BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING
THURSDAY MAY 8, 2025

6:00 p.m.
Remote Meeting
via
831 Massachusetts Avenue
Cambridge, Massachusetts 02139

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

City Employees
Olivia Ratay

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I N D E X

CASE PAGE

CONTINUED CASES

BZA-1148744 -- 30 GERRY'S LANDING ROAD 5
Original Hearing Date: 02/27/25
WITHDRAWING

REGULAR AGENDA

CASE NO. 1160291 -- 59 FIRST STREET 6

BZA-1158048 -- 150 COLUMBIA STREET 12

BZA-1158772 -- 29 LINE STREET 40

BZA-1158998 -- 355 MAIN STREET 64

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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: Welcome to the May 8, 2025 meeting of the Cambridge Board of Zoning Appeal. My name is Jim Monteverde, and I am the Chair.

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

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

There will also be a transcript of the proceedings.

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

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

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

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

OLIVIA RATAY: Carol Agate?

CAROL AGATE: Present.

OLIVIA RATAY: Daniel Hidalgo?

DANIEL HIDALGO: Present.

OLIVIA RATAY: Virginia Keesler?

VIRGINIA KEESLER: Present.

OLIVIA RATAY: Steven Ng?

STEVEN NG: Present.

OLIVIA RATAY: Jim Monteverde?

JIM MONTEVERDE: And Jim Monteverde is present.

* * * * *

(6:02 p.m.)

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

JIM MONTEVERDE: The first case tonight is a continued case that was started previously and not resolved. And that first case, which is BZA-1148744, for 30 Gerry's Landing Road, is being withdrawn.

So on a motion to withdraw this case, by voice vote please? Daniel?

DANIEL HIDALGO: Daniel Hidalgo in favor.

JIM MONTEVERDE: Thank you. Steven?

STEVEN NG: Steven Ng in favor.

JIM MONTEVERDE: Thank you. Carol?

CAROL AGATE: Carol Agate in favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: Virginia Keesler in favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: That's five affirmative. The case is withdrawn. Thank you.

* * * * *

(6:03 p.m.)

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

JIM MONTEVERDE: Now, moving on to the Regular Agenda, first case is Case No. BZA-1160291 -- 59 First Street. Is the proponent calling in?

WILLIAM GILSON: Yes, I am here. Will Gilson.

JIM MONTEVERDE: Okay. Do you want to tell us what you're looking for and what relief you need?

WILLIAM GILSON: Yes, just to clarify here, we are the operator of the First Street Market and Amba, which is located at 57-59 First Street in Cambridge in the ground floor of the First Street parking garage. We are looking to place essentially art banners on the front of the building, which is the First Street parking garage.

This was done in conjunction with the developer of 40 Thorndike. This was an opportunity to find a way to enhance the façade of the First Street parking garage, to also help folks with our plan here, which is to turn the ground floor -- the old VFW space that is in the front of the parking garage -- into a year-round indoor farmers'

market, which is part of our lease with the City of Cambridge, the owner of the building.

This is for essentially a local artist that we had partnered with to create this temporary scrim, which can be mounted on the outside of the façade of the building.

And our goal here is just to ensure that we do whatever we can to -- again -- enhance the façade of the building, and to make sure that people know that there is going to be a year- round market in this space.

JIM MONTEVERDE: And I -- correct me if I'm wrong -- but the zoning issue that, the reason you're here tonight, is the signage -- the square footage of the signage you're proposing exceeds the Signage Ordinance allowance and the one sign is higher than is allowed, is that correct?

WILLIAM GILSON: I believe that that is the reason why it was kicked back from the --

JIM MONTEVERDE: Yep.

WILLIAM GILSON: -- [unclear].

JIM MONTEVERDE: So that's the relief you are requesting?

WILLIAM GILSON: Correct.

JIM MONTEVERDE: Okay.

WILLIAM GILSON: Yes.

JIM MONTEVERDE: Anything else to present to us, or is that good to go? Okay.

WILLIAM GILSON: That is it. That is everything we have.

JIM MONTEVERDE: Thank you.

Any questions from members of the Board? If not, I'll open it up to public comment before I ask for any call-in comments.

We have -- I count three pieces of correspondence speaking in favor. We have an e-mail from Brooke McKenna, Commissioner of the Cambridge Department of Transportation -- a letter in support -- sorry, the actual letter in strong support.

We have a letter dated April 30 from the Planning Board. In part, it states, "The Board enthusiastically recommends granting the requested variance for the banners on the façade of the garage."

And give me one second -- and Robert and Judy Lindamood, 29 Otis Street, no date, to say that they are in support of the First Street Farmers' Market adding artwork to the exterior of the building.

So those are the folks who were kind enough to write in, and on file.

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

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

OLIVIA RATAY: Phone number ending in 8311.

HEATHER HOFFMAN: Hello. Heather Hoffman, 213 Hurley Street. Normally, I am a strong voice against oversized, over height signage. At the same time, I am a huge fan of artwork and murals and things of that sort.

And I understand that because there were pictures of things that one might buy at the market, that a part of this artwork that the City considers it a sign.

And I know that this is an interpretation of long-standing. But I have to say that I tend not to agree with

the City on that.

And so, even though -- as I said, I am normally not in favor of such things, I agree that this is artwork and not a sign. And so, I suggest that the Board adopt that interpretation or at least say that it would tend towards that interpretation and approve it.

Thank you.

JIM MONTEVERDE: Thank you, Heather.

That's it. I will close public testimony. Any discussion among members of the Board?

If not, I will move to a motion. The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 7.16.22.c for Wall Signs, and 10.30 for the conditions for a variance. A variance is required in this case.

On the condition that the work proposed conforms to the drawings entitled -- one second.

Is this the extent [unclear].

OLIVIA RATAY: Yeah.

JIM MONTEVERDE: There's more?

All right. I have one diagram, it was -- or elevation. It was the artwork. It's what was on the screen

previously. It's undated and no name on it, and prepared by it (sic), but this is what I will be initialing -- and dated by the Chair.

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

On a voice vote, please? Virginia?

VIRGINIA KEESLER: Virginia Keesler in favor.

JIM MONTEVERDE: Thank you. Carol?

CAROL AGATE: Carol Agate in favor.

JIM MONTEVERDE: Thank you. Steven?

STEVEN NG: Steven Ng in favor.

JIM MONTEVERDE: Thank you. And Daniel?

DANIEL HIDALGO: Daniel Hidalgo in favor.

JIM MONTEVERDE: Thank you.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

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

WILLIAM GILSON: Thank you.

JIM MONTEVERDE: And now we have to wait five minutes.

* * * * *

(6:15 p.m.)

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

JIM MONTEVERDE: Okay. welcome back, 6:15. The next case is BZA-1158048.

Is there anyone from the proponent calling in?

MARK DOE: Yes.

JIM MONTEVERDE: Can you identify yourself, please?

MARK DOE: Mark Doe.

JIM MONTEVERDE: Mark Doe. Mark, we have a complication here this evening. We don't -- we had one of our Board members had to recuse themselves from this case. So we only have four people to hear your case.

MARK DOE: Okay.

JIM MONTEVERDE: You need four affirmative vote to get the relief you're looking for. That means if one of us doesn't vote in the affirmative, you will be denied. So it's a risk you take if you want to go that route.

We apologize for their only being four people available, but we tried, we couldn't get any other members

to sit tonight for this case to be a board of five like we typically have to be.

So we can either proceed with the four people, as long as you understand the risk, or we can continue this to another date where we can get five people to sit on the Board. It's your choice.

Did I make myself clear what the risk is?

MARK DOE: Yes. I understand.

JIM MONTEVERDE: Okay.

MARK DOE: And --

JIM MONTEVERDE: Si it's up to you.

MARK DOE: -- I have a question.

JIM MONTEVERDE: Yep.

MARK DOE: When would be the later time?

JIM MONTEVERDE: [What's the next one we can do?]

June 12.

MARK DOE: The twelfth. I can do it today.

JIM MONTEVERDE: Do you want to do it today? Okay.

MARK DOE: Yes, sir.

JIM MONTEVERDE: Very good. In that case, proceed with your presentation, please.

MARK DOE: Okay. Good evening, Members of the Board. My name is Mark Doe. I'm the petitioner requesting the special permit to operate a licensed preschool and daycare facility at 51 Columbia Street.

I'm bringing extensive leadership experience for my current role as director of a Young Parent Program, where I oversee program development and direct childcare, working along with the EEC, DCF and DTA.

Also, at [22:25 indiscernible MBA -- allows me financially, operationally] and strategic management skills. And I also have a background in real estate as well.

And I'm deeply committed to creating a safer, educational, and welcoming space for families in our neighborhood.

The proposed request is for a special permit to allow an Institutional Use in Residential C-1 zone, specifically preschool and childcare to create and serve 3 to 5 months and 3- to 5-year-old children.

The purpose is to comply with Zoning Section 4.33.b.2; 4.30; 4.50; 4.55.1(2); 10.000 and 10.40, which is covering Educational Use in Special Permits.

The Ordinance requirement meets the facility --

will meet all health, safety and building codes standards for licensed childcare. Only interior upgrade for child safety is planned and no major exterior changes.

When it comes to traffic, access, drop-off and pickup will be designed to minimize neighborhood traffic. Neighborhood compatibility: this day care complements the neighborhood existing, residential, and retail characters. It operates weekdays only with no evening or weekend disruptions.

With the health and safety, the center will follow all EEC rules and regulations, train staff, supervision, fire safety and emergency procedures.

All outdoor activities will be secure and supervised. The broader community value it brings to the project helps meet Cambridge growing demand for early childhood care and aligns with the City goals for mixed-use, community center development.

The purpose -- and just in closing, the purpose is it's safe, it's thoughtful and it's needed, strengthening the neighborhood without disrupting it.

And I just respectfully ask the Board to approve the special permit so we can serve the local family with

quality childcare options.

JIM MONTEVERDE: Thank you. Can you explain one thing for us that -- do you see the diagram that's up on the screen?

MARK DOE: Yeah.

JIM MONTEVERDE: The floor plan?

MARK DOE: Yes.

JIM MONTEVERDE: What areas of this plan are planned for the daycare center?

MARK DOE: These two. So Unit 1 and Unit 2.

JIM MONTEVERDE: Yep.

MARK DOE: Yeah. So I'm going to put a childcare center infant room, and a toddler and a Pre-K room on the other side.

JIM MONTEVERDE: Okay. So there are two separate rooms when it's on the ground floor only?

MARK DOE: Yes.

JIM MONTEVERDE: Okay.

MARK DOE: It's above ground. It's just the first level --

JIM MONTEVERDE: First floor?

MARK DOE: -- level of the building, yes.

JIM MONTEVERDE: Okay. Thank you. And just to confirm for myself and for the Board, this is a special permit?

MARK DOE: Yes.

JIM MONTEVERDE: The reason it's a special permit is it really comes under Section 4.56.c.1, which is part of the description of the Institutional Use is that the Institutional Use for preschool is allowed in a residential C-1 district by a special permit. That's what really brings you here tonight?

MARK DOE: Yes, sir.

JIM MONTEVERDE: Correct? Okay.

MARK DOE: Yes.

JIM MONTEVERDE: Any questions from members of the Board?

CAROL AGATE: Yes.

JIM MONTEVERDE: Carol, go ahead.

CAROL AGATE: I see that the -- on the application, you have said, "daycare, drop-offs, pickups will occur in existing parking/loading areas, avoiding interference with traffic woes" but that's an extremely narrow spot -- that part of the street really narrows down

at that point.

There's even a no-parking sign, or I think it's no loading, I'm not sure. But right in front of the door. How do you plan to not interfere with traffic?

MARK DOE: Well, one of the first things is Cambridge is a walk-in community. So most people in the neighborhood would rather drop their kids off.

And secondly, there's a parking lot just a few houses down the street where I'm working with the City -- with the owner to be able to, like, rent the space and have clients park there and they can walk and be able to pick up their children from the daycare.

And then third, with the daycare, parents pick up their children at different times. So there won't be traffic or any stagnation in the traffic flow of the neighborhood.

CAROL AGATE: Thank you.

MARK DOE: You're welcome.

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

I had the same question, and so you're negotiating with an adjacent property owner to rent some parking spaces?

MARK DOE: Yes.

JIM MONTEVERDE: Okay. Great. If there are no other questions from members of the Board, let me open it to public comment.

We have two pieces of correspondence in the file. One is really a question, and it asks the same question that Carol just asked. It's from Barbara Rodgriguez at 140 Columbia Street asking -- it says, "My only concern is traffic. Drop-offs and pickups are to be all in the same place? Where?"

So I think you've answered that that your intention is to rent some parking spaces, and people can do -- park there to do drop-off and pickup. Is that correct?

MARK DOE: Yes, sir.

JIM MONTEVERDE: Okay. And then the second one is a little more involved. This is from Chris Carnese. This is dated April 30.

My understanding -- this is -- the building itself is retail on the ground floor -- or commercial on the ground floor, and residential condo units above it.

And this is Chris Carnese lives at 150 Cambridge is what it says. I'm not sure if that's correct. And he's

the resident of Unit Number 4 in the building. And they have concerns about the acoustics, the separation between your space and use and the residential condominiums above.

And they ask -- I'll quote here --

"I'm against the daycare opening, but if it does get approved, I would request the following please to make the situation more bearable:

"1. Acoustic tiles covering 100 percent of the ceilings of Suites 1 and 2 and common hallways.

2. Carpeting with a quality pad on all floors in the suites.

3. Replace ALL doors in the building on the first floor, which apparently now are hollow core, with solid core doors, and,

4. Increase insulation in the walls of Units/Suites 1 and 2."

And that's all for acoustic separation.

Do you have any comment to that?

MARK DOE: Yes. So I have spoken to the agent. Several things: I understand his complaints, and those complaints should be directed to the landlord who's in charge of the building and can be able to fix all those

issues.

Because with that, with that space, with his complaint that no -- there cannot be any business there, because every business requires clients to come in and have conversations and talk.

So with his complaint, I definitely understand his complaint, but that means that -- that space will forever be empty because no client can really come in and talk to their customer because of the noise he stated.

So I think his complaint should be directed to the landlord who -- the landlord can be able to fix any issue he has directly with the space.

JIM MONTEVERDE: I'm not sure I agree with your take on the commentary here. I don't think this is a complaint as much as a concern.

MARK DOE: No, like I said I --

JIM MONTEVERDE: And I think --

MARK DOE: -- I understand his --

JIM MONTEVERDE: Yeah. And I think the concern is addressed to you, not to the -- there isn't a landlord. These are condos. You have a retail or a commercial condominium. There are residential condominiums above you.

MARK DOE: Right.

JIM MONTEVERDE: This is either a Condominium Association issue or this is your issue that you should -- you -- again, there's a concern here raised by a member of the public, which the Board will have to take into consideration.

MARK DOE: I understand.

JIM MONTEVERDE: So I think your -- I think the response that you'll pass that off -- that concern off to the landlord, but there is no landlord -- it's either a Condominium Association; I don't think is a response that would give Chris Carnese or the Board any comfort that anything will be done to address those concerns or recognize those concerns. So --

MARK DOE: I have --

JIM MONTEVERDE: -- I heard your comment.

MARK DOE: Oh. I was going to say I have -- like me and the agent has been talking back, and we've spoken to the owner of the building about this topic.

JIM MONTEVERDE: And?

MARK DOE: And the owner -- the agent's also on this call. She can be able to, like, have a conversation

and voice her opinion on it as well.

STEVEN NG: Mr. Doe, this is Steven Ng. So you are renting from an owner of this particular retail unit space? Or are you an owner of the units that you're planning to use as the daycare?

MARK DOE: I'm not the owner, I'm just --

STEVEN NG: You're renting from someone?

MARK DOE: Yeah. Exactly.

UNIDENTIFIED SPEAKER: [Whispered: He's full of shit.]

JIM MONTEVERDE: Okay. I understand that, but Mr. Doe, you're the one in front of us tonight. We don't have any jurisdiction, I believe, over the owner or your landlord. It's really --

MARK DOE: Okay.

JIM MONTEVERDE: -- you. So I'm getting ahead of myself. Let me open it to public comment. Those were the two comments we had in the file.

Let me open it up and see if there's any other public comment, and then we can get to some discussion among the Board members. I think there may be a solution here, or something we can propose, if that's okay.

I'll move to public comment.

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

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

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

OLIVIA RATAY: Chris Carnese?

CHRIS CARNESE: Hi there everyone, can you hear me okay?

JIM MONTEVERDE: Yes. Thank you. Go ahead.

CHRIS CARNESE: Thank you. Good evening.

JIM MONTEVERDE: Introduce yourself, please.

CHRIS CARNESE: Yes. I'm Chris Carnese. So I'm the gentleman that you were speaking about earlier. And I live at 150 Columbia Street in Unit Number 4. And good evening to the Board Members, and good evening, Mark.

So I am really, really concerned. We've lived

here for a couple months. Pretty new to Cambridge, but I lived in busy cities before -- LA, San Francisco, cities that are also quite noisy and quite busy.

I'm concerned about the noise level here. And I was in property management myself for five years. So I know an empty building will resonate more noise or be more echoing, but I can't stress enough the noise between floors.

I -- I've -- in fact I forwarded a video clip, I believe the Board members have seen it or maybe the Chair has -- showing a, or excuse me a video conversation of an agent with a prospective buyer. You can hear the entire conversation.

This was actually at the top of my stairwell. My front door was closed, they were in the lobby, and you can hear it word for word and it's loud. It's -- it's very loud. I can tell when people are in the building. It's -- it's over the top loud.

So I know I'm down to two minutes already. So my number 1 concern is the noise. I can actually hear two floors below when people are in the storage units, which are below the daycare level. I can hear that when they're opening and closing those doors.

So there's a sound issue here.

My other concern is what was mentioned earlier. There's no parking for this facility. There's no recessed spots. They've actually had two police on motorcycles the last week and a half because it's so of congested in this area, there's markets nearby, there's a Ria transfer to allow electronic transfers. They get about 2- to 300 customers a day, according to the market owner.

So people will park next to parked cars, exit their vehicle in an active lane of traffic and run in to make a transfer.

And so, the police have been here, so when they return to their car, they get a ticket for blocking an active lane of traffic. So that's an issue that I have also.

There's no place for parents to drop off or pick up children. I just that perhaps some parking will be facilitated later, but I would think for most day cares, you know, parents want to make that transaction pretty quick and get in and out of the building.

There's a lot of horn honking right now -- so much that for my job -- I do Human Resources -- I was told to

move to a different location in my condo because the customers are hearing horn honking, you know, people -- that's only going to get worse if a daycare opens here.

So I've been moving my office to the back bedroom to reduce that noise.

I would propose that I am against it, I'm voting no, I realize I'm only one voice. So that may not make a difference.

But I would highly recommend if the Board did approve this, please have a sound consultant come in and make a professional recommendation, and don't give the approval until those actions are actually taken and completed.

Thank you so much. I appreciate it.

JIM MONTEVERDE: Thank you for calling in.

OLIVIA RATAY: Phone number ending in 8311.

UNIDENTIFIED SPEAKER: Yes, that's correct.

JIM MONTEVERDE: Can you identify yourself, please and then --

HEATHER HOFFMAN: Hello.

JIM MONTEVERDE: Hello?

HEATHER HOFFMAN: Hello. Heather Hoffman, 213

Hurley Street.

JIM MONTEVERDE: Yep.

HEATHER HOFFMAN: And I have a question. Is this daycare a nonprofit or for-profit entity?

MARK DOE: The daycare is for profit, but we also will be working with vouchers from DCF and DTA. That's --

HEATHER HOFFMAN: Okay.

MARK DOE: -- one of the reasons --

HEATHER HOFFMAN: No, I just need to know --

MARK DOE: Yes. It's for-profit.

HEATHER HOFFMAN: -- whether it's a nonprofit or a for-profit entity?

MARK DOE: It's for-profit.

HEATHER HOFFMAN: Okay. Then I have no comment. Thank you.

JIM MONTEVERDE: Thank you, Heather.

OLIVIA RATAY: Francis Pierre?

FRANCIS PIERRE: Good evening, everyone. Francis Pierre, 156 Cherry Street, Cambridge, Mass. Yes, so I -- can you hear me?

JIM MONTEVERDE: Yes. Go right ahead.

FRANCIS PIERRE: Excellent. Yes. So I'm actually

the owner's representative of the HOA that is located at the building that Mark Doe is looking to put his daycare into.

And to -- first off, I just wanted to say that -- you know, the main owner of the HOA who actually developed the building, Marie Deravil, who's also my aunt, she's been in that location, in that area for over 30 years.

So, you know, first thing for her was, you know, the due diligence aspect on the potential tenants that would be there. And Mark and his program, they were very, very strong candidates after significant due diligence. It was one of the main factors that helped us pick them out of several candidates.

So I just wanted to say that off the bat.

In regard to Chris's comments, we did respond to Chris. He did send us an e-mail, and we are actually working to address an action item list of things that we're prepared to do. That includes padded carpet for the commercial units and also soundproofing and weatherproofing the doors on the first floor that are currently there right now.

We are working with the owner of the -- his unit, because Chris is a tenant, and he is leasing with the person

that bought his Unit 4.

So we are in -- you know, addressing it. We're very open to working with both, you know, the owner of the unit and Mark as well to figure out ways that we can combat the noise levels as well. So we do want to see this business become successful into this space.

And also, you know, the building is vacant right now, so we know that the noise is traveling quite a bit -- quite a bit. So we are aware of it. We are addressing many things. Like I said, we did send Chris an action item list of things that we're ready to do on our end to combat the noise levels.

JIM MONTEVERDE: Thank you for calling in.

FRANCIS PIERRE: Thank you.

JIM MONTEVERDE: That's the end of -- there's no one else calling in, so I'm going to close public testimony.

Discussion among members of the Board?

CAROL AGATE: I am really torn, because there is so much need for day care. But there are just too many problems here. I mean, I wonder if all of these things can be incorporated into a permit, so that the parking problem is actually solved; that it's not just a promise, but

there's some requirement for it, and the noise for the neighbors is taken care of.

So I don't know whether that means continuing it, whether further study is made by Inspectional Services or how it should be handled, but I hate to give it an absolute no at this point but I would certainly like to see the daycare with those solutions.

JIM MONTEVERDE: Thank you. Any other member of the Board before I respond?

DANIEL HIDALGO: This is Daniel Hidalgo, yeah.

JIM MONTEVERDE: Yep.

DANIEL HIDALGO: I'm pretty familiar with the intersection. I live pretty close by. And I do agree that there could be issue there with the traffic. Yeah, it does back up.

I guess I wonder, yeah. What are the possibilities of making it a condition to make the arrangement for the extra parking? Because I do think that would -- you know, be quite helpful.

And -- because on the pro side, I -- you know, as a parent of young kids I see the just desperate need for more daycare. So I do think it would be really great if we

could get it to work.

JIM MONTEVERDE: Thank you.

STEVEN NG: And I'll have something to say, Jim. Regarding the noise, that is a subjective topic. You've got condo owners who bought this structure, and -- you know, I'm -- I'm guessing the structure itself meets building code, because there's a Certificate of Occupancy.

So there's also -- the second floor sets back. If you look at Google satellite image, half of the space isn't above a unit at all.

So I question this complaint or concern about noise, because it -- you know, to what standard now are you going to set it to? What's the current -- what did the building currently design to? And was that construction meeting the requirements of the Building Code at the time?

So, you know, whatever moves in there by right would just set up to say it's a -- you know, convenience store or something. So there would be no hearing. It would be open, you know, some late hours, weekends.

So I wonder, I don't know how we could really regulate whatever acoustic performance there is because, you know, you've got a structure that's there and it looks

pretty new to me. So, you know, that's something to discuss.

But also with the parking, listen. You know, the City is very supportive of pedestrian activity. I think if you're living in that neighborhood, you're going to drop your kids off, pick them up by walking over, you know, or riding your bike and picking them up. And that's -- I've seen a lot of that.

I think we can ask for a parking plan; that’s probably the fair thing to do there, to make sure we're at least accommodating some of the kids, but -- or some of the families, but I don't remember how many kids were total going to be enrolled? Take your best-case scenario?

MARK DOE: After EC (phonetic) comes in, predictably it will be about 47 kids --

STEVEN NG: Forty-seven. Okay.

MARK DOE: Yeah.

STEVEN NG: So yeah. I would think for, you know, if all news is good, and you've got that enrollment number that high, I think we do need kind of a parking plan of some type, even with the staged -- you know, pickup and drop-off times.

So, you know, I think the acoustic thing is more -- we can qualify that in our decision for a parking plan, but I don't understand what we can do or say about this acoustic thing.

JIM MONTEVERDE: Well, so I think -- well, let me suggest and ask if other Board members would be comfortable with including a few conditions to address the concerns that we've heard. One would be around parking.

STEVEN NG: Mm-hm.

JIM MONTEVERDE: And the condition would be that the lease or rental agreement for parking spaces in the neighborhood is consummated, with proof of that supplied to ISD, along with a plan for parking in that rented space. That's one.

Two, this is listening to the other gentleman who called it, who instead of their suggestion of their kind of shopping list of acoustic issues suggestions is to retain an acoustic consultant to let them opine.

And I think the other gentleman who just spoke talked about some improvements that they were considering making, I think with some professional advice, so they spend their money wisely, and to achieve the as best acoustic

separation between the uses as they can, or as required by code.

That's what I would suggest. So two conditions: One regarding the parking, that there be -- that they submit proof of a rental agreement or a lease agreement with a parking plan, and two that they show that they -- a report from a consultant, an acoustic consultant, and agreement from either the proponent or from the property owner that they will implement any acoustic measures that the consultant recommends.

Would that be amenable to members of the Board? It's either that or continue.

CAROL AGATE: Yes.

JIM MONTEVERDE: Daniel, does that work for you?

DANIEL HIDALGO: I mean, personally I'm most concerned about the parking and less about the audio part. But if the rest of the Board was amenable to both, I would be fine with that.

JIM MONTEVERDE: Okay.

STEVEN NG: Yeah. I would also support those conditions.

JIM MONTEVERDE: Okay.

Mr. Doe?

MARK DOE: Sir?

JIM MONTEVERDE: Does that work for you?

MARK DOE: Yes.

JIM MONTEVERDE: In other words, we'll -- I'll make a motion, a motion to approve with conditions. And you heard what the conditions would be, approximately.

MARK DOE: Yes, sir.

JIM MONTEVERDE: Okay? It means you can't go forward until you resolve those two conditions or address those two conditions. All right. With that, I'll close discussion, and I'll make a motion.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections -- and it's actually Section 4.56.c.1 which requires this use is allowed by special permit only, and the conditions of a special permit under Section 10.40.

On the condition that the work proposed conforms to the drawings entitled -- and this drawing does not show new work, it just shows the boundary of the project -- but it's entitled "150 Columbia Street," prepared by ABG. I believe this is actually a marketing drawing with no date on

it. That's what I will initial and date.

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

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

One, that the proponent will secure and provide to the Inspectional Services Department proof of either a rental or lease agreement for parking in the neighborhood with a parking plan for that parcel.

And two, that the proponent or their landlord will retain an acoustic consultant to prepare a report to address the acoustic separation of the daycare center residential units above. And whatever that consultant recommends, either the proponent or the property owner will undertake -- will install.

And again, that report will be submitted to ISD.

Voice vote?

STEVEN NG: Jim?

JIM MONTEVERDE: Yeah.

STEVEN NG: Can we qualify that report to basically determine if that construction or assembly meets

Building Code requirements?

JIM MONTEVERDE: Yeah, I -- I'm sorry, let me say that again. So the --

STEVEN NG: Yeah.

JIM MONTEVERDE: I think that the report for the acoustic consultant is really to -- I was going to say, "confirm" I'm not sure that's the right word, but identify what, if any, acoustic changes would need to be made so that the separation between the childcare and the residential units above complies with state Building Code.

And again, submit that report to ISD as evidence of the report, and that the owner or the proponent will undertake whatever measures are mentioned in that report.

All right. On a voice vote, please? Daniel?

STEVEN NG: Steven Ng in favor.

DANIEL HIDALGO: Daniel Hidalgo in favor.

JIM MONTEVERDE: Steven?

STEVEN NG: Steven Ng in favor.

JIM MONTEVERDE: Carol?

CAROL AGATE: Carol Agate in favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: That's four in favor. The relief is granted. Good luck.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

MARK DOE: Thank you. Thank you, everybody.

* * * * *

(6:48 p.m.)

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

JIM MONTEVERDE: Next case is BZA-1158772 -- 29 Line Street.

ADAM DASH: Yes. Oh.

JIM MONTEVERDE: And Virginia, you're back with us, right?

VIRGINIA KEESLER: Yes, I'm back.

JIM MONTEVERDE: Okay. Mr. Dash, go right ahead.

ADAM DASH: Thank you, Mr. Chair. Good evening to you, members of the Board. I'm Attorney Adam Dash, 48 Grove Street in Somerville. I'm representing 29 Line, LLC, the applicant, and owner of 29 Line Street.

The applicant is seeking variances for minimum off-street parking space with minimum driveway width and parking space in the front setback.

And it's also that the applicant create a driveway with one off-street parking space at 29 Line Street in the C-1 Residential Zone. There's no other relief that's required for this application. The property is a single-

family house.

I don't know if Ms. Ratay could show the photo of the front of the property with the fence on it and such, just to sort of orient everybody if you haven't seen it. Yeah, so the top photo really.

So you get the gist here. Line Street, in keeping with its name, is Cambridge on the applicant side of the street and Somerville on the other side of the street.

The on-street parking is only allowed on the Somerville side of the street, not on the Cambridge side of the street.

So in front of 29 Line Street, there is no parking. And you can see here the 29 Line Street house, and you can see to the left there that dirt area where the proposed parking space would be.

Ms. Ratay, could you show the site plan? Oh, the proposed, not -- well, that's the existing. Thank you.

So this is a substantial hardship because a literal enforcement of the Zoning Ordinance would prohibit 29 Line Street from creating any off-street parking. And there was no reliable on-street parking on the street.

Even if one had a Somerville parking permit for

the other side of the street, parking is extremely tight on Line Street.

The hardship relates to the circumstances of the land and the structures they're on due to the narrowness of the lot, as you can see and the sheer size and shape of the existing nonconforming structure on what is an undersized lot.

Due to the preexisting conditions of this existing lot and structure, no conforming off-street parking can be created. The side yard on the left -- and you can see on the left in this picture is the existing site plan. It has a handicap ramp and some concrete pad, and it's got some platforms on the front of the house that are in kind of poor condition.

On the right is the proposed, where those ramps and pads and such all go away just so we can create some green space there on the street. And that gray area is where the one parking space is proposed.

And I will mention -- and then if you can note how the house kind of juts into it there.

And the way to the house is hard to the right of the lot. There was no other place one could put this, but

on the left side of the property.

So the side yard on the left of the structure is only 8.1' wide, as you can see on that plan so that you can't get a compliant parking space there.

Relief can be granted without substantial detriment to the public good, because the variances will remove one car from a very limited parking on Line Street, which benefits the neighborhood.

And the new off-street parking space would not remove any on-street parking spaces, because as I said, one cannot park on the Cambridge side of Line Street anyway, so there is no parking space where this curb cut is proposed.

While relief is requested for minimum parking space width and driveway width, the proposed parking space, which is a compliant length, is 10.5' wide at the street, as you can see there at the sidewalk, which actually exceeds the minimum width of 8.5', but it narrows in part as you go back because the building juts into it with the narrowest portion being 8.1' wide, which is a de minimis 0.4' shy of the zoning requirement for driveway width.

So the variance we're seeking is pretty small.

Other Line Street properties have similar

driveways like this on the side, such that the off-street space required does not alter the character of the neighborhood.

The relief will not nullify or substantially derogate from the intent of the Zoning Ordinance, because the relief sought is dimensionally small and tailored to the specific unique situation.

The relief will reduce parking on a congested street and allow people who need a motor vehicle for work or for their life to live at the property.

I would note I -- and you've seen probably the support materials that we have provided. Support has been provided from 11 neighbors, including the abutter to the left of the property, where the driveway would be against, who are in favor of the project. That is the person over on 21 Line Street.

A parking space needs a driveway, by definition. But as proposed, as you can see, it's really one and the same because the driveway is the parking space, and the parking space is the driveway.

The relief for the driveway minimum width and the parking space minimum width, it's really just one thing,

even though technical it's two items. It's really just that one gray area for one car to park.

JIM MONTEVERDE: Mr. Dash?

ADAM DASH: Yep.

JIM MONTEVERDE: Can I interrupt you for a second?

ADAM DASH: Sure.

JIM MONTEVERDE: Did you say we had correspondence from neighbors?

ADAM DASH: Yes.

JIM MONTEVERDE: Because I don't see any in the file.

ADAM DASH: They were uploaded. I don't know, Ms. Ratay, can you pull them up? And there's a little chart with thumbs up on each of the properties that we got the approvals for.

Oh, there you go. If you go back, there was a little thumbs up chart. Oh, go down further. I'm sorry. I saw the map and I thought it was that map. That's the map. Yes.

My client actually took the trouble to actually put a little thumbs up on the map showing where all the people we got letters from are. And there is --

JIM MONTEVERDE: And where are those letters? We don't have those letters.

ADAM DASH: Yeah, well --

JIM MONTEVERDE: I'm glad they have the thumbs up on the diagram, but --

ADAM DASH: I'm sorry, no, if you scroll down. They were uploaded into the system.

JIM MONTEVERDE: Oh, very good. Thank you.

ADAM DASH: So I -- if you just put a cover map, so you could see where they're from --

JIM MONTEVERDE: Yep.

ADAM DASH: -- but -- Olivia if you want to scroll down, they're just --

JIM MONTEVERDE: No, that's great. Thank you. I just don't --

ADAM DASH: Yeah.

JIM MONTEVERDE: -- see that in the file.

ADAM DASH: I'm sorry that you didn't get that, but as you can see, they were filed. So.

JIM MONTEVERDE: Terrific. All right. Thank you. Please, go ahead.

ADAM DASH: Not a problem. So I would note that

-- so since there's more width at the front part of the lot, so that the parking space -- this parking space does have to project into the front setback, because of the way the house juts into the left when you get halfway back there.

I would note this is a -- that there are other placements on Line Street that have this situation. And what it does is it allows us to have a small driveway so that we can have more grassy area in the back. Otherwise, if the car were to pull in further, you would lose more open space for no -- actually no real reason here.

So therefore, the applicant asked that the Board provide the relief requested. It's really all just to create one parking space for a single-family house -- that's all this is about -- at 21 -- -9 Line Street, for the reasons stated.

Thank you. And Mr. Yi Yue is actually here from 29 Line Street as well.

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

CAROL AGATE: I'm not clear on where the car fits. In other words, the gray area is where the car goes, then the car is also in the narrow section. In other words --

JIM MONTEVERDE: Yeah.

CAROL AGATE: -- the rear. Part of the car --

JIM MONTEVERDE: Yeah, the diagram -- if you ignore the little 2.45' extension, that little rectangle, if you just look at the larger rectangle, 8.1' x 18', that's the parking space.

CAROL AGATE: So the parking space --

JIM MONTEVERDE: Technically. That's where the car would be.

CAROL AGATE: -- the car would fit in the part of the -- the wider part of the gray area, but it would not extend the into the narrow part?

JIM MONTEVERDE: It would.

CAROL AGATE: It would?

JIM MONTEVERDE: Yeah. Most -- I mean, some vehicles -- I don't know of a vehicle that's 9' -- 9.9' long, except a smart car, if they still make them. So --

CAROL AGATE: And the car --

JIM MONTEVERDE: -- I believe a typical vehicle would extend into the narrow part?

CAROL AGATE: Then the car could go further back? It's saving the grassy area that's really an issue. Other,

there could just be a driveway there for the car to put the entire car to go on the side and not stick out in front.

Is that correct?

JIM MONTEVERDE: I believe you're correct, Carol. So what -- and walking the neighborhood, what I noticed were typically, one, I think the majority of the lots were a little wider, because the driveways seem a bit wider.

But this one -- again, if the Ordinance is 8.5', 8'6" and this is 8.1', you know, the difference is 0.5- -- I'm sorry, 0.4', it's too narrow.

The typical driveway extends deeper into the side yard, so that the vehicle -- the vehicles I saw parked there were typically parked where the back of the vehicle kind of aligns with the front of the house. In other words, it gave you a front yard. So the car wasn't sitting in the front yard setback.

I mean, I noticed that in some of the neighborhood conditions. And I think just as you said, that was just a question of how someone wanted to use that space.

Any other questions from members of the Board?

VIRGINIA KEESLER: So my understanding is that parking is only allowed on the one side of the street, which

is the Somerville side of the street.

And so my question is are the residents living on the Cambridge side of the street, is there, like, any kind of a special policy that allows them to get a Somerville permit, or are they not able to park on that street at all?

ADAM DASH: I would note that my client went to the Somerville parking folks to get a sticker to park on the Somerville side of the street, which was not an easy task. He actually was successful in getting a pass that only allowed him to park on Line Street and Somerville and nowhere else.

But but that there are a lot of houses on this street, and there's only parking on one side, it's nice to have the sticker. It's almost impossible to find a space, but that's -- but yeah, he was able to get a sticker from Somerville, but it was not a simple thing.

JIM MONTEVERDE: And then I assume you could get a parking sticker for Cambridge and be able to park anywhere else, except for the street?

STEVEN NG: He gets the best of both worlds.

JIM MONTEVERDE: Yeah, exactly. Park everywhere. Any other questions from members of the Board?

If I may, I have two. When I walked -- unfortunately this photograph doesn't show it, but right behind on the left-hand side of the photo, at the end of that chain link fence --

ADAM DASH: Mm-hm.

JIM MONTEVERDE: -- the house next door, immediately to the left, there are three what I took to be gas meters or regulators sitting outside that appear to serve the next-door neighbor sitting in their side yard.

And the survey doesn't show what's on the other side of the property line, but I have to assume that those are sitting hard against the property line.

I would be concerned with this proponent using that space as a driveway -- undersized driveway, under width driveway, with those three gas meters aside that house, unless there was some protection on those gas meters. Bollards is a typical solution --

ADAM DASH: Yeah.

JIM MONTEVERDE: -- stop. So I don't know who would do that.

ADAM DASH: Yes, Mr. Chair. My client did talk to the neighbor at 21, who's actually in support of the project

and that -- those meters actually encroach over the property line onto 29 Line, and she is going to be moving them as a result of that.

JIM MONTEVERDE: Okay. Do you know where they're going?

ADAM DASH: Mr. Yue --

JIM MONTEVERDE: Because that's obviously where the gas service comes in.

ADAM DASH: I don't know which the meters are for. We are aware of the meter situation because it didn't show up that they were actually encroaching over the property line. So she is going to relocate them so that they don't.

So --

JIM MONTEVERDE: Not on the survey that you prepared, correct?

ADAM DASH: Well, we were only surveying our property, not theirs.

JIM MONTEVERDE: No, I understand. But if it encroaches, it's on your property.

ADAM DASH: It's on our property, but they're moving.

JIM MONTEVERDE: Okay. And they'll move it off

the proponent's property.

ADAM DASH: That's right.

JIM MONTEVERDE: Okay. That was one.

The second is I typically object to parking in the front yard setback. I still do in this case as well.

And I'd like to ask if you could be amenable to pushing that drive further back into that side yard, so that the rear of the vehicle is not sitting hard against the sidewalk?

Would that be amenable, Mr. Dash?

ADAM DASH: The concern would be throwing us out of compliance with open space if we did that.

JIM MONTEVERDE: I'm sorry, could you repeat that?

ADAM DASH: The concern would be putting us out of compliance with open space if we do that.

JIM MONTEVERDE: Well, you want to put that in as a different -- another request for relief?

ADAM DASH: No can do. Sorry.

JIM MONTEVERDE: Okay. Yeah, obviously we can't change from what's been submitted. Okay. That's unfortunate.

Any other questions from members of the Board? If

not, I will open it up to public comment. And you saw on the screen all of the surrounding neighbors and the abutting neighbor to the left in this photograph and have apparently written in support.

So I will open it up to any other folks who want to call in.

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

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

And no one is calling in, so I'll close public testimony.

Discussion among members of the Board?

STEVEN NG: So what -- with your thoughts about pushing that driveway further back so there's a front setback is -- you know, clear of the vehicle, they can't do

that, or they --

JIM MONTEVERDE: Well, this is the knot that's been tied.

STEVEN NG: Mm-hm.

JIM MONTEVERDE: Because the application doesn't ask for relief from the --

STEVEN NG: Okay.

JIM MONTEVERDE: -- open space, correct? yeah. So you got to -- unfortunately we have to take it as it is. There's no condition that we can add.

CAROL AGATE: Well, can it be continued?

JIM MONTEVERDE: So I'm being -- well that’s my next point. Because I was going to say since I'm pushed against a wall here, and I have to either take it or leave it, I'm prepared to leave it.

It's up to the proponent whether they'd like to continue this and consider moving that drive further back onto the side yard or if they'd like us to proceed with it tonight, and we can read the tea leaves among the other members.

But I'm just saying I wouldn't support it the way it is.

ADAM DASH: I understand, Mr. Chair. Obviously --

JIM MONTEVERDE: Hold on one second. Hold on. We have -- Staff wants to jump in and save the day.

OLIVIA RATAY: Hi. This is Olivia Ratay at ISD. If that was the case, in which a new dimension was created as a violation, a continuance would not be a resolution. He would have to withdraw and then reapply, because it's been advertised as such, and we can't go in and change his --

JIM MONTEVERDE: Okay.

OLIVIA RATAY: -- thing.

JIM MONTEVERDE: So sorry, the resolution would not be a continuance, but a withdrawal without prejudice and then you'd come back and do it again.

Mr. Dash, which would you like?

ADAM DASH: Well, my client Yi Yue --

YI YUE: Hello?

ADAM DASH: -- has his hand up if we could -- maybe he has something he could say. And I would have to talk to him about what to do here.

Mr. Yue?

YI YUE: Yes. Thank you for giving me an opportunity to just answer the question just a question

about pushing the driveway back. I think we can do that, because right now the job we proposed by using the paver. So we could actually use part of the paver use permeable pavement, paver. So it's still considered an open space. And also push the driveway further back [now] into the front setback. I think that's an option. We can do it.

JIM MONTEVERDE: I understand. And that's wonderful. But Staff is shaking their head no. As amenable as that might be to me in particular, we can't make that modification to what's in front of us. Correct?

OLIVIA RATAY: Parking is not, despite it being -- if you have permeable pavers, the parking space itself is not going to be counted towards open space.

YI YUE: Okay, got it.

ADAM DASH: And we're at 36 percent now with the 30 percent requirement. So I would think pushing it back is going to lose us 6 percent for sure.

JIM MONTEVERDE: Understood.

ADAM DASH: Yeah, I --

JIM MONTEVERDE: Any other -- can I just poll the other Board members? Because if it's just me, I could be whistling in the wind here.

Any Board Member have a concern here? Or are you all good to go?

CAROL AGATE: Yeah. I'm not sure I'm following it. I'm sorry the conversation's going very fast. But my --

JIM MONTEVERDE: Well --

CAROL AGATE: -- preference would be that we continue it or put in a new application, if that's what's required, so that the car can park next to the house instead of in front of the house.

JIM MONTEVERDE: Okay. And with the application that's in front of us, would you not be in favor of it? That's the [unclear].

CAROL AGATE: I would not.

JIM MONTEVERDE: Okay.

CAROL AGATE: Well, I would not be in favor of it if there is another option. If there is no other option, then I'm afraid there is a hardship.

JIM MONTEVERDE: No, there -- again, there's another option, we just can't entertain it tonight. The case has to be withdrawn, resubmitted.

Again, I apologize if that's the kind of

bureaucratic way it has to be handled.

So Carol, on that basis, would you be in favor, or against the vote for tonight?

CAROL AGATE: Well --

JIM MONTEVERDE: I'm trying to --

CAROL AGATE: I mean, can this be weighed, can this be added into the idea of a variance, whether or not there's a hardship? Because I would say there is no hardship if there is an alternative. If there is no alternative, then there's a hardship.

JIM MONTEVERDE: Okay. Thanks.

Any other Board -- again, I'm just trying to read the tea leaves here.

STEVEN NG: I would support your position as well. So --

JIM MONTEVERDE: Okay. So Mr. Dash?

ADAM DASH: Sounds clear. Yeah. Would it be possible to continue this? We file a new application and see what we can do? And then we could come and withdraw this, and then have the next one heard, if that's the way it plays out.

I think we'd like to --

JIM MONTEVERDE: Oh, yeah. Continue by just -- we'll put you last on the Agenda, come back, correct?

ADAM DASH: Yeah, and if we need a new application, then we could have that heard, and then we could withdraw this one?

JIM MONTEVERDE: Correct.

ADAM DASH: -- if the other one passes?

JIM MONTEVERDE: That's the plan. That would be the plan, yes.

ADAM DASH: I think that makes more sense.

JIM MONTEVERDE: Is that okay?

Is that okay? We'll withdraw the case without prejudice now?

ADAM DASH: No, I was saying not to.

JIM MONTEVERDE: Okay. Sorry.

ADAM DASH: Just continue this one. We'll file -- we'll if we can file a new -- if we need to file a new application or not, depending on --

JIM MONTEVERDE: Okay.

ADAM DASH: -- what we can figure out. And then both would be on the next time; a new one, and then this old one, and if the new one passes, we could withdraw the old

one?

JIM MONTEVERDE: Yes. Oh, I see. Yes. Yes. I understand now. I've seen those before. Yep. So we'll do a continuance then. Different verbiage.

And do we have a date? How much time would you like, Mr. Dash?

ADAM DASH: Something new filed probably won't take much, because we've -- the documents will be pretty much the same --

JIM MONTEVERDE: Right.

ADAM DASH: -- except for one document. When's the next availability? I don't know what your schedule -- what your --

JIM MONTEVERDE: Yep, yep. Give me one second and we'll -- we have our dates.

OLIVIA RATAY: We could do June 12.

JIM MONTEVERDE: June 12 if you could apply within the next two days.

ADAM DASH: You mean by Monday?

JIM MONTEVERDE: Yep. Or June 25 -- June 26.

ADAM DASH: We'll have to get a new sign and that kind of thing. I hate to say June 26. And Mr. Yue, are you

okay with June 26?

YI YUE: I think we can try the June 12.

ADAM DASH: We would have to get everything filed by Monday close, end of business.

JIM MONTEVERDE: Try for the earlier date?

ADAM DASH: We can -- we'll see. Yeah, let's try that.

JIM MONTEVERDE: So June 12?

ADAM DASH: Yeah.

JIM MONTEVERDE: Okay. So let me make a motion to continue this matter to June 12, 2025, at the condition that the petitioner change the posting sign to reflect the new date of June 12, 2025 and the new time of 6 p.m.

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

I ask that you sign the waiver and return it to the Inspectional Services Department by a week from this coming Monday.

Failure to do so will de facto cause this Board to give an adverse ruling on this case. Also, that if there

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

On the motion to continue this matter until June 12, 2025 by a voice vote of the Board, is open Virginia?

VIRGINIA KEESLER: Virginia Keesler in favor.

JIM MONTEVERDE: Thank you. Carol?

CAROL AGATE: Carol Agate in favor.

JIM MONTEVERDE: Thank you. Steven?

STEVEN NG: Steven Ng in favor.

JIM MONTEVERDE: Thank you. Daniel?

DANIEL HIDALGO: Daniel Hidalgo in favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: So the matter is continued until June 12. Thank you.

ADAM DASH: Thank you very much.

JIM MONTEVERDE: Yep.

* * * * *

(7:14 p.m.)

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

JIM MONTEVERDE: Next case is BZA-1158998 -- 355 Main Street.

Mr. Rafferty, are you with us?

JAMES RAFFERTY: Yes. Good evening, Mr. Chair. For the record, James Rafferty on behalf of the applicant.

Also present on the video screen is Paul Baham. I apologize for the spelling. Mr. Baham is -- there you go -- is an employee of the business establishment.

This is an application for a quick-service -- quick-food-service special permit to allow for the operation of a NAYA restaurant -- N-A-Y-A in Kendall Square on Main Street.

NAYA serves authentic, fresh, and nutritious Middle Eastern cuisine. Currently there are some NAYAs in Boston too, I believe, and some in New York, but this would be Cambridge's first NAYA restaurant.

This location currently has a quick-service -- food service special permit, which allowed for the operation

of a Clover restaurant at this location.

The permit was approved by this Board in 2013, but as I'm sure many Board members are aware, there's a unique restriction on the fast food special permits and the quick-food-service special permits. And that is they are individual to the operator.

So unlike most special permits which run with the land, in cases involving the fast food special permit, a different operator requires a new special permit.

So we're here this evening asking the Board to essentially make the same findings that were made by your predecessors back in 2013 in this location.

The use meets all the criteria required in both the MXD District, which has its own set of criteria under Article 14.21.3, as well as the criteria set forth in 11.31.

The criteria in 14.213 -- the MXD District Special Criteria -- requires that this -- that the use not be located in a separate structure, which ours is not, does not exceed 3,000 square feet, which this clearly does not, and that there are not more than 15 such uses in the district, and there are not.

So based on those conditions, those conditions are

satisfied.

And then the findings under 11.31, the Board is directed to consider when it comes to fast food and 11.31 is that the use would not create any traffic problems; that the physical design is compatible with surrounding buildings; that the use fulfills a need in the area,

d) that will rely heavily on the walk-in trade.

e) that biodegradable materials would be used, and that is the case here; there is no Styrofoam. That waste receptacles be provided, and finally that the operation of the building will comply with all the Building Code requirements for accessibility.

All of that will be taking place. This is a -- in the heart of Kendall Square on Main Street. For those of you who know the street, it's next door to where the Legal Seafood is.

The demand is present every day, both in the business community. We've got a vibrant city center there. We have emerging residential units; in the last handful of years, there's probably been over 1,000 dwelling units created in Kendall Square.

And this type of service, this food product, which

will be served until late in the evening, until ten in the evening; and the food really is quite unique, quite nutritious.

It's probably a little bothersome to the applicant to think that its product is considered fast food, but fast food is now its own designation that has more to do with the manner in which it's portable or could be used.

So the operator is present if there are any operational questions. But there is -- all of the existing operations will be replicated here. The building has a dumpster in the loading area where trash will be stored in the interior. And there's also a loading area to accommodate deliveries.

As I said, happy to answer any questions or have NAYA speak further about the use.

JIM MONTEVERDE: Thank you.

Any questions from members of the Board?

Do we have the graphic for the floor plan? Just so everyone knows what's going on?

And as you said, Mr. Rafferty, this Board previously had granted this space to be used by Clover Food.

JAMES RAFFERTY: That's correct.

JIM MONTEVERDE: Clover's gone, and now NAYA at Kendall will take over the same space.

JAMES RAFFERTY: That's correct. And the layout is very similar to the Clover layout.

JIM MONTEVERDE: Okay. Thank you.

Any questions from members of the Board? This is a special permit.

If not, we have no correspondence or I find no correspondence in the file, either for or against. So I will open it up to public comment. Any member of the public who wishes to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand."

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

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

Nobody's calling in, so we'll close public testimony. Any discussion among members of the Board? Or are we ready for a motion? It sounds like we're ready for a

motion.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 11.31, it's the Quick-Service Fast Food Establishment Requirements and Article 14.21.3 for the MDX Allowed Use, and meeting all the conditions under 10.40 and 10.41 for a special permit.

On the condition that the work proposed conforms to the drawings entitled, "NAYA at Kendall Square," prepared by Derek Rubinoff, Architect, and dated December 20, 2024; initialed and dated by the Chair.

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

On a voice vote, please? Carol?

CAROL AGATE: I'm sorry, I was looking at the papers.

JIM MONTEVERDE: Yeah.

CAROL AGATE: What did you ask?

JIM MONTEVERDE: We're at a vote. I'm asking for your voice vote, please for this --

CAROL AGATE: Oh.

JIM MONTEVERDE: -- quick-food establishment.

CAROL AGATE: Oh, yes. In favor. Carol Agate in favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: Virginia Keesler in favor.

JIM MONTEVERDE: Thank you. Steven?

[Pause]

Steven Ng, are you there?

DANIEL HIDALGO: Looks like he might be frozen.

JIM MONTEVERDE: All right. Daniel?

DANIEL HIDALGO: Daniel Hidalgo in favor.

JIM MONTEVERDE: Thank you.

JIM MONTEVERDE: Steven?

STEVEN NG: Steven Ng in favor.

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

[All vote YES]

JIM MONTEVERDE: Five in favor. The relief is granted. Thank you.

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

PAUL BAHAM: Thank you.

* * * * *

(7:23 p.m.)

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

JIM MONTEVERDE: The next case is BZA 1160018 -- 35 Webster Avenue Number 2 from -- Mr. Glassman, are you with us? I haven't seen you in a long time.

Okay. The proponent has asked for a continuance. Oh, this one. He's asking for June 12 or earlier. To June 12.

JIM MONTEVERDE: Okay. So this is a case not heard. Let me make a motion to continue this matter until June 12, 2025, on the condition that the petitioner change the posting sign to reflect the new date of June 12, 2025 and the new time of 6 p.m.

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

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

Board to give an adverse ruling on this case.

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

On the motion to continue this matter until June 12, 2025.

By voice vote, please? Carol?

CAROL AGATE: Carol Agate in favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: Virginia Keesler in favor.

JIM MONTEVERDE: Thank you. Steven?

STEVEN NG: Steven Ng in favor.

JIM MONTEVERDE: Thank you. Daniel?

DANIEL HIDALGO: In favor.

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

[All vote YES]

JIM MONTEVERDE: That's five affirmative. The matter is continued.

That's it for tonight. Thank you all.

[07:25 p.m. End of Proceedings]

CERTIFICATE

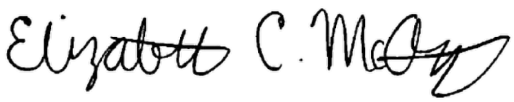
Commonwealth of Massachusetts

Middlesex, ss.

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

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

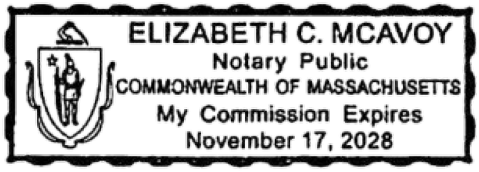
In witness whereof, I have hereunto set my hand this fifth day of June 2025.



Notary Public

My commission expires:

November 17, 2028



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