BOARD OF ZONING APPEAL FOR THE<br>CITY OF CAMBRIDGE<br>GENERAL HEARING<br>THURSDAY MAY 52022<br>6:00 p.m.<br>Remote Meeting<br>via<br>831 Massachusetts Avenue Cambridge, Massachusetts 02139<br>Brendan Sullivan, Chair<br>Jim Monteverde, Vice Chair<br>Constantine Alexander<br>Andrea A. Hickey<br>Wendy Leiserson<br>Laura Wernick<br>Wendy Leiserson<br>Jason Marshall<br>City Employees<br>Olivia Ratay, Zoning and Building Associate

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(6:00 p.m.)
Sitting Members: Constantine Alexander, Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, Andrea Hickey and Jason Marshall BRENDAN SULLIVAN: Welcome to the May 5, 2022 meeting of the Cambridge Board of Zoning Appeal. My name is Brendan Sullivan, and I am the Chair for tonight's meeting. This meeting is being held remotely, due to the statewide emergency orders limiting the size of public gatherings in response to COVID-19, and in accordance with Governor Charles D. Baker's Executive Order of March 12, 2020 temporarily amending certain requirements of the Open Meeting Law; as well as the City of Cambridge temporary emergency restrictions on city public meetings, city events, and city permitted events, due to COVID-19, dated May 27, 2020 .

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

There will also be a transcript of the
proceedings.
All Board Members, applicants, and members of the public will please state their name before speaking. All votes will be taken by roll call.

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

Generally, you will have up to three minutes to speak, but that might change, depending upon the number of speakers and at the discretion of the Chair.

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

OLIVIA RATAY: Jim Monteverde?

JIM MONTEVERDE: Present.
OLIVIA RATAY: Wendy Leiserson?
WENDY LEISERSON: Present.
OLIVIA RATAY: Jason Marshall?
JASON MARSHALL: Present.
OLIVIA RATAY: Andrea Hickey.
ANDREA HICKEY: Present.
OLIVIA RATAY: Laura Wernick?

(6:02 p.m.)
Sitting Members: Constantine Alexander, Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, Andrea Hickey and Jason Marshall

BRENDAN SULLIVAN: First case I'm going to call tonight will be Case No. 151499 -- 152 Pearl Street. Mr. Glassman?

CONSTANTINE ALEXANDER: He's on there.
BRENDAN SULLIVAN: Is he there? We will get back
to Mr. Glassman.
(6:03 p.m.)
Sitting Members: Constantine Alexander, Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, and Jason Marshall

BRENDAN SULLIVAN: The next case I'll
call is No. 162710 -- 123 Hancock Street.
ANDREA HICKEY: I'm only on one continued case, I believe it was the case -- the first case you called. Could you confirm that for me?

BRENDAN SULLIVAN: Yes, Andrea, Pearl Street.
ANDREA HICKEY: Okay.
BRENDAN SULLIVAN: And Mr. Glassman has not dialed in as of yet.

ANDREA HICKEY: All right. Then I will mute and let Laura step in for the second case, which you've just called. And I will stand by on Pearl.

BRENDAN SULLIVAN: Great. Thank you. Slater actually sat. Well, it doesn't matter anyhow. Regarding Case No. 162710 -- 123 Hancock Street, the Board is in receipt of correspondence dated May 2.
"We would like to withdraw the case associated
with 123 Hancock Street from the Board of Zoning Appeal. Thank you for all of your help.
"Best,
"Sam Wolff."
BRENDAN SULLIVAN: We will make a motion, then, to accept the request for withdrawal from Mr. Wolf for 123 Hancock Street.

Gus Alexander, on the withdrawal?
CONSTANTINE ALEXANDER: I vote in favor of
accepting the accepting the requested withdrawal.
BRENDAN SULLIVAN: Jim Monteverde?
JIM MONTEVERDE: I vote in favor of accepting the withdrawal.

BRENDAN SULLIVAN: Wendy Leiserson?
WENDY LEISERSON: Wendy Leiserson votes in favor of the withdrawal.

BRENDAN SULLIVAN: Jason Marshall?
JASON MARSHALL: Yes, in favor of the withdrawal.
BRENDAN SULLIVAN: And Brendan Sullivan in favor of accepting the withdrawal.
[All vote YES]
BRENDAN SULLIVAN: On the affirmative vote of five

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| 1 | affirmative votes, the case is withdrawn. |  |
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(6:05 p.m.)
Sitting Members: Constantine Alexander, Brendan Sullivan, Wendy Leiserson, Jim Monteverde, and Laura Wernick

BRENDAN SULLIVAN: The next case I will call is No. 151512 -- 38 Cameron Avenue [indiscernible]. Mr. Richards on the line? Remember, this was a case not heard. It was continued twice.

ADAM DASH: Mr. Chair?

BRENDAN SULLIVAN: Yes.
ADAM DASH: Yes. This is Attorney Adam Dash, 48 Grove Street in Somerville here for Meter Parks, Inc., which is the applicant, on the 38 Cameron Avenue matter.

BRENDAN SULLIVAN: Yes.

ADAM DASH: Yes.
BRENDAN SULLIVAN: My understanding is you're asking for a continuance again?

ADAM DASH: Yes, yes sir. I was not handling this case at the outset with the Board, but as it is a special permit for parking reduction, we were having parking analysis done. However, the parking analysis is not
complete for tonight.
BRENDAN SULLIVAN: Okay. I will accept the
request for the continuance, and the date? Would June 30 work for you, Mr. Dash?

ADAM DASH: Yes, that would, Mr. Chair.
BRENDAN SULLIVAN: Okay.
LAURA WERNICK: I have a question. Is this now a case not heard when it resumes, or is it a continuance?

BRENDAN SULLIVAN: This is a case not heard.
LAURA WERNICK: Okay, good. Thank you.
BRENDAN SULLIVAN: My only comment on the continuance is this has already been continued twice. And that we will only continue it one more time, until June 30, so that hypercholesterolemia be prepared to go forward at that date.

The other request that I would have in going through the file is I would request some more information regarding the exact nature of the trailer that you're asking to park in the parking lot, and thus we do seek some parking.

The nature of the size of the trailer -- I mean, it was somewhat on the drawing showing the size of it. But

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the nature of what goes on inside of the trailer, understand that it is a wet lab -- but I would need some more information exactly the type of materials, substances, chemicals, or any other materials that you use inside of the trailer.

And any emissions to the exterior that come out of the trailer I would request the hours of operations of the trailer and the days of the week that it will be used, and that that information along with any other information that is not currently in the file -- albeit the traffic study -and any other new submissions that you would like to make be in the file by 5:00 p.m. on the Monday prior to the June 30 hearing.

And I think, again, when I've asked for more information, that it's imperative that be in the file so that the Board Members can review it, but also members of the public will have an opportunity to review it also.

So that's understood on that one, Mr. Dash, yes?
ADAM DASH: Entirely understood and entirely understand. I should note that we've had two meetings for the North Cambridge Stabilization Committee, and one of them was just a few weeks ago where all this information was put
forward about the chemicals and the hours. We had an industrial hygienist come and explain it all.

So we are happy to provide that to you as well, and we fully intend to. We were just waiting to package it all together with the traffic analysis.

BRENDAN SULLIVAN: Okay, great.
ADAM DASH: The parking analysis, I'm sorry.
BRENDAN SULLIVAN: Mr. Alexander, any questions at
all?
CONSTANTINE ALEXANDER: No, no questions.
BRENDAN SULLIVAN: Jim Monteverde, any questions on the continuance?

JIM MONTEVERDE: No questions.
BRENDAN SULLIVAN: Anything else to add?
JASON MARSHALL: No. Thank you.
BRENDAN SULLIVAN: All right, Laura, you're --
anything else to add?
LAURA WERNICK: No questions.
BRENDAN SULLIVAN: Wendy?
WENDY LEISERSON: No, thank you.
BRENDAN SULLIVAN: Okay. Any other Board Member have anything to add to my request?

WENDY LEISERSON: No.
BRENDAN SULLIVAN: Yes. Okay. Let me make a motion, then, to continue this matter until June 30, 2022 on the condition -- at 6:00 p.m. -- on the condition that the petitioner change the posting sign to reflect the new date of June 30, 2022 and the time of 6:00 p.m.

That it be maintained at least 14 days prior to the June 30 hearing. And any new submissions not currently in the file be in the file by 5:00 p.m. on the Monday prior to June 30.

We already have a waiver of the statutory requirement on the hearing and a decision to be rendered therefore. So that is not necessary.

And I guess that would be basically it. So, again, going back again through the Board, on the motion to continue? Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.
BRENDAN SULLIVAN: Jim Monteverde?
JIM MONTEVERDE: I vote in favor of the continuance.

BRENDAN SULLIVAN: Laura Wernick?

LAURA WERNICK: I vote in favor of the
continuance.

BRENDAN SULLIVAN: Okay. Wendy Leiserson on the
motion to continue?
WENDY LEISERSON: In favor of the motion to
continue.

BRENDAN SULLIVAN: Okay, and I also vote in favor to continue.
[All vote YES] The matter is continued until June 30, 2022. Thank you.

ADAM DASH: Thank you, Mr. Chair. Thank you,
Members of the Board. Goodnight.
(6:11 p.m.)
Sitting Members: Constantine Alexander, Brendan Sullivan, Wendy Leiserson, Jim Monteverde, and Andrea Hickey

BRENDAN SULLIVAN: Adam, we're back on you again. ADAM DASH: I'm here, I'm here.

BRENDAN SULLIVAN: Okay. Let me recall a Case No. 151499 -- 152 Pearl Street back again. Mr. Glassman?

ADAM GLASSMAN: Thank you, Mr. Chair and Members of the Board. We're here continuing the case seeking zoning relief for what we presented at our last hearing as a de facto roof deck, renovation to a de facto roof deck, with some discussion as to what is a roof deck and what was here previously.

And our feeling was that there was general
consensus that there was a space here that the owners, Paul and Justin, should reasonably be able to use.

We had a presentation, to which we've made provisions addressing two main points that came up at the Board discussion of some concern.

The first main point was the deck, the proposed
deck size, which was originally 280 square feet. And we've reduced it down to 248 square feet.

Olivia, can you scroll?

Yeah, let's keep going.
Next page?
Next page?
Oh, so here -- oh, this is fine. Thank you. So the deck, if you move your cursor to where it says, "Seating" on the right-hand side, the right edge of the deck now aligns with the main mass of the building in front. We pulled it back from the dashed line that you can see to the right of the proposed deck.

Now, move your cursor to the right, if you could?
To the right a little bit more of that dashed line?

So that dashed line right there, that is where the previous deck extended to aligning with the exterior wall below. We've pulled it in, reducing the deck size actually to less than what had been utilized for some years on the roofs as an occupiable space.

And Olivia, if you could scroll down to page -- I think it's maybe the last page with the rendering? No, go
up. Go up some more. Let's look at 9.
So 9 shows us the view, the view of a new railing system, which is a very thin profile cable rail system with brush stainless steel posts and handrail, which is from the street view essentially visible.

We had previously been proposing something more like traditional wood balustrade with planters behind it. Members of the Board felt it was too visible, too chunky, and we've gone with a much more, much slimmer system that's essentially transparent and very difficult to see from the street view.

If you could zoom out a bit, Olivia, so we can see both pictures together.

So the view on the left is the state of the roof deck now. The previously existing rope railings and planters have already been removed, due to their falling apart. So we hope that the Board finds that this alternative railing is an attractive approach. Visibly minimal was the goal here.

With that, I think I'll take any comments or questions and address the size. We've addressed the railing system. We still have support from the Homeowners'

Association, and the same support we had from the abutters previously.

BRENDAN SULLIVAN: Okay. Thank you. Any
questions by members of the Board? Mr. Alexander?
CONSTANTINE ALEXANDER: No questions.
BRENDAN SULLIVAN: Jim Monteverde any questions?
JIM MONTEVERDE: No questions.
BRENDAN SULLIVAN: Jason Marshall?

JASON MARSHALL: I'm not on this case, Mr. Chair.
BRENDAN SULLIVAN: Oh, I'm sorry. I'm sorry.
That's -- you have the same initials, I'm sorry.
JASON MARSHALL: I get confused myself.
JIM MONTEVERDE: Sorry.
BRENDAN SULLIVAN: And Andrea Hickey?
ANDREA HICKEY: I have no questions, thank you.
BRENDAN SULLIVAN: And Wendy?
WENDY LEISERSON: No questions.
BRENDAN SULLIVAN: Okay. Let me open it to public
comment. Any member of the public who wishes to speak should now click the button that says, "Participants," and then click the button that says, "Raise hand."

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

OLIVIA RATAY: Carol Aplin?
CAROL APLIN: Hi there. Hopefully you can hear me. Hi, my name is Carol Aplin. I live in 152 Pearl Street, Apartment 3. So I am alone in downstairs neighbor. And I just wanted to call in to give my support to the City for this proposed roof deck.

I have seen Paul and Justin work very hard to take into account everyone's concerns and considerations to make this particular roof deck as unobtrusive as possible. And I think it'll be a great improvement to the building. It will be safer than what was up there previously.

And I just want to wholeheartedly endorse this. Thank you.

BRENDAN SULLIVAN: Thank you.
CONSTANTINE ALEXANDER: That's it.
BRENDAN SULLIVAN: That's it. We are in receipt of correspondence.

OLIVIA RATAY: Andrew Robertson?
ANDREW ROBERTSON: Yes, hi. Good evening. I'm also a tenant here at 152 Pearl, as well as the Association

Manager of the condo association here.
And, like Carol, I also approve of Paul and
Justin's -- you know, roof deck, and what they're trying to do up there. I think it certainly needs -- something needs to be done up there. I've had people from the insurance company come in and the state of the roof is not good.

So quite honestly, I think it's -- I think this would be extremely beneficial to the building if they were to go ahead and proceed with this.

BRENDAN SULLIVAN: Thank you for calling in. That's the sum and substance of any call in from the public, and we are not in any further correspondence.

There was a letter from Mr. Robinson, but I think he adequately presented his support for it.

Any questions by Members of the Board? Are we ready for a motion?

CONSTANTINE ALEXANDER: Ready for a motion.
JIM MONTEVERDE: Ready for a motion.
BRENDAN SULLIVAN: Let me make a motion, then, to grant the requested relief for the variance to construct a new fourth-floor roof deck with the accompanying guardrails, as per latest drawings, which were dated 04/01/22 initialed
by the Chair.
The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner.

The Board finds that the use of the roof area has exclusivity to the residents of the third floor, and that it is their only outdoor space.

The essence of granting of this variance would be to allow for a use of the space with a safe guardrail, which will protect the occupants of the unit, but also any other citizens of the city who happen to be using the space,

And that the other hardship is that the -- it is encumbered by the requirements of having liability insurance that the roof deck be so constructed as to be codecompliant, which the granting of this variance will allow the petitioner to bring it up to that status.

The Board finds that the hardship is owing to the fact of a very narrow lot of the three-family house, which occupies a vast majority of the lot. And as such, any addition to the building -- any outdoor space of this nature, the existing structure is -- and the -- is encumbered by the existing Ordinance, which predates the
building of the -- I'm sorry, which is the building of the structure predates the current Ordinance. And as such, the building is encumbered by it.

The Board finds that desirable relief may be granted without substantial detriment to the public good. The Board finds that the creation of this deck and the accompanying railing, which will make it a safe area to use, has a public benefit.

The Board finds that desirable relief may be granted without substantial detriment to the public good, or nullifying or substantially derogating from the intent and purpose of the Ordinance to allow occupants to have fair and reasonable use of premises and accompanying the premises, and especially the enjoyment of outdoor space.

I don't know if there's anything else to add to that, Mr. Alexander? Do you see anything else that -- I think that probably sums it up on the reason for granting the variance. Also that the work comply with the revised plan as submitted, the accompanying dimensional plans, and the supporting statements.

On the motion, then, to grant the variance, Mr. Alexander?

CONSTANTINE ALEXANDER: Well, frankly, I'm still not thrilled with this deck, although what's being presented tonight, $I$ think it's far superior to what was originally presented. There is no neighborhood opposition, and there is support, including from members of the structure itself. But all in all, $I$ prefer to vote in favor. I vote in favor. BRENDAN SULLIVAN: Andrea Hickey? ANDREA HICKEY: I share Mr. Alexander's sort of comments, and I don't love it. But not having heard any neighborhood objection, is of will reluctantly vote to support it. So yes, I support it. BRENDAN SULLIVAN: Okay. Jim Monteverde? JIM MONTEVERDE: I support the relief. BRENDAN SULLIVAN: Wendy Leiserson? WENDY LEISERSON: Wendy Leiserson supports. BRENDAN SULLIVAN: And I vote in support of granting the variance. [All vote YES] On the five affirmative votes, the variance is granted. Good luck. ADAM GLASSMAN: Thank you very much. CONSTANTINE ALEXANDER: Good luck.
(6:23 p.m.)
Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, and Jason Marshall

BRENDAN SULLIVAN: The Board will now hear Case No. 166320 .

ANDREA HICKEY: Mr. Chair, this is Andrea Hickey. I am stepping back. I was only on that one continued case, that was a case heard.

BRENDAN SULLIVAN: This is a case not heard. You can stay, or we do have, I think, Laura? Laura's available for this case?

ANDREA HICKEY: Yes, if Laura's?
LAURA WERNICK: Yes, I'm available. I am available.

ANDREA HICKEY: Great.
BRENDAN SULLIVAN: Okay, so.
ANDREA HICKEY: Great.
BRENDAN SULLIVAN: So we have myself, Mr.
Monteverde, Laura, Wendy, and Jason.
ANDREA HICKEY: Thank you.

BRENDAN SULLIVAN: Is that correct?

JIM MONTEVERDE: Correct.
BRENDAN SULLIVAN: All right. So Andrea, I think we're all set.

ANDREA HICKEY: Thank you very much. Have a good evening.

BRENDAN SULLIVAN: Well, all I can say is thank you, thank you, thank you.

ANDREA HICKEY: Thank you.
BRENDAN SULLIVAN: I will now call Case No. 166320 -- 145 Willow Street. Mr. Plumb?

ERIC DER: Hi. Good evening, Mr. Chair and Members of the Board. My name is Eric Der, speaking on behalf of Andrew Plumb today. Our case was a previously approved BZA case where we have made some slight modifications.

And so this is an update to that case. There are two changes that we have made. The first would be moving some windows for quality-of-life on the side of the building, which is within a setback.

And the second modification would be an extension of the overhang at the ramp, which is the front entry ramp.

We noticed that it was not covered, which causes water and ice buildup, and the code does not allow for water and ice build-up on the ramp. Thus, we have extended the overhang to cover it completely.

This also will slightly increase the FAR, but we believe the spirit of intent of the law is for more important closed spaces, since this will not be occupied. It's for the safety of the public. It only increases the FAR slightly.

If you go to Sheet C0.3, that's probably the easiest to look at.

BRENDAN SULLIVAN: Okay. Any other questions by Members of the Board?

JIM MONTEVERDE: No questions.
BRENDAN SULLIVAN: Laura?
LAURA WERNICK: No questions.
BRENDAN SULLIVAN: Wendy?
WENDY LEISERSON: No questions.
BRENDAN SULLIVAN: And Jason?
JASON MARSHALL: No questions at this time.
BRENDAN SULLIVAN: Let me open it to public
comment. Any members of the public who wish to speak should
now click the button that says, "Participants," and then click the button that says, "Raise hand."

If you're calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6.
[Pause]
There's nobody calling in. We are in receipt of correspondence dated April 28. I'm sorry -- that's not the correspondence I'm looking for. No, that was actually for the previous grant. There is no correspondence regarding the matter that is before us. So I will close the public comment.

All right. Ready for any other questions, or ready for a motion?

JIM MONTEVERDE: Ready for a motion.
LAURA WERNICK: Ready.
BRENDAN SULLIVAN: Okay. It's a variance request to edit a previously approved BZA Case No. 117337 by making the adjustments to the east and west windows, in order to comply with the code and make it fall within the setback.

Also, the request is to include a large overhang on the west side in order to prevent ice build-up on the accessible path of travel, which seems like a very
worthwhile thing to do. Let me make a motion, then, to grant the variance request.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner, because it would preclude the petitioner from making the adjustments that are required in order to bring the windows, and also some other openings on the east side up to code, a fact that was overlooked in the initial application.

The Board finds that the hardship is owing to the unusual shape of the building size and siting on the lot, which would preclude any addition, though worthwhile that this is, without a grant of the variance from this Board. The Board finds that desirable relief may be granted without substantial detriment to the public good, in fact, the changes would in fact be an enhance to the public good and to any occupants of the structure, and that granting of the variance would not nullify or substantially derogate from the intent and purpose of this ordinance, to allow the homeowners to make fair and reasonable changes, especially to bring the structure up to code, and also to offer some protection to the pathway from the elements,
which is a worthwhile endeavor.
On the motion, then, to grant the requested variance, Mr. Monteverde?

JIM MONTEVERDE: I vote in favor of the variance. BRENDAN SULLIVAN: Laura Wernick? LAURA WERNICK: I vote in favor of the variance as well.

BRENDAN SULLIVAN: Wendy Leiserson?
WENDY LEISERSON: In favor.
BRENDAN SULLIVAN: And Jason Marshall?

JASON MARSHALL: Yes, in favor of the requested relief.

BRENDAN SULLIVAN: And Brendan Sullivan yes to granting the variance.
[All vote YES]
BRENDAN SULLIVAN: On the five affirmative votes, the variance request is agreed to on the condition that the work comply with the latest drawings that are in the file. I'm sort of looking a date on these, just entitled, "145 Willow Street" and initialed by the Chair.

On the five affirmative votes, the variance is granted. Good luck.

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ERIC DERM: Thank you very much.
BRENDAN SULLIVAN: Okay, now we're going to go to the Regular Agenda.
(6:30 p.m.)
Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, and Jason Marshall

BRENDAN SULLIVAN: The Board will hear Case No. 168852 -- 35 Webster Avenue. Is there anybody -- Mr. Anderson or -- and nobody's on the line? The Board is in receipt of correspondence dated May 2 from Trilogy Law, Sarah Rhatigan.
"Members of the Board, or ready on behalf of the petitioner, we respectfully request a continuance of the hearing of this appeal, currently scheduled for 6:30, May 5.
"The petitioner has provided the Commission with information about the property, relevant to the matters of this appeal, and await a response from the Commissioner as to his further interpretation of the applicability of Section 8.22-1-h-1.
"Due to conflicting schedules, the petitioner is requesting a continuance of the hearing of this matter until the evening of June 9, 2022."

Is that possible for June 9? The other -- and
they sort of all tie together, in a sense. Okay. So on the motion, then, to continue this matter until June 9, 2022, the petitioner has signed a waiver.

So on the motion, then, to continue this matter, Jim Monteverde?

JIM MONTEVERDE: In favor.
BRENDAN SULLIVAN: Laura Wernick?

LAURA WERNICK: In favor.

BRENDAN SULLIVAN: Wendy Leiserson?
WENDY LEISERSON: In favor.

BRENDAN SULLIVAN: Jason Marshall?
JASON MARSHALL: Yes, in favor of the continuance.
BRENDAN SULLIVAN: And Brendan Sullivan yes, in
favor of the continuance, provided that any new submittals from the petitioner regarding this appeal be in the file by 5:00 p.m. on the Monday prior to the June 9 hearing.
[All vote YES]
BRENDAN SULLIVAN: Also that the petitioner -- is there a sign posting on this regarding the appeal? I don't think there is. No, there's not. Okay. So the matter is continued until June 9.
(6:32 p.m.)
Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, and Jason Marshall

BRENDAN SULLIVAN: The Board will hear Case Number \#164899 -- 15 Follen Street.

JAMES RAFFERTY: Good evening, Mr. Chair, Members of the Board. I wonder if we're a bit early to call the case.

BRENDAN SULLIVAN: Oh. Jim, we're -JIM MONTEVERDE: Yeah.

BRENDAN SULLIVAN: -- running ahead of schedule. JAMES RAFFERTY: Did you just hear me, Mr. Chair? BRENDAN SULLIVAN: I can hear you, yes. JAMES RAFFERTY: Oh, good. Okay, sorry. All right. Thanks.

BRENDAN SULLIVAN: We're running ahead of schedule.

JAMES RAFFERTY: Yes, I noted that. So I'll sit quietly for a few moments.

BRENDAN SULLIVAN: Okay. 6:45.

JAMES RAFFERTY: Thank you.
BRENDAN SULLIVAN: It's unusual that we run ahead
of time, but --
JAMES RAFFERTY: I hope that trend continues under your leadership.

BRENDAN SULLIVAN: You're on mute.
JAMES RAFFERTY: I just noticed that. Thank you, I apologize. Good evening again, Mr. Chair and Members of the Board. For the record, my name is James Rafferty.

I'm appearing this evening on behalf of Andrew and Nancy Lo. The Los have recently purchased this singlefamily home on Follen Streets in Residence A-1 zoning district.

This is an application that would allow two additions to the home at the rear of the home, and also a connector between an accessory structure originally built as a garage.

Because the relief being sought are all part of conditions that currently are nonconforming, the applicant qualifies for the special permit approvals allowed for under 8.22d, the additions to the home are on the first floor, an approximately 425-square foot addition that will accommodate
a mudroom, laundry-room-style arrangement. It also will provide direct access to the garage.

Secondly, there's an approximately 200-square foot addition on the second floor, which represents an expansion of the bedroom area to allow for an en suite style master bath.

The interesting zoning issue here is because by connecting the garage to the principal structure, it no longer qualifies as an accessory structure. And there's a change in setback for the entire house. And the advertisement reflects that setback relief being sought.

The reality is, though, that there is no change in setback -- that the setback of the garage wall, which is currently there, now becomes the setback for the enter dwelling. And so as a result, setback relief is needed.

But the house has nonconforming setbacks currently in both the right and the left side, so it's the type of relief, as I noted, that can proceed pursuant to a special permit.

The Project Architect, Mark Boyes-Watson, is on with us. And he's here and happy to walk the Board through the proposed renovations. As I described them, they really
occur in two areas -- both in the rear of the house.
The house is also located in the historic
district, in the Cambridge Historical Commission issued a Certificate of Appropriateness several months ago for the addition. The house is actually on the National Registry of Historic Places, so it was closely evaluated by the Historical Commission. And they issued their Certificate of Appropriateness in May of this year.

So as noted, Mr. Boyes-Watson is here and happy to
walk the Board through a brief presentation on the proposed
changes or answer questions, whatever the Board prefers.
BRENDAN SULLIVAN: Okay, Mark?
MARK BOYES-WATSON: Yes.
BRENDAN SULLIVAN: Do you want to briefly run through what's being done to the house?

MARK BOYES-WATSON: Just, Olivia, when you're ready, just skip on through. So this is 15 Follen. Some pictures of the house. So existing conditions. So the yellow here highlights the added areas that Jim referred to -- primarily in the rear, respecting the
fact, as Jim explained, that it's on the Historic Register. So really, we're making minor modifications to the back of the house.

But that actually also address some issues, including, as Jim was saying, attaching to the existing structure that's on the left of the house that is too small to be a garage, really.

And what we do is allow it to -- by increasing the area, say, we can actually open a door there. We can get into the first floor of the house.

And then, as Jim explained, on the second floor we just use a very small extension over. And over the existing, as you can see on the first-floor plan on the top right, over the existing, to just create a little bit more room in that bedroom.

And so if we just flick through the drawings, we can see if that open space complies. Jim was explaining that both the right and the left side setback are noncompliant, but the front and rear are compliant and will remain compliant.

And then just going -- did we skip one there, Olivia? Just zooming in a little bit. Maybe there's one
missing there. Oh.
Anyway, this is the second-floor plan showing -oh, basement plan, oh, there we go. Basement plan, firstfloor plan, so you're just seeing a little bit more detail here.

Second-floor plan, and there's the addition top right.

And then attic, where the -- it's as is. Roof plan.

Front of the house unchanged.
Side elevation, you're seeing -- top left you're seeing the extension to the -- extension to the rear of the house on the second floor.

So this is the rear elevation. So you see the extension on the second floor, and then the connection. This is a pushout on the first floor that moves over.

And one of the things for Historic, the roofline of the first-floor steps down behind the house and just has that single door that connects, then. Where that door is is the connection to the garage. So that little bit that infills between the two that we reviewed with Historic drops all the way down to the level of the roof of the garage
structure.

And then the last elevation you're seeing top right you're seeing that second-floor addition on the second floor. And I think that -- is there another drawing, Olivia?

Oh, these are just the existing conditions drawings.

JAMES RAFFERTY: So, as noted by Mr. Boyes-Watson, maybe we can just close with that. It's a floor plan that's rendered -- it conveniently identifies in yellow the areas where the additional GFA is being sought. And as I noted, there are two zoning issues present in the application.

One involves the addition of the GFA depicted in the yellow area here, and the second is the change in the setback when the detached accessory structure becomes attached. And thus, we need to address that change.

BRENDAN SULLIVAN: What's the driving force attaching the garage to the house, the house to the garage? MARK BOYES-WATSON: It's actually -JAMES RAFFERTY: Well, two things -- I'm sorry. So --
MARK BOYES-WATSON: -- well, you -- right.

JAMES RAFFERTY: -- first of all, what it allows to happen is it allows, it gives enough -- it widens the garage from a functional perspective and allows a car door to be opened. The current width of the garage is exceptionally narrow. In fact, it hasn't been used for garage for some time.

It was used -- if you notice in the photos, it had French doors added to it, and it was used as some type of living space by the prior owner. So it's a question of functionality and being able to actually open a door in the garage, and also create an ability to access directly from the garage into the home.

The infill -- the separation on this accessory structure doesn't meet the 10 -foot minimum requirement today, so it's already -- once again, that's not a condition, that's a preexisting, nonconforming condition, the distance of the garage to the main house.

It's also the case that the garage doesn't meet the setback requirement for an accessory structure. And as I noted, the main structure on both the left and right sides does not currently meet the setback requirements in the Res A-1 District.

BRENDAN SULLIVAN: Okay. So basically, it's an expansion of the garage to the house, as opposed to the house to the garage, in a sense?

JAMES RAFFERTY: Yes, that's a --
BRENDAN SULLIVAN: You're correct that the garage is really something that time has forgotten. And it's really nonfunctional in current day.

The other thing that, just driving around the neighborhood, is that attaching the garages to the houses or the houses to the garage is not uncommon in that area. As a matter of fact, the corner of Waterhouse and Follen Street, there is a garage there that's attached to the house if you ride around.

JAMES RAFFERTY: Right.
BRENDAN SULLIVAN: One or two of the other houses on Follen Street, they also have garages that are attached to houses, and it's sort of prevalent up through that area of parts of Garden Street if you go up through Walker Street, up through -- heading up towards Washington up towards Avon Hill that it's not uncommon to see some of these larger brand houses that have garages and houses attached to each other. So.

JAMES RAFFERTY: Well, Mr. Chair, at the risk of flattering you, that's a very cogent observation, because the Historical Commission, as you know, evaluates such changes, and has to determine if what's proposed is incongruous with the district.

So as they looked at it, they reached the same conclusion that you have pointed; that it is not incongruous with other homes in the district, and it does not detract from the overall architecture of the structure.

BRENDAN SULLIVAN: Olivia, could you just pull up the dimensional form? This may be just a clerical thing, but I want to set the record straight.

On the ratio of gross floor area, existing 0.50 requested 0.57 ordinance, 0.50 . And so that's the first thing that stuck out to me. And I'm saying, "Well wait a minute. It's complying now, but they're going out of compliance." But then again, I looked at the gross floor area, and it's obviously the number of 4597 is excess of -JAMES RAFFERTY: Correct.

BRENDAN SULLIVAN: -- the ordinance. So that number of 0.50 is 0.5 three decimal places or so? It's 0.5 three decimal places or so? It's more than 0.50 , is that
correct?
JAMES RAFFERTY: I'm going to leave the math to
Mr. Boyes-Watson, but your point is correct. The GFA
exceeds the permitted 4516. So it's -- it appears to be
about 70 feet above half the lot size?
MARK BOYES-WATSON: That's correct.
JAMES RAFFERTY: So.
MARK BOYES-WATSON: That's correct, Jim.

JAMES RAFFERTY: Maybe the 50 should be a 51?
BRENDAN SULLIVAN: The existing is really 0.5 plus.

MARK BOYES-WATSON: Yes, exactly.
BRENDAN SULLIVAN: Okay. Okay. All right.
JAMES RAFFERTY: I'm sure the Board recognizes lawyers don't do the math, the architects do it, so. I'm going to defer to Mr. Boyes-Watson. Professor Lo is a Professor of Finance at MIT, so I'm sure he gave this a close --

BRENDAN SULLIVAN: He'll come up with the correct decimal number. Let me open it to Members of the Board. Jim Monteverde, any questions?

JIM MONTEVERDE: No questions. Thank you.

BRENDAN SULLIVAN: Laura?
LAURA WERNICK: No questions.
BRENDAN SULLIVAN: Wendy Leiserson, any questions?
WENDY LEISERSON: I have no questions, but I also noticed the change in the ratio of the gross floor area to lot area.

And while I am sympathetic to the mass and the digits that may be involved in this, I simply feel that -- I simply think that this is a new nonconformity, and therefore that section -- the Belalta section that is cited is not appropriate.

JAMES RAFFERTY: With all due respect, Ms. Leiserson, it is not. 4597 is greater than 0.5 of 9033.

WENDY LEISERSON: Yes. I can see that math, but I'm talking about the ratio, not the total gross floor area.

JAMES RAFFERTY: Well, to put it another way, if one were to seek a building permit for a building of this size, on a lot of that size, that building permit would not be issued, because it would not comply with FAR.

The FAR -- the FAR is only -- the FAR is expressed percentagewise here, but you're then required to demonstrate mathematically what 0.5 is.

So the fact that it's slightly over 0.5 doesn't get you there. You have to be 0.5 or below. 4597 is not 0.5 or below.

WENDY LEISERSON: All I can say is that the ratio, which is represented by two digits, not by the multiple digits that you are responding to.

And unless you can point to the code, the ordinance, and show me that there's an exception that allows for your interpretation of the math, then $I$ am saying this is a nonconformity. We're rounding up, that's the math.

MARK BOYES-WATSON: If I may, as the mathematician, as it were, I think -- I can't remember exactly how the dimensional form and Inspectional Services works, but if you -- I think what Jim is trying to point out, if you -- the floor area ratio is established by dividing the area of the house by the lot area. And if you do that, it comes up to a number in excess of -- it says 0.50 in the form, because the next decimal place $I$ think doesn't show up typically on the form.
So it is -- as a matter of math -- larger than is allowed. So I think it actually does qualify. It's just a quirk of the way that -- if we go to two, four decimal
places, it's 0.5089?
JAMES RAFFERTY: Correct.
MARK BOYES-WATSON: So it's just really to do with
the way that we enter the data, I think, and it is indeed over. So I think it is correct, as Jim was saying.

JAMES RAFFERTY: Mr. Chair, I would note that the Building Commissioner is present. And I can tell from years of experience that an applicant cannot have more than half the lot area in a building permit application.

So the suggestion that you can go a little bit over 0.5 as long as you don't hit 0.51 , that's simply not the way the Ordinance is applied. And I think the Building Commissioner could concur with that?

BRENDAN SULLIVAN: Yeah. I think that the prevalent number, or the guiding number for me, Wendy, would be the gross floor area, the existing, which shows 4597.6. And the Ordinance requires as a max 45.6, so that they are out of compliance on that.

I may have stirred a hornet's nest here with that, the ratio number, but $I$ think that the gross floor area is governing figure for me, and not that decimal number. So. Initially it gave me pause, and then in further
research, then realized that they are nonconforming with the gross floor area for the house, and as such would qualify under 8.22.2d for relief for the special permit. So anyhow.

Wendy, anything else too at this time?
WENDY LEISERSON: Not at this time, but I still respectfully disagree.

BRENDAN SULLIVAN: Okay. Jason, any comments at this time?

JASON MARSHALL: Yeah, Mr. Chair. And the exchange has been helpful. As a lawyer myself, I also don't do math in public, but $I$ can follow a discussion about math. And I think -- I'll credit the testimony that this is an issue around the form, and that there are other decimals that would be reflected on the form if it were allowed to both so.

And, you know, in light of that, I'm comfortable in acting on this as a special permit request under our ordinance.

BRENDAN SULLIVAN: Okay. Thank you. Let me open it to public comment. Any members of the public who wish to speak should now click the button that says, "Participants," and then click the button that says, "Raise hand."

If you are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6, and you'll have up to three minutes in which to comment.
[Pause]
There appears to be nobody calling in. We are not in receipt of any communication.

Mr. Rafferty, I know you've made reference to the Historical Commission's Certificate of Appropriateness. It's not in the file. You have a copy of that?

JAMES RAFFERTY: I do. And I'm told that I -- I noted its absence earlier this week, contacted the Historic Commission and receive an e-mail communication from Ms. Burkes today, with the decision. And it appeared that the e-mail also went to Ms. Pacheco, but I do have the hard copy, and it was my understanding that --

BRENDAN SULLIVAN: Yeah, all right. If you could forward that onto Maria, just so that we could insert it in the file?

JAMES RAFFERTY: Right.

BRENDAN SULLIVAN: All right. I will close the public comment. Anything else to add? Mark or Jim, regard this particular case?

JAMES RAFFERTY: No, I just would note that the Los did reach out to their new neighbors. They shared with me a series of e-mails that they provided them introducing them to their contractor, telling them what they were doing.

And they shared with me responses from the neighbor across the street and the abutters on either side, wishing them well and indicating they had no objections. Those communications were between the Los and their neighbors. I have seen them, but they were not communications directed to the Board, so they were not included in the file.

BRENDAN SULLIVAN: Great. Thank you. Any further discussion by the Board? Are we ready for a motion?

JAMES RAFFERTY: Ready.
JASON MARSHALL: Yes.
BRENDAN SULLIVAN: Okay. Let me make a motion, then, to grant the special permit to construct a two-story rear addition in excess of the allowed gross floor area to the preexisting, nonconforming structure to connect the home to the preexisting, detached garage.

And as per the drawings that have been submitted, Boyes-Watson Architects, dated 02/18/22 entitled, "15 Follen

Street, Cambridge, MA" and signed by the Chair.
Also incorporating the dimensional forms, supporting statements, and also that we would incorporate the Historical Commission Certificate of Appropriateness for this particular project.

The Board finds that the requirements of the Ordinance can be met.

The Board finds that Section 8.22d allows for the construction of the proposed addition, whereas in this particular case, the existing house exceeds the allowable floor area ratio.

Similarly, the preexisting, nonconforming side yard setbacks permit new conforming side yard setbacks that result when the garage becomes attached to the main structure. There are no new nonconformities with this proposal.

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

The Board also references the Board of -- the Historical Commission letter/Certificate of Appropriateness.

The Board finds that traffic generated or access or egress would not cause congestion, or substantial change. The proposed addition would not alter any traffic patterns.

The continued operation of or development of adjacent uses, as permitted in the Zoning Ordinance, would not be adversely affected by the nature of the proposed use.

And there would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupant of the proposed use.

The Board finds that the additions and the interior of the alignment of interior space would be an asset to the occupant of the structure.

And that the Board finds that the proposed use would not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of the Ordinance, to allow homeowners to alter, modify existing structures to conform to current lifestyles.

In furtherance, the Board finds that the Board of Appeals may grant a special permit for the alteration or enlargement of a preexisting dimensionally nonconforming, detached single-family dwelling or two-family dwelling, not otherwise permitted in Section 8.221, but not the alteration
or enlargement of a nonconforming use.
Provided that there was no change in use, and that any enlargement or alteration of such preexisting,
nonconforming detached single-family dwelling or two-family dwelling may only increase a preexisting dimensional nonconformity, but does not create a new dimensional nonconformity.

The Board finds that the Board of Zoning Appeal is required and does find that the alteration or enlargement shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood, and that the alteration or enlargement satisfies the criteria in Section 10.43, as previously stated.

Motion, then, to grant the special permit for the application? Jim Monteverde?

JIM MONTEVERDE: In favor of the relief.
BRENDAN SULLIVAN: Laura Wernick?
LAURA WERNICK: In favor of the relief.
BRENDAN SULLIVAN: Wendy Leiserson?
WENDY LEISERSON: Voting no.
BRENDAN SULLIVAN: And Jason Marshall?

JASON MARSHALL: Yes, in favor of the requested
relief.
BRENDAN SULLIVAN: Yes.
[Four vote YES, one votes NO]
BRENDAN SULLIVAN: On the four affirmative votes,
one opposed, the special permit is granted.
JAMES RAFFERTY: Thank you very much.
(7:10 p.m.)

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

BRENDAN SULLIVAN: The Board will now hear Case No. 165060 -- 204 Fayerweather Street. Mr. Rafferty?

JAMES RAFFERTY: Thank you, Mr. Chair. We have submitted a request to continue the case to two weeks, to May 19.

BRENDAN SULLIVAN: There is, as previously noted by Mr. Rafferty, a request by the applicant of the above matter, 204-206 Fayerweather Street, to continue this meeting until May 19, 2022 as a case not heard.

Any Member of the Board wish to express an opinion regarding the continuation of this matter?

Hearing none, I'll make a motion, then, to grant the request for continuance of this matter until May 19, 2022 until 6:00 p.m., on the condition that the petitioner change the posting sign to reflect the new date of May 9 , 2022 and the new time of 6:00 p.m.; that any changes to the drawings, supporting statements, dimensional form, any other
submissions by the petitioner be in the file by 5:00 p.m. on the Monday prior to May 19, 2022.

I'm not sure if we have a waiver of the statutory requirement. So if one is necessary, I would ask that Counsel sign such waiver submitted to the Secretary of the Board by 5:00 p.m. on a week from Monday, if that's possible?

JAMES RAFFERTY: Happy to do so.
BRENDAN SULLIVAN: Absolutely. Thank you very much. On the motion, then, to continue this matter until May 19, Jim Monteverde?

JIM MONTEVERDE: In favor of the continuance. BRENDAN SULLIVAN: Laura?

LAURA WERNICK: In favor of the continuance.
BRENDAN SULLIVAN: Wendy Leiserson on the motion
to continue?
WENDY LEISERSON: Voting in favor.
BRENDAN SULLIVAN: Jason Marshall on the motion? JASON MARSHALL: Yes, in favor.

BRENDAN SULLIVAN: And Brendan Sullivan yes to the continuance.
[All vote YES]

BRENDAN SULLIVAN: On five affirmative votes, the matter is continued to May 19, 2022 at 6:00 p.m.

JAMES RAFFERTY: Thank you very much. Good
evening.
(7:12 p.m.)
Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, and Jason Marshall

BRENDAN SULLIVAN: We'll call the next case at 107 --

JIM MONTEVERDE: We're early again --

BRENDAN SULLIVAN: -- Washington Avenue, but we have three minutes to wait.

LAURA WERNICK: I like this pace.
JIM MONTEVERDE: Be careful what you wish for; jinx it all.

LAURA WERNICK: Right, right, right.
JIM MONTEVERDE: So Wendy?
WENDY LEISERSON: Yes, Jim. Hi.
JIM MONTEVERDE: I don't disagree with your stance on the previous case.

WENDY LEISERSON: Yes.
JIM MONTEVERDE: Matter of fact, I took my
ordinance out yesterday just to read all those sections again. Because it seems like there are a number of -- that
say in parentheses -- in quotes, you know, "sins" that are allowed because they're kind of in the existing structure as it is.

So that's a great -- thank you for bringing it up. It will encourage me to go back to that section and reread it yet again to clearly understand all of the conditions where new conditions don't comply are allowed.

WENDY LEISERSON: Thank you, Jim. I'm a little confused, though, if you agreed on the matter of the legal interpretation, I'm not sure how you arrived at the -- or am I missing something in what you read yesterday?

JIM MONTEVERDE: No, I read the math in -- I did the math while they -- you know, of the house gross square footage against the --

WENDY LEISERSON: Right.
JIM MONTEVERDE: -- the lot. And yes, in fact, if you go take it two more decimal points, and it is infinitesimally over the allowed already.

WENDY LEISERSON: Right, right. JIM MONTEVERDE: So it's just a matter --

WENDY LEISERSON: And I can see that math. I
mean, that wasn't my question. It was more that not -- you
know, it's like if you are only allowing two decimal points and that is, you know, what is allowed --

JIM MONTEVERDE: Right.
WENDY LEISERSON: -- and --
JIM MONTEVERDE: -- that's what you've got.
WENDY LEISERSON: That's what you got, right?
JIM MONTEVERDE: Yeah.
WENDY LEISERSON: And so --
JIM MONTEVERDE: No, I hear you.
WENDY LEISERSON: Yeah.

JIM MONTEVERDE: Anyway.
WENDY LEISERSON: And it was significant
extension.
JIM MONTEVERDE: Right.
WENDY LEISERSON: So.
JIM MONTEVERDE: Right. Right.
BRENDAN SULLIVAN: 7:15?
JIM MONTEVERDE: All right. To be continued.
BRENDAN SULLIVAN: Let me call Case \#163086 -- 107
Washington Avenue. Petitioner?
[Pause]
Mr. Richard? 107 Washington Avenue? Well, the
next case is at 7:30. So we have 15 minutes to hear the petitioner.

Richard? Scannell? Hello? Dennis?

DENNIS SCANNELL: Yes.

BRENDAN SULLIVAN: Oh, okay, all right. I thought

Kevin may be there. But anyhow, okay, I'll call the case, so if you wish to proceed with your presentation?

DENNIS SCANNELL: I'm waiting for Kevin. I'm the owner of the house.

BRENDAN SULLIVAN: Yep.

DENNIS SCANNELL: And we have a great project.

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. But this is his show.

BRENDAN SULLIVAN: Can you reach him?

DENNIS SCANNELL: Yes.
[Pause]

BRENDAN SULLIVAN: No response yet?

DENNIS SCANNELL: I'm sorry, not yet. So I texted him, and I am now calling him.
[Pause]

He is logging in now, thankfully. I think it's a
simple project, and I'm happy to talk about it. But I prefer for him to.

BRENDAN SULLIVAN: Well, the next -- I could go on to the next case if he's not quite ready. The next case we have to wait until 7:30.

JIM MONTEVERDE: Right.
BRENDAN SULLIVAN: But $I$ can give you up until

DENNIS SCANNELL: Thank you.
BRENDAN SULLIVAN: -- to call in. After 7:30 what I'll do is recess this case and then go to the next one, and then --

DENNIS SCANNELL: Yep.
BRENDAN SULLIVAN: -- when you're ready, then maybe come back to you guys.

DENNIS SCANNELL: Okay.
BRENDAN SULLIVAN: Let me go right up to 7:30 anyhow and see if he calls in.

DENNIS SCANNELL: Yep. Thank you.
[Pause]
So Chairman, we -- Kevin has joined the meeting. I'm sorry for the delay.

BRENDAN SULLIVAN: That's all right. Okay. DENNIS SCANNELL: Kevin, please help out. KEVIN RICHARD: Hi. Sorry about that. My apologies.

BRENDAN SULLIVAN: That's all right. Okay. You're on.

KEVIN RICHARD: Okay. So we're petitioning for -BRENDAN SULLIVAN: Introduce yourself for the record.

KEVIN RICHARD: Hello?

BRENDAN SULLIVAN: Yeah, if you could introduce yourself for the record, please?

KEVIN RICHARD: Oh, yes. My name is Kevin
Richard. I'm the Contractor for Dennis Scannell at 107 Washington Ave. Cambridge Craftsman is my company.

BRENDAN SULLIVAN: Yep, okay. And tell us what the project is all about?

KEVIN RICHARD: So we're replacing a 12 ' x 12 ' back porch -- well, it's a back deck. It's an irregular what would it be? a regular pentagon, right?

So basically a square with the corner clipped off. We're enlarging it not on the 12 ' $\mathrm{x} 12^{\prime}$ axis, but in that
we're not clipping off the corner as far in.
In addition, we're proposing to put a permeable --
a nonpermeable roof over the structure.
BRENDAN SULLIVAN: Okay. Olivia, if you could sort of pull that up?

And it's actually the next drawing? So right there.

And what is the roof?
KEVIN RICHARD: The roof is a flat rubber (sic) roof with a -- I guess you do call it kind of a valance parapet treatment around.

BRENDAN SULLIVAN: Okay. When I first saw this, it looked to me like a bunch of wrought iron work --

KEVIN RICHARD: No, those are just crosshatching marks to indicate solid.

BRENDAN SULLIVAN: So basically, what you're doing is you're putting a roof over the rear deck and you're expanding the rear deck?

KEVIN RICHARD: Yes.

BRENDAN SULLIVAN: Okay. And the reason for the expansion? Just the obvious, but just to give you more sitting area, is that --

KEVIN RICHARD: Yeah, more sitting area.
BRENDAN SULLIVAN: Okay. All right. Let me ask
the Members of the Board. Jim Monteverde, any questions?

JIM MONTEVERDE: No questions, thank you.
BRENDAN SULLIVAN: Laura Wernick, any questions?
LAURA WERNICK: No, just to be clear, everything
is open? Just a covered, open deck area?
KEVIN RICHARD: Yes. But it -- well, the plan was for screened in.

DENNIS SCANNELL: Yeah, screened in. Yes, exactly.

KEVIN RICHARD: But otherwise open, yes.
DENNIS SCANNELL: Right.
LAURA WERNICK: Okay. And so there'd be a door, a screen door?

KEVIN RICHARD: Yes.
DENNIS SCANNELL: Correct.
KEVIN RICHARD: So it would have railings and bannisters to code, just as a normal porch would have.

LAURA WERNICK: And do you need railings on the stairs?

KEVIN RICHARD: Yes. Yeah, they're over 30". So yes.

BRENDAN SULLIVAN: The drawings are really quite minimal. Almost -- I almost kicked it out saying we really need more information, more detailed information.

I'm not sure we can potentially grant relief, given the size, the parameters for you to work within. I'm not sure you're going to be able to get a building permit for these particular set of drawings. The Building Inspector will have to take a look at that in more detail, anyhow.

DENNIS SCANNELL: Okay.
BRENDAN SULLIVAN: And I would have like --
KEVIN RICHARD: I have run them past one of the inspectors -- not Ranjit, but I think -- I think it was either Jacob or Brandon.

BRENDAN SULLIVAN: Okay. But anyhow -- just to comment. Wendy Leiserson, any comments at this time?

WENDY LEISERSON: I just have one question, which is because I did not understand they were going to be screened in. When you sought approval from the Avon Hill Historical Commission, did -- was that explicit to them?

Did they understand that this is going to be a screened-in porch?

KEVIN RICHARD: Yes, it was. Yeah, we did -WENDY LEISERSON: Okay, thank you.

KEVIN RICHARD: -- we did discuss that. Yeah, thank you.

BRENDAN SULLIVAN: But it would not include him from enclosing it in the future? That once you put a roof over a deck, even though your intentions now were to have it screened in, it $I$ believe could be enclosed in the future?

Once that roof goes over, then you basically created floor area ratio -- a floor area, and it takes up the ratio, but that it could potentially be enclosed.

KEVIN RICHARD: But that would require another permit process?

BRENDAN SULLIVAN: Whether the Board wants to make that as a condition or not, you can be thinking about that. My only thought on this is that it's a way around the back of the house really out of the public view, and only accessible, useable, visual by the homeowner.

So but -- anyhow, Wendy, you can think about that part of it. Jason Marshall, any comments at this time?

JASON MARSHALL: No, Mr. Chair.
BRENDAN SULLIVAN: Let me open it to public
comment. Any member of the public who wishes to speak should now click the button that says, "Participants," and then click the button that says, "Raise hand."

If you are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6. You will have up to three minutes to comment.
[Pause]
There appears to be nobody calling in. We are in receipt of correspondence from Avon Hill Conservation District. They shall bring a Certificate of Appropriateness regarding 107 Washington Avenue.
"Avon Hill Neighborhood Conservation District hereby certifies pursuant to and entitled to Chapter 2.78 Article 3, Section 2.78, the code of the City of Cambridge and the City Council order establishing the condition that the alterations described below is not incongruous to the historical aspect or the architectural character of the building or district.
"Replace the deck with a covered porch. Work is to be carried out as indicated on drawing by Kevin Richard,

Cambridge, Massachusetts, titled 107 Washington Avenue, submitted March 8, 2022.
"Plans referenced above are incorporated into this certificate, which is binding on the applicant. All improvements shall be carried out as described therein. Date of certificate: March 29, 2022."

And that is the sum and substance of any correspondence. I will close the public comment part. Anything else to add, Kevin at this time, before I give it to the Board?

KEVIN RICHARD: Nothing from me, thank you, Chair. My apologies for being late.

BRENDAN SULLIVAN: No. That's all right. That's okay. We had a 15-minute window for you, so you got in, anyhow.

LAURA WERNICK: Mr. Chair, I'm still just a little concerned about the presentation -- that there's so little detail to -- we're not seeing the railings that were required by code, there's no kind of understanding of what the architectural quality would be.

And if this -- perhaps in the -- you know, if this is to be approved, perhaps in the motion there's something
to that effect that railings according to code are included?
That it is a screened-in porch and cannot be enclosed without further hearing, and that the appearance will be in context -- will be appropriate contextually with the existing building -- something along those lines?

BRENDAN SULLIVAN: That's a good point, Laura. I sort of thought about this, because of the lack of detail. LAURA WERNICK: Exactly.

BRENDAN SULLIVAN: And again, Kevin, what we usually do is we have to sign document -- we have to basically approve, disapprove, and then pass that onto the Building Inspector, the Building Department, to go by what we approved.

If the information is somewhat lacking, then it's difficult, then, for the Building Inspector to say what is it actually that they approved? And then it's the onus on them. It makes it difficult for them.

And it's almost like we're not doing our job by giving them something that does not have more detailed information on it.

I guess, Laura and Members of the Board, my thought is that we would go back to the plan.

Olivia, if you could pull that up?
I guess going forward, too, Kevin, you really are going to have to come up with more detail as to exactly what you're doing, so that we all know, there's no questions. The last thing you want is to have us question or some doubt as to what's going to happen.

KEVIN RICHARD: I understand. Agreed.
BRENDAN SULLIVAN: Clip on, put a clip on that one, Olivia?

So I guess, Laura and Members of the Board, my thought is that we would approve a deck that is 12 feet in one direction and we would go by the dimensions. 12 x 12 , you've got a seven-foot-six, and then you've also got that dimension, that parameters, that the porch as presented is going to be screened in, no windows to be installed.

And again, I think that the Avon Hill has given a Certificate of Appropriateness for a screened-in porch. Anything other than that, they would have to go back to Avon Hill, and we would request that they come back before the Board also.

That as far as the railings are concerned, you would have to go by code on that, which is probably a bit of
a six-inch-high railing, and that they cannot exceed five inches on center.

And the steps down, again, are all by code. So there's an awful lot that you're going to have to provide the Building Department, I would think, I would hope that the Building Inspector would ask for a better review.

And I almost was going to ask for more and continue this matter, but I think I'm satisfied that we probably have enough information to approve the parameters of the extent of what is being asked for us to do.

Laura, anything else to add to that, or would you prefer that more detailed drawing be submitted before we vote on it?

LAURA WERNICK: Well --

BRENDAN SULLIVAN: It's really quite minimal. And
it's --

LAURA WERNICK: -- it's so minimal --
BRENDAN SULLIVAN: -- it's below --

LAURA WERNICK: Yeah.

BRENDAN SULLIVAN: --it's, it's more than --
LAURA WERNICK: I mean, we're not here to improve the architectural appearance of it, but I don't see how the

Inspectors can go forward without -- I think what you're saying is adequate, that they before they would be able to give approval, they would need much more detailed drawings.

BRENDAN SULLIVAN: Okay. You would like to --
LAURA WERNICK: So showing the elevation. I guess I would ask that they show elevations, railing details -yeah, elevations and railing details of the structure before approval can be granted.

BRENDAN SULLIVAN: Okay. Showing the roof detail, the edge detail.

LAURA WERNICK: Railing details.
BRENDAN SULLIVAN: Screened-in railings, and also maybe a cross-section through the stepdown of that section --

LAURA WERNICK: Yes.
BRENDAN SULLIVAN: -- which is denoted in the front show. What does it show, six-foot-two by 10-footfive? Is that correct?

KEVIN RICHARD: Yes.

BRENDAN SULLIVAN: Yes? Any other Members of the Board agree with that conclusion? As for --

JIM MONTEVERDE: I would agree with that.

BRENDAN SULLIVAN: Okay. So Kevin and Dennis, I think that the sense of the Board is that we would ask you to go back and to provide as much detail as possible -- as you've heard -- showing the railings and what you're putting in there for railings, screened-in porch, detail at the roof line and also sort of a cross-section down, so that we could then basically just pass this off to an Inspector.

KEVIN RICHARD: Okay. So the -- there is a section view, but it lacks detail. So $I$ could fill that in. And then the handrails for the staircase, correct?

BRENDAN SULLIVAN: That's correct.
KEVIN RICHARD: And more detail in the roof design?

BRENDAN SULLIVAN: I mean, I understand -- you know, it's probably in your head and, you know, that -- Mr. "Scannel" is it "Scannelle" [pronunciation] -DENNIS SCANNELL: Scannell, yes. BRENDAN SULLIVAN: -- Scannell -- is -- you know, probably comfortable with what you're proposing. You've probably had discussions and so on and so forth. But I would want a set of drawings to be brought up for anybody's sake to bid on.

And right now it is totally lacking of any kind of information as to -- other than the parameters -- as to what materials are to be used and how they all interrelate with one another. So --

LAURA WERNICK: Can we actually go back to the -to that little diagram? I mean, like, the railings are -it looks very straightforward, but you're only seeing it in two dimensions, you're not seeing it three-dimensionally where $I$ think the stairs wrap. And so it just -- I don't know if you're leaving the railings the way they are in that -- what's existing?

KEVIN RICHARD: Ah --

LAURA WERNICK: But it's the stair?
KEVIN RICHARD: Yeah, the railings would be -would flare out at a diagonal.

LAURA WERNICK: Yes, yes.
KEVIN RICHARD: The top ones --
LAURA WERNICK: Yeah. So we're not seeing that at all. And I think that they're -- when they're flared out at a diagonal, then $I$ think the width is too long at the bottom to be to code.

But you may have too long a horizontal distance
between the posts, the ends of the railings. I mean, that would have to be checked to be verified that it's not too long for the code. Because you'd have to have a railing at every certain distance.

So I think it's disappointing that we're not seeing enough detail to really understand what you're proposing and to assure that it's to code. I'm trusting that the Building Inspector will -- that you will provide the documents, and the Building Inspector will be able to verify that everything's done to code.

KEVIN RICHARD: Mm-hm. Okay. So I'm happy to do that. What's the process? Is it to reschedule another hearing, or how is the --

BRENDAN SULLIVAN: Yeah. We'd have to make you come back.

KEVIN RICHARD: So reschedule another hearing, is that --

BRENDAN SULLIVAN: Yeah. And the schedule is quite full. June 30? Yeah, that's what I -- I mean, I think this --

KEVIN RICHARD: So, so aside from -- because the -

- aside from the balusters and handrail, this -- which is,
you know, basically drawing vertical lines and a row of moulding for -- you know, for the roof treatment, and then showing the inelevation (sic) and on that other drawing. So adding a little bit of detail to the two existing drawings --

BRENDAN SULLIVAN: I think it should come up to a point level where this -- whatever document you prepared -could be handed over to another contractor to price out. KEVIN RICHARD: Yes.

BRENDAN SULLIVAN: And right now, anybody who would look at this would say, "Well, what do you want here, what do you want, what do you want?" And so on and so forth. And all of that information is lacking, to be quite honest with you.

KEVIN RICHARD: I see. Okay.
BRENDAN SULLIVAN: Again, you may conceptually have it, and Dennis may, you know, conceptually have agreed as to what it is, but we're responsible to approve something, and that something, the information is quite lacking. And what you have, I don't see how you could pass it off, again, putting a permit on it.

KEVIN RICHARD: Yeah. By that standard, that's
true.
BRENDAN SULLIVAN: Right. Okay. So I think
that's what Laura, and I think the rest of the Board is
asking for you to provide.
KEVIN RICHARD: Mm-hm.

BRENDAN SULLIVAN: Is there any time at the end of
May or I think where are we? June 9? Can we do June 9?
Can we squeeze it in? Okay.
June 9, 2022 and is that -- Members of the Board, continue this matter to June 9, would you be available, Jim?

JIM MONTEVERDE: Yes, I will be.

BRENDAN SULLIVAN: Laura, June 9?
LAURA WERNICK: Yes.

BRENDAN SULLIVAN: Yeah. Wendy, June 9?
WENDY LEISERSON: Okay.
BRENDAN SULLIVAN: Jason?
JASON MARSHALL: Yeah. That works.
BRENDAN SULLIVAN: Okay. So let me make a motion, then, to continue this matter until June 9 at 6:00 p.m. on the condition to the petitioner provide the -- first of all, the petitioner change the posting sign.

What I would ask is that you oust a -- right now I almost didn't find the posting sign because it's sort of behind the porch. If you would bring that out more prominently out in front of that porch, so that you can see it from the sidewalk or the street as you go by?

That you change the posting sign to reflect the new date of June 9,2022 at 6:00 p.m.

That any new submittals, as per the discussion that the Board has just had with you be in the file by 5:00 p.m. on the Monday prior to June 9, 2022.

We would ask that you sign a waiver to the statutory requirement to a hearing and a decision to be rendered thereof, and either one of you can sign it.

If you would ask Maria for it, she can e-mail it to you, sign it and send it back to her, but that waiver be in the file by 5:00 p.m. on the Monday week. So in other words, a week from this coming Monday that that -- submit that to "wave" it back to us.

Anything else, Board Members, to add? Nothing else? Okay. On the motion, then, to continue this matter to June 9? Jim Monteverde?

JIM MONTEVERDE: In favor of the continuance.

BRENDAN SULLIVAN: Laura?

LAURA WERNICK: In favor of the continuance.
BRENDAN SULLIVAN: Wendy?
WENDY LEISERSON: In favor of the continuance. BRENDAN SULLIVAN: Jason Marshall, to continue? JASON MARSHALL: Yes, in favor of the continuance. BRENDAN SULLIVAN: And Brendan Sullivan yes. [All vote YES]

BRENDAN SULLIVAN: Five affirmative votes, this matter is continued until June 9, 2022 at 6:00 p.m. Okay. See you then.

KEVIN RICHARD: Thank you.

DENNIS SCANNELL: Thank you.
(7:47 p.m.)
Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, and Jason Marshall

BRENDAN SULLIVAN: The Board will now hear Case No. 168345 -- 419 Putnam Avenue. Mr. Glassman?

ADAM GLASSMAN: Good evening, Mr. Chairman and Members of the Board. For the record, this is Adam Glassman of GCD Architects at 2 Worthington Street in Cambridge.

I'm here tonight representing Fraser Allen, who is at this time developing 419-421 Putnam Ave, an existing four-family structure in need of substantial renovations. 95 percent of this project has received a permit as-ofright.

We're seeking relief for secondary supporting elements, which include window wells, which will increase a nonconforming building height, the associated guardrails, which are within setbacks, a second-floor deck in the front, also within a setback, and requiring a special permit are new windows being installed into covered porches, which are being enclosed.

Olivia, can you pull up the packet, please? Next slide, please?

The left side photos show you the existing conditions of 419-420, 421 Putnam.

And to the right is 415-417 Putnam. It is an identical house, and we're taking a few cues from that, as these were originally matching structures, and we'd like to -- we'd like to bring our structure into more matching, to match our neighbor on the right and follow their cues with their renovations.

On the upper left of the photo, you can see the existing front entry porch, and over that we are proposing to add guardrails and a deck and doors to replace the windows, so those two units on the upper levels have some usable outdoor space on the front.

And also the photo on the upper left, you can see the two empty basement windows on either side of the entry. Those are the two visible window wells we're proposing for the front, with guardrails which are within setbacks.

A few more photos on the page to show you how we're trying to match our neighbor to the right, which was restored very tastefully.

Next slide?

Again, showing comparisons between our structure and our neighbor. Really trying to match the railings, the window wells.

Next slide, please?
The work we're proposing on the sides and the rear, not really visible from the street. First photo on the left, there is a covered porch that we'll be enclosing and petitioning tonight to add windows to that enclosure.

The middle photo you can see an existing double entry door bulkhead head house of the basement. We'd like to remove that and replace it with guardrails within setbacks. The window wells actually exist already as part of the bulkhead.

And the photo on the right shows the left side view from the rear of the existing two-story porch. The portion on the first floor we'd like to enclose and add windows for the special permit.

Next slide, please?
On our setback -- you can see our setbacks run pretty much through the main mass of the house of the front and right up to the rear wall, right along the left wall.

And there's a little bit more space on the right side. But it still runs through the porches on the right and the left, requiring special permit windows.

Down towards the bottom of the plan on the right side, you can see the two front windows on either side of the portico.

Next slide, please?
The red areas indicate windows to be added on the second story, and the first story in the rear on the left (sic) right-hand sides that require a special permit.

Next slide, please?
On the second-floor plans, you can see on the front the proposed deck over the existing front entry. And again, the red infill pointing out where the windows are that require a special permit.

Next slide?
Front elevation, the area of demo would be the two windows in front over the portico, replace them with doors. And again, the windows -- basement windows would be removed and those openings enlarged, window wells installed with guardrails.

Next slide, please?

Proposed front elevation, identical to our
neighbor to the right. Guardrails, doors up above for the second-floor deck, and window wells with guardrails down below the basement.

Next slide, please?
On the right side in the image above you can see the windows on the right we'd like to add with a special permit. And towards the left of the proposed view is the guardrail over the second floor.

Next slide, please?
Similar view on the left side, with windows towards the rear, guardrails, and window wells towards the front.

Next slide, please?
Rear view -- I know this is getting redundant, I apologize -- window wells and guardrails in the back within the setbacks.

Next slide, please?
I don't think I really need to review the dimensional form. If there are any questions, I'll take them. I'll just add, you know, none of this work poses any detriment to our neighbors. We have no opposition, and
that's basically it.
BRENDAN SULLIVAN: Well, the house is surely in
need of something.
ADAM GLASSMAN: It is. And it's getting it.
BRENDAN SULLIVAN: Okay. Jim Monteverde, any
questions for Mr. Glassman at this time?
JIM MONTEVERDE: No questions, thank you.
BRENDAN SULLIVAN: Laura Wernick, any questions?
LAURA WERNICK: No questions.
BRENDAN SULLIVAN: Wendy Leiserson, any questions at this time?

WENDY LEISERSON: No questions.
BRENDAN SULLIVAN: Jason Marshall?
JASON MARSHALL: No questions. I appreciate the presentation.

BRENDAN SULLIVAN: Let me make a -- open it up to public comment. Any members of the public who wish to speak should now click the button that says, "Participants," and then click the button that says, "Raise hand."

If you are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6. You'll have up to three minutes in which to speak.

There appears to be nobody calling in. We are not in receipt of any letters. Comments from the public? I will close the public portion of the hearing. Anything else to add, Mr. Glassman, to the presentation?

ADAM GLASSMAN: No thank you.
BRENDAN SULLIVAN: The Board will have discussed among themselves. Jim, your thoughts, comments?

JAMES RAFFERTY: I am ready for a vote.
BRENDAN SULLIVAN: Okay. Laura, any further comments at all or ready for a vote?

LAURA WERNICK: No further comments, thank you. No comments.

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, the relief -- the variance granted should conform to the drawings submitted. The dimensional form and the supporting statements initialed by the Chair.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner, because it would preclude the petitioner from renovating a structure that has fallen in great disrepair over time.

That the proposed work would bring the structure up to modern, livable standards, where it would be an asset to whoever occupies the structure. And that without granting the relief, it would be impossible to do the work in a fair and reasonable fashion.

The Board finds that the hardship is due to the fact that the existing structure is encumbered by the Ordinance. The structure predates the existing ordinance, and as such that none of the work proposed would be allowed through any -- if the Board were to have a literal enforcement of the Ordinance.

The Board finds that the setbacks actually run through the structure, and so that any additions, modifications to the exterior of the building, would require some relief from this building and would require some relief from this Board.

The Board finds that the building height is being

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increased by the virtue of the window wells that are being added, even though there would not be any actual increase in the structure, the height of the structure.

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

The Board finds that the proposed deck and the three window wells would visually and functionally be consistent with adjacent properties, and that the character of the house and the neighborhood would not be negatively impacted by the proposed work.

And that there would be no increase in FAR and useable open space would only be modestly increased for the upstairs units.

The Board finds that desirable relief may be granted without nullifying or substantially derogating from the intent and purpose of the Ordinance, to allow homeowners -- in particular, this particular owner of the property to improve the property, bring it up to modern standards and code-compliance in a fair and reasonable fashion.

On the motion, then, to grant the variance, on the condition that it comply with the plans as submitted? Jim Monteverde?

JIM MONTEVERDE: In favor of the variance.

BRENDAN SULLIVAN: Laura Wernick?

LAURA WERNICK: In favor of the variance.

BRENDAN SULLIVAN: Wendy Leiserson?
WENDY LEISERSON: In favor of the variance.
BRENDAN SULLIVAN: Jason Marshall?
JASON MARSHALL: Yes, in favor of the variance.
BRENDAN SULLIVAN: Yes, in favor of the variance.
[All vote YES]
BRENDAN SULLIVAN: The variance for the work proposed is granted.

Now, on the special permit, the special permit is to allow for the new window openings within the existing nonconforming setback.

The Board finds that the requirements of the Ordinance can be met.

The Board finds that the proposed new windows will have no negative effect on the abutters, hoping there will be no loss of privacy, no increase in noise or light pollution and no impact on neighborhood density.

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

The Board finds that the proposed windows really have no impact at all on the traffic patterns or parking on the street.

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

In fact, that it would be enhanced, and it would add to the streetscape and the value of adjoining properties, by having updated code-compliant structure.

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

In fact, it would enhance the livability, the fenestration and the light coming into the structure by the rearrangement of the lights -- the windows rather -- and adjoining rearrangement of existing windows and the addition of the windows and the basement units, bedroom units.

The Board finds that the proposed use would not
impair the integrity of the district or adjoining district, and otherwise derogate from the intent and purpose of the Ordinance.

The Board finds that the proposed window realignment would be consistent with the architectural character of all of the structure, and also of the neighborhood.

On the motion to grant the special permit, Jim Monteverde?

JIM MONTEVERDE: In favor of the special permit.
BRENDAN SULLIVAN: Laura Wernick on the granting of the special permit?

LAURA WERNICK: In favor of the special permit.
BRENDAN SULLIVAN: Wendy Leiserson on the special permit?

WENDY LEISERSON: In favor of the special permit.
BRENDAN SULLIVAN: Jason Marshall on the granting of the special permit?

JASON MARSHALL: In favor of the special permit.
BRENDAN SULLIVAN: Brendan Sullivan yes for the granting of the special permit.
[All vote YES]

BRENDAN SULLIVAN: five affirmative votes, the special permit is granted.

ADAM GLASSMAN: Thank you very much.
JIM MONTEVERDE: Mr. Chair, can I request a two-
minute break?

BRENDAN SULLIVAN: You sure can.
JIM MONTEVERDE: Thank you.
[BREAK]
(8:07 p.m.)
Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, and Jason Marshall

BRENDAN SULLIVAN: I think we can proceed. The Board will hear Case No. 168418 -- 58 Antrim Street.

Dan, you're presenting? You're on mute.

DAN HISEL: Yes.
BRENDAN SULLIVAN: Okay.

DAN HISEL: Good evening.
BRENDAN SULLIVAN: Can you introduce yourself for the record?

DAN HISEL: I didn't realize that was my cue to start talking. Good evening, everyone. My name is Dan Hisel at Hisel Flynn Architects. I'm here representing Hannah Brennan and David Rangaviz, who are here joining us on the Zoom call tonight. And we're here to talk about their new home at 58 Antrim Street.

The current home at 58 Antrim is a two -- is currently a two-family. Hannah and Dave are converting it into a single-family residence for the -- for their own
private use and their growing family.
And so as part of that renovation, we're doing some efforts -- making some efforts to modernize the home and to open it up to the yard and make the kind of flow of the spaces be more enjoyable.

I don't know if Olivia -- does Olivia want to share the presentation? Thank you.

So the house is existing nonconforming with respect to side yard setbacks. As you can see, many of the houses up and down Antrim are similarly constrained by nonconforming setback conditions.

So the work we're proposing that requires relief is twofold. One is an addition at the first floor that is shown in gray here that squares off a corner and allows us to enlarge and expand the kitchen and create a sunroom and a mudroom and a sunny atrium kind of a thing.

We are also enlarging the deck around that gray addition into the back yard. So it's a little -- little hard to see on our site plan, but the proposed deck is pointing to the new line of the deck, and there is a dashed line where the existing deck currently is. We are demolishing that shed in the corner to open up some space.

The second part of our project is on the attic, where we're enlarging a dormer that is above a wall that is within that side yard setback lot.

So I can go kind of quickly through this. This is the demolition plan that shows the existing conditions a little more clearly. There's the existing -- you know, there's the two-family residence had a stair at the back that's kind of clogging up the works. So that's coming out in order to facilitate the new kitchen and deck, yeah, and back yard.

Next slide?
We're keeping the existing stair and renovating the second floor with new bedrooms and a primary suite. And the stair climbs up to the top in the attic, where you can see the existing condition.

Next slide?

Here's our proposed floor plans. The proposed addition is shown yellow and red hatch at the upper right, where we have the mudroom and an eat-in booth, kitchen booth for the kitchen. And then sliders that open onto the back deck at the rear. And access along the side.

We are adding a window well in the basement on the
bottom left as one minor thing we're doing. And then as we go upstairs to the attic, we are adding the dormer.

The other thing that requires relief as part of our application is the alteration of windows in the existing nonconforming side walls of the house. Those are more clearly illustrated in the elevations, which we'll get to in a minute.

Here you can see the second-floor plan. That's the roof of the sunroom below, and the expanding dormer on the right in the attic, where we have a small bathroom with services and office and a bedroom at the front of the house. The roof deck on the rear is worth noting, because we -- our understanding is that this will be by right, because we are holding our railings at seven-foot, at the required setback distance from the property line. So it would be at the top you can see seven-foot-six inches from the property line. That's to the railing of our proposed roof deck.

The door onto that deck is currently there, but there are no railings or any kind of -- there's a, you know, walking surface of any kind currently.

You can go to the next slide.

That's the demolition elevation. There's
currently no -- an existing trellis where we're proposing to put our sunroom, which you can see in this elevation here. So I think in our -- it's our hope that volumetrically this will be a minimal change, given that -- granted it's an open trellis, so it's not enclosed space, but from a kind of volumetric perspective, we think that there's a kind of logic to the progression here.

But yeah, you can keep going.
We're adding some fencing and demolishing a little arbor at the front and doing some minor things. Here you can see the existing dormer in elevation.

Next slide?
And then here's our proposed dormer. It meets the 15-foot width. It is set 10 -foot back from the front façade, and it is about a foot and a half below the existing ridge, which by the way is 0.3 feet above the maximum height, the existing ridge. Our new dormer is below the maximum height.

So that's the -- the windows shown in yellow are new windows in new locations. We have the new fence on the right side of the proposed front elevation. But we -- the

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existing house is in actually pretty good shape. The siding is in good shape. We're going to keep the existing wood siding and all of the existing trim. So that's all getting kind of historically preserved.

We are going to replace all of the windows with new, double-hung windows.

Next slide?
Here's the side elevation along the right side of the house. It shows a flu pipe for the chimney, it shows an egress window in the basement on the left, and our new windows that we're adding for more light, the sunroom, the proposed deck with assigned railings, and the railing around the roof deck at the top. So those are the kind of new introductions.

And then next slide?
We have some renderings on the left are the existing conditions, and on the right are the proposed conditions.

Next slide?

This is a view on the left of the existing dormer, on the right in the middle is the proposed dormer. And the bottom-right units are our proposed roof deck with a green
roof to help with the -- help spruce up the required setback condition that we have at the roof.

I think the next slide is the Zoning Table. I can answer questions about that if you'd like. And is that it? I guess that's it for the presentation.

I would have liked to point out that we -- Hannah and Dave have done a remarkable job of canvasing their neighborhood, and it's a tight group over there, and they have a LISTSERV and a close community, and they've garnered no less than seven letters in support of this project, including both abutters, or at least one abutter.

But those I think are part of the document as well.

BRENDAN SULLIVAN: Great. Thank you. Jim Monteverde, any questions at this time?

JIM MONTEVERDE: Just one. And it has to do with the size of the deck, which we have commented on with regularity on these types of projects. If I read the drawings correctly, it's -- let's see, I was just on a drawing. It's nominally 12.5 x 16 feet, something of that dimension, 200 square feet.

DAN HISEL: You're talking about the first-floor
deck?

JIM MONTEVERDE: No, second floor.
DAN HISEL: The attic?

JIM MONTEVERDE: Rooftop.
DAN HISEL: Ah, yes. The attic is 12.5 feet by -JIM MONTEVERDE: 16 I think it was?

DAN HISEL: Something -- yeah, hang on just a second.

JIM MONTEVERDE: Yeah. So usually the concern is
-- the previous cases the concern with a deck that size is
just that it not turn into a party area, and therefore disturb the neighbors. And really, it's just because of the size. So would you consider reducing it?

DAN HISEL: Okay. Hannah and Dave, would you like to speak to that?

HANNAH BRENNAN: Yeah, sure. We can speak to
that. We have a few --
BRENDAN SULLIVAN: Just introduce yourself for the record.

HANNAH BRENNAN: Oh, I'm sorry. I'm Hannah
Brennan. I'm one of the owners of the home. I don't know if you can see me on video right now. I don't see myself,
but it is definitely not going to be a party deck. We have two little kids, we have a 2-year-old and another baby on the way, and one of them is going to be living on the third floor. So we need to keep it quiet up there at night.

And we have -- we have one primary back neighbor, and you'll see a letter of support. We've been over the roof deck with them. They're fully in support of it. They said to us, you know, "We would do the same thing as you if we had that space already up there."

You know, we could have our current neighbors vouch for us. We're, you know, a pretty quiet pair, and we just -- it's off of our office, and the plan is to use it more as an outdoor working space during the day for when we can use it in the summertime and things like that.

JIM MONTEVERDE: Okay. Thank you.
HANNAH BRENNAN: No problem.
BRENDAN SULLIVAN: Laura, any questions at this
time?
LAURA WERNICK: No questions.
BRENDAN SULLIVAN: Wendy Leiserson, any questions?
WENDY LEISERSON: I only have a comment, which is regarding the roof deck, that in deciding whether or not to
make it this size, it's not actually a reflection of the current owners' use of the roof deck, but also the concern is of potential next owners' use of a roof deck.

So it's not a reflection on your personality and your intended use or how quiet you are as people, it's more about is this deck and the size of it going to affect different neighbors and, you know, be used differently by other homeowners in the future.

But I leave it to Jim to follow up on that if he's still concerned.

BRENDAN SULLIVAN: Okay. Thank you. Jason Marshall, any questions, comments at this time?

JASON MARSHALL: No further comment, Mr. Chair. I appreciate Wendy's clarification.

BRENDAN SULLIVAN: Let me open it to public comment. Any members of the public who wish to speak should now click the button that says, "Participants," and then click the button that says, "Raise hand."

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

There appears to be nobody calling in. We are in receipt of potentially 10 or 11 letters of support from the immediate neighbors, abutters -- 46 Antrim Street, 45 Antrim Street. They have no objection the proposal.

One from 95 Antrim Street from Alex Van Praagh, who is an architect, and, "Many nonconforming structures are due to the narrowness of the existing lot and the pattern of nonconforming side yards and floor areas on the street.
"The planned alterations are also consistent with the guidelines in the Mid-Cambridge Neighborhood Conservation District, who have reviewed and approved the proposed design." He would support and encourage granting of the relief on the merits of the proposal.

There is a letter of support from \#89 Antrim Street, 55 Antrim Street, Judy Johnson, from Debra Corn at 46 Antrim Street, Santino Ferrante from 58, and he asks that we would approve and encourage more young families to move into the community. And the Board can help by allowing thing young family make the house and purchase a comfortable one. Also \#39 Antrim Street.

The Board is also in receipt of communication from the Mid-Cambridge Neighborhood Conservation District.

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"The Mid-Cambridge Neighborhood Conservation
District hereby certifies pursuant by Title 2 Chapter 2.78 Section 2.78 of the code of the City of Cambridge on the City Council order establishing the condition that the construction described below is not incongruous to the historic aspect or architectural character of the building or district.
"To construct the addition and the deck, and enlarge the dormer on the left side, remove the chimney and alter the fenestrations of the structure."

The Commission also recommended consultation with Staff on final landscape plan and color scheme. The plans and specifications that are submitted with the application entitled, "58 Antrim Street" by Hisel Flynn Architects dated March 11, 2022 are incorporated into the certificate, which is actually a nonbinding application, date of certificate April 4, 2022.

And that's the sum and substance of any correspondence.

We will now close the public comment aspect of it. Dan, anything else you wish to add, potentially the comments of the Board regarding the deck?

DAN HISEL: Yeah.

BRENDAN SULLIVAN: Or Hannah, or anybody who wishes to chime back in?

DAN HISEL: I defer to the clients on the size of the deck. It's up to them. I think, you know, part of the -- one nice thing about the size of the desk as it currently, as it's currently drawn, is that it allows a space for a table and chairs, as well as some lounge furniture as well. We didn't draw that, obviously, but, you know, it provides a kind of potential variety of uses up there.

But as to whether or not -- you know, I defer to the clients in terms of changes that might want to get made. I'm happy either way.

BRENDAN SULLIVAN: Okay. Jim, going back to you and other Members of the Board regarding the deck, have you had any alternate proposal or suggestions?

JIM MONTEVERDE: No, my -- well, really, my suggestion would be to -- if there's an opportunity to reduce it, and not trying to design it, but taking the planting trays that are running on the side yard and right across the back to basically reduce the size of the deck,
that would certainly make me more comfortable.
LAURA WERNICK: Can I special, Mr. Chair?
BRENDAN SULLIVAN: Sure. Yep. Absolutely.
LAURA WERNICK: No, just the -- I appreciate what Jim's saying, and often in many instances we are very concerned with, you know, putting a roof deck on top of a triple-decker or something where there's no other space.

But the party issue is not, I don't think, an issue here, because this family already has a yard, they have another deck. If they're going to have a party, they're going to have a party regardless of whether there's a roof deck.

That's not -- I don't -- I'm not seeing that as a major determinant of noise for neighbors, because they have plenty of room to have lots of people, regardless of whether they have a roof deck that size or half that size.

So I don't think in this particular instance that the noise issue is affected one way or another by the size of the roof deck. That's my personal thought. Thank you.

BRENDAN SULLIVAN: Laura, I think that's well
taken. And that actually echos my feeling on this is that where it is, it's off an office. And I think it's really
probably for the exclusive uses of the occupants on a daily basis.

And that there are other options if they wanted to have a larger gathering, you know, that would -- you know, create noise or disturbance, it would probably not be up there; it would be in the back yard or on the first-floor deck or something.

So I think I agree with your observation, and I think that's sort of how $I$ feel on it.

Wendy, your thoughts again, on this?
WENDY LEISERSON: I am in favor of the roof deck. I love seeing more outdoor and open spaces for families. So -- and I agree with Laura's observation that this is not one of the instances where we're talking about the deck -- a roof deck being an invasion of the neighbors' privacy or a potential noise issue. So I'm fine with the plans as they are drawn.

BRENDAN SULLIVAN: Thank you. Jason, your thoughts on the deck?

JASON MARSHALL: Yeah, thanks, Mr. Chair. I agree with the statements that have been made regarding the specific circumstances involving this deck don't seem to
create an issue with respect to nuisance to the neighborhood.

I think it's notable that they have what appears to be pretty robust support from neighbors, including as the applicant noted, the neighbor abutting in the back. So I would all still be comfortable supporting the plan as presented.

BRENDAN SULLIVAN: Okay, Jim, back to you?
JIM MONTEVERDE: I have no further questions. I appreciate all the comments from the fellow Members.

BRENDAN SULLIVAN: Ready for a motion, then, everybody?

JIM MONTEVERDE: Ready.
BRENDAN SULLIVAN: Let me make a motion, then, to grant the relief requested. Special permit to construct the small addition of a deck on the first floor, dormers on the third floor, add windows on nonconforming wall. Also subject deck to part of the discussion off the back level.

And as per the application, drawings submitted, supporting statements and dimensional form are provided by Hisel H-i-s-e-l, is that correct, Dan, Hisel? Hisel? Hisel?

DAN HISEL: Yes, you got it. Dan Hisel. Thank you.

BRENDAN SULLIVAN: Okay. All right -- Flynn Architects entitled 58 Antrim Street, and initialed by the Chair.

The Board finds that this is a special permit, and it appears that the requirements of the Ordinance can be met.

That traffic generated or patterns of access would not cause congestion, hazard, or substantial change in the established neighborhood character.

And as some public comment has mentioned, it's actually quite in blending in with the existing character of the neighborhood, architectural features.

And the Board notes the Mid-Cambridge Neighborhood Conservation comments, finding that the proposed work is not incongruous to the neighborhood.

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

The Board notes the letters of support from
abutters and people in the immediate area.
There would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupants of the proposed use, or to the citizens of the city.

The Board finds that the proposed renovation of the structure would in fact be a plus to any citizen -- I'm sorry, say any occupant of the structure, add too a great deal of light and fenestration, and would create some open space, which is much needed and sought after in today's society.

The Board finds that the proposed use would not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of the Ordinance to allow homeowners to improve their structures and also bringing structures up to code and make it more adaptable to modern living standards.

The Board also finds that relief is being sought under Section 8.22.2D. The Board finds that it may grant a special permit for the alteration or enlargement of a preexisting dimensionally nonconforming, detached singlefamily dwelling or a two-family dwelling, not otherwise
permitted in Section 8.22.1, but not the alteration or enlargement of a preexisting nonconforming use...

Provided that there is no change in use, and that any enlargement or alteration of such preexisting, nonconforming detached single-family dwelling or two-family dwelling may only increase a preexisting dimensional nonconformity, but does not create a new dimensional nonconformity.

In order to grant the special permit, the Board is required to find and does so find that the alteration or enlargement shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

And that the alteration or enlargement satisfies the criteria as stated in Section 10.43, as previously stated. On the motion, then, to grant the relief requested, special permit, Jim Monteverde?

JIM MONTEVERDE: In favor of the special permit.
BRENDAN SULLIVAN: Laura Wernick?
LAURA WERNICK: In favor of the special permit.
BRENDAN SULLIVAN: Wendy Leiserson?
WENDY LEISERSON: In favor of the special permit. BRENDAN SULLIVAN: Jason Marshall?

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

BRENDAN SULLIVAN: Brendan Sullivan yes in favor of granting the special permit.
[All vote YES]
BRENDAN SULLIVAN: Five affirmative votes, the special permit is granted. Good luck with your project.

DAN HISEL: Thank you all very much.

BRENDAN SULLIVAN: Thank you.
DAN HISEL: Appreciate your time.

HANNAH BRENNAN: Thank you so much. We really
appreciate it.
(8:33 p.m.)
Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Laura Wernick, and Jason Marshall

BRENDAN SULLIVAN: The Board will now hear Case No. 168459 -- 38 Mt. Pleasant Street. Mr. Alphen?

CHRISTOPHER ALPHEN: Thank you, Mr. Chairman. Thank you, Members of the Board. For the record, Attorney Christopher Alphen, Blatman, Bobrowski, Haverty \& Silverstein. My law office is in Concord, Massachusetts. I'm here tonight on behalf of the petitioners the Russells, Matt and Lindsey. The petitioners seek to expand their nonconforming structure in the second floor by 265 square feet.

In order to do so, they require a variance. The existing structure is the dead-end dwelling of an old townhouse, and the dwelling has a nonconforming FAR of 0.98. The proposed addition would increase the nonconforming FAR to 1.12 .

The proposed addition does not create any additional nonconformities, nor does it increase any other
existing nonconformities.
As the Board may recall, we were before the Board with this application or this proposal under Section 8.222 d for a special permit, but the Board along with the Building Inspector reasonably determined that it did not meet the requirements for a special permit because it is not a detached dwelling, because it's part of the townhouse.

Accordingly, we are before you tonight for a
variance to allow the expansion pursuant to Section 8223.
So before we get to the plans, I want to go through how we meet the criteria for a variance, which is contained in my memorandum of law that was submitted as part of the application.

When we talk about a literal enforcement of the Zoning Ordinance would prevent the petitioners from expanding their home, so a literal enforcement of the Zoning Ordinance is going to prevent the petitioners from expanding their house whatsoever.

Any sort of expansion is going to require a variance because of the location of the property, and because of the uniqueness of it being part of the townhouse.

And quite simply, the Russells have outgrown the
house. They have grown children, and they need the additional space for one to allow Matt's mother to stay for extended periods of time, and for the new work at home living situation, so that they can maintain an office within the dwelling unit.

Quite frankly, without this addition, the Russells can't stay in Cambridge. They just don't have enough room.

The hardship is owing to circumstances relating to the uniqueness of the structure, along with the shape of the lot. The dwelling is the last dwelling of a very old townhouse structure with many units.

The dwelling is held in its own ownership on its own lot, which is a narrow lot, which the way that the lot is, and the way that the structure is, again the dwelling cannot be extended -- cannot be expanded whatsoever in any direction without relief via a variance.

The proposed addition will not cause a substantial detriment to the public good, nor derogate from the intent or purpose of the Ordinance. The petitioners present an attractive and modest proposal, and the expansion is designed to fit within the characteristics of the neighborhood.

We have submitted many letters in support from neighbors in the surrounding area, and it's sort of a blessing in disguise. Since we've originally filed the application, although as a special permit we've had a lot of time to continue to have discussions with our neighbors about the proposal. In fact, there were certain neighbors who originally objected to the proposal, which have now submitted letters in support.

So with that, I will turn it over to Mike Fields of SKA Architects, and he will go over the plans.

MICHAEL FIELDS: Thank you, Chris, and thank you Members of the Board for your time and consideration this evening.

BRENDAN SULLIVAN: Introduce yourself, Michael, just for the record.

MICHAEL FIELDS: Yep. Yes, my name is Mike Fields, and I'm here with Sam Kachmar on behalf of our clients Lindsey Mead and Matt Russell. To recap the project, this is an update to a townhouse built around 1880, which is the end of a roof. The two center sections were developed and reapportioned in 2007. This renovation will maintain the fundamental footprint and layout of the
original.
At our hearing on November 18, we received insight
and feedback from some of the neighbors regarding their
concerns surrounding lake views. We met with the neighbors on a couple of occasions and adapted the plans based on the concerns.

At the BZA meeting on January 27, the Board determined this would need to be refiled as a variance, since it was not a detached dwelling, which brings us to our request this evening.

This slide -- next slide, please?
This slide outlines the zoning calculations of the building, and its location in the neighborhood. This 1880 building falls outside of the $\mathrm{C}-1$ calculated setbacks. The project will maintain the original footprint, apart from the requested egress of the lower level.

The current FAR of 0.98 already exceeds the allowable FAR of 0.75 , and we're requesting a slight increase to this FAR by 0.14 , or 265 square feet to our total of 1.12, which will allow for a home office and a grandparent suite for Matt's Mom.

Next slide, please?

Since there's no change on the street side, here we're showing the massing of the existing townhouse from the back with 38 Mt. Pleasant at the lower left-hand corner. Next slide, please?

The previous proposal sought to maintain the lines of the existing trim and overhangs around the second-floor expansion. While this will be in keeping with the building architecture, it is at the back of the property, and the desire for light and views understandably outweigh the formal consistency.

Next slide, please?
To reduce the impact of the expansion, the roof over the bedroom was lowered 18 inches and steps down again at the bathroom to 32 inches below the previous proposed height. This maintains a code-minimum ceiling height in the bathroom.

The roof overhangs were also removed, in order to maximize light passing over the top of the expansion, decreasing its impact on the first-floor unit, and garnering the owners' support next door. Ann's letter accompanies the submitted materials.

Next slide, please?
[Indiscernible] and SKA did an extensive life shadow study with the direct abutters over Zoom on December 16 with Ann, and January 5 with Adam, who had expressed concerns.

We explored the movement of the sun over the course of the morning, the winter and summer solstices, as well as at the equinoxes and the effects of the revision to increase light.

Here is a snippet of the greatest shadow impact from those walk-throughs at the winter solstice, when the sun is at its lowest.

The top row shows the existing condition from 9:00 to 11:00 a.m.

The middle row shows the design previously presented, with a higher roof and overhangs. Note the red lines showing the extent of the new shadow it would have cast.

And then on the bottom row, the revised design with stepped down roofs, with increased light sets the purple lines against the previous red lines from the previous proposal. This has minimized the impact on the second floor, and provides more reflected light into the
first-floor skylight.
Next slide, please?
In our overall shadow studies, we were showing the impact over the course of the year of shadows that would be cast by the expansion, which are mostly captured within the shadows in the main townhouse and surrounding structures. The lowered roofs have also minimized the late afternoon shadows being cast towards properties at the rear of the lot.

Next slide, please?
Moving into the overall proposal, we'll start back at the streetscape, which will remain unchanged. The wood exterior of the townhouse will be repaired as needed and repainted, matching the adjacent townhouses. Windows on the first and second floor will be replaced at their current locations, with newer, energy-efficient wood windows.

A new egress window well located more than three feet from walking surfaces will be screened and set apart from the street with plantings.

Next slide, please?
In the existing site plan, we see the existing
first-floor kitchen and deck off the rear of the townhouse.

Next slide, please?
In the proposed site plan, we have highlighted the areas contributing to increased FAR, and proposed egress ways from the lower level.

Next slide, please?
In the basement level, this level is being lowered to approximately the same level as the adjacent town. The design includes the creation of an egress window in place of a smaller, existing window at the front of the building. And at the back, we're proposing an egress stair out to the back yard at an existing window header.

Next slide, please?
On the first floor, the adjusted layout remains within the existing footprint, and here we see the new locations of windows in that rear kitchen.

Next slide, please?
On the second floor, we see the expansion of the existing first floor over the existing first-floor footprint. Here we see the home office and the grandparents' suite, which are driving the expansion of this floor.

Next slide, please?

The third floor is unchanged by this request. Next slide, please?

And the roof plan shows the proposed skylights. Water from the new roof, as well as from existing upper roofs will be gathered through new gutters and brought down to a dry well in the rear yard.

Next slide, please?
To the west, the front elevation will remain unchanged, apart from the screened window well.

Next slide, please?
From the side, we see the expansion of the second floor over the existing. The existing deck has been removed, and an egress stair from the basement is held tight to the house, to provide more usable open space. The previously proposed roof height here is dashed in purple, and is now 18 inches lower over the primary there.

Next slide, please?
The east elevation at the back shows the area contributing to increased FAR. The roof over the bathroom steps down an additional 14 inches, to maintain a codeminimum ceiling height in the bathroom. The egress stair from the basement is tucked behind a fixed-railing planter
and open to the sky.
Next slide, please?
And on the north, the height of the wall and the roof over the bathroom are lowered by 32 inches from the previous proposal. The roof overhang has also been removed to maximize light penetration.

The wall will be finished in white panels to maximize reflected ambient light and break down the scale and visual impact of the wall.

Next slide, please?
This concludes our formal presentation, but you can scan the bar code below with your phone camera for a video render of the exterior. Additional slides that follow are provided as reference for the additional photos, the survey plan, and the more than 15 letters of support received by Matt and Lindsey.

Thank you again for your time and patience, and I hand it back to Chris.

BRENDAN SULLIVAN: Okay. Christopher, anything else to add?

CHRISTOPHER ALPHEN: I would just like the applicant -- Matt Russell is on, and maybe he can add some
things to the hardship aspect of our application. MATT RUSSELL: Hi. Yeah. So my name is Matt Russell. First of all, I want to thank the Board for their consideration here. Just a little bit of background on ourselves. Lindsey and I have lived in Cambridge for 20 years, in this home. We were at another home for a short period, but this has been our home for 20 years.

This is where we've raised our kids. It's the only house our kids have ever known. We were very active -you know, we're very active members of the community. You know, our kids played West Cambridge baseball. They were hockey players in the town hockey league.

And it's a community that we love and we want to stay in. Lindsey's parents lived here and have been here for 60 years. You know, without this addition, you know, we're just not going to be able to stay here. I think as Chris mentioned before, we've got aging parents. My wife's mother just moved out of her house into a much smaller 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
quality of the health care facilities, and as part of that is spending more time here.

And, you know, the proposed addition will allow her to be with us so we can provide the typo care that she's going to need.

And again, it's a degenerative condition. And the expectation is it's going to get worse. And having her someplace else is not really realistic.

But I think as Chris mentioned, you know, the hardship here for us is if we don't have this extra space, we can't live here. You know, for us to go out and buy a new place is just not within our means. And we'd have to move and take alternative arrangements.

And like I said, we've been here for 20 years, and we love this community, and we've been an active part of the community. And we want to -- you know, we want to stay here and hopefully live in this house for, you know, another 20 plus years.

I think that's -- I think, you know, that's everything.

BRENDAN SULLIVAN: Okay. If I could have Olivia pull up the floor plan, $I$ just want to walk through the
existing structure of what is proposed. Start off with the basement. The existing basement is probably now just used as general storage area? Would that be correct?

MATT RUSSELL: Right. Yeah. It's an unfinished basement without --

MICHAEL FIELDS: Laundry?
MATT RUSSELL: -- there's not enough head room in that basement to use it for -- so part of the plan here is to, you know, take the floor down and to be able to use that space more effectively.

BRENDAN SULLIVAN: All right. So what is proposed is two storage rooms, a mudroom obviously coming in from the outside entry area, a family room, and a mechanical room. On the first floor, if you could bring up the first floor? The first floor is again probably pretty much the same living room, dining room and kitchen. And that will pretty much stay the same. Altering some windows, but other than that the floor layout will stay the same.

We'll go up to the second floor. The second floor it appears that there are two bedrooms, and there's a room off to the side of that bedroom for however that's being used and a bathroom.

What is being proposed is an expanded master bathroom, an expanded master bedroom. There's a closet, an office, another bedroom, laundry room and a bathroom.

And then if we go up to the third floor, it appears that nothing really is changing very much there. There's two bedrooms, two bathrooms and I guess maybe that room off to the side is maybe an office or something. But what is proposed, there's really no change up there, so there's bedroom, bedroom, office.

I guess where I'm going is that what is being proposed, you have four bedrooms now, and you're proposing four bedrooms. So there's really no increase in the number of bedrooms.

And I guess part of the presentation is that you need more space for a growing family and all, that adding a bathroom -- and that bathroom obviously comes on the second -- well, there's a bathroom on the second floor, there's a proposed one on the second floor. You're adding an office on the second floor, but there's also basically that room off to the side there to the left of that other bedroom.

MATT RUSSELL: Yeah. May I interject here just for -- and so it technically is a four-bedroom. It's never
been used as a -- in the 20 years that we've lived here, it hasn't been used as a four-bedroom. And the previous occupants, who actually wrote us a letter of support, didn't use it for four bedrooms.

I mean, I'm sitting in one of those upper rooms right now, that's been used as an additional family room. I've actually had to use it as my office during COVID, which is why I'm, you know, speaking from here.

But the bedroom in the 20 plus years -- 25 years that us and the previous people owned it, the room has never been used as a bedroom. So it's effectively a three bedroom today.

BRENDAN SULLIVAN: Okay.
MATT RUSSELL: Yeah, the Talons -- Anne Talon
lived here before. She wrote a letter of support, but, you know, when -- it wasn't -- they used it as a three-bedroom, if $I$ recall, coming in here and looking at it.

BRENDAN SULLIVAN: Okay. Well, my thought on this -- and again, you know, going back to the purpose of the Zoning Ordinance -- way back when it was instituted basically to define uses, industrial, commercial, residential, and, you know, the dimensions and all that
other stuff sort of got filled in afterwards.
But that's the purpose of the Zoning Ordinance way back.

The other purpose of the Zoning Ordinance -- and I think I have mentioned this to you before, Chris -- is it affords protection from abutters of incongruous development or, you know, unwanted development or whatever, or very -development that's very impactful.

So it affords a defined table of uses, a defined area of uses in an urban setting, but also affords protection to abutters, as to what is allowed, and what is basically not allowed by the Ordinance.

And I go back to the letter from Mr. Albright, and he may very well speak to himself, but it resonates with me. And dated May 1,
"Dear Board of Zoning Appeal,
My name is Adam Albright. I am the owner of 40-42 Mt. Pleasant Street \#3, the second-floor unit of 40 Mt . Pleasant Street, where I have lived since 2012.
"I'm writing to comment on the variance petition 168459 to add a second-floor addition the 38 Mt. Pleasant Street, which abuts our building. I should say first that I
appreciate the efforts of Matt and Lindsey Russell to keep neighbors informed of their plans.
"I nonetheless have significant concerns about the negative impact of the proposed addition on the enjoyment and value of our own home. Among all abutters, my unit would be uniquely affected by this addition, since $I$ share a common wall with the second floor of 38 and the proposed addition would be just a few feet from my windows.
"My unit has just four rooms. Two of those rooms -- dining, living and one bedroom -- look out onto a small area of roof. In the first attached picture, the closer portion of the roof with the skylight is \#40, and the portion past the downspouts and the seam is the roof of 38.
"The proposed second-floor addition would create a wall boxing in the windows of both of these rooms. The wall would be just 12 feet away from my dining room window, blocking it entirely -- the view in the first photo.
"It would also be five feet from my bedroom window, sinking that room into an alcove. The effects can be seen on pages 23, 24 of the proposed PDF on the BZA website.
"The addition would have two negative impacts.

Most significantly, it would transform what are currently windows to the outdoors into windows that look directly out onto a wall just 12 feet away. This can easily be seen by looking at the photos I've attached, and simply imagining a wall erected at the seam of the roof.
"The architectural sketches make that space look wider -- somewhat wider, but in-person it is tight quarters, around 10 x 12 or a small room.
"The first attached photo shows that the view from my dining room would be mostly replaced by a wall at the seam line of the roof. The second attached photo shows the view from my bedroom, in which everything to the right of the roof would also be replaced by a wall.
"The result would be that this bedroom, which is currently the main living space of my elderly mother, would become more like a large, dark closet.
"The second impact would be on the daylight to my unit, especially in the first half of the day. The windows in question are on the south -- my only south-facing window -- and east.
"Currently these windows receive bright, direct sunlight in the morning year-round from about 8:45 when the
sun rises over the building to the south until about 11:45, with bright, indirect light for much of the afternoon.
"The second attached photo shows the sun coming in through the area of the proposed addition at approximately 9:00 a.m. The proposed addition would significantly reduce this direct -- and perhaps even more -- the indirect light.
"The plan attempts to mitigate the impact by lowering the height of the portion of the roof, and by painting the wall that would be directly in front of my windows a lighter color. These may somewhat increase reflective light in that area, but the fact remains that there will be considerable reduction of direct and indirect light to the back half of my unit.
"I understand well that there is a certain degree of denseness -- it is to be expected in the city. However, this addition would be just five feet and 12 feet from my bedroom and dining room windows respectively, so it would have an especially large negative impact on value and enjoyment of my unit."

I'll let you think about that, and let me open it to the Members of the Board, who may have --

MATT RUSSELL: Mr. Chairman, can I -- I'd like to
address I guess a couple of things that are in there. Because, like I said, we've been here for 20 years. One, I'd like to have Mike Fields address some of the concerns about the light, because we spent a substantial amount of time with Adam modeling that out, not just on a piece of paper but, you know, in a video.

I think the characterization of the light, you know, in that letter may not be as accurate. I mean, it is an east-facing house. You know, the sun is blocked by, you know, existing structures that are there. And the impact by us would be very limited.

But I want to go back to this density question that I keep hearing. We bought this house in 2001. When it was bought, there were four rowhouses here.

So the structure that Adam's living in today and the other tenants at 40-42, those were two houses. They've been converted -- they were converted to four.

The developer who came in and bought them -- well, let me back up from there for a second. There was a substantial problem with the two townhouses when we bought the house. They were -- there had been an illegal addition put out back. You can see that as jutting out, if you look
at the schematic. But that was an illegal addition that ultimately the developer had to get approval for.

There was also the person who owned both of those I think had back taxes in the order of $\$ 100,000$. So it was a mess when we moved in. And when the developer came along, he had to get approval for a variance to put four units in there. Obviously, as you can appreciate from our standpoint, that is not an ideal situation. We wanted that to be a townhouse.

But, you know, ultimately, we felt it was in everybody's best interest -- the community's best interest, our best interest -- to work with that developer. You know, my wife went to that hearing -- that was back in the day when you had to do that in person, place, and went to the hearing and supported that.

So I do understand the density issue that Adam is talking about. It's a much denser building than $I$ think ideally that we would have liked, but we also understand that, you know, these sorts of things are going to happen, and try to be supportive and work with the neighbors.

So I just -- I want to put that out there, because there's a lot of history with this building. There were
back taxes, there were squatters, there were a lot of things that we dealt with when this first happened. We lived through construction, which, obviously, is not great.

It's one of the -- you know, part of the reason that we've tried to keep all our neighbors informed of what's happening is, you know, we appreciate that that can be disruptive. And I grew up in a small community, and that's the way the people treated each other. And I'd like to think that Cambridge is like that.

But I do think it's important that the Boards get the context of the history of this building, because there's a lot of it. There's a lot of it here.

And maybe I'll ask Mike to comment on the light, because we've spent a substantial amount of time -- you know, I know that I've walked around and, you know, there's been some misperceptions about the impact that this addition, you know, would have.

And I think Mike could comment on the substantial amount of work that we did to get people comfortable that, you know, the impact of the addition, you know, is maybe not as great as it would initially seem.

SAM KACHMAR: Mr. Chairman, if I Sam Kachmar here
from SKA. I would like to also just note in addition to the 15 letters of support that are also in the file, that we did meet with Adam and with other abutters through view shadow studies, multiple times and go over different strategies that we use to help reduce the amount of shadow effect from those, and did our best to try to find as much compromise as possible through that process.

And I'll let Mike speak to that in more detail.
MICHAEL FIELDS: Sure. Yeah, if we could go back to sheet 006?
[Pause]
Yeah. So, you know, as we stated earlier that, you know, this represents, you know, the lowest point of the sun in the sky, right?

So it is true that when we initially presented the project, you know, the roof was too high, and it did block the sun to Adam's window. And you can see that with the red line that, you know, cuts across the top of this window at the lowest point.

And, you know, obviously this is -- you know, in the dead of winter when, you know, when it's most effective. But, you know, that is the case.

What we did is we moved that roof down so the -you know, even when the sun's at its lowest, we were trying to get it so that there was still direct sunlight in his window year-round.

And, you know, it -- you know, certainly compromises, you know, the quality of the bathroom light and everything, but, you know, that was a sacrifice that, you know, Matt and Lindsey were willing to make to, you know, try to ameliorate the condition and, you know, bring this light in.

You know, additionally, you know, we were able to bring camera views into the rooms, you know, of Adam's apartment.

And while it's not going to be 100 percent accurate, you know, you really -- when you're in that bedroom, you don't experience the wall of this building until you're within three feet of the window. You know, so for most of the room, you actually see just the view corridor.

So, you know, we tried to, you know, cut it back and, you know, I think move it down as much as we could, but, you know, I think -- you know, obviously is a matter of
compromise and trying to do our best to meet our neighbor's needs.

MATT RUSSELL: And we also did highlight that these shadow studies are taken from the winter solstice, and this is the longest -- you know, shadow period of the year.

The entire rest of the year, there's much less shadow impact than there is in what we're showing in our studies. This is the maximum impact that there is for one two days a year.

BRENDAN SULLIVAN: Okay. Let me open it to the Board Members for comment. Jim Monteverde, any comments?

JIM MONTEVERDE: I share the concerns that the Chair expressed, looking at the view that's on the screen as well as one of the prospective views that you prepared.

I think besides the technics of where the sun angles are during the various times of the year, when you look at what you create by adding that second-floor addition, I can understand the neighbors' concern that it becomes a -- you know, a light well and air well. It really boxes it in. So I can appreciate the neighbors' immediate concern.

And when $I$ look at what it is that causes all of
that, the addition on the second floor really -- the new addition -- seems to comprise an improved master suite. It seems like you can accommodate the parents who will be visiting within the existing footprint, and I just -- I'm not sure that the need for the increased or improved master suite trumps the neighbors' concern about creating an areaway or a well that they're looking into.

MATT RUSSELL: Yeah, can I -- I just -- I need to comment on that. I mean, we've lived in this house for 20 years, so my mother and my parents have not been able to come and stay in this house, given the way it's configured.

So I take a little bit of issue with that comment. I mean, just we haven't been able to have them here. I mean, the way that it's configured, there's just not -there's just not enough room.

So without that addition, we can't accommodate them. I mean, it's just not possible.

BRENDAN SULLIVAN: All right, Jim, anything else to add?

JIM MONTEVERDE: No, that's -- thank you.
BRENDAN SULLIVAN: Laura? Do you have any
comments, questions?

LAURA WERNICK: Yeah, I think Jim's concerns are my concerns about creating that kind of canyon there. And I do think that -- I can see the improvements that were made from the original to the second. You know, obviously you went through a lot of effort to try and make things better, and you did.

But there still is -- it's a big change for that person. And so it still is -- it's concerning to me. It's concerning to me.

BRENDAN SULLIVAN: Wendy, any comments, questions?
WENDY LEISERSON: Yes. I agree with the concerns that my colleagues have expressed so far.

And I also want to add that, you know, I looked back at the earlier case, because I thought had remember this, and I found that, you know, part of the representation here is that you've got growing children, and so you're adding a person to this structure plus an office.

And I mean, I see that -- you know, the prior case facts were stated that your children are actually moving out. One's in college and one's in high school and will be moving out.

And let me just say I'm very sympathetic. I've
been through it twice having elderly people in my home, so understand what you're juggling while also having children at home. And so this is not personal. And I know because it's your home that you -- obviously it's a very emotional issue.

But I also see that you're making choices here that are not simply about trying to accommodate an aging relative. You're adding a family room, you're adding a mudroom, you're adding a laundry room, you're expanding the master bath. You're wanting a lot more than what you seem to need in terms of the hardship. And I don't understand why your neighbors should suffer for that.

And on the other hand -- and it's not personal to that neighbor where, again, this is about the properties, not about the people. And our job is to look at that, despite our sympathies for your personal circumstances. And I'm sure the fact that you must be a lovely neighbor.

And I thought about, well, you know, if I had a neighbor in that situation and I wanted to accommodate them, you know, maybe there was some kind of expansion to their, you know, filling in that second, that little canyon. Well, then what would you do? You would cause the neighbor below
to have a problem with the development.
I mean, the fact is that just the way this
building is, $I$ just don't see it. You're trying to crowd too much into the space, and I think that the hardships you're alleging could be more creatively solved without impacting the neighborhood.

BRENDAN SULLIVAN: Thank you, Wendy. Jason Marshall, any comments, questions at this time?

JASON MARSHALL: Yeah. I actually would like to stay on the topic of hardship for a minute or two. And Olivia, I wonder if you could scroll up to the part of the application that has the written description of the variance request?

I'm not seeing the Share Screen anymore, so might have lost it.

BRENDAN SULLIVAN: Supporting statements?
JASON MARSHALL: Yeah, it looks like it's right there. Yeah. Thank you. So following a little bit on what Wendy was saying, also from a personal standpoint, completely understand why you're requesting this. It makes a lot of sense. You have clear personal reasons for it, family reasons for it.

However, this Board and, you know, Attorney Alphen know this: We are constrained by state law. There's state law statutory standards that we have to apply in weighing a variance request. And it is an exacting standard. Of course, it's effectively a waiver of local legislation.

And the harshest standard is a challenging one.
And it cannot be particular to the applicant or the applicant's personal situation. It has to be a hardship that anybody living in that parcel would suffer from.

The way that this is described, I'm not seeing any basis that we could grant it, even if we wanted to. Now, we have a Chair who's pretty good at taking a discussion during the hearing and fashioning a motion that can get us there after there's been a clarification.

But here the rationale here is -- it's really personal, and it's not something that necessarily anybody living in this unit would experience.

And it has to be something that would reasonably restrict the allowable use of this property zone, and use that as a single-family house.

SAM KACHMAR: Jason, would it be viable to discuss that the length of this lot and the width of this lot really
make it unviable to build anything on it, and that that would be a hardship for any owner of this property, whether it's Matt and Lindsey, or whether it's someone in the future? Because this lot was obviously created before zoning laws existed, and that it has had it overlaid onto it, thus creating a hardship for these clients?

CHRISTOPHER ALPHEN: Yeah, Matt --
BRENDAN SULLIVAN: I'll let Jason answer. I have my own answer, but Jason can more than adequately respond. JASON MARSHALL: Yeah, no, I mean, I'm interested in a discussion on it, because what I'm asking for is additional explanation that would allow us if we even got there to be able to act on it. And the explanation that without a variance the home can't be expanded, I don't know preliminarily if that gets us there?

SAM KACHMAR: I don't either. And I'm --
JASON MARSHALL: Okay.
SAM KACHMAR: -- speaking probably out of my lane a little bit. I'm asking and just sort of trying to have a discussion.

JASON MARSHALL: No, I appreciate that. And that's the point of me bringing this up is to have, you
know, discussion about it, not to be make a conclusory statement, which is -- yeah.

SAM KACHMAR: Yep.
JASON MARSHALL: So --

CHRISTOPHER ALPHEN: Obviously there's a two-step process. When you're looking at a variance. The first is that the enforcement of the Zoning Ordinance creates a hardship, right? Financial or otherwise. In our case, it is because without any sort of relief from the Zoning Ordinance, we can't do anything. And if we can't do anything, we cannot expand.

And I think we've testified, and Matt's testified and I put in my legal memorandum about how the Russells need this additional space in order to make it a livable place for them these days, for one reason or the other.

And then the second part, as you know, is that the hardship is related to the unique circumstances of the soil conditions, shape, topography of such land or structure. And I think that this is one of the unique situations where you have a unique structure being the end unit of a townhouse, where it's in its own separate ownership, it's on its own separate lot --

CHRISTOPHER ALPHEN: Yep.
SAM KACHMAR: -- the only way that it can be expanded is through this variance. So --

CHRISTOPHER ALPHEN: I think you did a good job, Counsel, on the second prong of that, and more so when you presented. It's the first prong, is the inability to expand a hardship? That's --

SAM KACHMAR: Sure, I believe it is. And every -and variances are given every day for people to build livable space. That is -- that is a common thing that happens through the Commonwealth, that variances are granted in order to give more livable space when space otherwise cannot be granted, right? There's no other way for us to get this.

We can't get this through a special permit, we can't get this by right, so the only way to do this is by variance, and without a variance we can't expand to the right, left or upwards. We are stuck with what we have, and that's what the hardship is.

CHRISTOPHER ALPHEN: I appreciate your perspective. And, you know, I'm looking at the four corners of this application, respectively. So.

WENDY LEISERSON: Mike --

SAM KACHMAR: And would it be relevant to note that this structure is in an attached structure? Where if it was a detached structure, this would all be being done by special permit? Which is what we originally applied by.

But because it shares a dividing wall with a structure next to it, even though they're separate properties, and there is property line, that is the contributing factor that's bringing us here to the variance application that we're in.

And I know it's kind of muddy waters, but just want to try to clarify that a little bit.

JASON MARSHALL: Yep, no, I'm -- thank you, Sam. I'm familiar with the distinction there. Mr. Chair, I think you had something that you wanted to add to this discussion?

BRENDAN SULLIVAN: I save it.

JASON MARSHALL: Okay.
BRENDAN SULLIVAN: But anyhow. Have you
concluded, Jason, your comments at this time?
JASON MARSHALL: Yeah. For now, yes, thank you.
BRENDAN SULLIVAN: Let me open it to public
comment. Any member of the public who wishes to speak --

JIM MONTEVERDE: Mr. Chair? Sorry, this is Jim Monteverde.

BRENDAN SULLIVAN: Yes.
JIM MONTEVERDE: Can I offer one other comment before we open it up to public?

BRENDAN SULLIVAN: Oh, sure. Yep.
JIM MONTEVERDE: I'm wringing my hand looking for a solution here, because I'm sure there is one within the parameters of -- with some type of addition. And I'm looking at your plan on Sheet \#102.

And then I look at the 3D view on Sheet I think it's \#203, and I suspect that the offending part of the -for your neighbor -- is the positioning of the master bath.

In other words, I'm questioning whether your neighbor would be comfortable were the addition on the second floor to be the main bedroom, but you didn't enclose what's now shown as the master bath, and placed it elsewhere on the floor area that you create on that second floor, if in fact that would relieve the whole sense of that you're building up against the neighbor or close to the neighbor, the feel of a light well, so it would just expand it -- let in more light, let their view (sic), I think that would be
much less of an issue.
Anyway, I just wanted to make that observation before you, Mike.

MICHAEL FIELDS: Sure. And just to follow-up on, you know, previous iterations, you know, as we're looking at how to get more light in there, you know, we did do, you know, I think an experiment in which we took that bathroom out entirely.

But really, it's the limiting factor of the roof over the main bedroom, which is causing light.

Now, it would draw that wall back away from them.
JIM MONTEVERDE: Correct.

MICHAEL FIELDS: But, you know, is -- you know, given where he's taken that picture from, you know, like sort of up against the screen at the wall there, you know, it wouldn't change that view, but it would be far back from that view.

JIM MONTEVERDE: Oh, further back by --
MICHAEL FIELDS: Yeah.
JIM MONTEVERDE: -- what's the dimension there, 10
feet? Not quite 10 feet?
MICHAEL FIELDS: No, it would be eight feet.

JIM MONTEVERDE: Yeah, eight feet? I mean, it's not insignificant. I'm just trying not to throw the baby out with the bathwater. That's all.

SAM KACHMAR: Sure. I mean, it is 12 feet away now. And I know that's not a ton, but it is an urban environment. 12 feet's a good amount away.

JIM MONTEVERDE: Yeah. All right, thanks. Sorry to interrupt.

MICHAEL FIELDS: Thank you.
BRENDAN SULLIVAN: Yeah. Let me open it to public comment. Any members of the public who wish to speak should now click the button that says, "Participants," and then click the button that says, "Raise hand."

If you are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6, and I would ask that you have a limit of three minutes in which to comment.

OLIVIA RATAY: Adam Allbright?
ADAM ALLBRIGHT: Adam Allbright, I'm the owner of 40-42 Pleasant Street.

BRENDAN SULLIVAN: Mr. Allbright?
ADAM ALLBRIGHT: Yes. Can you hear me?

BRENDAN SULLIVAN: Yes, okay, yep.
ADAM ALLBRIGHT: Apparently my video didn't turn on. But anyway, I just wanted to say I really don't want to be in this position, where someone gets what they want and someone doesn't, and [indiscernible] but certainly decades to come. I was hoping Jim would have a solution, because I really want one. I respect Matt and Lindsey and I really hate this situation. It stresses me out.

But I also want a home in which my windows look out onto a little place on the outside world, which is what made my choose apartment in the first place. But there needs to be still some refuge, when I get home and I walk in my door and look at those windows.

I do gratefully acknowledge the shadow situation that the new plans have improved, relative to the original plan, although there would still be an impact.

But I am sad to that that my view would now be replaced by a wall just 12 feet away. 22 feet away again would be better, but it would still be a wall in terms of my windows, blocking out -- light, a fair amount of light.

The fact that it's an attached structure is exactly why but I unfortunately can't change that. It
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
efforts and the improvements have been increasing, but I'm also just not happy with the project. That's all.

BRENDAN SULLIVAN: Thank you very much for calling
in. That's the only person calling in. There is a number of letters that have been submitted in support regarding this case, which actually pertain even to the original case. Some are dated back last year.

There was also a letter of support from Annie Norris, who is at 48 Mount Pleasant Street Unit \#2, and that's she's writing in support of the renovations.
"As the adjacent neighbor, I had initial concerns about the addition's potential to block direct sunlight from entering my skylight. Lindsey and Matt heard my worry and worked with their architect to create a new design; one that helps to mitigate light loss throughout.
"They have been open and communicative about their plans. Please feel free to contact me.
"Annie Norris
"40 Mt. Pleasant Street, Unit \#2."
That is the sum of the current communications submitted to the Board. I'll close the public comment part of it. Let me refer it back to the Counselor or --

CHRISTOPHER ALPHEN: Mr. Chairman, I think the one thing that I'll ask the Board to ponder is I'm hearing from the one abutter in opposition that his concerns are views and density.

And I appreciate the Chairman's comments about the purpose and intent of the zoning and zoning ordinances, and why we have dimensional regulations. I appreciate those comments.

But I think the Board needs to consider whether the Cambridge Zoning Ordinance in a situation like this understands density with our proposal and views with our proposal as a zoning harm that the Ordinance is intended to protect.

When you have about high-density neighborhood like this, is this really an issue -- density and views? Are those really issues, or are those alleged harms that the Zoning Ordinance and your Board is intended to protect?

BRENDAN SULLIVAN: Okay. Anything else by Mr. Fields at all, or -- before we take it to a vote?

MICHAEL FIELDS: No, I think we've said --
BRENDAN SULLIVAN: Okay.
MICHAEL FIELDS: -- said much.

SAM KACHMAR: You know, we tried to work with both neighbors that had concerns initially, along with the people who have provided support. You know, one neighbor that had objections and you can see we worked with and redesigned the proposal to accommodate her concerns and issues, and she's now written a letter of support.

You know, we met with Adam. We tried to alleviate his concerns and work on things.

BRENDAN SULLIVAN: You know, the thing is, Sam, those letters of support are from people who don't live next to this.

SAM KACHMAR: Anne lives directly next to it. BRENDAN SULLIVAN: And they are -- they're from --

SAM KACHMAR: Anne lives directly next to them, Mr. Chairman, directly.

BRENDAN SULLIVAN: Okay.
SAM KACHMAR: Closer than Adam.
BRENDAN SULLIVAN: I acknowledge that. But you keep harping on about the plethora of letters in support. And --

SAM KACHMAR: And then I have them from --
BRENDAN SULLIVAN: It's the -- really, it's the
person most affected by this. And when I read those letters of support -- and I understand they were solicited, and that's fine, and we appreciate people taking time is if they live next door to this, they'd be still saying the same letter in support?

SAM KACHMAR: Right.
BRENDAN SULLIVAN: Because they're not affected by it. So --

SAM KACHMAR: Anne Norris is affected by it, and does live directly next door.

BRENDAN SULLIVAN: The way I read the letters, that's the way I read the letters of support for this particular, because it's the people who are not affected by the proposal.

MATT RUSSELL: Mr. Chairman, can I make a comment to that? Because --

BRENDAN SULLIVAN: Sure.
MATT RUSSELL: -- we've got Henry, who lives on one side of us to -- I mean, I don't -- I think is affected. I mean, any construction with year next-door neighbor affects you -- wrote a letter of support.

There are three people who are in the attached
building that are -- directly share a wall with us: The Springs, who wrote a letter of support; Anne who wrote a letter of support.

So Adam -- Adam is the direct neighbor -- you
know, the only direct neighbor that is in opposition. I just want to make sure that $I$ clarify that, you know, we've got one other person in the building who wrote a letter of support. So, you know, I do think those are -- I do think those are relevant.

BRENDAN SULLIVAN: No, no. I acknowledge those. MATT RUSSELL: Yeah. And I get it.

BRENDAN SULLIVAN: Okay. Let me close the presentation part. Does the Board want to discuss, or shall I go to a motion?

LAURA WERNICK: Oh, I would just give it one more shot along with what Jim was suggesting, given I think you're getting the sense that the Board is not yet comfortable -- or Members of the Board perhaps are not quite comfortable yet because of Adam's concerns. I understand he's one of three on that side there, but perhaps his being in the middle he's most heavily impacted.

And I wonder, Jim made a suggestion which I
thought was a good one about removing the location of the bathroom. And maybe there's some -- a green roof, some shielding of some green planting along the wall of the master bedroom, so that Adam's looking out on green, rather than on a wall. It's a little bit further away.

Do you want to give it one more shot to try and work with him to see if there's some further modification that could alter his opinion? And it might --

WENDY LEISERSON: Laura, I'm going to interject before you respond, Counselor. I'm going to say that irrespective of Adam's objection, you look at the law, your burden of proof is not that no neighbor objects. Your burden of proof is that there is a hardship. And I still do not see that. I don't understand why a laundry room and an office -- the desire for that is the hardship.

If the hardship is about having elderly family live there, then maybe you should give up the office and move your desired master suite on the second floor. Like, I don't understand why all these other luxury items must be in your plan.

MATT RUSSELL: I don't think a laundry -- I mean, I don't think a laundry room is a luxury room, first of all.

We just decided to put a laundry room on the second floor in the basement today.

WENDY LEISERSON: A mudroom, a pantry, an office, a family room... You have a lot of space that you could use for these things. You're getting a whole basement with this.

MATT RUSSELL: Okay.
CHRISTOPHER ALPHEN: I spoke to my client via text message the way that these things work now on Zoom and he indicated to me that we could -- we'd like to seek a vote, unless Matt, do you have any last presentations?

MATT RUSSELL: Yeah. Let me just -- because I'm 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 what was just said.

Let me say -- the other thing I want to say about this is, you know, we were in front of the Board years ago
when Adam's place was developed, whether he was there or not and Anne's place was developed, whether they were there or not.

And the addition that is being talked about as the problem in Adam's unit, that abutting addition, first of all it was there when we bought it, it was illegal, and it had been illegally built. We had to go to court over this whole thing.

But when the developer moved in, we were supportive. And now I think what I'm hearing from the Board, because I think I have a feeling how this is going to go, the irony is is that our support of their variance in 2007 is now what's coming back to -- coming back to, you know, harm us.

Because had we not supported, that abutting piece would have never been there. In fact, they would have never converted to four units to begin with --

WENDY LEISERSON: This is --
MATT RUSSELL: -- if I remember the case correctly. But -- but look, I just want to say that. That's the irony of -- of -- of all -- all --
WENDY LEISERSON: I --

MATT RUSSELL: -- all this. We want to stay in Cambridge, but I'll be very clear, we probably don't stay in Cambridge if we don't get this. And it's not about, you know, I think--quote, unquote-- "the luxuries" I think that have been alluded to, but the fact that, you know, just given our current conditions -- and yes, I do need an office because I'm working from home more.

I mean, we have situations where our offices got shut down during COVID and, you know, people are working from home more. So I don't know how to -- I don't know how to respond to a public health crisis and the need for more space to work from home, but, you know, I'll --

WENDY LEISERSON: So.
MATT RUSSELL: -- just leave it at that. Thank you.

WENDY LEISERSON: So Matt, this is Wendy Leiserson again. I'm not trying to cast aspersions on you. So please accept that.

MATT RUSSELL: Yeah.
WENDY LEISERSON: I mean, I don't mean to do that.
But when I look at the designs -- and this is totally without relevance to you personally, and it's totally,
frankly, like I tried to say before, it is irrespective of Adam's objection or the impact on that.

So from a neighborly point of view, I hope that you don't continue to make this about what happened next door to you. Because it is about proving hardship. That is the legal standard that we must apply. And that's, like I said, irrespective of who is objecting.

So the hardship that you are alleging here I just don't see it as a matter of law when I see what you're doing within the space that you have.

BRENDAN SULLIVAN: Okay. Well, there's been a suggestion of another one-time around, or I can just take it to a vote. What is the sense of the Board? If you can -Jason, do you feel it would be of any benefit to have them go back and do a redesign, or do you feel that the criteria that they have to meet is somewhat overwhelming to grant any kind of relief for their proposal?

JASON MARSHALL: Yeah. Thanks, Mr. Chair. I was going to come off camera. Because I think Laura's request or ask is whether or not the applicant would like another opportunity to try to redesign. And in so doing, you also can come back and provide I would
say a better justification for the hardship.
It's your call. I understand it's been a long road from a personal level, Matt. You know, I don't know you. I hope you stay in Cambridge.

MATT RUSSELL: Yeah.

JASON MARSHALL: If you'd like to give it another shot, I would support a continuance if that's something that you'd like to do.

MATT RUSSELL: Let me ask -- I guess I'm going to ask a favor of the Board, which is look, we came forward with a special permit on the advice of Counsel -- and by the way not just Chris Alphen, but multiple -- we have spoken to multiple other people, people who I've seen present in front of this Board who informed us that a special -- we could apply under a special permit.

And it sounds like there's some disagreement. We -- that application was accepted by the City and by this Board. You guys had a hearing under a special permit. You asked us to go away and do work and we did that.

If what I'm hearing from you is that we're not going to get approval to do this, and it's going to be voted against, I'd rather you tell us that and then we can make a
decision as to whether we want to come back or not. But I'll tell you, we're pretty exhausted by and this, and we want -- you know --

JIM MONTEVERDE: Well --
MATT RUSSELL: -- we were hoping to be under construction a long time ago.

JIM MONTEVERDE: Mr. Chair, can you confirm if there's a vote, if there's a negative vote, a vote not to approve, does that mean the proponent can't come back for two years with something that's the same scheme or a variation on a theme?

MATT RUSSELL: Exactly.
CHRISTOPHER ALPHEN: That's my interpretation. JIM MONTEVERDE: Yeah.

BRENDAN SULLIVAN: That's is correct.
JIM MONTEVERDE: So that's all we're trying to

BRENDAN SULLIVAN: If they came back with -JIM MONTEVERDE: -- causing that two year, yeah. BRENDAN SULLIVAN: -- if they came back with a -MATT RUSSELL: Yeah.

BRENDAN SULLIVAN: -- substantially different
plan, and the criteria for determining a substantially different plan would be that they would have to go to the Planning Board.

The Planning Board would have to determine that new plan is substantially different than this proposal. Then it would come back before us. And then we would have to determine that it is a substantially different plan. And then once we determine that, then they could file for a new application.

JIM MONTEVERDE: Yeah, okay.
BRENDAN SULLIVAN: So --
LAURA WERNICK: But they could still -- excuse me -- they could still ask for a continuance tonight?

JIM MONTEVERDE: Right.
BRENDAN SULLIVAN: And so it would be many weeks, if not months, down the road, by the time we --

MATT RUSSELL: Yep.
BRENDAN SULLIVAN: -- back here again. Or, we could continue this matter, see if they could possibly come up with a different scheme. But again, $I$ think that the legal hurdle has to be satisfied. I think that was a good very high bar, and I don't -- if you don't want me to start
dragging out the Fourth Edition, but I --
CHRISTOPHER ALPHEN: There's a Fifth Education,
now, Mr. Chairman.

BRENDAN SULLIVAN: Oh. All right, well -- and I need -- the latest addition. But again, the case was quite clear on it. And again, I think that as Wendy has said, and as I sort of tried to walk through the what was the existing and what is proposed is that -- and I think Wendy rightly said and my impression/interpretation of what's going on is -- there's really an expanded master suite, and number of bedrooms staying the same, yes, you are going to add an office, which people require now.

But it doesn't necessarily solve the issue of having more bedrooms that appears in the supporting statements as what you're requiring, and so on and so forth. But anyhow --

MATT RUSSELL: Mr. Chair --
BRENDAN SULLIVAN: -- reluctantly I would --
MATT RUSSELL: -- Mr. Chair --
BRENDAN SULLIVAN: Well, wait a minute, let me
finish --
MATT RUSSELL: -- Mr. Chair, can $I$ say this again:
we don't have four bedrooms here, and it hasn't been used like that for 25 years. I don't --

BRENDAN SULLIVAN: All right.
MATT RUSSELL: It's okay that -- that's not the way that's been configured. So I don't want to argue over that point. But even the previous owners didn't use it like that. So we are expanding it by a bedroom. Yes, we adding some additional things to it. But $I$ just want to be clear that --

BRENDAN SULLIVAN: Okay. Let me bring it to that. I don't see the hardship. But if you want to try another go-around with it and potentially come up with language that would satisfy the requirement for a hardship, then $I$ would support a continuance.

MATT RUSSELL: Is what I'm hearing, though, is that even if we were to change --

BRENDAN SULLIVAN: We don't know what you're going to come back with, Matt. Right now, if I were to vote tonight, I would not support the granting of the variance. MATT RUSSELL: Okay. Okay.

BRENDAN SULLIVAN: All right?
WENDY LEISERSON: To give you --

BRENDAN SULLIVAN: I think one of them would also not support the --

MATT RUSSELL: Yeah, $I$ think in that case -WENDY LEISERSON: Yeah, no.

MATT RUSSELL: -- I think in that case --
WENDY LEISERSON: But Matt, I want to answer your question.

MATT RUSSELL: Yeah.
WENDY LEISERSON: Yeah. I'm trying to give you --
so what I also heard was, so that you are convinced that there is a hardship so you just need to explain that to us. And I also heard that your neighbor wants to work with you. So I do think it's worth your time.

I cannot guarantee that $I$ will find a hardship. But I think it's worth your time to continue.

MATT RUSSELL: Okay. I think that's what we'll do. First of all, I appreciate this is -- this is the kind of guidance I asked for, I appreciate it.

CHRISTOPHER ALPHEN: And we thank the Board for that. And obviously, if we determine that, you know, it's not going to work out, we'll just submit a withdrawal. So we appreciate it.

BRENDAN SULLIVAN: All right. I have an open date of July 14, 2022 at 6:00 p.m.

CHRISTOPHER ALPHEN: Okay.
BRENDAN SULLIVAN: Jim Monteverde, are you available on that date?

JIM MONTEVERDE: Keep -- I'm sorry, give me that date again?

BRENDAN SULLIVAN: July 14?

JIM MONTEVERDE: Oh yes, yes, 14. Bastille Day. I'll be here.

BRENDAN SULLIVAN: I was going to say that's Bastille Day. Laura, are you available on Bastille Day?

LAURA WERNICK: I think so. We haven't finalized our summer plans. I expect to be here at that point.

BRENDAN SULLIVAN: Okay.
LAURA WERNICK: Yeah. I'm fairly confident. But I'm not -- I'm not -- I'm not positive.

BRENDAN SULLIVAN: You can always zoom in, too, unless you're on the far side of the moon.

LAURA WERNICK: Yeah, yeah. That's true.
BRENDAN SULLIVAN: Wendy, are you available on the fourteenth?

WENDY LEISERSON: Yes.
BRENDAN SULLIVAN: And Jason, are you available?
JASON MARSHALL: Yep. I will make myself
available.
BRENDAN SULLIVAN: Okay. And I will be available. Let me make a motion, then, to continue this matter to July 14 at 6:00 p.m. on the condition that the petitioner change the posting sign to reflect the new date of July 14, 2022 and the time of 6:00 p.m.

That any new submittals that are not currently in the file be submitted by 5:00 p.m. on the Monday prior to July 14, 2022. That the petitioner/representative, attorney sign a waiver to the statutory requirement for a hearing and a decision to be rendered thereof.

Such waiver, I think you're familiar with it, Chris, can be obtained by Maria Pacheco. I would ask that that waiver be signed regarding this particular case, and be in the file by 5:00 p.m. a week from this current Monday.

Anything else to add?

On the motion, then, to continue this matter to July 14, Jim Monteverde?

JIM MONTEVERDE: In favor of the continuance.

BRENDAN SULLIVAN: Laura Wernick on the motion? LAURA WERNICK: In favor of the continuance. BRENDAN SULLIVAN: Wendy Leiserson on the motion to continue?

WENDY LEISERSON: In favor of the motion to
continue.
BRENDAN SULLIVAN: Jason Marshall?
JASON MARSHALL: Yes, in favor of the continuance.
BRENDAN SULLIVAN: Brendan Sullivan yes to
continue.
[All vote YES].
BRENDAN SULLIVAN: five affirmative votes, the matter is continued until July 14 at 6:00 p.m. thank you. COLLECTIVE: Thank you very much.

BRENDAN SULLIVAN: And that concludes tonight's hearing.

JIM MONTEVERDE: All right. Goodn.
WENDY LEISERSON: Thank you, goodnight.
LAURA WERNICK: Goodnight, everybody. JIM MONTEVERDE: Thank you.

LAURA WERNICK: Thank you.

MATT RUSSELL: Goodnight.


## CERTIFICATE

Commonwealth of Massachusetts
Middlesex, ss.
I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this 19th day of May_, 2022.


Notary Public
My commission expires:
July 28, 2028


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