

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY JUNE 30, 2022

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair
Jim Monteverde, Vice Chair

Andrea Hickey

Wendy Leiserson

Slater W. Anderson

Jason Marshall

City Employees

Sisia Daglian

James DeAngelo



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* * * * *

(6:00 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Wendy
Leiserson, Jim Monteverde, Slater W.
Anderson, and Jason Marshall

BRENDAN SULLIVAN: Welcome to the June 30, 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
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 Cambridge television Channel 22.

There will also be a transcript of the
proceedings.

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

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

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

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

14 JAMES DEANGELO: Wendy Leiserson?

15 WENDY LEISERSON: Here.

16 JAMES DEANGELO: Slater Anderson?

17 SLATER ANDERSON: Here.

18 JAMES DEANGELO: Andrea Hickey?

19 ANDREA HICKEY: Here.

20 JAMES DEANGELO: Jason Marshall?

21 JASON MARSHALL: Here.

22 JAMES DEANGELO: Jim Monteverde?

1 JIM MONTEVERDE: Here.

2 JAMES DEANGELO: Brendan Sullivan?

3 BRENDAN SULLIVAN: Present and audible.

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(6:04 p.m.)

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

BRENDAN SULLIVAN: First case I'm going to call
is Case No. 162489 -- 1 Longfellow Road. Mr. Kachmar, or 1
Longfellow Road?

SAM KACHMAR: Yes, sir. Mr. Chairman, Sam Kachmar
here from SKA, along with Steven Hoheb. And I think Michael
Fields will be joining us from our team as well.

BRENDAN SULLIVAN: Sam, before you get going, let
me for the record -- there are, five members sat on this
case initially. One member is not here tonight. And so,
this case will be heard by four members. You will need four
affirmative votes in order to grant the special permit.

You have the option to continue this matter,
should you wish, to have the fifth member -- Mr. Constantine
Alexander -- but he will not be back until September. I
think you've been appraised to this, and do you wish to go
forward with the four members?

SAM KACHMAR: That is correct, Mr. Chairman. We
were informed of that earlier this week.

1 BRENDAN SULLIVAN: And you wish to proceed with
2 the four?

3 SAM KACHMAR: Yes. We would like to proceed with
4 the four members.

5 BRENDAN SULLIVAN: Okay. That's fine. All right.
6 So go ahead, sir.

7 SAM KACHMAR: Okay. This project is the -- you
8 know, conversion of a basement unit to an accessory dwelling
9 unit. The last time we were here in front of the Board, we
10 were showing two units, which I think were sort of the main
11 sort of sticking point, as well as some conversations with
12 some neighbors.

13 I believe in the interim between our last hearing
14 and this one, we have reduced the count of the units of the
15 basement down to one per the Board's recommendation, as well
16 as worked with both the direct abutters and the other
17 neighbors in the neighborhood to work with any of their
18 concerns.

19 And I believe we have a letter of support from the
20 direct neighbor that would be most affected in there after
21 we work through three or four items that they specifically
22 wanted taken care of.

1 Olivia, is it possible to bring up the drawings?

2 BRENDAN SULLIVAN: You're being ably assisted by
3 Jimmy DeAngelo tonight.

4 SAM KACHMAR: Oh, sorry. James, is it possible to
5 bring up the drawings for 1 Longfellow Road, please?

6 JAMES DEANGELO: Sure. One second.

7 SAM KACHMAR: My apologies. I assumed it was
8 there.

9 BRENDAN SULLIVAN: No, that's okay. You didn't
10 know we -- so.

11 SAM KACHMAR: Here on the first slide, we can just
12 see the existing house from both Mount Auburn Street and
13 from Longfellow Road. Can you take us to the next sheet,
14 please? Basic notes.

15 And then here, and so, these show the existing
16 plans for Level 0 and Level 1, where there were two units in
17 there in our plan.

18 If we go to the next sheet, please, sir?

19 This shows our second and third floor.

20 And then if you could take us to our next sheet,
21 please?

22 This shows our existing exterior elevations.

1 And then to our next sheet again, please?

2 And then this shows our right and our rear
3 elevation.

4 And then the most important one, if you go to our
5 next sheet here?

6 This shows the floor plan where we have gone down
7 to one unit in the basement with egress windows on the
8 right-hand side, and an ADU that is under 900 square feet,
9 fully ADU accessible. And so, we've made those changes, and
10 we believe hopefully that will satisfy both the Board and
11 the neighborhood.

12 If you go to the next sheet, please?

13 No changes up here on the first floor or -- I'm
14 sorry, on the second floor and on the third floor.

15 And then the next sheet please, sir?

16 And then here on the exterior you can see on these
17 elevations a window well and some windows to be put in into
18 the basement area.

19 And then the next sheet, please?

20 And then here on the right-hand side of the sheet
21 you can see the elevation that has two window wells for
22 egress in the unit in the basement.

1 And then if you go to our next sheet, please?

2 These are just some construction details that go
3 over sort of the reconstruction of the pathway along the
4 side.

5 And then the next sheet I think is just our survey
6 on there.

7 And I'm happy to go through any questions with the
8 Board. I know the Board is quite familiar with this case,
9 so I don't want to spend a lot of time on the presentation.

10 BRENDAN SULLIVAN: The only comment I would have
11 is there is correspondence which came in today -- you may be
12 aware of it -- from David Philbin, who is the Trustee for
13 the Mary Hester Revocable Trust --

14 SAM KACHMAR: Oh.

15 BRENDAN SULLIVAN: -- 57 Longfellow Road. And
16 that matter could be listed as part of the public comment,
17 but let me get right to the chase.

18 "Where the correspondence apparently back and
19 forth expressed conditional support for the above captioned
20 location, provided certain conditions are made part of the
21 Board's decision, I am attaching here in a landscape plan
22 provided to my Counsel from the petitioner's architect

1 addressing one of those concerns.

2 "I would request that plan be included as part of
3 the plans that will be a condition of any favorable special
4 permit decision.

5 "In addition, I would request that the following
6 condition contained in my April 28, 2022 correspondence be
7 made part of any special permit. In accordance with the
8 requirements of the Ordinance, that there be only one
9 accessory apartment and that it not exceed 900 square feet
10 in size."

11 Can you affirm that?

12 SAM KACHMAR: Yep. We worked with both Attorney
13 Rafferty and his people he was representing there, David
14 Philbin, and we -- I believe we met those requirements. We
15 supplied that landscape plan to them earlier today or
16 yesterday. And we're happy to have that submitted into the
17 record.

18 BRENDAN SULLIVAN: Okay. The size of the unit? I
19 think there was correspondence back from Maria regarding
20 follow-up of a question that I had. Just for the record,
21 the square footage of the unit in the basement?

22 SAM KACHMAR: Yeah. The square footage is -- I

1 believe it is written on here, it is -- and it is under 900
2 square feet, I know that. I believe it is 800 and change --
3 I think it's 820?

4 BRENDAN SULLIVAN: Right. Okay. At the entrance
5 to the apartment beyond the Mount Auburn Street side of the
6 property, it appears that the drawing submitted shows that
7 that's correct?

8 SAM KACHMAR: That is correct, Mr. Chairman.

9 BRENDAN SULLIVAN: Okay. That the size of the
10 existing walkway on the Hester side of the property not be
11 expanded?

12 SAM KACHMAR: That is correct. It is to be
13 rebuilt in kind.

14 BRENDAN SULLIVAN: Okay.

15 "Finally, these proposed conditions are consistent
16 with the request expressed to the Board by other abutters.

17 "Finally, please be advised that I am comfortable
18 with the limited increase in certain openings on the
19 nonconforming wall and depicted in the latest elevations.
20 Thus, I am no longer requesting that Condition #3 in my
21 April 22, 2022 correspondence regarding a restriction
22 prohibiting increases in openings be made a condition.

1 Thank you for my consideration."

2 So that, I think, was the primary concern that I
3 had. I think the other members of the Board can chime in on
4 it, but those conditions seem to have been satisfied.

5 Let me open it up to the Board. Any member of the
6 Board have any questions, Jim, at this time?

7 JIM MONTEVERDE: No, thank you.

8 BRENDAN SULLIVAN: Slater, any questions at this
9 time for the petitioner?

10 SLATER ANDERSON: No questions.

11 BRENDAN SULLIVAN: Wendy?

12 WENDY LEISERSON: No questions.

13 BRENDAN SULLIVAN: All right. And I have nothing
14 further to say. I'll open it up to public comment. Any
15 member of the public who wishes to speak should now click
16 the button that says, "Participants," and then click the
17 button that says, "Raise hand."

18 If you are calling in by phone, you can raise your
19 hand by pressing *9 and unmute or mute by pressing *6. We
20 would ask that you have up to three minutes in which to
21 comment.

22 There appears to be nobody calling in. There is a

1 number of correspondences which have come in over the last
2 few days, and they -- I'm not going to read all of them, but
3 they really are from most of the abutters, and it sort of
4 mirrors what David Philbin's letter addresses and the issues
5 that they address.

6 And it appears that if those conditions have been
7 met, then they have no opposition to the proposal before us.

8 Anything else to add, before we take it to a vote?

9 JIM MONTEVERDE: Ready to vote.

10 BRENDAN SULLIVAN: Okay. Sam, anything else that
11 you want to add or --

12 SAM KACHMAR: No sir, Mr. Chairman.

13 BRENDAN SULLIVAN: Okay. Let me then make a
14 motion to -- we're looking for a special permit. Relief
15 from 8.222c -- well, let me go back first of all, accessory
16 apartments.

17 The Board may grant a special permit for an
18 accessory apartment. In all districts, the Board of Zoning
19 Appeal may grant a special permit for the alteration of an
20 existing single-family detached dwelling, two-family
21 dwelling, or accessory building on the same lot, provided
22 one accessory apartment if the following conditions are met:

1 The building containing the accessory apartment
2 has been in existence since on or before February 1, 2019.
3 And that is for in the case of an accessory apartment within
4 a single-family or two-family dwelling prior to the
5 alteration the dwelling contain at least 1800 square feet of
6 gross floor area.

7 And your dimensional form shows that it contains
8 more than the requirement of 1800. I've got a paper here.
9 The gross floor area existing is 3423. So that requirement
10 is satisfied.

11 In the case of an accessory apartment within a
12 single-family or two-family dwelling, such accessory
13 apartment shall not occupy more than 900 square feet or 35
14 percent of the gross floor area of the principal dwelling,
15 whichever is less. An accessory apartment can be created
16 within an accessory building -- not applicable in this case.
17 The Section 4.2213 is satisfied.

18 And no more than one accessory apartment shall be
19 allowed on any lot. And the proposal satisfies that
20 requirement, seeking relief under 8 point -- that was
21 Section 4.21 under 8.222c.

22 Are there any new -- in the residence districts,

1 the Board of Zoning Appeal may grant a special permit for
2 the alteration or enlargement of a nonconforming structure
3 not otherwise permitted, but not the alteration or
4 enlargement nonconforming use, which does not apply here.

5 Are you adding -- are you creating any new
6 nonconformities, Sam?

7 SAM KACHMAR: No. We're not creating any new
8 nonconformities.

9 BRENDAN SULLIVAN: I'm just wondering if that
10 8.222c should be 8.22d?

11 SAM KACHMAR: Oh, I'm sorry about that, Mr.
12 Chairman.

13 BRENDAN SULLIVAN: Because you're not creating any
14 new nonconformities.

15 SAM KACHMAR: Nope.

16 BRENDAN SULLIVAN: Is that correct?

17 SAM KACHMAR: That is correct.

18 BRENDAN SULLIVAN: The GFA is over now, and it
19 will remain over the -- the stays the same, the front is in
20 compliance, the rear is in compliance, the left side is --
21 both are in compliance, the height is in compliance.

22 It changes a little bit, goes up, but it is still

1 within the 35-foot-limit. Open space remains the same to
2 all units. The number of parking spaces four. It appears
3 that maybe that's just -- I'm going to grant you relief
4 under 8.222d.

5 In all districts the Board of Zoning Appeal may
6 grant a special permit for the alteration or enlargement of
7 a preexisting dimensionally nonconforming, detached single-
8 family dwelling or two-family dwelling not otherwise
9 permitted 8.22.1 above, but not the alteration or
10 enlargement of a preexisting nonconforming use...

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

16 In order to grant the special permit, the Board of
17 Zoning Appeal is required to find that the alteration or
18 enlargement shall not be substantially more detrimental than
19 the existing nonconforming structure to the neighborhood,
20 and that the alteration or enlargement satisfies the
21 criteria in Section 10.43.

22 Going to 10.43, the Board will normally be granted

1 -- special permits will normally be granted when specific
2 provisions of this ordinance are met, except when
3 particulars of the location or use not generally true of the
4 district would cause granting of special permit to be
5 detrimental to the public interest.

6 It appears that the requirements of the Ordinance
7 can be met.

8 That traffic generated or patterns of access or
9 egress resulting from what is being proposed would not cause
10 congestion, hazard, or substantial change in the established
11 neighborhood character.

12 Continued operation of or development of adjacent
13 uses, as permitted in the Zoning Ordinance, would not be
14 adversely affected by the nature of the proposed use. There
15 would not be any nuisance or hazard created to the detriment
16 of the health, safety and/or welfare of the occupants of the
17 proposed use -- in fact, with the redesign of the basement
18 area and the code-compliance would be a benefit to whoever
19 occupies that space.

20 That the proposed use would not impair the
21 integrity of the district or adjoining district, or
22 otherwise derogate from the intent and purpose of the

1 ordinance to provide housing and especially an accessory
2 apartment, as is part of the City policy.

3 And that satisfies the finding that we must make
4 under Section 4.21. Anything else to add from members of
5 the Board?

6 On the motion, then, to grant the special permit
7 as per the application, the plans and dimensional form and
8 supporting statements submitted and initialed by the Chair?
9 Jim Monteverde?

10 JIM MONTEVERDE: I vote in favor.

11 BRENDAN SULLIVAN: Slater Anderson?

12 SLATER ANDERSON: In favor.

13 BRENDAN SULLIVAN: Wendy Leiserson?

14 WENDY LEISERSON: In favor.

15 BRENDAN SULLIVAN: And Brendan Sullivan yes.

16 [All vote YES]

17 BRENDAN SULLIVAN: And the special permit for 1
18 Longfellow Road is granted.

19 SAM KACHMAR: Thank you very much, Mr. Chairman.

20 BRENDAN SULLIVAN: Now, on the middle case, which
21 goes back to January -- 156403 -- is that now mute, Sam,
22 because whatever was --

1 SAM KACHMAR: Yep. Yes, it is -- are we safe to
2 withdraw that now? We haven't withdrawn it before, because
3 it would have been viewed with prejudice, and then it would
4 have put us dead in the water for the special permit.

5 BRENDAN SULLIVAN: Okay. So --

6 SAM KACHMAR: But if we're okay to withdraw it
7 now, we'd like to withdraw that case. If we have to wait
8 until the next hearing, we'll wait until the next hearing.

9 BRENDAN SULLIVAN: No, that's okay. So -- we can
10 withdraw this matter, because the whatever was in this is
11 now contained in what we just granted you.

12 SAM KACHMAR: Yes, sir.

13 BRENDAN SULLIVAN: Okay, fine. All right. So on
14 the motion, then, to withdraw Case No. 156403, Jim
15 Monteverde?

16 JIM MONTEVERDE: I vote in favor.

17 BRENDAN SULLIVAN: Slater Anderson?

18 SLATER ANDERSON: I vote in favor.

19 BRENDAN SULLIVAN: Wendy Leiserson?

20 WENDY LEISERSON: In favor.

21 BRENDAN SULLIVAN: Brendan Sullivan yes.

22 [All vote YES]

1 BRENDAN SULLIVAN: Case No. 156403 is withdrawn.

2 Okay. Good.

3 SAM KACHMAR: Thank you so much.

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(6:23 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,
Jim Monteverde, Slater W. Anderson, and
Jason Marshall

BRENDAN SULLIVAN: Next case I'll call is 151512
-- 38 Cameron Avenue. Anybody here wish to speak on that
matter? We are in receipt of correspondence dated Monday,
June 27.

ADAM DASH: Yes, Mr. Chair?

BRENDAN SULLIVAN: I'm sorry?

ADAM DASH: I'm sorry, Mr. Chair. I'm here for 38
Cameron Avenue.

BRENDAN SULLIVAN: Yes, Adam, do you want to speak
on the matter?

ADAM DASH: Yes, please, if I may.

BRENDAN SULLIVAN: Yeah, just introduce yourself
for the record, if you will.

ADAM DASH: Absolutely. Attorney Adam Dash, 48
Grove Street in Somerville representing the applicant, Meter
Parts, Inc. regarding the matter on 38 Cameron Avenue. The
applicant wishes to withdraw its application.

1 BRENDAN SULLIVAN: Okay, great. On the motion,
2 then, to accept the withdrawal, Case No. 151512, Jim
3 Monteverde?

4 JIM MONTEVERDE: In favor.

5 BRENDAN SULLIVAN: Slater Anderson?

6 SLATER ANDERSON: In favor.

7 BRENDAN SULLIVAN: Andrea Hickey?

8 ANDREA HICKEY: In favor.

9 BRENDAN SULLIVAN: Jason Marshall?

10 JASON MARSHALL: In favor.

11 BRENDAN SULLIVAN: And Brendan Sullivan in favor.

12 [All vote YES]

13 BRENDAN SULLIVAN: The matter is withdrawn. Five
14 affirmative votes, the matter is withdrawn.

15 ADAM DASH: Thank you, Mr. Chair.

16 BRENDAN SULLIVAN: Thank you, Mr. Dash.

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(6:26 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
Monteverde, Slater W. Anderson, and Jason
Marshall

BRENDAN SULLIVAN: The Board will now hear Case
No. 165327 -- 27 Fayerweather Street. Mr. Rafferty?

JAMES RAFFERTY: Good evening, Mr. Chair, members
of the Board and Mr. DeAngelo. My name is James Rafferty.
I'm an attorney with the law firm of Adams & Rafferty,
located at 907 Massachusetts Avenue.

I'm appearing this evening on behalf of the
applicant, Joseph Glenmullen, Manager of the LLC that holds
title to the dwelling. And the architect, Nancy Dingman, is
also present.

This is an application that -- for a case that was
continued but not heard. Board members might recall
approximately three weeks ago when the case was scheduled to
be heard, a request was received by an abutter through his
Counsel asking for a second continuance, in order to allow
an opportunity to explore any potential compromises to the
plan.

1 I'm pleased to report that in the intervening
2 three weeks, the applicant and his architect met on two
3 occasions with the abutter who requested the continuance.
4 As a result of those meetings, the applicant has further
5 reduced the height of the proposed rear addition that's
6 contained in the application by two feet.

7 The application itself when filed, included
8 Components of relief that are no longer being pursued at
9 this time.

10 So for the record, I just want to acknowledge that
11 the original application contained a request for a variance
12 to allow for increased heights for the two garages that are
13 on the property. Those requests have been withdrawn.

14 Similarly, the application also included a request
15 for a special permit to allow for an accessory dwelling unit
16 in the rear garage. That special permit request has
17 similarly been resolved.

18 Finally, the original application sought an
19 addition in the rear of the structure that was -- that
20 continued the nonconforming characteristics of the property,
21 that being a four-foot setback on the right-hand side after
22 a concern expressed by abutters the plans before you were

1 modified, such that the proposed rear addition is now a
2 conforming addition, meaning that it conforms with that
3 setback, that right setback and all other dimensional
4 criteria.

5 There is also a component of relief associated
6 with a small addition in the front of the building that's
7 depicted in on the plan. Both of these additions are being
8 requested pursuant to special permit Section 8.22.2b.

9 If Mr. DeAngelo could put the site plan in view, I
10 think we could best illustrate what's being requested by the
11 applicant. Yeah. We can continue to the site plan.

12 So the site plan would show the -- both the rear
13 addition and the front addition. I'm not sure if that's
14 contained in the set that Mr. DeAngelo's working with, but
15 perhaps we could -- we'd be looking not necessarily at the
16 modified plans that were filed recently, but the original
17 site plan filed with the application.

18 In any event, the site plan would reflect the
19 conforming nature of the proposed rear addition, and the --
20 perfect. So that's the plot plan and the -- showing the
21 existing conditions.

22 The area, the front addition is in the front right

1 corner. There's a notch in the building you can see right
2 there, and the plan calls for filling in that notch.

3 And the -- you can see here as well the
4 nonconforming nature of the right-side setback, and then the
5 proposed site plan, which should be the next document. I
6 think we've gone into floor plans.

7 JIM MONTEVERDE: No, you were there. If you go
8 back, I think you were there. Keep going. There. That
9 one. Is that the one you wanted?

10 JAMES RAFFERTY: Yes.

11 JOSEPH GLENMULLEN: Actually, that's the existing
12 conditions.

13 JAMES RAFFERTY: No, this is the one that shows
14 the additions.

15 JAMES RAFFERTY: Yeah. Yeah. No, -- Nancy, do
16 you know the sheet number that the site plan -- the proposed
17 site plan to help Mr. DeAngelo locate it? Joe, do you know
18 the page number? Do you have it set in front of you? I
19 just think it would help to --

20 JOSEPH GLENMULLEN: Just looking through them.
21 I'll have it shortly. Yes. So it's S1, S as in Saturday 1.

22 JAMES RAFFERTY: And the date on that plan, do you

1 have it in front of you?

2 JOSEPH GLENMULLEN: Well, it was submitted for the
3 hearing --

4 JAMES RAFFERTY: Yeah, no, but are you looking at
5 the plan, is there a date on the plan?

6 JOSEPH GLENMULLEN: Hold on one second. 06/03.

7 JAMES RAFFERTY: So that -- it's a -- 06/03 is the
8 -- the original plan set in sheet S3.

9 JOSEPH GLENMULLEN: S1. S1.

10 JAMES RAFFERTY: S1, excuse me.

11 JOSEPH GLENMULLEN: 06/03.

12 JAMES RAFFERTY: I'm sorry. What was that?

13 JOSEPH GLENMULLEN: S1 dated 06/03.

14 JAMES RAFFERTY: Thank you. So that -- that --
15 that site plan would show the location of the proposed rear
16 addition, as well as the front addition. The floor plans
17 also identify that. So if at the moment we only have floor
18 plans, we could --

19 JOSEPH GLENMULLEN: Oh, here it is.

20 JAMES RAFFERTY: There we go. There we go. Thank
21 you very much. That proposed site plan does tell the story.
22 There is a -- you can see the area shaded in grey in the

1 rear is the proposed rear addition. You can see its
2 conformance with the side yard setback in this district.
3 Similarly, in the front -- the small area shaded in gray
4 shows the front addition. That addition does not create any
5 new nonconformity, since it is at the same setback that the
6 current house is.

7 So there is a small portion of the additions that
8 are not conforming, but they are -- they do not create any
9 new nonconformities. And then the rear addition is
10 completely conforming.

11 You can also see a small, shaded area on the front
12 garage. That involves as-of-right construction to enlarge
13 -- slightly enlarge that garage. It is a two-family
14 dwelling. It has historically been a two-family dwelling
15 for more than 50 years.

16 It will continue to be a two-family dwelling under
17 this proposal, but the plans do call for reorganizing the
18 house such that the second dwelling is located in the lower
19 level of the principal structure.

20 As I noted, Ms. Dingman is present, and could
21 address any concerns with regard to the plans. But suffice
22 it to say these latest revisions reflect an even further

1 modification, and that modification is occurring in the
2 height of the rear addition.

3 Ms. Dingman and Mr. Glenmullen in consultation
4 with the abutter were able to reduce the height of the
5 roofline of the rear addition. It is a two-story addition,
6 and the height of the roof was lowered two feet in response
7 to concern expressed by the abutter.

8 I have also included in the plans in our recent
9 filing this week was -- I think it's the next sheet -- would
10 be the Assessor's site plan, and I think it would be helpful
11 if the Board wanted to appreciate the context of the
12 additions.

13 There's no question that in this zoning district,
14 in this neighborhood, we have a series of large lots with
15 large homes. And the dimensional and setback requirements
16 are the most restrictive in the city.

17 And in this case, the property will conform to all
18 of the dimensional requirements of the Res-A1 Zoning
19 District, including open space, FAR and parking.

20 In this case, the nonconforming right-side setback
21 is extended for a few feet to accommodate the front
22 addition, but that can be addressed through the special

1 permit request.

2 Unless there are questions from Ms. Dingman, I
3 think that concludes our presentation.

4 BRENDAN SULLIVAN: Yep. No questions at this
5 time. Jim Monteverde, any questions?

6 JIM MONTEVERDE: Yes. Can you bring up the
7 elevation? The elevation that shows the new addition? Is
8 that possible?

9 BRENDAN SULLIVAN: Well, we're trying, but --

10 JIM MONTEVERDE: Well, my question is -- let me
11 just -- I'm flipping through the drawings myself, but just
12 to get a sheet number or a cardinal direction.

13 BRENDAN SULLIVAN: Could it be A2-1, Jim?

14 JIM MONTEVERDE: Yes. On the left of that
15 drawing, does the addition involve a dormer?

16 JAMES RAFFERTY: Nancy, I believe you're muted.
17 We're not hearing you. Could you give your name for the
18 record before you speak?

19 BRENDAN SULLIVAN: Nancy's on mute.

20 NANCY DINGMAN: My name is Nancy Dingman, and I
21 live at 7 Appleton Terrace in Cambridge. There are two
22 dormers on that addition. And they -- there is one on the

1 south side, and then there is one on the north side. If you
2 look at the next elevation, which is A2-2, you can see them
3 if you look carefully.

4 JIM MONTEVERDE: You -- looking at the south
5 elevation, what's the width of that new dormer?

6 NANCY DINGMAN: It is I think about 10 feet. I'd
7 have to just measure it, but I think it's 10 feet.

8 JIM MONTEVERDE: So it's compliant with the Dormer
9 Guidelines?

10 NANCY DINGMAN: Yes.

11 JIM MONTEVERDE: Same for the one on the north?

12 NANCY DINGMAN: It's actually not really a dormer
13 so much as a bay window. Because it does not -- so the
14 dormer is -- by definition would be letting light into the
15 floor above it.

16 But this is really a bay window with just -- what
17 we were trying to do is continue the Queen Anne motif of the
18 original house. And so, we wanted to have a little bit of a
19 peak there to break it up, break up the addition.

20 So it's not a dormer per se as a bay window which
21 has a roof on it. If you look at the right -- on the A2-1.

22 JIM MONTEVERDE: Yep. Mm-hm.

1 NANCY DINGMAN: No, actually, that's the wrong A2-
2 1. That's the one previous to this one. It has -- so we
3 need the most -- that's not the most recent drawings.

4 JAMES RAFFERTY: Can you provide the date on the
5 drawing that you're referring to, Ms. Dingman?

6 NANCY DINGMAN: Can't really read it. Just a
7 second. I think it's --

8 JOSEPH GLENMULLEN: Thirteen? It's 06/13.

9 NANCY DINGMAN: 06/13. That's the one. That's
10 it. So as you can see, it's not really a dormer. It's more
11 of a bay window. It just has the detailing on it in order
12 to tie the two -- the addition into the main structure.

13 JIM MONTEVERDE: Okay. Thank you.

14 JOSEPH GLENMULLEN: Nancy, I would just add it
15 only projects about six inches, right?

16 NANCY DINGMAN: It pro -- that's actually right.
17 It's -- it projects six inches on the south side and it's
18 flush with the wall on the north side. So it's not even a
19 bay window. It's basically just a roof on the back side, on
20 the north side.

21 JAMES RAFFERTY: That was the applicant speaking,
22 Joseph Glenmullen.

1 JOSEPH GLENMULLEN: Yes.

2 BRENDAN SULLIVAN: Okay. Slater --

3 JIM MONTEVERDE: Okay. Thank you.

4 BRENDAN SULLIVAN: Slater Anderson, any questions?

5 SLATER ANDERSON: Not at this time.

6 BRENDAN SULLIVAN: Okay. Andrea Hickey any
7 questions?

8 ANDREA HICKEY: Nothing at the moment. Thank you.

9 BRENDAN SULLIVAN: Jason Marshall, any questions?

10 JASON MARSHALL: Yeah, Mr. Chair. And I'm not
11 going to refer to a drawing, so Jimmy, you can stand down
12 for now.

13 I guess I'll start by just observing that it's
14 clear there's been a lot of work and outreach that has gone
15 on since the last hearing and just from this Board member's
16 perspective, it's really appreciated when the applicant
17 negatives with neighbors and tries to work out issues before
18 you come back. So thank you for doing that.

19 Just one question, and it's just clarifying that
20 one of the requests for a special permit -- I just want to
21 confirm this -- is for -- is related to height. And there
22 is an existing nonconforming with respect to that he is. It

1 is -- is that correct, Mr. Rafferty?

2 JAMES RAFFERTY: No. The -- the special permit --
3 the -- the addition, proposed addition, is -- is of
4 conforming height. It's below the 35-foot height limit.

5 JASON MARSHALL: Okay. I thought I did --

6 JAMES RAFFERTY: There was height relief
7 associated with the special permits for the accessory
8 apartment, but they've all been withdrawn.

9 JASON MARSHALL: Okay. I'm glad I asked, because
10 there are a few different applications, so I wanted to
11 clarify what the --

12 JAMES RAFFERTY: Yes, yes. And I did my best in
13 my cover letters to identify that, but you are correct --

14 JASON MARSHALL: Yeah.

15 JAMES RAFFERTY: -- there are -- the application
16 began, and it was considerably more ambitious, shall we say,
17 than in its current form.

18 JASON MARSHALL: Okay. All right. That answers
19 my clarification question. Thank you, Mr. Chair.

20 JASON MARSHALL: Okay.

21 BRENDAN SULLIVAN: Okay. And I have nothing
22 further to add. Let me open it to public comment. Any

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

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

8 JAMES DEANGELO: Mike Wiggins?

9 BRENDAN SULLIVAN: Michael?

10 MICHAEL WIGGINS: Can you hear me now?

11 BRENDAN SULLIVAN: Yes.

12 MICHAEL WIGGINS: Oh, sorry. I hit mute. As I
13 said, you know, I represent the abutters to the south, and
14 they are now in support, after a lot of back and forth. I
15 just wanted to ask one -- for the record, one little wording
16 change.

17 When I was listening to Mr. Rafferty, he said that
18 the variance had been withdrawn. I thought I heard him say
19 that the special permit for the accessory dwelling unit had
20 been resolved. And I just -- I think what he meant was that
21 that had also been withdrawn.

22 So I just wanted to clarify that for the record.

1 That would be the special permit for the accessory dwelling
2 unit at the rear garage. That's been withdrawn?

3 JAMES RAFFERTY: Yes. Thank you. Mr. Chair, if I
4 may, if I said, "resolved" it was the -- it was -- I
5 misspoke. It is resolved in one way, because it was
6 withdrawn. So Mr. Wiggins is correct. The application for
7 the accessory dwelling unit has been -- the special permit
8 request has been withdrawn.

9 BRENDAN SULLIVAN: Great. Thank you. Anything
10 else, Michael?

11 MICHAEL WIGGINS: No, no, no. Nothing else.
12 Thank you.

13 BRENDAN SULLIVAN: Thank you. Thank you for your
14 efforts in this.

15 JAMES DEANGELO: Peter Cohen?

16 PETER COHEN: Mr. Chairman, I just want to make
17 sure that I understand what's going on here. I want to
18 comment on a different case, but I was unclear whether all
19 comments -- all public comments have to come at the
20 beginning of the hearing or right before the particular case
21 they occur?

22 BRENDAN SULLIVAN: I'm sorry, which case are you

1 referring to?

2 PETER COHEN: 281 Concord Avenue.

3 BRENDAN SULLIVAN: That hasn't come up yet.

4 PETER COHEN: Okay. So I'll hold my commentary
5 until then. Sorry for the --

6 BRENDAN SULLIVAN: Yeah. Okay --

7 PETER COHEN: Sorry for the misunderstanding.

8 BRENDAN SULLIVAN: -- yeah. That appears to be
9 the end of anybody calling in. There is a number of letters
10 in the file basically referencing back. And I think Mr.
11 Wiggins has -- representing [all names phonetic] Barbara
12 Flanagan and Timothy Barrows, having withdrawn their
13 opposition those letters entered into the record, but also
14 that Mr. Wiggins has summed up that -- posed letters to
15 those concerns.

16 And that is the sum and substance of any
17 correspondence -- current correspondence relating to this
18 particular case. So I will close the public comment part of
19 the proceedings.

20 Mr. Rafferty, anything else to add?

21 JAMES RAFFERTY: No, thank you, Mr. Chair. Other
22 than to state that I believe that the application and the

1 supporting materials provide ample evidence for the Board to
2 make the necessary findings under 8.22.2d, that the proposed
3 work here, the rear addition and the front addition, will
4 not have a detrimental effect upon the neighborhood, and
5 that the other provisions of Article 10.43 have been
6 satisfied.

7 BRENDAN SULLIVAN: Okay. So just to -- and again,
8 following up on Mr. Wiggins' comments, the application
9 initially March 11 you were seeking relief for Section 4.22,
10 the accessory apartment and that is now withdrawn.

11 You are seeking relief under 5.31 because there is
12 an increase of dimensions.

13 You are seeking relief under 8.222d, a
14 nonconforming structure, but the special treatment -- I
15 guess of a one- and two-family, which I won't go into; and
16 10.30, the variance and the related 10.40 special permit
17 related to the garage and accessory apartment are no longer
18 on the table, those have been withdrawn. That's correct?

19 JAMES RAFFERTY: That is correct.

20 BRENDAN SULLIVAN: Okay. One other request that I
21 would have -- and it's a housekeeping one -- is that the
22 latest dimensional form, which has a lot of cross-outs and a

1 lot of handwritten notes in there, I would ask that that be
2 somewhat cleaned up and put into a typed form, so that when
3 we pass this on to -- back to Inspectional Services that it
4 becomes a lot clearer, if you will.

5 As you can see on the screen, it's -- it's sort of
6 like trying to find Where Waldo Is at this point?

7 JAMES RAFFERTY: Right. Well, I'll take
8 responsibility. We treated the dimensional form in this
9 manner so Board members could see the different iterations
10 as the plans evolved.

11 But I -- we should have and will tomorrow morning
12 give a clean version of this reflecting all the information
13 depicted here is accurate and represents the plans as
14 submitted here.

15 But I understand the Chair's comments, and we can
16 get a more pristine version of this form into the file
17 tomorrow.

18 BRENDAN SULLIVAN: Great. Okay, thank you. All
19 right. Let me make the finding -- the motion -- to grant
20 the relief requested as per the latest submittals of June
21 27, new dimensional forms, new drawings, correspondence
22 submitted and initialed by the Chair.

1 SLATER ANDERSON: Brendan, can I ask a question?

2 Sorry.

3 BRENDAN SULLIVAN: Sorry?

4 SLATER ANDERSON: Can I ask a question?

5 BRENDAN SULLIVAN: Oh, yes.

6 SLATER ANDERSON: So I'm just going through this
7 file and there -- you know, there's a lot of updates and
8 back and forth and things.

9 And I just was looking for some clarity on a
10 letter from Tad Hauer for Dr. Nelson, who's an abutter, I
11 believe. Has that dialogue been resolved? I'm looking at a
12 June 8 letter in the file. Has there been correspondence
13 there?

14 JAMES RAFFERTY: Mr. Chair, I could inform the
15 Board of a conversation I had based on a telephone call I
16 received from Mr. Heuer after I submitted or sent him the
17 revised plans on Monday.

18 Mr. Heuer represented to me at that time -- and
19 it's his client -- that Mr. Glenmullen and Ms. Dingman met
20 with on two occasions since the continuance and whose
21 interests were being addressed by the lowering -- the
22 further lowering of the roof of the addition.

1 He reported to me that his client no longer
2 objected to the application and would not be appearing --
3 and he would not be appearing in opposition this evening.

4 SLATER ANDERSON: Thank you, Mr. Rafferty. That
5 answers my question. I had suspected the fact that they
6 were present that something had been resolved there. But I
7 noted on page 2 it requested a continuance of tonight's
8 hearing. So I just wanted to clarify that. So thank you.

9 JAMES RAFFERTY: Thank you.

10 BRENDAN SULLIVAN: Okay. On the motion, then, to
11 grant the special permit as per the latest drawings
12 submitted June 27, dimensional forms, supporting statements
13 initialed by the Chair.

14 In all districts, the Board may grant a special
15 permit for the alteration or enlargement of a preexisting
16 dimensionally nonconforming, detached single-family dwelling
17 or two-family dwelling not otherwise permitted in Section
18 8.22.1 above, but not the alteration or enlargement of a
19 preexisting nonconforming use..

20 Provided that there is no change in use, and that
21 any enlargement or alteration of such preexisting,
22 nonconformity -- conforming detached single-family dwelling

1 or two-family dwelling may only increase a preexisting
2 dimensional nonconformity, but does not create a new
3 dimensional nonconformity.

4 In order to grant the special permit, the Board of
5 Zoning Appeal is required to find that the alteration or
6 enlargement shall not be substantially more detrimental than
7 the existing nonconforming structure to the neighborhood,
8 and that the alteration or enlargement satisfies the
9 criteria of 10.43.

10 Traffic generated or patterns of access or egress
11 would not cause congestion, hazard, or substantial change in
12 the established neighborhood character.

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

16 That there would not be any nuisance or hazard
17 created to the detriment of the health, safety and/or
18 welfare of the occupants of the proposed use, or to the
19 citizens of the city.

20 And that the proposed use would not impair the
21 integrity of the district or adjoining district, or
22 otherwise derogate from the intent and purpose of the

1 ordinance.

2 Affirmative findings, which then obviously
3 satisfies the requirement under 8.22d.

4 On the motion to grant the special permit as per
5 the application, Jim Monteverde?

6 JIM MONTEVERDE: In favor.

7 BRENDAN SULLIVAN: Slater Anderson?

8 SLATER ANDERSON: In favor.

9 BRENDAN SULLIVAN: Andrea Hickey?

10 ANDREA HICKEY: In favor.

11 BRENDAN SULLIVAN: Jason Marshall?

12 JASON MARSHALL: In favor.

13 BRENDAN SULLIVAN: In favor.

14 [All vote YES]

15 BRENDAN SULLIVAN: Five affirmative votes, the
16 special permit is granted.

17 JAMES RAFFERTY: Thank you. Thank you very much.

18 JOSEPH GLENMULLEN: Thank you.

19

20

21

22

* * * * *

(6:55 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
Monteverde, Slater W. Anderson, and Jason
Marshall

BRENDAN SULLIVAN: The Board will now hear Case
No. 174527 -- 241 Grove Street. Mr. Rafferty?

JAMES RAFFERTY: Thank you. Good evening, Mr.
Chair, and members of the Board. Again, James Rafferty on
behalf of the applicants, Patrick Downes and Jesssica Kensky
who are present this evening. And also present is the
Project Architect, Michael Fields, from SKA Architects.

Like the prior application, this matter was
continued as a case not heard at the request of an abutter.
In the intervening time, this application has been modified.

The application as originally filed included a
variance request to allow for a second dwelling unit in the
structure. The petitioners have chosen not to proceed with
that portion of their request.

So what's before the Board this evening is a
request for a special permit to authorize the construction
of a conforming addition to a nonconforming single-family

1 structure, and also a variance request to allow for portions
2 of expanded two-car garage to be in the front setback.

3 Dr. Downes and Ms. Kensky have purchased this home
4 recently on Grove Street, a ranch typical of the 19 -- late
5 1950s style that populated that street when it was
6 originally developed. Dr. Downes grew up in West Cambridge,
7 and he and Ms. Kensky have been living in Cambridge now for
8 several years.

9 The application allows for the expansion of a
10 ranch, and it's a modest expansion by FAR standards. The
11 proposed addition will still result in FAR of significantly
12 less than the 0.50 allowed. We'll be going to 0.338.

13 The addition is conforming. The existing house is
14 nonconforming in only one aspect, and that is the left-side
15 setback does not meet the minimum 10-foot requirement. The
16 proposed addition does meet the setback requirements, both
17 the minimum requirement as well as the combined setback --
18 the combined setback requirements.

19 The second portion of the application involves the
20 garage. And the home currently has an attached single-car
21 garage. The request is related to the fact that the
22 expanded garage -- really the only logical place to place it

1 without disrupting the living quarters of this somewhat
2 modestly sized home is to extend it into the front.

3 Both applicants are lower-extremity amputees, and
4 they use wheelchairs on a regular basis. The expanded
5 garage will allow them the opportunity to easily access
6 their vehicles from their wheelchairs. The hardship, as I
7 noted, though, is not limited to their personal situation,
8 but also to the conditions affecting the existing -- the
9 existing structure and the lot.

10 We have had outreach with several neighbors and
11 abutters, and most recently explaining the withdrawal of the
12 apartment.

13 As I said, Mr. Fields, the architect is present,
14 happy to walk through any aspect of the plan. The plan and
15 the house are particularly appealing, because it will allow
16 Dr. Downes and Ms. Kensky single-floor living.

17 So this expanded branch really is ideally suited
18 for them, and the proposed addition is well within the
19 criteria established under 4.22.2d. And thus, the special
20 permit we would suggest is -- is quite consistent with the
21 criteria in the amendment.

22 And the variance hardship does exist for the

1 garage, based on the conditions articulated in my
2 presentation and as set forth in the plans in the supporting
3 statements.

4 Happy to make either the applicants or the
5 architect available If Board members have questions.

6 BRENDAN SULLIVAN: Okay. Jim, any questions?

7 JIM MONTEVERDE: I have one regarding the proposal
8 for the garage. I understand the need for the garage, the
9 two-cars, the sizing, the dimensions.

10 What I'd like you to explain to me is what is it
11 that requires you to get the variance to intrude on the
12 front yard? Why the garage can't be slid back in plan, I
13 guess? The nominally five-foot dimensions I think could be
14 compliant as well.

15 JAMES RAFFERTY: Well, we can -- the architect can
16 describe that, but the short answer is sliding the garage
17 back into the structure significantly reduces the floor
18 plate and limits the opportunity for the first-floor area
19 that is really the only living area in this house.

20 But I'm sure Mr. Fields may be able to add some
21 important architectural perspective as to why this design
22 decision was made.

1 MICHAEL FIELDS: Sure. I think that -- you know,
2 maybe the easiest answer is that we're trying to take
3 advantage of the existing foundations and the -- the way
4 that the ridgeline brings the structure through from the
5 building. We've sort of pushed the garage up to that point.

6 And if we're to push it farther, it just is -- you
7 know, new foundations, a new structure coming down
8 redirecting things, and then -- you know, how we deal with
9 the arrangement of the interior layout.

10 JIM MONTEVERDE: Yeah, I understand. You are
11 expanding the foundation just for the garage to stick out,
12 correct?

13 JAMES RAFFERTY: Right.

14 JIM MONTEVERDE: I'm looking at drawing the BZA
15 101. And again, I can see the existing level -- where am I,
16 level 1? Level one --

17 JAMES RAFFERTY: Yeah.

18 JIM MONTEVERDE: -- existing and proposed. And
19 again, as what --

20 JAMES RAFFERTY: Sure, I --

21 JIM MONTEVERDE: If that garage were to slide back
22 that five foot and the bath, the mudroom, the office, the

1 kitchen and slide back five foot, does that not work for you
2 or something like that?

3 MICHAEL FIELDS: Well, so the main structure of
4 the roof is going to be coming down through the wall between
5 the garage and mudroom there. And so, it would be -- you
6 know, redirecting. It would, you know, just be additional -
7 - you know, foundation and steel in order to redirect that.

8
9 JIM MONTEVERDE: Mm-hm.

10 MICHAEL FIELDS: If we were to push the -- you
11 know, the other consideration, obviously, is to try to --
12 you know, push back too far into the -- into the
13 neighborhood's site lines as well.

14 So, you know, it's a balance of structure and
15 keeping the spaces contained to some of the existing
16 portions of the house, so that we don't have to build
17 accessibl -- you know, accessibly into the back yard.

18 JIM MONTEVERDE: Right. I'm looking at your
19 sheet, 002. You've got -- it shows your rear yard setback,
20 correct?

21 MICHAEL FIELDS: Yep. Yep.

22 JIM MONTEVERDE: And in the addition you've got

1 room between the proposed addition and that setback. So
2 you're not at it yet.

3 MICHAEL FIELDS: Yep.

4 JIM MONTEVERDE: All right. I hear everything
5 you're saying. I'm still not following the -- why it can't
6 move back and be compliant regarding the front yard. But
7 thank you for the explanation.

8 MICHAEL FIELDS: Sure.

9 BRENDAN SULLIVAN: The topography of that site has
10 really got -- obviously, if you go down Grove Street and you
11 stand in front of the house, it looks very nice and so on
12 and so forth -- you get to the right side of that building,
13 garage, and you take just a few steps and that slope just --
14 just goes straight downhill. It's a --

15 JIM MONTEVERDE: Yeah.

16 BRENDAN SULLIVAN: -- site. And it defies
17 imagination standing at the front of the house, and then
18 looking around to the back of it, it's -- you know, we grant
19 variances for the size, shape, and topography.

20 And this is one that's important -- this is the
21 topography one that they're always talking about. So
22 anyhow.

1 Jim, you're all set on --

2 JIM MONTEVERDE: Yes, thank you.

3 BRENDAN SULLIVAN: -- later on, yeah. Slater, any
4 questions?

5 SLATER ANDERSON: Yeah. I'll just weigh in on
6 this discussion about the garage, you know, protruding into
7 the front yard setback. You know, I do know it looks like
8 at the -- you know, the adjacent houses, garages or
9 footprints appear to extend slightly into that Zone 2. So
10 it's not extremely out of context with what's going on on
11 the street.

12 So I'm okay with that element, given the -- you
13 know, unique needs of the applicants and the house layout
14 and flow and all of those things. So thanks.

15 BRENDAN SULLIVAN: Thank you. Andrea Hickey, any
16 questions?

17 ANDREA HICKEY: I have no questions. Thank you,
18 Mr. Chair.

19 BRENDAN SULLIVAN: Jason?

20 JIM MONTEVERDE: Thanks, Mr. Chair. No questions.
21 I'll just note that I agree with you that in terms of
22 topography, this is a unique parcel.

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

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

9 There appears to be nobody calling in. We are in
10 receipt of correspondence from Duncan MacArthur, which came
11 in today, June 30.

12 "Diana, my wife and I have had a lot of e-mails
13 with James Rafferty regarding the project at 241 Grove
14 Street. Although we requested a meeting with the
15 stakeholders -- specifically the owner and the architect,
16 Mr. Rafferty advises clients against this, but which made
17 things more difficult to understand the scope and intentions
18 of the project.

19 "Having said that, we appreciate that the owners
20 have removed the proposed second unit and support their
21 request for a variance, special permits, with the
22 understanding that the exterior siding on the new addition

1 and the windows will be as specified by the architect and
2 that he outlined an e-mail forwarded to us by Mr. Rafferty,
3 which is copied below --

4 -- "basically, wood siding with shiplap profile or
5 equivalent, Marvin windows or equivalent," and end of e-
6 mail.

7 There was also other correspondence in the file
8 which relate back to an earlier plan for the taking out of
9 the accessory apartment that was of some concern to some of
10 the other neighbors.

11 There was also communication from Kitty Packet
12 (phonetic) regarding some damage -- potential damage during
13 construction, but that's not a zoning issue, and we enter
14 that into the file.

15 And again, other correspondence regarding the
16 second unit, but that appears to be mute at this point. So
17 that is the sum and substance of the correspondence. I will
18 close the public comment part. Mr. Rafferty, anything else
19 to add?

20 JAMES RAFFERTY: Yes, thank you. I would like the
21 opportunity to address the comments contained in Mr.
22 MacArthur's correspondence.

1 First, Mr. MacArthur asked a series of very
2 specific design questions about the property, including the
3 manufacturer of the garage doors, the window manufacturer,
4 the type of material on the sidings -- things that I
5 informed him were far in excess of the type of issues that
6 the Zoning Board customarily deals with.

7 I sited the -- I sited Mr. Alexander's often-used
8 comment that the BZA is not a Design Review Board.
9 Nonetheless, what I provided Mr. MacArthur was a detailed
10 list compiled by the Project Architect indicating what the
11 applicant's intentions were.

12 Mr. MacArthur then asked me -- indicated that he
13 would be prepared to support the application, if it was
14 agreed that these details -- including the location of
15 mullions on windows by a certain Marvin windows?

16 I said, "No, what we provided was a good-faith
17 response to an inquiry, and that my client needed to have
18 the flexibility to make changes if circumstances, including
19 material availability, cost and change in design preferences
20 were to emerge, so that we were not prepared to accept the
21 type of conditions, the detailing design features that we
22 provided in response to an inquiry."

1 So I would just say it is not the applicant's
2 position that they support those conditions, and I made it
3 explicitly clear in e-mails today that those -- that
4 information was provided as a good faith response to an
5 inquiry and should not be regarded as conditions.

6 The conditions we recognize will be the plans
7 approved in the special permit in the information detailed
8 in them, other design style changes, including which
9 manufacturer of garage doors the applicant chooses will be
10 something that they can act without seeking further relief
11 from this Board for the commission of an abutter.

12 BRENDAN SULLIVAN: Great. Thank you. Our purview
13 is zoning matters, so anyhow. Thank you. All right. Are
14 we ready for a motion? Yes, anybody have any other further
15 questions?

16 JIM MONTEVERDE: Nope. Ready to go.

17 BRENDAN SULLIVAN: Okay. Let me make a motion,
18 then, now, just running through the pro-forma in the
19 original application you are seeking relief under Section
20 4.31, a two-family: that is no longer being requested.

21 5.26 the conversion, that is no longer being
22 requested. You are being -- you are asking for relief under

1 8.222d and a variance for the addition to the garage and the
2 obviously special permit. And the special permit, Jim, is
3 that just encompassing 8.222d?

4 JAMES RAFFERTY: Yes, Mr. Chair. That's a
5 conforming addition to a nonconforming structure that is not
6 creating any new nonconformities. So --

7 BRENDAN SULLIVAN: Right.

8 JAMES RAFFERTY: 8.222d is the criteria on the
9 special permit that's been applied.

10 BRENDAN SULLIVAN: Okay. So on the variance, let
11 me make a motion, then, to grant the relief requested as per
12 the plans submitted in the new dimensional form for the
13 addition, as shown in the drawing. The Board finds --

14 JAMES RAFFERTY: Excuse me, Mr. Chair.

15 BRENDAN SULLIVAN: Go ahead.

16 JAMES RAFFERTY: The variance is not for the
17 addition; the variance is for the expanded garage.

18 BRENDAN SULLIVAN: Right.

19 JAMES RAFFERTY: I apologize for the interruption.

20 BRENDAN SULLIVAN: That's correct.

21 JAMES RAFFERTY: So the --

22 BRENDAN SULLIVAN: Going into the front yard

1 setback?

2 BRENDAN SULLIVAN: Correct. I just want to make
3 it clear -- I just thought for nomenclature purposes we've
4 been treating the expanded garage as one term and the
5 addition as a separate term; the addition subject to the
6 special permit, the expanded garage, subject to the
7 bearings.

8 BRENDAN SULLIVAN: Correct. One's in the front,
9 one's in the back?

10 JAMES RAFFERTY: Yes.

11 BRENDAN SULLIVAN: Okay. Thank you. The Board
12 finds that a literal enforcement of the provisions of the
13 Ordinance would preclude the lower level of the structure
14 from being used, and that the proposed addition, and it
15 would also preclude the proposed additions to the rear of
16 the structure.

17 The Board finds that the garage expansion is
18 needed to accommodate handicap accessible vehicles, and that
19 the denial of this is going to incur an extreme hardship to
20 the petitioners to a fair and reasonable use of their
21 property.

22 The Board finds that the hardship is directly

1 related to the topography of the lot, the impact on the
2 slope of the lot has the portion of the basement walls that
3 are above grade.

4 The Board finds that the location of the existing
5 dwelling on the lot limits the ability to size the garage
6 within the required setback to make it a usable structure
7 for the residents of this building.

8 The Board finds that desirable relief may be
9 granted without substantial detriment to the public good.
10 And the Board finds that the extended garage will not cause
11 any detriment to the public good.

12 That desirable relief may be granted without
13 nullifying or substantially derogating from the intent and
14 purpose of the ordinance.

15 I might expand a little bit on that, a little bit
16 of editorializing here, as far as nullifying or
17 substantially derogating from the intent and purpose of the
18 ordinance, because I feel it is incumbent upon government.

19 And as we have seen it in evidence on our
20 sidewalks, streets, and everywhere to lessen the barriers
21 and to alleviate whenever we can difficulties that our
22 fellow citizens encounter on a daily basis, and that the

1 addition to this garage will alleviate some of those
2 difficulties, since I find that it is part of the intent and
3 purpose of the ordinance to allow people a fair and
4 reasonable use of their property.

5 On the motion, then, to grant the variance. Jim
6 Monteverde?

7 JIM MONTEVERDE: I vote in favor of the variance.

8 BRENDAN SULLIVAN: Slater Anderson?

9 SLATER ANDERSON: In favor of the variance.

10 BRENDAN SULLIVAN: Andrea Hickey?

11 ANDREA HICKEY: Yes, in favor of the variance.

12 BRENDAN SULLIVAN: Jason Marshall?

13 JASON MARSHALL: In favor.

14 BRENDAN SULLIVAN: And Brendan Sullivan yes.

15 [All vote YES]

16 And five affirmative votes; the variance part of
17 the proposal application is granted.

18 Now, on the special permit, the special permit is
19 to construct a rear addition to the existing nonconforming
20 single-family dwelling.

21 The Board finds that under 8.22d, the Board may
22 grant a special permit for the alteration or enlargement of

1 a preexisting dimensionally nonconforming, detached single-
2 family dwelling or two-family not otherwise permitted in
3 Section 8.22.1, but not the alteration or enlargement of a
4 preexisting nonconforming use..

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

10 In order to grant the special permit, the Board of
11 Zoning Appeals is required to find that the alteration or
12 enlargement shall not be substantially more detrimental than
13 the existing nonconforming structure to the neighborhood --
14 and we do find that -- and that the alteration or
15 enlargement satisfies the criteria in 10.43.

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

18 That traffic generated or patterns of access or
19 egress would not cause congestion, hazard, or substantial
20 change in established neighborhood character. The Board
21 notes letters in support of the proposal.

22 Continued operation of or development of adjacent

1 uses, as permitted in the Zoning Ordinance, would not be
2 adversely affected by the nature of the proposed use.

3 There would not be any nuisance or hazard created
4 to the detriment of the health, safety and/or welfare of the
5 occupant of the proposed use -- in fact, it would be greatly
6 enhanced -- or to the citizens of the city.

7 For other reasons, the proposed use would not
8 impair the integrity of the district or adjoining district,
9 or otherwise derogate from the intent and purpose of this
10 ordinance. And I reference back to my earlier comments
11 regarding granting of the variance.

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

14 JIM MONTEVERDE: In favor of the special permit.

15 BRENDAN SULLIVAN: Slater Anderson?

16 SLATER ANDERSON: In favor of the special permit.

17 BRENDAN SULLIVAN: Andrea Hickey?

18 ANDREA HICKEY: Voting in favor of the special
19 permit.

20 BRENDAN SULLIVAN: Jason Marshall?

21 JASON MARSHALL: In favor.

22 BRENDAN SULLIVAN: Brendan Sullivan yes.

1 [All vote YES]

2 BRENDAN SULLIVAN: Five affirmative votes. The
3 special permit is granted. Good luck.

4 JAMES RAFFERTY: Conditioned on the plans
5 submitted with the application, I presume, Mr. Chair?

6 BRENDAN SULLIVAN: Yes. I'm sorry?

7 JAMES RAFFERTY: I just want to confirm the extent
8 of the conditions are only the plans submitted with the
9 application, as is customary?

10 BRENDAN SULLIVAN: As just a zoning matter,
11 whatever the issue -- the zoning issues are, that's what is
12 approved.

13 JAMES RAFFERTY: Thank you.

14 COLLECTIVE: Thank you, Mr. Chairman. Thank you.

15 BRENDAN SULLIVAN: Yep.

16 JAMES RAFFERTY: Thank you, have a good evening.

17 BRENDAN SULLIVAN: Let me elaborate on that.

18 There are no conditions attached to this.

19 JAMES RAFFERTY: Thank you.

20 BRENDAN SULLIVAN: Other than what's on there.

21 JAMES RAFFERTY: That was the clarity I was
22 looking to achieve. Thank you very much. Have a good

1 evening.

2 BRENDAN SULLIVAN: Thank you.

3 JAMES RAFFERTY: Once again, thank you for your
4 time.

5 BRENDAN SULLIVAN: Goodnight and good luck.

6 MICHAEL FIELDS: Thank you.

7 BRENDAN SULLIVAN: Is it 6:30 yet? Oh, 7:17.

8 Well, Jimmy, crack the whip.

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(7:17 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
Monteverde, Slater W. Anderson, and Jason
Marshall

BRENDAN SULLIVAN: We've got to call the 6:30
case, No. 176892 -- 281 Concord Avenue. Cathy Wang or
whoever's representing 281 Concord Avenue?

JAMES HEFFERNAN: Hi. Good evening. Sorry, I was
just being added. And I believe -- this is Attorney Jim
Heffernan at Rich May, and I believe Cathy Wang is joining
us as well, if -- as my screen updates. And a Mr. Ajeet
Sandhu, who I see on here.

AJEET SANDHU: Hi.

JAMES HEFFERNAN: Is -- is Cathy -- all right,
thank you, Ajeet. Is Cathy Wang added to the group?

BRENDAN SULLIVAN: I don't see her. Cathy?

JAMES HEFFERNAN: I don't see her either.

BRENDAN SULLIVAN: Is she -- okay. Is she in?
She's apparently in now, Jim.

JAMES HEFFERNAN: Yeah, I see her getting added.
Thank you very much, Mr. Chair.

1 CATHY WANG: Hi. I'm in.

2 BRENDAN SULLIVAN: Okay. If you want to proceed?

3 JAMES HEFFERNAN: Yes. Thank you, Chair. And I
4 have a Power Point that we provided. I don't know if you
5 want me to share my screen or if it will be put up before we
6 get started.

7 BRENDAN SULLIVAN: If Jim can probably pull it up?

8 JAMES HEFFERNAN: Thank you very much. Good
9 evening, Mr. Chair, and the Board. Thank you for having us
10 tonight, particularly before a long weekend in summer kicks
11 off. Again, I'm Attorney Jim Heffernan at Rich May based in
12 Boston, Massachusetts.

13 I'm here on behalf of not only a client, but also
14 a good friend Cathy Wong, her entity 281 Concord, LLC and
15 her company built.

16 We are also joined by Ajeet Sandhu, who prepared
17 the parking analysis and was submitted with the Board, and
18 all three of us desire to speak tonight.

19 We are here tonight for your approval of a change
20 in use, a special permit to a commercial recreational
21 establishment on the first floor of 281 Concord Ave, like
22 you see here in this picture, and to approve our parking

1 proposal also under a special permit under 6.2, and also
2 6.32.

3 If we can move to the next slide, please?

4 This is just showing you the survey and the plan
5 of the area, just showing you the building and where it is
6 located on Concord Ave. We can go to the next slide, if you
7 don't mind.

8 And just giving a sense of the neighborhood too as
9 well in this slide deck, showing the neighborhood, the other
10 Businesses nearby, the bus, the proximity to Harvard --
11 again providing some context.

12 And then the next slide, please?

13 Okay. So Ms. Wang acquired this site not in 2007.
14 And this is just to provide context what it looked like back
15 in 2007. It was a tired old box retail location.

16 We can go to the next slide, and we can move
17 through these fairly quick. You need to see what it looked
18 like right around, or before her acquisition of the
19 property. Again, a tired retail location.

20 Next slide, please?

21 And then this was kind of her first iteration.
22 This is it cleaned up. You know, I'm biased. I've known

1 her for a while. I've been through a lot with Cathy, Ms.
2 Wang. But she's a fiercely independent, entrepreneurial,
3 powerful spirit.

4 She's a single mother, entrepreneurial immigrant
5 from China, cares deeply about this neighborhood, has been
6 very involved in many other areas in Cambridge, is a
7 successful CPA.

8 She had also vision with this site as a shared
9 office location that prior pandemic and pandemic realities
10 it seemed like a good plan. As we all realize and suffered
11 through, the world changed quite a bit in 2020. The
12 additional shared office space really faltered.

13 Ms. Wang being such an entrepreneurial spirit
14 looked at with CIC was doing, what WeWork was doing, also
15 shared office spaces, saw how they were doing, also shared
16 office spaces, saw how they were doing kind of shared
17 recreational use for their users in those spaces -- office
18 meetings, private events, hosting events for offices and
19 businesses in the community to meet there.

20 She really cares about this neighborhood, though,
21 West Cambridge and the Village. She really desires to see
22 kind of a contemporary new retail location. And taking that

1 kind of shared office experience, move that to what people
2 are desiring today. Some people are back in the office.
3 I'm usually back in the office, unfortunately, at home.

4 And luckily, I have you blurred out so you cannot
5 see my home. But I'm coming to and from the office. Many
6 people are coming to and from the office.

7 People are reducing their office space needs,
8 however, and an area to have a joint conference room, client
9 events -- it's really necessary in these days. If we could
10 go to the next slide.

11 This is how she updated it through the pandemic,
12 just so you can see the color of it -- a really clean,
13 tight, modern retail location. The focus is still on the
14 shared office user environment. I want to be very clear on
15 that. It is mostly daytime use. It's desired to have
16 private and public events as well, and we'll get into that.
17 And Cathy will discuss some of that.

18 But the idea is really -- similar to what CIC and
19 WeWork do, have an area to host events for businesses, for
20 schools -- Harvard, MIT, local entrepreneurs -- to have at
21 this site right here at 281.

22 Next slide, please?

1 Starting to get kind of into the interior. Just
2 showing you the layout. This is kind of the kitchen area,
3 meeting area. There are some lounge areas.

4 Next slide? Thank you.

5 Sorry. There is the kitchen area and there's the
6 stairs leading upstairs. Again, it's comfortable space.
7 And a lot of places -- my own firm is doing it -- returning
8 old, tired space over, you know, longer, big libraries and
9 the bigger conference rooms, lounge chairs and tables,
10 sitting areas -- things for people and clients to meet in a
11 safe and clean environment.

12 Next slide, please?

13 And then what really wows me is how tasteful she's
14 done the interior design. You see this here with the lounge
15 and couch area. You see this with the back patio and the
16 umbrellas and how cleaned up it really is.

17 Next slide, please?

18 And then this is the floor plan, the overview. So
19 you see from the entrance you come in, there's conference
20 tables. But it's open air, open space -- no, I'm sorry, not
21 open air in the sense it's open to the outside sky, but open
22 space -- more vibrant inside. You have a series of

1 conference tables, you have a series of smaller tables, you
2 have a series of lounge chair areas for people to sit
3 comfortably, you have tables, you have a very small kitchen,
4 you have bathrooms.

5 So like four people wanting to use this space in a
6 shared way or as a corporate meeting -- shareholder meeting,
7 Board meeting, meeting with clients that can be in a
8 comfortable location if your office particularly is in your
9 -- the back of your house. You don't want them there at
10 your house.

11 And then there is the garden in the back, showing
12 the terrace and the tables there.

13 If we go to the next slide, please?

14 And again, this is a nuanced world that we live
15 in. You know, Ms. Wang thought her coworking use was
16 allowed to do what she had done in the past. She was
17 adapting to COVID, she was kind of adapting to the pandemic.
18 She's realized now no, that was not proper use.

19 So the proposal is a change in use to this
20 retailer/consumer service establishment under 4 -- I'm
21 sorry, 4.35.i1-1.

22 This space really establishes an entertainment and

1 recreational service for the general public. There are fees
2 charged for those users. Users are for business. But as
3 we'll get into, there's also she wants to give back to the
4 community as a public service use to it as well, but really
5 diving into the code.

6 And she spent quite a bit of time. She's probably
7 been at permitting through this to the end of last year all
8 through the winter, through spring until now, and really has
9 come around to grips that this really is kind of an
10 appropriate definition for what she's proposing here.

11 Next slide, please?

12 You know, as the shared office space model has
13 changed, she's trying to address this kind of new office
14 space environment. So there's going to be corporate and
15 private events fit into these categories and programs -- you
16 know, food and beverage services as people need it, but she
17 is not -- she's not the restaurant, she's not the bar, she's
18 not doing those services. She's here for clients to use the
19 space.

20 Next slide, please?

21 In the business model -- and Cathy will go more
22 into this, but I just wanted to point out, you know, primary

1 corporate events, Board meetings, team building meetings, a
2 place to get people who are mainly working from home or
3 hybrid together in a day.

4 She does have private event proposals, her target
5 of weddings, baby showers, bridal showers, graduations,
6 places where people might not want people in their home or
7 may not have the ability to have people in their home as a
8 place for that.

9 And then really in the public events, she does
10 want to open it as a sponsor free of charge to the
11 community. At public community events, she had a successful
12 founder's talk with local entrepreneurs.

13 She cares deeply about classical music and had --
14 and cares deeply about the artists in our community, and
15 paid them herself to have a pianist there perform at the
16 space, wants to continue doing that for the neighborhood.

17 Next slide, please?

18 Again, you know, this has been a learning curve.
19 You know, and we can talk about the letters of both support
20 and opposition that we'll get to. You know, we heard loud
21 and clear. There were some inappropriate groups that came
22 through.

1 There was some mismanagement on dealing with
2 rideshare, and we'll talk about parking and the like on
3 that. She hears that loud and clear.

4 The target is, you know, Harvard, MIT, tech or
5 biotech companies, our primary driving economic force in
6 this community... Non-profit organizations. Individuals who
7 just want to gather and celebrate important events in their
8 lives, and then the artists and musicians to promote their
9 music.

10 And again, as an entrepreneur who cares deeply
11 about change in the community, she wants other local
12 entrepreneurs here to meet with other people in the
13 community and have good talks as a community service, as a
14 new vibrant community space for this neighborhood.

15 I think it would be appropriate -- and you can go
16 to the next slide, thank you. Thanks for reading my mind.

17 You know, some of the things that were brought up
18 on employees: She's hired employees. She's changing who
19 she targets. She's hiring security guards if needed.

20 She has the outdoor space, she has the patio, she
21 has indoor and outdoor capacity, she wants to encourage
22 events sized less than 100 people, despite that capacity,

1 the desire of -- you know, having people come to this place
2 really are meant to be local people or people taking the
3 MBTA -- the T, the bus -- and also encouraging rideshare and
4 again, testing parking.

5 I would like to turn it over to Cathy to kind of -
6 - I'm brushing on a lot of the higher points, but I would
7 like Cathy to kind of give her talk on where she -- where
8 she started in this process, who she's talked to, and she's
9 really been committed to this for years now, and has really
10 ramped up over the last couple of months.

11 So Cathy, if you don't mind taking over just for a
12 moment?

13 CATHY WANG: Okay. Thank you. My name is Cathy,
14 Cathy Wang. I own 281 Concord Building. And I also am the
15 operator of the building.

16 So when I first found this building, it is -- I
17 signed -- I signed up with a lease, then later on find it is
18 very difficult to change the usage, because of the condition
19 of the building is terrible. We have to -- we had to tear
20 down the entire parapet in the front. And then we had to
21 renovate the entire mechanical system.

22 So in 2017 we bought the building, did a gut

1 renovation, we got easement from the 293-295 Concord Avenue
2 from [audio unclear], our neighbor. So enabled us to use
3 the spot, to open up the back yard patio. Originally, it's
4 just a stone (sic) yard.

5 Right after we finished renovation and we spent a
6 year and a half, worked very hard to get coworkers coming in
7 to reach the point of breaking even, and then the COVID hit
8 us really badly.

9 I remember in March 2020, the Governor asked us to
10 shut down the building. Almost all the coworkers left us,
11 leaving the empty building to me.

12 So when, in May, when we opened the building, we
13 invited a local restaurant to do a popup patio at that point
14 for a very short period of time, and then we find out this
15 building actually is really good for hospitality. And I
16 started to get calls from people. They wanted to come in
17 for corporate events, private events, because we have --
18 we're an independent building and we have a back yard
19 garden.

20 The majority of our corporate meetings are people
21 from our neighborhood -- a lot of founders, a lot of
22 employees. They live in this neighborhood. They ask us to

1 open the door to them for daily corporate meetings and team
2 meetings.

3 For private events, we do have people from the
4 city -- all over the city or Boston area. They come in for
5 a lot of bridal showers and baby showers, and we also have
6 birthday parties. So I figure the birthday parties are the
7 problem of the noise.

8 So let's go to the Slide 17 about noise. I
9 invited a lot of people to come to my building during the
10 period of hearing, and asked especially [audio unclear] also
11 the local restaurant owners. So they are very familiar with
12 hospitality issues.

13 I was told to suggest me (sic) to play no music at
14 the garden, no amplified music indoors after, you know, the
15 noise audience kicks in at 10 p.m. So we changed our
16 business practice from outdoor no music, no amplified music
17 indoors after 9:00 p.m., and we also thought -- gave a lot
18 of thought about business hours based on the neighborhood
19 complaint.

20 We still have coworkers upstairs, so they will
21 start work at 8:00 a.m. And we suggest to close the garden
22 at 9:00 p.m. from Monday to Thursday if we have events. But

1 normally we do not have events during this period of time.

2 Fridays and Saturday are -- if we did have events
3 are mostly booked for Friday and Saturday. So I propose to
4 close at 11:00 p.m. followed [audio unclear] a new
5 restaurant at our block.

6 Next, I would like to talk --

7 AJEET SANDHU: Yeah, if I --

8 CATHY WANG: Yeah.

9 AJEET SANDHU: -- Cathy, if I may step in for a
10 second, yeah, and Cathy mentioned -- you know, local
11 restaurants, we forgot to put in the slide, Cathy, actually,
12 and I think we talked about it last time when we were before
13 the Board, that, you know, the desire is to use local
14 businesses to supply the food and services.

15 So, again, it is a community service in many ways
16 to bring in local as best we can, depending on the use --
17 local restart, local coffee, and local businesses in the
18 area.

19 So I just wanted to highlight that as you
20 mentioned it.

21 CATHY WANG: Yeah. Exactly, James, thank you. So
22 our business model is we only rent our space with the

1 furniture. If the private event hosts want to bring food in
2 and we have vendors, we suggest High Rise and Formaggio.
3 They actually order a lot from them. So if they need
4 florists, they will also outsource to Hanaya on Huron
5 Avenue.

6 Maybe I should talk a little bit about our
7 business model at the slides (sic) 14. Yeah. Can you
8 please put the slides back to 14? Thank you. That's it.

9 JAMES HEFFERNAN: Excellent.

10 CATHY WANG: Okay, yeah. Yeah. The business
11 model. As James mentioned, we focus our business model for
12 events -- corporate events and private events. Corporate
13 events, mainly board meetings, team-building events and
14 corporate productions meeting the people, as I said, in the
15 neighborhood such as the schools -- Montessori schools.
16 They feel like they don't have enough room for the teachers
17 to gather together. So they rented the space from us.

18 A lot of employees who live in the neighborhood
19 during the snow time or during the COVID time, they do not
20 want to go back to the office, so they gather together at
21 our space. And the corporate events mainly I assume will be
22 30 to 40 percent of the booking.

1 For private events, we mainly focus on weddings,
2 baby showers, bridal showers, graduation. And Harvard has
3 also Club gathering. For Harvard, they are our major
4 clients. And then there are a lot of students come back
5 from schools and they like to gather at our place.

6 For public events, I would like to -- for myself,
7 I would like to promote entrepreneurship, arts and music. I
8 used to host weekly every Tuesday night weekly from this
9 talk.

10 We invited a lot of entrepreneurs in the Cambridge
11 area. Basically, they get funding from -- and I got
12 information from Crunch (phonetic) Space, and I reached out
13 to them. And we created the topic for them to talk, such as
14 how to build a K from 0 to 50 and how to start a business,
15 the revenue wise from 50K to \$5 million dollars.

16 We met a lot of local Cambridge entrepreneurs to
17 talk about that, such as [audio unclear] owners. A lot of
18 this type of event happened in Kendall Square where I used
19 to work from Cambridge Innovation Center.

20 I build my CPA firm there, and I did go to a lot
21 of this type of event. So I feel like I've got a lot of
22 educated -- education and I meet a lot of clients. And I

1 feel that this is something can be done in the neighborhood
2 settings.

3 So I sponsor this type of event. I put money into
4 the graphic designer, talk about my funder's talk a lot.
5 And recently I also get proposal from AEC classic musicians.
6 They would like to come in to play classic music.

7 I thought that's a great idea, because in Huron
8 Village and the neighborhood we have so many kids. I think
9 that's somewhere we can become a quality public space for
10 families to get together at our space.

11 The reason is that the private event and the
12 corporate events, the most average happening will be two
13 times a week, and we have been empty all the time.

14 So I thought I could start with letting people
15 come in, send me proposals and what they want to do with --
16 in terms of, you know, entrepreneurship, the education
17 program, in terms of music and arts.

18 I think this could be a great way to build
19 community. Because we are surrounded by AEC and Berklee
20 College, Lesley College, Harvard University. We have a lot
21 of resources. However, I feel like in Huron Village
22 Observatory Hill area, we don't have such an offering. We

1 don't have public events like this.

2 The size of our building is -- the first floor is
3 almost 3,000 square feet, and the patio is 1,000 square
4 feet. I feel like we are pretty large for public events for
5 a smaller size, such as maybe 20 people, 10 people coming in
6 for public events. I don't have a concrete business plan
7 for corporate events, I just had experiences with the
8 founders talks and have had experiences with the classical
9 music.

10 My daughter used to go to Longy Music School when
11 she was little, and she did music movement, chorus, and
12 Suzuki (phonetic) ballet. But after a while, when Longy was
13 sold to Bard, I saw how many -- the teachers have to move to
14 Somerville, and they don't have anywhere to do recitals. So
15 the parents feel so, so sad.

16 So then I thought, I -- probably this is a good
17 opportunity for me to open the empty building to musicians
18 like this.

19 BRENDAN SULLIVAN: Okay. I think we get that part
20 of it.

21 CATHY WANG: Okay.

22 BRENDAN SULLIVAN: I'm just trying to move it

1 along, only because it's --

2 CATHY WANG: Sure.

3 BRENDAN SULLIVAN: -- it's a long evening. I
4 think we keep rehashing the same. We get the message. If
5 you could just focus in on the parking very briefly.

6 CATHY WANG: So AJ, I will pass it to you.

7 JAMES HEFFERNAN: Yeah. Before AJ speaks, I just
8 -- and I appreciate that, Mr. Chair, moving it along. I
9 know it's a long night and I appreciate --

10 BRENDAN SULLIVAN: Those -- the previous slides
11 there, 14 through 18, sort of the highlight bullet points
12 there, they were not submitted into the record, were they,
13 as part of the application?

14 CATHY WANG: -- um--

15 JAMES HEFFERNAN: The slides were submitted this
16 week. We had prepared these over the weekend to you --

17 CATHY WANG: Yeah, I uploaded to the portal.

18 BRENDAN SULLIVAN: Well, I don't see it in the
19 file. That's the only thing; all right, I guess -- all
20 right. Well never mind, go on. If we can just touch on the
21 parking issue?

22 JAMES HEFFERNAN: Yes, sir. Yes. And AJ, if you

1 can just give me one second, I just want to know that the
2 parking is, you know, Article 6 really highlights the need
3 of finding adequate parking for the current uses without
4 overencouraging care use.

5 And as Mr. Sandhu will go through his parking
6 analysis, I just want to note while the parking is required,
7 there is an arrangement my clients made to get 14 parking
8 spaces used at a neighborhood preschool just about a block
9 away to use as parking. But I will turn it over to Mr.
10 Sandhu to give his parking analysis.

11 BRENDAN SULLIVAN: Yeah. The Board has read the
12 report anyhow. So we're familiar with that. But if you
13 just hit sort of the highlights, the points that you would
14 like to emphasize. I don't want to go through the whole
15 report.

16 AJEET SANDHU: Will do. Thank you, both James and
17 Board. I will try to summarize my analysis as succinctly as
18 possible, as I know we want to keep this moving along.

19 As mentioned, my name is Ajeet Sandhu. I am a
20 transportation engineer. I've been working as a
21 transportation engineer for over three years now, and I have
22 my EIT certification in Engineer in Training.

1 I work at Fuss & O'Neill, but I am not here
2 working on behalf of Fuss & O'Neill. I am doing this simply
3 as a favor to a friend, Cathy. So any analysis I provide is
4 my own and not on behalf of any firm.

5 Moving into my analysis, I believe you have all
6 read the report. Giving a bit of a background on the area,
7 there are two bus -- two bus stops located near 281 Concord
8 Ave at the site.

9 Approximately 200 feet west of the site, as shown
10 MBTA buses 74 and 78 are serving the intersection of Concord
11 Avenue at Walden Street. Approximately 900 feet east of the
12 site, MBTA buses 72,74,75 and 78 service the intersection of
13 Concord Avenue and Huron Avenue -- very close to the site
14 and walkable.

15 Moving to the parking analysis, I conducted a
16 parking count operation on a typical day weekday afternoon
17 or evening between the hours of 5:30 and 8:30 p.m.

18 Public on-street parking was observed to have a
19 total of 24 on-street parking spaces on Concord Avenue and
20 surrounding side streets, with 22 parking spaces located at
21 161 Garden Street.

22 With the additional 14 parking spaces provided at

1 the preschool 299 Concord Avenue, this brings the total to
2 60 parking spaces. Public parking spaces were found to be
3 occupied between 65 and 80 percent during this analysis
4 period with a minimum of 10 parking spaces available during
5 this four-hour period.

6 Using Census data in the City of Cambridge, we
7 found that 25 percent of workers commute by vehicle. Using
8 this 25 percent, we can assess that an event of 40 people or
9 less will not exceed existing parking supply.

10 Any events that are larger than 40 would then be
11 recommended to utilize the 14 tandem spaces provided at 299
12 Concord Avenue, that preschool which Cathy had the agreement
13 with.

14 This brings me to my assessment that the dedicated
15 parking on site -- I'm sorry, not the dedicated parking, the
16 parking located at the preschool which Cathy has an
17 agreement with -- in tandem with the available entry parking
18 will not -- will be sufficient for any events that are up to
19 96 attendees.

20 And we recommend that any events that are over 40
21 people -- or I recommend that any events that are over 40
22 people are -- utilize those 14 tandem parking spaces, as

1 well as the website that Cathy has to provide a Frequently
2 Asked Questions regarding best ways to reach the site, and
3 recommend clients use public transit, bicycle facilities,
4 pedestrian amenities and rideshare services.

5 Given that Harvard University is a large client of
6 Cathy's, where most of these private events occur, most of
7 them will likely be students not owning cars. And also,
8 Harvard is very close in terms of walking and bike --
9 walking distance and bikeability.

10 So it's likely that the analysis provided is
11 taking a conservative approach to this end. That is the
12 summary of my parking analysis.

13 BRENDAN SULLIVAN: Thank you.

14 AJEET SANDHU: Any questions?

15 BRENDAN SULLIVAN: Yep. All right. Or there
16 might be from the Board. Jim, anything else to add at this
17 point? It will come back.

18 JAMES HEFFERNAN: Mr. Chair, thank you. I just
19 want to add on the rideshare part, because it was noted in
20 letters of opposition of noise or crowds building up, we are
21 encouraging rideshare, but now Cathy is instituting because
22 she's learned from that and listening that nobody is allowed

1 to just wait outside for their rideshare. She wants people
2 to wait inside so it does not encourage crowding out front.

3 BRENDAN SULLIVAN: Great. Thank you. All right.
4 Let me open it up to the Board. Jim Monteverde, any
5 questions at this point?

6 JIM MONTEVERDE: I'll hold my questions at the
7 moment.

8 BRENDAN SULLIVAN: Andrea Hickey?

9 ANDREA HICKEY: Yes. I would like to ask whether
10 alcohol is ever served at any of these events that are held,
11 or proposed to be held?

12 BRENDAN SULLIVAN: Jim?

13 JAMES HEFFERNAN: There --

14 BRENDAN SULLIVAN: Yes.

15 JAMES HEFFERNAN: Sorry. Cathy, do you have the
16 --

17 CATHY WANG: I -- yeah.

18 JAMES HEFFERNAN: -- the business model? Yes.

19 CATHY WANG: I can take this question. So our
20 business model is through only vendors --

21 BRENDAN SULLIVAN: Cathy --

22 CATHY WANG: Hello?

1 BRENDAN SULLIVAN: Cathy, yes or no. Yes, the
2 alcohol is served? Yes?

3 CATHY WANG: Served by who? Not by me.

4 ANDREA HICKEY: No.

5 BRENDAN SULLIVAN: No, but --

6 ANDREA HICKEY: By anyone?

7 CATHY WANG: The host. The host will bring in
8 their own alcohol and with their own bartender.

9 BRENDAN SULLIVAN: Okay, good. Okay.

10 ANDREA HICKEY: And is there permitting done for
11 that so that alcohol can be served?

12 CATHY WANG: That's why we are going through this
13 permit to get -- I was advised by Cambridge Community
14 Development we first should get this permit, and then once
15 we have this permit, we can go to the License Department to
16 ask the host to apply for a one-day liquor license.

17 ANDREA HICKEY: All right. So that would be a
18 condition upon your having any sort of caterer who's serving
19 alcohol to require them to present to you the City one-day
20 license that is required, correct?

21 CATHY WANG: Yeah.

22 ANDREA HICKEY: All right. That's really

1 important to me that that be in the record and that it be
2 understood that a license -- a one-day license would be
3 required for something like that.

4 That is not within the purview of our Board, but I
5 just wanted to get into the record that you acknowledge and
6 understand that that would be the procedure.

7 CATHY WANG: Yes. That's what I was advised by
8 once I started this permit application.

9 JAMES HEFFERNAN: And I would agree with that
10 advice, my client, of the same (sic) that the -- that is
11 correct, Attorney Hickey.

12 ANDREA HICKEY: Understood. Nothing further at
13 this time, Mr. Chair.

14 BRENDAN SULLIVAN: Jason, any questions at this
15 point?

16 JASON MARSHALL: Thanks, Mr. Chair. Yeah. Just
17 one for now. From the materials that have been submitted --
18 and I guess even some of the testimony tonight, it seems
19 like this space has been used for events multiple times.

20 Is this really a request for permission to use the
21 space for events sort of after the fact, after you've
22 already -- after you've already done that, made use in that

1 manner?

2 JAMES HEFFERNAN: It's -- it's -- it's partly
3 that. It's partly that during the pandemic and thinking
4 that coworking space, seeing what CIC was doing, it's my
5 understanding Cathy Wang was doing what she thought was
6 already allowed, and then realized she had overstepped her
7 bounds.

8 So it is -- while that was a learning experience
9 and learned what not to do, and really helped her fine-tune
10 her business model, it's now coming to an inflection point
11 of, like, okay, we know exactly what we can do here, we see
12 there's potential.

13 How do we fine-tune this business model that's
14 going to work for the community to come here not for
15 permission from the past, but permission for the future and
16 to set this up right moving forward?

17 JASON MARSHALL: So have you been told by the City
18 that you can't use it in that manner until you get --

19 JAMES HEFFERNAN: I --

20 JASON MARSHALL: -- approval from this Board? And
21 to Andrea's question, there's probably other types of
22 approvals from the Licensing Commission and so forth?

1 JAMES HEFFERNAN: It is doubtful that certain
2 uses, perhaps if they were members signing up as a coworking
3 space like a WeWork® thing would be allowed, which creates a
4 little awkward legal do we have people signed up to be
5 members for a day or a week? And that just didn't make
6 sense.

7 And so, my understanding, to answer your question
8 is some yes, but others no. And the request really is just
9 to make it clean and all approved.

10 JASON MARSHALL: Okay. Look forward to hearing
11 public comment. Thank you, Mr. Chair.

12 BRENDAN SULLIVAN: All right. I have no questions
13 at this time, but I'll have comment later. I will open it
14 to public comment.

15 And I would ask if people will have mercy on us,
16 as this is going to be a long evening. We have 14 cases
17 tonight. We understand that there is a lot of opinion
18 regarding this application. There is a couple plethora of
19 communications, both for and against.

20 Board members have read them. We are familiar
21 with them. We would ask that you have a right to speak,
22 call in, voice your opinion. We ask that I'm going to limit

1 it to three minutes.

2 And my Chief of Staff here will monitor the three
3 minutes, and we will cut you off after three minutes, and
4 that you not keep repeating the same thing over and over
5 again, either for or against. We get it, folks, we get it.

6 So again, I will open it to public comment. Just
7 have mercy on us. Any member of the public who wishes to
8 speak should now click the button that says, "Participants,"
9 and then click the button that says, "Raise hand."

10 If you are calling in by phone, you can raise your
11 hand by pressing *9 and unmute or mute by pressing *6. And
12 you will be limited to three minutes.

13 JAMES DEANGELO: Steven Bolotin?

14 BRENDAN SULLIVAN: Steven?

15 STEVEN BOLOTIN: Good evening. Can you hear me?

16 BRENDAN SULLIVAN: Yes.

17 STEVEN BOLOTIN: Thank you. Good evening, Mr.
18 Chair, and members of the Board. My name is Steven Bolotin.
19 I'm at 7c Donell Street, and I'm a direct abutter to the
20 rear of the petitioners' property.

21 I have already submitted a statement in
22 opposition, and I will not repeat what was said therein. I

1 would like to, however, address the petitioner's actions
2 since that statement.

3 As this Board is aware, in contravention of
4 applicable zoning permitting requirements, the petitioner
5 has been using 281 Concord Avenue as a party venue. Despite
6 neighborhood complaints, that has continued. Events have
7 even been held since the postponement of a prior hearing on
8 this very petition.

9 Moreover, the petitioner has continued to actively
10 advertise the property as an event space. In fact, contrary
11 to what Attorney Heffernan stated earlier this evening, the
12 petitioner's website now provides information solely related
13 to renting the property for events. There's absolutely no
14 reference whatsoever to shared workspace any longer.

15 Here's what the website says. It speaks of
16 availability for large and small events, no reference to
17 size limitations that we've heard tonight. The website says
18 they will provide speakers for use on the back patio, even
19 identifying BOSE as the brand. Doesn't say that amplified
20 music is not available.

21 As for the hours, no time limitation of limits is
22 included. The website actually says, "Let us know what your

1 intended hours are, we will make it work." That's a direct
2 quote. What has been happening doesn't work for the
3 neighbors.

4 As this Board referenced in other hearings this
5 evening, the general criteria for the issuance of a special
6 permit under 10.43 identifies conditions which would
7 preclude the issuance of a special permit, including our
8 traffic, which would cause congestion, hazard or substantial
9 change in the established neighborhood character and adverse
10 effect on permitted use for adjacent properties, and
11 impairment of the integrity of the district.

12 The existence of any one of these circumstances
13 calls for the denial of the special permit as being able
14 detriment to the public. In this case, the granting of the
15 special permit would result in all of these conditions. And
16 this isn't speculation. It has already occurred, and it
17 continues to occur.

18 As Attorney Heffernan most saliently noted, the
19 petitioner is renting the property to hold events for people
20 who don't want people in their own homes! Imagine, then,
21 100 people outdoors just feet below your bedroom window.
22 Because that's what I face when she uses that back patio.

1 The petitioner is asking the residents and this
2 Board to rely on her statements as to how she intends to
3 operate. Her actions to date do not warrant such
4 acceptance.

5 This really comes down to a simple question. Is
6 Cambridge willing to subject its residents to a use which
7 has already been shown to negatively impact their well-being
8 and the character of their neighborhood simply to
9 accommodate a business owner who has already violated the
10 law and who has other conforming options available to her?

11 BRENDAN SULLIVAN: Right. All right, thank you.
12 Thank you for calling in. Thank you. Next?

13 JAMES DEANGELO: Jennifer Jones Clark?

14 JENNIFER CLARK: Hello, am I being heard?

15 BRENDAN SULLIVAN: Yes.

16 JENNIFER CLARK: Thank you. I live on Walden
17 Street, one of the streets that is 900 feet away. And I'd
18 like to both second what Steven said, but also stipulate
19 that the parking has been very problematic on the days when
20 she has had events. And that often my driveway has been
21 blocked.

22 And I'm also speaking for my neighbors. I live on

1 the corner of Walden and Saville. And my neighbors on
2 Saville are very concerned about the noise, the traffic.
3 They have young children. And I don't feel that this would
4 work for our community.

5 But I'm also very mistrustful of the ability for
6 Ms. Wang to maintain the kind of discipline and order that's
7 posted in this information. I appreciate the parking
8 analysis; however, when people are coming to a wedding or a
9 baby shower or have been drinking, they're not going to take
10 public transportation, ride their bikes or walk to the
11 event.

12 And I also -- the noise has been very off-putting.
13 And I'm glad to now know though, because neighbors have
14 questioned her before, that she's been operating it legally.
15 That's very disheartening. And I don't understand how a
16 business owner with her kind of background would make that
17 mistake. Thank you.

18 BRENDAN SULLIVAN: Thank you, Jennifer.

19 JAMES DEANGELO: Dari Vasquez?

20 DARI VASQUEZ: Hi, can you guys hear me?

21 BRENDAN SULLIVAN: Yes.

22 DARI VASQUEZ: Hi. Thank you so much for having

1 me. I want to say that I want to obviously repeat
2 everything everybody said before me. I agree with what they
3 said. I live across the street in 276 Concord Avenue with
4 my two kids and my husband.

5 And I want to say that even before -- even during
6 COVID, this party has been going on, and they go as late as
7 2:00, 3:00 in the morning because we have even called the
8 police on -- you know, being extremely loud across the
9 street, people even fighting.

10 We have, like, pictures of people like being
11 outside waiting for the Uber, yelling, fighting -- even
12 throwing bottles into Concord Avenue. So we do not allow my
13 kids to go outside when these events are happening, even to
14 walk our dog. They're not allowed to go outside.

15 So if -- me and my kids, because they can be
16 outside, they can be smoking. They smoke outside of that
17 property. They drink. One time I even saw them urinate on
18 the back of that building on the sidewalk between that and
19 the neighbor's house.

20 So what you don't see on the Google Maps is that
21 they're directly next to a triple-decker to the left. To
22 the right is a double-decker, and to the back you can see

1 from their back yard where they make all those loud parties
2 you can see a kid's trampoline.

3 So you can see when they're sitting in the back
4 yard all the neighbors with houses and kids, including my
5 kids, around that neighborhood, it brings alcohol. She
6 actually encourages people to bring their own alcohol
7 without a license, because she does not monitor those
8 licenses being provided. She just cares about getting the
9 money. She turns a blind eye.

10 She has one person -- the last couple of weeks she
11 had a person who's opening and closing the door, so that the
12 door can stay shut and the noise doesn't get out. But it's
13 not a security guard, it's just one young kid and he just
14 opens and closes the door for people. He does not tell them
15 to be quiet.

16 Even the police comes to tell them to be quiet,
17 and they actually just continue with the party at late hours
18 of the night. It can be 2:00 a.m. and they're still having
19 parties in there.

20 I actually wanted to show a video that I recorded
21 myself of that nightclub behavior, but it was not accepted
22 into evidence, so I put just pictures of it. But there is

1 obviously alcohol. They bring even drugs, weed, because I
2 have smelled when they smoke weed outside of the parties.

3 So I think it's very dangerous. It's not a safe
4 business to be in the West Cambridge neighborhood. And it's
5 not zoned for that. It's not zoned to be a nightclub. It's
6 not zoned to be having birthday parties and any of that.
7 They have actually been doing illegally.

8 In the picture it also shows that they have a lot
9 of tables in that building. I have been inside of Built,
10 and those tables are either new or they moved them for this
11 event. Because when the events are happening, none of those
12 tables are there.

13 So maybe those tables were put in there to just
14 fool everybody that there's some office space and for
15 meetings, but those tables are literally moved to the side
16 or to a different place when the events are going, because I
17 have been inside the building when --

18 BRENDAN SULLIVAN: Thank you.

19 DARI VASQUEZ: -- to check it out.

20 BRENDAN SULLIVAN: Thank you, Dari.

21 DARI VASQUEZ: Okay.

22 BRENDAN SULLIVAN: Thank you.

1 JAMES DEANGELO: Wani Yang?

2 WANI YANG: Hello. Can you hear me?

3 BRENDAN SULLIVAN: Yes.

4 WANI YANG: Hi. My name is Wani Yang. And I'm an
5 abutter directly across from 281 Concord Avenue. I live at
6 280 Concord Avenue. I'd like to agree with what everybody
7 ahead of me has said in opposition to Cathy Wang's position
8 for the type of space she is looking for.

9 And I'm also the landlord to 282 Concord Avenue,
10 which is across 290, 292 and 294. And in particular, 282,
11 which is across from 281, they actually are a training
12 restaurant; my tenants, who have already a 50 occupancy need
13 for a lot of the parking that is already in the area.

14 But in particular, the littering from the event
15 attendees has been unacceptable. And of course, the noise
16 level, as everybody has spoken about. Basically, as a
17 single woman I do not feel safe when these events happen.
18 And I'd like to just emphasize that. That's all I have to
19 say.

20 BRENDAN SULLIVAN: James Williamson?

21 JAMES WILLIAMSON: Hi. Can you hear me?

22 BRENDAN SULLIVAN: Yes.

1 JAMES WILLIAMSON: Yeah, I -- Thank you, Mr.
2 Chair. I hadn't raised my hand, but I was contemplating
3 speaking, although I don't live right next door, although
4 I'm listening with great interest to those who do.

5 Of course, you know, like anybody I think I'm not
6 entirely unsympathetic to somebody who's trying to make a go
7 of it in a new business.

8 But I -- you know, actually so why get in -- why
9 speak at this hearing? Because I've had enough experience
10 living here for 50 years in Cambridge that I know how
11 irritating it can be when people are making a lot of noise
12 right under your window.

13 In fact, where I live at Jefferson Park, it led to
14 someone getting shot. And so, I'm quite interested in this
15 whole question of can we trust somebody who operates a
16 business to regulate it in a way that's going to be
17 satisfactory to the neighbors?

18 And frankly, it seems to me that this is not an
19 area where this kind of a business -- certainly as it's been
20 described so far -- is going to work well or is appropriate.

21 Of course, it would require a variance, evidently,
22 or a change of use. So I trust and certainly hope that --

1 and police enforcement -- I think people who've been in
2 Cambridge for a while that that cannot always be great. And
3 they'll show up and ask people to turn it down.

4 And then they leave, and the music goes back up.
5 And the owner of the business isn't there to make sure that
6 that doesn't happen. And then you have to complain after
7 and -- you know.

8 So none of that really, I don't think can be -- I
9 don't we -- anybody can have a lot of confidence that any of
10 that is going to work very well in what this situation seems
11 to be.

12 So I'm just having -- speaking up in sympathy with
13 the neighbors and the abutters who are worried about being
14 stuck with something, were you do approve it. And I
15 certainly hope you'll exercise your judgment and deny the
16 application. Thank you.

17 BRENDAN SULLIVAN: Thank you, James. Anybody else
18 who wish to comment?

19 JAMES DEANGELO: Sarah von Helfenstein?

20 SARAH VON HELFENSTEIN: Yes. I'm Sarah von
21 Helfenstein. I do not live in the neighborhood. I have
22 worked in the space as a coworker. I have a long-term

1 knowledge of Cathy and her initiatives and efforts. We've
2 been colleagues for many years.

3 And I did perform some services for her in the
4 last few months in terms of organizing some of the aspects
5 of her business.

6 And I have been to this building from the
7 beginning on and off. When she first bought it, I was
8 horrified because it was such a dreadful building. What it
9 is today is a miracle. And something the neighborhood
10 should be proud of. And I did a very detailed analysis of
11 all of her events from 2000 -- the beginning of 2020 to I
12 think March 30 or something of that sort.

13 And I've been there at all times of day and night
14 because I come -- you know, I've come to cowork at odd
15 times. I would come to see her, have some supper, we'd sit
16 in her building and have supper.

17 So I've been around. You know, I've been -- I'm
18 bringing -- I drive for an hour to get there. So I have to
19 find parking.

20 And I would like to suggest very respectfully that
21 the picture being presented of the -- of the use of this
22 building and the type of distractions and horror that people

1 claim are taking place in the neighborhood are not supported
2 by the facts.

3 You know, out of all the events that were held
4 there, I think there were a small proportion -- and I don't
5 have my analysis in front of me. Unfortunately, I didn't
6 anticipate speaking, but there was a small proportion of
7 them that went past 10:00 in the evening. Cathy
8 acknowledges that there were several of those events that
9 did get out of control. There's no doubt about that.

10 But I know that she and her staff, and including
11 myself, have been out on the street picking up things if
12 there was litter. I've never seen any litter myself, other
13 than a few things that came from a car accident that I
14 picked up because I could tell it was car pieces.

15 The noise level is hard to assess because the
16 building as I've known it is empty a great deal of the time.
17 I've been on that street many times when there was plenty of
18 parking and no traffic in the businesses that are across the
19 street or no visible traffic.

20 BRENDAN SULLIVAN: Sarah, if you could wrap it up,
21 wrap it up, please.

22 SARAH VON HELFENSTEIN: Yes. What I'm trying to

1 say is that I think that the picture being presented by the
2 abutters is distorted, that it is not -- it rep-- it
3 misrepresents the degree to which noise, litter, traffic,
4 parking space use, and so forth --

5 BRENDAN SULLIVAN: Okay, thanks.

6 SARAH VON HELFENSTEIN: -- takes place.

7 BRENDAN SULLIVAN: Thank you. Three minutes,
8 please.

9 JAMES DEANGELO: Chad Milner?

10 BRENDAN SULLIVAN: Chad?

11 CHAD MILNER: Sorry. Oh! I'm on mute. Sorry.

12 Yes. Hello, everybody. Thank you for taking my comment.

13 My name is Chad Milner. I was actually born and raised in
14 Cambridge, attended Cambridge public schools from K through
15 12.

16 I work in Central Square every day. I'm the
17 Director of a non-profit Young People's Project based at 99
18 Bishop Allen Drive, which is the non-profit center in
19 Cambridge, owned by the CRA.

20 I am here to comment in favor of Cathy in this
21 space. I met with Cathy a couple weeks ago. I was
22 interested in doing an event there. As a non-profit there's

1 really not that many spaces in Cambridge that can be used
2 for smaller social gatherings or -- whether it's fundraisers
3 or, you know, more informal gatherings for our staff.

4 Even in our building, as beautiful as it is, you
5 know, we've got two conference rooms, we don't have any
6 kitchenette, there's no public -- you know, space for that.

7 As the attorney mentioned, you know, options like
8 WeWork and CIC are really out of reach for us. So I'd
9 really like to see if the community can work with Cathy and
10 to really address what, you know, seem like solvable
11 problems, honestly.

12 I mean, you guys are in Central Square. I mean
13 some of these feel precious, to be honest. You know, this
14 idea of, you know, "the right type of person" and you know,
15 people milling around and dropping a bottle.

16 I mean, you know, we have police, we have
17 ambulance, we have fire departments for that. And, you
18 know, really there's no evidence of anything that's
19 escalated to, you know, a smidgeon of really what most other
20 parts of Cambridge deal with every day.

21 And, you know, we want to be an inclusive city.
22 We want to be diverse; we want to have an at city that's,

1 you know, not in silos. And, you, this commercial zone in
2 West Cambridge or North Cambridge, that border, you know, is
3 a -- this is a great idea for it.

4 And I think we should, again, work with Cathy. It
5 sounds like, you know, her and her lawyer have put together
6 some good -- some good guardrails to try to make this happen
7 and, you know, let the past be the past and, you know, give
8 her a shot.

9 And, you know, that's my comment. So thank you
10 for hearing me.

11 BRENDAN SULLIVAN: Thank you for calling in.

12 JAMES DEANGELO: Dennis Carlone?

13 DENNIS CARLONE: Thank you. And thank you, Mr.
14 Chair. So I am Dennis Carlone. I live at 9 Washington
15 Avenue in Cambridge. And I'm an architect/urban designer.
16 I met Cathy first in 2017 when a series -- a group of
17 neighbors were trying to rezone the district to mandate
18 ground-floor retail.

19 In fact, I wrote zoning for that. That did not go
20 ahead, the neighbors decided not to move forward, but they
21 were so proud of Cathy coming in because the building was in
22 terrible shape.

1 Years later, about a year ago, I met Cathy again
2 through a mutual close friend. And I went into the
3 building, and even though I'm an architect, I was a little
4 stunned by the quality of the renovation. I believe it was
5 said, but the front façade was about to fall down before it
6 was renovated and made structurally sound. It was in bad
7 shape, and a housing developer wanted to buy the site. So
8 Cathy took this on.

9 Now, one of the reasons I'm bringing all this up
10 is one of the things I wanted to do in introducing to
11 Cambridge zoning -- I have a zoning background -- is
12 community building spaces. We've lost many since the '50s
13 and '60s where people would gather and meet each other. And
14 this is what Cathy has in mind.

15 I have no doubt that there might have been issues
16 in the past, but you learn from those issues. And what she
17 has presented to us becomes tonight as far as the hours go
18 is exactly what she has to live by.

19 And I might add that I was told that two immediate
20 neighbors like the music in the back courtyard.

21 So I'm here to support Cathy. I've grown to know
22 her very well. I'm impressed with the presentation tonight.

1 And I'll agree that there could have been past problems,
2 just like with any restaurant where I used to live, and
3 Temple Bar was the restaurant, and we became friends. You
4 become friends, you change your policy, and you make sure it
5 works.

6 So I hope you do look at this in a positive light.
7 Think of what else will go there, and there aren't many
8 choices at the moment, and this is something that could be
9 used, and it's needed throughout the city. So thank you
10 very much.

11 BRENDAN SULLIVAN: Thank you, Councillor.

12 JAMES DEANGELO: Dari Vasquez?

13 LUIS VASQUEZ: Hi. I'm her son, Luis. And I'm a
14 CRLS student who's a freshman. And I just wanted to say
15 that I have my window open because it's really hot in my
16 room, and all I can hear is just the loud music and drunk
17 people, you know, saying things I don't want to hear, and I
18 just really can't sleep at night. I need to get up early to
19 go to school.

20 Above that, I have to study for finals and MCAS
21 that were just taking place. So it just makes it really
22 difficult to do that. I can't even go outside because of

1 all the partying. I can't walk my dog. My mom doesn't let
2 me outside anymore.

3 So it's just -- it's really difficult living with
4 them always throwing parties across the way. And I just
5 want to thank you for your time. Thank you so much.

6 BRENDAN SULLIVAN: Thank you.

7 JAMES DEANGELO: Greer Goodman?

8 GREER GOODMAN: Hi. My name is Greer Goodman, and
9 I am the owner of Abroad Modern, which is a shop across the
10 street at 292 Concord Avenue.

11 And I want to speak in favor of Cathy and Built,
12 and repeating what the other advocates in favor have said,
13 noting especially some of the points that Dennis Carlone was
14 making as both an urban planner and architect. I have my
15 background falls in those categories as well.

16 And as a business owner, I am a firm believer in
17 cities being -- necessitating mixed-use commercial districts
18 to be vital. I was very saddened about the fact that there
19 is no retail in the new Build at the -- because we need a
20 correctly mass of businesses for businesses to work.

21 And only when businesses work do neighbors thrive
22 -- not just the businesses, but everyone around. And, you

1 know, we live in a city. Cities are noisy.

2 Cities, you know, have residents of all different
3 types. I for one like that Cathy's business is constantly
4 bringing in new people to the neighborhood who otherwise
5 wouldn't be there.

6 I see that as a boon for -- certainly for
7 businesspeople, but I think that's -- Cambridge is being
8 reputed as very -- a very progressive and tolerant city. I
9 would think that our residents would also be okay with
10 anyone coming to use the space.

11 And, Cathy, I just want to add in addition to just
12 the foot traffic that her -- that she generates, she also
13 has been wonderful to my business, to other neighboring
14 businesses. We have collaborated on several instances. She
15 sends her clients to myself, to Local Forest, to
16 restaurateurs.

17 And so that's been a good revenue stream when
18 frankly, the neighborhood itself -- the Concord Avenue -- is
19 not supporting the just foot traffic that's necessary to run
20 a brick-and-mortar business.

21 So I am in strong favor of Cathy staying, of it
22 becoming a vibrant community space. She and I have talked

1 endlessly about different things that we could offer in that
2 space, both for the neighborhood and greater Cambridge while
3 she also, you know, in addition to the types of events that
4 she wishes to have.

5 That's all.

6 BRENDAN SULLIVAN: Thank you, Greer. That appears
7 to be the sum and substance of comments. There is a
8 plethora of communication, some in support, as Greer had
9 mentioned, and some people in the immediate neighborhood --
10 businesspeople who feel that the addition of a business is
11 good business, and helps the neighborhood.

12 And also, there is -- obviously -- the
13 communications from people who have opposed the application.
14 I will close the public comment part, turn it back to Jim
15 very briefly, if you will, for comments.

16 And again, we don't need to go point by point to
17 come to whatever was said, but -- again -- I will give you a
18 -- some time for comment, if you will. Mr. Hefferman?

19 JAMES HEFFERNAN: Thank you, Mr. Chair. I can be
20 real brief. I just want to note that I did reach out to a
21 number of the folks that were in opposition -- Miss Yang,
22 the Vasquez family and Mr. Bolotin. None of them reached

1 back out to me.

2 I did reach out in good faith to hopefully address
3 some of their concerns, and I would note that a lot of what
4 we've proposed tonight is to address a lot of those
5 concerns; limited hours, limited -- no noise in the garden,
6 better controls from what we've learned.

7 But I did want to note that Mr. Bolotin brought up
8 the website with my client. When I heard that, we were
9 texting each other, and that website she had just not
10 touched it since May. That's not her primary source of
11 advertisement. She had actually shut down her primary
12 source of advertisement and put that on hold while we were
13 waiting for this hearing.

14 So her primary source of advertisement has
15 stopped. So apologies if the website was up and living in
16 kind of the Internet like that. But that is not her
17 intention to remain by those policies. I think it was
18 stated well, you know, we're up here to agree with a lot of
19 conditions that we've mentioned and were discussed, and
20 happy to discuss further.

21 BRENDAN SULLIVAN: Great. Okay. Thank you. All
22 right, we will close the presentation part. We will now

1 discuss among ourselves and then take it to a vote.

2 Let me open up the discussion a bit, because my
3 take on this is that Cathy probably sort of wanted to open
4 up about business sort of on the modeling of a rework, and
5 somehow it may not have worked out. And so, we expanded it
6 to group gatherings, but that has impacted the residential
7 neighborhood that you back up to.

8 And I go back, and the Board members have heard
9 this ad nauseam, but the purpose of zoning, number 1, was
10 defining uses' districts, so that there was commercial,
11 industrial, educational, residential. And that defined
12 basically the urban plan, the urban layout of a city or
13 town. And then all of the other dimensional stuff came sort
14 of afterwards.

15 But I also go back to a landmark decision --
16 Blackman versus the Board of Appeals of Barnstable, 334 Mass
17 446. Massachusetts Supreme Judicial Court has stated, "This
18 court has said repeatedly that the power to vary the
19 application of a Zoning Ordinance must be sparingly
20 exercised and only in rare instances, and under exceptional
21 circumstances peculiar in their nature, and with due regard
22 to the main purpose of a zoning ordinance is to preserve the

1 property rights of others."

2 Then you go back to the purpose of the Zoning
3 Ordinance, Section 1.30, the purpose. I'd like to read the
4 whole paragraph, but the key point is, "to encourage the
5 most rational use of land throughout the city, including the
6 encouragement of appropriate economic development, the
7 protection of residential neighbors from incompatible
8 activities."

9 And I feel that the residences -- and what I do is
10 I sort of put myself in one of those houses on Walden
11 Street, Donnell Street, and look out the back or something,
12 and the activity that's going on.

13 Now, you know, we'll enjoy neighbors with their
14 birthday parties and receptions and all that other stuff,
15 but those are incidental and those are occasional. This is
16 a business model. And it abuts a residential neighborhood.

17 I feel those people need a fair and reasonable
18 enjoyment of their home, and they're asking us tonight to
19 ensure that. They need protection from the ordinance. They
20 need the protection of the ordinance.

21 And that for me this is a totally incomprehensible
22 activity to go on there in that residential adjoining

1 district.

2 Really what should happen here is that we really
3 need a function hall or sort of a restaurant with a, you
4 know, a large room, but also with an adjoining parking lot,
5 188 people potentially at that site on that street.

6 Concord Avenue is a major thoroughfare parallel to
7 Massachusetts Avenue. But unlike Massachusetts Avenue, it
8 is very narrow, very congested.

9 And, you know, it's funny the parking analysis --
10 and I even question our own City of Cambridge parking
11 analysis because I always take a snapshot in time. I live
12 two streets over from this and travel Concord Avenue, Walden
13 Street all the time. It's challenging.

14 And I use the laundry services on the corner of
15 Walden Street; sometimes also the ones on the corner of
16 Huron Avenue. And to find parking even on Saturday,
17 Saturday afternoon, can be challenging.

18 And so that to add an influx of this type of
19 people with this type of activity to me is not the thing to
20 do here.

21 So those are my comments, and I will open it up to
22 the Board. Jim?

1 JIM MONTEVERDE: Mr. Chair, I would agree with
2 your conclusion. I think the proponent has operated in the
3 manner that she's seeking relief for, and demonstrated not
4 to have the ability or not be willing to or not be able to
5 be the good neighbor to avoid all the complaints from the
6 neighbors.

7 So I'm not comfortable that were we to grant
8 relief, it just wouldn't continue to be troublesome to the
9 neighbors. So with all of that, I would not be in favor.

10 BRENDAN SULLIVAN: Slater Anderson?

11 SLATER ANDERSON: Yeah, I -- and I had the same
12 conclusion. I mean, under 10.43, I mean this -- from the
13 residential neighbors, now I understand the commercial
14 neighbors supporting of the business, and I'm supportive of,
15 you, businesses in neighborhoods, it's good to the vibrancy
16 of the city.

17 But under 10.43d, you know, everything I've heard,
18 this is a nuisance or hazard to the health, safety, and
19 welfare of the neighbors in immediate proximity of the
20 property. And I just -- you know, use variances are to me
21 the highest threshold, and I can't -- I can't get there on
22 this, sorry.

1 BRENDAN SULLIVAN: Andrea Hickey?

2 ANDREA HICKEY: Yes. I really concur with all of
3 the comments of my fellow Board members. My fear is that if
4 we sort of sanction this ask, that things are going to get
5 worse and not better, just due to the sheer number of people
6 who could be hosted in this space at one time.

7 I don't know whether there's any way for the
8 petitioner and her counsel to maybe scale back the ask in
9 terms of the number of people at a gathering at any one
10 time, where you could perhaps appease the neighbors'
11 concerns as well as the concerns of the Board.

12 All of that being said, I am not at present in a
13 position to vote in favor of granting the relief, but would
14 be clearly open to looking at a scaled-back concept. Thank
15 you, Mr. Chair.

16 BRENDAN SULLIVAN: Jason Marshall?

17 JASON MARSHALL: Thank you, Mr. Chair. You know,
18 I have great respect for small business owners. I think
19 everyone on the Board would agree with that, and it appears
20 that Ms. Wang has fostered some really positive
21 relationships throughout the community and with other
22 business owners.

1 That being said, I think the application has a
2 number of challenges. You know, it referenced opening up
3 the space to wedding events, and I have to say just -- you
4 know, I don't think that this use and the neighborhood are a
5 good marriage, if I can make that -- you know, analogy.

6 And how do I know that? Because of the testimony
7 in the record, the testimony that we heard tonight from
8 immediate abutters.

9 Just looking at the slide presentation, you can
10 see that the back garden is abutting the back decks of the
11 triple-decker immediately next to the event space. It's
12 just -- the description of the level of disruption that has
13 already occurred doesn't give me confidence that this use is
14 compatible.

15 And to reference 10.43, I don't think you meet the
16 standard. I think the evidence that we've heard around
17 whether or not to continue operation of the residential
18 units would be impacted. It will be adversely impacted.

19 As my colleagues later noted, this is a nuisance
20 and a hazard. And we could talk probably a lot about
21 traffic -- 188 people potentially coming to the space really
22 changes the amount of traffic that is generated as well as

1 creates parking issues.

2 So for that reason, I don't intend to support
3 this, and obviously we'll look at another petition if it
4 comes around a different use or a scaled-back use, but it
5 would probably have to be significantly scaled back, I would
6 think, to meet the criteria. That's all I have for now.

7 BRENDAN SULLIVAN: Thank you. Regarding that last
8 comment -- last thought -- and your suggestion of a scaled-
9 back activity, I think that the attorney and also Cathy have
10 said that they have scaled down from maybe previous
11 activities, and that was highlighted in some of the bullet
12 points.

13 My feeling is, though, that the neighbors have no
14 faith and confidence in that, and that it really would rely
15 upon some sort of policing -- and I don't mean Cambridge
16 policing, but some policing activity to make sure that there
17 is a certain headcount that -- you know, people behave. And
18 people sometimes have, well they misbehave.

19 So I think that the sense of the neighborhood is
20 because of past experience and the fact that these issues we
21 were brought to the owner many times and, you know, it may
22 have been addressed at the moment or after it died down a

1 bit, but then it resurfaced again and again and again and
2 again. And so that going forward there is on faith and
3 confidence.

4 And I think to me that they're just going to be
5 very apprehensive anytime a bunch of cars show up and people
6 start gathering, and then it's going to be up to them.

7 The onus is on them to then call or whatever. And
8 I don't think I would want to be subjected to that if I
9 lived there, and I don't feel that -- I don't have any faith
10 and confidence that it will go along flawlessly.

11 So I will make a motion to grant in the formative.
12 I don't know if any -- Andrea or Jason or any other member
13 have any comments about my comments?

14 ANDREA HICKEY: No. I don't have any further
15 comments. I just wanted to put it out there that I would be
16 open to something scaled back. And I agree with Jason, it
17 would have to be significantly scaled back. So that's all
18 I'll add.

19 BRENDAN SULLIVAN: Okay. Good. Thank you. All
20 right. Let me make a motion in the affirmative regarding
21 the granting of the special permit and the application that
22 is contained therein.

1 The special permit that we would be granting would
2 also encompass Section 6.35, which is relief from the
3 parking requirement; 6.20, the off-street parking
4 requirement; 6.321, which is the parking exemption for small
5 businesses; and we would be granting Section 4.35.1-1, the
6 commercial recreation establishment at this locus, which
7 would encompass the granting of the special permit.

8 The special permit will be granted where specific
9 provisions of the Ordinance are met, except when particulars
10 of the location are used, not generally true of the uses
11 permitted in it would cause granting such a permit to be the
12 detriment of the public interest.

13 The motion is it appears that the requirements of
14 the Ordinance can be met.

15 That traffic generated or patterns of access or
16 egress resulting from what is being proposed would not cause
17 congestion, hazard, or substantial change in the established
18 neighborhood character.

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

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

5 And that the proposed use would not impair the
6 integrity of the district or adjoining district, or
7 otherwise derogate from the intent and purpose of the
8 Ordinance.

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

11 JIM MONTEVERDE: No to the special permit.

12 BRENDAN SULLIVAN: Slater Anderson?

13 SLATER ANDERSON: No on the special permit.

14 BRENDAN SULLIVAN: Andrea Hickey?

15 ANDREA HICKEY: I vote no on the special permit.

16 BRENDAN SULLIVAN: Jason Marshall?

17 JASON MARSHALL: No.

18 BRENDAN SULLIVAN: And the Chair, Brendan
19 Sullivan, votes no also.

20 [All vote NO]

21 BRENDAN SULLIVAN: Not receiving the necessary
22 four affirmative votes, the special permit is denied. We

1 may have to make findings as to why we voted the same. Let
2 me make a further motion for the Board to vote on that it
3 appears that the requirements of the ordinance cannot be
4 met.

5 It -- the Board finds that traffic generated or
6 patterns of access or egress would not cause congestion,
7 hazard, or substantial change in established neighborhood
8 character.

9 The Board relies upon written testimony, and also
10 testimony from people who have called in to voice their
11 opposition and the character of the type of business that is
12 proposed.

13 The Board finds that continued operations of or
14 development of adjacent uses, as permitted in the ordinance,
15 would not be adversely affected by the nature of the
16 proposed use. And again, we rely upon the written comments
17 and also the people calling in.

18 The Board finds that there would be nuisance and
19 hazard created to the detriment of the health, safety and/or
20 welfare of the -- proposed use, and also the citizens of the
21 city.

22 The Board notes the very narrow, major

1 thoroughfare of Concord Avenue and the comings and goings,
2 and the large group of people entering and exiting the
3 building at certain times would create a nuisance, hazard.
4 Also, the parking on the side streets would be a detriment
5 to the homeowners and the occupants on those streets.

6 And that the proposed use would impair the
7 integrity of the district or adjoining district, or
8 otherwise derogate from the intent and purpose of the
9 ordinance.

10 And again, I will go back to my earlier statement
11 and incorporate that by reference, 1.30 the purpose and the
12 protection of residential neighbors from incompatible
13 activities.

14 On the further motion, does the Board accept? Jim
15 Monteverde?

16 JIM MONTEVERDE: I accept.

17 BRENDAN SULLIVAN: Slater Anderson?

18 SLATER ANDERSON: Slater Anderson agrees with the
19 further motion.

20 BRENDAN SULLIVAN: And Andrea Hickey?

21 ANDREA HICKEY: Yes. I endorse and agree with the
22 further motion.

1 BRENDAN SULLIVAN: Jason Marshall?

2 JASON MARSHALL: Yes.

3 BRENDAN SULLIVAN: And the Chair, any person
4 Brendan Sullivan, also accepting my words. The special
5 permit is denied.

6 Counselor, before we go, there was an outstanding
7 case, 170043, which was the original special permit. I
8 would like if you would -- I will make a motion to withdraw
9 that application. Are you in agreement to withdraw it?

10 JAMES HEFFERNAN: I may be. I have a
11 clarification- question, if I may?

12 BRENDAN SULLIVAN: Yeah. I'm sorry?

13 JAMES HEFFERNAN: I have a clarification question,
14 if I may. We are desirable of scaling this back
15 significantly, including just day corporate meetings, which
16 we believe is already allowed under the coworking space.
17 There's some confusion on that.

18 So to the extent we can come back with Attorney
19 Hickey's suggestion and other suggestions on a scaled-back
20 model, or at least fitting into the original purpose of
21 coworking space, I'm willing to remove that -- the other
22 matter that you bring up, but would like clarification if we

1 should amend that or just reapply under a significantly
2 scaled-back proposal.

3 BRENDAN SULLIVAN: I would -- I think that's a lot
4 of work that's going to have to be done on that, and you're
5 the attorney, I don't want to give you legal advice.

6 JAMES HEFFERNAN: Yep.

7 BRENDAN SULLIVAN: But I think that the initial
8 did not include the parking, and that's why you had to come
9 back again, so that this particular one if you wanted to --
10 the original application was for a commercial recreational
11 establishment, nightclub, and a special permit. But there
12 was no request for the parking. And that's what triggered
13 the recent and the latest application.

14 Now, if this is withdrawn and the other one
15 obviously has been denied, that you are precluded from
16 coming back for two years, unless there is a significant
17 different plan -- significantly different plan.

18 The process there is that you would have to
19 reapply, it would have to go to the Planning Board to decide
20 if it was a significant change from the original plan, and
21 also it would then become -- if they ruled that it was
22 significant, then it comes to us and we have to make the

1 same finding.

2 So it's another hearing and another hearing. And
3 then if we find that it is a significant change from the
4 original application, then you would make an application
5 based on the new information. So there is some hurdles, and
6 there's also a time frame.

7 JAMES HEFFERNAN: Yeah. And I need time to
8 discuss that with my client on the timeframe because of some
9 of the present meetings in corporate meetings are still
10 under the coworking space, we believe. And I think we need
11 to discuss that. So you're -- I agree with your request.

12 BRENDAN SULLIVAN: Okay. So the 170043 is
13 withdrawn?

14 JAMES HEFFERNAN: Correct.

15 BRENDAN SULLIVAN: It's definitive anyhow, because
16 there was no parking requested.

17 JAMES HEFFERNAN: Understood.

18 BRENDAN SULLIVAN: Yeah, okay.

19 JAMES HEFFERNAN: Correct, Chair. Yep.

20 BRENDAN SULLIVAN: All right. So on -- Jim, I'm
21 sorry, on the motion, then, to accept the withdrawal, Jim
22 Monteverde?

1 JIM MONTEVERDE: I vote in favor to accept.

2 BRENDAN SULLIVAN: Andrea Hickey?

3 ANDREA HICKEY: Yes, in favor of accepting.

4 BRENDAN SULLIVAN: Slater?

5 SLATER ANDERSON: Yes, Slater.

6 BRENDAN SULLIVAN: And Jason Marshall?

7 JASON MARSHALL: In favor.

8 [All vote YES]

9 BRENDAN SULLIVAN: Chair Brendan Sullivan, yes,
10 the matter is withdrawn. Thank you.

11 COLLECTIVE: Thank you.

12 BRENDAN SULLIVAN: All right. Is it 6:45 (sic)
13 yet?

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(8:46 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
Monteverde, and Slater W. Anderson

BRENDAN SULLIVAN: The Board will hear Case No.
172094 - 46-48 Middlesex Street. Anna? Adam?

[Pause]

BRENDAN SULLIVAN: Maybe we've lost our audience.

JIM MONTEVERDE: No, he's here. On mute, but he's
here.

ADAM GLASSMAN: Here I am.

JIM MONTEVERDE: Here we go.

ADAM GLASSMAN: Good evening. I was just let in.
Thank you, Mr. Chair, and members of the Board. I'm here
representing the owners of 46 -- sorry, this is Adam
Glassman, GCD Architects, 2 Worthington Street in Cambridge,
and I'm here tonight with --

JASON MARSHALL: Mr. Chair, can I just -- can I
interrupt for a second? I did not realize who the
applicants were, and my daughter is a soccer teammate with
their daughter. I don't think that I can hear this case
without having a conflict of interest. I'm sorry I didn't

1 notice that earlier.

2 BRENDAN SULLIVAN: You're saying that you may have
3 a potential conflict?

4 ADAM GLASSMAN: Correct.

5 BRENDAN SULLIVAN: Yes? Okay. Well, so Adam, you
6 have the option of continuing as a case not heard, or to go
7 forward with four members. And that you would need four
8 affirmative votes.

9 ADAM GLASSMAN: We'll move forward.

10 JASON MARSHALL: Okay. I'm going to go off
11 camera. I apologize to the Castros.

12 BRENDAN SULLIVAN: No, that's all right. Thank
13 you, Jason.

14 ADAM GLASSMAN: Okay. So Cesar and Liz Castro
15 have lived at 46 Middlesex Street for five years. They have
16 three young children, ages 4, 9 and 12. They all go to local
17 public schools.

18 They live, they own a two-family house in a
19 Residential B District, which has very restrictive FAR
20 requirements. Their lot is 4500 square feet, a required lot
21 size is 5,000 square feet. This is an existing,
22 nonconforming lot due to lot size and setbacks.

1 We're here tonight to seek both a variance and
2 also a special permit, subject to 8.22d. Our variance, our
3 request is for a new nonconformity excessive FAR, 8.55 where
4 0.50 is required for a new addition in the back, which is
5 otherwise conforming.

6 For our special permit application, we are here
7 for an existing but increased nonconforming building height
8 due to window wells, the modification of a front porch
9 within a front yard setback, a front yard window well within
10 a front yard setback, which also adds to our nonconforming -
11 - new nonconforming height.

12 And our left side we have an exterior stairwell
13 and guardrail with a left-side setback, which also
14 contributes to the increased nonconforming height. And we
15 have a left-side window within a left-side setback. So
16 these are all very modest components to what is a larger
17 project, largely by right.

18 Could we see the plans, please?

19 The existing site plan, if the members of the
20 Board can see the red-dashed line in the middle. That is
21 our -- those are our required setback envelope. The
22 existing left side is existing nonconforming, and the front

1 is also existing nonconforming.

2 Next slide?

3 This site plan shows the proposed new work, but
4 not in the clearest way. So I've distilled it on the next
5 slide.

6 If you could zoom out a little bit, just so we can
7 see all the notes. So the site plan on the left is what --
8 are the existing conditions. You can see the setback
9 envelope; it runs right through the house in the front.

10 We've got a rear two-story bump bout that we would remove
11 and replace with a largely conforming addition, except for
12 the FAR. Down in the front left corner, there is a front
13 entry porch we want to reconfigure within a setback.

14 If you look at the right-side plan, this is our
15 proposed plan. Starting towards the back, we have that
16 darker rectangle, which is the proposed addition, conforming
17 in height, conforming in setbacks. We've got a deck which
18 is also conforming, so the rear setback will remain
19 conforming in all ways.

20 On the left side is the proposed stairwell and
21 guardrail within the left side setback. On the lower front,
22 on the lower left corner is the front porch we're attempting

1 to modify. Also on the left with no note here is a left
2 side window.

3 In the front there is a window well. On the right
4 side of the house, there is a proposed exterior stairwell
5 below an existing farmer's porch. So that work is
6 conforming, although the depth of the stairwell contributes
7 to an increased nonconforming building height.

8 And just to reiterate, the back dark rectangle is
9 our rear addition, two-story rear addition.

10 Next slide?

11 Our open space will remain conforming. It's a
12 pretty generous-sized back yard, and it will remain almost
13 entirely useable private open space.

14 Next slide?

15 Photos of the existing house, stucco and finish
16 built in 1984. The character of the house will be
17 maintained. On the upper left photo, that is the front
18 entry where we have steep stairs and a small landing without
19 much cover. And we'll be proposing to enlarge the overhang
20 and make the front entry porch more comfortable.

21 On the right side of the house is the farmer's
22 porch. The stairs that go up to it will be removed, but the

1 railings will be maintained so the scale and the proportions
2 of that piece of the house will be maintained.

3 Down on the bottom is the front view -- again, the
4 entry on the left to be modified and the porch on the right
5 to -- the roof and the post will all remain. Just the floor
6 will be removed to provide a new exterior stairwell.

7 Next slide?

8 Again, the right side -- this is a preview of the
9 right-side porch to be modified with the stairwell. And
10 down below you can see my note and an arrow pointing to the
11 rear two-story addition to be removed, be replaced with a
12 more spacious addition.

13 Next slide?

14 Again, the rear addition that exists now --
15 windowless and very small and nonfunctional will be removed.
16 And down below the large back yard, which will mostly be
17 maintained. Oh, you can also see in that photo that
18 directly behind the Castros is an open parking lot. So this
19 work will have no impact on the abutters.

20 Next slide?

21 Images of the proposed addition visible mainly
22 from the backs, two-story. It will have a -- mainly a flat

1 roof with enough pitch to drain. The second story has a
2 small overhang in the back with decorative brackets, a
3 second means of egress and rear entry off the right side of
4 the addition and a deck in the rear.

5 On the upper right image, you can see that the
6 existing farmer's porch entry will remain essentially
7 visually, but it's function will change and become a below-
8 grade stairwell.

9 Next slide, please?

10 These are our FAR plans. I'll just tell you that
11 our addition is adding 400 square feet to the existing
12 house, and that brings us from a 0.46 to a 0.55 FAR, so it's
13 a modest increase and a modest nonconformity.

14 Next slide?

15 The existing plans I'll run through quickly. So
16 right now, the house is a two-family. The basement is
17 unused and unfinished. The first floor is a very small,
18 cramped, one -- two-bedroom unit that the Castros rent out
19 to their family. And under the new reconfiguration of the
20 house, the family will continue to live here.

21 Next slide, please?

22 Oh, I'm sorry. Before you go, go back one more

1 time? Yeah. So in the back is that staircase, which will
2 be removed and replaced with a livable, habitable addition.

3 Next slide?

4 Upstairs where the Castro family currently lives
5 has a kitchen and a dining room, three bedrooms, small
6 laundry in the back bump out. The two bedrooms upstairs are
7 under a sloping gable roof, and for a family of five, this
8 character is just -- this unit is just inadequate in its
9 size and its layout.

10 Next slide?

11 Roof plan just showing the rear bump out to be
12 replaced.

13 Next slide?

14 The existing elevations. I think I've explained
15 this a few times, I won't make the Board sit through this
16 again.

17 We can scroll to the next slide. Again, rear bump
18 out to be removed.

19 Next slide?

20 Here is our proposed basement plan. So right now,
21 the house has two units; one unit on the first floor, one
22 unit on the second and attic level.

1 We will reconfigure the units, where the basement
2 will be converted into one -- to a single, one-bedroom unit
3 with a below-grade stairwell in the back and a below-grade
4 stairwell in the front. And this is where the Castros
5 family will live if we get the relief to do this -- to do
6 this work. Next slide?

7 First floor for the Castros. So they're -- the
8 first-, second- and half story above will all be
9 reconfigured into their unit. The first floor will be open
10 kitchen, living and dining -- the kitchen being in the
11 addition in the back with the rear deck and entry off to the
12 right.

13 Next slide?

14 Upstairs we'll have two bedrooms and a family room
15 and a main bathroom. The main bedroom in the back is the
16 second room added within the addition.

17 Next slide?

18 And upstairs on the attic level, the two bedrooms
19 that exist will remain.

20 Next slide?

21 Just the roof plan. The footprint of the addition
22 is definitely modest compared to the size of the main house.

1 Next slide?

2 Our proposed elevations up top. You can see the
3 renovated front porch entry on the left, and the farmer's
4 porch structure remaining to shelter the below-grade
5 stairwell.

6 Down below, again, the farmer's porch on the left
7 is -- remains largely intact, and in the rear, we have the
8 two-story addition, which definitely is secondary in scale
9 to the main house, but consistent in character.

10 Next slide?

11 A view of the rear addition, completely below the
12 roofline of the main house and very difficult to see from
13 the street.

14 Next slide?

15 We don't need to go through the form. That is
16 really the end of the visuals, and I'm happy to take any
17 questions.

18 BRENDAN SULLIVAN: I have no questions. Jim
19 Monteverde, any questions.

20 JIM MONTEVERDE: No questions, thank you.

21 BRENDAN SULLIVAN: Slater?

22 [Pause]

1 BRENDAN SULLIVAN: Slater, any questions? Andrea?

2 ANDREA HICKEY: I have no questions, and I thank
3 Mr. Glassman for a very clear presentation.

4 ADAM GLASSMAN: Thank you.

5 BRENDAN SULLIVAN: Jason, any questions?

6 JASON MARSHALL: I recused myself from this case,
7 please, Mr. Chair.

8 BRENDAN SULLIVAN: I'm sorry. I'm sorry. You're
9 right. I keep trying to pull you back in. Slater Anderson
10 any questions?

11 [Pause]

12 BRENDAN SULLIVAN: He should be there. Slater?
13 Here he is. Slater, any questions?

14 JIM MONTEVERDE: Slater, you're muted.

15 SLATER ANDERSON: Sorry. I was -- I got kicked
16 out, and I got added as a -- as a -- as not a panelist. So
17 -- but I'm back now as a panelist so --

18 BRENDAN SULLIVAN: Okay --

19 SLATER ANDERSON: No questions.

20 BRENDAN SULLIVAN: Any questions at all on this?

21 SLATER ANDERSON: No.

22 BRENDAN SULLIVAN: Okay. And I have -- as I said,

1 nothing.

2 I will open it up to public comment. Any member
3 of the public who wishes to speak should now click the
4 button that says, "Participants" and then click the button
5 that says, "Raise hand." If you are calling in by phone,
6 you can raise your hand by pressing *9 and unmute or mute by
7 pressing *6. And you'll have up to three minutes in which
8 to comment.

9 There appears to be nobody calling in. We are in
10 receipt of two correspondences dated 27 June 2022.

11 "I'm writing to express my strong and unequivocal
12 support for the zoning relief sought for the proposed rear
13 additions and associated work at 46 Middlesex Street.

14 "I have reviewed the plans and renderings. The
15 design is tasteful, modest, and it complements the
16 neighborhood very well. The proposed work will provide this
17 family the space they need to remain comfortably in their
18 home, but without creating any detriment, adverse effect to
19 our neighborhood."

20 And it goes on, and it's from Victoria Gurfolino
21 at 52 Middlesex Street.

22 There is correspondence 28 June 2022.

1 "We are writing to express our strong support for
2 the zoning relief sought for the proposed rear additions,
3 and associated work at 46 Middlesex Street.

4 "We have reviewed the plans and renderings, and
5 are pleased with the plan changes. The proposed work will
6 provide our neighbors the space they need to remain
7 comfortably in their home without creating any detriment or
8 adverse effect to our neighborhood. Robin Churchill, 42
9 Middlesex."

10 BRENDAN SULLIVAN: And the sum and substance of
11 any communication. I will close the public comment part of
12 the proceedings, and turn it back to Mr. Glassman. Any --

13 JASON MARSHALL: I vote in favor.

14 BRENDAN SULLIVAN: [Laughter]

15 JIM MONTEVERDE: [Laughter]

16 BRENDAN SULLIVAN: Any other comments, Adam, at
17 this time?

18 ADAM GLASSMAN: No, thanks. No.

19 BRENDAN SULLIVAN: No. Okay. Then I will close
20 the presentation part. Let me take it to the Board. Any
21 questions by the Board, are we ready for a motion?

22 COLLECTIVE: Ready.

1 JIM MONTEVERDE: Ready for a motion. Yep.

2 BRENDAN SULLIVAN: Okay. Let me make a motion,
3 then, to grant the variance portion on the condition that
4 the work comply with -- in accordance with the plans
5 submitted, supporting statement and the dimensional form for
6 46-48 Middlesex.

7 The Board finds that a literal enforcement of the
8 provisions of the Ordinance would involve a substantial
9 hardship to the petitioner because it would preclude the
10 petitioner from altering the existing structure, which was
11 built at the turn of the prior century -- I'm sorry, what
12 was the date, 18 --

13 JASON MARSHALL: 1894.

14 BRENDAN SULLIVAN: -- 94, and predates the
15 existing ordinance, as encumbered by the existing ordinance
16 and is quite inefficient; it needs a massive upgrading in
17 order to allow these people to have fair and reasonable use
18 of their property and also to expand the property, because
19 of the way that society has now changed and requires
20 additional space, interior space, because more people are
21 working from home.

22 The enforcement of the ordinance would create a

1 substantial hardship to the petitioners. The hardship is
2 owing, again, to the size and shape of the lot which
3 predates the existing ordinance and makes any kind of
4 addition very difficult without being worthwhile, and as
5 such needs some relief from the ordinance in order to make a
6 reasonable and adequate and reasonable addition to their
7 home, which the Board finds that the proposal is a fair and
8 reasonable request.

9 Desirable relief may be granted without
10 substantial detriment to the public good -- in fact, we note
11 the letters of support and that it would blend in very well
12 with the neighborhood and would be an upgrade to the
13 neighborhood and improve the streetscape.

14 And that the addition is consistent with the
15 architectural character of the existing house and the
16 abutting structures.

17 Desirable relief may be granted without nullifying
18 or substantially derogating from the intent and purpose of
19 the ordinance, to allow people fair and reasonable use of
20 the property, and also to allow people to make the necessary
21 changes to become far more energy-efficient and -- well,
22 I'll leave it at that.

1 On the motion, then, to grant the variance as per
2 the drawings and supporting statements included, Slater
3 Anderson?

4 BRENDAN SULLIVAN: Slater Anderson?

5 SLATER ANDERSON: In favor.

6 BRENDAN SULLIVAN: Andrea Hickey?

7 ANDREA HICKEY: Yes, in favor.

8 BRENDAN SULLIVAN: Jim Monteverde?

9 JIM MONTEVERDE: In favor of the variance.

10 BRENDAN SULLIVAN: Brendan Sullivan in favor.

11 [All vote YES]

12 BRENDAN SULLIVAN: Four affirmative votes. The
13 special permit portion is granted. The special permit is
14 for windows, is that correct, Adam?

15 ADAM GLASSMAN: One window and two below-grade
16 stairwells and one below-grade window well.

17 BRENDAN SULLIVAN: Okay. Let me -- on the motion
18 --

19 ADAM GLASSMAN: In the front porch.

20 BRENDAN SULLIVAN: Let me make a motion, then, to
21 grant the special permit as per the request. It appears
22 that the requirements of the ordinance can be met. The

1 proposed new left-side window opening below-grade stair and
2 window wells and their associated guardrails and the
3 modified existing front entry porches will pose no detriment
4 or adverse effect whatsoever to any of the abutters, the
5 neighborhood, or the city.

6 The Board finds that traffic generated or patterns
7 of access or egress would not cause congestion, hazard, or
8 substantial change in the established neighborhood
9 character. The Board notes the letter of support and
10 stating the same in the file.

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

15 There would not be any nuisance or hazard created
16 to the detriment of the health, safety and/or welfare of the
17 occupant of the proposed use -- in fact the proposed work
18 would enhance the health, safety, and welfare of the
19 occupants of the structure.

20 And that the proposed use would not impair the
21 integrity of the district or adjoining districts, or
22 derogate from the intent and purpose of the ordinance. On

1 the motion, then, to grant the special permit, Jim
2 Monteverde?

3 JIM MONTEVERDE: In favor of the special permit.

4 BRENDAN SULLIVAN: Slater Anderson?

5 SLATER ANDERSON: In favor of the special permit.

6 BRENDAN SULLIVAN: Andrea Hickey?

7 ANDREA HICKEY: Yes, in favor.

8 BRENDAN SULLIVAN: Jason -- Jason's not on here,
9 we keep trying to pull Jason back in. Brendan Sullivan in
10 favor.

11 [All vote YES]

12 Four affirmative votes, the special permit is
13 granted.

14 ADAM GLASSMAN: Thank you very much, everyone.

15 BRENDAN SULLIVAN: Yep, thank you. Good luck.

16 ADAM GLASSMAN: Thank you.

17 COLLECTIVE: Thank you
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(9:07 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
Monteverde, Slater W. Anderson, and Jason
Marshall

BRENDAN SULLIVAN: The Board will call No. 172691
-- 810-812 Memorial Drive. Mr. Daley? Anybody? No? Peter
not calling in? Okay.

The Board is in receipt of correspondence from
Jane Carbone, Homeowners Rehab.

"MDH, LLC would like to ask for a continuance for
the BZA hearing until we review the concerns from the
Cambridge -- from a Cambridge resident, attached letter.

Also, there was concern expressed by the Planning
Board, which refers to that letter. Can you confirm that
you will remove us from the agenda?"

No, you're on the agenda, but --

"If you have received any letters from Cambridge"
--

Well, anyhow, we will accept the request for a
continuance on the condition that the petitioner sign a
waiver to the statutory requirement for a hearing and a

1 decision to be rendered thereof. Such waiver needs to be in
2 the file by 5:00 p.m. a week from Monday.

3 Any new submittals not currently in the file,
4 changes to the file be in the file resubmitted by 5:00 p.m.
5 on the Monday prior to the next available date is August 18,
6 so that any new submittals must be in the file by 5:00 p.m.
7 on the Monday prior to August 18.

8 That the posting sign must be change and updated,
9 maintained to reflect the new date August 18, 2022 at 6:00
10 p.m.

11 Any other conditions by members of the Board?

12 On the motion, then, to continue this matter to
13 August 18, 2022, Jim Monteverde?

14 JIM MONTEVERDE: In favor.

15 BRENDAN SULLIVAN: Slater Anderson?

16 SLATER ANDERSON: In favor.

17 BRENDAN SULLIVAN: Andrea Hickey.

18 ANDREA HICKEY: Yes, in favor.

19 BRENDAN SULLIVAN: Jason, you're on this one, so

20 --

21 JASON MARSHALL: I am. Jason Marshall in favor.

22 BRENDAN SULLIVAN: Brendan Sullivan yes.

1 [All vote YES].

2 BRENDAN SULLIVAN: Affirmative vote of five
3 members of the Board, the matter is continued.

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(9:10 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
Monteverde, Slater W. Anderson, and Jason
Marshall

BRENDAN SULLIVAN: The Board will hear No. 172991 -- 66
Banks Street. Mr. Hernandez? Ms. Hawkinson? 66 Banks
Street?

SISIA DAGLIAN: Yes. Hi. I'm Sisia Daglian. I'm
presenting for Marcelo Hernandez. And I believe the --
actually let me turn on the slides -- I believe the owners
are also here, Avi and Sarah.

Oh, the owners -- I will let Avi and Sarah
introduce themselves and talk a little bit about their
aspirations for their property, and then I will go through
the architectural.

BRENDAN SULLIVAN: Okay.

SARAH ALMER: Hello. My name is Sarah Almer. My
family has owned the house at 66 Banks Street for 38 years.
I grew up in Cambridge and attended Cambridge public schools
and have lived at the house for 12 years with my husband and
our 10-year-old daughter, who attends Cambridge public

1 schools.

2 With this petition, I am hoping to improve the
3 living space for my family by combining two units and adding
4 windows. We plan to stay in this home for decades. We have
5 reached out to our neighbors and have their support.

6 BRENDAN SULLIVAN: Okay. Just Staff pull up just
7 sort of windows that are being changed?

8 SISIA DAGLIAN: Yes. Jim, can you bring up the
9 plans? I will go through this pretty quickly. If you can
10 go back one slide, Jim, to number 1?

11 There's three windows in question that -- for
12 which we're here asking for relief. On the lower left plan,
13 you can see a red line showing the proposed changes. Yes,
14 right there. They are on the left side setback, which is
15 about four feet. The face of the building is about four
16 feet from the property line.

17 And the windows that are being changed are more
18 towards the back of the house, so that they look over onto
19 the neighbors' porch -- the neighbors' decks, so that it's
20 not particularly a violation of their privacy.

21 That neighbor as well as the neighbor on the
22 corner of Banks and Surrey Streets have submitted letters of

1 support, which I believe are in the file.

2 Jimmy, if you can go to slide -- yeah, you can go
3 to the next slide. Here you can see from both sides the
4 areas where the windows are being changed.

5 If you can go one slide down more to Number 3 --
6 no, Number 3 -- this makes it a little bit clearer. There
7 the red dashed lines show where there are currently windows.
8 The right-side window Number 3 is a bathroom. It's going to
9 remain a bathroom window, but it's going to slide higher and
10 be slightly larger.

11 The other two windows, number 1 and 2, those are
12 currently in bedrooms. And they will become windows that
13 look into the kitchen.

14 As Sarah mentioned, the third floor and half of
15 the second floor will be combined to be a renovated unit for
16 their family. So this is going to be a new location for the
17 kitchen, and we're trying to get a little bit more light
18 into that area.

19 If you want to scroll through the rest of the
20 slides, there's -- I mean, these just give you a sense of
21 the project. Nothing else is the subject of relief.

22 We are opening up a porch to the back of the

1 house. It's under an existing roof. All that is not -- is
2 outside the setbacks.

3 Want to go down one more slide, Jimmy? Yeah.

4 This lets you see how the back corner of the house
5 where some of the windows are actually don't look on
6 anybody's private space. They kind of look on the deck --
7 the neighbors' decks, and then the yards next door.

8 Next slide?

9 On the right you can see the existing condition,
10 the bathroom and the two bedrooms. And that area is going
11 to become the kitchen and, again, a bathroom that you see on
12 the left-hand side plan.

13 And I think the remainder of the slides are site
14 plans, existing conditions plans and then the existing
15 survey, and then the very end -- yeah, some photos of --

16 Can you go to number 14?

17 Yeah, that's one of the bedrooms, the existing
18 window. It's actually going to be higher. The new windows
19 are higher so you have less -- you know, line of sight into
20 the neighbors'.

21 And that's really it. So it's a fairly modest
22 ask. And, you know, we'll entertain questions if anybody

1 has questions?

2 BRENDAN SULLIVAN: Well, no. Is this -- does the
3 petitioner, it's a three-family house. Do they own the
4 entire building?

5 SISIA DAGLIAN: Yes. It's actually a five-unit
6 house. It was granted five units in the past, there's a BZA
7 case on it from -- I'm forgetting, maybe the '60s or '70s.

8 So it's going to go from five units down to four
9 units. And yes, they do own the entire property.

10 BRENDAN SULLIVAN: Okay.

11 SISIA DAGLIAN: It's going to remain a rental as
12 well. It's not being condod.

13 BRENDAN SULLIVAN: Yeah. I just want to make sure
14 it wasn't condo. That's all.

15 SISIA DAGLIAN: Yeah.

16 BRENDAN SULLIVAN: Okay. All right. Great,
17 Sisia. Let me -- to the Board, Jim any questions?

18 JIM MONTEVERDE: No questions. Thank you.

19 BRENDAN SULLIVAN: Andrea?

20 ANDREA HICKEY: No questions. And again, I'd like
21 to thank Ms. Daglian for a clear presentation. Thank you.

22 SISIA DAGLIAN: Thank you.

1 BRENDAN SULLIVAN: Slater, any questions?

2 SLATER ANDERSON: No questions.

3 BRENDAN SULLIVAN: Jason?

4 JASON MARSHALL: No questions, Mr. Chair.

5 BRENDAN SULLIVAN: I have no questions either.

6 Let me open it to public comment. Any member of the public
7 who wishes to speak should now click the button that says,
8 "Participants," and then click the button that says, "Raise
9 hand."

10 If you are calling in by phone, you can raise your
11 hand by pressing *9 and unmute or mute by pressing *6, and
12 you will have up to three minutes to speak. Nobody calling
13 in? We are in receipt of correspondence from 27-29 Surrey
14 Street, Elizabeth Foote and Eric Thorgerson.

15 "Sarah Almer and Avi Green have lived on Banks
16 Street for twelve years. We have known them -- wonderful
17 10-year-old daughter.

18 "They have shared their plans for their home
19 renovations and we support their project. We hope you will
20 vote favorably for the zoning relief."

21 From Gillian Dierdracs -- Diercks and David Wing:

22 "Dear Members of the Board of Zoning Appeal, we

1 have reviewed the plans for interior and exterior
2 renovations for our neighbors at 66 Banks Street. We are in
3 support of the proposed changes and have no concerns.
4 Please let us know if you have any questions."

5 And that is the sum and substance of the
6 correspondence. Close the public comment part. Send it
7 back to Sisia. Any other comments?

8 SISIA DAGLIAN: No further comments. Thank you.

9 BRENDAN SULLIVAN: Okay. I'll -- ready for a
10 motion, Board?

11 COLLECTIVE: Ready.

12 BRENDAN SULLIVAN: Okay. We are seeking relief
13 under 5.31, which is the Dimensional Requirements, and
14 8.222c, which is non-conforming structure, and seeking a
15 special permit, which will encompass that relief.

16 The Board finds that the requirements of the --
17 I'll make a motion, then, to grant the special permit based
18 on the drawings submitted that the work be compliant with
19 the drawings submitted, supporting statement and the
20 dimensional form. It appears that the requirements of the
21 Ordinance can be met.

22 The Board finds that traffic generated or patterns

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

4 The Board finds that continued operation of or
5 development of adjacent uses, as permitted in the Zoning
6 Ordinance, would not be adversely affected by the nature of
7 the proposed use, which is the result of two windows being
8 relocated approximately the same size, and one window being
9 relocated and increased the size by a minimal amount.

10 The Board finds that there would not be any
11 nuisance or hazard created to the detriment of the health,
12 safety and/or welfare of the occupant of the proposed use --
13 in fact, it would be enhanced by the relocation,
14 readjustment of the interior layout and the moving of
15 windows, which will allow for better air and light coming
16 into the structure.

17 The Board finds that the proposed use would not
18 impair the integrity of the district or adjoining district,
19 or otherwise derogate from the intent and purpose of the
20 ordinance to allow homeowners fair and reasonable use of
21 their property and fair and reasonable modifications.

22 The Board finds that this work being proposed is a

1 fair and reasonable request and requires -- and is affording
2 the special permit.

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

5 JIM MONTEVERDE: Jim Monteverde votes in favor of
6 the special permit.

7 BRENDAN SULLIVAN: Slater Anderson?

8 SLATER ANDERSON: Votes in favor of the special
9 permit.

10 BRENDAN SULLIVAN: Andrea Hickey?

11 ANDREA HICKEY: Yes, in favor.

12 BRENDAN SULLIVAN: Jason Marshall?

13 JASON MARSHALL: In favor.

14 BRENDAN SULLIVAN: And Brendan Sullivan yes.

15 [All vote YES]

16 BRENDAN SULLIVAN: Five affirmative votes, the
17 special permit is granted.

18 COLLECTIVE: Thank you very much.

19 BRENDAN SULLIVAN: Thank you.
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(9:20 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
Monteverde, Slater W. Anderson, and Jason
Marshall

BRENDAN SULLIVAN: The Board will hear Case No.
153081, 174 Harvard Street, Unit #1. Harvard Street?

DIONE KRIEGER: Yes. I'm sorry, I'm here. I'm
sorry, I'm battling with the computer. So my name is Dione
Krieger. So I'm representing the owner, Mr. Orlando
Cartagena, from 174 Harvard Street.

And our goal here tonight is to seek relief from
the building a roof canopy over an existing deck. There is
already a metal canopy that was -- that's been installed
there or been there for over 20 years, and our goal is to
replace that old metal thing with a new roof.

What this creating is -- the situation -- is that
the existing deck is a nonconforming structure because it's
due to the setback, the rear setbacks. We need 20 feet; I
think we got only 15. So our issue will be setback, rear
setback on the deck -- existing situation on the deck.

So we're going to follow the same footprint as the

1 deck and have a canopy over it -- like, instead of a metal,
2 the owner would like to have a structure -- a wood structure
3 over it.

4 So we believe that due to the situation which is
5 in the rear of the building, we -- our proposal is not going
6 to be any detriment to the neighborhood, and it's going to
7 prevent any maintenance because the owner has been there for
8 a while. And he -- the metal thing is collapsing. It needs
9 the maintenance, and we will -- accepting our proposal would
10 be better for him, I guess.

11 So that's our goal.

12 BRENDAN SULLIVAN: Okay. Thank you.

13 DIONE KRIEGER: There are some, you know, pictures
14 and plans. I don't know if you can put that up. So as you
15 can see in the back of the building, which is up left, it's
16 the location of the deck, existing deck. And next, please?

17 And so, yeah, that's okay. The deck size is 6 x
18 15 and left -- I'm talking about the upper left side.

19 Next, please?

20 And that's the plot plan, which shows that we have
21 an existing situation right now is the deck is 15 feet to
22 the setback, the rear setback is 16 feet, and we're just

1 going to follow the same footprint, which we were - zoning
2 will request or require about 20 feet. We only got 15.

3 So it's a nonconforming situation that we're going
4 to extend by building a roof following the same footprint.

5 Please next picture?

6 As you can see, that's an old picture from the
7 owner. He decided to take a picture when he was having a
8 party, I guess. But that's the canopy that was already
9 there. It was taken down already due to the condition of
10 it.

11 But I know that having a canopy there does not
12 justify the fact that we want to build something up, but the
13 owner is accustomed to -- he's accustomed to being in the
14 back and have some shades. And by removing that canopy, he
15 really needs -- you know, he desires to have the same
16 situation as he's always been there. He's been there for
17 over 25 years.

18 And next, please? So yeah, just a picture of the
19 house.

20 Next? Oh, that's the rear. As you can see,
21 that's the existing canopy there.

22 Next?

1 Yeah. Same situation. You can see down the -- on
2 the red dots would be the existing deck and canopy. That's
3 it.

4 Next, please?

5 Yeah. We are -- like I said, we are seeking
6 setback relief, and the FAR, we are shy of the modification
7 of the FAR, which is we had 1.26, now it's going to be 129.
8 And that's pretty much it. We're trying to get the relief
9 from the FAR, very modest modification and the rear setback,
10 which is only following the existing condition right now.

11 I guess that's it. Any questions? I'm here to
12 answer.

13 BRENDAN SULLIVAN: Let me throw this out to the
14 Board. The petitioner is requesting a variance. And as I'm
15 looking at this, it is a two-family -- I don't know if you
16 can pull that back up again -- it's a two-family. I'm just
17 wondering if 8.222d does come into play here?

18 JASON MARSHALL: Mr. Chair, you read my mind,
19 because I had the same thought reviewing the application,
20 where it looks like there has been intensification of the
21 two nonconforming areas of FAR and GAF.

22 I was also viewing it under the lens of 8.22.2d.

1 BRENDAN SULLIVAN: Right. I don't know if you can
2 -- yeah, it's not up on the -- it's not up on this. Okay.
3 Well, I have it in front of me.

4 So the gross floor area is going to change because
5 they're putting a roof structure over an existing deck. So
6 that's that number there. The lot area obviously changes.
7 The ratio bumps up because of the added square footage, but
8 it's already nonconforming. The lot area doesn't change the
9 size of the lot.

10 The setback basically is -- in the rear is
11 nonconforming now, and that doesn't change. The left side
12 doesn't change and so on and so forth.

13 So it would appear -- Jason, is that what you're
14 thinking, that 8.22.2d they could -- we could grant the
15 relief under that?

16 JASON MARSHALL: Yeah. I mean, that was my
17 assessment. But like you, I was interested in the
18 perspective of other Board members on that question. I did
19 not run this by the Commissioner, and again, I would have
20 thought that some of the stuff would have been fully vetted
21 before it came to us. I'm not sure if this was or was not.

22 Any other member of the Board have any opinion on

1 this? Jim? Slater? Andrea? The issue that we're debating
2 is whether or not we will grant them the relief that they're
3 requesting under a variance, or should that be -- grant them
4 relief for a special permit under 8.22.2D because it's a
5 two-family house?

6 ANDREA HICKEY: Yeah, I --

7 JIM MONTEVERDE: Right. This -- sorry, Andrea, go
8 ahead.

9 ANDREA HICKEY: No, no, you go ahead, Jim.

10 JIM MONTEVERDE: No.

11 BRENDAN SULLIVAN: Ladies first.

12 ANDREA HICKEY: So I am thinking special permit as
13 well. However, I'm not sure that we're precluded from
14 hearing it as a variance. If it were to be a special
15 permit, what would that mean to the petitioners? That
16 they'd have to come back?

17 BRENDAN SULLIVAN: No, that they have requested a
18 higher standard variance.

19 ANDREA HICKEY: Right.

20 BRENDAN SULLIVAN: -- if we deem that it was a
21 special permit would have been the proper application. And
22 we can grant them the lesser relief.

1 What we could not do is the reverse, if they came
2 in for a special permit and we deemed that they needed a
3 variance, we could not grant them a variance at this
4 sitting. They would have to reapply for the variance. So
5 we can grant a lesser standard, we could not grant a higher
6 standard.

7 ANDREA HICKEY: Then --

8 BRENDAN SULLIVAN: Jason, is that correct?

9 ANDREA HICKEY: I'm --

10 JASON MARSHALL: Yeah, Mr. Chair I think you
11 articulated it well, and maybe for the other members. I had
12 circulated a memo on this, because I was just personally
13 interested in this question.

14 And I agree with that assessment that I believe
15 that this Board does have the power to reclassify an
16 application for a variance as a special permit in an
17 instance like this, where the substantive request for
18 dimensional relief is unchanged.

19 And it's -- as the Chair correctly noted, it is
20 going from a higher standard to a lower standard, and that
21 has been noticed. So I would be comfortable supporting that
22 approach.

1 BRENDAN SULLIVAN: Okay. Okay. I mean,
2 personally I think that I could -- I'd be comfortable
3 granting a variance. I feel that they do have a hardship,
4 and that it's a fair and reasonable request to ask for some
5 covering over a deck because of all the benefits that has.
6 They're not adding any living space. They're basically just
7 codifying what is already there but adding protection to it.
8 That's my feeling.

9 But again, I just want to make sure that the Board
10 either wants to go the variance route or the special permit.
11 So I'm looking for some guidance for that.

12 ANDREA HICKEY: I'll just close out. I would
13 support proceeding under the special permit. I really think
14 we have an obligation to kind of give the relief that is
15 kind of a lesser standard, when it is clearly applicable.
16 So I would support proceeding under special permit.

17 BRENDAN SULLIVAN: Great. Thank you. Jim?

18 JIM MONTEVERDE: I'm fine with going the special
19 permit route.

20 BRENDAN SULLIVAN: All right. And Slater?

21 SLATER ANDERSON: Same.

22 BRENDAN SULLIVAN: Great. Okay. So let us

1 proceed upon that. Petitioner, you understand what we're
2 doing, or you're sort of caught in a whirlwind here. We're
3 trying to do the right thing and be confident that it is,
4 anyhow. I think what you're looking for is just relief so
5 that you can go forward.

6 DIONE KRIEGER: Exactly, exactly, yes.

7 BRENDAN SULLIVAN: Okay, so --

8 DIONE KRIEGER: Thank you.

9 BRENDAN SULLIVAN: -- how you get there, you know,
10 you let us decide.

11 DIONE KRIEGER: Yeah, yeah.

12 BRENDAN SULLIVAN: Okay. Let me make a motion,
13 then, to grant the relief requested as per the plan
14 submitted, and initialed by the Chair. That the work be in
15 conformity with the proposal and the dimensional form that
16 is submitted.

17 The Board finds that in all districts, the Board
18 may grant a special permit for the alteration or enlargement
19 of a preexisting dimensionally nonconforming, detached
20 single-family dwelling or two-family dwelling not otherwise
21 permitted in 8.22.1, but not the alteration or enlargement
22 of a preexisting nonconforming use...

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

7 In order to grant the special permit, the Board of
8 Zoning Appeal is required to find that the alteration or
9 enlargement shall not be substantially more detrimental than
10 the existing nonconforming structure to the neighborhood,
11 and the Board does so find, and that the alteration or
12 enlargement satisfies the criteria in 10.43.

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

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

22 There would not be any nuisance or hazard created

1 to the detriment of the health, safety and/or welfare of the
2 occupants of the proposed use -- in fact the adding of a
3 permanent roof would be a great asset and enhance the safety
4 of the occupants of the structure and a shield from
5 inclement weather.

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

10 All those in favor of granting the special permit
11 as per the application, Jim Monteverde?

12 JIM MONTEVERDE: In favor of the special permit.

13 BRENDAN SULLIVAN: Slater Anderson?

14 SLATER ANDERSON: In favor.

15 BRENDAN SULLIVAN: Andrea Hickey?

16 ANDREA HICKEY: Yes, in favor.

17 BRENDAN SULLIVAN: Jason Marshall?

18 JASON MARSHALL: In favor.

19 BRENDAN SULLIVAN: Brendan Sullivan yes, in favor.

20 [All vote YES]

21 BRENDAN SULLIVAN: Five affirmative votes. The
22 special permit, as per the application, is granted. Thank

1 you.

2 DIONE KRIEGER: Thank you very much. Appreciate
3 it. All right. Take care, guys. Bye-bye.

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(9:31 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
Monteverde, Slater W. Anderson, and Jason
Marshall

BRENDAN SULLIVAN: The Board will now hear Case
No. 173542. Does anybody need to take a five-minute break
before we round the third turn, or are we all set?

[Pause]

We're all set? The Board will hear Case No.
173542 -- 10 Wilson Road.

JASON PARILLO: Good evening, Mr. Chair, and
members of the Board. I am Jason Parillo with Poblocki Sign
Company. This signed petition is for a projection sign that
is larger than 13 square feet.

This sign is to read a little kitchen at the Quad,
and it would be mounted to an existing canopy. Although
this sign is classified as a projecting sign, it's mounted
to an existing canopy, much like another sign that's on the
building currently over the entrance that reads, "10 Wilson
Road."

The sign -- this sign is designed for legibility

1 and to be -- and in keeping with the architecture of the
2 building and the other sign on the building. And I will be
3 happy to answer any questions.

4 BRENDAN SULLIVAN: Okay. I don't have any
5 questions, other than a comment. When I went to view the
6 site, very, very familiar with the area, because I go to
7 Anderson & McQuaid all the time and am interested in all the
8 development that's going on up there -- I had a little bit
9 of a difficult time finding your business, or the business
10 -- the restart.

11 Wasn't sure which side of the building it was, and
12 then finally did find it because it has small, little
13 writing on the windows to identify itself.

14 And I guess my thought was, "Boy, this place
15 really needs a sign to identify it and the product, which --
16 . " It's funny, because one of the signs on the windows
17 said, you know, something about, "great breakfasts, lunch,
18 and so on and so forth."

19 And so, I think that -- other than Burger King is
20 really the only place up there that, you know, serves food.
21 And with the amount of development that's going on there, I
22 think that identification of it and its product actually

1 would be a great addition to the area. So that's my
2 thought, I guess, and I will turn it over.

3 Jim Monteverde, any thoughts at all on the
4 proposal before us on the sign? Jim?

5 JIM MONTEVERDE: Yes, sorry.

6 BRENDAN SULLIVAN: Any questions on the --

7 JIM MONTEVERDE: No. No questions. Thank you.

8 BRENDAN SULLIVAN: Okay. Slater?

9 SLATER ANDERSON: No questions.

10 BRENDAN SULLIVAN: Andrea Hickey?

11 ANDREA HICKEY: I have no questions.

12 BRENDAN SULLIVAN: Jason Marshall?

13 JASON MARSHALL: Just was there a picture of the -
14 - of what the sign would look like in the record? I might
15 have just missed that.

16 BRENDAN SULLIVAN: Yeah, there is.

17 JIM MONTEVERDE: Yeah, there was.

18 JASON PARILLO: Yes, that's it.

19 JASON MARSHALL: Ah.

20 BRENDAN SULLIVAN: A03.

21 JASON MARSHALL: Okay. All right. Thank you.

22 BRENDAN SULLIVAN: And I have no other further

1 questions. And I believe my comment speaks for itself.

2 Okay.

3 Let me open it to public comment. Any member of
4 the public who wishes to speak should now click the button
5 that says, "Participants," and then click the button that
6 says, "Raise hand."

7 If you are calling in by phone, you can raise your
8 hand by pressing *9 and unmute or mute by pressing *6, and
9 you will have up to three minutes in which to speak. Nobody
10 calling in, and then we are -- the only communication is
11 directed to Ms. Horton from the Poblocki -- P-o-b-l-o-c-k-i
12 Sign Company on behalf of and representative for the core 10
13 Wilson Road, LLC.

14 "I hereby authorize Advanced Signing, LLC and
15 Jason Parillo to proceed with the necessary permitting for
16 the installation of the exterior signage at 10 Wilson Road,
17 Cambridge, Mass."

18 That is the sum and substance of any
19 correspondence. I will close public comment. Anything
20 else, Jason, to add?

21 JASON MARSHALL: No. I believe the petition
22 speaks for itself.

1 BRENDAN SULLIVAN: Great. Okay, thank you. We
2 will close the presentation part. Discuss it? Ready for a
3 motion?

4 JIM MONTEVERDE: Ready.

5 JASON MARSHALL: Ready.

6 ANDREA HICKEY: Ready.

7 BRENDAN SULLIVAN: Make a motion, then, to grant
8 the relief requested. It is a variance. The Board finds
9 that a literal enforcement of the provisions of the
10 ordinance would involve a substantial hardship to the
11 petitioner. The Board finds that the proposed sign is to
12 identify the Kendall Kitchen at the quad café.

13 And that identifying sign is much needed at this
14 spot to identify the business establishment. And that the
15 most efficient way to accomplish this would be to mount a
16 sign on the canopy facing Wilson Road, as opposed to the
17 existing lettering, which is on the glass, which is
18 difficult to find and really has no great value in finding
19 the place.

20 The hardship is located to the fact that a
21 variance is required under the sign ordinance, and that this
22 particular location, which is down a side street on what is

1 soon to be a very highly developed area is at times
2 difficult to refine.

3 And it's part of a building, which even if you
4 were to use your Google Map it identifies the building, but
5 not this particular establishment. And it's difficult to
6 identify.

7 The building is uniquely situated in the Concord
8 Alewife Fresh Pond Commercial District, and the sign will
9 help identify this particular establishment.

10 Desirable relief may be granted without
11 substantial detriment to the public good -- in fact it will
12 enhance wayfinding to this particular spot. And relief may
13 be granted without or nullifying or substantially derogating
14 from the intent and purpose of the ordinance to allow
15 businesses to identify themselves in a fair and reasonable
16 manner and a discreet manner, which this particular sign
17 accomplishes.

18 On the motion, then, to grant the variance as per
19 the application and the supporting material, Jim Monteverde?

20 JIM MONTEVERDE: In favor of the variance.

21 BRENDAN SULLIVAN: Slater Anderson?

22 SLATER ANDERSON: In favor of the variance.

1 BRENDAN SULLIVAN: Andrea Hickey?

2 ANDREA HICKEY: In favor.

3 BRENDAN SULLIVAN: Jason Marshall?

4 JASON MARSHALL: In favor.

5 BRENDAN SULLIVAN: Brendan Sullivan in favor.

6 [All vote YES]

7 BRENDAN SULLIVAN: Brendan Sullivan in favor.

8 five affirmative votes. The variance for the sign is
9 granted.

10 COLLECTIVE: Thank you very much.

11 BRENDAN SULLIVAN: Good luck.

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(9:42 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
Monteverde, and Slater W. Anderson

BRENDAN SULLIVAN: The Board will hear No. 173908
-- 96 Henry Street. Jason, you have recused yourself?

JASON MARSHALL: Yeah, Mr. Chair, it's a rare
night. I think I've recused myself once maybe prior to
tonight, and I have to do it now a second time, but I did
flag this one prior to the hearing. So with apologies, I do
need to recuse.

BRENDAN SULLIVAN: That's all right. So 173908 --
96 Henry Street. Petitioner? Andrew?

ANDREW PLUMB: Yes.

BRENDAN SULLIVAN: Just for the record that Mr.
Marshall has recused himself --

ANDREW PLUMB: Yes.

BRENDAN SULLIVAN: -- sitting on this case, so
that four members will hear it. You need four affirmative
votes in order to be granted the requested variance, or you
have the option to continuing this matter to another night
where you will have a five-member Board.

1 ANDREW PLUMB: Yes, we were aware and want to
2 proceed this evening, please.

3 BRENDAN SULLIVAN: Okay. So all right. Proceed.

4 ANDREW PLUMB: Great. Well, Thank you, Mr.
5 Chairman, and the Board. I have with me this evening
6 Samantha and Andrew Miller, the homeowners.

7 And I just want them to take a minute to introduce
8 themselves. They have sort of deep ties to Cambridge and
9 this building in particular. And you can unmute yourselves,
10 yeah.

11 ANDREW MILLER: Yeah. Thank you. Yeah. We're
12 excited to do this project. I grew up in this house next
13 door. There's two addresses in this house. So my parents
14 still live there, and we're moving back to Cambridge after
15 many years away. They're excited about it.

16 You know, the neighborhood means a lot, and we are
17 bringing our three children and need to do some much-needed
18 renovation to move in and fit in. And we're hoping this
19 works out. So appreciate Andrew Plumb representing us
20 tonight.

21 ANDREW PLUMB: Thanks. If we could on the
22 presentation start with slide number 18? Oh. At least on

1 my -- okay, I think what you've got here was the original
2 submission, and it was updated on Monday of this week. Just
3 a very minor update, but nonetheless.

4 BRENDAN SULLIVAN: You're looking for sheet Z0.1?

5 ANDREW PLUMB: It's Z0.2. I wanted to just start
6 with a photo. That hasn't changed. That's just an existing
7 photo of the property, just for some context here. There
8 you go. Yeah.

9 So in the upper left, you see both properties.
10 It's sort of -- it's 2 two-families side by side that are
11 adjoined by a party wall. The project in question, 96 Henry
12 Street, is the right-hand side of that photo. And so it's
13 an existing two-family structure. It's going to remain a
14 two-family.

15 What we're proposing to do is to reconfigure it.
16 What's there now is a unit on the first floor and a unit on
17 the second floor. What we're proposing to do is to make the
18 first and second floor into one unit and renovate the
19 basement into the second unit.

20 And if we could just then go up to page number 6?

21 So because there's no change of use, the main
22 issue that we have here, there's no change in FAR. We are

1 building out the basement, but that's not counted against
2 the FAR. The -- it's a preexisting, nonconforming lot. So
3 it's -- the overall size of the lot is below the required
4 amount of the ordinance, and the overall width of the lot is
5 below.

6 And so, if we go to -- this is just an existing
7 plot plan. Sorry, if we could go to the next slide on page
8 7 and zoom in on that. And I apologize, this is -- this
9 plan is rotated so the street is at the top, and the back
10 yard is at the bottom of this drawing.

11 So the red dashed line represents the setbacks
12 that are stipulated by the ordinance. And so, we have a
13 preexisting, nonconforming situation. Because we're
14 building out the basement as a unit, we are proposing window
15 wells for egress off the front at the street side. There's
16 an emergency egress window and a window well for that.

17 And on the rear side of the property, there is a
18 window well and sort of entry to get down into the basement.

19 This changes the calculated building height, which
20 in the side yard setback is a function of building height.
21 So it takes about preexisting, nonconforming -- well, it
22 creates a new dimensional nonconformity, because it's

1 basically making the building further into the setback --
2 calculated setback than it would otherwise be.

3 So the relief that we're requesting is relief from
4 the fact that the side yard setback would be getting wider
5 because the calculated height of the building would be
6 getting marginally taller, due to the addition of the window
7 wells.

8 So if we could go up one slide just to quickly
9 talk through the project, thanks. Yeah, sorry, page --
10 yeah, perfect.

11 There are -- the overall footprint of the house is
12 not changing. It's almost entirely an interior project.
13 Existing windows are getting replaced almost entirely in
14 their existing locations.

15 There are a few new windows that will be added,
16 which I can walk through on the elevations. If you look at
17 this existing plan, you'll see there's basement access in
18 the side yard; that will be removed.

19 Basement access in the rear yard will be removed,
20 and that landing that's in the side yard will be removed.
21 And that -- what will be built instead will be a new
22 basement access in the side yard, which you can see on the

1 next slide down.

2 Thank you. Thank you.

3 So we did -- the overall, the FAR doesn't change.
4 The calculated building height does marginally increase from
5 34 foot three to 34 foot 10; still below the 35-foot max.

6 The open space is -- thank you for sliding over
7 there. The amount of open space is going to decrease from
8 what's existing, but it still remains in excess of what the
9 ordinance requires. So what's required is 36 percent; we
10 will have 40 percent as drawn in the submission here. And
11 you can also see that there's ample open space in the rear
12 yard for the required 15 x 15 area as well.

13 If we could go down to the next slide, please?

14 So this is the floor plan of the basement unit.
15 It's basically a one-bedroom unit. You can see the access
16 from the rear yard into a window well which is 30 inches
17 down from the grade of the rear and side yard.

18 There's an entry door there a few more steps down,
19 and then into the main living space with a kitchen, and then
20 there's a single bedroom and a bathroom there. There's an
21 egressed window and window well at the street side for that
22 bedroom.

1 Next slide, please?

2 So the first floor is the plan that you see on the
3 right-hand side. Here, pretty straightforward setup here
4 where we've got a central stair and entry hall with a half
5 bath, and then the second means of egress for this unit is
6 the stair coming off the back here, which is located in the
7 space that's sort of between the two halves of the building.

8 So kitchen, dining and living on this level.
9 Upstairs has four bedrooms -- a primary bedroom and bath,
10 three kids' bedrooms, a shared bath and laundry.

11 And if we go to the next slide, please?

12 So here the windows that have the heavy dashed
13 black line around them are existing windows that will just
14 receive replacements. There's no attention to change the
15 exterior appearance.

16 So, like, you know, there's a very specific color
17 palette on the exterior of the property, which will remain
18 the trim and siding, and all of those details will be
19 maintained.

20 Windows that do not have the heavy black line
21 around them are new windows, but they will be installed to
22 match the existing. And that's primarily happening on the

1 side yard side to provide a window for the bedroom and
2 bringing a little bit more light into the living room, and
3 then back in the new kitchen at the rear side as well.

4 And we can go to the next slide.

5 Okay. I think that's actually all the drawings.
6 This is now the original submission.

7 So the only thing that changed in the original
8 submission to what we showed tonight is that the open space
9 we recalculated it and saw that it was two percent less than
10 what we initially did, so we just updated that. That was
11 the only change.

12 And that's really the extent of the presentation.
13 So I'm happy to take questions.

14 BRENDAN SULLIVAN: Great. Okay. Jim Monteverde,
15 any questions for the petitioner?

16 JIM MONTEVERDE: Sorry, I was on mute. No
17 questions. Thank you.

18 BRENDAN SULLIVAN: Slater, any questions.

19 SLATER ANDERSON: No questions.

20 BRENDAN SULLIVAN: Andrea, any questions?

21 ANDREA HICKEY: I have no questions.

22 BRENDAN SULLIVAN: All right and I have no

1 questions either. Let me open it to public comment. Any
2 member of the public who wishes to speak should now click
3 the button that says, "Participants," and then click the
4 button that says, "Raise hand."

5 If you are calling in by phone, you can raise your
6 hand by pressing *9 and unmute or mute by pressing *6, and
7 you will have up to three minutes in which to comment.
8 There appears to be nobody calling in, and there's no
9 letters.

10 ANDREW PLUMB: There should be three letters in
11 the file.

12 BRENDAN SULLIVAN: Yes, there is.

13 "We live at 92-94 Henry Street - the attached
14 other half of the building that contains 96 Henry Street:
15 super abutters! We've lived here for over 45 years, raising
16 our family and watching the neighborhood go through many
17 changes.

18 "We have been briefed on the new owners of 96,
19 Henry, of their plans. We have no objections to their
20 proposed alterations; in fact, we believe the change will
21 make the entire building better.

22 Sally Benbasset - B-e-n-b-a-s-s-e-t and Steven

1 Miller, 92-94 Henry."

2 There is also correspondence from Jennifer Long--
3 L-o-n-g-e-n-d-y-c-k at 100 Henry Street.

4 "I'm writing in support of the home renovation
5 project at 96. As my next-door neighbor in the area for
6 many years, we have a long-standing relationship with the
7 Miller family and believe their project is being done
8 responsibly and professionally and is a positive addition to
9 the neighborhood. I encourage the approval of the Board."

10 And there's correspondence from Lisa -- L-i-s-a
11 Ziegler-Chamblee, C-h-a-m-b-l-e-e, 110 Henry Street.

12 "It has come to my attention that 96 Henry Street,
13 a house several doors down from mine, will be under
14 renovation. I have known Andrew Benbasset-Miller and his
15 family, who will be residing at 96 Henry, since I was a
16 child growing up in Cambridge myself.

17 "I support the work that they plan to do,
18 including digging window wells and adding a side entrance at
19 96 Henry. We need more families in Cambridge who will be
20 supportive to our city, our public schools, and promote a
21 diverse quality of life in Cambridge."

22 And that is the sum and substance of the

1 correspondence. I will close the public comment portion.

2 Anything else to add, Andrew, at this point?

3 ANDREW MILLER: Not at this point, thank you.

4 BRENDAN SULLIVAN: Okay. Discussion by the Board
5 or a motion?

6 ANDREA HICKEY: Motion.

7 JIM MONTEVERDE: Motion.

8 BRENDAN SULLIVAN: Okay. Let me make a motion,
9 then, seeking a variance. At window wells and sunken patio
10 access to basement, increase the calculation of the building
11 height. And relocating some windows and -- okay.

12 Let me make a motion, then, to grant the relief
13 requested, as per the application -- provided that the work
14 is in compliance with the latest submittal dated June 27,
15 2022, signed and initialed by the Chair, and incorporate the
16 dimensional form and also the prior supporting statements.

17 The Board finds that a literal enforcement of the
18 provisions of the ordinance would involve a substantial
19 hardship to the petitioner.

20 The petitioner finds that a literal enforcement
21 would prevent the homeowner from making reasonable changes
22 to the existing property that will improve the quality of

1 life, and also allow for some updating of some utilities
2 that will be of benefit to the family.

3 And the Board finds that the relief being
4 requested is fair and reasonable. The Board finds that the
5 hardship is owing to the fact that the size of the
6 structure, the size of the lot, the fact that the existing
7 house predates the existing ordinance and is encumbered by
8 the ordinance, and any modification or extension to the
9 structure, updating to contemporary standards would require
10 some relief from this Board because of the current
11 ordinance, in effect.

12 The Board finds that desirable relief may be
13 granted without substantial detriment to the public good.
14 The Board notes letters of support from neighbors, and that
15 the relief may be granted without substantially -- without
16 nullifying or substantially derogating from the intent and
17 purpose of the ordinance to allow homeowners to have a fair
18 and reasonable enjoyment and upgrading of their structures
19 for the betterment of their families.

20 On the motion, then, to grant the variance, Jim
21 Monteverde?

22 JIM MONTEVERDE: In favor of the variance.

1 BRENDAN SULLIVAN: Slater Anderson?

2 SLATER ANDERSON: In favor of the variance.

3 BRENDAN SULLIVAN: Andrea Hickey?

4 ANDREA HICKEY: Yes, in favor.

5 BRENDAN SULLIVAN: Brendan Sullivan yes.

6 [All vote YES]

7 Four affirmative votes and the variance is
8 granted. Good luck.

9 ANDREW PLUMB: Thank you so much.

10 ANDREW MILLER: Thank you.

11 BRENDAN SULLIVAN: Great.

12 ANDREW MILLER: Thank you.

13 BRENDAN SULLIVAN: Good luck.

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(9:59 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
Monteverde and Slater W. Anderson

BRENDAN SULLIVAN: Okay. Heading for the finish
line, the Board will hear Case No. 174231 -- 346 Putnam
Avenue. Putnam Avenue?

CHRIS RAPCZYNSKI: Good evening, and welcome. Can
you hear me?

BRENDAN SULLIVAN: Yep. Okay. Proceed.

CHRIS RAPCZYNSKI: I am Chris Rapczynski, although
I'm coming up under Derrick Tyler's name on the invite. I
am representing Brian Jordan and Kristen Watkins at -- for
the request for 346 Putnam Ave, Unit #2 in Cambridge.
They're looking to add a floor to the building that they
have.

I'd like to turn the discussion over to the
homeowners, Brian, and Kristen, for a bit, so that they can
speak and discuss their hardship, and then have my Chief
Operating Officer, Derrick Tyler, take over in discussing
the change of -- changes we're seeking to make and looking
for the zoning relief for.

1 KRISTEN WATKINS: Thank you.

2 BRIAN JORDAN: Hello.

3 KRISTEN WATKINS: We're Kristen and Brian. We
4 currently live at 346 Putnam Ave with our 8-month-old
5 daughter. And we've lived here for the last six years.
6 Brian currently works as an independent game developer and
7 is active in the game development community.

8 I oversee COVID-19 testing programs at the moment
9 at public schools and local communities in Massachusetts.

10 And I've been a member of the Cambridge Recycling
11 Advisory Committee for four years, and also serve on the
12 Board of a Cambridge non-profit, Food for Free, since 2017.
13 So we really have loved living in Cambridge and are really
14 invested in the community here, and would like to stay long-
15 term.

16 With our daughter joining our family last year and
17 both Brian and I now working from home with the pandemic,
18 we're seeking to add to our current space to make it so that
19 we can stay here and continue to grow our family.

20 Both of our parents actually live in Cambridge,
21 and Brian's parents actually own the unit downstairs from
22 us, so they would be super excited for us to be able to stay

1 here and sort of be part of the little community we have in
2 the neighborhood, and just would love for our daughter to be
3 able to grow up in Cambridge and attend public schools one
4 day.

5 Interest rates are obviously -- as you likely know
6 -- very high right now, and so it isn't as feasible for us
7 to move to a larger place in Cambridge, and so we are really
8 hoping that you will approve our request for relief.

9 And thank you for your time.

10 BRENDAN SULLIVAN: Okay. Just going through --

11 CHRIS RAPCZYNSKI: Derrick?

12 DERRICK TYLER: Okay, yes. Thank you, Chairman,
13 and members of the Board. We are seeking relief from the
14 variance Section 5.31, also Section 8.22.3 and Section
15 10.30. The total gross floor area of the existing condition
16 is 2650. Our request is 3642, with a requested ordinance of
17 1213. This is currently a nonconforming lot. The total lot
18 area is 2023, where the ordinance requires 5000.

19 The current -- the existing gross FAR is 1.31. We
20 are requesting an increase to 1.0, which is an increase of
21 0.6.

22 If you could show the slides, I could walk you

1 through the plans quickly.

2 So if you go to the second slide, this shows the
3 certified plot plan showing the Putnam Ave. The entry is on
4 Putnam Ave, and it is adjoining Allston Street, which is --
5 it backs up to the Allston Street. You can see with the
6 space that it does have a small setback space on the current
7 square footage of the home.

8 Next slide?

9 This is existing photos of the existing two-story
10 building. Our request is to add a third floor, which you
11 will see in the spaces to come.

12 If you can go to the next slide?

13 This is a view looking down Putnam. As you can
14 see the adjacent buildings are three stories tall. If you
15 could go to the next slide?

16 This is looking the opposite way, down Putnam Ave,
17 showing the other adjoining buildings next to a Alberico
18 Park, showing us three-story buildings.

19 The next slide?

20 On the left is the existing condition showing the
21 roof deck, with the staircase coming up to the roof deck
22 that's existing. On the right side it shows a proposal of

1 two bedrooms and one bathroom, the -- with an office and a
2 smaller, outdoor deck.

3 The next slide?

4 That's showing the new proposed roof deck. It's
5 showing that we are doing a flat roof to mimic the existing
6 floor just kind of adding the third floor onto it.

7 The next slide?

8 On the left side, you can see the existing north
9 elevation, and then to the right you can see the proposed
10 north elevation. So you can see that we are proposing to
11 add that third floor. Same thing with the east elevation:
12 existing on the left, proposed on the right.

13 And then next slide?

14 This is, again, south elevations again showing the
15 proposed location for the addition.

16 And then next slide?

17 This shows the left is an existing photo of what's
18 currently at the home now. And then to the right is our
19 proposed solution to add the third floor and continue the
20 windows that are presently shown on the first and second
21 floor up to the third floor.

22 Next slide?

1 Again, this is another angle showing the existing
2 conditions from Putnam Ave. And then you can see to the
3 right the proposed solution there.

4 And then next slide?

5 And then this is from the back seeing the little
6 proposed deck area. The clients didn't feel that they
7 needed the entire square footage for usable, space, so
8 that's why they elected to try to give back as much space as
9 possible to allow them to grow their family. And I believe
10 that's -- that concludes it.

11 We're happy to answer questions from the Board.

12 BRENDAN SULLIVAN: Yeah, Derrick, are there any
13 new nonconformities?

14 DERRICK TYLER: No, not that I'm aware of. Just
15 those three -- sorry the nonconformities -- no, I'm sorry,
16 the size of the building, the height stays exactly the same.
17 The existing condition is 34 feet. The proposed condition
18 is 34 feet, and the ordinance requirement is 35. All of the
19 setbacks stay exactly the same.

20 BRENDAN SULLIVAN: Okay.

21 DERRICK TYLER: And it is currently a two-family
22 and is proposed to still continue to be a two-family.

1 BRENDAN SULLIVAN: Okay. And they own Unit #2 and
2 separate owner for Unit #1?

3 DERRICK TYLER: Correct.

4 BRENDAN SULLIVAN: All right. We have a letter.
5 So it's a condo?

6 DERRICK TYLER: That is correct.

7 CHRIS RAPCZYNSKI: Yeah. But the unit downstairs
8 is her parents.

9 BRENDAN SULLIVAN: Sorry?

10 CHRIS RAPCZYNSKI: The unit down below is their
11 parents.

12 BRENDAN SULLIVAN: I didn't get the last part.
13 The unit down below?

14 CHRIS RAPCZYNSKI: Is their parents.

15 BRENDAN SULLIVAN: Oh, okay.

16 DERRICK TYLER: And they're supportive of this.
17 Yeah, and -- yeah.

18 CHRIS RAPCZYNSKI: Of course.

19 DERRICK TYLER: Yep.

20 BRENDAN SULLIVAN: They wouldn't get -- you
21 wouldn't be here, I guess I just, if they weren't.

22 CHRIS RAPCZYNSKI: Yes.

1 BRENDAN SULLIVAN: Okay. All right. Well, I
2 guess maybe Jason, you're reading my mind are you on this
3 one, or --

4 JASON MARSHALL: Yeah. Is this a condo or is it a
5 two-family house?

6 BRENDAN SULLIVAN: Well, it's a two-family, but it
7 is the legal entity is condo. So for zoning purposes, it's
8 a two-family. For legal -- and Andrea, you may have to
9 chime in on this -- for legal status, it is condos. So I
10 think this one is a legal standing, but also then the zoning
11 standing. But --

12 CHRIS RAPCZYNSKI: I think in both instances,
13 neither are changing. They will both still remain a condo
14 and a two-family.

15 BRENDAN SULLIVAN: Right. So I guess it would be
16 classified as a two-family home for zoning purposes, and the
17 ownership of each is separate from the zoning. If I am
18 correct on that. Andrea, does that sound about right?

19 ANDREA HICKEY: I am not sure how to answer that
20 question. What I can say is that if it's a condo
21 irrespective of the fact that the applicants and the other
22 unit owners are related, I do think we typically require

1 something in the file where the other unit owner sort of
2 assents to the request.

3 BRENDAN SULLIVAN: Correct.

4 ANDREA HICKEY: And I don't think we have that in
5 the file.

6 BRENDAN SULLIVAN: There is none in the file.
7 That's sort of why I raised that question as to --

8 CHRIS RAPCZYNSKI: I think it's something that we
9 could get you in post. It's not too difficult.

10 BRENDAN SULLIVAN: So I think your presentation is
11 that there is no objection from the first-floor unit owner?

12 CHRIS RAPCZYNSKI: Correct.

13 ANDREA HICKEY: Right. Mr. Chair, perhaps we
14 could make a condition, if the Board is so inclined to grant
15 this petition that it be conditioned upon the applicants
16 filing something --

17 BRENDAN SULLIVAN: Yeah.

18 ANDREA HICKEY: -- post decision to evidence what
19 they've represented in that regard.

20 BRENDAN SULLIVAN: Yeah. Okay. That would be a
21 condition. Correct. Okay. But Andrea, going back to the
22 whether or not they're seeking relief for the variance, so

1 we go back to that and whether or not a special permit would
2 be the more appropriate relief because they are not -- any
3 new nonconformities?

4 ANDREA HICKEY: Yes. I mean, my conclusion
5 relative to whether this is a two-family for zoning
6 purposes, I think that it is. And I think the special
7 permit is probably again the better sort of avenue to grant
8 this request. But I would defer to Attorney Marshall as
9 well.

10 JASON MARSHALL: Well, I mean on that point,
11 Andrea, I would have to rely on you. I mean, if it's a two-
12 family, I think it would fall under the 8.22.2d provision,
13 and that's what we should pursue.

14 I don't have an answer as to whether we could do
15 that, because I don't know whether this is properly
16 classified as a condo or as a two-family, for purposes of us
17 hearing the request for relief. I need some help on that.

18 ANDREA HICKEY: Yeah. I can't answer that with a
19 certainty. I can only say I'm leaning toward this being a
20 two-family for zoning purposes. But if there's any
21 question, then I suppose we should not proceed under the
22 special permit, but proceed under a variance.

1 JASON MARSHALL: Yeah. I was kind of thinking the
2 same thing, Andrea, where maybe we proceed under a variance,
3 but it could be noted that the Board believes that provided
4 that it's properly classified as a two-family, then the
5 special permit provision would apply. Maybe that's the
6 safer approach here.

7 BRENDAN SULLIVAN: Yeah. I'm not sure in that
8 Bellalta decision if they qualify. They just basically said
9 one- or two-family you know, detached structures. And yet,
10 you know, the legal entity of it, legal ownership of that
11 one or two unit, has never been really --

12 SLATER ANDERSON: No Mm-hm.

13 BRENDAN SULLIVAN: -- enunciated or clarified to
14 us. It's a question, obviously, I have to ask the
15 Commissioner. But yeah, he's going to say yeah, it's a two-
16 family. But -- okay, but given the fact that it's a condo
17 and that's becoming more prevalent, obviously, the
18 traditional two-families where there's an owner that owns
19 two is a dying breed.

20 So I think let us err on the side of safety,
21 Grant, or I'll make a motion to grant the variance and then
22 we will then seek counsel, and then we'll know how to

1 proceed better in the future.

2 Slater, do you agree with that particular tact?

3 SLATER ANDERSON: Yeah, I think that's the safe
4 path to go. I mean, you know, a condo is not something
5 that's articulated in the zoning relief. I mean, it's a
6 two-family in the end. But I think it would be good to get
7 direction from Council on how to address this going forward
8 under the --

9 BRENDAN SULLIVAN: Right.

10 SLATER ANDERSON: -- the provision.

11 BRENDAN SULLIVAN: Yep. Jim, do you concur with
12 that?

13 JIM MONTEVERDE: I agree. Yep. I agree.

14 BRENDAN SULLIVAN: Now, does anybody have any
15 questions? Jim, let me start with you. Any questions to
16 the petitioner on the application?

17 JIM MONTEVERDE: No questions. Thank you.

18 BRENDAN SULLIVAN: All right. And Slater, any
19 questions?

20 SLATER ANDERSON: No questions.

21 BRENDAN SULLIVAN: Andrea?

22 ANDREA HICKEY: No questions.

1 BRENDAN SULLIVAN: Jason?

2 JASON MARSHALL: No questions.

3 BRENDAN SULLIVAN: All right. And I have no
4 questions. Let me make a motion, then, to grant the relief
5 requested, as per the drawings submitted entitled "346
6 Putnam Avenue, Sleeping Dog Properties," initialed by the
7 Chair. Make a motion, then, that the work conform to the
8 drawings submitted compliant with the supporting statements
9 and the dimensional form.

10 The Board finds that a literal enforcement of the
11 provisions of the ordinance would involve a substantial
12 hardship, because it would preclude the petitioner from
13 adding some much-needed space for a growing family, which
14 will allow them to stay in the structure.

15 And the Board finds that the hardship is related
16 to the size of the structure on the substandard sized lot,
17 which predates the existing ordinance. And they are
18 encumbered by the requirements of the ordinance, and that
19 any addition of this nature would require some relief from
20 this Board.

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

1 letters of support from abutting properties.

2 And that desirable relief may be granted without
3 nullifying or substantially derogating from the intent and
4 purpose of the ordinance to provide housing for people of
5 all income groups.

6 And that to allow people to improve their property
7 to update to contemporary standards for a growing family,
8 which is a benefit to the city to allow families to live
9 here.

10 On the motion, then, to grant the -- also on the
11 condition that the petitioner provide to the Board a signed
12 letter of approval of the drawings from the unit owner #1.
13 Said letter should be in the file a week from Monday by 5:00
14 p.m. -- signed letter by the unit owner -- and that that's
15 a condition of the granting of this variance.

16 On the motion to grant the variance, Jim
17 Monteverde?

18 JIM MONTEVERDE: In favor of the variance.

19 BRENDAN SULLIVAN: Slatter?

20 SLATER ANDERSON: In favor of the variance.

21 BRENDAN SULLIVAN: Andrea?

22 ANDREA HICKEY: Yes, in favor.

1 BRENDAN SULLIVAN: Jason Marshall?

2 JASON MARSHALL: In favor.

3 BRENDAN SULLIVAN: Brendan Sullivan in favor.

4 [All vote YES]

5 BRENDAN SULLIVAN: On the five affirmative votes,
6 the variance is granted. Good luck.

7 BRIAN WATKINS: Thank you very much. Thank you.

8 BRENDAN SULLIVAN: Yeah. Just get that letter
9 into us, then we'll be good to go.

10 CHRIS RAPCZYNSKI: Yeah. We'll get that next
11 week. Thank you so much.

12 BRENDAN SULLIVAN: Thank you.

13 KRISTEN WATKINS: Thank you very much.

14 BRIAN WALSH: Thank you.

15 BRENDAN SULLIVAN: Thank you all.

16 JIM MONTEVERDE: Goodnight.

17 JASON MARSHALL: Good job. Happy Fourth.

18 BRENDAN SULLIVAN: Yes.

19 JIM MONTEVERDE: Same to you.

20 ANDREA HICKEY: Thanks, everyone.

21 BRENDAN SULLIVAN: Okay.

22 [10:16 p.m. End of Proceedings]

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.

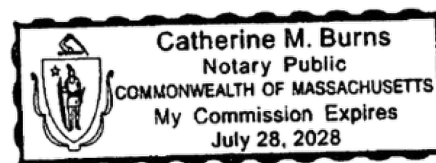
In witness whereof, I have hereunto set my hand this 18th day of July, 2022.



Notary Public

My commission expires:

July 28, 2028



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