

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY MARCH 9, 2023

6:00 p.m.

Remote Meeting  
via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair  
Jim Monteverde, Vice Chair  
Andrea A. Hickey  
Wendy Leiserson  
Laura Wernick  
Slater W. Anderson

City Employees  
Olivia Ratay



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\* \* \* \* \*

(6:00 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Wendy  
Leiserson, Jim Monteverde, Slater  
Anderson, and Laura Wernick

BRENDAN SULLIVAN: Welcome to the March 9, 2023  
meeting of the Cambridge Board of Zoning Appeal. My name is  
Brendan Sullivan, and I am the Chair for tonight's meeting.

This meeting is being held remotely, due to the  
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 can also find  
8 instructions on the City's webpage for remote BZA meetings.

9 Generally, you will have up to three minutes to  
10 speak, but that may change based on the number of speakers,  
11 and at the discretion of the Chair.

12 I'll start by asking the Staff to take Board  
13 members attendance and verify that all members are audible.

14 OLIVIA RATAY: Andrea Hickey?

15 ANDREA HICKEY: Present.

16 OLIVIA RATAY: Laura Wernick?

17 LAURA WERNICK: Present.

18 OLIVIA RATAY: Jim Monteverde?

19 JIM MONTEVERDE: Present.

20 LAURA WERNICK: Wendy Leiserson?

21 WENDY LEISERSON: Present.

22 OLIVIA RATAY: Slater Anderson?

1                   SLATER ANDERSON:   Present.

2                   OLIVIA RATAY:   Matina Williams?

3                   [Pause]

4                   OLIVIA RATAY:   Brendan Sullivan?

5                   BRENDAN SULLIVAN:   Present.

6                   We have four anyhow, don't we?   Anyhow, let me  
7                   call the first case.

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(6:03 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
Jim Monteverde, and Laura Wernick

BRENDAN SULLIVAN: I'm going to call tonight a  
continued matter, No. 188958 -- 24 Union Street. Mr. Luna?

JOSEPH LUNA: Yes, Board. My client has not been  
able to work through the issues yet with the immediate  
abutters regarding the property, and what would be an  
acceptable compromise.

He and she actually did meet with them beginning  
of the work, but we are requesting a continuance into next  
month so we can formulate a new design strategy and have  
time to present it to the Board.

So we sent notice to Ms. Maria Pacheco last week  
that would be to ask for a time for continuance, but I'm  
just here to ask for one more month so we can work through  
these issues.

BRENDAN SULLIVAN: All right. The available --  
this is a case heard: Myself -- Brendan Sullivan -- Jim  
Monteverde, Andrea Hickey, Laura Wernick and Jason Marshall  
sat on it. Now, Mr. Marshall is relinquishing his

1 membership from the Board as of tonight --

2 JOSEPH LUNA: Okay.

3 BRENDAN SULLIVAN: -- so that it will only be four  
4 members of the original five that will hear this case.

5 There is an option that you can proceed with four members.

6 At that point you would need four affirmative  
7 votes or if you wish -- and the law does not require this,  
8 but it's a courtesy that the Board extends -- we could  
9 empanel another member to be the fifth member. That member  
10 would have to review all of the documents up to date and be  
11 comfortable that they could hear the case at a further date.

12 So I would ask you, Joseph, if you want to go with  
13 four members, or that if you wish that we would empanel a  
14 fifth member to hear the case?

15 JOSEPH LUNA: Considering that I've urged my  
16 client that we have to make a dramatic change in the design  
17 in order to meet the concerns of the neighbors and the Board  
18 as a whole, it would essentially be presenting almost a new  
19 design.

20 So that being the case, I would like to include a  
21 new member on this.

22 BRENDAN SULLIVAN: All right. So the first

1 available date would be April 27. So may I ask the other  
2 members of the Board, Jim Monteverde are you available on  
3 the twenty-seventh of April?

4 JIM MONTEVERDE: Yes, I am.

5 BRENDAN SULLIVAN: Andrea Hickey, would be  
6 available?

7 ANDREA HICKEY: I need one moment to check, Mr.  
8 Chair.

9 BRENDAN SULLIVAN: Laura, I'll ask you the same  
10 question.

11 LAURA WERNICK: Yeah. I'm just -- I am available  
12 on the twenty-second.

13 BRENDAN SULLIVAN: Okay.

14 ANDREA HICKEY: Yes. I am available on the  
15 twenty-seventh.

16 BRENDAN SULLIVAN: You are available?

17 ANDREA HICKEY: Yes.

18 BRENDAN SULLIVAN: Okay. And so, what I will do,  
19 Joe, is I will continue this matter to April 27, 2023 at  
20 6:00 p.m. --

21 JIM MONTEVERDE: Okay.

22 BRENDAN SULLIVAN: -- on the condition that the



1 petitioner, you as representative, change the posting sign  
2 to reflect the new date of April 27, 2023 and the time of  
3 6:00 p.m.

4 JOSEPH LUNA: Okay.

5 BRENDAN SULLIVAN: Any new decision, plans,  
6 supporting statements, dimensional forms be in the file by  
7 5:00 p.m. on the Monday prior to the April 27, 2023 meeting.

8 Now, in the interim, we will reach out to some  
9 other members of the Board to see their availability on the  
10 twenty-seventh and ask if someone's available if they will  
11 then read the transcripts and join us as a fifth member on  
12 that particular night.

13 JOSEPH LUNA: Okay.

14 BRENDAN SULLIVAN: So that's -- we're not 100  
15 percent certain of that, but we will put it down for the  
16 twenty-seventh. And hopefully, again, this will be the last  
17 continuance on this matter.

18 JOSEPH LUNA: Okay. Thank you.

19 BRENDAN SULLIVAN: So on the matter, then to -- on  
20 the motion, then, to continue this matter to April 27, Jim  
21 Monteverde?

22 JIM MONTEVERDE: In favor.

1 BRENDAN SULLIVAN: Andrea Hickey?

2 ANDREA HICKEY: Yes, in favor.

3 BRENDAN SULLIVAN: Laura Wernick?

4 LAURA WERNICK: In favor.

5 BRENDAN SULLIVAN: And Brendan Sullivan yes.

6 [All vote YES]

7 BRENDAN SULLIVAN: Four affirmative votes; this  
8 matter is continued to April 27, 2023 at 6:00 p.m. See you  
9 then, Joe.

10 JOSEPH LUNA: All right. I appreciate your help.  
11 Thank you very much. Have a good evening.

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(6:08 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim  
Monteverde, and Laura Wernick

BRENDAN SULLIVAN: Next case we'll hear is BZA  
201432 -- 1640 Massachusetts Avenue. Sarah Rhatigan?  
Sarah, you're on.

SARAH RHATIGAN: Good evening. Sarah Rhatigan,  
Trilogy Law, LLC, on behalf of the petitioners for this  
case. We too have requested a continuance, and there's a  
letter in the file requesting a continuance for -- until I  
believe the date we had requested was April 6. But hearing  
your discussion earlier, I'm guessing that it maybe that  
we're looking at April 27 as well.

We are still in the process of working out some  
alternatives to the design in response to the concerns  
raised at the last hearing.

BRENDAN SULLIVAN: Yeah. The April 13 is  
8,9,10,11,12,13 cases that night. So that's full. The  
first available would be April 27.

SARAH RHATIGAN: Mm-hm.

BRENDAN SULLIVAN: And I don't know if you just

1 heard me, but Mr. Marshall, who sat on this case initially,  
2 will no longer be on the Board as of tonight. He stayed  
3 around until this particular case.

4 And so, again, I give you the option that you can  
5 either go with four members or if you wish that we could try  
6 to empanel another member to be the fifth member to hear  
7 this case on the twenty-seventh.

8 SARAH RHATIGAN: We would like to ask you to try  
9 to empanel a fifth member, if you are able to.

10 BRENDAN SULLIVAN: Okay. So what I'll do is make  
11 a motion, then, to continue this matter to April 27, 2023 at  
12 6:00 p.m. on the condition that the petitioner change the  
13 posting sign to reflect the new date of April 27, 2023 at  
14 6:00 p.m.

15 Any new submittals, drawings, dimensional forms,  
16 supporting statements be in the file by 5:00 p.m. on the  
17 Monday prior to the April 27 hearing.

18 Additionally, the Board will reach out to another  
19 member of the Board to see their availability on April 27,  
20 to be able to sit on this and that they will have time to  
21 review the entire file regarding this matter and be  
22 comfortable to be the fifth member of that night.

1           So where, again, as we said, Sarah, on the first  
2 case, we're going to need somebody to probably be available  
3 -- it maybe the same person, it may be a separate person on  
4 these two cases. So we have to have somebody who's  
5 available and somebody who can read all the correspondence  
6 up to now.

7           So on that motion, now, to continue this matter to  
8 April 27, Jim Monteverde?

9           JIM MONTEVERDE: In favor.

10          BRENDAN SULLIVAN: Andrea Hickey?

11          ANDREA HICKEY: In favor.

12          BRENDAN SULLIVAN: Laura Wernick?

13          LAURA WERNICK: In favor.

14          BRENDAN SULLIVAN: There's -- Matina, are you on  
15 the line?

16          And Brendan Sullivan. All we need is four votes -  
17 - Brendan Sullivan yes.

18          [All vote YES]

19          BRENDAN SULLIVAN: On the motion to continue this  
20 matter, four affirmative votes, this matter is continued  
21 until April 27. See you then.

22          SARAH RHATIGAN: Thank you very much.

\* \* \* \* \*

(6:11 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
Monteverde, Laura Wernick, and Slater  
Anderson

BRENDAN SULLIVAN: So Slater, you're tuned in?

SLATER ANDERSON: Hi. And I'm here.

BRENDAN SULLIVAN: The next case is going to be  
202568 -- 3 Hancock Place. Sitting on this particular case  
is myself -- Brendan Sullivan -- Jim Monteverde, Laura  
Wernick, Slater Anderson and Wendy Leiserson.

So John Lodge -- is it 8:00? Oh, I'm sorry. I'm  
sorry. I'm getting ahead of myself here. The next case  
we're going to hear is 47 Eighth Street. Let me correct the  
record, then. So the Board will hear Case No. 197887 -- 47  
Eighth Street.

Mr. Rafferty?

JAMES RAFFERTY: Thank you. Good evening, Mr.  
Chair. For the record, my name is James Rafferty. I'm an  
attorney with offices located at 907 Massachusetts Avenue in  
Cambridge. I'm appearing this evening on behalf of the  
property owners, Michelle Jodrey -- J-o-d-r-e-y and her

1 husband, Stephen Brown.

2 This is a case that was heard a few months back  
3 that involves a new house being constructed on a rather  
4 small lot in East Cambridge.

5 The Board took extensive testimony from the case  
6 last time, reviewed the drawings by Foley Fiore Architects,  
7 and the conclusion at that time was that the elements of the  
8 case were such that the proposed additional GFA for which  
9 this variance is being sought was seen as perhaps too  
10 aggressive.

11 The prior application sought approval for GFA  
12 practically 600 square feet over what would be allowed.

13 The applicants and their architects have reworked  
14 the plan extensively. They've succeeded in reducing the  
15 overall GFA in the new structure by 211 square feet, such  
16 that the current request seeks 355 square feet of additional  
17 GFA.

18 We provided not only the new drawings, but this  
19 week a drawing that shows where those reductions were  
20 achieved. And Mr. Fiore could go through those but suffice  
21 it to say that the objective here is to continue this  
22 building as a two-family dwelling. The new design is a

1 duplex-style house. It's going to result in a significant  
2 improvement to the overall area, but there are certain  
3 factors associated with the lot itself, the exceptionally  
4 small footprint.

5 What Mr. Fiore has been able to do is essentially  
6 maintain the footprint of the existing house, moving it a  
7 little bit off the rear lot line, but still create a good  
8 living size space for a family and for a rental unit.

9 If the Board is inclined, I'm happy to have Mr.  
10 Fiore walk you through those changes or address any other  
11 issues. But I think the thing that I wish to impress upon  
12 the Board now is the applicant did take the direction  
13 seriously to the Board at the last hearing and did create  
14 this reduction in square footage.

15 BRENDAN SULLIVAN: All right. Let me see if any  
16 members of the Board -- obviously they have reviewed the  
17 file and -- let me see if they would like to have Mr. Fiore  
18 walk through it. I've got too many papers here.

19 Jim Monteverde, have you any questions or -- at  
20 this time?

21 JIM MONTEVERDE: No questions. Thank you.

22 BRENDAN SULLIVAN: Laura, any questions at this



1 time?

2 LAURA WERNICK: No questions, thank you.

3 BRENDAN SULLIVAN: Slater?

4 SLATER ANDERSON: No questions.

5 BRENDAN SULLIVAN: And Wendy?

6 WENDY LEISERSON: No questions.

7 BRENDAN SULLIVAN: All right. And I don't have  
8 any other at this time. So let me open it, then, to public  
9 comment. I guess let me say for the record I think that I  
10 have reviewed it, obviously, as have other members of the  
11 Board. And I think it has made a significant reduction and  
12 sort of pulling in a little bit on the building, still  
13 making it livable and a doable project. Let me open it to  
14 public comment.

15 Any members of the public who wish to speak should  
16 now click the button that says, "Participants," and then  
17 click the button that says, "Raise hand."

18 If you're calling in by phone, you can raise your  
19 hand by pressing \*9 and unmute or mute by pressing \*6, and  
20 you will have up to three minutes in which to comment.

21 [Pause]

22 There appears to be nobody calling in. So I will

1 close the public comment part.

2           There were some letters in opposition previous.  
3 Maybe with the reduction and the reworking, that may have  
4 been ameliorated and has now met some approval with the  
5 abutters. There's a number of letters that are in favor.

6           I will then close public comment part. Not to  
7 refute Mr. Rafferty, but I guess my -- let me start the  
8 comment part of it for the Board. I guess the house has  
9 been built in 1854, which is some -- doing the math I don't  
10 know 169 years ago.

11           My feeling on this is that it is in dire need of  
12 rejuvenation and/or total rehab. And being in the business,  
13 it obviously gets to the point where it's not cost worthy to  
14 try to renovate or repair, and that a complete teardown --  
15 this particular teardown I think is quite an ambitious  
16 project.

17           However, I think it's a worthy one, and I applaud  
18 the petitioner for even undertaking it. Because it will add  
19 greatly to the amenities of the city, will add quality  
20 housing for themselves and also for another tenant being a  
21 two-family, and I think the petitioner has shown great  
22 forethought to reduce it as much as possible.

1           And so, I would support the proposal as amended  
2           and recently resubmitted.

3           Jim, any thoughts?

4           JIM MONTEVERDE: I agree with the Chair. Thank  
5           you.

6           BRENDAN SULLIVAN: Any other members of the Board  
7           wish to chime in at all? Wendy, any thoughts?

8           WENDY LEISERSON: No, as long as you continue to  
9           articulate the hardship so well, that gets me over the legal  
10          hurdle that I was concerned about.

11          BRENDAN SULLIVAN: Okay. Slater, any additional  
12          thoughts at all?

13          SLATER ANDERSON: No additional thoughts, thank  
14          you.

15          BRENDAN SULLIVAN: Laura? You don't have any.  
16          All right. Let me then make a motion to grant the relief  
17          requested. The application was for a variance and special  
18          permit, but I guess the special permit is no longer  
19          necessary, is that right, Mr. Rafferty? Because that  
20          requirement is no longer necessary?

21          JAMES RAFFERTY: Yes.

22          BRENDAN SULLIVAN: -- to be provided.

1           JAMES RAFFERTY: Right. The special permit  
2 addressed the parking requirements, but as the Chair and the  
3 Board knows, the parking requirements have been removed by  
4 recent amendment. That's correct.

5           BRENDAN SULLIVAN: Okay. Let me make a motion,  
6 then, to grant the relief requested; a variance as per the  
7 drawings submitted. Revised drawings dated, stamped in  
8 March 6 and entitled Jodrey Brown residence by Foley Fiore  
9 Architects and initialed by the Chair.

10           The Board finds that a literal enforcement of the  
11 provisions of the ordinance would involve a substantial  
12 hardship to the petitioner because it would preclude the  
13 petitioner from building a new structure, which would be far  
14 more livable, energy-efficient, have better health and  
15 safety features than the existing structure, and would  
16 greatly add to the community at large, and also this  
17 particular locus specifically.

18           The Board finds that the hardship is owing to the  
19 unusual shape of the lot, especially the fact that it is  
20 located behind another lot, and it is encumbered by the  
21 existing ordinance, which would severely restrict the size  
22 of the building that could be created as-of-right and as

1 such.

2 That the intent and purpose of the ordinance would  
3 be to allow this Board to relax those requirements and to  
4 approve what the Board would find would be an appropriate  
5 development on this site.

6 The Board finds that relief may be granted without  
7 substantial detriment to the public good -- in fact, it  
8 would be enhanced both to the surrounding neighborhood, also  
9 to the homeowner and also a tenant in the two-family home.

10 And that the desirable relief may be granted  
11 without substantial detriment to the public good or  
12 nullifying or substantially derogating from the intent and  
13 purpose of the ordinance to allow a fair and reasonable  
14 development to preserve the amenities of the city and to  
15 allow homeowners to enjoy a far more livable structure, one  
16 that's far more energy-efficient with updated and brand-new  
17 mechanical systems.

18 On the motion, then, to approve and grant the  
19 variance, Jim Monteverde?

20 JIM MONTEVERDE: I agree.

21 BRENDAN SULLIVAN: Laura Wernick?

22 LAURA WERNICK: In favor.

1 BRENDAN SULLIVAN: Slater Anderson?

2 SLATER ANDERSON: In favor?

3 BRENDAN SULLIVAN: Wendy Leiserson?

4 WENDY LEISERSON: In favor.

5 BRENDAN SULLIVAN: And Brendan Sullivan yes.

6 [All vote YES]

7 BRENDAN SULLIVAN: On the five affirmative votes,  
8 the variance as per the application and on further condition  
9 that the work conform with the supporting statements,  
10 dimensional form, revised dimensional form, and the new  
11 drawings submitted, initialed by the Chair. The variance is  
12 granted.

13 JAMES RAFFERTY: Thank you very much.

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(6:23 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
Monteverde, Laura Wernick, Slater  
Anderson, and Andrea Hickey

BRENDAN SULLIVAN: Okay the Board will hear Case  
No. 202568 -- 3 Hancock Place. Mr. Lodge?

JOHN LODGE: Yes, can you hear me?

BRENDAN SULLIVAN: Yes.

JOHN LODGE: Great. So I just -- members of the  
Board, I just want to quickly recap what we presented to you  
last time. As part of an extensive renovation to the --

[Noise]

Sorry. As part of an extensive renovation to the  
first-floor unit at 3 Hancock Place, we are expanding an  
existing rear deck. The rear deck, the expanded rear deck  
was actually part of what was permitted. However, what was  
permitted had the door coming onto the deck from what's the  
rear façade. And we'd like to actually have the door onto  
the deck from the side, the side façade, which would give us  
a little bit more space in the kitchen.

So at the last meeting, one of the abutters raised

1 some concerns. So on January 12, we met with the owners of  
2 both the first-floor and second-floor units of the abutting  
3 townhouse to go over their concerns, most of which I think  
4 revolved around access to their bulkhead.

5 So based on that meeting, we made a number of  
6 revisions to the deck, which I think you have in front of  
7 you. So the deck now flips the staircase -- oh, yeah, if  
8 you go to -- yeah, so if you go to -- exactly, Z2, so the --  
9 the revised deck shows the staircase being put away from the  
10 side nearest the abutter's bulkhead.

11 We pulled the -- pulled the deck back to 8' to try  
12 and create some space sort of in that corner, so that if  
13 people are moving furniture in and out of the bulkhead, they  
14 have room to do that.

15 So we made those revisions based on the meeting we  
16 had on site on January 12. And we then forwarded those  
17 revisions to the first- and second-floor owners. The first-  
18 floor owner I think is happy with the revisions. The  
19 second-floor owner I think is happy with the access to the  
20 bulkhead, but may have some further concerns that they  
21 outlined to me last night.

22 So I think at this point, unless you guys have any



1 questions about what I've shown on the new drawing, I think  
2 we sort of stand pat. And then, like, we listened to the  
3 abutter's concerns.

4 BRENDAN SULLIVAN: Okay. John, there was the  
5 letter -- I guess I don't know if it was from you or Mr.  
6 Matheson.

7 JOHN LODGE: The meeting minutes?

8 BRENDAN SULLIVAN: Dictated January 30.

9 JOHN LODGE: Right.

10 BRENDAN SULLIVAN: And I just want to make sure  
11 that -- so that the parties were in agreement with the  
12 revised plan that you have submitted, and that also it was  
13 sort of a fourth version of the plan.

14 And the parties also discussed -- I'm just reading  
15 from the e-mail -- the draining plan. Dave -- Mr. Matheson  
16 -- described this as adding two to three inches to the  
17 height of the inner edge of the courtyard and replacing the  
18 current impermeable asphalt surface with permeable pea stone  
19 or gravel and pavers under the deck to be paid for and  
20 shared basis by the Unit 1 owners.

21 So basically, this is a summation of your  
22 correspondence?

1           JOHN LODGE:   Correct.

2           BRENDAN SULLIVAN:   And I guess the bottom line is  
3   that they are in agreement with the plan that is now before  
4   us.

5           JOHN LODGE:   Well, I'm not sure that's true.   That  
6   was -- so, so that -- we sent that out as basically sort of  
7   minutes from the meeting on January 12, and then they  
8   attached the drawings which they have in front of them.

9           The first-floor owner is in agreement, and the  
10   second-floor owner I think tentatively agreed to some of the  
11   changes in an e-mail on Sunday, but during a subsequent  
12   conversation yesterday I think they do still have some  
13   concerns, which I think they're going to address tonight.

14          BRENDAN SULLIVAN:   Oh, okay.   All right.   All  
15   right, so we'll let them speak on that.   Okay.

16          Any questions by members of the Board?   Jim  
17   Monteverde et al?

18          JIM MONTEVERDE:   No questions.

19          BRENDAN SULLIVAN:   Laura Wernick?

20          LAURA WERNICK:   No questions.

21          BRENDAN SULLIVAN:   Slater Anderson?

22          SLATER ANDERSON:   No questions.

1 BRENDAN SULLIVAN: Wendy Leiserson?

2 WENDY LEISERSON: No questions.

3 BRENDAN SULLIVAN: All right. And I have no  
4 questions. Let me open it 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 are calling in by phone, you can raise your  
9 hand by pressing \*9 and unmute or mute by pressing \*6, and  
10 you'll have up to three minutes in which to comment.

11 OLIVIA RATAY: Julia Cooper?

12 BRENDAN SULLIVAN: Okay. If you could please tell  
13 us your name and address for the record?

14 JULIA COOPER: Hello. My name is Julia Cooper. I  
15 live at 5 Hancock Place with my husband and family, two  
16 children. And we're here -- we're speaking tonight to raise  
17 -- yes, raise some concerns on the proposal.

18 First, we will -- we want to apologize that this  
19 is a little bit late. Both my husband and I unfortunately  
20 have gotten COVID. And I'm moved to long COVID, so I still  
21 haven't really recovered. So, but this was important enough  
22 that I'm just -- I'm rallying to do this.

1           I think our concerns are -- in a very basic sense  
2   is sort of how big a porch or deck that is getting created  
3   in a very small space, and how by what we see so far, how  
4   that can sort of -- can negatively impact the value of the  
5   back yard that we both share.

6           It's a very small yard. It's 15' wide and maybe  
7   the area that we're looking at 20, 20 some feet long. So  
8   it's very small. So one of the big concerns is that even if  
9   it doesn't seem like a very big change in the original  
10   structure, which was not as much as deck as a -- as a way to  
11   exit the Unit No. 1, it makes a big difference.

12           In looking at the zoning and the building permits  
13   and stuff, I did raise some concerns with the Zoning  
14   Inspector today that perhaps the original permit was also  
15   not quite in compliance.

16           Certainly, you know, when I read the Open Space  
17   rules, I saw that we -- that decks are considered open  
18   space, or portions are considered open space if there's  
19   access to all the buildings.

20           And the way these condos are conformed, I don't  
21   believe that is the case. There is a big roof deck that's  
22   exclusive use for the top-floor tenant, and this one I

1     assume would be -- you know, mainly access for the  
2     downstairs tenant. So counting it as open space would be  
3     hard.

4             And that falls to the second point that I had,  
5     which is with nonconformity. If our -- if the area was in  
6     conformation according to the building permit that was  
7     submitted, we should have 428 square feet of open space.  
8     But we only have 320. And by my own measurements, it's even  
9     less than that.

10            So we're talking about 300 space -- you know, even  
11    one foot what makes a difference. And if you're not  
12    counting the porch as open space, it takes up -- it really  
13    reduces it down -- and by our concerns detrimentally.

14            Now, we don't want to. And we've said this to  
15    both the Mathesons, who are the owners, and John. We're not  
16    coming and saying, "You know, we understand you want a porch  
17    -- " we understand that.

18            But can we, like -- small yard. You know, there's  
19    a lot of things that also fall into that yard. Everybody  
20    has to think of where it goes -- the garbage cans, the air  
21    conditioner units, et cetera, et cetera.

22            And why it's especially important for 5 Hancock

1 Place as opposed to 3 Hancock Place is that we have the  
2 smallest amount of property of everybody. Very, very small  
3 amount.

4 So this has an impact -- you know, not just on the  
5 unit, but this has an impact on the value of our whole condo  
6 association, or the 5 Hancock Place condos.

7 BRENDAN SULLIVAN: Okay. All right. Thank you  
8 for your comment. So that the current plan -- you've seen  
9 the current plan that John has?

10 JULIA COOPER: Yes. Yes. We've seen the current  
11 plan. We've mapped it out physically, looked at the place.  
12 I've even taken pictures. I think you've not -- no one has  
13 seen a photo of the back yard and to really understand how  
14 small it is and how narrow it is.

15 BRENDAN SULLIVAN: Okay.

16 JULIA COOPER: And, like I said, you know, if  
17 we're thinking about, like, nonconforming -- nonconforming  
18 open space, we don't want to cut any space at all. I  
19 believe that this porch is not in compliance with that.

20 BRENDAN SULLIVAN: All right. Thank you for  
21 calling in.

22 JULIA COOPER: Okay.

1           BRENDAN SULLIVAN: Yes. Anybody else? There  
2 appears to be nobody else calling in. So I will close the  
3 public comment portion of it.

4           John, I don't know if you can address any of the  
5 issues, or there appears to be either substantial opposition  
6 -- opposition, I won't say it's substantial, but someone who  
7 has saying that they would be adversely affected by what is  
8 proposed, or if there's any other room for more discussion  
9 or should we just --

10          JOHN LODGE: Well I -- the problem being, the  
11 problem being that we sort of found out about this from  
12 yesterday. And we -- you know, the project is ongoing, and  
13 we're trying to order windows and doors and things like  
14 that, which the lead time is, you know, takes forever on  
15 these things now.

16          So I think if -- you know, maybe it's completely  
17 up to the Board to decide one way or the other. If, you  
18 know, you know, if you decide not to grant the special  
19 permit, I think we're just going to go ahead with what's  
20 already been permitted.

21          BRENDAN SULLIVAN: Okay. Olivia, has the original  
22 permit been reviewed at all for some of the issues that this

1 group has brought up?

2 OLIVIA RATAY: Yeah.

3 BRENDAN SULLIVAN: Okay.

4 LAURA WERNICK: We can't hear Olivia. I can't  
5 hear Olivia.

6 BRENDAN SULLIVAN: Okay. So what you're saying is  
7 it has been reviewed, and it appears to be in compliance  
8 with the original plan? Okay. So Olivia's saying that it  
9 has been reviewed, the original permit? And that has been  
10 established to be valid.

11 What changed things was the relocation of the  
12 door, and that triggered, then, relief before us, which  
13 would be another opening. It changes the step off -- the  
14 setback of the deck. Okay. So that's the -- what triggers  
15 the variance request.

16 All right. Let me close that portion of it. Jim  
17 Monteverde, your thoughts?

18 JIM MONTEVERDE: Looking at the illustration  
19 that's on the screen, if the request for the larger balcony  
20 were denied, what is it you would proceed with? What's  
21 shown as the existing deck, or is it something else?

22 JOHN LODGE: No, it's -- it basically it's -- we



1 would proceed with a similar deck, but the door would be  
2 facing the rear yard instead of facing the side yard.

3 JIM MONTEVERDE: Similar to the deck that's shown  
4 on the proposed deck?

5 JOHN LODGE: Yeah.

6 JIM MONTEVERDE: Okay.

7 JOHN LODGE: It's actually -- it's actually -- I  
8 mean, I think --

9 JIM MONTEVERDE: Which doesn't help the neighbors.  
10 Doesn't impress --

11 JOHN LODGE: No, well, to be honest, the -- what  
12 was approved I think is -- constrains the access to the  
13 bulkhead more. So we're perfectly happy to -- so the stair  
14 was originally on the other side. Sort of in front of the  
15 access to the bulkhead. And we're perfectly happy to flip  
16 the stair and keep it -- keep it sort of tucked against the  
17 side of our unit to allow more access to the bulkhead.

18 So basically, I think we would -- we would  
19 probably try and stay with the compromises we made and just  
20 leave the door facing the rear of the -- the rear yard.

21 JIM MONTEVERDE: We proceed with the proposed deck  
22 profile that we're looking at in plan? Did I understand

1     that correctly?

2             JOHN LODGE:  Yeah, which is actually a little bit  
3     smaller than the deck that was permitted.

4             JIM MONTEVERDE:  Okay.

5             LAURA WERNICK:  So.

6             JIM MONTEVERDE:  And is there any opportunity to  
7     look at a smaller deck in your proposed plan?  Do you want  
8     to move that door where you showed in the proposed plan, but  
9     reduce the width?  I assume it's the width that's the  
10    biggest issue?

11            JOHN LODGE:  Yeah.  I mean, at this point I think  
12    -- you know, it's just that, you know, we've gone back and  
13    forth and, I mean if we'd had this conversation a little bit  
14    earlier, then I would have been able to maybe do something  
15    and then present something to you tonight.  But at this  
16    point, I think it's -- you know, we want to, we sort of just  
17    want to get done with it.

18            And if we have to -- if we have to keep the door  
19    facing the -- facing the rear yard, that seems -- that seems  
20    better than, you know, waiting to try and resolve this just  
21    to sort of, you know, draw out the construction process.

22            JIM MONTEVERDE:  Okay.  Thank you.  No more

1 questions.

2 BRENDAN SULLIVAN: Laura Wernick, any comments,  
3 thoughts, questions?

4 LAURA WERNICK: So, just so -- for further  
5 clarification, if we go back to the original, the door is  
6 swinging directly out towards the back, but we don't need a  
7 vote? That's already been permitted, you don't need a vote  
8 from this Board on that proposal?

9 JIM MONTEVERDE: Correct.

10 LAURA WERNICK: Okay, thank you.

11 BRENDAN SULLIVAN: We would take a vote on the  
12 proposal that is before us. If they did not receive the  
13 four affirmative votes, the variance would be denied. They  
14 would then go back to their original plan and construct  
15 that. Is that correct, John?

16 JOHN LODGE: Well, to be honest, I think at this  
17 point based on the conversation we had on the twelfth with  
18 both of the abutters, we did realize that the original plan,  
19 you know, made getting in and out of the bulkhead a little  
20 harder.

21 So -- so the plan that you're -- that you have in  
22 front of you, basically the plan that was permitted, the

1 stair is flipped to be closer the property line.

2 And so, we think it's probably better for  
3 everybody at the stairs is as shown here. So that's  
4 something I think I would take up with Olivia just to -- I  
5 mean, we -- I think this is a better solution for the  
6 abutters regardless.

7 So I think we would -- I mean, we would start with  
8 what's permitted, but I think I probably would go and have a  
9 discussion with Olivia just to -- to, you know, to see if we  
10 could amend it to show these revisions, which are -- you  
11 know, which are -- which creates a slightly smaller deck  
12 than what's permitted.

13 BRENDAN SULLIVAN: So you would try to build an  
14 as-of-right solution?

15 JOHN LODGE: Yeah, I would -- I mean, I --  
16 following all the logic that Olivia and I went through in  
17 September when we first submitted this, the deck that's  
18 shown here is not -- without the door coming off the side,  
19 with the door coming off the rear, I think that would  
20 actually be a slightly smaller -- it would have a slightly  
21 smaller footprint than what was permitted.

22 BRENDAN SULLIVAN: Okay.

1           JOHN LODGE: And we -- and we, you know, we do  
2 understand that -- that, you know, you want to have clear  
3 access to the bulkhead -- as clear access to the bulkhead as  
4 you can. So that seems pretty reasonable.

5           BRENDAN SULLIVAN: All right. Ms. Cooper, have  
6 you raised your hand to make further comment?

7           JULIA COOPER: Yes. I mean, the first thing is  
8 that I know that the trigger for this has been the door.  
9 And I will say for us, it -- you know, having the door on  
10 the side or the back, you know, that doesn't make a  
11 decision. And we don't want -- like, that's where -- the  
12 door on the side is the best place for the -- for their  
13 redesign. You know, we're not objecting to that.

14           What we are objecting to is, you know, so the  
15 porch. Or, you know, that no one's thought of a different,  
16 creative thing such as maybe instead of having a porch  
17 setting up, you know, designing a ground-level patio or  
18 something, which would visually make it more smooth, which  
19 would allow more greenery and stuff. We used to have space  
20 for three trees back there that got removed. You know, so  
21 things like that.

22           So what I don't want to have is, like, "Oh, you

1 guys didn't get past -- you didn't -- the variance didn't  
2 get past about door. Therefore, we're going to go back to  
3 the old one and do the same things on the porch that we were  
4 going to do, but now the door is not in the admired place."

5 And that's to me is like nobody benefits.

6 By the way, I have spoken with Olivia extensively  
7 today to try to understand the zoning requirements, et  
8 cetera, et cetera.

9 And she has very kindly agreed to look -- go look  
10 back at the building permit, because she didn't appreciate  
11 some of the things for example like what's getting counted  
12 and what's not, and whether this porch is accessible to all  
13 versus, you know, just an exclusive use personal thing,  
14 which does have an impact on the calculations and such, and  
15 how it fits. So I -- you know, I really -- and she, I'm  
16 glad she's here tonight.

17 So however it -- it happens, I want to make clear  
18 the door is not a big deal for us. You know, as a matter of  
19 fact, the side door is where the door was originally. And  
20 if that works better for the Mathesons, you know, we do not  
21 want to interfere with that. And --

22 BRENDAN SULLIVAN: It's the size of the deck.

1     It's the size of the deck --

2                 JULIA COOPER:  It's just the size of the deck, and  
3     like I said, if I could project a picture, I would show you,  
4     you could see how narrow it is, and you can imagine a deck,  
5     you know, you know, sort of taking up a huge space in the  
6     back that'll just look weird.

7                 And the other thing is you've got to imagine that  
8     on the right-hand side where we are, we have to have, you  
9     know, we don't have space to put, for example, we don't have  
10    another space to put the Condominium's air condition vents,  
11    or air conditioner things.  So on the other side, there's a  
12    lot of space that's already getting taken up.  And so, just  
13    visually just it's a big mess.

14                And like the bulkhead too.  Like, we really do  
15    appreciate because the bulkhead was our only ability to get  
16    things in to the basement and, you know, other parts of the  
17    house that could be bigger.

18                And, you know, it was great to, like, say, "Hey,  
19    you know, how can we adjust?" and we were literally  
20    measuring inches.  How far do we need to go back to make it  
21    clear?

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

1           JULIA COOPER:   Okay.

2           BRENDAN SULLIVAN:   Slater, any thoughts or  
3   comments at this time?

4           SLATER ANDERSON:   No, I was just saying -- I was  
5   just curious looking at this existing, proposed, the two  
6   decks that the bulkhead is -- is sort of drawn differently  
7   and the two -- I assume the proposed is the actual sort of  
8   footprint of the bulkhead?

9           JOHN LODGE:   Yeah, yeah, it is.

10          SLATER ANDERSON:   Okay.   That's all.   Thank you.

11          BRENDAN SULLIVAN:   All right.   Wendy, comments,  
12   questions?

13          WENDY LEISERSON:   I'm just wanting a little bit  
14   more clarification as well, which is what you're saying --  
15   my understanding is that you as-of-right are saying that you  
16   have the ability to make this size deck, no matter what we  
17   decide tonight, is that correct?

18          JOHN LODGE:   Well, according to Olivia's --  
19   according to Olivia's interpretation back in September.

20          WENDY LEISERSON:   And I didn't hear all of what  
21   Olivia said tonight, but is Olivia's point of view that that  
22   was an accurate read of the situation back in September?



1 JOHN LODGE: Yes.

2 WENDY LEISERSON: Yes? Okay.

3 BRENDAN SULLIVAN: Yes. Olivia is saying yes.

4 WENDY LEISERSON: Okay. So --

5 BRENDAN SULLIVAN: Because the deck is not above  
6 4', is that -- because it's not above 4'. So it could be  
7 built. So anyhow --

8 WENDY LEISERSON: Got it. So I do appreciate the  
9 abutter's concerns about the visual impact of a raised  
10 structure. But it doesn't seem that our decision is going  
11 to impact that either way is my understanding.

12 BRENDAN SULLIVAN: Right. Okay.

13 WENDY LEISERSON: Okay.

14 BRENDAN SULLIVAN: All right. There was a letter,  
15 actually, from the Mid-Cambridge Neighborhood Conservation  
16 District Commission and basically it said that it was not  
17 viewable from the public way, and so, as such their review  
18 was not needed. So that was the only other correspondence.  
19 So.

20 All right, let me try and make sense of this. Let  
21 me make a motion on the existing plan that is before us and  
22 see how it comes out. Let me make a motion, then, to grant

1 the variance as per the revised application, which is  
2 stamped in March 6, entitled, "3 Hancock Place, Zoning  
3 Worksheet Site Plan 30623 by John Lodge Architects"  
4 incorporating the supporting statements and revised  
5 dimensional form.

6 The motion is to grant the relief requested.

7 The Board finds that a literal enforcement of the  
8 provisions of the ordinance would involve a substantial  
9 hardship to the petitioner. The existing deck, which is  
10 substandard in size and that the back yard is mostly paved  
11 and has very poor drainage.

12 And that the redoing of this back yard area and  
13 the proposed new deck will improve the quality of the entry  
14 and exit from the structure, and that it will allow the  
15 homeowner to enjoy a little bit bigger space to the outdoors  
16 -- more enjoyable -- and with more space in which to sit.

17 The Board finds that the hardship is owing to  
18 siting of the structure, encumbered by the existing  
19 ordinance regarding setbacks. And that having to do with  
20 the shape of the land and the structure thereon. That the  
21 rear yard of 3 Hancock Place is bounded by a brick façade at  
22 the rear and a rear alley on both sides. It suffers from

1 poor drainage and has limited access to the sunlight. The  
2 proposed raised deck will create a much better, usable open  
3 space and more access to the sunlight.

4 The Board finds that desirable relief may be  
5 granted without substantial detriment to the public good.  
6 That the enhanced, enlarged deck will have a benefit to the  
7 homeowners and anybody who lives there with a much better,  
8 worthwhile, outdoor space in which to sit.

9 Desirable relief may be granted without  
10 substantial detriment to the public good, or nullifying or  
11 substantially derogating from the intent and purpose of the  
12 ordinance to allow for a deck and a better use of outdoor  
13 space for the enjoyment of any occupant and/or visitor to  
14 the site.

15 On the motion, then, to grant the relief requested  
16 as per the latest drawings, as previously noted and  
17 initialed by the Chair?

18 Jim Monteverde?

19 JIM MONTEVERDE: I'm not in favor of the variance.

20 BRENDAN SULLIVAN: Laura Wernick?

21 LAURA WERNICK: I am voting in favor of the  
22 variance.

1 BRENDAN SULLIVAN: Slater Anderson?

2 SLATER ANDERSON: I am not in favor of the  
3 variance.

4 BRENDAN SULLIVAN: Wendy Leiserson?

5 WENDY LEISERSON: I am not in favor of the  
6 variance.

7 BRENDAN SULLIVAN: I would vote in the negative  
8 also.

9 [4 vote NO, 1 vote YES]

10 BRENDAN SULLIVAN: So not having received the  
11 necessary four affirmative votes, the motion for the  
12 variance is denied.

13 In furtherance, the Board finds that the majority  
14 of the Board members found that the legal standard for the  
15 granting of the variance, the -- lot and the location of the  
16 deck thereon does not meet the legal standard, and that the  
17 creation of the deck, as per testimony as shown could  
18 potentially have an adverse effect on adjoining properties  
19 and their enjoyment of their property.

20 On the subsequent motion, then, to deny -- those  
21 who are in agreement, Jim Monteverde in agreement of the  
22 subsequent narrative?

1 JIM MONTEVERDE: Yes.

2 BRENDAN SULLIVAN: Laura Wernick?

3 LAURA WERNICK: Yes.

4 BRENDAN SULLIVAN: Okay. Slater Anderson?

5 SLATER ANDERSON: Yes.

6 BRENDAN SULLIVAN: Wendy Leiserson?

7 WENDY LEISERSON: Yes.

8 BRENDAN SULLIVAN: In favor of the subsequent  
9 reasoning.

10 [All vote YES]

11 BRENDAN SULLIVAN: The motion is denied.

12 JOHN LODGE: All right, well thank you.

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(6:54 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
Monteverde, Laura Wernick, and Slater  
Anderson

BRENDAN SULLIVAN: The Board will hear Case No.  
207271 -- 84 Bishop Allen Drive. Michael?

MICHAEL MONESTIME: Good evening, Chair Sullivan  
and esteemed members of the Board of Zoning Appeal. For the  
record, my name is Michael Monestime, President of the  
Central Square Business Improvement District.

I'm here with Nina Berg and Matt Boyes-Watson of  
Flag Street Studio, our design Partners.

Olivia, could you bring up our presentation  
please? Any chance you can put it in full screen? Perfect.

Next slide?

We last came before you -- ready to go?

BRENDAN SULLIVAN: Yep.

MICHAEL MONESTIME: We last came before you in  
July of 2022 seeking a continuation of zoning relief for  
Starlight Square originally granted in March of 2022 when  
the COVID-19 emergency order expired.

1           During that period, in response to the feedback  
2   from neighbors and this Board, we made major adjustments to  
3   our program, our operations, and infrastructure in an effort  
4   to lessen impact from sound.

5           We are back before you now seeking the same zoning  
6   relief to allow Starlight to operate as an outdoor  
7   entertainment and recreation facility, which requires a  
8   special permit.

9           Our request is that this special permit be granted  
10   for season 4 from May 1, 2023 to October 31, 2023. As  
11   you'll note in our file, this request is supported by two  
12   City Managers, our new Manager, Yi-An Huang, and former  
13   manager, Louis DePasquale, along with eight of the nine  
14   Cambridge City Councillors, including the Mayor and Vice  
15   Mayor.

16           Also included: State Reps Marjorie Decker and  
17   Mike Connolly, plus many more.

18           MICHAEL MONESTIME: I'd like to say a little more  
19   about who we are. The Central Square bid is a not-for-  
20   profit organization that serves the Cultural District. We  
21   employ 20 people to keep the Square clean and offer a  
22   helping hand from 6:00 p.m. until 8:00 p.m. seven days a

1 week. We are place keepers and community organizers. Our  
2 programs create opportunities for people to benefit from the  
3 richness of this neighborhood, be it artistic or economic.

4 The majority our Staff grew up and live in  
5 Cambridge. Between us, we have experienced Central Square  
6 change in good and bad ways over the last 50 years.

7 I say this to contextualize why we are doing this  
8 work; why we continue to defend it and advocate for its  
9 existence. So many of the special parts of Central Square -  
10 - the myriad of art spaces, locally-owned businesses, public  
11 places to gather, have been erased by careless policy,  
12 luxury development, and displacement.

13 We are here because Starlight is one of the many  
14 initiatives counteracting these trends. It's an ecosystem  
15 producing positive change throughout the entire  
16 neighborhood.

17 And I want to recognize the challenge that this  
18 Board faces in weighing the positive impacts of Starlight  
19 with the negative impacts on abutters.

20 It is our ultimate goal to induce the City of  
21 Cambridge, who is the owner of this lot, to build a  
22 permanent home for Starlight that allows for the



1 continuation of the positive impacts without the adverse  
2 ones.

3           There are 100 plus letters and callers who have  
4 voiced their support for Starlight over our three public  
5 hearings. You'll hear more testimony tonight from other  
6 leaders in the city. All of these people have different  
7 reasons for supporting this effort.

8           I hope over our three appearances before you that  
9 we've built a level of trust with this Board; that we do  
10 what we say we are going to do. We have been responsive  
11 respectable neighbors navigating this process while  
12 responding to compounding crises throughout our district.

13           Our elected officials, City Councillors, have said  
14 it better than I can:

15           "Starlight has been a lifeline for our community."  
16 - Councillor Zondervan.

17           "Starlight is now part of Central Square's  
18 identity." - Councillor Azeem.

19           "I can attest to the remarkable contribution  
20 Starlight has made to the Cultural District. Starlight has  
21 become an indispensable asset to the Central Square and the  
22 greater Cambridge Community." -- Councillor Simmons, a

1     lifelong resident.

2             "And as the city transitions, there is great value  
3     in Starlight's continued existence at this space." -- City  
4     Manager Huang.

5             Next slide, please?

6             Since the very height of the pandemic, Starlight  
7     has been a safe and cost-free home for many parts of daily  
8     life in Central Square. We host and expanded the farmer's  
9     market. We offer free cultural programming for all, created  
10    an economic development initiative, created a public space  
11    in the heart of the city, and reflected the Square's value  
12    through public art.

13            This slide captures what this initiative has  
14    delivered to the entire city. I'd like to know especially  
15    the over quarter of a million dollars of funding that goes  
16    from our organization directly to artists and organizers who  
17    create free public programming at Starlight. There is no  
18    other program that does this in the City of Cambridge.

19            Next slide?

20            In addition to public programming, Starlight is  
21    the home base for Popportunity. Popportunity was started  
22    because COVID forced 13 businesses to close in the Cultural

1 District. At Starlight, there are 14 mini storefronts that  
2 have served 108 vendors.

3 Next slide, please?

4 Five have graduated from mock five into their own  
5 brick and mortar stores; one at Bow Market in Somerville,  
6 and four here on Mass Ave in Central Square. This photo is  
7 from just last month, when Popp Boutique at 301  
8 Massachusetts Avenue in partnership with MIT.

9 Popportunity empowers local, predominantly women  
10 of color entrepreneurs to generate supplemental income for  
11 themselves and lets residents shop locally. Where else is  
12 this true in the City of Cambridge?

13 Next slide, please?

14 Now that we've shared what Starlight does to  
15 create positive change for the district, we'd also like to  
16 share what we're doing to be respectful neighbors. The very  
17 limited negative feedback we've received has related to  
18 sound. We've taken these comments seriously, as our  
19 mitigation efforts demonstrate.

20 I'd like to say that Starlight operates within the  
21 allowed decibel levels as outlined by the Sound Ordinance  
22 for a Bus. B zone, which includes Lot 5.

1           That said, if approved tonight, we will continue  
2 to work to lessen negative impact. To date, our mitigation  
3 efforts have included limiting program in Starlight to no  
4 more than five days per week, limiting live music to two  
5 nights per week, reducing the number of speakers, investment  
6 in drum shields to absorb the most intrusive sound, and  
7 investing thousands of dollars in acoustic paneling.

8           Next slide?

9           Ahead of our hopeful fourth season, we continue to  
10 do outreach to address concerns. We preemptively bought  
11 more soundproofing equipment for live instrumentation and  
12 sent 1:1 communication to the neighbors who have shared  
13 their concern at prior BZA hearings or to the bid directly.

14           Our Staff offered to take readings from their  
15 homes to understand better what their experience is like at  
16 home, so we could improve upon the situation. Unfortunately  
17 at this time, nobody has taken us up on this offer.

18           As Mayor Sumbul Siddiqui notes in her letter, "Our  
19 elected officials have been include in outreach to abutters.  
20 They too are willing to help."

21           Next slide, please?

22           On March 1, we conducted a sound test and

1 confirmed that additional amplifier shields do help reduce  
2 the decibel level of guitar and base.

3 Next slide, please?

4 I'd like to restate that Starlight operates within  
5 the allowed decibel levels as outlined by the Sound  
6 Ordinance for a Bus. B zone, which includes Lot 5. These  
7 readings which are taken multiple times at every event show  
8 the amount of sound produced on stage all within permissible  
9 limits. Our AV Manager Kay is in the digital crowd today  
10 and can help answer further questions about this.

11 Next slide?

12 At the end of our March hearing, we were asked to  
13 be in constant communication with neighbors. In addition to  
14 digital outreach, we also flyer abutting buildings with the  
15 same message. This slide shows the instances of  
16 communication since the end of 2022. The exact  
17 communications were provided to the Board.

18 Next slide, please?

19 We will continue this continuous communication  
20 directly with abutting neighbors, businesses and community  
21 groups. We read all of the opposing letters for tonight's  
22 meeting. We will do the same proactive one-to-one outreach

1 to the people whose e-mails were included in viewpoint, as  
2 we have with anyone else who's reached out to us. And we  
3 will offer the same remediation. We have no way of knowing  
4 whom else is inconvenienced.

5 Next slide?

6 Like seasons past, the calendar of events and ways  
7 to connect with our team are available throughout the  
8 Starlight footprint. Our Staff is easily identifiable  
9 throughout the district.

10 Olivia, if you could slowly click through the next  
11 few slides until you reach the purple one, please? The  
12 following slides all included in our packet show the  
13 communication sent to abutters, businesses, and community  
14 groups and our local electeds. They are shown  
15 chronologically.

16 Great.

17 Next slide, please?

18 Lastly, two recent news articles that help shape  
19 what is at stake for the Cultural District: Currently,  
20 there's a regional assessment ongoing by the Metropolitan  
21 Area Planning Council, the MAPC, of which Cambridge is a  
22 part of, that seeks to understand how to protect the

1     dwindling cultural spaces.

2             From what we've heard, Starlight is being upheld  
3     as a model demonstration for how to create from nothing the  
4     spaces that communities desperately need.

5             Next slide?

6             I would be remiss if I didn't mention the recent  
7     closing of the Sound Museum, a home for musicians that just  
8     displaced a generation of artists. "This home for arts and  
9     culture joins the EMF and many other spaces that are wiped  
10    out by biotech," as this WBUR headline reads.

11            Starlight sits on city-owned land, and operators  
12    on a license agreement with the City of Cambridge. Its  
13    events are approved by the License Commission, and its  
14    closure would be a choice, one with ramifications for the  
15    cultural district and the city for years to come.

16            Next and final slide, please?

17            We have shown ourselves to be trustworthy partners  
18    and applicants to you as a Board. We, plus three meetings  
19    worth of letter writers and speakers and the many more  
20    people who can't make this meeting but are here with us in  
21    spirit are asking that you grant us a special permit to  
22    allow us to continue our work at Starlight.

1           Thank you, Chair Sullivan and BZA Board members  
2           for your time and attention.

3           BRENDAN SULLIVAN: Michael, you're asking for a  
4           special permit and seeking relief for a special permit under  
5           Section 4.36, which is an outdoor retail and consumer  
6           service establishment, 4.63d, which is an outdoor  
7           entertainment and recreation facility. And the criteria in  
8           10.40.

9           Asking for relief -- sorry, asking for a special  
10          permit to run May 1 through October 31, is that correct?

11          MICHAEL MONESTIME: You're correct, Chair  
12          Sullivan.

13          BRENDAN SULLIVAN: Okay. Great. All right, thank  
14          you. All right. Let me turn it back over to the Board for  
15          questions and answers. Jim Monteverde, any questions or  
16          comments?

17          JIM MONTEVERDE: No questions, thank you.

18          BRENDAN SULLIVAN: Andrea Hickey, any questions or  
19          comments?

20          ANDREA HICKEY: Not at this time, Mr. Chair.

21          BRENDAN SULLIVAN: Anderson -- Slater Anderson,  
22          sorry?



1           SLATER ANDERSON: No worries. No questions.

2           BRENDAN SULLIVAN: Wendy Leiserson, any questions  
3 or comments?

4           WENDY LEISERSON: No questions.

5           BRENDAN SULLIVAN: Okay. I'm going to open it up  
6 to public comment. And I do this with a little bit of  
7 trepidation. I would ask -- well, any member of the public  
8 who wishes to speak should now click the button that says,  
9 "Participants," and then click the button that says, "Raise  
10 hand."

11           If you are calling in by phone, you can raise your  
12 hand by pressing \*9 and unmute by pressing \*6. And  
13 depending upon the number of speakers, I'll allow up to two  
14 minutes in which to comment.

15           I would ask that you please show a little bit of  
16 kindness and understanding to Board members. We have a long  
17 agenda tonight. If you have something to say, we surely  
18 welcome it, both pro and con, but we really don't need to  
19 hear the same thing over and over again. We get it. And at  
20 some point, we don't need constant repetition.

21           So again, if you have something to say, to add, we  
22 surely welcome it. The Board members have read all of the

1 correspondence pro and con regarding Starlight.

2 So again, I will open it to public comment. And  
3 please, just limit your comments if you would.

4 OLIVIA RATAY: Emily W?

5 THE REPORTER: Please give your name and address  
6 for the record?

7 EMILY: Hi. My name is Emily, and I'm at 70  
8 Bishop Allen Drive. Yeah. I wanted to express my strong  
9 opposition for the continuation of yet another summer with  
10 Starlight. I used to look forward to the summer, but now,  
11 like, I get, like, panic attacks. Like, I'm about to get  
12 one now, to be honest.

13 I'm so stressed that Starlight has sort of given  
14 me this over the past three years. After the torture we  
15 sort of endured during the first year of Starlight, where  
16 literally stage lights would go through our apartment  
17 windows, and the loud music would shake our building to  
18 12:00 a.m.

19 And we thought, you know, this was temporary, and  
20 the City Manager told us at the time this was temporary, but  
21 it's -- now we're, after three years we're still having  
22 Zoning meetings on maintaining Starlight.

1 I'm not sure how this is temporary anymore from my  
2 standpoint. I see that the Zoning Board has declared it to  
3 be permanent but has meetings before each session just to  
4 hear the managers of Starlight claim that they are making  
5 improvements.

6 The truth is Starlight continues to be an extreme  
7 disruption to the residents around it. It's impossible to  
8 unwind or invite friends over or even just think or watch  
9 something on TV, because of the constant loud music  
10 downstairs.

11 No matter how much they say that they are working  
12 on reducing the volume, the truth is there's a speaker and  
13 it's loud, and we can hear it. And it's always -- and at  
14 the moment they can raise it. And you can -- there's  
15 nothing anyone can do about it. And we have to just suffer  
16 through it.

17 And there are many instances that where Starlight  
18 will play music without it being approved. And  
19 unfortunately, the Cambridge Police doesn't even respond to  
20 us anymore, because for them Starlight has permission to  
21 play all throughout the summer, and even if people who are  
22 not related to Starlight come and play, we can't even, like,

1 complain about that.

2 And actually a few months ago during the World Cup  
3 final, they -- they hosted an event that wasn't licensed.  
4 And this happens a lot.

5 And so, since it seems futile to ask for it to be  
6 completely shut down, I hope this Zoning Board agrees that  
7 there shouldn't be any speakers playing downstairs, and  
8 performances should end at 7:00. Like, we have lives, and  
9 we want to have dinner, and we want to have -- spend time  
10 with family. So I can't study or unwind or even make dinner  
11 peacefully after work, so this is crazy.

12 BRENDAN SULLIVAN: Thank you.

13 EMILY: I'm also very confused why there hasn't  
14 been any discussions of moving Starlight. I mean, isn't it,  
15 like, a temporary built thing, couldn't it be moved? And I  
16 thought the zoning was sort of pretty strict in Cambridge  
17 about things like that.

18 We ask you to help us, because this is the only  
19 platform where we can really raise our concerns. Thank you  
20 for listening.

21 BRENDAN SULLIVAN: Thank you.

22 OLIVIA RATAY: Michael James?

1           MICHAEL JAMES: Hi. My name Michael James, and I  
2 live on 51 Norfolk Street right in front of the Starlight  
3 venue. So I've raised concerns before, but I do want to  
4 raise some additional concerns.

5           I really like do recognize that the Starlight  
6 events are enjoyable for those attending. But unlike them,  
7 unlike those coming in to attend, they have the privilege of  
8 attending for a few hours and come and go as they please.

9           But for us, it's a different story. For the  
10 families directly facing the venue, we're forced to attend  
11 100 events for half the year. And for half the week, or for  
12 more than half the week, we can't really talk over dinner  
13 because events are so late. We can't rest after work. We  
14 can't be productive.

15           We are even denied the opportunity to invite  
16 guests over the weekend, because every weekend there's just  
17 events going on, and they're going on until very late.

18           I urge you to recognize that our homes are not  
19 soundproof. The sound that's heard outside can be heard  
20 inside completely. So when the Starlight team proposed that  
21 they could come into our house, I -- that was kind of  
22 futile, because during the season -- and especially the

1 second half of the season when events kind of ramped up and  
2 Luis Cotto left, I specifically asked -- told him that while  
3 there are now drum circles that are happening without drum  
4 shields again and the sound is much louder.

5 But you just sent me an e-mail earlier that you  
6 installed an acoustic barrier, the sound is completely under  
7 their control, and they're allowed to self-govern, and we  
8 can't raise this issue with anybody else.

9 So I'd really urge you to help, to not alienate  
10 this community, and to consider this as you would in front  
11 of your own homes, or essential community, or essential area  
12 with about 32 family apartments of family housing is not an  
13 appropriate location for such an endeavor. Thank you.

14 BRENDAN SULLIVAN: Thank you.

15 OLIVIA RATAY: Beverly Mire?

16 BRENDAN SULLIVAN: Yes, yep.

17 BEVERLY MIRE: Hello. I would just like to ask --  
18 I'm sorry --

19 THE REPORTER: Can you please give your name and  
20 address for the record?

21 BEVERLY MIRE: My name is Beverly Mire. And I  
22 live at 94 Antrim Street in Cambridge.

1           BRENDAN SULLIVAN: Okay.

2           BEVERLY MIRE: And I just want to speak up for the  
3     Starlight, because it's so -- it's -- it's such a good  
4     community -- it's a really good community -- it's a  
5     community -- it's a good community -- I'm sorry, I'm getting  
6     tongue-tied because, you know, I didn't expect to be called  
7     on. So it's a really good community outlet.

8           And I have been there. And I saw a play that was  
9     done at -- it was done by Cambridge Rindge and Latin. And I  
10    just, you know, I just think it's a very important and vital  
11    contribution to the city.

12          BRENDAN SULLIVAN: Thank you.

13          OLIVIA RATAY: Suryani Ayu?

14          SURYANI DEWA AYU: Hi. Good evening, everyone.  
15    My name is Suryani Dewa Ayu, 177 Erie Street. I'm an Urban  
16    Planner and Urban Designer, born and raised in Cambridge.  
17    And I'm excited to speak in big, big support of Starlight  
18    square.

19                Like many caretakers, my parents worked around-  
20    the-clock to afford rent for us to get a good public-school  
21    education -- Falcon pride! -- while my grandmother would  
22    watch us, and they were street vendors in JP, and I have the

1 privilege of representing them today as vendors at  
2 Popportunity in Starlight Square.

3           Next month we will see if we can even afford to  
4 stay in Cambridge, but our family knows the beauty that's  
5 possible when Starlight Square supported, and we know what's  
6 at stake when -- and what's sorely lost if it isn't.

7           Starlight Square has been a safe public space  
8 where my family and friends can come together without having  
9 the barrier of a paywall. It's a place where we feel like  
10 we belong. We feel energized and connected with our  
11 community. And like my mom says, I quote, "It's the only  
12 space we have like that."

13           I know firsthand how this space has helped my  
14 family. It has helped us connect and grow and be in  
15 community during the pandemic. It has become a safe haven.  
16 It has helped with our health and our will begin,  
17 particularly our mental health and our social health, and it  
18 has brought us joy and a place to collectively mourn.

19           I personally work with a lot of young people, and  
20 I ask them to draw places where they feel like they can be  
21 themselves. And I've heard young people in big cities tell  
22 me they don't feel like they have a place like that. And



1     that is unacceptable.

2             Starlight Square was built from the community,  
3     because we need it. And countless public events and an  
4     amazing attendance of people of all ages showed this need so  
5     clearly.

6             When my friends come to Cambridge, or when my  
7     partner moved there, I said, you know, when they ask where  
8     to go to hang out, it's always Starlight Square. I am so  
9     thankful for this anchor point, this place for people. It  
10    has really been a lifeline. Thank you. And I urge support  
11    of it.

12            BRENDAN SULLIVAN: Thank you for calling in.

13            OLIVIA RATAY: Nadeem Mazen:

14            NADEEM MAZEN: Hi there. Can I be heard?

15            BRENDAN SULLIVAN: Yes.

16            NADEEM MAZEN: Hi there. Well, thanks so much  
17    for, you know, evaluating and doing all the work you do  
18    sitting here and listening to another --

19            THE REPORTER: Please give your name and address  
20    for the record?

21            BRENDAN SULLIVAN: If you could identify yourself  
22    for the record, please?

1           NADEEM MAZEN: Oh, yes, of course. I should have  
2 known better. Nadeem Mazen, 17 Mount Auburn Street.

3           I've been reminded of all these public meetings,  
4 city events, and thank you for the hard work you do taking  
5 all sides and making a reason to decision.

6           I'm very much in support of Starlight Square.  
7 When I was on the City Council, we would have done anything  
8 to be able to generate a project like this.

9           But the -- the truth is that it's actually really  
10 hard to do what Starlight has made look easy. It's an  
11 incredibly difficult to bring together an authentic sense of  
12 community, and there's many, many cities that have tried.

13           I visited a lot of them in 2011 through 2013 when  
14 I was doing a document on the topic of small business  
15 entrepreneurship.

16           And, you know, the money that so many cities put  
17 into trying to make a place like Starlight and then having  
18 them fall flat, having spent so much on consultants and  
19 placemaking and all of the -- all the stuff that goes into  
20 it.

21           And then you just don't have the "it" that makes  
22 it really work for people.

1           And Starlight has worked for so many different  
2 types of people -- for the neighborhood, for the city, for  
3 the Popportunity vendors. The idea of having a place you  
4 can afford to sell and to test new ideas is amazing.

5           And then to be able to graduate, it's unheard of.  
6 And it's especially unheard of in cities with high rental  
7 costs. It's really, really difficult to create a nexus like  
8 this -- culturally, economically and, you know,  
9 experientially for those who are attend groups.

10           And I also just want to say, you know, I've lived  
11 in Central Square for the better part of maybe the second  
12 half of my life, maybe 20 years now. And I've lived about  
13 Tavern in the Square and across from Whole Foods at 102  
14 Prospect. I've lived in all of these high-traffic places.

15           And I would be hard pressed to say that the sound  
16 from inside my living room in those apartments wasn't much  
17 louder from street noise and traffic than the sound of  
18 Starlight Square standing across the street. And I'm  
19 outside. I'm not inside these people's homes.

20           So some of the things I've heard on public comment  
21 I just -- I'm not on the same planet as these people, and I  
22 think it would really behoove them to engage the organizers

1 and look at sound mitigation, which as an engineer I can  
2 tell you works, and works wonders, both internal to a  
3 structure and in the mitigations that the bid and others  
4 have made. So --

5 BRENDAN SULLIVAN: Great.

6 NADEEM MAZEN: -- I encourage folks to move  
7 forward, and I hope that it can do so in perpetuity. Thank  
8 you.

9 BRENDAN SULLIVAN: Thank you for calling in.

10 OLIVIA RATAY: Dan Totten.

11 DAN TOTTON: Yes. Hi. My name is Dan Totten. I  
12 live at 54 Bishop Allen Drive. I just want to thank Nadeem  
13 for his wonderful words and say that as a neighbor, I can  
14 see Starlight Square from my window. I acknowledge that I'm  
15 not an abutter, but I can see it and I can hear it. And if  
16 I have my window open in the summer, I can certainly hear  
17 it.

18 And I'm here to say that we need -- we need to  
19 keep Starlight anyway. I understand that it's -- that it's  
20 inconvenient, but we really need to keep this going. I  
21 think when you look at the compromises that have been made,  
22 you know, 50 percent really jumps out. And I think that's a

1 substantial compromise.

2           The number of live music nights has been reduced.  
3 All of these steps have been taken, and painstaking  
4 discussions have taken place over several years about this.  
5 We have reached a fair and reasonable compromise. We need  
6 to move it forward.

7           And I would -- you know, I think -- I'm  
8 sympathetic to my neighbors, but I would also ask them why  
9 not invite the Central Square bid inside to do a meter  
10 reading at a time that you think represents the most  
11 inconvenient? Why not invite them in, and just see what it  
12 is, and help them take the steps that they need to help even  
13 further mitigate.

14           Because it feels like that, they've offered this,  
15 and it needs to be taken advantage of, if there are still  
16 issues that have been raised.

17           So once again, I strongly support keeping this  
18 going. It's so important to the Cultural District, to the  
19 neighborhood, and to the people and communities that live in  
20 the neighborhood. And so I really ask that you approve the  
21 special permit oncology tonight. Thanks so much.

22           BRENDAN SULLIVAN: Thank you, Dan, for calling in.

1 OLIVIA RATAY: Tony Clark?

2 TONY CLARK: Thank you. Can you hear me?

3 BRENDAN SULLIVAN: Yes.

4 TONY CLARK: I want to thank you. 17 -- 117 Elm  
5 Street. I want to thank you for the opportunity to speak  
6 today. I'm calling in support to keep Starlight.

7 Just to kind of provide some context: I grew up  
8 at 77 Bishop Allen Drive, and I'm a kid of the '80s and  
9 '90s. And we had very little life in Central Square. To  
10 this day, my mom and my two sisters still live in the  
11 neighborhood -- three different, you know, apartments in the  
12 particular community.

13 And I can't speak for them, but I'm confident in  
14 what they expect of me in terms of the life that has been  
15 generated for them to kind of be able to look at Central  
16 Square not as this particular place where, you know, they --  
17 they feel uncomfortable.

18 I think outside of everything that everyone has  
19 said, and I don't want to repeat it -- I do think there's  
20 some level of comfortability that Starlight provides.

21 While I can understand some of the anxiety and  
22 frustration of some of the folks that have spoken, I just

1 would like to, you know, provide some context as someone who  
2 grew up in the early '80s and into the '90s right at 77  
3 Bishop Allen Drive. We had very little life in Central  
4 Square.

5 So to think that this is a negative -- and I'm not  
6 here to disparage anyone, would like folks to think about  
7 the folks who grew up there, understand this particular  
8 community, have seen the change, have wanted folks to move  
9 into the community and embrace it.

10 And so, this is exciting to merge these two  
11 different worlds. And I understand that Starlight has been  
12 a convener. So I want to thank you guys for the time. And  
13 I appreciate listening to my testimony. Thank you.

14 BRENDAN SULLIVAN: Thank you. Thank you, Tony,  
15 for calling in.

16 OLIVIA RATAY: Julia Berg?

17 BRENDAN SULLIVAN: Julia?

18 JULIA BERG: Hi. Julia Berg. I own and live at  
19 157 Erie Street. Good evening members of the BZA. I am a  
20 lifelong Cambridge resident calling in strong support of  
21 Central Square's bid application. I'm also calling in  
22 because I am confused why Starlight has continually had to

1 appear in front of this room.

2 My understanding as a resident is this particular  
3 Board has the power to decide what use is allowed where in  
4 the city, and there are other City functions that determine  
5 how often and when.

6 There are further departments that still -- still  
7 that enforce and inspect to see that all parties are  
8 complying to the agreed-upon arrangement. To me, that seems  
9 like a smart division of labor.

10 However, over the last year, this Board has  
11 changed how Starlight operates entirely. This does not make  
12 sense to me when there are other City departments whose  
13 jurisdiction is to oversee public events and the like.

14 I feel that with every hearing the value Starlight  
15 brings to the entire city diminishes it more. As we've  
16 heard again tonight, there are endless benefits I could  
17 list. But really, it should be known Starlight is one of a  
18 kind in this country.

19 The fact that it was dreamed up here in the midst  
20 of all the pandemic should be celebrated and supported. And  
21 it's extremely disappointing that it's not.

22 Every effort should be made by a highly



1 capitalized city to mitigate the concerns of the handful of  
2 people calling in with complaints. And every effort should  
3 be made to allow Starlight to continue to reach its  
4 potential. It's a true shame to dismiss a project that  
5 represents the best of Cambridge as the support of the  
6 community major, the City Manager, and the majority the  
7 Council.

8 Thank you.

9 BRENDAN SULLIVAN: Thank you, Julia.

10 OLIVIA RATAY: Patrick Barrett?

11 PATRICK BARRETT: Hi, can you hear me?

12 BRENDAN SULLIVAN: Yes. Okay, Patrick.

13 PATRICK BARRETT: Hey!

14 BRENDAN SULLIVAN: Two minutes, if you will.

15 PATRICK BARRETT: My name is Patrick Barrett, 41  
16 Pleasant Street. Also 907 Main Street. And I'm also one of  
17 the founding members of the bid. And I'm a property owner  
18 who voluntarily pays additional taxes so things like  
19 Starlight can exist.

20 I'm here in support. I think Michael just gave a  
21 phenomenon, exchanged my own presentations before these  
22 Boards. And while I do recognize that there are some issues

1 with it, and the abutters -- that's always going to be an  
2 issue; I know where we did our own sound test for 907 Main.  
3 Central Square operates at about 62 decibels on the north,  
4 just ambient noise.

5 But Starlight means a lot to me, and I was glad to  
6 be able to play a small, small role in its development. And  
7 I hope the Board can see what this really truly means to the  
8 community.

9 And that this particular use in the outdoor  
10 category, you know, you do have the power to give it a  
11 permanent position here, and you guys did give it sort of a  
12 timeline. And I understand why you did it.

13 But I think you guys can see how much this truly  
14 means, and that there are other departments that can handle  
15 this in terms of mitigation, and we ought to just allow the  
16 bid to continue its use and put it into other departments'  
17 hands, so we no longer have to come back with the BZA every  
18 year for a special permit.

19 Thank you.

20 BRENDAN SULLIVAN: All right. Thank you, Michael  
21 -- or Patrick, rather.

22 OLIVIA RATAY: Malene Council?

1           MALENE COUNCIL: Hello. Can you hear me? Hello?

2           OLIVIA RATAY: Yes.

3           BRENDAN SULLIVAN: Yes.

4           MALENE COUNCIL: Oh, sorry. My name is Malene  
5 Council. I live at 11 Putnam Garden. I do community  
6 outreach for the American-Born Black Community in Cambridge.

7           I'm calling to express my strong support for  
8 Starlight Square and the extension of the special permit it  
9 needs to continue operating. I lived in Cambridge my entire  
10 life, and I worked at outreach for many years -- sometimes  
11 with family, sometimes with youth and elders, sometimes with  
12 the unhoused.

13           What I love about Starlight is that every time I  
14 went there, I saw my clients. The events at Starlight bring  
15 people together. They remind me of what Cambridge used to  
16 feel like: an exclusive, nonjudgmental crossroads of people  
17 at all different stations of life.

18           I love that at an event I can see the Mayor,  
19 Councillor Simmons, my parents, my son and some of my  
20 friends who live on the street all enjoying the same thing.  
21 Starlight keeps what's special about Cambridge universal and  
22 free to everyone. After the last three hard years, we need

1 this more than ever, as people seeking a sense of normalcy  
2 and connectedness.

3 Starlight is working. It is restoring our  
4 connection to each other, when many other forces like the  
5 pandemic and our mental health are keeping us apart.

6 Thank you.

7 BRENDAN SULLIVAN: Thank you for calling in.

8 OLIVIA RATAY: Maria Soler Meneses?

9 BRENDAN SULLIVAN: Maria:

10 MARIA INES SOLER MENESES: Hello. Can you hear  
11 me?

12 BRENDAN SULLIVAN: Yes.

13 MARIA INES SOLER MENESES: Oh, good. My name is  
14 Maria Ines Soler Meneses. I'm a former participant of --  
15 oh, sorry, I live in 7C Whitley (sic) Place in Wakefield.  
16 I'm a former participant of Popportunity in Starlight  
17 Square.

18 THE REPORTER: I'm sorry, I didn't catch your  
19 address. Could you just repeat that?

20 MARIA INES SOLER MENESES: Oh, sorry. It's 7C  
21 Willy Place in Wakefield. That's good?

22 BRENDAN SULLIVAN: Okay.

1           MARIA INES SOLER MENESES: All right. So I'm a  
2 former participant of Popportunity in Starlight Square. I'm  
3 calling to voice my support for this continuation. I'm a  
4 first-generation immigrant from Mexico. I used to work in a  
5 bar in Central Square.

6           I've been working in the restaurant business for  
7 almost 12 years. And now I'm a small business owner -- I'm  
8 a small business owner in Somerville because of my special  
9 opportunity.

10           So it was a great -- a great opportunity to -- to  
11 be -- to make my dream real. Like, I've been dreaming of  
12 this for almost eight years since I moved to -- almost since  
13 I moved to the United States. And thanks to Popportunity,  
14 that experience was possible.

15           So this is -- would not have been possible without  
16 Starlight. Please consider the life-changing outcomes that  
17 happen to Starlight when you decide, because there's many  
18 people right there waiting for this chance and this  
19 opportunity.

20           And I'm very glad -- I've been one year in Bow  
21 Market in Somerville, thanks to this project. And, you  
22 know, it's been great. It's been something that's really

1 changed my life.

2           So I understand some people may be around are made  
3 for the noise. But it's still a lot of people they want to  
4 do dreams. And this is a real dream from immigrants or from  
5 everyone. It doesn't matter where you're from. So I hope  
6 this continues. Thank you.

7           BRENDAN SULLIVAN: Thank you for calling in.

8           MARIA INES SOLER MENESES: Thank you.

9           OLIVIA RATAY: Julius Francis?

10          JULIUS FRANCIS: Hello. My name is -- can you  
11 hear me?

12          BRENDAN SULLIVAN: If you could spell that,  
13 please, and give us your address?

14          JULIUS FRANCIS: Julius Francis. Last known  
15 address in Cambridge: 10 Center Street Apartment F. Can you  
16 hear me?

17          BRENDAN SULLIVAN: Yes.

18          JULIUS FRANCIS: Okay, yeah. So.

19          BRENDAN SULLIVAN: Yes.

20          JULIUS FRANCIS: I want to call in to support  
21 Starlight and Popportunity. I became involved with  
22 Popportunity in, like, twenty-fifth of August in 2021. I

1 went through a lot.

2 I lived in Cambridge for over 35 years. That area  
3 in Central Square on Bishop Allen Drive used to be known as  
4 "bad street." It was an area that they had some -- a lot of  
5 people wasn't able to walk through that area.

6 Gentrification has changed Cambridge since 19 --  
7 since 1994, Cambridge has really changed. It was a couple  
8 raids in Cambridge that took a lot of people -- a lot of  
9 people got deported, got further disfranchised, and the  
10 community kept evaporating.

11 I don't think that a lot of us was able to -- I  
12 had to leave Cambridge because they raised the rent up --  
13 raised about \$1000. A lot of people are being pushed out of  
14 Cambridge that's been in Cambridge. It's really sad.

15 I walked through Central Square when I was doing  
16 Popportunity because I was selling food there, thanks to --  
17 thanks to Michael, thanks to Minutia (phonetic), Nina, Matt,  
18 Melanie -- all of them.

19 And when I walked through Central Square and I  
20 came back to Popportunity, because I was talking with some  
21 other participating and I see the community change so much.  
22 There was nothing that looked like me as a Black man.

1           I came to America I think in 1985 from Jamaica.  
2   And this community used to be a lot of Jamaicans, a lot of -  
3   - but it's changed and there's a lot that's going on. And  
4   there's a lot of ills that's going on. And it has been  
5   intentional.

6           And Poppportunity and Starlight has been one of the  
7   few things that has allowed a lot of people that live  
8   outside of Cambridge to be able to come back into Cambridge  
9   and to meet up and to reminisce and to think about, you  
10   know, because right now things is really changing.

11           And Poppportunity has brought hope, but a lot of  
12   opportunity and have brought a lot of good.

13           And I'm sorry for the few people that's been  
14   severely impacted by the -- by the noise complaint, but as  
15   the gentleman said, Starlight has been trying to assist and  
16   trying to, like, help. And I know they're really good  
17   people over there in Starlight, because I see -- I've  
18   witnessed, and I've lived that experience.

19           BRENDAN SULLIVAN: Okay. Thank --

20           JULIUS FRANCIS: And I think that it will be  
21   unjust to not allow Starlight to continue and continue to  
22   bring hope, because America is changing. Cambridge is



1     changing.  And --

2               BRENDAN SULLIVAN:  Thank you, Julius.  Thank you  
3     for calling in.

4               JULIUS FRANCIS:  All right.

5               BRENDAN SULLIVAN:  Appreciate it.

6               OLIVIA RATAY:  Suzan Mous (sic)?

7               BRENDAN SULLIVAN:  Suzan?

8               SUZAN MOUSTAFA:  Hi.  This is Suzan Moustafa.  Do  
9     you hear me?

10              BRENDAN SULLIVAN:  Yes.  Give us your address,  
11     please?

12              SUZAN MOUSTAFA:  70 Bishop Allen Drive.

13              BRENDAN SULLIVAN:  Okay.

14              SUZAN MOUSTAFA:  Cambridge.

15              BRENDAN SULLIVAN:  Yes.

16              SUZAN MOUSTAFA:  MA, 0231 (sic).  So I am just  
17     beside the noise.  And I love to have entertainment, open  
18     doors, but not in this area -- not in a residential area.  I  
19     talked before about that.  No one listened.  This is the  
20     fourth year coming.  And that's unjustice.

21              I am 60 -- I am more than 60 -- I am elderly,  
22     older, I am very old.  And I am having some disease.  And I

1 have some family to contact. And I have some calls to do.  
2 I -- I -- they are taking my life, and now they are asking  
3 also to enter my home to measure their noise, which they are  
4 making against me from my bedroom. It's ridiculous!

5 I don't know how it is built, or like -- built in  
6 -- in some residential area. I don't mind -- I love going  
7 to these open spaces, having this tie with our community and  
8 all each other dancing or singing or having some play or --  
9 that's very nice. But not in this area.

10 Please, someone listen to us. You didn't have --  
11 we didn't have any voting to -- to build it inside, beside  
12 us.

13 If someone like before I was listening to some  
14 lady, she wants just to put a porch or to make an extension  
15 for her house, sometimes you ask the neighbors if we can do  
16 that.

17 BRENDAN SULLIVAN: Okay.

18 SUZAN MOUSTAFA: You are not ask -- we were not  
19 asked about -- about building this noise beside our, our  
20 houses. It is on my bedroom. Where shall I go? Where -- I  
21 just need an answer.

22 BRENDAN SULLIVAN: Okay. Thank you.

1           SUZAN MOUSTAFA:   Where shall I --

2           BRENDAN SULLIVAN:   Thank you for calling in.

3           SUZAN MOUSTAFA:   Thank you very much.

4           OLIVIA RATAY:   Jillian Girardin?

5           BRENDAN SULLIVAN:   Jillian?

6           JILLIAN GIRARDIN:   Hi, can you hear me?

7           BRENDAN SULLIVAN:   Yes.   If you give us your name  
8   and address, please?

9           JILLIAN GIRDARDIN:   My name is Jillian Girardin.  
10   And I live at 53 Putnam Ave in Cambridge.   And I am calling  
11   in support of Starlight Square.

12           I've lived in Cambridge my whole life.   I grew up  
13   in Central Square, and I remember when we used to have the  
14   World Fair and, you know, the Caribbean festival, so I  
15   understand from that perspective.   And I empathize for the  
16   abutters, because -- you know, it's disturbing.   And nobody  
17   wants to deal with that, and I get that.

18           But just as a Cantabridgian living here my whole  
19   life, Cambridge has changed.   And I don't want to repeat  
20   anything that anyone says, but I just want to emphasize that  
21   it's brought the community, it's -- you know, started  
22   businesses and helped out the youth in Cambridge.   And it's

1 really brought Cambridge back to life after, you know, going  
2 through so much gentrification.

3 And I am just in huge support. I feel like  
4 Michael and the rest of the Starlight team and the bid has  
5 been doing, you know, great measures and trying to work with  
6 abutters, and I know they're going to continue to do more  
7 work. And I know them all personally.

8 BRENDAN SULLIVAN: Good.

9 JILLIAN GIRARDIN: And yeah, I am in support of  
10 Starlight.

11 BRENDAN SULLIVAN: Thank you for calling in.

12 JILLIAN GIRARDIN: Thank you.

13 OLIVIA RATAY: Duong Huynh?

14 DUONG HUYHN: Hello. Can you hear me?

15 BRENDAN SULLIVAN: Yes.

16 DUONG HUYNH: Yes. This is Duong Huynh. I reside  
17 at 5 Clinton Street, Unit 2 in Cambridge. I've been a 15-  
18 year resident of Cambridge. I'm also a small business  
19 owner.

20 I'm calling to express my utter support for  
21 Starlight. I know these -- the folks who have worked  
22 behind it, the folks who have manned Popportunity stalls and

1 the folks who have successfully used it as a very invaluable  
2 stepping stone to create their own small business.

3 The truth of the matter is first-generation  
4 immigrants, low-income folks, women and people of color are  
5 finding it harder and harder to make it a thriving time in  
6 Cambridge.

7 And Starlight provides an invaluable stepping  
8 stone. It provides not only the space and exposure to  
9 community, but also the tools and the resources for small  
10 business owners to launch out on their own.

11 Something across America we're suffering from is  
12 the disappearance of small businesses. So this invaluable  
13 tool is in the city we pride to be one of the most leading  
14 cities in the world.

15 But here we are again, twice a year, every single  
16 year, trying to make an argument for why this invaluable  
17 tool should even stay in this prided community. And I don't  
18 understand why.

19 So to wrap up, I'm in utter support of Starlight,  
20 and I hope that it thrives and finds a permanent home for it  
21 to be a permanent resource in this community.

22 BRENDAN SULLIVAN: Thank you.

1 DUONG HUYNH: Thank you.

2 BRENDAN SULLIVAN: Thank you for calling in.

3 OLIVIA RATAY: James Williamson?

4 [Pause]

5 James? James Williamson?

6 [Pause]

7 James is not here. Next?

8 OLIVIA RATAY: Emmanuel Mervil?

9 BRENDAN SULLIVAN: Emmanuel?

10 EMMANUEL MERVIL: Hello.

11 BRENDAN SULLIVAN: Yes.

12 EMMANUEL MERVIL: Yeah, how are you doing? My  
13 name is Emmanuel Mervil.

14 BRENDAN SULLIVAN: Your address, Emmanuel?

15 EMMANUEL MERVIL: 21 Newtowne Court, Cambridge. I  
16 grew up in --

17 THE REPORTER: I'm sorry, I didn't catch the  
18 address.

19 EMMANUEL MERVIL: 21 Newtowne Court, Cambridge.

20 THE REPORTER: Thank you.

21 EMMANUEL MERVIL: I grew up in Central Square on  
22 top of McDonald's. I'm a lifelong Cambridge resident, and

1 I'm in support of Starlight. They do so much for the  
2 community and a lot of entrepreneurs that are trying to get  
3 their businesses started. And I appreciate everything they  
4 do for us. And I'm in support.

5 BRENDAN SULLIVAN: Thank you for calling in.

6 BRENDAN SULLIVAN: Thank you.

7 OLIVIA RATAY: Sharon Lozada?

8 SHARON LOZADA: Yes. Can you hear me?

9 BRENDAN SULLIVAN: Yes.

10 SHARON LOZADA: Good evening, everyone. I am just  
11 honored to be here and to speak, especially -- well let me  
12 give you my address first: 208 Pearl Street in Cambridge.  
13 I also teach at the high school.

14 So I'm here to speak for myself, but also on  
15 behalf of the youth that I worked with connected to  
16 Starlight Square, especially during the pandemic and  
17 afterwards.

18 It was a lifeline for us, a heartbeat. [crying]  
19 Sorry to get upset to have something so vibrant, so  
20 connecting, so supportive for youth during the time of the  
21 pandemic and afterwards. Because I think we have to be  
22 real; the residue from COVID is still here, it's still with

1 us. We're still recovering from what it was like to be so  
2 isolated and compartmentalized for so long.

3 And the youth that I worked with were able to come  
4 back to life. They were able to look at issues that  
5 impacted them. They were able to find their voice.

6 Starlight was a home in so many ways to Friday Night Hype,  
7 to our junior prom, to Down with Design to so many artists  
8 that were youth that have kind of launched their careers and  
9 their -- found their way, found their futures through being  
10 able to express themselves and find art and find each other,  
11 find themselves, find their identities.

12 And I just -- I hope that this city that prides  
13 itself on supporting its youth will continue to provide this  
14 space and home for so many folks --

15 BRENDAN SULLIVAN: Thank you.

16 SHARON LOZADA: -- youth that grow up and are part  
17 of our community as well and give back. So thank you --

18 BRENDAN SULLIVAN: Thank you, Sharon, for calling  
19 in.

20 SHARON LOZADA: Thanks.

21 OLIVIA RATAY: Saeed Ibrahim?

22 BRENDAN SULLIVAN: We have four more callers;



1 we're going to limit it to four more. Anybody else? No?

2 OLIVIA RATAY: Nada Abdel-Fattah?

3 NADA ABEL-FATTAH: Hello. Hi. 70 Bishop Allen  
4 Drive. I am calling in opposed to continuing Starlight. I  
5 do appreciate and understand the community value and  
6 opportunity in it. And that really isn't what has pushed me  
7 to be opposed. And I did hear a caller mention this, but I  
8 want to amplify the pain of being a mother right near  
9 Starlight.

10 I have a toddler, and I just had another baby.  
11 And I'm honestly so unhappy with the thought of dealing with  
12 this in the summer, just like putting my child to sleep, my  
13 baby to sleep -- both of them. And I really, really hope --

14 [Child talking]

15 And that is my son -- okay, okay, sorry. Please  
16 consider the families living in this area, okay? I -- I  
17 just don't think this is the location for it. You know, you  
18 can't put something like this with this amount of noise near  
19 residents.

20 And like someone already mentioned, not without  
21 our permission. There is a procedure for going about these  
22 kinds of community events and programs, and this wasn't

1 done. And I understand it's COVID related, but COVID,  
2 thankfully has some control on it, and we're still talking  
3 about Starlight.

4 So I just -- I appreciate the -- the -- the work  
5 that goes into Starlight, but I -- I think that as a mother  
6 this is just not -- not okay. I mean, it's just -- it's not  
7 functional. I cannot work my life around Starlight music.  
8 It just -- it's ridiculous. I don't have any other Mom  
9 friends who have to deal with this.

10 And I really, really oppose this. And I hope that  
11 this, you know, finds another location. And I would support  
12 it. Thank you.

13 BRENDAN SULLIVAN: Thank you, Nada, for calling  
14 in.

15 OLIVIA RATAY: Vinh Le.

16 VINH LE: Hello?

17 BRENDAN SULLIVAN: Yes. if you identify yourself,  
18 name and address, please?

19 VINH LE: Oh, yeah. My name is Vinh Le. I am the  
20 owner of a business at 106 Prospect Street, the Coffee Bar.

21 I support this Starlight. Why? It's very simple:  
22 You know, the Mother Earth moving; the universe is also

1 moving. So we need to move. We need to be flexible and  
2 support each other.

3 As an artist, as a business owner, I need the  
4 lively cities, not sleeping cities. This city is very  
5 sleeping for me. And I think the city needs to have more  
6 programs to keep the talented people like us stay here, not  
7 kick us out.

8 Because I know that I got a lot of benefits from  
9 Starlight over the times. Make my life feel lively and  
10 lovely here. So I know that there are some concerns around,  
11 and the City of Cambridge needs to work with the owners or  
12 the team to make sure everything is good and lovely.

13 Thank you.

14 BRENDAN SULLIVAN: Thank you for calling in. Two  
15 more callers.

16 OLIVIA RATAY: Donald Madrey?

17 BRENDAN SULLIVAN: Yes, go ahead. If you give us  
18 your name and address, please?

19 [Pause]

20 Next?

21 DONALD MADREY: Hello. My name is Donald Madrey.  
22 I live at 6 Perkins Square in Jamaica Plain. I was -- I

1 lived in Cambridge for 30 years. I am a vendor at the  
2 Popportunity. I really enjoy being there.

3 My wife and I are retired, and it gives us extra  
4 income. It supplements our income. We sell inspirational  
5 T-shirts and vintage R&B music and a whole lot of other  
6 stuff we sell. And we enjoy being there. We enjoy the  
7 people there, the people that come through there we enjoy.

8 I think it's an opportunity for young people to  
9 get ahold of learning how to open up a business. Some of  
10 the women that were in the -- that are in the Popportunity  
11 with me have opened up a business -- the Popportunity  
12 Boutique on 301 Mass Avenue. And they are doing well, and  
13 they're dealing with business.

14 And I think -- my own opinion, the last struggle  
15 of the movement, the civil rights movement in this country  
16 was my people -- Black people in this country -- to be  
17 entrepreneurs and be in business.

18 And with all that is going on and the movement in  
19 this country that is turning back the hands of time, one of  
20 the last things that we can do as a people -- all people,  
21 but especially Black people in this country is to be more  
22 entrepreneurial, to have a solid business, economic

1 foundation, and I think things brings young people that see  
2 other people out there going about their business and --

3 [Noise]

4 DONALD MADREY: Hello?

5 BRENDAN SULLIVAN: Yep, go ahead. It -- just if  
6 you could wrap it up, Donald.

7 DONALD MADREY: Okay. Other people going about  
8 their business and being entrepreneurs, and they can see  
9 that example. So I strongly support Starlight and the  
10 Poppportunity. Thank you.

11 BRENDAN SULLIVAN: Thank you for your comments.  
12 One more caller.

13 OLIVIA RATAY: Rehaan Anjaria?

14 REHAAN AJARIA: Hi. Rehaan Ajaria, 10 Worcester  
15 Street, Cambridge, Massachusetts. Yeah, I'm just calling  
16 because I sold -- I -- during the pandemic, I sold face  
17 masks during -- and was able to sell them at Poppportunity.

18 And that was, like, a really cool way to, like,  
19 get in touch with the community and kind of start a brand  
20 that I was creating at the time.

21 I also have been working with -- and yeah, I'm  
22 calling in support of the City continuing Starlight, because

1 I think it's a great opportunity to have, like,  
2 entrepreneurial spaces for people. I'm in high school. So,  
3 like, just even, like, have all ages just to be able to go  
4 and sell the product.

5 And yeah, I support it.

6 BRENDAN SULLIVAN: Thank you for calling in. I'm  
7 going to close the call-in portion of public comment. The  
8 Board is in receipt of a number of letters which the Board  
9 members have read.

10 Six of the nine City Councillors have written in  
11 support -- Michael Conley, Marjorie Decker, Representatives;  
12 obviously the Mayor, part of the City Council and the City  
13 Manager has written in support of the continuation of  
14 Starlight and us granting the special permit.

15 Michael, if you're on the line, there is one  
16 correspondence dated February 28 from Bob Hoyler, General  
17 Partner. And he writes,

18 "My name is Robert Hoyler, and I am the General  
19 Partner of Hoyler Norfolk, LP, owners of 30 Norfolk Street  
20 directly across the street from parking lot Number 5 at 84  
21 Bishop Allen Drive."

22 Are you familiar with that letter at all?

1           MICHAEL MONESTIME: Yes, Chair Sullivan. I've  
2 already been in conversation with Bob Hoyler. The letter  
3 says that it supports Starlight, but there's issues  
4 regarding trash receptacles.

5           BRENDAN SULLIVAN: Correct.

6           MICHAEL MONESTIME: My response -- and as we've  
7 made clear in this case, the bid is also a -- a steward in  
8 Porter of Central Square. We've already reached out to Bob  
9 that we will increase trash receptacles and help with those  
10 trash impacts on Norfolk Street accordingly.

11          BRENDAN SULLIVAN: Okay. Good. All right. So  
12 you're addressing that issue?

13          MICHAEL MONESTIME: Yeah.

14          BRENDAN SULLIVAN: Good. Thank you. All right.  
15 I will send it back to you, as the applicant, before any  
16 very brief -- very brief comments regarding any testimony  
17 that you've heard before I send it to the Board?

18          MICHAEL MONESTIME: Just quickly, because you've  
19 been so patient and -- and we don't want to keep you in the  
20 chamber all night.

21                 We are only licensed until 9:00 p.m. None of our  
22 violations have ever gone a minute over that. We were

1 licensed for the World Cup, and that only happens once every  
2 few years. Those are the only two comments I wanted to  
3 make, Chair Sullivan.

4 BRENDAN SULLIVAN: Great. Thank you. Let me end  
5 that portion of the meeting, send it to the members of the  
6 Board. Jim Monteverde, any questions at all of the  
7 applicant?

8 JIM MONTEVERDE: I'm still concerned about the  
9 comments from the immediate abutters, who, if I've heard  
10 them correctly, are taking exception still to the noise, to  
11 the sound as an interruption to their lives and their  
12 ability to just live peacefully adjacent to the activities.

13 So for them, as the proposal stands now, I  
14 couldn't support it. But I'm looking forward trying to  
15 think of an alternative or a compromise that would allow me  
16 to support it. And I hate to think we'll do this for some  
17 other length of time, otherwise the full -- other than the  
18 full season you've requested.

19 But do you have a sense what of the -- and I was  
20 trying to recall from your slides -- what the activities  
21 were?

22 Because I have a feeling that it's maybe --



1 although the speakers -- the immediate abutters didn't speak  
2 to the particular activities -- except what I thought I  
3 heard was music, amplified music, as opposed to Popportunity  
4 or other activities that you have going okay.

5 So I'm looking for some other way if there is. I  
6 mean, if I have to do an up and down vote, I will. But I'm  
7 looking for an opportunity for something I can support. And  
8 at that moment for those neighbors, I can't.

9 BRENDAN SULLIVAN: All right. Michael, would you  
10 want to address that briefly for --

11 MICHAEL MONESTIME: Just a quick comment through  
12 you to the member: Two pieces. What we will continue to do  
13 is one-to-one outreach, what no one has taken us up on yet,  
14 but respectfully, we will continue that charge if granted  
15 this season 4.

16 Secondly, we recognize live music to be the most  
17 destructive sound that leads from the site. And through  
18 that, we've limited it to two nights per week as a  
19 concession.

20 JIM MONTEVERDE: Okay. Yeah, I understood. I  
21 understood that from your presentation and I was wondering  
22 if there's any further compromise you could make to further

1     reduce that for some shorter length of time than the full  
2     season to see if that satisfies the immediate abutters?

3             But thank you for your response.

4             BRENDAN SULLIVAN:  Andrea Hickey, any comments or  
5     questions at this time?

6             ANDREA HICKEY:  Yes.  So I share some of the  
7     concerns that Mr. Monteverde has expressed.  And I would  
8     like to ask the petitioner whether it might be possible to  
9     limit the music events that are now sort of are really  
10    reduced to twice a week to end earlier in the evening, and  
11    perhaps to only happen on weekends?

12            For music to be happening outdoors in the summer  
13    when folks have their windows open up until 9:00 at night  
14    seems to be really pushing the envelope in terms of what we  
15    should expect the neighborhood to withstand.

16            Would it be possible for music events to end at  
17    7:00 p.m. instead of 9 p.m.?  Some sort of give and take to  
18    address the concerns of the neighbors?

19            The other thing I'd like to say, I know I hear  
20    that the drum circles and the drumming is of particular  
21    concern.  Is there a way that those events could happen  
22    during the daytime, when presumably people in the

1 neighborhood may be out and about doing other things and not  
2 sitting at home on their sofa, perhaps?

3 So if the petitioner could respond to my comments,  
4 I'd appreciate that.

5 MICHAEL MONESTIME: Thank you, Member Hickey. A  
6 few things here: One, I just want to say drumming is very  
7 cultural. But we could absolutely say no drumming circles,  
8 as drumming circles are disruptive.

9 Secondly, I would be more than happy on behalf of  
10 our group to limit live music to weekends. But, you know,  
11 this is our third time back to this body. And we have been  
12 giving at each instance.

13 And I think to limit the sound to an earlier time,  
14 no abutter has complained of -- or there is no record of  
15 complaints going beyond 9:00. So I do respect that.

16 But if you wanted to add banning drum circles as a  
17 condition to this, we would support that.

18 ANDREA HICKEY: Yeah. That's not really what I'm  
19 asking for. I think that drum circles are important,  
20 valuable and cultural. I agree with that completely. I  
21 just think perhaps earlier in the day it might not be so  
22 disturbing. That's my suggestion with respect to drum

1 circles and music in general.

2 MICHAEL MONESTIME: I would add as a condition  
3 that we are willing to have drum circles if they are part of  
4 season 4 to happen during daytime and to ban them from  
5 happening late into the evening.

6 BRENDAN SULLIVAN: And can we put an hour on that,  
7 rather than earlier and later, so they're somewhat  
8 arbitrary?

9 MICHAEL MONESTIME: You know, before 5:00 p.m.,  
10 would that be suitable for the body?

11 BRENDAN SULLIVAN: Andrea?

12 ANDREA HICKEY: That is a terrific concession in  
13 my mind. That would certainly work for me. I still remain  
14 concerned about live music going up to 9:00 p.m., whether it  
15 be on a weekend or especially on a weeknight, where folks  
16 have to work the next day or whatever.

17 But I've said my part. Unless the petitioner has  
18 anything further, I'll yield to the next member.

19 BRENDAN SULLIVAN: Okay. Slater Anderson, any  
20 questions or comments?

21 SLATER ANDERSON: I -- you know, I think back to  
22 having heard this twice now over the past three years. The

1 discussion of an alternative location, I don't want to sort  
2 of leave that on the sides. I get the benefit of this  
3 central location in the city. But it is super impactful on  
4 the immediate abutters.

5 Balancing that impact against the broader  
6 community benefit is the challenge that we're facing here.  
7 I agree with limiting live music to two nights, on the  
8 weekends -- I assume we're talking Friday, Saturday. I  
9 would limit one of those nights to 7:00 p.m., allow one  
10 night to 9:00 p.m., the drum circles until 5:00 p.m.

11 And I'd like -- I don't know how we could get a  
12 better location alternative. But, you know, I did notice at  
13 one point in time -- I know it's not City property, but  
14 there was like a popup over by Apple Cinema, Fresh Pond.

15 There's a giant, underutilized parking lot next to  
16 the train tracks. It's a loud area. Public  
17 transportation's right there. I want some feedback on an  
18 alternative if we -- if this thing comes back to us.

19 I'm not -- I'm not interested in approving this  
20 indefinitely. I still -- I feel like we're getting the same  
21 complaints that we've had for three years from the immediate  
22 abutters. And that weighs on me. But I recognize the

1 broader community benefit. So, you know, we're stuck in the  
2 middle here trying to solve this thing.

3 You know, I don't know if the City -- there's  
4 things that the City could do as mitigation for the abutters  
5 as part of this. I think I raised that before. But, you  
6 know, I won't get into that further.

7 But I'm -- I'm -- you know, I'm on the fence.

8 BRENDAN SULLIVAN: Okay. Wendy Leiserson?  
9 Comments?

10 ANDREA HICKEY: Yes.

11 BRENDAN SULLIVAN: Questions?

12 ANDREA HICKEY: Yes, I have some questions. I  
13 wanted to follow up on this statement that a bid is -- has  
14 been available to one-to-one outreach to complaining  
15 neighbors, and to ask what does it mean that you are willing  
16 to mitigate the impact on them? Like, what specific measure  
17 would you do for any one of the people who complained  
18 tonight, and who would bear the cost of that? So I'd like  
19 an answer to that.

20 MICHAEL MONESTIME: That's a -- that's a great  
21 question. The first part is if we could get into homes  
22 respectively, we would be able to measure the data to see

1 what the sound issues register as. And we're open to  
2 mitigation efforts.

3 But some of that one to one that we've talked  
4 about is soundproofing. And obvious any mitigation effort  
5 would be afforded by us at the abutter's discretion.

6 WENDY LEISERSON: And would it be -- when you say  
7 "measure" I mean some people are more sensitive to noise  
8 than other people are, you know? So anything above --  
9 anything that is part a larger special permitted use in this  
10 area is going to be above what they expected to tolerate in  
11 coming to this zone.

12 So if you have a resident who is saying that this  
13 is not working for my life or my child, you know, can't go  
14 to sleep at this point, you know, what do you mean, why do  
15 you need to measure something? Like, other than -- like,  
16 are you going to take it at their intolerance level or a  
17 certain data point that you determined is, you know, worth  
18 your investment -- merits or investment?

19 MICHAEL MONESTIME: Fair question.

20 WENDY LEISERSON: Do you understand my question?

21 MICHAEL MONESTIME: I do. I do. Fair question.

22 And, you know, the ultimate goal here is to -- to -- would

1 be to make abutters more comfortable. The measures would  
2 allow for us just to get a good sense of how the sound might  
3 be traveling.

4 You know, going back to our remediation efforts  
5 and what we'd be willing to do, we could soundproof windows  
6 if -- if this is a matter of purchasing air conditioners if  
7 folks couldn't open their windows to have a breeze come in.  
8 Really, through dialogue, we would be able to better  
9 understand what those one-on-one fixes might be on a case-  
10 by-case basis.

11 WENDY LEISERSON: And did you reach out to the  
12 people who sent letters, other than the one who you  
13 mentioned earlier today about the trash?

14 MICHAEL MONESTIME: Yes, member. So we really  
15 only -- we flyer'd every doorstep. We've sent  
16 communications. Through the BZA, this process and  
17 Viewpoint, we're also able to see those who are speaking  
18 against the project.

19 And in our Viewpoint folder, there's e-mails where  
20 we can find e-mail addresses, which enables us to reach out  
21 to every single one person who's spoken out where we have an  
22 e-mail paper trail.



1           WENDY LEISERSON: And have you done that? You did  
2 mention that you'd already reached out about the trash  
3 issue.

4           MICHAEL MONESTIME: Yes, we have. Yep.

5           WENDY LEISERSON: So did you also contact those  
6 who were complaining about the noise?

7           MICHAEL MONESTIME: Absolutely. Yes, we have.

8           WENDY LEISERSON: Those specific people who spoke  
9 tonight?

10          MICHAEL MONESTIME: Those special people who spoke  
11 tonight who also have sent e-mails to this body, where we  
12 then have an e-mail line for communication. For people who  
13 speak in tonight against this project, we don't have their  
14 phone number, we don't have their e-mail address.

15          But if they've sent a letter against this project  
16 in the BZA, then that is in our Viewpoint folder, and every  
17 abutter who has spoken against this project who has an e-  
18 mail in that Viewpoint folder, we've reached out to each one  
19 one-to-one.

20          WENDY LEISERSON: Okay. Thank you.

21          MICHAEL MONESTIME: Thank you.

22          WENDY LEISERSON: I would say that I am actually

1 very sympathetic to your project, your program, to the needs  
2 that this is filling in the city. I'm very sympathetic to -  
3 - or very aware of how this has rejuvenated Central Square.  
4 I have peers who now want to go out to Central Square, which  
5 -- peers who are not just in their 20s anymore. And so, I  
6 do see the benefit of what you're doing.

7 And then I also come, though, to the question of  
8 what authority does the Zoning Board have and what is our  
9 role within the city?

10 And I'm having trouble thinking that it's within  
11 our authority to overlook the impact on the residents. When  
12 I think about Slater's suggestions, I think they're all good  
13 and Andrea's concerns -- everyone's concerns on the Board  
14 resonate with me.

15 And I know that as a Board we acted to approve  
16 your use given the specific circumstances of COVID. But as  
17 an ongoing proposal, I look at what are the criteria for  
18 granting a special permit under 10.43?

19 And I find that we have to consider the impact on  
20 the health and welfare of the citizens by a change in use, a  
21 use beyond what a zone is allowed for. And there's just no  
22 question that there's an impact here on the health and well-

1 being of the neighbors.

2 And then I look at the purpose of the zoning  
3 ordinance in 1.3. And it says that our job is to protect  
4 residential neighborhoods from incompatible activities. And  
5 I'm hearing these families say -- and I get it, they can't  
6 put their children to bed. And yet, as I said, I am  
7 extremely sympathetic and extremely supportive of what  
8 you're doing.

9 I just don't know the that Zoning Board can  
10 continue -- that it's within our providence to continue to  
11 authorize a special permit for this, rather than having  
12 something that the other bodies in the city need to act for  
13 more permanent relief.

14 Those are my thoughts. I'd like to hear more from  
15 my fellow Board members.

16 BRENDAN SULLIVAN: Wendy, I think that was well  
17 said, actually. My thought on this is -- and again, it's a  
18 balancing act somewhat -- that you weigh the benefits to the  
19 community at large. And that area of the city has somewhat  
20 been underserved, has not had much of an outlet, gathering  
21 space.

22 And I think that this venue serves as a gathering

1 space for a variety of purposes; people who can sell their  
2 wares, people who can congregate.

3 And again, going through the letters people of  
4 support: Councillor Simmons I think expresses it probably  
5 the best, being a representative and being more finely tuned  
6 to the neighborhood that, you know, this is what the  
7 neighborhood needs. This is its gathering space. And yet,  
8 it gathers people from other parts of the city and even  
9 outside the city. And it is sort of a welcomed by spot.

10 Yes, the noise is going to have an impact because  
11 of the music component of it. And so, again, that balance  
12 is -- does the public benefit outweigh, tilt the scale in  
13 favor of granting it, as opposed to the continuing work by  
14 Michael and his committee to ameliorate some of the concerns  
15 and try to lessen the impact?

16 I think I have faith and confidence that Michael  
17 and his team -- and I also call on the City Councillors, six  
18 of them who have voiced support for this -- to also be an  
19 active participant in ameliorating some of the problems; the  
20 mayor, obviously, and the City Manager, to work and be  
21 constantly vigilant in making sure that whatever goes on  
22 there for programming, that it does not have an adverse eff

1 on the adjoining residences.

2 And again, I think I can speak for the Board  
3 members that we can read through all of the correspondence  
4 and agree with all of those who are for it and the presence  
5 of Starlight and the benefits that they have received and  
6 continue to receive, and the benefit to the city.

7 And then we get pained when we hear and read some  
8 of the neighbors who are basically saying that it has  
9 adversely impacted their life.

10 So we have to come down -- or I have to come down  
11 on one side or the other. I would support continuing the  
12 special permit from May 1 to August 30 -- I'm sorry, October  
13 31, 2023 as per the application, the program that they have  
14 in place and again call on the Licensing, calling on the  
15 Executive Branch, City Manager, and also the Legislative,  
16 which is the City Council, to be an active participant as  
17 part of this.

18 And it's very nice to every year send in letters  
19 asking us to continue this, but I think that they have to be  
20 vigilant constantly to tweak whatever needs tweaking to  
21 ameliorate any of the potential problem areas.

22 So I would support the special permit going

1 forward. My sense is that we have come up with some  
2 softening of some of the music, trying to limit some of it.

3 I would ask the Board members if they would chime  
4 in on this to correct me -- add or delete -- that one of the  
5 proposals is to limit the drum circles to 5:00 p.m. and that  
6 on Friday and Saturday that live music stop at 7:00 p.m., is  
7 that correct?

8 Am I correct in that, Michael, or is -- is that  
9 the -- your understanding of what was agreed to or not?

10 MICHAEL MONESTIME: I believe Member Slater had  
11 made the recommendation for weekend's music which is  
12 defined: Friday and Saturday. I just wanted to make a note  
13 to this body that we do shut down at 6:00 p.m. on Sunday.  
14 So if we could have sound and live music Friday, Saturday, I  
15 think that is appropriate.

16 I would ask that, you know, Saturday is a night  
17 where folks convene well into the evening, although we  
18 always end at 9:00 proper. If we did have an early closure  
19 on Friday, is there a willingness to continue to work with  
20 us, as we've continued to work with you and all that  
21 Saturday remain at the time that we've had it at?

22 BRENDAN SULLIVAN: So, just to recap: Friday 7:00

1 p.m. is that -- is that what we're saying? And then  
2 Saturday -- I mean, sorry Friday 7:00 p.m.; Saturday 9:00  
3 p.m.? Is that what we're saying?

4 MICHAEL MONESTIME: That's what you were saying,  
5 correct?

6 BRENDAN SULLIVAN: Yeah.

7 MICHAEL MONESTIME: Are you correct? Early  
8 closure on Friday means the event will be 60 minutes in  
9 length. People get out of work around 5:00 p.m., so that  
10 will be an extremely short bit of programming on a Friday  
11 with that condition.

12 BRENDAN SULLIVAN: All right. Slater, what was  
13 your proposal if you could give it back to me again?

14 SLATER ANDERSON: Just that's consistent with what  
15 I was thinking is 7:00 p.m. Friday, 9 on Saturday.

16 BRENDAN SULLIVAN: And 9:00 p.m. Saturday?

17 SLATER ANDERSON: Yep, and the drums to 5:00 all  
18 the time, like you said.

19 BRENDAN SULLIVAN: Okay.

20 SLATER ANDERSON: No more than 5:00.

21 BRENDAN SULLIVAN: All right. So let me circle  
22 back again here. Jim Monteverde, are you okay with that?

1 So the drum circles limited until 5:00 p.m., Friday I guess  
2 we could say live music until 7:00 p.m. and Saturday until  
3 9:00 p.m.

4 JIM MONTEVERDE: I think that's a good step, a  
5 good experiment. I am concerned, then, about doing this for  
6 the full season. Right? What we've done before is a  
7 partial season and then test the neighborhood. Test, as in  
8 get their response, see if it worked.

9 I mean, we've been tweaking this as we go along  
10 not for the full season, for a reason. Because we just  
11 don't know that those measures are going to satisfy the  
12 neighbors.

13 And I really would not want the neighbors to be  
14 dissatisfied for that full season if the measures that we're  
15 talking about don't work for them.

16 So I think I'm happy with what you just described,  
17 Mr. Chair. And I'd like us to consider a shorter interval.  
18 But you've got to come back if the neighbors -- if you can't  
19 reach out to the neighbors or they won't reach out to you,  
20 they certainly seem to be willing to call in on the night of  
21 the hearing.

22 BRENDAN SULLIVAN: One of the -- one of the



1 problems I see with that, Jim, though, is if we were to  
2 limit the days, weeks, is that say we were to limit it until  
3 I don't know, September 1 or something like that, that by  
4 the time that they would have to come back to us, have  
5 another hearing, it would -- it takes so many weeks for a  
6 decision to be typed up, filed and so on and so forth --

7 JIM MONTEVERDE: Okay.

8 BRENDAN SULLIVAN: -- that there just isn't enough  
9 time to do that, so that -- and I think they're -- not  
10 speaking for Michael, but I think the way I understand it is  
11 that their ability and their necessity to schedule events is  
12 severely hampered by this short little window because it's  
13 not like we can approve it one night and then all of a  
14 sudden, it becomes effective the next day or something like  
15 that, you know? Like licensing can --

16 JIM MONTEVERDE: Okay.

17 BRENDAN SULLIVAN: -- possibly do that, but we  
18 have this whole bureaucracy --

19 JIM MONTEVERDE: Yeah.

20 BRENDAN SULLIVAN: -- to deal with. So.

21 JIM MONTEVERDE: Understood.

22 MICHAEL MONESTIME: Member Sullivan?

1 BRENDAN SULLIVAN: Sorry?

2 MICHAEL MONESTIME: Member Sullivan, if I may?

3 BRENDAN SULLIVAN: Yeah.

4 MICHAEL MONESTIME: You know, two things: One, I  
5 think this is a -- is a -- is a -- is a wide, big area where  
6 Licensing can be supportive to make sure that the values of  
7 what this body is saying play out throughout the season.

8 Secondly, it is difficult to have to come back and  
9 do this. You know, we do have to fundraise and underwrite a  
10 large amount of what makes this season affordable. And when  
11 we have half seasons, it does make it a little more  
12 difficult in the fundraising to underwrite the season in  
13 entirety.

14 BRENDAN SULLIVAN: Right. And again, I think --  
15 to Michael's point -- Licensing plays a huge role in this,  
16 and that Licensing obviously can be another sounding board,  
17 and that -- this is where, again, I draw upon the City  
18 Councillors to weigh in on that if there was a problem, and  
19 also the City Manager to be able to weigh in to the  
20 licensing on whether their potential licensing is  
21 appropriate or not, given past experiences that maybe we  
22 should hold up on some of the licensing, because it has gone

1     astray.   So.

2                 JIM MONTEVERDE:   Right.   But hasn't that been --  
3     hasn't that been in place previously?

4                 BRENDAN SULLIVAN:   Well, it has.   It's -- the  
5     vehicle has been there, whether or not it's been exercised  
6     or not.

7                 JIM MONTEVERDE:   So I think it's just proven not  
8     to be effective, and that's why it's here.   I think we're  
9     it.   The other City --

10                BRENDAN SULLIVAN:   Well, we -- I mean, we limited  
11    it year to year, and then that's why they're here tonight.

12                JIM MONTEVERDE:   Yep.

13                BRENDAN SULLIVAN:   But then you're right, as far  
14    as we keep getting some of the same complaints?   So --

15                JIM MONTEVERDE:   So I'm struggling with the option  
16    to say that it just wouldn't be live music until much  
17    earlier in the evening on any day, weekends included.  
18    Because if I have a 3-year-old, it doesn't make a difference  
19    to me if it's a Thursday night, Friday night, Saturday  
20    night, Sunday night.   It's the same issue.

21                So I will stop talking.   I'm on the fence on this  
22    one.   Thank you.

1           BRENDAN SULLIVAN: Let me go back then to Andrea.  
2           What you've heard, can you make some sense as to what your  
3           understanding or what your comfort would be?

4           ANDREA HICKEY: I can, Mr. Chair. But first I  
5           have a question. Are we being asked to approve this  
6           permanently?

7           BRENDAN SULLIVAN: No. We're being asked --

8           ANDREA HICKEY: No.

9           BRENDAN SULLIVAN: -- to approve this from May 1  
10          to October 31.

11          ANDREA HICKEY: All right. I am comfortable with  
12          what you framed earlier, Mr. Chair with respect to the one  
13          late night being Saturday night until 9:00, drum circles  
14          until 5:00, music on Friday until 7:00. I think that those  
15          are sort of reasonable limitations.

16          And I'd like to see next year when the petitioner  
17          comes back whether these limitations have sort of addressed  
18          the concerns of the neighborhood.

19          So I would be in support of the petition with  
20          those restrictions.

21          BRENDAN SULLIVAN: Okay. Slater?

22          SLATER ANDERSON: Yeah, I mean, the two thoughts -

1 -

2 BRENDAN SULLIVAN: If I --

3 SLATER ANDERSON: Yeah.

4 BRENDAN SULLIVAN: -- if I were --

5 SLATER ANDERSON: Go ahead.

6 BRENDAN SULLIVAN: -- if I were to make a motion  
7 on the condition that the drum circles end at 5:00 p.m.,  
8 that the live music first day at 7:00 p.m., Saturday at 9:00  
9 p.m., would you be comfortable with that?

10 SLATER ANDERSON: I am for this season. I think I  
11 just want to be on the record for if I'm on the Board when  
12 this comes back to us again, the two things that I've never  
13 gotten a good answer on was a reasonable effort to look for  
14 an alternative location and why it won't work, and a  
15 mitigation fund that's available to neighbors to deal with  
16 soundproofing. Not just, "Well, we want to go check it."

17 No, you've got \$275,000 that you mentioned that  
18 you made available to -- you know, participants and vendors  
19 and that's great. You need to make with the City or however  
20 you do it, I want to hear about a mitigation fund that's  
21 available to neighbors that they can access if they want to  
22 soundproof their units.

1           And if I don't hear that next year, I'm not voting  
2     for this.

3           BRENDAN SULLIVAN:   Okay.   Good point.   Wendy  
4     Leiserson, on -- if I were to make a motion that the drum  
5     circles, first of all if you support -- would be in support  
6     of continuing Starlight from May 1 to October 13, and the  
7     condition that the drum circles' performances stop at 5:00  
8     p.m.?

9           And that live music stops at 7:00 p.m. on Friday,  
10    9:00 p.m. on Saturday?   Would you be in support of that, or  
11    do you have some other thoughts?

12          WENDY LEISERSON:   I have -- well, I have a couple  
13    of other thoughts.   I feel not quite ready to make a  
14    decision, though I like where we're going with this.

15          But one of my questions I guess is is the length  
16    of the season an issue for residents -- you know, for  
17    example, would it make -- is really, are we proposing the  
18    solutions that would make the most difference to the  
19    residents?

20          In other words, maybe the residents don't care if  
21    the music stops at 7:00 p.m. on Friday and they would be  
22    okay with a 9 p.m. Friday night, you know, music thing.   But

1    what they really mind is that there's live music on weekends  
2    during the month of May and June when students are studying  
3    for final exams. You know, I'm not sure if we're solving  
4    what's their biggest problem.

5           And so, I just wonder -- and I like where Slater's  
6    going with making mitigation funds available to residents.  
7    And there was some, I think, discussion in the files about  
8    some of the residences that are most affected being  
9    affordable housing residences, where there's limited --  
10   limited opportunity to relocate if there's not a  
11   satisfactory solution to those neighbors.

12           And I'm just wondering if asking -- if there's a  
13   way to perhaps continue this with getting some input from  
14   the City Council or the City Manager in terms of there might  
15   be some funds made available, or some solution made  
16   available that bid could arrange for this season, for  
17   example, rather than punting this for another year.

18           I don't know what the protocols are here, I'm  
19   trying to -- you know, brainstorm with my fellow members.

20           BRENDAN SULLIVAN: Well, one of the reasons -- one  
21   of the problems with continuing this, as was sort of alluded  
22   to Jim as far as the mechanism and the bureaucracy is that

1 if -- I guess my thought is that if we could decide this  
2 tonight, because by the time this all gets typed up, filed,  
3 there's the appeal period and so on and so forth, they're  
4 bumping up against that May 1 start date. And any delay on  
5 our part is going to push that May 1 further down the road.

6 And that's why I keep harping on I think that the  
7 City Council and the Mayor -- I'm sorry, and the City  
8 Manager has to be a little bit more proactive regarding some  
9 of the issues on Starlight. I don't know if that answers  
10 your questions or not, Wendy, but I --

11 WENDY LEISERSON: I do understand the licensing  
12 delay. That's correct, I do understand that. I just wonder  
13 if, or perhaps Michael knows if there are funds that could  
14 be available to the residents now, rather than next year?

15 MICHAEL MONESTIME: Member Sullivan, if I could?

16 BRENDAN SULLIVAN: Yes.

17 MICHAEL MONESTIME: Two things -- and great  
18 conversation. I appreciate we are where we are in this  
19 process and thank members of the body. A few things I do  
20 want to say with respect to finishing out this school year:

21 We can be extremely respectful for the  
22 programming, ensuring that programming is softer or -- or



1 more, I don't want to say limited, but softer and even more  
2 respectful through May and June to ensure that students can  
3 finish this school year strongly.

4 Second to that, I do appreciate where this  
5 conversation is going around a mitigation fund for some of  
6 the impacts regarding the neighbors. I would love to see  
7 the bid convene a meeting about that.

8 This will take time. One, connecting one on one  
9 with those residents, identifying each individual mitigation  
10 effort that will have to take place, understanding where  
11 funds are going to come from. We are at the end of budget  
12 season. It may be hard to hold that request over the City  
13 of Cambridge.

14 But -- like member Slater said, you know, if  
15 approved tonight, and if this group decides to come back  
16 next year to have a robust mitigation plan and fund in  
17 place. But these things, like all things, would take time.  
18 But I understand the spirit and recognize and respect the  
19 spirit for where that conversation's headed.

20 BRENDAN SULLIVAN: Okay. Are we ready for a vote  
21 on this matter, Board members or --

22 COLLECTIVE: Yes.

1 JIM MONTEVERDE: Yep.

2 BRENDAN SULLIVAN: Jim?

3 JIM MONTEVERDE: Yep. Please.

4 BRENDAN SULLIVAN: Let me make a motion, then, to  
5 grant the special permit as per the application for 84  
6 Bishop Allen Drive, also known as Starlight Entertainment.

7 JIM MONTEVERDE: Square.

8 BRENDAN SULLIVAN: Actually, the petitioner is  
9 really the City of Cambridge. Let me make a motion, then,  
10 to grant the special permit under 10.40. It appears that  
11 the requirements of the special permit can be met.

12 The Board finds that the Starlight Square  
13 initiative has demonstrated for a year and a half how  
14 essential outdoor civic space is to the public health of a  
15 community.

16 The Board finds that this is especially important  
17 as this particular neighborhood is greatly underserved, have  
18 only 21 percent of urban average per capita -- national  
19 urban average per capita.

20 The Board finds that Starlight continues to  
21 address the immediate public health concerns by providing an  
22 outdoor home for basic city functions and much-needed human

1 connection.

2           The Board finds that the outdoor entertainment is  
3 one of the functions of Starlight Square, for which a  
4 special permit is required in Business B zone.

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

8           The Board finds that Starlight has operated for  
9 two years, and that traffic generated has not caused any  
10 congestion or substantial change in the established  
11 neighborhood character.

12           The Board finds that the continued operation of or  
13 development of adjacent uses, as permitted in the Zoning  
14 Ordinance, would not be adversely affected by the nature of  
15 the proposed use.

16           The Board notes and incorporates letters from  
17 members of the City Council -- specifically the mayor, to  
18 State Representatives and the City Manager attesting to this  
19 fact, and also the numerous letters in support, even for  
20 adjoining business owners who encourage the Board to  
21 continue the operation of Starlight.

22           The Board finds that there would not be any

1 nuisance or hazard created to the detriment of the health,  
2 safety and/or welfare of the occupants of the proposed use,  
3 or to the citizens.

4 The Board notes that the location of Starlight has  
5 allowed for an outdoor assembly area for citizens during  
6 this particular time of COVID-19, where additional space --  
7 outdoor space -- is greatly sought out and needed.

8 And the Board finds that the proposed use would  
9 not impair the integrity of the district or adjoining  
10 district, or otherwise derogate from the intent and purpose  
11 of the ordinance to provide a truly unique and much-needed  
12 public space for the residents of the city.

13 The Board grants the special permit to run from  
14 May 1, 2023, to October 31, 2023 on the condition that live  
15 music be limited to weekends.

16 That the drum circle performances be up until 5:00  
17 p.m.

18 That live music -- acoustic music -- be limited to  
19 Friday at 7:00 p.m., Saturday at 9:00 p.m. Any other thing  
20 to add to the conditions?

21 JIM MONTEVERDE: Not from me.

22 BRENDAN SULLIVAN: No? Any other members of the

1 Board wish to add in any more? On the motion, then, to  
2 grant the special permit, Jim Monteverde?

3 JIM MONTEVERDE: I'm not in favor of granting the  
4 special permit.

5 BRENDAN SULLIVAN: Andrea Hickey?

6 ANDREA HICKEY: Yes, I'm in favor with the caveat  
7 that it's a one-year approval.

8 BRENDAN SULLIVAN: Correct. Slater Anderson?

9 SLATER ANDERSON: In favor.

10 BRENDAN SULLIVAN: Wendy Leiserson?

11 WENDY LEISERSON: Not in favor.

12 BRENDAN SULLIVAN: Not in favor? Okay.

13 WENDY LEISERSON: Not in favor.

14 BRENDAN SULLIVAN: In favor.

15 [Two vote NO, THREE vote YES.]

16 BRENDAN SULLIVAN: Not receiving the necessary  
17 four affirmative votes, the special permit is not granted.  
18 Okay.

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(8:37 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
Monteverde, Laura Wernick, and Slater  
Anderson

BRENDAN SULLIVAN: The next case the Board will  
hear is No. 203392 -- 14 Bowdoin Street.

MATTHEW BERGWALL: Hello? Matthew Bergwall with  
Dexksos, Inc. on behalf of 14 Bowdoin Street, a variance.

BRENDAN SULLIVAN: Yes.

MATTHEW BERGWALL: So we have an existing carport  
that has been in the driveway for over 10 years, believed to  
be about \$2009 when it was built.

And I am speaking on behalf of the homeowner, Mary  
Morris, who purchased this house two or three years ago and  
one of the primary decisions that influenced here to  
purchase this property was the idea that she could park her  
car under this carport and have protection from rain and  
snow.

I filed a permit in -- last year in 2022 to do  
various renovations at the house, including replacing the  
Plexiglass roof that was on this carport. But it turned out

1     that that carport had never been permitted in the first  
2     place, and therefore was not part of the accepted permitting  
3     of the property.

4             So here we are with a request for a special  
5     variance to renovate an existing structure to the same  
6     dimensions without any significant change in the visual  
7     properties of the structure.

8             We feel that this will not affect any of the  
9     neighbors in any significant way. And I can attest that the  
10    homeowner cares a lot about this feature, and, you know,  
11    chose this house because she thought it was part of it.

12            BRENDAN SULLIVAN: There was some letters in the  
13    file opposing the -- us granting this variance to allow for  
14    the existing structure to have a roof on it. There was a  
15    little bit of confusion. I remember when this was allowed.  
16    And you're saying that it was never permitted to begin with.

17            It didn't need to, basically, it was built as a --  
18    trellis if you will -- not a trellis, but an arbor. And  
19    under the zoning or natural building code, if the structure  
20    had a spacing of the framing members -- albeit the roof -- I  
21    thought it was maybe four feet on the center or something  
22    like that -- they did not need any relief from the Zoning

1 Board.

2 It's only when you put a roof on it, and I think  
3 after this was built and I think they did get a special --  
4 they did get a building permit to build it, I believe -- but  
5 once they put the Plexiglass on it, then it became less of  
6 an arbor and then became a structure. So that's what  
7 basically triggered the relief.

8 The structure itself was legal, but not with a  
9 Plexiglass roof on it. So addressing some of the concerns  
10 of some of the neighbors. So. That, I believe, is the  
11 history behind that.

12 Jim, do you have any questions at all regarding  
13 this?

14 JIM MONTEVERDE: I do. Am I correct, I didn't  
15 find a survey in the -- I was looking for a survey just to  
16 see where the carport's at relative to the front yard and  
17 back yard, whether there was any other location for this.  
18 But there is not one in the file, is that circulate?

19 BRENDAN SULLIVAN: There is not one in the file.

20 JIM MONTEVERDE: Okay. And with this carport,  
21 does that actually put a vehicle parking there in the --  
22 within the front yard setback? Do you know, Matthew?



1           MATTHEW BERGWALL: Yes, it does.

2           JIM MONTEVERDE: Okay. Thank you. No further  
3 questions.

4           BRENDAN SULLIVAN: Andrea, any questions?

5           ANDREA HICKEY: Yes, if I could ask the presenter  
6 or petitioner, when did that corrugated roof go onto the  
7 pergola, if you know?

8           MATTHEW BERGWALL: We are not exactly sure. It  
9 appeared sometime between when the trellis was built in 2009  
10 and some years before the homeowner purchased this property,  
11 I believe in 2019 or so.

12           Based on the aging of the Plexiglass, which is  
13 starting to shatter in places, I'm guessing that it's been  
14 there for at least 10 years.

15           ANDREA HICKEY: All right. And it really would  
16 have been helpful to see a plot plan or something to show us  
17 where the posts along the side yard setback sit with respect  
18 to the neighboring property. So it's unfortunate that we  
19 don't have any illustration of that.

20           I'll yield at the moment, Mr. Chair.

21           BRENDAN SULLIVAN: Slater Anderson, any questions  
22 or comments at this time?

1 SLATER ANDERSON: None right now, thank you.

2 BRENDAN SULLIVAN: Wendy Leiserson, any questions  
3 or comments?

4 ANDREA HICKEY: Not at this time.

5 BRENDAN SULLIVAN: Let me open it to public  
6 comment. Any members of the public who wish to speak should  
7 now click the button that says, "Participants," and then  
8 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, and  
11 you will have up to three minutes to comment.

12 OLIVIA RATAY: Mary Morris?

13 MARY MORRIS: Yes, thank you. And thank you for  
14 listening. This is my -- my home. And I bought it, as  
15 Matthew said --

16 BRENDAN SULLIVAN: If you could just give your --

17 MARY MORRIS: Oh, I'm sorry. Yes.

18 BRENDAN SULLIVAN: -- address.

19 MARY MORRIS: Mary Morris. I'm 14 Bowdoin Street.  
20 I'm the property owner. I bought this house from a  
21 physician, and it was advertised, and I believe it's listed  
22 in Zillow with a carport, attached carport. There is no

1 other yard, this is it. And it is squarely within my  
2 property.

3 But I am in a position to have to get in and out  
4 at all sorts of crazy hours, and it's been incredibly  
5 helpful for me not to have to, you know, scrape off my car  
6 when I'm headed to the hospital in the middle of the night  
7 when I'm on call.

8 And so, it -- it's a big lifestyle thing for me.  
9 It's one of the reasons I bought the house. It's close to  
10 where I work, it's close to my kids' school, and I had a  
11 covered parking space.

12 And I didn't know all of these things before I  
13 bought it. Obviously, this would have played into my  
14 decision-making if I had known that I was going to be in  
15 this position. Thank you.

16 BRENDAN SULLIVAN: Okay. Okay, we are in receipt  
17 of correspondence from Burt Singer, who lives at 11 Bowdoin  
18 Street. Angela Kimberk and Burt Singer.

19 "Dear Board of Zoning Appeal, regarding Case No.  
20 203392 -- we, Angela Kimberk and Burt Singer of 11 Bowdoin  
21 Street are writing to submit our opposition to granting a  
22 variance for permitting an existing structure at 14 Bowdoin

1 Street and installing a permanent roof on it.

2 "The carport should not be given legal status  
3 simply because it already exists. The carport is intrusive,  
4 having been built very close to the sidewalk and the  
5 property line, and it fills the open space between already  
6 densely built houses.

7 "We do not want the structure made permanent. As  
8 property owners directly across the street, we are asking  
9 the City to require the homeowners to remove the existing  
10 structure, not permit it to become permanent."

11 There is correspondence from Nancy Kramer.

12 "We are writing in regard to the sign posted at 14  
13 Bowdoin for a variance hearing this Thursday. We understand  
14 the request is to permit an existing structure in the  
15 driveway to install a permanent roof on top of it.

16 "We live at 3 Bowdoin Street opposite the property  
17 and recall when the carport was built a number of years ago  
18 with no notice of a building permit. The carport should not  
19 be given legal status simply because it now exists, since it  
20 should never have been built in the first place.

21 "The structure is visible and intrusive, having  
22 been built in the front yard setback and the side yard

1 setback. More importantly, the structure is a fire bridge  
2 between the wood frame house, 14 Bowdoin, and the abutting  
3 six-unit, wood frame condo building next door.

4 "For these reasons, no structure should have been  
5 built there per the zoning code and the building code."

6 There is correspondence from Virginia Swain.

7 "I'm writing to strongly oppose a variance for a  
8 carport at 14 Bowdoin Street. A number of years ago, the  
9 carport went up with no sign of a permit. The carport had  
10 been installed immediately next to the sidewalk, right on  
11 top of the neighbors' property.

12 "At the time the carport went up, I called the  
13 Building Department to inquire why no permit was required  
14 for this construction but did not hear back. The carport is  
15 ugly, intrusive and is in an already densely-built  
16 neighborhood."

17 "Currently, garages are rare on our block.  
18 Currently, the open driveway between houses offer little  
19 breathing room and space, and an important positive quality  
20 of the neighborhood."

21 "Virginia Swain, 21 Bowdoin Street."

22 BRENDAN SULLIVAN: And that is the sum and

1 substance of the correspondence.

2 Okay, any -- I'll close the public comment  
3 section. Matthew, anything to add?

4 MATTHEW BERGWALL: I just will say that I  
5 appreciate the concern of the neighborhood. And I want to  
6 just acknowledge what they're saying. And that this has  
7 been here for over 10 years. And, you know, I think that it  
8 should have been addressed before Mary bought the house if  
9 this was going to be an issue.

10 But I humbly accept your opinion.

11 BRENDAN SULLIVAN: All right. On the plan here,  
12 it says, well, you're going to use the existing 6' x 6'  
13 post?

14 MATTHEW BERGWALL: Yep.

15 BRENDAN SULLIVAN: That you're going to put in a  
16 new 2 x 10 rafters at 16" on center. And five-eighths  
17 sheathing and then asphalt roof shingles. So what is  
18 lacking is a roof detail of what the structure is going to  
19 look like. Obviously, it's not going to be a flat roof if  
20 you're going to put on shingles?

21 MATTHEW BERGWALL: It will essentially look flat  
22 from the street. Our intention is to keep basically the

1 existing aesthetic, except for the change from Plexiglass to  
2 a real roof. We're going to be putting on a very minor  
3 slope, and it will basically look level.

4 BRENDAN SULLIVAN: All right. So it's going to be  
5 a rubber roof, rather than asphalt roof shingles? It says  
6 here, "To match the house."

7 MATTHEW BERGWALL: Yeah. We're going to match --  
8 we're going to match the house. But yeah, I was going to  
9 look at the shingles up on the roof themselves and create  
10 the necessary pitch -- just a minor one that allows for it.

11 BRENDAN SULLIVAN: Okay.

12 JIM MONTEVERDE: I don't believe there's a low  
13 slope, asphalt shingle. The only low slope I'm aware of is  
14 either a modified bitumen or a rubber roof of some type --  
15 rubber or PVC, whatever.

16 MATTHEW BERGWALL: Gotcha.

17 JIM MONTEVERDE: I don't know what you can do to  
18 lower the slope.

19 MATTHEW BERGWALL: Yeah. We'll do -- we will do  
20 rubber as the base for the roof, and the shingles were  
21 actually --

22 JIM MONTEVERDE: Oh, okay.

1           MATTHEW BERGWALL: Yeah, so that -- we can, we  
2 will do rubber here. And the intention is to not  
3 significantly change the --

4           BRENDAN SULLIVAN: I don't know, I'm a little bit  
5 uncomfortable of approving the structure that we really, you  
6 know, sort of lacks somewhat of an architectural sketches,  
7 other than just sort of a framing plan.

8           Because this doesn't give us very much to go on,  
9 because we -- if it were to be approved, then we have to  
10 hand it off to the Building Inspector to issue a permit, and  
11 he's going to look at this and say, "Well, what about the  
12 roof?" You know?

13           And, you know, the details of that right now are  
14 somewhat lacking. And so, I don't know.

15           MATTHEW BERGWALL: If I may speak again, as a  
16 contractor, I have filed a number of permits with Cambridge,  
17 and have typically submitted framing plans that are similar  
18 to the one that we reviewed before.

19           So I would be happy to provide additional visuals  
20 of the roof, but basically the idea is -- if you're looking  
21 at this picture now -- everything will be the same except  
22 that instead of looking up and seeing Plexiglass, you would



1 see plywood.

2 BRENDAN SULLIVAN: All right. I'm going -- so if  
3 I -- would be approved, I'm going to write in here that it's  
4 going to be a flat roof.

5 MATTHEW BERGWALL: Yes. Yeah. Because of the  
6 variance, we're very keen on --

7 BRENDAN SULLIVAN: And you're hitching it where,  
8 to the -- and you're pitching it from the front to the back?

9 MATTHEW BERGWALL: We're -- the plan is to pitch  
10 it --

11 BRENDAN SULLIVAN: Where are you going to put it?

12 MATTHEW BERGWALL: Well, we are -- we could pitch  
13 it in any way that the Board prefers. But the hope would be  
14 to pitch it towards the yard to the side of the driveway.

15 ANDREA HICKEY: In other words, right over the  
16 fence of the neighbor?

17 MATTHEW BERGWALL: Yeah. And I understand that  
18 might be considered problematic, so I am open to pitching it  
19 in a direction that is -- that people think is reasonable.

20 BRENDAN SULLIVAN: Well, again, the devil is in  
21 the details here, and -- I mean you have here, "Replace the  
22 roof." I see it here on the sketch. And then also you have

1 here, "Mahogany."

2 MATTHEW BERGWALL: Yeah. That mahogany part is  
3 basically to replace a Plexiglass screen that is right  
4 there.

5 BRENDAN SULLIVAN: And so, that's going to be a  
6 solid panel?

7 MATTHEW BERGWALL: It would not be -- it would be  
8 solid. Yeah. I mean, it would be -- there would be some  
9 gaps in it. I think speaking on behalf of Mary, I feel like  
10 that is just a bonus to have there and, you know, if push  
11 came to shove, we could keep that open, if that was  
12 preferred.

13 And I also want to say -- she just texted me --  
14 but we could pitch the roof back towards the gate that you  
15 see there and sort of towards the side yard. And that would  
16 be a fine concession to make.

17 BRENDAN SULLIVAN: Yeah, I'm getting more not  
18 liking this. Because if you put in that panel there where  
19 it shows, "mahogany" I don't know -- do we have a copy of  
20 that? Do we have a -- oh, I don't -- is it on the screen?

21 MATTHEW BERGWALL: Yeah.

22 BRENDAN SULLIVAN: Oh, all right. Okay. It

1 wasn't on my screen.

2           Where it says, "mahogany" I'm looking at somebody  
3 in that front window of the first-floor, looking out onto a  
4 solid panel, as opposed to now that they open up to air and  
5 light and so on and so forth. I don't know if anybody else  
6 on the Board sees that or not, or if that's a problem?

7           MATTHEW BERGWALL: If I may jump in, Mary just  
8 texted me and said that we would be happy to forgo that  
9 mahogany screen.

10           BRENDAN SULLIVAN: Okay. All right. Let me --  
11 all right. It's a variance. Let me see how it -- Let me  
12 make a motion, then, to grant the relief requested.

13           The Board finds that --

14           ANDREA HICKEY: Mr. --

15           BRENDAN SULLIVAN: Oh, any other comments by  
16 members of the Board?

17           ANDREA HICKEY: Yes. Mr. Chair, it's Andrea  
18 Hickey here. I'm not sure whether you did open this up to  
19 public testimony or whether there is anyone in the public  
20 that wishes to be heard?

21           BRENDAN SULLIVAN: Yeah. There was nobody calling  
22 in, Andrea.

1           ANDREA HICKEY: All right.

2           BRENDAN SULLIVAN: And then I read the letters of

3           --

4           JIM MONTEVERDE: Yeah, except for Mary.

5           ANDREA HICKEY: All right.

6           BRENDAN SULLIVAN: Yeah.

7           ANDREA HICKEY: Thank you.

8           BRENDAN SULLIVAN: Let me make a motion, then, to  
9 grant the relief requested, which is a variance to construct  
10 replace the existing Plexiglass roof with a permanent roof,  
11 a flat roof, as per the notes to eliminate the mahogany  
12 panel that is shown to the side. The existing footprint  
13 will remain the same.

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           It would preclude the petitioner from being able  
18 to park a car somewhat out of the elements and that it would  
19 be a great asset not to be able to in inclement weather  
20 brush off the car -- ice, snow -- and also it would afford  
21 some protection from inclement weather, especially in the  
22 wintertime with the footing would be somewhat protected from

1 the elements.

2 The Board finds that the hardship is due to the  
3 location of the house on the lot, and the absence of  
4 adequate space in order to park the car, which is a  
5 dedicated parking spot, having -- does have a curb cut, and  
6 the fact that it is encumbered by the existing ordinance  
7 regarding setbacks from the front yard and also from the  
8 side yard.

9 The Board finds that desirable relief may be  
10 granted without substantial detriment to the public good.  
11 The Board finds that this is exclusive for this particular  
12 property, and that the public good would not be adversely  
13 affected by the nature of this structure to provide covering  
14 for an automobile.

15 And desirable relief may be granted without  
16 nullifying or substantially derogating from the intent and  
17 purpose of this ordinance and which allows the homeowner by  
18 way of the Board relaxing certain restrictions regarding  
19 front yard and side yard setbacks to allow for a structure  
20 to protect the -- an automobile and also passage in  
21 inclement weather.

22 On the motion, then, to grant the variance as per

1 the application and also the notes, as regarding the slope  
2 of the roof -- flat roof -- and that it be pitched toward  
3 the rear, not to the side and not to the front, and also the  
4 elimination of the mahogany panel.

5 Jim Monteverde?

6 JIM MONTEVERDE: Not in favor of the variance.

7 BRENDAN SULLIVAN: Andrea Hickey?

8 ANDREA HICKEY: Not in favor.

9 BRENDAN SULLIVAN: Slater Anderson?

10 SLATER ANDERSON: Not in favor.

11 BRENDAN SULLIVAN: Wendy Leiserson?

12 WENDY LEISERSON: Not in favor.

13 BRENDAN SULLIVAN: Not in favor.

14 [All vote NO]

15 BRENDAN SULLIVAN: Not receiving the necessary  
16 four affirmative votes, the application for a variance is  
17 not approved.

18 And subsequent to the denial, it is the sense of  
19 the Board that the statutory requirement for a hardship,  
20 which is owing to the size, shape and topography of the lot,  
21 is not met.

22 That there is no meeting of those standards, and

1 that as such the parking within the side yard setback and  
2 also the front yard setback derogates from the intent and  
3 purpose of the ordinance.

4 On the subsequent narrative, Jim Monteverde, to  
5 accept that language?

6 JIM MONTEVERDE: Yes, I'm in favor. Thank you.

7 BRENDAN SULLIVAN: Andrea Hickey?

8 ANDREA HICKEY: Yes, Mr. Chair. I'm in favor.

9 BRENDAN SULLIVAN: Slater Anderson?

10 SLATER ANDERSON: In favor.

11 BRENDAN SULLIVAN: And Wendy Leiserson?

12 WENDY LEISERSON: In favor.

13 BRENDAN SULLIVAN: In favor.

14 [All vote YES]

15 BRENDAN SULLIVAN: So the matter is denied.

16 MATTHEW BERGWALL: Okay. Thank you for your time

17 --

18 BRENDAN SULLIVAN: Yep.

19 MATTHEW BERGWALL: -- tonight.

20 BRENDAN SULLIVAN: Okay.

21 MATTHEW BERGWALL: Can I just ask what we are  
22 expected to do with a decrepit structure at this point?

1           BRENDAN SULLIVAN: Well, you'd have to go down to  
2     the Building Department, see if you can repair it, I guess,  
3     as opposed to what you're proposing.

4           MATTHEW BERGWALL: Okay. Thank you.

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(8:59 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
Monteverde, Laura Wernick, and Slater  
Anderson

BRENDAN SULLIVAN: The Board will hear Case No.  
207689 -- 95 Irving Street. Mr. Rafferty?

JAMES RAFFERTY: Good evening, Mr. Chair, and  
members of the Board. I'm sorry, I was unmuted or muted.  
For the record, James Rafferty appearing on behalf of the  
applicants.

With me this evening is the property owner, Rachel  
Cantor, and the architects on the project are Brian Fell and  
Leah Abrahms.

This is an application that seeks a special permit  
pursuant to Section #8.2.22d to allow for an existing  
nonconformity to be increased. However, there are no other  
new nonconformities created.

The existing nonconformity in this house is that  
it is already over the allowed FAR. So the application  
seeking additional FAR is permitted through the special  
permit amendment.

1           This has -- the current home is actually a two-  
2 family dwelling. The applicants have purchased the home  
3 intent to relocate here from Washington D.C. -- young family  
4 with three children. They're going to turn it back into a  
5 single-family.

6           The home also has the distinction of being  
7 landmarked by the Historical Commission about 15 or 20 years  
8 ago.

9           As a result of that, the Commission has  
10 jurisdiction over any exterior alterations to the property.  
11 We appeared before the Historical Commission and obtained a  
12 Certificate of Appropriateness for the work that we're now  
13 seeking this variance for. That certificate was forwarded  
14 to the Board and is contained within the file.

15           What's -- what's proposed here, and I think is  
16 best depicted at Sheet A200 of the plans that have been  
17 submitted -- is a rear addition to the property and a  
18 construction of a new garage.

19           The rear addition involves the removal of a prior  
20 rear addition and the replacement of this new addition. And  
21 that new addition is depicted at the bottom left of the  
22 floor elevations you see on this -- on this screen.

1           The home is a gracious home -- well-sized. The  
2 additions really are concentrated for the most part on the  
3 first-floor, which will allow for an expanded kitchen, a  
4 family room, and a significant portion of this is a screen  
5 porch on the bottom.

6           All of the addition is located in the rear, and is  
7 not visible from Irving Street. The applicant has had  
8 conversations with the rear abutters during the Historical  
9 Commission process.

10           She met with them, showed them their plans. She  
11 made some adjustments to he was she was proposing to do  
12 based on feedback. And in that process, those abutters  
13 supported the application. So we have no indication that  
14 the sentiment of the abutters has changed from two months  
15 ago, when we were at the Historical Commission.

16           The site also has an existing two-car garage. The  
17 proposal is to relocate the garage. As a result of the  
18 house going from a single -- two to a single dwelling, the  
19 exemption for a garage goes from two spaces to one space.

20           So a portion of the added GFA is contained within  
21 a garage that's about the same size as the current garage,  
22 but it is a two-car garage servicing a single-family

1 dwelling. So a portion of the added GFA being sought is  
2 contained in the garage.

3 Mr. Fell is present to answer any questions the  
4 Board might have about the design or the proposal. But as I  
5 noted, it has been reviewed extensively for its  
6 architectural compatibility with the existing house.

7 This is -- this was designated a landmark based on  
8 not only its architectural significance, but it was the home  
9 of the noted philosopher Henry James. And the Cantors now  
10 will be the new owners of the property.

11 JIM MONTEVERDE: Jim, could you just touch on  
12 Article 4 -- 4.21, Accessory Structure? I know that you're  
13 doing -- you were modifying the roof and the door to the  
14 structure, but I'm just wondering what triggers relief under  
15 4.21?

16 JAMES RAFFERTY: Well, the accessory structure  
17 itself, it does meet the requirements. It has the 10'  
18 setback, but it might be the case -- and I apologize, Mr.  
19 Fell might know, I don't know if we're close on the 15'.

20 We have conforming setbacks on the sides, and I  
21 don't know, but Mr. Fell, are we -- I can't imagine we're  
22 over 15'. I honestly am not certain now why -- why we cited

1     that.

2             I think only because we were constructing a new  
3     accessory structure. We -- we cited that section. But the  
4     garage as proposed would be dimensionally conforming, but  
5     for its GFA, because it's larger than a one-car garage.

6             BRENDAN SULLIVAN: Yeah. Olivia, why is that  
7     cited, do you know? Just wondering if it was not an  
8     alteration to an accessory structure, which is in some kind  
9     of noncompliance, and I couldn't find any.

10            JAMES RAFFERTY: Yeah, the -- it's -- it's  
11     actually a -- the garage is being relocated. So I guess to  
12     be more precise, being rebuilt. So we're building a new  
13     garage. And it's an accessory structure in that it meets  
14     the reduced setbacks, so that -- and the height, the limited  
15     height, and the separation from the main structure.

16            But I believe the reason it's cited is because of  
17     the amount of GFA in the garage now exceeds what's allowed.  
18     And since we're already over the allowed GFA, we noted the  
19     accessory structure is part of the special permit needed for  
20     the garage.

21            BRENDAN SULLIVAN: And relief can still be covered  
22     under the special permit application?

1 JIM MONTEVERDE: Right, because --

2 BRENDAN SULLIVAN: Yeah.

3 JIM MONTEVERDE: -- because the special permit  
4 talks about GFA/FAR on the lot. So this is permitted. So  
5 the -- we reviewed this.

6 The garage -- the garage is roughly the same size  
7 as it was before. It was a two-car garage then, it's a two-  
8 car garage now. But it's 124 square feet bigger -- excuse  
9 me, 124 square feet of the garage needs to be included,  
10 because that's the bay for the second vehicle.

11 And when this was two-family -- and it has been a  
12 two-family until this renovation work will occur -- the  
13 garage doesn't have a full exemption. So 124 square feet of  
14 the garage does get added into the FAR on the lot.

15 BRENDAN SULLIVAN: Okay. All right. Okay. All  
16 right. Jim, any questions of the petitioner?

17 JIM MONTEVERDE: Just one question. If you look  
18 at sheet -- or if you can bring up Sheet 100? It shows the  
19 proposed site plan. It shows the setback line. The  
20 question is really the addition proposed in the rear of the  
21 structure, I just want to confirm it's within all the  
22 setback requirements?

1 JAMES RAFFERTY: Yes. Very, very good question,  
2 Mr. Monteverde. Because it's got this -- this funny corner.

3 JIM MONTEVERDE: Correct.

4 JAMES RAFFERTY: So we did visit with the Building  
5 Commissioner before filing the application to confirm how it  
6 is we measured the rear setback.

7 So there are two rear setbacks here. There's a  
8 closer rear setback, and then a deeper rear setback. And at  
9 that 40 -- at that 90-degree angle, we want it to be certain  
10 that we were measuring correctly. So I met with Mr.  
11 Singanayagam, and he advised us how to measure.

12 So it's -- it's not a coincidence that the rear  
13 addition does not extend any further to the left. Were it  
14 to do so, you can see how this diagram, that it would --

15 JIM MONTEVERDE: Right.

16 JAMES RAFFERTY: -- be within the rear setback.  
17 So it was deliberately cited in a way that complied with the  
18 change in the lot line.

19 JIM MONTEVERDE: Okay. Thank you.

20 BRENDAN SULLIVAN: Andrea, any questions at this  
21 time?

22 ANDREA HICKEY: No. That was an excellent

1 question and an equally excellent answer. Thank you to you  
2 both. And I have nothing further.

3 BRENDAN SULLIVAN: Slater, any questions or  
4 comments at this time?

5 SLATER ANDERSON: No questions.

6 BRENDAN SULLIVAN: Wendy Leiserson, any questions  
7 or comments?

8 WENDY LEISERSON: No, thank you.

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

13 If you are calling in by phone, you can raise your  
14 hand by pressing \*9 and unmute or mute by pressing \*6.

15 OLIVIA RATAY: James Williamson?

16 JAMES WILLIAMSON: Can you hear me?

17 BRENDAN SULLIVAN: Yes.

18 JAMES WILLIAMSON: Okay. Brendan -- Mr. Chair --  
19 I'm not sure -- I was interested in this case, but I want to  
20 say I tried to speak earlier, and at what would have been I  
21 think a much more important case.

22 And I had my hand raised, I was called on, and I



1 just would make a plea to the Chair and any future Chair, to  
2 please be understanding of how difficult it can be when you  
3 don't -- the phones are different, you push the wrong thing  
4 or you don't make -- you make a slight mistake or you try to  
5 bring it up and it disappears and you try to bring it up  
6 again, which is what I went through -- you know,  
7 experiencing a sort of anxiety about, like, am I going to be  
8 able to get back to this?

9 And then when you're called on, I actually have to  
10 do two things. I have to okay the sound and -- and only  
11 this time or forever, et cetera. So it's actually can be  
12 quite complicated to successfully be called on.

13 So when I miss that opportunity, I then for the  
14 rest of the hearing, as numerous other people who were  
15 called on, kept raising my hand over and over and over  
16 again, flashing my hand. I don't know if the Chair saw  
17 that.

18 I suspect that the person managing the raised hand  
19 function did see that but didn't mention that I was  
20 continuing to try to be called on. I just -- you know, if  
21 you -- if it's a City Council meeting, if they miss you the  
22 first time, they come back to you.

1           And most Boards and Commissions will, once they've  
2           gone through everybody who was recognized, will ask if  
3           there's anybody else.

4           So I'd just like to, you know, ask -- make a plea  
5           that for future cases, hearings, that something closer to  
6           that be so that, you know, I mean I've calmed down, but I  
7           was not happy.

8           BRENDAN SULLIVAN: Okay. Got it.

9           JAMES WILLIAMSON: And actually -- you know, I  
10          think you did a good job. I just -- you know, and I think  
11          my contribution actually might have been helpful, which was  
12          -- would have been to ask that there could be consideration  
13          for lowering the decibel threshold, rather than doing all  
14          the other good things, which were brought up.

15          But for this case -- anyway --

16          BRENDAN SULLIVAN: Okay.

17          JAMES WILLIAMSON: -- for this case I would just -  
18          - I'm glad to hear that William James was actually  
19          mentioned. I did check in with the Historical Commission to  
20          see if they, you know, obviously -- evidently, they did have  
21          a hearing and granted a Certificate of Appropriateness.

22          So it's a favorite stop of mine. I actually stop

1 and pay homage to this location when I'm on weekend walks.  
2 Have done so for years. And William James died in 1910.  
3 His brother was Henry James, the well-known novelist,  
4 interesting novelist.

5 And the whole family are interesting. And people  
6 may not know that it was Henry James -- some of his ideas  
7 expressed in a variety of religious experiences that were  
8 foundational for Alcoholics Anonymous.

9 BRENDAN SULLIVAN: Okay.

10 JAMES WILLIAMSON: Bill Wilson turned to that. So  
11 just wanted to maybe amplify the --

12 BRENDAN SULLIVAN: Thank you.

13 JAMES WILLIAMSON: -- of Mr. Rafferty.

14 BRENDAN SULLIVAN: Thank you. All right. There  
15 is nobody else calling in. I will close the call-in  
16 portion. We are in receipt of correspondence from the  
17 Cambridge Historical Commission regarding 95 Irving Street.

18 "Cambridge Historical Commission hereby certifies  
19 according to the ordinance that the work described below is  
20 not incongruous to the historic aspect or architectural  
21 character of the building or district to demolish the garage  
22 and shed, construct a new garage, remove the existing rear

1 and side additions, construct a new two-story addition.

2 "Alterations include changing existing doors to  
3 windows, retain the existing stepping stone, et cetera.,  
4 repair and construct landscape.

5 "Work is to be carried out as indicated in the  
6 plan by Robert A.M. Stern Architects, LLP, titled, '95  
7 Irving Street, Cambridge, 02138" and dated 10/11/22 and as  
8 indicated in the landscape plans by Gregory Lombardi Design.

9 "Approval is granted on the condition that  
10 construction details the material samples be reviewed with  
11 and approved by the CHC Executive Director, the Certificate  
12 Case No. 4871 dated January 20, 2023."

13 And that is the sum and substance of the  
14 correspondence. I will close the public comment portion.

15 Mr. Rafferty, anything else to add?

16 JAMES RAFFERTY: Excuse me. No, thank you, Mr.  
17 Chair.

18 BRENDAN SULLIVAN: All right. Let me -- any  
19 comments by members of the Board? Questions or ready for a  
20 vote?

21 [Pause]

22 Let me make a motion, then. It is a special

1 permit under Section 5.31, which is the Table of Dimensional  
2 Requirements, because there is an increase, even though  
3 there are no new nonconformities, and seeking relief for a  
4 special permit under 8.222d.

5 The Board finds that it may grant a special permit  
6 for the alteration or enlargement of a preexisting  
7 dimensionally nonconforming, detached single-family or two-  
8 family dwelling not otherwise permitted in Section 8.22.1  
9 above, but not the alteration or enlargement of a  
10 preexisting, nonconforming use.

11 Provided that there is no change in use, and that  
12 any enlargement or alteration of such preexisting,  
13 nonconforming detached single-family dwelling or two-family  
14 dwelling may only increase a preexisting dimensional  
15 nonconformity but does not create a new dimensional  
16 nonconformity.

17 In order to grant the special permit, the Board of  
18 Zoning Appeal is required to find -- and does find -- that  
19 the alteration or enlargement shall not be substantially  
20 more detrimental than the existing nonconforming structure  
21 to the neighborhood, and that the alteration or enlargement  
22 satisfies the criteria in Section 10.43.

1 Under 10.43, the Board finds that it appears that  
2 the requirements of the ordinance can be met.

3 Traffic generated, or patterns of access or egress  
4 would not cause congestion, hazard, or substantial change in  
5 the established neighborhood character. And the Board notes  
6 the letter of compliance from the Cambridge Historical  
7 Commission.

8 The continued operation of or development of  
9 adjacent uses, as permitted in the Zoning Ordinance, would  
10 not be adversely affected by the nature of the proposed use.  
11 The proposed use does not change, it's just an alteration of  
12 the structure.

13 The Board finds that there would not be any  
14 nuisance or hazard created to the detriment of the health,  
15 safety and/or welfare of the occupant of the proposed use,  
16 in fact the realignment and the additions and the creation  
17 of the garage would be an asset to anyone who lives on the  
18 property.

19 That the proposed use would not impair the  
20 integrity of the district or adjoining district, or  
21 otherwise derogate from the intent and purpose of the  
22 ordinance to allow property owners to expand their structure

1 to make it more livable, more energy-efficient, and better  
2 layout, make it more livable, and empowering this Board to  
3 grant the requested relief where it finds appropriate to  
4 allow for appropriate development.

5 And the Board finds that this proposal is  
6 appropriate and also cites again the letter from the  
7 Cambridge Historical Commission.

8 On the motion, then, to grant the relief  
9 requested, as per the plans submitted, supporting  
10 statements, dimensional forms, and on the plans entitled,  
11 "95 Irving Street by Robert A.M. Stern Architects and  
12 initialed by the Chair?

13 Jim Monteverde?

14 JIM MONTEVERDE: In favor of the granting.

15 BRENDAN SULLIVAN: Andrea Hickey?

16 ANDREA HICKEY: Yes, in favor.

17 BRENDAN SULLIVAN: Slater Anderson?

18 SLATER ANDERSON: In favor.

19 BRENDAN SULLIVAN: Wendy Leiserson?

20 WENDY LEISERSON: In favor.

21 BRENDAN SULLIVAN: Yes.

22 [All vote YES]

1                   BRENDAN SULLIVAN: Five affirmative votes; the  
2 special permit is granted.

3                   JAMES RAFFERTY: Thank you very much.

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(9:18 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
Monteverde, Andrea Hickey, and Slater  
Anderson

BRENDAN SULLIVAN: The Board will now hear Case  
No. 209129 -- 3 Porter Park. Mr. Rafferty?

JAMES RAFFERTY: Thank you. Good evening. Again,  
for the record, James Rafferty on behalf of the applicant,  
Frank Barbosa.

This is an application for an addition -- a dormer  
approximately 94 square feet onto a structure in the -- a  
two-family structure on Porter Park, which is a small dead-  
end off of Porter Road, which is a side street up on Mass  
Ave and Porter Square.

The dormer is designed -- has been done so with  
adherence to the Dormer Guidelines, and the elevations  
depicted there reflect this.

The relief is largely required because it is an  
exceptionally small lot. The lot itself is a few feet over  
2000 square feet. So almost any change here would  
necessitate an increase and, as I said, these dormers make

1 the second floor of the house extremely livable, functional,  
2 improves access and overall livability and represents an  
3 increase of 94 square feet.

4 Happy to answer any questions. And Mr. Barbosa is  
5 also present if there are any questions.

6 BRENDAN SULLIVAN: The question I had, and I had  
7 asked Ms. Pacheco to contact the -- the architect with what  
8 I was looking for, and I see it apparently A2. Olivia, if  
9 you could: A2.0? The one dimension that was absent was the  
10 width of the dormer.

11 And so, I see it now -- that it is 15'. And so,  
12 that certifies your comment that it does comply with the  
13 Dormer Guidelines regarding the length.

14 JAMES RAFFERTY:

15 BRENDAN SULLIVAN: Also the amount of fenestration  
16 complies and so on and so forth. Okay. Any questions by  
17 members of the Board? Jim Monteverde?

18 JIM MONTEVERDE: No questions. Andrea Hickey any  
19 questions?

20 ANDREA HICKEY: No questions, Mr. Chair.

21 BRENDAN SULLIVAN: Slater Anderson?

22 SLATER ANDERSON: No questions.

1 BRENDAN SULLIVAN: Wendy Leiserson?

2 WENDY LEISERSON: No questions.

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

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

10 OLIVIA RATAY: Margaret Brady?

11 MARGARET BRADY: Hi. My name is Margaret Brady.  
12 I live at 7 Porter Park, directly next to this building. So  
13 we have been here since 1984. It's -- it's a small street,  
14 it's a tiny street.

15 We have -- Porter parking lot. So anything that  
16 happens on this street to any building is going to have a  
17 big impact on every -- all the abutters.

18 You know, we've looked at this request for the  
19 variance. We would have to hire an architect or a  
20 consultant to know what really the impacts could have on the  
21 property.

22 As I mentioned, we're very impacted by anything

1 that happens. We were impacted very strongly for a very  
2 long time for the -- by the demolition and construction of  
3 the Porter Square Hotel, of which we're a direct abutter.  
4 Major demolition and renovation 6-8 Porter Park, directly  
5 across from us.

6 And as a matter of fact, myself and my sister and  
7 sister-in-law who used to live here attended many, many BZA  
8 meetings and other public meetings in favor of the Porter  
9 Square Hotel because the owner -- the owner at the time, Mr.  
10 Ginn (phonetic) had done such a great job of reaching out  
11 and showing his real concern for his neighbors.

12 And so, we trusted that what he was going to do  
13 with the property would be well done, as in fact it was. It  
14 was a -- it was a terrible process. It was incredibly  
15 disruptive. We had damage to our property.

16 But what we found was that the developer, the  
17 architect, the construction chief, were in constant contact  
18 with us. And the same thing happened with Northeast  
19 Development -- North American Development, who worked on 6-8  
20 Porter Park.

21 So one of the reasons that I'm speaking tonight, I  
22 don't feel well-informed enough really to oppose this

1 request for a very, but honestly, I've had -- I've had all  
2 conversation with Frank Barbosa. This was when the  
3 demolition crew arrived months ago, and we just needed a  
4 dumpster to be moved.

5 But I've tried to reach out and find out what the  
6 plans for this property were, and I've had no response. So  
7 I'm just really reluctant to say that I don't oppose this  
8 without more information and more consultation. You know,  
9 we -- we already know that this is going to have a lot of  
10 impact.

11 Anything that happens, you know, it impacts  
12 parking. Two people can't have work done on their houses at  
13 the same time. We just -- we have no idea what the timeline  
14 is.

15 One impact we will know has happened because of  
16 the windows on that -- on the side of the house that faces  
17 us. Reflections from the windows have actually warped the  
18 vinyl siding on our house. And that's something that the  
19 dormers could make worse.

20 But again, we really don't know. And so, this is  
21 mainly our request to, I don't know slow our role. And so,  
22 we get a chance to really know how this is going to impact

1 us and find out more about all the plans for the work going  
2 forward.

3 BRENDAN SULLIVAN: Okay. All right, thank you.  
4 Let's see if we can get some response, then. Anybody else?  
5 There's nobody else calling in, so I'll close the public  
6 comment part. Mr. Rafferty, if you would like to address  
7 the concerns by Ms. Brady?

8 JAMES RAFFERTY: Surely. And I appreciate the  
9 closeness on the street. The structures are all near each  
10 other. I would only say that this -- Board members  
11 recognize a dormer is probably perhaps the most benign  
12 addition one could put here. The footprint of the house is  
13 unchanged. The bulk and mass is really unchanged.

14 I was under the understanding that there was some  
15 discussion, and certainly there's going to need to be  
16 coordination, discussion during construction.

17 And that is something that certainly can occur  
18 between now and the issuance of the building permit. I know  
19 I can speak for Mr. Barbosa; he fully intends to do that.  
20 We've talked about the fact that any work on that street  
21 requires a level of cooperation and coordination with  
22 abutters.

1 I would ask that the Board recognize the size of  
2 the addition and the architects, so the Board might be  
3 prepared to opine as to whether or not this elevation, this  
4 piece size of a dormer would be impactful upon abutters. I  
5 can't see how it could have any impact in terms of shadow  
6 and the like, but it will represent a change. But it would  
7 appear to be a very modest change.

8 BRENDAN SULLIVAN: Okay. Jim, do you have any  
9 questions or comments?

10 JIM MONTEVERDE: No questions, thank you.

11 BRENDAN SULLIVAN: Andrea Hickey?

12 ANDREA HICKEY: No, thank you.

13 BRENDAN SULLIVAN: Slater?

14 SLATER ANDERSON: No comments.

15 BRENDAN SULLIVAN: Wendy?

16 WENDY LEISERSON: No. No comments.

17 BRENDAN SULLIVAN: All right. I don't either. I  
18 guess it's unfortunate that we would have an abutter be not  
19 totally informed as to exactly what was going okay. The  
20 relief that is being requested, it's not a variance, it's a  
21 special permit.

22 JAMES RAFFERTY: Excuse me, Mr. Chair. It -- well

1       --

2               BRENDAN SULLIVAN:  Sorry?

3               JAMES RAFFERTY:  No, I'm sorry.  You're right.  I  
4       misspoke.

5               BRENDAN SULLIVAN:  And so that the criteria for  
6       granting the special permit, obviously, is a much standard,  
7       and that it's always been the policy of this Board that  
8       finding the criteria for a special permit, provided that it  
9       has all of the aspects regarding the two dormers, is usually  
10      received favorably by the Board.

11              And -- well, let me just take it to -- make a  
12      motion, then, to go forward.  Let me make a motion, then, to  
13      grant the special permit as per the application, supporting  
14      statements, dimensional form and the drawings submitted by  
15      Jarvis Drafting and design entitled "1 Porter Park  
16      Renovations" initialed by the Chair, dated 03/09/23.

17              The Board finds that seeking relief for a special  
18      permit under 8.22d and the 10.40 Special Permit Criteria.  
19      It appears that the Board may grant a special permit for the  
20      alteration or enlargement of a preexisting dimensionally  
21      nonconforming, detached single-family dwelling or two-family  
22      dwelling not otherwise permitted in 8.22.1, but not the



1 alteration or enlargement of a preexisting, nonconforming  
2 use.

3           Provided that there is no change in use, and that  
4 any enlargement or alteration of such preexisting,  
5 nonconforming detached single-family dwelling or two-family  
6 dwelling may only increase a preexisting dimensional  
7 nonconformity but does not create a new dimensional  
8 nonconformity.

9           In order to grant the special permit, the Board of  
10 Zoning Appeal is required to find that the alteration or  
11 enlargement shall not be substantially more detrimental than  
12 the existing nonconforming structure to the neighborhood,  
13 and that the alteration or enlargement satisfies the  
14 criteria in Section 10.43.

15           Under 10.43, it appears that the requirements of  
16 the ordinance can be met.

17           That traffic generated, or patterns of access or  
18 egress would not cause congestion, hazard, or substantial  
19 change in the established neighborhood character.

20           The Board is a two-family and will remain a two-  
21 family. It is a two-family, is that right, Mr. Rafferty?

22           JAMES RAFFERTY: Yes, that's correct.

1           BRENDAN SULLIVAN: The Board finds that continued  
2 operation of or development of adjacent uses, as permitted  
3 in the Zoning Ordinance, would not be adversely affected by  
4 the nature of the proposed use.

5           There would not be any nuisance or hazard created  
6 to the detriment of the health, safety and/or welfare of the  
7 occupants of the proposed use, in fact it would be enhanced  
8 with the addition of some additional living space at the  
9 third-floor level by means of dormers. That, and it would  
10 allow for potentially housing for families.

11           That the proposed use would not impair the  
12 integrity of the district or adjoining district, or  
13 otherwise derogate from the intent and purpose of the  
14 ordinance to allow the property owners to potentially  
15 enlarge the structures as needed to provide for housing for  
16 families, provide housing for all income levels, also to  
17 provide additional space to allow better circulation of the  
18 house, and with -- this house is undergoing total  
19 renovation, which will bring up the mechanical systems far  
20 more efficiently.

21           And that the intent of the ordinance was also to  
22 allow reasonable and consistent development and allows the

1 discretion of this Board to approve where it feels that the  
2 development is worthwhile.

3 And the Board finds that what is proposed is  
4 worthwhile to the house, and also to the neighborhood.

5 On the motion, then, to grant the special permit,  
6 Jim Monteverde?

7 JIM MONTEVERDE: In favor.

8 BRENDAN SULLIVAN: Andrea Hickey?

9 ANDREA HICKEY: In favor.

10 BRENDAN SULLIVAN: Slater Anderson?

11 SLATER ANDERSON: In favor.

12 BRENDAN SULLIVAN: Wendy Leiserson?

13 WENDY LEISERSON: In favor.

14 BRENDAN SULLIVAN: Yes.

15 [All vote YES]

16 BRENDAN SULLIVAN: Five affirmative votes; the  
17 special permit is granted.

18 JAMES RAFFERTY: Thank you very much.

19 JIM MONTEVERDE: Mr. Chair, I request about two  
20 minutes?

21 BRENDAN SULLIVAN: We're going to have a two-to-  
22 five-minute break. We'll pause for the cause.

\* \* \* \* \*

(9:37 p.m.)

Sitting Members: Brendan Sullivan, Andrea Hickey, Jim  
Monteverde, and Slater Anderson

BRENDAN SULLIVAN: The Board will hear Case No.  
208432 -- 90 Hamilton Street.

CHICHI LIAO: Yes. Good evening, everybody. I'm  
here to propose the change of use from office to day care  
use at 90 Hamilton Street.

BRENDAN SULLIVAN: Yeah. If you could just  
introduce yourself for the record -- name and address,  
please?

CHICHI LIAO: Okay. Chichi Liao. The address is  
90 Hamilton Street, Cambridge.

BRENDAN SULLIVAN: Okay. Yes. Okay. Tell us  
what you --

CHICHI LIAO: Okay. Yes, I am here to propose the  
change of use from office to day care use at 90 Hamilton  
Street in Cambridgeport neighborhood. I'm honored to have  
this opportunity to present the multilingual immersion day  
care preschool in our neighborhood. And the residents love  
our public school system. There are many language immersion

1 programs in our public schools.

2 These programs teach our next generation about  
3 diversity and how this world works. It is essential to  
4 start language immersion in early childhood so kids can  
5 continue multilingual learning in their elementary school.

6 We were granted the change of use back in 1950;  
7 now -- 15 -- now we are ready to move forward with providing  
8 neighborhood service. Our day care use will be more family-  
9 friendly and integrate more into the neighborhood culture.

10 I'd like your permission to have the change of use  
11 granted, and we are excited to have this opportunity to  
12 serve our neighbor. Thank you for your time and  
13 consideration. I'm happy to answer any questions you have.

14 BRENDAN SULLIVAN: Okay. Thank you. Jim  
15 Monteverde, any questions?

16 JIM MONTEVERDE: Yes. I -- you just mentioned the  
17 request for a special permit in 2015. And the petition  
18 reads exactly like the petition in front of us tonight.

19 CHICHI LIAO: Yes.

20 JIM MONTEVERDE: So why is this being presented  
21 again?

22 CHICHI LIAO: Yes, because the previous permit

1 expired because we were not ready to do it at that time,  
2 because it required a lot of resources --

3 JIM MONTEVERDE: Oh.

4 CHICHI LIAO: -- and we are -- for my family, our  
5 kids were very small at that time, so we didn't proceed  
6 with it. But right now we feel is the time to do it. And  
7 then they --

8 JIM MONTEVERDE: So.

9 CHICHI LIAO: -- the City says I need to put back  
10 to the Zoning to get it.

11 JIM MONTEVERDE: Okay. So the change of use from  
12 office to day care did not happen in 2015?

13 CHICHI LIAO: Yes. It was granted but did not  
14 happen.

15 JIM MONTEVERDE: Okay. Great.

16 CHICHI LIAO: Yes.

17 JIM MONTEVERDE: I understand. Thank you.

18 BRENDAN SULLIVAN: Andrea, any questions at this  
19 time?

20 ANDREA HICKEY: Yes. If I could ask, will the  
21 proposed use for the entire building be day care?

22 CHICHI LIAO: It will be the first floor.

1           ANDREA HICKEY: And what will be on the second  
2 floor?

3           CHICHI LIAO: Second floor will remain as office  
4 use.

5           ANDREA HICKEY: And how is the parking allocated  
6 between the day care and the office use?

7           CHICHI LIAO: Yes. Right now, most people are  
8 working from home. So for the second floor, not many people  
9 are coming to the office to work. So most of the parking  
10 will be used for day care.

11           ANDREA HICKEY: For me, that would be an important  
12 consideration, knowing how many spaces will be dedicated to  
13 the day care use, versus the future office use when down the  
14 line things change, and people do come back to work.

15           I would want some assurances that a certain number  
16 of spaces -- at least for drop-off and pickup by parents or  
17 caregivers. So could you talk to those considerations?

18           CHICHI LIAO: Yes. Right now we have total 17  
19 spots. And so if all the teachers need to drive to work,  
20 then maybe we need, like, you know, half of the spots for --  
21 for the office use.

22           And then we do have -- we do decide the bicycle

1 racks to encourage people to bike. So that will be part --  
2 used mostly one of the spots. So totally we will have 16  
3 spots left.

4 So I would say half will be for office use, and  
5 half will be the day care us. Maybe eight versus eight.

6 ANDREA HICKEY: All right. That answers my  
7 question, and I would ask my colleagues on the Board their  
8 thoughts on whether dedicating some parking to each of the  
9 two uses might be something we want to condition.

10 Thank you, Mr. Chair. That's all I have.

11 BRENDAN SULLIVAN: Yeah. There is a plan existing  
12 building plan, first floor, Andrea, which -- and I don't  
13 know if you can pull that up, Olivia? Oh, it is up. All  
14 right. It's not on my screen. What I'm looking for is this  
15 maneuverability -- car maneuverability, space during drop-  
16 off and pickup are all right there.

17 ANDREA HICKEY: Right.

18 BRENDAN SULLIVAN: Do you see that there, Andrea?

19 ANDREA HICKEY: I do see that, yes. Yep. And you  
20 can see the sort of in and out goes over at least three  
21 parking spaces. So if cars are parked in those spaces, I  
22 think it makes that sort of traffic plan difficult, unless



1 I'm misunderstanding something.

2 BRENDAN SULLIVAN: Right. And so, my  
3 understanding is that there would not be any cars there  
4 during -- again, drop-off and pickup times, which -- what  
5 would be the drop-off times?

6 CHICHI LIAO: Yes. The morning will be 8:30 to  
7 9:00. The afternoon will be around 4:30 to 5:30.

8 BRENDAN SULLIVAN: So how do you manage cars not  
9 being there during those times?

10 CHICHI LIAO: Yes. Actually right now, because  
11 most people work from home, so our lot's pretty much empty  
12 at this time. So we can arrange that to make sure those  
13 three spots people are not parking during that drop-off and  
14 pickup time.

15 BRENDAN SULLIVAN: Okay. I can see somewhat in  
16 the morning it's a little bit early. But in the afternoon,  
17 once people come, say to the office area and/or to your  
18 establishment, that -- you know, if they come there during  
19 the day and they park in those spaces, then you're going to  
20 have to ask them -- what -- to leave at 4:00 or something?  
21 And then what do they do with their cars?

22 CHICHI LIAO: Yeah, right now most -- right now --

1 we've encouraged the people, you know, to do the public  
2 transportation or bike over.

3 So at least we don't see any problem for parking.  
4 Because right now our lot is pretty much empty, because most  
5 people work from home for office wise. But --

6 ANDREA HICKEY: Right, but again --

7 CHICHI LIAO: -- most likely --

8 ANDREA HICKEY: -- we need to look into the future  
9 here, at a time where people may come back to the office.

10 CHICHI LIAO: Yes.

11 ANDREA HICKEY: And in terms of drop-off and  
12 pickup, I mean people need to park their cars to go in and  
13 get their kids.

14 CHICHI LIAO: Yes.

15 ANDREA HICKEY: And I'm still not having a clear  
16 idea how thought content happen and not be disruptive with  
17 people double parking, you know, along the street here.

18 CHICHI LIAO: Yeah. By my experience, those three  
19 spots will be reserved for the drop-off and pickup. So when  
20 people need to be coming to get the kids, and they can park  
21 on those three spots, and then very easy for them to get in  
22 and out without double parking.

1           ANDREA HICKEY: All right. Well, if people are  
2 parked in those three spots, the traffic flow and  
3 maneuvering shown on the plan before us doesn't really work.

4           JIM MONTEVERDE: Right. Is -- if I can, Andrea?

5           ANDREA HICKEY: Yes.

6           JIM MONTEVERDE: I think the loop that's portrayed  
7 here is a bit idealized. I think if one of the two parking  
8 spaces that are against Brookline Avenue were -- you weren't  
9 allowed to park there, someone could maneuver -- you know,  
10 making an entry into the lot you could back into -- you  
11 know, you could do a three-point-turn from that one spot to  
12 get out. And you could still use the three spaces along  
13 Hamilton Street that Chichi is saying are for pickup and  
14 drop-off.

15          ANDREA HICKEY: Mm-hm.

16          JIM MONTEVERDE: I don't think you can physically  
17 do that loop. But I think you lose one parking space, and I  
18 think there's a way to maneuver around.

19          ANDREA HICKEY: All right. Well, I'd ask again my  
20 colleagues to consider conditioning approval on perhaps  
21 those two or three spots being reserved strictly for drop-  
22 off and pickup and not for permanent, you know, parking.

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JIM MONTEVERDE: Okay.

ANDREA HICKEY: Thank you. That's all I have.

BRENDAN SULLIVAN: Okay. Slater Anderson, any questions or comments?

SLATER ANDERSON: Yeah. I -- the parking was the thing I was zeroing in on as well, and I just think there needs to be, yes, some recognition that those four spots really where that road flows -- you know, the traffic flow comes in and then it's supposed to flow out, that there's -- you know, that that's managed effectively, and that the day care has exclusive control over those -- at least those four spots.

BRENDAN SULLIVAN: Okay.

ANDREA HICKEY: Right.

BRENDAN SULLIVAN: Wendy Leiserson?

ANDREA HICKEY: I'm sorry, it's Andrea Hickey just --

BRENDAN SULLIVAN: Yep.

ANDREA HICKEY: -- jumping in again. I'm sorry, Mr. Chair. Again, I wouldn't want day care workers to be parking in those spots all day long. I'd want them, sort

1 of, those spots to be available for drop-off and pickup  
2 during your drop-off and pickup hours.

3 Thank you, Mr. Chair.

4 BRENDAN SULLIVAN: All right. Do you own the  
5 building, or are you leasing just the first-floor?

6 CHICHI LIAO: Yeah. We own the building.

7 BRENDAN SULLIVAN: You own the building. All  
8 right. So you -- you can control the -- the parking layout  
9 and who parks where, and whatever?

10 CHICHI LIAO: Yes.

11 BRENDAN SULLIVAN: Okay. All right. Wendy  
12 Leiserson, any questions, comments at this time?

13 WENDY LEISERSON: No, I agree with the concerns  
14 about parking that have already been raised.

15 BRENDAN SULLIVAN: Okay. 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.

21 [Pause]

22 Nope?

1 OLIVIA RATAY: I guess not.

2 BRENDAN SULLIVAN: There's nobody calling in. We  
3 are in receipt of correspondence which came in this  
4 afternoon regarding 90 Hamilton Street.

5 "Members of the Board of Zoning Appeal,

6 "We -- Jonathan Austin and Laura Sheffield live at  
7 219 Brookline Street, which overlooks 90 Hamilton Street.  
8 We are writing to support this application because we  
9 believe the proposed day care/preschool will be a valued  
10 asset in the neighborhood, and because the design in concept  
11 would remedy two longstanding violations of the zoning code  
12 at 90 Hamilton Street.

13 "15 years ago, approximately, the previous owner  
14 removed a mature hedge that surrounded the parking on two  
15 sides of this corner lot and repaved the entire parking lot  
16 with asphalt right up to the chain-link fence at the  
17 sidewalk. The parking lot that previously met the  
18 qualitative provision of Section 6.43 of the Zoning Code was  
19 lost overnight.

20 "Shipping container installations: During the  
21 last three years, the current owner had installed three  
22 shipping containers, taking up three parking spaces, which

1 restrict sight lines, and which have become targets for  
2 graffiti.

3 "To our knowledge, no zoning relief for increased  
4 floor area, loss of parking, setbacks and the like were ever  
5 sought or granted. As a result, this neighborhood corner  
6 has been further degraded.

7 "The proposed plan remedies these two conditions  
8 and will transform an eyesore into what we hope will become  
9 a valued neighborhood asset.

10 "We do have two requests: A detailed landscaping  
11 plan be submitted for review and approval, showing  
12 materials, landscape materials, drainage, significant  
13 lighting and signage.

14 "The plan as submitted, while appealing in  
15 principle, is incomplete -- too vague and open to  
16 interpretation. A detailed plan will set a standard that  
17 can be confirmed when construction is complete and a  
18 Certificate of Occupancy is requested.

19 "Increase the landscape setback on Brookline  
20 Street from 3' to 5'. This will ensure heavy -- healthy  
21 growth to screen plantings such as a hedge. Note the  
22 minimum front yard setback in this area is 10'. The 2'

1 distance would be achieved reducing the 10' pathway adjacent  
2 to the building to 8', or reducing the bicycle parking area,  
3 or a combination of both.

4 "We would also be supportive of losing a parking  
5 space to achieve more landscape. In the summer, sun with  
6 all the asphalt: this is a hot corner.

7 "In addition, if it is within the City's  
8 authority, we'd also encourage a third addition: Require a  
9 maintenance plan to encourage healthy growth of the  
10 landscape.

11 "In sum, we are supportive of the proposed use,  
12 but ask the Board to require more complete site design for  
13 review and comment before approval.

14 "Jonathan Austin and Laura Sheffield

15 "219 Brookline Street."

16 We are in communication from Professor Jing Kong,  
17 Massachusetts Institute of Technology, who is writing in  
18 support of the Sunshine Bilingual Child Care Center of  
19 Cambridge.

20 There is correspondence from two, three, four,  
21 five additional people -- six, seven, eight, nine, 10, 11,  
22 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 are there.



1 Families of children who would have a cultural preschool  
2 experience at Sunshine. "Our children love going to  
3 Sunshine Bilingual."

4 And there is other letters, probably from another  
5 six or eight people basically with the same sentiment,  
6 extolling the virtues and the benefits of this preschool.

7 That is the sum and substance of any  
8 correspondence. I will close the public comment portion.  
9 Is there anything else that you would like to add at all  
10 before --

11 CHICHI LIAO: No, not at this time.

12 BRENDAN SULLIVAN: No? Okay. Members of the  
13 Board, any further comments or take it to a motion?

14 JIM MONTEVERDE: Just one.

15 BRENDAN SULLIVAN: Yep.

16 JIM MONTEVERDE: Does the day care use require any  
17 outdoor space? Play space?

18 CHICHI LIAO: Yes. They require the park within  
19 certain distance. So we do have two parks: the neighborhood  
20 parks nearby.

21 JIM MONTEVERDE: Okay. Thank you.

22 BRENDAN SULLIVAN: Anything else? Andrea, Slater,

1 Wendy?

2           ANDREA HICKEY: Yes, hi. Should we consider  
3 making some of the landscape conditions that were requested  
4 by the abutter? Does anybody else on the Board have any  
5 thoughts about that?

6           BRENDAN SULLIVAN: I'm not sure if it totally  
7 exceeds our authority. We are talking about a parking lot  
8 and there are certain requirements encumbered upon the owner  
9 of a parking lot or someone -- an operator of a parking lot.

10           Now, I guess the question is which ones of --  
11 there is in the proposal there is that buffer from Brookline  
12 Street to the parking lot, which I suppose could be somewhat  
13 landscaped. There's a fence there now; that could be taken  
14 down, obviously, or some kind of bushing put in there on the  
15 Hamilton Street side.

16           Olivia, if you could -- yeah.

17           SLATER ANDERSON: There's a plan, Mr. Chair.

18           BRENDAN SULLIVAN: A green area there.

19           SLATER ANDERSON: Yeah. There's a plan, the fifth  
20 page in the PDF.

21           JIM MONTEVERDE: Yeah. I think it's PS -- it's  
22 the parking plan.

1           BRENDAN SULLIVAN:   Yep.

2           JIM MONTEVERDE:   And it basically shows that the  
3 strip along Brookline to be proposed landscaping at the  
4 perimeter?

5           SLATER ANDERSON:   Yeah.

6           JIM MONTEVERDE:   3' wide.

7           ANDREA HICKEY:   Right. Right. But there's no  
8 detail.

9           JIM MONTEVERDE:   Remove the fence.

10          ANDREA HICKEY:   What does that mean, landscaping?

11          SLATER ANDERSON:   Well, there's -- there's -- if -  
12 - the one that I downloaded today, I don't know there's 21  
13 pages; I don't know, the one you're looking at looks like it  
14 only has five pages.

15          But the one that's online has 21 pages, and the  
16 fifth page has an example of a raingarden and some other  
17 things.

18          ANDREA HICKEY:   I remember seeing the picture of  
19 the raingarden. Yes. Maybe I'm getting --

20          SLATER ANDERSON:   That's the one. That's it.

21          ANDREA HICKEY:   There it is. Okay.

22          SLATER ANDERSON:   That's it.

1 BRENDAN SULLIVAN: Okay, any --

2 JIM MONTEVERDE: Mr. Chair, could we ask the  
3 proponent if that -- what's illustrated on that sheet 5 I'm  
4 looking for here in the -- in the electronic file -- is what  
5 they intend to do in those landscape areas? If it is, then  
6 that kind of defines it.

7 BRENDAN SULLIVAN: So the question is, is the  
8 landscape plan -- and we will name it, is it Sheet 5?

9 JIM MONTEVERDE: It's -- I'm looking for a title  
10 here.

11 BRENDAN SULLIVAN: There's no sheets that are --

12 JIM MONTEVERDE: Hold on. It's the fifth out of 21.  
13 It's called, "Proposed site plan and parking." And on the  
14 lower right-hand side it has two illustrations, photographs  
15 of representative improvement. It says, "Raingarden  
16 examples." Olivia, do you have that sheet in the -- is it  
17 up?

18 BRENDAN SULLIVAN: I have it.

19 JIM MONTEVERDE: It's part of urine.

20 BRENDAN SULLIVAN: But that is not --

21 JIM MONTEVERDE: Those two.

22 BRENDAN SULLIVAN: Right.

1           JIM MONTEVERDE: And that says, "Raingarden" over  
2 here, meaning we just want to assume that that will be that.

3           BRENDAN SULLIVAN: So how do I name it? I guess  
4 there's -- without should we just say Sheet 5, refer to it  
5 as Sheet 5? Or is it --

6           JIM MONTEVERDE: Let me --

7           BRENDAN SULLIVAN: --

8           JIM MONTEVERDE: -- let me see if I can do -- it's  
9 5 of 21. Yeah, there's no other sheet designation on it,  
10 except the title. Whoops!

11          BRENDAN SULLIVAN: All right. What is submitted  
12 is Sheet PS-01, and then the proposed parking layout, 16  
13 spaces. Then the second sheet shows the raingarden  
14 examples, and that would be Sheet 02?

15          JIM MONTEVERDE: No number, at least on the  
16 electronic file.

17          BRENDAN SULLIVAN: All right. So this is the one  
18 that I am -- Andrea, does this get you where you want, is --

19          ANDREA HICKEY: I think that it does. But I think  
20 we need to ask the petitioner whether she will agree to sort  
21 of execute these examples as part of the landscaping? When  
22 I see the word, "example" that means maybe, not definitely.

1 CHICHI LIAO: Yes. We will execute the landscape  
2 plan. Yes.

3 BRENDAN SULLIVAN: So you will implement the plan  
4 that is submitted as part of this proposal?

5 CHICHI LIAO: Yes.

6 ANDREA HICKEY: And that plan will include  
7 raingardens as illustrated before us?

8 CHICHI LIAO: We need to find out what the  
9 material available will be some garden. Depends on right  
10 now some materials are hard to get at this time. But we  
11 went in -- we want to do the garden.

12 ANDREA HICKEY: I'll ask my fellow Board members  
13 whether you're -- they're comfortable with that as a plan.

14 CHICHI LIAO: All right.

15 BRENDAN SULLIVAN: I don't know. Jim, are you --

16 JIM MONTEVERDE: Yeah. I think it's reasonable  
17 that what -- along Hamilton Street something like this would  
18 occur. And I think the examples are just that, they're  
19 examples. And they've got to design something that happens  
20 right there at that corner along Hamilton.

21 BRENDAN SULLIVAN: Yep.

22 JIM MONTEVERDE: I think that's what the plan

1 shows. And that's what it says. And that's what they're  
2 committing to do.

3 ANDREA HICKEY: All right. That --

4 JIM MONTEVERDE: I think that works.

5 ANDREA HICKEY: Then --

6 SLATER ANDERSON: I agree.

7 ANDREA HICKEY: -- then it works for me. Thank  
8 you.

9 JIM MONTEVERDE: Yep. Yep.

10 ANDREA HICKEY: My only other question about  
11 tonight's presentation is that some of the drawings and  
12 plans date back to 2015; especially plans with existing --

13 JIM MONTEVERDE: Oh, yeah.

14 ANDREA HICKEY: -- conditions. How do we know  
15 that those are the current conditions? And again, I'll  
16 defer to my architects on the panel to tell me if I'm off  
17 base raising that as a question.

18 BRENDAN SULLIVAN: Well, I guess my answer would  
19 be if you are satisfied with -- and again, I guess what  
20 we're asking, being asked, is to allow for this day care to  
21 be in the first floor of this building.

22 So -- and then the parking plan, obviously, where

1 the containers are gone, the asphalt is going to be taken up  
2 in areas, and the plantings are going to be put in. And so  
3 that would be the proposed.

4 What they are tonight I guess, or today -- what is  
5 there now is probably different than what was proposed in  
6 2015, but I'm taking it at face value that -- disregard that  
7 2015 date and assume that this is what will be the  
8 improvements 2023,2024.

9 ANDREA HICKEY: All right. So we don't really  
10 have any rule on when an existing sort of plan becomes  
11 stale, such that we can't rely on it?

12 BRENDAN SULLIVAN: Well, I'm not sure on how to  
13 answer that one, Andrea, other than this is what they wanted  
14 back then, and I think this is what they're proposing now.  
15 And the building -- going by there, the building is the  
16 building. The parking lot looks like a parking lot that  
17 needs some greenery, which is what they're proposing.

18 So I think I'm satisfied that what is being  
19 proposed is future and not necessarily any material change  
20 in the parking condition since 2015. It hasn't changed in  
21 size, or it's changed in condition, it's changed in -- you  
22 know, what was -- what is there and what would be, I guess



1 it will be a positive change.

2 ANDREA HICKEY: I have nothing further. Thank  
3 you.

4 BRENDAN SULLIVAN: Slater, anything to add?

5 SLATER ANDERSON: Nothing to add.

6 BRENDAN SULLIVAN: All right. Wendy?

7 WENDY LEISERSON: No, nothing to add.

8 BRENDAN SULLIVAN: Okay, Jim, anything?

9 JIM MONTEVERDE: Nope.

10 BRENDAN SULLIVAN: No?

11 JIM MONTEVERDE: All set.

12 BRENDAN SULLIVAN: Okay. All right. So it is a  
13 variance -- a special permit. And seeking relief under  
14 Section 17.97, which is -- requires a special permit.  
15 17.95, 4.33b2 Table of Uses, which refers you to 4.56, which  
16 is the Institutional Use Regulation, which takes you to  
17 8.22. And then that evenly takes you to "We may grant  
18 relief under a special permit."

19 So criteria for granting the special permit as  
20 per, on the condition that the work comply with the drawings  
21 as submitted, initialed by the Chair. They are dated --  
22 proposed parking layout 16 spaces, Sunshine Day Care --

1 Child Care, Cambridge, 90 Hamilton Street, first floor. And  
2 special attention to Sheet 02 initialed and dated by the  
3 Chair regarding the landscape plan, which would be  
4 incorporated as part of this condition.

5 Also that the spaces -- and I don't know how we do  
6 the space one, two, three, four, would be exclusive use of  
7 the day care as for pickup and drop-off -- drop-off and  
8 pickup area.

9 The Board finds that it appears that the  
10 requirements of the ordinance can be met.

11 That traffic generated, or patterns of access or  
12 egress would not cause congestion, hazard, or substantial  
13 change in the established neighborhood character. That  
14 there's an existing parking area now and will remain the  
15 same.

16 That continued operation of or development of  
17 adjacent uses, as permitted in the Zoning Ordinance, would  
18 not be adversely affected by the nature of the proposed use.  
19 The Board notes letters of support for the proposed child  
20 care center, and it would be an asset to the community.  
21 There would not be any hazard/nuisance or created to the  
22 detriment of the health, safety and/or welfare of the

1 occupants of the proposed use.

2 And the proposed use would not impair the  
3 integrity of the district or adjoining district, or  
4 otherwise derogate from the intent and purpose of the  
5 ordinance to allow institutional uses such as this to occur  
6 at this particular location; Special District 19.

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

9 JIM MONTEVERDE: In favor.

10 BRENDAN SULLIVAN: Andrea Hickey?

11 ANDREA HICKEY: Yes, in favor.

12 BRENDAN SULLIVAN: Slater Anderson?

13 SLATER ANDERSON: Yes, in favor. Yes, in favor.

14 BRENDAN SULLIVAN: And Brendan Sullivan yes.

15 [All vote YES]

16 BRENDAN SULLIVAN: The special permit is granted,  
17 with conditions as stated. Okay. Good luck.

18 CHICHI LIAO: Thank you so much. Thanks,  
19 everybody. Have a good night.

20 BRENDAN SULLIVAN: Goodnight.

21 ANDREA HICKEY: Good luck.

22

\* \* \* \* \*

(10:06 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Andrea  
Hickey, Jim Monteverde, and Slater  
Anderson

BRENDAN SULLIVAN: The Board will hear Case No.  
209107 -- 587 Mount Auburn Street.

JAMES RAFFERTY: Good evening, Mr. Chair. James  
Rafferty again on behalf of the applicant. This is an  
application for a Use Variance to allow for a gas station  
that has existed at the corner of Aberdeen Ave and Mount  
Auburn Street since the 1930s to have a small addition.

The small addition is truly small. It's a 4' deep  
addition that will allow for a bay to be extended in order  
to accommodate a state inspection service that currently the  
station doesn't provide, but for which there is an  
opportunity and a need for.

The applicant is present this evening. His family  
has operated in that location since 1977. The building is  
significantly below the allowed FAR. It complies with  
setbacks, but it is the case that the automotive repair use  
is not an allowed use in the Office District.

1           The hardship is directly related to the fact that  
2     the allowed use -- the office use and certain residential  
3     uses -- don't really work in a structure such as this. So  
4     in order for the business to remain viable, one of the tests  
5     is whether or not a -- whether an allowed use could go  
6     there.

7           This is a 64-square-foot addition that will allow  
8     a business that has existed for decades in that location to  
9     operate just a little more efficiently and more importantly  
10    provide a level of service around state inspections.

11          The equipment itself, and the length of the bay  
12    needed to perform the required tests on the vehicle do  
13    require this addition. We submitted plans that show where  
14    it will be taking place. Probably the best indication of  
15    the impact is on the A1 plan that you can see. It's in the  
16    left left-hand corner.

17          There we have it, the left-hand corner of the  
18    building. That bay will be extended four feet in order to  
19    allow it to provide the state inspection testing. The  
20    impact is modest, but the need is real in order for the  
21    business to remain successful.

22          This is a necessary increase, and we believe the

1 hardship is present, given the length of the use of the site  
2 and the makeup of the existing structure.

3 BRENDAN SULLIVAN: Okay. Jim Monteverde, any  
4 questions?

5 JIM MONTEVERDE: No questions. Thank you.

6 BRENDAN SULLIVAN: Andrea Hickey?

7 ANDREA HICKEY: No questions.

8 BRENDAN SULLIVAN: Slater Anderson?

9 SLATER ANDERSON: No questions.

10 BRENDAN SULLIVAN: Wendy Leiserson?

11 WENDY LEISERSON: No questions.

12 BRENDAN SULLIVAN: And I do not have any  
13 questions. Let me open it to public comment. Any member of  
14 the public who wishes to speak should now click the button  
15 that says, "Participants," and then click the button that  
16 says, "Raise 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'll have up to three minutes in which to comment.

20 [Pause]

21 BRENDAN SULLIVAN: There appears to be nobody  
22 calling in. We are in receipt of a signup sheet -- one,

1 two, three, four, five -- 18 people who have signed a  
2 petition to allow for this. And notice that the signators  
3 are really within the immediate neighborhood -- Aberdeen  
4 Court, Aberdeen Street, Brattle Street, Fresh Pond Parkway;  
5 people who they are neighbor of Nick's Service Station in  
6 the Cambridge area, and "I have no objection to the proposed  
7 bay extension."

8 Let me close public comment part, send it back to  
9 Mr. Rafferty for any further comment at all?

10 JAMES RAFFERTY: No, thank you, Mr. Chair.

11 BRENDAN SULLIVAN: All right. Any other questions  
12 for the Board, ready for a motion?

13 JIM MONTEVERDE: No, motion.

14 ANDREA HICKEY: Ready.

15 BRENDAN SULLIVAN: Let me make a motion, then, to  
16 grant the relief requested. The Board finds that a literal  
17 enforcement of the provisions of the ordinance would involve  
18 a substantial hardship to the petitioner, because it would  
19 preclude the petitioner from providing a much-needed  
20 service, vehicle inspections at this location.

21 If the variance was not granted, then it would put  
22 this petitioner in this business at a great disadvantage not

1 being able to provide this service, and would also be a  
2 detriment to the public good, if not having the ability to  
3 go to this locust to have the necessary vehicle inspections.

4 The Board finds that the hardship is directly  
5 related to the footprint of the existing structure on the  
6 lot, which was built in a prior era, and not requiring  
7 specialized equipment to perform the required state  
8 inspections.

9 And as such that any vocation of this necessary  
10 equipment would require a slight addition to the building in  
11 order to accommodate vehicles and also the equipment.

12 And that desirable relief may be granted without  
13 substantial detriment to the public good; in fact, it would  
14 be -- public good would be enhanced by having an additional  
15 certified inspection station to perform this much-needed  
16 service, especially in the area where there is only one  
17 other gas station, which is on the opposite corner close by,  
18 which serves the immediate neighborhood.

19 And the Board finds that desirable relief may be  
20 granted without nullifying or substantially derogating from  
21 the intent and purpose of this ordinance to allow property  
22 owners such as this business to be able to expand building



1 in order to accommodate special requirements, licensing,  
2 required by the Commonwealth of Massachusetts and the  
3 Registry of Motor Vehicles as far as state inspections are  
4 concerned.

5 On the motion, then, to grant the variance as per  
6 the application, the plans submitted, supporting statements  
7 and the dimensional forms initialed by the Chair, Jim  
8 Monteverde?

9 JIM MONTEVERDE: In favor.

10 BRENDAN SULLIVAN: Andrea Hickey?

11 ANDREA HICKEY: Yes, in favor.

12 BRENDAN SULLIVAN: Slater Anderson?

13 SLATER ANDERSON: Slater Anderson in favor.

14 BRENDAN SULLIVAN: Wendy Leiserson?

15 WENDY LEISERSON: In favor.

16 BRENDAN SULLIVAN: Yes.

17 [All vote YES]

18 BRENDAN SULLIVAN: Four (sic) affirmative votes;  
19 the variance is granted.

20 JAMES RAFFERTY: Thank you, Mr. Chair and members  
21 of the Board. Have a good evening.

22 BRENDAN SULLIVAN: Thank you.

\* \* \* \* \*

(10:14 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Andrea  
Hickey, Jim Monteverde, and Slater  
Anderson

BRENDAN SULLIVAN: The Board will hear Case No.  
209173 -- 27 Hurlbutt Street.

ADAM GLASSMAN: Good evening, Mr. Chair, and  
members of the Board. My name is Adam Glassman, the  
architect representing in this case my wife and my kids for  
27 Hurlbut Street. This is a home that we've purchased, and  
we've been moving into and we are planning substantial  
upgrades on the interior and the exterior.

We're here tonight seeking both a special permit  
for a two-story rear addition pursuant to Article 8, Section  
8.22.2d and also seeking a variance for proposed right-side  
stair and window wells, the new nonconformity in that case  
being nonconforming building height.

Olivia, could you pull the slides up?

Our cover page shows the existing façade of the  
house from the street view, and also a broader photo of the  
house in the context of the street, the historic Queen Anne

1 elevation and the character of the street façade will all be  
2 -- remain unchanged will regard to the work we're proposing.

3 Next slide, please?

4 Our surveyed site plan: You can see the proposed  
5 two-story addition in the back. It says "three-story  
6 addition" there.

7 It's really a two-story addition with a small  
8 bump-out in the attic for some headroom. It is discretely  
9 tucked away behind the main mass of the building. This  
10 cannot be seen from the street view.

11 And on the right side of the rear addition, you  
12 can see two proposed window wells. And on the right side of  
13 the main house towards the front is a proposed below-grade  
14 stairwell.

15 And I'll note here that the entirety of the  
16 proposed rear addition is conforming to all the setbacks.  
17 It's conforming to useable open space. It's conforming to  
18 building height.

19 Our only nonconformity with the rear addition  
20 would be increasing the non-existing -- increasing the  
21 nonconforming FAR, because our existing FAR is already  
22 nonconforming. That allows us to request a special permit.

1           Next slide?

2           The photo on the right is the existing right-side  
3 yard, which is about 4' -- 4.5' wide. Historically, it has  
4 not been used as an active yard space. It has not been used  
5 as any kind of pathway or connector. It's always had a  
6 fence at the front of the house. This is the location for  
7 the proposed below-grade stairwell.

8           If you look at the view on the left, the lower  
9 right-hand corner of the building is where the stairwell  
10 would be located -- virtually invisible from the street.

11          Next slide?

12          More contextual photos: The photo on the left  
13 shows the back yard where the two-story rear addition would  
14 go. Same for the photo on the right. It's a spacious back  
15 yard. We have plenty of room to add this additional living  
16 space and preserve more than adequate useable open space per  
17 the code.

18          Next slide?

19          Our setback and usable open space diagram: All of  
20 the green areas are usable open space. We are at a proposed  
21 0.42 and the requirement is a 0.20.

22          The area on the right-side yard where we are

1 proposing this stairwell and the window wells is kind of an  
2 ideal location, as that we would not be reducing the open  
3 space in any way.

4 All three of these below-grade elements are out of  
5 street view, not to be seen by any of our abutters, who all  
6 approve and appreciate the location for these three wells.

7 The red line that you see is the required setback.  
8 And the proposed rear addition will be conforming to that.

9 I'll also add here that our guardrails around the  
10 stairwell and window wells would also require a special  
11 permit, given that the right-side of the building is an  
12 existing nonconforming right-side setback.

13 Next slide, please?

14 Just our gross square footage counts. We're at  
15 2989 square feet existing, with an FAR of 0.52.

16 Next slide, please?

17 And our proposed FAR calculations bring us up to a  
18 0.69, which is a modest increase of 0.17.

19 Next slide, please?

20 Just the existing plans. I don't think there's  
21 much to say here. It's kind of an typical Queen Anne -- a  
22 room in each corner, central stair, open basement.

1           Next slide?

2           The second-floor plan, the attic plan. No major  
3 changes here that impact this application.

4           Next slide?

5           An enlarged first-floor plan showing the extent of  
6 the rear addition in yellow, and it actually absorbs a small  
7 or existing bump-out that is really not in good shape. It  
8 needs to be reconstructed anyway.

9           Down below, you can see in more detail the below-  
10 grade stairwell, below grade window wells.

11          Next slide?

12          Basement plan again showing the wells on the  
13 right-hand -- on the right-side yard, within the right-side  
14 setback.

15          Next slide?

16          Our second-floor plan showing the additional  
17 living space. We have two parents who work at home. We  
18 have elderly relatives who come stay with us for long  
19 periods of time, and the extra space will definitely allow  
20 us to live comfortably.

21          Next slide, please?

22          The bump-out on the third floor, so we can get the

1 legal safe head height all the way up to the third floor,  
2 which we don't currently have.

3 Next slide?

4 Just the roof plan. Kind of another nice -- good  
5 away to show that the proposed addition will be completely  
6 concealed behind the main mass of the house. The scale of  
7 the home will remain intact.

8 Next slide?

9 The existing front façade. No changes here. You  
10 can see down in the lower right the guardrails, which would  
11 be visible to the stairwell.

12 Next slide?

13 The left side elevation showing the two-story rear  
14 addition in the back, relative to the main mass of the  
15 house.

16 Next slide?

17 Elevation of the rear addition.

18 Next slide, please?

19 Left elevation -- again, showing the stairwell,  
20 sections of the stairwell and the window wells.

21 Oh, and we're also here for an enlarged window  
22 opening on the first floor, where you can see a window E14.

1 We're looking to enlarge that and the existing window within  
2 a right-side setback.

3 And the doorway to the stairwell -- proposed  
4 stairwell -- is also another new door opening next to a new  
5 window opening within a right-side setback. That requires a  
6 special permit.

7 The variance is only required for the height, the  
8 increased building height due to the lowered average grade.  
9 But of course the building height isn't really changing, and  
10 it will not appear any higher than it does already.

11 Next slide?

12 Section through the proposed addition.

13 Next slide?

14 3D elevation, 3D view just showing comparison of  
15 what we have now and what we're trying to do. View from the  
16 left. Again, you can see the left side proposed wells.

17 Next slide, please?

18 And another view from the rear right, or the rear  
19 left.

20 Next slide?

21 This locus plan is important. I think it shows  
22 that even with the proposed addition shown in yellow, the



1 scale of our home remains consistent with the scale of the -  
2 - all of the abutting properties.

3 Our property, like many of the others -- number  
4 17, 25, 23, 16, 42, 40 and 36 -- all these homes are -- are  
5 right either up against or very close to one of the side  
6 setbacks, making that side setback not useful for very much  
7 and favoring the other side for the useable open yard space.  
8 So nothing that we're doing is changing the character of the  
9 neighborhood, and it is consistent with the other homes in  
10 the area.

11 Next slide?

12 Nope! Maybe that's it. I had introduced a yard  
13 plan here, that's okay. Oh, here we go. Just showing more  
14 about the conditions of the -- the right-side yard. It has  
15 never been used. It can't really be used as useable yard  
16 space. Historically, it has not been used as any kind of  
17 pass-through.

18 So none of the changes we're proposing are  
19 deviating from the history of the use of the character or  
20 the pattern of use of the yard.

21 And I believe that's it. We have three letters of  
22 support from our direct abutters, and I'm happy to answer

1 any questions.

2 BRENDAN SULLIVAN: Okay. I don't have any --  
3 well, let me just go through. Adam, you're asking for a  
4 variance. And the variance is -- technically it's the  
5 height of the house. Even though the height doesn't change,  
6 it's because you're not raising the height of the house,  
7 you're actually lowering the grade in order to put in the  
8 stairwell, and also the window wells?

9 ADAM GLASSMAN: That's correct.

10 BRENDAN SULLIVAN: That's correct?

11 ADAM GLASSMAN: Correct.

12 BRENDAN SULLIVAN: Then you -- there is sort of an  
13 addition to a nonconforming structure under 8.223, which  
14 says that nonconforming structure, you're doing an addition  
15 and that requires a variance.

16 Also, you're seeking a special permit for the  
17 addition -- for the additional gross floor area. You're --  
18 the house is in violation. Now you're not -- you're going  
19 from 0.52 to 0.69. However, you're not creating any new  
20 dimensional nonconformity.

21 And the only other additions, the window wells and  
22 also the staircase down into the basement require a

1 variance. The addition on the back then would require a  
2 special permit. Is that correct?

3 ADAM GLASSMAN: That is correct.

4 BRENDAN SULLIVAN: Okay. All right. I have  
5 nothing further. Jim Monteverde, any questions or comments  
6 that you're --

7 JIM MONTEVERDE: One. Looking at the basement  
8 level plan --

9 ADAM GLASSMAN: Sure.

10 JIM MONTEVERDE: The Sheet A1.2 --

11 ADAM GLASSMAN: Mm-hm?

12 JIM MONTEVERDE: I really have a -- I just have a  
13 question about the -- and I understand how most of the homes  
14 in your neighborhood favor one of the property lines and  
15 leave a kind of a useless side yard. But the stairwell to  
16 the right, if you're facing the house --

17 ADAM GLASSMAN: Mm-hm. That's right.

18 JIM MONTEVERDE: -- front of the house to the  
19 right, do you need the stairwells on both ends for some --

20 ADAM GLASSMAN: We do --

21 JIM MONTEVERDE: -- code or other reason?

22 ADAM GLASSMAN: -- we do, to make this a safe and

1 legal in-law apartment.

2 JIM MONTEVERDE: Okay. Yeah. My concern was that  
3 by putting that in the side yard -- my concern is always  
4 anything in the side yard that goes up to the property line,  
5 this isn't an issue of, you know, light and air, but if you  
6 were a first responder and for some reason needed to get --  
7 wanted to get down there to -- you know, fight a fire on  
8 that side of the house or a rescue, you can't get there from  
9 here. You have to go all the way around the house now.

10 ADAM GLASSMAN: Well, historically, there's been  
11 no way to get from the front to the back on this side of the  
12 house, because the previous owners had a dog. This was a  
13 fenced access without a gate. We have a dog, we'll -- you  
14 know, keep a fenced access there without a gate.

15 BRENDAN SULLIVAN: Okay. Thank you.

16 ADAM GLASSMAN: Yep.

17 BRENDAN SULLIVAN: Andrea Hickey, any questions or  
18 comments?

19 ANDREA HICKEY: No. I have no questions. Thank  
20 you.

21 BRENDAN SULLIVAN: Slater Anderson, any questions  
22 or comments?

1 SLATER ANDERSON: No questions or comments.

2 BRENDAN SULLIVAN: Wendy?

3 WENDY LEISERSON: No. Not at this time.

4 BRENDAN SULLIVAN: Okay.

5 WENDY LEISERSON: Thank you.

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

13 Nobody calling in. We are in receipt of  
14 correspondence dated March 8.

15 "To the Cambridge BZA, I am the owner of 33  
16 Hurlbut Street, directly to the right of 27. In fact, it  
17 also grew up in this house and was very excited about the  
18 various improvements being made to the abutting property by  
19 Adam and Yoo Jin Glassman.

20 "Adam and Yoo Jin have reviewed their plans with  
21 me to construct a rear addition and new right side below-  
22 grade stairwell to serve as a second means of egress for

1 their proposed in-law apartment in the basement.

2 "Fully support the petition for the zoning relief.  
3 and hope the Zoning Board will as well."

4 Oh, it's signed Claire Devore, D-e-v-o-r-e, the  
5 owner of 33 Hurlbut Street.

6 There is correspondence from Denis Auroux, and  
7 Lauren Williams.

8 "We are the owners of 25 Hurlbut Street and are  
9 the closest direct abutter to 27." She has reviewed the  
10 plans and assigned windows and window wells.

11 "We believe the proposed work will improve the  
12 functionality of their home and will maintain the scale and  
13 character of our neighborhood."

14 "We also believe that the proposed work requiring  
15 the zoning relief is modest, attractive and reasonable."

16 There is correspondence from Connie Chamberlain,  
17 42 Bowdoin.

18 "I am the owner of 42 Bowdoin and the rear abutter  
19 to my new neighbors at 27 Hurlbut. I'm glad that the new  
20 neighbors will be joining the neighborhood, and I have  
21 reviewed the plans."

22 Connie has reviewed the plans to add a second-

1 story rear addition, new windows and window wells and  
2 completely supports this petition for zoning relief.

3 "I can see that the proposed work will improve the  
4 functionality of their home with additional space for a  
5 growing family."

6 And that is the sum and substance of the  
7 correspondence. I will close the public comment part.  
8 Adam, any further comments before we take it to the Board?

9 ADAM GLASSMAN: Nope. I'm all set. Thank you.

10 BRENDAN SULLIVAN: Okay. Anything further, Board,  
11 or ready for a motion?

12 JIM MONTEVERDE: Ready

13 ANDREA HICKEY: Ready.

14 BRENDAN SULLIVAN: Let me make a motion, then, to  
15 grant this two forms of relief. One is the variance to  
16 install the new right side, below-grade window and  
17 stairwells. Let me do that one first.

18 Let me make a motion, then, to grant the relief  
19 requested. That the work comply with the drawings entitled,  
20 "January 29, 2023, 27 Hurlbut Street prepared by GCD  
21 Architects" and initialed, signed by the Chair, also  
22 incorporating the supporting statements, dimensional form,

1 as part of this relief.

2 The Board finds that a literal enforcement of the  
3 provisions of the ordinance would --

4 [Technical difficulties; portion missing.]

5 BRENDAN SULLIVAN: -- providing much needed and  
6 required second means of egress out of the apartment of the  
7 basement living area. The board finds that the hardship is  
8 directly located to the shape of this house, which is a  
9 Queen Anne style house which has a lot of sort of steep-  
10 pitched roofs, gable ends, and as such, the height of the  
11 same then creates somewhat of a hardship as far as being  
12 able to lower the grade at the points, stairway and also  
13 light wells, and is encumbered by the existing ordinance and  
14 the height restrictions, even though the actual, physical  
15 height of the structure will not change.

16 The Board finds that desirable relief may be  
17 granted without substantial change to the public good. In  
18 fact, the Board incorporates the letters of support from  
19 abutting properties. And desirable relief may be granted  
20 without nullifying or substantially derogating from the  
21 intent and purpose of the ordinance, even though the Board  
22 finds that the technical increase of the building height is



1 due to the grade change -- quite minimal, totally  
2 unnoticeable, and would have no impact whatsoever on the  
3 abutters or the character of the neighborhood.

4 And the intent and purpose of the ordinance would  
5 be to allow the basement area to be occupied as living  
6 space, which is the current City policy. And that the -- in  
7 order to attain such a goal that require two means of egress  
8 and fenestration is code required.

9 On the motion, then, to grant the variance as per  
10 the application and the drawings initialed by the Chair, Jim  
11 Monteverde?

12 JIM MONTEVERDE: In favor.

13 BRENDAN SULLIVAN: Andrea Hickey

14 ANDREA HICKEY: Yes, in favor.

15 BRENDAN SULLIVAN: Slater Anderson?

16 SLATER ANDERSON: In favor.

17 BRENDAN SULLIVAN: Wendy Leiserson?

18 WENDY LEISERSON: In favor.

19 BRENDAN SULLIVAN: Brendan Sullivan yes.

20 [All vote YES]

21 BRENDAN SULLIVAN: On the five affirmative votes,  
22 the variance part of the application is granted. Now for

1 the special permit to allow the new two-story rear addition.  
2 There is a new right-side door and window openings, and also  
3 the guardrail associated with the new right side, below-  
4 grade stair and window wells.

5 The Board notes that under 8.22c in residential  
6 districts, the Board may grant a special permit for the  
7 alteration or enlargement of a nonconforming structure not  
8 permitted in 8.22.1, but not the alteration or enlargement  
9 of a nonconforming use.

10 And the Board finds that in all districts, the  
11 Board may grant a special permit for the alteration or  
12 enlargement of this preexisting dimensionally nonconforming,  
13 detached single-family dwelling or two-family not otherwise  
14 permitted in 8.22.1, but not the alteration or enlargement  
15 of a preexisting, nonconforming use.

16 Provided that there is no change in use -- and the  
17 Board finds that there is not -- and that any enlargement or  
18 alteration of such preexisting, nonconforming detached  
19 single-family dwelling or two-family dwelling may only  
20 increase a preexisting dimensional nonconformity but does  
21 not create a new dimensional nonconformity.

22 In order to grant the special permit, the Board of

1 Zoning Appeal is required to find -- and does make such  
2 finding -- that the alteration or enlargement shall not be  
3 substantially more detrimental than the existing  
4 nonconforming structure to the neighborhood.

5 The Board incorporates and notes the letters of  
6 support from abutting property owners, and that and that the  
7 alteration or enlargement satisfies the criteria of 10.43.

8 Under 10.43, it appears that requirements of the  
9 ordinance can be met.

10 Traffic generated, or patterns of access or egress  
11 would not cause congestion, hazard, or substantial change in  
12 the established neighborhood character.

13 Continued operations of or development of adjacent  
14 uses, as permitted in the Zoning Ordinance, would not be  
15 adversely affected by the nature of the proposed use.

16 That there would not be any nuisance or hazard  
17 created to the detriment of the health, safety and/or  
18 welfare of the occupants of the proposed use, in fact the  
19 Board finds that the proposed addition and addition of  
20 windows and door relocation would be an asset to anyone who  
21 lives at such property, visits the property, and especially  
22 anyone who occupies the basement area.

1           That the proposed use would not impair the  
2 integrity of the district or adjoining district, or  
3 otherwise derogate from the intent and purpose of the  
4 ordinance to allow homeowners to improve their property and  
5 provide housing for people of all incomes, all age groups,  
6 and to allow for housing of families. And as such, that the  
7 -- also empowers this Board to allow for what it feels is  
8 appropriate development.

9           And the Board finds that such proposal -- the  
10 proposal before us -- is very appropriate for this  
11 particular house.

12           On the motion, then, to grant the special permit  
13 as per the application,

14           Jim Monteverde?

15           JIM MONTEVERDE: In favor.

16           BRENDAN SULLIVAN: Andrea Hickey?

17           ANDREA HICKEY: Yes, in favor.

18           BRENDAN SULLIVAN: Slater Anderson?

19           SLATER ANDERSON: In favor.

20           BRENDAN SULLIVAN: Wendy Leiserson?

21           WENDY LEISERSON: In favor.

22           BRENDAN SULLIVAN: In favor. The special permit

1      portion is also granted.    Good night and good luck

2                    ADAM GLASSMAN:    Thank you all very much.

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(10:41 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Andrea  
Hickey, Jim Monteverde, and Slater  
Anderson

BRENDAN SULLIVAN: The Board will hear Case No.  
206411 -- 9 Bellis Circle, Unit 2. Mr. White?

GEORGE WHITE: I'm George White of 9 Bellis Circle  
#2. Thank you, Mr. Chair and to the Board. I recognize  
that this is the last thing of the night, so I'll try and  
make this quick so we can all go home, or in my case I'm  
already home.

So we're asking for a variance for the setback and  
for first-floor area for two sheds that we have that were  
actually already erected. We had put them up in 2020. The  
two sheds that we put up are because the property that we're  
at, 9 Bellis Circle No. 2 is a fairly constricted property.  
The house itself is pretty small. It doesn't have  
sufficient storage inside. It was built in 1977 without any  
basement or sort of storage accommodations.

The property is actually not a condominium, but  
six townhouses that are all joined. Every one of the

1 properties that's here has an outside storage, some of which  
2 are larger and actually closer to property lines than some  
3 of ours. So it's not an uncommon thing here.

4 We put these up because of a few different things.  
5 One, prior to having the sheds, we had no accommodation for  
6 our garbage or compost bins. So we actually often had  
7 problems with things like our current compost bin would end  
8 up with holes chewed in it from animals from the outside.

9 We also had no way to store bicycles. So we built  
10 the shed in front. The shed in the back is to store garden  
11 tools, outdoor furniture and pellets for our wood stove. So  
12 that's the purpose of those two sheds.

13 They are certainly not obstructing anyone's  
14 access. Unfortunately, there is no formal site plan that we  
15 have. And I will say that we would absolutely -- we  
16 followed the advice of our contractor. If we had understood  
17 what we needed to do around this, we probably would have  
18 filed for this variance before building these sheds. But  
19 we're here now.

20 I will also say that the complainant who filed  
21 this originally -- that originally caused this -- doesn't  
22 actually reside on the property, and her complaints about

1 the shed are -- I'm not sure what she's finding -- she  
2 actually moved out of the home. It's empty, has no  
3 residence of any kind and hasn't for over a year now.

4 BRENDAN SULLIVAN: Okay. You built the shed in  
5 the rear yard first, is that --

6 GEORGE WHITE: They were built -- they were built  
7 at the same time, actually.

8 BRENDAN SULLIVAN: Okay. And did you build them,  
9 or did you --

10 GEORGE WHITE: Yeah.

11 BRENDAN SULLIVAN: -- use a shed company or a  
12 contractor?

13 GEORGE WHITE: They were built by a contractor,  
14 that's right.

15 BRENDAN SULLIVAN: Okay. And he did not pull any  
16 permits for it?

17 GEORGE WHITE: As far as I know, he did not.

18 BRENDAN SULLIVAN: Okay. I guess one of the  
19 questions we -- and we've been getting a few of these lately  
20 sort of after the fact, after something is done and people  
21 are coming down and asking us to approve it, legalize is --  
22 a question I ask myself is would we have approved the plan -



1 - in this case the storage sheds -- before they were built?  
2 In other words, if the contractor came down to the Building  
3 Department and applied for a permit, they would then look  
4 and say, "No, it's in violation of Zoning, and that it would  
5 have to come before the Board."

6 So that's sort of the question I ask myself is,  
7 "Would we have approved it?" Or "Would I have approved it  
8 before the fact, not the fact that it's there and being  
9 asked to approve it."

10 So anyhow, that's sort of how I address this. But  
11 I also -- are you aware of the letter from Joany Lebach?

12 GEORGE WHITE: I am indeed.

13 BRENDAN SULLIVAN: Okay. Jim Monteverde, your  
14 questions, comments?

15 JIM MONTEVERDE: No questions. Thank you.

16 BRENDAN SULLIVAN: Andrea Hickey?

17 ANDREA HICKEY: Yes. I'd just like to ask the  
18 petitioner whether he's aware of their being any sort of  
19 deed restrictions for changing anything on the outside of  
20 the structure that might prohibit something like this? Are  
21 there any sort of private or design restrictions imposed on  
22 your deed?

1           GEORGE WHITE: So actually that's an interesting  
2 question. And actually, I believe, Andrea, you were our  
3 attorney on our refinance at one point. So hello.

4           ANDREA HICKEY: Oh. Actually, then, that might  
5 disqualify me. So I'll ask Mr. Chair. I don't recall this  
6 case, and if I handled their refinance, it probably would  
7 have been as lender's counsel.

8           GEORGE WHITE: That's correct.

9           ANDREA HICKEY: Yeah. Mr. Chair, shall I  
10 disqualify myself or --

11          BRENDAN SULLIVAN: I would never question your  
12 integrity.

13          ANDREA HICKEY: Okay.

14          BRENDAN SULLIVAN: Or your fairness at all.

15          GEORGE WHITE: And as the petitioner, I don't  
16 object to you -- your participation, just to put it out  
17 there.

18          ANDREA HICKEY: Right. It would be important for  
19 me to know that I did not represent you in your purchase. I  
20 think there's a difference --

21          GEORGE WHITE: That is correct.

22          ANDREA HICKEY: Okay.

1           GEORGE WHITE: I do not believe so.

2           ANDREA HICKEY: Well, if the petitioner and the  
3 Chair are both comfortable with my continuing to sit, I'd be  
4 happy to do so.

5           BRENDAN SULLIVAN: Yes.

6           GEORGE WHITE: So I can now answer your question.

7           ANDREA HICKEY: All right.

8           GEORGE WHITE: So there are deed restrictions  
9 specifically around the color of the exterior of the  
10 buildings should not be changed.

11          ANDREA HICKEY: Mm.

12          GEORGE WHITE: That we shall not change the  
13 external façade of the building or the fence line that  
14 exists. And in fact, we have not. We had to replace the  
15 fence at one point, but we replaced it with exactly the same  
16 configuration.

17               And no tree that basically existed as of August 7,  
18 1979 that's more than 4" in bulk width would be removed.  
19 Those are the restrictions we had.

20               So color, change to the façade itself, and then  
21 changes to the fence.

22          UNIDENTIFIED SPEAKER: And they expired 50 years

1 after.

2 GEORGE WHITE: Oh, yeah. And that all expires at  
3 the end of 2029.

4 ANDREA HICKEY: Right. Well, it's not our sort of  
5 job as a Board to be enforcing or not restrictions. I just  
6 -- the question just seemed obvious to me. And --

7 GEORGE WHITE: Mm-hm.

8 ANDREA HICKEY: -- given what you're describing, I  
9 can't even tell if putting up a shed might or might not be a  
10 violation. You know, if the shed was not there as a  
11 structure when these restrictions were imposed, then -- I'm  
12 just at a loss as to how to interpret that.

13 But in any event, I am always troubled by someone  
14 sort of building something and then coming back when they  
15 get caught and saying, "Whoops." So from that perspective,  
16 this troubles me a little bit.

17 And as the Chair said, you know, is this something  
18 that I would have approved if it came to me sort of in due  
19 course? And I'm not there yet where I'd say yes. But I'm  
20 interested in hearing what my colleagues have to say. My  
21 mind certainly is not made up yet. Thank you.

22 BRENDAN SULLIVAN: Something that occurred to me

1 is Mr. White, is this a condominium?

2 GEORGE WHITE: It's not.

3 BRENDAN SULLIVAN: It is not?

4 GEORGE WHITE: It's a single-family.

5 BRENDAN SULLIVAN: So it's a fee simple, and each  
6 unit is independently okay? There's no -- okay.

7 GEORGE WHITE: Yeah.

8 BRENDAN SULLIVAN: Condominium --

9 GEORGE WHITE: That's -- that's -- that's correct.

10 BRENDAN SULLIVAN: Yep. There is no condominium  
11 association. Okay.

12 ANDREA HICKEY: Right.

13 GEORGE WHITE: I'll correct it. That's awfully  
14 confusing for people because it was built in 1978; now  
15 there's no condominium.

16 ANDREA HICKEY: Right. But there is a common  
17 scheme sort of restriction imposed with respect to the sort  
18 of how the houses look from the outside. And Mr. White is  
19 correct in terms of sort of color and making changes to the  
20 structure. There are some restrictions with respect to the  
21 respective fee simple townhouse owners.

22 BRENDAN SULLIVAN: Okay.

1           GEORGE WHITE: And also, I'll just point out that  
2 you can see that it's actually, as shown on the GIS map  
3 here, there actually are several shed structures in there.

4           You know, and I absolutely -- if we had  
5 understood, I think we were naïve in our conversations with  
6 our contractor. If we had understood, we would have  
7 actually done exactly what the Chair suggested before, which  
8 is to have brought this before the Board beforehand, which I  
9 think would absolutely have had to have happened, based on  
10 what we understand about how we are in violation of the  
11 current codes.

12          BRENDAN SULLIVAN: Okay. I mean, I notice the  
13 existing sheds that are on the corner of Sherman Street and  
14 Bellis Circle and they're awful. It's the poster child of  
15 what sheds should not be -- where they should not be and  
16 what they should look like. But anyhow.

17          Slater Anderson, any questions or comments at this  
18 time?

19          SLATER ANDERSON: No comments.

20          BRENDAN SULLIVAN: Wendy Leiserson, any questions  
21 or comments?

22          WENDY LEISERSON: I'm just curious what the

1 dimensions of the sheds are? Because I notice that they are  
2 higher than the fence.

3 And I guess that goes to my question of whether I  
4 would have approved this particular design. It seems very  
5 noticeable. It's -- they're not -- they're not small for  
6 the purposes that they were built for, at least by  
7 appearance in the photos. So I'm --

8 GEORGE WHITE: Yeah.

9 WENDY LEISERSON: -- curious. Yeah.

10 GEORGE WHITE: Well, yeah. So they're -- their  
11 dimensions, I believe, are roughly 10' x 4' x 8.5'. They're  
12 not as large as they look. Those are wide angle shots, so  
13 they do look very large.

14 The reason for the height of them is that the --  
15 because the shed in the front stores both bicycles and the  
16 garbage or refuse and compost bins, it's -- we store the  
17 bikes vertically. So it's not -- there's no other way to do  
18 it in that space that's there.

19 It's also kind of an odd lot. It's actually two  
20 separate parcels. There's space at the front of the house  
21 and the driveway that's there in addition to where the  
22 primary structure sits.

1           BRENDAN SULLIVAN: So on the map that's being  
2 shown now, where it says, "210," and where the front shed is  
3 in the parking area, are those two spots for your unit?

4           GEORGE WHITE: Yeah. There's one spot for our  
5 unit there, where that says, "210." That's correct.

6           BRENDAN SULLIVAN: It's just one -- it's one unit.  
7 Okay. One square?

8           GEORGE WHITE: Yeah, yeah, it's -- yeah, it's one  
9 -- it's one parking space at that spot. There's actually  
10 four parking spaces at the front of the property. Well,  
11 depending on how you look at it.

12           Yeah, there you go. So that's -- that is the --  
13 that is the parking space in question.

14           BRENDAN SULLIVAN: Okay. All right. Wendy,  
15 anything else at this time?

16           WENDY LEISERSON: No, not at this time. Thank  
17 you.

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

22           If you are calling in by phone, you can raise your



1 hand by pressing \*9 and unmute or mute by pressing \*6, and  
2 you will have up to three minutes in which to speak.

3 OLIVIA RATAY: Joany Lebach?

4 JOANY LEBACH: Yes. Joany Lebach, 9 Bellis  
5 Circle, Unit 1, Cambridge. Can you hear me?

6 BRENDAN SULLIVAN: Yes.

7 JOANY LEBACH: Okay. Because most of everything I  
8 couldn't hear, there was a big echo. But what I am kindly  
9 and very importantly requesting is that that big shed be  
10 taken down, and that nothing be put in its place.

11 We have flowerbeds that greet us and the trees and  
12 birds that greet us when we go in and out. And now you see  
13 from my property and when you walk into the property this  
14 big shed. I felt that George was not honest with me. And  
15 my goodwill is no longer there.

16 I now want nothing there, big little or small. It  
17 was so they -- he could get his barrels, his garbage barrels  
18 so he wouldn't have to take them in and out of the house.  
19 But the other people in the middle unit, they do that.  
20 Nobody has -- he still keeps his barrels there, even though  
21 he built this 7' shed. Mostly it's too big.

22 And I want -- it's rotting my fence. I brought in

1 an outside contractor. It's rotting the fence because the  
2 snow -- the sun doesn't get in between the fence and the  
3 shed, and it just -- the snow just hangs there. And it's  
4 rotting my roses.

5 I love my garden. I love my home. I love my  
6 oasis and my refuge. And this is a blight. I can't -- when  
7 I'm in the house, all I see is the shed when I eat there, or  
8 if I do my work, because that's where I do my work because  
9 it's -- I used it as an office in my home.

10 And basically, I see this thing. George kept  
11 saying, "You're going to love it. You're going to love it."  
12 I'm going to -- I'm going to put flowers on it. I'm going  
13 to put plants on it." I said, "George, I don't want it.  
14 You took it from your yard, where you were looking at it and  
15 you gave it to me. What makes you think I would love it?  
16 That -- that was crazy to me.

17 "No, you're going to love it, you're going to love  
18 it. And anything you need; I can help you. I can help  
19 you." Which is very kind. And I appreciate that. But this  
20 goes too far. This is a boundary violation. And I -- it  
21 blocks the trees, it blocks the sun, it blocks the birds.

22 I used to see -- the birds used to come and land

1 on the fence. And they would practice their flying, and  
2 then they'd fall into the yard. And that's not happening  
3 now. It's -- it's like condo city.

4 BRENDAN SULLIVAN: Thank you.

5 JOANY LEBACH: And so, this -- I -- George has  
6 made three illegal structures. The other -- he took the one  
7 down and put it in front of me. When he had one that looked  
8 out on him, I didn't say anything. This is absolutely  
9 unacceptable on every level.

10 I spoke to his other neighbors. They don't mind  
11 it. So I have -- but I have enough goodwill and I am not --  
12 don't believe in retribution. I just don't want him hurting  
13 my view, making me unhappy, hurting my property value. It  
14 hurts my property value.

15 I'm 76, and I don't want this stress. And -- and  
16 it was a false pretense. He should take his barrels and put  
17 them in and out of the house like everybody else does, or in  
18 their yard.

19 BRENDAN SULLIVAN: Okay. Thank you. Thank you  
20 for calling in. Okay. Anybody else?

21 There is correspondence -- a letter of support.

22 "We are writing in support of George White and

1 Karen Stevens, both residing at 9-2 Bellis Circle. We are  
2 residents of Bellis Circle and believe that the sheds in  
3 question should be allowed to stand. They are enhancements  
4 to the property in keeping with the style of the existing  
5 home structure and are appropriate additions to the  
6 residents in the neighborhood.

7 "Katie Giraldi and William Giraldi, 39A Bellis  
8 Circle."

9 There's also Anthony Keefe and Rachel Cane, Sonia  
10 Perez and Roger Berry -- I'm sorry, Sonia Perez-Villanueva  
11 and Roger Berry, Jonathan Haber and Magdalena Georgieva at  
12 11 Bellis Circle.

13 And that is the sum and substance of any  
14 correspondence. I will close the public comment portion of  
15 it.

16 Let me chime in here that when I first went there,  
17 there was a car parked in front of the shed at the front,  
18 and there was that -- you know, part of it was hanging over  
19 the sidewalk by, you know, the bumper part of it. So the  
20 shed is exactly 15'7" from the curb to the front of the  
21 shed.

22 And I personally don't like it there. I think it

1 is an eyesore. You know, it's probably a very nice design  
2 or what have you, but I just don't think it belongs there.  
3 What about if it were on the other side of the fence on the  
4 right eye property, or on your yard?

5 GEORGE WHITE: All right --

6 BRENDAN SULLIVAN: In other words, not being so --

7 GEORGE WHITE: Sorry, was that question directed  
8 at me? I'm sorry, I missed that.

9 BRENDAN SULLIVAN: I'm sorry?

10 GEORGE WHITE: Sorry. I wasn't sure if that was a  
11 question directed at me or not.

12 BRENDAN SULLIVAN: Yeah. In other words, if you  
13 just took it and put it on the other side of the fence, so  
14 that it's not visible from the public way?

15 GEORGE WHITE: So the other side of the fence is  
16 Ms. Lebach's property.

17 BRENDAN SULLIVAN: Oh, okay.

18 GEORGE WHITE: So just to be clear, we're the  
19 middle unit. So one of the things that was said earlier is  
20 actually untrue. Every other property on the 9 Bellis plot  
21 has Street access. We are the only ones that do not. So  
22 all the property -- all three of the townhouses that are on

1 the Sherman Street side have rear-gate access to the street.

2 The property at the end actually has a second --  
3 so has a side yard at the base, the top of the property, and  
4 can actually pull their barrels around from the side. They  
5 have a shed over there that they can pull around.

6 We are the only ones who would have to actually  
7 pull our barrels through the house if we kept them in the  
8 rear yard. Otherwise, we have to keep them in the front  
9 yard or keep them exposed on the street.

10 So I understand the -- the -- the concern about  
11 the shed. I don't know if there was anyone else who  
12 complained about it. Ms. Lebach has complained that it  
13 blocks her view or it blocks the birds. I'm not sure what  
14 she means. We have feeders in our back yard, and we see  
15 birds every day.

16 But I also know that her complaint about it  
17 blocking her vision makes no sense. She complains about the  
18 house on map lot 20718, because it blocks her view. That  
19 house has been there for at least 25 years, and she still  
20 complains about that house.

21 So I understand her concerns. And, you know, I'm  
22 certainly willing to talk to her about how we can remediate

1 it if she feels that's it's damaging her fence or anything  
2 like that. She hasn't actually brought that up to me.

3 But I, you know, in short, we do actually have one  
4 of these sheds sitting in our back yard, that's the second  
5 shed. We see it. We're happy with it.

6 I guess the other question I have to say is if the  
7 shed that is in the front of the house becomes an issue,  
8 could we at least have a variance, the variance applied to  
9 the rear shed, so that we can retain that one?

10 BRENDAN SULLIVAN: Well, that's a separate  
11 application, obviously. Let me, you know -- and again, the  
12 Board has heard this many times from me, but regarding her  
13 comments -- and I will cite Blackman v. the Board of Appeals  
14 of Barnstable, where the Massachusetts Supreme Judicial  
15 Court has ruled that the Court has said repeatedly that the  
16 power to vary the application of a zoning ordinance --  
17 variance -- must be sparingly exercised, and only in rare  
18 instances and under exceptional circumstances peculiar in  
19 their nature -- with -- due regard to the main purpose of a  
20 zoning ordinance, is to preserve the property rights of  
21 others.

22 And I think what she's asking us to do is to

1 uphold the ordinance and to preserve her property rights.

2 So that's sort of the sum and substance of my thought.

3 Jim Monteverde, what is your thought?

4 JIM MONTEVERDE: I have no further comments.

5 BRENDAN SULLIVAN: Andrea Hickey?

6 ANDREA HICKEY: Well, with respect to the shed  
7 that is in the parking area, the way I'm looking at that is  
8 that the existence of the shed takes up enough area such as  
9 to make the parking spot nonconforming. There's not enough  
10 area there for that to be a legal parking space.

11 And that, I guess, is evidenced by, Mr. Chair,  
12 your noticing a car parked there that was sort of hanging  
13 off the back.

14 How deep is that shed? How much does it eat into  
15 the 20-foot length of that parking space, Mr. White, if you  
16 know?

17 GEORGE WHITE: It does not significantly eat into  
18 that space. We designed it so that it would actually sit  
19 above. But I understand the concern.

20 ANDREA HICKEY: So do you know how deep it is at  
21 all, the shed?

22 GEORGE WHITE: The shed itself? I believe it's 4'



1 at the bottom, yes.

2 ANDREA HICKEY: All right. So if it was 4' and  
3 the length of that space is 20, then I think we don't have -  
4 - we no longer have a conforming parking space.

5 BRENDAN SULLIVAN: Well, again, what I did,  
6 Andrea, is measure from the curb --

7 ANDREA HICKEY: Mm.

8 BRENDAN SULLIVAN: -- to the shed. It's 15'7".  
9 So that answers that question as to it is not a legal  
10 parking space.

11 ANDREA HICKEY: Right. So I think that that is a  
12 problem. And the sheds being so close to the fence -- it's  
13 a real issue, not only from the neighbors' perspective, but  
14 in the event there was a fire or something. It concerns me.  
15 Again, I haven't made up my mind, but I'll -- I'll withhold  
16 any further comment at the moment.

17 BRENDAN SULLIVAN: Slater, any comments?

18 SLATER ANDERSON: Yeah, two comments. The -- so  
19 the toolshed -- it does look at least on the notice that,  
20 you know, to add two sheds. So the two sheds are addressed  
21 in the application. The one in the back doesn't seem to be  
22 one that's under dispute.

1           What we're focused on is this one that's in the  
2     parking area in the front. Is that -- is that -- at least  
3     from the -- the neighbor in Unit 9-1, her complaint is about  
4     the one in the front. She's not really seeing the one in  
5     the back. So --

6           GEORGE WHITE: That is my understanding. But --

7           SLATER ANDERSON: Okay. So -- just so let's --  
8     I'm going to leave the one in the back for now for a second.  
9     The one in the front, it -- you know, there are some photos  
10    that are included with -- it the package that's available.

11           The view from 9-1 where you can see, you know, the  
12    shed hanging over the fence and yeah, so there is some view  
13    impact there. There's the parking impact.

14           The other observation is that, you know, the City  
15    does have a bike storage ordinance. And there are -- you  
16    know, there is parameters. This exceeds those parameters,  
17    because I've looked at them myself for my property in  
18    Cambridge.

19           So, you know, I have trouble with the shed in the  
20    front. I have less trouble with the one in the back,  
21    because I don't think anyone's really disputing it. I mean,  
22    I think it should have had a permit --

1           GEORGE WHITE:   Mm-hm.

2           SLATER ANDERSON:  -- I get that.  You know, I'm  
3 not going to totally blame you on that one.  The contractor  
4 should have known better.  So I'm concerned about the shed  
5 in the front.  That's what I'll say.

6           BRENDAN SULLIVAN:  Wendy, your thoughts?

7           WENDY LEISERSON:  I -- yes.  I think I see the  
8 hardship for the petitioner in the sense of not having an  
9 easy way to access the street with his trash and compost  
10 bins.  So I'm satisfied there was a reason why he needed a  
11 shed --

12          GEORGE WHITE:  Mm-hm.

13          WENDY LEISERSON:  -- especially with the rodent  
14 problem.  I too have had broken compost bins.  But this does  
15 seem to -- what bothers me is the size of the shed, and how  
16 impactful it is visually.

17                 So I think that my -- while I see the hardship,  
18 but I would be willing to sort of entertain some kind of  
19 structure there for the protection of the garage bins and  
20 even some bicycle storage, that just -- I have trouble with  
21 the particular structure.

22          BRENDAN SULLIVAN:  One of the issues is, of

1 course, with the lack of a certified plot plan. I'm not  
2 exactly sure. If we could pull this plan up, Olivia? Is  
3 what is shaded in yellow, is that your property?

4 GEORGE WHITE: Correct.

5 BRENDAN SULLIVAN: And where it says, you know,  
6 "Map Lot 27146 and 1687" that is all in white, that is not  
7 your property?

8 GEORGE WHITE: That is correct.

9 BRENDAN SULLIVAN: So that's why the shed can't be  
10 put over onto the other side, so that --

11 GEORGE WHITE: That's correct.

12 BRENDAN SULLIVAN: -- so she's basically looking  
13 out, and then she sees this -- the top section of the shed  
14 there?

15 GEORGE WHITE: That's correct.

16 BRENDAN SULLIVAN: Yeah. Well, again, I think  
17 she's asking us to enforce the zoning ordinance, to protect  
18 her property rights. So I would not support the shed.

19 Jim, your thought?

20 JIM MONTEVERDE: I would not support the sheds  
21 either.

22 BRENDAN SULLIVAN: All right. Let me make a

1 motion, then.

2 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey  
3 speaking.

4 BRENDAN SULLIVAN: Yep.

5 ANDREA HICKEY: Could we be a little more clear  
6 with respect to not supporting one shed, the other shed or  
7 not supporting both sheds? I have much less of a problem,  
8 as does Mr. Anderson, I believe, with the shed in the back.  
9 Although I don't love it, I think I can live with it -- than  
10 I do with the shed in the front.

11 BRENDAN SULLIVAN: Okay.

12 ANDREA HICKEY: So I think we need to be clear  
13 when we're sort of framing our vote whether we're talking  
14 about approving or not one or both.

15 WENDY LEISERSON: And Mr. Chair, I do wonder,  
16 though, is there any way to approve or to act on this motion  
17 without precluding the petitioner from an alternative  
18 solution to the trash or a smaller shed or some kind of  
19 structure to protect the trash in that spot? Or is that  
20 beyond our scope?

21 BRENDAN SULLIVAN: In -- well, we're talking two  
22 locations. So in which -- are we talking the front one, in

1 the --

2 WENDY LEISERSON: I'm talking about the one, yeah,  
3 in the front.

4 GEORGE WHITE: Yeah.

5 WENDY LEISERSON: I mean, he needs to bring his  
6 trash -- he needs to have place to put his trash, you know?  
7 Near the curb. So I'm just wondering is there a way if  
8 we're -- if the problem is the one in the driveway, is there  
9 something we could decide that would not preclude him from  
10 some other storage solution there? That's all.

11 SLATER ANDERSON: I believe there's a by right  
12 option if it's under six feet height that you can do  
13 something like that. I'm not certain, but I had that  
14 conversation at one point with someone in the Inspectional  
15 Services. But Brendan, maybe you know.

16 BRENDAN SULLIVAN: Well, the minute you put any  
17 structure there, then you are creating a nonconforming  
18 parking spot. Right now, it's a conforming parking spot.

19 SLATER ANDERSON: Okay. That's a --

20 BRENDAN SULLIVAN: So any structure there is going  
21 to now trigger that we have created a nonconforming parking  
22 space. And so I guess -- again, Mr. White, when you parked

1 your car in the front parking area, then in order to get to  
2 your front door, you walk to the left and then --

3 GEORGE WHITE: To the right.

4 BRENDAN SULLIVAN: You walk to the --

5 GEORGE WHITE: So --

6 BRENDAN SULLIVAN: -- right. And so, your front  
7 door is -- and again, see this is the problem with not  
8 having a certified plot plan. It's very difficult --

9 GEORGE WHITE: Okay.

10 BRENDAN SULLIVAN: -- to --

11 GEORGE WHITE: But my front door, if you look  
12 where it says, "1522" in the center there --

13 BRENDAN SULLIVAN: Yes.

14 GEORGE WHITE: That is my front yard, which you  
15 can see has -- basically because of the way this was  
16 designed -- and this is thanks to the 1970s, right? -- they  
17 basically took this existing plot and broke it up into six  
18 separate plots.

19 We have an easement across our property to allow  
20 the folks in the next property, that 1340 basically, to gain  
21 access, as well as the folks in the -- to the right of that  
22 to gain access.

1           So basically, they have an easement across our  
2 property. There's a walkway that goes there. There is no  
3 front yard to this house at all. Not really. It's  
4 basically a bit of planting area and a walkway.

5           So we cross over that -- right where your mouse is  
6 currently, that is actually the walkway where we cross over  
7 an easement to be able to access the front of our home. And  
8 then we're also crossing what's currently listed as 391, 196  
9 and 264 as parking spaces.

10           So there's a whole -- it's just chopped up,  
11 basically, to make this house fit or these townhouses fit,  
12 they chopped up the properties. We even had wacky things  
13 like until about five years ago, we were actually paying two  
14 separate tax bills to the city, one for the main property  
15 and one for the parking space.

16           And the City finally decided to adjoin them as one  
17 property for taxes. It's just a -- it's just a nightmare of  
18 a property from that.

19           So I understand Ms. Lebach's current problem with  
20 the shed in the front. I would ask, as was asked before, if  
21 there's -- if we can preclude the idea that there be no  
22 object there. I mean, obviously, we'll have to go back and



1 file for another variance and figure out what the new plan  
2 would be, but I -- it would be an incredible hardship for us  
3 to have to go back to the situation of essentially culling  
4 our garbage cans through our home to be able to bring them  
5 out -- or alternatively leaving out front, where they're  
6 essentially open to rodents and racoons and other animals. I  
7 mean, our compost bin clearly has holes in the top of it,  
8 because they are chewed through.

9 BRENDAN SULLIVAN: Yeah.

10 WENDY LEISERSON: Is there any space in this area  
11 marked "15.22" to have a small coverage -- you know,  
12 structure?

13 GEORGE WHITE: Not really. That's where the --  
14 there's a -- there's no space there for that. But that's  
15 where the gas meter is and the exhaust for the heating  
16 system.

17 WENDY LEISERSON: I see.

18 SPEAKER UNIDENTIFIED: And the condenser for the  
19 air conditioner.

20 GEORGE WHITE: Yeah.

21 ANDREA HICKEY: And if there's an if there's an  
22 easement there to allow that 1340 lot in the back to pass

1 and repass, you may not have the right to block that area.

2 GEORGE WHITE: Yeah. It's just a -- it's just a  
3 frankly difficult situation.

4 ANDREA HICKEY: Yeah. I mean, my colleague, Ms.  
5 Leiserson really articulated for me your real need to have a  
6 place to put your trash that's out near the street. I get  
7 that now. But I think the problem is that it makes the  
8 parking nonconforming.

9 Mr. Chair, if the parking spot now is 20' long, I  
10 believe a parking space could be 18' and still be  
11 conforming? Does anyone on the Board -- can anyone chime in  
12 on that? The size for a compact space?

13 JIM MONTEVERDE: Yeah. It could be a compact  
14 space. I think the -- one of the illustrations we saw  
15 before with the child care center --

16 ANDREA HICKEY: Yeah.

17 JIM MONTEVERDE: -- those compact spaces were 16.5  
18 long.

19 ANDREA HICKEY: All right.

20 JIM MONTEVERDE: If I recall correctly. So --

21 ANDREA HICKEY: So maybe there is a possibility if  
22 the depth of the shed could be sort of reduced --

1           GEORGE WHITE:   Reduced?   Yeah.

2           ANDREA HICKEY:   -- so that the parking doesn't  
3   become nonconforming.   Maybe that's something to think  
4   about.   We couldn't act on that tonight, because it's not  
5   part of what you've presented.

6           GEORGE WHITE:   Mm-hm.

7           ANDREA HICKEY:   But --

8           JIM MONTEVERDE:   Right.

9           GEORGE WHITE:   No, understood.   No, we would  
10   absolutely file a new petition to do that.

11          ANDREA HICKEY:   Or perhaps --

12          BRENDAN SULLIVAN:   How about if we --

13          ANDREA HICKEY:   -- maybe if we -- or take a  
14   continuance and --

15          JIM MONTEVERDE:   Right.

16          BRENDAN SULLIVAN:   Yeah, well --

17          ANDREA HICKEY:   -- a different plan.   That's what  
18   I was going to say.   Why don't we do a continuance --

19          JIM MONTEVERDE:   Yep.

20          BRENDAN SULLIVAN:   And let Mr. White absorb and --  
21   all that has been said, possibly come up with an alternative  
22   plan?   The storage shed, obviously, too, I think, can't be

1 more than 6' high. So, again, you may not be able to store  
2 the bicycles --

3 GEORGE WHITE: Mm-hm.

4 BRENDAN SULLIVAN: -- you know, totally vertically  
5 or what have you. But so the option is that you're going to  
6 wind up with no shed there.

7 So let me -- why don't we do this, why don't we  
8 continue this matter until 04/27, which is the first  
9 available date? Will that give you enough time to put  
10 something together?

11 GEORGE WHITE: Yeah. I believe that will give us  
12 sufficient time to --

13 BRENDAN SULLIVAN: So that's a month and a half.

14 GEORGE WHITE: Yeah. We'll contact an architect  
15 or someone to help us to get a site plan that actually  
16 reflects it properly.

17 BRENDAN SULLIVAN: All right. And again, if you  
18 have to continue beyond that -- I mean, right now you're --  
19 I mean, you're going to be able to use what's there. So --  
20 but anyhow --

21 GEORGE WHITE: Yeah.

22 BRENDAN SULLIVAN: Let me mark this up. Let me

1 continue this matter. Again, Jim, Andrea, Slater and Wendy,  
2 are you available on April 27?

3 JIM MONTEVERDE: Yes.

4 BRENDAN SULLIVAN: Yes to Jim. Yes to Andrea, I  
5 think?

6 ANDREA HICKEY: Yes, I am available. And while I  
7 have the mic for a quick second, just a suggestion, Mr.  
8 White: you probably don't need a whole new plan drawn. I  
9 think your deed probably references a recorded plan that you  
10 can get at the Registry of Deeds. So --

11 GEORGE WHITE: Okay. Excellent. Thank you.

12 ANDREA HICKEY: -- just take a look at that.

13 GEORGE WHITE: Thank you. We'll look into that.

14 ANDREA HICKEY: Mm-hm.

15 GEORGE WHITE: And if we need to request a further  
16 continuance, would we just do that prior to that date?

17 BRENDAN SULLIVAN: Yes. You should let us know as  
18 quickly as possible.

19 GEORGE WHITE: Okay.

20 BRENDAN SULLIVAN: So -- and Slater, you're  
21 available on the 04/27?

22 SLATER ANDERSON: Yes.

1           BRENDAN SULLIVAN: Okay. So let me make a motion,  
2 then, to continue this matter to April 27, 2023 at 6:00 p.m.  
3 on the condition that the petitioner change the posting  
4 signs, as there are two of them --

5           GEORGE WHITE: Mm-hm.

6           BRENDAN SULLIVAN: -- to reflect the new date of  
7 April 27, 2023, and the time at 6:00 p.m. Any new  
8 submittals that are not currently in the folder pertaining  
9 to this particular case be submitted by 5:00 p.m. on the  
10 Monday prior to the April 27 hearing.

11           I would also ask the petitioner to sign a waiver  
12 to the statutory requirement for a hearing and a decision to  
13 be rendered thereof.

14           GEORGE WHITE: Mm-hm.

15           BRENDAN SULLIVAN: Such waiver can be obtained by  
16 either -- through Maria Pacheco or by Olivia. And I would  
17 ask that, today being Thursday, that it be returned no later  
18 than one week from tonight too. So they will e-mail it to  
19 you, you sign it and send it back to either Olivia or Maria.  
20 And that can be in the file. So that's the only other  
21 conditions to sign that waiver.

22           On the motion, then, to continue this matter, Jim

1 Monteverde?

2 JIM MONTEVERDE: In favor.

3 BRENDAN SULLIVAN: Andrea Hickey?

4 ANDREA HICKEY: Yes, in favor.

5 BRENDAN SULLIVAN: Slater Anderson?

6 SLATER ANDERSON: In favor.

7 BRENDAN SULLIVAN: Wendy Leiserson?

8 WENDY LEISERSON: In favor.

9 BRENDAN SULLIVAN: Yes.

10 [All vote YES]

11 BRENDAN SULLIVAN: Five affirmative votes; this  
12 matter is continued to April 27, 2023 at 6:00 p.m. All  
13 right. See you then.

14 GEORGE WHITE: Thank you, members of the Board.

15 WENDY LEISERSON: Thank you.

16 GEORGE WHITE: See you all in a month and a half.

17 ANDREA HICKEY: Goodnight, everyone. Thank you.

18 BRENDAN SULLIVAN: Goodnight. Stay well. So you  
19 got Bellis Circle, as well. Okay.

20 [11:20 p.m. End of Proceedings]

21

22

## 1 CERTIFICATE

2 Commonwealth of Massachusetts

3 Middlesex, ss.

4 I, Catherine Burns, Notary Public in and for the  
5 Commonwealth of Massachusetts, do hereby certify that the  
6 above transcript is a true record, to the best of my  
7 ability, of the proceedings.

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

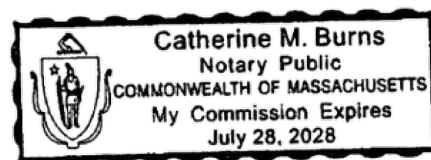
12 In witness whereof, I have hereunto set my hand this  
13 24th day of March, 2023.

14  
15 

16 Notary Public

17 My commission expires:

18 July 28, 2028





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