

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY MARCH 9, 2023

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

Laura Wernick

Slater W. Anderson

City Employees

Olivia Ratay



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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, Andrea A. Hickey, Wendy
Leiserson, Jim Monteverde, Slater
Anderson, and Laura Wernick

BRENDAN SULLIVAN: Welcome to the March 9, 2023
meeting of the Cambridge Board of Zoning Appeal. My name is
Brendan Sullivan, and I am the Chair for tonight's meeting.

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

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

There will also be a transcript of the

1 proceedings.

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

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

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

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

14 OLIVIA RATAY: Andrea Hickey?

15 ANDREA HICKEY: Present.

16 OLIVIA RATAY: Laura Wernick?

17 LAURA WERNICK: Present.

18 OLIVIA RATAY: Jim Monteverde?

19 JIM MONTEVERDE: Present.

20 LAURA WERNICK: Wendy Leiserson?

21 WENDY LEISERSON: Present.

22 OLIVIA RATAY: Slater Anderson?

1 SLATER ANDERSON: Present.

2 OLIVIA RATAY: Matina Williams?

3 [Pause]

4 OLIVIA RATAY: Brendan Sullivan?

5 BRENDAN SULLIVAN: Present.

6 We have four anyhow, don't we? Anyhow, let me
7 call the first case.

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2 (6:03 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,
4 Jim Monteverde, and Laura Wernick

5 BRENDAN SULLIVAN: I'm going to call tonight a
6 continued matter, No. 188958 -- 24 Union Street. Mr. Luna?

7 JOSEPH LUNA: Yes, Board. My client has not been
8 able to work through the issues yet with the immediate
9 abutters regarding the property, and what would be an
10 acceptable compromise.

11 He and she actually did meet with them beginning
12 of the work, but we are requesting a continuance into next
13 month so we can formulate a new design strategy and have
14 time to present it to the Board.

15 So we sent notice to Ms. Maria Pacheco last week
16 that would be to ask for a time for continuance, but I'm
17 just here to ask for one more month so we can work through
18 these issues.

19 BRENDAN SULLIVAN: All right. The available --
20 this is a case heard: Myself -- Brendan Sullivan -- Jim
21 Monteverde, Andrea Hickey, Laura Wernick and Jason Marshall
22 sat on it. Now, Mr. Marshall is relinquishing his

1 membership from the Board as of tonight --

2 JOSEPH LUNA: Okay.

3 BRENDAN SULLIVAN: -- so that it will only be four
4 members of the original five that will hear this case.

5 There is an option that you can proceed with four members.

6 At that point you would need four affirmative
7 votes or if you wish -- and the law does not require this,
8 but it's a courtesy that the Board extends -- we could
9 empanel another member to be the fifth member. That member
10 would have to review all of the documents up to date and be
11 comfortable that they could hear the case at a further date.

12 So I would ask you, Joseph, if you want to go with
13 four members, or that if you wish that we would empanel a
14 fifth member to hear the case?

15 JOSEPH LUNA: Considering that I've urged my
16 client that we have to make a dramatic change in the design
17 in order to meet the concerns of the neighbors and the Board
18 as a whole, it would essentially be presenting almost a new
19 design.

20 So that being the case, I would like to include a
21 new member on this.

22 BRENDAN SULLIVAN: All right. So the first

1 available date would be April 27. So may I ask the other
2 members of the Board, Jim Monteverde are you available on
3 the twenty-seventh of April?

4 JIM MONTEVERDE: Yes, I am.

5 BRENDAN SULLIVAN: Andrea Hickey, would be
6 available?

7 ANDREA HICKEY: I need one moment to check, Mr.
8 Chair.

9 BRENDAN SULLIVAN: Laura, I'll ask you the same
10 question.

11 LAURA WERNICK: Yeah. I'm just -- I am available
12 on the twenty-second.

13 BRENDAN SULLIVAN: Okay.

14 ANDREA HICKEY: Yes. I am available on the
15 twenty-seventh.

16 BRENDAN SULLIVAN: You are available?

17 ANDREA HICKEY: Yes.

18 BRENDAN SULLIVAN: Okay. And so, what I will do,
19 Joe, is I will continue this matter to April 27, 2023 at
20 6:00 p.m. --

21 JIM MONTEVERDE: Okay.

22 BRENDAN SULLIVAN: -- on the condition that the

1 petitioner, you as representative, change the posting sign
2 to reflect the new date of April 27, 2023 and the time of
3 6:00 p.m.

4 JOSEPH LUNA: Okay.

5 BRENDAN SULLIVAN: Any new decision, plans,
6 supporting statements, dimensional forms be in the file by
7 5:00 p.m. on the Monday prior to the April 27, 2023 meeting.

8 Now, in the interim, we will reach out to some
9 other members of the Board to see their availability on the
10 twenty-seventh and ask if someone's available if they will
11 then read the transcripts and join us as a fifth member on
12 that particular night.

13 JOSEPH LUNA: Okay.

14 BRENDAN SULLIVAN: So that's -- we're not 100
15 percent certain of that, but we will put it down for the
16 twenty-seventh. And hopefully, again, this will be the last
17 continuance on this matter.

18 JOSEPH LUNA: Okay. Thank you.

19 BRENDAN SULLIVAN: So on the matter, then to -- on
20 the motion, then, to continue this matter to April 27, Jim
21 Monteverde?

22 JIM MONTEVERDE: In favor.

1 BRENDAN SULLIVAN: Andrea Hickey?

2 ANDREA HICKEY: Yes, in favor.

3 BRENDAN SULLIVAN: Laura Wernick?

4 LAURA WERNICK: In favor.

5 BRENDAN SULLIVAN: And Brendan Sullivan yes.

6 [All vote YES]

7 BRENDAN SULLIVAN: Four affirmative votes; this
8 matter is continued to April 27, 2023 at 6:00 p.m. See you
9 then, Joe.

10 JOSEPH LUNA: All right. I appreciate your help.
11 Thank you very much. Have a good evening.

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2 (6:08 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, and Laura Wernick

5 BRENDAN SULLIVAN: Next case we'll hear is BZA
6 201432 -- 1640 Massachusetts Avenue. Sarah Rhatigan?
7 Sarah, you're on.

8 SARAH RHATIGAN: Good evening. Sarah Rhatigan,
9 Trilogy Law, LLC, on behalf of the petitioners for this
10 case. We too have requested a continuance, and there's a
11 letter in the file requesting a continuance for -- until I
12 believe the date we had requested was April 6. But hearing
13 your discussion earlier, I'm guessing that it maybe that
14 we're looking at April 27 as well.

15 We are still in the process of working out some
16 alternatives to the design in response to the concerns
17 raised at the last hearing.

18 BRENDAN SULLIVAN: Yeah. The April 13 is
19 8,9,10,11,12,13 cases that night. So that's full. The
20 first available would be April 27.

21 SARAH RHATIGAN: Mm-hm.

22 BRENDAN SULLIVAN: And I don't know if you just

1 heard me, but Mr. Marshall, who sat on this case initially,
2 will no longer be on the Board as of tonight. He stayed
3 around until this particular case.

4 And so, again, I give you the option that you can
5 either go with four members or if you wish that we could try
6 to empanel another member to be the fifth member to hear
7 this case on the twenty-seventh.

8 SARAH RHATIGAN: We would like to ask you to try
9 to empanel a fifth member, if you are able to.

10 BRENDAN SULLIVAN: Okay. So what I'll do is make
11 a motion, then, to continue this matter to April 27, 2023 at
12 6:00 p.m. on the condition that the petitioner change the
13 posting sign to reflect the new date of April 27, 2023 at
14 6:00 p.m.

15 Any new submittals, drawings, dimensional forms,
16 supporting statements be in the file by 5:00 p.m. on the
17 Monday prior to the April 27 hearing.

18 Additionally, the Board will reach out to another
19 member of the Board to see their availability on April 27,
20 to be able to sit on this and that they will have time to
21 review the entire file regarding this matter and be
22 comfortable to be the fifth member of that night.

1 So where, again, as we said, Sarah, on the first
2 case, we're going to need somebody to probably be available
3 -- it maybe the same person, it may be a separate person on
4 these two cases. So we have to have somebody who's
5 available and somebody who can read all the correspondence
6 up to now.

7 So on that motion, now, to continue this matter to
8 April 27, Jim Monteverde?

9 JIM MONTEVERDE: In favor.

10 BRENDAN SULLIVAN: Andrea Hickey?

11 ANDREA HICKEY: In favor.

12 BRENDAN SULLIVAN: Laura Wernick?

13 LAURA WERNICK: In favor.

14 BRENDAN SULLIVAN: There's -- Matina, are you on
15 the line?

16 And Brendan Sullivan. All we need is four votes -
17 - Brendan Sullivan yes.

18 [All vote YES]

19 BRENDAN SULLIVAN: On the motion to continue this
20 matter, four affirmative votes, this matter is continued
21 until April 27. See you then.

22 SARAH RHATIGAN: Thank you very much.

1 * * * * *

2 (6:11 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim
4 Monteverde, Laura Wernick, and Slater
5 Anderson

6 BRENDAN SULLIVAN: So Slater, you're tuned in?

7 SLATER ANDERSON: Hi. And I'm here.

8 BRENDAN SULLIVAN: The next case is going to be
9 202568 -- 3 Hancock Place. Sitting on this particular case
10 is myself -- Brendan Sullivan -- Jim Monteverde, Laura
11 Wernick, Slater Anderson and Wendy Leiserson.

12 So John Lodge -- is it 8:00? Oh, I'm sorry. I'm
13 sorry. I'm getting ahead of myself here. The next case
14 we're going to hear is 47 Eighth Street. Let me correct the
15 record, then. So the Board will hear Case No. 197887 -- 47
16 Eighth Street.

17 Mr. Rafferty?

18 JAMES RAFFERTY: Thank you. Good evening, Mr.
19 Chair. For the record, my name is James Rafferty. I'm an
20 attorney with offices located at 907 Massachusetts Avenue in
21 Cambridge. I'm appearing this evening on behalf of the
22 property owners, Michelle Jodrey -- J-o-d-r-e-y and her

1 husband, Stephen Brown.

2 This is a case that was heard a few months back
3 that involves a new house being constructed on a rather
4 small lot in East Cambridge.

5 The Board took extensive testimony from the case
6 last time, reviewed the drawings by Foley Fiore Architects,
7 and the conclusion at that time was that the elements of the
8 case were such that the proposed additional GFA for which
9 this variance is being sought was seen as perhaps too
10 aggressive.

11 The prior application sought approval for GFA
12 practically 600 square feet over what would be allowed.

13 The applicants and their architects have reworked
14 the plan extensively. They've succeeded in reducing the
15 overall GFA in the new structure by 211 square feet, such
16 that the current request seeks 355 square feet of additional
17 GFA.

18 We provided not only the new drawings, but this
19 week a drawing that shows where those reductions were
20 achieved. And Mr. Fiore could go through those but suffice
21 it to say that the objective here is to continue this
22 building as a two-family dwelling. The new design is a

1 duplex-style house. It's going to result in a significant
2 improvement to the overall area, but there are certain
3 factors associated with the lot itself, the exceptionally
4 small footprint.

5 What Mr. Fiore has been able to do is essentially
6 maintain the footprint of the existing house, moving it a
7 little bit off the rear lot line, but still create a good
8 living size space for a family and for a rental unit.

9 If the Board is inclined, I'm happy to have Mr.
10 Fiore walk you through those changes or address any other
11 issues. But I think the thing that I wish to impress upon
12 the Board now is the applicant did take the direction
13 seriously to the Board at the last hearing and did create
14 this reduction in square footage.

15 BRENDAN SULLIVAN: All right. Let me see if any
16 members of the Board -- obviously they have reviewed the
17 file and -- let me see if they would like to have Mr. Fiore
18 walk through it. I've got too many papers here.

19 Jim Monteverde, have you any questions or -- at
20 this time?

21 JIM MONTEVERDE: No questions. Thank you.

22 BRENDAN SULLIVAN: Laura, any questions at this

1 time?

2 LAURA WERNICK: No questions, thank you.

3 BRENDAN SULLIVAN: Slater?

4 SLATER ANDERSON: No questions.

5 BRENDAN SULLIVAN: And Wendy?

6 WENDY LEISERSON: No questions.

7 BRENDAN SULLIVAN: All right. And I don't have
8 any other at this time. So let me open it, then, to public
9 comment. I guess let me say for the record I think that I
10 have reviewed it, obviously, as have other members of the
11 Board. And I think it has made a significant reduction and
12 sort of pulling in a little bit on the building, still
13 making it livable and a doable project. Let me open it to
14 public comment.

15 Any members of the public who wish to speak should
16 now click the button that says, "Participants," and then
17 click the button that says, "Raise hand."

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

21 [Pause]

22 There appears to be nobody calling in. So I will

1 close the public comment part.

2 There were some letters in opposition previous.
3 Maybe with the reduction and the reworking, that may have
4 been ameliorated and has now met some approval with the
5 abutters. There's a number of letters that are in favor.

6 I will then close public comment part. Not to
7 refute Mr. Rafferty, but I guess my -- let me start the
8 comment part of it for the Board. I guess the house has
9 been built in 1854, which is some -- doing the math I don't
10 know 169 years ago.

11 My feeling on this is that it is in dire need of
12 rejuvenation and/or total rehab. And being in the business,
13 it obviously gets to the point where it's not cost worthy to
14 try to renovate or repair, and that a complete teardown --
15 this particular teardown I think is quite an ambitious
16 project.

17 However, I think it's a worthy one, and I applaud
18 the petitioner for even undertaking it. Because it will add
19 greatly to the amenities of the city, will add quality
20 housing for themselves and also for another tenant being a
21 two-family, and I think the petitioner has shown great
22 forethought to reduce it as much as possible.

1 And so, I would support the proposal as amended
2 and recently resubmitted.

3 Jim, any thoughts?

4 JIM MONTEVERDE: I agree with the Chair. Thank
5 you.

6 BRENDAN SULLIVAN: Any other members of the Board
7 wish to chime in at all? Wendy, any thoughts?

8 WENDY LEISERSON: No, as long as you continue to
9 articulate the hardship so well, that gets me over the legal
10 hurdle that I was concerned about.

11 BRENDAN SULLIVAN: Okay. Slater, any additional
12 thoughts at all?

13 SLATER ANDERSON: No additional thoughts, thank
14 you.

15 BRENDAN SULLIVAN: Laura? You don't have any.
16 All right. Let me then make a motion to grant the relief
17 requested. The application was for a variance and special
18 permit, but I guess the special permit is no longer
19 necessary, is that right, Mr. Rafferty? Because that
20 requirement is no longer necessary?

21 JAMES RAFFERTY: Yes.

22 BRENDAN SULLIVAN: -- to be provided.

1 JAMES RAFFERTY: Right. The special permit
2 addressed the parking requirements, but as the Chair and the
3 Board knows, the parking requirements have been removed by
4 recent amendment. That's correct.

5 BRENDAN SULLIVAN: Okay. Let me make a motion,
6 then, to grant the relief requested; a variance as per the
7 drawings submitted. Revised drawings dated, stamped in
8 March 6 and entitled Jodrey Brown residence by Foley Fiore
9 Architects and initialed by the Chair.

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 building a new structure, which would be far
14 more livable, energy-efficient, have better health and
15 safety features than the existing structure, and would
16 greatly add to the community at large, and also this
17 particular locus specifically.

18 The Board finds that the hardship is owing to the
19 unusual shape of the lot, especially the fact that it is
20 located behind another lot, and it is encumbered by the
21 existing ordinance, which would severely restrict the size
22 of the building that could be created as-of-right and as

1 such.

2 That the intent and purpose of the ordinance would
3 be to allow this Board to relax those requirements and to
4 approve what the Board would find would be an appropriate
5 development on this site.

6 The Board finds that relief may be granted without
7 substantial detriment to the public good -- in fact, it
8 would be enhanced both to the surrounding neighborhood, also
9 to the homeowner and also a tenant in the two-family home.

10 And that the desirable relief may be granted
11 without substantial detriment to the public good or
12 nullifying or substantially derogating from the intent and
13 purpose of the ordinance to allow a fair and reasonable
14 development to preserve the amenities of the city and to
15 allow homeowners to enjoy a far more livable structure, one
16 that's far more energy-efficient with updated and brand-new
17 mechanical systems.

18 On the motion, then, to approve and grant the
19 variance, Jim Monteverde?

20 JIM MONTEVERDE: I agree.

21 BRENDAN SULLIVAN: Laura Wernick?

22 LAURA WERNICK: In favor.

1 BRENDAN SULLIVAN: Slater Anderson?

2 SLATER ANDERSON: In favor?

3 BRENDAN SULLIVAN: Wendy Leiserson?

4 WENDY LEISERSON: In favor.

5 BRENDAN SULLIVAN: And Brendan Sullivan yes.

6 [All vote YES]

7 BRENDAN SULLIVAN: On the five affirmative votes,
8 the variance as per the application and on further condition
9 that the work conform with the supporting statements,
10 dimensional form, revised dimensional form, and the new
11 drawings submitted, initialed by the Chair. The variance is
12 granted.

13 JAMES RAFFERTY: Thank you very much.

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(6:23 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim
Monteverde, Laura Wernick, Slater
Anderson, and Andrea Hickey

BRENDAN SULLIVAN: Okay the Board will hear Case
No. 202568 -- 3 Hancock Place. Mr. Lodge?

JOHN LODGE: Yes, can you hear me?

BRENDAN SULLIVAN: Yes.

JOHN LODGE: Great. So I just -- members of the
Board, I just want to quickly recap what we presented to you
last time. As part of an extensive renovation to the --

[Noise]

Sorry. As part of an extensive renovation to the
first-floor unit at 3 Hancock Place, we are expanding an
existing rear deck. The rear deck, the expanded rear deck
was actually part of what was permitted. However, what was
permitted had the door coming onto the deck from what's the
rear façade. And we'd like to actually have the door onto
the deck from the side, the side façade, which would give us
a little bit more space in the kitchen.

So at the last meeting, one of the abutters raised

1 some concerns. So on January 12, we met with the owners of
2 both the first-floor and second-floor units of the abutting
3 townhouse to go over their concerns, most of which I think
4 revolved around access to their bulkhead.

5 So based on that meeting, we made a number of
6 revisions to the deck, which I think you have in front of
7 you. So the deck now flips the staircase -- oh, yeah, if
8 you go to -- yeah, so if you go to -- exactly, Z2, so the --
9 the revised deck shows the staircase being put away from the
10 side nearest the abutter's bulkhead.

11 We pulled the -- pulled the deck back to 8' to try
12 and create some space sort of in that corner, so that if
13 people are moving furniture in and out of the bulkhead, they
14 have room to do that.

15 So we made those revisions based on the meeting we
16 had on site on January 12. And we then forwarded those
17 revisions to the first- and second-floor owners. The first-
18 floor owner I think is happy with the revisions. The
19 second-floor owner I think is happy with the access to the
20 bulkhead, but may have some further concerns that they
21 outlined to me last night.

22 So I think at this point, unless you guys have any

1 questions about what I've shown on the new drawing, I think
2 we sort of stand pat. And then, like, we listened to the
3 abutter's concerns.

4 BRENDAN SULLIVAN: Okay. John, there was the
5 letter -- I guess I don't know if it was from you or Mr.
6 Matheson.

7 JOHN LODGE: The meeting minutes?

8 BRENDAN SULLIVAN: Dictated January 30.

9 JOHN LODGE: Right.

10 BRENDAN SULLIVAN: And I just want to make sure
11 that -- so that the parties were in agreement with the
12 revised plan that you have submitted, and that also it was
13 sort of a fourth version of the plan.

14 And the parties also discussed -- I'm just reading
15 from the e-mail -- the draining plan. Dave -- Mr. Matheson
16 -- described this as adding two to three inches to the
17 height of the inner edge of the courtyard and replacing the
18 current impermeable asphalt surface with permeable pea stone
19 or gravel and pavers under the deck to be paid for and
20 shared basis by the Unit 1 owners.

21 So basically, this is a summation of your
22 correspondence?

1 JOHN LODGE: Correct.

2 BRENDAN SULLIVAN: And I guess the bottom line is
3 that they are in agreement with the plan that is now before
4 us.

5 JOHN LODGE: Well, I'm not sure that's true. That
6 was -- so, so that -- we sent that out as basically sort of
7 minutes from the meeting on January 12, and then they
8 attached the drawings which they have in front of them.

9 The first-floor owner is in agreement, and the
10 second-floor owner I think tentatively agreed to some of the
11 changes in an e-mail on Sunday, but during a subsequent
12 conversation yesterday I think they do still have some
13 concerns, which I think they're going to address tonight.

14 BRENDAN SULLIVAN: Oh, okay. All right. All
15 right, so we'll let them speak on that. Okay.

16 Any questions by members of the Board? Jim
17 Monteverde et al?

18 JIM MONTEVERDE: No questions.

19 BRENDAN SULLIVAN: Laura Wernick?

20 LAURA WERNICK: No questions.

21 BRENDAN SULLIVAN: Slater Anderson?

22 SLATER ANDERSON: No questions.

1 BRENDAN SULLIVAN: Wendy Leiserson?

2 WENDY LEISERSON: No questions.

3 BRENDAN SULLIVAN: All right. And I have no
4 questions. Let me open it to public comment. Any member of
5 the public who wishes to speak should now click the button
6 that says, "Participants," and then click the button that
7 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 in which to comment.

11 OLIVIA RATAY: Julia Cooper?

12 BRENDAN SULLIVAN: Okay. If you could please tell
13 us your name and address for the record?

14 JULIA COOPER: Hello. My name is Julia Cooper. I
15 live at 5 Hancock Place with my husband and family, two
16 children. And we're here -- we're speaking tonight to raise
17 -- yes, raise some concerns on the proposal.

18 First, we will -- we want to apologize that this
19 is a little bit late. Both my husband and I unfortunately
20 have gotten COVID. And I'm moved to long COVID, so I still
21 haven't really recovered. So, but this was important enough
22 that I'm just -- I'm rallying to do this.

1 I think our concerns are -- in a very basic sense
2 is sort of how big a porch or deck that is getting created
3 in a very small space, and how by what we see so far, how
4 that can sort of -- can negatively impact the value of the
5 back yard that we both share.

6 It's a very small yard. It's 15' wide and maybe
7 the area that we're looking at 20, 20 some feet long. So
8 it's very small. So one of the big concerns is that even if
9 it doesn't seem like a very big change in the original
10 structure, which was not as much as deck as a -- as a way to
11 exit the Unit No. 1, it makes a big difference.

12 In looking at the zoning and the building permits
13 and stuff, I did raise some concerns with the Zoning
14 Inspector today that perhaps the original permit was also
15 not quite in compliance.

16 Certainly, you know, when I read the Open Space
17 rules, I saw that we -- that decks are considered open
18 space, or portions are considered open space if there's
19 access to all the buildings.

20 And the way these condos are conformed, I don't
21 believe that is the case. There is a big roof deck that's
22 exclusive use for the top-floor tenant, and this one I

1 assume would be -- you know, mainly access for the
2 downstairs tenant. So counting it as open space would be
3 hard.

4 And that falls to the second point that I had,
5 which is with nonconformity. If our -- if the area was in
6 conformation according to the building permit that was
7 submitted, we should have 428 square feet of open space.
8 But we only have 320. And by my own measurements, it's even
9 less than that.

10 So we're talking about 300 space -- you know, even
11 one foot what makes a difference. And if you're not
12 counting the porch as open space, it takes up -- it really
13 reduces it down -- and by our concerns detrimentally.

14 Now, we don't want to. And we've said this to
15 both the Mathesons, who are the owners, and John. We're not
16 coming and saying, "You know, we understand you want a porch
17 -- " we understand that.

18 But can we, like -- small yard. You know, there's
19 a lot of things that also fall into that yard. Everybody
20 has to think of where it goes -- the garbage cans, the air
21 conditioner units, et cetera, et cetera.

22 And why it's especially important for 5 Hancock

1 Place as opposed to 3 Hancock Place is that we have the
2 smallest amount of property of everybody. Very, very small
3 amount.

4 So this has an impact -- you know, not just on the
5 unit, but this has an impact on the value of our whole condo
6 association, or the 5 Hancock Place condos.

7 BRENDAN SULLIVAN: Okay. All right. Thank you
8 for your comment. So that the current plan -- you've seen
9 the current plan that John has?

10 JULIA COOPER: Yes. Yes. We've seen the current
11 plan. We've mapped it out physically, looked at the place.
12 I've even taken pictures. I think you've not -- no one has
13 seen a photo of the back yard and to really understand how
14 small it is and how narrow it is.

15 BRENDAN SULLIVAN: Okay.

16 JULIA COOPER: And, like I said, you know, if
17 we're thinking about, like, nonconforming -- nonconforming
18 open space, we don't want to cut any space at all. I
19 believe that this porch is not in compliance with that.

20 BRENDAN SULLIVAN: All right. Thank you for
21 calling in.

22 JULIA COOPER: Okay.

1 BRENDAN SULLIVAN: Yes. Anybody else? There
2 appears to be nobody else calling in. So I will close the
3 public comment portion of it.

4 John, I don't know if you can address any of the
5 issues, or there appears to be either substantial opposition
6 -- opposition, I won't say it's substantial, but someone who
7 has saying that they would be adversely affected by what is
8 proposed, or if there's any other room for more discussion
9 or should we just --

10 JOHN LODGE: Well I -- the problem being, the
11 problem being that we sort of found out about this from
12 yesterday. And we -- you know, the project is ongoing, and
13 we're trying to order windows and doors and things like
14 that, which the lead time is, you know, takes forever on
15 these things now.

16 So I think if -- you know, maybe it's completely
17 up to the Board to decide one way or the other. If, you
18 know, you know, if you decide not to grant the special
19 permit, I think we're just going to go ahead with what's
20 already been permitted.

21 BRENDAN SULLIVAN: Okay. Olivia, has the original
22 permit been reviewed at all for some of the issues that this

1 group has brought up?

2 OLIVIA RATAY: Yeah.

3 BRENDAN SULLIVAN: Okay.

4 LAURA WERNICK: We can't hear Olivia. I can't
5 hear Olivia.

6 BRENDAN SULLIVAN: Okay. So what you're saying is
7 it has been reviewed, and it appears to be in compliance
8 with the original plan? Okay. So Olivia's saying that it
9 has been reviewed, the original permit? And that has been
10 established to be valid.

11 What changed things was the relocation of the
12 door, and that triggered, then, relief before us, which
13 would be another opening. It changes the step off -- the
14 setback of the deck. Okay. So that's the -- what triggers
15 the variance request.

16 All right. Let me close that portion of it. Jim
17 Monteverde, your thoughts?

18 JIM MONTEVERDE: Looking at the illustration
19 that's on the screen, if the request for the larger balcony
20 were denied, what is it you would proceed with? What's
21 shown as the existing deck, or is it something else?

22 JOHN LODGE: No, it's -- it basically it's -- we

1 would proceed with a similar deck, but the door would be
2 facing the rear yard instead of facing the side yard.

3 JIM MONTEVERDE: Similar to the deck that's shown
4 on the proposed deck?

5 JOHN LODGE: Yeah.

6 JIM MONTEVERDE: Okay.

7 JOHN LODGE: It's actually -- it's actually -- I
8 mean, I think --

9 JIM MONTEVERDE: Which doesn't help the neighbors.
10 Doesn't impress --

11 JOHN LODGE: No, well, to be honest, the -- what
12 was approved I think is -- constrains the access to the
13 bulkhead more. So we're perfectly happy to -- so the stair
14 was originally on the other side. Sort of in front of the
15 access to the bulkhead. And we're perfectly happy to flip
16 the stair and keep it -- keep it sort of tucked against the
17 side of our unit to allow more access to the bulkhead.

18 So basically, I think we would -- we would
19 probably try and stay with the compromises we made and just
20 leave the door facing the rear of the -- the rear yard.

21 JIM MONTEVERDE: We proceed with the proposed deck
22 profile that we're looking at in plan? Did I understand

1 that correctly?

2 JOHN LODGE: Yeah, which is actually a little bit
3 smaller than the deck that was permitted.

4 JIM MONTEVERDE: Okay.

5 LAURA WERNICK: So.

6 JIM MONTEVERDE: And is there any opportunity to
7 look at a smaller deck in your proposed plan? Do you want
8 to move that door where you showed in the proposed plan, but
9 reduce the width? I assume it's the width that's the
10 biggest issue?

11 JOHN LODGE: Yeah. I mean, at this point I think
12 -- you know, it's just that, you know, we've gone back and
13 forth and, I mean if we'd had this conversation a little bit
14 earlier, then I would have been able to maybe do something
15 and then present something to you tonight. But at this
16 point, I think it's -- you know, we want to, we sort of just
17 want to get done with it.

18 And if we have to -- if we have to keep the door
19 facing the -- facing the rear yard, that seems -- that seems
20 better than, you know, waiting to try and resolve this just
21 to sort of, you know, draw out the construction process.

22 JIM MONTEVERDE: Okay. Thank you. No more

1 questions.

2 BRENDAN SULLIVAN: Laura Wernick, any comments,
3 thoughts, questions?

4 LAURA WERNICK: So, just so -- for further
5 clarification, if we go back to the original, the door is
6 swinging directly out towards the back, but we don't need a
7 vote? That's already been permitted, you don't need a vote
8 from this Board on that proposal?

9 JIM MONTEVERDE: Correct.

10 LAURA WERNICK: Okay, thank you.

11 BRENDAN SULLIVAN: We would take a vote on the
12 proposal that is before us. If they did not receive the
13 four affirmative votes, the variance would be denied. They
14 would then go back to their original plan and construct
15 that. Is that correct, John?

16 JOHN LODGE: Well, to be honest, I think at this
17 point based on the conversation we had on the twelfth with
18 both of the abutters, we did realize that the original plan,
19 you know, made getting in and out of the bulkhead a little
20 harder.

21 So -- so the plan that you're -- that you have in
22 front of you, basically the plan that was permitted, the

1 stair is flipped to be closer the property line.

2 And so, we think it's probably better for
3 everybody at the stairs is as shown here. So that's
4 something I think I would take up with Olivia just to -- I
5 mean, we -- I think this is a better solution for the
6 abutters regardless.

7 So I think we would -- I mean, we would start with
8 what's permitted, but I think I probably would go and have a
9 discussion with Olivia just to -- to, you know, to see if we
10 could amend it to show these revisions, which are -- you
11 know, which are -- which creates a slightly smaller deck
12 than what's permitted.

13 BRENDAN SULLIVAN: So you would try to build an
14 as-of-right solution?

15 JOHN LODGE: Yeah, I would -- I mean, I --
16 following all the logic that Olivia and I went through in
17 September when we first submitted this, the deck that's
18 shown here is not -- without the door coming off the side,
19 with the door coming off the rear, I think that would
20 actually be a slightly smaller -- it would have a slightly
21 smaller footprint than what was permitted.

22 BRENDAN SULLIVAN: Okay.

1 JOHN LODGE: And we -- and we, you know, we do
2 understand that -- that, you know, you want to have clear
3 access to the bulkhead -- as clear access to the bulkhead as
4 you can. So that seems pretty reasonable.

5 BRENDAN SULLIVAN: All right. Ms. Cooper, have
6 you raised your hand to make further comment?

7 JULIA COOPER: Yes. I mean, the first thing is
8 that I know that the trigger for this has been the door.
9 And I will say for us, it -- you know, having the door on
10 the side or the back, you know, that doesn't make a
11 decision. And we don't want -- like, that's where -- the
12 door on the side is the best place for the -- for their
13 redesign. You know, we're not objecting to that.

14 What we are objecting to is, you know, so the
15 porch. Or, you know, that no one's thought of a different,
16 creative thing such as maybe instead of having a porch
17 setting up, you know, designing a ground-level patio or
18 something, which would visually make it more smooth, which
19 would allow more greenery and stuff. We used to have space
20 for three trees back there that got removed. You know, so
21 things like that.

22 So what I don't want to have is, like, "Oh, you

1 guys didn't get past -- you didn't -- the variance didn't
2 get past about door. Therefore, we're going to go back to
3 the old one and do the same things on the porch that we were
4 going to do, but now the door is not in the admired place."

5 And that's to me is like nobody benefits.

6 By the way, I have spoken with Olivia extensively
7 today to try to understand the zoning requirements, et
8 cetera, et cetera.

9 And she has very kindly agreed to look -- go look
10 back at the building permit, because she didn't appreciate
11 some of the things for example like what's getting counted
12 and what's not, and whether this porch is accessible to all
13 versus, you know, just an exclusive use personal thing,
14 which does have an impact on the calculations and such, and
15 how it fits. So I -- you know, I really -- and she, I'm
16 glad she's here tonight.

17 So however it -- it happens, I want to make clear
18 the door is not a big deal for us. You know, as a matter of
19 fact, the side door is where the door was originally. And
20 if that works better for the Mathesons, you know, we do not
21 want to interfere with that. And --

22 BRENDAN SULLIVAN: It's the size of the deck.

1 It's the size of the deck --

2 JULIA COOPER: It's just the size of the deck, and
3 like I said, if I could project a picture, I would show you,
4 you could see how narrow it is, and you can imagine a deck,
5 you know, you know, sort of taking up a huge space in the
6 back that'll just look weird.

7 And the other thing is you've got to imagine that
8 on the right-hand side where we are, we have to have, you
9 know, we don't have space to put, for example, we don't have
10 another space to put the Condominium's air condition vents,
11 or air conditioner things. So on the other side, there's a
12 lot of space that's already getting taken up. And so, just
13 visually just it's a big mess.

14 And like the bulkhead too. Like, we really do
15 appreciate because the bulkhead was our only ability to get
16 things in to the basement and, you know, other parts of the
17 house that could be bigger.

18 And, you know, it was great to, like, say, "Hey,
19 you know, how can we adjust?" and we were literally
20 measuring inches. How far do we need to go back to make it
21 clear?

22 BRENDAN SULLIVAN: Okay. All right. Thank you.

1 JULIA COOPER: Okay.

2 BRENDAN SULLIVAN: Slater, any thoughts or
3 comments at this time?

4 SLATER ANDERSON: No, I was just saying -- I was
5 just curious looking at this existing, proposed, the two
6 decks that the bulkhead is -- is sort of drawn differently
7 and the two -- I assume the proposed is the actual sort of
8 footprint of the bulkhead?

9 JOHN LODGE: Yeah, yeah, it is.

10 SLATER ANDERSON: Okay. That's all. Thank you.

11 BRENDAN SULLIVAN: All right. Wendy, comments,
12 questions?

13 WENDY LEISERSON: I'm just wanting a little bit
14 more clarification as well, which is what you're saying --
15 my understanding is that you as-of-right are saying that you
16 have the ability to make this size deck, no matter what we
17 decide tonight, is that correct?

18 JOHN LODGE: Well, according to Olivia's --
19 according to Olivia's interpretation back in September.

20 WENDY LEISERSON: And I didn't hear all of what
21 Olivia said tonight, but is Olivia's point of view that that
22 was an accurate read of the situation back in September?

1 JOHN LODGE: Yes.

2 WENDY LEISERSON: Yes? Okay.

3 BRENDAN SULLIVAN: Yes. Olivia is saying yes.

4 WENDY LEISERSON: Okay. So --

5 BRENDAN SULLIVAN: Because the deck is not above
6 4', is that -- because it's not above 4'. So it could be
7 built. So anyhow --

8 WENDY LEISERSON: Got it. So I do appreciate the
9 abutter's concerns about the visual impact of a raised
10 structure. But it doesn't seem that our decision is going
11 to impact that either way is my understanding.

12 BRENDAN SULLIVAN: Right. Okay.

13 WENDY LEISERSON: Okay.

14 BRENDAN SULLIVAN: All right. There was a letter,
15 actually, from the Mid-Cambridge Neighborhood Conservation
16 District Commission and basically it said that it was not
17 viewable from the public way, and so, as such their review
18 was not needed. So that was the only other correspondence.
19 So.

20 All right, let me try and make sense of this. Let
21 me make a motion on the existing plan that is before us and
22 see how it comes out. Let me make a motion, then, to grant

1 the variance as per the revised application, which is
2 stamped in March 6, entitled, "3 Hancock Place, Zoning
3 Worksheet Site Plan 30623 by John Lodge Architects"
4 incorporating the supporting statements and revised
5 dimensional form.

6 The motion is to grant the relief requested.

7 The Board finds that a literal enforcement of the
8 provisions of the ordinance would involve a substantial
9 hardship to the petitioner. The existing deck, which is
10 substandard in size and that the back yard is mostly paved
11 and has very poor drainage.

12 And that the redoing of this back yard area and
13 the proposed new deck will improve the quality of the entry
14 and exit from the structure, and that it will allow the
15 homeowner to enjoy a little bit bigger space to the outdoors
16 -- more enjoyable -- and with more space in which to sit.

17 The Board finds that the hardship is owing to
18 siting of the structure, encumbered by the existing
19 ordinance regarding setbacks. And that having to do with
20 the shape of the land and the structure thereon. That the
21 rear yard of 3 Hancock Place is bounded by a brick façade at
22 the rear and a rear alley on both sides. It suffers from

1 poor drainage and has limited access to the sunlight. The
2 proposed raised deck will create a much better, usable open
3 space and more access to the sunlight.

4 The Board finds that desirable relief may be
5 granted without substantial detriment to the public good.
6 That the enhanced, enlarged deck will have a benefit to the
7 homeowners and anybody who lives there with a much better,
8 worthwhile, outdoor space in which to sit.

9 Desirable relief may be granted without
10 substantial detriment to the public good, or nullifying or
11 substantially derogating from the intent and purpose of the
12 ordinance to allow for a deck and a better use of outdoor
13 space for the enjoyment of any occupant and/or visitor to
14 the site.

15 On the motion, then, to grant the relief requested
16 as per the latest drawings, as previously noted and
17 initialed by the Chair?

18 Jim Monteverde?

19 JIM MONTEVERDE: I'm not in favor of the variance.

20 BRENDAN SULLIVAN: Laura Wernick?

21 LAURA WERNICK: I am voting in favor of the
22 variance.

1 BRENDAN SULLIVAN: Slater Anderson?

2 SLATER ANDERSON: I am not in favor of the
3 variance.

4 BRENDAN SULLIVAN: Wendy Leiserson?

5 WENDY LEISERSON: I am not in favor of the
6 variance.

7 BRENDAN SULLIVAN: I would vote in the negative
8 also.

9 [4 vote NO, 1 vote YES]

10 BRENDAN SULLIVAN: So not having received the
11 necessary four affirmative votes, the motion for the
12 variance is denied.

13 In furtherance, the Board finds that the majority
14 of the Board members found that the legal standard for the
15 granting of the variance, the -- lot and the location of the
16 deck thereon does not meet the legal standard, and that the
17 creation of the deck, as per testimony as shown could
18 potentially have an adverse effect on adjoining properties
19 and their enjoyment of their property.

20 On the subsequent motion, then, to deny -- those
21 who are in agreement, Jim Monteverde in agreement of the
22 subsequent narrative?

1 JIM MONTEVERDE: Yes.

2 BRENDAN SULLIVAN: Laura Wernick?

3 LAURA WERNICK: Yes.

4 BRENDAN SULLIVAN: Okay. Slater Anderson?

5 SLATER ANDERSON: Yes.

6 BRENDAN SULLIVAN: Wendy Leiserson?

7 WENDY LEISERSON: Yes.

8 BRENDAN SULLIVAN: In favor of the subsequent
9 reasoning.

10 [All vote YES]

11 BRENDAN SULLIVAN: The motion is denied.

12 JOHN LODGE: All right, well thank you.

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2 (6:54 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim
4 Monteverde, Laura Wernick, and Slater
5 Anderson

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 207271 -- 84 Bishop Allen Drive. Michael?

8 MICHAEL MONESTIME: Good evening, Chair Sullivan
9 and esteemed members of the Board of Zoning Appeal. For the
10 record, my name is Michael Monestime, President of the
11 Central Square Business Improvement District.

12 I'm here with Nina Berg and Matt Boyes-Watson of
13 Flag Street Studio, our design Partners.

14 Olivia, could you bring up our presentation
15 please? Any chance you can put it in full screen? Perfect.

16 Next slide?

17 We last came before you -- ready to go?

18 BRENDAN SULLIVAN: Yep.

19 MICHAEL MONESTIME: We last came before you in
20 July of 2022 seeking a continuation of zoning relief for
21 Starlight Square originally granted in March of 2022 when
22 the COVID-19 emergency order expired.

1 During that period, in response to the feedback
2 from neighbors and this Board, we made major adjustments to
3 our program, our operations, and infrastructure in an effort
4 to lessen impact from sound.

5 We are back before you now seeking the same zoning
6 relief to allow Starlight to operate as an outdoor
7 entertainment and recreation facility, which requires a
8 special permit.

9 Our request is that this special permit be granted
10 for season 4 from May 1, 2023 to October 31, 2023. As
11 you'll note in our file, this request is supported by two
12 City Managers, our new Manager, Yi-An Huang, and former
13 manager, Louis DePasquale, along with eight of the nine
14 Cambridge City Councillors, including the Mayor and Vice
15 Mayor.

16 Also included: State Reps Marjorie Decker and
17 Mike Connolly, plus many more.

18 MICHAEL MONESTIME: I'd like to say a little more
19 about who we are. The Central Square bid is a not-for-
20 profit organization that serves the Cultural District. We
21 employ 20 people to keep the Square clean and offer a
22 helping hand from 6:00 p.m. until 8:00 p.m. seven days a

1 week. We are place keepers and community organizers. Our
2 programs create opportunities for people to benefit from the
3 richness of this neighborhood, be it artistic or economic.

4 The majority our Staff grew up and live in
5 Cambridge. Between us, we have experienced Central Square
6 change in good and bad ways over the last 50 years.

7 I say this to contextualize why we are doing this
8 work; why we continue to defend it and advocate for its
9 existence. So many of the special parts of Central Square -
10 - the myriad of art spaces, locally-owned businesses, public
11 places to gather, have been erased by careless policy,
12 luxury development, and displacement.

13 We are here because Starlight is one of the many
14 initiatives counteracting these trends. It's an ecosystem
15 producing positive change throughout the entire
16 neighborhood.

17 And I want to recognize the challenge that this
18 Board faces in weighing the positive impacts of Starlight
19 with the negative impacts on abutters.

20 It is our ultimate goal to induce the City of
21 Cambridge, who is the owner of this lot, to build a
22 permanent home for Starlight that allows for the

1 continuation of the positive impacts without the adverse
2 ones.

3 There are 100 plus letters and callers who have
4 voiced their support for Starlight over our three public
5 hearings. You'll hear more testimony tonight from other
6 leaders in the city. All of these people have different
7 reasons for supporting this effort.

8 I hope over our three appearances before you that
9 we've built a level of trust with this Board; that we do
10 what we say we are going to do. We have been responsive
11 respectable neighbors navigating this process while
12 responding to compounding crises throughout our district.

13 Our elected officials, City Councillors, have said
14 it better than I can:

15 "Starlight has been a lifeline for our community."
16 - Councillor Zondervan.

17 "Starlight is now part of Central Square's
18 identity." - Councillor Azeem.

19 "I can attest to the remarkable contribution
20 Starlight has made to the Cultural District. Starlight has
21 become an indispensable asset to the Central Square and the
22 greater Cambridge Community." -- Councillor Simmons, a

1 lifelong resident.

2 "And as the city transitions, there is great value
3 in Starlight's continued existence at this space." -- City
4 Manager Huang.

5 Next slide, please?

6 Since the very height of the pandemic, Starlight
7 has been a safe and cost-free home for many parts of daily
8 life in Central Square. We host and expanded the farmer's
9 market. We offer free cultural programming for all, created
10 an economic development initiative, created a public space
11 in the heart of the city, and reflected the Square's value
12 through public art.

13 This slide captures what this initiative has
14 delivered to the entire city. I'd like to know especially
15 the over quarter of a million dollars of funding that goes
16 from our organization directly to artists and organizers who
17 create free public programming at Starlight. There is no
18 other program that does this in the City of Cambridge.

19 Next slide?

20 In addition to public programming, Starlight is
21 the home base for Popportunity. Popportunity was started
22 because COVID forced 13 businesses to close in the Cultural

1 District. At Starlight, there are 14 mini storefronts that
2 have served 108 vendors.

3 Next slide, please?

4 Five have graduated from mock five into their own
5 brick and mortar stores; one at Bow Market in Somerville,
6 and four here on Mass Ave in Central Square. This photo is
7 from just last month, when Popp Boutique at 301
8 Massachusetts Avenue in partnership with MIT.

9 Popportunity empowers local, predominantly women
10 of color entrepreneurs to generate supplemental income for
11 themselves and lets residents shop locally. Where else is
12 this true in the City of Cambridge?

13 Next slide, please?

14 Now that we've shared what Starlight does to
15 create positive change for the district, we'd also like to
16 share what we're doing to be respectful neighbors. The very
17 limited negative feedback we've received has related to
18 sound. We've taken these comments seriously, as our
19 mitigation efforts demonstrate.

20 I'd like to say that Starlight operates within the
21 allowed decibel levels as outlined by the Sound Ordinance
22 for a Bus. B zone, which includes Lot 5.

1 That said, if approved tonight, we will continue
2 to work to lessen negative impact. To date, our mitigation
3 efforts have included limiting program in Starlight to no
4 more than five days per week, limiting live music to two
5 nights per week, reducing the number of speakers, investment
6 in drum shields to absorb the most intrusive sound, and
7 investing thousands of dollars in acoustic paneling.

8 Next slide?

9 Ahead of our hopeful fourth season, we continue to
10 do outreach to address concerns. We preemptively bought
11 more soundproofing equipment for live instrumentation and
12 sent 1:1 communication to the neighbors who have shared
13 their concern at prior BZA hearings or to the bid directly.

14 Our Staff offered to take readings from their
15 homes to understand better what their experience is like at
16 home, so we could improve upon the situation. Unfortunately
17 at this time, nobody has taken us up on this offer.

18 As Mayor Sumbul Siddiqui notes in her letter, "Our
19 elected officials have been include in outreach to abutters.
20 They too are willing to help."

21 Next slide, please?

22 On March 1, we conducted a sound test and

1 confirmed that additional amplifier shields do help reduce
2 the decibel level of guitar and base.

3 Next slide, please?

4 I'd like to restate that Starlight operates within
5 the allowed decibel levels as outlined by the Sound
6 Ordinance for a Bus. B zone, which includes Lot 5. These
7 readings which are taken multiple times at every event show
8 the amount of sound produced on stage all within permissible
9 limits. Our AV Manager Kay is in the digital crowd today
10 and can help answer further questions about this.

11 Next slide?

12 At the end of our March hearing, we were asked to
13 be in constant communication with neighbors. In addition to
14 digital outreach, we also flyer abutting buildings with the
15 same message. This slide shows the instances of
16 communication since the end of 2022. The exact
17 communications were provided to the Board.

18 Next slide, please?

19 We will continue this continuous communication
20 directly with abutting neighbors, businesses and community
21 groups. We read all of the opposing letters for tonight's
22 meeting. We will do the same proactive one-to-one outreach

1 to the people whose e-mails were included in viewpoint, as
2 we have with anyone else who's reached out to us. And we
3 will offer the same remediation. We have no way of knowing
4 whom else is inconvenienced.

5 Next slide?

6 Like seasons past, the calendar of events and ways
7 to connect with our team are available throughout the
8 Starlight footprint. Our Staff is easily identifiable
9 throughout the district.

10 Olivia, if you could slowly click through the next
11 few slides until you reach the purple one, please? The
12 following slides all included in our packet show the
13 communication sent to abutters, businesses, and community
14 groups and our local electeds. They are shown
15 chronologically.

16 Great.

17 Next slide, please?

18 Lastly, two recent news articles that help shape
19 what is at stake for the Cultural District: Currently,
20 there's a regional assessment ongoing by the Metropolitan
21 Area Planning Council, the MAPC, of which Cambridge is a
22 part of, that seeks to understand how to protect the

1 dwindling cultural spaces.

2 From what we've heard, Starlight is being upheld
3 as a model demonstration for how to create from nothing the
4 spaces that communities desperately need.

5 Next slide?

6 I would be remiss if I didn't mention the recent
7 closing of the Sound Museum, a home for musicians that just
8 displaced a generation of artists. "This home for arts and
9 culture joins the EMF and many other spaces that are wiped
10 out by biotech," as this WBUR headline reads.

11 Starlight sits on city-owned land, and operators
12 on a license agreement with the City of Cambridge. Its
13 events are approved by the License Commission, and its
14 closure would be a choice, one with ramifications for the
15 cultural district and the city for years to come.

16 Next and final slide, please?

17 We have shown ourselves to be trustworthy partners
18 and applicants to you as a Board. We, plus three meetings
19 worth of letter writers and speakers and the many more
20 people who can't make this meeting but are here with us in
21 spirit are asking that you grant us a special permit to
22 allow us to continue our work at Starlight.

1 Thank you, Chair Sullivan and BZA Board members
2 for your time and attention.

3 BRENDAN SULLIVAN: Michael, you're asking for a
4 special permit and seeking relief for a special permit under
5 Section 4.36, which is an outdoor retail and consumer
6 service establishment, 4.63d, which is an outdoor
7 entertainment and recreation facility. And the criteria in
8 10.40.

9 Asking for relief -- sorry, asking for a special
10 permit to run May 1 through October 31, is that correct?

11 MICHAEL MONESTIME: You're correct, Chair
12 Sullivan.

13 BRENDAN SULLIVAN: Okay. Great. All right, thank
14 you. All right. Let me turn it back over to the Board for
15 questions and answers. Jim Monteverde, any questions or
16 comments?

17 JIM MONTEVERDE: No questions, thank you.

18 BRENDAN SULLIVAN: Andrea Hickey, any questions or
19 comments?

20 ANDREA HICKEY: Not at this time, Mr. Chair.

21 BRENDAN SULLIVAN: Anderson -- Slater Anderson,
22 sorry?

1 SLATER ANDERSON: No worries. No questions.

2 BRENDAN SULLIVAN: Wendy Leiserson, any questions
3 or comments?

4 WENDY LEISERSON: No questions.

5 BRENDAN SULLIVAN: Okay. I'm going to open it up
6 to public comment. And I do this with a little bit of
7 trepidation. I would ask -- well, any member of the public
8 who wishes to speak should now click the button that says,
9 "Participants," and then click the button that says, "Raise
10 hand."

11 If you are calling in by phone, you can raise your
12 hand by pressing *9 and unmute by pressing *6. And
13 depending upon the number of speakers, I'll allow up to two
14 minutes in which to comment.

15 I would ask that you please show a little bit of
16 kindness and understanding to Board members. We have a long
17 agenda tonight. If you have something to say, we surely
18 welcome it, both pro and con, but we really don't need to
19 hear the same thing over and over again. We get it. And at
20 some point, we don't need constant repetition.

21 So again, if you have something to say, to add, we
22 surely welcome it. The Board members have read all of the

1 correspondence pro and con regarding Starlight.

2 So again, I will open it to public comment. And
3 please, just limit your comments if you would.

4 OLIVIA RATAY: Emily W?

5 THE REPORTER: Please give your name and address
6 for the record?

7 EMILY: Hi. My name is Emily, and I'm at 70
8 Bishop Allen Drive. Yeah. I wanted to express my strong
9 opposition for the continuation of yet another summer with
10 Starlight. I used to look forward to the summer, but now,
11 like, I get, like, panic attacks. Like, I'm about to get
12 one now, to be honest.

13 I'm so stressed that Starlight has sort of given
14 me this over the past three years. After the torture we
15 sort of endured during the first year of Starlight, where
16 literally stage lights would go through our apartment
17 windows, and the loud music would shake our building to
18 12:00 a.m.

19 And we thought, you know, this was temporary, and
20 the City Manager told us at the time this was temporary, but
21 it's -- now we're, after three years we're still having
22 Zoning meetings on maintaining Starlight.

1 I'm not sure how this is temporary anymore from my
2 standpoint. I see that the Zoning Board has declared it to
3 be permanent but has meetings before each session just to
4 hear the managers of Starlight claim that they are making
5 improvements.

6 The truth is Starlight continues to be an extreme
7 disruption to the residents around it. It's impossible to
8 unwind or invite friends over or even just think or watch
9 something on TV, because of the constant loud music
10 downstairs.

11 No matter how much they say that they are working
12 on reducing the volume, the truth is there's a speaker and
13 it's loud, and we can hear it. And it's always -- and at
14 the moment they can raise it. And you can -- there's
15 nothing anyone can do about it. And we have to just suffer
16 through it.

17 And there are many instances that where Starlight
18 will play music without it being approved. And
19 unfortunately, the Cambridge Police doesn't even respond to
20 us anymore, because for them Starlight has permission to
21 play all throughout the summer, and even if people who are
22 not related to Starlight come and play, we can't even, like,

1 complain about that.

2 And actually a few months ago during the World Cup
3 final, they -- they hosted an event that wasn't licensed.
4 And this happens a lot.

5 And so, since it seems futile to ask for it to be
6 completely shut down, I hope this Zoning Board agrees that
7 there shouldn't be any speakers playing downstairs, and
8 performances should end at 7:00. Like, we have lives, and
9 we want to have dinner, and we want to have -- spend time
10 with family. So I can't study or unwind or even make dinner
11 peacefully after work, so this is crazy.

12 BRENDAN SULLIVAN: Thank you.

13 EMILY: I'm also very confused why there hasn't
14 been any discussions of moving Starlight. I mean, isn't it,
15 like, a temporary built thing, couldn't it be moved? And I
16 thought the zoning was sort of pretty strict in Cambridge
17 about things like that.

18 We ask you to help us, because this is the only
19 platform where we can really raise our concerns. Thank you
20 for listening.

21 BRENDAN SULLIVAN: Thank you.

22 OLIVIA RATAY: Michael James?

1 MICHAEL JAMES: Hi. My name Michael James, and I
2 live on 51 Norfolk Street right in front of the Starlight
3 venue. So I've raised concerns before, but I do want to
4 raise some additional concerns.

5 I really like do recognize that the Starlight
6 events are enjoyable for those attending. But unlike them,
7 unlike those coming in to attend, they have the privilege of
8 attending for a few hours and come and go as they please.

9 But for us, it's a different story. For the
10 families directly facing the venue, we're forced to attend
11 100 events for half the year. And for half the week, or for
12 more than half the week, we can't really talk over dinner
13 because events are so late. We can't rest after work. We
14 can't be productive.

15 We are even denied the opportunity to invite
16 guests over the weekend, because every weekend there's just
17 events going on, and they're going on until very late.

18 I urge you to recognize that our homes are not
19 soundproof. The sound that's heard outside can be heard
20 inside completely. So when the Starlight team proposed that
21 they could come into our house, I -- that was kind of
22 futile, because during the season -- and especially the

1 second half of the season when events kind of ramped up and
2 Luis Cotto left, I specifically asked -- told him that while
3 there are now drum circles that are happening without drum
4 shields again and the sound is much louder.

5 But you just sent me an e-mail earlier that you
6 installed an acoustic barrier, the sound is completely under
7 their control, and they're allowed to self-govern, and we
8 can't raise this issue with anybody else.

9 So I'd really urge you to help, to not alienate
10 this community, and to consider this as you would in front
11 of your own homes, or essential community, or essential area
12 with about 32 family apartments of family housing is not an
13 appropriate location for such an endeavor. Thank you.

14 BRENDAN SULLIVAN: Thank you.

15 OLIVIA RATAY: Beverly Mire?

16 BRENDAN SULLIVAN: Yes, yep.

17 BEVERLY MIRE: Hello. I would just like to ask --
18 I'm sorry --

19 THE REPORTER: Can you please give your name and
20 address for the record?

21 BEVERLY MIRE: My name is Beverly Mire. And I
22 live at 94 Antrim Street in Cambridge.

1 BRENDAN SULLIVAN: Okay.

2 BEVERLY MIRE: And I just want to speak up for the
3 Starlight, because it's so -- it's -- it's such a good
4 community -- it's a really good community -- it's a
5 community -- it's a good community -- I'm sorry, I'm getting
6 tongue-tied because, you know, I didn't expect to be called
7 on. So it's a really good community outlet.

8 And I have been there. And I saw a play that was
9 done at -- it was done by Cambridge Rindge and Latin. And I
10 just, you know, I just think it's a very important and vital
11 contribution to the city.

12 BRENDAN SULLIVAN: Thank you.

13 OLIVIA RATAY: Suryani Ayu?

14 SURYANI DEWA AYU: Hi. Good evening, everyone.
15 My name is Suryani Dewa Ayu, 177 Erie Street. I'm an Urban
16 Planner and Urban Designer, born and raised in Cambridge.
17 And I'm excited to speak in big, big support of Starlight
18 square.

19 Like many caretakers, my parents worked around-
20 the-clock to afford rent for us to get a good public-school
21 education -- Falcon pride! -- while my grandmother would
22 watch us, and they were street vendors in JP, and I have the

1 privilege of representing them today as vendors at
2 Poppportunity in Starlight Square.

3 Next month we will see if we can even afford to
4 stay in Cambridge, but our family knows the beauty that's
5 possible when Starlight Square supported, and we know what's
6 at stake when -- and what's sorely lost if it isn't.

7 Starlight Square has been a safe public space
8 where my family and friends can come together without having
9 the barrier of a paywall. It's a place where we feel like
10 we belong. We feel energized and connected with our
11 community. And like my mom says, I quote, "It's the only
12 space we have like that."

13 I know firsthand how this space has helped my
14 family. It has helped us connect and grow and be in
15 community during the pandemic. It has become a safe haven.
16 It has helped with our health and our will begin,
17 particularly our mental health and our social health, and it
18 has brought us joy and a place to collectively mourn.

19 I personally work with a lot of young people, and
20 I ask them to draw places where they feel like they can be
21 themselves. And I've heard young people in big cities tell
22 me they don't feel like they have a place like that. And

1 that is unacceptable.

2 Starlight Square was built from the community,
3 because we need it. And countless public events and an
4 amazing attendance of people of all ages showed this need so
5 clearly.

6 When my friends come to Cambridge, or when my
7 partner moved there, I said, you know, when they ask where
8 to go to hang out, it's always Starlight Square. I am so
9 thankful for this anchor point, this place for people. It
10 has really been a lifeline. Thank you. And I urge support
11 of it.

12 BRENDAN SULLIVAN: Thank you for calling in.

13 OLIVIA RATAY: Nadeem Mazen:

14 NADEEM MAZEN: Hi there. Can I be heard?

15 BRENDAN SULLIVAN: Yes.

16 NADEEM MAZEN: Hi there. Well, thanks so much
17 for, you know, evaluating and doing all the work you do
18 sitting here and listening to another --

19 THE REPORTER: Please give your name and address
20 for the record?

21 BRENDAN SULLIVAN: If you could identify yourself
22 for the record, please?

1 NADEEM MAZEN: Oh, yes, of course. I should have
2 known better. Nadeem Mazen, 17 Mount Auburn Street.

3 I've been reminded of all these public meetings,
4 city events, and thank you for the hard work you do taking
5 all sides and making a reason to decision.

6 I'm very much in support of Starlight Square.
7 When I was on the City Council, we would have done anything
8 to be able to generate a project like this.

9 But the -- the truth is that it's actually really
10 hard to do what Starlight has made look easy. It's an
11 incredibly difficult to bring together an authentic sense of
12 community, and there's many, many cities that have tried.

13 I visited a lot of them in 2011 through 2013 when
14 I was doing a document on the topic of small business
15 entrepreneurship.

16 And, you know, the money that so many cities put
17 into trying to make a place like Starlight and then having
18 them fall flat, having spent so much on consultants and
19 placemaking and all of the -- all the stuff that goes into
20 it.

21 And then you just don't have the "it" that makes
22 it really work for people.

1 And Starlight has worked for so many different
2 types of people -- for the neighborhood, for the city, for
3 the Poppportunity vendors. The idea of having a place you
4 can afford to sell and to test new ideas is amazing.

5 And then to be able to graduate, it's unheard of.
6 And it's especially unheard of in cities with high rental
7 costs. It's really, really difficult to create a nexus like
8 this -- culturally, economically and, you know,
9 experientially for those who are attend groups.

10 And I also just want to say, you know, I've lived
11 in Central Square for the better part of maybe the second
12 half of my life, maybe 20 years now. And I've lived about
13 Tavern in the Square and across from Whole Foods at 102
14 Prospect. I've lived in all of these high-traffic places.

15 And I would be hard pressed to say that the sound
16 from inside my living room in those apartments wasn't much
17 louder from street noise and traffic than the sound of
18 Starlight Square standing across the street. And I'm
19 outside. I'm not inside these people's homes.

20 So some of the things I've heard on public comment
21 I just -- I'm not on the same planet as these people, and I
22 think it would really behoove them to engage the organizers

1 and look at sound mitigation, which as an engineer I can
2 tell you works, and works wonders, both internal to a
3 structure and in the mitigations that the bid and others
4 have made. So --

5 BRENDAN SULLIVAN: Great.

6 NADEEM MAZEN: -- I encourage folks to move
7 forward, and I hope that it can do so in perpetuity. Thank
8 you.

9 BRENDAN SULLIVAN: Thank you for calling in.

10 OLIVIA RATAY: Dan Totten.

11 DAN TOTTEN: Yes. Hi. My name is Dan Totten. I
12 live at 54 Bishop Allen Drive. I just want to thank Nadeem
13 for his wonderful words and say that as a neighbor, I can
14 see Starlight Square from my window. I acknowledge that I'm
15 not an abutter, but I can see it and I can hear it. And if
16 I have my window open in the summer, I can certainly hear
17 it.

18 And I'm here to say that we need -- we need to
19 keep Starlight anyway. I understand that it's -- that it's
20 inconvenient, but we really need to keep this going. I
21 think when you look at the compromises that have been made,
22 you know, 50 percent really jumps out. And I think that's a

1 substantial compromise.

2 The number of live music nights has been reduced.
3 All of these steps have been taken, and painstaking
4 discussions have taken place over several years about this.
5 We have reached a fair and reasonable compromise. We need
6 to move it forward.

7 And I would -- you know, I think -- I'm
8 sympathetic to my neighbors, but I would also ask them why
9 not invite the Central Square bid inside to do a meter
10 reading at a time that you think represents the most
11 inconvenient? Why not invite them in, and just see what it
12 is, and help them take the steps that they need to help even
13 further mitigate.

14 Because it feels like that, they've offered this,
15 and it needs to be taken advantage of, if there are still
16 issues that have been raised.

17 So once again, I strongly support keeping this
18 going. It's so important to the Cultural District, to the
19 neighborhood, and to the people and communities that live in
20 the neighborhood. And so I really ask that you approve the
21 special permit oncology tonight. Thanks so much.

22 BRENDAN SULLIVAN: Thank you, Dan, for calling in.

1 OLIVIA RATAY: Tony Clark?

2 TONY CLARK: Thank you. Can you hear me?

3 BRENDAN SULLIVAN: Yes.

4 TONY CLARK: I want to thank you. 17 -- 117 Elm
5 Street. I want to thank you for the opportunity to speak
6 today. I'm calling in support to keep Starlight.

7 Just to kind of provide some context: I grew up
8 at 77 Bishop Allen Drive, and I'm a kid of the '80s and
9 '90s. And we had very little life in Central Square. To
10 this day, my mom and my two sisters still live in the
11 neighborhood -- three different, you know, apartments in the
12 particular community.

13 And I can't speak for them, but I'm confident in
14 what they expect of me in terms of the life that has been
15 generated for them to kind of be able to look at Central
16 Square not as this particular place where, you know, they --
17 they feel uncomfortable.

18 I think outside of everything that everyone has
19 said, and I don't want to repeat it -- I do think there's
20 some level of comfortability that Starlight provides.

21 While I can understand some of the anxiety and
22 frustration of some of the folks that have spoken, I just

1 would like to, you know, provide some context as someone who
2 grew up in the early '80s and into the '90s right at 77
3 Bishop Allen Drive. We had very little life in Central
4 Square.

5 So to think that this is a negative -- and I'm not
6 here to disparage anyone, would like folks to think about
7 the folks who grew up there, understand this particular
8 community, have seen the change, have wanted folks to move
9 into the community and embrace it.

10 And so, this is exciting to merge these two
11 different worlds. And I understand that Starlight has been
12 a convener. So I want to thank you guys for the time. And
13 I appreciate listening to my testimony. Thank you.

14 BRENDAN SULLIVAN: Thank you. Thank you, Tony,
15 for calling in.

16 OLIVIA RATAY: Julia Berg?

17 BRENDAN SULLIVAN: Julia?

18 JULIA BERG: Hi. Julia Berg. I own and live at
19 157 Erie Street. Good evening members of the BZA. I am a
20 lifelong Cambridge resident calling in strong support of
21 Central Square's bid application. I'm also calling in
22 because I am confused why Starlight has continually had to

1 appear in front of this room.

2 My understanding as a resident is this particular
3 Board has the power to decide what use is allowed where in
4 the city, and there are other City functions that determine
5 how often and when.

6 There are further departments that still -- still
7 that enforce and inspect to see that all parties are
8 complying to the agreed-upon arrangement. To me, that seems
9 like a smart division of labor.

10 However, over the last year, this Board has
11 changed how Starlight operates entirely. This does not make
12 sense to me when there are other City departments whose
13 jurisdiction is to oversee public events and the like.

14 I feel that with every hearing the value Starlight
15 brings to the entire city diminishes it more. As we've
16 heard again tonight, there are endless benefits I could
17 list. But really, it should be known Starlight is one of a
18 kind in this country.

19 The fact that it was dreamed up here in the midst
20 of all the pandemic should be celebrated and supported. And
21 it's extremely disappointing that it's not.

22 Every effort should be made by a highly

1 capitalized city to mitigate the concerns of the handful of
2 people calling in with complaints. And every effort should
3 be made to allow Starlight to continue to reach its
4 potential. It's a true shame to dismiss a project that
5 represents the best of Cambridge as the support of the
6 community major, the City Manager, and the majority the
7 Council.

8 Thank you.

9 BRENDAN SULLIVAN: Thank you, Julia.

10 OLIVIA RATAY: Patrick Barrett?

11 PATRICK BARRETT: Hi, can you hear me?

12 BRENDAN SULLIVAN: Yes. Okay, Patrick.

13 PATRICK BARRETT: Hey!

14 BRENDAN SULLIVAN: Two minutes, if you will.

15 PATRICK BARRETT: My name is Patrick Barrett, 41
16 Pleasant Street. Also 907 Main Street. And I'm also one of
17 the founding members of the bid. And I'm a property owner
18 who voluntarily pays additional taxes so things like
19 Starlight can exist.

20 I'm here in support. I think Michael just gave a
21 phenomenon, exchanged my own presentations before these
22 Boards. And while I do recognize that there are some issues

1 with it, and the abutters -- that's always going to be an
2 issue; I know where we did our own sound test for 907 Main.
3 Central Square operates at about 62 decibels on the north,
4 just ambient noise.

5 But Starlight means a lot to me, and I was glad to
6 be able to play a small, small role in its development. And
7 I hope the Board can see what this really truly means to the
8 community.

9 And that this particular use in the outdoor
10 category, you know, you do have the power to give it a
11 permanent position here, and you guys did give it sort of a
12 timeline. And I understand why you did it.

13 But I think you guys can see how much this truly
14 means, and that there are other departments that can handle
15 this in terms of mitigation, and we ought to just allow the
16 bid to continue its use and put it into other departments'
17 hands, so we no longer have to come back with the BZA every
18 year for a special permit.

19 Thank you.

20 BRENDAN SULLIVAN: All right. Thank you, Michael
21 -- or Patrick, rather.

22 OLIVIA RATAY: Malene Council?

1 MALENE COUNCIL: Hello. Can you hear me? Hello?

2 OLIVIA RATAY: Yes.

3 BRENDAN SULLIVAN: Yes.

4 MALENE COUNCIL: Oh, sorry. My name is Malene
5 Council. I live at 11 Putnam Garden. I do community
6 outreach for the American-Born Black Community in Cambridge.

7 I'm calling to express my strong support for
8 Starlight Square and the extension of the special permit it
9 needs to continue operating. I lived in Cambridge my entire
10 life, and I worked at outreach for many years -- sometimes
11 with family, sometimes with youth and elders, sometimes with
12 the unhoused.

13 What I love about Starlight is that every time I
14 went there, I saw my clients. The events at Starlight bring
15 people together. They remind me of what Cambridge used to
16 feel like: an exclusive, nonjudgmental crossroads of people
17 at all different stations of life.

18 I love that at an event I can see the Mayor,
19 Councillor Simmons, my parents, my son and some of my
20 friends who live on the street all enjoying the same thing.
21 Starlight keeps what's special about Cambridge universal and
22 free to everyone. After the last three hard years, we need

1 this more than ever, as people seeking a sense of normalcy
2 and connectedness.

3 Starlight is working. It is restoring our
4 connection to each other, when many other forces like the
5 pandemic and our mental health are keeping us apart.

6 Thank you.

7 BRENDAN SULLIVAN: Thank you for calling in.

8 OLIVIA RATAY: Maria Soler Meneses?

9 BRENDAN SULLIVAN: Maria:

10 MARIA INES SOLER MENESES: Hello. Can you hear
11 me?

12 BRENDAN SULLIVAN: Yes.

13 MARIA INES SOLER MENESES: Oh, good. My name is
14 Maria Ines Soler Meneses. I'm a former participant of --
15 oh, sorry, I live in 7C Whitley (sic) Place in Wakefield.
16 I'm a former participant of Poppportunity in Starlight
17 Square.

18 THE REPORTER: I'm sorry, I didn't catch your
19 address. Could you just repeat that?

20 MARIA INES SOLER MENESES: Oh, sorry. It's 7C
21 Willy Place in Wakefield. That's good?

22 BRENDAN SULLIVAN: Okay.

1 MARIA INES SOLER MENESES: All right. So I'm a
2 former participant of Poppportunity in Starlight Square. I'm
3 calling to voice my support for this continuation. I'm a
4 first-generation immigrant from Mexico. I used to work in a
5 bar in Central Square.

6 I've been working in the restaurant business for
7 almost 12 years. And now I'm a small business owner -- I'm
8 a small business owner in Somerville because of my special
9 opportunity.

10 So it was a great -- a great opportunity to -- to
11 be -- to make my dream real. Like, I've been dreaming of
12 this for almost eight years since I moved to -- almost since
13 I moved to the United States. And thanks to Poppportunity,
14 that experience was possible.

15 So this is -- would not have been possible without
16 Starlight. Please consider the life-changing outcomes that
17 happen to Starlight when you decide, because there's many
18 people right there waiting for this chance and this
19 opportunity.

20 And I'm very glad -- I've been one year in Bow
21 Market in Somerville, thanks to this project. And, you
22 know, it's been great. It's been something that's really

1 changed my life.

2 So I understand some people may be around are made
3 for the noise. But it's still a lot of people they want to
4 do dreams. And this is a real dream from immigrants or from
5 everyone. It doesn't matter where you're from. So I hope
6 this continues. Thank you.

7 BRENDAN SULLIVAN: Thank you for calling in.

8 MARIA INES SOLER MENESES: Thank you.

9 OLIVIA RATAY: Julius Francis?

10 JULIUS FRANCIS: Hello. My name is -- can you
11 hear me?

12 BRENDAN SULLIVAN: If you could spell that,
13 please, and give us your address?

14 JULIUS FRANCIS: Julius Francis. Last known
15 address in Cambridge: 10 Center Street Apartment F. Can you
16 hear me?

17 BRENDAN SULLIVAN: Yes.

18 JULIUS FRANCIS: Okay, yeah. So.

19 BRENDAN SULLIVAN: Yes.

20 JULIUS FRANCIS: I want to call in to support
21 Starlight and Poppportunity. I became involved with
22 Poppportunity in, like, twenty-fifth of August in 2021. I

1 went through a lot.

2 I lived in Cambridge for over 35 years. That area
3 in Central Square on Bishop Allen Drive used to be known as
4 "bad street." It was an area that they had some -- a lot of
5 people wasn't able to walk through that area.

6 Gentrification has changed Cambridge since 19 --
7 since 1994, Cambridge has really changed. It was a couple
8 raids in Cambridge that took a lot of people -- a lot of
9 people got deported, got further disfranchised, and the
10 community kept evaporating.

11 I don't think that a lot of us was able to -- I
12 had to leave Cambridge because they raised the rent up --
13 raised about \$1000. A lot of people are being pushed out of
14 Cambridge that's been in Cambridge. It's really sad.

15 I walked through Central Square when I was doing
16 Popportunity because I was selling food there, thanks to --
17 thanks to Michael, thanks to Minutia (phonetic), Nina, Matt,
18 Melanie -- all of them.

19 And when I walked through Central Square and I
20 came back to Popportunity, because I was talking with some
21 other participating and I see the community change so much.
22 There was nothing that looked like me as a Black man.

1 I came to America I think in 1985 from Jamaica.
2 And this community used to be a lot of Jamaicans, a lot of -
3 - but it's changed and there's a lot that's going on. And
4 there's a lot of ills that's going on. And it has been
5 intentional.

6 And Poppportunity and Starlight has been one of the
7 few things that has allowed a lot of people that live
8 outside of Cambridge to be able to come back into Cambridge
9 and to meet up and to reminisce and to think about, you
10 know, because right now things is really changing.

11 And Poppportunity has brought hope, but a lot of
12 opportunity and have brought a lot of good.

13 And I'm sorry for the few people that's been
14 severely impacted by the -- by the noise complaint, but as
15 the gentleman said, Starlight has been trying to assist and
16 trying to, like, help. And I know they're really good
17 people over there in Starlight, because I see -- I've
18 witnessed, and I've lived that experience.

19 BRENDAN SULLIVAN: Okay. Thank --

20 JULIUS FRANCIS: And I think that it will be
21 unjust to not allow Starlight to continue and continue to
22 bring hope, because America is changing. Cambridge is

1 changing. And --

2 BRENDAN SULLIVAN: Thank you, Julius. Thank you
3 for calling in.

4 JULIUS FRANCIS: All right.

5 BRENDAN SULLIVAN: Appreciate it.

6 OLIVIA RATAY: Suzan Mous (sic)?

7 BRENDAN SULLIVAN: Suzan?

8 SUZAN MOUSTAFA: Hi. This is Suzan Moustafa. Do
9 you hear me?

10 BRENDAN SULLIVAN: Yes. Give us your address,
11 please?

12 SUZAN MOUSTAFA: 70 Bishop Allen Drive.

13 BRENDAN SULLIVAN: Okay.

14 SUZAN MOUSTAFA: Cambridge.

15 BRENDAN SULLIVAN: Yes.

16 SUZAN MOUSTAFA: MA, 0231 (sic). So I am just
17 beside the noise. And I love to have entertainment, open
18 doors, but not in this area -- not in a residential area. I
19 talked before about that. No one listened. This is the
20 fourth year coming. And that's unjustice.

21 I am 60 -- I am more than 60 -- I am elderly,
22 older, I am very old. And I am having some disease. And I

1 have some family to contact. And I have some calls to do.
2 I -- I -- they are taking my life, and now they are asking
3 also to enter my home to measure their noise, which they are
4 making against me from my bedroom. It's ridiculous!

5 I don't know how it is built, or like -- built in
6 -- in some residential area. I don't mind -- I love going
7 to these open spaces, having this tie with our community and
8 all each other dancing or singing or having some play or --
9 that's very nice. But not in this area.

10 Please, someone listen to us. You didn't have --
11 we didn't have any voting to -- to build it inside, beside
12 us.

13 If someone like before I was listening to some
14 lady, she wants just to put a porch or to make an extension
15 for her house, sometimes you ask the neighbors if we can do
16 that.

17 BRENDAN SULLIVAN: Okay.

18 SUZAN MOUSTAFA: You are not ask -- we were not
19 asked about -- about building this noise beside our, our
20 houses. It is on my bedroom. Where shall I go? Where -- I
21 just need an answer.

22 BRENDAN SULLIVAN: Okay. Thank you.

1 SUZAN MOUSTAFA: Where shall I --

2 BRENDAN SULLIVAN: Thank you for calling in.

3 SUZAN MOUSTAFA: Thank you very much.

4 OLIVIA RATAY: Jillian Girardin?

5 BRENDAN SULLIVAN: Jillian?

6 JILLIAN GIRARDIN: Hi, can you hear me?

7 BRENDAN SULLIVAN: Yes. If you give us your name
8 and address, please?

9 JILLIAN GIRARDIN: My name is Jillian Girardin.
10 And I live at 53 Putnam Ave in Cambridge. And I am calling
11 in support of Starlight Square.

12 I've lived in Cambridge my whole life. I grew up
13 in Central Square, and I remember when we used to have the
14 World Fair and, you know, the Caribbean festival, so I
15 understand from that perspective. And I empathize for the
16 abutters, because -- you know, it's disturbing. And nobody
17 wants to deal with that, and I get that.

18 But just as a Cantabridgian living here my whole
19 life, Cambridge has changed. And I don't want to repeat
20 anything that anyone says, but I just want to emphasize that
21 it's brought the community, it's -- you know, started
22 businesses and helped out the youth in Cambridge. And it's

1 really brought Cambridge back to life after, you know, going
2 through so much gentrification.

3 And I am just in huge support. I feel like
4 Michael and the rest of the Starlight team and the bid has
5 been doing, you know, great measures and trying to work with
6 abutters, and I know they're going to continue to do more
7 work. And I know them all personally.

8 BRENDAN SULLIVAN: Good.

9 JILLIAN GIRARDIN: And yeah, I am in support of
10 Starlight.

11 BRENDAN SULLIVAN: Thank you for calling in.

12 JILLIAN GIRARDIN: Thank you.

13 OLIVIA RATAY: Duong Huynh?

14 DUONG HUYHN: Hello. Can you hear me?

15 BRENDAN SULLIVAN: Yes.

16 DUONG HUYNH: Yes. This is Duong Huynh. I reside
17 at 5 Clinton Street, Unit 2 in Cambridge. I've been a 15-
18 year resident of Cambridge. I'm also a small business
19 owner.

20 I'm calling to express my utter support for
21 Starlight. I know these -- the folks who have worked
22 behind it, the folks who have manned Poppportunity stalls and

1 the folks who have successfully used it as a very invaluable
2 stepping stone to create their own small business.

3 The truth of the matter is first-generation
4 immigrants, low-income folks, women and people of color are
5 finding it harder and harder to make it a thriving time in
6 Cambridge.

7 And Starlight provides an invaluable stepping
8 stone. It provides not only the space and exposure to
9 community, but also the tools and the resources for small
10 business owners to launch out on their own.

11 Something across America we're suffering from is
12 the disappearance of small businesses. So this invaluable
13 tool is in the city we pride to be one of the most leading
14 cities in the world.

15 But here we are again, twice a year, every single
16 year, trying to make an argument for why this invaluable
17 tool should even stay in this prided community. And I don't
18 understand why.

19 So to wrap up, I'm in utter support of Starlight,
20 and I hope that it thrives and finds a permanent home for it
21 to be a permanent resource in this community.

22 BRENDAN SULLIVAN: Thank you.

1 DUONG HUYNH: Thank you.

2 BRENDAN SULLIVAN: Thank you for calling in.

3 OLIVIA RATAY: James Williamson?

4 [Pause]

5 James? James Williamson?

6 [Pause]

7 James is not here. Next?

8 OLIVIA RATAY: Emmanuel Mervil?

9 BRENDAN SULLIVAN: Emmanuel?

10 EMMANUEL MERVIL: Hello.

11 BRENDAN SULLIVAN: Yes.

12 EMMANUEL MERVIL: Yeah, how are you doing? My
13 name is Emmanuel Mervil.

14 BRENDAN SULLIVAN: Your address, Emmanuel?

15 EMMANUEL MERVIL: 21 Newtowne Court, Cambridge. I
16 grew up in --

17 THE REPORTER: I'm sorry, I didn't catch the
18 address.

19 EMMANUEL MERVIL: 21 Newtowne Court, Cambridge.

20 THE REPORTER: Thank you.

21 EMMANUEL MERVIL: I grew up in Central Square on
22 top of McDonald's. I'm a lifelong Cambridge resident, and

1 I'm in support of Starlight. They do so much for the
2 community and a lot of entrepreneurs that are trying to get
3 their businesses started. And I appreciate everything they
4 do for us. And I'm in support.

5 BRENDAN SULLIVAN: Thank you for calling in.

6 BRENDAN SULLIVAN: Thank you.

7 OLIVIA RATAY: Sharon Lozada?

8 SHARON LOZADA: Yes. Can you hear me?

9 BRENDAN SULLIVAN: Yes.

10 SHARON LOZADA: Good evening, everyone. I am just
11 honored to be here and to speak, especially -- well let me
12 give you my address first: 208 Pearl Street in Cambridge.
13 I also teach at the high school.

14 So I'm here to speak for myself, but also on
15 behalf of the youth that I worked with connected to
16 Starlight Square, especially during the pandemic and
17 afterwards.

18 It was a lifeline for us, a heartbeat. [crying]
19 Sorry to get upset to have something so vibrant, so
20 connecting, so supportive for youth during the time of the
21 pandemic and afterwards. Because I think we have to be
22 real; the residue from COVID is still here, it's still with

1 us. We're still recovering from what it was like to be so
2 isolated and compartmentalized for so long.

3 And the youth that I worked with were able to come
4 back to life. They were able to look at issues that
5 impacted them. They were able to find their voice.

6 Starlight was a home in so many ways to Friday Night Hype,
7 to our junior prom, to Down with Design to so many artists
8 that were youth that have kind of launched their careers and
9 their -- found their way, found their futures through being
10 able to express themselves and find art and find each other,
11 find themselves, find their identities.

12 And I just -- I hope that this city that prides
13 itself on supporting its youth will continue to provide this
14 space and home for so many folks --

15 BRENDAN SULLIVAN: Thank you.

16 SHARON LOZADA: -- youth that grow up and are part
17 of our community as well and give back. So thank you --

18 BRENDAN SULLIVAN: Thank you, Sharon, for calling
19 in.

20 SHARON LOZADA: Thanks.

21 OLIVIA RATAY: Saeed Ibrahim?

22 BRENDAN SULLIVAN: We have four more callers;

1 we're going to limit it to four more. Anybody else? No?

2 OLIVIA RATAY: Nada Abdel-Fattah?

3 NADA ABEL-FATTAH: Hello. Hi. 70 Bishop Allen
4 Drive. I am calling in opposed to continuing Starlight. I
5 do appreciate and understand the community value and
6 opportunity in it. And that really isn't what has pushed me
7 to be opposed. And I did hear a caller mention this, but I
8 want to amplify the pain of being a mother right near
9 Starlight.

10 I have a toddler, and I just had another baby.
11 And I'm honestly so unhappy with the thought of dealing with
12 this in the summer, just like putting my child to sleep, my
13 baby to sleep -- both of them. And I really, really hope --

14 [Child talking]

15 And that is my son -- okay, okay, sorry. Please
16 consider the families living in this area, okay? I -- I
17 just don't think this is the location for it. You know, you
18 can't put something like this with this amount of noise near
19 residents.

20 And like someone already mentioned, not without
21 our permission. There is a procedure for going about these
22 kinds of community events and programs, and this wasn't

1 done. And I understand it's COVID related, but COVID,
2 thankfully has some control on it, and we're still talking
3 about Starlight.

4 So I just -- I appreciate the -- the -- the work
5 that goes into Starlight, but I -- I think that as a mother
6 this is just not -- not okay. I mean, it's just -- it's not
7 functional. I cannot work my life around Starlight music.
8 It just -- it's ridiculous. I don't have any other Mom
9 friends who have to deal with this.

10 And I really, really oppose this. And I hope that
11 this, you know, finds another location. And I would support
12 it. Thank you.

13 BRENDAN SULLIVAN: Thank you, Nada, for calling
14 in.

15 OLIVIA RATAY: Vinh Le.

16 VINH LE: Hello?

17 BRENDAN SULLIVAN: Yes. if you identify yourself,
18 name and address, please?

19 VINH LE: Oh, yeah. My name is Vinh Le. I am the
20 owner of a business at 106 Prospect Street, the Coffee Bar.

21 I support this Starlight. Why? It's very simple:
22 You know, the Mother Earth moving; the universe is also

1 moving. So we need to move. We need to be flexible and
2 support each other.

3 As an artist, as a business owner, I need the
4 lively cities, not sleeping cities. This city is very
5 sleeping for me. And I think the city needs to have more
6 programs to keep the talented people like us stay here, not
7 kick us out.

8 Because I know that I got a lot of benefits from
9 Starlight over the times. Make my life feel lively and
10 lovely here. So I know that there are some concerns around,
11 and the City of Cambridge needs to work with the owners or
12 the team to make sure everything is good and lovely.

13 Thank you.

14 BRENDAN SULLIVAN: Thank you for calling in. Two
15 more callers.

16 OLIVIA RATAY: Donald Madrey?

17 BRENDAN SULLIVAN: Yes, go ahead. If you give us
18 your name and address, please?

19 [Pause]

20 Next?

21 DONALD MADREY: Hello. My name is Donald Madrey.
22 I live at 6 Perkins Square in Jamaica Plain. I was -- I

1 lived in Cambridge for 30 years. I am a vendor at the
2 Poppportunity. I really enjoy being there.

3 My wife and I are retired, and it gives us extra
4 income. It supplements our income. We sell inspirational
5 T-shirts and vintage R&B music and a whole lot of other
6 stuff we sell. And we enjoy being there. We enjoy the
7 people there, the people that come through there we enjoy.

8 I think it's an opportunity for young people to
9 get ahold of learning how to open up a business. Some of
10 the women that were in the -- that are in the Poppportunity
11 with me have opened up a business -- the Poppportunity
12 Boutique on 301 Mass Avenue. And they are doing well, and
13 they're dealing with business.

14 And I think -- my own opinion, the last struggle
15 of the movement, the civil rights movement in this country
16 was my people -- Black people in this country -- to be
17 entrepreneurs and be in business.

18 And with all that is going on and the movement in
19 this country that is turning back the hands of time, one of
20 the last things that we can do as a people -- all people,
21 but especially Black people in this country is to be more
22 entrepreneurial, to have a solid business, economic

1 foundation, and I think things brings young people that see
2 other people out there going about their business and --

3 [Noise]

4 DONALD MADREY: Hello?

5 BRENDAN SULLIVAN: Yep, go ahead. It -- just if
6 you could wrap it up, Donald.

7 DONALD MADREY: Okay. Other people going about
8 their business and being entrepreneurs, and they can see
9 that example. So I strongly support Starlight and the
10 Poppportunity. Thank you.

11 BRENDAN SULLIVAN: Thank you for your comments.
12 One more caller.

13 OLIVIA RATAY: Rehaan Anjaria?

14 REHAAN AJARIA: Hi. Rehaan Ajaria, 10 Worcester
15 Street, Cambridge, Massachusetts. Yeah, I'm just calling
16 because I sold -- I -- during the pandemic, I sold face
17 masks during -- and was able to sell them at Poppportunity.

18 And that was, like, a really cool way to, like,
19 get in touch with the community and kind of start a brand
20 that I was creating at the time.

21 I also have been working with -- and yeah, I'm
22 calling in support of the City continuing Starlight, because

1 I think it's a great opportunity to have, like,
2 entrepreneurial spaces for people. I'm in high school. So,
3 like, just even, like, have all ages just to be able to go
4 and sell the product.

5 And yeah, I support it.

6 BRENDAN SULLIVAN: Thank you for calling in. I'm
7 going to close the call-in portion of public comment. The
8 Board is in receipt of a number of letters which the Board
9 members have read.

10 Six of the nine City Councillors have written in
11 support -- Michael Conley, Marjorie Decker, Representatives;
12 obviously the Mayor, part of the City Council and the City
13 Manager has written in support of the continuation of
14 Starlight and us granting the special permit.

15 Michael, if you're on the line, there is one
16 correspondence dated February 28 from Bob Hoyler, General
17 Partner. And he writes,

18 "My name is Robert Hoyler, and I am the General
19 Partner of Hoyler Norfolk, LP, owners of 30 Norfolk Street
20 directly across the street from parking lot Number 5 at 84
21 Bishop Allen Drive."

22 Are you familiar with that letter at all?

1 MICHAEL MONESTIME: Yes, Chair Sullivan. I've
2 already been in conversation with Bob Hoyler. The letter
3 says that it supports Starlight, but there's issues
4 regarding trash receptacles.

5 BRENDAN SULLIVAN: Correct.

6 MICHAEL MONESTIME: My response -- and as we've
7 made clear in this case, the bid is also a -- a steward in
8 Porter of Central Square. We've already reached out to Bob
9 that we will increase trash receptacles and help with those
10 trash impacts on Norfolk Street accordingly.

11 BRENDAN SULLIVAN: Okay. Good. All right. So
12 you're addressing that issue?

13 MICHAEL MONESTIME: Yeah.

14 BRENDAN SULLIVAN: Good. Thank you. All right.
15 I will send it back to you, as the applicant, before any
16 very brief -- very brief comments regarding any testimony
17 that you've heard before I send it to the Board?

18 MICHAEL MONESTIME: Just quickly, because you've
19 been so patient and -- and we don't want to keep you in the
20 chamber all night.

21 We are only licensed until 9:00 p.m. None of our
22 violations have ever gone a minute over that. We were

1 licensed for the World Cup, and that only happens once every
2 few years. Those are the only two comments I wanted to
3 make, Chair Sullivan.

4 BRENDAN SULLIVAN: Great. Thank you. Let me end
5 that portion of the meeting, send it to the members of the
6 Board. Jim Monteverde, any questions at all of the
7 applicant?

8 JIM MONTEVERDE: I'm still concerned about the
9 comments from the immediate abutters, who, if I've heard
10 them correctly, are taking exception still to the noise, to
11 the sound as an interruption to their lives and their
12 ability to just live peacefully adjacent to the activities.

13 So for them, as the proposal stands now, I
14 couldn't support it. But I'm looking forward trying to
15 think of an alternative or a compromise that would allow me
16 to support it. And I hate to think we'll do this for some
17 other length of time, otherwise the full -- other than the
18 full season you've requested.

19 But do you have a sense what of the -- and I was
20 trying to recall from your slides -- what the activities
21 were?

22 Because I have a feeling that it's maybe --

1 although the speakers -- the immediate abutters didn't speak
2 to the particular activities -- except what I thought I
3 heard was music, amplified music, as opposed to Popportunity
4 or other activities that you have going okay.

5 So I'm looking for some other way if there is. I
6 mean, if I have to do an up and down vote, I will. But I'm
7 looking for an opportunity for something I can support. And
8 at that moment for those neighbors, I can't.

9 BRENDAN SULLIVAN: All right. Michael, would you
10 want to address that briefly for --

11 MICHAEL MONESTIME: Just a quick comment through
12 you to the member: Two pieces. What we will continue to do
13 is one-to-one outreach, what no one has taken us up on yet,
14 but respectfully, we will continue that charge if granted
15 this season 4.

16 Secondly, we recognize live music to be the most
17 destructive sound that leads from the site. And through
18 that, we've limited it to two nights per week as a
19 concession.

20 JIM MONTEVERDE: Okay. Yeah, I understood. I
21 understood that from your presentation and I was wondering
22 if there's any further compromise you could make to further

1 reduce that for some shorter length of time than the full
2 season to see if that satisfies the immediate abutters?

3 But thank you for your response.

4 BRENDAN SULLIVAN: Andrea Hickey, any comments or
5 questions at this time?

6 ANDREA HICKEY: Yes. So I share some of the
7 concerns that Mr. Monteverde has expressed. And I would
8 like to ask the petitioner whether it might be possible to
9 limit the music events that are now sort of are really
10 reduced to twice a week to end earlier in the evening, and
11 perhaps to only happen on weekends?

12 For music to be happening outdoors in the summer
13 when folks have their windows open up until 9:00 at night
14 seems to be really pushing the envelope in terms of what we
15 should expect the neighborhood to withstand.

16 Would it be possible for music events to end at
17 7:00 p.m. instead of 9 p.m.? Some sort of give and take to
18 address the concerns of the neighbors?

19 The other thing I'd like to say, I know I hear
20 that the drum circles and the drumming is of particular
21 concern. Is there a way that those events could happen
22 during the daytime, when presumably people in the

1 neighborhood may be out and about doing other things and not
2 sitting at home on their sofa, perhaps?

3 So if the petitioner could respond to my comments,
4 I'd appreciate that.

5 MICHAEL MONESTIME: Thank you, Member Hickey. A
6 few things here: One, I just want to say drumming is very
7 cultural. But we could absolutely say no drumming circles,
8 as drumming circles are disruptive.

9 Secondly, I would be more than happy on behalf of
10 our group to limit live music to weekends. But, you know,
11 this is our third time back to this body. And we have been
12 giving at each instance.

13 And I think to limit the sound to an earlier time,
14 no abutter has complained of -- or there is no record of
15 complaints going beyond 9:00. So I do respect that.

16 But if you wanted to add banning drum circles as a
17 condition to this, we would support that.

18 ANDREA HICKEY: Yeah. That's not really what I'm
19 asking for. I think that drum circles are important,
20 valuable and cultural. I agree with that completely. I
21 just think perhaps earlier in the day it might not be so
22 disturbing. That's my suggestion with respect to drum

1 circles and music in general.

2 MICHAEL MONESTIME: I would add as a condition
3 that we are willing to have drum circles if they are part of
4 season 4 to happen during daytime and to ban them from
5 happening late into the evening.

6 BRENDAN SULLIVAN: And can we put an hour on that,
7 rather than earlier and later, so they're somewhat
8 arbitrary?

9 MICHAEL MONESTIME: You know, before 5:00 p.m.,
10 would that be suitable for the body?

11 BRENDAN SULLIVAN: Andrea?

12 ANDREA HICKEY: That is a terrific concession in
13 my mind. That would certainly work for me. I still remain
14 concerned about live music going up to 9:00 p.m., whether it
15 be on a weekend or especially on a weeknight, where folks
16 have to work the next day or whatever.

17 But I've said my part. Unless the petitioner has
18 anything further, I'll yield to the next member.

19 BRENDAN SULLIVAN: Okay. Slater Anderson, any
20 questions or comments?

21 SLATER ANDERSON: I -- you know, I think back to
22 having heard this twice now over the past three years. The

1 discussion of an alternative location, I don't want to sort
2 of leave that on the sides. I get the benefit of this
3 central location in the city. But it is super impactful on
4 the immediate abutters.

5 Balancing that impact against the broader
6 community benefit is the challenge that we're facing here.
7 I agree with limiting live music to two nights, on the
8 weekends -- I assume we're talking Friday, Saturday. I
9 would limit one of those nights to 7:00 p.m., allow one
10 night to 9:00 p.m., the drum circles until 5:00 p.m.

11 And I'd like -- I don't know how we could get a
12 better location alternative. But, you know, I did notice at
13 one point in time -- I know it's not City property, but
14 there was like a popup over by Apple Cinema, Fresh Pond.

15 There's a giant, underutilized parking lot next to
16 the train tracks. It's a loud area. Public
17 transportation's right there. I want some feedback on an
18 alternative if we -- if this thing comes back to us.

19 I'm not -- I'm not interested in approving this
20 indefinitely. I still -- I feel like we're getting the same
21 complaints that we've had for three years from the immediate
22 abutters. And that weighs on me. But I recognize the

1 broader community benefit. So, you know, we're stuck in the
2 middle here trying to solve this thing.

3 You know, I don't know if the City -- there's
4 things that the City could do as mitigation for the abutters
5 as part of this. I think I raised that before. But, you
6 know, I won't get into that further.

7 But I'm -- I'm -- you know, I'm on the fence.

8 BRENDAN SULLIVAN: Okay. Wendy Leiserson?
9 Comments?

10 ANDREA HICKEY: Yes.

11 BRENDAN SULLIVAN: Questions?

12 ANDREA HICKEY: Yes, I have some questions. I
13 wanted to follow up on this statement that a bid is -- has
14 been available to one-to-one outreach to complaining
15 neighbors, and to ask what does it mean that you are willing
16 to mitigate the impact on them? Like, what specific measure
17 would you do for any one of the people who complained
18 tonight, and who would bear the cost of that? So I'd like
19 an answer to that.

20 MICHAEL MONESTIME: That's a -- that's a great
21 question. The first part is if we could get into homes
22 respectively, we would be able to measure the data to see

1 what the sound issues register as. And we're open to
2 mitigation efforts.

3 But some of that one to one that we've talked
4 about is soundproofing. And obvious any mitigation effort
5 would be afforded by us at the abutter's discretion.

6 WENDY LEISERSON: And would it be -- when you say
7 "measure" I mean some people are more sensitive to noise
8 than other people are, you know? So anything above --
9 anything that is part a larger special permitted use in this
10 area is going to be above what they expected to tolerate in
11 coming to this zone.

12 So if you have a resident who is saying that this
13 is not working for my life or my child, you know, can't go
14 to sleep at this point, you know, what do you mean, why do
15 you need to measure something? Like, other than -- like,
16 are you going to take it at their intolerance level or a
17 certain data point that you determined is, you know, worth
18 your investment -- merits or investment?

19 MICHAEL MONESTIME: Fair question.

20 WENDY LEISERSON: Do you understand my question?

21 MICHAEL MONESTIME: I do. I do. Fair question.

22 And, you know, the ultimate goal here is to -- to -- would

1 be to make abutters more comfortable. The measures would
2 allow for us just to get a good sense of how the sound might
3 be traveling.

4 You know, going back to our remediation efforts
5 and what we'd be willing to do, we could soundproof windows
6 if -- if this is a matter of purchasing air conditioners if
7 folks couldn't open their windows to have a breeze come in.
8 Really, through dialogue, we would be able to better
9 understand what those one-on-one fixes might be on a case-
10 by-case basis.

11 WENDY LEISERSON: And did you reach out to the
12 people who sent letters, other than the one who you
13 mentioned earlier today about the trash?

14 MICHAEL MONESTIME: Yes, member. So we really
15 only -- we flyer'd every doorstep. We've sent
16 communications. Through the BZA, this process and
17 Viewpoint, we're also able to see those who are speaking
18 against the project.

19 And in our Viewpoint folder, there's e-mails where
20 we can find e-mail addresses, which enables us to reach out
21 to every single one person who's spoken out where we have an
22 e-mail paper trail.

1 WENDY LEISERSON: And have you done that? You did
2 mention that you'd already reached out about the trash
3 issue.

4 MICHAEL MONESTIME: Yes, we have. Yep.

5 WENDY LEISERSON: So did you also contact those
6 who were complaining about the noise?

7 MICHAEL MONESTIME: Absolutely. Yes, we have.

8 WENDY LEISERSON: Those specific people who spoke
9 tonight?

10 MICHAEL MONESTIME: Those special people who spoke
11 tonight who also have sent e-mails to this body, where we
12 then have an e-mail line for communication. For people who
13 speak in tonight against this project, we don't have their
14 phone number, we don't have their e-mail address.

15 But if they've sent a letter against this project
16 in the BZA, then that is in our Viewpoint folder, and every
17 abutter who has spoken against this project who has an e-
18 mail in that Viewpoint folder, we've reached out to each one
19 one-to-one.

20 WENDY LEISERSON: Okay. Thank you.

21 MICHAEL MONESTIME: Thank you.

22 WENDY LEISERSON: I would say that I am actually

1 very sympathetic to your project, your program, to the needs
2 that this is filling in the city. I'm very sympathetic to -
3 - or very aware of how this has rejuvenated Central Square.
4 I have peers who now want to go out to Central Square, which
5 -- peers who are not just in their 20s anymore. And so, I
6 do see the benefit of what you're doing.

7 And then I also come, though, to the question of
8 what authority does the Zoning Board have and what is our
9 role within the city?

10 And I'm having trouble thinking that it's within
11 our authority to overlook the impact on the residents. When
12 I think about Slater's suggestions, I think they're all good
13 and Andrea's concerns -- everyone's concerns on the Board
14 resonate with me.

15 And I know that as a Board we acted to approve
16 your use given the specific circumstances of COVID. But as
17 an ongoing proposal, I look at what are the criteria for
18 granting a special permit under 10.43?

19 And I find that we have to consider the impact on
20 the health and welfare of the citizens by a change in use, a
21 use beyond what a zone is allowed for. And there's just no
22 question that there's an impact here on the health and well-

1 being of the neighbors.

2 And then I look at the purpose of the zoning
3 ordinance in 1.3. And it says that our job is to protect
4 residential neighborhoods from incompatible activities. And
5 I'm hearing these families say -- and I get it, they can't
6 put their children to bed. And yet, as I said, I am
7 extremely sympathetic and extremely supportive of what
8 you're doing.

9 I just don't know the that Zoning Board can
10 continue -- that it's within our providence to continue to
11 authorize a special permit for this, rather than having
12 something that the other bodies in the city need to act for
13 more permanent relief.

14 Those are my thoughts. I'd like to hear more from
15 my fellow Board members.

16 BRENDAN SULLIVAN: Wendy, I think that was well
17 said, actually. My thought on this is -- and again, it's a
18 balancing act somewhat -- that you weigh the benefits to the
19 community at large. And that area of the city has somewhat
20 been underserved, has not had much of an outlet, gathering
21 space.

22 And I think that this venue serves as a gathering

1 space for a variety of purposes; people who can sell their
2 wares, people who can congregate.

3 And again, going through the letters people of
4 support: Councillor Simmons I think expresses it probably
5 the best, being a representative and being more finely tuned
6 to the neighborhood that, you know, this is what the
7 neighborhood needs. This is its gathering space. And yet,
8 it gathers people from other parts of the city and even
9 outside the city. And it is sort of a welcomed by spot.

10 Yes, the noise is going to have an impact because
11 of the music component of it. And so, again, that balance
12 is -- does the public benefit outweigh, tilt the scale in
13 favor of granting it, as opposed to the continuing work by
14 Michael and his committee to ameliorate some of the concerns
15 and try to lessen the impact?

16 I think I have faith and confidence that Michael
17 and his team -- and I also call on the City Councillors, six
18 of them who have voiced support for this -- to also be an
19 active participant in ameliorating some of the problems; the
20 mayor, obviously, and the City Manager, to work and be
21 constantly vigilant in making sure that whatever goes on
22 there for programming, that it does not have an adverse eff

1 on the adjoining residences.

2 And again, I think I can speak for the Board
3 members that we can read through all of the correspondence
4 and agree with all of those who are for it and the presence
5 of Starlight and the benefits that they have received and
6 continue to receive, and the benefit to the city.

7 And then we get pained when we hear and read some
8 of the neighbors who are basically saying that it has
9 adversely impacted their life.

10 So we have to come down -- or I have to come down
11 on one side or the other. I would support continuing the
12 special permit from May 1 to August 30 -- I'm sorry, October
13 31, 2023 as per the application, the program that they have
14 in place and again call on the Licensing, calling on the
15 Executive Branch, City Manager, and also the Legislative,
16 which is the City Council, to be an active participant as
17 part of this.

18 And it's very nice to every year send in letters
19 asking us to continue this, but I think that they have to be
20 vigilant constantly to tweak whatever needs tweaking to
21 ameliorate any of the potential problem areas.

22 So I would support the special permit going

1 forward. My sense is that we have come up with some
2 softening of some of the music, trying to limit some of it.

3 I would ask the Board members if they would chime
4 in on this to correct me -- add or delete -- that one of the
5 proposals is to limit the drum circles to 5:00 p.m. and that
6 on Friday and Saturday that live music stop at 7:00 p.m., is
7 that correct?

8 Am I correct in that, Michael, or is -- is that
9 the -- your understanding of what was agreed to or not?

10 MICHAEL MONESTIME: I believe Member Slater had
11 made the recommendation for weekend's music which is
12 defined: Friday and Saturday. I just wanted to make a note
13 to this body that we do shut down at 6:00 p.m. on Sunday.
14 So if we could have sound and live music Friday, Saturday, I
15 think that is appropriate.

16 I would ask that, you know, Saturday is a night
17 where folks convene well into the evening, although we
18 always end at 9:00 proper. If we did have an early closure
19 on Friday, is there a willingness to continue to work with
20 us, as we've continued to work with you and all that
21 Saturday remain at the time that we've had it at?

22 BRENDAN SULLIVAN: So, just to recap: Friday 7:00

1 p.m. is that -- is that what we're saying? And then
2 Saturday -- I mean, sorry Friday 7:00 p.m.; Saturday 9:00
3 p.m.? Is that what we're saying?

4 MICHAEL MONESTIME: That's what you were saying,
5 correct?

6 BRENDAN SULLIVAN: Yeah.

7 MICHAEL MONESTIME: Are you correct? Early
8 closure on Friday means the event will be 60 minutes in
9 length. People get out of work around 5:00 p.m., so that
10 will be an extremely short bit of programming on a Friday
11 with that condition.

12 BRENDAN SULLIVAN: All right. Slater, what was
13 your proposal if you could give it back to me again?

14 SLATER ANDERSON: Just that's consistent with what
15 I was thinking is 7:00 p.m. Friday, 9 on Saturday.

16 BRENDAN SULLIVAN: And 9:00 p.m. Saturday?

17 SLATER ANDERSON: Yep, and the drums to 5:00 all
18 the time, like you said.

19 BRENDAN SULLIVAN: Okay.

20 SLATER ANDERSON: No more than 5:00.

21 BRENDAN SULLIVAN: All right. So let me circle
22 back again here. Jim Monteverde, are you okay with that?

1 So the drum circles limited until 5:00 p.m., Friday I guess
2 we could say live music until 7:00 p.m. and Saturday until
3 9:00 p.m.

4 JIM MONTEVERDE: I think that's a good step, a
5 good experiment. I am concerned, then, about doing this for
6 the full season. Right? What we've done before is a
7 partial season and then test the neighborhood. Test, as in
8 get their response, see if it worked.

9 I mean, we've been tweaking this as we go along
10 not for the full season, for a reason. Because we just
11 don't know that those measures are going to satisfy the
12 neighbors.

13 And I really would not want the neighbors to be
14 dissatisfied for that full season if the measures that we're
15 talking about don't work for them.

16 So I think I'm happy with what you just described,
17 Mr. Chair. And I'd like us to consider a shorter interval.
18 But you've got to come back if the neighbors -- if you can't
19 reach out to the neighbors or they won't reach out to you,
20 they certainly seem to be willing to call in on the night of
21 the hearing.

22 BRENDAN SULLIVAN: One of the -- one of the

1 problems I see with that, Jim, though, is if we were to
2 limit the days, weeks, is that say we were to limit it until
3 I don't know, September 1 or something like that, that by
4 the time that they would have to come back to us, have
5 another hearing, it would -- it takes so many weeks for a
6 decision to be typed up, filed and so on and so forth --

7 JIM MONTEVERDE: Okay.

8 BRENDAN SULLIVAN: -- that there just isn't enough
9 time to do that, so that -- and I think they're -- not
10 speaking for Michael, but I think the way I understand it is
11 that their ability and their necessity to schedule events is
12 severely hampered by this short little window because it's
13 not like we can approve it one night and then all of a
14 sudden, it becomes effective the next day or something like
15 that, you know? Like licensing can --

16 JIM MONTEVERDE: Okay.

17 BRENDAN SULLIVAN: -- possibly do that, but we
18 have this whole bureaucracy --

19 JIM MONTEVERDE: Yeah.

20 BRENDAN SULLIVAN: -- to deal with. So.

21 JIM MONTEVERDE: Understood.

22 MICHAEL MONESTIME: Member Sullivan?

1 BRENDAN SULLIVAN: Sorry?

2 MICHAEL MONESTIME: Member Sullivan, if I may?

3 BRENDAN SULLIVAN: Yeah.

4 MICHAEL MONESTIME: You know, two things: One, I
5 think this is a -- is a -- is a -- is a wide, big area where
6 Licensing can be supportive to make sure that the values of
7 what this body is saying play out throughout the season.

8 Secondly, it is difficult to have to come back and
9 do this. You know, we do have to fundraise and underwrite a
10 large amount of what makes this season affordable. And when
11 we have half seasons, it does make it a little more
12 difficult in the fundraising to underwrite the season in
13 entirety.

14 BRENDAN SULLIVAN: Right. And again, I think --
15 to Michael's point -- Licensing plays a huge role in this,
16 and that Licensing obviously can be another sounding board,
17 and that -- this is where, again, I draw upon the City
18 Councillors to weigh in on that if there was a problem, and
19 also the City Manager to be able to weigh in to the
20 licensing on whether their potential licensing is
21 appropriate or not, given past experiences that maybe we
22 should hold up on some of the licensing, because it has gone

1 astray. So.

2 JIM MONTEVERDE: Right. But hasn't that been --
3 hasn't that been in place previously?

4 BRENDAN SULLIVAN: Well, it has. It's -- the
5 vehicle has been there, whether or not it's been exercised
6 or not.

7 JIM MONTEVERDE: So I think it's just proven not
8 to be effective, and that's why it's here. I think we're
9 it. The other City --

10 BRENDAN SULLIVAN: Well, we -- I mean, we limited
11 it year to year, and then that's why they're here tonight.

12 JIM MONTEVERDE: Yep.

13 BRENDAN SULLIVAN: But then you're right, as far
14 as we keep getting some of the same complaints? So --

15 JIM MONTEVERDE: So I'm struggling with the option
16 to say that it just wouldn't be live music until much
17 earlier in the evening on any day, weekends included.
18 Because if I have a 3-year-old, it doesn't make a difference
19 to me if it's a Thursday night, Friday night, Saturday
20 night, Sunday night. It's the same issue.

21 So I will stop talking. I'm on the fence on this
22 one. Thank you.

1 BRENDAN SULLIVAN: Let me go back then to Andrea.
2 What you've heard, can you make some sense as to what your
3 understanding or what your comfort would be?

4 ANDREA HICKEY: I can, Mr. Chair. But first I
5 have a question. Are we being asked to approve this
6 permanently?

7 BRENDAN SULLIVAN: No. We're being asked --

8 ANDREA HICKEY: No.

9 BRENDAN SULLIVAN: -- to approve this from May 1
10 to October 31.

11 ANDREA HICKEY: All right. I am comfortable with
12 what you framed earlier, Mr. Chair with respect to the one
13 late night being Saturday night until 9:00, drum circles
14 until 5:00, music on Friday until 7:00. I think that those
15 are sort of reasonable limitations.

16 And I'd like to see next year when the petitioner
17 comes back whether these limitations have sort of addressed
18 the concerns of the neighborhood.

19 So I would be in support of the petition with
20 those restrictions.

21 BRENDAN SULLIVAN: Okay. Slater?

22 SLATER ANDERSON: Yeah, I mean, the two thoughts -

1 -

2 BRENDAN SULLIVAN: If I --

3 SLATER ANDERSON: Yeah.

4 BRENDAN SULLIVAN: -- if I were --

5 SLATER ANDERSON: Go ahead.

6 BRENDAN SULLIVAN: -- if I were to make a motion
7 on the condition that the drum circles end at 5:00 p.m.,
8 that the live music first day at 7:00 p.m., Saturday at 9:00
9 p.m., would you be comfortable with that?

10 SLATER ANDERSON: I am for this season. I think I
11 just want to be on the record for if I'm on the Board when
12 this comes back to us again, the two things that I've never
13 gotten a good answer on was a reasonable effort to look for
14 an alternative location and why it won't work, and a
15 mitigation fund that's available to neighbors to deal with
16 soundproofing. Not just, "Well, we want to go check it."

17 No, you've got \$275,000 that you mentioned that
18 you made available to -- you know, participants and vendors
19 and that's great. You need to make with the City or however
20 you do it, I want to hear about a mitigation fund that's
21 available to neighbors that they can access if they want to
22 soundproof their units.

1 And if I don't hear that next year, I'm not voting
2 for this.

3 BRENDAN SULLIVAN: Okay. Good point. Wendy
4 Leiserson, on -- if I were to make a motion that the drum
5 circles, first of all if you support -- would be in support
6 of continuing Starlight from May 1 to October 13, and the
7 condition that the drum circles' performances stop at 5:00
8 p.m.?

9 And that live music stops at 7:00 p.m. on Friday,
10 9:00 p.m. on Saturday? Would you be in support of that, or
11 do you have some other thoughts?

12 WENDY LEISERSON: I have -- well, I have a couple
13 of other thoughts. I feel not quite ready to make a
14 decision, though I like where we're going with this.

15 But one of my questions I guess is is the length
16 of the season an issue for residents -- you know, for
17 example, would it make -- is really, are we proposing the
18 solutions that would make the most difference to the
19 residents?

20 In other words, maybe the residents don't care if
21 the music stops at 7:00 p.m. on Friday and they would be
22 okay with a 9 p.m. Friday night, you know, music thing. But

1 what they really mind is that there's live music on weekends
2 during the month of May and June when students are studying
3 for final exams. You know, I'm not sure if we're solving
4 what's their biggest problem.

5 And so, I just wonder -- and I like where Slater's
6 going with making mitigation funds available to residents.
7 And there was some, I think, discussion in the files about
8 some of the residences that are most affected being
9 affordable housing residences, where there's limited --
10 limited opportunity to relocate if there's not a
11 satisfactory solution to those neighbors.

12 And I'm just wondering if asking -- if there's a
13 way to perhaps continue this with getting some input from
14 the City Council or the City Manager in terms of there might
15 be some funds made available, or some solution made
16 available that bid could arrange for this season, for
17 example, rather than punting this for another year.

18 I don't know what the protocols are here, I'm
19 trying to -- you know, brainstorm with my fellow members.

20 BRENDAN SULLIVAN: Well, one of the reasons -- one
21 of the problems with continuing this, as was sort of alluded
22 to Jim as far as the mechanism and the bureaucracy is that

1 if -- I guess my thought is that if we could decide this
2 tonight, because by the time this all gets typed up, filed,
3 there's the appeal period and so on and so forth, they're
4 bumping up against that May 1 start date. And any delay on
5 our part is going to push that May 1 further down the road.

6 And that's why I keep harping on I think that the
7 City Council and the Mayor -- I'm sorry, and the City
8 Manager has to be a little bit more proactive regarding some
9 of the issues on Starlight. I don't know if that answers
10 your questions or not, Wendy, but I --

11 WENDY LEISERSON: I do understand the licensing
12 delay. That's correct, I do understand that. I just wonder
13 if, or perhaps Michael knows if there are funds that could
14 be available to the residents now, rather than next year?

15 MICHAEL MONESTIME: Member Sullivan, if I could?

16 BRENDAN SULLIVAN: Yes.

17 MICHAEL MONESTIME: Two things -- and great
18 conversation. I appreciate we are where we are in this
19 process and thank members of the body. A few things I do
20 want to say with respect to finishing out this school year:

21 We can be extremely respectful for the
22 programming, ensuring that programming is softer or -- or

1 more, I don't want to say limited, but softer and even more
2 respectful through May and June to ensure that students can
3 finish this school year strongly.

4 Second to that, I do appreciate where this
5 conversation is going around a mitigation fund for some of
6 the impacts regarding the neighbors. I would love to see
7 the bid convene a meeting about that.

8 This will take time. One, connecting one on one
9 with those residents, identifying each individual mitigation
10 effort that will have to take place, understanding where
11 funds are going to come from. We are at the end of budget
12 season. It may be hard to hold that request over the City
13 of Cambridge.

14 But -- like member Slater said, you know, if
15 approved tonight, and if this group decides to come back
16 next year to have a robust mitigation plan and fund in
17 place. But these things, like all things, would take time.
18 But I understand the spirit and recognize and respect the
19 spirit for where that conversation's headed.

20 BRENDAN SULLIVAN: Okay. Are we ready for a vote
21 on this matter, Board members or --

22 COLLECTIVE: Yes.

1 JIM MONTEVERDE: Yep.

2 BRENDAN SULLIVAN: Jim?

3 JIM MONTEVERDE: Yep. Please.

4 BRENDAN SULLIVAN: Let me make a motion, then, to
5 grant the special permit as per the application for 84
6 Bishop Allen Drive, also known as Starlight Entertainment.

7 JIM MONTEVERDE: Square.

8 BRENDAN SULLIVAN: Actually, the petitioner is
9 really the City of Cambridge. Let me make a motion, then,
10 to grant the special permit under 10.40. It appears that
11 the requirements of the special permit can be met.

12 The Board finds that the Starlight Square
13 initiative has demonstrated for a year and a half how
14 essential outdoor civic space is to the public health of a
15 community.

16 The Board finds that this is especially important
17 as this particular neighborhood is greatly underserved, have
18 only 21 percent of urban average per capita -- national
19 urban average per capita.

20 The Board finds that Starlight continues to
21 address the immediate public health concerns by providing an
22 outdoor home for basic city functions and much-needed human

1 connection.

2 The Board finds that the outdoor entertainment is
3 one of the functions of Starlight Square, for which a
4 special permit is required in Business B zone.

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

8 The Board finds that Starlight has operated for
9 two years, and that traffic generated has not caused any
10 congestion or substantial change in the established
11 neighborhood character.

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

16 The Board notes and incorporates letters from
17 members of the City Council -- specifically the mayor, to
18 State Representatives and the City Manager attesting to this
19 fact, and also the numerous letters in support, even for
20 adjoining business owners who encourage the Board to
21 continue the operation of Starlight.

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 or to the citizens.

4 The Board notes that the location of Starlight has
5 allowed for an outdoor assembly area for citizens during
6 this particular time of COVID-19, where additional space --
7 outdoor space -- is greatly sought out and needed.

8 And the Board finds that the proposed use would
9 not impair the integrity of the district or adjoining
10 district, or otherwise derogate from the intent and purpose
11 of the ordinance to provide a truly unique and much-needed
12 public space for the residents of the city.

13 The Board grants the special permit to run from
14 May 1, 2023, to October 31, 2023 on the condition that live
15 music be limited to weekends.

16 That the drum circle performances be up until 5:00
17 p.m.

18 That live music -- acoustic music -- be limited to
19 Friday at 7:00 p.m., Saturday at 9:00 p.m. Any other thing
20 to add to the conditions?

21 JIM MONTEVERDE: Not from me.

22 BRENDAN SULLIVAN: No? Any other members of the

1 Board wish to add in any more? On the motion, then, to
2 grant the special permit, Jim Monteverde?

3 JIM MONTEVERDE: I'm not in favor of granting the
4 special permit.

5 BRENDAN SULLIVAN: Andrea Hickey?

6 ANDREA HICKEY: Yes, I'm in favor with the caveat
7 that it's a one-year approval.

8 BRENDAN SULLIVAN: Correct. Slater Anderson?

9 SLATER ANDERSON: In favor.

10 BRENDAN SULLIVAN: Wendy Leiserson?

11 WENDY LEISERSON: Not in favor.

12 BRENDAN SULLIVAN: Not in favor? Okay.

13 WENDY LEISERSON: Not in favor.

14 BRENDAN SULLIVAN: In favor.

15 [Two vote NO, THREE vote YES.]

16 BRENDAN SULLIVAN: Not receiving the necessary
17 four affirmative votes, the special permit is not granted.
18 Okay.

19

20

21

22

1 * * * * *

2 (8:37 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim
4 Monteverde, Laura Wernick, and Slater
5 Anderson

6 BRENDAN SULLIVAN: The next case the Board will
7 hear is No. 203392 -- 14 Bowdoin Street.

8 MATTHEW BERGWALL: Hello? Matthew Bergwall with
9 Dexksos, Inc. on behalf of 14 Bowdoin Street, a variance.

10 BRENDAN SULLIVAN: Yes.

11 MATTHEW BERGWALL: So we have an existing carport
12 that has been in the driveway for over 10 years, believed to
13 be about \$2009 when it was built.

14 And I am speaking on behalf of the homeowner, Mary
15 Morris, who purchased this house two or three years ago and
16 one of the primary decisions that influenced here to
17 purchase this property was the idea that she could park her
18 car under this carport and have protection from rain and
19 snow.

20 I filed a permit in -- last year in 2022 to do
21 various renovations at the house, including replacing the
22 Plexiglass roof that was on this carport. But it turned out

1 that that carport had never been permitted in the first
2 place, and therefore was not part of the accepted permitting
3 of the property.

4 So here we are with a request for a special
5 variance to renovate an existing structure to the same
6 dimensions without any significant change in the visual
7 properties of the structure.

8 We feel that this will not affect any of the
9 neighbors in any significant way. And I can attest that the
10 homeowner cares a lot about this feature, and, you know,
11 chose this house because she thought it was part of it.

12 BRENDAN SULLIVAN: There was some letters in the
13 file opposing the -- us granting this variance to allow for
14 the existing structure to have a roof on it. There was a
15 little bit of confusion. I remember when this was allowed.
16 And you're saying that it was never permitted to begin with.

17 It didn't need to, basically, it was built as a --
18 trellis if you will -- not a trellis, but an arbor. And
19 under the zoning or natural building code, if the structure
20 had a spacing of the framing members -- albeit the roof -- I
21 thought it was maybe four feet on the center or something
22 like that -- they did not need any relief from the Zoning

1 Board.

2 It's only when you put a roof on it, and I think
3 after this was built and I think they did get a special --
4 they did get a building permit to build it, I believe -- but
5 once they put the Plexiglass on it, then it became less of
6 an arbor and then became a structure. So that's what
7 basically triggered the relief.

8 The structure itself was legal, but not with a
9 Plexiglass roof on it. So addressing some of the concerns
10 of some of the neighbors. So. That, I believe, is the
11 history behind that.

12 Jim, do you have any questions at all regarding
13 this?

14 JIM MONTEVERDE: I do. Am I correct, I didn't
15 find a survey in the -- I was looking for a survey just to
16 see where the carport's at relative to the front yard and
17 back yard, whether there was any other location for this.
18 But there is not one in the file, is that circulate?

19 BRENDAN SULLIVAN: There is not one in the file.

20 JIM MONTEVERDE: Okay. And with this carport,
21 does that actually put a vehicle parking there in the --
22 within the front yard setback? Do you know, Matthew?

1 MATTHEW BERGWALL: Yes, it does.

2 JIM MONTEVERDE: Okay. Thank you. No further
3 questions.

4 BRENDAN SULLIVAN: Andrea, any questions?

5 ANDREA HICKEY: Yes, if I could ask the presenter
6 or petitioner, when did that corrugated roof go onto the
7 pergola, if you know?

8 MATTHEW BERGWALL: We are not exactly sure. It
9 appeared sometime between when the trellis was built in 2009
10 and some years before the homeowner purchased this property,
11 I believe in 2019 or so.

12 Based on the aging of the Plexiglass, which is
13 starting to shatter in places, I'm guessing that it's been
14 there for at least 10 years.

15 ANDREA HICKEY: All right. And it really would
16 have been helpful to see a plot plan or something to show us
17 where the posts along the side yard setback sit with respect
18 to the neighboring property. So it's unfortunate that we
19 don't have any illustration of that.

20 I'll yield at the moment, Mr. Chair.

21 BRENDAN SULLIVAN: Slater Anderson, any questions
22 or comments at this time?

1 SLATER ANDERSON: None right now, thank you.

2 BRENDAN SULLIVAN: Wendy Leiserson, any questions
3 or comments?

4 ANDREA HICKEY: Not at this time.

5 BRENDAN SULLIVAN: Let me open it to public
6 comment. Any members of the public who wish to speak should
7 now click the button that says, "Participants," and then
8 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 will have up to three minutes to comment.

12 OLIVIA RATAY: Mary Morris?

13 MARY MORRIS: Yes, thank you. And thank you for
14 listening. This is my -- my home. And I bought it, as
15 Matthew said --

16 BRENDAN SULLIVAN: If you could just give your --

17 MARY MORRIS: Oh, I'm sorry. Yes.

18 BRENDAN SULLIVAN: -- address.

19 MARY MORRIS: Mary Morris. I'm 14 Bowdoin Street.
20 I'm the property owner. I bought this house from a
21 physician, and it was advertised, and I believe it's listed
22 in Zillow with a carport, attached carport. There is no

1 other yard, this is it. And it is squarely within my
2 property.

3 But I am in a position to have to get in and out
4 at all sorts of crazy hours, and it's been incredibly
5 helpful for me not to have to, you know, scrape off my car
6 when I'm headed to the hospital in the middle of the night
7 when I'm on call.

8 And so, it -- it's a big lifestyle thing for me.
9 It's one of the reasons I bought the house. It's close to
10 where I work, it's close to my kids' school, and I had a
11 covered parking space.

12 And I didn't know all of these things before I
13 bought it. Obviously, this would have played into my
14 decision-making if I had known that I was going to be in
15 this position. Thank you.

16 BRENDAN SULLIVAN: Okay. Okay, we are in receipt
17 of correspondence from Burt Singer, who lives at 11 Bowdoin
18 Street. Angela Kimberk and Burt Singer.

19 "Dear Board of Zoning Appeal, regarding Case No.
20 203392 -- we, Angela Kimberk and Burt Singer of 11 Bowdoin
21 Street are writing to submit our opposition to granting a
22 variance for permitting an existing structure at 14 Bowdoin

1 Street and installing a permanent roof on it.

2 "The carport should not be given legal status
3 simply because it already exists. The carport is intrusive,
4 having been built very close to the sidewalk and the
5 property line, and it fills the open space between already
6 densely built houses.

7 "We do not want the structure made permanent. As
8 property owners directly across the street, we are asking
9 the City to require the homeowners to remove the existing
10 structure, not permit it to become permanent."

11 There is correspondence from Nancy Kramer.

12 "We are writing in regard to the sign posted at 14
13 Bowdoin for a variance hearing this Thursday. We understand
14 the request is to permit an existing structure in the
15 driveway to install a permanent roof on top of it.

16 "We live at 3 Bowdoin Street opposite the property
17 and recall when the carport was built a number of years ago
18 with no notice of a building permit. The carport should not
19 be given legal status simply because it now exists, since it
20 should never have been built in the first place.

21 "The structure is visible and intrusive, having
22 been built in the front yard setback and the side yard

1 setback. More importantly, the structure is a fire bridge
2 between the wood frame house, 14 Bowdoin, and the abutting
3 six-unit, wood frame condo building next door.

4 "For these reasons, no structure should have been
5 built there per the zoning code and the building code."

6 There is correspondence from Virginia Swain.

7 "I'm writing to strongly oppose a variance for a
8 carport at 14 Bowdoin Street. A number of years ago, the
9 carport went up with no sign of a permit. The carport had
10 been installed immediately next to the sidewalk, right on
11 top of the neighbors' property.

12 "At the time the carport went up, I called the
13 Building Department to inquire why no permit was required
14 for this construction but did not hear back. The carport is
15 ugly, intrusive and is in an already densely-built
16 neighborhood."

17 "Currently, garages are rare on our block.
18 Currently, the open driveway between houses offer little
19 breathing room and space, and an important positive quality
20 of the neighborhood."

21 "Virginia Swain, 21 Bowdoin Street."

22 BRENDAN SULLIVAN: And that is the sum and

1 substance of the correspondence.

2 Okay, any -- I'll close the public comment
3 section. Matthew, anything to add?

4 MATTHEW BERGWALL: I just will say that I
5 appreciate the concern of the neighborhood. And I want to
6 just acknowledge what they're saying. And that this has
7 been here for over 10 years. And, you know, I think that it
8 should have been addressed before Mary bought the house if
9 this was going to be an issue.

10 But I humbly accept your opinion.

11 BRENDAN SULLIVAN: All right. On the plan here,
12 it says, well, you're going to use the existing 6' x 6'
13 post?

14 MATTHEW BERGWALL: Yep.

15 BRENDAN SULLIVAN: That you're going to put in a
16 new 2 x 10 rafters at 16" on center. And five-eighths
17 sheathing and then asphalt roof shingles. So what is
18 lacking is a roof detail of what the structure is going to
19 look like. Obviously, it's not going to be a flat roof if
20 you're going to put on shingles?

21 MATTHEW BERGWALL: It will essentially look flat
22 from the street. Our intention is to keep basically the

1 existing aesthetic, except for the change from Plexiglass to
2 a real roof. We're going to be putting on a very minor
3 slope, and it will basically look level.

4 BRENDAN SULLIVAN: All right. So it's going to be
5 a rubber roof, rather than asphalt roof shingles? It says
6 here, "To match the house."

7 MATTHEW BERGWALL: Yeah. We're going to match --
8 we're going to match the house. But yeah, I was going to
9 look at the shingles up on the roof themselves and create
10 the necessary pitch -- just a minor one that allows for it.

11 BRENDAN SULLIVAN: Okay.

12 JIM MONTEVERDE: I don't believe there's a low
13 slope, asphalt shingle. The only low slope I'm aware of is
14 either a modified bitumen or a rubber roof of some type --
15 rubber or PVC, whatever.

16 MATTHEW BERGWALL: Gotcha.

17 JIM MONTEVERDE: I don't know what you can do to
18 lower the slope.

19 MATTHEW BERGWALL: Yeah. We'll do -- we will do
20 rubber as the base for the roof, and the shingles were
21 actually --

22 JIM MONTEVERDE: Oh, okay.

1 MATTHEW BERGWALL: Yeah, so that -- we can, we
2 will do rubber here. And the intention is to not
3 significantly change the --

4 BRENDAN SULLIVAN: I don't know, I'm a little bit
5 uncomfortable of approving the structure that we really, you
6 know, sort of lacks somewhat of an architectural sketches,
7 other than just sort of a framing plan.

8 Because this doesn't give us very much to go on,
9 because we -- if it were to be approved, then we have to
10 hand it off to the Building Inspector to issue a permit, and
11 he's going to look at this and say, "Well, what about the
12 roof?" You know?

13 And, you know, the details of that right now are
14 somewhat lacking. And so, I don't know.

15 MATTHEW BERGWALL: If I may speak again, as a
16 contractor, I have filed a number of permits with Cambridge,
17 and have typically submitted framing plans that are similar
18 to the one that we reviewed before.

19 So I would be happy to provide additional visuals
20 of the roof, but basically the idea is -- if you're looking
21 at this picture now -- everything will be the same except
22 that instead of looking up and seeing Plexiglass, you would

1 see plywood.

2 BRENDAN SULLIVAN: All right. I'm going -- so if
3 I -- would be approved, I'm going to write in here that it's
4 going to be a flat roof.

5 MATTHEW BERGWALL: Yes. Yeah. Because of the
6 variance, we're very keen on --

7 BRENDAN SULLIVAN: And you're hitching it where,
8 to the -- and you're pitching it from the front to the back?

9 MATTHEW BERGWALL: We're -- the plan is to pitch
10 it --

11 BRENDAN SULLIVAN: Where are you going to put it?

12 MATTHEW BERGWALL: Well, we are -- we could pitch
13 it in any way that the Board prefers. But the hope would be
14 to pitch it towards the yard to the side of the driveway.

15 ANDREA HICKEY: In other words, right over the
16 fence of the neighbor?

17 MATTHEW BERGWALL: Yeah. And I understand that
18 might be considered problematic, so I am open to pitching it
19 in a direction that is -- that people think is reasonable.

20 BRENDAN SULLIVAN: Well, again, the devil is in
21 the details here, and -- I mean you have here, "Replace the
22 roof." I see it here on the sketch. And then also you have

1 here, "Mahogany."

2 MATTHEW BERGWALL: Yeah. That mahogany part is
3 basically to replace a Plexiglass screen that is right
4 there.

5 BRENDAN SULLIVAN: And so, that's going to be a
6 solid panel?

7 MATTHEW BERGWALL: It would not be -- it would be
8 solid. Yeah. I mean, it would be -- there would be some
9 gaps in it. I think speaking on behalf of Mary, I feel like
10 that is just a bonus to have there and, you know, if push
11 came to shove, we could keep that open, if that was
12 preferred.

13 And I also want to say -- she just texted me --
14 but we could pitch the roof back towards the gate that you
15 see there and sort of towards the side yard. And that would
16 be a fine concession to make.

17 BRENDAN SULLIVAN: Yeah, I'm getting more not
18 liking this. Because if you put in that panel there where
19 it shows, "mahogany" I don't know -- do we have a copy of
20 that? Do we have a -- oh, I don't -- is it on the screen?

21 MATTHEW BERGWALL: Yeah.

22 BRENDAN SULLIVAN: Oh, all right. Okay. It

1 wasn't on my screen.

2 Where it says, "mahogany" I'm looking at somebody
3 in that front window of the first-floor, looking out onto a
4 solid panel, as opposed to now that they open up to air and
5 light and so on and so forth. I don't know if anybody else
6 on the Board sees that or not, or if that's a problem?

7 MATTHEW BERGWALL: If I may jump in, Mary just
8 texted me and said that we would be happy to forgo that
9 mahogany screen.

10 BRENDAN SULLIVAN: Okay. All right. Let me --
11 all right. It's a variance. Let me see how it -- Let me
12 make a motion, then, to grant the relief requested.

13 The Board finds that --

14 ANDREA HICKEY: Mr. --

15 BRENDAN SULLIVAN: Oh, any other comments by
16 members of the Board?

17 ANDREA HICKEY: Yes. Mr. Chair, it's Andrea
18 Hickey here. I'm not sure whether you did open this up to
19 public testimony or whether there is anyone in the public
20 that wishes to be heard?

21 BRENDAN SULLIVAN: Yeah. There was nobody calling
22 in, Andrea.

1 ANDREA HICKEY: All right.

2 BRENDAN SULLIVAN: And then I read the letters of

3 --

4 JIM MONTEVERDE: Yeah, except for Mary.

5 ANDREA HICKEY: All right.

6 BRENDAN SULLIVAN: Yeah.

7 ANDREA HICKEY: Thank you.

8 BRENDAN SULLIVAN: Let me make a motion, then, to
9 grant the relief requested, which is a variance to construct
10 replace the existing Plexiglass roof with a permanent roof,
11 a flat roof, as per the notes to eliminate the mahogany
12 panel that is shown to the side. The existing footprint
13 will remain the same.

14 The Board finds that a literal enforcement of the
15 provisions of the ordinance would involve a substantial
16 hardship to the petitioner.

17 It would preclude the petitioner from being able
18 to park a car somewhat out of the elements and that it would
19 be a great asset not to be able to in inclement weather
20 brush off the car -- ice, snow -- and also it would afford
21 some protection from inclement weather, especially in the
22 wintertime with the footing would be somewhat protected from

1 the elements.

2 The Board finds that the hardship is due to the
3 location of the house on the lot, and the absence of
4 adequate space in order to park the car, which is a
5 dedicated parking spot, having -- does have a curb cut, and
6 the fact that it is encumbered by the existing ordinance
7 regarding setbacks from the front yard and also from the
8 side yard.

9 The Board finds that desirable relief may be
10 granted without substantial detriment to the public good.
11 The Board finds that this is exclusive for this particular
12 property, and that the public good would not be adversely
13 affected by the nature of this structure to provide covering
14 for an automobile.

15 And desirable relief may be granted without
16 nullifying or substantially derogating from the intent and
17 purpose of this ordinance and which allows the homeowner by
18 way of the Board relaxing certain restrictions regarding
19 front yard and side yard setbacks to allow for a structure
20 to protect the -- an automobile and also passage in
21 inclement weather.

22 On the motion, then, to grant the variance as per

1 the application and also the notes, as regarding the slope
2 of the roof -- flat roof -- and that it be pitched toward
3 the rear, not to the side and not to the front, and also the
4 elimination of the mahogany panel.

5 Jim Monteverde?

6 JIM MONTEVERDE: Not in favor of the variance.

7 BRENDAN SULLIVAN: Andrea Hickey?

8 ANDREA HICKEY: Not in favor.

9 BRENDAN SULLIVAN: Slater Anderson?

10 SLATER ANDERSON: Not in favor.

11 BRENDAN SULLIVAN: Wendy Leiserson?

12 WENDY LEISERSON: Not in favor.

13 BRENDAN SULLIVAN: Not in favor.

14 [All vote NO]

15 BRENDAN SULLIVAN: Not receiving the necessary
16 four affirmative votes, the application for a variance is
17 not approved.

18 And subsequent to the denial, it is the sense of
19 the Board that the statutory requirement for a hardship,
20 which is owing to the size, shape and topography of the lot,
21 is not met.

22 That there is no meeting of those standards, and

1 that as such the parking within the side yard setback and
2 also the front yard setback derogates from the intent and
3 purpose of the ordinance.

4 On the subsequent narrative, Jim Monteverde, to
5 accept that language?

6 JIM MONTEVERDE: Yes, I'm in favor. Thank you.

7 BRENDAN SULLIVAN: Andrea Hickey?

8 ANDREA HICKEY: Yes, Mr. Chair. I'm in favor.

9 BRENDAN SULLIVAN: Slater Anderson?

10 SLATER ANDERSON: In favor.

11 BRENDAN SULLIVAN: And Wendy Leiserson?

12 WENDY LEISERSON: In favor.

13 BRENDAN SULLIVAN: In favor.

14 [All vote YES]

15 BRENDAN SULLIVAN: So the matter is denied.

16 MATTHEW BERGWALL: Okay. Thank you for your time

17 --

18 BRENDAN SULLIVAN: Yep.

19 MATTHEW BERGWALL: -- tonight.

20 BRENDAN SULLIVAN: Okay.

21 MATTHEW BERGWALL: Can I just ask what we are
22 expected to do with a decrepit structure at this point?

1 BRENDAN SULLIVAN: Well, you'd have to go down to
2 the Building Department, see if you can repair it, I guess,
3 as opposed to what you're proposing.

4 MATTHEW BERGWALL: Okay. Thank you.

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(8:59 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim
Monteverde, Laura Wernick, and Slater
Anderson

BRENDAN SULLIVAN: The Board will hear Case No.
207689 -- 95 Irving Street. Mr. Rafferty?

JAMES RAFFERTY: Good evening, Mr. Chair, and
members of the Board. I'm sorry, I was unmuted or muted.
For the record, James Rafferty appearing on behalf of the
applicants.

With me this evening is the property owner, Rachel
Cantor, and the architects on the project are Brian Fell and
Leah Abrahms.

This is an application that seeks a special permit
pursuant to Section #8.2.22d to allow for an existing
nonconformity to be increased. However, there are no other
new nonconformities created.

The existing nonconformity in this house is that
it is already over the allowed FAR. So the application
seeking additional FAR is permitted through the special
permit amendment.

1 This has -- the current home is actually a two-
2 family dwelling. The applicants have purchased the home
3 intent to relocate here from Washington D.C. -- young family
4 with three children. They're going to turn it back into a
5 single-family.

6 The home also has the distinction of being
7 landmarked by the Historical Commission about 15 or 20 years
8 ago.

9 As a result of that, the Commission has
10 jurisdiction over any exterior alterations to the property.
11 We appeared before the Historical Commission and obtained a
12 Certificate of Appropriateness for the work that we're now
13 seeking this variance for. That certificate was forwarded
14 to the Board and is contained within the file.

15 What's -- what's proposed here, and I think is
16 best depicted at Sheet A200 of the plans that have been
17 submitted -- is a rear addition to the property and a
18 construction of a new garage.

19 The rear addition involves the removal of a prior
20 rear addition and the replacement of this new addition. And
21 that new addition is depicted at the bottom left of the
22 floor elevations you see on this -- on this screen.

1 The home is a gracious home -- well-sized. The
2 additions really are concentrated for the most part on the
3 first-floor, which will allow for an expanded kitchen, a
4 family room, and a significant portion of this is a screen
5 porch on the bottom.

6 All of the addition is located in the rear, and is
7 not visible from Irving Street. The applicant has had
8 conversations with the rear abutters during the Historical
9 Commission process.

10 She met with them, showed them their plans. She
11 made some adjustments to he was she was proposing to do
12 based on feedback. And in that process, those abutters
13 supported the application. So we have no indication that
14 the sentiment of the abutters has changed from two months
15 ago, when we were at the Historical Commission.

16 The site also has an existing two-car garage. The
17 proposal is to relocate the garage. As a result of the
18 house going from a single -- two to a single dwelling, the
19 exemption for a garage goes from two spaces to one space.

20 So a portion of the added GFA is contained within
21 a garage that's about the same size as the current garage,
22 but it is a two-car garage servicing a single-family

1 dwelling. So a portion of the added GFA being sought is
2 contained in the garage.

3 Mr. Fell is present to answer any questions the
4 Board might have about the design or the proposal. But as I
5 noted, it has been reviewed extensively for its
6 architectural compatibility with the existing house.

7 This is -- this was designated a landmark based on
8 not only its architectural significance, but it was the home
9 of the noted philosopher Henry James. And the Cantors now
10 will be the new owners of the property.

11 JIM MONTEVERDE: Jim, could you just touch on
12 Article 4 -- 4.21, Accessory Structure? I know that you're
13 doing -- you were modifying the roof and the door to the
14 structure, but I'm just wondering what triggers relief under
15 4.21?

16 JAMES RAFFERTY: Well, the accessory structure
17 itself, it does meet the requirements. It has the 10'
18 setback, but it might be the case -- and I apologize, Mr.
19 Fell might know, I don't know if we're close on the 15'.

20 We have conforming setbacks on the sides, and I
21 don't know, but Mr. Fell, are we -- I can't imagine we're
22 over 15'. I honestly am not certain now why -- why we cited

1 that.

2 I think only because we were constructing a new
3 accessory structure. We -- we cited that section. But the
4 garage as proposed would be dimensionally conforming, but
5 for its GFA, because it's larger than a one-car garage.

6 BRENDAN SULLIVAN: Yeah. Olivia, why is that
7 cited, do you know? Just wondering if it was not an
8 alteration to an accessory structure, which is in some kind
9 of noncompliance, and I couldn't find any.

10 JAMES RAFFERTY: Yeah, the -- it's -- it's
11 actually a -- the garage is being relocated. So I guess to
12 be more precise, being rebuilt. So we're building a new
13 garage. And it's an accessory structure in that it meets
14 the reduced setbacks, so that -- and the height, the limited
15 height, and the separation from the main structure.

16 But I believe the reason it's cited is because of
17 the amount of GFA in the garage now exceeds what's allowed.
18 And since we're already over the allowed GFA, we noted the
19 accessory structure is part of the special permit needed for
20 the garage.

21 BRENDAN SULLIVAN: And relief can still be covered
22 under the special permit application?

1 JIM MONTEVERDE: Right, because --

2 BRENDAN SULLIVAN: Yeah.

3 JIM MONTEVERDE: -- because the special permit
4 talks about GFA/FAR on the lot. So this is permitted. So
5 the -- we reviewed this.

6 The garage -- the garage is roughly the same size
7 as it was before. It was a two-car garage then, it's a two-
8 car garage now. But it's 124 square feet bigger -- excuse
9 me, 124 square feet of the garage needs to be included,
10 because that's the bay for the second vehicle.

11 And when this was two-family -- and it has been a
12 two-family until this renovation work will occur -- the
13 garage doesn't have a full exemption. So 124 square feet of
14 the garage does get added into the FAR on the lot.

15 BRENDAN SULLIVAN: Okay. All right. Okay. All
16 right. Jim, any questions of the petitioner?

17 JIM MONTEVERDE: Just one question. If you look
18 at sheet -- or if you can bring up Sheet 100? It shows the
19 proposed site plan. It shows the setback line. The
20 question is really the addition proposed in the rear of the
21 structure, I just want to confirm it's within all the
22 setback requirements?

1 JAMES RAFFERTY: Yes. Very, very good question,
2 Mr. Monteverde. Because it's got this -- this funny corner.

3 JIM MONTEVERDE: Correct.

4 JAMES RAFFERTY: So we did visit with the Building
5 Commissioner before filing the application to confirm how it
6 is we measured the rear setback.

7 So there are two rear setbacks here. There's a
8 closer rear setback, and then a deeper rear setback. And at
9 that 40 -- at that 90-degree angle, we want it to be certain
10 that we were measuring correctly. So I met with Mr.
11 Singanayagam, and he advised us how to measure.

12 So it's -- it's not a coincidence that the rear
13 addition does not extend any further to the left. Were it
14 to do so, you can see how this diagram, that it would --

15 JIM MONTEVERDE: Right.

16 JAMES RAFFERTY: -- be within the rear setback.
17 So it was deliberately cited in a way that complied with the
18 change in the lot line.

19 JIM MONTEVERDE: Okay. Thank you.

20 BRENDAN SULLIVAN: Andrea, any questions at this
21 time?

22 ANDREA HICKEY: No. That was an excellent

1 question and an equally excellent answer. Thank you to you
2 both. And I have nothing further.

3 BRENDAN SULLIVAN: Slater, any questions or
4 comments at this time?

5 SLATER ANDERSON: No questions.

6 BRENDAN SULLIVAN: Wendy Leiserson, any questions
7 or comments?

8 WENDY LEISERSON: No, thank you.

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

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

15 OLIVIA RATAY: James Williamson?

16 JAMES WILLIAMSON: Can you hear me?

17 BRENDAN SULLIVAN: Yes.

18 JAMES WILLIAMSON: Okay. Brendan -- Mr. Chair --
19 I'm not sure -- I was interested in this case, but I want to
20 say I tried to speak earlier, and at what would have been I
21 think a much more important case.

22 And I had my hand raised, I was called on, and I

1 just would make a plea to the Chair and any future Chair, to
2 please be understanding of how difficult it can be when you
3 don't -- the phones are different, you push the wrong thing
4 or you don't make -- you make a slight mistake or you try to
5 bring it up and it disappears and you try to bring it up
6 again, which is what I went through -- you know,
7 experiencing a sort of anxiety about, like, am I going to be
8 able to get back to this?

9 And then when you're called on, I actually have to
10 do two things. I have to okay the sound and -- and only
11 this time or forever, et cetera. So it's actually can be
12 quite complicated to successfully be called on.

13 So when I miss that opportunity, I then for the
14 rest of the hearing, as numerous other people who were
15 called on, kept raising my hand over and over and over
16 again, flashing my hand. I don't know if the Chair saw
17 that.

18 I suspect that the person managing the raised hand
19 function did see that but didn't mention that I was
20 continuing to try to be called on. I just -- you know, if
21 you -- if it's a City Council meeting, if they miss you the
22 first time, they come back to you.

1 And most Boards and Commissions will, once they've
2 gone through everybody who was recognized, will ask if
3 there's anybody else.

4 So I'd just like to, you know, ask -- make a plea
5 that for future cases, hearings, that something closer to
6 that be so that, you know, I mean I've calmed down, but I
7 was not happy.

8 BRENDAN SULLIVAN: Okay. Got it.

9 JAMES WILLIAMSON: And actually -- you know, I
10 think you did a good job. I just -- you know, and I think
11 my contribution actually might have been helpful, which was
12 -- would have been to ask that there could be consideration
13 for lowering the decibel threshold, rather than doing all
14 the other good things, which were brought up.

15 But for this case -- anyway --

16 BRENDAN SULLIVAN: Okay.

17 JAMES WILLIAMSON: -- for this case I would just -
18 - I'm glad to hear that William James was actually
19 mentioned. I did check in with the Historical Commission to
20 see if they, you know, obviously -- evidently, they did have
21 a hearing and granted a Certificate of Appropriateness.

22 So it's a favorite stop of mine. I actually stop

1 and pay homage to this location when I'm on weekend walks.
2 Have done so for years. And William James died in 1910.
3 His brother was Henry James, the well-known novelist,
4 interesting novelist.

5 And the whole family are interesting. And people
6 may not know that it was Henry James -- some of his ideas
7 expressed in a variety of religious experiences that were
8 foundational for Alcoholics Anonymous.

9 BRENDAN SULLIVAN: Okay.

10 JAMES WILLIAMSON: Bill Wilson turned to that. So
11 just wanted to maybe amplify the --

12 BRENDAN SULLIVAN: Thank you.

13 JAMES WILLIAMSON: -- of Mr. Rafferty.

14 BRENDAN SULLIVAN: Thank you. All right. There
15 is nobody else calling in. I will close the call-in
16 portion. We are in receipt of correspondence from the
17 Cambridge Historical Commission regarding 95 Irving Street.

18 "Cambridge Historical Commission hereby certifies
19 according to the ordinance that the work described below is
20 not incongruous to the historic aspect or architectural
21 character of the building or district to demolish the garage
22 and shed, construct a new garage, remove the existing rear

1 and side additions, construct a new two-story addition.

2 "Alterations include changing existing doors to
3 windows, retain the existing stepping stone, et cetera.,
4 repair and construct landscape.

5 "Work is to be carried out as indicated in the
6 plan by Robert A.M. Stern Architects, LLP, titled, '95
7 Irving Street, Cambridge, 02138" and dated 10/11/22 and as
8 indicated in the landscape plans by Gregory Lombardi Design.

9 "Approval is granted on the condition that
10 construction details the material samples be reviewed with
11 and approved by the CHC Executive Director, the Certificate
12 Case No. 4871 dated January 20, 2023."

13 And that is the sum and substance of the
14 correspondence. I will close the public comment portion.

15 Mr. Rafferty, anything else to add?

16 JAMES RAFFERTY: Excuse me. No, thank you, Mr.
17 Chair.

18 BRENDAN SULLIVAN: All right. Let me -- any
19 comments by members of the Board? Questions or ready for a
20 vote?

21 [Pause]

22 Let me make a motion, then. It is a special

1 permit under Section 5.31, which is the Table of Dimensional
2 Requirements, because there is an increase, even though
3 there are no new nonconformities, and seeking relief for a
4 special permit under 8.222d.

5 The Board finds that it may grant a special permit
6 for the alteration or enlargement of a preexisting
7 dimensionally nonconforming, detached single-family or two-
8 family dwelling not otherwise permitted in Section 8.22.1
9 above, but not the alteration or enlargement of a
10 preexisting, nonconforming use.

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

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

1 Under 10.43, the Board finds that it appears that
2 the requirements of the ordinance can be met.

3 Traffic generated, or patterns of access or egress
4 would not cause congestion, hazard, or substantial change in
5 the established neighborhood character. And the Board notes
6 the letter of compliance from the Cambridge Historical
7 Commission.

8 The continued operation of or development of
9 adjacent uses, as permitted in the Zoning Ordinance, would
10 not be adversely affected by the nature of the proposed use.
11 The proposed use does not change, it's just an alteration of
12 the structure.

13 The Board finds that there would not be any
14 nuisance or hazard created to the detriment of the health,
15 safety and/or welfare of the occupant of the proposed use,
16 in fact the realignment and the additions and the creation
17 of the garage would be an asset to anyone who lives on the
18 property.

19 That the proposed use would not impair the
20 integrity of the district or adjoining district, or
21 otherwise derogate from the intent and purpose of the
22 ordinance to allow property owners to expand their structure

1 to make it more livable, more energy-efficient, and better
2 layout, make it more livable, and empowering this Board to
3 grant the requested relief where it finds appropriate to
4 allow for appropriate development.

5 And the Board finds that this proposal is
6 appropriate and also cites again the letter from the
7 Cambridge Historical Commission.

8 On the motion, then, to grant the relief
9 requested, as per the plans submitted, supporting
10 statements, dimensional forms, and on the plans entitled,
11 "95 Irving Street by Robert A.M. Stern Architects and
12 initialed by the Chair?

13 Jim Monteverde?

14 JIM MONTEVERDE: In favor of the granting.

15 BRENDAN SULLIVAN: Andrea Hickey?

16 ANDREA HICKEY: Yes, in favor.

17 BRENDAN SULLIVAN: Slater Anderson?

18 SLATER ANDERSON: In favor.

19 BRENDAN SULLIVAN: Wendy Leiserson?

20 WENDY LEISERSON: In favor.

21 BRENDAN SULLIVAN: Yes.

22 [All vote YES]

1 BRENDAN SULLIVAN: Five affirmative votes; the
2 special permit is granted.

3 JAMES RAFFERTY: Thank you very much.
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2 (9:18 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim
4 Monteverde, Andrea Hickey, and Slater
5 Anderson

6 BRENDAN SULLIVAN: The Board will now hear Case
7 No. 209129 -- 3 Porter Park. Mr. Rafferty?

8 JAMES RAFFERTY: Thank you. Good evening. Again,
9 for the record, James Rafferty on behalf of the applicant,
10 Frank Barbosa.

11 This is an application for an addition -- a dormer
12 approximately 94 square feet onto a structure in the -- a
13 two-family structure on Porter Park, which is a small dead-
14 end off of Porter Road, which is a side street up on Mass
15 Ave and Porter Square.

16 The dormer is designed -- has been done so with
17 adherence to the Dormer Guidelines, and the elevations
18 depicted there reflect this.

19 The relief is largely required because it is an
20 exceptionally small lot. The lot itself is a few feet over
21 2000 square feet. So almost any change here would
22 necessitate an increase and, as I said, these dormers make

1 the second floor of the house extremely livable, functional,
2 improves access and overall livability and represents an
3 increase of 94 square feet.

4 Happy to answer any questions. And Mr. Barbosa is
5 also present if there are any questions.

6 BRENDAN SULLIVAN: The question I had, and I had
7 asked Ms. Pacheco to contact the -- the architect with what
8 I was looking for, and I see it apparently A2. Olivia, if
9 you could: A2.0? The one dimension that was absent was the
10 width of the dormer.

11 And so, I see it now -- that it is 15'. And so,
12 that certifies your comment that it does comply with the
13 Dormer Guidelines regarding the length.

14 JAMES RAFFERTY:

15 BRENDAN SULLIVAN: Also the amount of fenestration
16 complies and so on and so forth. Okay. Any questions by
17 members of the Board? Jim Monteverde?

18 JIM MONTEVERDE: No questions. Andrea Hickey any
19 questions?

20 ANDREA HICKEY: No questions, Mr. Chair.

21 BRENDAN SULLIVAN: Slater Anderson?

22 SLATER ANDERSON: No questions.

1 BRENDAN SULLIVAN: Wendy Leiserson?

2 WENDY LEISERSON: No questions.

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

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

10 OLIVIA RATAY: Margaret Brady?

11 MARGARET BRADY: Hi. My name is Margaret Brady.
12 I live at 7 Porter Park, directly next to this building. So
13 we have been here since 1984. It's -- it's a small street,
14 it's a tiny street.

15 We have -- Porter parking lot. So anything that
16 happens on this street to any building is going to have a
17 big impact on every -- all the abutters.

18 You know, we've looked at this request for the
19 variance. We would have to hire an architect or a
20 consultant to know what really the impacts could have on the
21 property.

22 As I mentioned, we're very impacted by anything

1 that happens. We were impacted very strongly for a very
2 long time for the -- by the demolition and construction of
3 the Porter Square Hotel, of which we're a direct abutter.
4 Major demolition and renovation 6-8 Porter Park, directly
5 across from us.

6 And as a matter of fact, myself and my sister and
7 sister-in-law who used to live here attended many, many BZA
8 meetings and other public meetings in favor of the Porter
9 Square Hotel because the owner -- the owner at the time, Mr.
10 Ginn (phonetic) had done such a great job of reaching out
11 and showing his real concern for his neighbors.

12 And so, we trusted that what he was going to do
13 with the property would be well done, as in fact it was. It
14 was a -- it was a terrible process. It was incredibly
15 disruptive. We had damage to our property.

16 But what we found was that the developer, the
17 architect, the construction chief, were in constant contact
18 with us. And the same thing happened with Northeast
19 Development -- North American Development, who worked on 6-8
20 Porter Park.

21 So one of the reasons that I'm speaking tonight, I
22 don't feel well-informed enough really to oppose this

1 request for a very, but honestly, I've had -- I've had all
2 conversation with Frank Barbosa. This was when the
3 demolition crew arrived months ago, and we just needed a
4 dumpster to be moved.

5 But I've tried to reach out and find out what the
6 plans for this property were, and I've had no response. So
7 I'm just really reluctant to say that I don't oppose this
8 without more information and more consultation. You know,
9 we -- we already know that this is going to have a lot of
10 impact.

11 Anything that happens, you know, it impacts
12 parking. Two people can't have work done on their houses at
13 the same time. We just -- we have no idea what the timeline
14 is.

15 One impact we will know has happened because of
16 the windows on that -- on the side of the house that faces
17 us. Reflections from the windows have actually warped the
18 vinyl siding on our house. And that's something that the
19 dormers could make worse.

20 But again, we really don't know. And so, this is
21 mainly our request to, I don't know slow our role. And so,
22 we get a chance to really know how this is going to impact

1 us and find out more about all the plans for the work going
2 forward.

3 BRENDAN SULLIVAN: Okay. All right, thank you.
4 Let's see if we can get some response, then. Anybody else?
5 There's nobody else calling in, so I'll close the public
6 comment part. Mr. Rafferty, if you would like to address
7 the concerns by Ms. Brady?

8 JAMES RAFFERTY: Surely. And I appreciate the
9 closeness on the street. The structures are all near each
10 other. I would only say that this -- Board members
11 recognize a dormer is probably perhaps the most benign
12 addition one could put here. The footprint of the house is
13 unchanged. The bulk and mass is really unchanged.

14 I was under the understanding that there was some
15 discussion, and certainly there's going to need to be
16 coordination, discussion during construction.

17 And that is something that certainly can occur
18 between now and the issuance of the building permit. I know
19 I can speak for Mr. Barbosa; he fully intends to do that.
20 We've talked about the fact that any work on that street
21 requires a level of cooperation and coordination with
22 abutters.

1 I would ask that the Board recognize the size of
2 the addition and the architects, so the Board might be
3 prepared to opine as to whether or not this elevation, this
4 piece size of a dormer would be impactful upon abutters. I
5 can't see how it could have any impact in terms of shadow
6 and the like, but it will represent a change. But it would
7 appear to be a very modest change.

8 BRENDAN SULLIVAN: Okay. Jim, do you have any
9 questions or comments?

10 JIM MONTEVERDE: No questions, thank you.

11 BRENDAN SULLIVAN: Andrea Hickey?

12 ANDREA HICKEY: No, thank you.

13 BRENDAN SULLIVAN: Slater?

14 SLATER ANDERSON: No comments.

15 BRENDAN SULLIVAN: Wendy?

16 WENDY LEISERSON: No. No comments.

17 BRENDAN SULLIVAN: All right. I don't either. I
18 guess it's unfortunate that we would have an abutter be not
19 totally informed as to exactly what was going okay. The
20 relief that is being requested, it's not a variance, it's a
21 special permit.

22 JAMES RAFFERTY: Excuse me, Mr. Chair. It -- well

1 --

2 BRENDAN SULLIVAN: Sorry?

3 JAMES RAFFERTY: No, I'm sorry. You're right. I
4 misspoke.

5 BRENDAN SULLIVAN: And so that the criteria for
6 granting the special permit, obviously, is a much standard,
7 and that it's always been the policy of this Board that
8 finding the criteria for a special permit, provided that it
9 has all of the aspects regarding the two dormers, is usually
10 received favorably by the Board.

11 And -- well, let me just take it to -- make a
12 motion, then, to go forward. Let me make a motion, then, to
13 grant the special permit as per the application, supporting
14 statements, dimensional form and the drawings submitted by
15 Jarvis Drafting and design entitled "1 Porter Park
16 Renovations" initialed by the Chair, dated 03/09/23.

17 The Board finds that seeking relief for a special
18 permit under 8.22d and the 10.40 Special Permit Criteria.
19 It appears that the Board may grant a special permit for the
20 alteration or enlargement of a preexisting dimensionally
21 nonconforming, detached single-family dwelling or two-family
22 dwelling not otherwise permitted in 8.22.1, but not the

1 alteration or enlargement of a preexisting, nonconforming
2 use.

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

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

15 Under 10.43, it appears that the requirements of
16 the ordinance can be met.

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

20 The Board is a two-family and will remain a two-
21 family. It is a two-family, is that right, Mr. Rafferty?

22 JAMES RAFFERTY: Yes, that's correct.

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

5 There would not be any nuisance or hazard created
6 to the detriment of the health, safety and/or welfare of the
7 occupants of the proposed use, in fact it would be enhanced
8 with the addition of some additional living space at the
9 third-floor level by means of dormers. That, and it would
10 allow for potentially housing for families.

11 That the proposed use would not impair the
12 integrity of the district or adjoining district, or
13 otherwise derogate from the intent and purpose of the
14 ordinance to allow the property owners to potentially
15 enlarge the structures as needed to provide for housing for
16 families, provide housing for all income levels, also to
17 provide additional space to allow better circulation of the
18 house, and with -- this house is undergoing total
19 renovation, which will bring up the mechanical systems far
20 more efficiently.

21 And that the intent of the ordinance was also to
22 allow reasonable and consistent development and allows the

1 discretion of this Board to approve where it feels that the
2 development is worthwhile.

3 And the Board finds that what is proposed is
4 worthwhile to the house, and also to the neighborhood.

5 On the motion, then, to grant the special permit,
6 Jim Monteverde?

7 JIM MONTEVERDE: In favor.

8 BRENDAN SULLIVAN: Andrea Hickey?

9 ANDREA HICKEY: In favor.

10 BRENDAN SULLIVAN: Slater Anderson?

11 SLATER ANDERSON: In favor.

12 BRENDAN SULLIVAN: Wendy Leiserson?

13 WENDY LEISERSON: In favor.

14 BRENDAN SULLIVAN: Yes.

15 [All vote YES]

16 BRENDAN SULLIVAN: Five affirmative votes; the
17 special permit is granted.

18 JAMES RAFFERTY: Thank you very much.

19 JIM MONTEVERDE: Mr. Chair, I request about two
20 minutes?

21 BRENDAN SULLIVAN: We're going to have a two-to-
22 five-minute break. We'll pause for the cause.

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(9:37 p.m.)

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

BRENDAN SULLIVAN: The Board will hear Case No.
208432 -- 90 Hamilton Street.

CHICHI LIAO: Yes. Good evening, everybody. I'm
here to propose the change of use from office to day care
use at 90 Hamilton Street.

BRENDAN SULLIVAN: Yeah. If you could just
introduce yourself for the record -- name and address,
please?

CHICHI LIAO: Okay. Chichi Liao. The address is
90 Hamilton Street, Cambridge.

BRENDAN SULLIVAN: Okay. Yes. Okay. Tell us
what you --

CHICHI LIAO: Okay. Yes, I am here to propose the
change of use from office to day care use at 90 Hamilton
Street in Cambridgeport neighborhood. I'm honored to have
this opportunity to present the multilingual immersion day
care preschool in our neighborhood. And the residents love
our public school system. There are many language immersion

1 programs in our public schools.

2 These programs teach our next generation about
3 diversity and how this world works. It is essential to
4 start language immersion in early childhood so kids can
5 continue multilingual learning in their elementary school.

6 We were granted the change of use back in 1950;
7 now -- 15 -- now we are ready to move forward with providing
8 neighborhood service. Our day care use will be more family-
9 friendly and integrate more into the neighborhood culture.

10 I'd like your permission to have the change of use
11 granted, and we are excited to have this opportunity to
12 serve our neighbor. Thank you for your time and
13 consideration. I'm happy to answer any questions you have.

14 BRENDAN SULLIVAN: Okay. Thank you. Jim
15 Monteverde, any questions?

16 JIM MONTEVERDE: Yes. I -- you just mentioned the
17 request for a special permit in 2015. And the petition
18 reads exactly like the petition in front of us tonight.

19 CHICHI LIAO: Yes.

20 JIM MONTEVERDE: So why is this being presented
21 again?

22 CHICHI LIAO: Yes, because the previous permit

1 expired because we were not ready to do it at that time,
2 because it required a lot of resources --

3 JIM MONTEVERDE: Oh.

4 CHICHI LIAO: -- and we are -- for my family, our
5 kids were very small at that time, so we didn't proceed
6 withit. But right now we feel is the time to do it. And
7 then they --

8 JIM MONTEVERDE: So.

9 CHICHI LIAO: -- the City says I need to put back
10 to the Zoning to get it.

11 JIM MONTEVERDE: Okay. So the change of use from
12 office to day care did not happen in 2015?

13 CHICHI LIAO: Yes. It was granted but did not
14 happen.

15 JIM MONTEVERDE: Okay. Great.

16 CHICHI LIAO: Yes.

17 JIM MONTEVERDE: I understand. Thank you.

18 BRENDAN SULLIVAN: Andrea, any questions at this
19 time?

20 ANDREA HICKEY: Yes. If I could ask, will the
21 proposed use for the entire building be day care?

22 CHICHI LIAO: It will be the first floor.

1 ANDREA HICKEY: And what will be on the second
2 floor?

3 CHICHI LIAO: Second floor will remain as office
4 use.

5 ANDREA HICKEY: And how is the parking allocated
6 between the day care and the office use?

7 CHICHI LIAO: Yes. Right now, most people are
8 working from home. So for the second floor, not many people
9 are coming to the office to work. So most of the parking
10 will be used for day care.

11 ANDREA HICKEY: For me, that would be an important
12 consideration, knowing how many spaces will be dedicated to
13 the day care use, versus the future office use when down the
14 line things change, and people do come back to work.

15 I would want some assurances that a certain number
16 of spaces -- at least for drop-off and pickup by parents or
17 caregivers. So could you talk to those considerations?

18 CHICHI LIAO: Yes. Right now we have total 17
19 spots. And so if all the teachers need to drive to work,
20 then maybe we need, like, you know, half of the spots for --
21 for the office use.

22 And then we do have -- we do decide the bicycle

1 racks to encourage people to bike. So that will be part --
2 used mostly one of the spots. So totally we will have 16
3 spots left.

4 So I would say half will be for office use, and
5 half will be the day care us. Maybe eight versus eight.

6 ANDREA HICKEY: All right. That answers my
7 question, and I would ask my colleagues on the Board their
8 thoughts on whether dedicating some parking to each of the
9 two uses might be something we want to condition.

10 Thank you, Mr. Chair. That's all I have.

11 BRENDAN SULLIVAN: Yeah. There is a plan existing
12 building plan, first floor, Andrea, which -- and I don't
13 know if you can pull that up, Olivia? Oh, it is up. All
14 right. It's not on my screen. What I'm looking for is this
15 maneuverability -- car maneuverability, space during drop-
16 off and pickup are all right there.

17 ANDREA HICKEY: Right.

18 BRENDAN SULLIVAN: Do you see that there, Andrea?

19 ANDREA HICKEY: I do see that, yes. Yep. And you
20 can see the sort of in and out goes over at least three
21 parking spaces. So if cars are parked in those spaces, I
22 think it makes that sort of traffic plan difficult, unless

1 I'm misunderstanding something.

2 BRENDAN SULLIVAN: Right. And so, my
3 understanding is that there would not be any cars there
4 during -- again, drop-off and pickup times, which -- what
5 would be the drop-off times?

6 CHICHI LIAO: Yes. The morning will be 8:30 to
7 9:00. The afternoon will be around 4:30 to 5:30.

8 BRENDAN SULLIVAN: So how do you manage cars not
9 being there during those times?

10 CHICHI LIAO: Yes. Actually right now, because
11 most people work from home, so our lot's pretty much empty
12 at this time. So we can arrange that to make sure those
13 three spots people are not parking during that drop-off and
14 pickup time.

15 BRENDAN SULLIVAN: Okay. I can see somewhat in
16 the morning it's a little bit early. But in the afternoon,
17 once people come, say to the office area and/or to your
18 establishment, that -- you know, if they come there during
19 the day and they park in those spaces, then you're going to
20 have to ask them -- what -- to leave at 4:00 or something?
21 And then what do they do with their cars?

22 CHICHI LIAO: Yeah, right now most -- right now --

1 we've encouraged the people, you know, to do the public
2 transportation or bike over.

3 So at least we don't see any problem for parking.
4 Because right now our lot is pretty much empty, because most
5 people work from home for office wise. But --

6 ANDREA HICKEY: Right, but again --

7 CHICHI LIAO: -- most likely --

8 ANDREA HICKEY: -- we need to look into the future
9 here, at a time where people may come back to the office.

10 CHICHI LIAO: Yes.

11 ANDREA HICKEY: And in terms of drop-off and
12 pickup, I mean people need to park their cars to go in and
13 get their kids.

14 CHICHI LIAO: Yes.

15 ANDREA HICKEY: And I'm still not having a clear
16 idea how thought content happen and not be disruptive with
17 people double parking, you know, along the street here.

18 CHICHI LIAO: Yeah. By my experience, those three
19 spots will be reserved for the drop-off and pickup. So when
20 people need to be coming to get the kids, and they can park
21 on those three spots, and then very easy for them to get in
22 and out without double parking.

1 ANDREA HICKEY: All right. Well, if people are
2 parked in those three spots, the traffic flow and
3 maneuvering shown on the plan before us doesn't really work.

4 JIM MONTEVERDE: Right. Is -- if I can, Andrea?

5 ANDREA HICKEY: Yes.

6 JIM MONTEVERDE: I think the loop that's portrayed
7 here is a bit idealized. I think if one of the two parking
8 spaces that are against Brookline Avenue were -- you weren't
9 allowed to park there, someone could maneuver -- you know,
10 making an entry into the lot you could back into -- you
11 know, you could do a three-point-turn from that one spot to
12 get out. And you could still use the three spaces along
13 Hamilton Street that Chichi is saying are for pickup and
14 drop-off.

15 ANDREA HICKEY: Mm-hm.

16 JIM MONTEVERDE: I don't think you can physically
17 do that loop. But I think you lose one parking space, and I
18 think there's a way to maneuver around.

19 ANDREA HICKEY: All right. Well, I'd ask again my
20 colleagues to consider conditioning approval on perhaps
21 those two or three spots being reserved strictly for drop-
22 off and pickup and not for permanent, you know, parking.

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JIM MONTEVERDE: Okay.

ANDREA HICKEY: Thank you. That's all I have.

BRENDAN SULLIVAN: Okay. Slater Anderson, any questions or comments?

SLATER ANDERSON: Yeah. I -- the parking was the thing I was zeroing in on as well, and I just think there needs to be, yes, some recognition that those four spots really where that road flows -- you know, the traffic flow comes in and then it's supposed to flow out, that there's -- you know, that that's managed effectively, and that the day care has exclusive control over those -- at least those four spots.

BRENDAN SULLIVAN: Okay.

ANDREA HICKEY: Right.

BRENDAN SULLIVAN: Wendy Leiserson?

ANDREA HICKEY: I'm sorry, it's Andrea Hickey just --

BRENDAN SULLIVAN: Yep.

ANDREA HICKEY: -- jumping in again. I'm sorry, Mr. Chair. Again, I wouldn't want day care workers to be parking in those spots all day long. I'd want them, sort

1 of, those spots to be available for drop-off and pickup
2 during your drop-off and pickup hours.

3 Thank you, Mr. Chair.

4 BRENDAN SULLIVAN: All right. Do you own the
5 building, or are you leasing just the first-floor?

6 CHICHI LIAO: Yeah. We own the building.

7 BRENDAN SULLIVAN: You own the building. All
8 right. So you -- you can control the -- the parking layout
9 and who parks where, and whatever?

10 CHICHI LIAO: Yes.

11 BRENDAN SULLIVAN: Okay. All right. Wendy
12 Leiserson, any questions, comments at this time?

13 WENDY LEISERSON: No, I agree with the concerns
14 about parking that have already been raised.

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

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

21 [Pause]

22 Nope?

1 OLIVIA RATAY: I guess not.

2 BRENDAN SULLIVAN: There's nobody calling in. We
3 are in receipt of correspondence which came in this
4 afternoon regarding 90 Hamilton Street.

5 "Members of the Board of Zoning Appeal,

6 "We -- Jonathan Austin and Laura Sheffield live at
7 219 Brookline Street, which overlooks 90 Hamilton Street.
8 We are writing to support this application because we
9 believe the proposed day care/preschool will be a valued
10 asset in the neighborhood, and because the design in concept
11 would remedy two longstanding violations of the zoning code
12 at 90 Hamilton Street.

13 "15 years ago, approximately, the previous owner
14 removed a mature hedge that surrounded the parking on two
15 sides of this corner lot and repaved the entire parking lot
16 with asphalt right up to the chain-link fence at the
17 sidewalk. The parking lot that previously met the
18 qualitative provision of Section 6.43 of the Zoning Code was
19 lost overnight.

20 "Shipping container installations: During the
21 last three years, the current owner had installed three
22 shipping containers, taking up three parking spaces, which

1 restrict sight lines, and which have become targets for
2 graffiti.

3 "To our knowledge, no zoning relief for increased
4 floor area, loss of parking, setbacks and the like were ever
5 sought or granted. As a result, this neighborhood corner
6 has been further degraded.

7 "The proposed plan remedies these two conditions
8 and will transform an eyesore into what we hope will become
9 a valued neighborhood asset.

10 "We do have two requests: A detailed landscaping
11 plan be submitted for review and approval, showing
12 materials, landscape materials, drainage, significant
13 lighting and signage.

14 "The plan as submitted, while appealing in
15 principle, is incomplete -- too vague and open to
16 interpretation. A detailed plan will set a standard that
17 can be confirmed when construction is complete and a
18 Certificate of Occupancy is requested.

19 "Increase the landscape setback on Brookline
20 Street from 3' to 5'. This will ensure heavy -- healthy
21 growth to screen plantings such as a hedge. Note the
22 minimum front yard setback in this area is 10'. The 2'

1 distance would be achieved reducing the 10' pathway adjacent
2 to the building to 8', or reducing the bicycle parking area,
3 or a combination of both.

4 "We would also be supportive of losing a parking
5 space to achieve more landscape. In the summer, sun with
6 all the asphalt: this is a hot corner.

7 "In addition, if it is within the City's
8 authority, we'd also encourage a third addition: Require a
9 maintenance plan to encourage healthy growth of the
10 landscape.

11 "In sum, we are supportive of the proposed use,
12 but ask the Board to require more complete site design for
13 review and comment before approval.

14 "Jonathan Austin and Laura Sheffield

15 "219 Brookline Street."

16 We are in communication from Professor Jing Kong,
17 Massachusetts Institute of Technology, who is writing in
18 support of the Sunshine Bilingual Child Care Center of
19 Cambridge.

20 There is correspondence from two, three, four,
21 five additional people -- six, seven, eight, nine, 10, 11,
22 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 are there.

1 Families of children who would have a cultural preschool
2 experience at Sunshine. "Our children love going to
3 Sunshine Bilingual."

4 And there is other letters, probably from another
5 six or eight people basically with the same sentiment,
6 extolling the virtues and the benefits of this preschool.

7 That is the sum and substance of any
8 correspondence. I will close the public comment portion.
9 Is there anything else that you would like to add at all
10 before --

11 CHICHI LIAO: No, not at this time.

12 BRENDAN SULLIVAN: No? Okay. Members of the
13 Board, any further comments or take it to a motion?

14 JIM MONTEVERDE: Just one.

15 BRENDAN SULLIVAN: Yep.

16 JIM MONTEVERDE: Does the day care use require any
17 outdoor space? Play space?

18 CHICHI LIAO: Yes. They require the park within
19 certain distance. So we do have two parks: the neighborhood
20 parks nearby.

21 JIM MONTEVERDE: Okay. Thank you.

22 BRENDAN SULLIVAN: Anything else? Andrea, Slater,

1 Wendy?

2 ANDREA HICKEY: Yes, hi. Should we consider
3 making some of the landscape conditions that were requested
4 by the abutter? Does anybody else on the Board have any
5 thoughts about that?

6 BRENDAN SULLIVAN: I'm not sure if it totally
7 exceeds our authority. We are talking about a parking lot
8 and there are certain requirements encumbered upon the owner
9 of a parking lot or someone -- an operator of a parking lot.

10 Now, I guess the question is which ones of --
11 there is in the proposal there is that buffer from Brookline
12 Street to the parking lot, which I suppose could be somewhat
13 landscaped. There's a fence there now; that could be taken
14 down, obviously, or some kind of bushing put in there on the
15 Hamilton Street side.

16 Olivia, if you could -- yeah.

17 SLATER ANDERSON: There's a plan, Mr. Chair.

18 BRENDAN SULLIVAN: A green area there.

19 SLATER ANDERSON: Yeah. There's a plan, the fifth
20 page in the PDF.

21 JIM MONTEVERDE: Yeah. I think it's PS -- it's
22 the parking plan.

1 BRENDAN SULLIVAN: Yep.

2 JIM MONTEVERDE: And it basically shows that the
3 strip along Brookline to be proposed landscaping at the
4 perimeter?

5 SLATER ANDERSON: Yeah.

6 JIM MONTEVERDE: 3' wide.

7 ANDREA HICKEY: Right. Right. But there's no
8 detail.

9 JIM MONTEVERDE: Remove the fence.

10 ANDREA HICKEY: What does that mean, landscaping?

11 SLATER ANDERSON: Well, there's -- there's -- if -
12 - the one that I downloaded today, I don't know there's 21
13 pages; I don't know, the one you're looking at looks like it
14 only has five pages.

15 But the one that's online has 21 pages, and the
16 fifth page has an example of a raingarden and some other
17 things.

18 ANDREA HICKEY: I remember seeing the picture of
19 the raingarden. Yes. Maybe I'm getting --

20 SLATER ANDERSON: That's the one. That's it.

21 ANDREA HICKEY: There it is. Okay.

22 SLATER ANDERSON: That's it.

1 BRENDAN SULLIVAN: Okay, any --

2 JIM MONTEVERDE: Mr. Chair, could we ask the
3 proponent if that -- what's illustrated on that sheet 5 I'm
4 looking for here in the -- in the electronic file -- is what
5 they intend to do in those landscape areas? If it is, then
6 that kind of defines it.

7 BRENDAN SULLIVAN: So the question is, is the
8 landscape plan -- and we will name it, is it Sheet 5?

9 JIM MONTEVERDE: It's -- I'm looking for a title
10 here.

11 BRENDAN SULLIVAN: There's no sheets that are --

12 JIM MONTEVERDE: Hold on. It's the fifth out of 21.
13 It's called, "Proposed site plan and parking." And on the
14 lower right-hand side it has two illustrations, photographs
15 of representative improvement. It says, "Raingarden
16 examples." Olivia, do you have that sheet in the -- is it
17 up?

18 BRENDAN SULLIVAN: I have it.

19 JIM MONTEVERDE: It's part of urine.

20 BRENDAN SULLIVAN: But that is not --

21 JIM MONTEVERDE: Those two.

22 BRENDAN SULLIVAN: Right.

1 JIM MONTEVERDE: And that says, "Raingarden" over
2 here, meaning we just want to assume that that will be that.

3 BRENDAN SULLIVAN: So how do I name it? I guess
4 there's -- without should we just say Sheet 5, refer to it
5 as Sheet 5? Or is it --

6 JIM MONTEVERDE: Let me --

7 BRENDAN SULLIVAN: --

8 JIM MONTEVERDE: -- let me see if I can do -- it's
9 5 of 21. Yeah, there's no other sheet designation on it,
10 except the title. Whoops!

11 BRENDAN SULLIVAN: All right. What is submitted
12 is Sheet PS-01, and then the proposed parking layout, 16
13 spaces. Then the second sheet shows the raingarden
14 examples, and that would be Sheet 02?

15 JIM MONTEVERDE: No number, at least on the
16 electronic file.

17 BRENDAN SULLIVAN: All right. So this is the one
18 that I am -- Andrea, does this get you where you want, is --

19 ANDREA HICKEY: I think that it does. But I think
20 we need to ask the petitioner whether she will agree to sort
21 of execute these examples as part of the landscaping? When
22 I see the word, "example" that means maybe, not definitely.

1 CHICHI LIAO: Yes. We will execute the landscape
2 plan. Yes.

3 BRENDAN SULLIVAN: So you will implement the plan
4 that is submitted as part of this proposal?

5 CHICHI LIAO: Yes.

6 ANDREA HICKEY: And that plan will include
7 raingardens as illustrated before us?

8 CHICHI LIAO: We need to find out what the
9 material available will be some garden. Depends on right
10 now some materials are hard to get at this time. But we
11 went in -- we want to do the garden.

12 ANDREA HICKEY: I'll ask my fellow Board members
13 whether you're -- they're comfortable with that as a plan.

14 CHICHI LIAO: All right.

15 BRENDAN SULLIVAN: I don't know. Jim, are you --

16 JIM MONTEVERDE: Yeah. I think it's reasonable
17 that what -- along Hamilton Street something like this would
18 occur. And I think the examples are just that, they're
19 examples. And they've got to design something that happens
20 right there at that corner along Hamilton.

21 BRENDAN SULLIVAN: Yep.

22 JIM MONTEVERDE: I think that's what the plan

1 shows. And that's what it says. And that's what they're
2 committing to do.

3 ANDREA HICKEY: All right. That --

4 JIM MONTEVERDE: I think that works.

5 ANDREA HICKEY: Then --

6 SLATER ANDERSON: I agree.

7 ANDREA HICKEY: -- then it works for me. Thank
8 you.

9 JIM MONTEVERDE: Yep. Yep.

10 ANDREA HICKEY: My only other question about
11 tonight's presentation is that some of the drawings and
12 plans date back to 2015; especially plans with existing --

13 JIM MONTEVERDE: Oh, yeah.

14 ANDREA HICKEY: -- conditions. How do we know
15 that those are the current conditions? And again, I'll
16 defer to my architects on the panel to tell me if I'm off
17 base raising that as a question.

18 BRENDAN SULLIVAN: Well, I guess my answer would
19 be if you are satisfied with -- and again, I guess what
20 we're asking, being asked, is to allow for this day care to
21 be in the first floor of this building.

22 So -- and then the parking plan, obviously, where

1 the containers are gone, the asphalt is going to be taken up
2 in areas, and the plantings are going to be put in. And so
3 that would be the proposed.

4 What they are tonight I guess, or today -- what is
5 there now is probably different than what was proposed in
6 2015, but I'm taking it at face value that -- disregard that
7 2015 date and assume that this is what will be the
8 improvements 2023,2024.

9 ANDREA HICKEY: All right. So we don't really
10 have any rule on when an existing sort of plan becomes
11 stale, such that we can't rely on it?

12 BRENDAN SULLIVAN: Well, I'm not sure on how to
13 answer that one, Andrea, other than this is what they wanted
14 back then, and I think this is what they're proposing now.
15 And the building -- going by there, the building is the
16 building. The parking lot looks like a parking lot that
17 needs some greenery, which is what they're proposing.

18 So I think I'm satisfied that what is being
19 proposed is future and not necessarily any material change
20 in the parking condition since 2015. It hasn't changed in
21 size, or it's changed in condition, it's changed in -- you
22 know, what was -- what is there and what would be, I guess

1 it will be a positive change.

2 ANDREA HICKEY: I have nothing further. Thank
3 you.

4 BRENDAN SULLIVAN: Slater, anything to add?

5 SLATER ANDERSON: Nothing to add.

6 BRENDAN SULLIVAN: All right. Wendy?

7 WENDY LEISERSON: No, nothing to add.

8 BRENDAN SULLIVAN: Okay, Jim, anything?

9 JIM MONTEVERDE: Nope.

10 BRENDAN SULLIVAN: No?

11 JIM MONTEVERDE: All set.

12 BRENDAN SULLIVAN: Okay. All right. So it is a
13 variance -- a special permit. And seeking relief under
14 Section 17.97, which is -- requires a special permit.
15 17.95, 4.33b2 Table of Uses, which refers you to 4.56, which
16 is the Institutional Use Regulation, which takes you to
17 8.22. And then that evenly takes you to "We may grant
18 relief under a special permit."

19 So criteria for granting the special permit as
20 per, on the condition that the work comply with the drawings
21 as submitted, initialed by the Chair. They are dated --
22 proposed parking layout 16 spaces, Sunshine Day Care --

1 Child Care, Cambridge, 90 Hamilton Street, first floor. And
2 special attention to Sheet 02 initialed and dated by the
3 Chair regarding the landscape plan, which would be
4 incorporated as part of this condition.

5 Also that the spaces -- and I don't know how we do
6 the space one, two, three, four, would be exclusive use of
7 the day care as for pickup and drop-off -- drop-off and
8 pickup area.

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

11 That traffic generated, or patterns of access or
12 egress would not cause congestion, hazard, or substantial
13 change in the established neighborhood character. That
14 there's an existing parking area now and will remain the
15 same.

16 That continued operation of or development of
17 adjacent uses, as permitted in the Zoning Ordinance, would
18 not be adversely affected by the nature of the proposed use.
19 The Board notes letters of support for the proposed child
20 care center, and it would be an asset to the community.
21 There would not be any hazard/nuisance or created to the
22 detriment of the health, safety and/or welfare of the

1 occupants of the proposed use.

2 And the proposed use would not impair the
3 integrity of the district or adjoining district, or
4 otherwise derogate from the intent and purpose of the
5 ordinance to allow institutional uses such as this to occur
6 at this particular location; Special District 19.

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

9 JIM MONTEVERDE: In favor.

10 BRENDAN SULLIVAN: Andrea Hickey?

11 ANDREA HICKEY: Yes, in favor.

12 BRENDAN SULLIVAN: Slater Anderson?

13 SLATER ANDERSON: Yes, in favor. Yes, in favor.

14 BRENDAN SULLIVAN: And Brendan Sullivan yes.

15 [All vote YES]

16 BRENDAN SULLIVAN: The special permit is granted,
17 with conditions as stated. Okay. Good luck.

18 CHICHI LIAO: Thank you so much. Thanks,
19 everybody. Have a good night.

20 BRENDAN SULLIVAN: Goodnight.

21 ANDREA HICKEY: Good luck.

22

1 * * * * *

2 (10:06 p.m.)

3 Sitting Members: Brendan Sullivan, Wendy Leiserson, Andrea
4 Hickey, Jim Monteverde, and Slater
5 Anderson

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 209107 -- 587 Mount Auburn Street.

8 JAMES RAFFERTY: Good evening, Mr. Chair. James
9 Rafferty again on behalf of the applicant. This is an
10 application for a Use Variance to allow for a gas station
11 that has existed at the corner of Aberdeen Ave and Mount
12 Auburn Street since the 1930s to have a small addition.

13 The small addition is truly small. It's a 4' deep
14 addition that will allow for a bay to be extended in order
15 to accommodate a state inspection service that currently the
16 station doesn't provide, but for which there is an
17 opportunity and a need for.

18 The applicant is present this evening. His family
19 has operated in that location since 1977. The building is
20 significantly below the allowed FAR. It complies with
21 setbacks, but it is the case that the automotive repair use
22 is not an allowed use in the Office District.

1 The hardship is directly related to the fact that
2 the allowed use -- the office use and certain residential
3 uses -- don't really work in a structure such as this. So
4 in order for the business to remain viable, one of the tests
5 is whether or not a -- whether an allowed use could go
6 there.

7 This is a 64-square-foot addition that will allow
8 a business that has existed for decades in that location to
9 operate just a little more efficiently and more importantly
10 provide a level of service around state inspections.

11 The equipment itself, and the length of the bay
12 needed to perform the required tests on the vehicle do
13 require this addition. We submitted plans that show where
14 it will be taking place. Probably the best indication of
15 the impact is on the A1 plan that you can see. It's in the
16 left left-hand corner.

17 There we have it, the left-hand corner of the
18 building. That bay will be extended four feet in order to
19 allow it to provide the state inspection testing. The
20 impact is modest, but the need is real in order for the
21 business to remain successful.

22 This is a necessary increase, and we believe the

1 hardship is present, given the length of the use of the site
2 and the makeup of the existing structure.

3 BRENDAN SULLIVAN: Okay. Jim Monteverde, any
4 questions?

5 JIM MONTEVERDE: No questions. Thank you.

6 BRENDAN SULLIVAN: Andrea Hickey?

7 ANDREA HICKEY: No questions.

8 BRENDAN SULLIVAN: Slater Anderson?

9 SLATER ANDERSON: No questions.

10 BRENDAN SULLIVAN: Wendy Leiserson?

11 WENDY LEISERSON: No questions.

12 BRENDAN SULLIVAN: And I do not have any
13 questions. Let me open it to public comment. Any member of
14 the public who wishes to speak should now click the button
15 that says, "Participants," and then click the button that
16 says, "Raise hand."

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

20 [Pause]

21 BRENDAN SULLIVAN: There appears to be nobody
22 calling in. We are in receipt of a signup sheet -- one,

1 two, three, four, five -- 18 people who have signed a
2 petition to allow for this. And notice that the signators
3 are really within the immediate neighborhood -- Aberdeen
4 Court, Aberdeen Street, Brattle Street, Fresh Pond Parkway;
5 people who they are neighbor of Nick's Service Station in
6 the Cambridge area, and "I have no objection to the proposed
7 bay extension."

8 Let me close public comment part, send it back to
9 Mr. Rafferty for any further comment at all?

10 JAMES RAFFERTY: No, thank you, Mr. Chair.

11 BRENDAN SULLIVAN: All right. Any other questions
12 for the Board, ready for a motion?

13 JIM MONTEVERDE: No, motion.

14 ANDREA HICKEY: Ready.

15 BRENDAN SULLIVAN: Let me make a motion, then, to
16 grant the relief requested. The Board finds that a literal
17 enforcement of the provisions of the ordinance would involve
18 a substantial hardship to the petitioner, because it would
19 preclude the petitioner from providing a much-needed
20 service, vehicle inspections at this location.

21 If the variance was not granted, then it would put
22 this petitioner in this business at a great disadvantage not

1 being able to provide this service, and would also be a
2 detriment to the public good, if not having the ability to
3 go to this locust to have the necessary vehicle inspections.

4 The Board finds that the hardship is directly
5 related to the footprint of the existing structure on the
6 lot, which was built in a prior era, and not requiring
7 specialized equipment to perform the required state
8 inspections.

9 And as such that any vocation of this necessary
10 equipment would require a slight addition to the building in
11 order to accommodate vehicles and also the equipment.

12 And that desirable relief may be granted without
13 substantial detriment to the public good; in fact, it would
14 be -- public good would be enhanced by having an additional
15 certified inspection station to perform this much-needed
16 service, especially in the area where there is only one
17 other gas station, which is on the opposite corner close by,
18 which serves the immediate neighborhood.

19 And the Board finds that desirable relief may be
20 granted without nullifying or substantially derogating from
21 the intent and purpose of this ordinance to allow property
22 owners such as this business to be able to expand building

1 in order to accommodate special requirements, licensing,
2 required by the Commonwealth of Massachusetts and the
3 Registry of Motor Vehicles as far as state inspections are
4 concerned.

5 On the motion, then, to grant the variance as per
6 the application, the plans submitted, supporting statements
7 and the dimensional forms initialed by the Chair, Jim
8 Monteverde?

9 JIM MONTEVERDE: In favor.

10 BRENDAN SULLIVAN: Andrea Hickey?

11 ANDREA HICKEY: Yes, in favor.

12 BRENDAN SULLIVAN: Slater Anderson?

13 SLATER ANDERSON: Slater Anderson in favor.

14 BRENDAN SULLIVAN: Wendy Leiserson?

15 WENDY LEISERSON: In favor.

16 BRENDAN SULLIVAN: Yes.

17 [All vote YES]

18 BRENDAN SULLIVAN: Four (sic) affirmative votes;
19 the variance is granted.

20 JAMES RAFFERTY: Thank you, Mr. Chair and members
21 of the Board. Have a good evening.

22 BRENDAN SULLIVAN: Thank you.

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(10:14 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Andrea Hickey, Jim Monteverde, and Slater Anderson

BRENDAN SULLIVAN: The Board will hear Case No. 209173 -- 27 Hurlbutt Street.

ADAM GLASSMAN: Good evening, Mr. Chair, and members of the Board. My name is Adam Glassman, the architect representing in this case my wife and my kids for 27 Hurlbut Street. This is a home that we've purchased, and we've been moving into and we are planning substantial upgrades on the interior and the exterior.

We're here tonight seeking both a special permit for a two-story rear addition pursuant to Article 8, Section 8.22.2d and also seeking a variance for proposed right-side stair and window wells, the new nonconformity in that case being nonconforming building height.

Olivia, could you pull the slides up?

Our cover page shows the existing façade of the house from the street view, and also a broader photo of the house in the context of the street, the historic Queen Anne

1 elevation and the character of the street façade will all be
2 -- remain unchanged will regard to the work we're proposing.

3 Next slide, please?

4 Our surveyed site plan: You can see the proposed
5 two-story addition in the back. It says "three-story
6 addition" there.

7 It's really a two-story addition with a small
8 bump-out in the attic for some headroom. It is discretely
9 tucked away behind the main mass of the building. This
10 cannot be seen from the street view.

11 And on the right side of the rear addition, you
12 can see two proposed window wells. And on the right side of
13 the main house towards the front is a proposed below-grade
14 stairwell.

15 And I'll note here that the entirety of the
16 proposed rear addition is conforming to all the setbacks.
17 It's conforming to useable open space. It's conforming to
18 building height.

19 Our only nonconformity with the rear addition
20 would be increasing the non-existing -- increasing the
21 nonconforming FAR, because our existing FAR is already
22 nonconforming. That allows us to request a special permit.

1 Next slide?

2 The photo on the right is the existing right-side
3 yard, which is about 4' -- 4.5' wide. Historically, it has
4 not been used as an active yard space. It has not been used
5 as any kind of pathway or connector. It's always had a
6 fence at the front of the house. This is the location for
7 the proposed below-grade stairwell.

8 If you look at the view on the left, the lower
9 right-hand corner of the building is where the stairwell
10 would be located -- virtually invisible from the street.

11 Next slide?

12 More contextual photos: The photo on the left
13 shows the back yard where the two-story rear addition would
14 go. Same for the photo on the right. It's a spacious back
15 yard. We have plenty of room to add this additional living
16 space and preserve more than adequate useable open space per
17 the code.

18 Next slide?

19 Our setback and usable open space diagram: All of
20 the green areas are usable open space. We are at a proposed
21 0.42 and the requirement is a 0.20.

22 The area on the right-side yard where we are

1 proposing this stairwell and the window wells is kind of an
2 ideal location, as that we would not be reducing the open
3 space in any way.

4 All three of these below-grade elements are out of
5 street view, not to be seen by any of our abutters, who all
6 approve and appreciate the location for these three wells.

7 The red line that you see is the required setback.
8 And the proposed rear addition will be conforming to that.

9 I'll also add here that our guardrails around the
10 stairwell and window wells would also require a special
11 permit, given that the right-side of the building is an
12 existing nonconforming right-side setback.

13 Next slide, please?

14 Just our gross square footage counts. We're at
15 2989 square feet existing, with an FAR of 0.52.

16 Next slide, please?

17 And our proposed FAR calculations bring us up to a
18 0.69, which is a modest increase of 0.17.

19 Next slide, please?

20 Just the existing plans. I don't think there's
21 much to say here. It's kind of an typical Queen Anne -- a
22 room in each corner, central stair, open basement.

1 Next slide?

2 The second-floor plan, the attic plan. No major
3 changes here that impact this application.

4 Next slide?

5 An enlarged first-floor plan showing the extent of
6 the rear addition in yellow, and it actually absorbs a small
7 or existing bump-out that is really not in good shape. It
8 needs to be reconstructed anyway.

9 Down below, you can see in more detail the below-
10 grade stairwell, below grade window wells.

11 Next slide?

12 Basement plan again showing the wells on the
13 right-hand -- on the right-side yard, within the right-side
14 setback.

15 Next slide?

16 Our second-floor plan showing the additional
17 living space. We have two parents who work at home. We
18 have elderly relatives who come stay with us for long
19 periods of time, and the extra space will definitely allow
20 us to live comfortably.

21 Next slide, please?

22 The bump-out on the third floor, so we can get the

1 legal safe head height all the way up to the third floor,
2 which we don't currently have.

3 Next slide?

4 Just the roof plan. Kind of another nice -- good
5 away to show that the proposed addition will be completely
6 concealed behind the main mass of the house. The scale of
7 the home will remain intact.

8 Next slide?

9 The existing front façade. No changes here. You
10 can see down in the lower right the guardrails, which would
11 be visible to the stairwell.

12 Next slide?

13 The left side elevation showing the two-story rear
14 addition in the back, relative to the main mass of the
15 house.

16 Next slide?

17 Elevation of the rear addition.

18 Next slide, please?

19 Left elevation -- again, showing the stairwell,
20 sections of the stairwell and the window wells.

21 Oh, and we're also here for an enlarged window
22 opening on the first floor, where you can see a window E14.

1 We're looking to enlarge that and the existing window within
2 a right-side setback.

3 And the doorway to the stairwell -- proposed
4 stairwell -- is also another new door opening next to a new
5 window opening within a right-side setback. That requires a
6 special permit.

7 The variance is only required for the height, the
8 increased building height due to the lowered average grade.
9 But of course the building height isn't really changing, and
10 it will not appear any higher than it does already.

11 Next slide?

12 Section through the proposed addition.

13 Next slide?

14 3D elevation, 3D view just showing comparison of
15 what we have now and what we're trying to do. View from the
16 left. Again, you can see the left side proposed wells.

17 Next slide, please?

18 And another view from the rear right, or the rear
19 left.

20 Next slide?

21 This locus plan is important. I think it shows
22 that even with the proposed addition shown in yellow, the

1 scale of our home remains consistent with the scale of the -
2 - all of the abutting properties.

3 Our property, like many of the others -- number
4 17, 25, 23, 16, 42, 40 and 36 -- all these homes are -- are
5 right either up against or very close to one of the side
6 setbacks, making that side setback not useful for very much
7 and favoring the other side for the useable open yard space.
8 So nothing that we're doing is changing the character of the
9 neighborhood, and it is consistent with the other homes in
10 the area.

11 Next slide?

12 Nope! Maybe that's it. I had introduced a yard
13 plan here, that's okay. Oh, here we go. Just showing more
14 about the conditions of the -- the right-side yard. It has
15 never been used. It can't really be used as useable yard
16 space. Historically, it has not been used as any kind of
17 pass-through.

18 So none of the changes we're proposing are
19 deviating from the history of the use of the character or
20 the pattern of use of the yard.

21 And I believe that's it. We have three letters of
22 support from our direct abutters, and I'm happy to answer

1 any questions.

2 BRENDAN SULLIVAN: Okay. I don't have any --
3 well, let me just go through. Adam, you're asking for a
4 variance. And the variance is -- technically it's the
5 height of the house. Even though the height doesn't change,
6 it's because you're not raising the height of the house,
7 you're actually lowering the grade in order to put in the
8 stairwell, and also the window wells?

9 ADAM GLASSMAN: That's correct.

10 BRENDAN SULLIVAN: That's correct?

11 ADAM GLASSMAN: Correct.

12 BRENDAN SULLIVAN: Then you -- there is sort of an
13 addition to a nonconforming structure under 8.223, which
14 says that nonconforming structure, you're doing an addition
15 and that requires a variance.

16 Also, you're seeking a special permit for the
17 addition -- for the additional gross floor area. You're --
18 the house is in violation. Now you're not -- you're going
19 from 0.52 to 0.69. However, you're not creating any new
20 dimensional nonconformity.

21 And the only other additions, the window wells and
22 also the staircase down into the basement require a

1 variance. The addition on the back then would require a
2 special permit. Is that correct?

3 ADAM GLASSMAN: That is correct.

4 BRENDAN SULLIVAN: Okay. All right. I have
5 nothing further. Jim Monteverde, any questions or comments
6 that you're --

7 JIM MONTEVERDE: One. Looking at the basement
8 level plan --

9 ADAM GLASSMAN: Sure.

10 JIM MONTEVERDE: The Sheet A1.2 --

11 ADAM GLASSMAN: Mm-hm?

12 JIM MONTEVERDE: I really have a -- I just have a
13 question about the -- and I understand how most of the homes
14 in your neighborhood favor one of the property lines and
15 leave a kind of a useless side yard. But the stairwell to
16 the right, if you're facing the house --

17 ADAM GLASSMAN: Mm-hm. That's right.

18 JIM MONTEVERDE: -- front of the house to the
19 right, do you need the stairwells on both ends for some --

20 ADAM GLASSMAN: We do --

21 JIM MONTEVERDE: -- code or other reason?

22 ADAM GLASSMAN: -- we do, to make this a safe and

1 legal in-law apartment.

2 JIM MONTEVERDE: Okay. Yeah. My concern was that
3 by putting that in the side yard -- my concern is always
4 anything in the side yard that goes up to the property line,
5 this isn't an issue of, you know, light and air, but if you
6 were a first responder and for some reason needed to get --
7 wanted to get down there to -- you know, fight a fire on
8 that side of the house or a rescue, you can't get there from
9 here. You have to go all the way around the house now.

10 ADAM GLASSMAN: Well, historically, there's been
11 no way to get from the front to the back on this side of the
12 house, because the previous owners had a dog. This was a
13 fenced access without a gate. We have a dog, we'll -- you
14 know, keep a fenced access there without a gate.

15 BRENDAN SULLIVAN: Okay. Thank you.

16 ADAM GLASSMAN: Yep.

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

19 ANDREA HICKEY: No. I have no questions. Thank
20 you.

21 BRENDAN SULLIVAN: Slater Anderson, any questions
22 or comments?

1 SLATER ANDERSON: No questions or comments.

2 BRENDAN SULLIVAN: Wendy?

3 WENDY LEISERSON: No. Not at this time.

4 BRENDAN SULLIVAN: Okay.

5 WENDY LEISERSON: Thank you.

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

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

12 [Pause]

13 Nobody calling in. We are in receipt of
14 correspondence dated March 8.

15 "To the Cambridge BZA, I am the owner of 33
16 Hurlbut Street, directly to the right of 27. In fact, it
17 also grew up in this house and was very excited about the
18 various improvements being made to the abutting property by
19 Adam and Yoo Jin Glassman.

20 "Adam and Yoo Jin have reviewed their plans with
21 me to construct a rear addition and new right side below-
22 grade stairwell to serve as a second means of egress for

1 their proposed in-law apartment in the basement.

2 "Fully support the petition for the zoning relief.
3 and hope the Zoning Board will as well."

4 Oh, it's signed Claire Devore, D-e-v-o-r-e, the
5 owner of 33 Hurlbut Street.

6 There is correspondence from Denis Auroux, and
7 Lauren Williams.

8 "We are the owners of 25 Hurlbut Street and are
9 the closest direct abutter to 27." She has reviewed the
10 plans and assigned windows and window wells.

11 "We believe the proposed work will improve the
12 functionality of their home and will maintain the scale and
13 character of our neighborhood."

14 "We also believe that the proposed work requiring
15 the zoning relief is modest, attractive and reasonable."

16 There is correspondence from Connie Chamberlain,
17 42 Bowdoin.

18 "I am the owner of 42 Bowdoin and the rear abutter
19 to my new neighbors at 27 Hurlbut. I'm glad that the new
20 neighbors will be joining the neighborhood, and I have
21 reviewed the plans."

22 Connie has reviewed the plans to add a second-

1 story rear addition, new windows and window wells and
2 completely supports this petition for zoning relief.

3 "I can see that the proposed work will improve the
4 functionality of their home with additional space for a
5 growing family."

6 And that is the sum and substance of the
7 correspondence. I will close the public comment part.

8 Adam, any further comments before we take it to the Board?

9 ADAM GLASSMAN: Nope. I'm all set. Thank you.

10 BRENDAN SULLIVAN: Okay. Anything further, Board,
11 or ready for a motion?

12 JIM MONTEVERDE: Ready

13 ANDREA HICKEY: Ready.

14 BRENDAN SULLIVAN: Let me make a motion, then, to
15 grant this two forms of relief. One is the variance to
16 install the new right side, below-grade window and
17 stairwells. Let me do that one first.

18 Let me make a motion, then, to grant the relief
19 requested. That the work comply with the drawings entitled,
20 "January 29, 2023, 27 Hurlbut Street prepared by GCD
21 Architects" and initialed, signed by the Chair, also
22 incorporating the supporting statements, dimensional form,

1 as part of this relief.

2 The Board finds that a literal enforcement of the
3 provisions of the ordinance would --

4 [Technical difficulties; portion missing.]

5 BRENDAN SULLIVAN: -- providing much needed and
6 required second means of egress out of the apartment of the
7 basement living area. The board finds that the hardship is
8 directly located to the shape of this house, which is a
9 Queen Anne style house which has a lot of sort of steep-
10 pitched roofs, gable ends, and as such, the height of the
11 same then creates somewhat of a hardship as far as being
12 able to lower the grade at the points, stairway and also
13 light wells, and is encumbered by the existing ordinance and
14 the height restrictions, even though the actual, physical
15 height of the structure will not change.

16 The Board finds that desirable relief may be
17 granted without substantial change to the public good. In
18 fact, the Board incorporates the letters of support from
19 abutting properties. And desirable relief may be granted
20 without nullifying or substantially derogating from the
21 intent and purpose of the ordinance, even though the Board
22 finds that the technical increase of the building height is

1 due to the grade change -- quite minimal, totally
2 unnoticeable, and would have no impact whatsoever on the
3 abutters or the character of the neighborhood.

4 And the intent and purpose of the ordinance would
5 be to allow the basement area to be occupied as living
6 space, which is the current City policy. And that the -- in
7 order to attain such a goal that require two means of egress
8 and fenestration is code required.

9 On the motion, then, to grant the variance as per
10 the application and the drawings initialed by the Chair, Jim
11 Monteverde?

12 JIM MONTEVERDE: In favor.

13 BRENDAN SULLIVAN: Andrea Hickey

14 ANDREA HICKEY: Yes, in favor.

15 BRENDAN SULLIVAN: Slater Anderson?

16 SLATER ANDERSON: In favor.

17 BRENDAN SULLIVAN: Wendy Leiserson?

18 WENDY LEISERSON: In favor.

19 BRENDAN SULLIVAN: Brendan Sullivan yes.

20 [All vote YES]

21 BRENDAN SULLIVAN: On the five affirmative votes,
22 the variance part of the application is granted. Now for

1 the special permit to allow the new two-story rear addition.
2 There is a new right-side door and window openings, and also
3 the guardrail associated with the new right side, below-
4 grade stair and window wells.

5 The Board notes that under 8.22c in residential
6 districts, the Board may grant a special permit for the
7 alteration or enlargement of a nonconforming structure not
8 permitted in 8.22.1, but not the alteration or enlargement
9 of a nonconforming use.

10 And the Board finds that in all districts, the
11 Board may grant a special permit for the alteration or
12 enlargement of this preexisting dimensionally nonconforming,
13 detached single-family dwelling or two-family not otherwise
14 permitted in 8.22.1, but not the alteration or enlargement
15 of a preexisting, nonconforming use.

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

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

1 Zoning Appeal is required to find -- and does make such
2 finding -- that the alteration or enlargement shall not be
3 substantially more detrimental than the existing
4 nonconforming structure to the neighborhood.

5 The Board incorporates and notes the letters of
6 support from abutting property owners, and that and that the
7 alteration or enlargement satisfies the criteria of 10.43.

8 Under 10.43, it appears that requirements of the
9 ordinance can be met.

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

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

16 That there would not be any nuisance or hazard
17 created to the detriment of the health, safety and/or
18 welfare of the occupants of the proposed use, in fact the
19 Board finds that the proposed addition and addition of
20 windows and door relocation would be an asset to anyone who
21 lives at such property, visits the property, and especially
22 anyone who occupies the basement area.

1 That the proposed use would not impair the
2 integrity of the district or adjoining district, or
3 otherwise derogate from the intent and purpose of the
4 ordinance to allow homeowners to improve their property and
5 provide housing for people of all incomes, all age groups,
6 and to allow for housing of families. And as such, that the
7 -- also empowers this Board to allow for what it feels is
8 appropriate development.

9 And the Board finds that such proposal -- the
10 proposal before us -- is very appropriate for this
11 particular house.

12 On the motion, then, to grant the special permit
13 as per the application,

14 Jim Monteverde?

15 JIM MONTEVERDE: In favor.

16 BRENDAN SULLIVAN: Andrea Hickey?

17 ANDREA HICKEY: Yes, in favor.

18 BRENDAN SULLIVAN: Slater Anderson?

19 SLATER ANDERSON: In favor.

20 BRENDAN SULLIVAN: Wendy Leiserson?

21 WENDY LEISERSON: In favor.

22 BRENDAN SULLIVAN: In favor. The special permit

1 portion is also granted. Good night and good luck

2 ADAM GLASSMAN: Thank you all very much.

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(10:41 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Andrea Hickey, Jim Monteverde, and Slater Anderson

BRENDAN SULLIVAN: The Board will hear Case No. 206411 -- 9 Bellis Circle, Unit 2. Mr. White?

GEORGE WHITE: I'm George White of 9 Bellis Circle #2. Thank you, Mr. Chair and to the Board. I recognize that this is the last thing of the night, so I'll try and make this quick so we can all go home, or in my case I'm already home.

So we're asking for a variance for the setback and for first-floor area for two sheds that we have that were actually already erected. We had put them up in 2020. The two sheds that we put up are because the property that we're at, 9 Bellis Circle No. 2 is a fairly constricted property. The house itself is pretty small. It doesn't have sufficient storage inside. It was built in 1977 without any basement or sort of storage accommodations.

The property is actually not a condominium, but six townhouses that are all joined. Every one of the

1 properties that's here has an outside storage, some of which
2 are larger and actually closer to property lines than some
3 of ours. So it's not an uncommon thing here.

4 We put these up because of a few different things.
5 One, prior to having the sheds, we had no accommodation for
6 our garbage or compost bins. So we actually often had
7 problems with things like our current compost bin would end
8 up with holes chewed in it from animals from the outside.

9 We also had no way to store bicycles. So we built
10 the shed in front. The shed in the back is to store garden
11 tools, outdoor furniture and pellets for our wood stove. So
12 that's the purpose of those two sheds.

13 They are certainly not obstructing anyone's
14 access. Unfortunately, there is no formal site plan that we
15 have. And I will say that we would absolutely -- we
16 followed the advice of our contractor. If we had understood
17 what we needed to do around this, we probably would have
18 filed for this variance before building these sheds. But
19 we're here now.

20 I will also say that the complainant who filed
21 this originally -- that originally caused this -- doesn't
22 actually reside on the property, and her complaints about

1 the shed are -- I'm not sure what she's finding -- she
2 actually moved out of the home. It's empty, has no
3 residence of any kind and hasn't for over a year now.

4 BRENDAN SULLIVAN: Okay. You built the shed in
5 the rear yard first, is that --

6 GEORGE WHITE: They were built -- they were built
7 at the same time, actually.

8 BRENDAN SULLIVAN: Okay. And did you build them,
9 or did you --

10 GEORGE WHITE: Yeah.

11 BRENDAN SULLIVAN: -- use a shed company or a
12 contractor?

13 GEORGE WHITE: They were built by a contractor,
14 that's right.

15 BRENDAN SULLIVAN: Okay. And he did not pull any
16 permits for it?

17 GEORGE WHITE: As far as I know, he did not.

18 BRENDAN SULLIVAN: Okay. I guess one of the
19 questions we -- and we've been getting a few of these lately
20 sort of after the fact, after something is done and people
21 are coming down and asking us to approve it, legalize is --
22 a question I ask myself is would we have approved the plan -

1 - in this case the storage sheds -- before they were built?
2 In other words, if the contractor came down to the Building
3 Department and applied for a permit, they would then look
4 and say, "No, it's in violation of Zoning, and that it would
5 have to come before the Board."

6 So that's sort of the question I ask myself is,
7 "Would we have approved it?" Or "Would I have approved it
8 before the fact, not the fact that it's there and being
9 asked to approve it."

10 So anyhow, that's sort of how I address this. But
11 I also -- are you aware of the letter from Joany Lebach?

12 GEORGE WHITE: I am indeed.

13 BRENDAN SULLIVAN: Okay. Jim Monteverde, your
14 questions, comments?

15 JIM MONTEVERDE: No questions. Thank you.

16 BRENDAN SULLIVAN: Andrea Hickey?

17 ANDREA HICKEY: Yes. I'd just like to ask the
18 petitioner whether he's aware of their being any sort of
19 deed restrictions for changing anything on the outside of
20 the structure that might prohibit something like this? Are
21 there any sort of private or design restrictions imposed on
22 your deed?

1 GEORGE WHITE: So actually that's an interesting
2 question. And actually, I believe, Andrea, you were our
3 attorney on our refinance at one point. So hello.

4 ANDREA HICKEY: Oh. Actually, then, that might
5 disqualify me. So I'll ask Mr. Chair. I don't recall this
6 case, and if I handled their refinance, it probably would
7 have been as lender's counsel.

8 GEORGE WHITE: That's correct.

9 ANDREA HICKEY: Yeah. Mr. Chair, shall I
10 disqualify myself or --

11 BRENDAN SULLIVAN: I would never question your
12 integrity.

13 ANDREA HICKEY: Okay.

14 BRENDAN SULLIVAN: Or your fairness at all.

15 GEORGE WHITE: And as the petitioner, I don't
16 object to you -- your participation, just to put it out
17 there.

18 ANDREA HICKEY: Right. It would be important for
19 me to know that I did not represent you in your purchase. I
20 think there's a difference --

21 GEORGE WHITE: That is correct.

22 ANDREA HICKEY: Okay.

1 GEORGE WHITE: I do not believe so.

2 ANDREA HICKEY: Well, if the petitioner and the
3 Chair are both comfortable with my continuing to sit, I'd be
4 happy to do so.

5 BRENDAN SULLIVAN: Yes.

6 GEORGE WHITE: So I can now answer your question.

7 ANDREA HICKEY: All right.

8 GEORGE WHITE: So there are deed restrictions
9 specifically around the color of the exterior of the
10 buildings should not be changed.

11 ANDREA HICKEY: Mm.

12 GEORGE WHITE: That we shall not change the
13 external façade of the building or the fence line that
14 exists. And in fact, we have not. We had to replace the
15 fence at one point, but we replaced it with exactly the same
16 configuration.

17 And no tree that basically existed as of August 7,
18 1979 that's more than 4" in bulk width would be removed.
19 Those are the restrictions we had.

20 So color, change to the façade itself, and then
21 changes to the fence.

22 UNIDENTIFIED SPEAKER: And they expired 50 years

1 after.

2 GEORGE WHITE: Oh, yeah. And that all expires at
3 the end of 2029.

4 ANDREA HICKEY: Right. Well, it's not our sort of
5 job as a Board to be enforcing or not restrictions. I just
6 -- the question just seemed obvious to me. And --

7 GEORGE WHITE: Mm-hm.

8 ANDREA HICKEY: -- given what you're describing, I
9 can't even tell if putting up a shed might or might not be a
10 violation. You know, if the shed was not there as a
11 structure when these restrictions were imposed, then -- I'm
12 just at a loss as to how to interpret that.

13 But in any event, I am always troubled by someone
14 sort of building something and then coming back when they
15 get caught and saying, "Whoops." So from that perspective,
16 this troubles me a little bit.

17 And as the Chair said, you know, is this something
18 that I would have approved if it came to me sort of in due
19 course? And I'm not there yet where I'd say yes. But I'm
20 interested in hearing what my colleagues have to say. My
21 mind certainly is not made up yet. Thank you.

22 BRENDAN SULLIVAN: Something that occurred to me

1 is Mr. White, is this a condominium?

2 GEORGE WHITE: It's not.

3 BRENDAN SULLIVAN: It is not?

4 GEORGE WHITE: It's a single-family.

5 BRENDAN SULLIVAN: So it's a fee simple, and each
6 unit is independently okay? There's no -- okay.

7 GEORGE WHITE: Yeah.

8 BRENDAN SULLIVAN: Condominium --

9 GEORGE WHITE: That's -- that's -- that's correct.

10 BRENDAN SULLIVAN: Yep. There is no condominium
11 association. Okay.

12 ANDREA HICKEY: Right.

13 GEORGE WHITE: I'll correct it. That's awfully
14 confusing for people because it was built in 1978; now
15 there's no condominium.

16 ANDREA HICKEY: Right. But there is a common
17 scheme sort of restriction imposed with respect to the sort
18 of how the houses look from the outside. And Mr. White is
19 correct in terms of sort of color and making changes to the
20 structure. There are some restrictions with respect to the
21 respective fee simple townhouse owners.

22 BRENDAN SULLIVAN: Okay.

1 GEORGE WHITE: And also, I'll just point out that
2 you can see that it's actually, as shown on the GIS map
3 here, there actually are several shed structures in there.

4 You know, and I absolutely -- if we had
5 understood, I think we were naïve in our conversations with
6 our contractor. If we had understood, we would have
7 actually done exactly what the Chair suggested before, which
8 is to have brought this before the Board beforehand, which I
9 think would absolutely have had to have happened, based on
10 what we understand about how we are in violation of the
11 current codes.

12 BRENDAN SULLIVAN: Okay. I mean, I notice the
13 existing sheds that are on the corner of Sherman Street and
14 Bellis Circle and they're awful. It's the poster child of
15 what sheds should not be -- where they should not be and
16 what they should look like. But anyhow.

17 Slater Anderson, any questions or comments at this
18 time?

19 SLATER ANDERSON: No comments.

20 BRENDAN SULLIVAN: Wendy Leiserson, any questions
21 or comments?

22 WENDY LEISERSON: I'm just curious what the

1 dimensions of the sheds are? Because I notice that they are
2 higher than the fence.

3 And I guess that goes to my question of whether I
4 would have approved this particular design. It seems very
5 noticeable. It's -- they're not -- they're not small for
6 the purposes that they were built for, at least by
7 appearance in the photos. So I'm --

8 GEORGE WHITE: Yeah.

9 WENDY LEISERSON: -- curious. Yeah.

10 GEORGE WHITE: Well, yeah. So they're -- their
11 dimensions, I believe, are roughly 10' x 4' x 8.5'. They're
12 not as large as they look. Those are wide angle shots, so
13 they do look very large.

14 The reason for the height of them is that the --
15 because the shed in the front stores both bicycles and the
16 garbage or refuse and compost bins, it's -- we store the
17 bikes vertically. So it's not -- there's no other way to do
18 it in that space that's there.

19 It's also kind of an odd lot. It's actually two
20 separate parcels. There's space at the front of the house
21 and the driveway that's there in addition to where the
22 primary structure sits.

1 BRENDAN SULLIVAN: So on the map that's being
2 shown now, where it says, "210," and where the front shed is
3 in the parking area, are those two spots for your unit?

4 GEORGE WHITE: Yeah. There's one spot for our
5 unit there, where that says, "210." That's correct.

6 BRENDAN SULLIVAN: It's just one -- it's one unit.
7 Okay. One square?

8 GEORGE WHITE: Yeah, yeah, it's -- yeah, it's one
9 -- it's one parking space at that spot. There's actually
10 four parking spaces at the front of the property. Well,
11 depending on how you look at it.

12 Yeah, there you go. So that's -- that is the --
13 that is the parking space in question.

14 BRENDAN SULLIVAN: Okay. All right. Wendy,
15 anything else at this time?

16 WENDY LEISERSON: No, not at this time. Thank
17 you.

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

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

1 hand by pressing *9 and unmute or mute by pressing *6, and
2 you will have up to three minutes in which to speak.

3 OLIVIA RATAY: Joany Lebach?

4 JOANY LEBACH: Yes. Joany Lebach, 9 Bellis
5 Circle, Unit 1, Cambridge. Can you hear me?

6 BRENDAN SULLIVAN: Yes.

7 JOANY LEBACH: Okay. Because most of everything I
8 couldn't hear, there was a big echo. But what I am kindly
9 and very importantly requesting is that that big shed be
10 taken down, and that nothing be put in its place.

11 We have flowerbeds that greet us and the trees and
12 birds that greet us when we go in and out. And now you see
13 from my property and when you walk into the property this
14 big shed. I felt that George was not honest with me. And
15 my goodwill is no longer there.

16 I now want nothing there, big little or small. It
17 was so they -- he could get his barrels, his garbage barrels
18 so he wouldn't have to take them in and out of the house.
19 But the other people in the middle unit, they do that.
20 Nobody has -- he still keeps his barrels there, even though
21 he built this 7' shed. Mostly it's too big.

22 And I want -- it's rotting my fence. I brought in

1 an outside contractor. It's rotting the fence because the
2 snow -- the sun doesn't get in between the fence and the
3 shed, and it just -- the snow just hangs there. And it's
4 rotting my roses.

5 I love my garden. I love my home. I love my
6 oasis and my refuge. And this is a blight. I can't -- when
7 I'm in the house, all I see is the shed when I eat there, or
8 if I do my work, because that's where I do my work because
9 it's -- I used it as an office in my home.

10 And basically, I see this thing. George kept
11 saying, "You're going to love it. You're going to love it."
12 I'm going to -- I'm going to put flowers on it. I'm going
13 to put plants on it." I said, "George, I don't want it.
14 You took it from your yard, where you were looking at it and
15 you gave it to me. What makes you think I would love it?
16 That -- that was crazy to me.

17 "No, you're going to love it, you're going to love
18 it. And anything you need; I can help you. I can help
19 you." Which is very kind. And I appreciate that. But this
20 goes too far. This is a boundary violation. And I -- it
21 blocks the trees, it blocks the sun, it blocks the birds.

22 I used to see -- the birds used to come and land

1 on the fence. And they would practice their flying, and
2 then they'd fall into the yard. And that's not happening
3 now. It's -- it's like condo city.

4 BRENDAN SULLIVAN: Thank you.

5 JOANY LEBACH: And so, this -- I -- George has
6 made three illegal structures. The other -- he took the one
7 down and put it in front of me. When he had one that looked
8 out on him, I didn't say anything. This is absolutely
9 unacceptable on every level.

10 I spoke to his other neighbors. They don't mind
11 it. So I have -- but I have enough goodwill and I am not --
12 don't believe in retribution. I just don't want him hurting
13 my view, making me unhappy, hurting my property value. It
14 hurts my property value.

15 I'm 76, and I don't want this stress. And -- and
16 it was a false pretense. He should take his barrels and put
17 them in and out of the house like everybody else does, or in
18 their yard.

19 BRENDAN SULLIVAN: Okay. Thank you. Thank you
20 for calling in. Okay. Anybody else?

21 There is correspondence -- a letter of support.

22 "We are writing in support of George White and

1 Karen Stevens, both residing at 9-2 Bellis Circle. We are
2 residents of Bellis Circle and believe that the sheds in
3 question should be allowed to stand. They are enhancements
4 to the property in keeping with the style of the existing
5 home structure and are appropriate additions to the
6 residents in the neighborhood.

7 "Katie Giraldi and William Geraldi, 39A Bellis
8 Circle."

9 There's also Anthony Keefe and Rachel Cane, Sonia
10 Perez and Roger Berry -- I'm sorry, Sonia Perez-Villanueva
11 and Roger Berry, Jonathan Haber and Magdalena Georgieva at
12 11 Bellis Circle.

13 And that is the sum and substance of any
14 correspondence. I will close the public comment portion of
15 it.

16 Let me chime in here that when I first went there,
17 there was a car parked in front of the shed at the front,
18 and there was that -- you know, part of it was hanging over
19 the sidewalk by, you know, the bumper part of it. So the
20 shed is exactly 15'7" from the curb to the front of the
21 shed.

22 And I personally don't like it there. I think it

1 is an eyesore. You know, it's probably a very nice design
2 or what have you, but I just don't think it belongs there.
3 What about if it were on the other side of the fence on the
4 right eye property, or on your yard?

5 GEORGE WHITE: All right --

6 BRENDAN SULLIVAN: In other words, not being so --

7 GEORGE WHITE: Sorry, was that question directed
8 at me? I'm sorry, I missed that.

9 BRENDAN SULLIVAN: I'm sorry?

10 GEORGE WHITE: Sorry. I wasn't sure if that was a
11 question directed at me or not.

12 BRENDAN SULLIVAN: Yeah. In other words, if you
13 just took it and put it on the other side of the fence, so
14 that it's not visible from the public way?

15 GEORGE WHITE: So the other side of the fence is
16 Ms. Lebach's property.

17 BRENDAN SULLIVAN: Oh, okay.

18 GEORGE WHITE: So just to be clear, we're the
19 middle unit. So one of the things that was said earlier is
20 actually untrue. Every other property on the 9 Bellis plot
21 has Street access. We are the only ones that do not. So
22 all the property -- all three of the townhouses that are on

1 the Sherman Street side have rear-gate access to the street.

2 The property at the end actually has a second --
3 so has a side yard at the base, the top of the property, and
4 can actually pull their barrels around from the side. They
5 have a shed over there that they can pull around.

6 We are the only ones who would have to actually
7 pull our barrels through the house if we kept them in the
8 rear yard. Otherwise, we have to keep them in the front
9 yard or keep them exposed on the street.

10 So I understand the -- the -- the concern about
11 the shed. I don't know if there was anyone else who
12 complained about it. Ms. Lebach has complained that it
13 blocks her view or it blocks the birds. I'm not sure what
14 she means. We have feeders in our back yard, and we see
15 birds every day.

16 But I also know that her complaint about it
17 blocking her vision makes no sense. She complains about the
18 house on map lot 20718, because it blocks her view. That
19 house has been there for at least 25 years, and she still
20 complains about that house.

21 So I understand her concerns. And, you know, I'm
22 certainly willing to talk to her about how we can remediate

1 it if she feels that's it's damaging her fence or anything
2 like that. She hasn't actually brought that up to me.

3 But I, you know, in short, we do actually have one
4 of these sheds sitting in our back yard, that's the second
5 shed. We see it. We're happy with it.

6 I guess the other question I have to say is if the
7 shed that is in the front of the house becomes an issue,
8 could we at least have a variance, the variance applied to
9 the rear shed, so that we can retain that one?

10 BRENDAN SULLIVAN: Well, that's a separate
11 application, obviously. Let me, you know -- and again, the
12 Board has heard this many times from me, but regarding her
13 comments -- and I will cite Blackman v. the Board of Appeals
14 of Barnstable, where the Massachusetts Supreme Judicial
15 Court has ruled that the Court has said repeatedly that the
16 power to vary the application of a zoning ordinance --
17 variance -- must be sparingly exercised, and only in rare
18 instances and under exceptional circumstances peculiar in
19 their nature -- with -- due regard to the main purpose of a
20 zoning ordinance, is to preserve the property rights of
21 others.

22 And I think what she's asking us to do is to

1 uphold the ordinance and to preserve her property rights.

2 So that's sort of the sum and substance of my thought.

3 Jim Monteverde, what is your thought?

4 JIM MONTEVERDE: I have no further comments.

5 BRENDAN SULLIVAN: Andrea Hickey?

6 ANDREA HICKEY: Well, with respect to the shed
7 that is in the parking area, the way I'm looking at that is
8 that the existence of the shed takes up enough area such as
9 to make the parking spot nonconforming. There's not enough
10 area there for that to be a legal parking space.

11 And that, I guess, is evidenced by, Mr. Chair,
12 your noticing a car parked there that was sort of hanging
13 off the back.

14 How deep is that shed? How much does it eat into
15 the 20-foot length of that parking space, Mr. White, if you
16 know?

17 GEORGE WHITE: It does not significantly eat into
18 that space. We designed it so that it would actually sit
19 above. But I understand the concern.

20 ANDREA HICKEY: So do you know how deep it is at
21 all, the shed?

22 GEORGE WHITE: The shed itself? I believe it's 4'

1 at the bottom, yes.

2 ANDREA HICKEY: All right. So if it was 4' and
3 the length of that space is 20, then I think we don't have -
4 - we no longer have a conforming parking space.

5 BRENDAN SULLIVAN: Well, again, what I did,
6 Andrea, is measure from the curb --

7 ANDREA HICKEY: Mm.

8 BRENDAN SULLIVAN: -- to the shed. It's 15'7".
9 So that answers that question as to it is not a legal
10 parking space.

11 ANDREA HICKEY: Right. So I think that that is a
12 problem. And the sheds being so close to the fence -- it's
13 a real issue, not only from the neighbors' perspective, but
14 in the event there was a fire or something. It concerns me.
15 Again, I haven't made up my mind, but I'll -- I'll withhold
16 any further comment at the moment.

17 BRENDAN SULLIVAN: Slater, any comments?

18 SLATER ANDERSON: Yeah, two comments. The -- so
19 the toolshed -- it does look at least on the notice that,
20 you know, to add two sheds. So the two sheds are addressed
21 in the application. The one in the back doesn't seem to be
22 one that's under dispute.

1 What we're focused on is this one that's in the
2 parking area in the front. Is that -- is that -- at least
3 from the -- the neighbor in Unit 9-1, her complaint is about
4 the one in the front. She's not really seeing the one in
5 the back. So --

6 GEORGE WHITE: That is my understanding. But --

7 SLATER ANDERSON: Okay. So -- just so let's --
8 I'm going to leave the one in the back for now for a second.
9 The one in the front, it -- you know, there are some photos
10 that are included with -- it the package that's available.

11 The view from 9-1 where you can see, you know, the
12 shed hanging over the fence and yeah, so there is some view
13 impact there. There's the parking impact.

14 The other observation is that, you know, the City
15 does have a bike storage ordinance. And there are -- you
16 know, there is parameters. This exceeds those parameters,
17 because I've looked at them myself for my property in
18 Cambridge.

19 So, you know, I have trouble with the shed in the
20 front. I have less trouble with the one in the back,
21 because I don't think anyone's really disputing it. I mean,
22 I think it should have had a permit --

1 GEORGE WHITE: Mm-hm.

2 SLATER ANDERSON: -- I get that. You know, I'm
3 not going to totally blame you on that one. The contractor
4 should have known better. So I'm concerned about the shed
5 in the front. That's what I'll say.

6 BRENDAN SULLIVAN: Wendy, your thoughts?

7 WENDY LEISERSON: I -- yes. I think I see the
8 hardship for the petitioner in the sense of not having an
9 easy way to access the street with his trash and compost
10 bins. So I'm satisfied there was a reason why he needed a
11 shed --

12 GEORGE WHITE: Mm-hm.

13 WENDY LEISERSON: -- especially with the rodent
14 problem. I too have had broken compost bins. But this does
15 seem to -- what bothers me is the size of the shed, and how
16 impactful it is visually.

17 So I think that my -- while I see the hardship,
18 but I would be willing to sort of entertain some kind of
19 structure there for the protection of the garage bins and
20 even some bicycle storage, that just -- I have trouble with
21 the particular structure.

22 BRENDAN SULLIVAN: One of the issues is, of

1 course, with the lack of a certified plot plan. I'm not
2 exactly sure. If we could pull this plan up, Olivia? Is
3 what is shaded in yellow, is that your property?

4 GEORGE WHITE: Correct.

5 BRENDAN SULLIVAN: And where it says, you know,
6 "Map Lot 27146 and 1687" that is all in white, that is not
7 your property?

8 GEORGE WHITE: That is correct.

9 BRENDAN SULLIVAN: So that's why the shed can't be
10 put over onto the other side, so that --

11 GEORGE WHITE: That's correct.

12 BRENDAN SULLIVAN: -- so she's basically looking
13 out, and then she sees this -- the top section of the shed
14 there?

15 GEORGE WHITE: That's correct.

16 BRENDAN SULLIVAN: Yeah. Well, again, I think
17 she's asking us to enforce the zoning ordinance, to protect
18 her property rights. So I would not support the shed.

19 Jim, your thought?

20 JIM MONTEVERDE: I would not support the sheds
21 either.

22 BRENDAN SULLIVAN: All right. Let me make a

1 motion, then.

2 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey
3 speaking.

4 BRENDAN SULLIVAN: Yep.

5 ANDREA HICKEY: Could we be a little more clear
6 with respect to not supporting one shed, the other shed or
7 not supporting both sheds? I have much less of a problem,
8 as does Mr. Anderson, I believe, with the shed in the back.
9 Although I don't love it, I think I can live with it -- than
10 I do with the shed in the front.

11 BRENDAN SULLIVAN: Okay.

12 ANDREA HICKEY: So I think we need to be clear
13 when we're sort of framing our vote whether we're talking
14 about approving or not one or both.

15 WENDY LEISERSON: And Mr. Chair, I do wonder,
16 though, is there any way to approve or to act on this motion
17 without precluding the petitioner from an alternative
18 solution to the trash or a smaller shed or some kind of
19 structure to protect the trash in that spot? Or is that
20 beyond our scope?

21 BRENDAN SULLIVAN: In -- well, we're talking two
22 locations. So in which -- are we talking the front one, in

1 the --

2 WENDY LEISERSON: I'm talking about the one, yeah,
3 in the front.

4 GEORGE WHITE: Yeah.

5 WENDY LEISERSON: I mean, he needs to bring his
6 trash -- he needs to have place to put his trash, you know?
7 Near the curb. So I'm just wondering is there a way if
8 we're -- if the problem is the one in the driveway, is there
9 something we could decide that would not preclude him from
10 some other storage solution there? That's all.

11 SLATER ANDERSON: I believe there's a by right
12 option if it's under six feet height that you can do
13 something like that. I'm not certain, but I had that
14 conversation at one point with someone in the Inspectional
15 Services. But Brendan, maybe you know.

16 BRENDAN SULLIVAN: Well, the minute you put any
17 structure there, then you are creating a nonconforming
18 parking spot. Right now, it's a conforming parking spot.

19 SLATER ANDERSON: Okay. That's a --

20 BRENDAN SULLIVAN: So any structure there is going
21 to now trigger that we have created a nonconforming parking
22 space. And so I guess -- again, Mr. White, when you parked

1 your car in the front parking area, then in order to get to
2 your front door, you walk to the left and then --

3 GEORGE WHITE: To the right.

4 BRENDAN SULLIVAN: You walk to the --

5 GEORGE WHITE: So --

6 BRENDAN SULLIVAN: -- right. And so, your front
7 door is -- and again, see this is the problem with not
8 having a certified plot plan. It's very difficult --

9 GEORGE WHITE: Okay.

10 BRENDAN SULLIVAN: -- to --

11 GEORGE WHITE: But my front door, if you look
12 where it says, "1522" in the center there --

13 BRENDAN SULLIVAN: Yes.

14 GEORGE WHITE: That is my front yard, which you
15 can see has -- basically because of the way this was
16 designed -- and this is thanks to the 1970s, right? -- they
17 basically took this existing plot and broke it up into six
18 separate plots.

19 We have an easement across our property to allow
20 the folks in the next property, that 1340 basically, to gain
21 access, as well as the folks in the -- to the right of that
22 to gain access.

1 So basically, they have an easement across our
2 property. There's a walkway that goes there. There is no
3 front yard to this house at all. Not really. It's
4 basically a bit of planting area and a walkway.

5 So we cross over that -- right where your mouse is
6 currently, that is actually the walkway where we cross over
7 an easement to be able to access the front of our home. And
8 then we're also crossing what's currently listed as 391, 196
9 and 264 as parking spaces.

10 So there's a whole -- it's just chopped up,
11 basically, to make this house fit or these townhouses fit,
12 they chopped up the properties. We even had wacky things
13 like until about five years ago, we were actually paying two
14 separate tax bills to the city, one for the main property
15 and one for the parking space.

16 And the City finally decided to adjoin them as one
17 property for taxes. It's just a -- it's just a nightmare of
18 a property from that.

19 So I understand Ms. Lebach's current problem with
20 the shed in the front. I would ask, as was asked before, if
21 there's -- if we can preclude the idea that there be no
22 object there. I mean, obviously, we'll have to go back and

1 file for another variance and figure out what the new plan
2 would be, but I -- it would be an incredible hardship for us
3 to have to go back to the situation of essentially culling
4 our garbage cans through our home to be able to bring them
5 out -- or alternatively leaving out front, where they're
6 essentially open to rodents and racoons and other animals. I
7 mean, our compost bin clearly has holes in the top of it,
8 because they are chewed through.

9 BRENDAN SULLIVAN: Yeah.

10 WENDY LEISERSON: Is there any space in this area
11 marked "15.22" to have a small coverage -- you know,
12 structure?

13 GEORGE WHITE: Not really. That's where the --
14 there's a -- there's no space there for that. But that's
15 where the gas meter is and the exhaust for the heating
16 system.

17 WENDY LEISERSON: I see.

18 SPEAKER UNIDENTIFIED: And the condenser for the
19 air conditioner.

20 GEORGE WHITE: Yeah.

21 ANDREA HICKEY: And if there's an if there's an
22 easement there to allow that 1340 lot in the back to pass

1 and repass, you may not have the right to block that area.

2 GEORGE WHITE: Yeah. It's just a -- it's just a
3 frankly difficult situation.

4 ANDREA HICKEY: Yeah. I mean, my colleague, Ms.
5 Leiserson really articulated for me your real need to have a
6 place to put your trash that's out near the street. I get
7 that now. But I think the problem is that it makes the
8 parking nonconforming.

9 Mr. Chair, if the parking spot now is 20' long, I
10 believe a parking space could be 18' and still be
11 conforming? Does anyone on the Board -- can anyone chime in
12 on that? The size for a compact space?

13 JIM MONTEVERDE: Yeah. It could be a compact
14 space. I think the -- one of the illustrations we saw
15 before with the child care center --

16 ANDREA HICKEY: Yeah.

17 JIM MONTEVERDE: -- those compact spaces were 16.5
18 long.

19 ANDREA HICKEY: All right.

20 JIM MONTEVERDE: If I recall correctly. So --

21 ANDREA HICKEY: So maybe there is a possibility if
22 the depth of the shed could be sort of reduced --

1 GEORGE WHITE: Reduced? Yeah.

2 ANDREA HICKEY: -- so that the parking doesn't
3 become nonconforming. Maybe that's something to think
4 about. We couldn't act on that tonight, because it's not
5 part of what you've presented.

6 GEORGE WHITE: Mm-hm.

7 ANDREA HICKEY: But --

8 JIM MONTEVERDE: Right.

9 GEORGE WHITE: No, understood. No, we would
10 absolutely file a new petition to do that.

11 ANDREA HICKEY: Or perhaps --

12 BRENDAN SULLIVAN: How about if we --

13 ANDREA HICKEY: -- maybe if we -- or take a
14 continuance and --

15 JIM MONTEVERDE: Right.

16 BRENDAN SULLIVAN: Yeah, well --

17 ANDREA HICKEY: -- a different plan. That's what
18 I was going to say. Why don't we do a continuance --

19 JIM MONTEVERDE: Yep.

20 BRENDAN SULLIVAN: And let Mr. White absorb and --
21 all that has been said, possibly come up with an alternative
22 plan? The storage shed, obviously, too, I think, can't be

1 more than 6' high. So, again, you may not be able to store
2 the bicycles --

3 GEORGE WHITE: Mm-hm.

4 BRENDAN SULLIVAN: -- you know, totally vertically
5 or what have you. But so the option is that you're going to
6 wind up with no shed there.

7 So let me -- why don't we do this, why don't we
8 continue this matter until 04/27, which is the first
9 available date? Will that give you enough time to put
10 something together?

11 GEORGE WHITE: Yeah. I believe that will give us
12 sufficient time to --

13 BRENDAN SULLIVAN: So that's a month and a half.

14 GEORGE WHITE: Yeah. We'll contact an architect
15 or someone to help us to get a site plan that actually
16 reflects it properly.

17 BRENDAN SULLIVAN: All right. And again, if you
18 have to continue beyond that -- I mean, right now you're --
19 I mean, you're going to be able to use what's there. So --
20 but anyhow --

21 GEORGE WHITE: Yeah.

22 BRENDAN SULLIVAN: Let me mark this up. Let me

1 continue this matter. Again, Jim, Andrea, Slater and Wendy,
2 are you available on April 27?

3 JIM MONTEVERDE: Yes.

4 BRENDAN SULLIVAN: Yes to Jim. Yes to Andrea, I
5 think?

6 ANDREA HICKEY: Yes, I am available. And while I
7 have the mic for a quick second, just a suggestion, Mr.
8 White: you probably don't need a whole new plan drawn. I
9 think your deed probably references a recorded plan that you
10 can get at the Registry of Deeds. So --

11 GEORGE WHITE: Okay. Excellent. Thank you.

12 ANDREA HICKEY: -- just take a look at that.

13 GEORGE WHITE: Thank you. We'll look into that.

14 ANDREA HICKEY: Mm-hm.

15 GEORGE WHITE: And if we need to request a further
16 continuance, would we just do that prior to that date?

17 BRENDAN SULLIVAN: Yes. You should let us know as
18 quickly as possible.

19 GEORGE WHITE: Okay.

20 BRENDAN SULLIVAN: So -- and Slater, you're
21 available on the 04/27?

22 SLATER ANDERSON: Yes.

1 BRENDAN SULLIVAN: Okay. So let me make a motion,
2 then, to continue this matter to April 27, 2023 at 6:00 p.m.
3 on the condition that the petitioner change the posting
4 signs, as there are two of them --

5 GEORGE WHITE: Mm-hm.

6 BRENDAN SULLIVAN: -- to reflect the new date of
7 April 27, 2023, and the time at 6:00 p.m. Any new
8 submittals that are not currently in the folder pertaining
9 to this particular case be submitted by 5:00 p.m. on the
10 Monday prior to the April 27 hearing.

11 I would also ask the petitioner to sign a waiver
12 to the statutory requirement for a hearing and a decision to
13 be rendered thereof.

14 GEORGE WHITE: Mm-hm.

15 BRENDAN SULLIVAN: Such waiver can be obtained by
16 either -- through Maria Pacheco or by Olivia. And I would
17 ask that, today being Thursday, that it be returned no later
18 than one week from tonight too. So they will e-mail it to
19 you, you sign it and send it back to either Olivia or Maria.
20 And that can be in the file. So that's the only other
21 conditions to sign that waiver.

22 On the motion, then, to continue this matter, Jim

1 Monteverde?

2 JIM MONTEVERDE: In favor.

3 BRENDAN SULLIVAN: Andrea Hickey?

4 ANDREA HICKEY: Yes, in favor.

5 BRENDAN SULLIVAN: Slater Anderson?

6 SLATER ANDERSON: In favor.

7 BRENDAN SULLIVAN: Wendy Leiserson?

8 WENDY LEISERSON: In favor.

9 BRENDAN SULLIVAN: Yes. Five affirmative votes;
10 this matter is continued to April 27, 2023 at 6:00 p.m. All
11 right. See you then.

12 GEORGE WHITE: Thank you, members of the Board.

13 WENDY LEISERSON: Thank you.

14 GEORGE WHITE: See you all in a month and a half.

15 ANDREA HICKEY: Goodnight, everyone. Thank you.

16 BRENDAN SULLIVAN: Goodnight. Stay well. So you
17 got Bellis Circle, as well. Okay.

18 [11:20 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.

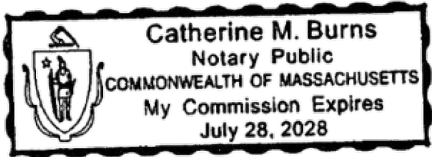
I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this 24th day of March, 2023.



Notary Public

My commission expires:
July 28, 2028



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