

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY SEPTEMBER 8, 2022

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair  
Jim Monteverde, Vice Chair  
Slater W. Anderson  
Matina Williams  
Jason Marshall

City Employees  
Olivia Ratay, Zoning and Building Associate



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P R O C E E D I N G S

\* \* \* \* \*

(6:02 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater  
W. Anderson, Matina Williams, and Jason  
Marshall

BRENDAN SULLIVAN: Welcome to the September 8,  
2022, meeting of the Cambridge Board of Zoning Appeal. My  
name is Brendan Sullivan, and I am an acting Chair for  
tonight's meeting. I am the Chair for tonight's meeting.

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

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

There will also be a transcript of the

1 proceedings.

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

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

9 Generally, you will have up to three minutes to  
10 speak, but that might change based on the number of  
11 speakers, and at the 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: Jim Monteverde?

15 JIM MONTEVERDE: Here, present.

16 OLIVIA RATAY: Jason Marshall?

17 JASON MARSHALL: Here.

18 OLIVIA RATAY: Matina Williams?

19 MATINA WILLIAMS: Present.

20 OLIVIA RATAY: Slater Anderson?

21 SLATER ANDERSON: Here.

22 OLIVIA RATAY: And Brendan Sullivan?

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BRENDAN SULLIVAN: Present and audible.

1 \* \* \* \* \*

2 (6:03 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Slater  
4 W. Anderson, Matina Williams, and Jason  
5 Marshall

6 BRENDAN SULLIVAN: First case I'll call tonight is  
7 Case No. 178804 -- 201 Charles Start. Edrick?

8 EDRICK VANBEUZEKOM: Hi. My name is Edrick  
9 vanBeuzekom. I'm the architect for this project and my  
10 clients are Jeff Hodess and Michelle Goldman. They are also  
11 on the feed here.

12 BRENDAN SULLIVAN: Before you start, Edrick, I  
13 know that you were in discussions with an abutter. I  
14 believe that was the reason for the continuance --

15 EDRICK VANBEUZEKOM: Yes.

16 BRENDAN SULLIVAN: -- that we're assembling for  
17 tonight. A letter came in today from the abutter on the  
18 left side --

19 EDRICK VANBEUZEKOM: Mm-hm.

20 BRENDAN SULLIVAN: -- Charles T. Hinds, Senior.  
21 Are you aware of that letter?

22 EDRICK VANBEUZEKOM: I have not seen it, no.

1 And I don't think Jeff and Michelle have seen it either.

2 BRENDAN SULLIVAN: All right. The reason I bring  
3 this up is that there are two ways we can go. We can either  
4 continue -- it would be a case heard, at which point should  
5 it be continued, we would have to assemble the same five  
6 people.

7 EDRICK VANBEUZEKOM: Mm-hm.

8 BRENDAN SULLIVAN: Or, in light of this letter, if  
9 you wanted to have discussions with the abutter who is in  
10 opposition, then I would not get into the merits of the  
11 case, and then it could be possibly rescheduled at an  
12 earlier date.

13 Let me read part of the letter, just so that you  
14 can get a sense of it.

15 "Dear Chair Sullivan and members of the Board,

16 "I am writing as the personal representative of  
17 the estate of my father, Charles D. Baker's D. Hinds,  
18 Senior, and as a direct abutter for over 40 years.

19 "My father's estates includes 205, 205 1/2 Charles  
20 Street, which directly abuts 201 Charles Street. My  
21 brother, Thomas J. Hinds and I will inherit this property,  
22 once Probate closes sometimes this year. The building was

1 constructed by my great grandmother in 1897, and we intend  
2 to keep it as a rental property."

3 "My brother and I are in opposition to the  
4 addition on the left side of 201 Charles Street, whether a  
5 zoning variance or special permit is required or not. This  
6 proposed addition is an expansion of a previous addition by  
7 a former owner.

8 "We have no issues with the expansion towards  
9 Fifth Street. We oppose for the following reasons -- and it  
10 has to do with the bedroom windows and the soil stability.

11 "We like our neighbors and understand their need  
12 for additions, but do not want any addition to be made  
13 toward 205, 205.5 Charles Street. It can cause real  
14 financial hardship if construction went awry, and the  
15 bedroom window view can be impacted -- first and second-  
16 floor rents as they are sunny and have an easterly  
17 orientation.

18 "We ask the BZA not to grant any zoning relief at  
19 201 Charles for projects with a left-side setback less than  
20 10'6."

21 So I guess I would leave it up to you whether you  
22 want to proceed as is, as a case heard, or you may want to



1 continue this to have consultations with the Hindses.

2 EDRICK VANBEUZEKOM: I guess I would like to hear  
3 what Jeff and Michelle think. I know that they've had  
4 discussions with him, and he basically said he would oppose  
5 whatever we did.

6 I think that we've tried to modify plans based --  
7 you know, from what was previously submitted in response to  
8 his concerns, and so, Jeff and Michelle, if you want to go  
9 ahead and -- you know, if we need to ask for a continuance,  
10 the issue is that we would have to have the same Board  
11 members present for a future hearing.

12 So that could just restrict what dates would be  
13 available for --

14 BRENDAN SULLIVAN: Yeah, let me ask Olivia.  
15 Olivia, if we were to continue this, what would be a date  
16 possible?

17 OLIVIA RATAY: October 27.

18 BRENDAN SULLIVAN: October?

19 OLIVIA RATAY: Twenty-seven.

20 BRENDAN SULLIVAN: October 27, if we continue  
21 this?

22 OLIVIA RATAY: Mm-hm.

1           BRENDAN SULLIVAN: And that's the first -- and if  
2 it was a case not heard, it could be heard sooner? No?

3           OLIVIA RATAY: No.

4           BRENDAN SULLIVAN: Because we are full for the  
5 next meeting in September?

6           OLIVIA RATAY: I mean -- yeah.

7           BRENDAN SULLIVAN: And we're --

8           OLIVIA RATAY: There's already four cases on the  
9 first meeting in October.

10           BRENDAN SULLIVAN: In October. All right. So  
11 October 1. So the first available would be October 27, and  
12 the question is whether or not the same members of the Board  
13 are available. If not, it's going to get kicked over then,  
14 possibly into November or so. So anyhow, your thoughts on  
15 going forward tonight or continuing?

16           EDRICK VANBEUZEKOM: Jeff and Michelle, do you  
17 want to weigh in?

18           JEFF HODESS: No, let's move forward and if we  
19 have to continue, we can always do that later.

20           EDRICK VANBEUZEKOM: Okay.

21           BRENDAN SULLIVAN: Okay.

22           JEFF HODESS: All right. Great discussion.

1 MICHELLE GOLDMAN: Thank you for giving us the  
2 opportunity.

3 EDRICK VANBEUZEKOM: Yeah.

4 BRENDAN SULLIVAN: Okay. You have the floor.

5 EDRICK VANBEUZEKOM: Okay. So Jeff and Michelle  
6 hired me a while back to help conceptualize and design an  
7 addition to their house in order to accommodate their  
8 family.

9 It's a pretty tiny house, and basically what they  
10 needed was an additional bathroom upstairs, and additional  
11 bedroom upstairs, and to basically try to get a little bit  
12 more living space down in the first floor, as it was really  
13 pretty cramped.

14 You can see if you just look at our first drawing  
15 C1.1, the site plan, that -- yeah. So on the left is the  
16 existing floor plan on the first floor, and on the right is  
17 the proposed. The -- basically, as you can see, there's a  
18 very small living space.

19 There's a bathroom that takes up -- if you can  
20 slide a little bit to the left?

21 There we go -- bathroom that takes up sort of the  
22 center of the house there. The dining space is pretty

1 tight. Small kitchen. There's a little bump out toward  
2 Fifth Street for an entrance and bulkhead there.

3 So basically, what we were looking into that --  
4 you know, they discussed this with neighbors on both sides  
5 and others in the neighborhood -- and I believe we have some  
6 letters of support from other neighbors -- and we were  
7 trying to, if you look at the setback lines that we have  
8 drawn on the site plan, those are the dashed lines.

9 And I will point out that we have one error in  
10 that that I discussed with Ranjit today. On the left side,  
11 we called a 7.5' side yard setback 7'6", which is the  
12 minimum. I had based that on it being a non-conforming lot,  
13 but the width of the lot there is actually 50'. So we would  
14 need to use the formula  $H+L/5+2$ , because the house is under  
15 35'.

16 So if I do the formula, the left-hand side setback  
17 actually comes to 7.9", which is 7'11". So it's close to  
18 what we're showing, but it's five inches more. So -- but  
19 anyways, we were trying to stay within that setback with a  
20 small addition. It's just bumping out three feet on that  
21 side of the rear portion of the house.

22 And maybe we can scroll to the next drawing.

1 That's the existing.

2 Let's go actually to A1.1, the next one. That  
3 one. Oops, sorry. Two down. One more. There we go. All  
4 right. So you can see on the left-hand side we've been  
5 basically got a 2'11" addition. On the right-hand side, we  
6 have a 2'3" addition for the back section of the existing  
7 house, which is a two-story existing structure.

8 And then on the rights of the house toward the --  
9 more toward the front, we're bumping out an additional 9'3".  
10 That's in order to get the kitchen and entryway and seating  
11 space in the kitchen area.

12 And what we were trying to do with this as well  
13 was preserve the yard area that's on the corner of the lot.  
14 That area is actually -- I believe Jeff and Michelle share  
15 that somewhat with some of their neighbors, and it's sort of  
16 become a neighborhood gathering spot.

17 It's a play yard for children, and we were also  
18 trying to preserve the dimensions of it to meet the open  
19 space requirements that weren't reducing the amount of  
20 usable open space that meets the 15-foot dimensional  
21 requirement.

22 And then if we can go two drawings down to the --

1 well, actually, go to the one just above that. That's the  
2 existing second floor.

3 So here you see they had an existing master bath  
4 up there, a master suite with the master bedroom being the  
5 room in the back and then one child's bedroom at the top of  
6 the stairs, which was awkward because you have to go through  
7 the master bedroom to get to the bathroom. So we looked  
8 into how do we get another bathroom up there and another  
9 bedroom?

10 And go to the next page?

11 And here basically we moved the bathroom in and  
12 reduced it a little bit, reduced the size of the bedrooms up  
13 on the left front corner there a little bit. Added the  
14 bathroom to the rear addition, which is 2'11" addition that  
15 we're doing gives us enough space to create a 5 foot-wide  
16 bathroom there.

17 And then the master bedroom gets a small addition  
18 that includes -- well, which becomes bedroom 2, the bedroom  
19 in the rear. So it gets a small addition up in the corner,  
20 and another portion that is over the entrance -- covering  
21 the entrance over the -- at the first floor. That's that  
22 walk-in closet off of the new master bedroom.

1           So we -- we can scroll through the elevations real  
2 quickly just to give you an idea of the massing change.

3 This is the existing house from the -- from Charles Street.

4 The next one is the same view, showing the addition on the  
5 right-hand side. And I'm sorry, we didn't delineate the --  
6 where the addition is. But the left-hand side basically is  
7 the same plane as in the original.

8           Next one is the -- this is the side that faces  
9 Fifth Street. So there's the little entry bump out that you  
10 see there, which we're removing and then doing an addition  
11 out this side.

12           So you can go to the next sheet. Here you can see  
13 where we've just taken the existing gable straight out to a  
14 two-story structure, and then there's a little one -story  
15 bump out in the -- for the master closet up on the second  
16 floor, which creates an overhang for the entrance at the  
17 back.

18           And then we can scroll to the next.

19           So that's the -- that's the house from the rear.  
20 The neighbor who's objecting would be on the right-hand side  
21 of this here.

22           And if we go to the next sheet? This is the

1 proposal, where we're basically pumping it out just a tiny  
2 bit to the right. The roofline stays the same, and then we  
3 have the bump out going to the left.

4 So that's basically -- and then actually we can go  
5 to the next drawing. This is the side that faces that  
6 neighbor, which is currently blank walls like that, because  
7 we're so close to the property line for the gabled portion.

8 And then the next view is basically the same view  
9 with the addition coming forward a little bit. So it's --  
10 again, it's just moving forward about three feet.

11 So if we can go back up to the floor plan, maybe  
12 to the site plan actually? C1.1. Yeah. Thank you.

13 So the net change here, where you are bumping up  
14 the -- it's a tiny lot, basically. So the lot area is 1,994  
15 square feet. So it's under 2,000 square feet in the area  
16 where the -- you know, minimum lot size requirement is 5,000  
17 square feet.

18 We have a total of existing only 11,097 square  
19 feet. With these expansions, we would end up at 1,642,  
20 which is still a pretty modest single-family home size. And  
21 the lot area -- I'm sorry, the gross floor area will  
22 increase from current being 0.6 to 0.82, which is an



1 increase over the allowable 0.75. We feel that this is  
2 reasonable in scale with the rest of the neighborhood. It's  
3 still one of the smallest houses in the neighborhood, even  
4 with these additions.

5 We did do a series of shadow studies. We did them  
6 of the previous scheme that we had originally submitted  
7 before we requested a continuance, which showed a little bit  
8 of change in shadow on the neighbor who's objecting, and a  
9 little bit of change in shadow for the neighbor behind.  
10 They reviewed that.

11 The neighbors behind seem okay with the amount of  
12 change in shadow, and it's -- because of the orientation and  
13 the fact that the house is pushed up to the street, it  
14 really doesn't have a big impact on the shadows.

15 What we found when we pulled the addition in for  
16 this new scheme, the change in shadow is really quite  
17 minimal. It's basically when you look at the early morning,  
18 which is when you would have some shadow on the neighbor's  
19 house, it's -- it basically moves it up about six inches on  
20 the wall at 9:00 a.m. and drops down from there.

21 So I did -- we didn't have the updated shadow  
22 studies ready in time to submit last Friday, so I did send

1 those in to Maria today. I don't know if she had a chance  
2 to print those or include those in this presentation. But I  
3 could do a Screenshare to show them to you if you wanted, or  
4 we can just go into the discussion about this.

5 But basically, the bottom line is we're getting a  
6 lot more shadow from surrounding houses than we are creating  
7 on anybody else. And so that's basically the scheme. We're  
8 trying to -- you know, basically make it possible for  
9 Michelle and Jeff to stay here, raise their family here,  
10 continue to be part of the community.

11 And we feel this is a very modest addition, and an  
12 improvement to an old, existing house in the neighborhood  
13 that, you know, where this is really on the smaller scale of  
14 what's in the neighborhood.

15 I would like to let Jeff and Michelle speak now,  
16 just to say a few words about why they need the addition,  
17 and maybe fill you in a bit on their discussions with their  
18 neighbors?

19 BRENDAN SULLIVAN: You may be on mute.

20 MICHELLE GOLDMAN: There we go. Sorry.

21 BRENDAN SULLIVAN: There you go, yep.

22 MICHELLE GOLDMAN: So we're Jeff and Michelle.

1 Thank you for giving us the opportunity to present before  
2 you. Thank you for letting us postpone the first time  
3 around. Just to introduce ourselves a little bit, Jeff's a  
4 lifelong resident of Cambridge. He was born and raised  
5 here, and he's lived in this house since 2004.

6 At that time, he was a renter, and we joke  
7 sometimes that I was his third roommate in this house.

8 JEFF HODESS: Hopefully the permanent one.

9 MICHELLE GOLDMAN: I moved in in 2008, and  
10 eventually, when we were pregnant with our first child in  
11 2013, we bought the house from the previous owner. Our boys  
12 -- we had a second child in 2018 and our boys are now 9 and  
13 4, and they both go to school in Cambridge.

14 We love the neighborhood. We love the friends  
15 that we've made here and the relationships. So many of our  
16 neighbors have become more like family than friends. And as  
17 Edrick mentioned, our yard has sort of become a meeting  
18 place in the neighborhood, especially during COVID when the  
19 parks were shut down.

20 Pretty much every day, kids from the neighborhood  
21 were playing in our yard doing different kinds of  
22 activities, just sort of still being able to see each other

1 outside in a safe way. It was really -- we just consider  
2 ourselves so lucky to have that outside space during that  
3 time.

4 And so we -- when we were gearing up for this  
5 project, we really wanted to try to maintain that space as  
6 much as possible, not only for our own kids, but also for  
7 the friends in the neighborhood.

8 So I know Edrick talked about a little bit we  
9 really tried to balance making sure that our neighbors were  
10 okay with the project, and then also making it something  
11 that was sort of worth doing a major construction project  
12 and getting us enough space to be able to stay here long-  
13 term.

14 During COVID, our older son did all of his Zooms  
15 from the kitchen table, which is where we're doing it also.  
16 There's not a desk in their room; it's not big enough to put  
17 a desk with the bunk bed that's in there. They're five  
18 years apart, and sometimes they just need their own space,  
19 and we don't have that for them.

20 When I got COVID, I was locked in the master  
21 bedroom and Jeff had to sleep on the couch, because their  
22 room isn't big enough to have another bed in there. We just

1 want to be able to stay here, and not have a huge house but  
2 just stay and have enough space to just to live sort of --  
3 to live.

4 The neighbor on the Fifth Street side has been  
5 very supportive of the project. We have a great  
6 relationship with him. We get each other's packages when  
7 we're aware you, look out for each other's houses.

8 They had a really big concern about making sure we  
9 didn't block too much of their light because the windows on  
10 that side of the house are the only windows they get sun  
11 from. And we were really careful about making sure we  
12 respected that for them.

13 And in the same respect, after we got the feedback  
14 from the Hinds family, we scaled back the side of the  
15 project that was on their side of the house. I think -- I  
16 know it's not a lot of feet, but it feels like a lot of feet  
17 to us because every inch sort of matters.

18 And we intentionally sort of put it -- scaled it  
19 back enough so that it was what we thought at least that we  
20 could do sort of by right and not -- and not -- and not  
21 encroach too much.

22 I understand that there are renters there, and

1 it's -- we're trying to make everyone sort of copy, but we  
2 also want to try and make the project possible.

3 So I don't know, am I missing anything?

4 JEFF HODESS: No, I think that covers it. Thank  
5 you very much, everybody. We really appreciate your time.

6 BRENDAN SULLIVAN: Yeah. Okay. Erick, how much  
7 did you scale it back from the original proposal? Where the  
8 proposed office is?

9 EDRICK VANBEUZEKOM: Yeah. I think we pulled it  
10 back about three feet. And I don't remember what it was,  
11 but --

12 BRENDAN SULLIVAN: Okay. And the bulk of the  
13 addition, obviously, faces Fifth Street?

14 EDRICK VANBEUZEKOM: That's right, yeah.

15 BRENDAN SULLIVAN: Okay. All right. All right.  
16 Let me open it up to members of the Board. Jim, any  
17 questions at this point?

18 JIM MONTEVERDE: Yeah, just one. I'm trying to  
19 understand from your site plan --

20 EDRICK VANBEUZEKOM: Mm-hm.

21 JIM MONTEVERDE: -- which side is the neighbor who  
22 has an objection? Which side are they on?

1           EDRICK VANBEUZEKOM: They're on the left side.

2           JIM MONTEVERDE: Okay. And --

3           EDRICK VANBEUZEKOM: Where the stairs are.

4           JIM MONTEVERDE: Yep. So that's the blank wall  
5 that faces them?

6           EDRICK VANBEUZEKOM: Yep.

7           JIM MONTEVERDE: The further setback blank wall  
8 that now is -- no dimension beyond the 7'6" setback, that's  
9 -- you put an addition in there, right? It'll be a blank  
10 wall?

11          EDRICK VANBEUZEKOM: Yeah.

12          JIM MONTEVERDE: And it's what, 3'8" from that  
13 property line? Oh, no, that would be a different --

14          EDRICK VANBEUZEKOM: No, no. Yeah. No. It will  
15 be 7.5' from the property line. You know, and --

16          JIM MONTEVERDE: Oh, I'm sorry. I'm looking at --

17          EDRICK VANBEUZEKOM: Yeah.

18          JIM MONTEVERDE: -- I'm looking at a different  
19 drawing. This must be the original.

20          EDRICK VANBEUZEKOM: Oh, okay.

21          JIM MONTEVERDE: It has a 3'8" setback.

22          EDRICK VANBEUZEKOM: Oh, yeah, that would have

1       been the old one.

2                   JIM MONTEVERDE:   Sorry.   Yep!

3                   EDRICK VANBEUZEKOM:   Yep.

4                   JIM MONTEVERDE:   Yep.   Nope.   Answered my  
5       question.   Thank you.

6                   EDRICK VANBEUZEKOM:   Yeah.   So --

7                   BRENDAN SULLIVAN:   Matina?

8                   EDRICK VANBEUZEKOM:   And we didn't put any windows  
9       on that side, because we didn't want to create any privacy  
10      issues for the neighbor --

11                   JIM MONTEVERDE:   Yep.

12                   BRENDAN SULLIVAN:   -- on that side.

13                   JIM MONTEVERDE:   Understood.   Thank you.

14                   EDRICK VANBEUZEKOM:   Yep.

15                   BRENDAN SULLIVAN:   Matina, any questions at this  
16      point?

17                   MATINA WILLIAMS:   No, but could she scroll down to  
18      -- I think there was a photograph I wanted to see.   Just to  
19      get an idea.

20                   MICHELLE GOLDMAN:   Okay.   Well, okay, so that's  
21      the blank wall.

22                   MATINA WILLIAMS:   Okay.



1           JEFF HODESS: Yeah. Here you can see where it's  
2 close to the neighbor's side. So that's the building that  
3 you see that's missing a little bit of siding at the top  
4 there, where they were doing some repairs. That's the front  
5 portion of the house that's existing that's right up to the  
6 property line.

7           MATINA WILLIAMS: Right.

8           JEFF HODESS: The corner that you see in this view  
9 is the side where we want to just bump it out a tiny bit  
10 more in the foreground here.

11          BRENDAN SULLIVAN: You're basically going back to  
12 where the windows are with the addition, or --

13          JEFF HODESS: Yeah. Yep. Pretty close to that.  
14 Right.

15          BRENDAN SULLIVAN: Yeah.

16          EDRICK VANBEUZEKOM: Right to the edge of the  
17 windows.

18          BRENDAN SULLIVAN: Okay.

19          JEFF HODESS: Yeah. It's just three feet.

20          MATINA WILLIAMS: Mm-hm. Okay.

21          JEFF HODESS: So -- and when we did the shadow  
22 studies, it is -- I was sort of pleasantly surprised at how

1 little it changed the shadows over there.

2 It does change a little bit, but only coming out  
3 three feet because of the pitch of the roofs and the fact  
4 the house is relatively low, and that we have taller  
5 buildings across the street.

6 We end up with the shadows that you see in this  
7 view would be basically about six inches higher, or well,  
8 actually at the time of day that this one is, they would  
9 probably be about 12 inches higher. But, you know, it's not  
10 completely covering the windows that get light currently.

11 MICHELLE GOLDMAN: We did share the original  
12 shadow study from the original plans, the bigger extension,  
13 with the Hindses when we sat down with them a month and a  
14 half -- two months ago, whatever it was.

15 I don't think we've sent the updated ones with the  
16 last, but the impact on the original ones, as Edrick said,  
17 was not much to begin with.

18 JEFF HODESS: Mm-hm.

19 BRENDAN SULLIVAN: Anything else?

20 JEFF HODESS: I think there was an intermediate  
21 one that we did share with them --

22 MICHELLE GOLDMAN: Yep, that's right.

1           JEFF HODESS: And to where we had scaled it back a  
2 little bit, and then we went far after that.

3           BRENDAN SULLIVAN: Matina, anything else?

4           MATINA WILLIAMS: No. I'm all set. Thank you.

5           BRENDAN SULLIVAN: Okay. Slater, any questions?

6           SLATER ANDERSON: No questions at this time, thank  
7 you.

8           BRENDAN SULLIVAN: All right. Jason?

9           JASON MARSHALL: Thanks, Mr. Chair. I don't have  
10 any questions for the petitioners. Appreciate the  
11 presentation and it sounded like there was significant  
12 neighborhood outreach that preceded the hearing tonight.

13           I guess as we go to public comment, though, I  
14 know, Mr. Chair, you read a letter of opposition into the  
15 record. Whenever we get letters that are very close in time  
16 to the hearing, it can sometimes be challenging to review  
17 those ahead of time. They're not often added into the  
18 digital record.

19           So in just hearing the verbal description of the  
20 letter, it sounded like maybe the concern was construction  
21 related, but just want to make sure that I'm understanding  
22 that and to the extent we go to the public portion of the

1 hearing, and the Hinds family is on the phone, I'd  
2 appreciate understanding the concern a little better.

3 BRENDAN SULLIVAN: Yeah. I did a little bit of a  
4 brief analysis of it or reading of it. I will read the  
5 thing in entirety, because it's -- there's a little bit more  
6 in there. I just wanted to give sort of an overview of  
7 that. But anyhow --

8 JASON MARSHALL: Okay, thank you.

9 BRENDAN SULLIVAN: All right. And I have nothing  
10 further at this point. Let me open it to public comment.  
11 Any member of the public who wishes to speak should now  
12 click the button that says, "Participants," and then click  
13 the button that says, "Raise hand."

14 If you are calling in by phone, you can raise your  
15 hand by pressing \*9 and unmute or mute by pressing \*6, and  
16 you'll have up to three minutes in which to comment. There  
17 appears to be nobody calling in. We are in receipt of  
18 correspondence.

19 OLIVIA RATAY: Someone just raised their hand.

20 BRENDAN SULLIVAN: Huh?

21 OLIVIA RATAY: Someone just raised their hand.

22 BRENDAN SULLIVAN: Oh, somebody is calling in?

1 OLIVIA RATAY: Yeah. Caller ending in -8311?

2 HEATHER HOFFMAN: Hi. This is Heather Hoffman,  
3 213 Hurley Street. And I have one question. So as I  
4 understand it, the calculations now show that the wall is  
5 not conforming?

6 EDRICK VANBEUZEKOM: That's correct. We're --

7 HEATHER HOFFMAN: On the --

8 EDRICK VANBEUZEKOM: We're five inches over the  
9 setback.

10 HEATHER HOFFMAN: Okay. Then is the application -  
11 - does that show that that is one of the variances that  
12 you're looking for? Because five inches is still five  
13 inches. And does that --

14 EDRICK VANBEUZEKOM: Yeah, there is not --

15 HEATHER HOFFMAN: -- any --

16 EDRICK VANBEUZEKOM: Yeah. I'll say in our  
17 application we did not point that out as in the modified  
18 application as being non-conforming, because we -- at the  
19 time I thought I was calculating correctly this went through  
20 review at the building permit, and I didn't get any  
21 feedback, so I assumed that I had figured it correctly.

22 And then today, or yesterday I called Ranjit just

1 because I just wanted to be sure about that and he said no,  
2 in fact I had to use the formula. So it was at that point  
3 we realized we're five inches over. We didn't want to --  
4 well, it was too late to submit any changes at that point  
5 too.

6 And so, but we wanted to be up front about the  
7 fact that we had -- I wanted to be up front about the fact  
8 that I had miscalculated that, and that in fact it's 7'11"  
9 and now it's 7'6" is the property setback. And we are --  
10 what we've drawn is five inches over that.

11 BRENDAN SULLIVAN: Which -- on the dimensional  
12 form --

13 HEATHER HOFFMAN: I don't --

14 BRENDAN SULLIVAN: Go ahead, Heather.

15 HEATHER HOFFMAN: -- I don't give anyone any  
16 issues over getting confused by those setbacks, because it  
17 is definitely brain-numbing.

18 But my question is just whether the application is  
19 sufficient to ask for the relief you're requesting?  
20 Because, you know, if anyone were intending to appeal a  
21 grant of a variance, you would want to make sure that you  
22 had all of that stuff lined up. So that's why I'm asking.

1 Thank you very much.

2 BRENDAN SULLIVAN: Great. Thank you, Heather.

3 All right. We are in receipt of --

4 OLIVIA RATAY: We have another one.

5 BRENDAN SULLIVAN: Okay.

6 OLIVIA RATAY: Charles Hinds?

7 CHARLES HINDS: Hi. My name is Charles Hinds. As  
8 you know, I'm the abutter directly on the left of the  
9 building. I mean, we had the same conversation with the  
10 previous owner in the 1970s, Carlos Delgado. And we opposed  
11 anything closer than 10'6", which is currently the distance  
12 between the lot line and the building.

13 And you see how close our building is to the lot  
14 line now. When you look out these windows, you know, it's  
15 kind of a boxed in -- it feels like a boxed area. But you -  
16 - there's a couple windows there, and you can still see --  
17 you know, parts of Fifth Street from the second floor and  
18 the first floor.

19 And if you bring this out three inches in, I think  
20 it's going to feel more claustrophobic than it is now. I  
21 mean, the light and the airflow are things that I didn't  
22 really mention too much in the letter.

1           And the soil stability, there's some issues with  
2 the foundation on that side of the house. It has -- we had  
3 an engineering firm -- the name Muir Associates -- do a  
4 structural survey of the property.

5           In 2012, they said that the exterior foundation in  
6 the abutting wall, 201, had moved laterally and to keep an  
7 eye on it, repair any cracks and have the -- a measurement  
8 done periodically and make sure the wall isn't moving  
9 anymore.

10           One of the fears that we have -- get a backhoe in  
11 there and then you start digging the land out, and it's  
12 going to cause problems with the foundation, because as most  
13 East Cambridge foundations are -- in this part of East  
14 Cambridge they're on organic soil, which is -- can cause  
15 problems when we're digging.

16           We see there's a lot of problems with that in East  
17 Cambridge now. Even like the American Twine Building is  
18 having problems because of the recent construction. They're  
19 getting cracks all over the building.

20           So to me, in a nutshell, that's where we are. My  
21 brother and I are not comfortable with that wall coming any  
22 closer to our property. And we love our neighbors. I hate



1 to be the bad guy here, but we have to look after our  
2 property too.

3 Okay. That's all I have to say. Thank you.

4 BRENDAN SULLIVAN: Thank you. Okay. Let me -- we  
5 are in receipt of correspondence.

6 "Dear members of the BZA, we are writing to  
7 express our strong support of the proposed renovation and  
8 addition at 201 Charles Street. We believe the project will  
9 not only enhance the neighborhood, but also allow our  
10 neighbors to stay long-term and raise their family here in  
11 East Cambridge.

12 "These beliefs are informed by our 18 years as  
13 Charles Street residents and our decision to raise our  
14 children in Cambridge.

15 "The proposed changes to the current structure are  
16 a significant improvement, which fits in very well with the  
17 character of the neighborhood.

18 "Sincerely,

19 "Leah Gad (phonetic) and Gabriel Thornton, T-h-o-  
20 r-n-t-o-n."

21 We are in receipt of correspondence.

22 "I am writing on behalf of the application

1 submitted by Jeff Hodess and Michelle Goldman for variances  
2 to allow the construction of an addition at their home. I  
3 am the owner of 134 Spring Street.

4 "The design of Jeff and Michelle's proposed  
5 addition is very tasteful, respectful of the surrounding  
6 properties, and is well-accommodated by the size of their  
7 lot."

8 "I believe allowing a modest addition that permits  
9 a young family to remain in East Cambridge would be a sound  
10 decision and place for Jeff and Michelle's application.

11 "Sincerely,

12 "Andy Goloboy - G-o-l-o-b-o-y."

13 We are in receipt of correspondence.

14 "Writing to express support for the proposed  
15 addition at 201 Charles. The renovation and addition has  
16 been discussed with our neighbors, Jeff and Michelle, for  
17 several years as we've watched our mutual families grow and  
18 our spaces constrained.

19 "We ask you to support this effort by the family  
20 to make new space for their family to grow. We are  
21 available for any other information.

22 "Robert Bench, B-e-n-c-h and Dr. Kara Keating

1 Bench, 153 Fifth Street."

2 BRENDAN SULLIVAN: And that is the sum and  
3 substance. And then we also have the letter from Mr. Hinds,  
4 who just basically elaborated on his correspondence in  
5 opposition to the addition. So I will close the public  
6 comment part, send it back to Edrick.

7 Any further comments, before we take it to the  
8 Board?

9 EDRICK VANBEUZEKOM: I'm trying to get a feeling.  
10 I guess I would first like to address the question that  
11 Heather raised. I don't know whether that is a problem, and  
12 if it is then perhaps, we should continue the case and  
13 correct the dimensional form.

14 If it's not a problem, I don't have a feel -- I'd  
15 like to get some sense from the Board members of what -- you  
16 know, concerns that they have at this point.

17 BRENDAN SULLIVAN: Yeah, can we pull up the -- ask  
18 Olivia to pull up the dimensional form?

19 OLIVIA RATAY: Mm-hm.

20 BRENDAN SULLIVAN: What number actually are we --  
21 is in question?

22 EDRICK VANBEUZEKOM: So we're talking about the

1 left side setback where, you know, there's basically a --  
2 it's right on the property line. 0.1 is the existing  
3 condition.

4 BRENDAN SULLIVAN: Right.

5 EDRICK VANBEUZEKOM: But it's the rear portion of  
6 the house that we were saying we would need the 7'6"  
7 requirement when in fact we're going to be slightly over  
8 that.

9 So we're increasing a non-conformity there, I  
10 suppose but, you know, it's well short of where the existing  
11 non-conformity is. So it's already a non-conforming side.

12 I -- you know, the only thing that should have  
13 been different in the tables instead of saying 7'6" it  
14 should have said 7'11".

15 BRENDAN SULLIVAN: On the Ordinance requirement?

16 EDRICK VANBEUZEKOM: Right. Yeah.

17 BRENDAN SULLIVAN: Okay. It doesn't change your  
18 proposal, it only changes what the requirement of the  
19 Ordinance is?

20 EDRICK VANBEUZEKOM: Right.

21 BRENDAN SULLIVAN: Okay.

22 SLATER ANDERSON: Well, Brendan, I would -- Slater

1 here -- I would observe that also on Plan C1.1, it's shown  
2 as a 7.5 ft setback that -- you know, that isn't an accurate  
3 representation either. So that would be -- it's the form  
4 and the plan.

5 BRENDAN SULLIVAN: Sorry, which one was that  
6 again? I'm sorry. Which form? Which --

7 SLATER ANDERSON: C1.1.

8 EDRICK VANBEUZEKOM: Yeah. On our site plan, what  
9 you see on the screen right now is that's where we label it  
10 7.5', 7'6", because that's what was taken as the minimum  
11 required for a non-conforming lot.

12 But again, that length of the lot is actually --  
13 it's an odd condition, because it's a corner lot. That's  
14 why I was misinterpreting it that way. You know, it's very  
15 narrow in the other direction, but, you know, I understand  
16 the reasoning here too. So.

17 BRENDAN SULLIVAN: Okay. Well, let me ask members  
18 of the Board. What is your sense about if this is fatal to  
19 going forward, or -- and that the record be corrected, would  
20 you be changing the form and then coming back, or shall we  
21 proceed and vote on the merits of what is before us?

22 JASON MARSHALL: Mr. Chair, just on that point, I

1 don't know that I'm persuaded that it's a procedural defect.  
2 I think to your point, there's not -- you're not seeking  
3 approval for a variance, we're talking about the  
4 identification in the form of the existing requirement  
5 that's different. So I don't know that it would require new  
6 notice to go out just because of that. That's an honest  
7 answer.

8 I don't know, but I do think Ms. Hoffman makes  
9 another good point, which is to the extent there is an  
10 appeal here -- and this is for the petitioners to consider  
11 -- it probably does open up an additional avenue for -- as a  
12 basis of appeal.

13 So that's a little bit of a practical  
14 consideration, I think, for the petitioners to think through  
15 as to whether to go through tonight, or whether the  
16 continuance and amend the form. And that's separate from  
17 deciding on the substantive merits. But it is a  
18 consideration I think that's worth thinking through.

19 BRENDAN SULLIVAN: Yeah, I guess my sense is if  
20 there was a dimensional change in their application from  
21 what they were asking for, from the existing to the  
22 proposed, if that number -- the proposed -- changed because

1 of a calculation, I would hesitate then on that.

2 But the Ordinance requirement, changing that  
3 number whether it be -- you know, is it the Board really  
4 looking at that five inches as being -- you know, fatal,  
5 that -- okay, you're supposed to have 7'11", and yet you're  
6 only -- you know, coming in about 7'5"?

7 And does that change your opinion on the proposal  
8 if that 5" and what the Ordinance requires is a bigger deal?  
9 Then yes, I think that it would behoove the petitioner to  
10 change the documents to reflect what the Ordinance  
11 requirements ask for, requires -- and then come back so that  
12 it's basically a clean application, or cleaner.

13 But I'm not -- it doesn't necessarily affect my  
14 view of what the proposal is, knowing that the requirement  
15 -- that the Ordinance requires five inches more. That would  
16 be my thing.

17 But anyhow, Jim, what is your thought?

18 JIM MONTEVERDE: I would agree. I don't -- I'm  
19 comfortable going ahead. It's really for the owners whether  
20 they feel there's a potential to have it appealed, and then  
21 have to go through all this again.

22 I wonder, Mr. Chair, if we could read into the

1 record that, you know, the proponent has advised that that  
2 dimension is indicated incorrectly. They've indicated what  
3 the correct dimension is, and that -- you know, therefore  
4 they're asking relief for that particular side yard setback,  
5 just to make it clear in the record that we know it, we're  
6 aware of it and are -- you know, whether we take exception  
7 to it or approve it, it's a matter of public record.

8           Otherwise, I think it's up to the owners to decide  
9 if they want to continue just to have their -- all their  
10 ducks in a row if there's a challenge.

11           BRENDAN SULLIVAN: Yeah, I think -- and again, if  
12 we were to say grant, and then this was brought up after the  
13 fact -- close facto --

14           JIM MONTEVERDE: Mm-hm.

15           BRENDAN SULLIVAN: -- I think that's a problem.

16           JIM MONTEVERDE: Yep.

17           BRENDAN SULLIVAN: But I think that we are aware  
18 of it, as you said, Jim, and that whether or not that  
19 influences our approval or disapproval is up to the  
20 individual members of the Board. But at least it's now out  
21 there, and we are aware of it. And whether or not it's  
22 fatal going forward is something else.



1           Matina, do you have any thoughts on whether it  
2 should be changed or whether you're comfortable in ruling on  
3 the -- on what we've just discussed, basically, that -- does  
4 that change your view, I guess?

5           MATINA WILLIAMS: Not really. No. I -- I mean,  
6 it's up to the homeowners if they want, you know, it's  
7 whether or not they want to come back if it's challenged or  
8 not.

9           BRENDAN SULLIVAN: All right. Okay. Slater,  
10 again, if you could --

11          SLATER ANDERSON: Yeah.

12          BRENDAN SULLIVAN: -- give me your thoughts on it?

13          SLATER ANDERSON: Yeah. My two cents listening to  
14 this and looking at this, I mean, it appears to me the way  
15 it was advertised and on - I'm reading the announcement form  
16 from the City, I wouldn't say that the way it was presented  
17 to the public, the notice was presented, wouldn't have  
18 changed at all.

19                 So I don't feel like it was -- the notice wasn't  
20 faulty, people would have tuned in, they would have heard  
21 the explanation that something was -- you know, shown in  
22 error at the outset and we've discussed it thoroughly here.

1           So I don't feel like it's fatal and the public's  
2       been deceived in any sort of way at this stage. So I'm fine  
3       with it.

4           BRENDAN SULLIVAN: Thank you. Okay, and Jason,  
5       your thought on it again?

6           JASON MARSHALL: Yeah, I don't have anything  
7       really more to add than what I said. I would take a vote on  
8       this tonight.

9           BRENDAN SULLIVAN: Okay. Fine. Again, going back  
10      to Edrick, Jeffrey, and Michelle, do you want to proceed to  
11      a vote, or do you want to halt, change the paperwork, bring  
12      that up to --

13          EDRICK VANBEUZEKOM: Yeah. I think we probably  
14      should just play it safe and correct the paperwork --

15          BRENDAN SULLIVAN: Okay.

16          EDRICK VANBEUZEKOM: -- and continue the case.  
17      You know, I feel we've tried to do what we can here, but I  
18      don't -- you know, I understand how this could be an issue  
19      if there was an appeal lodged. So don't really want to take  
20      that chance. So.

21          BRENDAN SULLIVAN: All right.

22          EDRICK VAN BEUZEKOM: Okay.

1           BRENDAN SULLIVAN: All right. So on the request  
2 to continue, let me make a motion, then, to continue this  
3 matter to October 27?

4           OLIVIA RATAY: Yeah.

5           BRENDAN SULLIVAN: October 27, 2022, at 6:00 p.m.  
6 on the condition that the petitioner change the posting sign  
7 to reflect the new date, October 27, time of 6:00 p.m.

8           That any new submittals be in the file by 5:00  
9 p.m. on the Monday prior to October 27, and I guess we have  
10 a waiver already from the previous request for a  
11 continuance.

12          EDRICK VANBEUZEKOM: Yeah.

13          BRENDAN SULLIVAN: So I think we may be okay with  
14 the conditions. And I would encourage maybe some further  
15 discussions with Mr. Hinds.

16          EDRICK VANBEUZEKOM: Well, we'll share the latest  
17 shadow studies.

18          BRENDAN SULLIVAN: Yeah. And then also you can  
19 get a copy of this letter to go over this stuff.

20          EDRICK VANBEUZEKOM: Yeah, great.

21          BRENDAN SULLIVAN: Okay. On the motion, then, to  
22 continue this matter until October 27, Jim Monteverde?

1 JIM MONTEVERDE: In favor.

2 BRENDAN SULLIVAN: Matina?

3 MATINA WILLIAMS: In favor.

4 BRENDAN SULLIVAN: Slater?

5 SLATER ANDERSON: In favor.

6 BRENDAN SULLIVAN: And Jason Marshall?

7 JASON MARSHALL: In favor.

8 BRENDAN SULLIVAN: And Brendan Sullivan in favor.

9 [All vote YES]

10 BRENDAN SULLIVAN: Five affirmative votes, this  
11 matter is continued until October 27, 2022 at 7:00 p.m.

12 Okay, see you then.

13 MICHELLE GOLDMAN: Thank you.

14 JEFF HODESS: All right. Thank you very much.

15 EDRICK VANBEUZEKOM: Thank you for your time,  
16 Board.

17

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1 \* \* \* \* \*

2 (6:49 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Slater  
4 W. Anderson, Matina Williams, and Jason  
5 Marshall

6 BRENDAN SULLIVAN: Okay. Let us go to our regular  
7 Agenda. The Board will hear Case No. 184987 -- 700-704  
8 Huron Avenue.

9 RICARDO SOUSA: Good evening, Mr. Chairman, and  
10 members of the Board. Ricardo Sousa from Prince Lobel Tye  
11 here on behalf of the petitioner, T-Mobile.

12 BRENDAN SULLIVAN: Yep.

13 RICARDO SOUSA: Very good, Mr. Chairman. This is  
14 an application for a special permit for a modification to  
15 our existing wireless antenna installation located at this  
16 building.

17 T-Mobile has been operating there for a number of  
18 years, and we are in the process of upgrading our wireless  
19 antenna installations here in the city in order to offer the  
20 latest technology -- 5G technology -- for our customers.

21 And in the process of doing so, we are asking for  
22 special permit for a modification to not increase the number

1 of antennas in any way.

2 The number of antennas, the number of remote radio  
3 heads will stay the same, however, the enclosures that  
4 essentially hide the antennas and the remote radio heads on  
5 the façade of the building will need to get slightly larger,  
6 because the antennas themselves are larger.

7 And so, we respectfully request a special permit  
8 to permit that expansion.

9 BRENDAN SULLIVAN: Okay. Jim Monteverde, any  
10 questions?

11 JIM MONTEVERDE: No, thank you.

12 BRENDAN SULLIVAN: Matina Williams, any questions?

13 MATINA WILLIAMS: No questions.

14 BRENDAN SULLIVAN: Slater Anderson?

15 SLATER ANDERSON: No questions.

16 BRENDAN SULLIVAN: And Jason Marshall?

17 JASON MARSHALL: No questions, thank you.

18 BRENDAN SULLIVAN: And -- Brendan Sullivan -- I  
19 have no questions. Let me open it to public comment. Any  
20 members of the public who wish to speak should now click the  
21 button that says, "Participants," and then click the button  
22 that says, "Raise hand."

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

4           BRENDAN SULLIVAN: There appears to be nobody  
5 calling in. So I will close public comment. Also, I did  
6 reach out to the Planning Board, to see if they have  
7 anything they wish to opine on the telecoms, which they  
8 usually do, and they declined to submit any correspondence.

9           Shall I make a motion, then, to grant Board  
10 members?

11           JIM MONTEVERDE: Yep.

12           JASON MARSHALL: Ready for a motion.

13           JIM MONTEVERDE: Ready.

14           BRENDAN SULLIVAN: Olivia, do you have the --

15           MATINA WILLIAMS: Ready for a motion.

16           BRENDAN SULLIVAN: -- telecom, the printout?  
17 Granting a special permit for the wireless communication  
18 facility, pursuant to Section No. 4.32.g of the Ordinance,  
19 the applicant proposed use for a wireless communication  
20 facility is permitted by special permit.

21           The Board shall consider the scope or limitation  
22 imposed by any license secured from any state or federal

1 agency having jurisdiction over such matters, and by your  
2 submittal in the record, it appears that you have no  
3 limitations imposed, and are approved for this facility.

4           The Board shall consider the extent to which the  
5 physical impact of the various elements of the proposed  
6 facility is minimized through the use of existing mechanical  
7 elements on the building and background through the use and  
8 materials that in texture and color blend with the materials  
9 to which the facilities are attached. Other effective means  
10 to reduce the visual impact and facility of the site, as per  
11 your application.

12           It appears that you have been sensitive to and  
13 that the application and the -- appears to be an  
14 installation.

15           Where it is proposed to erect a facility in any  
16 residential zoning district, the extent to which there was a  
17 demonstrable public need for this facility at the proposed  
18 location, the existence of alternative, functionally  
19 suitable sites in nonresidential locations, the character of  
20 the prevailing uses in the area, and the prevalence of all  
21 the existing mechanical systems and equipment carried on or  
22 above the roof of nearby structures.



1           The Board shall grant the special permit to erect  
2 such a facility in a residential zoning district only upon a  
3 finding that nonresidential uses predominate in the vicinity  
4 of the proposed facility's location, and that the  
5 telecommunication facility is not inconsistent with the  
6 character that does not prevail in the surrounding  
7 neighborhood.

8           This Board has granted previous applications,  
9 special permits, to modify existing telecommunication  
10 facilities on this building; has found that nonresidential  
11 uses do predominate in the vicinity.

12           There is a large recreation area across the street  
13 -- golf course -- and a cemetery, which whether you -- it's  
14 residential or not. But anyhow, it is -- the Board has  
15 found in the past that nonresidential uses do predominate in  
16 the area close to this locus.

17           The Board finds that the applicant must comply  
18 with the criteria set forth in Section 10.43.

19           I make a motion, then, to grant the special  
20 permit. It appears that the requirements of the Ordinance  
21 can be met.

22           Traffic generated, or patterns of access or egress

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

3 The Board finds that continued operation of or  
4 development of adjacent uses, as permitted in the Zoning  
5 Ordinance, would not be adversely affected by the nature of  
6 the proposed use. In fact, it would be actually enhanced by  
7 the modification of the existing facility and that would be  
8 a benefit to the citizens of the city for an improved  
9 wireless communication.

10 There would not be any nuisance or hazard created  
11 to the detriment of the health, safety and/or welfare of the  
12 occupants of the proposed use, or to the citizens of the  
13 city.

14 The proposed facility will comply with all  
15 federal, state, and local safety requirements, including the  
16 standards established by the FCC, Federal Aviation  
17 Administration, and the American Standards Institute and the  
18 Massachusetts Department of Public Health.

19 And the proposed installation will not impair the  
20 integrity of the district or adjoining district, or  
21 otherwise derogate from the intent and purpose of the  
22 Ordinance. It is well established that the existence of a

1 telecommunication facilitates at the locus over the years  
2 has not impaired the integrity of the district, and in fact  
3 has been a benefit, as it has enhanced improved  
4 telecommunication facilities.

5 In furtherance -- just bear with me for a minute  
6 -- should have this at the forefront here.

7 The Board finds that in as much as the health  
8 effects of the transmission of electromagnetic energy waves  
9 is a matter of ongoing societal concern and scientific  
10 study, the special permit is also subject to the following  
11 conditions:

12 a) That the petitioner shall file with the  
13 Inspectional Services Department each report it files with  
14 the federal authorities regarding electromagnetic energy  
15 waves emissions emitting from all of the petitioner's  
16 equipment on the site.

17 Each such report shall be filed with the  
18 Inspectional Services Department no later than 10 business  
19 days after the report has been filed with the federal  
20 authorities.

21 Failure to timely file any such report with  
22 Inspectional Services shall ipso facto terminate the special

1 permit granted tonight.

2           b) That in the event that at any time federal  
3 authorities notify the petitioner that its equipment on the  
4 site, including but not limited to the special permit  
5 granted tonight, fails to comply with the requirements of  
6 law or governmental regulations -- whether with regard to  
7 the emissions of electromagnetic energy waves or otherwise  
8 -- the petitioner, within 10 business days of receipt of  
9 such notification of such failure, shall file with the  
10 Inspectional Services Department a report disclosing in  
11 reasonable detail that such failure has occurred, and the  
12 basis for such claimed failure.

13           The special permit granted will ipso facto  
14 terminate if any of the petitioner's federal licenses are  
15 suspended, revoked, or terminated.

16           c) That to the extent a special permit has  
17 terminated, pursuant to the foregoing paragraphs a) and b),  
18 the petitioner may apply to this Board for a new special  
19 permit, provided that the public notice containing such  
20 application discloses in reasonable detail that the  
21 application has been filed because of a termination of a  
22 special permit, pursuant to paragraph a) or b) above.

1           Any such new application shall not be deemed a  
2 repetitive petition, and therefore will not be subject to  
3 the two-year period during which repetitive petitions may  
4 not be filed.

5           d) That within 10 business days after receipt of a  
6 building permit for installation of the equipment subject to  
7 this petition, the petitioner shall file with the  
8 Inspectional Services Department a sworn affidavit of the  
9 person in charge of the installation of equipment by the  
10 petitioner of the geographical area that includes Cambridge  
11 stating that:

12           a) he or she has such responsibility, and

13           b) that the equipment being installed pursuant to  
14 the special permit will comply with all federal safety rules  
15 and will be situated and maintained in location with  
16 appropriate barricades and other protections, such that  
17 individuals, including nearby residents and occupants of  
18 nearby structures, will be sufficiently protected from  
19 excessive radiofrequency radiation under federal law.

20           On the motion to grant the special permit as per  
21 the application, the photo simulations submitted, Jim  
22 Monteverde?

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JIM MONTEVERDE: In favor.

BRENDAN SULLIVAN: Matina Williams?

MATINA WILLIAMS: In favor.

BRENDAN SULLIVAN: Jason Marshall?

JASON MARSHALL: In favor.

BRENDAN SULLIVAN: Slater Anderson?

SLATER ANDERSON: In favor.

BRENDAN SULLIVAN: And Brendan Sullivan yes.

[All vote YES]

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

RICARDO SOUSA: Thank you, members of the Board.

1 \* \* \* \* \*

2 (7:01 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Slater  
4 W. Anderson, Matina Williams, and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will now hear Case  
7 No. 185102 -- 2500 Massachusetts Avenue.

8 RICARDO SOUSA: Good evening, Mr. Chairman and  
9 members of the Board. For the record, Ricardo Sousa for  
10 Prince Lobel Tye here on behalf of the petitioner, T-Mobile.

11 And this is a similar application in the sense  
12 that it's another upgrade of an existing wireless antenna  
13 installation located in the city of Cambridge, where we are  
14 upgrading the installation to accommodate new technology and  
15 new equipment for 5G wireless service.

16 In this case, we are proposing to add three  
17 additional antennas, together with three additional remote  
18 radio heads on the rooftop of this building.

19 The antennas themselves will be like kind to the  
20 antennas that are there now. There are essentially six  
21 antennas already there, two per sector. So the result will  
22 be three per sector after this upgrade.

1           And we respect that this building is actually not  
2           located in a residential district. It's actually in a  
3           Business A-2 Zone. And we respectfully request a special  
4           permit to allow for this modification to this existing  
5           wireless antenna installation.

6           BRENDAN SULLIVAN: Thank you. Any questions, Jim  
7           Monteverde?

8           JIM MONTEVERDE: No questions, thank you.

9           BRENDAN SULLIVAN: Matina Williams?

10          MATINA WILLIAMS: No questions.

11          BRENDAN SULLIVAN: Slater Anderson?

12          SLATER ANDERSON: No questions.

13          BRENDAN SULLIVAN: Jason Marshall?

14          JASON MARSHALL: No questions.

15          BRENDAN SULLIVAN: And Brendan Sullivan, I have no  
16          questions either. I'll open it to public comment. Any  
17          members of the public who wish to speak should now click the  
18          button that says, "Participants," and then click the button  
19          that says, "Raise hand."

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



1 [Pause]

2 OLIVIA RATAY: No.

3 BRENDAN SULLIVAN: There appears to be nobody  
4 calling in. I will close the public comment part. We are  
5 -- no correspondence submitted to the Board. Again, I will  
6 reiterate that the Planning Board has been contacted, asked  
7 if they wish to opine on the proposal, and they have  
8 declined to give any opinion and leave it up to the Board.

9 Ready for a motion, Board?

10 JIM MONTEVERDE: Yes, sir.

11 BRENDAN SULLIVAN: Let me make a motion, then, to  
12 grant a special permit to the -- as per the application at  
13 2500 Massachusetts Avenue to modify the existing wireless  
14 communication facility as per the application, on the  
15 condition that the work comply with the location, the scope  
16 and also the photo simulations.

17 The Board in granting the special permit pursuant  
18 to Section No. 4.32G -- Use of the wireless communication  
19 facility -- the Board shall consider the scope, or the  
20 limitations imposed by any license secured from any state or  
21 federal agency having jurisdiction over such matters.

22 The Board through the application is appraised

1 that there is no restrictions, limitations imposed upon the  
2 carrier at this particular location.

3 The Board shall also consider the extent to which  
4 the visual impact of the various elements of the proposed  
5 facility is minimized through the use of existing mechanical  
6 elements on the building's roof or other features of the  
7 building as support and background through the use in  
8 materials that in texture and color blend with the materials  
9 to which the facility are attached, or other effective means  
10 to reduce the visual impact of the facility, as per the  
11 photo simulations, and also the application.

12 It appears that the petitioner has gone through  
13 good means to make the application and the improvement as  
14 stealth as possible, and it appears to comply with that  
15 requirement.

16 This is a Business A-2 Zone, so that the  
17 Residential Zoning District requirement in our finding is  
18 not applicable to this. The applicant is to comply with the  
19 Special Permit Criteria in 10.43.

20 Let me make a motion, then, to state that the  
21 application and the petition does comply with Section 10.43  
22 of the Ordinance. The requirements of the ordinance can be

1 met.

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

5 The Board notes the existence of existing  
6 telecommunication facilities on the structure, and there has  
7 not been any substantial change at all to the 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  
12 installation of additional and upgraded telecommunication  
13 equipment; in fact, it would be enhanced by an up-to-date  
14 facility.

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

19 The Board finds in fact that it would be -- the  
20 improved telecommunication facilities would be a benefit to  
21 the citizens of the City, visitors, and also to First  
22 Responders. And so, such requirement is met.

1           The Board finds that the proposed installation  
2 would not impair the integrity of the district or adjoining  
3 district, or otherwise derogate from the intent and purpose  
4 of the Ordinance to allow a carrier to improve and upgrade  
5 the telecommunication equipment.

6           In furtherance, the Board states that in as much  
7 as the health effects of the transmission of the  
8 electromagnetic energy waves is a matter of ongoing societal  
9 concern and scientific study, the special permit is also  
10 subject to the following conditions:

11           a) That the petitioner shall file with the  
12 Inspectional Services Department each report it files with  
13 the federal authorities regarding electromagnetic energy  
14 waves emissions emanating from all of the petitioner's  
15 equipment on the site.

16           Each such report shall be filed with the  
17 Inspectional Services Department no later than 10 business  
18 days after the report has been filed with the federal  
19 authorities.

20           Failure to timely file any such report with the  
21 Inspectional Services Department shall ipso facto terminate  
22 the special permit granted tonight.

1           b) That in the event that at any time federal  
2 authorities notify the petitioner that its equipment on the  
3 site, including but not limited to the special permit  
4 granted tonight, fails to comply with the requirements of  
5 law or governmental regulations -- whether with regard to  
6 the emissions of electromagnetic energy waves or otherwise  
7 -- the petitioner, within 10 business days of receipt of  
8 such notification of such failure, shall file with the  
9 Inspectional Services Department a report disclosing in  
10 reasonable detail that such failure has occurred, and the  
11 basis for such claimed failure.

12           The special permit granted shall ipso facto  
13 terminate if any of the petitioner's federal licenses are  
14 suspended, revoked, or terminated.

15           c) That to the extent a special permit has  
16 terminated, pursuant to the foregoing paragraph a) and b),  
17 the petitioner may apply to this Board for a new special  
18 permit, provided that the public notice containing such  
19 application discloses in reasonable detail that the  
20 application has been filed because of a termination of the  
21 special permit, pursuant to paragraph a) or b) above.

22           Any such new application shall not be deemed a

1 repetitive petition, and therefore will not be subject to  
2 the two-year period during which repetitive petitions may  
3 not be filed.

4 d) That within 10 business days after receipt of a  
5 special permit for installation of the equipment subject to  
6 this petition, the petitioner shall file with the  
7 Inspectional Services Department a sworn affidavit of the  
8 person in charge of the installation of equipment by the  
9 petitioner of the geographical area that includes Cambridge  
10 stating that:

11 a) he or she has such responsibility, and

12 b) that the equipment being installed pursuant to  
13 the special permit we are granting tonight will comply with  
14 all federal safety rules and will be situated and maintained  
15 in locations with appropriate barricades and other  
16 protections, such that individuals, including nearby  
17 residents and occupants of nearby structures, will be  
18 sufficiently protected from excessive radiofrequency  
19 radiation under federal law.

20 The Board in furtherance, a condition that the  
21 work proceed in accordance with the plans submitted by the  
22 petitioner: that upon completion of the work, the physical

1 appearance and visual impact of the proposed work will be  
2 consistent with the photo simulations submitted by the  
3 petitioner, and which have been initialed by the Chair.

4 That the petitioner at all times maintain the  
5 proposed work, so that its physical appearance and visual  
6 impact remain consistent with the photo simulations  
7 previously referred to.

8 That should the petitioner cease to utilize the  
9 equipment approved tonight for a continuous period of six  
10 months or more, it promptly thereafter remove such equipment  
11 and restore the building on which it is located to its prior  
12 condition and appearance, to an extent reasonably practical.

13 That the petitioner continue to comply with the  
14 conditions imposed by the Board with respect to previous  
15 special permits granted to the petitioner, with regard to  
16 the site in question.

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

19 JIM MONTEVERDE: In favor.

20 BRENDAN SULLIVAN: Matina Williams?

21 MATINA WILLIAMS: In favor.

22 BRENDAN SULLIVAN: Slater Anderson?

1 SLATER ANDERSON: In favor.

2 BRENDAN SULLIVAN: Jason Marshall?

3 JASON MARSHALL: In favor.

4 BRENDAN SULLIVAN: Brendan Sullivan in favor.

5 [All vote YES]

6 BRENDAN SULLIVAN: The special permit is granted.

7 RICARDO SOUSA: Okay.

8 BRENDAN SULLIVAN: Thank you, Ricardo.

9 RICARDO SOUSA: Thank you, Mr. Chairman. Thank  
10 you, members of the Board.

11 BRENDAN SULLIVAN: Yep.

12 RICARDO SOUSA: Have a good evening. Bye.

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2 (7:12 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Slater  
4 W. Anderson, Matina Williams, and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will hear Case No.  
7 184415 -- 284-288 Norfolk Street. Ellen?

8 MICHAEL FENTON: Good evening, Mr. Chair and  
9 members of the Board. My name is Attorney Michael Fenton.  
10 I'm a Partner at Shatz, Schwartz and Fentin. I have an  
11 office at 1441 Main Street in Springfield. Ready to begin  
12 on behalf of the petitioner when you would like us to  
13 proceed.

14 BRENDAN SULLIVAN: Okay.

15 MICHAEL FENTON: Thank you very much. We're here  
16 on behalf of Cellco Partnership doing business as Verizon  
17 Wireless. The site in question is a brick residential  
18 structure located at 284-288 Norfolk Street. Our existing  
19 carrier is on the roof.

20 We are joined here -- they're not panelists  
21 currently for the presentation, but if there's questions  
22 from the Board, we have in attendance Rebecca Rafferty,

1 who's our Site Acquisition Specialist responsible for  
2 leasing; Oscar Suarez, with Dewberry Group, who's our  
3 Resident Engineer; and also Jason Flanagan, our  
4 Radiofrequency Engineer in case there's any question related  
5 to RF.

6 This site was last permitted by Verizon Wireless  
7 in 2017. It's a rooftop installation which currently  
8 deploys antennas that Verizon is proposing to replace six  
9 of, as well as eight remote radio heads.

10 There are two existing faux chimneys on the  
11 rooftop, which will be removed and replaced with the same  
12 size antenna equipment and full chimney placements. Our  
13 chimneys in this rooftop complement the surrounding mobile  
14 carrier uses and are in fact smaller than the surrounding  
15 faux chimneys by competitive carriers.

16 This application was submitted on or about July  
17 11, and it is submitted without any substantial change to  
18 the installation as previously permitted, and is a  
19 submission being made consistent with Section 6409 of the  
20 Federal Middle Class Tax Relief Act and the provisions  
21 commonly referred to as the Spectrum Act.

22 BRENDAN SULLIVAN: Okay. Any questions by members

1 of the Board? Jim Monteverde?

2 JIM MONTEVERDE: No questions, thank you.

3 BRENDAN SULLIVAN: Matina Williams, any questions?

4 MATINA WILLIAMS: No questions.

5 BRENDAN SULLIVAN: Slater Anderson?

6 SLATER ANDERSON: No questions.

7 BRENDAN SULLIVAN: And Jason Marshall?

8 JASON MARSHALL: No questions, Mr. Chair.

9 BRENDAN SULLIVAN: And I have no questions either.

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

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

17 BRENDAN SULLIVAN: Nobody calling in. We will  
18 close the public comment portion. Again, I will reiterate  
19 that the Board has reached out to the Planning Board to  
20 comment on the telecommunication cases tonight, and they  
21 have declined to do so and have left it up to the Board.

22 Are we ready for a motion?

1           JIM MONTEVERDE: Ready.

2           BRENDAN SULLIVAN: The Board has reviewed all of  
3 these in depth. In order to grant a special permit, the  
4 Board shall consider the scope or limitations imposed by any  
5 license secured from any state or federal agency having  
6 jurisdiction over such matters.

7           As per the application, it appears that the  
8 applicant does not have any limitations imposed regarding  
9 the license and/or the ability to maintain and operate a  
10 telecommunication facility at this location.

11           The Board shall consider the extent to which the  
12 visual impact of the various elements of the proposed  
13 facility is minimized through the use of existing mechanical  
14 elements on the building's roof or other features of the  
15 building support and background through the use of materials  
16 that in texture and color blend with the materials to which  
17 the facilities are attached, or other effective means to  
18 reduce the visual impact of the facility on the site.

19           In going along with the photo simulations, it  
20 appears that the petitioner has addressed that issue, and  
21 has been sensitive to it, and that the visual impact is  
22 minimal at all.

1           That -- what's on here? I think we're in Business  
2 -- we're in a Residence C-1 Zone -- where it's proposed to  
3 erect such a facility in any residential zoning district,  
4 the extent to which there was a demonstrated public need for  
5 the facility at the proposed location, the existing of  
6 alternative, functionally suitable sites in nonresidential  
7 locations, the character of the prevailing uses in the area,  
8 and the prevalence of other existing mechanical systems and  
9 equipment carried on or above the roof of nearby structures.

10           The Board of Zoning Appeals shall grant the  
11 special permit to erect such a facility in a residential  
12 zoning district only upon a finding that the nonresidential  
13 uses predominate in the vicinity of the proposed facility  
14 location, and that the telecommunication facility is not  
15 inconsistent with the character that does prevail in the  
16 surrounding neighborhood.

17           The Board has -- this Board and previous Boards  
18 have found that it does comply with those requirements, and  
19 that nonresidential uses do predominate in the area. And as  
20 such, the Board can grant the special permit in this  
21 particular residential zone.

22           The Board finds that we must find in the

1 affirmative the criteria in Section 10.43 of the Ordinance  
2 in order to grant the special permit. We make a motion,  
3 then, that we grant the special permit. It appears that the  
4 requirements of the Ordinance can be met.

5 Traffic generated, or patterns of access or egress  
6 would not cause congestion, hazard, or substantial change in  
7 the established neighborhood character.

8 The Board finds that the existing  
9 telecommunication facilities have existed for a long time,  
10 and that the neighborhood character has not been adversely  
11 affected.

12 Continued operation of or development of adjacent  
13 uses, as permitted in the Zoning Ordinance, would not be  
14 adversely affected by the nature of the proposed use. And  
15 matter of fact, it would be enhanced, and it would be of  
16 benefit to the citizens and the businesses adjoining this  
17 piece property with enhanced and up to date  
18 telecommunication equipment.

19 There would not be any nuisance or hazard created  
20 to the detriment of the health, safety, and/or welfare of  
21 the occupants of the proposed use, or to the citizens of the  
22 City.

1           The operation of the proposed telecommunication  
2 facility will not adversely impact the health, safety, or  
3 welfare of the residents of the city of Cambridge. The  
4 proposed use will benefit the city and promote the safety  
5 and welfare of its residents and businesses by providing  
6 reliable, state of the art digital wireless voice and data  
7 services.

8           The proposed facility will comply with all  
9 federal, state, and local safety requirements, including the  
10 standards established by the FCC, Federal Aviation  
11 Administration, and the American Standards Institute and the  
12 Massachusetts Department of Public Health.

13           The Board finds that the proposed installation  
14 would not impair the integrity of the district or adjoining  
15 district, or otherwise derogate from the intent and purpose  
16 of the ordinance to allow telecommunication facilities to be  
17 upgraded to the extent where it benefits the general public.

18           The Chair further moves that based upon the  
19 information presented to the Board that we grant the  
20 requested relief and special permit as described in the  
21 petitioner's submitted materials, and the evidence before  
22 the Board on the following conditions:

1           That the work proceed in accordance with the plans  
2 submitted by the petitioner, as initialed by the Chair.

3           That upon completion of the work, the physical  
4 appearance and visual impact of the proposed work will be  
5 consistent with the photo simulations submitted by the  
6 petitioner, and which have been initialed by the Chair.

7           That the petitioner at all times maintain the  
8 proposed work, so that its physical appearance and visual  
9 impact remain consistent with the photo simulations  
10 previously referred to.

11           That should the petitioner cease to utilize the  
12 equipment approved tonight for a continuous period of six  
13 months or more, it promptly thereafter remove such equipment  
14 and restore the building on which it is located to its prior  
15 condition and appearance, to the extent reasonably  
16 practical.

17           That the petitioner continue to comply with the  
18 conditions imposed by the Board with respect to previous  
19 special permits granted to the petitioner, with regard to  
20 the site in question.

21           That in as much as the health effects of the  
22 transmission of electromagnetic energy waves is a matter of



1 ongoing societal concern and scientific study, the special  
2 permit is also subject to the following conditions:

3 a) That the petitioner shall file with the  
4 Inspectional Services Department each report it files with  
5 the federal authorities regarding electromagnetic energy  
6 waves emissions emitting from all of the petitioner's  
7 equipment on the site.

8 Each such report shall be filed with the  
9 Inspectional Services Department no later than 10 business  
10 days after the report has been filed with the federal  
11 authorities.

12 Failure to timely file any such report with  
13 Inspectional Services shall ipso facto terminate the special  
14 permit granted tonight.

15 b) That in the event that at any time the federal  
16 authorities notify the petitioner that its equipment on the  
17 site, including but not limited to the special permit  
18 granted tonight, fails to comply with the regulations of law  
19 or governmental regulations -- whether with regard to the  
20 emissions of electromagnetic energy waves or otherwise --  
21 the petitioner, within 10 business days of receipt of such  
22 notification of such failure, shall file with the

1 Inspectional Services Department a report disclosing in  
2 reasonable detail that such failure has occurred, and the  
3 basis for such claimed failure.

4 The special permit granted shall ipso facto  
5 terminate if any of the petitioner's federal licenses are  
6 suspended, revoked, or terminated.

7 c) That to the extent a special permit has  
8 terminated, pursuant to the foregoing paragraphs a) and b),  
9 the petitioner may apply to this Board for a new special  
10 permit, provided that the public notice containing such  
11 application discloses in reasonable detail that the  
12 application has been filed because of a termination of a  
13 special permit, pursuant to paragraphs a) or b) above.

14 Any such new application shall not be deemed a  
15 repetitive petition, and therefore will not be subject to  
16 the two-year period during which repetitive petitions may  
17 not be filed.

18 d) That within 10 business days after receipt of a  
19 building permit for installation of the equipment subject to  
20 this petition, the petitioner shall file with the  
21 Inspectional Services Department a sworn affidavit of the  
22 person in charge of the installation of equipment by the

1 petitioner of the geographical area that includes Cambridge  
2 stating that:

3 a) he or she has such responsibility, and

4 b) that the equipment being installed pursuant to  
5 the special permit will comply with all federal safety rules  
6 and will be situated and maintained in locations with  
7 appropriate barricades and other protections, such that  
8 individuals, including nearby residents and occupants of  
9 nearby structures, will be sufficiently protected from  
10 excessive radiofrequency radiation under federal law.

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

13 JIM MONTEVERDE: In favor.

14 BRENDAN SULLIVAN: Matina Williams?

15 MATINA WILLIAMS: In favor.

16 BRENDAN SULLIVAN: Slater Anderson?

17 SLATER ANDERSON: In favor.

18 BRENDAN SULLIVAN: Jason Marshall?

19 JASON MARSHALL: In favor.

20 BRENDAN SULLIVAN: And Brendan Sullivan yes.

21 [All vote YES]

22 BRENDAN SULLIVAN: Five affirmative votes; the

1 special permit as per the application is granted.

2 MICHAEL FENTON: Thank you very much. Have a good  
3 night.

4 BRENDAN SULLIVAN: Goodnight.

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2 (7:26 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Slater  
4 W. Anderson, Matina Williams, and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will now hear Case  
7 No. 182524 -- 13 Yerxa Road. Dena? Yep, you're up.

8 DENA STEARNS: Hello. My name is Dena Stearns.  
9 I'm the owner at 13 Yerxa Road, and we are seeking a special  
10 permit to add three windows to the rear elevations of our  
11 house in the kitchen on the first floor.

12 Currently there's one window, and just looking to  
13 get a little more light in there. And I'm of the  
14 understanding that we need a special permit because our --  
15 the back wall of our house is within 25 feet of the lot  
16 line.

17 BRENDAN SULLIVAN: Yes.

18 DENA STEARNS: I have some existing conditions --  
19 images, as well as elevation drawings of the proposed  
20 windows, if you would like to see those?

21 BRENDAN SULLIVAN: Okay. Let me open it up to  
22 members of the Board. Jim Monteverde, any questions?

1 Jim? Jim Monteverde? Jason Marshall, any questions?

2 JASON MARSHALL: I have no questions at this time,  
3 Mr. Chair.

4 BRENDAN SULLIVAN: Slater Anderson?

5 SLATER ANDERSON: No questions at this time.

6 Thank you.

7 BRENDAN SULLIVAN: Okay. Matina?

8 MATINA WILLIAMS: No questions at this time.

9 BRENDAN SULLIVAN: And Jim Monteverde?

10 JIM MONTEVERDE: No questions.

11 BRENDAN SULLIVAN: And I have no questions either.

12 I'll open it to public comment. Any member of the public  
13 who wishes to speak should now click the button that says,  
14 "Participants," and then click the button that says, "Raise  
15 hand."

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

19 There appears to be nobody calling in. We are in  
20 receipt of communication in support.

21 "Members of the Board of Zoning Appeal, we are  
22 neighbors of Dena Stearns and Daniel Kibler-Stearns of 13

1 Yerxa Road. We understand that they are renovating and  
2 updating their home. We have reviewed the design plans for  
3 the proposed new rear kitchen window and fully support  
4 them."

5 From Roberto Iturralde -- I-t-u-r-r-a-l-d-e and  
6 Aislyn -- A-i-s-l-y-n Cangialose -- C-a-n-g-i-a-l-o-s-e,  
7 Cangialose. Also correspondence from #3 Yerxa Road Unit 1.  
8 They have reviewed the plans and they are also in favor.

9 There's a letter from Carole Lee, 15-16 Yerxa  
10 Road. They have -- she's seen the plans, and the addition  
11 -- plans to -- for the addition of more kitchen windows.  
12 And they have her wholehearted support.

13 And that is the sum and substance of the  
14 correspondence. I'll close public comment. Any questions?  
15 I'm sorry, there's also one from George Perkins and Polly  
16 Carpenter at 11 Yerxa Road, who are also in support.

17 Okay, I'll close the public comment part.  
18 Anything else to add? No?

19 DENA STEARNS: Not from me.

20 BRENDAN SULLIVAN: Okay. I'll discuss amongst --  
21 are there any new violations at all? Asking for a special  
22 permit, the section sited as 8.22.2.c, I'm just wondering if

1 d does not apply here?

2 DENA STEARNS: What is the -- I'm not sure which

3 --

4 BRENDAN SULLIVAN: Well, there's a new section --

5 DENA STEARNS: Oh.

6 BRENDAN SULLIVAN: -- under the Special Permit

7 Criteria.

8 DENA STEARNS: Okay.

9 BRENDAN SULLIVAN: If any member of the Board  
10 wants to chime in on this, whether or not we're setting the  
11 correct section?

12 JIM MONTEVERDE: Mr. Chair, is there an existing  
13 non-conformity that's being enlarged here?

14 BRENDAN SULLIVAN: It's just windows.

15 JIM MONTEVERDE: Oh, windows.

16 BRENDAN SULLIVAN: So can we pull up the  
17 dimensional form? There's no addition?

18 DENA STEARNS: No.

19 BRENDAN SULLIVAN: There's just basically taking  
20 -- if you can pull up the -- actually, Olivia, can you pull  
21 up a plan showing the back of the house there with the one  
22 window, and then what they're proposing is a bank of



1 windows?

2 So that's what's proposed?

3 DENA STEARNS: Yep.

4 BRENDAN SULLIVAN: As opposed to a single window  
5 that doesn't do very much. 8.22.2.c basically says, "In  
6 residential districts," which this is --

7 DENA STEARNS: Mm-hm.

8 BRENDAN SULLIVAN: -- "the Board of Zoning Appeal  
9 may grant a special permit for the alteration or enlargement  
10 of a non-conforming structure," so this would be an  
11 alteration but not the alteration of a non-conforming use.

12 Provided that we are not in further violation of  
13 the dimensional requirements or their off-street parking and  
14 provided such non-conforming structure will not be increased  
15 in area or volume by more than 25 percent.

16 This is a single-family home?

17 DENA STEARNS: Yeah.

18 BRENDAN SULLIVAN: Yeah. So the way -- my reading  
19 is that, I mean, we could either grant it under the same  
20 which appears that it complies, or d).

21 And Jason, what are your thoughts on it?

22 JASON MARSHALL: I guess I'm not seeing how this

1 is increasing an existing dimensional non-conformity to fall  
2 under d). So I probably see it under c) but I'm open to  
3 hearing other thoughts about that.

4 BRENDAN SULLIVAN: Yeah. I mean, I think either  
5 one gets you there, I think. So maybe unless the members of  
6 the Board have another opinion, I think that we could  
7 probably -- the application is for 8.22.2.c and we could  
8 probably -- let me make the motion, then, to grant that.

9 DENA STEARNS: Okay.

10 BRENDAN SULLIVAN: So let me make a motion, then,  
11 to grant the special permit, seeking relief under 8.22.2.c  
12 the Board finds that in a residential district, the Board  
13 may grant a special permit for the alteration or enlargement  
14 of a non-conforming structure -- which this is -- not  
15 otherwise permitted in Section 8.22.1, but not the  
16 alteration or enlargement of a non-conforming use.

17 Provided any enlargement or alteration of such  
18 non-conforming structure is not further in violation of the  
19 dimensional requirement of Article 5 or the off-street  
20 parking and loading requirements in Article 6.

21 And provided such non-conforming structure will  
22 not be increased in area or volume by more than 25 percent,

1 which this does not. So -- and we have to go to the Special  
2 Permit Criteria in 10.43.

3 In furtherance to granting the special permit, it  
4 appears that the requirements of the Ordinance can be met.

5 It appears that traffic generated or patterns of  
6 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.

13 There would not be any nuisance or hazard created  
14 to the detriment of the health, safety, and/or welfare of  
15 the occupants of the proposed use, or to the citizens of the  
16 City. In fact, it would be greatly enhanced by greater air  
17 and light coming into the structure, and there would be --  
18 it would be a benefit to the occupants of the structure.

19 The proposed use would not impair the integrity of  
20 the district or adjoining district, or otherwise derogate  
21 from the intent and purpose of the ordinance, which allows  
22 homeowners a fair and reasonable use of the property, and to

1 upgrade it such as the proposal that is before us, which is  
2 quite de minimis and a benefit to the occupants of the  
3 structure.

4 In furtherance to granting of the special permit,  
5 the Board moves that the work be in accordance with the  
6 application, supporting statements, dimensional form and the  
7 plan of the new windows assigned and initialed by the Chair.

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

10 JIM MONTEVERDE: In favor.

11 BRENDAN SULLIVAN: Jason Marshall?

12 JASON MARSHALL: In favor.

13 BRENDAN SULLIVAN: Matina Williams?

14 MATINA WILLIAMS: In favor.

15 BRENDAN SULLIVAN: Slater Anderson?

16 SLATER ANDERSON: In favor.

17 BRENDAN SULLIVAN: And Brendan Sullivan yes.

18 [All vote YES].

19 BRENDAN SULLIVAN: Five affirmative votes, the  
20 special permit as per the application is granted.

21 DENA STEARNS: Thank you very much. I appreciate  
22 it.

1 \* \* \* \* \*

2 (7:37 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Slater  
4 W. Anderson, Matina Williams, and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will hear Case No.  
7 180699 -- 307 Allston Street. Okay.

8 LOUIS MANFREDI: Hello, this is Louis Manfredi  
9 with Joanne Carroll. We're the applicants here. Were you  
10 waiting for us to speak up?

11 BRENDAN SULLIVAN: Yes, yep.

12 LOUIS MANFREDI: Okay. We'd -- Richard Brown is  
13 our architect on this project, and I believe is attending.  
14 And perhaps he could speak for us?

15 BRENDAN SULLIVAN: Yes, absolutely.

16 RICHARD BROWN: Hi, good evening. My name is  
17 Richard Brown, Richard Brown Architects -- 50 Hillcrest  
18 Avenue, Lexington, Massachusetts. This is in reference to  
19 307 Allston Street in Cambridge, Massachusetts.

20 I'm on the property owned by Joanne Carroll of the  
21 Joanne Carroll Declaration of Trust, and Louis Manfredi.  
22 Currently, this is a two-family house on a very small lot in

1 Cambridgeport, near the intersection of Pleasant Street and  
2 Allston Street. It is non-conforming in numerous ways in  
3 terms of lot area, lot area per dwelling unit, FAR setbacks,  
4 frontage, and even open space. The owners currently live on  
5 the second and third floor and rent out the first floor.

6           There are bedrooms and study on the third floor,  
7 and their bathroom is on the second floor, which causes a  
8 degree of inconvenience, which we hope to solve.

9           Currently, there is one window in the bedroom and  
10 the study on the north and south side elevations, and this  
11 provides very little cross-ventilation, especially once an  
12 air conditioning unit is installed.

13           On the second floor, there is an enclosed porch,  
14 which is in need of significant repair. It is also fairly  
15 minimal in size, and we would eventually like to close  
16 enlarging, widening up just by 16 inches.

17           On the first floor, there is a side porch, which  
18 is sort of second means of egress for the first floor, and  
19 we would like to propose to widen that eventually and to  
20 make that a little deeper.

21           So we're requesting a special permit for four  
22 items: Firstly, there is the renovation of the third floor

1 to add two dormers to the east and the west side. These  
2 dormers would increase the space on the third floor for the  
3 occupants, give them more room, give them more light, and  
4 especially give them more cross-ventilation.

5 Also a new bath and washer/dryer would be added,  
6 and closet space on the third floor. And solar panels would  
7 be added to the roof, and a chimney would be removed,  
8 because they're changing the heat pumps -- the heating  
9 system to a heat pump system.

10 Secondly, we would like to change a window in the  
11 third floor on the north side from a single window to a  
12 triple window, because that is within the setbacks, so we  
13 would require a special permit.

14 On the second floor, we would like to rebuild and  
15 slightly extend by 16 inches the enclosed porch, which just  
16 sort of is held up by sort of two posts, as you can see on  
17 the left side of the image that you're looking at now. That  
18 would make that room a great deal more habitable, and it  
19 needs to be rebuilt anyway, because it is significantly  
20 decaying around the windows and rods and things.

21 So that would be the third item.

22 The fourth item would be to enlarge the first-

1 floor side porch by several inches and make it deeper. This  
2 would just allow some seating area for the tenants on the  
3 first floor.

4 In terms of the special permit, there would be no  
5 change in the occupancy -- parking, traffic, or noise. The  
6 dormer addition would be in character with the rest of the  
7 neighborhood in terms of architecture. It would provide --  
8 it would give very little shadow to the neighbor, and the  
9 neighbor is totally in support of that.

10 And I believe there is a letter from a number of  
11 the neighbors supporting this proposal.

12 Are there any questions?

13 BRENDAN SULLIVAN: No. If I could have Olivia  
14 pull up Sheet 9, which is the dormer on the west elevation?  
15 And so, that dormer is -- complies 15 feet in from our  
16 guidelines. Sheet A-11, that dormer is 13'10". Again, that  
17 appears that it complies with the Dormer Guidelines. All  
18 right. Let me open it up to Jim Monteverde, any questions  
19 at this time?

20 JIM MONTEVERDE: No questions, thank you.

21 BRENDAN SULLIVAN: Matina Williams?

22 MATINA WILLIAMS: No questions.



1 BRENDAN SULLIVAN: Slater Anderson:

2 SLATER ANDERSON: No questions.

3 BRENDAN SULLIVAN: And Jason Marshall?

4 JASON MARSHALL: No questions.

5 BRENDAN SULLIVAN: And Brendan Sullivan, I have no  
6 further comments. Let me open it to public comment. Any  
7 members of the public who wish to speak should now click the  
8 button that says, "Participants," and then click the button  
9 that says, "Raise hand."

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

13 [Pause]

14 There appears to be nobody calling in. We are in  
15 receipt of correspondence in the form of a signup petition:

16 "We, the undersigned neighbors of Joanne Carroll  
17 and Louis Manfredi, have reviewed the plans for the proposed  
18 modification to their property at 307-309 Allston Street,  
19 and support their application for special permit.

20 "The proposed changes will greatly improve their  
21 property without having negative impact on other properties  
22 in the neighborhood."

1           And it is signed by nine -- eight people: 306  
2 Allston Street, 126 Pleasant, 126 Pleasant, 309 Allston, 309  
3 Allston, 304 Allston, 309 Allston and 297 Allston in  
4 support. And that is the sum and substance of any  
5 correspondence.

6           I will close the public comment part. Anything  
7 else to add to your presentation?

8           RICHARD BROWN: I don't believe so. I think,  
9 unless there are additional questions?

10           BRENDAN SULLIVAN: Yeah. No, I think we may be  
11 okay, Richard. All right. Let me up to the Board. Shall  
12 anybody have any further questions or comments, or are we  
13 ready for a motion?

14           JIM MONTEVERDE: Ready.

15           BRENDAN SULLIVAN: Let me make a motion, then, to  
16 grant the special permit as per the application, dimensional  
17 form, supporting statements and initialed by the Chair to  
18 enlarge the first-floor right side entry deck, to widen the  
19 second-floor enclosed porch, to add two dormers, and to  
20 change a single window on the north side of the third floor  
21 to a triple window, seeking relief under 5.31, 8.22d and the  
22 criteria for a special permit.

1 Under 8.22.d, in all districts, the Board of  
2 Zoning Appeal may grant a special permit for the alteration  
3 or enlargement of a preexisting dimensionally non-  
4 conforming, detached single-family dwelling or a two-family  
5 dwelling not otherwise permitted in Section 8.22.1 above,  
6 but not the alteration or enlargement of a preexisting, non-  
7 conforming use.

8 Provided that there is no change in use, and that  
9 any enlargement or alteration of such preexisting, non-  
10 conforming detached single-family dwelling or two-family  
11 dwelling may only increase a preexisting dimensional non-  
12 conformity but does not create a new dimensional non-  
13 conformity.

14 In order to grant the special permit, the Board of  
15 Zoning Appeal is required to find -- and does find -- that  
16 the alteration or enlargement shall not be substantially  
17 more detrimental than the existing non-conforming structure  
18 to the neighborhood, and that the alteration or enlargement  
19 satisfies the criteria in 10.43 after a special permit, with  
20 the following findings:

21 It appears that the requirements of the Ordinance  
22 can be met.

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

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

8           That the Board references letters of support and  
9 the language in that support to support that finding.

10           Continued operation and development of adjacent  
11 uses would not be adversely affected. There would not be  
12 any nuisance or hazard created to the detriment of the  
13 health, safety, and/or welfare of the occupants of the  
14 proposed use -- in fact, it would be greatly enhanced to the  
15 benefit of any occupant.

16           The proposed use would not impair the integrity of  
17 the district or adjoining district, or otherwise derogate  
18 from the intent and purpose of the ordinance to allow for  
19 modifications to an existing, non-conforming structure.

20           The Board finds that the requested relief would  
21 not be more detrimental than the existing building, and that  
22 the Board finds that the work would allow the residents to

1 be able to stay and enjoy the upgrading of their property.

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

4 JIM MONTEVERDE: Sorry. Didn't realize I was on  
5 mute. I vote in favor.

6 BRENDAN SULLIVAN: Okay. Matina Williams?

7 MATINA WILLIAMS: In favor.

8 BRENDAN SULLIVAN: Slater Anderson?

9 SLATER ANDERSON: In favor.

10 BRENDAN SULLIVAN: Jason Marshall?

11 JASON MARSHALL: In favor.

12 BRENDAN SULLIVAN: Brendan Sullivan yes.

13 [All vote YES]

14 BRENDAN SULLIVAN: Five affirmative votes; the  
15 special permit as per the application is granted.

16 RICHARD BROWN: Thank you very much, Mr. Chairman  
17 and Board.

18 BRENDAN SULLIVAN: Yep.

19 LOUIS MANFREDI: We'd like to thank the Board also  
20 for your time and attention to this matter.

21 BRENDAN SULLIVAN: No, I was -- thank you.  
22

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(7:50 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Slater  
W. Anderson, Matina Williams, and Jason  
Marshall

BRENDAN SULLIVAN: The Board will hear Case No.  
184396 -- 23 Reed Street.

TAGORE HERNANDEZ: Greetings. My name is Tagore  
Hernandez from Group Design Build, 30 Quincy Street,  
Somerville, Massachusetts, 02143. I represent Keith Glover  
for Mouthpiece LLC at 23 Reed Street. Can everybody hear  
me?

BRENDAN SULLIVAN: Yes.

COLLECTIVE: Yep.

TAGORE HERNANDEZ: Thanks for hearing our case  
this evening. We have an existing non-conforming single-  
family. What we are requesting relief for is a series of  
five windows and one skylight on the north elevation. The  
north is complying with the standard 7.5' setback. It's  
roughly, you know, 3.4 feet from the property line.

We've removed a couple of units -- or excuse me,  
glazing units, and are requesting relief to add and to

1 relocate a number of windows in order to improve visibility  
2 to the kitchen, add some lighting into a future bathroom at  
3 the top of the staircase.

4 We presented the drawings to the abutters at 20 --  
5 excuse me, I believe it's 25-27 Reed Street, and they are in  
6 support of the project with the two caveats that we frost  
7 two units in order to obfuscate the view in their units.  
8 They were happy about the removal of one unit that was  
9 facing their bathroom, but otherwise we have support from  
10 the immediate abutter on the north elevation.

11 BRENDAN SULLIVAN: Is that change reflected in the  
12 drawings?

13 TAGORE HERNANDEZ: Yes, sir. A.200.

14 BRENDAN SULLIVAN: A.201?

15 TAGORE HERNANDEZ: No, sir. A.200, where I have  
16 it highlighted in red.

17 BRENDAN SULLIVAN: Okay.

18 TAGORE HERNANDEZ: This is what I'm -- this is  
19 what we're asking for.

20 BRENDAN SULLIVAN: Okay. All right.

21 TAGORE HERNANDEZ: And D.200 shows the existing  
22 conditions in red. Yes, correct.

1           BRENDAN SULLIVAN: Okay. Okay. Any questions by  
2 members of the Board? Jim Monteverde?

3           JIM MONTEVERDE: No questions, thank you.

4           BRENDAN SULLIVAN: Slater Anderson?

5           SLATER ANDERSON: No questions.

6           BRENDAN SULLIVAN: Matina Williams?

7           MATINA WILLIAMS: No questions.

8           BRENDAN SULLIVAN: Jason Marshall?

9           JASON MARSHALL: No questions at this time.

10          BRENDAN SULLIVAN: And I have no further  
11 questions. Let me open it to public comment. Any members  
12 of the public who wish to speak should now click the button  
13 that says, "Participants," and then click the button that  
14 says, "Raise hand."

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

18           [Pause]

19           It appears that nobody is calling in. And could  
20 you pull up the dimensional form, Olivia? So it appears  
21 that there is no further violations.

22          TAGORE HERNANDEZ: That is correct.



1           BRENDAN SULLIVAN: Okay. So basically, you're  
2 just rearranging the deck chairs somewhat on the windows?

3           TAGORE HERNANDEZ: Correct.

4           BRENDAN SULLIVAN: Okay.

5           JIM MONTEVERDE: Well, I think that's the only  
6 thing you need relief for, isn't that correct?

7           TAGORE HERNANDEZ: That's correct.

8           JIM MONTEVERDE: That's not your only part of  
9 work? You've got a bunch --

10          TAGORE HERNANDEZ: Yeah.

11          JIM MONTEVERDE: -- of other stuff going on?

12          TAGORE HERNANDEZ: Correct. We're actually  
13 reducing -- yeah, in fact, our FAR is actually coming down  
14 just a hair.

15          BRENDAN SULLIVAN: Yeah. Actually, it's a fairly  
16 decent plan. Okay. Are we ready for a motion, then, Board?

17

18          JIM MONTEVERDE: Yes.

19          BRENDAN SULLIVAN: Let me make a motion, then, to  
20 grant the relief requested. The special permit as per the  
21 application, dimensional form and the drawings initialed by  
22 the Chair.

1           The Board under 8.22.d -- the Board may grant a  
2 special permit for the alteration or enlargement of a  
3 preexisting dimensionally non-conforming, detached single-  
4 family dwelling or two-family dwelling not otherwise  
5 permitted in Section 8.22.1, but not the alteration or  
6 enlargement of a preexisting, non-conforming use.

7           Provided that there is no change in use, and that  
8 any enlargement or alteration of such preexisting, non-  
9 conforming detached single-family dwelling or two-family  
10 dwelling may only increase a preexisting dimensional non-  
11 conformity but does not create a new dimensional non-  
12 conformity.

13           In order to grant the special permit, the Board of  
14 Zoning Appeal is required to find that the alteration or  
15 enlargement shall not be substantially more detrimental --  
16 and does make such finding -- than the existing non-  
17 conforming structure to the neighborhood, and that the  
18 alteration or enlargement satisfies the criteria in Section  
19 10.43.

20           Under 10.43, the Board may grant a special permit,  
21 where it appears that the requirements of the ordinance can  
22 be met.

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

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

8           There would not be any nuisance or hazard created  
9 to the detriment of the health, safety and/or welfare of the  
10 occupant of the proposed use, in fact the Board finds that  
11 it would be greatly enhanced. Anybody who occupies the  
12 structure -- and would not impact any citizens of the City.

13           And the Board finds that the proposed use would  
14 not impair the integrity of the district or adjoining  
15 district, or otherwise derogate from the intent and purpose  
16 of this ordinance to allow homeowners to modify, improve,  
17 update their structure. This adds much needed light  
18 fenestration coming into the structure.

19           The Board also notes the willingness of the  
20 petitioner to modify the original plan to accommodate the  
21 request of abutters to lessen the impact on adjoining  
22 properties.

1           On the motion, then, to grant the special permit  
2 as per the application, Jim Monteverde?

3           JIM MONTEVERDE: In favor.

4           BRENDAN SULLIVAN: Matina Williams?

5           MATINA WILLIAMS: In favor.

6           BRENDAN SULLIVAN: Slater Anderson?

7           SLATER ANDERSON: In favor.

8           BRENDAN SULLIVAN: Jason Marshall?

9           JASON MARSHALL: In favor.

10          BRENDAN SULLIVAN: And Brendan Sullivan in favor.

11          [All vote YES]

12          BRENDAN SULLIVAN: Five affirmative votes, the  
13 special permit is granted.

14          TAGORE HERNANDEZ: Thank you. Good evening.

15          BRENDAN SULLIVAN: Thank you for your  
16 presentation.

17          MATINA WILLIAMS: Chair, can we have five?

18          BRENDAN SULLIVAN: Yes, absolutely.

19

20

21

22

1 \* \* \* \* \*

2 (8:09 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Slater  
4 W. Anderson, Matina Williams, and Jason  
5 Marshall

6 BRENDAN SULLIVAN: I'm going to call Case No.  
7 185241 -- 6 Hawthorne Park, Unit #2.

8 REBECCA O'HARA: Yes, hi.

9 BRENDAN SULLIVAN: Hi.

10 REBECCA O'HARA: Rebecca O'Hara.

11 BRENDAN SULLIVAN: Yep.

12 REBECCA O'HARA: So if you'll allow me, my name is  
13 Rebecca O'Hara, as I said. I'm the owner of 6 Hawthorne  
14 Park, which is the upper condo of a two-family house.

15 I actually came before you just before the  
16 pandemic in December 2019 with a very similar petition, but  
17 the pandemic restrictions both on construction and our lives  
18 and everything have prevented us from beginning construction  
19 within the allotted time frame of the granted zoning relief.

20 So I'm coming before you today because my husband  
21 and I are now ready to proceed with our project, which has  
22 changed only slightly in configuration from our previous

1 plans. In short, we're seeking to utilize the currently  
2 unfinished attic space as living space, and to do so adding  
3 dormers.

4 We are looking to update some interior rooms and  
5 including -- reworking our rear porch to match the  
6 dimensions of the porch below and add an exterior stair in  
7 the side yard that will service our second means of egress,  
8 allowing us to utilize the floor space that is currently our  
9 second means of egress and interior staircase.

10 Let's see, oh, and part of the reason for the  
11 alteration into the rear porch is that our condo  
12 documentation states that the downstairs neighbors have the  
13 use of the outside space at the ground level, so this would  
14 be our sole outdoor space.

15 And we are also changing -- doing some alterations  
16 to windows that are within the setback, but not -- we're  
17 otherwise not violating the setbacks in any additional ways.

18 I should note that our home is non-conforming, as  
19 it was built for current zoning requirements, as it sits on  
20 a much smaller lot. So the existing FAR and setbacks --  
21 side and front setbacks -- are non-conforming.

22 Lastly, I would just like to mention that I

1 communicated with all of my abutting neighbors both a few  
2 years ago and recently, and almost all the other homes  
3 around in the abutting properties have dormers already and  
4 I've received no opposition, just positive comments, and  
5 support.

6 In particular, my downstairs neighbors -- a  
7 wonderful couple -- they are supportive; have continued to  
8 be supportive this entire time, and I have submitted a few  
9 letters of support showing this.

10 BRENDAN SULLIVAN: All right. Thank you. Olivia,  
11 can I ask you to pull up Sheet A1.0?

12 The Dormer Guidelines call for no more than 15  
13 feet of dormer on any one side, and those are nine and seven  
14 sixteen.

15 And I guess I can see the one on the stairway at  
16 7', because I think you're pretty well constrained by the  
17 stairs and the other one at 9 feet. I'm just wondering if  
18 it could be pulled back a foot or it appears that maybe that  
19 space is kind of tight?

20 REBECCA O'HARA: Yes. The space -- and I'm sorry,  
21 Olivia, I think there's a drawing to the bottom right corner  
22 of the page that shows the dimensions? Yes, there.

1 BRENDAN SULLIVAN: Yeah.

2 REBECCA O'HARA: So the -- in order to be able to  
3 accommodate the amount of, you know, both plumbing pieces as  
4 well as to work around an existing pipe chaise, we have --  
5 or we are requesting 9'.

6 We have tried to fit it into an 8' dimension and  
7 found that we would have to make significant alterations to  
8 the interior plans. This is also very similar, if slightly  
9 adjusted, from our previous plans that were approved, so we  
10 just didn't adjust the dimensions beyond that.

11 BRENDAN SULLIVAN: Okay. And then the third  
12 dormer is at 12', which is on the other side of the  
13 building?

14 REBECCA O'HARA: That was our other sort of  
15 reasoning. I realize that 15' per side is the Dormer  
16 Guidelines. We were hoping for a little additional relief  
17 to accommodate the bathroom and stick to 12' on the other  
18 side.

19 BRENDAN SULLIVAN: Okay. All right. Let me send  
20 it over to the Board. Jim Monteverde, any questions at this  
21 time?

22 JIM MONTEVERDE: No questions, thank you.



1           BRENDAN SULLIVAN:  Matina Williams, any comments,  
2  questions?

3           MATINA WILLIAMS:  None at this time.

4           BRENDAN SULLIVAN:  Okay, Slater Anderson?

5           SLATER ANDERSON:  No questions.

6           JASON MARSHALL:  And Jason?

7           JASON MARSHALL:  Thank you, Mr. Chair.  No  
8  questions.

9           BRENDAN SULLIVAN:  I have nothing further.  Let me  
10  open it to public comment.  Any member of the public who  
11  wishes to comment should now click the button that says,  
12  "Participants," and then click the button that says, "Raise  
13  hand."

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

17           [Pause]

18           It appears that nobody is calling in.  The Board  
19  is in receipt of correspondence from Crista Martin and Lora  
20  DeSalvo, 8 Hawthorne Park.

21           "This letter comes in support of the application  
22  by Rebecca and John O'Hara for the construction permit on

1 their property at 6 Hawthorne Park in Cambridge. We are the  
2 first-floor residents of the building shared with the  
3 O'Haras.

4 "While we recognize that any construction comes  
5 with challenges, Rebecca and John have prepared thoughtfully  
6 for the impact this work will have on our building and our  
7 neighborhood. They originally planned to do this work  
8 roughly two years ago but were delayed by COVID and its  
9 subsequent impact.

10 "We are in support of their speedy approval to  
11 allow them to complete long-desired renovations."

12 There is also correspondence:

13 "We, Alison Nash and Shawn Reeves, are an abutter  
14 to 6 Hawthorne Park, to the east. We own and reside at 220-  
15 222 Lexington Avenue. We find acceptable the modest  
16 exterior additions shown in planning documents October 5 of  
17 2019, being from our visual perspective dormers and the  
18 enclosed porch."

19 And that is the sum and substance of any  
20 communication. I will close the public comment part of the  
21 hearing. Anything else to add, Rebecca, before we take it  
22 to the Board?

1 REBECCA O'HARA: I believe there was one  
2 additional letter from another neighbor, but they also are  
3 in support. Submitted it earlier today, so it may not have  
4 made it.

5 BRENDAN SULLIVAN: Oh, it may not have -- may not  
6 have been downloaded. So we'll accept that --

7 REBECCA O'HARA: Absolutely.

8 BRENDAN SULLIVAN: -- presentation. All right.  
9 Let me take it to the Board. Jim, what are your thoughts?

10 JIM MONTEVERDE: I'm ready for a vote, if you'd  
11 like.

12 BRENDAN SULLIVAN: Okay. Anybody -- any comments,  
13 questions at this time? Should we take it to a vote? Okay.

14 JIM MONTEVERDE: Ready. Let me make a motion,  
15 then, to grant the special permit to add dormers to the  
16 existing two-family, as per the application, dimensional  
17 forms, supporting statements and the drawings initialed by  
18 the Chair, seeking relief under Section 5.31, the Table of  
19 Dimensional Requirements and 8.22.d, alteration to a pre-  
20 existing, non-conforming structure.

21 In all districts, the Board is empowered to grant  
22 a special permit for the alteration or enlargement of a pre-

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

5           Provided that there is no change in use, and that  
6 any enlargement or alteration of such pre-existing, non-  
7 conforming detached single-family dwelling or two-family  
8 dwelling may increase a pre-existing dimensional non-  
9 conformity but does not create a new dimensional non-  
10 conformity.

11           In order to grant the special permit, the Board of  
12 Zoning Appeal is required to find -- and does find -- that  
13 the alteration or enlargement shall not be substantially  
14 more detrimental than the existing non-conforming structure  
15 to the neighborhood, and that the alteration or enlargement  
16 satisfies the criteria of 10.43.

17           Under 10.43, the Board will make a finding to  
18 grant the special permit when it appears that the  
19 requirements of the Ordinance can be met.

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

1           The Board finds that continued operation of or  
2 development of adjacent uses, as permitted in the Zoning  
3 Ordinance, would not be adversely affected by the nature of  
4 the proposed use, and the Board incorporates by reference  
5 letters from abutters, especially the homeowners on the  
6 first floor of the structure.

7           There would not be any nuisance or hazard created  
8 to the detriment of the health, safety, and/or welfare of  
9 the occupants of the proposed use -- in fact the proposed  
10 work would enhance the livability and the welfare of any  
11 occupant of the second floor of the structure.

12           And that the proposed use would not impair the  
13 integrity of the district or adjoining district, or  
14 otherwise derogate from the intent and purpose of the  
15 ordinance to allow homeowners to improve, update, even means  
16 of extending the existing structure, bring it up to  
17 contemporary standards.

18           On the motion, then, to grant the special permit  
19 as per the application, supporting statements and the  
20 drawings, Jim Monteverde?

21           JIM MONTEVERDE: In favor.

22           BRENDAN SULLIVAN: Matina Williams?

1                   MATINA WILLIAMS: In favor.

2                   BRENDAN SULLIVAN: Slater Anderson?

3                   SLATER ANDERSON: In favor.

4                   BRENDAN SULLIVAN: Jason Marshall?

5                   JASON MARSHALL: In favor.

6                   BRENDAN SULLIVAN: Also in favor.

7                   [All vote YES]

8                   BRENDAN SULLIVAN: Five affirmative votes: The  
9 special permit, as per the application, is granted. Good  
10 luck with it.

11                  REBECCA O'HARA: Thank you very much.

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2 (8:15 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Slater  
4 W. Anderson, Matina Williams, and Jason  
5 Marshall

6 BRENDAN SULLIVAN: The Board will hear Case No.  
7 186746 -- 134 Reed Street.

8 CHRISTOPHER CHAN: Hello, Chairman and Board  
9 members. My name is Christopher Chan of Chan Mock  
10 Architects, 165 Cambridge Street here in Cambridge,  
11 Massachusetts.

12 I'm representing Jeff Myers and Manikka Bowman who  
13 own a very small house on a corner lot at 134 Reed Street.  
14 They have a growing family with two young daughters. I  
15 would like to try to figure out a way to get a third bedroom  
16 on the second floor.

17 So we're asking for relief today to increase the  
18 second floor by about 111 square feet. It's originally  
19 actually under 500, so we want to go just above 600 on the  
20 second floor by adding some space over an addition on the  
21 first floor and over the entry.

22 So we're asking for relief from that as well as we

1 have some -- since we are in a corner lot very tight  
2 setbacks. We have a couple of windows on one side in the  
3 rear that also require relief from the setback.

4 I'm happy to kind of go through this with you;  
5 it's a fairly straightforward project. They also have  
6 discussed it with their neighbors. There should be at least  
7 one letter for sure in the -- that made it to the Board at  
8 the meeting itself.

9 I would want to -- the rear dormer is, does not  
10 request relief. This is only a two-story house. The second  
11 floor actually has a knee wall of about five feet. So it's  
12 already included in FAR, the existing volume. And to get  
13 the third bedroom on the second floor, we have to kind of  
14 shoehorn two bedrooms in of a 16' -- 16' let's say 20' wide  
15 footprint.

16 So we actually did raise the dormer on the back  
17 side to give more room, 9' or 10' wide bedroom that had full  
18 head height, and also allowed for them to see a window that  
19 they could kind of look out of straight away without having  
20 to look down.

21 So that's kind of the sum of it. I'm certainly be  
22 happy to answer any questions, and I have Jeff and Manikka



1 here, if you'd like. They may want to say something, but  
2 please go ahead and let me know your thoughts.

3 BRENDAN SULLIVAN: Yep. Jeff, you wanted to say  
4 something, or?

5 JEFF MYERS: Sure. Thank you. Can you hear me  
6 okay?

7 BRENDAN SULLIVAN: Yes.

8 JEFF MYERS: All right. Thank you for hearing us  
9 tonight. I'm Jeff Myers, and this is my wife, Manikka  
10 Bowman. We've been in the house since about 2014, but we've  
11 been in the neighborhood since 2006, 2007, and we love the  
12 North Cambridge neighborhood.

13 And the goal of this project is to allow some  
14 modest improvements that will add some size, as Chris just  
15 described, and allow us to stay in the house in Cambridge  
16 with our newly expanded family.

17 And also, to take care of some other things that  
18 happened to the house that's more than 150 years old as far  
19 as modernization and cleaning up some other things. Thank  
20 you very much.

21 BRENDAN SULLIVAN: Okay. Thank you. If we could  
22 just pull up Sheet Z1.5?

1           So Chris, what you're saying is that on the west  
2 elevation, which is the back of the house, that is allowed  
3 by right?

4           CHRISTOPHER CHAN: Exactly, because it's only on  
5 the second floor and --

6           JEFF MYERS: Floor.

7           CHRISTOPHER CHAN: And there is no increase in FAR  
8 by doing it. The FAR is already -- the knee wall is already  
9 five feet.

10          BRENDAN SULLIVAN: Yeah.

11          CHRISTOPHER CHAN: So that area is all counted,  
12 so.

13          BRENDAN SULLIVAN: Okay.

14          CHRISTOPHER CHAN: You know, normally -- you know,  
15 we wouldn't make it as long or right to the edge of the  
16 existing exterior wall, but as I mentioned, we're trying to  
17 put a bedroom in there that's half of the width of that. So  
18 opening up the height of that really does help that room  
19 quite a bit. It's only about 9' x 11', that bedroom. So it  
20 --

21          BRENDAN SULLIVAN: Okay.

22          CHRISTOPHER CHAN: -- gets one window that you can

1 actually kind of look straight out at and not have to kind  
2 of look down on.

3 BRENDAN SULLIVAN: Yeah, okay. Any questions by  
4 members of the Board? Jim Monteverde?

5 JIM MONTEVERDE: No questions, thank you.

6 BRENDAN SULLIVAN: Matina?

7 MATINA WILLIAMS: No questions.

8 BRENDAN SULLIVAN: Slater Anderson?

9 SLATER ANDERSON: No questions.

10 BRENDAN SULLIVAN: And Jason?

11 JASON MARSHALL: No questions. It was a helpful  
12 presentation. Thank you.

13 BRENDAN SULLIVAN: And I have no further comments.  
14 Let me open it to public comment. Any member of the public  
15 who wishes to speak should now click the button that says,  
16 "Participants," and then click the button that says, "Raise  
17 hand."

18 If you're calling in by phone, you can raise your  
19 hand by pressing \*9 and unmute or mute by pressing \*6, and  
20 you will have up to three minutes in which to comment.

21 OLIVIA RATAY: Matthew Aronson?

22 MATTHEW ARONSON: Hi. Good evening. Just wanted

1 to voice our support. We live at 122 Reed Street. We're  
2 right around the corner.

3 Love the family, they're wonderful. Really  
4 excited for them to be able to expand their house and stay  
5 in this neighborhood for the long term, which is really the  
6 goal for I think many of us on the street is that we build  
7 relationships, and we have folks who are able to stay in  
8 Cambridge as we raise our families. They get to know each  
9 other.

10 We think the plans that they had shared with us  
11 are great-looking, as well as they are modest; that they fit  
12 really well within our neighborhood, and we're really  
13 excited for them. So both Aaron and I and my wife and  
14 Riley, our daughter, hope that you will approve the special  
15 permit. Thank you.

16 BRENDAN SULLIVAN: Thank you for calling in.

17 OLIVIA RATAY: Laura Frei?

18 LAURA FREI: Yes, thank you so much for listening  
19 to me. I just wanted to speak tonight in favor of Nikka and  
20 Jeff. We are their neighbor next door. And we are in favor  
21 of this build for their family. They're wonderful  
22 neighbors, and we very much support this project and hope

1 you will all approve it tonight. Thank you.

2 BRENDAN SULLIVAN: That's the end of the people  
3 calling in. We are in receipt of a number of letters.

4 "I am Martin McCall. I own and live at 120 Reed  
5 Street. I support Manikka and Jeff's project for their  
6 house."

7 There is also support from Farah Stockman, 123  
8 Montgomery; Julia Randall at 125 Montgomery; Laura and  
9 Walter. Laura has spoken.

10 There is support from Benjamin Helfat, H-e-l-f-a-  
11 t, lives at 123 Reed Street commenting, "They are great  
12 neighbors, would love them to stay in the neighborhood in a  
13 home with their family." Support from Shimon and Nicole  
14 Rura -- R-u-r-a, stating that, "You are a key part of the  
15 neighborhood key part of the neighborhood's social fabric."

16 And also support from 134 Reed Street, 134 Reed  
17 Street -- well, quite a lot of support from the  
18 neighborhood. 65 Harvey Street, 128 Reed Street, and 66  
19 Harvey Street. So sum and substance of the correspondence.

20 Anything else, Chris, to add?

21 CHRISTOPHER CHAN: No, it's very modest, and I  
22 think will help them stay in the house. So we're happy if

1 you give it a positive vote.

2 BRENDAN SULLIVAN: Yeah. I guess my own feeling  
3 on it is that it's a nice treatment for a house. Adds  
4 significantly I think to the streetscape, and more  
5 importantly the enjoyment of the structure. So with that,  
6 ready for a motion, Board?

7 JIM MONTEVERDE: Ready, ready.

8 BRENDAN SULLIVAN: They are seeking relief under  
9 5.31, the Table of Dimensional Requirements and also  
10 8.22.2.d; and 10.40, which is the special permit. Let me  
11 make a motion, then, to grant the relief requested as per  
12 the application, supporting statements, dimensional form,  
13 and the drawings initialed by the Chair.

14 The Board finds that it is empowered to grant the  
15 special permit to detached single or two-family structure.  
16 The Board may grant a special permit for the alteration or  
17 enlargement of as preexisting, dimensionally non-conforming  
18 detached single-family or two-family dwelling not otherwise  
19 permitted in 8.22.1, but not the alteration or enlargement  
20 of a preexisting, non-conforming use, provided that there is  
21 no change in use, and that any enlargement or alteration of  
22 such preexisting, non-conforming detached single-family

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

4 In order to grant the special permit, the Board of  
5 Zoning Appeal is required to find that the alteration or  
6 enlargement -- and does find it not be substantially more  
7 detrimental than the existing non-conforming structure to  
8 the neighborhood.

9 The Board also incorporates by reference the  
10 letters of support from a great many of the abutters in the  
11 neighborhood -- abutters and other citizens of the  
12 neighborhood -- and that the alteration or enlargement  
13 satisfies the criteria in 10.43.

14 Under 10.43, the Board can grant a special permit  
15 where it appears that the requirements of the Ordinance can  
16 be met.

17 Traffic generated or patterns of access or egress  
18 would not cause congestion, hazard, or substantial change in  
19 the established neighborhood character.

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

1 the proposed use.

2 That there would not be any nuisance or hazard  
3 created to the detriment of the health, safety, and/or  
4 welfare of the occupants of the proposed use -- in fact it  
5 would be greatly enhanced and a benefit to anyone who lives  
6 in the structure.

7 And that the proposed use will not impair the  
8 integrity of the district or adjoining district, or  
9 otherwise derogate from the intent and purpose of the  
10 ordinance to allow homeowners fair and reasonable use, and  
11 the ability to upgrade to improve, and to expand where  
12 necessary in order to be able to improve the livability of  
13 the house, and also to allow people to stay in their home  
14 and add greatly to the fabric and contribute to the City, as  
15 evidenced by the letters of support for the homeowners and  
16 also for this project.

17 And that also to allow homeowners to upgrade their  
18 property. On the motion, then, to grant the special permit  
19 as per the application, Jim Monteverde?

20 JIM MONTEVERDE: In favor.

21 BRENDAN SULLIVAN: Matina Williams?

22 MATINA WILLIAMS: In favor?



1 BRENDAN SULLIVAN: Slater Anderson?

2 SLATER ANDERSON: In favor.

3 BRENDAN SULLIVAN: Jason Marshall?

4 JASON MARSHALL: In favor.

5 BRENDAN SULLIVAN: And Brendan Sullivan yes.

6 [All vote YES]

7 BRENDAN SULLIVAN: Five affirmative votes; your  
8 special permit is granted. Good luck.

9 CHRISTOPHER CHAN: Thank you very much, Board. We  
10 appreciate your time and effort.

11 BRENDAN SULLIVAN: Yep, goodnight.

12 MANIKKA BOWMAN: Mr. Chairman?

13 BRENDAN SULLIVAN: Yes.

14 MANIKKA BOWMAN: Hi. If you don't mind, I just  
15 want to thank and acknowledge our neighbors who really  
16 showed up for us. And it's the reason why we want to stay  
17 in North Cambridge. It's a really special place, and we're  
18 just grateful for the community that we have here, so thank  
19 -- I want to thank them for showing up and being present  
20 with us this evening.

21 And thank you to the Board and thank you to our  
22 architect.

1           BRENDAN SULLIVAN: Well, it should make you feel  
2 good that you're an asset to the neighborhood, and your  
3 neighbors have recognized that. And they're a good judge of  
4 correct. So congratulations and good luck with the project.

5           CHRISTOPHER CHAN: Goodnight, everybody.

6           BRENDAN SULLIVAN: Goodnight. And that concludes  
7 September 8.

8           JIM MONTEVERDE: All right. 8:30, good job!

9           JASON MARSHALL: Good job, Mr. Chair. Goodnight,  
10 everybody.

11           BRENDAN SULLIVAN: Nobody had much to say tonight,  
12 other than me and I almost lost my breath a couple times.  
13 But anyhow, thank you for the support, everybody.

14           JIM MONTEVERDE: All right, thanks. Goodnight.

15           COLLECTIVE: Goodnight.

16           CHRISTOPHER CHAN: Goodnight, Mr. Chairman.

17           BRENDAN SULLIVAN: See you next time.

18           JASON MARSHALL: It was a special permit night,  
19 Brendan. I don't think I've ever seen one with that many  
20 special permits. I tried my best.

21           BRENDAN SULLIVAN: They come in bunches, make it  
22 easier.

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[08:30 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.

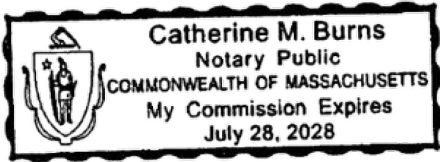
I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this 15th day of September, 2022.



Notary Public

My commission expires:  
July 28, 2028



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