

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY JULY 14, 2022

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair  
Jim Monteverde, Vice Chair

Wendy Leiserson

Laura Wernick

Matina Williams

Jason Marshall

City Employees

Olivia Ratay, Zoning and Building Associate



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1 P R O C E E D I N G S

2 \* \* \* \* \*

3 (6:00 p.m.)

4 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
5 Monteverde, Laura Wernick, Matina  
6 Williams and Jason Marshall

7 BRENDAN SULLIVAN: Welcome to the July 14, 2022  
8 meeting of the Cambridge Board of Zoning Appeal. My name is  
9 Brendan Sullivan, and I am the Chair for tonight's meeting.

10 This meeting is being held remotely, due to the  
11 statewide emergency orders limiting the size of public  
12 gatherings in response to COVID-19, and in accordance with  
13 Governor Charles D. Baker's Executive Order of March 12,  
14 2020 temporarily amending certain requirements of the Open  
15 Meeting Law; as well as the City of Cambridge temporary  
16 emergency restrictions on city public meetings, city events,  
17 and city permitted events, due to COVID-19, dated May 27,  
18 2020.

19 This meeting is being video and audio recorded,  
20 and is broadcast on Cambridge television Channel 22 within  
21 Cambridge.

22 There will also be a transcript of the

1 proceedings.

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

5 Members of the public will be kept on mute until  
6 it is time for public comment. I will give instructions for  
7 public comment at that time, and you can also find  
8 instructions on the City's webpage for remote BZA meetings.

9 Generally, you will have up to three minutes to  
10 speak, but that might change based on the number of  
11 speakers, and at the Chair's discretion.

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

14 OLIVIA RATAY: Laura Wernick?

15 LAURA WERNICK: Here.

16 OLIVIA RATAY: Jim Monteverde?

17 JIM MONTEVERDE: Present.

18 OLIVIA RATAY: Jason Marshall?

19 JASON MARSHALL: Here.

20 OLIVIA RATAY: Wendy Leiserson?

21 WENDY LEISERSON: Here.

22 OLIVIA RATAY: Matina Williams?

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MATINA WILLIAMS: Here.

OLIVIA RATAY: Brendan Sullivan?

BRENDAN SULLIVAN: Here.

1 \* \* \* \* \*

2 (6:01 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
4 Monteverde, Laura Wernick, Matina  
5 Williams and Jason Marshall

6 BRENDAN SULLIVAN: First case I'm going to call is  
7 168459 -- 38 Mt. Pleasant Street. Mr. Alphen?

8 MICHAEL FIELDS: Hi. This is Mike fields for SKA.  
9 Chris Alphen is not going to be joining us this evening, but  
10 Sam and I and Matt and Lindsey will be running the  
11 presentation.

12 BRENDAN SULLIVAN: Okay. Yep. So there's been  
13 some changes since last we met?

14 MICHAEL FIELDS: Correct. Yes. You know, after  
15 the meeting with abutters and, you know, talking through our  
16 options, Matt and Lindsey have elected to reduce the scope.

17 And so, we are here tonight to ask for a special  
18 permit under Section 8.22.2c, which includes relocation of  
19 windows in the back of the building, unifying the existing  
20 kitchen roofline, and providing egress ways from the  
21 habitable spaces in the basement.

22 BRENDAN SULLIVAN: And that is reflected in the

1 latest drawings diagnosed 07/06/22, which was submitted on  
2 July 11?

3 MICHAEL: That is correct.

4 BRENDAN SULLIVAN: Okay. If you can just briefly  
5 show us, then, the windows. The Board has reviewed it but  
6 if you can just very briefly --

7 MICHAEL FIELDS: Sure, yeah. If we want to, you  
8 know, move to the elevations?

9 BRENDAN SULLIVAN: Yeah, so it would be the  
10 elevations, I guess.

11 MICHAEL FIELDS: Yeah.

12 BRENDAN SULLIVAN: Yeah.

13 MICHAEL FIELDS: Okay. So on the Mt. Pleasant  
14 Street elevation we have an existing window at the front  
15 elevation, which would be used as an egress window set back  
16 from the street walkways, and add some plantings, which  
17 would provide egress from the habitable spaces in the family  
18 room.

19 Other windows on this -- on the first and second  
20 floor would be replaced in kind, and the third-floor windows  
21 would remain.

22 Next sheet, please?

1           The same holds true of the existing windows on the  
2 third floor here. The first- and second- floor windows will  
3 be replaced in their existing locations, and then we have  
4 new locations at the kitchen and back of the building.

5           And we are redoing the trim around a straightened  
6 roofline at the kitchen, keeping the -- keeping the volume  
7 essentially the same.

8           Next slide, please?

9           And then here we see the relocated window and door  
10 at the back elevation, and the stairs that come up from the  
11 basement at an existing window opening.

12           And then you can see the roofline at the kitchen,  
13 where we're keeping it -- not all the way across, just to  
14 provide a consistent ceiling height in the kitchen area.  
15 And that is the sum of what we're proposing at the exterior  
16 of the building.

17           BRENDAN SULLIVAN: Okay. Let me open it back up  
18 to the Board. Jim Monteverde, any questions?

19           JIM MONTEVERDE: No questions. Thank you.

20           BRENDAN SULLIVAN: Wendy, any questions?

21           WENDY LEISERSON: No questions.

22           BRENDAN SULLIVAN: Laura?

1 LAURA WERNICK: No questions.

2 BRENDAN SULLIVAN: And Jason?

3 JASON MARSHALL: Seems straightforward; no  
4 questions.

5 BRENDAN SULLIVAN: I'll open it to public comment.  
6 Any member of the public who wishes to speak should now  
7 click the button that says, "Participants," and then click  
8 the button that says, "Raise hand."

9 If you are calling in by phone, you can raise your  
10 hand by pressing \*9 and unmute or mute by pressing \*6. We  
11 ask that you limit your comments to three minutes.

12 [Pause]

13 There appears to be nobody calling in. There is  
14 correspondence from Adam Albright, dated July 14, 2022.

15 "Dear Board of Zoning Appeal, my name is Adam  
16 Albright and I am the owner of 40-42 Mt. Pleasant Street  
17 adjacent #3 (the second floor unit of 40 Mt. Pleasant St.),  
18 where I have lived since 2012. I have lived and worked in  
19 Cambridge since 2004. I am writing in support of the new  
20 revised proposal for a special permit to replace and move  
21 windows. The Board may recall that as an abutter I had  
22 previously opposed an earlier version of this proposal,

1 which included a variance for a second-story addition, which  
2 would have had a direct negative impact on our property.

3 "As I understand them, the current plans have been  
4 revised, so that they no longer include the second-story  
5 addition, and would leave the second floor at its present  
6 existing dimension.

7 "The rendering on page of the PDF for the new  
8 proposed site plan still shows the second-floor addition,  
9 but I assume that this was a minor error, since the plan  
10 itself no longer mentions it, and the July 7 letter is clear  
11 that no addition is to be included.

12 "I am writing to offer my support of this revised  
13 plan.

14 "Sincerely

15 Adam Albright."

16 And that is the sum and substance of the  
17 correspondence relating to this latest plan. So I will  
18 close public comment. Anything else to add at all, or --

19 MICHAEL FIELDS: That is correct, that that is --

20 BRENDAN SULLIVAN: Okay. And ready for a motion,  
21 Board?

22 JIM MONTEVERDE: Yes, sir.

1           JASON MARSHALL:  Yep.

2           LAURA WERNICK:  Yes.

3           BRENDAN SULLIVAN:  Motion, then, to grant the  
4 relief requested, special permits as per the revised plans  
5 submitted and initialed by the Chair.

6           The Board finds that it appears that the  
7 requirements of the ordinance can be met.  It appears that  
8 traffic generated or patterns of access or egress resulting  
9 from what is being proposed would not cause congestion,  
10 hazard, or substantial change in the established  
11 neighborhood character.

12           The Board finds that continued operation of or  
13 development of adjacent uses, as permitted in the Zoning  
14 Ordinance, would not be adversely affected by the nature of  
15 the proposed use.  The addition and changing of some  
16 windows, and an existing building will have absolutely no  
17 effect on adjoining properties.

18           There would not be any nuisance or hazard created  
19 to the detriment of the health, safety and/or welfare of the  
20 occupant of the proposed use, or the citizens of the city;  
21 in fact, the Board finds that with the change in windows,  
22 the addition of windows, relocation will have a benefit to

1 occupants of the structure, as will allow better air, light  
2 coming into the structure, which is a benefit.

3 The Board finds that the proposed use would not  
4 impair the integrity of the district or adjoining district,  
5 or otherwise derogate from the intent and purpose of the  
6 ordinance to allow homeowners to alter certain aspects of  
7 the -- their existing structure without any adverse effect  
8 on adjoining properties, on the condition that the work  
9 conform to the revised drawings dated July 11, initialed by  
10 the Chair.

11 On the motion, then, to grant the special permit,  
12 Jim Monteverde?

13 JIM MONTEVERDE: In favor of the special permit.

14 BRENDAN SULLIVAN: Wendy Leiserson?

15 WENDY LEISERSON: In favor of the special permit.

16 BRENDAN SULLIVAN: Laura Wernick?

17 LAURA WERNICK: In favor of the special permit.

18 BRENDAN SULLIVAN: Jason Marshall?

19 JASON MARSHALL: In favor.

20 BRENDAN SULLIVAN: And Brendan Sullivan yes.

21 [All vote YES]

22 Five affirmative votes; the special permit is

1 granted.

2 Now, there is one other case that is open  
3 regarding 38 Mt Pleasant. That's 149665, which goes back to  
4 last November. That appears to be moot now, because there's  
5 been so many provisions since.

6 JIM MONTEVERDE: Excuse me, Mr. Chairman?

7 BRENDAN SULLIVAN: I'd like to make a motion to  
8 the Board to withdraw that case. Are you authorized to do  
9 so?

10 MICHAEL FIELDS: Yes.

11 BRENDAN SULLIVAN: Okay.

12 JIM MONTEVERDE: Mr. Chairman?

13 BRENDAN SULLIVAN: Yes.

14 JIM MONTEVERDE: Before you do that --

15 BRENDAN SULLIVAN: Yes.

16 JIM MONTEVERDE: Is there not a variance in the  
17 Case No. 168459?

18 BRENDAN SULLIVAN: There is -- there is not.

19 JIM MONTEVERDE: Okay.

20 MICHAEL FIELDS: One has a variance, one is just  
21 special permit, and one is the special permit/variance. The  
22 proposals for both cases are synced up and, you know, we

1 have reduced our need to ask for a variance at this time.

2 BRENDAN SULLIVAN: That aspect of it, Jim, has  
3 been withdrawn.

4 JIM MONTEVERDE: Okay. Thanks.

5 BRENDAN SULLIVAN: So on Case No. 149665, which  
6 was the special permit, which we then determined that that  
7 was not the vehicle, it had to be a variance, so there was a  
8 flaw in that. The -- I'm entertaining a motion from you to  
9 withdraw that case. Yes?

10 MICHAEL FIELDS: Yes.

11 BRENDAN SULLIVAN: Okay. On the motion, then, to  
12 accept the petitioner's withdrawal of Case No. 149665, Jim  
13 Monteverde?

14 JIM MONTEVERDE: I will accept the withdrawal.

15 BRENDAN SULLIVAN: Wendy Leiserson?

16 WENDY LEISERSON: Accepts the withdrawal.

17 BRENDAN SULLIVAN: Laura Wernick?

18 LAURA WERNICK: Accept the withdrawal.

19 BRENDAN SULLIVAN: Jason Marshall?

20 JASON MARSHALL: Yes on the withdrawal.

21 BRENDAN SULLIVAN: And Brendan Sullivan yes.

22 [All vote YES]

1           Five affirmative votes accepting the withdrawal.

2           Just as a postscript, that's when Attorney Alphen  
3 had come down and was seeking relief for the original work  
4 by special permit under 8.222d, and we determined that it  
5 was an attached single-family, as opposed to the ordinance  
6 requires a detached single-family.

7           So that was -- you couldn't seek relief for the  
8 special permit. However, we kept that one alive just so  
9 that we wouldn't run into the repetitive petition, and then  
10 he amended the subsequent applications.

11           Am I clear?

12           MICHAEL FIELDS: That is correct, Mr. Sullivan.

13           BRENDAN SULLIVAN: All right. So I think we're  
14 all set. Great. Thank you.

15           MICHAEL FIELDS: All right. Thank you very much.

16           BRENDAN SULLIVAN: Yep.

17           UNIDENTIFIED SPEAKER: Thank you, Mr. Chairman.

18           BRENDAN SULLIVAN: Yep.

19

20

21

22

1 \* \* \* \* \*

2 (6:14 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
4 Monteverde, Matina Williams, and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will hear Case No.  
7 163881 -- 130 Cushing Street.

8 DAVID FREED: Yes, hi. Good evening. My name is  
9 David Freed. I'm an architect at Choo and Company. And I'm  
10 pleased tonight to present our proposed renovation plans at  
11 130 Cushing Street.

12 BRENDAN SULLIVAN: All right. The Board is  
13 familiar with the plan's proposal, but if you could just  
14 briefly walk us through it -- again, briefly, if you will,  
15 without taking any of your thunder away. That's fine.

16 DAVID FREED: Okay. Thank you. This is an image  
17 of the present condition of the property. It's currently a  
18 four-family with a number of bedrooms scattered around the  
19 perimeter of the building with five entrances, one on the  
20 left side, one on the center, in the front and three on the  
21 driveway side.

22 Next slide, please?

1           This is a landscape plan that just shows our  
2 proposal, in which we would like to extend living spaces in  
3 the basement and into the attic and add some dormers, as  
4 well as extend the rear back about nine feet on the second  
5 and third floor, to align with the first floor below.

6           We want to legalize some parking in the rear as  
7 well, to a four-car.

8           Next slide, please?

9           This is our basement plan. Basically, we've  
10 eliminated -- if we go to the next slide, please?

11           We've eliminated the front entrance, the left  
12 entrance, and two entrances on the driveway side, and have  
13 relocated that to the center of the building and divided the  
14 building front and back to create two sets of duplex units,  
15 each of which has four bedrooms.

16           Next slide, please?

17           This would be representative of the typical unit.  
18 You'd enter into a dining room, kitchen, living area, large  
19 open living, with either a bedroom or a home office on that  
20 floor.

21           And then above -- next slide, please? -- would be  
22 three bedrooms and two baths, one of which would be a

1 primary ensuite.

2 Next slide, please?

3 This is the roof plan that just shows our dormers.  
4 The dormers themselves are dimensionally compliant. The --  
5 what incurs our setback violations are the rear addition.

6 The next slide, please?

7 On the left is the existing elevation, and on the  
8 right is the renovated elevation. The building would be  
9 trimmed out with Boral, and have more traditional detailing,  
10 with corner boards and a water table. It would have lap  
11 siding and punched openings as well.

12 Next slide, please?

13 This is the left side elevation that faces the  
14 school.

15 Next slide, please?

16 This is our rear elevation. And last slide  
17 please?

18 This would be the driveway side elevation, and the  
19 front of our building. The dormers themselves exceed the  
20 Dormer Guidelines. But we felt that we really wanted to try  
21 to provide some decent living space in the attic.

22 The next slide, please?

1           This is the plot plan, that shows more clearly the  
2 levels of additions. So on the rear, there's a proposed  
3 three-story addition towards the -- going towards the front  
4 a little bit of that rear addition would be a second- and  
5 third-story addition.

6           Next slide, please?

7           Our project has some existing nonconformities, one  
8 of which is the total gross floor area, the lot area, the  
9 ratio of gross floor area to lot area, and the lot area per  
10 dwelling unit.

11           Our lot does dimensionally conform. The setbacks,  
12 however, do not. And [audio unclear] for our residents and  
13 for our -- some districts do not. But we feel that the  
14 improvements to this building would be a benefit to the  
15 neighborhood, and with a fully renovated building that would  
16 be fire sprinkled, the units themselves would be code-  
17 compliant and have lots of light and air, have new finishes,  
18 be insulated well.

19           And that wraps up my presentation. Does anyone  
20 have any questions?

21           BRENDAN SULLIVAN: I'm sure the Board is going to  
22 have a lot of questions. Let me start off by saying I think

1 it's very, very ambitious.

2 And it appears -- what was the -- well, the  
3 building is rental right now, four units rental? Or I'm not  
4 even sure if it's even occupied, because it seems to have  
5 very little activity, having gone by there a number of  
6 times.

7 DAVID FREED: Yes, it was a good rental.

8 BRENDAN SULLIVAN: It is rental? Going forward --

9 DAVID FREED: Yes.

10 BRENDAN SULLIVAN: -- is it going to be rental, or  
11 is it going to be condo?

12 DAVID FREED: I believe the homeowners should have  
13 condos.

14 BRENDAN SULLIVAN: It's going to be what?

15 DAVID FREED: It will be condos.

16 BRENDAN SULLIVAN: Condos, okay.

17 DAVID FREED: Yes.

18 BRENDAN SULLIVAN: If I could have Olivia pull up  
19 the floor plan, and if the Board will bear with me a little  
20 bit; Sheet A-1.1.

21 And right now in the basement, there is basically  
22 nothing other than just storage. If we go to the first-

1 floor proposed, there is one, two, three, four bedrooms, is  
2 that correct?

3 DAVID FREED: Yes.

4 BRENDAN SULLIVAN: And what is proposed --

5 DAVID FREED: Bedrooms, I'm sorry.

6 BRENDAN SULLIVAN: -- what is proposed is going to  
7 be two bedrooms on the first floor?

8 DAVID FREED: Correct.

9 BRENDAN SULLIVAN: Separate from Unit 1 and 2.  
10 Just I'm trying to get a total count here.

11 DAVID FREED: Yes.

12 BRENDAN SULLIVAN: If we go up to the -- I'm  
13 sorry, let me back up to the -- and the basement of the --  
14 what is proposed in the basement, is there nothing there now  
15 and they're proposing six bedrooms in the basement, and two  
16 bathrooms?

17 I'm sorry, four bathrooms -- two units or four  
18 bathrooms. So what is proposed is six bedrooms and four  
19 bathrooms in the basement level?

20 DAVID FREED: That's correct. Yes.

21 BRENDAN SULLIVAN: Okay. First floor, there is  
22 existing four bedrooms; you are proposing two?

1           DAVID FREED: Correct.

2           BRENDAN SULLIVAN: First floor two bedrooms and  
3 two bathrooms. Okay. On the second floor, second floor  
4 existing has six bedrooms --

5           DAVID FREED: Yes.

6           BRENDAN SULLIVAN: -- and two bathrooms. You're  
7 proposing two bedrooms and two bathrooms?

8           DAVID FREED: Correct.

9           BRENDAN SULLIVAN: The third floor, there is no  
10 living space there right now? There was no bedrooms, no  
11 bathrooms, you are proposing six bedrooms and four  
12 bathrooms?

13          DAVID FREED: Correct.

14          BRENDAN SULLIVAN: So what is there now is 10  
15 bedrooms, you are proposing 16 bedrooms?

16          DAVID FREED: Yes.

17          BRENDAN SULLIVAN: There are now four bathrooms in  
18 the structure, and you are proposing 12?

19          DAVID FREED: Yes.

20          BRENDAN SULLIVAN: The FAR, which is -- if I can  
21 pull up that dimensional form -- 0.69, which is already over  
22 and you're requesting 1.2, which is double what the

1 ordinance allows... Everything about this to me is just way  
2 over the top.

3 And especially -- then we got to the dormers and  
4 yes, you are correct that you exceed the Dormer Guidelines  
5 tremendously, and we take the Dormer Guidelines seriously.  
6 And to me this thing is just -- my way of thinking it's just  
7 way over the top.

8 And then we go back to your pleadings, and you  
9 have to prove hardship. A literal enforcement of the  
10 provisions of the ordinance would involve a substantial  
11 hardship, financial or otherwise to the petitioner.

12 The hardship is not being allowed to enlarge and  
13 renovate the existing structure, as it sits within the front  
14 and side yard setbacks.

15 Well, nobody has the right or to a variance. And  
16 you can enlarge or renovate the existing structure, but you  
17 have to follow, obviously the ordinance and the requirements  
18 of the ordinance.

19 The hardship is owing to the following  
20 circumstances relating to the soil conditions, shape or  
21 topography of such land or structure, and especially  
22 affecting such land or structure, but not affecting

1 generally the zoning district in which I was located.

2           The answer is the hardship is owing to the fact  
3 that the building sits on a narrow lot and fronts the  
4 street, as do most structures on the street. The location  
5 of the building on the lot places the side and front in the  
6 setback. Doesn't answer the hardship question.

7           And the public good will not suffer -- that could  
8 be debated, but right now it's rental, it's going to go  
9 condo.

10           So we're taking rental markets off the city  
11 market, and I think we sit here on Thursday nights and one  
12 of the things we do is we sometimes if you look at the  
13 broader overview of what we do, sometimes it chips away at  
14 starter homes, because they're being -- two-families are  
15 being turned into singles.

16           And also what was rental is now being turned into  
17 condos, and it becomes less and less affordable for people  
18 to find rental units.

19           And so, those are my thoughts. I will listen to  
20 the members of the Board, and we have a hopefully robust  
21 discussion.

22           Jim Monteverde, your thoughts?

1           JIM MONTEVERDE: I concur, Mr. Chair. The items  
2 that concern me are the -- I believe the requested FAR is  
3 two and a half times the ordinance, and the Dormer  
4 Guidelines are exceeded by I believe a factor of four.

5           And I'm not seeing a hardship in the application.  
6 So I would not favor this variance.

7           BRENDAN SULLIVAN: Okay. Wendy, your -- any  
8 thoughts?

9           WENDY LEISERSON: I concur. I thought you  
10 explained it very well, and also Jim. The one thing I would  
11 also add that concerns me is that the ratio of usable open  
12 space is going to become non-conforming, and I'm not happy  
13 about that either. So.

14           BRENDAN SULLIVAN: Matina? Any thoughts or  
15 questions at this time?

16           MATINA WILLIAMS: Yeah. I'm agreeing with the  
17 comments that have been made so far.

18           BRENDAN SULLIVAN: Okay, great. Thank you. Jason  
19 Marshall?

20           JASON MARSHALL: Yeah, thank you, Mr. Chair.  
21 Yeah, I agree with everything that my colleagues have said  
22 so far, no need to restate that.

1           And not to pile on, but to the extent you come  
2 back before us, I also paused on the answer to the hardship  
3 question. The answer is effectively it's a hardship because  
4 I can't build beyond what I'm allowed to. There needs to be  
5 something beyond that.

6           I can't build what I would like to and something.  
7 And that's not answered here. And I can only infer based on  
8 the discussion earlier that what's really happening here is  
9 it's an -- it is an attempt to maximize the economic benefit  
10 of the property.

11           And I won't fault someone for doing that.  
12 However, that's not a standard meaning hardship. That's  
13 text case law at this point. So for those reasons, I am  
14 also not inclined to grant the request for relief.

15           BRENDAN SULLIVAN: Okay. I'll give you a chance,  
16 David to respond. Let me open it up to public comment. Any  
17 members of the public who wish to speak should now click the  
18 button that says, "Participants," and then click the button  
19 that says, "Raise hand."

20           If you are calling in by phone, you can raise your  
21 hand by pressing \*9 and unmute or mute by pressing \*6, and I  
22 ask that you have up to three minutes for your comments.

1           OLIVIA RATAY: Amy Salomon?

2           BRENDAN SULLIVAN: Amy?

3           AMY SALOMON: Yes, thank you. Just unmuting. I'm  
4 an abutter with just a small portion --

5           BRENDAN SULLIVAN: Amy, if you could have your  
6 address for the record.

7           AMY SALOMON: Oh, I'm very sorry. 16, 14-16  
8 Vineyard Street.

9           BRENDAN SULLIVAN: Yep.

10          AMY SALOMON: So we're an abutter, and a few  
11 things occur to me just in listening to this. One is -- and  
12 this is something about the design feels inconsistent with  
13 the neighborhood.

14                 And part of the neighborhood charm is that it's  
15 mainly two-family and single-family homes, and when  
16 renovations happened, it's been done with a lot of respect,  
17 to the feeling for the neighborhood. And this feels to me  
18 like a small apartment building is being built.

19                 So that's just an aesthetic concern. And I don't  
20 know if you take that into consideration or not. But I  
21 think it will change the feel for the neighborhood. So  
22 that's sort of one thing.

1           The other thing that is disturbing and concerning  
2 to me that I don't think anybody has pointed out yet has to  
3 do with the parking situation. That's what abuts my  
4 property, probably one and a half parking spaces' worth.

5           But nevertheless, we now are not -- I'm certainly  
6 not aware -- I don't think anybody parks right up next to  
7 the back fence.

8           And what will end up happening there is yes, three  
9 out of the four spots will be basically over the school  
10 playground, but the other one will be right in our patio  
11 area.

12           So different car, you know, noises and odors and  
13 that sort of thing without having much space between the car  
14 and the fence -- I couldn't really tell how much space is  
15 there, but it looks quite limited is another issue that I'm  
16 concerned about.

17           So for the moment, I think those are the two major  
18 things.

19           BRENDAN SULLIVAN: Thank you for calling in.

20           DAVID FREED: Thank you for your feedback.

21           BRENDAN SULLIVAN: That's the end of anybody  
22 calling in. There is no correspondence. So I will close

1 the public comment back, give it back to you, David, for  
2 thoughts. I think you've heard the sentiment of the Board.

3 DAVID FREED: Yes.

4 BRENDAN SULLIVAN: You need for affirmative votes,  
5 and it doesn't appear that you're going to get one. And I  
6 think that the sense of the Board is that this is a -- way  
7 over the top, it's an overreach.

8 DAVID FREED: I know. I understand. So I think  
9 we would like to withdraw our application if we could and  
10 reconsider our work and what we would do and then go from  
11 there?

12 BRENDAN SULLIVAN: All right. Now, if you  
13 withdraw, it's with prejudice and --

14 DAVID FREED: Oh.

15 BRENDAN SULLIVAN: -- and you cannot come back for  
16 two years.

17 DAVID FREED: Oh, okay.

18 BRENDAN SULLIVAN: Just to explain, unless it is a  
19 substantially different application. Now, if you were to  
20 come back -- and it would appear that it may have to be  
21 substantially different.

22 If you do come back with another plan within that

1 two years, then it would have to go to the Planning Board  
2 first. The Planning Board would then review it, the new  
3 plan that you are submitting vis-à-vis the old plan that's  
4 before us tonight, they would then have to find that your  
5 new application is substantially different.

6 DAVID FREED: I see.

7 BRENDAN SULLIVAN: That then comes back to us on  
8 the hearing, and we then have to concur with the Planning  
9 Board that it is a substantially different plan, and then it  
10 can get marked up for a regular hearing.

11 So there is days, weeks, months -- you know,  
12 you're going to have to go back to the drawing board, time  
13 is going to fly by, and then there are bureaucratic hurdles  
14 that you have to cross.

15 The other option would be to continue this matter,  
16 it keeps it alive, and then we don't run afoul of the  
17 repetitive petition. You can -- and you're going to have to  
18 modify it, scale it back down, but at least it keeps you in  
19 the queue somewhere, and it keeps it on life support, if you  
20 will.

21 DAVID FREED: Yeah, I'm -- thank you, I think we  
22 would prefer to continue this.

1           BRENDAN SULLIVAN: All right. Because -- and  
2 then, again, maybe you can always withdraw it, if you decide  
3 that whatever. But at least it gives you the option of  
4 keeping this open.

5           So it's a wise decision, I think, to continue this  
6 matter, reflect on what you heard and possibly alternatives.

7           DAVID FREED: Yes.

8           BRENDAN SULLIVAN: How much time do you think you  
9 would need? This is the middle of July.

10          DAVID FREED: I think we would need until --

11          BRENDAN SULLIVAN: You went to September, the end  
12 of September or something like that?

13          DAVID FREED: I would say October.

14          BRENDAN SULLIVAN: October, that's fine.

15          DAVID FREED: Three months from now.

16          BRENDAN SULLIVAN: So I'm going to -- the Board  
17 members, this is a case heard. So there are two dates:  
18 October 6 and October 27, and Jim Monteverde are you  
19 available on either one of those dates?

20          JIM MONTEVERDE: I will be.

21          BRENDAN SULLIVAN: Jason, are you available on  
22 October 6, 27?

1           JASON MARSHALL: I am available on the twenty-  
2 seventh, not the sixth.

3           BRENDAN SULLIVAN: Okay. Wendy, are you available  
4 on the twenty-seventh?

5           WENDY LEISERSON: Yes, I am.

6           BRENDAN SULLIVAN: And Matina, are you available  
7 on the twenty-seventh.

8           MATINA WILLIAMS: Yes.

9           BRENDAN SULLIVAN: Okay. And Brendan Sullivan, I  
10 am available on the twenty-seventh. So David, it looks like  
11 October 27?

12          DAVID FREED: That's perfect. Thank you.

13          BRENDAN SULLIVAN: Okay. So I'm going to make a  
14 motion, then, to continue this matter until October 27, 2022  
15 at 6:00 p.m., on the condition that we change the posting  
16 sign to reflect the new date of October 27 and a time of  
17 6:00 p.m. That sign has to be maintained for at least 14  
18 days prior to October 27.

19          What that means: It can be taken down, but it  
20 should be put back up again October 10,11, 12 or something  
21 like that. Okay? So it can be taken down, but it has to be  
22 maintained 14 days prior to October 27.

1           That in the event there are any new submittals  
2 different from what is in the file now. Those new  
3 submittals with supporting statements, dimensional forms, be  
4 in the file by 5:00 p.m. on the Monday prior to October 27.  
5 That will give the Board members time to review any new  
6 submittals.

7           And if you have any questions, you can always --  
8 can ask Maria or something like that or whatever it may be  
9 or something like that.

10           So this matter, on the motion, then, to continue  
11 this matter to October 27 -- oh, and also that you sign -- I  
12 think you already have signed a waiver -- we have the waiver  
13 already in the file, okay.

14           On the motion, then, to continue this matter to  
15 October 27, 2002 at 6:00 p.m., Jim Monteverde?

16           JIM MONTEVERDE: I concur.

17           BRENDAN SULLIVAN: Jason Marshall?

18           BRENDAN SULLIVAN: Yes.

19           BRENDAN SULLIVAN: Wendy Leiserson?

20           WENDY LEISERSON: Yes.

21           BRENDAN SULLIVAN: Matina Williams?

22           MATINA WILLIAMS: Yes.

1 BRENDAN SULLIVAN: And Brendan Sullivan yes.

2 [All vote YES]

3 BRENDAN SULLIVAN: This matter is continued until  
4 October 27. Thank you, David. See you then.

5 DAVID FREED: Thank you very much for your time.

6 BRENDAN SULLIVAN: Yep.

7 DAVID FREED: Goodnight.

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2 (6:37 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
4 Monteverde, Matina Williams and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will hear Case No.  
7 174035 -- 25 Hillside Avenue, #2. Eric?

8 VIRGINIA SPANOUDAKI: Hi, hello, everyone.

9 BRENDAN SULLIVAN: Hi. If you could introduce  
10 yourself for the record.

11 VIRGINIA SPANOUDAKI: Yes. Hello. My name is  
12 Virginia Spanoudaki and together with my husband, Eric  
13 Verploegen, we are the owners of the rear unit, Unit #2, of  
14 25 Hillside Avenue in Cambridge, Massachusetts.

15 And today we are here to apply for a special  
16 permit to remove and replace our sunroom on the third floor  
17 with a slightly larger proper room, as well as replace the  
18 deck and the rails with new ones, given the deteriorated  
19 condition of the whole third floor that has resulted in  
20 multiple leaks, especially when there is heavy rain.

21 BRENDAN SULLIVAN: Okay. Just let me have Olivia  
22 pull up the -- okay?

1 VIRGINIA SPANOUDAKI: Yes, thank you.

2 BRENDAN SULLIVAN: -- walk us through the  
3 drawings, if you will?

4 VIRGINIA SPANOUDAKI: Yes. So this is a layout of  
5 the property. You see it from the top down, and on the left  
6 side you can see the sunroom as well that opens up to a  
7 deck. Now this sunroom is actually like a greenhouse, glass  
8 all over with the plastic roof that has a lot of holes in  
9 it.

10 It gets really, really hot in the summer.  
11 Actually, these days it's usually 50 or close to 60 degrees  
12 Celsius. And it opens up to a deck. The places where the  
13 sunroom is attached to the flat roof are failing, and that  
14 results in leaks in the floor underneath it, which is our  
15 bedroom.

16 Next slide, please?

17 This is what we're proposing -- again, the top-  
18 down view. We are proposing replacing this sunroom with a  
19 room with a lot of window area but the proper roof, and  
20 extend it all the way to the sides of the unit, so that the  
21 little areas of the deck on the east and the west side are  
22 replaced and are not there anymore.

1           Next slide, please?

2           These are some of the -- we call it elevations.  
3       Some of the drawings are from our architect, who couldn't  
4       join us today, unfortunately, due to a medical emergency.

5           The -- I would say I would jump to the next slide  
6       at this point.

7           This is just a dimensional plan. I don't know if  
8       there is a lot of value right now in discussing about the  
9       numbers, but overall the new sunroom will be approximately  
10      43 square feet larger than the existing one, and it's only  
11      going to be extended in the east and west side, not on the  
12      north.

13          These are the old elevations. I guess we can skip  
14      those -- exactly -- on the east, west and north. Again,  
15      this is a top-down view, and here we are basically -- this  
16      third floor was a non-conforming structure already in terms  
17      of the floor-to-area ratio.

18          And it was already approved through a variance  
19      back in 1999 from the previous owner, who was an architect  
20      who designed the whole area.

21          So what we are proposing will still be in  
22      violation of the floor-to-area ratio by a small, I don't

1 remember -- very tiny percentage point.

2 And the setbacks will remain on the north the same  
3 as they are right now, and on the east and west, they will  
4 conform with the setbacks on the rest of the property.

5 I guess we can jump on some of the -- I think what  
6 would be of value, obviously these are the new setbacks, but  
7 the -- you can -- we can -- you can see some pictures of the  
8 property, how it actually is. We -- my husband and I have  
9 covered it with plastic tarp to avoid -- to minimize the  
10 potential for leaks, which unfortunately happens.

11 This is a small sunroom. It has a lot of glass,  
12 so that's why it's getting very hot.

13 And out of respect of our neighbors, who would  
14 like to maintain the character of the neighborhood, of  
15 course, we tried to replace it with something that abides  
16 both with the traditional aspect of the neighborhood, but  
17 also with a more modern look. But we definitely want to  
18 maintain as much window area as possible.

19 BRENDAN SULLIVAN: Okay. All right.

20 VIRGINIA SPANOUDAKI: And these are views from our  
21 neighbors' yards, how they will see the property. I think  
22 -- yeah, the dimensional chart at the end of the

1 presentation shows the FAR, and we go basically from 0.62 to  
2 0.63, but it currently is -- and as I mentioned previously,  
3 the square footage is going to be enlarged by 43 square  
4 feet.

5 BRENDAN SULLIVAN: All right. Thank you.

6 VIRGINIA SPANOUDAKI: Thank you.

7 BRENDAN SULLIVAN: Very good, very concise. I'll  
8 open it up to questions from members of the Board. Jim  
9 Monteverde, any questions, or comments at this time?

10 JIM MONTEVERDE: No questions.

11 BRENDAN SULLIVAN: Jason Marshall?

12 JASON MARSHALL: No questions.

13 BRENDAN SULLIVAN: Wendy?

14 WENDY LEISERSON: No questions.

15 BRENDAN SULLIVAN: Matina?

16 MATINA WILLIAMS: No questions.

17 BRENDAN SULLIVAN: Okay. Brendan Sullivan, I have  
18 no questions, only my only comment would be that it's so  
19 very 70-ish, is it? Whatever. And I think what you're  
20 proposing is much needed.

21 Let me open it to public comment. Any members of  
22 the public who wish to speak should now click the button

1 that says, "Participants," and then click the button that  
2 says, "Raise hand."

3 If you are calling in by phone, you can raise your  
4 hand by pressing \*9 and unmute or mute by pressing \*6.

5 [Pause]

6 There appears to be nobody calling in. We are in  
7 receipt of correspondence from Mr. Edward Hoff.

8 "My name is Edward Hoff, and Kathleen -- my wife  
9 Kathleen O'Connell and I live at 17 Hillside. We are  
10 writing this e-mail in support of our neighbors, Eric and  
11 Virginia, owners of the rear unit of 25 Hillside.

12 "Eric and Virginia are planning to replace their  
13 currently deteriorating sunroom on the third floor of their  
14 property with a new one that is slightly enlarged towards  
15 the east and west sides of their property. In addition,  
16 they are planning to replace the failing rubber roof of the  
17 deck that the sunroom goes up to, as well as the degraded  
18 deck and railings.

19 "We fully support the proposed work, which will  
20 significantly improve living conditions in the unit while  
21 also preserving the neighborhood character. Thank you.

22 "Sincerely,

1 Edward Hoff and Kathleen O'Connell."

2 We are in support of correspondence from H-e-l-i  
3 Heli Meltsner.

4 "This is to express my support for the third-floor  
5 sunroom project. I'm a direct abutter and can easily see  
6 the location from our windows and backyard. I understand  
7 that the existing structure is in urgent need of replacement  
8 due to rot and leaking. I approve of the proposed  
9 dimensions and believe you will work towards an acceptable  
10 solution."

11 Correspondence from William and Barbara Graham:

12 "Writing to support our next-door neighbor Eric  
13 and Virginia, planning to replace their currently  
14 deteriorating sunroom. They notified us of their plans,  
15 provide a detailed written description as well as schematics  
16 of their proposed work, and invited us to discuss with them  
17 any concerns that you might have.

18 "We fully support the proposed work, which will  
19 significantly improve living conditions, as well as enhance  
20 the character of the home and that of the neighborhood as  
21 well."

22 Also correspondence from 25 Hillside:

1            "We are writing a letter in support of our  
2 neighbors, Eric and Virginia, owners of the rear unit. Eric  
3 and Virginia are planning to replace their current  
4 deteriorating sunroom.

5            "We fully support the proposed work, which will  
6 significantly improve living conditions in the unit while  
7 preserving the neighborhood character."

8            That seems to be the current theme, and a good  
9 theme at that. That is the sum and substance of  
10 correspondence from the neighbors.

11           We are in communication from Avon Hill  
12 Conservation District Commission:

13           "The Avon Hill Neighborhood Conservation District  
14 hereby certifies, pursuant to Title 2, Chapter 2.78 of the  
15 Code of the City of Cambridge and the City Council order  
16 establishing the Commission, that the alterations described  
17 below is not incongruous to the historic aspects or  
18 architectural character of the building or district:

19           "Replace the third-floor sunroom with a new room.  
20 Work is to be carried out as indicated on the drawings by  
21 Paul Pressman, Architect, titled, "25 Hillside Avenue,  
22 submitted November 2, 2021.

1           "The proposal was approved with the condition that  
2 the CHC staff can review and approve any revisions.

3           "Plans are incorporated into this certificate,  
4 which is binding on all the applicants, and improvements  
5 shall be carried out as described below.

6           "Date of Certificate: March 29, 2022."

7           And that's the sum and substance of any  
8 correspondence. Anything to add, or any final parting  
9 words? No, I think your presentation said it all. Okay.  
10 Let me close the presentation part, discuss among the Board.

11           Jim Monteverde, any questions? Ready for a vote?

12           JIM MONTEVERDE: Nope, I'm ready for a vote.

13 Thank you.

14           BRENDAN SULLIVAN: Jason?

15           JIM MONTEVERDE: Ready for a vote, Mr. Chair.

16           BRENDAN SULLIVAN: Okay. Wendy?

17           WENDY LEISERSON: Ready for a vote.

18           BRENDAN SULLIVAN: And Matina?

19           MATINA WILLIAMS: Ready for a vote.

20           BRENDAN SULLIVAN: I'm seeking relief from special  
21 permit under 8.22d, enlargement of a non-conforming  
22 structure. The Table of Dimensional Requirements, and I'm

1 seeking a special permit.

2 We make a motion, then, to grant the special  
3 permit as permitted as per the application, and the  
4 dimensional forms part of the application initialed by the  
5 Chair, on the condition that the work comply with the  
6 drawings as submitted and the dimensional form.

7 The Board finds that in all districts, the Board  
8 of Zoning Appeals may grant a special permit for the  
9 alteration or enlargement of a preexisting dimensionally  
10 non-conforming, detached single-family dwelling or two-  
11 family dwelling not otherwise permitted in Section 8.22.1  
12 above, but not the alteration or enlargement of a  
13 preexisting non-conforming use.

14 Provided that there is no change in use, and that  
15 any enlargement or alteration of such preexisting, non-  
16 conforming detached single-family dwelling or two-family  
17 dwelling may only increase a preexisting dimensional  
18 nonconformity but does not create a new dimensional  
19 nonconformity.

20 In order to grant the special permit, the Board of  
21 Zoning Appeal is required to find that the alteration or  
22 enlargement shall not be substantially more detrimental than

1 the existing non-conforming structure to the neighborhood,  
2 and the Board does find so; and that the alteration or  
3 enlargement satisfies the criteria in Section 10.43 of the  
4 Ordinance.

5 Under 10.43, the Board finds that it appears that  
6 the requirements of the Ordinance can be met.

7 The Board finds that traffic generated or patterns  
8 of access or egress resulting from what is being proposed  
9 would not cause congestion, hazard, or substantial change in  
10 established neighborhood character.

11 The Board finds that continued operation of or  
12 development of adjacent uses, as permitted in the Zoning  
13 Ordinance, would not be adversely affected by the nature of  
14 the proposed use.

15 The Board references the letters from abutters who  
16 so do attest to the fact that what is proposed is very much  
17 in keeping with the character of the house and of the  
18 neighborhood, and would have absolutely no effect on their  
19 property rights.

20 The Board finds that there would not be any  
21 nuisance or hazard created to the detriment of the health,  
22 safety and/or welfare of the occupants of the proposed use,

1 and in fact the Board finds that the proposal to create a  
2 new room in place of the existing deteriorating sunroom  
3 would have a benefit to the health and safety of the welfare  
4 -- and welfare of the occupants of the structure.

5 And the Board finds that the proposed use would  
6 not impair the integrity of the district or adjoining  
7 district, or otherwise derogate from the intent and purpose  
8 of the ordinance, to allow homeowners to alter and to make  
9 represent that are de minimis to improve their livability of  
10 their structure.

11 On the motion, then, to grant the special permit,  
12 Jim Monteverde?

13 JIM MONTEVERDE: I vote in favor of the special  
14 permit.

15 JASON MARSHALL: In favor.

16 BRENDAN SULLIVAN: Wendy Leiserson on the motion  
17 to grant?

18 WENDY LEISERSON: In favor.

19 BRENDAN SULLIVAN: Matina Williams?

20 MATINA WILLIAMS: In favor of the special permit.

21 BRENDAN SULLIVAN: And Brendan Sullivan yes.

22 [All vote YES]

1                   BRENDAN SULLIVAN: On the five affirmative votes,  
2 your special permit is granted. Good luck.

3                   ERIC and VIRGINIA: Thank you very much.

4                   BRENDAN SULLIVAN: You're welcome.

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2 (6:53 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
4 Monteverde, Matina Williams and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will now hear Case  
7 No. 173890 -- 4 Willard Street.

8 DUSTIN NOLIN: Yes, good evening. Dustin Nolin of  
9 DNA Architecture, to present for 4 Willard.

10 BRENDAN SULLIVAN: Okay. The floor is yours.

11 DUSTIN NOLIN: Great. Thank you very much.  
12 Appreciate your time this evening. So we are here to  
13 present for -- we are asking for the addition of a single-  
14 car garage that will be non-conforming in the front and side  
15 yard setback.

16 In this location, there is currently an existing  
17 carport that was actually in this exact location, slightly  
18 further towards the side -- right side lot line, maintaining  
19 the same front yard, though. So I can go ahead and run  
20 through that.

21 As far as for the rest for the project, there is  
22 no addition or change to the GFA for the property, and the

1 -- currently all the rear, what we'd be requiring is for the  
2 relief of the new structure for primarily, I guess, we're  
3 looking for because of the addition of the walls, even  
4 though the existing carport is non-conforming.

5           So on the front right-hand side of the property,  
6 you can see where the carport that is to be demolished.  
7 That is what we'll be removing, and the existing single-car  
8 garage would be going in that location.

9           The current driveway meets Zoning for what would  
10 be two compact spaces, but it does not meet Zoning for  
11 standard spaces. Currently, near the house it's about 16  
12 and a half feet wide. When you get up towards the front, it  
13 gets a little bit closer to 17. So there currently is enough  
14 room for two compact, but not standard spaces.

15           So if we can go to the second slide? That shows  
16 the footprint of the proposed garage.

17           As noted, we're maintaining the same front yard  
18 setback. We've pulled it off the right side about nine and  
19 a half inches. So the current carport sits almost directly  
20 on the lot line. It actually sits on a retaining wall on  
21 that side. And so, we would be pulling it off of there.

22           And then we can go to the next slide?

1           So this is just showing the second floor looking  
2 down. The carport's at the front light. You can go to the  
3 next slide.

4           So showing the roof of where that is. The new  
5 garage is located on the front right corner there.

6           And then we can go to the next slide.

7           This is just the existing third floor.

8           And the next slide is the proposed third floor.  
9 But none of that is pertaining to this application. So  
10 we've got the existing elevation.

11           On the bottom right, you can see the existing  
12 carport. It's not in character to the existing house  
13 whatsoever. It's a concrete structure on steel columns. It  
14 is actually in deterioration right now, and does need to be  
15 rectified one way or the other.

16           And so, as part of that, that's where this  
17 application is looking to remove that and address that with  
18 the new garage.

19           So you can go to the proposed condition on the  
20 next slide?

21           That is the proposed garage in that location. We  
22 do have Historic approval for this garage.

1           Next slide?

2           So there it is. You can see the -- right along  
3 the bottom left, that is the -- kind of that concrete slab's  
4 roof structure that is cutting across it directly below that  
5 window.

6           We can go to the next slide.

7           That same right-side elevation, but with the  
8 proposed garage. This is with the grade on that side where  
9 that retaining wall is elevated up, in comparison a little  
10 bit to the left.

11          So we can go to the next slide?

12          Viewing the existing condition from the rear, the  
13 garage, existing carport kind of poking out on the bottom  
14 left-hand corner.

15          You can go to the next slide?

16          You can go to the next slide?

17          The proposed from that same viewing point.

18          You can go to the next, which will be the left  
19 elevation. So the proposed left and on the bottom right you  
20 can see the garage just poking out a little bit in front of  
21 what is the -- kind of the front stoop there. So you've got  
22 now the proposed condition with the garage at that same

1 location.

2 Now, we get into some perspective. So if you go  
3 to the next slide?

4 Some -- proposed perspectives of the new garage.

5 Next slide?

6 Just a right-side perspective.

7 Next slide is the rear.

8 From the rear yard, it's not really visible, in  
9 perspective. And then we've got the -- from the left  
10 elevation perspective, you're seeing that kind of projecting  
11 out over on the front there on that back right corner.

12 Then just a front perspective kind of from the  
13 left-hand side of the house looking over.

14 Then we get into some of the existing photographs.  
15 There, you can see the existing carport there.

16 Next slide, then, from down the street the  
17 vegetation of this -- you know, covers up a lot of the  
18 structure.

19 And then just a closer view of that existing cart.

20 And then the next slide it's -- so here we are  
21 showing the plot plan with the proposed garage, and also the  
22 proposed versus existing dimensions from side yard located

1 on that with the existing carport being 0.4 feet off of the  
2 right side, both front and rear, the proposed going to 1.2  
3 feet off, and then the front maintaining the same 9.7, of  
4 which the current footprint of the existing carport is 366  
5 square feet, the proposed garage takes up 287 square feet.

6 So we can go to the next slide?

7 And so, this was the existing shown on that bottom  
8 right without the proposed condition. And then we get into  
9 the next slide being the Dimensional Table with the  
10 information there.

11 I think of note on this is that, as discussed,  
12 we've got for the front and side, we are not creating any  
13 larger nonconformity on those and the one thing of note is  
14 the two compact spaces, which it meets, but not standard  
15 spaces.

16 And with the garage, the garage would be a single  
17 car.

18 And I believe that should -- I believe that's the  
19 last slide.

20 BRENDAN SULLIVAN: Great. Thank you.

21 DUSTIN NOLIN: You're welcome.

22 BRENDAN SULLIVAN: Jim Monteverde, any questions?

1           JIM MONTEVERDE: No questions.

2           BRENDAN SULLIVAN: Jason?

3           JASON MARSHALL: Hi, Mr. Chair. Just it was --  
4 that was a really great presentation. Thank you for that.  
5 Just on the application form, one of the problems of  
6 hardship is, you know, sort of which magic words are we  
7 talking about there, is it soil, shape, topography? I think  
8 it was shape, but I just want to make sure that I --

9           DUSTIN NOLIN: Yeah, it is shape in that the  
10 existing house on the lot does not allow for parking to  
11 occur at any other location other than this one, so there's  
12 -- there would be no way for us to with the current  
13 structure being non-conforming create any conforming  
14 structure outside of -- you know, the -- so at that location  
15 that allows us -- that's the one spot that we are currently  
16 have the non-conforming.

17           So that's where the proposed is. Because we have  
18 no other way to access rear yard because of the tight side  
19 yard setbacks.

20           And then we are already encroached upon with both  
21 the house, because the house being I believe it's around  
22 14.7 feet off of the front. So we've got the non-conforming

1 front yard on the house, but also the carport.

2 DUSTIN NOLIN: All right. Thank you for that  
3 answer. I appreciate it. And just in looking at the  
4 photos, this definitely is a structure that is in desperate  
5 need of renovation. Thank you.

6 JASON MARSHALL: Yes. I would agree.

7 DUSTIN NOLIN: Thank you.

8 BRENDAN SULLIVAN: Matina, any questions at this  
9 time?

10 MATINA WILLIAMS: No questions.

11 BRENDAN SULLIVAN: Let me open it to public  
12 comment. Any member of the public who wishes to speak  
13 should now click the button that says, "Participants," and  
14 then click the button that says, "Raise hand."

15 If you are calling in by phone, you can raise your  
16 hand by pressing \*9 and unmute or mute by pressing \*6, and  
17 we will ask that you have up to three minutes in which to  
18 comment.

19 OLIVIA RATAY: Jerrold Grochow?

20 JERROLD GROCHOW: Thank you. I'm the owner with  
21 my wife of 7 Willard Street, directly across the street.  
22 The prior owners parked two regular-sized cars in their

1 carport because it would not be possible to park a car in  
2 front of the carport, without extending onto the sidewalk.

3 As I understand it, this house, which is quite  
4 large, is likely -- well, will have a garage if this is  
5 approved that only accommodates one car without the  
6 possibility of parking another car in front of it without  
7 hitting the sidewalk, which I think either means that owners  
8 who quite likely would have more than one car, given the  
9 size of the house, will have to find on-street parking or  
10 somewhere else.

11 Is there any way to move the garage back on the  
12 property, so that a car could be parked in front of it as  
13 well?

14 Thank you.

15 BRENDAN SULLIVAN: Okay. I'll have someone  
16 address that issue later. The sum and substance of anybody  
17 calling in, we are in receipt of correspondence from Jacob  
18 Farmer.

19 "I am writing this letter in support for 4 Willard  
20 Street, BZA No. 173890. I am the owner of 1 Foster Street,  
21 which is on the corner of Willard and about 200 feet from  
22 the property in question. My house address -- I have owned

1 my house for nearly 25 years and feel very invested in the  
2 character of the neighborhood.

3 "My wife and I have reviewed the plans and we feel  
4 that the plans as drawn would add character to the existing  
5 house and correct the eye sore of an existing carport. The  
6 existing carport lacks any architectural detailing.

7 "In our opinion, there would be no harm done to  
8 open space or overall aesthetics to allow the new plans to  
9 go forward.

10 "Sincerely,

11 Jacob Farmer."

12 There is correspondence from Madeline Jacquet, J-  
13 a-c-q-u-e-t, 8 Willard Street:

14 "I live next door to 4 Willard with a low stone  
15 wall separating my property from the carport that is  
16 currently under discussion for demolition in order to  
17 prepare for the construction and the new garage.

18 "I want to be sure that the walls separating my  
19 lilac U garden from the carport area will not be disturbed.  
20 My request is that attention be given to the adjacent  
21 property, 8 Willard Street, when this demolition and  
22 construction takes place."

1           So I think that those issues can -- are not a  
2 zoning issue, but it needs to be attended to.

3           There is also correspondence from the Cambridge  
4 Historical Commission:

5           "The Cambridge Historical Commission hereby  
6 certifies pursuant to all the acts and ordinances of the  
7 City, Chapter 2.78, that the work described below is not  
8 incongruous to the historic aspects or architectural  
9 character of the building or district.

10           "Construct a detached, single-car garage to  
11 replace the existing carport. Install a new door and a  
12 railing at the second floor porch on the south side of the  
13 property.

14           "Construct an earthen berm to replace the existing  
15 brick retaining wall around the front yard. Work is to be  
16 carried out as indicated in the plans by DNA Architecture,  
17 titled, '#4 Willard Street, Cambridge, Massachusetts, and  
18 dated May 2, 2022.'

19           "Approval was granted on the condition that  
20 construction details be reviewed and approved by Historical  
21 Commission staff, including the garage door, porch balusters  
22 and posts."

1           And the date of certificate is July 14, 2022.

2           There was also correspondence, Board of Zoning  
3 Appeal.

4           "Dear Board Members, I am writing in support of  
5 the request of 4 Willard Street, LLC for a variance to  
6 construct a single-car garage which would not meet required  
7 front or side yard setback.

8           "The Scudder house at 4 Willard Street is a  
9 significant Federal Revival-style house located in the Old  
10 Cambridge Historic District. The house was built in 1904 to  
11 designs by a Cuban architect named, Ernest M.A. Machado. It  
12 is one of only three buildings designed by this architect in  
13 Cambridge.

14           "The property owners applied to the Cambridge  
15 Historical in April for exterior restoration of the house,  
16 including removal of a nonoriginal carport on the south side  
17 of the property.

18           "This application was approved with a Certificate  
19 of Appropriateness. The applicant returned to the  
20 Commission on May 5 with a design for a single-car garage,  
21 which would replace the inappropriate 1950s carport, but  
22 would be detached from the main house. This application was

1 approved with a Certificate of Appropriateness.

2 "This is a sensitively designed accessory building  
3 that is not any larger than is necessary, and employs  
4 materials and architectural details that are compatible with  
5 the house and the Historic District. The final selection of  
6 a garage door was deleted to -- was delegated, sorry -- to  
7 the Historic Commission staff.

8 "Sincerely,

9 Sarah Burks, Preservation Planner."

10 Sum and substance of any correspondence. I will  
11 close the public comment part. Now, if you could respond to  
12 the gentleman's question about accommodating two vehicles, I  
13 guess, at that locus on the site instead of the one.

14 DUSTIN NOLIN: Yes, sure. So with the garage, as  
15 far as for any other location, there is not any other  
16 location that we'd be able to move it to or push it back  
17 further.

18 And, you know, the -- the way that it -- and it  
19 lines up over on that area, the only way that you'd be able  
20 to fit two cars is side by side. But I think of note is  
21 that even the current conditions only need two cars for  
22 actual compact cars.

1 I understand that the neighbor says that they  
2 parked -- you know, full-sized vehicles, but as far as for,  
3 I'm just looking at -- you know, that is something that I --  
4 I don't doubt that if they did, I'm not going to dispute  
5 that.

6 But all that I'm going to point to is the fact  
7 that the zoning, it only meets the definition for two  
8 parking spaces if they are compact spaces, not two standard  
9 spaces.

10 So I do think that even though it would be  
11 challenging to fit two even side by side in there currently,  
12 as it is you would not be able to fit two cars front to back  
13 with or without the garage without encroaching on that side.

14 BRENDAN SULLIVAN: Okay. Is there anything else  
15 that you would like to add before I turn it back to the  
16 Board for discussion and vote?

17 DUSTIN NOLIN: Not at this time.

18 BRENDAN SULLIVAN: No?

19 DUSTIN NOLIN: Thank you, Mr. Chair.

20 BRENDAN SULLIVAN: Okay. All right. Then I will  
21 close the presentation aspect.

22 Jim Monteverde, your thoughts or are you ready for

1 a vote, or?

2 JIM MONTEVERDE: Ready for a vote.

3 BRENDAN SULLIVAN: Jason Marshall?

4 JASON MARSHALL: Ready for a vote.

5 BRENDAN SULLIVAN: Wendy?

6 WENDY LEISERSON: Ready for a vote.

7 BRENDAN SULLIVAN: Matina Williams?

8 MATINA WILLIAMS: Ready for a vote.

9 BRENDAN SULLIVAN: All right. Let me make a  
10 motion, then, to grant the relief requested, as per the  
11 application, the supporting statements and the drawings on  
12 the dimensional form, on the condition that the work comply  
13 with the drawings submitted.

14 And a special note to the correspondence from the  
15 Cambridge Historic Commission, having some review  
16 jurisdiction over certain aspects of the final design, which  
17 is not a Zoning issue, but sensitive to it, and also  
18 sensitive to the request by the abutting neighbor regarding  
19 the stone wall and garden area that it be carefully  
20 maintained and no damage.

21 The Board finds that a literal enforcement of the  
22 provisions of the ordinance would involve a substantial

1 hardship to the petitioner.

2           The Board finds that the existing house and the  
3 current carport violates the front and side yard setback and  
4 cannot be reasonably altered to comply with Zoning  
5 Regulations.

6           This would require demolition of a significant  
7 portion of the existing structure, which the Board finds  
8 would be onerous and a severe hardship to the homeowner, and  
9 also would, I think, injure the characteristics of the  
10 house, and contrary to what -- and it would be contrary to  
11 the character of the house.

12           The Board finds that the hardship is owing to the  
13 size of the lot, the size of the house that's located on it,  
14 the positioning of the house, which precludes, let me see --  
15 the moving of the house or the relocating of any other spot  
16 for a carport, garage.

17           The Board notes that the proposal before us  
18 reduces the footprint than the existing carport. So it's  
19 more in keeping with the spirit of having some buffer area  
20 from the structure and the adjoining lot lines.

21           The Board finds that desirable relief may be  
22 granted without substantial detriment to the public good.

1 It allows for the petitioner to construct a very  
2 architecturally sensitive structure, and it should provide a  
3 parking space which reduces the need for on street parking.

4 The Board finds that desirable relief may be  
5 granted without substantial detriment to the public good or  
6 nullifying or substantially derogating from the intent and  
7 purpose of the ordinance, which allows the homeowner to  
8 alter certain aspects of their house to the betterment, make  
9 the house more livable.

10 And also, in this particular aspect to eliminate  
11 an eyesore and something that is totally incongruous to the  
12 character of a very lovely historic home, and to allow him  
13 to create or build a structure which is far more  
14 historically accurate to the existing structure.

15 On the motion, then, to grant the variance, Jim  
16 Monteverde?

17 JIM MONTEVERDE: In favor of the variance.

18 BRENDAN SULLIVAN: Jason Marshall?

19 JASON MARSHALL: In favor of the variance. And  
20 Mr. Chair, I just reference the confirmation from the  
21 applicant earlier that the hardship is in part related to  
22 the shape of the lot.

1           BRENDAN SULLIVAN: Great. Thank you. And that  
2 should be incorporated into the decision by reference.

3 Thank you, Jason.

4           Wendy Leiserson?

5           WENDY LEISERSON: In favor.

6           BRENDAN SULLIVAN: Matina Williams?

7           MATINA WILLIAMS: In favor.

8           BRENDAN SULLIVAN: Brendan Sullivan in favor.

9           [All vote YES]

10          BRENDAN SULLIVAN: Five affirmative votes, the  
11 variance is granted.

12          DUSTIN NOLIN: Thank you very much. Appreciate  
13 your time. Have a good evening.

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2 (7:14 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
4 Monteverde, Matina Williams and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will now hear Case  
7 177413 -- 18 Myrtle Avenue. Jeremy, you're on.

8 JEREMY FLOWER: Hi. How are you. Thank you for  
9 your time. I am here as the homeowner of 18 Myrtle Avenue.  
10 And we are trying to reside our house and rebuild the  
11 porches, the entryways to our house because they are kind of  
12 falling apart. And I believe we have some pictures in the  
13 presentation.

14 Right. So here is the plot plan with the existing  
15 structure. The two areas that are under examination are the  
16 front stairs and the rear stairs. Those are the only things  
17 that we're changing that need Zoning approval.

18 And the existing steps on the front of the house  
19 are right on the front on the lot line, because they go  
20 right to the sidewalk.

21 And then in the rear of the house, they are very  
22 close to the rear property line as well. They're nowhere

1 near the -- it's a non-conforming structure in that regard.

2 So if we go to the second slide, you can see what  
3 we're trying to do is rebuild those landing -- the rear  
4 landing, and change the stairs so they kind of wrap around  
5 the side and lead into our patio area. And then rebuilding  
6 the front steps as well.

7 So if you go to the third slide, these are  
8 pictures of our neighbors -- homes in our neighborhood. 19  
9 Myrtle is a different style home, but has wider stairs than  
10 ours eight-foot-eleven.

11 Oh, sorry, I should have mentioned that with the  
12 front stairs, we need to have Zoning approval, because we  
13 would like to widen our stairs. We basically are trying to  
14 make them eight feet wide.

15 If you look at 14-16 Myrtle, these next three  
16 homes are exactly the same floor plan, built by the same  
17 home builder in the late 1800s. And all of the stairs are  
18 roughly eight feet wide. They go from one post to the other  
19 post to the porch, which is exactly what we're trying to do  
20 on the front of our house.

21 If you go to the next slide, you'll see the  
22 existing conditions of our house. At some point in the

1 past, homeowners made our stairs in our house much narrower.

2 But if you look at the picture on the right, you  
3 can see that there is a cement stair that is seven-foot-ten  
4 wide. So -- and we got a -- while we were looking with  
5 Historic, we found that there was an image from the sixties  
6 that showed that in fact our stairs were that width at one  
7 point.

8 If you go to the next slide, you can see this is a  
9 rendering that I made of what we'd like them to look like,  
10 which is essentially what the other staircases in our  
11 neighborhood look like.

12 If you scroll down, you can see that picture from  
13 Historic that I was talking about. Front stairs were in  
14 fact from the one post to the other. And so, going to the  
15 interim, they lopped off a third of the porch. But we're  
16 not going to be changing that.

17 If you go to Slide 6, we'll start to look at the  
18 back of the building.

19 On the left is existing. Those two concrete  
20 stairs are roughly five feet from our property line. And if  
21 you can see the relationship between the corner post and in  
22 the existing and the corner post in the rendering, you can

1 see there are stairs that are actually going to be further  
2 from the line than they are.

3 We only want a landing to satisfy code and safety  
4 requirements there. And then we'll have our stairs go from  
5 there.

6 So what we're looking for here is relief in order  
7 to build the stairs kind of wrapping around the corner into  
8 our patio area.

9 This next slide is I think just more of the same.  
10 I think I may have -- I think I can state my point. I'm not  
11 sure if you have any questions for me.

12 BRENDAN SULLIVAN: No. I guess my only comment  
13 would be that hopefully we can get approval, we can pass  
14 this off to the Building Inspector to issue a permit.

15 But I probably would have liked to see some -- I  
16 guess maybe we can decipher some of the dimensions --  
17 obviously, you know, Zoning stuff is really numbers.

18 And the pictures are wonderful. It shows a photo  
19 sim of what you want to do, but hopefully other Board  
20 members are okay with sort of the lack of -- you know,  
21 defined numbers giving parameters to what you're doing and  
22 stuff like that.

1           But anyhow --

2           JEREMY FLOWER: I believe I do have numbers of  
3 existing conditions and what we would like to do. I -- are  
4 you still looking at the front or the rear? So if you go  
5 -- let's, go to Slide 6 or 7 maybe? Sorry, 7. So our --  
6 no, sorry. It might be the next one. I apologize. And  
7 that one right there it's, the existing stairs are five feet  
8 wide. And we are proposing eight feet wide.

9           BRENDAN SULLIVAN: All right. All right. It's  
10 just -- it's -- if it was a little bit more explicit on the  
11 drawings, rather than hunting for this stuff. Whatever.  
12 But anyhow, that's okay.

13           Jim Monteverde, any questions?

14 JIM MONTEVERDE: No questions.

15           BRENDAN SULLIVAN: Jason, any questions or  
16 comments?

17           JASON MARSHALL: No questions, Mr. Chair. I'll  
18 defer in terms of the dimensional information to my more  
19 architecturally knowledgeable colleagues.

20           BRENDAN SULLIVAN: Okay. Wendy Leiserson, any  
21 questions, or comments?

22           WENDY LEISERSON: No, I'll just repeat what Jason

1 said about the dimensions.

2 BRENDAN SULLIVAN: Matina, any questions, or  
3 comments?

4 MATINA WILLIAMS: No questions at this time.

5 BRENDAN SULLIVAN: I have none at this point,  
6 either, if I can get this out. Let me open it to public  
7 comment. Any member of the public who wishes to speak  
8 should now click the button that says, "Participants," and  
9 then click the button that says, "Raise hand."

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

12 [Pause]

13 There's nobody calling in. We are in receipt of  
14 communication.

15 "This is a petition showing support for Jeremy and  
16 Lisa Flower at 18 Myrtle Avenue for their hearing before the  
17 BZA.

18 "We have reviewed the changes to their front and  
19 rear stairs being proposed to the Zoning Board, and have no  
20 objections to these plans."

21 It is signed by residents: 10 Myrtle, 17 Myrtle,  
22 14, 19, 24, 23, 28, 30, 27, 19-21 Line Street, 23-25 Line

1 Street, 27 Line, and 29 Line Street.

2 And that is the sum and substance of  
3 correspondence. I will close that portion. Anything else  
4 to add at all to the presentation?

5 JEREMY FLOWER: No.

6 BRENDAN SULLIVAN: No? Okay. And we'll close  
7 that portion of it, discuss it. Are we ready for a motion,  
8 then, Board members?

9 JIM MONTEVERDE: Mr. Chair, I have just one  
10 question, please?

11 BRENDAN SULLIVAN: Yep.

12 JIM MONTEVERDE: So in the file is a letter from  
13 the Mid Cambridge Neighborhood Conservation District  
14 Commission.

15 BRENDAN SULLIVAN: Oh, did I miss that?

16 JIM MONTEVERDE: Yeah, I don't know. Well, I  
17 didn't hear about it. But in the one comment they make is  
18 -- let me see.

19 "The overall proposal was considered appropriate,  
20 but the proposal to remove all the layers of the existing  
21 siding and trim and replace with cement fiber siding and PVC  
22 trim was found to be inappropriate to the historic character

1 of the Queen Anne style house construction of 1893. The  
2 Commission recommends using wood collaborate wood clapboard  
3 siding on the front elevation if possible."

4 Is that part of your consideration?

5 JEREMY FLOWER: Yes. I mean, we were -- obviously  
6 we received that letter from them. We were under the  
7 consideration that it was a non-binding resolution. Not to  
8 say that we're not -- we would love to do it, just  
9 financially a significant increase in money.

10 BRENDAN SULLIVAN: Jim, I don't even see that  
11 letter here in the file.

12 JIM MONTEVERDE: I'm in that. I'm looking online,  
13 and I'm in -- I don't know what sheet I'm on -- sheet 18 of  
14 21. It's dated May 10, 2022.

15 BRENDAN SULLIVAN: I think your attempt is to make  
16 this maintenance-free. Is that --

17 JEREMY FLOWER: Yes, I mean we would -- we  
18 initially were planning on signing the home in Cedar,  
19 because we prefer the look of it, and we would love to have  
20 our houses with cedar signing. But with the recent increase  
21 in material costs, it just has become untenable for us.

22 We just don't think that it's worth having the

1 luxury of cedar siding when an alternative exists that  
2 checks a lot of other boxes as well.

3 JIM MONTEVERDE: Right. So you'd be using cement  
4 fiber --

5 JEREMY FLOWER: Correct.

6 JIM MONTEVERDE: -- siding, clapboard, if you  
7 will.

8 JEREMY FLOWER: Yep.

9 JIM MONTEVERDE: It has the same look, dimensions  
10 of what it would be in wood.

11 JEREMY FLOWER: A lot of people would say it's not  
12 the same look, but I mean, I think it's close enough, given  
13 what the house looks like right now. I mean --

14 JIM MONTEVERDE: Yeah.

15 JEREMY FLOWER: -- you know, it has two different  
16 colors and styles of vinyl siding on it. Everything's  
17 falling apart. We'd love to make it look a lot better.

18 JIM MONTEVERDE: Okay. Thank you.

19 JEREMY FLOWER: Thank you.

20 BRENDAN SULLIVAN: As a comment on the side, I am  
21 one of the last wood purists in the world. And I have now  
22 gone to PVC trim everywhere.

1           Because wood does not stand up anymore. Paint  
2 doesn't provide any protection anymore, and so the fiber --  
3 what's out there painted and everything like that can look  
4 like clapboards.

5           The spacing on it may be a little bit different,  
6 so you're not going to get the exact 4, 4.25 to the spacing  
7 than you would from the cement fiber, but you can get it  
8 pretty close. When it's all painted up, it'll last forever,  
9 and will have generally the same look, anyhow. I think the  
10 PVC trim is a -- in today's climate is a no-brainer anyhow.  
11 So --

12           JEREMY FLOWER: I'd like to think so.

13           BRENDAN SULLIVAN: Okay. So are we ready for a  
14 motion, then? Anybody else have any other questions or are  
15 we ready for a motion?

16           WENDY LEISERSON: Ready.

17           JIM MONTEVERDE: Ready.

18           BRENDAN SULLIVAN: Seeking a special permit under  
19 Section 8.22d, the Board finds: in all districts, the Board  
20 may grant a special permit for the alteration or enlargement  
21 of a preexisting dimensionally non-conforming, detached  
22 single-family dwelling or two-family dwelling not otherwise

1 permitted in Section 8.22.1, but not the alteration or  
2 enlargement of a preexisting non-conforming use.

3           Provided that there is no change in use, and that  
4 any enlargement or alteration of such preexisting, non-  
5 conforming detached single-family dwelling or two-family  
6 dwelling may only increase a preexisting dimensional  
7 nonconformity but does not create a new dimensional  
8 nonconformity.

9           In order to grant the special permit, the Board of  
10 Zoning Appeal is required to find, and does make the  
11 finding, that the alteration or enlargement shall not be  
12 substantially more detrimental than the existing non-  
13 conforming structure to the neighborhood, and that the  
14 alteration or enlargement satisfies the criteria in 10.43.

15           Under 10.43, it appears that the requirements of  
16 the Ordinance can be met. Traffic generated or patterns of  
17 access or egress would not cause congestion, hazard, or  
18 substantial change in the established neighborhood  
19 character.

20           Continued operation of or development of adjacent  
21 uses, as permitted in the Zoning Ordinance, would not be  
22 adversely affected by the nature of the proposed use, and

1 there would not be any nuisance or hazard created to the  
2 detriment of the health, safety and/or welfare of the  
3 occupant of the proposed use, or to the citizens of the  
4 city.

5 The Board finds that the work that is proposed  
6 actually will enhance the entry and egress from the  
7 structure, which will make it far more safety-oriented, and  
8 also offer some better protection.

9 The Board finds that the proposed use would not  
10 impair the integrity of the district or otherwise -- the  
11 adjoining district, or otherwise derogate from the intent  
12 and purpose of the ordinance to allow homeowners to alter  
13 structures to improve the livability and the modernization  
14 of their home.

15 The Board also notes letters of support from  
16 abutters.

17 On the motion, then, to grant the special permit,  
18 Jim Monteverde?

19 JIM MONTEVERDE: In favor of the special permit.

20 BRENDAN SULLIVAN: Jason Marshall?

21 JASON MARSHALL: In favor.

22 BRENDAN SULLIVAN: Wendy Leiserson?

1 WENDY LEISERSON: In favor.

2 BRENDAN SULLIVAN: Matina Williams?

3 MATINA WILLIAMS: In favor of the special permit.

4 BRENDAN SULLIVAN: And Brendan Sullivan yes.

5 [All vote YES]

6 BRENDAN SULLIVAN: On the five affirmative votes,  
7 special permit is granted. Good luck.

8 JEREMY FLOWER: Thank you so much.

9 BRENDAN SULLIVAN: Can I ask, what is all that  
10 stuff behind you?

11 JEREMY FLOWER: Oh, I'm a musician. This is all  
12 my equipment to make electronic music.

13 BRENDAN SULLIVAN: Wow. Very impressive. Okay.  
14 Good luck.

15 JEREMY FLOWER: Sorry. Thanks, bye.

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2 (7:29 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
4 Monteverde, Matina Williams and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will hear Case No.  
7 177687 -- 40 Valentine Street.

8 SHILEI ZHOU: Yep?

9 BRENDAN SULLIVAN: Yep, you're on. If you could  
10 introduce yourself for the record, and your address?

11 SHILEI ZHOU: Thanks, Mr. Chair. So my name is  
12 Shilei Zhou, and with my architect, Cynthia Chen; I'm the  
13 owner of 40 Valentine Street.

14 Today in front of the Board I'm seeking both  
15 special permit and variances for the scope of the proposed  
16 work.

17 So for the variances, and for the variance, we  
18 propose a third-floor addition by raising the rear roof to  
19 match the existing front roof, and therefore is waiving the  
20 setback. And I also increased FAR. So that's the reason we  
21 are seeking the variance.

22 And for the special permits, we want to change and

1 add new windows, changing the window configurations. That  
2 is the special permit.

3 BRENDAN SULLIVAN: So let me just -- shall I --  
4 let me just, there is correspondence in the file.

5 SHILEI ZHOU: Yes, Mr. Chair.

6 BRENDAN SULLIVAN: And from some abutters on Pearl  
7 Street, and I'm just wondering -- this is just sort of some  
8 just came in -- well, there's one correspondence from  
9 Richard Reine, R-e-i-n-e.

10 "We recently received notice of a Zoning Board of  
11 Appeal application, which seeks both a variance and special  
12 permit for this non-conforming structure. I am aware that  
13 several other abutters have concerns similar to ours.

14 "Unfortunately, due to a prior commitment, we are  
15 unable to attend the meeting of July 14, and would like to  
16 take the opportunity to provide written comments  
17 highlighting several points for the Board's consideration."

18 I have not had a chance to read this, because it  
19 just came in after I reviewed all the cases.

20 JASON MARSHALL: Mr. Chair, I have the same  
21 experience. I'm not aware of that correspondence. I  
22 reviewed the cases earlier today; I didn't see it.

1           WENDY LEISERSON: Mr. Chair, it's Wendy Leiserson.  
2 I'm in the same boat.

3           BRENDAN SULLIVAN: Yeah --

4           JIM MONTEVERDE: Yeah, it's not on the electronic  
5 file.

6           BRENDAN SULLIVAN: It goes on to state,  
7           "Furthermore, after multiple reviews of the  
8 application package, we are unable to ascertain how the  
9 applicant intends on increasing the rear setback from the  
10 10.8 feet, as indicated on the plot plan to the 20-foot rear  
11 setback -- requested rear setback, as listed.

12           "We respectfully request clarification from the  
13 Board or applicant on this item."

14           I think there is -- well, there's two ways we  
15 could go. We can --

16           SHILEI ZHOU: Yep.

17           BRENDAN SULLIVAN: -- we can continue with the  
18 case, continue this evening with your presentation and be a  
19 case heard. If it gets continued, it may have to get  
20 continued -- you have to assemble the same five members of  
21 the Board, depending upon our availability.

22           So it may very well be into September by the time

1 we could reconvene on this particular case.

2 Or, we could continue this matter to another date.

3 You could have correspondence with some of the people who

4 have raised some issues here, and come back to us and

5 address those issues, those concerns. And then we could

6 hear the case then, which may be sooner than if we have to

7 reassemble the same five members of the Board.

8 SHILEI ZHOU: When is, like, the earliest

9 availability for the -- the hearing thing?

10 BRENDAN SULLIVAN: August 18.

11 SHILEI ZHOU: Next month?

12 BRENDAN SULLIVAN: One month.

13 SHILEI ZHOU: Yeah. I'm not sure, is my

14 architect, Cynthia on the line, so I'm not sure. So August

15 will be -- I think August will be, like, a better idea to

16 give us more time to review the other communication, sent

17 before -- yes.

18 BRENDAN SULLIVAN: Yeah, I think it's --

19 SHILEI ZHOU: -- as long as it's --

20 BRENDAN SULLIVAN: -- it's a wise decision. You

21 know, and then -- and then you can address those. Because

22 otherwise we're going to spend an hour here tonight and then

1 continue it, you know? Because these people have no chance  
2 to rebut what is being said. So I want to give --

3 SHILEI ZHOU: Right, right, understood.

4 BRENDAN SULLIVAN: -- yeah. You know, fair --  
5 give them the courtesy to be involved in this so.

6 Do the members of the Board concur with that  
7 conclusion to continue this matter?

8 JIM MONTEVERDE: I do agree. I do, Mr. Chair.

9 WENDY LEISERSON: Yes.

10 SHILEI ZHOU: Yes.

11 JIM MONTEVERDE: So let me make a motion, then, to  
12 continue this matter until August? August 18 at 6:00 p.m.  
13 on the condition that you will sign a waiver to the  
14 statutory requirement for a hearing to be heard and a  
15 decision to be rendered. You can get the form from Maria.  
16 She can e-mail it to you, you sign it and send it back to  
17 her.

18 The form must be returned to us by 5:00 p.m. a  
19 week from Monday. Okay? So I'm giving you seven, eight,  
20 nine, 10 days -- 12, 11 days or something like that. Please  
21 return it.

22 That any new submittals to the plans that are

1 different than the plans that are in the file now,  
2 supporting statements or dimensional form, that they be in  
3 the file resubmitted by 5:00 p.m. on the Monday prior to  
4 August 18.

5 That you change the posting sign to reflect the  
6 new date of August 18, and the new time of 6:00 p.m.

7 So if you could sign the waiver form -- get that  
8 from Maria, get that back to us -- change the posting sign  
9 to August 18 and the time of 6:00 p.m. and any new  
10 submittals different than what's in the file be submitted by  
11 5:00 p.m. on the Monday prior to August 18.

12 On the motion, then, to continue this matter, Jim  
13 Monteverde?

14 JIM MONTEVERDE: Jim Monteverde, in favor of the  
15 continuance.

16 BRENDAN SULLIVAN: Jason Marshall?

17 JASON MARSHALL: Yes in favor of the  
18 continuance.

19 BRENDAN SULLIVAN: Wendy Leiserson?

20 WENDY LEISERSON: Yes, in favor of the  
21 continuance.

22 BRENDAN SULLIVAN: Matina Williams?

1                   MATINA WILLIAMS: Yes, in favor of the  
2 continuance.

3                   BRENDAN SULLIVAN: Yes.

4                   [All vote YES]

5                   BRENDAN SULLIVAN: This matter is continued until  
6 August 18. Thank you, sir.

7                   SHILEI ZHOU: Thank you.

8                   BRENDAN SULLIVAN: We'll see you then.

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2 (7:37 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
4 Monteverde, Matina Williams and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will hear Case No.  
7 170416 -- 107 Rindge Avenue. Okay, you're on. If you  
8 introduce yourself for the record, your address for the  
9 record, please.

10 KENNETH WALTON AND RACHEL GRASHOW: Hello. This  
11 is Kenneth Walton and Rachel Grashow. We're the owners of  
12 107 Rindge Avenue. We are looking to get the -- our current  
13 front steps replaced with a porch. That will be in the same  
14 style as our next-door neighbors at 113 Rindge Avenue. And  
15 I believe we need a variance due to the setback  
16 requirements.

17 RACHEL GRASHOW: We are new to this process, so we  
18 just put together a presentation and e-mailed it to Maria.  
19 So it may be too late. We do have some photos of our home  
20 and the home next door, Phil's home, that has a very similar  
21 porch. We wanted to do a similar style.

22 And I believe Phil Roberts submitted a note on our

1 behalf supporting the addition of the porch.

2 BRENDAN SULLIVAN: Okay. Olivia, if you could  
3 pull up --

4 OLIVIA RATAY: Oh, that looks great.

5 BRENDAN SULLIVAN: You can just sort of walk us  
6 through it a little bit.

7 KENNETH WALTON: So the current state is brick  
8 steps in front of the house that are kind of crumbling,  
9 which led to this.

10 And so, our plan is to remove those front steps  
11 and create a front porch that's essentially the same  
12 distance from the house as those front steps, but spanning  
13 the width of the house, which will be in a similar style to  
14 the house next door to us.

15 RACHEL GRASHOW: Yeah. I don't know if there's  
16 more information. We're just -- we love the community, we  
17 have great relationships with our neighbors, we love the  
18 chance to be outside of it more. And yeah, I don't know if  
19 there's any other information that we can provide that would  
20 help us explain the situation.

21 KENNETH WALTON: And if you look at Slide 7, I  
22 believe it has a picture of our house to -- you kind of

1 can't see our house, but our house on the right and the  
2 porch on the left of our next-door neighbors.

3 RACHEL GRASHOW: And that actually -- it says 109.  
4 It actually should be 113. That's Bill's home. And that's  
5 the plan for the porch. It's basically modeled off of our  
6 neighbor's porch.

7 KENNETH WALTON: Right. Our understanding was  
8 that originally the house had a porch of a similar style  
9 that at some point was removed and converted just to the  
10 brick steps that are currently there. And those are now --

11 RACHEL GRASHOW: In bad shape.

12 KENNETH WALTON: -- in very poor shape. And so,  
13 we'd like to return it to the original state.

14 BRENDAN SULLIVAN: Okay. Jim, any questions?

15 JIM MONTEVERDE: No questions. Thank you.

16 BRENDAN SULLIVAN: Jason, any questions?

17 JASON MARSHALL: Thanks, Mr. Chair. Hi, folks.  
18 Like the drawings, they're great. Just want to confirm,  
19 this is an application for a special permit, as I understand  
20 it. Is that --

21 BRENDAN SULLIVAN: That's correct, yeah.

22 JASON MARSHALL: Right?

1           BRENDAN SULLIVAN: It's not a variance. There's  
2 no new nonconformities.

3           JASON MARSHALL: All right. Just there was --  
4 there was -- I did have a question. I was just looking at  
5 the dimensional form. It looks like it's saying are there  
6 currently two parking spaces and you're going to zero?

7           KENNETH WALTON: No.

8           RACHEL GRASHOW: Oh, no.

9           KENNETH WALTON: No.

10          JASON MARSHALL: Okay.

11          KENNETH WALTON: I'm not sure what happened with  
12 that. There are two parking spaces where that's around the  
13 other side of the house, and that will remain completely  
14 unchanged.

15          JASON MARSHALL: Okay. Alright. That's -- I  
16 thought that was -- like I said, I just wanted to clarify  
17 that.

18          RACHEL GRASHOW: No, thanks for clarifying.

19          JASON MARSHALL: Thank you. Yeah.

20          RACHEL GRASHOW: That all stays the same.

21          JASON MARSHALL: All right. Thank you very much.

22          BRENDAN SULLIVAN: Wendy, any questions?

1           WENDY LEISERSON:  None that haven't been asked.

2           Thank you.

3           BRENDAN SULLIVAN:  All right, Matina?

4           MATINA WILLIAMS:  No questions.

5           BRENDAN SULLIVAN:  All right.  I have no questions  
6 either.  Let me open it to public comment.  Any member of  
7 the public who wishes to speak should now click the button  
8 that says, "Participants," and then click the button that  
9 says, "Raise hand."

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

12           [Pause]

13           There appears to be nobody calling in.  We are in  
14 receipt of correspondence from William Robert.

15           "I live at 113 Rindge Avenue, next to 107 Rindge  
16 Avenue.  I understand Rachel and Ken have requested a  
17 variance to add a porch to 107.  I am writing to  
18 enthusiastically support this effort, and request that you  
19 issue a variance without delay.

20           "The work Rachel and Ken are doing will improve  
21 the house and improve the community.  I don't know for  
22 certain if that particular house was built with a porch, but

1 my house was built with the same floor plan and has always  
2 had one.

3 "Having a porch improves the aesthetics of the  
4 house, but it will also add practical value. It makes it  
5 easier to enter and exit in cold or rainy weather, and  
6 provides a place to sit or engage with the community.

7 "I look forward to seeing Rachel and Ken's project  
8 completed, and hope the Board of Zoning Appeal feels the  
9 same way. Feel free to contact me if you have any  
10 questions."

11 "Phil Robert

12 113 Rindge Avenue"

13 Sum and substance of any correspondence. And I  
14 will close the public comment part. Anything else to add?

15 RACHEL GRASHOW: Thank you.

16 KENNETH WALTON: Thank you.

17 RACHEL GRASHOW: Thanks for what you do. We  
18 appreciate it.

19 BRENDAN SULLIVAN: That's right. It probably was  
20 built with some kind of porch or covering, fell into  
21 disrepair and called the carpenter or contractor and gave a  
22 ridiculous price. They said take it down and never put it

1 back up. And here you are undoing that.

2 It needs something. So are we ready for a motion  
3 from the Board?

4 JIM MONTEVERDE: Ready.

5 BRENDAN SULLIVAN: Let me make a motion, then, to  
6 grant a special permit under 8.222d. There is no new  
7 conformity being created here.

8 In all districts, the Board of Zoning Appeal may  
9 grant a special permit for the alteration or enlargement of  
10 a preexisting dimensionally non-conforming, detached single-  
11 family dwelling or two-family dwelling not otherwise  
12 permitted in Section 8.22.1, but not the alteration or  
13 enlargement of a preexisting non-conforming use.

14 Provided that there is no change in use, and that  
15 any enlargement or alteration of such preexisting, non-  
16 conforming detached single-family dwelling or two-family  
17 dwelling may only increase a preexisting dimensional  
18 nonconformity but does not create a new dimensional  
19 nonconformity.

20 In order to grant the special permit, the Board of  
21 Zoning Appeal is required to find that the alteration or  
22 enlargement shall not be substantially more detrimental, and

1 does make such finding, than the existing non-conforming  
2 structure to the neighborhood, and that the alteration or  
3 enlargement satisfies the criteria in 10.43.

4 Under 10.43, the Board makes the following finding  
5 that it appears that the requirements of the ordinance can  
6 be met.

7 Traffic generated or patterns of access or egress  
8 resulting would not cause congestion, hazard, or substantial  
9 change in the established neighborhood character.

10 Continued operations of or development of adjacent  
11 uses, as permitted in the Zoning Ordinance, would not be  
12 adversely affected by the nature of the proposed use.

13 There would not be any nuisance or hazard created  
14 to the detriment of the health, safety and/or welfare of the  
15 occupants of the proposed use; in fact, it would be enhanced  
16 by providing protection from the elements in all four  
17 seasons, which will add to the health and safety of any  
18 person using the structure.

19 The Board also finds that the proposed use would  
20 not impair the integrity of the district or adjoining  
21 district, or otherwise derogate from the intent and purpose  
22 of the ordinance to allow petitioners to alter an existing

1 structure; in this case to provide some protection over the  
2 front and rear entryway, which will greatly enhance the  
3 safety and the livability of the structure.

4 On the motion, then, to grant the special permit,  
5 Jim Monteverde?

6 JIM MONTEVERDE: In favor of the special permit.

7 BRENDAN SULLIVAN: Jason Marshall?

8 JASON MARSHALL: In favor.

9 BRENDAN SULLIVAN: Wendy Leiserson?

10 WENDY LEISERSON: In favor.

11 BRENDAN SULLIVAN: Matina Williams?

12 MATINA WILLIAMS: In favor of the special permit.

13 BRENDAN SULLIVAN: Yes.

14 [All vote YES]

15 BRENDAN SULLIVAN: On the five affirmative votes,  
16 the special permit is granted. Good luck. It'll look  
17 great.

18 COLLECTIVE: Thank you so much.

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2 (7:47 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
4 Monteverde, Matina Williams and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will hear Case No.  
7 177941 -- 286 Broadway. Mr. Glassman?

8 ADAM GLASSMAN: Good evening, Cambridge BZA,  
9 members of the Board and our Chairman. We're here tonight  
10 to hear -- to request zoning relief for 286 Broadway, a  
11 3,100 square-foot lot at the corner of Broadway and Elm  
12 Street, in a BA Zone.

13 BRENDAN SULLIVAN: Not to interrupt you, but I  
14 think I will. Adam, are you aware of correspondence that  
15 came in today from sort of a number of people in opposition  
16 and stating legal arguments against the granting and stating  
17 legal arguments that we have no legal basis to grant the  
18 relief?

19 ADAM GLASSMAN: I'm not aware of those letters  
20 that came in today. I can say we have substantial  
21 neighborhood support, especially from our most direct  
22 abutters. We had a Planning Board hearing last week, and

1 they had requests -- many of which we've been able to  
2 address.

3 I do know I've been in contact with Dan Totten  
4 since July 4, so I know he is very upset that we're not  
5 building more units. And I have a feeling that's where a  
6 lot of this opposition has come from in the last day or two.

7 I'm -- I can't answer the legal arguments. I  
8 would say that the Zoning Code allows us to take an approach  
9 that is controlled by the C-2B Residential Zone. We do not  
10 have to develop according to the BA zone. We have that  
11 option under the zoning code.

12 And therefore anything we propose under the zoning  
13 code, governed by C-2B -- Dimensional Requirements -- that  
14 we cannot meet we can take to the Board.

15 BRENDAN SULLIVAN: I guess where I'm going with  
16 this is that whether or not you wanted to proceed with  
17 tonight's hearing, or continue the matter and address some  
18 of the issues that were raised?

19 ADAM GLASSMAN: Well, I would like to proceed.  
20 I'm definitely not saying --

21 BRENDAN SULLIVAN: Okay.

22 ADAM GLASSMAN: -- that I need the Board to vote

1 tonight, we have outstanding questions. But I would  
2 definitely like to proceed.

3 BRENDAN SULLIVAN: Okay. That's fine. All right.

4 ADAM GLASSMAN: Could we see the first slide? So  
5 what we're proposing is a two-family dwelling unit. Each  
6 unit approximately 2,700 square feet, a rather modest  
7 proposal, units large enough to accommodate modern living  
8 for two families, but certainly not exceeding it by much.

9 The zoning relief required is only for setbacks.  
10 We would be here for zoning relief no matter what approach  
11 we took to this lot.

12 The approach that the owners in consultation with  
13 our abutters decided to take was the path of least  
14 resistance, according to the Zoning Code. We're able to  
15 provide the parking spaces, the open space. Our height is  
16 conforming. Our FAR remains conforming. We're here only  
17 for setback violations.

18 And the existing structure, I should add, also has  
19 existing setback violations.

20 Next slide?

21 Here you can see where -- towards the bottom  
22 central, center of the BA Zone, the X shows our corner lot

1 on the corner of Elm and Broadway.

2 Next slide?

3 I'm sure everyone's familiar with the lot, but we  
4 can slowly go through these photos, Olivia?

5 This is the state of the lot now. It's been --  
6 the building's been past its useful life for a long time.  
7 It's been on and off the market for about 10 years.

8 Various developers have approached me to study the  
9 site over the years, and no one's been really willing to  
10 take the chance to do anything here out of fear of being  
11 declined by the Zoning Board or opposed by the abutters.

12 And now we have a real chance to develop this lot  
13 in a way beneficial to the community that the neighbors  
14 support to add two, high-quality housing units and finally  
15 bring something of value to this corner.

16 This is the -- go back one more, please, Olivia?  
17 This is the view from Elm Street. And you can see in the  
18 background the metric system sign which there was interest  
19 in preserving, which we will be preserving. And you can see  
20 the telephone pole which is directly in the middle of our  
21 lot.

22 Next slide?

1           Quick review of the zoning variables, the lot size  
2 is existing, non-conforming. FAR lot width, building  
3 height, ratio of private open space to lot size will all be  
4 conforming. Our front rear and side setbacks will require  
5 zoning relief.

6           Next slide?

7           This is a diagram that shows the change in the  
8 footprint location. The red is the existing old mechanic  
9 shop, essentially at a zero lot line of both the back and  
10 the left, very nearly a zero lot line.

11           We are taking a nearly identical sized footprint  
12 and relocating it on the lot, increasing non-conforming  
13 setbacks, where they're already non-conforming.

14           Next slide?

15           Oh, you can zoom out a little bit, just below  
16 this. In addition to the mechanic shop in the left-hand  
17 corner or towards the back, you've also got an existing shed  
18 on the lower right, which has been there for some time and  
19 creates visibility issues.

20           Next slide?

21           Our setback diagram -- you can see the red dashed  
22 line -- running through the building on the left, the right,

1 the rear and the front sides. You can see that while  
2 accommodating the required parking and functional entry  
3 rooms for trash, recycling bikes, this is a challenging lot  
4 to develop, while also maintaining their acquired landscape  
5 buffers, the usable open space.

6 So anything developed on this lot according to the  
7 zoning approach we've taken would require zoning relief.

8 Next slide?

9 The existing lot to provide contrast, we've got  
10 the building wedged up in the upper left-hand corner. The  
11 rest of the lot is essentially black asphalt paving.

12 Next slide?

13 3D views of the proposed two-family dwelling unit.  
14 We tried to make something that was somewhat visually  
15 interesting, somewhat sculptural, we have a diverse  
16 architectural group of buildings on this section of  
17 Broadway.

18 And this addition would be consistent with the  
19 size and the massing and the height and add to the visual  
20 interest of the neighborhood.

21 Next slide?

22 Our open space diagram -- and actually this is our

1 -- this is what we proposed originally. This does become  
2 modified slightly in the next slide, but where we -- where  
3 we started this process was the building more or less  
4 located in the center of the lot.

5 The garage towards the left closest to the  
6 lamplighter was proposed to be approximately 11 feet from  
7 the sidewalk, and we had 11 or seven feet of landscape  
8 buffer on the lower left-hand corner, 500 square feet of  
9 private open space in the back left, and a four-foot  
10 landscape buffer in the rear.

11 Next slide, please?

12 We have developed landscape plans to make sure  
13 that all open space is appropriately landscaped,  
14 attractively landscaped, providing buffers between us and  
15 our neighbors, and between the building and the street.  
16 Only the driveway and the walkways would be paved, and they  
17 would all be pervious pavers. There will be no asphalt  
18 introduced to this site.

19 Next slide?

20 Additional landscape details we can go back to  
21 later if anyone's interested.

22 Next slide?

1           So this brings us to where we were when we  
2 submitted, and where we at now after our Planning Board  
3 hearing. On the left is the original submission with the  
4 building located more towards the middle of the lot. On the  
5 right-hand side, after receiving Planning Board comments,  
6 we've moved the building three feet to the front towards  
7 Broadway.

8           The Planning Board wanted us to move the building  
9 as close to the street as possible. Some even asked for  
10 zero lot lines, to be consistent with some of the other  
11 buildings on the block. However, they also asked for  
12 landscape buffers on Broadway, and on the corner of Broadway  
13 and Elm, so there were some mixed messages there with those  
14 comments, so we tried to split the difference.

15 We have moved the building three feet towards Broadway.

16           We've maintained the landscape buffer on the lower  
17 left, but we've reduced it by three feet, and we've been  
18 able to maintain the walkways, the driveway, the areas for  
19 snow removal that would be needed.

20           And this dovetails with strong requests by many of  
21 our abutters on Elm Street who ask that we move the building  
22 towards Broadway and increase our landscape buffers and

1 usable open space in the rear.

2 Oh, and what I want to add is although the first  
3 story is now eight feet from the street, we have a  
4 projecting bay on the upper levels that will be three feet  
5 from the street.

6 So the request from the Planning Board, or one of  
7 the requests, was a zero lot line. We've reduced it down to  
8 three, and we've been able to maintain the landscape buffers  
9 that were also requested at the same time, which we also  
10 think makes these units much more livable for the families  
11 who will be there.

12 Next slide?

13 Could you zoom out of it? Digital renderings of  
14 the proposed architecture -- again, we've got various  
15 building types in the neighborhood, and were consistent with  
16 their size and scale. And again, not trying to create  
17 something that would lack any kind of visual interest or  
18 sculptural qualities.

19 Next slide?

20 View from the east on Broadway. You can see the  
21 landscape buffers in the front, our projecting bays on the  
22 upper levels, and our street-facing front doors and garages.

1                   Next slide?

2                   First floor, we've got garages for each unit.  
3                   These are townhouse style units, side-by-side. Each unit  
4                   has one parking space, an entry and a stair that goes up to  
5                   the upper levels and supporting spaces for storage, trash,  
6                   recycling and bikes.

7                   Next slide?

8                   Upstairs, open living space, kitchen, dining and  
9                   living areas. These are not huge units. They basically  
10                  provide the kinds of living spaces that most people now  
11                  require with the family.

12                  Next slide?

13                  On the upper levels, we have three bedrooms for  
14                  each unit, and on the upper level on the next slide, the  
15                  topmost level, we have one main bedroom. We've got small  
16                  deck spaces for both units, so there's more of a direct  
17                  connection to the outside for whatever families live here.

18                  Next slide?

19                  Our roof plan, condensers, skylights for access  
20                  and maintenance.

21                  Next slide?

22                  And a final view of the proposed project -- again

1 to the left and to the right, there's consistency in scale  
2 and massing, which we thought was important.

3 At this time, we will take any questions.

4 BRENDAN SULLIVAN: Just a comment that I would  
5 have is that we are basically starting off with a blank  
6 piece of paper, because the existing building which is  
7 there, obviously is an eyesore and just has to go away.  
8 Replacing it with what is proposed to me I think is a little  
9 bit of a stretch. Well, maybe a bit more than a little bit  
10 of a stretch. And the owner of the property bought this  
11 last fall?

12 ADAM GLASSMAN: Frasier Allen is here with us. I  
13 believe it was last fall, but he can answer questions.

14 FRASER ALLAN: Fraser Allan. I'm the owner of the  
15 property. I live in East Boston, 200 Falcon Street. And  
16 yes, we bought the property. I believe it was March.

17 BRENDAN SULLIVAN: So we have basically ostensibly  
18 a blank piece of paper. And somebody buys it and wants to  
19 develop it and comes down to us and needs -- you know,  
20 relief, and the question I have ask is that, you know, what  
21 you paid for the lot is your cost.

22 But when you buy something like this -- and again,

1 it's a business decision -- the value of it is what you can  
2 do with it as of right. And not have to rely upon zoning  
3 relief in order to develop it.

4 And, you know, it's chancy to come down and say,  
5 "Okay, I'm going to buy it and" -- and in order to recoup  
6 and, you know, make some money on it, which is fine -- I  
7 mean that's -- I don't care if you make a dollar or a  
8 million dollars, it doesn't matter to me -- but we -- in  
9 order to when you buy it and you are going to develop it  
10 that you need zoning relief, I can't connect those dots.  
11 I would like to see what can I do with this as of right?  
12 And then say I can't do it.

13 Well, then the question is why? Well, it's not  
14 feasible. It's not economically feasible. Well, when does  
15 it not become feasible? Is it because I paid too much for  
16 the lot and now I have to put x number of dollars into it in  
17 order to recoup my initial investment?

18 Obviously, there is the soft costs and the hard  
19 costs that go into this, in order to make this development  
20 worthwhile.

21 So those are the dots and those are the areas that  
22 I can't connect yet, as to why you need so much zoning

1 relief in order to justify or, you know, to -- well, it's  
2 more than justification, it's more to make this project  
3 viable to your standards, whatever that may be, which is  
4 fine. So I'm -- as to what is proposed.

5 ADAM GLASSMAN: Could I address some of what  
6 you've asked us to address?

7 BRENDAN SULLIVAN: Yep.

8 ADAM GLASSMAN: Certainly no one came in here  
9 assuming they were entitled to a lot of zoning relief. A by  
10 -right project as a single-family is feasible to build --  
11 certainly not feasible as a business decision, but even more  
12 than that everyone with interest in this site, whether they  
13 oppose it or support it, nobody wants to see a single-family  
14 here.

15 And most of our opposition is that we don't have  
16 more ambitious plans to cram more units on this lot.

17 If we were to do that, we would have more support,  
18 but we would be asking for substantially more zoning relief  
19 to make that happen.

20 The zoning relief we're asking for is quite modest  
21 in this case. We're asking for setback relief. This is a  
22 difficult corner lot.

1           And we've managed to submit a nearly zoning code  
2 compliant project, but given it's a corner lot, and given  
3 that nobody here, for good urban planning reasons, wants to  
4 see a single-family, we do need zoning relief to accommodate  
5 even a two-family in order to have parking.

6           If we weren't seeking zoning relief for setbacks,  
7 we'd be seeking it for parking. And without the parking,  
8 the abutters on Elm Street, where there's substantial  
9 pressure on parking already, we wouldn't have the support of  
10 our closest abutters.

11           Additionally, another -- one other improvement  
12 that we're adding here is that we've got an existing 38-foot  
13 curb cut on Broadway. We're reducing it to 23 feet, adding  
14 in basically another off-street parking space.

15           So not only are we meeting the zoning code with  
16 parking, we're providing an additional parking space on  
17 Broadway. So I would disagree that we're here seeking all  
18 kinds of zoning relief. This is really just for setbacks.

19           BRENDAN SULLIVAN: Well, yeah. I mean, I concur  
20 with the Planning Board that I think it's inappropriate to  
21 have the entrance on Broadway. It should be the other side.  
22 But also, it could be that it's a smaller structure. You're

1 proposing what, 2 four-bedroom units.

2 ADAM GLASSMAN: A smaller structure will not  
3 change the physical requirements for parking and entry and  
4 trash. And the Planning Board did ask us to look at --

5 BRENDAN SULLIVAN: Maybe you don't provide any  
6 parking?

7 ADAM GLASSMAN: Then we'll be here for relief for  
8 parking.

9 BRENDAN SULLIVAN: Well, then maybe that's --

10 ADAM GLASSMAN: So no matter -- I know one of the  
11 Standards the Board uses, would anybody need zoning relief  
12 on this lot to do something reasonable? And that applies to  
13 this corner lot.

14 BRENDAN SULLIVAN: Let me open it up to questions  
15 from the Board.

16 Jim Monteverde, any questions or comments?

17 JIM MONTEVERDE: Comments. I'm -- I'm actually  
18 comfortable with the scheme. I think it's a rather nice  
19 proposal for this particular lot in this particular section  
20 of Broadway. And I think the photos that you showed across  
21 the state, it all seems to be very much in context.

22 And I read the Planning Board's comments. I don't

1 think there's any way with your current plan or even a  
2 revised plan you're going to park from the opposite street.  
3 So I think it's a reasonable request, and that's my comment.

4 BRENDAN SULLIVAN: Okay. Jason, any questions or  
5 comments at this time?

6 JASON MARSHALL: Just a comment at the outset.  
7 Mr. Chair, you had referred some letters that have been  
8 input into the record today. I haven't reviewed those  
9 letters. They are not in the electronic file on the City's  
10 website. I checked the record earlier, weren't there,  
11 they're still not there.

12 So it is challenging to make a determination today  
13 without having reviewed those, and maybe the individuals  
14 that submitted them will be here tonight and can review  
15 those comments during the public comment phase of the  
16 hearing here.

17 Mr. Glassman, just a threshold question, is the  
18 hardship here related to topography, soil, shape or a  
19 combination of one of those three?

20 ADAM GLASSMAN: It is. Shape and lot size. This  
21 is very typical -- a small lot in Cambridge can't fit  
22 modest, functional space with violating at least, you know,

1 one piece of the zoning ordinance.

2 JASON MARSHALL: Well, it would have to be -- it  
3 can't be lot size. Lot size isn't one of the three --

4 ADAM GLASSMAN: Well, the --

5 JASON MARSHALL: -- terms. I mean it's -- you  
6 know, personally I think that should be a criteria, but  
7 that's not what the legislature

8 ADAM GLASSMAN: Right.

9 JASON MARSHALL: -- has said.

10 ADAM GLASSMAN: And I get that. And quite often,  
11 you know, the Board views a non-conforming lot, an existing  
12 non-conforming lot, as a legitimate hardship.

13 JASON MARSHALL: I understand that. I think I'm  
14 probably more of a nudge on that than maybe my colleagues,  
15 but it is an issue for me. So if shape is there, if you  
16 could sort of talk through that a little bit, I think that  
17 would be helpful for the record.

18 ADAM GLASSMAN: Well, the shape of the lot is  
19 related also, of course to its size. It's a non-conforming  
20 lot. So there's no way we can produce anything beyond a  
21 single-family here, which nobody wants to see without  
22 seeking zoning relief.

1           We're not asking for more units than the Zoning  
2 Code requires, we're not asking for parking relief, which is  
3 always a major concern. This is really a very modest amount  
4 in order to satisfy the rest of the zoning code.

5           JASON MARSHALL: Yeah. I mean, it's not the  
6 Board's criteria, it's -- you know, it's statutory. Again,  
7 I think I am more of a nudge on that. There's a lot of case  
8 law, where size has been the basis of BZA's ruling, and it's  
9 been overturned. It's pretty clear. So that doesn't give  
10 me a lot of confidence. I guess I'll stop there for now and  
11 see if my colleagues have other questions.

12           ADAM GLASSMAN: You know, I'd also like to say all  
13 these letters that came in today, it -- it feels somewhat  
14 like kind of a sabotaged move here, because we in good faith  
15 have had our application and the sign's been posted.

16           We've spoken to our abutters. We've been able to  
17 produce in a timely manner our support letters, and -- you  
18 know, a bunch of letters that were organized coming at the  
19 last minute in Design just to prolong this case doesn't feel  
20 fair.

21           BRENDAN SULLIVAN: It makes it very difficult for  
22 members of the Board and puts us into an awkward position

1 when somebody does write in -- and again, it's their  
2 prerogative, this was received today at 3:58.

3 And just basically enough time for Staff to insert  
4 it into the file, but definitely not enough time for Board  
5 members to review. However, that being said, some of the  
6 issues that are raised are legitimate and -- you know,  
7 because it came in even under the wire, still came in and my  
8 way of thinking cannot be discounted anyhow. But my thought  
9 on that.

10 ADAM GLASSMAN: Yeah.

11 BRENDAN SULLIVAN: Jason, we can get back to that.  
12 Wendy Leiserson, any comments or questions at this time?

13 WENDY LEISERSON: You know, I think -- I don't  
14 have any more comments. I think I'd like to see these  
15 letters that came in today. And, you know, I think the  
16 design is thoughtful, but I think Jason raises some valid  
17 statutory concerns, and I'd like to consider them.

18 BRENDAN SULLIVAN: Okay. Matina, any questions,  
19 comments at this time?

20 MATINA WILLIAMS: I'm actually in favor. I like  
21 it. I love the design. I like the fact that you didn't try  
22 and cram 10 million little units on one little lot. It's

1 nice. It's tasteful.

2 BRENDAN SULLIVAN: Okay. That's fine. Let me  
3 open it up to public comment. Any member of the public who  
4 wishes to speak should now click the button that says,  
5 "Participants," and then click the button that says, "Raise  
6 hand."

7 If you are calling in by phone, you can raise your  
8 hand by pressing \*9 and unmute or mute by pressing \*6, and  
9 you will have up to three minutes in which to comment, and  
10 then we will mute you at that point.

11 OLIVIA RATAY: Justin Saif?

12 JUSTIN SAIF: Hi, Justin Saif. I'm from 259  
13 Hurley Street in East Cambridge. I'm here on behalf of  
14 Violeta Montessori School, which is a direct abutter across  
15 the street.

16 Violeta has been there for many years, and is  
17 disheartened and disappointed not to have received any  
18 notice from the proponents of this project.

19 Violeta is strongly opposed to the approval of  
20 this project on that basis alone, prior to further  
21 opportunity -- prior to being provided with further  
22 opportunity to review the proposal and provide more

1 considered feedback.

2 I spoke to the Head of School just before this  
3 meeting. She is on vacation out of town. She's not had any  
4 contact, nor has anyone else associated with the school,  
5 from the proponents, and would wish to be able to have more  
6 time to provide that feedback and review of this.

7 The same thing happened with previous proposal for  
8 this lot. So it's extra disappointing to have this happen  
9 again. And obviously, you know, there should be awareness  
10 of their location across the street, given that the -- you  
11 know, the proposed dispensary that was there before had to  
12 withdraw, in part due to the fact that there is a school  
13 directly across the street.

14 In addition, consistent with the Montessori  
15 philosophy and the Wildflower School network storefront  
16 approach, Violeta would propose the removal of the first-  
17 floor retail space from this location.

18 Violeta has greatly enjoyed having retail  
19 neighbors that walk as activated. The students are able to  
20 visit and interact with the commercial strip on the  
21 Broadway.

22 And it's a detriment to the community to have that

1 chipped away at for a, you know, two-family housing project  
2 of very large, very expensive homes that will contribute  
3 very little, plus parking that will likely interfere with  
4 drop-off and pickup and the future protected bike lane to be  
5 built on Broadway.

6 A two-family is frankly no better than a single  
7 family here, and no parking should be permitted and -- you  
8 know, on a personal basis as a lawyer I'd just say that it  
9 certainly sounds like this proposal would not likely qualify  
10 for zoning relief.

11 Thank you very much.

12 BRENDAN SULLIVAN: Thank you for calling in.

13 OLIVIA RATAY: Tracey Stark?

14 BRENDAN SULLIVAN: Jason (sic)?

15 TRACEY STARK: For me?

16 OLIVIA RATAY: Tracey.

17 JIM MONTEVERDE: Tracey.

18 TRACEY STARK: Yep, okay. I live at 51 Market  
19 Street, which is just a couple blocks away. And I've just  
20 heard about this recently, and I'm kind of troubled.  
21 There's only two parking spaces, and it's naïve to think  
22 there's only going to be two cars. There's going to be at

1 least two cars per unit, and in my experience, these often  
2 get rented out to college kids.

3 So there might be as many as eight or 10 cars in  
4 there, and certainly can't stipulate when you sell it that  
5 there will only be one or two cars. And we already have a  
6 shortage of parking in the neighborhood.

7 And furthermore, I'm sad to see the loss of retail  
8 space. I think that this could be an area -- there used to  
9 be an arts center there, there could be an area where we  
10 have more community space.

11 And I know the developer says, "Well, this will  
12 benefit the community," but I don't see how it would benefit  
13 the community. It looks like it benefits the development.  
14 And that's my comment. Thanks.

15 BRENDAN SULLIVAN: Great. Thank you.

16 OLIVIA RATAY: Santos?

17 SANTOS CARRASQUILLO: Hello, everyone. Can you  
18 hear me?

19 BRENDAN SULLIVAN: Yes.

20 SANTOS CARRASQUILLO: Hello, my name is Santos  
21 Carrasquillo, lifelong resident of the Port, and the  
22 previous leaseholder of the space. I also disagree that --

1 and do not see any community benefit with this current  
2 proposal. So I don't think they should receive any special  
3 permitting, any variances at all.

4 The space was previously used as open community  
5 art and retail space. The space is in a small commercial  
6 district, in the poorest and marginalized neighborhood in  
7 Cambridge.

8 So to remove retail space and remove the  
9 opportunity for our poorer residents to obtain retail and do  
10 business and economically grow would not be possible with  
11 this proposal.

12 There also has been the lack of engagement in the  
13 community, as the Montessori School has not been notified  
14 and other communities have not been notified of the project.  
15 I just came here today to, you know, decline, not agree, and  
16 please do not approve this special permitting.

17 We need more retail space so more residents can be  
18 able to do business and get out of poverty. And this was  
19 the home of many and multiple businesses -- diverse  
20 businesses, small businesses, which will be removed with  
21 this current proposal.

22 BRENDAN SULLIVAN: Great. Thank you.

1 OLIVIA RATAY: Kathleen?

2 KATHLEEN GENOVA: Hello, can you hear me?

3 BRENDAN SULLIVAN: Yes, we can.

4 KATHLEEN GENOVA: I'm sorry, I was driving.

5 Kathleen Genova, 281 Broadway. I own and live in one of the  
6 units in the three-family house directly across Broadway  
7 from this proposed project.

8 Our lot size is the same pretty much regular,  
9 almost a rectangle, just like 286's shaped lot, only 300  
10 square feet larger. And just about 10 years ago, they were  
11 able to develop our three-family home with a three-car  
12 parking garage in total conformity with the zoning bylaw.

13 We satisfied the setback requirements, and it is  
14 appalling to have this applicant suggest that they cannot on  
15 virtually an identically sized and shaped lot do the same  
16 thing.

17 The law is very clear that there are three initial  
18 criteria that need to be met.

19 The first option would be that there's a problem  
20 with the shape of the lot, which there is not -- the lot  
21 being a corner lot is not a shape issue, size is not a shape  
22 issue.

1           The second is that there's a problem with the  
2 topography, which there is not and there has been no claim  
3 there is, and the third is that there is an issue with soil  
4 conditions.

5           Interestingly in the application, the applicant  
6 says the problem is soil conditions, and that there is  
7 contamination that needs to be addressed.

8           However, at least on the Mass DEP website, which  
9 is linked in this submission -- and I apologize if people  
10 feel it was late, I did get a notice from the Board and went  
11 to the website, and it said things were due today and with  
12 July 4 holiday last week, today was the first time I could  
13 get to it.

14           So I apologize if people feel I'm complying with  
15 the Board's timeline was too late, but I did follow the  
16 notice I was given. In any event, I did submit today and  
17 searched today on the Mass DEP reporting website for waste  
18 sites and releases, and there is no report filed for 286  
19 Broadway.

20           It might be that they are aware of some  
21 contamination and have filed their report and it just hasn't  
22 popped up on the website yet, I don't know. But there's no

1 information provided in their report, other than the bare  
2 assertion that there's contaminated soil, and that was not  
3 mentioned in the presentation earlier as a reason for this  
4 request.

5           So I just find it curious. I do cite in my  
6 submission today that that quite unfortunately is not an  
7 unusual soil condition in the district. In fact, our own  
8 property at 281 Broadway used to have an auto shop as well  
9 and had contaminated soil. And they still -- project  
10 without a variance.

11           Diagonally across the street, 277 Broadway has  
12 contamination issues. And they have a building there. In  
13 any event, in short, I will direct you to the legal  
14 standard. It's not nudge to comply with it, it's your  
15 obligation to comply with it.

16           The developer bought this property just a couple  
17 months ago knowing that there were challenges, and if they  
18 want a variance because alleged soil conditions cause  
19 subsection hardship --

20           BRENDAN SULLIVAN: Okay, okay.

21           KATHLEEN GENOVA: -- it's incumbent on them to  
22 submit proof of that, which includes costing information for

1 their project and for conforming alternatives. Thank you.

2 BRENDAN SULLIVAN: All right. Thank you. Yep.

3 OLIVIA RATAY: Journey?

4 FRUITFUL JOURNEY: Hello?

5 BRENDAN SULLIVAN: Yes. Go ahead.

6 FRUITFUL JOURNEY: How you guys doing this  
7 evening?

8 BRENDAN SULLIVAN: Okay. You have three minutes.

9 FRUITFUL JOURNEY: Yeah. I'm a longtime resident  
10 of Cambridge, 2 Norfolk Place. And I oppose the continuing  
11 of the gentrification in general of Cambridge. There's a  
12 lot of opportunities that are not coming from what will  
13 happen if you guys do this.

14 The retail space is very important. I have a 12-  
15 year-old daughter. I was bringing her to the space. There  
16 were also workshops I was doing with [audio unclear] and  
17 garden-related ventures for the kids, also across the way.

18 I feel like you will be taking away from the  
19 Montessori School as well as the kids being able to interact  
20 with the plant life and other things that entail the space.  
21 It could be worked with, you know? Everyone else had a lot  
22 of great ideas.

1           But the key thing is, I hear a lot of compassion  
2 for parking spaces but what about the community? What is  
3 the community going to get from this? If they build this  
4 cranky, thick building, you know.

5           What about the construction noises for the people  
6 that have been chillin' and had to live in those apartments  
7 all around? What about those people? Do they get a  
8 notification that one day they're -- [noise] just start  
9 drilling and make all this -- you know what I mean? I just  
10 hope that we'll can make the right decision and stop taking  
11 from the community and build.

12           You know, there's a lot of other apartments and  
13 stuff already built new around there. You know what I mean?  
14 And yeah, that's my piece on that. You know? I just want  
15 to see Cambridge be great. We've got to make better  
16 decisions as a community, you know.

17           BRENDAN SULLIVAN: Yeah. And thank you.

18           FRUITFUL JOURNEY: And that's my piece. Thank you  
19 so much for your time.

20           BRENDAN SULLIVAN: Yeah, no, thank you for calling  
21 in.

22           OLIVIA RATAY: Jeff Solomon?

1 JEFF SOLOMON: Hi. Can you guys hear me?

2 BRENDAN SULLIVAN: Yeah, go ahead.

3 JEFF SOLOMON: I'm also -- I'm a resident of  
4 Cambridge, long-term resident. I've been here for over 20  
5 years. I lived at 12 Boardman Street, just currently  
6 relocated to 54 Market.

7 I am also opposed to the construction of this  
8 building. I don't see how it benefits in any way, shape or  
9 form, expressly because the building that they're putting up  
10 doesn't have affordable housing in it or Section 8 units.

11 I have lived here through many counts of  
12 construction, and I live in a newly renovated building. And  
13 there's maybe five or six within -- not even about block of  
14 my building that have been renovated.

15 The building that I used to live in was also  
16 renovated. I don't think we need another housing building  
17 or two-family house or another -- like, like my other person  
18 said on here, another gentrification building. You guys are  
19 taking away from the marginalized families who live in this  
20 community. I've had friends who literally have had to move  
21 out of this city because they couldn't afford rent.

22

1           And nobody makes it easier for people who live  
2 here that can literally only survive on Section 8 and Social  
3 Security, you know, that's all the money that they have  
4 coming in on a monthly basis.

5           So I just see a lot of people kicking these people  
6 out and just -- it's, it's -- it's like a, "Okay, well,  
7 figure out where to go" mindset and, "We don't care, because  
8 we got the development, and we got what we needed. So you  
9 guys can go figure it out."

10           And I think we need to stop doing that. And I  
11 think we need to combat doing that, and I just think that  
12 this is not good idea to build another rushed project in the  
13 poorer city in Cambridge? Thank you.

14           BRENDAN SULLIVAN: Thank you.

15           OLIVIA RATAY: Dan Totten?

16           DAN TOTTON: Yes, hi. My name is Dan Totten. I  
17 live at 54 Bishop Allen, which is a few blocks away. I have  
18 a few things I want to say. I did submit something  
19 yesterday. I apologize that it was not sooner but, you  
20 know, I -- I didn't realize it was on this agenda until  
21 yesterday. So that's why.

22           First of all, I just want to point out that the

1 application lists the current zoning district as Residence  
2 C-2B zone. And that's, like, actually incorrect. It's a BA  
3 Zone, it's a business district.

4 And I would wonder -- I'm just going to wonder out  
5 loud whether that sort of makes this particular application  
6 invalid from the start. Because I think it's very important  
7 when you're -- you know, it seems to me that it's important  
8 when you're considering a variance to understand the data.

9 And if this application was filled out thinking  
10 that this was a C-2B Zone -- and I understand why that might  
11 have been thought, because the BA District for dwelling  
12 units says to use the Dimensional Standards of a C-2B zone.

13 But this is not applicable to C-2B zone. And I  
14 think that really gets at the heart of the matter. Because  
15 in a BA District, the goal is to have some ground-floor  
16 commercial space.

17 And if they were working from a place where this  
18 was Residence C-3B or C-2B, they weren't ever considering  
19 the -- that the zoning does permit at this site to put it --  
20 for ground-floor retail, there's essentially zero setbacks,  
21 right? They weren't considering that, their delta was  
22 something else.

1           And so, I think on a fundamental level, you know,  
2 this application is -- is in some ways not valid. But I  
3 think another point I want to make is about the school.  
4 Because a few weeks ago I did reach out to the developer,  
5 you know, because my intent is not to -- you know, get in  
6 the way here, my intent is to work collaboratively.

7           And so, a few weeks ago I did reach out to the  
8 developer, and I asked him as part of my e-mail, "Will you  
9 please reach out to the Montessori School, as a courtesy?  
10 This will have an impact on their operations, the kids  
11 eating lunch at a picnic table on Elm Street right at the  
12 corner, will you please reach out as a courtesy?"

13           And I was very disappointed today before the  
14 meeting to find out that he had not reached out to them, and  
15 that was confirmed by Justin earlier.

16           And I just -- I think that's, it's just indicative  
17 of a lack of outreach that's been made clear tonight and  
18 presumably through e-mail.

19           And I just want to say that I think, at a minimum,  
20 this should be continued to give people more time to, you  
21 know, appreciate what's going on.

22           But frankly, I think you might want to -- you

1 might want to suggest to the applicant that this be  
2 scrapped, and that they start over, because -- you know, it  
3 just -- it just seems fundamentally invalid, because they --  
4 they're starting from the wrong zoning point.

5 BRENDAN SULLIVAN: Okay.

6 DAN TOTTEEN: And finally I just want to say, you  
7 know, this is a neighborhood with a lot of people of color.  
8 I dare say it's not often that you hear from lifelong Black  
9 and Brown Cantabridgians in this Board, and I think that  
10 should really be factored in. Thank you so much.

11 BRENDAN SULLIVAN: Okay. Thank you, Dan. All  
12 right. That's the end of the callers. We are in receipt of  
13 a plethora of communication. Start with the Planning Board.

14 "The Planning Board reviewed this BZA application  
15 during its meeting on July 5 and decided to forward the  
16 following comments to the BZA.

17 "The Planning Board had no recommendation  
18 regarding whether or not to grant the requested relief.  
19 However, the Planning Board suggested exploring the  
20 following design improvements.

21 "Though the project is proposing to reduce the  
22 existing curb cut on Broadway, the Board suggested

1 relocating the driveway to Elm Street if feasible. The  
2 Board supports further reduction of the setbacks along  
3 Broadway to align better with the existing buildings along  
4 Broadway, and improving the façade design to maintain a  
5 stronger presence along the street.

6 "The Board recommends further improvements to  
7 landscape area along Broadway and additional street trees  
8 whenever possible, with approval from the DPW."

9 There's correspondence from A.C. Jones, Co-  
10 Founder, Lamplighter Brewing.

11 "I have had the opportunity to review the proposed  
12 plans to construct a new two-family dwelling at 286  
13 Broadway. As an abutter to the project, I would like to  
14 express my full support for the proposed design, which is a  
15 welcome and appropriate addition to our streetscape.

16 "The existing corner lot is small and impossible  
17 to utilize and improve without even the most minimal zoning  
18 relief. Therefore, I urge the Cambridge BZA to approve the  
19 requested zoning relief, to allow this sensible project to  
20 proceed."

21 The correspondence that I earlier referenced from  
22 Botong Ma -- B-o-t-o-n-g Ma, 281 Broadway:

1            "This e-mail is submitted in opposition to the  
2 variance application submitted by Frasier Allan, owner of  
3 286 Broadway, through his entity, FL Broadway LLC.

4            "Mr. Allen's application should be denied because  
5 the standard for issuing a variance under Massachusetts  
6 General Law 40A Section 10 is not met.

7            "Further, if you have any further setback less  
8 than 10 feet, a special permit as required, variances are to  
9 be granted sparingly, Dion v. Board of Appeal of Waltham.  
10 Even if the Board could grant a variance, it is not required  
11 to do so, because no one has a legal right to a variance.

12           "To issue a variance, the BZA by statute must  
13 significantly find -- must specifically find that owing to  
14 circumstances relating to the soil conditions, the shape or  
15 topography of such land or structures, and especially  
16 affecting such land or structures but not affecting  
17 generally the zoning district in which it is located, a  
18 literal enforcement of the provisions of the ordinance or  
19 bylaws would involve a substantial hardship, such hardship,  
20 financial or otherwise to the petitioner or appellant.

21           "And that desirable relief may be granted without  
22 substantial detriment to the public good, and without

1 nullifying or substantially derogating from the intent and  
2 purpose of such ordinance to the bylaw.

3 "The applicant has not met his burden of providing  
4 evidence that the statutory standard is met. The burden is  
5 upon the applicant, as the person seeking a variance, and  
6 the Board granting, to produce evidence that each of the  
7 discrete statutory prerequisites have been met, and that the  
8 variance is justified.

9 "Since the requirements for the grant of a  
10 variance are injunctive, not disjunctive, a failure to  
11 establish any one of them is fatal."

12 In other words, if the Board is unable to make all  
13 of the findings required by the statute, the variance must  
14 be denied.

15 There is some issue about the soil, and the data  
16 does not show this particular site.

17 "The applicant has not shown the soil conditions  
18 and are not generally applicable to the district. The  
19 applicant has not shown that a literal enforcement of the  
20 provisions of the bylaw would involve a substantial  
21 hardship.

22 "The applicant has not provided --

1           It really goes on for -- for three pages, the  
2 legal argument against the granting of purely financial --

3           "It certainly cannot be granted simply to relieve  
4 a developer of a situation he created or to increase a  
5 developer's profits -- purely financial hardship of the  
6 owner's own making is insufficient to support a granting of  
7 a variance -- see Arrigo v. Planning Board of Franklin.

8           "The grant of a variance to permit the owner of  
9 the locus to increase profits does not qualify as a hardship  
10 permitting the granting of the variance, and that's Wilson  
11 v. Sun Oil Company."

12           I think that's really the sum and substance and  
13 flavor of that correspondence. There are other letters in  
14 opposition basically picking up on that same point, and also  
15 mentioning some of the other comments that the other callers  
16 have mentioned.

17           So I will close the public comment part of this  
18 and send it back to you.

19           ADAM GLASSMAN: Before you close public comment, I  
20 believe there's a raised hand from one of our abutters. Do  
21 you see anyone trying to get in?

22           BRENDAN SULLIVAN: I've closed, and I didn't see

1 it. So --

2 ADAM GLASSMAN: This was -- this -- this was our

3 --

4 BRENDAN SULLIVAN: All right. We'll allow one  
5 more call.

6 OLIVIA RATAY: David Pincus?

7 ADAM GLASSMAN: Pincus.

8 DAVID PINCUS: Hi. I'm David Pincus. I am a  
9 resident of Cambridge. I've lived here at 32 Elm Street,  
10 for now entering my twenty-ninth year by choice.

11 I am the single most affected residential abutter.  
12 The existing building goes right up against mine along my  
13 long lot line. This has been an incredibly difficult  
14 building to live next to. It's been a very difficult site  
15 to improve, it's been a blight on our neighborhood.

16 And I can say this as a resident next door, for  
17 many, many years I've personally put time, effort, sweat  
18 equity and money into cleaning up that property multiple  
19 times -- taking lots and lots and lots of auto parts and  
20 schlepping it down to Nissenbaum's and paying for them to  
21 disappear. I helped Hisham (phonetic) find real estate  
22 agents again and again we commiserated, and no one wanted to

1 develop this plot, because it's tough.

2 I'm sorry to hear that the developer did not reach  
3 out to Montessori; that definitely should have happened. He  
4 certainly reached out to me. I extended that to all the  
5 owners, or most of the owners along Elm Street. And if you  
6 know anything about owners in Cambridge, it is difficult to  
7 get them all together to agree.

8 And so the letter that I put together is signed by  
9 five owners on Elm Street -- me, Mohammed (phonetic) who  
10 lives right across Elm, Ruth who lives next to me, David and  
11 Tina who own the building beyond that, and Mike and Mimi who  
12 own the building behind that.

13 I'd like to point out that together as a unit, we  
14 support this project. We very strongly would support this  
15 project if it slid towards Broadway. And I'm very happy to  
16 hear that the developer, after getting input from the  
17 Planning Board, did so.

18 In terms -- I'm not an engineer, but as far as  
19 shape goes, there is a very important power pole on Elm  
20 Street right in front of this building. That power pole is  
21 not just a regular power pole, it carries the high-tension  
22 line from under the street, up and then across to the

1 transformer. And that does not exist in front of 279? 281,  
2 right across.

3 So the lot directly across Broadway was able to  
4 turn their building and have the entrances -- their three-  
5 car entrance on Elm Street, whereas that I don't think is  
6 possible here.

7 BRENDAN SULLIVAN: Thank you for the wrap-up.  
8 I'll give you another 10 seconds.

9 DAVID PINCUS: Thank you. 100 percent of  
10 buildings on my block and across Elm Street violate the  
11 setback.

12 BRENDAN SULLIVAN: Great. Thank you, David.

13 DAVID PINCUS: Thank you very much for the  
14 opportunity to talk.

15 BRENDAN SULLIVAN: All right. Yep. We'll close  
16 public comment. Back to you, Adam.

17 ADAM GLASSMAN: I'm sorry, back to me?

18 BRENDAN SULLIVAN: Back to you.

19 ADAM GLASSMAN: Okay. So there's -- there's kind  
20 of a lot here to go through.

21 The first thing I want to say is extend our  
22 apologies to the Montessori School. This was certainly not

1 meant to disrespect them in any way. Frankly, we were very  
2 focused on our most direct abutters, and those residential -  
3 - the residences on Elm Street.

4           It didn't, frankly, occur to me that Montessori  
5 School would have a problem with this modest residential  
6 development. We've provided landscape buffers between the  
7 building and the sidewalk. We're certainly not a cannabis  
8 business. We're not serving alcohol. This is a pretty  
9 harmless program we're proposing for the street.

10           But again, we'll certainly reach back out to them.  
11 I'm not sure what their concerns are, how we can really  
12 address them. But we all do our best.

13           As far as the zone that we're in, yes, it's a BA  
14 Zone, and it is our responsibility to apply either according  
15 to the dimensional requirements of the BA zone or the C-2B,  
16 if we're proposing a residential use.

17           Even if we were proposing a mixed-use development,  
18 we would still be here applying for zoning relief, because  
19 the residential use would still be controlled by the C-2B.  
20 And I know our neighbors behind us don't want to see a zero  
21 lot line, and I know landscape buffers and useable open  
22 space are important to the Zoning Board, and to the people

1 who live in the neighborhood.

2           Soil conditions, while we did not -- we never  
3 claimed that our hardship is due to less-than-ideal soil,  
4 the fact is we did have it tested. And it -- cleanup was  
5 recommended.

6           We are not claiming it as a hardship. That's part  
7 of the cost of developing a lot like this -- frankly why  
8 this lot has been passed over for the past 10 years -- this  
9 soil makes this lot very unappealing.

10           And I'd like to remind everyone that for 10 years  
11 this lot has essentially been on the market. No one has  
12 stepped forward to propose retail or more units or a denser  
13 program because it's a tough site, and this has a lot of --  
14 it attracts a lot of interest.

15           And some of that interest I'd have to address is  
16 more policy -- policy desires rather than the zoning code  
17 related. You know, we'll understand the appeal of retail  
18 uses. I would love if in my own neighborhood developers  
19 would put up an ice cream shop instead of maybe something  
20 else that they're proposing.

21           But the zoning code allows -- some of these policy  
22 questions is a much larger discussion beyond this hearing,

1 and it goes back to how the zoning code should be written.  
2 We're certainly not depriving anyone of anything. We're not  
3 removing existing retail or commercial use.

4 What we are removing is an old mechanic's shop in  
5 an asphalt lot, which -- you know, as is contributes its own  
6 negative environmental impacts to the neighborhood. The  
7 asphalt is very hot, there's no shade, there's no place for  
8 stormwater runoff to go.

9 I would say the landscaping of this lot, the  
10 greening of this lot, the shading of this lot, the cleaning  
11 of the soil, which we'll have to do -- this is a benefit to  
12 the neighborhood.

13 I also want to address the idea that we have no  
14 standing. Anyone who comes to the Board on a regular basis,  
15 all the Board members know that routinely we acknowledge  
16 that a site, that an existing "nonconformancy" with setbacks  
17 that are -- that make use of the lot impossible in an  
18 appropriate way are recognized by the Board as a hardship.

19 Now, I'm sure everyone agrees -- if there's one  
20 thing everyone can agree on, is that a single-family on this  
21 lot would be entirely appropriate. Yes, maybe two units is  
22 not as many as some would like, but it's a whole lot better

1 than one.

2           And what will wind up on this site without any  
3 zoning relief, if anything happens, it will not be retail.  
4 It will not be mixed-use, because that is a very difficult  
5 and expensive proposition on this lot -- it will be a  
6 single-family if the requirement is that there is no zoning  
7 relief, there's no hardship seen given the size of the lot  
8 -- the existing non-conforming setbacks at the corner lot,  
9 which are routinely recognized as a legitimate hardship, and  
10 our power line on the Elm Street side, which makes  
11 impossible any kind of curb cut or reconfiguration of the  
12 parking on this lot.

13           BRENDAN SULLIVAN: What about a single-family with  
14 an accessory apartment?

15           ADAM GLASSMAN: Well, for those who like to see  
16 more density -- and I would also say providing units for  
17 families -- is a benefit to the neighborhood. I would think  
18 more children in the neighborhood would be a benefit to the  
19 Montessori School.

20           An accessory apartment would create a -- such a  
21 lopsided structure we'd still wind up in an essentially  
22 enormous single-family, really too big for this site in this

1 part of the city.

2 DAVID PINCUS: So what you're saying is it's not  
3 feasible?

4 ADAM GLASSMAN: Well. I'm saying it doesn't -- in  
5 the real world, a single-family with an accessory apartment  
6 makes no sense. You know, in terms of urban design and in  
7 terms of who's actually going to live here, who would be  
8 attracted to this.

9 And, you know, as it is we've got two units with  
10 four bedrooms creating an enormous single-family. I mean,  
11 talk about overpriced housing. That's what we'd be looking  
12 at -- even more exclusive housing than some feel we already  
13 have.

14 BRENDAN SULLIVAN: But again, it goes back to  
15 price of acquisition.

16 ADAM GLASSMAN: Right. But, you know, the lot --  
17 whatever the lot is purchased for -- I mean, I don't really  
18 want to -- we're not really claiming that kind of financial  
19 hardship, because that -- you know, doesn't seem  
20 appropriate, but the fact is on this lot, no one's ever  
21 going to build anything other than a single-family, and they  
22 have to do it by right. And yeah, that certainly makes no

1 business sense.

2 And I know it's been said, "Sure, everybody likes  
3 to make money, that's the American way," but you can't come  
4 to the Board saying "We're not going to make enough money,  
5 "and we're not -- but we're not doing that."

6 We're trying to say that a reasonable use of this  
7 lot in the BA's District, even using C-2B Dimensional  
8 Requirements, would still demand at least a two-family on  
9 this lot.

10 BRENDAN SULLIVAN: Well, I'm not there to support  
11 what's before us anyhow. So maybe you can get four other  
12 members of the Board. But anyhow -- all right, if you would  
13 -- if you have anything else to add before we put it back to  
14 the Board?

15 JASON MARSHALL: Are we going back to Board  
16 discussion?

17 BRENDAN SULLIVAN: Discussion and a vote.

18 JASON MARSHALL: Sure. I'd like -- let's, if  
19 we're moving into discussion, I'd like to hear more comments  
20 from the Board before we decide whether or not to continue  
21 the case.

22 BRENDAN SULLIVAN: All right. Jim, I think you

1 are clear that you support what's before us?

2 JIM MONTEVERDE: Correct. And I think Adam's  
3 discussion of I have up on my screen the site -- the setback  
4 plan, which kind of describes the lot and the required  
5 setbacks and the fact that that's basically, you know, a  
6 single-family footprint size I agree with. I think that is  
7 the basis for the variance.

8 BRENDAN SULLIVAN: Okay.

9 JIM MONTEVERDE: Anyway, thank you.

10 BRENDAN SULLIVAN: All right. Great. Wendy, any  
11 further comments, or your thoughts on what's before us?

12 WENDY LEISERSON: I think I would prefer to see  
13 this continued and hear that outreach had been made to all  
14 of the neighbors before I considered this, and also have a  
15 chance to look over those submissions today.

16 BRENDAN SULLIVAN: Okay. So you're not  
17 comfortable on voting up or down tonight?

18 WENDY LEISERSON: Correct.

19 BRENDAN SULLIVAN: Okay. All right. That's --  
20 no, perfectly fine and legitimate. Matina, your thoughts on  
21 what's before us?

22 MATINA WILLIAMS: Again, like I said before, I

1 think I like the plan.

2 BRENDAN SULLIVAN: Okay.

3 MATINA WILLIAMS: It's -- doesn't give you a bunch  
4 of cookie-cutter little shoeboxes and it's nice.

5 BRENDAN SULLIVAN: Great. All right. Thank you.  
6 Jason, back to you with your thoughts on what's before us?

7 JASON MARSHALL: Thanks. Following on Matina's  
8 comment, Adam, I will commend you. I think you bring a lot  
9 of creativity to the designs that you come before the Board  
10 with.

11 I also think the policy questions you raised are  
12 valid. I just don't think this is the forum for it. I  
13 think that's -- that is -- those are better addressed by the  
14 City Council.

15 Stating the obvious, we are bound to apply the  
16 law. We don't make it here, and going back and forth and  
17 some of the public comments, which I agree with, I just  
18 don't think you meet the statutory standard.

19 I don't think that the hardship is related to  
20 soil, shape or topography. So I would not vote to support  
21 this proposal tonight.

22 BRENDAN SULLIVAN: Okay. All right. So Adam,

1 you've heard comments from the Board.

2 ADAM GLASSMAN: We'd like to continue.

3 BRENDAN SULLIVAN: All right. You'd have to  
4 assemble the same five. September 8. So members, are we  
5 available on September 8? Jim Monteverde?

6 JIM MONTEVERDE: Yes, I will be.

7 BRENDAN SULLIVAN: Jason, will you be available on  
8 September 8?

9 JASON MARSHALL: I will not, Brendan, as we -- as  
10 I noted earlier. I think was it September 27 that was the  
11 next date available? I can do that.

12 BRENDAN SULLIVAN: Okay. Jim, are you available  
13 on September 27?

14 JIM MONTEVERDE: Yes.

15 BRENDAN SULLIVAN: I'm sorry.

16 JASON MARSHALL: No, it's the twenty-second,  
17 sorry.

18 BRENDAN SULLIVAN: All right. Twenty-second?

19 ADAM GLASSMAN: Yes.

20 BRENDAN SULLIVAN: I'm sorry, Jason, September 22?

21 JASON MARSHALL: Yes, 22. Yep.

22 BRENDAN SULLIVAN: Okay.

1 JASON MARSHALL: I apologize.

2 BRENDAN SULLIVAN: Yeah. All right. Jim, are you  
3 available on September 22?

4 JIM MONTEVERDE: Yes.

5 BRENDAN SULLIVAN: Wendy, are you available on  
6 September 22?

7 WENDY LEISERSON: Yes, I am.

8 BRENDAN SULLIVAN: Okay, Matina?

9 MATINA WILLIAMS: I think I said yes before, but I  
10 realized I'm not available.

11 BRENDAN SULLIVAN: You are not available?

12 MATINA WILLIAMS: I will not be available.

13 BRENDAN SULLIVAN: Okay. Or you can go with four  
14 members, Adam, if you wish.

15 ADAM GLASSMAN: No. I think we prefer five  
16 members.

17 BRENDAN SULLIVAN: October 6 would be the next  
18 date. So going back again, Matina, October 6?

19 MATINA WILLIAMS: October 6 works.

20 BRENDAN SULLIVAN: Okay. Wendy, October 6?

21 MATINA WILLIAMS: Yes.

22 BRENDAN SULLIVAN: Jason, October 6?

1           JASON MARSHALL: No, that does not work for me.  
2 I'd have to do the two weeks out from there, the twentieth.

3           BRENDAN SULLIVAN: So we're back to October 27?  
4 And I think everybody said that they were available on the  
5 twenty-seventh? October 27?

6           COLLECTIVE: That's correct. Yes. Yeah.

7           BRENDAN SULLIVAN: Okay. So Adam, October 27?

8           ADAM GLASSMAN: Okay. Before we go, Mr. Chair, I  
9 know you're not -- you're not in favor of this project. I  
10 think, you know, if you could clarify, you know, maybe the  
11 direction you'd like to see us go.

12           BRENDAN SULLIVAN: Well, I think it's just too  
13 much building for the site. And that, again, starting off  
14 with a blank piece of paper, and I know if you ask 10  
15 people, you're going to get 10 different opinions, and I  
16 guess --

17           ADAM GLASSMAN: But when you say it's too much --

18           BRENDAN SULLIVAN: -- I see -- procedural -- once  
19 heard that is deeper -- is really, of course, decided by a  
20 committee. But I think it's -- the site is a challenge. It  
21 has its constraints. But I think that it can be reduced to  
22 allow more open space, more of a buffer on Elm to the

1 adjoining property behind on Elm.

2           Whether or not it comes forward to Broadway, I'd  
3 like to see some green space there. I'm not terribly happy  
4 with the garages on Broadway, but I think turning them to  
5 Elm is probably going to be more of a challenge.

6           I just think that it can be a smaller building  
7 because we're asking, I think, for a fair amount of relief  
8 on the setbacks. And the setbacks to me are important.

9           ADAM GLASSMAN: If we conform to the setback --

10          BRENDAN SULLIVAN: I mean --

11          ADAM GLASSMAN: -- if we conform to the setbacks,  
12 and we're back here with a request for relief for parking,  
13 is that more favorable to you, even though the abutters all  
14 appreciate that we're providing the required amount of  
15 parking? Because that's what -- that's where we're going to  
16 go with setbacks for parking on this lot.

17          BRENDAN SULLIVAN: Setbacks or parking?

18          ADAM GLASSMAN: We can conform to setbacks or  
19 parking and the feedback we got from those who live on Elm  
20 Street was, you know, please provide parking. They like the  
21 buffers we provided, it's much more than they have now,  
22 especially for David Pincus right behind us.

1           So sure, we can squeeze this building, but we  
2           won't have parking. This plan we submitted was not a -- you  
3           know, a first pass at this. We did study how to get --  
4           bring this into full zoning conformance. And if we can't,  
5           what was the least detrimental way to do this?

6           BRENDAN SULLIVAN: Then I would just like to see a  
7           lot smaller building. How you deal with the parking, you  
8           deal with parking.

9           ADAM GLASSMAN: Okay.

10          BRENDAN SULLIVAN: And I can't redesign this now  
11          in my head --

12          ADAM GLASSMAN: Okay.

13          BRENDAN SULLIVAN: -- say --

14          ADAM GLASSMAN: Okay. Thank you for that.

15          BRENDAN SULLIVAN: All right. So on the motion,  
16          then, to continue this matter to October 27 at 6:00 p.m., on  
17          the condition that the petitioner sign a waiver to the  
18          statutory requirement for a hearing and a decision to be  
19          rendered thereof. Such waiver should be in the file a week  
20          from Monday by 5:00 p.m.

21                 That any new submittals different than what is in  
22                 the file now be in the file by 5:00 p.m. on the Monday prior

1 to the October 27 hearing.

2 That the posting sign be changed to reflect the  
3 new date of October 27 at 6 -- and the time at 6:00 p.m.  
4 Doesn't have to be continuous from tonight, it's just that  
5 it must be maintained at least 14 days prior to October 27.

6 And I would also encourage the petitioner to  
7 address the correspondence that has come in regarding the  
8 legal standard that they state you have failed to meet, and  
9 how you can address that and address the legal standard that  
10 we have to grant.

11 Anything else to add?

12 ADAM GLASSMAN: Before we go, I'd just like to ask  
13 you, I'd like to ask you to respond to those claims that we  
14 have no legal standing when we know on a lot with required  
15 setbacks with conforming setbacks make development --

16 BRENDAN SULLIVAN: Yeah. Then you say that  
17 they're not valid, that's all.

18 ADAM GLASSMAN: I guess I just wanted your  
19 opinion. I mean, maybe you want to wait and see what we can  
20 come up with regard to setbacks before you decide?

21 BRENDAN SULLIVAN: Correct. That's fair.

22 ADAM GLASSMAN: Okay. All right.

1 BRENDAN SULLIVAN: That's it. That's exactly  
2 correct.

3 ADAM GLASSMAN: Okay.

4 BRENDAN SULLIVAN: Anything else, Board, to add to  
5 the conditions going forward? No. All right. On the  
6 motion, then, to continue this matter, Jim Monteverde?

7 JIM MONTEVERDE: In favor of the continuance.

8 BRENDAN SULLIVAN: Jason Marshall?

9 JASON MARSHALL: In favor.

10 BRENDAN SULLIVAN: Wendy Leiserson?

11 WENDY LEISERSON: In favor.

12 BRENDAN SULLIVAN: Matina Williams?

13 MATINA WILLIAMS: In favor.

14 BRENDAN SULLIVAN: And Brendan Sullivan yes, in  
15 favor of continuing this matter until October 27 at 6:00  
16 p.m.

17 [All vote YES]

18 BRENDAN SULLIVAN: Thank you.

19 ADAM GLASSMAN: Thank you.

20

21

22

1 \* \* \* \* \*

2 (8:59 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
4 Monteverde, Matina Williams and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will hear Case No.  
7 170485 -- 64 Prospect Street.

8 RAFFI MARDIROSIAN: Hi there, Raffi Mardirosian  
9 here from 64 Prospect, right on the corner of Bishop Allen  
10 and Prospect Street, next to the big parking lots. I'm here  
11 with a request for relief, I think primarily on FAR.

12 It's kind of looking to build a kind of small 100-  
13 square foot home office where there's currently a deck next  
14 to the house with the -- rising just through the pandemic  
15 and needing kind of an office space for working from home.

16 And I guess -- oh, thanks for presenting the  
17 plans. Yeah, so -- so maybe going to the next slide here?

18 This is the existing lot. There's two -- they're  
19 62 and 64 Prospect in the front on the street, four units in  
20 that building and my house is a detached, single-family in  
21 the back.

22 And the deck you see in the bottom left is what

1 I'm hoping to enclose and put in a small little home office  
2 there.

3 And I can show pictures. And I have it open, I  
4 can share my screen as well. But I can show pictures of  
5 kind of what's around the property. It's basically --  
6 there's one building abutting me to the south, and then a  
7 building in the back, and then a parking lot directly.

8 But all around this deck actually across the lot  
9 lines are parking. And so, it wouldn't really encroach on  
10 any neighbors' buildings or space.

11 Next slide, please?

12 So yeah. At the bottom you see kind of what it  
13 would be. The stairs get pushed out a little bit into the -  
14 - towards the front of the street, and -- and then yeah,  
15 like a 100-square foot little, little room there. And then  
16 the next slide has a side view of it.

17 You can probably skip down two slides. This is  
18 the dimensional requirements and the change. It's going  
19 from a 1.11 FAR to 1.13 FAR. I don't know if this qualifies  
20 as the smallest request you've ever seen, but certainly it's  
21 on the margin here.

22 And I think everything else is the same. Oh,

1 slightly lower open space -- gives this building a little  
2 more space.

3 Do you have the pictures here as well, or should I  
4 share my screen to show those?

5 BRENDAN SULLIVAN: How many square feet are you  
6 adding?

7 RAFFI MARDIROSIAN: I think it's just the 100  
8 here. It's -- yeah. I think it's showing 160 here. I  
9 think it's probably a little less than that. But yep, here  
10 are the pictures. Appreciate that. So this is the deck.

11 And if you just kind of go one by one through it,  
12 you can kind of see.

13 This is the entrance to the deck on the right.  
14 You can see to the right there's a parking lot. And so,  
15 it's pretty far from the next building. There is a better  
16 view of that. So it would just kind of go closer to this  
17 parking.

18 And then behind the house as well there's a big  
19 parking lot right there.

20 So yeah, that's the existing site conditions.

21 BRENDAN SULLIVAN: So there's basically an  
22 existing footprint now and you're just basically enclosing

1 it.

2 RAFFI MARDIROSIAN: Enclosing it. Yeah, that's  
3 right.

4 BRENDAN SULLIVAN: And that will allow use of  
5 space outside the main house proper?

6 RAFFI MARDIROSIAN: Yeah, yeah. It'll add a small  
7 office to do work for -- you know, two people working from  
8 home.

9 BRENDAN SULLIVAN: All right. Any questions by  
10 members of the Board? Jim Monteverde?

11 JIM MONTEVERDE: That tree in the left-hand side  
12 of the photo, does it survive the addition?

13 RAFFI MARDIROSIAN: Yes. Keeping the tree.

14 JIM MONTEVERDE: Because if I look at your plan,  
15 the demo plan showing the addition and the current porch, it  
16 doesn't look like it could, if the drawing's accurate.

17 That one. To the right is the existing porch. To  
18 the left is your proposed. That tree is hard up against the  
19 railing of the existing deck?

20 RAFFI MARDIROSIAN: Yeah. I'd have to double  
21 check that.

22 JIM MONTEVERDE: It looks like it's in the middle

1 of your addition.

2 RAFFI MARDIROSIAN: Got it. Yeah. I'd have to  
3 double check that. Yeah.

4 JIM MONTEVERDE: You don't have to double check;  
5 you're taking the tree out to do this.

6 BRENDAN SULLIVAN: I think that's what's  
7 triggering the relief, because it's a new nonconformity,  
8 whereas the setback on the left side right now is nine feet,  
9 and what is proposed is three feet.

10 JIM MONTEVERDE: Right.

11 BRENDAN SULLIVAN: So it's a bump out of six feet.

12 JIM MONTEVERDE: Yep.

13 RAFFI MARDIROSIAN: Right. Okay, yeah. I guess  
14 you're right, then.

15 JIM MONTEVERDE: Yeah. It's the setback and it's  
16 the tree -- that large tree that exists adjacent to your  
17 deck is going to get wiped out to do the addition.

18 RAFFI MARDIROSIAN: Yeah. And if it's any  
19 consolation and I'm also planning to do landscaping, and,  
20 like, 20 trees to the lot is not part of this conversation,  
21 obviously. But if that's helpful context.

22 BRENDAN SULLIVAN: Anything else, Jim?

1 JIM MONTEVERDE: No, I'm sorry. No. Thank you.

2 BRENDAN SULLIVAN: Jason Marshall, any questions  
3 at this time?

4 JASON MARSHALL: Nothing at this time, thanks.

5 BRENDAN SULLIVAN: Wendy?

6 WENDY LEISERSON: Nothing at this time.

7 BRENDAN SULLIVAN: Matina?

8 MATINA WILLIAMS: Nothing at this time.

9 BRENDAN SULLIVAN: Okay, and I have nothing. All  
10 right. Let me open it to public comment. Any member of the  
11 public who wishes to speak should now click the button that  
12 says, "Participants," and then click the button that says,  
13 "Raise hand."

14 If you are calling in by phone, you can raise your  
15 hand by pressing \*9 and unmute or mute by pressing \*6.  
16 There's apparently nobody calling in, and we are not in  
17 receipt of any correspondence.

18 So I will close the public comment part of the  
19 hearing. Anything else to add to your presentation, or --

20 RAFFI MARDIROSIAN: Not from me, no.

21 BRENDAN SULLIVAN: Now? Okay. Board, are we  
22 ready for a motion and any further discussion or motion and

1 a vote?

2 JIM MONTEVERDE: So just so I'm clear, the relief  
3 that's being sought with the variance is for what  
4 conditions?

5 RAFFI MARDIROSIAN: The floor area.

6 JIM MONTEVERDE: Because you're adding 100 square  
7 feet --

8 RAFFI MARDIROSIAN: Yeah.

9 JIM MONTEVERDE: -- correct?

10 RAFFI MARDIROSIAN: And then that brings the open  
11 space down a little bit as well. So I think those two.

12 JIM MONTEVERDE: And you have no setback  
13 intrusions that you need relief for?

14 BRENDAN SULLIVAN: Well, it would be the left  
15 side.

16 RAFFI MARDIROSIAN: Okay. I'm looking at it --

17 JIM MONTEVERDE: Correct.

18 RAFFI MARDIROSIAN: -- now. It looks like it's  
19 one foot on the --

20 JIM MONTEVERDE: Um --

21 RAFFI MARDIROSIAN: Two feet on the left. Yeah.  
22 It's not going out any further than the deck, but it's --

1     yeah, it's going to that deck line, which looks like it's a  
2     two-foot change from the ordinance.

3             BRENDAN SULLIVAN: Well, it is going further than  
4     the deck, according to the drawings, because --

5             JIM MONTEVERDE: Yeah.

6             BRENDAN SULLIVAN: -- and all the dimensional  
7     form. The requirement is five feet. Right now, your  
8     existing deck porch is nine feet. What you're proposing is  
9     three feet --

10            JIM MONTEVERDE: Three-one, yeah.

11            BRENDAN SULLIVAN: -- on the --

12            RAFFI MARDIROSIAN: I see, okay.

13            BRENDAN SULLIVAN: So you're going -- you're going  
14     out.

15            RAFFI MARDIROSIAN: Yeah. Okay. Sorry, I didn't  
16     appreciate that. But yeah, I guess that's right.

17            BRENDAN SULLIVAN: The -- I mean, yeah, you are  
18     increasing the floor area, only because you're building a  
19     platform and then you're putting -- enclosing it.

20            So the ratio is going from 1.114 to 135. So it's  
21     de minimis, the amount of square footage is de minimis.

22     It's just that left side inclusion or intrusion on the

1 setback. Otherwise, you could apply for a special permit.

2 RAFFI MARDIROSIAN: Oh, okay.

3 JIM MONTEVERDE: All right, thanks.

4 BRENDAN SULLIVAN: Yep. Anybody -- are there any  
5 other questions, or should we take it to a vote? Okay. Let  
6 me make a motion, then, to grant the relief requested, as  
7 per the drawings, which are initialed by the Chair.

8 We're granting relief on the condition that the  
9 work comply with the drawings submitted entitled, "62-64  
10 Prospect Street Condominium" prepared by Ian Kenney and  
11 initialed by the Chair, and also the supporting statements  
12 and the dimensional form.

13 The Board finds that a literal enforcement of the  
14 provisions of the ordinance would involve a substantial  
15 hardship, such hardship to the petitioner, because it would  
16 preclude the petitioner from adding and enclosing some of  
17 area which is now out of the footprint of the building, even  
18 though the petitioner is expanding the footprint a bit into  
19 the side yard setback. It is the only new violation being  
20 created.

21 The Board finds that the size of the lot,  
22 placement of the existing structure on it, that the

1 petitioner is encumbered by the existing ordinance.

2           The Board finds that the amount of relief being  
3 requested to the existing structure is somewhat de minimis,  
4 will allow the petitioner a covered area to enter and exit  
5 the structure, also to provide some much-needed additional  
6 office space, which due to the pandemic society and societal  
7 trends have changed, and this is the only area in which the  
8 petitioner can accommodate the needs to have an interior  
9 office space.

10           The Board finds that the hardship is owing, again,  
11 as it states, to the size, shape of the lot, which  
12 particularly affects this particular structure, and does not  
13 generally affect the zoning district on which it's located.

14           That this structure is in a business district  
15 surrounded by a parking area, and the hardship is directly  
16 related to the fact that he is encumbered by the existing  
17 ordinance and the setback requirements.

18           The Board finds that desirable relief may be  
19 granted without substantial detriment to the public good,  
20 and that the room on this part of the house is off an  
21 existing structure, and that the existing deck has very  
22 little utility and can be utilized better enclosing it, and

1 also allowing for some office space.

2 Desirable relief may be granted without nullifying  
3 or substantially derogating from the intent and purpose of  
4 the ordinance to allow homeowners to make very small  
5 additions to this structure to better accommodate societal  
6 trends, and especially related to the current pandemic and  
7 the need to work from home and provide some office space.

8 Anything else to add to the motion?

9 On the motion, then, to grant the relief requested  
10 for the variance, Jim Monteverde?

11 JIM MONTEVERDE: In favor.

12 BRENDAN SULLIVAN: Jason Marshall?

13 JASON MARSHALL: In favor.

14 BRENDAN SULLIVAN: Wendy?

15 WENDY LEISERSON: In favor.

16 BRENDAN SULLIVAN: Matina?

17 MATINA WILLIAMS: In favor.

18 BRENDAN SULLIVAN: And Brendan Sullivan yes.

19 [All vote YES]

20 On five affirmative votes, the variance is  
21 granted.

22 RAFFI MARDIROSIAN: Thank you all. Appreciate it.

\* \* \* \* \*

(9:13 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim  
Monteverde, Matina Williams and Jason  
Marshall

BRENDAN SULLIVAN: The Board will hear Case No.  
178252 -- 35 Lawrence Street.

DAVID FENCHEL: Hi. My name is David Fenchel.  
I'm the architect representing Ashley and Josh Zisson at 35  
Lawrence Street.

We are requesting to replace an existing exterior  
ramp with a new stair and landing, and to extend it to  
connect flush with an existing rear deck.

The special permit is necessary because of an  
existing violation that does not meet the minimum side yard  
setback of at least 7.5 feet, and rear yard setback of at  
least 30 feet.

The proposed work does not create a new  
dimensional nonconformity, and it will not be substantially  
more detrimental than the existing non-conforming structure.  
The proposed stairs, landing and side deck will improve the  
egress, and will be more useful to homeowners that do not

1 require a ramp.

2 The proposed stairs, landing and side deck do not  
3 create a new dimensional nonconformity, and it satisfies  
4 Section 10.43, Criteria for Special permits.

5 The proposed work does not affect traffic  
6 patterns, does not change the use of the building, and does  
7 not change the density.

8 It doesn't negatively impact the neighbors'  
9 privacy in daylight and access to fresh air. And it does  
10 not impede views or cast shadows on the adjacent properties.

11 The proposed use does not change the use or  
12 density of the building. The proposed work does not impair  
13 the integrity of the neighborhood, and in in keeping with  
14 the overall style of the existing building.

15 BRENDAN SULLIVAN: Okay, David, was there --  
16 always sort of a deck or a landing there before, or was it  
17 always evidence that's the doorway along that side of the  
18 house?

19 DAVID FENCHEL: Well, there's an existing ramp  
20 along that side of the building.

21 BRENDAN SULLIVAN: So somebody put the ramp in to  
22 assist a person with a disability?

1           DAVID FENCHEL: Yeah, it's cracked.

2           BRENDAN SULLIVAN: Okay. And --

3           DAVID FENCHEL: Yes, the previous owner was  
4 wheelchair bound, due to an at home accident. So they --  
5 the previous owners had retrofitted many components of the  
6 existing house, including this exterior ramp.

7           BRENDAN SULLIVAN: All right. Any questions by  
8 members of the Board? Jim?

9           JIM MONTEVERDE: Are you -- do you not need to  
10 seek any kind of relief for the two dormers that you're  
11 proposing?

12          DAVID FENCHEL: We've already received relief for  
13 that portion of work.

14          JIM MONTEVERDE: Through the Zoning Board?

15          DAVID FENCHEL: Yes. We received a special permit  
16 for the --

17          JIM MONTEVERDE: For the two dormers?

18          DAVID FENCHEL: For the two dormers, yes.

19          JIM MONTEVERDE: Okay. Thanks. That's all.

20          BRENDAN SULLIVAN: Okay, Jason, any questions or  
21 comments at this time?

22          JASON MARSHALL: No questions.

1 BRENDAN SULLIVAN: Wendy?

2 WENDY LEISERSON: No questions.

3 BRENDAN SULLIVAN: Matina?

4 MATINA WILLIAMS: No questions.

5 BRENDAN SULLIVAN: And I have no questions. Open  
6 it to public comment. Any members of the public who wish to  
7 speak should now click the button that says, "Participants,"  
8 and then click the button that says, "Raise hand."

9 If you are calling in by phone, you can raise your  
10 hand by pressing \*9 and unmute or mute by pressing \*6. You  
11 will have up to three minutes to comment.

12 There appears to be nobody calling in and we have  
13 no correspondence from any member of the public or City  
14 Board to enclose that portion or anything else to add at  
15 this point on your presentation? No?

16 DAVID FENCHEL: Oh, no, thank you.

17 BRENDAN SULLIVAN: Yeah.

18 DAVID FENCHEL: I'm sorry.

19 BRENDAN SULLIVAN: Caught you by surprise. Sorry.  
20 Nothing else to add, David? No? Okay.

21 DAVID FENCHEL: No, no.

22 BRENDAN SULLIVAN: Are we ready for a motion,

1 then, members of the Board?

2 JIM MONTEVERDE: Yep. Yep.

3 BRENDAN SULLIVAN: Okay. Make a motion, then, to  
4 grant the special permit as per the drawings submitted,  
5 titled, "Zisson" - Z-i-s-s-o-n "Residence, 35 Lawrence," and  
6 dated 5-31, initialed by the Chair.

7 The Board grants a special permit on the condition  
8 that the work comply with the drawings, supporting  
9 statements, dimensional form as submitted in the  
10 application.

11 The Board finds that under 8.22d, that the Board  
12 of Zoning Appeal may grant a special permit for the  
13 alteration or enlargement of a preexisting dimensionally  
14 non-conforming, detached single-family or two-family  
15 dwelling -- just hold on here for a second. Yeah. Okay. --  
16 not otherwise permitted in Section 8.22.1, but not the  
17 enlargement or alteration of a preexisting non-conforming  
18 use.

19 Provided that there is no change in use, and that  
20 any enlargement or alteration of such preexisting, non-  
21 conforming detached single-family dwelling or two-family may  
22 only increase a preexisting dimensional nonconformity but

1 does not create a new dimensional nonconformity.

2 In order to grant the special permit, the Board of  
3 Zoning Appeals is required to find that the alteration or  
4 enlargement shall not be substantially more detrimental than  
5 the existing non-conforming structure to the neighborhood,  
6 and the Board does so find, and that the alteration or  
7 satisfies the criteria in 10.43.

8 10.43, it appears that the requirements of the  
9 ordinance can be met. Traffic generated or patterns of  
10 access or egress would not cause congestion, hazard, or  
11 substantial change in the established neighborhood  
12 character.

13 In fact, what is proposed is to restore the  
14 feature back to the -- that is proposed -- back to the  
15 building, which was there prior to the installation of this  
16 ramp.

17 The Board finds that continued operation of or  
18 development of adjacent uses, as permitted in the Zoning  
19 Ordinance, would not be adversely affected by the nature of  
20 the proposed use. In fact, it would have no effect on the  
21 adjoining properties.

22 There would not be any nuisance or hazard created

1 to the detriment of the health, safety and/or welfare of the  
2 occupant of the proposed use. In fact, the addition of this  
3 ramp and the stairs and railings would have a more  
4 beneficial effect on the citizenry or occupants of the  
5 structure.

6 That the proposed use would not impair the  
7 integrity of the district or adjoining district, or  
8 otherwise derogate from the intent and purpose of the  
9 ordinance to allow the petitioner and the homeowners to add  
10 a condition feature of this kind for better entry and exit  
11 out of the structure.

12 On the motion, then, to grant the special permit,  
13 Jim Monteverde?

14 JIM MONTEVERDE: In favor.

15 BRENDAN SULLIVAN: Jason Marshall?

16 JASON MARSHALL: In favor.

17 BRENDAN SULLIVAN: Wendy Leiserson?

18 WENDY LEISERSON: In favor.

19 BRENDAN SULLIVAN: Matina Williams?

20 MATINA WILLIAMS: In favor.

21 BRENDAN SULLIVAN: Yes.

22 [All vote YES]

1           Five affirmative votes, the special permit is  
2 granted. Good luck.

3           DAVID FENCHEL: Thank you very much.

4           BRENDAN SULLIVAN: And that concludes tonight.

5           JIM MONTEVERDE: All right. Very good. Thank  
6 you.

7           COLLECTIVE: Thank you.

8           BRENDAN SULLIVAN: Great input, great dialogue.  
9 Much appreciated. Be well.

10 [09:21 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Catherine Burns, 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.

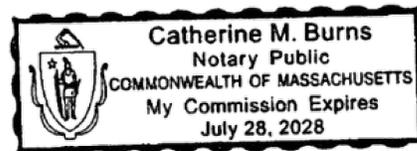
In witness whereof, I have hereunto set my hand this 22nd day of July, 2022.



Notary Public

My commission expires:

July 28, 2028



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