

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MARCH 24 2022

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair
Jim Monteverde, Vice Chair
Constantine Alexander
Wendy Leiserson
Laura Wernick
Slater W. Anderson
Jason Marshall

City Employees
Olivia Ratay, Zoning and Building Associate



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P R O C E E D I N G S

* * * * *

(6:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, Wendy
Leiserson, and Jason Marshall

BRENDAN SULLIVAN: Welcome to the March 24, 2022
meeting of the Cambridge Board of Zoning Appeals.

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

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

There will also be a transcript of the
proceedings.

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

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

8 Generally, you will have up to three minutes to
9 speak, but that might change based on the number of
10 speakers.

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

13 OLIVIA RATAY: Laura Wernick?

14 LAURA WERNICK: Present.

15 OLIVIA RATAY: Jim Monteverde?

16 JIM MONTEVERDE: Present.

17 OLIVIA RATAY: Jason Marshall?

18 JASON MARSHALL: Present.

19 OLIVIA RATAY: Wendy Leiserson?

20 WENDY LEISERSON: Present.

21 OLIVIA RATAY: Gus Alexander?

22 CONSTANTINE ALEXANDER: Present.

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OLIVIA RATAY: Brendan Sullivan.

BRENDAN SULLIVAN: Present and audible.

* * * * *

(6:02 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, and Laura Wernick

BRENDAN SULLIVAN: First case I'm going to call
tonight will be Case No. 149665 -- 38 Mount Pleasant
Street. Counselor Alphen, do you wish to state your name
for the record?

CHRISTOPHER ALPHEN: Mr. Chairman, Attorney
Christopher Alphen. I submitted a letter to the Board
asking that this application be withdrawn without
prejudice. I have no other further comment.

BRENDAN SULLIVAN: Thank you. We are in receipt
of the letter dated March 17 requesting a formal request to
withdraw this application.

CONSTANTINE ALEXANDER: Mr. Chairman?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: You're saying, "withdraw
without prejudice." I don't think that's the way our
ordinance works. You withdraw, it's deemed to be a denial,
and you cannot come back for two years, your client can't,
unless you have some difficulty -- I'm not sure what the

1 words are -- but different plans than you have now. Just so
2 you understand that.

3 CHRISTOPHER ALPHEN: Well, that's why I'm seeking
4 a withdrawal without prejudice. That's the purpose for
5 this. And obviously the Board is aware that there was a
6 discussion about whether this should be able to special
7 permit or a variance.

8 We had discussions with the Building Commissioner
9 and determined that this shall be a variance, and rather
10 than amending the application to be a variance, he asked
11 that we withdraw the application. So we are following the
12 orders of the City.

13 CONSTANTINE ALEXANDER: Okay, I'm -- I don't want
14 to beat this to death, but if you look at Section 10.51 of
15 our ordinance, it says, "The granting of a leave to withdraw
16 after application for a variance of special permit had been
17 advertised shall be considered unfavorable action."

18 If you go earlier, it says, it's unfavorable
19 action -- earlier in the section, "unfavorable action," you
20 can't come back for two years, unless you come back with
21 something different.

22 So I think the ordinance is -- there's no give in

1 the ordinance. It is what it is.

2 CHRISTOPHER ALPHEN: Well then, I would ask that
3 we be able to modify our application. You're not -- I don't
4 really understand how I have an out here without getting a
5 withdrawal without prejudice here. You know, we're trying
6 to modify the application in order to seek the right zoning
7 relief.

8 It doesn't make sense to me legally that one
9 cannot change their application to seek the zoning relief
10 that the Board believes that we should be getting and then
11 at the same time say that, you know, we can't withdraw
12 without prejudice.

13 So, you know, that's -- it's an interesting
14 concept to me, I guess.

15 LAURA WERNICK: Should it be a continuance,
16 requesting a continuance rather than a withdrawal, further
17 continuance?

18 CONSTANTINE ALEXANDER: Yeah. That's exactly
19 right.

20 CHRISTOPHER ALPHEN: I'm happy to do that, as long
21 as we have an understanding that we're able to modify our
22 application to seek a variance rather than a special permit?

1 BRENDAN SULLIVAN: No, I think that the proper
2 course of action would be continue this case to leave it
3 active, and to file a new case seeking a variance for the
4 relief that you're requesting.

5 CHRISTOPHER ALPHEN: Very well.

6 BRENDAN SULLIVAN: Rather than withdrawn this

7 CONSTANTINE ALEXANDER: Right.

8 BRENDAN SULLIVAN: Because Mr. Alexander was
9 correct that any withdrawal is always with prejudice, and
10 that basically states that you cannot come back for two
11 years with the same petition.

12 It can be materially different. If you deem it
13 materially different, then you would have to apply to the
14 Planning Board, they would have to deem it materially
15 different, and then it would come back to us. That's a
16 whole bureaucratic hurdles.

17 CHRISTOPHER ALPHEN: So I'm quite aware of the
18 statute, yep.

19 BRENDAN SULLIVAN: Right. So in other words, I
20 think, Counselor, what my suggestion would be to continue
21 this matter to a date in the future, and then to apply for a
22 variance for, if you want, for the same or something

1 different.

2 But if you had applied for a variance and we
3 deemed it that you would need a special permit, then the
4 dropdown is easier. Seeking a special permit and then it be
5 deemed that you need a variance requires a new application.

6 CHRISTOPHER ALPHEN: Understood.

7 BRENDAN SULLIVAN: So I think the motion is, then,
8 to continue this matter -- withdraw the withdrawal, and kick
9 this forward to -- and again, it can be, obviously, sometime
10 in the future.

11 CHRISTOPHER ALPHEN: Yeah.

12 BRENDAN SULLIVAN: In other words, the refile, the
13 new filing, would probably be heard before this.

14 CHRISTOPHER ALPHEN: Right.

15 OLIVIA RATAY: Are we saying May?

16 BRENDAN SULLIVAN: May. May. All right, and
17 what's after May 5? May 19. What about if we kick this
18 forward to May 19?

19 CHRISTOPHER ALPHEN: That would be terrific. I
20 really appreciate it.

21 BRENDAN SULLIVAN: Okay. So let me make a motion,
22 then -- a request of Counsel -- to continue this matter

1 until May 19, 2022 on the condition that the -- you have to
2 maintain the posting sign at least 14 days prior to the May
3 19 date. Such posting sign should reflect the new date of
4 May 19, and the new time of 6:00 p.m.

5 That should there be any new submissions, changes
6 to the existing application 149665, those changes should be
7 in the file by 5:00 p.m. on the Monday prior to May 19. You
8 have already signed a waiver, so that -- that's concurrent,
9 so we're fine there.

10 CONSTANTINE ALEXANDER: May I make two comments?
11 One, we didn't pick a time on the May date. What time?

12 BRENDAN SULLIVAN: 6:00 p.m.

13 CONSTANTINE ALEXANDER: 6:00 p.m. And the other
14 the plans "should" be in the files by 5:00 p.m. on the
15 Monday before. The word is, "must."

16 BRENDAN SULLIVAN: "Must" be in the file, correct.
17 Okay. Yeah. Anything to do with this particular 149665.
18 On the motion then, to continue this matter to May 19, Mr.
19 Alexander?

20 CONSTANTINE ALEXANDER: I vote in favor.

21 BRENDAN SULLIVAN: Mr. Monteverde?

22 JIM MONTEVERDE: I vote in favor.

1 BRENDAN SULLIVAN: Laura Wernick?

2 LAURA WERNICK: Voting in favor.

3 BRENDAN SULLIVAN: All right. Is Jason, you're
4 present? Jason Marshall on the matter to continue.

5 JASON MARSHALL: I'm not on this case, Mr. Chair,
6 but I will vote for it if you want me to.

7 BRENDAN SULLIVAN: Okay. And Chair Brendan
8 Sullivan votes to continue this matter to May 19.

9 WENDY LEISERSON: And Mr. Chair, Wendy Leiserson,
10 who is on this case --

11 BRENDAN SULLIVAN: Okay.

12 WENDY LEISERSON: -- also votes to continue.
13 Thank you.

14 BRENDAN SULLIVAN: Good. I'm sorry. Good. I
15 didn't see your name up here. Then let's scratch Jason, and
16 Wendy Leiserson, the matter -- motion to continue. Wendy?

17 WENDY LEISERSON: Oh, yes.

18 BRENDAN SULLIVAN: Yes, okay, great. All right.

19 [All vote YES]

20 BRENDAN SULLIVAN: Five affirmative votes, the
21 matter is continued.

22 CHRISTOPHER ALPHEN: Thank you.

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BRENDAN SULLIVAN: Thank you.

1 (6:10 p.m.)

* * * * *

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Jim Monteverde, Laura Wernick, and Jason
4 Marshall

5 BRENDAN SULLIVAN: The next case I'll hear is BZA
6 017219- 2019 -- 544 Massachusetts Avenue. Olivia, is there
7 a letter in the file here requesting a continuance from Mr.
8 Schorer?

9 [Pause]

10 There is correspondence from -- the Board is in receipt of
11 correspondence from Cliff Schorer. It is addressed to
12 Mayor Maria Pacheco dated March 14, May 22, and he
13 basically goes on to say that they're presenting a revised
14 plan.

15 The unit count has been reduced and affordable
16 units increased in size. If we might continue until June,
17 I believe you should be ready by then.

18 BRENDAN SULLIVAN: We're going to continue this
19 matter until July 28, 2022, on the condition that the
20 petitioner maintain the posting sign at least 14 days prior
21 to the July 28 date..

22 That he change the posting date to reflect the new

1 date of July 28, 2022 at 6:00 p.m., and we have a waiver in
2 the file that any new changes, submissions be in the file --
3 must be in the file by Friday 5:00 p.m. on the Monday prior
4 to the July 28, 2022 hearing.

5 On the motion then, to continue this matter, Mr.
6 Alexander?

7 CONSTANTINE ALEXANDER: I vote in favor.

8 BRENDAN SULLIVAN: Jim Monteverde?

9 JIM MONTEVERDE: I vote in favor.

10 BRENDAN SULLIVAN: Laura? And is Laura's on this?

11 [Pause]

12 LAURA WERNICK: I vote in favor.

13 BRENDAN SULLIVAN: Okay.

14 LAURA WERNICK: Laura Wernick voting in favor.

15 BRENDAN SULLIVAN: Wendy Leiserson?

16 WENDY LEISERSON: Voting in favor.

17 BRENDAN SULLIVAN: And [Brendan Sullivan] yes to
18 continue this matter.

19 [All vote YES]

20 The matter is continued to July 28.
21
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* * * * *

(6:13 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, Wendy
Leiserson, and Jason Marshall

BRENDAN SULLIVAN: The next case we'll hear is
Case No. 154869 -- 43 Reservoir Street.

CHRISTOPHER ALPHEN: Good evening, Mr. Chairman.
Attorney Christopher Alphen, Blatman, Bobrowski & Haverty
for the petitioners. Last time the petitioners were before
you they were proposing an accessory garage with some
living area.

It no longer has the living area. Therefore, we
are proposing an accessory building which will be used just
as a two-car garage. Therefore, the accessory building
meets the requirements for the setback at five feet, but it
does not meet the height requirements.

It provides -- the proposal is 18.9 feet, where
the requirement for an accessory building is 15 feet, and
therefore we are still in need of a variance.

With that, I'd like to present -- I'd like to have
Sam from SKA present the new plans and go over the changes

1 that have been made.

2 SAM KACHMAR: Good evening. My name is Sam
3 Kachmar from SKA. Olivia, could you bring up the plans,
4 please? Thank you very much.

5 Here on the first sheet, you can see the residence
6 -- the photo on the left of 43 Reservoir Street that exists
7 with the garage in the back behind the driveway.

8 And on the right, you can see the proposed garage
9 replacement. It's kind of set a little bit back and down
10 the hill.

11 Could you take us to the next slide, please?

12 Here on this aerial axon you can see the property,
13 as it exists now on the left with the single-car garage, and
14 then on the right-hand side, you can see the proposed side
15 axon showing the two-car garage to replace it.

16 Next slide, please?

17 Here on our area calculations, you can see the
18 current FAR of the property is 0.2. We're going to be going
19 onto 0.25, still well below the 0.5 FAR for the A1 district.

20 Our open space currently is 0.89 -- I'm sorry, is
21 0.83 and we're actually going to be going to like 0.89
22 because we shrunk it down a little bit.

1 Next slide, please?

2 Here our shadow studies show the structure is
3 pretty well separated from any new neighbors, so any shadows
4 cast will not be hitting any structures or impeding any
5 neighbors.

6 Next slide, please?

7 And here you can see on the left the existing site
8 plan, along with the grating showing the single-car garage.
9 And on the right-hand side, you can see the proposed site
10 plan with the two-car garage.

11 Next slide, please?

12 And here on the top left, you can see the existing
13 floor plan of the garage. In the middle on the upper
14 portion you can see a rendering of the garage. On the right
15 top you can see an axon of the two-car garage, a little bit
16 of storage for some kids' bikes and stuff.

17 And on the bottom, you can see the floor plan of
18 the two-car garage. Since our last visit, we shrunk the
19 overall size of the garage in both width, length, and
20 height, and removed the proposed accessory apartment that we
21 were showing before as well.

22 Next slide, please?

1 Here on the upper level, you can see we just have
2 a pull-down attic stair to get some storage. And on the
3 upper left you can see the existing roof plan. You can see
4 a rendering of the garage in the middle. And on the right,
5 you can see the axonometric of the structure where we've
6 removed some of the dormers and reduced the overall height
7 of the roof line as well.

8 Next slide, please?

9 Here on the full roof plan, again, you can see the
10 upper level of the existing garage in the upper left-hand
11 corner. In the middle, you can see the proposed garage. On
12 the right you can see an axonometric of it, and on the
13 bottom middle you can see the roof plan of the proposed
14 garage.

15 Next slide, please?

16 And here on the top left we've got the existing
17 elevation. On the right-hand side we've got an existing
18 photo. The bottom left we've got the proposed render, and
19 on the bottom right we have the proposed elevation.

20 Next slide?

21 Same thing here. You can see where the site
22 slopes down in a way, which is why we're seeking the

1 variance, because the property has a pretty significant
2 slope going from the area where it sits on Reservoir Street
3 back down into the middle, between Fayerweather and
4 Reservoir. You know, it's a kind of hollow area.

5 Next slide, please?

6 And here, again, you can see the elevation from
7 the rear. You can see the, you know, almost like two-story
8 setup off the existing or right-hand corner. And on the
9 lower left you can see the render, and on the lower right
10 you can see the elevation.

11 Next slide, please?

12 Same thing along this side. Our clients have
13 worked with the neighbors directly abutting this, who will
14 be mostly affected with it and, you know, made a planting
15 plan that is acceptable to everyone. And I believe those
16 neighbors have written letters of support.

17 Next slide, please?

18 And here you can see the existing section in the
19 upper portion of the drawing showing the slope of the
20 property. And on the bottom, you can see the proposed
21 section showing the same.

22 Next slide, please?

1 Here you can scan for a video render, sort of
2 showing the garage and, you know, sort of a flyover of the
3 entire property.

4 And then if you go to the next slide, please?

5 And here's the survey, as submitted with earlier
6 documents. And then actually these next two slides are
7 pretty helpful, I think.

8 The next slide, if you go that elevated?

9 This one starts to show the rear of the property,
10 and it's the next page that really kind of shows the slope.

11 If you go to the next slide, please?

12 This one you can kind of see on the top left just
13 how much the site really slopes away. And that was one of
14 the challenges of trying to fit the new structure onto this
15 property.

16 The next slide just has -- I think that's it for
17 our presentation. You know, we have our dimensional form.
18 I believe there's a series of letters of support in the
19 file.

20 I think the last time we were here, which is one
21 of the concerns the Board had was the living area of the
22 second floor could be used as an Airbnb, so our clients

1 wanted to eliminate that and remove that from the program of
2 the building.

3 Thank you very much.

4 BRENDAN SULLIVAN: Okay. Any questions by Members
5 of the Board? Mr. Alexander?

6 CONSTANTINE ALEXANDER: No questions.

7 BRENDAN SULLIVAN: Jim, any questions at all?

8 JIM MONTEVERDE: No questions.

9 BRENDAN SULLIVAN: Laura, any questions at all?

10 LAURA WERNICK: No questions, thank you.

11 BRENDAN SULLIVAN: Wendy?

12 JASON MARSHALL: It's actually, Mr. Chair, I'm on
13 the --

14 WENDY LEISERSON: Actually, yeah, it's Jason, not
15 Wendy, sorry.

16 BRENDAN SULLIVAN: Playing musical chairs here.
17 And I have no questions at this time. Let me open it up to
18 --

19 JASON MARSHALL: Mr. Chair, I just have one
20 question. And just for information, I'm on the first case
21 for the regular Agenda, and then I'm off from then.

22 Sam, just one question, and really appreciate the

1 work that your firm has put into this and the work that the
2 applicants have put into it. I thought I heard you say that
3 the reason for the height variance had to do with the slope.
4 Just want to confirm that that's the case.

5 SAM KACHMAR: That's correct. There's a
6 significant hill on the property, and to be able to work
7 within the zoning ordinance would be a good significant
8 challenge for this project.

9 JASON MARSHALL: All right. Thank you. That's
10 all I have for now, Mr. Chair.

11 BRENDAN SULLIVAN: Okay, thank you. I'm going to
12 open it up to public comment. Any member of the public who
13 wishes to speak should now click the button that says,
14 "Participants," and then click the button that says, "Raise
15 hand."

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

19 OLIVIA RATAY: Luis?

20 LUIS COTTO: My apologies. That was totally my
21 mistake. I did not mean to speak.

22 BRENDAN SULLIVAN: Okay. There appears to be

1 nobody else calling in on this matter. The Board is in
2 receipt of quite a bit of correspondence from abutters near
3 and some people far in support of the project. I will
4 close public comment at this point.

5 Also any words, or Sam any other words before we
6 discuss it and take it to a vote?

7 SAM KACHMAR: I don't think anything else on our
8 end. Mr. Chairman, just emphasizing that it's really the
9 slope that causes the need for the excess height. The slope
10 is obviously, when we're thinking about the variance
11 criteria something -- the slope or the terrain of the
12 property that causes the detriment to the petitioners, and
13 in order to have an attorney conforming structure -- they
14 may have to move the structure but not be affected by the
15 slope or make the garage smaller than it is existing today.

16 So there is a hardship, and there is a -- and that
17 hardship is owing to the slope of the property.

18 BRENDAN SULLIVAN: So the only relief you're
19 requesting is the -- just the height? Because obviously the
20 accessory building can be located no nearer than five feet,
21 and you are within that five feet.

22 CHRISTOPHER ALPHEN: We are, correct.

1 BRENDAN SULLIVAN: Yeah. Five foot. So it's just
2 the height that you're requesting the relief from?

3 CHRISTOPHER ALPHEN: Correct.

4 BRENDAN SULLIVAN: Okay. All right. Let me close
5 the presentation part. We'll discuss among ourselves.
6 Maybe I'll open it up. A literal enforcement of the
7 provisions of the ordinance would involve a substantial
8 hardship, such hardship related to the soil, shape, or
9 topography.

10 It's one of the few cases I think that where the
11 soil, shape and topography actually come into play. I think
12 it's quite evident. I've walked the site, I'm very familiar
13 with the area, obviously. And that the soil conditions, if
14 you go much further back into the lot, toward the rear lot
15 line, becomes very spongy and very challenging.

16 The topography obviously is what it is, is and it
17 is unique to this particular location, the area somewhat of
18 this location, in particular. So that I think that the soil
19 conditions and the topography -- two out of three aren't
20 bad. So I would support the height.

21 And I'd also -- I think that the sight line as you
22 come in on the lot actually makes the building appear

1 smaller, shorter, because of the slope on the driveway. So
2 that's my thought. Mr. Alexander, your thoughts?

3 CONSTANTINE ALEXANDER: I'm in support. I plan to
4 vote in favor.

5 BRENDAN SULLIVAN: Jim Monteverde?

6 JIM MONTEVERDE: I share the same sentiments.

7 BRENDAN SULLIVAN: Laura?

8 LAURA WERNICK: Yeah, I have no concern about the
9 project.

10 BRENDAN SULLIVAN: Well, I'm not sure. Wendy, are
11 you on this case, or is it Jim?

12 JASON MARSHALL: It's --

13 BRENDAN SULLIVAN: Jason.

14 LAURA WERNICK: Jason.

15 JASON MARSHALL: It's me, Mr. Chair.

16 BRENDAN SULLIVAN: Jason Marshall. Okay. Your
17 thoughts?

18 JASON MARSHALL: Yeah. I know I had a lot of
19 questions about hardship in the last full round, and I think
20 for all the reasons that you stated, Mr. Chair and as
21 Counsel has articulated it, I do think this clearly meets
22 the standard in my mind.

1 And as the picture showed, it's -- the existing
2 structure is clearly in need of improvement as well. So I
3 am in support of an incline to also vote in favor.

4 BRENDAN SULLIVAN: Great. Okay. The Board finds
5 that a literal enforcement of the provisions of the
6 ordinance would involve a substantial hardship to the
7 petitioner because it would preclude the petitioner from
8 locating this very well-designed two-car garage at this
9 location...

10 That in order to comply with the ordinance, it
11 would require the petitioner to shift the structure further,
12 deeper into the lot, which then is encumbered with quite
13 challenging soil conditions and topography.

14 The Board finds that that would be onerous and
15 quite overbearing for the petitioner to construct such a
16 structure under those conditions.

17 The hardship the Board finds is directly related
18 to the soil conditions and the topography of the land, which
19 is quite challenging also.

20 The Board finds that the petitioner's neighbors
21 have expressed their desire to keep the trees located in the
22 rear intact, which provides a screening. And that without

1 such relief from the Board, the petitioner would be
2 compelled to remove the landscaping that acts as a natural
3 buffer between the abutters.

4 The Board finds that desirable relief may be
5 granted without substantial detriment to the public good,
6 but not nullify or substantially derogate from the intent
7 and purpose of the ordinance. And that the neighbors have
8 expressed support for the proposed garage and its -- and
9 prefers this location over removing landscaping in the rear
10 of the property.

11 The Board finds that the proposed garage is
12 designed to make the property more aesthetically pleasing,
13 and the nonconforming height of the proposed garage would
14 not cause a detriment to the residential character of the
15 neighborhood.

16 And again, let me run through. Mr. Alexander, you
17 have voted yes?

18 CONSTANTINE ALEXANDER: I did. And I vote yes
19 again.

20 BRENDAN SULLIVAN: And Jim, yes on the motion?

21 JIM MONTEVERDE: Yes.

22 BRENDAN SULLIVAN: Laura on the motion?

1 LAURA WERNICK: Yes.

2 BRENDAN SULLIVAN: And Jason Marshall on the
3 motion?

4 JASON MARSHALL: Yes, in favor of the variance.

5 BRENDAN SULLIVAN: And the Chair, Brendan
6 Sullivan, yes on the motion.

7 [All vote YES]

8 Five affirmative votes, the variance is granted.

9 COLLECTIVE: Thank you very much.

10 LAURA WERNICK: That is my first and last for this
11 evening, so I'm going to say goodnight to you about all.
12 Have a good evening.

13 JIM MONTEVERDE: Goodnight, Laura.

14 COLLECTIVE: Goodnight.

15 BRENDAN SULLIVAN: Thank you.

16 SAM KACHMAR: Can I say one last thing as we close
17 that case? That was the nicest variance hearing I've ever
18 had.

19 COLLECTIVE: [Laughter].

20 SAM KACHMAR: With that, I'll stop talking.

21

22

* * * * *

(6:30 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Wendy Leiserson, Jason
Marshall and Slater Anderson

BRENDAN SULLIVAN: On this particular case,
Brendan Sullivan is sitting, Jim Monteverde is sitting,
Wendy is sitting, Jason is sitting and Slater. I have six
now.

JIM MONTEVERDE: That's six.

BRENDAN SULLIVAN: Who's sitting?

SLATER ANDERSON: Are you still on the continued?
I was supposed to be in whatever the 6:30 was. That might
be the regular Agenda starting, so. We're still on the
continued.

BRENDAN SULLIVAN: Now we're finished with the --

JASON MARSHALL: Yeah, I was --

BRENDAN SULLIVAN: So Jason is sitting in lieu of
Mr. Alexander. Is Wendy sitting? Or is it Slater?

WENDY LEISERSON: I can be flexible. Happy to
have the evening if you have too many.

BRENDAN SULLIVAN: Yes.

1 JASON MARSHALL: Same here. I understood I would
2 be sitting just for the first case, for the MIT case. But
3 if you have any full slate, I'm happy to drop off as well.

4 BRENDAN SULLIVAN: No, we need you. We need you.
5 Brendan Sullivan is Sitting, Jim Monteverde is Sitting.
6 Slater Anderson is Sitting, Wendy is sitting -- Leiserson --
7 and Jason Marshall is Sitting on this particular case.
8 Okay. Good. All right. That's the lineup.

9 It's 6:30, the Board will hear Case #159242 -- 134
10 Massachusetts Avenue, Massachusetts Institute of Technology.
11 Mr. Brown? Welcome.

12 KELLEY BROWN: Thank you, Mr. Chairman. My name
13 is Kelley Brown, and I am a Senior Campus Planner at MIT.
14 We're here tonight seeking a variance to allow a retail use,
15 and a special permit to reduce the required parking, both
16 for the renovation and adaptive reuse of the Metropolitan
17 Warehouse.

18 We've been through an extensive review process on
19 this project with the Cambridge Historic Commission as well
20 as review by Community Development and the Malden Historical
21 Commission.

22 We're actually going to go through another review

1 with Mass DOT because of the proximity of the building to
2 the Grand Junction Railroad. We hope to begin renovation
3 later this year.

4 Next, please?

5 Great. Thank you. Well, can you go back one,
6 just to show the location? In case people are not familiar
7 that red rectangle represents the -- we just call it, "The
8 Met" at this point. It's got a building number, of course,
9 W41. It's shows where it's sitting in relation to the
10 campus, but also the surrounding neighborhoods.

11 Next, please?

12 So the building was constructed really as five
13 buildings, and was started about 1894. And this was before
14 the seawall was constructed. You can kind of see it in the
15 upper left there. It's not a great photo, but that's the
16 clam flats there.

17 And it's noted in the advertisement it was purpose
18 built as a storage warehouse, and it served that purpose for
19 a century. MIT has been working on a new use for the
20 building for a few years now.

21 Next, please?

22 So this is the existing condition here. It's

1 about a 500-foot-long building.

2 Next, please?

3 The focus of the historic preservation efforts was
4 really on these two façades, the one on the left facing
5 Vassar Street and the one on the right facing Massachusetts
6 Avenue.

7 Next, please?

8 So you'll see, and it's a little hard to make it
9 out, but there is some changes to the windows on the Vassar
10 Street side, and there's also the restoration of those round
11 windows you see on the front of the building and the
12 crenelation on the Mass Ave façade, which had been removed
13 at some point in that history. It will be restored.

14 Next, please?

15 But this is really the big change to create the
16 kind of human habitation here, not storage. And the
17 academic uses, it's really -- you can see there's big
18 changes on the north side of the building, as it faces these
19 railroad tracks. Several curtain walls and tremendous --
20 and also light from above.

21 Next, please?

22 And we also have -- the existing Warehouse

1 building had multiple kind of garage access points on Vassar
2 Street. And the renovation will consolidate the loading for
3 the building.

4 At the rear here that you see, it's adjacent to
5 the new Vassar, undergraduate residents, with which it will
6 share kind of loading area. The pedestrian entries will
7 replace those garage doors on the Vassar side.

8 Next, please?

9 So here we come to the variance itself. This is
10 where it's proposed. That entry there, some may recall that
11 Q audio was here for many years before they moved to
12 Brookline Street. It was a legal, nonconforming use, as was
13 the sandwich shop that was occupied the Mass Ave single-
14 story extension you see. We're going to turn that into a
15 portico with -- it will be open to the elements. There will
16 be no roof there. You'll see it next.

17 Next, please?

18 So this is the very front of the building. You
19 see Vassar Street's to the south there, Mass Ave running to
20 the east. The food kiosk that we're seeking the variance
21 for is right in that corner adjacent to the two entries --
22 main entries really -- for the building. And the portico

1 you see those kind of little seating elements out there from
2 above, you really will be able to see them from above,
3 because there will be no roof there.

4 Next, please?

5 So if you look at the zoning districts around the
6 Met, you do see that they have substantial amount of retail
7 in those districts running up towards Central Square. And
8 that retail drops -- it really just terminates when you get
9 to Special District 6 here, and the Res. C-3B that you see,
10 it's on the right there where the north and main campus
11 begin.

12 And that's because these are residential
13 districts. That Special District 6 is really the Res. C-3
14 district with a few minor modifications. But it does carry
15 the prohibition of retail uses that is common in all
16 residential districts in the city.

17 Next, please?

18 So we do think that the literal enforcement of
19 this use prohibition is a hardship. This food use really is
20 a focal point for the building occupants and visitors. It's
21 going to create an integrated simple activity that can bring
22 people together throughout the day, use that seating that

1 you saw in the lobby there and the adjacent outdoor portico.

2 It would create an activity that's visible from
3 the street, as well as from the street to the inside of the
4 building. It would really bring some really important life
5 to an area of the building that might otherwise just be kind
6 of a pass-through, a lobby without life.

7 On the other side of the coin, the kiosk itself is
8 quite small. It's only 675 square feet, including that
9 storage. It's less than 0.4 percent of the building space.

10 So our view is that the literal enforcement of the
11 food stand or kiosk span in this location would be a
12 detriment to the building, to its occupants, to its visitors
13 and to the public that will use this building.

14 Next, please?

15 The nature of the hardship is that we really do
16 have this unusually-shaped district that runs west from
17 Massachusetts Ave more than about a half mile on Vassar
18 Street. And when it was put in place in the early 1990s, it
19 was almost all industrial buildings like the storage
20 warehouse.

21 But if you look at the zoning map, it really
22 appears that the Res.C-3 and C-3B districts have primarily

1 served as de facto institutional districts, both for Harvard
2 and MIT. Around MIT -- I'm not sure about Harvard --
3 there's absolutely no family residences in these districts.
4 And of course, but they do retain the prohibition of retail
5 uses on otherwise that would be desired on a commercial port
6 or, like a Mass Ave or on Main Street, that's on the other
7 side of the campus.

8 This was addressed by the City in 2001. You'll
9 see that Business B, BB zone that's along Mass Ave there was
10 kind of stripped over a Res. C district and there was also
11 at that time the invention of the Mixed-use Residential
12 Overlay District, the MXD, that was placed along Main
13 Street, that would allow retail.

14 But Special District 6 didn't get addressed at
15 that time, and remains without retail even on Mass Ave.

16 And so any kind of redevelopment like the one
17 we're doing for Met Warehouse, or potentially something in
18 the parking lot adjacent would not be able to strengthen the
19 really quite strong retail district that's developed between
20 Lafayette Square and the campus.

21 Next, please?

22 The public good is, we think, served by this.

1 Trying to preserve the core architectural features, and also
2 to have human habitation in what's a warehouse building that
3 has very large brick walls and very small windows, it's a
4 challenge. And working with the City agencies, we feel the
5 project meets both these goals.

6 But we do think that this retail use is a critical
7 part of the urban response to constraints. I mean, you're
8 going to see in most of this building these very small
9 windows, and not a lot of access inside, particularly at the
10 ground floor and facing these streets. So we think this is
11 a critical contribution.

12 And also, we see that the municipal policy has
13 been changing over time to value mixed-use in corridors like
14 this. The Envision Cambridge planning document goes on and
15 on about mixed-use and why it's a critical, kind of urban
16 feature for Cambridge. And this does contradict the
17 traditional assumptions about the separation of uses that's
18 embedded in the legacy zoning.

19 And our belief is that the character of Mass Ave
20 and this end of SD-6 will really be helped by allowing the
21 retail in this building.

22 Next, please?

1 BRENDAN SULLIVAN: What is MIT's sort of long-
2 range purpose of this building? How do they see it being
3 used? This is an initial element, is that correct, what is
4 being proposed for the --

5 KELLEY BROWN: No. No, I'm sorry I didn't really
6 make that call. It's -- no, the entire building is going to
7 be renovated. It's about 188,000 square feet. And the
8 School of Architecture and Planning is going to move to this
9 building, along with several other users.

10 BRENDAN SULLIVAN: So the --

11 KELLEY BROWN: So it will be fully occupied.

12 BRENDAN SULLIVAN: -- kiosk and basically the food
13 service is sort of an initial element that was in there,
14 it's going to attract obviously students, staff, to this
15 building, and that what is being proposed you feel is a
16 much-needed element and amenity that, well it's needed and
17 will also be attractive for the use of this building, is
18 that --

19 KELLEY BROWN: That's right, yep.

20 BRENDAN SULLIVAN: Yeah, okay. All right.

21 KELLEY BROWN: Next, please?

22 BRENDAN SULLIVAN: Anything else, or you're --

1 KELLEY BROWN: Well, just the ordinance intent.
2 But we've discussed that.

3 So the second -- Mr. Chairman, I don't know if you
4 want to talk about this, or I should go on to the special
5 permit and parking?

6 BRENDAN SULLIVAN: Yeah, go into the special
7 permit. You know --

8 KELLEY BROWN: Sure.

9 BRENDAN SULLIVAN: -- the Board has obviously read
10 the application and it's voluminous. It seems like the
11 whole to-be-built drawings are in the file and in this
12 little corner. But at any rate, appraised themselves of the
13 application. So if you could address the special permit?

14 KELLEY BROWN: Okay, great.

15 Next, please?

16 BRENDAN SULLIVAN: Which is really the parking.

17 KELLEY BROWN: Yeah. Next? Yeah, it's the
18 parking reduction special permit. So.

19 BRENDAN SULLIVAN: Exactly.

20 KELLEY BROWN: This building, as programmed and
21 planned, would require 105 parking spaces, because of the
22 change of use.

1 Next, please?

2 The -- so we're looking at qualifying to reduce
3 the required parking to 0 based on the Section 6.35.1, which
4 is the key criteria are shown here. The -- what we'd like
5 to do, well, there's another section of in 6.35.1 that also
6 talks about -- they go through a whole long list of
7 examples, most of which are not relevant to here.

8 But the impact on the physical environment is
9 relevant here, and what we find is that the Urban Design
10 objectives that they're looking to support are supported by
11 the reduction in parking, that they're opposed in this -- in
12 the Urban Design requirements to first-floor parking that
13 faces the street, interference with entries. They're
14 looking for safe bike and pedestrian circulation.

15 So all those physical attributes are part of the
16 benefit of reducing parking in this location. What -- the
17 basic criteria we'll come to about why we think they're
18 satisfied and why it works for the City.

19 To step back just for a moment, the Section
20 6.22.183 is how MIT manages its parking requirements for the
21 whole campus. And this allows the aggregation of building
22 parking requirements, and their fulfillment through parking

1 facilities all across the campus.

2 So, and this provision prevents -- you know, every
3 time MIT builds a building having to build a little parking
4 garage or keep a big parking lot. We can aggregate these,
5 and have less parking at every nook and cranny of the
6 campus, and be able to build some efficient facilities that
7 can serve the whole campus, under the conditions that are
8 required in that section.

9 And when zoning began to require parking for new
10 buildings in Cambridge, MIT already had 60 buildings that
11 were effectively grandfathered in with no parking
12 requirements. And as MIT has grown, it's been able to use
13 its existing parking spaces to fulfill the requirements, the
14 standard requirements of all the new -- of all the new
15 buildings. And for additions as well. And we did this for
16 decades.

17 There was, and is, lots that get redeveloped for
18 new buildings. There's obsolete garages that get torn down,
19 but we've replaced those with new garages like the Stada,
20 our East Campus Garage. There's a new Hayward Garage, which
21 you may or may not have seen right behind the Kendall
22 development.

1 And in the '90s, we started producing, according
2 to other City of Cambridge requirements, a manual inventory
3 in what we call a "parking zoning allocation plan" which
4 essentially demonstrates compliance on a campus-wide basis
5 with the requirements of the zoning ordinance, as to
6 parking.

7 And what we've found, though, recently, is boy,
8 we're reaching the end of that road. We have -- our last
9 inventory had about 3900 parking spaces that are allowed for
10 use -- for zoning compliance, and 3800 that were required
11 under the zoning ordinance.

12 And we realized that we would either need to work
13 with the City and the constituencies to amend the parking
14 minimums requirements, which is very complicated, construct
15 new parking which we thought, well, gee, we know we have an
16 apartment to satisfy our demand, and we know that this City
17 policy is pretty hostile to new parking.

18 So we thought, well, we don't want to do that. We
19 have a very good parking transportation demand management
20 program that we feel is very effective.

21 So we turned to this section 6.35.1.

22 Next, please?

1 The -- and basically, you know, tried in some
2 recent cases to demonstrate this question that we have
3 sufficient parking to meet the demand to avoid the kind of
4 adverse impacts that year ordinance is trying to avoid, and
5 generate some of the benefits that we described before about
6 the physical environment. And we felt that okay, we're
7 going to be able to satisfy those criteria.

8 Next, please?

9 So we came in with the exact same request for the
10 Schwarzman College of Computing and the West Campus Graduate
11 Student dormitory last year, and got the reductions that we
12 sought from as part of the overall Planning Board approvals
13 of that project, of those two projects in fact.

14 And this project is very similar to the Schwarzman
15 project, as enumerated here.

16 Next, please?

17 In that -- for that project, we looked to the
18 October 2019 parking peaks. And so we looked across here at
19 these times of day and said, "How many people are in those
20 various parking facilities all across campus and sort of add
21 up the peaks?" and said, "Okay, well, a very conservative
22 look at it says 68 percent of all the available spaces,

1 that's the horizontal line above, are occupied at the very
2 peak occupancy, which is conservative in the sense that
3 there's different peaks across the day for each parking
4 facility, but to be conservative we add up all the peaks and
5 make that analysis."

6 Next, please?

7 And then we had our consultant, which is
8 consultant, which was VHB, say, okay, "What happens with the
9 planned project? We want to make sure that we have enough
10 parking going forward, notwithstanding the zoning
11 requirements, but just on a practical basis."

12 And what we find here is there's all the planned
13 projects, which included, of course, Schwarzman itself, the
14 West Campus Dormitory, the Music Building, which is underway
15 now, and the Met that we're talking about tonight.

16 That came to about 300 expected new kind of peak-
17 to-peak parking demand. And but we also saw that we're
18 expanding the number of parking spaces that -- not new, net
19 new parking, but replacement spaces from -- with the music
20 garage, which is being built, and this Hayward Garage in
21 Kendall. So we would have more spaces.

22 So effectively we have almost exactly the same

1 projected occupancy of about 69 percent there with that
2 project, including our expectation of this Met project.

3 BRENDAN SULLIVAN: Okay. Thank you. You covered
4 it.

5 KELLEY BROWN: Okay. Well, I'll -- if you're
6 convinced, I'm ready to take questions. That's fine.

7 BRENDAN SULLIVAN: I'm sure that the Board will
8 chime in. So okay. Let me take it to the Board and see if
9 they have any questions. Jim Monteverde, any questions?

10 JIM MONTEVERDE: No questions, thank you.

11 BRENDAN SULLIVAN: Slater, any questions at all?

12 SLATER ANDERSON: No questions.

13 BRENDAN SULLIVAN: Wendy, any questions?

14 WENDY LEISERSON: No questions.

15 BRENDAN SULLIVAN: Jason?

16 JASON MARSHALL: No questions at this time.

17 BRENDAN SULLIVAN: And [Brendan Sullivan] I have
18 no questions. I think Mr. Brown has covered whatever
19 questions and concerns that I would have. Let me open it to
20 public comment. Any member of the public who wishes to
21 speak should now click the button that says, "Participants,"
22 and then click the button that says, "Raise hand."

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

3 KELLEY BROWN: Thank you.

4 OLIVIA RATAY: James Williamson?

5 KELLEY BROWN: We don't need this slide, I don't
6 think, so.

7 BRENDAN SULLIVAN: And you'll have up to three
8 minutes to speak.

9 JAMES WILLIAMSON: Yeah, hi. James Williamson
10 1000 Jackson Place, in the soon-to-be demolished Jefferson
11 Park in North Cambridge. I have a question about this, but
12 what I'm really interested in: I tried to be recognized.

13 The 544 Mass Ave continued case was evidently
14 taken out of order, and I didn't understand what was going
15 on there and raised my hand, but didn't get recognized. And
16 so can you just first of all say briefly what happened at
17 the 544 Mass Ave case?

18 BRENDAN SULLIVAN: It went --

19 JAMES WILLIAMSON: It was evidently taken out of
20 order.

21 BRENDAN SULLIVAN: Well, I did the continued cases
22 first. And they're all on for 6:00. And it was continued

1 until July.

2 JAMES WILLIAMSON: Oh, okay. Thanks. On this, I
3 just wanted -- just catching some of the colloquy on the
4 parking situation and hi, Kelly. So is there -- I'm just
5 trying to think, is there actually no net increase in
6 parking spaces? And trying to understand, the Met building
7 and then the overall situation, the context in which you
8 placed the numbers?

9 I just -- I just out of interest in the parking
10 situation in Cambridge, and the complaints about it and the
11 proximity to public transit, which we always hear about and
12 you are very familiar with.

13 So if you could just maybe summarize. And I guess
14 information questions like this from the public aren't
15 necessarily required to be responded to, but my concern is
16 to understand better exactly what's happening with the
17 parking numbers. Is there no net increase in parking at MIT
18 from this project? Is that what we were meant to
19 understand?

20 BRENDAN SULLIVAN: On the application --

21 JAMES WILLIAMSON: So thank you.

22 BRENDAN SULLIVAN: On the applicant that is in

1 front of us for the variance for the kiosk and the food
2 service, they are not asking for -- they're asking for a
3 waiver from the parking requirement.

4 KELLEY BROWN: Yeah, that's right.

5 BRENDAN SULLIVAN: And that they are not asking
6 for any additional relief, because the project in toto is
7 not before us. So on this particular application, Jim, they
8 are not asking -- they're asking for a waiver from providing
9 any additional parking, because they -- their testimony is
10 that they have sufficient parking in their bank of parking
11 to satisfy any requirement that may happen because of this
12 application.

13 JAMES WILLIAMSON: Got it. That's what I thought
14 I did understood, and thank you.

15 BRENDAN SULLIVAN: Okay. Thank you, Jim. Any
16 other?

17 OLIVIA RATAY: Nicola Williams?

18 NICOLA WILLIAMS: Hi. Sorry I'm eating dinner,
19 but can you hear me?

20 OLIVIA RATAY: Yes.

21 JIM MONTEVERDE: Yes.

22 NICOLA WILLIAMS: So I have a few questions -- for

1 the food service and kiosk, I missed a part of the
2 presentation -- how many retail locations are there? Are we
3 asking for?

4 KELLEY BROWN: Just the one.

5 NICOLA WILLIAMS: And what's the square footage?

6 KELLEY BROWN: 675 square feet. And do you have a
7 favorite tenant in mind already?

8 KELLEY BROWN: No.

9 NICOLA WILLIAMS: Have you -- what is the
10 community benefit offer for your variances?

11 KELLEY BROWN: We have no community benefit offer.
12 We just tried to demonstrate that we satisfy the criteria
13 for getting a variance, which includes, you know, that it's
14 not a detriment to the public good, which we explained why
15 that was the case.

16 NICOLA WILLIAMS: But there's no specific,
17 explicit offer to community benefit? Oh, by the way I'm at
18 Brewer Street, Cambridge.

19 KELLEY BROWN: No, there's not.

20 NICOLA WILLIAMS: Okay. What are the -- do you
21 have any provisions in the building where they're
22 contracting, or for the retail space for BIPOC or small

1 businesses, independent businesses?

2 KELSEY BROWN: MIT has actually redoubled its
3 efforts to contract with vendors that are minority-business
4 enterprises or women-business enterprises.

5 The President made a statement in 2020 that told
6 us to really redouble our efforts, as I say, and we've been
7 moving in that direction. We have a great dining operation.
8 If you've been to the Student Center called, "The Launchpad
9 -- "

10 NICOLA WILLIAMS: Mm-hm.

11 KELSEY BROWN: -- with several BIPOC -- are you
12 familiar with it?

13 NICOLA WILLIAMS: I'm very familiar with that, and
14 with Commonwealth --

15 KELSEY BROWN: Oh, okay.

16 NICOLA WILLIAMS: Mm-hm.

17 KELSEY BROWN: -- well, this is something we're
18 very proud of and we think is great and can help us in other
19 instances in food service. We partner with Commonwealth
20 Kitchen, which is a fantastic organization that promotes
21 minority business enterprises and food entrepreneurs. So we
22 hope to keep working with them.

1 NICOLA WILLIAMS: Okay, great. Are there any --
2 are you looking to have this retail space as a market-rate
3 rental?

4 KELLEY BROWN: No rentals -- you know, levels have
5 been determined. I mean, the fact is it's a very small
6 space, and I'm -- you know, I think it will be a very
7 difficult market for anyone who is in this space. So that
8 will certainly have an impact on any kind of rent that is
9 asked.

10 BRENDAN SULLIVAN: If you could wrap up?

11 NICOLA WILLIAMS: I'm good. Thank you.

12 BRENDAN SULLIVAN: Okay, thank you for calling in.

13 OLIVIA RATAY: Dan Totten?

14 DAN TOTTON: Yeah, hi. My name is Dan Totten, I
15 live at 54 Bishop Allen Drive. I just wanted to say I want
16 to echo Nicola's ask for encouraging minority-owned
17 businesses to fill the space.

18 But I do want to just quickly make the point that
19 I feel the presence of a food kiosk is itself a benefit to
20 the community, activating the corner that has been, you
21 know, not active for quite a while. And so I think the
22 Board should view the fact that there will be a food kiosk

1 as a benefit. Thanks very much.

2 BRENDAN SULLIVAN: Okay.

3 DAN TOTTON: I also support eliminating the
4 parking requirement. Thanks.

5 BRENDAN SULLIVAN: How many hands?

6 OLIVIA RATAY: That's it.

7 BRENDAN SULLIVAN: That is the extent of the
8 people calling in. I will close the public comment portion
9 of the hearing. There are no letters in the file, and so
10 the public comment is closed. Again, any last couple of
11 words or so, or should we take it to the Board?

12 [Pause]

13 Nothing to add?

14 KELLEY BROWN: No, I'm all set. Yeah.

15 BRENDAN SULLIVAN: Okay, good. I think we covered
16 it anyhow. Any member of the Board have any questions at
17 all? Mr. Brown? Should I take it to a motion, a vote?

18 JIM MONTEVERDE: No questions.

19 BRENDAN SULLIVAN: Already. Then let me make a
20 motion, then, to grant the relief requested as per the
21 application, which is to conduct a food service kiosk, food
22 stand on the first floor of the building, as per the

1 application and the supporting statements.

2 The Board finds that a literal enforcement of the
3 provisions of the ordinance would involve a substantial
4 hardship to the petitioner. The Board finds that retail
5 uses are either prohibited or require a special permit with
6 very restrictive conditions.

7 The Board finds that the kiosk service area and
8 dedicated storage only requires 675 square feet of gross
9 floor area, which is less than four-tenths of one percent of
10 the building space, but it provides a key activity in a
11 crucial location in this particular building.

12 It is adjacent to two first-floor building entries
13 at the corner of Mass Ave and Vassar Street, and has direct
14 access to Vassar Street, and is adjacent to the main
15 building lobby.

16 The Board finds that the proposed small-scale food
17 use will be a focal point for building occupants and
18 visitors. It creates a simple activity that can be used to
19 bring people together throughout the day to meet and use the
20 seating in the lobby and in the adjacent outdoor portico.
21 It would be an activity visible on the street, and from the
22 street to the inside of the building.

1 And the Board finds that it would bring some much-
2 needed life to an area of the building that might otherwise
3 just be a pass-through, and basically a lobby without life.
4 A literal enforcement of the food stand or the kiosk would
5 be a detriment to the building, its occupants, and its
6 visitors.

7 The Board finds that the hardship is owing to the
8 size and shape of this particular building, which dates back
9 well over 100 years.

10 The Board finds that it was comprised exclusively
11 of industrial buildings, and the Metropolitan Storage
12 Warehouse has commercial uses, including the warehouse and
13 retail near Mass Avenue in its prior history.

14 The Board finds that the Massachusetts Institute
15 of Technology is trying to repurpose a very challenging
16 building, and at the granting of this particular variance
17 would go a long way and help with the repurposing of that,
18 and would also acknowledge a letter from the Cambridge
19 Historical Commission, which is working very vigorously with
20 MIT to repurpose this building.

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

1 The adaptive reuse of the Metropolitan Storage Warehouse for
2 human habitation while preserving the core architectural
3 characteristic of a large, industrial brick warehouse
4 designed for protecting goods from the elements with thick
5 walls and small windows is a major challenge.

6 The basic massing of the building will be
7 preserved, and the façade sitting on the back of the
8 sidewalk and limited fenestration will be maintained that
9 safely, but also add to the character of the building.

10 The retail use of the first floor, though small,
11 is a critical part of a very successful urban response to
12 those constraints.

13 The Board finds that desirable relief may be
14 granted without nullifying or substantially derogating from
15 the intent and purpose of the ordinance.

16 The Board finds that this particular building will
17 promote purpose and intent, which has specific provisions
18 for mixed-use on commercial corridors and map changes that
19 reflect the desire for the extension of commercial and
20 retail uses on Mass Avenue.

21 The Adaptive Reuse project supports the
22 institutional and commercial character of the immediate

1 neighborhood, and is consistent with the protection of the
2 genuine residential neighborhoods in proximity.

3 On the motion, then, to grant the variance as per
4 the application, Slater?

5 SLATER ANDERSON: In favor of granting the
6 variance.

7 BRENDAN SULLIVAN: Jason?

8 JASON MARSHALL: Good job on the motion, Mr.
9 Chair. Yes, in favor of the requested relief.

10 BRENDAN SULLIVAN: Jim Monteverde?

11 JIM MONTEVERDE: Voting in favor of the relief.

12 BRENDAN SULLIVAN: Wendy on the motion?

13 WENDY LEISERSON: Persuaded by the Chair's
14 reasoning to vote in favor of the motion.

15 BRENDAN SULLIVAN: And the Chair votes yes.

16 [All vote YES]

17 On the affirmative votes of five members, the
18 variance is granted. Now on the special permit, the Board
19 finds that reduction of parking -- any minimum required
20 amount of parking may be reduced on the issuance of a
21 special permit through the Board of Zoning Appeal.

22 Special permit shall be granted only if the Board

1 determines and cites evidence in its decision that the
2 lesser amount of parking will not cause excessive
3 congestion, endanger public safety, substantially reduce
4 parking availability for other uses or otherwise adversely
5 impact the neighborhood, or that such lesser amount of
6 parking will provide positive environmental or other
7 benefits to the user of the lot and the neighborhood.

8 In making such a determination, the Board shall
9 consider the availability of surplus off-street parking in
10 the vicinity of the use being served and the proximity of an
11 MBTA transit station.

12 The availability of public or commercial parking
13 facility in the vicinity, and the use being served, provided
14 in the requirements of Section 6.23 are satisfied.

15 The Board notes the presentation that the parking
16 requirement for this particular location, this particular
17 application, is being serviced by a bank of parking that MIT
18 currently enjoys, and services students, staff, and vendors.

19 Let me make the motion, then, to grant the special
20 permit. It appears that the requirements of the ordinance
21 can be met.

22 The Board finds that traffic generated or patterns

1 of access or egress would not cause congestion, hazard, or
2 substantial change in the established neighborhood
3 character.

4 The Board finds that continued operation of or
5 development of adjacent uses, as permitted in the zoning
6 ordinance, will not be adversely affected by the nature of
7 the proposed use.

8 The Board finds that there would not be any
9 nuisance or hazard created to the detriment of the health,
10 safety and/or welfare of the occupant of the proposed use,
11 and that the proposed use would not impair the integrity of
12 the district or adjoining district, or otherwise derogate
13 from the intent and purpose of the ordinance.

14 The Board finds that the reduced parking
15 requirement and the accommodation of parking demand in
16 existing nearby campus facilities will prevent the
17 unnecessary expansion of campus parking facilities, which
18 could contribute to traffic, congestion and hazards to
19 cyclists and pedestrians.

20 On the motion to grant the special permit for the
21 reduction of parking, Jim Monteverde?

22 JIM MONTEVERDE: In favor of the special permit.

1 BRENDAN SULLIVAN: Slater Anderson?

2 SLATER ANDERSON: In favor of the special permit.

3 BRENDAN SULLIVAN: Wendy Leiserson?

4 WENDY LEISERSON: In favor of the special permit.

5 BRENDAN SULLIVAN: Jason Marshall?

6 JASON MARSHALL: Yes, in favor of the special
7 permit.

8 BRENDAN SULLIVAN: [Brendan Sullivan] yes, in favor
9 of the special permit.

10 [All vote YES]

11 On the five affirmative votes, the special permit
12 is granted. Thank you, Mr. Brown.

13 KELLEY BROWN: Thank you so much, to you.

14 BRENDAN SULLIVAN: Yep.

15 KELLEY BROWN: Mr. Chairman and to the Board.

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* * * * *

(7:10 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Wendy Leiserson, Jim Monteverde, and
Slater W. Anderson

BRENDAN SULLIVAN: The Board will now hear Case
Number 163746 -- 84 Bishop Allen Drive. Michael?

MICHAEL MONESTIME: Good evening, Mr. Chair, and
thank you to the Board of Zoning Appeals. My name is
Michael Monestime. I'm a resident of Cambridge at Four
George Street. I'm a Founding Member of the Central Square
Business Improvement District, and I currently serve as an
Executive Board Member for the organization.

I'm here with the Designer of Starlight Square,
Mark Boyes-Watson of Boyes-Watson Architects; the principal
producers Nina Berg and Matthew Boyes-Watson of Flagg Street
Studio; and Luis Cotto, Executive Director of the Central
Square Business Improvement District.

Also with us is Joe Barr, Assistant City Manager
for Traffic, Parking and Transportation, representing the
City as a close partner in Starlight.

If the Board would be so kind as to click into our

1 presentation, I'll get started.

2 [Pause]

3 Next visual, please?

4 We are before you today seeking zoning relief for
5 Starlight Square, a pandemic-informed installation located
6 at 84 Bishop Allen Drive in Central Square, Cambridge's
7 Cultural District. Erected in six weeks at the height of
8 the COVID-19 crisis, Starlight Square has been the only
9 outdoor community space for central community services and
10 experiences to operate continually and safely outside for
11 the last two years.

12 Next visual?

13 Past uses at Starlight include out of school time
14 learning for children, free outdoor public performances, the
15 Central Square Farmers Market, Popportunity's weekend
16 markets, safe community gatherings like interfaith services
17 --

18 Next visual?

19 -- Cambridge Rindge and Latin School's high school
20 prom, the Cambridge School Department's Upper School
21 Enrichment Program, Cambridge Public Health Department's Flu
22 Clinics, and most recently, Starlight Square hosted the City

1 of Cambridge's 41st Inauguration of the Cambridge City
2 Council on Monday, January 3.

3 Next visual?

4 Located on Municipal Lot #5 at 84 Bishop Allen
5 Drive, Starlight delivers on more than 10 years of public
6 process and planning, spanning from the Mayor's Red Ribbon
7 Commission of the Delights and Concerns of Central Square in
8 2011 to the most recent Envision Cambridge in 2019, all of
9 which recommend a project like Starlight.

10 Next visual?

11 The outdoor space is framed in scaffolding and
12 scrim. The scrimming includes eight pieces of public art.

13 Next visual?

14 Shown here is a photography mural curated by
15 Street Theory, representing BIPOC artists documenting
16 protests, and the outpouring of community conversation in
17 the wake of George Floyd's death.

18 Next visual?

19 Also part of the installation are 13 movable popup
20 shops operated by Popportunity, a non-profit Economic
21 Development initiative to provide free vending opportunities
22 primarily for BIPOC women entrepreneurs.

1 Next visual?

2 No element of this installation is covered. It's
3 completely open air. All elements of the installation are
4 temporary and will not be changing from how they are used
5 today. We will be making minor repairs and adjustments,
6 including fixing the scrim, improving the landscaping and
7 planting, and repairing some areas of the asphalt.

8 We're planning a series of adjustments to the
9 program and hours of operation to address the impact of
10 sound on abutters.

11 We have committed to limiting programming to no
12 more than five days per week, as we did in Season 2, all
13 amplified sound will be cut off promptly at 9:00 p.m.
14 Myself and Mr. Cotto have been and will continue to be in
15 touch with abutters.

16 Next visual?

17 Since August 8, 2020, Starlight has been operating
18 as an outdoor entertainment and recreation facility outdoor
19 retail or consumer service establishment, and a temporary
20 outdoor retail and consumer service use.

21 While outdoor retail or consumer service
22 establishment and temporary outdoor retail and consumer

1 service use are by right in the Bus. B Zone, outdoor
2 entertainment and recreation facility requires a special
3 permit, which is what we are requesting from the Board
4 today.

5 Previously, Starlight Square has been operating
6 under an Executive Order by the City Manager suspending
7 zoning enforcement on Municipal Lot #5 during the COVID-19
8 emergency.

9 In your packet, you should see letters of support
10 for our application -- we submitted 48 letters before
11 Monday's 5:00 p.m. deadline; a letter of support from the
12 Central Square Advisory Committee was just sent right in
13 after the deadline, as were letters from Cambridge Carnival
14 and Cambridge Community Foundation, Central Square Theater.

15 Abutting business owners Nicole Lyons and Marcus
16 Johnson-Smith, City Councillor Paul Toner, Vice Mayor Alanna
17 Mallon, the Cambridge Community Center, and former Mayor Ken
18 Reeves on behalf of the NAACP Cambridge.

19 This concludes our presentation. Thank you so
20 much for your time and consideration.

21 BRENDAN SULLIVAN: Thank you, Michael. That was
22 precise and well-appreciated. Let me open it up to

1 questions by members of the Board.

2 Mr. Alexander, any questions?

3 CONSTANTINE ALEXANDER: No questions.

4 BRENDAN SULLIVAN: Slater Anderson, any questions?

5 SLATER ANDERSON: No questions.

6 BRENDAN SULLIVAN: Wendy, any questions at all?

7 WENDY LEISERSON: No questions.

8 BRENDAN SULLIVAN: Jim Monteverde, any questions?

9 JIM MONTEVERDE: No questions, thank you.

10 BRENDAN SULLIVAN: All right. And I have no
11 questions. I'll open it up to public comment. And I would
12 ask people who are calling in that the file is about 148
13 pages long.

14 An awful lot of correspondence has come in, and
15 the Board has read it, and we are aware of all of the pros
16 and all those who have asked us to continue the operation to
17 grant the special permit and the benefits.

18 And also, the negatives where there has in the
19 past been some disruption to the residences in the past.
20 Michael has stated that they are addressing those issues.

21 There are letters from the City Council -- I think
22 all nine Members of the City Council have voiced their

1 support -- and in their correspondence to the Board they
2 have addressed some -- they are aware of some concerns, but
3 also that they are willing to work actively to address any
4 of the concerns of the immediate abutters.

5 So we will take that as per their presentation.

6 But I ask people who are going to call in that if
7 you just show us a little bit of understanding that we get
8 it, we really don't need just repeating the same thing.

9 If you have something new to add, we welcome that,
10 but that we have a long evening ahead of us, and that it
11 would not be fair to the people who -- you know, maybe two
12 and a half, three hours down the line from now to have to
13 wait.

14 So, again, not taking anybody's right to speak,
15 but just please show us a little understanding.

16 With that said, any member of the public who
17 wishes to speak should now click the button that says,
18 "Participants," and then click the button that says, "Raise
19 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
22 you will have up to three minutes to speak.

1 Staff will monitor the time, and at the end of
2 three minutes, we would ask that you conclude, and that you
3 will be placed on mute, and we'll go to the next speaker.

4 OLIVIA RATAY: Phone number ending in 0825?

5 DIANA: Hi. TiDiane (phonetic), can you hear me?

6 BRENDAN SULLIVAN: Yes.

7 CONSTANTINE ALEXANDER: Yes.

8 DIANA: Hi. Thank you all for giving me a chance
9 to speak today. I want to tell you a story. Actually, it's
10 not really a story, it's more of a reality. The world is in
11 a pandemic, right? And I am working a 12-hour shift at the
12 hospital. I come home and I'm exhausted, and I'm ready to
13 shut off my mind and try to recenter.

14 But when I get home, there's a really loud
15 concert, with music that is so loud that it pierces my ears,
16 or music that is not very loud, but it's constant and I want
17 to go to sleep because I have to wake up at 5:00 a.m. and I
18 can't sleep.

19 And now it's another day. And I want to study. I
20 want to study because I need to be ready for my exam. My
21 exam is seven hours long, and I have to take it to graduate
22 medical school. It's been two weeks. The library is closed

1 because of the pandemic.

2 And -- what? I can't study in my own house. I
3 can't study in any cafes because my house is unlivable
4 because it's too loud. I break down and I start crying.
5 I've worked so hard, and now the City doesn't care. They
6 put a concert in my back yard and they're messing with my
7 mental health and with my future.

8 Is it just me? No. I go to my living room and
9 there she is, my mother. She's shaking. She suffers from
10 panic disorder and she's having another panic attack. And
11 it's all -- it's relentless, and it's every day. It's so
12 noisy, and it's every weekend.

13 I own this space and I can't go to the bathroom.
14 And I have to sit her on the toilet because it's the only
15 place in the house where this noise is not -- is a little
16 bit dampered. [Crying]

17 Starlight has affected my mental health. It's
18 affected my mom's mental health, and it's affected my own
19 family's mental health. [Crying]

20 Even larger than this, I want the City to think
21 about any precedent, and any precedent of any concert venue
22 like thing where there's events -- I know even if it's not

1 every night, even if it's five nights a week, anywhere -- in
2 a parking garage in a place that is residential, have you
3 ever seen a precedent like this? Have you ever seen it even
4 happen once a week? Once a month anywhere? I have looked
5 and I cannot find any precedent for this anywhere in the
6 country.

7 It just affects most of the residents. And
8 lastly, I want you to consider who the residents are on the
9 corner of Bishop Allen and Norfolk. Most of these
10 properties are Maloney Properties or Cambridge Housing
11 Authority properties. We are an underserved community, and
12 not everyone is here to be able to advocate for ourselves.

13 Consider that you would not want this in your own
14 back yard, and you would not build this in your own back
15 yard. Consider that you would not be able to get a permit
16 for this in places with people who are higher income.

17 I ask you today to vote with compassion and with
18 justice, and thinking critically about how this has affected
19 the health and lives of the people in this area.

20 I also ask you to know that this was supposed to
21 be a danger response to COVID pandemic, and that this cannot
22 continue.

1 Thank you.

2 BRENDAN SULLIVAN: Thank you for calling in.

3 OLIVIA RATAY: Mike Connolly?

4 MIKE CONNOLLY: Good evening. And hello to the
5 Chairperson and to Members of the Board. My name is Mike
6 Connolly. I serve as the State Representative for the 26th
7 Middlesex District, which includes Central Square and other
8 parts of Cambridge and Somerville.

9 And I'm also a resident of 4 Ashburton Place,
10 which is located just steps away from Municipal Lot #5. And
11 I came this evening to offer my strong support for the
12 special permits necessary to allow Starlight Square to
13 continue with its operations.

14 And I've enjoyed a wide variety of programming
15 over the past year and a half from the inauguration of our
16 Council and our city's Martin Luther King Junior Day of
17 Service and Learning to the Celebration of Life for Dr. Bob
18 Moses, or just the simple joys of outdoor shopping with
19 local vendors and the Popportunity installation.

20 And I honestly can't imagine how we would have
21 endured the first two years of this pandemic without the
22 safe and vibrant outdoor gathering space for the arts, for

1 civic life and for small businesses that Starlight provides.

2 In this moment, where the pandemic is still
3 unpredictable and unfortunately not yet over, I think it's
4 so important that we continue to maintain this outdoor
5 gathering space, not just as a way to build community, but
6 also as a way to promote public health.

7 I recognize that abutting neighbors have raised
8 serious concerns about the noise, and I would agree that
9 these are concerns that need to be addressed.

10 At the very same time, I appreciate how the
11 Central Square Business Improvement District has been
12 working to respond to address these concerns, and their
13 commitment to ongoing monitoring and addressing any noise
14 issues.

15 And so in conclusion, I believe Starlight Square's
16 continuation is essential to the well-being of Central
17 Square and our community, and so I'd respectfully ask this
18 Board to grant the requested permits, so that Starlight can
19 continue for a third season. Thank you so much.

20 BRENDAN SULLIVAN: Thank you, Michael.

21 OLIVIA RATAY: Michael James?

22 MICHAEL JAMES: Hello. My name is Michael James,

1 and I live directly overlooking the Starlight venue. I've
2 been in quite a few bit of communication with both the
3 Executive Lead at Starlight at the time, Michael Monestime,
4 as well as with the current one, Luis.

5 And it's truly odd to me that they keep saying
6 that we are addressing concerns when Michael Monestime had
7 mentioned to me about four months ago that he would do all
8 that he can to go -- to make sure that every single resident
9 in the area has been surveyed with a multilingual survey, as
10 well as has the opportunity to speak multiple times during
11 Zoom meetings, so that they can discuss how this has
12 affected them and their lives.

13 Yet, despite this, and despite the fact that
14 Michael Monestime followed up with me multiple times that he
15 would do this, he hasn't.

16 And the -- and as far as I see it, I'm not really
17 sure what is being addressed here. Because no discussions
18 were made with the proposals that are being set.

19 It has been true -- there is nearly -- I want to
20 say that there's probably nearly about 30 apartments
21 surrounding this venue just on Norfolk Street and on Bishop
22 Allen alone, not even counting 10 Essex. And you can see

1 them on the picture. And there is absolutely no noise
2 barrier between us and the venue. Zero. This is just
3 scaffolding. All it's doing is hiding the fact that there
4 are residents living right behind it.

5 The effect that this has had on us has been
6 completely assaultive to our mental health, and to our space
7 and to our senses. I have not been able to work
8 productively.

9 I have not been able to speak with my family during
10 dinnertime from the exhaustion of music, and I haven't been
11 able to rest at times when I've been grieving for the death
12 of a loved one, or times when I was sick, I couldn't get a
13 rest either.

14 This operating a venue of this scale right in front
15 of residents pays no attention to their schedule whatsoever.
16 It pays no attention to their needs whatsoever. And the
17 fact that this venue needs ongoing construction almost daily
18 basically or weekly or so on, it's been exhausting.

19 I urge the Board to not grant this place a permit
20 to continue operation of entertainment and music and light
21 music, in a very dense residential area. There's probably
22 100 people living right in front of that thing. It's not --

1 just because it's bordering a Business District doesn't mean
2 that there aren't people there.

3 Yeah. I thank you for the opportunity to talk,
4 and that's all I have to say.

5 BRENDAN SULLIVAN: Thank you. Thank you for
6 calling in.

7 OLIVIA RATAY: Aelen?

8 AELEN: Thank you for giving me the time to talk.
9 My name is Aelen. I am one of the vendors at Popportunity.
10 My small sustainable business is Zero-Waste clothes I am a
11 woman, and low-income.

12 I was living in a women's shelter, and
13 Popportunity was the only opportunity for me to grow my
14 business. They believed in me; they gave me this
15 opportunity. I connected with many business owners, and I
16 have great -- a professional relation with my customers.

17 And I was -- I made and I sold more than 350
18 recycled reusables, brought back. I was doing alterations
19 in front of my pod. Also I was doing sewing classes for
20 upcycling, so I was creating awareness about reducing
21 landfills and also the climate change and using -- and
22 unwanted textile materials.

1 I strongly support giving the permit for
2 Popportunity and Starlight because there are many women as
3 me. No one gives them a chance to be visible, and
4 Popportunity is the only place to help women to grow their
5 business. Thank you for this opportunity.

6 BRENDAN SULLIVAN: Thank you for calling in.

7 OLIVIA RATAY: Jillian Girardin?

8 JILLIAN GIRARDIN: Hello. "Girardin," that's
9 fine. My name is Jillian Girardin, and I am at 53 Putnam
10 Ave in Cambridge. I am a lifelong resident of Cambridge. I
11 was born and raised here, went to Cambridge Rindge and
12 Latin.

13 And my organization is the Cambridge Hip Hop
14 Collective. And we organize the Bridgeside Cyphers at
15 Starlight Square. And I am here in support of Starlight
16 Square getting a special permit for their third season.

17 The Cambridge Hip Hop Collective is a non-profit
18 community organization that hosts the Bridgeside Cypher,
19 which is a Hip Hop open mic event that has found a home at
20 Starlight Square. Our outdoor Hip Hop events feature local
21 artists and musicians performing in an improvised,
22 collaborative format.

1 We were initially under a street performance
2 permit, but in 2020 when those were taken, many performance
3 venues were closing due to the pandemic. It significantly
4 impacted the Arts community.

5 Creatives not only needed an outdoor space to rely
6 on them to survive financially, but also to express
7 themselves.

8 In 2021, the Bridgeside Cypher held five monthly
9 events at Starlight Square, and our mission is to build the
10 bridges between people of different bands in our community
11 through hip hop. And last year's Starlight Square series
12 perfectly demonstrated that.

13 Our events at Starlight have become a uniquely
14 diverse gathering of artists and attendees of various
15 backgrounds, ethnicities, classes, ages, genders, and
16 experience levels all performing together.

17 We've also gained a broader audience at Starlight
18 Square, to many people who have never been exposed to hip
19 hop music. We feel that the people in our community must
20 hear these stories told within hip hop in steps towards
21 breaking down cultural barriers and inherent biases that
22 contribute to systemic racism.

1 The Central Square bid, Flagg Street Studio, and
2 the entire Starlight Square staff have been astounding --
3 outstanding. They always have had smiles on their faces,
4 and they've really cultivated a welcoming, excising space
5 for our entire community when we needed it most.

6 Starlight Square has not only made an impact on
7 Cambridge hip hop, but to every organization, business and
8 school that has either held an event there or participated
9 in creating some sense of normalcy again.

10 Please allow them to continue their future
11 operations, in helping our community thrive. Starlight
12 Square is essential to Central Square. Thank you.

13 OLIVIA RATAY: Jillian?

14 [Pause]

15 AARON KING: Hi. Sorry, this is Aaron King
16 speaking also on behalf of the Cambridge Hip Hop Coalition
17 with Jill. I think we're just using the same link, so it
18 got confused. And my name is Aaron King. I live at 2 Inman
19 Street in Cambridge. And I was also born and raised here.
20 Grew up on Essex Street, which is just around the corner
21 from Starlight Square.

22 I just wanted to echo, you know, sentiments that

1 Jill gave about us really finding a home at Starlight
2 Square.

3 And I also just wanted to speak about the
4 communication with the Central BID. You know, we worked
5 with the production team on site to understand the rules and
6 regulations that were put forward in the guidelines.

7 And I saw these rules and regulations upheld very
8 strictly; one being the decibel limit, you know, at the
9 sound -- by the sound tech. They had a decibel meter, and
10 they would not raise the music above, you know, the set
11 decibel level. I think it was in the seventies.

12 And there were times that we urged them to turn it
13 up, because as musicians we always want, you know, it to be
14 louder, and they would not turn it up.

15 And they would also always make sure to end the
16 show very promptly at 9:00 p.m. Even if we kind of were
17 still going they would say, "Look, we just have to stop it."
18 And they would literally turn the mic off kind of at the end
19 of our show.

20 So, you know, I just kind of wanted to speak to
21 the production team there really trying to at least follow
22 the guidelines that had been laid out. And I think that,

1 you know, as performers there, we were able to witness that.
2 So thank you.

3 OLIVIA RATAY: Dennis Carlone?

4 DENNIS CARLONE: Thank you. This is Dennis
5 Carlone. I live at 9 Washington Avenue at the corner of
6 Linnean. And I'm a City Councillor, Urban Designer. And
7 I'm speaking for myself when I say that we lack public
8 spaces in Cambridge. Central Square lacks them, the
9 neighborhood lacks them.

10 I don't know if you all know, but Cambridge has
11 half of the public spaces that the average American city has
12 -- open space. The Port has one-fifth of the national
13 average.

14 So my comments are in part based on that, that
15 having meeting places, public places are essential,
16 especially when an area -- Central Square is going through a
17 pandemic and who knows what the next phase will be.

18 So this is a unique space. It should continue.
19 However, I want to take Michael Monestime's statement of
20 working with the neighbors seriously, and I would expect
21 that.

22 I have looked into the Noise Ordinance, and it is

1 weak in many places. In fact, in a business district, it's
2 as if it's the 1950s, new towns where the retail is separate
3 from residential. However, in Cambridge, one of the best
4 things about Cambridge is the mixture. Someone else said we
5 have residential structures in all our districts, which we
6 do. In fact, the Council promotes that.

7 So whether it's sound buffering or some other
8 devices, a more strict adherence to noise limitations -- and
9 70 decibels is high for a neighbor, even though it meets the
10 ordinance.

11 So given all that, assuming that this will be
12 resolved in a better way, I fully support maintaining this
13 as public space and an active space, and I hope that
14 neighbors are treated in a fair way doing this. Thank you
15 very much.

16 OLIVIA RATAY: Dan Totten?

17 DAN TOTTON: Yes, thank you. My name is Dan
18 Totten. I live at 54 Bishop Allen Drive, so just a couple
19 buildings down. And when Starlight's happening, I can hear
20 Starlight from my room. So I just want to put that out
21 there, especially when the window's open, which it needs to
22 be in the summer.

1 But I've found Starlight to be essential to my
2 mental health. There was one day earlier on in the pandemic
3 when I was feeling really down. And it was -- you know, I'm
4 someone who needs social engagement, social interaction, and
5 I wasn't getting any of that, as most of us weren't.

6 And I was laying on my bed and I heard my friend
7 Elon Fyfield, also known as Lizzle4, rapping out my window.
8 And so I put my shoes on and I ran over and caught the
9 performance. And it really lifted me up. And, you know, I
10 just want to say that Starlight's really been an important
11 part of my mental health.

12 I also want to say that this endeavor has been
13 true racial and economic justice. I mean, if you go over
14 there at any given point, you are seeing black and brown
15 young people from our community lining this place,
16 performing, selling their merchandise, selling their art.

17 You name it, this -- this establishment has given
18 young people in our community a place to shine, and a great
19 opportunity. And that's indispensable. A lot of people
20 talk about big game about doing that, and this place has
21 delivered.

22 You know, so I have a lot of respect for my

1 neighbors who feel differently. I actually had a 90-minute
2 conversation at one point with Mr. James about this.

3 But I feel that the Central Square BID has
4 proposed steps that will mitigate the impact. I don't know
5 that it was mentioned, but in their application, it says
6 they're going to remove a speaker, which should reduce the
7 volume.

8 So, you know, and I really trust Mr. Monestime and
9 Nina and Luis, who I hope to meet soon, to deliver on their
10 promises and to continue engaging with the neighborhood. So
11 I urge you to approve it tonight. Starlight makes me proud
12 to live in this neighborhood. And I really hope it
13 continues into the summer without any sort of delay.

14 So thank you very much.

15 BRENDAN SULLIVAN: Thank you for calling in.

16 OLIVIA RATAY: Liam Thompson?

17 LIAM THOMPSON: Yes. Hello. Mr. Liam Thompson,
18 77 Bishop Allen Drive. One of the apartment blocks you can
19 see from the picture that Mr. Monestime showed, I wanted to
20 say -- I wanted to echo the person's comment about public
21 spaces and meeting spaces that are necessary for Cambridge
22 to thrive. I agree 100 percent with that.

1 What I don't agree with is the type of public
2 space or meeting space that should be abutting family
3 residences. There are about 50 or so apartments that are
4 directly abutting this Starlight venue. They're mostly
5 occupied by families with children and kids.

6 And if you're three or four -- if you're a block
7 removed from that, the noise is much smaller, is much less.
8 But if you're directly on and seeing this Starlight space,
9 then it's impossible for kids for example to do their
10 homework. They need to be in bed by 8:00 p.m. or 9:00 p.m.

11 How can they do their homework when they come from
12 school? This will affect their lives. This will affect,
13 you know, families' lives. Imagine putting a concert in
14 your back yard.

15 You know, the fact that the file is 148 pages,
16 like Mr. Chair, you know, mentioned, should give you pause
17 and think about the impact that this has on people around
18 the space.

19 I don't want to repeat what others have said, but
20 we were forced to leave our house multiple days because we
21 just can't sleep there. Kids can't do their homework, we
22 can't relax after work, it's impossible to live. You know,

1 everything has a place.

2 I agree that public spaces are essential, but a
3 public space like a park or, you know, even they -- you
4 know, this space was used for a farmers market every
5 Saturday prior to the pandemic. That was fantastic. We
6 loved it. We would participate in it.

7 What we don't want is disruption for people living
8 around it. It's impossible to have a concert going on until
9 9:00 p.m. right next to your house. Who can think of that?
10 If it's even five days a week, if the noise is 70 -- that's
11 not low enough.

12 There should be no concert happening after you
13 come back from work. It's a place to live, it's not a place
14 to be at a concert, if you want to do a concert. Everything
15 has its place. This is not the place for this.

16 You know, if I go to Mr. Monestime and tell him if
17 I want to put a concert in his back yard, or if I put a
18 concert in the back yard of any of the people on this call,
19 they wouldn't be happy with that. It just -- it doesn't,
20 you know, it will give you pause. So think about the
21 families living around there.

22 BRENDAN SULLIVAN: Okay.

1 LIAM THOMPSON: I fully, I fully -- you know, I
2 fully encourage the Board to not have this disruptive -- you
3 know, you will hear more people outside than people from not
4 abutting it, because there is more people in Cambridge than
5 those, you know, seven or eight or nine buildings that
6 actually suffer from it. But that's really --

7 BRENDAN SULLIVAN: Thank you. Thank you for your
8 comments.

9 OLIVIA RATAY: Nouran?

10 NOURAN: Hi, yes. I'm also one of the residents
11 that lives right across of Starlight. And I just wanted to
12 -- I don't want to repeat everything, but I really just want
13 to reiterate how instructive this has been. I never used to
14 get migraines, and now I get migraines all the time because
15 of Starlight.

16 And this has affected my mental health very, very
17 bad. I can't have dinner conversations, I can't think, I
18 can't do any work from home. It's just -- it's a complete
19 injustice to the people living around it. Like, how --
20 please imagine how disruptive this is for someone trying to
21 sleep, to work, to live.

22 And yeah, it's just -- I'm in complete in (sic)

1 support of it. I love arts, I love people, you know,
2 benefitting from this, but this should not be a place for it
3 at all. Please consider this. Thank you.

4 BRENDAN SULLIVAN: Thank you for your comments.

5 OLIVIA RATAY: Risa Mednick?

6 RISA MEDNICK: Good evening. My name is Risa
7 Mednick. I live at 20 Maple Avenue in Cambridge. And I'm
8 here in support of Starlight Square. I was an early
9 supporter of Starlight and truly an appreciative audience
10 member.

11 I have to tell you that "grateful" is probably an
12 understatement to express how I felt attending events --
13 arts events and community events at Starlight as the
14 pandemic raged around us.

15 They were brilliantly produced, but also planned
16 with such care, with attention to every public health
17 protocol and detail observed, so that everyone could be safe
18 there. And I think that's -- that can't be stressed enough.

19 And it really shouldn't have taken a global
20 pandemic for Starlight to be realized, but it did. The
21 reality is that Cambridge is so lacking in civic spaces that
22 are truly welcoming to everyone in our diverse and changing

1 community, and Cambridge needs Starlight Square. It's what
2 the whole community should be aspiring to be --
3 multicultural, multigenerational, accessible to people with
4 and without money. It's a space that draws people in for
5 fun, for creativity. And it's truly of hope.

6 I want to stress that I'm especially attuned to
7 the concerns of the abutters, and the ways noise and traffic
8 can impact them. I've actually spoken before to the BZA in
9 the past when I lived next to a business with a 1:00 a.m.
10 entertainment license. That was an incredible hardship.

11 But I have real faith in the ways that the
12 neighbors' concerns will be addressed by Starlight's
13 leadership going forward.

14 So I encourage you all to endorse the special
15 permit to continue to operate on Lot #5 in Central Square,
16 and I also want to acknowledge that tonight you have a rare
17 and fortunate -- very fortunate opportunity to take a vote
18 that doesn't require you to cross your fingers and hope for
19 the best once a project comes to fruition, because Starlight
20 Square is Proof of Concept.

21 Thank you all. Have a good night.

22 BRENDAN SULLIVAN: Thank you.

1 OLIVIA RATAY: Geeta Pradhan?

2 GEETA PRADHAN: Hi. I'm Geeta Pradhan. I'm with
3 the Cambridge Community Foundation at 99 Bishop Allen Drive.
4 And I do want to support -- I'm speaking in support of the
5 project, both because of the enormous benefit it has
6 provided in bringing our community together.

7 Like Risa, I'm actually not going to repeat
8 everything she said, because I agree with everything she
9 said, including the concerns of the abutters.

10 And the one thing that I will say that what gives
11 me confidence is the fact that during the pandemic the team
12 of Starlight Square was very diligent about our biggest
13 concern at that time, which was public health.

14 And I'm confident that they will continue to be
15 mindful, particularly having learned from and heard from the
16 neighbors about what a hardship it is for them, to be
17 respectful of that, to be mindful of that and to do the best
18 to mitigate the efforts.

19 We've seen Starlight at its height in terms of
20 noise. Let's see what they can do to lessen the mitigation
21 on the neighbors. But honestly, this is a project I think I
22 agree with every single word that Risa said. It has brought

1 communities together like no one else has been able to do.
2 And we feel very proud of our support of it, and I hope to
3 continue to support this with the portion and with the
4 confidence that the Starlight team will respect and will be
5 respectful of neighbors' concerns. Thank you.

6 BRENDAN SULLIVAN: Thank you.

7 OLIVIA RATAY: Nicola Williams?

8 NICOLA WILLIAMS: Hello again. Nicola Williams, 8
9 Brewer Street. I'm calling on behalf of the Cambridge
10 Carnival, as well as the Cambridge Somerville Black Business
11 Network. I'm the President of Cambridge Carnival, and I'm
12 the facilitator of the Cambridge Somerville Black Business
13 Network.

14 Cambridge Carnival has been blessed to be part of
15 Starlight, as for the Taste of Carnival. The Carnival had
16 not been produced in a number of years, and Starlight was
17 our outlet to bring back Caribbean culture and fun to
18 Central Square.

19 And the Starlight was the opportunity to do that.
20 It's also supported businesses in the Square. I found out
21 about new businesses, I attended things like Bollywood
22 roller-skating events.

1 And as you all know, many of our venues in
2 Cambridge are Cambridge artist venues -- have closed pre-
3 pandemic. And this was an opportunity to give artists a
4 chance to express themselves and to shine.

5 Also businesses. Seventeen businesses of color is
6 significant in a city where we have less than six black-
7 owned restaurants and less than two fully-owned liquor
8 licenses.

9 So this is an epicenter of businesses of color in
10 our city, and we should be proud of that. Love to see that
11 at different parts of the city. It's a model for different
12 parts of the city. I'd love to see Starlight everywhere in
13 our squares.

14 And so I've found that it's been an invaluable
15 respite for our young people, our community members. It's a
16 way to bring community together in all walks of life. And
17 they're all free. Where do you have that? Where do we have
18 this special opportunity and treasure that we should really
19 hold onto.

20 I understand the neighbors' concerns, and I
21 believe that the Central Square BID has set some parameters
22 like cutting off the sound by 9:00 p.m., and that they need

1 to be -- and will continue to be more sensitive to the
2 neighbors' needs.

3 I hope that we can grant the special permit,
4 because Cambridge needs this, the community needs this, our
5 youth needs this, and our businesses need Starlight Square.
6 So thank you.

7 BRENDAN SULLIVAN: Thank you, Nicole.

8 NADA ABDELFATTAH: Hello. Hi. Yes, I live very
9 close to Starlight, and I just wanted to say that I am a
10 mother of a 2-year-old and I have to put him to bed during
11 the day, I have to put him to bed at night, and having this
12 noise so close is incredibly difficult, disturbing, unfair.

13 I think this -- just the idea that the benefits of
14 this program can just -- sorry, I'm just very passionate
15 about this -- that they take precedent over the lives of
16 people living in this residential area is disturbing.

17 And so I just really want to encourage the Board
18 to understand that we live here and we have families, and
19 this is highly impactful and offensive. And I am a young
20 mother. It is not easy and having this in my life is just
21 -- it's incredible. It's incredible to understand that this
22 is a problem in my life. It is just incredible.

1 So I really urge -- I understand that there are
2 benefits, and I appreciate those things. But this is my
3 life. This is my family, and I live here. Do you want me
4 to move? Do I have to move? Because these are the
5 questions that go through my mind, and that I speak to with
6 my husband. So I really, really hope that this is not
7 approved. Thank you.

8 BRENDAN SULLIVAN: Thanks. That is the sum and
9 substance of the comments. I will close public comment. We
10 are in receipt of numerous correspondence. I will just
11 focus on two or three. Received a letter from the Executive
12 Department.

13 "To the Members of the Board of Zoning Appeal:

14 I'm writing to express my strong support of the
15 Central Square Business Improvement District's application
16 for a special permit to continue their award-winning work at
17 Starlight Square, which was established by the BID at the
18 City-owned Municipal Lot #5 at 84 Bishop Allen Drive.

19 "In June 2020, I exercised my executive authority
20 to allow the BID's use of the City-owned Municipal Lot for
21 the creation of Starlight Square outdoor recreational and
22 entertainment program as a safe, open space area during the

1 COVID-19 pandemic.

2 "Since then, my office had worked in close
3 collaboration with the BID to oversee its uses through the
4 license agreements with the City of Cambridge."

5 It then goes on to list the numerous activities
6 and classes that have been held there.

7 It continues,

8 "This space has continued to prove to be an
9 extremely important community space for our local art and
10 culture organizations, and its continued use for this
11 purpose will assist the City and its public health efforts
12 to maintain resilience against potential future COVID-19
13 variants.

14 "It has been a valuable resource during COVID-19
15 pandemic to have an outside space where people can gather
16 safely for a variety of purposes, including arts and culture
17 purposes.

18 "The City even used Starlight for the City Council
19 inauguration during the Omicron surge, when it was not safe
20 to gather inside. I see great value in Starlight's
21 continued existence at this space, to serve as an additional
22 asset for the City as a whole, to come together as a

1 community for various events and gatherings.

2 "Very truly yours,

3 Louis A. DePasquale,

4 City Manager."

5 Also, there's correspondence from the Community
6 Development Department, dated March 22, 2025.

7 "The Central Square Advisory Committee met on
8 Monday, March 14 to discuss the Special Permit Application.
9 The Committee decided to share a positive recommendation for
10 granting the Special Permit with the Board of Zoning
11 Appeal."

12 In furtherance, the letter goes on,

13 "Committee Members expressed universal support for
14 Starlight Square and emphatically endorsed the granting of
15 the Special Permit being sought. They view Starlight Square
16 as a locus of community activity and pride, a place for
17 Cantabrigians to gather, and an opportunity for burgeoning
18 entrepreneurs."

19 Signed by Nicole Ferrer. I'm sorry, it's signed
20 by Executive Secretary.

21 There was also a letter from -- it was signed by
22 Sarah Scott, excuse me, Associate Zoning Planner, Community

1 Development Department.

2 Also, for the Board's edification, and also to
3 Michael, in reading the numerous correspondence that was
4 sent in by abutters and though it has adversely affected
5 their lives in their personal testimonies and I -- the Board
6 has a tendency to impose conditions when we have such cases
7 before us and abutters have expressed strong opposition or
8 concerns about certain aspects, and so on and so forth.

9 In that light, I was somewhat hesitant to come up
10 with appropriate restrictions, and knowing that I believe
11 that the Licensing Commission had some jurisdiction over the
12 operation, they did not want to interfere with their
13 jurisdiction.

14 So to Members of the Board, I asked Maria Pacheco
15 to request of the Cambridge Licensing Commission a letter to
16 advise us on exactly what their role is, and this is the sum
17 and substance of that.

18 "Dear Mr. Sullivan:

19 This is to confirm that pursuant to the authority
20 by which the Board of License Commissioners was created,
21 Special Acts of 1919, and amended 1922 and 1949, the Board
22 has the exclusive authority in the City of Cambridge to

1 issue, regulate and condition certain licenses pursuant to
2 various statutes including, but not limiting to,
3 entertainment licenses issued under General Law 140, 181,
4 183A.

5 "The Board issues two types of entertainment
6 licenses - annual or one-day (which can be issued for
7 multiple days). When the Board approves or denies an
8 application for an entertainment license, it considers
9 various factors as set by state law.

10 "When the Board grants an entertainment license,
11 it may place conditions on it, such as hours or type of
12 entertainment allowed, in order to serve the public and
13 protect the common good.

14 "In addition, pursuant to the authority conferred
15 to the Board by the Special Acts, Noise Control Ordinance
16 and state law, the Board may suspend, revoke or further
17 condition an entertainment license, or issue fines for
18 violations.

19 "There are various legal opinions from the City
20 Solicitor on the issue of the Board's authority, if you need
21 additional information.

22 Please do not hesitate to contact me should you

1 have any questions.

2 Nicole Ferrer

3 From the Cambridge License Commission."

4 So I submit those for the record as sort of an
5 overview of I guess what we're dealing with here.

6 Michael, any other -- I will close the public
7 comments part. Michael, any further words you have before
8 the Board discusses it?

9 MICHAEL MONESTIME: Yes, Mr. Chair. And thank you
10 for the opportunity. To the Chair, to the Board, the
11 concerns of the neighbors are heard loud and clear. I just
12 want to reiterate that. I want to speak to how we're going
13 to reduce these impacts moving forward.

14 We've committed to reducing programming by
15 limiting it to no more than five days per week. I think
16 this is important to point out that much of the programming
17 is not just live music performance, but rather classes
18 meetups, civic events, et cetera.

19 These events are chosen via an open application
20 process by a selection committee. Organizers provide this
21 programming completely free to the public, and the BID
22 provides grants to help make this possible. There will be a

1 more focused, intentional curation of events.

2 Additionally, the BID has hired a designated sound
3 engineer who will test the acoustic settings and sound
4 levels within the installation and on Norfolk and Bishop
5 Allen sidewalks. And when they've done that in the past,
6 they've always been below the required decibel limit.

7 And we've been visited by the License Commission,
8 Cambridge Police during performances. They've taken
9 measurements, and we have always been within the required
10 decibel limit.

11 But with all that said, in hearing the impacts
12 from the neighbors, we are moving forward with 50 percent
13 reduction of the speakers that Starlight had in the previous
14 season to help mitigate the effects on the abutters. That's
15 the first power move that we're making in good faith to show
16 that we hear the neighbors loud and clear and want to
17 address their concerns.

18 Thank you, Mr. Chair.

19 BRENDAN SULLIVAN: Thank you. Speaking for
20 myself, I just -- I want to applaud you for your leadership
21 at Starlight. On another note, I don't envy you in the
22 challenge that you face to make this whole operation work

1 for the Cambridge community, but also to addressing the
2 abutting residences' concerns.

3 I'm not sure if you have gone through our file or
4 not, but I -- and sometimes with the general public, we on
5 the Board here sometimes feel like the panel on Judge
6 Baker's Guidance Center.

7 But I think that in reading some of the
8 correspondence from the abutters who have grave concerns, a
9 couple of them even said, well, they didn't think it was
10 going to do any good, but they thought they would write it
11 anyhow.

12 But I think what I will do, Michael, is even if
13 you haven't seen it, I am going to make copies of their
14 letters, and I want them to know that they do matter, and
15 the Board acknowledges their concerns. And I will forward
16 those letters onto you, and read them and address those
17 concerns.

18 And again, I also call upon the elected officials,
19 who have raised great support for this, that they also need
20 to step up and address some of the concerns of the abutters.
21 So with that said, Mr. Alexander any comments?

22 CONSTANTINE ALEXANDER: Yes, I have some. Having

1 -- well, a few years -- several years ago, we were struck by
2 this pandemic, not just Cambridge, needless to say, but the
3 whole country and actually the whole world. There was quite
4 a bit of despair, and floundering about because what do we
5 do, how do we deal with this omnipresent pandemic?

6 Unfortunately for Cambridge at least, some very
7 talented and imaginative, creative people created Starlight
8 Square. And Starlight Square has proved to be for most of
9 Cambridge a very significant thing that has helped us to
10 deal with life in the pandemic.

11 But there's a price that went along with that.
12 And that price was paid by the neighbors, and their
13 disruption in their lives, and the noise or the condition of
14 the -- the loudness of the music, and of the other
15 activities that went on. Their lives -- they paid with
16 their lives for the benefit that the city as a whole
17 received. That's just the way it is.

18 But sooner or later this pandemic is going to
19 recede, and we'll be able to return to life as it once was,
20 or close to what it once was. That's the time I think
21 Starlight Square has to reconsider -- about its role and how
22 it fulfills its role, and how it can better take into

1 consideration the concerns and the pains of the neighbors.

2 I'm very happy to hear from Michael that right now
3 he is starting that effort. That's good.

4 But it's not a one-off. It's got to be a
5 continuous effort, because the impact of the pandemic on our
6 city is continuous.

7 The goal should be to get down to something that
8 the neighbors can live with -- every neighbor, but you've
9 got to put your imagination, your talents now, or in the
10 near future I think to helping these people out, making
11 their lives back somewhat closer to normal than it is right
12 now.

13 But because I have confidence in what you've done,
14 what you can do, I'm willing to support granting the relief,
15 without condition, at this point.

16 BRENDAN SULLIVAN: Jim Monteverde?

17 JIM MONTEVERDE: I appreciate the activity; I
18 appreciate what it does for the city. But I'm concerned
19 about the neighbors who've spoken up about how it's affected
20 their lives. And I think what you suggested as mitigating
21 measures don't quite get me to the point where I could
22 approve the zoning relief.

1 I would be -- I would only favor it if in fact we
2 could come to agreement on some conditions, and in a fairly
3 short timeframe where, you know, whatever the conditions are
4 -- you know, the acoustic, the studies, the improvements,
5 the evaluations happen within -- you know, much shorter than
6 a full season, full summer season and fall, when I assume
7 you'll be in, you know, full operation a shorter duration
8 than that say halfway through the summer, where you -- you
9 don't start until mitigating effects have been put into
10 place, and then in some -- midway through the season that be
11 reevaluated, the neighbors be polled, and we basically stand
12 back and decide if it's worth it or not.

13 If it does, we find to continue. And if it
14 doesn't, then you can't continue until it's mitigated.

15 So I would not be in favor of approving it carte
16 blanche. I would only be comfortable if we could put some
17 conditions on it, in response to the neighbors.

18 BRENDAN SULLIVAN: Slater, any comments?

19 SLATER ANDERSON: Thanks, Brendan. I'm troubled
20 by the comments by the neighbors as well. I obviously see
21 the, you know, the good and the benefits that have accrued
22 to a large number of Cantabrigians and others from this but,

1 you know, this was something that was a result of the
2 pandemic, like we saw with many other elements of outdoor
3 dining and changes in regulations on a temporary basis to
4 try to mitigate and help people through -- both businesses
5 and residents.

6 But I -- as Gus alluded to, you know, the pandemic
7 may be waning, and that period may be coming to an end.
8 And, you know, I look at this -- this development, whatever
9 you want to call it, I mean it is a temporary structure, as
10 described.

11 It's scaffolding and scrims, you know? And
12 staging. This is something -- it's not a, you know, bricks
13 and mortar building, it's something that's mobile.

14 One question I had was, you know, has there been
15 any consideration of an alternative location in the city for
16 this? I mean, it seems like something that's fairly
17 portable.

18 And, you know, I lived right in that neighborhood
19 for many years. And, you know, I know that's -- I mean it's
20 a bit of an amphitheater there with those houses around that
21 -- those apartment buildings around that parking lot.

22 I -- you know, if you were doing this from

1 scratch, I don't know that that would be the first location
2 I would pick in the city for something like this to have its
3 -- have -- you know, the least impact on a neighboring
4 residential use.

5 And there are a lot of regulatory things where, you
6 know, the alternative analysis is an appropriate step to
7 come into a decision to approve something in the
8 affirmative, such as this location; this use, and this
9 location.

10 So -- and I also agree with Jim Monteverde that,
11 you know, I'm not in a position to give carte blanche
12 approval to this use without some conditions. It's unclear
13 to me where the License Commission stands on this, or is
14 there going to be a further review by them?

15 I know, Brendan, you read the letter and I saw it,
16 but maybe someone could answer those two questions for me?
17 Has there been an alternatives analysis, and is the License
18 Commission still going to weigh in on this?

19 BRENDAN SULLIVAN: Slater, I think my
20 understanding and reading of the letter from Licensing is
21 that they license the events. And I think that the -- you
22 know, there is an awful lot of popup businesses, there's

1 community groups, there's startups, there's all kinds of
2 other things that would probably have a huge benefit but
3 don't create disturbance, noise, whatever, and it's really
4 the acoustic music.

5 And that the licensing has control over that, and
6 they can give a license for whatever it may be, it may be
7 music, operation, and that they can impose conditions upon
8 that basis, having to do with sound, hours of operation,
9 time frame, days of the week, that type of jurisdiction.

10 So that's why I asked them to -- or asked her to
11 forward the letter, so I would better understand that their
12 licensing, their authority to license, they can control I
13 think what goes on in the event and the potential effect
14 that it has.

15 SLATER ANDERSON: So there may be future
16 licensing, is that what your understanding is?

17 BRENDAN SULLIVAN: I'm sorry, the what?

18 SLATER ANDERSON: There might be future, like, if
19 they're going to have live music, they're still going to
20 have to get a permit from the License Commission?

21 BRENDAN SULLIVAN: Correct.

22 SLATER ANDERSON: Okay.

1 BRENDAN SULLIVAN: Yes. Yes, absolutely. That's
2 correct.

3 Michael, for music events that they would have to
4 get a license from the License Commission, is that correct?

5 MICHAEL MONESTIME: Correct, Mr. Chair. Could I
6 also make one more clarifying point?

7 BRENDAN SULLIVAN: Yep.

8 MICHAEL MONESTIME: While we are seeking a special
9 permit for the use, we do have a lease with the City of
10 Cambridge, which also imposes how we can use the structure.
11 And correct, we do go to the License Commission for our one-
12 day entertainment permits regarding the sound.

13 And one other comment, just to a previous point,
14 mitigation efforts will commence in advance of this season
15 if approved. Thank you.

16 BRENDAN SULLIVAN: And can you comment, Michael,
17 on the alternative analysis? Was there consideration of
18 alternative locations for this?

19 MICHAEL MONESTIME: Thank you for the question,
20 thank you for the question. The site was put together site-
21 specific. It's very hard to move, even though it's very
22 flexible materials. It is very hard to move, and we have

1 not done an alternative analysis. The structure itself is
2 weighted by 260 Jersey barriers, so while you see scaffold
3 and scrim, it is anchored by quite a bit of weight to retain
4 it.

5 SLATER ANDERSON: Thank you.

6 BRENDAN SULLIVAN: Anything else, Slater, at the
7 moment?

8 SLATER ANDERSON: Nope.

9 BRENDAN SULLIVAN: All right. Wendy Leiserson,
10 any comments?

11 WENDY LEISERSON: Yes, I do have some comments. I
12 think this case is -- you know, goes to the heart of zoning,
13 really, where we have multiple competing interests, all of
14 whom have valid points of view.

15 And I find it troubling, as both Jim and Slater
16 have indicated, that the neighbors have so much -- have had
17 so much hardship and negative impact, as well as positive
18 impact, but I'm concerned about the negative impacts that
19 many of the neighbors have reported.

20 At the same time, I'm very sympathetic to the
21 need to provide venues for artists and other members of the
22 community who have spoken here who have benefitted from the

1 venue of Starlight.

2 But I'm not inclined to go forward without a
3 better understanding of the impacts on the neighbors and a
4 better understanding of what steps are being taken to
5 address their concerns.

6 And that's not at all to say that I have any --
7 you know, I appreciate Michael's statements about his
8 commitment to working with the neighbors, and I certainly
9 respect the points of view, the opinions that have been
10 provided by the Council and other members of the city
11 community.

12 But what concerns me is not knowing, and not
13 wanting to sidestep the responsibility of the Zoning Board
14 thinking that perhaps the Licensing Board will take care of
15 this, or the BID will take care of the concerns of the
16 neighbors.

17 Clearly, the neighbors have been existing with
18 this situation for a couple years now, and have not found
19 satisfactory redress of their concerns through the BID. Not
20 that the BID hasn't tried, but it hasn't done enough.

21 And so whose responsibility is it to say, okay
22 stop? There has to be the property -- we need to see the

1 action has been taken, that their concerns have been
2 addressed. Well, it seems to me that is the providence of
3 this Board, of the Zoning Board.

4 And I'm not sure, because I don't know the work of
5 the Licensing Board -- if they can take the holistic sort of
6 approach to looking at a license for one-day events. Do
7 they look at things in the aggregate? Do they say, well,
8 you know, there have been 10 events in the last 14 days?

9 I just don't know, and I'm not going to try to
10 second-guess the work of another of the City's government.
11 We can only look at what our job is.

12 And our job here, to me, says that under the
13 criteria that we have to apply to issue a special permit,
14 that it's not been satisfactorily met. I'm not persuaded,
15 because of the deleterious impact on the neighbors. So
16 that's my current thinking.

17 BRENDAN SULLIVAN: My feeling is that I think that
18 the License Commission has a more hands-on and it's an
19 event-specific authorization to approve a license, and that
20 they can, I think, better evaluate the proposed event that
21 they're being asked to provide the license to, and that they
22 could then delve into exactly what the instruments are --

1 the noise level potentially, the hours and how that is going
2 to affect.

3 I think that what has been stewing below the
4 surface has now boiled over the surface, and that this is a
5 good, public airing of all the pluses and the minuses. Yes,
6 there are some minuses, then, to the abutters, who are
7 adversely affected. It's a huge minus.

8 I have run through -- again -- all of the
9 correspondence, and particularly feel the letters from the
10 high school students who have found an outlet there and --
11 during the pandemic. I think the pandemic may ease, it may
12 go away, it may not.

13 But I think that they have found, and I think that
14 we have found here on the Board a number of requests are
15 coming down before us for outdoor space, and what have you,
16 because society has changed their modus operandi, that the
17 pandemic has changed how we conduct our lives.

18 People are needing more interior space to work
19 from home, and they also need some more outside space in
20 order to get out of the home, and to get some fresh air and
21 to feel somewhat normal.

22 Starlight, I think has done that, and has provided

1 a venue for -- and again, reading a lot of the
2 correspondence for startups, for people in a community.
3 There's, you know, one letter from Howard Metzger who said
4 that it has provided an outlet for some of these people to
5 show their wares, their creativity, and where, you know,
6 bring some order. Stores are just not available. So there
7 is a great barrier to that. Starlight has provided that.

8 So that is a huge benefit, I think, to the
9 Cambridge community, especially, especially the Port
10 neighborhood, and for those in that neighborhood.

11 So now we come down to what is the --

12 WENDY LEISERSON: Mr. Chair?

13 BRENDAN SULLIVAN: -- problem with noise? And,
14 again, I think that the License Commission can better
15 control that than we can.

16 WENDY LEISERSON: Mr. Chair, this is Wendy
17 Leiserson. May I ask a question?

18 BRENDAN SULLIVAN: Sure. So I -- like I said, I
19 am sympathetic and to all of the community members here.
20 And I actually think Starlight is a fabulous concept. It's
21 just how do we balance that, you know, desired use and
22 desired community access with the neighbors?

1 And so my question to you is, does the Licensing
2 Board -- I mean, well, first off, what would be wrong with
3 us having a condition for example about -- and I'm just --
4 this is just a for example, I don't know what the right
5 answer is, but -- of saying, "No more than X number of
6 concerts per week? Those terms of which to be decided upon
7 by the Licensing Board?"

8 Because then we are doing the job of saying what
9 use is allowed, and the Licensing Board would be doing the
10 job of deciding what noise level, what hours, et cetera?

11 BRENDAN SULLIVAN: My thought, on that, Wendy, is
12 that I don't really feel as if I'm qualified to come up with
13 a magic number of how many concerts. You know, we could
14 have a concert every single night, music being played, and
15 it not be -- you could -- one concert out of that, and then
16 I would be, you know, put people over the edge.

17 And so what -- I don't know what the magic number
18 is, and I really think it has to do with a case-by-case
19 specific type of music presentation.

20 And I think that Michael can monitor that. I
21 think that you are more tuned in, you have more -- I don't
22 mean to be cute here, but your ear to the ground as far as

1 what works and what doesn't work, and what is going to, you
2 know, go over the edge as far as being too loud, too
3 disruptive.

4 And I think that for Michael and the License
5 Commission, doing a case-by-case basis that they can monitor
6 that, they can police that, they can govern that better than
7 I think we can, or the Board can. I think it's -- you know,
8 it's probably a tendency to come away with, you know,
9 something -- give something to sort of corral this thing a
10 little bit. I'm just not sure what that is.

11 WENDY LEISERSON: So it goes back to my question.
12 It goes back to my question of you said, "case-by-case
13 basis, but does the Licensing Board -- and if someone knows,
14 please tell me -- do they give you a call license, like, do
15 you say, again, "I want to have this jazz ensemble on
16 Monday" and they give you license on that?

17 Or are they giving you a license as a venue for --
18 you know, so you have to get an individual license, and do
19 they look at the whole of the number of licenses they have
20 been granting you per event, you know for each event during
21 a week? Or how is it done?

22 BRENDAN SULLIVAN: I'm not sure, Wendy. I don't

1 know that.

2 Michael, I don't know if you can chime in on that,
3 or you're more attuned to people who go to the Licensing
4 Commission and how often, and what's the criteria?

5 MICHAEL MONESTIME: Sure. Through you, Mr. Chair,
6 to answer Wendy's question, the way we've done it in the
7 past is we've gone to the License Commission with a period
8 of time for the seasonality of programming, where we ask for
9 days and hours of use.

10 One thing that we are willing to do in spirit of
11 the conversation tonight, and with respect to the neighbors,
12 is submit an entire calendar to the License Commission,
13 specific with programming. We would need a period of time
14 to produce that.

15 And this would help with any mitigation efforts or
16 evaluations they think are appropriate in ensuring that the
17 right intentional curation of what happens on this community
18 stage has been addressed.

19 CONSTANTINE ALEXANDER: Brendan? My concern with
20 what you're suggesting is you'll have the Starlight Square
21 people talking to the Licensing Board, negotiating, dealing
22 between the two, there's no place at the table for the

1 neighbors.

2 Where are the neighbors going to sit? On an
3 individual basis, how do they get their values conveyed?

4 I think if there was going to be a solution that
5 way, we have to create a third group, the neighborhood --
6 how they pick their representatives is up to them -- and
7 they sit at the table with Starlight and Licensing Board and
8 try to come up with something that works for everyone.

9 But I don't think we should just turn our back on
10 the neighbors and say, "Trust the Licensing Board and the
11 Starlight stage group for coming up with the right answers."

12 BRENDAN SULLIVAN: Okay. Jim, back to you. If
13 you can elaborate on your initial thoughts a little bit, or
14 --

15 JIM MONTEVERDE: Well, in listening to the other
16 discussion, and I agree with Gus, my concern with, you know,
17 us taking action tonight and basically saying it'll be the
18 Licensing Board, I preferred the methodology that said the,
19 you know, us taking action tonight and basically saying
20 it'll be the Licensing Board, I preferred the methodology
21 that said any approval, if we were to approve, is
22 conditional, so that it has a time limit to it.

1 And it basically requires Starlight to be specific
2 about the mitigation measures, and then go back to that --
3 you know, canvas that community and get responses from that
4 community and bring that back to us.

5 Now, pick an interval. Is that monthly? Every
6 two months through the season, so that you have some type of
7 monitoring of is it working or not? And if it works, fine,
8 then we can remove the condition and it can be approved.
9 And if it doesn't, then it has to be resolved.

10 So I'm looking to be the cop here to accept the
11 responsibility for trying to address the neighbors' concerns
12 directly and not assume that another Board -- they may help,
13 but I don't think they'll do it, I don't think they have a
14 method to oversee it, and I don't think they have any teeth
15 at the moment to enforce it, where we at this moment right
16 now do.

17 BRENDAN SULLIVAN: So you're -- if you can be a
18 little bit -- if we can --

19 JIM MONTEVERDE: Get that toward, "actionable
20 item."

21 BRENDAN SULLIVAN: How I would like to see this go
22 just so that we could bring this to some conclusion tonight

1 --

2 JIM MONTEVERDE: Yep.

3 BRENDAN SULLIVAN: -- is to say to Michael, "We
4 would like you to do X, Y, Z, whatever it may be, or come
5 back to us with any plan to do X, Y, Z" and for us, then, to
6 consider that. I would not, and I would ask my Board
7 Members to give me a little leeway on this, is to not come
8 up with a set of conditions tonight and say -- that said, I
9 would want to come up with proposed conditions, give it to
10 Michael, let Michael have further discussions.

11 And I think also that he can be in discussions
12 with Nicole over at Licensing, and that they come back to us
13 with something that might satisfy the Board concerns. Is
14 that --

15 JIM MONTEVERDE: I would agree.

16 BRENDAN SULLIVAN: So what you're asking, Jim, is
17 for Starlight to come back to us with how they are going to
18 -- and if you could fill in the blank?

19 JIM MONTEVERDE: Yeah. I think it feels like a
20 continuance to me where, you know, in that time period,
21 Michael what did you want to say?

22 MICHAEL MONESTIME: I'm sorry, Mr. Chair and to

1 the Board, I just want to state one fact, please. Really,
2 we need the special permit, right, for community programming
3 to continue. Our first six weeks of programming tentatively
4 set to start in May are primarily reserved for CRLS
5 students.

6 We've talked about, we've vocalized on today's
7 meeting what mitigation efforts we will take into practice,
8 reducing 50 percent of our speakers. That's a verbalized
9 condition we're willing to impose upon ourselves.

10 Continuance today will really cancel those events,
11 including junior prom, the VPA performance from students at
12 Rindge and Latin. And I just want to vocalize that as we're
13 in this stage of deliberation.

14 BRENDAN SULLIVAN: I hear you on that. And again,
15 reading through some of the correspondence from the high
16 school students, they have made some of those same points.
17 And they're quite clear.

18 So I just want to -- again -- move this along, if
19 it's not going to get to a favorable vote. Is the sense of
20 the Board -- I mean, I would -- I am prepared to vote the
21 special permit for tonight, as presented.

22 And I am quite comfortable granting the special

1 permit, and that the licensing and the BID will ameliorate
2 any of the problems to the best of their ability. We're not
3 going to satisfy everybody; it's not going to be 100 percent
4 satisfaction by any means.

5 So short of that, is it the sense of the Board
6 that they would like to see some further language coming
7 back from Starlight, or?

8 CONSTANTINE ALEXANDER: I would. It's not a
9 matter of language, I think we need a game plan. We need to
10 know exactly what is going to be -- the impact is going to
11 be on the neighborhood this summer, before we allow it to go
12 forward. So I don't think it's as simple a task as that.

13 BRENDAN SULLIVAN: All right.

14 MICHAEL MONESTIME: Could I jump in one more time?
15 And I'm sorry for belaboring the process. We'd welcome
16 conditions regarding sound and programming, either from this
17 Board or from the License Commission. We're very willing to
18 have a condition from the Board to come back.

19 BRENDAN SULLIVAN: Okay.

20 JIM MONTEVERDE: Yeah. I think what the Chair is
21 saying, though, is we just may need some time to agree to
22 those conditions between the five of us. So I, you know,

1 Mr. Chair, I think it's a two-part.

2 One is for Michael to come back with the pieces
3 that he's already suggested verbally to us all, as what he's
4 -- what they're willing to do as mitigation, and then for
5 the Board to basically, you know, draft -- have a draft of
6 conditions, and to be able to, you know, whether it's
7 allowed to be shared with Michael beforehand or we go
8 through that at the next session. But I think there are two
9 parts.

10 BRENDAN SULLIVAN: Yep.

11 JIM MONTEVERDE: And I think it won't happen
12 tonight. That's why I'm thinking it's a continuance.

13 BRENDAN SULLIVAN: Yeah. It's the second part. I
14 mean, how do we come up with something to give to Michael?
15 Can we come up with something tonight to give to Michael to
16 -- as Gus says -- put together the entire package?

17 WENDY LEISERSON: Mr. Chair?

18 BRENDAN SULLIVAN: Yep.

19 WENDY LEISERSON: I have a suggestion, which is we
20 certainly -- as I said, I value what Starlight is doing for
21 the community, and I wonder if there's a way to -- I'm not
22 sure when the special permit that they've been operating

1 under is due to expire.

2 But I wonder if there's a way to extend their
3 ability to act as they have been acting for the events that
4 are planned for the students and other members of the
5 community, and then have them continue, you know, the -- to
6 get a longer-term special permit -- to bifurcate it, so to
7 speak, so that they're not stuck in action, you know,
8 without action, for the time being...

9 And then to have them do some community meetings
10 or some kind of community outreach where proposals are
11 derived from the community and their work, rather than
12 asking us to suggest what conditions we might like to see.

13 BRENDAN SULLIVAN: Yeah, I'm not sure we can
14 square that all up, Wendy, but I'm just trying to give
15 Michael something to take away and then to come back to us.

16 And so, again, Jim, I'm sorry I just wanted to
17 make some sense out of this. The condition that you're
18 asking for, for the --

19 JIM MONTEVERDE: Is that there be any time limit
20 on any approval -- something where midway or somewhere
21 through the season and before that midpoint, I'll call it
22 again midpoint for now, Michael and his group canvas the

1 neighborhood, get responses from those neighbors as to have
2 those mitigation measures address those concerns.

3 And, "By the way, there will be a public hearing
4 on such and such a date through the Zoning Board." And let
5 Michael outline the list of mitigations.

6 I think that's my suggestion in terms of what I'd
7 be looking for is you do it, you do whatever Michael
8 suggested for a while, and then they have to go canvas the
9 neighborhood and get a response, so the neighborhood has an
10 opportunity to speak -- the ones who are concerned, the ones
11 who've spoken out so far.

12 And then at that point, we can act. We can see if
13 it's ready for full approval. But I'd say it's, you know, a
14 partial approval time limit.

15 What's the midpoint of your season, Michael?

16 CONSTANTINE ALEXANDER: In addition to that, then
17 we do meet again, after we do what Jim has outlined. We do
18 it at a special meeting. Nothing else that night but this.
19 As we don't have the pressures of the other cases and people
20 --

21 JIM MONTEVERDE: Yep.

22 CONSTANTINE ALEXANDER: We've done that before.

1 And I think this would be an appropriate time and case to do
2 it again.

3 MICHAEL MONESTIME: To answer Jim's question
4 directly, that would be mid-July.

5 JIM MONTEVERDE: Yeah, I'm just thinking sometime
6 -- you know, around there, maybe a little earlier, just so
7 the community knows they have been heard, you're going to
8 have to respond, because you're going to have to come back
9 to us. So yeah, lets pick a date that gives the community
10 confidence that we're listening, and you've got to take some
11 action, mid-July.

12 MICHAEL MONESTIME: Willing to do that work.

13 BRENDAN SULLIVAN: I'm sorry, you're saying mid-
14 July?

15 JIM MONTEVERDE: Well, I'm -- when I asked Michael
16 what the midpoint of his season is, I'm just trying to pick
17 the timeframe? How long do you want to let it happen with
18 the mitigation measures Michael suggested, before you go
19 canvas the neighborhood and see if it's working? So what's
20 on the table is July, mid-July is the middle of your season.

21 BRENDAN SULLIVAN: Correct.

22 JIM MONTEVERDE: That gives you half the season to

1 do your -- whatever you have planned --

2 MICHAEL MONESTIME: Do the good work.

3 JIM MONTEVERDE: -- do your good work, your quiet
4 good work. And then monitor. I mean, I'm open to another
5 suggestion, but I'm just trying to pick a date so we can
6 move along.

7 BRENDAN SULLIVAN: All right. I'm getting kind of
8 confused here as far as all this.

9 CONSTANTINE ALEXANDER: I'm sorry?

10 BRENDAN SULLIVAN: May-July is when the music
11 program begins, is that correct, Michael?

12 MICHAEL MONESTIME: No, sir. The --

13 JIM MONTEVERDE: No.

14 MICHAEL MONESTIME: If I could just summarize it
15 quickly?

16 BRENDAN SULLIVAN: Yeah.

17 MICHAEL MONESTIME: The programming starts in May.
18 What Jim has suggested is we come back in July, allow for
19 half of season to go on as planned, with a strong focus in
20 addressing the concerns of the neighbors, canvassing the
21 neighborhood, having a public meeting, and coming back in
22 front of this body mid-July to see where we're at in this

1 process, to prove to this body that we've done the work to
2 continue to then receive our full permit.

3 JIM MONTEVERDE: All right. Thank you.

4 BRENDAN SULLIVAN: Now, right now you are not
5 operating -- you're operating under special permission from
6 the City Manager, is that correct?

7 MICHAEL MONESTIME: Yes, Mr. Chair. And that
8 expiration -- that expires at the end of this month. Hence
9 the sense of urgency.

10 BRENDAN SULLIVAN: That's what I thought.

11 MICHAEL MONESTIME: But I think that Board Member
12 Jim has put forth a good recommendation that our group would
13 be more than willing to move forward with, if given the
14 opportunity.

15 BRENDAN SULLIVAN: Without the granting of the
16 special permit, is that correct?

17 MICHAEL MONESTIME: With the condition that we
18 will come back in front of this body having done the good
19 work quietly, so a conditional grant to be able to exit from
20 this evening proceed, allow for the CRLS students to shine,
21 and then do the work, come back in front of this body mid-
22 July for our next meeting.

1 But a conditional grant this evening.

2 JIM MONTEVERDE: Yeah. Is that possible?

3 CONSTANTINE ALEXANDER: I don't know. I don't
4 know if that's possible.

5 BRENDAN SULLIVAN: No, I don't think we can give a
6 conditional grant.

7 JIM MONTEVERDE: You can only put a condition on an
8 acceptance, a full acceptance?

9 CONSTANTINE ALEXANDER: Timeframe. You've got
10 permission up until, you know, the permission expires June
11 15 -- pick a day.

12 MICHAEL MONESTIME: If you set it to expire in say
13 August 1, we're back in front of this body, mid-July gives
14 us time to continue to proceed, if we've done the work that
15 the Board is looking to see.

16 JIM MONTEVERDE: Yeah, or make it all happen the
17 same date. If we're saying it's mid-July, and the -- you
18 know, we accept it on the -- the only conditions, Michael,
19 are what you've described as mitigating measures you're
20 willing to take, and that acceptance would be only up to and
21 through mid-July 2022.

22 And at that point, you've got to come back with

1 having polled the neighborhood and their responses, and it's
2 -- as Gus suggested -- a special session. The neighborhood
3 is, you know, given notice that there's a hearing, and they
4 can speak up. And then we take up the matter again.

5 BRENDAN SULLIVAN: And so Jim, are you saying that
6 we -- if we were to -- say we grant the special permit
7 tonight with a time limit to expire July 30, is that what
8 you're --

9 JIM MONTEVERDE: No, I'm saying use the same date
10 for everything, so I don't confuse myself. Keep my life
11 simple. It's middle of July, whatever that -- hold on a
12 second. Let me --

13 BRENDAN SULLIVAN: All right. But that -- I don't
14 think we can grant a conditional special permit. We can
15 grant a special permit --

16 JIM MONTEVERDE: With conditions.

17 CONSTANTINE ALEXANDER: Timeframe.

18 BRENDAN SULLIVAN: -- and a timeframe. But we
19 have to put that timeframe in.

20 JIM MONTEVERDE: Yeah, yeah, yeah. And the time
21 frame -- you know, July 15 is the third Friday of -- July 16
22 is the third Friday in July.

1 BRENDAN SULLIVAN: All right, I --

2 JIM MONTEVERDE: The time frame is through --

3 BRENDAN SULLIVAN: Understand.

4 JIM MONTEVERDE: -- sorry, go ahead.

5 BRENDAN SULLIVAN: I'm saying July 30, but they'd
6 like to have them come back to us. In other words, what I'm
7 saying is I don't want this to expire on July 15. Have them
8 come back on July 15, and all of a sudden, the next day
9 there's --

10 JIM MONTEVERDE: Right.

11 BRENDAN SULLIVAN: -- special permit doesn't work.

12 JIM MONTEVERDE: Okay. I'm with you. I'm with
13 you.

14 BRENDAN SULLIVAN: All right? So --

15 JIM MONTEVERDE: Right.

16 BRENDAN SULLIVAN: What I'm saying is let this --
17 let just go on to August 1, for the sake of whatever. And
18 have them come back on -- the condition is that they come
19 back to us mid-July, and that this special permit expires on
20 August 1. Are we in agreement on that?

21 JIM MONTEVERDE: I will defer to your -- however
22 you'd like to phrase it or position it, that's fine.

1 JIM MONTEVERDE: Are you okay with that?

2 WENDY LEISERSON: I'm okay with the idea of it. I
3 confess I'm not sure what is the right procedural piece
4 there for whether or not they'd have to -- what happens when
5 they come back?

6 Are they looking for a new special permit, or is
7 this going to be the same? Like, I don't know what the
8 procedural piece is there.

9 BRENDAN SULLIVAN: Then the time frame can go
10 away. Then we can amend.

11 WENDY LEISERSON: Amend, okay, got it. Yes. Then
12 I am good with that.

13 BRENDAN SULLIVAN: Slater, are you okay with that?

14 SLATER ANDERSON: I am. I was contemplating one
15 additional item that I don't think is too complicated. And
16 I am not an expert on the Board of Licensure in Cambridge,
17 but where it says that they can -- the Board issues two
18 types of entertainment license; annual or one-day, which can
19 be issued to multiple days.

20 The condition I was going to suggest, because that
21 Commission has public hearings I assume, and they are voting
22 on these licenses, correct, that neighbors can go to? That

1 I would -- I wouldn't want -- I would want the -- anything
2 that has -- any amplified sound that you need to get a
3 permit for, which I assume is some, that's some threshold,
4 that they're not going to get one blanket permit from here
5 through August 1.

6 That's my point. I don't want them going to the
7 License Commission for one permit from now to August 1. I
8 would want them to, you know, have to go back for, you know,
9 it might be too harsh to say one-day, you know, nothing more
10 than a one-day permit.

11 But probably something like nothing more than a
12 three-day for when they're going to have music. So it gives
13 the neighbors an opportunity between now and August 1 to
14 have a public forum to express their approval or disapproval
15 for what's been going on, with the Licensing Commission.

16 So we're not binding the Licensing Commission to
17 do anything, we're just telling the applicant, condition of
18 this special permit is that you need to apply for separate
19 licenses for amplified music from the Licensing Commission,
20 between now and August 1, not to exceed three days per
21 permit.

22 BRENDAN SULLIVAN: All right. Michael, does that

1 work, or is it a difficult -- do you find any difficulty in
2 that?

3 MICHAEL MONESTIME: Yes. The License Commission
4 had asked us not to do this. We filed with them for the
5 season. You know, I just wonder is this the jurisdiction of
6 the BZA to do this? It's incredibly labor-intensive. I
7 think the conditions and restrictions that we've talked
8 about are good.

9 Going in front of the License Commission and
10 having public comment, that is a public meeting. We are all
11 for that and open to that. And that body regulates and
12 approves those applications.

13 SLATER ANDERSON: So Michael, are you telling me
14 you have already talked to them about basically getting one
15 permit for the License Commission for the entire season?

16 MICHAEL MONESTIME: In the past.

17 SLATER ANDERSON: Okay. Well, see, that doesn't
18 make me super comfortable. Okay. Maybe not three days, but
19 I would say a 30-day permit. Like, I wouldn't want to see
20 you getting more than a 30-day permit from the License
21 Commission.

22 I'm not telling the License Commission what to do,

1 but giving you a blanket permit for the Licensing Commission
2 for the whole season seems to short-circuit the neighbors,
3 you know, their rights to have a voice in this, aside from
4 tonight.

5 And if that -- you know, you're telling me, like,
6 "I'm not comfortable going forward with what I'm hearing
7 from the neighbors tonight, so you need to work with us
8 here."

9 MICHAEL MONESTIME: Yes. And what I will say, Mr.
10 Anderson, is 30 is fine. We'll -- we'll go to the License
11 Commission in 30-day intervals. We've already talked about
12 a condition of mid-May to mid-July. That's roughly two
13 trips.

14 WENDY LEISERSON: So -- and just to clarify,
15 Michael, you've already represented -- and I just want to
16 make it clear that within this 30-day period, you're still
17 not going to have more than five days per week of
18 programming, right? Okay.

19 MICHAEL MONESTIME: Correct.

20 BRENDAN SULLIVAN: But my understanding is you
21 obviously have to have a schedule when you have to schedule
22 performance. Is that correct going forward for the entire

1 season?

2 MICHAEL MONESTIME: Yes.

3 BRENDAN SULLIVAN: And so then you would know
4 who's scheduled on what dates and then go to the Licensing
5 Commission and get a -- if somebody's going to perform for
6 one night, one afternoon, whatever it may be, that you would
7 get a permit, a license to perform for that particular
8 timeframe, that's correct going forward? But you need to
9 obviously schedule that and to line up the performance. Is
10 that a fair assumption?

11 MICHAEL MONESTIME: Yes. And just to make a
12 point, I support Mr. Anderson's comment, and we're willing
13 to go to them with 30 days of programming increments.

14 BRENDAN SULLIVAN: Okay. All right. Can I make a
15 motion, then, to grant the special permit? And such permit
16 expires on August 1, 2020, and that --

17 JIM MONTEVERDE: 2022.

18 BRENDAN SULLIVAN: -- I'm sorry. I'm getting
19 daffy now. 2022. Let me make a motion. Let me make a
20 motion to grant the special permit as per the application.
21 The Board finds that the requirements of the ordinance can
22 be met.

1 The Board finds that the Starlight Square
2 Initiative has demonstrated for a year and a half out how
3 essential outdoor civic space is to be of benefit to the
4 public health of the community. This is especially
5 important as the Port neighborhood is greatly underserved.

6 The Board finds that since its opening in August
7 of 2020, Starlight Square has provided residents with a
8 central location for essential services and experiences to
9 transition outside. This includes everything from worship
10 and out of schooltime education to performances and food
11 distribution.

12 The Board finds that Starlight continues to
13 address immediate public health concerns by providing an
14 outdoor home for basic city functions and much-needed human
15 connection.

16 The Board finds that traffic generated or patterns
17 of access or egress would not cause congestion, hazard, or
18 substantial change in the established neighborhood
19 character.

20 The Board finds that the -- since its operation
21 that it has not experienced any detriment to any access or
22 egress on the site.

1 The Board finds that continued operation of or
2 development of adjacent uses, as permitted in the zoning
3 ordinance, would not be adversely affected by the nature of
4 the proposed use.

5 The Board finds that Starlight is continuing, and
6 its management team is continuing to monitor any effects
7 that it may have on adjoining residences, and is committed
8 to ameliorating those issues.

9 The Board finds that any nuisance or hazard would
10 not be created to the detriment of the health, safety and/or
11 welfare of the occupant of the proposed use, or the citizens
12 of the city.

13 And, again, I go back to that the work and the
14 management of Starlight is working to alleviate any issues
15 that have adverse effect on any of the residences.

16 The Board finds also that the proposed use would
17 not impair the integrity of the district or adjoining
18 district, or otherwise derogate from the intent and purpose
19 of the ordinance to enhance the cultural district by
20 providing a unique public space for residents.

21 The Board finds that the special permit is granted
22 with a time frame to expire on August 1, 2022. That the

1 Board requests that the petitioner return to the Board on --
2 what's the magic date in July?

3 I think we can do it on the BZA date.

4 CONSTANTINE ALEXANDER: Say it again?

5 BRENDAN SULLIVAN: I think if we could maybe do it
6 on a BZA date. The problem is if we set a date today, we
7 have to make sure that this Chamber, or some Chamber, is
8 available to us.

9 CONSTANTINE ALEXANDER: Well, it may be a real big
10 problem for me, but I'll try to solve it.

11 BRENDAN SULLIVAN: July 14?

12 CONSTANTINE ALEXANDER: No, I, later in the -- I
13 can't make it July 14. I have a very big family. I can't.

14 BRENDAN SULLIVAN: What's the first date?

15 CONSTANTINE ALEXANDER: That's the better one.

16 BRENDAN SULLIVAN: July 28. All right. And then
17 it only expires two days later. July 28?

18 CONSTANTINE ALEXANDER: I thought it was extended
19 on July 28?

20 BRENDAN SULLIVAN: We can extend it. All right.
21 July 28? Does that work for the Members of the Board?

22 JIM MONTEVERDE: Give me one second, please.

1 SLATER ANDERSON: Yes, for Slater.

2 BRENDAN SULLIVAN: So Slater, July 28?

3 SLATER ANDERSON: Yep.

4 BRENDAN SULLIVAN: Wendy, July 28?

5 WENDY LEISERSON: Yes.

6 BRENDAN SULLIVAN: And Jim, you're checking if Gus
7 is available?

8 JIM MONTEVERDE: Yeah. I'll be -- yeah. I'll be
9 remote, but yes, I can attend.

10 BRENDAN SULLIVAN: All right. Michael, July 28?

11 MICHAEL MONESTIME: See you then.

12 CONSTANTINE ALEXANDER: We need to add to your
13 motion, Brendan, that between now and -- between now and
14 July 28, the petitioner is directed to be in constant
15 contact -- not constant, but in contact with the neighbors,
16 or their neighbor's designated appointees to have further
17 dialogue and discussion, particularly with regard to what is
18 happening with the events that are taking place between now
19 and July 28.

20 We're going to have a more informed decision when
21 the time comes.

22 BRENDAN SULLIVAN: I would ask that the petitioner

1 change the posting sign to reflect the new date of July 28,
2 2022, and the time at 6:00 p.m.

3 And that any correspondence to this Board be in
4 the file by 5:00 p.m. on Monday prior to July 28, so that
5 the Board Members can evaluate such correspondence or any
6 change to the application that is now in the file.

7 Anything else to add?

8 SLATER ANDERSON: Yeah, Gus, I want the 30-day
9 condition on the licensing.

10 CONSTANTINE ALEXANDER: I'm sorry, say that again?

11 SLATER ANDERSON: No license shall be longer than
12 30 days from the Licensing Commission between now and August
13 1.

14 BRENDAN SULLIVAN: Everybody in favor?

15 CONSTANTINE ALEXANDER: I have no problem.

16 JIM MONTEVERDE: It's fine.

17 BRENDAN SULLIVAN: Okay, fine. Mr. Alexander, on
18 the motion to grant the special permit?

19 CONSTANTINE ALEXANDER: I vote in favor, with the
20 change that I suggested, and that there be constant contact
21 between the petitioner and duly the representatives of the
22 neighborhood as to how matters are progressing and what

1 steps are being taken to address the concerns of the
2 neighbors that have been expressed tonight.

3 BRENDAN SULLIVAN: Jim Monteverde, on the motion?

4 JIM MONTEVERDE: Voting in favor of the motion
5 with the conditions discussed.

6 SLATER ANDERSON: In favor of the special permit,
7 with the conditions detailed by the Board.

8 BRENDAN SULLIVAN: Wendy Leiserson on the motion?

9 WENDY LEISERSON: Voting in favor, with the
10 conditions as specified.

11 BRENDAN SULLIVAN: [Brendan Sullivan] yes to grant
12 the special permit on the affirmative vote of five members,
13 with conditions. The special permit is granted.

14 [All vote YES]

15 Thank you, Michael.

16 MICHAEL MONESTIME: Thank you, Board. Thank you
17 very much.

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(8:58 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Slater Anderson, and
Wendy Leiserson

BRENDAN SULLIVAN: The Board will now hear Case
Number No. 161807 -- 239 Brookline Street. Mr. Rafferty?

JAMES RAFFERTY: Good evening, Mr. Chair and
Members of the Board. For the record, my name is James
Rafferty, appearing on behalf of the applicants, Brian, and
Jennifer Albrecht, who are here this evening, along with
their architect. I believe they were sent the link, and
hopefully are being approved as panelists.

This is an application to make some improvements
to a single-family house at 239 Brookline Street. The house
is located at the corner of Brookline and Allston Street,
Residence -- well, in the Special District 9, which has as
its underlying zoning Residence C Dimensional Standards.

Mr. and Mrs. Albrecht live in the Cambridgeport
neighborhood now. They're raising their two daughters
there, who both attend pubs in Cambridge. And this is an
exciting opportunity for them to remain in the neighborhood

1 and move into a new home.

2 The home is in need of updating and significant
3 repair. It's nicely sited on the lot across the street from
4 Old Morse Park, and is being updated here. And what's
5 proposed here is an addition to the house.

6 And the principal change that will occur here will
7 be an addition to the house that will allow for a new
8 kitchen on the first floor and some expanded bedrooms on the
9 upper floors. Currently, the house has a single bathroom,
10 and has a very small, antiquated kitchen.

11 The application itself involves a structure that
12 is nonconforming due to a setback. The right setback is at
13 three feet. The proposed addition will maintain that
14 setback.

15 I think there's that site plan, but if Ms. Ratay
16 could put up L1.0, you can see from the setback, from that
17 site plan exactly the addition, the area that's being
18 expanded.

19 The structure itself is with the addition will
20 only exceed the allowed FAR by 132 square feet -- excuse me,
21 by 82 square feet.

22 The building itself is -- subject to 0.6 FAR.

1 What's being proposed is essentially within that. The only
2 reason that the FAR exceeds the allowed is that there's a
3 porch on the side of the house that's being constructed, and
4 the covering they wish to have a roof over that porch.

5 So the additions themselves only total 265 square
6 feet, but the porch, the roof over the porch adds an
7 additional 132 square feet, which makes it 82 square feet
8 over the allowed FAR.

9 There is something else unusual that happens here.
10 The addition brings the principal structure closer to the
11 existing accessory garage than 10 feet. The difference is
12 about seven inches, as depicted in on this plan. And that
13 seven inches means that the structure does not comply with
14 the minimum separation requirement in Article 5.

15 So relief is being sought for that aspect of the
16 application as well. And, because the addition will
17 continue to maintain the nonconforming setback as the
18 existing house, the variance would apply to that setback as
19 well.

20 The architect is present, and would be happy to
21 address the Board with any questions or answer. He is a
22 very skilled architect, is very familiar with the property

1 and the property owners, because he is Ms. Albrecht's
2 father.

3 So it's a case of a family really working together
4 on a project to create a new family home in this
5 neighborhood, and it's a modest addition to a -- to a home
6 that is sited in such a way that if the addition were to
7 meet the setback, it would be disruptive to the organization
8 of the existing structure.

9 There are a significant number of letters in
10 support in the file, including a letter of support from the
11 abutter most immediately impacted by the setback. I think
12 that probably covers our presentation.

13 BRENDAN SULLIVAN: All right, thank you. Any
14 questions by Members of the Board? Mr. Alexander?

15 CONSTANTINE ALEXANDER: Mr. Rafferty -- maybe I
16 missed it -- Mr. Rafferty, did you speak to the special
17 permit that you're seeking as well?

18 JAMES RAFFERTY: Well, thank you. It should be
19 noted that when I filed the application, I was of the belief
20 that the addition could be subject to a special permit and
21 that a variance could be sought for the separation in the
22 covered porch. I was contacted by the Building

1 Commissioner, who I believe reviewed the matter with the
2 lChair, and the conclusion was that the special permit under
3 the so-called "Belalta decision" really was not applicable
4 here, because there was also a need for dimensional relief
5 under a variance.

6 The advertisement in the application sought both a
7 variance and a special permit, so for purposes of the
8 hearing, we would not be proceeding with relief under the
9 special permit.

10 CONSTANTINE ALEXANDER: Thank you.

11 BRENDAN SULLIVAN: Jim Monteverde, any questions?

12 JIM MONTEVERDE: Yep. I have two. If you can
13 bring up one of the A series drawings, please? There's a
14 note on the A series drawings that basically reads the
15 drawings are preliminary, dimensions are approximate within
16 inches.

17 I think the usual statement -- yeah, it's not on
18 this one, it's on -- yeah, the stamp, "Not for construction"
19 but yeah, pick one. Here you go. It's in the lower right-
20 hand side.

21 So the question is, you know, the usual language
22 when you get to a motion is that the drawings will be

1 implemented, built as are shown on the plans. So how
2 preliminary is preliminary?

3 In other words, you can't change these plans if
4 they get accepted.

5 JAMES RAFFERTY: Perhaps the architect, Mr.
6 Pagano, might speak to that, with the Board's permission?

7 MICHAEL PAGANO: Yes, thank you. Through the
8 Chair, any person when the house was dimensioned, it's so
9 greatly racked and out of plumb, that the dimensions
10 couldn't be given exactly as they exist. They're very
11 close. I don't think -- I think inches is probably an
12 exaggeration -- within fractions of an inch.

13 But that was the nature of the draftsman who
14 actually did the dimensioning.

15 The dimensions that are here will be followed as
16 they're presented and, you know, I apologize for any
17 confusion this may have created.

18 JIM MONTEVERDE: No, that's okay. And then, the
19 second question, if you would go to -- this is just the
20 issue about the 10-foot separation between the main body of
21 the building and this is a question about the no stamp on
22 this one, but it's your drawing L1.0.

1 And I think I read that dimension now is -- what
2 is it, nine-foot-four and a half? Nine-foot-four and a
3 quarter?

4 MICHAEL PAGANO: Uh --

5 JIM MONTEVERDE: Can you not define the
6 additional? Yeah. So that's why it piqued my interest when
7 it says the drawings are preliminary and dimensions are
8 approximate; how approximate can you get this to 10-foot,
9 separation?

10 MICHAEL PAGANO: Well, the -- I think the
11 dimensional chart indicates that 9.33, which is eight inches
12 closer to the house than the ordinance would allow. So it's
13 an eight-inch dimension.

14 JIM MONTEVERDE: Mm-hm. Okay.

15 MICHAEL PAGANO: Was your question --

16 JIM MONTEVERDE: If you take eight inches off of
17 the addition to be compliant?

18 MICHAEL PAGANO: Well, the short answer to that
19 question is yes, of course we could. The result would be I
20 think a compromise in the floor plan. When -- obviously
21 when the house was first purchased, we tested the house
22 against the program. There was -- the kitchen had to be

1 expanded. There was a couple program, wanted a mudroom, et
2 cetera. It's all part of the addition to the back.

3 Laying out the bedrooms above, the basement below,
4 we needed that to provide clearances between furniture -- I
5 always design with furniture when I start the process.

6 And the dimensions around the -- if you look on
7 the floor plan, you'll see there's an is like in the kitchen
8 to have a comfortable, safe dimension around that very large
9 island. We were just over -- we just went over that
10 dimension by a matter of eight inches.

11 But it could be changed. I think it would be a
12 good compromise. I would think -- would prefer to request -
13 - continue to request the relief from Zoning to allow us to
14 leave the dimensions as is.

15 JIM MONTEVERDE: Okay. Those are my questions.
16 Thank you.

17 BRENDAN SULLIVAN: Slater, any questions?

18 SLATER ANDERSON: No questions.

19 BRENDAN SULLIVAN: Wendy any questions?

20 WENDY LEISERSON: No questions.

21 BRENDAN SULLIVAN: Okay. And I have no questions.
22 Let me open it to public comment. Any member of the public

1 who wishes to speak should now click the button that says,
2 "Participants," and then click the button that says, "Raise
3 hand."

4 If you are calling in by phone, you can raise your
5 hand by pressing *9 and unmute or mute by pressing *6, and
6 you will have up to three minutes in which to comment.

7 [Pause]

8 There appears to be nobody calling in. The Board
9 is in receipt of seven letters in support from Renee Beard
10 and Adam Bard at 201 Brookline Street voicing their support.
11 Correspondence 238 Brookline Street from Roy Hodgman, who is
12 voicing his support.

13 Next door, Reverend Charles Ecklers and the
14 members of the St. Augustine Vestry who are voicing their
15 strong support. 29 Fairmont Street, 61 Allston Street,
16 Katherine White, who -- a direct abutter at 239 and is in
17 full support. And Kate Bigelow, who is also voicing her
18 strong support.

19 And that's the sum and substance of the
20 correspondence. Anything else to add, Mr. Rafferty, to the
21 presentation? I'll close public comment.

22 JAMES RAFFERTY: No, thank you. I think we've

1 covered everything. Thank you.

2 BRENDAN SULLIVAN: Okay. Any other comments, or
3 are we ready for a motion?

4 CONSTANTINE ALEXANDER: Ready.

5 BRENDAN SULLIVAN: All right. On the variance to
6 construct a roof over the proposed porch on Allston Street
7 frontage and relief from the 10-foot minimum separation
8 required for accessory structures as per the application,
9 the dimensional form, and the drawings, which will be
10 initialed by the Chair.

11 The Board finds that a literal enforcement of the
12 provisions of the ordinance would involve a substantial
13 hardship to the petitioner, because it would prevent the
14 petitioners from constructing a covering over a portion of
15 the proposed porch.

16 And the Board finds that the hardship is owing to
17 the fact that the house, which is in -- and has fallen into
18 a great amount of disrepair -- is built, located on the lot
19 prior to the existing ordinance, as such is encumbered by
20 the requirements of the ordinance, and that is directly
21 related to the size of the structure placed on the lot and
22 the, which predates the existing ordinance, and that it

1 would be quite difficult to remove sections of the house in
2 order to bring it within conformity, and with the owners.

3 And the Board finds that the requested relief is
4 quite de minimis; is quite a de minimis request.

5 The Board finds that desirable relief may be
6 granted without substantial detriment to the public good,
7 and that the Board finds that the installation of the deck
8 and rear entry siting of the reentry -- said entry within 10
9 feet will not have any detrimental effect on the public
10 good.

11 Also the Board notes the letters of support from
12 abutters who are in full support of this proposal.

13 The Board finds that desirable relief may be
14 granted without nullifying or substantially derogating from
15 the intent and purpose of the ordinance. And the Board
16 finds that the single-family structure will remain single-
17 family, greatly improved, and enhanced by the granting of
18 this variance.

19 On the motion to grant?

20 JAMES RAFFERTY: Excuse me, Mr. Chair. I
21 apologize for the interruption, but the motion for the
22 variance, it will be necessary for the variance to cover all

1 the work proposed in the application, for the reasons we
2 discussed.

3 So in addition to the dormers -- in addition to
4 the covered porch and the separation, the proposed dormers
5 in addition would also be covered by the variance. And I
6 would ask that the Board consider that the motion reflect
7 that fact, because we will withdraw the special permit
8 portion of the application.

9 BRENDAN SULLIVAN: Right. That's correct. The
10 variance is covering the application, which was amended on
11 03/21 and assigned by the Chair, which covers all of the
12 work as proposed.

13 I'm just reading through the application, which
14 was probably a brief description of the entirety of the
15 work. But the variance will cover the entirety of the work
16 as proposed.

17 JAMES RAFFERTY: Thank you.

18 BRENDAN SULLIVAN: And also the dimensional form
19 and the supporting statements. You threw me off my guard
20 here. Mr. Alexander?

21 CONSTANTINE ALEXANDER: I vote in favor.

22 BRENDAN SULLIVAN: Thank you very much. Jim

1 Monteverde, on the motion to grant?

2 JIM MONTEVERDE: I vote in favor.

3 BRENDAN SULLIVAN: Slater Anderson on the motion
4 to grant the variance?

5 SLATER ANDERSON: In favor of the variance.

6 BRENDAN SULLIVAN: Wendy Leiserson on the motion
7 to grant?

8 WENDY LEISERSON: I vote in favor of the motion.

9 BRENDAN SULLIVAN: Thank you. And Brendan
10 Sullivan votes in favor.

11 [All vote YES]

12 On the affirmative vote of five Members of the
13 Board, the variance is granted. Good luck.

14 JAMES RAFFERTY: Thank you very much. Mr. Chair,
15 I hesitated to bring this up while I had a couple matter
16 pending before the Board, but after the Board's efforts in
17 the prior case, I think the characterization of the United
18 States Senate as the world's greatest deliberative body may
19 be in jeopardy. It was an impressive amount of work from
20 this Board.

21 Thank you.

22 BRENDAN SULLIVAN: It's not easy.

1 JAMES RAFFERTY: All right. Have a good evening.

2 COLLECTIVE: Thank you.

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(9:15 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Slater Anderson, and
Wendy Leiserson

BRENDAN SULLIVAN: The Board will now hear Case
Number 161743 -- 77 Prentiss Street.

ADAM DASH: Good evening, Madam Chair, and Members
of the Board. This is Attorney Adam Dash at 48 Grove Street
in Somerville. With me is Yuval Ben-Dov, who is also the
owner and applicant.

This is fairly straightforward. 77 Prentiss
Street is a two-family dwelling in the Residence C-1 zone,
and the applicant is seeking to enclose two rear porches on
the first and second floor, which currently sit within the
rear setback, the porches do.

Doing so would shift the exterior stairs further
into the preexisting, nonconforming setback, because the
stairs currently go through the floor of the wooden porches.
And obviously if they're enclosed the stairs have to be on
the outside, but by a little.

And the applicant will be adding windows and

1 doors, obviously, in that setback to this new enclosed
2 porch, as is needed for the porches to be enclosed.

3 So the applicant is seeking a special permit for
4 the alteration, as described, including the windows, the
5 doors, the relocated stairs, all in the preexisting,
6 nonconforming setback, which result from the enclosing of
7 the existing nonconforming rear porches.

8 If we could show the existing plan?

9 The change required in the special permit is
10 small, as this is all to the rear of the structure. If one
11 looks, this is the proposed. So if you look on the lower
12 right corner, that is the rear elevation, which really is
13 the only elevation impacted here.

14 And you can see that the first and second floors
15 are now enclosed there, with the stairs that go down from
16 the upper -- second floor on the right down to the left and
17 then out.

18 On top of those two enclosed porches, the top will
19 remain an open porch, as it is today.

20 So the applicant is enclosing these porches to
21 make more room for his family, as to make the home more
22 useable in a way that's minimally impactful on any abutter.

1 No new units are being created. There will be no traffic or
2 congestion issues as a result of the project. It's just
3 enclosing the porches and keeping it as a two-family.

4 The enclosing of the porches will add the
5 functional space. It's not increasing the FAR or having any
6 material impact on the adjacent uses or the neighborhood or
7 creating any nuisance, or health, safety, or welfare issues.

8 This is the minimal relief necessary to create the
9 usable space in that preexisting, nonconforming structure.
10 And the placement of the windows and doors and the shifting
11 of the stairs doesn't impact the integrity of the district
12 or derogate from the zoning at all.

13 The Board should have the March 11, 2022 e-mail
14 from Ada Park Snider from 69 Prentiss Street in support of
15 the application, and Ms. Snider is the rear abutter who
16 would be the most impacted to the extent there's any impact
17 at all from this proposal.

18 So the applicant requests that the Board grant the
19 requested special permit. I won't go into any more of it,
20 because I know it's getting late. But certainly able to
21 answer questions.

22 BRENDAN SULLIVAN: Adam, there was a new submittal

1 on Monday. And what is the difference between the original
2 -- I think I can pick up on it earlier, but --

3 ADAM DASH: Yeah. It was extremely subtle. I had
4 a little trouble seeing what the difference was myself.
5 Actually, there are three changes, but the one that's most
6 interesting is on the -- yeah, if you see here, this is the
7 prior version.

8 When the stairs on the lower right elevation and
9 the stairs go down, they exit to the left. On the version
10 that we're showing now, the stairs come down and they exit
11 out towards you.

12 Also, if you see here on this was the prior
13 version. In the middle of that elevation, there's a very
14 long vertical pole. That is removed in the proposed.

15 There is also one small change, and I actually had
16 to circle them on the plans because they were very hard to
17 say -- hard to see -- on the top floor deck. On the middle
18 column on the top where those four, three boxes are to the
19 left and then up you see there's the proposed second-floor
20 proposed third level?

21 BRENDAN SULLIVAN: Yep.

22 ADAM DASH: It kicks out a little bit, you see?

1 It's not straight across, there's that little jog on the
2 lower left side? It's about a two-foot increase. So those
3 are the differences. They're very, very hard to tell. You
4 literally have to look at them.

5 But the main one -- and again, this is only from
6 the rear of the property, not visible from the street, but
7 the main one really if we go back to the first slide that we
8 had? If you go down to the lower right again. The rear
9 elevation. No, that's the existing condition showing the
10 three wooden porches that are there today. That's what we
11 got. Yeah.

12 So you can see now in the lower right how the
13 stairs come down, and then those stairs where the door is
14 instead of continuing to the left, it just comes straight
15 out towards you.

16 BRENDAN SULLIVAN: Okay. All right. Any
17 questions by Members of the Board? Mr. Alexander?

18 CONSTANTINE ALEXANDER: No questions.

19 BRENDAN SULLIVAN: Jim Monteverde any questions?

20 JIM MONTEVERDE: In looking at the photographs, my
21 only concern was just the enclosure extending into the rear
22 yard, which is already below the required rear yard setback

1 and with the neighbor immediately behind you. I'm looking
2 at the one photo. I think it's your Sheet 9 of 21. But Mr.
3 Dash, did you say there was a letter from that
4 occupant/owner?

5 ADAM DASH: Correct, from Ada Park Snider at 69
6 Prentiss in the rear.

7 JIM MONTEVERDE: It's #10 there, if you would.
8 That one. Right. That just shows that the -- you know,
9 that it's -- yes, it's a rear yard, but it's actually the
10 front yard of this --

11 ADAM DASH: Correct.

12 JIM MONTEVERDE: -- partial that's tucked behind.
13 So that was my concern, just to have -- you know approving
14 the extension to build more mass out toward that existing
15 house behind you, as opposed to having the balcony. So --
16 but I think you have the letter from that occupant, correct?

17 ADAM DASH: Yes, yes. Ms. Snider says, "My home
18 at 69 Prentiss Street is directly behind the Ben-Dov house."
19 And she says, "I'm writing my support for this petition to
20 enclose the two porches."

21 JIM MONTEVERDE: Okay. Thank you.

22 ADAM DASH: You're welcome.

1 BRENDAN SULLIVAN: In the file, Jim.

2 JIM MONTEVERDE: Yep.

3 BRENDAN SULLIVAN: Slater, any comments,
4 questions?

5 SLATER ANDERSON: No comments.

6 BRENDAN SULLIVAN: Wendy, any comments, questions?

7 WENDY LEISERSON: No comments.

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

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

14 [Pause]

15 There's nobody calling in. There is one letter in
16 the correspondence, previously acknowledged from Ada Park
17 Snider.

18 "I'm writing to support the petition BZA #161743
19 to enclose two existing rear porches at 77 Prentiss Street,
20 put forward by Yuval Ben-Dov, c/o Adam Dash & Associates.
21 My home, #69 Prentiss Street, is directly behind the Ben-Dov
22 house.

1 "Thank you for relaying my support to the Zoning
2 Board.

3 "Ada Park Snider."

4 That is the only correspondence. And I will close
5 public comment. Adam, any other comments that you wish to
6 make at this time?

7 ADAM DASH: No, thank you, Mr. Chair.

8 BRENDAN SULLIVAN: All right. The Board will
9 discuss it and vote. Jim, I echo your concern, and we've
10 been - as somebody who's very reluctant to keep pushing a
11 house further toward the back. But the neighbor in the back
12 is for it, and the relief is a special permit. If it was a
13 variance, that would be, I think, a different situation --
14 different circumstance --

15 LJIM MONTEVERDE: Yep.

16 BRENDAN SULLIVAN: -- for me. But it is a special
17 permit. And let me make a motion to grant the special
18 permit as per the application. The dimensional form, the
19 supporting statements, and the drawings, which are initialed
20 by the Chair.

21 The Board finds that the Zoning Board may grant
22 the special permit for the alteration and enlargement of a

1 preexisting single-family or two-family dwelling, but not
2 the enlargement for the nonconforming use, provided there is
3 no change in use, and that any enlargement or alteration of
4 such preexisting, nonconforming detached single-family
5 dwelling or two-family dwelling may only increase a
6 preexisting dimensional nonconformity, but does not create a
7 new dimensional nonconformity.

8 In order to grant this permit, the Board is
9 required to find that the alteration or enlargement shall
10 not be substantially more detrimental to the existing
11 nonconforming structure to the neighborhood, and the Board
12 so finds such.

13 And that the alteration or enlargement satisfies
14 the criteria in 10.40, which states -- under 10.43. It
15 appears that the requirements of this ordinance can be met.

16 The Board finds that traffic generated or patterns
17 of access or egress would not cause congestion, hazard, or
18 substantial change in established neighborhood character.

19 The Board finds that continued operation of or the
20 development of adjacent uses, as permitted in the zoning
21 ordinance, would not be adversely affected by the nature of
22 the proposed use.

1 The Board finds that there is not any nuisance or
2 hazard created to the detriment of the health, safety and/or
3 welfare of the occupant of the proposed use, or to the
4 citizens of the city.

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.

9 On the motion, then, to grant the special permit,
10 Mr. Alexander?

11 CONSTANTINE ALEXANDER: I vote in favor.

12 BRENDAN SULLIVAN: Jim Monteverde?

13 JIM MONTEVERDE: I vote in favor.

14 BRENDAN SULLIVAN: Slater Anderson?

15 SLATER ANDERSON: In favor.

16 BRENDAN SULLIVAN: Wendy Leiserson?

17 WENDY LEISERSON: Voting in favor.

18 BRENDAN SULLIVAN: Brendan Sullivan in favor.

19 [All vote YES]

20 On the affirmative vote of five Members, the
21 special permit is granted.

22 ADAM DASH: Thank you, Mr. Chair, thank you

1 Members of the Board.

2 BRENDAN SULLIVAN: Thank you for your presentation
3 and goodnight.

4 ADAM DASH: Goodnight.

5 JIM MONTEVERDE: Can I request a two-minute break?

6 BRENDAN SULLIVAN: Sure. We're going to be in
7 recess for two to three to four minutes. The next case to
8 be heard will be 49 Sargent Street.

9 [RECESS]

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(9:31 p.m.)

And what we're proposing on the upper right is a rendering of the proposed new structure, a more welcoming street view style, more consistent with the rest of the

1 neighborhood. As you can see, the existing house is
2 essentially a two-story box.

3 Next structure? Next slide?

4 The lot seen here in the existing site plan is
5 trapezoidal in shape. You can see that it's very difficult
6 to do anything on this slide to completely conform to the
7 setbacks, which are in dashed red. The existing house you
8 can see exceeds its setback limits on the left side, the
9 right side, and the front.

10 Next slide, please?

11 The existing house, when Rich and Debra first came
12 to me to talk about making improvements to make the house
13 more livable, we realized that increasing head heights where
14 we need them, we have a below seven feet on the second
15 floor, we have below seven feet in the basement, we have
16 steep and dangerous stairs with headbangers -- by the time
17 this home, which is currently substandard would be improved,
18 we'd essentially be rebuilding the entire house, which is in
19 need of every kind of upgrade, from structure, mechanical
20 circulation.

21 The existing FAR is 0.37 and 0.50 is what is
22 allowable in the B district.

1 Next slide? Elevations of the existing house
2 again show the variation of the roof angles, window
3 patterns. This house has grown incrementally over the years
4 in in (sic) sensitive ways. Next slide?

5 On the left is the existing site plan showing,
6 again, the setbacks running right through the front and the
7 sides of the house. And on the right is our proposed
8 footprint for the new construction.

9 And the design response to the required setbacks
10 by pulling the footprint in from the left and in from the
11 right, so the structure becomes conforming on the sides,
12 with the exception of the below-grade stair and window wells
13 on the left.

14 The front of the existing house is 34 inches from
15 the sidewalk. And while we cannot completely meet the front
16 setback, we have pulled the house away from the street to be
17 five feet -- with a five-foot setback from the street to the
18 main structure.

19 Behind the house, in both plans, there is a brick
20 patio with a mature tree, which needs to remain and should
21 remain. The Tree Ordinance prevents its removal, but the
22 owners also care deeply about maintaining the tree. So the

1 design of the house also responds to maintaining that.

2 Required usable open space and pervious surface
3 space will be maintained.

4 And on the right side in each plan, you can see
5 the existing driveway, nonconforming due to its proximity to
6 the right-side lot line. We're proposing to keep that in
7 place, as well as the existing garage in the rear, which at
8 least one of our abutters has asked us to maintain.

9 And I would just like to add before we move on
10 that the existing footprint is 1036 gross square feet, and
11 the proposed new footprint is 1096 square feet, which is
12 only a 60-foot square-foot increase.

13 Next slide, please?

14 The new -- our plans for the new structure shown
15 here, first I'll address our FAR increase -- the total
16 proposed FAR is 0.55, which does exceed the allowable 0.50.
17 Would like to add that 548 square feet are comprised of a
18 partial covering of the rear deck.

19 The covered front porch, and attic space, which is
20 unusable in any habitable way. So when we dug the depth at
21 548 square feet, that brings our real FAR down to 2192
22 square feet, which is only 375 more square feet in livable

1 space than they currently have.

2 The owners -- the design for the owners includes a
3 habitable basement and main floor with typical living spaces
4 and guest room, a deck in the rear, and a covered porch in
5 the front.

6 Next slide?

7 The second floor has three bedrooms, a small
8 balcony. Nothing extravagant here, all typical components
9 of even a modest home -- laundry, two bathrooms.

10 The roof plan on the right you can see we're
11 proposing no dormers. We're also proposing no stairs to the
12 attic. It would be used for storage only. And there's
13 actually no real way to convert it into livable space in the
14 future, and we'd be happy to add conditions that the
15 porches, the covered porch and deck area and the attic will
16 remain unfinished or unenclosed.

17 Next slide, please?

18 Left side is the right-side elevation, and the
19 image on the right is our front elevation -- again, bringing
20 some normalcy to the street view, adding a welcoming porch,
21 farmer-style porch.

22 Next slide?

1 Elevations of the rear and of the left side.

2 Next slide, if you could zoom out a little bit,
3 are 3D views. Again, the forms and the style are consistent
4 with the character of the neighborhood.

5 Next slide?

6 And our certified site plan, again, showing how
7 the structure conforms to the left and right-side setbacks,
8 with the exception of window wells. Not much -- not a great
9 departure from the existing site -- from the existing
10 structure.

11 And with that, we will take any questions.

12 BRENDAN SULLIVAN: Okay. Mr. Alexander, any
13 questions?

14 CONSTANTINE ALEXANDER: No questions.

15 BRENDAN SULLIVAN: Jim Monteverde any questions?

16 [Pause]

17 CONSTANTINE ALEXANDER: Jim?

18 BRENDAN SULLIVAN: Jim's on mute.

19 JIM MONTEVERDE: Sorry, I muted myself. No
20 questions.

21 BRENDAN SULLIVAN: Slater, any questions?

22 SLATER ANDERSON: No questions.

1 BRENDAN SULLIVAN: Wendy, any questions at all?

2 WENDY LEISERSON: No questions.

3 BRENDAN SULLIVAN: I have no questions. At this
4 time, let me open it to public comment. Any member of the
5 public who wishes to speak should now click the button that
6 says, "Participants," and then click the button that says,
7 "Raise hand."

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

11 [Pause]

12 BRENDAN SULLIVAN: There's nobody calling in.
13 There are three letters in support. A letter from Kellie
14 DeJon, 46 Sargent Street, who is writing to express support
15 for the proposed single-family house at 49 Sargent Street.
16 One little concern about the beautiful tree, hopefully that
17 it will remain in the plans, and I think the presentation is
18 that it will. Is that correct, or?

19 ADAM DASH: That's correct.

20 BRENDAN SULLIVAN: Yes. Okay. I think there was
21 a great effort to make it safe.

22 There is correspondence from Barbara Anderson

1 Brammer -- B-r-a-m-m-e-r, 41 Sargent Street wishing to
2 express support for the relief sought for the proposed
3 single-family house.

4 "We view the plans and the design as tasteful,
5 modest, and it compliments the neighborhood very well."

6 And correspondence from Colleen Laurenza, L-a-u-r-
7 e-n-z-a, writing to support the relief for the proposed
8 single-family home. "It will be extremely functional for a
9 family. It is not an extravagant design." And she
10 encourages the Board to grant the requested relief.

11 That's the sum and substance of the
12 correspondence. I will close the public comment part.
13 Adam, any other comments to make or rebut?

14 ADAM DASH: No, thank you.

15 BRENDAN SULLIVAN: Nothing to rebut? Okay. The
16 Board will discuss it among themselves. Any comments from
17 anybody, or ready for a motion?

18 CONSTANTINE ALEXANDER: You have two motions.

19 JIM MONTEVERDE: Ready.

20 BRENDAN SULLIVAN: Two motions. One is the
21 variance for the house and the other one is for parking. So
22 anybody have any comments they wish to make at all, or --

1 let me make a motion, then, to grant the relief requested
2 for the construction of a new single-family house to replace
3 the existing structure, as per the plans submitted, the
4 dimensional form supporting statements, drawings initialed
5 by the Chair.

6 The Board finds that a literal enforcement of the
7 provisions of the ordinance would involve a substantial
8 hardship to the petitioner.

9 The Board finds that the existing house is very
10 challenging as far as its size, the inadequate size of the
11 rooms, which does not serve the purpose of a contemporary
12 family, and that most of the house is noncompliant with the
13 building code, and that to restructure the house, to
14 renovate the house with new mechanical systems would be so
15 onerous that it would be quite a hardship to the owners, or
16 any owner...

17 And as such that a tear-down and creating a new
18 building is more of an financial possibility than to try to
19 renovate and retrofit the existing structure.

20 The Board finds that the hardship is owing to the
21 size and shape of the lot, predates the existing ordinance,
22 and as such the structure is encumbered by that.

1 The Board particularly notes the unusual shape of
2 the lot, which is quite unusual for this particular
3 district, and the challenges that constructing any building
4 has, and finds that the proposed design is quite tasteful,
5 and is quite accommodating to the surrounding neighborhood.

6 The Board finds that desirable relief may be
7 granted without substantial detriment to the public good.
8 We also note the letters of support from the abutters, and
9 people all over the neighborhood.

10 And desirable relief may be granted without
11 nullifying or substantially derogating from the intent and
12 purpose of the ordinance to provide fair and adequate
13 housing for people of all incomes and families, and also to
14 provide for safe accommodations, which the proposal before
15 us obviously satisfies.

16 On the motion then, to grant the variance as per
17 the application signed by the Chair and the drawings
18 contained therein, Mr. Alexander?

19 CONSTANTINE ALEXANDER: I vote in favor.

20 BRENDAN SULLIVAN: Jim Monteverde?

21 JIM MONTEVERDE: Jim Monteverde votes in favor.

22 BRENDAN SULLIVAN: Slater Anderson?

1 SLATER ANDERSON: In favor.

2 BRENDAN SULLIVAN: Wendy?

3 WENDY LEISERSON: In favor.

4 BRENDAN SULLIVAN: And Brendan Sullivan yes.

5 [All vote YES]

6 On the affirmative vote of five Members of the
7 Board, the variance is granted.

8 On the special permit, the special permit request is to
9 allow the parking to remain in the exact same location that
10 it is currently, which does not conform to the ordinance.
11 Is that correct there, Mr. Glassman?

12 ADAM GLASSMAN: That is correct.

13 BRENDAN SULLIVAN: Okay. On the motion, then, to
14 grant the special permit to allow for the existing driveway
15 to remain as is, the Board finds that the requirements of
16 the ordinance can be met with the granting of the special
17 permit.

18 The Board finds that traffic generated or patterns
19 of access or egress resulting from what is being proposed
20 would not cause congestion, hazard, or substantial change in
21 established neighborhood character.

22 The Board finds that the existing driveway has a

1 history of having no ill effect on any of the adjoining
2 properties or traffic or access or egress.

3 The Board finds that the continued operation of or
4 development of adjacent uses, as permitted in the zoning
5 ordinance, would not be adversely affected by the nature of
6 the proposed use, and there would not be any hazard or
7 nuisance created to the detriment of the health, safety
8 and/or welfare of the occupant of the proposed use, or to
9 the citizens of the city.

10 And that the proposed use would not impair the
11 integrity of the district or adjoining districts, or
12 derogate from the intent and purpose of the ordinance. On
13 the motion, then, to grant the special permit, Mr.

14 Alexander?

15 CONSTANTINE ALEXANDER: Vote in favor.

16 BRENDAN SULLIVAN: Jim Monteverde?

17 JIM MONTEVERDE: In favor.

18 BRENDAN SULLIVAN: Slater Anderson?

19 SLATER ANDERSON: In favor.

20 BRENDAN SULLIVAN: Wendy Leiserson?

21 WENDY LEISERSON: In favor.

22 BRENDAN SULLIVAN: And Brendan Sullivan voting

1 yesterday.

2 [All vote YES]

3 BRENDAN SULLIVAN: Per the five affirmative votes,
4 the special permit is granted.

5 ADAM GLASSMAN: Thank you all very much.

6 BRENDAN SULLIVAN: Goodnight.

7 ADAM GLASSMAN: Goodnight. Past my bedtime.

8 COLLECTIVE: Thank you.

9 CONSTANTINE ALEXANDER: You're welcome.

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1 (9:47 p.m.)

* * * * *

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Jim Monteverde, Slater Anderson, and
4 Wendy Leiserson

5 BRENDAN SULLIVAN: The Board will now hear Case
6 Number 161669 -- 11 Ellsworth Avenue.

7 [Pause]

8 11 Ellsworth Avenue?

9 AARON PAUL: Yes. Hello. My name is Aaron Paul,
10 and I am the homeowner. Oh, Andrew, are you here?

11 ANDREW THOMPSON: I am here. Yeah, sorry, I just
12 got unmuted. I'm Andrew Thompson, I'm representing the
13 builder, also here with the homeowner, Aaron Paul. And I
14 think also online are our architects, so we have a little
15 bit of a team here. We're seeking a special permit for the
16 installation of three skylights.

17 The issue is that they violate the setback for the
18 neighborhood for that side of the house. The house as it
19 exists violates the setback as a preexisting condition. We
20 are seeking relief to install the three skylights.

21 Olivia, is it possible to pull up some images?
22 Wonderful. Thank you. Let's see. We have a couple

1 sketches here.

2 So as you can see, one issue is the right-hand
3 side of the house, which I'm referencing as if I'm standing
4 in the street. You can see that there's only about five
5 feet on that side, whereas the setback calls for 12 feet.
6 So the building is sort of already in violation of the
7 setback requirement. You could keep going until we see some
8 skylights.

9 Here we go. Here are the proposed skylights.
10 From -- sort of from an aesthetic standpoint, they
11 significantly increase the amount of natural light on the
12 third floor. Makes it a much more useable and pleasant
13 living space. The homeowner uses it for a home office, so
14 having that be the kind of space they want to be in is quite
15 important.

16 You know, we don't find that it has any aesthetic
17 detriment to the neighborhood. The neighboring building is
18 not close. It's not an imposition on their sight lines or
19 anything like that.

20 I think if we can keep going with the slides, I'm
21 not sure how much else we need to go through. It is getting
22 late, as we've all noted.

1 I think I can take some questions, if anybody has
2 questions?

3 BRENDAN SULLIVAN: No, I just think that what
4 you've shown here is the location of the roof and the
5 location as far as its effect on the inside room, stairway
6 and also that room, and the purpose of it is to bring more
7 lights. Are they operable windows?

8 ANDREW THOMPSON: Yes. They're going to have
9 remote operation.

10 BRENDAN SULLIVAN: Okay. So it brings some light
11 and fenestration into the rooms? Okay. Open it up to
12 public comment -- I mean, sorry, Board comments. Mr.
13 Alexander?

14 CONSTANTINE ALEXANDER: I continue to be mystified
15 why we need to bring zoning relief for skylights in the
16 setback. I mean, the skylights look up into the sky. The
17 only impact is on the birds who fly over the building. But
18 anyway, I vote in favor. I have no problem with voting in
19 favor.

20 BRENDAN SULLIVAN: All right. Mr. Monteverde, any
21 --

22 JIM MONTEVERDE: No questions, thank you.

1 BRENDAN SULLIVAN: All right. Then Slater any
2 questions or comments at this time?

3 SLATER ANDERSON: No. No questions or comments.

4 BRENDAN SULLIVAN: Wendy any --

5 WENDY LEISERSON: No questions, no comments.

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

11 If you are calling in by phone, you can raise your
12 hand by pressing *9 and unmute or mute by pressing *6, and
13 you'll have up to three minutes to comment.

14 [Pause] There is nobody calling in. The Board is
15 in receipt of two correspondences.

16 "To whom it may concern," -- that would be us, and
17 it's from Kellan Hayes, K-e-l-l-a-n H-a-y-s, 17 Ellsworth
18 Avenue.

19 "This letter is in regard to the proposed
20 skylights at 11 Ellsworth Avenue. Many of the houses on our
21 street have third-floor skylights. In fact both of our
22 direct neighbors have multiple skylights. Well-placed

1 skylights in no way interfere with any of the neighbors on
2 our beautiful Ellsworth Avenue."

3 BRENDAN SULLIVAN: There's correspondence from
4 Kyle Sheffield, S-h-e-f-f-i-e-l-d, 13 Ellsworth Avenue.

5 "As a homeowner, architect and direct northern
6 abutter, I have known the applicants for over five years,
7 and they're exemplary members of the community. I do not
8 believe that this application would provide a detrimental
9 impact to my property, the neighborhood or surrounding
10 community, nor would the application substantially derogate
11 from the intent and purpose of the ordinance.

12 "Please consider our wholehearted support for the
13 application."

14 That is the sum and substance of the
15 correspondence. I will close public comment. Anything else
16 to add? Nothing? From the applicant?

17 ANDREW THOMPSON: Oh, sorry. Apologies.

18 BRENDAN SULLIVAN: That's all right.

19 ANDREW THOMPSON: No, no. We're good to go.

20 Thank you.

21 BRENDAN SULLIVAN: Okay.

22 AARON PAUL: No, thank you.

1 BRENDAN SULLIVAN: Let me, unless there's any
2 comments by the Members of the Board, let me make a motion,
3 then, to grant the relief requested to install the special
4 permit, the three skylights as per the drawings submitted,
5 supporting statements and the dimensional form initialed by
6 the Chair.

7 The Board finds that the Board may grant a special
8 permit to a single-family or detached two-family, but not
9 the alterations of a use, provided that there is no change
10 in use, and that any enlargement or alteration of such
11 preexisting, nonconforming detached single-family or two-
12 family dwelling may only increase a preexisting dimensional
13 nonconformity, but does not create a new dimensional
14 nonconformity.

15 The Board may grant a special permit, provided
16 that the alteration or enlargement is not more substantially
17 detrimental to the existing nonconforming structure to the
18 neighborhood, and that in that alteration or enlargement,
19 and it satisfies the criteria in Section 10.43.

20 Under 10.43, the Board finds that it appears that
21 the requirements of the ordinance can be met.

22 The Board finds that traffic generated or patterns

1 of access or egress resulting from what is being proposed
2 would not cause congestion, hazard, or substantial change in
3 established neighborhood character.

4 Continued operation of or development of adjacent
5 uses, as permitted in the zoning ordinance, would not be
6 adversely affected by the nature of the proposed use.

7 There would not be any nuisance or hazard created
8 to the detriment of the health, safety and/or welfare of the
9 occupant of the proposed use -- in fact, it would be
10 enhanced by allowing more light and air into the structure -
11 - or to the citizens of the city.

12 And that the proposed use would not impair the
13 integrity of the district or adjoining districts, or
14 otherwise derogate from the intent and purpose of the
15 ordinance. The Board references the letters of support from
16 abutters and the plethora of skylights in the neighborhood.

17 On the motion, then, to grant the special permit,
18 Mr. Alexander?

19 CONSTANTINE ALEXANDER: I vote in favor.

20 BRENDAN SULLIVAN: Mr. Monteverde?

21 JIM MONTEVERDE: I vote in favor.

22 BRENDAN SULLIVAN: And Slater Anderson?

1 SLATER ANDERSON: In favor.

2 BRENDAN SULLIVAN: Wendy Leiserson?

3 WENDY LEISERSON: Voting in favor.

4 BRENDAN SULLIVAN: I vote in favor.

5 [All vote YES]

6 BRENDAN SULLIVAN: Five affirmative votes; the
7 special permit is granted.

8 AARON PAUL: Thank you very much, everybody. Have
9 a lovely evening.

10 COLLECTIVE: Goodnight. Thank you.

11 ANDREW THOMPSON: Thank you.

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(9:55 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Slater Anderson, and
Wendy Leiserson

BRENDAN SULLIVAN: The Board will now hear Case
Number 162048 -- 56 Creighton Street. Mr. Linn?

ROBERT LINN: Hi. I'm Robert Linn. I'm the
architect on this project, and I'm representing Duncan
MacArthur, MacArthur Construction.

The Board is actually -- apologetically, the Board
has seen this project now twice already, this is the third
time. But we're back to make a couple of small alterations
to what was approved the second time we were seen here.

The first issue that we're asking for a variance
is a small courtyard that was on the second level, that was
open to the sky. We are asking the Board for relief to
enclose that courtyard, which will add 202 square feet to
the FAR.

And the second -- and the reason for that change
is two-fold. One, the thought was the developer was working
through the construction of this project, that he felt it

1 would be nice to have a transitional space. There's so much
2 outside space on the roof deck above, that he felt it would
3 be more useful to have covered outdoor space.

4 So there would be skylights above, but it would be
5 in talking with Ranjit, it would still be adding gross
6 square footage because even with -- even though it's within
7 the volume of the existing structure.

8 The other issue, one of the other issues, is that
9 we were granted a special permit to park three of the cars -
10 - there's six cars that are being parked here, but three of
11 them are right on the lot line, parked in parallel.

12 And the developer decided that he would like to
13 try to get as close to using all electric on this project as
14 possible for sustainability purposes.

15 And we do -- we all have -- we already have
16 photovoltaics on the roof. The hope was to cover these
17 three parking spaces with a photovoltaic canopy to increase
18 the, you know, the amount of panels that we can get into the
19 project and feedback into the grid.

20 And the final piece is that the -- on the zero-lot
21 line where we have a glass block on the back allowing light
22 through that masonry wall, we've done some interior

1 reconfiguration, and we're -- it's entailed wanting to have
2 a little bit of exterior reconfiguration to make the light
3 make sense with where we've repositioned some of the
4 kitchens on the first floor.

5 As happened when we first went through this
6 process, we had a lot of back and forth with the neighbors,
7 who have been incredibly gracious who live right next door
8 and are the ones whose back yard is impacted by this, and we
9 sat down with them, and we presented to them, and they were
10 fine after we made a few adjustments with what we're
11 proposing to the Board.

12 So those are the three changes that we're asking
13 for, and happy to answer any more questions if we need to
14 get into it deeper.

15 BRENDAN SULLIVAN: Yeah. I have no questions.
16 Mr. Alexander, any questions?

17 CONSTANTINE ALEXANDER: Well, I saw the numbers.
18 If you look at the numbers, I was troubled quite a bit. I
19 think you're pushing the envelope a bit. However, the
20 impact of those numbers is minimal. And so I have no
21 problem. I'm in favor of it.

22 BRENDAN SULLIVAN: All right. Jim, any questions

1 at all?

2 JIM MONTEVERDE: No questions.

3 BRENDAN SULLIVAN: Slater, any questions at this
4 time?

5 SLATER ANDERSON: No questions.

6 BRENDAN SULLIVAN: Wendy, any questions?
7 Comments?

8 WENDY LEISERSON: No questions.

9 BRENDAN SULLIVAN: I have none. Let me open it to
10 public comment. Any member of the public who wishes to
11 speak should now click the button that says, "Participants,"
12 and then click the button that says, "Raise hand."

13 If you are calling in by phone, you can raise your
14 hand by pressing *9 and unmute or mute by pressing *6, and
15 you will have up to three minutes to comment.

16 There appears to be nobody calling in at this
17 time. Seeing how there's no comments or questions by the
18 Board, are we ready for a motion, then?

19 JIM MONTEVERDE: Ready.

20 BRENDAN SULLIVAN: Let me make a motion, then, to
21 grant the relief requested, which is a variance of an
22 exterior courtyard on the second level within the volume of

1 the existing buildings. And this is -- the relief is sought
2 to construct an accessory structure within five feet of the
3 property line.

4 The Board will grant the relief, provided that the
5 work is in conformance with the drawings that have been
6 submitted initialed by the Chair, the supporting statement,
7 and the dimensional form.

8 The Board finds that a literal enforcement of the
9 provisions of the ordinance would involve a substantial
10 hardship to the petitioner, because it would preclude the
11 covering of an exterior space, which would allow for usable
12 outdoor space for occupants of the structure in all seasons,
13 and that would detail at a party wall that would keep it
14 more protected from the elements.

15 The Board finds that the hardship is owing to the
16 size and shape of the structure and of the lot and on the
17 lot, the size and shape of the structure, which predates the
18 existing ordinance is encumbered by that, and that any
19 modification of this nature of the proposal, which is the
20 Board's determination de minimis, would require some relief
21 from this Board.

22 The Board finds that desirable relief may be

1 granted without substantial detriment to the public good,
2 and that desirable relief may be granted without substantial
3 detriment to the public good, or nullifying or substantially
4 derogating from the intent and purpose of the ordinance, to
5 allow for some protection of outdoor areas, which has a
6 benefit of protection from the elements for occupants of the
7 structure.

8 On the motion to grant the variance? Mr.
9 Alexander?

10 CONSTANTINE ALEXANDER: I vote in favor.

11 BRENDAN SULLIVAN: Mr. Monteverde?

12 JIM MONTEVERDE: In favor of the variance.

13 BRENDAN SULLIVAN: Slater Anderson?

14 SLATER ANDERSON: In favor.

15 BRENDAN SULLIVAN: Wendy Leiserson?

16 WENDY LEISERSON: In favor.

17 BRENDAN SULLIVAN: And [Brendan Sullivan] in
18 favor.

19 [All vote YES]

20 Five affirmative votes, the variance is granted.

21 ROBERT LINN: Thank you very much.
22

1 (10:03 p.m.)

* * * * *

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Jim Monteverde, Slater Anderson, and
4 Wendy Leiserson

5 BRENDAN SULLIVAN: The Board will now hear Case
6 Number 162710 -- 123 Hancock Street.

7 SAM WOLFF: Hello. Is it my turn to speak?
8 Sorry.

9 BRENDAN SULLIVAN: Yeah. Introduce yourself for
10 the record?

11 SAM WOLFF: All right. I'm Sam Wolff. I live at
12 19 Maple Ave, and I'm the owner of 123 Hancock Street. I'm
13 joined by Heather Souza, who is the architect for the
14 project. So 123 Hancock Street is in the Residence C-1
15 Zone. It was built in roughly 1850. It's an existing two-
16 family with an addition in the back.

17 And what we propose to do is to remove the
18 addition at the back of the existing structure, and then add
19 two units that would not be attached to the existing
20 structure, but attached to each other in the back.

21 We had a thorough and collaborative process with
22 the Mid-Cambridge Neighborhood Historic Commission, which

1 resulted with the design that is in these plans. And they
2 do require relief, however.

3 So I think that there are three categories. One
4 is for encroaching into the rear yard setback. We did this
5 largely to preserve the sight lines of the existing
6 structure.

7 And this was thought of as a good idea because our
8 neighbor to the rear, that's a parking area for a building
9 that fronts on Center Street, we're asking for relief on the
10 ceiling height in the basement -- I guess it's FAR relief,
11 but it's because of the ceiling height in the basement,
12 which we would like to make taller than 6-foot-11.

13 Part of this is, you know, we made a number of
14 concessions in the size and configuration of the to-be-built
15 units, and thought that one of the ways to improve the
16 overall living space would be to have increased height in
17 the basement.

18 We're asking for that as well in the existing
19 house where we would be doing a new foundation underneath
20 it. It's in pretty bad shape, that foundation below. It's
21 a very charming house, and we're excited to preserve it.

22 And then I think the third category is the special

1 permit. I may be getting the chronology wrong, but a
2 special permit for the parking. The parking would encroach
3 into the side yard.

4 After discussions with Ranjit, he suggested that
5 we reconfigure the parking so that it would be more
6 manageable and oriented sort of straight-in, straight-out
7 parking. This was partly due to all the other things that
8 we did -- namely, you know, kind of leave the house where it
9 is and try to preserve it.

10 So that may be too fast or too slow, I'm sorry if
11 I'm not as well-versed in all these things as some others
12 who may have appeared tonight. But Heather's here to go
13 through the plans if you'd like us to do that, or answer any
14 questions, whatever process you'd like to follow.

15 BRENDAN SULLIVAN: Mr. Wolff, do you live now on
16 Maple Avenue?

17 SAM WOLFF: I do.

18 BRENDAN SULLIVAN: And are you planning on moving
19 to Hancock Street?

20 SAM WOLFF: I am not.

21 BRENDAN SULLIVAN: So this -- you bought the
22 house, and your intent is to develop a property by putting

1 in a total of three units?

2 SAM WOLFF: Yes.

3 BRENDAN SULLIVAN: Okay. This might be a little
4 bit of a tough sell to me, and where I go back is to you
5 were asking for a variance, and I want to know what the
6 hardship is, and why you need a variance?

7 SAM WOLFF: Well, I believe the hardship is that,
8 you know, we wanted to add units in the back, and we felt
9 like we could do this. The Mid-Cambridge -- we proposed
10 originally lifting this -- the existing building is
11 basically on the property line I think in the diagram that's
12 shown it's to the north. But we proposed --

13 HEATHER SOUZA: Olivia, could you go to the second
14 page? I think that would be helpful to show us the plot
15 plan on the left.

16 BRENDAN SULLIVAN: Heather, you'll have to
17 introduce yourself.

18 HEATHER SOUZA: Oh, I apologize. Hi, I'm Heather
19 Souza. I am architect for this project, 123 Hancock. So
20 this page will better show a comparison of the existing and
21 proposed. The parcel setbacks are shown in the sort of pale
22 orange color. So as Sam was describing here as the visual

1 of the existing footprint at 123 Hancock: Is already
2 nonconforming on the side yard.

3 And then what is being proposed is to the right,
4 where the building remains. We are removing the dashed
5 footprint, and we're proposing two new units to the rear of
6 the lot.

7 Sorry to cut in, Sam. But.

8 SAM WOLFF: Notts --

9 HEATHER SOUZA: Okay.

10 SAM WOLFF: Thank you. I appreciate it.

11 CONSTANTINE ALEXANDER: Excuse me. This is Gus
12 Alexander, and I'm a Member of the Board. And I have to say
13 that I share the concerns that Brendan has expressed.
14 There's just too much going on in this property. You're
15 jamming everything in, and it's -- I can't support it, to be
16 blunt, very blunt. It's not to me appropriate. I don't see
17 the hardship at all.

18 The hardship is you want to have more -- you want
19 to have a more valuable property. That's not a hardship
20 that entitles you to zoning relief. I just want to be clear
21 and up front. I'm not persuaded, at least so far, with what
22 I've heard.

1 SAM WOLFF: Okay.

2 BRENDAN SULLIVAN: Initially, on the initial
3 application, when I reviewed this a couple weeks ago, and
4 where it said, "a literal enforcement of the provisions of
5 the ordinance would involve a substantial hardship,
6 financial or otherwise" and you -- somebody wrote in, "N/A,
7 not applicable."

8 The hardship is owing to circumstances relating to
9 the soil condition, shape or topography and you had written
10 in, "N/A" and then I also through the secretary requested
11 that you fill those in. N/A is --

12 SAM WOLFF: We were confused. I apologize. We
13 were -- we were a little confused about --

14 BRENDAN SULLIVAN: Let me finish.

15 SAM WOLFF: I'm sorry.

16 BRENDAN SULLIVAN: Let me finish.

17 SAM WOLFF: I'm sorry.

18 BRENDAN SULLIVAN: It may be for you not
19 applicable, but to us it's a nonstarter. And you're
20 exceeding the GFA substantially and, you know, we don't --
21 in order to grant relief we really need to know what is the
22 hardship, why you can't build it as-of-right, number 1, and

1 how is the hardship related to the soil conditions, the
2 shape or topography of such land or structures, especially
3 affecting this particular location or structure, but not
4 affecting the general zoning district in which it's located.

5 And again, going back to what Mr. Alexander said,
6 that it is really cramming an awful lot on this site, and I
7 think that it's going to have a horrendous effect on the --
8 your neighbor to the right, and where there's that
9 condominium that is off of Harvard Street.

10 Right now, they look out their windows and they
11 see back into an open lot onto a public playground, and now
12 they're going to look out the windows and see a building
13 there. I don't -- have you done a shadow study at all, on
14 how this will affect their light at all?

15 SAM WOLFF: We did. We did a number of shadow
16 studies, and --

17 BRENDAN SULLIVAN: Have you submitted that? I
18 don't see it in any of your submittals.

19 SAM WOLFF: I'm not sure if Heather --

20 HEATHER SOUZA: Sam, I can jump in. It was part
21 of the Mid-Cambridge Historical review process. They did
22 require as part of their submission documents shadow

1 studies. And those were provided and reviewed during those
2 hearings.

3 We provided shadow studies during the winter and
4 summer solstice at the hours of 9:00, noon and 3:00 showing
5 comparative before, existing comparative before, existing
6 and proposed shadows.

7 We actually received feedback from the said
8 neighbor that you are referencing. They did voice concern,
9 but after reviewing the shadow study, they were relieved our
10 I would say modifications that we made to the third floor by
11 really cutting back that volume so not to impact their unit,
12 or that building, I should say.

13 I apologize for not submitting that as part of
14 this application. I did not see that as a requirement. But
15 we're happy to provide them to the Board to review.

16 BRENDAN SULLIVAN: All right. Well, anyhow, I
17 think one of my concerns is that I don't see how you approve
18 the hardship to allow for this development. I don't see any
19 alternatives as to what you can do as-of-right and so in the
20 absence of that, I'm not there, to be honest with you.

21 SAM WOLFF: What I was going to say, and I -- you
22 know, the errors in omissions in the application are really

1 my fault, and I don't want to very -- you know, drift into
2 excuses.

3 But I am sorry that you feel like it was
4 incomplete. Nor -- well, whatever, I'm not going to drift
5 into excuses. But I apologize for that.

6 So the original thought on this project was to
7 lift up the existing house and move it out of the side yard,
8 and then also move the existing structure forward, so that
9 it would conform and be a little bit closer to the street,
10 but certainly out of the front yard setback.

11 Again, after this process with the Mid-Cambridge
12 Neighborhood Conservation and a very participative process
13 with the neighbors, they did not want us to do that. As a
14 result of that, we came up with the -- you know, again,
15 there have been iterations of things like that, but I don't
16 want to drone on -- we came up with the project you see
17 before you.

18 We could have -- I think the hardship is that
19 we're trying to be respectful and deferential to the
20 historic structure. That's what we felt was going on here,
21 and what caused us to be asking for these items of relief.

22 BRENDAN SULLIVAN: Well, again, if you -- that

1 does not address that -- and the courts have found and I
2 can, you know, go back through, and cite a number of court
3 decisions, which basically have said that -- the hardship
4 has to be relating to the soil conditions, shape or
5 topography of such land or structures, and especially
6 affecting this land or structure, but not affecting in
7 general.

8 And I think that Mr. Alexander's comments that
9 this is just an attempt to pack the site with as much, you
10 know, building as you can. So I read some place that you
11 felt that you could put in five units there, but that's not
12 true. Now, that's only one measure, lot area per dwelling
13 unit.

14 SAM WOLFF: We never proposed five units.

15 BRENDAN SULLIVAN: No, I know you never proposed,
16 but somewhere there is correspondences saying that, you
17 know, you could do -- you could put in five units, but
18 through some concessions you've dropped it down to three
19 units.

20 And so you cannot put in five units, that's only
21 one measure. Now you've got to comply with all the other
22 setbacks and open space and what have you, so that

1 basically, you know, you start off with 7593 square feet
2 after you in fact ran all of the setbacks and the open space
3 and everything --

4 SAM WOLFF: Yep.

5 BRENDAN SULLIVAN: -- you're down to 30 feet. And
6 that's why you've tripped over the GFA to -- I think it was,
7 what was it 0.87 or something?

8 HEATHER SOUZA: Yes. I think your memory serves
9 you correctly on the GFA. I would point out if we did not -
10 -

11 BRENDAN SULLIVAN: 0.89 in a 0.75 district.

12 HEATHER SOUZA: Mm-hm. What --

13 BRENDAN SULLIVAN: There's too much house there,
14 too much building. And I think it'll have an adverse effect
15 on the abutter to the side, and also just crowding the
16 space. And I think the -- part of the purpose of the
17 ordinance is to alleviate overcrowding of land. So --

18 HEATHER SOUZA: Mm-hm.

19 BRENDAN SULLIVAN: -- that's my thought, anyhow.
20 Jim Monteverde, any comments, questions at this time?

21 JIM MONTEVERDE: I pretty much agree with what's
22 been said.

1 My greatest concern is the, you know, I don't feel
2 I could approve the reduction of the back yard setback with
3 -- the rear yard setback -- with so much building being
4 proposed in it, and that kind of leads me to the same
5 conclusion that Mr. Alexander did, that really that the
6 addition two units, two dwelling units is really crowding
7 the lot, and needing all of these -- and needing relief that
8 it needs.

9 So I couldn't favor it at the moment for those
10 reasons.

11 BRENDAN SULLIVAN: Okay. Slater, any comments?
12 Questions at this time?

13 SLATER ANDERSON: A comment that I concur with
14 your assessment about the lack of hardship. I think it's --
15 yeah, it's -- I don't see how you get there, and for what
16 you're asking for. There are alternatives that are within
17 the limits of the zoning bylaw and, you know, that's the
18 path we should pursue. Thank you.

19 BRENDAN SULLIVAN: And Wendy, any comments,
20 questions at this time?

21 WENDY LEISERSON: No, I concur with the comments
22 of my colleagues on the Board.

1 SAM WOLFF: Could I ask a question?

2 BRENDAN SULLIVAN: Sure.

3 SAM WOLFF: So the FAR relief is really because of
4 the basement ceiling height. If we reduce that to six feet
5 11 inches, then we wouldn't be asking for that relief. And
6 the -- so that would leave us asking for relief on parking,
7 the encroachment onto the side yard, and relief on the rear
8 yard setback.

9 Now, is -- we felt there was a hardship to move
10 into the rear yard, because we were trying to preserve the
11 sight lines of the existing building that we were not
12 allowed to move because of the historic nature of it. And
13 they liked the positioning of it on the site, despite the
14 fact that it was in the side yard.

15 So if we eliminated the request for the FAR
16 relief, would we be in a position to get relief on the rear
17 yard, or do you feel like that's not appropriate? Or --

18 I'm just trying to understand. I'm sorry for the
19 ignorance.

20 BRENDAN SULLIVAN: Well, you know, the -- there
21 are really four or five tests. Number 1 is, you know, again
22 you go down through your dimensional form and there's one or

1 two that are sacred to us. All of them are sacred to us,
2 unless a compelling reason has been presented why we should
3 vary them.

4 So you've got height, you've got GFA, you've got
5 setbacks. There's parking. There's -- you know. And so
6 unless there is a compelling reason -- and again, I go back
7 to the supporting statement and the why the literal
8 enforcement would create a hardship to you -- hardship of
9 financial.

10 Now again, going back through some court
11 decisions, it doesn't mean that you are going to suffer some
12 financial gain by us not allowing this. Financial gain or
13 loss is not the purview of granting a variance. It is that
14 you could build something as-of-right in the particular area
15 of your lot.

16 However, there are certain soil conditions -- it
17 has a lot of rock, it has a lot of peat, it has an unusual
18 shape to it, or topography -- that it would be financially
19 overbearing if you were to build on that particular spot,
20 and you could do it as-of-right.

21 Hence, you come down to the Zoning Board to say,
22 then "Can I shift this addition, this building that I want

1 to build off to the side? I'm not being impeded by these
2 adverse conditions, but I am now infringing upon a setback
3 or something like that."

4 So that's really what the courts have ruled, as
5 far as what a hardship is, not potential loss of gain. That
6 is not the condition that we can grant a variance.

7 And again, you've got to relate as to what that
8 hardship is related to. And again, I go back to soil shape
9 or topography.

10 So taking the existing structure and what you can
11 build within that parameters of setbacks, you would have to
12 show us that this is what you can build as-of-right, and why
13 you don't want to do it.

14 And it's, again, not a question of maximizing your
15 profit potential. I don't care if you make any dollar or a
16 million dollars, it doesn't make any difference to me.

17 I am more concerned about the impact of your
18 development on the adjoining properties and on the
19 streetscape, and I think also the effect of filling in that
20 lot, and you have a public total lot, a playground, right
21 next to it, which is going to I think provide too much
22 massing and too much building on that lot.

1 So that's where I am on that. And I think you're
2 not going to get the approval. Potentially, you may want to
3 take a continuance, go back, and rework the thing,
4 reconsider it, or -- but I don't see how you're going to get
5 three buildings -- three structures on this lot.

6 SAM WOLFF: Okay.

7 BRENDAN SULLIVAN: Potentially, the existing
8 building with a -- with an addition off to the side for
9 another unit, but it is very, very steep hurdle.

10 SAM WOLFF: I understand. Okay. I'm sorry that
11 I've -- I dropped the ball I guess on this process.

12 BRENDAN SULLIVAN: Well, again, I give you the
13 option to go through that exercise if you want, or if you
14 feel that it's not worth your while, then we could take it
15 to a vote.

16 SAM WOLFF: No, I think we'd like the chance to --
17 I mean I appreciate your feedback, I really do -- I'm a
18 little surprised, that's all. Again, it's probably out of
19 inexperience as opposed to anything else. I am a little
20 surprised. So I'd like a chance to think about it a bit.

21 I -- again, not intended as an excuse, but I had
22 thought that if the -- and it was indicated to me that if

1 you sort of went through the Mid-Cambridge process and came
2 up with something that everyone had agreed to, the neighbors
3 and the like, that you were sort of down the road.

4 But that was my mistake. So I -- you know, I
5 would like a chance to reconsider this and maybe take it
6 from there, I guess.

7 BRENDAN SULLIVAN: Okay. They are one step along
8 the way. They have an advisory to us. But ultimately, we -
9 - you know, take what they say into consideration.
10 Appreciate that, their time, and their comments, but
11 ultimately, we make the decision based on the ordinance and
12 the requirements to granting the variance.

13 SAM WOLFF: Certainly, I understand that now. And
14 I did not, so I apologize. I do apologize for that.

15 BRENDAN SULLIVAN: May 5? Does that work for
16 Members of the Board?

17 CONSTANTINE ALEXANDER: Works for me.

18 JIM MONTEVERDE: That works.

19 BRENDAN SULLIVAN: Jim, May 5?

20 JIM MONTEVERDE: Yes.

21 BRENDAN SULLIVAN: Slater?

22 SLATER ANDERSON: I think so. Cinco de Mayo.

1 BRENDAN SULLIVAN: Wendy, May 5?

2 WENDY LEISERSON: May 5, yes.

3 BRENDAN SULLIVAN: Okay. So let me make a motion,
4 then, to continue this matter until May 5, 2002 at 6:00 p.m.
5 on the condition that the petitioner change the posting sign
6 and maintain the posting sign at least 14 days prior to the
7 May 5 hearing.

8 That the petitioner change the date on the sign to
9 reflect May 5, 2022 and the time at 6:00 p.m.

10 That any new submittals, dimensional forms,
11 supporting statements, drawings, be in the file by 5:00 p.m.
12 on the Monday prior to the May 5 hearing. And that the
13 petitioner sign a waiver to the statutory requirement for a
14 hearing and a decision to be rendered and filed.

15 The waiver we would ask that you -- and you can
16 request it from Maria Pacheco, she can send it to you, you
17 can sign it and send it back to her -- that it be in the
18 file by 5:00 p.m. a week from Monday.

19 Anything else? On the motion, then, to continue
20 this matter to May 5, Mr. Monteverde?

21 JIM MONTEVERDE: Yes, I agree to extend.

22 BRENDAN SULLIVAN: Mr. Anderson?

1 SLATER ANDERSON: Mr. Anderson agrees to extend.

2 BRENDAN SULLIVAN: Wendy Leiserson, on the motion?

3 WENDY LEISERSON: Wendy Leiserson agrees to
4 extend.

5 BRENDAN SULLIVAN: Mr. Alexander?

6 CONSTANTINE ALEXANDER: I agree to extend.

7 BRENDAN SULLIVAN: And Brendan Sullivan agrees to
8 extend.

9 [All vote YES]

10 The matter is continued until May 5 at 6:00 p.m.

11 See you then.

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1 (10:28 p.m.)

* * * * *

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Jim Monteverde, Slater Anderson, and
4 Wendy Leiserson

5 BRENDAN SULLIVAN: The Board will now hear Case
6 Number 163050 -- 133 Fayerweather Street. Mr. Anderson?

7 DAN ANDERSON: Good evening, Mr. Chair and
8 Members of the Board. Nice to see you. I think that we're
9 last in the docket, so we're almost there.

10 So I'm not sure if Trina Murphy, who is
11 representing ownership D&D Homes is online, but I'm more
12 than happy to begin the presentation.

13 So we're in front of you with the project at 133
14 Fayerweather Street. It's an existing nonconforming
15 duplex, two-family structure in Zone. And it's
16 nonconforming in terms of side yard setbacks and overall
17 FAR. So we're here with the special permit, as a one- and
18 two-family structure to extend those nonconformities.

19 Currently, it's a two-story with low-hipped roof
20 structure, and the proposal on the GFA side is to add -- to
21 replace that low-hipped roof with a third-floor addition.

22 Because it's nonconforming in terms of the side

1 yard setbacks, that's also an increased encroachment of
2 additional nonconformity to those nonconforming side yard
3 setbacks with some changes of openings also in those.

4 We feel that this is consistent with the scale,
5 density and otherwise character of the neighborhood. There
6 is no increased traffic.

7 Unfortunately, this is a site with no onsite -- no
8 off-street parking. There is no curb cut, and because of
9 the side yard setbacks, it would not be possible to conform
10 with parking. We'd end up with parking spaces in the front
11 yard.

12 I participated in at least one of the number of
13 neighborhood meetings -- I'm sorry, two of the neighborhood
14 meetings -- which were held by Zoom, and generally and
15 overall the feedback and impressions from the neighbors is
16 very positive.

17 In terms of parking, there's really feeling that
18 there's always plenty of on-street parking. So I'm sure
19 that if we could have fit it, we certainly would have.

20 We did sun shadow studies, existing and proposed.
21 In particular, had discussions and feedback with neighbors
22 to the north, who will be most impacted and it was received

1 favorably. I think the general sense was that the
2 redisposition of windows was a little bit more advantageous
3 than the current.

4 So the overall structure is in relatively poor
5 shape. It's been a rental property for a number of years.
6 I think generally the neighborhood was looking favorably at
7 just seeing the property improved.

8 It's currently a three-bedroom, one and a half
9 bath. It's increased particularly through the top floor,
10 with the house to be a four-bedroom, three-and-a-half bath.
11 So -- and the total GFA for the two units is around \$2250.

12 So, again, a reasonably sized family-oriented
13 development.

14 And so we're feeling that with your consideration
15 that the request for a special permit could be granted
16 without derogating from public health or nuisance, and that
17 it would not impair in any way the integrity of the
18 districts or derogate from the ordinance. I think that it's
19 an improvement to the overall character.

20 It is a relatively reasonable lot. It does exceed
21 the minimum lot open space coverages, and we're not
22 proposing any increase in footprint or lot coverage.

1 So I know you've had this in front of you. I'm
2 more than happy to run through the project documentation.
3 Olivia, if you'd like to do that, we can kind of look at it
4 quickly.

5 SAM WOLFF: We're happy to take questions.

6 BRENDAN SULLIVAN: Yeah. Are you aware of a
7 letter that was sent to us on March 22 from a Mr. Dottin
8 (phonetic)?

9 DAN ANDERSON: I am not aware of that letter.

10 BRENDAN SULLIVAN: Well, let me read it. It's --
11 rather than going to public comments --

12 DAN ANDERSON: Sure.

13 BRENDAN SULLIVAN: -- we might as well get it out
14 now.

15 "To whom it may concern,

16 "My name is Gerald Dottin, and I am the owner of
17 106-108 Chilton Street, the property directly located behind
18 133 Fayerweather. This house has been in my family since
19 1935 when my grandparents purchased it after relocating to
20 Maine. My mother grew up here, and I purchased the property
21 32 years ago.

22 "I am vehemently opposed to this development, as

1 it will eradicate all the sunlight that I will receive in my
2 back yard and my family has enjoyed with barbecues, family
3 events, growing vegetable gardens, and planting flowers.

4 "This particular property at 133 Fayerweather is
5 unique in its building design like one other on that side of
6 the street. Has a large front yard, and much less back yard
7 space than other properties on that side of the street.

8 "Therefore, a third-floor 'edition'" -- it should
9 be, "addition" -- "will overshadow the property that resides
10 beside it, especially mine, situated directly beside it --
11 behind it, I'm sorry.

12 "My family has lived in the city --" well, it goes
13 on for -- just reading it -- "-- I value my sunlight, and
14 ability to see the sun rising from my window as I rise and
15 start my day. Seeing the proposed plans for this
16 monstrosity would only allow another developer to align
17 their --" well, anyhow...

18 "Our comfort, living enjoyment, so that the City
19 can extract higher tax --" Well anyhow, it's -- and so
20 anyhow, that's the sum and substance.

21 DAN ANDERSON: I appreciate your reading that.
22 I'm sorry that I did not receive that letter, and I'm a bit

1 surprised, given the outreach that my clients had done that
2 there was no responsiveness to. I think there were three
3 invitations to neighborhood meetings. And I apologize as
4 well. I'm looking through our deck.

5 Olivia, could you confirm whether we have our sun
6 shadow study included in the special permit set?

7 BRENDAN SULLIVAN: There were none.

8 OLIVIA RATAY: Hang on.

9 DAN ANDERSON: There's not a sun shadow? I
10 apologize for that, but the -- while I concur with their
11 observation that this structure is set back farther from the
12 front yard than the others in the district, there are
13 several that are commensurate in terms of setback.

14 And my recollection of those sun shadow studies,
15 which I could pull up and share if it would be the pleasure
16 of the Board, the shadows are predominantly cast to the
17 north. They are situated although behind the structure just
18 north of west.

19 So the times when their yard would potentially be
20 shadowed would be -- are fairly limited.

21 BRENDAN SULLIVAN: It would cast a shadow --

22 DAN ANDERSON: In the more.

1 BRENDAN SULLIVAN: -- in the morning and -- in the
2 morning.

3 DAN ANDERSON: Right. So then only -- only in the
4 late fall and wintertime, because the sun when it rises is
5 quite high in the east. And so the shadow would not be --
6 so the sun is rising as it moves to the west, so by the time
7 it got to a point of, say, you know, 10:00, the shadow is
8 not going to reach their back yard until well after the
9 equinox.

10 The -- but, again, apologies. I -- the sun shadow
11 study was shared with all of the neighbors, and for some
12 reason isn't in the set.

13 BRENDAN SULLIVAN: Did anybody talk to Mr. Dottin?

14 DAN ANDERSON: Well, this is surprising. I know
15 that letters were sent to all the abutters, and that there
16 was outreach with flyers with Zoom invitations on three
17 occasions.

18 And, as I said, the response from -- I would say
19 it was -- there were probably six responders from all those
20 and across the two neighborhood meetings that I participated
21 in, and again all of the responses were positive,
22 predominantly given the kind of --

1 BRENDAN SULLIVAN: Is this 133 Fayerweather, LLC?

2 DAN ANDERSON: Yes, that's correct.

3 BRENDAN SULLIVAN: So this is a development?

4 DAN ANDERSON: So it's a -- my client is a
5 builder, developer. That's correct. The intention is that
6 this would be sold as condominiums, so it's --

7 BRENDAN SULLIVAN: Condo units?

8 DAN ANDERSON: Excuse me?

9 BRENDAN SULLIVAN: Two condo units?

10 DAN ANDERSON: Two condo units, side-by-side,
11 correct. So it's been rental housing, and relatively
12 dilapidated for a good number of years. So --

13 BRENDAN SULLIVAN: Well, it's unique in its
14 design. It stands out, and what is proposed is unique in
15 its design, and will stand out. That's my comment. But
16 anyhow --

17 DAN ANDERSON: Sure. So how -- would you like
18 comments, questions? I'm at the pleasure of the Board.

19 BRENDAN SULLIVAN: Let me open it up. Mr.
20 Alexander, any --

21 CONSTANTINE ALEXANDER: Well, I have the same
22 problem with this case, as I did with the immediately prior

1 case. It's too much house for -- or structure -- for the
2 lot.

3 The, under our Zoning Ordinance, if I've got your
4 numbers correctly, the match could be for GFA is 226 -- 2386
5 feet. Right now, the building is 2908 feet or nine feet,
6 and the relief you're seeking would make the building have
7 4505 square feet, or twice what our ordinance permits. To
8 me, that's too much, that you've got another story, third
9 story. I just can't get there.

10 DAN ANDERSON: So, you know, it's interesting. I
11 understand, I think that it's already nonconforming. I did
12 a quick review of just that residential B neighborhood in
13 the lower West Cambridge, and for everyone that I picked,
14 they were all over the FAR.

15 And of let's say 20 that I kind of mulled through
16 that have smaller lot sizes, I would say half of them -- we
17 can do it with you, if you'd like -- are in that same GFA or
18 greater.

19 So we have a lot of FAR within that district of 1,
20 1.1, in some cases 1.2 or I think that was about the
21 greatest, 1.26. So it's not out of keeping with the overall
22 scale and density of that neighborhood, which is why I think

1 that I felt confident in putting this forward.

2 So, again, it is not increasing the footprint,
3 agreed, and allocated (sic) that it's increasing the height,
4 which is also -- we have a building of the same and
5 commensurate height immediately to the left-hand side.

6 So it's not out of scale with the neighborhood,
7 but I certainly take your point that it is a -- not an
8 insubstantial increase in GFA over the existing. But again,
9 I maintain that it's not inconsistent with -- representative
10 not the majority, but representative building scale of
11 residence B in that neighborhood.

12 BRENDAN SULLIVAN: Jim Monteverde any comments or
13 questions?

14 JIM MONTEVERDE: No. I echo Mr. Alexander's
15 concern. I was looking at the chart that's on the drawings.
16 It's the same conversation. You know, allowed is 0.5, the
17 existing is 0.6, the proposed is 0.95. I just -- too much
18 building, I think.

19 And I -- you know, Mr. Anderson, I heard your
20 explanation.

21 BRENDAN SULLIVAN: Yeah. It is a special permit.
22 It is seeking relief under the Bellalta decision. But

1 Slater any comments?

2 SLATER ANDERSON: No. I mean, I'm in concurrence
3 with everybody else. I mean, I think that the letter you
4 read, which is from the neighbor to the west on Chilton
5 Street I believe --

6 BRENDAN SULLIVAN: Right behind.

7 SLATER ANDERSON: Yeah, right behind. I mean,
8 correct me you know, you're going up seven and a half feet
9 in height, you know? And that's -- you know, that's
10 significant. And that's -- you know, that sun is rising in
11 that east to southeast, you know, range, and it would seem
12 impactful to me.

13 I know we don't have the shadow studies, but I
14 could see the concern. And then the FAR, you know, just is
15 -- it's a big ask.

16 DAN ANDERSON: Sure. Well, I appreciate the
17 comments. Other Members of the Board?

18 WENDY LEISERSON: I concur with the concerns
19 expressed by my colleagues.

20 DAN ANDERSON: Could I query you besides the
21 increase in FAR and potential impacts from the shadow, is
22 there any other concern regarding height? I mean, certainly

1 we're not creating a new nonconformity. There are plenty of
2 triple-deckers in this neighborhood. This is obviously a
3 two-family. The structure next door is based at that
4 height, and the -- any particular comments on the scale?

5 BRENDAN SULLIVAN: I guess what it is, is Dan, is
6 -- it's, you know, you're introducing something that's not
7 there, you know, that the existing houses obviously were
8 built prior to zoning -- I don't know if any of them have
9 ever received any kind of relief.

10 I know there's one across the street there that
11 has, but they were tweaking, sort of enclosing some
12 entrances. Actually, they were changing the location of the
13 front door and built a portico and stuff like that. But
14 that's a whole other issue is that you're taking a fairly
15 simple, not so pretty looking house and putting in a much
16 larger structure. Putting in twice as much house as what's
17 there now. And, you know, it's sort of like, "oh my gosh"
18 that type of thing.

19 However, it is a special permit. And, you know,
20 what we have to find is that the special permit is not more
21 -- let me try and read. [Did you have the Hancock? I think
22 I left my papers. The Hancock?] -- not more detrimental to

1 the neighborhood than the existing structure." I guess
2 that's really what the key phrase in there.

3 And, you know, Mr. Dottin said, obviously, it is
4 far more detrimental to him, to his way of life, to his
5 enjoyment of his property. So, you know, it's not a
6 variance, but by the same token --

7 DAN ANDERSON: Sure.

8 BRENDAN SULLIVAN: -- there is a standard that you
9 have to meet, or that the Board feels it satisfies, or the
10 alternative is that you don't satisfy that standard, you
11 know?

12 DAN ANDERSON: No, understood. I would be happy
13 to take a continuance. I know it's late. My clients
14 apparently went to bed. So, you know, maybe we all should.

15 Since we had not had the opportunity to speak in
16 person with the Chilton Street neighbor who issued the
17 letter -- and unfortunately, for whatever reason, he or they
18 were not available for any of the public meetings -- we'd
19 welcome the opportunity to, you know, go through our shadow
20 studies with them, make any modifications that might be an
21 impact to them, and try and address any of the concerns of
22 the Board.

1 Again, I think that, you know, I look at it in
2 terms of whether or not the overall scale and size of the
3 project is consistent with examples in the neighborhood.

4 So regardless of my opinion, whether it's more or
5 less, you know, this could be a -- you know, small workers'
6 cottage and, you know, really need to be increased in bulk,
7 and would be allowable, you know, up until the limits.

8 But given that it's this is an existing
9 nonconforming, as are the majority of the houses in the
10 neighborhood, you know, certainly from my clients'
11 standpoint, I'm trying to follow their program and help them
12 through the process. So --

13 BRENDAN SULLIVAN: Yeah.

14 DAN ANDERSON: -- I'm sure you understand that.

15 BRENDAN SULLIVAN: I think that Mr. Dottin is
16 calling in. Let me open it to public comment, Dan, and then
17 you can listen in.

18 DAN ANDERSON: Oh, sure.

19 BRENDAN SULLIVAN: Any member of the public who
20 wishes to speak should now click the button that says,
21 "Participants," and then click the button that says, "Raise
22 hand."

1 If you are calling in by phone, you can raise your
2 hand by pressing *9 and unmute or mute by pressing *6, and
3 you will have up to three minutes to speak.

4 OLIVIA RATAY: Gerald Dottin?

5 BRENDAN SULLIVAN: Mr. Dottin?

6 [Pause]

7 You may want to unmute.

8 GERALD DOTTIN: Yes, I did. Hello. Thank you,
9 folks, for hearing me. And unfortunately, I know I only
10 have three minutes, but I'd like to also, you know, request
11 a little bit more time so I can rule out a couple of the
12 things that he's already talked about.

13 Number 1, I was alerted to meetings. One of my
14 neighbors called me and told me about the structure, which
15 unfortunately I had knee operation. I've been very busy
16 with an elderly parent who is sick, and I really have been
17 doing a lot of stuff like I said that -- you know, that's
18 really not allowed me to participate.

19 So in order to correct a few things right off the
20 bat, a lot of these houses -- I've lived in this
21 neighborhood for over 40 years now, 50 years. Most of the
22 houses in this neighborhood are two-family houses. Most of

1 them, there are also a lot of split-level houses in this
2 area that are the size of singles, but they do not go up as
3 far as height is concerned.

4 This was not a rental property. This was a
5 family-owned property for well over 65-75 years, I'm sure.
6 Unfortunately the grandfather had recently passed away and
7 left it to the daughter.

8 The house I don't know what the exterior
9 condition, although it does not look good, quite a few years
10 back the interior of the property was also renovated. I
11 know that for a fact, because they were one of my customers
12 and I've known them for years as family and friends.

13 And in reference to a sun study, I don't care what
14 he said, there are not very -- the house next door to him to
15 that structure is a three-family house, and like you said,
16 that addition on the third floor was granted -- it's
17 actually a two-family, but that addition on the third floor
18 was granted years ago before all these variances were set
19 into place and approved, I'm sure.

20 If you look like you said in the condition of
21 these houses in the neighborhood, most of them are two-
22 family -- upstairs, downstairs structures in themselves.

1 And the other thing is is I was glad to listen in, because I
2 also talked about -- I heard you talking about, you know,
3 making these properties affordable as well.

4 And, you know, that's the idea is that, you know,
5 this has been a family neighborhood for years. As we've
6 watched, you know, the developers come in and most of the
7 developers do not live in the area, they do not know the
8 complexion of the neighborhood or as far as the -- you know,
9 the, the, the feel of the neighborhood with the people.

10 It's a very family-oriented environment, as you well know,
11 Brendan Sullivan, because you were one of my baseball
12 coaches years ago.

13 So that's how long I've been here. My family is
14 very synonymous (sic) in this city. We own several
15 properties as far as, you know, our family has been in here
16 for years. We're one of the largest Black families in the
17 city.

18 But I'm also concerned about the fact that, you
19 know, gentrification is alive and well. This was a
20 predominantly Black area at one point, where a lot of this
21 gentrification obviously happened due to, you know,
22 obviously socioeconomic conditions. However, that -- you

1 know, with these developments going up, they're certainly
2 not being affordable. They're not being made affordable for
3 families to come in here and be able to raise their children
4 who are not ridiculously affluent or wealthy.

5 BRENDAN SULLIVAN: All right.

6 GERALD DOTTIN: I'm also concerned about, you
7 know, the affordability of those units. It's a four-bedroom
8 and I'm showing that those units are going to be going
9 upwards of \$1.3, \$1.4 for something like that, which is what
10 these things in the neighborhood are going for, which your
11 average family is not going to be able to afford in general.

12 BRENDAN SULLIVAN: All right, thank you, Gerry. I
13 think we -- you've exceeded the -- thank you.

14 GERALD DOTTIN: Yep. I done, Dave. Done, Dave.

15 BRENDAN SULLIVAN: Okay, thanks.

16 GERALD DOTTIN: I've said enough. I've said
17 enough. I think I've made my point very call.

18 BRENDAN SULLIVAN: No, no, we get the point. We
19 get the point.

20 DAN ANDERSON: Yeah. Mr. Dottin, thank you very
21 much for calling in. Certainly, we're hearing both the
22 feedback from the Board and from you. I'm sorry for family

1 issues. I realize that sometimes it's hard to get to --
2 engage with neighborhood meetings.

3 I would like the opportunity to connect you with
4 our client and review sun shadow studies, which are -- you
5 know, accurate representations of what those proposed
6 conditions will look like, and discuss any modifications
7 that would lessen any impact on the property.

8 In terms of anything that I may have misstated in
9 terms of fact, I was told that this was purchased and been
10 used as a rental property. Although I've been in Cambridge
11 for 30 years, I don't have your tenure, nor do I live in
12 your immediate neighborhood. So I don't know the exact
13 history of the house. But very much appreciate your calling
14 in.

15 BRENDAN SULLIVAN: Okay. We're into May.

16 OLIVIA RATAY: There's one more. There's another.

17 BRENDAN SULLIVAN: I'm sorry. There's somebody
18 else calling in.

19 OLIVIA RATAY: Adam Soroca?

20 ADAM SOROCA: Good evening, Board and Chairman.
21 Thanks for hearing me out. Let me start by saying we are
22 the owners of 127 Fayerweather Street since 2002. That's

1 the first-floor unit directly abutting this proposed
2 project. It's a pretty tight community around this
3 neighborhood.

4 We actually no longer live there. We raised our
5 kids there, and we've moved out to another property nearby a
6 few blocks away, while we rent the property and we do have
7 this property earmarked for either my parents or my wife's
8 parents when they need to come back.

9 As we talked to our former neighbors, which we
10 remain very close with, none of them were familiar with this
11 project. So unfortunately, I don't think this has been as
12 collaborative of a process as the developers seem to have
13 indicated. We'd love to be part of that process, but at
14 this point that unfortunately has not happened.

15 So as the project is currently proposed, we too
16 are against it. The project is quite a disruptive change
17 for the neighborhood. It both increases the footprint
18 significantly, it detracts from the skyline and the open
19 space, while also introducing a dangerous precedent for what
20 is quite a special neighborhood in Cambridge.

21 We bought that property because of the deeded
22 yard, and this openness feel that we would get in the middle

1 of Cambridge.

2 Seeing that sky is really quite calming and
3 relaxing, but the subject house that is being discussed is
4 already quite close to our house over the setbacks. It's
5 already claustrophobic, and this variance if approved would
6 amplify that awful feeling and significantly cut down on
7 skyline and space.

8 BRENDAN SULLIVAN: Okay. Thank you. Great.
9 Thank you. Anyone else? That is the sum and substance of
10 anybody calling in, so we will close public comment at this
11 time. I think we'll be discussing a continuance into May,
12 the end of May, was it?

13 OLIVIA RATAY: June.

14 BRENDAN SULLIVAN: June 9.

15 CONSTANTINE ALEXANDER: I'm not sure I can make
16 it.

17 BRENDAN SULLIVAN: Huh?

18 CONSTANTINE ALEXANDER: Pushing -- I was, as I
19 said, pushing the envelope about continuing cases. And I'm
20 -- June 9, we have more openings? I'll go along with June
21 9, but no more continuances later into other than the --

22 BRENDAN SULLIVAN: Okay.

1 CONSTANTINE ALEXANDER: -- you know, the -- in the
2 name of the development.

3 BRENDAN SULLIVAN: Jim Monteverde, are you
4 available on the ninth of June?

5 JIM MONTEVERDE: I am, I am. Slater?

6 SLATER ANDERSON: I am not.

7 BRENDAN SULLIVAN: You are not?

8 SLATER ANDERSON: I am out of the country.

9 BRENDAN SULLIVAN: After June 9?

10 CONSTANTINE ALEXANDER: I can't make it.

11 BRENDAN SULLIVAN: No. What's before June 9, May
12 what? May 19? I would just go with May.

13 CONSTANTINE ALEXANDER: Yeah. I'll go with that.

14 BRENDAN SULLIVAN: All right. May 19? Jim, May
15 19?

16 JIM MONTEVERDE: Yep, yes.

17 BRENDAN SULLIVAN: I think you're here anyhow,
18 right? Slater, you're here on May 19?

19 SLATER ANDERSON: I'm available May 19.

20 BRENDAN SULLIVAN: And Wendy, you're available?

21 WENDY LEISERSON: Yes, on May 19.

22 BRENDAN SULLIVAN: Okay. Dan, May 19?

1 DAN ANDERSON: May 19. I appreciate your
2 flexibility.

3 BRENDAN SULLIVAN: Okay. So let me make a motion,
4 then, to continue this matter to May 19, 2022 at 6:00 p.m.
5 on the condition that the petitioner change the posting sign
6 and maintain the posting sign for at least 14 days prior to
7 the May 19 hearing, change it to reflect the new date of May
8 19, 2022 and the time of 6:00 p.m.

9 Also that any new submittals regarding this
10 application, dimensional form, supporting statements and/or
11 drawings be submitted to the Board -- must be submitted to
12 the Board by 5:00 p.m. on the Monday prior to the May 19
13 hearing.

14 We would ask that the petitioner sign a waiver to
15 the statutory requirement for a hearing and a decision to be
16 rendered thereof.

17 That such waiver be in the file by 5:00 p.m. on
18 Monday a week from next Monday -- can be obtained from the
19 secretary, Maria Pacheco. Any other conditions?

20 [Pause]

21 No. Also, Dan, I think if you do have this either
22 neighborhood meeting or meeting one-on-one what have you,

1 there may be -- and I only say maybe -- some misinformation
2 about the footprint and some of the other things, so that
3 you may obviously explain exactly what you're doing. And
4 that the building basically going straight up.

5 But I'm sure that you can explain that, as you've
6 heard the public comment anyhow. So

7 DAN ANDERSON: I heard the -- comment.

8 BRENDAN SULLIVAN: Yeah. Can understand the
9 relief that's actually being requested. So anyhow. That
10 being said, on the affirmative vote of five Members?

11 CONSTANTINE ALEXANDER: In favor.

12 BRENDAN SULLIVAN: Everybody's in favor of
13 continuing this?

14 CONSTANTINE ALEXANDER: May 19, I vote in favor.

15 BRENDAN SULLIVAN: Okay. Everybody's in favor of
16 continuing this matter until May 19? Jim has said yes.

17 JIM MONTEVERDE: Correct.

18 BRENDAN SULLIVAN: Wendy said yes, Slater has said
19 yes, Brendan Sullivan yes, and Gus Alexander yes to
20 continuing the matter.

21 [All vote YES]

22 BRENDAN SULLIVAN: The matter is continued until

1 May 19 at 6:00 p.m.

2 DAN ANDERSON: Thank you very much. Have a good
3 night.

4 COLLECTIVE: Thank you. Goodnight.

5 JIM MONTEVERDE: All right-y. Goodnight, all.

6 WENDY LEISERSON: Goodnight, everyone.

7 CONSTANTINE ALEXANDER: Goodnight.

8 SLATER ANDERSON: Thank you.

9 BRENDAN SULLIVAN: Thank you, everybody. You
10 served the City well.

11 CONSTANTINE ALEXANDER: What a night.

12 [10:59 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.

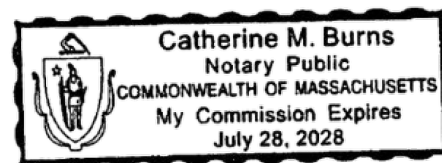
In witness whereof, I have hereunto set my hand this
fourth day of April, 2022.



Notary Public

My commission expires:

July 28, 2028



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