BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING
THURSDAY April 10, 2025

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
Wendy Leiserson
Zarya Miranda

City Employees
Stephen Natola
Olivia Ratay

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I N D E X

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BZA-285359 -- 100 OTIS STREET #1 13
Original Hearing Date: 10/10/24
NOT HEARD

BZA-1152107 -- 12 HUBBARD PARK ROAD 15
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NOT HEARD

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P R O C E E D I N G S

* * * * *

(6:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia Keesler, Daniel Hidalgo, Wendy Leiserson, and Zarya Miranda

JIM MONTEVERDE: Good evening and welcome to the April 10, 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 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, and applicants, and members of the public will state their name before speaking. All votes will be taken by roll call.

Members of the public will be kept on mute until

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

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

STEPHEN NATOLA: Zarya Miranda?

ZARAYA MIRANDA: Present.

STEPHEN NATOLA: Steven Ng?

STEVEN NG: Present.

STEPHEN NATOLA: Virginia Keesler?

VIRGINIA KEESLER: Present.

STEPHEN NATOLA: Daniel Hidalgo?

DANIEL HIDALGO: Present.

STEPHEN NATOLA: Wendy Leiserson?

WENDY LEISERSON: Present.

JIM MONTEVERDE: Thank you. I think Wendy, you're just -- you're not involved in the first case?

WENDY LEISERSON: Correct.

JIM MONTEVERDE: Right? Okay.

* * * * *

(6:04 p.m.)

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

JIM MONTEVERDE: First case I'm going to call, a continued case -- is Case No. 1149291, 29 Mount Auburn Street.

Is there anyone calling in on signage at St. Paul's Church? Pamela Jagiello or Michael Cohen?

STEPHEN NATOLA: Jason Parillo.

JASON PARILLO: Yes, I'm present.

JIM MONTEVERDE: Hi. Can you identify yourself and --

JASON PARILLO: Yes. My name is Jason Parillo. I am with Pro Sign Service. And my petition tonight is for the Verizon sign –

JIM MONTEVERDE: No. Too early. Hold on. You are ahead of the schedule. Come back.

JASON PARILLO: I'll be here.

JIM MONTEVERDE: All right. You are part on our main agenda; you can come back at 6:30.

JASON PARILLO: Thank you.

MONTEVERDE: We appreciate your enthusiasm, though. Dully noted.

All right. How about anyone calling in on 29 Mount Auburn? Signage at St. Paul's Church?

DOUGLAS LEE: Hi. My name is Douglas Lee. I'm the Finance and Operations Manager for St. Paul's Parish.

JIM MONTEVERDE: Great.

TOM GRAVE: And this is Tom Grave. I'm here with Signarama. I presented last time --

JIM MONTEVERDE: Yep. Okay.

TOM GRAVE: -- for this body.

JIM MONTEVERDE: Very good. Can you call up one graphic?

Let me just help this along. So I think it's -- last time when we met, you were here before on February 27 -- there's a photo of you. And we went through your presentation. We're going to bring up a graphic, just to confirm that this is still the sign that we're talking about.

DOUGLAS LEE: Yes, that's correct.

JIM MONTEVERDE: That's it?

DOUGLAS LEE: And as you recall -- yes. And then

we had the Circle Board meeting, right? the following week, and so, the --

JIM MONTEVERDE: Right.

DOUGLAS LEE: -- request to come back --

JIM MONTEVERDE: Yeah.

DOUGLAS LEE: -- after that Board meeting, yep.

JIM MONTEVERDE: Exactly. That's why we continued it; we wanted to make sure the Historic Commission had done that meeting and had any comments.

And we have correspondence from the Cambridge Historic Commission, a Certificate of Appropriateness. This is dated April 10, 2025.

And it says that the work described below is not incongruous to the historic aspects or architectural character of the building or district.

And it describes to install one non-illuminated wall sign on the west-facing DeWolfe Street façade at a height of greater than 20' above grade; that's really the issue that brought you here.

Work is to be carried out as shown in the sign renderings by Signs by J, submitted with the application for the certificate and approval is granted on the understanding

that the method of installation will not involve adhesive on the masonry.

And lastly, the typical language that says, "This certificate is granted upon the condition that the work authorized herein is commenced within six months after the date of issue.

If the work authorized by the certificate is not commenced within six months after the date of issue, or if such work is suspended in significant part for a period of one year after the time the work has commenced, then this certificate shall expire and be of no further effect."

So we have the letter from the Historic Commission, a Certificate of Appropriateness. So unless -- do you have anything else to present? Any new news, or is that basically it?

DOUGLAS LEE: That's really it.

JIM MONTEVERDE: Okay.

DOUGLAS LEE: We were happy to get their blessing --

JIM MONTEVERDE: Okay.

DOUGLAS LEE: -- and go back to request the approval.

JIM MONTEVERDE: All right. One quick question. I noticed in driving by, there's a new sign on the Mount Auburn Street face of the -- it's the back side of the church. I assume that didn't require any relief because it's lower than 20', is that correct?

DOUGLAS LEE: Correct, yep.

JIM MONTEVERDE: Okay.

DOUGLAS LEE: So it is permitted, but it didn't require -- yeah, didn't require an appeal.

JIM MONTEVERDE: Okay. Thank you. Any questions from Members of the Board? If not, I'll open it up to public comment. We have no correspondence in the file besides what I just read from the Historic Commission. So I'll open it up to public comment.

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

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

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

All right. No one is calling in. So we will close public testimony.

Any discussion among Members of the Board? If not, I would like to remind the Board that St. Paul's as a religious institution -- and this is a Religious Use -- uniquely falls under federal regulations that are -- this doesn't exactly roll off my tongue, so I'll spell it -- it's the initials R.L.U.I.P.A -- RLUIPA. And I will quote.

It says, "Land Use Requirements cannot be applied to a Religious Use if the requirement substantially burden the use and if the Board cannot -- "Board" -- this Board -- cannot articulate compelling government interest that would be impacted if the Zoning Regulations were not applied, as well as demonstrate that the Board use the least restrictive means in applying the requirements."

To me personally, it means this signage is really a de minimis item, and we have -- at least personally I feel we would have -- little standing to be able to object to it.

So I myself will vote in favor, and I hope that the rest of you feel the same.

With that said, I will make a motion.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 7.16.22.c for a wall sign, and 10.30 for a Variance on the condition that the work proposed conforms to the drawings entitled -- we're using the graphics that were submitted with the sign certification application that's in our file, so I will use that to initial it -- initialed and dated by the Chair.

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

Further, that the Variance is granted incorporating the following conditions: and those conditions are the ones I just referred to in the memo from the Cambridge Historic Commission; that being the work is installing one nonilluminated sign, height greater than 20' -- the work carried out as shown on the sign renderings prepared by Signs by J.

And approval is granted understanding that the installation will not involve adhesive on the masonry.

So on a voice vote, please, Board Members?

STEVEN NG: In favor.

JIM MONTEVERDE: Thank you. Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Thank you. Zarya?

ZARAYA MIRANDA: In favor.

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

[All vote YES]

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

DOUGLAS LEE: Thank you very much. Appreciate it.

TOM GRAVE: Thank you.

JIM MONTEVERDE: You're welcome.

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(6:13 p.m.)

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

JIM MONTEVERDE: Next case is BZA-285359 -- 100 Otis Street #1. And I believe we have correspondence. We have a letter dated April 7 from Michael McKee from 100 Otis Street, asking us to withdraw their application. I'm assuming that's withdraw without prejudice.

This says -- and I'll read it -- "With regard to our request for a variance, BZA Case 285359 -- the zoning amendment enacted by the City Council in January of this year eliminated the barriers that required the variance. So we are writing to request that our case be withdrawn."

It also goes on to say, "We have since reached an understanding with our condominium neighbors and have secured their approval for the work. We would be submitting application to ISD for our building permit in the coming weeks to start that process.

"Thank you very much for your help and understanding."

So this is a case to be withdrawn. So I will make a motion. This is a motion to grant relief from the requirements or withdraw the case at BZA-285359 for 100 Otis Street #1 to be withdrawn without prejudice.

On a voice vote, please? Wendy?

WENDY LEISERSON: Approved.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Thank you. Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Thank you. Steven?

STEVEN NG: In favor.

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

[All vote YES]

JIM MONTEVERDE: So the case is withdrawn.

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(6:16 p.m.)

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

JIM MONTEVERDE: The next case is -- this is another withdrawal -- BZA 1152107 -- 12 Hubbard Park Road. Yeah. One second, please.

So we have -- and if you can all see it on the screen -- a letter dated March 5, 2025, from Attorney Rhatigan, reading, "Enclosed, please find our filing in connection -- " no, sorry, this is the application; there is a letter that withdraws this. Here we go.

April 7, 2025, from Attorney Rhatigan: "On behalf of the petitioner, we request a withdrawal of the above-referenced Board auxiliary appeal application without prejudice." And again, this is BZA Case 1152107, at 12 Hubbard Park Road.

So on a voice vote, please, to withdraw this letter without prejudice, Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Thank you. Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Thank you. Steven?

STEVEN NG: In favor.

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

[All vote YES]

JIM MONTEVERDE: That's five affirmative. The case is withdrawn without prejudice. Now we have to take a break until 6:30. So Zaraya, thanks for joining us. But the rest of you please come back at 6:30. Lock it in. Thanks.

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(6:30 p.m.)

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

JIM MONTEVERDE: The first case on the Regular Agenda is BZA 1152085 -- 60 First Street in Cambridge. And this is a variance for a wall sign.

Jason Parillo, are you still with us? Or are you back with us?

JASON PARILLO: Yes, I am.

JIM MONTEVERDE: Excellent.

JASON PARILLO: I'm back.

JIM MONTEVERDE: You brought up the cover of your application drawings. Do you want to walk us through this and describe what you need the variance variance from?

JASON PARILLO: Sure. Good evening, Mr. Chairman and Members of the Board. My name is Jason Parillo. I'm here tonight for Pro Sign Service. This is a pretty straightforward request.

This sign is a 19.33 square-foot wall sign. What is allowed is a 14.58 square-foot wall sign. The reason why

is that the width of the store on the street side is only 14.58' wide, so that's the formula that gives them the 14.58 square-foot sign.

It's kind of an irregular -- in a way an irregular shape store, because the depth of the store is over 30' and that -- so that's the entrance that's in the common area of the building.

So what we're asking for here is an increase from what's allowed of only 4.75 square feet. And the reason for that request is just so that the sign can be visible to attract customers. This is a newly renovated building. There's going to be a number of other new businesses in here.

And because this is kind of a unique shape to this store, where they only have that small width of storefront on the street, it really restricts the size of this sign to be legible to compete for those eyes in this busy thoroughfare with a number of other businesses.

So that's pretty much it. It's an illuminated set of letters. The letters are only 18" high. And if you have any questions, I'd be happy to answer them.

JIM MONTEVERDE: No. And you said this is -- it's

an illuminated sign? Is that correct?

JASON PARILLO: Yes. That's correct. Yeah, they're individual, illuminated channel letters.

JIM MONTEVERDE: Okay. All right. Any questions from Members of the Board? If not, I will open it up to public comment. We have no correspondence in the file either for or against. So for the public --

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

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

No one is out there. All right. We'll close public testimony. Any discussion among Members of the Board?

WENDY LEISERSON: Jim, this is Wendy. I did have one question.

JIM MONTEVERDE: Yep.

WENDY LEISERSON: How is this frontage compared to the other businesses it the same building? Like, is this going to mean that all of the frontage, you know, are they also really narrow in front? And so, there's going to be a request for each of the businesses for this variance?

JASON PARILLO: To my knowledge is that they're all really different. This one is a little unique because you have this bay of windows, but as you can see in the -- what's on the next screen right now, the two windows that don't have the graphics on them, that's actually like -- that's actually a stairwell.

So I believe that's unique to this bay. I think the other bays are -- you know, are -- that's the whole storefront for the store. So that's why we were unable to include that portion of the bay in our frontage.

JIM MONTEVERDE: Oh. Got it.

WENDY LEISERSON: I see. Thank you.

JIM MONTEVERDE: Okay. Any other discussion from Members of the Board? If not, I will move to a motion. And this is a variance.

The Chair makes a motion to grant relief from the

requirements of the Ordinance under Sections 7.16.22.c for a Wall Sign, and for a variance 10.30 for a Variance.

And then for that Variance, we need to find that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. The hardship is owing to circumstances relating to the soil condition, shape, or topography of such land.

And desirable relief may be granted without either substantial detriment to the public good or nullifying or substantially derogating from the intent or purpose of this Ordinance. And I think that criteria is fulfilled from Section 10.31 for the Variance Criteria.

On the condition that the work proposed conforms to the drawings entitled, "Exterior Signage Submittal for Verizon," dated October 19, 2024, prepared by Identiti; initialed and dated by the Chair.

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

Board Members on a voice vote, please? Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Thank you. Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Thank you. Steven?

STEVEN NG: In favor.

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

[All vote YES]

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

JASON PARILLO: Thank you very much. Have a great evening.

JIM MONTEVERDE: Thank you.

* * * * *

(6:45 p.m.)

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

JIM MONTEVERDE: All right, we're back. Next case is BZA-1152923 -- 1611 Cambridge Street. This one is a variance. And it is a approximately signage variance. Do we have anyone calling in who wants to speak? Yep.

Rachel, are you with us? Do you want to describe to us what you're planning and what relief is required?

RACHEL WATSKY: Yeah, absolutely. Good evening.

JIM MONTEVERDE: Hi.

RACHEL WATSKY: My name is Rachel Watsky. I'm from Watsky Law; Counsel for the applicant. Essentially, they're -- the property has been in use as medical offices since I believe around at least 1973, pre-zoning.

And since, again, to my knowledge historically it has had two signs on each of the front entrances along Cambridge Street. The current signs in their existing condition which are the ones on the left image, which is the Harvard Vanguard Medical Associates then HVS Health. That

sign is on both of the entrances, and it's about 35 -- each one is about 35 square feet, so it's not compliant with the underlying zoning for the residential district.

However, the proposed signs are essentially going to bring it -- decrease the nonconformity by bringing it to 29.32 square feet for each sign. The length, that falls along with the Section 7.18, which is the lawfully existing nonconforming signs.

So the intent here is to decrease the existing signs area, update the signs so that they are accurate to the identification of the medical offices there. They are not going to be backlit or illuminated in any form; they're just a catch to the brick façade of the building.

I don't believe that there's really any disruption to the neighborhood; they don't, they're not going to be changing anything particularly; they're just replacing what's there in kind with something that's a smaller, more updated structure.

JIM MONTEVERDE: Okay. And if I read the material correctly, what's allowed would be 20 square feet apiece for each side.

RACHEL WATSKY: So the --

JIM MONTEVERDE: And it's --

RACHEL WATSKY: So --

JIM MONTEVERDE: -- the proposal is -- again, the reduction, as you mentioned, but it'll be --

RACHEL WATSKY: Mm-hm.

JIM MONTEVERDE: -- 29.32 square feet per side. Right?

RACHEL WATSKY: So yes. Yes, and --

JIM MONTEVERDE: Okay.

RACHEL WATSKY: -- if that's all right. So under Section 7.16, for the Residential District for signs, it limits the maximum permitted area of the signs to 20 square feet.

The lawfully existing nonconforming signs provision references the provided formula for calculating the allowable area of the proposed signs as the 1 square foot by the sign frontage.

The sign frontage is the length of the building, as you know. The length of this building is approximately 63 linear feet, so if you're looking at it in that perspective, it is underneath that permissible square footage.

But since we -- since there was -- this led -- the application here was due to a denial from the Building Inspector on the grounds of it being -- exceeding that 20 square foot.

So on that basis, yes, there is -- it would need a variance for the size of the square footage of the signs, but it is decreasing the nonconformity.

JIM MONTEVERDE: And in the application, I didn't see -- it's mounted at the same height as the existing sign is, but I didn't see a dimension. Are you above the 20' height, or are you within that height, do you know?

RACHEL WATSKY: I admit I am not sure. It's certainly --

JIM MONTEVERDE: Okay.

RACHEL WATSKY: -- something I could look into. But I don't -- I don't believe that it's -- if it -- I -- it's either not over the 20' or it's not significantly above it, and it would just be, again, not increasing an existing nonconformity; it would be maintaining it.

JIM MONTEVERDE: Right.

RACHEL WATSKY: Or slightly increasing it.

JIM MONTEVERDE: Okay. Thank you.

RACHEL WATSKY: Thank you.

JIM MONTEVERDE: Anything else?

RACHEL WATSKY: Nope. That's it. I'm happy to answer questions --

JIM MONTEVERDE: All right.

RACHEL WATSKY: -- if there are any.

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

WENDY LEISERSON: I just had a question about your interpretation of 7.18.2. You're relying on Section -- subsection B there. Are you interpreting that first phrase, "notwithstanding the limitations of Section 7.18.2 above" to be -- I mean, you reference that as including the requirement that to be part -- be compliant under this section, you have to be using the supporting structure that was under the preexisting signs, or how do you interpret the two subsections together?

RACHEL WATSKY: If you can give me a moment, I'm just going to pull up the section so I can make sure I'm not shooting from the hip, so to speak. My apologies. Just bear with me. I'm going down to Section 7.

WENDY LEISERSON: Sure. I usually need coffee to

read this section. So.

RACHEL WATSKY: It is a fairly dense Ordinance. I will give you that. All right.

WENDY LEISERSON: Do you need me to explain my question, because it may have been not clear?

RACHEL WATSKY: I'll double check if I understood, yeah. If you could repeat it, that would be helpful. Thank you.

WENDY LEISERSON: So if I'm following your argument, you're saying that it does not need a variance, because 7.18.12.b applies, correct? Is that what you're --

RACHEL WATSKY: Yes.

WENDY LEISERSON: Okay.

RACHEL WATSKY: Yes. However, we're not saying we're not doing a variance application. That was basically just, in our opinion it doesn't. But given the rulings, we are just going forward and seeking a variance.

WENDY LEISERSON: Okay. So do you -- are you seeking a decision on whether you need a variance?

RACHEL WATSKY: Yes. No. No, we are seeking a variance. We're not going to dispute the decision from the Building Inspector that said that it needed a variance.

It's just --

WENDY LEISERSON: Right.

RACHEL WATSKY: -- in our opinion it doesn't, but so we're just leaving that in the record. But for the purposes of keeping things moving, we're seeking a variance.

WENDY LEISERSON: Okay. just for the record, my question was whether or not 7.18.2.b, the first phrase, which says, "notwithstanding the limitations in 7.18.2.a" meant that in order to fall under the application of the subsection b, you also had to comply with the requirements of subsection a, which is that you could alter the sign, provided the basic supporting structure is not altered, and yadayadayada.

So that's what my question was. So.

RACHEL WATSKY: Yeah. Understood. Thank you for clarifying -- thank you for repeating it.

WENDY LEISERSON: But since --

RACHEL WATSKY: -- and it --

WENDY LEISERSON: -- it may be moot, I don't know, we can probably move on.

RACHEL WATSKY: It's probably moot, because we're seeking a variance. But in my opinion, it generally -- like

"notwithstanding" is unfortunately by definition it can actually go both -- given that and including it, and then also disregarding the prior statement.

So it can range somewhat on the context of how the provision is written.

And this one I would view it that the subsection a is talking about referencing back to Section 1 and saying that "not covered by" -- the nonconforming sides not covered by that can be altered, provided it meets -- as you said, that basic supporting structure not being altered, and the costs or the replacement value of the sign.

I would then read Section -- subsection b as saying given what that one says, what subsection a says, in the circumstance where it's proposed to replace the existing sign, where the ground-floor establishment or the building as a whole contains the total area of legal -- or contains the total area of legal nonconforming signs, exceeding the maximum permitted under Article 7, the new sign may be installed and may contain an area of 6' based on that formula, or that area permitted by the application of the formula.

I would view that as essentially a disre-- not

disregarding, but in the circumstance where it's proposed on that ground for -- to replace the existing sign, that's what you can do. So a different requirement.

But I do think you have a point; it may not be relevant here, since we are requesting the variance.

WENDY LEISERSON: Okay. Well, let's see if you meet -- find, the Board finds that you meet the criteria for a variance, and then we don't have to get into the sticky, tricky, legal matters. Okay. Thank you.

RACHEL WATSKY: Thank you.

JIM MONTEVERDE: Okay. Thank you. Any other questions from Members of the Board? If not, we have no public comment in the record; none received either for or against.

We do have correspondence from the Mid Cambridge Neighborhood Conservation District Commission, dated March 13, 2025, issuing a Certificate of Non-Applicability. And it reads, "The work described below does not involve any activity requiring issuance of a Certificate of Appropriateness or Hardship."

So that's not in question.

I will open it up to public comment.

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

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

No one is calling in so I will close public testimony. Any discussion among Members of the Board? Are we ready for a motion? I'll make a motion.

And this is a Variance request?

RACHEL WATSKY: Yes.

JIM MONTEVERDE: The Chair makes a -- sorry?

RACHEL WATSKY: I just said yes. I wasn't sure if you were asking. Sorry.

JIM MONTEVERDE: Okay. One second here.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 7.16.21.b, 7.18.2, and the requirements under Section 10.30, 10.31 --

specifically that the Board finds that all of the following conditions are met:

A literal enforcement of the provisions would involve a substantial hardship.

The hardship is owing to the soil condition, shape or topography of land or structures.

And desirable relief may be granted without either substantial detriment to the public good or nullifying or substantially derogating from the intent or purpose of this Ordinance.

On the condition that the work proposed conforms to the drawings entitled, "Atrius Health, Part of Optum, 1611 Cambridge Street." prepared by National Sign and dated 05/07/2024; initialed and dated by the Chair.

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

On a voice vote, please? Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Thank you.

JIM MONTEVERDE: Thank you. Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Thank you. Steven?

STEVEN NG: In favor.

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

[All vote YES]

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

RACHEL WATSKY: Thank you so much.

JIM MONTEVERDE: You're welcome.

RACHEL WATSKY: Have a good night.

* * * * *

(7:00 p.m)

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

JIM MONTEVERDE: And the last case for this evening is BZA-1154651 -- 1751 Mass Avenue.

Is there anyone calling in who wishes to describe the relief requested?

YAEL GETS SCHOEN: Yes. I'm here. I'm Yael Gets Schoen; I'm the architect.

JIM MONTEVERDE: Okay. Thank you. Good evening.

YAEL GETS SCHOEN: Good evening. So it is currently -- it's a residential building that has commercial uses in it. The two first floors, the first and the second are dental offices. The third floor was regular offices. It was rented to a psychologist.

The owner of the building -- he is here with us, sir Dr. Chang -- he's a dentist. And he wants to move his practice there, and he wants to renovate the building in phases.

So at this point, we're focusing on the first

floor for his dental office on the basement for, you know, extra space for that dental office, and the third floor for offices for the foundation that the family created for a memory of their daughter.

The second floor is going to eventually be a dental office as well, but at this point we want to renovate it very, very basic, just leave it open and then see, you know, what we need to do inside later.

If we can go through the drawings, I can explain a little bit about the building.

JIM MONTEVERDE: Really, if you could focus on the items that are being modified, that require relief?

RACHEL WATSKY: Yes.

JIM MONTEVERDE: I believe there's a letter in the file -- I'm looking for a date; I don't find a date -- that rather nicely kind of breaks down the three components that it describes you're asking relief for.

There's a ramp in the side yard setback. There are window modifications, which I think happen on the left and right side of the building. And then there are skylight installations, and I believe that's in the right-side setback.

Can you just walk us through those, so we understand what those are?

YAEL GETS SCHOEN: Yes, yes. But there is another file that I would like you to open where I put the side-by-side elevations, each one what's existing and what's proposed so it's easier to see the changes. It's not part of this set. I uploaded it separately. Yeah. There we go.

So we can start -- yeah, let's start with this. This is the front elevation. So we want to change all the windows, but not all of them are changing -- you know, location and size.

On the front, what is changing is the front porch, and we're proposing two windows in the basement that are going to be full sized. So we're proposing a window well for those as well.

And you also see on the side the top of the ramp. And that's a handicapped ramp that we need in order to get, you know, older patients into the first-floor clinic, coming from the side.

So the rest of the windows, everything stays the same.

Another thing you will see that I don't think we

need relief for, but we propose to put the condensers of the HVAC system up on top of the flat roof of the dormer. It's all existing, but in order to maintain that we need to put a railing there. So that's one more difference. And we're also proposing to remove the chimney.

If we can move to the next elevation?

This is the back elevation. So you see there are some small window changes in terms of location, so they're changing -- some of them are changing in size and some of them are also changing position.

We tried to align them so it looks a little bit less messy than it is currently. I mean, it's a pretty messy, you know, back façade right now.

But we -- you know, the sizes of the windows and the location are based on the layouts that we need on the interior for the clinic to work properly.

And here you see also the beginning of the ramp starting from the back where there's going to be an open parking -- small parking area, so that the ramp is going to start there and wrap around the side of the building, which we're asking relief for, but I understand can be it's an ADA ramp, we don't really -- you know, need the relief.

But that -- it's going to wrap around the side and get into the -- you know, the same level of the new front porch. It's all going to be flush with the first floor.

The next elevation?

This is the side elevation. You see also, you know, there is bay; we're not changing the bay. We are going proposing the new window on the left side of the bay on the second floor, and we're aligning it with the window below.

And on the right side of the bay where -- you know, there used to be kind of three different windows that are different in size and in location, we're suggesting to have two, you know, full-sized proper kind of aligned windows.

And here you also see the two skylights that we're suggesting to have on -- in the roof.

JIM MONTEVERDE: And I think from the plot plan, we have another doc/plan E-100. Basically, indicates that this entire face of the building is within the side yard setback, which is what you need relief for.

YAEL GETS SCHOEN: Yeah.

JIM MONTEVERDE: Right?

YAEL GETS SCHOEN: It's -- it's a --

JIM MONTEVERDE: Yeah.

YAEL GETS SCHOEN: -- tight lot. It's very small. Yeah.

JIM MONTEVERDE: It's the right-side setback. Okay.

YAEL GETS SCHOEN: Yeah. And then -- yeah. Next one? Yeah. This is the other side. This is the side where you see most of the ramp that kind of wraps around -- starts from the back, wrapping around the side and then getting to the new front porch. So it's all going to be flush for the handicapped.

The existing dormer we're not ready to -- we're proposing to replace the windows, but not to change the location or the sizes. You see the little railing that I'm showing on top -- you know, just to have that maintenance for the condensers.

And then, you know, the windows that we're changing here, we're also trying to make them a little bit more organized on the façade, so a little bit more aligned and centered on each other, relative to what's there.

We're clearly removing those two doors, because we

need that ramp to wrap around and go in from the front. So the basement egress is going to change here, and it's going to be from the two main stairs that we're proposing new ones, code-compliant ones.

And the two basement windows are just going to have to be blocked by the ramp. We're not changing them. We're keeping them, but they're going to be blocked.

So that's basically what we're proposing in terms of the exterior of the building.

JIM MONTEVERDE: Can you find this sheet E-100? There we go.

The one sheet that we're bringing up, E-100, on the same drawing both sides. I found this one helpful.

It basically shows the shaded area is really your allowed building zone, and it basically explains why all of the openings on the left side setback require a special permit. It shows that all of the openings -- window openings on the right-side setback are within the setback and therefore need the special permit.

It shows the couple -- not all of the openings on the -- within the rear setback require relief, but some of them do, and not all of the openings on the front façade

require relief, but some of them do -- the ones that are in the side yard setback.

And I think it also -- it also shows that the skylight openings are in the right-side setback.

So anyway, this was just a helpful diagram for me to understand why the relief was required.

Okay. Is there anything else to describe to us?

YAEL GETS SCHOEN: If you're going to scroll to A-100, you're going to see the same thing, just the proposed, not the -- that was the existing. And then you will see also where we proposed to have the ramp -- there we go.

So here you see the ramp on the side -- it's starting from the back, going around the side into the new front porch. The front porch is going to face the street. So the new steps are going to face the street, rather than come from the side, and the back area, we're not asking relief for that, but there is a one-car kind of detached garage that is not being used. We propose to remove that so we can fit four cars, you know, in the back there.

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

And just to repeat, as the application says, this is a special permit. And this is to change windows on façades that are within setbacks.

And that's really the right side and the left side, and in part the front and rear, and the addition of skylights to the right. The skylights are in the right-side setback. And that is the relief that’s being requested as a special permit.

Any questions from Members of the Board? If not, I'll open it up to public comment. there's no correspondence in the file either for or against. So let me open it to public comment.

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

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

No one calling in tonight. No one's calling in, so we've closed public testimony. Any discussion among Members of the Board? If not, I will move to a motion. And this, again, is a special permit.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.33, Table of Dimensional Requirements, that's really the left side -- that's really the setbacks; 8.22.2 can't make this out; a? Nonconforming Structure; and 10.40 which I will read the Requirements for a Special Permit. And that is:

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

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

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

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

e) For other reasons, the proposed use would

impair the integrity of the district or adjoining district. And it will not.

So we find that all of the criteria of Section 10.43 for a Special Permit are met.

On the condition that the work proposed conform to the drawings entitled, "1751 Mass Avenue," prepared by Architectural Design and Real Estate Development and dated February 21, 2025; initialed and dated by the Chair.

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

Board Members, on a voice vote, Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Thank you. Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Thank you. Steven?

STEVEN NG: In favor.

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

[All vote YES]

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

YAEL GETS SCHOEN: Thank you very much.

JIM MONTEVERDE: And Board Members, thank you and good evening.

COLLECTIVE: Thank you. Goodnight. Nice to see you all. Thanks. Goodnight.

JIM MONTEVERDE: Goodnight.

COLLECTIVE: Goodnight.

[7:11 p.m. End of Proceedings]

CERTIFICATE

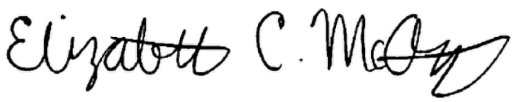
Commonwealth of Massachusetts

Middlesex, ss.

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

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

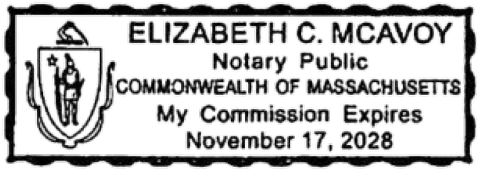
In witness whereof, I have hereunto set my hand this fifth day of May 2025.



Notary Public

My commission expires:

November 17, 2028



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