BOARD OF ZONING APPEAL FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY MAY 5 2022 6:00 p.m. Remote Meeting via 831 Massachusetts Avenue Cambridge, Massachusetts 02139

Brendan Sullivan, Chair Jim Monteverde, Vice Chair Constantine Alexander Andrea A. Hickey Wendy Leiserson Laura Wernick Wendy Leiserson Jason Marshall

City Employees Olivia Ratay, Zoning and Building Associate



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1	PROCEEDINGS
2	* * * *
3	(6:00 p.m.)
4	Sitting Members: Constantine Alexander, Brendan Sullivan,
5	Wendy Leiserson, Jim Monteverde, Laura
6	Wernick, Andrea Hickey and Jason Marshall
7	BRENDAN SULLIVAN: Welcome to the May 5, 2022
8	meeting of the Cambridge Board of Zoning Appeal. My name is
9	Brendan Sullivan, and I am the Chair for tonight's meeting.
10	This meeting is being held remotely, due to the
11	statewide emergency orders limiting the size of public
12	gatherings in response to COVID-19, and in accordance with
13	Governor Charles D. Baker's Executive Order of March 12,
14	2020 temporarily amending certain requirements of the Open
15	Meeting Law; as well as the City of Cambridge temporary
16	emergency restrictions on city public meetings, city events,
17	and city permitted events, due to COVID-19, dated May 27,
18	2020.
19	This meeting is being video and audio recorded,
20	and is broadcast on cable television Channel 22, within
21	Cambridge.
22	There will also be a transcript of the

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1	proceedings.
2	All Board Members, applicants, and members of the
3	public will please state their name before speaking. All
4	votes will be taken by roll call.
5	Members of the public will be kept on mute until
6	it is time for public comment. I will give instructions for
7	public comment at that time, and you can also find
8	instructions on the City's webpage for remote BZA meetings.
9	Generally, you will have up to three minutes to
10	speak, but that might change, depending upon the number of
11	speakers and at the discretion of the Chair.
12	I'll start by asking the Staff to take Board
13	Members attendance and verify that all Members are audible.
14	OLIVIA RATAY: Jim Monteverde?
15	JIM MONTEVERDE: Present.
16	OLIVIA RATAY: Wendy Leiserson?
17	WENDY LEISERSON: Present.
18	OLIVIA RATAY: Jason Marshall?
19	JASON MARSHALL: Present.
20	OLIVIA RATAY: Andrea Hickey.
21	ANDREA HICKEY: Present.
22	OLIVIA RATAY: Laura Wernick?

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1	LAURA WERNICK: Present.
2	OLIVIA RATAY: Gus Alexander?
3	CONSTANTINE ALEXANDER: Present.
4	OLIVIA RATAY: Brendan Sullivan?
5	BRENDAN SULLIVAN: And Brendan Sullivan present
6	and audible.
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2	(6:02 p.m.)
3	Sitting Members: Constantine Alexander, Brendan Sullivan,
4	Wendy Leiserson, Jim Monteverde, Laura
5	Wernick, Andrea Hickey and Jason Marshall
6	BRENDAN SULLIVAN: First case I'm going to call
7	tonight will be Case No. 151499 152 Pearl Street. Mr.
8	Glassman?
9	CONSTANTINE ALEXANDER: He's on there.
10	BRENDAN SULLIVAN: Is he there? We will get back
11	to Mr. Glassman.
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1 2 (6:03 p.m.) 3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Wendy Leiserson, Jim Monteverde, Laura 5 Wernick, and Jason Marshall 6 BRENDAN SULLIVAN: The next case I'll call is No. 162710 -- 123 Hancock Street. 7 8 ANDREA HICKEY: I'm only on one continued case, I 9 believe it was the case -- the first case you called. 10 Could you confirm that for me? 11 BRENDAN SULLIVAN: Yes, Andrea, Pearl Street. 12 ANDREA HICKEY: Okay. 13 BRENDAN SULLIVAN: And Mr. Glassman has not dialed 14 in as of yet. 15 ANDREA HICKEY: All right. Then I will mute and 16 let Laura step in for the second case, which you've just 17 called. And I will stand by on Pearl. 18 BRENDAN SULLIVAN: Great. Thank you. Slater 19 actually sat. Well, it doesn't matter anyhow. Regarding 20 Case No. 162710 -- 123 Hancock Street, the Board is in 21 receipt of correspondence dated May 2. 22 "We would like to withdraw the case associated

1 with 123 Hancock Street from the Board of Zoning Appeal. 2 Thank you for all of your help. 3 "Best, 4 "Sam Wolff." 5 BRENDAN SULLIVAN: We will make a motion, then, to 6 accept the request for withdrawal from Mr. Wolf for 123 7 Hancock Street. Gus Alexander, on the withdrawal? 8 CONSTANTINE ALEXANDER: I vote in favor of 9 10 accepting the accepting the requested withdrawal. 11 BRENDAN SULLIVAN: Jim Monteverde? 12 JIM MONTEVERDE: I vote in favor of accepting the 13 withdrawal. 14 BRENDAN SULLIVAN: Wendy Leiserson? 15 WENDY LEISERSON: Wendy Leiserson votes in favor 16 of the withdrawal. 17 BRENDAN SULLIVAN: Jason Marshall? 18 JASON MARSHALL: Yes, in favor of the withdrawal. 19 BRENDAN SULLIVAN: And Brendan Sullivan in favor 20 of accepting the withdrawal. 21 [All vote YES] BRENDAN SULLIVAN: On the affirmative vote of five 22

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1	affirmative	votes,	the	case	is	withdrawn.		
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1 2 (6:05 p.m.) 3 Sitting Members: Constantine Alexander, Brendan Sullivan, 4 Wendy Leiserson, Jim Monteverde, and Laura 5 Wernick 6 BRENDAN SULLIVAN: The next case I will call is No. 151512 -- 38 Cameron Avenue [indiscernible]. Mr. 7 8 Richards on the line? Remember, this was a case not heard. It was continued twice. 9 10 ADAM DASH: Mr. Chair? 11 BRENDAN SULLIVAN: Yes. 12 ADAM DASH: Yes. This is Attorney Adam Dash, 48 Grove Street in Somerville here for Meter Parks, Inc., which 13 14 is the applicant, on the 38 Cameron Avenue matter. 15 BRENDAN SULLIVAN: Yes. 16 ADAM DASH: Yes. 17 BRENDAN SULLIVAN: My understanding is you're 18 asking for a continuance again? 19 ADAM DASH: Yes, yes sir. I was not handling this case at the outset with the Board, but as it is a special 20 21 permit for parking reduction, we were having parking 22 analysis done. However, the parking analysis is not

1 complete for tonight. 2 BRENDAN SULLIVAN: Okay. I will accept the request for the continuance, and the date? Would June 30 3 4 work for you, Mr. Dash? 5 ADAM DASH: Yes, that would, Mr. Chair. 6 BRENDAN SULLIVAN: Okay. LAURA WERNICK: I have a question. Is this now a 7 8 case not heard when it resumes, or is it a continuance? BRENDAN SULLIVAN: This is a case not heard. 9 10 LAURA WERNICK: Okay, good. Thank you. 11 BRENDAN SULLIVAN: My only comment on the 12 continuance is this has already been continued twice. And that we will only continue it one more time, until June 30, 13 14 so that hypercholesterolemia be prepared to go forward at 15 that date. 16 The other request that I would have in going 17 through the file is I would request some more information 18 regarding the exact nature of the trailer that you're asking to park in the parking lot, and thus we do seek some 19 20 parking. The nature of the size of the trailer -- I mean, 21 22 it was somewhat on the drawing showing the size of it. But

1	the nature of what goes on inside of the trailer, understand
2	that it is a wet lab but I would need some more
3	information exactly the type of materials, substances,
4	chemicals, or any other materials that you use inside of the
5	trailer.
6	And any emissions to the exterior that come out of
7	the trailer I would request the hours of operations of the
8	trailer and the days of the week that it will be used, and
9	that that information along with any other information that
10	is not currently in the file albeit the traffic study
11	and any other new submissions that you would like to make be
12	in the file by 5:00 p.m. on the Monday prior to the June 30
13	hearing.
14	And I think, again, when I've asked for more
15	information, that it's imperative that be in the file so
16	that the Board Members can review it, but also members of
17	the public will have an opportunity to review it also.
18	So that's understood on that one, Mr. Dash, yes?
19	ADAM DASH: Entirely understood and entirely
20	understand. I should note that we've had two meetings for
21	the North Cambridge Stabilization Committee, and one of them
22	was just a few weeks ago where all this information was put

1	forward about the chemicals and the hours. We had an
2	industrial hygienist come and explain it all.
3	So we are happy to provide that to you as well,
4	and we fully intend to. We were just waiting to package it
5	all together with the traffic analysis.
6	BRENDAN SULLIVAN: Okay, great.
7	ADAM DASH: The parking analysis, I'm sorry.
8	BRENDAN SULLIVAN: Mr. Alexander, any questions at
9	all?
10	CONSTANTINE ALEXANDER: No, no questions.
11	BRENDAN SULLIVAN: Jim Monteverde, any questions
12	on the continuance?
13	JIM MONTEVERDE: No questions.
14	BRENDAN SULLIVAN: Anything else to add?
15	JASON MARSHALL: No. Thank you.
16	BRENDAN SULLIVAN: All right, Laura, you're
17	anything else to add?
18	LAURA WERNICK: No questions.
19	BRENDAN SULLIVAN: Wendy?
20	WENDY LEISERSON: No, thank you.
21	BRENDAN SULLIVAN: Okay. Any other Board Member
22	have anything to add to my request?

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1	WENDY LEISERSON: No.
2	BRENDAN SULLIVAN: Yes. Okay. Let me make a
3	motion, then, to continue this matter until June 30, 2022 on
4	the condition at $6:00 \text{ p.m.}$ on the condition that the
5	petitioner change the posting sign to reflect the new date
6	of June 30, 2022 and the time of 6:00 p.m.
7	That it be maintained at least 14 days prior to
8	the June 30 hearing. And any new submissions not currently
9	in the file be in the file by 5:00 p.m. on the Monday prior
10	to June 30.
11	We already have a waiver of the statutory
12	requirement on the hearing and a decision to be rendered
13	therefore. So that is not necessary.
14	And I guess that would be basically it. So,
15	again, going back again through the Board, on the motion to
16	continue? Mr. Alexander?
17	CONSTANTINE ALEXANDER: I vote in favor.
18	BRENDAN SULLIVAN: Jim Monteverde?
19	JIM MONTEVERDE: I vote in favor of the
20	continuance.
21	BRENDAN SULLIVAN: Laura Wernick?
22	LAURA WERNICK: I vote in favor of the

	rage 15
1	continuance.
2	BRENDAN SULLIVAN: Okay. Wendy Leiserson on the
3	motion to continue?
4	WENDY LEISERSON: In favor of the motion to
5	continue.
6	BRENDAN SULLIVAN: Okay, and I also vote in favor
7	to continue.
8	[All vote YES] The matter is continued until June
9	30, 2022. Thank you.
10	ADAM DASH: Thank you, Mr. Chair. Thank you,
11	Members of the Board. Goodnight.
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1 2 (6:11 p.m.) Sitting Members: Constantine Alexander, Brendan Sullivan, 3 4 Wendy Leiserson, Jim Monteverde, and 5 Andrea Hickey 6 BRENDAN SULLIVAN: Adam, we're back on you again. 7 ADAM DASH: I'm here, I'm here. 8 BRENDAN SULLIVAN: Okay. Let me recall a Case No. 151499 -- 152 Pearl Street back again. Mr. Glassman? 9 10 ADAM GLASSMAN: Thank you, Mr. Chair and Members 11 of the Board. We're here continuing the case seeking zoning 12 relief for what we presented at our last hearing as a de facto roof deck, renovation to a de facto roof deck, with 13 some discussion as to what is a roof deck and what was here 14 15 previously. 16 And our feeling was that there was general 17 consensus that there was a space here that the owners, Paul 18 and Justin, should reasonably be able to use. 19 We had a presentation, to which we've made provisions addressing two main points that came up at the 20 Board discussion of some concern. 21 22 The first main point was the deck, the proposed

1	deck size, which was originally 280 square feet. And we've
2	reduced it down to 248 square feet.
3	Olivia, can you scroll?
4	Yeah, let's keep going.
5	Next page?
6	Next page?
7	Oh, so here oh, this is fine. Thank you. So
8	the deck, if you move your cursor to where it says,
9	"Seating" on the right-hand side, the right edge of the deck
10	now aligns with the main mass of the building in front. We
11	pulled it back from the dashed line that you can see to the
12	right of the proposed deck.
13	Now, move your cursor to the right, if you could?
14	To the right a little bit more of that dashed
15	line?
16	So that dashed line right there, that is where the
17	previous deck extended to aligning with the exterior wall
18	below. We've pulled it in, reducing the deck size actually
19	to less than what had been utilized for some years on the
20	roofs as an occupiable space.
21	And Olivia, if you could scroll down to page I
22	think it's maybe the last page with the rendering? No, go

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1	up. Go up some more. Let's look at 9.
2	So 9 shows us the view, the view of a new railing
3	system, which is a very thin profile cable rail system with
4	brush stainless steel posts and handrail, which is from the
5	street view essentially visible.
6	We had previously been proposing something more
7	like traditional wood balustrade with planters behind it.
8	Members of the Board felt it was too visible, too chunky,
9	and we've gone with a much more, much slimmer system that's
10	essentially transparent and very difficult to see from the
11	street view.
12	If you could zoom out a bit, Olivia, so we can see
13	both pictures together.
14	So the view on the left is the state of the roof
15	deck now. The previously existing rope railings and
16	planters have already been removed, due to their falling
17	apart. So we hope that the Board finds that this
18	alternative railing is an attractive approach. Visibly
19	minimal was the goal here.
20	With that, I think I'll take any comments or
21	questions and address the size. We've addressed the railing
22	system. We still have support from the Homeowners'

1	Association, and the same support we had from the abutters
2	previously.
3	BRENDAN SULLIVAN: Okay. Thank you. Any
4	questions by members of the Board? Mr. Alexander?
5	CONSTANTINE ALEXANDER: No questions.
6	BRENDAN SULLIVAN: Jim Monteverde any questions?
7	JIM MONTEVERDE: No questions.
8	BRENDAN SULLIVAN: Jason Marshall?
9	JASON MARSHALL: I'm not on this case, Mr. Chair.
10	BRENDAN SULLIVAN: Oh, I'm sorry. I'm sorry.
11	That's you have the same initials, I'm sorry.
12	JASON MARSHALL: I get confused myself.
13	JIM MONTEVERDE: Sorry.
14	BRENDAN SULLIVAN: And Andrea Hickey?
15	ANDREA HICKEY: I have no questions, thank you.
16	BRENDAN SULLIVAN: And Wendy?
17	WENDY LEISERSON: No questions.
18	BRENDAN SULLIVAN: Okay. Let me open it to public
19	comment. Any member of the public who wishes to speak
20	should now click the button that says, "Participants," and
21	then click the button that says, "Raise hand."
22	If you are calling in by phone, you can raise your

1	hand by pressing *9 and unmute or mute by pressing *6, and
2	you will have up to three minutes to comment.
3	OLIVIA RATAY: Carol Aplin?
4	CAROL APLIN: Hi there. Hopefully you can hear
5	me. Hi, my name is Carol Aplin. I live in 152 Pearl
6	Street, Apartment 3. So I am alone in downstairs neighbor.
7	And I just wanted to call in to give my support to the City
8	for this proposed roof deck.
9	I have seen Paul and Justin work very hard to take
10	into account everyone's concerns and considerations to make
11	this particular roof deck as unobtrusive as possible. And I
12	think it'll be a great improvement to the building. It will
13	be safer than what was up there previously.
14	And I just want to wholeheartedly endorse this.
15	Thank you.
16	BRENDAN SULLIVAN: Thank you.
17	CONSTANTINE ALEXANDER: That's it.
18	BRENDAN SULLIVAN: That's it. We are in receipt
19	of correspondence.
20	OLIVIA RATAY: Andrew Robertson?
21	ANDREW ROBERTSON: Yes, hi. Good evening. I'm
22	also a tenant here at 152 Pearl, as well as the Association

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1	Manager of the condo association here.
2	And, like Carol, I also approve of Paul and
3	Justin's you know, roof deck, and what they're trying to
4	do up there. I think it certainly needs something needs
5	to be done up there. I've had people from the insurance
6	company come in and the state of the roof is not good.
7	So quite honestly, I think it's I think this
8	would be extremely beneficial to the building if they were
9	to go ahead and proceed with this.
10	BRENDAN SULLIVAN: Thank you for calling in.
11	That's the sum and substance of any call in from the public,
12	and we are not in any further correspondence.
13	There was a letter from Mr. Robinson, but I think
14	he adequately presented his support for it.
15	Any questions by Members of the Board? Are we
16	ready for a motion?
17	CONSTANTINE ALEXANDER: Ready for a motion.
18	JIM MONTEVERDE: Ready for a motion.
19	BRENDAN SULLIVAN: Let me make a motion, then, to
20	grant the requested relief for the variance to construct a
21	new fourth-floor roof deck with the accompanying guardrails,
22	as per latest drawings, which were dated 04/01/22 initialed

1 by the Chair. The Board finds that a literal enforcement of the 2 3 provisions of the Ordinance would involve a substantial 4 hardship to the petitioner. The Board finds that the use of the roof area has 5 6 exclusivity to the residents of the third floor, and that it 7 is their only outdoor space. 8 The essence of granting of this variance would be 9 to allow for a use of the space with a safe guardrail, which 10 will protect the occupants of the unit, but also any other 11 citizens of the city who happen to be using the space, 12 And that the other hardship is that the -- it is encumbered by the requirements of having liability insurance 13 that the roof deck be so constructed as to be code-14 15 compliant, which the granting of this variance will allow 16 the petitioner to bring it up to that status. 17 The Board finds that the hardship is owing to the 18 fact of a very narrow lot of the three-family house, which 19 occupies a vast majority of the lot. And as such, any addition to the building -- any outdoor space of this 20 nature, the existing structure is -- and the -- is 21 22 encumbered by the existing Ordinance, which predates the

1	building of the I'm sorry, which is the building of the
2	structure predates the current Ordinance. And as such, the
3	building is encumbered by it.
4	The Board finds that desirable relief may be
5	granted without substantial detriment to the public good.
6	The Board finds that the creation of this deck and the
7	accompanying railing, which will make it a safe area to use,
8	has a public benefit.
9	The Board finds that desirable relief may be
10	granted without substantial detriment to the public good, or
11	nullifying or substantially derogating from the intent and
12	purpose of the Ordinance to allow occupants to have fair
13	and reasonable use of premises and accompanying the
14	premises, and especially the enjoyment of outdoor space.
15	I don't know if there's anything else to add to
16	that, Mr. Alexander? Do you see anything else that I
17	think that probably sums it up on the reason for granting
18	the variance. Also that the work comply with the revised
19	plan as submitted, the accompanying dimensional plans, and
20	the supporting statements.
21	On the motion, then, to grant the variance, Mr.
22	Alexander?

1	CONSTANTINE ALEXANDER: Well, frankly, I'm still
2	not thrilled with this deck, although what's being presented
3	tonight, I think it's far superior to what was originally
4	presented. There is no neighborhood opposition, and there
5	is support, including from members of the structure itself.
6	But all in all, I prefer to vote in favor. I vote in favor.
7	BRENDAN SULLIVAN: Andrea Hickey?
8	ANDREA HICKEY: I share Mr. Alexander's sort of
9	comments, and I don't love it. But not having heard any
10	neighborhood objection, is of will reluctantly vote to
11	support it. So yes, I support it.
12	BRENDAN SULLIVAN: Okay. Jim Monteverde?
13	JIM MONTEVERDE: I support the relief.
14	BRENDAN SULLIVAN: Wendy Leiserson?
15	WENDY LEISERSON: Wendy Leiserson supports.
16	BRENDAN SULLIVAN: And I vote in support of
17	granting the variance.
18	[All vote YES]
19	On the five affirmative votes, the variance is
20	granted. Good luck.
21	ADAM GLASSMAN: Thank you very much.
22	CONSTANTINE ALEXANDER: Good luck.

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1 2 (6:23 p.m.) 3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim 4 Monteverde, Laura Wernick, and Jason 5 Marshall BRENDAN SULLIVAN: The Board will now hear Case 6 No. 166320. 7 8 ANDREA HICKEY: Mr. Chair, this is Andrea Hickey. 9 I am stepping back. I was only on that one continued case, 10 that was a case heard. 11 BRENDAN SULLIVAN: This is a case not heard. You 12 can stay, or we do have, I think, Laura? Laura's available for this case? 13 ANDREA HICKEY: Yes, if Laura's? 14 15 LAURA WERNICK: Yes, I'm available. I am 16 available. 17 ANDREA HICKEY: Great. 18 BRENDAN SULLIVAN: Okay, so. 19 ANDREA HICKEY: Great. 20 BRENDAN SULLIVAN: So we have myself, Mr. 21 Monteverde, Laura, Wendy, and Jason. 22 ANDREA HICKEY: Thank you.

	raye 20
1	BRENDAN SULLIVAN: Is that correct?
2	JIM MONTEVERDE: Correct.
3	BRENDAN SULLIVAN: All right. So Andrea, I think
4	we're all set.
5	ANDREA HICKEY: Thank you very much. Have a good
6	evening.
7	BRENDAN SULLIVAN: Well, all I can say is thank
8	you, thank you, thank you.
9	ANDREA HICKEY: Thank you.
10	BRENDAN SULLIVAN: I will now call Case No.
11	166320 145 Willow Street. Mr. Plumb?
12	ERIC DER: Hi. Good evening, Mr. Chair and
13	Members of the Board. My name is Eric Der, speaking on
14	behalf of Andrew Plumb today. Our case was a previously
15	approved BZA case where we have made some slight
16	modifications.
17	And so this is an update to that case. There are
18	two changes that we have made. The first would be moving
19	some windows for quality-of-life on the side of the
20	building, which is within a setback.
21	And the second modification would be an extension
22	of the overhang at the ramp, which is the front entry ramp.

1	We noticed that it was not covered, which causes water and
2	ice buildup, and the code does not allow for water and ice
3	build-up on the ramp. Thus, we have extended the overhang
4	to cover it completely.
5	This also will slightly increase the FAR, but we
6	believe the spirit of intent of the law is for more
7	important closed spaces, since this will not be occupied.
8	It's for the safety of the public. It only increases the
9	FAR slightly.
10	If you go to Sheet C0.3, that's probably the
11	easiest to look at.
12	BRENDAN SULLIVAN: Okay. Any other questions by
13	Members of the Board?
14	JIM MONTEVERDE: No questions.
15	BRENDAN SULLIVAN: Laura?
16	LAURA WERNICK: No questions.
17	BRENDAN SULLIVAN: Wendy?
18	WENDY LEISERSON: No questions.
19	BRENDAN SULLIVAN: And Jason?
20	JASON MARSHALL: No questions at this time.
21	BRENDAN SULLIVAN: Let me open it to public
22	comment. Any members of the public who wish to speak should

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1	now click the button that says, "Participants," and then
2	click the button that says, "Raise hand."
3	If you're calling in by phone, you can raise your
4	hand by pressing *9 and unmute or mute by pressing *6.
5	[Pause]
6	There's nobody calling in. We are in receipt of
7	correspondence dated April 28. I'm sorry that's not the
8	correspondence I'm looking for. No, that was actually for
9	the previous grant. There is no correspondence regarding
10	the matter that is before us. So I will close the public
11	comment.
12	All right. Ready for any other questions, or
13	ready for a motion?
14	JIM MONTEVERDE: Ready for a motion.
15	LAURA WERNICK: Ready.
16	BRENDAN SULLIVAN: Okay. It's a variance request
17	to edit a previously approved BZA Case No. 117337 by making
18	the adjustments to the east and west windows, in order to
19	comply with the code and make it fall within the setback.
20	Also, the request is to include a large overhang
21	on the west side in order to prevent ice build-up on the
22	accessible path of travel, which seems like a very

worthwhile thing to do. Let me make a motion, then, to 1 2 grant the variance request. 3 The Board finds that a literal enforcement of the 4 provisions of the Ordinance would involve a substantial hardship to the petitioner, because it would preclude the 5 6 petitioner from making the adjustments that are required in 7 order to bring the windows, and also some other openings on 8 the east side up to code, a fact that was overlooked in the 9 initial application. 10 The Board finds that the hardship is owing to the 11 unusual shape of the building size and siting on the lot, 12 which would preclude any addition, though worthwhile that this is, without a grant of the variance from this Board. 13 14 The Board finds that desirable relief may be 15 granted without substantial detriment to the public good, in 16 fact, the changes would in fact be an enhance to the public 17 good and to any occupants of the structure, and that 18 granting of the variance would not nullify or substantially 19 derogate from the intent and purpose of this ordinance, to allow the homeowners to make fair and reasonable changes, 20 21 especially to bring the structure up to code, and also to 22 offer some protection to the pathway from the elements,

1	which is a worthwhile endeavor.
2	On the motion, then, to grant the requested
3	variance, Mr. Monteverde?
4	JIM MONTEVERDE: I vote in favor of the variance.
5	BRENDAN SULLIVAN: Laura Wernick?
6	LAURA WERNICK: I vote in favor of the variance as
7	well.
8	BRENDAN SULLIVAN: Wendy Leiserson?
9	WENDY LEISERSON: In favor.
10	BRENDAN SULLIVAN: And Jason Marshall?
11	JASON MARSHALL: Yes, in favor of the requested
12	relief.
13	BRENDAN SULLIVAN: And Brendan Sullivan yes to
14	granting the variance.
15	[All vote YES]
16	BRENDAN SULLIVAN: On the five affirmative votes,
17	the variance request is agreed to on the condition that the
18	work comply with the latest drawings that are in the file.
19	I'm sort of looking a date on these, just entitled, "145
20	Willow Street" and initialed by the Chair.
21	On the five affirmative votes, the variance is
22	granted. Good luck.

1	ERIC DERM: Thank you very much.
2	BRENDAN SULLIVAN: Okay, now we're going to go to
3	the Regular Agenda.
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2	(6:30 p.m.)
3	Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim
4	Monteverde, Laura Wernick, and Jason
5	Marshall
6	BRENDAN SULLIVAN: The Board will hear Case No.
7	168852 35 Webster Avenue. Is there anybody Mr.
8	Anderson or and nobody's on the line? The Board is in
9	receipt of correspondence dated May 2 from Trilogy Law,
10	Sarah Rhatigan.
11	"Members of the Board, or ready on behalf of the
12	petitioner, we respectfully request a continuance of the
13	hearing of this appeal, currently scheduled for 6:30, May 5.
14	"The petitioner has provided the Commission with
15	information about the property, relevant to the matters of
16	this appeal, and await a response from the Commissioner as
17	to his further interpretation of the applicability of
18	Section 8.22-1-h-1.
19	"Due to conflicting schedules, the petitioner is
20	requesting a continuance of the hearing of this matter
21	until the evening of June 9, 2022."
22	Is that possible for June 9? The other and

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1	they sort of all tie together, in a sense. Okay. So on the
2	motion, then, to continue this matter until June 9, 2022,
З	the petitioner has signed a waiver.
4	So on the motion, then, to continue this matter,
5	Jim Monteverde?
6	JIM MONTEVERDE: In favor.
7	BRENDAN SULLIVAN: Laura Wernick?
8	LAURA WERNICK: In favor.
9	BRENDAN SULLIVAN: Wendy Leiserson?
10	WENDY LEISERSON: In favor.
11	BRENDAN SULLIVAN: Jason Marshall?
12	JASON MARSHALL: Yes, in favor of the continuance.
13	BRENDAN SULLIVAN: And Brendan Sullivan yes, in
14	favor of the continuance, provided that any new submittals
15	from the petitioner regarding this appeal be in the file by
16	5:00 p.m. on the Monday prior to the June 9 hearing.
17	[All vote YES]
18	BRENDAN SULLIVAN: Also that the petitioner is
19	there a sign posting on this regarding the appeal? I don't
20	think there is. No, there's not. Okay. So the matter is
21	continued until June 9.
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1 2 (6:32 p.m.) 3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim 4 Monteverde, Laura Wernick, and Jason 5 Marshall BRENDAN SULLIVAN: The Board will hear Case 6 7 Number #164899 -- 15 Follen Street. 8 JAMES RAFFERTY: Good evening, Mr. Chair, Members 9 of the Board. I wonder if we're a bit early to call the 10 case. 11 BRENDAN SULLIVAN: Oh. Jim, we're --12 JIM MONTEVERDE: Yeah. 13 BRENDAN SULLIVAN: -- running ahead of schedule. JAMES RAFFERTY: Did you just hear me, Mr. Chair? 14 15 BRENDAN SULLIVAN: I can hear you, yes. 16 JAMES RAFFERTY: Oh, good. Okay, sorry. All 17 right. Thanks. 18 BRENDAN SULLIVAN: We're running ahead of 19 schedule. 20 JAMES RAFFERTY: Yes, I noted that. So I'll sit 21 quietly for a few moments. 22 BRENDAN SULLIVAN: Okay. 6:45.

1	JAMES RAFFERTY: Thank you.	
2	BRENDAN SULLIVAN: It's unusual that we run ahead	
3	of time, but	
4	JAMES RAFFERTY: I hope that trend continues under	
5	your leadership.	
6	BRENDAN SULLIVAN: You're on mute.	
7	JAMES RAFFERTY: I just noticed that. Thank you,	
8	I apologize. Good evening again, Mr. Chair and Members of	
9	the Board. For the record, my name is James Rafferty.	
10	I'm appearing this evening on behalf of Andrew and	
11	Nancy Lo. The Los have recently purchased this single-	
12	family home on Follen Streets in Residence A-1 zoning	
13	district.	
14	This is an application that would allow two	
15	additions to the home at the rear of the home, and also a	
16	connector between an accessory structure originally built as	
17	a garage.	
18	Because the relief being sought are all part of	
19	conditions that currently are nonconforming, the applicant	
20	qualifies for the special permit approvals allowed for under	
21	8.22d, the additions to the home are on the first floor, an	
22	approximately 425-square foot addition that will accommodate	

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1	a mudroom, laundry-room-style arrangement. It also will		
2	provide direct access to the garage.		
3	Secondly, there's an approximately 200-square foot		
4	addition on the second floor, which represents an expansion		
5	of the bedroom area to allow for an en suite style master		
6	bath.		
7	The interesting zoning issue here is because by		
8	connecting the garage to the principal structure, it no		
9	longer qualifies as an accessory structure. And there's a		
10	change in setback for the entire house. And the		
11	advertisement reflects that setback relief being sought.		
12	The reality is, though, that there is no change in		
13	setback that the setback of the garage wall, which is		
14	currently there, now becomes the setback for the enter		
15	dwelling. And so as a result, setback relief is needed.		
16	But the house has nonconforming setbacks currently		
17	in both the right and the left side, so it's the type of		
18	relief, as I noted, that can proceed pursuant to a special		
19	permit.		
20	The Project Architect, Mark Boyes-Watson, is on		
21	with us. And he's here and happy to walk the Board through		
22	the proposed renovations. As I described them, they really		

1	occur in two areas both in the rear of the house.
2	The house is also located in the historic
3	district, in the Cambridge Historical Commission issued a
4	Certificate of Appropriateness several months ago for the
5	addition. The house is actually on the National Registry of
6	Historic Places, so it was closely evaluated by the
7	Historical Commission. And they issued their Certificate of
8	Appropriateness in May of this year.
9	So as noted, Mr. Boyes-Watson is here and happy to
10	walk the Board through a brief presentation on the proposed
11	changes or answer questions, whatever the Board prefers.
12	BRENDAN SULLIVAN: Okay, Mark?
13	MARK BOYES-WATSON: Yes.
14	BRENDAN SULLIVAN: Do you want to briefly run
15	through what's being done to the house?
16	MARK BOYES-WATSON: Just, Olivia, when you're
17	ready, just skip on through.
18	So this is 15 Follen.
19	Some pictures of the house.
20	So existing conditions.
21	So the yellow here highlights the added areas that
22	Jim referred to primarily in the rear, respecting the

1 fact, as Jim explained, that it's on the Historic Register. 2 So really, we're making minor modifications to the back of 3 the house. 4 But that actually also address some issues, 5 including, as Jim was saying, attaching to the existing 6 structure that's on the left of the house that is too small 7 to be a garage, really. 8 And what we do is allow it to -- by increasing the 9 area, say, we can actually open a door there. We can get 10 into the first floor of the house. 11 And then, as Jim explained, on the second floor we 12 just use a very small extension over. And over the existing, as you can see on the first-floor plan on the top 13 14 right, over the existing, to just create a little bit more 15 room in that bedroom. 16 And so if we just flick through the drawings, we 17 can see if that open space complies. Jim was explaining 18 that both the right and the left side setback are 19 noncompliant, but the front and rear are compliant and will remain compliant. 20 21 And then just going -- did we skip one there, 22 Olivia? Just zooming in a little bit. Maybe there's one

1 missing there. Oh. 2 Anyway, this is the second-floor plan showing --3 oh, basement plan, oh, there we go. Basement plan, first-4 floor plan, so you're just seeing a little bit more detail 5 here. 6 Second-floor plan, and there's the addition top 7 right. 8 And then attic, where the -- it's as is. Roof 9 plan. 10 Front of the house unchanged. 11 Side elevation, you're seeing -- top left you're 12 seeing the extension to the -- extension to the rear of the house on the second floor. 13 So this is the rear elevation. So you see the 14 15 extension on the second floor, and then the connection. 16 This is a pushout on the first floor that moves over. 17 And one of the things for Historic, the roofline 18 of the first-floor steps down behind the house and just has that single door that connects, then. Where that door is is 19 20 the connection to the garage. So that little bit that 21 infills between the two that we reviewed with Historic drops 22 all the way down to the level of the roof of the garage

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1	structure.
2	And then the last elevation you're seeing top
3	right you're seeing that second-floor addition on the second
4	floor. And I think that is there another drawing,
5	Olivia?
6	Oh, these are just the existing conditions
7	drawings.
8	JAMES RAFFERTY: So, as noted by Mr. Boyes-Watson,
9	maybe we can just close with that. It's a floor plan that's
10	rendered it conveniently identifies in yellow the areas
11	where the additional GFA is being sought. And as I noted,
12	there are two zoning issues present in the application.
13	One involves the addition of the GFA depicted in
14	the yellow area here, and the second is the change in the
15	setback when the detached accessory structure becomes
16	attached. And thus, we need to address that change.
17	BRENDAN SULLIVAN: What's the driving force
18	attaching the garage to the house, the house to the garage?
19	MARK BOYES-WATSON: It's actually
20	JAMES RAFFERTY: Well, two things I'm sorry.
21	So
22	MARK BOYES-WATSON: well, you right.

1	JAMES RAFFERTY: first of all, what it allows
2	to happen is it allows, it gives enough it widens the
3	garage from a functional perspective and allows a car door
4	to be opened. The current width of the garage is
5	exceptionally narrow. In fact, it hasn't been used for
6	garage for some time.
7	It was used if you notice in the photos, it had
8	French doors added to it, and it was used as some type of
9	living space by the prior owner. So it's a question of
10	functionality and being able to actually open a door in the
11	garage, and also create an ability to access directly from
12	the garage into the home.
13	The infill the separation on this accessory
14	structure doesn't meet the 10-foot minimum requirement
15	today, so it's already once again, that's not a
16	condition, that's a preexisting, nonconforming condition,
17	the distance of the garage to the main house.
18	It's also the case that the garage doesn't meet
19	the setback requirement for an accessory structure. And as
20	I noted, the main structure on both the left and right sides
21	does not currently meet the setback requirements in the Res
22	A-1 District.

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1	BRENDAN SULLIVAN: Okay. So basically, it's an
2	expansion of the garage to the house, as opposed to the
3	house to the garage, in a sense?
4	JAMES RAFFERTY: Yes, that's a
5	BRENDAN SULLIVAN: You're correct that the garage
6	is really something that time has forgotten. And it's
7	really nonfunctional in current day.
8	The other thing that, just driving around the
9	neighborhood, is that attaching the garages to the houses or
10	the houses to the garage is not uncommon in that area. As a
11	matter of fact, the corner of Waterhouse and Follen Street,
12	there is a garage there that's attached to the house if you
13	ride around.
14	JAMES RAFFERTY: Right.
15	BRENDAN SULLIVAN: One or two of the other houses
16	on Follen Street, they also have garages that are attached
17	to houses, and it's sort of prevalent up through that area
18	of parts of Garden Street if you go up through Walker
19	Street, up through heading up towards Washington up
20	towards Avon Hill that it's not uncommon to see some of
21	these larger brand houses that have garages and houses
22	attached to each other. So.

1	JAMES RAFFERTY: Well, Mr. Chair, at the risk of
2	flattering you, that's a very cogent observation, because
3	the Historical Commission, as you know, evaluates such
4	changes, and has to determine if what's proposed is
5	incongruous with the district.
6	So as they looked at it, they reached the same
7	conclusion that you have pointed; that it is not incongruous
8	with other homes in the district, and it does not detract
9	from the overall architecture of the structure.
10	BRENDAN SULLIVAN: Olivia, could you just pull up
11	the dimensional form? This may be just a clerical thing,
12	but I want to set the record straight.
13	On the ratio of gross floor area, existing 0.50
14	requested 0.57 ordinance, 0.50. And so that's the first
15	thing that stuck out to me. And I'm saying, "Well wait a
16	minute. It's complying now, but they're going out of
17	compliance." But then again, I looked at the gross floor
18	area, and it's obviously the number of 4597 is excess of
19	JAMES RAFFERTY: Correct.
20	BRENDAN SULLIVAN: the ordinance. So that
21	number of 0.50 is 0.5 three decimal places or so? It's 0.5
22	three decimal places or so? It's more than 0.50, is that

1	correct?
2	JAMES RAFFERTY: I'm going to leave the math to
3	Mr. Boyes-Watson, but your point is correct. The GFA
4	exceeds the permitted 4516. So it's it appears to be
5	about 70 feet above half the lot size?
6	MARK BOYES-WATSON: That's correct.
7	JAMES RAFFERTY: So.
8	MARK BOYES-WATSON: That's correct, Jim.
9	JAMES RAFFERTY: Maybe the 50 should be a 51?
10	BRENDAN SULLIVAN: The existing is really 0.5
11	plus.
12	MARK BOYES-WATSON: Yes, exactly.
13	BRENDAN SULLIVAN: Okay. Okay. All right.
14	JAMES RAFFERTY: I'm sure the Board recognizes
15	lawyers don't do the math, the architects do it, so. I'm
16	going to defer to Mr. Boyes-Watson. Professor Lo is a
17	Professor of Finance at MIT, so I'm sure he gave this a
18	close
19	BRENDAN SULLIVAN: He'll come up with the correct
20	decimal number. Let me open it to Members of the Board.
21	Jim Monteverde, any questions?
22	JIM MONTEVERDE: No questions. Thank you.

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1	BRENDAN SULLIVAN: Laura?
2	LAURA WERNICK: No questions.
3	BRENDAN SULLIVAN: Wendy Leiserson, any questions?
4	WENDY LEISERSON: I have no questions, but I also
5	noticed the change in the ratio of the gross floor area to
6	lot area.
7	And while I am sympathetic to the mass and the
8	digits that may be involved in this, I simply feel that I
9	simply think that this is a new nonconformity, and therefore
10	that section the Belalta section that is cited is not
11	appropriate.
12	JAMES RAFFERTY: With all due respect, Ms.
13	Leiserson, it is not. 4597 is greater than 0.5 of 9033.
14	WENDY LEISERSON: Yes. I can see that math, but
15	I'm talking about the ratio, not the total gross floor area.
16	JAMES RAFFERTY: Well, to put it another way, if
17	one were to seek a building permit for a building of this
18	size, on a lot of that size, that building permit would not
19	be issued, because it would not comply with FAR.
20	The FAR the FAR is only the FAR is expressed
21	percentagewise here, but you're then required to demonstrate
22	mathematically what 0.5 is.

1	So the fact that it's slightly over 0.5 doesn't
2	get you there. You have to be 0.5 or below. 4597 is not
3	0.5 or below.
4	WENDY LEISERSON: All I can say is that the ratio,
5	which is represented by two digits, not by the multiple
6	digits that you are responding to.
7	And unless you can point to the code, the
8	ordinance, and show me that there's an exception that
9	allows for your interpretation of the math, then I am
10	saying this is a nonconformity. We're rounding up, that's
11	the math.
12	MARK BOYES-WATSON: If I may, as the
13	mathematician, as it were, I think I can't remember
14	exactly how the dimensional form and Inspectional Services
15	works, but if you I think what Jim is trying to point
16	out, if you the floor area ratio is established by
17	dividing the area of the house by the lot area. And if you
18	do that, it comes up to a number in excess of it says
19	0.50 in the form, because the next decimal place I think
20	doesn't show up typically on the form.
21	So it is as a matter of math larger than is
22	allowed. So I think it actually does qualify. It's just a
	quirk of the way that if we go to two, four decimal

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1 places, it's 0.5089? 2 JAMES RAFFERTY: Correct. 3 MARK BOYES-WATSON: So it's just really to do with the way that we enter the data, I think, and it is indeed 4 5 over. So I think it is correct, as Jim was saying. 6 JAMES RAFFERTY: Mr. Chair, I would note that the 7 Building Commissioner is present. And I can tell from years 8 of experience that an applicant cannot have more than half 9 the lot area in a building permit application. 10 So the suggestion that you can go a little bit 11 over 0.5 as long as you don't hit 0.51, that's simply not 12 the way the Ordinance is applied. And I think the Building Commissioner could concur with that? 13 BRENDAN SULLIVAN: Yeah. I think that the 14 prevalent number, or the guiding number for me, Wendy, would 15 16 be the gross floor area, the existing, which shows 4597.6. 17 And the Ordinance requires as a max 45.6, so that they are 18 out of compliance on that. 19 I may have stirred a hornet's nest here with that, the ratio number, but I think that the gross floor area is 20 21 governing figure for me, and not that decimal number. So. 22 Initially it gave me pause, and then in further

1	research, then realized that they are nonconforming with the
2	gross floor area for the house, and as such would qualify
3	under 8.22.2d for relief for the special permit. So anyhow.
4	Wendy, anything else too at this time?
5	WENDY LEISERSON: Not at this time, but I still
6	respectfully disagree.
7	BRENDAN SULLIVAN: Okay. Jason, any comments at
8	this time?
9	JASON MARSHALL: Yeah, Mr. Chair. And the
10	exchange has been helpful. As a lawyer myself, I also don't
11	do math in public, but I can follow a discussion about math.
12	And I think I'll credit the testimony that this is an
13	issue around the form, and that there are other decimals
14	that would be reflected on the form if it were allowed to
15	both so.
16	And, you know, in light of that, I'm comfortable
17	in acting on this as a special permit request under our
18	ordinance.
19	BRENDAN SULLIVAN: Okay. Thank you. Let me open
20	it to public comment. Any members of the public who wish 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, and
3	you'll have up to three minutes in which to comment.
4	[Pause]
5	There appears to be nobody calling in. We are not
6	in receipt of any communication.
7	Mr. Rafferty, I know you've made reference to the
8	Historical Commission's Certificate of Appropriateness.
9	It's not in the file. You have a copy of that?
10	JAMES RAFFERTY: I do. And I'm told that I I
11	noted its absence earlier this week, contacted the Historic
12	Commission and receive an e-mail communication from Ms.
13	Burkes today, with the decision. And it appeared that the
14	e-mail also went to Ms. Pacheco, but I do have the hard
15	copy, and it was my understanding that
16	BRENDAN SULLIVAN: Yeah, all right. If you could
17	forward that onto Maria, just so that we could insert it in
18	the file?
19	JAMES RAFFERTY: Right.
20	BRENDAN SULLIVAN: All right. I will close the
21	public comment. Anything else to add? Mark or Jim, regard
22	this particular case?

1	JAMES RAFFERTY: No, I just would note that the
2	Los did reach out to their new neighbors. They shared with
3	me a series of e-mails that they provided them introducing
4	them to their contractor, telling them what they were doing.
5	And they shared with me responses from the
6	neighbor across the street and the abutters on either side,
7	wishing them well and indicating they had no objections.
8	Those communications were between the Los and their
9	neighbors. I have seen them, but they were not
10	communications directed to the Board, so they were not
11	included in the file.
12	BRENDAN SULLIVAN: Great. Thank you. Any further
13	discussion by the Board? Are we ready for a motion?
14	JAMES RAFFERTY: Ready.
15	JASON MARSHALL: Yes.
16	BRENDAN SULLIVAN: Okay. Let me make a motion,
17	then, to grant the special permit to construct a two-story
18	rear addition in excess of the allowed gross floor area to
19	the preexisting, nonconforming structure to connect the home
20	to the preexisting, detached garage.
21	And as per the drawings that have been submitted,
22	Boyes-Watson Architects, dated 02/18/22 entitled, "15 Follen

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1	Street, Cambridge, MA" and signed by the Chair.
2	Also incorporating the dimensional forms,
3	supporting statements, and also that we would incorporate
4	the Historical Commission Certificate of Appropriateness for
5	this particular project.
6	The Board finds that the requirements of the
7	Ordinance can be met.
8	The Board finds that Section 8.22d allows for the
9	construction of the proposed addition, whereas in this
10	particular case, the existing house exceeds the allowable
11	floor area ratio.
12	Similarly, the preexisting, nonconforming side
13	yard setbacks permit new conforming side yard setbacks that
14	result when the garage becomes attached to the main
15	structure. There are no new nonconformities with this
16	proposal.
17	The Board finds that traffic generated or patterns
18	of access or egress would not cause congestion, hazard, or
19	substantial change in the established neighborhood
20	character.
21	The Board also references the Board of the
22	Historical Commission letter/Certificate of Appropriateness.

1	The Board finds that traffic generated or access
2	or egress would not cause congestion, or substantial change.
3	The proposed addition would not alter any traffic patterns.
4	The continued operation of or development of
5	adjacent uses, as permitted in the Zoning Ordinance, would
6	not be adversely affected by the nature of the proposed use.
7	And there would not be any nuisance or hazard
8	created to the detriment of the health, safety and/or
9	welfare of the occupant of the proposed use.
10	The Board finds that the additions and the
11	interior of the alignment of interior space would be an
12	asset to the occupant of the structure.
13	And that the Board finds that the proposed use
14	would not impair the integrity of the district or adjoining
15	district, or otherwise derogate from the intent and purpose
16	of the Ordinance, to allow homeowners to alter, modify
17	existing structures to conform to current lifestyles.
18	In furtherance, the Board finds that the Board of
19	Appeals may grant a special permit for the alteration or
20	enlargement of a preexisting dimensionally nonconforming,
21	detached single-family dwelling or two-family dwelling, not
22	otherwise permitted in Section 8.221, but not the alteration

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1	or enlargement of a nonconforming use.
2	Provided that there was no change in use, and that
3	any enlargement or alteration of such preexisting,
4	nonconforming detached single-family dwelling or two-family
5	dwelling may only increase a preexisting dimensional
6	nonconformity, but does not create a new dimensional
7	nonconformity.
8	The Board finds that the Board of Zoning Appeal is
9	required and does find that the alteration or enlargement
10	shall not be substantially more detrimental than the
11	existing nonconforming structure to the neighborhood, and
12	that the alteration or enlargement satisfies the criteria in
13	Section 10.43, as previously stated.
14	Motion, then, to grant the special permit for the
15	application? Jim Monteverde?
16	JIM MONTEVERDE: In favor of the relief.
17	BRENDAN SULLIVAN: Laura Wernick?
18	LAURA WERNICK: In favor of the relief.
19	BRENDAN SULLIVAN: Wendy Leiserson?
20	WENDY LEISERSON: Voting no.
21	BRENDAN SULLIVAN: And Jason Marshall?
22	JASON MARSHALL: Yes, in favor of the requested

1	relief.
2	BRENDAN SULLIVAN: Yes.
3	[Four vote YES, one votes NO]
4	BRENDAN SULLIVAN: On the four affirmative votes,
5	one opposed, the special permit is granted.
6	JAMES RAFFERTY: Thank you very much.
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2	(7:10 p.m.)
3	Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim
4	Monteverde, Laura Wernick, and Jason
5	Marshall
6	BRENDAN SULLIVAN: The Board will now hear Case
7	No. 165060 204 Fayerweather Street. Mr. Rafferty?
8	JAMES RAFFERTY: Thank you, Mr. Chair. We have
9	submitted a request to continue the case to two weeks, to
10	May 19.
11	BRENDAN SULLIVAN: There is, as previously noted
12	by Mr. Rafferty, a request by the applicant of the above
13	matter, 204-206 Fayerweather Street, to continue this
14	meeting until May 19, 2022 as a case not heard.
15	Any Member of the Board wish to express an
16	opinion regarding the continuation of this matter?
17	Hearing none, I'll make a motion, then, to grant
18	the request for continuance of this matter until May 19,
19	2022 until 6:00 p.m., on the condition that the petitioner
20	change the posting sign to reflect the new date of May 9,
21	2022 and the new time of 6:00 p.m.; that any changes to the
22	drawings, supporting statements, dimensional form, any other

1	submissions by the petitioner be in the file by 5:00 p.m. on
2	the Monday prior to May 19, 2022.
3	I'm not sure if we have a waiver of the statutory
4	requirement. So if one is necessary, I would ask that
5	Counsel sign such waiver submitted to the Secretary of the
6	Board by 5:00 p.m. on a week from Monday, if that's
7	possible?
8	JAMES RAFFERTY: Happy to do so.
9	BRENDAN SULLIVAN: Absolutely. Thank you very
10	much. On the motion, then, to continue this matter until
11	May 19, Jim Monteverde?
12	JIM MONTEVERDE: In favor of the continuance.
13	BRENDAN SULLIVAN: Laura?
14	LAURA WERNICK: In favor of the continuance.
15	BRENDAN SULLIVAN: Wendy Leiserson on the motion
16	to continue?
17	WENDY LEISERSON: Voting in favor.
18	BRENDAN SULLIVAN: Jason Marshall on the motion?
19	JASON MARSHALL: Yes, in favor.
20	BRENDAN SULLIVAN: And Brendan Sullivan yes to the
21	continuance.
22	[All vote YES]

1	BRENDAN SULLIVAN: On five affirmative votes, the
2	matter is continued to May 19, 2022 at 6:00 p.m.
3	JAMES RAFFERTY: Thank you very much. Good
4	evening.
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1 2 (7:12 p.m.) 3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim 4 Monteverde, Laura Wernick, and Jason 5 Marshall 6 BRENDAN SULLIVAN: We'll call the next case at 7 107 --8 JIM MONTEVERDE: We're early again --9 BRENDAN SULLIVAN: -- Washington Avenue, but we 10 have three minutes to wait. 11 LAURA WERNICK: I like this pace. 12 JIM MONTEVERDE: Be careful what you wish for; 13 jinx it all. 14 LAURA WERNICK: Right, right, right. 15 JIM MONTEVERDE: So Wendy? 16 WENDY LEISERSON: Yes, Jim. Hi. 17 JIM MONTEVERDE: I don't disagree with your stance 18 on the previous case. 19 WENDY LEISERSON: Yes. 20 JIM MONTEVERDE: Matter of fact, I took my 21 ordinance out yesterday just to read all those sections 22 again. Because it seems like there are a number of -- that

1 say in parentheses -- in quotes, you know, "sins" that are 2 allowed because they're kind of in the existing structure as it is. 3 4 So that's a great -- thank you for bringing it up. 5 It will encourage me to go back to that section and reread 6 it yet again to clearly understand all of the conditions 7 where new conditions don't comply are allowed. 8 WENDY LEISERSON: Thank you, Jim. I'm a little 9 confused, though, if you agreed on the matter of the legal 10 interpretation, I'm not sure how you arrived at the -- or am 11 I missing something in what you read yesterday? JIM MONTEVERDE: No, I read the math in -- I did 12 the math while they -- you know, of the house gross square 13 14 footage against the --15 WENDY LEISERSON: Right. 16 JIM MONTEVERDE: -- the lot. And yes, in fact, if 17 you go take it two more decimal points, and it is 18 infinitesimally over the allowed already. 19 WENDY LEISERSON: Right, right. 20 JIM MONTEVERDE: So it's just a matter --21 WENDY LEISERSON: And I can see that math. Ι 22 mean, that wasn't my question. It was more that not -- you

1	know, it's like if you are only allowing two decimal points
2	and that is, you know, what is allowed
3	JIM MONTEVERDE: Right.
4	WENDY LEISERSON: and
5	JIM MONTEVERDE: that's what you've got.
6	WENDY LEISERSON: That's what you got, right?
7	JIM MONTEVERDE: Yeah.
8	WENDY LEISERSON: And so
9	JIM MONTEVERDE: No, I hear you.
10	WENDY LEISERSON: Yeah.
11	JIM MONTEVERDE: Anyway.
12	WENDY LEISERSON: And it was significant
13	extension.
14	JIM MONTEVERDE: Right.
15	WENDY LEISERSON: So.
16	JIM MONTEVERDE: Right. Right.
17	BRENDAN SULLIVAN: 7:15?
18	JIM MONTEVERDE: All right. To be continued.
19	BRENDAN SULLIVAN: Let me call Case #163086 107
20	Washington Avenue. Petitioner?
21	[Pause]
22	Mr. Richard? 107 Washington Avenue? Well, the

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1
    next case is at 7:30. So we have 15 minutes to hear the
2
    petitioner.
 3
              Richard? Scannell? Hello? Dennis?
               DENNIS SCANNELL: Yes.
 4
 5
              BRENDAN SULLIVAN: Oh, okay, all right. I thought
 6
    Kevin may be there. But anyhow, okay, I'll call the case,
7
    so if you wish to proceed with your presentation?
               DENNIS SCANNELL: I'm waiting for Kevin. I'm the
8
    owner of the house.
9
10
              BRENDAN SULLIVAN: Yep.
11
               DENNIS SCANNELL: And we have a great project.
12
    But Kevin is the Contract -- the Designer and Builder. I
    want him to do this. I'm happy to help in any way I can.
13
    But this is his show.
14
15
              BRENDAN SULLIVAN: Can you reach him?
16
               DENNIS SCANNELL: Yes.
17
               [Pause]
18
               BRENDAN SULLIVAN: No response yet?
19
               DENNIS SCANNELL: I'm sorry, not yet. So I texted
    him, and I am now calling him.
20
21
               [Pause]
22
              He is logging in now, thankfully. I think it's a
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1 simple project, and I'm happy to talk about it. But I 2 prefer for him to. 3 BRENDAN SULLIVAN: Well, the next -- I could go on 4 to the next case if he's not quite ready. The next case we 5 have to wait until 7:30. 6 JIM MONTEVERDE: Right. 7 BRENDAN SULLIVAN: But I can give you up until 8 7:30 --9 DENNIS SCANNELL: Thank you. 10 BRENDAN SULLIVAN: -- to call in. After 7:30 what 11 I'll do is recess this case and then go to the next one, and 12 then --13 DENNIS SCANNELL: Yep. 14 BRENDAN SULLIVAN: -- when you're ready, then 15 maybe come back to you guys. 16 DENNIS SCANNELL: Okay. 17 BRENDAN SULLIVAN: Let me go right up to 7:30 18 anyhow and see if he calls in. 19 DENNIS SCANNELL: Yep. Thank you. 20 [Pause] So Chairman, we -- Kevin has joined the meeting. 21 22 I'm sorry for the delay.

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	rage 03
1	BRENDAN SULLIVAN: That's all right. Okay.
2	DENNIS SCANNELL: Kevin, please help out.
3	KEVIN RICHARD: Hi. Sorry about that. My
4	apologies.
5	BRENDAN SULLIVAN: That's all right. Okay.
6	You're on.
7	KEVIN RICHARD: Okay. So we're petitioning for
8	BRENDAN SULLIVAN: Introduce yourself for the
9	record.
10	KEVIN RICHARD: Hello?
11	BRENDAN SULLIVAN: Yeah, if you could introduce
12	yourself for the record, please?
13	KEVIN RICHARD: Oh, yes. My name is Kevin
14	Richard. I'm the Contractor for Dennis Scannell at 107
15	Washington Ave. Cambridge Craftsman is my company.
16	BRENDAN SULLIVAN: Yep, okay. And tell us what
17	the project is all about?
18	KEVIN RICHARD: So we're replacing a 12' x 12'
19	back porch well, it's a back deck. It's an irregular
20	what would it be? a regular pentagon, right?
21	So basically a square with the corner clipped off.
22	We're enlarging it not on the 12' x 12' axis, but in that

	rage 04
1	we're not clipping off the corner as far in.
2	In addition, we're proposing to put a permeable
3	a nonpermeable roof over the structure.
4	BRENDAN SULLIVAN: Okay. Olivia, if you could
5	sort of pull that up?
6	And it's actually the next drawing? So right
7	there.
8	And what is the roof?
9	KEVIN RICHARD: The roof is a flat rubber (sic)
10	roof with a I guess you do call it kind of a valance
11	parapet treatment around.
12	BRENDAN SULLIVAN: Okay. When I first saw this,
13	it looked to me like a bunch of wrought iron work
14	KEVIN RICHARD: No, those are just crosshatching
15	marks to indicate solid.
16	BRENDAN SULLIVAN: So basically, what you're doing
17	is you're putting a roof over the rear deck and you're
18	expanding the rear deck?
19	KEVIN RICHARD: Yes.
20	BRENDAN SULLIVAN: Okay. And the reason for the
21	expansion? Just the obvious, but just to give you more
22	sitting area, is that

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1	KEVIN RICHARD: Yeah, more sitting area.
2	BRENDAN SULLIVAN: Okay. All right. Let me ask
3	the Members of the Board. Jim Monteverde, any questions?
4	
5	JIM MONTEVERDE: No questions, thank you.
6	BRENDAN SULLIVAN: Laura Wernick, any questions?
7	LAURA WERNICK: No, just to be clear, everything
8	is open? Just a covered, open deck area?
9	KEVIN RICHARD: Yes. But it well, the plan was
10	for screened in.
11	DENNIS SCANNELL: Yeah, screened in. Yes,
12	exactly.
13	KEVIN RICHARD: But otherwise open, yes.
14	DENNIS SCANNELL: Right.
15	LAURA WERNICK: Okay. And so there'd be a door, a
16	screen door?
17	KEVIN RICHARD: Yes.
18	DENNIS SCANNELL: Correct.
19	KEVIN RICHARD: So it would have railings and
20	bannisters to code, just as a normal porch would have.
21	LAURA WERNICK: And do you need railings on the
22	stairs?

1 KEVIN RICHARD: Yes. Yeah, they're over 30". So 2 yes. 3 BRENDAN SULLIVAN: The drawings are really quite minimal. Almost -- I almost kicked it out saying we really 4 need more information, more detailed information. 5 6 I'm not sure we can potentially grant relief, 7 given the size, the parameters for you to work within. I'm 8 not sure you're going to be able to get a building permit 9 for these particular set of drawings. The Building Inspector will have to take a look at that in more detail, 10 11 anyhow. 12 DENNIS SCANNELL: Okay. BRENDAN SULLIVAN: And I would have like --13 14 KEVIN RICHARD: I have run them past one of the 15 inspectors -- not Ranjit, but I think -- I think it was 16 either Jacob or Brandon. 17 BRENDAN SULLIVAN: Okay. But anyhow -- just to 18 Wendy Leiserson, any comments at this time? comment. 19 WENDY LEISERSON: I just have one question, which 20 is because I did not understand they were going to be 21 screened in. When you sought approval from the Avon Hill 22 Historical Commission, did -- was that explicit to them?

1 Did they understand that this is going to be a screened-in 2 porch? 3 KEVIN RICHARD: Yes, it was. Yeah, we did --WENDY LEISERSON: Okay, thank you. 4 5 KEVIN RICHARD: -- we did discuss that. Yeah, 6 thank you. BRENDAN SULLIVAN: But it would not include him 7 from enclosing it in the future? That once you put a roof 8 9 over a deck, even though your intentions now were to have it 10 screened in, it I believe could be enclosed in the future? 11 Once that roof goes over, then you basically 12 created floor area ratio -- a floor area, and it takes up the ratio, but that it could potentially be enclosed. 13 14 KEVIN RICHARD: But that would require another 15 permit process? 16 BRENDAN SULLIVAN: Whether the Board wants to make 17 that as a condition or not, you can be thinking about that. 18 My only thought on this is that it's a way around the back 19 of the house really out of the public view, and only accessible, useable, visual by the homeowner. 20 21 So but -- anyhow, Wendy, you can think about that 22 part of it. Jason Marshall, any comments at this time?

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1	JASON MARSHALL: No, Mr. Chair.
2	BRENDAN SULLIVAN: Let me open it to public
3	comment. Any member of the public who wishes to speak
4	should now click the button that says, "Participants," and
5	then click the button that says, "Raise hand."
6	If you are calling in by phone, you can raise your
7	hand by pressing *9 and unmute or mute by pressing *6. You
8	will have up to three minutes to comment.
9	[Pause]
10	There appears to be nobody calling in. We are in
11	receipt of correspondence from Avon Hill Conservation
12	District. They shall bring a Certificate of Appropriateness
13	regarding 107 Washington Avenue.
14	"Avon Hill Neighborhood Conservation District
15	hereby certifies pursuant to and entitled to Chapter 2.78
16	Article 3, Section 2.78, the code of the City of Cambridge
17	and the City Council order establishing the condition that
18	the alterations described below is not incongruous to the
19	historical aspect or the architectural character of the
20	building or district.
21	"Replace the deck with a covered porch. Work is
22	to be carried out as indicated on drawing by Kevin Richard,

1	Cambridge, Massachusetts, titled 107 Washington Avenue,
2	submitted March 8, 2022.
3	"Plans referenced above are incorporated into this
4	certificate, which is binding on the applicant. All
5	improvements shall be carried out as described therein.
6	Date of certificate: March 29, 2022."
7	And that is the sum and substance of any
8	correspondence. I will close the public comment part.
9	Anything else to add, Kevin at this time, before I give it
10	to the Board?
11	KEVIN RICHARD: Nothing from me, thank you, Chair.
12	My apologies for being late.
13	BRENDAN SULLIVAN: No. That's all right. That's
14	okay. We had a 15-minute window for you, so you got in,
15	anyhow.
16	LAURA WERNICK: Mr. Chair, I'm still just a little
17	concerned about the presentation that there's so little
18	detail to we're not seeing the railings that were
19	required by code, there's no kind of understanding of what
20	the architectural quality would be.
21	And if this perhaps in the you know, if this
22	is to be approved, perhaps in the motion there's something

1	to that effect that railings according to code are included?
2	That it is a screened-in porch and cannot be
3	enclosed without further hearing, and that the appearance
4	will be in context will be appropriate contextually with
5	the existing building something along those lines?
6	BRENDAN SULLIVAN: That's a good point, Laura. I
7	sort of thought about this, because of the lack of detail.
8	LAURA WERNICK: Exactly.
9	BRENDAN SULLIVAN: And again, Kevin, what we
10	usually do is we have to sign document we have to
11	basically approve, disapprove, and then pass that onto the
12	Building Inspector, the Building Department, to go by what
13	we approved.
14	If the information is somewhat lacking, then it's
15	difficult, then, for the Building Inspector to say what is
16	it actually that they approved? And then it's the onus on
17	them. It makes it difficult for them.
18	And it's almost like we're not doing our job by
19	giving them something that does not have more detailed
20	information on it.
21	I guess, Laura and Members of the Board, my
22	thought is that we would go back to the plan.

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1	Olivia, if you could pull that up?
2	I guess going forward, too, Kevin, you really are
3	going to have to come up with more detail as to exactly what
4	you're doing, so that we all know, there's no questions.
5	The last thing you want is to have us question or some doubt
6	as to what's going to happen.
7	KEVIN RICHARD: I understand. Agreed.
8	BRENDAN SULLIVAN: Clip on, put a clip on that
9	one, Olivia?
10	So I guess, Laura and Members of the Board, my
11	thought is that we would approve a deck that is 12 feet in
12	one direction and we would go by the dimensions. 12 x 12,
13	you've got a seven-foot-six, and then you've also got that
14	dimension, that parameters, that the porch as presented is
15	going to be screened in, no windows to be installed.
16	And again, I think that the Avon Hill has given a
17	Certificate of Appropriateness for a screened-in porch.
18	Anything other than that, they would have to go back to Avon
19	Hill, and we would request that they come back before the
20	Board also.
21	That as far as the railings are concerned, you
22	would have to go by code on that, which is probably a bit of

1	a six-inch-high railing, and that they cannot exceed five
2	inches on center.
3	And the steps down, again, are all by code. So
4	there's an awful lot that you're going to have to provide
5	the Building Department, I would think, I would hope that
6	the Building Inspector would ask for a better review.
7	And I almost was going to ask for more and
8	continue this matter, but I think I'm satisfied that we
9	probably have enough information to approve the parameters
10	of the extent of what is being asked for us to do.
11	Laura, anything else to add to that, or would you
12	prefer that more detailed drawing be submitted before we
13	vote on it?
14	LAURA WERNICK: Well
15	BRENDAN SULLIVAN: It's really quite minimal. And
16	it's
17	LAURA WERNICK: it's so minimal
18	BRENDAN SULLIVAN: it's below
19	LAURA WERNICK: Yeah.
20	BRENDAN SULLIVAN:it's, it's more than
21	LAURA WERNICK: I mean, we're not here to improve
22	the architectural appearance of it, but I don't see how the

1	Inspectors can go forward without I think what you're
2	saying is adequate, that they before they would be able to
3	give approval, they would need much more detailed drawings.
4	BRENDAN SULLIVAN: Okay. You would like to
5	LAURA WERNICK: So showing the elevation. I guess
6	I would ask that they show elevations, railing details
7	yeah, elevations and railing details of the structure before
8	approval can be granted.
9	BRENDAN SULLIVAN: Okay. Showing the roof detail,
10	the edge detail.
11	LAURA WERNICK: Railing details.
12	BRENDAN SULLIVAN: Screened-in railings, and also
13	maybe a cross-section through the stepdown of that section -
14	_
15	LAURA WERNICK: Yes.
16	BRENDAN SULLIVAN: which is denoted in the
17	front show. What does it show, six-foot-two by 10-foot-
18	five? Is that correct?
19	KEVIN RICHARD: Yes.
20	BRENDAN SULLIVAN: Yes? Any other Members of the
21	Board agree with that conclusion? As for
22	JIM MONTEVERDE: I would agree with that.

1	BRENDAN SULLIVAN: Okay. So Kevin and Dennis, I
2	think that the sense of the Board is that we would ask you
3	to go back and to provide as much detail as possible as
4	you've heard showing the railings and what you're putting
5	in there for railings, screened-in porch, detail at the roof
6	line and also sort of a cross-section down, so that we could
7	then basically just pass this off to an Inspector.
8	KEVIN RICHARD: Okay. So the there is a
9	section view, but it lacks detail. So I could fill that in.
10	And then the handrails for the staircase, correct?
11	BRENDAN SULLIVAN: That's correct.
12	KEVIN RICHARD: And more detail in the roof
13	design?
14	BRENDAN SULLIVAN: I mean, I understand you
15	know, it's probably in your head and, you know, that Mr.
16	"Scannel" is it "Scannelle" [pronunciation]
17	DENNIS SCANNELL: Scannell, yes.
18	BRENDAN SULLIVAN: Scannell is you know,
19	probably comfortable with what you're proposing. You've
20	probably had discussions and so on and so forth. But I
21	would want a set of drawings to be brought up for anybody's
22	sake to bid on.

1	And right now it is totally lacking of any kind of
2	information as to other than the parameters as to what
3	materials are to be used and how they all interrelate with
4	one another. So
5	LAURA WERNICK: Can we actually go back to the
6	to that little diagram? I mean, like, the railings are
7	it looks very straightforward, but you're only seeing it in
8	two dimensions, you're not seeing it three-dimensionally
9	where I think the stairs wrap. And so it just I don't
10	know if you're leaving the railings the way they are in that
11	what's existing?
12	KEVIN RICHARD: Ah
13	LAURA WERNICK: But it's the stair?
14	KEVIN RICHARD: Yeah, the railings would be
15	would flare out at a diagonal.
16	LAURA WERNICK: Yes, yes.
17	KEVIN RICHARD: The top ones
18	LAURA WERNICK: Yeah. So we're not seeing that at
19	all. And I think that they're when they're flared out at
20	a diagonal, then I think the width is too long at the bottom
21	to be to code.
22	But you may have too long a horizontal distance

1 between the posts, the ends of the railings. I mean, that 2 would have to be checked to be verified that it's not too 3 long for the code. Because you'd have to have a railing at 4 every certain distance. 5 So I think it's disappointing that we're not 6 seeing enough detail to really understand what you're 7 proposing and to assure that it's to code. I'm trusting 8 that the Building Inspector will -- that you will provide 9 the documents, and the Building Inspector will be able to 10 verify that everything's done to code. 11 KEVIN RICHARD: Mm-hm. Okay. So I'm happy to do 12 that. What's the process? Is it to reschedule another hearing, or how is the --13 14 BRENDAN SULLIVAN: Yeah. We'd have to make you 15 come back. 16 KEVIN RICHARD: So reschedule another hearing, is 17 that --18 BRENDAN SULLIVAN: Yeah. And the schedule is quite full. June 30? Yeah, that's what I -- I mean, I 19 20 think this --21 KEVIN RICHARD: So, so aside from -- because the -22 - aside from the balusters and handrail, this -- which is,

1	you know, basically drawing vertical lines and a row of
2	moulding for you know, for the roof treatment, and then
3	showing the inelevation (sic) and on that other drawing. So
4	adding a little bit of detail to the two existing drawings -
5	_
6	BRENDAN SULLIVAN: I think it should come up to a
7	point level where this whatever document you prepared
8	could be handed over to another contractor to price out.
9	KEVIN RICHARD: Yes.
10	BRENDAN SULLIVAN: And right now, anybody who
11	would look at this would say, "Well, what do you want here,
12	what do you want, what do you want?" And so on and so forth.
13	And all of that information is lacking, to be quite honest
14	with you.
15	KEVIN RICHARD: I see. Okay.
16	BRENDAN SULLIVAN: Again, you may conceptually
17	have it, and Dennis may, you know, conceptually have agreed
18	as to what it is, but we're responsible to approve
19	something, and that something, the information is quite
20	lacking. And what you have, I don't see how you could pass
21	it off, again, putting a permit on it.
22	KEVIN RICHARD: Yeah. By that standard, that's

1 true. 2 BRENDAN SULLIVAN: Right. Okay. So I think 3 that's what Laura, and I think the rest of the Board is 4 asking for you to provide. 5 KEVIN RICHARD: Mm-hm. 6 BRENDAN SULLIVAN: Is there any time at the end of 7 May or I think where are we? June 9? Can we do June 9? 8 Can we squeeze it in? Okay. 9 June 9, 2022 and is that -- Members of the Board, 10 continue this matter to June 9, would you be available, Jim? 11 12 JIM MONTEVERDE: Yes, I will be. 13 BRENDAN SULLIVAN: Laura, June 9? 14 LAURA WERNICK: Yes. 15 BRENDAN SULLIVAN: Yeah. Wendy, June 9? 16 WENDY LEISERSON: Okay. 17 BRENDAN SULLIVAN: Jason? 18 JASON MARSHALL: Yeah. That works. 19 BRENDAN SULLIVAN: Okay. So let me make a motion, then, to continue this matter until June 9 at 6:00 p.m. on 20 the condition to the petitioner provide the -- first of all, 21 22 the petitioner change the posting sign.

1	What I would ask is that you oust a right now I
2	almost didn't find the posting sign because it's sort of
3	behind the porch. If you would bring that out more
4	prominently out in front of that porch, so that you can see
5	it from the sidewalk or the street as you go by?
6	That you change the posting sign to reflect the
7	new date of June 9,2022 at 6:00 p.m.
8	That any new submittals, as per the discussion
9	that the Board has just had with you be in the file by 5:00
10	p.m. on the Monday prior to June 9, 2022.
11	We would ask that you sign a waiver to the
12	statutory requirement to a hearing and a decision to be
13	rendered thereof, and either one of you can sign it.
14	If you would ask Maria for it, she can e-mail it
15	to you, sign it and send it back to her, but that waiver be
16	in the file by 5:00 p.m. on the Monday week. So in other
17	words, a week from this coming Monday that that submit
18	that to "wave" it back to us.
19	Anything else, Board Members, to add? Nothing
20	else? Okay. On the motion, then, to continue this matter
21	to June 9? Jim Monteverde?
22	JIM MONTEVERDE: In favor of the continuance.

1	BRENDAN SULLIVAN: Laura?
2	LAURA WERNICK: In favor of the continuance.
3	BRENDAN SULLIVAN: Wendy?
4	WENDY LEISERSON: In favor of the continuance.
5	BRENDAN SULLIVAN: Jason Marshall, to continue?
6	JASON MARSHALL: Yes, in favor of the continuance.
7	BRENDAN SULLIVAN: And Brendan Sullivan yes.
8	[All vote YES]
9	BRENDAN SULLIVAN: Five affirmative votes, this
10	matter is continued until June 9, 2022 at 6:00 p.m.
11	Okay. See you then.
12	KEVIN RICHARD: Thank you.
13	DENNIS SCANNELL: Thank you.
14	
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1	* * * *
2	(7:47 p.m.)
3	Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim
4	Monteverde, Laura Wernick, and Jason
5	Marshall
6	BRENDAN SULLIVAN: The Board will now hear Case
7	No. 168345 419 Putnam Avenue. Mr. Glassman?
8	ADAM GLASSMAN: Good evening, Mr. Chairman and
9	Members of the Board. For the record, this is Adam
10	Glassman of GCD Architects at 2 Worthington Street in
11	Cambridge.
12	I'm here tonight representing Fraser Allen, who
13	is at this time developing 419-421 Putnam Ave, an existing
14	four-family structure in need of substantial renovations.
15	95 percent of this project has received a permit as-of-
16	right.
17	We're seeking relief for secondary supporting
18	elements, which include window wells, which will increase a
19	nonconforming building height, the associated guardrails,
20	which are within setbacks, a second-floor deck in the
21	front, also within a setback, and requiring a special
22	permit are new windows being installed into covered
	porches, which are being enclosed.

1	Olivia, can you pull up the packet, please?
2	Next slide, please?
3	The left side photos show you the existing
4	conditions of 419-420, 421 Putnam.
5	And to the right is 415-417 Putnam. It is an
6	identical house, and we're taking a few cues from that, as
7	these were originally matching structures, and we'd like to
8	we'd like to bring our structure into more matching, to
9	match our neighbor on the right and follow their cues with
10	their renovations.
11	On the upper left of the photo, you can see the
12	existing front entry porch, and over that we are proposing
13	to add guardrails and a deck and doors to replace the
14	windows, so those two units on the upper levels have some
15	usable outdoor space on the front.
16	And also the photo on the upper left, you can see
17	the two empty basement windows on either side of the entry.
18	Those are the two visible window wells we're proposing for
19	the front, with guardrails which are within setbacks.
20	A few more photos on the page to show you how
21	we're trying to match our neighbor to the right, which was
22	restored very tastefully.

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1	Next slide?
2	Again, showing comparisons between our structure
3	and our neighbor. Really trying to match the railings, the
4	window wells.
5	Next slide, please?
6	The work we're proposing on the sides and the
7	rear, not really visible from the street. First photo on
8	the left, there is a covered porch that we'll be enclosing
9	and petitioning tonight to add windows to that enclosure.
10	The middle photo you can see an existing double
11	entry door bulkhead head house of the basement. We'd like
12	to remove that and replace it with guardrails within
13	setbacks. The window wells actually exist already as part
14	of the bulkhead.
15	And the photo on the right shows the left side
16	view from the rear of the existing two-story porch. The
17	portion on the first floor we'd like to enclose and add
18	windows for the special permit.
19	Next slide, please?
20	On our setback you can see our setbacks run
21	pretty much through the main mass of the house of the front
22	and right up to the rear wall, right along the left wall.

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1	And there's a little bit more space on the right side. But
2	it still runs through the porches on the right and the left,
3	requiring special permit windows.
4	Down towards the bottom of the plan on the right
5	side, you can see the two front windows on either side of
6	the portico.
7	Next slide, please?
8	The red areas indicate windows to be added on the
9	second story, and the first story in the rear on the left
10	(sic) right-hand sides that require a special permit.
11	Next slide, please?
12	On the second-floor plans, you can see on the
13	front the proposed deck over the existing front entry. And
14	again, the red infill pointing out where the windows are
15	that require a special permit.
16	Next slide?
17	Front elevation, the area of demo would be the two
18	windows in front over the portico, replace them with doors.
19	And again, the windows basement windows would be removed
20	and those openings enlarged, window wells installed with
21	guardrails.
22	Next slide, please?

1	Proposed front elevation, identical to our
2	neighbor to the right. Guardrails, doors up above for the
3	second-floor deck, and window wells with guardrails down
4	below the basement.
5	Next slide, please?
6	On the right side in the image above you can see
7	the windows on the right we'd like to add with a special
8	permit. And towards the left of the proposed view is the
9	guardrail over the second floor.
10	Next slide, please?
11	Similar view on the left side, with windows
12	towards the rear, guardrails, and window wells towards the
13	front.
14	Next slide, please?
15	Rear view I know this is getting redundant, I
16	apologize window wells and guardrails in the back within
17	the setbacks.
18	Next slide, please?
19	I don't think I really need to review the
20	dimensional form. If there are any questions, I'll take
21	them. I'll just add, you know, none of this work poses any
22	detriment to our neighbors. We have no opposition, and

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1 that's basically it. 2 BRENDAN SULLIVAN: Well, the house is surely in 3 need of something. ADAM GLASSMAN: It is. And it's getting it. 4 BRENDAN SULLIVAN: Okay. Jim Monteverde, any 5 6 questions for Mr. Glassman at this time? 7 JIM MONTEVERDE: No questions, thank you. 8 BRENDAN SULLIVAN: Laura Wernick, any questions? 9 LAURA WERNICK: No questions. 10 BRENDAN SULLIVAN: Wendy Leiserson, any questions 11 at this time? 12 WENDY LEISERSON: No questions. 13 BRENDAN SULLIVAN: Jason Marshall? 14 JASON MARSHALL: No questions. I appreciate the 15 presentation. 16 BRENDAN SULLIVAN: Let me make a -- open it up to 17 public comment. Any members of the public who wish to speak 18 should now click the button that says, "Participants," and 19 then click the button that says, "Raise hand." 20 If you are calling in by phone, you can raise your 21 hand by pressing \*9 and unmute or mute by pressing \*6. 22 You'll have up to three minutes in which to speak.

1	There appears to be nobody calling in. We are not
2	in receipt of any letters. Comments from the public? I
3	will close the public portion of the hearing. Anything else
4	to add, Mr. Glassman, to the presentation?
5	ADAM GLASSMAN: No thank you.
6	BRENDAN SULLIVAN: The Board will have discussed
7	among themselves. Jim, your thoughts, comments?
8	JAMES RAFFERTY: I am ready for a vote.
9	BRENDAN SULLIVAN: Okay. Laura, any further
10	comments at all or ready for a vote?
11	LAURA WERNICK: No further comments, thank you.
12	No comments.
12 13	No comments. BRENDAN SULLIVAN: Wendy, any comments or
13	BRENDAN SULLIVAN: Wendy, any comments or
13 14	BRENDAN SULLIVAN: Wendy, any comments or WENDY LEISERSON: No comments.
13 14 15	BRENDAN SULLIVAN: Wendy, any comments or WENDY LEISERSON: No comments. BRENDAN SULLIVAN: And Jason, any?
13 14 15 16	BRENDAN SULLIVAN: Wendy, any comments or WENDY LEISERSON: No comments. BRENDAN SULLIVAN: And Jason, any? JASON MARSHALL: I'm also ready for a vote.
13 14 15 16 17	BRENDAN SULLIVAN: Wendy, any comments or WENDY LEISERSON: No comments. BRENDAN SULLIVAN: And Jason, any? JASON MARSHALL: I'm also ready for a vote. BRENDAN SULLIVAN: Okay. Let me make a motion,
13 14 15 16 17 18	BRENDAN SULLIVAN: Wendy, any comments or WENDY LEISERSON: No comments. BRENDAN SULLIVAN: And Jason, any? JASON MARSHALL: I'm also ready for a vote. BRENDAN SULLIVAN: Okay. Let me make a motion, then, to grant the relief requested. There's two forms of
13 14 15 16 17 18 19	BRENDAN SULLIVAN: Wendy, any comments or WENDY LEISERSON: No comments. BRENDAN SULLIVAN: And Jason, any? JASON MARSHALL: I'm also ready for a vote. BRENDAN SULLIVAN: Okay. Let me make a motion, then, to grant the relief requested. There's two forms of relief, one being the variance. As per the plans submitted,

1	The Board finds that a literal enforcement of the
2	provisions of the Ordinance would involve a substantial
3	hardship to the petitioner, because it would preclude the
4	petitioner from renovating a structure that has fallen in
5	great disrepair over time.
6	That the proposed work would bring the structure
7	up to modern, livable standards, where it would be an asset
8	to whoever occupies the structure. And that without
9	granting the relief, it would be impossible to do the work
10	in a fair and reasonable fashion.
11	The Board finds that the hardship is due to the
12	fact that the existing structure is encumbered by the
13	Ordinance. The structure predates the existing ordinance,
14	and as such that none of the work proposed would be allowed
15	through any if the Board were to have a literal
16	enforcement of the Ordinance.
17	The Board finds that the setbacks actually run
18	through the structure, and so that any additions,
19	modifications to the exterior of the building, would require
20	some relief from this building and would require some relief
21	from this Board.
22	The Board finds that the building height is being

1	increased by the wirthe of the window wells that are being
1	increased by the virtue of the window wells that are being
2	added, even though there would not be any actual increase in
3	the structure, the height of the structure.
4	The Board finds that desirable relief may be
5	granted without substantial detriment to the public good.
6	The Board finds that the proposed deck and the
7	three window wells would visually and functionally be
8	consistent with adjacent properties, and that the character
9	of the house and the neighborhood would not be negatively
10	impacted by the proposed work.
11	And that there would be no increase in FAR and
12	useable open space would only be modestly increased for the
13	upstairs units.
14	The Board finds that desirable relief may be
15	granted without nullifying or substantially derogating from
16	the intent and purpose of the Ordinance, to allow
17	homeowners in particular, this particular owner of the
18	property to improve the property, bring it up to modern
19	standards and code-compliance in a fair and reasonable
20	fashion.
21	On the motion, then, to grant the variance, on
22	the condition that it comply with the plans as submitted?
	Jim Monteverde?

1	JIM MONTEVERDE: In favor of the variance.
2	BRENDAN SULLIVAN: Laura Wernick?
3	LAURA WERNICK: In favor of the variance.
4	BRENDAN SULLIVAN: Wendy Leiserson?
5	WENDY LEISERSON: In favor of the variance.
6	BRENDAN SULLIVAN: Jason Marshall?
7	JASON MARSHALL: Yes, in favor of the variance.
8	BRENDAN SULLIVAN: Yes, in favor of the variance.
9	[All vote YES]
10	BRENDAN SULLIVAN: The variance for the work
11	proposed is granted.
12	Now, on the special permit, the special permit is
13	to allow for the new window openings within the existing
14	nonconforming setback.
15	The Board finds that the requirements of the
16	Ordinance can be met.
17	The Board finds that the proposed new windows will
18	have no negative effect on the abutters, hoping there will
19	be no loss of privacy, no increase in noise or light
20	pollution and no impact on neighborhood density.
21	The Board finds that traffic generated or patterns
22	of access or egress would not cause congestion, hazard, or

1	substantial change in the established neighborhood
2	character.
3	The Board finds that the proposed windows really
4	have no impact at all on the traffic patterns or parking on
5	the street.
6	The Board finds that continued operation of or
7	development of adjacent uses, as permitted in the Zoning
8	Ordinance, would not be adversely affected by the nature of
9	the proposed use.
10	In fact, that it would be enhanced, and it would
11	add to the streetscape and the value of adjoining
12	properties, by having updated code-compliant structure.
13	The Board finds that there would not be any
14	nuisance or hazard created to the detriment of the health,
15	safety and/or welfare of the occupants of the proposed use,
16	or to the citizens of the city.
17	In fact, it would enhance the livability, the
18	fenestration and the light coming into the structure by the
19	rearrangement of the lights the windows rather and
20	adjoining rearrangement of existing windows and the addition
21	of the windows and the basement units, bedroom units.
22	The Board finds that the proposed use would not

1	impair the integrity of the district or adjoining district,
2	and otherwise derogate from the intent and purpose of the
3	Ordinance.
4	The Board finds that the proposed window
5	realignment would be consistent with the architectural
6	character of all of the structure, and also of the
7	neighborhood.
8	On the motion to grant the special permit, Jim
9	Monteverde?
10	JIM MONTEVERDE: In favor of the special permit.
11	BRENDAN SULLIVAN: Laura Wernick on the granting
12	of the special permit?
13	LAURA WERNICK: In favor of the special permit.
14	BRENDAN SULLIVAN: Wendy Leiserson on the special
15	permit?
16	WENDY LEISERSON: In favor of the special permit.
17	BRENDAN SULLIVAN: Jason Marshall on the granting
18	of the special permit?
19	JASON MARSHALL: In favor of the special permit.
20	BRENDAN SULLIVAN: Brendan Sullivan yes for the
21	granting of the special permit.
22	[All vote YES]

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1	BRENDAN SULLIVAN: five affirmative votes, the
2	special permit is granted.
3	ADAM GLASSMAN: Thank you very much.
4	JIM MONTEVERDE: Mr. Chair, can I request a two-
5	minute break?
6	BRENDAN SULLIVAN: You sure can.
7	JIM MONTEVERDE: Thank you.
8	[BREAK]
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1	* * * *
2	(8:07 p.m.)
3	Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim
4	Monteverde, Laura Wernick, and Jason
5	Marshall
6	BRENDAN SULLIVAN: I think we can proceed. The
7	Board will hear Case No. 168418 58 Antrim Street.
8	Dan, you're presenting? You're on mute.
9	DAN HISEL: Yes.
10	BRENDAN SULLIVAN: Okay.
11	DAN HISEL: Good evening.
12	BRENDAN SULLIVAN: Can you introduce yourself for
13	the record?
14	DAN HISEL: I didn't realize that was my cue to
15	start talking. Good evening, everyone. My name is Dan
16	Hisel at Hisel Flynn Architects. I'm here representing
17	Hannah Brennan and David Rangaviz, who are here joining us
18	on the Zoom call tonight. And we're here to talk about
19	their new home at 58 Antrim Street.
20	The current home at 58 Antrim is a two is
21	currently a two-family. Hannah and Dave are converting it
22	into a single-family residence for the for their own

1	private use and their growing family.
2	And so as part of that renovation, we're doing
3	some efforts making some efforts to modernize the home
4	and to open it up to the yard and make the kind of flow of
5	the spaces be more enjoyable.
6	I don't know if Olivia does Olivia want to
7	share the presentation? Thank you.
8	So the house is existing nonconforming with
9	respect to side yard setbacks. As you can see, many of the
10	houses up and down Antrim are similarly constrained by
11	nonconforming setback conditions.
12	So the work we're proposing that requires relief
13	is twofold. One is an addition at the first floor that is
14	shown in gray here that squares off a corner and allows us
15	to enlarge and expand the kitchen and create a sunroom and a
16	mudroom and a sunny atrium kind of a thing.
17	We are also enlarging the deck around that gray
18	addition into the back yard. So it's a little little
19	hard to see on our site plan, but the proposed deck is
20	pointing to the new line of the deck, and there is a dashed
21	line where the existing deck currently is. We are
22	demolishing that shed in the corner to open up some space.

1	The second part of our project is on the attic,
2	where we're enlarging a dormer that is above a wall that is
3	within that side yard setback lot.
4	So I can go kind of quickly through this. This is
5	the demolition plan that shows the existing conditions a
6	little more clearly. There's the existing you know,
7	there's the two-family residence had a stair at the back
8	that's kind of clogging up the works. So that's coming out
9	in order to facilitate the new kitchen and deck, yeah, and
10	back yard.
11	Next slide?
12	We're keeping the existing stair and renovating
13	the second floor with new bedrooms and a primary suite. And
14	the stair climbs up to the top in the attic, where you can
15	see the existing condition.
16	Next slide?
17	Here's our proposed floor plans. The proposed
18	addition is shown yellow and red hatch at the upper right,
19	where we have the mudroom and an eat-in booth, kitchen booth
20	for the kitchen. And then sliders that open onto the back
21	deck at the rear. And access along the side.
22	We are adding a window well in the basement on the

1	bottom left as one minor thing we're doing. And then as we
2	go upstairs to the attic, we are adding the dormer.
3	The other thing that requires relief as part of
4	our application is the alteration of windows in the existing
5	nonconforming side walls of the house. Those are more
6	clearly illustrated in the elevations, which we'll get to in
7	a minute.
8	Here you can see the second-floor plan. That's
9	the roof of the sunroom below, and the expanding dormer on
10	the right in the attic, where we have a small bathroom with
11	services and office and a bedroom at the front of the house.
12	The roof deck on the rear is worth noting, because
13	we our understanding is that this will be by right,
14	because we are holding our railings at seven-foot, at the
15	required setback distance from the property line. So it
16	would be at the top you can see seven-foot-six inches from
17	the property line. That's to the railing of our proposed
18	roof deck.
19	The door onto that deck is currently there, but
20	there are no railings or any kind of there's a, you know,
21	walking surface of any kind currently.
22	You can go to the next slide.

1	That's the demolition elevation. There's
2	currently no an existing trellis where we're proposing to
3	put our sunroom, which you can see in this elevation here.
4	So I think in our it's our hope that volumetrically this
5	will be a minimal change, given that granted it's an open
6	trellis, so it's not enclosed space, but from a kind of
7	volumetric perspective, we think that there's a kind of
8	logic to the progression here.
9	But yeah, you can keep going.
10	We're adding some fencing and demolishing a little
11	arbor at the front and doing some minor things. Here you
12	can see the existing dormer in elevation.
13	Next slide?
14	And then here's our proposed dormer. It meets the
15	15-foot width. It is set 10-foot back from the front
16	façade, and it is about a foot and a half below the existing
17	ridge, which by the way is 0.3 feet above the maximum
18	height, the existing ridge. Our new dormer is below the
19	maximum height.
20	So that's the the windows shown in yellow are
21	new windows in new locations. We have the new fence on the
22	right side of the proposed front elevation. But we the

1	existing house is in actually pretty good shape. The siding
2	is in good shape. We're going to keep the existing wood
3	siding and all of the existing trim. So that's all getting
4	kind of historically preserved.
5	We are going to replace all of the windows with
6	new, double-hung windows.
7	Next slide?
8	Here's the side elevation along the right side of
9	the house. It shows a flu pipe for the chimney, it shows an
10	egress window in the basement on the left, and our new
11	windows that we're adding for more light, the sunroom, the
12	proposed deck with assigned railings, and the railing around
13	the roof deck at the top. So those are the kind of new
14	introductions.
15	And then next slide?
16	We have some renderings on the left are the
17	existing conditions, and on the right are the proposed
18	conditions.
19	Next slide?
20	This is a view on the left of the existing dormer,
21	on the right in the middle is the proposed dormer. And the
22	bottom-right units are our proposed roof deck with a green

1	roof to help with the help spruce up the required setback
2	condition that we have at the roof.
3	I think the next slide is the Zoning Table. I can
4	answer questions about that if you'd like. And is that it?
5	I guess that's it for the presentation.
6	I would have liked to point out that we Hannah
7	and Dave have done a remarkable job of canvasing their
8	neighborhood, and it's a tight group over there, and they
9	have a LISTSERV and a close community, and they've garnered
10	no less than seven letters in support of this project,
11	including both abutters, or at least one abutter.
12	But those I think are part of the document as
13	well.
14	BRENDAN SULLIVAN: Great. Thank you. Jim
15	Monteverde, any questions at this time?
16	JIM MONTEVERDE: Just one. And it has to do with
17	the size of the deck, which we have commented on with
18	regularity on these types of projects. If I read the
19	drawings correctly, it's let's see, I was just on a
20	drawing. It's nominally 12.5 x 16 feet, something of that
21	dimension, 200 square feet.
22	DAN HISEL: You're talking about the first-floor

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1	deck?
2	JIM MONTEVERDE: No, second floor.
3	DAN HISEL: The attic?
4	JIM MONTEVERDE: Rooftop.
5	DAN HISEL: Ah, yes. The attic is 12.5 feet by
6	JIM MONTEVERDE: 16 I think it was?
7	DAN HISEL: Something yeah, hang on just a
8	second.
9	JIM MONTEVERDE: Yeah. So usually the concern is
10	the previous cases the concern with a deck that size is
11	just that it not turn into a party area, and therefore
12	disturb the neighbors. And really, it's just because of the
13	size. So would you consider reducing it?
14	DAN HISEL: Okay. Hannah and Dave, would you like
15	to speak to that?
16	HANNAH BRENNAN: Yeah, sure. We can speak to
17	that. We have a few
18	BRENDAN SULLIVAN: Just introduce yourself for the
19	record.
20	HANNAH BRENNAN: Oh, I'm sorry. I'm Hannah
21	Brennan. I'm one of the owners of the home. I don't know
22	if you can see me on video right now. I don't see myself,

1	but it is definitely not going to be a party deck. We have
2	two little kids, we have a 2-year-old and another baby on
3	the way, and one of them is going to be living on the third
4	floor. So we need to keep it quiet up there at night.
5	And we have we have one primary back neighbor,
6	and you'll see a letter of support. We've been over the
7	roof deck with them. They're fully in support of it. They
8	said to us, you know, "We would do the same thing as you if
9	we had that space already up there."
10	You know, we could have our current neighbors
11	vouch for us. We're, you know, a pretty quiet pair, and we
12	just it's off of our office, and the plan is to use it
13	more as an outdoor working space during the day for when we
14	can use it in the summertime and things like that.
15	JIM MONTEVERDE: Okay. Thank you.
16	HANNAH BRENNAN: No problem.
17	BRENDAN SULLIVAN: Laura, any questions at this
18	time?
19	LAURA WERNICK: No questions.
20	BRENDAN SULLIVAN: Wendy Leiserson, any questions?
21	WENDY LEISERSON: I only have a comment, which is
22	regarding the roof deck, that in deciding whether or not to

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1	make it this size, it's not actually a reflection of the
2	current owners' use of the roof deck, but also the concern
3	is of potential next owners' use of a roof deck.
4	So it's not a reflection on your personality and
5	your intended use or how quiet you are as people, it's more
6	about is this deck and the size of it going to affect
7	different neighbors and, you know, be used differently by
8	other homeowners in the future.
9	But I leave it to Jim to follow up on that if he's
10	still concerned.
11	BRENDAN SULLIVAN: Okay. Thank you. Jason
12	Marshall, any questions, comments at this time?
13	JASON MARSHALL: No further comment, Mr. Chair. I
14	appreciate Wendy's clarification.
15	BRENDAN SULLIVAN: Let me open it to public
16	comment. Any members of the public who wish to speak should
17	now click the button that says, "Participants," and then
18	click the button that says, "Raise hand."
19	If you are calling in by phone, you can raise your
20	hand by pressing $*9$ and unmute or mute by pressing $*6$ , and
21	you will have up to three minutes in which to comment.
22	[Pause]

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1 There appears to be nobody calling in. We are in 2 receipt of potentially 10 or 11 letters of support from the 3 immediate neighbors, abutters -- 46 Antrim Street, 45 Antrim They have no objection the proposal. 4 Street. 5 One from 95 Antrim Street from Alex Van Praagh, 6 who is an architect, and, "Many nonconforming structures are 7 due to the narrowness of the existing lot and the pattern of nonconforming side yards and floor areas on the street. 8 9 "The planned alterations are also consistent with 10 the guidelines in the Mid-Cambridge Neighborhood 11 Conservation District, who have reviewed and approved the 12 proposed design." He would support and encourage granting 13 of the relief on the merits of the proposal. 14 There is a letter of support from #89 Antrim Street, 55 Antrim Street, Judy Johnson, from Debra Corn at 15 16 46 Antrim Street, Santino Ferrante from 58, and he asks that 17 we would approve and encourage more young families to move 18 into the community. And the Board can help by allowing 19 thing young family make the house and purchase a comfortable one. Also #39 Antrim Street. 20 The Board is also in receipt of communication from 21 22 the Mid-Cambridge Neighborhood Conservation District.

1	"The Mid-Cambridge Neighborhood Conservation
2	District hereby certifies pursuant by Title 2 Chapter 2.78
3	Section 2.78 of the code of the City of Cambridge on the
4	City Council order establishing the condition that the
5	construction described below is not incongruous to the
6	historic aspect or architectural character of the building
7	or district.
8	"To construct the addition and the deck, and
9	enlarge the dormer on the left side, remove the chimney and
10	alter the fenestrations of the structure."
11	The Commission also recommended consultation with
12	Staff on final landscape plan and color scheme. The plans
13	and specifications that are submitted with the application
14	entitled, "58 Antrim Street" by Hisel Flynn Architects dated
15	March 11, 2022 are incorporated into the certificate, which
16	is actually a nonbinding application, date of certificate
17	April 4, 2022.
18	And that's the sum and substance of any
19	correspondence.
20	We will now close the public comment aspect of it.
21	Dan, anything else you wish to add, potentially the comments
22	of the Board regarding the deck?

1	
1	DAN HISEL: Yeah.
2	BRENDAN SULLIVAN: Or Hannah, or anybody who
3	wishes to chime back in?
4	DAN HISEL: I defer to the clients on the size of
5	the deck. It's up to them. I think, you know, part of the
6	one nice thing about the size of the desk as it
7	currently, as it's currently drawn, is that it allows a
8	space for a table and chairs, as well as some lounge
9	furniture as well. We didn't draw that, obviously, but, you
10	know, it provides a kind of potential variety of uses up
11	there.
12	But as to whether or not you know, I defer to
13	the clients in terms of changes that might want to get made.
14	I'm happy either way.
15	BRENDAN SULLIVAN: Okay. Jim, going back to you
16	and other Members of the Board regarding the deck, have you
17	had any alternate proposal or suggestions?
18	JIM MONTEVERDE: No, my well, really, my
19	suggestion would be to if there's an opportunity to
20	reduce it, and not trying to design it, but taking the
21	planting trays that are running on the side yard and right
22	across the back to basically reduce the size of the deck,

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1	that would certainly make me more comfortable.
2	LAURA WERNICK: Can I special, Mr. Chair?
2	LAURA WERNICK. Can i Special, MI. Chail:
3	BRENDAN SULLIVAN: Sure. Yep. Absolutely.
4	LAURA WERNICK: No, just the I appreciate what
5	Jim's saying, and often in many instances we are very
6	concerned with, you know, putting a roof deck on top of a
7	triple-decker or something where there's no other space.
8	But the party issue is not, I don't think, an
9	issue here, because this family already has a yard, they
10	have another deck. If they're going to have a party,
11	they're going to have a party regardless of whether there's
12	a roof deck.
13	That's not I don't I'm not seeing that as a
14	major determinant of noise for neighbors, because they have
15	plenty of room to have lots of people, regardless of whether
16	they have a roof deck that size or half that size.
17	So I don't think in this particular instance that
18	the noise issue is affected one way or another by the size
19	of the roof deck. That's my personal thought. Thank you.
20	BRENDAN SULLIVAN: Laura, I think that's well
21	taken. And that actually echos my feeling on this is that
22	where it is, it's off an office. And I think it's really

1 probably for the exclusive uses of the occupants on a daily 2 basis. 3 And that there are other options if they wanted to have a larger gathering, you know, that would -- you know, 4 create noise or disturbance, it would probably not be up 5 6 there; it would be in the back yard or on the first-floor 7 deck or something. 8 So I think I agree with your observation, and I think that's sort of how I feel on it. 9 10 Wendy, your thoughts again, on this? 11 WENDY LEISERSON: I am in favor of the roof deck. 12 I love seeing more outdoor and open spaces for families. So -- and I agree with Laura's observation that this is not one 13 of the instances where we're talking about the deck -- a 14 15 roof deck being an invasion of the neighbors' privacy or a 16 potential noise issue. So I'm fine with the plans as they 17 are drawn. 18 BRENDAN SULLIVAN: Thank you. Jason, your 19 thoughts on the deck? 20 JASON MARSHALL: Yeah, thanks, Mr. Chair. I agree 21 with the statements that have been made regarding the 22 specific circumstances involving this deck don't seem to

1	create an issue with respect to nuisance to the
2	neighborhood.
3	I think it's notable that they have what appears
4	to be pretty robust support from neighbors, including as the
5	applicant noted, the neighbor abutting in the back. So I
6	would all still be comfortable supporting the plan as
7	presented.
8	BRENDAN SULLIVAN: Okay, Jim, back to you?
9	JIM MONTEVERDE: I have no further questions. I
10	appreciate all the comments from the fellow Members.
11	BRENDAN SULLIVAN: Ready for a motion, then,
12	everybody?
13	JIM MONTEVERDE: Ready.
14	BRENDAN SULLIVAN: Let me make a motion, then, to
15	grant the relief requested. Special permit to construct the
16	small addition of a deck on the first floor, dormers on the
17	third floor, add windows on nonconforming wall. Also
18	subject deck to part of the discussion off the back level.
19	And as per the application, drawings submitted,
20	supporting statements and dimensional form are provided by
21	Hisel H-i-s-e-l, is that correct, Dan, Hisel? Hisel?
22	Hisel?

1 DAN HISEL: Yes, you got it. Dan Hisel. Thank 2 you. 3 BRENDAN SULLIVAN: Okay. All right -- Flynn 4 Architects entitled 58 Antrim Street, and initialed by the Chair. 5 6 The Board finds that this is a special permit, and 7 it appears that the requirements of the Ordinance can be 8 met. 9 That traffic generated or patterns of access would 10 not cause congestion, hazard, or substantial change in the 11 established neighborhood character. 12 And as some public comment has mentioned, it's 13 actually quite in blending in with the existing character of 14 the neighborhood, architectural features. 15 And the Board notes the Mid-Cambridge Neighborhood 16 Conservation comments, finding that the proposed work is not 17 incongruous to the neighborhood. 18 The Board finds that continued operation of or 19 development of adjacent uses, as permitted in the Zoning 20 Ordinance, would not be adversely affected by the nature of 21 the proposed use. 22 The Board notes the letters of support from

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1 abutters and people in the immediate area. 2 There would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the 3 4 occupants of the proposed use, or to the citizens of the 5 city. The Board finds that the proposed renovation of 6 7 the structure would in fact be a plus to any citizen -- I'm sorry, say any occupant of the structure, add too a great 8 9 deal of light and fenestration, and would create some open 10 space, which is much needed and sought after in today's 11 society. The Board finds that the proposed use would not 12 impair the integrity of the district or adjoining district, 13 14 or otherwise derogate from the intent and purpose of the 15 Ordinance to allow homeowners to improve their structures 16 and also bringing structures up to code and make it more 17 adaptable to modern living standards. The Board also finds that relief is being sought 18 under Section 8.22.2D. The Board finds that it may grant a 19 special permit for the alteration or enlargement of a 20 preexisting dimensionally nonconforming, detached single-21 22 family dwelling or a two-family dwelling, not otherwise

1	permitted in Section 8.22.1, but not the alteration or
2	enlargement of a preexisting nonconforming use
3	Provided that there is no change in use, and that
4	any enlargement or alteration of such preexisting,
5	nonconforming detached single-family dwelling or two-family
6	dwelling may only increase a preexisting dimensional
7	nonconformity, but does not create a new dimensional
8	nonconformity.
9	In order to grant the special permit, the Board is
10	required to find and does so find that the alteration or
11	enlargement shall not be substantially more detrimental than
12	the existing nonconforming structure to the neighborhood.
13	And that the alteration or enlargement satisfies
14	the criteria as stated in Section 10.43, as previously
15	stated. On the motion, then, to grant the relief requested,
16	special permit, Jim Monteverde?
17	JIM MONTEVERDE: In favor of the special permit.
18	BRENDAN SULLIVAN: Laura Wernick?
19	LAURA WERNICK: In favor of the special permit.
20	BRENDAN SULLIVAN: Wendy Leiserson?
21	WENDY LEISERSON: In favor of the special permit.
22	BRENDAN SULLIVAN: Jason Marshall?

1	JASON MARSHALL: Yes, in favor of the special
2	permit.
3	BRENDAN SULLIVAN: Brendan Sullivan yes in favor
4	of granting the special permit.
5	[All vote YES]
6	BRENDAN SULLIVAN: Five affirmative votes, the
7	special permit is granted. Good luck with your project.
8	DAN HISEL: Thank you all very much.
9	BRENDAN SULLIVAN: Thank you.
10	DAN HISEL: Appreciate your time.
11	HANNAH BRENNAN: Thank you so much. We really
12	appreciate it.
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May 5, 2022

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1 2 (8:33 p.m.) 3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, and Jason 4 5 Marshall 6 BRENDAN SULLIVAN: The Board will now hear Case 7 No. 168459 -- 38 Mt. Pleasant Street. Mr. Alphen? 8 CHRISTOPHER ALPHEN: Thank you, Mr. Chairman. 9 Thank you, Members of the Board. For the record, Attorney 10 Christopher Alphen, Blatman, Bobrowski, Haverty & 11 Silverstein. My law office is in Concord, Massachusetts. 12 I'm here tonight on behalf of the petitioners the Russells, Matt and Lindsey. The petitioners seek to expand 13 their nonconforming structure in the second floor by 265 14 15 square feet. 16 In order to do so, they require a variance. The 17 existing structure is the dead-end dwelling of an old 18 townhouse, and the dwelling has a nonconforming FAR of 19 0.98. The proposed addition would increase the nonconforming FAR to 1.12. 20 21 The proposed addition does not create any 22 additional nonconformities, nor does it increase any other

1 existing nonconformities.

2	As the Board may recall, we were before the Board
3	with this application or this proposal under Section 8.222d
4	for a special permit, but the Board along with the Building
5	Inspector reasonably determined that it did not meet the
6	requirements for a special permit because it is not a
7	detached dwelling, because it's part of the townhouse.
8	Accordingly, we are before you tonight for a
9	variance to allow the expansion pursuant to Section 8223.
10	So before we get to the plans, I want to go
11	through how we meet the criteria for a variance, which is
12	contained in my memorandum of law that was submitted as part
13	of the application.
14	When we talk about a literal enforcement of the
15	Zoning Ordinance would prevent the petitioners from
16	expanding their home, so a literal enforcement of the Zoning
17	Ordinance is going to prevent the petitioners from expanding
18	their house whatsoever.
19	Any sort of expansion is going to require a
20	variance because of the location of the property, and
21	because of the uniqueness of it being part of the townhouse.
22	And quite simply, the Russells have outgrown the

1	house. They have grown children, and they need the
2	additional space for one to allow Matt's mother to stay for
3	extended periods of time, and for the new work at home
4	living situation, so that they can maintain an office within
5	the dwelling unit.
6	Quite frankly, without this addition, the Russells
7	can't stay in Cambridge. They just don't have enough room.
8	The hardship is owing to circumstances relating to
9	the uniqueness of the structure, along with the shape of the
10	lot. The dwelling is the last dwelling of a very old
11	townhouse structure with many units.
12	The dwelling is held in its own ownership on its
13	own lot, which is a narrow lot, which the way that the lot
14	is, and the way that the structure is, again the dwelling
15	cannot be extended cannot be expanded whatsoever in any
16	direction without relief via a variance.
17	The proposed addition will not cause a substantial
18	detriment to the public good, nor derogate from the intent
19	or purpose of the Ordinance. The petitioners present an
20	attractive and modest proposal, and the expansion is
21	designed to fit within the characteristics of the
22	neighborhood.

1	We have submitted many letters in support from
2	neighbors in the surrounding area, and it's sort of a
3	blessing in disguise. Since we've originally filed the
4	application, although as a special permit we've had a lot of
5	time to continue to have discussions with our neighbors
6	about the proposal. In fact, there were certain neighbors
7	who originally objected to the proposal, which have now
8	submitted letters in support.
9	So with that, I will turn it over to Mike Fields
10	of SKA Architects, and he will go over the plans.
11	MICHAEL FIELDS: Thank you, Chris, and thank you
12	Members of the Board for your time and consideration this
13	evening.
14	BRENDAN SULLIVAN: Introduce yourself, Michael,
15	just for the record.
16	MICHAEL FIELDS: Yep. Yes, my name is Mike
17	Fields, and I'm here with Sam Kachmar on behalf of our
18	clients Lindsey Mead and Matt Russell. To recap the
19	project, this is an update to a townhouse built around 1880,
20	which is the end of a roof. The two center sections were
21	developed and reapportioned in 2007. This renovation will
22	maintain the fundamental footprint and layout of the

1 original. At our hearing on November 18, we received insight 2 3 and feedback from some of the neighbors regarding their concerns surrounding lake views. We met with the neighbors 4 on a couple of occasions and adapted the plans based on the 5 6 concerns. 7 At the BZA meeting on January 27, the Board 8 determined this would need to be refiled as a variance, since it was not a detached dwelling, which brings us to our 9 10 request this evening. 11 This slide -- next slide, please? This slide outlines the zoning calculations of the 12 building, and its location in the neighborhood. This 1880 13 building falls outside of the C-1 calculated setbacks. 14 The 15 project will maintain the original footprint, apart from the 16 requested egress of the lower level. 17 The current FAR of 0.98 already exceeds the 18 allowable FAR of 0.75, and we're requesting a slight increase to this FAR by 0.14, or 265 square feet to our 19 total of 1.12, which will allow for a home office and a 20 grandparent suite for Matt's Mom. 21 22 Next slide, please?

1	Since there's no change on the street side, here
2	we're showing the massing of the existing townhouse from
3	the back with 38 Mt. Pleasant at the lower left-hand corner.
4	Next slide, please?
5	The previous proposal sought to maintain the lines of the
6	existing trim and overhangs around the second-floor
7	expansion. While this will be in keeping with the building
8	architecture, it is at the back of the property, and the
9	desire for light and views understandably outweigh the
10	formal consistency.
11	Next slide, please?
12	To reduce the impact of the expansion, the roof
13	over the bedroom was lowered 18 inches and steps down again
14	at the bathroom to 32 inches below the previous proposed
15	height. This maintains a code-minimum ceiling height in the
16	bathroom.
17	The roof overhangs were also removed, in order to
18	maximize light passing over the top of the expansion,
19	decreasing its impact on the first-floor unit, and garnering
20	the owners' support next door. Ann's letter accompanies the
21	submitted materials.
22	Next slide, please?

1	[Indiscernible] and SKA did an extensive life
2	shadow study with the direct abutters over Zoom on December
3	16 with Ann, and January 5 with Adam, who had expressed
4	concerns.
5	We explored the movement of the sun over the
6	course of the morning, the winter and summer solstices, as
7	well as at the equinoxes and the effects of the revision to
8	increase light.
9	Here is a snippet of the greatest shadow impact
10	from those walk-throughs at the winter solstice, when the
11	sun is at its lowest.
12	The top row shows the existing condition from 9:00
13	to 11:00 a.m.
14	The middle row shows the design previously
15	presented, with a higher roof and overhangs. Note the red
16	lines showing the extent of the new shadow it would have
17	cast.
18	And then on the bottom row, the revised design
19	with stepped down roofs, with increased light sets the
20	purple lines against the previous red lines from the
21	previous proposal. This has minimized the impact on the
22	second floor, and provides more reflected light into the

1 first-floor skylight. 2 Next slide, please? 3 In our overall shadow studies, we were showing the impact over the course of the year of shadows that would be 4 5 cast by the expansion, which are mostly captured within the shadows in the main townhouse and surrounding structures. 6 The lowered roofs have also minimized the late afternoon 7 8 shadows being cast towards properties at the rear of the 9 lot. 10 Next slide, please? Moving into the overall proposal, we'll start back 11 12 at the streetscape, which will remain unchanged. The wood exterior of the townhouse will be repaired as needed and 13 14 repainted, matching the adjacent townhouses. Windows on the 15 first and second floor will be replaced at their current 16 locations, with newer, energy-efficient wood windows. 17 A new egress window well located more than three 18 feet from walking surfaces will be screened and set apart 19 from the street with plantings. 20 Next slide, please? 21 In the existing site plan, we see the existing first-floor kitchen and deck off the rear of the townhouse. 22

1	Next slide, please?
2	In the proposed site plan, we have highlighted the
3	areas contributing to increased FAR, and proposed egress
4	ways from the lower level.
5	Next slide, please?
6	In the basement level, this level is being lowered
7	to approximately the same level as the adjacent town. The
8	design includes the creation of an egress window in place of
9	a smaller, existing window at the front of the building.
10	And at the back, we're proposing an egress stair out to the
11	back yard at an existing window header.
12	Next slide, please?
13	On the first floor, the adjusted layout remains
14	within the existing footprint, and here we see the new
15	locations of windows in that rear kitchen.
16	Next slide, please?
17	On the second floor, we see the expansion of the
18	existing first floor over the existing first-floor
19	footprint. Here we see the home office and the
20	grandparents' suite, which are driving the expansion of this
21	floor.
22	Next slide, please?

1 The third floor is unchanged by this request. 2 Next slide, please? 3 And the roof plan shows the proposed skylights. Water from the new roof, as well as from existing upper 4 5 roofs will be gathered through new gutters and brought down 6 to a dry well in the rear yard. 7 Next slide, please? 8 To the west, the front elevation will remain 9 unchanged, apart from the screened window well. 10 Next slide, please? 11 From the side, we see the expansion of the second 12 floor over the existing. The existing deck has been removed, and an egress stair from the basement is held tight 13 14 to the house, to provide more usable open space. The 15 previously proposed roof height here is dashed in purple, 16 and is now 18 inches lower over the primary there. 17 Next slide, please? 18 The east elevation at the back shows the area contributing to increased FAR. The roof over the bathroom 19 20 steps down an additional 14 inches, to maintain a code-21 minimum ceiling height in the bathroom. The egress stair 22 from the basement is tucked behind a fixed-railing planter

1	and open to the sky.
2	Next slide, please?
3	And on the north, the height of the wall and the
4	roof over the bathroom are lowered by 32 inches from the
5	previous proposal. The roof overhang has also been removed
6	to maximize light penetration.
7	The wall will be finished in white panels to maximize
8	reflected ambient light and break down the scale and visual
9	impact of the wall.
10	Next slide, please?
11	This concludes our formal presentation, but you
12	can scan the bar code below with your phone camera for a
13	video render of the exterior. Additional slides that follow
14	are provided as reference for the additional photos, the
15	survey plan, and the more than 15 letters of support
16	received by Matt and Lindsey.
17	Thank you again for your time and patience, and I
18	hand it back to Chris.
19	BRENDAN SULLIVAN: Okay. Christopher, anything
20	else to add?
21	CHRISTOPHER ALPHEN: I would just like the
22	applicant Matt Russell is on, and maybe he can add some

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1 things to the hardship aspect of our application. 2 MATT RUSSELL: Hi. Yeah. So my name is Matt 3 Russell. First of all, I want to thank the Board for their 4 consideration here. Just a little bit of background on 5 ourselves. Lindsey and I have lived in Cambridge for 20 years, in this home. We were at another home for a short 6 7 period, but this has been our home for 20 years. 8 This is where we've raised our kids. It's the 9 only house our kids have ever known. We were very active --10 you know, we're very active members of the community. You 11 know, our kids played West Cambridge baseball. They were 12 hockey players in the town hockey league. 13 And it's a community that we love and we want to 14 stay in. Lindsey's parents lived here and have been here 15 for 60 years. You know, without this addition, you know, 16 we're just not going to be able to stay here. I think as 17 Chris mentioned before, we've got aging parents. My wife's 18 mother just moved out of her house into a much smaller 19 place.

You know, my mother has got a degenerative condition. She doesn't live here, but she's being treated in Boston, as I'm sure everybody can appreciate with the

1	quality of the health care facilities, and as part of that
2	is spending more time here.
3	And, you know, the proposed addition will allow
4	her to be with us so we can provide the typo care that she's
5	going to need.
6	And again, it's a degenerative condition. And the
7	expectation is it's going to get worse. And having her
8	someplace else is not really realistic.
9	But I think as Chris mentioned, you know, the
10	hardship here for us is if we don't have this extra space,
11	we can't live here. You know, for us to go out and buy a
12	new place is just not within our means. And we'd have to
13	move and take alternative arrangements.
14	And like I said, we've been here for 20 years, and
15	we love this community, and we've been an active part of the
16	community. And we want to you know, we want to stay here
17	and hopefully live in this house for, you know, another 20
18	plus years.
19	I think that's I think, you know, that's
20	everything.
21	BRENDAN SULLIVAN: Okay. If I could have Olivia
22	pull up the floor plan, I just want to walk through the

1	existing structure of what is proposed. Start off with the
2	basement. The existing basement is probably now just used
3	as general storage area? Would that be correct?
4	MATT RUSSELL: Right. Yeah. It's an unfinished
5	basement without
6	MICHAEL FIELDS: Laundry?
7	MATT RUSSELL: there's not enough head room in
8	that basement to use it for so part of the plan here is
9	to, you know, take the floor down and to be able to use that
10	space more effectively.
11	BRENDAN SULLIVAN: All right. So what is proposed
12	is two storage rooms, a mudroom obviously coming in from the
13	outside entry area, a family room, and a mechanical room.
14	On the first floor, if you could bring up the first floor?
15	The first floor is again probably pretty much the same
16	living room, dining room and kitchen. And that will pretty
17	much stay the same. Altering some windows, but other than
18	that the floor layout will stay the same.
19	We'll go up to the second floor. The second floor
20	it appears that there are two bedrooms, and there's a room
21	off to the side of that bedroom for however that's being
22	used and a bathroom.

1	What is being proposed is an expanded master
2	bathroom, an expanded master bedroom. There's a closet, an
3	office, another bedroom, laundry room and a bathroom.
4	And then if we go up to the third floor, it
5	appears that nothing really is changing very much there.
6	There's two bedrooms, two bathrooms and I guess maybe that
7	room off to the side is maybe an office or something. But
8	what is proposed, there's really no change up there, so
9	there's bedroom, bedroom, office.
10	I guess where I'm going is that what is being
11	proposed, you have four bedrooms now, and you're proposing
12	four bedrooms. So there's really no increase in the number
13	of bedrooms.
14	And I guess part of the presentation is that you
15	need more space for a growing family and all, that adding a
16	bathroom and that bathroom obviously comes on the second
17	well, there's a bathroom on the second floor, there's a
18	proposed one on the second floor. You're adding an office
19	on the second floor, but there's also basically that room
20	off to the side there to the left of that other bedroom.
21	MATT RUSSELL: Yeah. May I interject here just
22	for and so it technically is a four-bedroom. It's never

1	been used as a in the 20 years that we've lived here, it
2	hasn't been used as a four-bedroom. And the previous
3	occupants, who actually wrote us a letter of support, didn't
4	use it for four bedrooms.
5	I mean, I'm sitting in one of those upper rooms
6	right now, that's been used as an additional family room.
7	I've actually had to use it as my office during COVID, which
8	is why I'm, you know, speaking from here.
9	But the bedroom in the 20 plus years 25 years
10	that us and the previous people owned it, the room has never
11	been used as a bedroom. So it's effectively a three bedroom
12	today.
13	BRENDAN SULLIVAN: Okay.
14	MATT RUSSELL: Yeah, the Talons Anne Talon
15	lived here before. She wrote a letter of support, but, you
16	know, when it wasn't they used it as a three-bedroom,
17	if I recall, coming in here and looking at it.
18	BRENDAN SULLIVAN: Okay. Well, my thought on this
19	and again, you know, going back to the purpose of the
20	
	Zoning Ordinance way back when it was instituted
21	Zoning Ordinance way back when it was instituted basically to define uses, industrial, commercial,

Page	1	3	0
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1	other stuff sort of got filled in afterwards.
2	But that's the purpose of the Zoning Ordinance
3	way back.
4	The other purpose of the Zoning Ordinance and
5	I think I have mentioned this to you before, Chris is it
6	affords protection from abutters of incongruous development
7	or, you know, unwanted development or whatever, or very
8	development that's very impactful.
9	So it affords a defined table of uses, a defined
10	area of uses in an urban setting, but also affords
11	protection to abutters, as to what is allowed, and what is
12	basically not allowed by the Ordinance.
13	And I go back to the letter from Mr. Albright, and
14	he may very well speak to himself, but it resonates with me.
15	And dated May 1,
16	"Dear Board of Zoning Appeal,
17	My name is Adam Albright. I am the owner of 40-42
18	Mt. Pleasant Street #3, the second-floor unit of 40 Mt.
19	Pleasant Street, where I have lived since 2012.
20	"I'm writing to comment on the variance petition
21	168459 to add a second-floor addition the 38 Mt. Pleasant
22	Street, which abuts our building. I should say first that I

1	appreciate the efforts of Matt and Lindsey Russell to keep
	appreciate the errorts of Matt and Lindsey Russell to keep
2	neighbors informed of their plans.
3	"I nonetheless have significant concerns about the
4	negative impact of the proposed addition on the enjoyment
5	and value of our own home. Among all abutters, my unit
6	would be uniquely affected by this addition, since I share a
7	common wall with the second floor of 38 and the proposed
8	addition would be just a few feet from my windows.
9	"My unit has just four rooms. Two of those rooms
10	dining, living and one bedroom look out onto a small
11	area of roof. In the first attached picture, the closer
12	portion of the roof with the skylight is $#40$ , and the
13	portion past the downspouts and the seam is the roof of 38.
14	"The proposed second-floor addition would create a
15	wall boxing in the windows of both of these rooms. The wall
16	would be just 12 feet away from my dining room window,
17	blocking it entirely the view in the first photo.
18	"It would also be five feet from my bedroom
19	window, sinking that room into an alcove. The effects can
20	be seen on pages 23, 24 of the proposed PDF on the BZA
21	website.
22	"The addition would have two negative impacts.

1	Most significantly, it would transform what are currently
2	windows to the outdoors into windows that look directly out
3	onto a wall just 12 feet away. This can easily be seen by
4	looking at the photos I've attached, and simply imagining a
5	wall erected at the seam of the roof.
6	"The architectural sketches make that space look
7	wider somewhat wider, but in-person it is tight quarters,
8	around 10 x 12 or a small room.
9	"The first attached photo shows that the view from
10	my dining room would be mostly replaced by a wall at the
11	seam line of the roof. The second attached photo shows the
12	view from my bedroom, in which everything to the right of
13	the roof would also be replaced by a wall.
14	"The result would be that this bedroom, which is
15	currently the main living space of my elderly mother, would
16	become more like a large, dark closet.
17	"The second impact would be on the daylight to my
18	unit, especially in the first half of the day. The windows
19	in question are on the south my only south-facing window
20	and east.
21	"Currently these windows receive bright, direct
22	sunlight in the morning year-round from about 8:45 when the

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1	sun rises over the building to the south until about 11:45,
2	with bright, indirect light for much of the afternoon.
3	"The second attached photo shows the sun coming in
4	through the area of the proposed addition at approximately
5	9:00 a.m. The proposed addition would significantly reduce
6	this direct and perhaps even more the indirect light.
7	"The plan attempts to mitigate the impact by
8	lowering the height of the portion of the roof, and by
9	painting the wall that would be directly in front of my
10	windows a lighter color. These may somewhat increase
11	reflective light in that area, but the fact remains that
12	there will be considerable reduction of direct and indirect
13	light to the back half of my unit.
14	"I understand well that there is a certain degree
15	of denseness it is to be expected in the city. However,
16	this addition would be just five feet and 12 feet from my
17	bedroom and dining room windows respectively, so it would
18	have an especially large negative impact on value and
19	enjoyment of my unit."
20	I'll let you think about that, and let me open it
21	to the Members of the Board, who may have
22	MATT RUSSELL: Mr. Chairman, can I I'd like to

1	address I guess a couple of things that are in there.
2	Because, like I said, we've been here for 20 years. One,
3	I'd like to have Mike Fields address some of the concerns
4	about the light, because we spent a substantial amount of
5	time with Adam modeling that out, not just on a piece of
6	paper but, you know, in a video.
7	I think the characterization of the light, you
8	know, in that letter may not be as accurate. I mean, it is
9	an east-facing house. You know, the sun is blocked by, you
10	know, existing structures that are there. And the impact by
11	us would be very limited.
12	But I want to go back to this density question
13	that I keep hearing. We bought this house in 2001. When it
14	was bought, there were four rowhouses here.
15	So the structure that Adam's living in today and
16	the other tenants at 40-42, those were two houses. They've
17	been converted they were converted to four.
18	The developer who came in and bought them well,
19	let me back up from there for a second. There was a
20	substantial problem with the two townhouses when we bought
21	the house. They were there had been an illegal addition
22	put out back. You can see that as jutting out, if you look

1	at the schematic. But that was an illegal addition that
2	ultimately the developer had to get approval for.
3	There was also the person who owned both of those
4	I think had back taxes in the order of \$100,000. So it was
5	a mess when we moved in. And when the developer came along,
6	he had to get approval for a variance to put four units in
7	there. Obviously, as you can appreciate from our
8	standpoint, that is not an ideal situation. We wanted that
9	to be a townhouse.
10	But, you know, ultimately, we felt it was in
11	everybody's best interest the community's best interest,
12	our best interest to work with that developer. You know,
13	my wife went to that hearing that was back in the day
14	when you had to do that in person, place, and went to the
15	hearing and supported that.
16	So I do understand the density issue that Adam is
17	talking about. It's a much denser building than I think
18	ideally that we would have liked, but we also understand
19	that, you know, these sorts of things are going to happen,
20	and try to be supportive and work with the neighbors.
21	So I just I want to put that out there, because
22	there's a lot of history with this building. There were

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1	back taxes, there were squatters, there were a lot of things
2	that we dealt with when this first happened. We lived
3	through construction, which, obviously, is not great.
4	It's one of the you know, part of the reason
5	that we've tried to keep all our neighbors informed of
6	what's happening is, you know, we appreciate that that can
7	be disruptive. And I grew up in a small community, and
8	that's the way the people treated each other. And I'd like
9	to think that Cambridge is like that.
10	But I do think it's important that the Boards get
11	the context of the history of this building, because there's
12	a lot of it. There's a lot of it here.
13	And maybe I'll ask Mike to comment on the light,
14	because we've spent a substantial amount of time you
15	know, I know that I've walked around and, you know, there's
16	been some misperceptions about the impact that this
17	addition, you know, would have.
18	And I think Mike could comment on the substantial
19	amount of work that we did to get people comfortable that,
20	you know, the impact of the addition, you know, is maybe not
21	as great as it would initially seem.
22	SAM KACHMAR: Mr. Chairman, if I Sam Kachmar here

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1	from SKA. I would like to also just note in addition to the
2	
Ζ	15 letters of support that are also in the file, that we did
3	meet with Adam and with other abutters through view shadow
4	studies, multiple times and go over different strategies
5	that we use to help reduce the amount of shadow effect from
6	those, and did our best to try to find as much compromise as
7	possible through that process.
8	And I'll let Mike speak to that in more detail.
9	MICHAEL FIELDS: Sure. Yeah, if we could go back
10	to sheet 006?
11	[Pause]
12	Yeah. So, you know, as we stated earlier that,
13	you know, this represents, you know, the lowest point of the
14	sun in the sky, right?
15	So it is true that when we initially presented the
16	project, you know, the roof was too high, and it did block
17	the sun to Adam's window. And you can see that with the red
18	line that, you know, cuts across the top of this window at
19	the lowest point.
20	And, you know, obviously this is you know, in
21	the dead of winter when, you know, when it's most effective.
22	But, you know, that is the case.

1	What we did is we moved that roof down so the
2	you know, even when the sun's at its lowest, we were trying
3	to get it so that there was still direct sunlight in his
4	window year-round.
5	And, you know, it you know, certainly
6	compromises, you know, the quality of the bathroom light and
7	everything, but, you know, that was a sacrifice that, you
8	know, Matt and Lindsey were willing to make to, you know,
9	try to ameliorate the condition and, you know, bring this
10	light in.
11	You know, additionally, you know, we were able to
12	bring camera views into the rooms, you know, of Adam's
13	apartment.
14	And while it's not going to be 100 percent
15	accurate, you know, you really when you're in that
16	bedroom, you don't experience the wall of this building
17	until you're within three feet of the window. You know, so
18	for most of the room, you actually see just the view
19	corridor.
20	So, you know, we tried to, you know, cut it back
21	and, you know, I think move it down as much as we could,
22	but, you know, I think you know, obviously is a matter of

1 compromise and trying to do our best to meet our neighbor's 2 needs. 3 MATT RUSSELL: And we also did highlight that 4 these shadow studies are taken from the winter solstice, and this is the longest -- you know, shadow period of the year. 5 6 The entire rest of the year, there's much less shadow impact than there is in what we're showing in our 7 8 studies. This is the maximum impact that there is for one 9 two days a year. 10 BRENDAN SULLIVAN: Okay. Let me open it to the 11 Board Members for comment. Jim Monteverde, any comments? JIM MONTEVERDE: I share the concerns that the 12 13 Chair expressed, looking at the view that's on the screen as 14 well as one of the prospective views that you prepared. 15 I think besides the technics of where the sun 16 angles are during the various times of the year, when you 17 look at what you create by adding that second-floor 18 addition, I can understand the neighbors' concern that it 19 becomes a -- you know, a light well and air well. It really 20 boxes it in. So I can appreciate the neighbors' immediate 21 concern. 22 And when I look at what it is that causes all of

1	that, the addition on the second floor really the new
2	addition seems to comprise an improved master suite. It
3	seems like you can accommodate the parents who will be
4	visiting within the existing footprint, and I just I'm
5	not sure that the need for the increased or improved master
6	suite trumps the neighbors' concern about creating an
7	areaway or a well that they're looking into.
8	MATT RUSSELL: Yeah, can I I just I need to
9	comment on that. I mean, we've lived in this house for 20
10	years, so my mother and my parents have not been able to
11	come and stay in this house, given the way it's configured.
12	So I take a little bit of issue with that comment.
13	I mean, just we haven't been able to have them here. I
14	mean, the way that it's configured, there's just not
15	there's just not enough room.
16	So without that addition, we can't accommodate
17	them. I mean, it's just not possible.
18	BRENDAN SULLIVAN: All right, Jim, anything else
19	to add?
20	JIM MONTEVERDE: No, that's thank you.
21	BRENDAN SULLIVAN: Laura? Do you have any
22	comments, questions?

1	LAURA WERNICK: Yeah, I think Jim's concerns are
2	my concerns about creating that kind of canyon there. And I
3	do think that I can see the improvements that were made
4	from the original to the second. You know, obviously you
5	went through a lot of effort to try and make things better,
6	and you did.
7	But there still is it's a big change for that
8	person. And so it still is it's concerning to me. It's
9	concerning to me.
10	BRENDAN SULLIVAN: Wendy, any comments, questions?
11	WENDY LEISERSON: Yes. I agree with the concerns
12	that my colleagues have expressed so far.
13	And I also want to add that, you know, I looked
14	back at the earlier case, because I thought had remember
15	this, and I found that, you know, part of the representation
16	here is that you've got growing children, and so you're
17	adding a person to this structure plus an office.
18	And I mean, I see that you know, the prior case
19	facts were stated that your children are actually moving
20	out. One's in college and one's in high school and will be
21	moving out.
22	And let me just say I'm very sympathetic. I've

1	been through it twice having elderly people in my home, so
2	understand what you're juggling while also having children
3	at home. And so this is not personal. And I know because
4	it's your home that you obviously it's a very emotional
5	issue.
6	But I also see that you're making choices here
7	that are not simply about trying to accommodate an aging
8	relative. You're adding a family room, you're adding a
9	mudroom, you're adding a laundry room, you're expanding the
10	master bath. You're wanting a lot more than what you seem
11	to need in terms of the hardship. And I don't understand
12	why your neighbors should suffer for that.
13	And on the other hand and it's not personal to
14	that neighbor where, again, this is about the properties,
15	not about the people. And our job is to look at that,
16	despite our sympathies for your personal circumstances. And
17	I'm sure the fact that you must be a lovely neighbor.
18	And I thought about, well, you know, if I had a
19	neighbor in that situation and I wanted to accommodate them,
20	you know, maybe there was some kind of expansion to their,
21	you know, filling in that second, that little canyon. Well,
22	then what would you do? You would cause the neighbor below

1	to have a problem with the development.
2	I mean, the fact is that just the way this
3	building is, I just don't see it. You're trying to crowd
4	too much into the space, and I think that the hardships
5	you're alleging could be more creatively solved without
6	impacting the neighborhood.
7	BRENDAN SULLIVAN: Thank you, Wendy. Jason
8	Marshall, any comments, questions at this time?
9	JASON MARSHALL: Yeah. I actually would like to
10	stay on the topic of hardship for a minute or two. And
11	Olivia, I wonder if you could scroll up to the part of the
12	application that has the written description of the variance
13	request?
14	I'm not seeing the Share Screen anymore, so might
15	have lost it.
16	BRENDAN SULLIVAN: Supporting statements?
17	JASON MARSHALL: Yeah, it looks like it's right
18	there. Yeah. Thank you. So following a little bit on what
19	Wendy was saying, also from a personal standpoint,
20	completely understand why you're requesting this. It makes
21	a lot of sense. You have clear personal reasons for it,
22	family reasons for it.

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1	However, this Board and, you know, Attorney Alphen
2	know this: We are constrained by state law. There's state
3	law statutory standards that we have to apply in weighing a
4	variance request. And it is an exacting standard. Of
5	course, it's effectively a waiver of local legislation.
6	And the harshest standard is a challenging one.
7	And it cannot be particular to the applicant or the
8	applicant's personal situation. It has to be a hardship
9	that anybody living in that parcel would suffer from.
10	The way that this is described, I'm not seeing any
11	basis that we could grant it, even if we wanted to. Now, we
12	have a Chair who's pretty good at taking a discussion during
13	the hearing and fashioning a motion that can get us there
14	after there's been a clarification.
15	But here the rationale here is it's really
16	personal, and it's not something that necessarily anybody
17	living in this unit would experience.
18	And it has to be something that would reasonably
19	restrict the allowable use of this property zone, and use
20	that as a single-family house.
21	SAM KACHMAR: Jason, would it be viable to discuss
22	that the length of this lot and the width of this lot really

1	make it unviable to build anything on it, and that that
2	would be a hardship for any owner of this property, whether
3	it's Matt and Lindsey, or whether it's someone in the
4	future? Because this lot was obviously created before
5	zoning laws existed, and that it has had it overlaid onto
6	it, thus creating a hardship for these clients?
7	CHRISTOPHER ALPHEN: Yeah, Matt
8	BRENDAN SULLIVAN: I'll let Jason answer. I have
9	my own answer, but Jason can more than adequately respond.
10	JASON MARSHALL: Yeah, no, I mean, I'm interested
11	in a discussion on it, because what I'm asking for is
12	additional explanation that would allow us if we even got
13	there to be able to act on it. And the explanation that
14	without a variance the home can't be expanded, I don't know
15	preliminarily if that gets us there?
16	SAM KACHMAR: I don't either. And I'm
17	JASON MARSHALL: Okay.
18	SAM KACHMAR: speaking probably out of my lane a
19	little bit. I'm asking and just sort of trying to have a
20	discussion.
21	JASON MARSHALL: No, I appreciate that. And
22	that's the point of me bringing this up is to have, you

1	know, discussion about it, not to be make a conclusory
2	statement, which is yeah.
3	SAM KACHMAR: Yep.
4	JASON MARSHALL: So
5	CHRISTOPHER ALPHEN: Obviously there's a two-step
6	process. When you're looking at a variance. The first is
7	that the enforcement of the Zoning Ordinance creates a
8	hardship, right? Financial or otherwise. In our case, it
9	is because without any sort of relief from the Zoning
10	Ordinance, we can't do anything. And if we can't do
11	anything, we cannot expand.
12	And I think we've testified, and Matt's testified
13	and I put in my legal memorandum about how the Russells need
14	this additional space in order to make it a livable place
15	for them these days, for one reason or the other.
16	And then the second part, as you know, is that the
17	hardship is related to the unique circumstances of the soil
18	conditions, shape, topography of such land or structure.
19	And I think that this is one of the unique situations where
20	you have a unique structure being the end unit of a
21	townhouse, where it's in its own separate ownership, it's on
22	its own separate lot

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1	CHRISTOPHER ALPHEN: Yep.
2	SAM KACHMAR: the only way that it can be
3	expanded is through this variance. So
4	CHRISTOPHER ALPHEN: I think you did a good job,
5	Counsel, on the second prong of that, and more so when you
6	presented. It's the first prong, is the inability to expand
7	a hardship? That's
8	SAM KACHMAR: Sure, I believe it is. And every
9	and variances are given every day for people to build
10	livable space. That is that is a common thing that
11	happens through the Commonwealth, that variances are granted
12	in order to give more livable space when space otherwise
13	cannot be granted, right? There's no other way for us to
14	get this.
15	We can't get this through a special permit, we
16	can't get this by right, so the only way to do this is by
17	variance, and without a variance we can't expand to the
18	right, left or upwards. We are stuck with what we have, and
19	that's what the hardship is.
20	CHRISTOPHER ALPHEN: I appreciate your
21	perspective. And, you know, I'm looking at the four corners
22	of this application, respectively. So.

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1 WENDY LEISERSON: Mike --2 SAM KACHMAR: And would it be relevant to note 3 that this structure is in an attached structure? Where if 4 it was a detached structure, this would all be being done by 5 special permit? Which is what we originally applied by. 6 But because it shares a dividing wall with a 7 structure next to it, even though they're separate 8 properties, and there is property line, that is the 9 contributing factor that's bringing us here to the variance 10 application that we're in. 11 And I know it's kind of muddy waters, but just 12 want to try to clarify that a little bit. 13 JASON MARSHALL: Yep, no, I'm -- thank you, Sam. 14 I'm familiar with the distinction there. Mr. Chair, I think 15 you had something that you wanted to add to this discussion? 16 BRENDAN SULLIVAN: I save it. 17 JASON MARSHALL: Okay. 18 BRENDAN SULLIVAN: But anyhow. Have you 19 concluded, Jason, your comments at this time? 20 JASON MARSHALL: Yeah. For now, yes, thank you. 21 BRENDAN SULLIVAN: Let me open it to public 22 comment. Any member of the public who wishes to speak --

1 JIM MONTEVERDE: Mr. Chair? Sorry, this is Jim 2 Monteverde. 3 BRENDAN SULLIVAN: Yes. JIM MONTEVERDE: Can I offer one other comment 4 5 before we open it up to public? 6 BRENDAN SULLIVAN: Oh, sure. Yep. JIM MONTEVERDE: I'm wringing my hand looking for 7 8 a solution here, because I'm sure there is one within the 9 parameters of -- with some type of addition. And I'm 10 looking at your plan on Sheet #102. 11 And then I look at the 3D view on Sheet I think 12 it's #203, and I suspect that the offending part of the -for your neighbor -- is the positioning of the master bath. 13 14 In other words, I'm questioning whether your 15 neighbor would be comfortable were the addition on the 16 second floor to be the main bedroom, but you didn't enclose 17 what's now shown as the master bath, and placed it elsewhere 18 on the floor area that you create on that second floor, if 19 in fact that would relieve the whole sense of that you're 20 building up against the neighbor or close to the neighbor, 21 the feel of a light well, so it would just expand it -- let 22 in more light, let their view (sic), I think that would be

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1 much less of an issue. 2 Anyway, I just wanted to make that observation 3 before you, Mike. 4 MICHAEL FIELDS: Sure. And just to follow-up on, 5 you know, previous iterations, you know, as we're looking at 6 how to get more light in there, you know, we did do, you know, I think an experiment in which we took that bathroom 7 8 out entirely. 9 But really, it's the limiting factor of the roof 10 over the main bedroom, which is causing light. 11 Now, it would draw that wall back away from them. 12 JIM MONTEVERDE: Correct. 13 MICHAEL FIELDS: But, you know, is -- you know, given where he's taken that picture from, you know, like 14 15 sort of up against the screen at the wall there, you know, 16 it wouldn't change that view, but it would be far back from 17 that view. 18 JIM MONTEVERDE: Oh, further back by --MICHAEL FIELDS: Yeah. 19 JIM MONTEVERDE: -- what's the dimension there, 10 20 21 feet? Not quite 10 feet? 22 MICHAEL FIELDS: No, it would be eight feet.

1	JIM MONTEVERDE: Yeah, eight feet? I mean, it's
2	not insignificant. I'm just trying not to throw the baby
3	out with the bathwater. That's all.
4	SAM KACHMAR: Sure. I mean, it is 12 feet away
5	now. And I know that's not a ton, but it is an urban
6	environment. 12 feet's a good amount away.
7	JIM MONTEVERDE: Yeah. All right, thanks. Sorry
8	to interrupt.
9	MICHAEL FIELDS: Thank you.
10	BRENDAN SULLIVAN: Yeah. Let me open it to public
11	comment. Any members of the public who wish to speak should
12	now click the button that says, "Participants," and then
13	click the button that says, "Raise hand."
14	If you are calling in by phone, you can raise your
15	hand by pressing $*9$ and unmute or mute by pressing $*6$ , and I
16	would ask that you have a limit of three minutes in which to
17	comment.
18	OLIVIA RATAY: Adam Allbright?
19	ADAM ALLBRIGHT: Adam Allbright, I'm the owner of
20	40-42 Pleasant Street.
21	BRENDAN SULLIVAN: Mr. Allbright?
22	ADAM ALLBRIGHT: Yes. Can you hear me?

1	BRENDAN SULLIVAN: Yes, okay, yep.
2	ADAM ALLBRIGHT: Apparently my video didn't turn
3	on. But anyway, I just wanted to say I really don't want to
4	be in this position, where someone gets what they want and
5	someone doesn't, and [indiscernible] but certainly decades
6	to come. I was hoping Jim would have a solution, because I
7	really want one. I respect Matt and Lindsey and I really
8	hate this situation. It stresses me out.
9	But I also want a home in which my windows look
10	out onto a little place on the outside world, which is what
11	made my choose apartment in the first place. But there
12	needs to be still some refuge, when I get home and I walk in
13	my door and look at those windows.
14	I do gratefully acknowledge the shadow situation
15	that the new plans have improved, relative to the original
16	plan, although there would still be an impact.
17	But I am sad to that that my view would now be
18	replaced by a wall just 12 feet away. 22 feet away again
19	would be better, but it would still be a wall in terms of my
20	windows, blocking out light, a fair amount of light.
21	The fact that it's an attached structure is
22	exactly why but I unfortunately can't change that. It

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would change my living space. This is a tough spot. And I
really do empathize with the goals of the project. And it's
not easy to do. I know very well, especially making space
back home, I'm going to through the same situation.
BRENDAN SULLIVAN: Oh you're fading.
ADAM ALLBRIGHT: But to be honest, I don't want to
debate in terms of the greater hardship, because that's just
not a debate anyone should be in. And I really appreciate
the Board's reluctance to engage in such discussion.
I can't expand my unit either, and I knew that
when I bought it. It's really unfortunate that it's still
my desire to be able to see the outside world is so at odds
with this plan, and all I can do is express the impact of
this.
I really feel powerless here. I have a smaller
home, which means that small changes affects my living space
more. And some of the backstops to this situation have to
do with history that predates when I bought my home a decade
ago.
So I'm really just not sure what to say, except
the same thing I've told Matt and Mike every time we've
talked about this, which is that I really appreciate their

1	efforts and the improvements have been increasing, but I'm
2	also just not happy with the project. That's all.
3	BRENDAN SULLIVAN: Thank you very much for calling
4	in. That's the only person calling in. There is a number
5	of letters that have been submitted in support regarding
6	this case, which actually pertain even to the original case.
7	Some are dated back last year.
8	There was also a letter of support from Annie
9	Norris, who is at 48 Mount Pleasant Street Unit $\#2$ , and
10	that's she's writing in support of the renovations.
11	"As the adjacent neighbor, I had initial concerns
12	about the addition's potential to block direct sunlight from
13	entering my skylight. Lindsey and Matt heard my worry and
14	worked with their architect to create a new design; one that
15	helps to mitigate light loss throughout.
16	"They have been open and communicative about their
17	plans. Please feel free to contact me.
18	"Annie Norris
19	"40 Mt. Pleasant Street, Unit #2."
20	That is the sum of the current communications
21	submitted to the Board. I'll close the public comment part
22	of it. Let me refer it back to the Counselor or

1	CHRISTOPHER ALPHEN: Mr. Chairman, I think the one
2	thing that I'll ask the Board to ponder is I'm hearing from
3	the one abutter in opposition that his concerns are views
4	and density.
5	And I appreciate the Chairman's comments about the
6	purpose and intent of the zoning and zoning ordinances, and
7	why we have dimensional regulations. I appreciate those
8	comments.
9	But I think the Board needs to consider whether
10	the Cambridge Zoning Ordinance in a situation like this
11	understands density with our proposal and views with our
12	proposal as a zoning harm that the Ordinance is intended to
13	protect.
14	When you have about high-density neighborhood like
15	this, is this really an issue density and views? Are
16	those really issues, or are those alleged harms that the
17	Zoning Ordinance and your Board is intended to protect?
18	BRENDAN SULLIVAN: Okay. Anything else by Mr.
19	Fields at all, or before we take it to a vote?
20	MICHAEL FIELDS: No, I think we've said
21	BRENDAN SULLIVAN: Okay.
22	MICHAEL FIELDS: said much.

1	SAM KACHMAR: You know, we tried to work with both
2	neighbors that had concerns initially, along with the people
3	who have provided support. You know, one neighbor that had
4	objections and you can see we worked with and redesigned the
5	proposal to accommodate her concerns and issues, and she's
6	now written a letter of support.
7	You know, we met with Adam. We tried to alleviate
8	his concerns and work on things.
9	BRENDAN SULLIVAN: You know, the thing is, Sam,
10	those letters of support are from people who don't live next
11	to this.
12	SAM KACHMAR: Anne lives directly next to it.
13	BRENDAN SULLIVAN: And they are they're from
14	SAM KACHMAR: Anne lives directly next to them,
15	Mr. Chairman, directly.
16	BRENDAN SULLIVAN: Okay.
17	SAM KACHMAR: Closer than Adam.
18	BRENDAN SULLIVAN: I acknowledge that. But you
19	keep harping on about the plethora of letters in support.
20	And
21	SAM KACHMAR: And then I have them from
22	BRENDAN SULLIVAN: It's the really, it's the

1	person most affected by this. And when I read those letters
Т	person most affected by this. And when I fead those fetters
2	of support and I understand they were solicited, and
3	that's fine, and we appreciate people taking time is if they
4	live next door to this, they'd be still saying the same
5	letter in support?
6	SAM KACHMAR: Right.
7	BRENDAN SULLIVAN: Because they're not affected by
8	it. So
9	SAM KACHMAR: Anne Norris is affected by it, and
10	does live directly next door.
11	BRENDAN SULLIVAN: The way I read the letters,
12	that's the way I read the letters of support for this
13	particular, because it's the people who are not affected by
14	the proposal.
15	MATT RUSSELL: Mr. Chairman, can I make a comment
16	to that? Because
17	BRENDAN SULLIVAN: Sure.
18	MATT RUSSELL: we've got Henry, who lives on
19	one side of us to I mean, I don't I think is affected.
20	I mean, any construction with year next-door neighbor
21	affects you wrote a letter of support.
22	There are three people who are in the attached

1 building that are -- directly share a wall with us: The 2 Springs, who wrote a letter of support; Anne who wrote a 3 letter of support. 4 So Adam -- Adam is the direct neighbor -- you 5 know, the only direct neighbor that is in opposition. I just want to make sure that I clarify that, you know, we've 6 7 got one other person in the building who wrote a letter of 8 support. So, you know, I do think those are -- I do think 9 those are relevant. 10 BRENDAN SULLIVAN: No, no. I acknowledge those. 11 MATT RUSSELL: Yeah. And I get it. 12 BRENDAN SULLIVAN: Okay. Let me close the 13 presentation part. Does the Board want to discuss, or shall 14 I go to a motion? 15 LAURA WERNICK: Oh, I would just give it one more 16 shot along with what Jim was suggesting, given I think 17 you're getting the sense that the Board is not yet 18 comfortable -- or Members of the Board perhaps are not quite 19 comfortable yet because of Adam's concerns. I understand he's one of three on that side there, but perhaps his being 20 21 in the middle he's most heavily impacted. 22 And I wonder, Jim made a suggestion which I

1	thought was a good one about removing the location of the
2	bathroom. And maybe there's some a green roof, some
3	shielding of some green planting along the wall of the
4	master bedroom, so that Adam's looking out on green, rather
5	than on a wall. It's a little bit further away.
6	Do you want to give it one more shot to try and
7	work with him to see if there's some further modification
8	that could alter his opinion? And it might
9	WENDY LEISERSON: Laura, I'm going to interject
10	before you respond, Counselor. I'm going to say that
11	irrespective of Adam's objection, you look at the law, your
12	burden of proof is not that no neighbor objects. Your
13	burden of proof is that there is a hardship. And I still do
14	not see that. I don't understand why a laundry room and an
15	office the desire for that is the hardship.
16	If the hardship is about having elderly family
17	live there, then maybe you should give up the office and
18	move your desired master suite on the second floor. Like, I
19	don't understand why all these other luxury items must be in
20	your plan.
21	MATT RUSSELL: I don't think a laundry I mean,
22	I don't think a laundry room is a luxury room, first of all.

1	We just decided to put a laundry room on the second floor in
2	the basement today.
3	WENDY LEISERSON: A mudroom, a pantry, an office,
4	a family room You have a lot of space that you could use
5	for these things. You're getting a whole basement with
6	this.
7	MATT RUSSELL: Okay.
8	CHRISTOPHER ALPHEN: I spoke to my client via text
9	message the way that these things work now on Zoom and he
10	indicated to me that we could we'd like to seek a vote,
11	unless Matt, do you have any last presentations?
12	MATT RUSSELL: Yeah. Let me just because I'm
12 13	MATT RUSSELL: Yeah. Let me just because I'm not sure how to respond to what was just said. Let me be
13	not sure how to respond to what was just said. Let me be
13 14	not sure how to respond to what was just said. Let me be absolutely clear. I mean, if we're, the way the house is
13 14 15	not sure how to respond to what was just said. Let me be absolutely clear. I mean, if we're, the way the house is configured, we're not going to be able to move my mother in.
13 14 15 16	not sure how to respond to what was just said. Let me be absolutely clear. I mean, if we're, the way the house is configured, we're not going to be able to move my mother in. I mean, I'm not going to put her in the basement.
13 14 15 16 17	not sure how to respond to what was just said. Let me be absolutely clear. I mean, if we're, the way the house is configured, we're not going to be able to move my mother in. I mean, I'm not going to put her in the basement. I don't know if that's what's being suggested or not. But
13 14 15 16 17 18	not sure how to respond to what was just said. Let me be absolutely clear. I mean, if we're, the way the house is configured, we're not going to be able to move my mother in. I mean, I'm not going to put her in the basement. I don't know if that's what's being suggested or not. But she's not going to be able to move in here. We'll probably
13 14 15 16 17 18 19	<pre>not sure how to respond to what was just said. Let me be absolutely clear. I mean, if we're, the way the house is configured, we're not going to be able to move my mother in. I mean, I'm not going to put her in the basement. I don't know if that's what's being suggested or not. But she's not going to be able to move in here. We'll probably have to move. So I don't I'm not sure how to respond to</pre>

1 when Adam's place was developed, whether he was there or not 2 and Anne's place was developed, whether they were there or 3 not. 4 And the addition that is being talked about as the 5 problem in Adam's unit, that abutting addition, first of all 6 it was there when we bought it, it was illegal, and it had 7 been illegally built. We had to go to court over this whole 8 thing. 9 But when the developer moved in, we were 10 supportive. And now I think what I'm hearing from the 11 Board, because I think I have a feeling how this is going to 12 qo, the irony is is that our support of their variance in 2007 is now what's coming back to -- coming back to, you 13 know, harm us. 14 15 Because had we not supported, that abutting piece 16 would have never been there. In fact, they would have never 17 converted to four units to begin with --18 WENDY LEISERSON: This is --MATT RUSSELL: -- if I remember the case 19 20 correctly. But -- but look, I just want to say that. 21 That's the irony of -- of -- of all -- all --22 WENDY LEISERSON: I --

1	MATT RUSSELL: all this. We want to stay in							
2	Cambridge, but I'll be very clear, we probably don't stay in							
3	Cambridge if we don't get this. And it's not about, you							
4	know, I thinkquote, unquote "the luxuries" I think that							
5	have been alluded to, but the fact that, you know, just							
6	given our current conditions and yes, I do need an office							
7	because I'm working from home more.							
8	I mean, we have situations where our offices got							
9	shut down during COVID and, you know, people are working							
10	from home more. So I don't know how to I don't know how							
11	to respond to a public health crisis and the need for more							
12	space to work from home, but, you know, I'll							
13	WENDY LEISERSON: So.							
14	MATT RUSSELL: just leave it at that. Thank							
15	you.							
16	WENDY LEISERSON: So Matt, this is Wendy Leiserson							
17	again. I'm not trying to cast aspersions on you. So please							
18	accept that.							
19	MATT RUSSELL: Yeah.							
20	WENDY LEISERSON: I mean, I don't mean to do that.							
21	But when I look at the designs and this is totally							
22	without relevance to you personally, and it's totally,							

1	frankly, like I tried to say before, it is irrespective of							
2	Adam's objection or the impact on that.							
3	So from a neighborly point of view, I hope that							
4	you don't continue to make this about what happened next							
5	door to you. Because it is about proving hardship. That is							
6	the legal standard that we must apply. And that's, like I							
7	said, irrespective of who is objecting.							
8	So the hardship that you are alleging here I just							
9	don't see it as a matter of law when I see what you're doing							
10	within the space that you have.							
11	BRENDAN SULLIVAN: Okay. Well, there's been a							
12	suggestion of another one-time around, or I can just take it							
13	to a vote. What is the sense of the Board? If you can							
14	Jason, do you feel it would be of any benefit to have them							
15	go back and do a redesign, or do you feel that the criteria							
16	that they have to meet is somewhat overwhelming to grant any							
17	kind of relief for their proposal?							
18	JASON MARSHALL: Yeah. Thanks, Mr. Chair. I was							
19	going to come off camera. Because I think Laura's request							
20	or ask is whether or not the applicant would like another							
21	opportunity to try to redesign.							
22	And in so doing, you also can come back and provide I would							

1	say a better justification for the hardship.						
2	It's your call. I understand it's been a long						
3	road from a personal level, Matt. You know, I don't know						
4	you. I hope you stay in Cambridge.						
5	MATT RUSSELL: Yeah.						
6	JASON MARSHALL: If you'd like to give it another						
7	shot, I would support a continuance if that's something that						
8	you'd like to do.						
9	MATT RUSSELL: Let me ask I guess I'm going to						
10	ask a favor of the Board, which is look, we came forward						
11	with a special permit on the advice of Counsel and by the						
12	way not just Chris Alphen, but multiple we have spoken to						
13	multiple other people, people who I've seen present in front						
14	of this Board who informed us that a special we could						
15	apply under a special permit.						
16	And it sounds like there's some disagreement. We						
17	that application was accepted by the City and by this						
18	Board. You guys had a hearing under a special permit. You						
19	asked us to go away and do work and we did that.						
20	If what I'm hearing from you is that we're not						
21	going to get approval to do this, and it's going to be voted						
22	against, I'd rather you tell us that and then we can make a						

1 decision as to whether we want to come back or not. 2 But I'll tell you, we're pretty exhausted by and this, and we want -- you know --3 JIM MONTEVERDE: Well --4 5 MATT RUSSELL: -- we were hoping to be under 6 construction a long time ago. 7 JIM MONTEVERDE: Mr. Chair, can you confirm if there's 8 a vote, if there's a negative vote, a vote not to approve, 9 does that mean the proponent can't come back for two years with something that's the same scheme or a variation on a 10 11 theme? 12 MATT RUSSELL: Exactly. 13 CHRISTOPHER ALPHEN: That's my interpretation. 14 JIM MONTEVERDE: Yeah. 15 BRENDAN SULLIVAN: That's is correct. 16 JIM MONTEVERDE: So that's all we're trying to 17 save is --18 BRENDAN SULLIVAN: If they came back with --19 JIM MONTEVERDE: -- causing that two year, yeah. 20 BRENDAN SULLIVAN: -- if they came back with a --21 MATT RUSSELL: Yeah. 22 BRENDAN SULLIVAN: -- substantially different

1 plan, and the criteria for determining a substantially 2 different plan would be that they would have to go to the 3 Planning Board. 4 The Planning Board would have to determine that 5 new plan is substantially different than this proposal. Then it would come back before us. And then we would have 6 to determine that it is a substantially different plan. And 7 8 then once we determine that, then they could file for a new 9 application. 10 JIM MONTEVERDE: Yeah, okay. 11 BRENDAN SULLIVAN: So --12 LAURA WERNICK: But they could still -- excuse me -- they could still ask for a continuance tonight? 13 14 JIM MONTEVERDE: Right. BRENDAN SULLIVAN: And so it would be many weeks, 15 16 if not months, down the road, by the time we --17 MATT RUSSELL: Yep. 18 BRENDAN SULLIVAN: -- back here again. Or, we 19 could continue this matter, see if they could possibly come up with a different scheme. But again, I think that the 20 21 legal hurdle has to be satisfied. I think that was a good 22 very high bar, and I don't -- if you don't want me to start

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1	dragging out the Fourth Edition, but I							
2	CHRISTOPHER ALPHEN: There's a Fifth Education,							
3	now, Mr. Chairman.							
4	BRENDAN SULLIVAN: Oh. All right, well and I							
5	need the latest addition. But again, the case was quite							
6	clear on it. And again, I think that as Wendy has said, and							
7	as I sort of tried to walk through the what was the existing							
8	and what is proposed is that and I think Wendy rightly							
9	said and my impression/interpretation of what's going on is							
10	there's really an expanded master suite, and number of							
11	bedrooms staying the same, yes, you are going to add an							
12	office, which people require now.							
13	But it doesn't necessarily solve the issue of							
14	having more bedrooms that appears in the supporting							
15	statements as what you're requiring, and so on and so forth.							
16	But anyhow							
17	MATT RUSSELL: Mr. Chair							
18	BRENDAN SULLIVAN: reluctantly I would							
19	MATT RUSSELL: Mr. Chair							
20	BRENDAN SULLIVAN: Well, wait a minute, let me							
21	finish							
22	MATT RUSSELL: Mr. Chair, can I say this again:							

1	we don't have four bedrooms here, and it hasn't been used						
2	like that for 25 years. I don't						
З	BRENDAN SULLIVAN: All right.						
4	MATT RUSSELL: It's okay that that's not the						
5	way that's been configured. So I don't want to argue over						
6	that point. But even the previous owners didn't use it like						
7	that. So we are expanding it by a bedroom. Yes, we adding						
8	some additional things to it. But I just want to be clear						
9	that						
10	BRENDAN SULLIVAN: Okay. Let me bring it to that.						
11	I don't see the hardship. But if you want to try another						
12	go-around with it and potentially come up with language that						
13	would satisfy the requirement for a hardship, then I would						
14	support a continuance.						
15	MATT RUSSELL: Is what I'm hearing, though, is						
16	that even if we were to change						
17	BRENDAN SULLIVAN: We don't know what you're going						
18	to come back with, Matt. Right now, if I were to vote						
19	tonight, I would not support the granting of the variance.						
20	MATT RUSSELL: Okay. Okay.						
21	BRENDAN SULLIVAN: All right?						
22	WENDY LEISERSON: To give you						

1 BRENDAN SULLIVAN: I think one of them would also 2 not support the --3 MATT RUSSELL: Yeah, I think in that case --4 WENDY LEISERSON: Yeah, no. 5 MATT RUSSELL: -- I think in that case --6 WENDY LEISERSON: But Matt, I want to answer your 7 question. 8 MATT RUSSELL: Yeah. 9 WENDY LEISERSON: Yeah. I'm trying to give you --10 so what I also heard was, so that you are convinced that 11 there is a hardship so you just need to explain that to us. 12 And I also heard that your neighbor wants to work with you. So I do think it's worth your time. 13 14 I cannot guarantee that I will find a hardship. 15 But I think it's worth your time to continue. 16 MATT RUSSELL: Okay. I think that's what we'll 17 do. First of all, I appreciate this is -- this is the kind 18 of guidance I asked for, I appreciate it. 19 CHRISTOPHER ALPHEN: And we thank the Board for that. And obviously, if we determine that, you know, it's 20 21 not going to work out, we'll just submit a withdrawal. So 22 we appreciate it.

1	BRENDAN SULLIVAN: All right. I have an open date
2	of July 14, 2022 at 6:00 p.m.
3	CHRISTOPHER ALPHEN: Okay.
4	BRENDAN SULLIVAN: Jim Monteverde, are you
5	available on that date?
6	JIM MONTEVERDE: Keep I'm sorry, give me that
7	date again?
8	BRENDAN SULLIVAN: July 14?
9	JIM MONTEVERDE: Oh yes, yes, 14. Bastille Day.
10	I'll be here.
11	BRENDAN SULLIVAN: I was going to say that's
12	Bastille Day. Laura, are you available on Bastille Day?
13	LAURA WERNICK: I think so. We haven't finalized
14	our summer plans. I expect to be here at that point.
15	BRENDAN SULLIVAN: Okay.
16	LAURA WERNICK: Yeah. I'm fairly confident. But
17	I'm not I'm not I'm not positive.
18	BRENDAN SULLIVAN: You can always zoom in, too,
19	unless you're on the far side of the moon.
20	LAURA WERNICK: Yeah, yeah. That's true.
21	BRENDAN SULLIVAN: Wendy, are you available on the
22	fourteenth?

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1							
1	WENDY LEISERSON: Yes.						
2	BRENDAN SULLIVAN: And Jason, are you available?						
3	JASON MARSHALL: Yep. I will make myself						
4	available.						
5	BRENDAN SULLIVAN: Okay. And I will be available.						
6	Let me make a motion, then, to continue this matter to July						
7	14 at 6:00 p.m. on the condition that the petitioner change						
8	the posting sign to reflect the new date of July 14, 2022						
9	and the time of 6:00 p.m.						
10	That any new submittals that are not currently in						
11	the file be submitted by 5:00 p.m. on the Monday prior to						
12	July 14, 2022. That the petitioner/representative, attorney						
13	sign a waiver to the statutory requirement for a hearing and						
14	a decision to be rendered thereof.						
15	Such waiver, I think you're familiar with it,						
16	Chris, can be obtained by Maria Pacheco. I would ask that						
17	that waiver be signed regarding this particular case, and be						
18	in the file by 5:00 p.m. a week from this current Monday.						
19	Anything else to add?						
20	On the motion, then, to continue this matter to						
21	July 14, Jim Monteverde?						
22	JIM MONTEVERDE: In favor of the continuance.						

1	BRENDAN SULLIVAN: Laura Wernick on the motion?
2	LAURA WERNICK: In favor of the continuance.
3	BRENDAN SULLIVAN: Wendy Leiserson on the motion
4	to continue?
5	WENDY LEISERSON: In favor of the motion to
6	continue.
7	BRENDAN SULLIVAN: Jason Marshall?
8	JASON MARSHALL: Yes, in favor of the continuance.
9	BRENDAN SULLIVAN: Brendan Sullivan yes to
10	continue.
11	[All vote YES].
12	BRENDAN SULLIVAN: five affirmative votes, the
13	matter is continued until July 14 at 6:00 p.m. thank you.
14	COLLECTIVE: Thank you very much.
15	BRENDAN SULLIVAN: And that concludes tonight's
16	hearing.
17	JIM MONTEVERDE: All right. Goodn.
18	WENDY LEISERSON: Thank you, goodnight.
19	LAURA WERNICK: Goodnight, everybody.
20	JIM MONTEVERDE: Thank you.
21	LAURA WERNICK: Thank you.
22	MATT RUSSELL: Goodnight.

1	[09:46 p.m. End of Proceedings]
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1	CERTIFICATE					
2	Commonwealth of Massachusetts					
З	Middlesex, ss.					
4	I, Catherine Burns, Notary Public in and for the					
5	Commonwealth of Massachusetts, do hereby certify that the					
6	above transcript is a true record, to the best of my					
7	ability, of the proceedings.					
8	I further certify that I am neither related to nor					
9	employed by any of the parties in or counsel to this action,					
10	nor am I financially interested in the outcome of this					
11	action.					
12	In witness whereof, I have hereunto set my hand this					
13	19th day of, 2022.					
14						
15	Cick					
16	Notary Public					
17	My commission expires:					
18	July 28, 2028					
19						
20	Catherine M. Burns Notary Public Commonwealth of Massachusetts					
21	My Commission Expires July 28, 2028					
22						

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