

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY SEPTEMBER 5, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Jim Monteverde, Chair

Steven Ng, Vice Chair

Virginia Keesler

Wendy Leiserson

Carol Agate

City Employees

Stephen Natola



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\* \* \* \* \*

(6:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Wendy Leiserson, and Carol Agate

JIM MONTEVERDE: Good evening. Welcome to the September 5, 2024 meeting of the Cambridge Board of Zoning Appeal. My name is Jim Monteverde, and I am the Chair.

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

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

There will also be a transcript of the proceedings.

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

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

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

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

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

7 STEPHEN NATOLA: Jim Monteverde?

8 JIM MONTEVERDE: Jim Monteverde is here.

9 STEPHEN NATOLA: Steven Ng?

10 STEVEN NG: Steven Ng present.

11 STEPHEN NATOLA: Virginia Keesler?

12 VIRGINIA KEESTER: Virginia Keesler present.

13 STEPHEN NATOLA: Carol Agate?

14 CAROL AGATE: Yes, Carol Agate is present.

15 STEPHEN NATOLA: Wendy Leiserson?

16 WENDY LEISERSON: Wendy Leiserson present.

17 JIM MONTEVERDE: Very good.

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(6:02 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Wendy Leiserson, and Carol Agate

The first case tonight is continued; started previously and not resolved. Sorry, it's not continued. We have a request for an extension for our first case this evening. This is BZA Case 225347. This is a request for a six month extension for a variance that was granted back on September 8, 2023. So the six month extension will extend the variance to March 8, 2024 (sic).

CAROL AGATE: 2025.

JIM MONTEVERDE: You are right. I will correct the paperwork. Thank you, Carol.

Any questions from members of the Board?

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

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

All right, no one calling in. I'll close public testimony.

1 Any discussion among the members of the Board? If  
2 none, I will make a motion.

3 The Chair makes a motion to grant a six month  
4 extension on a variance previously granted on September 8,  
5 2023 for BZA Case 223547.

6 On a voice vote, please, among the Board members?  
7 Steven?

8 STEVEN NG: In favor.

9 JIM MONTEVERDE: Virginia?

10 VIRGINIA KEESLER: In favor.

11 JIM MONTEVERDE: Carol?

12 CAROL AGATE: Am I on this case because there is  
13 six of here. Is this an earlier case?

14 JIM MONTEVERDE: No. There are five of us. You  
15 are free to vote.

16 CAROL AGATE: Carol Agate okay; in favor.

17 JIM MONTEVERDE: Thank you. Wendy?

18 WENDY LEISERSON: In favor.

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

21 [All vote YES]

22 JIM MONTEVERDE: The extension is granted.

\* \* \* \* \*

(6:05 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Wendy Leiserson, and Carol Agate

JIM MONTEVERDE: Next case is BZA-277199 - 5 JFK Street. Mr. Rafferty, are you with us tonight?

JAMES RAFFERTY: Good evening, Mr. Chair, and Members of the Board.

JIM MONTEVERDE: Hi.

JAMES RAFFERTY: Sorry for the delay.

JIM MONTEVERDE: No problem.

JAMES RAFFERTY: For the record, my name is James Rafferty. I'm an attorney with offices located at 907 Massachusetts Avenue. I'm appearing this evening on behalf of the applicant.

The applicant is seeking to obtain a quick order fast special permit -- they used to call them fast food special permits - but in the Harvard Square Overlay District.

The operation is SoBol -- S-O-B-O-L. They are well known in the smoothie world. They are a popular venue in a range of locations. Currently, there are only three in

1 Massachusetts, but because there are more than 20  
2 nationwide, they are required under the Ordinance to obtain  
3 this special permit.

4 So the location at 5 JFK Street is right in the  
5 heart of Harvard Square in the recently restored Abbot  
6 Building. Some may recall it as "The Curious George  
7 Building" it was often referred to. For many years, this  
8 was the home of an optical shop in Harvard Square. But this  
9 portion of the building was retained as part of the original  
10 building.

11 Currently, there's a food operation in there  
12 presently called "Sugar Tiger" or "Tiger Sugar," excuse me.  
13 And that business is going to be vacating the space, and  
14 SoBol will be entering it.

15 It's approximately 775 square feet. There will be  
16 little change in the way of the interior; the façades of the  
17 store will be - will remain the same. The entry is in the  
18 same location.

19 The difference is the product served here will be  
20 smoothies, fresh fruit, Belgian waffles, and a range of  
21 healthy food options - healthy and economical.

22 The operator is present, Sagar Patel, if the Board



1 has any questions. We did appear before the Harvard Square  
2 Advisory Committee as required under the Overlay District  
3 Requirements. They did issue a favorable recommendation,  
4 and I believe that recommendation is contained within the  
5 file at the BZA.

6 So I think for the reasons set forth in the  
7 application, particularly Section 11.31 concerning fast  
8 order food, this business in its other locations has a heavy  
9 reliance on foot traffic.

10 There's every reason to believe that this location  
11 will succeed, given the nature of the business and the  
12 population, the student population, the visitor population,  
13 the business population -- every reason to think that is an  
14 active use, which will rely heavily on walk-in trade.

15 Any other questions we're happy to address.

16 JIM MONTEVERDE: Can you show the photo? Yep.  
17 Just so we're on the same -- how the plan relates to the  
18 photo. In the photo, which of the storefronts -- does this  
19 shop --

20 JAMES RAFFERTY: So, okay, it will address the  
21 street the same way the existing business does. As you look  
22 at this photo, the area to the left at a 45-degree angle is

1 where the door into the premises is. The door next to it is  
2 more of a door, it's a former door to the office building  
3 portion.

4 So it's kind of tucked behind that column that you  
5 see in the photo. But none of that façade will be changing.

6 JIM MONTEVERDE: Right. And they will also use  
7 the storefront to the left of the --

8 JAMES RAFFERTY: Yes. That's our glazing, but  
9 there is --

10 JIM MONTEVERDE: That's all part of it?

11 JAMES RAFFERTY: -- there is not an entry on that  
12 section of the façade.

13 JIM MONTEVERDE: But it's storefront, windows into  
14 the store?

15 JAMES RAFFERTY: Yes. Yeah, windows into the  
16 space, yes.

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

19 WENDY LEISERSON: Jim Monteverde?

20 JIM MONTEVERDE: Yep, go ahead.

21 WENDY LEISERSON: Do you have a copy of the  
22 Overlay District paperwork? Because I don't see it online.

1 I just wanted to make sure it was in the file.

2 JIM MONTEVERDE: The Overlay District paperwork?

3 WENDY LEISERSON: Whatever Attorney Rafferty was  
4 referencing.

5 JAMES RAFFERTY: It's the report of the Harvard  
6 Square Advisory Committee.

7 JIM MONTEVERDE: Yeah.

8 WENDY LEISERSON: Great.

9 JIM MONTEVERDE: We have that. That is in the --

10 WENDY LEISERSON: Great.

11 JIM MONTEVERDE: -- that is in the - what's in the  
12 file.

13 WENDY LEISERSON: Okay. Great.

14 JIM MONTEVERDE: It's in the file now.

15 JAMES RAFFERTY: The Committee voted to recommend  
16 the applicant be approved by the BZA.

17 JIM MONTEVERDE: Yep. I will get to that in a  
18 second. Thank you. So yes, we have that. I'll go through  
19 that and summarize that in a moment.

20 Any other questions from Members of the Board? If  
21 not, as we were just talking about, we have a correspondence  
22 from the Harvard Square Advisory Committee dated July 17,

1 2024, a positive recommendation. In its conclusion, its  
2 recommendation, it says, "The Committee voted to recommend  
3 that application be approved by the BZA and to transmit the  
4 above summary of comments." And the recommendations were:

5 That brightening up the interior and signage using  
6 the Historic Guidelines -- will that be done, is that part  
7 of the proposal, Mr. Rafferty, as far as you know?

8 JAMES RAFFERTY: Well yes, there will be zoning  
9 compliance signage. There was a suggestion at the Advisory  
10 Committee that they offer comments and suggestions. One of  
11 the suggestions offered by members maybe the interior space  
12 should be brighter, because it's not --

13 JIM MONTEVERDE: Correct.

14 JAMES RAFFERTY: -- in one member's opinion, it  
15 wasn't as eye-catching from the sidewalk. So --

16 JIM MONTEVERDE: Yep.

17 JAMES RAFFERTY: -- I think the applicant  
18 appreciated that perspective and will be --

19 JIM MONTEVERDE: Okay.

20 JAMES RAFFERTY: -- considering that.

21 JIM MONTEVERDE: And then it says, "Include ample  
22 seating, and by ensuring that is there is transparency along

1 the façade windows." Again, that's just encouraging or  
2 enabling people along the street to know that the facility  
3 is there, and "utilizing biodegradable materials."

4 So I would assume all those are part of your  
5 proponent's, your client's package, Mr. Rafferty?

6 JAMES RAFFERTY: Yes, yes, yes, they are indeed,  
7 particularly the notion of people being able to notice that  
8 they're there, so --

9 JIM MONTEVERDE: Okay.

10 JAMES RAFFERTY: -- I can tell you that that's a  
11 high interest of theirs.

12 JIM MONTEVERDE: And one of the sections you are  
13 seeking is 11.30 and not to belabor that by 11.31, just to  
14 ask the question again, "The establishment would be  
15 primarily from walk-in trade," I think you just said that  
16 Mr. Rafferty?

17 JAMES RAFFERTY: Yes.

18 JIM MONTEVERDE: And "utilize biodegradable  
19 materials to the greatest extent feasible"? Again, that's  
20 what the Harvard Square Advisory Committee asked?

21 JAMES RAFFERTY: Yes.

22 JIM MONTEVERDE: And "The establishment will

1 provide convenient, suitable, and well-marked waste  
2 receptacles to encourage patrons to properly dispose of all  
3 packaging materials." So let's see that that happens.

4 And the establishment complies with all state and  
5 local requirements. So I assume all of those will be met?

6 JAMES RAFFERTY: Yes.

7 JAMES RAFFERTY: That's it for what's in the file.  
8 For public comment, any members of the public who wish to  
9 speak should now click the icon at the bottom of your Zoom  
10 screen that says, "Raise hand."

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

17 Nobody calling in. We'll close public testimony.  
18 Any discussion among Members of the Board? If not, we'll  
19 make a motion. This is a special permit.

20 The Chair makes a motion to grant relief from the  
21 requirements of the Ordinance under Sections 4.35.o and  
22 10.30, Fast Food and Quick Service Food Establishment, on

1 the condition that the work proposed entitled, "5 JFK  
2 Street," prepared by someone unknown and not dated -- I'll  
3 put a date on them -- initialed by the Chair.

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

7 Further, that the special permit is granted  
8 incorporating the following conditions, and that the  
9 applicant to the extent feasible comply with the  
10 recommendations that I just went through that were made by  
11 the Harvard Square Advisory Committee, and also the details  
12 to be in compliance with under Section 11.31 of the  
13 Ordinance.

14 Board Members, on a voice vote, please?

15 Wendy?

16 WENDY LEISERSON: In favor.

17 JIM MONTEVERDE: Carol?

18 CAROL AGATE: In favor.

19 JIM MONTEVERDE: Virginia?

20 VIRGINIA KEESLER: In favor.

21 JIM MONTEVERDE: Steven?

22 STEVEN NG: In favor.

1 JIM MONTEVERDE: And Jim Monteverde in favor.

2 [All vote YES]

3 JIM MONTEVERDE: That's five affirmative. The  
4 relief is granted.

5 JAMES RAFFERTY: Thank you very much, Mr. Chairman  
6 and the Board. Have a good evening.

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(6:12 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Wendy Leiserson, and Carol Agate

JIM MONTEVERDE: Next case is BZA-273648 -- 98-R  
Sherman Street.

Anyone calling in for 98-R Sherman Street?  
Anybody there?

CAROLYN FISHER: Hi. My name is Carolyn Fisher.  
I am the homeowner, and I know that our builder is also  
here.

SCHNEIDEE CYPRIEN: Sorry, I'm also here. I was  
just having minor technical difficulties. This is Schneidee  
Cyprien, on behalf of 98-R Sherman Street.

So we are here today to get approved for -- to  
basically put new windows into the property that fall within  
the setbacks. On the rear side setbacks, there is a total  
of four new windows. So the ones that are highlighted right  
now are the ones that are new openings and then there is the  
front garden window as well.

The main goal for the client is to bring natural  
light into the space and increase the quality of their home

1 and -- in terms of the interior. And majority of those  
2 windows don't fall -- like you won't be able to see them  
3 from the street; they are like on the side of the property  
4 and as well as in the back. There is really no interference  
5 with it. There is a building on the side as well as like  
6 fencing around it. And we are just hoping to get that  
7 approved.

8 JIM MONTEVERDE: Okay. Can you put up the  
9 elevation sheet? Next one. Yeah, there we go.

10 SCHNEIDEE CYPRIEN: So there is two new [transoms]  
11 that are on the side elevation that are fixed windows, and  
12 you also have the garden window in the front as well as one  
13 window in the back.

14 JIM MONTEVERDE: Yeah. I think the copy of the  
15 plans we have in our file [unclear] available  
16 electronically. On the lower left elevation, it has the  
17 lower left window that's annotated as bubbled in red; just  
18 to be clear that's the one -- that's one of the windows --

19 SCHNEIDEE CYPRIEN: Yes.

20 JIM MONTEVERDE: -- that's in the side yard  
21 setback, I believe? And then, on the bottom right  
22 elevation, it's the two rectangular windows, and that's

1 bubbled in red on our drawings we have in our file. Those  
2 are the two that are in rear your setback, correct?

3 SCHNEIDEE CYPRIEN: Rear end setback, yes.

4 JIM MONTEVERDE: Okay. All right. Anything else?

5 SCHNEIDEE CYPRIEN: No, I think that's all. Thank  
6 you.

7 JIM MONTEVERDE: Okay. Any questions from Members  
8 of the Board? If not -- let me check the file. We have no  
9 correspondence either for or against, so let me open it up  
10 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.

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

20 STEPHEN NATOLA: No one is here.

21 JIM MONTEVERDE: No one is here. Okay. We will  
22 close public testimony.

1 Any discussion among Members of the Board? If  
2 not, let me make a motion. It is a special permit.

3 The Chair makes a motion to grant relief from the  
4 requirements of the Ordinance under Sections 5.31; those are  
5 the Dimensional Requirements for the side yard in the back  
6 yard setbacks; Section 8.22.2.c for Nonconforming Structure,  
7 and 10.40 for a Special Permit, which is Section 10.43,  
8 reads:

9 a) It appears the requirements of this Ordinance  
10 cannot or will not be met. And that is correct.

11 b) Traffic generated or patterns of access or  
12 egress would cause congestion. It will not.

13 c) The continued operation of or the development  
14 of the adjacent uses as permitted would be adversely  
15 affected. That's a no. And,

16 d) Nuisance or hazard will be created to the  
17 detriment of the health, safety, or welfare. That also is a  
18 no. And lastly,

19 e) And for other reasons, the proposed use would  
20 impair the integrity of the district or adjoining district.  
21 That also is a no. Meaning that it meets all of the  
22 criteria of Section 10.43 for a Special Permit.

1           On the condition that the work proposed conforms  
2 to the drawings entitled "The Fisher-Seufert Residence, 98-R  
3 Sherman Street," prepared by NEDC Design & Construction, and  
4 dated 3/14/2024; initialed 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 a voice vote, please. Steven?

9           STEVEN NG: In favor.

10          JIM MONTEVERDE: Thank you. Virginia?

11          VIRGINIA KEESLER: In favor.

12          JIM MONTEVERDE: Carol?

13          CAROL AGATE: In favor.

14          JIM MONTEVERDE: Thank you. Wendy?

15          WENDY LEISERSON: In favor.

16          JIM MONTEVERDE: Thank you. And Jim Monteverde in  
17 favor.

18          [All vote YES]

19          JIM MONTEVERDE: That's five affirmative. The  
20 relief is granted.

21          SCHNEIDEE CYPRIEN: Thank you.

22          CAROLYN FISHER: Thank you.

1 SCHNEIDEE CYPRIEN: Thank you, Board, and have a  
2 good afternoon.

3 JIM MONTEVERDE: Thank you.

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(6:30 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Wendy Leiserson, and Carol Agate

JIM MONTEVERDE: Next case is BZA-269135 -- 50  
Sacramento Street. Anyone calling in? Scott Zink or Andrew  
Collins or Alison Hammer?

ALISON HAMMER: Good evening.

JIM MONTEVERDE: Hi. Oh, Alison! How are you?

ALISON HAMMER: Good, thanks.

JIM MONTEVERDE: Don't recognize the last name,  
sorry. You should probably intro yourself and then launch  
in.

ALISON HAMMER: Great. I don't know if anybody on  
the ownership side is joining in, either Scott Zink or  
Andrew Collins. So I don't know if we see them. If not, I  
think I'm probably good to proceed without them.

JIM MONTEVERDE: Yep. We don't see them calling  
in, so.

ALISON HAMMER: Okay. great. I guess --

JIM MONTEVERDE: If you want to proceed, go ahead.

ALISON HAMMER: -- I guess it's me.

1 JIM MONTEVERDE: Yep.

2 ALISON HAMMER: Alison Hammer of Newton,  
3 Massachusetts, from Hammer Design & Development. I'm the  
4 architect on this project.

5 The project of 50 Sacramento Street is the  
6 addition of a window well at the front of the building and  
7 adding that window well very slightly increases the  
8 technical height of the house by way of changing the average  
9 grade. So it extends the already preexisting nonconformity  
10 of 35.1' to 35.16'.

11 So if we want to look briefly at the -- we can  
12 quickly look at the site photos, which I think are on the  
13 third page. There we go. Thank you.

14 So you can see in number 2 and 3, you can see the  
15 aerial view of the house. In number 4, you can see the  
16 front, where the -- and then finally in 5 and 6 you can see  
17 the side, which is where we will be adding the window well.

18 There's an existing window there, so we'll just be  
19 excavating a little bit and creating a larger window in the  
20 space of the existing opening.

21 If we could proceed to the floor plans, which are  
22 on the -- there we go. Here we go.



1           On the left, you can see our existing floor plans,  
2           and, on the right, you can see the proposed floor plan of  
3           the basement showing the window well location and the area  
4           we would like to use as a bedroom.

5           Obviously, the window well is there for life  
6           safety as a requirement for a bedroom to bring in light and  
7           air.

8           We currently do have a window well in the -- what  
9           we are proposing to turn into the gym. We have to -- and  
10          that was just required for our permitting process to have a  
11          window well somewhere, so we're able to put one underneath a  
12          bay and have it not affect our building height.

13          But obviously, that is a very suboptimal location  
14          for a window well, both in terms of life safety,  
15          ventilation, and sunlight, so -- which is why we wanted to  
16          create this new window well on our side setback, next to our  
17          own driveway separated from the lot next to us.

18          And we can briefly look at the elevations to see  
19          that as well.

20          Great. Thank you. And here we can see the  
21          existing elevation above, and the proposed elevation below  
22          with the addition of the window well in the location of the

1 existing window.

2 JIM MONTEVERDE: Yep. And I think from the site  
3 plan or survey, basically shows that the window well is  
4 facing the driveway so there's no side yard setback issue.  
5 This is strictly the building height.

6 ALISON HAMMER: Correct.

7 JIM MONTEVERDE: Okay. All right.

8 ALISON HAMMER: And that's - that's all I've got.

9 JIM MONTEVERDE: That's it? Okay. Thank you.

10 ALISON HAMMER: Thank you.

11 JIM MONTEVERDE: Any questions from Members of the  
12 Board? If not, there are - if I no correspondence in the  
13 file, either for or against. So I'll open it up for public  
14 comment.

15 Any member of the public who wish to speak should  
16 now click the icon at the bottom of your Zoom screen that  
17 says, "Raise hand." If you're calling in by phone, you can  
18 raise your hand by pressing \*9 and unmute or mute by  
19 pressing \*6.

20 I'll now ask Staff to unmute speakers one at a  
21 time. You should begin by saying your name and address, and  
22 Staff will confirm that we can hear you. After that you

1 will have up to three minutes to speak before I ask you to  
2 wrap up.

3 STEPHEN NATOLA: No one's there.

4 JIM MONTEVERDE: No one's there. Okay. We're  
5 going to close public testimony.

6 Any discussion among Board Members? If not, we'll  
7 move to a motion.

8 The Chair makes a motion to grant relief from the  
9 requirements of the Ordinance under Sections 5.31, Table of  
10 Dimensional Requirements. This specifically has to do with  
11 the building height that changes and out of compliance I  
12 think because of the new window well; Sections 8.22.2.d and  
13 .c having to do with nonconforming structures and 10.40 for  
14 a Special Permit.

15 Let me read that one again for the  
16 transcriptionist. That criteria is:

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

19 Traffic generated or patterns of access or egress  
20 will cause congestion, hazard, or substantial change. It  
21 will not.

22 The continued operation of or the development of

1 the adjacent uses as permitted in the Ordinance would be  
2 adversely affected. It will not.

3 Nuisance or hazard will be created to the  
4 detriment of the health, safety, or welfare. It will not.

5 And for other reasons, the proposed use would  
6 impair the integrity of the district or adjoining district.  
7 And it will not.

8 And therefore, this meets the criteria under  
9 Sections 10.43 for a special permit.

10 On the condition that the work proposed conform to  
11 the drawings entitled, "50 Sacramento Street, LLC, prepared  
12 by Hammer Design & Development, LLC," and dated 04/15/2024;  
13 initialed and dated by the Chair.

14 And further, that we incorporate the supporting  
15 statements and dimensional forms submitted as part of the  
16 application.

17 On a voice vote, please? Wendy?

18 WENDY LEISERSON: In favor.

19 JIM MONTEVERDE: Carol?

20 CAROL AGATE: In favor.

21 JIM MONTEVERDE: Virginia?

22 VIRGINIA KEESLER: In favor.

1 JIM MONTEVERDE: Steven?

2 STEVEN NG: Favor.

3 JIM MONTEVERDE: And Jim Monteverde in favor.

4 [All vote YES]

5 JIM MONTEVERDE: That's five affirmative. The  
6 relief is granted.

7 ALISON HAMMER: Thank you very much.

8 JIM MONTEVERDE: Thank you. Yep. Goodnight.

9 Now we have to wait. All right, campers. We have  
10 to wait to 6:45, so we have seven minutes.

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(6:45 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Wendy Leiserson, and Carol Agate

JIM MONTEVERDE: All right, we're back. 6:45.

Next case is BZA-269132 - 40 Royal Avenue. Alison, this looks like it's you again.

ALISON HAMMER: It is. And I believe Scott Zink is on as well from the owners' side.

JIM MONTEVERDE: Oh.

ALISON HAMMER: So.

JIM MONTEVERDE: Bringing in the heavyweights for two egress windows and window wells? Okay. We're ready if you are.

ALISON HAMMER: Great. Alison Hammer from Hammer Design & Development of Newton, Massachusetts. I'm the architect on this project, 40 Royal Street.

In 40 Royal Street, we are requesting two types of relief, both special permit relief: a special permit relief for the addition of two egress windows, which further extended a preexisting height nonconformity.

Again, just by merit of changing the average grade

1 around the house, in order to bring the grade down to allow  
2 the egress well to function as it intends for life safety,  
3 light, and ventilation.

4 So the height is going from 39.7 to 39.8 in a Res  
5 B zone, which allows 35.

6 In addition, we are also asking for two windows on  
7 a nonconforming setback. And we can scroll forward briefly  
8 onto the Zoning page to look at the site plan. Or I guess  
9 we can take a peek at the photos, since I've got those  
10 coming first.

11 So we see from left to right on the top row, the  
12 area map, an aerial view showing 40 Royal Street; the street  
13 view, which shows the front of the building, which is where  
14 one of the egress wells is in and which you can see that  
15 area again up close in 5, kind of underneath the bay on the  
16 right of the house. And there is an existing window there  
17 right now.

18 And in 7 and 8 we can see the rear of the house,  
19 which is the other area that we are going to be requesting  
20 for the window well.

21 And to return to the floor for a minute, that  
22 shows the left side of the house where we are going to be

1 requesting the windows on the nonconforming wall.

2 Looking at the site plans, we have the existing  
3 site plan on the left and the proposed site plan on the  
4 right. You can see the window well in the front next to the  
5 front entryway; the window well in the rear next to the back  
6 staircase; as well as the left side of the building, where  
7 we have about a -- I think over -- okay, we have about a  
8 5.5' setback there on a required 7.5' setback.

9 If we can scroll forward onto the next page?

10 We have the side-by-side basement plans with the  
11 existing plan on the left and the proposed plan on the  
12 right, where again you can see on top right corner of the  
13 proposed plan one of the proposed two egress wells, and in  
14 the bottom on the front of the building on the both of them  
15 right you can see the other proposed well.

16 Scrolling forward onto the next page.

17 On the left, you can see the existing first floor  
18 plan, and on the right, you can see the proposed first floor  
19 plan, where we are proposing to double hung windows in the  
20 living room area.

21 Again, just for some additional light and air in  
22 the façade. And those are contextual with the other windows



1 on the house and in the neighborhood.

2 Moving onto the next sheet, you can see the  
3 proposed changes in elevation.

4 Again, on the right side we have the proposed  
5 elevation. And you can see the -- it's actually quite a  
6 shallow well in this area, just to allow us to get our sill  
7 as low as it needs to be on the inside.

8 I think those ought to be next sheet.

9 You can see the proposed window well in the back,  
10 and this is out of our setback, so we don't need setback  
11 relief on the window and again, obviously, not in front as  
12 well. You never need setback relief on the window. So this  
13 is really - both these window wells are truly just for the  
14 very minimal change in technical height on the building.

15 Moving onto the next sheet.

16 We have the left side elevation. And you can see  
17 where we are introducing the two windows on that first floor  
18 with the same two-over-one configuration that we are using  
19 throughout the rest of the house.

20 And again, those windows need special permit  
21 relief, just because they are on a nonconforming setback.

22 And that's all I've got for you tonight. Thank

1 you for your time.

2 JIM MONTEVERDE: Thank you. And just to confirm,  
3 the two windows are in the left side setback, as I read the  
4 plan. And the two window wells don't require any relief for  
5 either the front yard or rear yard or the side yard setback,  
6 right? That's strictly a height issue?

7 ALISON HAMMER: Correct.

8 JIM MONTEVERDE: Correct? Okay.

9 ALISON HAMMER: Yeah.

10 JIM MONTEVERDE: Any questions from Members of the  
11 Board? If not, I'll open it up to public commentary. There  
12 are -- we have no correspondence in the file. So I'll open  
13 it up to public comment.

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

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

1 to wrap up.

2 No one's there, so I'll close public testimony.

3 Any discussion among Members of the Board? If not, we'll  
4 move on to a motion.

5 The Chair makes a motion to grant relief from the  
6 requirements of the Ordinance under Sections 5.31. That is  
7 the height -- specifically for the window wells - and left  
8 side setback for the two new windows, Section 8.22.2.c,  
9 Alteration for a Nonconforming Structure; 8.22.2.d,  
10 Enlargement of a Preexisting, Nonconforming; and the  
11 Requirements for a Special Permit, which are, the Criteria:

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

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

17 Continued operation of or the development of the  
18 adjacent uses as permitted in the ordinance would be  
19 adversely affected. It will not.

20 Nuisance or hazard will be created to the  
21 detriment of the health, safety, or welfare of the occupant.  
22 It will not.

1           And for other reasons, the proposed use would  
2   impair the integrity of the district or adjoining district.  
3   It will not.

4           Therefore, you meet all of the criteria for  
5   Section 10.43 for a special permit.

6           On the condition that the work proposed conform to  
7   the drawings entitled "40 Royal Street, LLC, prepared by  
8   Hammer Design and Development, LLC," and dated 05/02/2024;  
9   initialed and dated by the Chair.

10          And further, that we incorporate the supporting  
11   statements and dimensional forms submitted as part of the  
12   application.

13          By a voice vote, please, Board Members?   Steven?

14          [Pause]

15          JIM MONTEVERDE:   Steven Ng, are you with us?

16          STEVEN NG:   Oh.   Steve Ng in favor.

17          JIM MONTEVERDE:   Yep.   Thank you.   Virginia?

18          VIRGINIA KEESLER:   In favor.

19          JIM MONTEVERDE:   Carol?

20          CAROL AGATE:   In favor.

21          JIM MONTEVERDE:   Wendy?

22          WENDY LEISERSON:   In favor.

1 JIM MONTEVERDE: And Jim Monteverde in favor.

2 [All vote YES]

3 JIM MONTEVERDE: That's unanimous. The relief is  
4 granted.

5 ALISON HAMMER: Thank you --

6 JIM MONTEVERDE: Thank you.

7 ALISON HAMMER: -- very much. Have a good  
8 evening.

9 JIM MONTEVERDE: You're welcome. Thank you. And  
10 we have five minutes.

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(7:01 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Wendy Leiserson, and Carol Agate

JIM MONTEVERDE: Okay. We're back. The next case is BZA 279906 - 38 Hubbard Avenue. Is there anyone calling in to talk to us about this?

KELLY BOUCHER: Hi, yes. My name is Kelly Boucher. My address is --

JIM MONTEVERDE: Yep.

KELLY BOUCHER: -- 54 Harvard Street in Brookline, Massachusetts, and I'm the architect for the project. I'm also joined today by the homeowner, Ms. Jane Rollins, and the developer, Mahmood Firouzbakht.

JIM MONTEVERDE: Very good. Thank you. Go ahead.

KELLY BOUCHER: Great. Stephen, can you flip to the first page? And you can flip even to the next -- the page after the cover sheet.

So good evening. Thank you for having us here at the BZA tonight. We're here to request a special permit relief for the property at 38 Hubbard Ave.

38 Hubbard Ave is a single-family home located on

1 a very uniquely shaped lot, which is only 25' wide and 168'  
2 long.

3 Currently, there is a small, single-family that is  
4 situated at the very front of the lot, and we are here today  
5 seeking permission to extend that single-family with a  
6 conforming -- with an addition that is in the setbacks and  
7 extends the existing nonconformity, which is a special  
8 permit -- as well as request some windows in those  
9 nonconforming setbacks but is otherwise compliant for the  
10 zoning.

11 So our proposed plan meets building height, floor  
12 area, open space, and all the other zoning metrics except  
13 that we're extended a nonconforming structure.

14 Can you flip to the next page, please?

15 So here are some photos of the house. You can see  
16 it's a two-story single-family house. It's sitting quite  
17 close to the street, and it's also very nearby its neighbors  
18 on Hubbard because of the location of the property and the  
19 way that the street is laid out.

20 So here are a few photos, as well as the  
21 Assessor's Map. You can see our property is highlighted  
22 with a red dash, and you can see where we are in relation to

1 our neighbors on Hubbard Street.

2 Next slide, please?

3 So our proposed project would extend only in the  
4 rear the project to make the house 56.3' long. It still  
5 provides quite a large back yard, because we're so close to  
6 the front that even after our proposed addition, we will  
7 still have 74 percent total open space on our lot. So we're  
8 well complying in our site plan.

9 Next slide please?

10 And here's our area plans where you can see the  
11 existing building is about 1,000 square feet, and our  
12 proposed building adds a third story only at the rear and  
13 brings our GFA up to a total of 3,060 square feet, where  
14 3,096 is our allowable. So we're still under the GFA limit  
15 with our proposed project.

16 Next slide, please?

17 Here are the existing and proposed floor plans.  
18 Here you can see where we're adding some living space in the  
19 basement. We're not located in the flood zone, so that  
20 would be allowed here.

21 Our first floor gets some nice living space that  
22 can enjoy the large rear yard.



1                   Next slide, please?

2                   Our second floor gets a bedroom extension, and  
3                   we're adding a third floor towards the back of the house.  
4                   So currently there's only a two-story structure there now.

5                   Next slide, please?

6                   Here are some existing and proposed elevations of  
7                   the house, with the existing up at the top and the proposed  
8                   down at the bottom.

9                   And here's our front elevation, our right side,  
10                  and then if you could go to the next slide, we've got the  
11                  rear and the other side, which are pretty similar.

12                  Next slide, please?

13                  Great. Thank you. So here's our other  
14                  elevations. A lot of nice windows opened up to the yard.

15                  Next slide?

16                  This side shows the existing building section on  
17                  the left and the proposed building section on the right. So  
18                  you can kind of see our new building will be taller than the  
19                  old, but still under the 35' height line. We're keeping -  
20                  you know, the first floor at the level that it currently  
21                  exists now.

22                  Next slide, please?

1           And here's a 3D view of what the house looks like  
2 now and what our proposed project will look like if  
3 approved.

4           I think that might be the last slide maybe. Oh,  
5 there's one other view of the rear. Can we see the last 3D  
6 view, Stephen, please?

7           And here's the similar view. So existing on the  
8 right and the proposed on the left.

9           So that's our project. I'm happy to turn it over  
10 to you for questions and comments from the Board.

11           JIM MONTEVERDE: Thank you. Any questions from  
12 Members of the Board? If not, I have two.

13           KELLY BOUCHER: Mm-hm.

14           JIM MONTEVERDE: On the front view --

15           KELLY BOUCHER: Yep.

16           JIM MONTEVERDE: -- you were --

17           KELLY BOUCHER: Can we switch back to the last  
18 slide, Stephen, please? Just --

19           JIM MONTEVERDE: You're creating a garage below  
20 the, or the - as part of the basement space, right?

21           KELLY BOUCHER: Yes, we are. We're looking to add  
22 a driveway, of which we have a curb cut application I

1 believe already submitted with the City, but Mahmood has  
2 been handling that part of the process.

3 So yes, we do need to get the curb cut approved to  
4 get the driveway in as shown in our drawings. Because now  
5 there is not a curb cut.

6 JIM MONTEVERDE: Yep, and in your submission, are  
7 there any other photos of the adjacent properties? Is that  
8 something else that exists within the neighborhood?

9 KELLY BOUCHER: Um--

10 JIM MONTEVERDE: Basement garages?

11 KELLY BOUCHER: That's a good question.

12 JIM MONTEVERDE: Or is that unique to your --

13 KELLY BOUCHER: I don't - I don't know the answer,  
14 nor do I readily have available a bunch of photos of what's  
15 going okay down the street, although I mean I guess we could  
16 look in a Google Street View if you want. I don't believe  
17 that there --

18 JIM MONTEVERDE: No, that's okay.

19 KELLY BOUCHER: -- are --

20 JIM MONTEVERDE: You don't believe there are?

21 KELLY BOUCHER: -- now, although the neighbor  
22 directly on the right side's driveway --

1 JIM MONTEVERDE: Yep.

2 KELLY BOUCHER: -- is on the same side as our  
3 proposed driveway. And so, we're looking to just extend  
4 their curb cut all the way across, because theirs goes right  
5 to the zero-lot line where we're adjacent to them.

6 JIM MONTEVERDE: Mm-hm. And why the need for the  
7 garage? Beside the obvious?

8 KELLY BOUCHER: Yeah. I mean, I think it's just  
9 to provide a parking spot for this house specifically, you  
10 know, instead of just relying on street parking.

11 Maybe Mahmood wants to chime in a little bit about  
12 the parking space as well?

13 MAHMOOD FIROUZBAKHT: Thank you, Kelly. Thank  
14 you, Mr. Chair. Mahmood Firouzbakht. I live at 7 Crescent  
15 Street in Cambridge.

16 And basically, I mean for a house that is a  
17 single-family this size, having an off-street parking space  
18 is an amenity that I think would be helpful to likely a  
19 family in this home.

20 And, you know, we're cognizant -- obviously it  
21 would be preferable to not have to do an undergrad garage  
22 space because of cost reasons, but just given the space

1 limitations, you know, with the property and not wanting to  
2 locate an aboveground parking space in the front yard, this  
3 was sort of our solution to accommodating off-street  
4 parking, but then keeping it sort of inside the building  
5 envelope as opposed to the front yard.

6 JIM MONTEVERDE: Mm-hm. And the intention is to  
7 have the -- it'll take a single vehicle, the vehicle will be  
8 in the garage, I'm assuming the driveway would be within the  
9 front yard setback or if someone were to park in that  
10 driveway, they would be within the front yard setback, is  
11 that correct?

12 KELLY BOUCHER: I believe that is true.

13 JIM MONTEVERDE: Yeah.

14 KELLY BOUCHER: Stephen, maybe could you go to the  
15 site plan at the beginning of the set? That might be a  
16 better --

17 JIM MONTEVERDE: That's okay. My point is I  
18 wouldn't be in favor of allowing something that would  
19 potentially let someone park in the front yard setback.

20 KELLY BOUCHER: Mm-hm.

21 JIM MONTEVERDE: So just --

22 KELLY BOUCHER: The driveway is quite slopey. I

1 don't imagine that it's --

2 JIM MONTEVERDE: Right.

3 KELLY BOUCHER: -- just narrow enough to get a car  
4 --

5 JIM MONTEVERDE: Yep.

6 KELLY BOUCHER: -- down in. It's not sort of --

7 JIM MONTEVERDE: Okay.

8 KELLY BOUCHER: -- a roomy driveway. I'm not sure  
9 it would be a very desirable place to park your car most of  
10 the time, but I do not - not for me to say.

11 JIM MONTEVERDE: Yeah. Okay.

12 And my second question was this is a single-  
13 family, correct?

14 KELLY BOUCHER: Yes. Yep.

15 JIM MONTEVERDE: Is this for rent or ownership or  
16 --

17 KELLY BOUCHER: It will be for ownership --  
18 single-family homeownership.

19 JIM MONTEVERDE: Okay. And it's -- am I correct  
20 it's going from three bedrooms to five bedrooms?

21 KELLY BOUCHER: Yes. That sounds --

22 JIM MONTEVERDE: Okay.

1           KELLY BOUCHER:  -- correct.

2           JIM MONTEVERDE:  All right.  Thank you.  Those are  
3 my questions.  Any other questions from Members of the  
4 Board?  If not, I'll open it up to public comment.  And we  
5 have in the file, we have a form that four people have  
6 signed basically dated September 3 saying they do not object  
7 to the proposed work.

8           Sudha Natarajan from 31 Hubbard, Caroline Butler-  
9 Rahman from 41 Hubbard, I can't - sorry I can't read this  
10 one, it starts with a J first name, last name with an O,  
11 from 37A Hubbard; and Amulya Nagarur from 37 Hubbard,  
12 speaking in favor.  And that's all there is in the file.  So  
13 let me open it to public comment.

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

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

1 wrap up.

2 STEPHEN NATOLA: Andrew Richman?

3 ANDREW RICHMAN: Hi. Yep. I'm Andrew Richman.  
4 I'm at 36 Hubbard Avenue, so I'm right next door to the  
5 property. And I just have no objections.

6 Mahmood has been very proactive in letting us know  
7 what's going on and soliciting our opinions, and working  
8 with us to make sure that there's no adverse impacts on us.

9 And, you know, it's got a lot of credibility in  
10 terms of if there are adverse impacts working with us to  
11 ameliorate them. I'm especially appreciative of the  
12 underground parking place in order to maintain parking on  
13 the street, especially given that there's potentially a  
14 bunch of expansion going on down the road at Walden Square,  
15 so parking could be impacted by that.

16 So any -- his efforts to think about parking  
17 around here are appreciated by the neighbors. So yeah. As  
18 a neighbor, I have no objections.

19 JIM MONTEVERDE: Thank you for calling in. Nope,  
20 that's it? We'll close public testimony. Any discussion  
21 among Members of the Board? If not --

22 STEVEN NG: Yeah, I think that dimension from the



1 existing face of the building to the property line I think  
2 was about 14.7'?

3 KELLY BOUCHER: The front yard one?

4 STEVEN NG: Yeah, I believe so.

5 KELLY BOUCHER: Yeah. you actually, Steven, can  
6 zoom in to that site survey on the left. It should have  
7 that number written right no there. It's just a little too  
8 small to see.

9 STEVEN NG: Yeah.

10 KELLY BOUCHER: Let me see. I have my paper copy  
11 that I can see a little bit better.

12 STEVEN NG: Yeah, and having that driveway sloping  
13 down makes - is a concern to me, but seeing the width of the  
14 site being very challenging to try to get a driveway in  
15 there, I don't know if my fellow Board Members have similar  
16 thoughts, concerns or --

17 JIM MONTEVERDE: That's why I asked the question.  
18 It's not -- in most neighborhoods, it seems like that  
19 parking under the house would be out of character.

20 STEVEN NG: Mm-hm.

21 JIM MONTEVERDE: That's why I asked if there was  
22 any context in the neighborhood. That, and I think its

1 closeness to the street, like you said, makes maneuvering to  
2 get in there, especially in the wintertime, difficult.

3 I understand the dilemma of what someone is either  
4 going to buy this place for - a five-bedroom, and have to  
5 rely on street parking, but the old joke was Cambridge was  
6 the only place where you could buy a million-dollar house  
7 and not have a parking space.

8 That's probably now a three-and-a-half million-  
9 dollar house, but that's -- Mike, I have the same concern  
10 about the basement parking.

11 One, in terms of its character, what it means to  
12 the character of the building facing the street. I think  
13 it's not very neighborhood - neighbor friendly, given what  
14 exists now is basically the entry to the building and not  
15 the garage.

16 I can see the issues with the lot being so narrow.  
17 All the other changes I don't take any exception to, but the  
18 garage I am concerned about.

19 Anybody else?

20 CAROL AGATE: No, I was going to ask Steven why he  
21 objected, but I think you answered that question. I don't  
22 share it, though. I think it's better getting a car off the

1 street.

2 JIM MONTEVERDE: Okay.

3 STEVEN NG: Thank you.

4 JIM MONTEVERDE: Steven, you think that's enough  
5 of a concern to vote against it? Personally, I don't.

6 STEVEN NG: No, just I think it's definitely out  
7 of character, but --

8 JIM MONTEVERDE: I agree.

9 STEVEN NG: It's -- but no, I --

10 MAHMOOD FIROUZBAKHT: If I may speak on this, Mr.  
11 Chair and Members of the Board, I'm not aware of any other  
12 properties on Hubbard Ave that have this kind of a below-  
13 ground parking feature. There are properties on Richdale  
14 that do, and also in the surrounding neighborhood.

15 I mean, walking around, there certainly are  
16 examples, you know, throughout the neighborhood. So it may  
17 be not present right on Hubbard Ave but in the surrounding  
18 neighborhood, there are other examples of it. So in that  
19 regard, it's not completely out of character from my  
20 perspective to incorporate this.

21 And certainly, we will do whatever we can in that  
22 front yard to -- both with landscaping and hardscaping to

1 beautify that driveway and that surrounding area as much as  
2 we can. Because certainly, you know, we would like that not  
3 only for this property but, you know, for the streetscape in  
4 general as well.

5 JIM MONTEVERDE: You just don't have any property  
6 left.

7 KELLY BOUCHER: There is property, it's just all  
8 at the back and hard to get to.

9 JIM MONTEVERDE: Yeah. I understand.

10 KELLY BOUCHER: Yeah.

11 VIRGINIA KEESLER: This is Virginia.

12 JIM MONTEVERDE: Would you be - would the  
13 proponent be willing to discuss eliminating the garage?

14 MAHMOOD FIROUZBAKHT: I don't -- I appreciate  
15 that, Mr. Chair, but I couldn't -- I can't.

16 JIM MONTEVERDE: Okay. Okay. Any other  
17 discussion -- sorry, Virginia?

18 VIRGINIA KEESLER: I was just curious whether you  
19 have any, like, sort of like garage flooding insurance or if  
20 you don't think that will be an issue here?

21 JIM MONTEVERDE: Can you repeat that, Virginia?

22 VIRGINIA KEESLER: I was just wondering if there

1 are any, like, garage flooding concerns with the water  
2 running down the driveway --

3 JIM MONTEVERDE: Oh.

4 VIRGINIA KEESLER: -- into the garage.

5 KELLY BOUCHER: In the end, what happens is  
6 they'll put a very - they'll put a long, trench drain before  
7 the door, so any water that comes into the garage goes down  
8 into the drain.

9 I have built a few and I haven't had any issues.  
10 I know this particular lot is not located in the flood zone.  
11 So it's not one of the lower lots or prone to flooding this  
12 neighborhood really.

13 We haven't seen that happen in the ones that I've  
14 installed so far. I mean, if it wasn't properly maintained  
15 and there was a lot of leaves in there, or -- I mean is it  
16 possible? Yes. But usually, the system that gets put in  
17 undergrad is quite beefy, just based on what the DPW  
18 requires. And so, that does the trick.

19 VIRGINIA KEESLER: Mm-hm.

20 KELLY BOUCHER: In my experience.

21 VIRGINIA KEESLER: Thank you. I'm also wondering  
22 if on this street, when there are cars parked on both sides

1 of the street, is it wide enough for cars to drive in both  
2 directions? Like, is there already sort of a circulation  
3 problem existing on the street with cars parking?

4 KELLY BOUCHER: I don't know. And maybe Mahmood  
5 could speak to it better. I do know that the house directly  
6 on the right side does have a parking space in their front  
7 yard, kind of adjacent to where our driveway is going to be.  
8 And they back out into the street. You can see on the cover  
9 sheet there's a little photo of that car kind of -- you can  
10 kind of see.

11 So we're basically going to have the same condition that our  
12 abutter has now, which I'm not sure if it's a problem; I've  
13 not sort of tried to do that.

14 Mahmood, do you have any insight on that street?

15 MAHMOOD FIROUZBAKHT: You know, it's certainly not  
16 marked as two lanes, but it's -- Hubbard Ave is wide enough  
17 where two cars typically can pass each other --

18 KELLY BOUCHER: Mm-hm.

19 MAHMOOD FIROUZBAKHT: -- depending on what kind of  
20 cars are parked, you know, on either side. If they're big  
21 trucks, then that starts to get a little bit more  
22 constricted. But if they're smaller and normal-sized cars,

1 you know, typically, you know, that's -- it's that kind of  
2 passing is possible on Hubbard Ave. It's -- you know, with  
3 the benefit of it being a bit wider than the standard city  
4 street.

5 VIRGINIA KEESLER: Thank you.

6 JIM MONTEVERDE: Any other discussion among  
7 Members of the Board? If not, I'll make a motion. This is  
8 a special permit.

9 Sorry? Oh. Did I not do the public? I thought I  
10 did. I read the folks who've called in. No one was calling  
11 in; close public testimony.

12 Okay, motion. The Chair makes a motion to grant  
13 relief from the requirements of this Ordinance cannot or  
14 will not be met. That is correct.

15 Traffic generated or patterns of access or egress  
16 would cause congestion, hazard, or substantial change. I  
17 think not.

18 The continued operation of or the development of  
19 the adjacent uses as permitted in the Ordinance would be  
20 adversely affected. That's a no.

21 Nuisance or hazard will be created to the  
22 detriment of the health, safety, or welfare. That's no.

1           And for other reasons, the proposed use would  
2   impair the integrity of the district or adjoining district.  
3   That's no.

4           So I believe by that criteria it meets the  
5   criteria under Section 10.43 for a special permit.

6           On the condition that the work proposed conform to  
7   the drawings entitled, "38 Hubbard Avenue," prepared by KBA,  
8   dated July 8, 2024; initialed and dated by the Chair.

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

12           On a voice vote, please? Wendy?

13           WENDY LEISERSON: In favor.

14           JIM MONTEVERDE: Carol?

15           CAROL AGATE: In favor.

16           JIM MONTEVERDE: Virginia?

17           VIRGINIA KEESLER: In favor.

18           JIM MONTEVERDE: Steven?

19           STEVEN NG: In favor.

20           JIM MONTEVERDE: And Jim Monteverde, I will vote  
21   opposed based on the garage, but that's four in favor.

22           [FOUR vote YES, ONE vote NO]



1 JIM MONTEVERDE: The relief is granted.

2 KELLY BOUCHER: Thank you very much.

3 JIM MONTEVERDE: Thank you. Yep.

4 MAHMOOD FIROUZBAKHT: Thank you very much.

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(7:24 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia  
Keesler, Wendy Leiserson, and Carol Agate

JIM MONTEVERDE: Next case is BZA-273725 - 25  
Lancaster Avenue.

Mr. Glassman?

CAROL AGATE: By the way, if it matters, it's  
Lancaster Street.

JIM MONTEVERDE: Say that again, Carol?

CAROL AGATE: If it matters, it's Lancaster  
Street.

JIM MONTEVERDE: Adam, you look like you're from  
the space shuttle or something.

ADAM GLASSMAN: I just noticed that. I think my  
son did that when I stepped away from my computer, and I  
don't even know how to change it. So if no one's going to  
object, I'm going to stay in outer space for this  
presentation.

JIM MONTEVERDE: That's good.

ADAM GLASSMAN: That is good.

JIM MONTEVERDE: We've all gone through the file

1 so you can make your presentation specifically around the  
2 places where you're seeking relief.

3 ADAM GLASSMAN: Sure. Sure.

4 JIM MONTEVERDE: And we have the letter from the  
5 Avon Hill Conversation District Commission. So go ahead.

6 ADAM GLASSMAN: Okay. So this is for the record,  
7 I'm Adam Glassman of GCD Architects at 27 Hurlbut Street in  
8 Cambridge.

9 I'm here tonight representing the applicants,  
10 Elizabeth Stott. And we're here for a few elements that are  
11 associated with larger basement renovation and conversion.  
12 They live in a single-family house, and they will be  
13 converting their basement into more living space for their  
14 family. It is not an accessory unit; it's not anything like  
15 that. There's no kitchen. It's just for their own living  
16 space.

17 To make the basement safer and just more livable,  
18 we're adding two window wells on the right side of the  
19 house, which had been approved by the Avon Hill Preservation  
20 Commission, and those window wells need zoning relief  
21 because we are technically raising the height of the  
22 building, which is existing nonconforming.

1           And as we all know, the building height is not  
2 actually changing, is not actually moving, but the lower  
3 grade will be lower.

4           The second piece of our application are the  
5 additional or enlarged basement windows in the rear of the  
6 foundation wall, which is within a rear setback.

7           And the third piece on the left side of the house  
8 is a new, below-grade stairwell for access, easy access to  
9 and from the yard, to and from the basement.

10          So if we can go to start with the plans?

11          Our existing site plan, we can keep scrolling.  
12 Views of the house of the left image is a street view. And  
13 the shrubs on the left conceal a fence. And it is behind  
14 that fence that the new stairwell will be added, and the  
15 image on the right shows the right side of the house where  
16 the window wells will be added on that side, between the  
17 house and the driveway.

18          Next slide, please?

19          This image in the back - of the back on the  
20 bulkhead area is where the new - the new stairwell will be  
21 added to the house, tucked behind the bump-out that you see  
22 on the right.

1           And then the image on the right. And then the  
2 image on the right is at the back of the house you can see  
3 the two existing basement windows, which will be basically  
4 united. That middle part of the foundation wall will be  
5 removed, and the beam will be installed above the wider  
6 window opening.

7           Next slide, please?

8           And -- oh, yeah, we can go back to the site plan.  
9 Right here. Yep. There we go. And - oh, and I did  
10 misspeak before. We're not adding two window wells. We're  
11 only adding one. And you can see that window well on the  
12 lower right-hand corner of the house. Back in the rear  
13 where you can see existing patio is where the added transom  
14 windows will be. And then on the left side is where the  
15 stairwell will be. The window openings on the left side of  
16 the house are by right. The railings and the retaining wall  
17 are by right. It's just the large of the grade is why we're  
18 here for the stairwell.

19          Next slide, please?

20          Our existing conditions on the right side. This  
21 was really prepared for the historic portion of this  
22 application, and that existing window, which you can see on

1 the left side is what's being turned into a window well.

2 Next slide?

3 Our existing unfinished basement. You can see  
4 where the bulkhead is up on the left, and that will become  
5 the stairwell.

6 And if you can zoom either out or scroll down a  
7 little bit. Nope, other way. Other way. Yep.

8 So that area in the back which says, "Remove  
9 portion of wall for new window openings" that's where the  
10 enlarged or the added transom windows will be for the  
11 finished basement.

12 Next slide?

13 Our proposed plan. You can see the items in red.  
14 Called out why we're here for zoning relief. On the lower  
15 right, special permit required for a new window well, for  
16 any walls that are above grade within the front yard  
17 setback. And also here if they're nonconforming building  
18 height.

19 In the upper portion of the plan, you can see in  
20 the red rectangle, "Special permit required for enlarged  
21 transom windows." That is because the new windows' openings  
22 are within the rear setback.

1           And then on the left in the rectangle, "Special  
2 permit for a new below-grade stairwell because of  
3 nonconforming building, existing nonconforming building  
4 height."

5           Next slide, please?

6           And our front elevation and the work in the back  
7 you cannot see from the street. And that little bit you can  
8 see on the lower right is the little bit of the portion of  
9 the 6" window well above grade.

10          Next slide, please?

11          Our right-side elevation, Number 1 indicates the  
12 window that will be turned into a window well, and Number 2  
13 is just the window to be replaced with a window that's been  
14 approved by the Avon Hill Commission.

15          Next slide?

16          Oh, I'm sorry, did you go to the next slide?

17          JIM MONTEVERDE: Same thing. Yeah, keep going.  
18 Keep going, please.

19          ADAM GLASSMAN: This is our existing left side  
20 elevation. You can see the dashed lines below grade are the  
21 existing bulkhead to be removed.

22          And next slide, please?

1           And the image of the proposed stairwell, which you  
2     can see is drawn to end at the corner of the house. We've  
3     actually studied the grade a little bit more and if it  
4     doesn't - the Board doesn't object, we'd actually like to  
5     make the stairwell a little bit longer and push it a little  
6     bit more towards the back, so we can adjust our window sizes  
7     and our door location.

8           Next slide, please?

9           And the existing rear elevation, you see the two  
10    windows and a portion of the wall to be removed, and to be  
11    replaced by transoms.

12          Next slide, please?

13          Our proposed rear elevation with the transom  
14    windows, just above grade.

15          Next slide, please?

16          The details for the window well, which I don't  
17    think we have to get into.

18          JIM MONTEVERDE:   Yep.

19          ADAM GLASSMAN:   And we can keep scrolling. More  
20    details. And that's the --

21          JIM MONTEVERDE:   Yep.   okay.

22          ADAM GLASSMAN:   We have several letters of



1 support.

2 JIM MONTEVERDE: Yep. We'll go through those in a  
3 minute. Can you confirm for me, Adam - and I'm reading the  
4 advertisement - the relief that's being sought is relative  
5 to the building height because of the window wells, lowering  
6 the average grade?

7 ADAM GLASSMAN: Correct.

8 JIM MONTEVERDE: And then the new and enlarged  
9 basement windows in the rear setback --

10 ADAM GLASSMAN: Correct.

11 JIM MONTEVERDE: Correct?

12 ADAM GLASSMAN: Correct.

13 JIM MONTEVERDE: There's no - for some reason I  
14 noted right side setback, but there is nothing in the right-  
15 side setback?

16 ADAM GLASSMAN: That's correct.

17 JIM MONTEVERDE: Okay. Thank you. Okay. Thank  
18 you.

19 Any questions from Members of the Board? I'll get  
20 into the letter from the Avon Hill folks and any neighbors  
21 that wrote in in a moment. But any questions from Members  
22 of the Board?

1           If not, we have two pieces of correspondence from  
2 neighbors in favor. One from Elizabeth McQuillen at 37  
3 Lancaster, speaking in favor. Tom Maddox and Jackie Spencer  
4 -- and I'm looking for, I don't see an address - 30  
5 Lancaster speaking in support. And then we have the  
6 correspondence - we have a Certificate of Appropriateness  
7 from the Avon Hill Neighborhood Conversation District  
8 Commission dated June 24, 2024. And I'll enter these as  
9 core and shell. But it reads:

10           "Work is to be carried out as indicated in plans  
11 by GCD Architects, titled, dated May 30, 2024." And then the  
12 certificate is granted on the condition that the work  
13 authorized commence within six months. I'll read that as  
14 the conditions.

15           Those are the correspondences we have in the file.  
16 I'll now open it up to public comment.

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

20           If you're calling in by phone, you can raise your  
21 hand by pressing \*9 and unmute or mute by pressing \*6. I'll  
22 now ask Staff to unmute speakers one at a time. You should

1 begin by saying your name and address, and Staff will then  
2 confirm that we can hear you. After that you will have up  
3 to three minutes to speak before I ask you to wrap up.

4 STEPHEN NATOLA: No one's calling.

5 JIM MONTEVERDE: No one is calling in. So we'll  
6 close public testimony. Any discussion among Members of the  
7 Board? If not, I will move on to a motion. This is yet  
8 again a special permit. They seem to be popular tonight.

9 The Chair makes a motion to grant relief from the  
10 requirements of the ordinance under Sections 5.31, the Table  
11 of Dimensional Requirements. That has to do with the  
12 increase in a nonconforming building height, due to the new  
13 window wells, which lower the average grade, and new and  
14 enlarged window openings in the basement in the rear yard  
15 setback.

16 And Sections 8.22.2.d and .c for a Nonconforming  
17 Structure and 10.40 for the Special Permit Criteria - it's  
18 actually Section 10.43. And those are:

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

21 Traffic generated or patterns of access or egress  
22 will cause congestion, hazard, or substantial change: That

1 is no.

2 The continued operation of or the development of  
3 the adjacent uses as permitted in the ordinance would be  
4 adversely affected: That is no.

5 Nuisance or hazard will be created to the  
6 detriment of the health, safety, or welfare: No.

7 And for other reasons, the proposed use would  
8 impair the integrity of the district or adjoining district:  
9 That is also a no.

10 And therefore, it achieves all of the criteria for  
11 Section 10.43 for a special permit.

12 On the condition that the work proposed conform to  
13 the drawings entitled 25 Lancaster Street, prepared by GCD  
14 Architects dated 11 June, 2024, initialed and dated by the  
15 Chair.

16 And further, that we incorporate the supporting  
17 statements and dimensional forms submitted as part of the  
18 application.

19 And further, that the special permit is granted  
20 incorporating the following conditions: And that's from the  
21 Avon Hill Neighborhood Conversation District Commission  
22 Certificate of Appropriateness dated June 24, 2024. It's:

1           One, that the work carried out is indicated on the  
2 plans by GCD Architects titled, "Project Basement  
3 Conversion, 25 Lancaster Street" dated May 30, 2024.

4           And second that the special permit is granted and  
5 the Certificate of Appropriateness upon the condition that  
6 the work authorized is commenced within six months after the  
7 date of issuance.

8           If the work authorized by this certificate -  
9 that's the Certificate of Appropriateness - is not commenced  
10 within six months after the date of issuance or if such work  
11 is suspended a significant part for a period of one year  
12 after the time the work has commenced, the certificate shall  
13 expire and be of no further effect.

14           On a voice vote of the Board Members, please,  
15 Steven?

16           STEVEN NG: In favor.

17           JIM MONTEVERDE: Thank you. Virginia?

18           VIRGINIA KEESLER: In favor.

19           JIM MONTEVERDE: Thank you. Carol?

20           CAROL AGATE: In favor.

21           JIM MONTEVERDE: Thank you. Wendy?

22           WENDY LEISERSON: In favor.

1                   JIM MONTEVERDE: Thank you. And Jim Monteverde in  
2 favor.

3                   [All vote YES]

4                   ADAM GLASSMAN: Thank you.

5                   JIM MONTEVERDE: That's five affirmative. The  
6 special permit -- the relief is granted.

7                   ADAM GLASSMAN: Thank you all.

8                   JIM MONTEVERDE: Don't go too far.

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(7:40 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Wendy Leiserson, and Carol Agate

JIM MONTEVERDE: Next case is BZA 282282 - 10  
Howland Street. And Adam, you're back.

ADAM GLASSMAN: I'm back. For the record, this is  
Adam Glassman with GCD Architects at 17 Brown Street,  
Cambridge.

So I'm here tonight representing the applicants,  
new homeowners of 17 -- not 17, 10 Howland Street in  
Cambridge. They are new homeowners with a growing family.  
Both Phiala and her husband Salvo are here to say a brief  
statement about who they are.

Phiala, are you on? She might not be on. When  
she does, we'll bring her back.

So Phiala and Salvo both are Professors at MIT.  
They've both been there for 10-12 years. And we're seeking  
to build a nonconforming addition to an existing  
nonconforming single-family due to setbacks.

We can start with the plans, please.

PHIALA SHANAHAN: Hi, Adam. We're here. We just

1 got changed to Panelists. We were in the other mode before.

2 ADAM GLASSMAN: Okay, great. That's what I  
3 thought. Phiala, I just want to say maybe something brief  
4 about yourself and your family and why we're doing what  
5 we're doing.

6 PHIALA SHANAHAN: Yeah. Hello; Phiala. This is  
7 Salvo. I'm feeding our three-week-old baby right now, who's  
8 here. We've just bought this home. We have been longtime  
9 Cambridge residents for about 12 years. We're both  
10 professors at MIT, so we're just moving from a condo to our  
11 forever home at 10 Howland Street.

12 And we're just wanting to update the home, change  
13 the layout a little bit and make it suitable for our family  
14 long-term.

15 SALVO SHANAHAN: Thank you.

16 ADAM GLASSMAN: Thank you, Phiala. Could we  
17 scroll down a little bit so we can see a little bit more of  
18 the text? Oh, there we go.

19 So we're here for a two-story rear addition.  
20 We're increasing the existing nonconforming left- and right-  
21 side setbacks. There will be no -- if you see these street  
22 photos above, there will be no change to the character of



1 the house due to the work, no change in the scale of the  
2 house, and we have quite a lot of abutter and neighbor  
3 support.

4 Next slide, please?

5 The rear of the house, where the work will be - oh  
6 no, let's go up a little bit. Yep. you can see an existing  
7 porch and the existing second-floor deck. Both of those  
8 will be consumed by a new rear addition.

9 The bump-out on the right will become enlarged,  
10 and that shed-like structure that's attached on the lower  
11 right-hand portion of the wall will be removed.

12 Next slide, please?

13 A view from the second floor. Looking down at the  
14 back yard, you can see it's a really deep back yard between  
15 the rear lot line and the back of the house there's an  
16 existing garage to remain for now.

17 Plenty of usable conforming yard space will  
18 remain, and we will not be getting even close to the  
19 required rear setback. You can see on the locus map on the  
20 right that X represents the location of the proposed  
21 addition.

22 Next slide, please?

1           Our Zoning Legend. Everything, all existing  
2 conforming conditions will remain, and only our right and  
3 left side setbacks, which are existing nonconforming will  
4 continue to be existing nonconforming per the addition.

5           Next slide, please?

6           Our setback calculations, based on the existing  
7 and proposed size of the structure, and the existing  
8 condition -- well, the existing conditions and the proposed  
9 conditions result in existing and proposed nonconforming.

10          Side setbacks, you can see that the existing  
11 proposed setbacks both go - especially on the left side,  
12 they go through the house pretty deep, and there's no way to  
13 create this extra space in the back without extending those  
14 existing nonconformities.

15          Oh, before you go to the next slide, the area in  
16 the dark gray that forms like a reverse L, that's the  
17 proposed rear addition. And just beyond that, towards the  
18 garage, would be a small deck with a canopy over it. there  
19 will be no more second-floor decks.

20          Next slide, please?

21          Our usable open landscape plan, most of which is  
22 in the front and the back of the house. And the conditions

1 in the front will not change. And the conditions in the  
2 back will be reduced somewhat, but we will still have  
3 conforming open space.

4 Next slide, please?

5 Here is our proposed open space landscape plan.  
6 Again, in the dark ell you can see the area to be added with  
7 the deck towards the back; still more than 10' from the  
8 garage. So there is a generous amount of landscaping to  
9 remain.

10 Next slide, please?

11 Our area calculations and we have conforming FAR,  
12 and we will continue to have conforming FAR.

13 Next slide, please?

14 Can you just bump down? Yeah. You can keep  
15 going, it's okay. Keep going, please. Yeah. Here we go.  
16 Let's stop right here. Our existing 3D views of the house.  
17 It's the rear part of the house where the work is happening,  
18 so the front part of the house will remain unchanged.

19 Our demo plans -- oop, alright. The area of most  
20 of the demo work you can see looking at the existing right  
21 side, it's all happening at the rear, the bump-out, the  
22 porch and the deck.

1               Next slide, please?

2               And our -- another -- oh, no, a little -- no, too  
3 fast. Go back. There we go.

4               And our rear view of the existing removal work and  
5 the add-ons that were added on over the years really aren't  
6 that attractive. They're no longer that useful. They're  
7 not well built. So what we'll replace them with something  
8 more attractive, and with much better construction.

9               Next slide, please?

10              Proposed work shown in 3D view. On the left side,  
11 the rear bump-out becomes elongated. It'll maintain a flat  
12 roof. The decorative guardrail on top on the right you can  
13 see the addition with the three windows at the top and the  
14 three transoms at the bottom.

15              Again, the character and scale and the proportions  
16 of the house all remain.

17              Next slide, please?

18              Views of the rear. Small deck and a canopy.

19              Next slide?

20              Our new plans show that the work will increase  
21 living space towards the back. Please scroll -- oh no, the  
22 other way, so we can see the whole plan.

1           Whoop. Yep, yep. That's fine.

2           All right. So in the basement, we'll be adding a  
3   crawl space under the new work. We're not adding a full  
4   basement there.

5           And in the rear of the house, we're just opening  
6   this up and creating more useful and enjoyable, family-type  
7   spaces; open kitchen and dining, open living room.

8           Next slide, please?

9           And our second-floor plan, the bump-out will allow  
10   the owners to add a more comfortable bedroom for themselves,  
11   a bedroom for their children in the front, or their child in  
12   the front, a small home office.

13          And up on the third floor under the existing roof  
14   where we're doing no zoning-related work will be an office  
15   or guest space for their parents who visit from far away.

16          Our roof plan, you can see the roof of the  
17   proposed addition, the canopy beyond that over the deck in  
18   the rear.

19          Next slide, please?

20          Our elevations, more of the same. I think at this  
21   point I'll just see if there's -- oh here, this is sort of  
22   useful to see the profile of the existing bump-outs in the

1 back and how we'll be expanding that into the addition.

2 This time I'm happy to take any questions or  
3 comments.

4 JIM MONTEVERDE: Any questions from Members of the  
5 Board? There are some issues that will come up in the  
6 correspondence that we have in the file, but does anybody  
7 have any questions, from the Members of the Board? If not  
8 --

9 CAROL AGATE: Well, I'm not sure that it matters,  
10 but the drawing of the top right view, it appears that the  
11 length has been increased and yet it says there's no change  
12 on the chart. It was 28'4" and there's no change. But that  
13 diagram looks very much like it is changed.

14 ADAM GLASSMAN: Oh, there's definitely a change in  
15 the length of the building. I'm sorry. There's -- but  
16 there's no zoning [unclear].

17 CAROL AGATE: Yeah, okay.

18 JIM MONTEVERDE: Thank you, Carol. Any other  
19 questions from Members of the Board? If not, I have two  
20 pieces of correspondence in the file speaking four --

21 ADAM GLASSMAN: There actually should - Jim, there  
22 should be at least four. They've been uploaded as -- the

1 last one was uploaded today, I think.

2 JIM MONTEVERDE: Let me - let me go through them  
3 one at a time, then. We have Deborah Galef, dated September  
4 3 -- I don't see anything dated today -- lives at 93  
5 Hammond, abutting, and they are fine with it. No objection.  
6 There's Ali and Asseb (phonetic) Adamson, 89 Hammond Street,  
7 they're expressing their support. Salvatore Vitale --

8 ADAM GLASSMAN: Nope, that's the applicant.

9 JIM MONTEVERDE: Oh, sorry. That's all we have  
10 speaking in favor. And then two dated -- both dated -- I'm  
11 sorry, one dated September 3, that's from --

12 ADAM GLASSMAN: We have one in the file from Ed  
13 Abrams.

14 JIM MONTEVERDE: Adam?

15 ADAM GLASSMAN: Yep.

16 JIM MONTEVERDE: Let me finish.

17 ADAM GLASSMAN: Oh, sorry.

18 JIM MONTEVERDE: One from Ed Abrams, dated  
19 September 3, saying he lives in a third-floor condo at 80  
20 Wendell Street, and he's not happy with the loss of privacy  
21 from the proposed addition, especially the deck. And he's  
22 talking about he objects to the proposed roof deck, which

1 I'll get to in a minute, Adam. We'll ask you a question.

2 ADAM GLASSMAN: Mm-hm.

3 JIM MONTEVERDE: "And the users of the deck will  
4 have a clear site directly into my living room."

5 And then another one from Elisee Labrecque, dated  
6 September 4. Also lives at 80 Wendell. The condo is on the  
7 third floor, clear view of the trees and sky, objecting to  
8 the proposed roof deck. "Displeased that I will lose a  
9 significant amount of privacy, due to the roof deck."

10 That is all that is in our file, Adam.

11 ADAM GLASSMAN: Okay. Well, okay. I can address  
12 that easily, I'm happy to say, there is no proposed roof  
13 deck. It's a decorative guardrail. Yep.

14 Can you go back to Sheet A1.2? It's just one of  
15 those, you know, it looks like a duck, walks like a duck,  
16 quacks like a duck, but it's not a duck. So the area in the  
17 back says, "Flat, black, rubber roof sloped to drain, no  
18 deck."

19 ADAM GLASSMAN: Right.

20 JIM MONTEVERDE: And the RA4 designations, those  
21 windows not doors, not a slider. So there's no access to  
22 that roof, correct?



1 ADAM GLASSMAN: Correct.

2 JIM MONTEVERDE: Okay. So if we make that a  
3 condition that that roof not be used as a deck, that's fine?

4 ADAM GLASSMAN: I would say it's fine, yeah.  
5 Phiala, do you just want to chime in and let us know that  
6 you agree with that?

7 PHIALA SHANAHAN: Yeah. No, no, we're good with  
8 that. And we're actually going to put some plants there so  
9 that we don't see the ugly roof.

10 JIM MONTEVERDE: Yeah. I don't think that's the  
11 objection of your neighbors, but -- so you don't use it as a  
12 roof deck. Okay.

13 PHIALA SHANAHAN: No, no.

14 JIM MONTEVERDE: Thank you. I am going to open  
15 this up to public comment. Any member of the public who  
16 wishes to speak should now click the icon at the bottom of  
17 your Zoom screen that says, "Raise hand."

18 If you're calling in by phone, you can raise your  
19 hand by pressing \*9 and unmute or mute by pressing \*6.

20 I'll now ask Staff to unmute speakers one at a  
21 time. You should begin by saying your name and address, and  
22 Staff will confirm that we can hear you. After that you

1 will have up to three minutes to speak before I ask you to  
2 wrap up.

3 STEPHEN NATOLA: Eadwine Abrams?

4 EADWINE ABRAMS: Hello. Can you hear me?

5 JIM MONTEVERDE: Yes. Can you introduce yourself,  
6 please?

7 EADWINE ABRAMS: My name is Edwine Abrams. I was  
8 the one that sent the objection letter early in September.

9 JIM MONTEVERDE: Yep.

10 EADWINE ABRAMS: There has been a significant  
11 correspondence that was sent today from Richard Goldstein,  
12 who is an abutter. And I was copied on it. It was sent at  
13 5:15 p.m. to Maria Pacheco. And he strongly objects. So  
14 I'm surprised that that correspondence is not in the file.

15 Can somebody check the e-mail?

16 JIM MONTEVERDE: It's not in the file.

17 EADWINE ABRAMS: It was definitely sent.

18 JIM MONTEVERDE: I don't know what time it was  
19 sent.

20 EADWINE ABRAMS: 5:15.

21 JIM MONTEVERDE: ISD closes at five o'clock.

22 EADWINE ABRAMS: Oh, geez.

1           JIM MONTEVERDE: And I'm referring to the pieces  
2 of correspondence we have in the file. Do you want to  
3 summarize it for us?

4           EADWINE ABRAMS: Yeah. Yep. "Objections to  
5 proposed expansion at 10 Howland Street from adjacent  
6 neighbor at 12 Howland Street." It's going to take - it's  
7 pretty long, but I want to go through it. So it reads:

8           "Some 46 years ago, together with my young  
9 daughter in 1978, we purchased and moved into our house at  
10 12 Howland Street, Cambridge.

11          "For us, the most appealing features at 12 Howland  
12 are the sunlight that pours into large windows along the  
13 south side of the house from dawn until dusk. The direct  
14 sunlight involve (sic) from rear to front of the property  
15 has been made -- has made possible our robust flower  
16 gardens.

17          "Distance between 12 Howland and adjacent 10  
18 Howland has allowed for reasonable privacy, the peacefulness  
19 of Howland making it feasible for me to have an undisturbed,  
20 muted office for daily work from home. Though 81 years of  
21 age, this has made it possible for me yet to keep working as  
22 Professor of Cellular Biology at Harvard, giving weekly

1 lectures and mentoring students on Zoom.

2 "Following review of the proposed expansion for 10  
3 Howland I was surprised and disappointed. In brief, my  
4 objections are: proposed rear addition to 10 Howland will  
5 reduce sunlight at 12 Howland. Proposed third-floor balcony  
6 on the rear addition will result in loss of privacy,  
7 although that's moot at this point.

8 "Proposed third-floor new dormer windows will  
9 result in a loss of privacy with direct line of sight into  
10 our side wall windows and ceiling skylight. Proposed  
11 addition is a violation of setback regulations.

12 "And by property at 12 Howland there is a  
13 potential fire hazard, making it difficult for firefighting  
14 equipment to access through the resultant, small space  
15 between the proposed addition and the current property  
16 fence.

17 "Commotion from digging out and cement pouring for  
18 the proposed basement in the rear addition will intrude on  
19 peace and quiet required for my daily work at my home  
20 office.

21 "Bottom line for me is immediately adjacent  
22 neighbor at 12 Howland Street proposed expansion at 12

1 Howland Street will have an adverse effect on my privacy, a  
2 negative impact on my property value, and the months of  
3 proposed construction will make it extremely difficult to  
4 work from my home office.

5 "Sincerely,

6 Richard N. Goldstein

7 12 Howland Street

8 Cambridge, Massachusetts"

9 JIM MONTEVERDE: All right. Thank you.

10 EADWINE ABRAMS: You're welcome.

11 So I have some of the same concerns, although I'm  
12 very happy that there is no proposed roof deck. But one of  
13 the issues --

14 JIM MONTEVERDE: I'm going to have to ask you to  
15 wrap it up please.

16 EADWINE ABRAMS: Yes. Well, I was reading the  
17 other neighbors' comment. It's the -- the new residents  
18 first of all never reached out to us, so this was really  
19 sprung on us. And they're benefitting from this expansion  
20 while hurting the amount of sunlight and increasing the  
21 density of the neighborhood.

22 So I just don't see how it improves the

1 neighborhood. It makes it worse for us.

2 JIM MONTEVERDE: Okay. Thank you. Thank you for  
3 calling in.

4 EADWINE ABRAMS: You're welcome.

5 STEPHEN NATOLA: Eadwine Abrams?

6 JIM MONTEVERDE: Same one.

7 STEPHEN NATOLA: Ali?

8 ALI SPRAY: Do you hear me?

9 JIM MONTEVERDE: Yes. can you introduce yourself,  
10 please?

11 ALI SPRAY: Yes, sure. I'm Ali Spray. I live at  
12 89 Hammond Street, which is Lot 149-31. We're to the rear  
13 right of this property.

14 I just want to -- we've already sort of supported  
15 the property -- we sent the letter of support in, and I just  
16 want to add verbally our support for the extension.

17 It's not a huge extension, and since the flat roof  
18 is not going to be a deck, I think they're converting it  
19 into a very nice family home, which will enhance the  
20 neighborhood. The neighborhood has become more family-  
21 oriented, and it's nice to see a family moving in and  
22 renovating a home that needed -- that does need renovation.

1           So I just want to lend my support.

2           Thank you.

3           JIM MONTEVERDE: Thank you for calling in. Anyone  
4 else?

5           STEPHEN NATOLA: Nope.

6           JIM MONTEVERDE: That's it? We'll close public  
7 testimony. Any discussion among Members of the Board?

8           CAROL AGATE: Well, I'm concerned about the late  
9 objection. I don't understand why this hasn't come up  
10 before, and whether or not the owner has had an opportunity  
11 to talk with the neighbors. So I just --

12          ADAM GLASSMAN: I can --

13          CAROL AGATE: -- I want to find that out.

14          ADAM GLASSMAN: Sure. If we can answer Carol's  
15 question?

16          JIM MONTEVERDE: Yep, please.

17          ADAM GLASSMAN: The owners actually invited all  
18 their direct abutters to an open house to review plans, and  
19 then we had a follow-up phone call open up to all abutters  
20 where I was present and could answer questions.

21                 We have letters of support from their abutters at  
22 20 Howland and at 89 Hamden, at 93 Hammond. And the owners

1 reached out to all abutters, and they actually reached out  
2 to their neighbor on the direct [unclear]. They couldn't  
3 get through to him, but they did talk to his older -- his  
4 daughter, who's now a grown woman, and she thanked them for  
5 reaching out and thanked them for inviting them to their --  
6 to open house to review the plans. And she expressed no  
7 objections whatsoever on behalf of herself or her father.

8 The gentleman who called in an objection, I'm not  
9 exactly sure where his lot is, but all the other -- the  
10 other three other abutting lots have all written in support,  
11 and they're all in the file.

12 Jim, you might not have seen them all, or maybe  
13 they weren't all printed, but they are in there.

14 JIM MONTEVERDE: Okay. Thank you. Adam, I think  
15 you answered the question. Thank you.

16 ADAM GLASSMAN: Yeah, yeah.

17 JIM MONTEVERDE: So you've reached - you've done  
18 the outreach to the neighbors?

19 ADAM GLASSMAN: Absolutely.

20 JIM MONTEVERDE: I'm assuming they received  
21 notices from ISD? So they received notices from ISD, so  
22 everyone should have been notified.



1           Unless someone was on vacation or et cetera, you  
2 know, for some reason didn't receive notice, I don't know  
3 why we don't have that one piece of correspondence, but it  
4 was read into the file.

5           Any other discussion from Members of the Board?

6           VIRGINIA KEESLER: I would just say that given  
7 that the height of the building is not changing, and also  
8 the first floor area is still less than the Ordinance  
9 requirement, to me I don't see this as a density concern in  
10 this --

11          JIM MONTEVERDE: Right.

12          VIRGINIA KEESLER: -- location. And furthermore,  
13 although there is additional encroachment on the left side  
14 setback, the change is less than a foot. So I personally  
15 don't find this concerning from that perspective.

16          JIM MONTEVERDE: Yeah, thank you, Virginia. I  
17 would agree with you. And I also, I feel some of the  
18 commentary had to do with the inconveniences of construction  
19 which -- especially for someone working at home, which I can  
20 understand, but I don't think that that's something that is  
21 part of our Ordinance.

22          So I don't think there's -- we have a method to

1 resolve that or address that.

2 Any other discussion among Members of the Board?

3 Are we ready for a motion?

4 CAROL AGATE: Ready.

5 JIM MONTEVERDE: I will make a motion. This is a  
6 special permit.

7 The Chair makes a motion to grant relief from the  
8 requirements of the Ordinance under Sections 5.31, and  
9 that's specifically the right-side and left-side setbacks  
10 for the addition.

11 And also, the dormer I think is one of the -- is  
12 in one of the setbacks. And Section 10.40, I'll get to that  
13 in a second. 8.22.2.d for a Nonconforming Structure. And  
14 then the Criteria for the Special Permit under Section  
15 10.43.

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

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

21 c) The continued operation of or the development  
22 of the adjacent uses as permitted in the ordinance would be

1 adversely affected. No.

2 d) Nuisance or hazard will be created to the  
3 detriment of the health, safety, or welfare. No.

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

7 So they comply with all the criteria under 10.43  
8 for a special permit.

9 On the condition that the work proposed entitled  
10 "10 Howland Street," prepared by GCD Architects, dated July  
11 24, 2024; initialed and dated by the Chair.

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

15 Further, that the special permit is granted  
16 incorporating the following condition: and that is that on  
17 the drawing A1.2 on the proposed third-floor plan, the area  
18 at the rear of the building adjacent to the proposed office  
19 that reads: "Flat rubber roof sloped to drain, no deck" will  
20 remain not a deck, not a habitable deck.

21 Hold on a second, we have a late public comment.  
22 Let us take this one -- yeah, let us take this one comment.

1           STEPHEN NATOLA: Richard Goldstein?

2           RICHARD GOLDSTEIN: Hello?

3           JIM MONTEVERDE: Hey. Mr. Goldstein, I believe  
4 your neighbor just read us -- I asked for a summary of your  
5 correspondence?

6           RICHARD GOLDSTEIN: Yes. I don't know why I --  
7 can you hear me?

8           JIM MONTEVERDE: I can.

9           RICHARD GOLDSTEIN: I don't know why I've had  
10 trouble connecting, but --

11          JIM MONTEVERDE: Yep.

12          RICHARD GOLDSTEIN: -- I missed that. I just want  
13 to say I live at the adjacent house at Number 12 Howland.  
14 I've lived here for some 46 years, which I -- since I  
15 purchased the house in 1978, I just heard something about  
16 the future neighbors chatting with my daughter; that's not  
17 exactly the conversation she relayed to me.

18                She just said they were very friendly, but it  
19 wasn't any of her business to comment on what they were  
20 doing. And so I think that should be withdrawn about her  
21 gladly approving of the renovations, because she's never  
22 looked at the plans.

1           And the reason I couldn't attend the meeting is  
2       because they were visiting with me, and we were over at  
3       Woods Hole at the time of the meeting.

4           The special thing about my house that made it  
5       attractive to buy, to purchase, was the very large windows  
6       allowing for south side of the house from dawn to dusk  
7       having sunshine. And it also allows for robust flower  
8       gardens along that side of the house.

9           And the distance between 12 Howland and adjacent  
10      10 has allowed for reasonable privacy, the peacefulness of  
11      12 Howland making it feasible for me to have an undisturbed,  
12      muted office for daily work at home was a compelling --  
13      another compelling reason to buy it.

14          And though I'm 81 years of age, this peacefulness  
15      has made it possible for me to yet be working as a Professor  
16      of Molecular and Cellular Biology at Harvard, giving weekly  
17      and mentoring -- weekly lectures and mentoring students  
18      based on Zoom internet connection to my quiet home office.

19          And the proposed rear addition will the reduce  
20      sunlight. The proposed balcony I'm not clear what's going  
21      to happen on the third floor. Did you say it's not going to  
22      be built?

1           JIM MONTEVERDE: It will not be occupied, that's  
2 correct.

3           RICHARD GOLDSTEIN: Okay.

4           JIM MONTEVERDE: Will not be used as a balcony.

5           RICHARD GOLDSTEIN: Yeah, because that would  
6 violate privacy looking into my windows on the second floor.

7           And likewise, the two proposed new dormer windows  
8 will result in a loss of privacy due to direct line of sight  
9 into the side wall windows and the two ceiling skylights in  
10 my second-floor ceiling, one of which is 14' long x 4' wide,  
11 another 5' long x 3' wide.

12           JIM MONTEVERDE: Mr. Goldstein, I'm going to have  
13 to ask you to wrap up, please. You're basically repeating  
14 what we heard from your neighbor. If you want to add  
15 anything else --

16           RICHARD GOLDSTEIN: I'm sorry, I didn't hear --

17           JIM MONTEVERDE: -- in summary --

18           RICHARD GOLDSTEIN: -- I didn't hear, yeah. In  
19 summary, the proposed plans will have an adverse effect on  
20 my privacy; it'll have a negative impact on my property  
21 value, because of the building the house closer to my  
22 property and violating the setback rules.

1           The house will abut the fence in my back yard, not  
2   leaving very much room in case of an emergency for fire and  
3   police --

4           JIM MONTEVERDE:   Okay.

5           RICHARD GOLDSTEIN:  -- to cut through there.  And  
6   the construction will make it extremely difficult for me to  
7   continue my work at my home office.

8           JIM MONTEVERDE:  All right.  Please conclude -- is  
9   that it?

10          RICHARD GOLDSTEIN:  Yeah.

11          JIM MONTEVERDE:  Thank you.  Thank you for calling  
12   in.

13          RICHARD GOLDSTEIN:  Did you get my e-mail?

14          JIM MONTEVERDE:  No.  It's not in the file.

15          RICHARD GOLDSTEIN:  It was sent to Maria Pacheco.

16          JIM MONTEVERDE:  Sorry, we're going to terminate  
17   Mr. Goldstein.

18          Back to the motion.

19          I'm going to repeat myself.

20          The Chair makes a motion to grant relief from the  
21   requirements of the Ordinance under Sections 5.31; that has  
22   to do with the left- and right-side setback of the proposed

1 addition, and for the dormer proposed as well.

2 For Sections 8.22.2.d for a Nonconforming  
3 Structure and the criteria for a special permit under  
4 Sections 10.43 -- I'm not going to read those again. Those  
5 all were in compliance, so that criteria was met for a  
6 special permit.

7 On the condition that the work proposed entitled,  
8 "10 Howland Street" prepared by GCD Architects dated July  
9 24, 2024, initialed and dated by the Chair.

10 And further, that we incorporate the supporting  
11 statements and dimensional forms submitted as part of the  
12 application.

13 Further, that the special permit is granted  
14 incorporating the following condition: and that is that on  
15 Drawing A1.2 of the proposed plans, the proposed third  
16 floor, the area to the rear of the addition that is notated  
17 as "Black rubber roof sloped to drain, no deck" will remain  
18 without a deck and will remain unoccupied as a deck.

19 On a voice vote, please? Wendy?

20 WENDY LEISERSON: In accordance with the  
21 discussion by Virginia Keesler and Jim Monteverde and  
22 respect to the objections that were just heard, I am voting



1 in favor.

2 JIM MONTEVERDE: Thank you. Carol?

3 CAROL AGATE: In favor.

4 JIM MONTEVERDE: Thank you. Virginia?

5 VIRGINIA KEESLER: In favor.

6 JIM MONTEVERDE: Thank you. Steven?

7 STEVEN NG: In favor.

8 JIM MONTEVERDE: Thank you. And Jim Monteverde in  
9 favor.

10 [All vote YES]

11 JIM MONTEVERDE: That's five affirmative. The  
12 relief is granted. Thank you.

13 ADAM GLASSMAN: Thank you all. Have a great  
14 evening.

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\* \* \* \* \*

(7:58 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Wendy Leiserson, and Carol Agate

JIM MONTEVERDE: Next case is BZA-279077 - 12  
Kinnaird Street.

STEPHEN NATOLA: Christopher Robertson.

JIM MONTEVERDE: Isn't that a character in a kids'  
book?

STEPHEN NATOLA: Mr. Robinson.

JIM MONTEVERDE: Robertson. Is there anyone here  
who wishes, calling in to speak about 12 Kinnaird Street?

CHRISTOPHER ROBERTSON: Hello. This is  
Christopher Robertson. Can you hear me?

JIM MONTEVERDE: Yeah.

CHRISTOPHER ROBERTSON: Great. I'm here as the  
homeowner and applicant with my wife, Jamie, a co-applicant  
and co-homeowner. We are both -- teach at Boston University  
and live here in Cambridge, where we've rented in  
Cambridgeport for several years. And we're now excited to  
move a few blocks to the northwest into 12 Kinnaird Street  
and we can complete these renovations.

1           Apologies in advance. We've actually prepared  
2       this application and these drawings ourselves. So I hope  
3       they communicate our intentions sufficiently, but we have  
4       benefitted from Michael Schanbacher, an architect who's  
5       been consulting with us answering questions as needed,  
6       helping us interpret some of the more technical aspects. I  
7       believe he's on the call as well and may pop in to help us  
8       answer any questions that come up.

9           MICHAEL SCHANBACHER: Yep. I'm here.

10          CHRISTOPHER ROBERTSON: Great. Thank you,  
11       Michael. So I will walk through our proposals, and then  
12       Jamie will speak to some of the neighbors' comments and read  
13       them into the record.

14          Maybe we could start on page 8, which are the  
15       photos of the existing conditions. I think that might be a  
16       good place to orient.

17          Next, please, to the photos? Great.

18          You can see this is a - kind of a unique structure  
19       in Cambridge. It's a single-family attached unit. It's -  
20       ours is the left-hand side of this blue building, with a  
21       party wall running right down the middle under the ridged  
22       line. And so, that means it's an existing nonconforming

1 structure because it has zero setback on the right. It sits  
2 on the party wall shared with our neighbors.

3 And on the left side, you can see underneath that  
4 growth, beautiful plants. There's a stoop that allows us to  
5 enter into the side of the house.

6 One of our proposals is to convert that stoop into  
7 a foyer, so it will have a door facing the front of the  
8 street, essentially encroaching on the setback in exactly  
9 the same way the stoop does, but it will be an enclosed  
10 structure that we need relief for.

11 You can see in the back of that same picture,  
12 there's another stoop to a back entrance that we will be  
13 removing. And so, really the net encroachment is actually  
14 an improvement, because we're removing one stoop and  
15 converting the other to a foyer.

16 Now, looking at the picture below in the back,  
17 again you can see that L shaped indention on the right, due  
18 to our neighbors having their party wall longer than our  
19 house. We're left with that blank wall right on our party  
20 line, and we're proposing to sort of fill in that square-  
21 shaped space 10' deep, 13' wide with a two-story addition.

22 And so, the back of our wall will then match the

1 back of our neighbors' wall, and they'll both be at the 35'  
2 setback. And Michael has done the analysis and that tells  
3 us that even with these additions, we'll still by far comply  
4 with the open space requirements.

5 But we are requesting the additions will require  
6 us to exceed the FAR value going from what would be 75  
7 percent allowed to 85 percent at 1,914 square feet on the  
8 2,250 square-foot-lot.

9 So that gross floor area is what requires us to  
10 seek a variance. We are proposing 85 percent rather than 75  
11 percent as allowed.

12 The hardships: I know that's sort of a magic  
13 word. We - for the law here, we won't mean to make too much  
14 out of it, but the interior of the house has two stairwells,  
15 one leading to the third floor, one leading to the basement,  
16 which are not code compliant; they're too steep and they're  
17 too narrow.

18 We would really like to convert those into modern  
19 stairways, make them safer. But to do that will cause us to  
20 have to eliminate two bathrooms that are currently proximate  
21 to them that we're going to be moving around.

22 So the less efficiency that comes with that

1 stairway and the fact of those stairways -- the fact that  
2 currently the front door opens immediately onto another set  
3 of steps, there's no real easy way to enter the house, and  
4 the blank party wall extension in the back that is  
5 nonconforming having zero setback are the sort of hardships  
6 in the language of the variance that we're seeking relief  
7 for.

8           So on this elevation, just to be clear, you can  
9 see the white structure on the right is that new foyer that  
10 is converted from an existing stoop. And to the rear of the  
11 building, you can see where the foundation stops and instead  
12 there will be a crawl space underneath on the back. That is  
13 the addition where you can see the three windows on top and  
14 the one below.

15           The one below is where there's currently -- that  
16 is filling in that L-shaped opening in the back of the  
17 house.

18           If we'd like to go to the floor plans, please, you  
19 can see how we're proposing to use the new space. I'm not  
20 sure if that's scrolling up or down. I guess the other  
21 direction, thank you.

22           So this is the first floor. You can see the

1 addition in the back allows us to build a bathroom that  
2 we're having to eliminate elsewhere on the floor to improve  
3 the steps, and a pantry for a kitchen. And you'll see a  
4 stoop walkout on the back.

5 On the left side towards the bottom of the screen,  
6 you can see the new foyer that we're proposing that will  
7 have a decent gracious entry. And you can see where those  
8 existing curbing steps, where the doorway currently is will  
9 be opened straight-on too.

10 Next slide, please?

11 You can see on the second floor that new addition  
12 is going to allow us to have a study, a sunroom on the back,  
13 which will give us a place to work from home. And you can  
14 see the reconfigured stairway in the middle of the drawing  
15 that we were referring to.

16 I think that's the gist of the proposal. Jamie  
17 can read in some of the reactions we have from the  
18 neighbors, some of which we've only collected in the last  
19 few days. Would you like that now or later?

20 JIM MONTEVERDE: No. Thank you. If your  
21 presentation is complete, then I'll ask if there are any  
22 questions from Members of the Board.

1           CAROL AGATE: I'm a little puzzled. That first  
2 picture you showed us, it looks as though what you're asking  
3 is to build a wall right across your adjacent house where  
4 the windows and -- I mean you're sharing this property with  
5 somebody and it's okay with them if you extend it and block  
6 their windows?

7           JIM MONTEVERDE: Carol, let me - let's bring up  
8 that photo, because I had the same question.

9           CAROL AGATE: Yeah.

10          JIM MONTEVERDE: Yeah, it's the photo --

11          CAROL AGATE: Yeah.

12          JIM MONTEVERDE: -- at the bottom, to the right-  
13 hand side --

14          CAROL AGATE: That's right. That's right.

15          JIM MONTEVERDE: -- you're describing? That --

16          CAROL AGATE: I mean, are you saying that you  
17 would build right across their building?

18          CHRISTOPHER ROBERTSON: So on the right side of  
19 the screen is our house, where you see two windows on top  
20 and a door. That's our house, and we will extend the back  
21 of our house --

22          JIM MONTEVERDE: Oh.



1 CHRISTOPHER ROBERTSON: -- along the --

2 CAROL AGATE: that --

3 CHRISTOPHER ROBERTSON: -- party wall.

4 CAROL AGATE: Oh, the --

5 CHRISTOPHER ROBERTSON: And so, the party wall to  
6 the left there is blank. There are no windows on that. And  
7 so, we will be only extending where there are no windows.

8 CAROL AGATE: So where is the party wall?

9 CHRISTOPHER ROBERTSON: So you see that - so on  
10 the left side of the screen, there's the brown deck? That's  
11 our neighbor's deck. And the wall that goes back deep from  
12 the --

13 CAROL AGATE: Oh!

14 CHRISTOPHER ROBERTSON: -- is the party wall.

15 CAROL AGATE: Okay.

16 JIM MONTEVERDE: Right. Okay.

17 CAROL AGATE: All right. And that - those two  
18 windows are your windows. They're in the back of your  
19 house.

20 CHRISTOPHER ROBERTSON: And that's where the --

21 CAROL AGATE: Sorry. I missed that. Okay.

22 CHRISTOPHER ROBERTSON: Thank you.

1 CAROL AGATE: Now it makes sense.

2 JIM MONTEVERDE: Thank you. I had the same  
3 question, Carol. Any other questions from Members of the  
4 Board?

5 VIRGINIA KEESLER: Do you have a letter of support  
6 from your neighbor with whom you share the party wall?

7 JAMIE ROBERTSON: We do. I wanted to put that on  
8 record from 10 Kinnaird, the party wall, Richard and Carol.  
9 They sent it August 30 by e-mail.

10 "We do not oppose your plan to build an addition  
11 on the rear of 12 Kinnaird." I have a few others in the  
12 neighborhood too, if you would like.

13 JIM MONTEVERDE: That's helpful.

14 JAMIE ROBERTSON: Okay.

15 JEFF ROBERTS: But we don't have it, and neither  
16 is it in the file.

17 CHRISTOPHER ROBERTSON: Well, the instructions I  
18 received from Mr. Natola about how this proceeding would go  
19 said explicitly that the only new materials you can present  
20 at the hearing are neighbor letters, which you can read into  
21 the record.

22 I'm sorry if we maybe overinterpreted that, but I

1 thought that's --

2 JIM MONTEVERDE: No, you can read it into the  
3 record, but I'm just -- for clarity's sake, they're not  
4 correspondence that we have in the file.

5 JAMIE ROBERTSON: Oh, okay.

6 JIM MONTEVERDE: We do have one piece of  
7 correspondence, which I'll mention in a second, but not  
8 those. So --

9 JAMIE ROBERTSON: Yeah.

10 JIM MONTEVERDE: When we get -- I guess if you --  
11 since the question's been asked, if you want to read that  
12 correspondence from your abutting neighbor?

13 JAMIE ROBERTSON: Oh, the one that they sent you?  
14 or the one I just --

15 JIM MONTEVERDE: We don't have it. So you --

16 JAMIE ROBERTSON: Okay.

17 JIM MONTEVERDE: -- have it. if you would read it  
18 into the file, please?

19 JAMIE ROBERTSON: Sure, yes. From --

20 JIM MONTEVERDE: For the record.

21 JAMIE ROBERTSON: -- 10 Kinnaird, Richard and  
22 Carol.

1            "We do not oppose your plan to build an addition  
2       on the rear of 12 Kinnaird."

3            JIM MONTEVERDE:    And that is from?

4            JAMIE ROBERTSON:    10 Kinnaird, Richard and Carol,  
5       the party wall.

6            JIM MONTEVERDE:    At -- and what's their address?

7            JAMIE ROBERTSON:    10 Kinnaird.

8            JIM MONTEVERDE:    Okay.    All right.    Thank you.

9            JAMIE ROBERTSON:    I have others if you want them.

10           JIM MONTEVERDE:    In a moment.    In a moment.    Any  
11       other questions from Members of the Board?    If not, oh, I  
12       have one question for you.    I think I know the answer, but  
13       in your rendering, the dormer on the third floor I think in  
14       your description you say is as-of-right.

15           I'm assuming that's because it complies with the  
16       requirements for a single-family home in terms of its  
17       distance from the edge of the roof, et cetera.    It complies  
18       with all of those, doesn't add anything to the FAR?    Doesn't  
19       need any other relief because of the dormer itself, is that  
20       recess?

21           CHRISTOPHER ROBERTSON:    Yes.    Those plans have  
22       been approved by the Building Department already as-of-right

1 after extensive consultation and design changes at their  
2 suggestion. That has now been approved as-of-right.

3 JIM MONTEVERDE: I don't think anything's been  
4 approved, but that's okay. You may have discussed it with  
5 them, but --

6 CHRISTOPHER ROBERTSON: No, I mean we have a  
7 building permit. Does that mean anything?

8 JIM MONTEVERDE: You have a permit for that?

9 CHRISTOPHER ROBERTSON: Yes, sir.

10 JAMIE ROBERTSON: Yeah.

11 JIM MONTEVERDE: Oh, for the dormer itself?

12 JAMIE ROBERTSON: Yeah.

13 JIM MONTEVERDE: Okay. A permit for anything  
14 else, or only the dormer?

15 CHRISTOPHER ROBERTSON: Yes. we have a permit for  
16 the basic renovations of the house. I can go through them  
17 if you like, but --

18 JIM MONTEVERDE: Nope. That's all good. Okay.  
19 Okay. yep. So the dormer is past business. Okay.

20 We have one piece of correspondence in the file,  
21 which I will ask the proponents to help me understand. It's  
22 from Carol Greenwood; dated September 4, 2024. And it

1 reads:

2 "After reviewing the variance petition and  
3 supporting material about the addition to the back of the  
4 house, I would note that the two-story blank wall cited as  
5 hardship actually predates our purchase of the house almost  
6 two decades ago."

7 I don't - I can't - I don't find - this says it's  
8 either for or against what you're proposing. Do you know,  
9 Carol Greenwood? Do you have some other correspondence from  
10 her?

11 JAMIE ROBERTSON: Well, I -- we have actually  
12 worked with her and Richard, and also the other neighbors on  
13 the other side of us. We've shown them our floor plans in  
14 June --

15 JIM MONTEVERDE: Yep.

16 JAMIE ROBERTSON: -- and we also revised those  
17 floor plans three different times until --

18 JIM MONTEVERDE: Right.

19 JAMIE ROBERTSON: -- worked on their preferences,  
20 so, you know, once they were happy with the plans, those  
21 were the ones we submitted. So yes, I have.

22 JIM MONTEVERDE: Okay. Do you have a couple

1 pieces of correspondence to read into the record that we  
2 don't have in our file?

3 JAMIE ROBERTSON: Yes. From 11 Kinnaird.

4 JIM MONTEVERDE: How many do you have?

5 JAMIE ROBERTSON: Just two.

6 JIM MONTEVERDE: Good. In the interest of time,  
7 could you --

8 JAMIE ROBERTSON: Oh, I'm sorry. I brought 16. I  
9 thought you had 16 Kinnaird, so I have three. 16 Kinnaird,  
10 David, and Barry, who are our direct neighbors on the other  
11 side.

12 JIM MONTEVERDE: Okay.

13 JAMIE ROBERTSON: They say --

14 JIM MONTEVERDE: Can you summarize it? Just tell  
15 us who it's from -

16 JAMIE ROBERTSON: Mm-hm.

17 JIM MONTEVERDE: -- what the date is, what their  
18 address is and whether they are for or against. And if  
19 they're against, if you can summarize their objection, that  
20 would be great.

21 JAMIE ROBERTSON: Oh. This was --

22 CHRISTOPHER ROBERTSON: July 3.

1 JAMIE ROBERTSON: -- July 3, David, and Barry, 16  
2 Kinnaird.

3 "While those new changes are fine --

4 CHRISTOPHER ROBERTSON: He just wants supportive  
5 or not.

6 JAMIE ROBERTSON: Oh, okay. Supportive. I'm  
7 sorry. Pace Williams - Willison at 11 Kinnaird is  
8 supportive. I have a long quote from him, got it September  
9 4. Jennifer Brill, who lives on Western Ave, but her back  
10 yard abuts ours. "I am okay with your telling the Zoning  
11 Board that I do not have any objections to your plans."

12 We reviewed those with her just yesterday. We  
13 finally were able to get her. So.

14 And we did put notes on everybody's door with our  
15 phone numbers to --

16 JIM MONTEVERDE: Thank you.

17 JAMIE ROBERTSON: -- reach out.

18 JIM MONTEVERDE: Yep. Is there one more? Was  
19 there three? Was that three?

20 JAMIE ROBERTSON: That was --

21 CHRISTOPHER ROBERTSON: That's great.

22 JAMIE ROBERTSON: -- that's four in all, but yeah.



1 JIM MONTEVERDE: Oh, four. Okay. Great. All  
2 right. Thank you.

3 JAMIE ROBERTSON: Yeah, four.

4 JIM MONTEVERDE: I'm going to open it up to public  
5 comment. Any member of the public who wishes to speak  
6 should now click the icon at the bottom of your Zoom screen  
7 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.

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

15 All right. No one's raising their hand. I will  
16 close public testimony. Any discussion among Members of the  
17 Board? If not, I have one item.

18 This is our unique variance for the evening. And  
19 as a variance, it needs to demonstrate a hardship. And  
20 reading the supporting statement I take from it, the  
21 hardship is due to the lot being undersized, being small.  
22 And that's an attached single-family home, and therefore it

1 lacks any setback from the neighboring property.

2           So I think the hardship is really owing to the  
3 circumstances relating to both the shape, and to the fact  
4 that it's a single-family -- it's an attached single-family.  
5 I think that's the basis for the variance that's the  
6 hardship.

7           Any other discussion from Members of the Board  
8 before I go over a motion? If not, the Chair makes a motion  
9 to grant relief -

10           WENDY LEISERSON: Sorry, Jim?

11           JIM MONTEVERDE: Yeah, Wendy. Yep.

12           WENDY LEISERSON: The hardship also was owing to  
13 the fact that the stairs are not up to code, and therefore  
14 that also needed relief.

15           JIM MONTEVERDE: Well, you know, I don't -- to me  
16 that's -- I find that one difficult to make into a hardship.

17           WENDY LEISERSON: Okay. Then we have sufficient  
18 grounds.

19           JIM MONTEVERDE: Yeah, yeah, I'm just looking for  
20 some, as you say sufficient grounds to consider this as a  
21 variance. But I don't think the fact that the stairway has  
22 to be improved is a hardship. God knows there must be a

1 million of them here in Cambridge.

2 WENDY LEISERSON: [Laughter] I meant that there was  
3 no solution other than.

4 JIM MONTEVERDE: Yeah. Okay. All right. We'll  
5 --

6 WENDY LEISERSON: Yep.

7 JIM MONTEVERDE: -- put that in. Okay. A motion.  
8 The Chair makes a motion to grant relief from the  
9 requirements of the Ordinance under Sections 5.31. This has  
10 to do with the gross floor area.

11 This is the one that requires the variance, the  
12 FAR, the left side setback, and Section 8.22.3 for a  
13 Nonconforming Structure, and 10.30, which is actually 10.31,  
14 the Variance Requirements. And we have to find that we meet  
15 all of these.

16 And that --

17 a) A literal enforcement of the provisions of the  
18 ordinance would involve a substantial hardship, financial or  
19 otherwise. I think from the statements submitted we found  
20 that.

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

1 land or structures, and especially affecting such land or  
2 structure but not affecting generally the zoning district in  
3 which it is located.

4 And again, I think from the statements submitted  
5 we have found that.

6 c) And desirable relief may be granted without  
7 either substantial detriment to the public good, or  
8 nullifying or substantially derogating from the intent and  
9 purpose of this ordinance: And I think we can find that.

10 So it meets all the criteria under Section 10.31  
11 for a variance.

12 On the condition that the work proposed conform to  
13 the drawings entitled "12 Kinnaird Street," dated July 3,  
14 2024" -- there is no prepared by -- as submitted; initialed  
15 and dated by the Chair.

16 And further, that we incorporate the supporting  
17 statements and dimensional form submitted as part of the  
18 application.

19 Board Members, on a voice vote, please? Steven?

20 STEVEN NG: In favor.

21 JIM MONTEVERDE: Thank you. Virginia?

22 VIRGINIA KEESLER: In favor.

1 JIM MONTEVERDE: Thank you. Carol?

2 CAROL AGATE: In favor.

3 JIM MONTEVERDE: Thank you. Wendy?

4 WENDY LEISERSON: In favor.

5 JIM MONTEVERDE: Thank you. And Jim Monteverde in  
6 favor.

7 [All vote YES]

8 JIM MONTEVERDE: That's five in favor. The relief  
9 is requested (sic). Thank you.

10 CHRISTOPHER ROBERTSON: Thank you, Board.

11 JAMIE ROBERTSON: Thank you.

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(7:58 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Wendy Leiserson, and Carol Agate

JIM MONTEVERDE: Next case is BZA-273943 - 11

Goodman Road.

MATT HAYES: Good evening. Can you hear me?

JIM MONTEVERDE: Yes. Mr. Hayes?

MATT HAYES: My name is Matt Hayes. I'm the owner of record of 11 Goodman. And we're seeking relief to change the fenestrations within a setback on the right side of the property.

What we are planning on doing -- I think it's Slide 11 which will show the as-is and the proposed -- nope, a little further down -- Mm-hm. Keep going. And yep, and the next one after this, I believe. Yep, right here.

So we are seeking relief to change the fenestrations within a setback, as I mentioned. The as-is, which you can see below, shows 12 windows. And we are changing that or proposing to change that to 13 windows. So just increasing by one window and adding a lower basement window well.

1           And that is really all we're trying to do. So  
2           that's all I've got.

3           JIM MONTEVERDE: And is the conversion of the  
4           garage to an art studio part of this as well, or is that  
5           just --

6           MATT HAYES: It is not, no. it's just the windows  
7           within a setback.

8           JIM MONTEVERDE: That conversion is as-of-right?

9           MATT HAYES: It is, yes.

10          JIM MONTEVERDE: Do you have a permit for it?

11          MATT HAYES: I do.

12          JIM MONTEVERDE: Okay. Very good. So we're  
13          moving some windows around?

14          MATT HAYES: Correct.

15          JIM MONTEVERDE: Okay. Any questions from Members  
16          of the Board? If not, we have one piece of correspondence  
17          in the file from the Mid Cambridge Neighborhood Conservation  
18          District Commission, a Certificate of Appropriateness dated  
19          March 4, 2024, which - and I'll read this into the  
20          conditions when we get there, but the work has been approved  
21          as depicted in the drawings by Peter Quinn Architects,  
22          Somerville, Massachusetts, entitled, "Redevelopment of 13

1 Goodwin" -- I assume this means 11 Goodwin, dated February  
2 13, 2024?

3 MATT HAYES: Yep. It's 11-13 Goodman.

4 JIM MONTEVERDE: Okay. And the drawings dated  
5 February 13, the drawings that we have in our file are dated  
6 April 29? I'm assuming --

7 MATT HAYES: Yes.

8 JIM MONTEVERDE: -- those submitted to the  
9 Cambridge folks, to the Mid Cambridge were the -- depicted  
10 the same windows?

11 MATT HAYES: They are. Yes, indeed.

12 JIM MONTEVERDE: Okay. All right. And I'll read  
13 the rest of the triggering of the certificate when we get to  
14 the conditions.

15 Public comment: Any member of the public who  
16 wishes to speak should now click the icon at the bottom of  
17 your Zoom screen that says, "Raise hand."

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



1 up to three minutes to speak before I ask you to wrap up.

2 Nobody's there. Close public testimony.

3 Any discussion among Members of the Board? Or are  
4 we ready for a motion? Motion: This is a special permit  
5 request.

6 The Chair makes a motion to grant relief from the  
7 requirements of the Ordinance under Sections 8.22.2.c -- I'm  
8 sorry, 5.31 Table of Dimensional Requirements. That's for  
9 the right-side setback, which is where all the windows move  
10 around. 8.22.2.c and .2.d for a Nonconforming Structure,  
11 and then Section 10.40 for a special permit. That criteria  
12 is under 10.43, which reads:

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

15 Traffic generated or patterns of access or egress  
16 will cause congestion, hazard, or substantial change. No.

17 Continued operation of or the development of the  
18 adjacent uses as permitted in the ordinance would be  
19 adversely affected. That's no.

20 Nuisance or hazard will be created to the  
21 detriment of the health, safety, or welfare. No.

22 And for other reasons, the proposed use would

1     impair the integrity of the district or adjoining district.

2     That's a no.

3             So it complies with all the criteria for a special  
4     permit under 10.43.

5             On the condition that the work proposed conform to  
6     the drawings entitled, "11-13 Goodman Road," prepared by  
7     Peter Quinn Architects, dated April 29, 2024; initialed and  
8     dated by the Chair.

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

12            Further, that the special permit is granted  
13    incorporating the following conditions: And those are:

14            One, that the work has been approved by the Mid  
15    Cambridge Neighborhood Conservation District Commission with  
16    a Certificate of Appropriateness on drawings prepared by  
17    Peter Quinn Architects dated February 13, 2024.

18            And second, that the certificate -- the  
19    Certificate of Appropriateness is granted on the condition  
20    that the work authorized be commenced within six months  
21    after the date of issuance. If the work authorized by the  
22    certificate is not commenced within six months after the

1 date of issuance, or if such work is suspended in  
2 significant part for a period of one year after the time the  
3 work has commenced, the certificate shall expire.

4 And on that basis, a voice vote, please, from the  
5 Members of the Board?

6 Steven?

7 STEVEN NG: In favor.

8 JIM MONTEVERDE: Thank you. Virginia?

9 VIRGINIA KEESLER: In favor.

10 JIM MONTEVERDE: Thank you. Carol?

11 CAROL AGATE: In favor.

12 JIM MONTEVERDE: Thank you. Wendy?

13 WENDY LEISERSON: In favor.

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

16 [All vote YES]

17 JIM MONTEVERDE: That's five affirmative. The  
18 relief is granted. Thank you.

19 CHRISTOPHER ROBERTSON: Thanks, all. Have a good  
20 evening.

21 JIM MONTEVERDE: You too.

22 CHRISTOPHER ROBERTSON: Take care.

\* \* \* \* \*

(7:58 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Wendy Leiserson, and Carol Agate

JIM MONTEVERDE: Last but not least, we have BZA  
Case 281576 -- 723-731 Cambridge Street.

STEPHEN NATOLA: Proponents should be joining.

JIM MONTEVERDE: Is someone calling in wanting to  
speak about --

MANUEL BARROS: Yes.

JIM MONTEVERDE: -- the Cambridge Street project?  
Can you identify yourself, please?

MANUEL BARROS: I'm Manuel Barros. I'm the  
petitioner.

JIM MONTEVERDE: Okay. Mr. Barros, I'm going to  
make a suggestion. And I'm going to suggest for a vote by  
the Board -- we've all read the file -- that you continue  
this matter. And let me explain why. And really, I'm  
trying not to get into the details of the --

MANUEL BARROS: Explain why, please.

JIM MONTEVERDE: Really, I'm trying not to --

[technical difficulties]

1 JIM MONTEVERDE: Oh, yep? Mr. Barros, are you  
2 there? My screen reads, "Vincent Panico"

3 MANUEL BARROS: Can you hear me, Mr. Chairman?

4 JIM MONTEVERDE: Yep. And who's speaking?

5 MANUEL BARROS: This is Mr. Barros - Manual  
6 Barros. I'm with Mr. Panico. We're together here.

7 JIM MONTEVERDE: But Mr. Barros, you're the  
8 proponent, correct?

9 MANUEL BARROS: Correct.

10 JIM MONTEVERDE: Okay. So I'd like to make a  
11 suggestion, and this is -- we'll need a vote of the Board,  
12 but in reading the file -- and all the members have read the  
13 file -- there are significant issues raised by the Planning  
14 Board and by the East Cambridge Planning Team against your  
15 proposal in various details. I don't want to get into it.

16 And if I read your correspondence correctly -- we  
17 have the one in the file dated August 30 -- I think you talk  
18 about your -- with the Planning Board, in coming to some  
19 happy conclusion that everyone agrees with.

20 I have a suggestion that before we get into the  
21 details of the case, we suggest that you might continue this  
22 case for some period of time that you think you would need

1 or would take for you to go back the Cambridge Planning  
2 Board and the East Cambridge Planning Group/Team, perhaps  
3 together, and come up with a proposal -- either convince  
4 them of what you're proposing so that they can be in support  
5 or at least not in so significant objection, to the proposal  
6 that you have on the table now.

7 I'm just trying to save us an awful lot of time  
8 and effort to go through all the details of this, and then  
9 with the objections that we have in the file, they're  
10 significant enough, depending on how all the Board Members  
11 feel, to vote this down, I'm guessing.

12 And I would rather you take the time to go back to  
13 continue this and go back to the Planning Board and the East  
14 Cambridge Planning Team to discuss this and perhaps be able  
15 to revise your proposal so that it meets with their  
16 approval.

17 Am I making myself clear? I feel like I'm  
18 repeating myself.

19 MANUEL BARROS: I understand you, Mr. Chairman.  
20 Can you hear me?

21 JIM MONTEVERDE: I can. Thank you.

22 MANUEL BARROS: Okay. So I just want to be clear

1 that you and the Board have read my e-mail about the entire  
2 petition for the whole case. Am I correct that the Board  
3 has read my e-mail?

4 JIM MONTEVERDE: We have your correspondence dated  
5 August 30 --

6 MANUEL BARROS: Yes.

7 JIM MONTEVERDE: -- 2024. That's in the file.  
8 Everyone has read that. That's correct.

9 MANUEL BARROS: Yes. Yep. My question, Mr.  
10 Chairman, is the East Cambridge Planning Board has  
11 jurisdiction -- my understanding is -- up until the railroad  
12 tracks of East Cambridge.

13 The Cambridge Planning Board has jurisdiction for  
14 the entire city. And from my correspondence, from my e-  
15 mail, the Board can understand that I haven't had much luck  
16 with the Planning Board, but I will take your advice and go  
17 back and try to speak to both those Boards.

18 But in any event, I'm not able to gain ground or  
19 come to some kind of correspondence with them, I would like  
20 to come back because I do believe my case is important  
21 enough to the neighbor given that I'm 69 years old, have  
22 lived there my entire life, my family has had businesses

1 where we've employed lots of people -- the Portuguese Bakery  
2 and the restaurant, and I have built many apartments in the  
3 city.

4 I think I've done a lot of good for the city. And  
5 I would like to come back to this Board after I meet again  
6 with the Planning Board and see if we can't come to some  
7 decision to see if they could support it in some way.

8 Because my view is that what I'm proposing is  
9 congruous with the Cambridge Street planning of 2022 and  
10 2023.

11 JIM MONTEVERDE: Mr. Barros, I really don't want  
12 you to get into any of the details.

13 MANUEL BARROS: Okay.

14 JIM MONTEVERDE: I think what you've offered is to  
15 do the continuance again. I'll poll the other members of  
16 the Board and see if they agree.

17 MANUEL BARROS: Can we continue it until the  
18 twenty-sixth of this month, Mr. Chairman? Is it --

19 JIM MONTEVERDE: Well, you decide how much time  
20 you need to get back in front of these whoever you feel has  
21 jurisdiction over this. If that's sufficient time -- let me  
22 see - yes, I would suggest you give yourself a bit more



1 time, but again, that's entirely up to you.

2 MANUEL BARROS: Well, I don't know if a lot of  
3 time will do much good. I think I can -- I think --

4 JIM MONTEVERDE: It's not an insignificant ask.  
5 It's not an insignificant case.

6 MANUEL BARROS: I know.

7 JIM MONTEVERDE: You tell me. I mean, the case --  
8 the hearing dates that we have available, yes, we have  
9 September 26, we could also do October 24, and then we go  
10 into November.

11 But -- October 10, sorry. We have October 10,  
12 October 24 -- again, I'm just trying to suggest you give  
13 yourself enough time to actually --

14 MANUEL BARROS: Okay, I would --

15 JIM MONTEVERDE: -- get in front of me.

16 MANUEL BARROS: I would ask for October 10, then.  
17 Is that good?

18 JIM MONTEVERDE: October 10. Okay. Let me just  
19 pull - thank you, Mr. Barros. I appreciate that.

20 Members of the Board, do you all concur?

21 WENDY LEISERSON: Yes.

22 JIM MONTEVERDE: You've read the file? You

1 understand what's at stake here? You've read the pros and  
2 cons?

3 CAROL AGATE: Yes.

4 JIM MONTEVERDE: If that's okay with everyone, I  
5 will make a motion to continue. We'll continue until  
6 December 10. Will you all be available on December 10?

7 MANUEL BARROS: No, you said December?

8 WENDY LEISERSON: October 10.

9 JIM MONTEVERDE: October 10, sorry. Sorry.

10 MANUEL BARROS: October 10, yes.

11 JIM MONTEVERDE: Sorry. If so, let me make a  
12 motion, then. Let me make a motion to continue this matter  
13 until October 10, 2024, on the condition that the petitioner  
14 change the posting sign to reflect the new date of October  
15 10, 2024, and the new time of 6:00 p.m.

16 Also, that the petitioner sign a waiver to the  
17 statutory requirements for the hearing. This waiver can be  
18 obtained from Maria Pacheco or Olivia Ratay at the  
19 Inspectional Services Department.

20 I ask that you sign the waiver and return it to  
21 the Inspectional Services Department by a week from this  
22 coming Monday. Failure to do so will de facto cause this

1 Board to give an adverse ruling on this case.

2 Also, that if there are any new submittals,  
3 changes to the drawings, dimensional forms, or any  
4 supporting statements that those be in our files by 5:00  
5 p.m. on the Monday prior to the continued meeting date.

6 On the motion to continue --

7 STEPHEN NATOLA: Case not heard, so we don't need  
8 the same.

9 JIM MONTEVERDE: Okay. This is a case not heard,  
10 so we don't need the same Board Members, in case anyone  
11 can't make October 10.

12 On the motion to continue this matter until  
13 October 10, 2024, by a voice vote from the Board Members,  
14 please? Wendy?

15 WENDY LEISERSON: In favor.

16 JIM MONTEVERDE: Thank you. Carol?

17 CAROL AGATE: In favor.

18 JIM MONTEVERDE: Thank you. Virginia?

19 VIRGINIA KEESLER: In favor.

20 JIM MONTEVERDE: Thank you. Steven?

21 STEVEN NG: In favor.

22 JIM MONTEVERDE: Thank you. And Jim Monteverde in

1 favor.

2 [All vote YES]

3 JIM MONTEVERDE: That's unanimous. This case will  
4 be continued as a case not heard on October 10, 2024, at  
5 6:00 p.m.

6 Thank you, Mr. Barros, for continuing this, and  
7 please contact the Planning Board and the East Cambridge  
8 Planning Team. Thank you.

9 MANUEL BARROS: I will do so, and I will sign the  
10 waiver. Thank you, Mr. Chairman. Thank you --

11 JIM MONTEVERDE: Thank you very much.

12 MANUEL BARROS: -- BZA.

13 JIM MONTEVERDE: Yep. Good evening.

14 MANUEL BARROS: Good evening. Okay. So Vin, are  
15 you going to be around?

16 JIM MONTEVERDE: Okay, Board Members. That's a  
17 wrap. Thank you all for your help.

18 WENDY LEISERSON: Thank you, Jim.

19 COLLECTIVE: Thank you. Goodnight, everyone.

20 JIM MONTEVERDE: See you. Have a good evening.

21 Goodnight.

22 [8:54 p.m. End of Proceedings]

CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

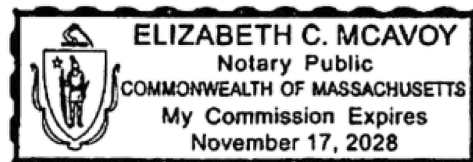
In witness whereof, I have hereunto set my hand this  
second day of October 2024.

*Elizabeth C. McAvoy*

Notary Public

My commission expires:

November 17, 2028



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