

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY JANUARY 9, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair
Steven Ng, Vice Chair
Virginia Keesler
Daniel Fernando Hidalgo
Thomas Miller

City Employees
Olivia Ratay
Stephen Natola



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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Thomas Miller

JIM MONTEVERDE: Good evening. Welcome to the January 9, 2025 meeting of the Cambridge Board of Zoning Appeal. My name is Jim Monteverde, and I am the Chair.

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

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

There will also be a transcript of the proceedings.

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

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

1 public comment at that time, and you can also find
2 instructions on the City's webpage for remote BZA meetings.
3 Generally, you will have up to three minutes to speak.

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

6 STEPHEN NATOLA: Virginia Keesler?

7 VIRGINIA KEESLER: Present.

8 STEPHEN NATOLA: Steven Ng?

9 STEVEN NG: Present.

10 STEPHEN NATOLA: Daniel Hidalgo?

11 DANIEL HIDALGO: Present.

12 STEPHEN NATOLA: Thomas Miller?

13 THOMAS MILLER: Present.

14 JIM MONTEVERDE: And Jim Monteverde is present.

15 Thank you. All right. The gang's all here.

16 First order of business is to do elections for a
17 new Chair and Vice Chair. So -- and participating in that
18 discussion are Members. So Tom, you sit this one out, and
19 it'll be myself, Steven, Virginia and Daniel for the
20 discussion, nomination, voting, et cetera. So for --

21 DANIEL HIDALGO: Sorry, I don't know if it's my
22 time to speak, but I just wanted to nominate Jim Monteverde

1 for Chair.

2 JIM MONTEVERDE: Yep. Who's speaking?

3 DANIEL HIDALGO: Sorry, this is Daniel Hidalgo.

4 I just wanted to nominate --

5 JIM MONTEVERDE: Oh, okay.

6 DANIEL HIDALGO: -- Jim Monteverde for Chair.

7 JIM MONTEVERDE: All right. Thank you.

8 STEVEN NG: Do you need to me to second --

9 JIM MONTEVERDE: Anyone wish to second that?

10 STEVEN NG: I'll second that.

11 STEVEN NG: Steven Ng will second that motion.

12 JIM MONTEVERDE: We have a second. All right.

13 Let's take a vote. Steven?

14 STEVEN NG: In favor.

15 JIM MONTEVERDE: Daniel?

16 DANIEL HIDALGO: In favor.

17 JIM MONTEVERDE: Thank you. Virginia?

18 VIRGINIA KEESLER: In favor.

19 JIM MONTEVERDE: And Jim Monteverde, I'll vote for
20 myself.

21 [All vote YES]

22 JIM MONTEVERDE: I am flattered. Thank you.

1 JIM MONTEVERDE: Now, Vice Chair. I will nominate
2 Steven Ng.

3 VIRGINIA KEESLER: Second.

4 JIM MONTEVERDE: We have second. Take a vote.
5 Steven?

6 STEVEN NG: In favor.

7 JIM MONTEVERDE: Thank you. Daniel?

8 DANIEL HIDALGO: In favor.

9 JIM MONTEVERDE: Virginia?

10 VIRGINIA KEESLER: In favor.

11 JIM MONTEVERDE: And Jim Monteverde in favor.

12 [All vote YES]

13 JIM MONTEVERDE: Thank you, Steven.

14 STEVEN NG: Thank you.

15 JIM MONTEVERDE: So the slate remains the same.

16 Just so you all know, Board Members, that my term
17 expires at the end of February 2026. So what I think would
18 be wise is this year, after we return from our summer break
19 -- we don't have any cases in August; we'll be back in
20 September -- that I think between Steven and I we'll start
21 to share some responsibilities up here talking through all
22 the cases, just so someone else is -- Steven is up to speed

1 on how to -- and feels comfortable about running the
2 meeting, so the time it comes next January or next February
3 when I'm gone, there's -- or at least prep that someone's
4 familiar with the process.

5 So just to let the Board know and make sure there
6 are no objections among Members of the Board in doing
7 something like that. We'll discuss this again back in --
8 sometime in July.

9 That said, the first case tonight -- first cases
10 are all continued cases that were previously started and not
11 resolved.

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(6:05 p.m.)

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

JIM MONTEVERDE: First case is BZA 281576 -- for
723-72 Cambridge Street, and we have a letter from the
proponent, which I'll read, from Manny Barros, dated
December 30, 2024. It says,

"Please remove my petition for hotel at 723-731
Cambridge Street. There are issues to resolve with this
property given the opposition. Therefore, I will withdraw
the plan to build a hotel at this time.

"I want to thank you and the Board of Zoning
Appeal for your consideration on this proposal.

"Manny Barros."

JIM MONTEVERDE: Since this was a case -- a
continued case voting on -- we need to vote to accept the
withdrawal. And those are the members that sat on this back
in October 10, 2024. And that was Daniel, Virginia, Steven,
and myself.

So for the four of us to vote: I'll make a motion
to withdraw this case, and calling for a voice vote:

1 Daniel?

2 DANIEL HIDALGO: In favor.

3 JIM MONTEVERDE: Thank you. Virginia?

4 VIRGINIA KEESLER: In favor.

5 JIM MONTEVERDE: Thank you. Steven?

6 STEVEN NG: In favor.

7 JIM MONTEVERDE: And Jim Monteverde in favor.

8 [All vote YES]

9 JIM MONTEVERDE: That's four in favor. The case
10 is withdrawn. Thank you.

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(6:08 p.m.)

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

JIM MONTEVERDE: Next case is BZA-285359 -- 100
Otis Street, Unit No. 1. Is there anyone on the line
calling in who wishes to speak about this case?

MICHAEL MCKEE: Hello. Can you hear me?

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

MICHAEL MCKEE: Yes. Okay. My name is Michael
McKee, and along with my wife Janet, we are the petitioners
in this case.

JIM MONTEVERDE: Yep, thank you. Before you
begin, let me interrupt you. I have record -- we have
correspondence in the file from Janet and Michael McKee,
they're the proponents.

And last time there was -- and the reason this was
discontinued -- there was an objection from their fellow
condominium owner. Apparently, there were two owners in the
condominium. And we asked them to come back -- work out
their differences and come back.

1 We have a letter from Janet and Michael McKee,
2 sorry -- dated January 8 stating that, and I'll summarize,
3 that they haven't resolved the issues with their fellow
4 condo association member, they don't have a letter that we
5 -- and we do not have a letter in the file from the
6 condominium association accepting or taking no exception or
7 approving this modification.

8 And they ask, and I'll quote, "While we are
9 prepared to discuss the condo issue at our hearing, if
10 necessary, we think that it is more appropriate that the
11 discussions with the BZA Board be focused on the zoning and
12 community-based issues at hand."

13 Respectfully, I have to disagree. Again, I'll
14 restate. I think the reason we recommended you continue
15 previously was because you did not have a letter from the
16 association approving your plans, and you still don't have
17 that.

18 So I don't see why we'd want to go further into
19 this discussion until you have that paperwork or have
20 resolved that between you and your -- the other member of
21 your condo association.

22 MICHAEL MCKEE: I think I can try my best to

1 explain what the reasons why we are where we are. We spent
2 six months in discussions with our neighbor last year,
3 beginning in spring of last year, and what started out to be
4 very amicable discussions and ended up taking a turn for the
5 worst. And we -- you know, and that was through no lack of
6 effort on our part.

7 We made lots of compromises and suggested quite a
8 few compromises to try to allay their concerns, but
9 ultimately their concern ended up being a particularly anti-
10 renter bias.

11 You know, they feel that if renters are allowed in
12 the building, that it would be negatively impacting -- that
13 it would negatively impact their property value.

14 So -- and that's why we originally asked for the
15 continuation in October -- after our meeting in October,
16 because that was something that we were informed of just
17 before the meeting.

18 And the way the condo -- we are not able to
19 actually vote on this because of the way the condominium
20 documents are written. You know, we're not allowed to
21 propose anything. We're not allowed to do anything unless
22 it complies with Zoning. And so, we have a little bit of a

1 chicken-and-the-egg thing happening here.

2 You know, we originally agreed with our -- last
3 summer -- with our co-owners that they would write a letter
4 of support for us to get us to the hearing, because we
5 really can't have a reasonable discussion; we can't really
6 propose to amend the condo documents as they would need to
7 be amended, unless it's approved -- unless it's allowed --
8 what we're proposing is allowed by Zoning.

9 So -- and so, what they ultimately -- they
10 ultimately went back on their commitment to help us to get
11 through zoning so that we can have this discussion amongst
12 the trustees of the condominium, but ultimately, they
13 changed their mind there and left us kind of short on that.

14 It's --

15 JIM MONTEVERDE: Okay.

16 MICHAEL MCKEE: Our understanding -- it's our
17 understanding that Zoning is Zoning, and I don't know,
18 Bruce, if you're on the line, if you can speak at this; our
19 attorney is registered. I can't see who's actually online,
20 and who isn't.

21 JIM MONTEVERDE: That's okay. Since this is new
22 territory for me, and let me just defer to Staff for a

1 second -- can you take this off the record?

2 MICHAEL MCKEE: Yeah.

3 [Pause]

4 JIM MONTEVERDE: Michael, can you give us a couple
5 moments here? We're going to reach out to our Zoning expert
6 and see if we can actually hear this or what action we have
7 to take. Can you bear with us --

8 MICHAEL MCKEE: Okay.

9 JIM MONTEVERDE: -- for a couple moments?

10 MICHAEL MCKEE: That's fine.

11 And if I can just say one more thing: You know,
12 earlier in our presentation, the point we were going to make
13 is that if we can get approval, we do understand that we
14 need to reconcile and resolve everything and -- but there,
15 in our condominium documents, there is a process outlined
16 for resolved disagreements.

17 And so, we're just trying to get to that point, to
18 where we can have the discussion, have the vote, have the
19 disagreement, and then start the practice to reconcile it.

20 So okay, I --

21 JIM MONTEVERDE: Yep.

22 MICHAEL MCKEE: -- will hang on.

1 JIM MONTEVERDE: Let's just hang on for a couple
2 moments and we'll be right back.

3 MICHAEL MCKEE: Okay. Thank you.

4 JIM MONTEVERDE: Members, we're just going to go
5 on hold here for a bit.

6 [Pause]

7 JIM MONTEVERDE: All right. That was quick.
8 We're back. Michael, are you still with us?

9 MICHAEL MCKEE: Yes, I am.

10 JIM MONTEVERDE: So we've consulted with the ISD
11 Staff and our Zoning expert, and we cannot process your
12 application until you have the approval of the condominium
13 association.

14 So with that, the only choice I see for you is to
15 continue this again. You pick a date, and if by that date
16 you haven't resolved it, you may want to either continue
17 again or withdraw, but I'll leave that up to you. But --

18 MICHAEL MCKEE: Can -- is it possible for me --

19 JIM MONTEVERDE: -- I can't go forward.

20 MICHAEL MCKEE: Can I ask Bruce if he's online if
21 he can --

22 JIM MONTEVERDE: No. Thank you.

1 MICHAEL MCKEE: -- weigh in?

2 JIM MONTEVERDE: We don't want to go any further
3 into the merits.

4 MICHAEL MCKEE: Okay.

5 THOMAS MILLER: Jim, just for the record, what is
6 the basis for a lack of --

7 JIM MONTEVERDE: Thomas, Thomas hold on a second.
8 Thomas? Hold on one second. You're not -- give me one
9 second.

10 Do we have the old file? Give me one second,
11 Thomas, before you have -- before I take your question.

12 Thomas, since this is a continued case, we can
13 only have the people who were -- sat on it initially.

14 THOMAS MILLER: Oh, I apologize. I didn't
15 understand --

16 JIM MONTEVERDE: Oh, that's okay.

17 THOMAS MILLER: -- there had been an earlier --

18 JIM MONTEVERDE: So I can't open it up to you, and
19 we'll mute you for a moment until we end this one. So it
20 was Virginia, myself, that's it.

21 [Pause]

22 Okay. Sorry for all the time-outs. It's -- this

1 is a unique one --

2 THOMAS MILLER: Yeah.

3 JIM MONTEVERDE: -- at least in my time here on
4 the Board. So yes, beside the fact that it can only be the
5 Members who sat on the case.

6 And originally, I'm informed by Staff that, Mr.
7 McKee, what you also need to do is you need to revise the
8 form called, "The BZA Application Form Ownership
9 Information." And that needs to come from the condominium
10 association, not from you personally.

11 So once you get a list together, get together with
12 your association, get their acceptance. The typical format
13 is the association provides the Board with a -- the Zoning
14 Board -- with a letter stating their approval of the plans,
15 and also that the ownership form is revised to come from the
16 condominium association.

17 So we can't hear this --

18 MICHAEL MCKEE: Okay.

19 JIM MONTEVERDE: -- tonight.

20 MICHAEL MCKEE: Okay.

21 JIM MONTEVERDE: So would you like to continue
22 this again?

1 MICHAEL MCKEE: Yes.

2 JIM MONTEVERDE: One more time? How much time
3 would you like?

4 MICHAEL MCKEE: I mean, it's probably as much as
5 we -- there's quite a bit.

6 JIM MONTEVERDE: Well, February, March, April,
7 May, June, July? That's as far as the list in front of me I
8 have.

9 MICHAEL MCKEE: Yeah. That's -- can we go late
10 March?

11 JIM MONTEVERDE: Yeah.

12 MICHAEL MCKEE: And then make it --

13 JIM MONTEVERDE: We have March 27.

14 MICHAEL MCKEE: Okay.

15 JIM MONTEVERDE: We have March 27, we have April
16 10, May 8, your choice.

17 MICHAEL MCKEE: And if we're -- I mean, I'd like
18 to try to push it if possible, so if we aim for the twenty-
19 seventh, if it ends up taking more time, are we -- will we
20 be allowed to perhaps extend it again, or before the meeting
21 even happens reschedule it?

22 JIM MONTEVERDE: No, I will -- I think

1 understanding the complications on this one, we'll let you
2 do this one more time. Our typical policy is you do it
3 twice --

4 MICHAEL MCKEE: Right.

5 JIM MONTEVERDE: -- and that's it. But --

6 MICHAEL MCKEE: Yeah.

7 JIM MONTEVERDE: -- we'll certainly let you do it
8 one more time if you need it.

9 MICHAEL MCKEE: Okay. That gives us two and a
10 half months. So we'll --

11 JIM MONTEVERDE: Yep.

12 MICHAEL MCKEE: -- aim for that.

13 JIM MONTEVERDE: So you'll do the March 27?

14 MICHAEL MCKEE: Yes.

15 JIM MONTEVERDE: Okay.

16 MICHAEL MCKEE: And actually -- I'm sorry, could
17 we just do April? I just hate to be --

18 JIM MONTEVERDE: Sure.

19 MICHAEL MCKEE: -- short.

20 JIM MONTEVERDE: April 10?

21 MICHAEL MCKEE: April 10, okay.

22 BRUCE FITZSIMMONS: Mr. Chairperson?

1 JIM MONTEVERDE: Very good. All right.

2 BRUCE FITZSIMMONS: Mr. --

3 JIM MONTEVERDE: Let me propose a motion to --
4 make a motion to continue this matter until April 10, 2025,
5 on the condition that the petitioner change the posting sign
6 to reflect the new date of April 10, 2025, and the new time
7 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,
17 changes to the drawings, dimensional forms, or any
18 supporting statements that those be in our files by 5 p.m.
19 on the Monday prior to the continued meeting date.

20 On the motion to continue this matter until April
21 10, 2025, Steven?

22 STEVEN NG: In favor.

1 JIM MONTEVERDE: Daniel?

2 DANIEL HIDALGO: In favor.

3 JIM MONTEVERDE: Virginia?

4 VIRGINIA KEESLER: In favor.

5 JIM MONTEVERDE: And Jim Monteverde in favor.

6 [All vote YES]

7 JIM MONTEVERDE: That's four in favor; the
8 continuance is granted. Thank you.

9 MICHAEL MCKEE: Thank you very much.

10 BRUCE FITZSIMMONS: Thank you.

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(6:30 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Thomas Miller

JIM MONTEVERDE: All right. 6:30, we're back.

And now we can go to the Regular Agenda. And this is our full group tonight: Virginia, Steven, Daniel, Thomas, and myself.

So the first case I'm going to call is BZA-1144543 for 1 Brattle Square.

Mr. Brinn, are you calling in? Or anyone else calling in as the proponent for 1 Brattle Square? This is a Telcom Commission, a special permit. Let's give him a minute.

KEENAN BRINN: Can you hear me now?

JIM MONTEVERDE: Yeah. Can you introduce yourself, please?

KEENAN BRINN: Absolutely. My name is Keenan Brinn. I'm here on behalf of Network Building and Consulting. We're located in Woburn, Massachusetts, representing the applicant DISH Wireless, LLC.

I'm also joined, I believe, by Elijah Luutu, who's

1 the RF Engineer that designed the site.

2 Just to give you a quick background on the site,
3 this building, as you probably know, is in the proximity of
4 Harvard Square. DISH is proposing to put two canister
5 concealment -- I guess they'd be the kind of -- in other
6 words, they would be able to camouflage the antennas under
7 these canisters. The canisters measure about 10' tall and
8 they're 36" in diameter.

9 One will contain an antenna and two radios; the
10 other one will contain two antennas and two radios. The
11 equipment shelter will be invisible from the roof.

12 We're talking about an equipment shelter like 10'
13 x 15' on the first floor. The cabling will extend up to the
14 roof and run along the roof to the two canisters. At that
15 point, there will not be any other visible equipment on the
16 roof.

17 The other thing I would like to mention too is
18 that we've been in front of the Harvard Square Advisory
19 Committee, and we got a positive recommendation from them.
20 We did go to the Planning Board, and they were more neutral
21 on that, but we were in front of them on Tuesday night and I
22 know they sent you a recommendation.

1 I don't have a lot more to add, but I know Elijah
2 is very familiar with the roof and how it was designed, and
3 if you had any questions about the layout, I would encourage
4 you to ask him.

5 JIM MONTEVERDE: Before you -- before we get into
6 anything else in your presentation, is this a replacement of
7 equipment --

8 KEENAN BRINN: Nope, this is a --

9 JIM MONTEVERDE: -- or is this new equipment?

10 KEENAN BRINN: -- this is a new installation.
11 There are other carriers up on that roof already, but this
12 is --

13 JIM MONTEVERDE: Okay. So it's all of it.

14 KEENAN BRINN: -- first of its kind for DISH.
15 This is not a replacement; it's not a modification; this is
16 the first of -- for DISH going up there.

17 JIM MONTEVERDE: Okay. Can we go to the --

18 KEENAN BRINN: And looking --

19 JIM MONTEVERDE: -- photo simulations, just walk
20 us through those?

21 KEENAN BRINN: Yeah, yeah sure. So the first
22 picture you saw, if you go back, it shows the existing --

1 oop, one more.

2 Go to that second slide. Keep going forward. One
3 more after this.

4 Okay, what you're seeing there is the existing
5 conditions of the building itself. And then when you go to
6 the following slide, that'll show you where the canister is
7 relative to that.

8 And there's a -- I don't know how well you can
9 see; there's a red arrow. And that's that canister I was
10 talking about. That would be one of the two canisters that
11 are on the roof.

12 JIM MONTEVERDE: Mm-hm.

13 KEENAN BRINN: And I think if you go to the --

14 JIM MONTEVERDE: Okay.

15 KEENAN BRINN: -- next slide, you'll see the
16 existing conditions and -- that's the existing condition
17 right there. And then that's what it looks like today, and
18 then you go to the next slide; it's proposed. This will be
19 the second canister right there.

20 And again, this is just one view, but it's --
21 basically gives you an idea of --

22 JIM MONTEVERDE: Yep.

1 KEENAN BRINN: -- you know, what this is going to
2 look like. And again, this is someone's opinion of what
3 it's going to look like, but I think it's pretty accurate
4 from six stories down.

5 I don't think this canister is going to protrude
6 up as much as you might think, although 10' may sound like a
7 lot to you, but Elijah, if he's on, can certainly add more
8 information about the actual telecommunications and the
9 radio frequency of why we have to have a 10' canister.

10 I know the Staff Memo -- was wondering if they
11 could lower it, but I mean -- I think this is pretty evident
12 that -- I don't think it's going to be terribly intrusive.

13 JIM MONTEVERDE: Thank you. Anything else to
14 present to us, or is that --

15 KEENAN BRINN: I think that's about it, but --

16 JIM MONTEVERDE: -- in substance?

17 KEENAN BRINN: -- if Elijah is on, I know he asked
18 me about the -- I don't know if he's got his hand up or not.
19 But like I said --

20 JIM MONTEVERDE: Well, let me get to the
21 correspondence, and then I'll give you the chance to -- or
22 Elijah, to --

1 KEENAN BRINN: Yep, please.

2 JIM MONTEVERDE: -- at least to give us your
3 thoughts, to share your thoughts.

4 KEENAN BRINN: Mm-hm.

5 JIM MONTEVERDE: So thank you for the
6 presentation.

7 Any questions from Members of the Board? If not,
8 we do have three pieces of correspondence in the file.
9 First, as the proponent mentioned, we have a letter from the
10 Harvard Square Advisory Committee dated December 18, 2024.
11 Its recommendation reads,

12 "Members of the Committee were supportive of the
13 applicant's proposal, noting the positive impact of
14 concealing the antenna in a cylindrical structure. The
15 Committee had no additional comments on the design or
16 layout."

17 And we have the Planning Board dated December --
18 I'm sorry January 8, 2025, that reads in part,

19 "The Board --" this is the Planning Board "--did
20 not make any recommendation but decided to forward the
21 attached memo from the Community Development Department
22 staff member to BZA."

1 Now we get to the meat. We have the Memo dated
2 January 3, 2025, addressed to the Planning Board. This is
3 from the Community Development Department. And in part, it
4 reads -- and I'll quote here --

5 "Staff recommends further study of alternative
6 design options to determine if a less visually obtrusive
7 layout is feasible. Examples might include collocating the
8 DISH antennas with other existing antennas on the penthouse
9 façade or, two, lowering the height of chimneys and moving
10 them to a less obtrusive location."

11 Did you want to ask Elijah to introduce himself
12 and tell us -- respond to that, if you're aware of it?

13 KEENAN BRINN: Yeah. If he's got his hand up or I
14 believe he's -- there he is. Okay.

15 Elijah, take it away, just like we did the other
16 night when --

17 JIM MONTEVERDE: Yep, just introduce yourself,
18 please, Elijah?

19 ELIJAH LUUTU: Yeah, thank you very much. My name
20 is Elijah Luutu. I'm a DISH Wireless Engineer responsible
21 for this area.

22 JIM MONTEVERDE: Yep.

1 ELIJAH LUUTU: And I have a little bit over -- a
2 little over 28 years of experience and knowledge. But I've
3 been working for DISH for the last two years.

4 JIM MONTEVERDE: Yep.

5 ELIJAH LUUTU: For this installation, we did look
6 at that -- several different designs. But we have some
7 limitations. And one of them being that one of the existing
8 carriers there is a T-Mobile.

9 And with T-Mobile we're on the lower band, which
10 is the 600 MHz; we do share the same band. And we cannot be
11 collocated next to them. We need to have at least 40' of
12 horizontal separation from their facility or from their
13 antennas, so that we don't cause interference with them or
14 interference to us.

15 JIM MONTEVERDE: Okay.

16 ELIJAH LUUTU: The spectrum they're using is
17 adjacent to our spectrum, from what I can see. I located
18 this. So that's one of the reasons why we couldn't really
19 do the -- like collocating on the same --

20 JIM MONTEVERDE: Yep, okay. So I think you've
21 addressed the collocating doesn't seem to be an option. Can
22 you talk about the -- is it possible to lower the height of

1 the chimney? Chimneys?

2 ELIJAH LUUTU: Yeah. Well, we did look at that.

3 The chimneys actually they are 10' tall, but the antennas

4 we're using are 6' tall. The reason we have to raise it 10'

5 tall is because of the roofline itself. If we continue

6 pushing it back, the roofline of the penthouse would be

7 blocking the signal.

8 So for us to be able to clear that, that's why we

9 have to raise it so it can fit, putting into consideration

10 that the setbacks we need from the roofline. That's what we

11 --

12 JIM MONTEVERDE: Right. So I'm looking at your

13 drawing Z-3, and it looks like a section through the

14 chimney, and it appears that it's the chimney itself is --

15 is not physically 10' tall, but it measures 10' off of the

16 roofline, because it sits on a pad; sits on a footing.

17 There you go. Right there.

18 ELIJAH LUUTU: Yeah.

19 JIM MONTEVERDE: It's on the left-hand --

20 ELIJAH LUUTU: Yeah.

21 JIM MONTEVERDE: -- side.

22 ELIJAH LUUTU: Yeah.

1 JIM MONTEVERDE: Right?

2 ELIJAH LUUTU: So --

3 JIM MONTEVERDE: So it --

4 ELIJAH LUUTU: So we --

5 JIM MONTEVERDE: -- and it looks like your -- is
6 it -- it appears to be the height seems to be determined by
7 the placement of those -- I guess the four dishes that are
8 -- or four antenna that are shown there?

9 ELIJAH LUUTU: Well, that height is -- it's also
10 determined by that setback of the 10' we need to be from the
11 roofline. So because of that setting back the antennas, in
12 order for us to clear that, we have to raise the actual --
13 you know, that's why I say if you look at --

14 JIM MONTEVERDE: Okay. Right.

15 ELIJAH LUUTU: -- the antennas -- yeah, yeah.

16 JIM MONTEVERDE: So the cure is --

17 ELIJAH LUUTU: So the color is --

18 JIM MONTEVERDE: -- the cure is worse than the
19 disease.

20 ELIJAH LUUTU: You can say that, yeah.

21 JIM MONTEVERDE: Or something like that. It's
22 basically --

1 ELIJAH LUUTU: Yeah.

2 JIM MONTEVERDE: -- in order to make it -- yeah,
3 you can't -- yeah. It's not going to get shorter. Okay.

4 So I think that --

5 ELIJAH LUUTU: Exactly.

6 JIM MONTEVERDE: -- I thank you for your comments.
7 I think that explains for the Board why there isn't the
8 opportunity to collocate with other antennas, and then why
9 with the equipment that you propose and that illustration of
10 the chimney, that can't lower the height.

11 And the last comment there was to move them to a
12 less obtrusive location. And is that possible?

13 ELIJAH LUUTU: What do you mean by less obtrusive?
14 In other words, where you --

15 JIM MONTEVERDE: Well --

16 ELIJAH LUUTU: -- cannot see them?

17 JIM MONTEVERDE: -- I think it's the one -- I
18 suspect it's the one, at least in my eye, it's the one photo
19 simulation where the --

20 ELIJAH LUUTU: Yes.

21 JIM MONTEVERDE: -- chimney is most apparent.

22 ELIJAH LUUTU: Oh, the way it sticks out a little

1 bit?

2 JIM MONTEVERDE: That one.

3 ELIJAH LUUTU: This one here? Yeah.

4 JIM MONTEVERDE: Yeah.

5 ELIJAH LUUTU: Yeah, that's --

6 JIM MONTEVERDE: And is it possible to modify that
7 location on the roof to push it back so it's not as visible
8 from the street?

9 ELIJAH LUUTU: If we do that, then part of that
10 signal will be broke by the roofline. That's what I was
11 trying to --

12 JIM MONTEVERDE: So that's the discussion we just
13 had that if you move --

14 ELIJAH LUUTU: Yes.

15 JIM MONTEVERDE: -- and the same thing, if you had
16 to move it back, then you have to make it higher?

17 ELIJAH LUUTU: Then you have to make it higher,
18 yeah.

19 JIM MONTEVERDE: Okay. So it really doesn't --
20 there's not an solution there?

21 ELIJAH LUUTU: Yes.

22 JIM MONTEVERDE: Okay. Thank you. Thank you for

1 your expertise there.

2 ELIJAH LUUTU: Thank you.

3 JIM MONTEVERDE: With that, I will open it to
4 public comment. We have no letters in the file, except for
5 the ones I read.

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

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

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

16 Anyone out there? No one out -- no one's calling
17 in, so we will close public testimony. Any discussion among
18 Members of the Board, before I make the required speech?

19 If not, let me -- before we go into a motion, let
20 me play this recording of our required discussion. Bear
21 with me, it's about five minutes long.

22 Based on the findings, the Chair moves that the

1 petitioner be granted the special permit it is seeking,
2 subject to the following conditions:

3 One, that the work proceed in accordance with the
4 plans submitted by the petitioner, and initialed by the
5 Chair.

6 Two, that upon completion of the work, the
7 physical appearance and visual impact of the proposed work
8 will be consistent with the photo simulations submitted by
9 the petitioner and initialed by the Chair.

10 Three, that the petitioner shall at all times
11 maintain the proposed work, so that its physical appearance
12 and visual impact will remain consistent with the photo
13 simulations previously referred to.

14 Four, that should the petitioner cease to utilize
15 the equipment approved tonight for a continuous period of
16 six months or more, it shall be promptly thereafter remove
17 such equipment and restore the building on which it is
18 located to its prior condition and appearance, to the exact
19 reasonably practicable.

20 Five, that the petitioner is in compliance with
21 and will continue to comply with, in all respects, the
22 conditions imposed by this Board with regard to previous

1 special permits granted to the petitioner, with regard to
2 the site in question.

3 In as much as the health effects of the
4 transmission of electromagnetic energy waves is a matter of
5 ongoing societal concern and scientific study, the special
6 permit is also subject to the following conditions:

7 a) That the petitioner shall file with the
8 Inspectional Services Department each report it files with
9 the federal authorities regarding electromagnetic energy
10 waves emissions emanating from all the petitioner's
11 equipment on the site.

12 Each such report shall be filed with the
13 Inspectional Services Department no later than 10 business
14 days after the report has been filed with the federal
15 authorities.

16 Failure to timely file any such report with the
17 Inspectional Services Department shall ipso facto terminate
18 the special permit granted tonight.

19 b) That in the event that at any time federal
20 authorities notify the petitioner that its equipment on the
21 site, including but not limited to the special permit
22 granted tonight, fails to comply with the requirements of

1 law or governmental regulations -- whether with regard to
2 the emissions of electromagnetic energy waves or otherwise
3 -- the petitioner, within 10 business days of receipt of
4 such notification of such failure, shall file with the
5 Inspectional Services Department a report disclosing in
6 reasonable detail that such failure has occurred, and the
7 basis for such claimed failure.

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

11 c) That to the extent a special permit has
12 terminated, pursuant to the foregoing paragraphs a) and b),
13 the petitioner may apply to this Board for a new special
14 permit, provided that the public notice concerning such
15 application discloses in reasonable detail that the
16 application has been filed because of a termination of the
17 special permit, pursuant to paragraphs a) and b) above.

18 Any such new application shall not be deemed a
19 repetitive petition and therefore would not be subject to
20 the two-year period during which repetitive petitions may
21 not be filed. And finally,

22 d) That within 10 business days after receipt of a

1 building permit for the installation of the equipment
2 subject to this petition, the petitioner shall file with the
3 Inspectional Services Department a sworn affidavit of the
4 person in charge of the installation of equipment by the
5 petitioner with the geographical area that includes
6 Cambridge stating that:

7 a) he or she has such responsibility, and
8 b) that the equipment being installed pursuant to
9 the special permit we are granting tonight will comply with
10 all federal safety rules and will be situated and maintained
11 in locations with appropriate barricades and other
12 protections, such that individuals, including nearby
13 residents and occupants of nearby structures, will be
14 sufficiently protected from excessive radiofrequency
15 radiation under federal law.

16 The end.

17 All right. So on the motion to grant the special
18 permit requested, on a voice vote, please, Virginia?

19 VIRGINIA KEESLER: In favor.

20 JIM MONTEVERDE: Thank you. Steven?

21 STEVEN NG: In favor.

22 JIM MONTEVERDE: Thank you. Daniel?

1 DANIEL HIDALGO: In favor.

2 JIM MONTEVERDE: Thank you. Thomas?

3 THOMAS MILLER: In favor.

4 JIM MONTEVERDE: And Jim Monteverde in favor.

5 [All vote YES]

6 JIM MONTEVERDE: That's five in favor. The relief
7 is granted. Thank you.

8 ELIJAH LUUTU: Thank you.

9 KEENAN BRINN: All right. Thank you. Are we all
10 set?

11 JIM MONTEVERDE: Yep.

12 KEENAN BRINN: All right. Have a good night.

13 JIM MONTEVERDE: Well done. Thank you.

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(6:46 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Thomas Miller

JIM MONTEVERDE: Next case is BZA-11343353 -- 190
Lexington Avenue. Is there anyone calling in?

ROSS KENYON: Hello. Can everyone hear me?

JIM MONTEVERDE: Yep. Can you introduce yourself,
please?

ROSS KENYON: Yes. Hi. My name is Ross Kenyon.
I'm the petitioner and the owner at 190 Lexington Ave.

JIM MONTEVERDE: Okay.

ROSS KENYON: Good evening. Thanks for having us
here tonight. My name is Ross Kenyon, and with me is my
wife, Anu Krishnan. We're the owners. We're also the
design professionals for the project.

So we've been looking for a house in Cambridge for
some time. You know, we really fell in love with the city
and the people. We knew that we wanted to make a home for
ourselves here.

We purchased the property at 190 Lexington Ave in
July of 2024. We received a building permit for a level 3

1 alteration; a full gut renovation plus finishing the
2 basement so we could get started with the interior demo work
3 and the foundation work.

4 In terms of our needs, we had a lot of
5 requirements for the design. We've got family members that
6 will be spending a lot of time with us, including elderly
7 parents plus siblings and kids. Anu and I also do a lot of
8 work from home. So that's what brings us before you here
9 tonight.

10 We faced a lot of challenges to fit all the
11 elements we needed. We were also constrained by the need to
12 make provisions for an elevator, so we can be sure to
13 accommodate our parents and maybe even our future selves.

14 So we're looking for a little bit of relief to
15 make the house what we really need.

16 One thing I wanted to clarify in the drawings that
17 were submitted. I know Steven let me know that there was a
18 question from the public. So the photos of the site reflect
19 the condition just prior to the start of construction; what
20 I've labeled as "Existing conditions" in the drawings
21 reflect the alterations that were approved by the building
22 permit, and I've annotated things as such.

1 We did meet back in November in person with all
2 three households that directly abut our property. We talked
3 with them about the changes that we're making as part of the
4 issued permit, and also the relief that we're requesting
5 here tonight with the special permit.

6 They were all very friendly and supportive. In
7 fact, every one of them invited us in to their house to
8 tour, so we could see how our property is visible from
9 theirs.

10 They didn't have any objections to our plans, but
11 based on what we saw, we actually reconfigured a few
12 windows, just to provide a little more privacy for all
13 parties.

14 They were all really nice people, and we couldn't
15 be more excited to move in and be part of this community.

16 So I'll pause here. I can continue and briefly
17 outline each element of our request, along with the
18 rationale for those elements, or I'm happy to take questions
19 from the Board, and we can make it more of a dialogue.

20 JIM MONTEVERDE: If you can walk us through what
21 you're actually seeking relief for.

22 ROSS KENYON: Perfect.

1 JIM MONTEVERDE: And I think the advertisement
2 says, "Extending preexisting height, gross floor area
3 nonconformity," so it's already a nonconforming structure?

4 ROSS KENYON: Yes.

5 JIM MONTEVERDE: And then you have a roof deck
6 within setbacks.

7 ROSS KENYON: Yep.

8 JIM MONTEVERDE: And I think there are a couple
9 other things. You've got some construction, I'm assuming,
10 and side yard and front yard setback?

11 ROSS KENYON: Yes.

12 JIM MONTEVERDE: If you could just walk us through
13 what those are, so we know what we're --

14 ROSS KENYON: Yes.

15 JIM MONTEVERDE: -- you're asking relief for?

16 ROSS KENYON: Perfect. Olivia, or whoever's
17 driving the presentation, if you could actually skip down to
18 slide 23, it's actually in my updated set that I'd like to
19 shoot from.

20 Yes, perfect.

21 Okay. So Item No. 1 is the window well. That's
22 on the south side of the property. That will facilitate a

1 bedroom in that location in the basement, and it increases
2 the height nonconformity. We're taking it from 37.6' to
3 37.7'.

4 JIM MONTEVERDE: Right.

5 ROSS KENYON: Of course, we're not changing the
6 roof ridge elevation. This is based on the depth of the
7 window well.

8 JIM MONTEVERDE: Yep.

9 ROSS KENYON: Item No. 2 is a dormer on the east
10 side of the house on the third floor. So in both the
11 current physical configuration of the house and in the
12 approved design, there's a triangular-shaped dormer on the
13 east side there, on the third floor. We needed --

14 JIM MONTEVERDE: Yep.

15 ROSS KENYON: -- more headroom.

16 JIM MONTEVERDE: Sorry, let me -- east side, so
17 the Dimensional Form basically talks about left side, right
18 side. So can you -- which side is east?

19 ROSS KENYON: The Lexington Ave side.

20 JIM MONTEVERDE: Left, or right?

21 ROSS KENYON: Oh, right.

22 JIM MONTEVERDE: Looking -- facing the property

1 head on, is it left, or right?

2 ROSS KENYON: No, I'm sorry. Head on, it's -- it
3 faces Lexington Ave.

4 JIM MONTEVERDE: Is it right? I don't think it's
5 right. Looking at your diagram, it looks like your right-
6 side setback, looking at everything from Lexington Avenue,
7 you're within your setback lines. Is that not correct?

8 ROSS KENYON: Okay, so the right side of the
9 drawing, where it faces Lexington Ave, yes?

10 JIM MONTEVERDE: All right. Sorry. I interrupted
11 you. You're on a roll. Keep going.

12 ROSS KENYON: Oh, okay. Back to my spiel here;
13 okay. So yeah. So the east dormer, we needed more head
14 room for the bedroom on that side.

15 We also wanted the dormer on that side to match
16 what we had designed for the west side, so we're proposing a
17 gable design with vertical walls. And this adds 10 square
18 feet of GFA.

19 Item No. 3 is the west dormer. So in the approved
20 design, we added a dormer on the west side of the third
21 floor, but for the special permit, we'd like to extend the
22 west wall of that dormer 5' further to the west, so that it

1 aligns with the eave of the main roof.

2 Really, the rationale there was we needed to add
3 headroom to the third-floor bathroom, which currently feels
4 very cramped, and we also wanted to add a little extra
5 headroom to the bedroom, which is still fairly compact. So
6 that adds 66 square feet of GFA.

7 Item 4 is the bays. So the house currently has
8 these angled bays on the east and north elevations. The
9 bays run up from the first floor up through the second floor
10 and project about 3' from the adjacent walls.

11 We wanted to reconfigure these and square them
12 off, both to create more functionality for the interior
13 spaces, and also to fit with our aesthetic tastes. So the
14 combined addition of all the bays, meaning both locations
15 and both floors, amounts to 34 square feet.

16 And I think you were pointing this out: on the
17 right side of the drawing, which is the east side of the
18 property, that bay is -- yes, inside the setback.

19 Item 5 are the patio steps and landing. So
20 there's currently a brick paved area in the northwest corner
21 of the house, but it really doesn't connect well with the
22 interior spaces. So we wanted to add a patio that opens out

1 from the dining area, and we wanted to extend that to be
2 flush with the extent of the adjacent bay.

3 And based on the elevation of the first floor, we
4 needed to add several steps and a landing as well.

5 So this takes up a little open space from the
6 northwest corner of the property. However, we have a
7 balcony on the second floor, and we're also proposing some
8 roof decks, which offset the decrease in open space.

9 So there is a reduction in private open space, but
10 there's actually a net increase in total open space.

11 And then the last item are the roof decks. We
12 wanted to add roof decks on both the east and west sides on
13 the third floor to connect the -- with the bedrooms that are
14 on each side of the house.

15 But since the house itself was built within the
16 setbacks, you know, likely before the Ordinance was enacted,
17 some portion of those roof decks falls within the setbacks.
18 So we're asking for relief there.

19 So that's -- those are all the elements of our
20 request.

21 JIM MONTEVERDE: Thank you. Any questions from
22 Members of the Board? If not, I will open it up to public

1 comment.

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

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

12 We have two letters in the file; one from Brian
13 Coughlin at 203 Lexington Avenue, who states having no
14 objection to these requests, to the plans.

15 And then a second from Susan Lapides and Peter
16 Wilson at 451 Huron Avenue, stating they have no objections
17 to the plans, and are pleased that they will be their new
18 neighbors. That's everything we have in the file.

19 Any member of the public who wishes to speak
20 should now click the icon at the bottom of your Zoom screen
21 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 I ask you to
6 wrap up.

7 Anyone out there?

8 STEPHEN NATOLA: Diane Norris.

9 DIANE NORRIS: Hello. My name is Diane Norris.
10 I'm your new neighbor across the street, and I just want to
11 say I am very impressed how the level of detail from your
12 previous plan to the latest renovations: just looking at
13 them carefully does justify the need to change the bays, and
14 it just seems like the thing -- your house is working much
15 better, on a whole nother level of detail.

16 And so I just really appreciate that, because
17 every inch counts with these houses.

18 And I really appreciate the fact that you're not
19 doing a teardown, because that is happening a lot in our
20 neighborhood. And so, just making the point of making the
21 most of what you have here. And it looks like it's going to
22 be great.

1 I do have a quick -- a couple of quick questions.
2 On the basement, how come the basement isn't included in the
3 floor area? That it's exempt? And so, I was just -- that's
4 the first question.

5 The second: with the elevator, I was just curious
6 what your plans are for the exterior access ramp to get to
7 the elevator; would it be from the driveway or -- I know
8 this is ahead of the game, but I'm just curious. So thank
9 you so much.

10 JIM MONTEVERDE: Thank you for calling in.

11 ROSS KENYON: Jim, could I -- could I answer that
12 question?

13 JIM MONTEVERDE: One question -- no, one second
14 please.

15 ROSS KENYON: Okay.

16 JIM MONTEVERDE: You were going to say?

17 ROSS KENYON: Oh, yes. So thanks, Diane. Nice to
18 meet you, and excited to be your neighbor as well. Yeah,
19 the basement exemption, that's just based on the Cambridge
20 Zoning Ordinance. Currently below-grade areas are exempt
21 from GFA.

22 And you asked about an exterior access ramp for

1 the elevator. We don't have an exterior access ramp planned
2 as of yet. You know, even our elderly parents, they're
3 okay, you know, for example getting into the house, but
4 moving up and down -- for example, you know, going from a
5 bedroom down to main room to eat, back and forth and so on,
6 that's where they have trouble.

7 JIM MONTEVERDE: Okay. Ross, I think the City's
8 Ordinance that basement is exempt from the area calculation
9 is as long as that is not in a floodplain?

10 ROSS KENYON: Correct. And we are not.

11 JIM MONTEVERDE: You've had that determination
12 made?

13 ROSS KENYON: Yep, yep. That's been made by the
14 Department of Public Works for --

15 JIM MONTEVERDE: Okay.

16 ROSS KENYON: -- our --

17 JIM MONTEVERDE: So --

18 ROSS KENYON: -- approved building.

19 JIM MONTEVERDE: -- that's all we needed; thank
20 you.

21 Is there anybody else calling in? Seems not. So
22 I will close public testimony.

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

3 This is a special permit. So just for
4 reference, if I go to the Dimensional Form, as I think I
5 said before, this building as it stands, the existing
6 building is already nonconforming.

7 So it's nonconforming in terms of area, GFA,
8 setback, and I think some of the requests for the special
9 permit are -- kind of come from that, so you're making some
10 additions there.

11 So the Chair makes a motion to grant relief from
12 the requirements of the Ordinance under Sections 5.31 -- and
13 this is for increasing the square footage beyond the
14 Ordinance allowance, increasing the gross square footage --
15 again, which is already nonconforming -- the construction
16 proposed within the front yard setback, and also on the --
17 as I read it from the drawings, the left side setback, which
18 are the ones toward -- I think you were saying that was the
19 south.

20 Any of those windows being relocated or any of
21 that construction on that side would be in the -- in that
22 side yard setback. So that's Section 5.31.

1 Section 8.22.2.d for an enlargement of a
2 preexisting, nonconforming structure, and 10.40 for a
3 Special permit. And I will read those, that criteria under
4 Section 10.43.

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. That's a no.

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

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. It will not.

16 e) And for other reasons, the proposed use would
17 impair the integrity of the district or adjoining district.
18 And it will not.

19 So it conforms to all the criteria mentioned in
20 Section 10.43 for a Special Permit.

21 On the condition that the work proposed conform to
22 the drawings entitled, "190 Lexington Avenue," prepared by

1 -- no name on the drawings.

2 ROSS KENYON: My name should be there, Ross --
3 RHK., Ross Kenyon.

4 JIM MONTEVERDE: Drawn by, we'll use that? Or
5 prepared by RHK, Ross Kenyon, and dated January 2, 2025;
6 initialed and dated by the Chair.

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

10 Board Members, on a voice vote, please, Virginia?

11 VIRGINIA KEESLER: In favor.

12 JIM MONTEVERDE: Thank you. Steven?

13 STEVEN NG: In favor.

14 JIM MONTEVERDE: Thank you. Daniel?

15 DANIEL HIDALGO: In favor.

16 JIM MONTEVERDE: Thank you. Thomas?

17 THOMAS MILLER: In favor.

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

20 [All vote YES]

21 JIM MONTEVERDE: That's five in favor. The relief
22 is granted. Good luck.

1 ROSS KENYON: Thank you, Jim. Thanks to the
2 Board.

3 ANU KRISHNAN: Thank you. Thanks, Jim.

4 JIM MONTEVERDE: You're welcome.
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(7:06 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Thomas Miller

JIM MONTEVERDE: Next case is BZA-1143317 -- 102

Sciarappa Street. Sorry if I mispronounced that.

Sciarappa? All right, I'll take Sciarappa. Anyone calling in to speak about this case? This is a special permit also.

KAROLYN PARK: Hi, yes. This is Karolyn Park.

I'm the homeowner. I'm here.

JIM MONTEVERDE: Great. Good evening.

KAROLYN PARK: Good evening.

JIM MONTEVERDE: Good enough.

KAROLYN PARK: Go ahead.

JIM MONTEVERDE: Yep. Just go -- explain to us why you're back.

KAROLYN PARK: Yes, why.

JIM MONTEVERDE: We've heard this case before, and what's different, and why you're back tonight and what relief you're seeking?

KAROLYN PARK: Yeah. Just to remind you of who I am, I'm Karolyn Park. My husband is Ray. He's putting the

1 kids to bed right now so he can't join me. I've lived in
2 Cambridge for 19 years. My children go to Tobin.

3 We did receive a special permit in the past, and
4 we began construction. We moved into temporary housing. We
5 got our special permit in -- at the end of '23. Our first
6 time was earlier in '23 of -- March of '23.

7 We moved into temporary housing in January of 2025
8 (sic), so we've been in temp housing for a year now. And
9 our kids are living in one bedroom, and we're all sharing
10 our current bedroom.

11 We hired our contractor named Dream House, and we
12 paid a large percentage of the project prior to even
13 commencing the work. The contractor began by demolishing
14 all the floors in the house without our consent, demolishing
15 more than was allowed under renovation, which is why we're
16 here today.

17 He improperly excavated around the entire
18 perimeter, and did not reinforce the foundation walls during
19 underpinning, causing two out of the four foundation walls
20 to cave in in June of 2024.

21 We then paid to rebuild the walls, but visual
22 inspection showed that the concrete had cracks in it,

1 because the contractor had hand mixed all the concrete.

2 We then performed concrete testing on the
3 foundation walls and found that they did not meet
4 specifications, and neither did the footings, so then we
5 paid for a foundation that was not structurally sound.

6 So now we don't have a foundation. The contractor
7 refused to give back any money. We had to terminate the
8 contractor, and now we need to pay more with a new
9 contractor, as the Structural Engineer says the foundation
10 should be redone.

11 So that's sort of what has happened in the time
12 that we've begun our project, and why we're back. And some
13 context: Steve, my architect, can run through some of the
14 minor changes that have occurred since we last saw you.

15 Do you have any questions regarding what I just
16 said?

17 JIM MONTEVERDE: No. I'm sorry for your
18 misfortune. Definitely a terrible experience.

19 KAROLYN PARK: Yes.

20 JIM MONTEVERDE: I doubt if you'll want to
21 renovate a house again, but that's unfortunate.

22 KAROLYN PARK: Thank you.

1 JIM MONTEVERDE: Yes, if -- you said your
2 architect is there and they can talk to us about what
3 changes, if any, have been made in the plan or elevations?
4 That would be helpful.

5 KAROLYN PARK: Yes. Steve is on the line.

6 STEPHEN HISERODT: Hi. This is Steve Hiserodt
7 from DH Architects.

8 JIM MONTEVERDE: Yep. Steve, how are you?

9 STEPHEN HISERODT: So Karolyn sort of went through
10 the history. After learning all of this, you know, we end
11 up having to redo a lot of the foundations, the underpinning
12 that was put in place was found to be inadequate strength.

13 In order to get that out, these are the original
14 walls were rubble and brick. So it's unlikely that we could
15 get any of that out without just demolishing the whole
16 foundation.

17 JIM MONTEVERDE: Okay.

18 STEPHEN HISERODT: So we're going to -- or the
19 current plan is to rebuild the entire foundation from --
20 with new concrete walls.

21 JIM MONTEVERDE: Right, but -- and Steve, in terms
22 of the building plan and the building elevation --

1 STEPHEN HISERODT: Yeah.

2 JIM MONTEVERDE: I'll just ask Staff to bring up
3 your sheet A201, which kind of outlines it looks like where
4 openings were, and --

5 STEPHEN HISERODT: And those --

6 JIM MONTEVERDE: -- openings you want --

7 STEPHEN HISERODT: -- the openings --

8 JIM MONTEVERDE: Am I correct?

9 STEPHEN HISERODT: -- that are outlined in red
10 were original openings from the --

11 JIM MONTEVERDE: Right.

12 STEPHEN HISERODT: -- original house. Nothing --
13 I can go through the minor changes --

14 JIM MONTEVERDE: So is the profile of the house
15 exactly as it was in the previous case that was approved?

16 STEPHEN HISERODT: Yes, it is. This -- the
17 perimeter of the house with the exception of some changes on
18 the rear elevation and one on the right-side elevation is
19 identical to the previous approval.

20 JIM MONTEVERDE: Okay.

21 STEPHEN HISERODT: So if we could go to -- no,
22 this is fine.

1 The primary changes that have occurred are since
2 we have to remove all of the underpinning and existing
3 foundation walls, we've decided to -- since we have to do
4 all the excavation to get that material out, we're going to
5 increase the depth of the basement and add some habitable
6 space and some storage space in the basement that was not
7 planned in the earlier project.

8 None of it is subject to Special Permit Review,
9 except for egress windows and an areaway door on the rear
10 elevation. We can see it in the upper left-hand corner, all
11 below the first floor line, those areas there. So we have a
12 window well, an areaway, and a door and two windows that are
13 being added to the elevation that were not in the previous
14 scheme.

15 And on the right-side elevation, we've had to --
16 in order to increase -- to get to the increased depth of the
17 basement floor, we had to adjust our stairs, which forced a
18 slight relocation of the entry door about 3' to the right.
19 We can see that on the right-side elevation.

20 And yes, that's the location. And that is the
21 extent of the changes since the previous special permit was
22 approved.

1 JIM MONTEVERDE: Okay.

2 STEPHEN HISERODT: One of the things -- one of the
3 Special Permits we're asking for is to demo -- is the
4 restriction on the amount of building that can be demod and
5 rebuilt --

6 JIM MONTEVERDE: Correct.

7 STEPHEN HISERODT: -- which is 25 percent. And
8 the contractor, since he hollowed out the entire structure,
9 there really essentially was not GFA remaining.

10 But the other condition that we're dealing with
11 now is with having to remove most of the foundation wall,
12 except for the front foundation wall -- it is going to be
13 very difficult to salvage any of the remaining framing on
14 the superstructure of the building.

15 We're going to do our best to retain what is
16 there, but we're not confident that with all the work that
17 needs to be done on the foundation we'll be able to save
18 much. So I just wanted to throw that little bit of
19 uncertainty in there.

20 JIM MONTEVERDE: Yep. That's okay. And I'm
21 looking at your -- the Dimensional Form. And it basically
22 says the requested condition is there are no dwelling units.

1 I'm assuming there's actually one. Is this a single-family
2 residence?

3 STEPHEN HISERODT: No, it's a two-family.

4 JIM MONTEVERDE: Two-family. And what's the
5 existing condition?

6 STEPHEN HISERODT: Two-family.

7 JIM MONTEVERDE: Or previous condition?

8 STEPHEN HISERODT: Yeah, there's no increase in
9 the number of --

10 JIM MONTEVERDE: So it's a two to a two.

11 STEPHEN HISERODT: Yeah.

12 JIM MONTEVERDE: Okay. Very good. Thank you.

13 Any questions from Members of the Board?

14 DANIEL HIDALGO: Hi. This is Daniel Hidalgo. I
15 just have one question. Just for the Dimensional Form, are
16 the numbers there reported -- you know, the existing
17 conditions, are those from the sort of what the special
18 permit was granted?

19 STEPHEN HISERODT: No, they're from the original
20 building.

21 DANIEL HIDALGO: Original building. Okay. All
22 right. Thank you.

1 JIM MONTEVERDE: Any other questions from Members
2 of the Board? If not, I'll open it up to public comment.
3 We have -- I count five letters in the file speaking in
4 favor and none against. Let me summarize the ones who've
5 written in in favor.

6 Daneli Urena at 28 Speridakis Terrace, who is in
7 support of the renovation plans; Marissa Liu at 277
8 Broadway, in support; Rand and Kai Means (phonetic) from 5A
9 Lancaster Street, in support; and David and Caroline de
10 Sola, 336 Windsor Street, strong support. And Brian
11 McLaughlin from 155 Charles Street, in support as well.

12 And those are all the correspondents we have in
13 the file. I'll open it up to public comment for anyone
14 calling in.

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

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

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

3 STEPHEN NATOLA: Daniel Cogswell?

4 DANIEL COGSWELL: Hi, can you hear me?

5 JIM MONTEVERDE: Yes.

6 DANIEL COGSWELL: My name is Daniel Cogswell, and
7 I live right around the corner from this building, at 106
8 Fifth Street, where I own two condos, and I live for 12
9 years. So I'm familiar with this building, and I'm excited
10 to see that it's in the approval process here.

11 I've gone through the plans, and I notice that
12 very little from the front or from the street of the
13 building is being changed in the amendment here.

14 Generally, the architecture conforms with our
15 neighborhood and is pleasing. And it seems like the changes
16 that they are requesting here are reasonable, given the
17 uncertainty and unfortunate circumstance that happened with
18 the foundation.

19 So again, I would like to speak in favor of this
20 proposal.

21 JIM MONTEVERDE: Thank you for calling in. And
22 that's everyone calling in. So I will close public

1 testimony. Any discussion from Members of the Board? If
2 not, let me make a motion.

3 This is a special permit. Again, and the reason
4 they're really back with the special permit is they're
5 rebuilding more than 25 percent of what had been an existing
6 nonconforming structure.

7 So the Chair makes a motion to grant relief from
8 the requirements of the Ordinance under Sections 5.31, and
9 as best I can read it, this was nonconforming in terms of
10 its gross floor area. This will add a bit of area. this
11 was nonconforming in terms of its GFA; that will be
12 increased a bit.

13 It needs relief for its every setback: front
14 setback, rear setback, left side, right side setbacks, to
15 allow the construction in those faces, and the building
16 height was conforming; it remains conforming below the
17 height increases because of the areaway.

18 And that's everything that changes regarding --
19 not -- that's affected regarding the 5.31, the Dimensional
20 Form. And Section 8.22.2.d for a Nonconforming Structure.
21 And Section 10.40 for a Special Permit. I will read that
22 criteria.

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

3 b) Traffic generated or patterns of access or
4 egress would cause congestion, hazard, or substantial
5 change. It will not.

6 c) Continued operation of or the development of
7 the adjacent uses as permitted in the Zoning Ordinance would
8 be adversely affected. It will not.

9 d) Nuisance or hazard would be created to the
10 detriment of the health, safety, or welfare of the occupant
11 of the proposed use. It will not. And,

12 e) For other reasons, the proposed use would
13 impair the integrity of the district or adjoining district.
14 And it will not.

15 So it complies with all the criteria under Section
16 10.43 for a Special Permit.

17 On the condition that the work proposed conform to
18 the drawings entitled, "102-104 Sciarappa Street," prepared
19 by DH Architects, dated 10-18-24, is that the correct date?

20 STEPHEN NATOLA: Yes.

21 JIM MONTEVERDE: Okay, 10-18-24; initialed and
22 dated by 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? Virginia?

5 VIRGINIA KEESLER: In favor.

6 JIM MONTEVERDE: Steven?

7 STEVEN NG: In favor.

8 JIM MONTEVERDE: Thank you. Daniel?

9 DANIEL HIDALGO: In favor.

10 JIM MONTEVERDE: Thank you. Thomas?

11 THOMAS MILLER: In favor.

12 JIM MONTEVERDE: And Jim Monteverde against.

13 [FOUR vote YES, one vote NO]

14 JIM MONTEVERDE: I voted against this previously.

15 I'm just going to continue that stand. I'm sensitive to the
16 proponent's predicament therein, and I'm happy that we have
17 four votes, so that this can move forward.

18 So four in favor, one against. The relief is
19 granted. Thank you and good luck.

20 KAROLYN PARK: Thank you.

21 STEPHEN HISERODT: Thank you, everyone..
22

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(7:12 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Thomas Miller

JIM MONTEVERDE: Next case is 1143415 -- 207

Lexington Avenue. Oh, we're back on Lexington Ave. Anyone calling in for 207 Lexington Avenue?

CHRISTOPHER TAYLOR: Yes. Can you hear me?

JIM MONTEVERDE: We can. Can you introduce yourself, please?

CHRISTOPHER TAYLOR: Yep. My name is Chris Taylor. I'm an architect. And my clients, Tom and Nisha Smolenski, are also on the Zoom. I don't know if they need to present, but they are here if need be.

JIM MONTEVERDE: Okay. Can you describe to us what it is you'd like to do, and what requires zoning relief?

CHRISTOPHER TAYLOR: Yes. So 207 Lexington is a two-family. We're creating an ADU in the ground-floor basement. We are seeking relief -- so I believe it's 4.22 to create the ADU. We're also creating -- we're changing the size of a window within a setback.

1 And we're creating two window wells at the rear,
2 which are not in setbacks, but that does change the average
3 building height, which is already nonconforming.

4 JIM MONTEVERDE: Yep. Okay. And which side -- as
5 in front, rear, left, or right are you moving the windows
6 around that are in the setback?

7 CHRISTOPHER TAYLOR: So, Olivia, if we can go to
8 the second -- the second page with the site plan?

9 Yeah, right there. So on the right, Lexington Ave
10 street side is on the bottom.

11 JIM MONTEVERDE: Yep.

12 CHRISTOPHER TAYLOR: And the window wells are at
13 the rear. The entrance is on the right side, looking from
14 Lexington Ave, and it's out of sight. Theoretically, if no
15 one's parked in the driveway, you might be able to see it,
16 but it's really tough back there.

17 And there's no changes to the street façade of the
18 building, except we're going to replace two basement windows
19 in kind.

20 JIM MONTEVERDE: And which setback are those --
21 are any window modifications that you're making?

22 CHRISTOPHER TAYLOR: On the north side, which is

1 the left side of this drawing.

2 JIM MONTEVERDE: Left side. Okay.

3 CHRISTOPHER TAYLOR: Yep. Would you like me to
4 walk through the drawings?

5 JIM MONTEVERDE: Yep. Please. Again, whatever
6 you're seeking the relief for, please?

7 CHRISTOPHER TAYLOR: Okay. So we go to the next
8 page. This is the street façade. I did this as a proposed
9 and existing elevation, because the only change is the two
10 windows are getting replaced in kind.

11 JIM MONTEVERDE: Yep.

12 CHRISTOPHER TAYLOR: And next page?

13 So this is the south driveway side, and we're
14 removing an existing deck and door. The first floor unit
15 already has a second means of egress, so there was no need
16 for three. And this is where we're excavating to create the
17 entry.

18 But there's no relief -- well, but we will be
19 changing the elevation here. If you go to the next page.

20 This shows the proposed layout with the entrance.

21 Next page?

22 This is the existing rear elevation, and there's

1 two small basement windows. We'll be removing those and
2 installing window wells.

3 Next elevation, please?

4 This is the proposed rear elevation, showing the
5 window wells. And on the left, you can see the entrance
6 that's kind of tucked behind the front of the building
7 there.

8 Next elevation, please?

9 So this is the north elevation. This is the one
10 that is within the setback. And this was done as a proposed
11 and existing, because really the only change: That door is
12 a 2-8 door, and we're going to widen it to be a 3-0 door.

13 JIM MONTEVERDE: Okay.

14 CHRISTOPHER TAYLOR: The two windows in the
15 middle, those are getting replaced in kind, and the window
16 on the left, it currently matches those other two windows.
17 We're just -- we're not going to put in the window well, but
18 we're just going to make it a little taller to get more
19 light into the bedroom.

20 JIM MONTEVERDE: Very good. And that's the extent
21 of the modifications on the exterior of the building?

22 CHRISTOPHER TAYLOR: Yep. We did seek and were

1 granted relief for a dormer. The special permit -- it was
2 last summer. And yeah, that was -- it hasn't been permitted
3 yet, but we have -- we do have relief from the Board.

4 JIM MONTEVERDE: Okay. Okay. Very good. Thank
5 you.

6 Any questions from Members of the Board? If not,
7 we have two pieces of correspondence in the file in favor.
8 Patricia Flaherty, 213 Lexington Avenue writing in support.
9 And Anne Marie and Michael Mahoney at 210 Lexington Avenue,
10 in support. And no one writing -- speaking against.

11 I will open it up to public comment.

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

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

22 Anybody calling in? Nope, nobody calling in.

1 I'll close public testimony. Any discussion among Members
2 of the Board? Or are we ready for a motion? Ready for a
3 motion.

4 The Chair makes a motion to grant relief from the
5 requirements of the Ordinance under Sections 5.31. And as
6 best I can see, that is for the -- the only place that the
7 existing is not in conformance is the left side setback. So
8 I assume that's the door you're talking about, the couple
9 windows?

10 CHRISTOPHER TAYLOR: Yes.

11 JIM MONTEVERDE: -- in terms of setback, and then
12 the height of the building, which will -- was nonconforming.
13 It'll be a bit more nonconforming, and that will be for the
14 arithmetic with the areaways and the window wells.

15 CHRISTOPHER TAYLOR: Right.

16 JIM MONTEVERDE: That's 5. -- it's everything on
17 5.31. Right and you go from two dwelling units to three.
18 It's 5.31; also Section 4.22 I believe it's .22.1, which is
19 about the Accessory Apartments; 5.22.2.c and .d on
20 Nonconforming Structures; and 10.40 for a Special permit.

21 And again, I will read that criteria.

22 It appears the requirements of this Ordinance

1 cannot or will not be met. That is correct.

2 Traffic generated or patterns of access or egress
3 would cause congestion, hazard, or substantial change. It
4 will not.

5 The continued operation of or the development of
6 the adjacent uses as permitted in the Zoning Ordinance would
7 be adversely affected. It will not.

8 Nuisance or hazard would be created to the
9 detriment of the health, safety, or welfare of the occupant
10 of the proposed use. It will not.

11 And for other reasons, the proposed use would
12 impair the integrity of the district or adjoining district.
13 And it will not.

14 So it complies with all the criteria under Section
15 10.43 for a Special Permit.

16 On the condition that the work proposed conform to
17 the drawings entitled, "207 Lexington Avenue," prepared by
18 CJT Architects and dated November 15, 2024; initialed and
19 dated by the Chair.

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

1 Board Members, on a voice vote, please?

2 Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: Thank you. Steven?

5 STEVEN NG: In favor.

6 JIM MONTEVERDE: Thank you.

7 Daniel?

8 DANIEL HIDALGO: In favor.

9 JIM MONTEVERDE: Thank you. Thomas?

10 THOMAS MILLER: In favor.

11 JIM MONTEVERDE: And Jim Monteverde in favor.

12 [All vote YES]

13 JIM MONTEVERDE: That's five in favor; the relief
14 is granted.

15 CHRISTOPHER TAYLOR: Thank you, Board. Appreciate
16 it.

17 JIM MONTEVERDE: You're welcome.

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(7:22 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Thomas Miller

JIM MONTEVERDE: Next case is BZA-1143409 -- 11
Perry Street.

Mr. Rafferty? Are you joining us this evening?

JAMES RAFFERTY: Good evening, Mr. Chair. I am
indeed.

JIM MONTEVERDE: Excellent.

JAMES RAFFERTY: Happy New Year. Nice to see you
all.

JIM MONTEVERDE: Nice to see you too.

JAMES RAFFERTY: For the record, my name is James
Rafferty. I'm an attorney with offices located at 907
Massachusetts Avenue in Cambridge. We're appearing this
evening on behalf of Jeffrey and Shary Berg, B-e-r-g. And
their home at 11 Perry Street, in Cambridge.

There will be nothing about this case that will
change the trajectory of your work this evening. It is in
the same category as some of your previous ones; it's rather
straightforward and simple.

1 This case involves a structure that was granted a
2 variance in 20-- let me think what it was -- August of '23
3 to allow for the conversion of a barn in the back of his
4 property into a dwelling unit.

5 And in the course of the construction that's
6 underway, as often happens in the course of construction,
7 there's been some slight modifications.

8 And in this case, there's a modification that
9 involves the relocation of some windows on a nonconforming
10 wall. In one case -- and it's all depicted on Sheet SK-205
11 -- SK-05 tells the story rather succinctly, that -- right
12 there.

13 So you'll see that the above image is the existing
14 condition as it's currently being converted.

15 What the proposed -- what the change is is to
16 remove one of the windows -- you'll see on the bottom, yes,
17 right there, those double set of windows become a single set
18 -- removing that window on a nonconforming wall, as Board
19 Members know, doesn't require any relief, so that's really
20 not the focus of our application.

21 It is -- in the bottom right-hand corner there is
22 a window being added in that location. So essentially, the

1 -- it's the same size and dimensions as the window that's
2 coming out. It's just being added, and further down on the
3 facade, but because it's a nonconforming wall, we need
4 relief.

5 We have the architect present with us, as well as
6 the petitioners. Happy to answer any questions.

7 As I noted, the construction is underway and
8 ongoing, and the change is modest, and certainly consistent
9 with the Board's findings in the original case in 2023 that
10 found the hardship to support the granting of the variance.

11 JIM MONTEVERDE: Thank you. Board Members, this
12 is -- and this is a variance, as you just mentioned -- any
13 questions from Members of the Board?

14 JAMES RAFFERTY: You want to know why it's a
15 variance? It's a trick question.

16 JIM MONTEVERDE: [Laughter] I was afraid somebody
17 might ask. Please, tell us. Why is this a variance and not
18 a special permit?

19 JAMES RAFFERTY: I have to commend the diligence
20 of the BZA Staff. So these nonconforming openings are
21 permitted by special permit on one- and two-family
22 dwellings. So I thought we could apply for a special

1 permit.

2 But the Staff pointed out to me that the structure
3 doesn't become a dwelling until such time as the
4 construction is complete. So that's a very literal ruling,
5 but I said, "Well, it's kind of a dwelling, because it's
6 already been approved as a dwelling" and all that.

7 But as always, I defer to the expertise of the
8 Staff, so we were advised this could become a special permit
9 if we were to wait for the completion of this construction,
10 and have a CO, and this structure would become a dwelling.
11 Then we would come back.

12 So rather than do construction all over again, it
13 was decided that that condition was something that the Board
14 might find to be a sufficient hardship. So we are here
15 tonight with an unusual case seeking a variance for
16 something that will be eligible for a special permit in a
17 few more months.

18 JIM MONTEVERDE: Thank you for the explanation.

19 JAMES RAFFERTY: Do you mean that?

20 JIM MONTEVERDE: Yep. Thank you. It's going to
21 come up as a question.

22 JAMES RAFFERTY: Okay.

1 JIM MONTEVERDE: You're going to have to talk to
2 me about a hardship, and you just did, so we kind of covered
3 it already, thank you.

4 Any questions from Members of the Board? If not,
5 there's no correspondence in the file either for or against.
6 We'll open it to public comment.

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

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

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

17 What, 14 people calling in?

18 JAMES RAFFERTY: [Laughter]

19 JIM MONTEVERDE: No, no one is calling in. I will
20 close public testimony. Any discussion among Members of the
21 Board? If not, I will move to a motion.

22 The Chair makes a motion to grant relief from the

1 requirements of the Ordinance under Sections 5.31 and that
2 really has to do with a window located in the rear setback;
3 8.22.3 for a Nonconforming Structure; and 10.30 for a
4 Variance.

5 And Mr. Rafferty kindly described already why
6 we're here in bureaucracy land and why this is a variance
7 and not a special permit for a window. So I think the
8 hardship has been demonstrated there.

9 On the condition that the work proposed conforms
10 to the drawings entitled, "11 Perry Street, Cambridge,
11 Massachusetts," prepared by Torrey Architecture, dated
12 October 29, 2024; initialed and dated by the Chair.

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

16 On a voice vote among the Board Members please?
17 Virginia?

18 VIRGINIA KEESLER: In favor.

19 JIM MONTEVERDE: Thank you. Steven?

20 STEVEN NG: In favor.

21 JIM MONTEVERDE: Thank you. Daniel?

22 DANIEL HIDALGO: In favor.

1 JIM MONTEVERDE: Thank you. Thomas?

2 THOMAS MILLER: In favor.

3 JIM MONTEVERDE: And Jim Monteverde in favor.

4 [All vote YES]

5 JIM MONTEVERDE: That's five in favor; relief is
6 granted.

7 JAMES RAFFERTY: Thank you very much, Mr. Chairman

8 --

9 JEFF ROBERTS: Thank you, Mr. Rafferty.

10 JAMES RAFFERTY: -- and the Board. Have a good
11 evening.

12 JIM MONTEVERDE: Thank you. You too.

13 JAMES RAFFERTY: Thank you.

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(7:45 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Thomas Miller

JIM MONTEVERDE: All right, we're back. Next case is BZA 1143807 -- 216 Banks Street. Is there anyone calling in to discuss this case with us, or to present this case to us?

NATHAN WONG: Yes. Thank you, Mr. Chair, and Members of the Board.

JIM MONTEVERDE: Great. Can you introduce yourself, please?

NATHAN WONG: I'm Nathan Wong from NCP Management, representing ownership for this multifamily residence at 216-218 Banks Street. I can't see from the Zoom screen, but I believe that I'm joined tonight by our architect, Vince Pan, who leads the design team at Analogue Studio.

This property was originally building in the late 1890s, and it's been in our control since 2013. During this time, it served as residence to a host of mostly graduate students and working professionals, but -- you know, in the decade plus, given the age of the building and its declining

1 condition, we think that the building is overdue for some
2 improvements that would benefit future residents.

3 Over the past year, we've been working with Vince
4 and his team to work on a set of renovation plans, which are
5 all -- I would describe them as modest in nature. So we're
6 in front of the Board today to walk through this proposed
7 set of changes.

8 I'm going to turn this over to Vince in just a
9 second, but to underscore just a couple of highlights, we
10 are not looking to make any additions or add any additional
11 GFA. Moreover, our proposal aims to keep the number of
12 units exactly as they stand, as it currently sits.

13 Vince, over to you.

14 VINCE PAN: So the proposal, as Nathan mentioned,
15 is to renovate this building and --

16 JIM MONTEVERDE: Can you introduce yourself,
17 please?

18 VINCE PAN: Oh, Vince Pan, Analogue Studio. We're
19 an architecture firm also based in Cambridge, right on River
20 Street. As Nathan mentioned, we've been working on this for
21 the better part of a year now, this renovation.

22 So what we see here is the proposed and existing

1 site plans for the project. The envelope of the building is
2 remaining unchanged, with the exception of two dormers that
3 are being added on the third floor.

4 We are also -- you may notice eliminating one of
5 two entrances on the left side of the building. If you look
6 at the right plan, there's the entrance on both sides; now
7 there's an entrance only on one side.

8 And changing some access at the back. I've tried
9 to consolidate the number of entrances. Right now, I think
10 there's five separate entrances to this building, and we are
11 consolidating those down to one main entrance.

12 But the relief that's being sought (sic) here for
13 a special permit is because we are within the setbacks and
14 proposing to add some windows; eliminate a door, make some
15 changes to exterior openings. That's what we're here before
16 the Board for today.

17 And as Nathan mentioned, it's a fairly modest
18 renovation. The number of units are staying the same.
19 Their layout is changing slightly, but the whole envelope
20 will be replaced with new siding windows, doors, that all
21 meet current energy codes, and will be an asset to the
22 community for years to come, so.

1 We can walk through the floor plans and
2 elevations, if that's helpful.

3 JIM MONTEVERDE: Yeah, if you can walk us through
4 an either plan or elevation and just point out the proposed
5 modifications that require relief and --

6 VINCE PAN: Sure. Yeah, we can go -- let's go
7 ahead to the elevations.

8 I'm not sure who's driving -- yeah, there we go.

9 So on the right, we see the existing elevation and
10 on the left, the proposed. So on this side facing Banks
11 Street, the bay windows, and the window up at the top in
12 gable are all staying basically exactly as they are.

13 There is a door to access the basement unit right
14 now on this side. We're replacing it with a window and
15 adding one window down in the basement that you can see on
16 the left there.

17 And you can see the dormer here on the left side.
18 That's being added.

19 You can go to the next elevation.

20 So on this side, there's three windows on the --
21 the right-hand side of an image of the elevation that are
22 staying the same location, same dimension. That door that I

1 mentioned previously is now a window, so that's being made a
2 little bit smaller opening, and we're adding some windows,
3 both on the sort of front half and the back addition.

4 Windows in the basement are changing locations,
5 but mostly probably around the same net size. And then we
6 have those two dormers up at the top.

7 The dormers have been designed to be -- to fall
8 within the Guidelines for Dormers, and they do fall within
9 the setback. So we're not requesting any relief for those.
10 Those should be as-of-right.

11 And then if we can keep going probably around to
12 the back?

13 Here you see where we are adding four sets of
14 double windows where there are very, very small windows
15 right now. But the pair of windows at the top of the gable
16 is the same as it currently is.

17 And in the last elevation, similar to the other
18 side, again, the windows toward the street are staying very
19 similar. The doors stay quite similar, but the two windows
20 next to the right of the door are becoming double windows
21 and we're adding a few windows in the back in the previous
22 --

1 JIM MONTEVERDE: Thank you. So if I read the
2 Dimensional Form correctly, and your proposed site plan,
3 it's all of the openings that you're modifying in the --
4 I'll call the front two-thirds of the building, since
5 they're all -- that building sits within all of the
6 setbacks; front, rear, left, and right?

7 VINCE PAN: Yes.

8 JIM MONTEVERDE: Many of those openings require --
9 are part of the special permit?

10 VINCE PAN: That's correct. And I'd say probably
11 40 percent of the openings are remaining unchanged. I mean,
12 we're putting new windows, but the size of the --

13 JIM MONTEVERDE: Right.

14 VINCE PAN: They're staying the same, and then the
15 rest aren't really being eked or added or --

16 JIM MONTEVERDE: Yep.

17 VINCE PAN: -- enlarged.

18 JIM MONTEVERDE: Okay. And then the only other
19 question I have, or comment, is I notice on your Dimensional
20 Form -- when you add the two dormers, dormers typically add
21 some square footage. But there's nothing listed under the
22 requested condition. In other words, not showing that the

1 floor area increases. Is that correct?

2 VINCE PAN: That is correct, because the way we've
3 done that is to rebalance the units in the building. So
4 what previously -- if you look at the basement floor plan,
5 this might become a little bit more evident -- there was a
6 much larger unit in the basement that we are actually making
7 smaller, so that we can make the third-floor unit, which is
8 more appealing, gain that little bit of extra square
9 footage. And the basement unit can be a little bit more
10 right size for a basement unit.

11 JIM MONTEVERDE: Okay.

12 VINCE PAN: So --

13 JIM MONTEVERDE: Yep.

14 VINCE PAN: Correct, Olivia, you had it at page 8.

15 JIM MONTEVERDE: Yep.

16 VINCE PAN: First slide in.

17 JIM MONTEVERDE: Yep. Okay.

18 VINCE PAN: I think it's after this. Yeah.

19 JIM MONTEVERDE: Understand. Okay. Thank you.

20 Board Members, any questions? If not, there is no
21 correspondence in the file either for or against, so I'll
22 open it up to Members of the public who are calling in.

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

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

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

11 Anybody calling in?

12 No one calling in, so we will close public
13 testimony. Any discussion among Members of the Board? If
14 not, I will move to a motion. This is a special permit.

15 The Chair makes a motion to grant relief from the
16 requirements of the Ordinance under Sections 5.31, and that
17 is specifically for the areaway in the front yard setback
18 and the openings, windows, doors, et cetera. on the façades
19 on the front, rear, left and right-side setbacks that are
20 within the setback.

21 And Section 8.22.2.c for a Nonconforming
22 Structure, and Section 10.40 for a Special Permit; and I

1 will read that criteria.

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

4 b) Traffic generated or patterns of access or
5 egress would cause congestion, hazard, or substantial
6 change. It will not.

7 c) The continued operation of or the development
8 of the adjacent uses as permitted in this Zoning Ordinance
9 would be adversely affected. It will not.

10 d) Nuisance or hazard would be created to the
11 detriment of the health, safety, and/or welfare of the
12 occupant of the proposed use. It will not.

13 e) And for other reasons, the proposed use would
14 impair the integrity of the district or adjoining district.
15 And it will not.

16 So it complies with the criteria for Section 10.43
17 for a Special Permit.

18 On the condition that the work proposed conform to
19 the drawings entitled, "216-218 Banks Street," prepared by
20 Analogue Studios, dated November 18, 2024; initialed and
21 dated by the Chair.

22 And further, that we incorporate the supporting

1 statements and Dimensional Form submitted as part of the
2 application.

3 On a voice vote, please, Board Members?
4 Virginia?

5 VIRGINIA KEESLER: In favor.

6 JIM MONTEVERDE: Thank you. Steven?

7 STEVEN NG: In favor.

8 JIM MONTEVERDE: Thank you. Daniel?

9 DANIEL HIDALGO: In favor.

10 JIM MONTEVERDE: Thank you. Thomas?

11 THOMAS MILLER: In favor.

12 JIM MONTEVERDE: And Jim Monteverde in favor.

13 [All vote YES]

14 JIM MONTEVERDE: That's five in favor. The relief
15 is granted.

16 NATHAN WONG: Thank you very much.

17 JIM MONTEVERDE: Thank you. You're welcome.
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* * * * *

(8:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Thomas Miller

JIM MONTEVERDE: We're back. Next case and last case is BZA 1145038 -- 177 Hancock Street.

Is there anyone calling in to present this one to us?

KELLY BOUCHER: Yes.

BRINN SANDERS: Hello.

KELLY BOUCHER: My name is Kelly Boucher. I'm the Project Architect for 177 Hancock Street. And my business address is 54 Harvard Street in Brookline, Massachusetts.

I'm joined by Brinn Sanders, who is the homeowner, tonight as well.

JIM MONTEVERDE: Very good. Can you walk us through what's being modified and what you need relief for?

KELLY BOUCHER: Sure. Olivia, if you could pull up the presentation? You can go right to the site plan, which is A010 I think is a good place to start. Here's our existing site plan.

The building, as you can see, is located in all

1 four of its setbacks -- front, sides, and rear. It's on an
2 odd-shaped lot that is -- does not meet the size for Zoning
3 Requirements, and the house is already existing over the
4 allowable GFA and building height.

5 We are proposing to restore the property, and
6 we're not adding any additions or expanding outside of our
7 existing building envelope, but we are looking to change
8 windows in the setback, including at the basement level,
9 which will create some egress windows for living space down
10 there, but will also affect the building height by reducing
11 the average grade.

12 So from this site plan, you can see those area
13 wells. There's one facing the front, two facing the left
14 side, and one at the rear. And if you want to, Olivia, if
15 you could switch to the elevation sheets, I can show you the
16 windows that we're looking to change.

17 So existing elevations are shown along the top,
18 proposed along the bottom. So all four sides are getting
19 slight window modifications. Our project was reviewed and
20 approved by the Mid Cambridge Historic Conservation District
21 last month, and we received a Certificate of
22 Appropriateness.

1 The changes are minor in nature and are pretty
2 consistent with other things that have been at the Board
3 this evening.

4 So that's the front elevation on the left --
5 bottom left -- proposed right-side elevation on the bottom
6 right.

7 And if you could scroll to the next elevation
8 sheet? Great, thank you.

9 So the bottom left side is our proposed rear
10 elevation, and you can see there's a new walk out egress
11 door as well as a window, and some new windows for the main
12 house, as well as two window wells being changed on the
13 side, and the left side elevation.

14 So that is what we are proposing to do. Fairly
15 straightforward; special permit relief for windows occurring
16 in the setback, as well as the change in setback formula,
17 because our building height is slightly changed due to the
18 area wells.

19 JIM MONTEVERDE: Yep. Okay. Thank you.

20 KELLY BOUCHER: Thank you.

21 JIM MONTEVERDE: Any questions from Members of the
22 Board? If not, I have one, Kelly. And if you go back to

1 the -- if I read the site plan correctly, left side, where
2 we're adding -- proposing a light well --

3 KELLY BOUCHER: Yep.

4 JIM MONTEVERDE: -- egress windows, will there be
5 a cover on those of some type?

6 KELLY BOUCHER: No, there's not going to be a
7 walking surface on the side of them, and they're not going
8 to be deep enough to require fall protection. Actually, you
9 can see them. They're in that lower right elevation.

10 JIM MONTEVERDE: Yep.

11 KELLY BOUCHER: Those windows are for light and
12 not for -- and they don't need to be really deep for egress.
13 Actually, the front of the basement sticks up quite far.

14 JIM MONTEVERDE: Right. Yeah, my typical concern
15 -- when it's this tight in the side yard setback -- is
16 really for someone like a first responder, an emergency;
17 someone trying to get down that side of the house with a
18 fire hose --

19 KELLY BOUCHER: Mm-hm.

20 JIM MONTEVERDE: -- or if someone is in the back
21 and trying to get to the back of the property and going down
22 that side.

1 With something that tight to the property line, I
2 am -- I prefer these things to have a cover, whether they
3 need it or not, based on their depth. So as anyone walking
4 down this thing in the dead of night isn't just going to
5 fall into the thing.

6 But that's my opinion.

7 KELLY BOUCHER: Yeah, we're happy to consider
8 that. Brinn -- we could talk about that after.

9 JIM MONTEVERDE: Yeah. If you would, please. I
10 would appreciate that.

11 KELLY BOUCHER: Mm-hm. We will -- which isn't
12 shown on this, as it's not part of our easy application, but
13 there will be some fencing along there too. And maybe with
14 the fencing we could make it so that it's not even possible
15 to walk there --

16 JIM MONTEVERDE: No.

17 KELLY BOUCHER: -- from --

18 JIM MONTEVERDE: That would be worse.

19 KELLY BOUCHER: Okay.

20 JIM MONTEVERDE: -- in my opinion. Because
21 basically what you have now is the opportunity for -- and
22 it's typically preferred for especially, you know, an

1 emergency responder or firefighter -- you've got access to
2 this building on four sides. To shut off one of those
3 sides, that's not something I would recommend.

4 KELLY BOUCHER: Understood. It is quite -- this
5 neighborhood is quite tight over there.

6 JIM MONTEVERDE: Yeah, yeah, exactly. And wood.

7 KELLY BOUCHER: Yeah.

8 JIM MONTEVERDE: Okay. Any other questions from
9 Members of the Board? If not, there's one piece of
10 correspondence in the file. And I have a question mark on
11 it, because I'm not sure it's relevant to our Zoning
12 discussion.

13 KELLY BOUCHER: Yeah. And it --

14 JIM MONTEVERDE: Let me just summarize it --

15 KELLY BOUCHER: Mm-hm.

16 JIM MONTEVERDE: -- and then ask Staff's opinion.
17 We have a letter from Michael Rodman and Lorraine Banyra at
18 175 Hancock Street. They -- and I'll quote a couple
19 sentences. It says, "Most of the improvements that are
20 shown here greatly improve this property, which currently
21 looks somewhat rundown." Then they say, "We do take issue,
22 however, with the planned driveway cut on 185 Hancock Street

1 side of their property."

2 And they address these concerns in the documents
3 submitted for MC-7172, which I assume would go to the Mid
4 Cambridge Conservation Commission --

5 KELLY BOUCHER: Yes.

6 JIM MONTEVERDE: Which -- we don't have
7 correspondence from them in our file. Did they make any
8 comments?

9 KELLY BOUCHER: They did not make any negative
10 comments about the driveway. We had a lively discussion
11 about the front door, and also some fencing. The driveway
12 is actually an as-of-right; is allowed to be there.

13 So we don't need to relief from the Zoning Board
14 to put it in. There's enough room between the right side of
15 the building and our property line to get a conforming
16 parking driveway in there, as well as still meet all of our
17 open space requirements.

18 JIM MONTEVERDE: Okay. Thank you. And as far as
19 the Mid Cambridge Conservation Commission, so if they didn't
20 have any -- state any objections, that's fine. There's
21 usually some typical language that they want you to go back
22 with details, colors, materials, et cetera. Did you get any

1 comment like that?

2 KELLY BOUCHER: We have been working with Allison
3 throughout -- even between when we had our hearing and when
4 we did our BZA application. There was a few tweaks that
5 were administratively handled, so --

6 JIM MONTEVERDE: Mm-hm.

7 KELLY BOUCHER: I don't believe there's special
8 language that I can think of in our certificate. We did
9 have a nonbinding review from them.

10 JIM MONTEVERDE: Uh-huh.

11 KELLY BOUCHER: Just because of our project was --
12 was not an increase in floor area, or to trigger their
13 binding review requirements.

14 JIM MONTEVERDE: Gotcha. Okay. So that is the
15 one piece of correspondence we have in the file. I will
16 open it up to public comment.

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

22 I'll now ask Staff to unmute speakers one at a

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

5 STEPHEN NATOLA: Michael Rodman?

6 [Pause]

7 JIM MONTEVERDE: Michael, are you calling in? Are
8 you on mute?

9 MICHAEL RODMAN: Okay. Now can you hear me?

10 JIM MONTEVERDE: Yeah. Can you introduce
11 yourself, please?

12 MICHAEL RODMAN: Okay. I'm Michael Rodman. I
13 submitted that letter -- me and my wife. The -- and it may
14 be we're -- maybe there's a different agenda or a meeting
15 where we should express our objections to this. There will
16 be objections from other community members that we've talked
17 to.

18 So rather than -- if you want me to keep speaking
19 about my objections, I will but is this -- if this is for
20 another meeting, I will just attend that meeting. So what
21 would you prefer?

22 JIM MONTEVERDE: So a curb cut typically doesn't

1 come to the Zoning Board. And it's a curb cut application
2 that would go, as Staff is telling me, to the City Council.

3 MICHAEL RODMAN: Okay.

4 JIM MONTEVERDE: So I think you do have another
5 audience for this, and it's not --

6 MICHAEL RODMAN: Okay.

7 JIM MONTEVERDE: -- this one this evening.

8 MICHAEL RODMAN: Well, then I will present
9 everything at the --

10 JIM MONTEVERDE: Yeah, or call in to ISD just to
11 confirm that that's correct and what the process would be
12 for you to pursue this.

13 MICHAEL RODMAN: Okay.

14 JIM MONTEVERDE: All right?

15 MICHAEL RODMAN: Sounds good.

16 JIM MONTEVERDE: Thank you.

17 MICHAEL RODMAN: Thank you.

18 JIM MONTEVERDE: Yes. Thank you for calling in.
19 Anybody else calling in? No? That's it? I will close
20 public testimony.

21 Any discussion among Members of the Board?

22 KELLY BOUCHER: Oh, can I ask a question? I don't

1 know if it's out of order.

2 JIM MONTEVERDE: No, go ahead.

3 KELLY BOUCHER: I see on the screen that there's
4 -- year drawings have several dates on them. I want to make
5 sure that we're talking about the drawings that are dated
6 01/06/25, which is from Monday.

7 JIM MONTEVERDE: Yep. That's the ones that we
8 have in the file.

9 KELLY BOUCHER: Perfect. I think there's a few
10 pages before that that are an older date, and maybe it's a
11 very large PDF?

12 JIM MONTEVERDE: Oh.

13 KELLY BOUCHER: See, I think -- I think somehow
14 there's two, two dates in one big file. I want to just make
15 sure -- yes --

16 JIM MONTEVERDE: Okay.

17 KELLY BOUCHER: -- that we're using the January 6
18 date as the -- effectively they're the same, it's just a
19 stair window change on the renovation sheet.

20 JIM MONTEVERDE: Everything we have in the file,
21 not what you're seeing on the screen, but what's in the file
22 --

1 KELLY BOUCHER: Oh.

2 JIM MONTEVERDE: -- is the January 6, 2025, so I
3 think we're all set.

4 KELLY BOUCHER: Perfect. Thank you.

5 JIM MONTEVERDE: Thank you. You're welcome.

6 Close public -- is there any discussion among Members of the
7 Board?

8 STEVEN NG: Yeah, Jim, it's Steven Ng. I agree
9 with you on I think we should have a condition where those
10 wells are -- provide some kind of break or cover, because
11 boy, if your abutter puts a fence up or something, you're
12 walking right over that. So.

13 JIM MONTEVERDE: Yeah.

14 STEVEN NG: I'd like that as a condition of
15 approval.

16 JIM MONTEVERDE: Okay. Thank you.

17 KELLY BOUCHER: Yeah, we can add --

18 JIM MONTEVERDE: Kelly, is that something --

19 KELLY BOUCHER: -- a metal grate and inswing to
20 the windows.

21 JIM MONTEVERDE: Yeah. However you achieve it.
22 But I think if we just mention it if we list -- we include

1 the condition that those window wells, I think that's on the
2 left side setback --

3 KELLY BOUCHER: Mm-hm.

4 JIM MONTEVERDE: -- have a cover; some type of
5 cover so that someone can't fall into it, then if you're
6 okay with that, then we'll invent some type of condition
7 like that, if that's okay.

8 KELLY BOUCHER: That's fine. Thank you.

9 JIM MONTEVERDE: Okay. Thank you, Steven.

10 Any other discussion among Members of the Board?
11 If not, I will move to a motion, and this is a special
12 permit.

13 The Chair makes a motion to grant relief from the
14 requirements of the Ordinance under Sections -- this is
15 5.31. 5.31 specifically deals with all of the opening
16 modifications that are being made on the front, rear, left
17 side and right side because it's all sitting within the
18 setback.

19 For the height of the building, which really has
20 to do with the new areaways that increases the height, I
21 think that's it for Form 5.31. And Sections 8.22.2.d and .c
22 for a Nonconforming Structure and 10.40 for a Special

1 Permit. And I will read that criteria.

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

4 b) Traffic generated or patterns of access or
5 egress would cause congestion, hazard, or substantial
6 change. It will not.

7 c) Continued operation of or the development of
8 the adjacent uses as permitted in the Zoning Ordinance would
9 be adversely affected. It will not.

10 d) Nuisance or hazard would be created to the
11 detriment of the health, safety, or welfare of the occupant.
12 It will not.

13 e) And for other reasons, the proposed use would
14 impair the integrity of the district or adjoining district.
15 And it will not.

16 So it complies with all of -- meets all of the
17 criteria under Section 10.43 for a Special Permit.

18 On the condition that the work proposed conform to
19 the drawings entitled, "117 Hancock Street," prepared by
20 Kelly Boucher Architecture, dated January 6, 2026; initialed
21 and dated by the Chair.

22 And further, that we incorporate the supporting

1 statements and Dimensional Form submitted as part of the
2 application.

3 And further, that the special permit is granted
4 incorporating a cover that would support a person walking
5 across the proposed light wells that are proposed in the
6 left-side setback.

7 Board Members, on a voice vote, please? Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Thank you. Steven?

10 STEVEN NG: In favor.

11 JIM MONTEVERDE: Thank you. Daniel?

12 DANIEL HIDALGO: In favor.

13 JIM MONTEVERDE: Thank you. Thomas?

14 THOMAS MILLER: In favor.

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

17 [All vote YES]

18 JIM MONTEVERDE: Relief is granted.

19 KELLY BOUCHER: Thank you very much.

20 JIM MONTEVERDE: Thank you.

21 KELLY BOUCHER: Have a good evening.

22 JIM MONTEVERDE: You too.

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KELLY BOUCHER: Have a good night.

JIM MONTEVERDE: Have a good evening. Thank you.

1 JIM MONTEVERDE: Board Members, if you can stick
2 around for one more minute? Let me just give you an update
3 on the -- my dormer story. So -- sorry, let me just sign
4 this.

5 So I think the last time I gave you an update,
6 Bill Boehm and I had appeared before the City Council -- oh,
7 the Ordinance Committee, which is really the entire Council
8 and discussed -- presented the petition that we had drafted.

9 And several Councillors had -- they had a variety
10 of questions, but the ones that stuck were having to deal
11 with the length of the dormers. And they were Councillors
12 who preferred that we not limit the length of the dormers,
13 and simply required that they be, as the Dormer Guidelines
14 are now, that they held back from the edge of the roof by
15 3.6 I think is the dimension.

16 They directed Staff -- and that was Community
17 Development and the Legal Department -- to revise the
18 language of the petition to reflect and give them options on
19 the length of the dormer; either keep the verbiage as we had
20 prepared it or modify it to what some of the Councillors
21 were suggesting -- which, again, is the length of the roof
22 minus 3'6" on each end.

1 There was a final presentation to the Council.
2 Bill attended remotely, I attended in person, and I was
3 offered the opportunity to speak.

4 When the Councillors went to a vote, they voted to
5 accept the modified language that allows the dormer to be
6 the length of the roof minus 3'6' on either end, to my
7 chagrin. So as I understand, that will be -- whatever comes
8 out, when it gets issued formally, that is what the dormer
9 amendment that we proposed turned into.

10 Firstly, I regret it. And if I could have figured
11 out a way to withdraw the petition, I would have, but I
12 didn't. And it got done. So --

13 DANIEL HIDALGO: So this was passed by the
14 Council, not just out of the Ordinance Committee, this was
15 passed from the --

16 JIM MONTEVERDE: This is passed by the Council.

17 DANIEL HIDALGO: Okay.

18 JIM MONTEVERDE: So it's a done deal.

19 DANIEL HIDALGO: Wow.

20 JIM MONTEVERDE: I'm just waiting for us all to
21 get, you know, a copy of the final paperwork to put in our
22 folders to tell us what that change is. But it was under --

1 and I'm guessing here -- 8.22.1.d is where we offered our
2 modifications. It was a one- or two-family dwelling.

3 DANIEL HIDALGO: Mm-hm.

4 JIM MONTEVERDE: And this was to take -- what the
5 Ordinance said now is as long -- you could create a dormer
6 if it didn't need any relief for square footage, which is
7 typically impossible. With a dormer in --

8 DANIEL HIDALGO: Right.

9 JIM MONTEVERDE: -- you're going to get some
10 square footage. So what our petition did was remove that.

11 DANIEL HIDALGO: Mm-hm.

12 JIM MONTEVERDE: [Unclear] said, no, if you meet
13 the other criteria and the criteria was the width, and we
14 had no more than -- we made it half of the roof length, and
15 the petitioner -- the Councillors had the opinion that it
16 should be -- and they were aware of instances in their
17 neighborhoods where they saw neighbors who had dormers that
18 were of greater length and the entire length of the roof,
19 and they thought those were fine. So they changed it to
20 that.

21 DANIEL HIDALGO: So the effect will be just much
22 larger dormers than we've been typically --

1 JIM MONTEVERDE: Yep. As-of-right, which means
2 that we'll never see them. Unless they have some other
3 thing that they --

4 DANIEL HIDALGO: Right, right.

5 JIM MONTEVERDE: -- need relief for, they're not
6 going to come to -- don't be surprised if you see them in a
7 set of drawings and someone tells us they're as-of-right,
8 because --

9 STEVEN NG: Yeah, or until residents start
10 complaining about something that --

11 JIM MONTEVERDE: Yeah, exactly.

12 STEVEN NG: Right? So --

13 JIM MONTEVERDE: Or if it's subject to Historic
14 Commission or Neighborhood Conservation Commission.

15 Frankly, I think the City needs the Design
16 Commission. So it didn't exactly turn out the way we wrote
17 it. But just so you all know, that's where it went.

18 DANIEL HIDALGO: Did CDD sign off on that, or did
19 they - or just Councillors?

20 JIM MONTEVERDE: They weren't commenting one way
21 or the other.

22 DANIEL HIDALGO: Yep.

1 JIM MONTEVERDE: Their direction was just to write
2 it that way.

3 DANIEL HIDALGO: I see. Okay.

4 JIM MONTEVERDE: So it came from the Council
5 Members who were on -- who sat on the Ordinance Committee,
6 and my understanding is all the Councillors --

7 DANIEL HIDALGO: Yeah.

8 JIM MONTEVERDE: -- technically sit on the
9 Ordinance Committee.

10 DANIEL HIDALGO: Yep.

11 JIM MONTEVERDE: And then it came up again. It
12 was -- that's the way it was discussed during the vote by
13 the Council.

14 DANIEL HIDALGO: Okay.

15 JIM MONTEVERDE: So regrettably, that's what it's
16 going to be. Unless someone wants to file another petition,
17 but I have a funny feeling the way the Council's reacted, it
18 would never get through. So that's where it was.

19 DANIEL HIDALGO: Okay. There's a moral to that
20 story. Careful when you file a petition.

21 JIM MONTEVERDE: Yeah. "Hoisted on my own
22 petard." That's my favorite Shakespeare quote.

1 All right, that's it.

2 DANIEL HIDALGO: All right.

3 JIM MONTEVERDE: I just want to let everybody
4 know.

5 DANIEL HIDALGO: Okay, goodnight.

6 JIM MONTEVERDE: Right?

7 STEVEN NG: Thank you.

8 JIM MONTEVERDE: Thank you all. Goodnight.

9 STEVEN NG: Bye.

10 JIM MONTEVERDE: Bye-bye.

11 [08:20 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

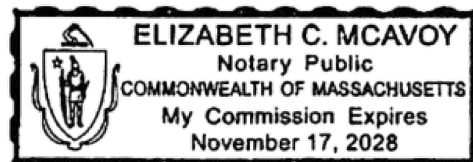
In witness whereof, I have hereunto set my hand this
15th day of January 2025.

Elizabeth C. McAvoy

Notary Public

My commission expires:

November 17, 2028



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