

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING  
THURSDAY JUNE 12, 2025

5:45 p.m.

Remote Meeting  
via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

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

City Employees  
Stephen Natola  
Olivia Ratay



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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, and Carol  
Agate

JIM MONTEVERDE: We're going to take a vote to  
enter into Executive Session. At this time we'll take a  
vote to enter into Executive Session to discuss strategy  
with respect to litigation known as Lubavitch of Cambridge,  
Inc. v. Jim Monteverde as member of the Cambridge Board of  
Zoning Appeals, et al. (Land Court, Docket No. 24  
Miscellaneous 00622), John W. Touloupoulos Trustee of the  
Touloupoulos Realty Trust, et al. v. Lubavitch of Cambridge,  
Inc. et al --

Welcome to the meeting.

UNIDENTIFIED SPEAKER: There we go.

JIM MONTEVERDE: Why I have so much help here  
tonight; I need it -- et al. v. Lubavitch of Cambridge  
Inc., et al. (Land Court, Docket No. 24 Miscellaneous  
000528, and Lubavitch of Cambridge, Inc. v. Cambridge Board  
of Zoning Appeal and City of Cambridge (United States

1 District Court District of Massachusetts, Docket No. 1:24-  
2 cv-12403), which all relate to the BZA's Decision in BZA-  
3 261068 38-40, 48, 54-56 Banks Street and BZA application  
4 #1165941 38-40-48-54-56 Banks Street.

5 Discussing these matters in an open session may  
6 have a detrimental effect on the litigating position of the  
7 BZA. The BZA shall return to Open Session at the conclusion  
8 of the Executive Session.

9 A roll call vote, please? Virginia?

10 VIRGINIA KEESLER: Sorry. Virginia Keesler  
11 present.

12 JIM MONTEVERDE: Affirmative, can I take that as  
13 affirmative?

14 VIRGINIA KEESLER: Affirmative, yes.

15 JIM MONTEVERDE: Thank you. Carol?

16 CAROL AGATE: Carol Agate affirmative.

17 JIM MONTEVERDE: Thank you. Daniel?

18 DANIEL HIDALGO: Daniel Hidalgo in favor.

19 JIM MONTEVERDE: And Steven?

20 STEVEN NG: In favor.

21 JIM MONTEVERDE: Jim Monteverde in favor.

22 [All vote YES]

1           JIM MONTEVERDE: That's five in favor.

2           Okay, now we're in the Executive Session.

3           STEPHEN NATOLA: So everyone, now use that link  
4           that Olivia sent at 5:57 p.m. That will go to another  
5           meeting, and we will join you there shortly.

6           JIM MONTEVERDE: Okay. And then are we coming  
7           back here?

8           STEPHEN NATOLA: Yep. Mute.

9           CAROL AGATE: So are we supposed to get out of  
10          this one and switch to the other?

11          STEVEN NG: Yes, I think so.

12          STEPHEN NATOLA: Yep, Carol, definitely mute this  
13          one and then go into the other room.

14          [Cybervoice, "Recording Stopped."]

15          CAROL AGATE: Are we still having the executive  
16          session, or are we just going to go ahead with the  
17          continuance?

18          JIM MONTEVERDE: We will as soon as we straighten  
19          out some technical difficulties. So hang on.

20          CAROL AGATE: So that is the executive session,  
21          the technical difficulties?

22          JIM MONTEVERDE: Yep.

1 THE BOARD OF ZONING APPEAL IS IN EXECUTIVE SESSION

2 OPEN SESSION RESUMED

3 \* \* \* \* \*

4 (6:00 p.m.)

5 Sitting Members: Jim Monteverde, Steven Ng, Virginia

6 Keesler, Daniel Hidalgo, and Carol Agate

7 JIM MONTEVERDE: Okay. Welcome to the June 12,  
8 2025 meet of the Cambridge Board of Zoning Appeal. My name  
9 is Jim Monteverde, and I am the Chair.

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

14 This meeting is being video and audio recorded and  
15 is broadcast on cable television Channel 22 within  
16 Cambridge. There will also be a transcript of the  
17 proceedings.

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

21 Members of the public will be kept on mute until  
22 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 Members  
5 attendance and verify that all members are audible.

6 OLIVIA RATAY: Steven Ng?

7 STEVEN NG: Present.

8 STEPHEN NATOLA: Jim Monteverde?

9 JIM MONTEVERDE: Present.

10 STEPHEN NATOLA: Daniel Fernando Hidalgo?

11 DANIEL HIDALGO: Present.

12 STEPHEN NATOLA: Michael LaRosa?

13 MICHAEL LAROSA: Present.

14 STEPHEN NATOLA: Virginia Keesler?

15 VIRGINIA KEESLER: Present.

16 STEPHEN NATOLA: Carol Agate?

17 CAROL AGATE: Present.

18

19

20

21

22

\* \* \* \* \*

(6:03 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Carol Agate

JIM MONTEVERDE: All right, thank you. And sitting on this first case is Steven, Daniel, Carol, Virginia, and myself, correct?

STEPHEN NATOLA: First case being --

JIM MONTEVERDE: 29 Line Street.

STEPHEN NATOLA: Oh, yeah.

JIM MONTEVERDE: Okay. First case I'm going to call is Case No. BZA -1158772 -- 29 Line Street. Staff will now unmute you. Please begin by introducing yourself and any other speakers on your team, then commence your presentation.

Mr. Dash?

ADAM DASH: Yes. Good evening, Mr. Chair.

JIM MONTEVERDE: Hi.

ADAM DASH: Adam Dash, 48 Grove Street, Somerville. I'm here as the attorney for 29 Line, LLC. The applicant, Yi Yue, the Manager of 29 Line, LLC, is also present.



1           You may recall we were before you on May 8 seeking  
2       variances for minimum off-street parking space width,  
3       minimum driveway width and parking space in the front yard.

4           The Board seemed favorable to those variances,  
5       except for the one regarding the parking space in the front  
6       setback. And the Board asked us to lengthen the driveway to  
7       eliminate the need for that front yard parking variance.

8           At that May 8 meeting, we were concerned that  
9       lengthening the driveway to eliminate the front yard parking  
10      variance might create an Open Space variance issue. But we  
11      went back and found that we can eliminate the front yard  
12      parking without creating a new variance.

13          The revised plan and Dimensional Table that we had  
14      submitted shows that lengthening the driveway does not  
15      create an Open Space violation, the requirement being 30  
16      percent. The revised plan has the open space at 31.3  
17      percent. So we're close, but we're -- we're still good.

18          So the applicant no longer needs the variance for  
19      parking in the front yard setback.

20          The applicant does still need the other two  
21      variances for parking space and driveway width, so the  
22      applicant can have one off-street parking space at 29 Line

1 Street, which is a narrow lot. As you can see there on the  
2 right, that's the new driveway in the gray.

3 It is -- it's Cambridge, as you recall, on the  
4 applicant's side of the street and Somerville on the other  
5 side of the street. There is no parking on the street on  
6 the Cambridge side.

7 The Board seemed to accept the hardship arguments  
8 I made at the May 8 hearing, so I will not repeat them again  
9 tonight unless you would like me to.

10 We previously discussed the neighborhood support  
11 documents, including from the owner on the left, the closest  
12 to the driveway. Therefore, rather than continuing to make  
13 the repeat of what I did May 8, I would just state that the  
14 applicant request that the two variances for parking space  
15 and driveway width -- which were not very large in size --  
16 be granted to allow the applicant to create this one off-  
17 street parking space at 29 Line Street.

18 We no longer need the front yard parking variance.

19 JIM MONTEVERDE: Thank you. Any questions from  
20 members of the Board?

21 CAROL AGATE: That went very fast for something  
22 that I didn't read in any of the documents. It looked as

1     though there was strictly a Section 44.1.c, which deals with  
2     the front yard setback.

3             So did I understand that you said there is no  
4     longer an issue of whether there's enough open space?

5             ADAM DASH: That is correct. Through the Chair,  
6     that the -- we were concerned that by lengthening the  
7     driveway so you could pull the car behind the façade of the  
8     building that we would not have enough open space, and this  
9     -- and we would create needed Open Space variance, because  
10    we were at 36.8 percent.

11            But as it turned out, extending the driveway to  
12    allow the car to park behind the front façade actually took  
13    us to 31.3 percent, which is still above the required 30  
14    percent. So we're actually good on the open space.

15            CAROL AGATE: Okay. So that is no longer an  
16    issue, but isn't the issue still listed as it was before the  
17    park-- oh, I see. Okay. So you're not asking for the  
18    variance? There's no variance here.

19            ADAM DASH: No. For the front yard parking, there  
20    is still a variance for the minimum off-street parking space  
21    width under 8' -- which was required to be 8.5' --

22            CAROL AGATE: Oh, the width, yes.

1           ADAM DASH:  -- with a doorway width of 10'.  And  
2   if you look, you can see how the driveway actually is wide  
3   enough at the front, and then it narrows as it goes back.  
4   So it's actually not the entire driveway that is the issue.

5           And the --

6           CAROL AGATE:  Excuse me.  Just a second.  I'm  
7   sorry, this has never come up before, but there is a problem  
8   with hearing loss that speed is difficult.  And --

9           ADAM DASH:  I'm sorry.

10          CAROL AGATE:  -- if you could slow down a bit, it  
11   would really help me.

12          ADAM DASH:  I'm sorry I --

13          CAROL AGATE:  So.

14          ADAM DASH:  -- I apologize.  The -- so yes.  There  
15   were three variances before.  And we no longer need one of  
16   them, which is --

17          CAROL AGATE:  Okay.

18          ADAM DASH:  -- based upon what the Board's  
19   recommendation was last time --

20          CAROL AGATE:  All right.

21          ADAM DASH:  -- go back and lengthen the driveway.  
22   We did that, so we've eliminated the need for a parking

1 space in the front setback variance.

2 CAROL AGATE: Okay.

3 ADAM DASH: We don't need to do that, and we are  
4 not creating any new problems by lengthening that driveway.  
5 We thought we might --

6 CAROL AGATE: Oh.

7 ADAM DASH: -- but we ended up not.

8 CAROL AGATE: Okay. So we have only the two  
9 variances?

10 JIM MONTEVERDE: Correct.

11 ADAM DASH: Exactly, or relatively speaking --

12 CAROL AGATE: Right.

13 ADAM DASH: -- and we're not -- not controversial.  
14 I'll leave that up to you.

15 CAROL AGATE: Thank you.

16 ADAM DASH: Thank you.

17 JIM MONTEVERDE: Any other questions from members  
18 of the Board? If not, I have one. I walked by the site  
19 days ago, and last time we talked about the neighbor; to the  
20 left of this drawing there were three gas meters that would  
21 be exposed in the driveway. And I think you mentioned those  
22 were to be moved, relocated by the neighbor?

1           ADAM DASH: That was the discussion my client had  
2 with the neighbor, and they were going to put up a bollard.  
3 I believe actually this is in process or has happened. Mr.  
4 Yue is here; he might have a --

5           JIM MONTEVERDE: Okay. That hasn't happened, but  
6 that's -- that is intended to happen?

7           ADAM DASH: That's my understanding, yes, sir.

8           JIM MONTEVERDE: Okay.

9           YI YUE: Yes, Mr. Chair. This is Yi. I just want  
10 to confirm that. The two meters have already been  
11 relocated, pushed back to the property by Eversource. That  
12 happened about two or three weeks ago.

13                  Right now, it's about 90' behind the building,  
14 behind her building. So it's a way behind our proposed  
15 parking space.

16           JIM MONTEVERDE: Oh, really? Okay.

17           YI YUE: Yeah. And also, the bollard has also  
18 been installed by Eversource as well.

19           JIM MONTEVERDE: Okay. Thank you.

20                  Any other questions? If not, I'll open it up to  
21 public correspondence. I don't see anything new in the  
22 file, either/or for or against. So I'll open it up to

1 public commentary.

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 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 one minute to speak before I ask you to wrap  
11 up.

12 STEPHEN NATOLA: No one.

13 JIM MONTEVERDE: Anybody out there? No? No one's  
14 calling in. I will close public testimony. Any discussion  
15 among members of the Board? If not, I will move to a  
16 motion.

17 And Mr. Dash, I believe the two sections that you  
18 still are looking for relief from are 6.42, Dimension of  
19 Off-street Parking Space, and 6.43, Minimum Driveway Width.  
20 Is that correct?

21 ADAM DASH: That is correct, Mr. Chairman.

22 JIM MONTEVERDE: Okay. The Chair makes a motion

1 to grant relief from the requirements of the Ordinance under  
2 Sections 6.42, Dimensions of Off-street Parking Space, and  
3 6.43.4.a Minimum Driveway Width, on the condition that the  
4 work proposed conforms to the drawings entitled, "29 Line  
5 Street," prepared by Kai Yin Yip, Registered (sic) Engineer,  
6 and dated March 28, I believe, 2025; initialed and dated by  
7 the Chair.

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

11 On a voice vote, please?

12 Adam, can you verify that the plans on the screen  
13 are the current ones?

14 ADAM DASH: Those appear to be the ones that we  
15 filed on May 12. So those -- the right number there is 18.1  
16 and --

17 JIM MONTEVERDE: Yep. Can you get rid of the  
18 people's list there, and I could see the drawing?

19 ADAM DASH: Yep. That's it.

20 JIM MONTEVERDE: That's it. Okay. Very good.

21 On a voice vote, please? Virginia?

22 VIRGINIA KEESLER: Virginia Keesler in favor.



1 JIM MONTEVERDE: Thank you. Carol?

2 CAROL AGATE: Carol Agate in favor.

3 JIM MONTEVERDE: Thank you. Daniel?

4 DANIEL HIDALGO: Daniel Hidalgo in favor.

5 JIM MONTEVERDE: Steven?

6 STEVEN NG: Steven Ng in favor.

7 JIM MONTEVERDE: And Jim Monteverde in favor.

8 [All vote YES]

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

11 ADAM DASH: Thank you so much.

12 YI YUE: Thank you, Board.

13 JIM MONTEVERDE: Carol, thanks for your help.

14 CAROL AGATE: Okay. Goodnight.

15 JIM MONTEVERDE: Goodnight.

16 Michael, are you with us now?

17 MICHAEL LAROSA: Yes, I am.

18 JIM MONTEVERDE: You're there. Very good. Okay.

19

20

21

22

\* \* \* \* \*

(6:29 p.m.)

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

JIM MONTEVERDE: Okay. Next case is BZA-1160018  
-- 53 Webster Avenue No. 2. This one is a Special Permit.  
Adam, are you with us tonight?

ADAM GLASSMAN: I am. How are you?

JIM MONTEVERDE: Good evening. Just fine.

ADAM GLASSMAN: Good evening. For the record, I  
am Adam Glassman with GCD Architects at 27 Hurlbut Street in  
Cambridge, representing the owner, Alison Munroe, owner and  
occupant of 53 Webster Avenue, Unit 2.

Ms. Munroe occupies the second floor unit of a  
structure with two units. She's seeking zoning relief, a  
special permit, to enlarge the existing third story to add  
more living space to her unit to accommodate her growing  
family and to take what's kind of an oddball floor plan and  
make it more functional.

The special permit is required because it is a  
corner lot. We cannot take advantage -- well, the special

1 permit is required because we're proposing to build  
2 vertically within the front yard setback.

3 And because this is a corner lot, we cannot  
4 utilize the exception by taking an average of the buildings  
5 on either side of us, as we only have one building.

6 We're only adding 230 square feet of additional  
7 space on the third floor. We are taking a bit of an odd-  
8 looking structure from the third floor up and making it a  
9 triple-decker style building, which is consistent with the  
10 structures in the neighborhood.

11 JIM MONTEVERDE: Yep.

12 ADAM GLASSMAN: We have support letters from  
13 several abutters, and if you want to pull up the plans, I'll  
14 run through them.

15 JIM MONTEVERDE: Steven, if you can find this one  
16 --

17 STEPHEN NATOLA: Okay.

18 JIM MONTEVERDE: -- in the packet.

19 ADAM GLASSMAN: There we go. Can we go right to  
20 the -- Stephen, can we go right to the plans?

21 Great. We'll start with our context photos. 53  
22 Webster Avenue is the two-story with a little bit of a third

1 story poking up above.

2 Oh, here's our site plan. You can see the live,  
3 very odd-shaped corner lot, and we've got a nonconforming,  
4 existing front yard setback if you can see the red dashed  
5 line running through the front of the building.

6 Next slide, please?

7 This is the street view of the current building  
8 that has its -- you know, strange mansard-y partial roof,  
9 and the rest of it's more of a flat roof. Creates some  
10 really odd spaces inside.

11 So our proposal is to just build up a complete  
12 third story that would basic look like the building does  
13 now, except with a more -- with a triple-decker-style roof.

14 Next slide, please?

15 These are the abutting buildings on Webster Ave.  
16 On Webster Avenue, you can see that what we're proposing is  
17 completely in line with the context of the neighborhood.

18 Additional views looking across the Street. We  
19 have triple-deckers, which is what we're looking to mimic.  
20 Our Zoning Table. We're here for the existing nonconforming  
21 front yard setback.

22 Here is our site plan. You can see more clearly

1 the front yard nonconforming setback at the front. Wherever  
2 we have existing nonconforming setbacks on the sides and the  
3 rear, as the Board probably knows, we're allowed to build  
4 vertically within those setbacks, but not in the front.

5 This slide, we have the existing elevation on the  
6 left, and the proposed elevation on the right, which is far  
7 more consistent with the context of the neighborhood.

8 Next slide, please?

9 A 3D view, getting a little bit more neighborhood  
10 context in. The front bay window we're extending up to the  
11 third floor, which is -- again -- pretty common in this  
12 neighborhood with this building type.

13 Next slide, please?

14 Another view. This really captures the weirdness  
15 of the existing building and how we want to make it look a  
16 little more typical on the right side.

17 Next slide, please?

18 Rear view. The -- you can see that there is on  
19 the left side -- you can see there's existing landing and  
20 egress spiral; part of our work to build out the third floor  
21 would be extending that second means of egress and repeating  
22 the landing directly above it; directly above the existing

1 landing.

2 Next slide, please?

3 These are -- next slide -- these are the areas we  
4 don't have access to; the basement -- common private  
5 basement, the first floor. Here we've got the existing unit  
6 owned by Ms. Monroe on the second floor. She's got kitchen,  
7 dining, living room, open space, a bedroom in back, the  
8 second-floor exterior small landing and exterior egress  
9 spiral.

10 The middle plan is the third floor, where we're  
11 looking to expand. You can see towards the front of the  
12 building, there's a deck. There is some flat roof area. So  
13 we essentially want to build out into that over the existing  
14 footprint of the house.

15 The right image is the roof plan.

16 Okay. Keep going. Our next slide are the  
17 proposed plans, accommodating bedrooms for her kids at the  
18 same level as her own bedroom.

19 Oh, we're bouncing around here. All right. You  
20 want to go back to the previous slide, Stephen? There we  
21 go. So if you could Zoom out just a tiny bit.

22 The work is happening on the third floor to expand

1 it. We'd wind up with bedrooms for both of her kids and a  
2 bedroom for herself; everyone on the same level, which is  
3 what she really wants, which her current unit cannot  
4 accommodate.

5 And on the right side, you can see we've got the  
6 more normal flat roof.

7 Next slide, please?

8 Comparison elevations, existing and proposed.  
9 We're maintaining the same building height. Although we are  
10 allowed to go taller, we're not proposing to. We've got a  
11 regular window pattern facing the front, and the bay window  
12 extends to the third floor.

13 Next slide, please?

14 An existing view from the right. Just sorry this  
15 is so repetitive, but the entire mansard roof portion of the  
16 building will be removed and replaced with straight side  
17 walls and flat roof.

18 Next slide, please?

19 Here is the proposed right-side elevation; transom  
20 windows to allow light and provide some privacy in the  
21 bedroom areas and towards the rear of the building you can  
22 see the extended spiral stair.

1           Next slide please?

2           And the rear view, you can see from this angle  
3 we've got the rear part of the building -- the third floor,  
4 has a sloping roof. Beyond that, it's got the mansard roof.

5           And again, we're just creating a third floor that  
6 fits -- that fills the footprint of the building;  
7 traditional, standard, triple-decker style.

8           Next slide, please?

9           Existing left side creates a mansard coming off.

10          Next slide, please?

11          And the elevation on the left.

12          Next slide, please?

13          Our building section. You can see that the  
14 additional space is built completely over the existing  
15 footprint. We're not expanding beyond the footprint of the  
16 building.

17          That was the presentation. Happy to answer any  
18 questions.

19          JIM MONTEVERDE: Thank you. Any questions from  
20 members of the Board? If not, I'll open it up to public  
21 comment.

22          We have two pieces of correspondence in the file



1       --

2               MICHAEL LAROSA:   Hey Jim?

3               JIM MONTEVERDE:   speaking -- yeah.

4               MICHAEL LAROSA:   Sorry.   This is Michael LaRosa.

5       I just had --

6               JIM MONTEVERDE:   Mike?   Yeah, go ahead.

7               MICHAEL LAROSA:   -- one question.   This -- so this  
8       is a condo, correct?

9               Adam, is the other unit owner on board with this?

10              ADAM GLASSMAN:   The other unit owner is on board  
11       with this, yes.

12              MICHAEL LAROSA:   Okay.   That's my only question.

13              ADAM GLASSMAN:   Yeah.

14              JIM MONTEVERDE:   Okay.   Thank you.

15              ADAM GLASSMAN:   We wouldn't have -- we wouldn't  
16       have come this far without -- without the co-owner's  
17       support.

18              MICHAEL LAROSA:   I just always ask when it's in a  
19       condo and there's no letter of support in the file --

20              ADAM GLASSMAN:   Yep.

21              MICHAEL LAROSA:   -- because you never know.

22              ADAM GLASSMAN:   Gotcha.   Thank you.

1           JIM MONTEVERDE: Thank you. Any other questions  
2 from members of the Board? If not, public commentary,  
3 there's two letters in the file speaking in support. One is  
4 from -- and I apologize if I don't pronounce these correctly  
5 -- Mahesh Viswanathan, who's the direct rear abutter at 40  
6 Bristol Street writing in support; and Karina Winiarskyj at  
7 53 Webster Avenue No. 1 is writing in strong support.

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

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

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

18           Anybody out there?

19           STEPHEN NATOLA: Melissa Burns?

20           MELISSA BURNS: Hi. I'm sorry. I'm confused  
21 because the agenda I got for this meeting included Banks  
22 Street, and I don't -- the Agenda that's published online

1 doesn't match this Agenda. I just don't want to waste my  
2 time.

3 JIM MONTEVERDE: No. Banks Street is next, so --

4 MELISSA BURNS: Oh, thank you. Okay.

5 JIM MONTEVERDE: -- come back in a couple moments.

6 Yep.

7 MELISSA BURNS: Thank you.

8 JIM MONTEVERDE: Anyone else calling in?

9 STEPHEN NATOLA: No one else.

10 JIM MONTEVERDE: No? All right. We'll close  
11 public testimony. Any discussion among members of the  
12 Board?

13 All right. If not, let me offer that I did my  
14 typical Google Earth search, walked my way up and down the  
15 street for a couple blocks, and although I personally don't  
16 favor intrusions in the front yard setback, this one  
17 certainly makes sense in the context of the neighborhood, as  
18 Mr. Glassman has said. So I'm in favor of this one.

19 With that, I will make a motion. This is a  
20 Special Permit. The Chair makes a motion to grant relief  
21 from the requirements of the Ordinance under Sections 5.31,  
22 Table of Dimensional Requirements; 8.22.2.d for a

1 Nonconforming Structure, and 10.40 for a Special Permit.

2 And I will read those specifically.

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

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

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

11 d) Nuisance or hazard would be created to the  
12 detriment of the health, safety. 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 we find that it complies with all the criteria  
17 for a Special Permit.

18 On the condition that the work proposed conform to  
19 the drawings entitled, "53 Webster Avenue." prepared by GCD  
20 Architects, dated 03/13/25; initialed and dated by the  
21 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? Michael?

4 MICHAEL LAROSA: In favor.

5 JIM MONTEVERDE: Thank you. Virginia?

6 VIRGINIA KEESLER: Virginia Keesler in favor.

7 JIM MONTEVERDE: Thank you. Daniel?

8 DANIEL HIDALGO: Daniel Hidalgo in favor.

9 JIM MONTEVERDE: Thank you. Steven?

10 STEVEN NG: In favor.

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

13 [All vote YES]

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

16 ADAM GLASSMAN: Thank you, Mr. Chair, and members  
17 of the Board. Have a good evening.

18 JIM MONTEVERDE: Thank you. You too.

19 ALISON MUNROE: Thank you very much. Bye.  
20  
21  
22

\* \* \* \* \*

(6:43 p.m.)

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

JIM MONTEVERDE: All right. Now we're onto the  
Regular Agenda. Are we at 6:15? Yes.

Next case is BZA-1165941, regarding 38-40-48-54-  
56 Banks Street.

Benjamin Tymann and Jason, are you here to  
present?

BENJAMIN TYMANN: Yes. Good evening.

JIM MONTEVERDE: Good evening.

BENJAMIN TYMANN: Thank you, Mr. Chair.

JIM MONTEVERDE: You're welcome.

BENJAMIN TYMANN: My name is Benjamin Tymann; I  
represent Lubavitch of Cambridge. We appreciate the Board's  
time this evening.

As you know, we have put forward a proposed  
development project for 38-40, 48, and 54-56 Banks Street.  
This application is premised on zoning relief that we  
believe we are entitled to under the Religious Land Use and

1 Institutionalized Persons Act in U.S. law.

2 And with me this evening to present are Jason  
3 Jewhurst, AIA from Bruner/Cott Architects; and from New York  
4 our two attorneys, Yehudah Buchweitz and Christopher Hall,  
5 who are also available to answer questions and to present as  
6 well.

7 We would like, Mr. Chair, to focus this evening on  
8 the design and architectural features of the proposed  
9 project.

10 And with that in mind, I am going to pass the  
11 baton to Jason Jewhurst, who will handle that part of the  
12 presentation.

13 JIM MONTEVERDE: Jason, just introduce yourself and  
14 --

15 JASON JEWHRST: Yeah.

16 JIM MONTEVERDE: -- go to it.

17 JASON JEWHRST: For the record, my name is Jason  
18 Jewhurst. I'm an Architect and Principal at Bruner/Cott  
19 Architects based in Boston, Massachusetts. I'm here on the  
20 applicant's behalf to present the Harvard Chabad Center for  
21 Jewish Life. And with that, I will begin the presentation.

22 Prior to walking through the buildings' design and

1 parameters of the project, we did include a Dimensional Form  
2 fully filled out, as well as a complete waiver list that Ben  
3 just reviewed with that. So that's included in this  
4 package.

5 To begin, just a brief bit of context: the  
6 existing site, it's three contiguous sites on Banks Street  
7 with an abutting connection to Green Street Terrace. And  
8 the three structures, 38-40, 48 Banks, and 54 and 56 Banks  
9 are included in detail. So those three structures will be  
10 modified and/or demolished in full.

11 We reviewed the scopes of work and demolition  
12 scope, and it was approved by the Cambridge Historic  
13 Commission some months ago.

14 So 38 and 40 will remain in its location currently  
15 on site. They will be removed -- portions of it will be  
16 removed in the back; the ells, and a shed.

17 48 Banks Street in the middle of the property will  
18 have an ell removed in its final location; it will be  
19 relocated to a new location on the site.

20 54 and 56 Banks Street will be demolished entirely  
21 to make space for 48 Banks to be relocated, and the new  
22 development to be built in the footprint of the site.



1           Just an overview to give -- Green Street, Banks  
2 Street, and the neighborhood. This is a site plan that  
3 shows the roof plans, as well as -- so you can see 38 and 40  
4 Banks Street in its location currently, and then 48 Banks  
5 Street relocated.

6           Just a section of Use and Program. So lower-level  
7 ground floor, second floor and third floor are Religious  
8 Purpose Use. Fourth floor and fifth floor are Religious  
9 Purpose Use; Parsonage Program.

10           On the ground floor, we are situating the building  
11 with the existing buildings but completing the plan and  
12 connecting them together. So there will be one contiguous  
13 floor plan for the ground floor.

14           We are accommodating parking on-site through one  
15 of the remaining existing curb cuts that are currently -- is  
16 off of Banks Street today. That will remain. That's on the  
17 right -- plan right that you see.

18           We also are accommodating for bicycle parking and  
19 a trash and recycle enclosure within the building footprint  
20 in that area.

21           We have provided a potential loading, drop-off/  
22 pickup area on Banks Street, as it's required, but we are

1 looking at consolidating the existing curb cuts to improve  
2 the parkability, and traffic flow on Banks Street currently.

3 So there are two existing curb cuts that are plan  
4 left. There's a 12' wide and a 16' wide. Those will both  
5 be removed as part of this project, and to create the area  
6 for a loading and drop-off area in front of the main  
7 entrance of the building.

8 The building is entered off of Banks Street.  
9 There is one main entrance, and there are several egress  
10 exits from the building towards the back and side lots.

11 We did review Open Space calculations for this  
12 project as part of the Ordinances in the City of Cambridge.

13 We are in compliance with the Private Open Space  
14 as part of 5.22. We are also looking at, you know, creating  
15 permeable open space both on the site, but also on the roof  
16 of the building footprint to accommodate that ordinance.

17 We have included GFA calculations for each of the  
18 floors of the building in a calculated FAR. We also have  
19 proposed -- the proposed floor plans are included with  
20 dimensional -- sort of dimensional setbacks from the  
21 property line on all sides, and extension and lengths of the  
22 building façade, as required by ISD and this Board.

1           So each floor plan is located with the property  
2 line, and we have an entrance, and the entrance identified  
3 as well as the covered trash area, vehicular parking both  
4 for bicycles long-term and short-term, and for vehicles.

5           There is no longer parking required off of Green  
6 Street. That is no longer a requirement, so there will be  
7 no parking access or access for vehicular use from Green  
8 Street. There will only be pedestrian access from the site  
9 and to the site through secured gates from the fence at the  
10 perimeter of the site.

11           Through the floors, there's a mezzanine level that  
12 meets the program just above the ground floor. The second-  
13 floor plan is the community -- basically community dining  
14 and for Religious Use Program.

15           The third floor is also Religious Use Program for  
16 more community space, as well as Use Program for staff and  
17 clergy.

18           The fourth and fifth floors are Religious Purpose  
19 Use -- Parsonage, Unit 1, 2 and 3.

20           And then there is a roof deck, roof terrace that  
21 will be -- will meet all accordances with egress and  
22 capacity from the building, with proper support for life and

1 fire safety.

2 We'll also have mechanical equipment. Some of it  
3 will be -- most of it will be enclosed. Some of it will be  
4 in open area on roof areas.

5 West elevation. The elevation facing Banks  
6 Street, we have the two existing structures. You can see 38  
7 and 40 Banks plan left.

8 Plan right, you see 48 Banks Street. The building  
9 does step back quite a bit after the third -- after the  
10 second floor, and it creates the top half of the massing.  
11 We are maintaining the elevations and the massing in  
12 accordance with the setbacks that we have identified on the  
13 site plan.

14 The building does have the first two floors. So  
15 the elevation of the first floor does meet the Resiliency  
16 Ordinances within the city of Cambridge. So we're going to  
17 maintain 21'4" above sea level and, you know, respectively  
18 to the only Zoning Ordinance, the building tops out at  
19 91'4".

20 Similarly, on the elevation with 38-40 Banks  
21 Street, this is a combination of existing façade that is  
22 going to remain in place, and then new façade and new

1 building square footage that will be added as part of the  
2 project.

3 Elevation facing Green Street. Similarly, we had  
4 a setback after the second floor.

5 And then the south elevation where you can see 48  
6 Banks Street facing Banks Street proper on the frontage, but  
7 then the building's stepping back again after the second  
8 floor up to the fifth floor.

9 Just to repeat, the Flood Resilience compliance of  
10 the project: we are maintaining 21 -- basically 21.3 or 4"  
11 above sea level. That meets the 2070 or 10 percent LTFE  
12 requirement. And then the total building height also meets  
13 the requirement of the Zoning Ordinance.

14 We have a full writeup that we've including on how  
15 the building will meet the Ordinance in addition to having  
16 the ground floor, and all nonessential equipment. Any  
17 nonessential equipment will be below grade, but all  
18 nonessential equipment and life safety equipment will be  
19 above that elevation.

20 Just an overview, just the site parameters for the  
21 three contiguous sites along Banks Street; aerial view. And  
22 then a view of the site in its current condition, where the

1 buildings sit currently.

2 With that, I'll hand it back to the Board. Thank  
3 you for your time.

4 JIM MONTEVERDE: Thank you.

5 Any questions from members of the Board? If not,  
6 I will open it up to public comment. We have in the file,  
7 by my count, no correspondence in favor, and we have seven  
8 speaking against. And I will attempt to summarize those.

9 We have first from Lily Shen from 23 Banks Street.  
10 And I will just, again, peak key phrases out of this.

11 "Allowing this project in its current proposal  
12 will be opening a floodgate to many other similar projects  
13 in the city of Cambridge. This impact will be devastating  
14 to existence of residential neighborhood and community in  
15 the city of Cambridge."

16 Next is Helen Walker, 43 Linnaean Street. And  
17 again, in summary -- again, it's the concern is proposed  
18 that "a precedent might be set that might encourage other  
19 institutional uses (i.e., nonprofit educational uses) to  
20 demand the same.

21 "Many of the neighborhood concerns about the  
22 project of this scale before you are valid. These included

1 traffic, deliveries, parking, trash pickup on a narrow  
2 residential street with only one lane, nighttime use,  
3 disruption from light, noise, generator from indoor assembly  
4 space and outdoor roof decks, loss of green space."

5 From Susan Ringler, 82 Kinnaird Street.

6 In part, "It is completely unacceptable to be --  
7 to build such a huge building on this quiet, residential  
8 street."

9 And it is followed by a statement that, "The  
10 opposition to the huge building has nothing to do with  
11 antisemitism or -- and is about the size of the planned  
12 building and how out of scale it is."

13 Laura Sheffield at 219 Brookline Street, this one  
14 urges you, the Board, "to stand with the existing City  
15 zoning regulations and ask that the client work with the  
16 City departments to accomplish their goals within the  
17 rules."

18 Pamela Fourtounis; work location at One Boston  
19 Place. It's a letter of opposition to the Variance and  
20 Special Permit, and it is a multipage analysis of all the  
21 relevant issues, which I will not go into for a matter of  
22 time.

1           Those are the ones in the file. So I will open  
2           the matter up to public commentary. Any member of the  
3           public who wishes to speak should now click the icon at the  
4           bottom of your Zoom screen that says, "Raise hand."

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

7           I'll now ask Staff to unmute 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          STEPHEN NATOLA: Alan Joslin?

13          ALAN JOSLIN: Thank you. I'm Alan Joslin. I've  
14          lived at 36 Banks Street for 37 years; a member of the Kerry  
15          Corner Neighborhood Association and direct abutter of the  
16          petitioner.

17          Unfortunately, I have to object to the project  
18          from the petitioner that is double the size of their  
19          previous project you earlier rejected.

20          First, the center of concern is increased  
21          intensity of use, that large religious and institutional  
22          buildings bring to residential neighborhoods compared with



1 residential buildings of the same size.

2 For an FAR, at 4.4 times allowed by current  
3 zoning, the result is an available occupancy for this  
4 building of over 1,600 people; roughly 6.5 times the  
5 capacity needed for their 250-person community now served.

6 Our second concern is the potential that a project  
7 of this size set within the context of Dover Amendment could  
8 become a precedent for other religious and nonreligious,  
9 educational institutions to argue their rights to similar  
10 growth and expansion in such neighborhoods.

11 Our third concern is the petitioner's misleading  
12 claims that RLUIPA offers them unlimited height and  
13 protection; in fact, courts have typically found that even  
14 religious organizations must abide by reasonable Dimensional  
15 Regulations, including FAR.

16 Dimensional requirements are appropriate to  
17 prohibit projects of excessive intensity of occupancy in  
18 residential neighborhoods. They're the least restrictive  
19 means that can be consistently and uniformly applied to all  
20 institutional development across the city.

21 Lastly, we do not seek to exclude Chabad from our  
22 neighborhood; we only ask them to reduce the scale of their

1 project. This is not a matter of aesthetics, bulk, or  
2 antisemitism, but one of FAR overreach. And I think you did  
3 not identify my submission, which I did send to City Hall.  
4 So --

5 JIM MONTEVERDE: All right. Thank you for your  
6 comment.

7 ALAN JOSLIN: Thank you.

8 STEPHEN NATOLA: James Williamson?

9 JAMES WILLIAMSON: Yeah, hi. Can you hear me?

10 JIM MONTEVERDE: We can.

11 JAMES WILLIAMSON: Thank you. James Williamson,  
12 Churchill Ave in Cambridge, although for many years I lived  
13 on Green Street for 30 -- well, for quite a long time I  
14 lived on Green Street, just a short distance from this  
15 location.

16 I've lived in Cambridge for over 50 years, and  
17 this is a cherished neighborhood that resisted Harvard  
18 expansion successfully. And now, I mean it's -- to me it's  
19 amazing that they are asking for even more than what they  
20 were asking for before.

21 It's completely inappropriate for this location,  
22 and I don't see that -- I think there's plenty of reason to

1 understand it as there being plenty of detriment to the  
2 public good, which is a criteria for granting a variance.

3 But clearly, they're not really paying too much  
4 attention to the criteria for a variance because they're  
5 relying on some questionable interpretations of some laws.  
6 I don't know what happened during the two Executive Sessions  
7 -- the one Monday at the City Council meeting or yours --

8 JIM MONTEVERDE: James --

9 JAMES WILLIAMSON: -- but --

10 JIM MONTEVERDE: -- I'm going to have to ask you  
11 to wrap up, please.

12 JAMES WILLIAMSON: Okay. I do want to mention --  
13 so I think this is a horrible proposal and should be  
14 rejected, but I do want to mention that the Cambridge  
15 Historical Commission, I do not believe that they saw this  
16 proposal when they granted the approval for the demolition,  
17 and I would appreciate it if that could be clarified.

18 I don't think that this is -- I don't think this  
19 is what they gave --

20 JIM MONTEVERDE: James --

21 JAMES WILLIAMSON: -- approval to.

22 JIM MONTEVERDE: -- five more seconds.

1 JAMES WILLIAMSON: There you have it. Why so  
2 harsh?

3 JIM MONTEVERDE: Thank you. Nope, sorry, we got a  
4 -- we're down to one minute a speaker, please.

5 STEPHEN NATOLA: Phyllis Bretholtz?

6 PHYLLIS BRETHOLTZ: Good evening. My name is  
7 Phyllis Bretholtz. I live at 65 Antrim Street. Many of the  
8 concerns that I have have already been stated. I'm just  
9 emphasizing that I think the scale of this project is so  
10 completely out of scale for the existing neighborhood that I  
11 take very strong exception and feel that it's -- the project  
12 should be denied.

13 I do not believe that the green space that has  
14 been allowed, given that we have a crisis in green space in  
15 the city. I don't believe that the green space allowed has  
16 been taken into consideration.

17 I do not understand the religious exemption, and I  
18 feel that the question that's already been raised about this  
19 being precedent-setting for other religious organizations is  
20 a legitimate question.

21 And to James' concern about the Cambridge  
22 Historical Commission, I really agree that the initial

1 proposal probably is quite different from what is being  
2 proposed right now.

3 So I am expressing my concern and my negative vote  
4 for the project. Thank you very much.

5 JIM MONTEVERDE: Thanks for calling in.

6 STEPHEN NATOLA: Deborah Epstein?

7 UNIDENTIFIED SPEAKER: One minute is not enough.

8 DEBORAH EPSTEIN: Yeah. Hi. Can you hear me?  
9 Deb -- yeah.

10 UNIDENTIFIED SPEAKER: So I'm going to run to keep  
11 my marriage together, but -

12 DEBORAH EPSTEIN: Hello.

13 JIM MONTEVERDE: Can you introduce yourself  
14 please, and begin your --

15 DEBORAH EPSTEIN: Yes.

16 JIM MONTEVERDE: -- discussion? You have one  
17 minute.

18 DEBORAH EPSTEIN: Yes. Deborah Epstein, 36 Banks  
19 Street right next door to the -- we are the direct abutters.

20 My primary concern is the issue of intensity of  
21 use. Based on occupancy and load calculations using the  
22 International Building Code Standards, which underlie the

1 Massachusetts Building Code, the legal occupancy of the  
2 petitioner's newly proposed facility would be 1,964 people.

3 If the parsonage floors, which are classified as  
4 nonresidential, are later converted to classroom space,  
5 occupancy would rise to 2,119 people. For context, the  
6 building this Board rejected last June for excessive FAR had  
7 an occupancy of 894; less than half.

8 The petitioner would like us to believe that the  
9 spaces would not be used concurrently. However, as an  
10 architect of public buildings, I know that once the building  
11 is built, concurrent use is essentially impossible to  
12 control. If the same 40,000 square-foot building were built  
13 for residential purposes, it would house roughly 200  
14 occupants; one-tenth the number of people permitted for  
15 Institutional Use.

16 When Chabad had a 1,000 people on Banks Street,  
17 police had to close the street, preventing residents  
18 suddenly and unexpectedly from getting to their homes. The  
19 current proposal could result in 2,000 people with no  
20 outdoor spillover area.

21 Thank you.

22 JIM MONTEVERDE: Thank you for calling in.

1 UNIDENTIFIED SPEAKER: Great job.

2 STEPHEN NATOLA: Shawn McCormack?

3 SHAWN MCCORMACK: Thank you. Shawn McCormack,  
4 Davis, Malm & D'Agostine. I represent the Charles Nominee  
5 Realty Trust, 56-64 Banks Street, a direct abutter to the  
6 project.

7 Tonight, I just want to focus on the parking  
8 layout, which is page 17 of the Agenda packet. As you can  
9 see, the applicant is proposing a six-car parking area  
10 that's directly up against my client's property.

11 The parking layout is problematic. It is not  
12 clear how cars will be able to get in and out safely.  
13 There's no proposal for any kind of buffer, screening or  
14 safety bollards that would protect my client's building.  
15 The proposal to have the parking right up against the  
16 property line would actually prevent that kind of  
17 infrastructure.

18 And finally, I'm not aware that a site plan that  
19 shows surveyed property lines has been surveyed. We believe  
20 the current parking area may be encroaching on my client's  
21 property, only about a foot or so. But a foot makes a real  
22 difference. So we would ask that a site plan prepared by a

1 surveyor be submitted.

2 Thank you.

3 JIM MONTEVERDE: Thanks for calling in.

4 STEPHEN NATOLA: Melissa Burns?

5 MELISSA BURNS: Hi. I'm a neighbor who walks down  
6 -- walked down Banks Street.

7 JIM MONTEVERDE: Melissa, can you introduce  
8 yourself please --

9 MELISSA BURNS: Yes.

10 JIM MONTEVERDE: -- and you'll have one minute to  
11 speak.

12 MELISSA BURNS: I'm Melissa Burns, 500 Franklin  
13 Street.

14 JIM MONTEVERDE: Yep.

15 MELISSA BURNS: I walk down Banks Street every day  
16 and I -- I love it. It's a beautiful block, and I object to  
17 an insti- -- large, institutional building setting up shop  
18 there at five stories. It's out of keeping with the  
19 neighborhood, and I cherish my neighborhood.

20 Thank you.

21 JIM MONTEVERDE: Thanks for calling in.

22 STEPHEN NATOLA: Helen Walker?



1           HELEN WALKER: Thank you. Can you hear me?

2           JIM MONTEVERDE: We can. Please keep it to one  
3 minute.

4           HELEN WALKER: I won't repeat what you've already  
5 said. Thank you for reading from my letter. I want to  
6 comment on the lack of arrival space for the hundreds of  
7 occupants arriving and departing. They need more than just  
8 the public sidewalk to perform that activity.

9           I also want to mention that the petitioners own at  
10 least eight other properties in Cambridge. It's not  
11 unreasonable to ask how much program area is reasonable to  
12 accommodate on this one modest site in a residential area.

13           Can any of the program area be accommodated on the  
14 other properties?

15           Thank you.

16           JIM MONTEVERDE: Thank you for calling in.

17           STEPHEN NATOLA: Reed Alexander?

18           JIM MONTEVERDE: Reed, can you unmute yourself,  
19 please?

20           [Pause]

21           JIM MONTEVERDE: Let's go on.

22           STEPHEN NATOLA: Reed Alexander?

1 REED ALEXANDER: Hello? Okay. Here I am.

2 JIM MONTEVERDE: Can you introduce yourself,  
3 please.

4 REED ALEXANDER: Can you hear me?

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

7 REED ALEXANDER: Okay. My name is Reed Alexander,  
8 22 Banks Street. Cambridge has long sought to limit  
9 excessive institution in residential neighborhoods,  
10 including religious and educational uses through reasonable  
11 dimensional regulations like FAR.

12 But now, due to recent zoning changes, the city  
13 has lost its Dover Amendment exemption in C1 zones. That  
14 means this project effectively becomes a test case.

15 If this oversized building is approved, it may  
16 establish a precedent that both religious and nonreligious  
17 institutions can use to demand similar large expansions in  
18 residential neighborhoods.

19 The Dover Amendment protects Religious and  
20 Educational Uses but explicitly allows local governments to  
21 apply reasonable regulations on bulk, height, setbacks, lot  
22 area and coverage. The BZA has full authority to uphold

1 Cambridge's long-standing protections, prevent precedent-  
2 setting harm and require institutional projects to respect  
3 neighborhood scale.

4 I respectfully urge the Board to deny the variance  
5 request.

6 JIM MONTEVERDE: Thanks for calling in.

7 REED ALEXANDER: Thank you.

8 STEPHEN NATOLA: Hyman Hartman?

9 HYMAN HARTMAN: Can you hear me?

10 JIM MONTEVERDE: We can. Can you introduce  
11 yourself, please, and then you'll have a minute to speak.

12 HYMAN HARTMAN: I'm Hyman Hartman. I live at 28  
13 Banks Street, Cambridge, Mass, and I've lived here for 27  
14 years. I'm a Jew, a Zionist, and I know antisemitism when I  
15 see it.

16 I want to speak briefly about how we got here.  
17 For 20 years, our neighborhood has welcomed and supported  
18 Chabad on Banks Street. Since the start of this process in  
19 2023, we have offered good faith, thoughtful proposals for a  
20 reasonable expansion that serves Chabad's stated needs for  
21 about -- oh, 150 congregants with appropriate sanctuary,  
22 dining, outer space, and support functions without

1     overwhelming the neighborhood.

2             Unfortunately, the petitioner has repeatedly  
3     rejected all dialogue. After every hearing, they've  
4     returned with a larger proposal and refused to negotiate.  
5     Instead, they publicly accuse the neighborhood, including  
6     many Jewish neighbors, including myself, of antisemitism.  
7     And their current bad faith and filed lawsuits against the  
8     City and this Board.

9             Their current proposal is not about reasonable  
10    religious need; it's about forcing. We respectfully ask  
11    that the Board to deny this variance, and we remain fully  
12    open to supporting a fair, properly sized project if the  
13    petitioner is ever willing to di- -- to engage.

14            JIM MONTEVERDE: Thank you. Thank you for calling  
15    in.

16            STEPHEN NATOLA: Berl Hartman?

17            BERL HARTMAN: Yes. Thank you. My name is Burl  
18    Hartman. And I've lived at 28 Banks Street for 27 years.  
19    I'd like to address the Board on what RLUIPA actually says.  
20    The petitioner claims that RLUIPA gives them automatic  
21    entitlement to build this oversized structure. That is  
22    simply not true.

1           RLUIPA prohibits discrimination against Religious  
2     Use, but it does not exempt religious institutions from  
3     zoning rules.

4           JIM MONTEVERDE:   Stephen, start the timer.

5           BERL HARTMAN:   Further, it has made clear, "A  
6     religious group has no Constitutional right to be free from  
7     reasonable zoning regulations."

8           Cambridge allows Religious Use on this site.   But  
9     Dimensional Regulations like Floor Area Ratio, apply equally  
10    to everyone.   RLUIPA does not override those rules unless  
11    the petitioner proves that following them would  
12    substantially burden their religious exercise.   They have  
13    not done so.

14          The Board may fully enforce Cambridge's zoning  
15    rules while fully complying with the federal law.   We urge  
16    you on that basis to reject the applicant's petition.

17          Thank you.

18          JIM MONTEVERDE:   Thank you for calling in.

19          STEPHEN NATOLA:   Tom Serwold?

20          TOM SERWOLD:   Hi.   My name is Tom Serwold, and I  
21    live at 30 Banks Street.   The petitioner's entire argument  
22    for this variance rests on RLUIPA.   But under RLUIPA, they

1 must prove that denial of this oversized building would  
2 substantially burden their religious exercise. They have  
3 not done so.

4           They haven't shown why 250 members can't be served  
5 by a smaller building; why all activities must occur on this  
6 parcel, rather than on one of Chabad's 12 other Cambridge  
7 properties, or how a smaller building would prevent  
8 religious practice, rather than simply limiting convenience  
9 or expansion.

10           Federal courts have made clear that inconveniences  
11 are not a substantial burden. For example -- I'm just going  
12 to give you a few court cases. In [connection distortion]  
13 party, walking a few extra blocks was not a burden.

14           And in Westchester Day School, another case,  
15 denial of expansion was allowed where alternatives existed.

16           And in another case called, "Vision Church" size  
17 limits on religious facilities were upheld. Those are  
18 regular zoning limits.

19           RLUIPA protects religious exercise, not unlimited  
20 expansion. The petitioner has failed to show a substantial  
21 burden, and I respectfully urge the Board to deny this  
22 request.

1 JIM MONTEVERDE: Thank you for calling in.

2 STEPHEN NATOLA: Darman Wing?

3 JOAN WEINFELD WING: Yes, hi. It's actually Joan  
4 Weinfeld Wing here. I'm a resident of 703 Green Street;  
5 also a direct abutter behind the Chabad property, and also  
6 one of several Jewish members of the Neighborhood  
7 Association.

8 Chabad, and as has been mentioned, has been on  
9 Banks Street for over 25 years, and there had always been a  
10 very friendly, supportive relationship between the neighbors  
11 and Chabad.

12 Unfortunately, since this first building proposal  
13 was made 18 months ago, Chabad has not been willing to  
14 engage in meaningful dialogue on the important issues such  
15 as size and intensity of use. And with each subsequent  
16 proposal that we've seen, the size of the project has  
17 increased.

18 The neighborhood continues to value Chabad and  
19 wants them to remain on Banks Street. We are simply asking  
20 that the new structure not only meets Chabad's basic needs  
21 to continue to serve its current community of 250 members,  
22 -- what -- they continue to affirm that -- but that the new

1 structure not overwhelm and unduly burden our small  
2 neighborhood with a massive intensity of use.

3 The neighborhood would gladly support a variance  
4 that was sized appropriately for the neighborhood; not the  
5 current proposal that could accommodate over 1,690 people.  
6 Once such a building is built, you cannot control the  
7 eventual usage of that -- to that number.

8 To more special about the neighbor --

9 JIM MONTEVERDE: Can -- I'm going to have to ask  
10 you to wrap it up, please.

11 JOAN WEINFELD WING: Oh, okay. I am obviously  
12 against this variance, and if the Chabad would come back  
13 with a reasonable size, I would gladly support it. I want  
14 the --

15 JIM MONTEVERDE: Okay. Thank you for calling in.

16 STEPHEN NATOLA: Doris?

17 DORIS JURISSON: Doris Jurisson. I live at 22  
18 Banks Street, and member of the Kerry Corner Neighborhood  
19 Association.

20 I wanted to briefly address the bigger picture of  
21 what's at stake for Cambridge neighborhoods and how RLUIPA  
22 applies even if the petitioner had demonstrated a burden,



1 which they have not.

2           RLUIPA still allows Cambridge to enforce  
3 reasonable zoning rules that protect compelling interests  
4 like neighborhood character, overdevelopment, and  
5 livability.

6           If this oversized project is approved, it will set  
7 a dangerous precedent. Both religious and nonreligious  
8 institutions could seek similar expansions, undermining  
9 residential zoning protections across Cambridge.

10           RLUIPA does not require the Board to accept  
11 speculative future needs, or to allow unlimited  
12 institutional growth. You have the full legal authority to  
13 deny this request or to require a smaller, more appropriate  
14 proposal that balances religious needs with neighborhood  
15 protections. Thank you very much.

16           JIM MONTEVERDE: Thank you for calling in.

17           STEPHEN NATOLA: Elizabeth Foote?

18           [Pause]

19           JIM MONTEVERDE: Elizabeth, can you introduce  
20 yourself, please and unmute?

21           [Pause]

22           Elizabeth, can you unmute yourself please?

1           ELIZABETH FOOTE: I'm Elizabeth Foote, and I'm  
2 here with my husband, Erik Thorkildsen, and we have lived at  
3 27-29 Surrey Street at the corner of Banks for 22 years.  
4 We're members of the KCNA.

5           We want to thank you for your careful  
6 consideration for this matter. You've been hanging in here  
7 for a couple of years, along with other committees, so we  
8 appreciate it.

9           Unfortunately, after last year's denial, the  
10 petitioner returned with a project that's now double the  
11 size, while simultaneously suing both the City and the Board  
12 while in mediation.

13           Throughout this process, we have acted in good  
14 faith, offering reasonable proposals to meet Chabad's needs  
15 for about 250 members. We've always supported their  
16 presence here. But instead of negotiating, the petitioner  
17 rejected all compromise, escalated demands, and leveled  
18 false personal accusations.

19           Legally, the petitioner has not demonstrated any  
20 substantial burden under RLUIPA, any legitimate hardship  
21 under local zoning, or any justification for ignoring public  
22 good.

1           This project would quadruple allowable FAR,  
2   increase occupancy to over 1,600 and overwhelm our  
3   neighborhood. At its core, this is a simple case of FAR  
4   overreach. We ask you to deny this variance; the precedent  
5   you will set will live for a long time.

6           JIM MONTEVERDE: Thank you for calling in.

7           Is that it?

8           STEPHEN NATOLA: Yep.

9           JIM MONTEVERDE: That is the extent of calling  
10   public testimony, so I will close public testimony.

11          Any discussion among members of the Board?

12          Hearing none, I will move to a motion. Again,  
13   let's recall there are two things on the table. We have a  
14   variance for a variety of zoning sections, and we have a  
15   special permit for some other sections of the Ordinance.  
16   And bear in mind that the motion is always stated in the  
17   affirmative.

18          So the Chair makes a motion to grant relief from  
19   the requirements of the Ordinance. The petitioner has  
20   applied for a variance for renovations to nonconforming  
21   structures requiring a variance to the increase in gross  
22   floor area and floor area ratio.

1           The petitioner seeks variance relief under Article  
2   5.000, Section 5.31, Article 19.000, Section 19.5, Article  
3   22.000, Section 22.9, and Article 10.000, Section 10.30.

4           The petitioner also seeks certain parking  
5   modifications requiring a special permit. The petitioner  
6   seeks special permit relief under Article 4.000, Sections  
7   4.56 and 4.57; Article 6.000 Section 6.000; Article 7.000  
8   Section 7.10; Article 11.000 Section 11.200; and Article  
9   10.000 Section 10.40.

10          The Board finds that the Religious Land Use and  
11   Institutionalized Persons Act of 2000, RLUIPA, applies to  
12   the Lubavitch of Cambridge, Inc.'s petition. As such, the  
13   Board must consider this federal statute in making its  
14   determination whether to grant the zoning relief requested.

15          Pursuant to RLUIPA, the City is precluded from  
16   imposing or implementing land use regulations in a way that  
17   imposes a substantial burden on a religious entity, unless  
18   the government demonstrates that the imposition of the  
19   burden is the least restrictive means of furthering a  
20   compelling government interest.

21          Pursuant to RLUIPA, the City is further prohibited  
22   from implementing a land use regulation that imposes a

1 substantial burden on a religious exercise of a person,  
2 including religious assembly or institution, unless the City  
3 carries its burden to show that the regulation furthers a  
4 compelling governmental interest, and is the least  
5 restrictive means of doing so.

6 After review, the Board finds that applying the  
7 City of Cambridge's Zoning Regulations to the Lubavitch of  
8 Cambridge would substantially burden Lubavitch of Cambridge.

9 The Board finds that not being able to host its  
10 congregants indoors and having to cancel events is a  
11 substantial burden to the petitioner.

12 The Board finds that there is no compelling  
13 government interest that would be impacted if the Zoning  
14 Regulations were not applied, as requested relief is allowed  
15 as-of-right for Residential Uses.

16 The Board therefore grants the petitioner a  
17 Variance for Renovations to Nonconforming Structures  
18 requiring variance due to the increase in floor area ratio.  
19 By a voice vote on the Variance Request, please.

20 Virginia?

21 VIRGINIA KEESLER: Virginia Keesler in favor.

22 JIM MONTEVERDE: Thank you. Carol? Oh no, not

1 Carol. Sorry.

2 MICHAEL LAROSA: I think you mean me, Jim.

3 JIM MONTEVERDE: Mike? Michael?

4 MICHAEL LAROSA: Michael LaRosa in favor.

5 JIM MONTEVERDE: Daniel?

6 DANIEL HIDALGO: Daniel Hidalgo in favor.

7 JIM MONTEVERDE: Steven?

8 STEVEN NG: Steven Ng in favor.

9 JIM MONTEVERDE: And Jim Monteverde.

10 [All vote YES]

11 JIM MONTEVERDE: So the relief for the Variance is  
12 granted. The Board also grants the petitioner a Special  
13 Permit for the parking requests. On a voice vote, please?

14 Virginia?

15 VIRGINIA KEESLER: Virginia Keesler in favor.

16 JIM MONTEVERDE: Michael?

17 MICHAEL LAROSA: Michael LaRosa in favor.

18 JIM MONTEVERDE: Thank you. Daniel?

19 DANIEL HIDALGO: Daniel Hidalgo in favor.

20 JIM MONTEVERDE: Steven?

21 STEVEN NG: Steven Ng in favor.

22 JIM MONTEVERDE: Thank you. And Jim Monteverde in

1 favor.

2 [All vote YES]

3 JIM MONTEVERDE: That's five affirmative for the  
4 Special Permit.

5 On the condition that the work proposed conforms  
6 to the drawings entitled, "Harvard Chabad Center for Jewish  
7 Life," prepared by Bruner/Cott and dated with an update of  
8 May 19, 2025 -- Mr. Jewhurst, can you confirm those are the  
9 correct documents?

10 JASON JEWHURST: Affirmative.

11 JIM MONTEVERDE: Okay. Thank you.

12 JASON JEWHURST: I can confirm that. Thank you.

13 JIM MONTEVERDE: -- initialed and dated by the  
14 Chair.

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

18 Thank you, and goodnight.

19 BENJAMIN TYMANN: Thank you.  
20  
21  
22

\* \* \* \* \*

(7:32 p.m.)

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

JIM MONTEVERDE: Next case is BZA-1161831 -- 27  
Jay Street.

CINDY JAO: Hi, can you hear me?

STEPHEN NATOLA: Hi, Cindy. We can hear you.

CINDY JAO: Okay.

JIM MONTEVERDE: Do you want to introduce yourself  
and present?

CINDY JAO: Hi. My name is Cindy Jao. And I'm  
one of the homeowners of 27 Jay Street in Cambridge. I'm  
here to request a variance to build a shed in our back yard  
within the accessory yard setbacks, and also to create a  
private Open Space violation.

So for some background, my husband and I just  
moved to 27 Jay Street this past January, but we're not new  
to the Riverside area. We lived on Kinnaird Street two  
streets over for 12 years before moving because we really  
love this area.



1           And we only moved because we needed more space for  
2     our family. I just had a third baby. And so, we have three  
3     younger kids, ages 3, 1, and 2 months.

4           So 27 Jay Street has a really small back yard.  
5     It's about 16' x 16', and the yard is adjacent to both the  
6     side and the rear property lines. And so, we are here  
7     because we'd like to build a shed in the rear of the yard to  
8     store bicycles and strollers and, like, bicycle accessories  
9     like child seats and helmets and stuff so that we can walk  
10    and bike more.

11          And ideally, we want to build a shed that is 7'  
12    tall, tall enough for me and my husband who's 6' tall to  
13    walk into.

14          And we can't really realistically use our basement  
15    to store the bikes and strollers and accessories because  
16    there's no stairwell with direct access to the outdoors.  
17    There's just a window well with a ladder, and it's really  
18    just for emergencies.

19          So if we were to adhere to the Zoning Ordinances  
20    side- and rear-yard setback requirements, the shed would be  
21    really small and would be really in the middle of the yard,  
22    which would kind of constrain how our family could use the

1 back yard. So this is why we're requesting the variance  
2 today.

3 So in the documents, in the Agenda packet, there's  
4 a diagram on page 40 of the proposed shed placement, and --  
5 as well as page 37 has a design of the shed. Yeah, so this  
6 is -- that's roughly what the back yard looks like. There's  
7 kind of a row of hedges and bushes on the left.

8 The property line, we believe -- I'm not a  
9 surveyor, but it -- I believe looking at the permit side, it  
10 looks like it's in our yard a little bit.

11 And so instead of a 5' setback on the left and a  
12 5' setback on the right, we're requesting 2', just so that  
13 the shed could be placed along an existing fence in the  
14 back. And then we would still have room for the kids to  
15 play, and also to get to the front gate, which is at the  
16 bottom of the design there.

17 So I'm happy to answer any questions that --

18 JIM MONTEVERDE: Okay.

19 CINDY JAO: Thank you.

20 JIM MONTEVERDE: Thank you. And this is a  
21 Variance Request?

22 CINDY JAO: Yes.

1 JIM MONTEVERDE: Any questions from members of the  
2 Board?

3 STEVEN NG: Is there any drawings of the shed  
4 itself, the design itself?

5 CINDY JAO: Yes. If you scroll up a little bit,  
6 on page 37, I believe. Yeah, sorry. This is the 27 Jay  
7 house from the top. Yeah, 37. There. Yeah. There's a --  
8 yeah, so it's like a modern --

9 STEVEN NG: Mm-hm.

10 CINDY JAO: -- shed. We are requesting that it's  
11 built through Urban Sheds. And they built these custom  
12 sheds in the back yard.

13 And so, it would be 7' tall and 8' x 10' wide.  
14 And it would be wide enough to store a double stroller, or a  
15 single stroller, some car seats if we needed, and then also  
16 bikes. And we're hoping to get an e-bike as well.

17 STEVEN NG: So it's 7' in the shortest --

18 CINDY JAO: The tallest.

19 STEVEN NG: -- height.

20 CINDY JAO: Tallest.

21 STEVEN NG: The tallest. Thank you so much.

22 Thanks.

1 CINDY JAO: That's my understanding, yes.

2 STEVEN NG: Mm-hm.

3 JIM MONTEVERDE: Any other questions from members  
4 of the Board?

5 DANIEL HIDALGO: Have you been in communication  
6 with the neighbors who are -- this affects?

7 CINDY JAO: Unfortunately, I haven't with -- I  
8 just had a baby end of March, and I sort of am still kind of  
9 in the newborn, you know, phase right now. And because we  
10 recently moved here, we haven't. We've only just, just  
11 started meeting our neighbors on the 29 Jay side. So  
12 unfortunately, we do not, and apologize.

13 JIM MONTEVERDE: We're --

14 STEVEN NG: Congratulations on the new baby.

15 JIM MONTEVERDE: -- Stephen, Stephen, didn't the  
16 City mail out --

17 STEPHEN NATOLA: Yeah.

18 JIM MONTEVERDE: -- info?

19 CINDY JAO: Mm-hm.

20 STEPHEN NATOLA: Yep. People would have been  
21 contacted.

22 JIM MONTEVERDE: So the neighbors were contacted

1       --

2               CINDY JAO:   Yes.

3               JIM MONTEVERDE:  -- by the City.

4               CINDY JAO:   We also posted the poster as well.

5               JIM MONTEVERDE:  Right.  And we don't have any  
6 correspondence in the file, either for or against.

7               Any other questions?

8               If I can ask, so I see on the drawing that shows  
9 the site plan for the -- that one -- it says there's a rear  
10 fence?

11              CINDY JAO:   Yeah.

12              JIM MONTEVERDE:  How tall is the rear fence?

13              CINDY JAO:   I don't know the exact dimensions, but  
14 I believe it's 6' or 7'.  It's quite --

15              JIM MONTEVERDE:  So your --

16              CINDY JAO:   -- tall.

17              JIM MONTEVERDE:  -- shed will be slightly above  
18 that height?

19              CINDY JAO:   I believe so.

20              JIM MONTEVERDE:  Okay.

21              CINDY JAO:   Slightly --

22              STEVEN NG:   I think there were some photos of that

1 back fence --

2 CINDY JAO: Yeah.

3 STEVEN NG: -- in the --

4 JIM MONTEVERDE: All right.

5 CINDY JAO: If you can --

6 JIM MONTEVERDE: We can get there in a second;  
7 Stephen just stepped away. And we have to find -- variance  
8 requires we find a hardship.

9 And I think from what you've said and looking at  
10 the floor plans, hardship is you don't -- you use every  
11 square inch of your floor plan for bedrooms and occupied  
12 space, correct?

13 CINDY JAO: Uh --

14 JIM MONTEVERDE: Is that the hardship, you don't  
15 have any space in your house for any of this stuff?

16 CINDY JAO: Mm-hm.

17 JIM MONTEVERDE: You're saying you don't get  
18 access -- direct access to the basement from the outside?

19 CINDY JAO: Yeah. It's very difficult to take --  
20 physically lift our bikes up if we enter the stairwell and  
21 navigate through the doors. There's no --

22 JIM MONTEVERDE: Right.

1 CINDY JAO: -- practical entry to the basement.

2 JIM MONTEVERDE: So that's the hardship. All  
3 right. Any other questions from members of the Board? If  
4 not, I'll open it up to public comment.

5 Any -- and then, as I said, we have no  
6 correspondence in the file either for or against.

7 Any member of the public who wish to speak should  
8 now click the icon at the bottom of your Zoom screen that  
9 says, "Raise hand." If you're calling in by phone, you can  
10 raise your hand by pressing \*9 and unmute or mute by  
11 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 two minutes to speak before I ask you to  
16 wrap up.

17 JIM MONTEVERDE: Two minutes; good.

18 STEPHEN NATOLA: No one.

19 JIM MONTEVERDE: No one's there. All right. We  
20 will close public testimony.

21 Any discussion among members of the Board? Not  
22 hearing any. I'll move to a motion. Again, this is a

1 Variance Request.

2 The Chair makes a motion to grant relief from the  
3 requirements of the Ordinance under Sections 5.31, Table of  
4 Dimensional Requirements; 4.21, Accessory Dimensions; and  
5 10.30 for a Variance.

6 And for a variance, we need to find the hardship.  
7 And the hardship is owing to the fact that there is not  
8 easy, direct access to the basement for storage of any of  
9 the bicycles or car seats that have been mentioned.

10 And that desirable relief may be granted without  
11 either substantial detriment to the public good -- correct  
12 -- or nullifying or substantially derogating from the intent  
13 or purpose of this Ordinance, which is correct.

14 So we find that you meet the conditions for a  
15 Variance under Section 10.31.

16 On the condition that the work proposed conforms  
17 to the drawings entitled, "26 Jay Street." It's labeled --  
18 doesn't have -- I'll put today's date on it -- it says,  
19 "BZA-116183 (sic)," that's the drawing that's up on the  
20 screen -- initialed and dated by the Chair.

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



1 application.

2 On a voice vote, please? Virginia?

3 VIRGINIA KEESLER: Virginia Keesler in favor.

4 JIM MONTEVERDE: Thank you. Michael?

5 MICHAEL LAROSA: In favor.

6 JIM MONTEVERDE: Thank you. Daniel?

7 DANIEL HIDALGO: Daniel Hidalgo in  
8 favor.

9 JIM MONTEVERDE: Thank you. Steven?

10 STEVEN NG: Steven Ng in favor.

11 JIM MONTEVERDE: Thank you. And Jim Monteverde in  
12 favor. That's five in favor.

13 [All vote YES]

14 JIM MONTEVERDE: The relief is granted.

15 CINDY JAO: Thank you so much, Mr. Chair, and  
16 members of the Board. I appreciate it.

17 JIM MONTEVERDE: You're welcome.

18

19

20

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22

\* \* \* \* \*

(7:41 p.m.)

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

JIM MONTEVERDE: Next case is BZA-1161542 --  
1 Pine Street.

Mr. Rafferty?

JAMES RAFFERTY: Apologies.

JIM MONTEVERDE: Whoops. We're early by three  
minutes.

STEPHEN NATOLA: Wait, really?

JIM MONTEVERDE: Oh no, that's the next one.  
We're fine. Sorry.

STEPHEN NATOLA: That's good.

JIM MONTEVERDE: Wishful thinking.

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

JIM MONTEVERDE: Hi.

JAMES RAFFERTY: Hi.

JIM MONTEVERDE: Good evening.

JAMES RAFFERTY: Sorry. I have -- I always get

1     anxious when the prompt comes up to hit the thing, and then  
2     it takes awhile and I worry you think I've fallen asleep or  
3     -- believe me, what you were doing tonight was so  
4     interesting, I've been perched on the edge of my seat.

5             So I assure you that I was attentive.

6             Just wanted to explain my slight delay. So good  
7     evening --

8             JIM MONTEVERDE: Hi.

9             JAMES RAFFERTY: -- Mr. Chair, and members of the  
10     Board. For the record, my name is James Rafferty. I'm an  
11     attorney with offices located at 907 Massachusetts Avenue.

12             I'm appearing this evening on behalf of the  
13     application, which has a clever LLC name, Pollydoodle  
14     Properties. But the Pollydoodle Properties is embodied in  
15     Jacqueline Arbuckle, the owner of the property in question.  
16     It's a single-family home located on Pine Street, at the  
17     corner of Pine and School Street.

18             And this proposal is seeking a Special Permit  
19     pursuant to Section 8.22.2.d to allow for the construction  
20     of an addition to a nonconforming structure that does not  
21     create any new nonconformity.

22             So the -- it might be of assistance if we could go

1 to Sheet A-020, the architectural site plan. I think it's  
2 helpful in illustrating the issue that is present in the  
3 case, because this A-020 shows you exactly where the  
4 nonconforming portion of the property is occurring, because  
5 the -- there it is right there.

6 And if you look carefully on the left, you'll see  
7 a red dashed line about one-third into the lot. And that  
8 represents the required zoning setback, the 10' setback now  
9 required under the recently amended zoning.

10 And as you can see, it's a two-and-a-half story  
11 structure currently, and a portion of it encroaches into  
12 that side yard setback. Since that's the corner street,  
13 that's the front. Yeah, this house -- this lot has two  
14 fronts, as the Board knows.

15 So in this case, what the applicant is proposing  
16 to do is to raise the roof essentially of the structure and  
17 put on a third-story addition. That addition will contain  
18 some dormers, but those dormers are actually permitted under  
19 the recently amended Dormer Zoning Amendments.

20 So what's necessary is the portion of the roof  
21 that is within the setback on the third floor of this new  
22 area. The footprint of the structure isn't changing, and

1     that's why there is no new nonconforming's being created.

2             And it's also the case that the existing -- the  
3     existing structure as a single-family dwelling is not going  
4     to be changing. So the relief is exactly what is  
5     contemplated in 8.22.2.d, an addition that doesn't create  
6     any new nonconformities.

7             Also present this evening -- and I apologize for  
8     my late introduction -- is Tanya Carriere, the architect.  
9     Also present this evening -- and I apologize for my late  
10    introduction -- is Tanya Carriere, the architect.

11            And I'm sure -- I don't know if she's in the Chat,  
12    in the session -- I'm hoping she is. If the Board were to  
13    have any questions about the design or any aspects of the  
14    dimensions, Ms. Carriere could address them.

15            JIM MONTEVERDE: Can you bring up this sheet,  
16    Stephen?

17            STEPHEN NATOLA: Yep. I will.

18            JIM MONTEVERDE: I think it's the last one in the  
19    packet.

20            JAMES RAFFERTY: Here's -- I see Tanya now.

21            JIM MONTEVERDE: Tanya, if you can introduce  
22    yourself. And I asked Stephen to bring up the exterior

1 elevations that look like the one drawing that pretty  
2 succinctly summarizes what the new construction involves,  
3 and I'm assuming that relief that you're looking for.

4 TANYA CARRIERE: Yes. Good evening. Tanya  
5 Carriere from Khalsa Design. So I'll briefly describe what  
6 we're looking for. So here's the exterior elevations. If  
7 you just scroll a little bit to the top, you can see the two  
8 street elevations.

9 And what we are looking to do is raise that third  
10 floor. There is currently a third floor, but it's very low  
11 headroom. It's more of, like, a loft area. And we'd like  
12 to raise the roof there to be kind of a useable third-floor  
13 area for some bedrooms, just a primary suite up there.

14 And we would be under the height limit. We'd be  
15 at 33'11" in this design from grade to the highest point at  
16 the roof.

17 And the relief is -- just as James -- Mr. Rafferty  
18 said -- that we are -- the existing structure is within the  
19 setback. So we'd just be building on top of that.

20 JIM MONTEVERDE: Very good. Thank you. Any  
21 questions from members of the Board? If not, I will open it  
22 up to public comment. We have no correspondence in the

1 file.

2           So public comment, any members of the public who  
3 wish to speak should now click the icon at the bottom of  
4 your Zoom screen that says, "Raise hand." If you're calling  
5 in by phone, you can raise your hand by pressing \*9 and  
6 unmute or mute by 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 one minute to speak before I ask you to wrap  
11 up.

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

17           Anyone calling in?

18           STEPHEN NATOLA: Nope.

19           JIM MONTEVERDE: Nope? All right. So we will  
20 close public testimony. Any discussion among members of the  
21 Board? If not, we'll move to a motion. And this is a  
22 Special Permit.

1           The Chair makes a motion to grant relief from the  
2 requirements of the Ordinance under Sections 5.31 for the  
3 Table of Dimensional Requirements; 8.22.2.d for a  
4 Nonconforming Structure and 10.40 for a Special Permit. And  
5 that is specifically that:

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

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

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

14           d) Nuisance or hazard would be created to the  
15 detriment of the health, safety, or welfare of the occupant.  
16 It will not.

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

20           So we find that it meets all the criteria for a  
21 Special Permit.

22           On the condition that the work proposed conform to



1 the drawings entitled, "1 Pine Residence -- 1 Pine Street  
2 Residence," prepared by KDI Architecture and dated  
3 04/23/2025; initialed and dated by the Chair.

4 And further, that we incorporate the supporting  
5 statements and Dimensional Form submitted as part of the  
6 application. On a voice vote, please? Virginia?

7 VIRGINIA KEESLER: Virginia Keesler in favor.

8 JIM MONTEVERDE: Thank you. Michael?

9 MICHAEL LAROSA: In favor.

10 JIM MONTEVERDE: Thank you. Daniel?

11 DANIEL HIDALGO: Daniel Hidalgo in favor.

12 JIM MONTEVERDE: And Steven?

13 STEVEN NG: In favor.

14 JIM MONTEVERDE: And Jim Monteverde in favor.

15 [All vote YES]

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

18 JAMES RAFFERTY: Thank you, Mr. Chair, and members  
19 of the Board. Have a good evening.

20 JIM MONTEVERDE: Thank you. You too.  
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\* \* \* \* \*

(7:50 p.m.)

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

JIM MONTEVERDE: Next case is --

STEPHEN NATOLA: No one even registered  
technically, so.

JIM MONTEVERDE: -- BZA-1161501 for 133  
Fayerweather Street. And we have a letter from Daniel  
Ustayev, who is requesting a continuance, and a continuance  
for June 26.

STEPHEN NATOLA: Yes.

JIM MONTEVERDE: Is that the only case we'll have?

STEPHEN NATOLA: No, there's definitely one other  
coming after this.

JIM MONTEVERDE: So on June 26. And this is a  
case not heard, so it doesn't need to be the same Board  
members who are here tonight.

So let me make a motion to continue this matter to  
June 26, 2025, on the condition that the petitioner change  
the posting sign to reflect the new date of June 26, 2025,

1 and the new time of 6 p.m.

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

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

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

14 On the motion to continue this matter until June  
15 25, 2025, by a voice vote, please? Steven?

16 STEVEN NG: In favor.

17 JIM MONTEVERDE: Thank you. Daniel?

18 DANIEL HIDALGO: In favor.

19 JIM MONTEVERDE: Thank you. Michael?

20 MICHAEL LAROSA: In favor.

21 JIM MONTEVERDE: Thank you. Virginia?

22 VIRGINIA KEESLER: Virginia Keesler in favor.

1                   JIM MONTEVERDE: And Jim Monteverde in favor as  
2 well.

3                   [All vote YES]

4                   JIM MONTEVERDE: So it is continued.

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(7:53 p.m.)

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

JIM MONTEVERDE: Next case: BZA 1157751 -- 8  
James Street (sic).

DAMON SIDEL: Hi there.

JIM MONTEVERDE: Hi.

DAMON SIDEL: My name is Damon Sidel. I am the  
Architect of Record at Mix Design and Development, for  
Christina Mork and Paul Blainey.

I believe that they are on the line and will  
introduce themselves.

CHRISTINA MORK: Good evening. My name is  
Christina Mork, one of the owners at 8 James Way. And I  
believe my husband is joining shortly.

DAMON SIDEL: I believe he's -- is he still in  
Sweden?

CHRISTINA MORK: Yes.

DAMON SIDEL: Still in Sweden. It's a little late  
for him.

1 JIM MONTEVERDE: Okay.

2 CHRISTINA MORK: I can continue on, and he can  
3 introduce himself when he joins. We are longtime Cambridge  
4 residents, having first moved to Cambridge in 2001 and  
5 having lived in this house since returning to Cambridge in  
6 2012.

7 Our three children, who are 5,8, and 11, have  
8 lived in the house their whole lives and are enrolled in the  
9 Cambridge Public Schools at King Open on Cambridge Street.  
10 We have built our life and our personal community here.

11 We would like to expand this little townhouse  
12 because we love the neighborhood and our neighbors and want  
13 a little more space for our family of five, as our kids grow  
14 older and bigger.

15 We have four letters of support, and these are  
16 from -- let's see -- that I'm prepared for read into the  
17 record from 2,5,10, and 12 James Way, supporting our  
18 project. These letters come from neighbors on both sides of  
19 our house and directly across the street. And I can read  
20 the most recent letter from 5 James Way.

21 JIM MONTEVERDE: Can you summarize it, please, if  
22 they're lengthy? Just --

1 CHRISTINA MORK: Okay, yeah. So it's a letter of  
2 support. I actually don't have it in front of me since my  
3 husband is going to read it. So it is a letter of support,  
4 and we can submit that or read that.

5 JIM MONTEVERDE: Yeah, submit; that would be fine.

6 CHRISTINA MORK: Okay.

7 DAMON SIDEL: Christina, 5 James Way says,  
8 "There's no reservations about the project."

9 No. 10 James Way, which is next door, says that  
10 they really like -- that they -- we've minimized the impact  
11 on the yard space and they're in full support.

12 No. 12 James Way, on the other side two down, in  
13 full support of the proposal.

14 And No. 2 James Way: 100 percent and are happy to  
15 provide additional written and verbal support.

16 CHRISTINA MORK: Thank you. And I'll hand it over  
17 to you, Damon and you can explain how we've envisioned  
18 expanding our house so that we can comfortably expand  
19 Cambridge.

20 DAMON SIDEL: Sure. I don't know if it's possible  
21 to pull up the drawings. If it is, that would be great.

22 JIM MONTEVERDE: Yes.

1           DAMON SIDEL: I'll start with -- well, the full  
2 scope of the project is a third-floor addition that is by  
3 right, and then small first-floor rear addition that is --  
4 requires the variance.

5           If you go to the architectural site plans, I  
6 believe on the next couple pages down or more -- there we go  
7 -- it looks a little blurry on my screen. Can't tell if --

8           JIM MONTEVERDE: It's blurry here too.

9           DAMON SIDEL: Okay. There we go. It looks like  
10 it just resolved. So on the left is the existing condition,  
11 and on the right is the proposed. And you'll see a small,  
12 4' extension. And it is adjacent to the townhouse on the  
13 left. And per the new Multifamily Zoning Regulations, it  
14 requires a 5' setback.

15           In particular, the variance for that 5' -- to  
16 violate that 5' setback due to the new zoning, we were in  
17 the middle of the Planning Board, because Planning Board  
18 process to have this heard as an amendment to PB-22 to get  
19 the third-floor extension actually which required an  
20 amendment to that Planning Board decision, because this is a  
21 townhouse development.

22           If you go down another page, you'll see in the



1 neighborhood. The existing house is up in the right corner,  
2 once it resolves there. Yep.

3 And then you can see the labels across the top of  
4 the house. So it's No. 8. You can see what it faces,  
5 across the street along the top.

6 In the middle, in the next line down, you see it  
7 adjacent to No. 6 and then there's a gap to No. 10. And  
8 then No. 10 and 12 start out another row of townhouses  
9 further down.

10 And then also adjacent development that got down a  
11 while ago to one of the end townhouses.

12 If you go down to the next page, please, you'll  
13 see a rendition of what we're proposing. For the third  
14 floor, you can see from the front it's a gambrel roof with  
15 dormers.

16 And then the two diagrams, the blue is  
17 highlighting and in particular the upper two diagrams there,  
18 the center one shows the existing, and then the one on the  
19 right shows the rear kitchen addition.

20 Again, it is adjacent to the abutting property.  
21 There is a -- the properties shift by two feet and so, the  
22 first -- sorry, three feet. The first three feet is

1 adjacent and is conforming. And then the last two feet is  
2 nonconforming to that new 5' setback by the Multifamily  
3 Zoning rules.

4 If you scroll down to -- I think the first floor  
5 plans are on the next page, please. Oop. Yep. There you  
6 go.

7 Here you can get an impression of the existing  
8 first floor. This is a demo plan on the left, and on the  
9 right is the proposed first floor.

10 And you can see it's -- the angles there is  
11 actually to give a window that faces past their neighbor, so  
12 they can look past their next-door neighbor on the right.

13 And you can see that this extension, which was  
14 designed prior to the zoning and was conforming with a zero-  
15 side setback for townhouses, is no longer conforming on that  
16 last three feet on the side there; two to three feet. I  
17 think it's two and a half.

18 And we would have to set this into essentially the  
19 middle of the rear, which would make populating it with a  
20 kitchen to be very difficult from a design point of view and  
21 would require us to redesign it after a long process of  
22 trying to get it into the queue of Planning Board for an

1 amendment there.

2 The last thing that I would like to note is -- if  
3 it's helpful -- is a summary of the Variance Criteria and  
4 how this affects it.

5 Under the literal enforcement of this provisions,  
6 the substantial hardship is the need to redesign having been  
7 right in the middle of the Planning Board process after  
8 quite a long time getting there and into that process.

9 And they don't have a way of distinguishing  
10 between small changes versus large changes, so it's all the  
11 stuff. And so, we have to enter into another redesign for  
12 that. So there's the financial hardship for doing that  
13 process again.

14 The circumstance of the townhouse -- I've  
15 explained the 2' setback, the 2' violation, and the way that  
16 specifically each of the townhouses shift back and forth,  
17 and so, keeping in character with that shift.

18 It's -- you know, it doesn't allow because of the  
19 new zoning to allow that. It's only if they're coplanar on  
20 the front and the rear façades to be allowed.

21 And each of these units already have a shift in  
22 them; sometimes forward or sometimes back.

1           And then the modifications, it's still a single-  
2   family house, and we're not changing anything about that in  
3   the proposed. It still allows for the townhouse and a  
4   single family, and similar nature.

5           And the gambrel is to -- the rear -- sorry, the  
6   rear addition is not visible from the front, and so, it  
7   doesn't have a large impact on the neighborhood in the  
8   smaller scale.

9           And the rest of the development is trying to keep  
10   in character with the general neighborhood. Now I will turn  
11   it over back to you. Thank you very much.

12           JIM MONTEVERDE: Any questions from members of the  
13   Board? If not, we have no correspondence in the file. So  
14   if you in fact have some correspondence or your neighbors  
15   have corresponded with you?

16           MICHAEL LAROSA: Jim, can I ask one quick  
17   question?

18           JIM MONTEVERDE: Hold on one second. If the  
19   neighbors have corresponded with you or with the owner, if  
20   you would please -- I'll mention that as a condition that  
21   you submit those letters for the file, please?

22           DAMON SIDEL: Absolutely.

1 JIM MONTEVERDE: And now I'll open it up to public  
2 comment.

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

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

13 Anybody calling in?

14 STEPHEN NATOLA: Jason Stockman?

15 JASON STOCKMAN: Hello. I'm Jason Stockman from 7  
16 Cornelius Way, which is another street in the Linden Park  
17 Neighborhood, very close to the applicant's house. And I  
18 want to speak in favor of the proposal.

19 I have two kids, actually, and I can attest to the  
20 fact that these Linden Park homes, while lovely, can be  
21 quite confining when you have a growing family in the  
22 neighborhood. And I completely understand their adding

1 additional space.

2           The kitchens are also quite small, and so adding  
3 this additional kitchen space would really provide relief to  
4 a growing family.

5           I want to say that Paul and Christina have been a  
6 really wonderful part of our neighborhood. They and their  
7 children have really contributed a lot to an ambience in  
8 Linden Park that is very family-friendly, and which really  
9 makes it an attractive place to live. I would love for them  
10 to be able to stay in the neighborhood and grow their family  
11 in Cambridge, where they've lived for so long.

12           And I would note that, in my view, there's really  
13 no public detriment posed by the addition in the back of the  
14 house. You can't see it, the neighbors don't object to it,  
15 and so, I don't really see any downside to their proposal.

16           The only detriment would be if people like them  
17 had to move to the suburbs to get the space that they need,  
18 rather than growing their house and growing their family in  
19 place in the city in a manner that is tasteful, conforms to  
20 the structure of the -- design of the surrounding houses,  
21 and poses no real detriment to the neighborhood.

22           So with that, I'll just reiterate my support for

1 the proposal. Thank you.

2 JIM MONTEVERDE: Thank you for calling in.

3 Anybody else? That's it. So we will close public  
4 testimony.

5 Any discussion among members of the Board? If not  
6 --

7 STEPHEN NATOLA: Michael LaRosa.

8 JIM MONTEVERDE: Sorry. Mike?

9 MICHAEL LAROSA: Yeah, sorry. I just had one  
10 quick question. And I don't want to misconstrue it as being  
11 opposed; I'm actually in favor, but I -- knowing that area,  
12 Damon, you might be able to answer it.

13 Is there any sort of, like, common scheme  
14 restriction where -- because everything looks the same  
15 there. So does any of this have to be approved by an  
16 Association or a board or anything?

17 DAMON SIDEL: It doesn't. And there are a number  
18 of other houses that have had dormers added to them that are  
19 not as -- and so, not nearly as much in support by the  
20 community.

21 The gambrel roof was actually a suggestion to  
22 bring -- keep the house more in scale by the Planning Board,

1 and we really enjoyed the appearance of that rather than a  
2 flat roof, a third floor, which would have been also a  
3 design possibility to get a third floor and isn't what  
4 either of the owners wanted.

5 And I thought that the Planning Board's suggestion  
6 was a good one.

7 MICHAEL LAROSA: Okay. I just wanted to ask,  
8 because I know the --

9 DAMON SIDEL: Yeah.

10 MICHAEL LAROSA: -- area well, and --

11 DAMON SIDEL: Yeah.

12 MICHAEL LAROSA: -- everything basically looks the  
13 same cookie cutter, so I figured there was a reason that,  
14 you know, there was some sort of --

15 DAMON SIDEL: Yeah, it's -- it's --

16 MICHAEL LAROSA: Something in the past that made  
17 everybody kind of confirm.

18 DAMON SIDEL: That was just the original  
19 development. So it was all done all at once by a developer,  
20 and so Linden Park units, these are all prefab construction  
21 actually. They come in four boxes. And then there's a  
22 stick frame, the roof. So that's how it was developed



1 originally.

2 And the additions that have gone on since then  
3 have pushed the boundaries of what had been allowed by  
4 Zoning for third-floor additions, which was minimum to  
5 nothing.

6 And now that the third-floor addition is  
7 available, is usually that there will be more folks who are  
8 going to do either a by right third floor or try other  
9 things like this rear addition. Many of the other houses  
10 also have rear additions that are off one or two stories.

11 JIM MONTEVERDE: Thank you.

12 DAMON SIDEL: Yep.

13 JIM MONTEVERDE: Any other discussion among  
14 members of the Board? Again, keep in mind that the diagram  
15 in front of you that's on the screen, we are only  
16 concerned,; and the variance is only for that addition on  
17 the first floor.

18 DAMON SIDEL: Correct.

19 JIM MONTEVERDE: The third floor one is a done  
20 deal through the Planning Board. So if there's no other  
21 discussion among members of the Board, I'll move for a  
22 motion. This is a variance.

1           The Chair makes a motion to grant relief from the  
2 requirements of the Ordinance under Sections 5.31, Table of  
3 Dimensional Requirements; 8.22.3, Nonconformance; and 10.30,  
4 specifically 10.31 for a Variance; and that requires us to  
5 find and hardship.

6           I believe the hardship, when you go back to your  
7 ground-floor plan, has to do with wanting to achieve a  
8 contemporary kitchen for a growing family and expand the  
9 limited kitchen that's there.

10           The hardship and desirable relief may be granted  
11 without either substantial detriment to the public good,  
12 which is correct, or nullifying or substantially derogating  
13 from the intent or purpose of the ordinance, which I also  
14 think is correct.

15           On the condition that the work proposed conforms  
16 to the drawings entitled, "8 James Way," prepared by Spruhan  
17 Engineering, P.C. and dated July 19,2023 -- is that correct?

18           DAMON SIDEL: Mix Design and Development. The  
19 Spruhan did the site plan.

20           JIM MONTEVERDE: Oh, okay. So the ones that we're  
21 talking about here are from Mix Design and Development?

22           DAMON SIDEL: Correct.

1 JIM MONTEVERDE: Yeah.

2 -- 8 James Way, prepared by Mix Design and  
3 Development, dated April 25, 2025; initialed and dated by  
4 the Chair.

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

8 Further, the variance is granted incorporating the  
9 following conditions: and that condition is that you send  
10 into Inspectional Services to Maria Pacheco the letters you  
11 have from the neighbors -- abutters -- speaking in favor of  
12 the project.

13 STEPHEN NATOLA: Put a date on them too.

14 DAMON SIDEL: They will be there tomorrow. Thank  
15 you.

16 JIM MONTEVERDE: Yeah, just -- and date those,  
17 please.

18 On a voice vote, please, Virginia?

19 VIRGINIA KEESLER: Virginia Keesler in favor.

20 JIM MONTEVERDE: Thank you. Michael?

21 MICHAEL LAROSA: Michael LaRosa in favor.

22 JIM MONTEVERDE: Thank you. Daniel?

1 DANIEL HIDALGO: Daniel Hidalgo in favor.

2 JIM MONTEVERDE: Thank you. Steven?

3 STEVEN NG: In favor.

4 JIM MONTEVERDE: Thank you. And Jim Monteverde in  
5 favor. That's five affirmative.

6 [All vote YES]

7 JIM MONTEVERDE: The relief is granted.

8 DAMON SIDEL: Thank you very much, Board, and  
9 thank you very much, Chair.

10 JIM MONTEVERDE: You're welcome.

11 DAMON SIDEL: Appreciate that.

12 CCHRISTINA MORK: Thank you.

13 STEPHEN NATOLA: Do you want to go onto --

14 JIM MONTEVERDE: Yeah.

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(8:11 p.m.)

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

JIM MONTEVERDE: Next case is BZA-1162478 -- 6  
Sacramento Street.

STEPHEN NATOLA: I'll be back for public comments.

JIM MONTEVERDE: Stephen just stepped away, but I  
don't know if all of the Board members in attendance tonight  
were here for this one before. I remember it. And this is  
a discussion about window wells for occupancy in a basement.

And where this Board -- probably at my prompting  
and other members' suggestion -- that we put -- or that a  
grating be installed on top of the window well, basically so  
someone could get down the side yard setback and not fall in  
the hole.

I understand, Dan, that the Fire Department  
prefers railings around those?

DANIEL ANDERSON: That's correct, Mr. Chair. So  
this is Dan Anderson. I'm a Founding Partner at Anderson  
Porter Design. And as you so well summarized, we're back

1 because it was a condition of approval for this variance and  
2 special permit project --

3 JIM MONTEVERDE: Right.

4 DANIEL ANDERSON: -- that we put grates over these  
5 window wells. As we successfully worked through all of the  
6 permitting processes, we met with Captain Marinelli and the  
7 Fire Department's staff onsite, and they were adamant that  
8 they did not wish to have grates over window wells but  
9 vastly preferred to have guardrails.

10 I understand based on the new zoning that this is  
11 -- does not present a current infringement on any zoning  
12 requirements.

13 It does create a -- with guardrails a little bit  
14 of a tight situation there; however, the center window well  
15 is not for bedroom. So the egress windows are essentially  
16 at the left and right, with ladders and exits to either the  
17 rear or to the front.

18 So I guess the point in front of you is the  
19 substitution sufficient to be approved, and because it was a  
20 good condition to a variance, I guess there's -- I'm not  
21 sure whether there was a hardship here, but essentially,  
22 we're saying that it has to do with the health and well-

1 being of first responders.

2 I think they were concerned in some way that the  
3 grates would create a safety feature if there was an event  
4 of fire and hatch were left open or some eventualities.

5 So we're here to ask for relief.

6 JIM MONTEVERDE: Okay. Any questions from members  
7 of the Board? If not, I'll open it up to public comment. I  
8 have -- we have no correspondence in the file, either for or  
9 against. So I'll open it up to public comment.

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

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

20 Anybody out there, Stephen?

21 STEPHEN NATOLA: No.

22 JIM MONTEVERDE: No one calling in. I'll close

1 public testimony.

2 Any discussion from members of the Board? If not,  
3 we'll make a motion. And this is a Variance.

4 The Chair makes a motion to grant relief from the  
5 requirements of the Ordinance under Sections 5.31, Table of  
6 Dimensional Requirements; 4.31.g, Multifamily Dwelling; and  
7 10.30, specifically 10.31 the Variance.

8 On the condition that the work proposed conforms  
9 to the drawings entitled, "6 Sacramento Street --" oh, same  
10 engineering firm "-- Anderson Porter Design," dated April  
11 23, 2025; initialed and dated by the Chair.

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

15 On a voice vote, please, Virginia?

16 VIRGINIA KEESLER: Virginia Keesler in favor.

17 JIM MONTEVERDE: Thank you. Michael?

18 MICHAEL LAROSA: Michael LaRosa in favor.

19 JIM MONTEVERDE: Thank you. Daniel?

20 DANIEL HIDALGO: Daniel Hidalgo in favor.

21 JIM MONTEVERDE: Steven?

22 STEVEN NG: In favor.



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

3           [All vote YES]

4           JIM MONTEVERDE: That's five affirmative. The  
5 relief is granted. And Dan, what was the Fire Chief's name  
6 that you spoke with?

7           DAMON SIDEL: That was Captain Paul Marinelli.

8           JIM MONTEVERDE: Marinelli. All right.

9           DAMON SIDEL: So Mr. Monteverde, thank you very  
10 much. Thank you to the Board. Look forward to getting this  
11 project under construction.

12          JIM MONTEVERDE: You're welcome.

13          DAMON SIDEL: Take care.

14          JIM MONTEVERDE: Goodnight.

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(8:16 p.m.)

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

JIM MONTEVERDE: Next and last case, last but not  
least, is BZA-1165560 -- 610 Green Street. This is a  
Special Permit.

STEPHEN NATOLA: Wendy Stone.

JIM MONTEVERDE: Sorry?

WENDY STONE: Hi. Should I start speaking, or?

JIM MONTEVERDE: Yeah. Just introduce yourself  
and --

WENDY STONE: Okay, yeah. And I think my  
architect is also going to -- should be coming on. So I'm  
Wendy Stone. I live at 610 Green Street.

I am requesting permission to rebuild my current  
set of outdoor -- outside stairs up to the home, because  
they are not to code.

They've always been a little hard to navigate, and  
as I have gotten older and have some stability issues,  
they've begun to feel unsafe for me. In fact, my book club

1 won't meet at my house anymore, because several of the  
2 members don't want to climb my stairs.

3 The -- our proposal is to build a set of stairs  
4 that will meet code, that will provide some additional green  
5 space and will also provide a place for my mailboxes to be  
6 on the ground floor so my mail carrier, of whom I'm very  
7 fond, won't have to climb the stairs.

8 I don't quite know why this required -- I think  
9 require permission, because the stairs are coming up the  
10 side, but there's just simply not enough space.

11 JIM MONTEVERDE: No, you're in the front -- you're  
12 in the front yard setback, I believe, and that's why you're  
13 here.

14 WENDY STONE: Yeah. But -- but there's not enough  
15 space between, you know, my doors and the sidewalk to build  
16 a safe set of stairs. So I think the only way we can do it  
17 is to build up to the side.

18 I also want to say that in March, I fell down not  
19 this flight of stairs, but another flight of stairs with  
20 similar issues, and I broke my shoulder. And so I really  
21 don't like these stairs.

22 I'm really scared of these stairs at this point.

1 So I'm hoping this will be acceptable -- an acceptable --

2 JIM MONTEVERDE: Okay.

3 WENDY STONE: -- change.

4 JIM MONTEVERDE: Thank you. Any questions from  
5 members of the Board? If not, we have one correspondence in  
6 the file speaking in favor.

7 This is from Rose Effarah (phonetic), who lives at  
8 608 Green Street, expressing support. And then we'll open  
9 it up to public commentary.

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

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

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

20 Anyone out there?

21 STEPHEN NATOLA: All good.

22 JIM MONTEVERDE: No one else is there. So we will

1 close public testimony. Any discussion among members of the  
2 Board? If not, I'll move to a motion. And this is a  
3 Special Permit.

4 The Chair makes a motion to grant relief from the  
5 requirements of the Ordinance under Sections 5.31, Table of  
6 Dimensional Requirements; 8.22.2.d for a Nonconforming  
7 Structure and 10.40 -- specifically 10.43 for the Criteria  
8 for a Special Permit, which are:

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

11 b) Traffic generated or patterns of access or  
12 egress would cause congestion, hazard, or substantial  
13 change. That's no.

14 c) The continued operation of or the development  
15 of the adjacent uses as permitted in the zoning ordinance  
16 would be adversely affected. That's a no.

17 d) Nuisance or hazard would be created to the  
18 detriment of the health, safety, or welfare of the  
19 occupants. That's a no.

20 e) And for other reasons, the proposed use would  
21 impair the integrity of the district or adjoining district.  
22 And that is a no.

1           So we meet all the criteria for a Special Permit.

2           On the condition that the work conform to the  
3 drawings entitled, "Stone Residence, 610 Green Street,"  
4 prepared by Baron and Associates and dated February 21,  
5 2025; initialed and dated by the Chair.

6           And further that we incorporate the supporting  
7 statements and Dimensional Forms submitted as part of the  
8 application.

9           On a voice vote, please? Steven?

10          STEVEN NG: In favor.

11          JIM MONTEVERDE: Thank you. Daniel?

12          DANIEL HIDALGO: In favor.

13          JIM MONTEVERDE: Thank you. Michael?

14          MICHAEL LAROSA: In favor.

15          JIM MONTEVERDE: And Virginia?

16          VIRGINIA KEESLER: Virginia Keesler in favor.

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

19          [All vote YES]

20          JIM MONTEVERDE: Relief is granted. Thank you.  
21 Stephen?

22          WENDY STONE: There's one question that I --

1 JIM MONTEVERDE: -- yep, go ahead.

2 WENDY STONE: -- thought that conforms with what  
3 you just said. Oy, my Internet connection is unstable. Can  
4 you guys hear me?

5 COLLECTIVE: Yes.

6 WENDY STONE: Hello?

7 JIM MONTEVERDE: Yes, we do.

8 WENDY STONE: All right. Because I just got an  
9 Internet -- yeah, so when -- I just want to make clear that  
10 these drawings have some -- these stamped drawings have some  
11 minor changes to the drawing that's up now.

12 And I don't know whether that makes a difference.  
13 The stamped drawings --

14 JEFFREY BARON: If I could speak --

15 WENDY STONE: Yeah, just --

16 JEFFREY BARON: If I could speak, Wendy?

17 WENDY STONE: Yes. Yes, of course --

18 JEFFREY BARON: My name is Jeffrey Baron. I'm the  
19 architect of the project. Drawing A-1 does not change.  
20 Drawing A-3 shows some additional work done on a skylight  
21 interior trim, but that's the only change.

22 WENDY STONE: Yeah.

1           JEFFREY BARON: You see it says, "5" on A-3. That  
2 is actually drawn showing the skylight trim.

3           JIM MONTEVERDE: Oh, okay.

4           JEFFREY BARON: And the contractor submitted  
5 stamped drawings on April 14 and paid for the building  
6 permit that I don't know why those drawings were not part of  
7 this presentation.

8           JIM MONTEVERDE: Confirm that the stair didn't  
9 change on whatever drawing --

10          JEFFREY BARON: That's correct.

11          WENDY STONE: No.

12          JIM MONTEVERDE: -- the permit was taken out on,  
13 and you should be good to go.

14          JEFFREY BARON: Very good.

15          JIM MONTEVERDE: All right. Thank you.

16          JEFFREY BARON: Thank you.

17          JIM MONTEVERDE: Yep. And Board members, thanks  
18 for your help. Goodnight.

19          JEFFREY BARON: Thank you.

20          WENDY STONE: So you're approving me?

21          JIM MONTEVERDE: We did.

22          STEVEN NG: Yep. You're all set.



1           JIM MONTEVERDE: Five affirmative; that's as good  
2 as it gets.

3           JEFFREY BARON: Do you know how soon she'll be  
4 able to get a building permit?

5           STEPHEN NATOLA: Staff will be in touch. We'll  
6 let you know. We'll let you know, Jeffrey.

7           JEFFREY BARON: Okay. Thank you.

8 [08:23 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.

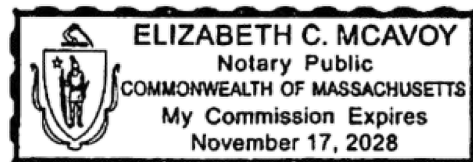
In witness whereof, I have hereunto set my hand this  
16th day of June 2025.

*Elizabeth C. McAvoy*

Notary Public

My commission expires:

November 17, 2028



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