -- you know, favorable to our building.

2 Thank you.

3 BRENDAN SULLIVAN: Thank you, Maria. Next
4 speaker?

5 SISIA DAGLIAN: I don't see other hands raised.
6 Brendon?

7 MICHAEL BRANDON: Good evening, good evening, Mr.
8 Chair and members of the Board. I'm Michael Brandon, 27
9 Seven Pines Avenue. I'm the Clerk for the North Cambridge
10 Stabilization Committee, and I'm sorry we didn't have a
11 chance to submit anything in writing, but I'm here to let
12 you know that the Stabilization Committee does not support
13 this proposal, and we hope that you will not make a
14 favorable finding.

15 You've heard from the immediate neighbors -- some
16 of them -- and they had attended a meeting that we did have
17 with Mr. Schomer where we discussed the proposal. And our
18 members decided to support the abutters because of their
19 concerns.

20 It appears that this proposal would be
21 substantially more detrimental under Section 6 than the
22 current situation in terms of blocking views of the

1 neighbors, potentially increasing traffic if there's weather
2 protection.

3 A lot of issues were raised about the existing
4 condition of the site, seeming zoning violation -- some of
5 which is shown in the photos that were presented tonight.
6 So a big point that seems to be lost is that this is a
7 Residence B zone. It's one- and two-family houses. It's a
8 residential zone.

9 And even though this facility has been here for
10 years, decades, it doesn't justify allowing it to be
11 expanded, which will decrease the probability that it would
12 be converted to a use that's more conducive --

13 SISIA DAGLIAN: 30 seconds.

14 MICHAEL BRANDON: -- thank you, with the
15 residential neighborhood. So the issues of fire suppression
16 are of great concern.

17 [Pause]

18 BRENDAN SULLIVAN: Are you still there, Michael?

19 JIM MONTEVERDE: No, he's muted.

20 BRENDAN SULLIVAN: All right.

21 SISIA DAGLIAN: That's it.

22 BRENDAN SULLIVAN: Okay. I will close public

1 comment. Let me note in the file that there are 12
2 correspondents from the neighbors in the adjoining building
3 opposing the granting of this relief. Some have spoken this
4 evening. But that public comment is closed.

5 Mr. Schomer, if you would like any other comments,
6 before I turn it to the Board.

7 JESSE SCHOMER: Yes, I would. Thank you, Mr.
8 Chair. I would just say that we did meet with Mr. Brandon
9 and we did meet with Mr. Cadotte, I believe it was back in
10 February when we met with them. And, you know, we went
11 through a whole host of issues that they're having with this
12 site in its existing condition.

13 And out of good neighborliness, we made offers to
14 them to address many of these issues that you've heard
15 tonight -- specifically, landscaping. We also offered to
16 move -- there's a donation bin on the site. We offered to
17 move that to the other side of the site.

18 So these issues from our perspective were all on
19 the table. We offered to do this as an accommodation for
20 the neighbors, to win their support for this proposal. But
21 unfortunately, they were not willing to come out and support
22 us on this, and that's unfortunate. We did make best

1 efforts.

2 Those sorts of accommodations in my view could be
3 made conditions of this permit. We're happy to do some
4 landscaping. They didn't previously raise any issue about
5 the fence deteriorating, but I believe we'd be agreeable to
6 replacing that if it needs it.

7 You know, we respect the neighbor's concerns, and
8 we did make an effort to try to reach out to them and
9 resolve those. You know, with that having been said, as I
10 mentioned before, this property has been under this use for
11 exactly a century, actually.

12 There's not a single person in this room who moved
13 into that property and was surprised by the fact that it's a
14 gas station all of a sudden; everyone knew what they were
15 getting into -- next door to a gas station at the corner of
16 Mass Ave and Alewife Brook Parkway.

17 We believe that this is a sensitive, appropriate
18 use for this site, it will not be detrimental to the
19 neighborhood, and it would actually be an improvement.
20 Clean up the site, get a replacement for these pumps which
21 are -- as I believe Mark mentioned several decades old at
22 this point.

1 You know, we're really trying to improve the
2 condition of this site as a whole and make it look a lot
3 better, look a lot nicer.

4 More light protection for the neighbors, better
5 fire suppression, and we believe this is an all-around win
6 for everyone. But neighbors disagree. We respect that, and
7 we leave it up to the Board.

8 BRENDAN SULLIVAN: Great, thank you.

9 JESSE SCHOMER: Thank you.

10 BRENDAN SULLIVAN: And we'll close the
11 presentation part, and now turn it to the Board for
12 discussion and eventual motion. Let me start the
13 discussion. When I first saw this case, my first question
14 was -- and I remember, actually, when the apartment building
15 was built.

16 And I wanted to know the years how one building
17 relates to the other. The gas station was built in 1974.
18 The apartment building was built a year later, in 1975.

19 There's been a gas station or auto repair facility
20 at that site since 1921. The thought that I have is that
21 most gas stations do have canopies over it. And I think
22 that it serves a dual purpose. One is to -- for me to

1 protect me from the weather when it's inclement, because you
2 have some protection over you. And I think it also does --
3 it's a valid argument it does protect the equipment.

4 I went to one gas station who does not have a
5 canopy. He does not have self-serve. He does have a
6 rudimentary fire suppression system barely. The -- and I
7 asked him if he would require a canopy, and he actually did
8 get a permit for a canopy, he just never built it.

9 He did say to me that with the new electronic
10 equipment that he does not need a canopy at the present;
11 however, his point of sale is not at the pump. And it is in
12 a remote location.

13 So he said that it is somewhat valid that with the
14 new pumps coming out and the fact that you either scan your
15 card or you put your card in or you wave something, and that
16 executes the sale, that that equipment is somewhat sensitive
17 really to the ice and snow.

18 And we heard that same argument up at the corner
19 of Mount Auburn Street and Aberdeen Ave here last year from
20 that gas station that wanted a canopy, and we granted relief
21 there.

22 Regarding this particular canopy, I was somewhat

1 pleased when I saw the minimalistic nature of it. It is
2 barely high enough just to allow basically a truck to go
3 underneath it.

4 I think the minimal standard may be like 11-foot-
5 six or something, and this is at 12-foot something. And the
6 fact that it didn't have mobile or any kind of glaring
7 signage to it.

8 So the motion that I would make is that the canopy
9 be as presented; not be allowed to have any signage on it
10 and/or coloring, only the -- apparently it's white now, and
11 it should remain as such. And that will reduce its impact
12 on the neighborhood and actually be quite -- well, as
13 stealth as it possibly can. It will also house the fire
14 suppression system and a much-needed, I think updated fire
15 suppression system.

16 So those are my thoughts on it anyhow. Jim, any
17 thoughts from you?

18 JIM MONTEVERDE: No. [Jim Monteverde] I don't
19 have any other comments or questions. Thank you.

20 BRENDAN SULLIVAN: Slater?

21 SLATER ANDERSON: No comments or questions.

22 BRENDAN SULLIVAN: Matina?

1 MATINA WILLIAMS: No comments or questions.

2 BRENDAN SULLIVAN: Jason?

3 JASON MARSHALL: Yes, thanks, Mr. Chair. It seems
4 like our first cases are also almost always the most
5 challenging ones, and I'm finding this one challenging as
6 well in that same light. And I think I have a different
7 view.

8 And I just want to be fair about it the best I
9 can. And, you know, I found the testimony that was given
10 tonight and the letters in the record to be compelling.

11 From my perspective, if this case were solely in
12 front of us as a request for a zoning relief in the form of
13 a variance, as it sounds like it is, I would not be inclined
14 to support granting relief.

15 But -- and here's where state law comes into play
16 for me at least -- I don't think, again at least in this one
17 Board's view -- I don't think we ever reached the question
18 of granting relief given the restraint and the constraint of
19 state law, which I view as controlling here.

20 You know, the use of the proposed canopies, as set
21 forth in the application and presented tonight, it remains
22 the same as a gas station, and it conforms to our bylaws and

1 dimensional requirements, at least as I understand it from
2 the record.

3 So I don't think that the canopies are extending
4 the permitted use or are changing the use in a substantially
5 different manner, you know, consistent with case law.

6 So, again, in my view I think the Board is
7 required under state law to give the applicant the existing
8 use protection that state law requires. And I don't think
9 we have the discretion to act otherwise.

10 So, you know, to sum up I would grant it according
11 to Section -- sorry Chapter 40A Section 6, but I am not
12 inclined to vote in favor of a variance.

13 BRENDAN SULLIVAN: Okay. Let me make a motion,
14 then, to grant the relief requested -- to construct two
15 dimensionally compliant accessory structures over the
16 existing fuel pump islands.

17 The Board finds that a literal enforcement of the
18 provisions of the ordinance would involve a substantial
19 hardship to the petitioner.

20 The Board finds that the construction of the
21 canopies is necessary to shield the fuel pumps to the
22 weather, due to the sensitivity of the computer equipment,

1 and also to provide necessary protection to customers from
2 the site from inclement weather.

3 The Board finds that the hardship is owing to the
4 fact that the property is a preexisting nonconforming gas
5 station that were built with uncovered fuel island prior to
6 the area being zoned for residential use. Hence, the
7 property is encumbered by the change of use by the previous
8 business allowed use to a residential use.

9 The existing uncovered fuel island pumps do
10 require canopies to protect the equipment, as previously
11 stated, and that the new modern fuel pumps coming online
12 have such equipment that we would accept (sic) the
13 presentation to require some protection.

14 The Board finds that desirable relief may be
15 granted without substantial detriment to the public good.

16 The Board finds that the proposed canopies will
17 comply with all the dimensional requirements; will increase
18 the safety and will enable the site to be upgraded and
19 provide additional light screening for the neighbors.

20 The Board finds that desirable relief may be
21 granted without nullifying or substantially derogating from
22 the intent and purpose of the ordinance. The proposed

1 condition of the site will be substantially less detrimental
2 to the neighborhood and the existing condition, which is
3 presently somewhat unappealing with the unshielded light
4 impact and the proposed canopy will promote the safety and
5 reduce the visual impact.

6 I will grant -- make the motion that we will grant
7 the relief requested, provided that the canopies are
8 constructed and maintained as per the drawings submitted,
9 the visual simulations as presented and initialed by the
10 Chair.

11 That there be no signage allowed on the canopies
12 and no coloring on the canopies going forward.

13 Any other conditions from any members of the
14 Board? On the motion then to grant the relief requested for
15 the variance, Jim Monteverde?

16 JIM MONTEVERDE: [Jim Monteverde], I vote yes for
17 the variance.

18 BRENDAN SULLIVAN: Slater?

19 SLATER ANDERSON: Slater Anderson votes yes for
20 the variance.

21 BRENDAN SULLIVAN: Matina Williams?

22 MATINA WILLIAMS: I vote yes for the variance.

1 BRENDAN SULLIVAN: Jason?

2 JASON MARSHALL: Jason Marshall no for the
3 variance, for the reasons stated prior, although I
4 appreciate the Chair's development of the motion. Thank
5 you.

6 BRENDAN SULLIVAN: Thank you. [Brendan Sullivan]
7 votes yes to grant the variance.

8 [FOUR VOTE YES, ONE VOTE NO]

9 The variance is granted.

10 JESSE SCHOMER: Thank you very much, Members.

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(6:53 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: The Board will hear Case Number
106662 -- 599 Mass Avenue, 605 Mass Avenue and 2-12 Essex
Street. Mr. Klasnick?

DANIEL KLASNICK: Yes, good evening Mr. Chair and
members of the Board. Daniel Klasnick, representing Verizon
Wireless to modify this existing facility installed on the
buildings located at 599-605 Mass Ave and 212 Essex Street.

Just by way of a little background, the station
was originally approved by special permit in 2005 with a
prior modification approved by this Board in 2019.

Back in January, Verizon submitted an application
to this qualified Section 6409 eligible facility
modification request. We included in all the normal city
forms and a detailed project narrative, photo simulations.

And then in February at that meeting, there was a
continuance granted.

And then for this continued hearing, a

1 supplemental filing was provided, consisting of revised
2 plans, with a last revision date of 04/02/21 and photo
3 simulations.

4 Just by way of description of what's currently
5 there, Verizon Wireless currently has 12 antennas installed
6 on the buildings and mounted to the side of its rooftop-
7 mounted equipment shelter.

8 Because of the recent construction of the building
9 at 212 Essex Street, the signals from the antennas mounted
10 on the rooftop shelter are being blocked essentially.

11 So to address this issue, and also to enhance
12 network performance, Verizon Wireless proposes to relocate
13 what are designated as the Alpha sector antennas mounted on
14 the rooftop shelter, as I said, to the roof of the adjoining
15 Essex Street building, and then to also add two antennas.

16 [I just realized I had all my video --]

17 So if it would be possible just to scroll down to
18 Sheet Z3, please? Sorry, just a little further up. I think
19 it's one more, perhaps. Or is that C3? Okay, yeah, that's
20 it, I'm sorry. This is the proposed rooftop plan.

21 So what we're proposing to do is -- as I had said,
22 there are four antennas currently mounted on the equipment

1 shelter, and we'll be installing instead four antennas
2 inside the false fiberglass penthouse that will be designed
3 to match the appearance of the building. There will be two
4 remote radio heads installed behind the enclosure.

5 And if we could just move to the next sheet,
6 please?

7 As -- it's a little difficult to see, but on this
8 sheet, Verizon Wireless is also adding two antennas to the
9 other sectors by relocating an existing antenna and
10 installing a new pipe mount. And then they will be
11 basically stacking it.

12 So at the end, we currently have 12 antennas. We
13 will then have a total of 14 antennas installed, with five
14 on these two sectors, and then four located within that
15 penthouse enclosure.

16 I don't know if we can please move to the next
17 sheet.

18 This just provides you with an elevation view. We
19 see on my left anyways that's the proposed fiberglass
20 enclosure.

21 And then to the right are the existing antennas as
22 they will be modified, as I said, to add one additional

1 antenna by stacking it above the other.

2 And then there are just three other elevation
3 views that might be helpful or not to take just a quick look
4 at. That shows -- yeah. So once again, this shows perhaps
5 a little better view of what's being proposed as far as
6 modifying the existing antennas to stack mount them.

7 And then once again also shows the proposed
8 penthouse enclosure on the rooftop of the 212 Essex Street
9 building.

10 And then we did include as well photo simulations.
11 So I don't know if it would be possible just to scroll down
12 to those, and then if we could just look at the actual site
13 location map, it's the next shoot, please?

14 So we've provided four different locations
15 surrounding the structure on Essex, Bishop Ave and then two
16 from Mass Ave. And then the next slide, if you could,
17 please?

18 This is the first view. On the left is the actual
19 view taken from Mass Ave. The antennas are those black
20 boxes up there in the corner.

21 And then if we go to the -- well, it's the same
22 actual -- that's the other one actual view. I don't know if

1 these are in a slightly different order. In any event, so
2 this is actually a depiction of the proposed penthouse
3 enclosure that would be installed on top of the 212 Essex
4 Street building. So what we've tried to do is color it to
5 match the existing penthouse and the building itself.

6 And then I think there was just one further photo
7 simulation. This one's taken from Essex Street showing the
8 installation of the proposed penthouse.

9 So I think what we've tried to do is utilize an
10 existing installation to provide additional service, and
11 also, to address a difficulty with interference resulting
12 from the construction of the 212 Essex Street building by
13 relocating the antennas as I said, off the equipment
14 shelter, into that enclosure to match the texture and color
15 of the building.

16 We feel that this does satisfy all the Standards
17 as well for a Section 6409a modification, and then therefore
18 we just respectfully request the Board grant the requested
19 modification to the special permit.

20 Thank you very much.

21 BRENDAN SULLIVAN: All right, thank you. Any
22 questions by members of the Board? Jim?

1 JIM MONTEVERDE: [Jim Monteverde], one question.
2 You mentioned that the new penthouse, the fiberglass
3 element, will on its exterior face match the color and
4 texture I guess of the existing penthouse on that new
5 building?

6 DANIEL KLASNICK: Yes.

7 JIM MONTEVERDE: Is that correct?

8 DANIEL KLASNICK: That is correct.

9 JIM MONTEVERDE: Yeah. Some of the graphics I
10 think in the presentation kind of show it as a brick --
11 simulated brick. I'm assuming that's not what it is to be?

12 DANIEL KLASNICK: Exactly. Yeah, I had that same
13 exact question. And that's just done for illustration
14 purposes to highlight, I was told, by the A&E firm. So no,
15 it will match the photo simulations to match the appearance.

16 JIM MONTEVERDE: Okay, thank you. No further
17 questions.

18 BRENDAN SULLIVAN: Matina, any questions?

19 MATINA WILLIAMS: No questions at this time.

20 BRENDAN SULLIVAN: Jason, any questions?

21 JASON MARSHALL: Jason Marshall no questions, Mr.
22 Chair.

1 BRENDAN SULLIVAN: Slater?

2 SLATER ANDERSON: No questions.

3 BRENDAN SULLIVAN: And I don't have any questions
4 either. I'll open it up to public comment. Any member of
5 the public who wishes to speak should now click the button
6 that says, "Participants" and then click the button that
7 says, "Raise hand."

8 If you're calling in by phone, you can raise your
9 hand by pressing *9 and unmute or mute by pressing *6.
10 Calling in, you will have up to three minutes to comment.

11 [Pause]

12 It appears that nobody is calling in. I will note
13 that there are no letters of correspondence in the file,
14 there was no correspondence with the Planning Board, which
15 tends to comment on these cases, and there are no
16 correspondence from the Planning Board.

17 So I will close public comment. Any other
18 questions, comments from Counsel?

19 DANIEL KLASNICK: No. Thank you very much, Mr.
20 Chairman.

21 BRENDAN SULLIVAN: Okay. Discussions? Motion?

22 JIM MONTEVERDE: Motion.

1 BRENDAN SULLIVAN: Okay, motion. There are a
2 couple of findings. In reviewing a special permit
3 application for mobile communication facilities -- in
4 particular, the Board of Zoning Appeal shall consider the
5 following in reaching a determination: The scope or
6 limitation imposed by any license secured from any state or
7 federal agency having jurisdiction over such matter.

8 And Counsel, there are no limitations imposed on
9 Verizon, is that correct?

10 DANIEL KLASNICK: That's correct.

11 BRENDAN SULLIVAN: The extent to which the visual
12 impact of the various elements of the proposed facility is
13 minimized. Through your presentation, it shows that there
14 will be as stealth an application as possible for the use of
15 materials that texture and color blend in with the materials
16 to which the facilities are attached.

17 And for the record that the illustrations showing
18 the brick are out there just for highlighting purposes and
19 are not the actual finished product; it will be as per the
20 photo simulations.

21 And there are other effective means to reduce the
22 visual impact of the facility from the site.

1 Also we have to find a number of items for the
2 granting of a special permit. I guess -- 40? Granting a
3 special permit, it appears that the requirements of the
4 ordinance cannot be met without the granting of the special
5 permit.

6 The Board finds that traffic generated or patterns
7 of access or egress would not cause congestion, hazard, or
8 substantial change in established neighborhood character.

9 The Board notes the previous granting of special
10 permits at this location, and also the existing character of
11 the neighborhood has not been adversely affected.

12 The continued operation of or development of
13 adjacent uses, as permitted in the zoning ordinance, would
14 not be adversely affected of the proposed use.

15 There would not be any nuisance or hazard created
16 to the detriment of the health, safety and/or welfare of the
17 occupant of the proposed use, or to the citizens of the
18 city.

19 And for other reasons, the proposed use would not
20 impair the integrity of the district or adjoining district,
21 or otherwise derogate from the intent and purpose of the
22 ordinance.

1 Also there are other findings that we must make.
2 The Board also finds that the modification of its existing
3 telecommunication facility at the site proposed by the
4 petitioner does not substantially change the physical
5 dimensions of the existing wireless tower or base station at
6 such facility within the meaning of Section 6409(a), of the
7 Middle Class Tax Relief and Job Creation Act of 2012, also
8 known as the Spectrum Act.

9 Based on these findings, the Chair moves that the
10 petitioner be granted the special permit subject to the
11 following conditions:

12 That the work proceed in accordance with the plans
13 submitted by the petitioner and initialed by the Chair.

14 That upon completion of the work, the physical
15 appearance and visual impact of the proposed work will be
16 consistent with the photo simulations submitted by the
17 petitioner, and initialed by the Chair.

18 That the petitioner shall at all times maintain
19 the proposed work, so that its physical appearance and
20 visual impact will remain consistent with the photo
21 simulations previously referred to.

22 That should the petitioner cease to utilize the

1 equipment approved tonight for a continuous period of six
2 months or more, it shall promptly thereafter remove such
3 equipment and restore the building on which it is located to
4 its prior condition and appearance, to the extent reasonably
5 practical.

6 That the petitioner is in compliance with, and
7 will continue to be in compliance with in all respects, the
8 conditions imposed by this Board with regard to previous
9 special permits granted to the petitioner with regard to the
10 site in question.

11 Further, in as much as the health effects of the
12 transmission of electromagnetic energy waves is a matter of
13 ongoing societal concern and scientific study, the special
14 permit is also subject to the following conditions:

15 a) That the petitioner shall file with the
16 Inspectional Services Department each report it files with
17 the federal authorities regarding electromagnetic energy
18 waves emissions emitting from all the petitioner's equipment
19 on the site.

20 Each such report shall be filed with the
21 Inspectional Services Department no later than 10 business
22 days after the report has been filed with the federal

1 authorities.

2 Failure to timely file any such report with the
3 Inspectional Services Department shall ipso facto terminate
4 the special permit granted tonight.

5 b) That in the event that at any time federal
6 authorities notify the petitioner that its equipment on the
7 site, including but not limited to the special permit
8 granted tonight, fails to comply with the requirements of
9 law, or governmental regulation -- whether with regard to
10 the emissions of electromagnetic energy waves or otherwise -
11 - the petitioner, within 10 business days of receipt of such
12 notification of such failure, shall file with the
13 Inspectional Services Department a report disclosing in
14 reasonable detail that such failure has occurred, and the
15 basis for such claimed failure.

16 The special permit granted tonight shall ipso
17 facto terminate if any of the petitioner's federal licenses
18 are suspended, revoked or terminated.

19 c) That in the event that a special permit has
20 terminated, pursuant to the foregoing paragraph a) and b),
21 the petitioner may apply through this Board for a new
22 special permit, provided that the public notice concerning

1 such application discloses in reasonable detail that the
2 application has been filed because of the termination of the
3 special permit pursuant to paragraph a) or b) above.

4 Any such new application shall not be deemed a
5 repetitive petition, and therefore will not be subject to
6 the two-year period during which repetitive petitions may
7 not be filed.

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

15 a) he or she has such responsibility, and

16 b) that the equipment being installed pursuant to
17 the special permit we are granting tonight will comply with
18 all federal safety rules, and will be situated and
19 maintained in locations with appropriate barricades and
20 other protections, such that individuals, including nearby
21 residents and occupants of nearby structures, will be
22 sufficiently protected from excessive radiofrequency

1 radiation under federal law.

2 On the motion to grant the special permit, Jim?

3 JIM MONTEVERDE: [Jim Monteverde], I vote in
4 favor.

5 BRENDAN SULLIVAN: Matina?

6 MATINA WILLIAMS: [Matina Williams], I vote in
7 favor.

8 BRENDAN SULLIVAN: Jason Marshall?

9 JASON MARSHALL: Jason Marshall yes in favor of
10 the special service (sic)

11 BRENDAN SULLIVAN: Slater?

12 SLATER ANDERSON: Slater Anderson in favor.

13 BRENDAN SULLIVAN: Brendan Sullivan in favor.

14 [All five vote YES]

15 The special permit is granted on the affirmative
16 vote of five members of the Board.

17 DANIEL KLASNICK: Thank you very much.

18 BRENDAN SULLIVAN: Goodnight.

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(7:09 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: The Board will now hear Case
Number 109493 -- 343.5 Broadway.

SISIA DAGLIAN: You can skip that.

BRENDAN SULLIVAN: Ms. O'Connor?

JIM MONTEVERDE: She disappeared.

SISIA DAGLIAN: Yeah. No, she --

ANGELIKA O'CONNOR: I'm unmuting. All right.

JIM MONTEVERDE: Oh, no there you are.

BRENDAN SULLIVAN: Okay.

ANGELIKA O'CONNOR: Yes. I'm the owner of 343.5
Broadway, a three-floored duplex, a single-family. I've
owned it since 1993. And I'm looking for a change of use
variance from a one-family to a two-family.

The article of 05/26, with regard to a response to
that, I will refer to Alex Van Praagh, the architect. Any
other questions of course, please feel free to ask me. I've
looked a lot into the story of my house and any questions.

1 BRENDAN SULLIVAN: Okay. Just as a background,
2 the -- going through the file I notice that the house is
3 originally a two-family way back.

4 ANGELIKA O'CONNOR: The house was originally in
5 1872 was considered two houses. At some point in 1947, it
6 was separated.

7 There was a conversion -- several conversions
8 doctrines that fell upon the house, and I -- six years ago
9 when I went to apply for this change of use, I was told that
10 I needed to deal with the conversion's doctrine first, and
11 so I hired a prominent lawyer to do that, and that took four
12 years. So now I'm here, and it is actually two separate
13 properties at this point.

14 BRENDAN SULLIVAN: Okay. Let me know for the
15 record.

16 ANGELIKA O'CONNOR: Two duplexes.

17 BRENDAN SULLIVAN: Yeah, let me --

18 ANGELIKA O'CONNOR: 343 and 343.5.

19 BRENDAN SULLIVAN: Right. Let me note for the
20 record that the Zoning Board granted in Case Number 6210
21 back in January 24 of 1991 a special permit to convert the
22 existing two-family dwelling to an office laboratory use.

1 ANGELIKA O'CONNOR: Yes.

2 BRENDAN SULLIVAN: And to park your cars in
3 tandem. So back in 1991, the city.

4 ANGELIKA O'CONNOR: Yes, that never occurred. He
5 never changed it into that use, and it continued as a two-
6 family until now.

7 BRENDAN SULLIVAN: Correct.

8 ANGELIKA O'CONNOR: Yeah.

9 BRENDAN SULLIVAN: So what brings you here is that
10 you would like to take your side --

11 ANGELIKA O'CONNOR: Yes.

12 BRENDAN SULLIVAN: -- and you would create two
13 apartments?

14 ANGELIKA O'CONNOR: Yes.

15 BRENDAN SULLIVAN: And so that you would live on
16 one apartment and --

17 ANGELIKA O'CONNOR: Yes.

18 BRENDAN SULLIVAN: -- according to your
19 application, and then you would rent out the other --

20 ANGELIKA O'CONNOR: Yes.

21 BRENDAN SULLIVAN: -- the second and third floor,
22 or the third floor or something?

1 ANGELIKA O'CONNOR: Yes.

2 BRENDAN SULLIVAN: Or part thereof. And the
3 reason for it is to allow you to stay in the building, to
4 live there and that the additional rental will help defer
5 the expenses and the maintenance and what have you?

6 ANGELIKA O'CONNOR: Yes, the BZA had referred to
7 it last time, "aging in place." [Laughter]

8 BRENDAN SULLIVAN: Yes. We're all doing that.
9 Okay. Anything else to add?

10 ANGELIKA O'CONNOR: No, but with regard to the
11 dimensional form and the questions regarding that, I will
12 refer you to the architect.

13 BRENDAN SULLIVAN: Okay. We'll see if we have any
14 other -- if we have any questions to that nature. Let me
15 ask any members of the Board, any questions at all? Jim?

16 JIM MONTEVERDE: Jim Monteverde. I do have a
17 question. Sisia, do you happen to have the plan? The site
18 plan or floor plan?

19 SISIA DAGLIAN: Yes.

20 JIM MONTEVERDE: So Ms. O'Connor, facing the
21 building, the duplex you want to convert to a two-family is
22 on the left hand side?

1 ANGELIKA O'CONNOR: Yes, it is, yes.

2 JIM MONTEVERDE: Okay. And the dimensional form
3 says that there are two parking spaces?

4 ANGELIKA O'CONNOR: Yes. Those are existing
5 parking spaces. There was in 2016 -- I mean, yeah, 2016
6 there was actually a garage that was behind there. And
7 there has been a lot of evidence of continued use of two
8 cars being parked there.

9 JIM MONTEVERDE: Okay. In other words, two
10 parking spaces for 343.5 Broadway?

11 ANGELIKA O'CONNOR: Well, there are -- on that
12 plan there are four parking spaces; two for 343 and two for
13 343.5 so --

14 JIM MONTEVERDE: Oh, okay.

15 ANGELIKA O'CONNOR: Yes. Each side has two.

16 JIM MONTEVERDE: And your intention is there will
17 be on parking space for each of the units?

18 ANGELIKA O'CONNOR: Yes.

19 JIM MONTEVERDE: If you're granted the opportunity
20 to use -- to convert it to a two-family?

21 ANGELIKA O'CONNOR: Yes.

22 JIM MONTEVERDE: Is that correct? Okay, thank you.

1 No further questions.

2 BRENDAN SULLIVAN: Jason, any questions?

3 JASON MARSHALL: Jason Marshall no questions.

4 BRENDAN SULLIVAN: Matina?

5 MATINA WILLIAMS: Matina Williams no questions.

6 BRENDAN SULLIVAN: Slater?

7 SLATER ANDERSON: No questions.

8 BRENDAN SULLIVAN: Okay, and I have no questions
9 either. Let me open it to the public comment. Any member
10 of the public who wishes to speak should now click the
11 button that says, "Participants" and then click the button
12 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. You
15 will have up to three minutes to speak.

16 SISIA DAGLIAN: Alex, you can speak.

17 ALEX VAN PRAAGH: Okay, thank you. My name is
18 Alex Van Praagh. I live at 95 Antrim Street. I'm the
19 architect who did the drawings that are currently on the
20 screen.

21 I have reviewed the case with Angelika, I think
22 she's presented it well, and basically the variance is

1 required because the house exceeds the FAR. It's an
2 existing condition that would not change. Going from the
3 single to the two-family would not affect the exterior of
4 the house.

5 So I'm just voicing my professional and personal
6 support for this application.

7 BRENDAN SULLIVAN: All right, thank you.

8 SISIA DAGLIAN: Nobody else.

9 BRENDAN SULLIVAN: Nobody else. Then I will --

10 [Pause]

11 JASON MARSHALL: Mr. Chair, I don't know if you're
12 trying to speak, I think you're on mute.

13 BRENDAN SULLIVAN: Oh, okay. Ms. O'Connor, any
14 comments at all?

15 ANGELIKA O'CONNOR: Not that I can think of at the
16 moment. But I would welcome this relief.

17 BRENDAN SULLIVAN: Okay. All right. Comments by
18 the Board, or a motion?

19 JIM MONTEVERDE: Motion, please.

20 BRENDAN SULLIVAN: Article 5.26, Conversion of
21 Dwellings: No new dwelling unit created by the existing of
22 existing dwelling into a number of units or by additional

1 enlargement of an existing dwelling shall be permitted
2 unless the requirements of minimal lot area for each
3 dwelling unit, maximum ratio of floor area, private open
4 space and off-street parking are satisfied for all
5 dwellings.

6 Some of that cannot be satisfied; obviously it's
7 part of a duplex so that some of the requirements obviously
8 cannot be met; hence the request for a variance.

9 Let me make the motion, then, to grant the relief
10 requested to changing of the use of the house from a one-
11 family to a two-family residence, with no exterior
12 alterations.

13 The Board finds that a literal enforcement of the
14 provisions of the ordinance would involve a substantial
15 hardship to the petitioner, because it would preclude her
16 from having a rental apartment in the building.

17 The existing building has grown or is rather
18 excessive for her immediate needs, and requires a lot of
19 upkeep and expenses that the addition of a unit would be
20 helpful to her enormously, to allay those coming expenses.

21 The Board finds that the hardship is related to
22 the fact that it is part of a duplex; hence that it violates

1 a number of the dimensional requirements.

2 The Board notes that at one time it was listed as
3 a two-family residence, and acknowledged so by the city.
4 That there is sufficient parking to accommodate the
5 additional unit.

6 The Board finds that desirable relief may be
7 granted without substantial detriment to the public good,
8 and would not nullify or substantially derogate from the
9 intent or purpose of this ordinance to allow people to
10 remain in their homes to provide housing for people of all
11 income levels and to assist people as they change in life to
12 accommodate their somewhat aging in place and allow them to
13 stay in their property.

14 On those -- for those reasons, I make the motion
15 that we grant the variance. Jason? On the motion.

16 JIM MONTEVERDE: Jason Marshall yes to the relief
17 requested.

18 BRENDAN SULLIVAN: Matina?

19 MATINA WILLIAMS: Yes to the relief requested.

20 BRENDAN SULLIVAN: Slater?

21 SLATER ANDERSON: Yes to the relief requested.

22 BRENDAN SULLIVAN: And Jim?

1 JIM MONTEVERDE: Yeah, Jim Monteverde you say that
2 relief requested.

3 BRENDAN SULLIVAN: And Brendan Sullivan yes to
4 granting of the variance.

5 [All vote YES]

6 BRENDAN SULLIVAN: So the variance is granted on
7 the affirmative vote of five members of the Board. Good
8 luck, Mrs. O'Connor.

9 ANGELIKA O'CONNOR: Okay, thank you very much.

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(7:21 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: The Board will now hear Case
Number 117709 -- 8 Poplar Road. We are returning to the
regular agenda, which was scheduled at 6:30, and the first
case is Poplar Road. Mr. Anderson?

SISIA DAGLIAN: Wait a minute.

DAN ANDERSON: Good evening Madam Chair and
members of the Board. So I appreciate the continuance on
this for the reason of advertising this for the variance for
the increase in nonconforming height.

That is really due to a change in the average
grade due to the addition of a basement egress access stair,
and the special permit for some changes to window openings
and nonconforming setback.

The variance is also due to adding guardrails to
those window wells, which happen to be in the setbacks. And
I'm happy to run through the drawings, if --

BRENDAN SULLIVAN: If you could do so probably

1 very briefly, where the Board is familiar with them. But if
2 you guys want to --

3 DAN ANDERSON: Yeah, I think probably just the
4 site plans, Sisia, if you don't mind, which is the fourth
5 page. So it's an existing three-family remaining. This is
6 a three-family.

7 This shows the location at the front and rear of
8 the window wells proposed. Those are bubbled and shown in
9 red. And then on the left-hand side, the areaway to the
10 basement sprinkler room.

11 The only other place to just refer to quickly is
12 in the proposed elevations, which are down -- yeah, I think
13 next to the last -- two more down, right there. Number 18.
14 And that just shows the slight relocation and reduction in
15 size of one of the window openings, really to avoid a shower
16 location in the bathroom.

17 Trina Murphy is here on the call. She's been in
18 contact as the owner's representative for D&D Homes with the
19 neighbors. So that's had a neighborhood meeting. Trina,
20 would you like to speak to any responses that you've had so
21 far?

22 TRINA MURPHY: Hi. Good evening, everybody. This

1 is Trina Murphy from D&D Homes, as Dan introduced us. And
2 thank you very many, Dan for the explanation.

3 So we had -- we know that we were before the
4 Planning Board earlier and learned that we had a variance as
5 well as a special permit situation, and we deferred to this
6 upcoming meeting.

7 So our communications with the neighbors were
8 early on in preparation for the prior Planning Board
9 meeting, where we just got the changes that were being
10 proposed here tonight.

11 And, you know, there was really more questions
12 about ongoing construction, timelines, but no concerns about
13 the modifications and the special permit and variance
14 request that we have before us tonight.

15 It was all very positive.

16 DAN ANDERSON: Thanks, Trina.

17 TRINA MURPHY: Thank you.

18 BRENDAN SULLIVAN: I might ask Staff to pull up
19 the existing basement plan, and then look at the proposed.

20 So the existing building -- there was access into
21 the basement from all three units, is that correct from an
22 anterior stairway?

1 DAN ANDERSON: That is correct.

2 BRENDAN SULLIVAN: And the proposal -- obviously
3 that interior stairway becomes part of a unit -- of three
4 units.

5 DAN ANDERSON: That is also correct.

6 BRENDAN SULLIVAN: Which eliminates the access
7 into the basement? So in order to get access into the
8 basement, to the common mechanical room, that then
9 necessitates the exterior stairway?

10 DAN ANDERSON: Also correct, yes. So we're
11 relocating just a little bit to the south from where the
12 existing basement access door was from the driveway side
13 that's being moved just -- I guess it's about six feet
14 south.

15 BRENDAN SULLIVAN: I guess the problem that I have
16 is maxing out every square inch of the building from -- you
17 know, the basement all the way up to the underside of the
18 roof, vertically and then also front to back.

19 And obviously that then necessitates having to
20 apply for a variance for that stairway going down. If there
21 was an anterior stairway, as there is now, then obviously
22 you wouldn't have to pop out -- you wouldn't have to put out

1 a stairway, and you wouldn't have to now come back and ask
2 for relief.

3 So it's really sort of maximizing every square
4 inch of that footprint of a building, while you're stepping
5 outside the footprint, actually.

6 I guess the thing that I'm really chagrined about
7 is the infilling of the porches, front and back. But then
8 again, the Building Department's position is that that can
9 be done as-of-right. So that's not part of any relief being
10 sought?

11 DAN ANDERSON: That's correct.

12 BRENDAN SULLIVAN: That's correct.

13 DAN ANDERSON: Yeah. And the relief is due to
14 that areaway, essentially decreasing or lowering the average
15 grade, which is the Building Department's and Zoning
16 criteria for the height of the building. So it's --

17 BRENDAN SULLIVAN: Right now, it's actually over
18 the max height. Max is 35, and you're at 35.3 and you're
19 going up to 38.

20 DAN ANDERSON: That's correct.

21 BRENDAN SULLIVAN: Yeah. Yeah.

22 DAN ANDERSON: So it's a minimum ask, but yes, you

1 are correct in saying that because this is being renovated
2 in this way, that it necessitates a common access to a
3 common sprinkler room and that's pushed back in order to
4 allow greater use of that basement area for living space.

5 BRENDAN SULLIVAN: And so the only way to -- so
6 basically, what you're doing is you're taking what was
7 access into the basement and making it physical market
8 square footage? Marketable square footage units? So.

9 DAN ANDERSON: Right, so yeah, we're not changing
10 the interior footprint of the existing basement; we're
11 essentially adding the mechanical room onto the
12 reconstructed --

13 BRENDAN SULLIVAN: Right.

14 DAN ANDERSON: -- rear porch.

15 TRINA MURPHY: The other thing that's also changed
16 that I wanted to highlight is there was pretty significant
17 reconfiguration of the interior living space -- you know,
18 altering the spaces so they're more conducive to sort of
19 current lifestyles of living.

20 So one of the units does not exist in the basement
21 level at all; it's only on the top floor of the building.
22 So a big part of it -- so even if we were to find, you know,

1 a common space between Unit 1 and Unit 2 into the basement,
2 or access for the sprinkler on the third floor, there is no
3 staircase going from the third floor down to the second down
4 to the first, down to the lower level. So it complicates
5 sort of the new design of the house.

6 BRENDAN SULLIVAN: Yeah. I don't like it, but
7 then again, have to -- my attention has to be to the relief
8 that's being requested and required, so anyhow.

9 Any questions by members of the Board? Comments?
10 Jim?

11 JIM MONTEVERDE: [Jim Monteverde], one question.
12 I didn't find on the -- if it was an existing elevation.
13 What's the height of the -- the existing height in the
14 basement?

15 DAN ANDERSON: The existing height in the basement
16 is just about seven feet. I believe it's seven-one.

17 JIM MONTEVERDE: So you don't have to do anything
18 to it? So it basically counts as floor area now and --

19 DAN ANDERSON: Yes, that's true.

20 JIM MONTEVERDE: -- you're really not adding any
21 floor area to the building in total, correct?

22 DAN ANDERSON: That is correct, yeah.

1 JIM MONTEVERDE: Yeah. Okay. Thank you.

2 BRENDAN SULLIVAN: Slater, any questions?

3 SLATER ANDERSON: No questions.

4 BRENDAN SULLIVAN: Jason?

5 JASON MARSHALL: Jason Marshall, no questions.

6 BRENDAN SULLIVAN: Matina?

7 MATINA WILLIAMS: No questions.

8 BRENDAN SULLIVAN: All right. Let me open it to
9 public comment. Any member of the public who wishes to
10 speak should now click the button that says, "Participants"
11 and then click the button that says, "Raise hand."

12 If you are calling in by phone, you can raise your
13 hand by pressing *9 and unmute or mute by pressing *6 and
14 you will have up to three minutes to speak.

15 [Pause]

16 There appears to be no one calling in. Also there
17 is no correspondence in the files from any concerned
18 citizen. Okay, with that, I will close public comment. Ms.
19 Murphy, could you give us somewhat of a report on the
20 neighbors' comments at all?

21 I know you mentioned about they may have been more
22 concerned about just the construction and obviously dealing

1 with contractors and noise and so on and so forth. Did
2 anybody have any comments at all about the area ways or
3 access into the basement, or if this was going to change the
4 character of the neighborhood at all?

5 TRINA MURPHY: There were no discussions about any
6 change in the character of the neighborhood. I had
7 explained to them that it's a three-unit property now and it
8 will remain a three-unit property.

9 I explained that we have a sprinkler system going
10 in bringing it up to code; that's part of the reason --
11 well, that is the reason why we need this exterior access.

12 I ran through the floor plans with them, so they
13 understood the change in the interior layout versus what we
14 have now. We went over, you know, window placements
15 generally so they understood where their privacy was going
16 to change.

17 And really beyond that there was no comment or
18 discussion further -- any concern at all about what we were
19 planning to do.

20 And it was really how long is the construction
21 going to take, what are the construction hours? You know,
22 how are you managing the dumpster, what are you doing about

1 supplies? You know, things like that. It really was a
2 solely, you know, active construction-based conversation --

3 BRENDAN SULLIVAN: Okay.

4 TRINA MURPHY: -- more than it was any concern
5 about what we're planning to do, what we're proposing to do.

6 BRENDAN SULLIVAN: All right. Okay. Mr.
7 Anderson, anything else to add?

8 DAN ANDERSON: No. Happy to respond to any
9 additional questions. But I think we've covered the ground.

10 BRENDAN SULLIVAN: Okay. Comments by the Board or
11 a motion? No comments?

12 JIM MONTEVERDE: No comments.

13 SLATER ANDERSON: No comment.

14 BRENDAN SULLIVAN: Let me make a motion. There is
15 a -- going to be two motions; a variance to increase the
16 nonconforming height, due to change in the average grade and
17 the addition of window well railings in nonconforming
18 setbacks.

19 The Board finds that a literal enforcement of the
20 provisions of the ordinance would involve a substantial
21 hardship to the petitioner, because it would preclude the
22 petitioner creating direct exterior access to the commonly

1 acceptable sprinkler mechanical room and the window wells at
2 the basement emergency egress windows, as required by the
3 state building code.

4 The hardship is owing to the related shape of the
5 lot and the placement of the existing structure on the lot,
6 which precludes the existing ordinance, and as such the
7 existing building is hampered by the requirements of the
8 current ordinance.

9 The placement of the areaway access stair is the
10 only location not violating the yard setbacks. The
11 placement of the proposed window wells allowing for bedroom
12 emergency egress windows are in the only location that is
13 feasible, vis-à-vis the interior layout. These conditions
14 do not generally affect the zoning district in which it is
15 located.

16 The Board finds that desirable relief may be
17 granted without substantial detriment to the public good,
18 and the Board note that the code does require guardrails at
19 the window wells to provide for safety, and the Board finds
20 that they are visually unobtrusive.

21 The Board finds that desirable relief may be
22 granted without nullifying or substantially derogating from

1 the intent or purpose of the ordinance.

2 The Board finds that the granting of this relief
3 will not substantially derogate from the intent and the
4 proposed increase in height that is due to the minimal
5 change in the average grade, and that no additional stories
6 of change to the existing roof structure is proposed;
7 therefore would not be disturbing open views to the sky,
8 increasing shadow impact, otherwise impacting abutters.

9 On the motion then to grant the variance and the
10 relief sought? Jim?

11 JIM MONTEVERDE: Jim Monteverde in favor of the
12 variance requested.

13 BRENDAN SULLIVAN: Slater?

14 SLATER ANDERSON: Slater Anderson in favor of the
15 variance requested.

16 BRENDAN SULLIVAN: Matina?

17 MATINA WILLIAMS: Matina Williams in favor of the
18 variance.

19 BRENDAN SULLIVAN: Jason?

20 JASON MARSHALL: Jason Marshall yes to the
21 variance.

22 BRENDAN SULLIVAN: Brendan Sullivan yes to

1 granting the variance.

2 [All vote YES]

3 Also a condition of granting the variance is that
4 the work apply with the drawings and also the dimensional
5 forms as submitted and initialed by the Chair.

6 Now on the special permit, the change of openings
7 in a nonconforming structure setback, the Board finds that
8 the requirements of the ordinance cannot be met without the
9 granting of a special permit.

10 The proposed project at 8 Poplar Road improves the
11 existing nonconforming three-family structure within the
12 existing footprint, and proposes no increase in the gross
13 building area.

14 The Board finds that the project includes the
15 installation of a full building sprinkler system, which will
16 be a plus to the residents of the building, and also, the
17 adjoining building having a fully sprinklered building in
18 its midst.

19 The proposed basement window wells serve the code
20 required bedroom emergency egress window regulations and are
21 located in the only location feasible. The left side yard
22 is too narrow, and the right side yard is occupied by

1 parking and unit access and access to the common mechanical
2 room also hampered other locations.

3 The Board finds that traffic generated or patterns
4 of access or egress would not cause congestion, hazard, or
5 substantial change in the established neighborhood
6 character.

7 The Board finds that continued operation of or
8 development of adjacent uses, as permitted in the zoning
9 ordinance, would not be adversely affected by the nature of
10 the proposed use, and that the basement window wells and
11 areaway access stairs create no limitation on existing uses.

12 The Board finds that there would not be any
13 nuisance or hazard created to the detriment of the health,
14 safety and/or welfare of the occupants of the proposed use,
15 or to the citizens of the city by the granting of this
16 special permit, and that the proposed use would not impair
17 the integrity of the district or adjoining districts.

18 On that basis, then, the Board grants the special
19 permit for the change of the openings in the nonconforming
20 setbacks. Jim Monteverde?

21 JIM MONTEVERDE: Jim Monteverde yes in favor of
22 the special permit.

1 BRENDAN SULLIVAN: Slater?

2 SLATER ANDERSON: Slater Anderson in favor of the
3 special permit.

4 BRENDAN SULLIVAN: Matina?

5 MATINA WILLIAMS: Matina Williams in favor of the
6 special permit.

7 BRENDAN SULLIVAN: And then Jason?

8 JASON MARSHALL: Jason Marshall yes in favor of
9 the special permit.

10 BRENDAN SULLIVAN: And Brendan Sullivan yes also
11 to granting the special permit, also with the condition that
12 the work proceed in compliance with the drawings, and also,
13 the dimensional forms as submitted.

14 [All vote YES]

15 The special permit is granted.

16 Now, Mr. Anderson, regarding the other case, which
17 was Case Number 112132, which was the initial one asking for
18 the special permit, I would make a motion then -- or, could
19 you agree to make a motion to withdraw that application?

20 DAN ANDERSON: Yes, without prejudice.

21 BRENDAN SULLIVAN: Okay. Well, they're all with
22 prejudice anyhow if you withdraw it, because it's only run

1 two years --

2 DAN ANDERSON: Yes.

3 BRENDAN SULLIVAN: And it's mute now because the
4 relief has been granted anyhow.

5 DAN ANDERSON: Understood, thank you.

6 BRENDAN SULLIVAN: Okay. So Brendan, Slater, Jim
7 Monteverde, Jason and Matina. I would make a motion then to
8 accept the petitioner's request to withdraw the petition for
9 the special permit Case Number 112132.

10 Slater, on the motion to withdraw?

11 SLATER ANDERSON: Approved.

12 BRENDAN SULLIVAN: Jim Monteverde?

13 JIM MONTEVERDE: Jim Monteverde yes in favor of
14 the motion.

15 BRENDAN SULLIVAN: Jason?

16 JASON MARSHALL: Jason Marshall yes in favor of
17 the motion.

18 BRENDAN SULLIVAN: And Matina?

19 MATINA WILLIAMS: Matina Williams yes in favor of
20 the motion.

21 [All vote YES]

22 BRENDAN SULLIVAN: Great. Okay. The motion is

1 withdrawn. Thank you.

2 DAN ANDERSON: Thank you. Have a good evening.

3 BRENDAN SULLIVAN: Yep. If we could be allowed to
4 have just a five-minute recess for a moment -- I have some
5 paperwork, and we will get onto the next case, which will be
6 Monsignor O'Brien Highway.

7 DAN ANDERSON: Thank you.

8 [BREAK]

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(7:43 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: The Board will hear Case Number
107397 -- 200 Monsignor O'Brien Highway. Mr. Curley?

PHIL SILVERMAN: I'm here for the applicant here.
My name is Phil Silverman. I'm here with Tony Capacetti,
who is the Civil Engineer on the project. And what we're
seeking is a special permit relative to some preexisting
nonconforming parking at 200 Monsignor O'Brien Highway.

And we're seeking to reconfigure the existing
parking lot there, due to some feedback that we received
from the City Staff in the context of a special permit from
the Planning Board for Nuestra, LLC to operate a marijuana
retail facility there.

And so the result -- as Tony's going to go over
the result that we have is five parking spaces in the lot,
and we're really no closer to the side lot than the existing
nonconforming spaces, but there are a lot of safety
enhancements, and it also enhances alternative

1 transportation options.

2 If this sounds somewhat familiar to the Board, it
3 probably should if you've been here for a couple of years.
4 A prior applicant at this same exact site asked for the same
5 relief a couple years back and actually received it.

6 They we were going for a medical marijuana
7 facility, and they obtained the relief, but they didn't
8 proceed forward with the city.

9 And so my client is moving forward now. So we're
10 seeking the exact same relief. And maybe I could just let
11 Tony sort of walk you through it right now.

12 So go ahead, take it, Tony.

13 TONY CAPACETTI: Thank you. Tony Capacetti, Hayes
14 Engineering, 603 Salem Street, Wakefield, Massachusetts. As
15 Phil said, the existing site -- and I think we did provide
16 an existing site plan -- had seven spaces. They were all
17 against the property line to the south or rear of the site.

18 And to the east directly -- I'm sorry, and to the
19 west with a loading zone that was adjacent to the abutter to
20 the east, which is also the same property owner as the
21 proposed project site.

22 In talking with Staff, as we went through the

1 parking requirements, the existing layout is not a great
2 layout. It requires vehicles to back up, occupy portions of
3 the sidewalk to make three-point turns and exit back out to
4 Monseigneur Avenue.

5 So the proposed layout in talking to Staff, which
6 is I believe the next plan, shows four spaces, two being
7 compact, up against the abutting building to the east, which
8 is under common ownership. We try and honor the setback as
9 much as possible, but we are up against that line.

10 And then a handicap space adjacent to the building
11 that is compliant. We provide enough room for turnaround
12 for vehicles to back out and exit kind of head on into
13 Monsignor O'Brien.

14 And then we are now providing bicycle parking as
15 well and to enhance landscaping.

16 The reasons for not occupying the real line is
17 there is a multifamily residential use. So we tried to
18 focus it so the headlights would be towards buildings under
19 the control of the applicant. So that's the reason for the
20 design. We've also accommodated the proposed bicycle lane
21 along Monsignor O'Brien Highway.

22 BRENDAN SULLIVAN: Great. Thank you. Any other

1 comments to present?

2 PHIL SILVERMAN: Not from us, we're all set.

3 BRENDAN SULLIVAN: Okay. Comments from the Board,
4 any questions?

5 PHIL SILVERMAN: No questions.

6 BRENDAN SULLIVAN: Let me open it to public
7 comment. Any members of the public who wish to speak should
8 now click the button that says, "Participants" and then
9 click the button that says, "Raise hand."

10 If you are calling in by phone, you can raise your
11 hand by pressing *9 and unmute or mute by pressing *6.
12 You'll have up to three minutes to speak.

13 SISIA DAGLIAN: Charles Hinds?

14 CHARLES HINDS: Hi. My name is Charles Hinds. I
15 live at 207 Mass Ave/Charles Street in East Cambridge. I'm
16 the current President of the East Cambridge Planning Team.
17 And I'm here to support the application for a special
18 permit. But we actually supported the previous application
19 for the other marijuana facility.

20 Basically as a neighborhood we've had five
21 applications for marijuana facilities, and we've opposed
22 them all except this one. We think it's a perfect place for

1 a retail cannabis establishment, and we would like to give
2 the new Nuestra the support for the parking that they need.
3 Thank you.

4 BRENDAN SULLIVAN: Great. Thank you.

5 SISIA DAGLIAN: I don't see anyone else.

6 BRENDAN SULLIVAN: There appears to be nobody else
7 calling in, and there was no other correspondence in the
8 file, so I will close public comment. Any other comments by
9 the presenter at all?

10 PHIL SILVERMAN: No comments.

11 BRENDAN SULLIVAN: No? Me too. Okay. Discussion
12 by the Board, or a motion?

13 JIM MONTEVERDE: Ready for a motion.

14 BRENDAN SULLIVAN: Motion? Let me make a motion.
15 This is a special permit to reconfigure an existing
16 nonconforming parking lot and locate four on-grade open
17 parking spaces within five feet of the side and rear
18 property lines, but no closer than those previously existed.

19 The Board finds that the requirements of the
20 ordinance cannot be met without the granting of a special
21 permit.

22 The Board finds that traffic generated or patterns

1 of access or egress would not cause congestion, hazard, or
2 substantial change in the established neighborhood
3 character.

4 The Board accepts the presentation that Nuestra
5 sought a special permit from the Planning Board to operate a
6 cannabis retail store at the site.

7 The Cambridge Planning Board, Community
8 Development Department and the Traffic, Parking and
9 Transportation Department recommended alterations to the
10 site, as demonstrated on the enclosed plan to enhance
11 vehicle and pedestrian safety, improve the street front
12 views, and allow for increased sustainable transportation
13 options on the site.

14 The Board finds that continued operation of or
15 development of adjacent uses, as permitted in the zoning
16 ordinance would not be adversely affected by what is being
17 proposed use.

18 The proposed plan reduces the parking impact on
19 the site, and allows substantial improvements to the visual
20 character for the lot safety and the alternative modes of
21 transportation, all of which are positive impacts on the
22 adjacent uses.

1 There would not be any nuisance or hazard created
2 to the detriment of the health, safety and/or welfare of the
3 occupants of the proposed use, or to the citizens of the
4 city.

5 The Board also notes approval by the East
6 Cambridge Planning Team for this particular site and the
7 proposed use.

8 The Board also notes a prior application for
9 modification of the onsite parking plan very similar to the
10 one before us tonight, and the previous application had been
11 also approved by the Board.

12 And the Board finds that the proposed use would
13 not impair the integrity of the district or adjoining
14 district, or otherwise derogate the intent and purpose of
15 the ordinance.

16 That the work be in compliance with the work
17 presented, entitled, "Site Plan #200 Monsignor O'Brien
18 Highway." Initialed by the Chair.

19 Jim Monteverde?

20 JIM MONTEVERDE: Jim Monteverde in favor of the
21 special permit.

22 BRENDAN SULLIVAN: Slater?

1 SLATER ANDERSON: Slater Anderson in favor of the
2 special permit.

3 BRENDAN SULLIVAN: Matina?

4 MATINA WILLIAMS: Matina Williams in favor of the
5 special permit.

6 BRENDAN SULLIVAN: Jason?

7 JASON MARSHALL: Jason Marshall yes in favor of
8 the special permit.

9 BRENDAN SULLIVAN: And Brendan Sullivan yes.

10 [All vote YES]

11 The special permit is granted.

12 COLLECTIVE: Thank you for your time.

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(7:52 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: The Board will hear Case Number
112304 -- 212 Western Avenue. Mr. Von Zabern?

MARKUS VON ZABERN: I'm here. Yes, can you hear
me?

BRENDAN SULLIVAN: Yes.

MARKUS VON ZABERN: Okay. Can you turn to page
11a06 please? Right there. Perfect. Thank you.

I'm Markus Von Zabern, the architect of the
proposed project. I'm just going to read a brief
introductory statement of the project.

Good evening Mr. Chairman and members of the
Board. We're proposed a Chinese restaurant. In order to be
competitive and successful, the owner wants to cook dishes
that are unique and not provided by other restaurants in the
area.

The type of dish is known as a rice pot. Cooking
this type of dish requires more kitchen space to accommodate

1 the rice cooker equipment. We decided to locate the kitchen
2 in the existing basement, which is not used for any purpose
3 and is empty. It has a high ceiling, which is a nine-foot
4 ceiling in parts, and has good natural daylighting in that
5 same area.

6 The basement is a good location for a kitchen. To
7 make the kitchen work perfectly, we need to use more than
8 the 40 percent space allowed for nonresidential use in the
9 Business A3 zone.

10 The area we need is roughly 44 percent, in lieu of
11 the 40 percent. We seek to be able to use the portions of
12 the basement that are unused. Thank you.

13 BRENDAN SULLIVAN: Okay. The Board will note for
14 the record that in 2018 that this Board granted a fast food
15 and takeout variance for this particular property to a
16 previous restaurant, which fell on hard times, and then just
17 never continued. And the 212 depiction is a new
18 establishment; is that correct, Markus?

19 MARKUS VON ZABERN: The --

20 BRENDAN SULLIVAN: How long has the proposed
21 restaurant been at this location?

22 MARKUS VON ZABERN: This is the new -- yes, the

1 answer is yes.

2 BRENDAN SULLIVAN: Yes, okay.

3 MARKUS VON ZABERN: But it's the same owner.

4 They've decided to change the plans a little bit from what
5 was proposed in 2018, but the idea is still the same. In
6 2018, it was about fast food and deliveries. That was the
7 issue, I think.

8 BRENDAN SULLIVAN: Okay. And this one is more --

9 MARKUS VON ZABERN: This one is --

10 BRENDAN SULLIVAN: -- more sit down and geared to
11 the neighbor?

12 MARKUS VON ZABERN: Correct.

13 BRENDAN SULLIVAN: Their neighborhood, rather?

14 MARKUS VON ZABERN: Yes.

15 BRENDAN SULLIVAN: Okay. Okay. And seeing the
16 photos of the existing basement, it has obviously fallen
17 into great disrepair, totally unusable. There is some
18 mechanical equipment there related to the residences, and
19 also, I think to the restaurant. But other than that, the
20 space has really become useless?

21 MARKUS VON ZABERN: Correct.

22 BRENDAN SULLIVAN: Yeah. And not viable until

1 this proposal before us to use with regard to the
2 restaurant. Okay. Any questions by members of the Board?
3 Jason, any questions?

4 JASON MARSHALL: I just had just one question. It
5 looks like on the application, there is -- the first page of
6 the application, there is a box checked that listed Appeals,
7 and I want to just confirm, it seems like that maybe was
8 checked in error? Not really sure what's being appealed.

9 BRENDAN SULLIVAN: I'm sorry, where was that
10 taken?

11 JASON MARSHALL: The cover page for the
12 application?

13 BRENDAN SULLIVAN: Yeah.

14 JASON MARSHALL: I don't know if we can pull it up
15 on the screen here. Okay. Two checks.

16 BRENDAN SULLIVAN: On the application form?

17 JASON MARSHALL: Correct.

18 MARKUS VON ZABERN: Yeah. We're seeking a
19 variance from the rule.

20 JASON MARSHALL: That's it? Solely a variance?
21 You're not appealing a decision of the Inspectional Services
22 Department?

1 MARKUS VON ZABERN: Correct.

2 JASON MARSHALL: Okay.

3 MARKUS VON ZABERN: Yeah, yeah, that's correct.

4 BRENDAN SULLIVAN: I think it was incorrectly
5 marked.

6 JASON MARSHALL: Just wanted to confirm that.
7 Thank you.

8 BRENDAN SULLIVAN: Yeah, okay. Matina, any
9 questions?

10 MATINA WILLIAMS: Not at this time.

11 BRENDAN SULLIVAN: Slater?

12 SLATER ANDERSON: No questions.

13 BRENDAN SULLIVAN: Jim?

14 JIM MONTEVERDE: [Jim Monteverde], I have one
15 question, maybe two. Is there a difference in the seating
16 count between the restaurant now and the restaurant in its
17 proposed configuration? Will you increase the number of
18 seats?

19 MARKUS VON ZABERN: This proposal has a number of
20 seats. There was no -- you mean the 2018 version?

21 JIM MONTEVERDE: Yeah. I saw a plan. I could
22 basically count in the existing condition I think I could

1 count seats versus the proposed condition where I could
2 count seats again. And it looked like there was just an
3 increase in seating capacity in the proposed iteration.

4 MARKUS VON ZABERN: Which seat -- maybe -- let's
5 see -- yeah, can you go one seat up? Yeah. In this drawing?
6 So what -- this is what we're proposing.

7 JIM MONTEVERDE: Right.

8 MARKUS VON ZABERN: There was nothing -- there was
9 a pizza restaurant there prior.

10 JIM MONTEVERDE: Right, okay.

11 MARKUS VON ZABERN: Now this is the seating we're
12 proposing.

13 JIM MONTEVERDE: Okay. And you don't have any
14 requirement for parking? You don't need any relief for
15 parking?

16 MARKUS VON ZABERN: No, it's no change to any
17 exterior, except for signage. Yeah. There's no parking
18 change. Yeah, their street --

19 JIM MONTEVERDE: Right. There was no parking
20 previously, there is no parking now.

21 MARKUS VON ZABERN: No.

22 JIM MONTEVERDE: Yeah, okay.

1 MARKUS VON ZABERN: There's parking for the
2 residents, I understand. I think there's three spaces for
3 the business, but there's no change to the parking proposed.

4 JIM MONTEVERDE: Okay, thank you.

5 BRENDAN SULLIVAN: Let me open it to public
6 comment. Any member of the public who wishes to speak
7 should now click the button that says, "Participants," and
8 then click the button that says, "Raise hand."

9 If you are calling in by phone, you can raise your
10 hand by pressing *9 and unmute or mute by pressing *6. It
11 appears that nobody is calling in, and there is also no
12 correspondence in the file from any interested member of the
13 public. So therefore I will close public comment. Anything
14 else to add, Marcus, at all?

15 MARKUS VON ZABERN: It's not -- the primary
16 argument is that we're -- we want to use the unused space.
17 The basement has a complex structure. If you look at the
18 actual proposed kitchen space, if it was efficiently laid
19 out in an empty space, it would be under 40 percent.

20 A lot of it's just corridor space that happens to
21 be in the kitchen. So -- but the main argument is the
22 unused space, using it.

1 BRENDAN SULLIVAN: Okay. Any questions or
2 comments by the Board, or a motion?

3 JIM MONTEVERDE: Ready for a motion.

4 BRENDAN SULLIVAN: Let me make a motion then to
5 grant the relief requested, which will be to use the
6 existing basement space as per the plan and the limitations
7 presented in the application of the drawings and the
8 dimensional form.

9 To allow the use of that basement area as defined
10 for commercial use, which will exceed the 40 percent
11 restriction on Article 4.

12 The Board notes that the 40 percent will be
13 increased by 10 percent to approximately 44 percent.

14 The Board finds that a literal enforcement of the
15 provisions of the ordinance would involve a substantial
16 hardship to the petitioner.

17 The Board finds that the existing basement is not
18 used for any valid purpose, except for some mechanical
19 equipment related to the restaurant and to the residents.

20 That the vast majority of the basement area has
21 fallen into great disrepair, has become somewhat useless,
22 and of no value to either the residences or to the kitchen

1 in its current -- I'm sorry, to the restaurant -- in its
2 current condition.

3 The entire basement ceiling is over seven feet,
4 and the rear portion is at nine feet. The -- in order for
5 the business to be viable and to produce a product of pot
6 rice warmers that the unused space in the basement would be
7 required for the kitchen cooking equipment and food
8 preparation.

9 The hardship is owing to the fact that the premise
10 is a preexisting nonconforming use and similar encounter
11 with other buildings in the neighborhood.

12 The Board finds that the use for the restaurant
13 was granted by a previous Board at this location. The
14 proposed work will utilize an unused space in the basement.

15 And that due to the haphazard location of existing
16 structural elements throughout the basement, a significantly
17 larger than typical portion of the plan if counted as
18 nonresidential is dedicated to corridors and circulation,
19 whereas the expansion of an actual functional kitchen space
20 is somewhat minimal and does without affecting the use and
21 operation of the residences.

22 Desirable relief may be granted without either the

1 substantial detriment to the public good, and relief may be
2 granted without nullifying or substantially derogating from
3 the intent and purpose of the ordinance, to allow for a
4 restaurant to become viable with the -- allowing the use of
5 what is now useless space in a basement.

6 On that motion, and that the work comply with the
7 dimensional requirements -- I'm sorry, the dimensional form
8 and the drawings are submitted with the application and
9 initialed by the Chair.

10 On the motion to grant the variance, Matina?

11 MATINA WILLIAMS: Yes to the variance.

12 BRENDAN SULLIVAN: Jason?

13 JASON MARSHALL: Jason Marshall yes to the
14 variance.

15 BRENDAN SULLIVAN: Slater?

16 SLATER ANDERSON: Slater Anderson yes to the
17 variance.

18 BRENDAN SULLIVAN: Jim?

19 JIM MONTEVERDE: And Jim Monteverde yes to the
20 variance.

21 BRENDAN SULLIVAN: And Brendan Sullivan yes on the
22 affirmative vote of five members of the Board. The variance

1 is granted. Good luck.

2 MARKUS VON ZABERN: Thank you.

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(8:06 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: The Board will hear Case Number
113723 -- 63 Orchard Street.

LAUREN STEWART: Hi. I'm Lauren Stewart. I'm the
owner of 63 Orchard Street. I'm here with James Sullivan,
who is the contractor and can describe the project, if you'd
like?

BRENDAN SULLIVAN: Yes.

JAMES SULLIVAN: Hello. I'm James Sullivan. We
are looking to construct a one-story addition on the west
side of 63 Orchard Street.

We're within all our setbacks. What we're doing
with this is going slightly over on our FAR calculations.

The existing conditions, we are at 0.495. The
requirements are 0.5, and we're looking for 0.51. The one-
story addition is for a half bath in the first floor and a
closet when you're coming in the front entrance.

BRENDAN SULLIVAN: Okay. Staff can pull up.

1 Okay, if you want to run this through, Jim?

2 JAMES SULLIVAN: So as you come in the entryway on
3 the left-hand side, the walk-in closet, and then the powder
4 room on the left, which is connected. We bump out five feet
5 and go 19.58 feet long. Coming in a foot from the corners,
6 and bumping out a foot from the existing houses.

7 The existing side setbacks on the left of the
8 house are 14.7, and we would reduce that to 13.6. We're
9 still within the 7.5 or the sum of 20 on both sides.

10 On the newer street side, we're at 10.14. So if
11 you -- just calculating both of them together, we're at over
12 23 feet combined after the addition would be done, if
13 granted.

14 And it's a one-story addition. There used to be
15 some windows on that side of the house that got closed up,
16 and we're looking to keep the existing locations.

17 The small bump out that's facing Orchard Street
18 from the dining room has a small window too, which we would
19 relocate to the front of the walk-in closet, and just
20 keeping with the architectural integrity of the house and
21 the neighborhood as best we can to make it blend in as much
22 as possible.

1 BRENDAN SULLIVAN: So that new window faces
2 Orchard Street?

3 JAMES SULLIVAN: Yeah. There's a small one facing
4 Orchard Street. And existing right now there is that window
5 that's facing Orchard Street. It's also facing Orchard
6 Street, just set back in the dining room bump out.

7 BRENDAN SULLIVAN: Okay.

8 JAMES SULLIVAN: And then two windows facing the
9 neighbors' side.

10 BRENDAN SULLIVAN: All right, okay. But it's not
11 within the side yard setback anyhow, so okay.

12 JAMES SULLIVAN: No.

13 BRENDAN SULLIVAN: Yep, all right. All right.
14 Anything else to add? If we could just see the elevation?
15 Probably the --

16 JAMES SULLIVAN: I think it might have been page 2
17 was the elevation.

18 BRENDAN SULLIVAN: Okay. And the picture of the
19 house up one slide if we could? And so it goes on the left
20 side there, where that window there has been blanked out.

21 JAMES SULLIVAN: Correct, yes.

22 BRENDAN SULLIVAN: Okay. All right. Any

1 questions by members of the Board?

2 JIM MONTEVERDE: Okay. Hearing none, let me open
3 it to public comment. Any members of the public who wish to
4 speak should now click the button that says, "Participants,"
5 and then click the button that 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. We
8 appear to have nobody calling in. There are some letters in
9 the file.

10 There is a letter of correspondence from Cheryl
11 Levy, L-e-v-y, to Maria Pacheco.

12 "This note is in support of the zoning variance
13 requested by Lauren Stewart at 63 Orchard Street. I own the
14 house next door at 65. I have no questions or concern about
15 the request, and believe it will be a wonderful addition to
16 the house."

17 There is correspondence from Hugh White at 8
18 Miller Avenue. This is in relation to the Zoning Board
19 meeting.

20 "We fully support the addition project at 63
21 Orchard."

22 There is correspondence from Deborah Fox, F-o-x.

1 "I am a homeowner at 35 Blake. I have no objection to the
2 zoning relief requested -- Deborah Fox."

3 And that is the sum and substance of the
4 correspondence. I will close the public comment and public
5 input part of the hearing. Any questions by members of the
6 Board or a motion?

7 JIM MONTEVERDE: Ready for a motion.

8 BRENDAN SULLIVAN: Okay. It appears that this is
9 being very tastefully done. It's a lovely house.

10 Okay, the Board finds that a literal enforcement
11 of the provisions of the ordinance would involve a
12 substantial hardship to the petitioner, because it would
13 preclude the petitioner from providing a half bathroom
14 toilet room in the first floor of the house, which is very
15 much needed and desirable in today's current standards.

16 And that the location of the proposed will fit in
17 very nicely with the existing house, in location and also in
18 style.

19 The hardship is owing to the fact that it's an
20 existing structure, predates the existing ordinance, and is
21 encumbered by the ordinance.

22 That the relief of 0.1 floor area ratio is quite

1 de minimis, and is a fair and reasonable request by the
2 petitioner.

3 The Board finds that desirable relief may be
4 granted without substantially derogating from the public
5 good, and that architecturally, the addition will blend in
6 with the house and the neighborhood, creating a seamless
7 design.

8 The Board finds that desirable relief may be
9 granted without nullifying or substantially derogating from
10 the intent and purpose of the ordinance.

11 On the motion to grant the relief requested, that
12 the work comply with the drawings as submitted, entitled,
13 "proposed addition and renovation 63 Orchard Street" and
14 dated 01/04/21 and initialed by the Chair with the
15 supporting dimensional forms attached. Jim?

16 JIM MONTEVERDE: Jim Monteverde voting in favor of
17 the variance.

18 BRENDAN SULLIVAN: Jason?

19 JASON MARSHALL: Jason Marshall yes to the relief
20 requested.

21 BRENDAN SULLIVAN: Matina?

22 MATINA WILLIAMS: Matina Williams yes to the

1 variance.

2 BRENDAN SULLIVAN: Slater?

3 SLATER ANDERSON: Slater Anderson yes to the
4 variance.

5 BRENDAN SULLIVAN: Brendan Sullivan yes.

6 [All vote YES]

7 On the affirmative vote of five members of the
8 Board. The variance is. Good luck.

9 JAMES SULLIVAN: Thank you.

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(8:15 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: The Board will now hear Case
Number 110457 -- 152 Charles Street.

JORDAN SMITH: Good evening. I'm Jordan Smith
with Sullivan and Worcester here with my colleague, Jen
Schultz (phonetic) as well as the Development Team Ryan and
Matt, and the architects still.

We are here to talk about an addition to an
addition to a preexisting nonconforming two-family structure
at 152 Charles Street.

And going through what is required in terms of our
addition, we are putting -- everything in this addition is
going to be dimensionally conforming, and there are existing
nonconforming aspects of the current structure has to do
with the front, side and rear setbacks, as well as there not
being sufficient open space and FAR.

And in the -- pursuant to the zoning provision,
any alterations or expansions of the preexisting

1 nonconforming structure require a finding of the change now
2 being substantially more detrimental to the neighborhood.

3 Even though state law Chapter -- MGL Chapter 48
4 Section 6 and Bellalta nevertheless discussed the deeds are
5 allowed as of right, to be just as cautious and by the book
6 with the Cambridge Zoning ordinance if possible.

7 We are here to make the case that this is actually
8 an improvement to the existing structure, what we'll be
9 doing as planned and Phil will walk through in a moment is
10 removing an accessory five-car garage that causes a number
11 of nonconforming aspects on the site, including the rear
12 setback and side setback and open space, and providing for
13 an addition to the back of the existing two-family
14 structure.

15 The new structure both will -- so the existing
16 structure will then be one unit, and these alterations and
17 the addition will be as well one unit.

18 And by doing this with the completely conforming
19 addition to the structure, we'll be reducing nonconformities
20 in the site just down to two conditions; the front yard
21 setback for the existing front of the house, and the left
22 side yard setback as well, which is from the existing house.

1 In terms of the improvements to the neighborhood,
2 it will be to create open space. There's currently no open
3 space on the site, given that it's all covered with dry wood
4 and the five-car garage, and removing a number of these
5 nonconformities and providing for a more conforming
6 structure to the site.

7 So with that, I'll pass it on to Phil, who can
8 walk through a bit more of the design.

9 PHILIP SIMA: Thanks, Jordan. I'm -- I'm being
10 told, "The host disabled participant screen sharing." I'm
11 not sure if I have that ability.

12 JORDAN SMITH: Well, I built it's up.

13 PHILIP SIMA: It's up.

14 JORDAN SMITH: -- on the screen, and so maybe
15 Sisia can move through the slides for you?

16 PHILIP SIMA: Sure. Yeah, so as Jordan said,
17 we're basically removing the five-car garage that is in
18 back. And if you click on slide number 2 you can kind of
19 see the existing condition.

20 So it's a masonry structure in the rear, and a
21 structure that's kind of in disrepair now, with existing
22 windows that weren't really in line with the original

1 historic nature of the property.

2 So you can kind of just go maybe to slide 5 on
3 that. That really shows the -- what we're doing in terms of
4 the overall massing and zoning.

5 So we're keeping the existing building, digging
6 down into the basement, and then having two finished floors
7 above that.

8 As Jordan mentioned, all the addition is
9 compliant. You can see the kind of lighter region in the
10 rear, that's the addition. So it's within the setbacks.

11 And then now we're providing for the space the
12 kind of adequate green space in terms of private green space
13 and shareholding space, and two surface-level parking spots
14 that are also compliant with all kind of dimensional
15 requirements with Cambridge parking.

16 If you go down to page 8, that just kind of
17 briefly gets into the plans. So we're adding a finished
18 basement area on the addition side and on the original side.
19 The ground story is basically all your kind of kitchen,
20 living and dining.

21 We worked with the Historical Commission as well
22 as abutters throughout this process to kind of change the

1 location of the entrance to the second unit, in terms of
2 privacy and just kind of flow. So now that's kind of coming
3 in closer to the rear.

4 But we think it's a good fit, and maybe if we go
5 to page 9 that just shows the second floor is really where
6 all the kind of bedrooms are -- master bedrooms and normal
7 bedrooms.

8 And then we started on the addition with a roof
9 deck. We kind of pulled that back with input from historic,
10 and we're maintaining a roof deck on the addition, and we've
11 kind of lowered the roof and worked with abutters on both
12 sides to make sure that, you know, there's no encroaching
13 shadows and kind of not conflicts with privacy.

14 And we're kind of still finalizing that, but we
15 think we've come to a really nice solution.

16 Page 10 has some of the elevations showing that
17 we're kind of restoring this existing building to its
18 historic nature. Right now there are kind of holes for air
19 conditioning units. But we're removing all that. And then
20 you can see the kind of -- the addition in the back, which
21 is going to be kind of modified and lowered for the proposed
22 plan.

1 And then page 11 shows again we're removing some
2 windows that are on the existing building, which is on the
3 left side, just because they're on the property line, which
4 wouldn't be allowed by code now to have those windows. And
5 it also really helps with the privacy with the abutters.

6 And then minimizing all the windows on the
7 addition, which is on the right side. Just we're kind of
8 making it smaller and higher on that ground floor, to again
9 allow for more privacy between the neighbors.

10 And then the final image is on the elevation,
11 basically showing that we've kind of tried to pattern or
12 match the fenestration rhythm between the addition and the
13 original building -- that was with the input from historic.
14 And we think it was a really nice outcome.

15 And I think that's the kind of overview that I
16 have. And I'm happy to kind of open it up to input from
17 others or questions.

18 RYAN WITTIG: I did want to note that we did make
19 some changes to the roof line, the roof deck area that you
20 submitted on Monday, that were as a result of discussions
21 with the neighbors, which I don't think is being presented
22 here.

1 So I just wanted to make a note that the roofline
2 was -- the floor was lowered by one foot on the first floor,
3 which lowered the overall height of the building, and the
4 picture that you're looking at here, the roof deck was kind
5 of shaved down on the -- after the head house portion to
6 lower the shadow, lower the effective roof height and
7 diminish shadows.

8 I just want to make sure that it was noted that we
9 had submitted updated plans on Monday, and that those were
10 slightly different than what's being shown here, but only on
11 the roof part.

12 BRENDAN SULLIVAN: Thank you. Any questions by
13 members of the Board?

14 JIM MONTEVERDE: No questions. Thank you.

15 BRENDAN SULLIVAN: None? And I have no questions.
16 Let me open it to public comment. Any members of the public
17 who wish to speak should now click the button that says,
18 "Participants," and then click the button that says, "Raise
19 hand."

20 If you are calling in by phone, you can raise your
21 hand by pressing *9 and unmute or mute by pressing *6, and
22 you will have up to three minutes to speak.

1 SISIA DAGLIAN: Liz Barbosa?

2 LIZ BARBOSA: Hello, everyone. Hope everybody's
3 having a nice evening.

4 BRENDAN SULLIVAN: Thank you. My name is Liz
5 Barbosa. My Dad, Lou Barbosa, is the owner of 158-160
6 Charles Street. We've been in constant communication with
7 Brian, and the one concern we have -- it was kind of a late
8 concern, it was Wednesday night where we had a meeting with
9 one of the windows that's facing our side, the last window
10 on the left, which is in the bedroom.

11 My parents had a concern of privacy. It's kind of
12 right -- our yard is open, kind of facing into that. So we
13 were just requesting -- and I spoke to Ryan about this, and
14 he knows either have it eliminated, or kind of something
15 higher, rectangle, obviously for light purposes.

16 The other two windows, the ones on the right and
17 then the middle, one is in the stairway, and one is in a
18 hallway, so we weren't too concerned about privacy in that
19 regard because, you know, you're not really kind of hanging
20 out versus you're really spending so much time in the
21 bedroom.

22 We're asking for consideration with this.

1 Otherwise, we completely approve of that project, and we've
2 been in great communication with one of the owners, Ryan.
3 So I'm just hoping you take that into consideration.

4 BRENDAN SULLIVAN: Okay, thank you.

5 LIZ BARBOSA: Thank you.

6 BRENDAN SULLIVAN: Anybody else wish to comment?

7 SISIA DAGLIAN: Yes. Adriana Esposito?

8 ADRIANA ESPOSITO: Yes, good evening. This is
9 Adriana Esposito. We also have been in communication with
10 Ryan, and so -- well, anyway, my husband was a little bit
11 concerned that when the new building is being put up, we
12 have two garages next to the existing garages that they're
13 going to knock down.

14 We were wondering if we could eventually build on
15 top of it, since the new owners are going to build on the
16 side. So that was a little bit of a concern of ours.

17 Everything else I did speak with Ryan, and he has
18 promised that the snow removal is going to be taken care of,
19 the noise is going to --

20 SISIA DAGLIAN: 30 seconds.

21 ADRIANA ESPOSITO: Yes?

22 BRENDAN SULLIVAN: You have 30 seconds left.

1 ADRIANA ESPOSITO: That's -- the main concern is
2 if we can build eventually on our site?

3 BRENDAN SULLIVAN: Well, we can't answer that
4 question for you, you'd have to come down with a plan and
5 run it by the Building Department. That's not a -- we can't
6 give you an answer tonight on that.

7 ADRIANA ESPOSITO: No, because if -- we do need an
8 okay. I mean, I -- we don't want to come two years from now
9 and then we are going to be told that we cannot build on top
10 of our garages because of the new construction.

11 BRENDAN SULLIVAN: Again, we would need a plan.
12 That's not an -- we can't give you a definitive answer on
13 that question tonight, whether or not you can or cannot
14 build on top of the garage.

15 ADRIANA ESPOSITO: But just to let you know that
16 this was our concern.

17 BRENDAN SULLIVAN: Okay. All right. Thank you.

18 ADRIANA ESPOSITO: Thank you.

19 SISIA DAGLIAN: Charles Hinds?

20 CHARLES HINDS: Hi, it's Charles Hinds again,
21 President of the East Cambridge Planning Team. I live at
22 207.5 Charles Street in East Cambridge. I'm here to speak

1 in support of granting a special permit to 152 Charles
2 Street.

3 The applicants came down to the ECPT on March 24,
4 and we thought this was a great project that's going to save
5 and restore an 1854 single-family back to how it was
6 originally -- create another unit, and we just think it's a
7 great project.

8 They've worked hard on this with the Cambridge
9 Historical Commission. We also wrote a letter of support to
10 the CHC and recommended granting a certificate of
11 appropriateness to the project, and we'd just like to see
12 this project happen. We think it's going to be an asset to
13 the neighborhood. Thank you.

14 BRENDAN SULLIVAN: Thank you for calling in.

15 SISIA DAGLIAN: That's it.

16 BRENDAN SULLIVAN: That's the end of the people
17 calling in. There was correspondence from the historical.

18 "The Cambridge Historical Commission hereby
19 certifies pursuant to Mass Historical District Act and the
20 Cambridge historical buildings and the Landmark Ordinance
21 that the work described below is not incongruous to the
22 historical aspect or architectural character of the building

1 or the district to renovate the existing two-family house on
2 a single-family house, demolish the existing five-bay garage
3 at the rear of the lot, and construct an attached single-
4 family townhouse in the rear of the lot.

5 "Work is to be carried out as indicated on the
6 plans by Dallas Architects, Title 152 Charles Street and
7 dated March 20, 2021.

8 "Approval was granted on the following conditions:
9 That the window pattern on the historic front house be two
10 over two, double hung sash. That the construction details,
11 including the cladding and trim of the front unit be
12 delegated to the Staff for review and approval.

13 "That the final height and width of the stair of
14 the rear unit be delegated to the Staff for review and
15 approval. And the approved plans and specifications are
16 incorporated by reference into their certificate.

17 "The date of certificate is April 13. If --
18 their case is #4486 and the date of certificate is April 13,
19 2021, and by Suzanna Tobin.

20 "Additionally, noting that there was a new set of
21 drawings, and that the Historical had referenced a previous
22 drawing, I checked today with Sarah Birx as to whether or

1 not they had seen the latest submittal. There was a
2 correspondence in the file dated May 27 at 257.

3 "Maria just got off the phone with Brendan
4 Sullivan. He was checking to make sure Historical had seen
5 the latest set of plans for Case Number 110457 re: 152
6 Charles Street.

7 "The applicant did check with us before submitting
8 the revised set for his zoning hearing. The changes have
9 been approved by the Historical Staff, and do not need to go
10 back to the Historical Commission."

11 So that answers my query on their approval. So
12 they have approved the latest set of drawings. And that is
13 the sum and substance of correspondence, and I close public
14 comment portion. Anything else to add, Ryan or Jordan or
15 anybody?

16 COLLECTIVE: No.

17 BRENDAN SULLIVAN: No?

18 JORDAN SMITH: Thank you.

19 BRENDAN SULLIVAN: Any questions by members of the
20 Board?

21 JIM MONTEVERDE: No questions.

22 BRENDAN SULLIVAN: Ready for a motion?

1 JIM MONTEVERDE: Ready.

2 BRENDAN SULLIVAN: This is a request for a special
3 permit to remove the five-car garage and construct a
4 conforming addition to an existing, nonconforming two-family
5 residence.

6 The Board finds that the requirements of the
7 ordinance cannot be met unless we grant the special permit.

8 The Board notes that Massachusetts General Laws,
9 Chapter 40A Section 6 does grant unique protection to
10 existing, nonconforming one and two-family structures,
11 provided that any alteration does not increase the
12 nonconforming nature of the existing structure.

13 The proposed addition to 152 Charles does not
14 increase the nonconforming nature of the structure, reduces
15 the nonconforming nature of the property, and is not more
16 detrimental to the neighborhood, and therefore only requires
17 a finding that the proposed addition is not substantially
18 more detrimental to the neighborhood than the existing
19 structure.

20 The Board also finds that traffic generated or
21 patterns of access or egress would not cause congestion,
22 hazard, or substantial change in the established

1 neighborhood character.

2 The Board finds that the proposed development will
3 not alter access or egress because the existing curb cut
4 will not change. No increase in congestion or hazard will
5 be created by the addition because of the number of dwelling
6 unit remains the same.

7 The Board finds that continued operation of or
8 development of adjacent uses, as permitted in the zoning
9 ordinance, would not be adversely affected by the nature of
10 the proposed use for the following reasons: The driveway
11 curb will remain. Existing traffic patterns will also
12 remain the same.

13 The proposed parking space is reduced from five to
14 two will remain in the same general location as the existing
15 parking spaces.

16 The proposed addition will conform to the
17 dimensional requirements of the district and the amount of
18 open space on the property will be increased.

19 The Board finds that there will not be any
20 nuisance or hazard created to the detriment of the health,
21 safety and/or welfare of the occupants of the proposed use,
22 or to the citizens of the city.

1 Also notes the approvals from the East Cambridge
2 Planning Team and also the Cambridge Historical Commission.

3 The Board finds that the special permit is to be
4 granted, provided it is in compliance with the drawings as
5 submitted, which are dated May 2021, submitted on May 24 and
6 initialed by the Chair, with also the supporting dimensional
7 form.

8 On the motion, then, to grant the special permit,
9 Jim Monteverde?

10 JIM MONTEVERDE: Jim Monteverde in favor of the
11 special permit.

12 BRENDAN SULLIVAN: Jason?

13 JASON MARSHALL: Jason Marshall yes in favor of
14 the special permit. Mr. Chair, I just want to note that I
15 agree with Attorney Smith's view that MGL Chapter 40A
16 Section 6 in the Bellalta case will allow this piece project
17 to proceed as-of-right, but I do vote yes to the special
18 permit. Thank you.

19 BRENDAN SULLIVAN: Thank you. Matina?

20 MATINA WILLIAMS: Matina Williams, yes to the
21 special permit.

22 BRENDAN SULLIVAN: And Slater.

1 SLATER ANDERSON: Slater Anderson yes to the
2 special permit.

3 BRENDAN SULLIVAN: And Brendan Sullivan yes,
4 making it five affirmative votes to grant the special
5 permit.

6 [All vote YES]

7 Good luck.

8 CHARLES HINDS: Thank you.

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(8:36 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: The Board will now hear Case
Number 116860 -- 101 Antrim Street.

MALVINA LAMPIETTI: Good evening. Malvina
Lampietti, Architect, representing Judith Ryan and Cara
Presseau, owners of 101 Antrim Street. Thank you for your
time this evening.

We're seeking a special permit for -- to extend an
existing third floor dormer for purposes of bringing an
existing stairwell up to code, and to provide head room and
a proposed bathroom on the third floors.

Are the drawings available? Okay. So just to run
through these quickly, photographs of 1 Antrim Street, and
then the view from Fayette Street.

Next slide.

The proposed stairwell where we need relief for
the headroom and the section of the dormer from the deck.

Next slide, please?

1 Preexisting, nonconforming site.

2 JIM MONTEVERDE: Can you stop for a question?

3 BRENDAN SULLIVAN: Sorry?

4 MARVINA LAMPIETTI: Yes.

5 BRENDAN SULLIVAN: Yes.

6 JIM MONTEVERDE: Can you stop for a question?

7 BRENDAN SULLIVAN: Yes. Mr. Monteverde has a
8 question.

9 JIM MONTEVERDE: This is Jim Monteverde.

10 MARVINA LAMPIETTI: Yes.

11 JIM MONTEVERDE: Before you get too far in your
12 presentation, the question I want to ask you is on our
13 agenda, and the question is really, Sisia, is if the public
14 notice is the same as the agenda?

15 It says that the relief is requested to extend a
16 nonconforming third-floor dormer to bring the existing
17 stairwell up to code?

18 MARVINA LAMPIETTI: Yes.

19 JIM MONTEVERDE: I think what you presented in the
20 beginning is actually correct. But my question is, is that
21 the way it's advertised? In other words, you really are
22 extending the dormer for the bathroom and the stair?

1 MARVINA LAMPIETTI: Yes.

2 JIM MONTEVERDE: And I'm just asking if that's
3 material?

4 MARVINA LAMPIETTI: So we're -- I guess I'm
5 confused by the question. Is the question to me is that
6 material?

7 JIM MONTEVERDE: No, to the Board, to the Chair?

8 MARVINA LAMPIETTI: Yes.

9 BRENDAN SULLIVAN: In other words, is it complete?
10 Is that what you're basically saying, Jim?

11 JIM MONTEVERDE: If it's misadvertised. It
12 doesn't say that this is --

13 BRENDAN SULLIVAN: Yeah. I mean, I suppose it
14 could have said, "to bring the existing stairwell up to code
15 and --

16 JIM MONTEVERDE: Bathroom, just as you presented
17 it.

18 BRENDAN SULLIVAN: -- additional bathroom" or
19 something, but, I mean, I don't necessarily have a problem
20 with it.

21 I think that the structure is -- the structure if
22 anybody had any problem with the appearance of the structure

1 or any adverse effect it might have on adjoining property,
2 that what's underneath the structure to me somewhat is
3 somewhat immaterial, I guess, whether it be a stairway and
4 bathroom, stairway only, combination of both, or whatever.

5 JIM MONTEVERDE: Okay, thank you. Sorry for the
6 interruption.

7 MARVINA LAMPIETTI: That's all right. Next slide,
8 please. So on the left is the existing plan with the five-
9 foot four existing dormer, and then the extension of the
10 dormer to provide the head room in the bathroom and the
11 stairwell with an additional 25 square feet.

12 And then the last slide, which are the elevations
13 existing on the left and on the right were proposed, which
14 really was about balancing that dormer in that roof
15 structure. That's also a part of the width on it.

16 And the -- it did receive a ringing endorsement
17 from the mid-Cambridge Conservation Commission. So -- and
18 there's a couple letters of support that we submitted as
19 well.

20 BRENDAN SULLIVAN: Great, thank you. Any
21 questions by members of the Board?

22 JIM MONTEVERDE: No further questions.

1 BRENDAN SULLIVAN: Let me open it to public
2 comment. The Board -- Any members of the public who wish to
3 speak should now click the button that says, "Participants,"
4 and then click the button that says, "Raise hand."

5 If you are calling in by phone, you can raise your
6 hand by pressing *9 and unmute or mute by pressing *6, and
7 you will have up to three minutes to speak.

8 There is nobody calling in. There is
9 correspondence from the mid-Cambridge Neighborhood
10 Conservation District regarding 101 Antrim Street.

11 The Mid-Cambridge Neighborhood Conservation
12 District hereby certifies pursuant to Title 2 Chapter 2.78
13 Article 3 Section 2.78 140-270 of the Code of the City of
14 Cambridge and the City Council order establishing a
15 commission that the construction is not incongruous to the
16 historic aspect or architectural character of the building
17 or district; that is to extend the existing dormer.

18 The plans and specifications that were submitted
19 are incorporated into this certificate, which is nonbinding
20 on the applicant. Their case number is C6148, and the date
21 of certificate is April 5, 2021.

22 There is also correspondence to -- from Dorion

1 Gale, I guess. Is that correct? There was some
2 correspondence back and forth about the nature of the
3 dormer, and the owners have clarified that. And as such the
4 correspondence has been favorable to their request.

5 There were some pictures in the file explaining
6 the nature of it and showing one of the neighbors; from
7 Judith Ryan and Cara Presseau.

8 Marvina, could you explain the correspondence in
9 the -- sort of a back and forth here between the applicant
10 and the neighbor?

11 MARVINA LAMPIETTI: Yes. The owners approached
12 their neighbors to explain what the nature of the project
13 was. And all those -- when you get to the heart of the
14 correspondence, they're all in support.

15 BRENDAN SULLIVAN: Okay. And that was to Dorion,
16 is that right?

17 MARVINA LAMPIETTI: Yes.

18 BRENDAN SULLIVAN: Dorion? Okay. And that is the
19 sum and substance of communications, and I will close public
20 comment -- public submittal. Anything else to add?

21 MARVINA LAMPIETTI: Not on my part, thank you.
22 I'm sorry for the confusion.

1 BRENDAN SULLIVAN: All right, thank you. Comments
2 by the Board or a motion?

3 JIM MONTEVERDE: Ready for a motion.

4 BRENDAN SULLIVAN: Let me make a motion to grant
5 the special permit to extend preexisting, nonconforming --
6 well, proposal of an alteration to a preexisting,
7 nonconforming single-family dwelling.

8 The relief is requested to extend the
9 nonconforming third floor dormer to bring the existing
10 stairwell up to code and also to enlarge the bathroom.

11 The Board finds that the requirements of the
12 ordinance cannot be met without the granting of a special
13 permit. The proposed dormer extension at 101 Antrim Street
14 increases the nonconforming nature of the residence in very
15 minor ways. The proposed changes will not be more
16 substantially detriment to the neighborhood.

17 The Board finds that traffic generated or patterns
18 of access or egress would not cause congestion, hazard, or
19 substantial change in the established neighborhood
20 character. The extended dormer will not cause any
21 additional traffic.

22 The continued operation of or development of

1 adjacent uses, as permitted in the zoning ordinance, will
2 not be adversely affected by the nature of the proposed use,
3 and there will not be any nuisance or hazard created to the
4 detriment of the health, safety and/or welfare of the
5 occupant of the proposed use, or the citizens of the city.
6 In fact, the health and safety of the -- to the occupants of
7 the proposed structure will be increased.

8 That the proposed use and the application enforced
9 will not impair the integrity of the district or adjoining
10 district, or derogate from the intent and purpose of the
11 ordinance.

12 The Board notes the letter of -- certificate of
13 appropriateness from the Mid-Cambridge Neighborhood
14 Conservation District Commission and letters of support.
15 Granting of the special permit is contingent upon the
16 drawings and the dimensional form contained therein,
17 initialed by the Chair.

18 Jim Monteverde?

19 JIM MONTEVERDE: Jim Monteverde votes in favor of
20 the special permit.

21 BRENDAN SULLIVAN: Matina?

22 MATINA WILLIAMS: Matina Williams in favor of the

1 special permit.

2 BRENDAN SULLIVAN: Jason?

3 JASON MARSHALL: Jason Marshall yes in favor of
4 the special permit.

5 BRENDAN SULLIVAN: Slater?

6 SLATER ANDERSON: Slater Anderson yes in favor of
7 the special permit.

8 BRENDAN SULLIVAN: And Brendan Sullivan yes.

9 [All vote YES]

10 On the affirmative vote of five members, the
11 special permit is granted. Good luck.

12 MARVINA LAMPIETTI: Thank you very much.

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(8:45 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: The Board will hear Case Number
116810 -- 68 Middlesex Street. Mr. Glassman, if you will
introduce yourself. And then I would like to make a
statement.

ADAM GLASSMAN: Adam Glassman, 2 Worthington
Street, Cambridge, Mass, GCD Architects.

BRENDAN SULLIVAN: Okay. This is Brendan
Sullivan. Just for the record, Mr. Glassman has prepared a
set of drawings for a lady some time ago. That lady then
contacted my son a short time ago and asked my son if he'd
be interested in doing the project, which is basically a
kitchen renovation.

And I will be assisting my son. We are told the
permit has been granted by the city, and I will be assisting
my son in that project.

At no time have I discussed this project with Mr.
Glassman, though I have my son. And nor have we had any

1 communications with Mr. Glassman directly or either -- or
2 indirectly through the client.

3 We happen to have mutual clients, but have not had
4 any direct contact with each other. And I don't think we
5 probably will, because it's a pretty straightforward kitchen
6 renovation.

7 The customer is purchasing the kitchen cabinets
8 and has purchased the windows, and I don't even know if Mr.
9 Glassman will have any more input. But anyhow, I just
10 wanted to disclose that to the Board and to the general
11 public.

12 If anybody has any problem or feels that I should
13 recuse myself from this -- from hearing this case, I will
14 gladly do so. So I ask members of the Board if anybody --
15 Jim? Any --

16 JIM MONTEVERDE: No. I'm fine with it.

17 BRENDAN SULLIVAN: Jason?

18 JASON MARSHALL: No, Mr. Chair. I'm hearing from
19 your remarks that your arrangement will not prejudice your
20 decision in this matter. No issue here.

21 BRENDAN SULLIVAN: No, it would not at all. No.
22 And it never has, never will. No. It will not. Slater,

1 any concerns or questions?

2 SLATER ANDERSON: No concerns. Thank you for
3 asking.

4 BRENDAN SULLIVAN: Matina?

5 MATINA WILLIAMS: No concerns.

6 BRENDAN SULLIVAN: Okay. And Mr. Glassman, any
7 concerns on your -- from me hearing this case?

8 ADAM GLASSMAN: No.

9 BRENDAN SULLIVAN: Or the petitioner?

10 ADAM GLASSMAN: No, no.

11 BRENDAN SULLIVAN: Okay, good. All right,
12 proceed.

13 ADAM GLASSMAN: Okay. Is Sisia sharing the
14 screen?

15 BRENDAN SULLIVAN: Yes. So I'm here representing
16 Joe Ranchetti, who lives with his family at 68 Middlesex.
17 In the existing street view, this is the cedar shingle house
18 on the left.

19 He takes meticulous care of his house and his
20 property, and he's undergone renovations to his main
21 structure over the years, and now he's turning his attention
22 to an existing, variable single-car garage.

1 It's a concrete structure circa 1920s, 1930s.
2 It's no longer functional to use as a garage, it's suffering
3 various structural envelope deficiencies.

4 And we are here to seek relief to remove this
5 existing accessory structure and the adjacent shed behind
6 it, which totaled 355 gross square feet, replaced it with a
7 377 gross square foot single car garage.

8 And we're seeking relief to basically reconfigure
9 this and rebuild it within five feet of the right side lot
10 line. And relief is required, per Article 4.

11 You can see the existing garage for various use
12 here. On the left side there's actually quite a large yard
13 that we'll be maintaining, and it's kind of cool his
14 neighbors use this as sort of a de facto community garden.
15 And the enlarged garage will have no impact on this.

16 Next page?

17 So you can see where we'd be moving from the
18 middle plan you see the existing garage removed. The she
19 had behind it is very long, it's very narrow, and he'd like
20 to, you know, change the dimensions of the rectangle so he
21 can accommodate a car and space to get in and out -- you
22 know, more -- and what we can't do now on the left side.

1 You can see we'll be maintaining all our green space and our
2 open space.

3 We will be moving the garage slightly towards the
4 left away from the right side lot line, so essentially eight
5 inches off of the lot line now. Slight increase to 14
6 inches, not to continue the existing landscape, then on the
7 right side of the driveway continue it all the way back.

8 The driveway you can see in the existing plan has
9 a bit of a curve in the upper left. We'll be squaring that
10 off, and this way we can still drive right in from the
11 street into the garage.

12 If we moved the garage any further to the left,
13 we'd compromise the garden, and then we'd start passing the
14 house, which would make access very difficult.

15 Next page?

16 Just to show the existing garage, it's about nine
17 and a half feet clear on the inside. The existing shed does
18 not function as a garage in any way. 11-foot tall
19 structure, about 11 feet wide, eight feet high.

20 Next page?

21 More of the same, just the left side view that
22 faces the garden now.

1 Next page?

2 The back side, which sits eight -- or the right
3 side, which is eight and a half inches off the lot line, and
4 you can see here on the right we are currently two feet one
5 inch from the rear lot line.

6 We'll actually be bringing that nonconformity into
7 conformity by creating a five-foot setback between the back
8 of the proposed garage and the rear lot line.

9 Next page?

10 The proposed plan -- the dashed line on the inside
11 shows the standard parking space for the zoning code, the
12 size and dimension of the park space.

13 We have enough room to get around the car to make
14 this a functional garage, and we're only adding 20 square
15 feet overall to the entire structure -- a 20-foot increase
16 from what is there now. Technically, it's actually a drop
17 in FAR. I don't know if that's really important, but
18 technically it's true.

19 Next slide?

20 This is the new front of the garage, something
21 that's visually consistent with the existing structure, more
22 compatible visually with the rest of the neighborhood.

1 We're proposing cedar shingles. It's very minimal, low-
2 profile kind of structure, 15-feet tall, which is allowable
3 per the zoning code.

4 Next page?

5 The side that faces the garden, we have an
6 opportunity to do something a little bit more creative;
7 provide kind of a nicer, more pleasant backdrop for the
8 yard, the garden and people to use the garden space. A
9 small dormer on the top with some transom windows to get
10 some more light into the garage.

11 Next slide?

12 This is the rear, five foot off the rear lot line;
13 no openings other than a vent.

14 Next slide?

15 The right side will be a blank wall facing the
16 neighborhood, who's in favor of this project.

17 Next slide?

18 A couple of 3D visuals of what we'd be proposing.
19 Something we've tried to make attractive and tasteful,
20 consistent with the neighborhood.

21 Next slide?

22 just the site plan that shows what we have now to be

1 removed, and that is our presentation. I'm happy to take
2 any questions.

3 BRENDAN SULLIVAN: Any questions by members of the
4 Board? Jim?

5 JASON MARSHALL: No questions, thank you.

6 BRENDAN SULLIVAN: Jason?

7 JASON MARSHALL: Jason Marshall no questions.

8 BRENDAN SULLIVAN: Matina?

9 MATINA WILLIAMS: Matina Williams no questions.

10 BRENDAN SULLIVAN: Slater?

11 SLATER ANDERSON: Slater no questions.

12 BRENDAN SULLIVAN: And I have no questions. I'll
13 open it up to public comment. Any members of the public who
14 wish to speak should now click the button that says,
15 "Participants," and then click the button that says, "Raise
16 hand."

17 If you are calling in by phone, you can raise your
18 hand by pressing *9 and unmute or mute by pressing *6, and
19 you will have up to three minutes to speak.

20 SISIA DAGLIAN: Jennifer Goodman?

21 JENNIFER GOODMAN: Hi. Can you hear me?

22 BRENDAN SULLIVAN: Yes.

1 JENNIFER GOODMAN: All right. This is Jennifer
2 Kay Goodman. I am the neighbor. My property abuts on two
3 sides, because the Marketti (sic) property cuts into our
4 property.

5 We actually really prefer not to have to have this
6 setback, because the garage will be our property line, and
7 having the five-foot setback gives a weird space that it's -
8 - right now the garage actually forms part of a fenced
9 property line for us, and we prefer that.

10 The other is we have an outdoor patio that we
11 spend the majority of our time in the spring and summer, and
12 the garage gives us tons of privacy. If the garage is
13 removed, then the -- everyone walking down Middlesex can see
14 straight into our patio area, and we love that the garage
15 gives us privacy there.

16 We actually don't care if there's a five-foot
17 abutment on either side, and we're very much in favor of it
18 being redone because the current garage is old and sort of
19 tattered, and it does -- like, it doesn't look as good as it
20 could, and a brand new garage there really forms sort of a
21 wall of our outdoor patio, and adds sort of a really cool
22 neighborhood feel to it. So we highly support the project.

1 And like I said, don't care about the setback on
2 either side. Because the more area there is for the garden,
3 we're happy to have more green space.

4 BRENDAN SULLIVAN: Okay, thank you.

5 SISIA DAGLIAN: Nobody else.

6 BRENDAN SULLIVAN: Nobody else?

7 SISIA DAGLIAN: No.

8 BRENDAN SULLIVAN: Nobody else calling in. There
9 is correspondence -- there are two letters actually:
10 Jennifer, who just spoke, and also, a correspondence from
11 Jeffrey Howard.

12 "My wife and I live next door to Mr. Ronchetti at
13 98 Middlesex Street, and we want you and all members of the
14 Board of Appeals to know that we have no objection to Mr.
15 Ronchetti's plan to demolish the existing garage and rebuild
16 a much more useful structure for his family.

17 "I see it as an improvement to the neighborhood,
18 both in utility and aesthetics. I have known Mr. Ronchetti
19 for several decades, and I have known him to be a very good
20 neighbor, who is responsible, practical, and always wants to
21 complete things correctly. We are in full support, and urge
22 you to approve this project. Thank you.

1 Geoffrey and Lucille Howard

2 90 Middlesex Street."

3 BRENDAN SULLIVAN: That is the sum and substance
4 of the correspondence. So I will close the public comment
5 portion. Any questions? Mr. Glassman, any other comments
6 or --

7 ADAM GLASSMAN: No, I don't think so.

8 BRENDAN SULLIVAN: Okay. Comments by the Board or
9 ready for a motion? Jim?

10 JIM MONTEVERDE: Ready for a motion.

11 BRENDAN SULLIVAN: Okay. Nobody else has
12 questions? Let me make the motion that you grant the
13 variance for the removal of the existing and reconstruction
14 of accessory garage structure.

15 The Board finds that a literal enforcement of the
16 provisions of the ordinance would involve a substantial
17 hardship to the petitioner.

18 The petitioner owns a 1920s era single-car
19 concrete block garage, which has fallen into, because of its
20 age, disrepair, and has become obsolete.

21 A literal enforcement would prevent the owner from
22 removing the existing garage structure and building a new,

1 modest, single-car replacement garage, which is far more
2 functional for parking a modern-sized vehicle, and would
3 improve the aesthetic fit for the community.

4 The hardship is owing to the fact that the
5 existing structure, the location on the lot predates the
6 existing ordinance, and as such the current property is
7 encumbered by the new ordinance, and would prohibit the
8 taking down and building of a compliant garage -- functional
9 garage, without some relief from this Board.

10 The Board finds that there would not be any
11 substantial detriment to the public good, and that the
12 garage will not create any noise pollution, light pollution,
13 shadows on abutting properties, or eliminate any off-street
14 parking or privacy for abutters.

15 The Board notes the two letters in support from
16 the abutters who are very much in favor of this proposal,
17 and the value that it will bring to the neighborhood. The
18 Board finds that relief may be granted without or nullifying
19 or substantially derogating from the intent and purpose of
20 this ordinance.

21 The proposed garage will bring several existing
22 zoning nonconformities into compliance. These are the

1 proposed five-foot rear setback, and the 10-foot minimum
2 separation to the main house required for accessory garage
3 structures.

4 The right side setback for the accessory structure
5 will remain nonconforming, but will be improved.

6 Because the work includes the removal of an
7 existing garden shed, the existing nonconforming FAR will
8 actually be reduced from 0.58 to 0.55.

9 And as an added benefit, Mr. Ronchetti allows
10 several neighbors to use his back yard as a community
11 garden, which will both be preserved and enhanced. And this
12 structure will enhance use of that garden and the aesthetics
13 to the neighborhood.

14 All those in favor, and as a requirement that the
15 work comply with the drawings submitted and the dimensional
16 form included, prepared by GCD Architects and dated 15
17 April, 2021 and initialed by the Chair. Jim Monteverde?

18 JIM MONTEVERDE: Jim Monteverde in favor of the
19 variance.

20 BRENDAN SULLIVAN: Jason?

21 JASON MARSHALL: Jason Marshall yes in favor of
22 the variance.

1 BRENDAN SULLIVAN: Matina?

2 MATINA WILLIAMS: Matina Williams yes in favor of
3 the variance.

4 BRENDAN SULLIVAN: Slater?

5 SLATER ANDERSON: Slater Anderson in favor of the
6 variance.

7 BRENDAN SULLIVAN: And Brendan Sullivan yes in
8 favor.

9 [All vote YES]

10 Five affirmative votes to granting of the
11 variance. Good luck.

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(8:55 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater
W. Anderson, Matina Williams and Jason
Marshall

BRENDAN SULLIVAN: Okay. The Board will hear Case
Number 117050 -- 57 Pleasant Street. Is it 8:15 yet?

JIM MONTEVERDE: Yes, sir. Been here, done that.

BRENDAN SULLIVAN: Just barely?

JIM MONTEVERDE: No. Not by too much. But, you
know -- well past the 8:15.

BRENDAN SULLIVAN: Talk faster?

JIM MONTEVERDE: No, no. You're doing fine.

BRENDAN SULLIVAN: Okay, Mr. Buck?

WALTER SULLIVAN: Excuse me, Mr. Chairman.

BRENDAN SULLIVAN: Mr. Sullivan.

WALTER SULLIVAN: Attorney Walter Sullivan on
behalf of 57 Pleasant Street, LLC.

We are seeking a special permit to reconstruct a
roof that collapsed, to reconstruct a badly deteriorated
rear portion of the building, and increase the height of
that roof -- the flat roof -- that it is by 12 inches so it

1 meets state code, as well as add an overhand to the front
2 door.

3 The Board may recall that we were before the Board
4 back at the end of last year and the beginning of the year
5 in order to add windows to an existing nonconforming wall on
6 the left side of the building as well as the rear, and to
7 increase the volume by 12 percent.

8 We removed the volume and 12 percent went down to
9 10, so we no longer needed a special permit.

10 Included in our drawings, which the Board
11 approved, included our overhang. However, when we went to
12 apply for the special permit -- excuse me, the building
13 permit, I apologize -- the Building Department would not let
14 us do it because it wasn't listed in the special permit
15 application or on the decision.

16 So we're before the Board. I believe you have
17 pictures of the condition of the building showing -- you
18 know, how bad it was and where we are now. The pitch of the
19 roof will not change, nor the height of the roof will
20 change.

21 If the Board wishes, Mr. Buck will walk you
22 through the designs and explain to you what happened,

1 perhaps briefly.

2 RON BUCK: Sure. Can you guys hear me?

3 BRENDAN SULLIVAN: Yes.

4 RON BUCK: So we appeared before the Board for the
5 special permit for the window relocation, and that was
6 approved.

7 BRENDAN SULLIVAN: Just give your address, Mr.
8 Buck.

9 RON BUCK: The address on the property is 57
10 Pleasant Street.

11 JIM MONTEVERDE: No.

12 BRENDAN SULLIVAN: No, no, your address.

13 RON BUCK: My personal address is 24 Mayflower
14 Road, Winchester, Massachusetts.

15 BRENDAN SULLIVAN: Okay, good.

16 RON BUCK: So we proceeded building the approved
17 project, and part of the project was some pretty significant
18 roof alterations.

19 There was a dormer being added to the left side as
20 well as the right side. I -- you know, just spit balling it
21 was about 75 percent of the roof being affected onto the
22 approved plan.

1 As you can see in some of the pictures, the
2 existing framing wasn't exactly up to code or in good shape.
3 There was some significant deterioration from insects,
4 water, just years and years of being there.

5 When we went to tie into the roof with the new
6 dormers, the roof collapsed. We cleaned it up, we made it
7 safe, and we received notice from the Building Department
8 that we had to stop work due to the fact that they were now
9 calling it a demolition.

10 We've had some back and forth with the Building
11 Department regarding whether it was a demolition or a
12 collapse. And, you know, they suggested we come for a
13 special permit to move forward and put it before your Board.

14 There wasn't really much we could have done
15 differently. We tried to preserve what was there. It just
16 was not possible, given the amount of alterations that were
17 happening.

18 So we're looking to rebuild the roof that was
19 there to the same specifications that was approved
20 previously by this Board.

21 BRENDAN SULLIVAN: Okay. And they told you to
22 come down here to get a special permit, and the reason for

1 that is because it is a single-family, or is it a two?

2 WALTER SULLIVAN: It was a two, and they changed
3 it to a single.

4 BRENDAN SULLIVAN: It's a single?

5 WALTER SULLIVAN: It's a single.

6 BRENDAN SULLIVAN: Right. I'm just trying to see
7 where the violations are specifically.

8 WALTER SULLIVAN: Mr. Chair, if I may?

9 BRENDAN SULLIVAN: Yes, Walter, yep?

10 WALTER SULLIVAN: I somewhat agree with you that
11 the work we're looking to do is within the -- is conforming.
12 However, the Building Commissioner felt it was much safer
13 just to go and get a special permit in case any issues
14 arose.

15 We're constructing -- it collapsed, we're
16 constructing the roof exactly what was presented to the
17 Board.

18 The issue that really is before the Board is
19 probably the 12 inches in the back, because that abuts --
20 you know, that is close to the property line.

21 You allowed us to put windows in the back. But as
22 a result of how deteriorated it is, we have to do a lot more

1 work than we thought we were going to have to do. So by
2 raising it by 12 inches, that allows us to meet state code
3 and make it more of a viable portion of the building.

4 The reason for the front overhang is we thought
5 that was approved by the Board. However, given that it
6 wasn't specifically listed in the special permit, just in
7 the plans that you said you approved, the commissioner felt
8 that it would be much better just to come back and
9 specifically ask for that language.

10 BRENDAN SULLIVAN: Yeah.

11 WALTER SULLIVAN: The original door that was on
12 the other side had an overhang, and we're just putting it
13 back basically the way the door was on the other side of the
14 house when we moved it.

15 BRENDAN SULLIVAN: Okay. Let me ask a question.
16 Jason, do you have any opinion on the requested relief by
17 way of special permit on this? Or does this sort of on the
18 vein of what we're going to be hearing tonight, as far as
19 special protection under Section 6?

20 JASON MARSHALL: Yeah, Mr. Chair. I'm still
21 trying to get my grounding on what's before us here. And so
22 I appreciate the question. So that may help anchor it a

1 little bit.

2 It's not clear to me whether or not you're seeking
3 to intensify an existing nonconformance, or are you seeking
4 a variance for a new nonconformance, or are you not -- are
5 you doing neither, in which case, you know, the reference
6 that the Chair just made, that wouldn't apply?

7 But yeah, I mean Walter if you could provide a
8 little more -- maybe just quickly what's before us? I
9 remember this case. I was on this case when it came to us.

10 But it's -- going back and looking at the
11 application now, it looks like there's a handwritten page at
12 the end with respect to FAR. Is that what's solely before
13 us or not?

14 WALTER SULLIVAN: Jason, nothing is changing as to
15 -- other than the 12 inches in the back, nothing is really
16 changing as to what you approved back in January. We're
17 constructing the roof; same height, same pitch, as was
18 before.

19 It was the Building Commissioner's recommendation
20 to apply for a special permit, just maybe as a safe harbor.
21 Maybe that would be a better way of putting it? Just in
22 case the issue was ever raised?

1 JASON MARSHALL: The 12 inches in the back -- I
2 mean, refresh me. Is that related to the setback, or is
3 that related --

4 WALTER SULLIVAN: I'll let Ron speak to that more,
5 but it really shouldn't be an issue, but that's the only
6 question I could see because of the property, because of the
7 setback. That could be the only potential question relative
8 to a special permit.

9 Everything else I would think we would have been
10 able to do without it, but this is what the Building
11 Commissioner asked us to do. And we're not allowed to
12 finish working on the building until we get the special
13 permit.

14 BRENDAN SULLIVAN: So he was not comfortable just
15 to allow you to do it as-of-right?

16 WALTER SULLIVAN: Yes.

17 BRENDAN SULLIVAN: And that he felt that you
18 didn't have protection under Section 6, which will be the
19 second exception clause?

20 WALTER SULLIVAN: Right. He thought it would be
21 safer just to go for the special permit.

22 BRENDAN SULLIVAN: Okay. Jason, I think both of

1 us are a little not too sure.

2 JASON MARSHALL: Yeah.

3 BRENDAN SULLIVAN: I don't know, Jim, can you
4 opine on this, or --

5 JIM MONTEVERDE: No, if it's really that small of
6 a -- you know, it's really correcting adding the overhang to
7 a front door and the 12-inch, raising the roof by 12 inches
8 in the rear, it all seems just kind of tying it all back
9 together again. So I don't have any objections in doing it
10 this way as a special permit, if that's what the
11 Commissioner requested.

12 BRENDAN SULLIVAN: And Slater, any questions at
13 all?

14 SLATER ANDERSON: No, I mean it seems -- you know,
15 they had a collapsed situation -- nothing intentional. And,
16 you know, they're trying to correct that and get back on
17 track with a plan that was approved. So I don't have -- you
18 know, an issue.

19 BRENDAN SULLIVAN: Okay. Matina, any questions,
20 concerns?

21 MATINA WILLIAMS: No. I think that it's had a
22 collapse, and now he needs to get the permit. I understand

1 why the Commissioner asked for it this way. So I'm good.

2 BRENDAN SULLIVAN: Okay, all right. Well, let me
3 open it up to public comment. Any member of the public who
4 wish to speak should now click the button that says,
5 "Participants" and then click the button that says, "Raise
6 hand.".

7 If you are calling in by phone, you can raise your
8 hand --

9 JASON MARSHALL: Can you hear me? I just want to
10 just clarify again. The proposal is to raise the roof by 12
11 inches in the rear, correct?

12 WALTER SULLIVAN: Yes. It's the flat roof in the
13 rear.

14 JASON MARSHALL: Does that put you over what
15 you're allowed to do?

16 WALTER SULLIVAN: I'll let Mr. Buck answer that.
17 I don't believe it does.

18 RON BUCK: No, the flat roof in the rear is well
19 below the allowed height.

20 JASON MARSHALL: All right. The source of my
21 confusion over why you need a special permit for that ask.
22 I don't understand that. I mean, you know, maybe that gives

1 me comfort in approving it, but it doesn't seem like you
2 need it.

3 RON BUCK: Frankly, I don't understand either.
4 But we're just trying to follow the rules and go through the
5 right channels.

6 BRENDAN SULLIVAN: All right. --

7 JASON MARSHALL: Oh, I think I understand.
8 Sisia's saying because it's an alteration with the setback?

9 SISIA DAGLIAN: Right.

10 BRENDAN SULLIVAN: Right.

11 JASON MARSHALL: Okay, yep. I don't have a
12 problem. Thank you.

13 BRENDAN SULLIVAN: Okay.

14 JASON MARSHALL: That's very helpful.

15 BRENDAN SULLIVAN: Let me open it to public
16 comment. Any member of the public who wishes to speak
17 should now click the button that says, "Participants," and
18 then click the button that says, "Raise hand."

19 If you are calling in by phone, you can raise your
20 hand by pressing *9 and unmute or mute by pressing *6, and
21 you'll have up to three minutes to speak.

22 There was correspondence -- there was nobody

1 calling in. There is correspondence.

2 "We as the closest and most immediate neighbor
3 impacted by the proposed reconfigured window layout directly
4 adjacent to us, as well as facing our property fully support
5 the proposed changes to the home at 57 Pleasant Street,
6 Cambridge.

7 "We are excited for construction to begin on the
8 home which has fallen into severe disrepair over the years.
9 We have reviewed proposed plans and hold the opinion that
10 the reconstruction of the home will positively affect the
11 neighborhood.

12 Respectfully, Sarah Slater

13 59 Pleasant Street."

14 There is correspondence from Shoshanna, S-h-o-s-h-
15 a-n-a Herzig, H-e-r-z-i-g, 59 Pleasant Street.

16 "We as the closest and most immediate neighbor
17 impacted by the proposed reconstructed window fully support
18 the proposed changes to the home at 57 Pleasant Street.

19 "We have reviewed the proposed plans, and hold the
20 opinion that the reconstruction of the home will positively
21 affect the neighborhood."

22 And that is the sum and substance of the two

1 correspondences. I will close public comment, and if
2 there's anything else?

3 WALTER SULLIVAN: Mr. Chair, if I may?

4 BRENDAN SULLIVAN: Yep, yes.

5 WALTER SULLIVAN: You should have received another
6 Doctor from a Doctor Lloyd Sheldon Johnson on 148 River
7 Street, who is also in favor of the project. Yeah. It was
8 funny because I was looking for one from him because of his
9 previous comments on it. And I -- it's not in the file.

10 WALTER SULLIVAN: It was uploaded today and sent
11 to the Inspectional Services.

12 BRENDAN SULLIVAN: Oh, okay. All right. So it
13 should maybe not have been included then, but I will note
14 the record that you have testified that he is in favor?

15 WALTER SULLIVAN: Yes.

16 BRENDAN SULLIVAN: Okay. Is there anything else,
17 Walter, to add?

18 WALTER SULLIVAN: No, thank you, Mr. Chair.

19 BRENDAN SULLIVAN: Okay. Then the Board will
20 discuss among themselves. Any comments, Jim? Or --

21 JIM MONTEVERDE: No.

22 BRENDAN SULLIVAN: None? Slater, any comments?

1 SLATER ANDERSON: No comments.

2 BRENDAN SULLIVAN: Ready for a motion? Matina,
3 ready for a motion?

4 MARY JANE WALLNER: Yes.

5 BRENDAN SULLIVAN: Jason, ready for --

6 JASON MARSHALL: Yeah, Mr. Chair. All set, thank
7 you.

8 BRENDAN SULLIVAN: Okay. Let me make a motion to
9 granting the special permit to reconstruct the collapsed
10 roof structure, reconstruct the deteriorated rear portion of
11 the building and raise the roof by 12 inches of flat roof,
12 and add the overhang at the front door as per the
13 application, and the dimensional form submitted, initialed -
14 - and the drawings submitted and initialed by the Chair.

15 The Board finds that the requirements of the
16 ordinance cannot be met without the granting of the special
17 permit.

18 The Board finds that traffic generated or patterns
19 of access or egress would not cause congestion, hazard, or
20 substantial change in the established neighborhood
21 character.

22 The Board finds that the continued operation of or

1 development of adjacent uses, as permitted in the zoning
2 ordinance would not be adversely affected by what is being
3 proposed use.

4 There would not be any nuisance or hazard created
5 to the detriment of the health, safety and/or welfare of the
6 occupant or the proposed use, or the citizens of the city.

7 And that the proposed use would not impair the
8 integrity of the district or adjoining district, or
9 otherwise derogate from the intent and purpose of the
10 ordinance.

11 The Board notes the three letters in support of
12 immediate neighbors of this project.

13 The Board notes the derelict condition of the
14 building and the attempt to reconstruct it, and the
15 difficulty of doing so, and that the granting of the special
16 permit will enhance the appearance of the house and the
17 livability, obviously, of the occupants.

18 On the motion to grant the special permit, Jim?

19 JIM MONTEVERDE: Jim Monteverde in favor of
20 granting the special permit.

21 BRENDAN SULLIVAN: Matina?

22 MATINA WILLIAMS: Matina Williams in favor of

1 granting the special permit.

2 BRENDAN SULLIVAN: Slater?

3 SLATER ANDERSON: Slater Anderson in favor of
4 granting the special permit.

5 BRENDAN SULLIVAN: Jason?

6 JASON MARSHALL: Jason Marshall yes in favor of
7 the special permit.

8 BRENDAN SULLIVAN: And Brendan Sullivan yes in
9 favor.

10 [All vote YES]

11 On the affirmative vote of five members of the
12 Board the special permit is granted, as per the applicant.

13 WALTER SULLIVAN: Mr. Chair and Members, thank you
14 for your time and patience.

15 BRENDAN SULLIVAN: Okay, Walter.

16 COLLECTIVE: Thank you very much.

17 BRENDAN SULLIVAN: And that concludes tonight's
18 meeting.

19 COLLECTIVE: Thank you, goodnight.

20 [9:19 End of Proceedings]

21

22

CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Catherine Burns, 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.

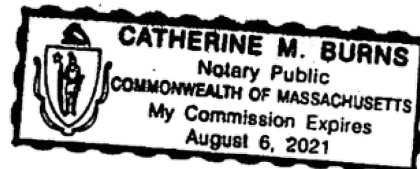
In witness whereof, I have hereunto set my hand this
16th day of June, 2021.



Notary Public

My commission expires:

August 6, 2021



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