

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY OCTOBER 10, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair
Steven Ng, Vice Chair
Virginia Keesler
Carol Agate
Fernando Daniel Hidalgo

City Employees
Olivia Ratay



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617.547.5690

transcripts@ctran.com

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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Carol Agate, and Daniel Hidalgo

JIM MONTEVERDE: Welcome to the October 10, 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 public comment at that time. You can also find instructions on the City's webpage for remote BZA meetings. You will

1 have up to three minutes to speak.

2 I'll start by asking Staff to take Board Member
3 attendance and verify that all members are audible.

4 OLIVIA RATAY: Steven Ng?

5 STEVEN NG: Present.

6 OLIVIA RATAY: Daniel Hidalgo?

7 DANIEL HIDALGO: Present.

8 OLIVIA RATAY: Virginia Keesler?

9 VIRGINIA KEESLER: Present.

10 OLIVIA RATAY: Carol Agate?

11 CAROL AGATE: Present.

12 OLIVIA RATAY: And Jim Monteverde?

13 JIM MONTEVERDE: Present. Thank you.

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(6:02 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo and Carol Agate

JIM MONTEVERDE: The first case tonight is a continued case, one that was started previously and not resolved. I'll call the first case, and it is BZA 281576 -- 723-731 Cambridge Street.

Is there anyone calling in on this case?

CAROL AGATE: Manny Barros is muted.

JIM MONTEVERDE: Okay. Mr. Barros, would you unmute please or introduce yourself?

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

JIM MONTEVERDE: Yep, I can.

MANUEL BARROS: Hi. My name is Manny Barros. I am the petitioner.

JIM MONTEVERDE: Thank you. Before you start, Mr. Barros, when we last met -- this is a case not heard, because we didn't get into the merits of the case, because there were two correspondences, one from the Planning Board and one from the East Cambridge Planning Team that were taking exception to your proposal.

1 And they were suggesting that you meet with them
2 to modify your proposal, so that it would be acceptable to
3 those Boards.

4 I see in the file where you emailed both the
5 Planning Board and the East Cambridge Planning Team to meet
6 with them after the previous hearing, and we do have in the
7 file a letter -- we have nothing from the Planning Board.

8 Were you able to contact them or meet with them?

9 MANUEL BARROS: Mr. Chairman, I met via Zoom with
10 the East Cambridge Planning Team. The Planning Board never
11 gave me a hearing, never responded.

12 JIM MONTEVERDE: Okay. And we do have the
13 correspondence in the file from the East Cambridge Planning
14 Team -- again, stating their objections.

15 So as we said last time, with those two Boards or
16 groups having various concerns about your proposal -- and I
17 don't see anything in the file that's -- other than the
18 proposal that you've submitted the last time, so there's no
19 changes being proposed.

20 The question is how you want to proceed? Because
21 I think as we said last time, I personally having read the
22 file would probably not be in favor of your need to relief.

1 You have a Request for a Variance and a Special permit. And
2 if one other Board Member feels the same way, then you would
3 not be able to come back before this Board for two years
4 without a distinctly different proposal.

5 So as we did before, you have the choice to
6 continue again so that you can meet with the Planning Board
7 -- I don't know what your schedule is, but to give yourself
8 enough time to meet with them and to go back to the East
9 Cambridge Planning Team with some variation on your current
10 proposal that they might find acceptable.

11 I think those are the two options we have tonight;
12 we either go ahead and hear your case and then vote, or we
13 continue again so you can at least meet with the Planning
14 Board and try and work things out also with the East
15 Cambridge Planning Team. That all is up to you, Mr. Barros.

16 So do you have a preference on how you'd like to
17 proceed this evening?

18 MANUEL BARROS: Mr. Chairman, I would like to go
19 forward on the merits of my case this evening. I understand
20 that I would not be able to come back for two years. But I
21 believe my position has merit.

22 I'd like to just speak on the whole big picture

1 and ask the Board to vote, but I do believe that I do have
2 some merits here in this case, and especially listening to
3 the whole history of the case so --

4 JIM MONTEVERDE: Okay.

5 MANUEL BARROS: -- yeah, the Board has read my
6 letters, and I just had some comments I wanted to make about
7 what I have proposed here.

8 But basically, Mr. Chairman, I am in the
9 Wellington-Harrington area. I grew up in this area. I
10 played stickball at the Wellington School, and I went to the
11 Harrington School. I have no opposition that I know of in
12 the Wellington-Harrington area. As a matter of fact, my
13 direct neighbor at 747 Cambridge Street has spoken in favor
14 of this project.

15 Now, much has been said by the Planning Board and
16 the East Cambridge Planning Team about the Cambridge Street
17 Study. They cite that study as the reason why they would
18 not support my project.

19 I, looking at the big picture, tried to explain to
20 them that I believe I am in compliance with this study,
21 because the study basically says that we're going to --
22 businesses on Cambridge Street on the first floor, immigrant

1 business or ethnic businesses -- and that's what I plan to
2 do.

3 But more than that, Mr. Chairman, what I plan is
4 to have a business that would be lasting. I am 69 years
5 old. I've lived there my whole life. I know what
6 businesses work, and what I'm trying to do with this plan is
7 to create something that would bring people to this location
8 to have a business that would work for the long term.

9 My sister in the restaurant there was able to
10 maintain a restaurant only because the family owned the
11 building. If she had to pay a market-rate rent, it would
12 not last. Other restaurants in the area would not last.

13 And I understand that economics is not a reason
14 for this, but when you look at the big picture of the
15 Cambridge Street Study, this development would provide
16 something that the neighborhood does not have, in addition
17 to the housing, and it would provide a place where people
18 could gather and be successful.

19 Inman Square and Lechmere where First Street is
20 and that type of thing -- a lot of restaurants are
21 successful there, but this area, Mr. Chairman, is really
22 difficult because it's sort of a pass-through area. I

1 wanted to create something where people could go to and
2 enjoy and - as a sort of as a destination.

3 It is really difficult to make it work when I look
4 at all the other businesses on Cambridge Street, all the
5 other restaurants that -- the sit-down restaurants, that
6 have not been successful because it is too difficult.

7 So I support the Cambridge Street Study with the
8 bike paths, reducing traffic, and the eight apartments that
9 I would remove from here I know that is a difficult point,
10 but I have a plan to create more apartments at an adjacent
11 site, working with the Cambridge Redevelopment Authority.

12 And I -- really, given my history of creating
13 about 87 apartments -- and most of them are low-income
14 Section 8 apartments that I had given to the City of
15 Cambridge permanently, I think I've shown this Board
16 evidence that I am a creator of affordable housing and
17 always have done so.

18 But the one thing that is really amazing to me and
19 ironic is that the Planning Board that has voted against me
20 on every petition I've appeared for in Cambridge, doing
21 apartments has voted against me every single time, including
22 this site.

1 And when -- the first time when I put forward a
2 petition to build eight apartments and the restaurant on the
3 first floor. But yet now, because I have something else
4 planned, they voted against me again. And that just doesn't
5 make sense to me, given my history, given that the
6 Wellington-Harrington area has not opposed me, and the East
7 Cambridge Planning Team I guess now speaks for everything
8 from Lechmere all the way to Inman Square, which I don't
9 understand.

10 But -- you know, I know a lot of people in the
11 East Cambridge Planning Team; there's always some issue with
12 people growing up in neighborhoods where people may have a
13 bias for or against. I have a lot of friends there, I have
14 people that perhaps have issues with me, I don't know why.

15 But, Mr. Chairman, I'm there for the long term to
16 create something that looks to the future that enhances the
17 big picture of Cambridge Street. And that's where I differ
18 with both Boards. And I would be happy to answer any
19 questions that the Board has before they vote.

20 JIM MONTEVERDE: Okay. Thank you very much for
21 your presentation.

22 Any questions from Members of the Board?

1 CAROL AGATE: I do.

2 JIM MONTEVERDE: Go ahead, Carol.

3 CAROL AGATE: Mr. Barros, did you see the letter
4 from Joseph Rose?

5 MANUEL BARROS: I did.

6 CAROL AGATE: And so, he spoke very strongly
7 against it, and I wonder how you answer some of the
8 questions that he raises in that letter.

9 MANUEL BARROS: You mean the issue of hardship?

10 CAROL AGATE: Well, the -- you know, changing from
11 the -- well, let me ask you, why do you want to change from
12 the housing that you already have with those eight units to
13 a hotel?

14 MANUEL BARROS: Because for the long term, Carol,
15 it's the only way to make that site viable, because the
16 rest-- the Cambridge Street Study says they want businesses
17 on the first floor, to be inviting to bring people in.

18 When you look at every business on Cambridge
19 Street that's been a restaurant -- I built the 660 building
20 at 660 Cambridge Street, the Loyal Nine restaurant there did
21 not make it, the other restaurant that's there now -- Gufo,
22 which means, "Owl" in Italian, they're having difficulty.

1 The other restaurant, the Italian restaurant a friend of
2 mine Chris Kaczynski owned, he's no longer there because
3 it's too difficult to make it.

4 So my point is trying to create a restaurant
5 that's appealing to the neighborhood, and trying to create a
6 business that will last for the long term. This proposal, I
7 believe, would be something that would be lasting for the
8 long term and not be gone in a few years.

9 Because if my sister -- if my family didn't own
10 the building, my sister would not be able to sustain the
11 Portugalia restaurant that was there for 40 years. I mean,
12 if she had to pay a market-rate rent, it would not have
13 happened.

14 And I understand that economics is not a --
15 there's not a reasoning for the Board, but when you look at
16 what the Planning Board and the East Cambridge Planning Team
17 said that we're not in compliance with Cambridge Street, I
18 disagree with that.

19 Now, as far as the eight apartments that are
20 there, when you look at the history, the Cambridge
21 Redevelopment Authority did not want me to build any
22 apartments at all. I had to fight hard and go to

1 politicians in Cambridge to build it, Carol. And then the
2 Planning Board, even when I did this petition back in 1987,
3 voted against the eight apartments and the restaurant use.

4 So I'm kind of bewildered as to, like, what will
5 work for someone like me that has lived in the neighborhood
6 --

7 CAROL AGATE: Let me see if I understand it. The
8 idea is that having a hotel with 44 units would bring
9 customers to the restaurant. Is this the --

10 MANUEL BARROS: Yeah.

11 CAROL AGATE: -- bottom line?

12 MANUEL BARROS: It's not the bottom line, but I
13 just think it's -- I just think it -- it would enhance the
14 whole big picture of the Cambridge Street Study, which is to
15 reduce traffic and increase traffic, and especially --

16 CAROL AGATE: All right. I will leave it to see
17 if other people have questions.

18 JIM MONTEVERDE: Thank you, Carol. Any other
19 questions from Members of the Board?

20 DANIEL HIDALGO: Can you just speak a little bit
21 to the hardship? Because the hardship is really supposed to
22 be about the unique conditions of the property.

1 And I'm struggling a little bit to understand what
2 would the rationale be for the variance, which has fairly
3 high standards.

4 MANUEL BARROS: Daniel, let me give you the
5 history of the site. The Cambridge Redevelopment Authority
6 bought -- threatened to take my building by eminent domain
7 back in the '80s. We had enough space in the back for
8 parking, and then we -- they were going to take the building
9 by eminent domain if we didn't develop it. In other words,
10 build only a one-story building which was only a restaurant
11 with no apartments.

12 So I had to make a deal with them that they --
13 that we would build a courtyard as they wanted with parking
14 on the Warren Street side and make that courtyard have
15 outdoor dining with the bar that was there.

16 That whole concept did not work. I asked to do
17 apartments above with the restaurant, but they said no, they
18 would not do that because it was not in their charter.

19 Now, when you look up and down Cambridge Street,
20 then you look up Webster Avenue towards Inman Square, there
21 used to be University Monumental Works. There was Automatic
22 Cone. Next door to my building is Giro -- these are all

1 commercial buildings, because the CRA told us that they
2 would not allow housing but only commercial buildings.

3 I had to fight to do what is there now: Eight
4 apartments and the restaurant on the first floor.

5 JIM MONTEVERDE: Daniel, does that answer your
6 question?

7 MANUEL BARROS: So --

8 DANIEL HIDALGO: I mean, I understand. You're
9 pointing to the eminent domain issue as the main rationale
10 for the variance, it sounds like.

11 MANUEL BARROS: But Daniel, if you look at the lot
12 where the Giro Studio Photography building is that was 5,000
13 square feet and the 3,000 square feet on the Marion Street
14 side, which we were supposed to have, they took --

15 DANIEL HIDALGO: Mm-hm.

16 MANUEL BARROS: -- my lot in the rear of the
17 building and we did an exchange. And they -- and the
18 exchange -- and plus one other thing comes to mind. People
19 have said that we were compensated for our property under
20 eminent domain.

21 Well, Daniel, let me tell you what happened. They
22 made us swap our land, the 3,000 square feet on the Marion

1 Street side, for my parking lot in the back for a dollar a
2 square foot. We weren't compensated anything for the value
3 that was there.

4 So what we -- then we tried to make the courtyard
5 work. We spent hundreds of thousands of dollars. It just
6 did not work. And so, so they took away the parking lot
7 that was part of the deal where the Giro Studio Photography
8 building is, and that that's when I went to the politicians
9 in Cambridge and got the CRA to allow a mixed-use
10 development.

11 Now, it's really interesting. When you go up
12 Cambridge Street now, all the buildings that were commercial
13 buildings are now mixed-use. So I think -- I think I was
14 right in this type of development, especially when you look
15 at what happened up Cambridge Street, Daniel.

16 So whether you consider it a hardship or not, I
17 do, especially since the CRA was going to take our property
18 by eminent domain and we would not have the wherewithal or
19 the land to have the necessary parking to build and that
20 type of thing.

21 I know it's a strange sort of hardship, but that's
22 the truth, and that's what happened.

1 And Kendall Square is what the Cambridge
2 Redevelopment Authority developed. Mortimer Zuckerman built
3 the whole place and built and paid a dollar a square foot
4 for all the land there.

5 JIM MONTEVERDE: Excuse me. Wow. Mr. Barros,
6 let's see if that happened the Board Member's --

7 DANIEL HIDALGO: Yeah.

8 JIM MONTEVERDE: -- question.

9 DANIEL HIDALGO: That's fine for me, thank you.

10 JIM MONTEVERDE: Okay. Thank you. Are there any
11 other questions from Members of the Board?

12 VIRGINIA KEESLER: Could you speak a bit to what
13 you anticipate in terms of parking, loading, unloading?

14 MANUEL BARROS: Virginia, in terms of loading,
15 I've seen, like, other businesses in the area -- for example
16 on Broadway where Advanced Tire is, the owner there is a
17 friend of mine. And he was [having] a difficult time trying
18 to figure out what to do with his business on Broadway.
19 It's at the corner of Cardinal Medeiros Avenue -- actually
20 Portland Street and Broadway.

21 So what he worked out with the City was a loading
22 -- he has a strip there where the cars that will be serviced

1 at his business have their own parking. It's about a strip
2 of land where maybe like 10 cars can fit.

3 So I was thinking that the same thing could be
4 done in front of the proposed hotel. We have a -- either
5 the parking or loading at that designated strip, much like
6 Advanced Tire has on Broadway.

7 JIM MONTEVERDE: So I think looking at the plans,
8 if you're looking at the same things, Virginia, I think the
9 -- they're in plan. There is no dedicated loading -- off-
10 street loading dock, if that's your question. And there is
11 no off-street parking.

12 What Mr. Barros is describing is it assumes that
13 they would do loading from the street. And it looks like by
14 plan it's from Cambridge Street. And one of the entrances
15 to the building would in fact be a back entry for loading.
16 I think that gets to your question, Virginia?

17 VIRGINIA KEESLER: Yes, thank you.

18 JIM MONTEVERDE: Are there any other questions
19 from Members of the Board? Carol, did you have a follow-up,
20 or are you --

21 CAROL AGATE: Well, I did wonder, did you speak
22 with Mr. Rose at all after he sent this letter? Did you

1 have any discussion with him as to why he was opposing it?

2 MANUEL BARROS: I did not, Carol, but he lives on

3 --

4 CAROL AGATE: Okay.

5 MANNY BARROS: -- Sciarappa Street. I didn't know
6 if he was part of the East Cambridge Planning Team. When I
7 met with them, it was via Zoom and there were many, many
8 people that participated in that. I thought maybe Mr. Rose
9 was one of the participants.

10 JIM MONTEVERDE: Okay. Thank you. Any other
11 questions from Members of the Board? If not, I'll open it
12 up to public commentary.

13 Let me enter into the record -- well what's
14 already into the record, the correspondence we do have. I
15 have -- and these are actually from the last presentation,
16 but it in essence is the same presentation -- there's one in
17 favor. There are two neighbors I'll say against, and then
18 there are the Planning Team and the Planning Board against.

19 So we have in the file now dated October 9 from
20 the East Cambridge Planning Team Charles T. Hines asking
21 this Board to deny the petitioner's application for a
22 Special Permit and Variance, mainly because they're saying

1 that that Planning Team is open to hearing an alternative
2 plan if the applicant would like to present one.

3 But in the meeting that you had with them, you
4 presented the same plan with no variation. That's the East
5 Cambridge Planning Team.

6 Give me a second, please, while I --

7 We have correspondence from Greg McCarthy at 747
8 Cambridge Street, in support. We have the old letter from
9 the East Cambridge Planning Team. We have a letter from
10 Marie Elena Saccoccio at 55 Otis Street, speaking against.

11 We have a letter -- correspondence dated August
12 28, 2024, from the Planning Board, speaking against and
13 listing their issues with the proposal.

14 And give me one second, there's one more. There
15 is correspondence from Cindy Mathers on Fulkerson Street,
16 who is writing in opposition.

17 And there's a letter that Carol referred to from
18 Joe Rose on Spring Street, in opposition. That is
19 everything we have in the file.

20 So let me open it up to public comment. Any
21 member of the public who wishes to speak should now click
22 the icon at the bottom of your Zoom screen that says, "Raise

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

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

8 OLIVIA RATAY: Caller ending in 8331.

9 HEATHER HOFFMAN: Hello. Heather Hoffman, 213
10 Hurley Street. I was at the East Cambridge Planning Team
11 meeting where Mr. Barros presented to us exactly the same
12 thing and got a very unenthusiastic reception.

13 And I continue to be baffled in many ways. He
14 told us there were mistakes on the plans; has he sent new
15 plans? Because, you know, you posted this continued case
16 really late -- I mean not legally late, I'm just saying that
17 I keep looking -- not multiple times a day or anything.

18 But I'm just baffled that this would actually
19 qualify as a hotel, what I saw. I still have not heard
20 anything that sounds to me like a hardship.

21 And I'm not at all happy about losing eight
22 apartments. We keep being told that we need housing,

1 housing, housing. And then eight apartments are proposed to
2 be whisked away and perhaps being replaced by something that
3 might be a hotel? Unclear.

4 And so, so I hope that you will really dig into
5 this. I just haven't heard anything that comes close to
6 suggesting that this qualifies under the law.

7 So thank you.

8 JIM MONTEVERDE: Thank you, Heather. Thanks for
9 calling in.

10 OLIVIA RATAY: Francesca Gordini?

11 FRANCESCA GORDINI: Good evening. I'm Francesca
12 Gordini. I live at 122 Cambridge Street, or Otis Street,
13 sorry. And I'm a Cambridge resident.

14 I would like to speak against it as a renter. I
15 fear that if all the owners of buildings such as that one
16 were to remove so many apartments, it would become
17 increasingly hard for professionals like me to find a place
18 to remain in Cambridge.

19 And again, we all know there's a big housing
20 crisis, so I don't see how this is going to be beneficial
21 for the city in whatever shape or form.

22 Thank you.

1 JIM MONTEVERDE: Thank you for calling in. Anyone
2 else? That's it for public commentary. So I will close
3 public testimony.

4 Any discussion among Board Members?

5 STEVEN NG: I guess my biggest concerns are: one,
6 I am not sure -- I have a question of hardship explanation.
7 And I see the documentation is incomplete. So I really
8 don't understand the design very well. No site plan, no --
9 you know, the whole loading issue is not addressed.

10 I mean, those are the things that, you know, a
11 hearing with the Planning Board would require some very good
12 documentation that shows a hospitality type use and how it
13 would work in a certain neighborhood. And especially if
14 you're asking for a variance.

15 I mean, we need to know if the design and the
16 application meets all the values and goals of what the
17 Planning Board has been working on with the City in every
18 different part of Cambridge. And right now it's lacking.

19 So I don't know if my fellow Board Members agree
20 or if there's something we could ask for in addition to help
21 clarify it, but I'm not feeling that good about granting
22 approval for this.

1 JIM MONTEVERDE: Thank you, Steven. I mean, I
2 share your concerns. I think there are two pieces here.
3 There's the variance, which is the one that really is driven
4 by the definition of hardships, which I concur hasn't been
5 presented to justify it; and then the special permit is the
6 change from Residential to Hotel Use.

7 And I think the correspondence from both the East
8 Cambridge Planning Team and the Planning Board speak against
9 that one in particular. So I would agree.

10 I'm not -- unless something else comes up here not
11 in support, and I don't think -- and we offered the
12 proponent the opportunity to go back to those two groups,
13 neighborhood groups, the Planning Team, and the Planning
14 Board at the last hearing, and it doesn't sound like that
15 really had any effect; that there was any change in plans.
16 So at the moment, I'm not -- I would not be in support
17 either.

18 Any other discussion among Members of the Board?

19 DANIEL HIDALGO: Just know that in addition to my
20 concerns about the hardship, I guess I worry -- you know,
21 the condition for the variance is that it's not a
22 substantial detriment to the public good.

1 And here I just would really need a lot more
2 documentation showing in addition that the kind of parking
3 and transportation system -- concerns have been addressed.

4 Just because it's hard for me to imagine a hotel
5 functioning purely based on -- with any kind of parking,
6 without any kind of, you know, detailed plan for dealing
7 with the natural -- you know, taxis, cars, et cetera that
8 are going to be going there.

9 So that's a big concern for me in addition to the
10 hardship, whether it meets the hardship requirement.

11 JIM MONTEVERDE: Yep. Okay. Thank you. Any
12 other comments from Members of the Board, discussion? If
13 not --

14 CAROL AGATE: Well, I don't want to repeat all the
15 ones that have been mentioned. There is also the height.
16 The height would stand out really on that street, because
17 the buildings do tend to be two stories all along the
18 street. And this would dominate.

19 And the idea of that many hotel rooms on a street
20 that is a traffic nightmare, it -- where there are hotels,
21 there's traffic. So I think it's a bit overwhelming for
22 that location, in addition to what everybody else has said.

1 JIM MONTEVERDE: Okay. Thank you, Carol.

2 Anyone else?

3 VIRGINIA KEESLER: I would agree with what all of
4 you have said. I guess I would encourage us perhaps to
5 clarify for the petitioner whether we would be opposed to
6 this project based upon the change in use regardless of
7 whether they provided, you know, more detail in the hotel
8 plan.

9 Or if providing more detail would actually be
10 useful in terms of being persuasive to the Board, just --
11 you know, in the interest of not wasting their time and
12 money.

13 JIM MONTEVERDE: That would speak to a Request for
14 a Continuance to allow the proponent to do that additional
15 work.

16 STEVEN NG: Well, I -- no, Virginia, I think that
17 that is the right request from us, like our role here is to
18 give some guidance on what to do.

19 But I think I would definitely revisit this
20 application, but he's -- the applicant has to go through the
21 Planning Board, you know. And go through all those issues
22 that can answer the hardship and how the special permit can

1 be shown that he's addressing all the concerns.

2 So I mean that would be my kind of requirement.

3 JIM MONTEVERDE: Which would, I guess, offer the
4 -- if the proponent is willing to continue the case again --

5 STEVEN NG: Right.

6 JIM MONTEVERDE: -- and answer those specific
7 questions about the hardship and the specifics of the use as
8 a hotel -- loading, parking, et cetera?

9 STEVEN NG: Yeah, but also -- and, you know,
10 getting a support from the Planning Board and --

11 JIM MONTEVERDE: Right. Well --

12 STEVEN NG: -- you know --

13 JIM MONTEVERDE: Okay.

14 STEVEN NG: -- associated --

15 JIM MONTEVERDE: Fair enough.

16 STEVEN NG: -- you know, groups.

17 JIM MONTEVERDE: Let me ask that question to the
18 proponent. Mr. Barros?

19 MANUEL BARROS: Yes. Yes, Mr. Chairman?

20 JIM MONTEVERDE: You hear the discussion. Are you
21 amenable to continuing this, to providing that additional
22 information that this Board is looking for? Or -- again,

1 that's your choice -- or we, the next step is we make a
2 motion, and we vote tonight.

3 MANUEL BARROS: Yeah.

4 JIM MONTEVERDE: What would you prefer?

5 MANUEL BARROS: Well, Mr. Chairman, I can see -- I
6 can see the concerns of the Board. I will -- I would ask
7 for a continuance to speak with the Planning Board again,
8 and I may change my whole proposal to do housing if that's
9 what the Planning Board wants.

10 I really believe that this was something that
11 could enhance the overall big picture of Cambridge Street.
12 I thought it was something that would be positive, but I can
13 understand the concerns of the Zoning Board, and I just
14 wanted the Board to understand the history.

15 And I understand that the hardship may not be
16 clear, but to me having gone through it -- to me it's clear,
17 but I can understand that the Board wants the documentation.

18 So I will go back and either ask for a continuance
19 on this, or I may just change my proposal to do housing and
20 perhaps build a much taller building with lots of
21 apartments. And I'm told by the Cambridge Redevelopment
22 Authority -- by the Cambridge Community Development

1 Department that perhaps I could build a building by right if
2 I do the right height. I'm told it can go up to eight or 11
3 stories.

4 So that may be something that I would propose if I
5 can do it by right or come back with this.

6 JIM MONTEVERDE: Right.

7 MANUEL BARROS: But I will go back to the Planning
8 Board.

9 JIM MONTEVERDE: So you'd like to continue?

10 MANUEL BARROS: I would.

11 JIM MONTEVERDE: Okay. I would suggest -- last
12 time we continued for a month, and I don't feel that gave
13 you enough time to be able to hit on the agenda of the
14 various groups you were trying to speak to, especially the
15 Planning Board. And to go back to the East Cambridge
16 Planning Team. So what do we have?

17 OLIVIA RATAY: Seventh, twenty-first.

18 JIM MONTEVERDE: Twenty-first?

19 OLIVIA RATAY: November 21, December 12.

20 JIM MONTEVERDE: November 21 or December 12, Mr.
21 Barros?

22 MANUEL BARROS: Well, the more time I have, the

1 better Mr. Chairman. I mean, it's difficult. Everybody has
2 such a busy schedule. We're going into the holiday season,
3 so perhaps December 12 might be better.

4 JIM MONTEVERDE: January 9?

5 MANUEL BARROS: January 9. Oh. Is that something
6 that the Board would give me, January 9?

7 JIM MONTEVERDE: Well, we'll call the Board
8 Members, because they'll all -- since this is a case heard,
9 they'll all have to be present to hear this again. So if
10 that's amenable to you all, we'll poll the Board.

11 MANUEL BARROS: That's fine with me, Mr. Chairman.

12 JIM MONTEVERDE: Okay. Steven, does that work for
13 you? January 9?

14 STEVEN NG: It can. I don't know how long the
15 discussion or work you'll have to do for the Planning Board,
16 but sure.

17 JIM MONTEVERDE: Yep. Well, again, I think by
18 January 9 if --

19 STEVEN NG: Yeah.

20 JIM MONTEVERDE: -- he's not able to get all that
21 together, then you can always come back and ask to tell us
22 what he's done. He can continue. I'd be happy to continue

1 it again, if there's some evidence that he's making all the

2 --

3 STEVEN NG: Okay.

4 JIM MONTEVERDE: -- trying to make all the --

5 STEVEN NG: Yeah.

6 JIM MONTEVERDE: -- connections.

7 STEVEN NG: That's fine.

8 JIM MONTEVERDE: Okay. Virginia, January 9?

9 VIRGINIA KEESLER: Yes.

10 STEVEN NG: Yep.

11 VIRGINIA KEESLER: That works for me.

12 JIM MONTEVERDE: Okay. Carol, January 9?

13 CAROL AGATE: Yes.

14 DANIEL HIDALGO: Yeah, that works.

15 JIM MONTEVERDE: Okay. January 9. Let me make a
16 motion. So let me make a motion to continue this matter
17 until January 9, 2025, on the condition that the petitioner
18 change the posting sign to reflect the new date of January
19 9, 2025 and the new time of 6 p.m.

20 Also, that the petitioner sign a waiver of the
21 statutory requirements for the hearing. This waiver can be
22 obtained from Maria Pacheco or Olivia Ratay at the

1 Inspectional Services Department.

2 I ask that you sign the waiver and return it to
3 the Inspectional Services Department by a week from this
4 coming Monday. Failure to do so will de facto cause this
5 Board to give an adverse ruling on this case.

6 Also, that if there are any new submittals,
7 changes to the drawings, dimensional forms, or any
8 supporting statements that those be in the file by 5 p.m. on
9 the Monday prior to the continued meeting date.

10 On the motion to continue this matter until
11 January 9, 2025, a voice vote by the Board Members?

12 Daniel?

13 DANIEL HIDALGO: In favor.

14 JIM MONTEVERDE: Carol?

15 DANIEL HIDALGO: Daniel Hidalgo in favor.

16 JIM MONTEVERDE: Yep. Thank you. Carol?

17 CAROL AGATE: In favor.

18 JIM MONTEVERDE: Virginia?

19 VIRGINIA KEESLER: In favor.

20 JIM MONTEVERDE: Steven?

21 STEVEN NG: In favor.

22 JIM MONTEVERDE: And Jim Monteverde in favor.

1 [All vote YES]

2 JIM MONTEVERDE: That's five in favor. The matter
3 is continued. Thank you.

4 MANUEL BARROS: Thank you, Mr. Chairman.

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(6:41 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Carol Agate, and Daniel Hidalgo

JIM MONTEVERDE: Okay. Now to the Regular Agenda.

First is case BZA 287025 -- 55 Chestnut Street, Unit 2. Is there anybody calling in on this case?

DANIEL STUBBS: Yeah. Mm-hm. Hello. This is Daniel Stubbs. I'm the petitioner.

JIM MONTEVERDE: Yep. Thank you.

DANIEL STUBBS: Can everyone hear me?

JIM MONTEVERDE: Yes. go right ahead.

DANIEL STUBBS: I am here for consideration of a special permit to alter a window on a nonconforming structure that is within -- not within the -- that doesn't meet the side yard setback of 7'6". So that triggers the need to have consideration for the special permit.

The proposal involves one window. It's in a bathroom where there's a double-hung window, and we're proposing to change that to an awning window that's shorter and slightly wider by 12".

So here you can see the -- thank you for showing

1 this. I wasn't sure how that would work. But the existing
2 condition is just to the blank façade that faces the
3 adjacent neighbor. The proposed window is ultimately
4 smaller, but slightly wider.

5 And then there are some supporting photographs if
6 you can see the next -- just to give some context of where
7 that occurs.

8 JIM MONTEVERDE: Yep. Very good.

9 DANIEL STUBBS: So -- yeah and, you know, my basic
10 contention is that it does not have any detriment to the
11 neighborhood.

12 JIM MONTEVERDE: Very good. Thank you. I think
13 it's pretty simple. Pretty understandable. Thank you.
14 Thank you for your presentation.

15 DANIEL STUBBS: Okay. Thank you.

16 JIM MONTEVERDE: I have one quick question for
17 you. This is a condominium --

18 DANIEL STUBBS: Yes.

19 JIM MONTEVERDE: -- or a two-family?

20 DANIEL STUBBS: It's a condominium. And we
21 actually both -- own both units. So it's fully owned by my
22 wife and I.

1 JIM MONTEVERDE: Oh, okay. So when we usually ask
2 for a letter from the Condominium Association granting you
3 permission to do this, it's you granting yourself permission
4 to do what you'd like, is that correct?

5 DANIEL STUBBS: That is correct.

6 JIM MONTEVERDE: Okay. All right. Thank you.
7 Any questions from Members of the Board? If not, I'll go to
8 public comment. We have no correspondence in the file,
9 either for or against.

10 So let me open it up to the public. Any --

11 CAROL AGATE: I believe there is.

12 JIM MONTEVERDE: One second.

13 CAROL AGATE: Dustin --

14 JIM MONTEVERDE: Oh, hold on.

15 CAROL AGATE: Oh, I see. This is signed by Mrs.
16 Stubbs.

17 JIM MONTEVERDE: Right, exactly.

18 CAROL AGATE: Right.

19 JIM MONTEVERDE: So hearing none, any member of
20 the public who wishes to speak should now click the icon at
21 the bottom of your Zoom screen that says, "Raise hand."

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

1 hand by pressing *9 and unmute or mute by pressing *6.

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

7 [Pause]

8 Nobody's out there. I will close public
9 testimony. Any discussion among Members of the Board? If
10 not, we can move to a motion.

11 The Chair makes a motion to grant relief from the
12 requirements of the Ordinance under Sections -- this is a
13 special permit -- 5.31 Table of Dimensional Requirements
14 that's specifically the right-side setback, 8.22.2.c,
15 Nonconforming Structure; and 10.40 for a Special Permit.
16 and I will run through that criteria.

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

19 b) Traffic generated or patterns of access or
20 egress would cause congestion, hazard, or substantial
21 change. That's no.

22 c) The continued operation of or the development

1 of the adjacent uses as permitted in the ordinance would be
2 adversely affected. That's no.

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

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

9 So we find all the Criteria for Section 10.43 for
10 a Special Permit are met.

11 On the condition that the work proposed conform to
12 the drawings entitled, "Stubbs, 55 Chestnut Street, #2,"
13 prepared by -- there is no name -- initialed, I'm sorry and
14 prepared by -- the date is 08/26/24; initialed and dated by
15 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?

20 Steven?

21 STEVEN NG: In favor.

22 JIM MONTEVERDE: Carol?

1 CAROL AGATE: In favor.

2 JIM MONTEVERDE: Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: Daniel?

5 DANIEL HIDALGO: In favor.

6 JIM MONTEVERDE: And Jim Monteverde in favor.

7 [All vote YES]

8 JIM MONTEVERDE: That's five in favor. The relief
9 is granted.

10 DANIEL STUBBS: Thank you very much.

11 JIM MONTEVERDE: You're welcome.

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(6:48 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Carol Agate, and Daniel Hidalgo

JIM MONTEVERDE: Next case is BZA-286630 -- 13 Saville Street. Mr. Rafferty, are you joining us this evening?

JAMES RAFFERTY: Good evening, Mr. Chair, and Members of the Board. For the record, my name is James Rafferty. I'm an attorney with offices located at 907 Massachusetts Avenue in Cambridge.

This evening, I'm representing the property owners, Susan Woskie and Deborah Rosenkrantz. I see Ms. Woskie is present this evening, as is our Project Architect, Christopher Chan and his associate, Joshua Ayers.

Mr. Chair, this is an application to allow for the creation of a second dwelling unit for this single-family house at this location. The property is located in a Res B district.

And the issue is that we're before the Board on seeking a variance to allow for an addition that's slightly larger than the FAR would provide.

1 Currently, there's an as-of-right opportunity here
2 to add an additional 509 square feet. The addition that's
3 being proposed is actually over that by 250 square feet.
4 The -- I'm referring to an addition, but what it is is a
5 second dwelling unit.

6 Ms. Woskie and Ms. Rosenkrantz have lived in this
7 home for over 30 years and raised their daughter here. But
8 unfortunately, Ms. Rosenkrantz has received a very
9 challenging diagnosis, and her health is facing many
10 limitations.

11 So they met with Mr. Chan about the possibility of
12 creating a dwelling unit here that would allow them to
13 remain in their home. And the proposal would involve the
14 creation of a second dwelling unit in the rear yard.

15 It's perhaps best exhibited on page Z1.4. I don't
16 know if Ms. Ratay might be able to show that to the Board,
17 but it really -- thank you very much -- it spells out what's
18 happening here. I would also tell you where the hardship
19 lies, in this case.

20 The existing house is very much one of the factors
21 in the need for the relief in this case. The house
22 currently, as I noted, is a single-family. It has its

1 living on the first floor and the bedrooms on the second
2 floor -- kitchen, dining, living room are all on the first
3 floor. That has become challenging for the occupants.

4 And what Mr. Chan has designed is an addition
5 which would act as an independent dwelling unit with all of
6 its critical functions on the first floor.

7 And you can see that in the floor plan. That is
8 page Z1.5. And you'll see it's a very efficient plan, but
9 it allows for the bedroom, the living room, and the kitchen
10 all to be on the first floor.

11 And two things occur with that. To create an
12 appropriate program that really functions, it's slightly
13 larger than the 509 square feet that's allowed, and it also
14 is into the rear setback. The setback requirement is 25',
15 and the setback here would be 16'.

16 So both of those issues represent areas for which
17 relief is needed and has been applied for. But it's also
18 the case that the size of the lot and the presence of the
19 existing structure, the unique factor on this lot, is
20 creating the hardship.

21 This -- the petition enjoys extraordinary support
22 from abutters. There are over 14 letters, including the

1 three property owners at the rear that would arguably be
2 most impacted by the reduced setback.

3 If the Board had time, I hope they were able to
4 read some of the letters, because they are far more than the
5 typical generic, one-line, one-sentence letter.

6 The petitioners have developed such a strong
7 rapport with their neighbors that nearly every one of them
8 in their letters of support goes to great length to talk
9 about their contribution to the neighborhood and how the
10 neighbors value their ability to remain here and to have
11 their daughter live in the house -- the existing house -- so
12 she can care for them as the health situation continues,
13 unfortunately, in a difficult direction.

14 So it's worth noting that other dimensional
15 aspects of the zoning are being complied with fully,
16 including the amount of open space and the setbacks on the
17 sides: the parking, existing there is ample parking under
18 the proposal.

19 But, as I noted, there are issues associated with
20 additional GFA and the rear setback.

21 But if that GFA was not there, you would not be
22 able to get an operational or functional floor plan.

1 Mr. Chan is, of course, present and has spent a
2 great amount of time and effort designing this, mindful of
3 the constraints that are on the site. So he would be happy
4 to walk the Board through it.

5 Similarly, the petitioners are here, or at least
6 Ms. Woskie is here. She'd be happy to speak to the Board
7 about what this means to her, and why the hardship here
8 really has everything to do with the existing house.

9 Converting that house to one-floor living is
10 simply not an easily achieved objective, with tremendous
11 disruption to that house and extraordinary expense.

12 So it's for those reasons the petitioner has come
13 before the Board with a plan that seeks relief for these two
14 aspects of the Ordinance. So with that, I would simply say
15 that we're prepared to answer and address any questions or
16 concerns.

17 JIM MONTEVERDE: Thank you. Are there any
18 questions from Members of the Board? If not, Mr. Rafferty,
19 as a variance, we'll get to the hardship. I think you've
20 talked about that.

21 The specifics on the Dimensional Form, as you
22 mentioned, it's the gross floor area. It's over the --

1 slightly over the Ordinance Requirement, and the rear yard
2 setback is less than the Ordinance requires.

3 I think those are the only two pieces I find on
4 the Dimensional Form that need relief. Is that correct?

5 JAMES RAFFERTY: That is correct.

6 JIM MONTEVERDE: Okay. Thank you. If there are
7 no questions from Members of the Board, public comment. As
8 Mr. Rafferty said, there are -- I lost count at 14, but
9 there are 15 pieces of correspondence all in favor. I find
10 none in opposition. I will just summarize the ones in --
11 speaking in support, just to read those into the record.

12 First, we have Angela Pendleton and Frank Mazer at
13 10 Saville Street speaking in favor. Very much support.

14 Ellen Popko, July 9, living at 205 Appleton, in
15 support.

16 Jay and Marissa Donovan, dated August 27, 19
17 Saville Street, full support.

18 Catherine Milmoe, 3R Saville Street, from June 30,
19 in support.

20 Catherine Hornby and Bruce Harvey, July 20.
21 They're at 207 Appleton, which is direct line-of-sight from
22 their kitchen, in support.

1 Edward Jones is a neighbor. Don't have an
2 address, but he's speaking in support.

3 And then we have two copies of a bunch of these.
4 One second, please.

5 Lori and Kenny Likis at 9 Saville Street, in
6 support.

7 Lakshmi Balachandra, Patrick Stern, July 2, in
8 support.

9 Adnelly Reyes-Colberg and Andrew Colberg, from
10 June 1, in strong support; they're at 15 Saville Street.

11 Wani Yang, 280 Concord Avenue, in support; he's an
12 abutter to the rear of the property.

13 Luis Vasquez, August 8, 276 Concord Avenue, in
14 support.

15 Maude and Michael Houston, 272 Concord Avenue, in
16 support.

17 Jane Bernstein from 12 Saville Street, in support.

18 Ellen Baker, from July 19 at 18 Saville Street, in
19 support. Those are everyone writing in. That's the
20 neighborhood writing in in support.

21 I will open it up to public comment.

22 Any members of the public who wish to speak should

1 now click the icon at the bottom of your Zoom screen that
2 says, "Raise hand." If you're calling in by phone, you can
3 raise your hand by pressing *9 and unmute or mute by
4 pressing *6.

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

10 OLIVIA RATAY: Liana Woskie?

11 LIANA WOSKIE: Hi. Thank you so much. I'm the
12 daughter of Deborah and Susan. And one of the things I just
13 wanted to raise is that this plan would both add additional
14 units to the neighborhood and allow also for
15 multigenerational living and support, as our mother sort of
16 deals with dementia and Alzheimer's and is able to live on a
17 single floor.

18 And so, thank you so much for hearing this case.

19 JIM MONTEVERDE: Thank you.

20 OLIVIA RATAY: Jay Donovan?

21 JIM MONTEVERDE: Is anyone there wishing to speak?

22 CAROL AGATE: He's muted.

1 JAY DONOVAN: I thought I was unmuted. Jay
2 Donovan here at 19 Saville Street. Just offering our full
3 support for the project. Debbie and Susie have been great
4 neighbors and they're really kind of the heart and soul of
5 the street and hope they can stay as long as possible.

6 So we would love for the addition to be approved
7 and for them to live comfortably with the family at a very
8 important time.

9 So thank you.

10 JIM MONTEVERDE: Thank you for calling in. And
11 that's all the public commentary we have. I'll close public
12 testimony. Any discussion among Members of the Board? If
13 not, I will move to a motion.

14 The Chair makes a motion to grant relief from the
15 requirements of the Ordinance under Sections 5.31. And that
16 is specifically the gross floor area being slightly in
17 excess of the Ordinance allowance and the rear setback and
18 less than the Ordinance Requirement 5.26 for Conversion of
19 Dwellings; 8.22.3 for a Nonconforming Structure; and 10.30
20 for a Variance.

21 And I will read those requirements that we need to
22 find that all of these have been met.

1 a) A literal enforcement of the provisions of the
2 Ordinance would involve a substantial hardship.

3 b) The hardship is owing to the circumstances
4 relating to the soil condition, shape, or topography of such
5 land or structures, and especially affecting such land or
6 structure but not affecting generally the zoning district in
7 which it is located. And

8 c) Desirable relief may be granted without either
9 substantial detriment to the public good or nullifying or
10 substantially derogating from the intent of this Ordinance.

11 So I think those conditions and Mr. Rafferty's
12 presentation describing the hardship, so that they meet all
13 of the requirements of Section 10.31 for a variance.

14 On the condition that the work proposed conforms
15 to the drawings entitled, "Woskie Renovation, 13 Saville
16 Street," prepared by Chan Mock Architects, dated October 1,
17 2024; initialed and dated by the Chair.

18 And further, that we incorporate the supporting
19 statements and Dimensional Form submitted as part of the
20 application.

21 Board Members, on a voice vote, please?

22 Carol?

1 CAROL AGATE: In favor.

2 JIM MONTEVERDE: Thank you. Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: Thank you. Daniel?

5 DANIEL HIDALGO: In favor.

6 JIM MONTEVERDE: Thank you. Steven?

7 Steven Ng?

8 STEVEN NG: In favor.

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

11 [All vote YES]

12 JIM MONTEVERDE: That's five in favor. The relief
13 is granted.

14 JAMES RAFFERTY: Mr. Chair, excuse me. There is
15 one other aspect of the application. And it's one that I
16 know we go back and forth on sometimes. There's a Special
17 Permit Request because the rear wall is now nonconforming.
18 But the Variance allows it, so it becomes noncompliant as
19 opposed to nonconforming.

20 But in a belt-and-suspenders approach, we often
21 apply the Special Permit for an opening on a nonconforming
22 wall because candidly, sometimes when it comes around time

1 for the building permit, there are different interpretations
2 at ISD on that one.

3 So I would ask that the Board also, since it's set
4 forth in the application and the advertisement, and to the
5 extent it might be deemed necessary at building permit time,
6 that the Special Permit be allowed to permit the openings on
7 that rear wall that we just approved under the Variance.

8 JIM MONTEVERDE: Well, the only place I see -- the
9 advertisement doesn't speak to the Special Permit. The BZA
10 Application Form does. And it basically says the sections
11 of Zoning Ordinance cited: Article 10 and Section 10.30
12 Variance and Section 10.40 Special Permit.

13 But again, it's not in the advertisement. So I
14 don't feel comfortable that we can do that.

15 JAMES RAFFERTY: Well, it is in the application,
16 Mr. Chair.

17 JIM MONTEVERDE: Yeah, that's what I'm looking at,
18 thank you.

19 JAMES RAFFERTY: And it's also in the description
20 of the petitioner's proposal.

21 JEFF ROBERTS: Wait a minute, whoa, whoa, whoa.
22 Stop. Stop. Stop. So the one you have in your hand; I

1 have one in my file -- I don't have the same X on Special
2 Permit that you do. I have it on Variance. So I don't know
3 what you have, but it's not what we have in the file.

4 JAMES RAFFERTY: Well, but if you can notice, mine
5 is date stamped with the stamp of the City Clerk August 27.

6 JIM MONTEVERDE: I know. I see that. But it's
7 not what's in our file, and it's not what's advertised. So
8 give me one second to ask for a consultation here and see
9 what we can do.

10 JAMES RAFFERTY: Mr. Chair, if I could interrupt
11 again. It -- perhaps as part of the Board's vote, it might
12 prove helpful to acknowledge that the variance included the
13 windows. Because that's always been the question.

14 Once you've got the Variance, why do you need the
15 Special Permit? The Board approved the wall in the plan.
16 The wall has windows on it. We just got a Variance. I
17 think the case can be made that there's no need for the
18 Special Permit.

19 And if the Board's vote indicate -- included some
20 finding to that effect, I think the issue would become moot.

21 JIM MONTEVERDE: Yep. That, I think, is amenable.
22 So where am I?

1 -- initialed and dated by the Chair.

2 And further -- and we did the vote.

3 Let me just backtrack a second. Let's add a
4 condition: Further, that the Variance is granted
5 incorporating the following condition, which is typically a
6 special permit, which is specifically the new openings in
7 the rear wall windows that are now within the rear yard
8 setback.

9 Does that do it for you?

10 JAMES RAFFERTY: Elegantly done.

11 JIM MONTEVERDE: Thank you. Let's just vote that
12 one more time. Carol?

13 CAROL AGATE: In favor.

14 JIM MONTEVERDE: Virginia?

15 VIRGINIA KEESLER: In favor.

16 JIM MONTEVERDE: Daniel?

17 DANIEL HIDALGO: In favor.

18 JIM MONTEVERDE: Steven?

19 STEVEN NG: In favor.

20 JIM MONTEVERDE: And Jim Monteverde in favor.

21 [All vote YES]

22 JIM MONTEVERDE: So good luck.

1 JAMES RAFFERTY: Thank you very much.

2 CHRISTOPHER CHAN: Thank you very much.

3 SUSAN WOSKIE: Thank you very much. If you could
4 see me, I have tears in my eyes.

5 JIM MONTEVERDE: We try not to make anyone cry --

6 JAMES RAFFERTY: Yes. I often --

7 JIM MONTEVERDE: -- except for Mr. Rafferty.

8 JAMES RAFFERTY: -- leave this Board in the same
9 condition.

10 JIM MONTEVERDE: Mr. Rafferty, you're up again.
11 You're up twice this evening.

12 JAMES RAFFERTY: Oh, yes. Thank you.

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(7:01 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Carol Agate, and Daniel Hidalgo

JIM MONTEVERDE: Next case is BZA-285446 -- 15 Ash Street.

JAMES RAFFERTY: Thank you. Good evening, again, Mr. Chairman and to the Board. James Rafferty on behalf of the applicant, Alice Hoffman.

Ms. Hoffman is the owner of this single-family house on Ash Street. I believe she is present this evening, as is her architect, Paul Fiore, though I don't see their names.

Oh, I see Ms. Hoffman is now here. Anyways, this -- I see -- oh, and I see Jessica Angelova appearing as Paul Fiore. So thank you. And Ms. Hoffman is present.

So as I noted, this is an application for a Special Permit that would allow for the creation of an accessory dwelling unit in the basement level of this home.

Ms. Hoffman has lived in this neighborhood for a significant amount of time. She lives around the corner, and she purchased this house because it provided her with

1 the opportunity to create an accessory dwelling unit.

2 And her interest in doing so is merely to allow
3 for an assistant or a caregiver to have a separate apartment
4 on the ground floor.

5 The application, as you can see spelled out, meets
6 all of the requirements set forth in 4.22 for the Accessory
7 Dwelling Unit.

8 These Board Members may recall this area of the
9 Ordinance was expanded a few years ago by the City Council
10 for the express purpose to allow just the scenario that Ms.
11 Hoffman is facing.

12 She also -- I think she won't be offended if I say
13 she's aging. She tells me that is the case, and this unit
14 is not intended to be a rental. It is simply going to allow
15 her to have someone living in her home with her.

16 There are no changes in the -- no exterior
17 alterations being done to the premises, other than the
18 creation of a stairway that will lead into the basement
19 unit. Mr. Fiore is here and has designed that stairway and
20 the rest of the proposal.

21 But under the Special Permit Criteria and the
22 Special Permit Authority for the Accessory Dwelling Unit,

1 the setback issue presented by the addition of the stairway
2 can be addressed by Special Permit. There is not a parking
3 requirement assigned with the additional unit. However,
4 this home has an ample driveway that can easily accommodate
5 a second vehicle.

6 But for the reasons set forth in the application
7 and the criteria of 4.22.1, including the fact that the
8 dwelling unit not occupy more than 900 square feet and that
9 the dwelling unit has to be in a house that was in existence
10 that consi-- excuse me, the house needs to consist of at
11 least 1,800 square feet.

12 So 4.22.1 has four criteria associated with it.
13 All four criteria are present in this application.

14 And as the argument set forth in the application
15 is that this use is highly compatible with the residential
16 uses on the street and not an uncommon feature to homes in
17 this neighborhood.

18 So for that reason, we would request that the
19 Board look favorably upon the Special Permit Application.

20 JIM MONTEVERDE: Thank you. Any questions from
21 Members of the Board?

22 CAROL AGATE: I do. There is a letter here from

1 two of the neighbors; one letter signed by two different
2 neighbors. And they're concerned about creation of an
3 accessory apartment to generate rental income, in other
4 words an Airbnb.

5 I wonder whether there's been any contact with
6 those neighbors. 900 square feet does sound like a lot for
7 a caregiver. Caregivers usually do not need separate
8 kitchen or anything else; usually just a separate bedroom.

9 So I wonder why there's been no contact with them.

10 JAMES RAFFERTY: Well --

11 CAROL AGATE: Or have you contacted them?

12 JAMES RAFFERTY: -- thank you. If I may, Mr.
13 Chair. We have had contact, including the hand delivery of
14 a letter yesterday when we became aware of this letter. By
15 the way, the reference to 900 square feet is that's the
16 maximum amount that an accessory apartment can have. That
17 is not the size of this apartment.

18 CAROL AGATE: Oh, okay.

19 JAMES RAFFERTY: This apartment is a few hundred
20 feet below that, looking at Mr. Fiore. But I believe that's
21 the case. But it is not -- the reference to 900 square feet
22 is set forth as one of the conditions in the Ordinance.

1 These apartments cannot exceed 900 square feet.

2 CAROL AGATE: Okay. Sorry about that.

3 JAMES RAFFERTY: And I wanted to point out to the
4 Board that we meet that criteria, because the size of the
5 apartment is below that.

6 CAROL AGATE: Yep.

7 JAMES RAFFERTY: We did send a letter. I
8 personally hand delivered a letter yesterday to both of the
9 signators on that letter. It's a letter that Ms. Hoffman
10 circulated to the wider neighborhood, and it wasn't clear to
11 me why, unfortunately, these people did not receive it or at
12 least by the time they wrote their letter.

13 But the letter described everything I've told you
14 here regarding Ms. Hoffman's intention. She's going to be
15 living in this house. This is going to be her home. And as
16 she said in her direct letter to the people, she would never
17 -- she has no intention of operating an Airbnb.

18 The City regulates those things, by the way. So
19 there are short-term rental requirements and all that. And
20 Ms. Hoffman is here if the Board would like to hear, but she
21 could speak to the fact.

22 But I think she -- I think she was taken aback at

1 the suggestion that she might be making this move to this
2 home for the purpose of operating an Airbnb. I think it's
3 probably the furthest thing from her intentions.

4 JIM MONTEVERDE: Okay. Thank you.

5 CAROL AGATE: I'm curious as -- oh, so in other
6 words the response came in only a day ago. Is that it? The
7 --

8 JAMES RAFFERTY: Yes. I --

9 CAROL AGATE: -- second issue?

10 JAMES RAFFERTY: -- I only know -- we only became
11 aware -- aware of the letter from the abutter two days ago,
12 which led me to conclude they had not received the letter
13 that we had circulated a week before.

14 CAROL AGATE: Okay.

15 JAMES RAFFERTY: So we delivered them -- the
16 letter from a week before -- as well as an additional letter
17 explicitly indicating that there will not be any Airbnb or
18 rental unit in the building.

19 CAROL AGATE: Okay.

20 JAMES RAFFERTY: And I note that the letter was
21 very polite in what the point was that the -- the letter
22 writers say they want -- they suggest a delay in order to

1 discuss in the rationale with us.

2 We did provide that, and the letter that was
3 provided yesterday also included Ms. Hoffman's phone number.
4 One of these people are her immediate next-door neighbor,
5 and one is across the street. It's a very small and
6 cohesive neighborhood. So I think --

7 JIM MONTEVERDE: Right.

8 JAMES RAFFERTY: And I think there's a letter in
9 support from another neighbor that arrived.

10 JIM MONTEVERDE: Yep. Thank you, Mr. Rafferty.
11 Any other questions from Members of the Board?

12 VIRGINIA KEESLER: I was just interested to hear
13 what the square footage is of the basement apartment.

14 JAMES RAFFERTY: Mr. Fiore?

15 PAUL FIORE: Hi, can you hear me?

16 JAMES RAFFERTY: Yes.

17 JIM MONTEVERDE: Yep. We can. Just introduce
18 yourself.

19 PAUL FIORE: Hi. My name is Paul Fiore, and I'm
20 the architect on this project. I just did a quick -- I just
21 did a quick measurement and it's approximately 700 square
22 feet. I don't -- I can find the exact, but that's --

1 JIM MONTEVERDE: No, if you -- it seems if you
2 look at the plan, it seems in that range, right? It's just
3 the bedroom -- living space --

4 PAUL FIORE: Yeah. Exactly.

5 JIM MONTEVERDE: -- galley kitchen, a bathroom,
6 that's it. So it's certainly not 900 square feet.

7 PAUL FIORE: Right. I think Jim was accurate just
8 saying a couple hundred less than nine. So --

9 JIM MONTEVERDE: Hm. Yep.

10 PAUL FIORE: -- it's in that neighborhood.

11 JIM MONTEVERDE: Okay. Virginia, does that answer
12 your question?

13 VIRGINIA KEESLER: Yes. Thank you.

14 JIM MONTEVERDE: Thanks. Any other questions from
15 Members of the Board? If not, we have letters in the file.
16 We have one from Ronnie Fuchs at 14 Ash Street, in support.
17 We have the letter that Mr. Rafferty referred to, Winnifred
18 Hentschel and Philip Trackman at 13 Ash Street, saying that
19 they hadn't seen the plans, and their concerns were of an
20 owner -- use of the space, the new space -- as a short-term
21 rental such as an Airbnb; concerned about security, limited
22 parking.

1 That's the sum and substance of correspondence we
2 have in the file. I'll open it up to public commentary.

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

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

13 Anybody out there?

14 Nope. Nobody calling in. I will close public
15 testimony. Discussion among Members of the Board? If not,
16 move to a motion. And this is a special permit.

17 The Chair makes a motion to grant relief from the
18 requirements of the Ordinance under Sections 5.31 -- that's
19 specifically the left side setback, Section 4.22. I believe
20 the relief is actually under Section 4.22.3. That allows us
21 to give them the relief for any applicable yard setback or
22 height limitation.

1 Sections 8.22.3 for Nonconforming -- oh, sorry,
2 8.22.2.d, Nonconforming Structure; and 10.40 for a Special
3 Permit. And I will run through those. That criteria under
4 Section 10.43 is:

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

7 b) Traffic generated or patterns of access or
8 egress would cause congestion, hazard, or substantial
9 change. No.

10 c) The continued operation of or the development
11 of the adjacent uses as permitted in the ordinance would be
12 adversely affected. No.

13 d) Nuisance or hazard would be created to the
14 detriment of the health, safety, or welfare of the occupant
15 of the proposed use. That's no.

16 e) And for other reasons, the proposed use would
17 impair the integrity of the district or adjoining district.
18 That's a no.

19 So it meets all the criteria of Section 10.43 for
20 a Special Permit.

21 On the condition that the work proposed conform to
22 the drawings entitled, "Hoffman Residence, 15 Ash Street,"

1 prepared by FFA Architecture, dated August 16, 2024;
2 initialed and dated by the Chair.

3 And further, that we incorporate the supporting
4 statements and Dimensional Form submitted as part of the
5 application.

6 Board Members on a voice vote, please?

7 Carol?

8 CAROL AGATE: In favor.

9 JIM MONTEVERDE: Thank you. Virginia?

10 VIRGINIA KEESLER: In favor.

11 JIM MONTEVERDE: Thank you. Daniel?

12 DANIEL HIDALGO: In favor.

13 JIM MONTEVERDE: Thank you. Steven?

14 STEVEN NG: In favor.

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

17 [All vote YES]

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

20 PAUL FIORE: Thank you.

21 ALICE HOFFMAN: Thank you very much.

22 JIM MONTEVERDE: Mm-hm.

* * * * *

(7:15 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Carol Agate, and Daniel Hidalgo

JIM MONTEVERDE: Next case. Mr. Rafferty, you're up again. This is BZA 2888233 -- 33 Thingvalla Avenue.

JAMES RAFFERTY: Thank you again. Apologize if members are getting tired of me but I'll try to keep it brief, because I think it's a fairly straightforward application.

In this case, the property owner, John Rapoza, who is present, as is his architect, Matthew Bonacci, is seeking a special permit to allow for a conforming addition to a nonconforming two-family dwelling.

The existing structure is nonconforming because of the right-side setback. The proposed addition has no impact on the right-side setback. It is the case, however, that there is a significant increase in GFA, but all of that is within the allowable FAR. So that's what makes the addition conforming.

But under the Cambridge Ordinance, you may recall, on nonconforming structures, additions that are greater than

1 10 percent of the existing GFA of the building require a
2 special permit.

3 So we clearly are in excess of the 10 percent, but
4 under the provisions of Section 8.22.2.d, the Board is
5 authorized to grant a special permit upon a finding that
6 this addition will not have an adverse impact upon the
7 neighborhood.

8 I would suggest in this case, a neighborhood that
9 predominantly consists of two-family dwellings, that a two-
10 family dwelling that conforms to the FAR and doesn't seek to
11 create any new violations, would be a worthy candidate of
12 such relief.

13 We would ask the Board to grant the special
14 permit. Mr. Bonacci can go through any aspect of the plan
15 that the Board might be interested in, as can Mr. Rapoza.

16 Thank you.

17 JIM MONTEVERDE: Thank you. Olivia, could we
18 bring up this file?

19 Just for all of our edification, although we've
20 gone thorough the plans before, this is the clearest diagram
21 I think of the -- on the left is the existing site plan, on
22 the right is the proposed, and shaded in the -- I'm color

1 blind, but it looks pink to me -- are the proposed
2 additions, correct? And so, it's labeled.

3 That's the extent of the additions on both the
4 first and the second floor, correct?

5 MATTHEW BONACCI: Yeah, it is correct. Hi. My
6 name is Matt Bonacci from KDI Architects.

7 JIM MONTEVERDE: Yep.

8 MATTHEW BONACCI: And that is correct.

9 JIM MONTEVERDE: Okay. And this is currently a
10 two-family dwelling; this will remain a two-family dwelling?

11 MATTHEW BONACCI: That is correct as well.

12 JIM MONTEVERDE: Did we do any old -- instead of
13 two flats, it's now split front and back for the two units,
14 correct?

15 MATTHEW BONACCI: Correct.

16 JIM MONTEVERDE: Okay. And as Mr. Rafferty
17 described, the -- there's a significant -- and addition of
18 gross floor area, but it is still below the Ordinance
19 limitation.

20 MATTHEW BONACCI: That is correct.

21 JIM MONTEVERDE: Same thing --

22 MATTHEW BONACCI: Yep.

1 JIM MONTEVERDE: -- for the FAR and you're fine
2 there, you're fine there, you're fine there. That's it.

3 MATTHEW BONACCI: Yes.

4 JIM MONTEVERDE: Right?

5 MATTHEW BONACCI: Yeah. Yep.

6 JIM MONTEVERDE: And this is a special permit.
7 Okay. Anything else you want to present to us, or will that
8 do?

9 MATTHEW BONACCI: Yeah, no. I think everything
10 was covered. But the existing GFA was 2,725 and the
11 proposed is 3,870. And the max in that area is 3,977. So
12 we're still underneath --

13 JIM MONTEVERDE: Correct.

14 MATTHEW BONACCI: Yeah. Just --

15 JIM MONTEVERDE: Yep.

16 MATTHEW BONACCI: Yeah.

17 JIM MONTEVERDE: You're within that limit.

18 Agreed.

19 MATTHEW BONACCI: Yep.

20 JIM MONTEVERDE: Okay. Anything else you want to
21 present? Or --

22 JAMES RAFFERTY: No, thank you.

1 JIM MONTEVERDE: Okay. Thank you. Any questions?

2 JAMES RAFFERTY: In case Mr. Bonacci wanted to
3 talk more, I was going to preempt him.

4 MATTHEW BONACCI: Thank you.

5 JAMES RAFFERTY: Thank you for helping us move
6 things along.

7 JIM MONTEVERDE: Any questions from Members of the
8 Board? If not, let me just check. I looked on Tuesday;
9 there was no correspondence in the file, either for or
10 against, and that is still the case. So I will open it up
11 to public comment.

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

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

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

22 No one is out there. I will close public

1 testimony. Any discussion among Members of the Board? If
2 not, I'll move to a motion.

3 The Chair makes a motion to grant relief from the
4 requirements of the Ordinance under Sections 5.31 -- again,
5 that's the increase in the gross floor area, although it is
6 within the ordinance limit, the increase in GFA within the
7 ordinance limitation. Article 8.22.2.d for a Nonconforming
8 Structure and 10.40 for a Special Permit. And I will do
9 that criteria again. Under 10.43,

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

12 b) Traffic generated or patterns of access or
13 egress will cause congestion, hazard, or substantial change.
14 No.

15 c) The continued operation of or the development
16 of the adjacent uses as permitted in the ordinance would be
17 adversely affected. No.

18 d) Nuisance or hazard would be created to the
19 detriment of the health, safety, or welfare of the occupant.
20 No.

21 e) And for other reasons, the proposed use would
22 impair the integrity of the district or adjoining district.

1 And that's a no.

2 So all the criteria of Section 10.4 -- I'm sorry,
3 10.43 for a Special Permit have been met.

4 On the condition that the work proposed conform to
5 the drawings entitled, "33 Thingvalla Avenue" prepared by
6 KDI Architects -- Architecture, dated August 21, 2024;
7 initialed and dated by the Chair.

8 And further, that we incorporate the supporting
9 statements and Dimensional Form submitted as part of the
10 application.

11 On a voice vote, Board Members, please? Carol?

12 CAROL AGATE: In favor.

13 JIM MONTEVERDE: Thank you. Virginia?

14 VIRGINIA KEESLER: In favor.

15 JIM MONTEVERDE: Thank you. Daniel?

16 DANIEL HIDALGO: In favor.

17 JIM MONTEVERDE: Thank you. Steven?

18 STEVEN NG: In favor.

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

21 [All vote YES]

22 JIM MONTEVERDE: That's five in favor. The relief

1 is granted.

2 COLLECTIVE: Thank you.

3 JAMES RAFFERTY: And good evening.

4 JIM MONTEVERDE: Good evening.

5 JAMES RAFFERTY: I will no longer trouble you.

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(7:20 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Carol Agate, and Daniel Hidalgo

JIM MONTEVERDE: Next case is BZA-285359 -- 100
Otis Street, Unit 1. Oh. This is being continued. So
there's been a request by the proponent to continue this
until November 21. So this is a case not heard. Let me
continue.

The Chair makes a motion to continue this matter
to November 21, 2024, on the condition that the petitioner
change the posting sign to reflect the new date of November
21, 2024 and the new time of 6 p.m.

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

I ask that you sign the waiver and return it to
the Inspectional Services Department by a week from this
coming Monday. Failure to do so will de facto cause this
Board to give an adverse ruling on this case.

Also, that if there are any new submittals,

1 changes to the drawings, dimensional forms, or any
2 supporting statements that those be in the file by 5 p.m. on
3 the Monday prior to the continued meeting date.

4 On the motion to continue this matter until
5 November 21, 2024, Carol?

6 CAROL AGATE: In favor.

7 JIM MONTEVERDE: Thank you. Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Thank you. Daniel?

10 DANIEL HIDALGO: In favor.

11 JIM MONTEVERDE: Thank you. Steven?

12 STEVEN NG: In favor.

13 JIM MONTEVERDE: And Jim Monteverde in favor.

14 [All vote YES]

15 JIM MONTEVERDE: That's five in favor. The matter
16 is continued.

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(7:28 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Carol Agate, and Daniel Hidalgo

JIM MONTEVERDE: Next case is BZA-285322 -- 17
Smith Street.

Mr. Glassman, are you with us this evening?

ADAM GLASSMAN: I am with you. Thank you, Mr.
Chair. For the record, this is Adam Glassman with GCD
Architects with offices at 17 Brown Street in Cambridge.

I'm here tonight representing the owner, Scott
Johnson, who is is joining us tonight, and is the new owner
of 17 Smith Place, which is an existing single-family
residence in an Office 1 District, surrounded mainly by
warehouse and parking lots -- warehouse uses, parking lots,
light industrial.

It's one of the only -- or perhaps the only
single-family residence that remains in that part of East
Cambridge.

This view from Concord Ave, you can see the 17
Smith Place beyond the abutting parking lots. It's that
fading reddish structure.

1 Could we see the next slide?

2 Here's a view of 17 Smith Place from Concord
3 looking down Smith Place. And we're here tonight because we
4 are proposing to modestly enlarge this; maintain the single-
5 family use, renovate this inside and out, bring it up to
6 modern living standards, expand the envelope with the
7 setbacks and modestly increase the nonconforming FAR.

8 The home has been occupied for from what we can
9 tell 50 years by the same family. According to the
10 Assessor's database, it was built in 1900, although looking
11 at old maps of Cambridge, I haven't been able to locate it
12 that early. We don't know much about the ownership prior to
13 1973.

14 The structure has deteriorated; it has become an
15 eyesore. It is no longer safe or habitable in the interior
16 and requires not only a facelift but a complete essentially
17 rebuild on the inside, reconfigurations. Everything needs
18 to be essentially removed and replaced.

19 Next slide, please?

20 On the left is the view of Smith Place facing
21 north, and to the right is our proposed image. You can see
22 that we're slightly raising the roof and squaring off the

1 front and the back, adding a rear deck on the second floor
2 in the rear.

3 The front overhang you see will remain, and the
4 lower left-hand existing covered porch area will also
5 remain.

6 Next slide, please?

7 Here's our property map. You can see highlighted
8 in yellow Smith Place, all -- 17 Smith Place. All the gray
9 areas you see are parking lots.

10 The abutter on our right, the only building which
11 is really a -- which is a close abutter to our lot is a
12 warehouse, and you can see there are other buildings in our
13 vicinity, but mainly we're surrounded by parking lots.

14 I think historically the front yard has been used
15 for parking, but we're proposing to convert that to
16 landscape space, and we'll provide pervious paver parking on
17 the right side.

18 Next slide, please?

19 This is our site plan. You can see our setback
20 envelope. It's a very small lot. It's -- this is an
21 impossible home to modify in any way, at least on the
22 exterior without any zoning relief. We have existing

1 nonconforming left and rear setbacks.

2 Next slide, please?

3 More contextual photos. You can see what this
4 house currently looks like. The inside is beyond unlivable,
5 so we're -- the owner is really proposing to maintain its
6 existing use, its current use, give this a facelift, give
7 this a fresh new identity and something that the new
8 homeowner will be happy to call their own.

9 Next slide, please?

10 JIM MONTEVERDE: Do you know what the original use
11 --

12 ADAM GLASSMAN: More images of the --

13 JIM MONTEVERDE: -- was?

14 ADAM GLASSMAN: -- this --

15 JIM MONTEVERDE: Adam, do you know what the
16 original use of this was?

17 ADAM GLASSMAN: You know, no, I don't know. And
18 now I wish I had asked.

19 JIM MONTEVERDE: Yeah. [unclear; crosstalk] roof
20 and whatever. Okay. Just curious.

21 ADAM GLASSMAN: Yeah. Okay. So anyway, yeah, it
22 doesn't look like it was built as a house. And actually, I

1 will find out, but --

2 JIM MONTEVERDE: Right.

3 ADAM GLASSMAN: -- at least since 1973 it's been
4 used as a single-family residence.

5 Our architectural site plan, again showing how the
6 setback envelope relates to the existing structure. It
7 passes through both the rear and the left side. And in the
8 upper right-hand corner would be our proposed pervious paver
9 parking area.

10 Next slide, please?

11 We are -- we have an existing nonconforming FAR of
12 0.92. We have a proposed nonconforming FAR of 1.09 and the
13 required is 0.75 so we're requesting a special permit for
14 that increase. We have an existing nonconforming lot size,
15 with [conforming] lot width, which will obviously remain.

16 Our existing nonconforming setbacks will remain,
17 although we will create no new nonconforming setbacks. The
18 height -- although we'll raise slightly -- will remain
19 conforming and our usable open space will remain conforming.

20 Next slide, please?

21 Landscape open area to remain conforming. A lot
22 of this yard actually that we're generously calling existing

1 open space is really being used for parking, but for our
2 purposes we called it, "usable landscaped open space" and we
3 will maintain most of it.

4 Next slide, please?

5 These are our FAR plans. We are not converting
6 the basement. We are not expanding the envelope of the
7 first floor, and we are not expanding the envelope of the
8 second floor.

9 Next slide, please?

10 This is the existing third floor, which we will be
11 expanding and that is where we see the increase in the FAR.

12 Next slide, please?

13 Reconfigurations at first-floor and second-floor
14 level. No added FAR.

15 And please go to the next slide.

16 And so then we have our third floor, which is
17 where we're adding a new livable space. the existing third
18 floor has about 999 gross square feet.

19 We're bringing it up to 923, although more than
20 half of that is actually double high space. So in terms of
21 the habitable floor area that we're adding, it's really only
22 262 square feet.

1 Next slide, please?

2 [Which is a very modest increase in floor area.]

3 Existing and proposed structures' comparative
4 views. Left side is the existing, right side you can see
5 we're squaring it off, giving it a face lift. And just
6 improving the look overall.

7 Next slide, please?

8 More comparative views. Existing left side view.
9 Existing right-side view. Existing and proposed front
10 views.

11 Next slide?

12 And we will be moving the main entry to the front
13 of the building, which will make this structure seem more
14 inviting than it does already.

15 Our existing floor plans, we're basically demoing
16 everything on the interior of the envelope and reconfiguring
17 everything. We can pass through this.

18 Next slide?

19 Again, existing second floor completely
20 reconfigured (sic) and the existing third floor will be
21 expanded.

22 Next slide, please?

1 And the next slide?

2 Reconfigure the -- we'll be reconfiguring the
3 existing basement; it'll remain utility storage mechanical
4 space. The first floor will be a series of bedrooms, one
5 potentially an office; laundry, brand new stair
6 construction, a bathroom and access to a first-floor porch.

7 Next slide, please?

8 The main living area will be on the second floor,
9 with an additional bedroom and a bathroom and a living room
10 it the front with a double high ceiling. And on the right
11 side is the proposed third plan where we have the primary
12 bedroom and access to a rear-facing deck.

13 Next slide, please?

14 Just our roof plan, again showing the decks, some
15 added highlights. Parking area down below.

16 Next slide, please?

17 Our comparison of elevations just basically all
18 these elevations show that we are removing everything on the
19 exterior and giving a facelift on all four sides.

20 Next slide, please?

21 Again, existing and proposed. And you can see on
22 the lower right there is a -- we show a dashed line, which

1 is the profile of the existing roof. We're raising the roof
2 a few feet, but it'll remain -- it's a -- building height
3 will remain conforming.

4 Next slide, please?

5 Existing and proposed rear views. Again, rear-
6 facing deck on the third floor.

7 Next slide, please?

8 Similar to the other side, everything that's
9 existing will be removed, replaced. The building will be
10 squared off.

11 Next slide, please?

12 And our building sections. That -- I'd say that
13 brings me to the end of the presentation. You know, it's an
14 interesting lot. It's -- again -- surrounded by parking
15 lots. We're certainly providing no adverse effects to any
16 neighbors, to the neighborhood. We're maintaining or
17 improving the character of the house and improving the
18 character of the neighborhood.

19 So we think overall this is a win for everybody.
20 And I'm happy to take any questions.

21 JIM MONTEVERDE: Thank you. And this is a Special
22 Permit request.

1 ADAM GLASSMAN: Special permit.

2 JIM MONTEVERDE: Any questions from Members of the
3 Board?

4 CAROL AGATE: Jim?

5 JIM MONTEVERDE: Yep.

6 CAROL AGATE: Tell me if this is an inappropriate
7 question. I live near there, and I use a lot of those
8 services and stores there. Why would anybody want to live
9 there?

10 JIM MONTEVERDE: That's -- yeah.

11 CAROL AGATE: The isolation, there are no
12 neighbors.

13 JIM MONTEVERDE: I may have the -- well, I may
14 interested in the same question, but I don't think that's
15 one for us to deal with here.

16 CAROL AGATE: Okay.

17 JIM MONTEVERDE: Or for us to enter as part of our
18 opinion, so.

19 CAROL AGATE: So just curious.

20 JIM MONTEVERDE: Well, after they finish, we can
21 wander over and knock on the door and ask. But no, I
22 wouldn't entertain that for discussion this evening.

1 Any other questions from Members of the Board? If
2 not, let me check the file. Yep. We have no correspondence
3 either for or against. I will open it up to public comment.

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

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

14 OLIVIA RATAY: Phone number ending in 8311.

15 HEATHER HOFFMAN: Hello. Heather Hoffman, 213
16 Hurley Street. This is probably silly, but I thought I
17 heard Mr. Glassman say that this place is in East Cambridge.

18 ADAM GLASSMAN: Oh.

19 HEATHER HOFFMAN: North Cambridge can have it.

20 ADAM GLASSMAN: I'm sorry.

21 JIM MONTEVERDE: No, North Cambridge.

22 ADAM GLASSMAN: I meant West Cambridge.

1 HEATHER HOFFMAN: [Laughter]

2 ADAM GLASSMAN: I used to live in East Cambridge.

3 HEATHER HOFFMAN: Well, it just hit me: Wait a
4 minute. So other than that, good luck.

5 JIM MONTEVERDE: Okay. Thank you, Heather.
6 Anyone else? That's it for public testimony. I will close
7 public testimony.

8 Any discussion among Members of the Board? If
9 not, we will move to a motion. Again, this is a special
10 permit.

11 The Chair makes a motion to grant relief from the
12 requirements of the ordinance under Sections 5.31, Table of
13 Dimensional Requirements. That is because the requested
14 gross floor area will -- is greater than the existing, and
15 the existing is already beyond the Ordinance Requirement
16 limitation. The FAR or GFA will also be -- is now currently
17 exceeds the Ordinance Requirement, and it will go up
18 further.

19 And the height, although it's within the Ordinance
20 limit, will go up from the existing height. That's the
21 dimensional info.

22 And section 8.22.2.d for a Nonconforming Structure

1 and 10.40 for a Special Permit -- and let me read that
2 criteria:

3 a) It appears the requirements of this ordinance
4 cannot or will not be met. That's correct.

5 b) Traffic generated or patterns of access or
6 egress would cause congestion, hazard, or substantial
7 change. No.

8 c) The continued operation of or the development
9 of the adjacent uses as permitted in the ordinance would be
10 adversely affected. No.

11 d) Nuisance or hazard will be created to the
12 detriment of the health, safety, or welfare of the occupant.
13 No.

14 e) And for other reasons, the proposed use would
15 impair the integrity of the district or adjoining district.
16 No.

17 So we meet all the criteria of Section 10.43 for a
18 Special Permit.

19 On the condition that the work proposed conform to
20 the drawings entitled, "17 Smith Place," prepared by GCD
21 Architects, dated August 21, 2024; initialed and dated by
22 the Chair.

1 And further, that we incorporate the supporting
2 statements and Dimensional Form submitted as part of the
3 application.

4 Board Members on a voice vote, please?

5 Carol?

6 CAROL AGATE: In favor.

7 JIM MONTEVERDE: Thank you. Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Thank you. Daniel?

10 DANIEL HIDALGO: In favor.

11 JIM MONTEVERDE: Thank you. Steven?

12 STEVEN NG: In favor.

13 JIM MONTEVERDE: Thank you. And Jim Monteverde.

14 [All vote YES]

15 JIM MONTEVERDE: That's five in favor. The relief
16 is granted. I think there should be either some kind of
17 award or some kind of notice for these folks to take this
18 on, but good luck.

19 ADAM GLASSMAN: Thank you.

20 CAROL AGATE: It certainly will improve the
21 neighborhood.

22 JIM MONTEVERDE: That's for sure.

* * * * *

(7:45 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Carol Agate, and Daniel Hidalgo

JIM MONTEVERDE: The next case is BZA-287537 -- 54
Garfield Street.

Mr. Wiggins, are you with us this evening? Or
anyone else speaking on this case?

CAROL AGATE: There he is.

MICHAEL WIGGINS: Good evening, Mr. Chairman. Can
you hear me?

JIM MONTEVERDE: We can.

MICHAEL WIGGINS: Yes. Michael Wiggins from the
law firm of Weston Patrick. I'm here this evening on behalf
of Taylor Milsal and William Hillis regarding their property
at 54 Garfield Street.

And we should have with us this evening Patrick
Guthrie, who is the architect who's designing this project.

Briefly, the project that my clients are embarking
on is a very small addition to the rear of their property at
54 Garfield Street. It will not be outside the existing
envelope of the building; in fact, it will be -- it will

1 replace a covered entrance at the right rear of the
2 property.

3 And it will enable my clients to add a small part
4 of -- a little bit of space to their kitchen and also enable
5 them to have a walk-in closet and a bedroom upstairs from
6 there.

7 It's a minuscule amount of square footage that's
8 being added here. The existing FAR is 0.934. This would go
9 up to 0.499. So we're talking about about 1.5 percent or so
10 overall.

11 So this is a special permit. It is an extension
12 of a prior nonconforming use. And the only reason for this
13 is we're somewhat just slightly increasing the FAR, but
14 otherwise doing nothing more. I don't know if Patrick
15 Guthrie is with us. I know he's registered. Can we
16 determine whether he's been admitted as a panelist?

17 PATRICK GUTHRIE: I have.

18 MICHAEL WIGGINS: Okay. So Patrick, if you're
19 with us, could you briefly walk the Board through the
20 changes that we're making and describe both what's happening
21 on the interior briefly and how that will affect the
22 exterior façade?

1 PATRICK GUTHRIE: Certainly. I'm Patrick Guthrie.
2 I'm the President of Design Associates/Architects,
3 Cambridge, Massachusetts.

4 And as Michael has described, we're proposing a
5 small addition to replace an existing open porch with an
6 extension of an existing kitchen to expand that kitchen
7 space, and then to create a second floor above that enclosed
8 porch to extend an existing primary bathroom for an added
9 walk-in closet.

10 The other impact on this property is it moves the
11 entrance for a second-floor tenant or a third-floor tenant
12 to the driveway side of the building.

13 So if we can go to the next slide?
14 This is the comparison between the existing, which is the
15 upper floor plan, and the proposed.

16 And on the proposed, there is a shaded region
17 which shows a replacement of the open porch for a built-in
18 area, which becomes the kitchen for the first and second
19 floor in owners' unit.

20 What that is displacing is the tenant entry, which
21 was through the open porch, which you can see on the open --
22 on the upper plan.

1 The other change to the first floor plan is we do
2 need to provide a safe egress for the tenants of the third
3 floor. And that moves the entrance -- entry stoop for them
4 to what is the east-west side of the first floor plan.

5 On the lower plan about the middle of the plan,
6 you can see a new stairway, an exterior stairway. It is
7 enclosed by a fence. That is the existing fence
8 configuration. That will be of course disassembled to
9 permit construction, and then be reerected at that location.

10 This stoop is sheltered by a bracketed entry
11 canopy. It doesn't have posts. It's keeping with the Queen
12 Anne style of the house itself. But it's mostly a rain
13 shelter so that you have a place out of the rain to find
14 your keys to go into your unit.

15 Can we go to the next slide, please?

16 The next slide, again, it's a comparison of the
17 existing to what is proposed.

18 The shaded region becomes new construction. It's
19 basically a second story, which is built above the footprint
20 of what is now the current open or the current roof porch on
21 the first floor. And that becomes an accessory to the
22 primary suite for the owners of the unit. There's no other

1 changes to the exterior of the building beyond that -- that
2 region.

3 The next slide?

4 Shows comparative site plans. You can see in the
5 lower left of the existing plan the porch, the roofed porch
6 of the first floor.

7 And then on the right-hand plan, you can see the
8 enclosure of that porch. We're actually restricting the
9 footprint of that slightly from the porch, but for this
10 analysis they're effectively the same.

11 And you can see the introduction of an entry stoop
12 in the fenced enclosure on the west side of the house
13 adjacent to the driveway.

14 The next slide gives context.

15 The next slide?

16 These are photographs of the existing house.
17 Across the top it's basically moving from the east. Looking
18 at the north elevation, the north elevation of the
19 wraparound porch.

20 And then the slide to the far right at the top row
21 is showing the projecting bay. And the alterations are
22 actually occurring beyond that bay. You can see currently

1 the dense plantings and there are two stacked windows. One
2 of those windows becomes the new entry door for the tenant
3 unit.

4 And then beyond it, it being full leaf in summer,
5 when I took these photos is the porch and where this
6 addition is occurring.

7 So on the bottom row, you can see the first floor
8 covered porch, the entry condition for the tenants right now
9 -- another photo of that -- and then a photo of that in
10 context with the rear elevation.

11 And then finally, this is from Sacramento Field
12 looking at the rear of the house.

13 Next slide, please?

14 And these are side-by-side comparisons showing the
15 alteration. On the left-hand side is the existing condition
16 where we have the stacked windows, the fenced enclosure. To
17 the right of that is the covered porch.

18 And then immediately to the right of that
19 elevation is the next elevation, which shows without showing
20 the fence, but just to show the extent of the stoop and the
21 canopied entry and the infill at the porch and at the second
22 floor.

1 On the lower level, on the lower row, we have the
2 existing elevation. On the far left, you're seeing the
3 doorway into the tenant unit, which is being shifted for the
4 expansion of the kitchen and the living area for the primary
5 owners.

6 And on the right is the proposed built-out
7 condition.

8 We can go to the next image, if you like.

9 And this is just showing that yes, we did post for
10 the hearing. And this is basically a repeat of the other
11 information. So I'm happy to answer questions from the
12 Board.

13 JIM MONTEVERDE: Let me ask one quick question.
14 Do I understand your plans correctly, your first floor plan
15 that the new staircase to the side that leads to the tenant
16 entry will still be behind the existing enclosure?

17 PATRICK GUTHRIE: Correct.

18 JIM MONTEVERDE: Is that correct? Okay. So that
19 remains in place?

20 PATRICK GUTHRIE: Yes.

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

22 Any questions from Members of the Board? If not, I will --

1 we have public comment. We have two letters in the file
2 speaking for and we have one letter in the file requesting
3 that this be continued.

4 We have one correspondence dated October 7 from
5 Diana Young and Yael Maguire, who live at 45 or own 45
6 Garfield. They are in support. They've seen the plans; the
7 plans were submitted to them.

8 We also have correspondence from Diane Sullivan
9 from 49 Garfield Street. she also reviewed the plans and
10 application and is in -- fully supporting the plans. Those
11 are the two for.

12 And then the one against is from -- or actually
13 requesting a continuance is Mark -- from Mark Woods, and if
14 I have this correct: C. Susan Williams Woods, dated October
15 10, 2024, who are neighbors at 44 Garfield Street.

16 Their concerns are that the details of the
17 petition were not discussed with them. And they're
18 concerned specifically about the new stairway on the right
19 side of the property. I'll read this literally "-- which is
20 very close to our property and intrudes into the property
21 and intrudes into the privacy of our property."

22 There's another statement: "This property, even

1 though listed as a single-family, has the third floor rented
2 to lodgers," which I think you recognize in your Dimensional
3 Form saying it's two units, and you basically said it's
4 entry for a tenant space.

5 "Since this case was not discussed with us, we
6 would oppose the introduction of a stairway, and we would
7 like the Board to continue this case so that it can be
8 further discussed."

9 [With them, I assume. That's my editorial.]

10 With that, I will open it up to public comment.

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

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

21 OLIVIA RATAY: Elmira Zarli?

22 ELMIRA ZARLI: Hello?

1 JIM MONTEVERDE: Hi.

2 ELMIRA ZARLI: Hi. So my name is Elmira Zarli. I
3 live at 61 Garfield Street, and another neighbor who owns
4 64, Sara Wolfensohn.

5 So unfortunately -- we're neighbors --we saw the
6 sign after the Monday. And it says that we were supposed to
7 send in favor before the deadline. And unfortunately, well,
8 I was unable, because I didn't see the sign before. So I'm
9 voting in favor.

10 So the reason it it's an extremely well-kept
11 property. It is wonderful and caring neighbors about -- you
12 know, the surrounding. The neighbor who always protests, so
13 he -- it's a very big distance between houses. So I kind of
14 anticipated this thing because we had the previous history.

15 But my concern is that if -- the precedent if you
16 were going to stop something so well designed, described, so
17 how -- like the neighborhood will continue?

18 So I -- again -- am in favor. So you can compare
19 the houses, and also maybe the architects can tell the
20 distance. And also, I can tell you that everyone was
21 notified about the changes and it's very well publicly
22 advertised and announced.

1 So that's it. Thank you very much for your time.

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

4 OLIVIA RATAY: Susan Williams?

5 SUSAN WILLIAMS WOODS: We're Mark and Susan
6 Williams. Can you hear us?

7 JIM MONTEVERDE: Yes, we can.

8 SUSAN WILLIAMS WOODS : I mean, Williams Woods.

9 JIM MONTEVERDE: Yep.

10 SUSAN WILLIAMS WOODS : Okay. All right.

11 JIM MONTEVERDE: Introduce yourself and --

12 MARK WOODS: Yeah, we're the --

13 JIM MONTEVERDE: -- proceed.

14 MARK WOODS: -- abutters next door. We don't live
15 across the street or down the street, as the other people
16 do.

17 JIM MONTEVERDE: Introduce yourself, please, for
18 the record.

19 SUSAN WILLIAMS WOODS : Mark Woods.

20 JIM MONTEVERDE: Thank you.

21 MARK WOODS: Mark Woods, 44 Garfield.

22 JIM MONTEVERDE: Thank you. Okay.

1 MARK WOODS: Anyway, we're the abutters next door.
2 We're the ones who are impacted by the changes directly. We
3 don't live across the street or down the street, so this is
4 not a political thing; this is a real tangible thing for us.

5 So the issue is that you're taking a rear-facing
6 staircase and turning it to the side. So in this case,
7 these are -- it's for an apartment, and the apartment has --
8 it's a multiple roommate situation apartment. So there are
9 multiple people who will be coming and going from that and
10 have been coming and going from that.

11 So when you do that, there are privacy
12 implications for us. This was something that was not
13 discussed with us beforehand, but it was discussed with
14 other people down the street who saw plans and what not. We
15 -- it was not discussed with us. So that was an issue. And
16 it remains an issue.

17 So -- but when you have a staircase and you
18 redirect it, certainly, you preserve the privacy for your
19 back yard because they host events in their back yard.

20 So you basically trade the privacy for the back
21 yard space, in exchange for our privacy on the side by
22 having a staircase and an overhang there that wasn't there

1 before.

2 And it's -- you wouldn't choose to have a
3 staircase on the side of the building, it wouldn't be your
4 preference, versus having one in the rear, which is pretty
5 much objectively apparent.

6 So there are implications to this. And when the
7 staircases have comings and goings and there's illumination
8 that's not there now, there -- right now there's not a
9 staircase facing from our house to their house, nor from
10 their house to our house, but there would be once you
11 install this.

12 So it's a substantial change. And it's one that
13 was not raised with us. And so, we -- it would not be our
14 preference to have this. It would be our preference that
15 the staircase face the rear.

16 So the balance of the project, whatever it is in
17 the interior, that would be essentially fine, and we would
18 be indifferent to that. But as far as the staircase moving
19 from the rear to the right side, that's not something that
20 we would prefer. We would prefer the staircase remain
21 facing the rear.

22 JIM MONTEVERDE: Thank you. Thank you for calling

1 in.

2 Anyone else? Nope? I will close public
3 testimony. Any discussion among Members of the Board? If
4 not, I will make a motion. This is also a special permit.

5 CAROL AGATE: I'm sorry, Jim. I'm sorry, I didn't
6 realize I was muted.

7 JIM MONTEVERDE: Oh, sorry. Yeah. Any discussion
8 among Members of the Board? Carol?

9 CAROL AGATE: Yeah. I'm disturbed by this. I
10 just don't feel I have enough information. I mean the last
11 speaker raised some points that -- you know, can this be
12 continued so that there can be a discussion between them
13 that we can actually see some clear-cut pictures of what the
14 problem is?

15 Because he's raised a serious problem. I don't
16 have any way of knowing how badly affected the neighbor is.
17 And I just feel as though I don't have the facts to make a
18 decision.

19 JIM MONTEVERDE: Okay.

20 CAROL AGATE: If nobody else feels that way, then
21 it's no problem.

22 JIM MONTEVERDE: Well, let me just ask Mr.

1 Wiggins. Mr. Wiggins, what were the -- are you still with
2 us?

3 MICHAEL WIGGINS: Yes, I am. Yeah. I would --

4 JIM MONTEVERDE: Was it --

5 MICHAEL WIGGINS: Yeah. I --

6 JIM MONTEVERDE: -- were these particular
7 neighbors next-door neighbors notified? Did they receive
8 plans? Were they -- did your client talk to them at all?

9 MICHAEL WIGGINS: I believe one of my clients did
10 try to contact them, and they did not respond. So they
11 hadn't had a chance to talk about it. But I would emphasize
12 that as Patrick Guthrie explained, the existing fence will
13 be put back into place where it is now and that does provide
14 quite a bit of --

15 JIM MONTEVERDE: No -- yes --

16 MICHAEL WIGGINS: -- shield across the --

17 JIM MONTEVERDE: -- I understand. The question is
18 really whether you've reached out to and whether you were
19 able, or the proponent was able to speak to the neighbor.

20 The -- this Board does feel strongly that reaching
21 out to the direct abutters at least is an important step.
22 So we just want to make sure that that -- or know if that

1 happened or not, and that --

2 MICHAEL WIGGINS: Yeah.

3 JIM MONTEVERDE: -- for this particular neighbor,
4 obviously not.

5 MICHAEL WIGGINS: It did not happen, but I
6 understand from my client that they did attempt to reach
7 out.

8 JIM MONTEVERDE: Okay. So the -- what that
9 neighbor is asking for is that the matter be continued, so
10 that your client and they can in fact meet and have this
11 discussion. I think you heard their concerns. But -- and
12 see if there's some way to address their concerns.

13 Would you be amenable to continuing this, so that
14 you will have, or your client would have the opportunity to
15 talk to them directly?

16 MICHAEL WIGGINS: If the Chair -- if the Board
17 would appreciate that, we could do it. I just would point
18 out that this is not a variance situation in which the
19 immediate -- you know, the abutters' use of their properties
20 is sort of directly involved, and --

21 JIM MONTEVERDE: Yep. Understood. Yep. We
22 understand it's a special permit.

1 MICHAEL WIGGINS: Right.

2 JIM MONTEVERDE: So thank you, Mr. Wiggins.

3 Discussion among Board Members? Any other Members of the
4 Board favor the continuance motion to let the two neighbors
5 speak at least and come back with whatever comes out of that
6 discussion?

7 Anyone? Carol, I think I heard you. Virginia?

8 CAROL AGATE: Yes, I'm -- I --

9 JIM MONTEVERDE: Yeah.

10 CAROL AGATE: -- prefer it.

11 JIM MONTEVERDE: Yep. I got that, Carol.

12 Virginia? Anybody else?

13 DANIEL HIDALGO: I mean, I -- while it would be
14 nice to know exactly more about what -- you know, if
15 anything can be addressed, given that it's a special permit,
16 I don't feel strongly that --

17 JIM MONTEVERDE: Okay.

18 DANIEL HIDALGO: -- it needs to continue, but
19 that's just --

20 JIM MONTEVERDE: Thank you.

21 DANIEL HIDALGO: -- my opinion.

22 JIM MONTEVERDE: No, it's good. Steven?

1 STEVEN NG: Special permit -- not sure why you're
2 not contacting people that live right next door to you. But
3 I don't think it's that big of an impact. But if the Board
4 favors making them communicate, I'm fine with that. I'd
5 support it --

6 JIM MONTEVERDE: Okay.

7 STEVEN NG: -- I guess.

8 JIM MONTEVERDE: Thank you. Virginia?

9 VIRGINIA KEESLER: I feel similarly. I don't see
10 it as being a big impact. I -- it's ideal to communicate
11 more with neighbors, but I am not -- I wouldn't vote against
12 it on those grounds, I don't think.

13 JIM MONTEVERDE: Okay. I would favor doing the
14 continuance to at least give the neighbors the chance to
15 speak, and then let the proponent come back to us if there's
16 a resolution or not, but at least give them the opportunity
17 --

18 STEVEN NG: Yes.

19 JIM MONTEVERDE: -- to be heard. So I will offer
20 this as a continuation -- continuance. And --

21 Mr. Wiggins, 10/24, is that possible?

22 MICHAEL WIGGINS: 10/24 I -- I'd have to speak --

1 if we're going to have Mr. Guthrie participate, I'd like to
2 hear from him as to whether he's available.

3 PATRICK GUTHRIE: Oh, let me look to my calendar
4 on the twenty-fourth. I am available.

5 JIM MONTEVERDE: Okay.

6 MICHAEL WIGGINS: And --

7 PATRICK GUTHRIE: Sure.

8 MICHAEL WIGGINS: -- as am I. So yeah.

9 JIM MONTEVERDE: Okay. So let me make a motion to
10 continue this matter until October 24, 2024, on the
11 condition that the petitioner change the posting sign to
12 reflect the new date of -- yeah, sorry. Let's just make
13 sure the same Board Members are available since it's a case
14 heard.

15 MICHAEL WIGGINS: Yeah.

16 JIM MONTEVERDE: October 24, Carol?

17 CAROL AGATE: I'm available.

18 JIM MONTEVERDE: Okay. Virginia?

19 VIRGINIA KEESLER: I'm available.

20 JIM MONTEVERDE: Thank you. Daniel?

21 DANIEL HIDALGO: I'm available.

22 JIM MONTEVERDE: Thank you. Steven?

1 STEPHEN NG: Yep. I'm available as well.

2 JIM MONTEVERDE: Great. And I will be available
3 as well.

4 So let me make a motion to continue this matter
5 until 10/24/2024 on the condition that the petitioner change
6 the posting sign to reflect the new date of October 24,
7 2024, and the new time of 6 p.m.

8 Also, that the petitioner sign a waiver to the
9 statutory requirements for the hearing. This waiver can be
10 obtained from Maria Pacheco or Olivia Ratay at the
11 Inspectional Services Department.

12 I ask that you sign the waiver and return it to
13 the Inspectional Services Department by a week from this
14 coming Monday. Failure to do so will de facto cause this
15 Board to give an adverse ruling on this case.

16 Also that if there are any new submittals, changes
17 to the drawings, dimensional forms, or any supporting
18 statements that those be in our files by 5 p.m. on the
19 Monday prior to the continued meeting date.

20 On the motion to continue this matter until
21 October 24, 2024, by a voice vote, please?

22 Carol?

1 CAROL AGATE: In favor.

2 JIM MONTEVERDE: Thank you. Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: Thank you. Daniel?

5 DANIEL HIDALGO: 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: So this is continued to October
12 24, and really that is just so the proponent can contact
13 their neighbors at 44 Garfield, the Woods, and discuss this
14 with them, whatever the outcome may be.

15 All right. Thank you.

16 MICHAEL WIGGINS: Thank you, Mr. Chair.

17 PATRICK GUTHRIE: Thank you.

18

19

20

21

22

* * * * *

(8:07 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Carol Agate, and Daniel Hidalgo

JIM MONTEVERDE: Next case and last case is BZA
286729 -- 93 Spring Street.

SISIA DAGLIAN: Hello. I'm Sisia Daglian, and
with me is owner Sid Gehlot --

JIM MONTEVERDE: Yep.

SISIA DAGLIAN: -- to present the case of 93
Spring Street.

JIM MONTEVERDE: Thank you. Go ahead.

SISIA DAGLIAN: Okay. 93 Spring Street is a
single-family residence. If we could have the presentation,
we'll start with the presentation.

It's a single-family residence it will remain a
single-family residence after the proposed work. The
structure was built in 1873, so it's about 150 years old.
It just has not been renovated substantially for many years.

And part of the work we present to you is an
effort to modernize the structure, make it compatible with
modern living needs.

1 So there are two forms of special permits we are
2 seeking. 8.22.2.c, we are modifying openings in the right
3 and left sides of the house within the setback. The right
4 side has a zero-lot line setback and the left side's about
5 three feet. We'll get into the details of that later on.

6 And then the second form under 8.22.2.d is the
7 Extension of Existing Nonconformities. The Board may grant
8 relief if there's no detriment to the neighborhood.

9 The property is already in excess of the gross
10 floor area ratio for this zone. And then of course the
11 right and left walls of the house are within the setback, as
12 previously mentioned. We are proposing to add about 700
13 square feet to the property.

14 And here in this drawing on the right you can see
15 -- so this is sort of a section showing where the bulk of
16 the volume is being added. Most of it is towards the rear
17 of the property. There's a two-story addition at the rear
18 and the roof is being demolished and raised slightly to give
19 a full third floor.

20 Next slide, please?

21 Here we have the -- just to give you a context,
22 the star is -- the starred building is 93 Spring Street. it

1 is a narrow lot, narrow but as deep as the adjoining lots.

2 It is sort of a humble structure currently.

3 The properties on either side are both two or two-
4 and-a-half story buildings. But they have, they're much
5 wider lots of course in this part of town. And the
6 buildings are very close to each other within a few feet.

7 Then the properties beyond the immediate adjacent
8 abutters are, as you can see, those are full three-story
9 additions. So there's precedent to have a building of that
10 configuration, particularly 99 Spring Street would be
11 similar to what we are proposing with this property.

12 Next slide, please?

13 And here we have site plans. On the right is the
14 existing site plan. And to the left the drawing shows the
15 proposed site plan with the setbacks marked out. And then
16 we have photos showing the proposed structure relative to
17 the adjacent buildings.

18 So on the left lower photo, that's the left side
19 neighbor, number 95 Spring Street. And the red line shows
20 about where the proposed first- and second-story addition
21 will extend to.

22 So it really -- it just extends slightly beyond

1 the asphalt pavement that is currently in the rear yard.

2 And the neighbor on 95 Spring Street, I mean that
3 is mostly a blank wall. There's a single window on the
4 second floor -- second floor of their structure.

5 And then the window -- the photo above that shows
6 the right-hand neighbor, 89 Spring Street. This is a little
7 bit of a precarious situation where their building has a
8 shed roof that kind of comes and joins the corner of 93
9 Spring Street.

10 And for that reason, we've sort of notched our
11 proposed building around that addition so that, you know,
12 any snow or rainfall for their structure will be able to
13 continue to dump on the property of 93 Spring Street.

14 Next slide, please?

15 Some existing photos to show context, the
16 streetscape, the front elevation, the rear yard. You know,
17 this property actually has a lovely rear yard, but it's not
18 very accessible. It has a single door opening to the rear
19 yard. It hasn't been kept up very well.

20 So what we'd really like to do is have, you know,
21 property that is really opens up and embraces the rear yard.
22 That's what we sought to do with the rear yard. That's what

1 we've sought to do with the design. And of course, the
2 finishes, as you can see, have not been updated in many
3 years. The stairs are non-code-compliant. And the basement
4 is not utilized, except for mechanical and storage.

5 Next slide, please?

6 Here's a building section in greater detail. The
7 dashed, dark black line shows the profile of the existing
8 house, and then the remainder of this is the new proposal.
9 So in the rear, you can see that the addition is about 10'8"
10 beyond the existing house, and then there are decks -- a
11 second-story deck. And then above the second-floor addition
12 is a third-floor deck.

13 The building will grow. The height of the
14 building will only grow in 2.7 -- by 2.72'. And we're still
15 well below the 35' height restriction. So that will remain
16 conforming. But because the current ridgeline runs parallel
17 to the sidewalk, I think the impact of it is that the
18 building will be larger than it actually is.

19 Most of the gross floor area -- well, a good
20 amount of the gross floor area that's being added -- is on
21 the third floor, and then the other half of it is towards
22 the rear of the property.

1 Next slide, please?

2 First floor plans. Again, we've shown with a
3 dashed line where the existing house is and how we're
4 growing towards the rear of the property. You can see how
5 we're notching sort of the almost 4.5' around the neighbors'
6 shed dormer in the upper right-hand side of the floor plan.

7 We've -- the front door is remaining where it is.
8 We've created sort of this open floor plan. All the stairs
9 will be rebuilt to be code-conforming. The exterior walls
10 will all be padded out to be conforming to code, and the
11 upgraded energy codes.

12 On the existing plan, there is a dining area of
13 the kitchen. And you can see how that juts out about 32"
14 beyond the main volume of the house. Currently, that is a
15 one-story addition.

16 The left side of that that goes towards the left-
17 hand neighbor, we are leaving that as a one-story addition
18 but extending that nonconforming wall plane in the setback.

19 We did not -- you know, we did not want to build a
20 second story above that, because it felt like it was
21 intruding too far over into the neighbors' -- too far over
22 into the setback.

1 Next slide, please?

2 This is the basement where excavating down
3 slightly and developing it into a full-usable story with a
4 bedroom. The house is currently three bedrooms. It will
5 become four bedrooms with this work, plus many more
6 bathrooms and some other amenity spaces. The current house
7 only has one bathroom, so that's one of the things that we
8 sought to alleviate with this work.

9 Next slide, please?

10 So the second floor, you can see the volume in the back,
11 which is a bedroom that's created. The current floor plan
12 is two-bedroom, one bathroom. The new floor plan's two
13 bedrooms, two bathrooms, and then a laundry and more closet
14 areas.

15 And then you can see that off to the left you can
16 see that one-story addition and the roof that's being
17 rebuilt. I will say that the roof of that one-story
18 addition is being raised within the setback, so that we can
19 rebuild the roof and have a better weather-tight and better
20 insulated roof structure.

21 Next slide, please?

22 And here's a third story which is being developed

1 from a single bedroom to a bedroom/bathroom and a study
2 closet area. And then the deck that's there is above the
3 second-floor addition below.

4 Next slide, please?

5 Exterior elevations. This is the front. It faces
6 south. So we've introduced a lot of lighting. You know,
7 most of the lighting in this building comes from the front
8 and the back. So we've sought to open that up as much as
9 possible.

10 Next slide?

11 So this is the right-side elevation showing the
12 special permit window that we're requesting. Currently,
13 this elevation has three windows. We're eliminating two of
14 them. One of them is being replaced in the same location.
15 And then we're adding a window that's actually set back
16 almost 4.5' from the property line. That's the right-hand
17 window there.

18 And it's high up. You know, it's 5.5' off the
19 floor. It's really more like a transom window. I don't
20 think it would cause any privacy issues, even though it does
21 look onto a bedroom.

22 Next slide, please?

1 And then this is the left side elevation, where
2 currently there are no windows. We've introduced several
3 windows here. Many of these small, rectangular windows are
4 smaller transom-type windows. They're quite a bit off the
5 floor level. We sort of wanted to get more light into the
6 core of the building.

7 And then those vertical stacked windows are at the
8 stairwell. So they're not -- they're only looking into
9 private areas, they wouldn't be into private rooms or into
10 -- they're not into bedrooms or bathrooms or anything like
11 that.

12 And then you can see the bay, that first-floor bay
13 that is being extended slightly to -- in height as well as
14 in length and being rebuilt.

15 Next slide, please?

16 The rear addition showing the sort of sliders and
17 glass and views that are created to the rear yard.

18 Next slide?

19 We did do a couple sun studies. This is December
20 21. Naturally, at the beginning and end of the day where
21 the shadows are long, there is more shadow created on the
22 neighboring properties. However, given how close these

1 properties are to each other, the walls -- the faces of the
2 houses are already creating shadows as they currently are.
3 So we don't feel that this would take away from the use of
4 the adjacent properties or create any changes that are
5 different from the patterns that are currently established.

6 Next slide?

7 Similarly, this is the June 21 sun path showing
8 towards the end of the day; more shadow created on the
9 adjacent roof.

10 And next slide?

11 And then we've done some renderings to show kind
12 of the scale and texture of the house that we're proposing
13 adjacent -- next to the adjacent ones. We would like
14 probably have sort of a two-tone house to sort of break down
15 the -- how the volume reads on the -- from the front façade.

16 Next slide?

17 And here's a rendering of the rear yard. We
18 intent to have very nice plantings and garden sort of -- you
19 know, have it prepared for sort of a family lifestyle. And
20 then the decks and the interior spaces that open up to the
21 rear yard.

22 And that's the extent of our presentation. If you

1 have questions, I'd be happy to answer them.

2 JIM MONTEVERDE: Thank you, Sisia.

3 Any questions from Members of the Board? If not,
4 we have correspondence in the file. We have six that had --
5 or five of which are raising the same issue but let me go
6 through them.

7 Peter Milaspina and Carol Culler at 102 Thorndike.
8 They would like to remove -- they would like to see the
9 scheme remove the two proposed outdoor decks from level 2
10 and 3 on the rear of the house. "The proposed roof decks are
11 likely to adversely affect the abutting homes by decreasing
12 privacy and creating additional noise." I'm summarizing
13 here.

14 Jason Finnon, 100 Thorndike Street. They share a
15 boundary with the back yard of 93 Spring Street. They're
16 expressing their concern, particularly the addition of
17 several large decks. "Decks would contribute to
18 considerable noise pollution in our neighborhood."

19 And as the other ones typically say, this one
20 says, "I am not opposed to the expansion of the building
21 envelope as proposed, but I am strongly opposed to the
22 addition of the second-floor outdoor balcony, and the third-

1 floor roof deck."

2 Peter Crawley, Wen-Hao Tien, 88 Thorndike Street.
3 Their main objection is the proposal proposes two outdoor
4 decks, second floor, third floor. "We do not object to the
5 other relief being sought by the developer."

6 Lizzie Rose and Brandon Weisbourd, 94 Thorndike
7 Street. "Deep concern about the planned renovations,
8 specifically the addition of several large decks. I am
9 broadly supportive of renovation in general, have no
10 problems with the planned expansion of the indoor footprint,
11 but strongly believe that the proposed decks would be
12 damaging to our neighborhood."

13 Dabney Hailey, 100 Thorndike Street, states, "I am
14 opposed to two aspects of the design however: the second-
15 floor balcony and the third-floor balcony deck." They are
16 supportive of the components of the proposed renovation,
17 namely the increase in the size for the single-family home
18 but opposed to the balconies.

19 And then we have a letter dated October 9 from the
20 East Cambridge Planning Team that, again, in summary, they
21 met, and met with the abutters, and they are -- sorry, give
22 me a chance to summarize here -- they received unanimous

1 support for the following issues: Strong objection to the
2 addition of elevated outdoor spaces in the rear of the
3 property, in the form of a second-level balcony and a third-
4 level balcony and six out of the six.

5 Second, they question whether a 40 percent
6 increase in FAR will not be -- will not excessively increase
7 the density of use on the site, since it includes a change
8 from two bedrooms to four bedrooms.

9 Next, that the developer should consider planting
10 a row of evergreen trees along the rear of the large yard to
11 better buffer the property and should commit to not cutting
12 down the large tree in the northeast corner. Trimming the
13 tree is allowed.

14 And lastly, any outdoor lighting on the rear of
15 the building should have shades that direct light downward
16 to shield light from neighbors' windows, many of which are
17 bedroom windows. That's the public commentary in the file.
18 Now open it to public comment.

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

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

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

6 OLIVIA RATAY: Peter Crawley?

7 PETER CRAWLEY: Great. Thank you. Can you hear
8 me okay?

9 JIM MONTEVERDE: Yes, we can. Go right ahead.

10 PETER CRAWLEY: Right. Peter Crawley. I live at
11 88 Thorndike Street. I live here with my wife Wen-Hao and
12 our son. And we abut the alleyway that separates this
13 property from the properties that front on Thorndike Street.
14 So our back façade faces directly at the rear of this house
15 across the alleyway.

16 And you've quoted from our letter. I guess indeed
17 the two things that concern us are the two decks. It's very
18 -- sound travels greatly in that alleyway area. It's kind
19 of like a little kind of cavern, along the alley.

20 And we already have a house next to theirs, 91
21 Spring Street, that has a lot of bedrooms and three units,
22 and it's rented to, you know, people who throw a lot of

1 parties in the back yard and we don't have anything against
2 parties, but they're very loud, and especially in the summer
3 when you're looking -- you know, you're trying to sleep and
4 the bedroom windows are open, it can be quite a big
5 nuisance.

6 Now that's use of the ground-floor level and we
7 can only imagine if there's that type of noise and activity
8 at night at a higher level. There is a 6' fence along the
9 alleyway, so we feel somewhat shielded from the ground level
10 activities, but once you raise them up, it's really a
11 different experience.

12 So we really ask the Board to protect the
13 neighbors from that nuisance and just encourage -- you know,
14 most of the houses just have ground-floor level outdoor
15 space. And this is a single-family home with a very big
16 yard, relatively speaking, and that should be adequate
17 outdoor space for a single-family home.

18 And so, we don't really understand the need for
19 the upper decks. And it certainly doesn't seem like a
20 hardship. And it -- and the nuisance cause doesn't justify
21 it. So I speak for myself and my wife. We would hope the
22 Board would respect that and the developer as well.

1 So thank you.

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

4 OLIVIA RATAY: Phone call ending in 8331.

5 HEATHER HOFFMAN: Hello. Heather Hoffman, 213
6 Hurley Street. I call to support my neighbors on Spring
7 Street, and I would add to how sound travels in our
8 neighborhood. My bedroom is on the second floor facing
9 north towards Spring Street, about one block over. And what
10 I can tell you is that I hear so much stuff. Sound -- the
11 neighborhood is really dense. And sound travels so far.

12 So -- and I would also point out that the
13 renderings show the party, ground level and both decks. And
14 that really is suggestive to those of us who -- I also don't
15 object to parties. My next-door neighbor used to have a
16 loud party every five or six years, and I forgave him
17 because he was a great neighbor. But it was every five or
18 six years.

19 So it just looks as though this is designed for a
20 whole lot of entertaining. And the neighbors deserve sleep.
21 Thank you.

22 JIM MONTEVERDE: Thank you, Heather.

1 OLIVIA RATAY: Jason Finnon?

2 JASON FINNON: Hi. This is Jason Finnon, 100
3 Thorndike Street. I really -- I don't want to repeat
4 everything that everyone's saying but I just want to -- for
5 the record, I just agreeing with all these statements, the
6 noise that we have in the alley and the way sound travels
7 and parties that we've had, it's really -- it's a nuisance.

8 And it really -- it just changes the dynamic of
9 our alley and everything that we have in our neighborhood
10 when we have these roof decks that are peering down on us
11 now as well. It's -- I just -- it, it's -- it's
12 unnecessary.

13 No one else has it and we haven't been living that
14 way, and -- and they have plenty. They have plenty of yard,
15 I think, to -- sufficient for them. So that's all I have.

16 JIM MONTEVERDE: Thank you. Thank you for calling
17 in. That's all that are calling in? I'm going to close
18 public testimony. Any discussion among Members of the
19 Board?

20 CAROL AGATE: Well, I think given the neighbors'
21 comments on the decks, I mean I was originally thinking,
22 "Well, what difference does it make when there's a big back

1 yard?" but somebody answered that. The fence probably does
2 make a difference and the elevated sound at the level of
3 everybody's bedrooms.

4 I wonder about a continuance to come back with
5 another plan without the decks. Or if it can be written
6 into approval. Approval sans deck.

7 JIM MONTEVERDE: Yeah, I agree. So I -- Carol, I
8 agree. I think there's a way we could do it as a -- as a
9 condition, if it's acceptable to the proponent. I think the
10 other pieces that were mentioned in the East Cambridge
11 Planning Team memo that talked about the plantings in the --
12 within the yard, I think I would also favor including those
13 as conditions. That's me.

14 Anyone else?

15 STEVEN NG: Steve --

16 JIM MONTEVERDE: On the Board?

17 STEVEN NG: -- Ng here. Yeah. I -- I guess it
18 really does depend on the context. Like in my residential
19 neighbor, it's kind of the traditional where of course
20 housing has -- you know, it's three floors. But every house
21 has a little 4' deep terrace or deck in the back of the
22 house. And you kind of just -- you communicate with your

1 neighbors that way.

2 But when I looked at aerials of this neighborhood,
3 that context is not the same. And so I'm inclined to kind
4 of agree with the neighbors.

5 But I do appreciate the architect, you know, doing
6 the tonal change there to try to bring down the visual
7 height of the building. I think that's good. I have no
8 issues there.

9 So yeah, I think it's a conversation of -- you
10 know, I don't know how the Board favors it, but definitely a
11 third floor, probably that's a little too high to have that
12 overlook over the back outdoor space. But whether or not --
13 depending on the size of the second-floor balcony, I would
14 be fine with that.

15 JIM MONTEVERDE: Okay. That's three out of five.
16 That's kind of enough to give you a sense of Sisia --

17 SISIA DAGLIAN: Yes.

18 JIM MONTEVERDE: -- there are enough concerns. So
19 we can either do this as conditions, if you're willing to
20 give up those balconies, terraces on the second and third
21 floor, or we can continue this and allow you to try
22 something else and come back?

1 SISIA DAGLIAN: Well, we would definitely give up
2 the balcony on the third floor. That's unneeded. For the
3 second-floor balcony, I'm wondering if the Board would be
4 amenable to having just a small 4' x 8' balcony that's not
5 meant for people to have a party, but just two people to sit
6 out and look over the back yard? It's an attractive
7 feature. It's an attractive feature for the house, so it's
8 not such a kind of --

9 JIM MONTEVERDE: Yep. I hear you.

10 SISIA DAGLIAN: -- an unanimated back rear
11 elevation?

12 JIM MONTEVERDE: Yep. Yeah. Given the fact that
13 six out of six correspondences that we received and the
14 people who have called in objected to the decks on the
15 second and third floor, I would not feel amenable to leaving
16 a deck on the -- or a balcony -- on the second floor. If
17 that could be done with a Juliet balcony --

18 SISIA DAGLIAN: Yeah.

19 JIM MONTEVERDE: -- maybe. But not -- not a
20 balcony or a deck.

21 SISIA DAGLIAN: Not a balcony.

22 JIM MONTEVERDE: And that's just me. Other

1 members may --

2 STEVEN NG: That's a good suggestion, Jim. And I
3 would defend that idea of the second floor if it was more
4 common in the back yards of all the homes in the area. But
5 in this case, I think you'd be probably one of the few --

6 JIM MONTEVERDE: Yeah. I don't --

7 STEVEN NG: -- doing that. So --

8 JIM MONTEVERDE: Again, I agree with the comment
9 you made before. I don't see it from the aerials. I don't
10 see it from a look at the neighborhood. So -- so I think
11 Sisia, that --

12 SISIA DAGLIAN: Mm-hm.

13 JIM MONTEVERDE: -- that's a no to a balcony or a
14 balcony or --

15 SISIA DAGLIAN: A balcony.

16 JIM MONTEVERDE: -- or a deck on the second floor.
17 Again --

18 SISIA DAGLIAN: Would a Juliet balcony be -- where
19 there's -- it's really just a --

20 STEVEN NG: Correct.

21 SISIA DAGLIAN: -- railing in front of a sliding
22 door be --

1 JIM MONTEVERDE: Nope, that, that --

2 SISIA DAGLIAN: -- acceptable?

3 JIM MONTEVERDE: -- that works. That could be --
4 I could -- that could work for me. Anybody else on the
5 Board?

6 STEVEN NG: Yeah that --

7 JIM MONTEVERDE: Would that be acceptable?

8 STEVEN NG: I mean that's --

9 CAROL AGATE: It's like a window.

10 SISIA DAGLIAN: Yes.

11 STEVEN NG: -- an interior space. That's fine
12 with me as well.

13 JIM MONTEVERDE: All right. Okay. All right. So
14 --

15 SISIA DAGLIAN: And -- sorry, let me just also add
16 the other comment about the plantings in the rear: Yes, we
17 would. We are planning to put plantings, evergreens.

18 JIM MONTEVERDE: Yep.

19 SISIA DAGLIAN: The one person that spoke about
20 the large tree, I think that's in the neighbor's yard,
21 that's not in our yard. But we would not be cutting down
22 any large trees.

1 JIM MONTEVERDE: Right. Okay. If it's in
2 somebody else's yard. And then the other comment from the
3 Planning Team was about the outdoor lighting being shaded so
4 the direct light is cast down, I think that makes perfect
5 sense.

6 SISIA DAGLIAN: Of course. It's part of the
7 City's ordinance anyways.

8 JIM MONTEVERDE: Right. Exactly. Okay. so if
9 we're all talking about the same thing, I'll make a motion.
10 This is a special permit. It'll be in the affirmative, and
11 we'll add those conditions, that there be no deck on the
12 third floor, there be no balcony or deck on the second
13 floor; however, a Juliet balcony would be acceptable.

14 And that the -- consider planting a row of
15 evergreen across the rear lot, not cutting down the large
16 tree that's not yours anyway. And outdoor lighting being
17 shaded. So if that works for you, we'll proceed to a
18 motion.

19 SISIA DAGLIAN: Yes.

20 JIM MONTEVERDE: Okay? All right.

21 The Chair makes a motion to grant relief from the
22 requirements of the ordinance under Sections 5.31. 5.31 in

1 this case is unique. But anyway, and that's for the added
2 gross floor area. It's for the addition -- which goes from
3 1,649 to 2,349. The GFA, which goes from 0.89 to 1.25 and
4 that's the only change.

5 And the addition, I'm assuming that the third
6 floor is happening within the left-side setback and the
7 right-side setback. Those are the conditions for relief for
8 what's being requested for relief under 5.31.

9 And then Section 8.22.2.c. -- .d for Nonconforming
10 Structure and 10.40 for a Special Permit. And I'll go
11 through that criteria.

12 a) It appears the requirements of this ordinance
13 cannot or will not be met. That's yes.

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

17 c) The continued operation of or the development
18 of the adjacent uses as permitted in the Zoning Ordinance
19 would be adversely affected. It will not.

20 d) Nuisance or hazard would be created to the
21 detriment of the health, safety, and/or welfare of the
22 occupants of the proposed use. It will not.

1 e) Or other reasons, the proposed use would impair
2 the integrity of the district or adjoining district. And it
3 will not.

4 So that meets the criteria of Section 10.43 for a
5 Special Permit.

6 On the condition that the work proposed conform to
7 the drawings entitled, "Single Family Renovation, 93 Spring
8 Street, Cambridge, Massachusetts," prepared by Evergreen
9 Architecture, dated August 24, 2024; initialed and dated by
10 the Chair.

11 And further, that we incorporate the supporting
12 statements and Dimensional Form submitted as part of the
13 application.

14 Further, that the special permit is granted
15 incorporating the following conditions:

16 One, that there will be no third-floor deck or
17 balcony.

18 Two, that there will be no second-floor deck or
19 balcony. However, a Juliet-type balcony will be acceptable.

20 Three, that the proponent will consider planting a
21 row of evergreen trees along the rear of the yard as a
22 buffer to the adjacent property and -- just in case it's on

1 your property, their property, will commit to not cutting
2 down the existing large tree in the northeast corner.

3 Trimming is allowed, but don't cut it down.

4 And lastly, that any outdoor lighting on the rear
5 of the building should have shades that direct light
6 downward to shield light from neighbors' windows.

7 On the motion, then a voice vote please, Board
8 Members?

9 Carol?

10 CAROL AGATE: In favor.

11 JIM MONTEVERDE: Thank you. Virginia?

12 VIRGINIA KEESLER: In favor.

13 JIM MONTEVERDE: Thank you. Daniel?

14 DANIEL HIDALGO: In favor.

15 JIM MONTEVERDE: Thank you. Steven?

16 STEVEN NG: In favor.

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

19 [All vote YES]

20 JIM MONTEVERDE: That's five in favor. the relief
21 is granted. Thank you.

22 SISIA DAGLIAN: Thank you.

1 JIM MONTEVERDE: All right. Board Members, if you
2 can stick around for one more minute. Let me just sign
3 this. Let me just give you a brief update on a dormer
4 proposal for the Ordinance.

5 So there was a public hearing yesterday with the
6 Planning Board. Bill Boehm and myself were present. I led
7 most of the presentation with Bill's assist.

8 And the Planning Board seemed to be generally in
9 favor of what we were suggesting. They offered some text
10 amendments, modifications, which I think are minor.
11 Actually, I think they're helpful. They actually clarify
12 some of the language that we had in there.

13 So I think that those -- they will draft up those
14 amendments, and then they will send it to the Legal
15 Department, who frankly has already seen this, and make sure
16 that they will sign off on it as well.

17 And then it goes where? To the Ordinance
18 Committee. So it's moving along. Great. That's it. All
19 right. Thank you all.

20 CAROL AGATE: I wonder if people might be
21 interested in this, the people who are in that -- remember
22 that building on Harvey Street that had four units, that

1 they were built and changing into --

2 JIM MONTEVERDE: Oh.

3 CAROL AGATE: -- a single building?

4 JIM MONTEVERDE: Yeah. Right.

5 CAROL AGATE: It's now constructed. It's built.

6 It -- I guess they just went ahead to do it. They could do
7 it right, and it has no more decks.

8 JIM MONTEVERDE: There you go.

9 SISIA DAGLIAN: Hm.

10 JIM MONTEVERDE: Okay, everyone. Thank you for
11 your help --

12 SISIA DAGLIAN: Thanks.

13 JIM MONTEVERDE: -- and for your work. And we'll
14 see you next time. Bye-bye.

15 STEVEN NG: Thank you.

16 SISIA DAGLIAN: Thanks.

17 JIM MONTEVERDE: Goodnight.

18 STEVEN NG: Goodnight.

19 VIRGINIA KEESLER: Goodnight.

20 CAROL AGATE: Goodnight.

21 [08:41 p.m. End of Proceedings]

22

CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Lynne Blaszak, Notary Public in and for the
Commonwealth of Massachusetts, do hereby certify that the
witness whose deposition is hereinbefore set forth, was
duly sworn by me and that such deposition is a true record,
to the best of my ability, of the testimony given by the
witness.

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.

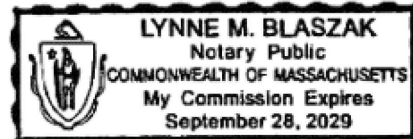
In witness whereof, I have hereunto set my hand this
28th day of October 2024.

Lynne M. Blaszak

Notary Public

My commission expires:

September 28, 2029



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