

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING
THURSDAY, JANUARY 15, 2026

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

Steven Ng, Chair
Wendy Leiserson, Vice Chair
Fernando Daniel Hidalgo
Virginia Keesler
Jim Monteverde

City Employees
Stephen Natola



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I N D E X

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BZA-1188742 -- 514 FRANKLIN STREET	8
Original Hearing Date: 12/11/25	

PROCEDINGS

* * * *

(6:00 p.m.)

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

JIM MONTEVERDE: Good evening.

All the members present? Do you want to read through, and Staff will check that you're all audible?

STEPHEN NATOLA: Jim Monteverte?

10 JIM MONTEVERDE: Present.

STEPHEN NATOLA: Steven Ng?

STEVEN NG: Present.

STEPHEN NATOLA: Daniel Hidalgo?

DANIEL H. DATTA: Present.

STEPHEN NATOLA: Virginia Keesler?

VERGINTIA KEESLER: Present

STEPHEN NATOLIA: Wendy Leiserson?

WENDY LETSESON: Present

19 JIM MONTEVERDE: All right, thank you. So those
20 are all of the full Board members. Want to welcome Wendy
21 a member.

22 And just to let everyone know, my count of the

1 Associate members after the City Council vote on --
2 effective as of December 22 is Miranda Cecil, Michael
3 LaRosa's back, Zarya Miranda is back, Esrom Negash is new to
4 our group, as is Bran Shim, and Brendan Sullivan is back for
5 a return engagement. So welcome all the Associate Members.

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2 (6:03 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,
4 Virginia Keesler, and Wendy Leiserson5 JIM MONTEVERDE: Now, for the members, we're going
6 to start off with our Elections for Chair and Vice Chair.
7 So I typically have started off by asking if there's any
8 volunteers, so one doesn't wind up in a position they really
9 didn't want, but --

10 STEVEN NG: I'll save some time for the --

11 JIM MONTEVERDE: Thank you.

12 STEVEN NG: -- meeting and volunteer for the Chair
13 position, Jim.14 JIM MONTEVERDE: Okay. And I'm happy to second
15 that. And I think we need to do a vote among the members.

16 So that's Steven? You vote for yourself?

17 STEVEN NG: In favor.

18 JIM MONTEVERDE: All right.

19 Daniel?

20 DANIEL HIDALGO: In favor.

21 JIM MONTEVERDE: Virginia?

22 VIRGINIA KEESLER: In favor.

1 JIM MONTEVERDE: Thank you.

2 Wendy?

3 WENDY LEISERSON: In favor.

4 JIM MONTEVERDE: And Jim Monteverde in favor.

5 [All vote YES]

6 JIM MONTEVERDE: So congratulations to the new
7 Chair. Now, we need a Vice Chair. A Vice Chair steps in if
8 Steve, the Chair -- Steven in this case -- is for whatever
9 reason unavailable to sit for a meeting. The Vice Chair
10 then leads the meeting. Or if the Chair has to recuse
11 themselves, either from a particular case or for whatever --
12 a number of cases.

13 So that's really what the Vice Chair does. It's
14 really there as a substitute if need be. So anyone wish to
15 volunteer to be Vice Chair for this term?

16 Yeah, I know. The silence is deafening.

17 Wendy, would you like to do Vice Chair? Can you
18 do that?

19 WENDY LEISERSON: Yes, I can do that.

20 JIM MONTEVERDE: All right.

21 WENDY LEISERSON: Thank you. I'd be honored.

22 JIM MONTEVERDE: And I'll second that. Let's do a

1 voice vote, please, Steve. And this is for Wendy as Vice
2 Chair. Steven?

3 STEVEN NG: Steven Ng in favor.

4 JIM MONTEVERDE: Daniel?

5 DANIEL HIDALGO: Daniel Hidalgo in favor.

6 JIM MONTEVERDE: Virginia?

7 VIRGINIA KEESLER: Virginia Keesler in favor.

8 JIM MONTEVERDE: Wendy? You get to vote for
9 yourself.

10 WENDY LEISERSON: In favor.

11 JIM MONTEVERDE: And Jim Monteverde, I vote in the
12 affirmative.

13 [All vote YES]

14 JIM MONTEVERDE: So thank you. We have our Chair
15 and Vice Chair. And I will open the meeting and then turn
16 it over to the new Chair.

17 You want the big seat? You sure?

18 STEVEN NG: Yeah.

19 JIM MONTEVERDE: All right. Look for the date.

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[00:06:23]

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

JIM MONTEVERDE: Welcome to the January 15, 2026 meeting of the Cambridge Board of Zoning Appeal. My name is Jim Monteverde, and I am a member. The new Chair is Steven Ng, and the new Vice Chair is Wendy Leiserson.

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

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 ask Staff -- well, we've already taken Board
5 Member attendance, so we're good.

6 And the first case for tonight is -- and the only
7 case for tonight is a continued case. That was started
8 previously and not resolved.

9 Steven, take it away.

10 STEVEN NG: Okay. First case for -- or the only
11 case this evening is Case No. 1188742 -- Peter and Shirley
12 Kuhlmann, for a property at 514 Franklin Street, Cambridge.
13 Is anyone on the meeting here for that to represent that
14 applicant?

15 JAMES RAFFERTY: Good evening, Mr. Chair. My
16 apologies, but there's a bit of a lag in getting the prompt
17 to sign on as a panelist. But good evening, Mr. Chair, and
18 members of the Board.

19 For the record, my name is James Rafferty. I'm an
20 attorney with Law offices located at 907 Massachusetts
21 Avenue in Cambridge. I'm here this evening on behalf of the
22 petitioners, Peter and Shirley Kuhlmann. They are the

1 owners of 514 Franklin Street; a single-family home located
2 on the corner of Franklin and Bay Street.

3 Present with us this evening are the project
4 architects, Kevin Marblestone and Sandra Jahnes. I'm hoping
5 that they have been promoted as panelists as well, and that
6 they will have the ability to participate in the
7 presentation with me.

8 As noted by the Chair, this is a continued case,
9 but it was a case not heard. The case was continued, and
10 requests were received by several abutters claiming that
11 they had not received adequate notice from the City about
12 the hearing when it was previously scheduled.

13 This is a case that seeks a special permit to
14 allow for some additions to the Kuhlmann home. The
15 Kuhlmanns have lived here for approximately 12 years, are
16 raising their family here. They have three children. And
17 they are seeking to expand this home.

18 The application before you seeks approval under
19 two provisions of the City Ordinance allowing for expansion
20 to nonconforming structures.

21 The first and most significant portion of the
22 application involves a special permit under Section

1 8.22.2.d. That provision allows for additions to
2 nonconforming structures to be authorized, provided it can
3 be demonstrated that the additions would have no adverse
4 impact upon the surrounding neighborhood, different than the
5 existing nonconforming condition does.

6 The site plan, if we could put it up for a moment,
7 Mr. Natola, might be the best way for me to begin and give
8 the Board an opportunity to understand the issues present in
9 the application. I think it might be a bit further along.
10 There's a survey -- there we go, right there. Thank you.

11 So there are -- this is an interesting case in
12 many ways. To begin with, the lot itself is irregular, if
13 you notice it. It's an L shaped lot. It's rectangular for
14 the most part, but then on the corner of the lot it moves in
15 a direction -- I think that's a west, no it's an easterly
16 direction.

17 But this L-shaped lot contains an existing single-
18 family house that in its current condition is nonconforming.
19 It's notable -- its nonconformities are related to setbacks.

20 The lot itself, like all corner lots, has two
21 front yards and two side yards, which also contributes to
22 some of the issues involved in the relief being pursued.

1 The house itself is notable because one of its --
2 as you can see on the right side as we're looking at the
3 image, but the left side as you stand on the street -- the
4 left side of the home has a significant side yard
5 nonconformity. It's approximately 1.5' from the property
6 line.

7 On the other side of the property line is the
8 abutters' driveway and a shed. In this case, what the
9 proponents are seeking is relief to increase the height of
10 that nonconforming wall.

11 This portion of the wall, however, actually what's
12 being proposed here is conforming in the sense that the
13 Ordinance does allow under 5.23 Footnote 4 -- it does allow
14 for an addition to a nonconforming wall provided there is no
15 -- it does not extend beyond the horizontal footprint of the
16 existing wall.

17 So the relief under 8.22.2.d really has more to do
18 with the front yard setbacks, both on Bay Street and
19 Franklin Street, which are nonconforming.

20 The Ordinance requires setbacks at 10'. These
21 setbacks occur at about 5'. So for that purpose -- for that
22 reason, a special permit has been applied for under

1 8.22.2.d.

2 The second portion of the application -- citing
3 8.22.2.c, involves the addition of windows on a
4 nonconforming wall. The architects will -- I think it would
5 be most helpful for the architects to describe exactly
6 what's taking place here in terms of the type of
7 construction. A full floor is being added to this house,
8 but it's not -- it's being inserted into the middle of the
9 house, if you will. And we'll explain that more thoroughly.

10 But before I do that, I just want to bring to the
11 Board's attention something I'm certain you're aware of. I
12 only learned this morning when I was made aware that a
13 seven-page letter of opposition was filed. I didn't get --
14 I was not provided a copy of it by the author, but I did
15 learn of it and obtained a copy.

16 And there are two issues contained in that letter,
17 which I just want to briefly touch upon.

18 The first is an assertion by Council for the
19 abutter that the relief being sought in this case, a special
20 permit, is not the correct relief and that it should be -- a
21 variance should be necessary.

22 As lengthy as the letter is, Council to the

1 abutter fails to include in her letter the fact that this
2 issue has been raised by this Attorney for several months
3 now, to both the Building Department and to the Law
4 Department. And in each case, neither has agreed with the
5 conclusions that a variance is needed.

6 We believe quite strongly that the relief being
7 sought by way of a special permit is appropriate. The case
8 practical wouldn't be before you if it hadn't been vetted by
9 the Staff to confirm that.

10 And I do know from firsthand discussions that the
11 petitioner -- the abutter's Council in this case reached out
12 to the Law Department and raised similar concerns.

13 So to receive a seven-page missive this morning
14 suggesting the relief being sought is inappropriate; I think
15 it's not accurate and it's not something that the Board I
16 think needs to be overly concerned about, given the history
17 that this argument has been around for quite a long time.

18 There is one provision in the article where the
19 author -- in the letter where the author suggests that the
20 application is reliant on 8.22.2.c is not appropriate for
21 the addition being sought here. And, frankly, I agree with
22 that.

1 The problem with the assertion in the letter is
2 that is not the reason 8.22.2.c is cited in this case. It
3 is not for the addition. 8.22.2.c is the relief necessary
4 to allow for the introduction of openings for windows on
5 nonconforming walls.

6 So for the most part, the letter itself repeats a
7 series of misstatements about the current state of the
8 Ordinance.

9 But beyond that, I would simply emphasize the fact
10 that the application itself has been vetted by both the Law
11 Department and the Building Department, and it's only before
12 you after those arguments were rejected.

13 At this point, I'd like to -- I'll ask the Board
14 to allow the project architect to stay forward. Kevin
15 Marblestone will walk the Board through the actual work
16 being proposed here.

17 Is Kevin able to speak?

18 KEVIN MARBLESTONE: I am here. Thank you, Jim.
19 And thank you to the Board. Good evening, everyone.

20 As Jim noted, I'd like to spend a little bit of
21 time talking about the design of the project. Maybe to
22 start, we can go to Sheet G-3.2, which has the existing

1 photos. It might be in the other document you have. Yeah,
2 perfect. Thank you very much.

3 So from the beginning of our design process, our
4 team and the homeowners have been aligned on the shared goal
5 of maintaining the beautiful character of their existing
6 home, which they've been in for over a decade.

7 The existing home is a Second Empire structure
8 located on a corner lot. And there's a lot of detail to
9 admire in this existing house.

10 Perhaps our favorite part of the existing
11 structure is the mansard roof, which has slate shingles and
12 a very graceful curvature to it.

13 It also has a very intricate cornice work, which
14 we believe is original to the house, and something that we
15 admire.

16 The character and material texture of the existing
17 masonry foundation is also, we think, integral to the
18 character of the home.

19 As appealing as the existing house is, it does
20 have many significant structural deficiencies, which are in
21 urgent need of addressing in this part of the project.

22 So when the homeowners first came to us, we

1 embraced the design challenge of respecting the character of
2 the existing home while also structurally stabilizing,
3 modernizing, and expanding the home.

4 If you wouldn't mind, can we go to Sheet EX-1,
5 which is the existing plot plan?

6 Perfect. Great.

7 And if you wouldn't mind zooming in just a little
8 bit. Perfect.

9 As Jim already noted, the existing structure is
10 situated on a corner lot that is frankly very narrow and
11 irregularly shaped. The two front setbacks along Franklin
12 Street and Bay Street are nonconforming, as well as the side
13 setback along the east against the abutting property.

14 But it should be noted that the existing structure
15 nonconformance is very I should say characteristic of this
16 neighborhood, to say the least.

17 You see, even on this very survey on the south
18 side, you see there's a 1.9' side setback on the 30 Bay
19 Street property the south. And you can also see a less than
20 2' front setback of 508-510 Franklin Street property to the
21 east.

22 In terms of abutting structures, you can see in

1 the survey how the neighbors' driveway comes past the
2 property line and nearly comes up against the foundation of
3 our client's existing home.

4 You can also see the footprints of the neighbors'
5 preexisting metal storage shed kind of in the inside corner
6 on the right side there. Beyond the shed and beyond the
7 driveway, you can see the outline of the neighbors' home.

8 And if maybe we can switch to Sheet PROP-1, which
9 is the next sheet. This is our proposed plot plan for the
10 project.

11 In gray there, you can see the footprint of the
12 proposed new addition in the back. I want to clarify that
13 we've labeled this addition as a three-story addition
14 because the existing basement is just high enough that it
15 technically counts as a story above grade, according to the
16 Zoning Ordinance.

17 But in effect, this is a two-and-a-half story
18 addition. The basement is half submerged below grade. So
19 this addition is 29' from grade to the top of the roof
20 railing.

21 I want to note also that the addition footprint
22 conforms to the 10' front setback off of Bay Street, and as

1 Jim noted earlier, continues the existing nonconformance
2 along the east side.

3 Now in regard to the existing house, as I
4 mentioned earlier, the structure has significant
5 deficiencies in terms of its structural integrity. The
6 original masonry and rubble foundation is failing in several
7 areas. And as a result, the entire house is actually
8 slightly leaning towards the abutters to the east.

9 So if you wouldn't mind going to the cover sheet
10 next -- again, I think it's in the -- yeah, this document,
11 perfect -- is this the first sheet with the -- there should
12 be a rendering on the first sheet. Mm-hm. Oh, here.

13 Oh, perfect. Here.

14 JAMES RAFFERTY: There you go.

15 KEVIN MARBLESTONE: Yeah. If you wouldn't mind
16 zooming in to that image on the top left, we think it's
17 representative of the intent. The results in this effort --
18 you know, one of the first decisions we made as a team was
19 that we needed to lift the house in order to reinforce and
20 repair the existing foundation.

21 Again, the priority here was to maintain the
22 existing character of the brick from the exterior, while

1 maintaining the existing character of the brick from the
2 exterior while making sure that the foundation would be
3 reinforced and stabilized from the interior.

4 And actually, could you go to Sheet G-3.1? Sorry
5 to make you go all over the place. It should be the next
6 sheet. Perfect. Oh, go up one more sheet. There seems to
7 be a sheet missing from this document. Here. This is the
8 one. Top left.

9 So again, the priority is to maintain and
10 reinforce the existing foundation. Since we would be
11 lifting the house anyways, there was an opportunity to
12 expand the home by inserting a new first floor above the
13 existing basement, which you can see very clearly here in
14 this diagram.

15 Very importantly, I want to note that by lifting
16 the house from underneath the first floor and not at the
17 roofline, which might be a more common approach for this
18 typo project, this allowed us to keep the existing beautiful
19 mansard roof detailing intact.

20 So the result is in effect a three-story structure
21 whose height is very much in keeping with other three-story
22 structures in the immediate vicinity while maintaining much

1 of an effect the existing second-empire character that we
2 and the homeowners admire.

3 And this lifting approach we feel allows us to
4 celebrate the character of the existing home, character that
5 we feel is integral to the fabric of the neighborhood.

6 And rather than keep it at its current height, and
7 dwarf it with a four-story addition in the back, we arrive
8 at a design that we feel is more balanced in nature.

9 And this scale -- if you wouldn't mind going to,
10 again, the cover sheet with that rendering image.

11 Perfect. Thank you very much.

12 The scale is in fact quite common for the Second
13 Empire homes throughout Cambridge. You see it in a lot of
14 different neighborhoods, in fact in the immediate vicinity
15 of the project.

16 I'd like to point in this view that we are also
17 proposing three bay window volumes across Franklin Street
18 and Bay Street elevations; all of which are in compliance
19 with the City's Bay Window Regulations.

20 The bay window being proposed on Franklin Street
21 is more in keeping with the existing character of the home,
22 and the two bay windows on Bay Street are more modern in

1 nature.

2 The -- actually the Franklin Street Bay window, in
3 fact we learned early on in the home -- early on in the
4 design process that the home originally had a first-story
5 bay window on this front elevation, so in a way we are
6 trying to tie back to the roots of the home when it was
7 originally built.

8 All right, and if you -- we could skip to Sheet A-
9 5.1, which are part of the exterior elevations. A little
10 bit further down.

11 Perfect. Thank you very much.

12 I want to -- actually if you wouldn't mind going
13 to the amended pages that we submitted, I think it's in the
14 outer tab.

15 Yes, exactly.

16 So on the right side is the east elevation. The
17 elevation abutting the driveway to the east. We are
18 removing half of the existing openings. You can see those
19 dashed in.

20 We're also proposing one new glazed wall assembly
21 on this elevation, which you can see as that low skinny but
22 horizontal window. That's placed on the first level and

1 placed high on that level. There are no windows proposed on
2 the east side of the addition.

3 This elevation I think also illustrates a key
4 aspect to our design, which is that the height of the
5 addition does not extend up as high as the roofline of the
6 existing mansard roof. We're very intentionally stepping
7 down the volume where the addition occurs and carefully
8 aligning the top of the volume with the eave of the mansard
9 roof.

10 And I'm also here with my colleague, Sandra
11 Jahnes.

12 Sandra, do you have anything you'd like to add?

13 SANDRA JAHNES: No. Thanks, Kevin. Again, this
14 is Sandra Jahnes. Thank you, again, to the Board.

15 Thank you, Kevin, for that run-through. I guess
16 just in closing, I would say that, you know, this project
17 has been a really interesting journey.

18 And I think, you know, the challenges of this site
19 are quite obvious in that it's narrow and irregular and
20 seated on a corner, which isn't privilege with the same
21 front yard setbacks that a non-corner lot would have.

22 You know, the design really grew out of the -- our

1 love for the character of the home, you know, as we worked
2 with the homeowners, and I really feel that the team and the
3 owners have really had the neighborhood front of mind as
4 we've kind of embarked on this design journey.

5 And so, the results of it here I think certainly
6 have the neighborhood in mind.

7 So thank you.

8 JAMES RAFFERTY: Thank you. If we could go back
9 to the site plan for a moment, the survey. I just want to
10 point out a few dimensional anomalies, if you will, with the
11 house and in the context of the neighborhood.

12 Board members may be aware of the fact that in
13 this zoning district, front setback can be averaged based on
14 the setbacks of the joining properties. In this case,
15 however, because it's a corner lot, ISD took a different
16 position.

17 Our immediate neighbor here on the left has a
18 very, very limited setback on the front, and that's also the
19 case with our neighborhood on the other side.

20 But the -- this section of the Ordinance has been
21 interpreted not to extend across the street on corner lots.
22 So this property owner wasn't able to take advantage of the

1 opportunity to take advantage of the averaging of front
2 setbacks. In fact, the prevailing setback on this stretch
3 of Franklin Street, in terms of front setbacks, is only one
4 or two feet.

5 So in this case, the nonconformity of the Franklin
6 Street frontage and the Bay Street frontage means that this
7 floor addition that's being created; portions of it are
8 within the front setback. And that's the reason the relief
9 or the authorization on the 8.22.2.d is being sought.

10 The most proximate setback, the one with the
11 narrow setback adjoining the abutting property's driveway is
12 actually one that the Ordinance allows for extensions on.
13 It specifically says, "Additions or alterations can extend
14 horizontally beyond the -- can be increased in height,
15 provided they don't extend horizontally beyond the vertical
16 walls of the existing building."

17 As you can see from here, there is an extension
18 beyond the vertical walls of the existing building.

19 WENDY LEISERSON: Mr. Rafferty, may I interrupt
20 you and just ask you to repeat what section you are --

21 JAMES RAFFERTY: Yes.

22 WENDY LEISERSON: -- citing? This is Wendy

1 Leiserson. Thank you.

2 JAMES RAFFERTY: Happy to. In Section 5.31 of the
3 Ordinance, there's a footnote, Footnote C. "In the case of
4 an alteration or addition to a building in existence since
5 on or before January 1, 2025, the required side and rear
6 yard setback distances shall be those of the existing
7 building or structure." Just want to repeat that.

8 So the setbacks here, for purposes of conformity,
9 the -- this setback is actually not deemed a nonconforming
10 setback because of this footnote, referencing the fact that
11 the required side and rear yard setback distances are those
12 of the existing structure.

13 If that language included the front setback,
14 frankly, wouldn't need even be here. Because then the
15 entire thing would be as-of-right. But the side setback,
16 for which you've received a lot of correspondence on, I
17 recognize. And I acknowledge it is close.

18 But that side setback for purposes of constructing
19 an addition that does not extend beyond the vertical walls
20 of the building is allowed as-of-right under Footnote C.

21 So Mr. and Mrs. Kuhlmann are here, and they would
22 very much like to be able to address the Board to give you

1 some background and context.

2 And at the conclusion of their remarks, Mr. Chair,
3 we will have completed our presentation. Happy to answer
4 any questions honestly.

5 STEVEN NG: Thank you, Mr. Rafferty.

6 JAMES RAFFERTY: Peter?

7 PETER KUHLMANN: Thank you. Good evening, Mr.
8 Chair. My name is Peter Kuhlmann, and together with my wife
9 Shirley. We're the petitioners.

10 Our family's lived at 514 Franklin Street since
11 2014. We moved here to accommodate our growing family. One
12 correction; it hasn't grown quite as much as Jim stated --

13 JAMES RAFFERTY: Oh, right.

14 PETER KUHLMANN: -- unless he knows something we
15 don't. when we moved, our daughter had just turned one, and
16 our son was born the spring after we moved in. Our kids
17 have grown up here. They went to elementary school around
18 the corner. Their friends live here. It's where we call
19 home and it's the only home they've known.

20 We like the eclectic nature of the neighborhood,
21 and we have sought to design our house in a way to be
22 consistent with the existing fabric of Riverside.

1 As our kids have grown, we've found that the house
2 that accommodated two small kids does not work as well for
3 two middle-schoolers. Sharing a single shower is
4 increasingly untenable, and we can see this will only get
5 worse.

6 I also want to add that our house sits on a narrow
7 L-shaped lot, and when we bought it, we were aware of
8 foundation issues that would need to be addressed at some
9 point.

10 As we have developed a renovation plan, we did so
11 with the aim to preserve what we like about our house, the
12 back yard, the slate mansard roof, while giving us the space
13 our family needs.

14 Adding a floor to the existing house is certainly
15 not the cheapest way to go about such a project, but we felt
16 it would be the most congruous with our neighborhood and
17 would allow us to minimize the size of the rear addition.

18 We have designed the house that works for our
19 family; not the largest house that the new zoning permits.
20 We were not proposing to build the maximum height. We have
21 not sought -- and we have sought to preserve as much of our
22 existing yard as possible.

1 We understand that some abutters are taking issue
2 with the size of the house as we propose to renovate it, and
3 while I have don't its material of the special permit, we're
4 happy to speak to how we arrived at the floor plate and
5 massing what we did.

6 We know that this new zoning allows for changes
7 that are not universally popular. We've also learned that
8 the new zoning does not afford corner lots the same front
9 setback exceptions that other lots enjoy, and because of
10 that, we couldn't pursue some design alternatives that we
11 and we suspect some of our neighbors would have preferred.

12 We have sought to engage and communicate with our
13 neighbors throughout the project. We've listened to the
14 feedback that we've received from neighbors who engaged with
15 us and accommodated it where we can.

16 To develop our drawings at a level required for
17 special permit, our engineers poked holes in the house to
18 assess what's going on behind our 150-year-old walls and to
19 figure out how to fix our foundations with as little
20 disruption to the neighbors in this dense neighborhood.

21 We've pushed our engineers to find a way to
22 reinforce our foundation walls from the inside, so we'll

1 minimize the impact on abutters.

2 We realize that construction is disruptive; even
3 more so for those who work from home. We have lived here
4 through two neighboring properties; got renovations, so we
5 get it. And we will seek to minimize disruptions wherever
6 possible.

7 We would have preferred to have found an overall
8 design that works for everyone, but we weren't able to do
9 so. Nevertheless, we genuinely believe that the relief
10 we're seeking meets the standards for special permit, and
11 that the nature of that relief's very consistent with the
12 existing fabric of the neighborhood. We appreciate your
13 time and consideration.

14 STEVEN NG: Thank you so much. At this time, are
15 there any questions from members of the Board?

16 Yes, Jim.

17 JIM MONTEVERDE: Hi, Jim Monteverde.

18 Stephen, do you have access to the Ordinance? Can
19 you bring up the infamous 8.22.2.c and d?

20 And I think when we get there I'm going to -- my
21 question really is to Mr. Rafferty. And that just so I can
22 be clear: three things that are mentioned in the

1 application cover page that you're seeking relief from, I
2 just want to understand where those are and what relief
3 you're requesting. So if I can start with this?

4 JAMES RAFFERTY: I'm sorry, is that a question to
5 me at the moment?

6 JIM MONTEVERDE: In a moment, yes. I was just --

7 JAMES RAFFERTY: Oh.

8 JIM MONTEVERDE: -- looking at the 8.22.2.c and it
9 reads:

10 I mean, if I'm reading this correctly, because you
11 referred to it before as laying the basis for the windows on
12 the nonconforming side elevation, if I heard you correctly.

13 So I think you -- and the way I look read the last
14 sentence of it, it really has to do with the nonconforming
15 structure will not be increased and the area or volume be
16 more than 25 percent since it first began to be
17 nonconforming.

18 So are you asking for relief from that condition,
19 Mr. Rafferty?

20 JAMES RAFFERTY: Well, no. Because 8.22.d creates
21 a special exception for a single-family dwelling, or a two-
22 family dwelling. So the operative special permit for

1 purposes of the expansion is not 8.22.c but 8.22.d. as you
2 can see in the first line of d, it creates an -- a special
3 treatment of enlarging existing nonconforming one- and two-
4 family house.

5 JIM MONTEVERDE: No, I understand. But doesn't
6 your application state 8.22.2.c? I'm just trying to
7 understand what it is you're asking relief from --

8 JAMES RAFFERTY: Well --

9 JIM MONTEVERDE: -- in that particular section.

10 JAMES RAFFERTY: -- well, the way we -- the way we
11 have over the years been advised on it is 8.22.c is relevant
12 in terms of alterations to a nonconforming structure.

13 So we conclude -- we include it here for that
14 purpose, because we are looking to enhance the structure.
15 We are, however, not governed by the 25 percent restriction,
16 because the 25 percent restriction is no longer relevant
17 under the new Multifamily Zoning, because there is no
18 restriction on far under the current Zoning Ordinance.

19 JIM MONTEVERDE: All right. And the relief you're
20 seeking under 8.22.2.d?

21 JAMES RAFFERTY: Yes.

22 JIM MONTEVERDE: Could you explain that part as

1 well, please?

2 JAMES RAFFERTY: As the language indicates, the
3 alteration of a single-family dwelling -- from a single-
4 family dwelling -- can be allowed by special permit,
5 provided the Board find that the alteration enlargement
6 shall not be substantially more detrimental than the
7 existing nonconforming structure to the neighborhood, and
8 that the alteration or enlargement satisfies the criteria in
9 Section 10.43.

10 JIM MONTEVERDE: Understood.

11 JAMES RAFFERTY: We submitted photographs of
12 houses within 100' of this house. And the prevailing
13 condition in the neighborhood is a series of nonconforming
14 setbacks. It's probably the most dominant land use feature
15 on the street.

16 JIM MONTEVERDE: Yep.

17 JAMES RAFFERTY: So.

18 JIM MONTEVERDE: Can I just direct my attention to
19 the sentence before the one you're referring to?

20 JAMES RAFFERTY: Mm-hm.

21 JIM MONTEVERDE: Where it says, "A nonconforming
22 single, detached single-family dwelling and a two-family

1 dwelling may only increase a preexisting dimensional
2 nonconformity, but does not create a new dimensional
3 nonconformity."

4 Did I hear you correctly that the 5.31 sub note
5 that you referenced basically wipes that out?

6 JAMES RAFFERTY: No.

7 JIM MONTEVERDE: It basically allows you to do the
8 addition along the same side yard setback -- nonconforming
9 side yard setback?

10 JAMES RAFFERTY: Not exactly. The focus on that
11 section should be on the phrase, "a new nonconformity."

12 JIM MONTEVERDE: Right.

13 JAMES RAFFERTY: "A new dimensional
14 nonconformity": This house has nonconforming side yard
15 setbacks today. So on the side of the house closer to the
16 neighbors' driveway, the side yard setback -- the
17 nonconforming side yard setback -- is not changing. The
18 addition is extending along that setback.

19 The footnote I referred to has to do with the
20 inclusion of the floor in the second floor. And that's the
21 footnote that relies upon the fact that Footnote C that says
22 that the existence -- if it was in existence before January

1, 2025 --

2 JIM MONTEVERDE: Right, yep.

3 JAMES RAFFERTY: -- it says, "The required side
4 and rear setback distance shall be those of the existing
5 building structure."

6 So that's why I said say that the side -- that
7 side yard setback is not nonconforming in the strictest
8 sense of the term, because this Footnote says that the side
9 and rear yard setbacks shall be those of the existing
10 building or structure.

11 JIM MONTEVERDE: Right. And you're saying that
12 applies to the addition to the rear of the building,
13 correct?

14 JAMES RAFFERTY: No, I'm saying this -- that
15 applies, well, no the earlier part applies to that; it's not
16 a new nonconformity, but that applies to why it is that the
17 -- why the building is being raised --

18 JIM MONTEVERDE: The height; correct.

19 JAMES RAFFERTY: Right. But the nonconforming
20 wall that's being affected here is not the wall against the
21 neighbors' driveway, it's the front setbacks on Franklin and
22 Bay Street. Those -- they don't fall within the 10 feet.

1 So the wall is being increased in those two areas.

2 But the front setback doesn't get the benefit that

3 Footnote C --

4 JIM MONTEVERDE: Yeah, I understand. Yep.

5 JAMES RAFFERTY: -- the way the side setback does.

6 JIM MONTEVERDE: Understand. Do you consider the
7 addition to the rear as nonconforming in its side yard
8 setback or not?

9 JAMES RAFFERTY: Well, it doesn't meet the
10 setback, but according to the language of D, it is not --
11 the addition is not creating a new nonconformity.

12 WENDY LEISERSON: This is Wendy Leiserson.

13 JAMES RAFFERTY: And there are plenty -- there are
14 plenty of cases under 8.22.d where the Board has allowed an
15 extension of a building containing a nonconforming setback.
16 That's the heart of 8.22.d.

17 And there's many, many cases where the Board has
18 recognized that that nonconforming setback gets extended by
19 virtue of this provision provided that the Board finds that
20 it doesn't have a substantially detrimental impact on the
21 neighborhood more so than the existing condition.

22 JIM MONTEVERDE: Okay, thanks. And then my last

1 question had to do with the relief you're seeking from 5.31,
2 the Table of Dimensional Requirements --

3 JAMES RAFFERTY: Yes.

4 JIM MONTEVERDE: Is that related to the front yard
5 setback?

6 JAMES RAFFERTY: It is. And it's just a matter of
7 form; we always list the Dimensional Table because that's
8 the governing requirements we're dealing with. So --

9 JIM MONTEVERDE: Okay. So there's nothing else
10 special within that that you're looking for?

11 JAMES RAFFERTY: No, so the application calls for
12 sections of the Zoning Ordinance cited. So we've always
13 taken that to mean relevant sections of the Ordinance to
14 assist Board members in reviewing the file would include a
15 review of the Dimensional Tables.

16 JIM MONTEVERDE: Okay. Thank you.

17 STEVEN NG: Any other Board members with
18 questions? Wendy?

19 WENDY LEISERSON: Thank you, Steve. I wish I had
20 time -- had seen this opposition letter sooner as well, so
21 that I could parse things. I was unaware of it until the
22 meeting already started. So I'm not sure what the Chair may

1 believe is the right protocol under that circumstance.

2 And perhaps that attorney is here to represent --
3 to speak to her letter, but I wanted to ask a question as
4 well about this interpretation of 8.22.2.d coming from the
5 Bellalta decision, is that correct, Mr. Rafferty?

6 JAMES RAFFERTY: That's what -- it was the
7 Bellalta decision that led the Law Department to file the
8 amendment that now is embodied in 8.22.2.d, yes.

9 WENDY LEISERSON: Okay, thank you. So let me just
10 see if I -- if you agree with the way I'm reading it, or if
11 there's another nuance that you want to bring to my
12 attention.

13 So it says that -- yes, you and Jim just went back
14 and forth about whether it creates a new dimensional
15 nonconformity, which a quick scan of the opposition letter
16 that was submitted today says -- is arguing that it does,
17 but let's put that aside for a second.

18 It says that you can increase the preexisting
19 dimensional nonconformity if the Board finds that it's not
20 substantially more detrimental. Is that correct so far?

21 JAMES RAFFERTY: Yes.

22 WENDY LEISERSON: Okay. And then so it's the

1 alteration or enlargement of the dwelling that is requiring
2 the special permit, right? Because the first sentence says,
3 "-- may grant a special permit for the alteration or
4 enlargement of a preexisting dimensionally nonconforming,
5 detached single-family dwelling."

6 So it's the dwelling as a whole that is triggering
7 this section to be invoked, not just that one piece of the
8 alteration, correct?

9 JAMES RAFFERTY: I'm not -- I'm not sure I'm
10 following your question.

11 WENDY LEISERSON: So for example if -- it could
12 have been worded that if, you know, forget the first part of
13 this section, it could have been worded that if there is an
14 alteration or enlargement of a preexisting dimensional
15 nonconformity, this section applies.

16 But it doesn't say that. It says you have to have
17 a special permit for the alteration or enlargement of a
18 dwelling that is dimensionally nonconforming.

19 So whether or not you had added to that corner of
20 the building, you would still be in 8.22.2.d, correct?

21 JAMES RAFFERTY: Only if it was a nonconforming
22 addition.

1 WENDY LEISERSON: Ah --

2 JAMES RAFFERTY: Or --

3 WENDY LEISERSON: But the dwelling is
4 nonconforming as is, correct?

5 JAMES RAFFERTY: Well --

6 WENDY LEISERSON: The house is not currently a
7 preexisting, nonconforming dwelling, correct?

8 JAMES RAFFERTY: That is correct, based on the --

9 WENDY LEISERSON: Okay.

10 JAMES RAFFERTY: -- two front -- on the two front
11 setbacks make the house nonconforming.

12 WENDY LEISERSON: So you're saying that the side
13 setback is not nonconforming?

14 JAMES RAFFERTY: That's correct.

15 WENDY LEISERSON: You're saying that the 1.7'
16 setback between the petitioner's house and the neighbors on
17 Franklin Street is conforming?

18 JAMES RAFFERTY: Section -- Footnote 5 has the
19 effect of making it conforming, because it says, "The
20 required side and rear yard setback distances shall be those
21 of the existing building or structure." So when you're
22 measuring the side yard setback --

1 WENDY LEISERSON: Yep.

2 JAMES RAFFERTY: This footnote says that the side
3 and rear setbacks, the requirements are that those of the
4 existing -- what's required is what are those of the
5 existing building.

6 So under that provision, this side yard setback --
7 put another way: if this addition was brought in another
8 five feet off of Franklin and Bay so that it met the front
9 yard setback, this addition would be as-of-right. But we
10 can't --

11 WENDY LEISERSON: Can you pull up that section of
12 the -- of that Mr. Rafferty is saying, please?

13 JAMES RAFFERTY: I'm sorry?

14 WENDY LEISERSON: I'm just asking for us to pull
15 up that section that you're citing, so that can I see the
16 footnote.

17 JAMES RAFFERTY: Footnote C in the Table. I'm
18 sure Mr. Natola -- and it's a recent addition, because it
19 references buildings on or before January 1 of 2025.

20 WENDY LEISERSON: Mm-hm.

21 I see. Okay. Thank you for that.

22 So your argument is that then, based on this

1 Footnote, which was added recently --

2 JAMES RAFFERTY: It was -- excuse me, it was added
3 as part of the Multifamily Zoning --

4 WENDY LEISERSON: Yes.

5 JAMES RAFFERTY: -- Amendment approved by the City
6 Council.

7 WENDY LEISERSON: Yes. So -- so you're saying
8 that it is not a nonconforming dwelling now, based on the
9 side setback?

10 JAMES RAFFERTY: Well, I want to be clear.

11 WENDY LEISERSON: Yep.

12 JAMES RAFFERTY: I'm saying that for purposes of
13 constructing an addition --

14 WENDY LEISERSON: Mm-hm.

15 JAMES RAFFERTY: -- for raising the height of that
16 wall, this Footnote says, "The required setbacks are the
17 existing setbacks when it comes to side and rear."

18 So with the required setbacks are the existing
19 setbacks, ergo those walls can't be nonconforming, because
20 this Footnote says all that's required is what's existing.

21 WENDY LEISERSON: Interesting. So how do you
22 think 8.22.2.d would be relevant, and would it ever be

1 relevant except -- I mean, so you're saying that --

2 JAMES RAFFERTY: No, no.

3 WENDY LEISERSON: Yeah.

4 JAMES RAFFERTY: No, no.

5 WENDY LEISERSON: Sorry.

6 JAMES RAFFERTY: No. I am -- I -- 8 --

7 WENDY LEISERSON: Yeah, so --

8 JAMES RAFFERTY: 8. --

9 WENDY LEISERSON: Yeah.

10 JAMES RAFFERTY: -- 8.2.2.d is the special permit
11 we're looking at.

12 WENDY LEISERSON: Right.

13 JAMES RAFFERTY: And the --

14 WENDY LEISERSON: Yep.

15 JAMES RAFFERTY: -- question for the Board is the
16 fact that this addition is not set 15' back from Bay and
17 Franklin Street --

18 WENDY LEISERSON: Right.

19 JAMES RAFFERTY: Does that have a substantial
20 detrimental impact on the neighborhood? Because that's
21 where the dimensional shortcoming is when it goes to -- when
22 it concerns the adding of the floor in the main house.

1 WENDY LEISERSON: So --

2 JAMES RAFFERTY: It's the failure to comply with
3 the two front setbacks, not the relationship to the side
4 setback that's the case -- that's a point here.

5 WENDY LEISERSON: No, I follow what you're saying.
6 Thank you for walking me -- walking with me through the
7 code, especially the new parts.

8 So I'm going to turn it back over to the Chair
9 while I mull over what you just said. Thank you.

10 STEVEN NG: Thank you, Wendy.

11 JAMES RAFFERTY: Can I just add one other thing?
12 I want to make it clear, and I know -- I suspect the author
13 of the letter will be speaking tonight -- I want to make it
14 clear that this issue and this claim about the relief being
15 sought not being appropriate, the first time the abutter
16 raised this was in October of last year.

17 And there have been conversations between this
18 Council and the City's Law Department and repeated
19 conversations with Ms. Rataj.

20 So to -- we have it -- by the way, we have a
21 filing deadline of Monday at five o'clock. So to submit a
22 letter on the day of the hearing I think if the -- I think

1 it's -- I don't think it meets the spirit of that
2 requirement.

3 There's a reason that five o'clock rule exists on
4 Mondays: to give the public and members of the Board the
5 opportunity to understand the issue.

6 But my point is that issue has been raised
7 repeatedly. I've met personally with Ms. Ratay months ago
8 when it came up. When the case was being continued -- the
9 last time was before the Board in December -- the claim was
10 also being made at that time.

11 And I met with Ms. Ratay. And she informed me of
12 the meetings at the Law Department, and the conclusions of
13 the Law Department on this issue.

14 Nowhere in the letter does Counsel for the abutter
15 disclose the fact that she has raised the same arguments to
16 Staff and to the Solicitor's Office, and they have not
17 agreed with her.

18 STEVEN NG: Mr. Rafferty, that -- it's understood
19 -- I think your explanation of the application with 5.31 and
20 Footnote C, as well as your explanations for 8.22.2.c and b
21 are pretty clear to the Board, so I think we're okay with
22 that.

1 Any other questions from fellow Board members?

2 DANIEL HIDALGO: Yeah, this is Daniel Hidalgo. I
3 think you are -- you touched on this, but I just want it one
4 more time, especially since this is -- you know, this new
5 Footnote kind of has an interesting wrinkle.

6 How does this interact with the addition? I'm
7 trying to understand how this interacts with the addition,
8 given that -- you know, the footnote is about the existing
9 structure?

10 JAMES RAFFERTY: Right. Good point. It does not.
11 The addition is a pure 8.22.d. The footnote that's relevant
12 to the question is how are you raising the height of a
13 nonconforming wall?

14 And the answer is because it is a side wall, and
15 you're not -- we're not extending vertically beyond the
16 horizontal plane.

17 DANIEL HIDALGO: Okay. Thank you.

18 STEVEN NG: All right. I think we can -- yeah,
19 Wendy?

20 WENDY LEISERSON: One follow-up question, I
21 promise. So assuming that that you are accepting for the
22 moment your argument that there is no nonconforming side

1 setback, 8.22.2.d is triggered nonetheless because it is a
2 nonconforming, detached single-family dwelling based on the
3 front setbacks on the streets.

4 JAMES RAFFERTY: Correct. Correct.

5 WENDY LEISERSON: And the question -- I mean, what
6 triggers that, though, is not the enlargement of that
7 nonconformity -- this is my initial question -- it's
8 triggered by the fact that the houses as an entirety is
9 nonconforming, correct? Whatever the nonconformity.

10 If you have a nonconforming house, if you're going
11 to alter it or enlarge it, this section applies, correct?

12 JAMES RAFFERTY: That's correct.

13 WENDY LEISERSON: Irrespective.

14 JAMES RAFFERTY: Well, well -- well, Article 8 is
15 the section of the Ordinance that deals with nonconforming
16 structures.

17 WENDY LEISERSON: Correct. Yep.

18 JAMES RAFFERTY: So yes. So it is a nonconforming
19 structure. And I want to be clear, because I don't want you
20 to think I'm being cute here.

21 WENDY LEISERSON: Mm-hm.

22 JAMES RAFFERTY: I'm not looking at that side

1 setback and saying that side setback conforms, because we
2 know on a Res C-1 it doesn't; it's supposed to be five feet.
3 That's what a conforming setback is.

4 But I'm saying the application of the word,
5 "nonconforming" here is impacted by the fact that the
6 footnote describes the existing walls as the only
7 requirement to extend the wall.

8 So I'm not pretending saying you don't have to pay
9 attention to that wall or that it conforms. We all know the
10 sides and rears is 5'. The front is 10'. We don't get to
11 average the fronts, because we're on a corner.

12 If we were able to average the -- on either side
13 of us, we wouldn't have -- we -- in the same way, we'd say
14 well the front setback is supposed to be 10', but our
15 neighbor is less than 2' and our neighbor on the other side
16 across the street is less than one, so why don't we get the
17 benefit of averaging, so our front setback doesn't need to
18 be 10', because neither one of our abutters is at 10'?

19 We found the way the Ordinance is -- the way the
20 Department is choosing to interpret that provision in the
21 ordinance about averaging front setbacks --

22 WENDY LEISERSON: Mm-hm.

1 JAMES RAFFERTY: -- doesn't apply to a court of
2 law. So.

3 WENDY LEISERSON: I understand. Thank you for
4 that. I'll wait to hear the opposition ask any further
5 questions after that. Thank you.

6 STEVEN NG: Okay, so we'll move on to the public
7 comment portion of the hearing. Any members of the public
8 who wish to speak should now click the icon at the bottom of
9 your Zoom screen that says, "Raise hand."

10 If you are calling in by phone, you can use your
11 hand by pressing *9 and unmute or mute by pressing *6. I'll
12 now ask Staff to unmute speakers one at a time. You should
13 begin by saying your name and address, and Staff will
14 confirm that we can hear you. After that you will have up
15 to three minutes to speak before I ask you to wrap up.

16 And please as a reminder, in speaking at a Zoning
17 Board of Appeal hearing, you are speaking to the Chair. We
18 are not going to be in debate amongst participants in the
19 hearing, so your questions will be directed to the Chair of
20 the Board, and in tune to we can reach out to specific
21 parties, if need be, for a response or, you know, provide
22 our own understanding of it.

1 So Steven?

2 STEPHEN NATOLA: Min Zeng?

3 MIN ZENG: Can you hear us?

4 STEVEN NG: Yes, we can.

5 MIN ZENG: Thank you. So first, congratulations
6 Chair Ng and Vice Chair Leiserson. And thank you, Chair
7 Monteverde. And my name is Min Zeng. And my husband Cory
8 and I are the owners of 508 Franklin Street, which sits
9 approximately 12' from the house at 514 Franklin Street.

10 We bought our 1,300 square-foot cottage 19 years
11 ago. And a few years later, we welcomed our son there. It
12 was not only our first home, but a home filled with many
13 happy memories for our family.

14 As our son grew older, and remote work became part
15 of daily life, the house began to feel tight. And we
16 eventually moved to a larger home still in Cambridge. Even
17 though we could easily have sold the property and realized a
18 substantial tax benefit, we chose not to. We have always
19 planned to return to our cottage when we downsized.

20 It is not just a financial asset to us. It is a
21 place we consider our future home. That long-term
22 connection is why this proposal means so much to us.

1 We have submitted a detailed, recent letter, and
2 also with a second letter responding to the amended plan.
3 So today I would just cover briefly on the core issues. We
4 believe the proposed addition would impose substantial
5 detiment on us and our condo neighbors as direct abutters.

6 In addition, we feel the plan fails to meet the
7 requirements of Section 10.43, items c, d and item e. As
8 Mr. Rafferty mentioned earlier, in the amended plan, they
9 submitted comparable home pictures.

10 In the sixth picture, there are actually only four
11 homes. And now all four of them: three of them actually
12 multi-student condo structures. And in fact, we tried to
13 find anything in our neighborhood that checked all three
14 boxes: single-family, three-story, and the over 3,075
15 square-foot. And we can't find none.

16 So we're not opposed to renovation or expansion.
17 In fact, we supported Pete and Shirley's garage rebuild just
18 five years ago. We're simply asking that any expansion be
19 carried out within reasonable limits that respect realities
20 of Cambridge housing condition, and do not further encroach
21 on the rights of abutters.

22 For this reasons, Chairman, Vice Chair, and

1 members of the Board, we respectfully ask you to deny the
2 request to the special permit as proposed.

3 Thank you.

4 STEVEN NG: Thank you very much.

5 STEPHEN NATOLA: Ted Kaptchuk?

6 TED KAPTCHUK: Do you hear me? My name is Ted
7 Kaptchuk.

8 STEVEN NG: We hear you just fine.

9 TED KAPTCHUK: Great. Thank you. I've lived at
10 the corner of Bay and Franklin for 50 years. Every morning
11 when I get my newspaper, I wave at the kids that appear and
12 Shirley's kids and wave at them and wish them good morning.
13 They wave back at me. I'm very fond of the family.

14 When they decided to -- and I feel like I've been
15 around the neighborhood a lot. When they decided to make
16 improvements on their house, they came over to our house,
17 talked to me and my wife. They explained what they're
18 doing, why they're doing it. And I said, "Why did you wait
19 so long? Your place needs to be fixed up."

20 I walked in to see them one time, and the floors
21 were uneven. It was -- they needed space. So I'm really
22 cognizant of the importance for their family.

1 The other thing I want to say they were
2 meticulously clear about what they want to preserve for the
3 building. I actually see their building better than anyone
4 else. I'm at the corner of Bay Street right across their
5 property. That's the long part of Bay Street.

6 By the way, I have -- I'm -- there's no abutting
7 on my property and all my neighbors are abutter in very
8 weird ways. And we get along, and that's the way we are.
9 It's a quaint, old neighborhood.

10 So I wanted -- I want to say that we're really
11 enthusiastic about their staying in the community. We
12 respect the way that they responded to the community.
13 Sorry, and I know they talked to many people; I don't know
14 if they talked to everyone, I can't say that.

15 And I really would like to see them stay. They've
16 already invested a lot of money. They've tried to be
17 compassionate and thoughtful. And I'm look forward to a
18 real improvement in the neighborhood that keeps the
19 character and sets a standard of what Cambridge could be
20 like. Thank you.

21 STEVEN NG: Thank you very much, Mr. Kaptchuk.

22 STEPHEN NATOLA: Katie Peeler?

1 KATIE PEELER: Hello. My name is Katie Peeler. I
2 am also a neighbor of Shirley and Pete's and their kids, Ari
3 and Eve. And we live kitty-corner from them at 23 Bay
4 Street. So also on the corner of Bay and Franklin.

5 We've not -- we can't claim to have been there as
6 long as everyone else has been on this call; we're jealous
7 of that longevity, but we -- our daughter is 8, which means
8 we've really been there around 8 and a half years.

9 And we love that neighborhood. And we, you know,
10 felt very welcome from the start because of people like Ted
11 and Betsy, as well as Pete and Shirley. And over the years,
12 our kids have actually come -- grown to be really, really
13 good friends -- so much so with my son that we're not
14 allowed to move, because he would be away from Ari. [Laugh]

15 So, but -- you know, to the point of housing, they
16 have always been very communicative with us, both when they
17 did redo their garage a few years ago, they told us all
18 their plans and asked us our opinions.

19 And it was not a big disturbance, at least to us I
20 should say when that was actually -- the construction was
21 being done, and it turned out really great and blends in
22 with the neighborhood.

1 And then with this most recent project they've
2 talked to us a lot about it, about different designs. They
3 thought about what the architects thought was reasonable;
4 like how they could preserve the roof. There was a lot of
5 talk about preserving the roof, and the corners they really
6 liked.

7 And, you know, we received all the various
8 letters, both that the City sent, but also that Pete and
9 Shirley separately wrote individually and sent out to all
10 abutters to make sure -- to all the neighbors, excuse me,
11 that they dropped off by hand to make sure that everyone was
12 aware.

13 So we have felt very informed, and we feel very
14 confident given their past kind of work that this would be
15 equally as kind of blending in with the neighborhood and
16 beautiful and that they would be -- if there was any issue
17 they would let the neighbors know right away. So we're
18 excited about it.

19 And I'll take my comments off. Thank you.

20 STEPHEN NATOLA: Eva Fast?

21 EVA FAST: Yes. Thank you for giving me the
22 opportunities to speak. My name is Eva Fast. I'm the owner

1 of 506 Franklin Street, which is part of the same condo
2 association as 508, which abuts the 514 property.

3 I've also lived in the neighborhood for a long
4 time. I'm very much supportive of people repairing their
5 halls and fixing structural issues. I'm supportive of
6 expanding their house. I've been also supportive when Pete
7 and Shirley built their car garage and had access to the
8 property.

9 But my main concern -- I submitted a letter of
10 opposition -- is the expansion of the nonconforming
11 structure in the rear. So building this addition, I think
12 setbacks are very important. They provide a lot of air,
13 light, and also safety. And I think they exist for a
14 reason.

15 So I think extending this setback that's
16 nonconforming that is malpositioned, I think it sets a
17 precedent.

18 UNIDENTIFIED SPEAKER: That's what I was told.
19 It's still going.

20 EVA FAST: Oh. I think someone else is --

21 UNIDENTIFIED SPEAKER: Yeah.

22 EVA FAST: Anyways, but yeah. That's -- so my

1 main opposition is around the setback in the rear. So I'm
2 supportive of expanding their home, but I would prefer if
3 they would expand what is in -- what is allowed by right.
4 I mean, the -- there was just a new Zoning Ordinance
5 released last year, which expanded -- vastly expanded what
6 is available by right.

7 So my preference would be that the owner should
8 stay within those limits.

9 Thank you.

10 STEPHEN NATOLA: Crandall Peeler?

11 Crandall?

12 CRANDALL PEELER: Oh, can you hear me?

13 STEVEN NG: Yes, we can.

14 CRANDALL PEELER: Oh, okay. Great. Thanks. Yeah,
15 so my name is Crandall Peeler. I also live at 23 Bay
16 Street, so kitty-corner from Pete and Shirley. I just
17 wanted to voice my support for their project.

18 Also lived in the neighborhood for about 8.5 years
19 and have really felt very welcome by Pete and Shirley from
20 the time that we first got here. And again, as Katie's
21 husband who spoke earlier, our children are close.

22 And, you know, having talked with Pete and Shirley

1 over the years about different home improvement projects
2 with their garage construction and other -- and their
3 thoughts about making some changes to their home, I've
4 always been impressed by just like the depth of their
5 knowledge of Cambridge and Cambridge regulations and rules.

6 And Pete seems to have, like, encyclopedic
7 knowledge about this stuff. And he also just know a lot
8 about -- about building and structures. And, you know, he's
9 kind of told me over the years about how, you know, the
10 staircase in their home currently leans in one direction.
11 And he's explained really well to me kind of the
12 foundational issues that they had hoped to address with this
13 project.

14 And he also mentioned earlier about how they've
15 kind of poked some holes in their walls in their home to get
16 a better sense of, you know kind of some of the issues that
17 they're facing, the structural issues.

18 And he actually walked me through the house a
19 couple of months ago to show me kind of what they're dealing
20 with with the foundation and some of the other things that
21 they're hoping to improve in their house.

22 And I'm telling you all this just because I think

1 that it exemplifies how open they are with the neighborhood
2 about what they're hoping to accomplish seeking our input,
3 explaining everything to us in great detail.

4 And I'm someone who really loves a lot of detail,
5 and so, it's been wonderful that they are willing to be so
6 open and share their plans and what they're hoping to do
7 with us.

8 And yeah, I just echo a lot of what my wife Katie
9 said; just that we love having them in the neighborhood. We
10 think their house is beautiful. We think these plans look
11 like it's going to make it even better. And I just want to
12 fully support them in their endeavor.

13 STEVEN NG: Thank you, Mr. Peeler.

14 STEPHEN NATOLA: Deborah Fawcett?

15 DEBORAH FAWCETT: Can you hear me now?

16 STEVEN NG: Yes.

17 DEBORAH FAWCETT: Can you hear me?

18 Good evening. My name is Deborah Fawcett. I'm
19 here as a lawyer on behalf of my clients, Min Zeng and Corey
20 Halverson, who own the house at 508 Franklin Street, which
21 is immediately adjacent to 514 Franklin, the subject of the
22 zoning application before you.

1 I'm also a long-time resident of Cambridge. For
2 the last 15 years or so, I've lived at -- on Norris Street
3 in North Cambridge.

4 To those of you who read my admittedly lengthy
5 letter -- and I apologize for submitting it so late, I had a
6 couple personal family emergency last week that slowed me
7 down a bit -- I will not repeat the arguments I made in the
8 letter about how the proposed rebuilding and expansion of
9 the applicants' house will be substantially more detriment
10 to the neighborhood than the existing conditions, and is
11 therefore disqualified from being granted a special permit.

12 My clients and the other neighbors have submitted
13 letters to you and already explained that.

14 What I want to focus on instead is why the
15 applicants' proposal requires not a special permit but a
16 variance. The so-called second exception in Section 6 of
17 Massachusetts General Laws 40A, the zoning statute, provides
18 special protection to single- and two-family houses with
19 preexisting nonconformities.

20 Changes that continue or expand those
21 nonconformities may be made to such properties, provided the
22 Board issues the special permit. It makes the finding that

1 the proposed changes will not be substantially more
2 detrimental to the neighborhood.

3 As the frequently cited Bellalta decision and
4 subsequent cases have noted, however, along with me the
5 language of the Ordinance itself, that special protection
6 does not extend to the creation of new conformity,
7 nonconformities.

8 The central question, then, is whether the
9 applicants' proposal would create any new nonconformities.
10 If the answer is yes, then a variance, not a special permit,
11 is required. Section 8.2 of Cambridge's Zoning Ordinance
12 addresses this distinction.

13 Section 8.22 citing Section 6 of the Massachusetts
14 General Laws 40A says that "Permits for the change,
15 extension or alteration of a preexisting, nonconforming
16 structure or use may be granted as permitted in subsections
17 8.22.1 and 8.22.2."

18 The applicant has argued that their proposal fits
19 within one or two provisions for which the granting by
20 special permit and the Board's specific finding regarding
21 special detriment would be all that is required, 8.22.2.c
22 and 8.22.2.d.

1 I didn't realize because it wasn't clear to me
2 from the application that the application relying on 8.22.c
3 was relating only to windows, and apparently that has
4 completely change in the last few days anyways. So I'll
5 just read on.

6 8.22.2.c cannot apply, as it rules out any
7 enlargement or operation of a preexisting, nonconforming
8 structure that would further violate the Dimensional
9 Requirements.

10 The addition of the proposed three-story structure
11 less than two feet from the property boundary in violation
12 of the minimum side yard setback requirement is clearly a
13 further violation of the Dimensional Requirements of five.

14 Section 8.22.2.d does not apply, because it rules
15 out any enlargement or alteration that would -- quote --
16 create a new dimensional nonconformity.

17 The footnotes to the Dimensional Requirements set
18 forth in Article 5 of the Zoning Ordinance provide [unclear]
19 Bellalta guidance as to what additional nonconformities
20 would be considered a new nonconformity and would therefore
21 require a variance.

22 Footnote 4(b) permits the reduction of the

1 required setback for one side yard of a lot if the combined
2 setbacks of the two opposite sides of the lot equal at least
3 10'. Although Section 5.24.3 requires that the side of the
4 property that abuts Bay Street, west side, must meet the 10'
5 minimum front setback requirement -- it does not -- that
6 that west side is still the side opposite the side of the
7 property; the one abutting my client's property. And the
8 combined total setback of these two sides is less than the
9 requisite 10'.

10 Although Footnote 4(c) applies the existing side
11 and rear yard setback distances to buildings in existence as
12 of January 1, 2025, effectively making those buildings as
13 they were on January 1, 2025, conforming in those respects,
14 the footnote goes on to state an important caveat:

15 Additions or alterations that extend horizontally
16 beyond the vertical walls of the existing building shall
17 conform to the requirements of 5.1 as modified by paragraphs
18 a) and b) above. In other words -- you can't see me were
19 probably, but I'm raising my forearm to show the vertical
20 and the horizon. The vertical is the line from the ground
21 to the roof of the building. And the horizontal is the line
22 that is the massive addition.

1 Additions or alterations that extend horizontally
2 beyond the vertical walls of the existing building shall
3 conform to the requirements of 5.1, as modified by
4 paragraphs a) and b) above.

5 As neither a) nor b) applies to the proposed
6 project, horizontal extensions such as the proposed three-
7 story addition and the rear of the building are required to
8 conform to the requirements in Table 5.1, including the
9 five-foot minimum setback requirement.

10 As the proposed project does not --

11 STEVEN NG: Ms. Fawcett, can you bring this to a
12 conclusion, please?

13 DEBORAH FAWCETT: I'm about to say the last
14 sentence, in fact.

15 STEVEN NG: Very good.

16 DEBORAH FAWCETT: As the proposed project does not
17 comply, a variance is required is required under Section
18 8.22.3 of the Ordinance. Quote, "Any alteration or
19 enlargement of a nonconforming structure not otherwise
20 permitted in 8.22.1 and 8.22.2 above shall be a variance."

21 Thank you.

22 STEVEN NG: Thank you, Ms. Fawcett.

1 STEPHEN NATOLA: Kelly Zuromski?

2 KELLY ZUROMSKI: Hi, good evening. This is Kelly
3 Zuromski. I'm sitting here with my husband, Beau Blinder.
4 We are the current tenants at 508 Franklin. Min Zeng is our
5 landlord.

6 We submitted a letter speaking to some points that
7 we're concerned about the day-to-day impacts to this
8 project.

9 So I won't belabor those points here for the sake
10 of time, but I will just emphasize that as the people who
11 are going to be experiencing the most actual impact from
12 this scale and length of this construction project, I don't
13 think it's yet been mentioned that they expect this to take
14 16 months.

15 We just wanted to emphasize that all the legal
16 decisions aside, this project will have a real material
17 impact on our day-to-day lives and ability to work from
18 home. Both of us work from home remotely.

19 The neighbors have stated that the initial work
20 they've done has not been disruptive in any way; it's simply
21 not true. We've been living here. We've been hearing the
22 noise from the construction already. Obviously, any

1 construction project is going to result in noise and that's
2 fair enough and it's reasonable.

3 But it is very much having an impact on any of the
4 work that has been done, and the prospect of going through a
5 year and a half of trying to do our jobs, trying to live in
6 this home with an imposing structure being built next door
7 is very concerning for us.

8 So we just wanted to emphasize those points that
9 we stated in our letter.

10 Thank you.

11 STEVEN NG: Thank you, Ms. Zuromski.

12 Okay. We also received some written comments from
13 the public on this case. Some have spoken at the meeting
14 already. Ted Kaptchuk wrote in support of the applicant.
15 Deborah Fawcett, who -- we heard her comments -- was
16 against.

17 Abutters Min Zheng and Corey Halverson submitted a
18 letter against. Kelly Zuromski and Beau Blinder at 508 also
19 were against, and Eva Fast spoke against the application.
20 We also received a letter from Jim Messineo and Mike Witt at
21 504 Franklin, opposed to the application.

22 And that concludes our section on public comment.

1 We'll move into discussion amongst Board members at this
2 time. Any comments or opinions from the Board?

3 Wendy?

4 WENDY LEISERSON: Thank you, Steven. This is an
5 interesting case where we've heard from two very experienced
6 lawyers in zoning law and I appreciate them offering their
7 different opinions about how to construe these footnotes.

8 I am persuaded by Attorney Fawcett's
9 interpretation of that footnote, and I will tell you why
10 unless -- I mean I can't explain why if anyone wants me to.
11 But for now, I'm just going to tell you that's -- I'm
12 persuaded by her interpretation of the footnote.

13 And even if I weren't, we would have to have a
14 finding -- if I weren't convinced that it requires a
15 variance, then I would say that we still need to make the
16 finding that the structure -- the improvement, the
17 alteration, enlargement of this dwelling as a whole -- does
18 not create -- is not more substantially detrimental to the
19 neighborhood.

20 With regard to what is the neighborhood, I did do
21 a little etymology there, and the word originates from, "the
22 near dweller." The near dweller here, the one that is also

1 was usually more affected than anybody else in the
2 neighborhood are the abutting properties, which is why we
3 weigh those voices heavily in our consideration.

4 The other thing I would say is that I did look at
5 -- there was some mention of the prior project to expand the
6 garage that was raised in some of the opposition letters,
7 and it turns out that the prior owners had looked at
8 changing the garage as well.

9 And they had applied and been denied a permission
10 to expand it based on the fact that the Zoning Board at the
11 time was concerned about increasing nonconforming [entities]
12 on existing nonconforming lots or structures on
13 nonconforming lots.

14 And then the current owners applied for a variance
15 to replace the garage. And it was granted, and these same
16 neighbors did in fact write in support of that expansion.

17 So I would want to know more. I'd want to look at
18 the -- have some discussion about the shade study that was
19 done and the impact on the near dwellers, the neighbors.

20 And I would also like to ask a question about the
21 height that the architect had mentioned. He had said on the
22 Table of Dimensions -- and this might be because the plans

1 were submitted, but on the Table of Dimensions it says that
2 the existing height is 29' and the requested conditions are
3 40.9', both of which are which are within the Ordinance
4 requirements.

5 But I wondered where you could point out where
6 this 40.9' height is located in the proposed change.

7 And I think for now I'm going to let hopefully --
8 to hear from my colleagues about their opinions on this.

9 Thank you.

10 STEVEN NG: Any other Board members with -- Jim?

11 JIM MONTEVERDE: I came in this evening with a
12 list of items I was hoping to clarify, to understand about
13 the -- continuing the existing dimensional nonconformity,
14 specifically on the side yard setback.

15 I think Mr. Rafferty's presentation is correct
16 that the Board -- this Board, who by looking at it has
17 changed, has viewed those types of horizontal additions as
18 not a new nonconformity, but a continuation of an existing
19 nonconformity.

20 So every item that I had hoped to discuss as a
21 toehold to not approve this, I haven't found. And I think
22 the way the Dimensional Form, the footnote that Mr. Rafferty

1 referred to, the way the current verbiage in 8.22.d, .c and
2 .d have been updated -- again, I had footholds under old
3 versions, but not under current ones.

4 So I really don't see any -- and I have -- I don't
5 have a concern with the front yard setbacks, because I think
6 they're within keeping to everything in the neighborhood.

7 My concern, which I don't see a way zoning wise to
8 object to -- is just a new -- is about the height, and it
9 really about the increased area in that as the application
10 states, if I recall correctly, that what was driving the
11 need for the addition was -- or renovation -- was the four-
12 person household, one bathroom. Then again, I live in a
13 house like that.

14 But that doesn't get me to a 50 percent addition.
15 But I find nothing in the Ordinance that says that's not
16 allowed, since the multifamily amendments have been
17 integrated, although this isn't multifamily, it applies here
18 as well. So I think there are just a bunch of holes in the
19 Ordinance that kind of let this happen is the way I feel
20 about it.

21 So looking for a toehold, I don't find it, I think
22 I'm compelled to be in favor. Thank you.

1 STEVEN NG: Thank you, Jim. Any other thoughts,
2 comments, from fellow Board members?

3 DANIEL HIDALGO: Yeah, I'm not persuaded that this
4 is -- requires a variance. It strikes me that, as Jim
5 commented that the -- you know, with the new additions to
6 the Ordinance, that this fall under special permit
7 requirements.

8 So -- and given -- I understand that the direct
9 abutters have issues, but, you know, there's clearly also
10 positive sentiment amongst neighbors and so to me this kind
11 of satisfies the criteria at least I have been using for
12 special permits, and so, I'm in favor.

13 STEVEN NG: Thank you, Daniel.

14 VIRGINIA KEESLER: I agree that I followed Mr.
15 Rafferty's argument, and it aligned with my understanding of
16 the recent changes to the Zoning Code. And I found his
17 detailed description to be persuasive and satisfactory in
18 terms of how he unpacked the language in the code.

19 And I would add that I also don't find the massing
20 of this work or the height to be out of keeping with the
21 surrounding neighborhood or detrimental to the neighborhood
22 at large. So I also would not be -- I would be inclined to

1 vote in favor.

2 STEVEN NG: Thank you, Virginia. I'm also kind of
3 similar line of thought with fellow Board members of the
4 explanations -- and especially the new zoning -- Multifamily
5 Zoning changes are kind of, you know, being essentially
6 implemented here. Mr. Rafferty's explanation of those fine
7 points did clarify a lot for me.

8 So I'm at first initially -- you know, maybe more
9 used to or years past of reviewing applications or, you
10 know, based on different zoning criteria. But I don't know
11 Wendy, if you had any other points to make regarding your
12 thoughts?

13 WENDY LEISERSON: Well, I'll tell you just by
14 looking at the words of Footnote (c), which seems to be an
15 issue here, and also stepping back for a second at 8.22. So
16 when does this Board get asked to issue and consider the
17 standard for issuing a special permit?

18 So I think there are a few layers to unpack here.
19 One is you don't need a special permit only if you are
20 making a change or alteration to a portion of a building
21 that is nonconforming.

22 You're asked -- we are asked to look at Special

1 Permit criteria when an alteration or enlargement is being
2 made to a preexisting building as a whole. So that's one
3 point, I would say.

4 Because you can't just -- you have to look at the
5 aggregate impact of what's being done, you know, and that is
6 why we're getting triggered, because otherwise you could
7 have a nonconforming structure that was enlarged and altered
8 in all sorts of ways -- different ways that, you know, on
9 the whole had a very detrimental if you just avoided
10 changing by a centimeter, whatever was nonconforming.

11 So I believe that is why we are being asked to
12 look at the Special Permit criteria. It has nothing to do
13 necessarily with whether the change in that corner that is
14 the -- at dispute right now is triggering -- is a new
15 nonconformity or is a nonconformity as being extended or
16 not. It's about the structure as a whole is nonconforming.
17 So that's why we're here under Special Permit criteria.

18 But if you look at what Mr. Rafferty is saying,
19 he's -- first of all his argument only comes into play if
20 we're saying, contrary to what I just said, that we are
21 concerned about this side setback. Right?

22 So if we are concerned about the side setback, and

1 that's the only thing we are concerned about in this, not
2 looking at the structure as a whole, then he is correct that
3 the side setback is now as is.

4 But Attorney Fawcett is correct, I believe, in the
5 second sentence of that same footnote. Because it says that
6 "If the additions or alterations extend horizontally beyond
7 the vertical walls of the existing building." It doesn't say
8 "Horizontally beyond the present preexisting,
9 nonconformity."

10 It's talking about -- so because, you know, it's
11 very plain in my belief, this change is extending
12 horizontally beyond the vertical walls of the existing
13 building. And so, if you just read that in plain English,
14 it says that this footnote doesn't apply, in my belief.

15 So that's why I think that if it all hinges on the
16 construction of that footnote, and there may be other things
17 that apply -- and so, we don't necessarily -- I mean, a
18 couple things.

19 We could ask the Law Department for an opinion
20 about the construction of this footnote, because it is new
21 to our Ordinance. Or, you know, if the Board decides that
22 we're going to rule on the Special Permit criteria, I do

1 think we need to go through that criteria and decide whether
2 it's met or we may be persuaded by Attorney's Fawcett's
3 belief that this is a variance.

4 And I do understand Attorney Fawcett was unable to
5 submit the document on time, but I do wish I had had more
6 time to consider that argument and perhaps get an opinion
7 from our Law Department.

8 Thank you.

9 STEVEN NG: So Wendy, what you're kind of saying
10 is if they added the floor to the existing structure, and in
11 that nonconformity when -- you know, it's the height it is
12 -- that would be applicable? That footnote would be
13 applicable, correct? And is it the addition that's causing
14 the issue?

15 WENDY LEISERSON: No. It's not about -- so I
16 think if you add height to the building, so the issue is
17 that where is the wall of the house right now? The wall is
18 not -- you know, so I guess -- I guess that's the question.

19 So the second-story wall is further set back,
20 right? So, I mean I'm happy to look at the plans with you.
21 And you can show me your point of view about this. But we
22 are changing the walls to bring them out further. That is

1 extending them horizontally, whether it's the first story,
2 the second story or third story, whatever.

3 And that's why I think, based on this language,
4 that's what that sentence is talking to, right?

5 So I agree that this is interesting language,
6 where two legal minds obviously disagree.

7 STEVEN NG: Any other comments from fellow Board
8 members?

9 So is there a motion for -- is there a request to
10 make a motion, or generate a motion?

11 The Chair makes a motion to grant relief from the
12 requirements of the Ordinance under Sections 5.31 as well as
13 8.22.2.d and Section 8.22.2.c, and 10.40 on the conditions
14 that the work proposed conforms to the drawings entitled,
15 "Kuhlmann House, 514 Franklin Street, Cambridge,
16 Massachusetts," prepared by Ruhl Jahnes -- Architects Ruhl
17 Jahnes -- initialed and dated by the Chair -- oh, and dated
18 12/19/2025; initialed and dated by the Chair.

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

22 Further, that the special permit is granted

1 incorporating the following conditions, that it meets the
2 following conditions: that

3 a) It appears that the requirements of this
4 Ordinance cannot or will not be met. Or

5 b) Traffic generated or patterns of access or
6 egress would cause condition -- congestion, hazard, or
7 substantial change;

8 c) The continued operation of or the development
9 of adjacent uses as permitted in the zoning ordinance would
10 be adversely affected by the nature of the proposed use. Or

11 d) Nuisance or hazard would be created to the
12 detriment of the health, safety, and/or welfare of the
13 occupant of the proposed use or the citizens of the city.

14 Or

15 e) For other reasons, the proposed use would
16 impair the integrity of the district or adjoining districts
17 or otherwise derogate from the intent and purpose of the
18 Ordinance.

19 Board members, please a voice vote on the motion;
20 Jim?

21 JIM MONTEVERDE: In favor.

22 STEVEN NG: Wendy?

1 WENDY LEISERSON: Against.

2 STEVEN NG: Daniel?

3 DANIEL HIDALGO: In favor.

4 STEVEN NG: Virginia?

5 VIRGINIA KEESLER: Virginia Keesler in favor.

6 STEVEN NG: And Steven Ng in favor.

7 [Four vote YES, One vote NO]

8 STEVEN NG: So it's a 4:1 vote. Relief is
9 granted.

10 JAMES RAFFERTY: Thank you, Mr. Chair. Thank you,
11 members of the Board. Have a good evening.

12 SHIRLEY KUHLMANN: Thank you.

13 STEVEN NG: And this concludes the hearing for
14 January 15. Thank you, everyone.

15 And thank you, Jim, for your years as Chair --
16 serving as Chair.

17 WENDY LEISERSON: Yes, thank you.

18 STEVEN NG: Thank you. Goodnight, everyone.

19 WENDY LEISERSON: Thanks. Goodnight.

20 [7:40 p.m. End of Proceedings]

21

22

1 CERTIFICATE

2 Commonwealth of Massachusetts

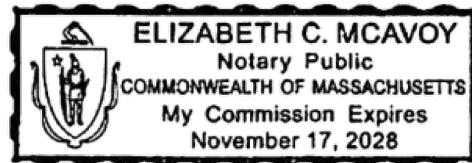
3 Middlesex, ss.

4 I, Elizabeth McAvoy, Notary Public in and for the
5 Commonwealth of Massachusetts, do hereby certify that the
6 above transcript is a true record, to the best of my
7 ability, of the proceedings.8 I further certify that I am neither related to nor
9 employed by any of the parties in or counsel to this action,
10 nor am I financially interested in the outcome of this
11 action.12 In witness whereof, I have hereunto set my hand this
13 27th day of January 2026.14
15 *Elizabeth C. McAvoy*

16 Notary Public

17 My commission expires:

18 November 17, 2028



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