

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY DECEMBER 15, 2022

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair
Jim Monteverde, Vice Chair
Andrea A. Hickey
Wendy Leiserson
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

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(6:00 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
A. Hickey, Wendy Leiserson, Matina
Williams, and Jason Marshall

BRENDAN SULLIVAN: Welcome to the December 15,
2022 meeting of the Cambridge Board of Zoning Appeal. My
name is Brendan Sullivan, and I am Chair for tonight's
meeting.

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

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

1 There will also be a transcript of the
2 proceedings.

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

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

10 Generally, you will have up to three minutes to
11 speak, but that may change based on the number of speakers,
12 and at the Chair's discretion.

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

15 OLIVIA RATAY: Wendy Leiserson?

16 WENDY LEISERSON: Here.

17 OLIVIA RATAY: Jason Marshall?

18 JASON MARSHALL: Here.

19 OLIVIA RATAY: Andrea Hickey?

20 ANDREA HICKEY: Here.

21 OLIVIA RATAY: Matina Williams?

22 MATINA WILLIAMS: Present.

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OLIVIA RATAY: Jim Monteverde?

JIM MONTEVERDE: Present.

OLIVIA RATAY: And Brendan Sullivan?

BRENDAN SULLIVAN: Here.

1 * * * * *

2 (6:02 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Wendy
4 Leiserson, Matina Williams, and Jason
5 Marshall

6 BRENDAN SULLIVAN: The first case I will call
7 tonight is Case No. 163881 -- 130 Cushing Street.

8 Mr. McCarthy? Or --

9 GREG MCCARTHY: Yep. Hi, how are you?

10 ANDREA HICKEY: Mr. Chair, this is Andrea Hickey.
11 I believe this is a case heard, and I was not on the
12 original case. Would you confirm that, please?

13 BRENDAN SULLIVAN: Yes. So myself was on it, Jim
14 Monteverde, Wendy Leiserson, Matina, and Jason Marshall were
15 on it.

16 ANDREA HICKEY: Great. Then I'll just --

17 BRENDAN SULLIVAN: And you were not on the next
18 one that we roll call; the third one, which would be the
19 1654 Mass Avenue; we will need you for that.

20 ANDREA HICKEY: Great. I'll be listening in and
21 be ready to join when that case comes up. Thank you, Mr.
22 Chair.

1 BRENDAN SULLIVAN: Thank you.

2 Mr. McCarthy?

3 GREG MCCARTHY: So unfortunately, tonight we're
4 here to ask for a continuance. We unfortunately did not get
5 our signs up in time to inform the neighborhood. It was
6 kind of a huge mistake on our part, on my part. It went
7 overlooked. And it kind of left us in a difficult position.

8 I wanted to ask for a continuance and apologize
9 for wasting anybody's time or making the schedule difficult,
10 or just the overall inconvenience, and hope that we're able
11 to continue at another date.

12 BRENDAN SULLIVAN: Yeah. The reason I asked Maria
13 to ask you to be online tonight is basically to -- not here
14 to beat you up, but, you know, the Board extends these
15 courtesies, but we also expect sort of reciprocal respect
16 coming back.

17 What happens is that we hold a time slot for you.
18 Other people who are ready to go forward or need to be
19 continued, you know, we look at the agenda, and we don't
20 want to overload the agenda, not fair to the Board members,
21 applicants, and not fair to the public or the applicants.
22 And so, you're holding a slot.

1 You know, this is the second time this has
2 happened that we've had to -- actually, this is the third
3 time that we've had to continue this case for various
4 reasons. This will be the last time that we will continue
5 this case.

6 So you've got to be ready. You've got to do what
7 is necessary. You need to put up the posting sign; it needs
8 to be maintained. And you have to be prepared to go
9 forward.

10 The earliest date that we have would be either
11 February 9 or February 23. Now, let me ask the members of
12 the Board if they are available for either one of those two
13 dates, either the ninth of February or the twenty-third?
14 And Jim Monteverde, are you available on either the ninth or
15 the twenty-third?

16 JIM MONTEVERDE: Yes, both.

17 BRENDAN SULLIVAN: Okay. Wendy Leiserson, are you
18 available for either the ninth or the twenty-third?

19 WENDY LEISERSON: I am only available on the
20 ninth.

21 BRENDAN SULLIVAN: On the ninth, okay. Matina
22 Williams, available on the ninth?

1 MATINA WILLIAMS: Yes, on the ninth. Not the --

2 BRENDAN SULLIVAN: Okay. And Jason Marshall, are
3 you available on February 9?

4 JASON MARSHALL: Yes. February 9 is fine.

5 BRENDAN SULLIVAN: Okay. So let me -- back to Mr.
6 McCarthy, are you prepared to go forward on February 9 at
7 6:00 p.m.?

8 GREG MCCARTHY: I am. I really appreciate it.

9 BRENDAN SULLIVAN: So that's a yes that you're
10 ready to go forward on the ninth?

11 GREG MCCARTHY: Yes. Absolutely on the ninth.

12 BRENDAN SULLIVAN: Okay. Let me make a motion,
13 then, to continue this matter to February 9, 2023 as a case
14 heard on the condition that the petitioner obtain and post
15 the posting sign to reflect the new date of February 9,
16 2023, and the time of 6:00 p.m.

17 Such posting sign must be maintained at least 14
18 days prior to the February 9 hearing. Doesn't have to be
19 put up immediately, but at least 14 days prior to February
20 9, the sign has to be posted.

21 Any changes to the documents that are now in the
22 file must be submitted by 5:00 p.m. on the Monday prior to

1 the February 9, 2023 hearing. And again, we will go forward
2 on that night. If you're not ready, then I'll make a motion
3 to potentially have it withdrawn or denied.

4 So it's very critical; if you have any questions
5 on this, you really need to mark your calendar. And as the
6 date approaches, you know, a couple weeks ahead of time, if
7 you have any questions at all, you can call staff at
8 Inspectional Services.

9 So on the motion, then, to continue this matter
10 until February 9, 2023, Jim Monteverde?

11 JIM MONTEVERDE: In favor.

12 BRENDAN SULLIVAN: Wendy Leiserson?

13 WENDY LEISERSON: I agree.

14 BRENDAN SULLIVAN: Matina Williams?

15 MATINA WILLIAMS: I agree.

16 BRENDAN SULLIVAN: Jason Marshall.

17 JASON MARSHALL: In favor.

18 BRENDAN SULLIVAN: And Brendan Sullivan yes.

19 [All vote YES]

20 BRENDAN SULLIVAN: This matter is continued until
21 6:00 p.m. on February 9, 2023. Okay, Mr. McCarthy. See you
22 then.

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GREG MCCARTHY: Thank you very much.
BRENDAN SULLIVAN: Okay.

* * * * *

(6:08 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Wendy
Leiserson, Matina Williams, and Jason
Marshall

BRENDAN SULLIVAN: The next case we'll hear is
No. 194179 -- 8 Winter Street. We are in receipt of
correspondence from Mr. Dan Anderson dated December 12, 2022
to Ms. Maria Pacheco.

"My client has requested that a BZA application
for 8 Winter Street be withdrawn.

"Thanks,
Dan."

BRENDAN SULLIVAN: On the motion, then, to accept
the withdrawal, Jim Monteverde?

JIM MONTEVERDE: In favor.

BRENDAN SULLIVAN: Wendy Leiserson?

WENDY LEISERSON: In favor.

BRENDAN SULLIVAN: Matina Williams?

MATINA WILLIAMS: In favor of the withdrawal.

BRENDAN SULLIVAN: And Jason Marshall?

JASON MARSHALL: Yes.

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BRENDAN SULLIVAN: And Brendan Sullivan yes.

[All vote YES]

BRENDAN SULLIVAN: Five affirmative votes. This matter is withdrawn.

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(6:09 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
A. Hickey, Matina Williams, and Jason
Marshall

BRENDAN SULLIVAN: The next case we'll hear is No.
199523 -- 1654 Mass Avenue. Where's Freyman? 1654 Mass
Avenue? Ellen Freyman?

ELLEN FREYMAN: Sorry. I apologize. I was --

BRENDAN SULLIVAN: No, that's all right.

ELLEN FREYMAN: -- having trouble.

BRENDAN SULLIVAN: Okay. The floor is yours.

ELLEN FREYMAN: Thank you. And then there's two
other parties that are participating representing Verizon.

BRENDAN SULLIVAN: Okay. If you could just run
through what you would like to do, the Board is familiar
with the application. And then we will get into Community
Development comments, and then your response to that. But
if you will just run through --

ELLEN FREYMAN: Okay.

BRENDAN SULLIVAN: -- what is there now, and what
you're proposing to do.

1 ELLEN FREYMAN: Okay. So we're already -- have
2 antennas up on the rooftop at 1654 Mass Avenue, and then
3 we're looking to replace some of the antennas. We're going
4 to be taking off two and installing three new antennas.
5 This is an upgrade and provides improved coverage and
6 service.

7 And we think that with the proposal that we're
8 bringing forth that actually we're going to make the
9 appearance -- you know, improve the appearance in terms of
10 painting the antennas and moving them so they're even at the
11 top and some of the other comments from the Planning Board
12 that we've addressed.

13 So actually I think we're, you know, improving the
14 installation from what is existing at the present time. So
15 both in terms of service and in appearance.

16 BRENDAN SULLIVAN: Okay. Let me have Olivia pull
17 up sort of a photo sim of -- okay. That is what it is now.
18 And if we could --

19 Ellen, do you know if you guys are the only
20 telecom, or is there another --

21 ELLEN FREYMAN: Yeah, we believe we are. We have
22 12 antennas up there, and that's -- yeah, so they're all

1 ours.

2 So I know there was a question about can we have
3 the other carriers, you know, paint them? Well, they're all
4 ours, so they will all be painted.

5 BRENDAN SULLIVAN: Okay. Let me go through what
6 the Planning Board had said. Communication from the
7 Planning Board dated November 17. The proposal involved
8 modifications of an existing wireless antenna installation
9 on the rooftop of 1654 Mass Ave.

10 Two panel antennas will be replaced with three new
11 panel antennas and assigned equipment will be installed
12 within an enclosed equipment room. All antennas and
13 supporting equipment will be wrapped or painted to match
14 existing equipment.

15 Since the antennas are mounted to the chimney
16 façade, the installation is quite visible from surrounding
17 streets. Additionally, the new antennas are larger, having
18 varying dimensions and appear to interrupt the chimney crown
19 when viewed from grade, which draws further attention to the
20 proposed modifications.

21 So their comment, "If feasible, the antennas
22 should be moved down the chimney façade so that the antennas

1 do not visually interrupt the chimney crown."

2 And your retort?

3 ELLEN FREYMAN: Is that we will do that, and we
4 submitted revised plans, and those are in effect noted on
5 drawings that we will be doing that.

6 BRENDAN SULLIVAN: Okay. "Number 2. Since the
7 new antennas all have varying sizes, if feasible, consider
8 utilizing antenna covers, sheets, so that the new antennas
9 have either similar dimensions or are more symmetrically
10 laid out."

11 And your response?

12 ELLEN FREYMAN: So we looked into that, and
13 because of certain attributes of these antenna panels --
14 there's a heat shield and certain things at the bottom -- we
15 can't add to them to make, like a full extension. But they
16 are going to be even at the top. It will be closer together
17 --

18 BRENDAN SULLIVAN: Okay.

19 ELLEN FREYMAN: -- so it won't be so apparent that
20 they're different sizes. So we're going to do whatever we
21 can to make that look better.

22 BRENDAN SULLIVAN: Okay. "Utilize the smallest

1 mounting brackets available so that the antennas can be
2 mounted as close as possible the chimney surface."

3 ELLEN FREYMAN: And we sent photos showing that we
4 have done that, and we will do that, and we have agreed to
5 that.

6 BRENDAN SULLIVAN: Okay. "Utilize -- reduce the
7 lengths of the unused pipe mounts."

8 ELLEN FREYMAN: Yes. And we agreed to reduce the
9 length of unused pipe mounts as much as reasonably possible.
10 And we've included a note in the revised construction
11 drawings saying that we will cut the tops of the pipes if
12 they extend above the top of the upper mounting angle and
13 are higher than the antenna.

14 BRENDAN SULLIVAN: Great. "Ensure all --

15 ELLEN FREYMAN: But yes, we will agree to that.

16 BRENDAN SULLIVAN: -- ensure all exposed cables,
17 mounts and wires are tightly fitted to the chimney surface."

18 ELLEN FREYMAN: And our response is Verizon
19 Wireless agrees to ensure that all exposed, cables, mounts
20 and wires are tightly fixed to the chimney surface.

21 BRENDAN SULLIVAN: "All painted and wrapped
22 materials including cabling and mounts should have a

1 consistent matte finish, a slightly darker finish, may blend
2 better with the existing brickwork, and the color depicted
3 in the renderings."

4 ELLEN FREYMAN: And we've agreed to do that. And
5 that's also noted on the drawings, and that we will also
6 include painting the other existing antennas that aren't
7 part of --

8 BRENDAN SULLIVAN: Okay.

9 ELLEN FREYMAN: -- this application. So all of
10 them. And the photo sims that we submitted have a --
11 indicate what it will look like.

12 BRENDAN SULLIVAN: All right.

13 ELLEN FREYMAN: And it will do a better job of
14 matching.

15 BRENDAN SULLIVAN: "If possible, encourage changes
16 to the antennas owned by other carriers to reflect the
17 recommendations above." And I think that this is probably
18 out of your control.

19 ELLEN FREYMAN: Right. Except that they are --
20 all are ours. So --

21 BRENDAN SULLIVAN: Okay. All right.

22 ELLEN FREYMAN: So this one, we can also comply

1 with.

2 BRENDAN SULLIVAN: Well, again, I think the
3 exercise was well worth it, and I think that the response,
4 it will be part of the record. I have initialed it, and it
5 will be part of the --

6 ELLEN FREYMAN: Yeah.

7 BRENDAN SULLIVAN: -- requirements.

8 ELLEN FREYMAN: Great.

9 BRENDAN SULLIVAN: If --

10 ELLEN FREYMAN: So yeah, we have a written
11 response addressing each of those comments, and then of
12 course the revised plans and photo sims.

13 BRENDAN SULLIVAN: Good.

14 ELLEN FREYMAN: So and --

15 BRENDAN SULLIVAN: Okay. Let me open it to
16 members of the Board.

17 Jim Monteverde, any questions?

18 JIM MONTEVERDE: No questions. Thank you.

19 BRENDAN SULLIVAN: Andrea Hickey?

20 ANDREA HICKEY: No questions, Mr. Chair.

21 BRENDAN SULLIVAN: Matina Williams?

22 MATINA WILLIAMS: No questions.

1 BRENDAN SULLIVAN: Jason Marshall.

2 JASON MARSHALL: No questions. I appreciate the
3 responses as well.

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

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

12 BRENDAN SULLIVAN: There appears to be nobody
13 calling in. The only real correspondence was the one from
14 the Community Development by way of the Planning Board,
15 which we have run through, and also it will be part of the
16 record, the petitioner's response.

17 So, nothing else to add, Ellen?

18 ELLEN FREYMAN: No, that's it. We appreciate the
19 review and the comments. And so we think that this will be
20 a better installation overall.

21 BRENDAN SULLIVAN: Okay. Seeking relief, it is a
22 telecom -- I should know this. I lost my notes here, if

1 you'd bear with me for a moment. I think one thing that we
2 need to consider is any limitations that have been imposed
3 upon the carrier. Regarding their licenses and according to
4 your submittals, there is no -- that you are duly licensed,
5 the carrier is duly licensed and that there are no
6 limitations placed upon the carrier; that all work shall be
7 as stealth as possible, and in response to the comments by
8 the Planning Board, so state that the --

9 Let me make a motion, then, to grant the relief
10 requested, special permit.

11 The Board finds that it is -- it appears that the
12 requirements of the Ordinance can be met.

13 Traffic generated or patterns of access or egress
14 would not cause congestion, hazard, or substantial change in
15 the established neighborhood character.

16 The Board finds that continued operation of or
17 development of adjacent uses, as permitted in the Zoning
18 Ordinance, would not be adversely affected by the nature of
19 the proposed use. In fact, with the upgrading in equipment,
20 it would be greatly enhanced.

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

1 the occupants of the proposed use, or to the citizens of the
2 City.

3 And that the proposed use would not impair the
4 integrity of the district or adjoining districts, or
5 otherwise derogate from the intent and purpose of the
6 ordinance. In fact, the intent and purpose of the ordinance
7 would be enhanced by providing updated telecommunication
8 facilities to the general population, and also to First
9 Responders.

10 The Board finds that the modifications -- so it's
11 the existing telecommunication facility at the site proposed
12 by the petitioner does not substantially change the physical
13 dimensions of the existing wireless tower.

14 The Board finds that the Board granting the
15 special permit, that the work proceed in accordance with the
16 plans submitted by the petitioner, as initialed by the
17 Chair.

18 That upon completion of the work, the physical
19 appearance and visual impact of the proposed work will be
20 consistent with the photo simulations submitted by the
21 petitioner and initialed by the Chair.

22 Also that the work be in compliance with the

1 correspondence from Counsel dated November 30, 2022, which
2 is the response to the Board from the November 17 letter
3 from the Community Development Department and their good
4 faith efforts to address the concerns from that Department,
5 and it's initialed by the Chair and incorporated as a
6 condition by reference to this special permit.

7 That the petitioner at all times maintain the
8 proposed work, so that its physical appearance and visual
9 impact will remain consistent with the photo simulations
10 previously referred to and incorporated also on the November
11 30 memo.

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

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

22 That in as much as the health effects of the

1 transmission of electromagnetic energy waves is a matter of
2 ongoing societal concern and safety study, the special
3 permit is also subject to the following conditions:

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

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

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

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

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

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

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

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

20 On the motion, then, to grant the relief, Jim
21 Monteverde?

22 JIM MONTEVERDE: In favor.

1 BRENDAN SULLIVAN: Andrea Hickey?

2 ANDREA HICKEY: Yes, in favor.

3 BRENDAN SULLIVAN: Matina Williams?

4 MATINA WILLIAMS: Yes, in favor.

5 BRENDAN SULLIVAN: Jason Marshall?

6 JASON MARSHALL: In favor.

7 BRENDAN SULLIVAN: And Brendan Sullivan also in
8 favor.

9 [All vote YES]

10 BRENDAN SULLIVAN: And on the five affirmative
11 votes, the special permit is granted.

12 ELLEN FREYMAN: Great.

13 BRENDAN SULLIVAN: Thank you, Ellen.

14 ELLEN FREYMAN: Thank you very much. Appreciate
15 it.

16 BRENDAN SULLIVAN: Goodnight.

17 ELLEN FREYMAN: Happy holidays.

18 BRENDAN SULLIVAN: Happy holidays.

19 ELLEN FREYMAN: Thank you.

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(6:26 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
A. Hickey, Matina Williams, and Jason
Marshall

BRENDAN SULLIVAN: The Board will now hear Case
No. 200775 -- 575 Memorial Drive. Adam?

ADAM BRAILLARD: Thank you, Mr. Chair. Members of
the Board, Adam Brailard with Prince Lobel Tye on behalf of
the applicant, T-Mobile Northeast LLC.

We're here in connection with a special permit in
front of the Board to modify an existing wireless
communications facility located on the façades of the
building in the penthouse that is located at 575 Memorial
drive. It's also known as the Hyatt Regency, located in
Residential 3 or C-3 Zoning District.

The proposal is to, like I said, modify the
existing facility (indiscernible) existing nine panel
antennas and a remote radio unit.

We propose to replace all nine antennas with new
panel antennas -- nine new panel antennas, so it will be
similar in size. Obviously, those will be all painted to

1 match the same tone color of the existing façade with the
2 antenna.

3 Remote radio units will also be painted to match.
4 We will swap out two radio cabinets with two new radio
5 cabinets. They're actually going to be smaller in size.

6 And -- but when this is all said and done, as the
7 photo sims I think show, there will be very little
8 difference to what it looks like now. No additional
9 antennas will be added, just that we changed them around.

10 BRENDAN SULLIVAN: Okay. Any questions by members
11 of the Board? Jim Monteverde?

12 JIM MONTEVERDE: No questions. Thank you.

13 BRENDAN SULLIVAN: Andrea Hickey?

14 ANDREA HICKEY: No questions.

15 BRENDAN SULLIVAN: Matina Williams?

16 MATINA WILLIAMS: No questions.

17 BRENDAN SULLIVAN: Jason Marshall?

18 JASON MARSHALL: No questions.

19 BRENDAN SULLIVAN: Let me open it to public
20 comment. Any members of the public who wishes to speak
21 should now -- I should know this by heart -- click the
22 button that says, "Participants," and then click the button

1 that says, "Raise hand."

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

5 There appears to be nobody calling in. The only
6 correspondence we have regarding this case was the
7 correspondence from the Community Development Department,
8 and we have addressed those issues. Anything else to add,
9 Adam, at this time?

10 ADAM BRAILLARD: No, Mr. Chair. I think that's
11 it. Thank you.

12 BRENDAN SULLIVAN: Okay. Let me make a motion,
13 then, to grant the special permit as per the application,
14 photo simulations, and comments by petitioners, Counsel, and
15 let me run through the pro forma.

16 "The Board shall consider the scope of, or
17 limitations imposed by any license secured from any state or
18 federal agency having jurisdiction over this matter." And
19 there appears to be no limits according to your application.

20 "The Board shall consider the extent to which the
21 visual impact of the various elements of the proposed
22 facility is minimized"; and through the photo sims, and also

1 through the presentation by Counsel it appears that that
2 requirement has been satisfied.

3 "That where it is proposed to erect a facility in
4 any residential zone, the extent to which there was a
5 demonstrated public need for the facility at the proposed
6 location, the existence of alternative functional suitable
7 sites and nonresidential location, the character of the
8 prevailing uses in the area, and the prevalence of other
9 existing mechanical systems carried on or above the roof of
10 nearby structures."

11 This is in a Residence C-3 Zone. The Board finds
12 that even though it is in a residential zone, that
13 nonresidential uses do predominate in the area.

14 That there was an existing telecommunication
15 facility on there, and the Board has found it to be a
16 suitable and necessary and advance the purpose of the
17 Ordinance to provide updated telecommunication facilities.

18 So it appears that the application complies with
19 the special permit criteria set forth in 10.43.

20 It appears that traffic generated, or patterns of
21 access or egress would not cause congestion, hazard, or the
22 established changed or established -- would not cause

1 congestion, hazard, or substantial change in established
2 neighborhood character.

3 The Board finds -- notes the existence of the
4 existing telecommunication facility and no detrimental
5 effect has emitted from that installation.

6 Continued operation of or development of adjacent
7 uses, as permitted in the Zoning Ordinance, would not be
8 adversely affected by the nature of the proposed use. In
9 fact, updated telecommunication facilities would be an asset
10 to the citizens of the City, and also to First Responders.

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

14 The Board notes that the operations will not have
15 any adverse impact at all, and that a reliable, state-of-
16 the-art digital wireless voice and data services would be an
17 asset and in fact quite necessary in today's environment.

18 That for other reasons, the proposed installation
19 would not impair the integrity of the district or adjoining
20 district, or otherwise derogate from the intent and the
21 purpose of the ordinance to provide updated
22 telecommunication facilities.

1 Further, that the Board finds that the work --
2 that the granting of the special permit is subject to the
3 following conditions: That the work proceed in accordance
4 with the plans submitted by the petitioner, as initialed by
5 the Chair.

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

10 That upon completion of the work, the physical
11 appearance and visual impact of the proposed work consistent
12 with the photo simulations and updated presentation by the
13 petitioner's Counsel submitted by the petitioner and
14 initialed by the Chair.

15 That should the petitioner -- shall at all times
16 maintain the proposed work, so that its physical appearance
17 and visual impact will remain consistent with the photo
18 simulations previously referred.

19 That should the petitioner cease to utilize the
20 equipment approved tonight for a continuous period of six
21 months or more, it shall promptly thereafter remove such
22 equipment and restore the building on which it is located to

1 its prior condition and appearance, to the extent reasonably
2 practical.

3 That the work proceed in accordance with the plans
4 submitted by the petitioner.

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

8 That the petitioner continue to comply with the
9 conditions imposed by the Board with respect to previous
10 special permits granted to the petitioner, with regard to
11 the site in question.

12 That in as much as the health effects of the
13 transmission of electromagnetic energy waves is a matter of
14 ongoing societal concern and scientific study, the special
15 permit is also subject to the following conditions:

16 That the petitioner shall file with the
17 Inspectional Services Department each report it files with
18 the federal authorities regarding electromagnetic energy
19 waves emissions emitting from all of the petitioner's
20 equipment on the site.

21 Each such report shall be filed with the
22 Inspectional Services Department no later than 10 business

1 days after the report has been filed with the federal
2 authorities.

3 Failure to timely file any such report with the
4 Inspectional Services Department shall ipso facto terminate
5 the special permit granted tonight.

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

17 The special permit shall ipso facto terminate if
18 any of the petitioner's federal licenses are suspended,
19 revoked, or terminated.

20 That to the extent a special permit has
21 terminated, pursuant to the foregoing paragraphs a) and b),
22 the petitioners may apply to this Board for a new special

1 permit, provided that the public notice containing such
2 application discloses in reasonable detail that the
3 application has been filed because of a termination of the
4 special permit, pursuant to paragraphs a) or b) above.

5 Any such new application shall not be deemed a
6 repetitive petition, and therefore will not be subject to
7 the two-year period during which repetitive petitions may
8 not be filed.

9 On the motion, then, to grant the relief requested
10 as per the application photo sims, supporting statements and
11 comments by the applicants' Counsel, Jim Monteverde?

12 JIM MONTEVERDE: In favor.

13 BRENDAN SULLIVAN: Andrea Hickey?

14 ANDREA HICKEY: Yes, in favor.

15 BRENDAN SULLIVAN: Jason Marshall?

16 JASON MARSHALL: In favor.

17 BRENDAN SULLIVAN: I'm sorry, Matina Williams? I
18 lost my train of thought there.

19 MATINA WILLIAMS: Yes, in favor.

20 BRENDAN SULLIVAN: Thank you, Matina. And Brendan
21 Sullivan yes.

22 [All vote YES]

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

3 ADAM BRAILLARD: Thank you.

4 BRENDAN SULLIVAN: Thank you, Adam.

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2 (6:38 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
4 A. Hickey, Matina Williams, and Jason
5 Marshall

6 BRENDAN SULLIVAN: Okay. Going to the regular
7 agenda -- okay, I lost my schedule someplace. Nope. No.
8 No, I don't have that. Yeah. I have another left, and on
9 the right.

10 Let me -- oh, is it 6:30? 6:38. Let me call Case
11 No. 200647 -- 322 Pearl Street.

12 SARAH RHATIGAN: Good evening.

13 BRENDAN SULLIVAN: Sarah Rhatigan?

14 SARAH RHATIGAN: Good evening, Mr. Chairman and
15 members of the Board.

16 BRENDAN SULLIVAN: This is sort of Rhatigan night
17 at the opera.

18 SARAH RHATIGAN: I hope I get a plaque or
19 something for the night.

20 BRENDAN SULLIVAN: Okay. You're on.

21 SARAH RHATIGAN: Good evening, everyone. My name
22 is Sarah Rhatigan. And I am with Trilogy Law LLC, 12

1 Marshall Street in Boston.

2 This case is for the property 322 Pearl Street.
3 And I'm on the call with my clients, who own the property,
4 Tobias Schatton -- Can you wave, Tobias, just so people can
5 see who you are? Great; and Quinn Charbonneau. And we're
6 also on the phone with Jim DiBurro, who's the architect who
7 has drawn the plans for the project.

8 So thank you so much for hearing this case. This
9 is a two -- and existing two-family preexisting, non-
10 conforming home. And Dr. Schatton and Dr. Charboneau
11 purchased the home in about 2014. They live in the upper
12 floors. They have tenants in the first floor, and they have
13 made some improvements to the basement preparing for their
14 in-laws to move in. And that work was done -- I don't know,
15 sometime around 2018 time period.

16 At the time, they didn't quite realize the local
17 rules not being from the States, and when the City informed
18 them that they needed to get permits, they applied for
19 building permits. When the inspector came out, they noted
20 some changes that they thought required zoning relief.

21 So after they came to me, we filed this petition
22 to approve an accessory apartment in the basement of the

1 building.

2 And we are applying to you for a special permit
3 under the provision that allows for this Board to waive
4 certain setback requirements or height requirements in the
5 case that they're necessary to ensure -- let's see, the
6 language is -- I'm just going to read it to you, because I
7 think it's helpful -- if the -- it allows the Board to alter
8 applicable yard setback or height limitations to the extent
9 necessary to enable site improvements that may be required
10 to ensure the safe habitation of the accessory apartment,
11 including but not limited to emergency egress routes.

12 So I think it would be helpful to just take a look
13 at the site plan in the photos.

14 Olivia, do you mind pulling up the presentation
15 for us?

16 Thank you. So the next slide, you'll just see a
17 nice 3D rendering of the project that shows the stairway
18 that you see on the left is a new exterior egress stairwell
19 that goes down to the basement. You can also see one of the
20 window wells in the front, in the front setback there. That
21 is a new issue, a new structure.

22 Next slide, please?

1 So as I mentioned, the request is to create an
2 accessory apartment in the basement. It's 741 square feet.
3 It otherwise meets all of the requirements of the accessory
4 apartment bylaw, Section 4.22.1.

5 So in terms of it's not greater than 900 square
6 feet. The building existed for a long time, and the ratio
7 and the size of the apartment is appropriate and meets those
8 requirements.

9 So the relief that we're asking for are some
10 window wells that are within setbacks, and those window
11 wells also create a very tiny increase in the calculated
12 height of the structure.

13 As this Board is well aware, when you calculate
14 height, it's a height above average grade. So this is a
15 case where when you take into account the new window wells
16 that are created, the height of the existing structure --
17 which is not increasing an actual, you know, height.
18 There's nothing changing about the building. The calculated
19 height goes up a bit.

20 And the relief that's needed as well for a railing
21 around the exterior stair that I showed you in that first
22 image, which is within the side setback.

1 Next page, please?

2 I tried to simplify the slides that I'm show you,
3 because the only changes of relevance I think are shown on
4 this page. So the existing basement you can see is open,
5 and improved space.

6 And as you're looking at these plans, Pearl Street
7 is on the bottom of the page. This is a corner lot, so
8 Henry Street is on the right side of the structure. So we
9 have two front yards, two side yards. And when you see the
10 existing conditions, there's a bulkhead at the back that's
11 the exit from the basement.

12 So if you look to -- on the right side of this
13 plan, the proposed basement layout, you'll see that there
14 are some new window wells that are included in order to
15 allow for light and access from -- to the bedroom, a new
16 kitchen for the accessory apartment.

17 And then the bulkhead is turned into a window well
18 for egress at the rear. And then we talked about the
19 exterior stairs, which are on the left of the basement for
20 people to get out of the apartment.

21 Next slide, please?

22 This is showing you a before and after of the

1 survey conditions. So I mentioned this is on a corner lot.
2 So the front of the house you see from Pearl Street, and we
3 have some photos in the file as well.

4 You can see where the exterior side stairs are
5 located. And it's really -- it's just the fact that there
6 will be a safety railing that guards that stairwell to --
7 you know, to make sure obviously that it's safe for, you
8 know, the family's kids running around the yard. That is
9 the intrusion into -- the new intrusion into the setback.

10 And then there's also the -- I mentioned that
11 there was a rear window well. It's actually a better
12 condition than having the bulkhead, but there's a shortened
13 distance -- well, not shortened, but there's -- the distance
14 between the existing garage and the house is less than the
15 required minimum of 10 feet. Thanks for singling them out.
16 Yeah, that helps.

17 Next slide, please?

18 So we'll just show you these are the original
19 elevations. And next slide? And here are the proposed
20 conditions. So if you look at the top left, you can see
21 where the exterior stair railing is. And you can see the
22 window wells along the side. Well, it's actually the front

1 along Henry Street.

2 And if you can just scroll down a bit, Olivia,
3 just to see the other two elevations.

4 And if Board members want us to slow down, please
5 just let me know.

6 Okay. And now we're going to look at some photos.
7 Next slide, please.

8 So we provided street views of the pre- and post-
9 conditions, acknowledging that the work has been completed.
10 So you can see this is the view from Pearl Street. There is
11 a side fence. So the exterior basement stairs are not
12 visible from the street. I don't think they're visible from
13 the neighbors' yard as well.

14 Next page, please?

15 This is a view just from the corner, so that you
16 could see, you know, what the view is like for the
17 neighbors. Again, with the construction of a fence there,
18 all the window well changes along Henry Street are not
19 visible. They probably would not have been visible with the
20 bushes previously, but that's the view there.

21 Next page, please?

22 And this is the view from Henry Street looking at

1 the garage, and you can see the space between the existing
2 garage and the house. And the location of the window well
3 that's within that setback.

4 And final slide?

5 There are some more images that were in the
6 application file that I'm happy to share with you if Board
7 members would like to see those. Essentially, the clients
8 have canvassed the neighborhood, done a visual canvassing of
9 the neighborhood to see some very similar physical
10 structures beside the stairwells, railings, window wells, et
11 cetera, all close to lot lines.

12 And I'm sure the Board is very familiar with these
13 neighborhoods, and I'm sure is familiar with similar
14 conditions. But in terms of meeting a special permit
15 standard, I hope that the Board agrees that we do -- I'm
16 sorry, the Slide 12 I think refers to our public outreach,
17 which I'll just mention. Nope, it doesn't. I'm sorry. But
18 the family did reach out to neighbors.

19 And you can end the slides, Olivia, at this point.
20 Unless there are questions, we can come back to them.

21 They sent a letter to all their abutters and had a
22 conversations with them as well. And I know that there are

1 a number of letters in the file. I think there are at least
2 four, but there may be as many as six letters from all of
3 the close abutters that are potentially - even potentially
4 impacted by the project. All of them are expressing
5 support, which is great.

6 I think the only owner who maybe didn't respond to
7 them was - as they said, it's an abandoned home and the
8 squirrels didn't respond to the letter of outreach. So, you
9 know, there's no changes to the neighborhood character, no
10 increases in traffic.

11 To the extent that it's relevant to the Board,
12 this basement apartment will be used by their in-laws who
13 are moving to town, sadly because one of their parents is
14 very ill and is going to be seeking medical treatment
15 locally.

16 But it will be a great allowance for this family
17 to be able to, you know, keep their in-laws in town,
18 maintain the rental apartment which is necessary for them to
19 be able to be living in Cambridge.

20 BRENDAN SULLIVAN: All right. Thank you. Let me
21 open it to members --

22 SHANNON REED: Thank you.

1 BRENDAN SULLIVAN: -- of the Board.

2 Jim Monteverde, any questions?

3 JIM MONTEVERDE: No questions. Thank you.

4 BRENDAN SULLIVAN: Andrea Hickey?

5 ANDREA HICKEY: Nothing at the moment, Mr. Chair.

6 BRENDAN SULLIVAN: Matina Williams?

7 MATINA WILLIAMS: No questions right now, thank
8 you.

9 BRENDAN SULLIVAN: Jason Marshall?

10 JASON MARSHALL: No questions at this time.

11 BRENDAN SULLIVAN: And I have no questions. Let
12 me open it to public comment. Any members of the public who
13 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 OLIVIA RATAY: Brad Harkavy?

20 BRAD HARKAVY: Hi, it's Brad Harkavy and my wife,
21 Ann Marie Mador. We live across the street from the house
22 and we're big supporters of the family and the changes.

1 It's all good by us. And we're actually looking at it as we
2 speak, so I think it's a good idea.

3 BRENDAN SULLIVAN: Great. Thank you for calling
4 in. There seems to be nobody else calling in. We are in
5 receipt of seven letters in support, everybody extolling the
6 benefits to the community by the owners and are in support
7 from 110-112 Henry Street.

8 There's also support from -- of the owners that
9 are at 2 Pearl Street Place, and 116 Henry Street have no
10 problem; asking us to approve.

11 And also from Melinda O'Leary, Anna Collins, and
12 Maria Clara Valenzuela are strong supporters.

13 And there is correspondence from 120-122 Henry
14 Street also in strong support. And from Anne Davis, Denise
15 and John Sullivan, 321 Pearl Street. And that is the sum
16 and substance of correspondence. I will close that portion
17 of it. Back to Sarah for any further comments before we
18 take it to the Board.

19 SARAH RHATIGAN: Hi. I have no other comments
20 unless there are still questions --

21 BRENDAN SULLIVAN: Okay.

22 SARAH RHATIGAN: -- from the Board. Thank you.

1 BRENDAN SULLIVAN: Any questions by members of the
2 Board, are you ready for a motion?

3 JASON MARSHALL: Ready.

4 BRENDAN SULLIVAN: All right. Let me just go
5 through the prerequisite. You're seeking relief under
6 Section 4.22.2.3, and if you could just run through that, it
7 appears that according to your pleadings, that it will
8 comply with all the requirements for the accessory
9 apartment.

10 The building containing the accessory apartment
11 has been in existence since approximately 1894, and then
12 well before February 1, 2019, which is the start of the
13 statute.

14 That prior to the alteration, the dwelling
15 contained at least 1,800 square feet of gross area, and that
16 the accessory apartment will only be 741 square feet, thus
17 shall not occupy more than 900. And that there will be no
18 more than one accessory apartment shall exist on the lot.

19 And it is your presentation it is not for short-
20 term rental, it is for rental for a family member, or the
21 alternative would be long-term rental. Would that be
22 correct?

1 SARAH RHATIGAN: Yes.

2 BRENDAN SULLIVAN: Okay. It appears that the
3 alterations to the preexisting, non-conforming two-family
4 structure will comply with the dimensional requirements;
5 that the alterations will be non-conforming, but that they
6 are not creating any new non-conformity.

7 And also, you're seeking relief under 8.22.2.d.
8 Let me go through that. The language of the ordinance:

9 The Board has to find that in all districts, the
10 Board of Zoning Appeal may grant a special permit for the
11 alteration or enlargement of a preexisting dimensionally
12 non-conforming, detached single-family dwelling or two-
13 family dwelling not otherwise permitted in Section 8.22.1,
14 but not the alteration or enlargement of a preexisting, non-
15 conforming use.

16 Provided that there is no change in use, and that
17 any enlargement or alteration of such preexisting, non-
18 conforming detached single-family dwelling or two-family
19 dwelling may only increase a preexisting dimensional non-
20 conformity but does not create a new dimensional non-
21 conformity.

22 In order to grant the special permit, the Board of

1 Zoning Appeal is required to find -- and does find -- that
2 the alteration or enlargement shall not be substantially
3 more detrimental than the existing non-conforming structure
4 to the neighborhood, and that the alteration or enlargement
5 satisfies the criteria in Section 10.43.

6 In 10.43, it appears that the requirements of the
7 Ordinance can be met.

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

11 Continued operation of or development of adjacent
12 uses, as permitted in the Zoning Ordinance, would not be
13 adversely affected by the nature of the proposed use. The
14 Board references the letters of support from adjoining
15 properties, other people/persons in the neighborhood who are
16 in full support of the proposal.

17 There would not be any nuisance or hazard created
18 to the detriment of the health, safety, and/or welfare of
19 the occupant of the proposed use -- in fact a code-compliant
20 accessory apartment would be a boon to anybody who occupies
21 the unit, and that the safety would be further enhanced.

22 That the proposed use would not impair the

1 integrity of the district or adjoining district, or
2 otherwise derogate from the intent and purpose of the
3 ordinance.

4 Section 4.22 allows the creation of accessory
5 apartments. This complies with that requirement, and that
6 the intent and purpose of the ordinance is to provide
7 housing for persons of all income levels, and to allow
8 existing homeowners to improve and enhance their structure,
9 as per the ordinance's granting of a special permit.

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

12 JIM MONTEVERDE: In favor.

13 BRENDAN SULLIVAN: Andrea Hickey?

14 ANDREA HICKEY: Yes, in favor.

15 BRENDAN SULLIVAN: Matina Williams?

16 MATINA WILLIAMS: In favor.

17 BRENDAN SULLIVAN: Jason Marshall?

18 JASON MARSHALL: In favor.

19 BRENDAN SULLIVAN: And Brendan Sullivan in favor
20 on the condition that the work comply with the drawings
21 submitted to the Board entitled, "322 Pearl Street by JTA
22 Architects" dated 09/19/2022 initialed by the Chair, and

1 also complies with the supporting statements and the
2 dimensional form, as submitted and incorporated by
3 reference.

4 [All vote YES]

5 On five affirmative votes, the special permit is
6 granted.

7 SARAH RHATIGAN: Thank you very much.

8 BRENDAN SULLIVAN: Good luck.

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2 (6:58 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
4 A. Hickey, Matina Williams, and Jason
5 Marshall

6 BRENDAN SULLIVAN: The Board will now hear Case
7 No. 201432 -- 1640 Mass Avenue.

8 SARAH RHATIGAN: Hello again, Mr. Chairman and
9 members of the Board. For the record, I'm Sarah Rhatigan,
10 Trilogy Law LLC, 12 Marshall Street, Boston, Massachusetts,
11 02108 and I am here representing the owners of the property,
12 which is 1640 Mass Ave Realty Trust.

13 And here with me on this call are -- from the
14 client ownership group Andy Martineau.

15 Andy, can you wave for us? Thank you. Marc
16 Levin? And -- thank you -- and then Derek Rubinoff is the
17 architect who's on the call as well.

18 BRENDAN SULLIVAN: Okay, Sarah --

19 SARAH RHATIGAN: So thanks very much for --

20 BRENDAN SULLIVAN: -- Sarah, before you start the
21 presentation just --

22 SARAH RHATIGAN: Yes.

1 BRENDAN SULLIVAN: -- want to, there was
2 obviously, and you were aware of opposition to the proposal
3 before us. And --

4 SARAH RHATIGAN: Yes.

5 BRENDAN SULLIVAN: -- there are two ways to
6 proceed; that if you felt it would be helpful to, we could
7 continue this case so that you could have further dialogue
8 with the person who is in opposition to the grant.

9 And we could, again, continue this to sometime
10 either the end of January or that it would be the end of
11 February would be the earliest that we could.

12 If it were -- if we were to open up the case and
13 it's a case heard, we would have to assemble the same five
14 people. And that would be toward the end of February.

15 Or you can proceed tonight, and should it get
16 continued, it would be continued later -- again, into the
17 end of February if -- I'm sorry, I lost my train of thought.

18 If you were to continue it, we could probably hear
19 it on January 26. If we were to open the case as a cash,
20 the earliest date would be February 23.

21 SARAH RHATIGAN: Thank you for laying that out for
22 us, Mr. Chair. And the -- we will address the discussions

1 that we've had with the neighbor in the rear who's expressed
2 opposition. But we would like to proceed.

3 BRENDAN SULLIVAN: Okay. That's fine. Okay.

4 SARAH RHATIGAN: Being aware of that timetable,
5 it's very helpful for us to know that. Thank you.

6 JASON MARSHALL: Mr. Chair, Just in terms of the
7 end of February time frame, I am not available that
8 Thursday, so we probably would have to push it into March.

9 BRENDAN SULLIVAN: Yeah. Okay.

10 SARAH RHATIGAN: Again, thank you for informing
11 us.

12 BRENDAN SULLIVAN: Yeah. Okay.

13 SARAH RHATIGAN: Great. Thank you. So what we
14 would like to do is to present the project. And we do
15 understand that the neighbor has asked to speak as well, of
16 course. And then hopefully we will have a chance to respond
17 if there are further questions or issues.

18 So I am going to just briefly kind of lay out some
19 of the factual pieces of the application, the relief that's
20 needed, and then pass this over to Andy Martineau, who's
21 going to walk through the plans, and give everybody a visual
22 sense of what we're doing here.

1 So as members of the Board I'm sure have probably
2 driven by, this is a property that is 19 mid-century home
3 built as a single-family home back in 1860, I think,
4 approximately.

5 And sometime before 1920 it was -- the lot was
6 carved out, and a bank of single-story retail buildings were
7 erected along Mass Ave.

8 So as one's on Mass Ave driving, if you were in
9 Harvard Square driving towards Porter Square, you'd see a
10 row of stores, and then in the distance -- well, not that
11 far distance, but sort of peeking over the top you would see
12 this older home.

13 And so, the 1640 Mass Ave Realty Trust purchased
14 this property. Andy's going to describe some of the
15 thoughts that went into this project.

16 But what they're doing is renovating and doing
17 some modest additions to the home on the existing footprint
18 and converting its use from what is now essentially a non-
19 conforming mixed-use of bookstore in a basement, architect's
20 office on the first floor, and a lodging house use up above
21 on the second and third floors; converting that to seven
22 residential apartments.

1 And as you will see from the application, the lot
2 is not only incredibly unusually shaped, this is -- you
3 know, we often talk about unusually shaped lots because we
4 like to, but this one's really truly unique, never have seen
5 anything quite like it before.

6 The house is also located closer to the -- both
7 the front right and rear setbacks. And so these pre-
8 conformities make any project very difficult.

9 And so, the zoning relief that's being requested
10 is also dealing with the fact that the lot is in two
11 districts, so there's a C-2 District at the front. The
12 majority the lot is in the C-2 District. And then a small,
13 triangular section at the rear which is Residential B.

14 And as you'll see from the application, we're
15 requesting that the Board exercise its special permit
16 authority to extend the C-2 zoning 25 feet into the lot to
17 allow for the project to go forward.

18 So the -- let me just briefly go through the
19 zoning relief that's requested, and then we're going to get
20 some visuals and pictures to see how this works.

21 So there are two variances that are requested, and
22 then some special permit relief. So the variances are: We

1 need to do some renovation and some addition within non-
2 conforming setbacks. They're already preexisting, non-
3 conforming, but they are extending walls up within those
4 non-conforming, but they are extending walls up within those
5 non-conforming setbacks.

6 So of note, if you look at the dimensional table
7 and you look down the list of existing and proposed
8 conditions, there is nowhere that we're exacerbating and,
9 you know, creating -- you know, an extended non-conformity.
10 And there's really been a lot of effort to try to keep this
11 as close as we can.

12 The second variance that we're requesting is to
13 the extent that some of the structure that's being extended
14 into the area that's now Residential B district, to the
15 extent that some of that area would be used for more than
16 one apartment, because of the dwelling, because of the
17 Residential B requirements for residential units per lot
18 size, we're requesting variance relief for that.

19 And that relief, I believe, is only needed if the
20 Board does not exercise their special permit discretion to
21 extend the C-2 zoning into the Res B section.

22 We can talk about that a little bit more later.

1 In terms of special permit relief, the basement is
2 being improved. It's now used by a bookstore, but it
3 doesn't have full ceiling heights. And so, we're wishing to
4 exercise the exemption for GFA in the basement, which we
5 think is reasonable, considering that we're in a basement --
6 the Basement Overlay District, which incentivizes that sort
7 of use. And it's consistent with other uses in the area.

8 We are requesting a -- sorry -- we are requesting
9 the special permit that I've already mentioned of extending
10 the C-2 zoning into the Residential B district.

11 And we are also requesting some relief for some
12 windows, new windows within setback walls. And we'll show
13 those to you on the plans as we go through them.

14 Andy, want to take it from here?

15 ANDY MARTINEAU: Sure. Can I go ahead and share
16 my screen?

17 SARAH RHATIGAN: Is that okay, Olivia? It's the
18 same slide presentation that I sent to you, but if you don't
19 mind if Andy pulls it up on his screen, then he can control
20 the pages?

21 OLIVIA RATAY: He can try them. I might have to
22 give him permission.

1 ANDY MARTINEAU: Yeah, you just have to enable the
2 Screen Share, it looks like.

3 OLIVIA RATAY: I actually don't know how to do
4 that.

5 UNIDENTIFIED SPEAKER: Down at the bottom, it
6 says, "Share screen." There we go. Thank you. Thank you
7 for that.

8 ANDY MARTINEAU: Good evening. Andy Martineau,
9 Project Manager for Chestnut Hill Realty. Thank you to the
10 Board for meeting with us tonight to hear our proposal for
11 our proposed changes and renovations to 1640 Mass Ave.

12 I'd like to briefly walk you through some floor
13 plans, elevations and perspectives, as well as some shadow
14 studies that we undertook at the request of one of our
15 neighbors following a dialogue we've been having with him
16 over the past couple of weeks about some of his concerns
17 about this project.

18 Just to orient you to the site, we're located just
19 outside of Harvard Square. Sarah had mentioned the word,
20 "unique" and I know that's a saturated term, but in this
21 case, I think it definitely applies, whereas we're -- the
22 site is effectively landlocked behind the single-story

1 storefront that Sarah mentioned, and then tucked in between
2 a couple of mid-rise buildings to the north and to the
3 south, which then opens up into the parking lot for 1-3
4 Langdon Street, transitioning to the neighborhood behind.

5 Just to give you the bore of the full context,
6 this is the image that Sarah had mentioned in her opening
7 remarks. I've been kind of calling this the missing tooth
8 in this particular instance where we have the two mid-rise
9 buildings on either side, the commercial storefront directly
10 on Mass Ave.

11 And then you can see the top part of our building
12 behind the commercial building as well as the beginnings of
13 some of the residential buildings in the neighborhood to the
14 rear.

15 This is a view from the 1-3 Langdon Street
16 driveway. And again, underscoring that the site is unique
17 in terms of its landlocked siting. This is actually the
18 entry to the site. This is how you enter into the site now.
19 You can see the arbor and the fence.

20 Moving in to the 1-3 Langdon Street parking and
21 driveway, this is a view from the driveway and this kind of
22 gives the Board the full view, if you will, of the existing

1 conditions. And you can see what this site begins to
2 transition to the residential neighborhood behind.

3 These next couple images I think really help
4 underscore the existing condition and, in our view, how
5 modest our proposed additions and renovations are. You can
6 see here on the second level where the proposed addition off
7 to the wing here would take place, as well as where the new
8 central staircase would be located.

9 And then moving back across the street, 1-3
10 Langdon Street parking lot, I think this image is helpful
11 not only in underscoring the uniqueness of the lot, but also
12 kind of illustrating a set of circumstances that I don't
13 think you often find in Cambridge, because of this sort of
14 missing tooth effect that I referred to directly off of Mass
15 Ave, which transitions into this parking lot.

16 You know, you effectively have a corridor here
17 where there's a lot of openness, a lot of sunlight, a lot of
18 air and other conditions in Cambridge where you might have
19 houses closer to each other. This is a benefit not only to
20 our site, but to the neighborhood behind as well.

21 So you don't have houses that are directly on top
22 of each other, and here I think you can begin to really see

1 how minor our proposed changes would be in terms of its
2 impact on our direct abutters.

3 And then this is a view from the corner of Shepard
4 and Rutland Street again. You know, you really kind of have
5 to look hard to see what the proposed changes would be, and
6 the impact it would have on the neighborhood.

7 A couple more views -- the view from Langdon
8 Street, so looking back towards Mass Ave. The view to the
9 west from Shepard Street. Again, you see the site opening
10 up. Our abutter in question, who we've been dialoguing with
11 over the past couple of weeks, you can see the sunlight
12 pouring through.

13 So programmatically, I think our approach to this
14 project -- you know, initially when we acquired the site, we
15 looked at the this and said, "Well, this is a tough site."
16 You know, this is a building that we tear down and try and
17 max out the zoning envelope.

18 And I think it quickly became apparent as we
19 started to work with our architect that there was a good
20 project to be had here working to the extent possible within
21 the existing building footprint.

22 And there were some other drivers related to that

1 as well. You know, the opportunity cost of knocking down
2 the building versus working with what we have, but also the
3 building is not without its charm. We like it.

4 Its character is consistent with the surrounding
5 neighborhood. And, you know, I think our proposed changes
6 and renovations use that as a reference point to the overall
7 design.

8 And so, in looking at what we did programmatically
9 here transitioning from a bit of a hodgepodge of different
10 uses, some of which were non-conforming, this table is meant
11 to underscore our effort to work with what we have with some
12 modest additions, but certainly not maxing out the zoning
13 envelope.

14 And the other design driver from us
15 programmatically is certain standards and criteria that we
16 try to implement in all of our projects, which becomes more
17 challenging whenever you're trying to retrofit an existing
18 structure -- kitchens of a certain size, prioritizing
19 bedrooms and living room areas.

20 And that's really at the heart of our proposal
21 trying to work within this existing building envelope to
22 create -- to take an underutilized parcel and a misused

1 parcel and create seven quality units that don't just
2 function well from an operation or residence perspective,
3 but also seven units that someone might to live in longer
4 term than you might in a normal apartment complex.

5 Changes to the height are primarily driven by
6 minor changes to the grading around the building. And
7 that's just a function of the Cambridge Zoning Formula. So
8 we have the window wells that Sarah mentioned, and then a
9 couple of sunken patios for the garden-level apartments,
10 which I'll show you in the plans. And then the stair -- the
11 central staircase with the mansard extending slightly above
12 the existing roofline.

13 So here we have our existing conditions site plan.
14 So you can see again sort of the narrow channel by which you
15 enter the site. And I think this image as well as the next,
16 which is the proposed conditions site plan, really start to
17 illustrate how modest the proposed additions are.

18 I think another underscoring point related to that
19 is we have a couple letters of support from our neighboring
20 abutters. And it took them a couple of passes looking at
21 both the site plan and elevations and perspectives to really
22 understand the scope of changes.

1 And I think that's a testament to our ability to
2 stay consistent architecturally with the existing structure
3 in the neighborhood, but also to not overstep our bounds,
4 knowing that we have some zoning issues that we need to deal
5 with here.

6 Here we have the proposed condition site plan,
7 which also illustrates those setback relief requests that
8 Sarah outlined. Here you have the new central staircase on
9 the front of the building. The sunken patio's off the
10 garden-level apartments, the basement unit's here. You have
11 the second floor addition extending out here.

12 Another thing I'll say about this is in looking
13 at, you know, how to manage this portion of the project and
14 how to create a unit that works, there was some
15 consideration in an effort to try and push away the massing
16 away from 9 Rutland Street.

17 So that's really what's driving us to have this
18 portion of the building footprint extend out over that first
19 floor wing, rather than trying to encompass the full area --
20 again, trying to work with what we have and not seeking more
21 than we need.

22 You have a roof deck off the second floor here and

1 third floor as well, the emergency egress window wells that
2 Sarah mentioned, and then a staircase leading up to a
3 mechanical room off the back of the building.

4 So what does that look like in the floor plan? So
5 we have seven units, two per floor with one unit up on the
6 third floor. This is the basement-level plan. You can see
7 the sunken patios in the front, a one-bedroom apartment to
8 the left, 2BA to the right.

9 And then that program generally repeats itself as
10 you move up to the first floor, the kitchen and living areas
11 are flipped here in this two-bedroom unit.

12 But you can see that the effort was made here to
13 have the bathrooms and MEP stack which is, you know, which
14 is, you know, something that can be a challenge within, you
15 know, a building like this.

16 Moving up to the second floor, you can see the
17 extension here, which is the living and dining area, the
18 second floor roof deck, and then a two-bedroom apartment on
19 the right.

20 And then lastly, on the top floor, the third
21 floor, a one-bedroom apartment and the termination of that
22 new central staircase and a roof deck here. And you can see

1 the roofline of the proposed addition on the second floor
2 below.

3 Some before and after elevations. So these are
4 our existing conditions.

5 Again, I just want to emphasize that, you know,
6 really have to look, in my opinion, to understand the scope
7 of the changes and just how modest they are. So here we
8 have the front and rear elevations, and then the proposed
9 conditions.

10 So you see the new central staircase and maintain
11 the mansard roof and the second floor addition here. And
12 then you see it on the back elevation as well on the rear,
13 as well as the decks, the window wells, and then the
14 staircase that I'd mentioned leading up to the mechanical
15 room.

16 Existing elevations for the sides of the building,
17 and then proposed. Again, the new central staircase here in
18 this profile, the stairs leading up to the mechanical room
19 here at the rear, and then here you see the second floor
20 addition as well as the decks on the second and third floor.

21 Some before or existing and proposed perspectives:
22 Existing is up top, proposed underneath.

1 This image here, again, you know, in that
2 neighborhood context image I showed, you know, in an effort
3 to try and have the Board understand the scope of the
4 changes and what we view as relatively modest, you know,
5 this is that same perspective, that view from the 1-3
6 Langdon Street parking lot, the angled view dead on, and
7 then the rear elevations' perspectives.

8 And then here we have the existing view to the
9 west and the proposed below. You can see the second floor
10 addition and the deck, and the beginnings of the deck on the
11 third floor here, east side of the building.

12 And then finally, the rear of the building facing
13 to the north.

14 So I mentioned some shadow studies that we
15 undertook at the request of our neighbor, Mr. Moore, at 9
16 Rutland Street, who contacted me following our neighborhood
17 outreach efforts. We met on site to review his concerns.

18 Chief among them was the potential for shadow
19 impacts resulting from the new additions; primarily a
20 skylight that is located on a first floor roofline here
21 towards the back of his house.

22 There was a concern that the morning sunlight

1 would be blocked by virtue of the additions. So we did the
2 shadow studies for all of the normal times of the year --
3 winter, spring and summer. And I'm happy to report that
4 there's no new shadow impacts resulting on the skylight.
5 There are shadow impacts, some minor new shadow impacts
6 resulting on the rear portion of his house here.

7 So this is a continuation of that first floor
8 roofline. And this is the rear. But in the scheme of
9 things, pretty minimal.

10 The remainder -- excuse me. So just some images:
11 Here's the skylight in question. And then you see that
12 roofline where the new shadow impacts would occur. This is
13 taken earlier this week at 9:00.

14 And then throughout the year, as I mentioned, no
15 new shadow impacts as a result of the additions. We chose
16 to focus on the morning hours, as that was the primary topic
17 of discussion with Mr. Moore. So no shadow impacts at
18 morning hours during the rest of the year or the afternoon
19 or evening hours for that matter.

20 Here you have the summer. Obviously, the sun is
21 at its highest point.

22 So that's really all I have for the Board. I'm

1 happy to entertain any questions they may have. And thank
2 you again for your time.

3 BRENDAN SULLIVAN: On the shadow studies, we have
4 December 21, at 9:00 a.m. Do we have at noon?

5 ANDY MARTINEAU: Yes, we do. I can pull up those.

6 BRENDAN SULLIVAN: Do we have that in there
7 somewhere?

8 ANDY MARTINEAU: Not in this presentation, but the
9 full shadow studies were submitted as part of the
10 application.

11 SARAH RHATIGAN: So Olivia probably -- Olivia, I'm
12 not sure if you have the full panel of documents?

13 ANDY MARTINEAU: I have them.

14 SARAH RHATIGAN: Or if you have it, Andy, you can
15 pull it up. That's great.

16 ANDY MARTINEAU: Yeah. So you were looking for
17 other hours, is that correct?

18 BRENDAN SULLIVAN: Well, I see -- you know, 9:00
19 a.m. is one thing. I'm more concerned about the 12:00 and
20 maybe, well 3:00 --

21 ANDY MARTINEAU: Yeah.

22 BRENDAN SULLIVAN: -- in the afternoon, you know,

1 as the sun starts to move around. 9:00 in the morning the
2 sun is, you know, over Harvard Yard type of thing. So as it
3 starts to move --

4 ANDY MARTINEAU: Yep.

5 BRENDAN SULLIVAN: -- toward the west --

6 ANDY MARTINEAU: So basically --

7 BRENDAN SULLIVAN: -- and 9 Rutland, as it starts
8 to move around toward the right, looking for the effect on
9 that.

10 ANDY MARTINEAU: Sure. So here we have December
11 21 at noon. So the sun moving in this direction from east
12 to west. So you can see clearly that by the time noon rolls
13 around, winter solstice, there's no new shadow impacts; the
14 sun's over here.

15 So no new impacts would result from our proposed
16 additions. It's only that earlier morning hours for a small
17 portion of the winter months when the sun's at its lowest
18 angle.

19 And then obviously, you know, as you move on
20 throughout the day, 3:00, here you see the sun is moving
21 towards the west. And then 6:00 p.m. the sun's, you know,
22 setting if not --

1 BRENDAN SULLIVAN: December 21 at 6:00 p.m. it's
2 dark out. There is no shadow study. There is no solar.
3 It's dark.

4 ANDY MARTINEAU: Correct.

5 BRENDAN SULLIVAN: So.

6 DEREK RUBINOFF: Yeah, I think it's -- Derek
7 Rubinoff here. It's -- I'm the architect for the project.
8 The way the software works, you know, there aren't trees off
9 in the distance or anything like that, so, you know, you're
10 just catching a very small sliver of some light there.

11 BRENDAN SULLIVAN: Okay. All right. Anything
12 else, Sarah?

13 SARAH RHATIGAN: Not at this time.

14 BRENDAN SULLIVAN: All right. Let me start the
15 question. I guess the thought that I had on this when I
16 first saw it, and actually even before I saw the
17 correspondence from Mr. and Mrs. Moore was, you know, you
18 buy a piece of property like this.

19 And then you start reading your pleadings, and it
20 basically says that the aged structure is in disrepair and
21 need of substantial renovations.

22 The petitioner could face substantial hardship if

1 the Board were to require strict adherence to the
2 dimensional requirements.

3 And that a literal enforcement in this instance
4 would result in severely constraining the ability of the
5 petitioner to renovate, improve and modestly expand the
6 existing structure in order to provide for updated, code-
7 compliant residential housing within the existing structure.

8 And the petitioner is always very savvy in real
9 estate, especially in this part of town. And yet when you
10 buy a structure like this, which I think is actually a
11 lovely building, you buy it as is with its -- you know,
12 whats (phonetic) and defects, and yet what can I do with
13 this as-of-right, without having to come down before the
14 Zoning Board and basically enhance the investment, justify
15 the investment?

16 And if it's in disrepair and in need of
17 substantial renovation, then the purchase price should
18 reflect that. And, you know, I sort of -- gives me pause
19 where I say, "Well, you know, are they using the Board as a
20 vehicle to enhance or to justify that investment? Or to --"

21 You know, and again, I don't care if somebody
22 makes a dollar or a million dollars or 10 million dollars,

1 that's not -- it doesn't make any difference to me, other
2 than the fact is that when you buy a property like this that
3 you buy it for the value.

4 The value is not what you pay for it, the value is
5 what you can do with it as-of-right, and not have to come
6 down before a board and get any special dispensation from
7 any of the Ordinance requirements.

8 You know, and then I will sort of go back. The
9 Board has heard this sort of many times, where it's the
10 hardship. And what is the hardship in this particular case?
11 And, you know, I go back to some court cases.

12 The cases are clear that reference to financial
13 hardship in the statute does not mean the every inability to
14 maximize the possible gain theoretically available to be
15 extracted from a lot. And it does not constitute a valid
16 hardship.

17 And that is basically a -- wording from the court,
18 Hoffman v. the Cambridge Board of Zoning Appeal. And then
19 Morgan v. the Zoning Board of Appeal of Weymouth. The court
20 said that "inability to maximize the theoretical potential
21 of a parcel of land is not a hardship within the meaning of
22 the zoning law."

1 And then I read the Moores' letter, and then I go
2 back to the landmark decision of Blackman v. the Board of
3 Appeal of Barnstable, where the Massachusetts Supreme
4 Judicial Court stated, "The court has said repeatedly that
5 the power to vary the application of a zoning ordinance must
6 be sparingly exercised, and only in rare instances and under
7 exceptional circumstances particular in their nature, and
8 with due regard to the main purpose of a zoning ordinance is
9 to preserve the property rights of others."

10 And I think that the Moores are asking us to
11 preserve their property rights in this particular instance.

12 So the question, again, that gives me pause is
13 when you buy a piece of property like this and you pay a
14 certain amount of money for it, what drives that, or should
15 drive that purchase price, is the condition of the property,
16 but what can I do with this property as-of-right now,
17 without having to come down before the Board and ask for
18 more building to create more units. So that's my thought.

19 Jim Monteverde, your thoughts?

20 JIM MONTEVERDE: Just a quick question. Are there
21 any neighborhood or any other groups that have purviewed
22 (sic) or reviewed the project?

1 BRENDAN SULLIVAN: There is not in this district,
2 no.

3 ANDY MARTINEAU: No.

4 JIM MONTEVERDE: Okay. Thank you.

5 BRENDAN SULLIVAN: Andrea Hickey, any comments?

6 SARAH RHATIGAN: I'm sorry, Mr. Chairman. I was
7 just going to respond to Mr. Monteverde as well. And we did
8 consult with Charlie Sullivan and his staff about the
9 project. And their expression was being very pleased that
10 the project was able to retain the existing home.

11 BRENDAN SULLIVAN: Okay, thank you. Andrea
12 Hickey?

13 ANDREA HICKEY: Mr. Chair, I'd like to withhold my
14 comments at that moment. I'm eager to hear from abutters
15 and others before I make any comments or have any questions.

16 BRENDAN SULLIVAN: Yep, that's fine. Matina
17 Williams, any comments or questions at this time?

18 MATINA WILLIAMS: I'm with Andrea. I want to hear
19 from abutters before I make a comment.

20 BRENDAN SULLIVAN: That's fine. Jason Marshall,
21 any comments or questions?

22 JASON MARSHALL: No questions at this time. And

1 like my colleagues, I look forward to public comment.

2 BRENDAN SULLIVAN: Okay. Let me open it to public
3 comment. Any member of the public who wishes to speak
4 should now click the button that says, "Participants," and
5 then click the button that says, "Raise hand."

6 If you are calling in by phone, you can raise your
7 hand by pressing *9 and unmute or mute by pressing *6, and
8 you will have up to three minutes or at the Chair's
9 discretion to continue.

10 OLIVIA RATAY: Gordon Moore?

11 BRENDAN SULLIVAN: Mr. Moore?

12 GORDON MOORE: Yes, I'm here. And I'm not quite
13 sure. Your Zoom is different than the one that I normally
14 use academically, and I don't seem to have a way to get my
15 picture up.

16 Can you -- Olivia, can you control that remotely
17 or should -- one other possibility is that I just go ahead
18 and do this the way -- as a phone call since much of this
19 will be a presentation that uses a slide pack that we
20 prepared?

21 BRENDAN SULLIVAN: Well, we'll give Olivia a try.

22 OLIVIA RATAY: I can't turn your video on, but if

1 you take your mouse and put it, like, at the bottom of your
2 screen, you should see a video camera.

3 GORDON MOORE: It does not come up. That's
4 interesting. The --

5 OLIVIA RATAY: So --

6 GORDON MOORE: -- something is wrong, and I don't
7 want to take the Commission's time to try to fix it now. So
8 I'm sorry that you can't see me.

9 BRENDAN SULLIVAN: That's all right. That's okay.

10 GORDON MOORE: It won't be a huge loss.

11 BRENDAN SULLIVAN: That's alright.

12 GORDON MOORE: So.

13 BRENDAN SULLIVAN: Well, we can hear you. So
14 that's --

15 GORDON MOORE: Okay, good. So Olivia, let's go to
16 the slides so that I can see the slides, please. Can we go
17 to the first slide, please? I'm going to go to the
18 Commissioner's -- I'm going to go as fast as I can.

19 It's a complicated proposal with my view, two
20 setback requirements and one density variants -- two setback
21 variances and one density variance. I think there's a
22 mistake on the deck.

1 But they -- I do have adequate and really quite
2 detailed backup for some of the claims that I'm going to be
3 making in the form particularly of photos, and I would be
4 happy, if any of you have questions, to show you those at
5 your request.

6 So I'm not going to repeat the -- there was the
7 setback continuing in my view includes both the second floor
8 deck, outdoor deck and the building extension.

9 If we can go to the next slide, please? I'm going
10 to go very quickly through this. The red line is the zoning
11 line between Residence C-2 and Residence B. You've already
12 seen this in Andy's presentation.

13 And I want to be clear that we're in favor of the
14 use. We think taking this beautiful old building and
15 putting residents in it is a good idea.

16 But we are very much against just one part of
17 their proposal, and that is to put the deck and this
18 building, which is about the size of a 20-foot shipping
19 container, within a distance of our house that's actually
20 even less than the required setback requirements for them.

21 Next picture?

22 This is where it goes.

1 Next picture?

2 This is what we see, and if we could go to the
3 next picture, I thought you'd find it interesting to see the
4 view from our window -- our bedroom window.

5 And I want to make a couple of very brief points
6 here. The house was built in 1867. It was a sole house on
7 a rather large plot of land. There were three plots of land
8 between Langdon Street and Shepard Street. And each one had
9 a house on it.

10 In 1887, this one floor addition was built. It
11 would have been complying, I'm sure, if they had zoning
12 rules. I don't know what they were at the time.

13 And then in 1893 they sold the portion where the
14 fence is here to Henry Wyeth, who was the owner of the Wyeth
15 Funeral Parlor, and he built a home, having purchased the
16 land from them in 1893.

17 He lived there until he was single, until 1976
18 when we bought the house. There's been continuous
19 occupation just by two of us for 129 years.

20 And up until this point, since 1976 when we have
21 owned the house, we felt we got a good deal, because this
22 was crowding the house. But it in our view lowered the

1 purchase price. And we've had absolutely no problem with
2 the uses or the owners of the house during that period of
3 time.

4 So this is really the first time that this has
5 come up as an issue for us.

6 I also want to point out that this is a very well-
7 maintained house. And it's a little misleading to say the
8 house is in disrepair. The exterior is excellent. The roof
9 on the first floor noncomplying addition here, the 1887
10 addition, was just replaced about two years ago. And the
11 house is both attractive and in good shape, certainly as
12 good as anything in the neighborhood.

13 Next picture?

14 This is what you would see from our house looking
15 at the same view. You see the roof deck and the extension,
16 and if we can go to the next slide -- stop me by the way if
17 I'm going too fast; I'm really trying to be careful of your
18 time.

19 So in my reading of the setback requirements, I
20 think there actually is a mistake on the roof deck, and I
21 believe they require two setback variances. But let's move
22 on. I don't think that's material to my argument.

1 Next slide?

2 So Charlotte and I -- my wife and I -- have a
3 problem with the petitioner's claim for hardship for the
4 proposed variance. I'm not going to repeat this; this is
5 exactly what the Chairman said.

6 Their claim is largely, we're not making enough
7 money with this unless we have seven units. We have to have
8 seven units, or else this would not be sufficiently
9 profitable for us to undertake this building.

10 So the -- a couple of things that I want to say.
11 Number 1, just applying reason: We don't see why removing
12 the small additions on that second floor -- which is our
13 only concern, that extension and the roof deck -- would
14 really materially constrain their ability to renovate,
15 improve or offer seven units.

16 Secondly, I wanted to say that we have looked
17 closely at the plans. We've done lots of building on our
18 own. And with a very simple change, they could still have
19 seven units. They would take one bedroom from the two-
20 bedroom unit on the east side of the building on the second
21 floor. That would become a bedroom for the unit on the west
22 side, which is really -- extensions are being proposed.

1 And the living room would occupy what is now the
2 single bedroom of the unit that -- the second floor, second
3 unit. So from our point of view, we really found it a
4 little hard to believe that there wasn't a) a solution that
5 would still allow them to have the seven units.

6 And secondly that we don't -- we find it hard to
7 believe that losing 150 square feet, 2.5 percent of the
8 gross floor area of their proposed change, and one bedroom
9 would make this project financially infeasible.

10 And it just doesn't make sense to use that this
11 would qualify -- financial feasibility would qualify;
12 infeasibility would qualify as a hardship.

13 Then, the third point that I want to make is the
14 one that the Chairman brought up. And that is that as a
15 layperson, when they bought -- as we did when we bought our
16 house -- they knew what the hardship was. And we knew --
17 they knew what the zoning setback was.

18 And they presumably bargained hard and got a
19 reduction in the price, because that was the condition that
20 would have constrained their development to the maximum that
21 they wished.

22 So they knew the zoning infractions, which were

1 obvious and presumably reflected in that lowered price. In
2 effect, they bought the hardship.

3 I don't understand now how they can claim that
4 this hardship, which is cause by zoning constraints that
5 they knew about, and for which they got financial relief.
6 And their purchase can once again be used as justification
7 for relief.

8 It seems to me that this doubles their benefit at
9 our or the City's expense. And why should we be the ones to
10 suffer to relieve them of a known hardship that was part of
11 the deal?

12 I sort of jokingly said to my wife, "This is a
13 form of chutzpah." I don't think -- our conclusion was we do
14 not believe the petitioners made a persuasive case for
15 hardship for relief from setback requirements. They have
16 two variances that are part of the setback requirements.

17 Next slide, please?

18 Let's just pass this one, in the interest of
19 saving time.

20 So this is now showing our house, and the
21 apartment building next door.

22 And I want to point out two things. One is that

1 there's kind of a nice confluence of four back yards between
2 our house, the abutter to our north, and the apartment
3 building, the abutter that goes around the north side --
4 excuse me, the abutter to the west and to the north. And to
5 the people that live in the apartment building in the front,
6 which is about six stories high.

7 There's been an effort made by the apartment
8 building owner to tidy up and really actually make that area
9 look nice, but it's a feeling of openness that I think is
10 important.

11 If we look at the placement, I've circled the edge
12 of the existing building. And I want to point out that the
13 distance from the edge of that building and our kitchen,
14 library and breakfast room is about 14 or 15 feet, depending
15 on exactly where you measure it.

16 And the master building, which is really spaced in
17 a rear setback line, is 15 feet from point X. And you can
18 see I've drawn a 20-foot Residence B setback -- distance for
19 rear setback, just to give you some idea about the crowding
20 and how close we are to this house.

21 So I'd like to now go to the next slide and show
22 you a list of what we consider to be the hardship for us as

1 abutters, withstanding from the floor 2 addition and the
2 attached roof deck. I'm going to run through these very
3 quickly. You can stop me and ask for more documentation on
4 any of these.

5 The sunlight: Olivia, could we go to the last two
6 slides very quickly? Here, I want to show you that at 9:00
7 at the beginning of December in the winter months, that
8 we're -- our kitchen and our dining area in the kitchen are
9 pretty much flooded with light, sunlight.

10 You -- it's hard to see this looking at the shadow
11 diagrams, so I decided I would just take pictures. You can
12 show the next slide also.

13 This is our rear window, the one that Andy said
14 was not affected. And you can see the sunlight -- I pulled
15 the shade down. You can see the sunlight streaming through
16 and into our pantry and kitchen.

17 For us, the sunlight's important. Our kitchen is
18 a little on the dark side. And we eat about 9:00, 8:30 or
19 9:00. And for years, we've enjoyed the bright sunlight
20 streaming in there. And also, the sunlight, as Sandy
21 pointed out, does stream in from the window on the east --
22 the kitchen windows on the east.

1 So there's -- and all of those three areas of
2 sunlight: The roof deck, the window, and then the front
3 windows to the dining room area, kitchen area itself, are --
4 receive bright sunlight, which would be blocked by the
5 addition.

6 Could we go back to 12, please? The -- light, air
7 and openness, I've already talked about the contiguous
8 residence. Sort of putting this building up, this shipping
9 container size building gives a tenement feeling in the
10 confluent back yards. And it blocks our open view now from
11 the second floor.

12 And I don't know how much wind effect, but it
13 certainly isn't helping our breeze in the summer months when
14 the windows are open.

15 Density and crowding, which come up in the other
16 variance, where they're asking for relief -- a variance
17 relief -- for a Residence B extension density requirement to
18 get the seven units, there is, I believe, an issue of
19 density and crowding, which I think are inconsistent with
20 the intent of Section 1.3, the preamble of the Zoning
21 Ordinance. And again, this is sort of alluded to by the
22 Chairman.

1 The noise and privacy and intrusive are really two
2 big deals for us. These are both very close. They have --
3 they're proposing an outdoor deck where people will
4 congregate during the summer months when the windows are
5 open, and the proposed structures, the roof deck and the
6 extension, look directly into our bedroom and bed, and into
7 our library.

8 And the total distance from the edge of the deck
9 to our house is about 15 feet, and to the edge of the
10 addition is about 20 feet.

11 Can we go to the next slide, please?

12 This is my foot from my bed. And we're looking
13 out the window at the top of this one-story structure on
14 which they're going to be building the extension.

15 Next picture?

16 So I've sort of colored in my estimate at the size
17 of the extension -- this is a little bit enlarged so you can
18 see it -- and put in where they're proposing a window with
19 my picture in it. And I don't fancy looking at this in the
20 morning from a window that's that close. It's very
21 intrusive. I don't want to get into my personal sleeping
22 habits, but I would find this embarrassing.

1 And the next picture?

2 This is the view out another window in our
3 bedroom. This now looks exactly at the area where the roof
4 deck is.

5 Next slide, please?

6 And I've tried to give you a feel of what it would
7 look like if the roof deck were there and were capable of
8 being occupied in the summer months.

9 Slide 17 next slide, please?

10 I'm going to skip this. It's an interesting point
11 about this, but I'm -- you'll see in a minute with my
12 recommendations why I'm skipping it.

13 Slide 18, next slide, please?

14 So our case at this particular point is that they
15 do not -- there are a couple of cases. Let me skip this and
16 go to the next slide, I'm sorry. It's easier here. So we
17 would request that the petitioner's variance for the
18 noncomplying second floor addition and the roof deck be
19 denied.

20 But if it's denied, then we would say we would
21 accept their petition for the variance for density relief.
22 Our major objections on density as an abutter would have

1 been eliminated if they did not build the floor addition
2 roof deck or put in a large air conditioning unit on that
3 house, on that one-story building.

4 On the other hand, if you choose to accept
5 Variance 1, then they have a second hurdle on the grounds of
6 density, which is in our view inconsistent with the
7 Ordinance Section 1.3, the purpose of zoning.

8 And we would then make the same arguments that
9 I've just made about standing and about hardship for the
10 variance and about the effects on us in order to try to sort
11 of get a second swat at the pinata to try to stop them from
12 building these two structures.

13 So then, the -- now let me speak now about the
14 permitting request to extend Residence C-2 into the current
15 Residence B on the -- our basis for this is that there is no
16 difference in the setback requirements. They do not come
17 into compliance on setback requirements if they were in fact
18 creating Residence C-2 in the triangle of Residence B.

19 They do not use and do not need to use that
20 privilege in that little triangle. And I -- we believe that
21 this creates a taking of our rights under Residence B,
22 because it eliminates the chance at some point in the

1 future, because -- because the conversion of B to Residence
2 C-2 is permanent; it's not reviewable later on.

3 In other words, if you were to approve it, this to
4 our view is a permit without a purpose. And if you were to
5 approve it on that condition, they get the right then, in
6 that space to put in now an 85-foot building in a space
7 where I think it really doesn't belong. And that really
8 would severely reduce our ability to sell the house at some
9 point, presumably for our estate.

10 And it also means that you as a Commission would
11 be giving up on your opportunity to review the use of the
12 permit to extend into that Residence B triangle on any
13 future proposal that might be made by the petitioner or
14 whoever they sell the property to, under the terms at the
15 time that that petition was lodged.

16 So we would urge rejecting the permanent request,
17 because it's useless. If you look at this, clearly, they do
18 not need that even for the variance of the deck, the deck
19 and they still don't meet the setback requirements if it
20 were Residence 2.

21 Finally, and I thank you so much for giving me the
22 time to get through this, we've had a long fight going back

1 about a year with code violations on the garbage from the
2 Chestnut Hill Realty, which is the common name of this
3 trust, plus other properties that are owned that are
4 contiguous to us.

5 And it's a very minor point, but we really feel
6 that there is no indication of where they're going to put
7 garbage. They've kind of overused every square inch of the
8 building.

9 And I'd liked -- we've asked them, but they have
10 not given us indication of how they would comply, and we
11 would hope comply with the other building, which we approved
12 as abutters a number of years ago -- about 10 years ago, for
13 basement tenantry when they requested permitting to allow
14 them to build basement units, but which has brought in young
15 people who don't care about the garbage, and it consistently
16 overflows.

17 And we've been fighting rats, and at the moment
18 I'm still fighting an infestation of rats in our house,
19 largely because they can go and feast over from the garbage
20 at --

21 BRENDAN SULLIVAN: That's really not our purview,
22 but anyhow. It's --

1 GORDON MOORE: Yeah.

2 BRENDAN SULLIVAN: Okay.

3 GORDON MOORE: I thank you for --

4 BRENDAN SULLIVAN: Yeah.

5 GORDON MOORE: -- for giving me the chance to say
6 that.

7 BRENDAN SULLIVAN: Yeah.

8 GORDON MOORE: That's it. Thank you so much for
9 --

10 BRENDAN SULLIVAN: All right.

11 GORDON MOORE: -- your generous allowance of our
12 talking about this in full.

13 BRENDAN SULLIVAN: All right. Thank you. Anybody
14 else calling in? There's nobody else calling in. We are in
15 receipt of correspondence dated December 2.

16 "Dear Board members,

17 "I'm writing to express my support for the
18 proposal to convert 1640 Mass Avenue into seven apartment
19 units. The proposal will greatly improve the use of the
20 site and the use is consistent with the surrounding
21 neighborhood.

22 "The applicant's effort to largely preserve the

1 building's architecture are greatly appreciated. As the
2 closest abutter to this project, we as also appreciate their
3 efforts to largely preserve the project's architecture are
4 greatly appreciated.

5 "As the closest abutter to this project, we also
6 appreciate their efforts to ensure the project's impacts to
7 our property are minimized and --

8 "Salime Tabit -- T-a-b-i-t, 1638, 1646 Mass
9 Avenue."

10 And that, I believe, is the sum and substance of
11 correspondence, other than some correspondence from Gordon
12 Moore. And he has spoken to that.

13 So I will close the public comment portion and
14 send it back to Sarah for comments.

15 SARAH RHATIGAN: Thank you. I think -- I want to
16 make just one general comment, and then I know Andy
17 Martineau wanted to comment as well.

18 There are times when, Mr. Sullivan, I've heard
19 similar concerns from you about developments where
20 developers may be trying to quote, unquote "max out
21 development potential." And they come to this Board
22 requesting a variance because it would be difficult, it

1 would be expensive for them not to be able to max out their
2 development potential.

3 And I have to admit that I'm surprised a bit that
4 this proposal, which when seen in the context of what one
5 could do potentially as-of-right on the site, and what this
6 development team has I think pretty cleverly managed to do
7 within the existing for the past, this doesn't feel at all
8 to me like a max of the development site.

9 Just a few things on the -- on what the kind of
10 the combination of factors that leads to hardship: So if
11 one were to max out the development site, one would build a
12 taller structure within the C-2 portion of the lot, as tall
13 as one is permitted to go, which a C-2 district allows for
14 85 feet in height.

15 Now, I'm not saying that we could build 85 feet,
16 and we haven't -- like the client has not asked me to max
17 out development potential.

18 So, you know, we're not prepared to tell the
19 Board, you know, what one could do, but you could imagine
20 that the height would go up.

21 I believe that the unit count -- and this is not
22 even extending the C-2 zoning into the Res B, but just with

1 its current configuration, I believe the unit count number
2 is something around -- this is from recollection --
3 something like nine units could be, again, as-of-right use.

4 BRENDAN SULLIVAN: Well, that's if you comply with
5 the other --

6 SARAH RHATIGAN: The fact that they're asking --

7 BRENDAN SULLIVAN: -- other requirements. I mean,
8 that's one --

9 SARAH RHATIGAN: Yes, yep.

10 BRENDAN SULLIVAN: -- number, but then --

11 SARAH RHATIGAN: Yep, no, exactly.

12 BRENDAN SULLIVAN: -- there's whole other factors
13 which start chipping away at, you know, your ability to put
14 in nine units or nine units that would be very, very small.
15 So --

16 SARAH RHATIGAN: Sure, sure.

17 BRENDAN SULLIVAN: -- obviously, you're going to
18 --

19 SARAH RHATIGAN: And so, I think --

20 BRENDAN SULLIVAN: -- build units that are very
21 marketable.

22 SARAH RHATIGAN: The other version of a story for

1 this structure would be the luxury homebuilder who converts
2 this to a two-family, you know, uses provisions of the
3 Ordinance that allow them to max out on the -- you know,
4 8.2, what is it the 8.22.d. and you'd get very large, luxury
5 homes that are sold.

6 And one of the things that I also just wanted to
7 kind of add to the discussion is that, you know, the City of
8 Cambridge is very interested in creating something less than
9 luxury apartment homes.

10 And we -- this -- and let me also just say this is
11 not to say that we have not heard our neighbor, and we don't
12 -- you know, want to work with him. Because that's not the
13 case at all.

14 But one of the intents and purposes of the
15 Ordinance is to allow for the creation of quality housing.
16 And the unit sizes in this project are modest.

17 That's not to say that they won't be in some way
18 profitable. I mean, the developer's an owner of the
19 residential real estate. So, you know, they want their
20 buildings to succeed. But I just kind of want to -- I want
21 to add this to the discussion. The fact that they're
22 dealing with incredibly difficult preexisting, non-

1 conformities that are very difficult to work around, the
2 fact that they are trying to preserve, you know, a
3 significant older building and not, you know, demolish it
4 and build more, are all things that, you know, the Board
5 within its discretion has in other cases seen as valid bases
6 for hardship and for, you know, bases for granting relief
7 when appropriate.

8 I'm sorry, I spoke longer than I wanted to. Andy
9 said he wanted to add a few comments.

10 ANDY MARTINEAU: Yeah. You covered a lot of what
11 I wanted to say, and just I'll underscore the point you made
12 about this is not at all an effort on our part to maximize
13 the zoning or to leverage the Board's ability to grant
14 zoning relief to max out and do more than what we felt was a
15 good project; you know, preserving the existing structure,
16 creating seven quality units where currently, you know,
17 effectively none exist.

18 And so, you know, that was really our approach and
19 trying to work with what we have, as I said during the
20 meeting.

21 A couple other points: We offered to remove the
22 deck that Mr. Moore indicated was problematic, and he

1 declined. And so, that's, you know, something that we
2 certainly are willing to continue to engage in discussion
3 with him about, as well as his other concerns.

4 You know, we like to be good neighbors. We have a
5 vested interest in being good neighbors. We invest in the
6 communities where we have a presence. We try and work with
7 our neighbors as best we can. And so, Sarah's right, you
8 know; we're willing to continue those discussions.

9 And a note on the condition of the existing
10 structure: While the outside is in seemingly okay
11 condition, the interior is quite a different story. It's in
12 shambles. It was not particularly well maintained, and by
13 virtue of the hodgepodge of uses that existed there, the
14 floor plans really make no sense at all.

15 And so, a lot of the economics if you will of the
16 project relate to converting that incredibly problematic
17 interior into our proposal, which, again, we're trying to
18 manage the existing footprint and work within the existing
19 footprint with some modest additions that allow us to create
20 a project that we feel is of great quality, and in -- again,
21 not leveraging the Board or the -- their ability to grant
22 someone relief to do that.

1 And so, we're seeking zoning relief because of the
2 circumstances that dictate it with the split zoning
3 district, a landlocked parcel. And as Sarah said, you know,
4 not attempting to instead max out the zoning by doing a very
5 different project.

6 So we felt like this was a good approach, and
7 something that we thought would resonate with the Board in
8 that regard, and also the neighborhood. So.

9 BRENDAN SULLIVAN: Well, what gives me pause is
10 that, you know, understandably it's going to be a gut rehab.
11 You're going to have two all new mechanical systems, I mean
12 from the foundation all the way up to the street.

13 But, you know, what can you do with this building
14 without coming down and seeking relief from the ordinance?
15 And, you know, if you make a business decision, yes, this
16 property is available, we're going to offer x number of
17 dollars.

18 And again, these are all internal discussions that
19 we're not going to get into, but you can say, you know, we
20 can rehab this building, we can put in two units on the
21 first floor, two units on the second floor -- well three
22 units on the second floor.

1 I'm sorry, two in the basement, two on the first
2 floor, three on the second floor, and then one on the third
3 floor. Yeah, seven units does it. Well, will six units do
4 it?

5 And what can we do without again coming in down
6 and seeking relief from the Ordinance? What can we do --
7 within the existing envelope? Can we make this a viable
8 project?

9 And again, without getting into the forensics and
10 without getting into all of the accounting of, you know,
11 hard costs, soft costs, and so on and so forth, and what you
12 want to get out of this -- you know, we're not going to get
13 into that exercise, but to just say, you know, we cannot do
14 this project if it becomes financially not viable, well, or
15 feasible is the word that used in the pleadings here -- we
16 have to take that, I guess, at face value.

17 But I went to 9 Rutland Street, and stood in their
18 back yard, a lovely spot. And I went there at noontime.
19 And I imagined that addition there with the decks and so on
20 and so forth. And if I lived at 9 Rutland Street, I would
21 object to it too. So -- because I think it takes away -- it
22 severely impacts the quality of life at 9 Rutland Street.

1 That's my opinion.

2 And I think, again, I go back to what the courts
3 have found, and that the Moores are asking us to protect
4 their property rights, and to not allow this structure to be
5 built there. So that's my thought on that.

6 Jim Monteverde, I'm going to ask you for your
7 thoughts and wisdom.

8 JIM MONTEVERDE: Olivia, could you bring up the
9 second floor plan, please?

10 BRENDAN SULLIVAN: You've got to speak a little
11 closer --

12 JIM MONTEVERDE: The proposed?

13 BRENDAN SULLIVAN: -- to the mic, I think.

14 JIM MONTEVERDE: Sorry.

15 BRENDAN SULLIVAN: Okay.

16 JIM MONTEVERDE: Can you bring up the proposed
17 second floor plan, please?

18 I have two questions, in the spirit of compromise.
19 Is it possible -- so I heard you talk about the -- actually
20 three -- the eliminating the -- being willing to eliminate
21 the deck?

22 In addition to that, is there a way that you could

1 foresee to reduce the -- how far you advance the addition on
2 the -- it's page left toward the adjacent property? Could
3 that addition on that roof be reduced?

4 ANDY MARTINEAU: That's something that we could
5 certainly consider. I think in looking at it, there's a
6 possibility that some or all of that roof deck would become
7 perhaps interior space, rather than roof deck.

8 But that's something that we would certainly
9 consider if that's something that, you know, would be --
10 that Dr. Moore would be amenable to, and of course the Board
11 as well as a compromise as you suggest. It's something we
12 could consider.

13 JIM MONTEVERDE: Okay. And the third item is can
14 you explain -- or if you did, I'm sorry, if you can repeat
15 -- why the extension of a less restrictive dimensional
16 provisions, the -- changing the zoning category -- is
17 important to you? Or necessary for you?

18 ANDY MARTINEAU: Sarah, do you want to take that
19 one?

20 SARAH RHATIGAN: Sure. Like -- I'll take that on.
21 Thanks, Mr. Monteverde. This is one that we had a little
22 back and forth with the Commissioner on as well. So the

1 extension of the zoning is critical to the unit mix that's
2 within the portions of the building that are located within
3 the Residential B district.

4 So if you just have the basement unit and the
5 first floor unit, so we don't even have a second floor
6 addition, that would be two units within a Residential B
7 zone where the square footage of the lot -- of the portion
8 of the lot that's in Residential B isn't sufficient to
9 support two units.

10 So by adding the second level, we're actually
11 asking for three units within that. So the extension of the
12 zoning for that purpose is important. It also lessens the
13 variance relief needed for the setbacks by extending the C-2
14 district out. But, you know, Dr. Moore has a very good
15 point, which is it's not critical to it, because we still do
16 need variances for --

17 ANDY MARTINEAU: Correct.

18 SARAH RHATIGAN: -- the side and the rear setback.

19 JIM MONTEVERDE: Right.

20 SARAH RHATIGAN: But we would need less of a
21 variance. And so, it would be -- I mean, we haven't looked
22 at the this yet, but if we were talking about bringing the

1 line of the second floor addition back further into
2 compliance, you know, we could look at what that number --
3 what that setback number would be if the C-2 extension were
4 granted. I'm sorry if that was a little confusing there,
5 but --

6 JIM MONTEVERDE: No, we -- no, it's -- so those are --

7 SARAH RHATIGAN: Do you get the gist of it? You
8 know, it could be - technically, we could become compliant
9 in the rear setback under C-2 rules. I don't believe we can
10 become compliant on the right-side setback, because that's
11 already so close there.

12 JIM MONTEVERDE: Right. But that could be a different
13 -- a separate variance for a special permit.

14 SARAH RHATIGAN: Correct, yep, yep.

15 BRENDAN SULLIVAN: Okay, so you could solve it --

16 SARAH RHATIGAN: Yeah.

17 BRENDAN SULLIVAN: -- without moving the zoning
18 district? Okay.

19 SARAH RHATIGAN: Correct. But we do need -- just
20 to point out, if we're going to have basement uses in this
21 building, which we all -- I mean we all think is a good
22 idea, and I don't think that Dr. Moore has concerns about

1 that -- we do need variance relief for the window wells in
2 those locations.

3 We also need variance relief for the new exterior
4 stair. That's a mechanical stair that's critical to, you
5 know, getting to mechanical systems in the building.

6 JIM MONTEVERDE: Okay. Thank you.

7 SARAH RHATIGAN: Thank you.

8 DEREK RUBINOFF: And exploring those changes. I
9 mean, I think we could definitely get closer to compliance.
10 I don't know if we would get all the way there. But it's
11 something, like I said, that we're willing to look at.

12 JIM MONTEVERDE: Okay. Thanks.

13 BRENDAN SULLIVAN: Where are all of the condensers
14 going --

15 ANDY MARTINEAU: Ah --

16 BRENDAN SULLIVAN: -- for the site?

17 ANDY MARTINEAU: We talked a little bit about that
18 with Mr. Moore. There's some space towards the east in the
19 back yard. I don't know if we can pull up the site plan, or
20 should I share my screen? We haven't -- the short answer is
21 we haven't designed all the MEPs yet.

22 You know, this is the approval phase of getting

1 the concept, early schematic plans approved like you do. And
2 so, it's possible that some of them would be located on the
3 ground towards the back where we have more space there.

4 Some of them could be roof mounted. There would
5 certainly be an effort made to locate them away from 9
6 Rutland as the more likely impacted abutter.

7 But we just -- the short answer is that we have
8 not designed the MEPs yet.

9 BRENDAN SULLIVAN: Okay.

10 DEREK RUBINOFF: I might add that one of the
11 advantages of doing a mansard is the ability to shield
12 things that are on the roof.

13 BRENDAN SULLIVAN: Okay. Jim, anything else?

14 JIM MONTEVERDE: No. No more questions from me. Thank
15 you.

16 BRENDAN SULLIVAN: Andrea Hickey, any questions or
17 comments?

18 ANDREA HICKEY: Yes. So I'd like to inquire about
19 the deck that the doctor showed the view of from his
20 bedroom. To do away with that deck would go a long way for
21 me. But filling that in with living space to me is worse
22 than the deck.

1 Is there a way that deck could just go away
2 altogether and not be filled in with living space?

3 ANDY MARTINEAU: We'd have to look at it. I mean,
4 I think this -- there are sort of two asks there, or two
5 different asks of the deck, you know. As I said, we were
6 comfortable eliminating that in the proposal as is.

7 If the ask is to eliminate -- both eliminate the
8 deck and reduce the amount of the second floor addition
9 extending towards the rear and side yard there, you know,
10 it's just something that we would need to study to see what
11 that looks like in terms of a unit functioning well.

12 And as I said, it's possible that some portion of
13 the deck, if it were no longer exterior living space, would
14 be converted to interior. It's something we would need to
15 look at in greater detail.

16 ANDREA HICKEY: You indicated you sort of proposed
17 to Dr. Moore doing away with the deck, and he declined. Did
18 you propose doing away with the deck in place of filling
19 that in with living space?

20 ANDY MARTINEAU: No.

21 ANDREA HICKEY: And is that why he declined? I'm
22 just trying to understand that dialogue, and whether it

1 really was a give and take.

2 ANDY MARTINEAU: Yeah. So we met on site with Dr.
3 -- I met on site with Dr. Moore to review his concerns,
4 which he reviewed in his presentation. And his concerns
5 related to the second floor additions, if you will, were
6 sort of two-fold. There was the interior living space
7 approach his house, and then the deck.

8 And so, eliminating just the deck and not
9 replacing it with anything, it would just become roof, or
10 would stay roof for that first floor existing portion of the
11 building.

12 You know, that was an attempt to sort of meet him
13 halfway. And we just didn't get there.

14 ANDREA HICKEY: All right. In my mind, I'm not
15 ready to endorse the ask here. But I think if there was
16 some revision that could address Dr. Moore's concern, I'd be
17 much more inclined to approve it. That's all I have at the
18 moment, Mr. Chair.

19 BRENDAN SULLIVAN: Thank you, Andrea. Matina
20 Williams, any comments or questions at this time?

21 MATINA WILLIAMS: Yes. I'm in agreement with all
22 the comments that we -- I am not ready to vote on this as of

1 now. If they can do some revision, it would be great.

2 ANDY MARTINEAU: We're certainly open to that.

3 So, I mean, I think I can see where this is heading. So if
4 we want to continue, if there are no other comments from the
5 Board or other members of my team and the public?

6 BRENDAN SULLIVAN: All right. Jason Marshall, any
7 comments, questions at this time?

8 JASON MARSHALL: I think Andy sort of went where I
9 was going where it seems like there's been a lengthy
10 conversation already, and sort of what's the line,
11 "Everything's been said, but not by everybody."

12 Agree, I guess, if you want a short circuit if you
13 intend to seek a continuance, that's certainly something
14 that I would support. And I don't need to restate things
15 that have already been said here.

16 BRENDAN SULLIVAN: Okay. Well, you've heard from
17 the Board, and I would not support the proposal that is
18 before us. Anyhow, I really take pause on that whole unit
19 there, the whole addition. Because I think it's going to
20 have an adverse effect on the abutting property at 9
21 Rutland.

22 The -- Mr. Marshall is not available on February

1 23, so that Matina Williams, are you available on March 9?

2 MATINA WILLIAMS: Yes, I should be available on
3 March 9.

4 BRENDAN SULLIVAN: Okay. Because I am scheduled
5 for March 9. Jim, you're scheduled for March 9. Andrea
6 Hickey, you're on for March 9 and Jason, you're on for March
7 9. So if, Matina, you're available on March 9, then all
8 five members would be available for March 9, 2023. Will
9 that work for you, Sarah?

10 SARAH RHATIGAN: Sorry, just one moment. I'm
11 checking my schedule. Thank you.

12 [Pause]

13 Okay. Yes. March 9 works for me as well.

14 BRENDAN SULLIVAN: Okay.

15 SARAH RHATIGAN: Thank you.

16 BRENDAN SULLIVAN: So let me make a motion, then,
17 to continue this matter until March 9, 2023 at 6:00 p.m. on
18 the condition that the petitioner change the posting sign to
19 reflect the new date of March 9, 2023 and the date at 6:00
20 p.m.

21 That any new submittals be in the file by 5:00
22 p.m. on the Monday prior to the March 9 meeting. We would

1 ask that the petitioner sign a waiver to the statutory
2 requirement for a hearing and a decision to be rendered
3 therefore, and that the waiver be in the file by 5:00 p.m.
4 next Monday, if that's possible, Sarah?

5 SARAH RHATIGAN: Yes.

6 BRENDAN SULLIVAN: Okay. And that any new
7 submittals will also reflect a change in the dimensional
8 form, and that also be submitted.

9 Is there anything else to add on the conditions?
10 No? So on the motion, then, to continue this matter to
11 March 9, 2023 at 6:00 p.m., Jim Monteverde?

12 JIM MONTEVERDE: In favor.

13 BRENDAN SULLIVAN: Andrea Hickey?

14 ANDREA HICKEY: Yes, in favor.

15 BRENDAN SULLIVAN: Matina Williams?

16 MATINA WILLIAMS: Yes, in favor.

17 BRENDAN SULLIVAN: Jason Marshall?

18 JASON MARSHALL: In favor.

19 BRENDAN SULLIVAN: And Brendan Sullivan yes.

20 [All vote YES]

21 BRENDAN SULLIVAN: On the five affirmative votes,
22 this matter is continued until March 9, 2023 at 6:00 p.m.

1 Okay. See you then.

2 ANDY MARTINEAU: Thank you for your time.

3 SARAH RHATIGAN: Thank you.

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2 (8:16 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
4 A. Hickey, Matina Williams, and Jason
5 Marshall

6 BRENDAN SULLIVAN: Okay, the Board will hear Case
7 No. 201320 -- 34 Pearl Street.

8 SARAH RHATIGAN: Good evening, again. Sarah
9 Rhatigan, Trilogy Law LLC, 12 Marshall Street, Boston,
10 Massachusetts 02108.

11 Thank you, members of the Board. I am here
12 representing the owners of this property, 34 Pearl Street
13 LLC. And with me are the principals of the firm Ryan Wittig
14 is here and -- let's see. I don't see our others yet. But
15 they will be joining us.

16 And I'm sorry, Phil, you are here. Phil Sima is
17 the architect on the project. And Matthew Moore just signed
18 on. Matthew, if you don't mind turning your camera on just
19 briefly so you can say hello.

20 MATTHEW MOORE: Hey, everyone.

21 SARAH RHATIGAN: Thanks, Matthew. Great. So
22 thank you all. This is a project for a brownstone on Pearl

1 Street just outside of Central Square. It is in the Central
2 Square Overlay District. It is a brownstone that is
3 bordered on two sides by other brownstones, and it's in
4 significant disrepair. We have some lovely photos in the
5 application file to give you a sense of it.

6 I am going to first turn this over to Ryan. He's
7 just going to say a quick hello and introduce their group.

8 RYAN WITTIG: Hello, Board. This is Ryan Wittig
9 from Kinvarra Capital, the owners of 34 Pearl Street. Thank
10 you for taking the time to hear us tonight.

11 As Sarah mentioned, the property that we're
12 looking at now is currently a single-family brownstone
13 rowhouse. Pretty large, existing 27, almost 2800 square
14 feet of existing living space, which is -- you know,
15 obviously very large.

16 Our proposal is to, you know, build out the --
17 finish the basement, which is currently not habitable, and
18 make that livable space and create two units, which are
19 still very -- you know, good-sized units that are capable of
20 supporting a family.

21 Everything we're doing is within the existing
22 footprint of the building, and very much in keeping with the

1 neighboring buildings. And I think, you know, we'll get
2 into that later as we go on with the presentation. But
3 we're active in the area.

4 We have another case that we're hearing tonight
5 with another property that -- it's the corner of Pleasant
6 and Franklin that we'll be discussing in a few months and
7 many more to come. We've been in front of the Board twice
8 in the past, and once again appreciate your time.

9 BRENDAN SULLIVAN: Okay, thank you.

10 MATINA WILLIAMS: I just have --

11 SARAH RHATIGAN: Thank you.

12 MATINA WILLIAMS: -- one question.

13 SARAH RHATIGAN: Yes, Ms. Williams?

14 MATINA WILLIAMS: Was this -- is this the property
15 where the sign is taped to the door all the way up the
16 steps?

17 BRENDAN SULLIVAN: Matina, I'm sorry, who's
18 speaking?

19 MATINA WILLIAMS: It's Matina.

20 BRENDAN SULLIVAN: Oh, I'm sorry. Yes. I'm sorry
21 --

22 MATINA WILLIAMS: I was asking [if this is] the

1 property where the sign is taped all the way up the stairs
2 on the door?

3 RYAN WITTIG: Yes, it is. That's correct.

4 MATINA WILLIAMS: Okay. Because it was -- first
5 it was blank. It was blank for a few days, and then it was
6 -- then you added the wordage, which you'd have to climb the
7 stairs --

8 RYAN WITTIG: It was --

9 MATINA WILLIAMS: Hm?

10 RYAN WITTIG: We put up -- we put up the sign the
11 day before it was required. Then there was a big storm that
12 ripped it off the next day, still within the time frame.

13 So the wording is up there today, and it's been
14 that way for 13 days. You must have walked by it, the one -
15 - the eight-hour stretch where it was blown off the -- blown
16 off the door and we had to put it back on and tape it on
17 there? It's -- you know, there's no easy place to put it
18 there.

19 BRENDAN SULLIVAN: Yeah. I mean, I saw the sign
20 there anyhow, so I -- at least it was I think a good faith
21 effort to post it and to maintain it. So.

22 MATINA WILLIAMS: Thank you.

1 BRENDAN SULLIVAN: Anything else, Matina? No?

2 Okay.

3 MATINA WILLIAMS: No.

4 BRENDAN SULLIVAN: Sarah, anything to add before
5 we go to the Board?

6 SARAH RHATIGAN: Yes. Yes. Olivia, do you mind
7 putting the slides up for me? Thank you.

8 MATINA WILLIAMS: -- being requested, as you
9 mentioned -- I'm sorry, I was switching audio. You can hear
10 me? Yes?

11 PHIL SIMA: Yes, yes.

12 MATINA WILLIAMS: Yeah. Okay. Thank you. A
13 conversion from a single to a two-family dwelling and some
14 alterations to a non-conforming structure with the addition
15 of a deck.

16 Next slide, please?

17 So the variance request is for -- there's a new
18 egress window well located in the front setback, which we'll
19 show you, and then the rear deck -- the second floor deck;
20 essentially anything -- anything constructed at this
21 property is going to be non-conforming as to setbacks,
22 because the lot is extremely narrow.

1 And so this rear deck does violate a setback.

2 And the special permit that's requested is for
3 some new windows that are at the rear side for the basement
4 or lower level and as well as some skylights on the roof
5 that are located within setbacks.

6 And just to be extra cautious, we included those
7 for zoning relief, although the Commissioner thought that
8 they may not be necessary, technically.

9 I am going to ask Phil to take it away with the
10 planned review from here.

11 PHIL SIMA: Sure. Good evening, everyone. My
12 name is Phil Sima from Balance Architects. I'm actually
13 wondering if we could go to slide no. 8, which is the
14 existing conditions, just to familiarize everyone.

15 So as Ryan mentioned, all the way on the left of
16 the plan, that's the existing basement. It's not habitable.
17 We do have some existing windows in the front, but we're
18 going to be making some new openings towards the rear.

19 First floor, it was the living areas with two sets
20 of stairs and a kitchen. The plan is a gut reno of all
21 interior partitions. Upstairs you have bedrooms that will
22 all be renovated as well. And then on the third floor there

1 were more bedrooms. And there is an existing fire escape
2 that we will keep in the project.

3 If you go to the next slide, Slide 9, you can see
4 really the extent of modifications on the exterior are
5 changing the existing windows, and then creating some
6 additional window openings.

7 And if you go to 10, you can get a sense of what
8 the building looks like now. You know, it's got a mansard
9 roof, rowhouse, existing brick masonry.

10 And then keep going again, you can see kind of the
11 condition. Really not in good shape at all -- at least, you
12 know, all that trash will be removed.

13 And these are some of the interior photos on slide
14 no. 12 So amazing kind of high ceilings, but in a really
15 bad state of disrepair.

16 And then the proposed plans I think start on page
17 6. And we'll show you what we're looking to do. So Unit 1
18 is the basement and ground floor. On the plan left, you're
19 looking at the basement. And we'd be doing an egress window
20 well at the front of building, which you can kind of see in
21 the plan bottom left.

22 So that's one thing we're asking for as well as

1 two additional egress windows in the back in the primary
2 bedroom there, where we have new openings to meet code
3 requirements for natural light as well as egress.

4 And then having a second means of egress from the
5 family room that's down there to go out to the back yard.

6 You can look just over at the next plan, which is the first
7 floor. This is where you enter the building. So you come
8 up the stairs, there's the unit entries to both units. So
9 for Unit 1, this is the primary living space, as well as a
10 bedroom.

11 There is a door off the kitchen out to the back,
12 where we're going to rebuild the existing deck in the same
13 dimensions that it is now.

14 And then can you go up to Unit 2. It's a very
15 similar layout to Unit 1. So when you're up there you have
16 one bedroom, and then your living area, kitchen, really nice
17 stairs going up to the top living areas with the skylight
18 above those stairs, two bedrooms, bathrooms.

19 And then a proposed roof deck off of the rear of
20 the building. So that's -- I think you can look at the next
21 ones, the elevations. But again, just showing some of the -
22 - in the front and the bottom left that new window well.

1 And then on the side elevation, the new egress
2 window and window for light, as well as some change to the
3 grade to allow for emergency egress from the basement.

4 So that pretty much summarizes the plan. And
5 Sarah, I don't know if you want to take it from here?

6 SARAH RHATIGAN: Yeah.

7 BRENDAN SULLIVAN: I was just curious as -- and I
8 didn't see it -- if the, any other buildings have roof
9 decks, or is this the only one in that block proposed?

10 PHIL SIMA: There are other buildings with roof
11 decks. In fact, the adjacent building if you're looking at
12 the elevation right now to the right, there is a roof deck
13 that's pretty much the same size that we're proposing. And
14 I don't know, Ryan, if you know of any more?

15 RYAN WITTIG: Yeah. Yes, yes. So both of our
16 abutters actually have roof decks, including the one that we
17 share our kind of physical roof with. And then several
18 neighbors down to going away from Central Square also have
19 roof decks.

20 So the roof decks off of the back, off of the
21 second floor are a very common feature in the neighborhood,
22 and it's not out of keeping with anything else going on in

1 that stretch of street.

2 BRENDAN SULLIVAN: Yeah. There's a lot going on.

3 SARAH RHATIGAN: And if I could also -- I also
4 wanted to just clarify, Mr. Sullivan, that it's a rear deck,
5 it's not technically -- I mean, it's on the roof of the
6 lower portion of the building, but it's not, you know, on
7 tippity top of the building.

8 BRENDAN SULLIVAN: Okay. All right. Anything
9 else to add at this point?

10 SARAH RHATIGAN: If I could just do a brief
11 discussion of the public outreach and support that we have?
12 If you look at Slide 14, there was the efforts to outreach
13 to neighbors, which these folks did with a -- you know,
14 "Dear Neighbor" letter to everybody on the abutter list.

15 And then they were -- they did have some nice
16 letters of support which should be in the file from the
17 abutters on both sides, the owner of the building two down
18 on the corner, and there may be one other letter. But I
19 know that you do have those in the file.

20 They also appeared before the Central Square
21 Advisory Committee on December 7 -- evening of December 7 --
22 and I believe that there was a letter of support that was

1 filed this morning. So just in case Board members haven't
2 seen that.

3 But they voted unanimously to support the project,
4 and we're pleased to see that it was going to be -- you
5 know, the building was going to be renovated in two units
6 there, instead of just the one. Just a benefit to the
7 community.

8 And just one last comment, which is that we also
9 did outreach to the Cambridge Historic Commission, and
10 Charlie Sullivan helpfully provided some very good masons as
11 recommendations to the owners because of the lovely brick
12 work that they'll be working on, you know, for storing.

13 BRENDAN SULLIVAN: Right. Okay. Let me take it
14 to the Board. I have no questions at this time. Jim
15 Monteverde, questions or comments?

16 JIM MONTEVERDE: No questions. Thank you.

17 BRENDAN SULLIVAN: Andrea Hickey?

18 ANDREA HICKEY: No questions, Mr. Chair.

19 BRENDAN SULLIVAN: Matina Williams?

20 MATINA WILLIAMS: No questions.

21 BRENDAN SULLIVAN: Jason Marshall?

22 JASON MARSHALL: Just one clarification, and

1 Attorney Rhatigan, I commend you for your stamina this
2 evening. It's very --

3 SARAH RHATIGAN: [Laughter] Thank you.

4 JASON MARSHALL: -- very impressive. I -- this is
5 an easy one. Just want to clarify that so the bases for the
6 hardship, it's not just the size of the lot, correct?

7 It's also topography and shape, and you understand
8 I ask because the courts have interpreted that provision
9 literally to not include size? So I just want to make sure
10 there are other bases there?

11 SARAH RHATIGAN: Yes, thank you. And the issue is
12 my stamina that I didn't say those out loud. But I think
13 you'll agree that those were written in our application, and
14 they certainly are true, because you can see how the
15 topography, you know, slopes down, and the way that it does
16 that, you know, creates some -- you know, existing
17 complications with access to rooms, et cetera.

18 And the -- you know, preexisting it's the narrow
19 width of the lot, and it's also that the building takes up,
20 you know, the whole lot on both sides -- long and narrow
21 buildings, so there's -- there's no way to really do much,
22 without being within setbacks.

1 JASON MARSHALL: All right. That's helpful. And
2 I'm not going to let you take away anything from your
3 stamina, so thanks for your advocacy.

4 SARAH RHATIGAN: Thank you.

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

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

12 OLIVIA RATAY: Lauren Reznick? Hi, can I be
13 heard?

14 BRENDAN SULLIVAN: Yes.

15 OLIVIA RATAY: Thank you.

16 BRENDAN SULLIVAN: Identify yourself for the
17 record.

18 LAUREN REZNICK: Yes. My name is Lauren Reznick.
19 I'm the owner of 48 Pearl Street, which is seven doors down
20 from this property. I happened to notice when I was out in
21 the neighborhood the sign that was up on the door. And so,
22 I wanted to hear and learn more about the project.

1 And from what I've seen tonight in the
2 presentation, and I reviewed the application materials, I
3 think this looks like a great project.

4 Living on this particular road, there's 10 houses
5 in this row altogether. There's five brick, of which this
6 is one and then there's five wooden ones, where I -- where
7 my home is.

8 And it's really great to see that there's
9 investment going on in this neighborhood. So I would just
10 like to say that I think this is a great project. I'm very
11 supportive of it. I think the plans look good.

12 I hope the restoration work also includes
13 maintaining the beautiful slate on the mansard roof, so I
14 would just say that. But I just wanted to hear about this
15 and then offer my words of support.

16 BRENDAN SULLIVAN: Thank you for calling in. We
17 are in receipt of correspondence dated November 15.

18 "To whom it may concern, Lubavitch -- L-u-b-a-v-i-
19 t-c-h of Cambridge owns the property of 38 Pearl Street. We
20 support the renovations our neighbors ta 34 Pearl Street are
21 proposing. We wish them success in their efforts to enhance
22 the property, which will also elevate the neighborhood.

1 "Best regards,

2 Hershey (phonetic) Zarchi, Z-a-r-c-h-i."

3 Also in receipt of correspondence from Mr. Jeffrey
4 Dunn (phonetic), 32 Pearl Street.

5 "My name is Jeff Dunn, and I own 32 Pearl Street,
6 which directly abuts 34 Pearl Street for 39 years.

7 "I'm writing to lend my support for the
8 renovations of the house at 34 Pearl in order to convert it
9 from a single-family to two separate units that the owners
10 intend to build for sale.

11 "I've walked the property with the owners. The
12 current sale (sic) of the property is an absolute disrepair
13 and needs extensive renovation.

14 "We've had an opportunity to review the plans of
15 the new building. I am in support of their project and
16 think it will be a great improvement for the neighborhood,
17 and I support their needed zoning approvals, and hope it is
18 approved.

19 "The petitioners have been attentive to concerns
20 raised by the neighbors and have taken our feedback into
21 consideration with their plans.

22 "For all these reasons, we hope you will vote

1 favorably upon this application, and find in favor of the
2 owner's proposal.

3 "Regards, Jeff Dunn."

4 Also in receipt of correspondence from the
5 Community Development Department, the Central Square
6 Advisory Committee.

7 "Central Square Advisory Committee met on
8 Wednesday, December 7 to discuss BZA special permit
9 application for 34 Pearl. The applicant proposes to
10 renovate an existing single-family dwelling and convert it
11 into a two-family dwelling on Pearl Street.

12 "The proposed improvements to the building include
13 construction of a new bedroom in the raised basement of the
14 structure.

15 "The existing rowhouse is preexisting, non-
16 conforming and requires variances for the construction of a
17 new window well in the front yard setback, and a second
18 floor rear deck in the side yard setback.

19 "Members of the Committee supported the project
20 proposed. Committee members appreciated the desire to
21 maximize light and air to both units in the project and
22 supported the concept of slightly increasing the intensity

1 of use at this location, in order to support more housing
2 units approximate to Central Square.

3 "Many members emphasized that many existing
4 structures on Pearl Street have similar upper-story decks,
5 as being planned at this location, and felt that on balance,
6 the requested relief was benign and was outweighed by the
7 positive impacts this proposal would bring."

8 There were no public comments, and it is signed by
9 Daniel Messplay, M-e-s-s-p-l-a-y, AICF.

10 And that is the sum and substance of any
11 correspondence. I will close public comment portion and
12 send it back to Sarah for any parting words.

13 SARAH RHATIGAN: Not unless there are any
14 questions.

15 BRENDAN SULLIVAN: Okay, any questions by members
16 of the Board?

17 SARAH RHATIGAN: Thank you.

18 BRENDAN SULLIVAN: Jim? Andrea Hickey?

19 ANDREA HICKEY: No questions.

20 BRENDAN SULLIVAN: Matina Williams?

21 MATINA WILLIAMS: No questions.

22 BRENDAN SULLIVAN: Jason Marshall?

1 JASON MARSHALL: No further questions.

2 BRENDAN SULLIVAN: All right, let me make a --
3 take it to a -- make a motion, then. So this is a two-part
4 motion here on the variance. Let me make a motion to grant
5 the relief requested, as per the drawings submitted,
6 entitled, "34 Pearl Street" by BA, Balance Architects,
7 initialed by the Chair, and also incorporating the
8 supporting statements and dimensional forms as part of the
9 record.

10 The Board finds that a literal enforcement of the
11 provisions of the ordinance would involve a substantial
12 hardship to the petitioner, because it would preclude the
13 petitioner from providing code-compliant two units, which
14 would be an asset to the community to provide housing in
15 this section of the City -- which is much-needed -- and
16 reference the comments from the Community Development
17 Department, the Harvard Square Advisory Committee,
18 supporting this project and the benefit that it will bring
19 to the street, and also to the neighborhood.

20 The Board finds that the proposed renovation and
21 conversion to a two-family dwelling does comply in almost
22 all respects to Zoning.

1 The only element would be a new egress window well
2 located -- new egress window well; it's well located, but
3 it's also a well -- within the front yard setback, which
4 will provide, obviously, egress, also light and fenestration
5 into the basement unit and a second floor rear deck located
6 within the side setbacks.

7 The Board notices -- notes that the property is
8 constrained by being a rowhouse, having no side yard
9 setbacks at all, and as such inherits the nature of such,
10 and that a deck -- second floor deck of this nature, which
11 is an asset to anyone who occupies this unit, would require
12 some relief from this Board, and is encumbered by the
13 current ordinance.

14 The Board finds that the hardship is owing to the
15 shape of the lot, which is very wide and narrow. Also the
16 fact that it is encumbered by having zero lot lines and a
17 very narrow siting on the lot.

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

20 The Board finds that relief will allow the
21 creation of a unit in the basement, which is an asset. Also
22 provide adequate light fenestration, and that the roof deck

1 also provides much-needed outdoor space, especially in light
2 of the fact that a singular outdoor space is much desirable
3 with regarding -- with an eye on the current COVID-19
4 situation, and people desiring outdoor space and also the
5 distancing.

6 And that desirable relief may be granted without
7 substantial detriment to the public good or nullifying or
8 substantially derogating from the intent and purpose of the
9 ordinance to provide housing for individuals of all incomes
10 levels -- and again, notice the Harvard Square Advisory
11 Committee applauding this particular development and the --
12 providing additional housing in this section of the city.

13 On the motion, then, to grant the variance
14 requested, Jim Monteverde?

15 JIM MONTEVERDE: In favor.

16 BRENDAN SULLIVAN: Andrea Hickey?

17 ANDREA HICKEY: Yes, in favor.

18 BRENDAN SULLIVAN: Matina Williams?

19 MATINA WILLIAMS: Yes, in favor.

20 BRENDAN SULLIVAN: Jason Marshall?

21 JASON MARSHALL: In favor.

22 BRENDAN SULLIVAN: Yes. Five affirmative votes;

1 the variance is granted, with. Now for the special permit,
2 which I believe is really just windows within the side yard
3 setback. Is that right, Sarah?

4 SARAH RHATIGAN: And skylights, yes.

5 BRENDAN SULLIVAN: Let me make a motion, then, to
6 grant the special permit as per the application and the
7 supporting statements and the dimensional form regarding the
8 location and number of windows.

9 The Board finds that the requirements of the
10 ordinance can be met.

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

15 The Board finds that it will have absolutely no
16 impact on the neighborhood; in fact it would be an asset to
17 the neighborhood.

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

1 And again, referencing the comments from the
2 Central Square Advisory Committee.

3 There would not be any nuisance or hazard created
4 to the detriment of the health, safety and/or welfare of the
5 occupants of the proposed use, and in fact that the addition
6 of the windows to the location proposed and the size would
7 be an asset to the health and safety of any person who
8 occupies such unit.

9 And that the proposed use would not impair the
10 integrity of the district or adjoining district, or
11 otherwise derogate from the intent and purpose of the
12 ordinance, as stated in the previous motion that it would
13 allow for the creation of livable, up to date units, which
14 are desirable in this section of the city -- in fact,
15 throughout the city, and it would be repurposing of this
16 building, which will be an asset to the city.

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

19 JIM MONTEVERDE: In favor.

20 BRENDAN SULLIVAN: Andrea Hickey?

21 ANDREA HICKEY: Yes, in favor.

22 BRENDAN SULLIVAN: Matina Williams?

1 MATINA WILLIAMS: Yes, in favor.

2 BRENDAN SULLIVAN: Jason Marshall?

3 JASON MARSHALL: In favor.

4 BRENDAN SULLIVAN: Brendan Sullivan yes.

5 [All vote YES]

6 BRENDAN SULLIVAN: Five affirmative votes; the
7 special permit is granted. Okay.

8 SARAH RHATIGAN: Thank you very much.

9 BRENDAN SULLIVAN: Okay.

10 JASON MARSHALL: Thank you all.

11 UNIDENTIFIED SPEAKER: Let's keep it rolling.

12 BRENDAN SULLIVAN: Yep. Good luck.

13 UNIDENTIFIED SPEAKER: We have an interest in
14 that.

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(8:43 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
A. Hickey, Matina Williams, and Jason
Marshall

BRENDAN SULLIVAN: All right. The Board will hear
Case No. 201486 -- 359 Cambridge Street.

SARAH RHATIGAN: Thank you, Mr. Chairman. This is
Sarah Rhatigan, Trilogy Law LLC, 12 Commercial Street,
Boston, Massachusetts. Still the same person.

Thank you for your patience, everyone. Just I am
here on behalf of the owner of the project, 359 Cambridge
Real Estate Group LLC, and Emmanuel Doe is with me from the
ownership group.

And this is a project on Cambridge Street in East
Cambridge. And the -- let's see, Olivia, would you mind
bringing up the slides for me?

This is a variance application to convert what is
now a basement office to a residential apartment, and it
involves slightly extending a side entry port.

Next slide, please? Thank you.

So this is the building along Cambridge Street.

1 It has two retail spaces on the first floor that you can see
2 in this picture.

3 And then apartments -- there are two apartments on
4 the first floor at the rear of the building, and then one,
5 two, four apartments -- you know, two on each floor up to
6 the third floor.

7 And then you can't see from this photo, but you'll
8 be able to see from the drawings that the land kind of
9 slopes down so that there's a full walkout basement.

10 And that basement area has been used as an office
11 for many years, and it's accessed by a very kind of narrow
12 sidewalk.

13 Next slide, please?

14 So here's a picture of the plot plan. As you can
15 see, Cambridge Street is on the left. And the part of the
16 building that we were looking at is sort of the wider front
17 section of the building, and then the back ell extends back.

18 And, you know, the lot is constrained by some
19 narrow setbacks to the main part of the building. And then
20 as I mentioned, the topography slopes down a bit. And
21 there's sort of a less than compliant setback at rear as
22 well.

1 And all of this goes to one of the reasons for
2 requiring a variance in this case. We're not really
3 increasing much at all, square footage.

4 Next slide, please?

5 However, because we are creating a new apartment
6 in the building by converting the basement, Section 5.26
7 with the Ordinance requires that whenever you are creating a
8 new apartment, either by subdivision or conversion of space
9 within a building, if it's with a preexisting, non-
10 conforming structure, then you need to get a variance to do
11 that.

12 So that's kind of the bulk of our variance
13 requests. There are two bases for -- also for -- well, yes,
14 there are two other bases for requiring a variance that are
15 pretty minimal, we think. One is that there's a small net
16 increase in the gross floor area.

17 Once we relocate some mechanical space in the
18 basement, so that it frees up a little bit of living space
19 for the new apartment. And then also the extended bit of
20 the side porch adds a little bit of GFA. But it's really
21 quite minimal.

22 Also, the extended portion of the side porch is

1 located within the right-side setback -- also requiring
2 relief.

3 So I'm going to look through these slides with you
4 pretty quickly but slow me down if you need to. Page 5,
5 please? I'm sorry, page 6? So that's just showing the unit
6 necks (phonetic) here.

7 So what I wanted to do is to focus on the area of
8 the building that is changing. So it's really the basement
9 where the space is being converted; its use is being
10 converted. And then the first floor just the little porch
11 area that I'll point out.

12 So this is the proposed lower floor plan. So you
13 can see the front of the building at the lowest level is the
14 mechanical space for the main part of the building -- gas
15 meters, et cetera. There's a little storage area that's for
16 one of the retail spaces.

17 And then you can see the conversion allows for a
18 three-bedroom unit that will be, you know, because the land
19 slopes away, it's a full unit with nice windows and a door
20 out from the study out to grade.

21 And next slide, please?

22 And this is showing the proposed first floor plan.

1 And the only thing that is changing here of relevance with
2 this application is if you look at the top left, you can see
3 there's a porch. There was an existing porch there, and
4 then we're proposing to extend it just a bit towards the
5 left rear of the plan here. Just to give it a little bit
6 more space; someone could maybe sit out there with a rocking
7 chair.

8 Page 8?

9 This is showing the elevations. So let's see, the
10 right side of the building -- yep, so these are sides of the
11 building that would be a little difficult to see for anyone,
12 except for maybe the direct abutter. But the right-side
13 elevation you can see the extended porch, roofed porch,
14 which is what's adding to a little GFA.

15 And then the other thing I would point out to you
16 -- actually no, I'm sorry, that's the only elevation that
17 has a noticeable change that requires any relief.

18 Next page, please?

19 The existing floor areas -- I'm sorry, we can skip
20 over 9, 10 -- yeah. And if you could go to page 12 for me?
21 Here are just some -- some pictures of the -- of the rear
22 area where the existing porch is, so that you can get the

1 sense of what it looks like around the back of the building,
2 which you would not have been able to see if you were
3 driving by.

4 And then I'm going to just show you some context
5 pictures as well.

6 Next page please?

7 So that's the front view we saw, 14. Sorry, I'm
8 sorry, next page? This is just giving you a view of where
9 it's located within East Cambridge, the East Cambridge
10 Corridor looking towards Boston.

11 And then next slide, please?

12 Here you can get a view of what the building looks
13 like in context. And you can see the top roof that we're
14 seeing is the main central portion of the building, then it
15 slopes down from there.

16 And next slide, please?

17 And here's a view as well. And you can see that
18 the entry to the side alley is on the right there for how
19 you gain access to the basement area.

20 Next slide?

21 In terms of neighbor outreach, similar to other
22 folks who I've worked with, we've reached out to neighbors

1 with a letter that was sent out to all the folks on the
2 abutter's list.

3 There was also direct communication between Mr.
4 Doe and the immediate abutters, and I'm sorry, when I
5 finalized these slides, at this point we actually hadn't
6 gotten any letters back yet but since then, there have been
7 several abutters -- direct abutters -- who have submitted
8 letters of approval, which should be in your file. There
9 have been no objections or concerns raised throughout this
10 kind of neighborhood outreach.

11 Also, back in September, before we had filed the
12 application, we presented to the East Cambridge Planning
13 Team and had a nice presentation to that group. There were
14 no objections that I can recall. I mean, I think that
15 people were really pleased that the project entailed
16 maintaining the existing street front retail, which is the
17 case.

18 And then after that meeting, Mr. Doe has met with
19 Jason Alves, and I'm not sure if there's anybody else there
20 from the East Cambridge Business Association. And they had
21 a good discussion about the project, and I believe Mr. Alves
22 also wrote a letter of support for the project.

1 So in terms of the variance relief, you can just
2 move to the next slide if you like, just so we're looking at
3 a picture, to see how it works there.

4 EMMANUEL DOE: Sure.

5 SARAH RHATIGAN: In terms of, you know, the
6 variance relief, the project -- you know, the lot size is
7 constrained on the side lots. There's the topography
8 sloping down so that it, you know, it creates the need for,
9 you know, for that extended porch area that's one of the
10 sources of the variance.

11 And, you know, the other aspects of this requiring
12 a variance is if you're going to work within an existing --
13 preexisting, non-conforming structure and try to convert,
14 you know, with an office use to residential, there is no way
15 to do it unless the Board is willing to grant this relief,
16 which in this case I think we've proven is not presenting
17 any difficulties or any negative impacts on the neighbors,
18 and in fact, you know, supports some strong policy positions
19 of the East Cambridge Planning Team and supporting
20 residential apartments.

21 So we're pleased with the support that we've
22 gotten there.

1 EMMANUEL DOE: Just of note --

2 SARAH RHATIGAN: And -- yeah.

3 EMMANUEL DOE: Sorry, just to add one thing for
4 the Board is that we are not changing --

5 BRENDAN SULLIVAN: If you could just introduce
6 yourself for the record, Mr. Doe?

7 EMMANUEL DOE: Oh, I'm so sorry. My name is
8 Emmanuel Doe on behalf of Cambridge Street Real Estate
9 Group. Thank you for the Board's time and attention this
10 evening on this matter.

11 Just of note to add to Sarah's comments, we are
12 not changing any of the commercial footprint for the two
13 retail spaces that you see in this picture here, which is
14 iFixOnWheelz and Amaya Comics bookstore. They've had their
15 space preexisting. They will continue to enjoy the same
16 space on an ongoing basis.

17 And then to Sarah's other point, with regards to
18 direct abutters, there are e-mails and letters of support
19 from the building on the left, which is the gray building,
20 as well as the building on the right, which is the brick
21 building occupied by Colman Electric. Sorry. Go ahead,
22 Sarah.

1 SARAH RHATIGAN: Okay. I was going to ask if
2 there were any questions from the Board.

3 BRENDAN SULLIVAN: Okay. Let me open it up to the
4 Board.

5 Jim Monteverde, any questions or comments at this
6 time?

7 JIM MONTEVERDE: No questions, thank you.

8 BRENDAN SULLIVAN: Andrea Hickey?

9 ANDREA HICKEY: Yes. Just if I could ask you to
10 confirm, what is the basement area being used for at
11 present?

12 EMMANUEL DOE: The basement area currently is
13 being used as a -- it's a foul commercial space.

14 SARAH RHATIGAN: So does that mean it's not being
15 used at present?

16 EMMANUEL DOE: It's not being rented currently,
17 yes.

18 BRENDAN SULLIVAN: It's been vacant for a while,
19 is that correct, Mr. Doe?

20 EMMANUEL DOE: I don't know exactly how long, but
21 a couple of years.

22 BRENDAN SULLIVAN: Okay.

1 ANDREA HICKEY: And when it was last rented, what
2 was it -- what was the use? What was it rented for? I
3 don't mean the amount; I mean what was the use?

4 EMMANUEL DOE: Yeah, I -- it was an office of some
5 sort. I don't know; it preexisted me, and I was asking
6 around as to what it was used for. But it was even Jason
7 Alves of the East Cambridge Business Association said it was
8 some sort of a -- you know, chiropractor's office or
9 something that was in the back or something. So he wasn't
10 quite sure. But based on my discussion with him, he had
11 said that he had recommended tenants or potential commercial
12 occupants to the prior owners of the building, and over the
13 years, and sort of nothing has taken place.

14 ANDREA HICKEY: So how long have you owned this
15 building?

16 EMMANUEL DOE: I've owned the building since
17 August of 2022.

18 ANDREA HICKEY: Okay, great. That's all I have.
19 Thank you.

20 BRENDAN SULLIVAN: Matina Williams, any questions
21 or comments at this time?

22 MATINA WILLIAMS: No questions.

1 BRENDAN SULLIVAN: Jason Marshall, anything?
2 Questions?

3 JASON MARSHALL: No questions.

4 BRENDAN SULLIVAN: Let me open it to public
5 comment. Any members of the public who wishes to speak
6 should now click the button that says, "Participants," and
7 then click the button that says, "Raise hand." If you're
8 calling in by phone, you can raise your hand by pressing *9
9 and unmute or mute by pressing *6 and you'll have up to
10 three minutes to comment.

11 There's nobody calling in. We are in receipt of
12 communication -- Linda Ciampa, 371 Cambridge Street.

13 "It was nice to speak to you weeks ago, and I
14 spoke with my siblings about your proposed renovations. We
15 don't see any downside to your plan. As long as the work is
16 done during reasonable hours, so our tenants are not
17 disturbed.

18 "Given the housing shortage in the area, this
19 seems like a good use of the space. We wish you success
20 with your plan."

21 There is correspondence from Mark Rogers.

22 "On behalf of my father, Manny -- Manuel Rogers

1 and myself -- we are in favor of the requested variance
2 related to Case No. 201486.

3 "My family controls the abutting properties
4 located at 350-400 Cambridge Street. Mr. Emmanuel Doe, the
5 owner of 357-361 Cambridge Street has assured the community
6 that he will maintain the retail street presence for both
7 the existing frontage units, presently, iFixOnWheelz and
8 Amaya -- A-m-a-y-a Bros. Comics. The unit and the rear of
9 the property is better served through an occupancy other
10 than retail."

11 There is correspondence from John Moore, who's the
12 owner of 349-351 Cambridge Street.

13 "Thank you for letting me know about your
14 construction and variance application. I think it would be
15 great for the area to have an additional residential unit,
16 and we are wholly supportive for you to convert the basement
17 commercial unit into a residential unit."

18 And from the East Cambridge Business Association
19 dated December 14:

20 "Dear members of the Board, I am writing on behalf
21 of the East Cambridge Business Association to lend our
22 support for the application by 359 Cambridge Realty LLC,

1 which will allow the conversion of rear-garden-level
2 commercial space into residential space.

3 "The space in question has been vacant for a
4 number of years, while commercial space like this can lend
5 value to the business district, this space can likely be
6 more impactful as a residential unit.

7 "There are two other retail spaces in the building
8 currently occupied by iFixOnWheelz and Amaya Bros. Comics.

9 "These spaces are very important to the commercial
10 continuity of Cambridge Street and should be preserved and
11 enhanced at all costs. We all -- we ask that no work being
12 done in the rear unit should negatively impact the viability
13 of the street-facing units or impact the local businesses
14 occupying those commercial units.

15 "Thank you for taking the time and consideration.
16 I will hope you find favor with application.

17 Jason Alves, A-l-v-e-s."

18 And that is the sum and substance communication.
19 I will close the public comment part and send it back to
20 Sarah.

21 SARAH RHATIGAN: No further comments.

22 BRENDAN SULLIVAN: All right, any members of the

1 Board have any questions or comments, or ready for a motion?

2 ANDREA HICKEY: Ready.

3 JIM MONTEVERDE: Ready.

4 BRENDAN SULLIVAN: Seeking relief under 8.22.3,
5 which is a non-conforming structure and 5.26, which is a
6 conversion to additional dwelling units.

7 Let me make a motion, then, to grant the relief
8 requested as per the application, the drawings dated
9 07/11/22 by A-n-z-z-a Architects, initialed and dated by the
10 Chair, also incorporating the supporting statements and the
11 dimensional form.

12 The Board finds that a literal enforcement of the
13 provisions of the Ordinance would involve a substantial
14 hardship to the petitioner, because it would preclude the
15 petitioner from repurposing this particular part of the
16 building from an outdated and really not a very useable
17 commercial space into a viable and much-needed living space,
18 which is desirable in the area.

19 The Board finds that the hardship is owing the
20 unique shape of the lot and the topography, where the
21 building grade drops off toward the back, and as such that
22 this particular section of the building is considered above

1 story grade.

2 And that the Board finds that the shape of the
3 structure is wide at the street, providing only a narrow,
4 four-foot-wide passageway to access the rear of the
5 building, resulting in a very restricted access for a
6 commercial tenant, and as such not very viable.

7 The Board finds that desirable relief may be
8 granted without substantial detriment to the public good.
9 We note and incorporate the letters of support from abutting
10 properties, and also from the East Cambridge Business
11 community, noting that the addition of a rental unit is very
12 desirable.

13 The Board finds that desirable relief may be
14 granted without nullifying or substantially derogating from
15 the intent and purpose of the ordinance.

16 The Board notes that the intent and purpose of
17 this Ordinance, Article 1, states that it's to encourage the
18 rational use and development of land throughout the city,
19 and to encourage appropriate economic development, which
20 this proposal does create quality housing with close
21 proximity to public transportation. It benefits the
22 property and also the neighborhood.

1 That there was no substantial impact on abutters,
2 the established neighborhood character or is of mixed
3 commercial and residential use in East Cambridge, and this
4 proposal will not cause any hazard or negatively impact the
5 -- any traffic or patterns of access or egress. There would
6 be no result in the use of activity not otherwise permitted
7 in the ordinance.

8 And that there would not be any impact regarding
9 the traffic, population density, blight, and pollution.

10 And also that the granting of this variance will
11 encourage the preservation of and the reuse and repurposing
12 of an existing structure at this particular section.

13 On the motion, then, to grant the variance as
14 requested, Jim Monteverde?

15 JIM MONTEVERDE: In favor.

16 BRENDAN SULLIVAN: Andrea Hickey?

17 ANDREA HICKEY: Yes, in favor.

18 BRENDAN SULLIVAN: Matina Williams?

19 MATINA WILLIAMS: Yes, in favor.

20 BRENDAN SULLIVAN: Jason Marshall?

21 JASON MARSHALL: In favor.

22 BRENDAN SULLIVAN: Brendan Sullivan in favor.

1 [All vote YES]

2 BRENDAN SULLIVAN: On the five affirmative votes,
3 the variance as per the application is granted.

4 COLLECTIVE: Thank you very much. Thank you.

5 BRENDAN SULLIVAN: And that's it, Sarah?

6 SARAH RHATIGAN: That's it.

7 BRENDAN SULLIVAN: Okay.

8 SARAH RHATIGAN: Good luck, everybody.

9 BRENDAN SULLIVAN: Thank you. We'll see you
10 again. Happy holidays.

11 MATINA WILLIAMS: Mr. Chair, can I get five?

12 BRENDAN SULLIVAN: Yes, absolutely.

13 MATINA WILLIAMS: Yes.

14 BRENDAN SULLIVAN: Yes. The Board will take a
15 slight recess for a moment or two. And when we return it
16 will be 188-194 Green Street.

17 (BREAK)

18 BRENDAN SULLIVAN: Who was asking, was it Andrea?

19 OLIVIA RATAY: Matina.

20 BRENDAN SULLIVAN: Oh, Matina.

21 ANDREA HICKEY: Yes. Should we take a roll call,
22 Mr. Chair?

1 BRENDAN SULLIVAN: Yes. Jim Monteverde?

2 JIM MONTEVERDE: Present.

3 BRENDAN SULLIVAN: Andrea?

4 ANDREA HICKEY: Present.

5 BRENDAN SULLIVAN: Matina?

6 BRENDAN SULLIVAN: Jason?

7 JASON MARSHALL: I'm here.

8 BRENDAN SULLIVAN: All right. Matina?

9 [Pause]

10 What time is it?

11 [Pause]

12 Matina, have you returned?

13 [Pause]

14 MATINA WILLIAMS: I'm here.

15 BRENDAN SULLIVAN: Good. Okay. I think we're all
16 back. All right.

17 MATINA WILLIAMS: Yep.

18

19

20

21

22

* * * * *

(9:10 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
A. Hickey, Matina Williams, and Jason
Marshall

BRENDAN SULLIVAN: Let me call Case No. 201972 --
188-194 Green Street.

RYAN WITTIG: Hello, Board. This is Ryan Wittig
again calling from -- coming in from Kinvarra Capital. We
are the owners of 188 and 194 Green Street. It's myself and
Matt Moore. I do not have --

BRENDAN SULLIVAN: You're on mute. Well, we can't
--

JIM MONTEVERDE: Ryan, you muted yourself.

BRENDAN SULLIVAN: We can't hear you. Somehow you
muted yourself. Nope, not audible.

RYAN WITTIG: Olivia, are you able to pull up the
first slide of the property?

JASON MARSHALL: We missed all that, Ryan. We
couldn't hear you.

RYAN WITTIG: Okay. Switching audio inputs.
Hello, Board. This is Ryan Wittig again coming from

1 Kinvarra Capital. We're the owners of 188-194 Green Street,
2 which is currently or previously and currently a four-unit
3 residential building.

4 The reason we're here is because we have -- we're
5 doing extensive gut rehab on this building. And we're
6 enclosing the rear porch on the second floor and building
7 out living areas in the basement.

8 The basement -- nothing in the basement requires
9 relief. However, some of -- as we're, you know, doing an
10 extensive gut rehab on this building, we're adding some new
11 windows into the building to, you know, bring light and air
12 into the building, and also just windows in the bedroom that
13 are required for legal bedroom units.

14 So we've got a few windows that fall within the
15 side and rear setbacks. So we're asking for a special
16 permit on those.

17 So I guess I'm not really sure the best way to go
18 about this, Olivia. If you could go onto the diagram that
19 shows the windows, we have a -- keep going, it might be
20 towards the end. We had a -- there it is, yeah. I think I
21 have 15. Yes. If you could expand that out and Zoom over
22 -- pan over to the left.

1 So as you can see, on the left-hand side we've got
2 two windows on the rear portion that used to be the former
3 enclosed, or the former roof deck or rear patio, and then
4 three windows on the rear corner there. There were already
5 existing windows there, but we just enlarged them a little
6 bit, so that's what triggered the special permit on those.

7 And then we have one on the third floor on the
8 right-hand side, which is in the bathroom. It's a newly
9 added bathroom.

10 So previously the building was a four-unit
11 building, but there was no living space in the basement.
12 And the upper units had -- you know, pretty old -- old
13 layouts from, you know, being built in the 1800s.

14 The layouts -- it only had one bathroom in each
15 unit, and it didn't have a good number of bedrooms or, as
16 we're reconfiguring this, each unit will have three
17 bedrooms, three bathrooms. So they're good-sized units, and
18 they'll be able to support families if they so choose.

19 And, you know, the reason why we just -- we need
20 these windows is for the bedrooms and for the living areas
21 to get additional light.

22 We've met with all of our direct abutters to

1 discuss our plans. Nobody had any concerns revolving around
2 the windows.

3 Olivia, if you could pan over to the right a
4 little bit? Yeah, to show the layouts.

5 Yeah, so these -- the red hashmarks show the
6 property setbacks. Originally, we weren't even sure if the
7 area in the rear that was formerly the open rear deck was
8 going to require relief, because we're essentially enclosing
9 it and already opened an existing opening. But, as you can
10 see on the -- if you scroll down a little bit, Olivia, just
11 there's no issues in the basement. Two of the windows --
12 yeah, the bottom left-hand side starting in the rear, these
13 two bedrooms in the rear, on the second floor the windows
14 are in the rear yard setback.

15 And then all of the windows along the left-hand
16 side, because the way the property juts in in the back, it's
17 kind of an odd -- a very odd-shaped lot. It's not a square
18 lot.

19 The setbacks reset along the left-hand sides, and
20 we're just barely grazing it on the left corner there.
21 They're just falling within the setbacks.

22 So, you know, it's -- in the grand scheme of

1 things, we didn't think that was -- we didn't think that
2 required any setbacks to begin with, but after further
3 examination it was determined that they were. And here we
4 are. I don't know, you know -- Olivia, if you could scroll
5 down, we can go through a few more of the pictures. Yeah.

6 So there's -- there's the front of the building.
7 I don't think that we're changing it. It's out of
8 conformance.

9 Next picture, Olivia?

10 This is the rear, the former open deck that we're
11 enclosing and adding living space into.

12 Next picture?

13 And this is the right-hand side of the rear, so
14 showing that there are already preexisting windows there,
15 we're just kind of changing the configuration, and there
16 were some windows on the left-hand side here as well. We
17 just were adding that window in the bedroom space, but just
18 into the setbacks.

19 And one more, Olivia, the next picture?

20 This is on the rear left-hand side, similar --
21 similar story here. The only window that we're adding
22 that's out of conformance is the rear window going towards

1 the -- above the existing or preexisting door, that we
2 actually filled in.

3 Go ahead and go to the next plot plans just after
4 that, if the Board wants to see it. It's the plot plan
5 which shows kind of how it's an odd-shaped lot, which gave
6 us some challenges from a configuration standpoint.

7 And -- yeah, I don't really know what else is
8 worth mentioning, beyond the fact that we've already met
9 with all of our neighbors, and no one had any concerns with
10 the window placements.

11 It's in keeping with the neighborhood, actually.
12 Our neighbor to our left, 196 Green Street, they've already
13 enclosed their rear porch, and they've done exactly what
14 we're showing here already. And nobody has any concerns
15 about the placement of our windows invading their privacy or
16 anything like that.

17 So with that, I guess I'll open it up to the Board
18 for any questions or comments.

19 BRENDAN SULLIVAN: Okay. Well, it's obvious the
20 building needs something, and it looks like you guys are
21 doing that something. So --

22 RYAN WITTIG: Yes.

1 BRENDAN SULLIVAN: I have no questions.

2 Jim Monteverde, any questions or comments?

3 JIM MONTEVERDE: No questions, thank you.

4 BRENDAN SULLIVAN: Andrea Hickey?

5 ANDREA HICKEY: Nothing from me, Mr. Chair.

6 BRENDAN SULLIVAN: Matina Williams, questions or
7 comments?

8 MATINA WILLIAMS: No questions at this time.

9 BRENDAN SULLIVAN: Okay, Jason Marshall any
10 comments or questions?

11 JASON MARSHALL: No questions.

12 BRENDAN SULLIVAN: Let me open it to public
13 comment. Any member of the public who wishes to speak
14 should now click the button that says, "Participants," and
15 then click the button that says, "Raise 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 in which to comment.

19 [Pause]

20 There appears to be nobody calling in. We are in
21 receipt of correspondence from the Central Square Advisory
22 Committee.

1 RYAN WITTIG: Oh yeah, sorry. We did -- we also
2 met with the Central Square Advisory Committee, went over
3 the plans. They agree that the building's in obviously
4 previously very rough disrepair. They unanimously supported
5 our proposal as well.

6 BRENDAN SULLIVAN: Okay.

7 "Central Square Advisory Committee met on
8 Wednesday, December 7. The applicant proposes to renovate
9 an existing multifamily residential building with four
10 dwelling units.

11 "The proposed renovation will include the addition
12 of windows on a side of the building which has a
13 preexisting, non-conforming side and rear yard setback,
14 which requires a BZA special permit.

15 "Members of the Committee were supportive of the
16 project. They appreciated that the project would help to
17 renovate a house in the neighborhood and bring much-needed
18 housing units near to the Square.

19 "Committee members also felt that the requested
20 relief was benign, and the resulting project would not
21 adversely affect the existing neighborhood character. There
22 were no public comments on the 188-194 Green Street project.

1 "Respectfully submitted for the Committee,

2 "Daniel Messplay, M-e-s-s-p-l-a-y."

3 And that is the sum and substance of any
4 correspondence. And we will accept and include as part of
5 the record the petitioner's presentation that he spoke to
6 abutters, and there was no objection to what was proposed.

7 I will close the public comment part, send it
8 back. Anything else to add or -- before we take it to the
9 Board?

10 RYAN WITTIG: No, thank you.

11 BRENDAN SULLIVAN: Okay. Any questions by the
12 Board, ready for a motion?

13 ANDREA HICKEY: Ready.

14 BRENDAN SULLIVAN: Seeking a special permit to
15 allow for adding new windows to the left yard and rear
16 setback, the Board finds that under 8.22.c, that the project
17 will comply with the dimensional other requirements of the
18 ordinance, and meet the requirements for a special permit
19 under 8.22.2.c to allow for new, modified or enlarged
20 windows, doors or skylights on exterior walls, non-
21 conforming structures within the side or rear setback that
22 would not otherwise be allowed under 8.22.1.d with such new

1 modified and/or enlarged openings will not be detrimental to
2 abutters or the district.

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

7 The Board finds that the changes proposed are
8 consistent with a modest change to a preexisting, non-
9 conforming structure that will bring the property's uses
10 into conformity with neighboring, multifamily residential
11 use. There will be no change to access or egress patterns.

12 The Board finds that the proposed windows will
13 actually largely be unseen by neighbors and are necessary to
14 allow adequate light, air and code-compliant living areas
15 for the bedrooms.

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

20 The Board finds that the proposed renovation and
21 conversion will be a welcome improvement benefitting from
22 the abutting properties and the neighborhood.

1 The Board finds that there would not be any
2 nuisance or hazard created to the detriment of the health,
3 safety and/or welfare to the occupant of the proposed use,
4 or the citizens of the city; in fact, it would be greatly
5 enhanced by having adequate windows, positioned in a better
6 area to allow better light and fenestration into the unit.

7 And that the proposed use would 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 the petitioner to modify, upgrade the
11 properties to provide adequate, code-compliant air
12 fenestration and light coming in to the rooms.

13 And the Board also notes the letter of support
14 from the Central Square Advisory Committee applauding the
15 efforts of the petitioner to provide much-needed housing
16 units in an upgraded nature.

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

19 JIM MONTEVERDE: In favor.

20 BRENDAN SULLIVAN: Andrea Hickey?

21 ANDREA HICKEY: Yes, in favor.

22 BRENDAN SULLIVAN: Martina Williams?

1 MATINA WILLIAMS: Yes, in favor.

2 BRENDAN SULLIVAN: Jason Marshall?

3 JASON MARSHALL: In favor.

4 BRENDAN SULLIVAN: Brendan Sullivan in favor on
5 the condition that the work comply with the drawings as
6 submitted dated 06/07/22 initialed by the Chair, and also
7 the supporting statements.

8 [All vote YES]

9 BRENDAN SULLIVAN: Five affirmative votes; the
10 special permit is granted. Good luck.

11 COLLECTIVE: Thank you, all, see you in a month or
12 two. Thank you.

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2 (9:26 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
4 A. Hickey, Matina Williams, and Jason
5 Marshall

6 BRENDAN SULLIVAN: the Board will now hear Case
7 No. 201758 -- 204 Fayerweather Street. Mr. Rafferty?

8 JAMES RAFFERTY: Thank you, Mr. Chair. Good
9 evening, members of the Board. For the record, my name is
10 James Rafferty. I'm an attorney with offices located at 907
11 Mass Avenue in Cambridge.

12 I'm appearing this evening on behalf of Karl and
13 Keya Dannenbaum, D-a-n-n-e-n-b-a-u-m, and the Dannenbaums
14 are the owners of this property, and it is located on
15 Fayerweather Street in West Cambridge.

16 Four Board members out of tonight's five may
17 recall that in May of this year, this case was heard by you
18 to approve renovations and additions to the property.

19 And around the time that the decision was issued,
20 the Dannenbaums also got additional exciting news they were
21 going to have a new baby.

22 So they set about making some modifications to the

1 interior of the plan, none of which would have a zoning
2 implication, but the new bedroom that they added has led to
3 decision to try to reorganize some of the windows on the
4 non-conforming walls.

5 If Ms. Ratay could direct the Board's attention to
6 page A 2.3, I think this elevation tells nearly the entire
7 story. On one side of the sheet you see the window -- the
8 fenestration organized in the plan that the Board approved
9 in May, and on the right is the modification to that plan
10 showing the relocation and reorganization of some of the
11 windows.

12 So we're asking for a revision to the special
13 permit to allow for this type of alignment. This is the
14 non-conforming wall.

15 There's one other provision associated with the
16 application, and that has to do with creating an entry over
17 -- covering over an entrance to the basement.

18 And page A 2.1, I think that elevation identifies
19 what's going on on the left -- again, what was approved in
20 the May special permit. You'll see the slider, and you'll
21 see on the left on the dotted lines the stairs going down to
22 the basement.

1 After some analysis of the groundwater and other
2 factors, there was a determination made by Joseph Kennard,
3 the architect, and others, that it would be extremely
4 helpful to be able to put a covering over that entry. So
5 you'll see on the right a covering.

6 And the decision was made to extend the roof of
7 that covering over the slider. More of an aesthetic
8 concern, but nonetheless because it creates an overhang, the
9 combination of the covering into the basement and the
10 covering over the slider is 78 square feet.

11 So the request also includes an additional 78
12 square feet to allow for this modest change to be approved,
13 a lower entry.

14 We have Joseph Kennard, the architect, present,
15 happy to answer any questions or review any other aspects of
16 the plan if the Board would like.

17 BRENDAN SULLIVAN: Okay. Thank you. I have no
18 questions. Jim Monteverde, any questions?

19 JIM MONTEVERDE: No questions, thanks.

20 BRENDAN SULLIVAN: Andrea Hickey?

21 ANDREA HICKEY: No questions.

22 BRENDAN SULLIVAN: Matina Williams?

1 MATINA WILLIAMS: No questions.

2 BRENDAN SULLIVAN: Jason Marshall?

3 JASON MARSHALL: No questions.

4 BRENDAN SULLIVAN: Okay. Let me go to public
5 comment. Any members of the public who wish to speak should
6 now click the button that says, "Participants," and then
7 click the button that says, "Raise hand."

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

11 [Pause]

12 There appears to be nobody calling in. We are --
13 have no corporate sent to the Board, so I will close the
14 public comment portion.

15 [Noise/side conversation]

16 Is somebody calling in? No, okay.

17 JIM MONTEVERDE: I think Mr. Wittig may have had
18 his --

19 BRENDAN SULLIVAN: Oh, still?

20 JIM MONTEVERDE: -- mic, yeah.

21 BRENDAN SULLIVAN: All right. Anything else to
22 add, Mr. Rafferty or take it to the Board?

1 JAMES RAFFERTY: No, thank you. Nothing more.

2 BRENDAN SULLIVAN: Okay. Any questions by the
3 Board, or are we ready for a motion?

4 JIM MONTEVERDE: Ready.

5 BRENDAN SULLIVAN: It appears to me that the
6 changes are actually quite necessary, and if this was the
7 original proposal, I would dare say that we would probably
8 approve it as part of the original application that was
9 before us. So I think that the -- what is before us is
10 somewhat de minimis.

11 So let me make the motion to grant the relief
12 requested for the special permit on the condition that the
13 work comply with the drawings that are submitted, supporting
14 statements and dimensional form initialed and dated by the
15 Chair.

16 Under 8.22.d special permit, the Board finds that
17 it may grant a special permit for the alteration or
18 enlargement of a preexisting dimensionally non-conforming,
19 detached single-family dwelling or two-family not otherwise
20 permitted in 8.22.1, but not the alteration or enlargement
21 of a preexisting, non-conforming use.

22 Provided that there is no change in use, and that

1 any enlargement or alteration of such preexisting, non-
2 conforming detached single-family dwelling or two-family may
3 only increase a preexisting dimensional non-conformity but
4 does not create a new dimensional non-conformity.

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

11 Under 10.43, it appears that the requirements of
12 the Ordinance can be met.

13 Traffic generated, or patterns of access or egress
14 would not cause congestion, hazard, or substantial change in
15 the established neighborhood character.

16 The Board finds that continued operations of or
17 development of adjacent uses, as permitted in the Zoning
18 Ordinance, would not be affected by the nature of the
19 proposed use, and realignment to changing the windows, any
20 covering over an entryway, which has a direct benefit to the
21 property.

22 The Board finds that there would not be any

1 nuisance or hazard created to the detriment of the health,
2 safety and/or welfare of the occupants of the proposed use,
3 in fact it would be enhanced by the relocation of these
4 windows, and especially the covering as per proposed from
5 the elements.

6 The Board finds that the proposed use would not
7 impair the integrity of the district or adjoining district
8 or derogate from the intent and purpose of the ordinance to
9 allow homeowners to improve their property, provide adequate
10 light and air into the property and also protect the --
11 especially the basement area by putting a covering over
12 entryways as a protection from the elements.

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

15 JIM MONTEVERDE: In favor.

16 BRENDAN SULLIVAN: Andrea Hickey?

17 ANDREA HICKEY: Yes, in favor.

18 BRENDAN SULLIVAN: Matina Williams?

19 MATINA WILLIAMS: Yes, in favor.

20 BRENDAN SULLIVAN: Jason Marshall?

21 JASON MARSHALL: In favor.

22 BRENDAN SULLIVAN: And Brendan Sullivan yes.

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[All vote YES]

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

JAMES RAFFERTY: Thank you very much and have a
wonderful holiday season to all Board members. I hope to
see you in the New Year. Bye.

BRENDAN SULLIVAN: Thank you.

* * * * *

(9:34 p.m.)

Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
A. Hickey, Matina Williams, and Jason
Marshall

BRENDAN SULLIVAN: The Board will hear Case No.
200907 -- 50 Pemberton Street.

ERIC PARKES: Hello, good evening. Can you see
me?

BRENDAN SULLIVAN: Yes.

ERIC PARKES: Okay.

BRENDAN SULLIVAN: We can hear you.

ERIC PARKES: I can't see myself. Good evening,
I'm Eric Parkes, an architect. I'm working with Creighton
and Andrea Eldridge, the owners of 50 Pemberton Street.
They own a single-family, and the scope of this, we're
seeking a special permit because there are some dimensional
non-conformities to the structure.

And the project entails enlarging an existing rear
basement, their cellar window, so that it can serve as an
egress -- emergency egress route, code-compliant route --
the finished basement -- like to have an additional way out.

1 The reason we're here is there are two issues:
2 One is that the wall that the window is located in is within
3 the rear setback, so it's the issue of moving, enlarging the
4 window in a setback.

5 And the other issue is that by creating a window
6 well outside or excavating about three feet, we're lowering
7 the effect of the average grade, from which the building
8 elevation is measured.

9 So we're effectively increasing the building
10 height by about three-quarters of an inch, which it's
11 already non-conforming with respect to height, so we're
12 looking to increase that under I think that's 8.22.2.d for
13 that extra three-quarters of an inch.

14 We feel that this is -- just to make our sales
15 pitch -- that the elevation that this is located on is not
16 visible from a public way. The only person that would be
17 able to see it at all is the rear neighbor, who I believe
18 has written a letter of support for the project. And I
19 think there are also letters from the neighbors on either
20 side.

21 It won't -- obviously won't increase the nature or
22 intensity of use of the site. It won't lead to increase in

1 traffic or noise. Or I don't believe there are any hazards
2 that will be created or increased because of this. So I
3 think it's a pretty minimal tweak to the building. And it
4 would allow the owners another way out from the basement.
5 They have two young children who would like to be down there
6 as a safety measure.

7 I think that's the gist of it in a nutshell, if
8 you have any questions.

9 BRENDAN SULLIVAN: Yep, no, pretty simply.

10 ERIC PARKES: Oh, I can pull up -- do you want me
11 to walk you through the drawings? I didn't do that. The
12 floor plan shows the location of the window in the back
13 there, and the rear elevation.

14 BRENDAN SULLIVAN: Great. Thank you. Jim
15 Monteverde, any questions?

16 JIM MONTEVERDE: No, thank you.

17 BRENDAN SULLIVAN: Andrea Hickey?

18 ANDREA HICKEY: No questions, thank you.

19 BRENDAN SULLIVAN: Matina Williams?

20 MATINA WILLIAMS: No questions.

21 BRENDAN SULLIVAN: Jason Marshall?

22 JASON MARSHALL: No questions.

1 BRENDAN SULLIVAN: And Brendan Sullivan, I have no
2 questions.

3 Let me open it to public comment. Any member of
4 the public who wishes to speak should now click the button
5 that says, "Participants," and then click the button that
6 says, "Raise hand."

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

10 [Pause]

11 So it appears nobody is calling in. We are in
12 receipt of correspondence dated December 6 from Peter Kim.

13 "We are writing in support of Creighton and Andrea
14 Eldrige's petition to be allowed to put in a basement egress
15 window as they finish their basement.

16 "As the house behind them at 37 Fairview (sic), we
17 may in fairness be the only house that would even see or
18 notice this, and only if we were looking down from a higher
19 floor over the fence.

20 "This should absolutely be allowed; it's coming to
21 the Board only on a technicality. To deny this would be an
22 abuse and a misinterpretation of the intent of the zoning.

1 "Thank you.

2 "Peter & Sibylle Kim.

3 "37 Fairview -- Fairfield Street."

4 The Board is in receipt of correspondence from
5 Jennifer Lawrence dated December 7.

6 "As an abutter to the property owned by Creighton
7 and Andrea Eldridge at 50 Pemberton, I have recently
8 received a notice for renovations being proposed for their
9 property, specifically 'to enlarge an existing cellar window
10 and construct a window well at exterior to provide an
11 emergency egress from the basement.'

12 "I would like to go on record in support of the
13 proposed renovation for three reasons: (1) I understand
14 that the window and window wells area in question would be
15 almost entirely out of sight to abutters and other
16 pedestrians, so no aesthetic impact; (2) Taking steps to
17 make the property safer by adding an emergency exit seems
18 like a useful and wise update; (3) The Eldridge family have
19 been outstanding neighbors who care deeply about the
20 community, and I cannot imagine them undertaking a project
21 that would have a negative impact.

22 "Thanks -

1 "Jennifer Lawrence

2 55 Pemberton Street, Unit 1."

3 Correspondence from Lissa Emily Ravicz, R-a-v-i-c-
4 z.

5 "I would like to give a comment regarding BZA Case
6 200907, 50 Pemberton St.

7 "I fully support the petitioners' request. Their
8 request to enlarge an existing cellar window and construct a
9 window well is very much in keeping with the neighborhood
10 vernacular and the existing structures in the neighborhood."

11 And that is the sum and substance of
12 correspondence. I will close the public comment part, send
13 it back to the petitioner. Anything else to add?

14 ERIC PARKES: I don't believe so. I'm happy to
15 walk you through plans if that is helpful. It's pretty
16 straightforward otherwise.

17 BRENDAN SULLIVAN: All set from me. Any questions
18 by members of the Board, or are you ready for a motion?

19 JIM MONTEVERDE: Ready.

20 BRENDAN SULLIVAN: Okay. Let me make a motion,
21 then, to enlarge the existing cellar window and construct a
22 window well at the exterior to provide emergency egress from

1 the basement, seeking relief under Section 8.22.2.d.

2 And I'll make a motion to grant that the Board may
3 grant a special permit for the alteration or enlargement of
4 a preexisting dimensionally non-conforming, detached single-
5 family dwelling or two-family not otherwise permitted in
6 8.22.1, but not the alteration or enlargement of a
7 preexisting non-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 is
15 required and does find that the alteration or enlargement
16 shall not be substantially more detrimental than the
17 existing non-conforming structure to the neighborhood. And
18 that the alteration or enlargement satisfies the criteria in
19 10.43.

20 Under 10.43, it appears that the requirements of
21 the Ordinance can be met. Traffic generated, or patterns of
22 access or egress would not cause congestion, hazard, or

1 substantial change in the established neighborhood
2 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.

7 The Board notes letters of support from abutting
8 properties, especially the property in the rear, which is in
9 full support.

10 The Board finds that there would not be any
11 nuisance or hazard created to the detriment of the health,
12 safety, and/or welfare of the occupants of the proposed use,
13 in fact with this proposal it will be greatly enhanced,
14 especially a safe exit from the basement area.

15 The Board finds that the proposed use would not
16 impair the integrity of the district or adjoining district,
17 or otherwise derogate from the intent and purpose of the
18 ordinance to allow homeowners to improve their property,
19 provide adequate air, light fenestration into the living
20 rooms -- livable rooms and their structure, and also to
21 provide a safe egress -- entrance and egress out of the
22 basement area.

1 On the motion, then, to grant the relief requested
2 on the condition that it comply with the drawings as dated,
3 special permit for basement egress window, designed by
4 Andrea K-o-s-c-h-w-a-n-a-z. I'm going to butcher that, so
5 I'll just spell it, and dated October 27, 2022, initialed by
6 the Chair, also incorporating the supporting statements and
7 dimensional form.

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

10 JIM MONTEVERDE: In favor.

11 BRENDAN SULLIVAN: Andrea Hickey?

12 ANDREA HICKEY: Yes, in favor.

13 BRENDAN SULLIVAN: Matina Williams?

14 MATINA WILLIAMS: In favor.

15 BRENDAN SULLIVAN: Jason Marshall?

16 JASON MARSHALL: In favor.

17 BRENDAN SULLIVAN: Brendan Sullivan yes to the
18 motion.

19 [All vote YES]

20 And on the five affirmative votes, the special
21 permit is granted.

22 ERIC PARKES: Thank you, folks.

1 BRENDAN SULLIVAN: Yep. And that completes
2 tonight's agenda. Thank you all.

3 COLLECTIVE: Thank you, goodnight, have a good
4 holiday.

5 BRENDAN SULLIVAN: And great holiday to all. Stay
6 well.

7 [9:44 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.

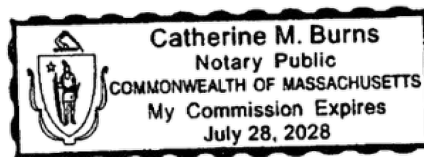
In witness whereof, I have hereunto set my hand this 23rd day of December 2022.



Notary Public

My commission expires:

July 28, 2028



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