

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, APRIL 28 2022

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

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

City Employees  
Olivia Ratay, Zoning and Building Associate



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

2 \* \* \* \* \*

3 (6:00 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,  
5 Jim Monteverde, Laura Wernick, Wendy  
6 Leiserson, and Slater W. Anderson

7 BRENDAN SULLIVAN: Welcome to the April 28, 2022  
8 meeting of the Cambridge Board of Zoning Appeals. My name  
9 is Brendan Sullivan, and I am the Chair for tonight's  
10 meeting.

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

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

1 There will also be a transcript of the proceedings.

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

5 Members of the public will be kept on mute until  
6 it is time for public comment. I will give instructions  
7 for public comment at that time, and you can also find  
8 instructions on the City's webpage for remote BZA meetings.  
9 Generally, you will have up to three minutes to speak, but  
10 that may change based on the number of speakers, and the  
11 Chair's discretion.

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

14 OLIVIA RATAY: Laura Wernick?

15 LAURA WERNICK: Laura Wernick is here.

16 OLIVIA RATAY: Jim Monteverde?

17 JIM MONTEVERDE: Jim Monteverde is here.

18 OLIVIA RATAY: Slater Anderson?

19 SLATER ANDERSON: Slater Anderson is here.

20 OLIVIA RATAY: Wendy Leiserson?

21 LAURA WERNICK: Wendy Leiserson is here.

22 OLIVIA RATAY: Gus Alexander?

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CONSTANTINE ALEXANDER: I'm here.

OLIVIA RATAY: And Brendan Sullivan?

BRENDAN SULLIVAN: Brendan Sullivan present and  
audible.

1 \* \* \* \* \*

2 (6:05 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Jim Monteverde, Laura Wernick,  
5 Slater W. Anderson

6 BRENDAN SULLIVAN: First case I'm going to call is  
7 a continued case, Case No. 159243 -- 7 Oakland Street.  
8 Giovanni, or Stephen presenting?

9 GIOVANNI BERLANDA-SCORZA: Okay, good evening. My  
10 name is Giovanni Berlanda. I am the owner of the property  
11 at 7 Oakland Street. I'm here with Steve Hiserodt, which  
12 is the architect helping me with the project. We came to  
13 the Board in February to ask for special permit to build a  
14 20 feet dormer on the third floor of my house to expand the  
15 bedroom and the bathroom, to make it as a master bedroom.

16 The Board recommended to reduce the length of the  
17 dormer to 15 feet to follow the City guideline on dormers,  
18 so we are coming here to the continued hearing to present a  
19 new design with a -- which is using the allowed 15 feet to  
20 only expand the bedroom, and we are not touching the  
21 bathroom. And we are available to answer any questions  
22 that come about the design.

1 BRENDAN SULLIVAN: Okay. The original length of  
2 the dormer was 20 --

3 CONSTANTINE ALEXANDER: Twenty.

4 BRENDAN SULLIVAN: Twenty foot, and you have  
5 reduced that to 15 feet. If all of you could pull up sheet  
6 A201. Just put the -- so the Board can see the difference.  
7 That's the other side of the house. 201? Which should  
8 show the left side elevation.

9 JIM MONTEVERDE: I didn't find it in the drawing  
10 set, Mr. Chair, the elevation that you're referring to. I  
11 found it on the proposed roof plan. It shows the dormer  
12 and dimensions it; I believe.

13 BRENDAN SULLIVAN: I'm going by the submittal  
14 here.

15 JIM MONTEVERDE: Yep.

16 CONSTANTINE ALEXANDER: I remember it differently.

17 GIOVANNI BERLANDA-SCORZA: I checked the City  
18 website, and the new drawing was there a couple of days  
19 ago.

20 BRENDAN SULLIVAN: Yeah, we do have the hard copy.  
21 It may not have been scanned in to read in to the record.  
22 Jim, you've seen it?

1           JIM MONTEVERDE: I saw this -- I saw what's on the  
2 website today. And I didn't see the -- I think it would be  
3 the south elevation, left elevation as you're facing the  
4 house. But I saw it on the roof plan. Let me call it up.

5           SLATER ANDERSON: Yeah, I mean I have the -- I  
6 just downloaded it from the website. Page 34 of the PDF is  
7 A 201. It doesn't have dimensions on it, but --

8           JIM MONTEVERDE: No, I found one with the  
9 dimensions on it.

10          SLATER ANDERSON: Okay.

11          JIM MONTEVERDE: Let me check. No.

12          BRENDAN SULLIVAN: Well, the hard copy submitted  
13 should be A 201 -- shows that left side elevation, the  
14 existing and the proposed. And the proposed shows a 15-foot  
15 dormer. Basically, pretty similar to what was the original  
16 application, less the addition to the bathroom.

17          GIOVANNI BERLANDA-SCORZA: Correct.

18          SLATER ANDERSON: Page 45 of the .PDF, A-011 shows  
19 the 15-foot dormer on it. It's got the dimension on it. I  
20 believe that's the right one.

21          BRENDAN SULLIVAN: Yeah, that's it there anyhow.  
22 Okay. So we do have a plan, and we also have an elevation



1 on it. So anyhow, any questions? Mr. Alexander?

2 CONSTANTINE ALEXANDER: No questions.

3 BRENDAN SULLIVAN: Slater, any questions on it?

4 SLATER ANDERSON: No questions.

5 BRENDAN SULLIVAN: Jim?

6 JIM MONTEVERDE: No questions.

7 BRENDAN SULLIVAN: Wendy?

8 WENDY LEISERSON: I'm not on this case.

9 LAURA WERNICK: I think it's me.

10 CONSTANTINE ALEXANDER: Laura. Laura Wernick.

11 LAURA WERNICK: Yeah, yeah, yeah. And I have no  
12 questions.

13 BRENDAN SULLIVAN: And I have no questions either.  
14 I think that we had opened it up to public comment. Let me  
15 open it to public comment, just in case anybody has tried  
16 them on the recent presentations.

17 Any member of the public who wishes to speak  
18 should now click the button that says, "Participants," and  
19 then click the button that says, "Raise hand."

20 If you're calling in by phone, you can raise your  
21 hand by pressing \*9 and unmute or mute by pressing \*6.

22 OLIVIA RATAY: Stephen Hiserodt?

1 BRENDAN SULLIVAN: Who's on there, Steve?

2 OLIVIA RATAY: Stephen.

3 BRENDAN SULLIVAN: Stephen, any comment?

4 STEPHEN HISERODT: Olivia, can you hear me?

5 OLIVIA RATAY: Yes.

6 STEPHEN HISERODT: For whatever reason, I wasn't  
7 brought in as a participant, so I've been unable to speak  
8 until now.

9 BRENDAN SULLIVAN: All right, this is the public  
10 comment part, Stephen. So if you have nothing on the public  
11 comment, I'll let you -- after I close if you wish, as their  
12 record to speak but -- if it's necessary. There is -- is  
13 there somebody calling in other than Stephen?

14 BRENDAN SULLIVAN: All right. There is one letter  
15 in the file, dated February 14.

16 "We are neighbors of Giovanni and Katia at 7  
17 Oakland. Our property directly abuts theirs on the south  
18 side. We would like to express strong support for their  
19 proposed dormer addition. They've been wonderful neighbors.

20 "Their proposal is in-keeping with the  
21 neighborhood and doesn't negatively impact any neighbors.  
22 We have no concerns and fully support their project."

1           There is -- that is the sum and substance of any  
2 -- I'm sorry, is -- the only people it may concern is the  
3 owner of the Condominium at 8 Oakland Street, #2.

4           "I fully support fully support Giovanni's  
5 application for a dormer." That's from Andrew Moschetti, M-  
6 o-s-c-h-e-t-t-i.

7           And correspondence from Daniel Pallin, P-a-l-l-i-  
8 n. He's the owner of #9 Oakland, which abuts #7. And they  
9 have been aware of the application, and he has been fully  
10 supporting, "Please grant this request." That's the sum and  
11 substance of the correspondence. And I will close public  
12 comment.

13           Stephen, I don't know if you had anything to add,  
14 more so than what Giovanni has already added, or -- not  
15 necessary, but if you wish to speak? No? Okay.

16           Is the Board ready for a motion?

17           CONSTANTINE ALEXANDER: I'm ready.

18           JIM MONTEVERDE: Ready.

19           BRENDAN SULLIVAN: Let me make a motion, then, to  
20 grant the special permit for the addition of a dormer, as  
21 per the plans submitted. The -- Stephen, one thing I meant  
22 to ask is did you submit a new dimensional form?

1           CONSTANTINE ALEXANDER: Stephen is still here?

2           BRENDAN SULLIVAN: Is he still there?

3           OLIVIA RATAY: He's on mute.

4           STEPHEN HISERODT: There is a dimensional form on  
5 sheet A 102. But I did not alter the application  
6 dimensional form.

7           BRENDAN SULLIVAN: Okay.

8           STEPHEN HISERODT: The only change would be  
9 reduction in the --

10          BRENDAN SULLIVAN: Floor area.

11          STEPHEN HISERODT: -- total GFA.

12          BRENDAN SULLIVAN: All right. Okay. If you could  
13 just do that, it makes the record at lot cleaner.

14          STEPHEN HISERODT: Yep.

15          BRENDAN SULLIVAN: And down the road, it's easier  
16 to reference.

17          STEPHEN HISERODT: Yes, I will do that.

18          BRENDAN SULLIVAN: -- in the future, anyhow. So  
19 if you could redo that, send that off to Maria, and then we  
20 will incorporate that as part of the document.

21                 So let me make a motion, then, to grant the  
22 special permit to allow for the addition of the dormer, as

1 per the application, the dimensional form, supporting  
2 statements and the new plans, which are dated 04/22/22.

3           The Board finds that the requirements of the  
4 ordinance can be met with the granting of the special  
5 permit. The Board finds that traffic generated or patterns  
6 of access or egress would not cause congestion, hazard, or  
7 substantial change in the established neighborhood  
8 character.

9           The Board finds that continued operation of or  
10 development of adjacent uses, as permitted in the zoning  
11 ordinance, would not be adversely affected by the nature of  
12 the proposed use. There would not be any nuisance or hazard  
13 created to the detriment of the health, safety and/or  
14 welfare of the occupants of the proposed use -- in fact, it  
15 would be enhanced -- or the citizens of the city.

16           In furtherance, granting of the special permits  
17 under Section 8.222 d), in all districts the Board may grant  
18 a special permit for the alteration or enlargement of a  
19 preexisting, dimensionally nonconforming, detached single-  
20 family dwelling, not otherwise permitted in Section 8.22.1,  
21 provided that there is no change in use, and that any  
22 enlargement or alteration of such preexisting, nonconforming

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

4 In order to grant such special permit, the Board  
5 of Zoning Appeal is required to find that the alteration or  
6 enlargement shall not be substantially more detrimental than  
7 the existing nonconforming structure -- and the Board so  
8 finds -- and that the alteration or enlargement satisfies  
9 the criteria as stated in Section 10.43, as previously was  
10 stated.

11 On the motion, then, to grant the special permit,  
12 Mr. Alexander?

13 CONSTANTINE ALEXANDER: I vote in favor on the  
14 condition, though, that the petitioner or his architects  
15 submit and revise drawings showing that the dormer will not  
16 be longer than 15 feet. Wonder if that could be clearer.

17 STEPHEN HISERODT: That drawing is in the  
18 submittal on Sheet A 201.

19 BRENDAN SULLIVAN: Yeah. I think we have that,  
20 actually. Okay. Mr. Alexander, in the affirmative. Jim  
21 Monteverde?

22 JIM MONTEVERDE: I vote in favor.

1 BRENDAN SULLIVAN: Wendy Leiserson?

2 LAURA WERNICK: It's me.

3 BRENDAN SULLIVAN: Oh, I'm sorry. Laura.

4 LAURA WERNICK: And Laura Wernick votes in favor  
5 as well.

6 CONSTANTINE ALEXANDER: Laura, also known as  
7 Wendy.

8 BRENDAN SULLIVAN: Yeah. You look like Laura --  
9 Laura, sorry Wernick.

10 LAURA WERNICK: This is one -- I'm only one for  
11 this one case tonight.

12 BRENDAN SULLIVAN: So I won't foul up the rest of  
13 the night. You're in the affirmative?

14 LAURA WERNICK: Correct.

15 BRENDAN SULLIVAN: Slater?

16 SLATER ANDERSON: Slater Anderson is in favor of  
17 the variance.

18 BRENDAN SULLIVAN: Okay. And Brendan Sullivan in  
19 favor.

20 [All vote YES]

21 BRENDAN SULLIVAN: The special permit is granted.  
22 Good luck.

1           STEPHEN HISERODT: Thank you.

2           GARY HILDERBRAND: Thank you. Have a good night.

3           LAURA WERNICK: I'm leaving. See you all.

4           CONSTANTINE ALEXANDER: Bye.

5           JIM MONTEVERDE: Bye.

6           LAURA WERNICK: Goodnight.

7           BRENDAN SULLIVAN: Laura, goodnight. Thank you.

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16       (6:17 p.m.)

17       Sitting Members: Constantine Alexander, Brendan Sullivan,

18                       Jim Monteverde, Wendy Leiserson,

19                       Slater W. Anderson

20           BRENDAN SULLIVAN: The Board will hear Case No.

21       157013 -- 30-32 Crescent Street. Mr. Rafferty?

22           JEFF ROBERTS: Thank you. Good evening, Mr. Chair



1 and Members of the Board. For the record, my name is James  
2 Rafferty. I'm appearing this evening on behalf of the  
3 property owners, Dana Rogers and Will Borden, of 30-32  
4 Crescent Street.

5 I should note at the outset that we filed a  
6 communication with the Board on Monday modifying the  
7 requested relief sought in the application. The application  
8 sought a variance to allow for a dimensionally nonconforming  
9 driveway on the right side of the property.

10 There was a concern expressed by the immediate  
11 abutter, and after discussion the petitioner has withdrawn  
12 that component and filed a revised site plan that no longer  
13 depicts a driveway in that location.

14 So tonight's application, the petitioners are  
15 asking only for the Board to act upon this special permit  
16 request. And the special permit request relies upon the  
17 provisions of Article 8.22.2d, that permits certain  
18 modifications to nonconforming one- and two- family  
19 structures.

20 In this situation, this structure is actually 30  
21 and 32 have historically been two separate, attached  
22 dwellings.

1           For a long time, Ms. Rogers lived at 30. She  
2 recently bought 32 with Mr. Borden, and the plans as  
3 depicted in the drawings reflect the fact that the intention  
4 here is to take two attached single-families and convert  
5 them into a single, detached dwelling.

6           The amount of dimensional relief is quite modest,  
7 but there are a few provisions -- a few components of the  
8 plan which do require relief. There is a request to allow  
9 for a dormer, which is depicted -- it's a very compliant  
10 dormer in terms of its size and its dimension.

11           It's also notable that there's a rear deck being  
12 added to the property with a ramp.

13           The deck is in the rear setback, and the ramp is  
14 similarly situated. The ramp is needed for handicap access  
15 into the property. Mr. Borden is handicapped, so this is a  
16 matter of personal convenience, and will provide much needed  
17 access.

18           But because the house doesn't currently have  
19 conforming rear setbacks, once again the provisions of  
20 8.22.2D would allow this to proceed while there is work to  
21 be done, including the creation of window wells, a new front  
22 covered entry.

1           The project architect Louise Smith, of Louise  
2     Smith Design, is present this evening. And she would be  
3     happy to walk the board through any aspects of the plan or  
4     answer any questions.

5           But at this point, I think I would wait to see  
6     what direction the Board wishes us to pursue.

7           BRENDAN SULLIVAN: Thank you. I have no  
8     questions. I reviewed the file, obviously, and the amended  
9     file leading the driveway construction, and focusing  
10    basically on the work to be done on the house.

11          Mr. Alexander, any questions?

12          CONSTANTINE ALEXANDER: No questions. I mean, the  
13    illumination of the variance request makes the case a lot  
14    easier, so.

15          BRENDAN SULLIVAN: Jim Monteverde, any questions?

16          JIM MONTEVERDE: No questions, thank you.

17          BRENDAN SULLIVAN: Wendy Leiserson, any questions?

18          WENDY LEISERSON: I do have one question, which is  
19    what happens to the table, now that you've dropped the --  
20    regarding the open space dimension? Now that you've dropped  
21    the driveway plan?

22          JAMES RAFFERTY: The table would return to

1 existing conditions. There is no impact. Since the deck  
2 qualifies as open space as well. So that would be the --

3 WENDY LEISERSON: Okay.

4 JAMES RAFFERTY: There is no change in the  
5 dimensional form, and I apologize it would appear that maybe  
6 we did not amend the dimensional form to reflect that  
7 change, as a result of removing the drawing.

8 WENDY LEISERSON: All right, thank you. So to be  
9 clear, there would be no change to the existing open space?

10 JAMES RAFFERTY: Right. And I'd ask Ms. Smith to  
11 verify that, if she's on the call?

12 LOUISE GOFF: Yeah. There is no change. And it  
13 was the dimensional plans should have been --

14 BRENDAN SULLIVAN: Identify yourself for the  
15 record, please.

16 LOUISE GOFF: Oh, sorry. Louise Goff of Louise  
17 Smith Design. The dimensional plan should have been changed  
18 and uploaded. So there was a -- it went back to what it  
19 originally was.

20 BRENDAN SULLIVAN: Okay. So just to make the --

21 LOUISE GOFF: Thank you.

22 BRENDAN SULLIVAN: -- record clear of the changes.

1           JIM MONTEVERDE: All right. So there's no impact  
2 between existing conditions, open space and requested  
3 conditions open space, as a result of moving the driveway.

4           BRENDAN SULLIVAN: Slater Anderson, any questions  
5 at this time?

6           SLATER ANDERSON: No questions.

7           BRENDAN SULLIVAN: Let me open it to public  
8 comment. Any member of the public who wishes to speak  
9 should now click the button that says, "Participants," and  
10 then click the button that says, "Raise hand."

11           If you are calling in by phone, you can raise your  
12 hand by pressing \*9 and unmute or mute by pressing \*6, and  
13 you will have up to three minutes in which to speak.

14           OLIVIA RATAY: Marc McGovern?

15           MARC MCGOVERN: Thank you. Just logged in. That  
16 was quick. Good evening, everyone. I'd like to speak in  
17 favor of 160097. I come before you today not in my capacity  
18 as a City Councillor, but in my role as a Licensed,  
19 Independent Clinical Social Worker, who is working --

20           BRENDAN SULLIVAN: Wait a minute.

21           MARC MCGOVERN: Oh, I'm sorry.

22           BRENDAN SULLIVAN: Not on that case.

1           MARC MCGOVERN: Oh. Oh, I'm sorry.

2           BRENDAN SULLIVAN: Are you commenting on Washburn  
3 Avenue?

4           MARC MCGOVERN: I am.

5           BRENDAN SULLIVAN: Okay. That's down the road a  
6 little bit.

7           MARC MCGOVERN: Okay. Sorry. I'll wait.

8           BRENDAN SULLIVAN: Tune in.

9           MARC MCGOVERN: Thank you. Sorry. My fault.

10          BRENDAN SULLIVAN: All right. Not a problem.  
11 Nobody else calling in. There is correspondence from March  
12 20 re: Michael Shonley and Rakhshanda Saleem.

13           And again, you've got an Irish guy trying to  
14 pronounce non-Irish names, which is always very difficult  
15 and challenging. Anyhow, they're in support of Dana Ross  
16 Rogers on putting forward a proposal for renovating their  
17 home.

18           There is also correspondence sort of back and  
19 forth between Claude Houle, who is representing Lenore and  
20 Jon Cummings at 28, and communication back and forth. But  
21 they have reached an agreement regarding the driveway. So  
22 that correspondence is not relevant to the work on the

1 house, which is now before us.

2 And so, that is the sum and substance of the  
3 correspondence. Anything else, Mr. Rafferty, to add?

4 JAMES RAFFERTY: Yes, thank you, Mr. Chair. Just  
5 briefly, the abutter had retained new counsel, successor  
6 counsel, and we have had communications in the past few  
7 weeks.

8 And it was represented to me earlier this week by  
9 new counsel that as a result of the modifications of the  
10 application, that the abutter -- the right abutter here that  
11 you just referred to in the prior communication -- does not  
12 oppose the variance, the special permit.

13 But if that's not reflected in either the  
14 communications or if no one is present on behalf of that  
15 abutter, I just wanted to represent their attorney  
16 represented that to me.

17 BRENDAN SULLIVAN: Great. Thank you. So made it  
18 part of the record.

19 All right. I'll close the presentation part. Any  
20 questions by Members of the Board? Ready for a vote?

21 CONSTANTINE ALEXANDER: Ready for a vote.

22 JIM MONTEVERDE: Ready.

1           BRENDAN SULLIVAN: Okay. I make a motion, then,  
2 to grant the relief requested, which is to construct a rear  
3 deck, an accessibility ramp within the rear setback, a new  
4 window well within the left yard setback, new dormer, and  
5 replace existing front covered entry, as per the plans  
6 submitted, application dimensional forms and supporting  
7 statements. [Revised drawing dated April 25,2022.]

8           The Board finds that it appears that the  
9 requirements can be met with the granting of the special  
10 permit. 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 Board finds that continued operation of or  
14 development of adjacent uses, as permitted in the zoning  
15 ordinance, would not be adversely affected by the nature of  
16 the proposed use.

17           There would not be any hazard created to the  
18 detriment of the health, safety and/or welfare of the  
19 occupant of the proposed use -- and in fact the changes,  
20 alterations would enhance the quality-of-life for the  
21 occupant.

22           And the Board finds that the proposed use would



1 not impair the integrity of the district or adjoining  
2 district, or otherwise derogate from the intent and purpose  
3 of the ordinance in order to allow people to modify their  
4 structures to allow for their better use, livability, and  
5 safety thereof.

6 The Board also finds that the Board may grant a  
7 special permit for the alteration or enlargement of a  
8 preexisting dimensionally nonconforming, detached single-  
9 family dwelling, not otherwise permitted in 8.22.1, but not  
10 the alteration or enlargement of a 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 dwelling may increase a preexisting dimensional  
15 nonconformity, but does not create a new dimensional  
16 nonconformity.

17 The Board may grant such special permit, but we  
18 are required to find that the alteration or enlargement  
19 shall not be substantially more detrimental than the  
20 existing nonconforming structure to the neighborhood, and  
21 the Board does so find. And that the alteration or  
22 enlargement satisfies the criteria in Section 10.43, as

1 previously stated.

2 The Board also notes that the special permit for  
3 30-32 Crescent Street is hereby granted.

4 The Board also notes that the variance applied for  
5 has been withdrawn, and is not part of this relief, or part  
6 of this decision, other than noting its being removed from  
7 the application.

8 On the motion to grant the special permit, Mr.  
9 Alexander?

10 CONSTANTINE ALEXANDER: I vote in favor of  
11 granting the special permit.

12 BRENDAN SULLIVAN: Jim Monteverde?

13 JIM MONTEVERDE: Jim Monteverde votes in favor.

14 BRENDAN SULLIVAN: Wendy Leiserson?

15 WENDY LEISERSON: Wendy Leiserson votes in favor.

16 BRENDAN SULLIVAN: Slater Anderson?

17 SLATER ANDERSON: Slater Anderson votes in favor.

18 BRENDAN SULLIVAN: And Brendan Sullivan voting in  
19 favor.

20 [All vote YES]

21 BRENDAN SULLIVAN: The special permit is granted.

22 JAMES RAFFERTY: Thank you very much.

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BRENDAN SULLIVAN: Thank you.

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(6:30 p.m.)

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

BRENDAN SULLIVAN: The Board will now hear  
Case No. 156403 -- I'm sorry, the Board will hear Case No.  
162489, Longfellow Road.

1 SAM KACHMAR: Mr. Chairman, can -- I'm Sam Kachmar  
2 here from SKA with my client, Hao Wang. Would it be okay to  
3 just dive into the presentation?

4 BRENDAN SULLIVAN: Go ahead.

5 SAM KACHMAR: Thank you Members of the Board. My  
6 name is Sam Kachmar. I'm here tonight with Ian Masters on  
7 behalf of our client, Dr. Hao Wang.

8 We're pursuing a special permit for construction  
9 of two window wells within the side yard setback and the  
10 creation of a lower-level EDU that will have main access  
11 from Mount Auburn Street at 1 Longfellow Road.

12 SKA has worked with Hao to find common ground with  
13 his neighbors and worked together to reach a compromise. We  
14 circulated plans with Hao and his neighbors over the week of  
15 April 2, 2022 and have made multiple revisions through the  
16 week of April 6 in response to neighborhood feedback.

17 Upon speaking with new counsel for some of the  
18 abutters, we requested a continuance on April 14 and are  
19 here tonight to seek relief under Article 5 and Article 8 of  
20 the zoning ordinance for this project.

21 We met with some of the abutting neighbors, Weldon  
22 Pries and Carlos Neu on April 21 and made some adjustments

1 to the drawings after that meeting in an effort to work  
2 together with the neighborhood, and spoke over the phone and  
3 via e-mail with new counsel on April 14, and again today on  
4 April 28.

5 I think we've come to agreement compromise with  
6 all of the neighbors. And Olivia, if you could bring up the  
7 drawings, I'll just run through those changes really quick.

8 Here on the first slide, you can see photographs  
9 of the property from both Mount Auburn Street and Longfellow  
10 Road.

11 Next slide, please?

12 Here on this slide you can see the existing floor  
13 plan to a Level 0 and Level 1. Note on the right-hand side  
14 of Level 0 there are not any window wells in the existing  
15 plan.

16 Next slide, please?

17 On this slide you can see existing floor plans for  
18 Level 2 and Level 3. There is no work being completed on  
19 these levels.

20 Next slide, please?

21 And on this slide, you can see the existing  
22 elevations for the east and the south side of the house.

1           Next slide?

2           On this slide, you can see the existing west and  
3 north elevations of the home.

4           Next slide, please?

5           On this sheet, you can see the proposed floor plan  
6 at the Level 0 and the Level 1. On the right-hand side on  
7 Level 0, you can see where we're seeking relief for a  
8 special permit for the egress window wells. The ADU is  
9 labeled as Unit 2 on the lower level, and is below 19 square  
10 feet.

11          Next slide, please?

12          On this slide, you can see the proposed plans for  
13 Level 2 and Level 3. No changes to the plans on this level.

14          Next slide, please?

15          On this slide, you can see the proposed southeast  
16 elevations.

17          Next slide, please?

18          And on this slide, you can see the proposed west  
19 and north elevations, where the window wells are on the  
20 right-hand side, dotted and labeled there.

21          Next slide, please?

22          And here you can see some of the construction

1 details highlighting those things from the plans. And I  
2 know when I went off the survey in photos where it's not as  
3 good.

4 Next slide, please?

5 Yeah. And then the survey is here, showing where  
6 we're five-foot-six away from the property line, the  
7 abutting neighbor on Longfellow, and six foot over the other  
8 side. So that's where we're within the side yard setback.

9 And then after that there's a series of photos  
10 that I'm happy to go through if it makes sense for the  
11 board. But mostly, those are just for general use and  
12 context.

13 BRENDAN SULLIVAN: So the latest drawing we have -  
14 - submittal -- the permit set April 25?

15 SAM KACHMAR: Yep.

16 BRENDAN SULLIVAN: All of those changes reflected  
17 in these documents?

18 SAM KACHMAR: That is correct, Mr. Chair.

19 BRENDAN SULLIVAN: I've gone through and read all  
20 of the correspondence -- lengthy correspondence, access last  
21 year on this. And let me walk you through my thoughts on  
22 this.

1 SAM KACHMAR: Yeah, it's a lengthy file.

2 BRENDAN SULLIVAN: Is that there is habitable  
3 space that was created in the basement. Yes?

4 SAM KACHMAR: Yes.

5 BRENDAN SULLIVAN: Okay. Was that habitable space  
6 ever permitted?

7 SAM KACHMAR: I don't know the answer to that, Mr.  
8 Chair. As far as I know, it's an existing condition. I  
9 don't know if it was created 50 years ago, five years ago,  
10 you know, 80 years ago. I don't know when that came into  
11 existence.

12 BRENDAN SULLIVAN: But I think what we're being  
13 asked two things is to allow for access into the basement --  
14 obviously window wells, because there's going to be bedrooms  
15 down there, and it's required by code and obviously exit.  
16 What we're being asked also is to legalize the creation of  
17 livable space down in the basement.

18 I think part of this proposal, or part of the  
19 permitting that Dr. Wang is asking for the city is to allow  
20 him to excavate the basement to bring the head height up to  
21 seven-foot-two.

22 SAM KACHMAR: Correct.



1           BRENDAN SULLIVAN: Am I correct with that? Okay.  
2 The only permit that was ever taken out on the property was  
3 taken out on June 29, 2010. And the work was to do work in  
4 the first-floor apartment. It was to remove and replace  
5 walls and fixtures in the existing first-floor bathroom.  
6 And that's the only permit that was to be taken out. So all  
7 the work that has been done in the basement has been done  
8 without a permit.

9           Now, the history of the property, from what I  
10 understand, is that Dr. Wang, you, and another professor  
11 owned -- he owned the first floor of the unit, you owned the  
12 second and third floor.

13           At some point, when you assumed -- well, probably  
14 when both of you owned it -- the basement was renovated into  
15 a livable space, because he had a relative living there, and  
16 you had a relative living there. Is that correct?

17           SAM KACHMAR: Yes.

18           BRENDAN SULLIVAN: Okay. And yet none of that  
19 work was ever permitted? It was never legalized? So what  
20 you're asking us to do tonight is to legalize what has been  
21 done, and also to bring it up to code-compliance, in order  
22 to allow it to be continually done?

1 SAM KACHMAR: Yes.

2 BRENDAN SULLIVAN: All right. So what I've asked  
3 -- what I did is a little bit of an exercise when I see that  
4 somebody is trying to utilize every square inch of the  
5 building, and so assume that the basement is not there, that  
6 the units or the facilities of the basement are not there,  
7 because they're not there legally.

8 So in the first floor, we have two bedrooms. And  
9 what you're proposing is basically a third bedroom, existing  
10 first floor and one in the basement?

11 SAM KACHMAR: Correct.

12 BRENDAN SULLIVAN: And on the Unit #2, which is on  
13 the second floor, there are two bedrooms. And on the third  
14 floor, there are actually three bedrooms. There's two  
15 bedrooms that are noted as the same, but that are a study.  
16 The study looks like a bedroom, can be used as a bedroom --  
17 to me, that's a bedroom.

18 So you're asking for three bedrooms for the  
19 second-floor unit, and then down on the basement, and then  
20 on the basement you're asking for another two bedrooms,  
21 correct?

22 HAO WANG: Speaking for Unit #2, I'm only asking

1 for one bedroom.

2 BRENDAN SULLIVAN: One bedroom and one office?

3 HAO WANG: Yes.

4 BRENDAN SULLIVAN: Okay. The existing bathrooms  
5 for the first-floor unit you're asking for there are two,  
6 one existing and one in the basement.

7 HAO WANG: Correct.

8 BRENDAN SULLIVAN: Unit #2, you have two  
9 bathrooms, and then you're asking for another one in the  
10 basement. So that would be three?

11 HAO WANG: Correct. I just want to make a note,  
12 Mr. Chairman. The third classroom in the basement was  
13 permitted around 2003 by Peterson Plumbing.

14 BRENDAN SULLIVAN: So in a typical two-family  
15 house, when this is all said and done, what you're proposing  
16 basically is an eight-bedroom, six-bathroom house, with four  
17 kitchens?

18 There are two kitchens -- there's a kitchen on the  
19 first floor, there's a kitchen for the second-floor unit,  
20 and even though you call it a kitchenette, to me it's still  
21 a kitchen.

22 The only thing that's missing as far as the City

1 is concerned would be a stove. But you don't really need a  
2 stove in order to function now. People use microwaves.  
3 They use all kinds of devices to cook them in, their meal.  
4 To me, this is just terribly overcrowding of that structure,  
5 and it's an attempt to, I think, monetize every square inch  
6 of it.

7           And I don't understand the issue that, you know,  
8 you claim that you live there. Apparently, the second-floor  
9 unit is vacant now. I don't know if it's for the purposes  
10 of this hearing, but it had always been rented in the past.  
11 There's communication from the neighbors attesting to that.  
12 You have the first floor rented.

13           And then I don't understand the issue of a  
14 continuing having a space for the Unit #2, how is that  
15 accessible? Only through the outside of the structure?

16           HAO WANG: If I understand the Chairman's question  
17 correctly, you know our architect --

18           BRENDAN SULLIVAN: Why, why, if you've got Unit #2  
19 with all of the space up there, the second floor and third  
20 floor, the number of bedrooms and number of bathrooms, why  
21 do you need more space in the basement for Unit #2?

22           HAO WANG: Well, okay.

1           BRENDAN SULLIVAN: Other than to rent it out or to  
2 allow more individuals to live in the building, which to me  
3 is, you know, overcrowding?

4           HAO WANG: If I may, Chairman. The -- I have been  
5 -- I know that my neighbor and I come from a diverse  
6 background. And I have always been very proud in the years  
7 that I did go overseas to rent out my unit to Harvard  
8 students.

9           And I'm still -- I'm not regretting that I  
10 supported their life when they came to the school, my former  
11 alma mater. And I continue wanting to do so.

12           I mean, the City of Cambridge advocates affordable  
13 housing. We passed that provision. That's why I am doing  
14 this provision, is that I'd like to create this minimal  
15 summer footprint and carbon footprint to create affordable  
16 housing for students.

17           And I do want to amend with that the second-floor  
18 unit is not empty, I live there. Wait a minute, excuse me,  
19 Councillor, wait a minute, do you live there or do you live  
20 in New York?

21           HAO WANG: I live there.

22           CONSTANTINE ALEXANDER: How often -- how many days

1 a month are you there?

2 HAO WANG: I am there almost every weekend.

3 BRENDAN SULLIVAN: Every what?

4 HAO WANG: I go out for -- this is a diverse  
5 lifestyle coming into play. I am a consultant, and as any  
6 consultant center -- I used to work for a center we fly to  
7 our client in the morning, Monday, we fly back to home in  
8 the evening Thursday. That's been years of my lifestyle.  
9 I'm a very private citizen. When I get back, I stay at my  
10 home. People don't see it. And they don't see me.

11 And I have 30,000 miles of milage on my card to  
12 prove in the last two years during the pandemic I commute to  
13 work and come back to Boston. I have stacks of plane  
14 tickets and train tickets.

15 And I don't think, you know, the Board asked me if  
16 I'm honestly presenting to you, but that's our lifestyle.  
17 And it doesn't mean I don't live there, I live, I rent a  
18 temporary residence or apartment in Manhattan, but I only  
19 live there parttime, and --

20 BRENDAN SULLIVAN: Is your car registered in  
21 Massachusetts or New York?

22 HAO WANG: My car is registered in New York

1 because it's garaged in New York.

2 BRENDAN SULLIVAN: Thank you. Thank you. In the  
3 correspondence dated January 2, 2022, going down, skipping  
4 down a little bit, "The number of units in my house is two.  
5 It will remain a two-family home. My project does not add  
6 any new units, simply to bring existing finished basement to  
7 be code-compliant."

8 Then you go on, "Unit 2 is occupied by me now. In  
9 the past, I have been transparent to the neighbors, as I  
10 usually rent the Unit 2 to four Harvard students. I still  
11 plan to do so in the future should I not reside in Unit 2  
12 myself."

13 HAO WANG: Yeah. I am living there now. In the  
14 future, if I do move away, I want to exercise the right to  
15 rent my apartment legally, according to Cambridge and  
16 Massachusetts laws to the students in Cambridge.

17 BRENDAN SULLIVAN: But why would they need a space  
18 in the basement that they have to go outside to?

19 HAO WANG: Oh, the basement accessory --

20 BRENDAN SULLIVAN: It's a two-floor unit.

21 HAO WANG: The basement --

22 BRENDAN SULLIVAN: I can't get to yes, anyhow on

1 this. So anyhow, that's just something to think about. I'm  
2 not going to belabor this. Let me ask any other members of  
3 the Board if they have any --

4 SAM KACHMAR: Mr. Chairman?

5 CONSTANTINE ALEXANDER: I for one cannot accept  
6 the fact we're going to have four kitchen units in this  
7 basically two-family --

8 SAM KACHMAR: It's only two kitchen units. A  
9 kitchen requires a stove in it, by definition.

10 CONSTANTINE ALEXANDER: I'm sorry, I couldn't hear  
11 what you just said. Can you repeat it?

12 SAM KACHMAR: Oh, that a kitchen is defined by  
13 having a stove by the city. So as kitchenette does not  
14 qualify as a kitchen. If there's no stove, there's no  
15 kitchen.

16 HAO WANG: Correct.

17 BRENDAN SULLIVAN: Right.

18 CONSTANTINE ALEXANDER: Okay.

19 BRENDAN SULLIVAN: Jim (sic), any thoughts?

20 CONSTANTINE ALEXANDER: No, nothing else.

21 BRENDAN SULLIVAN: Jim Monteverde?

22 JIM MONTEVERDE: I had the same concerns that you



1 mentioned, Mr. Chair. My basic question was, you know, how  
2 many units are there here? They really look like there are  
3 four, not two. And it just seemed excessive.

4 So I wasn't -- given everything I could read from  
5 the plans and have heard, I just -- I wasn't supportive of  
6 the special permit yet. Thank you.

7 BRENDAN SULLIVAN: Wendy Leiserson, any questions  
8 or comments at this time?

9 WENDY LEISERSON: I think I just echo the  
10 questions of my colleagues and a little bit my confusion as  
11 to what's trying to be done here. I also tend to not like  
12 to legalize things done without permission in the first  
13 place, unless there's some good reason to justify it. Those  
14 are my only thoughts at the moment.

15 BRENDAN SULLIVAN: Okay. Slater?

16 SLATER ANDERSON: No I concur with most everybody.  
17 I was confused by the plan. I thought the units were  
18 mislabeled, because it seemed like there were four units.  
19 So thank you.

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

1 click the button that says, "Raise hand."

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

5 CONSTANTINE ALEXANDER: Anybody?

6 BRENDAN SULLIVAN: There's nobody calling in.  
7 There is quite a lot of correspondence. Somebody is calling  
8 in?

9 OLIVIA RATAY: Mm-hm. Rebecca Pries?

10 BRENDAN SULLIVAN: Rebecca?

11 REBECCA PRIES: Yes. Can you see me? I just  
12 unmuted.

13 BRENDAN SULLIVAN: Yes, we can hear you.

14 REBECCA PRIES: Okay. So my name is Rebecca  
15 Pries. I am speaking on behalf of a group of neighbors as  
16 an abutter to an abutter. I've been a resident of  
17 Longfellow Road for 49 years.

18 We have worked at great length with Mr. Wang on  
19 trying to make sense of his plans. And we've had  
20 significant concerns about them. And we've had significant  
21 concerns over the time about the number of renters in his  
22 dwelling, and the fact that he does not seem to be here very

1 much.

2           We would -- as neighbors we would like to support,  
3 you know, his request. But we have conditions that we feel  
4 are very reasonable, and would like, as the Board is saying,  
5 greater clarity on what is being proposed.

6           So I think that's really what I should say at this  
7 moment -- that we have real concerns that what is being  
8 attempted is to get permission for a special permit which we  
9 ask the lawyer -- the architect to label as Unit #2 being an  
10 accessory unit, but there is the unit next to it which  
11 remains with a kitchenette, and looks as though it's planned  
12 to be rented as well.

13           And so one of our conditions would be that they  
14 should not --

15           [Noise]

16           -- shall rent them, sorry.

17           BRENDAN SULLIVAN: Rebecca, does there appear to  
18 be -- how many people appear to be living in the house now?

19           REBECCA PRIES: There appears now to be one renter  
20 on the first floor, and we see a possible tenant on the  
21 second and third. I -- we thought she was leaving in March,  
22 but I think she's still there. Occasionally, Mr. Wang is

1 there, and we understand when he's there he is also in the  
2 upper floors. Nobody is living in the basement preliminary  
3 --

4 BRENDAN SULLIVAN: Okay.

5 REBECCA PRIES: -- to our knowledge.

6 BRENDAN SULLIVAN: When was the last time you saw  
7 anybody using the basement? Say as a -- for overnight or --

8 REBECCA PRIES: I would need to say that's months  
9 ago.

10 BRENDAN SULLIVAN: Okay. Okay. All right.  
11 Anything else to add?

12 REBECCA PRIES: Not at this time. Thank you very  
13 much.

14 BRENDAN SULLIVAN: Okay. Thank you for calling  
15 in. There is also correspondence -- again, Mr. Wang it  
16 appears to be all of the neighbors -- again, Friday from  
17 January 21 and you -- and your correspondents say, "I  
18 informed the BZA I wanted to apply for a special permit for  
19 accessory use for the basement living space due to this  
20 project. The accessory use will clarify the purpose of the  
21 newly-renovated basement spaces. This special permit will  
22 require me to live in my house as the owner."

1           BRENDAN SULLIVAN: And again, going through the  
2 correspondence and the dialogue, there appears to be an  
3 awful lot of misspeak. So I fully understand when Rebecca  
4 calls in and says that the neighbors are confused and just  
5 need some clarity as to exactly what's going on, what your  
6 intentions are.

7           And, you know, the past history has not been  
8 great. And I don't mean to --

9           HAO WANG: Yes. Thank you.

10          BRENDAN SULLIVAN: -- editorialize a little bit  
11 here, but I'm not sure if you've been a very good steward of  
12 the property --

13          HAO WANG: Mm-hm.

14          BRENDAN SULLIVAN: -- in going through the amount  
15 of correspondence from the neighbors, and how lovely the  
16 street is and how well they have maintained their  
17 properties.

18          And I get the distinct feeling that you have  
19 really used the house to monetize it to the extent that you  
20 possibly can. And are now trying to -- coming in asking for  
21 forgiveness instead of permission beforehand.

22          HAO WANG: Yeah. Thank you, Chairman. I hear all

1 that. I wanted to tell my side of the story, right? So  
2 yes, the drawing is somewhat congested, somewhat. The Unit  
3 #1 basement portion was not done by me. It was done by my  
4 previous neighbor.

5 When he passed away, I purchased the unit, so the  
6 unit kitchenette, the bathroom and that room in the basement  
7 were purchased by me, and it was inherited from its previous  
8 owner.

9 On the Unit #2 side of the basement, like I said,  
10 in about 2003, a permit was pulled by Peterson Plumbing from  
11 the City of Cambridge to do that legally. At that time, I  
12 did not -- I acknowledged my lack of knowledge then, did not  
13 know the regulations around other parts of the basement. So  
14 we did create partisan walls and installed lights.

15 So that's really the history. Again, I don't want  
16 to say right or wrong. You know, if there's mistakes, it's  
17 probably by me without knowing enough. Over the years, Unit  
18 #1, and Unit #2 when you asked my neighbor when they see a  
19 person living in the basement, I actually can tell you with  
20 record that in the last five years, none of the -- there's  
21 nobody living down there.

22 Because every lease that I gave out to my tenants,

1 usually Harvard students, there's a clause saying that the  
2 basement is not permitted to use, it's not legal to live in.  
3 So that's a risk as a landlord and Management. And I have  
4 all that record, if you so wanted to see.

5 Now, with all these establishments, with me moving  
6 back to Cambridge about two or three years ago, I started,  
7 you know, I just continued renting the third and second  
8 floor.

9 The lady that Rebecca mentioned earlier is the  
10 last one, and her lease is ending soon, and it will be --  
11 the entire building a couple of months from now will be only  
12 two people living there: Me on the second and third floor,  
13 and the first floor there's a gentleman that I rent out to.

14 And I do want to renovate this basement, because  
15 it is almost there.

16 And I read about the Barrett Petition, and I read  
17 about the Cambridge needs for affordable housing, with very  
18 minimal carbon footprint, and it is a very efficient way.  
19 That's why you created accessory use, the ordinance for us  
20 to leverage to create more space for people to live in.

21 I know that I'm at odds sometimes with my neighbor  
22 that I allowed young people like my son's age -- I mean they

1 are Harvard students -- I moved to Cambridge 20, 30 years  
2 ago as a young kid. I wanted to rent a place to study.

3 And I want -- I still want to offer that. It's  
4 not illegal that a landlord wants a space to rent to young  
5 people. I mean, if they created noise, they violated the  
6 law, I'm being fined, and I will regulate.

7 But please allow me, given the building right now  
8 is planned for only two adults living in that building,  
9 because we want to keep the unit upstairs stand-alone, and  
10 let us finish the last step of the basement.

11 The statute of units by its definition is that I  
12 have to live upstairs in order to rent downstairs. That  
13 reason is not that I misspoke, it's that I explained to the  
14 neighbor by law in order -- even if in order for me to rent  
15 the basement unit out, I need to live there myself upstairs.

16 So I still think it's worth the cost. I do feel  
17 that when I was away for several years overseas, the house  
18 maintenance was not great. I mean, I did apologize to my  
19 neighbors when I came back, and I plan to do all that. And  
20 I will -- now that I live here, I will do all that. And any  
21 use of my space, new and old, will be according to  
22 Massachusetts law and the ordinance. I'm not going to do



1 anything illegal.

2 BRENDAN SULLIVAN: You just mentioned that the  
3 Professor Zivenko (phonetic)?

4 HAO WANG: Yes.

5 BRENDAN SULLIVAN: Zivenko, is that who it is?

6 HAO WANG: Yes, yes.

7 BRENDAN SULLIVAN: Yes. That he did over his part  
8 of the basement. Is that correct?

9 HAO WANG: Yes.

10 BRENDAN SULLIVAN: Yeah. But you did it  
11 concurrently? You did it at the same time, did you not?

12 HAO WANG: I did not. Probably not the same time,  
13 but both of them I did about 20 years ago. And I pulled the  
14 permit for the basement -- for the bathroom. Had I known  
15 better, I would put a full permit.

16 BRENDAN SULLIVAN: There was no permit for a  
17 basement.

18 HAO WANG: And for the bathroom.

19 BRENDAN SULLIVAN: There was no permit. The only  
20 permit that is on record in the Building Department is the  
21 one that I just read out for the first-floor bathroom,  
22 correspondence dated November 24 to Marissa and Jordan.

1           In that correspondence, in the early 2000s, "We  
2 both finished out our basements with a bathroom and living  
3 storage area." And in 2011, you purchased the Professor's  
4 unit and became 100 percent owner --

5           HAO WANG: Yes.

6           BRENDAN SULLIVAN: -- of 13 Longfellow Road. I  
7 don't want to keep belaboring the point here, but I would  
8 not support the granting of the variance and special permit,  
9 as per the application, in the current form.

10           I would entertain accessory use to the basement  
11 for Unit #1, but not for Unit #2, and not in the  
12 configuration that it is in. That's where I am on this.

13           CONSTANTINE ALEXANDER: Those are my sentiments.

14           SAM KACHMAR: May I ask a question?

15           BRENDAN SULLIVAN: Yes.

16           SAM KACHMAR: We're discussing correspondence from  
17 a variance application, correct?

18           BRENDAN SULLIVAN: I'm sorry?

19           SAM KACHMAR: We're discussing correspondence from  
20 November of 2021 and January of 2022 that is -- pertains to  
21 a variance application, correct?

22           BRENDAN SULLIVAN: Sam, I'm referring to as

1 correspondence that Mr. Wang had with his neighbors  
2 regarding the property.

3 SAM KACHMAR: That is --

4 BRENDAN SULLIVAN: May be in the file for the  
5 variance application, but it's also in the file here for the  
6 special permit.

7 SAM KACHMAR: Okay. I didn't know if --

8 BRENDAN SULLIVAN: Let me answer the question.  
9 What I'm trying to determine here and come to is a code of  
10 conduct that has been going on in the property for many,  
11 many years. And the concerns of the neighbors.

12 I'm trying to address those concerns of the  
13 neighbors. And that the work that was done there was done  
14 without permit. It was not legally done.

15 SAM KACHMAR: Understood.

16 BRENDAN SULLIVAN: Whether it was in the other  
17 file or this file, it's in the file.

18 HAO WANG: It's actually --

19 BRENDAN SULLIVAN: No. Sorry to interrupt. I was  
20 -- Mr. Alexander, you were commenting?

21 CONSTANTINE ALEXANDER: No, I just was speaking to  
22 in support of what you said as well, I would not -- I could

1 not see any second unit in the basement. I'm open to a  
2 basement unit and accessory apartment, but not two.

3 This is -- this is a mess, frankly, this property,  
4 in terms of how it has been occupied, and then your dealings  
5 with the neighbors, and this is not what I want to promote  
6 and really exacerbate what's there now. And I think you're  
7 overloading the building. And I'm very suspicious -- I have  
8 my private views as to what you're doing. I don't want to  
9 further them. Period. I'm not in favor.

10 BRENDAN SULLIVAN: Jim Monteverde, any comments at  
11 this time?

12 JIM MONTEVERDE: No. I think I spoke before.

13 BRENDAN SULLIVAN: Wendy, any other additional  
14 comments?

15 WENDY LEISERSON: No.

16 BRENDAN SULLIVAN: Slater, anything additional?

17 SLATER ANDERSON: Nothing additional, thank you.

18 BRENDAN SULLIVAN: All right. Are we ready for a  
19 motion?

20 CONSTANTINE ALEXANDER: I'm ready.

21 SAM KACHMAR: Mr. Chair, could we possibly request  
22 a continuance on this?

1           BRENDAN SULLIVAN: And the purpose of the  
2 continuance would be for?

3           SAM KACHMAR: Perhaps to redesign the layout of  
4 the basement, pending my client's agreement on that?

5           BRENDAN SULLIVAN: I will give you the courtesy of  
6 that, sure. And if you want to consider the comments of the  
7 Board -- and also, I would let you have Sam gone through all  
8 of the correspondence urge you to do that. Also to have  
9 correspondence with the neighbors -- Rebecca, who called in  
10 tonight, and come back to us with a final plan.

11           SAM KACHMAR: Certainly. We did meet with her  
12 husband in person a week ago or two weeks ago, and we made  
13 some adjustments to the grounds per that. Certainly, we  
14 understand that there may need to be more adjustments to the  
15 drawing in that case.

16           And the only point of clarification, which I don't  
17 think is much relevant, but Unit #2 can be accessed from the  
18 interior of the building, but just through the backs of the  
19 stairs.

20           BRENDAN SULLIVAN: Right.

21           SAM KACHMAR: You don't have to go outside to get  
22 into it, and so forth. But that might just be an irrelevant

1 point.

2 BRENDAN SULLIVAN: Right.

3 SAM KACHMAR: Mr. Wang, do you want to take a  
4 continuance, or would you like the Board to vote?

5 HAO WANG: I certainly -- I also -- I have one  
6 question, before I answer the question. Because I did hear  
7 the Chairman earlier say that -- earlier saying that he  
8 would like to entertain an accessory unit for Unit #1, but  
9 not Unit #2. Is that something that we can work off?

10 BRENDAN SULLIVAN: I would -- I would be for an  
11 accessory use, and not an accessory apartment.

12 HAO WANG: Right. Got you.

13 BRENDAN SULLIVAN: An accessory apartment.

14 HAO WANG: That's fine. I assure the Board it has  
15 never been my intention to create two units in the basement.  
16 I know it's hard for people to see that, but I never  
17 wavered. I always wanted only one part of the basement to  
18 be accessory use. So if that's -- the Board can entertain  
19 it, certainly I would really appreciate the continuation.

20 BRENDAN SULLIVAN: All right. And then you can  
21 work with your architect to revise that plan.

22 HAO WANG: Correct.

1           CONSTANTINE ALEXANDER: Mr. Chair, I just want to  
2 point out that if we continue the case, it will be a case  
3 heard, obviously. I'm not available from June 9 until  
4 October. And so you have to go forward, or the petitioner  
5 would have to go forward with the other four Members,  
6 assuming they're available. I just want to make sure  
7 everyone understands that.

8           BRENDAN SULLIVAN: Olivia, if we were to continue  
9 this, what is the first available date?

10          OLIVIA RATAY: June 30.

11          BRENDAN SULLIVAN: The first available date would  
12 be June 30, which Mr. Alexander is not present, and which  
13 you could go with the four current Members. Mr. Monteverde,  
14 Wendy Leiserson, and Mr. Anderson, I would; would you be  
15 available, the other three Members on June 30?

16          SLATER ANDERSON: Checking my calendar.

17          BRENDAN SULLIVAN: I'm sorry?

18          SLATER ANDERSON: Yeah, I should -- Slater should  
19 be available.

20          BRENDAN SULLIVAN: Okay. Wendy, are you available  
21 on the thirtieth?

22          WENDY LEISERSON: I should be available.

1 BRENDAN SULLIVAN: And Jim?

2 JIM MONTEVERDE: I will be.

3 BRENDAN SULLIVAN: Jim, okay?

4 JIM MONTEVERDE: Yes, I'm sorry. I will be.

5 BRENDAN SULLIVAN: Yeah, okay. Now, I throw it  
6 back to you. Does June 30 work for you?

7 SAM KACHMAR: I think that will work for us and  
8 will give us some time.

9 BRENDAN SULLIVAN: Yeah, okay. And Dr. Wang, June  
10 30 works for you?

11 HAO WANG: Yeah.

12 BRENDAN SULLIVAN: Will you be available?

13 HAO WANG: Yeah, I thank you for the Board's  
14 patience. Thank you.

15 BRENDAN SULLIVAN: Let me make a motion, then, to  
16 continue this matter to June 30, 2022 at 6:00 p.m. on the  
17 condition that the petitioner change the posting sign to  
18 reflect the new date of June 30, 2022 and the new time of  
19 6:00 p.m.

20 That the petitioner sign a waiver, which I think  
21 we have on file.

22 HAO WANG: I did.



1           CONSTANTINE ALEXANDER: We must.

2           BRENDAN SULLIVAN: We would have to.

3           CONSTANTINE ALEXANDER: You must have it, Mr.  
4 Chairman? Maybe it's in the file.

5           BRENDAN SULLIVAN: No, it would be in this one.  
6 Wait a minute, I think I have it here. Yep. Yep. I have  
7 it. Okay. The waiver is signed. That any new drawings,  
8 dimensional forms, application material be in the file by  
9 5:00 p.m. on the Monday prior to the June 30 hearing.

10          CONSTANTINE ALEXANDER: Did you mention the  
11 drawing?

12          BRENDAN SULLIVAN: I did mention the sign. I  
13 think that's it. So that -- changing the sign and any new  
14 submittals in by 5:00 p.m. on the Monday prior. And we have  
15 an agreement. On the motion, then, to continue this matter  
16 to June 30, Mr. Alexander?

17          CONSTANTINE ALEXANDER: I vote in favor.

18          BRENDAN SULLIVAN: Jim Monteverde?

19          JIM MONTEVERDE: I vote in favor.

20          BRENDAN SULLIVAN: Wendy Leiserson?

21                 [Pause]

22          Wendy? Are you on mute?

1 SLATER ANDERSON: No I think she dropped off.

2 JIM MONTEVERDE: Not there.

3 BRENDAN SULLIVAN: Slater on the motion to  
4 continue?

5 SLATER ANDERSON: No I'm in favor of continuance.  
6 Thank you.

7 SAM KACHMAR: Thank you, Mr. Chairman. Thank you,  
8 Members of the Board.

9 CONSTANTINE ALEXANDER: I'm trying to track down  
10 our fifth Member, who seems to have been disconnected, to  
11 get her vote.

12 SAM KACHMAR: Can any of us be deputized to?

13 BRENDAN SULLIVAN: The next matter that we're  
14 going to discuss waiting for this hear, but also will be to  
15 withdraw the variance application.

16 SAM KACHMAR: Well, we can't withdraw that without  
17 prejudice, because that will reflect badly on the special  
18 permit application. We have to leave it until it's  
19 approved, if I'm not mistaken.

20 BRENDAN SULLIVAN: Two different applications,  
21 Sam.

22 SAM KACHMAR: Okay.

1           CONSTANTINE ALEXANDER: We continue the second  
2 Longfellow Road case until June 30 as well? Just -- you  
3 never know with the interaction and the like, and you don't  
4 want to prejudice the petitioner.

5           SAM KACHMAR: Yeah. I'm way above my pay grade in  
6 maybe making those determinations, but --

7           BRENDAN SULLIVAN: We'll err on the side of  
8 caution on that one.

9           CONSTANTINE ALEXANDER: Yeah.

10          SAM KACHMAR: Yep.

11          BRENDAN SULLIVAN: We've lost Wendy.

12          CONSTANTINE ALEXANDER: Having trouble keeping  
13 people in tow. Just trying to track down Wendy.

14          SAM KACHMAR: Do we need her vote technically? I  
15 mean, we've got --

16          BRENDAN SULLIVAN: Well, no, but --

17          CONSTANTINE ALEXANDER: No.

18          SAM KACHMAR: -- out of courtesy.

19          CONSTANTINE ALEXANDER: It should only take a few  
20 minutes, I hope. One of these days, the Board will meet in  
21 person, in which case we wouldn't have these problems of  
22 people getting disconnected or disappearing.

1           SAM KACHMAR: Is there any updates on when that  
2 might start happening again?

3           CONSTANTINE ALEXANDER: I'm sorry?

4           SAM KACHMAR: Are there any updates on what we  
5 might get back to meeting in person?

6           CONSTANTINE ALEXANDER: No.

7           SAM KACHMAR: No.

8           BRENDAN SULLIVAN: We've asked.

9           CONSTANTINE ALEXANDER: We've been asking.

10          SAM KACHMAR: Okay.

11          CONSTANTINE ALEXANDER: Haven't gotten the right  
12 answer yet.

13          SAM KACHMAR: Yep.

14          BRENDAN SULLIVAN: Wendy?

15          OLIVIA RATAY: She's going to call in.

16          BRENDAN SULLIVAN: She's going to call in? Okay.

17          OLIVIA RATAY: Here she is.

18          CONSTANTINE ALEXANDER: She's on.

19          BRENDAN SULLIVAN: Okay. Wendy, on the motion,  
20 then, to continue this matter to June 30?

21          WENDY LEISERSON: Sorry for the computer  
22 malfunction. I do agree with the motion to continue this

1 matter to June 30.

2 [All vote YES]

3 BRENDAN SULLIVAN: So on five affirmative votes,  
4 the motion --

5 CONSTANTINE ALEXANDER: Make sure -- there's two  
6 continued cases. There are two Longfellow cases, Longfellow  
7 Road cases.

8 WENDY LEISERSON: Yes.

9 CONSTANTINE ALEXANDER: And they're both  
10 continued.

11 WENDY LEISERSON: I agree to continue both as the  
12 Longfellow Road cases.

13 BRENDAN SULLIVAN: Gus? Okay. So the special  
14 permit request is continued until June 30.

15 Now, on Case No. 156403, that was the variance  
16 request. And the petitioner is asking that we also continue  
17 that matter. On the motion, then, to continue Case No.  
18 156403, Mr. Alexander?

19 CONSTANTINE ALEXANDER: I vote in favor.

20 BRENDAN SULLIVAN: Jim Monteverde?

21 JIM MONTEVERDE: I vote in favor.

22 BRENDAN SULLIVAN: Wendy on that matter?

1                   WENDY LEISERSON: Wendy Leiserson votes in favor.

2                   BRENDAN SULLIVAN: All right, Slater Anderson on  
3 the motion to continue that matter?

4                   SLATER ANDERSON: Slater Anderson in favor.

5                   [All vote YES]

6                   BRENDAN SULLIVAN: On the condition that the  
7 petitioner change the posting sign to reflect the new date  
8 of June 30, 2022 at 6:00 p.m.; that any changes to this  
9 petition that are not currently in the file would be  
10 required to be submitted by 5:00 p.m. on the Monday prior to  
11 the June 30, 2022 meeting, and we also have a waiver already  
12 in the file for this.

13                   On the motion, then, as five affirmative votes,  
14 Case No. 156403 is also continued.

15                   SAM KACHMAR: Thank you, Mr. Chairman.

16                   BRENDAN SULLIVAN: Okay. Goodnight. Okay. Now  
17 to the regular Agenda.

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(7:13 p.m.)

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

BRENDAN SULLIVAN: The Board will now hear Case  
No. 160097 -- 54 Washburn Avenue.

DENISE CHICOINE: Good evening, Members of the Zoning

1 Board of Appeal. My name is Denise Chicoine. I am Counsel  
2 for the North Charles Mental Health Research and Training  
3 Foundation.

4 North Charles is renewing its application for a  
5 special permit to operate as a non-profit educational use or  
6 other institutional use.

7 North Charles has a 10,000 square feet two-story structure  
8 that it rents. The building is located on a piece of land  
9 that is 14,670 square feet. There are 27 parking spaces and  
10 two handicap spaces. This location is easily accessible  
11 from public transport.

12 There is a history of use of this property that  
13 does not conform with Residential B zoning. Since the  
14 building was constructed, and for the past 122 years, this  
15 building has been used continuously for commercial purposes.  
16 It has posted a telecommunication software company,  
17 financial services company, a toy manufacturing company, and  
18 a refrigeration services company, to name just a few.

19 The company that was on site prior to North  
20 Charles had 120 employees, and was open 24 hours a day. In  
21 contrast, North Charles is only open regular business  
22 hours, which are weekdays, basically, 7:00 to 7:00.



1           North Charles is a non-profit that has been  
2 offering mental health and addiction counseling services in  
3 and around the city of Cambridge for over 50 years. This  
4 property is used for administrative offices and counseling  
5 services. There is no medical use occurring at Washburn  
6 Ave.

7           North Charles' clientele includes  
8 professionals and other contributing members of society.  
9 North Charles uses of the property generates less traffic  
10 than any as-of-right would, because of its location and  
11 proximity to public transportation, and particularly now  
12 that many of the clients are using telehealth services and  
13 not coming in person to North Charles.

14           This property is adjacent to Mass Ave, where there  
15 is an array of commercial uses.

16           These already diversified uses will not be  
17 negatively impacted if North Charles is issued a special  
18 permit. All of North Charles's services are connected  
19 within the building, and will not cause any disturbance to  
20 the surrounding residences.

21           There is no hazard or nuisance created by the  
22 counseling, which are essentially talk therapy sessions. I

1 doubt there would be any controversy if North Charles  
2 offered tax counseling or marriage counseling instead of  
3 mental health counseling.

4 North Charles has statements of support from  
5 Counselors Zondervan, Toner, McGovern, and Nolan. North  
6 Charles has also submitted a petition with 180 signatures  
7 in support.

8 The traffic generated by North Charles's use does  
9 not cause congestion, hazard, or substantial change to the  
10 neighborhood. This proposed use will not adversely affect  
11 adjacent uses. This proposed use will not create a  
12 nuisance or hazard. This proposed use will not impair the  
13 integrity of the district.

14 For all these reasons, we respectfully request  
15 that the Board grant the special permit, pursuant to  
16 Article 4, Section 4.33h -- excuse me b1 or Section 4.33h4.

17 I would like to turn over the presentation to Gary  
18 Houle, who is the Executive Director of North Charles.

19 Thank you.

20 GARY HOULE: Hi. Good evening to the entire  
21 Board. I'm Gary Houle, the Executive Director of North  
22 Charles. I'd like to start off by saying that, you know, I

1 could spend a lot of time trying to rebut a lot of the  
2 rather specious arguments that have been put forth by the  
3 residents, which frankly date back a lot of years at this  
4 point. But they have no real relevance now.

5           You know, taking pictures of the full parking lot  
6 after a major snowstorm, taking pictures of persons in  
7 medical distress being put in an ambulance or, frankly,  
8 creating graffiti in order to infuriate business owners in  
9 the area to support their cause, whatever that may be --  
10 and believe me, I didn't not run around spray painting  
11 buildings in the Mass Ave area, because that's called,  
12 "vandalism." You know, that's a rather ridiculous argument  
13 at this point.

14           Let's also not forget that since the Cambridge  
15 Police have eradicated drug dealing that has gone on for  
16 years at 52 Washburn, and the buildable has been cleaned up  
17 and sold as luxury condos, I'm sure crime in the general  
18 vicinity is down significantly since 2015.

19           We're not here to defend any bad behavior. We've  
20 cooperated with both the Cambridge and the Somerville  
21 Police using footage from our security cameras to catch an  
22 array of criminals, including bike thieves, package

1 delivery thieves -- more formally known as porch pirates --  
2 drug dealing that's gone in in our parking lot in the  
3 middle of the night where the dealers have originated and  
4 gone back to Somerville and erratic drivers.

5 We've performed detailed traffic studies by a  
6 professional engineer, who showed that our presence and use  
7 would and did not create any unexpected traffic issues.

8 The reason we're here is to focus on the here and  
9 now. I'd like to make sure first of all that you -- in  
10 fact, the entire Board does take time and read all of the  
11 testimony in the support letters that we have accumulated  
12 over the last month -- from neighbors in favor, other city  
13 residents, from our patients, our Staff, from the City  
14 Council, as mentioned before by Denise, from other non-  
15 profits in both Cambridge and around the state.

16 These precise services -- other Cambridge  
17 residents from the support of the change.org petition --  
18 the 54 Washburn as used is appropriate, safe, and necessary  
19 at this location.

20 We're currently serving approximately 400 clubs in  
21 our substance abuse and mental health treatment at this  
22 location.

1           We do all medication distribution at 1493  
2 Cambridge Street, which you know is the Cambridge Hospital,  
3 which is in complete keeping with our commitment to the  
4 city since the late 1970s, that we perform all treatment at  
5 the hospital.

6           We are only performing talk therapy and counseling  
7 for people at Washburn. It also serves as our  
8 administrative office.

9           The most important new information is that since  
10 COVID restrictions set in in early 2020, our location has  
11 seen a significant reduction in both patient and staff  
12 visits.

13           We are currently operating with most staff on site  
14 only three days a week, and 85 to 90 percent now of our  
15 treatment is being provided through telemedicine or through  
16 the telephone only.

17           While this may not continue forever, given that  
18 insurance, the state and federal government have  
19 permanently accepted these forms of treatment as  
20 reimbursable, I have to say that this model of treatment,  
21 as our model of treatment has changed for good. I do not  
22 expect any return to anything close from the previous

1 attendance levels, particularly patients in particular.

2 I think it is safe to say that at least 30- to 40  
3 percent reduction on site visits will probably be  
4 permanent. With the opioid crisis still raging in  
5 Massachusetts, fentanyl presence is rampant and close to  
6 100 percent of our patients have fentanyl on board.  
7 Deaths from overdose are still climbing throughout the  
8 pandemic.

9 The other major need is of course for mental  
10 health counseling services, which have gone through the  
11 roof during the pandemic. We cannot even serve all the  
12 need that's out there.

13 Overall need for our services is only increasing.  
14 But still, our parking lot is -- for the last 24 months has  
15 never been more than 50 percent full at any time.

16 It is always important to note that the folks that  
17 attend our location are here to stay well from both  
18 substance abuse and mental health issues. People want to  
19 be in treatment and not on the streets with drug dealing,  
20 not in prisons for crime, and not in any related -- to be  
21 caught in the throes of a major depression.

22 Our patient populations tends to be very local --

1 mostly Cambridge, Somerville, Arlington, and Medford  
2 residents. And they don't appreciate, frankly, being  
3 filmed constantly by the neighbors.

4 We have to constantly warn patients to drive  
5 state, city and local vehicles that complete anonymity  
6 can't be assured in this situation, because of the legally  
7 questionable filming that goes on.

8 And this is a real shame. These folks are nothing  
9 but your neighbors and people you run into on a daily  
10 basis. They're no different. We operate under strict  
11 HIPAA guidelines. We keep everyone strictly confidential,  
12 and it's -- we're heavily regulated.

13 These folks have absolutely no incentive to cause  
14 any disruption in the community. I mean, I have to even  
15 ask the folks on the Board, do you ever feel the need to  
16 cause trouble around your primary care doctor's office? I  
17 venture a guess no. You are there for a medical crisis and  
18 want to obtain care, treatment, and leave. And our  
19 patients are the same.

20 You know, please note that we also allow the use  
21 of our lot on nights and weekends, and as long as the lot  
22 is vacated by 7:30 in the morning. And many, many people

1 in the neighborhood utilize it a lot -- kids play in the  
2 lot and people park in the lot.

3 And quite honestly, you know, I'd like to take  
4 this opportunity to, you know, thank the Board for  
5 reconsidering this. And given the changes in our  
6 circumstances, I think it's very important that this  
7 special permit be reconsidered. Thank you very much.

8 BRENDAN SULLIVAN: Thank you. Denise, anything  
9 else to add at this time?

10 CONSTANTINE ALEXANDER: I have a question.

11 DENISE CHICOINE: Dan Kauffman actually had a  
12 short statement for the Board as well.

13 CONSTANTINE ALEXANDER: I have a question.

14 GARY HOULE: Go ahead.

15 BRENDAN SULLIVAN: Mr. Alexander would like to  
16 just make a comment for the moment? Yeah?

17 CONSTANTINE ALEXANDER: I was the Chair five years  
18 ago when we rendered the first, the decision that you're  
19 asking us to reconsider tonight. It was just -- we may --  
20 we had a very detailed hearing, and we found that this  
21 would cause a substantial change in the neighborhood  
22 character.



1           So this is a densely populated residential  
2 district, serviced by a very narrow -- not very, but a  
3 narrow street. We rendered our decision. There was a,  
4 "then" and I guess there is now, almost unanimous,  
5 certainly substantial neighborhood opposition.

6           As I said, we rendered our decision. We denied  
7 the request for the special permit. You took an appeal to  
8 the courts, as you have every right to do. The Court did  
9 not overturn our decision. And so we are here today,  
10 tonight. You're asking us to reconsider now.

11           I -- have you reached out to the neighborhood?  
12 Have you had any neighborhood meetings to -- things you've  
13 been bringing out now about how the pandemic has affected  
14 how your business operates -- your business, your services  
15 operate? Have you tried to explain that to the neighbors?

16           What have you done, in short, to reach out to the  
17 surrounding residents, who are in opposition?

18           DENISE CHICOINE: Mr. Alexander, if I may, I would  
19 like to correct for the record on the point that the  
20 landlord has not ruled on the special permit decision that  
21 was made in 2016 by this Board. The litigation before the  
22 and court is regarding the definition and the zoning of what

1 constituted general offices.

2 Also, this is not a request to reconsider what was  
3 done in 2016. There is new evidence before the Board now,  
4 and there is a new ground on which we are applying for the  
5 special permit. So this should be taken as a de novo  
6 review.

7 Finally, I would say that the neighborhood is not  
8 unanimous in its opposition to North Charles. There are a  
9 number of letters from neighbors in the record that show  
10 their support, and North Charles has done an admirable job  
11 of being transparent and dedicated to responding to the  
12 concerns of the neighbors on a timely basis.

13 CONSTANTINE ALEXANDER: Thank you.

14 BRENDAN SULLIVAN: Ms. Kauffman, you wanted to --

15 JANICE KAUFFMAN: Yes. Thank you for an  
16 opportunity to be able to speak before the Board. I just  
17 want to say that I am an addictions treatment specialist,  
18 and have worked for North Charles since 1973.

19 I was one of the original folks who became  
20 involved in responding to the City of Cambridge's request to  
21 address the opiate treatment problem that was occurring  
22 during that time.

1 I have a very long history of knowing what's  
2 happened with the -- with our organization, the properties  
3 that we have been part of, and also the treatment of  
4 substance use disorders.

5 Since we started the programs, our medication  
6 dispensing has always been at the Cambridge Hospital.  
7 There's never been a question about that. And the Cambridge  
8 Hospital has in fact supported it. In fact, I think one of  
9 the letters that's been submitted to the Board is from the  
10 Cambridge Hospital.

11 I was -- the other thing that I want to say is  
12 that I was a resident of Cambridge for 12 years. And, as I  
13 said, I've been working nearly 50 years for the -- for North  
14 Charles, and providing services for the Cambridge Hospital.  
15 We are a preferred provider to the Cambridge Hospital, and  
16 they have articulated on more than one occasion their  
17 dependence on our services.

18 So I want to just start by framing my comments  
19 that way.

20 I also am involved nationally in the development  
21 of treatment guidelines for SAMSA, and have worked with the  
22 Institute of Medicine to develop guidelines for the

1 treatment of opiate use disorders.

2 And so I am -- I'm also an Assistant Professor of  
3 Psychiatry at Harvard Medical School, and I've spent a good  
4 deal of time educating residents, medical students, Fellows,  
5 about the treatment of addictive disorders. We hold a  
6 strong reputation across the country.

7 I have to say that my commitment to North Charles  
8 and the citizens of Cambridge has been, obviously, for a  
9 very long time. I've prided myself on being an active part  
10 of the community, both previously as a resident and  
11 continuing as a service provider.

12 And one of the reasons for doing that is that  
13 Cambridge has been so progressive and committed to the care  
14 of patients of mental health and substance use disorder. In  
15 fact, as I mentioned earlier, the City of Cambridge  
16 requested that we do this work. And we have done so ever  
17 since.

18 I am so disheartened by the actions of our  
19 abutting neighbors. And to address the question, when we  
20 initially moved to 54 Washburn Ave, we issued an invitation  
21 to talk to residents that are on Washburn Ave about what our  
22 intent is, what the nature of our services were?

1           And there were about handful of people who  
2 attended, but the preponderance of people on Washburn Ave  
3 did not attend.

4           So to answer your question, yes, we have reached  
5 out, but we've had minimal response to that.

6           I also have to say that, you know, the  
7 relationship that's gone on around how they have treated our  
8 patients and Staff I have to say, does not really support  
9 reaching out and asking for more of that.

10           So I wanted to sort of just make those statements  
11 to let you know the context by which I am presenting my  
12 information.

13           I was really disheartened about the actions of the  
14 Zoning Board to deny us. The permit that was legitimately  
15 granted when we moved in to provide counseling services.

16           The City is well aware of the services that North  
17 Charles has provided, and has granted permits to us for many  
18 years, throughout different locations in the City of  
19 Cambridge.

20           So to suggest that there was ever any question  
21 about what we did, and what we intended to do at 54 Washburn  
22 Ave to me personally is really appalling. And I remain

1       disconcerted about this.

2               I have to say that I have observed stigma towards  
3       our patient population ever since we started the work at  
4       Washburn Ave. I have never experienced that to the extent  
5       that we have had since we've been there.

6               I am very well aware of what's going on at Lime  
7       and Cooney Street around services that the Cambridge  
8       Hospital offers for our patients, and we have enjoyed a  
9       supportive reputation and relationship with REM (phonetic)  
10       for many, many years.

11               I feel like the behavior is really personally seen  
12       as outrageous. I've observed this behavior of the neighbors  
13       towards patients who are coming here to seek help, not to  
14       create problems.

15               So that one would think that you would be worried  
16       about people who are not seeking help and hanging out on the  
17       streets, not people who are trying to change their lives,  
18       and quite frankly have done so in extraordinary and  
19       impressive ways.

20               Specifically, I've seen neighbors taking videos of  
21       their comings and goings. Some people have physical  
22       disabilities for all kinds of reasons. And some people have

1 been transported for services in medical cabs because they  
2 aren't able to get there in other ways. And that's because  
3 of physical disabilities that they have, not because of  
4 their substance use disorders.

5 I think that it's been outrageous to me that they  
6 have posted accusatory and misleading pictures on Facebook,  
7 have really exaggerated vignettes, as well as violated the  
8 privacy of our community members who are coming to get help  
9 and actively seeking to treat their substance use disorder.

10 This I just find appalling. I've seen some  
11 letters that have been submitted. And for them to suggest  
12 that by virtue of us being at 54 Washburn Ave that we are  
13 creating a situation where we're not ensuring privacy, I  
14 would contest that what doesn't assure privacy is neighbors  
15 taking videos and pictures of our patients coming in and  
16 out. I find that just unbelievable for people who are in  
17 such an educated and open-minded community.

18 I have personally spent time with patients  
19 addressing the trauma that they have experienced by these  
20 activities. The behavior should be an embarrassment to the  
21 city, and should not be the kind of reputation that  
22 Cambridge would want to support, especially during the

1 throes of a life-threatening opioid, which continues to  
2 rage.

3 So I am happy to answer any questions that you  
4 have. I am happy to come personally and speak to the Zoning  
5 Board -- whatever would be your pleasure.

6 I respectfully request that you support our  
7 continued stay at 54 Washburn Avenue, and that you support  
8 the care of our community going forward. Thank you for your  
9 time tonight.

10 BRENDAN SULLIVAN: Thank you for your comments.

11 CONSTANTINE ALEXANDER: I have a question.

12 BRENDAN SULLIVAN: Yes. Mr. Alexander has a --

13 CONSTANTINE ALEXANDER: My question is very  
14 simple. Have you looked at other properties in Cambridge,  
15 or maybe adjoining communities?

16 BRENDAN SULLIVAN: This will be to Gary.

17 GARY HOULE: I'm sorry.

18 BRENDAN SULLIVAN: This would be to Mr. Houle.

19 GARY HOULE: We looked at -- yeah, we looked at a  
20 number of different properties in the area. I probably got  
21 -- at the time in 2015, we looked at upwards of 20  
22 properties in the area, right? We found very few that met



1 our needs, because of the build-out required, really.  
2 Because we require, you know, we're not just an open cubicle  
3 operation. We need individual offices.

4 And this particular building was small enough, had  
5 a parking area, which is needed, and had -- it needed a  
6 limited build-out as far as office space goes, in order to  
7 do the counseling, which requires confidentiality obviously.  
8 So that's why we landed where we did.

9 And frankly, the landlord was very -- the landlord  
10 was very welcoming of our use.

11 CONSTANTINE ALEXANDER: You're describing what you  
12 did, and it's very notable, in 2016, '15. What about in  
13 2022? Have you looked around to see if there's any  
14 comparable or acceptable space that would avoid the issues  
15 you're having with your neighbors?

16 GARY HOULE: I think we're intent on staying where  
17 we are, and I don't think -- I have not looked at anything  
18 else. Unless the City is willing to buy us a building, I'd  
19 be more than happy to look into it.

20 CONSTANTINE ALEXANDER: Our Board can't help you  
21 with that.

22 BRENDAN SULLIVAN: All right. Let me open it to

1 any other Board questions or comments, and then open it to  
2 public comment. Then we'll allow Denise or Janice to  
3 respond at the end of that.

4 Let me just start off, my own observations is I  
5 sat on this case six years ago. And in the interim of those  
6 six years, I have every once in a while, gone over to  
7 Washburn and just to sort of get a sense of what's going on  
8 and what have you.

9 And it appeared to me to be just normal comings  
10 and goings in an office building. And then when this case  
11 came before us, then I focused a little bit more clearly.  
12 And let me inform the Board that I have probably been there  
13 five, six times in the last two or three weeks.

14 And on occasions I've pulled into the parking lot,  
15 because I wanted to sort of count the cars. And I counted  
16 10 cars, and that was at 10:00 in the morning, 10:30 in the  
17 morning and I would say, like, really very low level of  
18 activity.

19 When I was met by a security guard, who asked me  
20 if I had an appointment. And I said no. And he said,  
21 "Well, you cannot be parking in the area" unless I had an  
22 appointment to see somebody. And I said, "Well, I'm

1 actually here -- " I said " -- it's on a City matter, in  
2 affiliation with a City agency," And I said, "So I'm just --  
3 " so he was a little suspect, and what have you, but he said  
4 okay.

5 And I asked him question. I said, "How long are  
6 you here for?" And he says, "Oh, I come early in the  
7 morning -- " he says, "-- and I stay here until they tell me  
8 I can go." And he says, "Sometimes it could be noontime or  
9 something like that."

10 And I said, "Do people come back in the  
11 afternoon?" He says, "Well, I don't know." He says,  
12 "Possibly." He says, "I think there is a morning security  
13 and an afternoon -- " he says, "-- but I only do the morning  
14 thing." Or something.

15 And I says, "Is this sort of normal?" And he  
16 says, "Well, ever since the last couple years--" he says, "--  
17 - it's really been quite low key as far as the comings --"  
18 he says " -- because of the pandemic and because of the in-  
19 person appointments and all."

20 And, he says, "The point is, I don't even know why  
21 they have me here, because --" he says, "-- other than the  
22 occasional person who probably lives out of town and wants

1 to park in the parking lot and walk down the street, jump on  
2 the T and go in town or something like that."

3 So I guess to sum it all up, it seems that the  
4 level of activity, the comings and goings, is greatly  
5 reduced.

6 And again, Gary, you explained that earlier in  
7 your comments. The reason for that is the pandemic, and  
8 that as a result of that, you may have found a new way of  
9 doing, conducting your business, and that the people that  
10 you serve have also been able to do this remotely.

11 And so you've been able to take care of them and  
12 still operate efficiently, and that as we sit here every  
13 Thursday night and put on decks and put on little additions  
14 because people are now working from home and decks because  
15 they want to get out of the indoors every once in a while,  
16 and just get some fresh air, society and societal trends  
17 have changed.

18 We're confronted with those all the time and  
19 adjust to that. And so I think that -- I think it's a plus  
20 that the level of activity that you're experiencing now and  
21 probably will experience in the future is much less than an  
22 office building of comparable size -- again, telephone,

1 telecommunication, operation or whatever, so that the  
2 impact, I think, is greatly reduced.

3           Something that I think Janice, you may have  
4 brought it up or something like that, and I'm always sort of  
5 wrestling with great terminology or the proper terminology  
6 to use for people that you serve... and you also serve people  
7 that do have some sort of health issues, is that correct, at  
8 this facility, or is it mostly opiate additions or the --

9           DENISE CHICOINE: I'm happy --

10           BRENDAN SULLIVAN: Gary, or -- Gary maybe you  
11 could answer this.

12           GARY HOULE: Yeah, I can answer that. Yes, we  
13 have a mental health -- we have a mental health clinic that  
14 serves, you know, basically people with common mental health  
15 problems -- you know, depression, bipolar disorder,  
16 schizophrenia, et cetera.

17           You know, the need now is, obviously, through the  
18 roof because of the pandemic. I -- you know, and those  
19 folks, almost 100 percent of those folks are treated right  
20 now telephonically and telemedicine wise.

21           At this point, I don't think -- I'm reasonably  
22 sure that there are zero mental health patients coming into

1 the building right now. So -- and that's -- that's pretty  
2 miraculous that we can maintain them and keep them safe, and  
3 not have to see them face-to-face.

4 And as I've said, as I said too, I -- you know, I  
5 don't guarantee it's going to be 100 percent the way it is  
6 right this second, but I know it's going to be 30, 45  
7 percent reduced activity going forward. It's really -- our  
8 treatment model is changing.

9 We're learning about -- we're learning this like  
10 everybody else right now. It's -- we're sort of going  
11 through a real change with this modern of care. And a lot of  
12 it is --

13 A lot of it too is because we can't hire. You  
14 know, hiring is a real problem, and we have a reduced staff,  
15 actually, because of the pandemic. And that's another  
16 reason you don't see as many folks in the parking lot, we're  
17 having trouble hiring. A lot of people just want to work at  
18 home and don't want to come into the office.

19 So like any other business, really, as far as that  
20 goes.

21 BRENDAN SULLIVAN: Are you going to hybrid, also  
22 with the existing Staff?

1           GARY HOULE: Yeah. We actually have a couple  
2 people working 100 percent remotely, and I don't think  
3 anyone's coming in more than -- any of the treatment staff  
4 is not coming in any more than three days a week. The  
5 administrative staff is in every day. But, you know, that  
6 has nothing to do with treatment.

7           BRENDAN SULLIVAN: All right. Good. Jim  
8 Monteverde, any questions or comments at this time?

9           JIM MONTEVERDE: No questions, thank you.

10          BRENDAN SULLIVAN: Wendy Leiserson, any questions,  
11 or comments at this time?

12          WENDY LEISERSON: No, not at this time.

13          BRENDAN SULLIVAN: Slater Anderson, any questions?

14          SLATER ANDERSON: No comments.

15          BRENDAN SULLIVAN: Mr. Alexander, any other  
16 comments?

17          CONSTANTINE ALEXANDER: No. I'm all set.

18          BRENDAN SULLIVAN: Going to open it to public  
19 comment. Any member of the public who wishes to speak  
20 should now click the button that says, "Participants," and  
21 then click the button that says, "Raise hand."

22                 If you are calling in by phone, you can raise your

1 hand by pressing \*9 and unmute or mute by pressing \*6.  
2 Generally, we allow up to three minutes, to be strictly  
3 monitored. If there are more than 10 or 15 people, I will  
4 reduce that to two minutes.

5 We still have a full slate of hearing: One, two,  
6 three, four, five, six, seven, eight cases after this.

7 So, you know, all I ask is that you express your  
8 opinion. We welcome it, but have some consideration from  
9 the Board Members also.

10 OLIVIA RATAY: Sam Kachmar?

11 SAM KACHMAR: Hi. My name is Sam Kachmar. I'm a  
12 resident of Cambridge since 2010. I would just like to  
13 express my strong support for the continued support of the  
14 mental health and opioid treatment within the city. I think  
15 it's very important to support those things everywhere.  
16 That's it!

17 BRENDAN SULLIVAN: Thank you, Sam.

18 OLIVIA RATAY: Jeff Melnick?

19 JEFF MELNICK: Thank you. My name is Jeff  
20 Melnick. I live on Reed Street in North Cambridge. I've  
21 lived here for 25 years, raised two kids, sent them through  
22 the public schools.



1           I want to talk in strong support of the permit  
2 that North Charles is asking for. I don't have to tell the  
3 Board Members about the crisis of opiate use in our  
4 community and beyond.

5           I have to say on a personal level, I lost a very  
6 close family member 20 years ago to heroin overdose, so this  
7 is as personal as personal could be.

8           But as a neighbor, I have to say that I see that  
9 the folks at the Washburn Ave facility are doing God's work  
10 and doing God's work in an incredibly successful and  
11 purposeful and careful way, as I'm sure is true for many of  
12 you during this pandemic.

13           One of my main social activities has been taking  
14 long walks, and one of the things I've done is walk again  
15 and again past, because I remember some of the neighbors'  
16 points at the first round of hearings five or so years ago.

17           And if you go by there, and I know that your Chair  
18 spoke about going by a handful of times -- I've been by  
19 dozens of times -- and you really would have no idea what  
20 kind of services are being offered there. There's not any  
21 particular chaos; it's a quiet block that has remained  
22 quiet, even with the North Charles facility there.

1           And we just absolutely need this in North  
2 Cambridge. You know, if we think about where North  
3 Cambridge is and where the density of this kind of treatment  
4 facility tends to be, you know, we know that it sort of  
5 aggregates around neighborhoods like Central Square.

6           And we have the need in North Cambridge, the  
7 closeness of the Davis Square T stop, the fact that the bus  
8 runs right along Mass Ave, near Washburn Avenue just means  
9 that it's accessible to a large portion of the population.

10          As we've heard from the Director, so much of their  
11 work has gone to telehealth now. So there's literally as  
12 far as I can tell no impact on the community in terms of  
13 negative fallout from having the services here and just the  
14 most urgent, necessary, positive impacts.

15          So I really just want to urge you to think about  
16 how much we need think of facility in North Cambridge. We  
17 don't need another frozen yogurt shop, we don't need another  
18 bank, we don't need another donut shop. What we do need is  
19 think of social service outline. So thank you so much. I  
20 appreciate your time.

21           BRENDAN SULLIVAN: How many in the queue?

22           OLIVIA RATAY: Seven.

1           BRENDAN SULLIVAN: Is Councillor McGovern on the  
2 line? You have been holding for an hour and --

3           OLIVIA RATAY: Marc McGovern?

4           MARC MCGOVERN: Thank you. And Mr. Chair, I would  
5 say that at Monday night City Council meeting, we had over  
6 150 public speakers. So I feel for you. So Marc McGovern,  
7 17 Pleasant Street in Cambridge. I would like to speak in  
8 favor of North Charles' petition.

9           I come before you today on the in my capacity as a  
10 City Councillor, but in my role as a Licensed Independent  
11 Clinical Social Worker, who has worked for close to 30 years  
12 with children and families.

13           In this capacity, I have seen the opioid crisis  
14 destroy lives. I've seen countless children enter the  
15 foster care system because of their parents' substance use.  
16 I've seen children bury their parents and parents bury their  
17 children.

18           This crisis crosses all demographics. Substance  
19 use disorder can impact any of us, and my guess is that  
20 we'll know someone who has struggled with addiction.

21           North Charles provides much needed clinical  
22 support to those who are in recovery from this illness, and

1 addiction is an illness. For those who might say, "Well,  
2 you don't live in the neighborhood," I will point out that I  
3 live less than 100 yards from the Needle Exchange program on  
4 Green Street. I was born and raised in the home I now live.  
5 I remember when the Needle Exchange came to my neighborhood,  
6 and I supported it then, and I support it now.

7 So I do understand. And I am not asking anyone to  
8 support something in their neighborhood that I don't support  
9 in my own. Many neighborhoods have service providers  
10 similar to North Charles. What makes Washburn Ave, with the  
11 majority of the street being in Somerville, more special  
12 than my neighborhood?

13 I would say just because a handful of abutters  
14 have concerns does not mean that those concerns are  
15 reasonable or should trump the greater good.

16 What makes me sad is that if North Charles was  
17 providing therapy to married couples or children, we  
18 wouldn't be having this discussion. The concern is not  
19 about having a clinic at that location, but it is about  
20 having that type of clinic in that location.

21 If I heard correctly tonight -- and I didn't know  
22 this until tonight -- that one of the prior occupants of

1 that building had over 100 staff. If we're concerned about  
2 traffic and parking, I would imagine that that was much more  
3 disruptive to the neighborhood, yet it was allowed. Let's  
4 be honest. We are having this discussion because of the  
5 clients they are serving.

6 I'll also say that the concerns that North Charles  
7 is administering medication is not true. I have toured the  
8 facility on three occasions. North Charles has added  
9 security at the request of the neighbors. They've allowed  
10 neighbors to use the parking lot at the request of the  
11 neighbors. They have informed their clients to vacate the  
12 premises immediately at the request of the neighbors,  
13 despite sidewalks being public streets or public places.

14 So I ask that you please approve the special  
15 permit tonight and allow North Charles to continue serving  
16 those who need their support, both because North Charles is  
17 providing a life-saving service, but also because they've  
18 been responsive to neighborhood concerns. Thank you very  
19 much for your time.

20 BRENDAN SULLIVAN: Thank you, Marc.

21 OLIVIA RATAY: Ivan Toft?

22 IVAN TOFT: Hi. Thank you very much to the Board

1 and I'm just going to start by saying very quickly that I  
2 agree with Mr. Alexander. Very little has actually changed  
3 in the last seven years of experience we've had being  
4 neighbors of North Charles.

5           The first thing that hasn't changed is that all of  
6 us on the street -- all of us who wrote, "opposing" and I'm  
7 sure the Board agrees -- agree with the support letters on  
8 one thing, which is that the service that North Cambridge  
9 provides is vital, and the patients deserve that care. They  
10 are an underserved community. Cambridge benefits from those  
11 services. So we agree on that.

12           But now we have problems. First of all, if you  
13 look at the addresses -- not all of them have addresses --  
14 of the people that are supporting, most of them, like Marc  
15 McGovern, live over three miles away. They just don't live  
16 on our street. They don't see the comings and goings.

17           Even the staff that work in the building don't see  
18 the comings and goings. It's like a space station. They  
19 show up in their cars, they go into the building, they work  
20 all day and then they leave. They do not live on our  
21 street.

22           We've been accused of many things that are

1 offensive. And as someone who's lost a sister to drug  
2 addiction, I'm deeply offended by the idea that we're all  
3 these sorts of backward, bigoted NIMBYs who don't support  
4 the mission. Let's be clear: We all support the mission of  
5 NCI.

6 But we can't confuse the mission of NCI and the  
7 needs of the citizens and of the patients that genuinely  
8 deserve that care with the location in which the services  
9 are provided. I'll just go through really quickly, a lot of  
10 stuff that's been said is just nonsense -- by the attorney,  
11 by Mr. Houle, or it goes in the opposite direction.

12 So for example, Ms. Kauffman has spoken twice --  
13 first in her letter, and then tonight passionately about the  
14 so-called abuse that NCI's patients and bigotry and stigma  
15 of us recording them. Listen, it gives us no pleasure to do  
16 either, but we're forced to document.

17 People say, "Well what's it like having ambulances  
18 come up your street?" "What's it like having somebody open  
19 a car door and vomit in it?" "What's it like having  
20 somebody pass out in front of a child?" "What's it like  
21 finding needles on your street or chain smokers or the beep-  
22 beep-beep of all hours of these kinds of things?"

1           Well, we're forced against our will to document  
2 this stuff with this measure. But it actually speaks to the  
3 reverse argument. I don't think Ms. Kauffman is aware that  
4 what she's saying is, "This is an argument for North Charles  
5 serving this patient community in another location, where  
6 they would have accessibility and privacy."

7           And look, I don't want to go on too long. I could  
8 easily reply to the arguments that the attorney raised in  
9 this, but I don't really want to do that. It does create a  
10 nuisance or a hazard. There has been traffic congestion.

11           I would surmise -- and I think you, the Board  
12 would agree -- that the main reason we're having this  
13 revisiting, it's what it is, revisiting of the permit, is  
14 because COVID, something beyond Mr. Houle's incompetent  
15 leadership, COVID has reduced the patient population.

16           But along with Ms. Kauffman, COVID really is an  
17 argument for North Cambridge doesn't need -- North Charles  
18 doesn't need a big parking lot anymore. It doesn't need a  
19 big building anymore. If telehealth is the new reality, and  
20 the reduction in traffic that it has already caused is  
21 permanent, then that's an argument for their moving, right?

22           So, again, nothing has changed. If you don't live



1 in our neighborhood, if you don't live next to North  
2 Charles, if you're not here, please don't keep telling us  
3 that there are no negative consequences, that traffic isn't  
4 an issue.

5 BRENDAN SULLIVAN: All right, thank you.

6 IVAN TOFT: Mr. McGovern raises this sort of  
7 red herring. All right. Yikes. I could go on. But I'm  
8 only angry now, I'll just say. And I wasn't anger/rage  
9 seven years ago, I was sympathetic. All of us wanted to  
10 help North Cambridge -- I mean and NCI move, but I'm angry  
11 now because Mr. Houle has shown a complete and utter  
12 disregard for our welfare.

13 BRENDAN SULLIVAN: Thank you.

14 IVAN TOFT: And I would add his patients' welfare  
15 as well. Thank you.

16 OLIVIA RATAY: Antje Danielson?

17 BRENDAN SULLIVAN: I would just please ask the  
18 future speakers to refrain from the personality. Stick to  
19 the issue, but there's no place for that here. Leave the  
20 personality charges out, please.

21 ANTJE DANIELSON: My name is Antje Danielson. I'm  
22 the owner of 55 Washburn Avenue. I'm a direct abutter to

1 NCI. And Mr. Chairman, thank you very much for letting me  
2 speak.

3 And your last comment, I would say, would apply to  
4 Ms. Kauffman, just as much as my neighbor, Ivan Toft. I was  
5 appalled by what Ms. Kauffman said about us, about us  
6 neighbors who oppose the presence of NCI on our street.

7 Quite honestly, I feel attacked by her, and that  
8 is a not good sign if you want to have neighborly  
9 relationships with where you are.

10 We are opposed to this because this is a  
11 Residential B neighborhood, it is a medical facility -- I'm  
12 very sorry to say that, it's not just office use. Clearly,  
13 there are severely ill people who get treated at this  
14 facility and you can't have it both ways. You can't say  
15 "It's not medical use, yet we have patients severely ill  
16 people that get treated here."

17 Also, most people who are in support of the  
18 facility say that most of the patients there are opiate  
19 addictions, addiction patients. And, as Ivan said, none of  
20 us in the neighborhood disputes the laudable mission of the  
21 facility.

22 It needs to be -- there needs to be a facility

1 like this in Cambridge, but we are a Residential B  
2 neighborhood, and you have read and heard about all the  
3 impacts that this facility has on our street. So I don't  
4 have to reiterate that.

5           What I wanted to mention is that the current  
6 presence of the facility is entirely due to the fact that  
7 truth has been covered right from the beginning that Mr.  
8 Houle's permit -- initial permit application was a lie, and  
9 that if back then he would have had to go and get a special  
10 permit, the neighbors would have been there to speak to  
11 this.

12           And the operation of the facility for the last  
13 seven years has been illegal. They're still under a cease  
14 and desist order. And so there is no real precedent for  
15 peaceful cooperation either, because he's been there  
16 illegally.

17           And I -- yeah, I just wanted to say that I'm  
18 appalled by being accused of not fairly treating the  
19 patients that frequent NCI, and I would take that accusation  
20 from Ms. Kauffman as evidence for this facility not being in  
21 the right neighborhood, because she clearly has a very  
22 adversarial position towards the neighbors.

1           BRENDAN SULLIVAN: Thanks.

2           ANTJE DANIELSON: Thank you very much.

3           BRENDAN SULLIVAN: Thank you for calling in.

4           OLIVIA RATAY: Bill Brathwaite?

5           BILL BRATHWAITE: Thank you. Good evening. Thank  
6 you, Members of the Board. I'd like to address some of the  
7 comments that we heard --

8           BRENDAN SULLIVAN: Bill, if you could speak up,  
9 you're --

10           BILL BRATHWAITE: I'd like to address some of the  
11 comments that were given by the NCI Staff. First of all,  
12 their attorney is full of BS. The telecom outfit that was  
13 there, their parent corporation ran 24 hours a day, seven  
14 days a week, but as someone who grew up on this street for  
15 55 years, I can tell you the telecom facility was silent  
16 every night.

17           Maybe once in a great while, a technician would  
18 come in to retrieve some tools and equipment and be gone.  
19 Blue Air (phonetic) refrigeration plant that was there  
20 before them, they were also dead silent. And they only had  
21 three trucks. So I don't know where they got their  
22 information on the use of this factory, this building.

1           It was at one point a toy factory, I remember  
2 that, but that was in the late '50s and early '60s. Now, I  
3 would like to ask Gary who is exactly running around spray  
4 painting your facility? It's none of us. We are all grown  
5 adults. None of us has time to vandalize your building, and  
6 why would one want to do dirt in one's own neighborhood?

7           Further, I think that the police and fire response  
8 logs since NCI has opened on Washburn Avenue would bear out  
9 that this facility is a medical facility, and it is a  
10 nuisance. Because the response by Cambridge Fire and  
11 Professional Ambulance, Somerville Police and Fire is  
12 through the roof. And their call logs will bear that out.

13           When Ms. -- they claim that they entered into this  
14 agreement with us on Washburn in good faith by having an  
15 info meeting when they first started. No real notice was  
16 given to any of the direct abutters prior to them having  
17 what they call their "Get to know you meeting."

18           Practically no one who is a permanent resident of  
19 that street was given a formal letter, chain letter,  
20 certified letter, or even a flyer stuck in the mailbox.

21           I would like to ask if telehealth is working so  
22 well for you guys, then I'm sure you won't mind taking your

1 show home to your house and work out of your home offices.

2 And then you can not only maximize your efficiency, you can  
3 save the amount that you've been paying in rent to go  
4 deliver better treatment.

5 And then in addressing Mr. McGovern, he should  
6 knee better than to say that most of Washburn Avenue is in  
7 Somerville anyway. It is not. Washburn Avenue is in  
8 Cambridge. The upper end of the street is Newbury Street in  
9 Somerville.

10 So I don't need to be lectured to by concerned  
11 neighbors when Pleasant Street is at least three miles away  
12 from Washburn Avenue, and Reed Street is an easy mile. We  
13 could actually put the NCI facility right there in Cormier's  
14 Grocery Store and let Reed Street serve the North Cambridge  
15 neighborhood, if that's what's really needed.

16 BRENDAN SULLIVAN: Thank you, Bill.

17 BILL BRATHWAITE: Thank you.

18 BRENDAN SULLIVAN: Yep.

19 OLIVIA RATAY: Monica Toft?

20 MONICA TOFT: Thank you. Thank you, Chairman, and  
21 thank you Members of the Board. My name is Monica Toft, and  
22 I live at 63 Washburn Avenue. So we have been dealing with

1 this for seven years. We're no longer in a hypothetical  
2 situation.

3 The North Charles petition, we received 13 letters  
4 in support. Of 11 who provided their address, only one live  
5 on Washburn Avenue. Ten live anywhere from 1.3 miles to 3.3  
6 miles or about a 15-to-25-minute car drive away. They are  
7 not members of our neighborhood.

8 They are not impacted, and they have no idea how  
9 NCI has impacted us. Yes, we have documented what has been  
10 happening, because we were told that it was going to be he  
11 said, she said, and the only way to demonstrate our case was  
12 to document how disruptive this facility has been.

13 Yes, COVID has given us relief -- much welcome  
14 relief. Our concern is that if it's special permitted, once  
15 COVID and the pandemic is over, we're going to go back to  
16 levels where we cannot have in this neighborhood.

17 The parking lot cannot absorb the number of cars.  
18 Mr. Houle has said that there's 27 spaces, and he's got 30  
19 staff. Well, they often have group meetings of 10 or more  
20 coming and going at the same time. It's pretty dramatic,  
21 actually, in the evenings and in the mornings.

22 We now have two petitions signed against issuing a

1 special permit. The first one, 2015 and now another one in  
2 2022. And we had to pull together within six days because  
3 we did not know this this special permit hearing was coming  
4 up.

5 In six days, we managed to get almost every  
6 abutter to sign on -- 31 signatures. And why is that?  
7 Because each and every one of them understood what this  
8 facility means and its impact.

9 This has not been hypothetical. Mr. Houle himself  
10 is not a Cambridge resident. He does not live on our  
11 street. For over three decades -- I think it's four decades  
12 -- North Charles did serve Cambridge residents, but it did  
13 so from Beacon Street in Somerville, not a Residential B  
14 neighborhood in Cambridge.

15 Moreover, North Charles is not the only talk  
16 therapy institution in Cambridge. It may have been when  
17 they came here seven years ago, but it is no longer the  
18 case. Moreover, there's one even closer in Davis Square.  
19 It's like a two-minute walk from the T station.

20 This is a mental health facility treating mental  
21 health patients. What is striking to me is that this staff  
22 has little regard for the mental health of our children, our



1 neighbors, us.

2 Residents of our narrow street have hoped to raise  
3 our children in a quiet, peaceful setting without addicts,  
4 overdoses, needles, screaming matches -- regular screaming  
5 matches -- an emergency vehicles constantly disrupting our  
6 lives.

7 I just gave a sampling for evidence, and you could  
8 see that two of them happened within a week of each other.  
9 We never faced these issues before, which explains why North  
10 Charles hired a security guard.

11 And for the record, we didn't request it. All of  
12 a sudden, he appeared one day. That makes me very  
13 uncomfortable when I go out in the morning walking my dog  
14 and having to confront a security guard, who basically shoes  
15 me away to stay away from the property.

16 Again, not a good fit for a residential  
17 neighborhood.

18 BRENDAN SULLIVAN: Thank you.

19 MONICA TOFT: Thank you.

20 OLIVIA RATAY: Esther Splaine?

21 ESTHER SPLAINE: Can you hear me?

22 BRENDAN SULLIVAN: Yes.

1 ESTHER SPLAINE: Okay. Hi. My name is Esther  
2 Splaine. I've been a Cambridge resident all my life, and  
3 I've lived -- I can see the facility, North Charles, from  
4 where I live. And I just want to say that currently,  
5 because of the COVID pandemic, it is quiet.

6 But before that, it was not. Packages were  
7 stolen. Regularly people were urinating on property, lots  
8 of profanity up and down the street. This is a family  
9 neighborhood.

10 People selling pills. Tons of coffee cups from  
11 Dunkin' Donuts up and down the street. Police were called  
12 regularly -- both Fire, the Fire Department was there often,  
13 both from Cambridge and both from Somerville. This is a  
14 residential neighborhood. And this is a business that  
15 really belongs in a different setting.

16 I currently -- and I totally understand the whole  
17 thing of addiction. I have -- my youngest child suffers  
18 with addiction and is currently in a facility. I'm offended  
19 by the people who say that we are not sensitive. I don't  
20 think that we need to enable dysfunction in order to prove  
21 that we are sensitive or are concerned.

22 I'm just -- I'm just really saddened by the

1 behavior of this facility and how they don't in any way  
2 understand or even try to understand what we as a  
3 neighborhood are dealing with.

4 So that's basically all I want to say, and I just  
5 want to say that I've been a resident here for 70 years.

6 Thank you.

7 BRENDAN SULLIVAN: Thank you very much for  
8 calling.

9 ESTHER SPLAINE: Yep.

10 OLIVIA RATAY: Collin Fedor?

11 COLLIN FEDOR: Hi. My name is Collin Fedor and I  
12 live at 19 Washburn Avenue. And I just wanted to provide a  
13 comment in support of the special permit application. For  
14 quite a while that I've lived here with my partner here --  
15 she is a homeowner here actually.

16 And for the longest while, we've loved walking  
17 down our neighborhood, and we didn't actually know that  
18 North Charles was -- provided the services that North  
19 Charles provides.

20 So when we ended up learning about it, I actually  
21 felt even more proud to live in this neighborhood, because  
22 as so many people have said, we're facing a crisis unlike

1 any other behavioral health crisis -- opioid crisis that  
2 we've seen before, and it continues to get worse.

3 And to know that my neighborhood is doing its part  
4 in providing these services to people that live next door,  
5 live down the street, live in other parts of Cambridge or  
6 Somerville is really important.

7 And I think that being able to provide these  
8 services is challenging for our human services workers who  
9 have felt the stress of COVID, for provider agencies that  
10 can barely afford to keep them on for a month or a year.

11 And so I really think that having this facility  
12 set up in our neighborhood is something that we need to be  
13 able to support, because there are so many people that are  
14 challenging and going through this struggle right now.

15 And so, again, I just want to say as a neighbor on  
16 the street, I've noticed it that, that -- you know, looking  
17 out the window I haven't seen any increase in, you know,  
18 some of those -- the traffic or other issues beyond what  
19 traffic that you would normally expect, or, you know, the  
20 wind blowing garbage down our street, and it piles up at the  
21 parking lot next door to us.

22 And those are things that are part of living in a

1 community and living in a city. And I'll go out on Saturday  
2 morning to pick up whatever garbage accumulates from the  
3 crazy wind that we've been having.

4 But I just wanted to be able to voice my support  
5 as a resident of Washburn Ave and someone who really loves  
6 this city and loves this community and neighborhood and  
7 wants to be part of this fabric -- that I really hope that  
8 North Charles can provide these services in a community-  
9 based setting. Thank you.

10 BRENDAN SULLIVAN: Thank you for taking the time  
11 to call in.

12 OLIVIA RATAY: Teresa Cardosi?

13 TERESA CARDOSI: Hi. My name is Teresa Cardosi,  
14 and I also live in Cambridge. And I'd like you to support  
15 this permit.

16 One of the aspects of healing for people that have  
17 whatever type of problem -- mental health or substance use -  
18 - the ability to be in a stable environment with an  
19 uninterrupted, therapeutic person that they really trust is  
20 really important for their recovery. Because untreated  
21 substance use issues can lead to death.

22 So I think that the closing of North Charles

1 Counseling Center, it's really going to jeopardize a lot of  
2 clients. So I want to encourage you to support them being  
3 open. Thank you.

4 BRENDAN SULLIVAN: Thank you.

5 OLIVIA RATAY: That's it.

6 BRENDAN SULLIVAN: Okay. That is the list of  
7 people calling in. I will close the call-in public comment.  
8 The Board is in receipt of -- is there one more calling in,  
9 Mr. Brandon? Michael?

10 MICHAEL BRANDON: Yes. Mr. Chair, thank you.  
11 This is Michael Brandon. I live at 27 Seven Pines Avenue,  
12 about a block and a half away from the facility.

13 I'm also the Chair of -- the clerk for the North  
14 Cambridge Stabilization Committee, the neighborhood  
15 organization. And our group has been monitoring this  
16 situation for the last seven years, when the facility first  
17 opened and permits were sought and denied by this Board.

18 And then, that has been in litigation while Ranjit  
19 Singanayagam, the Inspectional Services Commissioner back in  
20 2015 I believe it was -- might be 2016 -- issued a cease and  
21 desist order because the operation does not conform to the  
22 preexisting use, which was listed as or determined to be

1 General Business at this location.

2 I won't go into the details, but I did send the  
3 Board a letter outlining why the special permit application  
4 that is before you is not appropriate in this zone in a use  
5 that's not grandfathered.

6 It's a residential -- a small, a low-density  
7 residential zone that zoning relief cannot be granted by a  
8 special permit -- it requires a variance, and just a  
9 dimensional variance in this case -- but instead, a use  
10 variance, which -- as the Board knows -- has a much higher,  
11 stricter standard of criteria before you can -- you can  
12 permit this.

13 So were you to grant the permit that's before --  
14 the application that's before you, I fear that you're just  
15 inviting even more litigation, which the petitioner has been  
16 using to delay the required move that they need to make to a  
17 legal zoning district?

18 So I just hope the Board Members, and especially  
19 the attorneys, will review that before -- review my  
20 arguments before granting this permit, which in my view,  
21 based on the evidence submitted by the people who live on  
22 the street --

1 BRENDAN SULLIVAN: All right, wrap it up.

2 MICHAEL BRANDON: -- is compelling.

3 BRENDAN SULLIVAN: Okay.

4 MICHAEL BRANDON: Okay. I'll wrap up.

5 BRENDAN SULLIVAN: Thank you.

6 MICHAEL BRANDON: Thanks for listening.

7 OLIVIA RATAY: Aaron Brathwaite?

8 AARON BRATHWAITE: Hi. My name is Aaron  
9 Brathwaite. Can you hear me?

10 BRENDAN SULLIVAN: Yep.

11 OLIVIA RATAY: Yes.

12 AARON BRATHWAITE: Okay. I've been a resident on  
13 61 Washburn Ave for -- and thanks for having me -- for 75  
14 years. In 75 years, this has been a close-knit community  
15 for mainly, you know, families, kids, everything.

16 But when North Charles came in without, you know,  
17 a legal notice like I -- when you ask for a permit, you have  
18 to go to the City Hall and if it's a zoning permit, people  
19 have to get approved by the Zoning Board, if I'm correct.  
20 And that was never done.

21 We were never actually by mail or by any kind of  
22 media or whatever, us -- we weren't informed by the thing --



1 one day they were just there. I can remember when the last  
2 business was there. They were there for about maybe, oh,  
3 9:00 to 5:00.

4 A lot of people came by bus. Some people came by  
5 bike. There was not that many cars in the parking lot.  
6 They were all friendly. They would always say hi to you on  
7 the street.

8 But this is -- this goes beyond that. You know,  
9 they've been denied. You know, they've been denied  
10 throughout court. They only have a permit to -- a zoning  
11 permit to work in there. And they just -- this is seven  
12 years. And seven years ago, I told the people at the  
13 Trolley Car meeting that this was going to last for a long  
14 time. And we're just tired of it.

15 There's plenty of locations right beside the  
16 street from where the Social Security office is. There is a  
17 building that's been vacant there for, like, the last 10  
18 years. There's a large building, large parking lot around  
19 it. And why can't they move there? It just -- and they  
20 have all these modern things.

21 I'm an elder. I'm 75, going to be 76 this year.  
22 And this is ridiculous, totally ridiculous. It's taken

1 seven years; they want to rehash it again. So they want to  
2 carry this on another seven years. Thank you very much for  
3 listening.

4 BRENDAN SULLIVAN: Thank you for calling in.

5 AARON BRATHWAITE: Thank you.

6 OLIVIA RATAY: Matt Pellegrino?

7 MATT PELLEGRINO: Hi. My name is Matt Pellegrino.  
8 I just want to say a little something. I've been living  
9 here at 37 Washburn Ave since 2019.

10 While I might be new to Washburn Ave, I love this  
11 neighborhood. While I support the work that this facility  
12 does, I oppose the work that's being done in a residential  
13 neighborhood. That's all.

14 BRENDAN SULLIVAN: Thank you. That is the end of  
15 the callers. I will then now close the public comment part  
16 of the proceedings. I will note that there is a plethora of  
17 communication -- some 121 pages or something in this file.  
18 There is a big lot of communication from people who are  
19 professionals in support of this, and extolling the need for  
20 such services.

21 There's also a petition signed by 31 people,  
22 collected on April 16, 2022 as previously represented. Most

1 of these signers are on Washburn Avenue, and they are  
2 opposed to the granting of the special permit. And there  
3 are other singular comments, letters, aside from the  
4 petition also voicing pro granting and against the granting  
5 of the special permit.

6 I'll open it back up again to Gary, if you want,  
7 or Denise briefly. Please do not counter the -- some of the  
8 remarks were -- it's not helpful to me, and I don't think  
9 it's helpful to the Board. Please have mercy on us that  
10 want to get into that. And I suspect that you will --  
11 hopefully you will not.

12 So, again, if you have sort of some final comments  
13 that you feel that the Board should know?

14 DENISE CHICOINE: Thank you for the opportunity.  
15 Just two sentences. The first is that North Charles has not  
16 been operating illegally for seven years. The court  
17 returned the cease and desist order on a motion for  
18 preliminary injunction in November of 2015.

19 The second is the opposition has presented no  
20 evidence of current impacts. The photos and letters in the  
21 file all relate to 2015, 2016, or maybe 2017, but not  
22 current. Thank you.

1           BRENDAN SULLIVAN: Thank you. And Gary, anything  
2 to say?

3           GARY HOULE: No. Not really. I just want to  
4 thank you folks for reconsidering this. And in all honesty,  
5 I think that our continued use will in fact be reduced. I  
6 mean, I don't think there was an outrageous amount of use in  
7 the first place, but I mean it will be substantially reduced  
8 at this point.

9           And yes, COVID came along and we didn't expect it,  
10 and nobody did. But unfortunately, what's COVID's caused is  
11 an actual increase in the need for our services, frankly,  
12 rather than less.

13           And like I said, a lot of folks are local  
14 neighbors who actually we treat. So, you know, it's people  
15 you see around the neighborhood are actually in treatment  
16 with us, not just some mystery people from Boston or  
17 something. That's really not the case.

18           You know, we're not Mass and Cass, as far as that  
19 goes. And we don't intend to be, and we don't let the  
20 patients be. And I -- you know, I don't feel this use is  
21 more intense than it ever was, or ever will be. Thank you.

22           BRENDAN SULLIVAN: Thank you. I have a question.

1 And it keeps coming up every once in a while, I don't know  
2 what's the word -- obviously you deal with individuals who  
3 have mental health issues that they're dealing with, also  
4 substance abuse, and then somewhere along the line I have  
5 read, or it came under my eyes that the word "disability"  
6 keeps popping up.

7 And a few speakers tonight have mentioned the word  
8 "disability" and its relationship with the classification of  
9 your clients. And I do this very gently, I hate to classify  
10 or -- because then once you start classifying then you're  
11 putting people into a box, and then you go down that road  
12 and then it becomes, you know, a stigmata thing, which is --  
13 I want to stay away from that.

14 Do the people that you service -- they have a  
15 disability clinically, is that correct?

16 GARY HOULE: Some do, some don't. Some with long-  
17 term -- some folks with long-term illness, some of the -- I  
18 would say if we do have any left of the long-term  
19 schizophrenic patients on the mental health side -- may be--  
20 quote, unquote-- "disabled" from a government standpoint.  
21 The government has ruled that they're disabled, they're on  
22 SSDI, and they're disabled.

1           Now, there are also a class of patients we have  
2 that have physical disabilities, that have nothing to do  
3 with the mental health or substance abuse that we're  
4 treating them for. They may be in wheelchairs, they have  
5 had -- you know, back problems, been in car accidents, blah.  
6 They're also considered disabled.

7           There are some substance abusers that are  
8 considered disabled too on the -- by the government, and are  
9 receiving SSDI. You know, I can't comment as to how many of  
10 those people there are, but there are some.

11           BRENDAN SULLIVAN: I'm just wondering if they  
12 somewhat qualify under the Americans with Disability Act and  
13 --

14           GARY HOULE: They do.

15           BRENDAN SULLIVAN: -- and if, you know, what you  
16 provide, what is -- it's under the American Disability Act,  
17 and that the people that you serve are protected by that  
18 act. That's all. I guess that's sort of what I was going  
19 towards, or if it's possible. You know?

20           GARY HOULE: There's probably a large proportion  
21 of our folks that are protected under the ADA.

22           BRENDAN SULLIVAN: Okay. All right. All right I

1 have no other comments at this point. Mr. Alexander?

2 CONSTANTINE ALEXANDER: Are you there?

3 BRENDAN SULLIVAN: Yes.

4 CONSTANTINE ALEXANDER: Okay. As I've indicated  
5 before, and I'm sure the petitioner is aware, I was Chair of  
6 the meeting five or so years ago when the Board unanimously  
7 denied relief, the relief the petitioner sought. Each of us  
8 would have presumably had their own reason -- his or her own  
9 reasons for denying it.

10 Mine was, and I was focused -- what I really  
11 focused on -- was the notion that this caused a substantial  
12 change in established neighborhood character.

13 And in particular, I was concerned given the  
14 narrowness to the street, and the fact that it's a  
15 residentially -- very heavy residential area, that it would  
16 be -- that was going to be the change in neighborhood  
17 character; traffic issues. And that's why I voted against  
18 it.

19 Time has passed -- five or so years, and what I've  
20 heard tonight, and it's obviously borne true on security  
21 generally, is that people are communicating and doing  
22 business or socializing remotely. More and more, people are

1 not jumping in the car to drive in traffic. They're using  
2 Zoom or the phone or their computer, and as a result, you  
3 don't see as much traffic.

4 And that's to your testimony to that effect, that  
5 you've seen a substantial diminishment of automobile  
6 traffic, people not coming in as much as they did before.  
7 You don't need all the parking space you probably assumed  
8 you needed six years ago.

9 Well, based on all that, I'm willing to reconsider  
10 my vote then, and to vote tonight in favor of granting  
11 relief. I think the fears that I had been proved to be ill-  
12 founded. So my vote is going to be in favor of granting the  
13 relief.

14 But I have one comment to make to the petitioner:  
15 Why haven't you reached out to the neighborhood? You know,  
16 you -- I have heard nothing from the neighbors or from  
17 yourselves about trying to get the neighborhood to  
18 understand what you do, how -- the service you provide -- to  
19 mend fences?

20 And that's part of your problem, frankly. Not  
21 enough for me to vote to deny relief, but I think you really  
22 should look at yourselves and think about what you should



1 have done and haven't done. That's my comment.

2 BRENDAN SULLIVAN: Thank you. Jim Monteverde?

3 JIM MONTEVERDE: You know, I'm leaning in favor of  
4 the proponent, the relief. But I want to recognize the  
5 numerous comments we heard from the neighbors who spoke in  
6 opposition.

7 And so I'm looking for some way, Mr. Chair, that I  
8 could support the request on a conditional basis -- that  
9 over a period of time, the proponent would have to come back  
10 and basically demonstrate, as Mr. Alexander had said, they  
11 had made those outreaches to the community, that some of the  
12 community concerns that were addressed -- trash, loud  
13 talking, you know, traffic, additional traffic, that the  
14 proponent make an attempt or the proponent do -- try and  
15 manage to see if that -- all of those conditions could be  
16 made better as far as the neighbors are concerned.

17 BRENDAN SULLIVAN: Thank you.

18 JIM MONTEVERDE: Thank you.

19 BRENDAN SULLIVAN: No, that's -- Wendy Leiserson,  
20 comments?

21 WENDY LEISERSON: Yes. I did have a couple of  
22 comments. Well, really, one question and one comment, which

1 is when I told my 14-year-old about my cases today, she  
2 said, "Wouldn't it be great to have people looking for help  
3 showing models of people trying to get help for their  
4 condition as our neighbors?"

5 And I thought that was a really interesting  
6 comment from a 14-year-old. And so I just offer that as  
7 food for thought.

8 But -- because it made me think. And I wanted to  
9 just get a very brief statement for the attorney for the  
10 proponent. Walk me through, please, the provisions  
11 regarding use that some of the -- there's been some  
12 discussion about whether you actually could be issued a  
13 special permit for this use.

14 So can you please just very succinctly tell me the  
15 legal ground for you getting a special permit?

16 DENISE CHICOINE: Yes. Thank you. We are seeking  
17 the special permit on the ground of non-profit educational  
18 use. There has been testimony about the clinic's  
19 affiliation with Harvard, and the excellent work it has done  
20 on the basis of educating and assisting individuals who have  
21 mental health issues and substance use disorders. The  
22 alternative ground is some other institutional use not

1 defined.

2 WENDY LEISERSON: Okay, thank you. Like Jim,  
3 though, I am concerned about the neighbors, and while my 14-  
4 year-old might have seen what benefit it would have to have  
5 an institution like this in the neighborhood, clearly your  
6 neighbors do not benefit, and I would be more reassured if  
7 there were more community support for this.

8 So I'm interested in a possible condition that Jim  
9 was asking about.

10 BRENDAN SULLIVAN: Slater, comments?

11 SLATER ANDERSON: You know, I also sat on this  
12 case seven years ago, and I don't feel that my position has  
13 changed. I really think I need to look at this narrowly  
14 through, you know, the -- what the zoning is saying.

15 And the impact here, you know, under the special  
16 permit provision on the neighborhood seems significant. And  
17 it has caused a change in neighborhood character by the  
18 people who live there.

19 And, you know, it's -- what are the options,  
20 North Charles moves or the neighbors move? We were not  
21 going to make the neighbors move, feel that they are forced  
22 out of, you know, where they have lived for decades in some

1 cases.

2           So it's a Res B zone. It's not really the  
3 appropriate zone for this type of use. I have tremendous  
4 empathy and appreciation and respect for the work that they  
5 do. I have family members that access mental health care  
6 from similar organizations.

7           I just feel like this has been a seven-year  
8 battle, and it hasn't gotten better. I agree with Brendan  
9 that -- I'm sorry, with Gus that there doesn't seem to have  
10 been any effort on the part of North Charles to work with  
11 the neighbors in any capacity, and that's unfortunate.

12           So I -- I'm not swayed. I'm happy to listen to --  
13 you know, some middle path on this. But I'm going to side  
14 with the neighbors on this one.

15           BRENDAN SULLIVAN: Okay. I also sat on this case  
16 the last time, and at that time I think yes, we did take a  
17 very strict go in and look at the ordinance, the  
18 requirements of the ordinance, and felt at that time that it  
19 would impair the integrity of the district or and so on and  
20 so forth, and what have you. And I think mea culpa and  
21 shame on me.

22           I think it's probably -- it could be easy, again,

1 to say, "Now I voted that way before, and why should I  
2 change my vote?" And it would be easy to say yes to the  
3 neighbors who live on the street. I do hear them, and I  
4 understand their position.

5 But I can't say no to people that North Charles  
6 treats. And so I would vote for the special permit.

7 As far as a condition Wendy and Slater and Jim,  
8 that you have suggested, Gary, let me ask you how long of a  
9 lease are you there for? What is the term of your lease?

10 GARY HOULE: 10 plus five.

11 BRENDAN SULLIVAN: So you're, Jim, Wendy, Slater,  
12 Gus, could we grant a special permit for five years?

13 CONSTANTINE ALEXANDER: I think we can grant a  
14 special permit for whatever we want to grant it for -- five  
15 years, one year, 10 years.

16 BRENDAN SULLIVAN: Jim? Any thoughts?

17 JIM MONTEVERDE: Yeah. I was just looking for a  
18 time frame. And my gut feel is five years feels too long.

19 CONSTANTINE ALEXANDER: I think so.

20 JIM MONTEVERDE: Where the proponent, you know,  
21 basically has to demonstrate that they've, you know,  
22 contacted the community and they've made some -- they've

1 done some actions to ameliorate the concerns that the  
2 neighbors had, whatever those are -- trash, noise, et  
3 cetera.

4 You know, it's -- my heart tells me it's, you  
5 know, maybe a year is too soon, maybe two years feels right  
6 about right.

7 BRENDAN SULLIVAN: Well, I was thinking three  
8 then. If we don't do five, maybe do three, which brings it  
9 up to the 10? Three years?

10 CONSTANTINE ALEXANDER: I was going to say either  
11 two or three years.

12 BRENDAN SULLIVAN: Because with three years, then,  
13 they basically have to reapply almost at the 2.6 mark in  
14 order to get on the calendar before they're --

15 JIM MONTEVERDE: That's fine. Right.

16 BRENDAN SULLIVAN: So three years?

17 JIM MONTEVERDE: Yep.

18 BRENDAN SULLIVAN: Wendy, is that acceptable?

19 WENDY LEISERSON: Yes, although I'd like you to  
20 be, like, specific about what we're looking for them to do  
21 in the condition --

22 BRENDAN SULLIVAN: Okay.

1           WENDY LEISERSON:  -- you know, which is outreach.

2           BRENDAN SULLIVAN:  Okay.  And I will entertain the  
3 Board to chime in on that.  Slater, three years, does that  
4 seem okay for you?

5           SLATER ANDERSON:  I'm not sure I'm swayed but, you  
6 know, I'm the one that's not going to --

7           BRENDAN SULLIVAN:  Okay.  All right.  Well, I'm  
8 giving you the courtesy.  All right.  Let me make a motion,  
9 then, to grant the special permit.

10           As per the application, supporting documents  
11 contained therein 54 Washburn Avenue, to allow the use for  
12 educational purposes on land leased by a non-profit  
13 educational corporation, social service center and  
14 institutional use under the listed sections, the Board finds  
15 that the requirements of the ordinance can be met with the  
16 granting of the special permit.

17           The Board finds that the use of the property would  
18 be general office use as a non-profit educational and/or  
19 institutional use, health care facility, and a social  
20 service center.

21           The issuance of the special permit would meet the  
22 requirements of the ordinance as it would conserve the

1 health of North Charles clientele and the residents of the  
2 city, and allow for the most rational use of this particular  
3 property, built out to specifically serve North Charles  
4 clientele and increase the amenities of the city.

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

9           And I would add that the established neighborhood  
10 character is of a building itself, not necessarily of the  
11 people who use the facility.

12           The Board finds that North Charles offers free  
13 parking, and many of North Charles' clientele use public  
14 transportation. A large percentage of the clients have used  
15 remote services throughout the pandemic, specifically as it  
16 does reduce on-site traffic.

17           The Board finds that continued operation of or  
18 development of adjacent uses, as permitted in the zoning  
19 ordinance, would not be adversely affected by the nature of  
20 the proposed use at this facility.

21           The Board notes that it has been a nonresidential  
22 building for well over the past -- Denise, what did you say,



1 again, over 100 years, is that --

2 DENISE CHICOINE: Yes. It was built in 1900, and  
3 it's always been used for commercial use.

4 BRENDAN SULLIVAN: And the Board finds that no  
5 nuisance or hazard will be created to the detriment of the  
6 health, safety and/or welfare of the occupant of the  
7 proposed use, or to the citizens of the city.

8 I would add that the facility is adding an  
9 offering -- a much needed service to not only the citizens  
10 of the city, but just our own fellow citizens.

11 And that the Board finds that the proposed use  
12 would not impair the integrity of the district or the  
13 adjoining district, or otherwise derogate from the intent  
14 and purpose of the ordinance.

15 The Board finds that the granting of this permit  
16 will be for a period of three years, effective from the date  
17 of the -- which the date of the permit becomes effective,  
18 and also on the other conditions.

19 BRENDAN SULLIVAN: Mr. Chair, I think we should  
20 put in the decision that during that three-year period, we  
21 would expect that the petitioner and the neighborhood would  
22 try to get together to demonstrate that what is being done

1 at the address is not a preferably substantial change in  
2 established neighborhood character...

3 That the fears that people have proven not to be  
4 as severe as they thought, and in turn, the petitioner will  
5 be fulfilling I think about it a social obligation beyond  
6 what it does, very worthwhile services in the health care  
7 area.

8 But they also have to live with the neighbors, and  
9 they have to reach out and try to make the neighbors not as  
10 antagonistic as they are now, and have been for the last  
11 five years.

12 BRENDAN SULLIVAN: Okay, Wendy any additional  
13 language that you want put into the decision?

14 WENDY LEISERSON: No, I think that's good. Thank  
15 you.

16 BRENDAN SULLIVAN: Okay. Jim Monteverde, anything  
17 these to add?

18 JIM MONTEVERDE: No. I agree it is great. Thank  
19 you.

20 BRENDAN SULLIVAN: Okay. And Slater, one last  
21 chance?

22 SLATER ANDERSON: I appreciate the opportunity.

1           BRENDAN SULLIVAN: Okay. No, no. And again, I  
2     respect your opinion and your views and welcome as always.

3           On the motion, then, to grant the special permit,  
4     Mr. Alexander?

5           CONSTANTINE ALEXANDER: In favor, subject to what  
6     we've just talked about.

7           BRENDAN SULLIVAN: Jim Monteverde?

8           JIM MONTEVERDE: Jim Monteverde in favor.

9           BRENDAN SULLIVAN: Wendy Leiserson?

10          WENDY LEISERSON: Wendy Leiserson in favor.

11          BRENDAN SULLIVAN: Slater Anderson?

12          SLATER ANDERSON: Slater Anderson opposed.

13          BRENDAN SULLIVAN: Opposed. And Brendan Sullivan  
14     in favor.

15                     [Four vote YES, one vote NO.]

16          BRENDAN SULLIVAN: On the affirmative vote of four  
17     Members of the Board, the special permit is granted for a  
18     period of three years, with the above plan addendum as  
19     announced by Mr. Alexander, that we codify the final  
20     decision.

21           Okay. Thank you.

22           COLLECTIVE: Thank you.

1 BRENDAN SULLIVAN: Thank you, Janice.

2 JANICE KAUFFMAN: Thank you.

3 BRENDAN SULLIVAN: For those who are tuning in for  
4 the 7:15, which has come and gone, 27 Fayerweather Street is  
5 going to be continued. We'll announce the -- I will call  
6 that the case in a little while from now, just so that --  
7 for those of you who are interested in that case, it will be  
8 continued to a further date.

9 The Board will now -- and also, 145 Willow Street,  
10 they're asking for a continuance? Okay. If anybody is  
11 interested in the 145 Willow Street case, that also will be  
12 continued. And again, that will be called at some time down  
13 the line here.

14

15 \* \* \* \* \*

16 (8:44 p.m.)

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

20 BRENDAN SULLIVAN: Right now, I'm going to call  
21 Case No. 163881 -- 130 Cushing Street. Anybody here  
22 interested in 130 Cushing Street? Nobody calling in. We

1 are in receipt of correspondence. This is from Bob Xie, X-  
2 i-e.

3 "To follow up on our conversation, I'm going to  
4 send this e-mail to require an extension or postpone the  
5 hearing time. We might make it ready around July. We'll  
6 contact you before then when we're ready to go."

7 So the petitioner has asked for a continuance.  
8 They have signed a waiver of the statutory requirement for a  
9 hearing, please step and a decision to be rendered  
10 therefore. What is the date?

11 They should be ready around July, so we mark it up  
12 June 30? I would say July 14. Hm? July 14. On the motion  
13 to continue Case No. 163881 -- 130 Cushing Street to July --  
14 I already forgot it.

15 CONSTANTINE ALEXANDER: Fourteenth.

16 BRENDAN SULLIVAN: July 14 on the condition that  
17 the petitioner first of all put up the posting sign, the  
18 reasons being -- one of the reasons it's being continued is  
19 because there was no posting sign ever picked up or put on  
20 the property.

21 That the petitioner put up the posting sign and  
22 maintain the posting sign in good order of 14 days prior to

1 the July 14 hearing.

2 That the posting sign reflect the new date of July  
3 14, 2022 and the time of 6:00 p.m.

4 That any new submittals different than what is in  
5 the file now -- dimensional form, statement of condition and  
6 drawings be in the file by 5:00 p.m. on the Monday prior to  
7 the July 14 hearing.

8 On the motion to continue this matter, Mr.  
9 Alexander?

10 CONSTANTINE ALEXANDER: I vote in favor.

11 BRENDAN SULLIVAN: Jim Monteverde?

12 JIM MONTEVERDE: I vote in favor.

13 WENDY LEISERSON: Wendy Leiserson in favor.

14 BRENDAN SULLIVAN: Slater Anderson to continue.

15 SLATER ANDERSON: Slater Anderson in favor of  
16 continuance.

17 BRENDAN SULLIVAN: And Brendan Sullivan yes to  
18 continue on the five affirmative votes.

19 [All vote YES]

20 BRENDAN SULLIVAN: The matter is continued until  
21 July 14, 2022, at 6:00 p.m.

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(8:48 p.m.)

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

BRENDAN SULLIVAN: The Board will now hear Case  
Number No. 164908 -- 40 Reservoir Street.

JAMES RAFFERTY: Good evening, Mr. Chair and

1 Members of the Board. For the record, Attorney James  
2 Rafferty, with offices at 907 Massachusetts Avenue in  
3 Cambridge, appearing on behalf of the applicants.

4 Also present this evening are the owners of the  
5 property, Mr. and Mrs. Raj Chetty and the Project Architects  
6 from CambridgeSeven are present, and I believe Mr. Boyes-  
7 Watson may also be participating.

8 This is an application for an addition to a  
9 single-family house in a Residence A-1 zoning district on  
10 Reservoir Street.

11 The lot itself is at the end of a private way  
12 looking off of Reservoir Street, and what's proposed is an  
13 addition that conforms to the zoning ordinance  
14 dimensionally, but since the structure is nonconforming, the  
15 special permit is required when the amount of petition  
16 exceeds 25 -- exceeds 10 percent of the original GFA. And  
17 that is the case here.

18 It is also the case, however, that the -- even  
19 with the addition, the lot is considerably below the allowed  
20 FAR, so there is no implication.

21 There is one other consequence of this addition;  
22 it's related to the topography of the lot and the manner in



1 which it slopes.

2 And what happens when the addition is placed on the house,  
3 the mean grade around the property changes, so that actually  
4 the height, there's an increase of about six inches in  
5 height when you do the mean grade calculation.

6 The height district there, the height or  
7 requirement there is 35 feet, but the existing house already  
8 exceeds the 35 feet height limitation.

9 So under the provisions of Section 4.22.2d, this existing  
10 nonconformity can be continued by virtue of a special  
11 permit, as opposed to what would have previously required a  
12 variance.

13 So those are the two components of the case. As I  
14 said, the addition is conforming to only requirements of the  
15 Res A-1 district. We would be happy to walk you through any  
16 of the plans. We have ample architectural talent. But I  
17 know your evening is running long.

18 So we'll simply at this point wait and see if you  
19 would like us to provide an architectural presentation or  
20 simply await your questions?

21 BRENDAN SULLIVAN: The Board has reviewed the  
22 case, please and I'll ask if any Members of the Board need

1 any more additional information? Mr. Alexander, anything?

2 CONSTANTINE ALEXANDER: Nothing more, I'm fine.

3 BRENDAN SULLIVAN: Jim Monteverde?

4 JIM MONTEVERDE: No questions.

5 BRENDAN SULLIVAN: Wendy, any questions?

6 WENDY LEISERSON: No questions.

7 BRENDAN SULLIVAN: Slater?

8 SLATER ANDERSON: No questions.

9 BRENDAN SULLIVAN: Yeah. And I don't either.

10 I've reviewed the file. Let me, then, open it up to public  
11 comment. Any member of the public who wishes to speak  
12 should now click the button that says, "Participants," and  
13 then click the button that says, "Raise hand."

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

16 [Pause]

17 There's nobody calling in. We are in  
18 communication from Mr. Hugh Warren.

19 "I'd like to lend my support to Raj and Sundari's  
20 proposed plan for the renovation of 40 Reservoir Street in  
21 Cambridge. The investment they are making would be good for  
22 all of the homes that border their property. Let me know if

1 there's anything else that we can do."

2 I think that is the only letter in the file. Are  
3 you aware of anything else, Mr. Rafferty?

4 JAMES RAFFERTY: No, Mr. Chair. That's the only  
5 communication I'm aware of. But I do know that the  
6 applicants have reached out to some of the neighbors as  
7 well. So I think there was ample awareness of what's being  
8 proposed.

9 BRENDAN SULLIVAN: Okay. I'll close the  
10 presentation part. Onto the Board and ready for a vote. I  
11 always liked that house. I used to run through the yards  
12 when I was a young boy. I always thought that maybe I would  
13 be able to live on Reservoir Street someday, and boy I had  
14 my eye on that house. I knew I could never afford to live  
15 on Larch Road, so I took to Reservoir Street.

16 JAMES RAFFERTY: Well, with all the activity  
17 around accessory apartment --

18 BRENDAN SULLIVAN: How is it?

19 JAMES RAFFERTY: With all the activity around  
20 accessory apartments, perhaps in your downsizing years, we  
21 could speak to Mr. Chetty about whether an opportunity might  
22 exist.

1           BRENDAN SULLIVAN: Well, that's all possibility.  
2 There is always hope. Are we ready for a vote?

3           CONSTANTINE ALEXANDER: I'm ready.

4           JIM MONTEVERDE: Ready.

5           BRENDAN SULLIVAN: Okay. Let me make a motion,  
6 then, to grant the relief requested as per the application,  
7 the supporting documents and the drawings and signed  
8 initially by the Chair to construct the conforming addition  
9 to the existing nonconforming structure at 40 Reservoir  
10 Street.

11           The Board finds that it appears that the ordinance  
12 -- the requirements of the ordinance can be met with the  
13 granting of the special permit. Traffic generated or  
14 patterns of access or egress would not cause congestion,  
15 hazard, or substantial change in the established  
16 neighborhood character.

17           The Board finds that continued operation of or  
18 development of adjacent uses, as permitted in the zoning  
19 ordinance, would not be adversely affected by the nature of  
20 the proposed use.

21           There would not be any nuisance or hazard created  
22 to the detriment of the health, safety and/or welfare of the

1 occupants of the proposed use -- in fact the addition and  
2 the realignment of the interior space would be an asset to  
3 whoever occupies the structure.

4 The Board finds that the proposed use would not  
5 impair the integrity of the district or adjoining district,  
6 or otherwise derogate from the intent and purpose of the  
7 ordinance.

8 In furtherance, the Board notes that may grant a  
9 special permit under Section 8.222d. The Board may grant a  
10 special permit for the alteration or enlargement of a  
11 preexisting dimensionally nonconforming, detached single-  
12 family dwelling, but not the alteration or enlargement of a  
13 nonconforming use...

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

19 In order to grant the special permit, the BZA must  
20 find that the alteration or enlargement shall not be  
21 substantially more detrimental than the existing  
22 nonconforming structure to the neighborhood, and the Board

1 does make that finding.

2 And that the alteration or enlargement satisfies  
3 the criteria as stated in Section 10.43 for the granting of  
4 a special permit, as previously stated.

5 On the motion to grant the special permit, Mr.  
6 Alexander?

7 CONSTANTINE ALEXANDER: I vote in favor.

8 BRENDAN SULLIVAN: Jim Monteverde?

9 JIM MONTEVERDE: I vote in favor.

10 BRENDAN SULLIVAN: Wendy Leiserson?

11 WENDY LEISERSON: Wendy Leiserson in favor.

12 BRENDAN SULLIVAN: Slater Anderson?

13 SLATER ANDERSON: Slater Anderson in favor.

14 BRENDAN SULLIVAN: And Brendan Sullivan yes to  
15 grant the special permit.

16 [All vote YES]

17 BRENDAN SULLIVAN: Five affirmative votes, the  
18 special permit is granted.

19 JAMES RAFFERTY: Thank you very much.

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(8:56 p.m.)

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

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

JAMES RAFFERTY: Yes, Mr. Chair. We've submitted

1 a request based on a request provided by an abutter to  
2 continue the case to provide opportunities for further  
3 discussion.

4 So in deference to that request, we have submitted  
5 this request, and would ask the Board to provide us with a  
6 date at his convenience -- obviously a case not heard.

7 BRENDAN SULLIVAN: It is a case not heard so I'm  
8 sorry, say June 30?

9 JAMES RAFFERTY: I'm -- if that's the soonest  
10 available date, then we will, obviously, abide by that.

11 BRENDAN SULLIVAN: How about anything in May?  
12 Yeah.

13 OLIVIA RATAY: We have June 9.

14 BRENDAN SULLIVAN: June 9?

15 JAMES RAFFERTY: June 9 is much preferable. Thank  
16 you.

17 BRENDAN SULLIVAN: June 9 as a case not heard,  
18 okay. On the motion, then, to continue this matter, vote?  
19 Is there anybody else calling in?

20 Any other? I know there's been -- Mr. Wiggins is  
21 representing somebody, and then also Mr. Heur. Let me open  
22 it to Mr. Wiggins, if he has just a comment. Michael?



1           MICHAEL WIGGINS: Thank you, Mr. Chairman. Can  
2 you hear me?

3           BRENDAN SULLIVAN: Yes.

4           MICHAEL WIGGINS: Yes. So I represent Margaret  
5 Flanagan and Timothy Barrows, who are the abutter just to  
6 the south of this property or just downhill from it. And we  
7 do have substantial objections to -- petition  
8 notwithstanding -- evidently the variance part of it, the  
9 height variance has been withdrawn. We'd like to confirm  
10 that.

11           We do object to the special permit for a number of  
12 reasons. I don't want to take the time this evening --

13           BRENDAN SULLIVAN: I don't want to get into the  
14 merits either, Michael.

15           MICHAEL WIGGINS: Certainly not.

16           BRENDAN SULLIVAN: Right now there's a motion to  
17 continue this matter until June 9. Would you or your  
18 clients be available and amenable to that date?

19           MICHAEL WIGGINS: Yes. We could do that.

20           BRENDAN SULLIVAN: Okay.

21           MICHAEL WIGGINS: And we'll submit our written  
22 comments before then to give you a heads-up.

1 BRENDAN SULLIVAN: Okay.

2 MICHAEL WIGGINS: But yes, that would be fine.

3 BRENDAN SULLIVAN: Okay. All right. Well, thank  
4 you. Mr. Heuer on the line do you know, or no?

5 CONSTANTINE ALEXANDER: "Heuer." [Pronunciation]

6 BRENDAN SULLIVAN: Okay. No? Okay. All right.  
7 So on the motion, then, to continue this matter until June  
8 9, 2022, on the condition that the petitioner change the  
9 posting sign to reflect the new date of June 9, 2022 and the  
10 new time of 6:00 p.m.

11 That any new submittals be in the file by 5:00  
12 p.m. on the Monday prior to the June 9 hearing.

13 Mr. Rafferty, there is a waiver in the file, or  
14 there will be?

15 JAMES RAFFERTY: There will be.

16 BRENDAN SULLIVAN: There will be, by Monday a week  
17 from Monday Counsel will provide the Board with the waiver  
18 of statutory requirement for a hearing and a decision to be  
19 rendered.

20 On the motion to continue this matter until June  
21 9, 2022 and Mr. Alexander?

22 CONSTANTINE ALEXANDER: I vote in favor.

1 BRENDAN SULLIVAN: Mr. Monteverde?

2 JIM MONTEVERDE: I vote in favor.

3 BRENDAN SULLIVAN: Wendy Leiserson?

4 WENDY LEISERSON: Wendy Leiserson votes in favor.

5 BRENDAN SULLIVAN: Slater Anderson?

6 SLATER ANDERSON: Slater Anderson votes in favor.

7 BRENDAN SULLIVAN: And Brendan Sullivan yes, in  
8 favor of continuing.

9 [All vote YES]

10 The matter is continued to June 9 at 6:00 p.m.

11 JAMES RAFFERTY: Thank you very much. Have a good  
12 evening.

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16 (9:00 p.m.)

17 Sitting Members: Constantine Alexander, Brendan Sullivan,

18 Jim Monteverde, Wendy Leiserson,

19 Slater W. Anderson

20 BRENDAN SULLIVAN: The Board will now hear Case

21 Number No. 163144 -- 25 Walker Street. Mr. Ellsworth?

22 CAMPBELL ELLSWORTH: Good evening. Can you hear

1 me?

2 BRENDAN SULLIVAN: Yes.

3 CAMPBELL ELLSWORTH: Great. Here we go. Good  
4 evening, Mr. Chairman and Members of the Board. I am here  
5 with -- let's see, I think if Olivia's running this, we need  
6 to let in my client, the owner of the property, Taylor Lowe,  
7 who I believe has registered. I don't see him up here, but  
8 if he can be let in, that would be great.

9 I'm here representing the owners of the structure  
10 at 25 Walker Street. They are asking for a very modest  
11 special permit to modify windows within a required setback.

12 There we go. Hey, Taylor.

13 TAYLOR LOWE: Hi.

14 CAMPBELL ELLSWORTH: The drawings are -- so this  
15 is just -- we find because of a very odd configuration that  
16 was created some time ago because of this side-by-side  
17 single-family structure, that there is a very odd set of  
18 setbacks and rear-yard condition.

19 Back of this house is about seven-and-a-half feet  
20 from -- seven-and-a-half-feet from the back property line.  
21 But then it actually extends another 50 feet beyond that  
22 through the small channel.

1           The owners are doing a considerable renovation to  
2 this house and want to make a more pleasant living space  
3 inside. You'll note that there is no change at all to the  
4 envelope, to the square footage, to the GFA.

5           And we -- just to also point out, we have been in  
6 touch with -- a letter was sent out to every neighbor on the  
7 -- on the Zoning Department's abutter's list.

8           We -- you have some letters of support in your  
9 file for that, including -- most importantly -- the one  
10 abutter on that back side who is most affected by this. We  
11 think this is a reasonable request, and we hope that the  
12 Board finds it the same way. I think the Board has reviewed  
13 the proposed window changes. So Mr. Alexander, do you need  
14 any more detailed information?

15           CONSTANTINE ALEXANDER: No more, I'm fine.

16           BRENDAN SULLIVAN: Mr. Monteverde, any more  
17 information or questions?

18           JIM MONTEVERDE: A question. Is there either a  
19 neighborhood association or group or historic Commission or  
20 et cetera, that has any say on the façade?

21           BRENDAN SULLIVAN: Well, Walker Street I don't  
22 think. And I don't think it's in -- it's not in the Avon

1 Hill, and it's not at the Harvard Square. It's sort of in  
2 no man's land.

3 JIM MONTEVERDE: Right. Okay. Thank you.

4 CAMPBELL ELLSWORTH: Right. And also just to  
5 point out that this back façade -- the back façade, at  
6 least, which is the one that is requiring the special permit  
7 literally is not visible from the public way at all.

8 BRENDAN SULLIVAN: Which is the other point too,  
9 that they would not chime in on it, because it is not  
10 visible, right.

11 Wendy, any questions?

12 WENDY LEISERSON: Wendy Leiserson no questions.

13 BRENDAN SULLIVAN: Slater?

14 SLATER ANDERSON: No questions.

15 BRENDAN SULLIVAN: Let me open it to public  
16 comment. Any member of the public who wishes to speak  
17 should now click the button that says, "Participants," and  
18 then click the button that says, "Raise hand."

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

21 OLIVIA RATAY: James Bennett?

22 JAMES BENNETT: Hi. My wife and I -- Leah

1 Thiffault -- are the owners of 27 Walker, which is part of  
2 the same structure. We wanted to share our support for the  
3 permit, for the variance.

4 CONSTANTINE ALEXANDER: Thank you.

5 BRENDAN SULLIVAN: Thank you very much for calling  
6 in. This is the sum and substance of anybody calling in.  
7 We are in receipt of one, two, three, four letters in  
8 support, one in particular from Anne Pierce, owner of the 3  
9 Walker Street Place.

10 "We are the direct abutters to the back of the  
11 house and probably the only neighbors with a good view of  
12 the proposed window changes. We think the changes are  
13 minimal. It makes sense to allow for more light into the  
14 south side of 25 Walker Street.

15 "Hope the Board agrees, and will allow for the  
16 zoning relief of the project."

17 There's also correspondence from Alex Slive, S-1-  
18 i-v-e; the owner of 1 Walker, Doug Elmendorf, and Karen  
19 Dynan of 20 Walker; and Nan and George Soule, who are also  
20 living at 30 Walker and have no objections; and Siovhan and  
21 David O'Connor, 27 Chauncy; Katherine O'Connor, 25, who  
22 write in their support.

1           Okay, ready for a motion?

2           CONSTANTINE ALEXANDER: Yes.

3           BRENDAN SULLIVAN: Campbell, you have nothing else  
4 to add?

5           CAMPBELL ELLSWORTH: No, I think it's clear. The  
6 drawings are complete. The modifications are minimal.  
7 Again, nothing -- you know, nothing in the GFA, height,  
8 anything. It's -- I think it's pretty clear.

9           BRENDAN SULLIVAN: Good.

10          CAMPBELL ELLSWORTH: Thank you for your time.

11          BRENDAN SULLIVAN: Let me make a motion, then, to  
12 grant the special permit to add or alter the windows within  
13 the required setback, as per the drawings submitted and  
14 signed and initialed by the Chair.

15                 The Board finds that the special permit -- that  
16 the granting of the special permit will -- it appears that  
17 the requirements of the ordinance can be met. Traffic  
18 generated or patterns of access or egress would not cause  
19 congestion, hazard, or substantial change in the established  
20 neighborhood character.

21                 The Board finds that continued operation of or  
22 development of adjacent uses, as permitted in the zoning



1 ordinance, would not be adversely affected by the nature of  
2 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 occupants of the proposed use -- in fact, it would be  
6 enhanced by the realignment of the windows -- additional  
7 windows, which would add more light fenestration into the  
8 structure.

9           The Board finds that the proposed use would not  
10 impair the integrity of the district or adjoining district,  
11 or otherwise derogate from the intent and purpose of the  
12 ordinance.

13           In furtherance of that, -- and Campbell, you may  
14 want to make a note of this, I know you applied under  
15 Section 8.222c, but you may also write down Section 8.22.2d,  
16 which is a new clarification and an enhancement of criteria  
17 that we must meet.

18           And I'll read it:

19           In all districts, the Board may grant a special  
20 permit for the alteration or enlargement of a preexisting  
21 dimensionally nonconforming, detached single-family, not  
22 otherwise permitted in 8.221, but not the alteration or

1 enlargement of a nonconforming use..

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

7           In order to grant the special permit, the Board of  
8 Zoning Appeals 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 make that finding.

12           And that the alteration or enlargement satisfies  
13 the criteria as stated in Section 10.43. We the Board does  
14 find, and previously stated.

15           On the motion, then, to grant the special permit,  
16 Mr. Alexander?

17           CONSTANTINE ALEXANDER: I vote in favor.

18           BRENDAN SULLIVAN: Jim Monteverde?

19           JIM MONTEVERDE: Jim Monteverde in favor.

20           BRENDAN SULLIVAN: Wendy Leiserson?

21           WENDY LEISERSON: Wendy Leiserson in favor.

22           BRENDAN SULLIVAN: Slater Anderson?

1 SLATER ANDERSON: Slater Anderson in favor.

2 BRENDAN SULLIVAN: Brendan Sullivan yes.

3 [All vote YES].

4 BRENDAN SULLIVAN: The special permit is granted.

5 So 8.222d, Campbell?

6 CAMPBELL ELLSWORTH: I will look that up. Thank  
7 you for the clarification. I believe that Attorney Rafferty  
8 cited that before. And let me just ask. I think that as  
9 you were reading it, it refers to single-family, detached --

10 BRENDAN SULLIVAN: Right.

11 CAMPBELL ELLSWORTH: -- homes. This -- I'll look  
12 at it more carefully, but this isn't --

13 BRENDAN SULLIVAN: Yeah, single, or two-family,  
14 sorry.

15 CAMPBELL ELLSWORTH: Uh-huh. Very good. Thank  
16 you again to the Board, and for the vote.

17 BRENDAN SULLIVAN: Okay. Great.

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(9:09 p.m.)

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

BRENDAN SULLIVAN: The Board will hear Case No.  
164245 -- 141 Fifth Street. Chris, you're on.

CHRIS CHAN: Hello, Chairman and Board Members.

1 My name is Chris Chan, of Chan Mock Architects, 165 Amory  
2 Street in Cambridge, 02139.

3 I'm here representing the owner of 141 Fifth  
4 Street, which is a small, one-and-a-half story Greek Revival  
5 building that's surrounded on two sides by triple-deckers,  
6 and on another side by another single-family Greek Revival,  
7 almost a sister building, as compared to ours.

8 It's on a very small lot, 50 feet deep, maybe 28  
9 feet wide. And essentially all of the walls are in setbacks  
10 -- the major walls in setback.

11 So we would like to change some windows to get  
12 more light into the house, and also finish some of the  
13 basement. One whole wall of the house is right up against  
14 the brick party wall. So we only have access to light on  
15 three walls.

16 And we'd also like to add a small deck. It's a  
17 very small lot, so there is really no outdoor space to speak  
18 of. The sister house to the left has a similar deck on top  
19 of their one-story rear addition in the back -- the existing  
20 rear addition.

21 So we would like to put something similar on our  
22 house.

1           The project involves no change in -- substantial  
2 change in building height or GFA, and I can certainly go  
3 through the drawings and take you through them, but I know  
4 it's kind of a late hour. So happy to answer questions.

5           We have sent letters to all the neighbors, and we  
6 got one reply, who felt that it was not a problem. Of  
7 course, there's really only two houses can even see any of  
8 these changes.

9           So please, if you have any questions, or if you'd  
10 like me to take you through these drawings, I'd be happy to.

11           BRENDAN SULLIVAN: Well, if Olivia could pull up  
12 sheet #Z 1.5 of the south elevation, north elevation/south  
13 elevation -- basically, the dormers right there.

14           CHRIS CHAN: I'm having a hard trouble hearing  
15 you. My sound is not quite loud enough, I think?

16           BRENDAN SULLIVAN: Okay.

17           CHRIS CHAN: That's better. Thank you.

18           BRENDAN SULLIVAN: I can understand the windows.  
19 I can understand actually even the deck in the back. But  
20 the length of the dormer, 26 foot two inches gives me pause.

21           CHRIS CHAN: Well, I mean, that is not part of the  
22 request. That's done as-of-right. As you know, there's a

1 section that allows dormers on two-story buildings, and  
2 there's no qualifications for the size of those dormers.

3 In fact, if you look at that portion of the code,  
4 when you get up to dormers on the third story, it limits  
5 them to 15 feet, and they're not allowed to go to the ridge.

6 We have made some adjustments to our dormers. It  
7 is below the ridge, it is set back a little bit bit, but it  
8 is certainly longer than what is allowed in the Dormer  
9 Guidelines.

10 But again, as you know, those are just guidelines.  
11 This is fully compliant with the code, the zoning code, and  
12 in fact, you know, we've already applied for the building  
13 permit for those dormers.

14 BRENDAN SULLIVAN: All right. Any questions by  
15 Members of the Board? Mr. Alexander?

16 CONSTANTINE ALEXANDER: No questions.

17 BRENDAN SULLIVAN: Jim Monteverde?

18 JIM MONTEVERDE: Do those "I'll call them roof  
19 improvements" create any new GFA?

20 CHRIS CHAN: No. You can see what we do is we  
21 wait until we get to about five feet high inside, and then  
22 we put the dormer from that point up. So there's no

1 additional GFA created by either dormer.

2 JIM MONTEVERDE: Okay. Yep.

3 CHRIS CHAN: You know, it's just the way the code  
4 is written, unfortunately. You know, I do agree the  
5 dormer's long. I had actually encouraged the owner -- and I  
6 thought this might be a property where we would actually be  
7 able to convince the Board to give us another floor, because  
8 it's such --

9 JIM MONTEVERDE: Yep.

10 CHRIS CHAN: -- a small property. But, you know,  
11 that involves risk and quite a bit of time. And we felt  
12 this was actually the better way for them to go on this.

13 JIM MONTEVERDE: Okay, thank you.

14 BRENDAN SULLIVAN: Wendy, any questions at this  
15 time?

16 WENDY LEISERSON: Wendy Leiserson no questions.

17 BRENDAN SULLIVAN: And Slater?

18 SLATER ANDERSON: No questions.

19 BRENDAN SULLIVAN: Okay. I have no questions. I  
20 guess, Chris answered my concern, which -- at any rate, let  
21 me open it to public comment. Any member of the public who  
22 wishes to speak should now click the button that says,



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

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

5 OLIVIA RATAY: J. Paris?

6 J. PARIS: Hi. Can everyone hear me?

7 BRENDAN SULLIVAN: Yes.

8 J. PARIS: Hi. I'm a neighbor of this house, and  
9 just want to say that I do support the project. I think it  
10 looks beautiful, and it would probably be a welcome addition  
11 to the neighborhood.

12 My one concern -- and I don't know if it's even  
13 worth bringing up to this committee -- is parking. Since  
14 there is so much construction already happening on houses on  
15 this street, this will be I'm sure bringing in more trucks  
16 and more nonresidents onto the street.

17 CHRIS CHAN: Thank you so much for supporting us.  
18 If you can hear me -- I'm not sure if I'm still on. On the  
19 call with me is Grant Gao who is the General Contractor for  
20 the project. And I will make sure that he contacts you.  
21 Are you the neighbor to the left of us, in the matching  
22 house?

1           J. PARIS: Can you still hear me? Yeah, you can,  
2 okay. I am -- no, I'm in the tall yellow.

3           CHRIS CHAN: The tall yellow, okay. Well, we'll  
4 make sure that we go around and he contacts all the  
5 neighbors to make sure if there's any issue with the  
6 construction, you have a contact in terms of parking or  
7 whatever.

8           J. PARIS: Great.

9           CHRIS CHAN: But we will certainly be sensitive to  
10 that issue when the time comes.

11          J. PARIS: Thank you.

12          CHRIS CHAN: I really appreciate your coming on  
13 and supporting us.

14          BRENDAN SULLIVAN: That is the sum and substance  
15 of anybody calling in, and there is no letters in the file.  
16 Chris, unless you have some other correspondence --

17          CHRIS CHAN: No, I do not. And --

18          BRENDAN SULLIVAN: Yes.

19          CHRIS CHAN: And just thank you for the support.  
20 And it's -- you know, a fairly small project, which I think  
21 is in keeping with what's going on in the neighborhood.

22          BRENDAN SULLIVAN: Well, it's a small house, and

1 it needs something.

2 So let me make a motion, then, to grant the  
3 special permit to construct the roof deck and the new window  
4 and door changes, as per the application, the drawings  
5 contained therein and signed by the Chair.

6 The Board finds that the -- it appears that the  
7 requirements of the ordinance can be met with the granting  
8 of the special permit.

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

13 The Board finds that the continued operation of or  
14 development of adjacent uses, as permitted in the zoning  
15 ordinance, would not be adversely affected by the nature of  
16 the proposed use.

17 There would not be any nuisance or hazard created  
18 to the detriment of the health, safety and/or welfare of the  
19 occupant of the proposed use -- in fact, the health, safety,  
20 and welfare would be greatly improved by the addition of the  
21 deck, what will allow some outdoor open space, and also by  
22 the realignment and addition of the windows, which will add

1 more light fenestration into the structure.

2 The Board finds that the proposed use would not  
3 impair the integrity of the district, or otherwise derogate  
4 from the intent and purpose of the ordinance.

5 In furtherance of Section 8.22.2d, the Board finds  
6 that the Zoning Board may grant the special permit for the  
7 alteration or enlargement of a preexisting dimensionally  
8 nonconforming, detached single-family dwelling or two-family  
9 dwelling, but not the alteration or enlargement of a  
10 nonconforming use...

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

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

22 And that the alteration or enlargement satisfies

1 the criteria in Section 10.43, as previously stated. The  
2 Board grants this special permit that the work conform to  
3 the work as detailed in the drawings prepared by Chan and  
4 Mock Architects and dated April 25, 2022.

5 On the motion to grant the special permit?

6 CONSTANTINE ALEXANDER: I vote in favor.

7 BRENDAN SULLIVAN: Jim Monteverde?

8 JIM MONTEVERDE: I vote in favor.

9 BRENDAN SULLIVAN: Wendy Leiserson on the motion?

10 WENDY LEISERSON: Wendy Leiserson in favor.

11 BRENDAN SULLIVAN: Slater Anderson on the motion?

12 SLATER ANDERSON: Slater Anderson in favor.

13 BRENDAN SULLIVAN: And Brendan Sullivan in favor.

14 [All vote YES]

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

17 CHRIS CHAN: Thank you very much for your time,  
18 and I'm sorry about the late night for everyone.

19 BRENDAN SULLIVAN: Well, that's all part of it.  
20 You know that.

21 CHRIS CHAN: I know that. Enjoy.

22 COLLECTIVE: Enjoy.

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(9:20 p.m.)

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

BRENDAN SULLIVAN: The Board will now hear Case  
Number No. 166320 -- 145 Willow Street. Anybody tuned in on  
that case? The Board is in -- nobody calling in? The

1 Board is in receipt of communication from Andrew Plumb, P-1-  
2 u-m-b.

3 "I'd like to request a continuance to the next BZA  
4 meeting for this case. I'm dealing with a stomach bug  
5 today, and will not be able to make it. Best, Andrew."

6 BRENDAN SULLIVAN: This is a case not heard, so.  
7 June 30? Thirtieth?

8 CONSTANTINE ALEXANDER: Yeah.

9 BRENDAN SULLIVAN: Okay. June --

10 CONSTANTINE ALEXANDER: This is going to be so  
11 quick; you could probably squeeze it in earlier if you  
12 wanted to. It's up to you.

13 BRENDAN SULLIVAN: Right. May 5? So why don't we  
14 do that? May 5?

15 Let me make a motion, then, to continue the matter  
16 until May 5, 2022 at 6:00 p.m., on the condition that the  
17 petitioner change the posting sign to reflect the new date  
18 of May 5 and the new time of 6:00 p.m.; that any new  
19 submittals be in the file by 5:00 p.m. on the Monday prior  
20 to the May 5 hearing.

21 Turns out to be pretty soon. Do we have a waiver,  
22 or do we even need a waiver? That's the next hearing.

1 That's next week. Yeah, but that's next Thursday. So we  
2 don't really need a waiver, given the time frame.

3 All right. The important thing is that the  
4 petitioner change the posting sign to reflect the new time  
5 of 6:00 p.m. and the new date of May 5, 2022. On the  
6 motion?

7 CONSTANTINE ALEXANDER: 14 days?

8 BRENDAN SULLIVAN: Well, they'll just have the  
9 existing sign. This is -- so anyhow, there's a sign  
10 present. Mr. Alexander, on the motion to continue?

11 CONSTANTINE ALEXANDER: I vote in favor.

12 BRENDAN SULLIVAN: Jim Monteverde?

13 JIM MONTEVERDE: I vote in favor.

14 BRENDAN SULLIVAN: Wendy Leiserson?

15 WENDY LEISERSON: Wendy Leiserson in favor.

16 BRENDAN SULLIVAN: And Slater Anderson?

17 SLATER ANDERSON: Slater Anderson in favor.

18 BRENDAN SULLIVAN: And Brendan Sullivan yes to the  
19 continuance.

20 [All vote YES] The matter is continued until May 5  
21 at 6:00 p.m.  
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(9:23 p.m.)

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

BRENDAN SULLIVAN: The Board will now hear Case  
Number No. 167200 -- 309 Pearl Street. Sam and Scarlet  
Batchelor? Sam? Scarlet?

1 SAM BATCHELOR: Hello?

2 BRENDAN SULLIVAN: Sam. Okay. Okay.

3 SAM BATCHELOR: Sorry. Cut out there for a minute  
4 while I was officially joining. So yes, I'm -- thank you  
5 for having me. I'm requesting a variance to allow parking  
6 in the front setback of our house at 309 Pearl Street.

7 The house is an existing nonconforming corner lot,  
8 so there are two front setbacks. This would be on the small  
9 -- the smaller street, the Tufts Street side.

10 Due to the existing geometry of the house, there  
11 is -- it's not possible to create parking anywhere that  
12 would not be in the front setback.

13 And the nature of Tufts Street, it's a small,  
14 single-block street, more than half the houses do have  
15 parking in the front setback already. We are interested in  
16 purchasing an electric vehicle but are not able to get a  
17 charging station without off-street parking.

18 BRENDAN SULLIVAN: Sam, I notice that you  
19 obviously have a well-landscaped area there, and obviously  
20 it's for use of the family?

21 SAM BATCHELOR: Yes.

22 BRENDAN SULLIVAN: And if you were to -- and you

1 obviously need to have a charging station close by?

2 SAM BATCHELOR: Yes.

3 BRENDAN SULLIVAN: Hence the reason for all of  
4 this, but that the existing hardscape, that's going to  
5 remain?

6 SAM BATCHELOR: That's correct.

7 BRENDAN SULLIVAN: So when you go to park a car  
8 there, you're just going to sort of move some of the  
9 furniture to the side and what have you to allow for a car?

10 When the car is charged, I mean, do you anticipate  
11 that you will park the car there, park in front of the  
12 driveway, the curb cut or how do you -- going forward on a  
13 daily basis?

14 SAM BATCHELOR: I think if we're allowed to park  
15 it in front of the curb cut, we would like to, so we're not  
16 taking up any additional spaces, but leaving the hardscape  
17 open for use.

18 That's allowable, though I'm not sure how that's -  
19 - to make sure we don't get ticketed into parking in front  
20 of our own curb cut. Presumably that's manageable?

21 BRENDAN SULLIVAN: Yeah, I mean, I'm sympathetic  
22 to the challenge of finding a charging station close at hand

1 in there, without you're able to being parked on the  
2 property, there is no other viable place to put it. And  
3 again, you're on a corner lot, so that presents its own  
4 challenges for what you want to do.

5 The issue before the Board is that what happens is  
6 that you wind up taking a space away from the general  
7 public, and I notice on Pearl Street that your side of the  
8 street has all the parking, on the other side of the street,  
9 most of the people have all their driveways.

10 Next door to you, obviously, those people park in  
11 the front yard, because that's the only place they can park,  
12 I guess. And that's the way that whole structure is built.  
13 And it sort of lends itself. Not pleasant looking, but  
14 anyhow that lends itself to parking those three cars in  
15 front of their structure.

16 Further up the street, nobody has any parking, so  
17 everybody has to park on the street, except you go up toward  
18 the end of the street, there are a couple of houses toward  
19 the end that do park on the front yard setback.

20 SAM BATCHELOR: Yes.

21 BRENDAN SULLIVAN: So -- and then again, on the  
22 other side of the street, it appears that everybody parks in

1 their driveways, and they have plenty of room for parking  
2 there. So it's really, I guess your side of the street that  
3 the claim is for a parking space. So that's my comment.

4 Mr. Alexander, any comments?

5 CONSTANTINE ALEXANDER: Well, what happens -- you  
6 haven't bought your electric vehicle, have you yet?

7 SAM BATCHELOR: No, not yet.

8 CONSTANTINE ALEXANDER: I think what puzzles me is  
9 allowing front yard parking, and you decide not to buy an  
10 electric vehicle.

11 SAM BATCHELOR: It's a little bit of a catch-22.  
12 We can't buy an electric vehicle until we have a place to  
13 charge it.

14 CONSTANTINE ALEXANDER: I'm sorry?

15 SAM BATCHELOR: It's a bit of a catch-22, though,  
16 we can't --

17 CONSTANTINE ALEXANDER: It is a catch-22.

18 SAM BATCHELOR: -- we can't buy an electric  
19 vehicle until we have a place to charge it.

20 CONSTANTINE ALEXANDER: It is. It would be nicer  
21 if you had come here after you had signed a P&S agreement to  
22 buy the electric vehicle, so we know for sure you weren't

1 just putting in parking for a conventional vehicle. But --

2 BRENDAN SULLIVAN: The problem there is if you put  
3 the money down and we said no, then what do you do? Anyhow?

4 CONSTANTINE ALEXANDER: Anyhow, I'm in favor.

5 BRENDAN SULLIVAN: Jim Monteverde?

6 JIM MONTEVERDE: I have no questions. Thank you.

7 BRENDAN SULLIVAN: All right. Wendy Leiserson,  
8 any questions, comments?

9 WENDY LEISERSON: I do, which is -- my question  
10 is, what is -- and this is probably a technicality -- so  
11 what happens to the open space dimensions when you create a  
12 driveway on your property here? Because your table doesn't  
13 indicate any measurements with regard to that.

14 So can the Board just clue me in there if you  
15 can't? Because you're taking away open space to create a  
16 parking area, correct?

17 SAM BATCHELOR: I'm not sure I follow, so maybe  
18 I'm not quite clear on the difference between the parking  
19 area and open space, but it will remain open as it is now.

20 WENDY LEISERSON: Can Members of the Board advise  
21 me on that issue?

22 BRENDAN SULLIVAN: Well, it's hardscape. So it's

1 not really permeable. Jim, maybe you'll have to chime in on  
2 this too. Can it be considered a permeable substrate? It's  
3 hardscape. So, I mean it's paved.

4 JIM MONTEVERDE: Yeah, but what type of paving do  
5 you propose?

6 SAM BATCHELOR: It already is paved with precast  
7 UNI pavers.

8 JIM MONTEVERDE: Oh. But you're in between the  
9 pavers?

10 SAM BATCHELOR: I believe so. I don't actually  
11 know whether they're officially.

12 JIM MONTEVERDE: So it doesn't have a concrete  
13 base under it, it just, it -- water can flow? Yeah, okay.

14 SAM BATCHELOR: Yeah. It is a sand bed.

15 JIM MONTEVERDE: Okay.

16 WENDY LEISERSON: So it's going to remain that  
17 kind of service?

18 SAM BATCHELOR: Okay.

19 WENDY LEISERSON: Okay, thank you.

20 BRENDAN SULLIVAN: So that when you're not parking  
21 a car there, and it would probably be that more often than  
22 not, you would park the car in that space, number one while

1 it's been charged, possibly overnight?

2 And then, obviously on snow days and street  
3 cleaning days you obviously would need to park the car  
4 there, obviously, to get it off the street.

5 Other than that, you would really want to use that  
6 space, that open space that's there now, as yard space, as  
7 sitting space, and so on and so forth? So it really would  
8 be -- it's going to have an attorney hybrid use.

9 BRENDAN SULLIVAN: I suspect probably going  
10 forward, two probably be used more as a recreational sitting  
11 area than it will be for parking the car, I guess. Because,  
12 again, you can park the car in front of the curb cut, and  
13 then use the yard as you use it now. I think is that --

14 SAM BATCHELOR: Yes, that's correct.

15 BRENDAN SULLIVAN: -- your assumption going  
16 forward? Yeah. Okay. Wendy, that satisfies your answers?

17 WENDY LEISERSON: Well, I mean, hypothetically if  
18 he sells the house to someone who does not have an electric  
19 car, right, what regarding we are doing for the -- but yes,  
20 I mean, I understand the response to my question about open  
21 space calculations.

22 BRENDAN SULLIVAN: Yeah. It's -- actually it's a



1 very lovely spot to the side of the house there. And I  
2 think that whoever would probably continue to park the car  
3 in the street and use that area for a sitting area, or  
4 outdoor garden area, I would think. Who knows?

5 WENDY LEISERSON: So I think as long as the  
6 surface remains permeable and is not in the future paved  
7 over as a driveway with a different surface area --

8 BRENDAN SULLIVAN: Yeah.

9 WENDY LEISERSON: -- I would be okay.

10 BRENDAN SULLIVAN: Yeah. I think we would -- a  
11 condition could be that it be maintained in the condition  
12 that it is now. So that would alleviate the -- your  
13 concerns about paving over in the future?

14 WENDY LEISERSON: Yes.

15 BRENDAN SULLIVAN: Okay. Slater, any questions,  
16 or comments?

17 SLATER ANDERSON: Yeah. I mean, I think I agree  
18 that it should remain permeable pavers in perpetuity. And,  
19 you know, you are taking a car off the street if you park in  
20 it. Of course you could park in front of it.

21 But we obviously are giving you a parking space in  
22 front of your house permanently now, whether you're in the

1 driveway or not. I mean, that's -- it's a good benefit.

2 So I don't know. I -- these ones, you still have  
3 to go through, are you -- have you looked into the whole  
4 curb cut process, by the way?

5 SAM BATCHELOR: Yes. And that's actually what  
6 triggered this. I applied not realizing there was a setback  
7 requirement. And they kicked me over here.

8 SLATER ANDERSON: Okay. So you still have to go  
9 through that gauntlet?

10 SAM BATCHELOR: Yes.

11 SLATER ANDERSON: Okay. Well, I'm -- I'm okay.

12 BRENDAN SULLIVAN: All right.

13 SLATER ANDERSON: Thanks.

14 BRENDAN SULLIVAN: Let me open it to public  
15 comment. Any member of the public who wishes to speak  
16 should now click the button that says, "Participants," and  
17 then click the 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.

20 [Pause]

21 Nobody calling in. There is no correspondence in  
22 the file, so I will close the public comment part.

1           Sam, is there anything else you want to add? You  
2 don't have to, if you feel you have said it all.

3           SAM KACHMAR: No, I appreciate you hearing me  
4 today.

5           BRENDAN SULLIVAN: Okay. Let me make a motion,  
6 then, to grant the relief requested, which is a variance.  
7 The Board finds that a literal enforcement of the provisions  
8 of the ordinance would involve a substantial hardship to the  
9 petitioner.

10           The Board finds that the size and location of the  
11 house on the lot, which predates the existing ordinance,  
12 encumbers the homeowner to the availability of a parking  
13 spaces.

14           The fact also that it is a corner location, which  
15 has two front yards, which further encumbers the petitioner  
16 to be able to locate a vehicle.

17           The Board finds that the hardship is owing, again,  
18 to the shape of the land, somewhat narrow and small in  
19 shape, and also the structure they're on, which greatly  
20 reduces the availability of being able to park a vehicle on  
21 the site.

22           The Board finds that the relief may be granted

1 without substantial detriment to the public good. The Board  
2 finds that the petitioner wishes to park the vehicle as  
3 shown on the drawing to be able to use an electric charging  
4 station from the vehicle, which has some public benefit to  
5 it.

6 The Board finds that the desirable relief may be  
7 granted without nullifying or substantially derogating from  
8 the intent and purpose of the ordinance.

9 The Board finds that the relief is somewhat de  
10 minimis, given the size and location of the lot and the  
11 encumbrances and the structure contained on there and  
12 limiting the availability of off-street parking.

13 On the motion to grant the variance, Mr.  
14 Alexander?

15 CONSTANTINE ALEXANDER: I vote in favor.

16 BRENDAN SULLIVAN: Jim Monteverde?

17 JIM MONTEVERDE: Jim Monteverde in favor.

18 BRENDAN SULLIVAN: Wendy Leiserson?

19 WENDY LEISERSON: Wendy Leiserson in favor, with  
20 the condition that the surface remain.

21 BRENDAN SULLIVAN: Thank you, thank you. The  
22 Board grants this variance on the condition that the

1 existing hardscape that is present be maintained at the area  
2 not to be -- that the area features of hardscape and the  
3 greenscape not be removed for the parking of a vehicle and  
4 be paved over with a non-pervious substance. Does that  
5 satisfy it, Wendy?

6 WENDY LEISERSON: Yes, thank you.

7 BRENDAN SULLIVAN: Okay. Slater Anderson on the  
8 motion to grant?

9 SLATER ANDERSON: Slater Anderson in favor.

10 BRENDAN SULLIVAN: And Brendan Sullivan in favor  
11 of granting the variance.

12 [All vote YES]

13 BRENDAN SULLIVAN: Five affirmative votes with the  
14 condition. The variance is granted.

15 SAM BATCHELOR: Thank you.

16 BRENDAN SULLIVAN: Okay. Good luck, Sam.

17 SAM BATCHELOR: Thanks.

18 BRENDAN SULLIVAN: And that's it, folks. Thank  
19 you very much.

20 JIM MONTEVERDE: Thank you.

21 SLATER ANDERSON: Thank you, Mr. Chair.

22 BRENDAN SULLIVAN: Good job.

1                   WENDY LEISERSON: Thank you. Goodnight.

2                   BRENDAN SULLIVAN: Good job, everybody.

3 [9:37 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts  
Middlesex, ss.

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

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

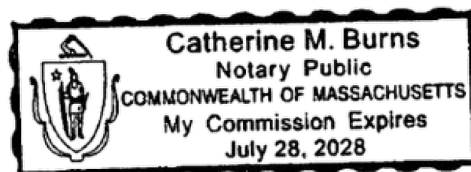
In witness whereof, I have hereunto set my hand  
this  
ninth day of May, 2022.



Notary Public

My commission expires:

July 28, 2028



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