

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY MAY 25, 2023

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Jim Monteverde, Vice Chair

Steve Ng

Wendy Leiserson

Thomas Miller

Zarya Miranda

City Employees

Stephen Natola



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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Matina Williams, Wendy Leiserson, Thomas Miller, and Zarya Miranda

JIM MONTEVERDE: Okay. We're good to go. The first case I'm going to call is Case No. 206665 -- 1164-1166 Cambridge Street. Is there anyone who'd like to speak -- proponent for this matter?

ADAM BARNOSKY: Hi. Good evening, Mr. Chairman, and members of the Board. My name is Adam Barnosky. I'm an attorney with the law firm of Ruberto Israel & Weiner, 255 State Street in Boston.

JIM MONTEVERDE: Thank you. Can you just walk us through the issue before us and what you're applying for?

ADAM BARNOSKY: Yes. Yes. Thank you very much. So I'm here on behalf of Cambridge Cuisine, d/b/a and Puritan & Company. With me is Ming-Tai Huh and Will Gilson, the owners and operators from Puritan.

We are here regarding a modification to the variance granted by this Board on Case BZA 9779,

1 specifically to remove a condition which limits the use of  
2 the rears doors, nonrecurring emergency egress only.

3 Note the application also includes a request to  
4 install an enclosure in the rear private alleyway, but that  
5 portion of the application -- specifically the rear shed --  
6 has been withdrawn from the request after discussions with  
7 neighbors. I'll get into that in a moment.

8 As a way of background, the subject property is  
9 located at 1164-1166 Cambridge Street. It is the location  
10 of the restaurant Puritan & Company, which has operated in  
11 the space for over 10 years.

12 The property is located on an L-shaped split lot  
13 continuing across 5,700 square feet, with frontage and  
14 primary means of egress on Cambridge Street. There is a  
15 rear private alleyway with access to Tremont Street.

16 Approximately 85 percent of the lot is in the  
17 Business A district, and approximately 15 percent is in the  
18 Residential C district.

19 The 2009 decision the Board unanimously granted a  
20 variance to authorize retail uses permitted in the A  
21 district to be allowed on a portion of the property located  
22 in the Residence district, which included a restaurant under

1 Section 4.35.f.1 of the Zoning Ordinance.

2 As part of the relief, the Board imposed three  
3 conditions, including:

4 Number one, use of the rear door be limited to  
5 nonrecurring emergency egress only, and that the shed in the  
6 rear of the property be moved. The rear shed was  
7 immediately moved, and since that time, the city's Health  
8 Department requested that trash no longer be stored inside  
9 the restaurant, which brings us to the request before you  
10 today.

11 So this is not a request for a new variance, it's  
12 not a request for additional relief as the current primary  
13 use is allowed on the 2009 decision, but it is a request to  
14 remove one of the three conditions, the 2009 decision.

15 It's worth noting that this alleyway is not a  
16 public alleyway or a common alleyway. While certain  
17 neighbors do have easements rights here, this is a private  
18 property alley, which belongs to 1164 Cambridge Street.

19 And the purpose of the request is to allow  
20 restaurant employees to use the rear door to access trash in  
21 the alleyway.

22 Currently, there's an inability to use the rear

1 door, and it limits the use of the premises. The trash  
2 needs to be stored in the restaurant and carried through the  
3 dining area. This is a unique circumstance. It's brought  
4 about some sympathy due to the property's placement within  
5 the two zoning districts.

6 And the problem is really a direct result of the  
7 condition imposed by the 2009 decision. That decision  
8 doesn't functionally work with the uses that it authorized  
9 by right.

10 At the time the decision was granted, it was  
11 authorized in broad uses under 4.35, but if you read the  
12 other conditions, for example, they reference potential  
13 operations and limitations with the operation of a dry  
14 cleaner.

15 And so, when the Board properly granted the Use  
16 Variance, I don't believe that they contemplated all of the  
17 impacts the condition might have on the potential uses, or  
18 specifically here a restaurant.

19 You may recall this matter was originally  
20 scheduled before the Board in March, and a continuance was  
21 granted for the purposes of community outreach. The Puritan  
22 team noticed a meeting and met on site to discuss the

1 application from abutters and neighbors. And it was a good  
2 discussion.

3 And they were essentially able to agree to the  
4 following in the event that the Board grants the request.

5 Mr. Chairman, may I go through a few of those  
6 items that the restaurant is going to concede to?

7 JIM MONTEVERDE: Do we have those?

8 ADAM BARNOSKY: Great. So one is pest control.  
9 There were concerns raised about potential pest activity  
10 outside of the building. The restaurant agreed to attain an  
11 additional contract with the pest control company to have  
12 the exterior -- an exterior pest control plan that  
13 corresponds to the level of the service they already have in  
14 the interior of the building in the restaurant.

15 Two was the issue that I talked about at the  
16 outset of this hearing not to include a storage shed. It  
17 seemed like the main issue wasn't really was trash, the main  
18 issue was about creating an enclosure that animals can live  
19 in. So we conditioned that the -- if this is granted, the  
20 restaurant is willing to forgo having a shed.

21 Number three was continued right of way in an  
22 alley. Requests were made to ensure that the access is

1 never restricted, should contractors or other third parties  
2 require to access others' property utilized. That was  
3 agreed to.

4 Also snow removal. Neighbors requested the  
5 restaurant manage snow removal on the private alleyway,  
6 which he will do at cost if the condition is removed. Same  
7 for cleaning the alleyway. They can have a thorough  
8 cleaning and keep that clean.

9 And lastly was noise mitigation. There were  
10 concerns raised with use of the alleyway for trash storage  
11 and increase noise that could be loud and disruptive at  
12 night. The restaurant is fine with limiting that use, and  
13 staff will be instructed to pull barrels into the alley  
14 prior to 10 p.m.

15 There also would need to be MAC wheels. These are  
16 wheels with a metal hub and a rubber tire mounted on them,  
17 that they are significantly quieter than traditional wheels  
18 on trash barrels.

19 In addition, the restaurant is going to agree to  
20 not use the alleyway for deliveries. They will not allow  
21 staff to use the alleyway for smoking, gathering or other  
22 social activities, and they are going to limit it to the



1 hours before 10 p.m.

2 So in summary, we're seeking to remove this  
3 condition. It's a relatively benign request, considering  
4 the lawful use under the code. We're hopeful that  
5 considering the mitigation efforts that the restaurant is  
6 going to give in return for the removal of this condition  
7 will be seen as reasonable, we certainly find it to be so.  
8 And we're happy to answer any questions the Board may have.

9 JIM MONTEVERDE: Thank you. One moment please.

10 I think all those conditions are approved? I was  
11 just asking Staff: all the conditions that you just  
12 mentioned I don't see in the file yet, were they submitted?

13 ADAM BARNOSKY: You mean the mitigation?

14 JIM MONTEVERDE: Yes. Yeah.

15 ADAM BARNOSKY: The mitigation efforts? No. They  
16 were not submitted as part of the application. This came  
17 about after we submitted the application. It's an ongoing  
18 conversation with the neighbors.

19 JIM MONTEVERDE: Okay. All right. Are there any  
20 questions from any other members of the Board? No? Hearing  
21 none, I'll open the matter up -- sorry?

22 Did someone want to speak?

1           MATINA WILLIAMS: No, no questions.

2           JIM MONTEVERDE: Okay. Thank you. Since there  
3 are no questions, I'll open the matter for public comment.  
4 Any members of the public who wish to speak should now click  
5 the icon at the bottom of your Zoom screen that says, "Raise  
6 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. I'll  
9 now ask Staff to unmute speakers one at a time. You should  
10 begin by saying your name and address and Staff will confirm  
11 that we can hear you. After that, you'll have up to three  
12 minutes to speak before I ask you to wrap up.

13           Is there anyone who wants to be heard?

14           JOHN HOPKINS: John Hopkins. Can you hear me?  
15 This is John Hopkins.

16           JIM MONTEVERDE: Yep. Thank you. Go ahead.

17           JOHN HOPKINS: I live with my wife. We live  
18 immediately next to that alley in Apartment #2 on 84 Tremont  
19 Street. The -- from the Puritan doesn't align with our  
20 experience so far over the last six or seven months. I  
21 think it might have been late last year or early this year  
22 where they started really wrapping up use of this alleyway.

1           A couple of days ago, there were nine of these  
2 trash cans in the alleyway. And we hear them multiple times  
3 per day -- four, five, six times per day and on weekends all  
4 the way through to -- we've heard them after midnight.

5           We've heard all the way through to we've heard  
6 them after midnight. We've heard staff talking down there  
7 and smoking and smelling the smoke through our window. We  
8 don't have soundproof windows, and you can't get work done  
9 when this is happening, or if you're asleep, it would wake  
10 you up.

11           And I actually took videos of this with my cell  
12 phone, so you can hear the noise that comes into our house.  
13 And even when I was lying in bed one night asleep and then  
14 suddenly boom, you hear these carts and these trolleys or  
15 bins coming out. And it's exceptionally loud.

16           So that's the biggest distress to me, aside from  
17 over the last few years that this alleyway has been rat  
18 infested. And it's been better since we took measures --  
19 the town and our apartment, but there is even, right now  
20 there is more rats in the alleyway.

21           So it's been a very distressing situation for  
22 myself in Apartment #2 and also Apartment #1. That aside,

1 I'm sure there are some people on the the meeting here, but  
2 they would be a small bit removed from that, but I'm sure  
3 they could hear all the noise on the other side of our  
4 building as well.

5 JIM MONTEVERDE: Thank you for your comment.

6 JOHN HOPKINS: I don't think they've --

7 JIM MONTEVERDE: -- Yep.

8 JOHN HOPKINS: -- been good neighbors to us.

9 JIM MONTEVERDE: All right. Thank you for your  
10 comments. Is there anyone else who'd like to speak? Nope?

11 STEPHEN NATOLA: Ashley Mateus?

12 ASHLEY MATEUS: Yeah, hi. My name is Ashley  
13 Mateus. Sorry, I wasn't sure if you were going to call  
14 names or not. I am the owner of 84 Tremont Street #1, the  
15 unit right below John. So we unfortunately were not able to  
16 make the meeting with Puritan because we are owners of the  
17 property and are not living in the state at the moment.

18 But our assessment is very similar to John's in  
19 that that noise, you know, despite the efforts that Puritan  
20 is willing to go to, we don't think would be enough to  
21 mitigate the disruption.

22 And I did make a letter or present a letter to the

1 group. The things I want to point out about it is that  
2 those windows that you were looking at in the drawings  
3 previously when they were showing the alleyway and where  
4 those garbage cans would be located: That was my bedroom  
5 window when I lived there and my -- you know, 9-month-old-  
6 baby's bedroom window.

7 And so, those two things that you're looking at:  
8 Like yes, ten o'clock would not be disruptive for an adult,  
9 but even 10 p.m. for a family to live in that apartment,  
10 which we continue to rent to families and other great  
11 members of the community, I think it would be extremely  
12 disruptive to have the garbage barrels and Staff continually  
13 present there.

14 So we continue to be against this measure as the  
15 owners of the abutting unit.

16 JIM MONTEVERDE: Thank you. next speaker, please?

17 STEPHEN NATOLA: Jaime Mateus?

18 JAIME MATEUS: Hi. This is Jaime Mateus from 84  
19 Tremont Street Unit #1. Can you hear me okay?

20 JIM MONTEVERDE: Yes. Thank you.

21 JAIME MATEUS: Great. So you just heard from my  
22 wife wives and from our upstairs neighbors, John. I just

1 want to start by dispelling something that was portrayed by  
2 the Council a few minutes ago, the -- you know, it seems  
3 like he's going through this long list of conditions that  
4 have been agreed to with the member, and all of these  
5 concessions that Puritan was making.

6 That is really just a story that they're selling  
7 you. A lot of people were not able to make that meeting.  
8 As my wife mentioned, we're not living in the state at the  
9 moment. There were no option to remotely join that meeting.

10 And all the things that they have conceded to:  
11 Those are not really the real problem. The real problem is  
12 the inordinate amount of noise and loss of privacy that is  
13 caused by their request.

14 I have previously submitted a letter to this  
15 committee detailing the many instances together with photo  
16 documentation and time stamps where Puritan and Company have  
17 not respected, have not abided by the generous concessions  
18 that the Board has granted them.

19 It is very clear that that door was to be used for  
20 nonrecurring emergency egress. The documentation I have  
21 provided shows a repeated pattern of not following that over  
22 a course of many years.

1           And I think it's worth taking a step back and  
2 asking yourselves, "Why are we in this situation?" Puritan  
3 has operated as a restaurant for many years without a  
4 problem.

5           The part of this story you're not hearing here is  
6 that they had a part of the restaurant inside where trash  
7 was managed. That worked just fine for many years. In  
8 fact, the business has been rather successful, it appears.  
9 Now, they have created a second restaurant concept in there,  
10 and there's no longer space for that.

11           So in -- you know, in the previous meeting we  
12 heard about the cost that has been incurred in creating that  
13 new restaurant. At some point in time, someone must have  
14 thought, "Where are we going to keep the trash now?"

15           You know, the use of the unique nature of this lot  
16 being split between the commercial and noncommercial areas,  
17 that is not new. Everybody has known about this. Puritan  
18 has known about this since before they signed any lease.  
19 This is part of what they signed up to.

20           I think the Board has been generous in granting  
21 the exception as it exists. I think it is appropriate. I  
22 think it has worked well.

1           But granting the current request, the effect this  
2 is going to have is effectively turning what is currently  
3 zoned as residential into something that functions like if  
4 it's zoned in a commercial zone.

5           I bought this property knowing that all around  
6 this property, it was zoned as residential. That has an  
7 impact on property value. It has an impact on the quality  
8 of life you can have there and the amount of noise you can  
9 expect.

10           Had I bought a property that was directly abutting  
11 a commercial zone district for commercial use as the space  
12 permitted, I would have expected a greater amount of noise.  
13 I didn't want that. I wanted to start a family; I wanted to  
14 have some more quiet.

15           So this has a very direct impact. We are not  
16 living there now; we are renting the place. When our  
17 renters now tell us that there's too much noise and this  
18 rent is too high for that property, who's going to  
19 compensate us? Or if we return back to live there with our  
20 kids that are still young that go to bed a lot earlier than  
21 10:00 p.m., that's not going to work out for us.

22           So I think there's been a big part of this story



1 that is not being told, and that is that Puritan knew  
2 exactly what was going to happen when they built -- when  
3 they expanded their interior restaurant concept.

4 And they have a history and a proven track record  
5 of ignoring the requirements set by this Board. And I have  
6 zero reason to believe that they will abide and be good  
7 neighbors in the future, because I have every reason to  
8 believe they will do the opposite.

9 Thank you.

10 JIM MONTEVERDE: Thank you for your comments.

11 STEPHEN NATOLA: Freeman?

12 FREEMAN DEUTSCH: Hi. I'm here with my neighbor,  
13 Steve Michaels at 82 Tremont Street in Cambridge. Can you  
14 hear us now?

15 JIM MONTEVERDE: Yes. We can hear you.

16 STEPHEN MICHAELS: Okay. We've been trying to  
17 watch this on my desktop, and it's -- for some reason,  
18 you're not seeing my hand up. So with me are -- Freeman has  
19 introduced himself; I'm Stephen Michaels. We live -- and  
20 Freeman's wife, Jess Saacke is here. We live at 82 Tremont  
21 Street, the ground floor and second-floor apartments. We're  
22 the other side of the building from the Hopkins and

1 Matuccias (phonetic).

2 I want to point out Freeman and I were two of the  
3 three people in the meeting with the Puritan ownership, at  
4 which the conditions that Attorney Barnosky presented were  
5 discussed. But we did not agree to those conditions.

6 FREEMAN DUETCH: Exactly.

7 STEVEN MICHAELS: We were presented with a letter  
8 summarizing the from the Puritan Management. We have not  
9 responded in any way to it, because we do not feel  
10 collectively after discussing this among ourselves that the  
11 combined changes will mitigate the issues that we are  
12 already dealing with because of the fact that Puritan  
13 started using the alley in violation of the restrictions  
14 back in November.

15 And so, we -- they have succeeded in demonstrating  
16 to us that the disruptions that we were concerned about will  
17 in fact happen if the restrictions are taken off the use of  
18 the alley.

19 And so, we are very strongly in agreement with the  
20 Matuccias and the Hopkins that the restrictions on the alley  
21 should not be removed.

22 I want to point out also that the alley has always

1 been in the Residential C-1 zoning district. It was the  
2 original variance that was applied was to allow the back  
3 part of the building at 1166 Cambridge Street to be used as  
4 part of the restaurant because in fact the building strapped  
5 the line.

6 And we were concerned at that time that the  
7 allowance of a restaurant in there would naturally result in  
8 their wanting to use the alley for moving trash in and out  
9 of there, and for their staff to go in and out of there, and  
10 for their repairmen to go in and out of there, all of which  
11 would be problematic for us.

12 So we have summarized our concerns and our  
13 communications to the Board. You have them all in the  
14 package. And we have not changed our position on those at  
15 this point. Let me let Mr. Deutch and Ms. Sackie have their  
16 comments.

17 JESSIE SAACKIE: Sure. My name is Jessie Saackie.  
18 I live at 82 Tremont Street. We're up on the second floor.  
19 And I'll just say this in support of what's already been  
20 said, which is we live -- so we're basically the furthest  
21 unit from -- on the second floor, and we're on the other  
22 side. And it's really noisy. I mean, we notice it.

1           And it's just -- I can't imagine if I were on the  
2 other side of the building how loud it must be, given how  
3 loud it is when we're at the furthest point.

4           That being said, we also -- I don't remember how  
5 many years it was, but we -- you know, there was another  
6 point in time that the alleyway was a point of contention  
7 and, you know, we renego -- you know, we worked in the city  
8 at the time, and it's worked fine for us since then.

9           You know, and I understand that Puritan's a nice  
10 restaurant, but they opened up that Oyster Bar, which first  
11 of all creates a ton of trash that they have to put  
12 somewhere, and they also don't have anywhere to actually put  
13 the trash.

14           But it really has -- you know, this is already  
15 having a somewhat negative effect on just living here, which  
16 is, you know, unfortunate. Because, again, you know, it's a  
17 nice restaurant and all that, and we live here because  
18 there's so many great restaurants. But we don't want to  
19 have to hear their trash late at night.

20           Freeman?

21           FREEMAN DEUTSCH: Hi. I'm Freeman Deutsch. I  
22 live at 82 Tremont Street in Cambridge with Jessie Saacke.

1 And the noise is just really bothersome. It's just -- you  
2 can really hear it, it's almost like a jet engine that it,  
3 like, coming around the corner. And we're on the far side  
4 of the alley, right?

5 And again, they knew all along that there would be  
6 all this trash, but when they asked for our permission to  
7 allow more seating at the restaurant, we said fine, not  
8 knowing that they would ask us to be able to store trash in  
9 the back alleyway.

10 Thank you very much for your time and have a good  
11 day.

12 JIM MONTEVERDE: Thank you.

13 UNIDENTIFIED SPEAKER: Put it on mute.

14 JIM MONTEVERDE: One second, please.

15 FREEMAN DEUTSCH: 82-84 Tremont Street  
16 Condominium.

17 JIM MONTEVERDE: Is there someone who wishes to speak? If  
18 you do, please identify yourself. Give us your name and  
19 address.

20 UNIDENTIFIED SPEAKER: Oh, that's us.

21 FREEMAN DEUTSCH: Oh, sorry. We just spoke.

22 JIM MONTEVERDE: Okay. Thank you. That's all we

1 have for public commentary. Let me also mention that I  
2 think we have letters from just about everyone who just  
3 spoke. But let me just run through, just so we all  
4 understand how many we have.

5 And I've counted as of yesterday no letters in  
6 support, and 11 letters objecting. And I have from Marie  
7 Hopkins objecting, John Hopkins, Stephen Michaels, Mary Rose  
8 Barry (phonetic) and John Hopkins, and then repeats of the  
9 same.

10 I'm going to close public testimony.

11 ADAM BARNOSKY: Mr. Chairman, prior to doing so,  
12 as the attorney for the applicant, can I respond to some of  
13 the public comment?

14 JIM MONTEVERDE: Yeah, certainly.

15 ADAM BARNOSKY: Thank you. So I appreciate it. I  
16 will keep it brief. But I did want to bring some  
17 clarification to the Board's attention: That number one,  
18 the mitigating factors that I presented to the Board I  
19 didn't want to give the impression that that was some agreed  
20 upon stipulation between the neighbors and the restaurant.  
21 That was simply items that the restaurant is willing to give  
22 in return for this condition being removed, and then I think

1 everyone can agree would be helpful to the situation.

2 But more importantly, I want to be very clear  
3 about what this request is and what this request is not. So  
4 this is not a request to store trash in the rear of the  
5 property.

6 This is a request to remove the first condition  
7 from the zoning decision from 2009. And that is the  
8 condition that the use of the rear door be limited to  
9 nonrecurring emergency egress.

10 So the 2009 decision is actually very broad. It's  
11 that the Board grants a variance for relief and ordered  
12 authorized retail uses that are permitted as a matter of  
13 right in the Business A district for the entirety of the  
14 property.

15 And that it specifically says that the relief may  
16 be granted without substantial detriment to the public good  
17 or nullifying or substantially derogating from the intent or  
18 purposes of the ordinance.

19 So this is not about storage of trash. Storage of  
20 trash can be allowed whether or not the proviso is removed.  
21 There is no prohibition from the restaurant using the rear  
22 alleyway. There's no prohibition from the storage of trash

1 subject to Health Department regulations.

2 Alternately, I think that this might help both the  
3 folks on the call that were in opposition to this, as well  
4 as the Board.

5 Part of the issue is that the trash is in the rear  
6 alleyway. And the only way that it can be accessed is by  
7 going out with one of the buildings on the street, going  
8 around the corner, going down through the alleyway, using  
9 the cans and going back and forth. And that traffic is  
10 bound to create more noise.

11 So the thought is if the condition is removed, and  
12 the rear door can be used, that's going to limit the amount  
13 of trips, which won't occur. They'll simply be the opening  
14 door, bringing trash in, coming back inside, and will likely  
15 have the net result decreasing the amount of traffic and  
16 noise in the rear.

17 But I just want to be clear again that what  
18 Puritan is doing on site currently is 100 percent lawful  
19 based on the 2009 decision. And that if this Board doesn't  
20 grant the relief, that the activity that's going on there  
21 will continue.

22 So the thought is that this is going to help the



1 situation there, and that the mitigating list that I  
2 provided is a good neighborly thing for the restaurant to  
3 do, and one that they're willing to do just to try to help  
4 the situation out.

5 Now, I don't know that that will be in place  
6 necessarily if they're going to be required to continue to  
7 walk around the building and do those sorts of things,  
8 although I think that, you know, they can work with the  
9 neighborhood regardless.

10 But again, this is a simple request that we're  
11 making, but it is very, very narrow in scope. So I want to  
12 make sure that the Board doesn't think that they're  
13 authorizing something broader than what is being requested.

14 JAIME MATEUS: Thank you. I'd like a minute to  
15 respond to that, if I can, please?

16 JIM MONTEVERDE: No, I'm sorry, we've -- well yes,  
17 we've opened public comment. Yes, one last one please.

18 JAIME MATEUS: I would contest that what we heard  
19 right now is really inaccurate. And if you read what the  
20 Board of Zoning Appeal has permitted, it says that it is the  
21 -- let me find the right text here -- that it is the area of  
22 the building that is in a Residential zone that may be used.

1 It specifically says, "building" and not the entire  
2 property.

3 So I believe that this interpretation that right  
4 now you are permitted to store trash in the alleyway is both  
5 inaccurate and does not reflect the text of the granted  
6 appeal.

7 And even if it did, it is completely counter to  
8 the entire spirit of the intent of these restrictions. And  
9 you can read the full record of all the discussions that  
10 happened in that Board of Zoning Appeals back in 2009.

11 Because the reason you said you want to remove one  
12 of the three conditions? Well, guess what? It is the key  
13 condition. And it's all about that. And removing that  
14 condition then enables everything that 2009 meeting was  
15 about.

16 So I would encourage the exact text to be read,  
17 which is the building, the residential part of the building  
18 is allowed for use as a commercial and not the entire  
19 property. So the alleyway would not be included in that.  
20 Thank you.

21 JIM MONTEVERDE: Thank you. I'm going to close  
22 public testimony.

1           JAIME MATEUS: And Mr. Chairman, if I may just  
2 respond to that? Thank you.

3           JIM MONTEVERDE: No. Public testimony is closed.  
4 Discussion from Board members, please? Steven, do you have  
5 any questions, comments?

6           STEVEN NG: Yes. I do have a question for Mr.  
7 Barnosky. Prior to the situation, is there trash storage in  
8 the restaurant right now and it was going out the front  
9 door?

10          ADAM BARNOSKY: Yes. That is my understanding.  
11 That is currently the way that storage, that trash is being  
12 managed on site.

13          STEVEN NG: Oh, is that right?

14          ADAM BARNOSKY: We do have the operators on the  
15 line if you'd like to talk about specifics.

16          STEVEN NG: Well, I'm just wondering that is that  
17 space fill in the restaurant, or did it get removed from  
18 whatever subsequent modifications or different changes to  
19 the restaurant design?

20          ADAM BARNOSKY: Oh, I see what you're saying.  
21 Yes.

22          STEVEN NG: Yeah.

1           ADAM BARNOSKY: So the area that was being used  
2 internally for the storage of trash was -- is being utilized  
3 for the operation part of the restaurant.

4           JIM MONTEVERDE: Any other questions, Steven?

5           STEVEN NG: No --

6           JIM MONTEVERDE: Comments?

7           STEVEN NG: -- I'm good. Thank you.

8           JIM MONTEVERDE: Matina?

9           MATINA WILLIAMS: I don't have any questions. The  
10 question that Steven asked was my question. I'm just  
11 wondering when you removed the storage that was in the  
12 building, what was your plan?

13           ADAM BARNOSKY: Well, I might --

14           MATINA WILLIAMS: Because there is a big -- I mean  
15 Cambridge seems to have a major rat problem. Like, you  
16 removed the storage that you had; what was the plan?

17           ADAM BARNOSKY: Well, I can -- I might ask that  
18 the -- my clients speak directly to it, but from what my  
19 understanding would be, the Zoning decision allows the  
20 building to be used as a restaurant, which is what they're  
21 trying to do.

22           And as all of you likely know, the restaurant

1 industry has been hit very hard over the past three years,  
2 so most operators are looking to find ways to maximize the  
3 use of their space.

4 And here they were using the -- part of the  
5 interior for storage of trash because it was easier than the  
6 alternative, which is taking trash all the way around the  
7 back alleyway there.

8 But as you all know, a restaurant's storage of  
9 trash inside of a restaurant is incredibly atypical. And  
10 it's atypical here and it would never have been done. It  
11 was only done because of the proviso on this decision.

12 And so, they lawfully have trash in the rear. You  
13 know, the decision talks thoroughly about the exterior of  
14 the building in the conditions. So to say that for some  
15 reason the use is only limited to the building I don't think  
16 it's an accurate one if you actually read the full decision.

17 So the plan was to put the storage outside, just  
18 to answer your question. That was the idea, because they  
19 can lawfully do so. And they might just simply have to  
20 continue to do it inconveniently by walking around the  
21 block. But that seems to be pretty impractical.

22 WILL GILSON: Adam, I'm happy to speak as well, if

1 that would help clarify some items here for the Board? Mr.  
2 Chair?

3 JIM MONTEVERDE: Excuse me one second. Matina,  
4 did you get your question answered?

5 MATINA WILLIAMS: Yeah. I -- yeah, I did. Thank  
6 you. Thanks.

7 JIM MONTEVERDE: Okay. Thank you. Wendy, any  
8 questions or comments?

9 WENDY LEISERSON: I have a request for  
10 clarification. I thought I did read in the narrative that  
11 the City had requested that you move the trash outside? Is  
12 that incorrect in my recollection?

13 WILL GILSON: Um--

14 WENDY LEISERSON: It said something where the  
15 Cambridge Health Department requested that you no longer  
16 store trash inside?

17 ADAM BARNOSKY: Mr. Chairman, I have Will Gilson  
18 on the line as well. He might be able to provide some more  
19 on that, if that's all right with you.

20 MATINA WILLIAMS: Wendy, I think you're correct in  
21 saying that, but I'm wondering if this is after they  
22 expanded.

1           WENDY LEISERSON: So maybe let's have the operator  
2 respond to this point, if we could?

3           MATINA WILLIAMS: Yep.

4           WILL GILSON: Of course. And thank you. So my  
5 name is Will Gilson. I'm the day-to-day operator here at  
6 Puritan & Company.

7           So when we moved into the space back in 2012 and  
8 we understood that the genesis of the issue here was the use  
9 of that store, we had an extra 1000 square feet of space  
10 that was in the building, and we knew that from just a sheer  
11 operation standpoint, it would be very difficult for us to  
12 use that -- you know, we would not be able to use that rear  
13 door, so therefore we would have to, you know, bring  
14 everything around as we are currently doing. We opted to  
15 just use that space inside, you know?

16           In the first few years of being a new restaurant  
17 in a new neighborhood, we want to do everything we can to  
18 make sure that we do whatever we can to keep our neighbors  
19 happy and understand our operations.

20           Now, obviously after, you know, three years of the  
21 restaurants being decimated during the pandemic, our rent  
22 also hit its first renewal, which brought it up 40 percent

1 from what we were paying previously.

2           So as you know, Cambridge has become a very  
3 expensive place to do business, and with -- you know, 10  
4 more years left on our lease, we looked at what would be the  
5 best options for us to continue our operations moving  
6 forward and be the most successful.

7           And the mathematics there was to continue to  
8 expand into the last thousand square feet of unfinished  
9 space that we had, which would then obviously sort of  
10 require us to do a plan that we had thought about, you know,  
11 10 years ago.

12           So the Health Department in that process basically  
13 said, "Well, we don't feel great about the trash being  
14 stored inside." I don't have a written decision from the  
15 City of Cambridge, I don't have written instructions; this  
16 is conversations with three different members of ISD who  
17 work in the space telling us what they believe we should be  
18 doing. They said the best way you do is get this outside.

19           So we pay for trash removal and recycling removal  
20 six days a week, from when we had it inside to it being  
21 outside. So the trash is never around for long enough to  
22 create rodent issues, and we pay a significant amount of



1 money to have weekly pest control happening inside the  
2 building but have not done it outside because we had not  
3 been using that area previously.

4 And when we met with the abutters, we were happy  
5 to say, "This is something that we will take on no problem."  
6 But our main request here is just being able to use the  
7 door, and use the door if parameters are set with time;  
8 that's understandable. We would be happy to work within  
9 that.

10 Our goal is not to be bad neighbors. Our goal is  
11 not to be able to make the folks who live there feel as  
12 though like it's unbearable. And I think the representation  
13 of it sounding like there's a party or rocket ships back  
14 there is a little excessive, considering we spent the least  
15 amount of time that we possibly can going back there to do  
16 this.

17 We don't -- after some initial pushback of folks  
18 saying that our staff was back there, whether it be smoking  
19 or whether it be making too much noise, we instructed our  
20 staff to do things differently.

21 And then the interior of our building -- since  
22 February there has been a piece of "Caution" tape across

1 that rear door to ensure that no staff member goes out that  
2 door, knowing that that is one of the big issues that they  
3 have.

4 And, you know, additionally what we are trying to  
5 do here is just make sure that what we can do it limits  
6 impact and allows us to do our business operations. This  
7 has always been our goal here.

8 There have been many times when we tried to broach  
9 this subject previously with members of the abutters. And  
10 there was a fair amount of vitriol that came from even  
11 bringing it up.

12 So oftentimes, if you're asking why we didn't do  
13 this previously, it was because we just didn't -- we had  
14 another option, and we didn't want to have to deal with it.

15 We didn't want to have to deal with people who we  
16 hope value a restaurant of our caliber being in the  
17 neighborhood and doing what it does and being good  
18 operators.

19 In fact, anytime that we had to use that door, if  
20 it wasn't for somebody accessing our rooftop mechanicals,  
21 Mr. Jaime -- or Jaime who was on this call -- I would e-mail  
22 him and ask if it would be okay if we used it to go outside

1 and wash trash barrels.

2 JIM MONTEVERDE: I'm going to ask you to wrap up  
3 your comment, please, or your response?

4 WILL GILSON: Sure. I mean, that's all I'm saying  
5 is that we have done all we can throughout time to make sure  
6 that we are in communication with them and that this ask is  
7 essentially just for the door and some sort of time  
8 restraint.

9 JIM MONTEVERDE: Thank you. Wendy, was that your  
10 question, comment?

11 WENDY LEISERSON: I believe so. Yes. Thank you.

12 JIM MONTEVERDE: Yes. Zarya? Any comments or  
13 questions?

14 ZARAYA MIRANDA: No questions, thank you.

15 JIM MONTEVERDE: Okay. I do. So I'm searching  
16 for the path forward. And it seems that there are several.  
17 And if I understand correctly, the mitigation measures were  
18 -- was there a meeting with all of the neighbors -- that  
19 they were presented with those mitigation that they could  
20 discuss those with you?

21 WILL GILSON: We had --

22 JIM MONTEVERDE: I thought I did hear it was not.

1 WILL GILSON: -- we had a meeting where there was  
2 three members of the abutters that attended. I listened to  
3 their concerns. I told them our opinion, and there was some  
4 -- the way it was left was we will bring this back to our  
5 members of the community and our -- and other members of the  
6 building.

7 We typed up a summary, which we sent to them and  
8 said, "This is what we talked about, and this --

9 JIM MONTEVERDE: Right.

10 WILL GILSON: -- is what we'll be discussing.

11 JIM MONTEVERDE: Okay. Given the comments we've  
12 heard from the neighbors, even including the mitigation  
13 proposals that you offer, it doesn't seem to close the gap  
14 yet.

15 So one option is to try to give you more time to  
16 come to a conclusion with the neighbors, or at least get the  
17 neighbors on your side, which would mean a continuance to go  
18 back to the neighbors, get more of the neighbors together,  
19 all who have written us here, anyone nearby, and continue.  
20 That's one.

21 The second one is to continue with a vote, which  
22 you could do. If we go to a vote, I just reread the file

1 for the outcome of the previous hearing. And it does say,  
2 as you said, it really said for that rear door is restricted  
3 for nonrecurring emergency egress only. Doesn't speak about  
4 anything else.

5 And at the moment from the neighbors' description,  
6 if in fact it seems like most of the issues they are having  
7 regarding trash rooms, noise really -- would not seem to be  
8 solved by allowing this door to be open. And therefore, at  
9 the moment, I wouldn't be ready to support this.

10 So you need four out of the five Board members to  
11 be in favor to pass this. And I don't know if any of the  
12 other Board members have -- feel similarly; just trying to  
13 give you a sense of the lay of the land if you decide you  
14 want to go forward with the vote.

15 So what would the proponent like to do? I've  
16 outlined there are two options: Continue, allow you to have  
17 another session with the neighbors and try and reconcile  
18 your -- also that the mitigations could be entered on file,  
19 or go forward with a vote? Or anything else you can think  
20 of? What's your preference?

21 ADAM BARNOSKY: Mr. Chairman, was that -- is that  
22 a question to the applicant?

1 JIM MONTEVERDE: I'm sorry, yes. The proponent.

2 ADAM BARNOSKY: Yes. I mean, at this point in  
3 time, I would move forward to request a continuance to see  
4 if we can come to some sort of consensus. I'm curious to  
5 see if that's possible. It seems like the issue doesn't  
6 relate as much to the door as it does to the trash, which I  
7 don't think can be solved here.

8 But nonetheless, I think that you know as Will  
9 mentioned, he -- the restaurant wants to be good neighbors,  
10 we'd be happy to continue the conversation. So I would  
11 request a continuance.

12 JIM MONTEVERDE: Okay.

13 UNIDENTIFIED SPEAKER: I just had one more  
14 question, is that okay?

15 JIM MONTEVERDE: Who is that, please? Identify  
16 yourself?

17 STEVEN NG: Steve. Steve Ng.

18 JIM MONTEVERDE: Yes. Certainly.

19 STEVEN NG: So what I've been hearing from the  
20 applicant and Counsel is that they're actually allowed to  
21 place trash containers in that alleyway, they just can't  
22 bring it through that rear door. Is that true?

1           JIM MONTEVERDE: At the moment with the paperwork  
2 in front of me, I have no way to confirm it. What I don't  
3 know is --

4           STEVEN NG: Yeah.

5           JIM MONTEVERDE: -- what the conditions are in the  
6 alley.

7           STEVEN NG: Exactly, yeah.

8           JIM MONTEVERDE: If any.

9           STEVEN NG: Yeah. I'm trying to just understand  
10 the dynamic here of what's allowed and what's not allowed,  
11 and what's been happening that shouldn't be happening.

12          JIM MONTEVERDE: Well --

13          STEVEN NG: And, you know, I think --

14          JIM MONTEVERDE: Steve, can you see the same  
15 graphic I can see on the screen? It's the plot plan?

16          STEVEN NG: Yes.

17          JIM MONTEVERDE: What the alley reads is I squint  
18 -- see a 7' right of way.

19          STEVEN NG: Yes.

20          JIM MONTEVERDE: Now, I need some legal advice to  
21 define right of way, whether that's simply rite of passage,  
22 or there's some other uses allowed there. I don't know.

1 That would be a good thing for the -- for the petitioner  
2 perhaps to explore and be able to bring to us when they come  
3 back. That would make a difference.

4 But I think still trying to be good neighbors is  
5 just addressing the neighborhood's concern and --

6 STEVEN NG: Mm-hm. Agreed.

7 JIM MONTEVERDE: -- it doesn't sound like they're  
8 concerned whether that's a right of way or who owns it, or  
9 it's really how it's used. Thank you, Steven.

10 WENDY LEISERSON: Thank you, Mr. Chair. This is  
11 Wendy Leiserson.

12 JIM MONTEVERDE: Yes.

13 WENDY LEISERSON: I also would be curious to hear  
14 or see something in writing from the Health Department or --

15 STEPHEN NG: Yes.

16 WENDY LEISERSON: -- the applicant has more  
17 conversations with Inspectional Services as well about what  
18 their options are, perhaps that would inform the Board.

19 JIM MONTEVERDE: Okay. Are we ready for a vote to  
20 continue? Do we have a time you'd like to suggest, date and  
21 time? I'm talking to Staff here. June 29, 6:00? Does that  
22 work for the proponent, does that work for the Board



1 members?

2 UNIDENTIFIED SPEAKER: Yes.

3 UNIDENTIFIED SPEAKER: That works on my end.

4 Thank you, Mr. Chairman. Thank you, members of the Board.

5 JIM MONTEVERDE: Okay. Let me make a motion,  
6 then, to continue this matter to June 29, 2023. Oh, sorry,  
7 let me just go to do this one at a time. So Steven, can you  
8 do the June 29?

9 STEVEN NG: Yes, I can.

10 JIM MONTEVERDE: Matina, June 29?

11 MATINA WILLIAMS: As of now, yes, I can do it.

12 JIM MONTEVERDE: Okay. Wendy, June 29?

13 WENDY LEISERSON: Yes.

14 JIM MONTEVERDE: And Zarya?

15 ZARAYA MIRANDA: Yes.

16 JIM MONTEVERDE: Okay. Back to the motion. I  
17 make a motion to continue this matter to June 29, 2023, on  
18 the condition that the petitioner change the posting sign to  
19 reflect the new date of June 29, 2023 and the time of 6:00  
20 p.m.

21 Also, in furtherance that the petitioner sign a  
22 waiver to the statutory requirement for a hearing. Said

1 waiver can be obtained by -- from Maria Pacheco or Olivia  
2 Ratay with the Inspectional Services Department. Ask that  
3 you sign it and return it to us by a week from this coming  
4 Monday -- no, the Monday before the twenty-ninth.

5 Failure to do so will de facto cause this Board to  
6 give an adverse ruling on this particular case. We would  
7 ask that you sign it and get it back to us. This will allow  
8 us to hear the case on June 29.

9 Also, if there are any new submittals, change the  
10 drawings, which -- I don't think we'll have that -- that  
11 those be submitted prior to the Monday before the June 29  
12 hearing.

13 And also, if there's any changes, that the  
14 dimensional form and potentially any supporting statements  
15 also be changed and submitted along with the new documents.

16 Also, that the proponent submit with them in the  
17 next round some statement from the Health Department  
18 confirming that they in fact have not spoken against or not  
19 allowed trash storage in the right of way, and if they can  
20 also provide some definition of at least legally what uses  
21 they believe are allowed in that right of way and which are  
22 not.

1           On the motion, then, to continue this matter until  
2 June 29, 2018, Zarya?

3           ZARAYA MIRANDA: In favor.

4           JIM MONTEVERDE: Wendy?

5           WENDY LEISERSON: In favor.

6           JIM MONTEVERDE: Matina?

7           MATINA WILLIAMS: In favor.

8           JIM MONTEVERDE: And Steven?

9           STEVEN NG: In favor.

10          JIM MONTEVERDE: And Jim Monteverde in favor.

11          [All vote YES] Thank you.

12          ADAM BARNOSKY: Thank you.

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2 (6:53 p.m.)

3 Sitting Members: Jim Monteverde, Wendy Leiserson, Matina  
4 Williams, Stephen Ng, and Zarya Miranda

5 JIM MONTEVERDE: Then we have two cases that will  
6 be continued, and the first is Case No. 208873 -- 231-235  
7 Third Street. No one here? Should we just continue it and  
8 -- so let's pick one. 7:13. Okay. Then continuance.

9 We have a letter -- correspondence from Dan  
10 Anderson from Anderson Porter Design stating that, "I'd like  
11 to request a continuance for the case and send any documents  
12 that may need to be signed for continuance."

13 So on the matter of the continuance, I'll make a  
14 motion, then, to continue this matter to July 15, 2023 on  
15 the condition that the petitioner change the posting sign to  
16 reflect the new date of June 29, 2023 and the time at 6:00  
17 p.m.

18 Also, in furtherance that the petitioner sign a  
19 waiver of the statutory requirements for a hearing. Said  
20 waiver can be obtained from Maria Pacheco or Olivia Ratay  
21 with the Inspectional Services Department.

22 Also sign it and return it to us by a week from

1 the Monday prior.

2 Failure to do so will de facto cause this Board to  
3 give an adverse ruling on this particular case. We would  
4 ask that you sign it and get it back to us. This will allow  
5 us to hear the case on July 13.

6 Also, if there are any new submittals or changes  
7 to the drawings, that those be on file by 5:00 p.m. on the  
8 Monday prior to the July 13 date.

9 Also, if there are any changes to the dimensional  
10 form and potentially the supporting statement also be  
11 changed and submitted along with the new documents.

12 On the motion, then, to continue this matter,  
13 Zarya?

14 ZARAYA MIRANDA: In favor.

15 JIM MONTEVERDE: Wendy?

16 WENDY LEISERSON: In favor.

17 JIM MONTEVERDE: Matina?

18 MATINA WILLIAMS: In favor.

19 JIM MONTEVERDE: Steven?

20 STEVEN NG: In favor.

21 [All vote YES]

22 JIM MONTEVERDE: Thank you. Four in favor (sic).

1 Continued. We have one more.

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2 (6:56 p.m.)

3 Sitting Members: Jim Monteverde, Wendy Leiserson, Matina  
4 Williams, Stephen Ng, and Zarya Miranda

5 JIM MONTEVERDE: This is Case No. 211571 -- 8  
6 Winter Street. And we have a letter from Dan Anderson of  
7 Anderson Porter Design saying, "I'd like to request a  
8 continuance for the following case scheduled for this  
9 evening." And then what date do we have? Same thing, July  
10 13?

11 And since all the Board members were available  
12 that time for the previous one, unless someone says  
13 something, I'll assume they're all available for this case  
14 as well? Anybody have any issues with that? Any Board  
15 member?

16 No? Okay. Let me make a motion, then, to  
17 continue this matter to July 13, 2023, on the condition that  
18 the petitioner change the posting sign to reflect the new  
19 date of July 13, 2023 and the time at 6:00.

20 Also, in furtherance that the petitioner sign a  
21 waiver of the statutory requirement for a hearing. Said  
22 waiver can be obtained from Maria Pacheco or Olivia Ratay

1 with Inspectional Services.

2 We ask that you sign it and return it to us by a  
3 week prior to July 13. Failure to do so will de facto cause  
4 this Board to give an adverse ruling on this particular  
5 case. We would ask that you sign it and get it back to us.  
6 This will allow us to hear the case on July 13.

7 Also, if there are any new submittals or changes  
8 to the drawings, that those be in our file by 5:00 p.m. on  
9 the Monday prior to July 13, 2023.

10 And also, if there are any changes to the  
11 dimensional form and potentially the supporting statement  
12 also be changed and submitted along with the new documents.

13 On the motion, then, to continue this matter until  
14 July 13, Steven?

15 STEVEN NG: In approval.

16 JIM MONTEVERDE: Thank you Matina.

17 MATINA WILLIAMS: In approval.

18 JIM MONTEVERDE: Wendy?

19 WENDY LEISERSON: In approval.

20 JIM MONTEVERDE: And Zarya?

21 ZARAYA MIRANDA: In approval.

22 JIM MONTEVERDE: And Jim Monteverde in favor.



1 [All vote YES]

2 JIM MONTEVERDE: That's five in favor. Thank you.

3 We have a one-minute break before we start. Mike, is that  
4 true, or not? No, 6:30.

5 (BREAK)

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2 (7:00 p.m.)

3 Sitting Members: Jim Monteverde, Wendy Leiserson, Matina  
4 Williams, Stephen Ng, and Zarya Miranda

5 JIM MONTEVERDE: The next case -- regular case is  
6 Case No. 218156 -- 141 Portland Street. Anyone here -- yes,  
7 you are -- Adam, do you want to tell us the story about your  
8 antenna?

9 ADAM BRAILLARD: Sure. Thank you.

10 JIM MONTEVERDE: Hi.

11 ADAM BRAILLARD: Sure. Thank you, Mr. Chair and  
12 members of the Board. Adam Brailard of Prince Lobel Tye.  
13 We're at One International Place in Boston, Massachusetts.

14 I'm here on behalf of the applicant, T-Mobile  
15 Northeast LLC, in connection with a special permit  
16 application before this Board of Zoning Appeals to modify T-  
17 Mobile's existing wireless communications facility located  
18 on the building, on the rooftop of this building that's  
19 located at 141 Portland Street. It's located within the  
20 Industrial B Zoning District.

21 The proposal is subject to and complies with --  
22 legally complies with Section 6409 of the Middle Class Tax

1 Relief Act of 2012, and also with Section 4.32.g.1, Footnote  
2 49 and Section 10.33 of the City's Ordinance.

3           So what we're proposing to do here is start with  
4 what's existing. So the applicant has existing 12 panel  
5 antennas or four sectors of three panel antennas each, as  
6 well as one TMA, which stands for it's like a small tower  
7 monitoring antenna, and then two RRUs, which are Remote  
8 Radio Units and -- per sector, so a total of 4 TMAs and 8  
9 RRUs. And then an equipment cabinet with ancillary  
10 equipment on the rooftop.

11           What the applicant proposes to do is to replace  
12 those 12 antennas with 12 like-kind antennas. Three of the  
13 antennas are currently mounted in what we call faux or fake  
14 vent pipes.

15           What we're proposing to do is remove those vent  
16 pipes, so remove those antennas from the vent pipes and put  
17 those -- the antennas that will be in the -- that are  
18 currently in the vent pipes on the façade of the building.

19           So it'll be more of a cohesive installation, and  
20 then remove the vent pipes that are on the top of the roof,  
21 or the fake vent pipes that are on the top of the roof. So  
22 we eliminate those.

1           And then replace the four TMAs, eight Remote Radio  
2 Units -- with just eight Radio Remote Units, so eliminate  
3 the TMAs. Those will be located behind the parapet and not  
4 -- and not visible from the public way.

5           The applicant also proposes to replace the  
6 existing equipment cabinet with two smaller equipment  
7 cabinets in the same footprint as that existing cabinet. So  
8 not going to change the footprint size there. And that's  
9 it.

10           The -- I guess that the fake vent pipe will be  
11 removed. So we think that the installation will actually  
12 look better than it does now.

13           JIM MONTEVERDE: Can you just walk us quickly  
14 through the visual studies?

15           ADAM BRAILLARD: Sure. So if you look at -- at  
16 least tab three of the application package, so you just  
17 scroll down, yep. So I think -- there we go. Especially I  
18 think -- there we go.

19           So yeah. The first -- yeah, so we -- like I said  
20 here, there's four sectors and the easiest way to look at it  
21 here is Sector 1,2,3 or 4 or alpha, beta, gamma, delta.

22           So Sector 1 is just looking at the current

1 installation at Sector 1, and then if you -- so and T-  
2 Mobile's antennas are the ones that are currently located on  
3 the façade up the building and not above the building. So  
4 those that are above the building, that's a different  
5 carrier or on the roof of the building, that's a different  
6 carrier. T-Mobile's are currently on the façade and will  
7 stay on the façade.

8           So if you look at the next view, that -- there's  
9 really no change here in terms of visual, at least -- you  
10 know, from this distance, obviously. We were significantly  
11 high up.

12           The change in antennas, the difference of the  
13 antennas just is we feel is de minimis with respect to the  
14 aesthetics. The new antennas will be obviously painted to  
15 match the color of the penthouse -- I mean, I'm sorry, of  
16 the façade here.

17           So the next view would be the Sector 2. A little  
18 hard to see here with the trees, although there's no leaves,  
19 so that's good.

20           So again, here we're on the façade of the  
21 building. And the next view would show -- shows what we're  
22 proposing to do, which is so this is this Sector 2. Sector

1 1 was the front of this. This view is the front of the  
2 building. So this view just shows what we're doing on  
3 Sector 2, which is -- again -- very similar to what we're  
4 doing. In Sector 1, it's just replacing the existing new  
5 antennas and painting those to match the color of the  
6 building.

7           And then -- yep, and this is a view of where  
8 Sector 3 is located. Sector 3 is located up on the  
9 penthouse, on the façade of the penthouse. Because the  
10 penthouse is set pretty far back on the roof of the  
11 building, it's hard to get a visual of the penthouse in  
12 general. So we had to step back a little bit and take the  
13 photo here from a distance.

14           With the next view we'll show the changes, which  
15 will be very de minimis, replacing the existing antennas  
16 with new like-kind antennas painted to match the color of  
17 the façade of the penthouse. And I think there's one more  
18 view.

19           Yep. And the other view: T-Mobile is on the  
20 façade of this are as well Sector 4 and proposing to replace  
21 these existing antennas with -- like I said, like-kind  
22 antennas and also painted to match the façade of the

1 building.

2 JIM MONTEVERDE: Okay. Thank you. So any  
3 questions from any members of the Board?

4 [Pause]

5 None? I'll open the matter to --

6 MATINA WILLIAMS: I --

7 JIM MONTEVERDE: -- public comment. Sorry?

8 MATINA WILLIAMS: -- no, I -- it looked like it's  
9 all one building, right? When you're -- oh, I see what you  
10 did. It was the views.

11 JIM MONTEVERDE: Yeah.

12 MATINA WILLIAMS: -- that you --

13 JIM MONTEVERDE: It's all on the same.

14 MATINA WILLIAMS: Okay.

15 JIM MONTEVERDE: Yeah.

16 MATINA WILLIAMS: Yeah. You just couldn't tell  
17 with the pictures. Sorry.

18 JIM MONTEVERDE: Okay.

19 MATINA WILLIAMS: Mm-hm.

20 JIM MONTEVERDE: All right. Thank you. Let me  
21 open the matter to public comment? Sorry? Someone that  
22 wanted to speak? Oh.

1           ADAM BRAILLARD: Mr. Chairman, that was me. The  
2 trials and tribulations of doing this from home.

3           JIM MONTEVERDE: Gotcha, okay. Public comment.  
4 Any members of the public who wish to speak should now click  
5 the icon at the bottom of your Zoom screen that says, "Raise  
6 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. I'll  
9 now ask Staff to unmute speakers one at a time. You should  
10 begin by saying your name and address and Staff will confirm  
11 that we can hear you. After that, you will have up to three  
12 minutes to speak before I ask you to wrap up.

13           Is there anyone who wishes to join us? Nope?  
14 Okay. Any final discussion from members of the Board? No?  
15 Hearing none, I will make a motion to close public  
16 commentary.

17           And the Chair makes a motion to grant the relief  
18 for requirements of the ordinance, as identified in the  
19 application on the condition that the work proposed conform  
20 to the drawings entitled "Zoning Documents, 141 Portland  
21 Street, Cambridge, Mass" dated -- the last revision date is  
22 -- is this correct, 06/16/2022?



1 ADAM BRAILLARD: One --

2 JIM MONTEVERDE: 01/04/23. And initialed by the  
3 Chair.

4 And further, that we incorporate the supporting  
5 statements -- dimensions there are none -- supporting  
6 statements and dimensional forms submitted as part of the  
7 application per the variance as granted, incorporating the  
8 following conditions: There are none.

9 Board members have said everything? I believe so.  
10 And the motion -- and then the motion to a vote. Board  
11 Members? Zarya?

12 ZARAYA MIRANDA: In favor.

13 JIM MONTEVERDE: Thank you. Wendy?

14 WENDY LEISERSON: In favor.

15 JIM MONTEVERDE: Matina?

16 MATINA WILLIAMS: In favor.

17 JIM MONTEVERDE: And Steven?

18 STEVEN NG: In favor.

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

21 [All vote YES]

22 JIM MONTEVERDE: Thank you.

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ADAM BRAILLARD: Thank you very much, members of  
the Board.

1 \* \* \* \* \*

2 (7:10 p.m.)

3 Sitting Members: Jim Monteverde, Wendy Leiserson, Matina  
4 Williams, Stephen Ng, and Zarya Miranda

5 JIM MONTEVERDE: Next case is No. 215886 -- 18  
6 Tenney Street. Is there anyone here who wishes to speak on  
7 that case?

8 [Pause]

9 ROBERT NEUGEBOREN: Hello?

10 JIM MONTEVERDE: Yep. There you go.

11 ROBERT NEUGEBOREN: Hi. Rob and Beverly  
12 Neugeboren here, the owners at 18 Tenney Street.

13 JIM MONTEVERDE: Thank you.

14 ROBERT NEUGEBOREN: I can tell you a little bit  
15 about the project here, and we also have Amy Semmes.

16 So we bought the home in 2007, and then in 2008 it  
17 had been a two-family with a rental apartment on the first  
18 floor, so in 2008 we did renovations on the place and  
19 substantially on the first floor, some on the second floor,  
20 but almost nothing to the third floor, which was left as it  
21 had been.

22 We're now looking at a couple of things. One is

1 that our HVAC, which had been installed some five to 10  
2 years before we bought the place is needing updating, so we  
3 -- and it was never well laid out on our third floor, so  
4 partly this project is to renovate so that we can  
5 accommodate a new heat pump HVAC system.

6 And then also the other factor is that having  
7 spent a bunch of time now working from home, say approaching  
8 my retirement age, we've decided on a few changes to the  
9 third floor that we feel would make it much more livable for  
10 us. That's basically what brings us to you today.

11 JIM MONTEVERDE: And the relief you're requesting  
12 is -- can you just walk us through that?

13 ROBERT NEUGEBOREN: It amounts to 165 square feet  
14 under two dormers.

15 JIM MONTEVERDE: So you need -- sorry, I'm not  
16 looking at the form -- so do you need relief for the  
17 additional square footage, are you nonconforming?

18 ROBERT NEUGEBOREN: Yes. We -- not a variance,  
19 but a special permit, because it's nonconforming based on  
20 our very small plot that this modest-size house is on.

21 JIM MONTEVERDE: Right. So those dormers will increase  
22 your square footage and increase the FAR, which are

1 nonconforming to begin with?

2 ROBERT NEUGEBOREN: Yes.

3 JIM MONTEVERDE: Correct?

4 ROBERT NEUGEBOREN: Yes.

5 JIM MONTEVERDE: Okay. And can you just go to the  
6 proposed elevations? I just want to confirm or ask you to  
7 confirm that you meet the Dormer Guidelines? I think if you  
8 go to a side elevation it's the front? There we go.

9 ROBERT NEUGEBOREN: Yes, these are --

10 JIM MONTEVERDE: I see the two dormers at 15 or  
11 slightly less than 15' in length, is that correct?

12 ROBERT NEUGEBOREN: Yes. Yes, and I don't know if  
13 I should invite our architect, who has more detailed  
14 information, but yes, these are -- my understanding is  
15 they're all conforming, set back, not visually intrusive and  
16 so on, but under 15'.

17 JIM MONTEVERDE: Okay. Are you aware of in the  
18 Ordinance same point 22.1.8.2, as only an ordinance could  
19 be? And it basically says, assuming there's more than one  
20 dormer that the total dormer widths will be 15'. Are you  
21 aware of that one?

22 ROBERT NEUGEBOREN: I'm not sure I understand

1 total dormer width.

2 JIM MONTEVERDE: In other words, you're adding two  
3 dormers at approximately 15'. Together that's 30' in  
4 length.

5 ROBERT NEUGEBOREN: One on each side of the house.

6 JIM MONTEVERDE: Right. As opposed to 15'.

7 ROBERT NEUGEBOREN: Oh. We thought it was per  
8 side.

9 JIM MONTEVERDE: Yeah. Okay. All right.  
10 Anything else you want to present?

11 ROBERT NEUGEBOREN: I don't know. Amy, is there  
12 anything else we want to present? I see both side  
13 elevations.

14 JIM MONTEVERDE: Yep. I think that's the extent  
15 of it.

16 JIM MONTEVERDE: Amy, you're on mute.

17 AMY SEMMES: Hi. Can you hear me now?

18 JIM MONTEVERDE: Yep.

19 AMY SEMMES: Excellent. I'm -- I just wanted to  
20 speak to the total dormer comment.

21 JIM MONTEVERDE: Yep.

22 AMY SEMMES: I had briefly reviewed this in person

1 with Ranjit before we submitted the application. And he  
2 clarified for me that on the right-side elevation, which is  
3 the one with the peaked gable and a dormer attached --

4 JIM MONTEVERDE: Yep.

5 AMY SEMMES: -- to the side of it, he clarified  
6 that is not a dormer, that's a cross-gable. So I took that  
7 as meaning there was no additive dormer restriction on that  
8 far side.

9 JIM MONTEVERDE: Okay. Well, I'm glad you  
10 reviewed that. Thank you. Thank you for sharing that.  
11 That's helpful.

12 AMY SEMMES: In addition, on this left-hand side  
13 elevation, where there are sort of two distinct dormer  
14 masses, the preexisting dormer towards the front of the  
15 house --

16 JIM MONTEVERDE: Yep.

17 AMY SEMMES: We think is sort of a leftover dormer  
18 from an original configuration, where that allowed staircase  
19 clearance.

20 JIM MONTEVERDE: Right.

21 AMY SEMMES: But there's no longer a stair  
22 involved in that space, so the main wall is extremely low.

1 So we are adding a new 15' dormer that does kiss this old  
2 one, but they're definitely two distinct masses, rather than  
3 a sort of double -- doubled-up type of dormer. So we're  
4 hoping that that will solve some of these concerns.

5 JIM MONTEVERDE: Okay. Thank you. Anything else  
6 from the petitioner?

7 ROBERT NEUGEBOREN: No, but happy to answer  
8 questions if I can, if we can.

9 JIM MONTEVERDE: Okay, thanks. You. Any  
10 questions from members of the Board?

11 [Pause]

12 Hearing none, I will open it up to public comment.  
13 Any members of the public who wish to speak should now click  
14 the icon at the bottom of your Zoom screen that says, "Raise  
15 hand." If you are calling in by phone, you can raise your  
16 hand by pressing \*9 and unmute or mute by pressing \*6.

17 I'll now ask Staff to unmute the speakers one at a  
18 time. You should begin by saying your name and address, and  
19 Staff will confirm that we can hear you. After that you  
20 will have up to three minutes to speak before I ask you to  
21 wrap up. Is there anyone who wishes to speak, member of the  
22 public?



1           No one? Okay. In the file we do have -- whoop,  
2 we do have five letters in support and no letters against.  
3 We have Robert Chisholm and Allison Cirino in support,  
4 Stephanie O'Neil, John O'Neil in support, Mary Sheenan in  
5 support, Paul Miller, and Heather Miller in support.

6           There's Robert again. Yep. That's everything we  
7 have in the file.

8           AMY SEMMES: I'm sorry. Can I say that I thought  
9 we uploaded a letter also from Melissa Greene and Josh Bawer  
10 in support, our next-door neighbor.

11           JIM MONTEVERDE: Okay. Thank you. Board members  
12 closing public testimony, any Board members, any discussion?

13           WENDY LEISERSON: I think I defer to you on the  
14 former questions that you were raisin, Mr. Chair.

15           JIM MONTEVERDE: Yep.

16           WENDY LEISERSON: And if you're satisfied with  
17 that?

18           JIM MONTEVERDE: I am satisfied at the moment.  
19 The fact that they spoke to and reviewed that, I think that  
20 satisfies me. Thank you.

21           WENDY LEISERSON: Thank you.

22           JIM MONTEVERDE: Any other questions or comments

1 from members of the Board, or are we ready for a motion?

2 MATINA WILLIAMS: Ready for a motion.

3 JIM MONTEVERDE: Thank you. The chair makes a  
4 motion to grant the relief from the requirements of the  
5 ordinance under the Sections cited in the application on the  
6 condition that the work proposed conforms to the drawings  
7 entitled "third-floor renovation additions to 18 Tenney  
8 Street, Cambridge, Massachusetts prepared by Amy Simms?  
9 Seams?

10 AMY SEMMES: Semmes.

11 JIM MONTEVERDE: Semmes. Thank you. Initialed  
12 and dated by the Chair.

13 Further, that we incorporate the supporting  
14 statements, and dimensional form submitted with the  
15 application. And it's -- that's it. And to a vote? Zarya?

16 ZARAYA MIRANDA: In favor.

17 JIM MONTEVERDE: Wendy?

18 WENDY LEISERSON: In favor.

19 JIM MONTEVERDE: Thank you. Matina?

20 MATINA WILLIAMS: In favor.

21 JIM MONTEVERDE: Thank you. Steven?

22 STEVEN NG: In favor.

1 JIM MONTEVERDE: Thank you very much.

2 [All vote YES]

3 Request granted.

4 COLLECTIVE: Thank you.

5 JIM MONTEVERDE: Yep.

6 AMY SEMMES: Thank you so much.

7 JIM MONTEVERDE: Zarya, am I butchering your name?

8 ZARAYA MIRANDA: It's Zarya.

9 JIM MONTEVERDE: Zarya.

10 ZARAYA MIRANDA: Thank you for asking.

11 JIM MONTEVERDE: Something didn't feel right  
12 there.

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2 (7:22 p.m.)

3 Sitting Members: Jim Monteverde, Wendy Leiserson, Matina  
4 Williams, Stephen Ng, and Zarya Miranda

5 JIM MONTEVERDE: The next case is 217449 -- 100  
6 Henry Street. Is there anyone here who wishes to speak?

7 [Pause]

8 Sorry? We have our choice. Mr. Rafferty, I  
9 believe.

10 JAMES RAFFERTY: Good evening, Mr. Chairman,  
11 members of the Board. I apologize for my technical  
12 problems. Is it the case that I can be heard, Mr. Chair?

13 JIM MONTEVERDE: Yes, you can.

14 JAMES RAFFERTY: Okay. Thank you. Again, my  
15 apologies. For the record, my name is James Rafferty. I'm  
16 an attorney with offices located at 907 Massachusetts  
17 Avenue.

18 I'm appearing this evening on behalf of the  
19 applicant, 100 Henry Street, LLC. This is an ongoing  
20 renovation of a single-family home on Henry Street that's  
21 being done pursuant to a special permit granted by this  
22 Board back in November.

1           During the course of the reconstruction work, it  
2 was determined that the third-floor needed -- was suffering  
3 from structural deficiency and needed to be completely  
4 rebuilt.

5           As a result, the owner and the architect here  
6 looked at reframing the roof in a way that would provide  
7 more efficient living space.

8           The change can be best viewed at pages A20 and A21  
9 of the submittal. The changes result in a new roofline, no  
10 longer a danger hip roof, but also the creation of two  
11 guideline-compliant dormers, one on each side. The total  
12 square footage increase here is 216 square feet.

13           The applicant is seeking a special permit under  
14 the provisions of 8.22.2d that allow for the granting of a  
15 special permit where it can be determined that there will be  
16 no detrimental impact upon the neighborhood.

17           I believe the supporting statement reflects that,  
18 as well as the number of letters and signatures attached to  
19 petitions provided.

20           With me this evening is the property owner, John  
21 Mahoney, and we're able to answer any questions the Board  
22 might have about this proposed change. They said it's

1 entirely to the third floor. It's a reframing of the roof  
2 and is being used as an opportunity to create some more  
3 efficient use of that third-floor space.

4 JIM MONTEVERDE: In terms of the efficiency that  
5 you're creating, are there any bedrooms being added in this  
6 new scheme? Any living space?.

7 JIM MAHONEY: There is no additional bedroom being  
8 added. And it's just increasing the square footage of the  
9 current rooms that are already there.

10 JIM MONTEVERDE: Gotcha. Thank you. Any  
11 questions from members of the Board?

12 WENDY LEISERSON: No questions.

13 JIM MONTEVERDE: Thank you.

14 MATINA WILLIAMS: No questions.

15 JIM MONTEVERDE: Thank you.

16 STEVEN NG: No questions.

17 ZARAYA MIRANDA: No questions.

18 JIM MONTEVERDE: All right. Thank you. Let me  
19 open it to public comments. Any member of the public who  
20 wishes to speak should now click the icon at the bottom of  
21 your Zoom screen that says, "Raise hand."

22 If you're calling in by phone, you can raise your

1 hand by pressing \*9 and unmute or mute by pressing \*6. I'll  
2 now ask Staff to unmute speakers one at a time. You should  
3 begin by saying your name and address, and Staff will  
4 confirm that we can hear you. After that, you will have up  
5 to three minutes to speak before I ask you to wrap up.

6 And let me just let everyone know we have I  
7 counted five letters in the file in support and none in  
8 opposition. So those in support, there's no reason to repeat  
9 yourself, we have all your commentary.

10 But anyone from the public want to speak?

11 [Pause]

12 No one there. All right. members of the Board,  
13 or ready anyone have any questions, comments at this time?

14 MATINA WILLIAMS: No questions.

15 JIM MONTEVERDE: Are we good, are we ready for a  
16 motion?

17 MATINA WILLIAMS: Ready for a motion.

18 STEVEN NG: I believe we're ready for a motion.

19 JIM MONTEVERDE: All right. The Chair makes a  
20 motion to grant the relief from the requirements of the  
21 ordinance under the sections cited in the application on the  
22 condition that the work proposed conforms to the drawings

1 entitled "100-102 Henry Street" prepared by Context  
2 Collaborative Design Workshop and dated 03/08/23 initialed  
3 and dated by the Chair.

4 And further, that we incorporate the supporting  
5 statements, and dimensional forms submitted as part of the  
6 application. There are no additional conditions. And we  
7 are ready for a vote.

8 Steven?

9 STEVEN NG: In favor.

10 JIM MONTEVERDE: Matina?

11 MATINA WILLIAMS: In favor.

12 JIM MONTEVERDE: Wendy?

13 WENDY LEISERSON: In favor.

14 JIM MONTEVERDE: Zarya?

15 ZARAYA MIRANDA: In favor.

16 JIM MONTEVERDE: And Jim Monteverde in favor.

17 Thank you.

18 JAMES RAFFERTY: Thank you very much, Mr. Chair.

19

20 JIM MONTEVERDE: Congratulations.

21 JAMES RAFFERTY: Have a good evening.

22 JIM MONTEVERDE: Yep. Thank you. Good luck.



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COLLECTIVE: Thank you. Thanks, guys.

1 \* \* \* \* \*

2 (7:29 p.m.)

3 Sitting Members: Jim Monteverde, Wendy Leiserson, Matina  
4 Williams, Stephen Ng, and Zarya Miranda

5 JIM MONTEVERDE: Next case is Case No. 216029 --  
6 103-105 Oxford Street. Is the proponent wishing to speak?  
7 Kevin, are you with us?

8 KEVIN QUINN: Hello. Thank you, Mr. Chairman and  
9 the Board for hearing us out today. The project is 105  
10 Oxford is an existing five-unit building. It's really in  
11 poor shape structurally and needs kind of significant  
12 upgrades -- you know, from, you know, life safety to  
13 modernize it from, you know, systems and -- you know,  
14 electrical or plumbing.

15 And so, what we're presenting is kind of to do a  
16 modest increase to the square -- the footprint to make it  
17 more aesthetically pleasing and you'll see from the  
18 presentation.

19 And I'm going to bring in Vince Pan, our architect  
20 as well, to get into the technical aspects. But, you know,  
21 I think it's to make it more, you know, symmetrical and  
22 aesthetically pleasing to the neighborhood it's a pretty big

1 lot and, you know, definitely fits well into the lot.

2 But I will turn it over to Vince to kind of get in  
3 some more of the technical details. But I think the main  
4 goal of the project really is to really modernize the  
5 building and kind of, you know, add in, you know, life  
6 safety. There's going to be sprinklers and all that. So  
7 that is the kind of main goal.

8 But I will have Vince kind of explain kind of a  
9 little more about, you know, the technical aspects.

10 VINCE PAN: Hi, everybody. Vince Pan here along  
11 with Analog Studio. We are the architects for this project.  
12 Thank you, ladies and gentlemen of the Board.

13 As Kevin said, we are seeking to enlarge this  
14 building under our Section 8.22.2c, which allows an  
15 enlargement of up to 25 percent of an existing building that  
16 is nonconforming.

17 It is not a priority nonconforming use, but it is  
18 a nonconforming building, and the reason it is currently  
19 nonconforming is there's one dimensional requirement which  
20 it does not meet, which is the side yard setback that you  
21 see here.

22 We are not making any nonconforming requirements

1 any worse in doing this. We are expanding the building  
2 within the 25 percent envelope and are making all  
3 requirements of the zone in doing so.

4           There were some images earlier that -- so it's in  
5 the context for the property, which I think could be helpful  
6 to go over the first one. So 103-105 Oxford Street is the  
7 small blue building you see on the left, and within the  
8 context of Oxford Street.

9           And that's -- and that side of the street it's --  
10 you know, it's quite small in height and stature. But it is  
11 actually quite a large lot, as Kevin mentioned.

12           The proposal extends the building upward only  
13 about a foot. So it largely maintains its proportion. And  
14 its overall width is slightly wider -- 4' towards the  
15 driveway side here.

16           So its overall massing is staying very similar to  
17 what currently exists. We are not adding any units to this,  
18 and it's currently five units. And it will stay five units  
19 on the property.

20           The design if we look at the elevations is we need  
21 to take that existing façade that's closest to the street  
22 and mirror (sic) it about a central access. So, again, as

1 Kevin mentioned, it feels a little bit more symmetrical, and  
2 we think pleasing on the street.

3           Could we go ahead to the elevations, which I think  
4 are a couple pages here? Yeah. There.

5           So there you can see that elevation on the right  
6 that exists, that we saw in the photo. And then on the  
7 left, you know, we're really mirroring that about its axis.

8           The other -- I don't know if it's relief that  
9 we're seeking, but we know that we need to run by the Board  
10 is that we are modifying some windows that are within that  
11 setback. That does require review by the Board. We could  
12 go to the north elevation, which I think is two pages beyond  
13 here.

14           Next?

15           Yes. So this is that side elevation that is  
16 within the setback that we saw in the plan. The proposed is  
17 on the left, the existing is on the right.

18           As you can see, we're reducing the number of  
19 windows on that side and generally keeping the overall  
20 window area similar but trying to order the window façade a  
21 little bit more evenly than it is right now. Right now, as  
22 you can see, it's a little bit of a mishmash of windows on

1 that side.

2 But otherwise, you know, I think we are trying to  
3 stay well within the guidelines of the special permit  
4 requests, and within the zoning code.

5 JIM MONTEVERDE: Thank you. Can I ask one quick  
6 question?

7 VINCE PAN: Mm-hm.

8 JIM MONTEVERDE: Can you go to the dimensional  
9 form? Can you explain to me under the ordinance requirements  
10 or allowed, under the gross floor area, the 0.5/0.35?

11 VINCE PAN: So our understanding -- yeah, our  
12 understanding of this zone is that up to 5000 square feet of  
13 lot area, it's an FAR of 0.5, and then above that it's 0.35.  
14 This lot is 9100 square feet.

15 JIM MONTEVERDE: Oh, okay.

16 VINCE PAN: So --

17 JIM MONTEVERDE: Thank you.

18 VINCE PAN: When we do the math out, it's 0.42,  
19 which is that requested condition, and which is what we're  
20 complying with.

21 JIM MONTEVERDE: Right. Gotcha. Okay. Thank you  
22 very much. Any questions from members of the Board? If

1 not, I'll open up to public comment.

2 WENDY LEISERSON: No questions.

3 MATINA WILLIAMS: No questions.

4 JIM MONTEVERDE: Thank you. All right. Let's  
5 open it up to public comment. Any member of the public who  
6 wishes to speak should now click the icon at the bottom of  
7 your Zoom screen that says, "Raise hand."

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

14 STEPHEN NATOLA: Rob Hayes?

15 GRETCHEN ADAMS: Hi. This is -- is your camera  
16 working? -- Rob Hayes and Gretchen Adams. We're married.  
17 And we have several questions. Our house abuts -- we live  
18 at 31a Sacramento Street. And our house abuts the parking  
19 lot of this building.

20 And we wanted to know -- we're concerned a lot  
21 with the parking lot. It's currently in use by teachers,  
22 and we wanted to know if there are plans for doing anything

1 different with that parking lot?

2           ROB HAYES: So in this case the parking lot is  
3 going to stay. You know, there was no change to the parking  
4 area as part of this plan. We're just kind of increasing  
5 the building a little bit. And that parking area, you're  
6 right, it is currently being rented by the City of  
7 Cambridge. That elementary school that's next to it: The  
8 teachers do park there.

9           So I'm curious with that being said, are there  
10 any, like, actual -- one of the actual concerns was the  
11 parking situation.

12           GRETCHEN ADAMS: Well, we are in favor of the  
13 teachers parking there, because it affords our back porch  
14 and our building a lot of light. Because --

15           KEVIN QUINN: Sure.

16           GRETCHEN ADAMS: -- we were worried that you  
17 eventually might want to develop that parking lot and build  
18 a building there.

19           KEVIN QUINN: Nope. No. That's going to continue  
20 to be parking for the teachers.

21           GRETCHEN ADAMS: Awesome. And are these -- is  
22 your intention to have these units that you are now creating



1 to be rental, or to sell them as condominiums?

2 KEVIN QUINN: They will be rental apartments.

3 GRETCHEN ADAMS: Okay. And we wanted to know when  
4 the work will begin, and approximately how long you predict  
5 that work will take?

6 KEVIN QUINN: That's a good question. I don't  
7 know if we know exactly. We're trying to get through this  
8 process. Obviously, before we kind of went out to General  
9 Contractors and got more information on the timetable.

10 But we would certainly once we know, you know, our  
11 goal is to start as soon as possible. But once we know that  
12 we'll definitely reach out to abutters and give you guys a  
13 full timetable of kind of what's going to happen and what  
14 the schedule is.

15 KEVIN QUINN: All right. That all sounds really  
16 good.

17 ROB HAYES: This is Rob Hayes. I also live at 31A  
18 Sacramento Street. The question that I have is I would like  
19 to see the -- did we see the south, the drawing of the  
20 south-facing, that faces toward our building and toward the  
21 playground?

22 KEVIN QUINN: We went by it, probably.

1           JIM MONTEVERDE: There we go.

2           KEVIN QUINN: There you go.

3           ROB HAYES: Yeah. That's what we're looking for  
4 right there.

5           JIM MONTEVERDE: There you go.

6           VINCE PAN: So for reference right now, the small  
7 shed roof that extends out on that side of the building, the  
8 new façade of the building that you're seeing here on the  
9 left is 4' further out, but is still the same width of that  
10 entire façade, right? The building width in this direction  
11 is not changed; you can see left or right.

12           And so, you know, again, what we're doing on the  
13 other side: We're trying to normalize the window layout  
14 here and really just make a good neighbor in context of the  
15 street.

16           ROB HAYES: Okay. And then how close does that,  
17 there's a curb there that defines the parking lot from the  
18 area devoted to the building itself. How close to that curb  
19 will the extension come?

20           VINCE PAN: There is a plan. I think there's a  
21 page here, right?

22           ROB HAYES: I think there's a site plan.

1           JIM MONTEVERDE: There's a site plan, I believe,  
2 right?

3           VINCE PAN: Yeah. The one that -- not the -- that  
4 one, yeah. That's it right there. So that curb does not  
5 move. So the building comes closer, but it's still -- you  
6 know, I would say 6', 8' from that curb at the tightest  
7 corner.

8           ROB HAYES: Is this the -- this is the proposed  
9 that you're showing?

10          VINCE PAN: Correct. if you go to the page  
11 before, you'll -- we can look at the current, but yes.

12          ROB HAYES: And then that's -- and that's 4' from  
13 the -- I'll call it an edge, not being an architect -- of  
14 the current building or, no it's 4' from -- oh, I see, it's  
15 4' beyond the most southward extension of the current  
16 building, is that correct?

17          VINCE PAN: Yeah, give or take. These are  
18 sometimes tricky things to verbalize. But, you know, you  
19 can see here there's -- you've got 32' to kind of side yard  
20 to the outermost projection of the current building.

21          ROB HAYES: Mm-hm.

22          VINCE PAN: And then if you go to the next page,

1 and that's that shed roof, right? If you go to the next  
2 page, you see it's actually a little bit -- here, although  
3 the building I think is slightly wider.

4 JIM MONTEVERDE: Mm-hm. Any other questions?

5 ROB HAYES: Yeah, I just -- I -- I'm anxious to  
6 see this house occupied again. It's been empty for four  
7 years and in not particularly good condition. So I don't  
8 have -- going in, I don't have a great feeling about the  
9 whole business, the real estate investment trust or whatever  
10 it is that owns this building.

11 So I'm very, very hopeful. I want to go on record  
12 as saying I'm hoping that the work that's going to be done  
13 and the way it's going to be conducted will be better than  
14 the experience we've had with the empty building. Because  
15 I've written to Parula a couple of times about various  
16 things and really not heard anything back.

17 And I know that's not particularly germane to  
18 outline this building or the space it's going to occupy, but  
19 it's the only experience I have. So I just would like that  
20 to be noted.

21 JIM MONTEVERDE: Very good. Thank you. Anyone  
22 else wishing to speak? That's it for public commentary.

1 I'll close public testimony. Discussion from members of the  
2 Board? Any questions, comments? Ready for a motion?

3 STEVEN NG: Ready for a motion.

4 MATINA WILLIAMS: Ready for a motion.

5 JIM MONTEVERDE: Great. The Chair makes a motion  
6 to grant the relief from the requirements the Chair makes a  
7 motion to grant the relief from the requirements of the  
8 ordinance under the sections cited in the application, on  
9 the condition that the work proposed conform to the drawings  
10 entitled "105 Oxford Street" and prepared by Analogue Studio  
11 and dated March 24, 2023 initialed and dated by the Chair.

12 And further, that we incorporate any supporting  
13 statements and dimensional forms submitted as part of the  
14 application.

15 And that's it. Time for a vote. Zarya?

16 ZARAYA MIRANDA: In favor.

17 JIM MONTEVERDE: Zarya, sorry. Wendy?

18 WENDY LEISERSON: In favor.

19 JIM MONTEVERDE: Matina?

20 MATINA WILLIAMS: In favor.

21 JIM MONTEVERDE: Steven?

22 STEVEN NG: In favor.

1                   JIM MONTEVERDE:  And Jim Monteverde in favor.

2                   [All vote YES]

3                   That's five -- unanimous.  Congratulations and  
4 good luck.

5                   ROB HAYES:  Thank you very much.

6                   JIM MONTEVERDE:  Yep.  We're going to take a five-  
7 minute break.

8                   (BREAK)

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2 (7:48 p.m.)

3 Sitting Members: Jim Monteverde, Wendy Leiserson, Matina  
4 Williams, Stephen Ng, and Zarya Miranda

5 JIM MONTEVERDE: Next case is No. 218034 -- 26  
6 Bellis Circle, unit 26. And as Yogi Berra would say, this  
7 seems like déjà vu all over again.

8 Is the proponent here to present? Thomas? Mary?  
9 Adam?

10 ADAM COSTA: Yes, Thank you, Mr. Chairman. How  
11 are you?

12 JIM MONTEVERDE: Very good. So --

13 ADAM COSTA: Apologize for the lag but thank you  
14 for promoting me as a panelist. I have my clients here with  
15 me as well.

16 JIM MONTEVERDE: So -- oh, thank you. So we --  
17 I'm sure we've all read the file. We've seen this case  
18 before at least once. But what I did, and I think it would  
19 be helpful -- your supporting statement for the variance,  
20 paragraphs a), b), c), c1) is kind of the crux if I  
21 understand it correctly?

22 So if you could -- if you could just walk us

1 through that one, what brings you before us today, and then  
2 what the modifications are that have been made to satisfy  
3 your -- what negotiations you've gone through, that would be  
4 helpful.

5 ADAM COSTA: Sure. I'd be happy to do that. And  
6 I'll try and be as brief and efficient as I can be.  
7 Because, as you said, Mr. Chair, I know the Board has seen  
8 this project once or twice before. So --

9 JIM MONTEVERDE: Well --

10 ADAM COSTA: My clients --

11 JIM MONTEVERDE: -- not all -- go ahead.

12 ADAM COSTA: Not all of you. Correct, correct.  
13 Some of you haven't.

14 JIM MONTEVERDE: Correct.

15 ADAM COSTA: So my clients reside at a single-  
16 family home. The address is 26 Bellis Circle. You can see  
17 a photograph of it there -- a partial photograph of it there  
18 on the screen.

19 Tom Culotta and Mary Custic reside at the  
20 premises. They had a desire to add additional living space  
21 to the home; nothing too substantial. In fact, quite modest  
22 -- a footprint of 238 square feet in total, two stories, so



1 a total addition of 476 square feet.

2 And so, they went through multiple iterations  
3 about 15, 16 months ago to try and find a workable solution  
4 -- something that both allowed them to orient the addition  
5 so as to meet with their needs in terms of internal  
6 configuration, both for a slightly enlarged living area on  
7 the first floor, and then some additional space for the  
8 bedroom on the second floor, while working within the  
9 confines of what is a rather challenging lot.

10 So ultimately, they got unanimous approval from  
11 your Board for a special permit for the addition I just  
12 described. The reason that they required a special permit  
13 for the modification is because the existing structure is a  
14 preexisting, nonconforming structure in as much as it  
15 exceeds -- albeit not significantly, but it exceeds the  
16 maximum floor area ratio for the district.

17 So they came before you, they checked the boxes  
18 with respect to a special permit, and I'm happy to walk  
19 through those criteria again if the Board so desires.

20 But soon after the decision was filed with the  
21 City Clerk's office, their immediate neighbors I guess  
22 closest to the addition -- not closest to their home, but

1 closest to the addition sort of on the left side as you're  
2 looking at their home, filed an appeal.

3 At that point, my clients engaged me. I was not  
4 permanent Counsel prior to that, but I was engaged in  
5 litigation counsel. We immediately contacted the neighbor  
6 and said, "Is there any way to work things out? This is a  
7 modest addition."

8 It's a real financial burden to be litigating a  
9 special permit, even though we felt we had strong grounds.  
10 As you probably know, municipal Boards are entitled to some  
11 deference in granting special permits.

12 And the neighbor said, "Well, you know, we'll work  
13 with you." So we went back and forth, as you can guess, by  
14 the fact that it's not April of -- or May of 2023 and we  
15 received a special permit in April of 2022.

16 It took us the better part of a year to go back  
17 and forth with the neighbors to design and redesign and  
18 redesign again the addition -- really with two goals in  
19 mind. And these were partly mindful of the fact that we had  
20 to come back to your Board, and partly mindful of the fact  
21 that we had to satisfy the neighbor.

22 Number one, we were not going to increase the

1 size, either the footprint or the overall square footage of  
2 the addition -- and number two, we had to find a way to pull  
3 that addition away from the neighboring property.

4 We would not be violating that side yard setback,  
5 but we would be bringing the structure closer. And in fact,  
6 if there's any way for the operator to scroll down on this  
7 sheet set, the very last page on this sheet, I think that  
8 would be the most helpful page. We can show as the -- right  
9 there, a little bit lower.

10 Right there.

11 JIM MONTEVERDE: There we go.

12 ADAM COSTA: So you can actually see -- and it's  
13 difficult to describe in words, but if you look at the two  
14 versions of past editions, they both look like they are sort  
15 of rectangles with a cutoff angle at the rear, the one that  
16 is not shaded that cuts into the side yard on the left side  
17 of the page, is what we ultimately had received approval for  
18 from your Board back in April of 2022.

19 And what we are now proposing to you is the  
20 version that sort of looks like we flipped it and rotated  
21 it, and it's what's shaded in sort of a lighter gray color,  
22 also outlined in a dashed line.

1           And you can see there's arrows pointing to each of  
2 these. At the top right it has an arrow that says,  
3 "Proposed limit of new addition."

4           And again, final plan: 238 square feet within the  
5 boundaries. But you can also see if you look at the very  
6 left side of the page sort of in the center of the page,  
7 there is an arrow that points to the dashed line that says,  
8 "outline of addition improved by Cambridge BZA."

9           And so, from a special permit perspective, we  
10 hope, and we would presume -- and I guess we hope -- that  
11 your Board wouldn't see any reason to vary the findings we  
12 made 13 months ago; that this addition merely by flipping it  
13 and rotating it still meets all of the Special Permit  
14 Criteria and is not substantially more detrimental to the  
15 neighborhood than the existing nonconforming structure.

16           The added complication -- and we were mindful of  
17 this when we were negotiating with the neighbors -- we in  
18 fact consulted with the City's Law Department on a couple of  
19 occasions and I know that they had an opportunity to -- an  
20 attorney from the Department had an opportunity to speak to  
21 you in Executive Session while the litigation was pending --  
22 but we sought some guidance as to whether your Board would

1 even entertain a redesign and would necessitate a variance.

2           And obviously, the Law Department couldn't commit  
3 on behalf of the Board but indicated that you would be  
4 willing to at least engage in a dialogue, and for us to make  
5 the proposal to you that we're making today.

6           So you can see here -- and I'm going to draw your  
7 attention to another notion on this plan -- on the left side  
8 of the plan, sort of the second set of words down, it says,  
9 "Projected setback line 30.75' from the rear yard." And  
10 there's a dashed line that runs between those two parts of  
11 the sentence sort of across the page at an angle.

12           And you can see that because of the odd  
13 orientation of this single-family structure on the lot, it's  
14 not parallel to the rear lot line, and therefore it's not  
15 parallel to the 30.75' broadcast setback from that rear lot  
16 line.

17           We had made every effort before and successfully -  
18 - barely -- to keep the addition out of that setback, to not  
19 necessitate the need for -- necessitate a variance.

20 Unfortunately, there's simply no way to do that because of  
21 the angle of that setback.

22           There's no way to place an addition of really any

1 meaningful size, even if we reduce this addition by  
2 10,20,30,40 feet, there's no way to fit an addition of any  
3 meaningful size away from the neighbors on the left, not  
4 increasing the setback or decreasing the setback on the left  
5 side, and without encroaching into that rear yard setback.

6 So that's what we're before you tonight asking --  
7 asking for, not only an amendment of the special permit you  
8 granted before, but also for the variance.

9 And one point I want to make, and then I'll take a  
10 breath and see if the Board wants me to address any specific  
11 items in my submittal or answer any questions, but:

12 If we're able to scroll down to the to the site  
13 plan -- this is an excerpt from the architecture and  
14 elevation right here -- if we scroll down a little further  
15 on the page, you can see number 26. That's great. Thank  
16 you.

17 So number 26 is in the bottom right side here.  
18 This is the structure that we've been talking about. You  
19 can see the now proposed addition and you can see there are  
20 a couple of lines measuring -- well, one's measuring a  
21 setback and one is measuring something similar to a setback.

22 But I want to point something out to the Board

1 that I think is relevant to this variance, and maybe  
2 distinguishes -- I think certainly distinguishes this case  
3 from the run of the mill applicant that asks you to grant a  
4 variance but doesn't meet the standard.

5 Obviously, variances are statutory. One of the  
6 grounds for a variance is unusual shape paired with other  
7 matters like hardship and no substantial derogation from the  
8 purpose of the ordinance.

9 Well, if you look at the rear boundary, you can  
10 see that there is one arrow -- and it's difficult to see  
11 without zooming in a bit further, but it measures the 22.3'  
12 setback of the nearest corner of the proposed addition to  
13 the rear boundary.

14 But there's another arrow that also comes from  
15 that same bottom left corner of the addition. So we're  
16 going to zoom in a little bit here, maybe. That's great.  
17 Thank you.

18 So you can see there's an arrow that originates in  
19 that same corner to the addition all the way back to it says  
20 to CLF. CLF of course, is a notation depicting a chain-link  
21 fence. And it says, "29.7' to the chain-link fence."

22 So what's unusual about this law is it has -- the

1 thick black line is the rear lot line. And it is -- it's  
2 awkward, because it has this jog. And ever so  
3 inconveniently for my clients, the jog is in their back  
4 yard, as opposed to in the yard of their neighbors.

5 And so, in placing the addition where they're  
6 placing it, because that jog in the angle gets closer and  
7 closer and closer to their home, it's only 22.3' from that  
8 corner to the rear boundary.

9 But there is a chain-link fence that separates the  
10 adjacent park -- and it's not a private property on the  
11 other side of that line, it's the park -- that separates the  
12 park from effectively the back yard of my clients.

13 And so, although the gap between the chain-link  
14 fence and the boundary sort of for most that wedge there,  
15 it's almost triangular in shape -- although that is not  
16 property that my clients own, although it's not part of  
17 their back yard, it's technically part of the City's  
18 property, the City has effectively deprived itself of use of  
19 that property. It's cut off by virtue of constructing a  
20 fence. And I have some photographs if you're interested in  
21 seeing it.

22 But so the practical effect of that is that for



1 appearances, it's really as if that closest corner of this  
2 addition is 29.7' from what looks like the rear boundary to  
3 the naked eye, to somebody who might be in the back yard  
4 looking around.

5 Now again, 29.7' still not quite the 30.75' that  
6 is the minimum, but it really would make this much more of a  
7 de minimis variance than it might appear, or that the  
8 numbers might indicate when you see 22.3.

9 So again, I appreciate the Bord considering this.  
10 Again, we bring this to you because it is with the support  
11 of the immediate neighbors. I believe that they have  
12 counsel present tonight that was prepared to speak in favor  
13 of it, pursuant to the agreement we negotiated. It resolves  
14 litigation between us and the neighbor also naming the BZA  
15 as a codefendant.

16 We have submitted two other letters; one from the  
17 three neighbors who reside on this same parcel and single-  
18 family home. Each of the three of them support this  
19 wholeheartedly. And we also have a letter from our  
20 immediately adjacent neighbor -- a lengthy letter speaking  
21 in favor of the proposal.

22 So we believe we have the support of our

1 neighbors. We believe that this is certainly no more  
2 detrimental than what we had approved previously, but  
3 admittedly it does require a different or an additional form  
4 of zoning relief from the Board.

5 JIM MONTEVERDE: Thank you. Any questions from  
6 members of the Board?

7 WENDY LEISERSON: I have some questions. I just  
8 want to get clear about the legal grounds for your different  
9 reliefs, because I know that was part of this challenge for  
10 the Board.

11 So when I read your letters -- and just jump in  
12 here please, Counsel -- you're asking -- you're relying on  
13 what the decision of the Board was previously and asking  
14 that it be amended, is that correct? Is what you're citing  
15 a different provision, I believe in this matter now for the  
16 relief you're requesting?

17 Can you just clarify the legal grounds that you're  
18 -- you know, walk me through what is being requested under  
19 the special permit and what is being requested in the  
20 variance, please?

21 ADAM COSTA: Sure. I'd be happy to, through you  
22 Mr. Chairman. So you are correct that we are asking for two

1 things tonight: One is an amendment of the relief we  
2 already received; an amendment of the special permit. In a  
3 moment I can walk through those criteria.

4 The second is new relief -- relief that we didn't  
5 ask for a year ago or 13 months ago, and that is a variance.  
6 And similarly, we have completed the -- not only the  
7 narrative I submitted, I've also completed the one-page  
8 supporting statement form that you include in your  
9 application package.

10 So for a moment, if we focus on the special permit  
11 -- again, the relief that you granted before -- the special  
12 permit is subject to a five-part a), b), c), d), e) and  
13 again, it's referred to in the supporting statement in your  
14 application form.

15 So the first requirement is that the requirements  
16 of the ordinance can or will be met for the following  
17 reasons, and the statement that I included here is that  
18 except for a variance from the minimum rear yard setback,  
19 the proposal is otherwise compliant with the zoning  
20 ordinance. There is no change in the residential use, the  
21 addition is modest both in footprint and in overall size.

22 And the property to whom the addition will now be

1 -- and even before would be most visible supports the  
2 redesign. And in fact we've redesigned it at that  
3 neighbor's behest, at their request through settlement.

4 Criteria number 2 is that the traffic generated,  
5 or patterns of access or egress would not cause congestion,  
6 hazard, or substantial change in established neighborhood  
7 character.

8 Again, we're not changing the use of this  
9 property. It's simply an addition for the same residential  
10 -- single-family residential purposes that exist today.

11 We don't believe there will be any meaningful  
12 change in neighborhood character. This addition really  
13 isn't visible to many of the immediate neighbors -- many of  
14 the neighbors, except for maybe the immediate neighbor at  
15 the 16-18 Bellis Circle condominium that you see on the  
16 right side of the page here. And that again is the litigant  
17 that has assented to the proposal that's before you.

18 The third criterion in your ordinance, the  
19 continued operation of or development of adjacent uses, as  
20 permitted in the Zoning Ordinance, would not be adversely  
21 affected by the nature of the proposed use for the following  
22 reasons: Again, the petitioners believe that their original

1 design was adequate, and you concurred -- your board  
2 concurred that it was adequate and that it met the standard.

3           The new design really does nothing except let them  
4 rotate the addition. And arguably, the person, the property  
5 most affected by that prior proposal just in terms of the  
6 bulk and the mass being closer, were the litigants for the  
7 Plaintiffs in the lawsuit that ensued, and they've now  
8 assented to, they're now in support.

9           And again, I don't want to speak for them, but I  
10 feel I can, because I've been speaking with their counsel  
11 for 13 months now -- are now in support of this proposal,  
12 and really were advancing this proposal to resolve the  
13 litigation.

14           You might recall for those of you who were either  
15 on the Board at the time or maybe have reviewed the  
16 pleadings that followed: You know, they had concerns about  
17 really the location of the prior addition casting shadows on  
18 their property. They had concerns about it interfering with  
19 their view of the park sort of at an angle across the back  
20 yard of the 26 Bellis Circle property.

21           You know, we believe that we had provided the  
22 Board with information to rebut some of that, but they

1 didn't believe we did, and that's what prompted their  
2 appeal.

3           So certainly this proposal addresses those issues  
4 because of the shifting of the massing away from the side-  
5 bound roof.

6           WENDY LEISERSON: Excuse me, Counsel?

7           ADAM COSTA: Sure.

8           WENDY LEISERSON: I'm sorry to interrupt, but I  
9 just want to get something to clarify something for myself.  
10 So if -- and this is just a matter of law -- if you were not  
11 able to rely on the reason that you were granted permission  
12 previously, like if for example one would argue that as a  
13 condo association you couldn't rely on the legal provision  
14 that you got relief under for -- as if you were a single-  
15 family, meaning the Bellalta case, would you be able to do  
16 what you're trying to do as a variance if we were so  
17 inclined to recognize hardship in this case?

18           Without, you know, relying on the special permit  
19 that was granted previously?

20           ADAM COSTA: So I -- the answer to that is yes.  
21 And just so that it's clear, and I suspect it's clear in  
22 your mind, because you're asking a very intelligent question

1 and you're carefully crafting it. But just to sort of  
2 restate what I think you're asking is we're already asking  
3 for a variance, and that variance is for encroaching into  
4 the rear yard setback.

5 But in addition to the variance, we're asking for  
6 the special permit as we did before. And I think your  
7 question is if this were not treated as a single-family  
8 residence, could we obtain all of the relief that we're  
9 requesting for -- that we're currently requesting -- could  
10 we receive all of that in the form of a variance?

11 And my answer to that question would be yes, we  
12 need to satisfy the variance? And my answer to that  
13 question would be yes, we would need to satisfy the variance  
14 standard with respect to, you know, the entirety of the  
15 addition as opposed to just addressing the setback, the rear  
16 yard setback, which is really where my focus was.

17 I do concede that one of the arguments that was  
18 advanced by counsel for the neighbors in the litigation, in  
19 the lawsuit that was filed, was that we didn't qualify for  
20 relief under the cited section of the zoning ordinance.

21 I don't agree with that argument. I guess I don't  
22 really need to -- I didn't need to debate it with counsel

1 for the neighbors, because we never litigated the merits of  
2 the case before the court. The neighbors expressed a  
3 willingness to negotiate a settlement, as did we early on in  
4 the process.

5 So my position is still that this can be treated  
6 as a single-family residence, because it operates as a  
7 single-family residence, notwithstanding the fact that it's  
8 on shared common land.

9 Certainly, because it's on shared common land,  
10 when we get to the chart, if you include the dimensional  
11 form that you have in your application where you have  
12 columns for existing, requested conditions, and then the  
13 ordinance requirements, we need to apply the standards that  
14 would apply to the entirety of the property.

15 And we've done that in terms of setback from the  
16 larger property boundaries and calculating the lot area for  
17 each dwelling unit and so forth. We've applied those  
18 standards and we meet those standards. We don't need relief  
19 from those standards.

20 WENDY LEISERSON: Thank you, Counsel. You  
21 correctly interpreted what I was asking. And just for the  
22 record, did the Board previously decide -- make a decision



1 about whether you met the variance requirements for this  
2 addition? Albeit in the front of the house, as opposed to  
3 behind the house, as it is now?

4 ADAM COSTA: So -- so --

5 WENDY LEISERSON: Was there a decision on that?

6 ADAM COSTA: So the Board did not apply the  
7 variance standard previously, because the Board -- the  
8 Board's position, as continues to be my position, as I just  
9 explained, was that absent an encroachment into a setback  
10 like a rear yard setback, there was no need for a variance.

11 WENDY LEISERSON: Okay.

12 ADAM COSTA: That the addition -- the addition  
13 could be accomplished by way of special permit for  
14 nonconformities.

15 WENDY LEISERSON: I do remember that decision, of  
16 which I was a part, but I did not remember, because I think  
17 there were a few filings, or at least there were a few  
18 different hearings -- whether or not there has been any  
19 separate decision on the variance criteria as some  
20 petitioners do bring alternative petitions. So.

21 ADAM COSTA: We have -- through the Chair, we have  
22 suggested early on in one of the early iterations of the

1 proposal, which was designed somewhat differently, we were  
2 going to be encroaching upon setbacks.

3 And so, initially our proposal going way back did  
4 incorporate both a variance and special permit. We worked  
5 very hard to eliminate the need for the variance, thinking  
6 that that was the better course, only to find out that  
7 that's not what our immediately adjacent neighbors  
8 preferred. And so, now we're back with a variance request.

9 WENDY LEISERSON: Okay. Thank you for clarifying  
10 the legality of this matter for me. That's all I have for  
11 you now.

12 ADAM COSTA: Okay.

13 JIM MONTEVERDE: Thank you. Any other questions  
14 from members of the Board?

15 [Pause]

16 I just have one. Did I hear this is a  
17 condominium?

18 ADAM COSTA: Correct.

19 JIM MONTEVERDE: And do you have a letter in the  
20 file from a company - I assume there's a condominium  
21 association?

22 ADAM COSTA: So we actually -- we actually did one

1 better, Mr. Chair. We have a letter in the file that's  
2 signed by the owners -- both of the owners at each of the  
3 other three single-family homes advising the condominium.  
4 So every --

5 JIM MONTEVERDE: Oh, okay.

6 ADAM COSTA: -- everything's on our website.

7 JIM MONTEVERDE: That's fine. I saw those. I  
8 didn't realize they were everyone. Okay. Thank you. If  
9 there are no more questions from members of the Board, I  
10 will open it up to public comment.

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

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

20 And as I said previously, we do have some letters  
21 in the file. There's no reason to repeat those letters. We  
22 have those, but if there's anything else you'd like to

1 offer, please raise your hand.

2           STEPHEN NATOLA: Robert Hopkins?

3           JIM MONTEVERDE: Mr. Hopkins?

4           ROBERT HOPKINS: There we go. Can you hear me?

5           JIM MONTEVERDE: Yes.

6           ROBERT HOPKINS: Good evening. Robert Hopkins.

7 I'm an attorney at Phillips & Angley, One Washington,  
8 Boston. Our office represents Steven Wu and Kate Hu of 18  
9 Bellis Circle in Cambridge. They were the Plaintiffs who  
10 appealed the prior special permit.

11           We're here tonight to support this revised project  
12 and to thank the applicants, their team and Attorney Costa  
13 for being willing and open to the design changes that are  
14 before you today that address my client's concerns.

15           So we are here in support of the project.

16           JIM MONTEVERDE: Thank you. That's all we have  
17 for public comment. Any discussion by members of the Board,  
18 please? No? Are we ready for a motion?

19           WENDY LEISERSON: I'm sorry. This is Wendy  
20 Leiserson. I -- it's -- I'm inclined to support this --  
21 this settlement, this application.

22           And I just had a question for you in terms of the

1 grounds as you read them into the record for a vote, which  
2 is whether or not when you get to the variance, I don't know  
3 if you can make a finding of hardship with regard to the  
4 project itself or not, if it's not in the current  
5 application, but that's my question for you. So.

6 JIM MONTEVERDE: Let me figure that one out. Do  
7 you have a suggestion? I mean, the variance request, the  
8 literal enforcement, the substantial hardship is really  
9 owing to the circumstances, the shape, not so much the  
10 topography but the shape of the lot. It's that along with  
11 the spaces they're trying to add, that force them over the  
12 rear lot line.

13 WENDY LEISERSON: Yes. And I would say because of  
14 the situation of the abutting properties and the --

15 JIM MONTEVERDE: Sure.

16 WENDY LEISERSON: -- fact that this is a single-  
17 family in a, or a freestanding unit also called a single-  
18 family in their case in a condo association. That makes it  
19 more complicated to site this --

20 JIM MONTEVERDE: Okay.

21 WENDY LEISERSON: -- you know, addition --

22 JIM MONTEVERDE: Well --

1           WENDY LEISERSON:  -- which we've found to be  
2 justified.  So.

3           JIM MONTEVERDE:  Let me file the motion --

4           WENDY LEISERSON:  Something like that --

5           JIM MONTEVERDE:  -- and feel free to chip in.  Are  
6 we ready for a motion?  And I'll take the variance first?

7           MATINA WILLIAMS:  Ready for a motion.

8           STEVEN NG:  Ready for a motion.

9           JIM MONTEVERDE:  Ready?  The Chair makes the  
10 motion to grant the relief for the requirements of the  
11 ordinance under the sections cited for the variance, which  
12 is really an encroachment on the rear of setback that really  
13 is engendered by the odd shape of the light -- the lot, the  
14 light, lot -- and the result of the negotiations and legal  
15 discussions between the owners and their objecting neighbors  
16 that basically forces the footprint of this addition over  
17 that rear setback.

18           WENDY LEISERSON:  And that hardship was found to  
19 support the need for this addition, is what I was  
20 suggesting.

21           JIM MONTEVERDE:  Yeah, correct.  The hardship was  
22 found to support the need for the addition on the condition

1 that the work proposed conforms to the drawings entitled  
2 "Culato residence" prepared by "NEDC Design & Construction"  
3 dated February 3, 2023 initialed and dated by the Chair.

4 And further, that we incorporate the supporting  
5 statements, and dimensional forms submitted as part of the  
6 application. And for a vote? Zarya?

7 ZARAYA MIRANDA: In favor.

8 JIM MONTEVERDE: Thank you. Wendy?

9 WENDY LEISERSON: In favor.

10 JIM MONTEVERDE: Matina?

11 MATINA WILLIAMS: In favor.

12 JIM MONTEVERDE: Thank you. Steven?

13 STEVEN NG: In favor.

14 JIM MONTEVERDE: And Jim Monteverde in favor.

15 [All vote YES]

16 JIM MONTEVERDE: So that variance is granted. And  
17 on the special permit, the Chair makes a motion to grant the  
18 relief from the requirements of the ordinance under the  
19 sections cited in the application -- those being Article 8,  
20 Section 822.2.c and Section -- Article 10 Section 10.4 for  
21 special permit.

22 The Chair makes a motion -- Section -- yep. And

1 on the condition that the work proposed conforms to the  
2 drawings entitled "Culotta residence" and prepared by NEDC  
3 Design & Construction dated February 3, 2023 and initialed  
4 and dated by the Chair.

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

8 On the motion, Zarya?

9 ZARAYA MIRANDA: In favor.

10 JIM MONTEVERDE: Wendy?

11 WENDY LEISERSON: In favor.

12 JIM MONTEVERDE: Matina?

13 MATINA WILLIAMS: In favor.

14 JIM MONTEVERDE: Steven?

15 STEVEN NG: In favor.

16 JIM MONTEVERDE: In favor.

17 [All vote YES]

18 JIM MONTEVERDE: Five votes in favor. The special  
19 permit is granted. Thank you. Congratulations.

20 ADAM COSTA: Thank you, Mr. Chair. Thank you,  
21 members. Appreciate your consideration and your  
22 accommodation under the circumstances. Thank you.



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JIM MONTEVERDE: Good luck.

WENDY LEISERSON: Thank you for being good  
neighbors.

ADAM COSTA: Really appreciate it.

JIM MONTEVERDE: What happened with Hutchinson?  
Did they withdraw, or do we have to cancel it or continue it  
or --

1 \* \* \* \* \*

2 (8:19 p.m.)

3 Sitting Members: Jim Monteverde, Wendy Leiserson, Matina  
4 Williams, Stephen Ng, and Zarya Miranda

5 JIM MONTEVERDE: The next case we'll hear is  
6 218487 -- 15 Hutchinson Street. And we are in receipt of a  
7 letter from Attorney Sarah Rhatigan asking for a continuance  
8 for the above matter. We can do that. They wanted to  
9 continue to June 29.

10 Does that work for each of the Board members, June  
11 29? This will go to 6:00. Steven, that work for you?

12 STEVEN NG: Yep. That works for me.

13 JIM MONTEVERDE: Okay. Matina? Well, actually,  
14 this is a case not heard.

15 STEVEN NG: Oh. Don't worry about it.

16 JIM MONTEVERDE: So I'll make a motion, then, to  
17 continue this matter until June 29, 2023, on the condition  
18 that the petitioner change the posting sign to reflect the  
19 new date of June 29 -- yeah, June 29, 2023 and the new time  
20 of 6:00 p.m.

21 Also in furtherance that the petitioner sign a  
22 waiver to the statutory requirement for a hearing. Said

1 waiver can be obtained from Maria Pacheco or Olivia Ratay  
2 with the Inspectional Services.

3 We ask that you sign it and return it to us by a  
4 week from the Monday before hearing. Failure to do so will  
5 de facto cause this Board to give an adverse ruling on this  
6 particular case. We would ask that you sign it and get it  
7 back to us. This will allow us to hear the case on the June  
8 29 date.

9 Also that if there are any new submittals or  
10 changes to the drawings, that those would be on file by 5:00  
11 p.m. on the Monday prior to the hearing date, June 29.

12 And also if there are any changes to the  
13 dimensional form and potentially the supporting statement  
14 also be changed and submitted along with the new documents.

15 On the motion, then, to continue this matter until  
16 June 29, this will be a case not heard, Steven?

17 STEVEN NG: In favor.

18 JIM MONTEVERDE: Matina?

19 MATINA WILLIAMS: In favor.

20 JIM MONTEVERDE: Wendy?

21 WENDY LEISERSON: In favor.

22 JIM MONTEVERDE: Zarya?

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ZARAYA MIRANDA: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: Thank you.

1 \* \* \* \* \*

2 (8:22 p.m.)

3 Sitting Members: Jim Monteverde, Wendy Leiserson, Matina  
4 Williams, Stephen Ng, and Zarya Miranda

5 JIM MONTEVERDE: Next case we'll hear is No.  
6 180779 -- 41 Hampshire Street. Is there anyone who wishes  
7 to speak on this? The proponent wishes to speak?

8 JOE HANLEY: Yes, sir, Mr. Chair. Attorney Joe  
9 Hanely, McDermott, Quilty & Miller, 28 State Street in  
10 Boston here representing the applicant.

11 JIM MONTEVERDE: Go right ahead.

12 JOE HANLEY: Thank you, sir. I do have a  
13 presentation, if you could pull it up. And in the meantime,  
14 just to introduce you to -- again, myself and the team that  
15 I have with us, and I am the Zoning and Attorney for the  
16 Dante Alighieri, which is the applicant owner, the Italian  
17 Cultural Center at 41 Hampshire Street.

18 I am joined this evening by Guy Carbone, who is a  
19 member of the Building Committee and a former Board of  
20 Director Chair of the Dante.

21 Also with me is Anthony Pisani, who is the Project  
22 Architect, who will take you through the presentation. But

1 I'd like to take you first through the first slides here,  
2 just to give you some background and talk about the relief  
3 that is being requested.

4 So the next slide, please?

5 41 Hampshire Street is a corner lot with two  
6 fronts. It's at the intersection of Cardinal Medeiros Way  
7 and Hampshire Street. You'll see here in the middle this is  
8 the existing structure of the Dante Alighieri, which is --  
9 again -- an Italian cultural and education non-profit that  
10 started at this site here and serves Massachusetts and New  
11 England back in 1985.

12 Next slide, please?

13 So a little more of a bird's eye view. You'll see  
14 the canopy down there, which is the existing structure of  
15 the Dante. We'll tell you a little bit more about its  
16 history and the uniqueness of the site on the next slide,  
17 please.

18 So this is a survey site plan, again, that shows  
19 you the unique shape of the property with the existing  
20 structure on it.

21 Also existing parking that is accessed off  
22 Cardinal Medeiros Avenue, and a vast amount of land. The

1 proposal is to keep the existing structure, and to add on to  
2 it with a new structure, which you'll see in the  
3 presentation.

4 Next slide, please?

5 Just to give you an overview of the project. So  
6 the site is approximately 34,907 square feet of land. The  
7 existing Dante structure is approximately 12,800 square  
8 feet. It's existing nonconforming structure built in 1985  
9 for the Dante Alighieri Society, which has continued to  
10 operate successfully as a non-profit cultural center.

11 Since that, Pietro Belluschi was the famed  
12 architect of this building back in 1980, which was the  
13 groundbreaking -- and, again, opened in 1985. Its existing  
14 height is approximately 30'. It has a front yard setback  
15 along Hampshire Street, which is important for the relief  
16 requested of 5'2" and 63'3" along Cardinal Medeiros Avenue.

17 Our underlying zoning is a Residence C-1. And the  
18 proposal, which you'll see in greater detail, is really  
19 necessary and designed in order to enhance and sustain the  
20 long-term operations of the Dante Alighieri at this site,  
21 which is a neighborhood and regional serving non-profit,  
22 cultural educational use to continue to do the good work

1 that they do, but to have enhanced and expanded space, and  
2 then bring the Italian -- the US Italian Consulate into the  
3 upper level, which has synergy, obviously, with the Dante  
4 Alighieri. They've been programming together for quite some  
5 time.

6 And so, the Italian Consulate would then open on  
7 the second level and have its cultural and government  
8 offerings there as well.

9 The relief requested we need one special permit  
10 and two variances, which you'll see in detail and why it's  
11 justified under the circumstances. The first is the  
12 definition of gross floor area.

13 We're seeking a special permit in order to exempt  
14 approximately 3343 square feet of the development in the  
15 basement, in conformity with the special permit  
16 requirements. Again, the proposed development -- the new  
17 development of 12200 square feet.

18 And the second is a variance for the General  
19 Office use. We had quite a lengthy discussion with the Law  
20 Department and with the Inspectional Services Department.

21 We considered this to be a super governmental use,  
22 as we understand that US Consulates are -- fall under the US



1 State Department. However, that was not the interpretation  
2 of the City. It was to designate the Italian Consulate  
3 portion as General Office Use. And so, that is what we're  
4 looking for a variance from.

5 It is approximately 5600 square feet. So that  
6 variance is not for the entire use of the building. It's  
7 just for the Italian Consulate, which obviously relates to  
8 the long-existing use of the Italian Cultural Center being  
9 the Dante.

10 And your variance standards allow for a financial  
11 hardship. This project would provide an endowment for the  
12 Dante for the non-profit, which would -- again -- allow it  
13 to continue to remain and serve the community in the region.

14 Finally, under Article 5, Section 531, the  
15 existing conditions -- existing nonconformity -- front yard  
16 requirement is 37. Our existing is 5.2, 5'2". Our proposed  
17 is 5'2". So we're not expanding that nonconformity. And it  
18 is necessitated, again, by both the unique shape of the site  
19 itself, but also the fact that the existing structure is  
20 remaining.

21 So this is not a situation where we're D the site.  
22 The existing Dante structure remains, and then is added onto

1 as part of the overall development.

2 With that, I would like to hand it off to Anthony  
3 Pisani from Pisani + Associates. Tell you a little bit more  
4 about the history of this site, the Dante, and more  
5 importantly, what is being proposed.

6 Anthony?

7 ANTHONY PISANI: Thank you. To begin with, this  
8 is a drawing that we found done by Pietro Belluschi.

9 JOE HANLEY: Yes.

10 ANTHONY PISANI: And in anticipation --

11 JOE HANLEY: If you go to the next slide, sorry?

12 ANTHONY PISANI: Next slide?

13 JOE HANLEY: Yep.

14 ANTHONY PISANI: There we go.

15 JOE HANLEY: Thank you.

16 ANTHONY PISANI: I'm sorry. Yeah. Thank you.

17 Belluschi anticipated, and then Dante anticipated, in the  
18 future there would be the need for an expansion. And the  
19 future project was basically put on Cardinal Medeiros,  
20 leaving the existing building.

21 Next slide, please?

22 This is the existing current condition. There is

1 the existing building. And the ground-floor of the existing  
2 building is basically a large auditorium with a minor  
3 service facility such as a very small kitchen and  
4 administrative offices.

5 The second floor, which we'll get to in a minute -  
6 - contains classrooms and a library, wherein the day-to-day  
7 Italian classes and cultural events are held. Again, as Joe  
8 mentioned, the size of the site is 34,907 square feet. The  
9 existing FAR is 0.38. There is also parking, existing  
10 parking for 30 vehicles.

11 Next slide, please?

12 The program included the need for cultural  
13 exhibition space, and which is shown on the ground floor of  
14 the new building. In the basement, we will also -- you'll  
15 also see a number of classrooms.

16 What we tried to do is keep the building as  
17 minimal size on the visible -- minimal size. We were able  
18 to put classrooms in the basement along with a small theater  
19 that seats approximately 50 people in seminar rooms, as well  
20 as the upgraded and enhanced mechanicals.

21 The parking got reduced on the ground floor to 21  
22 vehicles. The building has a couple unique situations.

1 That is that the ground floor is smaller than the upper  
2 floor.

3 Next slide, please?

4 Next slide, please? Thank you.

5 This actually shows the basement. And you can see  
6 we are interconnecting both buildings. There's a large --  
7 there's a large requirement for a mechanical space to  
8 upgrade the systems for the existing building as well as  
9 providing mechanical for the new building.

10 You can see the classrooms and seminar rooms in  
11 the new building. There is a vertical connection from the  
12 basement through to the first floor to the second floor of  
13 the new building.

14 The existing building has a small elevator that  
15 goes from the basement to first down to second. We're also  
16 able to increase the number of bathrooms, et cetera.

17 Next slide, please?

18 Okay. This is -- you can see the second floor,  
19 which would consist of basically office space. The first  
20 floor has an area of 3000 square feet. The second floor has  
21 an area of 5600 square feet. We're able to achieve that,  
22 because we have a massive cantilever. The building will be

1 built with what is known as a Vierendeel truss. And in  
2 further drawings you'll see that.

3 Next slide, please?

4 This is the second floor of the building. And you  
5 can see the first floor stops at the right set of stasis.  
6 And the second floor continues over that, which also  
7 provides a degree of covered parking.

8 Next slide?

9 The roof plan. And the roof plan will be treated  
10 as a green roof.

11 Next slide, please?

12 This gives a sense of the height. The existing  
13 building will not exceed 35'. The -- excuse me, the  
14 proposed building will not exceed 35'. What's important is  
15 on the right, there's Cardinal Medeiros Way. Our building  
16 is set back, but the brise soleil comes right to the  
17 property line.

18 And there's a 5' to 7' setback in the new building  
19 is elevated, so that it enjoys the same floor elevation as  
20 the existing building.

21 The existing building in the previous drawings you  
22 could see that there were stairs required to get to it also

1 that did have -- does have a handicapped accessible ramp.

2 The width of the new building is -- out to out is  
3 58'. But that includes 2' of the brise soleil. And the  
4 brise soleil -- basically shading devices -- and also in  
5 anticipation of the building should it become the Consulate  
6 that provides levels of security.

7 And the brise soleil rooms across the Hampshire  
8 Street elevation and the Cardinal Medeiros Way elevation:  
9 We had a major presentation to the abutters on May 9 of --  
10 what was it, 2000 --

11 JOE HANLEY: April --

12 ANTHONY PISANI: April.

13 JOE HANLEY: So March 9 of 2019 and April 22 of  
14 2022.

15 ANTHONY PISANI: Right.

16 UNIDENTIFIED SPEAKER: Correct.

17 ANTHONY PISANI: And one of the issues that the  
18 neighbors in back in Lilac Terrace raised were concerns  
19 about the visual overlook from the rear of the second floor  
20 across.

21 We made a commitment to them that as the project  
22 goes through detailed design drawings, we'd sit down with

1       them and make sure that there was no direct visual intrusion  
2       into the back of their houses.

3               Next slide, please?

4               Next slide?

5               Okay. This is a three-dimensional drawing that  
6       shows the project with the second-level terrace. And the  
7       curved seating that you see there is temporary. It's not  
8       permanent.

9               And the idea being that at major Italian festivals  
10       the second floor becomes the podium to address the audience.  
11       It allows for things like opera singers and things that are  
12       going on now within the existing building. It allows some  
13       of those activities to in fact move outside.

14               So it activates -- helps give the plaza full  
15       activation. So it's not simply sitting there.

16               Next?

17               Okay. This is an elevation of the Medeiros  
18       elevation. You can see that the bottom level stops, and the  
19       second level continues over it. We have a three-dimensional  
20       drawing, and we'll show you how the Vierendeel trusses will  
21       work.

22               Next slide, please?

1           Simply a view at the plaza level from the scene I  
2 mentioned earlier looking up at the total elevation. And  
3 again, you know, a suggestion that four daily occasional  
4 activities, movable seats are brought out and events can  
5 take place.

6           Next slide, please?

7           A three-dimensional drawing from the Hampshire  
8 Street side. They -- obviously some trees are going to be  
9 required to be taken down. The caliper of those trees will  
10 be replicated as we get further along.

11          Next slide, please?

12          JOE HANLEY: Yeah. Thank you, Anthony.

13          ANTHONY PISANI: Yeah.

14          JOE HANLEY: I'll jump in here again. Mr.  
15 Chairman, for the record: Attorney Joe Hanley, McDermott,  
16 Quilty & Miller, 28 State Street in Boston. This is our  
17 final slide, but I did want to mention this as it relates to  
18 the ordinance, and the requirement that there not be a  
19 public detriment as a result of relief to be granted, should  
20 we be fortunate enough.

21                 In this situation, you know, this is the result of  
22 over four years of really detailed community engagement by



1 Mr. Carbone, as well as the President of the Dante Alighieri  
2 sent a letter to the neighbors back in February of 2019, and  
3 hosted an open house at the site on a Saturday, so that  
4 everyone who was interested could have the opportunity to  
5 attend. And we had good attendance.

6 So I think as Mr. Pisani said, we also received  
7 some good input and support. And that has been integrated  
8 both into the site plan and the building plan.

9 And then another meeting was conducted on April 30  
10 in 2022. The response has been overwhelmingly positive. I  
11 will say that, you know, the Dante has been serving and a  
12 part of this community since 1985.

13 And as Anthony mentioned, a lot of these uses are  
14 already something that the neighborhood is accustomed to.  
15 But it's very important for the organization, especially  
16 should we have this opportunity to continue here long-term  
17 that we reengage and have constant contact with the  
18 neighbors.

19 So I'd like to thank the community and the folks  
20 that took the time to participate in that with us.

21 And the next slide, please?

22 I believe just says thank you and looking forward

1 to engaging in a question and answer with you. Thank you.  
2 That concludes our presentation.

3 JIM MONTEVERDE: Yep. Thank you very much. Any  
4 questions or comments from members of the Board?

5 WENDY LEISERSON: None from me.

6 MATINA WILLIAMS: I didn't see where the actual  
7 parking is. I know that you said that it was going to be  
8 reduced, and that -- you know, this is going to be office  
9 space, you know, eventually I guess for a Consulate. But I  
10 don't see on the plans where your actual parking is. I see  
11 chairs where some of the parking used to be.

12 ANTHONY PISANI: If you could go back to page 8?  
13 It's to the right. You can see the existing curb cut. That  
14 stays, and the existing parking up against the right  
15 property line stays exactly as it is --

16 MATINA WILLIAMS: Uh-huh.

17 ANTHONY PISANI: -- and that -- you can see  
18 there's parking under the cantilever, which would be if you  
19 take a look at this small -- can we --

20 JOE HANLEY: There you go, yep.

21 ANTHONY PISANI: There we go. We'll blow it up  
22 for you. Yeah. So you can see the existing curb cut stays

1 exactly where it is. The --

2 MATINA WILLIAMS: Uh-huh.

3 ANTHONY PISANI: Parking along the right property  
4 line and actually the space -- the buffer -- stays exactly  
5 as it is. You can see the existing --

6 MATINA WILLIAMS: Mm-hm.

7 ANTHONY PISANI: -- slide. And you can see that  
8 underneath the building, underneath the cantilever, there  
9 are two, four, five -- five spaces. And so, we did lose --  
10 obviously we lost some spaces from the 30 down to the 21.  
11 We also have spaces for bicycles, which you can see the  
12 upper part of the slide.

13 MATINA WILLIAMS: Mm-hm.

14 ANTHONY PISANI: That's covered bicycle parking.  
15 The -- what should be borne in mind is that the majority at  
16 the Dante happens in the evening. The Dante has an  
17 arrangement with the parking garage down the street. Guy?  
18 Maybe talk about that.

19 JOE HANLEY: Yeah, you know, if I could just jump  
20 in -- sorry, through the Chair, Mr. Chair. And again, Joe  
21 Hanley, McDermott Quilty & Miller. And Ms. Williams, just  
22 to explain this, you know, over this four-year process we

1 worked very closely with Community Development, CDD, getting  
2 input from a planning standpoint.

3 As this Board is aware, the City actually changed  
4 its zoning during this time, and right before we filed, to  
5 eliminate the parking requirement altogether.

6 MATINA WILLIAMS: No, I just couldn't see it.

7 JOE HANLEY: Yeah.

8 MATINA WILLIAMS: Yeah. I just couldn't see it.

9 So I was --

10 JOE HANLEY: Yeah.

11 MATINA WILLIAMS: -- I just couldn't see it -- I  
12 know you --

13 JOE HANLEY: Yeah.

14 MATINA WILLIAMS: -- eliminated a few, but that's  
15 -- that was fine. I just, it was small.

16 JOE HANLEY: Yeah. So same general location,  
17 improved condition. And then also modernizing, which this  
18 is part of -- you know, the Dante's been there since 1985,  
19 but it's also about improving and updating the site so that  
20 it is, you know, also responsive to modern ways of how folks  
21 come and go.

22 And obviously, the Italian Consulate being in the

1 Kendall Square area is --

2 JIM MONTEVERDE: Thank you. I think you've  
3 answered the question.

4 MATINA WILLIAMS: Thank you.

5 JIM MONTEVERDE: Yep.

6 MATINA WILLIAMS: You've answered the question.

7 JIM MONTEVERDE: Please.

8 JOE HANLEY: Sure. Thank you.

9 JIM MONTEVERDE: Any other questions from members  
10 of the Board?

11 STEVEN NG: Just a quick question. Is the -- is  
12 it intended that the large piazza will be kind of expectable  
13 by the public?

14 ANTHONY PISANI: Oh, absolutely.

15 STEVEN NG: Okay. Thank you.

16 ANTHONY PISANI: Yeah, the main entrance, if you  
17 will, is right at the corner of Hampshire and Cardinal  
18 Medeiros.

19 JIM MONTEVERDE: Thank you. Any other questions  
20 from members? No? I have a few, please. The special  
21 permit asks exclusion of the basement area, which I can see  
22 why when you go to the dimensional form of the variance, but

1 can you explain or rationalize for us, help us understand  
2 that basement space?

3 I understand the basement space that serves the  
4 building -- mechanical equipment, electrical equipment, et  
5 cetera, storage. But the classrooms, the theater, the  
6 seminar room, toilet rooms, et cetera. could you explain  
7 why that should be excluded?

8 ANTHONY PISANI: Mr. Chair, if I may, the  
9 classrooms are included in the area, the new classrooms.

10 JIM MONTEVERDE: Oh, really? In the basement  
11 tabulation?

12 ANTHONY PISANI: Yeah. Yes.

13 JIM MONTEVERDE: For the new addition?

14 ANTHONY PISANI: Yeah.

15 JIM MONTEVERDE: So the only thing is the -- so  
16 the exclusion is for mechanical, electrical, mechanical  
17 storage?

18 ANTHONY PISANI: Yes. During our meetings with  
19 the planners, we discovered that Cambridge counts, and we  
20 have also, in the FAR the covered space of a second-floor  
21 overhang.

22 JIM MONTEVERDE: Yeah, correct.

1           ANTHONY PISANI: So we have -- and our building  
2 has an overhang, so we have included the covered space at  
3 ground floor within our FAR.

4           JIM MONTEVERDE: So are you asking for exclusion  
5 of the basement FAR? I mean, the basement space you're  
6 describing -- the mechanical equipment -- doesn't count,  
7 right?

8           ANTHONY PISANI: Well, it's by special permit, the  
9 way that the -- I'm sorry, Mr. Chair, the way that the --

10          JIM MONTEVERDE: No, go ahead.

11          ANTHONY PISANI: -- yeah, the way that the special  
12 permit is written is, you know, to allow for that exemption.  
13 And the City was considering it to be floor area, as Mr.  
14 Pisani indicated under the definition.

15                 And then because it's -- because of, you know, the  
16 nature of that area not being -- you know, being mechanical  
17 and overhang, then it's appropriate for the special permit,  
18 which is kind of --

19          JIM MONTEVERDE: Now, yeah, understood. I'm not -  
20 -

21          ANTHONY PISANI: Yeah.

22          JIM MONTEVERDE: -- asking you about the

1 mechanical space. It's really -- I think the gist of it is  
2 the overhang.

3 ANTHONY PISANI: Yeah.

4 JIM MONTEVERDE: Right? That you're really --  
5 that's really what the special permit is about, if you don't  
6 -- if you're -- the basement space is already included in  
7 your tabulation. Is it really just the overhang that you  
8 need the special permit for? Or do you need it for both?

9 ANTHONY PISANI: We need it for both.

10 JIM MONTEVERDE: Okay.

11 ANTHONY PISANI: Yep.

12 JIM MONTEVERDE: And that goes to the second part  
13 of the question, which has to do with the variance,  
14 understanding the rationales for it, for them. If I look on  
15 the dimensional form -- I'm just trying to -- I just want to  
16 confirm -- what -- here are the tables: 5.31, what you're  
17 looking for variance for is the fact that the ordinance --  
18 your total area, your FAR, the ordinance allows 0.66.  
19 You're currently at 0.37. You'll almost double that to  
20 0.75. That's the -- that is one.

21 And the second looks like the setbacks on the  
22 right side, currently at 63' and change, 37' and required



1 and now 0. Is that correct? Those are the two pieces you  
2 need?

3 JOE HANLEY: Yeah. No FAR variance. The -- you  
4 know, so basically, we're able to get to the ordinance  
5 requires an FAR of 0.66, and when you exclude the basement  
6 area under the operation of the special permit, that puts us  
7 in compliance at 0.66. So it's not a variance. Now --

8 JIM MONTEVERDE: Oh, so what's requested on a  
9 dimensional form or what's stated as a requested condition,  
10 the 27,175 and does not deduct what you're looking for the  
11 special permit for? When I did the arithmetic, it seemed  
12 like it did, but help me.

13 JOE HANLEY: Yeah, maybe -- so the --

14 JIM MONTEVERDE: I assume it gets worse. If you  
15 weren't granted the special permit, to exclude the areas,  
16 your floor area would increase, and your FAR would increase  
17 beyond the 0.75. Am I correct, or am I allowed to --

18 JOE HANLEY: Well, I mean, you would need a  
19 variance. So my understanding is that that amount of space,  
20 Anthony, which is 3000 that we were cited for total, is --  
21 let me get the number --

22 ANTHONY PISANI: If I may --

1 JIM MONTEVERDE: Yep.

2 ANTHONY PISANI: -- Mr. Chairman and Joe, the  
3 allowable: We are 0.38 FAR --

4 JIM MONTEVERDE: Yep.

5 ANTHONY PISANI: -- existing condition. The  
6 allowable is 0.75.

7 JIM MONTEVERDE: Wow.

8 ANTHONY PISANI: With the --

9 JIM MONTEVERDE: Let me stop you. Go back to your  
10 dimensional form. And it says the ordinance is 0.66. Is  
11 that an error?

12 JOE HANLEY: Yes.

13 ANTHONY PISANI: No. That's -- yeah, go ahead,  
14 Tom.

15 TOM MILLER: Sorry, Mr. Chair. Tom Miller from  
16 McDermott, Quilty & Miller working with Joe Hanley. Yes,  
17 that is an error in the dimensional form. The ordinance  
18 requirements pursuant to Table 51 for this zoning district  
19 is 0.75 FAR.

20 JIM MONTEVERDE: Oh, okay.

21 TOM MILLER: The numbers seem to have been flopped  
22 between the two. With the exclusion of the gross floor area

1 in the basement, we would go from -- and we would be below  
2 the ordinance at 0.66.

3 JIM MONTEVERDE: Okay.

4 TOM MILLER: Those two numbers seem to have been  
5 transposed.

6 JIM MONTEVERDE: So they're just reversed?

7 TOM MILLER: Yes.

8 JIM MONTEVERDE: Okay.

9 TOM MILLER: That's --

10 JIM MONTEVERDE: That's with the exclusion of the  
11 basement or your overhang space?

12 TOM MILLER: Yes, yeah. The --

13 JIM MONTEVERDE: Yeah, okay.

14 THOMAS MILLER: The fact that that overhang space  
15 is counted towards FAR is necessitated to the exclusion of  
16 the FAR in the basement. That -- that space in the basement  
17 is -- is -- you know, necessary for the operation of the --  
18 the buildings as well as the function of the buildings as  
19 well.

20 JIM MONTEVERDE: Okay.

21 THOMAS MILLER: Its intended purpose.

22 JIM MONTEVERDE: Thank you. And the basis for the

1 variance, and there are three conditions: the literal  
2 enforcement involve a substantial hardship, hardship is  
3 owing to, soil condition and shape.

4 So we basically say is there a plan possible for  
5 the building that would reduce it so you wouldn't need  
6 either the dimensional requirements for the variance?

7 TOM MILLER: So -- I'm sorry, I can continue,  
8 unless Joe would like --

9 JOE HANLEY: Yeah, go ahead, Tom.

10 TOM MILLER: So basically -- and Anthony can speak  
11 more to how this directly affects the sight lines, but the  
12 siting of this building was purposeful, as this original  
13 building -- the original structure was designed and  
14 constructed by a noted architect and former professor at  
15 MIT, and has historical -- you know, or significant value  
16 existing.

17 This new building was sited in a way to not  
18 detract from that in compliance with the original plans, as  
19 Anthony stated earlier.

20 In order to site this building so you didn't  
21 require a -- this setback variance, we would have had to --  
22 one -- possibly block the existing structure, and two

1 significantly reduce the onsite parking, which, you know,  
2 while --

3 ANDREW HATCH: Right.

4 TOM MILLER: -- we can deal with less, we do -- we  
5 cannot eliminate entirely. It would have -- resiting the  
6 building so it didn't require the strengths would have --  
7 it's not -- not feasible. Which, you know, for a more  
8 technical reason Anthony can go into if necessary.

9 JIM MONTEVERDE: That's the rationale for the --  
10 that basically complies with the substantial hardship.

11 JOE HANLEY: Yep.

12 JIM MONTEVERDE: That's the original --

13 TOM MILLER: Yeah. That's the front yard  
14 variance, yeah, meaning the --

15 JIM MONTEVERDE: Yep.

16 TOM MILLER: -- existing building is 5'2" back,  
17 right? And then the extension, which is the new building  
18 right above it, is also 5'2" back, correct?

19 JOE HANLEY: At the lower level it varies between  
20 5' and 7', but --

21 TOM MILLER: Okay.

22 JOE HANLEY: Right essentially up to the property

1 line.

2 TOM MILLER: Okay.

3 JOE HANLEY: Along Cardinal Medeiros.

4 JIM MONTEVERDE: Yep. No, I think -- I think  
5 you've answered my questions. Thank you.

6 TOM MILLER: Thank you, Mr. Chair.

7 JIM MONTEVERDE: Any other questions from members  
8 of the Board?

9 WENDY LEISERSON: No. Thank you, Mr. Chair for  
10 catching that discrepancy in the Table.

11 JIM MONTEVERDE: Yep. You're welcome. If that's  
12 all the questions we have, I will open it up to public  
13 comments. Any member of the public who wishes to speak  
14 should now click the icon at the bottom of your Zoom screen  
15 that says, "Raise hand."

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

22 And just to begin, we have three letters in the

1 file in support and no letters in opposition. So if you're  
2 going to speak, can we have a letter from you in the file?  
3 There's no reason to repeat yourself. But anybody want to  
4 speak?

5           STEPHEN NATOLA: Paul Griffin?

6           PAUL GRIFFIN: Yes, hello?

7           JIM MONTEVERDE: Hi. We can hear you.

8           PAUL GRIFFIN: Okay, great. Buona sera, tutti.  
9 My name is Paul Griffin. My husband and I own the property  
10 at 12 Lilac Court in Cambridge, which directly abuts the  
11 Dante Alighieri Center.

12           I would first like to note that I had the good  
13 fortune of living in Italy for five years in the nineties,  
14 and I studied Italian and enjoyed concerts at the Dante  
15 Alighieri Center as well.

16           In general, I think that we support this. It's a  
17 beautiful building. My concern is how the debt is going to  
18 be serviced on this. The existing structure, if you go to  
19 the website --

20           JIM MONTEVERDE: Sorry, could you repeat that?

21           Were you asking how the --

22           PAUL GRIFFIN: Well, the existing structure --

1 yes, how the new building is going to be -- not involve the  
2 construction, but certainly the maintenance of the building  
3 and the -- how the debt is going to be serviced.

4 It seems like the existing structure with the  
5 existing building, a fair amount of the income is from the  
6 rental hall, which seats 200 people and has a chef's -- a  
7 caterer's kitchen and bar, and also some income generated by  
8 the parking.

9 My concern is that the new structure will add a  
10 financial responsibility to what I believe is a relatively  
11 small non-profit organization. And is the new building -  
12 -

13 JIM MONTEVERDE: Mr. Griffin --

14 PAUL GRIFFIN: -- you've rented out --

15 JIM MONTEVERDE: -- Mr. Griffin, if I can  
16 interrupt you for a moment?

17 PAUL GRIFFIN: Yes, sir.

18 JIM MONTEVERDE: I don't think the questions that  
19 you're asking are really ones that the Board can opine on or  
20 are about to vote on. So they're really not part of our  
21 purview. We have the simple facts that are in front of us,  
22 and that are in the application, and don't address the type



1 of issue that you're talking about.

2 PAUL GRIFFIN: Now, could I ask specifically if  
3 the proposed building will be allowed to be rented out as a  
4 rental hall such as the existing?

5 JIM MONTEVERDE: Thank you for rephrasing that.

6 PAUL GRIFFIN: Does that make sense?

7 JIM MONTEVERDE: That sounds good.

8 PAUL GRIFFIN: Okay.

9 JIM MONTEVERDE: Do you have a response?

10 SPEAKER UNIDENTIFIED: Yeah, Mr. Chair, so --

11 GUY CARBONE: May I, Mr. Chairman?

12 SPEAKER UNIDENTIFIED: Yeah, okay.

13 GUY CARBONE: This is Guy Carbone, Chairman of the  
14 Building Committee. The first floor, if you see it here, at  
15 one end is a small little café that serves the exhibition  
16 area to the right, and that's where the Dante intends to  
17 have little exhibits, you'll see it.

18 The little cafeteria -- see the double doors -- is  
19 only to serve the exhibition area. The only rental space  
20 that we have is because we need an endowment. And that will  
21 be the Consulate on the second floor.

22 And our intention is to work something out with

1 the Italian government, and certainly not market-rate or  
2 rental; we're interested in the symbiotic relationship  
3 between the Consulate and the Cultural Center.

4 This particular consulate in Boston is the largest  
5 aggregation of Italian scientists and engineers in America  
6 is right here in Kendall Square. And -- they --

7 JIM MONTEVERDE: Can -- sorry to interrupt you --  
8 but again, I think we're getting into territory that this  
9 Board --

10 GUY CARBONE: Okay.

11 JIM MONTEVERDE: -- really has no purview. So  
12 thank you for your response about the rental.

13 GUY CARBONE: Well, so --

14 JIM MONTEVERDE: Mr. Griffin, did that answer your  
15 question?

16 PAUL GRIFFIN: Yes, well, is it -- if the rental  
17 is limited to a potential consulate, that's not a problem  
18 whatsoever. I think that's very welcome.

19 But if it's open to the general public as a rental  
20 hall such as the existing building, I think that would be  
21 problematic, and any approval letter from the ZBA I think  
22 should address that in writing. It should not be rentals to

1 the public --

2 JOE HANLEY: Yeah. So -- so if I may here, so our  
3 application is for a Use Variance or General Office on the  
4 second level of this new and expanded structure, or the US  
5 Italian Consulate.

6 PAUL GRIFFIN: Okay.

7 JOE HANLEY: So any other use is not covered by  
8 that? Is that what you're -- because of the application?

9 PAUL GRIFFIN: Well, you were talking about the --  
10 the -- if it's in the zoning. So it absolutely is in the  
11 zoning, and by virtue of having the Italian Consulate as a  
12 tenant on the second floor, that is a revenue offset.  
13 That's a very -- one of the very points of this application.

14 But there's no agreement in writing. What if for  
15 some -- this doesn't happen, or it doesn't happen for  
16 several years? We know what it's like trying to do business  
17 with governments. What then? Will it lie fallow? Will it  
18 be rented out to somebody else?

19 JIM MONTEVERDE: Mr. Griffin, I need you to  
20 confine yourself to three minutes, to ask a question that  
21 the proponent can answer that's relative to our Zoning  
22 opinion? And just so we can move on to anyone else who

1 wishes to speak.

2 So I'll give you the chance to wrap it up.

3 PAUL GRIFFIN: Okay.

4 JIM MONTEVERDE: Make a final statement.

5 PAUL GRIFFIN: Well, please just -- maybe someone  
6 could educate me to where I'm wrong on this. I -- is this  
7 limited --

8 JIM MONTEVERDE: Do you have a final question?

9 PAUL GRIFFIN: Yes. It -- under the current  
10 request, will this property be able to be rented out to an  
11 entity other than the Italian Consulate? Is that a  
12 legitimate question, sir?

13 JIM MONTEVERDE: I see no -- let me ask Staff. I  
14 see nothing in the proposal that says one way or the other.

15 JOE HANLEY: So the Cultural Center is an  
16 existing, nonconforming use. You follow, right? Under that  
17 use, which is still in place, remains in place and does not  
18 require relief by this Board, they're entitled to have  
19 events, to rent out their space as it relates to the  
20 principal use of the Italian Cultural Center. That's how  
21 they've operated bf.

22 I -- the way I heard your question at the end was

1 you would be pleased if there was another revenue source,  
2 and that is in fact what the case is is to as part of this  
3 development is to add a use and occupancy for General Office  
4 for the Italian Consulate, of which we've been working with  
5 for four years on this project.

6 But I think Mr. Carbone can speak to they have --

7 JIM MONTEVERDE: I --

8 PAUL GRIFFIN: -- decades of collaboration with  
9 them, so --

10 JIM MONTEVERDE: -- I'm going to -- I'm going to  
11 limit everyone to the way beyond the three minutes we've had  
12 for the comment.

13 PAUL GRIFFIN: Yep.

14 JIM MONTEVERDE: And Mr. Griffin, my apologies,  
15 but we're going to move on to anyone else.

16 PAUL GRIFFIN: I appreciated very much your time  
17 and my ignorance of the matter, and I apologize. Have a  
18 good evening.

19 JIM MONTEVERDE: Nope. Glad you could speak.  
20 Anyone else? No, that's the extent of the people calling  
21 in.

22 We are in receipt of -- Mr. Griffin, if I

1 understand correctly, I'm in receipt of your letter that  
2 basically says you're not opposed to the proposed  
3 development? Is that correct?

4 PAUL GRIFFIN: That is incorrect.

5 JIM MONTEVERDE: With conditions?

6 PAUL GRIFFIN: Well -- with conditions, I would  
7 say. Yes. Absolutely.

8 JIM MONTEVERDE: Okay. Thank you. And then we  
9 have a letter from David Marr, President and CEO of the  
10 Cambridge Chamber of Commerce, who is speaking in support.  
11 And Susan Robinson Grillo, who is in support. And Gilberto  
12 Russo, who is also in support. That's everything we have in  
13 the file.

14 Members of the Board, any questions or comments  
15 before we go to a motion?

16 UNIDENTIFIED SPEAKER: No.

17 JIM MONTEVERDE: Ready for a motion?

18 MATINA WILLIAMS: Yes.

19 STEVEN NG: Ready for a motion.

20 JIM MONTEVERDE: All right. This is a two-part.  
21 And I think I'm going to do the special permit first, since  
22 that deals with excluding area. Otherwise, your dimensional

1 form for the variance is all out of whack. So.

2 The Chair makes a motion to grant the relief from  
3 the requirements of the ordinance under sections -- and this  
4 is the special permit -- FAR, Article 2 Section 2,  
5 definition of floor area, and Article 10 Section 1040  
6 special permit --

7 [Side conversation]

8 PAUL GRIFFIN: This is in the back.

9 JIM MONTEVERDE: I beg your pardon?

10 WENDY LEISERSON: Mr. Griffin, you need to mute  
11 yourself.

12 JIM MONTEVERDE: Let me restart that. The Chair  
13 makes a motion to grant the relief from the requirements of  
14 the ordinance under sections -- this will be the special  
15 permit -- FAR, Article 2 Section 2 and Article 10 Section  
16 1040, special permit, on the condition that the work  
17 proposed conforms to the drawings entitled "Dante Alighieri  
18 Cultural Center" prepared by Pisani + Associates Architects  
19 and dated July 22, 2021. Is that the correct date,  
20 proponents?

21 JOE HANLEY: Yes.

22 JIM MONTEVERDE: Initialed and dated by the Chair.

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

3 On the motion, Steven?

4 STEVEN NG: In favor.

5 JIM MONTEVERDE: Matina?

6 MATINA WILLIAMS: In favor.

7 JIM MONTEVERDE: Wendy?

8 WENDY LEISERSON: In favor.

9 JIM MONTEVERDE: Zarya?

10 ZARAYA MIRANDA: In favor.

11 JIM MONTEVERDE: And Jim Monteverde in favor.

12 [All vote YES]

13 JIM MONTEVERDE: That's five in favor for the  
14 special permit. And then for variance; the Chair makes a  
15 motion to grant the relief from the requirements of the  
16 ordinance under sections -- these are all in the variance --  
17 the Article 5 Section 5.31 dimensional requirements, Article  
18 4 Section 4.34.d, General Office Use, and Article 10 Section  
19 10.3 for the variance on the condition that the work  
20 proposed conforms to the drawings entitled "Dante Alighieri  
21 Cultural Center, Pisani + Associates Architects" dated July  
22 22, 2021 initialed and dated by the Chair.



1           And further, that we incorporate the supporting  
2 statements, and dimensional forms submitted as part of the  
3 application, noting that inversion of the requirement for  
4 the FAR in the proposed. And on the motion, Zarya?

5           ZARAYA MIRANDA: In favor.

6           JIM MONTEVERDE: Wendy.

7           WENDY LEISERSON: In favor.

8           JIM MONTEVERDE: Matina?

9           MATINA WILLIAMS: In favor.

10          JIM MONTEVERDE: Steven?

11          STEVEN NG: In favor.

12          JIM MONTEVERDE: And Jim Monteverde in favor.

13          [All vote YES]

14          JIM MONTEVERDE: That's five affirmative. It is approved,  
15 both the variance and the special permit. Thank you very  
16 much.

17          SPEAKER UNIDENTIFIED Paul?: Thank you. Have a  
18 good evening, Mr. Chair.

19          JIM MONTEVERDE: You too.

20

21

22

1 \* \* \* \* \*

2 (9:10 p.m.)

3 Sitting Members: Jim Monteverde, Wendy Leiserson, Matina  
4 Williams, Stephen Ng, and Zarya Miranda

5 JIM MONTEVERDE: And last but not least, the next  
6 case we'll hear is -- oh, Case No. 212952 -- 3 Hastings  
7 Square. Is the proponent -- I see you, are you ready to  
8 identify yourself and then speak?

9 DIANA PAURO: Yeah. Good evening, Mr. Chairman  
10 and members of the Board. This is Diana Pauro, with Rebel  
11 Builders. I'm going to make it short so everybody can have  
12 a good evening started.

13 We are applying for a variance for a window well  
14 on this property. And we also made an application for a  
15 special permit for a skylight in the attic, just to make the  
16 life of our clients easier.

17 Currently the stairs to their attic are  
18 practically impossible to be walked by our clients into  
19 their little office space.

20 This week we actually made a change of plans, and  
21 we are -- we want to pursue actually for a special permit a  
22 variance to get a dormer there, just because of, like,

1 concerns about the energy-efficiency of the big skylight  
2 versus a dormer with a smaller window.

3 But it will be a little bit more also elevated  
4 look with like the slate roof that they have in the  
5 property. But because we couldn't make it to the deadline  
6 of Monday, I'll, like, send you an amendment of the drawings  
7 for what this dormer structure is, we just asked for an  
8 extension for our next Board meeting, so we can like present  
9 amended drawings.

10 JIM MONTEVERDE: Okay. So a continuance -- you're  
11 looking for a continuance?

12 DIANA PAURO: Yes, exactly.

13 JIM MONTEVERDE: Okay. And where are we at? June  
14 15? Let's do 6/15. Can you do -- does June 15 work for  
15 you?

16 DIANA PAURO: Yes.

17 JIM MONTEVERDE: The proponent?

18 DIANA PAURO: Yes. 6/15, yeah.

19 JIM MONTEVERDE: And this is a case -- this is a  
20 case not heard, so we do have this group that's fine, but if  
21 not, it's not necessary, that's fine. Let me move to a  
22 motion to continue.

1           Let me make a motion, then, to continue this  
2 matter to June 15 on the condition that the petitioner  
3 change the posting sign to reflect the new date of June 15  
4 and the time of 6:00 p.m.

5           DIANA PAURO: 6:00 p.m.

6           JIM MONTEVERDE: Also on -- 6:00 p.m. Yeah,  
7 sorry.

8           Also in furtherance that the petitioner sign a  
9 waiver to the statutory requirement for a hearing. Said  
10 waiver can be obtained from Maria Pacheco or Olivia Ratay  
11 with the Inspectional Services Department.

12           And we ask that you sign it and return it to us by  
13 a week from this coming.

14           SPEAKER UNIDENTIFIED: Waiver? Week from this  
15 coming Monday?

16           JIM MONTEVERDE: Okay. Failure to do so will de  
17 facto cause this Board to give an adverse ruling on this  
18 particular case. We would ask that you sign it and get it  
19 back to us. This will allow us to hear the case on June 15.

20           Also that if there are any new submittals -- there  
21 will be -- or changes to the drawings -- there will be --  
22 that those be on file by 5:00 p.m. on the Monday prior to

1 June 15.

2 And also if there are any changes to the  
3 dimensional form and potentially the supporting statements,  
4 that they also be changed and submitted along with the new  
5 documents.

6 On the motion, then, to continue, then, Zarya?

7 ZARAYA MIRANDA: In favor.

8 JIM MONTEVERDE: Thank you. Wendy?

9 WENDY LEISERSON: In favor.

10 JIM MONTEVERDE: Matina?

11 MATINA WILLIAMS: In favor.

12 JIM MONTEVERDE: Steven?

13 STEVEN NG: In favor.

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

16 [All vote YES]

17 That's five in favor. The case will be continued.

18 Thank you.

19 DIANA PAURO: Thank you so much. Have a good  
20 night, everybody.

21 JIM MONTEVERDE: Thank you.

22 COLLECTIVE: Thank you.

1 JIM MONTEVERDE: Yeah.

2 MATINA WILLIAMS: Thank you, Mr. Chair.

3 Goodnight, everyone.

4 JIM MONTEVERDE: That's it. Yep. Goodnight,  
5 everybody. Thank you for --

6 COLLECTIVE: Thank you.

7 WENDY LEISERSON: Go Celtics.

8 COLLECTIVE: Goodnight.

9 [9:15 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

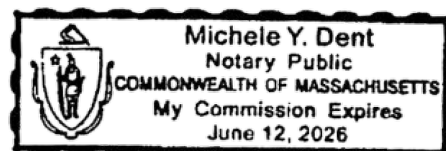
In witness whereof, I have hereunto set my hand this 16th day of June, 2023.



Notary Public

My commission expires:

June 12, 2026



|   |  |                                       |   |                                       |
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