

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING
THURSDAY, JULY 30, 2026

6:00 p.m.
Remote Meeting
via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Steven Ng, Chair
Fernando Daniel Hidalgo
Virginia Keesler
Miranda Cecil
Bran Shim

City Employees
Stephen Natola



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* * * * *

(6:00 p.m.)

Sitting Members: Steven Ng, Daniel Hidalgo, Virginia

Keesler, Miranda Cecil, and Bran Shim

STEVEN NG: Good evening. Welcome to the January 30, 2026 meeting of the Cambridge Board of Zoning Appeal.

My name is Steven Ng, 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

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

4 I'll start by asking Staff to take Board Members
5 attendance for our 6:00 p.m. item -- Agenda item, and verify
6 that all members are audible.

7 STEPHEN NATOLA: Bran Shim?

8 BRAN SHIM: Present.

9 STEPHEN NATOLA: Daniel Fernando Hidalgo?

10 DANIEL HIDALGO: Present.

11 STEPHEN NATOLA: Miranda Cecil?

12 MIRANDA CECIL: Present.

13 STEPHEN NATOLA: Virginia Keesler?

14 VIRGINIA KEESLER: Virginia Keesler present.

15 STEPHEN NATOLA: Steven Ng?

16 STEVEN NG: Steven Ng present. Thank you.

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(6:02 p.m.)

Sitting Members: Steven Ng, Daniel Hidalgo, Virginia

Keesler, Miranda Cecil, and Bran Shim

STEVEN NG: Our first item -- we have two items on this evening's Agenda -- and first up is Case No. BZA-1218215, Cambridge Housing Authority, represented by Margaret Moran and Clara Fraden, for a special permit for two non-conforming curb cuts along Thingvalla Ave that are located within 25' of an intersection.

Seeking a special permit under Section 6.43.4.b (Intersection Curb Cut Location); Section 6.43.5 (Special Permit Provisions); and Art. 10.40 for a Special Permit.

Is Ms. Moran or Ms. Fraden available for a presentation?

MARGARET MORAN: Let me -- hi. This is Margaret Donnelly Moran. I'm the Deputy Executive Director for Development at the Cambridge Housing Authority. Want to thank the Committee for hearing our request tonight.

And I'm going to turn it over to our Project Manager, Joe Bednar, who's going to walk through the specifics of our request. Thank you.

1 JOE BEDNAR: Thank you. My name is Joe Bednar,
2 Project Manager of the Cambridge Housing Authority. We're
3 also joined tonight by representatives from our Design team,
4 Studio G Architects and Niche Engineering.

5 And on behalf of the CHA, I'd like to thank the
6 Chair and the Board for considering our Special Permit
7 Application for two curb cuts along Thingvalla Avenue.

8 As you mentioned, we are requesting a special
9 permit in accordance with 6.43. or -- I'm sorry, 6.43.5.d,
10 which states that the distance of driveways from the street
11 corners of crosswalks as required in paragraph 6.43.4.b may
12 be modified if the Board determines that an alternate
13 arrangement would better facilitate traffic and safety.

14 We believe the strong letters of support from the
15 professionals at the Cambridge Departments of
16 Transportation, Public Works and Housing demonstrate that
17 the requested curb cuts would better facilitate traffic and
18 safety.

19 I'd like to provide the Board with some background
20 on this request, in part to respond to some current concern
21 that was raised about the process of our request.

22 We've been working closely with City Staff and all

1 the Departments for several years now to develop plans to
2 improve this site. And it is because of this coordination
3 that we're before you today.

4 Corcoran Park is approximately an eight-acre
5 affordable housing development. It was built in the 1950s,
6 and existing buildings are at risk of frequent flooding.

7 The building systems are at the end of their
8 useful life, and they don't meet modern -- they don't meet
9 modern standards for accessibility, making it difficult for
10 residents to age in place.

11 Because of these factors, the CHA decided to begin
12 plans for all new construction under the City's Affordable
13 Housing Zoning Overlay.

14 In 2024, CHA introduced plans to residents and
15 neighbors at a series of community meetings, along with the
16 CHA's goal to increase the number of affordable units on the
17 site to 290.

18 At that time, we heard concerns from residents and
19 neighbors about the building heights and parking, and we
20 responded by reducing building heights and increasing the
21 parking ratio.

22 In 2025, this new plan was presented at a

1 community meeting in preparation for beginning the AHO
2 zoning process.

3 However, in 2025, DPW expanded their modeling and
4 updated their calculations for flooding in Corcoran Park.
5 This required the proposed buildings on the lower portion of
6 the site to be raised by two feet.

7 So because of this, the existing plans from the
8 lower portion of the site between Lawn Street and Thingvalla
9 Avenue had to be scrapped.

10 The CHA decided to split the redevelopment into
11 two phases, proceeding with the plans we had for the
12 uppermost portion of the site north of Lawn Street, now
13 known as Phase 1.

14 After holding additional resident and community
15 meetings, including two meetings with the Planning Board as
16 part of the Affordable Housing Overlay process, we expect to
17 begin construction on Phase 1 this winter.

18 The existing Corcoran Lane driveway on Thingvalla
19 Avenue essentially creates a third intersection on this
20 short stretch of road in addition to the Erikson Street and
21 Edward Sullivan Road intersections.

22 Previous site plans proposed new curb cuts to

1 align with the two existing intersections. And those
2 locations were reviewed and encouraged by Staff from the
3 Cambridge Departments of Transportation and Public Works.

4 After restarting conceptual design process for
5 Phase 2, CHA began a series of meetings with City Staff from
6 Housing, Zoning, DPW, Transportation, and Inspectional
7 Services to provide direction on the location and permitting
8 process for the curb cuts in the new development.

9 City Staff expressed a strong preference that the
10 new drives align with the existing intersections of Ericsson
11 and Edward Sullivan, but that a special permit from the BZA
12 would be required.

13 While new zoning-compliant curb cuts could be
14 placed anywhere along Thingvalla Avenue, as long as they
15 were 25' from the existing intersection, City Staff
16 requested that the CHA try to obtain a special permit to
17 line the driveways at the existing intersections before
18 exploring other options.

19 Because the CHA plans to redevelop Phase 2 under
20 the Affordable Housing Overlay, which requires compliance
21 with all non-AHO Zoning Requirements, Zoning and Housing
22 Staff had advised that a Special Permit Request must happen

1 before the AHO zoning process.

2 To avoid another costly redesign, CHA has paused
3 the restart of the Phase 2 designs until we have certainty
4 over the location of the curb cuts. Because of this, we do
5 not have current plans for Phase 2.

6 We expect that the conceptual design will be
7 similar to the previous ones that we have shared publicly,
8 but the new elevation requirements present additional
9 challenges that need to be worked through.

10 Our goals are still the same, and we are committed
11 to share to the same robust and earnest resident community
12 and Planning Board process that we conducted for Phase 1.
13 We are eager to begin that process once we have a new
14 design.

15 STEVEN NG: Thank you.

16 JOE BEDNAR: So here you see --

17 STEVEN NG: Go ahead.

18 JOE BEDNAR: -- I was just going to say so here
19 you can see the two proposed curb cut locations. And the
20 dashed line is the existing driveway that would be replaced,
21 so -- you know -- essentially creating two new four-way
22 intersections, where there were previously 3 three-way

1 intersections.

2 And, you know, alternatively, the zoning-compliant
3 option could be to add a fourth intersection to this stretch
4 of road, which I think everyone agrees would not be the best
5 option.

6 STEVEN NG: Okay, thank you Mr. Bednar. Are there
7 any other members of the Housing Authority to speak?

8 No?

9 JOE BEDNAR: No. I think we're all set.

10 STEVEN NG: Okay.

11 JOE BEDNAR: We can respond to questions.

12 STEVEN NG: So any questions from fellow Board
13 members?

14 MIRANDA CECIL: Would you be able to talk through
15 some of the other options you considered a little bit more?
16 So you're saying you could create four intersections? I'm
17 not that sure I understand where that fourth intersection
18 would come in.

19 JOE BEDNAR: So -- you know -- as-of-right, or not
20 as-of-right, but a compliant curb cut could be added here.

21 MARGARET MORAN: Mm-hm.

22 JOE BEDNAR: Or, you know, we could -- 25 feet is

1 that far; we could add one here. But I think the best
2 previous site designs have included consolidating the
3 intersections into four-way intersections. And the City has
4 expressed a strong preference that they be aligned with the
5 existing two intersections.

6 MIRANDA CECIL: Mm-hm. That makes sense to me. I
7 was just curious about where that would go.

8 Thank you.

9 STEVEN NG: And Mr. Bednar, with those locations
10 with the recommended -- you know, kind of a two -- you know,
11 four-way intersection, so from that -- those locations, are
12 you planning to develop the layout for the housing after
13 this is -- you know, in the case of this application if it's
14 approved or the special permit granted, you would kind of
15 take that and then continue with the planning of housing on
16 the site?

17 JOE BEDNAR: Yeah, that's correct. So, you know,
18 once we have certainty over where we can place these, you
19 know, we would begin conceptual design -- schematic design,
20 and -- you know -- as soon as we have the schematic design,
21 we would be back out meeting with the neighborhood and
22 beginning that community process again. But we just kind of

1 needed a starting point.

2 STEVEN NG: Okay. Thank you.

3 Any other comments from fellow Board members?

4 All right. Hearing none, we'll move on to public
5 comment.

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

9 If you're calling in by phone, you can raise your
10 hand by pressing *9 and unmute or mute by pressing *6. I'll
11 now ask Staff to unmute the speakers one at a time.

12 You should begin by saying your name and address,
13 and Staff will confirm that we can hear you. After that you
14 will have up to two minutes to speak before I ask you to
15 wrap up.

16 Stephen, should I read the correspondence in the
17 file first?

18 STEPHEN NATOLA: Sure.

19 STEVEN NG: Okay. So before we do that, I'll read
20 letters that we've received in the file. A letter came in
21 from Mr. Nathaniel Hendren from 89 Oxford Avenue in
22 Cambridge. So I'll just recite it.

1 "My name is Nathan Hendren, and I'm a professor of
2 economics at MIT. My research examines how and why
3 neighborhoods shape upward economic mobility for low-income
4 children.

5 "My family is a resident of Strawberry Hill, and
6 we abut Phase 1 of this project. In response to the
7 original release of plans a couple of years ago, I and a
8 couple of neighbors along with a couple of friends who are
9 residents of Corcoran Park interviewed over half the
10 household residing in the park. Over 90 percent raised
11 serious objections to the designs, including concerns around
12 traffic and safety, and signed a petition opposing the
13 plans.

14 "From my own academic perspective, I also raised
15 concerns about design aspects that threaten to increase the
16 micro segregation of Corcoran Park from its surrounding
17 community. In the Phase 1 AHO process, CHA engaged with the
18 residents and arrived at plans that did not satisfy everyone
19 but compromised on several dimensions.

20 "In viewing this special permit application, I was
21 surprised and concerned about the process of seeking a
22 special permit without sharing plans for the project with

1 the community.

2 "I understand that the curb cut application should
3 be evaluated on a set of criteria focused on how the
4 proposed project affects safety issues in the neighborhood,
5 but I don't believe it is possible to evaluate or understand
6 the potential impact of this special permit without seeing
7 any actual plans or details about the project.

8 "What will the traffic look like from the new
9 building? How many additional cars and people will be in
10 the area? On what assumptions about the project are people
11 at niche DPW and DOT suggesting that the new traffic setup
12 would be better?

13 "The application and community engagement letters
14 from CHA implicitly suggest that some groups in the city and
15 state have advised CHA to submit for the special permit
16 prior to sharing the site plans with residents and
17 neighbors.

18 "I find this even more concerning as I fear these
19 same individuals advising CHA on their design plans are the
20 ones whose views influenced the original designs that led to
21 strong resident opposition.

22 I don't think as a city, we should give blanket

1 special approvals to a project site unseen that might face
2 90 percent opposition from the families living in Corcoran
3 Park.

4 "On the grounds it is difficult to suitably
5 evaluate the safety impact of a plan without showing a plan,
6 I would ask that the Board should continue this measure
7 until CHA is willing to share details on its actual plans
8 for the project. Thank you."

9 I have additional letters -- one from the City of
10 Cambridge Department of Public Works supporting the 1
11 Corcoran Lane curb cut special permit. They in the letter
12 -- summarizing quickly --

13 "The proposed locations will allow for
14 establishment of access drives that will best support safe
15 conditions for road users of all modes of transit."

16 And so that was from Public Works.

17 City of Cambridge Department of Transportation
18 also writes a letter in support of the special permit:

19 "Locating the two curb cuts for the future
20 development driveways at the two existing T-intersections..
21 is preferred over the existing condition, where Corcoran
22 Lane creates what is essentially a third intersection along

1 this short stretch of Thingvalla Avenue."

2 So that was from Transportation.

3 And a letter from the Chief of Housing,
4 Christopher Cotter.

5 "The City of Cambridge and the CHA has been
6 planning this critical redevelopment since 2016 and is
7 advancing the project in phases under Affordable housing
8 Overlay Zoning provisions. They've committed over \$14
9 million towards the first phase of the project, and are
10 eager to see the second phase get started and advanced."

11 And that was it for correspondence. We'll open it
12 up to public comment online.

13 It seems that no one's on -- has their hand raised
14 for public comment. Oh, we got someone.

15 STEPHEN NATOLA: Stephanie Peters?

16 STEPHANIE PETERS: Am I good to go?

17 STEPHEN NATOLA: Yep.

18 STEPHANIE PETERS: Hi. Stephanie Peters, 85
19 Oxford Avenue. My family has lived in this neighborhood for
20 over 100 years. Very concerned about all the construction
21 that's going to be on.

22 Very concerned, knowing the neighborhood, that

1 originally the buildings were built on marshland. The land
2 was filled in with the remainder of coal -- I don't know
3 what the product was called, but it's very toxic and I'm
4 very concerned that that's going to be something that is
5 looked into, because just the removal of that could cause
6 many people to get sick.

7 I think the fact that you guys are making
8 decisions to make cuts in a road where none of the neighbors
9 have actually seen what's actually going to be happening in
10 that section of the neighborhood is putting the cart before
11 the horse.

12 I want you to know that my husband and I are
13 getting to the age of retirement. This is going to be six
14 years of construction. We decided to move out of our home
15 that I lived in -- my family has lived in for over 100 years
16 -- because six years of construction is not something that I
17 want to retire to.

18 But can't fight City Hall, but I really think that
19 when you people consider this neighborhood, you're not
20 considering the people that are going to be outraged by
21 certain things once they start happening. Okay? Not
22 everyone can read a floor plan. Not everyone can understand

1 exactly what's happening.

2 So we can't just give little cutouts, okay, just
3 because the CHA wants it. I know you're trying to make
4 people in the future happy so they can live free and, you
5 know, have low-income housing.

6 I know any opposition automatically people call
7 you a NIMBY. I'm not a NIMBY; I've lived in this
8 neighborhood, I've grown up with people who've lived in
9 housing, they're my friends. I -- if anyone, it's in my
10 back yard, and I love it in my back yard. And it's always
11 been a great neighborhood.

12 So to outrage the people who own the homes around
13 the outskirts I think is a big mistake on the part of
14 everything that's going on.

15 STEVEN NG: Thank you, Ms. Peters.

16 STEPHEN NATOLA: Nathan Hendren?

17 NATHAN HENDREN: Hi there. Can you hear me?

18 STEVEN NG: Yes.

19 NATHAN HENDREN: Awesome. Well, thanks for
20 reading what I submitted. I also want to thank the Housing
21 Authority and just wanted to say I do have the utmost
22 respect for the Housing Authority. They have been managing

1 a series of complex situations and complex interests.

2 I think here -- you know, I just want to reiterate
3 my own concern here with the process. You know, this was
4 presented as a project that was doable under AHO and AHO
5 gives a lot of authority to folks.

6 And in this case, I think the worry that I have
7 been seeing is that those authorities can kind of come at
8 the expense -- in this case potentially -- of existing
9 residents.

10 And I just want to make sure that does not happen.

11 And so, I think that was the -- you know --
12 motivation for asking to see some sort of plan for what is
13 happening here.

14 I was encouraged to hear Joe say that the plan is
15 similar to what was developed in the first round of Phase --
16 of the AHO process for the broader neighborhood, but would
17 very much ask that we see something about what is going to
18 be planned for this Phase 2 before we approve the required
19 special permit for the plans.

20 STEVEN NG: Thank you, Mr. Hendren.

21 Okay. So no one else wishing to speak? We can
22 close public comment and move to Board discussion.

1 Any thoughts or comments from my fellow Board
2 members?

3 DANIEL HIDALGO: This is Daniel Hidalgo.

4 STEVEN NG: Yes.

5 DANIEL HIDALGO: I guess I just -- I'm just kind
6 of curious why, you know, the plans haven't been developed.

7 I understand there's this whole AHO process that's
8 been presented twice before, but then I guess I'm trying to
9 understand the gap between going through the AHO process, et
10 cetera, and then people saying they haven't seen the plans
11 for what's going to be there. So I'm just trying to
12 understand what that is.

13 I don't know if anyone has any insight on that.
14 or maybe I missed it.

15 JOE BEDNAR: So there was a previous -- multiple
16 sets of previous plans that were developed. And for the
17 entire site, as recently as the spring of 2025. And those
18 were shared with the community. They're still available on
19 the CHA website.

20 But we've had to scrap three-quarters of it, as we
21 look to redesign to meet the new flood elevations.

22 DANIEL HIDALGO: I see.

1 JOE BEDNAR: So it's -- you know, our goal is, you
2 know, similar. We don't want to have to change that much,
3 but we have to work through the reality of raising
4 everything up two feet and figuring out how we're going to
5 do that. So that's where we're at.

6 STEVEN NG: And is the decision to kind of locate
7 the new curb cuts where they are more basic design for --
8 you know, like safety and ideal access and so forth? Or --

9 JOE BEDNAR: We're --

10 STEVEN NG: -- I think that seems to be the
11 confusion or frustration on the public's end is --

12 JOE BEDNAR: So it's where the curb cuts were
13 located on public plans. And we went through a process over
14 the past couple months with multiple City Departments -- you
15 know, trying to understand, you know, are these -- is this
16 going to be a private road that we're building? Is it --

17 STEVEN NG: Mm-hm.

18 JOE BEDNAR: -- a private drive? And DPW felt
19 strongly that with -- that it would be a driveway, which
20 falls under this curb cut provision. And, you know, there
21 is some -- a back and forth about whether a curb cut in the
22 intersection was less than 25 feet away.

1 And, you know, we got the direction that -- you
2 know -- needed a special permit. And, you know, it -- this
3 is our preference. I think that the site design will work
4 better with curb cuts at these locations.

5 But we need to kind of -- we need to move forward,
6 and when we asked Staff if -- you know, if we should
7 consider looking at a Zoning-compliant curb cut, they asked
8 us to bring it to you.

9 STEVEN NG: Okay. Thank you. Any other comments
10 from fellow Board members?

11 MIRANDA CECIL: I just want to say that I hear
12 concerns about what the development might look like, but
13 what's ultimately before us tonight is these curb cuts and
14 special permit about the curb cuts. And from that
15 perspective, this looks like the most reasonable solution to
16 me to work with the existing intersection. So.

17 STEVEN NG: Oh, thank you, Miranda.

18 VIRGINIA KEESLER: Yeah, I would agree that it
19 seems like the scope of what we're back asked to consider
20 here is pretty narrow.

21 STEVEN NG: Yeah. I agree with that. Okay. So
22 if there's no other -- any other additional comments, I'll

1 make a motion.

2 The Chair makes a motion to grant a special permit
3 from the requirements of the Ordinance under Sections
4 6.43.4.b, Intersection Curb Cut Locations; Section 6.43.5,
5 Special Permit Provisions; and Section 10.40 for a Special
6 Permit.

7 And to ensure the application meets the criteria
8 for a Special Permit Guidelines.

9 a) It appears the requirements of this Ordinance
10 cannot or will not be met: Cambridge Housing Authority is
11 planning the redevelopment of the affordable housing on this
12 parcel under the Affordable Housing Overlay in full
13 compliance with the Cambridge Zoning Ordinance.

14 Previous plans from this parcel must be completely
15 redesigned to accommodate updated Flooding and Resiliency
16 Zoning Standards, so no current plans exist.

17 However, both the Department of Public Works and
18 Department of Transportation have requested that any new
19 driveways for the new development along Thingvalla Avenue be
20 combined with existing three-way intersections to create
21 four-way intersections, because the four -- the Zoning
22 Ordinance requires curb cuts to be at least 25' from an

1 intersection; the curb cut locations requested by the City
2 cannot meet the Zoning Ordinance.

3 b) Traffic generated or patterns of access or
4 egress would cause congestion, hazard, or substantial
5 change:

6 Both the Cambridge Department of Public Works and
7 Department of Transportation specifically requested that the
8 CHA submit the Special Permit Application for these
9 proposed, nonconforming curb cut locations because they
10 believe these are the safest locations for the driveways,
11 for a planned development of Corcoran Park.

12 c) The continued operation of or the development
13 of the adjacent use as permitted in the zoning ordinance
14 would be adversely affected:

15 Traffic experts from CHA's consultants, Niche
16 Engineering, and the Department of Transportation both agree
17 that combining the driveways of a proposed new development
18 with existing three-way intersections to create new four-way
19 intersections will be much safer than the existing
20 misaligned intersection.

21 It is the experts' position that zoning-compliant
22 curb cuts that are 25' away from existing intersections

1 would adversely affect adjacent uses.

2 d) Nuisance or hazard would be created to the
3 detriment of health, safety, or welfare of the occupant:

4 Traffic experts from CHA's consultant team and the
5 Department of Transportation both agree that combining the
6 driveways to create two new four-way intersections will be
7 much safer than the existing misaligned intersection.

8 And lastly,

9 e) And for other reasons, the proposed use would
10 impair the integrity of the district or adjoining districts:

11 Consolidation of the curb cuts with existing
12 three-way intersections will improve automobile and
13 pedestrian safety in the neighborhood.

14 So in that -- by that finding, they meet the
15 criteria under Sections 10.4 for a special permit.

16 So on the condition that the work proposed conform
17 to the set included in the application package, which
18 includes the Studio G Architects, 18 Cushing Court Parcel
19 255-100 Plan of Proposed Curb Cut locations requesting
20 zoning relief along with several Google Maps Street Views
21 and an existing site plan -- existing conditions plan dated
22 03/06/24, by Allen & Major Associates, Incorporated.

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

4 On a voice vote, please, Board members, Virginia
5 Keesler?

6 VIRGINIA KEESLER: In favor.

7 STEVEN NG: Thank you.

8 Bran Shim?

9 BRAN SHIM: Bran Shim in favor.

10 STEVEN NG: Thank you.

11 Daniel Hidalgo?

12 DANIEL HIDALGO: Daniel Hidalgo in favor.

13 STEVEN NG: Thank you.

14 Miranda Cecil?

15 MIRANDA CECIL: Miranda Cecil in favor.

16 STEVEN NG: And Steven Ng in favor.

17 [All vote YES]

18 STEVEN NG: The vote is 5:0. The special permit is
19 granted.

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(6:35 p.m.)

Sitting Members: Steven Ng, Daniel Hidalgo, Virginia

Keesler, Miranda Cecil, and Bran Shim

STEVEN NG: And now we move on to the second Agenda item this evening, Case No. BZA-1218525 for 162 Otis Street, owned by Elad and Shelly Shoushan, represented by Sarah Rhatigan seeking a variance for construction of a rear addition that violates side setback requirements for the district, citing sections 5.31 (Table of Dimensional Requirements); Section 8.22.3 (Non-Conforming Structure); and Section 10.30 for a Variance.

SARAH RHATIGAN: Good evening.

STEVEN NG: Good evening, Sarah.

SARAH RHATIGAN: Good evening, Mr. Chairman and good evening, Members of the Board. For the record, Sarah Rhatigan, Trilogy Law LLC. The address is 12 Marshall Street in Boston. Thank you so much for hearing us this evening.

I am here representing the owners of this property, Elad and Shelly Shoushan, who I believe are on the call, although I'm looking to see if they've been invited in

1 yet.

2 And here with members of our project team,
3 including the architectural team and the Civil Engineer and
4 the Project Manager.

5 This is a project we had applied and sort of
6 started a hearing the other day. We didn't actually open
7 the hearing because of some procedural issues with how the
8 application was written, and we are back again.

9 And the project is -- involves a Request for a
10 Variance that will allow a reconstructed -- a new
11 construction on an old foundation to allow the building to
12 extend nine feet further back in the lot than it does
13 currently -- or did currently.

14 And in the application, if you had a chance to
15 read the narrative, we tried to set out the history of what
16 happened here, because it was a little bit unusual in terms
17 of the posture that this was coming to the Board.

18 But essentially, the Shoushans had owned this
19 property for a few years with tenants living there. The
20 building was not in great shape, and they've known that they
21 needed to do a major renovation to -- you know, to bring it
22 up to sort of -- you know, safer and modern living

1 standards.

2 And a project such as this was going to be
3 significant. And as they went through sort of the planning
4 process, they discovered that structurally the building was
5 not sound.

6 So it has an old masonry foundation that can be
7 worked with, but would not be sufficient to support for
8 example a four-story or, you know, higher level building,
9 which could be done under the Multifamily Zoning.

10 And they wanted to -- you know -- keep a project
11 that was within the -- sort of the aesthetic of the
12 neighborhood and came up with plans to essentially
13 reconstruct above the existing foundation on the footprint
14 of the old home, and to add one story.

15 So before it was demolished, it was a two-story
16 home, and it was on a very narrow lot, so it's a 20' wide
17 lot. A relatively deep lot so, you know, it has some space
18 there. And the home is relatively close to the side lot
19 line, so less than five feet, which would be required if it
20 were new construction, ground up.

21 And so, looking at, you know, where can they sort
22 of fit the elements of the project that need to be added,

1 they found that the only sort of choice other than going up
2 four stories was to extend the back of the building by the
3 request to you today is nine feet and to extend it back
4 within the current lot -- setbacks.

5 So the front of the building we could rebuild as-
6 of-right and on the footprint of the existing foundation.
7 But this nine-foot extension would be within the five-foot
8 side setbacks requiring the variance. So that's why we're
9 here today.

10 And I'll go through the plans and show them to you
11 so you can see the -- you know, the actual work. But before
12 I do that, I did want to just touch briefly on the Variance
13 Standard.

14 STEVEN NG: Yes.

15 SARAH RHATIGAN: So I feel excited and honored to
16 be --

17 STEVEN NG: [Laughter]

18 SARAH RHATIGAN: -- I just happen to be the first
19 person to present to this Board since the law changed on
20 variances. And so this was part of the budget bill that
21 passed the Governor signing the bill July 9, but it's
22 effective as of July 1.

1 And so, the new variance law -- I imagine members
2 of the Board may have received something from the Law
3 Department, but the old Standard does not apply anymore.
4 It's completely -- it's really completely gone, although
5 some elements are in one portion of the Variance Standard.

6 But if it's okay, I thought I would just read the
7 elements of it. I'm not going to read the whole text of it,
8 because I think that's too much, but just the elements of
9 it, because then I can tell you how we meet this new
10 Standard.

11 I think we met the old Standard --

12 STEVEN NG: Yeah.

13 SARAH RHATIGAN: -- but I think for sure we meet
14 the new Standard. So under this budget -- it's the Fiscal
15 Year '27 Budget Bill, Section 10, Variances of Chapter 40A.

16 "A Variance" -- apologies here -- the -- "the
17 permit granting authority may grant an appeal or upon a
18 petition, a Variance from the terms of the applicable zoning
19 ordinance if the permit granting authority --" that's the
20 Board"-- specifically finds that strict enforcement of the
21 ordinance would result in a practical difficulty."

22 So those are kind of our new magic words, as

1 opposed to "hardship" and --

2 STEVEN NG: Mm-hm.

3 SARAH RHATIGAN: -- "burden", et cetera. So it's
4 a "practical difficulty."

5 "In making its determination, the permit granting
6 authority shall weigh the benefits to the applicant or to
7 the appellant to the petitioner and to the public interest,
8 including the interest in supporting the production of
9 housing against the detriment the public health, safety and
10 welfare of the neighborhood."

11 So there's a weighing of benefits, which is
12 interesting.

13 And in this project, the driver of this is, one,
14 to be able to preserve a house lot to continue to have
15 residential here. There were two units, that were in really
16 quite rough shape in a building at the end of its life. And
17 the new project will allow for three units of housing -- you
18 know, quite reasonable-sized homes, modern, code-compliant
19 and safe.

20 And so, the -- you know, the benefit of housing is
21 clearly a strong element here.

22 STEVEN NG: Mm-hm.

1 SARAH RHATIGAN: So the factors that you consider:
2 there are three? Four. Whether the practical difficulty
3 relates to soil conditions, shape or topography of such land
4 or structures. So that's where the old variance concept
5 comes back in.

6 And we had set this out in our original
7 application, but the lot -- there's the -- there are several
8 factors, but there's a very narrow lot, so only 20' wide,
9 which is one of our main constraints.

10 And in terms of the shape of the lot, it's sort of
11 long and narrow. The old existing structure, which was
12 close to the lot line -- so again, sort of like a shape
13 issue.

14 And then soil conditions: I think that the flood
15 elevation is a type of soil condition. So flood elevations
16 provide -- have us in a risk area where it requires that was
17 move mechanical systems up in the building and also the one
18 mechanical area that we do need to have at the lowest level,
19 we need to create like an access stair that goes up and in.

20 But essentially, we're losing some useable space
21 in the basement.

22 STEVEN NG: Mm-hm.

1 SARAH RHATIGAN: And so, that 9' extension is even
2 more critical to the project being feasible and, you know,
3 creating adequate housing.

4 The third prong is whether the benefit -- I'm
5 sorry, the second prong is whether strict enforcement would
6 impose a financial hardship.

7 And the financial hardship is, like, very real and
8 very practical which is -- without that additional space,
9 they are losing very significant and important rentable
10 square feet. The project's quite expensive, as you can --
11 everybody knows what --

12 STEVEN NG: Mm-hm.

13 SARAH RHATIGAN: -- construction costs are these
14 days. And these are not, you know, fancy developers with
15 big pockets, it's a couple who's trying to make a project
16 work. So the loss of this potential space would be a real
17 impediment to the project.

18 And the next prong, the third prong, is whether
19 the petitioner can achieve this by some other method
20 feasible. And we have looked very long and hard at the site
21 and don't see another feasible opportunity. I mentioned one
22 could build on the current footprint and build up four

1 stories --

2 STEVEN NG: Right.

3 SARAH RHATIGAN: -- as a -- but it would not be
4 as-of-right, because we would need to come to you for a
5 variance, because we would -- in that case, we would have to
6 demolish the existing foundation.

7 We couldn't build upon it, in which case there
8 would be new construction -- you know -- from underground
9 up, and that would require a variance for those side
10 setbacks. And the petitioner doesn't want to do that
11 project. And the cost would be quite significant.

12 The last prong is whether the practical difficulty
13 was self-created, and this one was not. There's nothing
14 about this that the applicant sort of brought upon
15 themselves.

16 I'm sorry that I did a long discussion of that,
17 but I hope that was helpful.

18 STEVEN NG: Sarah, it was perfect.

19 Because we were --

20 SARAH RHATIGAN: Okay.

21 STEVEN NG: -- planning --

22 SARAH RHATIGAN: Great.

1 STEVEN NG: -- to have to do that anyway, so --

2 SARAH RHATIGAN: Okay.

3 STEVEN NG: -- thank you so much.

4 SARAH RHATIGAN: Good.

5 STEVEN NG: [Laughter]

6 SARAH RHATIGAN: Good, good, good. I was trying
7 to save you that work.

8 STEVEN NG: Yes, yes.

9 SARAH RHATIGAN: Yeah, it took a little bit of
10 time to take a look at the new legal Standard, but -- and I
11 know that the City will probably be amending its Ordinance
12 to reflect the new law as well.

13 STEVEN NG: Correct. As you've stated, it was
14 signed and -- you know, shared. The news was shared with
15 the public on July 9, and it was retroactive to July 1.

16 So yeah, we have received training. The Board has
17 received training on this change, and that is on our list to
18 kind of update our Variance section to reflect it. So --

19 SARAH RHATIGAN: Yep.

20 STEVEN NG: -- thank you.

21 SARAH RHATIGAN: Great.

22 STEVEN NG: Yep.

1 SARAH RHATIGAN: Yep. Thank you.

2 And then, Steven, if you don't mind: share the
3 slides, I'll --

4 STEVEN NG: Yeah, sure.

5 SARAH RHATIGAN: -- go through the visuals, so --
6 just so you can see where this -- where the -- what the lot
7 looks like, and the construction.

8 [Pause]

9 Okay, great. So two pages forward, I believe?

10 These are existing floor plans. We can skip to
11 the next existing elevations. You can just see it's a two-
12 story, like I said narrow building. Okay.

13 And the next one: This is showing the proposed
14 floor plan. So if you look at the basement-level floor
15 plan, you can see in red demarcated the 9' portion of the
16 building that is located in an area where the building
17 didn't exist before.

18 So that's the footprint. It does go up all three
19 floors from the basement up, but that's the area that is
20 requiring a variance.

21 And actually, to be more specific, it's not the
22 whole addition, it's just the parts of the addition that are

1 within 5' of the side setbacks.

2 So we have plenty of rear setback, and we're
3 complying with open space and height and everything else,
4 it's just the fact that that addition extends out to the
5 same width as the rest of the building.

6 One thing that I didn't mention during the
7 discussion of how strict enforcement would be a real problem
8 for us is if we extended out and we had 5' setbacks on each
9 side; it's a 20' lot. So this would result with a less than
10 10' sort of protrusion at the back, which would be pretty
11 unusable space for a living space.

12 Next slide?

13 Next slide? I think we need to see the cross-
14 section.

15 Good. Elevation. Thank you, Stephen.

16 Here you can just see what the front view of the -
17 - you know, what all the different views of the home would
18 be. I believe -- and I -- it's a little hard to see, but on
19 the proposed left-side elevation, you can see the 9'
20 addition marked out there.

21 STEVEN NG: Mm-hm.

22 SARAH RHATIGAN: So that's the area. It's not

1 really an addition, but extension. That's the area -- again
2 -- where the variance applies. The rest of the work being
3 as-of-right.

4 Next page?

5 Perfect. This is the plot plan. Thanks, Stephen.
6 So here you can just see in a little bit more detail where
7 the proposed addition is impacting the side setbacks.

8 Okay, next page, please?

9 There's someplace where there's a photo? Yeah, I
10 might be at the end of this. There you go. If you don't,
11 just a quick view of the photos so people can see what the
12 area looks like.

13 So there's the existing -- the home before it was
14 demolished. And here is what it looks like essentially
15 today.

16 And if you read the application, there was a story
17 as to how the demolition -- you know, occurred essentially
18 sooner than it would have otherwise, because when they went
19 to do predemolition asbestos removal, there was so much
20 asbestos in the building that it left the structure unsound.

21 And the construction team was really concerned
22 about failure of the building, and it's in close proximity

1 to its neighbor.

2 So they spoke to ISD, and the ISD said yes, you
3 can remove this structure because you know you are going to
4 be needing to demolish it.

5 And Stephen, if you don't mind going back to a
6 prettier picture of what we -- or we can end the
7 presentation, unless folks have any other questions or
8 points that you wanted to discuss.

9 Thank you.

10 STEVEN NG: Thanks, Sarah. I guess are there
11 questions from the Board if any?

12 [Pause]

13 Hearing none. I guess we can open it to public
14 comment. I don't believe there's any letters in the file,
15 right? I don't see any.

16 Nope. No correspondence in the file.

17 Any members of the public who wish to speak should
18 now click the icon at the bottom of your Zoom screen that
19 says, "Raise hand."

20 If you're calling in by phone, you can raise your
21 hand by pressing *9 and unmute or mute by pressing *6. I'll
22 now ask Staff to unmute the speakers one at a time.

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

5 STEPHEN NATOLA: Phone number 8311.

6 HEATHER HOFFMAN: Hello. Heather Hoffman, 213
7 Hurley Street. I have a question less about this property
8 than about the adjoining properties.

9 I will assume that in order to extend it farther
10 back, you're going to have to do excavation. Is the
11 excavation going to go to the lot line on either side? And
12 if so, is it going to jeopardize either structures or trees
13 on the abutting lot?

14 STEVEN NG: That's a great question, Ms. Hoffman.

15 Sarah, could you provide us a response for that?

16 SARAH RHATIGAN: Yes. So the -- I believe that
17 the plans have been reviewed. I'm hesitating because I'm
18 not the one who -- you know, deals with essentially
19 construction-related issues. I appreciate the caller's
20 concern and question there.

21 I would point out that on the left side, actually
22 if -- I'm realizing that Alex Haidar who's on the call said

1 that he can answer that, so I'm going to have him speak.

2 STEVEN NG: Okay. Thank you.

3 SARAH RHATIGAN: Thanks, Alex.

4 [Pause]

5 Alex, we can't hear you if you're speaking.

6 ALEX HAIDAR: Oh, okay. Can you hear me now?

7 SARAH RHATIGAN: Yes.

8 STEVEN NG: Yeah, we hear you now, Alex.

9 ALEX HAIDAR: Okay, great. So I worked on the
10 Open Space and the Green Factor spreadsheet. And I can
11 confirm that there is absolutely no impact on the green
12 space whatsoever.

13 We are actually going to be replanting a tree that
14 specifically was requested by the City of Cambridge. It's
15 in the maple family. We're going to be putting it in the
16 corner, and the remaining lawn is going to be maintained as
17 a lawn, as a grassy lawn.

18 So --

19 SARAH RHATIGAN: Um--

20 ALEX HAIDAR: -- there is no -- yep.

21 SARAH RHATIGAN: That's -- yeah, thank you, Alex.

22 HEATHER HOFFMAN: Yeah, respectfully, that was not

1 the question I asked.

2 ALEX HAIDAR: Yeah, please repeat the question.

3 HEATHER HOFFMAN: I asked about the abutters.

4 They also have buildings. They may have trees, and I can
5 say that the Urban Forestry Division of the City has
6 expressed concern over the effect of construction just like
7 this on the health of trees on abutters' property.

8 ALEX HAIDAR: Absolutely. But we are not --

9 HEATHER HOFFMAN: Because, you know, the abutters
10 didn't sign up for having their trees killed. You totally
11 understand that, I'm sure.

12 ALEX HAIDAR: Yes. But we are not touching
13 abutter property. We're not going past our property lines.
14 So whatever is on the abutters side will not be touched. We
15 don't have any reason to access the abutters property,
16 unless we need to bring in large equipment.

17 And as of now, that's not on the plan at all,
18 because all the work that's proposed is going to happen from
19 the street side, not from the abutters' side. So there's no
20 impact on any of the abutters' properties.

21 HEATHER HOFFMAN: Okay. Let me be more clear.

22 SARAH RHATIGAN: I'm sorry, Mr. Chairman --

1 HEATHER HOFMAN: Tree roots don't know where the
2 -- the lot line is. That's why the City's Urban Forestry
3 Division has spoken in public about the need to worry about
4 this.

5 ALEX HAIDAR: All right. I'm --

6 HEATHER HOFFMAN: And --

7 ALEX HAIDAR: Sarah, I will let you --

8 HEATHER HOFFMAN: -- I know --

9 ALEX HAIDAR: -- take it from here.

10 STEVEN NG: Mr. Haidar --

11 SARAH RHATIGAN: Thank you.

12 HEATHER HOFFMAN: Anyway, he's just not answering
13 the question, and I think that the Board, as the Chair said
14 --

15 STEVEN NG: Well, Ms. Hoffman, I think --

16 HEATHER HOFFMAN: -- would, would be interested in
17 the actual answer to the actual question.

18 Thanks.

19 STEVEN NG: So your question was about the impact
20 to the adjacent neighbor, or the residents, abutters, and
21 the architect. The building is not on the lot line, and he
22 has testified that the work will occur within the site

1 boundary. So I think he answered the question.

2 And if the Urban Forestry folks --

3 HEATHER HOFFMAN: I thank you.

4 STEVEN NG: -- if the Urban Forestry Department
5 has any concerns, I'm sure when the building permit is filed
6 that they will cite that, just as -- you know, they expect
7 -- they directed them to provide additional tree on their
8 own property.

9 Is that -- I think that's pretty clear.

10 HEATHER HOFFMAN: The concern has been raised by
11 City Staff in the Urban Forestry Division concerning the
12 effect of excavation up to the lot line, because tree roots
13 don't stop at the lot line. Tree roots go where they go.

14 And if there was a lawn there, then tree roots if
15 there are trees -- I don't know. I'm just asking.

16 And I have done enough work as a real estate
17 lawyer and conveyancer for more than 30 years to know that
18 sometimes if you excavate, the work affects the foundation
19 or other structures next door because it undermines what's
20 holding it up.

21 So that's why I asked. I didn't ask anything
22 except for presumably they're going to excavate to the lot

1 line, so that they can build this structure. That is
2 normal, even with a 5' setback.

3 So I'm done. Thank you.

4 STEVEN NG: Okay. Thank you, Ms. Hoffman. I
5 believe that usually gets addressed during building permit
6 time. So it will be -- and you could reach out to them and
7 let them know to cite that. So I think we're good there.

8 Does anybody else want to talk?

9 [Pause]

10 All right. So we'll close public comment, and
11 discussion with the Board. Anyone have any comments,
12 thoughts about the application?

13 DANIEL HIDALGO: Hi. Yeah, to me this meets --
14 you know, definitely meets the new Standard, so -- and yeah,
15 I -- while I understand the concern about trees, I feel like
16 it's out of our purview, it's up to -- and given that the
17 abutters themselves haven't expressed any concerns, this is
18 -- yeah, this is not really our domain.

19 STEVEN NG: Yeah. Thanks, Daniel. I agree.

20 Anyone else?

21 All right. So I'll make a motion. The Chair
22 makes a motion to grant relief from the requirements of the

1 Ordinance under -- or grant the variance under Sections --
2 sorry -- Sections 5.31, Table of Dimensional Requirements
3 and 8.22.3 Nonconforming Structure and Article 10.3 for a
4 Variance, and just complying with the new Standard, General
5 Law Section 40A.

6 Permit granting authority specifically finds that
7 a strict enforcement of the Ordinance or bylaw would result
8 in a practical difficulty.

9 In making its determination, the permit granting
10 authority shall weigh the benefits to the appellant or
11 petitioner and to the public interest, including the
12 interest in supporting the production of housing against the
13 detriment to the public health, safety and welfare of the
14 neighborhood, and may also consider -- and I would consider
15 this, I will use this as kind of our new guideline in the
16 future that:

17 One, whether the practical difficulty relates to
18 soil condition, shape, or topography as -- of such land or
19 structures -- and that item is the shape of the site as well
20 as the nonconformity and flood conditions serve -- create a
21 very prac- -- the practical difficulty.

22 Two, whether the strict enforcement would -- of

1 the Zoning Bylaw would impose a financial hardship on the
2 appellant or petitioner.

3 And yes, it would. Without this additional space
4 proposed in the application, they would lose significant
5 rentable square footage in the project.

6 And three, whether the benefits sought by the
7 appellant or petitioner can be achieved by some of the
8 method feasible for the appellant or petitioner to achieve.

9 And yeah, other possible options would result in
10 making a taller building, or -- you know -- I think another,
11 increase or impact severe financial challenge, and whether
12 the practical difficulty was self-created, which it was not.

13 So by that finding, this motion confirms they meet
14 the criteria under Section 10.3 for a Variance, and on the
15 condition that the work proposed conforms to the drawing set
16 included in the application package, which includes the
17 following documents: Drawing set entitled, "Two-Family
18 Structure Replacement with Three-Family Structure at 162
19 Otis Street, by Guzman Architects, Franklin, Mass.," dated
20 03/20/2026.

21 SARAH RHATIGAN: Excuse me, Mr. Chairman.

22 STEVEN NG: Yes.

1 SARAH RHATIGAN: I apologize. The revised plan
2 set I believe has a later date.

3 STEVEN NG: Oh, I'm sorry. Let me see.

4 SARAH RHATIGAN: The revision date I believe is
5 06/18/2026.

6 STEVEN NG: Oh, yeah, that is. My apologies.

7 SARAH RHATIGAN: Thank you.

8 STEVEN NG: We'll --

9 SARAH RHATIGAN: Thank you.

10 STEVEN NG: -- correct that to be the revision
11 date on the original 03/26/2026 is 06/18/2026. And that
12 also on the Condition 2, I forgot to include that there is
13 -- the benefits of the petition to the City of Cambridge and
14 the community is to preserve an existing housing lot for
15 residential use and provide three units of housing, so we'll
16 put that with Condition -- Criteria No. 2.

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

20 And on a voice vote, please, Board members?

21 Virginia Keesler?

22 VIRGINIA KEESLER: Virginia Keesler in favor.

1 STEVEN NG: Thank you.

2 Bran Shim?

3 BRAN SHIM: Bran Shim in favor.

4 STEVEN NG: Thanks, Bran.

5 Daniel Hidalgo?

6 DANIEL HIDALGO: Daniel Hidalgo in favor.

7 STEVEN NG: Thank you.

8 Miranda Cecil?

9 MIRANDA CECIL: Miranda Cecil in favor.

10 STEVEN NG: Thank you.

11 And Steven Ng in favor.

12 [All vote YES]

13 The vote is 5:0 in favor, so the variance is
14 granted. Thank you.

15 SARAH RHATIGAN: Thank you very much.

16 STEVEN NG: And that ends our hearing this
17 evening. Thank you, everyone for attending. And did we
18 make history being the first variance? No? We'll find out.

19 [Laughter]

20 So goodnight, everyone.

21 COLLECTIVE: Goodnight.

22 [7:05 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.

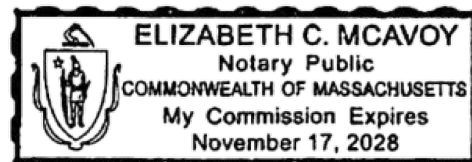
In witness whereof, I have hereunto set my hand this
seventh day of August 2026.

Elizabeth C. McAvoy

Notary Public

My commission expires:

November 17, 2028



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